

The English Yad

Sefer Madda

Foundations of the Torah

Chapter 1

The foundation of foundations and firmest pillar of all wisdom is, To know that there is a First Being, that He caused all beings to be, and that all beings from heaven and earth, and from between them, could not be save for the truth of His Own Being.

Thus, supposing that He is not, none else could have been called into existence.

Conversely, supposing all other beings, save He alone, nonexistent, His Being alone remains; for, He does not cease to be because of their nonexistence, as all beings are dependent upon Him, but He, blessed is He! is not dependent upon them nor upon a single one of them; therefore, the truth of His Being is incomparable to the truth of any other individual being.

This is as the prophet says: "But the Lord God is the true God" (Jer. 10.10); He alone is the Truth, and no other being possesses a truth similar to His Truth, even as the Torah says: "There is none other like unto Him" (Deut. 4.39), meaning, there is no other true being, besides Him, like unto Him.

This Being is the God of the universe, Lord of the whole earth, who guides the sphere with an infinite force, a force of perpetual motion; for the sphere revolves continuously, which would be impossible without some one causing it to revolve; and it is He, blessed is He! Who causes it to revolve without hand and without body.

To know this matter is a mandatory commandment, saying: "I am the Lord thy God" (Ex. 20,2); therefore, whosoever supposes that there is another god besides This One, (1) violates a prohibitive commandment, saying: "Thou shalt have no other gods before me" (Ibid. 3), and is an atheist, denying the great principle upon which everything depends.

This God is One God; He is neither two nor more than two but One to whose Unity there is no comparison among the individual units in the universe; not like the unit of a genus which embraces many individual units, nor like the unit of a body which is divisible into parts and particles, but a Unit to Whose Unity no other unit in the universe is like.

Supposing that there are many deities is equivalent to an admission that they are corporeal, because like individual beings do not differ save in chance traits characteristic of bodies and material things only. Thus supposing the Creator to be corporeal and material would force a conclusion that He is finite, for, it is impossible to imagine a body which does not end in dissolution; but our God, blessed is His Name! beholding that His power is infinite and uninterrupted, for lo, the universal sphere continues to revolve forever. His power is positively not a physical power. And, because He is Incorporeal, none of the chance traits, characteristic of bodies, so as to be divisible or an offshoot of another being, can be attributed to Him. Therefore, the impossibility for Him to be but One. And, the knowledge of this doctrine of Monotheism is a mandatory commandment, saying: "The Lord our God is One God" (Deut. 6.4).

Behold, it is clearly indicated in the Torah and in the Prophets that the Holy One, blessed is He! is Incorporeal for it is said: "That the Lord, He is God in heaven above and upon the earth beneath" (Deut. 4.39); a corporeal being is incapable of being in two places simultaneously; and it is also said: "For ye saw no manner of form" (Ibid.15); and it is moreover said: "To whom will ye liken me, that I should be equal" (Isa. 40,25); had He been corporeal He would be like other bodies.

If so, wherefore is it written in the Torah, "And there was under his feet" (Ex. 24,10), "Written with the finger of God" (Ex. 31,18), "The hand of the Lord" (Ex. 9,3), "The eyes of the Lord" (Deut. 11, 12), "The ears of the Lord" (Num. 11,18) and more like expressions All such terminology is in accordance with the conception of sons of man who cannot recognize aught but corporeal things, and the words of the Torah is like human speech, but they are all attributes; for example, it is said: "If I whet My glittering sword," (Deut. 32. 41.); Hath He a sword, or doth He slay with a sword But it is a metaphor, so is all metaphorical. As testimony thereto, one prophet says that he saw the Holy One, blessed is He! "His raiment was as white snow" (Dan. 7,9), and another saw Him "With crimsoned garments from Bozrah" (Isa. 63,1); Moses our Master himself saw Him at the Red Sea "as a hero engaged in battle," (Ex. 15.3) and upon Sinai as "a garbed minister of a congregation (Ex. 19.19.), to say: He hath neither form nor image, but all is a vision of prophecy and a mirage, the absolute truth of the matter no human mind comprehends or is able to fathom it or penetrate it. It is even this what it says in Scripture: "Canst thou find out the deep things of God Canst thou attain

unto the purposes of the Almighty" (Job. 11,7).

What was it then that Moses our Master sought to attain when he said: "Show me, I pray Thee, Thy glory" (Ex. 33,18) He desired to know the truth of the existence of the Holy One, blessed is He! with a thorough knowledge within his heart, even as he would know a certain person whose countenance he saw and whose likeness was imprinted upon his heart, so that he could find him in his mind's vision separated from other persons; even so did Moses our Master seek to establish the existence of the Holy One, blessed is He! separated within his heart from other beings, until he would know the truth of His existence as it is. And He, blessed is He! answered him, that it is not within the intellectual power of the living man, who is a composite being of body and soul, to reach the pure truth of this matter; but He, blessed is He! imparted to him that which no man before him did nor no man after him shall know for, he fathomed the subject of the true existence of the Holy One, blessed is He! even so that He became separated in his mind's vision from other beings; as, for instance, he could separate in his mind a certain person, whose back and body and clothes he saw from bodies of other persons. And, concerning this matter the Passage points, saying: "And thou shalt see My back; but My face shall not be seen" (Ex. 33,23).

Since it is clear that He is Incorporeal, it clearly follows that none of the corporeal changes happen to Him; no joining and no separation, no place and no measure, no ascent and no descent, no right and no left, no face and no back, no sitting and no standing; neither is His being dependent on time to attribute to Him either a beginning, or an end, or number of years; nor is He undergoing any change as there is naught to cause any change in Him; He is neither subject to death nor to life similar to the life of a living body; to Him cannot be attributed either folly or wisdom similar to the wisdom of a wise man; no sleep and no awakening, no anger and no laughter, no joy and no sadness, no silence and no speech similar to human speech; and likewise have the sages declared: "Above there is neither sitting down nor standing up, no backward nor forward".²Hagigah, 15a. C.

Now, since the matter is so, all such and other similar expressions in the Torah and in the words of the Prophets are merely proverbial and figurative; for example, it is said: "He that sitteth in heaven laugheth" (Ps. 2,4), "They have provoked Me with their vanities" (Deut. 32,21), "As the Lord rejoiced" (Ibid. 28, 63), and like verses. Concerning all these the wise men said³Berakot, 31b. See also Hullin, 90b; and Tamid 29a. G. "The words of the Torah is like human speech". It is, moreover said: "Do they provoke Me" (Jer.7,19), whereas it has been said: "For I the Lord change not" (Mal. 3,6 6); if He could sometimes be angry and sometimes mirthful, He would be subject to changes. Indeed, such and all kindred attributes are not present in any save in darkened, lowly bodies, inhabitants of houses of clay, whose origin is of dust; but He, blessed is He! in blessings is exalted above all this.

Chapter 2

It is mandatory to love and fear this Glorified and Aweinspiring God, for it is said: "Thou shalt love the Lord thy God" (Deut. 6,5); and as it is said: "The Lord thy God thou shalt fear." (Ibid. 6, 13).

But how may one discover the way to love and fear Him When man will reflect concerning His works, and His great and wonderful creatures,¹But he must make thorough study. C. and will behold through them His wonderful, matchless and infinite wisdom, he will spontaneously be filled with love, praise and exaltation and become possessed of a great longing to know the Great Name, even as David said: "My soul thirsts for God, for the living God," (Ps. 42,2); and when he will think of all these matters,²Sifre, Deut. 6.5; Shabbat, 3031. G. he will be taken aback in a moment and stricken with awe, and realize that he is an infinitesimal creature, humble and dark, standing with an insignificant and slight knowledge in the presence of the All Wise, as David said: "For when I see Thy heavens, the wonderful works of Thy fingers, of what use is man that Thou mayest remember him" (Ibid. 8,4). And, in harmony with these matters, I elucidate great, general principles of the works of the Lord of the universe, so that they might serve as an opening for one who understands by which to love the Name, as some sages said on the subject of love: "Out of it thou wilt recognize the One who spoke, and the universe was called into existence."

All that which the Holy One, blessed is He! created in His world, is divided into three types: (a) Composite creatures of matter and form; they are beings which undergo constant changes, as the bodies of man, beasts, plants and minerals; (b) Composite beings of matter and form which do not undergo changes of either body or form as the former, but their forms remain forever set in their body unchanged; they are: the planets and the stars around them; their matter is unlike other matter and their forms are unlike other forms; (c) Beings possessed of forms but of no matter whatever; they are the angels; for the angels are incorporeal but varied forms.

And, what is this that the prophets say that they saw the angel as of fire and winged This all is in prophetic vision and

enigmatical, emphasizing that the being is incorporeal and has no gravity as other massive bodies, as, for instance it is said: "For the Lord your God is a burning flame," (Deut. 4,24). Who is not of fire but it is merely a figure of speech; and, for further instance, it is said: "He maketh His angels of winds." (Ps. 104, 4).

Not being corporeal, in what do these forms vary one from the other In that that they are not alike in their being, but each one of them functions in a lesser degree than the other, and each one derives his being from the power of the one above him; but all of them derive their being from the Power and Goodness of the Holy One, Blessed is He! and from His munificence, which is as Solomon in his wisdom pointed at and said: "For One higher than the high watcheth." (Ecc. 5,7).

What we said "in a lesser degree than the other," does not mean a degree in place, as one man sits a degree higher than the other, but as it is said of two scholars that one is greater than the other in learning, who is of a degree higher than the other, and, as we speak of the cause as of a higher degree than the thing to which it gives being.

The variation in the names of the angels is based upon their degrees; they are therefore called: Holy Living Creatures, which are above all others, Wheels, Valiant Ones, Electrum, Flying Serpent, Angels, Gods, Sons of Gods, Chariot Bearers, and Men. All these ten names by which the angels are called designate their respective ten degrees; the degree which has nothing higher than itself, save only the degree of God, blessed is He! is the degree of the form which is called Living Creatures; thus it is spoken of in prophecy as being beneath the Throne of Glory. And the tenth degree is the degree of the form known as Men, which are the angels who speak with the prophets and appear to them in the vision of prophecy. Therefore they are called Men, as their degree approaches the degree of the intellect of the sons of man.³Hagigah, 11a13a. G.

All of these Forms are alive and recognize the Creator, and know Him with an extreme power of intelligence, each Form according to its degree, not according to its size. But even the Form of the first degree cannot attain the truth of the Creator as He is, for, its intelligence falls short of such attainment and knowledge; nevertheless, it attains and knows more than the Form beneath itself knows and attains. Likewise are they all, from each and every degree, even till the tenth degree, which Form also knows the Creator with an understanding which is not within the power of the sons of man, who are composite beings of matter and form, to attain and know. And, all of them do not know the Creator as He Himself knows His Own Being.

All beings, save only the Creator, from the First Form to the smallest moth which might be in the center of the earth, came into being by the power of His truth; and because He knows His Own Being, and recognizes His Own greatness, Glory and Truth, He is AllKnowing, and there is not a matter concealed from Him.

The Holy One, blessed is He! recognizes His Own Truth and knows it as it really is; and He does not know with an intelligence which is apart from Himself, as we know, for, we and our intelligence are not one, but the Creator, may He be blessed! and His Intelligence and His Life are One from every lateral, angle and manner of Unity. Since but for this, He would live a life and understand with an intelligence apart from Himself, then there would be many gods, He, His life and His Intelligence; and it is not so, for He is One from every lateral, angle and manner of Unity. Consequently you must say that, what He knows, and that by which He is known, and the Intelligence itself are all One. But this matter the mouth has no power to express, nor the ear to perceive, neither is it within the heart of man to see it clearly. Therefore, it is spoken of, "the life of Pharaoh" (Gen. 42,5) and "the life of thy soul" (Sam. 1.26), and it is not spoken of "the life of God," but "the living God," (Judg. 8.19) because the Creator and His life are not two, as are the lives of living bodies, or as the lives of angels. Wherefore, He does not recognize the creatures nor knows them because they are creatures as we know them, but by reason of knowing His Own Self does He know them. Therefore, because He knows His Own Self, He knows all; for, all depend upon Him in being.

These matters we spoke of on this subject in these two chapters, are but a drop in the ocean of what it ought to be expounded in this subject; and the exposition of all the principles in these two chapters, are known as the Works of the Chariot. (Ezek. 1).

The ancient sages have commanded not to sermonize concerning these matters;⁴ibid. C. save only to one man at a time, if he be wise, possessed of an intelligence of his own, whenafter to him might be transmitted the headlines of the chapters and acquaint him with a fraction of the matter so that he be able to understand its conclusion by his own intelligence and fathom its depth. These matters are extremely deep matters indeed, and not each and every intelligence is prepared to suffer them. And concerning them Solomon in his wisdom metaphorically said: "The lambs will be for thy clothing" (Prov. 27,26); so have the sages interpreted this metaphor: "matters which are covering the

universe shall be for thy garment," meaning they are a garment for thee alone, but thou shalt not sermonize them before the multitude. And, concerning them he further said: "Let it be for thee alone and for no strangers with thee," (Ibid. 5,17). And concerning them he, moreover, said: "Milk and honey shall be beneath thy tongue;" (Song of Songs, 4,11); so have the early sages interpreted it: "Matters which are likened to honey and milk shall remain beneath thine own tongue".

Chapter 3

The celestial spheres are called heaven,¹Hagigah, 12b. G. firmament, habitation and nebula, and there are nine such spheres; the sphere nearest to us is the Moon; the second above it is the sphere wherein is set the star Mercury; in the third sphere above it is Venus; in the fourth sphere is the Sun; in the fifth sphere is Mars; in the sixth sphere is the star Jupiter; in the seventh is Saturn; in the eighth sphere are set all the stars which are seen in the firmament; the ninth sphere is the sphere which traverses daily from east to west, and encompasses and encircles all. And, what you see all stars as if they all are in one sphere, although they are set one above the other, is because the spheres are pure and transparent as glass or sapphire, therefore the stars which are in the eighth sphere, seem to be beneath the first sphere.

Each and every one of the eight spheres wherein are the stars is divided into many spheres one above the other, in the manner of onion peelings. Some are spheres, revolving from west to east, and others are revolving from east to west, as is the ninth sphere, which traverses from east to west; but among them all there is no blank space.

All the spheres are neither light nor heavy; they have not the color of red, and not the color of black, and not any other colors; and what we see them in the color of blue is only an optical illusion according to the height of the horizon. Likewise have they no flavor and no odor, as these characteristics are not found save only in bodies beneath them.

All of these spheres which encircle the universe, are round as a globe, and the earth is suspended in the center. Some few of the stars have small spheres which are set stationary within them, and such spheres do not encircle the earth, for the small, fixed sphere which does not encircle, is set in the large sphere which does encircle.

The number of all the spheres which encircle the universe is eighteen; and the number of the lesser spheres which do not encircle the universe is eight; and from the travel of the stars and the knowledge of the distance covered by their cycle each day and each hour, and from their deviation from south to north and from north to south, and from their distance from and nearness to the earth, the number of these spheres, the form of their travels and the way they circle is known. This is the science of cycles and constellations concerning which the Greek scholars wrote many books.

The ninth sphere which encircles them all, the ancient scholars divided into twelve segments, for each and every segment they invented a name after the name of this image you see in it as a reflection of the stars beneath it, which are set immediately under it. They are the Zodiac: Aries, Taurus, Gemini, Cancer, Leo, Virgo, Libra, Scorpio, Sagittarius, Capricornus, Aquarius, Pisces.

The ninth sphere itself is not segmental and not of a form resembling any forms of these, and not a star. But, in conjunction with the stars of the eighth sphere, is that which can be seen in the large stars wherein appear the likeness of these forms, or the resemblance thereof. These twelve forms were not set directly opposite those segments save only during the antediluvian period, when these names were invented for them; but in these times they have long ago reclined a little, because all the stars in the eighth sphere revolve similar to that of the sun and the moon, only they revolve heavily; and the distance covered by the sun and the moon in one day, it will take each star of them to cover almost seventy years.

Among all the visible stars there are some small stars than one of which the earth is bigger, and some large stars each of which is bigger than the earth manifold. The earth is bigger than the moon about forty times, and the sun is bigger than the earth one hundred and seventy times; consequently, the moon is approximately 16800 part of the sun. Among the stars there is no star bigger than the sun and none smaller than the star in the second sphere.

All of the stars and spheres are beings, endowed with a soul, intelligence and understanding; they continue a purposeful life and are conscious of the existence of Him Who spoke and the universe sprang forth. Each and every one, according to his greatness and degree, extol and glorify the Creator as do the angels; and to the extent that they recognize the Holy One, blessed is He! they also know their own selves and the angels above them. But the intelligence of the stars and spheres is lesser than the intelligence of the angels, but greater than the intelligence of

man.

Beneath the sphere of the moon, God created a certain body which is not like the body of the spheres, and He created four forms for this body which are unlike the forms of the spheres; and each and every form was set in part of this body. The first form is the form of fire, which was coupled with part of this body and their issue is the body of fire; the second form is the form of air which was coupled with part of this body and their issue is the body of air; the third form is the form of water, which was coupled with part of this body and their issue is the body of water; the fourth form is the form of the earth, which was coupled with part of this matter, and their issue is the body of the earth.

Consequently, beneath the expanse there are four dissimilar bodies, one above the other, and each of these encircles the one immediately beneath it on all sides, spherelike. The first body nearest the sphere of the moon is the body of fire; beneath it the body of air; beneath it the body of water; beneath it the body of the earth, and in between there is no blank space whatever without a body.²See Sepher Yezirah, ch. 45. R.

These four bodies are not endowed with a soul, they do not know and do not recognize but are dead bodies. And each and every one of them has a law which it knows not, and which it can not attain, and which it can not change. Of this David said: "Praise the Lord from the earth, ye seamonsters, and all deep, fire and hail, snow and vapor" (Ps. 148. 78). The explanation of the subject of these words is: "Sons of men, praise Him in His mightiness which ye behold in flame and in hail, and in other creatures which ye see beneath the expanse, for their power is perpetually manifest to small and big".

Chapter 4

These four elements, namely: fire, air, water and earth, are the elements of all the creatures beneath the expanse; all that be whether of man, beast, fowl, creeping thing, fish, vegetation, minerals, precious stones, pearls, structural stones, mountains and glaciers, the body of each and every one is the joint issue of these four elements. Consequently all bodies beneath the expanse, save only these four elements, are joint issue of matter and form; and the body of each is the joint issue of these four elements; but each of these four elements is not the composite of aught else save of body and form only.

It is the nature of fire and air to go upwards, from the center of the earth upwards towards the expanse; and it is the nature of water and earth to direct their movements beneath the expanse toward its center, as the center of the expanse is the lowermost point, than which there is nothing lower. Their course is not due to their intelligence and not to their desire, but to a rule fixed in them, and to nature which was engendered in them. By nature fire is warm and dry and, therefore, lighter than all of them; and the air is warm and moist; and water is cool and moist; and the earth is dry and cool, and it is heavier than all of them; water is lighter than it, therefore is its place above the earth; the air is lighter than water; therefore is its place above the water; and fire is lighter than air. And because they are elements for all bodies beneath the expanse, it is found that each and every body, whether of man, beasts, animal, fowl and fish, or whether of plant, mineral and stone, its unformed matter is a fusion of fire, air, water and earth. The four elements, too, fuse together so that each one of them loses identity when such fusion takes place, so that the fused element of the four of them becomes unlike one of them when it is by itself. And, in such fused body there is not even one particle which is actual fire, or actual water, or actual earth, or actual air, for all were transformed and made into one body. And in each and every such fused body of the four there is coolness, heat, moisture and drought combined. Nevertheless, there are among them certain bodies in which the element of fire is strongest, as in living creatures, therefore the element of heat is more apparent in them; and there are among them bodies wherein the element of earth is strongest, as in stones, therefore the element of drought is most prominent in them; and there are among them bodies wherein the element of water is strongest, therefore the element of moisture is more apparent. In this manner it happens that one warm body is warmer than another warm body, and one dry body more dry than another dry body. So are found bodies wherein the cold alone appears, and bodies wherein the moisture alone appears, and bodies wherein the cold and the drought appear evenly balanced, or the cold and the moisture evenly balanced, or the heat and the drought evenly balanced, or the heat and the moisture evenly balanced, according to the size of the quantity which was the fundamental element for the fusion will the action of that element and its nature appear in the fused body.

All things fused of the four elements terminate in dissolution. In some instances, the dissolution will be in but few days; in others, such dissolution will come to pass after many years; but all that which was fused by them can not avoid dissolution back into them. Even gold and platinum cannot avoid termination and a return to the elements. The process of such return is, part to fire, part to water, part to air and part to dust.

Since all that must terminate dissolve into these elements, wherefore was it said to Adam: "And into dust shalt thou return" (Gen. 3.19) Because the greatest part of his structure is dust. And, not all that undergo dissolution, when they dissolve return at once to the four elements; for they dissolve gradually, one thing will be turned into another, that other into still another one, and in the end those things return to the elements, and thus it is discovered that all things turn in a circle.

The four elements perpetually change one into another, partially, and not bodily. How so Part of the earth nearest the water breaks and changes and becomes water; so does part of the water nearest the air evaporate and change and become air; so does part of the air nearest fire shift and change and become fire; so does part of fire nearest air shift and change, solidify and become air; so does part of the air nearest the water change, solidify and become water; so does part of the water nearest earth change, clots and becomes earth. But the change is little by little, in proportion to the lapse of time. Neither does an element change completely so that all the water will become air, or all the air fire, because it is impossible that one of these four elements should be entirely nullified; but part of the fire does become air, part of the air does become fire, and so between each and the other, and thus the change will be found among the four, and so it turns in a circle forever.

This change is made possible by the revolution of the sphere, and by the force of its revolution the four elements derive power of fusion, and out of them are other bodies, sons of man, living creature, plant, stone and mineral. To each and every body God gives a due form through the Angel of the tenth sphere, the Intelligence called Men.

You never see a body without a form, or a form without a body; it is only the heart of man which divides a given body conceived in his mind and knows that it is fused of matter and form; he also knows that there are bodies whose unformed matter is fused of the four elements and bodies whose unformed matter is plain, unfused and of but one element. The forms which are not of matter are not visible to the eye, but are known to the heart's eye as we know the Lord of all without seeing Him with the eye.

The soul of all flesh is the form which God gave unto him, and the high intelligence which is found in the soul of man is the form of the man who is perfectly intelligent. Concerning this form it is said in the Torah: "Let us make man in our form after our image" (Gen. 1.26), as if saying, that he should possess a form which knows and attains the Intelligences which have no body, as angels, which are forms without a body, thereby being like unto them. But this is not spoken of a given form which is recognized by the eyes, as the mouth, the nose, the cheekbones, or any other description of the body, for such is the name of its shape; neither does it apply to the life of living creatures by which it can eat, drink, reproduce, feel and ponder; but it is concerning the Intelligence which is the form of the soul, for it is about the form of the soul that the Verse speaks "in our form after our image". Often times this form is called soul and breath of life, and, therefore, it is necessary to take care in naming them, so that man will not err in such, but each and every name one will learn from the subject thereof.

The form of this soul is not composed of the elements to be separated and become part of them, and it is not an offshoot of the power of the soul to be dependent upon a soul as well as the soul is dependent upon a body. But this form is from the Lord, from Heaven. Therefore, when the body which is composed of the four elements dissolves and the spirit of life is lost, because it is nonexistent save only when in the body, and is dependent upon a body in all its functions, this form will not be cut off, for it is not dependent upon a soul in its functions, but doth know and attain all Intelligences which are independent of matter, and knows the Creator of all, and lives forever and throughout all worlds to be. This is what Solomon in his wisdom said: "And the dust returneth to the earth as it was, and the spirit unto God Who gave it." (Ecc. 12.7).

All these matters we spoke of on this subject are but a drop in the bucket, and they are very deep matters; but are not of the same depth as the subject in chapters I and II. The exposition of all these matters in chapters III and IV is called Cosmogony. Thus did the ancient sages charge not to sermonize on these matters before the multitude, but to impart them to one man and instruct him therein.¹Hagigah, 12b. R.

And, wherein is the difference between the subject of Works of the Chariot and the subject of Cosmogony The subject of Works of the Chariot shall not be imparted even to an individual unless he be a scholar endowed with a reasoning power of his own, and then only the epitomes of each chapter may be transmitted to him; whereas the subject of Cosmogony may be imparted to an individual, even though not endowed with a reasoning power of his own, and it is permissible to teach him all that he is capable of knowing concerning these matters. If so, why not give public instructions therein Because not every man is endowed with broad understanding to construe the explanation and elucidation of all the text correctly.

When man contemplates concerning these things, and perceives all creatures, whether angel, sphere, or man the likeness of himself, and discovers the wisdom of the Holy One, blessed is He! in all beings of form and in all creatures, his love for the Omnipresent increases and his soul and body thirst and yearn to love Him, blessed is He! and, fear and terror, because of his own insignificance, shortcomings and levity seize him when comparing himself to one of the great and holy bodies, verily so to one of the pure forms, separated from bodies of clay, which never joined a body of clay. He then will find himself likened to a vessel full of shame and disgrace, empty and wanting.²Shabbat, 31b. G.

The subjects in these four chapters of these five commandments, are the same which the early sages speak of as Vineyard, saying: "Four entered the vineyard" (Haggigah 14), who, though great men in Israel and great scholars, not all of them had the intellectual power to know and grasp all these matters clearly; and I say that no one is deserving to promenade in the Vineyard unless he be filled with intellectual bread and meat, that is to say: one must know what is forbidden and what is permitted and similar to these of the rest of the commandments. And, although these matters were pronounced by the sages as of lesser importance, for they said: "A great matter is the Works of the Chariot, and a small matter is the controversies of Abyia and Raba,³Sukkah, 28a. G. Nevertheless, they have precedence as a study because they commence to compose man's mind; moreover, they are the store of great good which the Holy One, blessed is He, hath provided for the social existence of this world, so that the life of the world to Come may also be inherited, and be accessible to all, little and great, men and women, to one of broad understanding as well as to one of lesser understanding.

Chapter 5

It is mandatory upon the whole house of Israel to sanctify this Great Name, for it is said: "And I shall be sanctified among the children of Israel" (Lev. 22.32). They are also charged not to blaspheme Him, for it is said: "And ye shall not profane My holy Name" (Ibid.). How are these commandments to be observed If an idolater will force an Israelite to transgress one of the commandments of the Torah and threaten him with death for disobedience, it is mandatory that he transgress the commandment and be not put to death, for it is said concerning the commandments: "That which a man may do and live by it" (Ibid. 18.5)"live by it, but not die for it". 1Sanhedrin, 74a; Yoma 85a; Abodah Zarah, 26b. C. G.Thus, if he chose death and did not transgress, his blood be upon his own head.

Whereat are these words directed Concerning all other commandments, save idolatry, adultery and bloodshed. For respecting these three commandments, if one will say to him: "Transgress one of the three, or die," he shall die, and not transgress. Whereat are these words directed When the idolater intends to have a personal enjoyment, as when he forces an Israelite to build his house, or cook his meals on a Sabbath, or when he forces a Jewish woman, and in like matters; but if he merely intended to make him violate commandments, then, if it happen between themselves, and there be no ten Israelites present, it is mandatory to transgress and not die; but if he forces him to go astray from one of the commandments in the presence of ten Israelites, he must suffer death and not transgress, even though the idolater did not intend to lead him astray save from one of the rest of the commandments.

And all these words are directed at a time which is not under pressure of arbitrary edicts, but at a time of arbitrary edicts such as when a wicked king, like Nebuchadnezzar and his associates arise and issue an edict against Israel to violate their religion, or one of the commandments, then he should die and not transgress even one of the other commandments, whether he is forced to do the transgression in the presence of ten, or whether the compulsion will be between himself and the idolater.

Whosoever, of whom it is said that he shall transgress and not die, if he die and did not transgress, the guilt thereof be upon his soul;²Ibid. 27. Tosfot commends such act. C. G. and whosoever, concerning whom it is said that he shall die and not transgress, and he did die and did not transgress, he sanctified the Name of God; and if this happened in the presence of ten Israelites, he sanctified the Name of God among many, even like unto Daniel, Hananiah, Mishael and Azariah and Rabbi Akiba and his associates, who have been slain by decree of a tyrannical government to which degree of martyrdom there is no parallel, concerning whom it is said: "But for Thy sake we are killed all the day; we are accounted as sheep for the slaughter" (Ps. 44.23); and concerning whom it is moreover said: "Gather my saints together unto me, those that have made a covenant with Me by sacrifice" (Ibid. 50.5). And whosoever, concerning whom it is said that he shall die and not transgress, did transgress and did not die, blasphemed the Name of God, and if he did this in the presence of ten Israelites, he blasphemed the Name of God in the presence of many, violated the mandatory commandment of the sanctification of God, and transgressed the prohibitive commandment of blasphemy. Nevertheless, because he committed the transgression in duress, he is not lashed, needless to say that

no punishment of death is inflicted upon him by a tribunal, even though he commit murder in duress; for no punishment of either lashes or death is inflicted unless one commits the crime willfully in the presence of witnesses, and received a warning not to do it, even as it is said of one who sacrifices his children to Mollech: "And I will set my face against that man" (Lev. 20.3), which is traditionally understood to mean that that man was not under duress, nor in error, nor in ignorance. Now, if idolatry, which is the capital offense of them all, yet whosoever worships it in duress, is not guilty to be cut off from among his people, not to say of being put to death by a tribunal, a *minori ad majus* that an offense against the other commandments enumerated in the Torah should remain as the major premise. Furthermore, concerning adultery it is said: "But unto the damsel thou shalt do nothing" (Deut. 22. 26).³ She was under duress. G. But if he can save his life and flee from the jurisdiction of such a wicked king, and he does it not, he is likened unto a dog that returneth to his vomit, and is called a willful worshipper of idolatry, and is deprived of the world to come, for he will descend into the nethermost level of the Gehenna.

If idolaters will demand one of a group of women, saying: "Yield us one of among you and we will defile her, if not we will defile you all", let all be defiled, rather than surrender to them one soul in Israel.⁴ Terumot, 8.12. C. G. Likewise, if idolaters will say to a group of men: "Yield us one of you and we will kill him, if not we will kill you all", let all of them be killed rather than surrender to them one soul in Israel. If, however, they single out the one, saying: "Give us that man, if not we will kill you all", if he be guilty of a capital crime, as, for example, Sheba son of Bichri⁵ See Second Samuel; 20. 1. G., they may surrender him to them, but it is not commendable to advise them to do so; if he be not guilty of a capital crime, they all must submit rather than surrender them one soul in Israel.

As they said on the subject of duress, so they said of sickness. How so For example: One who takes sick and his life is despaired of, and doctors prescribe a remedy for him consisting of a certain thing which is forbidden, the doctor's orders are followed. Healing is effected by everything that the Torah forbids, where there is danger of death⁶ Pesahim, 25a. C., save only idolatry, adultery and murder, which even in case of danger, must not be employed as means of healing. If he transgress and be cured by such means, the tribunal may visit upon him due punishment.

Whence do we know that even when life is in danger, none of these prohibitive commandments may be violated From what it is said: "And thou shalt love the Lord thy God, with all thy heart, with all thy soul, and with all thy might" (Deut. 6.5), even though He taketh thy life.⁷ Berakot 65b. G. And, the taking of one life in Israel to give healing to another life, or to save a man from an assassin is a thing which reason dictates not to do, for one life must not be sacrificed for another life. As for adultery, it is likened unto life itself, as it is said: "For as when a man riseth against his neighbor and slayeth him, even so is this matter" (Ibid. 22.26).

Whereat are these words against using other forbidden things as remedies, save where there is danger of life, directed When given in a manner to enjoy it, as for example, feeding a sick person oysters or frogs, or leavened bread on Passover, or any food on the Day of Atonement; but when administered not in a manner to enjoy it, as, for example, to apply a plaster or poultice of leaven on Passover, or of uncircumcized fruit,⁸ Fruit of a tree before the fourth year after it was planted. G. or a drink containing a mixture of forbidden ingredients of food, which is not at all palatable, is permissible, even when there is no danger, save only of grafted fruit from a vineyard, and milk together with meat, which are forbidden even when not enjoying them. Therefore, healing therewith is forbidden even in a manner not to enjoy it, unless there is danger of death.

One who coveted a certain woman and became dangerously sick so that his life was despaired of, and the doctors declared that for him there was no remedy save that she be with him, he shall die even though she be not wedded and even though the remedy be for him to talk to her from behind a screen, no permission shall be given to him; let him die⁹ Sanhedrin, 74b. C. but no permission be given him to talk to her from behind a screen, so that the daughters in Israel shall not be without protection, and thereby become accustomed to consider unchastity lightly.

Whosoever willfully, without duress, will transgress one of the commandments of the Torah, because he despises it and does so spitefully, behold, he is blaspheming the Name. Therefore, it is said of false swearing: "Thou hast hereby defiled the name of thy God; I am the Lord" (Lev. 19. 12). And if he commits the offense in the presence of ten Israelites, he is guilty of public blasphemy. Conversely, if one abstains from sin, or fulfills a commandment without ulterior motive, not because of terror or fear, nor in pursuit of honor, but merely for the sake of the Creator, blessed is He! Even as Joseph the Pious did resist the temptation of his master's wife, behold, he doth sanctify the Name of God.

There are other things included in blasphemy, although they are not of themselves either among the mandatory or prohibitive commandments, as for example, when a great man, famed for his learning and piety, will do something

that the public will suspect him on account thereof, even though such deeds be not transgressions, yet he has committed blasphemy, as for example: if he makes a purchase and does not pay for it at once,¹⁰Yoma, 86a. C. Baba Mezia, 83b. G. although he has the money and the vendors are claiming it and he delays them; or if he indulges in frivolity, or doth eat and drink with and among the ignorant,¹¹Pesahim, 49a. C. or if his speech with his fellow men be not polite, or if he does not receive them pleasantly, but acts as one looking for strife and shows anger. In such and like matters, all measured by the standard of the greatness of such scholar, he must take particular care, and act exceedingly better than the law requires. Conversely, if the scholar restrains himself, speaks politely to his fellow men, and when among them acts like one of them, and receives them pleasantly, takes abuse from them but never gives abuse to them in return, respects them, even those who do not respect him, acts in business honestly, does not remain in company with the unlearned, nor visits their assemblies, and is rarely seen otherwise than to be engaged in the study of the Torah, wrapt in the prayer garment and adorned with phylacteries, and performs his duties exceedingly more than the law requires, provided he does not go to extremes and does not act so ridiculously, so that all praise him and love him and crave to imitate his actions, behold he doth sanctify the Lord, and concerning him, the verse speaks, saying: "And He said unto me, thou art my servant, Israel, in whom I am glorified." (Is. 49.3).

Chapter 6

Whosoever willfully destroys an inscription of any of the Holy and Pure Names by which the Holy One, blessed is He! is called, ¹Menahot, 30. Makkot, 22. Sifre, Deut. 22. C. is guilty of a sin punishable under the laws of the Torah with flogging. For, behold, it is said of idolatry: "And ye shall destroy their name from that place, but ye shall not do so unto the Lord your God" (Deut. 22.34).

There are seven such names:²Shebuot, 35. Sophrim, ch. 4. C. G. Tetragrammaton, but written to be pronounced Lord, All Powerful; God; God of the universe; God of our Fathers; Almighty; and Hosts. Whosoever erases even one letter of these seven Names is flogged.

All affixes to any of these Names such as the letter Lamad, meaning to or the letter Beth, meaning from God, may be erased, but the suffixes, such as the letter Caph at the end of the Name meaning thy God, or the letters Caph and Mem at the end of the Name, meaning your God, and like letters must not be erased, for they are as sacred as the other letters of the Name, because the Name itself hallows them. Nevertheless, whosoever erases one of these suffixes, is not flogged, but punished after the manner of a rebel.³Shebuot, 35b. C.

If the AlephLamad of the Name of God of the universe, or YodHeh of the Tetragrammaton be written, they must not be erased; needless to mention the Yod Heh of the Tetragrammaton as together they constitute a Name by itself, in addition to being part of the Tetragrammaton; but the ShinDalat of the Name Almighty, or the ZadiBeth of the Name Lord of Hosts, may be erased.

All other attributes by which the Holy One, blessed is He! is praised, such as Graceful, Merciful, Great, Powerful, Aweinspiring, Faithful, Jealous, Mighty and the like, are like other words of Holy Writ which may be erased.⁵Shebuot 3C.

A vessel with a Name inscribed thereon, the part whereon the Name appears must be cut out and hidden.⁶Arakin, 6b. C. Even when a Name be engraved on a vessel of metal or glass, if he deliberately recasts the vessel he is lashed, for the engraved part should be cut out and hidden. Likewise, if one had a Name written upon his flesh, he shall not wash, anoint himself or remain in unclean places; if he must undergo a mandatory emersion, he shall cover it with a leaf or, when no leaf is to be found, with part of his garments, yet must he not fasten it lest it be obstructive to the emersion, as it was not said to cover it save only because it is forbidden to remain nude in the Presence of the Name.⁷Shabbat, 120a. C.

He who wilfully destroys even one stone of the altar, or of the Temple, or of any other part of the Court, is lashed; for it is said with respect to idolatry: "For their altars must ye demolish," and it is written: "Ye shall not do so unto the Lord your God" (Deut. 12.4)⁸Sifre, Deut. 12. C.; Likewise, if one willfully sets fire to trees intended for sacred use is lashed, for it is said: "And their sacred trees ye shall burn in fire," and it is also written: "Ye shall not do so unto the Lord your God" (Ibid).⁹Makkot, 22. C.

All the Holy Scriptures and their exegesis and commentaries, must not be burned or otherwise willfully destroyed, and whosoever willfully destroys them is punished by being smitten as a rebel. Whereat are these words directed Only with respect to sacred writings which were written in sacredness by an Israelite; but if an atheist, even though an Israelite, wrote a Book of the Torah, such book must be burned together with the mentioned Names therein, because

he believes not in the sacredness of the Name, and surely did not write it in His name, but thought of it merely as of secular matters, and because his mind was such, no Name therein was sanctified. Moreover, it is mandatory to burn it so that there be left no monument either to the infidels or to their works. But if an idolater wrote the Name, it shall be hidden. Likewise, volumes of the Holy Scriptures which became moth-eaten, or which were written by an idolater, shall be hidden.¹¹Gittin, 45b. C.

All the Names mentioned in connection with Abraham, are sacred, even this one, saying: "My Lord, if now I have found grace" (Gen. 18.3), is sacred. All the names mentioned in connection with Lot are profane, save this one: "Not so my Lord, I pray Thee, behold if now Your servant has found grace" (Ibid. 118.19). All the Names mentioned in connection with Gebor Benjamin (Judg. 20) are sacred. All the names mentioned in connection with Micha (Ibid. 17) are profane. All the Names mentioned in connection with Naboth (I Kings 21.3) are sacred. Every Solomon mentioned in Song of Songs is sacred, and it is like the other Attributes, save only the one saying: "Thou, O Solomon, shall have the thousand" (Song of Songs VIII, 12). Every mention of King in Daniel is profane, save this one where it is said: "Thou art the King of Kings" (Dan. 2.37),¹²Shevuot 35. C. and it is like the other Attributes.

Chapter 7

It is a fundamental part of religion to acknowledge that God bestows prophecy upon the sons of men. But prophecy does not descend¹Nedarim, 35; Pesachim, 66; Shabbat, 30. C. G. save upon a wise man, eminent in wisdom, of sterling character, never subdued by worldly passion, but conquering it by an ever-present willpower, broadminded and settled to the highest degree. A man, endowed with all these moral principles, of sound physique, when he enters the Vineyard and is carried away with the current of these great and remote subjects, and possessed of a mind ready to understand and attain, he continuing to gain in saintliness, separated from the general public which follows the dark paths of the times, continuing to take care of himself, training his soul to heed no thought in idle affairs nor in the vanities and phantasies of the time, but his mind be constantly ready and directed Upward, connected to the Throne Beneath, to understand the Holy and Pure Intelligences and to penetrate the scope of Wisdom of the Holy One, blessed is He! from the First Intelligence even unto the summit of the earth to know from them His greatness immediately the Holy Spirit will rest upon him. And, when the Spirit will rest upon him his soul will be mingling with the Angels of the degree of the Sphere called Men, and will be transformed into another being, and will understand his own intelligence that he is not as he was, but that he was elevated above the degree of other wise sons of man, as it is said of Saul: "And thou shalt prophesy among them and thou shalt be turned into another man" (I Sam. 10.6).

Prophets are of various degrees. Even as there is in wisdom, one wise man greater than his fellow, so it is in prophecy, one prophet is greater than another prophet. But all of them do not see the vision of prophecy save in a dream, in a vision by night, or during the day when a deep slumber falls upon them, as it is said: "I become known to him in vision; I speak to him in a dream" (Num. 12.6). And they all, when they prophesy, tremble in all their limbs, the strength of their bodies gives way, their thinking power becomes unbalanced, the sense of understanding alone remains open to grasp what it will see, as it is said of Abraham: "And behold, a great trembling and darkness befell upon him" (Gen. 15.12); and as it is said of Daniel: "For my comeliness was turned into corruption, and I retained no strength" (Dan. 10.8).

The matters concerning which a prophet is informed by vision of prophecy, are imparted to him allegorically, but the interpretation thereof is engraved upon his heart simultaneously with the vision and he knows what it means, as the vision of the ladder which Jacob our father saw: "The angels of God were ascending and descending upon it" (Gen. 28.12); which was a parable, the interpretation of which is the rise and fall of kingdoms, or as the Living Creatures which Ezekiel saw (Ezek. 1. 127), or the Seething Pot and the Almond Rod which Jeremiah saw (Jer. 1.1213), or the Scroll of Parchment which Ezekiel saw (Ezek. 2.9), or the Measure which Zechariah saw (Zech. 2.5). And so with the rest of the prophets; some of them relate the parable and its interpretation as these; others relate the interpretation alone; and still others relate the parable only without the interpretation, as parts of the prophecies of Ezekiel and Zechariah, but all of them are prophesying in parables and metaphors.

All the prophets do not prophesy every time they may desire, but they must prepare their minds, rest in a state of exultation and hearty contentment, and in undisturbed solitude; for, prophecy does not rest upon any prophet either when he is in a state of melancholy or in a state of indolence, but when he is in a state of delightfulness.²Shabbat, 30a. C. Therefore, the disciples of the prophets had before them the harp, the timbrel, the flute and the violin when they were seeking the spirit of prophecy, whereof it is said: "And they strove to prophecy" (I Sam. 10.5), meaning, they followed the path of prophecy until they did prophesy, as one says: "Yonder is one aspiring to become great."

They that seek the spirit of prophecy are called disciples of the prophets, and, although they train their minds well, it is uncertain whether the Shekinah will rest upon them or whether it will not.

All the things hereinof spoken is the path of prophecy for all prophets, First and Last, save Moses our Master, the Master of all prophets. And what division is there between the prophecy of Moses and that of all the other prophets All the other prophets prophesied while in a dream, or in a vision, but Moses our Master prophesied while awake and standing up, as it is said: "And when Moses went into the tent of meeting that He might speak with Him, then he heard the Voice speaking unto him" (Num. 7.89); all other prophets received it through an Angel, they therefore saw what they did see in the form of allegory and riddles, but Moses our Master did not receive it through an angel, for it is said: "With him do I speak mouth to mouth" (Ibid. 12.8), and it is also said: "and the Lord spoke unto Moses face to face" (Ex. 33.11); and it is further said: "And the similitude of the Lord doth he behold" (Num. 12.8); which is to say that there is no manner of parable, for he sees the matter in its clearness without riddle and without parable, which is as the Torah testifies concerning him: "Even manifestly, and not in dark speeches" (Ibid.); he does not prophesy in dark speech but by sight for he sees the matter in its clearness; all prophets are awestricken, trembling and faint, but Moses our Master is not so, which is as the Verse says: "As a man speaketh unto his friend" (Ex. 33.11), meaning, that as no man trembles to hear the words of his friend, so was the power of the mind of Moses our Master to understand the words of prophecy, he remaining upright at his post unaffected; all other prophets could not prophesy any time they wanted, but not so Moses our Master, who at any time he desired, the Holy Spirit covered him, and prophecy rested upon him, and he needed not to prepare his mind, or be in readiness to meet it, as he was prepared and ready constantly like unto the ministering Angels. He, therefore, prophesied at all times, even as it is said: "Stand ye and let me hear what God will command concerning you" (Num. 9.8). Moreover, in this, Almighty assured him, saying: "Go and say to them, 'Return ye to your tents' and, as for thee, remain standing with me here"(Deut. 5.3031). Herefrom we learn that all other prophets, when the spirit of prophecy departs from them, return to their tent for their bodily needs, they all, like unto the rest of the people. Therefore, do they not remain separated from their wives. But Moses our Master returned not again to his erstwhile abode, he therefore separated himself forever from his wife and from like matters; his intellect became apprenticed to the Rock of the Universe; glory never departed from him; his countenance became adorned with rays of light, and his saintliness was like that of Angels.

A prophet may possess the spirit of prophecy for his own sake alone, to broaden his mind and increase his knowledge so that he may know that which he did not know of certain great matters, or he may be sent to a nation of among the nations of the world, or to the inhabitants of a city, or to a government to establish them righteously, to instruct them what to do, or to restrain them from the evil deeds on their hands; and when he is so sent he is given a token or miracle so that the people may know that he is in truth the messenger of God. Nevertheless, not every one who delivers a token or performs a miracle should be believed to be a prophet; for only such man whom we knew heretofore to be worthy of prophecy, both by his wisdom and by his conduct, in consequence whereof he was above all his associates, and walked in the requisite ways of prophecy, in its holiness and selfdenial, if, thereafter, he came and delivered a token and performed a miracle and said that he is a messenger of God, it is a mandatory commandment to hearken unto him, for it is said: "Unto him ye shall hearken" (Deut. 18.15). And yet, it is even possible that one such will deliver a token and perform a miracle and not be a prophet; as for the token, it might contain some doubtful matter; notwithstanding this, it is mandatory to hearken unto him; for, seeing that he is a great man, wise and worthy of being a prophet, he must be sustained on the presumption that he is a prophet. In this we were commanded to do as we were commanded to base a legal decision upon the testimony of two proper witnesses, even though they may have testified falsely, yet, because we consider them to be proper, their testimony must stand upon their fitness, and concerning this and like matters it is said: "The secret things belong unto the Lord our God; but the things that are revealed belong unto us and to our children" (Deut. 29.28); and it is said: "For man looketh on the outward appearance, but the Lord looketh on the heart" (I Sam. 16.7).

Chapter 8

Moses our Master was not believed in by Israel because he delivered tokens, for whosoever bases his belief contingent upon tokens retains suspicion in his heart, for it is possible that the token was delivered by means of enchantment and witchcraft. But all the tokens delivered by Moses in the wilderness were responsive to necessities, and not as testimony for prophecy. When it became necessary to have the Egyptians sunk, he divided the sea and drowned them therein; when our need was food, he brought down for us Manna; when they became thirsty, he split open the rock for them; when the Korah confederacy denied him, the earth swallowed them up. Likewise came to pass all the other tokens. Wherein, then, did they believe in him In being present at Mount Sinai; for our own eyes saw and not through a stranger's, and our own ears heard and not that of another; the flame, the thunder and

lightning, and he drew near the thick cloud and the Voice speaking unto him, we listening, saying: "Moses, Moses, go and tell them thus and such," for so he also said: "The Lord spoke with you face to face in the mount out of the midst of fire" (Deut. 5.4); and it is moreover said: "The Lord made not this covenant with our fathers, but with us, even us" (Ibid. 31). Whencefrom do we know that the standing at Mount Sinai alone is the evidence which makes his prophecy true without a shadow of suspicion Because it is said: "Lo, I come unto thee in a thick cloud, that the people may hear when I speak unto thee, and may also believe thee forever" (Ex. 19.9). Evidently, hitherto they did not believe in him with an everlasting belief, but with a belief wherein there is afterthought and reflection.¹See Ikarim I.18. C.

Consequently they to whom he was sent are the witnesses by whom the truth of his prophecy is established, wherefor he needed no other token to deliver to them, as they and he witnessed it together, and as when two witnesses see one thing together each one testifies for the other that he speaks the truth, and neither needs other testimony for the other. Thus, Moses our Master, all Israel are his witnesses since their presence at Mount Sinai, and there was no need for him to deliver to them any token. This is what the Holy One, blessed is He! spoke unto him, when he commenced to prophesy, at the time He endowed him with the tokens to be delivered in Egypt, saying to him: "And they shall hearken to thy voice" (Ex. 3.18). Moses our Master knew that whosoever believes on the testimony of tokens retains in his heart suspicions and continues to think and reflect; and he endeavored not to go, saying: "But, behold, they will not believe me" (Ibid. 4.1). Then it was that the Holy One, blessed is He! made known to him that these tokens were of no need save until they go forth out of Egypt, but after they go forth, when they will stand upon this Mount the suspicious thoughts which they might be thinking after thee will disappear, for I am herewith investing thee with a token which they will know in truth that it was I Who sent thee from the very start, so that there be left no suspicion in their heart. And it is this what the Verse says: "And this shall be the token unto thee, that I have sent thee: when thou hast brought forth the people out of Egypt, ye shall serve God upon this mountain" (Ibid. 3. 12). Consequently, it must be said that in every prophet who rises up after Moses our Master, we do not believe because of the token alone, so as to say: "If he deliver a token we will hearken to all of his prophesying"; but because of the commandment which Moses commanded in the Torah and said, if he do give a token, "Unto him ye shall hearken" (Deut. 18.15). Even as he commanded us to render decision in a matter on the testimony of two witnesses, although we do not know whether they have testified truth or falsehood, so it is mandatory to hearken to such prophet, notwithstanding our lack of knowledge whether the token is true or whether it was delivered by witchcraft and enchantment.

Therefore, if a prophet arose and performed great tokens and miracles, and thereby seeks to deny the prophecy of Moses our Master, we must not hearken unto him, for we know clearly that those tokens are of enchantment and witchcraft, because the prophecy of Moses our Master is not based upon the tokens so as to make a comparison between the tokens of this one and the tokens of that one; for with our own eyes we saw it, and with our own ears we heard it even as he himself heard. This is rather to be compared to witnesses who testify before a man concerning a matter which he saw with his own eyes that it is not as he saw it, who does not hearken to them, but certainly knows that they are false witnesses. Therefore it is said in the Torah, if even the sign or the wonder come to pass: "Thou shalt not hearken unto the words of that prophet" (Ibid. 13.3). Behold, this one comes to thee with token and wonder to deny that which thou didst see with thine own eyes; whereas we do not believe in a miracle save because of the commandments which Moses commanded us, how will we accept this token which is brought to deny the prophecy of Moses which we saw and heard

Chapter 9

It is a clear and manifest principle concerning the Torah that as a Law it is permanently established forever and evermore; and that it is not subject to mutability, nor to diminution, nor to amendment; for it is said: "All this word which I command you, that shall ye observe to do; thou shalt not add thereto, nor diminish from it" (Ibid. 13.1); and it is further said: "But the things that are revealed belong unto us and to our children forever, that we may do all the words of this law" (Ibid. 29.28). Herefrom we learn that according to all the words of the Torah we are commanded to do forever. It is, moreover, said: "a statute forever throughout your generations" (Num. 15.15); and again it is said:¹See Baba Mezia 59. C. "It is not in heaven" (Deut. 30.12); herefrom we learn that no prophet is thereafter permitted to make any innovation. Therefore, should a man rise up, whether he be from among the Gentiles or whether from among Israel, and deliver a token and perform a miracle saying, that God hath sent him to add a commandment, or to diminish a commandment, or to interpret a certain commandment of among the commandments with such interpretation as we have not heard by tradition from Moses; or he said, that these commandments with which Israel was charged are not forever and throughout all generations, but that they were commandments in keeping with those times only, behold him, he is a false prophet, seeing that he came to deny the prophecy of Moses; and his

punishment is death by strangulation, because he wilfully spoke in the name of God concerning that which He did not charge him; for He, blessed is He! commanded Moses, saying, that this enactment was "unto us and unto our children forever" (Deut. 29.28); and, "God is not a man that He should lie" (Num. 23.19).

If it be so, wherefore is it said in the Torah: "I will raise them up a prophet from among their brethern, like unto thee" (Deut. 18.18) Indeed, not to establish a religion is he to come, but to command concerning the words of the Torah and warn the people not to transgress it, as the last of among them said: "Remember ye the Torah of Moses My servant" (Mal. 3.22). Likewise if he command us concerning secular things, for example: Go ye to yon place, or do not go; join battle this day, or do not join, construct this fortress, or do not construct it, it is mandatory to hearken unto him, and whosoever deliberately disregards his words has forfeited his life to Heaven, for it is said: "And it shall come to pass that whosoever will not hearken unto My words which he shall speak in my Name, I will require it of him" (Deut. 18.19).²Sanhedrin, 89. C.

Likewise, a prophet who violates his own words, or who withholds his prophecy forfeits his life to Heaven, and of the three it is said: "I will require it of him" (Ibid.). Moreover, should a prophet, who is known to us as a prophet, charge us to violate one of all the commandments spoken of in the Torah, or many commandments, whether minor or major, it is mandatory to hearken unto him, if it be a need of the time. Thus did we learn traditionally from the early sages: "In all matters, if the prophet tell thee to forego the words of the Torah, even as Elijah on Mount Carmel did, hearken unto him, save only in idolatry".³Yebamot, 90; Sifre, Deut. 18. C. Provided, however, that the violation be temporary as, for example, Elijah on Mount Carmel, who sacrificed a burnt offering without, whereas Jerusalem was chosen the only place therefor, and whosoever sacrifices without is guilty and suffers excision. And, because he is a prophet, it is mandatory to hearken unto him, for even in this it is said: "Unto him ye shall hearken" (Deut. 18.15). Had they at that time asked Elijah, and said unto him: How can we abolish that which it is written in the Torah: "Take heed to thyself that thou offer not thy burnt offerings in every place that thou seest" (Ibid. 12.13) He would have replied: "This is not spoken of save against the one who sacrifices without continuously who is guilty and suffers excision, even as Moses hath commanded; but I am sacrificing this day without, because God wills it, so as to deny the prophets of Baal." In such manner, if all the prophets command to violate aught temporary, it is mandatory to hearken to them; but if they say that the matter be abolished forever, the one saying so is punished with death by strangulation, for the Torah said: "Unto us and to our children forever" (Ibid. 29.28).

In like manner, if he abolish aught of the things which we did learn by tradition, or if he say concerning a given law of the laws of the Torah that God charged him to interpret the law thus, and that the law should be decided in favor of that man, behold, he is a false prophet, and shall be strangled, even though he delivered a token; for, lo, he came to refute the Torah wherein it is said: "It is not in heaven" (Ibid. 30.12). Nevertheless, if his charge be of a temporary nature, we must hearken unto him in everything.

All these matters were said only concerning the rest of the commandments, but concerning idolatry he must not be listened to, even it be temporary, and even if he delivered great tokens and performed great miracles and said that God commanded him that idolatry should be worshipped this day only, or this hour only; for, lo, this one spoke perversion against God, and concerning such one Holy Writ commanded, saying: "And the sign and the wonder come to pass Thou shalt not hearken unto the words of that prophet Because he hath spoken perversion against the Lord your God" (Ibid. 13. 2.4.6); and, lo, he came to refute the prophecy of Moses, we therefore know of a certainty that he is a false prophet, and all that which he did was done by enchantment and witchcraft, and he shall be strangled.

Chapter 10

Every prophet who will arise among us and say that he is the messenger of God, is not obliged to deliver a token like unto one of the tokens of Moses our Master, or Elijah, or Elisha, wherein there is a change in the natural laws of the universe. But his token should be by foretelling things which are to come to pass in the world, and his words come true; as it is said: "And if thou wilt say in thy heart: 'How shall we know the word which the Lord hath not spoken' When a prophet speaketh in the name of the Lord, if the thing follow not, nor come to pass, that is the thing which the Lord hath not spoken, the prophet hath spoken it presumptuously, thou shalt not be afraid of him" (Deut. 18.2122). Therefore, if a man, fit for prophecy, come as a messenger of the Name, and he comes not to add to nor diminish from but to advocate the service of God according to the commandments of the Torah, it is not said to him: "Divide the sea before us, or resurrect the dead, or perform like miracles, and then only shall we believe in thee". But it shall be said unto him: "If thou be a prophet, fortell things which are to come to pass". If he, indeed, foretells, we wait to see whether his words will come to pass or whether they will not come to pass, when, if even a minute detail be wanting it is certain that he is a false prophet. But if all of his words come to pass, he must be in our eyes trustworthy.

The examination must be continued many times; if all of his words be found true, lo, this is a true prophet, as it is said of Samuel: "And all Israel from Dan even to BeerSheba knew that Samuel was established to be a prophet of the Lord" (I Sam. 3.20).

Are not the necromancers and astrologists foretelling what is to come to pass, what, then, is the difference between a prophet and such as they Forsooth, necromancers, astrologists and their like, some of their words are established and some of their words are not established, as the subject is spoken of: "Let now the astrologers, the stargazers, the monthly prognosticators, stand up, and save thee from some of the things that shall come upon thee" (Is. 47.13); of some of the things are spoken, but not of all of the things, because they are not capable to foretell all of the things. Moreover, it is possible, too, that none of their words be established, for they may entirely be misled, as the subject is spoken of: "That frustrateth the tokens of the imposters, and maketh diviners mad" (Ibid. 44.25). But as for the prophet, all of his words are established, as it is said: "Know now that there shall fall unto the earth nothing of the word of the Lord" (II Kings 10.10); again it is said: "the prophet that hath a dream, let him tell a dream; and he that hath My word, let him speak My word faithfully, What hath the straw to do with the wheat saith the Lord" (Jer. 23.28), meaning that the words of astrologers and dreamers are likened to straw wherein there was mixed a few grains of wheat, but the word of the Lord is like unto wheat wherein there is no straw at all. Herein the Verse gave assurance saying, that as for the things that the necromancers and astrologers foretell falsely to the nations, the prophet will inform you in true words, and you have no need for necromancer, or astrologer, or his like, as it is said: "There shall not be found among you anyone that maketh his son or his daughter to pass through the fire, one that useth divination, a soothsayer, or an enchanter, or a sorcerer, or a charmer, or one that consulteth a ghost, or a familiar spirit, or a necromancer . . . For these nations, that thou art to dispossess, hearken unto soothsayers, and unto diviners" (Deut. 18. 10. 11. 14); and it is then said: "A prophet will the Lord thy God raise up unto thee" (Ibid. 15). Herefrom you learn that the presence of a prophet among us is for no other purpose save that of foretelling things that are to come to pass in the world such as plenty, famine, war, peace and like matters. For, even of private matters he is informed. For instance, Saul when he sustained a loss he went to a prophet to inquire for its whereabouts.¹¹ Samuel, 9.19. G. Similar matters to these the prophet may tell, not to create another religion, or add a commandment, or diminish.

Concerning a prophet's prediction of calamities, such one would die, or such year would be visited by famine, or war, or matters similar to these, even though his words be not established, it is not considered contradictory to his prophecy. It shall not be said: "Behold, he spoke and it did not come to pass!" For, the Holy One, blessed is He! is longsuffering and abundant in goodness, and repenteth Him of the evil, and it is possible that they repented and were forgiven, as did the inhabitants of Nineveh,²Jonah, 3. 58 G. or that their fate was postponed, as was with Hezekiah.³Isa. 38; 11 Kings, 20.6 G. But if he assured that good would come to pass, saying that it would be thus and such, but the good he promised did not come to pass, it is certain that he is a false prophet, for every good thing God decides upon, even though it be contingent, He doth not repent. And, we find no instance when He repented from a good thing save only at the destruction of the First Temple, when he assured the righteous that they would not die together with the wicked and retracted it, as it appears in Tractat Shabbat⁴Shabbat, 55a. Because the wickedness was great, and the righteous did not sufficiently rebuke the evildoers. See Shabbat, 119b. G.. Herefrom we learn that a prophet is tested solely by his prophecy concerning good tidings, which is in harmony with what Jeremiah said in his reply to Hananiah son of Azzur, when Jeremiah was prophesying evil tidings and Hananiah good, saying unto him: "If my words will not be established, it would yet not be evidence that I am a false prophet; but if thy words be not established it will be proclaimed that thou art a false prophet". For it is said: "Nevertheless hear thou now this word that I speak in thine ears, and in the ears of all the people: The prophets that have been before me and before thee of old prophesied against many countries, and against many kingdoms, of war, and of evil, and of pestilence; the prophet that prophesieth of peace, when the word of the prophet shall come to pass, then shall the prophet be known, that the Lord hath truly sent him" (Jer. 28.79).

A prophet of whom another prophet testified that he is a prophet, behold, he is an established prophet and he needs no further test; for, behold, Moses our Master vouched for Joshua and all Israel believed in him before he ever delivered a token, so must it be throughout the generations. A prophet whose prophecy had already been proclaimed, and whose words were believed time after time, or if another prophet gave testimony concerning him, and he continued to follow the paths of prophecy, must not be looked upon with suspicious thoughts, or question the truth of his prophecy. And it is forbidden to test him more than necessary, or go on testing him forever for, it is said: "Ye shall not try the Lord your God, as ye tried Him in Massah" (Deut. 6.16), when they said: "Is the Lord among us, or not" (Ex. 17.7). But, since a prophet is proclaimed they should believe and know that God is among them, and not suspect nor

whisper behind his back, as it is said concerning the subject: "Yet shall they know that there hath been a prophet among them" (Eze.2.5).

Human Dispositions

Chapter 1

Each and every one of the sons of man has many innate tendencies which differ one from the other and which are extremely afar. There is one man of a feverish temperment, constantly vexed, and there is another man of a calm disposition, without angry moods whatever, and if he does show anger it is but one bit of anger in many years; one man is overmuch supercilious, and another man is extremely unobtrusive; one is sensual, whose being is never stilled by the pursuit of propensity, and one is so purehearted that he feels no craving even for the barest necessities of the body; one's being is so greedy that the world's money will not satisfy him, as the subject is spoken of: "He that loveth silver shall not be satisfied with silver" (Ecc. 5.10); and one's being is so restrained that he considers enough even part of the little which is insufficient for his need and he will not pursue to attain all needs; one suffers hunger in his effort of hoarding and does not eat a cent's worth of his own without great torture to himself, and another wastes his money with his own hand deliberately. And of such ways are all the rest of the tendencies, as the optimist and pessimist, miser and philanthropist, cruel and merciful, coward and stouthearted and the like.

And there are between each and every extreme tendency of an opposite vein mean tendencies one distinct from the other. Pertaining to tendencies in general, there are such tendencies which a man acquires at his birth, in keeping with the nature of his body; and there are particular tendencies to which a particular person is by nature prepared to acquire them more aptly than other tendencies; there are among them such which do not come naturally to a person at his birth, but which he learns from others, or by leaning towards them as a result of a thought invented by his heart, or by having heard that this particular tendency is good for him and proper to follow it, and he did follow it until it was set in his heart.

The two extremes in each and every tendency is not a good way, and it is not proper for a man to follow them, nor to have himself instructed in them. If one finds his nature leaning toward one of them, or susceptible to one of them, or if he already acquired one of them and followed it, he should turn himself toward goodness by following the path of the good which is the straight path.

The straight path is the mean disposition found in each and every tendency of all the human tendencies. Such tendency is removed from both extremes an equal distance, and is not nearer to one than to the other. Therefore have the wise men of yore commanded that man should ever review his tendencies,¹Sotah, 5b. C. estimate them, and direct them toward the middlepath so that he will be sound in body. How may one do it He should not be an excitable person, easily angered; nor like the dead without feelings, but adopt a middlecourse, not to become indignant, save only at something big which is worthy enough to be angry at, so that the like should not be done another time. Likewise shall he not crave for aught save the things which the body requires, and without which it is impossible to be, as the subject is spoken of: "The righteous eateth to the satisfying of his soul" (Pro. 13.25). Likewise shall he not continue to fatigue himself in his affairs, save to acquire what is necessary for him to live on for the time being as the subject is mentioned, saying: "A little that a righteous man hath is better" (Ps. 47.16). He should not be too closefisted, nor yet squander his money, but give Z'dakah within the means of his hand, and lend accordingly to the needy. He should not be too optimistic and playful, nor too pessimistic and mournful, but spend all of his days in good cheer and with a pleasant countenance. So should he measure all the rest of his tendencies. And this path is the path of the wise men. Every man whose tendencies are mean tendencies of the middlecourse, is called wise.

One who controls himself with increased restrictions, and distances himself even from the mean tendency,²Shabbat, 3031. G. a little one way or a little the other way, is called devout. How may one do it One who will distance himself from the extreme point of arrogance and become exceedingly humble is called devout for, this is the tendency of piety. If one distances himself to the mean point only and practices meekness he is called a wise man for, this is the tendency of wisdom. A like pathway exists in all the rest of the tendencies. The ancient devotees diverged their tendencies from the middlepath facing the two extremes; some tendency they bent opposite to the last extreme and some tendency they bent opposite the first extreme. This is more than being within the limits of the law.³Baba Mezia 30a. G. As for us, we are charged to walk in these middlepaths, which are the good and straight paths, even as it is said: "And thou shalt walk in His ways" (Deut. 28 9).

In explaining this commandment the sages taught thus: Even as He is called gracious, be thou gracious; even as He is called merciful, be thou merciful; even as He is called holy, be thou holy.⁴Shabbat, 133b.; Sotah, 14a. C. In this wise did the prophets attribute to God all such terms as longsuffering, abundant in beneficence, just and right, perfect,

mighty and powerful and others like these, to proclaim that they are good and straight paths, and that man is obligated to lead himself in them, and to be like unto Him in proportion to his power.

And how may a man inure himself in these tendencies so that they be permanent with him? He should try once, repeat it, and do a third time the things he is called upon to do in harmony with the tendencies of the middlecourse, and repeat the practice continuously until the doing it will be accomplished with slight effort, and they will not be burdensome upon him, then will the tendencies be a fixed part of his being. And because the Creator is termed by these attributes which are the middleway, this way is called the Lord's way. And, it is even in this that Abraham our father instructed his sons, saying: "For I know him, that he will command his children and his household after him, that they shall keep the way of the Lord" (Gen. 18.19). And he who walks in this way brings goodness and blessing upon himself, even as it is said: "In order that the Lord may bring upon Abraham that which He hath spoken concerning him" (Ibid.).

Chapter 2

To the physically sick the bitter tastes sweet, and the sweet bitter. Of among the sick there may be one who craves and desires food which is unfit for consumption, for instance, dirt and coal, and despises good food such as bread and meat, according to the seriousness of the disease. Even so are people whose souls are sick; they desire and love the evil tendencies, and hate the good way, and are lazy to follow it, for it becomes a very heavy load upon them, in proportion to their ailment. Even so does Isaiah speak of such people: "Woe unto those that say of the evil it is good, and of the good it is evil; that put darkness for light, and light for darkness; that put bitter for sweet, and sweet for bitter" (Is. 5.20). Respecting their like it is said: "Who leave the path of uprightness, to walk in the ways of darkness" (Prov. 2.13). And what is the corrective measure for the soulsick? Let them go to the wise who are doctors of the souls and they will heal their disease with tendencies wherein they will instruct them until they will bring them back to the right way. And they that are conscious of their evil tendencies and do not go to the wise to be cured by them, concerning them Solomon said: "Wisdom and instruction fools alone despise" (Ibid. 1.7).

And how may their cure be? He who is of a hot temperment should be taught to demean himself this wise: If he be smitten and cursed, he must not feel the insult at all. and follow this way a long time until anger will be completely rooted out from his heart. And he who was arrogant should accustom himself to a life of extreme selfabasement by occupying the lowermost seat of everybody, and dress in such rags which shame those that wear them, and do such in like matters until the haughtiness of his heart will be rooted out of him, when he will return to the middleway, which is the good way. But when he will return to the middleway he should follow it throughout his lifetime. And this line he should follow in all the rest of his tendencies; if he had distanced himself to the extreme point of one he should remove himself to the extreme end of the other and follow it up a long time until he may return to the good way, which is the middlestandard in each and every tendency.

And, yet, there are certain tendencies which man is forbidden to follow in the middleway, but must distance himself from extreme to extreme. The good way is not merely that man be meek, but that he should be humblespirited, then his spirit will be extremely lowly. This is the reason why it is said of Moses that he was very meek (Num. 12.3) and not merely meek. This is also the reason why the sages commanded saying: "Be exceedingly humble of spirit" (Pir. Ab. iv. 4). They, moreover, said: "He who is of a haughty heart denies the head principle" (Sotah, 4b), even as it is said: "Thine heart be then lifted up, and thou forget the Lord thy God" (Deut. 8.14); and they also said: "Isolated be he in whom there is a haughty spirit, even a little thereof" (Sotah. 5a). So is anger an extremely evil tendency and it is proper for man to remove himself from it to the other extreme. One should teach himself not to get angry, even over a matter which befits anger. If one desires to engender awe in his children and his household, or in the public, if he be at the head of a community, even if he desire to get angry at them so as to bring them back to the good way, he should only act angry in their presence so as to reprove them, but his disposition must remain calm within himself, even as a man imitates, who is angry when the time calls forth anger but in reality he is not angry. The sages of yore said: "He who yields to anger is as if he worshiped idolatry".¹ See Nedarim, 22b. G. They also said: "Whosoever yields to anger, if he be a wise man his wisdom leaves him, and if he be a prophet his prophecy leaves him."² Pesachim, 66b. C. Verily the life of irritable persons is no life.³ Ibid. 113a. C. They have, therefore, commanded to be afar from anger, so that one will train himself not to mind even the things which do cause irritation, for such is the good way. The conduct of the just is to take insults but not give insults, hear themselves flouted but make no reply, do their duty as a work of love, and bear affliction cheerfully. Concerning them the Verse says: "But may those that love Him be as the rising of the sun in his might" (Judg. 5.31).

Ever let man multiply silence, and not speak aught else save in a matter of wisdom or of things which he needs for the

sustenance of life in his body. Of Rab, the disciple of our Holy Master, it was said, that he never in his life uttered idle talk. Caro contradicts the text here, saying: I found in Sukkah, 28, that this distinction was attributed to Rabbi Johanan, but about Rab I DO not now know where to locate such statement. The text is correct, as Maimonides only quotes references which are laws of conduct and not sermons. See Yoma, 19b about the name Kaputal and Kabutal. G.. Verily, such is the talk of a majority of the people, whereas, even of the necessities of the body man should not multiply words. Concerning this the sages admonished, saying: "Whosoever propogates words generates sin" (Pir. Ab. 1.17). And they, moreover, said: "I found nothing better for the body than silence" (Ibid). Likewise in words of Torah and in words of wisdom shall man's words be few but the thought therein sagacious, which is what the sages charged saying: "Ever let the master instruct his disciples concisely" (Hullin. 63b). But if the words be many and their meaning insignificant it is but stupidity, concerning which it was said: "For a dream cometh through a multitude of matter, and the voice of a fool cometh with a multitude of words" (Ecc. 5.3).

Silence is the boundary of wisdom; therefore shall one not reply in haste, and not propogate speech. One shall instruct his disciples with forbearance and calmness, without vociferation and without circumlocution. That is what Solomon said: "The words of the wise men, spoken quietly, are heard" (Ibid. 9.17).

It is forbidden for man to demean himself by the use of the language of flattery and allurement; and he shall not be one thing with his mouth and another with his heart; but his inner and outer being must be the same, for the subject of the heart is the matter of the mouth. And, it is forbidden to steal the mind of people, even the mind of the alien. For example One shall not sell to an alien meat of a beast that died of itself or that was improperly slaughtered (Nebelah) and represent that it was meat of an animal that was slaughtered properly; or shoes of the hide of a beast that died of itself and represent that it was of a slaughtered beast; one shall not urge his friend to dine with him, when he knows that he would not eat; nor overburden him with offerings when he knows that he would not accept; nor open a barrel, which he must open for his trade, to talk in his friend that he opened it in his honor, and so other like deceptions. Even one word of allurement and stealing of mind is forbidden. But man must be of true lip, steadfast spirit, and pure heart, free from all travail and clamor.⁵ Hullin, 94a. C.

Man shall not be frivolous and sarcastic, nor sad and pessimistic, but of good cheer. Thus said the wise men: "Frivolity and lightheadedness train man for prostitution" (Pir. Ab.3). And they have commanded: Man shall not be boisterous in laughter, nor sad and forlorn, but receive every person with a kind expression upon his face.⁶Pir. Ab. 1.15.C And so should he not be a man of an overambitious soul rushing for wealth, nor despondent and idle from work; but a being with a goodly eye, engage in affairs but little and be occupied in the study of the Torah, and in that little portion of his he shall rejoice. He shall not be contentious, envious, covetous or vainglorious. Thus have the wise men said: "Envy, covetousness, and vaingloriousness remove man from life" (Pir. Ab. 4.25). As a general rule of the matter he should follow the tendency of the middlecourse of each and every disposition to the end that all of his tendencies will be firmly in the center, which is as Solomon said: "Balance well the track of thy foot, and let all thy ways be firmly right" (Prov. 4.26).

Chapter 3

Peradventure man will say: Seeing that envy, desire and vainglory and like tendencies are evil tendencies and remove man from life, I will separate myself from them exceedingly and reach their remotest extreme. Until he will eat no meat, drink no wine, marry no woman, dwell in no comfortable quarters, dress in no proper clothes but in a sack and coarse wool, and the like, as for instance the idolatrous priests do. Even such is an evil way, and it is forbidden to follow it. He who follows this way is called a sinner, for it is said of a Nazarite: "And make an atonement for him, because he hath sinned against the soul" (Num. 6.11), whereupon the sages said: "If the Nazarite, who did not separate himself from aught but wine must have atonement, he who deprives himself from each and every thing how manifold must his atonement be" (Baba Kama. 91b)!¹See Taanit, 11a. G. Therefore did the sages command, saying: A man shall not deprive himself of ought save the things which the Torah itself deprived him of; nor shall he bind himself by vows and oaths to abstain from things which are permitted. They have even said: "Is it not enough for thee what the Torah has forbidden, that thou doest forbid thyself even other things" (Yeru. Nedarim. 7.37) And in this rule are included such who are continuously fasting, for they are not in the good way, and the sages prohibited one from punishing himself with fast days. Concerning such and like matters Solomon admonished saying: "Be not righteous overmuch; neither show thyself wise; why wouldst thou destroy thyself" (Ecc. 7.16).

It is necessary for man to set his heart and all his efforts solely to know the Name, blessed is He! so that his sitting down, his rising up and his speech shall be facing this goal. How may he accomplish it When he will buy, or sell, or do work for wages, he should not have in his heart the accumulation of money only but he should perform these duties

as a means to acquire the necessities of the body, as food, drink, dwellingplace and marriage; likewise when he will eat, drink, or lead a family life, he should not set his heart upon these things for the sole enjoyment thereof, until, as a consequence he will not eat and drink save that which is sweet to the palate, and marry to gratify his sensuality only. But he shall set his heart to eat and drink solely in order to keep his body and limbs in good health. He, therefore, should not eat everything his palate craves for like a dog or an ass, but partake of the things which are wholesome to the body whether bitter or sweet; and he shall not eat food which is bad for the body even though it be sweet to the palate. For example One whose body was feverish shall not eat meat, nor honey, and drink no wine, as the subject was proverbially expressed by Solomon: "To eat too much honey is not good" (Prov. 25.27); he should rather drink cichorium intybus, even though it is bitter, as a consequence whereof he will eat and drink solely as a remedial means so that he may become healthy and stay healthy, seeing that it is impossible for man to sustain life save by food and drink. Likewise in connubial relation there shall be no coition save when it is of benefit to health, or to sustain species. One should, therefore, not yield to every urge, save when knowing that emission of semen is a helpful means medically or to sustain species.

He who follows the medical directions, but sets his heart merely to keep his body and limbs healthy and beget children to do his work and strive for his needs, such is not the good way. But he should set his heart to have a sound and strong body so that his soul be tranquil to acquire the knowledge of the Lord; for, it is impossible that one should comprehend and improve himself in scholarship when he is hungry, or sick, or when one of his limbs pains; but he should set his heart to have a son who, perhaps will be a great sage in Israel. Consequently, one who follows such way all of his life, is constantly in God's service, even when he is buying and selling, even when he performs the grossest duty, seeing that his thought beneath it all is to find enough to satisfy his wants, so that his body be sound, ready to serve God. Even when one sleeps, if his sleep be purposeful so that his mind be rested, and rests his body so as to prevent himself from becoming sick and be unable to serve God as a result of sickness, it will be found that even his very sleep is part of his service to God, blessed is He! And on this subject the sages commanded and said: "And let all thine actions be with devotion to the Name of God" (Pir. Av. 2.17); and, concerning this Solomon in his wisdom said: "In all thy ways acknowledge Him, and He will make level thy paths" (Prov. 3.6).

Chapter 4

Seeing that the maintenance of the body in a healthy and sound condition is a Godchosen way, for, lo, it is impossible that one should understand or know aught of the divine knowledge concerning the Creator when he is sick, it is necessary for man to distance himself from things which destroy the body, and accustom himself in things which are healthful and lifeimparting. These are: never shall man partake food save when hungry, nor drink save when thirsty; he shall not defer elimination even one minute, but the moment he feels the need to evacuate urine or feces he must rise immediately.

Man shall not eat his stomachfull, but should reduce about one fourth of the quantity which would sate him; nor shall he drink water during the meal, save a little mixed with wine; but when the food will commence to be digested in his bowels, he may drink whatever quantity he needs, nevertheless, he should not drink overmuch water even after the food was digested. He shall not eat before a thorough examination of self whether there is a need for elimination. Man shall not eat without warming his body either by walking before mealtime, by some manual labor, or by some other form of exercise which will tire him. As a general rule, he shall exercise his body and tire it every day during the morning so that it will commence to perspire, when he shall rest a little until his spirit will be calm then eat. If he take a warm bath after hard exercise it is still better, after which he should rest a little then eat.

Ever after a man eats, he should remain for a time sitting in his place, or leaning on his left side; he shall not walk, ride horseback, tire himself, exercise his body, or ramble about ere the food in his stomach is digested; and he who does ramble about or tires himself after eating invites upon himself bad and serious ailments.

The day and the night consist of twentyfour hours. It is enough that a man should sleep a third of it, which is eight hours. But it should terminate at the end of the night, so that from the time he commences his sleep till sundown will be eight hours. As a consequence whereof he will arise from his bed before sunup.

Man shall not sleep with his face downward, nor with his face upward, but on his side; at the beginning of the night on his left side, and at the end of the night on his right side. He shall not sleep immediately after meals, but wait about three or four hours after eating. He shall not sleep in the daytime.

Things which soften the bowels, as grapes, figs, morus nigra, pears, cucumis melo, cucumis sativus, or cucurbita,

man shall eat before partaking of the principal dishes, and not mix it with the other food, but wait a bit till it leaves the esophagus, then take his meal; and things which stiffen the bowels as pomum granatum, quince, apples, or persicum he may eat right after the meal. But of these he should not eat in large quantities.

When man desires to have fowl and beef in one meal, he should eat the meat of the fowl first; eggs and poultry in one meal, he should eat eggs first; meat of the flock and meat of the herd in one meal, he should eat the meat of the flock first; he should ever eat the lighter food first and the heavier food last.

During the summer season he should eat his food cold, and not much spices, and partake of vinegar; during the rainy season he should eat his food warm with a liberal dose of spices therein, and partake of some mustard and asafetida. And, in this way he may continue to do in cold zones and in warm zones, in each and every place that which is fit for it.

There are some extremely bad foodstuffs and it is proper that man should not eat them at any time. For instance, the large, salted, old fishes; or stale, salted cheese; or cummin and mushrooms; or old, salted meat; or unfermented wine; or stale odorous victuals; and likewise all kinds of food of a bad smell, or of extremely bitter taste, are to the body like poison. And there are some foodstuffs, while bad, are not as deadly as the former; it is, therefore, advisable for man to partake of them but little, and at long intervals; nor shall he accustom himself to make of them his staple food, or to partake of them constantly along with his staple food. For instance, large fishes, cheese, or milk older than twentyfour hours; meat of big oxen and big rams; beans, lentils, pease, bread made of barley, unleavened bread, cabbage, leek, onions, garlick, mustard and raddish are all bad food, and it is inadvisable for man to partake of these save only a very small quantity, and during the rainy season only. But during the summer season he should not eat of them at all, save, however, beans and lentils are unfit to eat, neither in summer season nor in rainy season. Pumpkins should be eaten during the summer season.

There are still other foodstuffs which are bad, but not as bad as these. They are: water fowl, young pigeons, dates, bread toasted in oil, or bread kneaded in oil, fine meal wherein no trace of bran was left, brine and herringbrine. Of these it is unfit to eat much. A wise man, who can control himself, and not be carried away by his desires, who would not eat of the named foodstuffs altogether, save when he needs them as a drug, behold, he is a strong man.

Man should ever avoid himself from fruits of trees, surely not to partake overmuch thereof, even dried, not to mention fresh; but unripe fruits are daggers to the body. Likewise are Carobs ever bad to eat. And all citrous fruits are bad, and must not be eaten but in small quantities during the summer season, or in warm zones. But figs, grapes and almonds are ever good to eat, whether dry or fresh; of them man may eat all he is in need of, but he should not make them part of his diet permanently, notwithstanding that they are better than all other fruits of the trees.

Honey and wine are bad for the young but good for the old, particularly in the rainy season. A man needs during the summer season but twothirds of the food he consumes during the rainy season.

Man should ever endeavor to have his bowels soft, near a bit to looseness. Here is a general rule in medicine: As long as there is either complete constipation or the voiding comes with great effort, it is a warning of impending serious ailments. What with shall man cure his bowels if they be somewhat constipated If he be young, he shall eat every morning salted things, scalded, spiced with olive oil, brine and salt, but without bread; or drink hot extract of spinach, or of Carob mixed with olive oil, brine and salt; if he be old, he should drink in the morning honey in warm water, and wait about four hours, then he may eat his breakfast; this way he shall continue one day or, if needed, three or four days, until his bowels will become soft.

And yet another rule was laid down with respect to the health of the body; As long as a man works, and tires himself out to the extreme, and does not eat to his full satiety, and his bowels are soft, no ailment will visit him, and his strength will increase, even though he partakes of foods which are considered bad.

But whosoever sits idle and takes no exercise, or who withholds eliminations of his bowels, or whose bowels are constipated, even though he will eat only good food and keep himself up after the prescribed medical rules, he will suffer pain all his life, and his strength will fade away. Ravenous eating is as deadly to the body of every man as poison, and is the base of all sickness; for, most diseases which visit man are not possible save either because of bad food, or because he fills up his bowels with overmuch food, even though the food be of good quality. Concerning this Solomon in his wisdom said: "Whoso guardeth his mouth and his tongue guardeth his soul against distresses" (Prov. 21.23), meaning, that whoso guards his mouth against bad food and ravenous eating, and his tongue from speaking aught but of the things he needs, guards his soul against distresses.

The way of proper bathing: A man should bathe once every seven days, but never at mealtime, nor when hungry, only when the food will commence to be digested. His whole body one should wash in warm water of a temperature which does not scald the body; save the head on which he may use water of a temperature which would scald the body. Then he should wash his body in lukewarm water, then in water of a temperature lower than that, until he should finish washing his body in cold water. But upon his head he shall use neither lukewarm nor cold water. During the rainy season he should not bathe in cold water. He should not bathe before he will perspire and tire out his whole body; neither should he remain long in the bathhouse, but as soon as he will perspire and tire his body he should wash freely and depart. He should examine himself before he enters the bathhouse and after his departure if there be a need for elimination of the bowels. Likewise one should examine himself that way continuously before and after meals, before and after coition, before and after exercise, before and after sleeping, totaling ten times.

On leaving the bathhouse he should dress and cover his head in the outer room, so as not to expose himself to a draft, the precaution being necessary even during the summer season. After he departs from the bathhouse he should linger a while till he be composed in spirit, and rested in body, and be rid of the warmth, after which he may eat. If he sleep a while, after leaving the bathhouse, before he partakes of a meal, it is very good. He should not drink cold water immediately after leaving the bathhouse, needless to say that he should not drink while in the bathhouse. If he be thirsty when leaving the bathhouse, and is unable to restrain himself he should mix the water with wine or honey and drink. If he massaged himself with oil while in the bathhouse, in the rainy season, after taking a plunge, it is wholesome.

Man should not make a constant practice of bloodletting, and he should not let blood save when there is an extraordinary need for it. He should not let blood either during the summer season or during the rainy season, but a little in the spring (during the days of Nisan) and a little in the fall (during the days of Tishri). After his fiftieth year he should never let blood. Neither shall he let blood and go to a bathhouse on the same day, nor let blood and start on a journey, nor on the day he returns from a journey; and on the day of bloodletting he should eat and drink less than his accustomed portion. On the day of bloodletting he should rest and not tire himself, nor take exercise, nor walk about.

Semen is the vigor of the body, its very life, and the light of the eyes, and its too frequent emission sets decay in the body, wastes its strength, and ends life itself, which is as Solomon in his wisdom said: "Give not unto women thy vigor" (Prov. 31.3). Whosoever indulges in sensuality ages before his time, his strength fails him, his eyes become dim, a foul odor issues from his mouth and from underneath his arms, the hair of his head, eyebrows, and eyelids fall out; the hair of his beard, under his arms and his feet grow heavier, his teeth fall out, and many more ailments besides these come upon him. Doctors of medicine said: "One in a thousand die of other diseases, and the rest of the thousand from overindulgence of sex. Therefore, must man be careful in this matter, if he desires to lead a good life. He should not yield to an urge save if his body be in good health and exceedingly vigorous, with involuntary erection despite diversion, and a pressure on the genitocrural arteries accompanied by warm wave over his body, when there is a hygienic need of relief. But he should not still an urge when sated and not when hungry, but after the food in his bowels be digested. Care should be taken, before and after, whether there is a need of elimination. Neither standing nor sitting; neither in the bathhouse nor on the day of bathing; neither on the day of bloodletting nor on the day of departing for or returning from a journey; neither preceding nor following all these.

Whosoever trains himself in these ways which were pointed out, I assure him that he will encounter no sickness all of his days, until he will die of old age; he will need no doctor; his body will be sound and well preserved throughout his life, unless his body be bad from its very formation or if there be a visitation of a pestilence or famine upon the world.

But all of the aforesaid good rules none but the healthy should follow. One who is sick, or he who has a diseased limb, or one who followed bad habits for many years, for each of such there are different ways of cure and rules of conduct, according to the nature of his ailment, as it is more clearly stated in the book of medicine. As a rule a change in routine of life is the germ of disease.⁴Baba Batra, 146; Ketubot 112. G.

Wherever there is no doctor of medicine to be found, whether one is healthy or whether one is sick, it is not advisable for any one to deviate from the rules of conduct laid down in this chapter, for each of these leads to a good goal.

In any city where these ten conveniences are not found a disciple of the wise is not permitted to live: a physician, a surgeon, a bathhouse, a comfortstation, running water, as a river or spring, a house of worship, a school teacher, a recorder, a collector of charity, and a tribunal with police powers.¹Sanhedrin, 17. C. G.

Chapter 5

Even as the wise man is recognized by his wisdom and ideas, whereby he is distinguished from the rest of the public, so it is necessary for him to be distinguished in his conduct, eating, drinking, sexual relations, elimination, speech, rendezvous, dress, temperate in words, and in his business relations. All these deeds should be aesthetic and exceedingly cultured. A disciple of the wise must not be voracious, but eat proper food to strengthen his body; but even of such food he shall not partake a large quantity, nor be after eating in order to have a full stomach, as those who fill themselves up with food and drink until their bellies swell, concerning whom it is traditionally commented saying: "And I will spread dung upon your faces" (Mal. 2.3) refers, according to the sages, to those people who eat and drink and act as if determined to make of their lives a continuous feast.²Shabbat, 15G. And, it is they that say: "Let us eat and drink, for tomorrow we must die" (Is. 22.13), which typifies the way wicked people eat, and it is such festive tables which were shamed in the verse saying: "For all tables are full of vomit, of filthiness, there is no place clean" (Ibid. 28.8). But the wise does not eat save one or two dishes, and of that he eats only enough to sustain his life and is satisfied, which is as Solomon said: "The righteous eateth to satisfy his soul" (Prov. 13.25).

When the wise eats the little that is proper for him, he should not eat it elsewhere than in his own house, at his own table. He should not eat either in a restaurant or on the street, unless because of an extreme need, so that he be not dishonored before people; nor should he eat together with the uncivilized, and indeed, not at those tables which are filled with vomit filthiness; nor should he take his meals too frequent in outside places even in company of the wise.³Pesahim, 49. C. He should not eat at banquets where the gatherings are large. It is improper for him to eat in public, save at a mandatory feast, such as feasts of engagements and weddings, and then only when a disciple of the wise takes to wife the daughter of a disciple of the wise. The righteous and the pious of yore never partook of a meal which was not of their own.⁴Hullin, 7. C.

When the wise drinks wine he partakes only enough to moisten the food in his bowels; but whosoever intoxicates himself is a sinner, contemptible, and brings about the loss of his wisdom. If he intoxicates himself in the presence of the uncivilized, behold, this one blasphemed the Name. It is forbidden to drink wine at noon, even a small quantity, save it be included in the meal; for, drink which is part of the meal is not intoxicating. However, no warning is needed, save from wine after meals.⁵T. Y. Pesahim, 37. G.

Though one's wife is ever lawful to him, it is proper that a disciple of the wise should demean himself with sanctity, and not be like a rooster;⁶Berakot, 22a. G. a Sabbath to Sabbath visitation,⁷Ketubot, 62. C. if there be no physical reason to the contrary, not in the beginning of the night⁸Nedarim, 20; Niddah, 16. C. G. when in a state of satiety, nor at the end of the night when hungry, but about midnight after the food in his bowels be digested, unaccompanied by either exceeding boisterousness or profanity of mouth with vain words, even between themselves. Behold, it is traditionally said that the Verse, "And he declareth unto man what his language is" (Amos. 4.13), the sages interpreted: "Even on account of indecent conversation a man carries on with his own wife, he will have to render an accounting" (Hegigah. 5b). Both of them shall not be intoxicated, nor sluggish, nor in mourning; nor either of them in such state; nor when she be asleep, nor by overpowering her contrary mood; but with the consent and happy mood of both, with few pleasant and lighthearted words to please her being, stilling his urge diffidently and not impudently and dissociate immediately.

He who follows such conduct will not only sanctify his soul, and live in a state of purity, and improve his ideas, but if he will father children they will be refined and modest, prepared for wisdom and piety; but he who follows the conduct of the rest of the people who walk in darkness will father children in their likeness.

The disciples of the wise conduct themselves with an abundance of privacy. They should not degrade themselves; and they should not uncover their heads and not their bodies. Even when entering a lavatory he should act decently, not to bare himself before sitting down nor use his right hand to dry himself, and remove himself from every human being and use an inner room, or an inner cave, and if it be behind a trench he should distance himself so that his neighbor will not hear him, and if it be on a plain, distance himself so that his neighbor will not see him; and not talk when voiding even if there be great need. And, in the selfsame decent manner he follows by day he should follow by night; but one should train himself to have elimination morning and evening, to avoid the need of distancing himself.⁹Berakot, 62; Horayot, 13; Tamid, 27; Shabbat, 82. C. G.

A disciple of the wise should not be noisy and loud like cattle and animals when talking, nor even raise his voice overmuch, but converse calmly with all people; nevertheless, in speaking calmly he should not overdo it lest he resemble the overpoliteness of the arrogant. He should be first to greet every person, so that their spirit be pleased with him. He should judge every person favorably, telling the praiseworthy things about his friend and not at all about

the blameworthy things; love peace and pursue it. If he can see his words acceptable he may speak, if not he should be silent. For instance He should not appease his friend when the latter is moody; nor question him concerning his vow at the time the vow was made, but wait until his friend's mind will be composed and collected; he should not offer condolence while the remains of the deceased are in the presence of his friend, because he is upset until after the remains are buried, and so in other matters of a like delicate nature. He should not call upon his friend while the latter is down through a failing, but keep his eye off of him. He should not change his word, nor add to or diminish from it, unless it be for the sake of peace and similar worthy objects. As a general rule, he should not speak much else save words of wisdom, or charity and the like. He should not carry on a conversation with a woman on the street, even though she be his wife, or his sister, or his daughter.¹⁰Yoma, 86a; Kiddushin, 70b; Yebamot, 65a; Pirke Abot, 1; Ibid. 4; Berakot, 43a; Ibid, 48. C. G.

A disciple of the wise shall not walk about with his head high up in the air and neck stretched out, the subject of which was denounced, saying: "And they walk with stretched necks and wanton eyes" (Is. 3.16); nor overslow as bringing heel to toe like some women and the arrogant, the subject of which was denounced, saying: "Walking and measuring as they go, and making a tinkling with their feet" (Ibid.); nor run about after the fashion of the mad, nor bent as if hunchbacked, but looking downward as if in praying position, and as if occupied and going on some errand of business. Even from the way a person walks it is apparent whether he is wise and sensible or foolish and imprudent. For even so did Solomon in his wisdom say: "Yea also, when a fool walketh by the way, his understanding faileth him, and he saith to every one that he is a fool" (Ecc. 10.3), meaning that he himself proclaims to everybody that he is a fool.¹¹Berakot, 43b. C.

The disciple of the wise should wear becoming and clean clothes, and it is forbidden to have a spot or grease or anything of a like unclean nature, found upon his garment. He should not wear clothes fit for a king such as trimmed with gold or purple which attract everybody's gaze, nor the clothes of a pauper which put the wearer to shame, but average garments of becoming style. He should not wear transparent garments as, for example, garments made of very fine linen which are made in Egypt; nor should they be too long, trailing upon the ground, like the garments of the arrogant, but it may reach to the heel, and the sleeves to his fingertips. He should not permit to trail his fringed garment, as it appears arrogant, save only on the Sabbath, if he has no other to change. He should not wear patchedup shoes, patch upon a patch, in summer time; but in winter time it is permitted if he be poor. He should not go out on the street perfumed, nor with perfumed garments, nor put perfume in his hair; but if he puts perfume upon his skin to remove perspiration there is no rule forbidding it. Likewise should he not go out alone at night, unless he had set a specified time to go out to his studies. All these ethical rules are so as not to cast any suspicion upon the disciples of the wise.¹²Hullin, 91b; Pesahim 112a; Berakot 45b C. G.

A disciple of the wise adjusts his affairs judiciously: he eats, drinks and supports his family within his capital and material success; but he should not overburden himself more than necessary. The wise men command a worldly custom that a man should not eat meat save when craving it, even as it is said: "Because thy soul desireth to eat flesh" (Deut. 12.20). It is enough for a healthy person to eat meat from Friday night to Friday night. If, however, he be rich enough to eat meat daily he may eat. The wise men commanded and said: "Ever let a man eat less than what his financial means allow, dress within his means, but honor his wife and children with more than his means allow".¹³Hullin, 84b. C.

The way of sensible people: A man should first select a permanent vocation out of which to derive a livelihood, then buy a home, and after that take unto himself a wife, as it is said: "And what man is there that built a new house and hath not dedicated it, And what man is there that hath planted a vineyard, and hath not used the fruit thereof, And what man is there that hath betrothed a wife and hath not taken her". (Deut. 20.57).¹⁴The Hebrew text quotes And what man is there that hath planted a vineyard first, which is an evident error; Maimonides only emphasizes that marriage should take place only after attaining an established livelihood. G. But fools reverse it by taking a wife first, and after that, if he be able, purchase a home, and after that, in his declining years, he will turn about looking for a vocation, or be supported on charity. Even so is it reversed when pronouncing adversity: "Thou shalt betroth a wife, thou shalt build a house, thou shalt plant a vineyard" (Deut. 28.30), meaning, thy actions shall be reverse so that thou be unsuccessful in thy ways. But of a blessing it is said: "And David acted wisely in all his ways, and the Lord was with him" (First Samuel. 18.14).¹⁵See Pesahim, 50, about one who is supported by his wives earnings. G.

A man is forbidden either to give away or to make holy all of his property and burden society for his support. He should not sell a farm and buy a house, or a house and buy moveables; or engage in merchandise with the proceeds of his house; but he may sell moveables and buy a farm. As a general rule in such matter, he should set his mind to

increase his property successfully and exchange the thing which is perishable for the thing which is lasting; he should not direct his intention to find a bit of temporary joy, or enjoy for a while and thereby sustain great loss.¹⁶Arakin, 28a. C.

The business conduct of the disciple of the wise must be accompanied by truth and good faith; he must say: no, when it is no, and yea, when it is yea; restricting himself in accounting to others, but liberal in giving to and benevolent when receiving from others and place no restrictions upon them; he should make payment immediately after the bargain is made; he should not become surety for others, nor act as trustee, or agent; he should not oblige himself in matters of business in instances where the Torah made it not obligatory upon him, so that he be able to keep his word and not change he obtain judgment by law against others, he should grant them delay, be forgiving to them, aid them with a loan and be gracious to them. He must not go down after the trade of his neighbor, nor ever in his life oppress any one in the world. As a rule he should be among the pursued and not among the pursuers, among the insulted and not among the insulting. For, a man who does all such deeds or their like, of him the Verse says: "And He said unto me, 'thou art My servant, Israel in whom I will be glorified'" (Is. 49.3).¹⁷Gittin, 52b; Yoma, 86a; Shebuot, 31a; Sanhedrin, 81b; Baba Kamma, 93a; Yoma, 20a; Gittin, 36b. C.

Chapter 6

It is a natural tendency of man to be influenced in his ideas and conduct by his fellows and associates, and to follow the usage of the people of his state. Because thereof, it is necessary for man to be in the company of the righteous, and to sit near the wise, in order to learn from their conduct, and to distance himself from the evildoers who follow the path of darkness, in order not to learn from their conduct; for of such Solomon said: "He that walketh with wise men shall be wise; but the companion of fools shall smart for it" (Prov. 13.20); and it is also said: "Happy is the man that hath not walked in the counsel of the wicked etc. (Ps. 1.1.). Likewise, if a man be in a state where evil customs prevail and where the people are not following the righteous ways, he should go to a place where the inhabitants are righteous and follow the way of the good. If all the states known to him, or of which intelligence reached him, be followers of a path which is not good, even as it is in our own times, or if he be unable to migrate to a state whose rules of conduct are good, either on account of military operations or on account of sickness, he should isolate himself and live in seclusion, even as it is said on the subject: "Let him sit alone and keep silence" (Lam. 3.28). And, if the inhabitants of his state be evildoers and sinners, who deny him the right of residence in the state unless he become assimilated with them, and follows their evil conduct, he should go forth and dwell in caves, or cliffs, or deserts, but not accustom himself in the way of the sinners, even as it is said on the subject: "Oh that I were in the wilderness,¹See Berakot, 35b. G. in a lodging place of wayfaring men" (Jer. 9.1.).

It is a mandatory commandment to cleave to the wise and their disciples, in order to learn of their deeds, even as it is said on the subject: "And to Him shalt thou cleave" (Deut. 10.20). Is it possible to cleave to the Shekinah But even thus the wise men commented upon in interpreting this commandment, saying: "Cleave to the wise men and their disciples" (Ketubot, 111b). Man shall, therefore, find the necessary means to take to wife the daughter of a disciple of the wise, and to give his daughter in marriage to a disciple of the wise; to eat and drink with the disciples of the wise, to do business for and with the disciples of the wise, and to associate with them in every form of companionship, even as it is said, "And to cleave to him" (Deut. 11.22). Even so have the wise men commanded, saying: "Sit amidst the dust of their feet, and drink their words with thirst" (Pirke Abot. 1.4.).²Pesachim, 49; Baba Batra, 126a; See Shabbat, 63a. G.

It is mandatory upon every man to love each and every one of Israel even as he loves his own self, for it is said: "But thou shalt love thy neighbor as thyself" (Lev. 19.19.). One is therefore, obliged to speak in praise of his neighbor, and to be considerate of his money, even as he is considerate of his own money, or desires to preserve his own honor. "But whosoever glorifies himself in disgracing his neighbor has no share in the world to come" (Yerushalmi, Hegigah. 2.1).³Cairo quotes Pirke Abot, chapter 2, as authority for this; but the error evidently was made by copyist. G.

The love for the proselyte, who came and embraced the protection beneath the wings of the Shekinah, rests upon two mandatory commandments, one because he is included in the commandment concerning a neighbor, and the other because he is a stranger, and the Torah charged us, saying: "Love ye therefore the stranger" (Deut. 10.19.). He commanded on the love for the stranger as He commanded concerning the love for Himself, saying: "And thou shalt love the Lord thy God" (Ibid. 6.5.). The Holy One, blessed is He! loves the strangers Himself, even as it is said: "And (He) loveth the stranger" (Ibid. 10.18).⁴Baba Mezia, 59b. G.

Whosoever hates any one of Israel within his heart, violates a prohibitive commandment, even as it is said: "Thou

shalt not hate thy brother in thy heart" (Lev. 19.17.); but the punishment of flogging is not pronounced for violating this prohibitive commandment, as no act was committed, for, the Torah did not admonish save by hatred within the heart. Moreover, he who smites his fellow, or besmirches him with words, although forbidden to do so, there is no violation of the prohibitive commandment of "Thou shalt not hate" connected thereto.⁵Arakin, 16b. G.

If one man commit a sin against another man, the one sinned against shall not remain in silent hate against the sinner, as it is said of the wicked: "And Absalom spoke unto Amnon neither good nor bad; for Absalom hated Amnon" (Second Samuel. 13.22); but, on the contrary, it is obligatory upon him to make known to him and say unto him: "Why have you done to me thus and such, and wherefore have you sinned against me in that particular matter"; for, it is said: "And thou shalt indeed rebuke thy neighbor" (Lev. 19.17). And, if the sinner did repent and begged to be forgiven by him, he must forgive him; and in doing so he should not be cruel, for it is said: "And Abraham prayed unto God" (Gen. 20.17).⁶For Abimelech, who sinned against him. G.

He who beholds his fellow stooping to sin or following an unrighteous path, is obliged to return him toward the good, and to let him know that he is actually sinning against himself in pursuing wicked deeds for, it is said: "And thou shalt indeed rebuke thy neighbor" (Lev. 19.17). He who rebukes his fellow, whether it be regarding a sin committed between man and man, or whether it be regarding matters between man and God, it is essential that the rebuke be administered only between them both; and he shall speak to him calmly, employing soft language, telling him that he does not speak of it to him, save for his own good, to bring him to a life in the world to come. If he receive it attentively from him, it is well; if not, he should rebuke him a second, even a third time. So is the constant duty of a man to continue to rebuke his fellow, even until the sinner strike him, and say unto him: "I will not listen". He in whose power it is to prevent sin and does not take the means to prevent it, he himself is ultimately overtaken by their sin, since it was possible for him to prevent them.⁷Shabbat, 54a; Ibid. 119b; Baba Mezia 31a. C. G.

He who rebukes a friend, at the beginning, no hard words should be used against him to shame him, for it is said: "And thou shalt bear no sin upon him" (Lev. 19.17). Thus did the wise men say: "Understand it not by rebuking him thou mayest cause his countenance to change expression; for, it is said: 'And thou shalt bear no sin upon him'" (Ibid.; Arakin, 16b); herefrom we learn that it is forbidden to put an Israelite to shame, needless to say publicly. Although he who does put his fellow to shame is not flogged, it is a grievous sin. Even so did the wise men say: "He who publicly puts his fellow's countenance to shame has no share in the world to come" (Pirke Abot, 3.15). A man is, therefore obliged to guard himself against putting his fellow to shame publicly, regardless of whether he be young or old; not to call him by a name of which he feels ashamed, nor tell aught in his presence of which he is ashamed. However, all these refer to matters touching the relationship between man and man; but if it concern heavenly matters, if the sinner does not repent after being rebuked privately, he should be shamed publicly, and his sin should be proclaimed, and harsh words should be used in his presence, and he should be shamed and cursed till he repent and take up the good path, even as all of the prophets in Israel did with the wicked.⁸Baba Mezia 59a; Yoma, 86b. C. G.

He against whom a fellow sinned, who did not want to rebuke him, nor to speak aught to him, because the sinner is extremely common, or possessed of a distorted mind, but within his heart forgave him, and lodged no hatred against him, though he rebuked him not, behold, such is a pious conduct for, the Torah did not concern itself with aught save against hatred.⁹Yoma, 16b. G.

A man is obliged to watch out for orphans and widows, for their soul is very lowly, and their spirit humble even though they be wealthy in money, even though they be the widow and orphans of a king, we are charged concerning them, for it is said: "Ye shall not afflict any widow or fatherless child" (Ex. 22.22.). What, then, are the rules of conduct toward them? One must not speak to them save in soft words; not to treat them in any way, save in an honorable way; not to pain their body with labor, nor their heart with hard words; to be careful with their money more than with the money of one's own self. He who worries them, or vexes them, or pains them, or masters them, or causes the loss of their money, violates a prohibitive commandment, needless to mention one who smites them or curses them. This prohibitive commandment, notwithstanding that the punishment of flogging is not inflicted for its violation, behold, the punishment therefor is plainly stated in the Torah: "My wrath shall wax hot, and I will kill you with the sword" (Ibid. 22.23). Moreover, He Who spoke and called the universe into being, made a covenant with them, that whenever they will cry out against violence, they shall be answered, even as it is said: "For if they cry at all unto Me, I will surely hear their cry" (Ibid. 22.22). But all these warnings are applicable when one afflicts them out of a selfish motive; but if the master who, in order to instruct them in the Torah, or teach them a trade, or lead them in a righteous path, does inflict punishment upon them when they are contrary, behold, such he may do. Nevertheless, he should not follow the rules of other people in dealing with them but conduct himself toward them differently, to lead them slowly, with great mercy

and honorable consideration, even as it is said: "For the Lord will plead their cause" (Prov. 22.23). Whether it be a fatherless orphan or a motherless orphan, the treatment to be accorded to them must be identical. Now, until when are such called orphans for the purpose of the subject treated herein Until they will have no need to lean upon a grownup person to rear them and support them, but each one be able to take care of all his personal needs even as all other adults do.

Chapter 7

He who bears tales against his fellow violates a prohibitive commandment, saying: "Thou shalt not go up and down as a talebearer among thy people" (Lev. 19.16.); and although the punishment of flogging is not inflicted for violating this charge, it is a gross iniquity, and is the cause of the slaughtering of many souls in Israel; it is because thereof, that following this commandment is this Verse: "Neither shalt thou stand idly by the blood of thy neighbor" (Ibid.). Now, go ye and learn of that which happened to Doeg the Edomite.¹First Samuel, 22.919. G.

Who is a sycophant One who loads himself up with matters, and goes from this one to that one, saying to each, such did that man say, thus and such have I heard concerning that man, even though it be true, behold him, he destroys the universe. There is yet an extremely grosser iniquity, which, too, is included in this prohibitive commandment, and that is, the evil tongue, one who spreads scandal about his fellow even though he be telling truth. If he be lying, he is called a maligner who invents an evil name against his fellow. The owner of an evil tongue, behold him, he sits in company and relates, saying: thus and such did that certain party, thus and such were his parents, and thus and such I did hear about him and of course, he relates scandalous matters. Of him, the Verse says: "May the Lord cut off all flattering lips, the tongue that speaketh proud things" (Ps. 12.4).

The wise men said: "There are three transgresssions which call forth retribution from the man who perpetrates in this world, and disinherit him from a share in the world to come. They are: idolatry, adultery, and bloodshed; but the evil tongue outweighs them all" (Arakin, 16b). The wise men, moreover, said:³Arakin, 16b. G. "He who speaks with an evil tongue is like an atheist, for it is said: 'Who have said, Our tongues will we make mighty, our lips are with us, who is Lord over us'" (Ps. 12.5.). And, again, the wise men said: "The evil tongue kills three persons, the one who speaks it, the one of whom it is spoken, and the one who receives it". In fact, the greatest harm comes to the one who receives the evil report.⁴Ibid.; Shabbat, 56. G.

And, there are certain kinds of words which are the grinding of the evil tongue. For example: One will say, "Who will tell that person to be as he is now" Or he will say: "Hold your peace concerning that person, I am disinclined to relate what happened, or what was", or like such expressions. Even he who tells the good qualities of his fellow in the presence of his fellow's enemies is making grinding of an evil tongue, because he calls forth his fellow's shame from the mouths of his enemies and concerning this subject Solomon said: "He that blesseth his friend with a loud voice, rising early in the morning, it shall be counted a curse to him" (Prov. 27.14). Out of his goodness for him, he brings about evil to him. Likewise, he who tells with an evil tongue under the guise of a joke, or lightheadedness, that is, he does not speak it in tones of hatred, even of him Solomon in his wisdom said: "As a madman who casteth firebrands, arrows and death; so is the man that deceiveth his neighbor and saith, 'Am not I in sport'" (Ibid. .26 1819.). Among such is also the one who uses an evil tongue deceitfully, relating innocently, as if ignorant that his speech be words of an evil tongue, but when there is a protest against what he says, he avers that he does not know that such tale is evil speech, or that such was really the conduct of that person.⁶Yeru. Peah, 1; Shabbat, 33a. C. G.

Regardless of whether the slander is spoken in the presence of his fellow, or in his absence, or if the slander spread from mouth to mouth cause harm to his fellow, to his body, or property, even to cause him anguish, or fear to his soul, behold this is the iniquity of an evil tongue. If such evil be spoken in the presence of three persons, the matter is thereby considered public. Thus, if one of the three who heard it repeat it to others no sin of an evil tongue is found therein, provided that in retelling it he had no intention to spread the rumor and advertise it still more.⁷Arakin, 16b. C. G.

All such are owners of an evil tongue, in whose neighborhood it is forbidden to dwell, needless to say to be in their company and listen to their words. The doom against our fathers in the wilderness was not sealed for aught else, save for that of an evil tongue.⁸Ibid. C.

He who takes vengeance of his fellow violates the prohibitive commandment of, "Thou shalt not take vengeance" (Lev. 19.18.); and, even though he is not flogged for the violation, it is an extremely evil tendency. Forsooth, it becomes man to be indulgent in his ethical conduct in all temporal matters, for, to those who can reason all worldly

matters are vanity and absurdity, unworthy to call forth vengeance on their account. How is the sin of taking vengeance established Said his friend to him: "Lend me your ax". Answered he: "No, I will not lend it to you." On the morrow, he needs to borrow an ax himself. Says he to his friend: "Lend me your ax." Answered his friend: "No, I will not lend it to you, even as you refused to lend it to me when I asked for it." Behold, this one takes vengeance. For when one comes to lend aught of the other, he should give it to him wholeheartedly, and not to deal with him as he was dealt with by him. And so in all like matters. Even so David expressed it in his good ethical ideas: "If I have requited him that did evil unto me, or spoiled mine adversary unto emptiness etc." (Ps. 7.5).⁹Yoma, 23a; Rosh haShanah, 17b; Sifra, Lev. 4. C. G.

Likewise, whoso bears a grudge against one in Israel, violates a prohibitive commandment, saying: "Nor bear any grudge against the children of thy people" (Lev. 19.18.). How is the sin of bearing a grudge established Said Reuben to Simeon: "Lease me this house, or lend me this ox." Simeon refused. After an interval comes Simeon to Reuben to lease or lend aught from him. Said Reuben to him: "Here, you may have it, behold, I am lending it to you, for I am not as you are, I will not pay you as you deserve." He who does so violates the prohibitive commandment of, "Thou shalt bear no grudge." For, he should blot the thing out of his heart completely, and not lodge it therein. Forsooth, as long as he bears the matter and remembers it, he might be tempted to take vengeance. It is on account of this that the Torah is particular concerning the bearing of a grudge to blot such sin out of his heart and not remember it at all. This, is the proper ethical idea which makes possible the stability of organized society and the business relationship between man and man upon earth.¹⁰Megillah, 2G.

Torah Study

Chapter 1

Women, slaves, and infants are absolved from the study of the Torah; but the father is obliged to instruct his infant son in the Torah, for it is said: "And ye shall teach them your children, talking of them" (Deut. 11.19); but a woman is not charged to teach her son, for only one obliged to study is obliged to instruct.¹Sukkah, 42a; Kiddushin, 29; Ketubot, 28. G. C.

Even as man is obliged to instruct his son, so is he obliged to teach his son's son, for it is said: "But make them known to thy sons and thy sons' sons" (Ibid. 4.9); and, not alone to his son and his son's son, but each and every scholar in Israel is commanded to instruct all who desire to be his disciples, even though they be not his sons, for it is said: "And thou shalt teach them diligently unto thy children" (Ibid. 6.7.), which is traditionally interpreted²Sifre, Deut. 11. C. G. to include one's disciples; for disciples, too, are called children, as it is said: "And the sons of the prophets came forth" (Second Kings, 2.3.). If it be so, why then was one commanded to teach his son and his son's son To permit the precedence of one's son to one's son's son, and his son's son to the son of his fellow.³Sukkah, 30b; Kiddushin, 30. G.

One is obliged to engage a teacher for the instruction of his son; but his fellow's son he is not obliged to teach, save when there is no expense to himself.⁴See Baba Batra, 21a. G. He whose father failed to instruct him, when he becomes conscious thereof, is obliged to educate himself, as it is said: "That ye may learn them, and observe to do them" (Deut. 5.1). Thus, you will find it a universal rule, that study precedes conduct, because study brings about proper conduct but conduct does not bring about study.⁵Kiddushin, 29a; Ibid. 33b. C. G.

One who was ambitious to pursue learning, and, at the same time, has a son whom he is obliged to instruct, his own study comes first; if his son be diligent and intellectually more capable to grasp his studies than himself, his son comes first. Nevertheless, he shall not completely abandon his own study, his son's precedence notwithstanding; for, even as he is commanded to teach his son, so is he under command to study himself.⁶Ibid. C.

Let man ever study the Torah and thereafter take a wife unto himself; for, if he takes a wife first, his mind will not be as clear to study. If the urge of marriage will overburden him, even finding his heart not free to understand his studies, he should marry first and thereafter study the Torah.⁷Ibid. 33a. G.

Whenceonward is his father obliged to teach him the Torah When he commences to speak, he should teach him the Verses of, "Moses commanded us a law" (Deut. 34.4), and of the Shema (Ibid. 6.4); thereafter he imparts to him little by little other Verses till he be six or seven years old, all, of course, depending upon his physical condition; thereafter he brings him under the care of a beginner's instructor.⁸Sukkah, 43a; Ketubot, 50a. C. G.

Where the custom of the state is to pay a beginner's teacher, he should give him his wages, and the obligation to pay for his son's education continues until he is through reading all of the Holy Writ. In a place where the prevailing

custom is to teach the written Torah for pay, one may instruct for pay; but to instruct the Oral Torah for wages, is forbidden, as it is said: "Behold, I have taught you statutes and ordinances, even as the Lord my God commanded me, etc." (Deut. 4.5.), which means; "Even as I was instructed free so have you received instruction from me free; likewise when you will give instruction throughout the generations, instruct free even as you were instructed by me." (Nedarim, 37a; Bekorot, 29a). If he find not one who is so willing to teach him gratuitously, he may hire one for wages to be instructed by him, as it says: "Buy the truth" (Prov. 23.23.) Peradventure, one will deduct herefrom that he may instruct others for wages The Verse, therefore, teaches us, saying: "But sell it not" (Ibid.) Herefrom you learn that one is forbidden to instruct others for hire although his master taught him for hire.

Every man in Israel is obliged to study the Torah, whether he be poor or rich, whether he be physically healthy or ailing, whether he be in full vigor of youth or of great age and weakened vitality; even if he be dependent upon alms for his livelihood, or going around from door to door begging his daily bread, yea, even he who has a wife and children to support is obliged to have an appointed time for the study of the Torah, both during the day and at night, for it is said: "But thou shalt meditate therein day and night" (Joshua, 1.8.).⁹Yoma, 35a; Menahot, 99b. G. G.

Some of the great scholars in Israel were hewers of wood, some of them drawers of water, and some of them blind: nevertheless they engaged themselves in the study of the Torah by day and by night. Moreover, they are included among those who translated the tradition as it was transmitted from mouth of man to mouth of man, even from the mouth of Moses our Master.

Until what age in life is one obliged to study the Torah Even until the day of one's demise; for it is said: "And lest they depart from thy heart all the days of thy life" (Deut. 4.9.) Forsooth, as long as one will not occupy himself with study he forgets what he did study.¹⁰Kiddushin, 29b. G.

One is obligated to divide his time of study by three; one third for the study of Holy Writ, one third for the study of the Oral Torah, and one third for thinking and reflecting so that he may understand the end of a thing from its beginning, and deduct one matter from another, and compare one matter to another, and reason out by the hermeneutical rules in which the Torah is expounded to the end that he may know which are the principal rules and how to deduct therefrom that which is forbidden and that which is permitted, and other like matters which he studied from oral tradition. This subject of study is called Gemara.¹¹Ibid. 30a; Abodah Zarah, 19b. C.

For instance If one was a craftsman and engaged himself three hours daily to his work and to Torah nine hours, of those nine hours he should devote three hours to the study of Holy Writ, and three hours to the Oral Torah and the last three hours to mental reasoning, to deduct one matter from another. Matters pertaining to tradition are included in Holy Writ, but their oral explanation is included in Oral Torah. The subjects designated as Pardas¹²Vineyard, Works of the Chariot, Cosmogony, Metaphysics etc. G. are included in the Gemara. These rules are spoken of man's beginning of study, but when he matures in wisdom and has no need either for further study of Holy Writ or for continuous devotion to the study of Oral Torah, he should read Holy Writ and traditional matters at appointed times merely so as not to forget any matter pertaining to the laws of the Torah, and turn his attention to a continuous study of Gemara, of course, in proportion to the broadness of his heart and peacefulness of his mind.¹³Abodah Zarah, 19b. G.

A woman who studied the Torah has a reward coming to her but it is incomparable to the reward of a man because she was not commanded to do so, and whosoever does something which is not mandatory upon him to perform receives not a hire equal to the hire of him who is commanded to perform it but less than he. And, although she has a reward coming the sages commanded that a man shall not instruct his daughter in the Torah, because most women have no set mind to be instructed therein, but, on the contrary, are apt to divert matters of the Torah to nonsensical matters, of course, in proportion to the inferiority of their mind. The sages said: "Whosoever instructs his daughter in Torah does no better than if he instructed her in matters of profanity." (Sotah, 21b). These matters are thus spoken of only concerning the Oral Torah, but respecting Holy Writ it is best not to begin to instruct her therein but if he did instruct her it is not as if he instruct her in profanity.¹⁴Abodah Zarah, 3b; Kiddushin, 31a. C.

Chapter 2

It is mandatory to appoint school teachers for small children in each and every state, in each and every province, and in each and every city. Any city wherein there are no children flocking to a master's house, the inhabitants thereof should be excommunicated until they do appoint teachers for the school children, if they then make no such appointment an excommunication should be pronounced against the city itself; for the world cannot endure save only

by the fervent recitation of school children in the house of their master.¹Baba Batra, 21b; Shabbat, 119a. C. Maimonides considers excommunication equivalent to destruction. G.

Children should be enrolled for instruction at the age of six or seven years, in proportion to the strength of the child and his physique. A child under six years should not be sent to school. The teacher may inflict punishment upon the school children that they may fear him; but he must not smite them with hatred and cruelty; he should, therefore, not strike them with rods or sticks but with a small strap. He should instruct them during the entire day and part of the evening, so that they be brought up to study by day and by night. Children should not stop school at all save on the eves of Sabbaths and holidays, and during holidays. On the Sabbath no new lessons should be given but lessons may be repeated. School children should not be rendered idle even for the sake of building the Holy Temple.²Baba Batra, 21b; Ketubot, 50a; Nedarim, 37a. C. See Taanit 3b. G.

A teacher of school children who leaves the children and departs from the school, or who engages himself in another kind of work while he is with them, or who is negligent in teaching them, behold, he is included among those of whom it is said: "Cursed be he that doeth the work of the Lord with a slack hand" (Jer. 48.10). It is, therefore, improper to appoint any teacher save one who is God fearing, diligent in reading and grammar.³Baba Batra, 21b. C.

He who has no wife shall not instruct small children on account of the mothers who come to visit their children; and a woman shall not instruct small children on account of the fathers who come to visit their children.⁴Kiddushin, 82a. C.

Twentyfive children should be the maximum number for one teacher to instruct. If there be more than twentyfive children but not exceeding forty, an assistant should be appointed to help him in giving them instructions; if the number exceeds forty children, two teachers should be appointed.⁵Baba Batra, 21b. C.

A school child may be transferred from one teacher to another one who is more diligent than he either in reading or in grammar. This rule is given when both teachers live in one city and there was no river between them, but from one city to another or from one side of the river to the other even in the same city, a child should not be transferred save where there was a strong bridge constructed across the river, a bridge which will not easily topple over

One of a given neighborhood who desires to become a teacher, even one sharing a common courtyard with others, cannot be prevented by neighbors from doing so; likewise, if a teacher comes and establishes a school to instruct small children alongside the school of another teacher, whether his intentions are to get pupils from others, or whether his intentions are to get pupils from that very school, such teacher cannot prevent him from opening such a school, for it is said: "The Lord was pleased for his righteousness' sake, to make the Torah great and glorious" (Is. 42.21).

Chapter 3

The people of Israel were crowned with three crowns: the crown of Torah, the crown of priesthood and the crown of sovereignty. The crown of priesthood was acquired by Aaron, even as it is said: "And it shall be unto him, and to his seed after him, the covenant of everlasting priesthood" (Num. 25.13); the crown of sovereignty was acquired by David, even as it is said: "His seed shall endure forever, and his throne as the sun before Me" (Psalms 89.37); but the crown of the Torah, behold it, there it lies ready within the grasp of all Israel, even as it is said: "Moses commanded us a Law, an inheritance of the congregation of Jacob" (Deut. 33.4), Whosoever wants it may come and take it. Peradventure, you will say that those other two crowns are greater than the crown of the Torah, behold, it is said: "By Me kings reign, and princes decree justice; by Me princes rule" (Prov. 8. 1314), herefrom be instructed that the crown of the Torah is greater than both of the others.¹Yoma, 72a; Gittin, 62a. G.

The sages said: "One born out of wedlock if he be a scholar, takes precedence over an ignorant high priest" (Horayot, 13b); even as it is said: "She is more precious than rubies" (Prov. 3.15),²The Hebrew word Peninim which is translated to mean rubies, was defined by the rabbis as being derived from the word Penim which means within, or innermost. G. meaning, more precious than a high priest who enters the innermost place of the Temple.

You have not a single commandment among all the precepts to balance the one concerning the study of the Torah, but the precept to study the Torah stands out against all the rest of the commandments, because study leads to practice. Therefore, in every instance study precedes practice.⁵Peah, 1. 1; Kiddushin, 40a; Megillah, 3b; Baba Kamma, 17b. C. G.

One confronted with both the performance of a commandment and the study of the Torah, if the commandment can be performed by proxy he should not interrupt his study; if not, he should perform the commandment and go back to his study.⁶Kiddushin, 40a. G.

The judgment of man in the world to come commences with no other than the question of the study of the Torah, whereafter concerning the rest of his deeds.⁷Ibid.; Sanhedrin, 7b. C. Therefore the wise men said: "Let man ever pursue the study of the Torah, whether for its own divine purpose, or not for its own divine purpose, because studying it for nondivine purpose he will attain its own divine purpose." (Pesahim, 50b; Sotah, 22a; Nazir, 23b).

Whosoever is ambitious to establish this commandment properly and to become adorned with the crown of the Torah must not divert his thoughts to other matters, nor set his heart to acquire the knowledge of the Torah and wealth and honor simultaneously. The way leading to the knowledge of the Torah is such: "a morsel of bread with salt thou shalt eat, and water by measure thou shalt drink, upon the ground thou shalt sleep, and a burdensome life thou shalt live while thou toilest in the Torah." (Pirke Abot, 6.4; 21). Nevertheless, it is not obligatory upon thee to complete it, nor art thou free to exclude thyself from its study, for if thou hast increased thy study of the Torah thou also hast increased thy reward, as the reward is equal to the pain.

Peradventure, one will say, I will interrupt my study of the Torah until I will accumulate wealth when I will again return to it, or until I will acquire sufficient substance to supply all my needs when I will retire and return back to it; if such a thought will penetrate thy heart you will never acquire the crown of the Torah. But make thy study of the Torah paramount and thy secular work incidental, and do not say, when I will be unoccupied then I will study, lest you will never be unoccupied.⁸Pir. Ab. 1.15; 2.5. G.

Holy Writ says: "It is not in heaven neither is it beyond the sea" (Deut. 30.1213) it is not in heaven, that is to say, the Torah is not found among the arrogant nor is it found among the travelers beyond the sea." (Erubin, 55a). The sages, therefore said: "Not he who engages himself overmuch in commerce is wise." (Pirke Abot, 2.6). The sages, moreover, commanded: "Engage thyself but little in worldly pursuits and pursue the study of the Torah" (Pirke Abot, 4.12).

The words of the Torah are likened unto water, even as it is said: "Ho, everyone that thirsteth, come ye for water" (Is. 55.1), which is to teach you, even as waters do not gather in steep places, but flow by gravity and gather in a well, so are the words of the Torah, they are not found among the high spirited nor in the heart of all haughty but in the humble and meek spirited who embraces the dust of the feet of the wise and removes the passions and the pleasures of the age from his heart and does a little work daily for his living, if he happens to be unprovided with food, and the rest of his days and his nights he pursues the study of the Torah.⁹Taanit, 7a; Erubin, 55a. C. G.

Nevertheless, whosoever sets his heart to pursue the study of the Torah but do no secular work at all, and permits himself to be supported by charity, behold him, he blasphemed the Name, and degraded the Torah, and shadowed the light of religion, and caused evil to be brought upon himself, and deprived his own life from its share in the world to come; because it is forbidden to enjoy aught in this world in return of the study of the words of the Torah. The sages said: "Whosoever enjoys aught in return of the study of the words of the Torah takes his own life away from the world" (Pirke Abot, 4.7). They have, moreover, commanded and said: "Thou shalt not make them a garland by which to be considered great nor a spade to dig with them" (Ibid.). Again they have commanded and said: "Love manual labor and hate rank". (Pirke Abot, 1.10); whosoever studies the Torah and does not acquire at the same time a manual trade his knowledge of the Torah will be nullified and bring about sin" (Ibid. 2.2.). The end of this will be that he will rob people for his living.¹⁰The text is clear enough to absolve Maimonides from forbidding scholars to accept remuneration. It can not be construed to include priests, teachers, Rabbis and other scholars who render services to the public. He only includes such scholars as are doing nothing in return for gifts received by them. This would be enjoying fruit of the Torah in this world. Cairo strenuously objects to this law, and supports his objections by authority from Yoma, 35a; Berakot, 17a; Taanit 25a; Ketubot, 105a; Gittin 67b; Baba Mezia, 84b; Sotah, 21a; Hullin, 134a; Nedarim, 62a. G.

He who supports himself by the labor of his own hands attains a high degree. It is an ethical conduct of the pious man of yore. Therewith one acquires all honor and good that is in this world and in the world to come, even as it is said: "When thou eatest the labor of thy hands happy shalt thou be and the good shall be with thee" (Ps. 1.28); happy shalt thou be in this world, and the good shall be with thee in the world to come, which is entirely good.¹¹Gittin, 67a; Berakot, 8a. G.

The words of the Torah do not remain permanently with one who is indolent in acquiring them, nor with such who study the Torah in an environment of luxury and amidst eating and drinking, but with one who sacrifices his life for them and constantly suffers his body and does not yield sleep to his eyes nor dozing to his eyelids. Said the wise men symbolically: "This is the Law, when a man dieth in a tent" (Num. 19.14); the Torah does not remain with any save with him who sacrifices his life in the tents of the wise. And so did Solomon in his wisdom say: "If thou fall in the day of

adversity thy strength is small indeed" (Prov. 24.10); and he, moreover, said: "Also my wisdom stood me in stead¹²The word Aph in the Hebrew text is usually translated to mean also, also means wrath or trouble. G. (Ecc. 2.9); only the wisdom which I studied in trouble stood me in stead" (Shabbat, 83a). The sages said: "There is an established covenant that he who endures hardship in studying the Torah in the Beth Hamedrash will not easily forget it; but he who endures the hardship of his studies privately by himself becomes wise, even as it is said: "But with the lowly is wisdom" (Prov. 11.2). He who during his study reads the words audibly, his study remains with him; but he who whispers out his words speedily forgets them.¹³Ketubot, 111b; Berakot, 65a; Menahot, 54a; Yer. Berakot, 41. C. G.

Although it is mandatory to study by day and by night, no man acquires most of his wisdom at any but during nighttime. Therefore, whosoever desires to attain the crown of the Torah should take care of all of his nights, not to spend even one of them in sleeping, eating, drinking, conversation, or in like matters, but in study of the Torah and in matters of wisdom. The sages said: "The voice of the Torah cannot be heard save at night, as it is said 'Arise and speak loud in the night'" (Midrash Raba, Song of Songs, 5.11; Erubin, 65a; Lam. 2.19. Whosoever pursues the study of the Torah by night has a thread of God's lovingkindness drawn upon himself by day, as it is said: "By day the Lord will command His lovingkindness and in the night His song shall be with a prayer unto the God of my life" (Abodah Zarah, 3b; Ps. 42.9). Any house wherein the words of the Torah are not heard by night, fire consumes it, even as it is said: "All darkness is laid up for his treasures, a fire not blown by man shall consume him" (Sanhedrin, 92; Job. 20. 26). "Because he had despised the word of the Lord, is one who hath not at all observed the words of the Torah" (Num. 15. 31; Sanhedrin, 99a). Likewise, he who has the means to pursue the Torah and does not pursue it, or he who studied and became proficient in the Torah but separated himself from it for the sake of the vanities of the world and abandoned his studies and deserted them is included among those who "had despised the word of the Lord." The sages said: "he who abandons the Torah because of wealth will end up by abandoning it because of poverty, but whosoever continues to study the Torah in poverty will in the end continue its study in wealth" (Pirke Abot, 4.11.). This subject is, moreover, defined in the Torah, for, it says: "Because thou didst not serve the Lord thy God with joyfulness and with greatness of heart by reason of the abundance of all things: therefore shalt thou serve thine enemy" (Deut. 28.4748); and it is furthermore said: "That He might afflict thee to do thee good at thy latter end" (Deut. 8.16).¹⁴Hagigah, 9. C. G.

Chapter 4

No instructions in the Torah should be given to any but a fit student of proper conduct, or to one indifferently known; but if one followed a way which is not good, we first must bring him back to goodness and lead him in the path of righteousness and scrutinize him, after which we may admit him to the Beth Hamedrash and give him instructions. The sages said: "He who instructs an unfit disciple is likened unto one who serves Mercury by casting a stone upon him, as it is said: "As a small stone in a heap of stones, so is he that giveth honor to a fool" (Prov. 26.8; Hullin, 133a). There is no honor save in the Torah as it is said: "The wise shall inherit honor" (Prov. 3.35). Likewise, a Rabbi who does not follow the good way, though he be a great scholar and all of the people stand in need of him no instruction should be received from him until his return to goodness, as it is said: "For the priests' lips should keep knowledge and they should seek the Law at his mouth; for he is the messenger of the Lord of Hosts" (Mal. 2.7). Thereupon the sages said: "If the Rabbi be like unto the messenger of the Lord of Hosts then shall they seek the Law at his mouth, if not, they shall not seek the Law at his mouth."¹Taanit, 7b; Moed Katan, 16a; Makkot, 10b. C. G.

In what manner should instruction be given The master sits at the head and the disciples sit in a garland shaped semicircle before him so that all can see the master and hear his words. The master shall not sit on a chair and his disciples on the ground, but they should sit either all on the ground or all on chairs. In the days of yore the custom was for the master to sit and the disciples to stand during instructions, but before the destruction of the Second Temple, the universal rule was inaugurated to instruct with the disciples sitting.²Megillah, 21. See also Baba Mezia 84b; Sanhedrin, 17a; Moed Katan 16b. C. G.

If the master instructs the disciples personally he should give the instructions direct, but if he instructs through an interpreter, the interpreter stands between him and the disciples, then the master speaks to the interpreter and the interpreter in turn, recites the lessons to all the disciples. When the disciples ask questions, they ask of the interpreter, he repeats the question to the master, the master answers the interpreter, and the interpreter answers the questioner. The master shall not raise his voice above the voice of the interpreter, nor shall the interpreter raise his voice when he repeats the question to the master, above the master's voice. The interpreter is not permitted to diminish from or add to, or change, aught in the master's lesson unless the interpreter be either the father of the master, or the master's

master. The master says to the interpreter: "so was I instructed by my master or so was I instructed by the master, my father," and when the interpreter repeats these words to the audience, he speaks in the name of the master and mentions the name of the master's father or of the master's master, and he says, "thus was said by the master named so and so", although the master himself did not pronounce the name of the master of whom he heard it, as it is forbidden to call by name either one's master or one's father.⁴Kiddushin, 31b. C.

When a master gave a lesson which the disciples did not understand, he should not get angry at them and be moody, but go over it again and repeat it even many times, until they will understand the depth of the treatise. Likewise, a disciple shall not say, I understood, and he did not understand; but he should repeat and ask even many times. If the master angers at him and becomes moody, he may say to him: "Master, it is Torah, and I need instruction, but my mind is short of understanding!"⁵Erubin, 54b; Pir. Ab., 2.6. C. G.

A disciple shall not feel ashamed before his fellows who mastered the subject the first or the second time, whereas he did not grasp it until after hearing it many times, for if he will be ashamed of such a thing, he will find himself coming in and going out of the Beth Hamedrash without any instructions at all. The sages, therefore, said: "He who is bashful cannot be instructed and he who is in an angry mood cannot instruct." (Pirke Abot, 2.6). Whereof are such things said In instances when the disciples did not understand a subject because of its depth or because their mind is short; but if it appears to the master that they are indolent to study the words of the Torah, and sluggish in acquiring them, because of which they did not understand, he is obliged to rebuke them and shame them with words in order to make them energetic. And on this subject the sages said: "Cast gall amongst the disciples." (Ketubot, 103b). It is, therefore, unbecoming for a master to conduct himself lightheadedly in the presence of the disciples, not to amuse himself in their presence, nor eat or drink with them, so that they will stand in awe before him and receive instructions from him diligently.⁶Pesahim, 55a. G.

The master should not be asked any question upon his arrival in the lecture room, not until his mind will be tranquil; nor should a disciple commence to ask questions as soon as he comes in, not until he will be rested and his thoughts composed. Two students should ask no question simultaneously. No question on a different subject should be asked of a master, but limit it to the subject under discussion, so that he be not put to shame. The master may circumvent his questions of the students and his demeanor when in their presence in order to test and energize them, and to know whether they remember what they have learned or whether they do not remember it. Needless to say that he has authority to ask them questions regarding other subjects which are not under discussion so as to have them take care of all their lessons.⁷Tosefta, Sanhedrin, ch. 7; Shabbat, 3b; Horayot, 14a; Ketubot, 61a; Bekorot, 45b; Nedarim, 90a. C. R.

No question should be asked standing and no replies given standing; not from a higher place and not from a distance and not from behind the elders. No questions should be asked of the master save on the subject of the lesson then being recited, and the questioning should not be in any but in a profound mood, and each student should not ask more than three questions on a given subject.⁸Tosefta, Sanhedrin, ch. 7; the admonition here is not to question the master even on the subject under discussion, but confine it to the particular phase of the question. For example: If the subject is concerning the Sabbath, and the chapter deals with carrying things from domicile to domicile, he shall not be asked what to do if a barrel breaks open on Sabbath. C. G.

Concerning two who ask questions. One asked on the subject and the other asked not on the subject, attention should be paid to the subject; about a rule of practice and about a matter not touching practice, attention should be paid to practice; law and homiletics, attention should be paid to law; homiletics and legend, attention should be paid to homiletics; legend and inference from minor to major, attention should be paid to minor and major; inference from minor to major and inference from a similarity of phrases, attention should be paid to the inference from minor to major. If, of the two questioners, one was a master and the other a student, attention should be paid to the master; a student and an ignoramus, attention should be paid to the student; if both were masters, or both students, or both ignoramuses, or both ask two treatises, or two responses, or two questions concerning two rules of practice, the interpreter has discretionary powers under such circumstances.

It is not permitted to sleep in the Beth Hamedrash, and whosoever drowzes in the Beth Hamedrash, his wisdom becomes torn rags; for even so Solomon in his wisdom said: "And drowsiness shall clothe a man with rags" (Prov. 23. 21). No conversation is permitted in the Beth Hamedrash save in words of Torah. Even one who sneezed, it is not said to him: "May it be a cure to you," in the Beth Hamedrash; needless to mention other kind of conversation. The sacredness of the Beth Hamedrash is of greater force than the sacredness of synagogues.⁹Megillah, 28a; Ibid. 26b; Abodah Zarah, 71b; Sukkah, 28a; Sanhedrin, 70b; Berakot, 23b. C. G.

Chapter 5

Even as a man is under command to honor his father and fear him, so is he obliged to honor his master, but fear him yet more than his father; his father brought him to life upon this world but his master who taught him wisdom, brings him to life in the world to come. If he chances upon a lost article of his father and a lost article of his master, reclaiming that of his master precedes the one of his father. If his father and his master are burdened with a load, he should unburden the load of his master first and then that of his father. If his father and his master be incarcerated in a prison, he should free the master first and afterward free his father. If his father was a disciple of the wise, he should free his father first. Likewise if his father be a disciple of the wise, even though not weighty alongside his master, he should reclaim the lost article of his father first and after that reclaim the lost article of his master. There is no honor greater than the honor due a master, nor awe greater than the awe due a master. The sages said: "The awe of thy master is likened to the awe of Him Who is in heaven." (Pirke Abot, 4.15). They have, therefore, said: "He who differs with his master is likened unto one who differs with the Shekinah, even as it is said: 'When they strove against God'" (Num. 26.9; Sanhedrin, 110a). Whosoever strives with his master is like unto one who strives against the Shekinah, even as it is said: "Where the children of Israel strove with the Lord and He was sanctified in them" (Ibid. 20.13); and whosoever murmurs against his master is like unto one who murmurs against the Lord, even as it is said: "Your murmurs are not against us, but against the Lord" (Ex. 16.8); and whosoever has suspicious thoughts against his master is like unto one who has suspicious thoughts against the Shekinah, as it is said: "And the people spoke against God and against Moses" (Num. 25).¹Baba Mezia, 33a; Horayot, 14b; The text herein is that of the Talmud Yer. C. G.

Who is considered differing from his master It is he who establishes by himself a school and settles down to preach and instruct without having authority from his master to do so, and his master is living, even though in another state. It is even forbidden to render a decision in the presence of one's master, and whosoever renders a decision in the presence of his master is guilty of an offense punishable by death.²Sanhedrin, 5b; Erubin, 62b and 63a. Such disciple is considered a rebel.C.G.

If the distance between one and his master be twelve miles, and a man asked him a question, he is permitted to answer it. To separate one from committing a forbidden act, one may decide even in the presence of his master. For instance Suppose he saw a man doing something which is really forbidden, because he did not know that it is forbidden, or because of his wickedness, he has authority to prevent him from doing it, and say to him: "This act is forbidden," even in the presence of his master, and even though his master did not give him the authority to act, for wherever there is a likelihood that the Name would be blasphemed, no honor is meted out to a master. Whereat are these words said Only in matters which come to pass incidentally, but for one to establish himself for the purpose of rendering decisions, and to sit in a master's chair and render decisions to everyone who may ask of him, even though he be in one end of the world and his master be in the other end of the world, it is forbidden to do so prior to his master's demise, unless he obtained authority from his master. But not everyone whose master died may occupy a master's seat and teach the Torah, save if he be a disciple who attained judicial rank.³Sanhedrin, 5b; See Berakot, 63a and b. C. G.

A student who did not attain judicial rank but renders decisions behold him, he is a wicked, arrogant fool, of whom it is said: "For she hath cast down many wounded" (Prov. 7.26). Likewise a sage who attained judicial rank but does not render decisions, behold him, he is withholding the Torah, and distributes obstacles in the path of the blind, concerning whom it is said: "Yea, many strong men have been slain by her" (Ibid.). Those petty students who have not increased their knowledge of the Torah as they should and yet are seeking to appear great before the ignorant, and among their townspeople, jumping forward to occupy a front seat to judge and instruct among Israel, are the ones who multiply strife, and the ones who destroy the world, who extinguish the light of the Torah, and despoil the vineyard of the Lord of Hosts, concerning whom Solomon in his wisdom said: "Take us the foxes, the little foxes, that spoil the vineyards". (Song of Songs, 2.15.).⁴Abodah Zarah, 22b; Sotah, 19a.

A student is forbidden to call his master by name even out of his presence, provided the name be of note that whosoever hears it will know that it is he; neither should he mention his name in his presence, nor even call others whose name are identical with the name of his master, even as one does with respect to the name of his father; but he should always refer to them with a pseudonym even after their demise. He must not salute his master or return salutation in a manner companions give and return among themselves. The manner to salute a master is to bow before him and say to him in tones of awe and respect: "Peace be unto thee, my master!" If his master saluted him

first, he should answer him: "Peace be unto thee, my lord and my teacher.⁵Sanhedrin, 100a; Kiddushin, 31b and 32a; Berakot, 28b. C. G.

So should he not remove his phylacteries in the presence of his master, and not lean but sit as if he were sitting in the presence of a king. He should not pray in front of his master, back of his master, or by the side of his master; needless to say, that he is forbidden to walk beside him. But he should distance himself behind his master, yet not straight back of him, when after he may pray. He should not enter a bathhouse together with his master, and not sit in his master's place, and neither decide an argument in his favor when he is present nor destroy his argument. He should not sit in his presence until he will tell him to sit down, nor stand up before him until he will tell him to stand up or until he will obtain permission to stand up. When he is to take leave from his master he should not turn around with his back to his master, but step backwards, his face toward his master's face.⁶Sanhedrin, 101b; Pesahim, 51a; Kiddushin, 31b; Yoma, 53a; Berakot, 28b. C. G.

He is obliged to rise up before his master when he will behold his approach from as far a distance as his eyes can see and remain standing until his master's figure will disappear; but he must not behold his full figure pass by and immediately thereafter sit down. A man is obliged to visit his master on a holiday.⁷Kiddushin, 32a; Sukkah, 27b. C.

No deference should be given to a student in the presence of his master unless it was the custom of his master to treat him with deference. All manner of work which a man servant does for his master a student should do for his master. If, however, he happened to be in a place where he is unknown and he had no phylacteries on himself, fearing lest he be mistaken for a slave, he is not obliged to buckle on or remove his master's shoes. Whosoever prevents his disciples from rendering him service, deprives him of loving kindness and unyokes him of the fear of Him Who is in heaven. Any student who makes light of aught of all things pertaining to the honor of his master, causes the Shekinah to be removed from among Israel.⁸Baba Batra, 119a; Ketubot, 96b; Berakot, 26a. C.

If one beholds his master transgressing the words of the Torah, he should say to him: "Our master, you have instructed us such and thus." Whenever he quotes a lecture in the presence of his master, he should say: "So have you, our master, instructed us." He must not repeat aught of his master's teachings unless he mentions the name of the one who said it. At the demise of his master, he should rend all of his garments until his chest be exposed, and he should never mend the garments. Whereat are these words directed Only respecting his true master, of whom he learned most of his wisdom; but if he did not learn from him most of his wisdom, behold, he is no more to him than a fellow student and is not obliged to honor him in all the aforesaid matters. Nevertheless, he should rise before him, and at his demise, he should rend the garment even as he does rend at the demise of all whose loss he mourns. Even if one did not learn from his master but one word whether of great or of small importance, he should rise before him during his lifetime and rend his garments at his demise.⁹Kiddushin, 32a; Berakot, 27b; Moed Katan, 27a; Baba Mezia, 33a. C.

Moreover, every disciple of the wise, of proper ideas does not speak in the presence of him who is greater than himself in wisdom, although he learned nothing at all from him.¹⁰Pir. Ab. 5. 10 C.

An accredited Rabbi who desires to forego all of these attentions pertaining to his honor, or one of them, either to all of his disciples or to one of them, the discretion is in his own power. Nevertheless, the disciple is obliged to adore him even at the very time when he foregoes all honor due to him.¹¹Kiddushin, 32b. C.

Even as the students are obliged to honor the master, so is the master obliged to treat his disciples with deference and to draw them near himself. Thus said the sages: "Ever let the honor of thy disciple be dear unto thee even as thine own." (Pirke Abot, 4.15). And it is essential for a man to care for his disciples and to love them, for they are the sons who make life enjoyable, both, in this world and in the world to come.

The students increase the master's wisdom and broaden his heart. The sages said: "Much wisdom have I learned from my masters, more than that from my colleagues, but from my disciples more than from all of them combined." (Ta'anit, 7a). Even as a little fagot kindles the big one, so a small disciple sharpens the mind of the master to the end that he brings forth from him by his questions a beautified wisdom.¹³Makkot, 10a; Taanit 7b. C. G.

Chapter 6

It is mandatory to respect every disciple of the wise even though he be not one's master, for it is said: "Thou shalt rise up before the hoary head and honor the face of the old men" (Lev. 19.32); the old man herein spoken of is, the old man who acquired wisdom. Whenceonward is the obligation to rise before him applicable From the time he will

approach within four ells until he will pass by from in the front of him.

There is no rising up in a bath house, nor in a lavatory, for it is said: "Thou shalt rise and honor", a rising up which is accompanied by honor. Working men are not obliged to rise up before the disciples of the wise, during their working hours, for it is said: "Thou shalt rise up and honor", even as doing honor does not cause a loss to the purse, so must the rising up be without loss to the purse. Whence do we know that one is forbidden to close his eyes at the approach of a wise man so as not to see him at the time when he is obligated to rise before him From what it is said: "And thou shalt fear thy God" (Ibid.), herefrom we infer that of everything which belongs to one's heart, it is said: "And thou shalt fear thy God".¹Kiddushin, 32b and 33a; Yer. end of Bikkurim; Hullin, 54a. C. G.

It is improper for a wise man to be troublesome to the public by timing himself to appear in their presence so that they may rise up before him, but he shall take the shortest path in passing them by and arrange it so that they may not see him, and not be troubled to rise up. The wise men of yore did round out their walks and follow the outer path where their acquaintances do not frequent, so as not to burden them.²Kiddushin, 33a. C.

One who is riding is entitled to the same deference as the one who is walking, and as it is obligatory to rise before one who is walking, so it is obligatory to rise before one who is riding.³Yoma, 37b. G.

When a company of three are walking on the way, the master shall be in the middle, the better scholar on his right, and the lesser one on his left.⁴Ibid. C.

He who sees a wise man approaching does not rise before him until he will be within four ells, and as soon as he passes by, he may sit down; he who sees a dean of a tribunal passing by must rise before him as soon as his eyes behold him from a distance and not sit down until he will pass him by and be back of him four ells; he who sees the president of the tribunal approaching he should rise before him as soon as his eyes behold him and not sit down until he will take his seat, or until he will walk away out of his sight. The president of a tribunal who renounces all these attentions of honor, his renunciation thereof is valid. When the president enters, the whole audience rises and do not sit down until he will tell them, "Be sitted." When the dean of a tribunal enters, two lines are formed in his honor and the people on either side remain standing until he enters and sits down on his place, but the rest of the audience remain sitting in their places.⁵Kiddushin, 32b; Ketubot, 17b; Horayot, 13b; Taanit 27b. C. G.

When a Rabbi enters, every one whom he passes by within four ells rises before him, so that one rises up and another sits down, until he reaches and sits down on his place. The sons of the wise and the disciples of the wise, when the public stands in need of their services, may step by the elders of the people and take their own places; but it is no praise for the disciples of the wise to arrive last. When the wise man leaves, as he has a need to, when he has a need, he may return to his own place. The sons of the wise, when they have ability to understand are seated facing their fathers, but if they have no ability to understand, they are seated facing the audience.⁶Yebamot, 105a; Berakot, 45b; G.

A student who is continuously in the presence of his master, is not permitted to rise up before him save morning and evening, so that his master's honor should not appear to be greater than the honor of Him Who is in Heaven.⁷Kiddushin, 33a. C.

For one who is old and distinguished in age, though not a scholar, it is obligatory to rise up; even a young scholar should rise before an old man distinguished in age; but the obligation is not to rise before him in full height, only enough to honor him. It is proper to honor with words even the aged Kuthean and to give him a leaning hand, as it is said: "Thou shalt rise up before the hoary head", the inference being that it includes all hoary heads.⁸Ibid. Baba Batra, 120a. C. G.

The disciples of the wise do not go forth personally to work with the rest of the population on construction and digging for the state, or like labor so as not to expose themselves to be degraded by the ignorant people. They should not be levied upon for the erection of a wall, repairing of the gates, wages for the watchman and the like, nor for the king's giftfund. They should not be obliged to contribute to taxes, whether it be a fixed tax levied upon the inhabitants of the city, or whether it be a fixed tax upon every individual, for it is said: "But even though they should spend gifts among the nations, now will I gather them and they shall be humbled a little through the burden of the king and princes" (Hos. 8.10). If a disciple of the wise had merchandise to sell, he should be permitted to be first to sell it, and no one else in the market should be permitted to sell until he will sell out. Likewise, if he had a trial, and he was standing among many others who had law suits, he should have precedence, and given a place to sit down.⁹Baba Batra, 18b; Ibid. 22a.; Shebuot, 29a C.

It is a grievous sin to disgrace the wise or to hate them. The destruction of Jerusalem did not come about until the disciples of the wise in its midst were disgraced, even as it is said: "But they mocked the messengers of God, and despised His words, and scoffed at His prophets" (II Chron. 36.16), as if saying, they despised those who instructed His words. Such is also the meaning of the words of the Torah in saying: "Thus if ye so reject My statutes" (Lev. 26.16), those who instruct My statutes ye so reject. He who disgraces the wise has no share in the World to Come and is in the category of such of whom it is said: "Because he hath despised the word of the Lord" (Num. 15.31).¹⁰Shabbat, 119b; Sanhedrin, 99a. C. G.

Although he who disgraces the wise is deprived of a share in the World to Come, if witnesses testify that one did disgrace him even with words, the offense is punishable by excommunication, if he be found guilty, the tribunal should excommunicate him publicly, or fine him a gold pound in every instance and give it to the scholar. He who disgraces the wise by words, even after the latter's demise, the tribunal should excommunicate him, but it may, when he will repent, remove the stigma from him. But if the wise man be living, the tribunal has no authority to remove the stigma from him until the one for whose sake he was excommunicated will consent to it. The wise man himself may likewise pronounce an excommunication to defend his honor against an ignoramus who acted irresponsibly toward him, and he needs no witnesses and no warning, and the stigma should not be removed from him until he will apologize to the wise man. If the wise man dies, a tribunal of three may assemble and remove the stigma from him. However, if the wise man desires to forgive him and not ostracize him, the discretion is in his hands.¹¹Moed Katan, 15a; Baba Kamma, 92b; Yoma, 87a; Baba Batra, 112a; Ediyot, ch. 5.6. G.C.

A master who pronounced an excommunication in defense of his honor, all his disciples are obliged to follow the customs of ostracism against the one so ostracised; but if a disciple pronounced an ostracism in defense of his honor, the master is not obliged to follow the manners of ostracism against the one so ostracised, but the public is obliged to follow the customs of ostracism against him. Likewise, one who is ostracised by the president of a tribunal is ostracised to all Israel, but one ostracised to all Israel is not ostracised to the president; one ostracised in his own community is ostracised to every other community, but one ostracised in another community is not ostracised to his own community.¹²Moed Katan, 17a. C.

All of these apply only against one who was ostracised because he insulted the disciples of the wise, but one who was ostracised on account of other matters which carry a penalty of ostracism, even though the ostracism was pronounced by the smallest one in Israel, both the president and all Israel are obliged to follow the custom of ostracism against him until he will repent himself from the thing on account of which he was ostracised, when the stigma may be removed from him. On account of twentyfour different offenses the punishment of ostracism is inflicted upon a person, whether it be man or woman. They are: (1) he who disgraces the wise even after his demise; (2) he who disgraces a messenger of a tribunal; (3) he who calls his fellow a slave; (4) he whom a tribunal summoned to appear and set a date for his appearance and he did not come; (5) he who scoffs at a matter enacted by the scribes, needless to say, a matter mentioned in the Torah; (6) he who did not carry out a judgment of a tribunal is ostracised until he will comply; (7) he who keeps in his premises something which may cause damages, such as a bad dog, or a broken step ladder, is ostracised until he will remove the damaging article; (8) he who sells his immovable property to an idolater is ostracised until he will assume responsibility of any mishap that may be brought about by the idolater against his fellow, the Israelite, his erstwhile adjoining neighbor; (9) he who testifies against an Israelite in the idolatrous court, and judgment is obtained against him as a result of his evidence to pay money contrary to the laws of Israel, is ostracised until he will make restitution; (10) a priest who is a butcher and does not separate the priestly gifts and give them to another priest is ostracised until he will give; (11) he who disgraces the second day of a holiday in Diaspora, even though it is but a custom;¹³Maimonides only refers to the foundation of the second day of holiday in Diaspora which rests upon custom, but he does not refer to any act of violation thereof which was forbidden by enactment of the Scribes. G. (12) he who does servile work during the afternoon of Passover Eve; (13) he who mentions the Name of Him Who is in heaven in vain or takes oath by the Name in nonessential matters; (14) he who causes many to commit blasphemy against the Name; (15) he who causes many to eat holy food without¹⁴See Pesachim 54. G.; (16) he who calculates years and appoints months in Diaspora¹⁵See Berokot 63. The reason for this admonition, is that the Torah must come forth out of Zion. C. G.; (17) he who causes the blind to stumble; (18) he who deprives many of performing a mandatory commandment; (19) a butcher who underhandedly deals out terefah; (20) a Sho'het who practices She'hita without having his slaughtering knife examined by and obtained authority from a Rabbi; (21) he who consciously brings on erection; (22) he who divorced his wife and then forms a partnership between himself and her, or establishes a business which brings them together, when they appear before a tribunal, they should be ostracised; (23) a scholar of a universally evil reputation; (24) he who excommunicates one who was

not guilty of an offense punishable by excommunication.

Chapter 7

A wise man aged in wisdom, or a president, or a dean of a tribunal who committed an unsavory act should never be excommunicated publicly, unless he imitated Jeroboam son of Nebat and his associates¹See First Kings, 11.2614.20.G.; but if he commit any other sin, the punishment of lashes should be administered secretly, even as it is said: "Therefore shalt thou stumble in the day, and the prophet also shall stumble with thee in the night" (Hosea, 4.5), even though he stumbled, cover it with darkness as the night. However, he should be told: "Honor yourself and remain in your house". And even so, when a disciple of the wise be found guilty of an offense punishable by excommunication, it is forbidden to jump to conclusions hastily and excommunicate him; it is rather commendable to run away from such thing, and avoid it. The pious among the wise prided themselves that they were never numbered among those who excommunicated a disciple of the wise, although it is permissible to be counted in to inflict lashes if he be guilty of an offense punishable by lashes, and even be counted in to inflict upon him scourge of rebellion.²Moed Katan, 17b; Horayot, 11b; Pesachim, 52a. C.G.

How is the excommunication pronounced The authority says: "That one (naming him) should be in seclusion." If the excommunication is in the presence of the offender, he says to him: "This one (naming him) is in seclusion". An excommunication of exclusion is pronounced in this way: "That one (naming him) is excluded". An excommunication of separation is pronounced as follows: "He is accursed; the oath of cursing is in him; there is forswearing in him" (Shebu'ot, 36a).

How is the bond of excommunication or ostracism released The authority says to him: "Thou mayest (come back), thou art forgiven". If he releases him in absentia he says: "That one (naming him) may (come back), and he is forgiven."

What regulations should one under sentence of separation follow himself, and how should others act toward him One under sentence of separation is forbidden to shave and wash, as one in mourning, all the days of his separation. He must not be counted in among three to bless God after meals, or among ten in any religious service which requires ten adults, and no one is permitted to sit within four ells of him. Nevertheless, he may give instruction to others and others may instruct him, and others may hire him and he may hire others. If his demise occurs while under sentence of separation, the tribunal has a stone sent which is deposited upon his coffin, as if saying that he is being stoned because he had to be separated from the community. Needless to say that no mourning is permitted after him, and that his hearse is not followed.³Moed Katan, 16b; Baba Mezia, 59a. C.

Of greater punishment than he is the one excluded, who is forbidden to instruct others or be instructed by others (although he may study by himself so as not to forget his learning) either to hire himself out or hire others, either to give or to receive in business, with none to deal with him, save for the barest necessities of his support.⁴Moed Katan, 16b. C.

He who remains thirty days under sentence of separation and appears not for release, another sentence of separation is pronounced against him. If he again remains thirty days and seeks no release, a sentence of exclusion is pronounced against him.⁵Ibid.C.

How large a personnel does it require to release the bonds of separation or exclusion⁶ Three, even uneducated. An individual scholar may release the bond of separation or exclusion by himself. A student is authorized to release the bonds of separation or exclusion, even instead of the master.⁷See Moed Katan, 17a, and RoshaShanah, 29a. G.

If three pronounce an excommunication against one and depart, meantime the offender repents of the sin on account of which sentence was imposed, three others may come and release him.⁸Moed Katan, 16b. C.

One ignorant as to who imposed the sentence upon him, should go to the president who may release him.

If a conditional sentence was imposed upon him, even on his own evidence, he must receive release. A disciple of the wise who imposed a sentence of separation upon himself; even the sentence was based upon the opinion of another, and even if it be on account of a matter which carries the punishment of separation, he may release the bond by himself.¹¹Makkot, 11a. C.

He who dreamt that a sentence of excommunication was pronounced upon him, although he remembers the one who made the pronouncement, must have ten men who are capable of studying treatises to release him. If he finds them

not, he should walk a mile to find them; if such can not be found, even ten who study Mishnah may release him; if such can not be found, ten who can read the Torah may release him; if such can not be found, even ten who can not read at all may release him; if there be no ten adults in his place, even three can release him.¹²Nedarim, 8b; Berakot 29b. C.

One against whom a pronouncement of excommunication was made in his presence, is not released save when he is present. If the pronouncement was made in absentia, the release may be given, both in his presence and in his absence. There is no interval necessary between pronouncement and release; a bond of separation may be imposed, and, if the offender doth repent himself, he may be released the same minute. Yet, if the tribunal see fit to leave one under ban many years, he may be so left, all depending upon his wickedness. Likewise, if the tribunal see fit to first exclude one and then exclude whomsoever that will eat with him, drink with him, or stand within four ells of him, such exclusion should stand so as to punish him, and so as to make a guard around the Torah which the sinners will be unable to break. Although a scholar is vested with authority to excommunicate to preserve his honor, it is not good taste for a disciple of the wise to accustom himself to do such thing, but conceal his ears from the gossip of the ignorant people, and pay no attention to them, as the subject was spoken of in Solomon's wisdom: "Also take not heed unto all words that are spoken" (Ecc. 7.21). So was the way of the pious of yore: they heard themselves maligned, but made no reply; moreover, they pardoned the traducer and condoned him. Great scholars prided themselves in their becoming conduct and related that they have ever declined to pronounce an excommunication of separation or exclusion against a man for the sake of their honor. Such way of disciples of the wise is proper to follow. Whereat are these words directed When one abused him maligned him secretly; but a disciple of the wise, who was abused or maligned by a man publicly, is forbidden to pardon an offense against his honor, and if he does pardon it he is punished in the end, for it is disgraceful to the Torah; he must avenge it and beat it in his heart serpentlike until the traducer will beg his pardon, when he should forgive him.¹³Nedarim, 7b; Megillah, 28a; Yer. Moed Katan, 10b; Yoma, 22b23a; Kiddushin, 32a. C. G.

Foreign Worship and Customs of the Nations

Chapter 1

In the days of Enosh, the sons of man erred exceedingly, the advice of the wise man of that generation was nullified, and even Enosh himself was among the victims of that folly. Their mistake was this: Seeing, said they, that God created these stars and planets to rule the world, that He placed them high above to share honors with them, for they are ministers who render service in his presence, it is proper that they be praised and glorified and honored, this is the will of God, to exalt and honor him whom He exalted and honored, even as a king desires to honor those who stand in his presence, for such is the honor of the king. As soon as this matter was rooted in their heart, they commenced to erect temples in honor of the stars, to offer sacrifices to them, to praise and glorify them in words, and bow down to them in order to reach the will of God by this evil idea. This was the groundwork for the worship of stars. Thus was the statement of its adherents who knew the principles thereof; not that they asserted that there was no God save a particular star. This is as Jeremiah says: "Who would not fear Thee, O King of the nations For it befitted Thee; Forasmuch as among all the wise men of the nations, and in all their royalty, there is none like unto Thee. But they are altogether brutish and foolish; the vanities by which they are instructed are but a stock" (Jer. 10.78). As if saying: All know that Thou art Alone; but their mistake and foolishness is in supposing that this vanity is Thy will.¹Maimonides bases his contention on Gen. 4.26. G.

In the long process of time, there arose among the sons of man false prophets, who asserted that God commanded them saying: "Worship yon star, or all of the stars, and offer sacrifices to it, and compound for it thus and such, and erect a temple for it, and hew its image so that all of the people, women and children and the rest of the populace included, bow down to it". He, moreover, describes for them a form which he invented and tells them that this was the image of yon star which was pointed out to him in his prophecy. In this manner they commenced to draw images in temples, beneath trees, upon mountaintops and elevated places, where they congregated to bow down to them and sermonize to the people, saying: "This image has it in its power to do good and evil, and it is proper to worship it, and be in awe of it." Their priests, moreover, say unto them: "By this worship you will increase and succeed; do thus and such, but not that and this". Then still other frauds rose up to assert that the star itself, or the planet, or the angel spoke to them and instructed saying: "Worship me thus and such", and thereat made known to them the way to worship them, instructing them, "Do so but do not do so". In this manner this thing spread throughout the world, and the worship of images with varied ceremonies, to sacrifice to them and to bow down to them was inaugurated. After the lapse of a long time the Glorified and Awful Name was forgotten to be mentioned by the mouth of all substance and blotted out from their consciousness, so that they gave Him no recognition, as a consequence whereof all the

people of the earth as well as women and little children knew not save the image of wood and stone, the stony temple wherein they were brought up from their infancy to bow down to it, to worship it and to swear by its name. As for their wise man, for example, their priests and their like, they supposed that there was no God save the stars and planets for whose sake, and in whose likeness, those images were made; but the Rock of Ages not a man was there to recognize Him or know Him, save some individuals in the whole world, for example, Enoch, Methuselah, Noah, Shem, and Eber. And, on this path the world continued its course of circuitry until the birth of the firmest pillar of the world, Abraham our father.

As soon as this giant was weaned he commenced to busy his mind, in his infancy he commenced to think by day and by night, and would encounter this enigma: How is it possible that this planet should continuously be in motion and have no leader and who, indeed, causes it to revolve, it being impossible that it should revolve itself. Moreover, he neither had a teacher nor one to impart aught to him, for he was sunk in Ur of the Chaldeans among the foolish worshipers of stars, and his father, and his mother, like all the people, worshiped stars, and he, although following them in their worship, busied his heart and reflects until he attains the path of truth, and, by his correct thinking, he understood when he finally saw the line of righteousness. He knew that there is One God; He leads the planet; He created everything; and in all that is there is no god save He. He knew that the whole world was in error, and that the thing which caused them to err was, that their worshiping the stars and the images brought about the loss of the truth from their consciousness. And, when Abraham was forty years old he recognized his Creator. After he came to this comprehension and knowledge he started to confute the sons of Ur of the Chaldeans, and to organize disputations with them, cautioning them, saying: "This is not the true path that you are following", and he destroyed the images, and commenced preaching to the people warning them that it is not right to worship any save the God of the universe, and unto Him alone it is right to bow down, to offer sacrifices, and compound offerings, so that the creatures of the future shall recognize Him. Moreover, it is right to destroy and break in pieces all of the images, so that the whole population of the future be not led to an error like unto these who imagine that there is no God save these images. When he had them subdued by his well supported contentions, the king tried to put him to death, but he was saved by a miracle, and went hence to Haran. There he stood up anew and called out in a great voice to the whole world, to let them know that there is One God for the whole universe, and unto Him it is proper to render service. And thus he went onward with his proclamations from city to city, and from government to government, until he attained the land of Canaan amidst his outcry, even as it is said: "And called there on the name of the Lord, the Everlasting God" (Gen. 21.33). When the people who congregated about him asked him concerning his preachments, he replied by imparting knowledge to each and every one according to his mentality, to the end that he was able to turn him to the path of truth, until there congregated about him thousands, even tens of thousands, and they became the people of Abraham's household, in whose heart he implanted this great cause, concerning which he compiled books, and which he imparted to his son Isaac.³ Nedarim, 32a. C. Isaac, from his seat of learning, gave instructions and admonitions. And Isaac, in turn, imparted it to Jacob and appointed him head master, who, at his seat of learning, gave instructions and supported all who flocked to him. And Jacob our father instructed all his sons, but separated Levi and appointed him head master, and established him in a seat of learning where to instruct in the path of the Name and in the observance of the charges of Abraham. He, moreover, commanded his sons not to interrupt the succession of the sons of Levi to the presidency of the school so that the learning be not forgotten. So did the movement advance intensely among the sons of Jacob and their followers that the world saw a Godknowing nation called into existence, until Israel spent a long time in Egypt, when they turned to be instructed in their practice and to worship the stars as they did, save only the tribe of Levi, which remained faithful to their ancestral charge; for the tribe of Levi at no time worshiped stars. Verily, in but a short space of time, the root which Abraham had planted would have been uprooted, and the sons of Jacob would have turned to the universal error and wandering; save because of the Lord's love for us, and because He observes the oath of covenant with Abraham our father, He appointed Moses our Master lord of all prophets, and made him His messenger. After Moses our Master was endowed with prophecy and the Lord chose Israel as an inheritance, He crowned them with commandments, and made known to them the way to serve Him, and what will be the judgment rendered against idolatry and all its erring devotees.³

Chapter 2

The primary warning concerning worship of stars is, not to reverence any among all creatures, no angel, no planet, no star, none of the four elements nor any of their offspring, though the worshiper be conscious that the Lord is God and, he be worshiping a given being as at the inception of the worship of Enosh and the people of his generation, behold him, he worships idolatry. It is respecting this very subject that the warning in the Torah was given, saying: "And lest thou lift up thine eyes unto heaven, and when thou seest the sun and the moon and the stars, even all the host of

heaven, thou be drawn away and worship them, and serve them, which, the Lord thy God hath allotted unto all the peoples under the whole heaven" (Deut. 4.19.), that is to say, lest thou spread out in thy mind's vision, beholding that these are guiding the universe, and that God portioned them out to all the world to live in perpetuity and not wane as the course of the universe is, and then say that to such it is right to bow down and to worship; even on this very subject He commanded and said: "Take heed to yourselves, lest your heart be deceived" (Ibid. 11.16.), that is to say, do not fall in error by the thought of your heart to worship these, to make of them a mediator between yourselves and the Creator.¹Sukkah, 45b; Sanhedrin, 63a. G.

The idolaters compiled many books of worship, defining its principle manner of service, its works and its laws; but the Holy One, blessed be He! charged us not to read those books at all, not to think of idolatry generally nor of aught of its details. Moreover, to look at it is forbidden, as it is said: "Turn ye not unto idols" (Lev. 19.4.); and of thinking on this subject it is said: "And that thou inquire not after their gods, saying, How did these nations serve their god" (Ibid.), which is a warning that thou shalt not inquire concerning its manner of practice, though thou art not worshiping it, for this very inquiry causes a turning after it and to imitate their practice, as it is further said: "Even so will I do likewise" (Ibid.).²Shabbat, 149a; Sifra, Lev. 19; Sanhedrin, 100b. C. G.

All of these prohibitive commandments are concentrated on one subject, namely: Not to turn after idolatry, and whosoever does turn after it by doing aught resembling its practice is guilty of an offense punishable by lashes. And, yet, not turning after idolatry alone in one's thoughts is forbidden, for even concerning all thought which causes man to delete a principle of the fundamentals of the Torah are we charged not to offer it to our heart, not to concentrate our mind thereon and reason it out and be drawn after the swerving fancies of the heart. Preceding all, behold, the shortcoming of man's intelligence, more particularly that not all minds can attain the purity of truth. Now, if every man be drawn away after his heart's fancies, he will be discovered demolishing the world to fit in the shortsightedness of his intelligence. For example: some of the time he will search after idolatry, and some of the time he will meditate about the Unity of the Creator, perhaps He is, and perhaps He is not, what of above and what of below, what of the beginning and what of the end; some of the time he will meditate concerning prophecy, perhaps there is, and perhaps there is not, and some of the time about the Torah, perhaps it is from heaven and perhaps it is not. Whereas, he knows not the standard of thinking wherewith to discover the knowledge of pure truth, as a consequence whereof he goes without to atheism. Even on, this subject there is a warning in the Torah, for it says therein: "And that ye go not about after your own heart and your own eyes, after which ye use to go astray" (Num. 15. 39.), as if saying: "Let not any of you be drawn after his shortsighted intelligence and imagine that his fancy attains the truth". Thus did the wise men say: "After your own heart", is a warning against atheism; and "After your own eyes", is a warning against prostitution (Berakot, 13a). But the violation of this prohibitive commandment, although it causes man's disability to share in the World to Come, is not punishable by lashes.³Hagigah, 11a; Abodah Zarah, 17a. C. G.

The precept concerning idolatry balances all other commandments, for it is said: "And when ye shall err, and not observe all these commandments, which the Lord hath spoken unto Moses" (Num. 15.22), which was traditionally instructed that the Verse speaks of idolatry. Herefrom you deduct that whosoever admits idolatry denies the whole Torah, all of the prophets, and all in that which the prophets were instructed since Adam even till the end of time, as it is said: "From the day that the Lord gave commandment, and onward throughout your generations" (Ibid. 15.23). But whosoever denies idolatry admits the whole Torah, all of the prophets, and all in that which the prophets were instructed since Adam even till the end of time. Thus it is the outstanding commandment of them all.⁴Horayot, 8b; Sifre, Num. 15; Nedarim, 25a. C. G.

An Israelite who worshiped idolatry, behold him, he is in everything to be judged as an idolater, and not as an Israelite who violates a prohibitive commandment punishable by stoning. A convert to idolatry, behold him, he is rebellious against the whole scope of the Torah. Likewise are infidels of among Israel not to be judged in aught as Israelites, nor should they ever be received as penitents, for it is said: "None that go unto her return, neither do they attain unto the paths of life" (Prov. 2.19). The infidels are they that absorb themselves in the swerving fancies of their heart about the brutish matters hereinabove spoken of, as a consequence whereof they transgress by stepping upon the vitals of the Torah with spite, soulsickening and highhandedness, and proclaim that therein lies no iniquity. It is forbidden to converse with them, and to answer any argument concerning them, as it is said: "And come not nigh the door of her house" (Ibid. 5.8). As a rule the thought of an infidel drifts toward idolatry.⁶Hullin, 4b; Abodah Zarah, 17a; Sanhedrin, 38; Ibid. 100b. C. G.

Whosoever admits idolatry as truth, although he be not a worshiper thereof, behold him, he is shaming and blaspheming the Glorified and Awful Name. The idolater's corpse is, therefore hung, even as that of the blasphemer's,

and both offenses are punishable by stoning. It is even for this reason that I included the law of the blasphemer in the treatise concerning idolatry, for both of them deny the source of everything.⁷Keritot, 3b; Sanhedrin, 45b.

And, these are the laws concerning the blasphemer: The guilt punishable by stoning is not pronounced against a blasphemer unless he actually pronounces the Particular Name of four letters, Aleph, Dallat, Nun, Yod, and blaspheme Him in a Name of the Names which are forbidden to erase, even as it is said: "And he that blasphemed the name of the Lord" (Lev. 24. 16). By naming the Particular Name he is guilty of an offense punishable by stoning, but by naming all other Attributes he is guilty of an offense punishable by stripes. There is some authority who asserts that he is not guilty save on pronouncing the Name Yod, Hei, Vov, Hei. But I maintain that he is guilty of an offense punishable by stoning in pronouncing either of the Particular Names.⁸Sanhedrin, 55b56a; Sifre, Lev. 24. C. G.

Whence do we derive a prohibitive commandment against the blasphemer It is said: "Thou shalt not revile God" (Ex. 22.27). Each and every day, during a trial for blasphemy, the witnesses are examined and they give testimony not repeating the Name pronounced and words used by the defendant, but an alias, such as "Let Jesse smite Jesse", indicative that four letters were pronounced and that the words were abusive. When the enquette is concluded, the public is ordered out of court, and the elder of the witnesses is examined, saying: "Now, repeat what you have heard in identical language"; he repeats, while the judges remain standing on their feet, and when they hear the actual blasphemy repeated, they rent their garments which they never mend. Their second witness merely states: "Even I heard identically as he repeated". If there were many witnesses it is necessary for each and every one of them to repeat identically as had heard it from the blasphemer.⁹Sanhedrin, 66a; Ibid. 56a; Mekilta, Ex. 22. C. G.

A blasphemer who repented his statement the moment he made it, can not put it up as a defense, but having blasphemed in the presence of witnesses the punishment of stoning is inflicted upon him. He who blasphemed the Name by pretending that he reviles idolatry, jealous people may challenge him and be put to them by them; but if jealous people did not put him to death and he was brought to justice before a tribunal, he is not stoned, for such sentence is pronounced only when he blasphemed by a name of the Particular Names.¹⁰Nedarim, 86b; Sanhedrin, 8a; Ibid. 81b; Baba Batra, 129b; Shebuot, 36a. C. G.

Whosoever hears the Name being blasphemed is obliged to rend his garments; even when an alias is used in blaspheming, if the reviler be an Israelite, he is obliged to rend his garments. He who hears the blasphemy direct or he who hears it from a witness, both, are obliged to rend their garments. But he who hears it from an idolater is not obliged to rend his garments. As for Eliakim and Shebnah¹¹See Second Kings, 18. 1319.9; Isa. 36.137.37. G., they rent not their garment save because Rabshakeh was a converted Israelite. All the judges and witnesses in a blasphemy case, successively put their hand upon the head of the blasphemer, each one saying to him: "Thy blood be upon thy head, thou alone hast brought it upon thyself". Of all upon whom a tribunal pronounces the sentence of death there is none upon whose head the hands of the judges and witnesses are put, save upon the blasphemer, even as it is said: "And let all that heard him lay their hands upon his head" (Lev. 24.14).¹²Sanhedrin, 60a; Sifra, Lev. 24. C.

Chapter 3

Whosoever worships idolatry, of his own free will, wantonly, is guilty of an offense punishable by excision; but if the worship took place in the presence of witnesses, and he was duly warned, he is sentenced to be stoned. If the worship was committed in ignorance, he should bring a standard sinoffering.¹Keritot, 1; Sanhedrin, 60b61a.C.

The idolaters fixed many kinds of service for each and every image and form, and the service of one is unlike the service of the other; for example, Peor, whose mode of worship it is for one to have himself exposed before it, or Mercury, which is worshiped by having stones thrown at it or from it, and many more like services were inaugurated to images. Therefore, if one reverses the service by exposing himself to Mercury or by throwing stones at Peor, he is not guilty, for he must worship it after the manner of its service, as it is said: "How used these nations to serve their gods even so will I do likewise" (Deut. 12.30). The subject being such, and because thereof, a tribunal, judging cases of idolatry should know the modes of its worship, seeing that no punishment of stoning is pronounced on idolaters unless they know that the mode of worship is identical with the testimony presented at the trial.²Ibid. C.

The prohibitive commandment concerning such worship is deducted from what Holy Writ says: "Nor serve them" (Ex. 20.5; Deut. 5.9). Whereat are these words directed At all other manner of worship, save bowing down, slaughtering sacrifice, burning incense, and compounding drink offering; for whosoever employs any of these kinds of worship to revive any form of idolatry, is guilty, although it be not the particular manner of its worship. For example If one offered

a drink offering to Peor, or slaughtered a sacrifice to Mercury, he is guilty, as it is said: "He that sacrificeth unto the gods, save unto the Lord only, shall be utterly destroyed" (Ex. 22.19.). Inasmuch as slaughtering sacrifices was included in worship generally, why was it singled out and separated from other modes of service To teach you, even as slaughtering sacrifices is a particular manner of service dedicated to the Name, and whosoever offers sacrifices to another god is guilty of an offense punishable by stoning, whether its mode of worship was to slaughter sacrifices for it or whether it was not, even so every service which is dedicated to the Name, if he employed it in his service to another god, whether its manner of worship be so or not, is guilty. Even because thereof it is, moreover, said: "For thou shalt bow down to no other god" (Ex. 34.14), to prescribe guilt for bowing down to idolatry even if its mode of service be not so. So is also the law pertaining to offering incense and drinkoffering, forsooth, stonecasting and pouring drink offering is one and the same thing.³Ibid. C.

One who smears feces over it, or who compounded urine as a drinkoffering for it, is guilty; if he slaughtered a locust as a sacrifice to it, he is not guilty, unless its manner of service be so. Likewise, if he slaughtered a crippled animal as a sacrifice to it, he is not guilty, unless its manner of service be so. An idol which is worshiped by a rod, if he broke the rod by striking at it, he is guilty, and if it be the first service offered to such idol it becomes forbidden property; if he cast the rod at it, he is guilty, but it does not become forbidden property, for casting the rod is unlike sprinkling of blood because the rod remains whole as it was whereas blood is spread in drops. He who proclaims one of all kinds of idolatry as his god, is guilty of an offense punishable by stoning; even if he lift up a brick and said to it: "Thou art my god", or to all like in such expression. is guilty, although he repent and the moment he was through proclaiming he said: "No, this is not my god", his repentance is null and he is stoned.⁵Sanhedrin, 60b; Baba Batra, 129b; Nedarim, 87a. C.G.

He who worships idolatry in its usual mood of worship, even in a manner to disgrace it, is guilty. For example One who exposes himself to Peor in order to show his contempt for it, or casts a stone upon Mercury so as to shame it, is guilty, because such act is its real mode of worship. If he commits an act of this kind in error, he should bring a sinoffering.⁶Sanhedrin, 60b; Ibid, 64a C.

One who worships idolatry out of love, for instance, he coveted a given image because it was made superbly beautiful, or he worshiped it out of fear lest it perpetrates harm against him, as its devotees imagine that it can do good and evil, if he accepted it as a god he is guilty of an offense punishable by stoning; but if he worshiped it after its mode or worship, or with one of the four kinds of worship⁸The admonition is, Nor serve them. This is a general rule for all kind of practices which may be included under the term Serve. A prohibitive covering a general rule (Laav Shebiclot) carries no punishment of lashes. C.G. either because of love for art or because of superstitious fear, he is guiltless. He embraces an idol, or kisses it, or who prostrates himself before it, who washes it, anoints it, puts shoes on it, or does any other like service of honor violates a prohibitive commandment, for it says: "Nor serve them" (Ex. 23.24.), and, of course, such attention is included in service. Nevertheless, no lashes is inflicted upon him for doing any of these, seeing that none of them are mentioned in detail.⁹Bowing down, slaughtering sacrifices, compounding drink offerings, and sprinkling of blood. G. If, however, one of these attentions was a mode of service and he did it in order to worship it, he is guilty.¹⁰Sanhedrin, 63a. C.

One who had a splinter stuck in his foot and he happens to be before an idol, should not bow down to take out, as it will appear that is bowing down to it. If his coin be scattered before it, he should not bow down to collect it, as it will appear that he is bowing down to it, but he may sit down and then collect it.¹¹Abodah Zarah, 12b. C.

Waterfountain figures, placed before an idol, in drinking water therefrom one should be careful not to touch his mouth to their mouth, as it will appear that he kisses an idol.¹²Ibid. G.

One who has an idol made for himself, even though he made it not by his own hand and did not worship it, is striped; because it is said: "Thou shalt not make unto thee a graven image, nor any manner of likeness" (Ex. 20.4; Deut. 5.8). Even so, if one makes by his own hand an idol for others is striped, though he made it for an idolater; because it is said: "Nor make to yourselves molten gods" (Lev. 19.4). Therefore, he who makes an idol for himself, by his own hand, is lashed twice.¹⁴Abodah Zarah, 43b. G.

It is forbidden to make images for beauty's sake, even it be not for idolatry; for, it is said: "Ye shall not make with Me" (Ex. 20.23), as if saying; images of either silver or gold, though they be no more than works of artistic beauty, ye shall not make, so that the erring will not err and imagine they are dedicated to idolatry. But the admonition against it is not applicable to any save to form the image of man. Therefore, the image of man should not be formed in wood, nor in lime, nor in stone, provided, however, that the image be protruding, as for instance, the figure or the laver in a palace;

but if the image was homaloid, or a delineated form, such as the forms upon boards and tablets, or the forms woven in a rug, behold, such is permitted.¹⁵Rosh haShanah, 24b; Abodah Zarah, 43b. C.

A ring whereon the image of a man is engraved as a seal, if the image be protruding, he is forbidden to keep it in his hand, but is permitted to have the idolator make an impression on wax therewith; if the image be inwardly engraved he is permitted to keep it in his hand, but forbidden to have the idolator make an impression on wax therewith, because the inwardly engraved image will appear protruding from the wax seal. It is likewise forbidden to sketch the image of the sun, of the moon, of the stars, of the planets, and of angels; for, it is said: "Ye shall not make with me", that is to say: ye shall not make images like unto My ministers, who minister before Me Above, not even upon a tablet. Images of cattle and other living creatures, save man, and images of trees and plants and the like, one may sketch, even though the image be protruding.¹⁷Ibid.; Mekilta, Ex. 20. C.G.

Chapter 4

The seducers of a city in Israel, behold them, they are stoned, although they themselves did not worship idolatry but seduced the citizens of their city to worship it; but the seduced people of the city are beheaded by the sword, provided they worshiped idolatry, or made it their god. Whencefrom is the prohibitive precept against a seducer deducted It is said: "Neither let it be heard out of thy mouth" (Ex. 23.13.)¹Sanhedrin, 50a; Ibid. 76a; Ibid. 63b; Ibid. 111b. C. G.

No city is pronounced a seduced city unless its seducers be her own citizens, of the same tribe even as it is said: "From the midst of thee, and have drawn away the inhabitants of their city" (Deut. 13.14.), numbering two or more than two even as it is said: "Certain base fellows are gone out" (Ibid.), having seduced up to a majority of the citizens, the majority being more than one hundred even to the majority of the tribe, but if an actual majority of the tribe was seduced they are judged as individuals, for it is said: "the inhabitants of their city" (Ibid.) which means neither a village nor a large city, and every place of less than one hundred citizens is a village and of a majority of a tribe is a large city. Likewise, if women or small children seduced it, or it was seduced by an individual person, or only a minority of its citizens was seduced, or they themselves brought about the seduction, or its seducers were outsiders, the law of a seduced city is not applied to it, but they are judged as individuals who worshiped idolatry, and whosoever did transgress is stoned, and their property is inherited by their lawful successors as the law is concerning all upon whom the tribunal pronounces a sentence of death.²Sanhedrin, 111ab; Ibid. 15b; Ibid. 112a. C.

A seduced city is not judged by any save by a tribunal of SeventyOne; for, it is said: "Then shalt thou bring forth that man or that woman, who have done this evil thing, unto thy gates" (Deut. 17.5.), herefrom we deduct that individual worshipers of idolatry are sentenced to death by the tribunal of each and every gate, but many are not sentenced to death by any save by the Great Tribunal.³Ibid. 17ab.C.

None of the cities of escape is adjudged a seduced city, as it is said: "Within any of thy gates" (Deut. 17.2); nor is Jerusalem adjudged a seduced city as it was not divided among the tribes. A buffer city must not be adjudged a seduced city, lest the idolaters enter through it and destroy Eretz Ysrael. A single tribunal should not adjudge three cities, one alongside the other, seduced cities, but if they be far apart it may be done.⁶Sifre, Deut. 17; Sanhedrin, 2a; Ibid. 16ab; Baba Kamma, 72a C.G.

No city is adjudged a seduced city unless its seducers employed plural language in seducing it, saying to them: "Let us go and we will worship", or: "Let us go and we will offer sacrifices", or: "Let us go and we will burn incense", or: "Let us go and we will compound a drinkoffering", or: "Let us go and we will bow down", or: "Let us go and we will accept it as a god", and they heard it, and worshiped it in its proper mode of worship, or in either of the four particular kinds of worship⁷Sacrifice, incense, drinkoffering and bowing down. G., or accepted it as a god. A city charged with seduction, but the evidence showed that not all of the conditions were substantiated either against its inhabitants or against its seducers, how is it to be treated A warning is given to each and every one of them, and evidence is taken against each and every one of them individually, and any one of them who did worship idolatry is stoned as an individual who worships idolatry, and their property is inherited by their lawful successors.⁸Sanhedrin, 67b; Ibid. 111b. C.

How is the legal procedure against a seduced city instituted When the information shows that it really deserves to have a pronouncement of a seduced city made against it, the Great Tribunal appoints a commission who investigate and take evidence until they are convinced by clear testimony that the whole, or a majority of the city was really seduced and turned to the worship of idolatry; thereafter two abecedarians are commissioned to warn them and to bring them back to the fold; if they turn and repent, it is well, but if they hold on to their evil, the tribunal instructs all Israel to wage war against them, and they lay siege and array battle with them until the city is broken open, whenafter

courts are established and they are put on trial. Each one against whom two witnesses testified that he worshiped idolatry after he received a warning, is separated. If all those who did worship constitute but a minority of the citizens, they are stoned and the rest of the citizens escape punishment. If it be found that a majority worshiped idolatry, they are all taken before the Great Tribunal, where their trial is finished, and all those who are found guilty of having worshiped idolatry are put to death by the sword. If the whole population of the city worshiped idolatry, all of them, women and children included, are put to death by the edge of the sword. Whether the entire city was seduced, or whether only a majority thereof, its seducers are stoned, and its entire booty is gathered in its main street. If it has no such street, it is mandatory to construct such street. If its street was without its boundaryline, a wall should be constructed beyond it, so as to incorporate it within its boundaryline, even as it is said: "Into the midst of the broad place thereof" (Deut. 13.17). Then, everything that liveth should be put to death, and all of its spoil, together with the property of the whole district should be burned in fire. And it is mandatory to burn it; for, it is said: "And shalt burn with fire the city, and all the spoil thereof" (Ibid.)¹⁰Maimonides supports the Sifre (Deut. 13.) and Rabbi Eliezar (Sanhedrin, 44a) against Rabbi Akiba, in deciding that children of the wicked are destroyed. Any one studying these chapters will see that the purpose of the law was to serve a warning, and both the Sifre and Rabbi Eliezar had the support of history, (Num. 16) Korah and JabeshGilead (I. Samuel, 11.1) to their contention. Knowing what punishment there is in store for them and their children, the possibility of a city becoming a seduced city was very remote, and the fact that almost fourteen centuries of national life in Palestine did not produce a single instance where the necessity of making this law operative is in itself evidence that the prescribed severity, as interpreted by Maimonides had a great deal to do with it. C.G.

The substance of the righteous therein, who are the rest of the population of the city which was not seduced together with a majority thereof, is burned among its general spoil, because they continued to dwell there their property is forfeited. And, whosoever enjoys aught of the spoil thereof, is lashed, even as it is said: "And there shall cleave nought of the devoted thing to thy hand" (Ibid, 13.18.).¹¹

If the witness against a seduced city were impeached, whosoever held possession of any of its property enjoys right of ownership thereto, seeing that there was no testimony to destroy it. But wherefore does one acquire the right of property therein? Because after the testimony was given and sentenced pronounced each and every inhabitant yielded his right to his property and rendered it ownerless. A seduced city is never rebuilt, and whosoever rebuilds it is lashed; for, it is said: "It shall not be built again" (Deut. 13.17.); but in its place it is permitted to lay out gardens and plant vineyards, as the Verse says, "it shall not be built again", which means not to rebuild it as a settlement of people as it was heretofore.¹²Keritot, 24b; Sanhedrin, 112a. C.

Tourists who chanced to a city which was pronounced a seduced city and joined the rest of the population in the worship of idolatry, if they lived there thirty days prior to the seduction they are put to death by the sword and their property is destroyed, if not they are stoned and their property belongs to their heirs.¹³Tourists also may save the city, either by increasing the number to a real majority, or by joining the minority and making the righteous a majority. Maimonides here is concerned only with the property rights of the tourists, as it is indicated from the context of this paragraph. Of course, thirty days residence may change the status of the inhabitants. G.

Property belonging to another district which had been stored in a seduced city, although the inhabitants of the latter assumed responsibility for its loss, is not burned, but returned back to its owners, as it clearly states "the spoil of it", and not the spoil of its neighboring town. Property of the evildoers who were seduced which were stored away in another district, if it can be gathered that day together with its own property, it shall be burned among its spoil, if not, the distance being too far to gather it on the selfsame day, it is not destroyed, but given to their heirs.¹⁴Sanhedrin, 112b. C.

An animal, half of which was the property of a seduced city and the other half that of another city, is forbidden to be eaten; but dough in a similar state is permitted to be eaten, because it is possible to divide it.¹⁵Ibid. C.

An animal of a seduced city which was slaughtered is forbidden, and nought thereof must be enjoyed, even when one slaughters an ox which had been adjudged to be stoned. The proceeds of the hair from the head of either man or woman is permitted to be enjoyed; but cut hair is included among the spoil, and must not be enjoyed.¹⁶Ibid. C.

Fruit on the trees therein is permitted; for, it is said: "shalt gather" and "shalt burn" (Deut. 13.17.), such should be destroyed as require only gathering and burning, whereas fruit on the trees require gleaning, gathering and burning. This is also applicable to hair on one's head. Needless to say that the trees themselves are permitted, and are, of course, the property of the heirs. The devoted things therein are dealt with as follows: the devoted animals of the altar

should be destroyed; "The sacrifice of the wicked is an abomination" (Prov. 21. 27.); the devoted things for the repair of the Temple should be redeemed, and thereafter burned, for it says, "Spoil of it" (Deut. 13.17.) but not spoil of heaven.¹⁸Sanhedrin, 112b. C.

The firstborn and the tithes of animals therein, if they be unblemished they are as devoted things of the altar, and they shall be put to death; the blemished are included in its cattle and must be destroyed as spoil. The heaveoffering therein, if the priest already had taken possession thereof it shall be left to rot away because it is his property, but if it be as yet in the hand of the Israelite, it shall be given to a priest of another territory, because it is property of heaven and the devotion thereon is a bodily devotion.¹⁹Ibid. 111b. C.

Second tithes, the redemption money of second tithes and the sacred writings therein should be treasured away.²⁰Ibid. C.

Whosoever carries out an execution against a seduced city is like one who sacrifices a burnt offering, even as it is said: "Every whit, unto the Lord thy God" (Deut. 13.17). Moreover, he removes the fierceness of God's anger from among Israel, even as it is said: "That the Lord may turn from the fierceness of His anger" (Ibid. 13.18), and brings upon them blessing and mercy, even as it is said: "And show thee mercy, and have compassion upon thee, and multiply thee" (Ibid.).²¹Ibid. C.

Chapter 5

He who entices a single person in Israel, whether man or woman, is stoned, although neither the enticer nor enticed worshiped idolatry, for he taught him to worship; and regardless of whether the seducer was a layman or whether he was a prophet, whether the enticed was an individual, man or woman, or whether there were several individuals, his punishment is death by stoning.¹Ibid. 66a; Ibid. 89a; Ibid. 61a. C.

One who entices a majority of the people of a city, is not called enticer but seducer. If such one who seduced a majority of the city be a prophet, his punishment is death by stoning, but the seduced are not judged as are the people of a seduced city, unless a minimum of two will commit the seduction. Regardless of whether a prophet said: "The idol charged me to serve it", or whether he said: "The Holy One, blessed be He! charged me to worship idolatry", behold him, he is a seductive prophet, and if a majority of the city be seduced by him, he shall be stoned. The enticer, whether he entices by employing plural or singular language, is stoned. For instance One who says to his friend: "Come, I will worship, Come, I will go and officiate at the worshipping; let us both go and worship by performing a certain service by which that particular branch of idolatry is worshiped; stand by, I will sacrifice; follow me, I will go and sacrifice; let us both go and sacrifice; stand by I will burn incense; follow me, I will go and burn incense, let us both go and burn incense; stand by I will compound a drinkoffering; follow me, I will go and compound a drinkoffering; let us go and compound a drinkoffering; behold, I will bow down; follow me, I will go and bow down; let us go and bow down", behold him, he is an enticer. If he enticed two, both of them are witnesses against him, who bring him before the tribunal and testify that such was his statement to them, and he is stoned.²Sanhedrin, 67a. C.

There is no legal requirement to give the enticer a warning. If an enticer speaks to one, that one should say to him; "I have friends who desire it", and in this way maneuver to have him entice two, so that they may testify against him, and have the sentence of death imposed upon him. If the enticer refuses to entice two at a time, it is mandatory to spy on him. Against none of those who might be involved in crimes punishable by death is spying permitted, save against this one. How is the spying conducted against him The enticee brings two witnesses, whom he hides in a dark place, so that they can see the enticer and hear his words, but he can not see them, and he says to the enticer: "Now, tell me what you already told me privately before"; if the seducer repeats it, the seducee replies to him, saying: "How can we abandon our God in heaven, and go and worship wood and stone" If the seducer did repent, or remained silent, he is guiltless; but if he replies to him, saying: "Such is our duty, and so it is becoming for us do", the two witnesses who stand from afar bring him before a tribunal and the pretence of stoning is pronounced against him.³Ibid. C.

It is mandatory that the hand of the seducee shall slay him, even as it is said: "Thy hand shall be first upon him to put him to death" (Deut. 13.10). The seducee shall not befriend the seducer, as it is said: "Thou shalt not consent unto him". Moreover, think not because it is said of thine enemy, "Thou shalt surely release it with him" (Ex. 23.5.) thou shalt also aid this one, remember to learn another saying: "Nor hearken unto him" (Deut. 13.10.); think not because it is said: "Neither shalt thou stand idly by the blood of thy neighbor" (Lev. 19.16.), thou shalt also not stand idly by the blood of this one, remember to learn another saying: "Neither shall thine eye pity him" (Deut. 13. 9.). The seducee is forbidden to state aught in his favor, as it is said: "Neither shalt thou spare" (Ibid.). If he knew aught about his guilt, he

is not permitted to be silent about it, as it is said: "Neither shalt thou conceal him" (Ibid.). Whence do we deduct the prohibitive against a layman who is an enticer From what it is said: "And all Israel shall hear, and fear" (Ibid. 13.12.)⁴Sifre Deut. 13; Sanhedrin, 63b. C.

One who entices others to worship him, saying to them: "Worship me", if they did worship him, he is stoned; but if they did not worship him, although they received his request attentively and said, Yes: he is not stoned. But if he enticed them to worship another man, or other kinds of idolatry, if they received his request attentively and said: "Yes, we will go and worship", though no actual worship took place, both the enticer and the enticee are stoned, even as it is said: "Thou shalt not consent unto him, nor hearken unto him" (Ibid. 13.10); thus if he did hearken and consent, he is guilty.⁵Sanhedrin, 61b. C.

How is a prophet, prophesying in the name of idolatry, proved to be such It is he who says: "That idol, or that star told me that it is mandatory to do thus and such, or not to do it," though he chanced to aim properly at the law, to contaminate that which is unclean and to purify that which is clean, if he received a warning before two witnesses, he is put to death by strangulation, even as it is said: "Or that shall speak in the name of other gods, that same prophet shall die" (Deut. 18.20). The prohibitive against the practice of such a prophet is derived from what it is said: "And make no mention of the name of other gods" (Ex. 23. 13).⁶Ibid. 89a. C.

It is forbidden to enter into a disputation with one who prophesies in the name of idolatry, and he is not asked to bring a token or perform a miracle. If he does so of his own account, no attention should be paid to him and no afterthought given to it; and whosoever meditates about his tokens, lest they be true, violates a prohibitive commandment, saying: "Thou shalt not hearken unto the words of that prophet" (Deut. 13.4). So is the punishment of the false prophet by strangulation, though he be prophesying in the name of God and neither added to or diminished from the Torah, even as it is said: "But the prophet, that shall speak a word presumptuously in My name that same prophet shall die" (Deut. 18.20)⁷Ibid. C. The Hebrew text quotes this Verse incorrect. See text in the Torah. G.

Whether one prophesies that which he heard not by vision of prophecy, or whether he overheard his fellowprophet's words and says that they were spoken to him, and he is posing as a prophet therewith, is a false prophet, and his death is by strangulation.⁸Ibid. C.

He who withholds himself from pronouncing a sentence of death against a false prophet, because of the latter's qualities, seeing that he follows the ways of prophecy, violates a prohibitive commandment, saying: "Thou shalt not be afraid of him" (Deut. 18.22); likewise is the one withholding himself from testifying against him, or who is afraid of him and dreads his words, included among those who violate the commandment of, "Thou shalt not be afraid of him. A false prophet is brought to trial only before a tribunal of SeventyOne."⁹Sifre, Deut. 18; Sanhedrin, 16b. C.

He who vows by the name of idolatry, or swears by it, is lashed, even as it is said: "And make no mention of other gods" (Ex. 23.13), whether the oath be for himself or for the idolatry. It is forbidden to give an oath to idolater by that which he fears. Even to mention the name of the different kinds of idolatry is forbidden, though it be not in the manner of an oath, for it is said: "Make no mention" (Ibid.).¹⁰Ibid. 63a. C.

One man should not say to another: "Wait for me alongside that idol, or like expression. But all forms of idolatry mentioned in Holy Writ one may name, for instance: Peor, Baal, Nebo, Gaad (Fortune) and the like. It is also forbidden to cause others to vow and take oath by the name of idolatry. But none is punished by lashes save he who vows, or sustains himself, that is swears, by its name."¹²Sanhedrin, 6063ab. C.

Chapter 6

He who practices enchantry or spiritualism of his own free will, wantonly, is guilty of a sin punishable by excision; if there be witnesses, and he received due warning, he is stoned. If he erred, he should offer a standard sinoffering. How is enchantry practiced One stands and burns a kind of incense known to such practitioners, holding in his hand a myrtlebranch which he waves, the while uttering in a murmur words known to such practitioners, so that the supplicant thinks that he hears one conversing with him and answering his questions in words that appear to be coming from beneath the earth uttered in a very low voice, which is scarcely audible to the ear but rather perceptible to the mind. Or, one who holds a skull of a deceased person, and burns incense to it, and divines by it, so that it becomes evident as if an extremely low ventriloquous voice makes reply. All such are practices of enchantry, and whosoever practices one such, is stoned.²Sanhedrin, 65ab. C.

How is spiritualism practiced One puts a bone of a bird known to such practitioners in his mouth, burns incense and

performs other manipulations until he falls into a fit resembling epilepsy, when he speaks out of his mouth happenings of the future. All such are forms of idolatry. Whencefrom is the warning against such practices derived From what it is said: "Turn ye not unto the ghosts, nor unto familiar spirits" (Lev. 19.31)³Sifra, Lev. 19. C.

He who gives of his children to Molech of his own free will, wantonly, is guilty of an offense punishable by excision. If he erred, he should offer a standard sin offering. But if he did not in the presence of witnesses, and was given due warning, his punishment is stoning; for, it is said: "Whosoever that giveth of his seed unto Molech; he shall surely be put to death" (Lev. 20.2). Whencefrom is the warning against him derived From what it is said: "And thou shalt not give any of thy seed to set them apart to Molech" (Ibid. 18.21); and it is further said: "There shall not be found among you any one that maketh his son or his daughter to pass through the fire" (Deut. 18.10). How was the practice thereof One builds a big fire, and takes a part of his children and turns them over to the fireworshipping priests; those priests, after a child had been turned over to them by the father to pass him through the fire by the father's consent, return the child back to the father, and it is the father of the child who passes his child through the fire by the consent of the priests, and the passing through thereof is by walking the victim from one side to the other in the midst of the flame. The practice was not to burn children to Molech outright after the manner of those who burned their sons and daughters to another kind of idolatry,⁴Sepharvaim. See Second Kings, 17.31. G. but only by passing through the flame was the service of this idol which is called Molech. Therefore, he who performs such service to another idol, save Molech, is not guilty of worshiping Molech.⁵Keritot, 2a; Sanhedrin, 64ab C. See Cairo and other commentaries. G.

He is not guilty of either excision or stoning, unless he handed over his child to Molech, and led him through the flame walking on his feet. If he handed him over and led him not through, or if he led him through and did not hand him over before, or if he handed him over but led him over not after the manner of leading, he is not guilty, Neither is he guilty unless he hands over only part of his children and leaves behind the rest; for, it is said: "Because he hath given of his seed unto Molech of his seed, but not all of his seed."⁶Ibid. C. No punishment on earth can atone for giving all seed to Molech. God alone can punish him. G.

Whether the seed be lawful or illicit, whether his own sons and daughters or their children and grandchildren, even all that come forth out of his loins, because they are his seed, he is guilty; but if he led through his brothers, or his sisters, or his parents, or he permitted himself to be let through, he is not guilty. If he led through one of his children who was asleep, or blind, he is not guilty.⁷Ibid. C.

The pillar forbidden by the Torah, is a building where everybody assembles, even to serve God therein is forbidden, for in such manner was idolatry worshiped; for, it is said: "Neither shalt thou set thee up a pillar" (Deut. 16.22). And, whosoever sets up a pillar is lashed. The same applies to a figured stone spoken of in the Torah, although one bows down to it for the sake of God, he is lashed; for, it is said: "Neither shall ye place any figured stone in your land, to bow down unto it" (Lev. 26.1), because such was the practice of idolaters, to deposit a stone before it, upon which to bow down to it; therefore, shall it not be so in the worship of God. But he is not lashed, unless he spread his hands and feet upon the stone, so that he be bodily lying on it, for such is the kind of bowing down spoken of in the Torah.⁸Sifre, Deut. 16; Megillah, 22ab. C.

Whereat are these words directed At other places, but in the Temple it is permitted to bow down on the stones, even as it is said: "In your land" (Lev. 26.1) in your land you shall not bow down upon the stones, but you do bow down upon the cut stones of the Temple. Because of this, it became the custom throughout Israel to spread matts, or straw, or stubble on the stonelaid flooring of the synagogues so as to separate their countenance, when they bow down, from the stone. If there could be found no substance to form a separation between himself and the stone, he should either go to another place and bow down, or bow sidewise, with his face turned away, so as not to connect his countenance with the stone.⁹Ibid. C.

Whosoever bows down to God upon the cut stones, without, however, spreading his hands and feet thereon, is not striped, but is lashed as a rebel; whereas idolatry, whether he bows down with spreading hands and feet or whether without spreading hands and feet, as long as he touches his countenance on the ground he is stoned.¹⁰Ibid. C.

He who plants a tree near the altar, or anywhere in the entire Court, whether a bare tree or a fruit tree, although he did it to adorn the Temple and beautify it, even such as he shall be striped; for, it is said: "Thou shalt not plant thee an Asherah of any kind of tree beside the altar of the Lord thy God" (Deut. 16.21), because this is the custom of idolaters; they plant trees beside the altar of the idol so as to attract the people to congregate there.¹¹Sifre Deut. 16; Tamid, 28b. C.

It is forbidden to make wooden entrance passages in the Temple, such as are made in courtyards, the wood being built in and not planted, and the removal from the forbidden appearing to be overmuch, notwithstanding, because it is said: "Any kind of tree" (Ibid.). But all corridors and cornices which were protruding from the walls of the Temple were of stone, not of wood.¹³ Sifre, Deut. 16. G.

Chapter 7

It is a mandatory commandment to destroy idolatry, and everything used in its service, and everything that is made for its sake, even as it is said: "Ye shall surely destroy all the places" (Deut. 12.2), and it is, moreover, said: "But thus shall ye deal with them" (Ibid. 7.5). Within the boundaries of Eretz Yisrael it is mandatory to pursue it, until we destroy it from the whole of our land; but outside of Eretz Yisrael we are not commanded to pursue it, save that any place which we may conquer we should destroy idolatry therefrom, even as it is said: "And ye shall destroy their name out of that place" (Ibid. 12.3) in Eretz Yisrael thou art commanded to pursue them, but thou art not commanded to pursue them without Eretz Yisrael.¹ Sanhedrin, 89a; Makkot, 22b. G.

Idolatry, its articles of service, that which is offered to it, and all that is made for its sake, nought thereof should be enjoyed, even as it is said: "And thou shalt not bring an abomination into thy house" (Ibid. 7.26); and whosoever enjoys aught of one of these is striped twice; once, because it is said: "Thou shalt not bring" (Ibid.) and once more because it is said: "And there shall cleave nought of the devoted thing to thy hand" (Ibid. 13.18).² Ibid. C.

It is forbidden to derive any profit of a cattle which was wholly sacrificed to idolatry, even its manure, bones, horns, hoofs and hide, of all and any no enjoyment shall be derived. Therefore, if there be a mark in the hide by which it is known that such hide is of a sacrifice to idolatry, for instance, they used to make a round cut opposite the heart in order to get the heart out, it is evident that all hides which are so cut are forbidden property to enjoy aught thereof, and so are all the like of this.³ Abodah Zarah, 34a; Ibid. 29b. C.

Wherein is the difference between an idol that belongs to an idolator and an idol that belongs to an Israelite? The idol of an idolator is forbidden property to enjoy aught thereof the moment it becomes an idol; it is said: "The graven images of their gods shall ye burn with fire" (Ibid. 7.25), the moment they became graven images it became a god to the idolator; but that of the Israelite does not become forbidden property until it is worshiped, as it is said: "And setteth up in secret" (Ibid. 27.15), until matters of secrecy will be done to it, which are its form of worship. But everything used in the service of idolatry, whether it belong to an idolator or to an Israelite, does not become forbidden property until they will be used during services to idolatry.⁴ Ibid. 5152a. C.

One who makes idols for others, though he is striped, may enjoy his wages, even if he made it for an idolator, which becomes forbidden property before worshiping it, because it does not become forbidden until it is completed, and the moment he gives the last stroke which finishes it his interest therein is not even a penny's worth. One who purchased antiques from an idolator and found idols therein, if he paid for it but took no delivery, he may return them to the idolator; likewise if he took delivery but did not pay for it, although delivery in dealing with an idolator consummates the deal, for here is an apparent purchase by mistake. If he gave money and took delivery, he must cast them in the dead sea. And so shall it be when an idolator and a proselyte fall heirs to the property of their idolatrous father; the proselyte may say to the idolator: "You take the idols and I will take coin; you take compounded wine and I will take fruit". But after the forbidden articles came under control of the proselyte he is forbidden to make such exchange.⁵ Ibid. 19a; Ibid. 71b. C.

Figures made by an idolator for beauty's sake are permissive property, but figures made for idolatry are forbidden property. How can it be identified? All figures found in the rural districts are forbidden property, because they are presumed to have been made for idolatry; and those that are found in urban districts, if they were placed at the gate of a city and there was alongside the figure an emblem of a rod, or bird, or globe, or sword, or wreath and ring the presumption is that it was dedicated to idolatry and is forbidden property, if none of these be there the presumption thereof is that it was for beauty's sake only and is permissive property.⁶ Kiddushin, 17a; Abodah Zarah, 4041a. C. G.

Castaway images of idolatry found on the streets, or among castoff articles, are permissive property, needless to mention broken images; but if one finds a castaway hand of a star or planet, or its foot or one of its limbs it is forbidden property, because he has certain knowledge that such member is from an idolatrous figure which is worshiped and, therefore, remains in its forbidden status until he find out that idolatrous worshipers made it impotent.⁷ Ibid. C.

One who finds vestments with engravings of the sun and the moon and dragons thereon, if they be of silver, or gold, or tapestry, or if such were engraved upon nosebands or rings they are forbidden property; but on all other kind of vestments it is permissive property as the presumption is that it is for beauty's sake. Likewise are all other images which are found on all kinds of vestments under the presumption of being there for beauty's sake, and it is permissive property.⁸Ibid. 42a. G.

Idolatry, everything used in its service, and everything that is made for its sake, even a particle thereof renders everything it is mingled with and its identity lost therein forbidden property. For example An idol which was mixed up with figures of beauty, even one in many thousands, all of it must be cast in the Dead Sea. Likewise if a cup of idolatry was mixed up with many other cups, or a piece of idolatrous meat in many pieces of other meat must be cast in the Dead Sea. Likewise if a heartcut hide was mixed up with many other hides, all become forbidden property. If one did transgress and sold idolatry, or an article used in its service, or that which is made for its sake, even the proceeds thereof is forbidden property and a particle thereof renders all other things wherewith it is mixed up forbidden property, for it is as idolatry itself, even as it is said: "Nor take it unto thee, lest thou be desolate as itself" (Deut. 7.25)⁹The English translation of the Hebrew word Harem, both in the King James version and the 1917 edition of the Jewish Publication Society is wrong; Harem means a snare, as well as desolate, devout, isolated etc., but it never can mean be ensnared or be snared. Neither does the Hebrew word Komohu mean either therein or thereby. G.; herefrom you deduct that everything you take in from idolatry from the things which are for its service, and from that which it is made for its use is like unto itself.¹⁰Abodah Zarah, 74b; Kiddushin, 58a. C.

The ashes of an idol or Asherah which was burned is forbidden property. A glowing ember of a burning idol is forbidden property, but the flame is permissive because it has no substance. Doubtful idolatry is forbidden property; a doubt contingent upon another doubt is permissive. For example An idolatrous cup that fell in a receptacle full of cups all are forbidden property, because idolatry and the things made for its service, even a particle thereof disqualify all. If one cup from all with which the idolatrous cups was mixed up became separated and fell among two other cups all are permissive property. If a ring belonging to idolatry became mixed up with many other rings, and then two of the lot fell overboard into the ocean, all the remaining are permissive property, for it can be said that the ring belonging to idolatry was one of the two which fell overboard. If it became mixed up with a hundred other rings, which were subsequently separated into two groups, forty in one place and sixty in another place, and the group of forty fell among a lot of other rings, all are permissive property, for it can be said that the forbidden ring is in the major group of sixty. But if the sixty fell into a group of other rings all are forbidden property.¹³Temurah, 34b; Moed Katan, 39a; Zebahim 74ab; Abodah Zarah, 49a. C. G.

An Asherah, whether it was an object of worship itself, or whether there was an idol beneath it, the shadow of the full height of its stem is forbidden ground to sit under; but it is permitted to sit beneath the shadow of its branches and leaves. If one can avoid it by another road he is forbidden to pass beneath it, if there be no other road he should pass beneath it running.¹⁴Abodah Zarah, 48ab. C.

Birds in a nest which are no longer in need of their mother are permissive property; but birds and eggs which need their mother are forbidden property, seeing that the Asherah is the basis of their existence. The nest itself on its top is permissive, because the bird brings his building material from another place.¹⁷Meilah, 14a; Abodah Zarah, 42. C.G.

If one took wood thereof, it is forbidden property; if he heated the hearth with it, it shall be cooled off and thereafter heated with other wood, when he may bake therein. If he did not cool it off and baked bread therein, the bread is forbidden property. If it be mixed up with other bread, he should cast the price of that bread in the Dead Sea and the other loaves are permissive property.¹⁸Abodah Zarah, 49a. C.

If he made a shuttlecock thereof and wove a garment therewith, that garment is forbidden property; if it be mixed up with other garments he shall cast the price of that garment into the Dead Sea and the rest of the garments are permissive property. It is permitted to plant vegetables beneath its shadow, whether it be in summer when the shadow is essential to it or in the rainy season, because the shadow of the Asherah, which is forbidden premises and the ground which does not become forbidden property, both cause such vegetables to sprout, and, it is a rule that whenever a forbidden thing and a permissive thing contribute jointly to a cause it is permissive everywhere. Therefore, if a field was fertilized with fertilizer which belonged to idolatry, it is permitted to be seeded; or if a cow was fattened with lentiles which belonged to idolatry it may be eaten, and so like thereto.¹⁹Ibid. 49b. C. G.

Meat, or wine, or fruit which one prepared to be offered to idolatry, do not become forbidden property, although he had already delivered it to the house of idolatry, not until he should offer it to the presence thereof. When he did offer

it to the presence thereof, it becomes a thing made for the sacrifice thereto, and even though he take it out again, it is forbidden property forever. Moreover, everything which is found in a house of idolatry, even salt and water is forbidden property by the Torah, and whosoever partakes a particle thereof is lashed.²⁰Ibid. 29b. C.

One who finds a garment or a vessel, or coin upon the head of an idol, if he finds it deposited in a shameful manner it is permissive property, but if he finds it deposited in an honorable manner it is forbidden property. For example He found a bag hung about its neck, a folded garment lying upon its head, or a vessel leaning upon its head, that is permitted property, because it is there in a shameful manner; and so it is with all like thereto. If he found aught the like of which is used as sacrifice on the altar of the Temple, it is forbidden property. Whereat are these words directed At things found without the place of its worship, but if he found it within, whether it be in an honorable manner or whether it be in a shameful manner, whether it be a thing fit for the altar or whether it be a thing unfitall that which is found within is forbidden property, even water and salt. As for Peor and Mercury, all that which is found with them, whether within or without is forbidden property. So are the stones of Mercury, even a stone apparently belonging thereto, is forbidden property.²¹Ibid. 51b. C.

If a house of idolatry owned a plunge or park it may be enjoyed if its priests derive no favor therefrom, but it should not be enjoyed if its priests do derive a favor therefrom; if it owned it jointly with others, it may be enjoyed even if its priests do derive a favor therefrom, save only nothing should be paid for it.²²Ibid. C.

If there be an idol in a bathhouse, it is permitted to bathe therein, because it was placed there for beauty's sake and not for worship, even as it is said: "Their gods" (Deut. 7. 16), when they conduct themselves toward them after the custom of godliness and when they shame it, for instance, this one which stands at the pool and everybody micturating before it. However, if its mode of service was such, it is forbidden to enter therein²³Ibid. 44a. C.

If one slaughtered an animal with a knife used for idolatry, such animal is permissive property, because he inflicts a damage, If it was a dangerously sick cattle, it is forbidden property, because he repairs a possible loss therewith, and the repair is enjoyed from an instrument dedicated to the service of idolatry. It is likewise forbidden to cut meat therewith, because he repairs something; but if he cuts it in a manner to cause a loss, or as if destroying it, it is permitted.²⁴Hullin, 8a. C.

Chapter 8

All that which can not be seized by the hand of man, and man made it not, although it is being worshiped, is permissive property. Therefore, idolaters who worship mountains, hills, trees originally planted for fruitproduction, public springs, or cattle, all such are permissive property, and the fruit worshiped at the place of its growth, and such cattle may be eaten; needless to say that a cattle designated to idolatry may be eaten, regardless of whether it was designated to be worshiped or sacrificed, for such is permissive property. Whenceonward is it said that a cattle does not become forbidden property Prior to any act done to it in the name of idolatry; but after the least act was done to it, it becomes forbidden thereby. For example If he severed one of its carotides in the name of idolatry. If he made barter therewith to use the proceeds thereof for idolatry, he made it forbidden property, and so is also the proceeds out of that barter, because it becomes the capital of idolatry. Whereat are these words directed At his own cattle; but if he slaughtered his neighbor's cattle to idolatry, or exchanged it, it does not become forbidden property, because no man can make forbidden property out of something which is not his. One who bows down to ownerless land, does not make it forbidden property; if he dug therein wells, pits, or caves to the worship of idolatry, it does become forbidden property.²Abodah Zarah, 45b; Ibid. 54a; Ibid. 4041a; Ibid. 59a. C. G.

Water carried out of a stream by a wave, if one bows down to it, he does not make it forbidden property; if he take out the water by his hand and bows down to it, he does make it forbidden property. Stones of a mountain which became loosened and one worshiped them at their original place, are permissive property, as there was no seizure of man's hand on them.⁴Ibid. 46b. C.

If an Israelite placed a brick erect to bow down to it but did not bow down to it, and then came an idolater and did bow down to it, he made it forbidden property, as placing it erect is an overt act. Likewise if he place an egg erect and an idolator came and bowed down to it, he made it forbidden property. If he cut a pumpkin, or its like, and bowed down to it, he made it forbidden property. If he bowed down to one half of a pumpkin and the other half is connected thereto even that half is forbidden property, because of the peradventure, lest this half serves as a base for the half which is the object of worship. A tree which was originally planted to be worshiped, is forbidden property; of such is the Asherah mentioned in the Torah. If a planted tree was cut down and dedicated to the name of idolatry, though he

propagated its trunk by grafting and crossing and it budded and branches grew upon it, he merely cuts off the branches, which are forbidden property, but the rest of the tree is permissive property. Likewise is a tree worshiped by an individual, although its trunk did not become forbidden property, all branches, leaves, boughs and fruit which it brings forth as long as it is worshiped are forbidden property. A tree, the fruit of which was guarded by idolaters, saying that they are preparing to make thereof strong drink for a given house of idolatry, and they do make strong drink thereof and drink it on their holiday, is forbidden property, because it is plain that it is an Asherah, for they therefore treat its fruit in such manner, as that is the method of the Asherah.⁶Hullin, 128b; Abodah Zarah, 48a; Ibid. 47ab. C.G.

A tree, beneath which an idol is erected, as long as it is beneath it, it is forbidden property; if it be removed from beneath it it becomes permissive property, because it is not the tree itself which is worshiped. A house which was originally built by idolaters for the sake of worshiping it, and similarly if a built house is worshiped, it is forbidden property. If a built house was plastered and decorated anew and dedicated to the name of idolatry, all that which was added to it for its renovation may be removed, and the material thereof is forbidden property because it was made for the purpose of worship, but the rest of the house is permissive property. If one brings an idol into a house, as long as it is there, the house is forbidden property; if he removed it the house becomes permissive property. Likewise is a stone, originally hewn to worship it, forbidden property. If the stone was hewn, and thereafter it was tattooed and painted for worship, even if the tattooing and decorating were done on the body of the stone itself, the renovation may be removed, and that is forbidden property as it was made for the sake of worship, but the rest of the stone is permissive property.⁷Ibid 48a; Ibid. 77ab. C.

A stone whereupon an idol was placed, as long as it remains upon it, it is forbidden property; if the stone was removed from thereunder, it becomes permitted property. If a house near a house of idolatry fell in, its owner, is forbidden to reconstruct it. What can he do to save his property He moves on his own line and builds his house, and the space between he either fills in with thistles or makes a lavatory thereon, so as not to yield space to a house of idolatry. If the wall was of joint ownership the law of half and half should be applicable thereto, his half is permitted property and that of the idolatry is forbidden property, including everything, even its stones, wood, sand and all accessories thereof is forbidden property.⁸Ibid. C.

How is one to destroy idolatry and all other property forbidden on its account, such as things made for its service or for offerings thereto He either pulverizes it and strews it to the wind, or burns it and casts the ashes into the Dead Sea.⁹Ibid. 43ab; See Pesachim, 28a. C.

Something which no human hand can seize that was worshiped, for instance mountains, cattle, or tree, although the object itself is permitted property, the decoration thereof is forbidden property, and whosoever enjoys aught thereof is striped; for it is said: "Thou shalt not covet the silver or gold that is on them" (Deut. 7.25). And, all decorations of idolatry are included among the things made for its service.¹⁰Ibid. 45a. C.

An idol, the owner whereof was an idolater, which was nullified by him before it came into possession of an Israelite, even such is permitted property; for, it is said: "The graven images of their gods shall ye burn with fire" (Ibid.); such shall be done when they reach our hands as they follow the custom of godliness toward them; but if they were nullified by them they are permitted property.¹¹Ibid. 52a C.

An idol, the owner whereof is an Israelite, can never be nullified, even when an idolater had a partnership therein will his nullification be of no aid, but it remains forbidden property forever, and must be hidden. Likewise an idol, the owner whereof was an idolater, which came into the hand of an Israelite, after which the idolater nullified it, his nullification is of no aid but it remains forbidden property forever. An Israelite can not nullify idols, even with the consent of an idolater. An infant, or insane idolater can not nullify idols. An idolater, who nullified an idol, whether it was his own or the property of another idolater, under duress, though it be an Israelite who forced him thereto, the nullification stands, provided, however, that the idolater who nullified be himself a worshiper of idols, for the nullification of him who does not worship idols himself is no nullification. One who nullifies an idol its paraphernalia, too, is nullified; but if he nullifies its paraphernalia, they are permitted property but the idol itself is forbidden property as theretofore until he will nullify it. That which was designated as offering to idolatry can never be nullified.¹²Ibid. 53a; Ibid. 52b; Ibid. 43a; Ibid. 64b; Ibid. 50a. C.

How does the idolater nullify it If he cut off the tip of its nose, the tip of its ear, the first joint of its finger, or if he squeezed in its face though he diminished it not, or if he sold it to a goldsmith who is an Israelite, such are acts of nullification. But if he pawned it, or sold it to an idolater, or to an Israelite who is not a goldsmith, or if debris fell upon it

and he did not clean it, or if robbers stole it and he made no effort to recover it; if he expectorated before it, or micturated before it; dragged it, or cast feces at it, such are not acts of nullification.¹³Ibid. 53a. C.

An idol whose worshipers abandoned it at a time of peace is permitted property, for it is evident that they nullified it; but in war time it is forbidden property, because they did not abandon it save on account of the war. An idol which was broken of itself, its fragments are forbidden property until it will be nullified. Therefore, whosoever finds fragments of idols must know that they are forbidden property, lest the idolator did not nullify it. If the fragments consisted of joints and a nonartisan can restore them, each and every joint needs nullification, but if he can not replace, as soon as one of its joints was nullified all fragments were nullified.¹⁵Ibid. G.

An altar of idolatry which was damaged, continues to be forbidden property until most of it will be demolished by the hand of an idolator; if a pedestal was damaged it becomes permitted property. What is a pedestal and what is an altar A pedestal is made of one stone, and an altar of many stones. How are Mercury stones nullified As soon as they were used as material in a building, or plastered roads with them, or other like utilization, they become permitted property. How is an Asherah nullified If he lops off a leaf or casts away a twig, or takes cane or rod therefrom, or if he pruned it when it had no need for it, such do nullify it. If he pruned it for its own sake, it remains forbidden property but its pruning is permitted property. If it belong to an Israelite, whether it was its own sake or not for its own sake, both it and its pruning are forever forbidden property, because no idol owned by an Israelite can ever be nullified¹⁶Ibid. 53b; 50a; 49b; 42a. C..

Chapter 9

Three days before an idolaters' holiday it is forbidden to either buy from or sell to them any article which is enduring; to either loan from or lend to them; to receive payment from or make payment to them on loans which were either secured by note or pledge; but a verbal loan may be collected from them, because it is as if he saves it from their clutches. It is permitted to sell them perishable goods, such as vegetables and cooked food, till their holiday. Whereat are these words spoken of In Eretz Yisrael, but in other lands it is not forbidden to do all these save on their holiday itself. If one transgressed and did all these transactions with them during the three forbidden days, the proceeds may be enjoyed; but he who deals with them on their holiday the proceeds thereof is forbidden to enjoy.¹Ibid. 2a; 6b; 11b; 6b. C.

One is forbidden to send a present to a Samaritan (Kuti) on his holiday, unless it is known of him that he does not profess idolatry nor worship it. Likewise, if a Samaritan, on his holiday, sent a present to an Israelite, he should not accept it from him; if he fears enmity, he may take it, if the Samaritan is present, but he should not enjoy it until he will be informed that this Samaritan does not worship idolatry, nor profess it.²Ibid. 65a. C.

If the holiday of a particular group of idolaters lasted many days, even three, or four or ten days, all such days are to be considered as one day, and thereon and on the three days preceding it dealing with the idolaters is forbidden.³Ibid. 8a. C.

The Nazarenes are idolaters. They are not so regarded by Jews living in Christian countries. The first day of the week is their festival. Hence it is forbidden in Palestine to have commercial intercourse with them on the fifth and sixth day in each week; and obviously on the first day itself, this is everywhere forbidden. A similar rule applies to all their feasts.

The day on which idolaters congregate to appoint a king, and they offer sacrifices and give praise to their gods, is holy time to them, and is, like the rest of their holidays, forbidden time to deal with them. But an individual idolater, who appoints a day as holy time to himself, and confesses to his star, and praises it on his birthday, or the day he shaves his beard or his queue, or the day he landed from an ocean trip, or when he is liberated from a dungeon, or the day he made a feast for his son, or like festivals, only on that particular day and with the particular idolater is it forbidden to have any dealings. Likewise the funeral day on the demise of one of them they make a holiday, on that particular day, with those particular people it is forbidden to deal. After every demise when vestures are burned and incense offered it is indicative that there is idolatrous worship connected therewith. No holiday is forbidden time save in so far its worshipers are concerned. But those who participate in its joyousness, and eat and drink and observe it as a custom or in honor of the king, yet they themselves do not profess it, with such it is permitted to deal.⁵See Ibid. Mishnah and text of Gemara. G.

Things which are of particular services to a particular kind of idolatry in a given territory are forever forbidden goods to be sold to such worshipers of such idolatry in such given territory. Things which are not of particular service to it,

should be sold simply as merchandise. If the idolater mentions that he makes purchases of such things for idolatry, it is forbidden to sell it to him, unless it was rendered unfit to be offered to idolatry, because no favor should be offered to idolatry.6Ibid. 13a; 44a. C.

If specified things were mixed together with nonspecified, for instance pure frankincense with black frankincense, one may sell simply as merchandise, without fearing lest he separates the pure frankincense for idolatry; and so in every like thing.7Ibid. G.

Even as it is forbidden to sell to idolaters things which uphold their hands to idolatry so it is forbidden to sell them things wherein there is a menace to the public, for instance, bears, lions, weapons, iron fetters, and chains; it is likewise forbidden to sharpen their weapons for them. And, everything which is forbidden to sell to an idolater is also forbidden to sell to an Israelite who is under suspicion that he might resell it to an idolater. It is likewise forbidden to sell instruments of harm to robbers who profess to be Israelites.8Ibid. 15a16b.

Israelites living among idolatrous neighbors, with whom they made a covenant of peace, are permitted to sell weapons to the king's servants and militia, because they conduct war therewith against the country's enemies to save it, as a consequence whereof they protect the Israelites who dwell among them. A city wherein there is an established house of idolatry, one is permitted to pass by it without its boundaries, but is forbidden to enter it; if the idolatry is established without its boundaries he may enter it.10Ibid. 11b. C.

A traveller is forbidden to pass through a city wherein there is an established house of idolatry. That is to say, when the road is the only one leading to that place; but if there is another road and he merely chanced to take this one, he is permitted to enter it.12Ibid. 13a. C.

It is forbidden to assist an idolater in building a shrine wherein the idol is kept; if he transgressed and did build, his wages is permitted property. But he may build the palace or courtyard where the shrine is without scruple.13Ibid. 16a. C.

A city wherein there is an established house of idolatry, and therein be decorated shops and nondecorated, of all that there is in the decorated shops it is forbidden to enjoy aught, because the presumption is that they were decorated for the sake of the idolatry; but of the nondecorated it is permitted to enjoy. It is forbidden to lease shops belonging to idolatry, because thereby one patronizes idolatry.14Ibid. 12b. C.

One who sells a house to convert it into a house of idolatry, the proceeds thereof is forbidden property, and he should cast it into the Dead Sea. But if idolaters belabored an Israelite and robbed his house and erected an idol therein, he may file a written complaint against them in the idolatrous courts and the proceeds thereof, when he collects on them, is permitted property.16Gittin, 44a. C.

It is forbidden to play a funeral march on the flutes used by idolaters. It is permitted to visit the Fair of idolaters, to buy from them cattle, slaves, maidservants in their idolatrous state, houses, fields and vineyards, and employ the scribes of and file suits in the idolatrous courts to enforce contracts with them, for it means escape from their power. That is saying, when the purchase is made from a private owner who pays no tax to idolatry, but to make purchase from one of their merchants is forbidden, because they do pay taxes, and the taxes goes to idolatry, as a result of which idolatry is patronized. If he transgressed and did buy from a merchant, if it was a cattle he shall sever its arteries from the kneejoints down,17See Rashi, Abodah Zarah, 11a, G. and if it be garments or utensils let it decay. If he purchased money and metal utensils he shall cast it in the Dead Sea. If he purchased a slave, he should neither be aided from nor cast into a pit.18Yer. and Tosefta, Ch. 4., Abodah Zarah, 13a. C.

It is forbidden to partake of a wedding feast which an idolater makes for his son or his daughter; even to eat or drink one's own is forbidden to an Israelite, as it would be eating in company of idolaters. Whence onward is it forbidden to eat with such an idolater From the commencement of preparation for the feast, the entire duration of the feast, and thirty days thereafter. If the idolater make a special feast in honor of such nuptials, even after the lapse of thirty days, it is forbidden to eat with him until the lapse of twelve months. All this distant separation is ordained because of idolatry, even as it is said: "And one call thee, and thou art of his sacrifice. And lest thou take of his daughters unto thy sons. and when his daughters go astray after their gods" (Ex. 34.1516).19Ibid. 8a.C.

A daughter of Israel shall not nurse a son of an idolater, because she is rearing a son for idolatry; neither act as midwife to a idolatrous alien woman, though she may act as such for hire to prevent prejudice. An idolatrous alien woman may act as midwife to a daughter in Israel and nurse her son, provided the daughter in Israel gives her

consent to it, lest the idolatrous woman murder her son.²⁰Ibid. 26a. C.

With those who are going to services at the idolatrous houses it is forbidden to deal, but with those who are returning from services it is permitted to deal, provided they come not locked in their arms, for if they do appear so it is indicative that they intend yet to return. An Israelite who is going to a house of idolatry it is permitted to deal with him, perhaps he will repent; but when he returns therefrom it is forbidden. With a converted Jew it is forbidden to deal whether going or returning.²¹Ibid. 29b; 32a33a. C.

An Israelite who went to an idolatrous Fair it is forbidden to deal with him when he is returning, lest he sold idols there, and the proceeds of idolatry in the hand of an Israelite is forbidden property; but the proceeds of idolatry in the hand of an idolater is permitted property, wherefor it is permitted to deal with an idolater upon his return from the worshipplaces of idolatry. No business is transacted with an Israelite who returns from such idolatrous places, and with a converted Israelite neither when going to nor upon his return from such places.²²Ibid. See also Ibid. 64a; 32b. C.

Chapter 10

It is forbidden to make a covenant of peace with the seven Canaanite nations, such peace as would permit them to continue the worship of idolatry, even as it is said: "Thou shalt not make any covenant with them" (Deut. 7.2). They shall either repent themselves of their worship, or be slain. It is moreover, forbidden to have mercy upon them, as it is said: "Nor show mercy unto them" (Ibid.). Therefore, if one saw one of them lost or drowning, he should not bring him up; if he sees him dying, he should not save him; but to destroy wantonly or to push him into a pit, or the like is forbidden, as long as he wages no war. That is saying concerning the Seven Canaanite nations; but as for informers and infidels of those times the war was to destroy them by one's own hand and to lower them to the nethermost pit of destruction because they persecuted Israel, and turned the people from following God.¹Ibid. 26a. C.

Herefrom you are instructed that it is forbidden to give medical aid to an idolater even for hire. But if the doctor feared them, or if he feared their enmity, he may give them aid for hire, but free aid is forbidden. An alien inhabitant among the idolaters, because it is mandatory to afford him a living, the doctor may give free treatment.²Ibid. 65b. C.

No houses or fields shall be sold to them in Eretz Yisrael, but in Syria houses may be sold to them but not fields. It is permitted to lease houses to them in Eretz Yisrael, provided no idolatrous settlement is established by them, and no settlement is considered such if there are no three houses therein; but it is forbidden to lease fields unto them. In Syria it is permitted to lease to them fields too. Wherefore has a field been considered the major Because therein are found two reasons: (a) the idolater removes the obligation of tithes therefrom, and (b) the Israelite shows mercy in giving land to an idolater. But an Israelite who owns land without Eretz Yisrael may sell them there both, house and fields, because it is not the Promised Land.³Ibid. 20b21a. C.

Even in the places where the leasing of houses to them is permitted, it is not for dwelling purposes that the permission was granted, as it would bring the abomination of idolatry into it, against which it is said: "Thou shalt bring no abomination into thy house" (Deut. 7.26); but one may lease houses to them for storage. It is forbidden to sell them fruit on the trees, or grain on the stalk; but he may sell it after it be harvested, or sell to one on condition that he harvest it, and when he does harvest it the purchase is binding. But wherefore is it forbidden to sell it to them Because it is said: "Nor show mercy unto them" (Ibid. 7.2)given them no permanency on land, for by having no land their settlement will be but a temporary one.⁵The Talmud here interprets the word of the root Hano, resting. G. It is also forbidden to speak in praise of idolatry, even to say: "How beautiful is this idol's facial features". From this minor premise the major premise can be deducted that it is forbidden to speak in praise of the performance of idolatry, or to love any of its parts even as it is said: "Nor show mercy unto them" (Ibid.), they should have no grace in thine eyes,⁶Here the word is interpreted to mean grace, from the noun Hein. G. for it will be a cause to cleave to it and learn its evil deeds. It is, moreover, forbidden to give them a present outright, but it is permitted to give a present outright to an alien sojourner, even as it is said: "Unto the stranger that is in thy gates canst thou give it, that he may eat it; or thou mayest sell it unto an alien" (Deut.121.) to an alien by selling it to him, and not by presenting it to him.⁷Ibid. 19a20b. C.

The poor of among the idolaters are supported alike with the poor of Israel as a peaceful measure. The idolatrous poor should not be disturbed when gathering the gleanings, or a forgotten sheaf from, or the corners of the field, also as a peaceful measure.⁸See Lev. 19. 9. G.. It is also proper to greet them, even on their holiday, as a measure of peace, Never should the greetings be repeated twice, or call in the house of an idolater on his holiday to extend

greetings to him. When meeting him on the street, greetings should be extended to him softly and seriously.⁹Gittin, 59b62a. C.

All of these liberal treatments are not ordained save when Israelites are sojourning among idolaters or when the idolaters have overpowered Israel in his own land; but if the government of his land be in his own hand, it is forbidden to permit idolaters to settle therein, for even if one of them merely desires to sojourn or pass from place to place with merchandise he must not pass through Eretz Yisrael before he obligates himself to live up to the seven Noaitic commandments,¹⁰Existence of God, 2 idolatry, 3 murder, 4 incest, 5 flesh of a live animal, 6 robbery, 7 right of property. G. even as it is said: "They shall not dwell in thy land lest they make thee sin against Me" (Ex. 23.33)not even dwell therein temporarily. If an idolater obligated himself to observe the Seven Noaitic commandments he is a sojourning alien. The tribunal does not accept a sojourning alien save during the Jubilee year, but during the interval none save a just proselyte is accepted.¹²Arakin, 29b. C.

Chapter 11

It is forbidden to follow the customs of the idolaters, or to imitate them neither in dress nor in hairtrimming and like customs, for it is said: "And ye shall not walk in the customs of the nation which I cast out before you" (Lev. 20.23), and it is also said: "And in their customs shall ye not walk" (Ibid. 18.3), and it is, moreover, said: Then take heed to thyself that thou be not snared by following them" (Deut. 12.30)all of which pertain to one subject admonishing them not to be like unto them. Forsooth an Israelite shall be separated from them, and be recognized by his clothes and in his conduct as he is different than they are in education and tendencies. For even so it is said: "And have set you apart from the peoples, that ye should be Mine" (Lev. 20.26). An Israelite shall not wear a garment of a design particularly adopted by idolaters, nor raise hairlocks as their hairlocks; not shave the sides and leave the hair in the middle, such as is called a queue, nor shave the hair opposite his face, from ear to ear, and leave the locks at the back of his head as they do. He shall not build public places of the same design and architecture as are the palaces built for idolatry in order to attract a crowd as they do.²Sifra, Lev. 20; Abodah Zarah, 29a; Baba Kamma, 83a; Sotah, 49b; Tosefta, Shabbat Ch. 6. C. G.

An Israelite, giving a hair cut to an idolater, should refrain from cutting the hair within three inches of his queue.³Abodah Zarah, 29a. C.

An Israelite of an idolatrous king's circle, who must sit in council together with their kings, and he feels ashamed to appear different than they, may wear their kind of clothes and shave opposite his face as they do.⁴Babba Kamma, 83a; Sotah, 49b; Meilah, 17. C.

It is forbidden to practice enchantment as the idolaters do, even as it is said: "Nor shall ye use enchantment" (Ibid. 19.26). How is enchantment practiced For instance, those who say: "Seeing that the bread fell out of my mouth", or, "my cane fell out of my hand I shall not go today to that place, for if I do go, my desire will not be fulfilled; seeing that a fox passed by my right hand I shall not leave my door step today, for if I do leave a false person will encounter me". Likewise those who hear the chirping of a bird say: "It will be so, but not so; it is good to do that thing and bad to do the other thing". So are those who say: "Kill this rooster, he crowed during the evening; kill that hen, she crows like a rooster". So, too, is one who sets certain signs for himself to regulate his actions, saying: "If such thing will come to pass I shall do that thing, but if it will not come to pass I shall not do it", even as Eliezer, Abrahams servant did. And so are all like practices of such things forbidden. And whosoever commits an act as a result of any one of such practices, is lashed.⁶Sanhedrin, 65b67b; Shabbat, 67a; Sifra, Lev. 20; Tosefta, Shabbat, Ch. 1. C. G.

One who said: "This dwelling which I built was of good prefigurement, this wife of mine which I betrothed was a blessing to me, this cattle which I purchased brought wealth to me", and, likewise, one who asks a child, What Verse art thou studying if he mentioned to him a Verse of the blessings, he may rejoice and say: "This is of good omen". All such and the like is permitted; seeing that he neither regulated his actions nor withheld himself from performing them by these signs, save that he made for himself a mark of a thing which already had come to pass, observe, this is permitted.⁸See Hullin, 92b; Gittin, 68a; Yore Deah, 179. C. G.

Who is practitioner of divination He who occupies himself with purposeless actions so as to divert his thoughts from all relevancy, thereby preparing himself to prognosticate, and, then, foretells, saying: "That thing will come to pass," or, "it will not come to pass", or he will say: "It is proper to do so, but beware from doing otherwise." There are some soothsayers who use sand or stones as a medium, and there others who spread themselves out on the ground and fall in convulsions and cry out; there are some who look into an iron mirror or goblet and imagine things and say them,

and there are others who carry a cane in hand upon which to lean, wherewith a process of knocking is continued as a diversion until the mind is ready, then the speaking starts. Upon such the prophet proclaims, saying: "My people ask counsel at their stock, and their staff declareth unto them" (Hosea, 4. 12).⁹Sanhedrin, 65b; Sifre, Deut. 18. G.

It is forbidden to practice divination or ask counsel of a soothsayer; only the consultant of a soothsayer is punished after the manner of a rebel, but the soothsayer himself, if he committed an overt act of any of its practices or their like, is striped, in accordance with what it is said: "There shall not be found among you one who useth divination" (Deut. 18.10).¹⁰Ibid. Pesachim, 113b; Tosefta, Shabbath Ch. 8. C. G.

Who is an observer of times They that point at times, saying astrologically: "That day is a good one, that day is a bad one; that day is fit to do that particular work, but that year, or that month, is bad for that particular thing."¹¹Ibid. G.

It is forbidden to be an observer of times, though no act be committed, save to make known the lies to such fools who believe them to be true speech of the wise. Moreover, he who does aught because of the signs of astrology, and times to do his work or go on his mission on the very time, set by the heavengazers, even he is striped, for it is said: "Nor observe times" (Lev. 126).¹²Here a distinction must be made between an observer of times and an enchanter. See supra, Par. 7. G. Likewise, one who deludes the eyes by performing some act alleging it to be wonderful, but in truth makes no performance at all, even he is included among observers of time, and his punishment is stripes.

Who is a charmer He who utters words which are not of the vernacular of the people, and which have no significance but supposes in his credulous mind that those words are of help, until others are led to say; "If he pronounces thus and such against a serpent or against a scorpion it will not harm; and if he says such and thus against fire it will do no damage". Among them there is such who, while talking holds in his hand a key, or a rock; such and other similar artifice the whole of it is forbidden. As for the charmer himself, either if he held aught in his hand, or if he committed any act along with his utterance, even if he merely pointed with his finger, is striped, as it is said: "There shall not be found among thee. Or a charmer (Deut. 18.1011). But if he merely uttered his prattle, and moved neither hand nor head, holding nothing in his hand; and so the individual, over whom he delivered himself of those noises, who sits before him and appears to derive joy of the performance, should be punished as a rebel because he became a party to the silliness of the charmer. All such chatter and ridiculously obscene nomenclature are harmless but without the least good about them.

For one who was bitten by a scorpion or sneak it is permitted to charm cunningly upon the injured spot, even on the Sabbath, so as to compose the mind of the patient and strengthen his heart, although the thing is of no help yet because the patient is in a dangerous condition it is permitted for his sake to prevent his mind from being disconcerted.¹³Sanhedrin, 101a. C.

He who delivers a prayer of charm upon a wound and reads also a verse of the Torah thereon, likewise one who reads a Verse so that a babe shall suffer no fear, or who puts a Sepher Torah or phylacteries upon a child so that he might fall asleep, such are not alone included among the enchanters and charmers but are even included among those who deny the Torah, for they are employing the words of the Torah as a cure for the body, whereas they are not so but only remedies for the soul¹⁴New sects, claiming remedial elements for physical ailments in Judaism, calling it science, evidently disagree with Maimonides and the Talmud. Yet, let Israel study this text. For physical ailment we have medical science. G. even as it is said: "And they will (shall) be life for thy soul" (Pro. 3.22). But a normally healthy person who reads Verses of the Torah or chapters of the Psalms, so that the righteousness of reading it shield him to escape suffering and accidents, lo, this is permitted.¹⁵Ibid. 90a: 101a; Shubut, 16b; Tosefta, Sanhedrin, Chapter, 12; Shabbat, 121b. C. G.

Who is a necromancer He who starves himself and then proceeds to lodge on the cemetery so as to bring the dead up in his dream and make known to him what he would ask him for. And there are others who clothe themselves with certain garments, utter certain words, and burn certain incense, and sleep alone so that a certain deceased person come to converse with him in his dream. As a general rule in this matter: Whosoever commits an overt act in order to have the dead come and give him information is striped, for it is said: "There shall not be found among you. or a necromancer" (Deut. 18.1011).¹⁶Sanhedrin, 65b; Sifre, Deut. 18. C. G.

It is forbidden to consult a solicitor of ghosts or a solicitor of familiar spirits, for it is said: "There shall not be found among you. or one that consulteth a ghost or a familiar spirit" (Ibid.). Find thyself instructed that a solicitor of ghosts or a solicitor of familiar spirits, themselves suffer the punishment of stoning, but their communicant violates an admonition who is punished after the manner of a rebel, unless he appointed his actions and did according to their

charge, when he is striped¹⁷Ibid. G.

A sorcerer is guilty of an offense punishable by stoning, provided he committed an overt act of witchery but if he merely deludes the eyes by makebelieve action which in reality is but juggling he is punished after the manner of a rebel, seeing that the prohibitive commandment against sorcery is included in the charge of, "There shall not be found among you etc." (Ibid.), which is a prohibitive devoted to admonish those who are put to death by a tribunal for the violation of which no stripes is inflicted, and that the punishment for an overt act is death is deducted from what it is said: "Thou shalt not suffer a witch to live" (Ex. 22.17)¹⁸Ibid. 53a and 67a. C.

All of these things are false and spurious, and it was with such that the ancient idolaters misled the peoples of many lands so that they be following them. And it is unbecoming to Israel who are exceedingly wise to be attracted by these absurdities, nor to even imagine that they are of any consequence, even as it is said: "For there is no enchantment with Jacob, neither is there any divination with Israel" (Num. 23.23); and it is again said: "For these nations that thou art to dispossess, hearken unto soothsayers and unto diviners, but as for thee the Lord thy God hath not suffered thee so to do" (Deut. 18.14). Whosoever believes in these matters, and their like, and suppose that there is wisdom and truth in in them, save that the Torah disallowed them, such are none other save from among the foolish and ignorant and are to be included among women and children whose mind is not sound. But wise and soundminded people know that all these matters which the Torah disallowed are not matters of wisdom but formless nonsense followed by senseless people for the sake of which they abandoned every path of truth. Even because thereof the Torah, in admonishing against all these vanities, commanded, saying: "Perfect shalt thou be with the Lord thy God" (Ibid. 18.13).¹⁹Shabbat, 67. G.

Chapter 12

It is forbidden to round the corners of the head, as the idolaters used to do, even as it is said: "Ye shall not round the corners of your head" (Lev. 19.27). Guilt is attached to the rounding of each corner; therefore, if one shaves the corners of both sides of his head even at one time, and after only one warning, is striped twice. Regardless of whether one shaves the corners and leaves the hair of the whole head, or whether he shaves the hair of the entire head at one time, he is striped, seeing that he shaved the corners. That is saying concerning the male barber, but the male who is shaved is not striped unless he aided the barber. One who rounds the corners of an infant is striped.²Nazir, 57b58a; Makkot, 20b. C.

A woman barber who shaved the corners of the head of a man, or had her own corners rounded is not guilty, for it is said: "Ye shall not round the corners of your head, neither shalt thou destroy the corners of thy beard" (Ibid.)whosoever is concerned with regard to destroying the beard is also concerned with rounding of the corners, but a woman not being concerned with regard to destroying, having no beard, is, therefore, not concerned with regard to rounding the corners. Wherefor, servants because they have a beard, are forbidden to round.³Kiddushin, 35b. C.

Both men and woman are obliged to observe all of the prohibitive commandments in the Torah, save destroying a beard, rounding the corners of the head, and a priest's contamination for the dead which refer only to men; and, pertaining to mandatory commandments, every such commandment the performance of which takes place only at stated times, and not continuously women are exempted, save the sanctification of the Sabbath day with words of prayer, eating of Mazzah on the first (two) night(s) of Passover, the eating of the Paschal lamb, its slaughter, to be present when all Israel assemble once in seven years, and rejoicing on the festivals wherein women's participation is obligatory.⁴Kiddushin, 29a; Ibid. 31a; Berakot, 20b; Pesachim, 87a. C. G.

A gynander and androgyne, beings of doubtful sex, have the major responsibilities of both, men and women, of all commandments and are obliged to observe them all; nevertheless, if they violate any of them no stripes are inflicted.⁵Tosefta, Bikkurim, Chapter 2. C. G.

Although a woman may round the corners of her own head, she is forbidden to shave the corners of a man's head, even that of a minor.⁷See Nazir, 57b. G.

For this lock, which must be left at the corners of the head, the scholars designated no particular size, but we did hear from our elders that one should not leave less than forty (four) hairs. It is permitted, however, to clip the corners with a pair of scissors, for the prohibitive commandment applies only against destroying it with a razor.⁸Makkot, 20a. C.

It was the custom of the idolatrous priests to destroy their beards, because of this the Torah disallowed to destroy the beard. There are five corners (locks) in the beard: (1) upper cheek, (2) lower cheek on the right side; (3) upper and (4)

lower cheeks on the left side, and (5) the stem of the beard. For destroying each and every one of the corners, the punishment is lashes; thus if he destroyed all of them at one time he is lashed five times. No guilt is carried with respect thereto unless he destroyed it with a razor, even as it is said: "Neither shalt thou destroy the corners of thy beard. Therefore if one should mar his beard with a pair of scissors he is not guilty. The one who is shaved is not guilty unless he assisted in the work. A woman is permitted to destroy her beard, if she has a growth of hair on her chin. If she shaved the beard of a man, she is not guilty.⁹Ibid. Sifre, Lev. Ch. 6; Nazir, 59a. C. G.

It is permitted to shave the mustache, that is the hair on the upper lip; likewise the hanging hair off the lower lip; nevertheless, it is not the custom of Israel to shave it, but to trim its ends so as not to inconvenience eating or drinking.¹⁰Ibid. G.

The removal of hair from other parts of the body, as from beneath the arms and organic region, is not forbidden by the Torah but by edicts of the Scribes, and the one who mars it is punished after the manner of a rebel. That is saying concerning a district where only women are practicing it, to prevent men from imitating the practice of women; but in a district where both men and women resort to the practice, no punishment is meted out to men therefor. It is permitted to remove the hair with a pair of scissors from all other limbs.¹¹Ibid. C.

A woman shall not adorn herself with man's adornment, such as a mitre, or a helmet, or a coat of armor, and the like, or cut the hair of her head manfashion; neither shall a man adorn himself with the adornment of a woman, for instance to wear loudcolored garments or golden ornaments in a territory where such clothes are not in style for men to wear or where such ornaments are not put on by any save women, all depending on the custom of the land. A man who adorned himself with woman's ornaments, or a woman who adorned herself with man's ornaments, are striped. One who picks white hairs from his head or beard, after he had picked the first hair thereof is guilty and is striped, because he adorned himself with woman's ornaments. Likewise if he dyed his hair black, after he had dyed the first white hair he is guilty and is striped. A gynander, or androgyne is forbidden to either wrap his head like a woman or shave it manfashion; but if he did either of the two he is not striped.¹³Nazir, 59a; Makkot, 20a; Shabbat, 94b; Tosefta, Bikkurim, Chapter, 2. C. G.

The etchedin writing against which it is spoken of in the Torah is, not to make an incision in one's flesh and fill in the incision with paint, or ink, or any other dyes which enface. This was an idolatrous custom, to make themselves to idolatry, proclamatory that every one of them is a sold slave to it, and indentured in its service. And, from the moment one will enface with any kind of dye which enfaced, after making an incision in any place of the body, whether it be done by man or by woman, he or she, is striped. If one wrote but did not enface with dye, or if he did enface with dye but did not write in the incision, he is not guilty; for he must do both, write by incision and etchin with dye, even as it is said: "And any etchedin writing shall you not fix on yourselves" (Lev. 19. 28). This is to say against the one who does the writing, but he who upon whose flesh the etchedin writing was done is not guilty save if he assisted in a manner to constitute it an overt act; but if he contributed nothing to the work itself he is not striped.¹⁴Makkot, 21b; Sifre, Lev. Ch. 19. C. G.

One who makes a single incision in his flesh for the dead is striped, for it is said: "And for the dead shall ye not make any incision in your flesh" (Ibid.), regardless of whether a priest or layIsraelite does it. If one made a single incision for five dead people, or five incisions for a single dead person, he is striped five times, provided warning was given him in each instance.¹⁵Kiddushin, 37b; Makkot, 20a. C.

Cutmaking and incision on one's flesh over the dead are identical idolatrous practices, for the idolaters, even as they made incisions on their flesh over the dead because of their sorrow so did they wound themselves in their frenzy for their dieties, as it said: "And cut themselves after their custom with knives and spears" (I. Kings, 18.28). Even this was forbidden by the Torah, for it is said: "Ye shall not cut yourselves" (Deut. 14.1), with this distinction, however, if it be over the dead there is no difference whether he made the incision by hand or by instrument he is striped, but if it be for idolatry, with an instrument he is guilty and is striped, but by hand he is not guilty.¹⁶Ibid. 21a. C.

Included in this prohibitive commandment is also a warning that there shall not be two tribunals in one city, one following one set of customs and the other following another set of customs, for such practice causes great divisions, even as it is said: "Ye shall not cut (divide) yourselves" (Ibid.), ye shall not multiply divisions.¹⁷Yebamot, 13b. C.

One who makes himself bald between his eyes for the dead, is striped, for it is said: "Nor make any baldness between your eyes for the dead" (Ibid.). Whether one is a layIsraelite or a priest if either made himself bald between his eyes over the dead he is striped only once. One who makes himself four or five bald spots over one dead person, is striped

according to the number of bald spots he made, provided he received warning before he made⁹ each one of the bald spots. Whether one makes the baldness by hand, or by poison, or whether he dipped his fingers in poison and put them all at one time in five places of his head, seeing that he made five bald spots, although he had but one warning, he is striped, five times, because they all were made simultaneously. One is as guilty in making baldness anywhere on his head as he is when he makes it between his eyes, even as it is said: "They shall not make any baldness upon their head" (Lev. 21.4). What size must the baldness be So as to make a bald spot, bare without hair, as big as a split grain.¹⁸Kiddushin, 36b; Makkot, 20b21a. C.

One who makes a bald spot on his head, or an incision on his flesh over his house that fell in, or over his ship that sunk in the ocean is not guilty, for he is not striped save over the dead alone, or if he makes an incision over idolatry. One who makes baldness upon his neighbor's head, or makes an incision in his friend's flesh, or makes etched in writing on the flesh of his friend, and his friend did lend assistance to him, as long as their joint action was purposeful both are striped; if one erred and the other did it purposely, the spiteful of the two is lashed but the erring one is guiltless.¹⁹Ibid.; Tosefta, Makkot, Ch. 3. 9. C. G.

Repentance

Chapter 1

All commandments of the Torah, whether they be mandatory or prohibitive, if a man violates any one of them, either presumptuously or erroneously, when he will repent himself and turn away from his sinful way, he is obliged to confess before God, blessed is He! even as it is said: "When a man or woman shall commit any sin.. Then they shall confess their sin which they have done (Num. 5.67), which is a confession of words. Such confession is a mandatory commandment. How is the verbal confession made The sinner says thus: "I beseech Thee, O Great Name! I have sinned; I have been obstinate; I have committed profanity against Thee, particularly in doing thus and such. Now, behold! I have repented and am ashamed of my actions; forever will I not relapse into this thing again." This is the elementary form of confession; but whosoever elaborates in confessing and extends this subject is, indeed, praiseworthy. Likewise all those who bring sin offerings or trespass offerings, when they offer their sacrifices, whether for their errors or for their spitefulness, find no atonement in their sacrifices, unless they repent, and deliver themselves of a verbal confession, even as it is said: "He shall confess that he hath sinned in that thing" (Lev. 5.5) So, too, are the guilty upon whom the tribunal pronounced either a sentence of death or of stripes, who find no atonement either in their death or in being lashed unless they do repent and make verbal confession. Even he, who injures his friend or causes him damages in money matters, although he makes restitution of what he owes him, finds no atonement, unless he makes verbal confession and repents by obligating himself never to repeat this again, even as is said: "Any sin that man commits" (Num. 5.6).¹Sifra, Lev. 5; Yoma, 36b; Shebuot, 13a; Sanhedrin, 43a; Baba Kama, 92b.C.

The Azazelgoat, because it is atoning for all Israel, the High Priest confesses over it in the speech of all Israel, even as it is said: "And confess over him all the iniquities of the children of Israel" (Lev. 16.21). The Azazelgoat, moreover, atones for all transgressions mentioned in the Torah, both, minor and major, whether one committed it in spite or whether he committed it in error, whether it was done by him knowingly or unknowingly for all the Azazelgoat atones, provided the sinner did repent. But if he repenteth not, the Azazelgoat atones not save for his minor sins. And, what are the minor and what are the major sins The major sins are such as carry the guilt of death or excision, included among which are also vain and false swearing, although they do not carry the guilt of excision; and all other prohibitive or mandatory commandments which do not carry the guilt of excision are the minor.²Shebuot, 2a; Ibid. 12b; Yoma, 85b. C.

At this time, when the Temple is not established and, therefore, no altar to atone for us, there is nothing else left for us but repentance. Repentance atones for all sins. Even one who was an evildoer all his life but repented in the end, not a thing of the wickedness is held out against him, even as it is said: "As for the wickedness of the wicked, he shall not fall thereby in the day that he turneth from his wickedness" (Ez. 33.12). Even the Day of Atonement itself atones only for those who did repent, even as it is said: "For on that day shall the priest make an atonement for you" (Lev. 16.30).³Kiddushin, 40b; Keritot, 6b; Yoma, 85b. C. G.

Even on the presumption that repentance atones for all sins, and the Day of Atonement as such, too, atones, there are yet certain sins which are wiped off at the time, and certain other sins which are are not wiped off but after a lapse of time. For example If a man violated a mandatory commandment which does not carry the guilt of excision and did repent, he moves not from the place of prayer before he is forgiven. Of such it is said: "Return, ye backsliding children and I will heal your backslidings" (Jer. 3.22). If he violated a prohibitive commandment which carries neither excision

nor death by a tribunal, and did repent, the repentance suspends punishment, whereafter the Day of Atonement wipes out the sin. Of such it is said: "For on that day shall the priest make an atonement for you" (Lev. 16. 30). If he sinned in matters which carry excisions and deaths by a tribunal and did repent, repentance and the Day of Atonement suspend punishment, and the pain which he suffers thereafter complete the atonement for him. Forsooth, no complete atonement ever comes to the penitent before he has a visitation of suffering. Of such it is said: "Then will I visit their transgression with the rod, and their iniquity with strokes" (Ps. 89.32). That saying is concerning a sinner who did not blaspheme the Name in connection with his transgression, but whosoever blasphemes the Name even he did repent, and the Day of Atonement did come and he still be a penitent, and sufferings did visit him, no complete atonement is granted to him till his death, for, repentance, the Day of Atonement and sufferings suspend punishment, and only death atones for him, even as it is said: "And it was revealed in mine ears by the Lord of hosts. Surely this iniquity shall not be purged from you till ye die" (Is. 22.14)⁴Yoma, 87a. C. G.

Chapter 2

What is complete repentance He who once more had in it in his power to repeat a violation, but separated himself therefrom, and did not do it because of repentance, not out of fear or lack of strength. For example One who knew a woman sinfully, and after a process of time he met her again privately, and he still loving her as theretofore, and he being in a state of potency, and the meeting is in the same land where the sin was first committed, if he parted without sinning, he has attained complete repentance. Of such Solomon said: "Remember then thy Creator in the days of thy youth" (Ecc. 12.1). Even if he made no reparation save in his old age, at a time when it was already impossible for him to repeat his misdeeds, although it is not the best repentance, it still is of help to him and he is considered a penitent. Moreover, though he continued a life of sin but did repent on his dying day, and did die a penitent, all of his sins are forgiven, even as it is said: "While the sun, or the light, or the moon, or the stars, be not darkened, nor the clouds return after the rain" (Ibid. 12.2), yea, that is the day of death. Deduct herefrom that if he remembered his Creator and did repent ere he died, he was forgiven.¹Ibid. 86b; Kiddushin, 40b; Shabbat, 151a. C.

What is repentance The sinner shall cease sinning, and remove sin from his thoughts, and wholeheartedly conclude not to revert back to it, even as it is said: "Let the wicked forsake his way" (Is. 55.7); so, too, shall he be remorseful on what was past, even as it is said: "Surely after that I was turned, I repented" (Jer. 31. 19). In addition thereto he should take to witness Him Who knoweth all secrets that forever he will not turn to repeat that sin again, according to what it is said: "Say unto Him. neither will we call any more the work of our hands our gods" (Hos. 14.34). It is, moreover, essential that his confession shall be by spoken words of his lips, and all that which he concluded in his heart shall be formed in speech.²Yoma, 57b; Shabbat, 121. G.

He who confesses by speech but has not his heart's consent to abandon his erstwhile conduct, behold him, he is like one taking an immersion of purification and in his grasp is an impure creeping thing, when he knows the immersion to be of no value till he cast away the impure creeping thing. Even so it is advised to do, saying: "But whoso confesseth and forsaketh them shall obtain mercy" (Pro. 28. 13). In confessing to God, it is obligatory to name the sin, even as it is said: "Oh, this people have sinned a great sin, and have made them a god of gold" (Ex. 32.31).³Taanit, 16a; Yoma, 86b. C.

Among the ways of repentance are, for the penitent to continue to cry out in tearful supplication before the Name, to bestow alms according to his means, and to distance himself exceedingly from the thing wherein he sinned, to have his indentity changed, as if saying: "I am now another person, and not that person who perpetrated those misdeeds", to completely change his conduct for the good and straight path, and to exile himself from his place of residence, for exile atones iniquity, because it leads him to submissiveness and to be meek and humblespirited.⁴Rosh haShanah, 16b. C.

The penitent who confesses publicly is praiseworthy, and it is commendable for him to let the public know his iniquities, and to reveal the sins between himself and his neighbor to others, saying to them: "Truly, I have sinned against that man, and I have wronged him thus and such, but, behold me this day, I repent and am remorseful". But he, who is arrogant and reveals not but covers up his sins, is not a wholehearted penitent, of whom it is said: "He that covereth his sins shall not prosper" (Prov. 28.13). But that is saying solely concerning sins between man and man, but sins between man and God, the penitent need not make public, on the contrary it would be impudent of him to reveal them. He, however, should repent before God, blessed is he! and before Him he should detail his sins; and then make public confession upon them by simply saying: "I have sinned". Such procedure is, indeed, for his own good, even as it is said: "Blessed is he whose transgression is forgiven, whose sin is covered (Ps. 32.1).⁶Rosh haShanah, 18a. C.

Although it is ever well to cry out and repent, but during the space of the ten days' time between Rosh haShanah and Yom haKippurim it is exceedingly better, and the supplication is presently accepted, even as it is said: "Seek ye the Lord while He may be found" (Is. 55.6). But that is saying solely concerning an individual, but a community every time they cry out a whole hearted repentance they are answered, even as it is said: "As the Lord our God is in all things that we call upon him for" (Deut. 6.7).⁷Rosh haShanah, 18a. C.

Yom haKippurim is the time set aside for repentance for all, the individual as well as the many; for it is the goal of exoneration and quittance in Israel. Because thereof all are obliged to make reparation and confession on the Day of Atonement. The commandment to confess on the Day of Atonement obliges every one to commence it during the afternoon on the ninth day of Tishri, before the evening meal, lest he be sufficated eating his meal before he confess. And, though he did confess before his meal, one is obliged to confess gain during the night prayer of the Day of Atonement, and to repeat the confession during the Morning, Addition, Oblation, and Closing Prayers. At what part of the prayers is the confession made Every individual delivers it after the silent Benedictions, but the public Reader in the midst of his prayers, after the Fourth Benediction.⁸Yoma, 87b. C.

The accepted confession of all Israel contains this verse: "But all of us have sinned", which is the component part of the confession. Sins which he had made confession of one Day of Atonement, one should repeat and make confession on every other Day of Atonement. though he continues to be a penitent, even as it is said: "For I acknowledge my transgressions, and my sin is ever before me" (Ps. 51.3).⁹Ibid. C.

Neither repentance nor the Day of Atonement atone for any save for sins committed between man and God, for instance, one who ate forbidden food, or had forbidden coition and the like; but sins between man and man, for instance, one injures his neighbor, or curses his neighbor or plunders him, or offends him in like matters, is ever not absolved unless he makes restitution of what he owes and begs the forgiveness of his neighbor. And, although he make restitution of the monetary debt, he is obliged to pacify him and to beg his forgiveness. Even he offended not his neighbor in aught save in words, he is obliged to appease him and implore him till he be forgiven by him. If his neighbor refuses a committee of three friends to forgive him, he should bring to implore and beg of him; if he still refuses he should bring a second, even a third committee, and if he remains obstinate, he may leave him to himself and pass on, for the sin then rests upon him who refuses forgiveness. But if it happened to be his master, he should go and come to him for forgiveness even a thousand times till he does forgive him.¹⁰Ibid. 85b; Baba Kamma, 92a; Yoma, 87b. C.

It is forbidden for man to be illnatured and unforgiving, for he must be easily appeased but unwidely to wrath; and when a sinner implores him for pardon, he should grant him pardon wholeheartedly and soulfully. Even if one persecuted him and sinned against him exceedingly he should not be vengeful and grudgebearing, for such is the path of the seed of Israel and of their excellent heart. Only the idolaters are not so, they are of uncircumcised heart, and their wrath is ever watchful; and, because the Gibonites were unforgiving and unappeasing, that of them it is said: "Now the Gibonites were not of the children of Israel" (II. Samuel, 21.2).¹¹Baba Kamma, 92a. C.

One who committed a sin against a friend, and the friend died before he asked his forgiveness, should bring ten adults at his grave and there say: "I have sinned against the Lord God of Israel and against this man (naming him), and I have done against him thus and such (naming the sins). If he was indebted to him he should return the money to the heirs; if he knew not of his heirs he should leave the amount with the tribunal, whenafter his confession should be delivered."¹²Yoma, 86a; Baba Kamma, 103a. C.

Chapter 3

Each and every one of the sons of man has virtues and vices. He whose virtues exceed his vices is a just man, and he whose vices exceed his virtues is an evildoer; if both are evenly balanced, he is mediocre. Even so is a state. If the virtues of all of its inhabitants exceeded their vices, it is, indeed, a just state; but if their vices exceeded, it is, indeed, a wicked state. Even such is a standard for the whole world.¹Rosh haShanah, 17a C.

A man whose vices exceed his virtues presently dies in his wickedness, even as it is said: "For the multitude of thine iniquity" (Hos. 9. 7). So is a state whose vices exceed presently destroyed, even as it is said: "Because the cry of Sodom and Gomorrah is great (Gen. 18. 20). So, too, is the whole world, if their vices exceeded their virtues they are presently destroyed, even as it is said: "And God saw that the wickedness of man was great" (6. 5). But the weighing of this is not according to the number of virtues and vices, but according to their magnitude. There is a virtue that overbalances many vices, even as it is said: "Because in him there is found some good thing" (I Kings, 14. 13); and

there is a kind of vice which overbalances many virtues, even as it is said: "But one sinner destroyeth much good" (Ecc. 9. 18). Moreover these are not weighed by anyone, save only in the knowledge of the Allknowing God, for only He knoweth the estimate of virtues versus vices. (3Yebamot, 50a; Kiddushin 40a. C.)

One who renounces his observance of the commandments, and recants his virtues, saying in his heart: "In what have I advanced by observing these, fain would I not have observed them"! he, indeed, lost the virtues of all of them, and by no virtue in the world should he be remembered, even as it is said: "The righteousness of the righteous shall not deliver him in the day of his transgression" (Ezek. 312); on no other can this be said than on him who recants his first virtues. And, even as man's virtues and vices are weighed at the time of his death so are the vices and virtues of each and every one who cometh on this earth weighed on the holy time of Rosh haShanah. He who is found righteous is sealed for life; he who is found wicked is sealed for death, and the mediocre is suspended till the Day of Atonement, if he did repent he is sealed for life, if not he is sealed for death.4Ibid. 40b; Rosh haShanah, 16b. C.

Notwithstanding that the blowing of the ram's horn trumpet on Rosh haShanah is a Scriptural statute, its blast is symbolic, as if saying: "Ye that sleep, bestir yourselves from your sleep, and ye slumbering, emerge from your slumber, examine your conduct, turn in repentance, and remember your Creator! They that forget the truth because of the vanities of the times, who err all of their years by pursuing vanity and idleness, which are of neither benefit nor of salvation, care for your souls, improve your ways and your tendencies, let each one of you abandon his evil path and his thought which is not pure! It is, therefore, necessary for every man to behold himself throughout the whole year in a light of being evenly balanced between innocence and guilt, and look upon the entire world as if evenly balanced between innocence and guilt; thus, if he commit one sin, he will overbalance himself and the whole world to the side of guilt, and be a cause of its destruction; but if he perform one duty, behold, he will overbalance himself and the whole world to the side of virtue, and bring about his own and their salvation and escape, even as it is said: "But the righteous is an everlasting foundation" (Prov. 10. 25), it is he, by whose righteousness he overbalanced the whole world to virtue and saved it. And, because of this matter, it became the custom of the whole house of Israel to excel in almsgiving, in good conduct and in the performance of duties during the intervening days of Rosh haShanah and Yom haKippurim above what they do during the whole year. It also became a universal custom to rise early during those ten days, to deliver in the synagogues prayers of supplication and ardor till the dawn of the day.5Kiddushin, 39b40a. C.

When the vices and virtues of man are weighed neither the first nor the second time is taken into consideration, but from the third time onward; if his vices from the third time onward exceed his virtues, then those two transgressions, too are added, and he is tried on all; but if his virtues balance his vices from the third transgression onward, all of his transgressions are wiped off one by one, as the third transgression is counted as the first for the two long since had been forgiven, so is the fourth considered thereafter first, as the third long since had been forgiven, and this way till end of the transgressions. That is saying concerning an individual, of whom it is said: "Lo, all these things does God work, twice, yea thrice, with a man" (Job. 33. 29): but concerning a congregation, the first, second and third transgression is held suspended over them, even as it is said: "Thus saith the Lord: For three transgressions of Israel, yea, for four, I will not reverse it" (Amos. 2. 6) and when the reckoning comes up, the reckoning is made even in this manner, i. e. from the fourth transgression and onward. The intermediary category, if there be among the half of their transgressions such sins as never having put on phylacteries, each one is judged according to his transgressions, but has a share in the World to Come. Even so are the wicked whose vices are more than their virtues judged according to their transgressions but have a share in the World to Come; for all Israel have a share in the World to Come, even as it is said: "Thy people also shall be all righteous; they shall inherit the land for ever" (Is. 60. 21). So, too, do the righteous of among the nations of the world have a share in the World to Come.7Yoma, 86b; Rosh haShanah, 16a; Sanhedrin, 102b. C.

And, the following are they that have no share in the World to Come but suffer excision and loss of identity, and are damned for ever and ever for their exceeding wickedness and sinfulness: atheists, infidels, traducers of the Torah, dissenters of resurrection and the coming of a Redeemer, apostates, enticers of many to sin, seceders from the congregation, a public perpetrator of sins emulating Jehoiakim,⁸See II. Kings, 23.3624.6 G. informers, leaders who cast fear upon the congregation not for the sake of God, shedders of blood by defaming people in public, eviltongued people, he who abolishes circumcision.⁹Rosh haShanah, 17a. G.

There are five categories of atheists;¹⁰Minim. G. (1) he who says that there is no God and no Omnipotence; (2) he who says that there is an Omnipotence but that there are two or more such; (3) he who says that there is One Lord; but that He is corporeal and has a form; (4) Likewise one who says that He alone is not the First Cause and Creator

of all; (5) likewise he who worships a star, or planet, or any other as a mediator between him and the Lord of the universe; every one of these five is an atheist.¹³Sanhedrin, 26b. C.

There are three categories of infidels: (1) he who says that prophecy is altogether an invention, and that no knowledge reaches the heart of the sons of man from the Creator; (2) he who denies the prophecy of Moses our Master; (3) and he who says that the Creator knoweth not the affairs of the sons of man; every one of these three is an infidel. There are three categories of Torah traducers: (1) he who says that the Torah is not God given, even if he says that a single Verse or one word thereof was spoken by Moses on his own authority is, indeed, a traducer of the Torah; (2) he who denies its Oral explanation, that is the Oral Torah, or its exponents, even as Zaduk and Bythos did;¹⁴See Abot DRabbi Nathan, Ch.5; also I. Chro. 5.3G. (3) he who says that the Creator commuted this Duty for another duty and that the Torah had been nullified long ago though it really was God given; every one of these three is a traducer of the Torah.¹⁵Sanhedrin, 90a; Ibid. 99b. C.

There are two categories of apostates in Israel: (1) an apostate against one commandment; (2) an apostate against the whole Torah. The apostate against one commandment is; one who emboldens himself to transgress a given commandment consciously so that it becomes his habit of doing it publicly, even it be of the minor commandments, for instance, he persistently wears garment mixed of wool and flax, or rounds the corners of his head, as a consequence whereof it appears that such commandment no longer exists in his world, such one is, indeed, an apostate in this matter, if he does such spitefully. An apostate against the whole Torah is, a convert to the religion of the idolaters, for instance, at a time when they issue arbitrary edicts and he cleaves to them, saying: "Of what profit is there for me to cleave to Israel who are downtrodden and persecuted; it is rather best for me to cleave to these in whose hand lies the power", he, assuredly, is apostate against the whole Torah.¹⁷Hullin, 5; Sanhedrin, 26b. C.

How are they that cause the public to sin identified All of the following are of one kind: whether one causes the public to sin in a major matter, as for instance, Jeroboam, Zaduck and Bythos did,¹⁸See I. Kings, 12.2. G. or whether he causes the public to sin in a minor matter, even to nullify one mandatory commandment; whether one causes others to sin by force as Manasseh did, for he slew the people of Israel unless they worshiped idolatry, or whether he deceived others and enticed them.¹⁹See Supra, (8) G.

One who secedes from the paths of the congregation, although he committed no transgressions, but remains separated from the congregation of Israel, observes no commandments together with them, does not include himself in their troubles, nor afflicts himself on their fastdays, but follows his own path as the rest of the people of the land, acting as if he was not one of them, he has no share in the World to Come. One who commits transgressions highhandedly like Jehoiakim,²⁰See II. Kings, 23.36. G. whether his acts were against minor or against major commandments, he has no share in the World to Come. Verily, he is one of whom it is said: "He reveals a face in the Torah not according to law", seeing that he hardened his forehead, exposed his face and is not ashamed to disobey the Torah.²¹See Supra, (8). G.

There are two categories of informers: (1) he who informs against his neighbor so that he be turned over to an idolatrous hand either to be put to death or to be maltreated; (2) he who informs against his neighbor so that his money be turned over to an idolatrous hand, or to the hand of a robber, who is like an idolater; both categories of such have no share in the World to come.²²See Rosh haShanah, 16a17b; and Yoma, 86a87b. G.

They that cast fear upon the public for ungodly purposes are limited to one category; it is he who rules over the public by strong hand, and they fear and dread him, whereas his own objective is, selfaggrandizement, and all of his desires are not to glorify Heaven. An example of such, behold the idolatrous rulers.²³Ibid. G.

Each and every one of the enumerated twentyfour different categories of persons, Israelites though they be, have no share in the World to Come. And, there are yet lesser transgressions than those referred to concerning which the sages, nevertheless, said, that he who makes a practice to violate them has no share in the World to Come, and that they are of sufficient importance to be kept at a distance, and to watch out against them. They are: he who gives an alias name to his friend; he who calls his friend by his aliases; he who shames his friend publicly; he who glorifies himself by disgracing his friend; he who insults scholars; he who insults his masters; he who despises holy times; he who profanes holy objects. That is saying, that none of these will have a share in the World to Come, if he dies without repentance; but if he repent from his wickedness and died in a state of repentance, he is, indeed, of the sons of the World to Come, as there is not a thing to stand in the way of repentance. Even if one who denied the existence of God all of his life but in the end repented, has a share in the World to Come, for it is said: "Peace, peace, to him that is far off, and to him that is near, saith the Lord; and I will heal him" (Is. 57.19). All of the wicked, and apostates

and their like who turned in repentance, whether publicly or secretly, should be accepted back into the folds of Israel, even as it is said: "Return ye backsliding children" (Jer. 3.22) though he still be backsliding, for, 10, he repented secretly and not publicly, yet is his repentance accepted.²² Pirke Abot, 3.11; Sanhedrin, 99b; Baba Mezia, 58b; Megillah, 28a; Tosfot, Rosh haShanah, 16b; Kiddushin, 38b; Abodah Zarah, 7a. C. G.

Chapter 4

Twentyfour different transgressions withhold the acceptance of repentance, four of these are of great iniquity, and whosoever commits one of them, the Holy One, blessed is He! provides no means for him to repent, measured, of course, with the monstrosity of his sin. They are: (1) he who leads the public to sin, by which is also included one who withholds the public from performing a commandment; (2) he who diverts his neighbor from the good path to an evil one, for instance, a seducer and an enticer; (3) he who beholds his son cultivating bad habits and does not protest against it, for, his son being under his control, probably, by having protested, he could have separated him therefrom, as a consequence whereof it is as if he himself led him to sin; by which is also included the iniquity of every one who has a possibility to protest against others, whether individuals or many, and does not protest against them but leaves them to their stumbling; (4) he who says: "I will sin and repent"; by which is also included one who says: "I will sin and the Day of Atonement will atone".

Among this group of twentyfour are five transgressions which block the way of repentance against the sinners, they are: (1) he who secedes from the community, for he would be absent at the time they repent and could not acquire aught in their virtuous performance; (2) He who opposes the decisions of the sages, for his opposition to them brings about his own separation from them, and he knows not the path leading to repentance; (3) he who disdains the precepts, for as they appear debased to him he does not pursue after them nor perform them, and without performance what virtue can he attain (4) he who insults his masters, for such conduct brings about his displacement and repudiation, even as it happened to Gehazi² See II. Kings, 4.1 G., and being repudiated he will not find a teacher to guide him to the path of truth; (5) He who despises criticism for he, indeed, left no path open for repentance, as it is criticism that begets repentance. Forsooth, when a man is informed that his sins are known, and that he should be ashamed of himself for his wrongdoings, he does repent. For example: it is written in the Torah: "Remember, forget thou not, how thou didst make the Lord thy God wroth in the wilderness; from the day that thou didst go forth out of the land of Egypt, until ye came unto this place, ye have been rebellious against the Lord" (Deut. 9.7), and: "But the Lord hath not given you a heart to know" (Ibid. 29.3), and: "A foolish people and unwise" (Ibid. 32.6); and Isaiah, likewise, rebuked Israel and exclaimed: "Ah sinful nation!" (Is. 1.4) and, "The ox knoweth his owner" (Ibid. 3), and, "Because I knew that thou art obstinate" (Ibid. 48.4). Almighty, too, charged him to rebuke the sinners, saying: "Cry aloud, spare not" (Is. 58. 1). In like manner did all of the prophets criticise Israel until they turned in repentance. It is, therefore, necessary to appoint over each and every community in Israel a great scholar of mature age, Godfearing since his early youth, and loved by them, people, to preach to the public and turn them to repentance. But he who despises criticism does not come to hear the preacher and does not pay attention to his words, he, therefore, holds on to his sins, which to his eyes appear to be good.³ Alfasi, Yoma, Chapter 8. 7a. G.

And, again, there are among this group of twentyfour, five transgressors, each of which, block the path of complete repentance for the one commits it, because they are sins between man and man, and the sinner does not know the neighbor against whom he sinned, to whom to make restitution or of whom to beg forgiveness. They are: (1) he who curses the public and did not curse a single man in particular to whom he might plead for pardon; (2) he who shares spoils with a thief, because he knows not to whom the stolen goods belong, for the thief steals at large and brings it to him and he becomes the fence, thereby adding to the iniquity by upholding the thief and leading him on to further sin; (3) he who finds a lost article and does not advertise it so as to restore it to its owner, thus after a process of time when he would repent he knows not to whom to make restitution; (4) he who partakes of an ox⁴ Alfasi gives the text as Shod, (Spoils) not Shor (Ox). (Ibid). G. which is the property of the poor, the orphans or the widows, for such people are languid, unknown and unheralded, wandering from city to city without a friend, and he, therefore, would not know to whom such ox belongs if he desired to make restitution; (5) he who takes bribery to pervert justice, for he knows not the extent of the perversion, or what its power is, as such matter has auxiliary factors, and, therefore, could possibly not estimate the amount of restitution; and he, moreover, is supporting the evil hand of the bribegiver and thereby leads him on to sin.⁶ Ibid. Alfasi. G.

And, there are, furthermore, five transgressions among this group of twentyfour, the presumption of one who commits each and every one of them being against his inclination to turn toward repentance, because the majority of people consider them of minor importance, as a consequence whereof one stoops in sin imagining that what he does is no

sin at all. They are: (1) he who dines at a table knowing that the meal is of insufficient quantity to satisfy even the appetite of the host, for such is an offshoot of robbery, whereas he imagines, saying: "Have I not eaten with the consent of the host" (2) he who makes use of a poor man's pledge, for a poor man's pledge is none else save an article such as an axe or plough, whereas he will say in his imagination: "Nothing thereof was diminished, I have not robbed him"; (3) he who wantonly stares at the opposite sex, for he thinks that it is of no matter, saying: "Have I stilled an urge, or even been near her" whereas he remains oblivious to the fact that purposeful eyestaring is a great iniquity and begets actual unchastity, even as it is said: "And that ye seek not after your own heart and your own eyes" (Num. 15.39); (4) he who acquires honor by disgracing his neighbor, for he thinks that he committed no sin, as his neighbor stood not by, and did not feel the shame, as he did not insult him personally, save by comparing his own good conduct and his own education against the conduct of his neighbor or his education so that the audience may infer that he is honorable and his neighbor disgraceful; (5) he who casts suspicion upon the upright, for he thinks within his heart that he sinned not, saying to himself: "What have I done to him, is there anything more to it than mere suspicion perhaps he did it, and perhaps he did it not;" whereas he does realize that this is an iniquity to place an upright man in his mind on the same level with an evildoer.⁷Ibid. G.

And among this group of twentyfour there are five such transgressions that whosoever commits them is continuously pursuing them, so that it becomes hard for him to separate himself from them. It is, therefore, necessary for a man to beware of them, lest they become part of his habits, for they are all extremely evil tendencies. They are: (1) sycophancy; (2) an evil tongue; (3) ill temper; (4) bad thoughts; (5) companionship with the wicked, for he learns his conduct and his actions become indited in his heart. Of such Solomon said: "But a companion of fools shall be shattered" (Prov. 13.20). Regarding this, we have already elucidated in the "Treatise of Ethics" how a man of the average should conduct himself, deduct the major from the minor for a penitent.⁸Ibid. G.

All the enumerated transgressions and their like, though they withhold the sinners from turning to repentance they should not be prevented from doing so, for if a man did turn away from these in repentance, lo, he is a penitent, and he will inherit a share in the World to Come.

Chapter 5

Every man was endowed with a free will; if he desires to bend himself toward the good path and to be just it is within the power of his hand to reach out for it, and if he desires to bend himself to a bad path and to be wicked it is within the power of his hand to reach out for it. This is known from what it is written in the Torah, saying: "Behold, the man is become as one of us, to know good and evil" (Gen. 3.22), that is as if saying: "Behold, this species, man, stands alone in the world, and there is no other kind like him, as regards this subject of being able of his own accord, by his reason and thought, to know the good and the evil, and to do whatever his inclination dictates him with none to stay his hand from either doing good or evil; and, being that he is so, 'Lest he put forth his hand, and take also from the tree of life, and eat, and live forever'" (Ibid.)¹Abodah Zarah, 16b; Megillah, 25a. G.

Permit not your thought to dwell upon that which ridiculous fools of other peoples and a majority of asinine individuals among the children of Israel say, that the Holy One, blessed is He! decrees at the very embryonic state of every man whether he should be just or wicked. The matter is not so. Every man is capable of being as just as Moses our Master or as wicked as Jeroboam, wise or incony, merciful or human, miser or philanthropist, and so in all other tendencies. There is none to either force things upon him or to decree things against him; either to pull him one way or draw him another way, but he alone, of his own free will, with the consent of his mind, bends to any path he may desire to follow. It is concerning this that Jeremiah said: "Out of the mouth of the Most High proceedeth not the evil and the good" (Lam. 3. 38),²I am amazed that the English version of the American Jewish Publication Society, too, makes this sentence interrogatory. G. which is as if saying, the Creator decrees not that man should be either good or bad. Now, this being so, the consequence hereof is that the sinner alone brought harm upon himself. It is, therefore, meet that he should lament and shed tears because he sinned, and because of what he did to his soul and rewarded it with evil. Even this is the meaning of the succeeding Verse: "Wherefore doth a living man complain, or a strong man Because of his sins" (Ibid.)³The English version in all existing translations is entirely opposed to what was an accepted doctrine by all medieval and modern Hebrew scholars. I corrected it to harmonize the texts. G. Again, he continues, in the succeeding Verse seeing that it all is in our power, and we did all the evil of our own free will and accord, it is, indeed meet for us to turn in repentance and abandon our wickedness, for our free will is in our hands now as well as at the time we committed the sins saying: "Let us search and try our ways, and return to the Lord" (Ibid.)⁴See Niddah, 16b; but the Maimoni doctrine does not contradict that text; you can not teach a brainless idiot wisdom, but a man with brains is often a charlatan; the choice is his. C. G.

And, this matter is a great and component part, the very pillar of the Torah and its precepts, even as it is said: "See, I have set before thee this day life and good, and death and evil" (Deut. 30.15), and it is, moreover, written: "Behold, I set before you this day a blessing and curse" (Ibid. 11.26). This is as if saying, the power is in your hand, and whatever human activity man may be inclined to carry on he has a free will to elect either good or evil. And, because of this very subject it is said: "Oh, who would grant that they had such a heart as this, to fear Me, and to keep all my commandments at all times" (Ibid. 5.26). This is as if saying, that the Creator forces not the sons of man, and makes no decrees against them that they should do good or evil, but that it all is in their own keeping.⁵ Since Maimoni no authority in Israel disputed this. G.

Had the decree of God prompted man to be either just or wicked, or had there been a fundamentally inborn something to draw man to either of the paths, or to any one branch of knowledge, or to a given tendency of the tendencies, or to particular act of all actions as the astrologists maintain by their foolish inventions, how did He charge us by the prophets, to do thus and not to do such, improve your ways, and do not follow your wickedness, whereas man from his embryonic state already had a decree of his conduct issued, or his inborn nature draws him toward a given path of conduct from which he can not deviate. Moreover, what need would there be, under such circumstances, for the Torah altogether. And by what law, and under what system of justice could the wicked be punished, or the just rewarded. Shall the judge of the whole earth not exercise justice. Now, do not wonder and ask: "How is it possible for man to do what his heart desires, and have his entire course of action lodged within himself seeing that he can not do aught in the world without the permission of his Master and without His Will, even as the Verse says: "Whatsoever the Lord pleased, that hath He done, in heaven and in earth, in the seas and in all deeps" (Ps. 135.6). Know all that man does is in accordance with His Will, although our actions are really in our own keeping. For example. Even as it is the Creator's Will that fire and air shall ascend upward, and that water and earth shall descend downward, or that the sphere shall revolve in a circle, and that other creatures of the universe should likewise follow their respective natural laws, as it was His Will for them to be, so was it His Will that man shall have the free choice of conduct in his own hand, and that all his actions should be lodged within him, and that he should be neither forced or drawn, but he, of his own free will and accord, as God endowed him with, he exercises in all that is possible for man to do. He is, therefore, judged according to actions; if he did good, his is rewarded with good; and if he did wrong, he is punished. This is in harmony with what the prophet said: "This hath been of your own doing" (Mal. 1.9); and: "According as they have chosen their own ways" (Is. 66.3); and of this very subject Solomon said: "Rejoice O young man, in thy youth, and let thy heart cheer thee in the days of thy youth, and walk in the ways of thy heart, and in the sight of thine eyes; but know thou, that for all these things God will bring thee into judgment" (Ecc. 11. 9); as if saying: "True, it is within the power of thine hand to do so, but thou art to render an accounting on the day of judgment".⁶ See Shabbat, 156a; Maimonides, herein, does not deny the variations in human intelligence, nor native excellence of one and native shortcomings of another; what he maintains is that man is not governed in his conduct by natural laws, as is every creature below him. G.

Peradventure, thou wilt ask: "The Holy One, blessed is He, does he not know what it will be before it will come to pass. Did he know whether a certain person will be either just or wicked, or did He not know it. If he knew that he would be just, then it would be impossible for him not to be just. If thou wilt say that He did know that he would be just but that it is possible for him to be wicked, lo, He did not know the matter clearly. Know, that the answer to this question is longer in measure than the earth and broader than the sea, and many great elements and ranking mountains are suspended thereon; but it is essential that you know this fundamental matter which I outline. In the second chapter of the treatise of Fundamentals of the Torah it was already elucidated that the Holy One, blessed is He! does not know of things with a knowledge which exists outside of Himself, like, for instance, the sons of man do, for they and their knowledge are two separate things; but, He, may His Name be exalted! and his knowledge are One, and it is not within the power of the knowledge of man to attain this matter clearly, and even as it is not within the power of man to attain and find the truth of the Creator, even as it is said: "For man shall not see Me and live" (Ex. 33.20), even so it is not within the power of man to attain and find the knowledge of the Creator. This is even what the prophet said: "For My thoughts are not your thoughts, neither are your ways My ways, saith the Lord" (Is. 55.8). This being so, it is not within our intellectual power to know in what manner the Holy One, blessed is He! knows all the creatures and their actions, but we do know without a doubt that man's behavior is in the hand of man, and that the Holy One, blessed is He! neither draws him nor issues edicts against him to do as he does. And, not solely because of having accepted the religion do we know that there is no predestination, but even by clear evidence of the words of wisdom. Because thereof it is said in prophecy that man is judged for his actions according to his actions, whether they be good or evil, and this is the very foundation upon which all the words of prophecy depend.⁸ Shabbat, 63b; Berakot, 33b. G.

Chapter 6

There are many verses in the Torah and in the texts of the prophets which appear to contradict this principle, and most people are stumbling thereby, and therefrom they suppose in their mind that the Holy One, blessed is He! predestines for man either to do evil or good, and that the heart of man is not his to bend it to his own will. Wherefor, behold, I am making clear a great principle, out which thou shalt know the explanation of all those verses. When an individual or a people of a state do sin, and the sinner transgressed consciously and of his own free will, as we have already made known in the preceding chapter, it is meet that retribution is visited upon him, and the Holy One, blessed is He! knoweth how to inflict the punishment. There is a category of sin for which justice demands that punishment should be visited upon the sinner in this world, on his body, or his property, or on his infant children, for the little children of man, who have not yet reached the age of intelligence nor attained the age when they are included among those who are obliged to observe the precepts, are considered man's own acquisition, even as it is written: "Every man shall be put to death for his own sin" (Deut. 24.16) he suffers for his own sins when he reaches the age of man;¹ The punishment herein spoken of is retribution by the Judge of the whole earth, and not by tribunal of man; no tribunal has the power under the laws of the Torah to inflict the punishment of death upon infant children for the crime of a parent. G. and there is a category of sin for which justice demands that punishment should be visited upon the transgressors only in the World to Come, and the sinner suffers no harm whatever in this world; and there is still another category of sin for which punishment is inflicted upon the sinner both in this world and the World to Come.¹

That is saying concerning a sinner as long as he did not repent; but if he did repent, repentance to him is then a coat of armor against punishment. And, to the same extent that man sins consciously and of his own free will, he should turn to repentance consciously and of his own free will.² Pirke Abot, 4.13. G.

And, it is possible that a man should commit either one grievous iniquity or a multitude of sins so that the Judge of Truth will decree against him that, whereas this sinner committed those sins of his own free will and consciously, repentance should be withheld from him altogether, and grant him no leave to repent, so that he might die and perish in the iniquity he committed. Even this is what the Holy One, blessed is He! said through Isaiah: "Make the heart of this people fat, and make their eyes heavy, and shut their eyes; lest they, seeing with their eyes, and hearing with their ears, and understanding with their heart will return and be healed" (Is. 6.10). It is, moreover, said: "But they mocked the messengers of God, and despised His words and scoffed at His prophets, until the wrath of the Lord arose against His people till there was no remedy". (II Chro. 36.16) as if saying: "They sinned of their own free will and they have multiplied iniquities, until their guilt carried the punishment to withhold repentance from them, which is the remedy". It is, therefore, written in the Torah; "And I will harden Pharaoh's heart" (Ex. 14.4), because at the beginning he sinned of his own free will, and meted out evil to Israel who sojourned in his land, even as it is said: "Come, let us deal wisely with them" (Ibid. 1.10). Thereat justice demanded to withhold repentance from him, so that due punishment might be visited upon him. Wherefor, the Holy One, blessed is He! hardened his heart. If it be so, then why did He delegate Moses to him, charging him to let Israel go forth and turn to repentance seeing that the Holy One, blessed is He! long since told him thou wilt not let them go forth, saying: "But as for thee and thy servants, I know that ye will not yet fear the Lord God" (Ibid. 9.30), and again saying: "But in very deed for this cause have I made thee to stand, to show thee My power, and that My name be declared throughout all the earth" (Ibid. 16) To demonstrate to the future generations whenever the Holy One, blessed is He! withholds repentance from a sinner he can not repent, but must die in the original evil which he perpetrated of his own free will. Sihon, too, by the measure of his iniquity became guilty of an offence which carried the punishment to have repentance withheld from him, even as it is said: "For the Lord thy God hardened his spirit, and made his heart obstinate" (Deut. 2.30). Likewise the Canaanites, according to their abominations, did He withhold repentance from them so that they engaged Israel in battle, even as it is said: "For it was of the Lord, to harden their hearts, to come against Israel in battle, that they might be utterly destroyed" (Joshua, 11.20). Even so was with Israel in the days of Elijah, because of the multiplied iniquity repentance was withheld from the gross evildoers, for it is said: "For Thou didst turn their heart backward" (I. Kings, 18.37) as if saying: "Thou didst withhold repentance from them". Thus, as a consequence hereof, we must say: God's predestination prompted not Pharaoh to wrong Israel, nor Sihon to sin in his land, nor the Canaanites to be abominable, nor Israel to worship idolatry; for they all sinned of their own free will and accord, and, therefore, were they all guilty of an offence which carries along the punishment to withhold repentance from them.

Even on this very subject do the righteous and the prophets supplicate and pray that the Lord may help them to discover the truth. As David said: "Teach me Thy way, O Lord, that I may walk in Thy truth" (Ps. 86.11), as if saying: "let not my sins withhold the way of truth, by which I may discover Thy way, and the Oneness of thy Name". Likewise,

this Verse: "Restore unto me the joy of Thy salvation, and let a free spirit uphold me" (Ibid. 51.14), is as if saying: "Grant leave to my spirit to do Thy will, and let not my sins be a cause to withhold repentance from me; but let the power be in my hand until I will turn, and understand and know the true way". And, in such way all other like verses are interpreted.

But what is this that king David said: "Good and upright is the Lord; therefore doth he instruct sinners in the way. He guideth the humble in justice; and He teacheth the humble His way" (Ibid. 210.11) This is a reference to the prophets who were sent to make the ways of God known, and to turn the people to repentance. Moreover, He endowed them with a power to study and understand, as it is the tendency of every man to pursue wisdom and righteousness as long as he is trained in the ways of wisdom. This is in harmony with what our Masters, of blessed memory! said: "He who comes to be cleansed receives aid"³Shabbat, 104a; Yoma, 38b. Minahot, 29a. G., as if saying: "He will find himself aided in the matter he strives after. Now, reverting back to the subject of predestination is it not written in the Torah: "Know of a surety that thy seed shall be a stranger in a land that is not theirs, and shall serve them; and they shall afflict them" (Gen. 113), lo, here is a decree against the Egyptians to do evil And it, moreover, written: "And this people will rise up, and go astray after the foreign gods of the land" (Deut. 31.16), lo, here is a decree against Israel to worship idolatry, then why visit retribution upon them Because He did not decree that that particularly known person shall be the one to go astray. Forsooth, every individual of those who did go astray to worship idolatry, had he not done so to worship of his own free will, he would not have worshiped. And God made known no more than custom of the world. This is like to one who says: "Among this people will be righteous and wicked". Not because of this will the wicked one say that it had long since been decreed that he should be an evildoer, seeing that God made known to Moses that there will be wicked people among Israel. Or, this is like the subject of poverty, of which it is said: "For the poor shall never cease out of the land" (Ibid. 15.11). Likewise the Egyptians, if each and every one of those who vexed and wronged Israel had no desire so to wrong them, he had it in his power to refrain from doing it; for, He did not decree against a particular man, but made known to Abraham that in the end his seed will be enslaved in a land which is not theirs. But we have already stated that it is not within the power to comprehend the foreknowledge of the Holy One, blessed is He!

Chapter 7

Because every man was endowed with selfwill, as we have elucidated, it is meet that man shall strive to repent, to confess his sins by word of his mouth, and to dust off his hands from his sins, as a preparation for death after repentance, so that he may acquire life in the World to Come.

Ever should man look upon himself as if he is nigh to death, lest he die during the interval, as a consequence whereof he will be outstanding in his sin; he should, therefore not tarry but repent presently. He should not say: "In old age I will repent", perhaps he will die before old age overtakes him. To this Solomon in his wisdom pointed, saying: "Let thy garments always be white". (Ecc. 9.8).¹Pirke Abot, 2.15; Shabbat, 153a. C.

Do not say that no repentance is needed save on sins to which action is attached, for example: prostitution, robbery, or theft. For even as it is necessary for man to repent from such, so it is necessary for him to search his bad tendencies, to turn in repentance from anger, from hatred, from jealousy, from deceit, from pursuing after wealth, honor, feasting and such like these; yea, from all of these it is necessary for him to turn in repentance. Indeed these iniquities are more grievous and more difficult for a man to be separated from than those which require action, for on such the prophet Isaiah said: "Let the wicked forsake his way, and the man of iniquity his thoughts" (Is. 55.7).

Let not a penitent man imagine that he is removed at a distance from the degree of the righteous on account of the iniquities and sins which he had committed. It is not so, forsooth, but the Creator considers him beloved and desirable, as if he had ever known of no sin. Moreover, his reward is great; for, after having partaken of the taste of sin, he separated himself therefrom and conquered his passion. The sages said: "The place whereon the penitent stand the wholly righteous could not stand;" as if saying: "their degree is above the degree of those who ever did not sin, because it is more difficult for them to subdue their passion than for the others."²Berakot, 34b. C. G.

All of the prophets commanded concerning repentance; Israel will not be redeemed save by repentance. Indeed, the Torah long since assured us that in the end, at the close of the period of exile Israel will turn to repentance and be momentarily redeemed, even as it is said: "And it shall come to pass, when all these things are come upon thee, the blessings and the curse, which I have set before thee, and thou shalt bethink thyself among all the nations, whither the Lord thy God had driven thee, and shalt return unto the Lord thy God, and hearken to His voice according to all that I commanded thee this day, thou and thy children, with all thy heart, and with all thy soul; that then the Lord thy

God will turn thy captivity, and have compassion upon thee, and will return and gather thee from all the peoples whither the Lord thy God hath scattered thee" (Deut. 30.14).³Yoma, 87b. C. G.

Great, indeed, is repentance for it brings man nigh to the Shekinah, even as it is said: "Return, O Israel, unto the Lord thy God" (Hosea, 14. 2); and it is further said: "Yet have ye not returned unto Me, saith the Lord" (Amos, 4.6); and it is yet again said: "If thou wilt return, O Israel, saith the Lord, yea, return unto Me" (Jer. 4.1), as if saying: "If thou wilt turn in repentance ye will cleave unto Me". Repentance brings near the far apart. But yesterday this sinner was hateful to the presence of God, scorned, ostracized and abominate, and today he is beloved, desirable, companionable and a friend. Thou findest, moreover, that in the very language God employs to distance the sinners He employs to bring nigh unto Him the penitent whether the individual or the many, even as it is said: "And it shall come to pass that, instead of that which was said unto them, 'Ye are not My people', it shall be said unto them: 'Ye are the children of the living God'. And, again it is said of Jeconiah: "Write ye this man childless, a man that shall not prosper in his days, (Jer. 22.30) though Coniah the son of Jehoiakim king of Judah were the signet upon My right hand yet would I pluck thee thence" (Ibid. 24); but when he repented, being in exile, it is said of his son Zerubbabel: "In that day, saith the lord of hosts, will I take thee, O Zerubbabel, My servant, the son of Shealtiel, saith the Lord, and will make thee as a signet" (Haggai, 2.23).⁴Coniah, Jehoiachin, Joiachin, Jeconiah and Jeconiah are all one and the same king, who in 11. Chr. 36.9 is said to have been eight years old when he ascended the throne of David, and reigned three years and ten days, and in Second Kings, 24.8, is said to have been eighteen years old, and reigned three years. He was the grandfather of Zerubbabel, and was a prisoner thirtyseven years. However, in First Chr. 3.19, it is said that Zerubbabel was the son of Pedaiiah, brother of Shealtiel. Maimonides, evidently did not accept this version. G.

How superior is the degree of repentance! But yesterday was this sinner separated from the Lord God of Israel, even as it is said: "But your iniquities have separated between you and your God" (Is. 59.2); cries, but received no answer, even as it is said: "Yea, when ye make many prayers, I will not hear" (Ibid. 1.15); does obey commandments, but they are thrown back in his face, even as it is said: "Who hath required this at your hand, to trample My courts" (Ibid.12), and, "Oh that there were even among you that would shut the doors, that ye might not kindle fire on Mine altar in vain!" (Mal. 1.10). But today he is connected with the Shekinah, even as it is said: "But ye that did cleave unto the Lord your God are alive every one of you this day" (Deut. 4.4); he cries and receives answer momentarily, even as it is said: "And it shall come to pass that before they call, I will answer" (Is. 65.24); he observes commandments, and they are received with pleasure and joy, even as it is said: "For God hath already accepted thy works" (Ecc. 9.7); moreover, his works are pleasurably anticipated, even as it is said: "Then shall the offering of Judah and Jerusalem be pleasant unto the Lord, as in the days of old, and as in ancient years" (Mal. 3.4).

It is the custom of the penitent to be exceedingly lowly and humble. If fools insult them by reminding them of their former conduct, saying: "But yesterday you did thus and such; yesterday you said thus and such", it is best to have no feelings against them, for this very insult is meritorious for the penitent. Indeed, as long as they feel the shame of their past conduct, and the reproach thereof, their virtue increases and their degree grows. But it is, nevertheless, a grievous sin to say to the penitent: "Remember your erstwhile conduct", or to remind them in his presence so as to put him to shame, or to mention things and subjects similar to them so as to remind him of what he did. All such is forbidden, and comes under the general law of deceiving one with words, concerning which the Torah did give warning, even as it is said: "And ye shall not deceive one another" (Lev. 25.17).

Chapter 8

The hidden good in store for the righteous is, life in the World to Come, which is a life connected with no death and a kind of good connected with no evil; such as is described in the Torah: "That it may be well with thee, and thou mayest prolong thy days" (Deut. 22.7), which was traditionally deducted to mean, "That it may be well with thee" in a world which is entirely good; "and that thou mayest prolong thy days" in a world existing forever; and this is the World to Come. The reward of the just is, that they will acquire the sweetness thereof, to be in such goodness; and the punishment of the wicked is, that they will not share in such life, but will suffer excision and eternal death. And, whosoever does not earn such life, is to be dead, without coming to life forever; for he is severed from life by his iniquity and goes to oblivion like a cattle. This is the meaning of excision described in the Torah, saying: "That soul shall utterly be cut off" (Num. 15.31), which was traditionally deducted to mean, "utterly cut of," both in this world and in the World to Come.¹The translation here can not be literally given on account of the English text of the quotation. Utterly, stands for the Hebrew word Hikorat and cut off, for Tikorat. The Talmud (Sanhedrin, 64b) defines Hikorat literally, being cut off of itself, to refer to this world; and Tikorat, literally, being cut off by another, refers to the World to Come. G. as if saying: "That soul which was separated from the body in this world shares not in the life of the World to

Come, for even from the World to Come is it cut off".2Baba Mezia, 58b59a; Kiddushin, 39b40a; Hullin, 142a. C.

The World to Come harbors neither body nor aught of a concrete form, save only the souls of the righteous divested of body as are the ministering angels. Inasmuch as it harbors no concrete forms there is no need there for eating, drinking, or other of the bodily necessities of the sons of man in this world; neither will any of the many things which happen to bodies in this world come to pass there, as, for instance, sitting down, standing up, sleep, death, sadness, mirth or the like. Thus did the ancient sages say: "In the World to Come there is no eating, no drinking, and no family life, save that the righteous are sitting, graced with garlands upon their heads, and indulge in feasting upon the luminousness of the Shekinah".4Berakot, 17a. C. Herefrom, 10, it is clear to you that no body exists there, seeing that there is neither eating nor drinking. That expression of "sitting" herein employed, is figurative, as if saying that they are there without effort or fatigue, and the phrase they employed, saying: "graced with garlands upon their heads", means that they have conscious knowledge of the reason why they have merited to be in the World to Come, and this is their crown of garlands, as, for example, Solomon said: "The crown wherewith his mother hath crowned him" (Songs. 3.11). Moreover, it was said: "And everlasting shall joy be upon their heads (Is. 35.10); now joy is not a body to rest upon one's head, even so the crown spoken of by the sages refers to knowledge. But what is the meaning of the phrase, "and indulge in feasting upon the luminousness of the Shekinah" It is that by which they know and attain part of the Truth of the Holy One, blessed is He! something they do not know while in the dark, low body.5Ibid. G.

The term soul employed on this subject refers not to the breath of life necessary for the body, but the form of the soul which is the intelligence by which it attained knowledge of the Creator's Being according to its intellectual power, and by which it attained knowledge of the nonconcrete intelligences and other works of God, even it is the form which we have explained in the fourth chapter of the treatise concerning Fundamentals of the Torah, and it is called soul for the purpose of this subject. The life herein spoken of, because there is no death connected with it, seeing that death is only incidental to the happenings which befall a body, and as there exists no body, is called a collection of life, even as it is said: "Yet the soul of my lord shall be bound in the bundle of life" (I. Sam. 25.29). And, this reward is such that there is no reward higher than it, and the kind of good after which no other good exists, and it is for it that all of the prophets craved.6See Pesahim, 54a. G.

And this reward is known by many figurative names: The Lord's Mountain; His Holy Place; Holy Path; the Lord's Courts; the Lord's Graciousness; the Lord's Tent; the Lord's Temple; the Lord's House; and the Lord's Gate. And the sages, figuratively, named this Good which is in store for the righteous, Banquet. But its universal name is, the World to Come.

The vengeance, than which there is none greater is, that the soul will be cut off and will obtain no share in that life, even as it is said: "That soul shall be utterly cut off; his iniquity shall be upon him" (Num. 15.31). As for hell, it is what the prophets call figuratively by different names, such as, pit of destruction, burning flame, leech, and by every word which means decay and destruction is it called, because it is an expression of terminating decay from which there is no regeneration and a loss which remains forever unreturned.

Peradventure you will consider this Good lightly, and imagine that no reward for observing the precepts and for man to be following wholly the paths of truth is of any worth save if he be eating and drinking good food, enjoying beautiful faces, dressing in garments of embroidered linen, lounging in tents of ivory, being served in dishes of gold or silver, and similar things, as these stupid, silly, licentious Arabs imagine. But scholars and sensible people should know that all such things are idle and vain, wherein there is nothing consequential, and if they are considered of the greatest good by us in this world, it is because we are owners of bodies and concrete forms, and all such things are bodily necessities, and the soul neither craves nor desires for them save because of bodily necessity, so that it may satisfy its desire and remain normal. But when there is no body, all these things are found to be completely nullified. But as to the great Good in which the soul will be in the World to Come, there is no way in this world to attain or know it, for in this world we know of no other good, save that of the body, for which we crave; but that Good is exceedingly exalted and has no estimate alongside the good of this world save as a figure of speech; but by the way of truth to draw a comparison between the Good in store for the soul in the World to Come and the good of the body by eating and drinking in this world is impossible. Forsooth, that Good is so great that by no search can it be attained, and by no form of estimate and comparison can it be comprehended, even as David said: "Oh how great is Thy goodness which Thou hast treasured up for those that fear Thee" (Ps. 31.19).

How David longed and craved for the life in the World to Come! even as it is said: "If I had not believed to look upon the goodness of the Lord in the land of the living" (Ibid. 27.13). We were long since informed by the ancient sages that it is not within the power of man to attain clearly the good of the World to Come, nor to know its grandeur beauty and

quantity, save only the Holy One, blessed is He! and that all the good the prophets did prophesy for Israel are none else save corporeal matters, of which Israel will enjoy during the Messianic era, when government will be restored to Israel; but as the good in the life of the World to Come has neither estimate nor comparison, the prophets did not compare it to aught so as to not lessen it by comparison. This is what Isaiah said: "Neither hath an eye seen a God besides Thee, Who worketh for him that waiteth for Him" (Is. 64.3), as if saying: "The good which the eye of a prophet had not seen, and none save God saw it, did God make for man who waits for Him. The sages declared: "All of the prophets combined prophesied not save concerning the Messianic era, but the World to Come no eye saw, O God, besides Thee".8Shabbat, 63a; Sanhedrin, 99b; Abodah Zarah, 65a. C. G.

As for the reason why the sages called it "the World to Come": it is not because it is not now in existence, so that it might be inferred that this world will be destroyed and thereafter will come that world; the matter is not so, for that World is and ready, even as it is said: "Oh how great is Thy goodness, which Thou hast laid up for them that fear Thee; which thou hast wrought for them that take their refuge in Thee" (Ps. 31.1920). They called it not World to Come, save alone because that life comes to man after the life of this world wherein we exist with a body and soul, and this life is found by man first.

Chapter 9

Now, after it is known that the reward and the good which we will acquire for observing the precepts and the way of the Lord according to what it is written in the Torah consist of life in the World to Come, even as it is said: "That it may be well with thee, and that thou mayest prolong thy days" (Deut. 22.7), and that the punishment inflicted upon the wicked who abandoned the righteous paths described in the Torah consists of excision, even as it is said: "That soul shall be utterly cut off; his iniquity shall be upon him" (Num.15.31), what is this which it is written throughout the Torah, if ye will hearken you will be overtaken by thus, but if ye will not hearken you will be met with such, and all those things are in this world, for instance, plenty, famine, war, peace, government, oppression, permanency in the land, exile, success in undertakings, its failure, and other similar text in the Covenant All those things were and will be true, and as long as we observe the precepts of the Torah all the good of this world will overtake us, and as long as we transgress them we will be met by those evil things described therein. Nevertheless, neither are those good things the end of the reward for observing the commandments nor are those evil things the end of the punishment to be inflicted upon one who violates the precepts. For so are all these matters balanced: The Holy One, blessed is He! bestowed upon us this Torah as a tree of life, and whosoever conducts himself after the prescribed order therein, and studies to know it with a complete and upright knowledge, he acquires therewith life in the World to Come. And, in the measure of his works and wisdom he obtains his acquisition. We were moreover, assured in the Torah that if we will observe it in joy and out of goodness of soul, and constantly meditate in its wisdom, He will detach from us all such things which prevent us from observing it, such as sickness, war, famine and the like. He will, in addition thereto, be bountiful unto us by giving us all good which sustain our hands to observe the Torah, as plenty, peace, and an increase in silver and gold, so that we be not occupied all of our days in the things that are of bodily need, but, instead, be at leisure to study wisdom and observe the precept in order to acquire life in the World to Come. Even so it is said in the Torah: "And it shall be our righteousness, if we observe to do all these commandments, before the Lord our God, as He hath commanded us" (Deut. 6.2425). He made likewise known to us, that if we will purposely abandon the Torah, and busy ourselves with the vanities of the times, as the subject is spoken of, saying: "But Jeshurun waxed fat, and kicked (Ibid. 32.15). The True Judge will detach from the forsakers all the good of this world which had strengthened their hands so that they kicked, and bring upon them all the evil to prevent them from acquiring the World to Come, so that they be lost in their wickedness. This is as it is written in the Torah: "Because thou didst not serve the Lord thy God with joyfulness, and with gladness of heart, by reason of the abundance of all things; therefore shalt thou serve thine enemy who the Lord shall send against thee" (Ibid. 28. 4647) Consequently, the interpretation of all those blessings and curses is this way: As if saying, if you have served the Lord with joyfulness and observed His way, he will bestow in abundance these blessings upon you and set at a distance the curses from you, so that you be at leisure to grow wise in the wisdom of the Torah, and to busy yourselves therein, and so that you will merit life in the World to Come, and to do you good in the world which is all good, and prolong your days in the world which is unending, and you will find yourselves acquiring two worlds, to good living in this world, which will bring to a life in the World to Come, for if one does not acquire wisdom and good works here he has nothing else to acquire it with, even as it said: "For there is no work, no device, no knowledge nor wisdom in the grave (Ecc. 9.10). But if you have forsaken the Lord, and did err in eating drinking and prostitution, and their like, he will bring upon you those curses and detach from you all blessings until you will end your days in confusion and dread, and your will have neither a heart of leisure nor a sound body to perform the precepts, so that you lose the life in the

World to Come, as a consequence whereof you will have lost two worlds; for, as long as a man is occupied in this world with sickness, war and hunger he can not be engaged either in wisdom or in precepts, by which to acquire the World to Come.

Because of this, all Israel their prophets and their scholars craved for the Messianic era so that they may rest up from tyrannical government which do not give them the tranquility to study the Torah and observe the precepts as they ought to, and so that they may find the peacefulness of mind to increase wisdom in order to acquire life in the World to Come. For, in those days knowledge and wisdom and truth will increase, even as it is said: "For the earth shall be full of the knowledge of the Lord" (Is. 11.9); and it is again said: "And they shall teach no more every man his neighbor, and every man his brother" (Jer. 31.34); and it is yet again said: "And I will take the stony heart out of your flesh" (Ez. 36.26), as that king who will arise from the seed of David will be gifted with wisdom more than Solomon, and great in prophecy nigh unto Moses our Master. He will, therefore, teach the whole people and point out to them the Lord's path, and all nations will come to listen to him, even as it is said: "And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains" (Is. 2.2). Nevertheless, the end of the whole reward, and the last good which has neither interruption nor diminution is life in the World to Come. As for the Messianic era, it is in this world, and the world goes on after its fashion, save only that Israel will again have a government. Indeed, the ancient sages have long since said: "There is no difference between this world and the Messianic era, save alone in the oppression of government."¹

Chapter 10

Let no man say: "Behold, I perform the precepts of the Torah, and engage myself in its wisdom so that I will receive all the blessings described therein, or so that I will merit the life in the World to Come; and I will separate myself from the transgressions against which the Torah gave warning so that I will escape the curses described therein, or so that I will suffer excision from the life in the World to Come". It is improper to serve the Lord in such way, for whosoever serves the Lord in such way, he is a worshiper because of fear, which is neither the degree of the prophets nor the degree of the sages. And the Lord should not be worshiped that way, save only by ignorant men, women and infants who are trained to worship because of fear, until their knowledge increases when they will worship because of love.

The worshiper because of love, engages himself in the study of the Torah and the observance of precepts and follows the paths of wisdom on no account in the world, neither for fear of evil nor in order to inherit the good; but he does the true thing because it is true, and in the end the good comes because thereof. That degree is a great degree, indeed and not every scholar attains it; for such was the degree of Abraham our father, whom the Holy One, blessed is He! called His beloved, because he worshiped not, save because of love, and it is, furthermore, the degree concerning which the Holy One, blessed is He! commanded through Moses, saying: "And thou shalt love the Lord thy God" (Deut. 6.5); for, when man will love the Lord with a proper love, he will momentarily perform all of the commandments because of love.

And what is the proper love He shall love the Lord with an exceeding great and very strong love so that his soul be tied to the love of the Lord, finding himself in a constant tremor, as if he were suffering of lovesickness, when his mind is free because of love for that woman, being continuously agitated about her, whether he sitting down, or whether he is standing up, even when he is eating and drinking. More than this should the love for the Lord be in the heart of those who love him, meditating therein constantly, even as He commanded us: "With all thy heart and with all thy soul" (Ibid.). This is what Solomon allegorically said: "For I am lovesick" (Songs 2.5). And, the whole book, Song of Songs, is an allegory on this subject.

Said the ancient sages: "Peradventure you will say, behold, I study the Torah so that I will become rich, so that I will be called Rabbi, or so that I will receive reward in the World to Come, learn from what it is said: "That thou mayest love the Lord" (Deut. 30.20), all that you do, you shall not do save because of love. The sages, moreover, said: "For his commandments crave exceedingly, but not for the reward of His commandments". And the great sages likewise commanded particularly their intelligent and progressive disciples: "Be not like servants who minister to their master on condition of receiving a reward; but be like servants who minister to their master without condition of receiving a reward"; for, because he is the master it is proper to minister to him, as if saying, minister because of love.

He who engages himself in the study of the Torah in order to receive a reward, or in order to prevent himself from being overtaken by punishment, is one who studies the Torah not for its own sake. But he who studies it neither because of fear nor because of reward, but because of love for the Lord of the whole earth Who commanded concerning it, is one who studies it for its own sake. Therefore when instructions are given to infants, to women and

the ignorant in general, they should not be instructed save to worship because of fear, until their knowledge will increase, and they will become wise in wisdom, when this secret is revealed to them little by little, and get them acquainted with this subject slowly, until they will attain and know it, when they will serve Him because of Love.

It is a known and clear matter that the love for the Holy One, blessed is He! does not become tied up within the heart of man unless he will constantly feel its proper tremor, and abandon everything in the world save that alone, even as He commanded: "With all thine heart and with all thine soul" (Ibid. 6.5). No one loves the Holy One, blessed is He! save by the measure of knowledge that he knows Him. According to that knowledge will that love be; if it be small, the love will be small; if it be abundant, the love will be abundant. It is, therefore, necessary for man to dedicate himself to understand and acquire intelligence in the sciences and reasonings which make known to him his Owner, in the measure of power that man possesses to understand and attain it, as we have elucidated it in the treatise concerning the Foundations of the Torah.

(The first book has been completed and it is the Book of Knowledge.)

Sefer Ahavah

Reading the Shema

Chapter 1

The Shema is read twice every day, in the evening and in the morning, as it is said, "and when thou liest down and when thou risest up" (Deuteronomy 6:7), the phrases in this text meaning at the time when men are lying down, that is, at night, and at the time when they have risen, that is, by day.

What does one read Three sections as follows: the section beginning, "Hear, O Israel" (Deuteronomy 6:49); that commencing, "And it shall come to pass" (Deuteronomy 11:1321); and that commencing, "And the Lord spoke" (Numbers 15:3741). The section beginning, "Hear, O Israel" is recited first, because it sets forth the duties of acknowledging the Unity of God, loving Him, and studying His words. This is the great and essential matter on which all depends. Then, the passage beginning, "And it shall come to pass" is read, this containing a charge to fulfill all the other commandments. Finally the section concerning Fringes is read, as it also contains a charge to remember all the commandments.

Although the precept to wear fringes is not incumbent at night, still the section concerning this precept is recited at night, because it mentions the departure from Egypt, which it is a duty to recall by day and at night, as it is said, "that thou mayest remember the day of thy going forth from the land of Egypt all the days of thy life" (Deuteronomy 16:3). The reading of these three sections in this order is termed "The reading of the Shema."

When reciting the Shema, after concluding the first verse, one repeats in a low tone the sentence, "Blessed be the name of His glorious sovereignty for ever and ever" and then resumes the reading of the first section in the regular order from the verse, "And thou shalt love the Lord, thy God," to the end of the section. Why is the sentence above mentioned interpolated We have a tradition that when the patriarch Jacob, residing in Egypt, gathered his sons about him, in his dying hour, he earnestly charged them concerning the Unity of God and the Way of the Lord in which Abraham and his father Isaac had walked. He questioned them, saying to them, "Possibly, my sons, there is some one among you who is unworthy, and is not at one with me on the doctrine of the Unity of the Creator of the World," in the same way as our teacher Moses charged the people in the words, "Lest there be among you a man or a woman whose heart turneth away this day" (Deuteronomy 29:17). They all answered, "Hear, O Israel, the Lord our God, the Lord is one." This means, "Our father, Israel, hear this, our confession of faith: 'the Lord our God is one Lord'". The aged patriarch then ejaculated, "Blessed be the name of His glorious Sovereignty for ever and ever." Hence, all Israelites keep the custom of reciting, after the first verse of the Shema, the thanksgiving uttered by the Patriarch Israel.

Blessings are recited before the Shema and after it. When reading the Shema by day, two blessings are recited before it, and one after it. When reading it at night, two blessings are recited before, and two after it.

The former of the two blessings recited before the Shema by day, is that beginning, "Who formest light and createst darkness." The latter is that beginning, "With everlasting love hast Thou loved us." The blessing subsequent to the Shema is that beginning, "True and Firm." The former of the two blessings recited before the Shema at night is that beginning, "Who bringest on the evening twilight." The latter begins "With everlasting love hast Thou loved Thy people Israel." The former of the blessings, recited after it, is that beginning, "True and trustworthy." The latter, that beginning, "Cause us to lie down O Lord, our God, in peace."

The first of the blessings recited before the Shema, whether by day or at night, is introduced with the formula, "Blessed art Thou, O Lord our God, King of the Universe" and concludes with the formula, "Blessed art Thou, O Lord." Of the other blessings, each concludes with the formula, "Blessed art Thou, O Lord" but are not introduced with the formula, "Blessed art Thou " These blessings as well as all the other blessings with which all Israel are familiar were instituted by Ezra and his court and no one is permitted to take aught away from the wording or add to it. The blessings which they (Ezra and his colleagues) ordained to conclude with the formula, "Blessed art Thou etc." may not be recited without this formula. Those which they ordained should conclude without this formula may not be recited with it. Those which they ordained not to begin with a benedictory formula, may not be begun with it. Those which they ordained should begin with it may not be begun without it. In short, whoever alters the form the Sages gave to the blessings commits an error and must recite the blessing again according to its prescribed form. Whoever

does not recite the blessing beginning, "True and firm" in the morning, and that beginning, "True and trustworthy" in the evening has not fulfilled his duty.

If one has recited the second blessing before the first, either in the Morning or in the Evening Service, and whether the blessings thus transposed are those recited before or after the Shema, he has fulfilled his duty; for no order has been statutorily fixed for the blessings. If, in the morning service, one began the first blessing with the formula, "Who createst light" and concluded it with the formula, "Who bringest on the evening twilight," he has not fulfilled his duty. But if one began with the formula, "who bringest on the evening twilight" and concluded with the formula, "who createst light" he has fulfilled his duty. Thus too, in the evening service, if one began with the formula, "who bringest on the evening twilight" and concluded with the formula, "who createst light" he has not fulfilled his duty; but if one began with the formula, "who createst light" and concluded with the formula, "who bringest on the evening twilight" he has fulfilled his duty; for the essential element in all Blessings is the Conclusion.

When is the time for reading the Shema In the evening, the duty is correctly performed if it is read at any time from the first appearance of the stars till midnight. If one however transgressed and delayed, but read the Shema before daybreak, he has discharged the obligation. The Sages fixed midnight as the limit only in order to prevent complete violation.

One who reads the Evening Shema after dawn but before sunrise has not discharged his obligation, unless he had been unavoidably prevented from reading it earlier, as, for instance, if he had been inebriated or sick, etc. Anyone who unavoidably delays reading the Shema till this time does not recite the Blessing beginning, "Cause us to lie down in peace."

When is the right time for reading the Shema by day To observe the precept properly, one should begin reading it before sunrise, so as to conclude the recital of the Blessing after the Shema exactly at sunrise. This interval is about a tenth of an hour before the Sun rises. One who deferred reading the Shema till the Sun had risen, has discharged his obligation the period for reading the Shema being extended, for one who delayed, to the end of the first three hours of the day.

If one anticipated the hour and read the Shema of the Morning Service after dawn, he has fulfilled his duty, even if he concluded it before sunrise. In case of urgency, as for instance, when one has risen early in order to set out on a journey, he may deliberately read it before dawn.

If one reads the Shema after the first three hours of the day are gone, even though he had been unavoidably prevented from doing so earlier, he has not fulfilled the duty of reading the Shema at the right time. He is in the same category with one who reads the Torah. Still he recites the blessings that precede and follow it, at any part of the day, even if he delayed the reading till after the first three hours of the morning had elapsed.

Chapter 2

One who reads the Shema and does not concentrate his mind while reciting the first verse "Hear, O Israel, the Lord, our God, the Lord is One," has not fulfilled his duty. As to the remaining verses, if he did not concentrate his mind (while reciting them), he has nevertheless fulfilled his duty. Even if he was reading the Torah in his usual course of study or examining these sections in a scroll (to ensure correctness), and read them at the prescribed time, he has fulfilled his duty, provided however that he concentrated his mind while reciting the First Verse.

Everyone may read the Shema in the ordinary postures standing, walking, lying down or riding on an animal. It is forbidden to read the Shema, lying down prone with face to the ground, or lying on the back with face looking up. But one may read it while lying on one's side. An extremely corpulent person who is unable to turn on his side or one who is sick should slightly turn on his side and then recite the Shema.

A traveller, journeying on foot, must stand while reciting the first verse. The remaining verses he may read walking. A person who is asleep should be aroused when the time comes for reading the Shema, and kept awake till he has read the first verse. If after that, he is overcome by drowsiness and falls asleep, he is not to be disturbed.

A person, engaged in work at the time, pauses till he has read the whole of the first section. So also, artisans intermit their tasks while reciting the first section, so that their reading of the Shema shall not be perfunctory. The rest of the Shema, everyone reads, continuing his task in the meanwhile. Even if one is standing on the top of a tree or on a wall, he reads the Shema in that place, reciting there also the preceding and succeeding blessings.

If one was engaged in the study of the Torah and the time has come to read the Shema, he interrupts his study, reads the Shema and recites the blessings before and after it. If one was engaged in public duties, he should not stop but complete them, and then read the Shema if there is still time to do so.

If one was eating, bathing, trimming his hair, turning hides in a tannery or hearing a trial in court, he finishes the matter in hand and then recites the Shema. If, fearing that the time for reading the Shema might pass, he interrupted the work on which he was engaged and read the Shema, he is accounted praiseworthy.

If one who had gone to take a ritual bath has time to come up from the bath and dress before the sun rises, he should do so and recite the Shema. If he feared that the sun would have risen before he was ready, he should immerse his body in the water in which he is standing and read the Shema. He must not do so in water so foul that it has a bad odor, nor in water that has been used for soaking flax nor in water that is so clear that the lower part of his body would be visible. But he may immerse his body in turbid water that has no offensive odor and read the Shema in the place where he stands.

While reading the Shema, one must not wink with the eyes, signal with the lips, or point with the fingers, so that his recital shall not be perfunctory. If he did any of these things, he has, though fulfilling his duty, been guilty of unbecoming conduct. A person should read the Shema so that the words are audible to himself. If he has not done so, he has nevertheless fulfilled his duty. He should enunciate the letters distinctly. If he has not done so, he has nevertheless fulfilled his duty.

How should care be exercised in enunciation One should take heed not to sound a letter with a strong Dagesh as if it were without such a Dagesh, nor a letter without a strong Dagesh as though it had such a Dagesh; nor sound a letter with a Sheva mobile as if it were immobile, nor, vice versa, sound a letter with a Sheva immobile as if it were mobile. Hence also, a pause should be made between two words, where the first of the two words ends with the letter with which the one immediately following it begins. For example, in reading the words Bechol levavcha, a pause should be made after the word Bechol, before reading levavcha. The same practice should be observed in the case of Vaavadtem meherah and Hacanaf pesil; so too the zain in tizkeru should be pronounced distinctly. One should dwell on the Daleth in Ehad a sufficiently long interval to enable one to acclaim God as Sovereign in Heaven and on Earth and towards the four cardinal points of the compass. The Heth in Ehad should not be pronounced hurriedly, for then the word would sound Ee hadNot one..

A person may recite the Shema in any language that he understands. And if one reads the Shema in a secular language, he must take care to avoid errors in that language, and be as scrupulous in correctly enunciating the Shema in that language as he would be if he were reading it in the Sacred Tongue.

One who reads the Shema, but not in the correct sequence has not fulfilled his duty. This only refers to the recital of the verses out of their correct order. But if one reads a later section before the one that should have preceded it, though this is not permissible, still, in my opinion, he has fulfilled his duty, on the ground that these sections do not immediately follow each other in the Torah. To recite a verse and then reiterate it is unseemly. But if one reads a word and then repeats it, for instance, if one reads Shema, Shema, he is silenced.

One who reads the Shema but not continuously, has done his duty, even if he paused between the reading of one section and the next so long that he might have concluded the whole of it, provided that he reads the verses in the right order. If one reads the Shema when one is drowsy, not fully awake nor yet fast asleep, he has fulfilled his duty, provided that he is awake while reading the first verse.

If a person is in doubt whether he has read the Shema or not, he should read it again and recite the blessings that precede and follow it. But if one is certain that he read the Shema and is in doubt only whether he recited the blessings that precede and follow it, he should not read the blessings. If, while reading the Shema, he made a mistake, he should go back to the place where he had made the mistake. If between one section and another, he forgot and did not know which section he had completed and which he had to begin, he should go back to the first section, namely to the verse, "Thou shalt love the Lord, thy God."

If one made a mistake in the middle of a section and does not know where he paused, he should return to the beginning of the section. If one recited the word Uchesavtom ("And thou shalt write them") and is uncertain as to whether it is the word in the first, or in the second section, he is to return to this word in the first section. But if the doubt arises after he had already read the phrase Lemaan Yirbu Yemechem ("That your days may be multiplied") he is not to go back, as it may be assumed that he has read regularly in the way his tongue is accustomed to do.

A person, while reading the Shema, met other people or was accosted by them. If at that moment, he had already concluded one section and not yet begun the next, he pauses and salutes anyone whom it is his duty to show honour to, e.g. a father, teacher, or superior in learning. And he returns the greeting of anyone who first saluted him.

If he was, at the time, in the middle of a section, he only pauses to salute one of whom he stands in awe, e.g. a king or a tyrannical individual, etc. And if one entitled to honour, e.g. a father or teacher, greets him first, he pauses to return the greeting.

The divisions between the sections are as follows: Between the first blessing and the second; between the second blessing and the Shema; between the first section and second section of the Shema; between the second and third section of the Shema. One reading the Shema, when reaching these places, greets one whom it is his duty to honour, and acknowledges the greeting of anyone who first salutes him. But the conclusion of the third section and the opening words of the subsequent blessing are regarded as the middle of a section. One may only pause there either to salute a person of whom one stands in awe or to return the greetings of a person whom it is one's duty to honour.

Chapter 3

Before reading the Shema, the reader washes his hands in water. If the time for reading has arrived, and he does not find water for the preliminary washing, he is not to delay the reading in order to search for water; but he is to wipe his hands with earth, or on anything solid, on a beam or similar object, and then he reads.

The Shema is not to be read in a bath house nor in a latrine, even if there is no ordure in it, nor in a graveyard, nor in proximity to a corpse. One is permitted to read it after moving away from the grave of a corpse to a distance of at least four cubits. If the Shema was read in a place where it was improper to do so, it must be read a second time.

Where a latrine has been newly erected but not yet used, the Shema may be read facing it, but not within it. In a new bath house, the Shema may be read. Where one of two buildings was set apart as a latrine, and the owner said of the second building, "And this", it is doubtful whether the latter has also been appropriated to the same use as the former, or not. Hence one may not deliberately read the Shema there, but whoever has done so has fulfilled his duty. If the owner uttered the phrase, "This too", both buildings are deemed to have been set apart as latrines, and the Shema may not be read in either. It is permitted to read the Shema in the courtyard of a bath house, i.e. in the place where people stand about, clothed.

Not only the sections of the Shema, but anything that appertains to things sacred may not be uttered in a bath house or latrine, even in a secular language. It is forbidden to speak there of such topics. Even to meditate silently on the words of the Torah in a latrine, in a bath house, or in any unclean place that contains ordure or urine, is also prohibited.

Secular matters may be discussed in a latrine, even in the Sacred (Hebrew) language. Thus also, the terms used to express the Divine Attributes, such as "Merciful", "Gracious", "Faithful", etc., may be uttered in a latrine. But the Proper Names of the Deity which may not be erased must not be uttered in a latrine or in a bath house that had been used. If, however, there is occasion in a bath house or latrine, to restrain one from what is forbidden, this should be done, even if the Sacred Tongue has to be used and the matter appertains to things sacred.

It is forbidden to read the Shema where one is facing ordures of human beings, dogs or swine, even if hides are immersed in them (for tanning), or any other filth that emits an odor as foul as these. This reading is also forbidden where one is facing human urine. But where there is urine of a beast, the Shema may be read in front of it. When an infant is so young that it could not consume a quantity of cereal equal in volume to an olive, in the time that it would take an adult to eat a quantity of cereal equal in volume to three eggs, there is no need to move away from its stools or urine (in order to read the Shema).

If the ordure is as dry as earthenware, the Shema may not be read before it. If it is drier than earthenware, so that it crumbles when flung away, it is regarded as dust, and the Shema may be read before it. When urine, which the ground soaked up, still wets the hand touching the spot, the Shema may not be read before it. Where this condition no longer obtains, the Shema may be read there.

How far must one remove from ordure or urine, to be permitted to read the Shema Four cubits. This applies to the case where these are behind him or beside him. But if they are in front of him, he must move away so far that he no longer sees them, and then he reads the Shema.

This rule applies when he is in a room and on the same level with these. But if there was a place ten handbreadths higher or lower than the level of their situation, he can stay there and read the Shema, there being an intervening space between him and the excrement provided however that no foul odor reaches him. So too, if he covered the ordure or urine with a vessel, they are regarded, though still in the room, as buried, and the Shema may be read notwithstanding their being there.

If one is separated from ordure by a glass partition even if the ordure is still visible through the glass, the Shema may be read near it. When a quarter of a log of water (the volume of a hen's egg and a half) has been poured into a vessel containing urine of one micturition, the Shema may be recited within four cubits of it.

If ordure is in a hollow in the ground, one may stand with his sandal covering the hollow and read the Shema, provided that the sandal is not in contact with the ordure. If it is exceedingly minute, a mere drop, he expectorates thick saliva upon it till it is covered and reads the Shema. Many Geonim have decided that it is forbidden to read the Shema if the hands are unclean and it is right to follow this ruling.

Where a foul odor emanates from any substance, one must move away from it to a distance of four cubits, and then one may read the Shema, if the odor has ceased. If it is still perceptible, one must move to a further distance where it is no longer perceptible. The Shema may not be read in front of a cesspool or before a chamberpot, even though these are empty and emit no odor, they being regarded as a latrine.

When filth is moving, e.g. if it is floating on the water's surface, it is forbidden to read the Shema, opposite it. A swine's mouth is regarded as moving filth; it is forbidden to read the Shema opposite it, till the swine has passed on beyond the reader's presence to a distance of four cubits.

If one, while walking, is reading the Shema and reaches a place where there is filth, he should not place his hand over his mouth and continue to read, but he must pause till he has passed the place.

If, when about to read the Shema in a room, a doubt arises in one's mind as to whether or not there is ordure or urine in it, he may read. If he is standing on a dust heap and he is in doubt as to whether there is ordure there, he is not to read till he has made an investigation, the presumption in the case of a dust heap being that it is a place where there is filth. If the doubt is as to whether there is urine there, he may read.

Just as the Shema may not be read in a place where there is ordure or urine till he has moved away to a distance of at least four cubits, so it is forbidden to read the Shema in the presence of any person, even a gentile or child, whose privy parts are exposed, even though a glass partition separates him from them, unless he turns away his face. Since he is able to see, he may not read the Shema, unless he turns away his face. Any part of a woman's body falls under the same rule. Hence, while reading the Shema, one must not gaze at a woman's body, even if she is his wife. And if a handbreadth of a part of her body which is usually covered is exposed, he must not read the Shema while facing it.

And just as one is forbidden to read the Shema in the presence of any one, the lower part of whose body is exposed, so it is forbidden for anyone to read it, who is himself in the same condition. One must accordingly not read it when nude, till he covers his nakedness. If his loins are covered with a girdle of cloth, skin or sacking, he may read the Shema, even though the rest of the body is uncovered, provided that (when sitting crosslegged) his heel does not touch his privy parts. If he is lying under a coverlid, and is otherwise without clothing, he should draw the coverlid closely below his heart, and then read the Shema. But he should not draw it about his neck and read it, for in that case there would be nothing separating his heart from the lower part of his body, and he would be in the same class with one who recites the Shema without wearing a girdle.

When two persons are lying under one coverlid, neither of them may read the Shema, even if he draws the coverlid closely beneath his heart, unless the coverlid is so arranged as to separate them, so that their bodies, from the loins downward, do not touch. When a man is sleeping with his wife, young children or other young members of his household, their bodies are like his, and he is not affected by contact with them. Hence, even if his body touches theirs, he turns away his face, draws the cover closely beneath his heart and then reads the Shema.

Up to what age are they, in this respect, regarded as young children A boy, in this respect, till the age of twelve years and a day; a girl, till she is eleven years and a day old. And then only if they have the marks of pubertybreasts developed and hair on the body. In that case, he may not read the Shema unless they are separated by clothing. But if they are not physically so developed, he may read the Shema, even though their flesh touches his, and there is no

need of separation till the male child has attained the age of thirteen years and a day, and the female child is twelve years and a day old.

Chapter 4

Women, slaves and children are exempt from the duty of reading the Shema. Children are taught to read it at the proper time; and they recite at the same time the blessings preceding and following it, so that they may be trained in the performance of religious duties. One whose mind is preoccupied and in an agitated state because of any religious duty which he has to perform is freed from the obligation of reading the Shema. Hence, a bridegroom who has wedded a virgin is exempted from reading the Shema till he has consummated the marriage. If however consummation has been deferred till the night after the Sabbath subsequent to the marriage, it is his duty to read the Shema from that night and onwards, as his mind has become calm and he is already familiar with his bride.

But if one marries a woman who was not at the time a virgin, it is his duty to read the Shema, there being no specific circumstance that would distract his mind. The same principle applies to similar cases.

He who has been bereaved of a relative for whom he has to keep the period of mourning is exempted from reading the Shema till he has buried the body, as his mind is not free for reading it. A watcher, even if the body is not that of a relative, is exempt from reading the Shema. When there are two watchers, one watches while the other withdraws to another room and reads it. Then he returns and watches while his companion withdraws and reads it. So too, one who is engaged in digging a grave for the interment of a human body is exempt, for the time being, from reading the Shema.

The body is not to be removed for burial, close to the time when the Shema has to be read, unless the deceased was a great man. If the funeral procession had started, and the time for reading the Shema arrived while the bier is being followed, those needed for carrying it, such as the bearers and those who relieve them as well as those by whom these in turn are relieved, are exempt from reading the Shema, whether they are in front of the bier or behind it. Others who follow the bier but are not needed to carry it are obliged to read the Shema.

When the people are engaged in listening to funeral addresses and the time arrives to read the Shema, they withdraw singly, to read the Shema, and return to listen to the funeral addresses that are delivered in the presence of the dead. But if the dead body is not in the place where they are gathered, all those present read the Shema; the mourner however is silent as he is under no obligation to read the Shema till he has buried his dead.

After the interment, when the mourners have returned from the grave to receive condolences, and the people follow them from the grave to the spot where the mourners stand, to form a line to receive condolences; if there is time for the people to commence and conclude the recital of at least one verse of the Shema before they reach the line, they should do so. Otherwise they are not to begin but should first offer their condolences to the mourners, and, after they have left them, read the Shema. Those who are in the interior lines and face the mourners are exempt from the duty of reading the Shema; but those who stand in the exterior lines, since they do not see the mourners, have the duty of reading the Shema where they are standing.

If one, exempt from reading the Shema, nevertheless desires to fulfill his duty strictly, and read it, he may do so, provided that his mind is free. But if such an exempted individual is in an excited state, he may not read it, till his mind is composed.

All who are ritually unclean are bound nevertheless to read the Shema; and, while still unclean, they recite the blessings that precede and succeed it, even if it is possible for them to get rid of their uncleanness, on the same day; as is the case with those who have touched a creeping thing, or touched a woman in the period of menstruation, or touched one who has a running issue, or the couch on which anyone of these has lain, etc. Ezra and his colleagues ordained that only one who had had an emission as an exception to all unclean classes may not read the words of the Torah till he has ritually bathed. This ordinance was not adopted universally. The majority of the community were unable to observe it, and it fell into desuetude. All Israelites have accordingly had the custom to read the Torah and recite the Shema, notwithstanding that they had had emissions. For the words of the Torah are insusceptible of defilement, but remain always pure, as it is said, "Is it not thus, my words are like fire, saith the Lord" (Jeremiah 23:29). Even as fire is incapable of being defiled, so the words of the Torah are insusceptible of defilement, but keep their purity forever.

Prayer and the Priestly Blessing

Chapter 1

To pray daily is an affirmative duty, as it is said, "And ye shall serve the Lord, your God" (Exodus 23:25). The service, here referred to, according to the teaching of tradition, is Prayer, as it is said, "And to serve Him with all your heart" (Deuteronomy 10:12), on which the sages commented, "What may be described as Service of the Heart Prayer". The number of prayers is not prescribed in the Torah. No form of prayer is prescribed in the Torah. Nor does the Torah prescribe a fixed time for Prayer. Hence, women and slaves are under an obligation to pray, this being a duty, the fulfillment of which is independent of set periods.

The obligation in this precept is that every person should daily, according to his ability, offer up supplication and prayer; first uttering praises of God, then, with humble supplication and petition ask for all that he needs, and finally offer praise and thanksgiving to the Eternal for the benefits already bestowed upon him in rich measure.

One who was fluent, would offer up many prayers and supplications. If one was slow of speech, he would pray as he could and whenever he pleased. Thus also, the number of separate services depended on an individual's ability. One would pray once daily; others, several times in the day. All, however, turned during prayer to the Sanctuary, in whichever direction that might be. This was the uniform practice from the times of Moses to those of Ezra.

When the people of Israel went into exile in the days of the wicked Nebuchadnezzar, they mingled with the Persians, Greeks and other nations. In those foreign countries, children were born to them, whose language was confused. Everyone's speech was a mixture of many tongues. No one was able, when he spoke, to express his thoughts adequately in any one language, otherwise than incoherently, as it is said, "And their children spoke half in the speech of Ashdod and they could not speak in the Jews' language, but according to the language of each people" (Nehemiah 13:24). Consequently, when anyone of them prayed in Hebrew, he was unable adequately to express his needs or recount the praises of God, without mixing Hebrew with other languages. When Ezra and his Council realized this condition, they ordained the Eighteen Benedictions in their present order. The first three blessings consist of praises of God and the last three, of thanksgiving to Him. The intermediate benedictions are petitions for the things which may stand as categories of all the desires of the individual and the needs of the community. The object aimed at was that these prayers should be in an orderly form in everyone's mouth, that all should learn them, and thus the prayer of those who were not expert in speech would be as perfect as that of those who had command of a chaste style. For the same reason, they arranged in a fixed form all the blessings and prayers for all Jews so that the substance of every blessing should be familiar and current in the mouth of one who is not expert in speech.

Thus, too, they ordained that the Services of Prayer should be equal in number to the Sacrifices two services of prayer daily, corresponding to the two daily offerings. And for the day on which an additional offering was ordained, they instituted a third prayer, corresponding to the additional offering. The Service which corresponds to the daily morning sacrifice is called the Morning Prayer. The Service which corresponds to the Afternoon Sacrifice is called the Afternoon Prayer, and the Service corresponding to the Additional offering is called the Additional Prayer.

So also they ordained that a person should recite one service of Prayer at night, since the portions of the animal offered up as the Afternoon Sacrifice were consumed on the altar throughout the night, as it is said, "This is the law of the burnt offering; this it is that which goeth up on its firewood upon the altar all night" (Leviticus 6:2). And in this sense it is said, "Evening and morning and at noon will I meditate and cry aloud, and He hath heard my voice" (Psalms 119:162). The Evening Service is not obligatory like the Morning and Afternoon Services. Nevertheless all Israelites, wherever they have settled, have adopted the practice of reciting the Evening Service and have accepted it as obligatory.

So, too, they instituted a service to be recited after the afternoon service, close to sunset, but only on a fast day, the purpose being to add petitions and supplication on account of the fast. This Service is called "the Closing" service an allusion to the fact that the sky is closed to the sun which is at that hour of the day invisible this service being recited near sunset.

Thus the Services recited daily are three; namely, the Evening Service, the Morning Service and the Afternoon Service. On Sabbaths, Festivals and New Moons, they are four the three daily services and the Additional Service. On the Day of Atonement, they are five services, the four just mentioned and the Neilah, the closing service.

The number of these services may not be diminished but may be increased. If a person wishes to pray the whole day, he may do so. And the prayers he adds are accounted to him as if he brought freewill offerings. He must accordingly add in each of the middle blessings a thought appropriate to the particular blessing. If this is done in one of the blessings only, that is sufficient, the object being to make it manifest that the prayer is voluntary and not obligatory. In

the first three and last three blessings there must be no addition, diminution or change.

A congregation does not hold a voluntary service, because the community never brought a freewill offering. Additional services (those recited on Sabbaths, Festivals and New Moons), may not be recited twice even by a private individual, once by way of discharging an obligatory duty and once voluntarily, because the additional sacrifices were never brought as freewill offerings. One of the Geonim decided that it is forbidden to recite any voluntary service on Sabbaths and Festivals, since on those days no freewill offerings were brought but only those that were obligatory.

Chapter 2

In Rabban Gamliel's days, the number of heretics in Israel increased. They were wont to vex the Israelites and seduce them to turn away from God. When R. Gamliel realized that the most urgent need was to remove this evil, he composed a Benediction which contains a petition to God to destroy the heretics, and incorporated it in the Eighteen Blessings so that it should be in a fixed form for all. Hence the total number of Blessings in the Daily Service is Nineteen.

In each of the three daily services, a person recites these nineteen blessings in their appointed order. But only if he finds that his mind is in a fit state for prayer and he is fluent in speech. He knows the blessing correctly. But if one is distracted and harassed, or is not fluent in speech, he should recite the first three blessings, a blessing embodying the gist of all the intermediate blessings, and the last three blessings, and then he has fulfilled his duty.

The Blessing that they ordained as a summary of the intermediate blessings is as follows: Give us understanding, O Lord, our God, to know Thy ways, and circumcise our hearts to fear Thee. Be forgiving unto us, so that we may be redeemed. Keep us far from sorrow. Make us prosperous. Cause us to dwell in the pastures of Thy land. Gather the scattered from the four corners of the earth. Let them that go astray in the knowledge of Thee be judged; According to another reading, Let them that go astray learn to judge according to the true knowledge of Thee. (Rashi quoting Halachoth Gedoloth) Rabbenu Jonah renders, Let them that go astray be judged according to Thy knowledge. and over the wicked wave Thy hand. Let the righteous rejoice in the rebuilding of Thy city and in the reestablishment of Thy temple, and in the flourishing of the horn of David, Thy servant, and in the rekindling of the light of Jesse's son, Thine anointed. Before we call, do Thou answer; before we speak, do Thou hearken; as it is said, "And it shall come to pass, before they call, I will answer; while they are still speaking, I will hear" (Isaiah 65:24); for Thou art He who answereth in all times of trouble, who delivereth and rescueth from all distress, Blessed art Thou O Lord who hearkenest unto prayer.

The foregoing rule only applies to the summer season. But in the winter the summary of the intermediate blessings is not recited; because, in the blessing for a prosperous year, the petition for dew and rain has to be recited. So also, this summary is not recited in the Evening Prayer at the close of Sabbath or Festival, because in the Blessing for Granting Understanding, the paragraph relating to the distinction between sacred and profane has to be added.

On Sabbaths and Festivals, seven blessings are recited in each of the four Services for the day; namely, the usual first three blessings, and last three blessings, and an intermediate blessing appropriate to the particular day. On Sabbaths, the intermediate blessing concludes with the formula, "Who hallowest the Sabbath." On the Festivals it concludes, "Who hallowest Israel and the Seasons." And on a Sabbath which is at the same time a festival, the concluding formula is, "Who hallowest the Sabbath, Israel and the Seasons." On New Year, the conclusion is, "King over all the earth, who hallowest Israel and the Day of Memorial." When the New Year falls on a Sabbath, the concluding formula is, "King over all the earth, who hallowest the Sabbath, Israel and the Day of Memorial."

The foregoing statement applies to the evening, morning and afternoon services of the New Year. But the additional service on the New Year consists of nine blessings; the first three and the last three recited daily, and three Intermediate. Of these intermediate benedictions, the theme of the first is God's Sovereignty; of the second His remembrance; while the third has references to the Shofar. Each of these blessings concludes with a formula appropriate to its theme.

On the Day of Atonement, in each of the five services, seven blessings are recited, the first three, the last three, and an intermediate blessing, appropriate to the day, which concludes, "King over the whole earth, who sanctifiest Israel and the Day of Atonement." If that day happens to fall on a Sabbath, the intermediate blessing in each service concludes, "King over the whole earth, who sanctifiest the Sabbath, Israel and the Day of Atonement."

The foregoing statement applies to the Fast of the Day of Atonement in ordinary years but on that fastday in the

Jubilee year, nine blessings are recited in the additional service as in the additional service of the New Year. The same blessings are recited, neither more nor less, and are only recited when the law of the Jubilee is in force.

Before reciting the first blessing in each of the services, one begins, "O Lord, open Thou my lips, and my mouth shall declare Thy praise," (Psalms 51:7) and after concluding the service, one adds, "Let the words of my mouth and the meditation of my heart be acceptable before Thee, O Lord, my Rock and my Redeemer," (Psalms 19:15), after which the worshipper steps backward.

On New Moons and on the intermediate days of the festivals, the nineteen blessings are recited for the evening, morning and afternoon services, as on ordinary days; and the prayer beginning, "O our God and God of our fathers, may our remembrance rise, come, etc." is incorporated in the blessing referring to the restoration of the ancient service. The additional service on the intermediate days of the festivals is the same as on the feast itself. On New Moons, one recites for the additional service, the first three and the last three blessings (common to all services) and an intermediate blessing having reference to the additional sacrifice prescribed for the New Moons, and concludes it with the formula, "Who sanctifiest Israel and the new moons."

On a Sabbath that is also an intermediate day of a festival, and likewise when the beginning of the month falls on a Sabbath, the evening, morning and afternoon services consist of the seven blessings, as on other Sabbath with the prayer, "O, our God and God of our fathers, let our remembrance arise and come, etc." added in the blessing referring to the restoration of the ancient service. In the additional service, the intermediate blessing begins and ends with a reference to the Sabbath while the middle portion refers to the special sacred character of the day. On new moons it concludes, "Who sanctifiest the sabbath, Israel and the beginning of the months," and on the intermediate days of the festivals, the conclusion is the same as on a festival that falls on the sabbath. When a festival falls on the first day of the week, the following paragraph is inserted, in the evening service, in the fourth blessing:

"Thou hast made known unto us the judgments of Thy righteousness, and hast taught us to perform the statutes of Thy will. Thou hast given us, O Lord our God, the holiness of the Sabbath and the glory of the appointed time, and the celebration of the festival. Thou hast made a distinction between the holiness of the Sabbath and that of the feast, and hast hallowed the great and holy seventh day. Thou hast given us, O Lord our God, appointed times for gladness and seasons for joy," At the close of the Sabbath or festivals throughout the year, the Habdalah (paragraph referring to the distinction between the profane and holy), is recited in the fourth blessing, "Thou favourest man with knowledge", although the Habdalah is afterwards also said over the cup of wine.

During the Feast of Lights and on the Feast of Lots, the paragraph beginning, "For the miracles" is added in the blessing beginning, "We give thanks unto Thee." On the Sabbath during the Feast of Lights the paragraph, "For the miracles" is recited in the Additional Services as it is in the other services.

On fast days, every one who fasts adds, in the blessing concluding, "Who hearkenest unto prayer," the paragraph beginning, "Answer us etc." The reader of the congregation, when repeating the service aloud, recites this paragraph as an independent blessing, between the blessing relating to redemption and that relating to health; and concludes it with the formula, "Blessed art Thou, O Lord, who answerest in time of trouble." And so on that day the reader recites twenty blessings. On the ninth of Ab, a paragraph is added in the blessing concluding, "Who rebuildest Jerusalem," as follows: Have mercy, O Lord our God, upon us and upon Israel, Thy people, and upon the city that is ruined and desolate "

During the winter, the phrase, "Who causeth the rain to fall," is inserted in the Second blessing, while in summer the phrase, "Who causeth the dew to descend" is recited. The formula, "Who causeth the rain to fall" is first said in the Additional service of the last (eighth) day of the feast of Tabernacles and continues to be said till the morning service on the first day of Passover. And the formula, "Who causeth the dew to fall" is begun in the additional service of the first day of Passover.

Beginning with the seventh day of Marheshvan, a petition for Rain is included in the blessing calling for prosperity during the year, and is recited as long as the reference to rain, inserted in the second blessing, continues to be said. This is the rule for the Holy Land. But in Shinar (now called Iraq), Syria, Egypt, and adjacent territories, as well as in other places similar to these (in climate) the petition for Rain is begun sixty days after the autumnal equinox.

In places that require rain in the summer, for instance in the distant seagirt islands, a petition for rain, is offered up, whenever it is needed, in the prayer ending, "Who hearkenest unto prayer." In places where the second days of the feasts are kept, the formula, "Who causest the rain to descend" is recited, for the first time in the year, in the

additional Service, on the first day of the feast of Solemn Assembly (8th day of Tabernacles) and continues to be recited throughout the winter.

The third blessing ends, throughout the year, with the words, "the holy God," and the eleventh blessing, with the words, "King who loveth righteousness and justice." But in the ten days, from the New Year to the close of the day of Atonement, the third blessing ends with the words, "the holy King" and the eleventh, with the words, "The King of Justice."

In some places it is customary, during these ten days, to add in the first blessing the petition, "Remember us unto life," in the second blessing, the sentence, "Who is like unto Thee, O merciful father", (in the Thanksgiving blessing, "Remember Thy mercies ")In the German and Polish ritual, Inscribe in the book of life, all the sons of Thy Covenant. and in the last blessing, "In the book of life " So too, in some places they have the custom, during these ten days, to add in the third blessing the paragraphs, "And thus cause the fear of Thee, O Lord our God " On the New Year and the Day of Atonement, the addition of these paragraphs to the third blessing is the general practice.

Chapter 3

In order that the duty may be properly fulfilled, the morning service should begin at sunrise. It may however be recited till the close of the fourth hour after dawn, that is, till the lapse of one third of the day. And if one transgressed, wittingly or in error, and recited the Service after the fourth hour, and before noon, he has fulfilled the duty of reciting the prayer, but not that of reciting it at the right time. For even as prayer is a precept of the Torah, so it is an ordinance of our teachers to offer it at the proper time, as appointed by the sages and prophets.

We have already stated that the time for reciting the afternoon service was fixed to correspond with the hour when the daily afternoon sacrifice was offered up. As this took place daily nine and a half hours after dawn, the time for reading the afternoon service was appointed to begin nine and a half hours after dawn. This is termed the Minor Afternoon (Service). And since the daily afternoon sacrifice was slaughtered six and a half hours after dawn on the Eve of Passover, whenever that date fell on the eve of the Sabbath, the Sages declared that if one recites the afternoon service later than six and a half hours after dawn, he has fulfilled his duty. The arrival of this hour marks the time when the obligation to read the afternoon service has commenced. This is termed the Major Afternoon (Service).

Many have the custom of reciting both the major and minor afternoon services, one of them as an optional service. Some of the GeonimThe Geonim were heads of religious academies in Babylon. decided that only the major afternoon service may be thus recited. And this is in accordance with reason; for it corresponds to the fact that the offering of the daily afternoon Sacrifice at that hour did not take place regularly, every day. But only when the Eve of Passover fell on the sixth day of the week. Still, if the major afternoon service had been recited as the obligatory service, the minor afternoon service should only be recited as an optional service.

Hence, the time for reciting the major afternoon service begins six and a half hours (after dawn) and continues till nine and a half hours (after that time), while the time for the minor afternoon service begins from nine and a half hours and continues till one and a quarter hours before the close of day. The prayer should however be recited before sunset.

The time for reciting the additional service begins after the morning service and continues till the seventh hour of the day. One who recites it after the seventh hour, although he has transgressed (the rule as to the hour), has nevertheless fulfilled his duty, since the time for reciting it is the whole day.

The time for the evening service, though it is not obligatory, is, for the one who reads it, from the commencement of nightfall till dawn. The NeilahConcluding Service on the Day of Atonement and, in earlier times, on any public fastday. should be read at a time to allow it to be completed near sunset.

One who recites a service, before the time appointed, has not fulfilled his duty and has to recite it again at the right time. But, if a person, on an urgent occasion, has recited the morning service after dawn (but before sunrise) he has fulfilled his duty. The evening service for the Sabbath Eve should be recited on the Eve of the Sabbath, before sunset. So the evening service for the close of the sabbath may be recited on the sabbath; the reason being that as the evening service is optional, one need not be strict as to the time of its recital; provided that the Shema is read at the proper time after the stars are visible.

If the proper time of a service has passed without its having been recited, the omission, if wilful, cannot be rectified or made good. But if the omission was due to error or preoccupation, it can be made good at the next service. The latter is first recited at its proper time, and the prayer is then repeated to make good the omission.

For example: If by mistake, one omitted to read the prayer in the morning and the first half of the day passed, he should read the prayer in the afternoon twice; first to fulfill the duty of reading the afternoon service, and a second time, to make good the omission of the morning service. If through error, the afternoon service had been omitted and the sun had set, the prayer in the evening should be read twice; the first time, as the evening service, and again, to make up for the omission of the afternoon service. If, by error, the evening service has not been read, and it has dawned, the morning prayer should be read twice, the first time, as the morning service, the second, to make up for the omission of the previous evening service.

If two successive services had erroneously been omitted, only the latter can be made good. For example, if, by error, one recited neither the morning nor the afternoon services, he is to read the evening prayer twice; the first time as the evening service, the second to make up for the omission of the afternoon service. But the omission of the morning service cannot be made good, the time for that having passed. The same applies to other services.

If one has two services to read, that of the afternoon and the additional service, the afternoon service should be read first and then the additional service. One authority decides that this should not be done in congregational worship, lest the people be misled (as to the normal order of the Services).

Chapter 4

There are five requisites, the absence of which hinder the proper recital of a Service, even when its due time has arrived; Cleansing the hands, Covering the body, Assurance as to the cleanliness of the place where the prayers are recited, Removal of distractions, and Concentration of the mind.

Cleanliness of hands: How is this condition complied with The hands are washed in water, up to the wrists, and then the prayers are recited. A person, travelling on the road, finds, when the time for prayer has arrived, that he has no water. If it can be procured within a distance of four miles, equal to 8000 cubits, he should proceed to the locality where there is water, wash his hands and then recite the prayers. If the distance exceeds that limit, he wipes his hands on a clod, or with loose earth, or on a beam and then reads the Service.

This rule only applies if the direction of the place where water can be procured is in front of the traveller. But if it is in his rear, he is only obliged to retrace his steps a mile. If he has passed on from the place where there is water beyond this distance, he is not obliged to go back, but wipes his hands and recites the prayers. The statement that for prayers only the hands need to be cleansed refers to all services except the morning service. For this service, the face, the hands and the feetWhy feet Because these may be mired as people walked barefoot or only wearing sandals. should first be washed, and then the prayers are recited. If water is not accessible, one wipes the hands only, and recites the prayers.

Those who are ritually unclean wash their hands onlylike those that are cleanand recite the prayers. Although they are able to take a ritual bath and so be rid of their ritual impurity, their omission to do so does not debar them from the recital of the prayers. We have already explained that Ezra instituted the rule that one who had had an emission should not read Torah alone till he had taken a ritual bath. Subsequent authorities extended the rule to the recital of prayers, and ordained that such a person should not recite the prayers alone till he had ritually bathed. This rule has no connection with ritual cleanliness or uncleanness. Its purpose is to restrain scholars from uxoriousness. Hence the limitation of the requirement of ritual bathing to those who had seminal emissions and whose case forms an exception to those otherwise unclean.

While this ordinance was in force it was held that even one who suffered from flux and had a seminal issue, or a woman who in her period of menstruation had a seminal discharge, or during cohabitation, found that her period of separation had come, must, in order to read the Shema and the prayers, first take a ritual bath on account of the seminal emission, even though they are also otherwise unclean. This is logical, the ritual bathing being prescribed not because of the uncleanness, but to discourage uxoriousness. The ordinance, however, has become obsolete, as it was never universally adopted by the Jewish people and was found too irksome.

The custom is general in Spain and in Shinar (Iraq) that one who has had a seminal emission does not recite prayers till he has washed all his body in water, out of respect to the exhortation, "Prepare to meet thy God." This only applies to a healthy person or one who is sick and has cohabited. But a sick man who has had an involuntary emission is exempt from the duty of bathing for prayer. The custom does not apply to his case, nor to the case of one who suffers from a flux or of a woman in her period of separation who had a seminal emission. They dry themselves, wash their

hands and recite the prayers.

The covering of the body: how is this requirement to be fulfilled Although the lower part of the body is covered, as for the reading of the Shema, the prayers are not to be recited till the heart is also covered. If one has not covered it or is unable to do so, having nothing wherewith to cover it, and recites the prayers, he has fulfilled his duty, since the lower part of his body is covered. But he should not do so deliberately.

Cleanliness of the place where prayers are recited: how is this condition fulfilled One may not pray in a place where there is filth, nor in a bathhouse, nor in a latrine, nor on a site used for depositing refuse, nor in any place concerning which there is no presumption that it is clean. In short, wherever the Shema is not read, there prayers are not recited. And as we move away from ordure, urine, a foul odor, a corpse, and an indecent exposure, in order that we may read the Shema, we do the same, for the recital of the prayers.

A person who, after reciting prayers, finds ordure in the place, inasmuch as he had committed a sin in not examining it before his recital of the prayers, must read them again in a clean place. A person, while standing and reading the service, finds ordure in front of him. If by walking on, he would leave it four cubits in his rear, he should do so. If this is impossible, A river or other barrier being in front of him. he should move away from it sideways. If he cannot do this, he must intermit the recital of the prayers. The great sages did not recite prayers in a house where there was beer or strong sauce that had turned bad, because of its offensive odor, even though the premises might otherwise be clean.

Absence of disturbing elements. How is this requisite fulfilled If one feels an urgent call of nature, one must not pray. If the call is disregarded, the prayer that one utters is an abomination. And, having first relieved himself, he should recite the Service a second time. But if he can restrain himself as long as it would take to walk a Parsah (4 mil 8000 cubits), his recital of prayer is accounted a proper recital. Nevertheless, prayers should not be recited by anyone till he has examined himself well and is satisfied that the calls of nature have been attended to. So also, phlegm, saliva and anything else that might disturb one should be removed and then the prayers should be recited.

A person who, during prayers, stretches himself, yawns or sneezes, if he does so voluntarily, his behavior is unseemly. But if, before beginning his prayers, he examined himself and the act was involuntary, it does not matter. Saliva that has accumulated during prayer, should be covered with the garment. A person, whose delicacy would be offended by this procedure, casts it behind him with his hand, so that during prayer he may be saved from an annoyance which would disturb him. If, while standing in prayer, intestinal flatus involuntarily escapes, he waits till it has passed and resumes his prayer.

If he is seized with intestinal flatulence, and its retention causes him excessive pain, he should step backwards four cubits and wait till he feels relieved. Then he should say: "Lord of the Universe, Thou hast formed us with apertures and cavities. Our shame and reproach are open and known to Thee. Objects of shame and reproach are we while we live; worm and corruption, after we die." Then he returns to his place and resumes his prayer.

If, while standing reading the service, his urine dripped on to his knees, he should pause till the dripping has ceased, and then resume his prayers at the place where he left off. If he had paused for an interval sufficiently lengthy to conclude the service, he starts again from the beginning.

So, after urinating, one must pause for as long as it would take to walk four cubits and then one may recite the service. Thus too, after the conclusion of a service, one should wait as long as it would take to walk four cubits before urinating, so that there shall be an interval after the reading of the service.

Concentration of the mind how is this condition to be fulfilled Any prayer uttered without mental concentration is not prayer. If a service has been recited without such concentration, it must be recited again devoutly. A person finds that his thoughts are confused and his mind is distracted: He may not pray till he has recovered his mental composure. Hence, on returning from a journey or if one is weary or distressed, it is forbidden to pray till his mind is composed. The sages said that he should wait three days till he is rested and his mind is calm, and then he recites the prayers.

What is to be understood by concentration of the mind The mind should be freed from all extraneous thoughts and the one who prays should realize that he is standing before the Divine Presence. He should therefore sit awhile before beginning his prayers, so as to concentrate his mind, and then pray in gentle tones, beseechingly, and not regard the service as a burden which he is carrying and which he will cast off and proceed on his way. He should, accordingly, also sit awhile, after concluding the prayers, and then leave. The ancient saints were wont to pause and meditate one hour before the service, one hour after the service and take one hour in its recital.

An intoxicated person must not pray, because he cannot concentrate. If he prays, his prayer is an abomination. He must therefore recite the prayers again after he has recovered from his intoxication. A person under the influence of drink should not pray while in that condition. But if he has recited the service, it is regarded as prayer. A drunkard is one who is unable to speak in the royal presence. A person under the influence of drink is one who can speak in the presence of a king without committing error. Yet having drunk, if only a quarter of a log of wine, Equal in volume to 1 eggs. one is not to pray till he is rid of the effect of the wine he has taken.

So too, persons should not stand up to pray after indulging in jest, laughter, frivolity, idle talk, quarrelling or outburst of anger, but only after the study of Torah, not however of legal discussions by which the mind is distracted, but only after the study of such themes as require no profound reflection, as for instance established rules.

Prayers which are only read at periodic intervals, such as the additional service for the beginning of the month and the services for the festivals should be first rehearsed before one stands up to recite them so that he shall not break down during their recital. If a person were travelling in a dangerous locality, infested, for example, by wild beasts or robbers, he should recite one blessing as follows: "The needs of Israel, Thy people, are many. Their knowledge is scanty. Be it Thy will, O Lord, our God, to give every one what is sufficient for his maintenance and provide every creature with its requirements. Do what is good in Thy sight. Blessed art Thou, O Lord, who hearkenest unto prayer." He recites this prayer, walking. If he is able to stand on one spot while uttering it, he should do so. And when he arrives in a neighbourhood that is populated and his mind is calm, he reads the service of nineteen blessings in its regular form.

Chapter 5

In reciting prayers, eight points should be heeded and observed. If, however, these were disregarded, owing to stress, or disability or even wilfully, the recital of the prayers would not be debarred deemed ineffective. The points are as follows: one should stand; with face towards the Temple; the body should be in correct posture; the clothing adjusted; one should stand in a proper place; the voice should be properly modulated; and genuflection and prostration be correctly performed.

The Standing position. The Amidah main prayer is only recited, standing. A person who is on a ship or in a waggon should, if he is able, stand up for that prayer. If unable, he may read it, sitting in his place. A sick person may read it, even lying down on his side, provided, however, that he can concentrate his mind. A thirsty or hungry person is in the same category as the sick: if he can concentrate, he recites the prayer; if not, he should not do so till he has refreshed himself with food and drink. A person who is riding, need not alight, even if there is some one to hold his beast so that his mind may be at ease.

With face turned towards the Temple. Anyone outside Palestine turns his face towards the land of Israel and recites the prayer. One who is in the Holy Land turns towards Jerusalem. One who is in Jerusalem turns towards the Temple. If one is in the Temple, he turns towards the Holy of Holies. A person who is either blind, or unable to determine the right direction, or is on a ship, directs his heart to the Divine Presence and prays.

Correct posture. When standing in prayer, the feet should be in line; the eyes lowered as if one were looking towards the ground; while the heart should be uplifted as if one were in heaven; the hands should be placed over the heart, close together, the right over the left. The worshipper should stand, like a servant in his master's presence, in awe, fear and dread. He should not place his hands on his hips.

Adjustment of the dress. Before beginning the Service, the dress should first be adjusted and the personal appearance made trim and neat, as it is said, "O worship the Lord in the beauty of holiness" (Psalms 96:9). One should not stand in prayer wearing a moneybelt, nor bareheaded, nor barefoot, where the local custom is not to stand in the presence of the great, without shoes. And one should not pray anywhere, holding phylacteries in the hand or carrying a scroll of the law in the arms, for the mind would then be preoccupied with those sacred objects. Nor while praying, should vessels or money be held in the hand. On the feast of Tabernacles, however, the worshiper prays, while carrying a palm branch this being the religious duty of the day. When the time comes to recite the prayer, a person carrying a burden on his head, adjusts it behind him, if it is less than four kabs A kab is equal in volume to 4 logs. A log is equal in volume to 6 hens eggs. and recites the prayer. If it is four kabs in size, he places it on the ground, and then prays. The practice of all the sages and their disciples is not to pray unless their heads are wrapped in the Talith (praying shawl).

Place where the worshiper prays. He should stand in a low place and turn his face to the wall. Windows or doors towards Jerusalem should be opened, and he should stand facing them when he prays, as it is said, "Now his

windows were open in his upper chamber towards Jerusalem" (Daniel 6:11). There should be one fixed place set apart for prayer. It should not be recited in a ruin nor at the rear of a synagogue, unless the worshiper turns his face towards the synagogue. It is forbidden to remain seated at the side of one who is standing in prayer, or pass in front of him unless he has moved away from the worshiper to a distance of four cubits.

One must not, while praying, stand on a spot three handbreadths or more above the floor of the room; nor may one stand for prayer upon a bed, stool or chair. A lofty structure, provided that it is four cubits by four cubits in area the size of a chamber is regarded as an attic, and it is permitted to pray in it. So, too, if it was enclosed on all sides by partitions, even though its area was less than four cubits by four cubits, prayers may be recited while standing in it, for the height of such a structure is not noticed, it being a compartment by itself.

Labourers who are working on the top of a wall, or on the top of a tree, when the time for prayer arrives, should descend to the ground, recite the prayer, and resume their labours. If they are on the top of an olive tree or a fig tree, they recite it where they are, as it would entail excessive trouble to descend. What prayer do they recite? Those who work for board only recite the three daily prayers, of nineteen blessings each. If they were working for wages, they recite Havinenu Summary of the Middle Blessings, together with the first three and last three blessings. In either case, no congregational service is held, nor is the priestly benediction pronounced.

Modulation of the voice. The voice should not be raised during the recital of the Amidah prayer nor should it be offered silently in thought alone. The words should be pronounced with the lips, but softly, and yet be audible to the speaker's ears. The worshiper should not permit his voice to be heard by others, unless he is sick, or is unable to concentrate his attention without reading aloud. He may not, however, do so at public worship, so that the congregants shall not be disturbed by his loud praying.

Genuflection. The worshiper bends the knees five times in every Amidah prayer, Prayer, recited standing. at the beginning and at the end of the first blessing; at the beginning and the end of the thanksgiving blessing (which begins "We thank Thee"); and after the conclusion of the prayer. The knees are then bent, the worshiper steps backwards three paces, and with knees bent, bows to the left, then to the right, and then raises his head. When he bends the knees the first four times, he does so while uttering the word "Blessed" and resumes the erect posture at the word "O Lord." This rule applies to the layman. The high priest however bends the knees at the beginning and end of every blessing. The king bows his head at the beginning of the Amidah prayer and does not raise it till he has concluded it.

Why does the worshiper bow towards the left, first? Because his left corresponds to the right of the person whom he faces. And just as one who stands before a king bows to the king's right and then to the king's left, so the sages ordained that at the conclusion of the Amidah, the same etiquette should be observed as in taking leave of the royal presence.

In all these genuflections, the worshiper should bow till all the vertebrae of the spinal column become prominent, and his body assumes the shape of a bow. If however he bowed slightly and made an effort which caused strain, so that it is evident that he bows as low as he can, he need not be apprehensive as to whether he had fulfilled his duty.

Prostration. After he has raised his head, subsequent to the fifth genuflection, the worshiper seats himself on the floor and "falls upon his face" and offers all the supplications he pleases. Genuflection, wherever mentioned, always refers to bending the knees. Kidah means "falling on the face" with knees bent. Hishtahvayah means stretching out the hands and feet, so that one is lying prone with face to the ground.

When performing the rite of "falling on the face", after the service, some fall on the face, some prostrate themselves. The latter is forbidden on a stone floor, except in the Temple of Jerusalem, as has been explained in the laws concerning Idolatry. Even a worthy person may not fall on his face unless he is conscious that he is a righteous man like Joshua. (Joshua 5:14) And Joshua fell on his face to the earth, and did worship. He should only incline his face somewhat, but not press it against the floor. It is permissible to recite the service of prayer in one spot and "fall upon the face" elsewhere.

It is a rule universally observed in Israel, that the rite of "falling upon the face" is not practised on Sabbaths, Festivals, the New Year, the New Moon, Feast of Lights, Feast of Lots, at the afternoon services on the eves of Sabbaths and Festivals, or in the evening service any day. Some individuals fall on their faces in the evening service. All do so in every service on the day of Atonement, this being a day of petition, supplication, and fasting.

Chapter 6

A person is forbidden to pass at the rear of a Synagogue while public worship is proceeding, unless he is carrying a burden, or the Synagogue has two entrances on two sides, when an observer could say, "Possibly, he will enter at the other door." So too, if there are two Synagogues in a city, an observer could say, "Possibly the passerby is proceeding to the place of worship he usually attends." If he has phylacteries on his head, he is permitted to pass by, even in the absence of these circumstances; for the phylacteries indicate that he is eager to perform religious duties and does not belong to those who neglect the duty of prayer.

One who recites his prayers with a congregation should not unduly protract its recital. But when one is alone, it is left to his discretion. If, after the Amidah prayer, he wishes to continue with supplications even to the length of the Confessional ritual for the day of Atonement, he may do so. Or if he desires to introduce in each of the intermediate blessings an addition appropriate to any of the blessings he may do so.

For instance: If there is a sick person about whom he is concerned, he interpolates in the blessing relating to the sick, in accordance with his ability, a petition for divine mercy to be vouchsafed to the patient. If he needs a livelihood, he interpolates a special supplication in the blessing praying for a prosperous year. In the same way, he may make additions in every one of the blessings. Or if he wishes to include petitions for all his needs in the blessing which ends with the phrase, "Who hearkeneth unto prayer", he may do so. But no petition may be inserted in the first three or in the last three blessings.

It is forbidden to take any refreshment or do any work after daybreak, till the morning service has been recited. Nor should a visit be paid, early in the morning, to a neighbour's home, to greet him, before the morning service has been recited. Nor should one set out on a journey before praying. But refreshment may be taken before reciting the additional service or the afternoon service. A meal however must not be taken, close to the hour for reading the afternoon service.

When the major afternoon has arrived (half an hour after midday), one must not repair to the bathing establishment even only to perspire till he has first read the afternoon service, lest he faint and omit the prayer. Nor may one sit down even to a casual meal, lest he linger over it. Nor proceed to the trial of a case, even towards its conclusion, lest the pleas may be upset and the proceedings be prolonged and so the service of prayer be omitted. Nor may one sit down in a barber's shop to have the hair cut till he has recited the service, lest the scissors become broken (and delay would ensue). Nor should one enter a tannery near the afternoon, till he has first prayed, lest, seeing his property spoiling, he may busy himself therewith and be prevented reciting the service. If however he has begun any of the foregoing, he does not stop but concludes what he is engaged in, and then recites the afternoon service.

When is the cutting of the hair regarded as having begun When the barber lays the barber's sheet upon the customer's knees. When is bathing regarded as having begun When the bather removes the garment next to his skin. When is one regarded as having begun to tan When he fastens over his shoulders the apron as the workmen do. When is a meal considered to have begun In Palestine, when the hands have been washed; in Babylon, when the girdle has been loosened. When is a trial regarded as having begun When the judges are robed, each of them in a Talith (Praying shawl) and have taken their seats. If they are already seated, when the litigants have opened their pleading.

Although the evening service is optional, a man, coming home from his work, should not say, "I will eat a little and sleep a little and then recite the prayers", lest he be overcome by sleep and continue to sleep throughout the night. He should first read the evening service and then eat and drink or sleep. It is permitted to have one's hair cut or go into a bathing establishment near the time for the morning service, as the prohibition only applies to the afternoon when it is a usual procedure for most people to enter bathing establishments or have their hair cut during the day. But in the early morning this is unusual and was not prohibited.

If one was occupied with the study of the Torah, he intermits his studies when the time for prayer arrives and recites the service. If study was his profession and he does no other work, he does not stop learning if he is engaged in it at the time of prayer; for the duty of studying Torah is more important than that of reciting prayer. One who occupies himself with the needs of the community is in the same class with one who is occupied with the study of the Torah.

A person who is praying must not break off his prayer, except only if he is in mortal danger. Even when a king who is an Israelite greets him, he must not return the greeting. But if the king is an idolater, he stops, lest the king puts him to death. If, while standing and praying, he sees a king who is an idolater or a man of violence coming towards him, he

should shorten the prayer. If unable to do so, he should stop praying. So too, if he sees snakes and scorpions, whose sting in that locality is deadly, moving in his direction, he stops his prayers as soon as they get near him and escapes. But if their sting is not deadly, he does not intermit his prayers.

Women, slaves and children are under an obligation to recite the prayers. Every person exempt from reading the Shema is exempt from reciting the prayers. All those who follow a funeral, although they are not needed to carry the bier, are, for the time being, exempt from reading the prayers.

Chapter 7

When the sages instituted these services of prayer, they likewise instituted other blessings, to be recited daily. These are as follows: When about to retire to rest for the night, one recites the blessing, "Blessed art Thou, O Lord, our God, king of the Universe, who causest the bands of sleep to fall upon my eyes and givest light to the pupil of the eye. May it be Thy will, O Lord my God, to deliver me from the evil inclination and from mishap. Let not evil dreams nor evil imaginations trouble me. May my rest be perfect before Thee. Cause me to rise from it to life and to peace, and lighten mine eyes lest I sleep the sleep of death. Blessed art Thou, O Lord, who givest light to the whole world in Thy glory."

He then reads the first section of the Shema and sleeps. If he is overcome by drowsiness, he reads even if it be only one verse of the Shema or verses of a supplicatory character and sleeps.

When he awakes, after he has completed his rest, he recites, while still on his couch, the following blessing: "O my God, the soul that Thou gavest me is pure. Thou didst create it, Thou didst form it, Thou didst breathe it into me, Thou preservest it within me, Thou wilt take it from me and wilt restore it unto me hereafter. So long as the soul is joined within me, I give thanks unto Thee, O Lord my God, Sovereign of all works. Blessed art Thou, O Lord, who restorest souls unto dead bodies."

When he hears the crowing of the cock, he recites the blessing, "Blessed art Thou, O Lord our God, King of the Universe. This sentence Blessed Universe precedes every one of the following blessings., who hast given to the cock intelligence to distinguish between day and night." When he puts on his garments, he recites, "Blessed art Thou, O Lord our God, King of the Universe, who clothest the naked." When he puts on his headgear he recites, "Blessed art Thou, O Lord our God, King of the Universe, who crownest Israel with glory." When he passes his hands over his eyes, he recites, "Who openest the eyes of the blind." When he sits up on his couch, he recites, "Who loosest those that are bound." When he descends from the couch and puts his feet on the ground, he recites, "Who spreadest forth the earth above the waters". When he stands up, he recites, "Who raisest up them that are bowed down". When he washes his hands, he recites, "Who hast sanctified us by Thy commandments and given us a command concerning the washing of the hands". When he washes his face, he recites the blessing, "Blessed art Thou, O Lord our God, King of the Universe, who removest the bands of sleep from mine eyes and slumber from mine eyelids. May it be Thy will, O Lord my God and God of my fathers to accustom me to religious duties and not accustom me to transgression. Let the good inclination have sway over me and let not the evil inclination have sway over me. Strengthen me in Thy commandments and grant my portion in Thy Law. Grant that I may be vouchsafed grace, loving kindness and mercy in Thy sight and in the sight of all who behold me, and bestow upon me loving kindnesses. Blessed art Thou, O Lord, who bestowest loving kindnesses upon Thy people, Israel.

When one goes to the toilet, he says before entering, "Honoured be ye, O honoured and holy ones, ministers of the Supreme. Protect me, protect me; tarry for me when I enter and till I leave; for this is the way of the children of men". These sentences are no longer said. After leaving, he recites the blessing, "Blessed art Thou, O Lord our God, King of the Universe, who hast formed man in wisdom and created in him many orifices and vessels. If one of these should close contrary to their function. Contrary to their function. or one of these open, it would be impossible to exist even for a single hour. Blessed art Thou, O Lord, who healest all flesh and doest wondrously."

When he fastens his girdle, he recites, "Who girdest Israel with strength". When he puts on his shoes, he recites, "Who hast supplied my every want". When he starts to go out, he recites, "Who hast made firm the steps of man". A male recites daily the following blessings, "Blessed art Thou, O Lord our God, King of the Universe, who hast not made me a heathen"; "Blessed art Thou, O Lord our God, King of the Universe, who hast not made me a bondman"; "Blessed art Thou O Lord our God, King of the Universe, who hast not made me a woman". A woman omits this blessing and substitutes as follows: Who hast made me according to Thy will.

These Eighteen blessings have no appointed order. Each blessing is recited at the appropriate time and occasion. For

example: If one has put on his girdle, while still on his couch, he recites the blessing, "Who girdeth Israel with strength". When he hears the cock crow, he recites the blessing, "Who hast given the cock intelligence, etc.". Any of the above blessings for which there is no occasion, is not recited.

For example: If one passed the night without removing his clothes, on arising in the morning he does not recite the blessing, "Who clothest the naked". If one walks barefoot, he does not recite the blessing, "Who hast supplied my every want". On the Day of Atonement and on the Ninth of Ab, when there is no ablution, one does not recite the blessing, "Concerning the washing of hands", nor the blessing, "Who removest the bands of sleep from mine eyes". Washing the eyes removes drowsiness. If one has no occasion to visit the toilet, he does not recite the blessing, "Who formest man, etc.". And so with the other blessings.

The people in most of our cities have the custom of reciting these blessings in the Synagogue, consecutively, whether they were under an obligation to do so or not. This however is an erroneous practice which should not be followed. No blessing should be recited unless there is an obligation to do so.

If one rises early to read the Torah, before he has recited the Shema, whether it is the Written or the Oral Law that he intends to study, he first washes his hands, recites three blessings and then proceeds to his reading. The blessings are as follows: "Who hast sanctified us by Thy commandments and given us a command concerning the words of the Law. Make pleasant, we beseech Thee, O Lord our God, the words of Thy Law in our mouth and in the mouth of Thy people, all the house of Israel, so that we with our offspring and the offspring of Thy people all the house of Israel may know Thy name and learn Thy Law for its own sake. Blessed art Thou, O Lord, who givest the Law. Blessed art Thou, O Lord our God, King of the Universe, who hast chosen us from all nations and given us Thy Law. Blessed art Thou, O Lord, who givest the Law."

It is a duty to recite these three blessings daily and then read a small portion of the words of the Torah. The people have the custom to read the Priestly Benediction. Numbers 6:24-26. In some places the section referring to the Daily Sacrifices Numbers 28:18. is read. In others again, both these sections are read. Chapters or paragraphs from the Mishna or the Boraitha are also read.

The early Sages lauded one who reads every day psalms from the Psalter, beginning with "the Psalm of David" (Psalm 145) and continuing till the end of the book. It is also settled practice to read verses before and after these Psalms. The Sages appointed a blessing to be recited before the psalms, the one beginning, "Blessed be He who spake", and a blessing to be recited after them, beginning, "Praised be Thy name." Then the blessings for the Shema are recited and the Shema is read.

In some places, it is the custom, after the blessing beginning, "Praised by Thy name," to read daily "The Song of the Red Sea" (Exodus 15:1-18), and then the blessings before the Shema. In other places, the custom is to read Haazinu (Deuteronomy Chapter 32.) Some individuals read both Songs. In this regard, custom always rules.

A person is in duty bound to recite every complete day one hundred blessings. How are these hundred blessings made up There are twentythree blessing which we have enumerated in this chapter; and seven blessings before and after the morning and evening recital of the Shema. When putting on the Zizith, Fringed garment (Numbers 15:37-41). the blessing is recited, "Blessed art Thou, O Lord our God, King of the Universe, who hast sanctified us with Thy commandments and commanded us to wear a fringed garment". When putting on the Tephillin (phylacteries), the blessing is recited, "Blessed art Thou, O Lord our God, King of the Universe, who hast sanctified us with Thy commandments and commanded us to lay the Tephillin". All these, together with the three daily Services, each consisting of eighteen benedictions, make up eightysix blessings. When two meals are taken each day, fourteen blessings are recited, seven at each meal, as follows; one blessing on washing the hands, one for the meal, three after its conclusion, one blessing before taking a drink and one after, making seven blessings for each meal.

At the present time, since the institution of the blessing concerning Heretics as a part of the Amidah Service, and the addition of the blessing beginning, "Who is good and Who doest good" to the Grace after meals, there are five additional blessings (beyond the hundred). On Sabbaths and Festivals when the Amidah service consists of seven blessings, and on other days if one was not under the obligation to recite all these benedictions, as, for instance, if one did not sleep the whole night, did not loosen his girdle, or did not need to visit the toilet, and so forth, he has to complete the hundred blessings by partaking of fruit.

How so He partakes of a little vegetable, reciting the blessings before and after doing so; then a little of various kinds of fruit, reciting the appropriate blessings before and after each kind; and counts the blessings till the hundred, to be

daily recited, are completed.

The order of the prayers is as follows. In the morning, on arising, a person recites the blessings mentioned above; then reads the Psalms reciting the appropriate blessings before and after them. Then he reads the Shema, reciting the blessings before and after it, omitting the Kedusha Sanctification (Isaiah 6:3, Ezekiel 3:12). From the former of the two blessings before the Shema, this not being recited by an individual in his private devotions. When he has concluded the blessing after the Shema, which closes with the phrase, "Who redeemedst Israel" he immediately rises, so that the reference to the Redemption may be connected with the Amidah prayer, which, as already stated by us, is recited standing. When this prayer is concluded, he sits down, bows his head, offers up supplications, raises his head and still seated, offers further supplications. Then he reads "The Psalm of David" (Psalm 145), offers according to his ability, more supplications, after which he proceeds to his affairs.

The afternoon service begins with the reading of "The Psalm of David" (Psalm 145), the worshiper being seated. He then rises and recites the Amidah for the afternoon service. This concluded, he bows his head, offers supplications, raises his head, and offers further supplications according to his ability, and then proceeds to his affairs. In the evening service, the worshiper reads the Shema, reciting the appropriate blessings before and after it. The blessing referring to the redemption of Israel is connected with the Amidah, which is recited, standing. This concluded, the worshiper sits a brief while and withdraws. Whoever adds supplications after the Amidah in the evening acts commendably. Though the blessing concluded, "Who redeemedst Israel" is followed by the blessing beginning, "Cause us to lie down", this is not regarded as an interruption between the blessing relating to redemption and the Amidah, both blessings being regarded as one lengthy blessing.

Chapter 8

Congregational prayer is always heard by the Almighty. Even if there are sinners among them, the Holy One, blessed be He, does not reject the prayer of a multitude. Hence, a person should associate himself with the congregation, and never recite his prayers in private when he is able to pray with the congregation. One should always attend Synagogue, morning and evening; for only if recited in a synagogue, are one's prayers heard at all times. Whoever has a synagogue in his town and does not worship there is called a bad neighbour.

It is a Mitzvah (praiseworthy duty) to proceed to the Synagogue at a quick pace, as it is said, "And let us know; let us be eager to know the Lord" (Hosea 6:3). When leaving the Synagogue, a person should not take big strides, but walk at a slow pace. On entering the Synagogue, one should move forward the distance of the width of two doors, and then recite his prayers, so as to fulfill the text, "Waiting at the posts of my doors" (Proverbs 8:34).

A house of study is superior to a synagogue. Eminent sages, notwithstanding that there were many synagogues in their towns, only prayed in the places where they were engaged in the study of the Torah. It is understood that congregational services are also held there.

How is public worship conducted One person recites the prayers aloud, and all the rest listen. This is not done, if there are less than ten adult men present, the Reader being counted in the number. Even if some of them have already said their prayers and thus discharged their obligation, they help to complete the quorum of ten, provided that the majority have not yet said their prayers. So too, the Kedushah Isaiah 6:3; Ezekiel 3:12; Psalms 146:10. is not recited, nor is the Torah recited with the blessing before and after the reading, nor the lesson from the prophets read with its blessings, unless a quorum of ten is present.

Thus too, one individual is not to recite the blessings before the Shema while all listen and respond Amen, unless a quorum of ten is present. This is termed *Poress al Shema* (Cp. Targum to I Samuel 9:13). Nor is Kaddish recited, unless ten are present. Nor do the priests solemnly raise their hands (to recite the priestly benediction) unless ten are present, the priests being counted in the number. For every group of ten in Israel is called a Congregation, as it is said, "How long shall I bear with this evil congregation" (Numbers 14:27). Those alluded to here were ten, (the Spies) Joshua and Caleb being excluded.

Every procedure of a sacred character should only take place in a congregation of Israelites, as it is said; "And I will be sanctified in the midst of the children of Israel" (Leviticus 22:32). All the recitals, referred to above, if begun when a quorum of ten was present, of whom some left, though they are not authorized to do so, are concluded by those who remain.

It is requisite that the congregation be assembled in one place and that the reader be with them in that place. Where a

small court opens, throughout its complete breadth, to a larger courtyard, and nine persons are in the larger, while one person is in the smaller enclosure, they form a quorum. But if nine persons are in the smaller enclosure and one person is in the larger, they do not constitute a quorum. If the congregation is in the larger enclosure and the Reader in the smaller, their obligation to worship is discharged when he officiates on their behalf. But if the congregation is in the smaller, and the Reader in the larger enclosure, their obligation is not discharged when the reader recites the service, since he is separated from them and not in the same place with them, for the larger enclosure having posts on both sides is regarded as divided off from the smaller enclosure. The smaller enclosure, however, is regarded not as divided off from the larger enclosure, but as a corner of it.

So too, if there is ordure in the larger enclosure, it is forbidden to recite prayers or read the Shema in the smaller enclosure. But if there was ordure in the smaller enclosure, prayers may be recited and the Shema may be read in the larger, provided that there was no offensive odor, since the smaller enclosure is divided off from the larger.

The Reader discharges the obligation of the Congregation. How so When he recites the prayers and they respond with the utterance of Amen after every blessing, they are regarded as praying. This only applies to one who does not know the liturgy. One who is proficient does not discharge his obligation unless he recites the prayers for himself.

The foregoing rule holds good for all days of the year except New Year's Day and the Day of Atonement in a Jubilee year. On those two days, the Reader discharges the obligations of the proficient as of the nonproficient, on the ground that the prayers recited on those days are lengthy and the majority of those acquainted with them cannot concentrate their minds as the Reader can. Hence, if one who is proficient wishes on those days to rely on the Reader's recital of the prayers, he may do so.

None should be appointed as Reader to the Congregation unless he is reputed for his knowledge and exemplary conduct. If he is an old man, all the better. An endeavor should be made to secure one who has a pleasant voice and is accustomed to read. Anyone whose beard is not full grown, even though he is a great scholar, should, out of respect to the Congregation, not be appointed as the regular reader. But one may publicly recite the blessings before the Shema, as soon as the marks of puberty appear and one has passed the age of thirteen years.

One whose enunciation is indistinct, who, for example, reads the Aleph as an Ayin or the Ayin as an Aleph, or cannot pronounce the letters correctly, is not to be appointed as Congregational reader. A teacher may appoint one of his pupils to read the services in his presence. A blind man may publicly recite the blessings before the Shema and be appointed Reader to the Congregation. But one whose shoulders are bare, though he may publicly recite the blessings before the Shema, does not recite the Amidah as Reader of the Congregation unless he is properly clad.

Chapter 9

The order of congregational services is as follows: At the morning services, the congregants are seated. The reader proceeds to the reading desk, begins with the recital of the Kaddish. All the people respond aloud as follows: "Amen; may His great Name be blessed for ever and to all eternity", and at the close of the Kaddish they again respond, "Amen". Then he says, "Bless ye the Lord who is blessed"; they respond, "Blessed be the Lord who is blessed for ever and ever". He then starts to recite the Shema with the blessings preceding and following it. They respond, "Amen" at the close of each blessing. Any one, who is able, recites the blessings and reads the Shema at the same time as the reader till he has concluded the blessing after the Shema, which ends with the words, "Who redeemed Israel".

All the worshipers immediately rise and recite the Amidah in a low tone. Whoever does not know the prayer stands silent while the reader and the congregation are praying inaudibly. As soon as a congregant has concluded the Amidah, he steps back three paces and remains standing there.

After the reader has stepped back three paces he begins to recite the Amidah aloud from the beginning of the blessings; in order that anyone who has not recited the prayer shall be regarded as having discharged his obligation. All remain standing and listen and respond "Amen" after each blessing, those who have discharged their obligation by reciting the Amidah, as well as those who have not done so.

He recites Kedushah in the third blessing. When the reader comes to the Kedushah, every one of the congregants may return to the place where he had stood while reciting the Amidah. When the reader reaches the blessing beginning, "We thank Thee" and bends his knee, all the congregants bow slightly, not however to excess, and recite, "We give thanks unto Thee, O Lord our God and God of all flesh, our Creator, the Creator of all things in the

beginning. Blessings and Thanksgivings be to Thy great and holy Name, because Thou hast kept us in life and hast preserved us. So mayest Thou continue to keep us in life and be gracious unto us. Gather our exiles to Thy holy courts, to observe Thy statutes, serve Thee in truth and do Thy will with a perfect heart, seeing that we give thanks unto Thee". Any one who reiterates, "We give thanks unto Thee; we give thanks unto Thee" is silenced.

After he has completed reciting the whole Amidah, he seats himself, bows his head, inclines slightly sideways; all the congregants doing the same. In this attitude, he offers up supplications. He then sits up and raises his head, the rest of the people doing the same; and, while seated, offers supplications aloud.

The reader then rises alone and recites the Kaddish a second time, the Congregation making the responses as on the first occasion. He then recites, "And He, being merciful, forgiveth iniquity, etc.," then, the Psalm of David (Psalm 145). The reader in the meanwhile stands; the congregation remains seated and recites with him. He then recites, "And a redeemer shall come unto Zion, etc. And as for me, this is my covenant, etc. But Thou art holy, etc. And one cried unto another, Holy, etc." He completes the Kedushah. The congregants respond, "Holy, holy, holy" three times. He then reads the Kedushah in the Aramaic version. Then he recites the text, "Then a wind lifted me up, etc." He reads this also again in the Aramaic version. Then he recites, "The Lord shall reign for ever and ever." This he also repeats in Aramaic, so that the people may understand. These verses before and after the Kedushah together with their Aramaic versions are styled "The order of Sanctification". The reader then prays in supplicatory terms, reads verses of a supplicatory tenor, and recites Kaddish to which the people make the customary responses, and then they depart.

Whoever says in his supplications, "He that dealt mercifully with a nest of birds, forbidding the taking of the motherbird together with the nestlings (Deuteronomy 22:67) and the slaughtering of a beast and its young in one day (Leviticus 22:28) may He have mercy upon us", or offers petitions of a similar character is silenced; for these precepts are divine decrees set forth in Scripture and have not been ordained in a spirit of compassion. Were this the motive, the slaughtering of all animals would have been prohibited. It is also forbidden to multiply epithets and say: "O God, Great, Mighty, Aweinspiring, Powerful, Puissant", since it is beyond human power to exhaust the praises of God. One should therefore limit himself to the attributes used by Moses, our teacher, Peace be upon him.

In the afternoon service, the Reader begins reading: "And He, being merciful, forgiveth iniquity and destroyeth not; yea, many times He averteth His anger and awakeneth His wrath not at all" (Psalm 38, verse 38), This verse is not recited before the afternoon service but before the evening service both in the German and Spanish rituals. and "Happy are they that dwell in Thy house etc. A Psalm of David etc." (Psalm 145). While reading this psalm, both he and the congregation are seated. The reader rises and says Kaddish. The congregants rise after him and make the customary responses. They all recite the Amidah inaudibly. The reader repeats the Amidah aloud, as in the morning service, till he has concluded the whole of it. All then bow their heads, offering supplications; raise their heads and continue their supplications remaining seated, as in the morning service. The reader then rises and recites Kaddish. The people make the customary responses. Then they depart to their affairs.

In the evening service, all the congregants are seated. The reader rises and recites, "And He, being merciful etc.", "Bless ye the Lord, who is to be blessed". They respond, "Blessed is the Lord who is to be blessed for ever and ever". He then begins to read the Shema with its accompanying blessings and says Kaddish, after which all rise and silently repeat the Amidah. When they have concluded, the reader says Kaddish. The congregation then departs. The reader does not, in the Evening Service, repeat the Amidah aloud, because that Service is not obligatory. He accordingly abstains from a recital of blessings that would be nugatory, since there is no one under an obligation to recite them, or would require the reader to discharge the duty for him.

On the Eves of the Sabbaths, the Reader, after saying the Amidah silently with the Congregation, repeats it aloud. He does not however recite the Seven Blessings, but one blessing only, which summarizes the seven. The following is what he says: "Blessed art Thou, O Lord our God and God of our fathers, God of Abraham, God of Isaac, and God of Jacob, the great, mighty and revered God, the most high God, Possessor of Heaven and Earth. He with His word was a shield to our forefathers, and by His bidding, will quicken the dead; the holy God, like unto whom there is none; Who giveth rest to His people on His holy Sabbath day, because He took pleasure in them to grant them rest. Him we will serve in fear and with awe, and daily and constantly we will give thanks unto His name in the fitting form of blessings. He is the God to whom thanksgivings are due, the Lord of peace, Who halloweth the Sabbath and blesseth the Seventh Day, and in holiness giveth rest unto a people sated with delights, in remembrance of the Creation. Our God and God of our fathers, accept our rest etc. Blessed art Thou, O Lord, who hallowest the Sabbath." He then says Kaddish, after which all the people depart.

The reason why the Sages instituted this particular repetition is because the majority of the people come on the Eves of Sabbaths to join in public worship, and there may be one present who came late and has not completed his prayer. He might be left alone in the synagogue and incur danger. The Reader therefore repeats a summary of the Amidah, so that all the congregation shall stay till the late comer shall have concluded and be able to leave with them. In ancient times the Synagogues were outside the towns and villages. The evening prayer during the working days was recited by everyone at home. On Friday evening they repaired to the communal place of worship. It would have been dangerous for a late comer, left in the synagogue, to go home in the dark alone.

Hence, when a feast, the Day of Atonement or the First of the Month falls on a Sabbath, the reader who officiates does not include in this blessing any reference to the special day, but ends with the formula, "Who hallowest the Sabbath," the reason being that the special day imposes no obligation to say this blessing.

On sabbaths and festivals, after the Reader has completed the repetition of the morning Amidah, he says Kaddish, reads the 145th Psalm and again says Kaddish, after which the Congregation reads the additional service softly which he then recites aloud, as he did the Amidah in the morning service. He then says Kaddish after the additional service; and the people depart. Neither the "Order of Sanctification" Beginning: And a Redeemer shall come to Zion and Thou art holy. nor propitiatory prayers are then recited. They are recited before the afternoon service. Kaddish is then said. The Amidah for the afternoon is read by the Congregation and repeated aloud by the Reader who then says Kaddish.

On the First Day of each month, and on the Intermediate Days of the Festivals, the "Order of Sanctification" is recited before the additional service. On the termination of the Sabbath, the Order of the Day (Order of Sanctification) is recited after the evening service. Kaddish is then said and Haddalah (the group of blessings for the distinction between the holy day and the secular days is recited at the termination of Sabbaths and Festivals).

Chapter 10

If one has recited the Amidah without devotion, he should recite it again devoutly. If he, however, concentrated his attention during the recital of the first blessing, he need not read the prayer again. If one committed an error in one of the first three blessings, he has to turn back to the beginning of the Amidah. If he made a mistake in one of the last three blessings, he turns back to the blessing relating to the restoration of the Temple Service. If he made a mistake in one of the intermediate blessings, he turns back to the beginning of the blessing in which he made the mistake, and then continues the Service in regular order to the end. The reader, if he makes a mistake when reading the Amidah aloud, follows the same rules.

But if the reader made a mistake while silently reading the Amidah, he does not, in my opinion, recite it silently a second time, so as not to incommode the congregation. He relies on his repetition of the Amidah which he will recite aloud. This is so if he had made no mistake in the first three blessings. If however the mistake was in one of these, he turns back to the beginning of the Amidah, like any layman.

If a reader, having made a mistake, became confused and did not know where to resume, another person, after awhile takes his place. If he made a mistake in connection with the blessing concerning heretics, the congregation does not wait for him, but another person immediately takes his place, for possibly he may have become tainted with heresy. This rule holds good if he had not yet begun reciting this blessing. But if he had commenced it, the congregants wait for him awhile.

The person asked to act as substitute should not decline. At which part of the Amidah does the substitute start At the beginning of the blessing in which the first reader had made the mistake, provided that it had occurred in one of the intermediate blessings. If the mistake had been made in one of the first three blessings, the substitute starts at the beginning of the Amidah. If the mistake occurred in one of the last three blessings, the second reader begins with the blessing relating to the restoration of the ancient Temple service.

If one says: I will not proceed to the reading desk as my garments are coloured, he is not permitted to act as reader in that service even when robed in white vestments. If one says: I will not proceed to the reading desk because I wear shoes, he does not act as reader even when he is barefoot.

Whoever is uncertain whether he has or has not recited the Amidah, does not repeat it unless he has the intention of reciting it as a voluntary offering; for a private person may, if he wishes, recite the Amidah the whole day as a free will offering. If one, during his recital of the Amidah, recalled that he had already read it, he stops even in the middle of a

blessing. This however is not the rule in regard to the Evening Amidah because, from the outset, he only recited it with the understanding that it was not obligatory.

If one, in error, recited the week day Amidah on the Sabbath, he has not fulfilled his duty. If he realizes his mistake, while still engaged in the Amidah, he concludes the blessing which he has already begun and then recites the blessing appertaining to the Sabbath. This rule applies to the evening, morning and afternoon services. If the error occurred in the additional service, he stops even in the middle of a blessing. So it is also, if he concluded the Week day Amidah, under the impression that it was the additional service for the Sabbath, Festival or New Moon as the case may be.

If one, in the winter, erroneously omitted both phrases, "Who causeth the rain to descend" and also "Who causeth the dew to descend", he should turn back to the beginning of the Amidah. If he recited the phrase referring to the dew, he does not turn back. If, in the summer, one said, in error, "Who causeth the rain to descend", he turns back to the beginning of the Amidah. If he omitted the phrase referring to the dew, he is not directed to read the Amidah again from the beginning, because the dew is never withheld and does not need a special petition.

If one forgot to include the petition "Give dew and rain" in the blessing relating to prosperity for the year and became aware of his omission before reciting the blessing which concludes, "Who heareth prayer", he recites the petition for rain in the latter blessing. If he only became aware of the omission after reciting this blessing he turns back to the blessing relating to prosperity for the year. If he did not become aware of his omission till he had completed the entire Amidah, he turns back to the beginning and recites the whole of it a second time.

If one made a mistake and did not recite the paragraph beginning, "May our memorial ascend and come etc." (specially recited on New Moons and festivals) and became aware of his omission before he had concluded the Amidah, he turns back to the blessing relating to the restoration of the Temple service and includes the paragraph omitted. If he became aware of his omission after he had concluded the Amidah, he turns back to its beginning. If he was wont to add propitiatory prayers after the Amidah, and became aware of his omission of them after he had completed the Amidah but before he had stepped back at its conclusion he turns back to the blessing relating to the restoration of the Temple service.

These rules apply to the Amidah on the intermediate days of the festivals as well as the morning and afternoon Amidah of the New Moon. But if one did not recite this paragraph in the Amidah of the evening service of the New Moon, he does not turn back. Because the Supreme Court did not fix the first day of the new month in the evening before that day but on the day itself.

In all cases where an individual praying for himself has to recite the Amidah a second time, the reader of the congregation does likewise, if he committed a similar error when reciting the Amidah aloud. The morning service on the first day of the month forms an exception. If on such a day, the reader forgot to recite the added passage beginning, "May it ascend and come", till he had concluded the Amidah, he is not to read it a second time, so as not to incommode the congregation. The reason is that he has still to read the additional service which contains a reference to the first day of the month.

During the ten days from the New Year to the Day of Atonement, if, by mistake, one concluded the third blessing with the phrase, "the holy God" (instead of "the holy King"), he turns back to the beginning of the Amidah. If by mistake, one concluded the eleventh blessing, "King who loveth righteousness and judgment" (instead of King of judgment) he turns back to the beginning of this blessing, and concludes it with the phrase "King of judgment". He then continues the service in the regular order. If he did not become aware of the error till he had concluded the entire Amidah, he turns back to its beginning. This rule applies to an individual praying for himself and to the Reader of the congregation reciting the Amidah aloud.

If, in the fourth blessing ending, "Who graciously grantest knowledge", one has omitted, After the close of Sabbath or Festival. by error, the passage referring to the distinction between sacred and profane, he concludes the Amidah and is not bound to repeat it. So too, if one forgot on the Feast of Lights or on the Feast of Lots, to recite the passage beginning, "For the miracles", or, on a fast day, the prayer beginning, "Answer us", he does not recite the Amidah a second time. This rule applies to an individual praying privately and to the Reader of the congregation. If, on a fast day one becomes aware of the omission before he steps back at the conclusion of the Amidah, he says, "Answer us, for Thou hearest prayer, delivering and saving us at all times of trouble and distress. May the words of my mouth and the meditation of my heart be acceptable before Thee, etc.".

One who forgot to recite the afternoon service on the eve of the Sabbath should recite the Sabbath Amidah for the Friday evening twice. There is a similar rule in the case of the eve of a festival. One who forgot to recite the afternoon service on a sabbath or festival, recites the Amidah in the evening service after the close of the festival twice both Amidahs being those recited on a week day. The passage referring to the distinction between sacred and profane is included in the first, not in the second. If it was included in both or omitted from both, he has fulfilled his duty. But if it was omitted from the first recital and included in the second, he has to recite the Amidah a third time, the first recital not being counted, as it took place before the Amidah proper to the evening. When one recites two services, even the morning and additional services, one should not recite the second immediately after the first but pause between, so as to obtain a proper frame of mind.

Whoever joins in public worship is forbidden to say his prayers in advance of the congregation. A person entering a synagogue and finding the congregation silently reciting the Amidah should also recite it, provided that he can begin and conclude it before the Reader, in his repetition, reaches the Kedushah. If he is unable to do so, he should wait till the Reader begins the repetition and then silently recite the Amidah with the Reader, word for word till the latter comes to the Kedushah, when he should join in the congregational responses to the Kedushah after which he recites the rest of the Amidah for himself. If he commenced the Amidah before the Reader began to recite it aloud, and the Reader reaches the Kedushah, he should neither stop nor utter the responses in the Kedushah. So too, he should not utter the response "Amen. May His great name be blessed; and, needless to add, he should not do so if the Reader is reciting other blessings.

Chapter 11

Wherever there are ten Israelites resident, an edifice must be fitted up, where they can assemble for worship at each period of prayer. Such a building is termed a synagogue. The residents exercise compulsory powers on each other for the purpose of erecting a synagogue and purchasing a scroll of the Law (Pentateuch), the prophetic books and the Hagiography.

When a synagogue is to be built, the highest part of the town should be selected for the site, as it is said, "At the head of the noisy streets she Wisdom calleth" (Proverbs 1:21). The building is to be raised sufficiently high to overtop all the other courtyards of the town, as it is said, "To exalt the house of our God." (Ezra 9:9). The doors of the Synagogue are to be made to open only on the East side, as it is said, "And those who encamped before the Tabernacle eastwards" (Numbers 3:38). Within, a shrine is built to contain a scroll of the Law. This shrine is erected on the side towards which the people in that town turn when praying, so that when they are standing engaged in prayer, they will face the shrine.

In the centre of the building, a platform is erected, which the Reader of the lesson from the Pentateuch or whoever exhorts the people mounts, so that all the congregation may hear. The desk (Tebah) on which the scroll is placed (when reading the Torah) is set up in the centre, in the centre of the platform. its back towards the Shrine, its front facing the people.

How are the people seated in synagogues The elders sit facing the congregation with their backs to the Shrine. The people are seated in rows, one behind the other, the front of each row being at the rear of the one before it, so that all the people are facing the Shrine, the elders and the desk. When the reader stands up to recite the (Amidah) prayer, he stands on the floor before the Tebah Elevated platform, with the desk on it for reading the Torah, rearward of him, the reader standing near to the Ark (Shrine). and, like the rest of the congregation, his face is turned to the Shrine.

Synagogues and houses of study must be treated with respect. They are swept and sprinkled to lay the dust. In Spain and the West (Morocco), in Babylon and in the Holy Land, it is customary to kindle lamps in the synagogues and to spread mats on the floor on which the worshippers sit. In the lands of Edom (Christian countries) they sit in synagogues on chairs or benches.

There must be no light behaviour in synagogues and houses of study; no jesting, no mockery or idle talk. One may not eat or drink, indulge in physical recreation or promenade there. One may not enter, during the summer, to seek relief from the heat; or, in the winter, to obtain shelter from the rain.

Nor are calculations to be made in them, unless these are in connection with a religious duty; for example, counting the contents of the charity box or the proceeds of a collection for redemption of captives etc. Funeral addresses are only delivered in them when these are of public interest, as for example for the great religious authorities of the city, which would be attended by the entire community.

Where a synagogue or house of study has two doors, one may not use it as a passage, entering at one door and leaving by the other to shorten a journey, since it is forbidden to enter these buildings except to fulfill a religious duty.

If one has occasion to go into a synagogue to call a child or other person, he may go in, but should read some portion of Scripture or recite a traditional dictum, so that his entry shall not be for the sake of his private affairs only. If he has no knowledge he should say to one of the children, "Recite to me the verse which you are now reading" or he should stay a while in the synagogue and then leave, for staying there is also a religious act, as it is said, "Happy are they that dwell in Thy house" (Psalms 84:5).

One who entered a synagogue to pray or read Scripture may leave at the opposite door to that by which he entered, in order to take a short cut. A person may go into a synagogue with his staff, shoes, moneybelt and with dust on his feet. If he has need to do so, he may expectorate in the synagogue.

Synagogues and houses of study that are in ruins retain their sacred character, as it is said, "And I will desolate your sanctuaries" (Leviticus 26:31) even when desolate they still retain their sacred character. The same respect must be shown them when they are in ruins as when they were sound and in use. The only difference is in regard to sweeping and laying the dust. Synagogues in ruins are not swept nor sprinkled to lay the dust. If grass has sprung up in them, the blades are plucked and left there, so that the people may be stirred to rebuild the ruined edifices.

A synagogue may not be demolished with the intention to build another on the same site or on a different site. The proposed synagogue must first be erected, and then the existing structure may be demolished, for fear that a mishap may occur which will prevent the people building. This rule applies even to the erection of a single wall. The new wall must first be set up adjacent to the old wall, which may then be demolished.

These rules apply to a structure, of which the foundations are not decayed. But if the foundations are failing or the walls threaten to collapse, the edifice is immediately demolished and work on the new building should be started at once, and proceed expeditiously by day and by night, for fear that there may be delay and the edifice would become a complete ruin.

A synagogue may be turned into a house of study, but a house of study may not be turned into a synagogue; the reason being that the sanctity of a house of study exceeds that of a synagogue and objects may be raised to a holier use but not degraded to a less holy use. On the same principle, the residents of a town who sold a synagogue should use the proceeds to purchase a Tebah. Elevated platform with a desk on which the Scroll of the Law is placed for public reading. If they sold a Tebah, they should buy with the proceeds wraps or a case for the scroll of the law. If they sold wraps or a case for the scroll of the law, they should use the proceeds to purchase single books of the Pentateuch. If they sold single books of the Pentateuch, they should buy with the proceeds a scroll of the law. But if they sold a scroll of the law, nothing else can be bought with the proceeds but another scroll of the law, for there is nothing that exceeds the sanctity of a scroll of the law. This same principle applies to money left over from proceeds of sales of sacred articles after other articles of higher sanctity had been purchased.

So too, if the people had collected money to build a house of study or a synagogue, or to buy a Tebah, or wraps and a case (for a scroll of the law) or a scroll of the law, and they desire to use all the money for another purpose, they may only do so if the substitute to be bought is of a higher sanctity. If however the original purpose for which the collection had been made was accomplished, and a surplus was left over, they can use it for any purpose they please. All the appurtenances of a synagogue are in the same category with the synagogue. The curtain above the ark in which the scrolls are placed are in the same class with the wraps of the scrolls. If stipulations had been made with regard to the articles, these stipulations have to be fulfilled.

The statement that it is permitted to sell a synagogue only refers to a synagogue, erected in a village for the use of the villagers, that they may have a place where to pray. If all of them agree to sell it, they may do so. But as to a synagogue in a city, since it was built as a public place of worship for all, where any one who comes to that district shall be able to pray, it constitutes the public property of all Israel and may never be sold.

Villagers who desire to sell their synagogue, in order to erect with the proceeds another synagogue or purchase a Tebah or a scroll of the law, should stipulate with the purchaser that he is not to turn it into a bathhouse, tannery, ritual bath or laundry. If, at the time of the sale, the seven leaders of the community (forming the Executive), at a meeting of the residents, passed a resolution that the purchaser should be permitted to do any of the above things, it is permitted.

So too, if the seven leaders of the community, at a meeting of the residents, resolve that the surplus of the purchase money be used for secular purposes, it may be so used. And when they receive the funds and expend them in the erection of another synagogue, or in the purchase of a Tebah, wraps, a case for a scroll of the law, or a Scroll of the law, or copies of single books of the Pentateuch, the surplus is secular in accordance with their resolution, and may be used for any purpose they please.

So too, if all the residents or a majority of them have vested a single individual with authority over them, whatever he does is valid. He can, in his discretion sell or give away, and make any stipulations he deems fit.

Just as they are permitted to sell a synagogue, so they may give it away; for unless the community derived some advantage from the gift, they would not have made the gift. They must not however let their synagogue for rent or pledge it as security for a loan. So too, when synagogues are demolished to be rebuilt, the bricks, wood and earth may be sold, exchanged or given away, but not loaned, because the sanctity attached to the material passes only if money or a benefit equivalent to money is obtained in return.

The Broadway of a town, though the people worship there on fastdays and at special services, the assemblies on such occasions being too large for the synagogues to accommodate, has no sanctity because its sacred use is casual and it has not been appointed for worship. Similarly, houses and courts where people meet for prayer have no sanctity, because they have not been set apart for worship but are only so used casually, just as a man prays in his own home.

Chapter 12

Moses, our teacher, established the rule for Israel that they should read the Law publicly on Sabbaths and also on the second and fifth days of the week, during the morning service, so that three days shall not elapse without hearing the Law. Ezra established the rule that the Torah should be read at the afternoon service, every Sabbath for the benefit of those who would otherwise spend the day vacuously. He also ordained that on the second and fifth days of the week, three persons should be called to the reading of the Law and that they should read not less than three verses each.

The following are the days on which the Law is publicly read: Sabbaths, Festivals, the first day of each month, Fastdays, the Feast of Dedication, the Feast of Lots, the second and fifth day of the week. Lessons from the Prophets are only read on Sabbaths, Festivals and the ninth day of Ab. According to the German and Polish ritual, on the other Scriptural fastdays, at the afternoon service.

The Torah is not read publicly unless at least ten male Israelites, all adults and freemen, are present. A minimum of ten verses must be read. The introductory verse, "And the Lord spake unto Moses, saying" is counted among the ten verses. Not less than three must be called to the reading of the Law. They do not begin to read at a place less than three verses from the beginning of a section, nor do they end at a place less than three verses from the close of a section. No reader may read less than three verses.

When ten verses are read by three persons, two of them read three verses each, and one reads four verses. The one who reads the four verses, whether he is the first, last or intermediate reader, is praiseworthy.

Each reader opens the scroll of the law, looks at the place where he will read and recites the invocation, "Bless ye the Lord, who is blessed." The congregation responds, "Blessed is the Lord, who is blessed for ever and ever." He then recites the blessing, "Blessed art Thou, O Lord our God, King of the Universe, Who hast Literally Who hath chosen us from all peoples and given us His Law. God is addressed in the second person, Blessed art Thou, O Lord our God because of our consciousness of His existence and attributes Justice, Kindness, Wisdom and Goodness. The Blessing continues in the third person Who hath chosen us, because His essence is unknown. Literally Who hath chosen us from all peoples and given us His Law. God is addressed in the second person, Blessed art Thou, O Lord our God because of our consciousness of His existence and attributes Justice, Kindness, Wisdom and Goodness. The Blessing continues in the third person Who hath chosen us, because His essence is unknown. chosen us from all peoples and given us Thy Law. Blessed art Thou, O Lord, Who givest Literally: Who hath given us the Law Who giveth the Law in the 3rd person. the law." The congregation responds Amen. He then reads his section, till he concludes it, rolls up the scroll, and then recites the blessing, "Blessed art Thou, O Lord our God, King of the Universe, Who hath given us a Law of truth and planted eternal life in our midst, blessed art Thou O Lord, Who giveth the Law."

A person who reads the Law must not begin till the sound of the Amen recited by the congregation has ceased. If he made a mistake, even if only in the correct enunciation of a single letter, he is made to turn back to the place where

the mistake was made and read the word correctly. Two are not to read in the Torah at the same time, but only one by himself. If one, while reading, has been suddenly stricken so that he cannot continue, another person should take his place and begin where the stricken one began, and recite the blessing after reading his portion.

The person who reads may not do so till the chief member of the congregation invites him to do so. Even the appointed officer of the synagogue or its president does not read, at his own volition, but waits till the congregation or its chief member tells him to do so. And some one should stand at his side, while he is reading, just as the appointed officer stands at the side of other persons who read.

The reader has (sometimes On the Day of Atonement.) to skip from passage to passage both being on the same theme as, for instance, that beginning, ". After the death of the two sons of Aaron" (Leviticus chapter 16 verse 1) to that beginning, "And on the tenth day of this seventh month" (Numbers 29:711) which is in the weekly portion Emor. But he must take care not to recite by heart, it being forbidden to recite even a single word without referring to the text. Nor, when skipping, may he pause for a longer time than it takes the interpreter to translate the last verse of the former passage.

As soon as he has begun to read in the Torah, it is forbidden to converse even on a Halachic topic. All must listen silently and give heed to what he is reading, as it is said, "And the ears of all the people were attentive unto the book of the Law" (Nehemiah 8:3). It is likewise forbidden to leave the synagogue while the Torah is being read. But one may leave in the interval between one section and another. A person who is continuously engaged in the study of the Torah, this being his sole occupation, may continue his study while the Law is being read.

Since the days of Ezra it has been the rule that an interpreter shall be present to interpret to the people what the reader is reading in the Torah, so that they may understand the subject matter. The reader reads one verse only, waits till the interpreter has interpreted it, and then reads the next verse. The reader may not read to the interpreter more than one verse at a time.

The reader may not raise his voice above that of the interpreter nor may the interpreter raise his voice above that of the reader. The interpreter may not begin to translate till the sound of the verse uttered by the reader has ceased. The reader may not read the next verse till the interpreter's translation of the previous verse is ended. The interpreter is not to lean against a pillar or beam, but stands in reverence and awe. He does not read the translation from a script but translates it by heart. The reader may not prompt the interpreter so that it should not be said that the translation is written in the Torah. A minor (under thirteen years) may act as interpreter to an adult who is reading. But it is not respectful to an adult that he should act as interpreter to a minor who is reading. There should not be two interpreters acting together. But one reads and one interprets.

Not all verses are translated in public. The story of Reuben (Genesis 35:22), The Priestly Benediction (Numbers 6:2426), the story of the Golden Calf from "And Moses said to Aaron" till "And Moses saw the people etc." (Exodus 32:2125) and the verse, "And God plagued the people" (Exodus 32:35) are read and not translated. In the story of Amnon (II Samuel c. 13) where the phrase, "Amnon, son of David" occurs, it is read and not translated.

The person who concludes with the lesson from the prophets has first to read in the Torah, even if it is only three verses. He may repeat what the previous reader has already read. He must not read the lesson from the Prophets till the Scroll of the Law has first been rolled up. He should not read less than twentyone verses from the prophet. If the topic of the lesson is concluded in a smaller number of verses, he need not read more. If he read ten verses and the interpreter translated them, that is sufficient, even though the topic is not completed. Only one reads the lesson from the prophets, but two may act as interpreters. He may skip from one subject to another, but not from one prophetic book to another except in the minor Prophets; and there he must not pass from the end of the book to the beginning. When skipping, he must not pause longer than it takes the interpreter to recite his translation of what has been read.

The person who reads the lesson from the prophets should read for the interpreter three verses, and the interpreter translates the three one after another, but if the three verses are separate sections, he should read for the interpreter one verse at a time.

The person who reads the lesson from the prophets, recites, before doing so, one blessing as follows: "Blessed art Thou, O Lord our God, King of the Universe, Who hast Literally, who hath chosen. chosen good prophets etc."; and after the lesson, he recites four blessings. The first blessing he concludes with the formula, "O Lord, God Who are faithful in all Thy words Literally, The God who is faithful in all His words."; the second with the formula, "Who rebuildest Jerusalem"; (Spanish and German rituals have "Who makest Zion joyful through her children") the third,

with the formula, "Shield of David"; the fourth with a formula referring to the special character of the day identical with the conclusion of the middle blessing in the Amidah prayer for the day. So if the first day of the month falls on a Sabbath, the person who reads the lesson from the prophets mentions the first day of the month in this blessing, as he does in the Amidah.

How many persons read the Law On Sabbath, in the morning service, seven read the Law; on the Day of Atonement, six; on the festivals, five. These respective numbers may not be diminished but may be increased. On the first day of each month, and on the intermediate days of the festivals, four read the Law. On Sabbath and on the Day of Atonement in the afternoon services, on the second and fifth day of the week throughout the year in the morning service, on the Feast of Lights and on the Feast of Lots in the morning service, and on fastdays in the morning and in the afternoon services, three read the Law. These numbers are neither increased nor diminished.

A woman should not read the Law at a congregational service, out of respect to the congregation. A minor who can read and understands to whom the blessings are offered may be counted in the number of those who read the Law. The person who reads the lesson from the Prophets is also counted in their number, since he reads in the Torah as well. If, however, the reader of the congregation intervened with the recital of Kaddish between the reader of the concluding section of the Pentateuchal portion for the day and the reader of the lesson from the Prophets, the latter is not counted in the number of those who read the Law. In a congregation where there is only one individual competent to read, he goes up to the reading desk, reads a section, goes down, then goes up again and reads a second section, does the same a third time and so on till he has completed the number of those who should have read that day.

In each and every one of these readings, a Cohen (descendant of Aaron) reads the first section. He is followed by a Levite (descendant of Levi other than a Cohen) and he, in turn, is followed by an Israelite. It is a universal custom that a Cohen, even though he is illiterate, has precedence over a great scholar in Israel. The person, superior in knowledge reads before one who is his inferior. The reader of the concluding section who rolls up the Scroll will receive a reward equal to that of all the others. Hence, even the greatest man in the congregation goes up to the reading desk to complete the portion.

Should no Cohen be present, an Israelite goes up to read the Torah and a Levite should not follow. Should no Levite be present, the Cohen who read the first section, reads the second section in place of a Levite. Another Cohen however does not read after the first, lest it be said that the one first called up was unfit and that therefore another Cohen went up. So too, one Levite does not read after another, lest it be said that one of them is unfit.

At which part of the service is the Torah read On the days when an additional Amidah is recited the Reader, having concluded the morning service, recites Kaddish; takes out a scroll of the Law, and calls members of the congregation individually, who come up and read in the Law. When they have concluded, he replaces the scroll and recites Kaddish; and then the additional service is recited. On days when a lesson from the prophets is read as well as the additional service, it is the usual custom to recite Kaddish before the person comes up to read the lesson from the prophets. In some communities however, Kaddish is recited after the lesson from the prophets has been read.

In the afternoon service on Sabbath or on the Day of Atonement, the Reader, after he has ended the recital of the Psalm of David (Psalm 145) and of the Order of Sanctification, The Ashkenazi practice is to say these before Neilah on the Day of Atonement to mark the distinction between that service and the preceding service. recites Kaddish, and takes out the scroll of the Law, which is read by members of the congregation. He then replaces the scroll and recites Kaddish. The afternoon Amidah is then recited. On Festivals, it is not customary to read the Law during the afternoon service.

On a day when no additional service is recited, the reader, after concluding the morning Amidah recites Kaddish and takes out a scroll of the Law which is read. He then replaces it, recites Kaddish, then repeats Psalm 145 and the "Order of Sanctification", as on other days, recites Kaddish, after which the people depart.

Scrolls of single books of the Pentateuch are not used for reading at services in synagogues, out of respect to the congregation. Nor is the scroll of the Law rolled To the right place for the reading. at a public service, out of regard to the convenience of the congregants so that they should not have the trouble of standing while the scroll is being rolled. Hence, if two sections in different parts of the text are to be read, two scrolls are taken out. One person must not read one section in two scrolls, lest it will be said that the first scroll was defective and therefore he read out of the second.

The person who rolls up the scroll rolls it from without. Towards himself, if he holds and rolls the scroll, himself. If one

sits, holding the scroll and another standing before him rolls the scroll, he should roll it inwards, so that the written part shall not be exposed. When fastening it, the fastening should be placed within. The knot of the band which is wound round the scroll is placed inside the scroll so that the scroll should not have to be turned on its face to undo the knot. And he should set it with the seams in the centre. So that if the outside sheet of the scroll weakens, the seams connecting one sheet with another would come apart and the scroll would not be torn. In a place where the scroll of the Law, after being read, is taken out of the Synagogue and removed to another place for the sake of security, the Congregation must not leave the synagogue till the scroll has been taken out and they must accompany it, following it to the place where it is deposited.

Chapter 13

The custom prevailing through Israel is that the reading of the Pentateuch is completed in one year. The passage in brackets is omitted in the manuscript, apparently erased. It is begun on the Sabbath after the feast of Tabernacles, when the portion commencing Bereshith "In the Beginning" (Genesis 1:1) is read. On the second Sabbath, that beginning, "These are the generations of Noah" (Genesis 6:9) is read; on the third, that beginning, "And the Lord said to Abraham" (ibid. 12:1), and so on in regular order till the last portion is read on the feast of Tabernacles. Some complete the reading of the Pentateuch in three years, but this is not a prevalent custom.

Ezra instituted the rule for Israel that the portion containing the Imprecations in the book of Leviticus (26:3end of book) should be read before the feast of Pentecost; and those in the book of Deuteronomy (26:129:8) before the New Year. The prevalent custom is to read the portion Bemidbar Sinai (Numbers 1:14:20) before Pentecost; Vaethchanaan (Deuteronomy 3:237:11) after the Ninth of Ab; Atem Nitzabim (Deuteronomy 29:930:20) before the New Year; Tzav ess Aharon (Leviticus 6:18:36) before Passover in an ordinary year (of twelve months). Hence, on some Sabbaths, two portions are read during the morning service, for example, Isha Ki Tazria (Leviticus 12:113:59) and Vezoth tihejeh Torath Hametzora (ibid. 14:115:33); Bechukotai (ibid. 26:3end of book) and Behar Sinai (ibid. 25:126:2) etc.; the purpose being to ensure that the reading of the Pentateuch shall be completed in one year and that the portions above mentioned shall be read at their appointed periods.

At the place in the Torah where the reading is ended in the morning service, it is resumed, with the next verse, in the afternoon service of that day, in the morning services of the coming Monday and Thursday, and also in the morning service of the next Sabbath. For example, on the first Sabbath (after the feast of Tabernacles) the portion Bereshith is read during the morning service. In the afternoon service ten or more verses are read from the beginning of the portion, Eleh Toledoth Noach; as also on the following Monday and Thursday. On the next Sabbath likewise, in the morning service Eleh Toledoth Noach is begun and read to the close of the portion for the week. This method is followed throughout the year. The reading of the portion from the Pentateuch is followed by a section from the prophets, corresponding in content with what had been read in the Pentateuch.

On the first day of each month, the person first called to the reading of the Law reads three verses from the section beginning Tzav (Numbers 28:18). The second person called to the Law repeats the third verse already read by the person called before him and adds the two following verses, so as to leave three verses to the end of the section. The third person called to the Law reads these three verses and also the next section beginning Uveyom Hashabbath (ibid. 28:910). The fourth person called to the Law reads the section beginning Uvrash Chodshechem (ibid. 28:1115). When the first of the month falls on a Sabbath, two scrolls of the Law are taken out during the morning service. In the first, the portion for the week is read; and in the second, the one who completes the reading reads Uverash Chodshechem (Numbers 28:1115). The person who reads the lesson from the Prophets is the one who reads the section concerning the New Moon. The lesson from the Prophets is that section which concludes, "And it shall come to pass that month by month etc." (Isaiah 66:23). When the first of Ab falls on a Sabbath, the lesson from the prophets is the section containing the verses, "Your new moons and your festivals my soul hateth" (ibid. 1:14). When the first day of the month falls on the first day of the week the lesson from the prophets on the preceding Sabbath day is the section beginning, "And Jonathan said unto him; tomorrow is New Moon" (I Samuel 20:1842).

Every one who goes up to read the Law commences and concludes with a happy theme. But in the weekly portion of Haazinu (Deuteronomy, Chapter 32), the first one who is called up reads up to "Remember the days of old" (verse 7). The second begins, "Remember the days of old" and reads up to "He made him ride on the high places of the earth" (v. 13). The third from that verse to, "And the Lord saw and spurned" (v. 19). The fourth, from that verse to, "If they were wise" (v. 29). The fifth, from that verse to "For I lift up my hand to heaven" (v. 40). The sixth, from that verse to the end of the Song (v. 43). Why do they leave off at these points? Because they are rebukes, and so the people will be induced to repent.

The eight verses which conclude the Pentateuch (Deuteronomy 34:512) may be read in synagogue even when there are less than ten (male adults) present. Though it is all Torah and Moses uttered them as received from the mouth of the Almighty, still as they convey the thought that they were composed after Moses' death, they have clearly been altered (from the text as it stood originally). An individual may therefore read them (without a quorum).

The Maledictions in the book of Leviticus (26:1443) are not broken up among different readers; but one person reads them all, beginning with the verse before, and closing with the verse after them. According to our practice four verses before and three after. As to the Maledictions in the book of Deuteronomy, one may, if he wishes, break off in the middle. The people have, however, the custom not to do so; but one person reads them all.

The regular sequence is interrupted for the three Festivals and for the Day of Atonement, when we read a section appertaining to the Festival and not the weekly portion of the Sabbath. Moses ordained that on each festival a section bearing upon it should be read. On every festival too, the discussion and discourse are on the topic of the day. What sections are read On Passover, from the section concerning the festivals in the book of Leviticus (22:2623:44). The people have however the custom of reading on the first day that beginning, "Draw out, and take unto yourselves lambs (Exodus 12:2151); and the lesson from the Prophets is the account of the Passover at Gilgal (Joshua 5:215). On the second day, that beginning, "When a bullock or sheep" (Leviticus 22:2623:44); and the lesson from the Prophets is the account of Josiah's Celebration of the Passover (II Kings 23:125). On the third day, that beginning, "Sanctify unto me all the first born" (Exodus 13:116). On the fourth day, that beginning, "If thou lend money" (Exodus 22:2423:19). On the fifth day, that beginning, "Hew thee two tables of stone" (ibid. 34:126). On the sixth day, that beginning, "Let the children of Israel keep the Passover in its appointed season" (Numbers 9:114). On the seventh day, that beginning, "And it came to pass when Pharaoh had let the people go" (Exodus 13:1715:26) to the end of the Song, and up to the words "I am the Lord that healeth thee"; and the lesson from the Prophets is that beginning, "And David spoke" (II Samuel 22:151). On the eighth day, that beginning, "All the firstling males" (Deuteronomy 15:1916:17); and the lesson from the Prophets is that beginning, "This very day" (Isaiah 10:3212:6).

On Pentecost, the section from the Pentateuch is that beginning, "Seven weeks" (Deuteronomy 16:917). But the general custom is to read on the first day of the feast the section beginning, "In the third month" (Exodus 19:120:26). And the lesson from the Prophets is "The vision of the Chariots" (Ezekiel 1:128). On the second day the section read is that concerning the Festivals, beginning, "All the firstling males" (Deuteronomy 15:1916:17) and the lesson from the Prophets is taken from Habakuk (3:1end).

On New Year, the section is that beginning, "And in the seventh month, on the first day of the month" (Numbers 29:1). It is however a general custom to read on the first day the section beginning, "And the Lord remembered Sarah" (Genesis 21:134); and the lesson from the Prophets is that beginning, "Now there was a certain man of Ramathaimzophim" (I Samuel 1:12:10). On the second day, the section read is that beginning, "And it came to pass after these things that God did prove Abraham" (Genesis 22:124); and the lesson from the Prophets is that concluding, "Is Ephraim a darling son unto me" (Jeremiah 31:119).

On the Day of Atonement, in the morning service, the section read is that beginning, "After the death of the two sons of Aaron" (Leviticus 16:134); and the lesson from the Prophets is that beginning, "For thus saith the High and Lofty One" (Isaiah 57:1558:14). In the afternoon service, the section read is that concerning Incests in the portion beginning, "After the death of the two sons of Aaron" (Leviticus Chapter 18). The purpose aimed at is that anyone who has been guilty of any of these offences should remember and be abashed. The third person called up reads in the Torah and recites, as the lesson from the Prophets, the book of Jonah.

On the feast of Tabernacles, the section read on each of the first two days is that referring to the Festivals and beginning, "When a bullock or a sheep or a goat is brought forth" (Leviticus 22:2623:44). The lesson from the Prophets on the first day is that beginning, "Behold, a day of the Lord cometh" (Zechariah 14:121). The lesson from the Prophets on the second day is that beginning, "And all the men of Israel assembled themselves unto King Solomon" (I Kings 8:221). On the eighth day, the section from the Pentateuch is that beginning, "Every first born" (Deuteronomy 15:1916:17). The lesson from the Prophets is that beginning, "And it was so that when Solomon had made an end of prayer" (I Kings 8:5466). On the following day, the weekly portion beginning, "And this is the blessing" (Deuteronomy 33:134:12) is read. The lesson from the Prophets is that beginning, "And Solomon stood" (I Kings 8:2253). Some read, as the lesson from the Prophets that beginning, "Now it came to pass after the death of Moses" (Joshua 1:118). On the other (intermediate) days of the Feast, the sections concerning the sacrifices for the festival are read (Numbers 29:1734).

How so On every one of the intermediate days of the festival, two sections of the Pentateuch are read. On the third day of the feast, which is an intermediate day, the Cohen (first called to the reading of the Law) reads the section beginning, "And on the second day" (Numbers 29:1719). The Levite (the second called) reads the section beginning, "And on the third day" (ibid, 29:2022). The Israelite (the third called) reads the section beginning, "And on the third day" (ibid. 29:2022). The fourth person called reads the section beginning, "And on the second day" and that beginning, "And on the third day." On the fourth day of the festival, which is the second of the intermediate days, the section beginning, "And on the third day" and that beginning, "And on the fourth day" are read in this way. The same order is followed throughout the intermediate days.

On every festival, and likewise on the Day of Atonement and on all the seven days of Passover, two scrolls of the Law are taken out of the ark. In the first, the sections we have named are read. In the second, the section in the book of Numbers referring to the sacrifice for the day (Numbers 28:1629:39) is read. The reader of the last reads also the lesson from the Prophets.

Whenever two or three scrolls of the Law are taken out of the ark, if they are taken out one after the other, the Kaddish is recited after the first is replaced, and then the second is taken out. After this has been replaced, Kaddish is again recited. We have however already stated that the plain custom is always to recite Kaddish after the person last called to read has finished reading, and then the lesson from the Prophets is read.

On the intermediate Sabbath of Passover or Tabernacles, the section read is that beginning, "See, Thou sayest unto me" (Exodus 33:1234:26). The lesson from the Prophets, on Passover, is Ezekiel's vision of the Valley of Dry Bones (Ezekiel 37:114); and, on Tabernacles the Prediction concerning Gog (ibid. 38:1839:16).

On the first day of the Feast of Dedication, the section read is that containing the Priestly Benediction and continuing till the end of the section referring to the offering on the first day of the Dedication of the Tabernacle (Numbers 6:227:17). On the second day, the section read is that referring to the offering of the prince who brought his offering on the second day of that Dedication (ibid. 7:1823). And so on till the eighth day, the section read is that referring to the offering on the eighth day of the Dedication of the Tabernacle up to the end of the summary of the offerings and continuing till the end of the weekly portion (ibid. 7:5489). Ashkenazi practice is to add ibid. 8:14. On Sabbath, the lesson from the Prophets is Zechariah's Vision of the Candelabrum (Zechariah 2:144:7). If there are two Sabbaths in the feast of Dedication, Zechariah's Vision of the Candelabrum is the lesson from the Prophets on the first Sabbath; and, on the second Sabbath, the account of the Candelabra in Solomon's Temple (I Kings 7:4050) is read. The person who reads in the scroll the special section for the feast of Dedication reads the lesson from the Prophets.

On the Feast of Lots, the section beginning, "And Amalek came" (Exodus 17:816) is read in the morning service. On the Ninth of Ab, the section read in the morning service is that beginning, "When thou shalt beget children" (Deuteronomy 4:2540). The lesson from the Prophets is that beginning, "I will consume them" (Jeremiah 8:139:23). In the afternoon service, the sections beginning, "And Moses besought" (Exodus 32:1114) and also (34:110) are read, as on the other fastdays and on those that are kept in commemoration of the calamities that befell our ancestors. These sections are read in the morning and afternoon services. The first person called up reads four verses from the section beginning, "And Moses besought." The second and third persons read from the section beginning, "Hew thee two tables of stone" till "That I am about to do with thee" (Exodus 34:110). On fast days appointed by the community because of existing calamities such as drought, pestilence or similar visitations, the Benedictions and Maledictions (Leviticus 26:346 or Deuteronomy 28:169) are read, so that the people, when they listen to them, may be moved to repent and their hearts be humbled.

The people have the custom of reading on the three Sabbaths before the Ninth of Ab, as lessons from the Prophets, passages of an admonitory character. On the first of these Sabbaths, the lesson from the Prophets is the section beginning, "The words of Jeremiah" (Jeremiah 1:12:3). On the second Sabbath, that beginning, "The vision of Isaiah" (Isaiah 1:120). On the third Sabbath, that beginning, "How is the faithful city become a harlot" (ibid. 1:212:4). Ashkenazi custom is to read respectively on these Sabbaths before the Ninth of Ab, Jeremiah 1:12:3, 2:428 and Isaiah 1:127. On the Sabbath after the Ninth of Ab, the lesson from the Prophets is the section beginning, "Comfort ye, comfort ye, my people" (Isaiah 40:126). It is the general custom in our city to read comforting messages from Isaiah as the lessons from the Prophets on the Sabbaths after the Ninth of Ab till the New Year. On the Sabbath between the New Year and the Day of Atonement, the lesson from the Prophets is the section beginning "Return O Israel" (Hosea 14:210).

When the first day of the month of Adar falls on a Sabbath, the section concerning the Half Shekel (Exodus 30:1116) is read; and the lesson from the Prophets is that relating to Jehoiadah the Priest (II Kings 11:1712:17). When the first of Adar falls on a weekday, even on a Friday, the section concerning the Half Shekel is read on the previous Sabbath. On the second Sabbath of the month, the section commencing "Remember" (Deuteronomy 25:1719) is read. The lesson from the Prophets is that beginning, "I remember that which Amalek did to Israel" (I Samuel 15:134). What is meant by the second Sabbath It is the Sabbath preceding the week in which the Feast of Lots occurs, even if that falls on Friday. On the third Sabbath, the section concerning the Red Heifer (Numbers 19:122) is read. The lesson from the Prophets is that containing the verse, "And I will sprinkle upon you" (Ezekiel 36:1636). What is meant by the third Sabbath That immediately preceding the fourth. On the fourth Sabbath, the section beginning, "This month" (Exodus 12:120) is read. The lesson from the Prophets is that beginning "In the first month, on the first day of the month" (Ezekiel 45:1846:15). The fourth Sabbath is that beginning the week in which the first of Nissan occurs, even if it falls on Friday.

Hence, there will sometimes be a plain Sabbath (on which no additional section is read) between the first and the second of these four special Sabbaths, or between the second and the third. In some years there will be two such Sabbaths; namely, between the first and second special Sabbaths, and between the second and third. But there is no plain Sabbath between the third and fourth special Sabbaths.

Each of these four special sections is read in a second scroll, after the portion for the week has been read in the scroll first taken out. If the first of Adar falls on a Sabbath, and the portion for the week was that commencing, "And thou shalt command" (Exodus 27:2030:10), six persons are called to the Law and read in the weekly portion up to (but not including) the section beginning, "Thou shalt also make a laver" (ibid. 30:17). The seventh person reads the section beginning, "When thou takest the sum" till that beginning, "Thou shalt also make a laver" (ibid 30:1116). If the portion of the week for that Sabbath is that beginning, "When thou takest the sum" (ibid. 30:11), six persons are called to the Law and read this portion, till the next beginning, "And Moses assembled" (ibid. 35:1). The seventh person reads in the second scroll the section beginning, "When thou takest the sum" till "Thou shalt make also a laver" (ibid. 30:1116).

When the first of Adar falls on Sabbath, three scrolls are taken out. In the first, the portion of the week is read; in the second the section relating to the sacrifices on the first of the month, (Numbers 28:915); and in the third, that beginning, "When thou takest the sum" (Exodus 30:1116). So too, when the first of Nisan falls on Sabbath, three scrolls are taken out. The portion of the week is read in the first; the section relating to the sacrifices "on the first of the month" (Numbers 28:915) in the second; and, in the third, that commencing, "This month" (Exodus 12.120).

When the first of Tebeth falls on Sabbath, three scrolls are taken out. In the first, the portion of the week is read; in the second, the section relating to the sacrifices on the first of the month (Numbers 28:915); in the third, the portion read on the feast of Dedication (a section from Numbers 6:228:4). When the first of Tebeth falls on a week day, three persons read the section concerning the sacrifices on the first of the month (Numbers 28:915); and the fourth person, one of the sections appropriate to the Feast of Dedication (Numbers 6:228:4).

Although a person hears the whole of the Pentateuch at the public services on the Sabbaths throughout the year, he is under an obligation to read it thrice and once in the Onkelos Aramaic version a verse left untranslated being read thrice and so he will conclude the weekly portions concurrently with the Congregation.

Chapter 14

In the morning service, in the additional service and in the Neilah (closing) service, the priests uplift their hands to pronounce the Priestly Benediction. This is not done in the afternoon service; for in the afternoon on ordinary days all have had their meals, and the priests may possibly have drunk wine, and an inebriate is forbidden to perform this rite. Nor even on a fastday do they pronounce the Priestly Benediction, for fear that if permitted on such a day, the rule might be disregarded in the afternoon service on other days.

This rule applies to a fastday on which both the afternoon and Neilah services are recited; for example, the Day of Atonement and a public fastday (specially appointed). It is different however with a fastday when there is no Neilah, for example, the Ninth of Ab or the Seventeenth of Tammuz. The reason is that the afternoon service, being recited on such a day near sunset, appears to have the character of Neilah and will not be confused with the afternoon service on other days. Hence the Priestly Benediction is pronounced on such a fastday. A priest who transgressed the rule and went up in front of the ark on the Day of Atonement in the afternoon service is permitted to raise his hands to pronounce the Benediction as it is known that on this day there is no inebriety and he is not made to step down, so as

not to give rise to the suspicion that he was disqualified and therefore had been made to step down.

How is this rite performed outside the Temple When the Reader of the congregation reaches the paragraph in the Amidah referring to the restoration of the ancient service and he utters the first word of that blessing beginning "Be pleased", The first of the last three blessings of the Amidah. all the priests in the synagogue leave their places, proceed to the platform in front of the ark, stand there, with their faces towards the ark and their backs towards the congregation, their fingers bent in their palms, till the Reader concludes the paragraph of thanksgiving. The second of these last three blessings. Then they turn their faces toward the congregation, straighten their fingers, raise their hands to a level with their shoulders and begin reciting, "May the Lord bless thee". The Reader prompts them, word by word, and they repeat, as it is said, "Say unto them", which means that they are to wait till he recites. When they have ended the first verse, all the people respond, "Amen". The Reader of the congregation prompts them in the second verse, word for word, which they repeat till they have ended the second verse, when all the people respond, "Amen". And so with the third verse.

When the priests have concluded reciting the three verses of the Benediction, the Reader begins the last paragraph of the Amidah, that beginning, "Grant Peace". The priests turn their faces towards the ark, bend their fingers (and drop the hands.) and remain standing on the platform till he concludes the paragraph, and then they return to their places.

The prompter may not summon the priests till the sound of the congregation's "Amen" to the previous blessing The second of the last three blessings of the Amidah. has ceased. The priests may not begin the introductory blessing, "Who hath sanctified us with the sanctification of Aaron and commanded us to bless His people Israel with love" till the sound of the prompter's summons to the priests has ceased. The congregation do not respond "Amen" till the sound of the priest's utterance of the first verse of the Benediction has ceased. The priests do not begin the second verse of the Benediction till the sound of the congregation's "Amen" has ceased. The Reader may not join in the congregational response "Amen" after the priests' Benediction, lest he become confused and will not know which verse of the Benediction he has to prompt, whether the second or third.

The priests may not turn their faces away from the congregation till the Reader begins the paragraph commencing, "Grant Peace". Nor may they bend their fingers till they have turned their faces away from the congregation. It is one of the ordinances instituted by Rabban Yachanan ben Zaccai that the priests do not ascend to the platform in front of the ark, wearing shoes, but they stand there barefoot.

While the priests bless the people, they may not look at the people, nor allow their minds to wander. Their eyes should look to the ground like one engaged in prayer. No one may gaze at the priests while they are blessing the people so that their attention should not be distracted. All the people should concentrate their minds, so as to hear the Benediction and turn their faces towards the faces of the priests, but they do not look at them.

If only one priest pronounces the Benediction, he begins to recite without being summoned. The congregational Reader prompts him, word for word, as stated. If there were two or more priests they do not begin to bless the people, till the Reader has summoned them with the formula, "Priests". They respond, "The Lord bless thee". He then prompts them, word for word, in the order stated.

How was the rite of the Priestly Benediction performed in the Temple The priests went up to the platform after the conclusion of the morning sacrifice. They raised their hands, with fingers straightened, above their heads; except the High Priest who did not raise his hands higher than the Golden Plate on his forehead; the plate had the words engraved, holy to God. One prompted them, word for word, just as is done outside the temple, till they had concluded the three verses of the Benediction. The people did not respond "Amen" after each verse. But all the three verses were recited as one blessing. When they concluded, all the people responded, "Blessed be the Lord God, the God of Israel, from everlasting to everlasting."

The name of God was pronounced as written; that is, the name of which the utterance is according to the letters Yod, He, Vav, He. This is the Ineffable Name (literally the Proper Name), wherever it is referred to. Outside the temple the usual pronunciation is used, as if it were written A.D.N.I. Adonaimy Lord.; for the Proper Name of God as written, is pronounced nowhere but in the Temple. After the death of Simon the Just, the priests ceased to utter the proper name of God in the Benediction, even in the Temple, so that an unworthy or unsuitable person should not learn it. The ancient teachers did not teach this name to their disciples or sons, even when they were worthy, except once in seven years all this out of respect to the Honored and Revered Name of God.

The Priestly Benediction, wherever it is recited, must be recited only in Hebrew, as it is said, "Thus shall ye bless the

Children of Israel." A tradition dating back to Moses is the authority for the following exposition: "Thus shall ye bless", that means, standing. "Thus shall ye bless", that means, with hands raised. "Thus shall ye bless", that means, in the Holy Tongue. "Thus shall ye bless" that means, face to face with the congregation. "Thus shall ye bless", that means uttering the Proper Name of God. This however is uttered thus, only when the Benediction is pronounced in the Temple, as already stated.

In no place may the priests add, either softly or aloud, a blessing to the three verses of the Benediction, such as, "The Lord, the God of your fathers, make you a thousand times as many more as you are", or other verses of a similar tenor, for it is said, "Thou shalt not add to it" (Deuteronomy 13:1). Every priest proceeding to the platform to pronounce the Benediction, as soon as he starts, says, "May it be Thy Will, O Lord our God, that this Benediction which Thou hast commanded us to bless therewith Thy people Israel shall be a perfect blessing. May there be in it no stumbling nor perverseness from now and for evermore". Before the priest turns his face towards the people to bless them, he recites the blessing, "Blessed art Thou, O Lord our God, King of the Universe, who hast sanctified us with the sanctification of Aaron and commanded us to bless Thy people Israel with love". He then turns his face to the congregation and begins to bless them. And when he turns his face away from the congregation, after he had concluded the Benediction, he says "We have done that which Thou hast decreed unto us. Do Thou fulfill unto us that which Thou hast promised unto us. Do Thou look down from Thy holy habitation, from Heaven, and bless Thy People Israel".

When the priests turn their faces towards the people to bless them, and when they turn their faces away, after blessing them, they should always turn to the right. And so too, whenever any one turns, it should always be to the right.

The Priestly Benediction was pronounced in the Temple once every day, after the morning sacrifice had been offered up. The priests came and stood upon the steps of the Temple porch and blessed the people in the form we have stated. Outside the Temple, the Benediction was pronounced at the close of each service except that of the afternoon, as previously stated. The endeavour is everywhere made to secure an Israelite (one who is not a priest) as prompter; as it is said, "Say unto them", which implies that the prompter is not to be one of them.

Chapter 15

Six things prevent the performance of the rite of the Priestly Benediction: Defective speech; Physical blemishes; Transgressions; Wine; Age; Uncleanliness of the hands. Defective speech: Sufferers from a defect in speech, who cannot utter the letters as they should be pronounced, who, for example, read Aleph as if it were Ayin, or vice versa, or Shibboleth as if it were Sibboleth, etc., do not perform the rite of the Priestly Benediction. So too, those who are heavy of tongue and whose utterance is thick so that they are not understood by all, do not perform this rite.

Physical blemishes: A priest who has blemishes on his face, hands or feet, as, for instance one whose fingers are twisted inwards or sideways, or whose hands are covered with tetters, does not perform this rite, as the people will stare at him. He who slavers, when speaking, or is blind of one eye, shall not perform this rite. If however, the person who is blind of one eye, or slavers is a well known and familiar figure in the town, he is permitted to perform the rite, as no one will stare at him. So too, a person whose hands are stained with indigo or other colouring material, shall not perform this rite. But if the majority of the residents in that town are engaged in the dyeing industry, he may do so, as they will not stare at him.

Transgressions: A priest who had slain a human being, even if he has repented, must not perform this rite, for it is said, "Your hands are full of blood" (Isaiah 1:15), and it is further written, "And when ye spread forth your hands I will hide mine eyes from you" (Isaiah 1:15). A priest who had worshiped idols, whether under compulsion or in error, even if he had repented, must never perform this rite, for it is said, "Nevertheless, the priests of the high places came not up to the altar of the Lord in Jerusalem" (II Kings 23:9); and the Priestly Benediction is like the Temple service, as it is said, "To minister unto Him and to bless in His name" (Deuteronomy 10:8). So too, a priest who had become a convert to idolatry, though he returned to Judaism, never performs this rite. The commission of other transgressions is no disqualification.

Age: A priest who is a youth does not perform this rite till his beard has grown. Wine: One who has drunk a fourth of a log A log is equal in capacity to six hens eggs, hence a quarter of a log equals one and a half eggs. of wine in one draught does not perform this rite till the effect of the wine has passed off the Priestly Benediction being analogous to the Temple service. If, however, he drank a fourth of a log of wine in two draughts, or diluted it with a little water, he is

permitted to perform the rite. If he drank more than a quarter of a log, even mixed with water, and even if he drank it in several draughts, he must not perform the rite till the effect of the wine has passed off. How much is the fourth of a log The contents of a vessel two finger breadths long, two finger breadths wide and two and seventenths finger breadths high. In all measurements throughout the Torah, the finger used is the thumb, called Bohen Yad.

Uncleanliness of the hands: A priest who has not washed his hands must not perform this rite. But he first washes his hands as far as the wrists, just as the priests did in preparation for the Temple service and then he blesses the people, as it is said, "Lift up your hands to the sanctuary", That is, wash your hands for a holy service. (Psalms 134:2). The profaned Who himself, or whose father prior to his birth, has violated the restrictions on the priests in marital relations. priest does not perform this rite because he has not the status of priesthood.

A priest who is free from any of these disqualifications, even though he is not a scholar nor punctilious in the observance of religious duties, and even though people talk about him and his dealings are not marked by strict integrity, nevertheless pronounces the Priestly Benediction and should not be prevented from performing the rite; since it is a duty incumbent on every qualified priest to bless the people, and we do not say to a wicked man, "Be still more wicked and abstain from fulfilling religious duties."

Do not wonder and say, "Of what use is the blessing of this ordinary person" The acceptance of the Benediction does not depend upon the priest but upon the Almighty, as it is said, "So shall they put My name upon the children of Israel, and I will bless them" (Numbers 6:27). The priests fulfill their duty with which they have been charged, and the Almighty, in His mercy, blesses Israel according to His will.

The people in the rear of the priests are not included in the blessing. Those, however, who stand at their side are included. If there was a partition even if it were an iron wall between the priests and those that were being blessed, since their faces are turned toward those of the priests, they are included in the blessing.

The Benediction by the priests requires the presence of ten male adult Israelites, the priests being counted in the quorum. If the Congregation present in the synagogue consists wholly of priests, all of them perform the rite of pronouncing the Benediction. Whom are they blessing Their brethren in the north and their brethren in the south. Who responds Amen to their blessings The women and children. If, in addition to those who have gone up to the platform, there are ten priests present, these ten respond Amen, and the rest pronounce the Benediction.

In a congregation where there is no other priest but the Reader, he does not perform the rite of the Priestly Benediction. But he may perform it if he is confident that after doing so, he will return to the reading of the service. In a congregation where there is no priest, the Reader, when he comes to the last paragraph, beginning, "Grant peace" first recites the following: "Our God and God of our fathers, bless us with the threefold blessing of Thy Law, written by the hand of Moses, Thy servant, which was spoken by the mouth of Aaron and his sons, the priests, Thy holy people, as it is said, 'The Lord bless thee and keep thee: The Lord make His face to shine upon thee and be gracious unto thee: the Lord turn His face unto thee and give thee peace. So shall they put my name upon the children of Israel and I will bless them' ". The people do not respond Amen. He then begins the paragraph, "Grant peace etc."

A priest who, after performing the rite in one synagogue, went to another synagogue and found that the congregation was at prayers, but had not yet reached the Priestly Benediction, repeats the rite. And he may do so several times in the day. A priest who had not moved from his place to go up to the platform while the reader was reciting the paragraph beginning, "Be pleased with the service of Thy people etc.", may not go up during that service. But if he had moved to go up to the platform, even though he had not reached it till this paragraph was concluded, he goes up and blesses the people.

The priest who does not go up to the platform to bless the people, although he has neglected to fulfill one affirmative precept, is accounted as having transgressed three affirmative precepts, for it is said, "On this wise ye shall bless the children of Israel"; "Ye shall say unto them"; "So shall they put my name" (Numbers 6:2227). Any priest who does not bless the people is not blessed. Every priest who blesses them is blessed, for it is said, "I will bless them that bless thee" (Genesis 12:3). Blessed be the All Merciful who hath helped us.

Tefillin, Mezuzah and the Torah Scroll

Chapter 1

The four Pentateuchal sections, beginning respectively, "Sanctify unto me" (Ex. 13:110), "And it shall be when the Lord shall bring thee" (Exodus 13:1116) these two being in the Book of Exodus, "Hear, O Israel" (Deuteronomy 6:49)

"And it shall come to pass if ye shall hearken diligently" (Deuteronomy 11:1321), are written and covered with a skin. These are called Tephillin, and are placed upon the head and bound on the arm. The omission of the point of a single letter in any one of these sections bars, according to Scriptural enactment, the use of all of them. They must all be written perfectly and in accordance with rule.

This is the case also with the two sections of the Mezuzah, beginning respectively, "Hear, O Israel" (Deuteronomy 6:49) and "And it shall come to pass if ye shall hearken diligently (Deuteronomy 11:1321). If the point of a letter is missing in these two sections, the Mezuzah may not, according to Scriptural enactment, be used. The two sections must be written perfectly. So too, a scroll of the Law, in which a single letter is missing, is unfit for use.

There are ten points in regard to Tephillin (phylacteries). The observance of each is enjoined by a rule that goes back to Moses who received it on Sinai. The neglect of any of them is an absolute bar to the use of the Tephillin. Hence, if there was a variation in any one of them, the Tephillin are unfit for use. Two of these have reference to the writing; eight, to the covering and the tying of the straps. The two points to be observed in the writing are that the sections must be written with ink, and must be written on parchment.

How is the ink prepared Soot of oils or of pitch, wax or similar substance is collected; kneaded with gum of trees and a little honey; thoroughly wetted and pounded till it is like wafers. It is then stored away. When the scribe wishes to write, he soaks it in water in which gallapples or similar substances have been steeped, and with this fluid he writes. Such writing when erased leaves no mark. This is the best way to write scrolls of the Law, Tephillin and Mezuzahs. If the scribe has written with fluid of the galloak or of caper, Caper: flowerbuds or seeds of a low shrub of Mediterranean countries, used as a condiment. since the writing stays and is not rubbed out, scrolls of the Law, Tephillin or Mezuzahs so written are fit for use.

This being so, what is excluded by the Halacha, dating back to Moses, which ordains that these must be written with ink It excludes pigments of other colors, such as red or green, etc.; so that if even a single letter in a scroll of the Law, Tephillin or Mezuzah was written with pigment of any other color but black or with gold, such a Scroll, Tephillin or Mezuzah is unfit for use.

There are three kinds of parchment, Gewil, Kelaf and Duxustus. How are these made A hide of domestic cattle or wild beast is taken. First, its hair is removed. It is then pickled in salt, afterwards prepared with flour and subsequently tanned with gallwood or similar materials which contract the pores of the hide and make it durable. And this it is that is called Gewil (parchment of wholehide leather).

If, after removing the hair, the hide had been split through its thickness into two parts, so as to make of it two skins, one thin, namely that which had been next to the hair; the other thick, namely that which had been next to the flesh, and if these were prepared first with salt, then with flour and afterwards with gallwood or similar substance the skin which had been next to the hair is called Kelaf (outerskin parchment), and that which had been next to the flesh is called Duxustus (innerskin parchment).

It is a rule dating back to Moses who received it on Sinai that the scroll of the Law should be written on Gewil (whole hide parchment), and the writing should be on the side which had been next to the hair. The Tephillin should be written on Kelaf (the exterior part of the split hide) and the writing should be on the side which had been nearer the flesh; and the Mezuzah should be written on Duxustus (made of the inner part of the split hide), on the side which had been nearer the hair. If, on a Kelaf, one writes on the side that had been next to the hair, or, on a Gewil or Duxustus, one writes on the side that had been next to the flesh, the Scroll, Tephillin or Mezuzah so written is unfit for use.

Though this is the rule dating back to Moses who received it on Sinai, yet if one writes a scroll of the Law on parchment made from the exterior half of a split hide it is fit for use. The reason why a complete hide is mentioned is in order to exclude that made from the inner half of the split hide. If one wrote on it a scroll of the Law, it is unfit for use. So also, if one wrote a Mezuzah on the external half of a split hide or on an undivided hide, the Mezuzah is fit for use. The inner half of a split hide is recommended to be used, only as a Mitzvah (specially approved).

Scrolls, Tephillin, and Mezuzahs are not written on the hide of a domestic or wild beast that is unclean or on the skin of an unclean bird. They are written on the hides of domestic or wild beasts that are clean or on the skins of clean birds, even when the flesh of these animals may not be eaten owing to their not having been slaughtered according to the ritual or being found to have suffered from a lesion of a mortal character. Nor are Scrolls, Tephillin and Mezuzahs written on the skin of a fish, even if it be of a clean species, because of its foulness. For this is not removed by tanning.

The undivided skin for a scroll of the Law, and the external half of the hide to be used for Tephillin or for a scroll of the Law must be tanned for their specific purposes. If they were not expressly so tanned, they are not fit for use. Accordingly, if a non-Israelite or a Samaritan tanned them, they are unfit for use. Even if the Samaritan was instructed to tan a particular hide for the purpose of its being used for a scroll of the Law or Tephillin, it is unfit for use; since he works with his own purposes in mind, not with those of his employer. Hence, anything that has to be done with a purpose in mind, if done by a Samaritan, is unfit for use. The skin for a Mezuzah does not require to be tanned for that express purpose.

It is a rule dating back to Moses who received it on Sinai that a scroll of the Law or Mezuzah may only be written on parchment that is ruled. Phylacteries need not be ruled, because they are covered. So too, phylacteries and a Mezuzah may be written from memory, as these sections are recited by and are familiar to everyone. But not a single letter may be written in a scroll of the Law, except from a written copy of the text.

A scroll of the Law, Tephillin, or Mezuzah written by a heretic must be burnt. If written by a Samaritan, by a Jew converted to another faith, by one who surrenders Israelites to tyrants, by a slave, woman or minor, they are unfit for use, and must be hidden; for it is said, "And thou shalt bind them", "And thou shalt write them". The implication is that only that person is qualified to write them, who is charged with the duty of putting on Tephillin and believes in the obligation. If they are found in the possession of a heretic, and it is not known who wrote them, they should be hidden. If found in the possession of a Samaritan or non-Israelite, they are fit to be used. Scrolls of the Law, Tephillin and Mezuzah are not to be bought from non-Israelites for more than their value, so as not to accustom the latter to steal these holy articles or take them by force.

A scroll of the Law, phylacteries or Mezuzah, written on the skin of a beast or bird whether domestic or wild which belongs to an unclean species, or written on skins that have not been tanned, and likewise a scroll of the Law or phylacteries written on skins not expressly tanned for those purposes, are unfit for use.

If one who writes a scroll of the Law, phylacteries or a Mezuzah, had not concentrated his mind while writing, and wrote one of the Names of God without express intent, these articles are unfit for use. Accordingly, when one is writing the name of God, even if an Israelite king greets him, he must not return the greeting. If he is writing two or three names of God, he may pause between writing one and writing the others and may respond.

After dipping the pen in ink to write the Name of God, the scribe does not start with a letter of the name but with a letter of the previous word. If he altogether forgot to write the name of God, he writes it above the line. But to write part of the name on the line and part above the line makes the scroll unfit for use. Other words that the scribe forgot to write may be written partly on the line and partly above it. These rules apply to a scroll of the Law. But in a Mezuzah or in phylacteries not a letter may be written above the line. If the scribe forgot even one letter, he must hide what he wrote and write a fresh slip. In all of them (Scrolls of the Law, Mezuzah and Phylacteries) it is permissible to write the name of God upon a surface from which writing has been erased or obliterated.

Scribes of scrolls, phylacteries and Mezuzah are forbidden to turn over the parchment sheet with its written surface beneath touching the board on which it lies, but should cover it with a cloth or fold it.

If, after a scroll of the Law, phylacteries or a Mezuzah had passed out of the scribe's hands, he makes the statement, "I did not write the name of God in them with that purpose distinctly in mind", he is not believed to the extent of rendering them unfit for use, but his statement is accepted so far that he forfeits his entire remuneration. The reason why he is not believed so as to render them unfit for use is because his motive may possibly have been to cause a loss to the person who bought or hired them. It would seem however that his statement would only cause him to forfeit that quota of remuneration to which the writing of the names of God would entitle him. Hence, if he stated, "the skins of this scroll of the Law or of these phylacteries were not expressly tanned for those purposes", then since in such a case he is believed so fully that he forfeits the whole of his remuneration, his statement is also credited so as to disqualify the articles from being used it being a matter of general knowledge that if the skins had not been expressly tanned for the purpose of being made into phylacteries or a scroll of the Law, the scribe receives no remuneration whatsoever.

Phylacteries and Mezuzah may only be written in square Hebrew script. Permission was also given to write scrolls of the Law in Greek characters but not in those of any other foreign tongue. The ancient Greek script has gone out of use, been corrupted and become obsolete. Hence, at the present day, all three religious articles, Scroll of the Law, Tephillin and Mezuzah, are only written in the square Hebrew script. Care must be taken in writing that no letter shall

adhere to any other letter; for any letter which is not completely surrounded on all four sides by a blank space of parchment has been improperly written. Any letter that cannot be read by a child of ordinary intelligence not particularly bright or dull is improperly written. Thus a Yod must not be like a Vav nor a Vav like a Yod, nor a Koph like a Beth, nor a Beth like a Koph, nor a Daleth like a Resh, nor a Resh like a Daleth, etc., so that the reader may be able to read fluently.

If the parchment was perforated, the scribe must not write on the perforation. A perforation over which the ink passes is not regarded as a perforation, and it is permitted to write across it. Hence, it is permitted to write on the skin of a bird that has been tanned. Should the parchment have become perforated, after it has been written on, if the perforation is in the interior of a letter, as, for example, in a H or Mem, etc., it is regarded as properly written. Should one of the sides of a letter have been perforated, so that the letter is divided then the rule is that if there is left of the part that is unperforated as much as would form a small letter, it is regarded as properly written, provided that it does not resemble a different letter. If the part that is left unperforated is not as much as would form a small letter, it is not regarded as properly written.

Chapter 2

How are the sections in the phylactery that is placed on the head to be written The four sections are respectively written on four separate slips of parchment; each slip is rolled up separately and they are then placed in four compartments composed of one skin. As to the phylactery placed on the arm, these four sections are written in four columns on one slip of parchment. This slip is rolled up like a scroll of the Law from the last column to the first and is placed in one leather compartment.

The scribe must exercise care in writing these sections, for if he wrote a closed section as an open one, that is, began the section on a new line where only a space of nine letters should have been left blank. or wrote an open section as if it were closed, the slip is unfit for use. The first three sections are, all of them, open. The last section, that beginning, "And it shall come to pass, if ye will hearken diligently" (Deuteronomy 11:13) is closed.

He must exercise care in regard to the words that are plene or defective, with or without a Yod or Vav, respectively. that all the four sections should be written as they are in an examined scroll of the Law. For if he wrote a word plene that should have been written defective, the slip is unfit for use till the superfluous letter has been obliterated. If a word that is plene has been written defective, the slip is unfit for use and cannot be made good. The following is the list of the words in these four sections that are plene and defective respectively.

For paragraphs 4, 5, 6 and 7 (lists of plene and defective words), see the Hebrew text on the righthand pages 121b and 122a.

The Ayin of Shema and Daleth of Echad (Deuteronomy 6:4) are to be written in larger type.

He must pay attention to the "crowns" (tittles) above the letters. These are like an upright Zayin and are placed on each letter to which such a crown belongs as written in the scroll of the Law. The following are the letters in the four sections thus ornamented:

In the first section, there is only one such letter, namely the closed Mem in Meeyamim which has over it three Zainshaped lines. In the second section, there are five letters, each of them a H; and on each, there are four zainshaped lines. These are the H in Unesanah; the first and the last H in Hikshah; the H in Vayaharog; the H in Yadchah. The third section has five such letters. The Koof in Uvekoomecha has over it three zainshaped lines; the Koof in Ukeshartam has over it three zainshaped lines; the two letters Teth, and the letter P in Letotaphoth have on each of them four zainshaped lines. The fourth section has five such letters. The P of Veasaphta has above it three zainshaped lines. The Tav of Veasaphta has one zainshaped line. The two letters Teth and the letter P in Letotaphoth have on each of them four zainshaped lines. Altogether, the letters thus ornamented are sixteen. If the scribe wholly omitted these ornaments, added to them or omitted them over some of the letters, he has not rendered the phylacteries unfit for use.

If one buys phylacteries from one who is not a recognized expert, he has to examine them. If he bought from him one hundred parchment slips, he examines three slips, either two of the slips of the phylacteries worn on the head and one of the slips of the phylacteries worn on the arm or two slips of those in the phylacteries worn on the arm and one of the slips of the phylacteries worn on the head. If he found all these three correct, a presumption is established in the vendor's favour, and all his phylacteries are fit for use and the rest need not be examined. If he bought them

however in several bundles, this examination (of three slips) must take place in each bundle, there being a presumption that the several bundles came from different individuals.

A man who wrote phylacteries with his own hand or purchased them from an expert or, having bought them of a nonexpert, examined them and replaced them in their leather containers, need never reexamine them, even after the lapse of many years. As long as the leather container remains sound, the presumption that they are sound holds good. Nor is it apprehended that a letter has been obliterated or perforated. Hillel the Elder was wont to say, "These phylacteries belonged to my mother's father."

Chapter 3

There are eight rules for the making of phylacteries; all of them are traditionally ascribed to Moses who received them on Sinai; hence the observance of all of them is indispensable. A variation from any of them renders the phylacteries unfit for use. The rules are as follows: The phylacteries (that is, the external leather containers) must be square; they are to be sewn in such a way as to retain the square shape; their diagonals must be those of a square so that all the angles shall be equal; the leather container of the phylactery for the head shall have the letter Shin embossed on the right and on the left side; each of the slips of parchment on which the sections from the Pentateuch are written is to be wrapped in a cover; this is to be tied with hair, and then the slips are placed in their respective compartments which are sewn up with sinews; a border with a fold open at both ends shall be made of the skin of the base for the strap to pass through freely; the straps shall be black, and have the special knot, that is known to all, in the shape of a Daleth.

How is the phylactery for the head made A rectangular block of wood is taken, which is equal in length, breadth and height. It is of no consequence however if the height is more than the breadth or less. What is essential is that the length and breadth shall be equal. Three grooves are cut in the block so that it is divided into four parts as in this figure

. A piece of leather is taken and soaked in water. The wooden block is put in it and the leather is inserted into each groove. While it is still damp, it is crinkled on both sides, to make a shape of the letter Shin with three lines on the right side of the wearer and with four lines on the left side.

The leather is left on the wood till it dries; it is then slipped off from the wooden block, with the result that it has the shape of four compartments. The prescribed sections of Scripture written on slips of parchment are placed, one in each compartment. A portion of the leather is drawn round and beneath the cube (to form its base). This is sewn up at its four sides. A portion is left in this skin at the base for the strap to pass through as in a loop. This it is which is called the bridge.

How are the phylacteries for the arm made A rectangular block of wood is taken, which is equal in length and breadth. It is to be a fingerbreadth in height, or a little more or less. The block is covered with wet leather which is left on till it dries. It is then removed, and in the place where the wood had been, a single slip of parchment on which the four prescribed sections of Scripture are written, is inserted. A portion of the leather is drawn round below and is sewn up at its four sides. Of this base a part is left to form a loop for the strap to pass through.

What is the order in which the sections are placed in the phylactery for the head The last section, that beginning, "And it shall come to pass if ye will hearken diligently" (Deuteronomy 11:13) is placed in the first compartment, to the right of the wearer; the section beginning, "Hear O Israel" (Deuteronomy 6:4) in the compartment adjacent to it; the section beginning, "And it shall come to pass when the Lord thy God will bring thee" (Exodus 13:11), next to the one containing the section, "Hear O Israel", and the section beginning, "Sanctify unto me every first born" (Exodus 13:1) in the fourth compartment which would be to the left of the wearer of the phylactery; so that anyone facing the wearer and reading what is before him would read the sections in the right Scriptural order as in the annexed figure. If there Sections beginning with verse: was a deviation from this order, the phylacteries are not fit for use.

The sections for the phylactery for the arm are written in four columns on one long strip of parchment like a scroll of the Law, and in the order in which they are found in the Pentateuch as in the annexed figure. Sections beginning with verse: If the scribe wrote them on four separate slips and placed them in one compartment, he has done what is required, and need not attach them to each other.

When he rolls up the parchment slips containing the sections, for the phylacteries worn on the head or on the arm, he rolls them from the end to the beginning so that, if opened, each section can be read from the beginning to the end.

When the slips are about to be placed in their respective compartments, they are wrapped in a cloth, over which they

are fastened with hair. They are then deposited in their compartments. This hair must be that of a domestic or wild beast of the clean species; and may even be taken from animals which are NevelahNevelahdied of itself or, by extension of meaning, not properly killed; or Terefah.Terefahtorn by wild beast; by extension of meaning, found to have suffered from mortal disease or lesion. The custom that has come into general use is to fasten the slips with hair taken from calves' tails.

The leather receptacles of the phylacteries are only sewn with sinews of a domestic or wild beast of the clean species, and may be taken from animals of such species even if they are NevelahNevelahdied of itself or, by extension of meaning, not properly killed; or Terefah.Terefahtorn by wild beast; by extension of meaning, found to have suffered from mortal disease or lesion. The sinews used are those found in the heel of the domestic or wild beast, which are white and tough. They are softened by pounding them with stones or similar substances, till they become like flax. They are spun and twined, and then used for sewing the phylacteries and the sheets of the scrolls of the Law.

The receptacles are to be sewn in such a way as to preserve the square contour of the base. It is a broadly established rule that on each side, there are to be three stitches, making altogether twelve stitches, whether the phylactery is for the arm or for the head. If the scribe desires to make ten or fourteen stitches, he may do so. The stitch must pass through the leather on both sides.

The grooves of the phylacteries for the head ought to extend to the base where the stitching is done. If the grooves are recognizable so that the four divisions clearly appear, the phylacteries are fit for use, even though the grooves do not extend to the base. If however the grooves are not recognizable, the phylacteries are unfit for use. Within each groove, above the leather, a thread or cord ought to be passed so as to separate the compartments from each other. The general custom is to draw through each of the three grooves a sinew of the same kind as those used for the stitches.

How are the thongs fixed A strip of leather is taken as wide as the length of a barley corn. If wider, it is fit for use. The length of the strap of the phylactery for the head should be sufficient to encircle the head, form the knot and leave enough for the straps on either side to reach to the navel or a little higher. The strap for the phylactery of the arm should be sufficiently long to encircle the forearm, form the knot, extend down to the middle finger, about which it is to be wound three times and then fastened. If the straps exceed in length the foregoing dimensions, they are also fit for use.

The thong of the phylactery for the head is inserted in the loop open at both ends. It is measured to fit the wearer's head, and then tied in a rectangular knot like a Daleth. This knot, every scholar should learn how to make. It is impossible to teach its form by description; this can only be taught by ocular demonstration. In the case of the phylactery for the arm, the thong is tied in a knot in the shape of a Yod. The thong of the phylactery for the arm should move freely in the loop, so that the wearer can loosen or tighten it when he puts it on his arm.

The thongs of the phylacteries, whether for the head or for the arm, must have their exterior surface black. This is a rule that goes back to Moses who received it on Sinai. But the other side of the thongs, being close to the skin, are fit for use if they are green or white. They must not however be red, for if the thong were inadvertently turned, the color of its lower surface would subject the wearer to ignominy. The lower side of the thongs should not be otherwise in color than the base of the leather case containing the parchment slips. If the latter is green, the former should be green; if white, the former should be white. It is comely if the phylacteries are wholly black, namely, both the case containing the slips of parchment and the thongs.

The leather which forms the receptacles of the phylacteries and its thongs is to be made from the hide of a domestic or wild quadruped or skin of a fowl that belongs to the clean species, and may even be taken from those of these species that are Nevelah and Terefah. If they were made of the skin or hide of unclean species, or if the phylacteries were covered with gold, the phylacteries are unfit for use. The leather for the thongs must be expressly tanned for their intended purpose to be thongs of phylacteries. The leather which forms the receptacles for the phylacteries need not be tanned. Even if it consists of raw hide it is fit for use. Many places have the custom to make them of raw hide.

The receptacles of the phylacteries may not be prepared by any one but an Israelite; for the making of these is like the writing of the prescribed sections because of the letter Shin which is embossed on the phylactery for the head, as we have already stated. Hence, if a nonIsraelite made or sewed the phylacteries, they are unfit for use. So too, whoever is disqualified from writing the prescribed sections for the phylacteries may not prepare them.

The phylactery for the head may not be transformed into a phylactery for the arm, but the latter may be changed into the former; on the principle that an object may not be degraded from a higher to a lower sacred use. So too, the thong of the phylactery for the head may not be transferred to a phylactery for the arm. This rule only applies to phylacteries that had been worn. But with regard to phylacteries for the head that no one had ever worn, if it is desired to transform them into phylacteries for the arm, this may be done. How is this effected? It is covered with leather so that it appears as one receptacle. The phylactery may then be bound on the arm.

In case the stitches of the phylacteries are broken, they become unfit for use if there are two broken stitches adjacent to each other, or three not adjacent. This rule applies to old phylacteries. New phylacteries are fit for use as long as they keep their surface unimpaired. The following would be called new. If, at the place where the stitches have given way, part of the leather is held in the hand so that the phylactery is suspended, and the leather is strong enough not to be further torn, such phylacteries would be regarded as new. If however the leather is not strong enough to bear the weight of the phylacteries so suspended, but would tear, such phylacteries are regarded as old.

A thong that has become broken is not to be tied together nor sewn up; but it is to be removed, put away, and replaced by a new thong. The parts of the broken thong are unfit for use unless the length and breadth of the part is of the prescribed dimension or larger. Care should always be taken that the external surface of the thongs should be above, when the phylacteries are bound on the hand or round the head. End of the chapter.

Chapter 4

Where is the phylactery of the head placed? It is placed on that part of the crown of the head, where the hair adjacent to the forehead ends, and this is the place where an infant's brain pulsates (the fontanelle). The phylactery needs to be adjusted so that it lies in the centre of the forehead, in a line with the point between the eyes. The knot should be at the top of the back of the neck, which is the end of the skull.

The phylactery of the hand is bound on the left arm over the biceps muscle which is the flesh that stands out on the upper arm that is intermediate between the shoulderblade and forearm, so that when the upper arm is held close to the ribs, the phylactery will be opposite the heart and thus the precept will be fulfilled, "And these words shall be upon thine heart" (Deuteronomy 6:6).

To lay the phylactery of the hand on the palm or that of the head on the forehead is the practice of the Sadducees. He who makes the phylactery round like a nut is not fulfilling the precept in any way. A lefthanded person lays the phylactery on his right arm, used by him as his left. If one is ambidextrous, he lays it on his left arm, which is the same as the left arm of any other person. The places where the phylacteries are respectively bound and laid are known by tradition.

The lack of a phylactery for the head does not preclude one from putting on that of the hand, nor does the lack of a phylactery of the hand preclude one from putting on that for the head. Each is a duty separate and independent. What blessings are recited? For the phylactery of the head, the formula is as follows: "Who hath sanctified us with His commandments and given us a command concerning the precept of phylacteries". For that of the hand, the form is as follows: "Who hath sanctified us with His commandments and commanded us to lay the phylacteries".

This rule applies to the case where a person puts on one phylactery only. But when one lays both phylacteries, he recites one blessing, namely, the form, "And hast commanded us to lay the phylacteries", binds the phylactery on his arm, and then puts on that for the head. When they are removed, that on the head is removed first, and afterwards that on the arm.

When a person has recited the blessing, "Who hast commanded us to lay phylacteries", and bound the phylactery on his arm, he is forbidden to converse, even to the extent of acknowledging his master's greeting, till he has put on the phylactery of the head. If he conversed he has committed a transgression; and when putting on the phylactery for the head, he must recite another blessing, viz: the form, "Who hast given us a command concerning the precept of the phylacteries", and then he puts on the phylactery for the head.

On each occasion when one puts on phylacteries, the blessing is recited, even if they are removed and put on again several times in the day. It is a universal rule with regard to religious precepts that the appropriate blessings are recited prior to their performance. Hence too, the blessing for the phylactery of the hand has to be recited after it is placed on the biceps muscle before the thong is tightened, for the fastening constitutes the fulfillment of the precept.

When a person removes his phylacteries, and puts them in a bag, he should not place the phylactery of the hand

beneath and that for the head above it, because when he will again have occasion to put them on, he will come into contact with the phylactery of the head first, will thus be under the necessity of putting it down and take out the phylactery of the hand, the former not being put on before the latter. It is forbidden to leave a precept and pass on to the fulfillment of another religious duty, the rule being that the duty that first presents itself should first engage our attention. Hence, the phylactery for the hand should be placed above so that one may come into contact with it first, and the phylacteries be put on in the right order.

A bag expressly intended to contain phylacteries and into which these have been placed, becomes consecrated and may not be put to secular use. If the bag was intended for this express purpose of containing phylacteries but had never contained them, or if phylacteries had been casually placed in a bag not set aside for that use, it does not become sacred, and continues to be a secular object as it had been hitherto. Phylacteries may not be suspended by their thong or by the part which contains the scriptural section. But the bag containing the phylacteries may be suspended.

The proper time for putting on phylacteries is when it is day and not when it is night, for it is said, "Day by day" Usually rendered, from year to year, referring to observance of the feast of Passover. (Exodus 13:10). "The ordinance" mentioned in this verse refers to the precept of phylacteries. So it is said, "And it shall be for a sign", while Sabbaths and festivals are themalso, Sabbaths and festivals are not seasons for putting on phylacteries, for serves a sign. When is the proper time in the day to put on phylacteries At the hour when a person can see his neighbour at a distance of four cubits and recognize him. The period extends till sunset.

A person who put on phylacteries before sunset, is permitted when it becomes dusk, to continue to wear them, even throughout the night. The multitude however is not to be so taught. Everyone should be instructed not to wear phylacteries at night, but to remove them at sunset. Whoever deliberately puts on phylacteries after sunset, violates a prohibition, for it is said, "And thou shalt keep this ordinance in its season, day by day" (Exodus 13:10).

If the sun sets while a man with the phylacteries on his head was on the road, he places his hand upon the phylactery till he reaches home when he removes the phylactery. If Sabbath or a festival arrived while he was sitting in the house of study, with the phylactery on his head, he places his hand upon it till he reaches home when he removes the phylactery. If there is a house near the City Wall, the house of study was outside the town. where the phylacteries could be safely left, he should leave them there. If he did not remove them after sunset, because he had no place where they would be safe, and he kept them on for the sake of security, his conduct is lawful.

One who is exempt from reading the Shema is exempt from putting on phylacteries. If a child less than thirteen years of age knows how to take care of his phylacteries, his father purchases a set for him, so as to train him in the practice of religious precepts. Those who suffer intestinal troubles or have difficulty in controlling their sphincters are exempt from the obligation of putting on phylacteries. All who are ritually unclean are under the same obligation of putting on phylacteries as those who are ritually clean. One, who is in pain or whose mind is not calm and composed is exempt from the duty of putting on phylacteries; for the wearer must not allow his consciousness of them to wander. Priests while engaged in the temple service, Levites during the recital of hymns in their appointed places, Israelites while they are in the Sanctuary, are exempt from the duties of reciting the prayers and putting on phylacteries.

As long as one is wearing phylacteries, he should frequently touch them with his fingers, so as not to lose consciousness of them for a single moment. For their degree of sanctity is higher than that of the golden plate which the High Priest wore on his forehead. On the latter, the name of God was engraved once only, while the phylactery for the head contains the tetragrammaton twentyone times, and the phylactery for the arm, an equal number of times.

A requisite in wearing phylacteries is physical cleanliness. One should take care that no flatus escapes him while he has them on. Hence, he may not, while wearing them, indulge in regular sleep or even doze. But if they are covered with a cloth, he may doze, even while wearing them. How so He places his head between his knees and dozes in a sitting posture. If his phylacteries were folded and held in his hand, the holder may even sleep in the regular way.

No meal, unless it be of a casual character, may be eaten, while one wears phylacteries (without previous preparation). Before proceeding to a regular meal, he removes them, places them on the table, washes his hands, puts them on again, recites the blessing for food while he has them on.

If one feels a call of nature while wearing phylacteries, he is not to deposit them, before entering the lavatory, in the crevices that open towards the public thoroughfare, lest passersby may take them. How should he act Even if he needs to relieve the bladder while he is at a distance of four cubits from the lavatory, he should remove the

phylacteries, roll them up in his garment, as a scroll is rolled up, grasp them in his right hand opposite his heart, taking care that not a thong projects outside his hand as much as a hand breadth; then he enters, relieves himself, and, after having left, goes away to a distance of four cubits from the lavatory, and puts on his phylacteries.

This rule only applies to the case of a permanent lavatory. But one may not enter an extemporized lavatory with phylacteries even rolled up. They should be removed and given to another person for safe keeping.

If one wearing phylacteries needed to go to the lavatory at eventide when there would be no more time to put them on again, he should not enter with the phylacteries rolled up in his garment, even to relieve his bladder, if the lavatory is a permanent one. How should he act? He should remove the phylacteries, place them in their bag which must be at least a hand breadth long, or even in a smaller bag provided it is not specially assigned as a receptacle for phylacteries. This he keeps in his hand and enters. Thus, too, at night time, if he needs to visit the lavatory, he may put the phylacteries in a bag which he keeps in his hand when entering.

Translation omitted.

Translation omitted.

One is permitted to put on phylacteries in that portion of a bathhouse where all are attired. In that portion where some are in their attire while others are nude, the phylacteries which one wears need not be removed, but they may not be put on. Where all are nude, the phylacteries must be removed, and needless to add, they may not be put on.

A person should not walk in a cemetery with phylacteries on his head. When he is within a distance of four cubits from a corpse or a grave, the phylacteries are to be removed till he has passed on to a distance outside four cubits. Phylacteries must not be put on before one is decently covered and has put on his garments. If a person is carrying a burden on his head, he must remove the phylactery from his head, and may not put it on till he has removed the burden. Even a kerchief alone may not be put upon the head when one is wearing phylacteries. But he puts his cap over the phylactery.

In a room where there are phylacteries or a scroll of the Law, marital intercourse may not take place, till these have been taken out, or placed in a receptacle which itself is enclosed in another receptacle not assigned to the use of phylacteries or a scroll of the Law. If the latter receptacle has been so assigned, and even if there be ten such receptacles, they are all regarded as one receptacle. If he placed the sacred articles in two receptacles, one within the other, they may be put for security under his pillow between the bolster and the coverlid not however exactly beneath his head. This may be done even if his wife shares his couch.

The sanctity of phylacteries is a high degree of sanctity. As long as phylacteries are on a man's head and arm, he is humble and Godfearing, is not drawn into frivolity and idle talk, does not dwell on evil thoughts but occupies his mind with thoughts of truth and righteousness. A man should therefore endeavour to wear phylacteries the whole day, this being the right way of fulfilling the precept. It is said of Rav, the disciple of our Sainted Teacher (R. Judah, the Prince), that throughout his life no one saw him, without Torah, Tzitzis (fringes on his garments) or phylacteries.

Although the proper mode of fulfilling the precept is to wear phylacteries the whole day, it is especially a duty to do so during the recital of prayers. The sages say, "Whoever reads the Shema without wearing phylacteries is regarded as testifying falsely in his own person. He recites the Commandment to wear Tephillin and does not fulfill it. Whoever does not wear phylacteries at all violates eight affirmative precepts, since in each of the four sections, the command is set forth to lay phylacteries on the head and on the arm. Whoever wears phylacteries regularly will be blessed with longevity, as it is said, 'The Lord is upon them: they shall live'" (Isaiah 38:16).

Chapter 5

How is the Mezuzah? Sections of Scripture placed on doorposts. written Two sections of the Pentateuch, those beginning, "Hear, O Israel" (Deuteronomy 6:4) and, "And it shall come to pass" (Deuteronomy 11:13) are written in a single column on one slip of parchment. A space of half a nail's breadth is left as a margin above and below the column. If the Pentateuchal sections were written in two or three columns, the Mezuzah is fit for use. They must not however be written in the shape of a tail (broad at the top line and gradually narrowing to a point), or of a circle, or of a tent (narrow at the top and broadening to the base). A Mezuzah written in any of these forms is unfit for use. If the text was written out of order, for example, if the second section was in front of the first, it is unfit for use. If it was written on two slips of parchment, even though these were sewn together, the Mezuzah is unfit for use. A Scroll of the Law that has become worn out or phylacteries that are worn out may not be used for a Mezuzah. Nor may margins cut off from

a scroll of the Law be so used; for anything dedicated to a sacred purpose may not be degraded from a higher to a lower degree of sacredness.

It is a Mitzvah (an act of piety) to separate the section beginning, "Hear, O Israel" from that beginning, "And it shall come to pass" by a "closed" space (blank of nine letters). If the division between the two sections was an "open" one (the second section beginning a new line), the Mezuzah is fit for use, as, in the Pentateuch, the second section does not immediately follow the first. Special heed should be paid to the tittles in the Mezuzah. The following are the tittles which are made in the Mezuzah.

In the first section, there are seven letters, each of which should have above it three upright lines in the shape of the letter Zain. They are the Shin and Ayin in Shema; Nun in Nafshecha; the two Zain in Mezuzoth; the two Teth in Totafoth. The second section has six letters, each of which should have above it three Zainshaped lines. They are the Gimel in Degancha; the two Zain in Mezuzoth; the two Teth in Totafoth; the Tzadi in Haaretz. If the tittles were omitted or if they are more or less than those specified, the Mezuzah has not been rendered unfit for use. But if it was written without the lines having been ruled, or if the scribe paid no heed to plene or defective letters, or if he added in the text even a single letter, the Mezuzah is unfit for use.

It is a universal custom to write the word Shaddai (Almighty) on the other side of the Mezuzah, opposite the blank space between the two sections. As this word is written on the outside, the practice is unobjectionable. They, however, who write names of angels, holy names, a Biblical text or inscriptions usual on seals, within the Mezuzah, are among those who have no portion in the world to come. For these fools not only fail to fulfill the commandment but they treat an important precept that expresses the Unity of God, the love of Him, and His worship, as if it were an amulet to promote their own personal interests; for, according to their foolish minds, the Mezuzah is something that will secure for them advantage in the vanities of the world. A reproof to those who sell Mezuzoth to be worn as amulets !

It is a Mitzvah (act of piety) to write Al Haaretz (the last two words) on the last line, either at the beginning or in the middle of the line. All the scribes follow the custom of writing the Mezuzah in twentytwo lines, and (the last two words) Al Haaretz at the commencement of the last line. The following are the words in order, which begin each of the lines: (See the Hebrew text on the corresponding righthand side, page 127b.)

When the Mezuzah is folded, it is rolled up from the end of the line to the beginning, so that anyone opening it is able to read it from the beginning to the end of the line. After it has been rolled up, it is placed in a cylinder of reed, wood or other material, which is attached to the doorpost with a nail; or else a cavity is hollowed out in the doorpost, into which the Mezuzah is inserted.

Before one affixes it to the doorpost, he recites the blessing, "Blessed art Thou, O Lord our God, King of the Universe, Who hast sanctified us with Thy commandments, and commanded us to affix the Mezuzah". No blessing is recited at the time when it is written, because the affixing of it constitutes the fulfillment of the precept.

If one suspended it on a staff, it is unfit, for this is not affixing it (to the doorpost). If one placed it behind the door, he has not fulfilled the precept. If he perforated the door and forced the Mezuzah into it like a nail, as a bolt is inserted in the staplering, it is unfit. If it was placed in a hollow of the doorpost at a depth of a handbreadth, it is unfit. If one cut a stick, put a Mezuzah on it, attached this stick to other sticks and made of them all a doorpost, it is unfit, because the affixing of the Mezuzah preceded the erection of the doorpost.

The Mezuzah of a private dwelling is examined once every seven years; that attached to a public building twice in the Jubilee (fifty years). The object is to ascertain whether a letter has been torn away or obliterated; because owing to the Mezuzah being affixed to walls, it is liable to decay.

The fulfillment of the precept of the Mezuzah is incumbent upon all Israelites, including women and slaves (of Israelites). Children under the age of thirteen years are trained to affix the Mezuzah to their rooms. One who rents a dwelling outside the Holy Land, or lodges at an inn in the Holy Land is exempt from the obligation of affixing a Mezuzah for a period of thirty days after beginning his occupancy. But if one rents a home in the Holy Land, the duty of affixing a Mezuzah devolves immediately.

If one lets a dwelling to another person, the duty devolves upon the lessee to bring a Mezuzah and attach it, even if he has to pay for doing so, for the precept of the Mezuzah is the personal obligation of the occupant and not an obligation attaching to the structure. When he surrenders possession, he must not, on quitting the premises, remove

the Mezuzah. But if the owner is a non-Israelite, the Jewish tenant, when leaving, takes it away.

Chapter 6

There are ten conditions which must exist in a dwelling, to put the occupant under an obligation to affix a Mezuzah. If one of these is absent, he is exempt. These are as follows: The dwelling must have a superficial area of four cubits by four cubits or more; it must have two doorposts, a lintel, a roof and doors; the entrance should be ten handbreadths high or more; it must be a secular (not a sacred) structure; it must have been erected for human occupancy, for honored use (not a lavatory), and built for permanent habitation.

A dwelling, the superficial area of which is less than four cubits by four cubits does not require a Mezuzah. If its area is equal to a square of four cubits by four cubits, even if it is circular in shape or has five angles, or, needless to add, if its length is greater than its breadth, it requires a Mezuzah, provided that it covers an area equal to a square of four cubits by four cubits.

A porch, that is a place with three walls and a roof, even though it has two uprights on the fourth side does not need a Mezuzah, the uprights serving to support the roof and not as doorposts. Thus too, a roof without walls that rests on pillars on either side, even if it presents the appearance of a dwelling is exempt from the obligation of having a Mezuzah, on account of its having no doorposts the pillars having been erected to support the roof.

A dwelling with posts on either side (of the door), and in the place of the lintel an arch in the shape of a bow, requires a Mezuzah, provided that the posts are ten handbreadths high or more. If they are not ten handbreadths high, there is no such obligation, as the dwelling has no lintel.

A dwelling without a roof does not require a Mezuzah. Where part of it is covered with a roof and part uncovered, it seems to me that if the portion over the entrance is roofed, the structure requires a Mezuzah. After the doors are set up, the Mezuzah is affixed.

The Temple Mount, its chambers and courts, synagogues and houses of study which have no residences are exempt, because they are sacred. A village synagogue in which transients lodge requires a Mezuzah. So too, a city synagogue which has a dwelling house attached to it, requires a Mezuzah. None of the Temple entrances had a Mezuzah except the Gate of Nikanor, and the gate within that gate, and the entrance to the Chamber of Parhedrin, because this chamber was the High Priest's residence during his seven days of seclusion (prior to the Day of Atonement).

A hayloft, a cattleshed, a wood store and a barn are exempted from the obligation of a Mezuzah, because of the phrase, "thy house" (in the text "thou shalt write them upon the doorposts of thy house"), which means a dwelling assigned to thy use and excludes the aforementioned and similar classes of buildings. Hence, a cattleshed, where women stay adorning themselves, must have a Mezuzah, because it also serves as a human habitation. A lodge or porch either rectangular or circular leading to a garden, a garden and a sheepfold are exempt from the obligation of a Mezuzah, because they are not constructed to serve as residences. If dwellings requiring a Mezuzah open to these places, the latter must also have a Mezuzah.

Hence, entrances, whether leading to courtyards or to passages, and gates of districts or cities, must each have a Mezuzah, because dwellings which require a Mezuzah open on to them. Even where ten rooms open one to the other, each requires a Mezuzah, just as the innermost room requires it. This is the reason for the rule that a gate opening from the garden to a courtyard requires a Mezuzah.

A privy, bathhouse, ritual bathhouse, tannery and similar places are exempt from the obligation of a Mezuzah because they are not erected to serve as dwellings for honored use. The tabernacle for the feast of Tabernacles, and a room in a ship are exempt from the obligation of a Mezuzah because they are not made for permanent occupancy. Of two potter's booths, one leading to the other, the exterior is exempt from the obligation of a Mezuzah, because it is not permanent. Shops in market places are exempt, because they are not intended to be used as residences.

A dwelling with several doors, although only one is regularly used for coming in and going out, must have a Mezuzah affixed to each door. A small door between a dwelling (below) and the attic needs a Mezuzah. Every room in a dwelling, even a room within a room, must have a Mezuzah at the entrance of the inner chamber, of the outer chamber and of the house, for they all serve the purpose of residence and are permanent.

A door between a house of study or synagogue and a private house, if used habitually for entering and leaving,

requires a Mezuzah. If a door is between two dwellings, the position of the hinge determines the side on which the Mezuzah is to be fixed. The side on which the hinge is visible is regarded as the dwelling in reference to which the position of the Mezuzah is decided.

Where is the Mezuzah to be fixed Within the width of the doorpost, a handbreadth from the external edge at a height of a third of the elevation of the entrance, counting from the top. If placed higher it is fit in position, provided that it is a handbreadth lower than the lintel. It should be fixed on the right side of one entering; if placed on the left side, it is unfit for use. A house owned by partners requires a Mezuzah.

A person should pay heed to the precept of the Mezuzah; for it is an obligation perpetually binding upon all. Whenever one enters or leaves a home with the Mezuzah on the doorpost, he will be confronted with the Declaration of God's Unity, blessed be His holy name; and will remember the love due to God, and will be aroused from his slumbers and his foolish absorption in temporal vanities. He will realize that nothing endures to all eternity save knowledge of the Ruler of the Universe. This thought will immediately restore him to his right senses and he will walk in the paths of righteousness. Our ancient teachers said: He who has phylacteries on his head and arm, fringes on his garment and a Mezuzah on his door may be presumed not to sin, for he has many monitors angels that save him from sinning, as it is said, (Psalms 34:8) "The angel of the Lord encampeth round about them that fear Him and delivereth them".

Chapter 7

It is an affirmative precept binding upon every individual Israelite to write a scroll of the Law for his own use, as it is said, "Now therefore write ye this Song for you" (Deuteronomy 31:19). As the Torah is not written in separate sections, this text means, "Write for yourselves the Torah in which this Song is contained." Even if one's ancestors have left a person a scroll, it is a religious duty to write a scroll at his own expense. If he wrote it with his own hand, it is accounted to him as if he had received it from Sinai. If one does not know how to write a scroll, he should get others to write it for him. He who corrects a scroll, even a single letter of it, is regarded as if he had written it completely.

A king has the duty of writing for himself another scroll of the Law, in his capacity as sovereign, in addition to the scroll which he owns in his private capacity, as it is said, "And it shall be, when he sitteth upon the throne of his kingdom, that he shall write him a copy of this law, etc." (Deuteronomy 17:18). This copy is corrected by comparison with a scroll kept in the temple court, and under the authority of the Supreme Judicature. The scroll which the king had possessed when he was a private individual, he places in his archives. The one that he wrote or had written for him when he became king, should always be with him. If he goes to war, the scroll is to be with him. When he enters his home, it is to be with him. When he hears a cause (tries a case) it is to be with him. When he sits down to a meal, it is to be placed before him, as it is said, "And it shall be with him, and he shall read therein all the days of his life" (Deuteronomy 17:19).

If he possessed no scroll before he came to the throne, he has to write, after his accession, two scrolls of the law, one of which he places in his archives, while the other is to be always with him. It must never be away from him, except at night, or when he goes to the bath or the lavatory or lies down on his couch to sleep.

A scroll of the Law that has been written without having been ruled, or that has been written partly on parchment made of whole hide and partly on that made of the inner half of split hide is unfit for use. It must be entirely written either on the former or on the latter. How is a scroll of the law to be written The scribe is to use the correct script and it should also be exceedingly fine. Between one word and another, he is to leave the space of a small letter; between one letter and another (in the same word) the space of a hair's breadth; between one line and the next the space of a line. The length of each line is to be thirty letters, wide enough to write the word LeMiShPeChOSECheMTen consonant letters printed here in capital letters. See also below. three times. This is to be the width of each column. No line shall be shorter, so that the column shall not look like an epistle. Nor should any line be wider so that the reader's eyes should not have to wander across the sheet.

He should not diminish the size of the characters in order to leave a space between one paragraph and another. When he comes (at the end of a line) to a word of five letters, he must not write two within the column and three outside the column; but he is to write three letters within the column and two outside the column. If there is not enough space left at the end of the line to write three letters, he is to leave it blank and begin at the commencement of the next line.

If at the end of a line, he has a word of two letters to write, he may not place it between the columns (that is, outside the column) but he writes it at the beginning of the next line. If, before the line is filled up, he has a word of ten letters,

more or less, to write and there is not enough space left on the line to write it all within the column, if he is able to write half the word within the column and half outside the column, he may do so. If he cannot do this, he leaves the space blank and writes the word at the beginning of the next line.

Between each book and the next, he leaves a space of four lines, no more and no less, blank without any writing, and starts the next book at the beginning of the fifth line. When completing the Torah, he is to finish it in the middle of the line at the end of the column. If several lines of the column would be left, he shortens the lines, so as to begin at the beginning of the last line of the column and not complete it, and also so plans the lines that the final words *Len Chol Yisrael* ("in the sight of all Israel") shall be in the middle of the line at the end of the column.

He should pay careful attention to the letters that are written large or small, to the letters that are punctuated with dots above them, to the letters that are written differently to the others, such as the letter P and the letters that are curved, in the way the scribes have carried on the tradition. He is to pay attention to the tittles over each of the letters Shin, Ayin, Teth, Nuen, Zayin, Gimel, Tzadi. and the number of them in each case one letter having above it a single tittle, another having seven tittles. All the tittles have the shape of the letter Zain and are to be thin as a hair.

All these provisos are only stated in order that the duty of writing a scroll shall be observed in the most perfect way. If, however the scribe made changes in the method here set forth, was not careful in regard to the tittles, writing however all the letters correctly, or if he wrote the lines close together or far apart, extended the lines or shortened them since he did not join any letter to another, omit aught or add aught, mar the form of any letter, nor make any variation in regard to which paragraphs should be open and which closed, the scroll is fit for use.

There are other rules mentioned in the Talmud which the scribes observe as a tradition handed down from one to another. They are as follows: The number of lines in each column shall not be less than fortyeight and not more than sixty; the blank spaces between one section and another shall be such that nine letters, e.g., A She R, A She R, A She R, can be written in it. The five lines preceding the Song at the Red Sea (Exodus 14:28, 29, 30, 30, 31) shall begin respectively with the words Habaim, Bayabashah, Hashem, Mes, Bemitzraim. The five lines after it shall begin respectively with the words Vatikach, Achareha, Sus, Vayetz, Vayav (Exodus 15:20, 20, 21, 22, 23). The six lines before the Song of Moses beginning Haazinu (Deuteronomy 32:143) shall respectively commence with the words Veaeedah, Achar, Haderech, Beacharith, Lehacheeso, Kehal (Deuteronomy 31:28, 29, 29, 29, 29, 30); and the five lines after the Song of Moses shall begin with the words Vayabo, Ledabber, Asher, Hazoth, Asher (Deuteronomy 32:44, 45, 46, 46, 47). All these points of observance are to enable us to fulfill the duty in the best way. Variations in these particulars do not render the scroll unfit for use.

But if the scribe wrote defective a word that should be plene or vice versa; or a word traditionally pronounced differently to the way it is written, according to the traditional pronunciation, for example, if he wrote *Yishkevenoh* instead of *Yishgelenoh*, or *Oovatechorim* instead of *Oovaapolim*, etc.; or if he wrote an "open" section as if it were a closed section or vice versa; or if he wrote one of the Songs like the ordinary prose text, or an ordinary section in the form of one of the Songs, the scroll is unfit for use as a scroll of the Law. It has not the sacredness of a scroll of the Law, but is like any one of the books of the Pentateuch out of which children are taught.

A scroll of the Law, which has not been examined for correctness may not be kept longer than thirty days. It must either be corrected or segregated. put away and not be used. A scroll of the Law which has three errors in each column should be corrected. If there are four, it must be put away. If the greater portion has been found to be correct, and the remainder has four errors in each column, but there is even one column in this erroneous portion with less than four errors, corrections could be made.

This rule only applies to cases where the scribe wrote defective words that should be written plene so that he would be under the necessity of inserting the letters that he forgot between the lines. But if he wrote plene words that are defective, even if every column contains several errors, he corrects them, as he only erases and does not have to insert letters between the lines.

It is permitted to write the Pentateuch, each book in a separate scroll. These scrolls have not the sanctity of a scroll of the Law that is complete. One may not however write a scroll containing some sections. Such a scroll may not be written for a child's instruction. This is permitted, however, where there is the intention to complete the remainder of the book. If one wrote such a scroll with three words on each line, this is permitted.

The Pentateuch, the Prophets and the Hagiography may be put together in one volume. In such a case, a space of four lines is left blank between each book of the Pentateuch and the next; a space of three lines between each of the

major Prophets and the next; and a space of three lines between each of the twelve minor prophets and the next, so that he can, if he wishes, separate any book. The order of the prophetic books is as follows: Joshua, Judges, Samuel, Kings, Jeremiah, Ezekiel, Isaiah, the Twelve Minor Prophets. The order of the books of the Hagiography is: Ruth, Psalms, Job, Proverbs, Ecclesiastes, Song of Songs, Lamentations, Daniel, Esther, Ezra, Chronicles.

None of The Holy Scriptures may be written except on ruled lines, even if they are written on paper: Three words of Scripture may be written without ruling the line, but to write more is forbidden. A volume containing the Pentateuch, Prophets and Hagiography has not the sanctity of a scroll of the Law, but of a single book of the Pentateuch. The scroll which contains more than the entire Pentateuch is in the same class as that which contains less than the entire Pentateuch, on the principle that excess is similar to deficiency.

Chapter 8

The open section has two forms. If the previous section ended in the middle of a line, the scribe leaves the remainder of the line blank and commences the open section at the beginning of the next line. This only applies to the case where, after the conclusion of the previous section, there is left sufficient space on the line to write nine letters. But if the space left is less, or if the previous section was completed at the end of the line, the next line must be left blank, and the open section is begun at the commencement of the third line.

A closed section has three forms. If the previous section ended within the line, the scribe leaves a blank space for the required dimension (enough to write nine letters) and begins the closed section at the end of the line, provided that there is a blank space between it and the preceding section. If the completion of the previous section did not leave space for the blank of the required breadth and for writing (at least) one word at the end of the line, the scribe should leave the remainder of the line blank, leave a little space at the beginning of the next line blank, and begin the closed section within the line. If the previous section ended at the close of the line, he leaves a blank space of the required breadth (nine letters), at the beginning of the next line, and begins to write the closed section within the line. Hence, you may say that an open section always begins within the line.

A scroll which is inaccurate in regard to words that are written plene or defective can be made good by being corrected, as already explained. But if the scribe made a mistake in the spacing between the sections, and wrote an open section as if it were a closed section, or a closed section as if it were an open section or left a space where a section does not end, or continued writing without leaving a space where a section ends, or deviated from the form in which the Songs are written, in all these cases, the Scroll is unfit for use and there is no remedy except to remove the entire column in which the mistake occurs.

As in all the scrolls I have seen, I noticed serious incorrectness in these regards, while authorities on the Massorah, who write treatises and compilations with the aim of pointing out the sections that are closed and those that are open, differ according to the variations in the scrolls on which they rely, I deemed it fit to write here a list of the sections which are closed and those which are open, as also the forms in which the Songs of the Pentateuch are written so that all the scrolls may be corrected from, and compared with them. The copy on which I relied is the wellknown Egyptian codex which contains the twentyfour books of the Scriptures and which had been in Jerusalem for several years used as the standard text for the examination of scrolls. Everyone relied upon it because it had been examined by Ben Asher who closely studied it for many years and examined it again whenever it was being copied. This codex was the text on which I relied in the scroll of the Law that I wrote according to the rules. (Here follow lists of open and closed sections which are in the Hebrew text on the righthand pages 131b to 136b.)

THE BOOK OF GENESIS
The number of open sections is 43; of closed sections 48; total 91.

THE BOOK OF EXODUS
The number of open sections is 69; of closed sections, 95; total 164

THE BOOK OF LEVITICUS
The number of open sections is 52; of closed sections, 46; total 98.

THE BOOK OF NUMBERS
The number of open sections is 92; of closed sections, 66; total 158.

THE BOOK OF DEUTERONOMY
The number of open sections of this book is 34; of closed sections, 124, total 158.

The number of open sections in the entire Pentateuch is 290; of the closed sections, 379; total 669.

The form of the Song Haazinu (Deuteronomy 32:143). Every line has a blank space in the middle, like that preceding a closed section. Hence, every line is divided into two parts. The song is written in 70 lines. The words at the beginning of the lines are as follows: (See the Hebrew text on the right hand side page 136a) All these are the words at the beginning of the lines. And the following are the words at the beginning of the latter half of the line which are in the middle of the column. (See the Hebrew text on the right hand pages 136a and 136b)

The Song of the Red Sea (Exodus 15:119) is written in thirty lines, the first line in the ordinary way; the other lines, one with a blank space in the middle, the next with blank spaces in two places, so that the line is divided into three parts and so a blank space corresponds to writing (above and below it) and vice versa as follows. See the Hebrew text on the righthand side 136a, 136b and

137a as it should be written in the scroll. The English pages should be blank. Throughout the Torah, in the Songs as well as in the rest of the text, the scribe should aim to write all the letters of each word close together, taking care that no letter should be joined to another, and that no letter should be so far away from the next as to make the word seem two words. The interval between the letters in one word should be a hairbreadth. If the scribe wrote one letter so far apart from the other that it would appear to a child who is not familiar with the text like two words, the scroll is unfit for use till he makes the correction.

Chapter 9

The length of a scroll of the Law should not exceed the circumference, nor should the circumference exceed the length. What is a suitable length Where parchment of a whole hide is used, six handbreadths, that is twentyfour fingerbreadths taking the thumb as the standard. Where the parchment of the external half of the hide is used, the length may be more or less than this dimension, provided only that the length is equal to the circumference. So also in the case of parchment of a whole hide, if the scribe made the length less than six handbreadths and wrote in a small hand or longer than six handbreadths and spread out the writing so that the length of the column is equal to the circumference this too is correct.

The extent of the lower margin is four fingerbreadths; of the upper margin, three fingerbreadths; between one column and another, two fingerbreadths. Hence, on the right and left of every sheet of parchment, the scribe has to leave a margin a fingerbreadth wide and enough beside for sewing; so that, when the sheets are sewn together, there will be throughout the scroll a blank space of two fingerbreadths between the columns. The scribe must leave in addition enough margin at the beginning and end of the scroll to fold a blank column round the rollers. All these dimensions are to be observed in order to fulfill the precept properly. But if the scribe exceeded or fell short of them, he does not render the scroll unfit for use.

How shall one proceed so that the length of the scroll shall turn out equal to its circumference. The parchment sheets are made evenly rectangular; each sheet being six handbreadths wide, all of the same dimensions. They are rolled evenly into one bundle tightly rolled up. And skins are added and tightly rolled till the circumference is six handbreadths, which is the width of the sheets. This is measured with a thread of wool which is placed round the bundle.

The scribe then fashions a straight ruler, forty or fifty fingerbreadths long; one of these fingerbreadths, he marks in two, three and four equal parts so as to be able to measure off a half, a third and a quarter of a fingerbreadth and similar fractions. With this, he measures each sheet, so as to ascertain the number of fingerbreadths it contains and so determine how many fingerbreadths there are in the entire bundle.

He then takes two or three other sheets of parchment, to test the size of the characters, and writes on them one column. The length of a column of writing is obviously seventeen fingerbreadths as a margin must be left, of three fingerbreadths above and four fingerbreadths below. The width of the column will depend on the handwriting, whether it is large or small. So also, the number of lines will vary according to the handwriting, as between each line and the next, the space of a line must be left.

Having written the column which he uses as a test as he pleases, he measures its breadth by means of the fingerbreadths of the ruler, and adds two fingerbreadths for the margin between column and column. He then calculates how many columns of such writing would fill the sheets in the bundle he had made up. Having ascertained the total number of columns, he will then see how much of the entire Pentateuch is in the column which he wrote as a test. He will make the estimate with the aid of the scroll which serves him as a copy, and calculate accordingly. If the number of columns of the kind of writing which he wrote is sufficient for the whole Torah well and good. If the calculation showed that there are more columns than are required for the whole Torah, he will enlarge the writing, so as to diminish the number of columns, and he will make a test with another column. If the calculation shows that for the writing of the Torah more columns will be required than are contained in his sheets, he will use smaller characters and so secure a larger number of columns. He will make the test with column after column till the calculation comes out exact.

Once he knows the width of the column and the size of the characters, he can begin writing the scroll with that bundle of sheets. He then divides the parchment (sheets) into columns by ruling them off, each column of the same width as that which his tests and calculations showed to be the right size. If three or four fingerbreadths are left over beyond the last column, he should leave one fingerbreadth and enough besides for sewing the sheet to the next, and cut off

the rest, and need feel no apprehension, for at the end, more sheets will be added to make up for the superfluous strips that he cut off from each sheet. Nor need he make any calculations in regard to this, for the writing will be according to the number of columns.

So too, if one wishes to make the width of the scroll more or less than six handbreadths, he makes his calculation in the same way; and the length will be exactly equal to the circumference neither more nor less, provided that no mistake has been made in the calculation.

The fingerbreadth in all the dimensions here and in the rest of the Torah is that of the medium sized finger. On careful examination, we find it to be the breadth of seven medium sized barley corns placed close together, this being equal to the length of two barley corns measured liberally. The handbreadth, wherever mentioned, is equal to four such fingerbreadths. A cubit is six handbreadths.

The scroll which I wrote had a width of four fingerbreadths to each column. The columns containing the Song of the Red Sea (Exodus 15.118) Haazinu (Deuteronomy 32:143) were each six fingerbreadths wide. The number of lines in each column were fiftyone. The number of columns in the whole scroll were 226 columns. The length of the entire scroll was 13366 fingerbreadths approximately.

The six fingerbreadths left over were for the margin at the beginning and end of the scroll. The parchment skins on which we wrote were ramskins. Whenever you desire to write a scroll and follow these measurements completely or approximately, you need not weary yourself to make a calculation if you have one, two or three columns less or more; you will find that the length will be equal to the circumference.

No sheet should have less than three, nor more than eight columns. If a sheet is wide enough to contain nine columns, it is cut into two parts, one to contain four columns, the other to contain five columns. This rule applies to the beginning and middle of the scroll. But at the close, even if there is only left one verse to write on a column, that column is prepared on a separate sheet and sewn on to the other sheets.

For sewing the sheets together, only the sinews of a clean beast domestic or wild, including those that are TerefahTerefah (literally torn), flesh of a beast that had suffered from a mortal lesion. or Nevelah,Nevelahflesh of a beast that had died or had not been slaughtered, or had been slaughtered by an unqualified or disqualified person. may be used. The law here is the same as in regard to phylacteries. This rule goes back to Moses who received it on Sinai. Hence if the sheets have been sewn together but not with sinews or with sinews of an unclean animal, the scroll is unfit for use till the stitches are taken out and the sewing is done according to rule.

When the sheets are sewn together, they are sewn entirely from top to bottom, but a small portion is left above and below without being stitched, so that the scroll, when it is rolled up, may not be torn in the middle. Two wooden rollers are prepared, one for either end. The unwritten margins of parchment at the beginning and at the end are brought round the rollers and sewn with sinews, so that the scroll can be rolled over them; a clear space being left between the margin and the writing in the columns.

In case a scroll of the law had one of its sheets torn, the rent is sewn up, if it extends to two lines; if it extends to three lines, it is not sewn up. This rule applies to a scroll the gall dressing of which is no longer perceptible. But if the parchment still shows that it has been dressed, then, even when the rent extends to three lines, it is sewn up. So too, a rent between columns or between words is sewn up. For the stitching of the rents, the same kind of sinews are used as for the sheets. And wherever there is a rent, the scribe should make sure that no letter is missing or altered in form.

Chapter 10

You thus find that there are twenty factors, any one of which disqualifies a scroll of the law. If any of these occurs, the scroll is like one of the books of the Pentateuch out of which children are taught. It does not possess the sanctity of a scroll of the Law, and is not used for reading in public worship. They are as follows:1) If it was written on the skin of a beast of an unclean species;2) or on the skin of a beast of a clean species, which had not been tanned;3) If the skin had been tanned but not for the express purpose of being used as a scroll of the law;4) If it was written on the wrong side; in the case of parchment of whole hide on the side next to the flesh; in the case of parchment of the outer half of a split hide, on the side adjacent to the hair;5) If it was written partly on parchment of whole hide and partly on that made of the outer half of split hide;6) If it was written on the inner half of a split hide;7) If it was written without the lines having been previously ruled;8) If it was written with a dark writing fluid that does not make a permanent

impression;9) If it was written in other languages;10) If it was written by a heretic (Epikouros) or other disqualified persons;11) If the scribe wrote the names of God without special concentration of mind;12) If a single letter was omitted;13) If a single letter was added;14) If one letter touched another;15) If a single letter was so marred that it cannot be read at all, or resembles another letter, whether the defect is in the writing, or is due to a perforation, rent or smudge;16) If the scribe wrote letters so far apart or so closely together that one word looks like two words or two words look like one word;17) If he altered the form of the sectionsWrote an open section as if it were a closed section or vice versa.;18) If he varied the form of writing the Songs;19) If he wrote any other portion in the form of a Song;20) If he did not sew the sheets with sinews of a beast of a clean species.The other conditions stated are recommended as the best way of performing the duty of writing a scroll. Their nonobservance does not render it unfit for use.

A scroll of the law that is fit for use is to be regarded as an object of extreme holiness and treated with great reverence. A person is forbidden to sell a scroll of the law even if he has nothing to eat, and even if he owns other scrolls. He may not even sell an old scroll, to buy a new one. A scroll may only be sold for one of two purposes, to provide means to enable one to study Torah or to marryand then only if the owner has nothing else that he can sell.

If a scroll of the law has become worn out or been otherwise rendered unfit for use; it is placed in an earthenware vessel and buried beside the remains of deceased scholars. This is the appropriate method of "concealing" it (putting it away). Folders of scrolls that have become worn out are used as shrouds for the dead (found on the road) whose interment is a duty binding on all. This is the appropriate method of "concealing" them.

A case specially made for a scroll of the law and in which it has been placed, bands around the scrolls, the chest or structure in which it is deposited even though the scroll is in its case, as also a bench specially made on which to place a scroll of the law, and on which a scroll was placed are all subsidiaries of that which is sacred, and may not be thrown away. When worn out or broken, they are "put away". The platforms, however, on which the Reader of the congregation stands and holds the scroll and tablets on which (scriptures) are written for a child's instruction have no sanctity. Golden and silver pomegranates and other such ornaments, made for the embellishment of a scroll of the law are subsidiaries of that which is sacred; and it is forbidden to part with them to be used for secular purposes, unless they were sold with the intention to purchase with their proceeds a scroll of the law or a book of the Pentateuch.

It is permitted to place one scroll of the law upon another scroll, or, needless to add, upon single books of the Pentateuch. Single books of the Pentateuch may be placed upon books of the Prophets or Hagiography. But the books of the prophets and of the Hagiography are not placed upon single books of the Pentateuch; nor the latter on a scroll of the law. No sacred writings, not even Halachas or Hagadas (Legalistic or Homiletic works) may be thrown away. Amulets which contain scriptural matter, must not be taken with one into a lavatory (privy) unless they are covered with a skin.

A person may not, while bearing a scroll of the law in his arms, enter a bathhouse, lavatory, or cemetery, even if the scroll is swathed in folders and placed in its case. A person must not read in it till he has moved away four cubits from the dead body (bath house) or lavatory. One may not hold a scroll of the law when nude. It is forbidden to sit down on a couch on which there is a scroll of the law.

Cohabitation is forbidden in a chamber where there is a scroll of the law, till it has been removed or placed in a receptacle which is itself placed in a receptacle not specially assigned to the scroll. If it has however been so assigned, even ten receptacles within each other, are regarded as a single receptacle. If a partition, ten handbreadths high, has been constructed for the scroll, cohabitation may take place if there is no other room. It may not take place, if there is another room, till the scroll has been removed.

All who are ritually unclean, even women in their menstruating period, and even a nonIsraelite, may hold a scroll of the law and read in it, for the words of the Torah do not contract uncleanness, provided that the holder's hands are not dirty or soiled. They must therefore wash their hands and then they may touch it.

Every one who sees a person carrying a scroll of the law and proceeding with it must stand up before it; and all persons continue standing till the bearer of the scroll stops, having carried it to its appointed place, or passes out of sight. They are then permitted to resume their seats.

It is a duty to assign a fixed place for a scroll of the law, and to show it extreme honor and courtesy. The words in the tables of the covenant are in every scroll of the law. One may not expectorate before a scroll of the law, nor indecently expose oneself before it, nor stretch out one's feet before it; nor place it upon the head in the way in which a burden is

carried; nor turn one's back to it unless it is at an elevation of ten handbreadths above the person.

If one is travelling from place to place and had a scroll of the law with him, he is not to put the scroll in a sack, place it on the donkey's back and ride upon it. If, however, he is afraid of thieves, he may do so. When there is no such apprehension, he places it in his bosom close to his heart, and continues his journey, riding. Any one, sitting before a scroll of the law, should be inspired with a sense of earnestness, awe and reverence, for it is a faithful witness concerning all who come into the world, as it is said, "It shall be therefore a witness against thee" (Deuteronomy 31:26). All possible honor should be shown it. The ancient sages said, "Whoever treats the Torah with contumely will be treated with contumely by his fellowcreatures. Whoever honors the Torah, will receive honor from his fellow creatures" (Ethics of the Fathers 4:8). End of the laws concerning the scroll of the Law by the Grace of God.

Fringes

Chapter 1

The fringe that is attached to the corner of the garment, and made of the same species of material as the garment, is called Tzitzith Fringes, because it is like the fringes of hair of the head, as it is said, "And he took me up by the lock (Tzitzith) of my head" (Ezekiel 8:3). This fringe is called "the White (part)", because we are not commanded to dye it. No definite number of threads is prescribed in the Torah for the fringes.

A thread of wool, dyed the color of the sky, is taken and wound round the fringe. This thread is called Techeleth, the blue (thread). The number of times this thread should be wound is not specified in the Torah.

This precept thus consists of two ordinances; to attach to the corner of the garment a fringe projecting from it, and to wind a blue thread round the fringe, as it is said, "Speak unto the children of Israel, and bid them that they make them a fringe upon the corners of their garments and that they put upon the fringe of each corner a thread of blue" (Numbers 16:38).

The absence of the blue thread does not bar the use of the white fringe. Nor does the absence of the white fringe prevent the use of the blue thread. How so? If a person has no blue thread, he puts in the white fringe alone. So too, if the white fringe and the blue thread have been attached and the white fringe has been severed and diminished up to the corner of the garment and only the blue thread was left, it is fit for use.

Though the nonfulfillment of either ordinance does not bar the observance of the other ordinance, they are not two precepts but one precept. The ancient sages said, "The text 'and it shall be unto you for a fringe' ", teaches that both ordinances form one precept. The four fringes on the garment are, all of them, indispensable, for the attachment of all the four constitute one precept. Whoever puts on a garment with white fringes or a blue thread or with both together has fulfilled one affirmative precept.

How are the fringes attached? One begins at the corner of the garment, that is, at the edge of the woven cloth, and measures off a length not greater than three fingerbreadths and not less than the length between the base of the thumbnail and the first joint. Four threads are inserted there and turned down in the middle, so that eight twined threads are pendent from the corner. The eight threads are not to be less than four fingerbreadths long. If longer, even as much as one or two cubits, they are fit for use. The breadth of the thumb is the standard for all fingerbreadths. One of the eight threads should be blue, and seven should be white.

One of the white threads is taken up and wound once about the other threads close to the garment. It is then dropped. The blue thread is then taken and wound twice about the other threads close to the winding with the white thread. The threads are then tied. These three windings are called a section. A small space is left; a second section is made, the windings being done with the blue thread only. A small space is left; a third section is made; and so till the last division where the blue thread is wound round the other threads twice and the third winding is done with a white thread, because, as the winding began with a white thread, it should also end with a white thread, on the principle that things sacred may be elevated to a higher degree but may not be degraded to a lower degree. The reason why the winding begins with a white thread is that the corner of the garment shall have adjacent to it threads of the same kind of material. This is the method followed with the four corners.

How many divisions are made in the fringes at each corner? Not less than seven and not more than thirteen. This is the choicest mode of carrying out the precept. But if one wound the threads, to form one division only, the fringe is regarded as correctly made. And if one wound the blue thread over the greater portion of the fringes, it is correctly made. The beauty of the blue thread is manifested if all the sections that are wound take up the first third of the

pendent fringes, while the remaining two thirds are loose. The threads in this part need to be separated, so that they shall be like the fringes of hair on the head.

When a person uses white threads only without a blue thread, he takes one of the eight threads and winds it around the others to the extent of a third of the length, leaving two thirds for the loose fringe. With regard to this winding, if he desires to make divided sections as is done when a blue thread is used, he is at liberty to do so. And this is our custom. If, on the other hand, he desires to make the winding without divisions, he may do so. In short, what he should aim at is that the part wound shall be a third of the length and the fringe two thirds. Some pay no attention to this point, when only white threads are used. If one of the white threads has been wound round the greater portion of their length, or if only a single division has been made, the fringes are regarded as proper.

The white as well as the blue threads may be twined, if so desired. Even if the thread consisted of eight threads folded and twined so that it becomes a cord, it is still regarded as one thread only.

The threads used for the fringes, whether white or blue, must be spun with the express intention of being made into fringes. They are not made of wool caught by the thorns where the sheep lie down, nor from the wisps that are plucked from the animal, nor from the remainders of the warp left by the weaver on the selvage of the cloth, but only of the woolshearing or of flax. Nor are the fringes to be made from wool that has been part of the proceeds of a robbery, or that comes from a city that has gone astray (Deuteronomy 13:13-18), nor from wool of beasts set apart for sacrifice. If such wool has been used for fringes, the latter are unfit for use. If a person prostrates himself in worship before a beast, its wool is unfit for use as fringes. But if he so prostrates himself before planted flax, it is fit for use, because its character has been changed. The flax has been turned into linen.

Fringes made by a non-Israelite are unfit for use, for it is said, "Speak unto the children of Israel and bid them that they make them fringes" (Numbers 15:38). But if an Israelite made them without thinking of their purpose, they are fit for use. Completed fringes attached to a garment are unfit for use.

For example, if one took the corner of a garment that had fringes and sewed it on to another garment, even if the corner was a cubit long and a cubit wide, the fringes are unfit for use, for it is said, "They shall make unto themselves fringes" (Numbers 15:38) but not attach those already made. This being analogous to a thing that came into existence of itself. It is however allowable to undo the fringes from one garment and insert them in another, whether the fringes are white or blue.

If threads were suspended from one corner of a garment to another and the threads in each corner were tied according to the prescribed rules, after which the threads were severed in the middle, so as to form separate fringes, they are unfit for use, because at the time when the threads were tied they were unfit for use, the two corners being connected by the threads between them, and they only became two fringes when they were severed, so that they were made out of fringes already completed.

When a person inserted additional fringes in a garment that already had them, if his intent was to nullify the first set of fringes, he is to undo these or cut them off, and the set subsequently added is fit for use. If however his intent was to add the second set, then, even if he cuts off either of the sets, the one remaining is unfit for use, because by the addition he made all the fringes unfit; and when he undid or cut off a superfluous set of fringes, the one remaining turns out to have been fashioned out of that which had already been complete, and the first time it had been made it was unfit.

So too if one inserts fringes in a garment with three corners and then makes a fourth corner and inserts a fringe in it, the fringes are all unfit for use, for it is said, "Thou shalt make fringes" (Deuteronomy 22:12) and not use those already made.

A garment is not to be folded and fringes inserted in the garment as folded, unless one of the edges at least is sewn up.

If the corner of the garment in which fringes have been inserted has become torn, and the tear is more than three fingers' breadth from the edge, it can be sewn up. If the tear is less than three fingers' breadth from the edge, it cannot be sewn up. If the space between the opening into which the fringes are inserted and the edge of the woven fabric has become less, (owing to the edge having worn away) the fringes are fit for use, provided that some portion of the fabric, however small, is still left. So also, if the threads of the fringes have become less in length, they are fit for use, provided that enough of them is left to make a loop. But if even a single thread has been severed at the point

where the fringes are inserted, they are unfit.

Chapter 2

Blue thread, wherever it is mentioned in the Torah, is wool dyed azure, the color of the firmament seen in a blue sky when the sun is shining. The blue thread mentioned in connection with fringes must be dyed with a special dye which retains its lustre without change. Wool that has not been dyed in this dye is unfit for use as the blue thread, even though it is of the color of the sky; as, for instance, if it has been dyed with indigo, lampblack or other darkening material, it cannot be used as the thread of blue with the fringe. The wool of a ewe whose dam was a shegoat is unfit for use as fringes.

How are the blue threads used with the fringes to be dyed Wool is soaked in lime and afterwards washed till it is clean. It is then scalded in a solution of alum and similar substances such as are used by dyers, so that it may take the color. The blood of the Chalazon is then taken, a fish the color of which is azure while its blood is black as ink. This fish is found in the Dead Sea. The blood is put into a cauldron together with other ingredients such as potash and similar substances used by dyers, and brought to a boiling point. The wool is immersed in the cauldron till it has assumed the hue of the sky. This is the blue thread used with the fringes.

The blue thread of the fringes must be dyed with that express intent. If it has been dyed without this intent, it is unfit for use. If a little wool was dyed in the cauldron containing the coloring material as a test, in order to ascertain whether the color is good or not, the entire contents of the cauldron become unfit. How then is one to proceed A small portion of the cauldron's contents should be removed into a small vessel. In this, the wool used for testing should be placed, and subsequently burnt, because it was dyed for testing purposes. The dye in the vessel used for testing is also poured away because its being used for testing has rendered it unfit to be used for dyeing the blue thread. The wool which is to serve as the blue thread is dyed in the rest of the dye which has not been spoilt.

The blue thread is only to be purchased from a reliable expert. Otherwise there is reason to apprehend that it was not dyed with the express intent to be used with the fringes. Even though it had been bought of an expert, if it was afterwards ascertained that it had been dyed with one of the dark dyes that do not keep the color fast, it is unfit for use.

How is it tested, in order to determine whether it has been dyed in accordance with the legal requirements or not Straw is taken, together with snail's slime and urine that has been permitted to stand for forty days. The wool is immersed in the mixture for a period of twentyfour hours. If the wool keeps its color and does not become paler, it is fit for use. If however it has become paler, dough of barley flour that had been put aside to become stale for fish sauce is taken. Into it, the blue thread, the color of which has faded is placed. The dough is baked in an oven. The blue thread is taken out of the loaf and examined. If it has become still paler, it is unfit for use. If the color is richer and darker than it had been before baking, it is fit for use.

In a market where blue thread is sold for fringes, and where the vendors have a reputation for trustworthiness, blue thread may be purchased without enquiry. No investigation is necessary, the benefit of the presumption continuing till suspicion of untrustworthiness arises. If blue thread was deposited with a nonIsraelite, it is unfit for use, for fear that the depositary may have substituted other blue thread. If it was in a receptacle sealed with two seals, one within the other, it continues fit for use. If only one seal had been affixed, it becomes unfit for use.

Blue threads, found in the street, are unfit for use, even if they are found severed (in the usual lengths). If however they are twined they are fit for use. A garment with fringes is presumed to be fit for use, if bought from an Israelite. It likewise has the benefit of this presumption if purchased from a nonIsraelite tradesman. But if the nonIsraelite is a private person, the fringes are unfit for use.

If a garment is entirely red or green, or of any other color, the fringes which ordinarily are white should be of the same color as the garment; green, if it is green, red, if it is red. If the garment is entirely blue, the ordinary fringes should be of any color except black, black resembling blue. One blue thread is wound round the other fringes just as is done in the case of other fringes that are not colored.

Not to attach white fringes to one's garment is more culpable than to omit the blue thread. For the white fringes are procurable by all, while the blue thread cannot be obtained in all places and at all times on account of the need of the special dye, of which we have spoken.

Chapter 3

The garment in which one is bound by scriptural enactment to insert fringes, is a garment that has four corners or more than four corners; its dimensions must be sufficient to cover the head and greater portion of the body of a child that walks by itself in the street and does not need any one to watch it and accompany it; furthermore the garment has to be of wool or linen.

Garments of other materials such as silk, cotton, camel's hair, hares' down, goats' hair, etc., only require fringes by the ordinance of the sages to make us heedful of the precept concerning Fringes, and their ordinance also applies to garments with four or more corners and of the dimensions above stated; for wherever the Torah speaks of garments without special qualification, it refers exclusively to such as are of wool or linen.

"On the four corners of thy vesture" (Deuteronomy 22:12). This means that a garment requires fringes when it has four corners but not when it has three. But cannot the text also mean that the garment must have four fringes but not five? To guard against this inference, the text concludes, "wherewith thou coverest thyself", i.e., even if it has five corners or more. Why however should a garment with five corners be included in the obligation and one with three corners be exempted, seeing that neither has four corners? The answer is that the number five includes the number four. Accordingly, when fringes are inserted in a garment with five or six corners, they are to be inserted in those four of the five or six corners, that are furthest from each other, for it is said, "On the four corners of thy vesture."

A garment made of cloth (as specified above) and the corners of which are of leather requires fringes. A garment of leather, the corners of which are of cloth is exempt, since the main part of the garment alone is taken into consideration. A garment owned by two partners requires fringes, for it is said, "in the corners of their garments" (Numbers 15:38). The word "thy vesture" (Deuteronomy 22:12) is only intended to exclude a borrowed garment from the obligation of fringes. Such a garment is exempt for thirty days, after which fringes must be inserted.

For a woolen garment, the white fringes are to be of wool. For a garment of flaxen material (linen) the white fringes are to be threads of linen, these being of the same species. For garments of other materials, the white fringes are to be threads of the same material as the garment, threads of silk for a garment of silk; goats' hair threads for a garment of goats' hair. If one desires to use woolen or flaxen (linen) threads as fringes for garments made of any other materials, he may do so. The reason is that fringes of wool or flax (linen) satisfy the requirements of the law whether the garments are of the same species of material or not; while fringes of other species are permissible when the garments are of the same species as the fringes but not when they are different.

May woolen threads be used as fringes in a garment of flaxen material, or flaxen threads in a woolen garment, even when only white fringes are inserted? According to the strict rule, this should be permissible, since the prohibition of a mixture of wool and flax is suspended in the case of fringes, the blue thread which is of wool being inserted in a garment of flax (linen). Why then is this not done? Because threads of the same material as the garment can be used as fringes. And wherever there are a positive precept and a negative precept, both of which can be observed, this should be done. Where they conflict, the affirmative overrides the negative commandment. In this case, however, both precepts can be observed.

In a garment of flax (linen), the blue thread is not inserted, but only white fringes of flaxen (linen) thread. This is not because the precept concerning fringes is superseded by the prohibition of a mixture of wool and flax. But it is a precautionary regulation of the sages who had in mind that such a garment might be worn at night when there is no obligation to have fringes on the garments, and so a prohibition would be violated at a time when there was no (overriding) affirmative precept in force, since the duty of having fringes is incumbent by day and not at night, as it is said, "that ye may look upon it" (Numbers 15:39) which means at a time when it can be seen. A blind man is under the obligation of having fringes in his garments; for, although he does not see the fringes, others see them.

It is permitted to put on a garment with fringes at night, during the working weekdays as well as on the Sabbath, notwithstanding that the precept is not obligatory at night provided however that the blessing for the fringes is not recited. At what time in the morning is the blessing for the fringes recited? From the time when the white fringes can be distinguished from the blue thread. What is the form of the blessing? "Blessed art Thou, O Lord our God, King of the Universe, Who hast sanctified us with Thy commandments and commanded us to enwrap ourselves in a garment with fringes". And whenever, during the day such a garment is put on, the blessing is recited before putting it on. When fringes are inserted in a garment, no blessing is recited; the consummation of the precept is putting on the fringed garment.

It is permissible, while clad in a garment with fringes, to enter a lavatory (privy) or bath house. If threads either of the

white fringes, or the blue cord, have been severed, the fringes may be thrown on the wasteheap, because the fringes though used in the fulfillment of a precept, have no intrinsic sanctity. It is forbidden to sell a garment with fringes to a non-Israelite, unless the fringes are unwound; not because any sanctity attaches to them, but for fear that the non-Israelite, wearing the garment with fringes, may be joined on the road by an Israelite who will deem him a coreligionist, and the Gentile may murder the Israelite. Women, bondsmen and minors are exempted by the Scriptural law from the obligation of having fringes in their garments. The Sages however have prescribed that a male child, as soon as he can put on a garment, is under the obligation of having a garment with fringes, so as to be trained in religious observances. If women or bondsmen desire to wear garments with fringes, no objection is raised, but they do not recite the blessing. The same is the rule with respect to other affirmative precepts from the obligation of which women are exempt. If they wish to fulfill them without reciting the blessing, no objection is raised. Persons of doubtful sex and a hermaphrodite, because of the doubt, are under the obligation to fulfill all the precepts. Hence, they do not recite the blessing, but fulfill the duty without pronouncing the benediction.

How is the obligation of the precept of fringes incurred? Anyone upon whom the fulfillment of this precept is incumbent, desirous of putting on a garment that requires fringes, must first insert them and then may put on the garment. If he puts it on before the fringes have been attached, he has neglected an affirmative precept. But garments to which fringes should be attached are exempt as long as no one has worn them and they are kept folded and put away, because the obligation does not attach to the garment, but is incumbent upon the owner of a garment (who wears it).

Although one is not bound to purchase a garment and wear it, so as to insert fringes therein, still it is not right for a pious man to release himself from the observance of this commandment. He should always endeavour to be robed in a garment that requires fringes, so as to fulfill this precept. He should be especially heedful of this, during prayer. For scholars it is particularly disgraceful to recite the prayers without being so robed.

At all times, a person should be heedful of the precept concerning fringes, since Holy Writ estimates it as so weighty that all the commandments are made dependent upon it, as it is said, "And ye shall look upon it and remember all the commandments of the Lord" (Numbers 15:39).

Blessings

Chapter 1

It is an affirmative precept of the Torah to say Grace after a meal, as it is said, "And thou shalt eat and be satisfied and shalt bless the Lord, thy God" (Deuteronomy 8:10). The Torah only imposes the obligation on a person when he is satisfied; for it is said, "When thou hast eaten and art satisfied, thou shalt bless etc." According to the ordinances of the sages, however, even if one has eaten only as much food as the size of an olive, he recites Grace after the meal.

It is also an ordinance of the Sages that before partaking of any food, a blessing is first recited and then it is eaten. And however little one intends to eat or drink, the blessing is first recited and then the refreshment is taken. So too, one who wishes to smell a fragrant odor first recites the blessing and then enjoys the fragrance. Whoever partakes of any enjoyment without reciting a blessing commits a trespass. It is also an ordinance of the sages that a blessing is to be recited after eating or drinking, provided that the quantity drunk is at least a quarter of a log (equal to the volume of an egg and a half), and the food eaten is at least as much as an olive in size. A cook who is tasting food does not need to recite a blessing before or after doing so, provided that the quantity tasted is less than a quarter of a log.

And just as blessings are recited when partaking of material enjoyments, so when about to fulfill any precept, a blessing is said, after which the precept is performed. The sages have moreover instituted several blessings of praise and thanksgiving and petition, in order that when not partaking of material enjoyments nor engaged in the fulfillment of religious duties we should constantly have God in mind.

All blessings accordingly fall into three kinds; blessings recited when partaking of material enjoyments, blessings recited when fulfilling religious duties, and blessings of thanksgiving, which have the character of praise, thanksgiving and supplication, and the purpose of which is that we should always have the Creator in mind and revere Him.

The forms of all the blessings were established by Ezra and his Court. It is not proper to vary them, or add to or take away from any one of them. Whoever deviates from the form which the Sages have given to the Blessings, is in error. Any blessing in which the name of God and His Sovereignty are not mentioned is not regarded as a blessing, unless it follows immediately another blessing.

All blessings may be recited in any language, provided that the form instituted by the sages is followed. And if the form has been changed, the duty of reciting the blessing is discharged, since the name of God and His sovereignty as

well as the subject matter of the blessing have been mentioned, even though in a foreign tongue.

All blessings should be so recited that the reciter hears what he is saying. But if he has not recited the blessings so that he can hear them, he has nevertheless fulfilled his duty, whether he uttered them with his lips or recited them mentally.

There must be no interruption between the recital of any blessing and that for which it is recited. If such an interruption has taken place, the blessing must be repeated. If the interruption was in connection with matters appertaining to the blessing, the blessing need not be recited a second time. For example, a person recites the blessing over bread; and, before he eats it, says "Bring salt", "bring the cooked course", "give food to So and So", "Feed the cattle", he need not recite the blessing a second time. The same is the rule in similar cases.

All blessings may be recited by one ritually unclean, whether the uncleanness is of such a nature that he can free himself of it the same day or not. It is forbidden to a male to recite blessings while in a nude state.

Blessings, even when they have already been recited by a person in fulfillment of his obligation, may be said by him, a second time, on behalf of others who have not said them, so as to free them of their obligation. Blessings recited on partaking of refreshments, when this is not a religious duty, form an exception. A person may only recite the blessings on behalf of others, when he also partakes of the refreshment. But when the refreshment is also a religious duty, as, for instance, eating unleavened bread on the first nights of Passover, eating bread or drinking wine at the inauguration of Sabbath and Festival, a person may recite the blessings for others who eat and drink, without having to join them.

He who hears any blessing from beginning to end, with the intent to fulfill his obligation (to recite that blessing) has fulfilled his obligation, even if he has not responded "Amen". Whoever responds Amen after a blessing has been said is in the same category with the reciter, provided that the latter was under the obligation of saying such a blessing. If the reciter's obligation was only Rabbinical, while the respondent's was Scriptural, the latter does not fulfill his duty unless he responds Amen or listens to the recital of the blessing by one who is under a scriptural obligation.

When several persons had agreed to eat bread or drink wine in company, and one of them recited the blessing, while all the rest responded "Amen", they are permitted to eat and drink. If, however they had not intended to have a meal together but each came (without preconcerted arrangement) even though they should be eating of the same loaf, each of them recites the blessing for himself. This rule refers to bread and wine only. The consumption of other foods and beverages does not require an agreement to form one party. If any one of those present recites the blessing and the rest respond "Amen", they may all eat and drink, even if originally they had had no intention to form one company.

Whoever hears an Israelite recite a blessing has to respond "Amen", even if he has not heard the entire blessing from beginning to end, and even if he himself is not under an obligation to recite that blessing. If however the reciter was an idolater, a free thinker (Epikoros), a Samaritan, a child practising blessings, or an adult who deviated from the fixed form of the blessing, no response of Amen is made.

Whoever responds "Amen", must not utter it with the first or last letter clipped, or unduly hurried or drawn out, but should utter it in the way it is ordinarily pronounced. He should not raise his voice above that of the reciter of the blessing. A person who is under an obligation to recite a blessing and has not heard it recited by another may not join the hearers in responding Amen.

Whoever recites a blessing unnecessarily takes the name of God in vain and is like one who swears in vain. After such a blessing it is forbidden to respond Amen. But children are taught the blessings in their regular form. Although while they are learning, they recite the blessings without due occasion, this is permitted. There must however be no response (of Amen) to such recitals, nor does any one who responds Amen discharge his obligation if he had occasion to recite such blessings.

Whoever responds Amen to the blessings which he himself says acts objectionably; but to add Amen to the last of concluding blessings is laudable; as, for instance, after the phrase, "Who rebuildeth Jerusalem" in the Grace after meals, or after the last of the blessings recited after the Shema in the Evening Service, or at the close of the concluding blessings the reciter responds Amen to his own recital of the blessings.

Why does one respond "Amen" to the blessing ending "Who rebuildeth Jerusalem", seeing that it is followed by the benediction, "Who is kind and dealeth kindly" Because this last named benediction was instituted in the times of the Sages of the Mishna, and is in the nature of a supplement, while the essential portion of the Grace after meals ends with the formula, "Who rebuildeth Jerusalem." Why does one not respond "Amen" to the blessing beginning, "With

everlasting love" Because it is the conclusion of the blessings preceding the recital of the Shema. The rule is the same with all blessings said before any act; as, for instance those said before reading the Scroll of Esther or those said before kindling the Hanukah Lights, so that there should be no interruption between the recital of the blessings and the act for which the reciter said the blessings.

Why does one not add "Amen" to the blessing one has said on partaking of fruit etc. Because it is a single blessing, and Amen is only added to a final blessing, when preceded by one or more blessings; for example, the blessings recited by the King or the High Priest, Mentioned in Mishnah Sotah, chapter I, paragraph 1 and set forth in detail in paragraphs 7 and 8. Paragraph 7: Blessings recited after reading by the High Priest, or someone else, in his presence, during the night of the Day of Atonement, sections from the Book of Leviticus appertaining to the Day (Leviticus ch. 16 and ch. 23:2632). Paragraph 8: Blessings after recital in public of passages from the Book of Deuteronomy, on the second evening of the Feast of Tabernacles after the close of the Sabbatical year. This in accordance with the precept (Deuteronomy 31:1013). The reading was done in the courtyard of the Temple on Mount Zion. The King was the Reader. If there was no King, the chief leader of the people was the reader. The passages read were Deuteronomy 1:1 till 6:9; 11:13 till 11:21; 14:22 till 14:29; 26:12 till 26:15, 17:15 till 17:20; chapter 28; and 17:15 till 17:20 were repeated. the addition of the Amen in these cases indicating that all the blessings had been completed.

Whoever eats forbidden food, wilfully or in error recites no blessing either before or after. For example, if one eats of that which is Rabbinically regarded as Tevel (produce from which priest's dues and Levite's tithes should have been, but had not been separated), or eats Levite's tithes from which the priest's dues (two per cent by the original owners, and ten per cent by the Levite of his portion) had not been taken, or eats (outside Jerusalem) Second tithes (which should be consumed in Jerusalem), or consumes that which had been set apart for the Sanctuary and had not been properly redeemed, he does not recite the blessings for the food. Needless it is to add that no blessing is recited if flesh is eaten of a beast that was not properly slain or was pronounced unfit for consumption by Jews owing to a lesion, or if wine is drunk that is forbidden to Jews etc.

But if one eats Demai (produce bought from those concerning whom it is doubtful whether they give the tithe), or of the Levite's tithe from which the priest's dues given by the Levite have been separated, but not the proportion of priest's dues, which should have been given by the original owner, provided that the Levite took his tithe while the grain was still in the ear, or of the Second Tithe, or of that which was devoted to the Sanctuary and has been redeemed, but without the addition of an extra fifth of the value in these, and all similar cases, the blessings, both before and after partaking of the food, are said.

Chapter 2

The order of the Grace after meals is as follows: The first blessing is that beginning "Who feedeth"; the second is the blessing for the Promised Land; the third, that ending "Who rebuildeth Jerusalem"; the fourth, that beginning "Who is good and doeth good". The first blessing was instituted by Moses, our teacher; the second, by Joshua; the third, by David and Solomon, his son; the fourth, by the Sages of the Mishna.

Laborers when taking a meal during the time that they are working for an employer, do not recite the blessing before the meal, so that they may not neglect his work, and only recite two blessings after it. The first of these two blessings is recited in its regular form. The second begins with the blessing for the Promised Land, includes a reference to the blessing, "Who will rebuild Jerusalem" and ends with the concluding formula of the second blessing, "Blessed art thou, O Lord, for the land and the food." If however the workmen's sole wage is their board, or if their employer takes the meal with them, they recite all the four blessings of the Grace after meals in their complete form as others do.

The blessing for the Promised Land must begin and end with thanksgiving and its concluding formula is "for the land and for the food". Whoever omits in this blessing the phrase, "a land, desirable, good and ample" has not fulfilled his duty. The Abrahamic covenant and the Torah must also be mentioned in it. The reference to the Covenant must come first, since the covenant referred to in the benediction for the land is the rite of circumcision in connection with which there were thirteen covenants, while in connection with the Torah there were only three, as it is said, "These are the words of the Covenant" (Deuteronomy 28:69); "beside the Covenant which He made with them in Horeb" (ibid. 28:69); "Ye stand this day that thou shouldst enter into the Covenant (ibid. 29:911).

The third blessing begins, "Have mercy, O Lord our God, upon us and upon Israel, Thy people, and upon Jerusalem Thy city, and upon Zion, the abiding place of Thy glory"; or "Comfort us, O Lord our God, in Jerusalem, Thy city", and concludes, "Who will rebuild Jerusalem" or "Who will comfort His people Israel in the rebuilding of Jerusalem". This

benediction is accordingly styled "Comfort". Whoever has not mentioned in it the Sovereignty of the House of David has not fulfilled his duty. For this constitutes the very essence of the blessing. Israel's consolation will only be a complete consolation when the House of David will be restored to Sovereignty.

On Sabbaths and Festivals, one begins this blessing and concludes it with Consolation, and includes a reference to the special holy character of the day. One begins, "Comfort us, O Lord our God, in Zion Thy city"; or "Have mercy, O Lord our God upon Israel, Thy people, and upon Jerusalem, Thy city", and ends, "Who comfortest Thy people Israel in the rebuilding of Jerusalem", or "Who rebuildest Jerusalem". In the middle of the blessing one adds, "O our God and God of our fathers, be pleased to fortify us by Thy commandments, and especially by the commandment of this great and holy seventh day, (since this day is great and holy before Thee Omitted in the manuscript but included in the extant editions. Omitted in the manuscript but included in the extant editions. Omitted in the manuscript but included in the extant editions.), we will rest and repose thereon (in love) in accordance with the precept of Thy will. (In Thy favor, O Lord our God, grant us repose), and let there be among us no trouble, evil, sorrow nor sighing on the day of our rest". On the Festivals the formula beginning, "May our remembrance rise and come" is added in the third blessing, as also on the first day of the month and on the intermediate days of the festivals.

On the Feast of Lights and on the Feast of Lots, there is added in the blessing for the Promised Land the formula beginning, "For the miracles" which is inserted on these days in the Amidah prayer. When a festival or the first day of the month falls on a Sabbath, the paragraph beginning, "Be pleased to fortify us" is said first, and then that beginning, "Let arise and come". So too, when the first day of the month of Tebeth falls on a Sabbath, the paragraph beginning, "For the miracles" is added in the blessing for the Promised Land and those respectively commencing, "Be pleased to fortify us" and "let arise and come" are added in the blessing for the comforting of Israel.

In the fourth blessing, the sovereignty of God must be mentioned three times. When there is a guest at table who recites Grace after the meal, he adds a blessing for the host, as follows: "May it be the Supreme Will that the master of the house shall not suffer shame in this world nor be confounded in the world to come." The guest may add other blessings to this blessing for the host or expand it.

When Grace is said in the home of a mourner, the following is added in the fourth blessing: "O living King who art kind and dearest kindly, true God and Judge Who judgest righteously and rulest in Thy world, doing therein according to Thy Will, Whose people and servants we are and Whom in all situations we have to thank and bless". The reciter of Grace then offers up a prayer at his discretion that the mourner shall be vouchsafed comfort, and continues, "May the Allmerciful etc."

In the home of the newly wedded, the marriage blessing is recited at every meal after the four blessings of the Grace. This blessing is not recited by slaves nor by minors (those under thirteen years of age). For how long a period is it recited When a widower marries a widow, it is recited on the first day only. When a bachelor marries a widow or a widower marries a spinster, it is recited during the seven days of the festivity (after the marriage).

The blessing which is added to the Grace in the bridegroom's home is the last of the seven marriage benedictions. And this rule applies if those at the meal attended the wedding and heard the blessings. But if there are other guests at the table who had not heard the blessings at the wedding ceremony, the seven blessings are recited for their sake, after Grace, provided however that a quorum of ten adult males is present, including the groom.

The following in brackets is omitted in the manuscript but included in the extant editions: The seven benedictions are as follows: Blessed art Thou, O Lord our God, King of the Universe, who hast formed man. Blessed art Thou, O Lord our God, King of the Universe, who hast created all things to Thy glory. Blessed art Thou, O Lord our God, King of the Universe, who hast formed man in Thine image, after Thy likeness, and hast prepared unto him out of his very self a perpetual fabric; blessed art Thou, O Lord, Creator of man. May she who was barren (Zion) be exceedingly glad and exult when her children are gathered within her in joy; blessed art Thou, O Lord, who makest Zion joyful through her children. O make these loved companions greatly to rejoice, even as of old Thou didst gladden Thy creature in the garden of Eden; blessed art Thou, O Lord, who makest bridegroom and bride to rejoice. Blessed art Thou, O Lord our God, King of the Universe, who hast created joy and gladness, bridegroom and bride, mirth and exultation, pleasure and delight, love, brotherhood, peace and fellowship. Soon may there be heard in the cities of Judah and in the streets of Jerusalem, the voice of joy and gladness, the voice of the bridegroom and the voice of the bride, the jubilant voice of bridegrooms from their canopies and of youths from their feasts of song; blessed art Thou, O Lord, who makest the bridegroom to rejoice with the bride.

If, on Sabbath or Festival, a person forgot to recite in the Grace after meals, the paragraph referring to the special sanctity of the day, and became aware of the omission before he began the fourth blessing, he says, on Sabbath, "Blessed be the Lord who has given rest to His people Israel, as a sign and holy covenant, blessed art Thou, O Lord, who hallowest the Sabbath". And on festivals he says, "Blessed be He who appointed feasts unto His people Israel for joy and gladness, blessed art Thou. O Lord who hallowest Israel and the festivals". He then begins the fourth blessing and continues to the end. If he only became aware of the omission after he had begun the fourth blessing, he stops and goes back to the beginning of the Grace, namely to the blessing for food.

If, on New Moons, one forgot to recite the paragraph beginning, "Let arise and come", and became aware of the omission before beginning the fourth blessing, he says, "Blessed is He who appointed New Moons unto His people Israel as a remembrance" and does not conclude with any other formula, (Blessed art Thou, O Lord, etc." as on Sabbaths and Festivals) but begins the fourth blessing and continues to the end. If he became aware of the omission after he had begun the fourth blessing, he continues to the end and does not go back. So too, on the intermediate days of the festivals and on the Feast of Lights and the Feast of Lots, if he forgot and made no reference to the special character of the day he does not go back.

If one forgot to say Grace after a meal, and became aware of the omission before the meal was digested as long as he is not hungry. he goes back and recites Grace. Once the food has been digested, he does not go back to say Grace. So too, if he has forgotten whether he had said Grace or not, he recites it as long as the meal is not yet digested.

Chapter 3

There are five species of grain; wheat, barley, spelt, oats and rye. Spelt belongs to the wheat species; oats and rye belong to the barley species. As long as they are in the ear, these five species are everywhere called produce. After having been threshed and winnowed, they are termed grain. When they have been ground and the meal has been kneaded and baked, the product is called bread. The bread made of any of these species is everywhere styled bread without qualification.

Whoever eats bread has to recite before the meal the blessing, "Blessed art Thou, O Lord our God, King of the Universe, who bringest forth bread from the earth"; and after the meal, the four blessings of the Grace after meals. Words in brackets are not in the manuscript but are in the printed text. If one eats grain, plainly boiled, he recites before the meal the blessing; All these blessings have the introductory formula Blessed art Thou Lord, our God, King of the Universe. "Who createst the fruit of the earth", and after it, "Who createst many living beings with their wants etc.". If one eats meal, he first recites the blessing "by Whose word all things exist", and after he has eaten, "Who createst many living beings".

Meal of any one of these five species of grain that had been boiled and then mixed with water or other fluids, if it is so thick that it can be eaten and masticated, requires, before it is eaten, the recital of the blessing, "Who createst various kinds of foods," and after it is eaten, the recital of the blessing, "For the sustenance and nourishment etc." If the gruel was so thin that it could only be drunk, the blessing before partaking of it is, "by Whose word all things exist", and afterwards that beginning, "Who createst many living beings".

If meal of one of these five species was boiled in a saucepan by itself, or mixed with other ingredients, as in the case of pancakes etc., or if grain was split or crushed and boiled in a saucepan as for example, groats or crushed early grain all of which are called potfood, or if any one of these five species was mixed, either in the form of meal or bread with any cooked food, the blessing to be recited before partaking of it is "Who createst different species of food."

This only applies when this species of grain was regarded by the consumer as the chief constituent in the dish and not as an adjunct. But if one of the five species of grain that had been mixed with other ingredients was secondary, the consumer recites the blessing for the chief constituent of the dish and is freed from the obligation of uttering a blessing for the adjunct. For the general rule in the recital of blessings is that where a dish contained both a principal and a secondary constituent, the blessing is recited for the principal constituent, and this recital dispenses one from reciting a blessing for the adjunct, whether the latter was mixed with the former or not.

What is a mixed adjunct For example, if turnip or cabbage is cooked, and meal of one of the five species of grain is added in the cooking to thicken the dish, the blessing "Who created different species of foods" is not recited, because the turnip or cabbage is the principal constituent while the meal is secondary. For everything added to a dish to give it thickness, fragrance or color, is adjunctory. What however is added to give savour taste to the mixture, is regarded as

a chief constituent. Accordingly, when various kinds of honey are cooked together with the addition of starch to thicken the mixture in order to make sweetmeats, the blessing "Who createst different species of food" is not recited over the products, since the principal constituent is the honey.

What is an unmixed adjunct If one needs to eat salt fish and eats bread with it, so that the salt should not injure his throat and tongue, he recites the blessing for the salty dish, and this dispenses him from the obligation of reciting the blessing for the bread, since the bread is an adjunct. The same rule applies to similar cases.

When bread is broken up and the pieces are cooked in a saucepan or kneaded together with the addition of broth, if there are some pieces of the size of an olive, or if they are recognizable as bread, their appearance being unchanged, the blessing before eating them is "Who bringest forth bread from the earth". But if none of the pieces is of the size of an olive, or if they have completely lost the appearance of bread, the blessing before eating them is "Who createst different species of food."

When dough is baked in the earth, as the Arabs who live in the desert bake it, the previous blessing is "Who createst different kinds of food", the product not having the appearance of bread. If one makes a meal of it, the blessing is "Who bringest forth bread from the earth." So too when a dough is kneaded with honey, oil or milk, or mixed with different ingredients and then baked this is termed cake, the blessing, before eating it, is "Who createst different kinds of food." But if one makes a meal of it, the blessing is "Who bringest forth bread from the earth."

When rice is cooked or bread is made of it, the blessing said before eating it is "Who createst various kinds of food", and afterwards "Who createst many living beings etc." provided however that the food is not mixed with anything else but is only rice. When bread is made of millet or other species of rice, the blessing recited before eating it is "By Whose word all things exist", and afterwards "Who createst many living beings etc."

Any food for which the blessing "Who bringest forth bread from the earth" is first said, requires, after it is eaten, the recital of the full Grace after Meals with its four blessings. Any food for which the blessing "Who createst different kinds of food" is first said requires after the meal the Blessing which is an epitome of the first three blessings of the Grace after meals. Rice is an exception to this rule.

The above rules apply if the food consumed is as much in size as an olive, or more. But if the food eaten by an individual is less in volume than an olive whether it be bread or other food, or if the quantity drunk by a person is less than the fourth of a Log whether it be wine or other liquids, he first recites the blessing prescribed for the particular food or drink but says no blessing afterwards.

The Epitome of the first three blessings of the Grace after meals is as follows: "Blessed art Thou, O Lord our God, King of the Universe, for the sustenance and for the nourishment, and for the desirable, good and ample land which Thou wast pleased to give as an heritage unto our fathers. Have mercy, O Lord our God, (upon us and upon Israel Thy people), Omitted in the manuscript. upon Jerusalem Thy city, and upon Zion, the abiding place of Thy glory. Lead us up thither and make us rejoice in its rebuilding." May we eat of its fruits and be satisfied with its goodness is in the manuscript but marked to be struck out. And we will bless Thee for it in holiness and purity. Blessed art Thou, O Lord, for the land and for the sustenance." On Sabbaths and Festivals a reference to the special sanctity of the day is added, as in the Grace after meals.

Chapter 4

The Grace after meals as well as the Single Blessing epitomizing its first three Blessings must be said in the place where the meal was taken. If a person ate, while walking, he should sit down at the spot where he finished his meal and say Grace. If one ate standing, he should sit down in the same place and say Grace. If he forgot to say the Grace after meals, and becomes aware of his omission before the meal is digested, he recites the Grace at the place where he becomes aware of it. If the omission was a wilful neglect, he has to return to the place where the meal was taken and there say Grace. Nevertheless, if the Grace was said in the place where he recalled the omission, he has fulfilled his duty. So too the duty is fulfilled if the Grace is said, standing or walking. But one should not deliberately say Grace or its Epitome otherwise than sitting down and in the place where the meal was taken.

If one is in doubt as to whether he said the blessing "Who bringest forth bread etc." or not, he should not say it again, because this blessing is not prescribed in the Torah. But if one forgot to say this blessing and became aware of the omission before the completion of the meal, he says the blessing. If he only becomes aware of the omission after the meal was completed, he does not say it.

If a person began his meal in one apartment and interrupted it and went to another apartment or a friend called him while he was eating, wishing to speak to him, and he went to the door of his apartment, and in either of these cases returned to his place, he must, since he had moved from it, first say Grace for what he had eaten, and again repeat the blessing "Who bringest forth bread", after which he completes his meal.

Friends who sat down to have a meal in company, and went out to greet a bridegroom or bride, if they left behind an old man or a sick man, they return to their places and complete their meal without having to say the preliminary blessing a second time. But if they left no one behind, they need, before going out, to say Grace for what they have eaten, and when they return, to say the blessing for the food they are about to eat.

The same is the rule with persons who form a drinking party or sit down to eat fruit together. Any one who leaves the place is regarded as having finished eating or drinking. He must therefore first say Grace for what he has already consumed and (when he comes back) again say the blessing for what he is about to eat or drink. But a person who changes his seat from one corner of the room to another need not repeat the blessing. If one began a meal on the east side of a figtree and then goes to the west side to continue the meal, he must say the preliminary blessing again.

If one said the blessing for the bread, this dispenses him from saying the blessing for the relish eaten with the bread, whether it be a cooked dish, fruit or similar things. But if he said the blessing for the relish, this does not dispense him from saying the blessing for the bread. If one said the blessing for cooked cereals, this dispenses him from the blessing for the soup, and if he said the blessing for the other cooked dish, this exempts him from saying the blessing for the cooked cereal. So in the manuscript. But in the extant printed editions the last sentence reads: But if he said the blessing for the other cooked dish, this does not exempt him from saying the blessing for the cooked cereal.

A person who intended to stop eating or drinking and then changed his mind and resolved to continue his meal, even if he has not moved from his place, has first to repeat the blessing (for what he is about to take). But if he has not made up his mind but intended, on the contrary, to resume the meal, he need not say the blessing a second time, even though the interruption lasted the whole day.

If a company drinking together said "Come, let us say Grace" or "Come, let us say the Blessing for the Sanctification of the Day" (i.e. inauguration of the incoming Sabbath or Festival), they are forbidden to continue drinking till they have said Grace or recited the Blessing for the Sanctification of the Day. But if, regardless of the prohibition, they wish to drink before saying Grace or the blessing for the Sanctification of the Day, (though they are forbidden to do so) they must first say the blessing "Who createst the fruit of the vine" and then drink. But if they said "Come let us say the Blessing for the conclusion of Sabbath or Festival," they need not, if they continue drinking, first say the blessing "Who created the fruit of the vine."

If a company was drinking wine, and another kind of wine was brought them; for instance if they were drinking red wine and black wine was brought, or old wine and new wine was brought, they need not say the blessing for the wine a second time; but they say the blessing "Blessed art Thou, O Lord our God, King of the Universe, who is good and doeth good".

No blessing for any food or drink is said till it has been placed before the one who says the blessing. If he has already said the blessing and then the food or drink is brought to him, he must say the blessing a second time. If a person took food in his hand and said the blessing, and it dropped out of his hand and was burnt or swept away in the river, he takes another portion of food and says the blessing a second time even though the food be of the same kind. He also needs to recite the sentence "Blessed be the name of His glorious sovereignty for ever and ever," so as to avoid the sin of having uttered God's name in vain. A person, standing by a watercourse, says the blessing and drinks, although the draught of water which he drinks is not that which was before him at the moment when he said the blessing, since he had this in mind from the beginning.

Dishes served in the course of the meal and which are part of the meal need no blessing to be said before or after partaking of them. The blessing for bread at the beginning of the meal and the Grace at the end cover all these which are contributory to the meal. Dishes not part of the meal, but which are served in the course of the meal, require a blessing to be said before they are eaten but none afterwards. Dishes served after the meal is over, whether they belong to the meal or not, require a blessing to be said before they are eaten and a blessing afterwards.

On Sabbaths and festivals, as also at the meal eaten after bloodletting or after one has had a vaporbath and on similar occasions, when wine is a principal part of the meal, a blessing recited for wine drunk before the meal exempts one from saying the blessing for wine drunk after the meal and before the recital of Grace. On other days however, he

must recite the blessing for wine drunk after the meal. When wine is served during the meal, every one at the table says the blessing for himself; for the throat, engaged in swallowing the food, is not free to respond Amen. This blessing does not exempt the diners from saying the blessing for wine drunk after the meal.

Chapter 5

Women and slaves are also under the obligation of saying Grace after meals. It is doubtful however whether this obligation is imposed by the Torah, there being no set time for its fulfillment or whether it is one only imposed by the sages. Hence they cannot, by saying it, discharge male adults from their obligation. Boys (under 13) are under an obligation to say Grace after meals by an ordinance of the sages so that they may be trained in the observance of religious duties.

When three persons or more eat bread together, they have to say before the Grace a preliminary benedictory formula. If the company at table consisted of at least three and fewer than ten, one of them says "We will bless Him of Whose bounty we have eaten". All the others respond "Blessed be He of Whose bounty we have eaten and by Whose goodness we live."

He then repeats "Blessed be He of Whose bounty we have eaten and by Whose goodness we live." Then he begins "Blessed art Thou O Lord our God, King of the Universe, Who feedest the whole world with His goodness" and continues to the end of the four Blessings, the others responding "Amen" after each blessing.

If the company at table consisted of ten or more, the introductory formula includes the name of God. The one who says Grace begins "We will bless our God, of Whose bounty we have eaten." The others respond "Blessed be our God, of Whose bounty we have eaten, and by Whose goodness we live." The leader then repeats "Blessed be our God, of Whose bounty we have eaten, and by Whose goodness we live." And then he commences the Grace.

If one takes a meal at a bridegroom's table during the period extending from the time that preparations are begun for the requisites of the wedding banquet up to the expiry of thirty days after the marriage he introduces the Grace thus "We will bless Him in Whose abode is joy, and of Whose bounty we have eaten." The others respond "Blessed be He in Whose abode is joy and of Whose bounty we have eaten." If there were ten persons present, he says "We will bless our God in Whose abode is joy, and of Whose bounty we have eaten." The others respond "Blessed be our God in Whose abode is joy and of Whose bounty we have eaten." So too when a banquet is given in honor of the marriage within twelve months of its having taken place, the formula "in Whose abode is joy" is used.

All are under the obligation of reciting the introductory benedictory formula, just as they are under an obligation to say Grace after meals. This applies also to priests partaking of holiest food in the Courtyard of the Temple. On the same principle also, when priests and ordinary Israelites are eating in company, the former partaking of the heavenly offerings, the latter of unconsecrated food, they are all under the obligation of reciting the Introductory Benedictory formula before Grace.

Women, slaves and minors are not eligible for the quorum required for the introductory formula. But they recite it when they are by themselves. However, to prevent licentiousness, women, slaves and minors should not be formed into a joint company for Grace. But women may form a quorum for themselves, and so may slaves. In either case they do not use the name of God in the introductory formula. An androgyne recites the introductory formula if the entire company is of his class, but not if the other members are normal men and women. One whose sex cannot be determined never says the introductory formula. A minor if he is only seven or eight years of age, provided he understands Who it is that is addressed in benediction, may be counted in the quorum, whether it consists of three or ten persons. A non-Israelite is not to be counted.

That person only may be counted who ate bread at least as much as the size of an olive. If seven of a company ate bread while the other three ate vegetables or partook of juice, etc. they all join for Grace and insert the name of God in the introductory formula, provided that the one who says Grace is of those who ate bread. But if six ate bread while four partook of vegetables, they do not form a quorum of ten, because for such a quorum there must be an easily recognizable majority of those who ate bread. This rule applies to a quorum of ten. But to constitute a quorum of three, each of the party must have eaten bread as much as the size of an olive, and in such a case they recite the introductory formula.

If two persons were eating together and after they had concluded their meal, a third person joined them, they may form a quorum, provided that the first two could eat with him, however little it might be, and even if it were different

food. The greatest scholar in the company says Grace, even though he arrived last.

Where three persons have eaten together, they may not separate for Grace. The same is the rule with four or five. A company of six however (less than ten) may divide for Grace into two groups. When there are ten or more in the company, they may not separate for Grace till they are twenty; for fellowdiners may only separate themselves into groups, when each group is sufficiently large to qualify for the recital of the same introductory formula as would be recited if they continued to be all together.

When three men, belonging to three distinct groups at table, each of which consisted of three individuals come together, they may not separate for Grace. But if each of these had already joined in the Introductory formula, they may say Grace separately, and are not under an obligation to form a new group, they having done so once already. When three men take their meals at one table, even though each of them eats of his own bread, they may not separate for Grace, but are to say Grace together as a group with the Introductory formula.

If two companies have a meal in the same house and some in each company can see those in the other company, they all form one group for Grace. Should this not be the case, each company says Grace for itself. If they are all served by one waiter who goes from one company to the other, they say Grace together, even if they do not see each other. It is essential however that every word uttered by the one who says Grace should be heard distinctly by both companies.

If three persons had their meals in company and one went out into the street, the other two call to him to attend to what they will say. They then count him in the quorum, though he is in the street, and he too discharges his obligation to join in the Grace. When he returns home, he must say Grace for himself. But when ten persons had their meals together and one of them went out into the street, they do not count him in the quorum of ten till he has returned and is seated in his place.

If three persons ate together, and one of them anticipated the others and said Grace for himself, the others may still count him in their quorum of three, and have fulfilled their duty, but he has not done so since the obligation of saying Grace in a group cannot be discharged retroactively.

If two persons had their meals together, each of them says Grace for himself. If one knew the Grace while the other did not know it, the former recites it aloud and the latter responds "Amen" after each blessing and thus fulfills his duty. A son may in this way recite Grace on his father's behalf; a slave for his master; a wife for her husband. But the sages say "A curse will befall one whose wife or child recites the Grace for him."

It is however to be noted that these persons are only discharged of their obligation if they partook of a meal and their hunger is not satisfied. In this case the obligation to say Grace is one imposed by the dicta of the Scribes, and can therefore be fulfilled on their behalf by a minor, slave or woman. But if one has eaten and is satisfied, the duty to say Grace is Scriptural and cannot be discharged on his behalf by a woman, minor or slave, on the principle that anyone who is under an obligation imposed by the Torah can only be discharged of it by one upon whom the Torah imposes the same obligation.

When a person joins a company at the time when they are beginning the Introductory formula to the Grace, the rule is as follows: If he enters at the moment when the leader who says Grace utters the sentence "Let us bless etc.", he responds "Blessed be He and blessed be His name for ever and ever." Should he enter when the company is responding "Blessed be He of Whose bounty we have partaken," he responds "Amen".

Chapter 6

When one eats that kind of bread, the blessing for which is "Who bringest forth bread from the earth", he must wash his hands before and after the meal. Even if it is unconsecrated bread and his hands are free from dirt and he is not aware of any uncleanness attaching to them, he should not eat till he has washed his hands. Similarly any food that is dipped in liquids requires previous washing of the hands.

When washing the hands, whether for a meal or for the recital of the Shema or the Amidah prayer, one first says the blessing "Who hast sanctified us by Thy commandments and given us command concerning the washing of the hands". For this is an ordinance of the sages whose instructions the Torah bids us heed, as it is said "According to the law which they shall teach thee" (Deut. 17:11). The washing of the hands after a meal requires no blessing, since it was only instituted as a precautionary measure against danger to health that might arise from touching the eyes with fingers that have salt adhering to them. (See next paragraph.) Special attention should, on this account, be paid to the

observance.

Washing of the hands between the courses is permissive; a person may wash or refrain from doing so, as he pleases. Fruit that is unconsecrated does not require washing of the hands either before or after being eaten; and anyone who washes his hands for fruit belongs to the class of the arrogant. All bread that has salt in it requires washing of the hands at the end of the meal, for it may contain Salt of Sodom Dead Sea. or salt with similar properties, and a person after eating such bread may pass his hands over his eyes and lose his sight. Hence the obligation to wash the hands at the end of each meal, on account of the salt. Soldiers in camp are dispensed from the duty of washing their hands before meals as their minds are preoccupied. But they are under the obligation of washing their hands after meals as a precaution against risk to health.

How far up must the hands be washed Up to the wrist. How much water should be used A quarter (of a log) for both hands. Whatever substances are regarded as preventing the water from coming in contact with the body, when bathing in a ritual bath, are also so regarded in washing the hands. See Laws of Ritual Baths, Chapter 2. Whatever may serve to make up the measure of water required in a ritual bath E.g., snow. will also serve for the fourth of a log requisite for washing the hands.

If a person who has to wash his hands dipped them into the water of a ritual bath, this is sufficient. But if he dipped them in a quantity of water less than that required for a ritual bath or in water that had been drawn forth from the ritual bath even if it is now in (a hollow of) the ground, his act is ineffective. For water that is drawn forth is only regarded as cleansing the hands, if poured on them.

A person washing his hands must have regard to four things: as to the water, that it should not be unfit for washing the hands; as to the quantity, that there should be the fourth of a log for each pair of hands; as to the vessel, that the water used for washing the hands should be in a vessel; and as to the person who washes the hands, that the pouring of the water should result directly from the exercise of human effort.

Four circumstances render water unfit for washing the hands, change in color, exposure, previous use, and deterioration to an extent that would prevent cattle drinking of it. If water has changed in color, whether it is contained in a vessel or kept in the ground and whether the change was caused by a substance dropped into the water, or is due to its situation, it is unfit for washing the hands. So also, if it has been subjected to such an exposure as would prohibit its being used for drinking, it is unfit for washing the hands.

Water used in work becomes waste and is unfit for washing the hands. For example, water in which one washed utensils or dipped his bread, etc., whether the water is in vessels or in the ground is unfit for washing the hands. But if one rinses in it utensils that have been washed or that are new, he does not render it unfit. The water in which the baker dips the loaves is unfit for washing the hands; but that from which he fills his hands while kneading is fit, because only the water in his hands is regarded as having been used, but not the water left in the vessel from which he filled his hands.

Any water, unfit for a dog to drink, e.g. water that is so bitter, salty, muddy or malodorous that a dog will not drink it, is unfit for washing the hands, if contained in vessels. As long as it is in the ground, it is fit for ritual bathing. While the hot waters of Tiberias are in their natural situation, the hands may be immersed in them. But if one has drawn off some of it in a vessel, or diverted it by a channel to another situation, it may not be used for washing the hands before or after a meal because it is unfit for an animal to drink.

A person washing his hands should pour the water on his hands little by little, till the prescribed quantity has been used. If the entire quarter of a log has been poured forth at once, this too is a correct lavation. Four or five persons may wash at the same time, their hands being adjacent or above each other, provided that the hands are kept loose, so that the water can pass between, and provided also that the quantity of water used amounts to a quarter of a log for each person.

The hands are not to be washed with water contained either in the sides of broken vessels or in the bottom of a cask, or in potsherds, or in the spigot of a cask. If however the spigot was specially fashioned for washing the hands, it may be so used. So too a skin bottle that has been adapted for the purpose (hollowed out to contain the requisite quantity), may be used for washing the hands. A sack or basket even if specially adapted may not be used for washing the hands, because they cannot hold the water. One should not hand water in one's palm to another person for washing the hands, for one's palms are not a vessel. Vessels broken to an extent that would free them of ritual defilement are not to be used for washing the hands, since they are fragments.

All kinds of vessels may be used for washing the hands, even those made of dung or of earth, provided that they are whole. A vessel which does not hold a quarter of a log or which at the time does not actually contain that quantity of water is not to be used for washing the hands.

Anyone, even a deafmute, idiot or minor, is qualified to pour water on a person's hands for ritual washing. If no one else is present, the person washing his hands places the vessel between his knees and so causes the water to flow upon the hands or tilts the cask above his hands and so washes them, or holding the vessel in each hand alternately, washes the other. An ape may be employed for pouring the water.

In the case of a trough, filled by hand or by means of a wheel, from which the water passes into a trench to irrigate growing vegetables or to water cattle; if a person puts his hands in the trough and the water passes over them and rinses them, this does not constitute a ritual washing of the hands. But if they were held close to the place where the bucket empties the water into the trough, so that the waters flow over the hands as the direct effect of the action of the man who poured the water into the trough, it is accounted a ritual washing.

When one is in doubt whether the water he used in washing his hands had been previously used or not, whether it had been of the prescribed quantity or not, whether it was ritually clean or not, or is in doubt whether he had washed his hands or not, the decision is that he is ritually clean, because any doubt that arises as to the ritual cleanliness of the hands is resolved in a favorable sense.

In washing before a meal, the hands should be raised, so that the water, after reaching the wrist, may not flow back and render the hands unclean. In washing after a meal, the hands should be lowered so that every trace of salt should be removed from them. The washing of the hands before a meal may take place above (into) a vessel or on the ground. But after a meal the washing must be above (into) a vessel. The water used for washing before a meal may be made hot by fire, or be cold. But for washing after a meal, hot water may not be taken, that is, water sufficiently hot to scald the hands; for in such a case the grubbiness of the hands would not be removed since in water of that temperature, the hands cannot be rubbed. If however the water was tepid, it may be used for washing the hands after a meal.

A person may wash his hands in the morning and make a condition with himself that this shall be the ablution for the entire day, and then he need not wash his hands for each meal provided however that he does not allow his mind to become at any time oblivious of the intent to keep his hands clean. Should he have become oblivious, he has to wash his hands each time when this would ordinarily be required.

A person may wrap his hands in a napkin and eat bread or other food that is dipped in a liquid, even if he had not washed his hands. An individual, feeding another individual, need not wash his hands. But the one fed has to wash his hands, even if another individual puts the food into his mouth while he does not touch it. Likewise a person who uses a fork has to wash his hands.

It is forbidden to feed any one who has not washed his hands, even if the food is put into the person's mouth. It is forbidden to treat the rite of washing the hands as a matter of slight importance. The sages have many ordinances and exhortations on this subject. Even if a person has only enough water for drinking, he should use part of it to wash his hands, take his meal, and drink the rest of the water.

The hands are to be dried first and then the meal is to be begun. To eat without having dried one's hands is the same as partaking of bread that is unclean. Anyone who washes his hands after a meal dries them and then says Grace. Immediately after washing the hands, Grace should follow without interruption. After having washed the hands at the close of a meal, it is forbidden even to drink water till Grace has been recited.

Chapter 7

The Sages of Israel observed many customs at meals all of them, rules of good manners. They are as follows: When the meal is to be taken, the senior in the company washes his hands first; then they enter the room and take their seats and sit in a reclining posture. The senior reclines at the head of the room, the next most distinguished below him. If there are three couches, the most distinguished occupies one at the head of the room, the person next in degree occupies the couch above this; the person third in rank below it. And thus the most distinguished is seated between the two other persons.

The host recites the blessing "Who bringest forth bread from the earth," concludes it and cuts the bread. A guest

recites Grace after meals so that he may pronounce a benediction on the host. If there is no host, the senior in the company cuts the bread and also says Grace after meals.

The one who cuts the bread may not do so till salt or a relish has been placed before every one at the table unless they propose to eat dry bread. He is not to cut a small size because this would make him seem parsimonious, nor a slice larger than the size of an egg for then he would seem ravenous. On Sabbath a large slice is cut. The bread is to be cut only at the part where it has been thoroughly baked.

The most preferable way is to cut a whole loaf. If there is a whole loaf of barley bread and there is also a cut loaf of wheaten bread, the host puts the whole loaf within the cut loaf and divides them both, so that he cuts the wheaten bread and at the same time the whole loaf. On Sabbaths and Festivals, it is obligatory to say the blessing over two loaves. The host takes both loaves in his hand and cuts one of them.

The individual who cuts the loaf places a slice before everyone at table; and a slice he takes in his hand. He does not put the bread into the hand of anyone except that of a mourner. The person who cuts the bread helps himself first and begins to eat. Those at the table may not taste of any dish till the person who has said the blessing over the bread, has tasted first. He may not however begin to eat till the sound of the "Amen" uttered by the majority of those present has ceased. If he desires to show courtesy to his teacher or to his superior in learning by permitting him to help himself first, he is at liberty to do so.

Two having a meal together, in partaking of the successive dishes, wait for each other; but three do not need to do so. If two of them have completed their meal, the third pauses for grace. If one has finished, the other two do not pause, but continue their meal, till they have completed it. No conversation takes place during a meal, to avoid the risk (of choking). Hence, when wine is served in the course of the meal, every one at table says the blessing for himself; for if one were to say the blessing, and another responded "Amen" while swallowing, he might be in danger of choking. Nor may one stare at a person while he is eating, or at his portion of food, so as not to embarrass him.

The waiter who serves those at table does not join them in the meal. But it is kindly to put into his mouth a morsel of every dish so as to quiet his mind. If wine is offered him, he says the blessing for each cup separately, for his drinking does not depend on his volition but on the good will of those at table.

If one of the diners left the room, to relieve himself, he washes one hand and reenters. If he was engaged in conversation, and was away a considerable time, he washes both hands before rejoining his companions. If they formed a drinking party, he enters the room, resumes his seat, washes his hands and then turns his face to the guests. Why does he wash his hands when he is in his place? Lest they say that, as no food is being consumed, he has not washed his hands.

Raw meat is not to be put on bread. A full cup of wine is not to be passed over bread. A dish should not be supported with a slice (or loaf) of bread. Bread must not be thrown. Nor should this be done with pieces of food, or with food that is without a shell, such as mulberries, grapes, figs, because they are thus rendered nauseous. Wine may be drawn through pipes in houses where wedding festivities are taking place. Parched corn and nuts may be flung in front of a bridal couple, but only in summer and not in winter, for then they would become nauseous. The hands may not be washed in wine, whether it be pure or diluted. So too no kind of food or drink may be spoiled by being handled contemptuously or roughly.

Guests may not take of the food put before them and give it to the host's son or daughter. For the host would be ashamed if it was to be that which he had put before his guests and it turned out that the children had taken it. One may not send to his friend a cask of wine with oil floating on its surface. For the latter may have received another cask containing wine only; and under the impression that the former cask contains oil, will invite guests to a meal and be put to shame. Similarly any procedure of a like character which might bring shame to a host is forbidden.

After the guests have ended the meal, the table is removed, the floor is swept at the place where they have eaten, after which they wash their hands. For there might have been crumbs on the floor, the size of an olive, on which one may not step and over which one may not wash. Crumbs less than the size of an olive may be destroyed with the hands.

When water has been brought for washing the hands, the person who is to say Grace after meals washes first, so that he, the senior, shall not sit with unclean hands till another has washed. His companions at tables then wash their hands, one after another, without regard to order of precedence. This courtesy is not observed in washing the hands,

nor in crossing bridges nor when walking on roads but only when passing through a door which requires a Mezuzah, and then only when entering.

After the washing and drying of the hands has been completed and Grace said and the fumigator of sweet spices brought in, the person who said Grace recites the blessing for the fumigatory compound, and the others present respond "Amen".

If there is wine, a cup holding a quarter of a log or more, is brought together with spices. The person who is to say Grace takes the wine in his right hand and the spices in his left, and recites Grace after meals, then says the blessing for the wine and lastly the blessing for the spices. If the spices are in the form of a fragrant oil or something similar, he smears the head of the waiter with it. Should the latter be a scholar, he daubs it on the wall, so that the latter should not go out into the street smelling of perfume.

Although wine is not indispensable for Grace after meals, still if it is said with wine, according to the custom mentioned, it is necessary that the cup used for Grace should first be washed within and rinsed without, and then filled with pure wine. When the second blessing that for the holy land is reached, a little water is poured into the cup so that the contents may be pleasant to drink. After the Cup for Grace is on the table, there must be no conversation. But all remain silent till the Grace after meals and the blessing for the wine have been said, and then they drink.

Chapter 8

Before partaking of fruits of trees, the blessing is said, "Who createst the fruit of the tree;" and after these are consumed, "Who createst many living beings and their wants." The five species of fruit mentioned in the Torah, namely, grapes, pomegranates, figs, olives and dates form an exception. After partaking of any of these, the blessing said is the single blessing which is a summary of the first three blessings of the Grace after meals. For fruit that grows on the ground as also for green vegetables, the blessing before they are eaten is "Who createst the fruit of the earth", and the subsequent blessing is "Who createst many living beings etc.". For food that does not belong to the vegetable kingdom such as flesh, cheese, fish, eggs, water, milk, honey and similar things, the blessing before partaking of any of them is "By Whose word all things exist"; and the subsequent blessing is "Who createst many living beings etc.". A person drinking water, but not to quench his thirst, does not require to say a blessing before or after.

If a person squeezes fruit and extracts its juice he says the blessing before he drinks it, "By Whose word, all things exist," and afterwards, the blessing "Who createst many living beings". Grapes and olives form an exception to this rule. The blessing before drinking wine is "Who createst the fruit of the vine"; and afterwards the blessing which is a summary of the first three blessings of the Grace after meals. The blessing before drinking olive oil is "Who createst the fruit of the tree." Such is the rule only if a person suffers from sore throat and drinks oil mixed with thin gruel, and similar things. For he receives specific benefit from drinking it. But if he drinks the oil by itself or is not suffering from a sore throat, he says the blessing "By Whose word all things exist," since he derived no specific benefit from the taste of the oil.

For fruits or vegetables, usually eaten raw, if they have been boiled or scalded, the blessing before they are consumed is "By Whose word, all things exist," and after they have been eaten, "Who createst many living beings." For vegetables like cabbages and turnips that are usually eaten cooked, the blessing first said if they are eaten raw, is "By Whose word all things exist", and the blessing said, after they are consumed, is "Who createst many living beings." When they are boiled, or steeped in hot water, the blessing before eating them is "Who createst the fruit of the earth," and the blessing after is "Who createst many living beings." For foods eaten either raw or cooked, the blessing appropriate to them is said before partaking of them in either state. If it is fruit that grows on a tree, the blessing is "Who createst the fruit of the tree"; if fruit that grows on the ground, "Who createst the fruit of the earth."

Where vegetables customarily steeped in boiling water, have been so treated, the blessing before drinking the liquid is "Who createst the fruit of the earth; provided that when steeping the vegetable there was an intent that the liquid should be drunk. For where it is customary to drink the liquid it is like the steeped food. The blessing before partaking of date honey is "By Whose word all things exist." But for dates crushed by hand, the stones removed, and fashioned into a doughlike mass, the preliminary blessing is "Who createst the fruit of the tree" and the blessing, after eating of it, is the summary of the first three blessings of the Grace after meals.

The juice pressed out of the sweet canes and boiled till it coagulates and crystallizes like salt, requires, according to all the Geonim, the blessing "Who createst the fruit of the earth." Some hold that the blessing is "Who createst the fruit of the tree." I hold that this is not a fruit, and the only blessing to be said is "By Whose word all things exist," since

the honey (sugar) extracted from these canes and changed by fire is not of more consequence than date honey which has undergone no such transformation by fire and for which the blessing is "By Whose word all things exist."

For the palm stalk, that is, the top growth of the palm tree which looks like white wood, the preliminary blessing is "By Whose word all things exist." For the caperflowerbuds, the blessing is "Who createst the fruit of the earth," because it is not fruit. For caper berries, i.e. its fruit, which have the appearance of small thin dates, the blessing is "Who createst the fruit of the tree."

For pepper and ginger in their fresh state, the blessing is "Who createst the fruit of the earth." When dry, they require no blessing either before or after they are eaten, as they are spice and not food. Thus also, provisions not suitable for food and fluids not fit for drink require no blessing before or after they are consumed.

As to bread that has turned mouldy, wine that has become filmy, a cooked dish that has lost its characteristic appearance, windfall fruit that has lost its taste, beet, vinegar, locusts, salt, mushrooms, for any of these, the blessing is "By Whose word all things exist." Whenever this blessing is recited before partaking of food, the blessing "Who createst many living beings and their wants" is said afterwards. And whatever requires a blessing afterward, requires a preliminary blessing.

When three measures of water were poured on lees of wine and four measures of fluid were drawn off, the blessing for drinking it is "Who createst the fruit of the vine tree" it being regarded as diluted wine. But if less than four measures were drawn off, the blessing before partaking of it is "By Whose word everything exists."

If, before partaking of fruit that grows on a tree, a person said the blessing "Who createst the fruits of the earth," he has fulfilled his duty. If, for fruit that grows on the ground, a person said the blessing, "Who createst the fruit of the tree," he has not fulfilled his duty. If, before partaking of any food, including even bread or wine, a person said "By Whose word everything exists", he has fulfilled his duty.

If a person took a cup of strong drink that is not wine. in his hand and began the blessing with the intent to say "By Whose word all things exist", but by mistake said "Who createst the fruit of the vine", he is not required to repeat the correct blessing. So, too, if one had fruit growing on the ground before him, and began the blessing with the intent to say "Who createst the fruit of the earth", but by mistake said "Who createst the fruit of the tree", he is not required to repeat the correct blessing. So too, if a person has before him a dish of cereal and began the blessing intending to say "Who createst different kinds of food" and by mistake said "Who bringest forth bread from the earth" he has fulfilled his duty; because when he uttered the name of God and declared His sovereignty he had no other intent than to say the blessing appropriate to the particular kind of food before him; and since there was no error in the essential portion of the blessing, he fulfilled his duty, notwithstanding that he made a mistake in its conclusion, and is not required to repeat the correct blessing.

In regard to all these blessings, if one is in doubt whether he has said any of them or not, he does not repeat them, irrespective of whether it is recited before or after partaking of food, since these blessings have all been ordained by the Scribes. Should one have forgotten and put food into his mouth without having previously said the blessing, he swallows it if it is a liquid and then says the blessing. Should it be fruit like mulberries or grapes, which, removed from the mouth, would be unpleasant to eat, he moves it to one side of the mouth, says the blessing and then swallows it. If the food is such that it would not become nauseous if removed from the mouth, e.g. beans and pulse, he removes it, says the blessing with his mouth free and then eats it.

When one has several kinds of food before him, and the blessing is the same for each of them, he says the blessing before partaking of one kind, this exempting him from repeating the blessing for the others. If however the blessings vary, he says the blessing appropriate to each kind, and may begin the meal with whichever dish he pleases. If he has no preference and there is on the table any one of the seven fruits indigenous to the Holy Land, he says the blessing over it first. Among these seven, that first mentioned in the Biblical verse is to be preferred. The seven fruits are those named in the text: "A land of wheat, barley, vine, fig, pomegranate, a land of olive oil and honey" (Deut. 8:8). The honey here referred to, is the honey of dates. Dates have the preference over grapes, because dates are mentioned in the text second after the word "land" (in the second part of the verse), while grapes come third after that word (in the first half of the verse).

The blessing summarizing the first three blessings of the Grace after Meals and which is recited after partaking of any of the five species of fruit (mentioned in the previous paragraph), or after drinking wine, is that said after eating cereal dishes made of any of the five species of grain. With this difference, that after partaking of the fruits the opening

formula is "for the tree and the fruit of the tree, for the produce of the field, for the desirable good and ample land etc.," while after drinking wine, one says "for the vine and the fruit of the vine; the concluding phrase in both cases being "for the land and its fruits." Some add to this summary before its conclusion a sentence as follows "for Thou art a God who is good and beneficent" as the gist of the fourth blessing of the Grace. Others hold that the fourth blessing was ordained exclusively as a part of the full Grace after Meals.

If a person has at one meal, drunk wine, eaten dates, and consumed cereals made of any of the five species of grain, he says as follows: "Blessed art Thou, O Lord, our God, King of the Universe, for the sustenance and the nourishment, for the vine and the fruit of the vine, for the tree and the fruit of the tree, for the produce of the field, for the desirable land etc.", and concludes "Blessed art Thou, O Lord, for the land, for the sustenance and for the fruits".

But if one ate meat and drank wine, he says a separate subsequent blessing for each. If one ate figs, grapes, apples, pears and similar things, he says afterwards the Summary of the Grace, the formula of which covers them all since they are all fruits of trees. The same principle applies to similar cases.

Chapter 9

Just as a person is forbidden to partake of food or drink without first saying a blessing, so it is forbidden to enjoy a fragrant odor without a previous blessing. What blessing is said for a fragrant odor If the odoriferous substance was wood or something that comes from wood, e.g. bark of a tree, the blessing is "Who createst fragrant trees." If it was a herb, or something that comes from a herb, the blessing is "Who createst fragrant herbs". If it was neither wood nor a herb, as for instance musk which comes from a wild beast, the blessing is "Who createst diverse kinds of spices." If it was an edible fruit, such as a citron or an apple, the blessing is "Who givest a goodly scent to fruits." If for any of these things, one said "Who createst diverse kinds of spices," he has fulfilled his duty.

The blessing for incense is not recited till its smoke ascends. What blessing is said for it If the substance which is burnt and gives forth an odor is of wood, the blessing is "Who createst fragrant trees." If it is a herb, "Who createst fragrant herbs." If it is an animal substance or something similar, the blessing said is "Who createst diverse kinds of spices."

For balsam oil and similar substances, the blessing is "Who createst sweet-smelling oil." But for oil of olives pressed or ground with fragrant species of wood till it emits a fragrant odor, the blessing is "Who createst spicy plants." For oil made fragrant with sweet-smelling essences like the oil of anointment, the blessing is "Who createst diverse kinds of spices." When oil and a branch of myrtle are brought at the same time, the blessing is said for the myrtle, and this exempts one from the obligation of saying a blessing for the oil, the same blessing being said for both, namely, "Who createst fragrant plants."

If one has a perfume derived from a tree and one that is herbaceous, a blessing said for one does not discharge the obligation of saying a blessing for the other; a blessing must be said for each separately. If wine and fragrant oil are brought to a person at the same time, he takes the wine in the right hand and the oil in the left, says the blessing for the wine and drinks it, and then the blessing for the oil and smells it, and dabs the head of the waiter with it." so that his own hand shall not smell of scent. If the waiter is a scholar, he dabs it on the wall.

When it is doubtful whether a fragrant substance is derived from a tree or herb, the blessing is "Who createst diverse kinds of spices." For a perfume compounded by a druggist and consisting of several spices, the blessing is "Who createst diverse kinds of spices." When one enters a perfumery store which contains many varieties of sweet scents, he says the blessing "Who createst diverse kinds of spices." Should he stay there the whole day, he says the blessing once only. If he goes in and out he says it each time that he enters.

For the rose and spikenard, the blessing is "Who createst fragrant plants." For lilies of the garden the blessing is "Who createst fragrant plants;" for lilies of the field, "Who createst odorous herbs." For the rhododendron, rose water, frankincense, mastic, or similar substances, the blessing is "Who createst fragrant plants."

There are three classes of perfumes for which no blessing is said: a perfume which it is forbidden to smell, a perfume, the purpose of which is to remove a foul odor, and a perfume that had not been manufactured for the purpose of being smelt.

Examples: For perfumes used in idolatry, or by women within the prohibited degrees, no blessing is said, since the fragrance may not be inhaled. For perfumes placed near the remains of the dead, or in a lavatory, or oils used to remove unpleasant exhalations from the body, no blessing is said, as their purpose is to remove a foul odor. No

blessing is said for a fumigating material used to fumigate vessels or apparel, for it is not used for the purpose of itself being smelt. So too, one who smells garments that have been fumigated says no blessing, as they contain no odorous substance but only an odor without substance.

No blessing is said for perfumes in a company of idolaters as the presumptive purpose of such an assemblage is idolatrous worship. A person walking outside a city, smells a fragrant odor. If the majority of the inhabitants of that city are idolaters, he does not say a blessing; if the majority are Israelites, he says a blessing. If a perfume for which a blessing should be said is mingled with one for which it is not said, the predominant odor decides as to whether it should or should not be said.

Chapter 10

Other blessings and many other utterances without the formal introduction or conclusion have been ordained by the sages by way of praise and thanks, offered to the Holy God, blessed be He, in the same way as they ordained the blessings in the liturgy previously set forth. These are as follows: When a person has erected a new house or bought new things, whether he already possesses similar things or not, he says "Blessed art thou, O Lord our God, King of the Universe, who hast kept us in life and hast preserved us and enabled us to reach this season."

The same blessing is said when one sees an associate after thirty days. If however twelve months have elapsed since he was last seen, one says "Blessed art Thou, O Lord, Who quickenest the dead." The first time in the season that one sees according to the Ashkenazi practice, when eating it for the first time in the season. a fruit that is renewed every year, the blessing is said "Who hast kept us in life, etc."

On hearing good news, one says, "Blessed art thou, O Lord our God, King of the Universe, Who art good, and doest good." On hearing evil tidings, one says, "Blessed be the true judge." A person has to bless God with good will, for ill fortune, just as he has to bless Him with joy for good fortune, as it is said "And thou shalt love the Lord thy God with all thine heart, with all thy soul and with all thy might." (Deuteronomy 6:5). In the abounding love of God enjoined upon us, it is implied that even in distress, one should thank and praise Him with joy.

When one has experienced good fortune or heard good news, even if the indications are that the good fortune will be followed by evil consequences, he says the blessing "Who art good and doest good." So too, if one suffers a misfortune or has heard evil tidings, even if the circumstances indicate that the results will be advantageous, he says "Blessed be the true Judge"; since the blessings we say have reference not to future events, but to what has just happened.

When heavy rains fall, the owner of a field repeats the blessing "Who hast preserved us in life." If one is part owner with others, he recites the blessing "Who art good and doest good." One who does not own a field says "We thank Thee, O Lord, our God, for every drop which Thou hast caused to fall for us. And even if our mouths were full of song as the sea, See the Nishmath introductory to Morning Service on Sabbaths and Festivals. and our tongues of exultations as the multitude of its waves, and our lips of praise as the wide extended firmament; and though our eyes shone with light like the sun and the moon, and our hands were spread forth like the eagles of heaven, and our feet were swift as hinds, we should be unable to thank Thee, O Lord our God, and to bless Thy name, O our King, for one minute portion of the billions and trillions of bounties that Thou hast bestowed upon us and upon our fathers in former times. From Egypt Thou hast redeemed us, O Lord our God; from the house of bondage, Thou hast delivered us. During famine Thou hast fed us and didst sustain us in plenty; from the sword Thou didst save us, and from pestilence Thou didst cause us to escape, and from sore and lasting diseases Thou didst draw us forth, O our King. Up till now, Thy tender mercies have helped us, and Thy lovingkindnesses have not forsaken us. Therefore the limbs which Thou hast spread forth in us, and the spirit and soul which Thou hast breathed into our nostrils and the tongue which Thou hast placed in our mouths, 10, they shall thank and bless Thy name, O Lord our God, Blessed art Thou, O Lord, to Whom is due abounding thanksgiving, God ever to be praised.

When is the blessing for rain said From the time when the water swells upon the ground and the continuing rain causes bubbles to form on the surface of the water, and these join together.

A person is told that his father died and he is heir. If he has brothers, he first says the blessing which concludes with the phrase "Judge of Truth", and then the blessing, the formula of which is "Who is good and doeth good." If he has no brothers, he says the blessing "Who hast preserved us in life etc." In short, one who shares a benefit with others, says the blessing "Who is good and doeth good." When he is the sole beneficiary, he recites the blessing "Who hast preserved us in life."

Four categories of individuals are required to offer thanksgiving: A person who had been sick and has recovered, a prisoner who has been released from prison, voyagers when they have landed, and travellers in the desert when they reach settled territory. The thanksgiving is to be offered in the presence of ten persons, of whom two, at least, must be scholars; as it is said "Let them exalt Him in the assembly of the people and praise Him in the seat of the elders" (Ps. 107:32). How is this thanksgiving offered, and what is the form of the blessing The individual (who has occasion for gratitude) rises in the assembly and says the following blessing: "Blessed art Thou, O Lord our God, King of the Universe, who vouchsafest benefits unto the undeserving, who hast also vouchsafed good unto me. All the hearers present say: "He who hath vouchsafed good unto thee, may He vouchsafe good unto thee forever."

On seeing a place where miracles had been wrought for Israel, such as the Red Sea or the fords of the Jordan, which the Israelites crossed with Joshua, one says "Blessed art Thou, O Lord our God, King of the Universe, Who wroughtest miracles for our fathers in this place." This blessing is also said in any place where miracles had been vouchsafed to a multitude. But where a miracle had been vouchsafed to an individual, he, his son, and his grandson, his remotest descendant. also say the blessing "Blessed art Thou, O Lord our God, King of the Universe, Who wroughtest miracles for me in this place" or "Who wroughtest miracles for my fathers in this place." When viewing the lion's den (into which Daniel was cast) or the fiery furnace (into which Chananiah, Mishael and Azariah were thrust), the blessing is recited "Blessed art Thou, O Lord our God, King of the Universe, Who wroughtest miracles for the righteous at this place." When seeing a place where idols are worshipped, the blessing is said, "Blessed art Thou, O Lord, our God, King of the Universe, This introductory formula is put in the Hebrew manuscript in abbreviated form only the first letters of each word being given. The equivalent in English would be B for blessed, T for art Thou, L for O Lord, etc. who hast been long suffering with those who transgress Thy will." When seeing a place from which idolatry has been eradicated, if it is in the Holy Land, the blessing is said "Who hast uprooted idolatry from our land"; if it is outside Palestine, "Who hast uprooted idolatry from this place." To both blessings, the petition is added "Even as Thou hast uprooted idolatry from this place, so do Thou uproot it from all places and turn the heart of idol worshippers to serve Thee.

If one sees fine houses of Israelites (that are inhabited), According to Alfasi, Synagogues in the Holy Land. he says, "Blessed art Thou, O Lord our God, King of the Universe who settest up the border stone of the widow." If they are in ruins, he says, "Blessed be the true judge." On seeing the graves of Israelites, one says, "Blessed art Thou, O Lord our God, King of the Universe, who formed you in judgment, and quickened you in judgment, sustained you in judgment and nourished you in judgment and will hereafter raise you up in judgment, to life in the world to come, Blessed art Thou O Lord, who quickenest the dead."

If one sees at one time six hundred thousand persons, who are heathens, he says "Your mother shall be sore ashamed, she that bore you shall be confounded; behold, the latter end of the nations shall be a wilderness, a dry land and a desert." (Jerem. 50:12) Should they be Israelites, and he sees them in the land of Israel, he says, "Blessed art Thou, O Lord our God, King of the Universe, wise in secrets." When seeing a gentile sage, one says, "Blessed art Thou, O Lord our God, King of the Universe Who hast imparted of Thy wisdom to flesh and blood." If the sage is an Israelite, he says "Who hast imparted of Thy wisdom unto them that fear Thee." When seeing Israelite kings, one says "Who hast given of Thy glory and might to them that fear Thee." If they are gentile kings, he says "Who hast given of Thy glory to flesh and blood."

On seeing a negro, or anyone unusual in facial appearance or conformation of his limbs, one says, "Blessed art Thou, O Lord our God, King of the Universe, Who variest the forms of creatures." On seeing a blind person, a cripple, or one afflicted with boils or tetters, etc. the blessing said is "Blessed art Thou, O Lord our God, King of the Universe, the true Judge." If the affliction is congenital, the blessing is "Who variest the forms of creatures." On seeing an elephant, an ape or an owl one says, "Blessed be He Who varieth the forms of creatures."

On seeing creatures that are beautiful or exceptionally well formed or goodly trees, one says "Blessed art Thou, O Lord our God, King of the Universe Who hast such as these in the world." If one goes out into the fields or gardens during Nisan (i.e. in the Spring) and sees the trees in bud and the flowers in bloom, he says, "Blessed art Thou, O Lord our God, King of the Universe, Who hast made Thy world lacking in nought, and hast produced therein goodly creatures and good and beautiful trees wherewith to delight the children of men".

For fierce gales, lightning, thunder, terrestrial rumblings that sound like the grinding of huge mills, or for an atmospheric light that has the appearance of shooting stars, swiftly moving from place to place, or of comets; the witness of any of these phenomena says the blessing. "Blessed art Thou O Lord our God, King of the Universe,

Whose strength and might fill the world", or "Who hast made the Creation".

For mountains and hills, seas, deserts or rivers, if one sees any of these at intervals of thirty days, he says the blessing "Who hast made the Creation." On seeing the Ocean at intervals of thirty days or more, one says "Who hast made the Great Sea."

At sight of a rainbow, one says the blessing "Blessed art Thou, O Lord our God, King of the Universe, Who rememberest the Covenant, art faithful to Thy Covenant and keepest Thy promise." At sight of the new moon, one says, "Blessed art Thou, O Lord our God, King of the Universe, by Whose word the heavens were created, and by the breath of Whose mouth all their hosts. A statute and season Thou didst assign unto them, that they should not change their appointed charge. They are glad and rejoice to do the will of their Master faithful workers whose work is faithful. And the moon He bade renew herself as a crown of glory unto those that have been upborne by Him from the womb, who, in the time to come, will themselves be renewed like her, to honor their Creator for His glorious sovereignty's sake and for all that He has created. Blessed art Thou, O Lord, Who renewest the months."

This blessing is said standing; For everyone who says the blessing for the new moon at the appointed time is regarded as if he had received the Divine Presence. If one has not said the blessing the first night, (of the new moon) he may do so up to the sixteenth of the month, when it is full moon.

When one sees the Sun at the vernal equinox, at the beginning of the twentyeight years' cycle, in the morning of the fourth day of the week, the exact time of the equinox being at the beginning of the evening of the fourth day of the week, he says the blessing, "Blessed art Thou Who hast made the Creation." So also, when the moon enters the zodiacal constellation of Aries (the Ram) at the beginning of the month and does not deflect its course, neither to the north nor to the south; so too when any of the remaining five planets (Jupiter, Mars, Saturn, Venus, Mercury) enters the constellation of Aries (the Ram) at the beginning of the month and does not deflect its course either to the north or the south; or when one sees the constellation of the Ram rise from the extreme East of the horizon, he says "Blessed art Thou Who hast made the Creation."

At the sight of houses of idolators in good condition, That are inhabited. one says, "The Lord will pluck up the house of the proud." (Prov. 15:25) If these are in ruins, he says, "O God of Vengeance, Lord, O God of vengeance, shine forth" (Ps. 94:1). On seeing graves of idolaters, one says, "Your mother shall be ashamed etc." (Jerem. 50:12)

When about to enter a bath house, one says, "May it be Thy will, O Lord, My God, to cause me to enter in peace and come forth in peace and deliver me from peril in the present and also in the future.

Before the operation of blood letting, the patient says "May it be Thy will, O Lord, my God, that this may conduce to my health, for Thou healest of Thy free grace." After the treatment is over, he says "Blessed art Thou, O Lord, who healest the sick."

When one proceeds to measure grain on his threshing floor, he says "May it be Thy will, O Lord my God, to send a blessing on the work of my hands." After he has begun to measure, he says "Blessed be He Who sendeth a blessing on this quantity of grain. If he first measures and then offers up a petition, this is a vain prayer; and generally supplication with reference to what is past is a vain prayer.

On entering the house of study, one says "May it be Thy will, O Lord my God, that I may not err in a matter of Halacha (law), that I may not say of that which is clean that it is unclean, or of that which is unclean that it is clean; or of that which is permitted that it is forbidden, or of that which is forbidden that it is permitted; so that, not erring in a Halachic matter, my colleagues may rejoice with me; and that my colleagues may not err so that I may rejoice with them."

On leaving the house of study, one says "I render thanks unto Thee, O Lord my God for that Thou hast appointed my portion with those who abide in the house of study and hast not appointed my portion with those who tarry at the street corners; for I rise up early and they rise up early. I rise up early to study the words of the Torah, and they rise up early to engage in vain things, I labour and they labour. I labour in the words of the Torah and receive a reward. They labour and have no reward. I hasten and they hasten. I hasten to life in the world to come and they hasten to the pit of destruction."

On entering a city, one says, "May it be Thy will, O Lord my God, to cause me to enter this city in peace." Having entered it safely, he says, "I thank Thee, O Lord my God, that Thou hast caused me to enter in peace." When about to leave, he says, "May it be Thy will, O Lord my God, to cause me to go forth from this city in peace." Having left safely, he says, "I thank Thee, O Lord my God, that Thou hast brought me forth in peace. And even as Thou hast

brought me forth in peace, so lead me in peace, guide my steps in peace, sustain me in peace, and save me from the power of the enemy and from him that lurketh by the way."

To sum up: One should always offer supplications in regard to the future and ask for Divine mercies, and give thanks for the past, praising God and lauding Him according to one's abilities. The more one praises and lauds God, the more praiseworthy one is. And when he leaves the bathhouse, he says: I give thanks to Thee, O Lord my God, that Thou hast saved me from the (excessive) heat.

Chapter 11

All blessings begin with the formula "Blessed art Thou O Lord" and conclude with the same formula; with the exception of the blessing said after the recital of the Shema, or a blessing immediately following a blessing connected with it, the blessing for fruits, and similar blessings as well as those said at the fulfillment of religious duties. Among these blessings, of which we have spoken, and which are in the nature of praise and thanksgiving, some begin with the formula "Blessed art Thou, etc." but do not so conclude; while others conclude with this formula but do not begin with it. There are still a few blessings recited at the fulfillment of religious duties, such as the blessing said at the reading of the Law and that said on viewing the graves of Israelites, which are in the nature of praise and thanksgiving (and nevertheless open and close with the formula "Blessed art Thou etc"). All other blessings said at the fulfillment of religious duties, begin with the formula "Blessed art Thou" but do not so conclude.

There are some affirmative precepts in regard to which there is an obligation sedulously to strive to fulfil them; as, for example, to put on phylacteries, dwell in a booth on the feast of Tabernacles, take in the hand a palm branch together with the other plants on that feast, hear the sound of the ram's horn on the New Year. These are termed obligatory because there is an unconditional obligation to fulfill them. Again there are religious duties which are not obligatory but are in a sense permissive; for example, to affix a Mezuzah to the doors of a house or build a parapet on the roof; since there is no obligation to dwell in a house that requires a Mezuzah to be affixed to it. One may, if one chooses, live all one's lifetime in a tent or on a ship. Similarly there is no obligation to build a house in order to erect a parapet round the roof. Every duty to God, whether permissive or obligatory, requires a blessing to be said before its fulfillment.

So too, all religious duties ordained by the Scribes, whether these are according to their dicta, obligatory; (for example, to read the Scroll of Esther on the Feast of Lots, to kindle lights on the Eve of the Sabbath and during the feast of Chanukah); or whether these duties are optional, for example, to make an Erub Setting aside food on the eve of a festival, to permit the cooking of food on the festival for the Sabbath, or on the eve of a Sabbath to permit carrying on the Sabbath in a court or a town. or to wash the hands for prayers or meals. all require, before they are performed, the recital of a blessing, containing the formula "Who hast sanctified us with Thy commandment and commanded us (to perform that particular duty). Where in the Torah did God so command us In the text (Deut. 17:11) " and according to the judgment which they tell thee, thou shalt do." Hence, the meaning and purport of the Benedictory formula is as follows "Who hast sanctified us with Thy commandments among which Thou hast commanded us to give heed to those spiritual leaders who ordained that we should kindle the Chanukah light or read the Scroll of Esther." This applies to all the other duties ordained by the Scribes.

Why is no blessing said, when washing the hands at the close of a meal Because this was only ordained as a precaution against danger to health, Touching or rubbing the eyes with fingers to which strong salt may be adhering. and acts that are of a precautionary character do not require the recital of a blessing. This is similar to the rule that, before drinking water at night, one strains it to avoid the risk of swallowing a leech. One does not, on such an occasion, recite a blessing "And commanded us to strain water." The same principle applies to all similar cases.

If a person fulfilled a religious duty and omitted to say the appropriate blessing, he still says the blessing as long as the duty is in course of fulfillment. Once the fulfillment is past, he does not say the blessing. For example, when a man puts on a garment with Zizith (ritual fringes) or puts on phylacteries, or sits down in a booth on the Feast of Tabernacles, without reciting the appropriate blessing, he says, after having put on the garments with fringes, "Who hast sanctified us with Thy commandments, and commanded us to enwrap ourselves in a garment with fringes." Similarly, after having put on phylacteries, he says the blessing "Who hast sanctified us with Thy commandments and commanded us to put on phylacteries;" or after sitting down in the booth, he says "Who hast sanctified us with Thy commandments and commanded us to dwell in a booth." And so in all similar cases where the fulfillment of the duty is continuing, the blessing may be recited during its continuance, if he has not done so at the beginning.

But if he ritually slew a beast or fowl without reciting the blessing, he should not, after the slaying, recite the blessing "Who hast sanctified us with Thy commandments and commanded us concerning ritual slaughter." So too, if he had already covered the blood (of a fowl or clean wild beast), or set apart the priest's dues or levite's tithes, or taken a ritual bath, without saying the appropriate blessing, he should not say it after the religious duty had been discharged. The principle applies to all similar cases.

There is one religious duty only where the blessing is said after the act to which it refers, namely the immersion of a proselyte (at his reception into Judaism). The reason is that, previously to the rite, he could not have said "Who hast sanctified us with Thy commandments and commanded us," as he was neither sanctified nor commanded till he had taken the ritual bath. Hence he recites the blessing after the immersion, because, till that act had been performed, he was primarily ineligible and not qualified to say the blessing.

Whenever the performance of a religious duty definitely completes the obligation, the blessing is recited at the time it is performed. Whenever the fulfillment of a precept is an antecedent to another precept, the blessing is said at the fulfillment of the latter. For example. A person builds a booth for the Feast of Tabernacles, prepares the palm branch for that festival, fashions a ram's horn for the New Year, puts fringes on a garment, or prepares phylacteries or a Mezuzah. slip of parchment containing passages of Scripture and affixed to the doors of rooms for habitation. He does not, when preparing any of these articles of religious use, say the blessing "Who hast sanctified us with Thy commandments and commanded us to build a booth, prepare the palm branch, write phylacteries"; because the act in each of these cases is followed by another precept. When is the blessing said When one sits in the booth (on the feast of Tabernacles), handles the palm branch, listens to the sound of the ram's horn (on the New Year) enwraps himself in the fringed garment, puts on phylacteries, affixes the Mezuzah. If however one erects a parapet on the roof, he recites, at the time of erection, the blessing "Who hast sanctified us with Thy commandments and commanded us concerning a parapet"; and so with similar precepts.

A precept which is fulfilled at definite periods, for example, listening to the sound of the ram's horn, sitting in the tabernacle, handling the palm branch, reading the Scroll of Esther, lighting the Chanukah light; likewise every precept, connected with private property, e.g. putting on a fringed garment or putting on phylacteries for the first time, fixing the Mezuzah, erection of a parapet on the roof; as also a precept, not of a continuous character, and for which the opportunity of fulfillment does not always occur, e.g. circumcision of a male infant, redemption of the first born, each of these requires the blessing "Who hast preserved us in life, etc." to be said at the time of performance. If one omitted to say this blessing when building the tabernacle, or preparing the palm branch, he says it, when he fulfills his obligation connected therewith. This principle obtains in all similar cases.

Whether one fulfills a religious duty for oneself or on behalf of others, he always, before doing it, says the blessing "Who hast sanctified us with Thy commandments and commanded us to do, etc." The blessing "Who hast preserved us in life, etc." is only said when a precept is fulfilled on one's own behalf. If a person has several duties to perform, he does not say "Who hast sanctified us with Thy commandments and commanded us concerning the precepts", but, at the performance of each precept, he says the blessing appropriate to it.

When fulfilling a religious duty whether it be a personal obligation or not, if one does it for himself, he says, " and commanded us to do (the particular duty)". If he does it on behalf of others, he says " and commanded us concerning the duty."

For example, on putting on phylacteries, one says the blessing concluding " and commanded us to lay Tephillin (phylacteries)". When putting on the Tallith (fringed garment), he says the blessing ending " to enwrap oneself in the fringed garment." On taking a seat in the tabernacle (on the feast of Tabernacles), the blessing to be said ends "to dwell in the tabernacle". And so other blessings end "to kindle the light for the Sabbath"; to read the HallelThe manuscript has ligmor. This means to complete the Hallel (Psalms 113118). (Psalms 113118) recited on Festivals and on the Feast of Dedication. So too, if a person affixes the Mezuzah, to rooms in his own home, he ends the blessing "to affix the Mezuzah." If he builds a parapet for his own roof, he says the blessing "Who hast sanctified us with Thy commandments and commanded us to make a parapet." If a person sets aside the priest's dues from his own produce, he says a blessing ending "to set aside the dues". If he circumcises his son, the blessing he says ends "to circumcise the son". If he slays his own paschal lamb or brings his festival offering, he says the blessing ending "to slay, etc."

But if he affixes a Mezuzah to the door of another's home, the blessing he says ends "Concerning the affixing of a Mezuzah". If he makes a parapet to the roof of a house belonging to others, he says a blessing concluding

"concerning the making of a parapet." If he separates priests' dues for other owners' produce, he says a blessing ending "concerning the setting apart of dues." If he circumcises another person's male infant, he says the blessing ending "concerning the circumcision." The same principle applies to all similar cases.

When a person fulfills a precept for himself and others jointly, and the precept is not of an obligatory character, he says a blessing which ends "concerning the fulfillment of the precept." Thus the blessing said, when making an Erub, ends "concerning the precept of the Erub." If the precept is obligatory and the intent was to discharge the obligation for himself and others, the blessing concludes "to fulfill the precept." Thus the blessing said at the sounding of the ram's horn (on the New Year) ends "to hear the sound of the ram's horn."

When a person takes the palm branch (on the feast of Tabernacles), he says the blessing ending "concerning the taking of the palmbranch;" because, as soon as he has taken it, he has discharged his obligation. If however one says the blessing before taking the palm branch, the blessing ends "to take the palmbranch," on the analogy of the formula "to dwell in the tabernacle." Hence the general rule that when the blessing is said after the precept has been performed, the blessing ends with the formula "concerning the precept." But when one washes the hands or slaughters cattle for food, even for one's own consumption, since these are optional, the blessings end with the respective formulas "concerning the slaughtering of cattle;" "concerning covering the blood (of birds or deer);" "concerning washing of the hands." So also the blessing said "when searching for leaven on the evening after the 13th of Nisan" ends "concerning the destruction of leaven" whether the search is on one's own behalf or for others; because, as soon as he has resolved in his mind to annul the leaven, the duty of destroying it has been discharged, before he begins the search, as will be expounded in the proper place.

For a practice that is only customary, even if traced to the prophets, for example, taking the willow branch on the seventh day of the feast of Tabernacles, and needless to add if it is ascribed to the Sages, for example, reciting the Hallel Psalms 113-118 omitting 115:111 and 116:111. on new moons and the intermediate days of Passover, no blessing is to be recited at its performance. In the Ashkenazi ritual, a blessing is recited. Thus also any act, in regard to which you are in doubt whether it requires a blessing or not, should be performed without a blessing. One should always carefully avoid saying blessings unnecessarily; and should be heedful to recite, as often as there may be occasion, the blessings that are requisite. And so David said "Every day I will bless Thee and praise Thy name forever" (Ps. 145:2).

Circumcision

Chapter 1

Circumcision is an affirmative precept, the neglect of which entails the penalty of excision, as it is said, "And the uncircumcised male who is not circumcised in the flesh of his foreskin that soul shall be cut off from his people" (Gen. 17:14). It is a duty incumbent upon the father to circumcise his son, and upon the master to circumcise his male slave, whether "born in the house" or bought with money. If the father or master failed to perform the circumcision, he has neglected the fulfillment of an affirmative precept but has not incurred the penalty of excision, to which only the uncircumcised person is made liable. In such case of neglect, the court is charged with the duty of circumcising the infant or slave at the appointed time, and must not leave any male uncircumcised among the Israelites or their slaves.

A male infant is not circumcised without the father's knowledge, unless the latter has neglected his duty and refrained from circumcising it. In this case, the Court has it circumcised even against the father's will. Should the child have escaped the notice of the Court, so that it did not have the child circumcised, then that person is under an obligation, when he grows up, to have himself circumcised. Every day that passes, after he is grown up, that he remains uncircumcised, he is neglecting the fulfillment of an affirmative precept. He does not however incur the penalty of excision till he has died, having wilfully remained uncircumcised.

The master is under an obligation to circumcise his male slaves, whether at birth they were his property or whether they had been acquired from a non-Israelite. There is a distinction however between these cases. A slave born in an Israelite's home is circumcised on the eighth day after birth; the slave bought with money, on the day that he is bought. Even if he was born on the day he was bought, he is circumcised on the same day.

Under certain circumstances, a slave acquired by purchase is circumcised on the eighth day after birth, while one born in the house is circumcised on the day he is born. For example, a female slave is bought, and her still unborn child is bought at the same time, the child, subsequently born, is circumcised when eight days old. For, although it had been separately bought, and is thus a slave acquired by purchase, still, as the mother had been acquired before the infant's birth, it is circumcised on the eighth day.

On the other hand, when a female slave was acquired for the sake of her offspring only (i.e. that her offspring might belong to the purchaser); or when she was acquired with the stipulation that she was not to take the ritual bath so as to have the status of a slave in an Israelite's home, though her subsequently born child is born as the property of the Israelite, it is circumcised on the day it is born; because this infant is as though it had been bought alone and had been bought on the day of its birth, as the mother had not come within the category of an Israelite's female slave, so as to make her male child a slave "born in the house". Should she however, after delivery, have taken the ritual bath, the infant is circumcised on the eighth day.

If one acquired from an idolater, an adult slave who is unwilling to be circumcised, efforts are to be made for a period of twelve months to persuade him to submit to the rite. Should he at the end of this period still remain uncircumcised, he may not be retained but must be resold to a non-Israelite. But if, while he had still been with his non-Israelite master, the condition of sale had been made that he was not to be circumcised, he may be retained (by his new Jewish owner), though uncircumcised provided that he undertakes to keep the seven Noachide precepts and he will then have the status of a proselyte of the gate. If he does not accept these seven precepts he is to be put to death (as a lawless individual). Proselytes of the gate are only received while the institution of the Jubilee is in force.

A proselyte must, before he can enter the communion of Israel be circumcised. If, while still a gentile, he had already been circumcised, it is requisite to draw a drop of blood from the membrum, on the day when he is received, as a sign of the covenant. Similarly, if a male infant is born with the prepuce absent, it is requisite to draw a drop of blood from the membrum when the infant is eight days old. An androgyne that has both male and female organs is to be circumcised on the eighth day. So too a male infant delivered by the Caesarean operation, or one born with two foreskins is to be circumcised on the eighth day.

Circumcisions are only performed during the daytime after sunrise, whether the operation takes place on the eighth day, the regular time, or subsequently, from the ninth day and further on, as it is said "on the eighth day" (Gen. 17:12) i.e. by day, and not at night. If the circumcision takes place after daybreak, it is correct. The whole of the day is proper for circumcision. Still it is a duty to perform it in the early part of the day, for the zealous fulfill their religious obligations at the earliest possible time.

When a circumcision takes place at the regular time (on the eighth day), it supersedes the prohibition of work on the Sabbath. But if it is to be performed after the regular time, it neither overrides the obligation of the Sabbath nor of the festivals. Whether performed at the regular time or not, it supersedes the obligation of the law of leprosy. If there was a bright leprous spot on the foreskin, the spot is cut off with the foreskin. For though the hacking of a leprous plague spot is prohibited, the affirmative precept (of circumcision) overrides the prohibition.

Even as the circumcision of male infants overrides the obligation of the Sabbath, so the circumcision of bondmen who are to be circumcised on the eighth day, overrides the obligation of abstinence from work on the Sabbath, should the eighth day fall on the Sabbath. To this rule there is an exception, namely, that of a bondman "born in the house", whose mother had not taken the ritual bath before the child was born. In this case, though the infant should be circumcised on the eighth day, the circumcision does not override the obligation of abstaining from work on the Sabbath.

When an infant was born "circumcised" (i.e. without a prepuce), or was delivered in the eighth month, after conception, while still immature when it is considered to be in the category of a stillborn child, as it may not live; or if it was delivered by the Caesarean operation; or was an androgyne; or had two foreskins in any of these cases the duty of circumcision on the eighth day does not override the obligation of the Sabbath. All such infants are circumcised on the first day of the week, which is the ninth day after birth.

If an infant is born (in the evening) when it is dusk and doubtful whether it is still day or already night, the eight days are counted from the night and the infant is circumcised on the nominally ninth day, which may in fact be the eighth day after its birth. If an infant is born on the eve of the Sabbath at dusk, the circumcision does not override the obligation of the Sabbath. It is circumcised on the first day of the week, since in a case when it is doubtful whether the Sabbath is the eighth day, the obligation of the Sabbath is not superseded.

If an eighth-month infant shows full development in its hair and nails, it is (regarded as) a mature seventh-month infant the delivery of which has been delayed. It may therefore (as a living being) be carried and taken from place to place on the Sabbath, and is not regarded as a stone (an inanimate object). It is circumcised on the Sabbath (should that be the eighth day after its birth). But if it was born with its hair undeveloped and its nails not perfectly formed as these are

in normal infants, it is regarded as an eighthmonth child that would not have been maturely developed till its ninth month, but that had been prematurely delivered while still immature. It is regarded as a stone (an inanimate object) and may not be moved on the Sabbath. Should it however live for thirty days, it is considered an infant capable of continued existence, and as in all respects like other infants; for an infant of the human species that survives for thirty days is no longer in the same category with the stillborn.

A seventhmonth infant that is fully formed is regarded as an infant expected to live, and is circumcised on the Sabbath. If it is doubtful whether such an infant is a seventh or an eighthmonth child, it is, on either assumption, circumcised on the Sabbath. If it is, in fact, a seventhmonth infant and mature, it is in accordance with the law that the circumcision should override the obligation of abstinence from work on the Sabbath. If it is an eighthmonth child, the operator who circumcises it is regarded as cutting flesh, since an eighthmonth infant is in the same category with a stillborn child.

If the head of the foetus had emerged at dusk on the eve of the Sabbath, though complete delivery had not taken place till after nightfall of the Sabbath, the infant is not circumcised on a Sabbath. And in every case whenever a circumcision does not supersede the obligation to rest on the Sabbath, it likewise does not supersede the obligation to refrain from work on the first days of the festivals; but does supersede this obligation on the second days of the festivals. To this rule the New Year forms an exception. Circumcision (in cases where it would not supersede the obligation to rest on the Sabbath) does not supersede the duty to refrain from work on the first or on the second day of the New Year.both days being regarded as one long day. So also, a circumcision, not taking place at the due time (on the eighth day after birth), does not supersede the obligation to refrain from work on the two days of the New Year.

A sick infant is not circumcised till it is well. Seven consecutive periods, each of twenty four hours, are counted from its recovery, after which it is circumcised. This applies to recovery from fever and similar illnesses. But if it had suffered from sore eyes, then as soon as the eyes are open and well, it is immediately circumcised. And so with similar disorders that are localized and do not affect the general health.

An infant found on the eighth day to be excessively yellow is not circumcised till the circulation has become normal, and its complexion is like that of other healthy infants. So too, if it was excessively ruddy, presenting the appearance of one who had been dyed red, it is not circumcised till the blood has been absorbed, and its complexion is like that of other infants;this redness being a disease. In these cases, great caution must be exercised.

When a woman's first male child was circumcised and died as a result of the operation, which lowered its vitality, and her second male child also died as a result of its circumcision,whether that infant was by the same or by another husband,her third male child must not be circumcised at the appointed period (on the eighth day). The operation must be deferred till the infant has grown and its constitutional vigour is established. No child may be circumcised, unless it is entirely free from disease, since danger to life is a factor that overrides everything else. It is possible to circumcise after the appointed time, but it is impossible to restore a life that is extinct.

Chapter 2

All are qualified to perform the operation of circumcision. Where there is no adult circumcised male, (Israelite), it is performed by an uncircumcised Israelite, a bondman, a woman or a minor. But under no circumstances does a gentile circumcise. If however he has done so, the operation need not be repeated.According to the Ashkenazi practice a drop of blood must be drawn. The circumcision may be performed with any instrument made of flint, glass or other material which cuts. One should not however use a reed for fear that splinters may hurt the child. The best method of fulfilling the precept is to use an iron instrument, such as a knife or shears. The universal custom in Israel is to use a knife.

How is circumcision performed The entire foreskin which covers the glans is cut, so that the whole of the glans is exposed. Then the thin layer of skin (mucous membrane) beneath the foreskin is divided with the nail and turned back, till the flesh of the glans is completely exposed. The wound is then sucked till the blood has been drawn from parts remote (from the surface), thus obviating danger (to the child's health). The operator who omits to do so is removed from practice. After this has been done, a plaster, bandage, or similar dressing is applied.

There are some cases where shreds of skin that are left render the circumcision invalid. In others, they do not render it invalid. If so much of the foreskin remains as to cover the greater part of the glans, lengthwise, the infant is regarded as uncircumcised, as it was before the operation. This is a case of a shred of skin that invalidates the circumcision. If

only a small portion of skin is left that does not cover the greater part of the length of the glans, it is a filament, the nonremoval of which does not invalidate the circumcision.

The operator, as long as he is still occupied with the circumcision, resumes his task to remove both kinds of shreds. But if he has completed the circumcision, he only resumes his task to remove these filaments, the nonremoval of which would invalidate the circumcision, but not those which do not make it invalid. Should he have performed the circumcision and not drawn back the inner skin, (mucous membrane) it is as if he had not circumcised at all.

An infant whose flesh is tender and flaccid or who is fat, so that it appears as if it had not been circumcised, is to be examined during an erection. If it then seems circumcised, nothing need be done. Still the (flaccid) flesh should, for the sake of appearances, be pushed back on both sides. But if during erection, it does not appear circumcised, the flaccid flesh is cut away on both sides, so that the glans appears thoroughly exposed during erection. This is an ordinance of the scribes. But according to the Scriptural law, even if the infant appears uncircumcised, once the circumcision has taken place, it need not be repeated.

All the requisites that belong to the act of circumcision are done on the Sabbath. The foreskin is removed, the mucous lamella (inner layer of skin) retracted, the blood drawn by suction. If shreds of skin are left, such as would make the circumcision invalid, the operator resumes his task to remove them, even after he has completed the circumcision. If the shreds are such as would not invalidate the circumcision, he only does so if he is still engaged in the operation. A dressing is applied. But the preliminary preparations for the circumcision do not override the obligation of the Sabbath. For example, if a knife was not found, it may not be manufactured on the Sabbath. Nor may it be carried from place to place. And if no Erubthe food set aside in this ritual on the eve of the Sabbath. had been prepared to permit carrying through an alley communicating between two courts, the knife may not even be carried from one court to the other. For though the Erub is a Rabbinic ordinance, the necessity of bringing the knife does not override the requirement of compliance with the Erub; since the knife could have been brought on the day before the Sabbath.

So too, drugs for the dressing are not ground on the Sabbath; water is not heated, neither is a dressing prepared nor an emulsion of wine and oil mixed. If cummin seed (used as a styptic) had not been ground on the day before the Sabbath, the operator chews it with his teeth and applies it. If an emulsion of wine and oil had not been prepared, he applies each separately. The general principle is as follows: Whatever might have been prepared on the day before the Sabbath does not supersede the obligation of the Sabbath. If the requisites had been forgotten and not been provided, the circumcision is put off to the ninth day.

If, after the circumcision, the warm water for bathing the infant had been spilt, or the drugs (for the dressing) had been scattered, everything needed is prepared on the Sabbath day so as to avoid danger to the child. Where it is the practice to bathe the infant, this is done on the Sabbath when the circumcision takes place, before or after the operation, and also on the third day after the operation, should that day fall on the Sabbath. The bathing takes place, of the whole body or of the genitals only, according to the local custom, with water which had been kept warm from the previous day, or which had to be heated on the Sabbath, since the omission of the ablution might be dangerous to the infant.

If, through forgetfulness, the knife had not been brought on the day before the Sabbath, a nonIsraelite is directed to bring it, provided that he does not carry it through the public thoroughfare. The general principle may be stated as follows: Whatever we are forbidden to do by Rabbinic ordinance, as a precaution to prevent Sabbath violation, we may direct a gentile to do, to enable us to fulfill a religious precept at the proper time. But whatever is forbidden to be done by us on the Sabbath because it is work, we may not ask a gentile to do on the Sabbath.

The requisite preliminaries in preparation for the circumcision even when it is to take place on the proper day, do not supersede the obligation of abstaining from work on the festival, since these could have been prepared on the day before the festival. This can be deduced a fortiori. Since the preparation of preliminaries to circumcision do not supersede a prohibition which is a precaution to prevent Sabbath violation, and which is only a Rabbinic ordinance, how can it supersede a prohibition of work on the festivals which is expressly forbidden in the Scriptures. Drugs, however, that are required for the circumcision are ground on the festival, since they can be used for cooking (as spices). Cooking is permitted on the festivals that fall on the working days of the week. (Exodus 12:16.) So too, wine and oil may be beaten up as an emulsion (to be used after the operation).

Chapter 3

Before circumcising, the operator recites the blessing, "Blessed art Thou, O Lord, our God, King of the Universe Who

hast sanctified us with Thy commandments and given us command concerning circumcision." This blessing is said by him when he circumcises the son of another person. If he was circumcising his own son, the formula he recites is "and commanded us to circumcise the son." In either case, the father of the child recites another blessing also: "Blessed art Thou, O Lord, our God, King of the Universe Who hast sanctified us with Thy commandments, and commanded us to make him enter into the covenant of Abraham, our ancestor." The duty is incumbent upon the father to have his son circumcised; and this is in addition to the obligation that rests on all Israelites to circumcise any male person among them. Hence, if the father is not present at the circumcision, the second blessing is not recited after it. One authority decided that in such a case, the Ecclesiastical court or one of those present should say this blessing. It is, however, not right to do so.

If there are persons present, they say (to the father) "Even as thou hast brought him into the covenant, so mayest thou lead him to the study of the Torah, to marriage and to the performance of good deeds.

The father, operator or any one else present says, "Blessed art Thou, O Lord, our God, King of the Universe, Who, from the womb didst sanctify the wellbeloved (Isaac), and didst set Thy statute in his flesh, and seal his offspring with the sign of the holy covenant. On this account, O living God, our Portion and our Rock, give command to deliver from destruction the dearly beloved of our flesh for the sake of the covenant which Thou hast set in our flesh. Blessed art Thou, O Lord, Who makest the covenant." The father of the child recites the blessing "Who hast preserved us in life."Not the custom of the Ashkenazim.

One who circumcises proselytes says the blessing, "Blessed art Thou, O Lord our God, King of the Universe, Who hast sanctified us with Thy commandments and commanded us to circumcise proselytes and draw from them the blood of the covenant. For if it were not for the blood of the covenant, Heaven and Earth would not have endured, even as it is said "Were it not for My Covenant by day and night, I would not have appointed the ordinances of heaven and earth" (Jerem. 33:25).

If one circumcises his own bondman, he says the blessing, "Blessed art Thou, O Lord our God, King of the Universe, Who hast sanctified us with Thy commandments and commanded us to circumcise bondmen and draw from them blood of the covenant; for if it were not for the blood of the covenant, Heaven and Earth would not exist. If one circumcises a bondman belonging to other persons, the formula recited is "concerning the circumcision of bondmen." When an adult is circumcised, the private parts must be covered till after the blessing has been said; and then uncovered while the circumcision is performed.

If a proselyte had been circumcised before he became a proselyte, or if a male infant was born apparently circumcised, (i.e. with the prepuce deficient) no blessing is recited when a drop of blood is drawn from the virile member. So too, no blessing is said at the circumcision of an androgyne (hermaphrodite), since the subject is not positively (and exclusively) a male.

When a heathen needs to be circumcised because a wound of boil had formed in that part, an Israelite was (in ancient times) forbidden to perform the operation, on the principle that nothing is to be done to rescue idolaters from death or occasion it in their case. And this was the rule despite the possibility that this cure might be a religious act as the patient might have wished to become an Israelite. since no such intent had been expressed. Hence, if the idolater had the intent, expressed or otherwise known, that the operation should be a ritual circumcision (of a proselyte), an Israelite may perform the operation.

The foreskin is regarded as an abomination, for which the gentiles are condemned in Scripture, as it is said "For all the nations are uncircumcised (Jer. 9:25). An important institution is Circumcision. For the Patriarch Abraham was not called perfect till he had circumcised himself, as it is said, "Walk thou before me; and be thou perfect. And I will make my covenant between Me and thee" (Gen. 17:12). Whoever neglects the covenant of our ancestor Abraham, and retains the foreskin or artificially obliterates the marks of circumcision, even if he has acquired much knowledge of the Torah and practises good deeds, will have no portion in the world to come.

Mark how strictly the observance of Circumcision is to be regarded. Moses, although he was on a journey did not receive indulgence a single hour for neglecting this duty. In connection with all the precepts of the Torah, three covenants were made with Israel; as it is said "These are the words of the covenant which the Lord commanded beside the covenant which He made with them in Horeb" (Deut. 28:69). And in the next section it is said "Ye are standing this day all of you before the Lord your God that thou shouldst enter into the covenant of the Lord thy God" (Deut. 29:911). Three covenants are here mentioned. But in connection with Circumcision, thirteen covenants were

made with our ancestor Abraham: "And I will make My covenant between Me and thee" (Gen. 17:2); "As for me, behold, My covenant is with thee" (ib. 17:4); "And I will establish My covenant between Me and thee" (ib. 17:7); "for an everlasting covenant" (ib. 17:7); "And as for thee, thou shalt keep My covenant" (ib. 17:9); "This is My covenant which you shall keep" (ib. 17:10) "And it shall be a token of a covenant" (ib. 17:11); "And My covenant shall be in your flesh" (ib. 17:13); "for an everlasting covenant" (ib. 17:13); "he hath broken my covenant" (ib. 17:14); "And I will establish My covenant with him" (ib. 17:19); "for an everlasting covenant" (ib. 17:19); "But My covenant I will establish with Isaac" (ib. 17:21).

The Order of Prayer

Chapter 1

Chapter 2

The formula of blessings of the tefillah and their order.

Blessed are You, Lord our God and God of our ancestors, God of Abraham, God of Isaac and God of Jacob, the great, mighty, and awesome God, etc.

You are mighty forever, Lord, You give life to the dead, great is Your power to save (causing the dew to fall) (causing the wind to blow and rain to fall). You sustain the living with compassionate love, give life to the dead in great mercy, support the fallen, etc.

You are holy and Your name is Holy and the Holy ones praise you every day. Blessed are You, Lord, the holy God.

You graciously endow humans with knowledge and teach people. Grant us knowledge, wisdom, understanding and insight. Blessed are You, Lord, who graciously grants knowledge.

Return us, Our Father, to Your Torah, and cause us to cleave to Your commandments and bring us near to Your service. Cause us to return in complete repentance to You. Blessed are You, Lord, who desires repentance.

Forgive us, Our Father, for we have sinned, pardon us, Our King, for we have transgressed against You. For You are a good and forgiving God. Blessed are You, Lord, You are very gracious to forgive.

See our affliction, and fight our fight and judge our cause and quickly redeem us because you are the sovereign God, a mighty redeemer. Blessed are You, Lord, Redeemer of Israel.

Heal us, Lord, our God, and we will be healed. Save us and we will be saved because You are our praise. Bring complete healing to all of our sick because You are a merciful and healing God. Blessed are You, Lord, who heals the sick of his people Israel.

Bless us, Lord, our God, in all the works of our hands and bless our years. And give (dew and rain for) blessing upon the face of the entire earth and satisfy the world with your blessings and water the face of the earth. Blessed are You, Lord, who blesses the years.

Sound the great shofar for our freedom and raise a banner to gather all our exiles from the four corners of the earth to our land. Blessed are You, Lord, who gathers the distant ones of his people Israel.

Restore our judges as at first and counsel us as in the beginning, and remove from us sorrow and sighing. May You alone rule over us with lovingkindness and compassion, with righteousness and justice. Blessed are You, Lord, who loves righteousness and justice.

For the slanderers, let there be no hope, and all the heretics, may all of them in a moment be destroyed. And uproot and quickly shatter the kingdom of the evil in our days. Blessed are You, Lord who destroys enemies and humbles the arrogant.

Upon the pious and the righteous and the righteous converts and the remnant of Your people the house of Israel arouse Your mercy, Lord our God and grant a good reward to all who truly trust in Your name, etc.

Dwell in the midst of Jerusalem, Your city, as You stated and build it as an everlasting structure soon in our days. Blessed are You, Lord, who builds Jerusalem.

The shoot of David may it soon flower and his horn be raised high by Your salvation. Blessed are You, Lord, who causes the horn of salvation to flower.

Hear our voice, Lord, our God, pity and have mercy upon us and receive in mercy and favor our prayer. O King, do not turn us away emptyhanded because you hear, etc.

Find favor, Lord, our God, in Your people Israel and their time of prayer. And restore the service to the sanctuary of Your house and the fire offerings of Israel and their prayer. Blessed are You, Lord, our God, who restores the Divine presence to Zion.

We give thanks to You, that You are the Lord, our God and God of our ancestors. You are the rock of our life and the shield of our salvation from generation to generation. We will thank You and we recount Your praise for our lives, etc.

Grant peace, goodness and blessing, grace, mercy and compassion to us and to all Your people Israel. Bless all of us from the light of Your Presence and give us Lord, our God, Torah and life, love, etc.

During the summer one should say in the second blessing, "great is Your power to save, who causes the dew to fall, You sustain the living with compassionate love, etc." And in the ninth blessing, in this formula, "Bless us Lord, our God with all of the work of our hands and bless our years with favorable dew, blessing and generosity as in the good years. Blessed are You, who blesses the years." ...

On the evening following the Sabbath or Yom Kippur or a festival, recite the fourth blessing following this formula. You favor humans with knowledge and teach people wisdom. You distinguish between holy and profane, between light and darkness, between Israel and the other nations, between the seventh day and the six days of work, just as you distinguished between holy and profane, this redeem us and save us from all types of destruction and all form of calamity that come into the work and guard us from everything. Graciously give us from you....etc.

On new months and on the intermediate days of festivals add to the 17th blessing in the evening, morning and afternoon and recite it according to this formula. "Find favor, Lord, Our God, etc." until "the service of Israel your people" then "Our God and the God of our ancestors, arise and come, etc." "And cause our eyes to see, etc."

and on the intermediate days of festivals say, "On this holy festival, on this festival day of matzot, on this festival day of Shavuot or on this festival day of Sukkot." ...

On a fast day, an individual recites the sixteenth blessing according to this formula. Hear our voice, Lord our God, have pity and mercy on us and receive in mercy and in favor our prayers before you. Do not cause us to return emptyhanded, our King. Answer us, our Father, answer us on our fast day because in this great distress we do not turn your face from us and do not block your ears from hearing our pleas and may our salvation be soon. Before we call, you answer, we speak and you listen as it is said, "And it will be that before they call, I will answer (Isaiah 65:23)." They also say, "And I will hear because you hear the prayer of every mouth." Blessed are You, Adonai, who hears prayer. And the representative of the community recites this blessing on behalf of himself. After the seventh blessing, he says "Answer us, etc." until "because you answer at a time of trouble, redeem and rescue us at every time of trouble and distress. Blessed are You, Lord who answers at times of trouble."

On the ninth of Av, recite the fourteenth blessing according to this formula. Have mercy Lord on us and on Israel Your people and on Jerusalem Your city, the city of mourning, destruction and desolation given over to the hand of strangers. She sits, her head uncovered like a barren woman that has not given birth. Legions have devoured her and idolators have inherited her and given the carcasses of Your servants as food to the birds of the heavens and the beasts of the earth. Therefore Zion weeps bitterly and Jerusalem raises her voice. My heart, my heart grieves for their slain ones; I am in anguish, I am in anguish for those they killed. See her desolation and comfort her because with fire You consumed it and with fire You will rebuild it, as it is written, "And I myself will be, says the Lord, a wall of fire around it and will be its glory within (Zechariah 2:9)." Blessed are You, Lord, who rebuilds Jerusalem.

On Purim, recite the eighteenth blessing according to this formula. We gratefully acknowledge that You are the Lord our God...for our lives which are handed over into your hands and for our souls which are entrusted to You for Your miracles that are with us every day and Your wonders that are with us at all times, etc. For the miracles and for the mighty deeds and for the salvations, etc. And for all of these, Lord, our God, we gratefully acknowledge You, the goodness which does not cease, etc.

On Chanukah recite this blessing according to this formula. We gratefully acknowledge You, etc. until and for Your wonders that are with us at all times, evening, morning and afternoon...for the miracles, etc. until and then Your children entered, etc.

The agent of the community always blesses the third blessing according to this formula. We sanctify you and we declare you King and three times daily we declare Your holiness as it says by the hand of Your prophet, "And they turned one to the other and said, 'Holy, holy, holy is the Lord of Hosts, the whole earth is filled with His Glory (Isaiah 6)." His Glory and His Greatness fill the world and His servants ask, 'where is the place of His Glory' To revere him, those facing praise and say, "Blessed is the glory of God from His place (Ezekiel 3)." From Your place, our King, appear and rule over us because we wait for You. When will You rule in Zion In our lives and in our day may you dwell, be sanctified and be exalted in the midst of Jerusalem, Your city, from generation to generation forever. May our eyes see the kingdom of your strength, as it is said in Your holy writings by the hand of David your righteous anointed one, "The Lord will reign forever, Your God O Zion, from generation to generation, Halleluyah(Psalm 146)!" From generation to generation we will declare Your greatness and from eternity to eternity proclaim Your holiness; Your praise, our God, shall not cease from our lips because You, God, are a great and holy King. Blessed are You, Lord, the holy God. At the time when the communal agent says within this blessing, "And one turned to the other," all the people respond, " Holy, holy, holy, etc." And when he says, "Where is the place of Your glory" All of the people respond, "They praise and say, blessed, etc." And when he says, "In our lives and in our days," all the people respond, "Amen." And when he says, " By the hand of David, Your righteous anointed one," all the people respond, "The Lord will reign forever." And all of these, the words that the congregation responds, he recites with them and does not raise his voice at the time that they respond with him, one for the individual and one for the communal agent. During the ten days from Rosh Hashanah until Yom Kippur, one says at the end of this blessing, as it is said, the Lord of Hosts is exalted by justice and the holy God is sanctified through righteousness. Blessed are you, Lord, the Holy King.

Sefer Zemanim

Sabbath

Chapter 1

To rest on the seventh day of the week is a positive command, for it is written: "On the seventh day you shall rest" (Exodus 23:12). Anyone who works on it negates a positive command while transgressing a negative command, for it is written: "You shall do no work" (Exodus 20:10). What penalty does he deserve for doing work? If he did it voluntarily, willfully, he deserves kareth; if he acted in the presence of witnesses who forewarned him, he is stoned; if he acted unintentionally, he must bring a standard sinoffering.

In Sabbath laws, wherever it is stated that someone deserves punishment for doing something, he deserves kareth; if he acted despite the forewarning of witnesses, he deserves stoning; if he committed the transgression inadvertently, he has to bring a sinoffering.

Any place where it is stated that "it is permitted to do such and such action" this action is permitted at the outset. And so too, any place where it is stated "he is not liable at all" or "he is exempt from everything" we do not whip him.

Chapter 2

Like all other precepts, the Sabbath is set aside where human life is in danger. For a person who is dangerously ill everything may be done on the Sabbath at the bidding of a local competent physician.

If it has been estimated on the Sabbath that the patient will require a certain treatment for eight days, we must not say: "Let us wait till evening, so as not to desecrate two Sabbaths." We should rather begin the treatment from that Sabbath day, and desecrate even a hundred Sabbaths for his sake. As long as he needs treatment in the presence of danger or possible danger, we should desecrate the Sabbath for his sake by lighting or extinguishing a lamp, by slaughtering, baking, cooking, heating water for drinking or bathing. The gist of it all is: in consideration of a person who is seriously ill, the Sabbath is like a weekday regarding every thing he needs.

These things should not be performed by nonJews, minors, servants or women, lest they consider the Sabbath a light matter; instead, scholars and sages of Israel are to carry them out. One must not put off the desecration of the Sabbath in treating a serious patient, as it is written: "If a man obeys them he shall live by them" (Leviticus 18:5), but he must not die by them. From this you may infer that the laws of the Torah are not meant to wreak vengeance upon the world, but to bestow on it mercy, kindness, and peace.

If one feels pain in his eyes, being inflamed or affected by some disease, and pus, tears or blood flow from them, he is considered seriously ill, and we may break the Sabbath in preparing whatever cure he needs.

A woman who sat on the birthing chair and died we bring a knife even from the public domain and cut open her womb and extract the fetus for it is possible that it still is alive. Safek nefashot (the possibility of saving life) pushes aside Shabbat even in this case where there is no presumption of life.

We must save an endangered life on the Sabbath without first asking for permission from a religious authority. The more speedily a man saves a life, the more praise he deserves. If, for example, he sees a child falling into the lake on the Sabbath, he may cast a net and pull him out, even though he is likely to catch some fish along with him.

If a person traveling in the desert fails to know which day is Sabbath, he should count six days from the day he sensed the error and keep the seventh day as holy, reciting on it the Sabbath blessings, and the Havdalah at the conclusion of the Sabbath. Each day, even the day he recites the Kiddush and the Havdalah, he is allowed to do just enough for maintaining himself alive; he must not do more than is necessary to sustain himself, since each day there is doubt about Sabbath.

Chapter 3

Chapter 4

Chapter 5

The lighting of Sabbath lights is not of free choice, to light or not to light as one chooses, nor is it the kind of religious performance that an individual is not called upon to make a special effort to render, such as preparing an eruv in courtyards or washing the hands before eating. It is rather a duty, binding on men and women alike; they are obligated to have lamps burning in their homes on Sabbath eve. Even if one has nothing to eat, let him go begging at the doors, buy oil, and light a lamp, forming an integral part of Sabbath delight (oneg shabbath). Before lighting, one should recite a blessing: "Blessed art thou, Lord our God, King of the universe, who hast sanctified us with thy commandments, and commanded us to light the Sabbath lights." This is on the same principle that one recites a benediction over all duties introduced by the sages.

It is permitted to use a Shabbat lamp. And this is in the case that the thing one is doing does not need much devotion. But if it is a thing that needs to be precise with regard to seeing, it is forbidden to use the light of the lamp for distinguishing it is a decree lest one tilt the lamp.

The Sabbath lights should be lit during daytime, before sunset. This duty is assigned to women rather than men, because women are usually at home doing housework. Nevertheless, the man should caution them, asking them about it, and telling them and the other members of his household, every Friday before it gets dark: "Light the lights!" If it is doubtful whether darkness has already fallen or not, whether the Sabbath has or has not begun, the lights may not be lit.

The period from sunset until the time when three stars of medium size become visible is called twilight. It is uncertain whether this period is part of the preceding day or of the following night. We generally decide in favor of greater stringency on this score; hence, the Sabbath lights may not be lit during twilight.

Chapter 6

It is forbidden to say to a nonJew to do labor for us on Shabbat despite that he was not commanded regarding Shabbat and despite that he said to him to do the labor before Shabbat and despite that there is no need for this labor other than until after Shabbat. And this matter is forbidden according to the words of the Rabbis so that Shabbat will not be light in their eyes and they will come to do labor themselves.

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

Chapter 12

Transfer from one domain to another, in either direction, is one of the principal kinds of work forbidden on the Sabbath. Also, it has been transmitted by tradition that if one carries an object in a public domain for a distance of four cubits (six feet) he is subject to punishment as if he transferred it from one domain to another.

One is not subject to punishment for transfer from one domain to another unless he transfers an object sizable enough to be of use either from a private domain to a public domain or from a public domain to a private domain, by detaching the object from the one domain and depositing it in the other. If, however, one detaches the object but does not deposit it, or deposits it without having first detached it, or transfers an object of less than the minimum size, he is free from liability. Similarly, if one transports an object for a distance of four cubits in a public domain, he is not subject to punishment unless he detaches the minimum size at one end and deposits it at the other.

He who throws or passes an object from one domain to another domain commits an act secondary to that of carrying an object from one domain to another, and is liable. Similarly, he who throws or passes an object a distance of four cubits in a public domain commits an act secondary to that of carrying an object from one domain to another, and is liable.

Chapter 13

Chapter 14

Four domains are distinguishable in connection with the Sabbath: the private domain, the public domain, the semipublic domain, and the exempted region. What is meant by a public domain Deserts, forests, market places, and thoroughfares opening into them, provided that any such public road is at least sixteen cubits wide and has no roof over it. What is regarded as a private domain A mound ten or more handbreadths high and four or more handbreadths square; a groove ten or more handbreadths deep and four or more handbreadths square; and any area four or more handbreadths square enclosed within walls at least ten handbreadths high. If such an area is enclosed for residential purposes, it may even be many miles in extent. Thus a walled town, the gates of which are closed at night; alleys having walls on three sides and a sidepost on the fourth; and a courtyard, a sheepfold or a sheeppen enclosed for residential purposes all are genuine private domains.

What is meant by a semipublic domain A mound four or more handbreadths square and between three and ten handbreadths high, for no semipublic domain can ever be more than ten handbreadths high or less than four handbreadths square; a groove four or more handbreadths square and between three and ten handbreadths deep; an area four or more handbreadths square enclosed by walls between three and ten handbreadths high; a nook adjacent to a public domain, that is, an area enclosed by walls on three sides and with its fourth side opening into a public domain; for example, an alley that has neither a sidepost nor crossbeam on the fourth side; lakes, and arable land in both summer and winter all are semipublic domains.

What is meant by an exempted region An area less than four handbreadths square the height of which is from three handbreadths as far as the sky, since whatever is less than three handbreadths high is deemed part of the ground.

It is permissible to move objects throughout the whole of a private domain or an exempted region. Even if one of these two kinds of domain is several miles long, one may nevertheless move objects throughout the whole of it. In a public or semipublic domain, however, articles may not be moved more than four cubits at one time.

Just as it is permissible to move articles throughout the whole of an exempted region, so also it is permissible to transfer articles from an exempted region to a private or public domain, or, needless to say, to a semipublic domain. One may likewise bring articles into an exempted region from a private or a public domain, or, needless to say, from a semipublic domain.

Just as it is forbidden to move articles throughout the whole of a semipublic domain, so also it is forbidden to transfer articles from a semipublic domain to a private or a public domain, or to bring articles into a semipublic domain from a private or a public domain. If, however, one does transfer an object from a semipublic domain, or into it, he is free from liability.

Chapter 15

It is written in the Torah "you shall rest," implying that one must rest from doing things that are not even actual work. There are many things which the sages prohibited on the ground that they do not harmonize with the idea of rest. Some things are forbidden because they resemble prohibited kinds of work; others are forbidden as a preventive measure lest they may result in doing work that is forbidden under the penalty of stoning.

Whoever levels grooves in the ground is guilty of plowing on the Sabbath.

Women who play games with walnuts, almonds, and the like, must not play with these on the Sabbath, lest they level grooves on the bare ground, which is forbidden. It is forbidden to sweep the ground, lest one levels grooves, unless it is paved with stones.

Fruit that dropped from a tree on the Sabbath may not be eaten until after the conclusion of the Sabbath, lest one may come to plucking growing fruit.

One may not ride an animal on the Sabbath, lest he may come to cutting off a branch for use in guiding it.

Chapter 16

Some acts are forbidden on the Sabbath even though they neither resemble nor lead to prohibited work. Why then were they forbidden Because it is written: "If you refrain from following your business on the Sabbath, on my holy day If you honor it, not following your wonted ways, not pursuing your business, nor speaking of it" (Isaiah 58:13). Hence, one is forbidden to go anywhere on the Sabbath in connection with his business, or even to talk about it. Thus one must not discuss with his partner what to sell on the next day, or what to buy, or how to build a certain house, or what

merchandise to take to such a place. All this, and the like, is forbidden, for it is written "nor speaking of it." That is to say, speaking of business on the Sabbath is forbidden; thinking of it, however, is permitted.

If anything is forbidden because it conflicts with the idea of rest, the prohibition does not apply during twilight but during the actual Sabbath day. Indeed, during twilight such things are permitted if they are needed for some religious purpose or emergency. But if there is no emergency involved, nor religious purpose, it is forbidden.

The sages forbade the handling of certain articles on the Sabbath in the way they are handled on weekdays. Why did they enact such a prohibition? They reasoned as follows: Inasmuch as the prophets admonished us and charged us not to walk on the Sabbath in the manner we walk on weekdays, nor to converse on the Sabbath in the manner we converse on weekdays, since it is written "nor speaking of it," so much the more should we refrain from handling articles on the Sabbath in the manner they are handled on weekdays, so that one should not regard the Sabbath as if it were a weekday and be led to lift and rearrange articles from one corner to another or from one room to another, or to put stones out of the way, or do similar things. Since one is at leisure and at home, he might look about for something to do; the result would be that he would not rest at all, thus disregarding what is written in the Torah, "that they may rest" (Exodus 23:12).

Chapter 17

It is forbidden to handle on the Sabbath any article of which a man takes particular care lest it may depreciate in value, such as tools set apart as merchandise or exceptionally valuable things that one carefully protects from deterioration. Such things are referred to as set apart because of monetary loss.

It is also forbidden to handle any article set apart because a prohibition is involved, such as a lamp which was lit for the Sabbath, or a menorah bearing a lighted candle, or a table with money on it, even if the light has gone out, and the money has fallen off the table.

Chapter 18

If one goes out beyond the limit of the town on the Sabbath, he is lashed, for it is written: "Let no man go out of his place on the seventh day" (Exodus 16:29), and place in this verse signifies city limit. The Torah does not define the extent of this limit, but the Sages had a tradition that it is twelve miles, corresponding to the size of the Israelite camp in the wilderness; so this is what our teacher Moses meant to say to them: You shall not go out of the camp. The sages have enacted that one may not go out of the town beyond two thousand cubits, for two thousand cubits (0.7 miles) is defined as open land about the city (Numbers 35:5).

From this you may conclude that one may walk anywhere within the city on the Sabbath, even if it is large as Nineveh, whether it is walled or not. Furthermore, one may walk up to two thousand cubits outside of the city limits in any direction, the permitted area resembling a square tablet.

Chapter 19

Chapter 20

Chapter 21

In the Torah, it states (Exodus 23:12, et. al.), "you shall rest." Hence one is obligated to rest even from things that are not constructive labor (melakha). And there are many things that were forbidden by the Sages and deemed a shevut (a restriction decreed by the Sages regarding Shabbat). Some of them are things forbidden because they are similar to constructive labors, and some of them are things forbidden as a decree lest one go from them to doing that which is forbidden and would result in the punishment of stoning. And these are them:

Anyone who levels indentations in the ground, behold this one is liable because of plowing. Therefore, it is forbidden to defecate in a clear field on the Sabbath as a decree lest he level indentations. The one who clears the storehouse on the Sabbath because he needs it for a matter of commandment, for example, he brings in guests or he establishes a place to study, he does not complete the cleaning of the entire storehouse lest he come to level indentations. Mud that is on his feet, he wipes on the wall or on a beam, but not on the ground lest he will come to level indentations. One may not spit on the ground and trample it with his foot lest he level indentations. But it is permitted to tread on the spit that is on the ground and walk innocently.

Women who play with walnuts and almonds, and things similar to them are forbidden to play with them on the

Sabbath lest they will come to level indentations. And it is forbidden to sweep the ground lest one level indentations unless it was paved with stones. And it is permitted to spray water on the ground and there is no concern lest one level indentations in that behold there is no intention for such. We do not rub oil on the ground even if it was paved with stones, and we do not blow on it, and we do not wash it even on holy days of Festivals, and all the more so on the Sabbath, so that one will not act in the way the one acts on an ordinary day and come to level indentations at a time that he acts such in a place that is not paved.

Fruits that fell on the Sabbath it is forbidden to eat them until the going out of the Sabbath this is a decree lest one pluck fruit. A myrtle that is attached one is permitted to smell it since it has no benefit other than to smell it, and behold its smell is found even while attached. But an citron etrog or an apple, and anything appropriate for eating is forbidden to smell it while attached as a decree lest one cut it off to eat it.

We may not ride on the back of an animal on Shabbat. It is a decree, lest one will cut off a twig to prod it. And we may not suspend things on an animal and one may not climb an animal while it is still day before Shabbat in order to sit upon it on Shabbat. And we may not lean against the side of an animal. But leaning on something that is leaning against the sides of an animal is permissible. One who climbed a tree on Shabbat inadvertently is allowed to come down. If he did so knowingly, he is forbidden to come down. And concerning an animal; even if he climbed on it knowingly, he should come down because of the prohibition of causing pain to animals. And so too, we may discharge the load from on the back of an animal on Shabbat because of causing pain to animals.

Chapter 22

Why did the Sages forbid entering a bathhouse on Shabbat Because of the attendants who would heat hot water on Shabbat and say it had been heated before Shabbat. Therefore they decreed that a person may not enter the bathhouse on Shabbat even sweat. And they decreed that one may not wash all of one's body in hot water, not even in hot water that was heated on the prior to Shabbat; but one's face and one's hands, and one's feet are permitted. Regarding what case are we talking About hot water heated by fire a decree because of the bathhouse. But the hot waters of Tiberias, and similar, in it, it is permitted to wash one's whole body in them. And it is forbidden to wash in hot water that is in caves, because the caverns have steam, and one will come to sweat, and do it was considered to be like a bathhouse.

Chapter 23

Chapter 24

There are things that are forbidden on the Sabbath even though they are not similar to creative labor and they do not bring one to doing creative labor. And because of what were they forbidden Because it was said "If because of the Sabbath you refrain your feet from acting on your concerns on My holy day" (Isaiah 58:13) and it was said, "And you shall honor it, refraining from doing your ways, from finding your desires and from speaking about a matter" (Isaiah 58:13). Therefore it is forbidden for a person to go after one's concerns on the Sabbath, and even to speak about them. For example, if one would speak with one's business partner about what he will sell the following day or what he will buy or how he will build this house or regarding which merchandise will go to a certain person's place. All of this and similar cases are forbidden, as it says: "speaking about a matter" speaking is forbidden; thinking is permitted.

All the things that are forbidden because of sh'vut: it was not decreed regarding them bein hashamashot i.e. between sunset and twilight, but rather it is during the actual day that they are forbidden, but bein hashamashot they are permitted, and this case is when there is a matter of commandment or an urgent matter. How It is permitted for him bein hashamashot to climb a tree or to swim in the water to bring a lulav or a shofar. And similarly bringing down from a tree or bringing out from a semipublic domain an eruv that one made. And similarly if one is troubled, hurried, or in need of a thing that is a matter of sh'vut, bein hashamashot, behold it is permitted. But if there was not an urgent matter and there was no matter of a commandment there, it is forbidden. Therefore, we do not tithe what is certain i.e. know to be untithed bein hashamashot even though the separation of tithes on the Sabbath is forbidden because of sh'vut. But we tithe d'mai i.e. produce that we are unsure if it has been tithed.

The Sages forbade the carrying of some things on the Sabbath in the way that one does it on an ordinary day. And because of what did this prohibition come to pass And they said: just as the Prophets warned us and commanded us that your walking on the Sabbath should not be like your walking on an ordinary day and the conversation of the Sabbath like the conversation of an ordinary day, as was said "and speak of a matter", kal v'chomer i.e. an a fortiori

argument that there should not be any carrying on the Sabbath like the carrying on an ordinary day so that it will not be like an ordinary day in one's eyes and one will come to lift and repair items moving them from corner to corner or house to house or move stones away, and similar cases, in that behold one is idle and sits in one's house and looks for something to busy oneself with. And we would find that he did not rest and had nullified the meaning of what was said "so that one will rest" (Exodus 23:12).

Chapter 25

Any item that one is careful regarding it lest it should decrease in its value, for example, things set aside as merchandise and particularly expensive items that one is careful regarding them lest they deteriorate, it is forbidden to carry them on the Sabbath. And this is what is called "muktzah because of a monetary loss." For example: the large file, a pin of the plow, a butcher's knife, a knife of a leatherworker, the carpenter's spade, a spicedealer's mallet, or similar cases.

Any item that has been set aside because it is forbidden, it is forbidden to carry it. For example, a lamp that they lit regarding the Sabbath and the menorah that has the lamp upon it, and the table that has money on it, even though the lamp went out or the money fell, it is forbidden to carry them, in that anything that was forbidden to carry being hashamashot between sunset and twilight, it is forbidden to carry it during the entire Sabbath even though the thing that caused the prohibition has gone.

Chapter 26

Chapter 27

The one who goes outside the boundary of the city on the Sabbath is lashed, as it is said, "one shall not go out from one's place on the seventh day" (Exodus 16:29). This "place" is the boundary of the city. And the Torah did not give the amount of distance for this boundary, but the Sages had a tradition that this boundary was 12 mil outside, equal to the Israelites camp. And thus Moses our teacher said to them: do not go outside the camp. And from the words of the Rabbis, a person shall not go outside the city other than 2000 cubits, but outside of 2000 cubits is forbidden, in that 2000 cubits is the pasture land of the city....

You find from what was learned that a person is permitted on the Sabbath to walk the entire city, even if it was as big as Nineveh, whether it was surrounded by a wall or not surrounded by a wall. And similarly, it is permitted to walk outside the city 2000 cubits in every direction, square, like a square tablet such that one benefits from the corners. And if one went outside 2000 cubits, we lash him with lashes of rebellion until 12 mil. But if he went out and distanced himself from the city more than 12 mil, even one cubit, he is lashed from the law of the Torah.

Chapter 28

Chapter 29

It is a positive duty to express the sanctity of the Sabbath day in words, for it is written: "Remember to sanctify the Sabbath day" (Exodus 20:8); that is to say, remember it in terms of praise and sanctification. One should remember it at its beginning and its conclusion by reciting the Kiddush when the Sabbath begins and the Havdalah when it ends.

And this is the language of sanctifying the day (Kiddush). Blessed are You, HaShem, our God, Eternal Sovereign, Who sanctified us through the commandments, and desired us, and has given us the Holy Sabbath through love and desire as an inheritance, a memorial for the works of creation. First of all holy occasions, a commemoration of the exodus from Egypt, for You chose us and set us as different than all peoples, and You gave us through love and desire Your Holy Sabbath as an inheritance. Blessed are You, HaShem, Who Sanctifies the Sabbath.

..

The essential time to make Kiddush is in the evening. If you did not make Kiddush in the evening whether accidentally or on purpose, you make Kiddush at any point in the day time. Similarly, if you did not make Havdalah at night you may make Havdalah the next day or at any point before the end of Tuesday. However, Havdalah with a candle is only made when Havdalah is made on a Saturday night.

One must not eat anything or drink wine once the Sabbath has arrived until he has recited the Kiddush benediction. Similarly, when the Sabbath has come to an end, one must not begin to eat or to drink, to do any work or even to taste anything at all, until he recites the Havdalah; one may, however, drink water.

The sages ordained that both the Kiddush and the Havdalah should be recited over wine. Even though he has already said the Havdalah as part of the evening service, he must recite it again over a cup of wine.

The Kiddush should be recited only where the meal is served. This means that a person is not to recite the Kiddush in one house and eat in another; but if he has recited the Kiddush in one corner of a room, he may eat in another corner. Why then is the Kiddush recited in the synagogue For the benefit of transients who eat and drink there.

One may only make Kiddush on wine that is suitable to have been offered on the altar. Therefore, if honey or leaven was mixed with the wine, even if only a mustard seed sized was mixed with a barrel full of wine, one can not make Kiddush on that mixture. That is how we instruct people to act in all of the West. However, there are those that do permit the use of wine mixtures for Kiddush. They are of the opinion that the suitability of wine mixtures is not based on wine that can be offered on the altar. Rather, the only prohibited wines are those that have a bad odor or were left uncovered or were cooked. On any one of those wines you can not make Kiddush.

Just as Kiddush is recited on Friday nights and Havdalah on Saturday nights, so also is Kiddush recited on festival nights, and Havdalah at the termination of festivals and Yom Kippur, since all these are called Sabbaths of the Lord (Leviticus 23:38). Havdalah is recited also at the termination of a festival followed by Hol haMo'ed and at the termination of a Sabbath followed by a festival, but is not recited at the termination of a festival followed by a Sabbath.

Why is a blessing recited over fragrant spices at the conclusion of the Sabbath It is to cheer the soul which is saddened at the departure of the Sabbath.

Chapter 30

Four things have been enjoined regarding the Sabbath: two on biblical authority, and two on the authority of the sages and clearly expressed by the Prophets. The Torah says: Remember (Exodus 20:8) and Observe (Deuteronomy 5:12); the Prophets clearly speak of Honor and Delight, as it is written: "Call the Sabbath a delight, and the Lord's sacred day an honor" (Isaiah 58:13).

What is meant by honor The sages explained this by declaring that each person should wash his face, hands and feet with hot water on Friday in honor of the Sabbath, and then enwrap himself in a fringed garment and be seated with dignity in expectation of the Sabbath, receiving it as if he were coming out to meet the king. The ancient sages used to assemble their disciples on Friday, put on their best clothes, and say: "Come, let us go out to meet King Sabbath."

We honor the Sabbath by wearing clean clothes. One must not wear weekday apparel on the Sabbath.

In deference to the Sabbath, it is forbidden to arrange for a festive meal to take place on Friday; it is, however, permissible to eat and drink until nightfall. Nevertheless, in deference to the Sabbath, one should refrain from having a regular meal the entire afternoon, that he may enter the Sabbath with a desire to eat.

One should spread his Sabbath table on Friday, even if he requires no more than an olive's bulk of food; so too, he should set his table at the end of the Sabbath, even if he requires only a minute amount of food, in order to honor the Sabbath both at its entrance and departure. One should also set the house in order on Friday before sunset in honor of the Sabbath. A lamp should be lit, a table spread, and a bed properly arranged. All these are marks of respect for the Sabbath.

Even a person of high rank, who does not as a rule buy things at the market or engage in household chores, should himself perform what is necessary for the Sabbath, for this is his way of showing respect. Some of the ancient sages used to chop wood for the cooking; others used to cook or salt meat or twine wicks or light lamps; others used to go out and buy food and drinks for the Sabbath, although none of them would usually do such things on weekdays. The more anyone honors the Sabbath in this manner, the more praise he deserves.

What is meant by Sabbath delight The sages explained this by declaring that one should prepare rich food and fragrant beverages for the Sabbath as much as he can afford. The more anyone spends for the Sabbath and the preparation of varied tasty food, the more praise he deserves. If, however, he cannot afford this, he may fulfill the Sabbathdelight requirement by preparing anything like a vegetable stew in honor of the Sabbath. He is not obligated to strain himself, begging from others, in order to eat much on the Sabbath. The ancient sages said: "Rather make your Sabbath a weekday with regard to festive meals than be dependent on people."

If a person is comfortably rich and all his days are like Sabbath, he should eat different food on the Sabbath as a mark

of distinction from the weekday food. If no change is possible, he should at least modify the schedule of his meals by eating later or earlier than usual.

One should eat three meals on the Sabbath: one in the evening, one in the morning, and one in the afternoon.

Eating meat and drinking wine is considered delight (oneg), as long as he can afford it. It is not permissible though to sit down for a meal on wine on Shabbat and festivals at the time of communal learning. This then was the custom of the early righteous ones. They would pray the morning and additional service in the synagogue, then go to their home and eat the second meal, and then return to the study house to read Torah and repeat Mishnah and pray the afternoon service, and afterwards sit down for a meal on wine and eat and drink until Shabbat has ended.

One must not travel more than three Persian miles (12 miles) beginning on Friday morning, so that he may arrive home when the day is still high and prepare his Sabbath meals; otherwise, his family would not know that he is coming home, in order to prepare food for him. Needless to say, if he is going to be the guest of others he should arrive early; otherwise, he would embarrass them, since they would have nothing prepared that is suited for guests.

It is forbidden to fast and to sound trumpets and to supplicate and to beg for mercy on Shabbat. Even for such grave troubles that the community would ordinarily fast and cry out because of them; on the Sabbath and festivals we do not fast and sound trumpets, aside from a city that is surrounded by non-Jews or a river, or a ship that is shipwrecked. In these cases we sound trumpets on the Shabbat to encourage others to aid them and we supplicate and ask for mercy for them.

A sea voyage should not begin later than three days before the Sabbath, so that one's mind should be at ease before the Sabbath, and that he should not be excessively uncomfortable.

Marital relations are included in the obligation of enjoyment of the Shabbat. Therefore Torah scholars fulfill their marital obligations once a week, on the Shabbat. It is permissible to have marital relations with a virgin, even in the first instance, and there is no transgression of (the Shabbat laws) of "injuring" or "pain" to her. **Eruvin**

Chapter 1

According to biblical law, if a courtyard has many tenants, each living in a house of his own, they may all move objects throughout the courtyard as well as from the houses into the courtyard and from the courtyard into the houses, because the entire courtyard is a single private domain, so that it is permissible to move objects through the whole of it. The same rule applies to an alley that has courtyards opening into it on three sides and the fourth side opening into the public road. By fastening at this fourth side a stake in the ground or a crossbeam above, the alley and the courts opening into it become a single private domain, so that all the residents of the alley are permitted to transfer objects throughout the alley as well as from the courtyards into the alley and from the alley into the courtyards.

By rabbinical enactment, however, it is forbidden to transfer objects within a private domain where there is a separation of tenants, each living in a separate house, unless they create a symbolical fusion of all the tenants by preparing an eruv on Friday. It is all the same whether it is a courtyard, an alley or a town. This regulation was originated by Solomon and his legislative body.

What is the form of the prescribed eruv? It consists of a quantity of food contributed by the residents jointly and deposited on Friday, as if to say: "We are all one fellowship, we all have the same food, and none of us keeps a domain distinct from that of his neighbor; just as we share equally the area of the eruv, so we have equal rights in each of the areas held by each individually; all of us are a single domain." This symbolical act serves to prevent people from falling into error and imagining that it is permissible to move objects from a private domain to a public domain.

The eruv prepared by the tenants of a courtyard is called courtyard eruv; the one prepared by the inhabitants of an alley or by all the residents of a town is called cooperative eruv.

How is a courtyard eruv prepared? A whole loaf of bread is collected from each house, and all the loaves are placed within a single container and deposited in one of the dwellings of the courtyard. When gathering and depositing the food contributed by the various tenants, one should recite this benediction: "Blessed art thou, Lord our God, King of the universe, who hast sanctified us with thy commandments, and commanded us concerning the precept of eruv." He should then add: "By virtue of this eruv, all the residents of this courtyard will be permitted to transfer objects from house to house on the Sabbath."

How should an alley eruv be prepared One collects the smallest quantity of food, the size of a dry fig, from each resident, or even less than that if there are many residents, and puts it all into a single container; he then deposits it in one of the courtyards of the alley or in one of the houses, saying: "By virtue of this cooperative eruv, all residents of the alley are permitted to transfer objects between the courtyards and the alley on the Sabbath."

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Just as a blessing should be recited when either a courtyard eruv or an alley eruv is prepared, so should a blessing be recited over an eruv prepared between Sabbath limits. One should also add: "By virtue of this eruv, I shall be permitted to walk two thousand cubits in any direction from this place."

Chapter 7

If a person goes out of town on Friday, stops at a certain spot within or at the end of the town's Sabbath limit, and says: "Let my Sabbath restingplace be here," and then returns and spends the night in town, he is permitted to walk the next day two thousand cubits in any direction from that spot. The principle underlying the eruv for Sabbath limits is that of actually walking to the spot of the eruv. The sages, however, declared that even if one does not go out of town and does not stop at a certain spot, he may prepare the eruv by placing food for two meals at the site through a messenger, thus making things easier for the wealthy person who does not have to go himself, but may send his eruv by someone else to deposit it for him.

Chapter 8

The same as it is forbidden to go beyond the Sabbath limits on the Sabbath, so it is forbidden to go beyond these limits on a holyday and on Yom Kippur, but on a holyday it is permissible to transfer objects from one domain to another. Accordingly, we must lay an eruv for courts and form a cooperative eruv for alleys for Yom Kippur as well as for the Sabbath, and we must prepare an eruv for Sabbath limits for Yom Kippur and for holydays just as it is required for the Sabbath.

If a holyday occurs on the day before or after the Sabbath, or in the Diaspora where two days are observed instead of the one, a person may deposit two eruv symbols in two different directions, relying on whichever of the two he pleases on the first day, and upon the second eruv on the second day. This applies only to the two Diaspora holydays. The two days of Rosh Hashanah, however, are considered as a single day, and only one eruv symbol in one direction is sufficient for both days.

One who makes an eiruv techumin (the placing of food in a location to extend the area to which one is permitted to walk on the Sabbath, a holiday, or the Day of Atonement) for a twoday holiday in the Diaspora or for the Sabbath and an adjacent holiday, although it is one eiruv in one direction for both days, the eiruvfood must be in its place on the first night and the second night for the entire period between sundown and nightfall. What does he do He brings the eiruvfood on the eve of the holiday or of the Sabbath and waits with it until dark and takes it with him if it is the night of a holiday (on which carrying is permitted in certain circumstances). The next day, he takes it to the same place and leaves it there until nightfall and eats it if it is the Sabbath or takes it with him if it is a holiday. This is because the Sabbath and the holiday are two separate periods of holiness and are not considered to be one day; therefore, we are not able to say that the eiruv works from the first day for both days.

If the eiruvfood was eaten on the first day, the eiruv was acquired for the first day, and there is no eiruv for the second day. If he made the eiruv with his feet on the first day, he must make it with his feet on the second day, this being walking to the place and standing there, thinking that he should acquire a place of rest there such that the place where he is standing will be considered his place so he can walk 2000 cubits in any direction from that place. If he made the eiruv with bread on the first day, and he makes it with his feet the second day, it is an acceptable eiruv. If he wants to make the eiruv with bread the second day, he must use the same bread that he used for the eiruv the first day.

If the Day of Atonement falls on the evening of the Sabbath or the night following the Sabbath during the time that the months were decided on the basis of people witnessing the new moon, it seems to me that they are considered to be one day and one period of holiness.

This that we said that he can make two eiruv in two directions for two days of a holiday is only if he is able to get to each of the two eiruvfoods on the first day. But if he is unable to get to the eiruvfood for the second day on the first day, the second eiruv is not an eiruv. This is because the commandment of the eiruvfood is that it should be able to be eaten as a meal while it is still the day i.e. not the night, of the Sabbath or holiday, and in this case, because he can not get to the second eiruvfood on the first day, it is not fit for eating while it is still day.

How so If he left the eiruvfood 2000 cubits to the east of his house and designated it for the first day and left another eiruvfood 1, 100, or 1000 cubits west of his house, this second eiruv is not an eiruv. For behold, on the first day, the second eiruvfood was not fitting for him while it was still day because he was not able to get to it because he could not walk to the west of his house at all because the eiruvfood of the first day established his rest place 2000 cubits east of his house so the farthest west he could have walked was his house.

But if he left his eiruvfood 1500 cubits east of his house and designated it for the first day and left a second eiruvfood no more than 500 cubits west of his house and designated it for the second day, it is an eiruv. This is because he is able to get to it on the first day.

If a holyday occurs on Friday, one must not prepare an eruv for courtyards nor for Sabbath limits on that day, but must do so on Thursday which is the day preceding the festival. If the two Diaspora holydays occur on Thursday and Friday, the eruv for Sabbath limits and the eruv for courtyards should be deposited on Wednesday.

How does he stipulate a condition He says on Thursday, 'If today is the holiday, my words making an eiruv lack substance and if it is not a holiday, this is an eiruv.' The next day, he makes an eiruv again and says, 'If today is the holiday, I already made an eiruv yesterday, and my words lack substance, and if yesterday was the holiday, it is an eiruv.' When does this apply On the two days of a holiday in the Diaspora, but the two days of the New Year are considered as one day, and he may make an eiruv only on the eve of the holiday.

Rest on the Tenth of Tishrei

Chapter 1

There is a positive commandment to rest from labor on the 10th of the seventh month Tishrei, as it says, "it shall be a Sabbath of rest for you." And anyone who does labor on it has failed to perform a positive commandment and violated a negative commandment, as it says, "and on the 10th etc. no labor shall be done." And for which punishment is he liable for doing labor on this day If he did it willingly and intentionally, he is liable to spiritual excision. If he did it unintentionally, he is obligated to bring a set sinoffering not one that varies depending on what the sinner can afford.

Whenever the penalty for work done willfully on the Sabbath is stoning, the penalty for doing it willfully on Yom Kippur is kareth; whenever the penalty on the Sabbath is a sinoffering, the penalty on Yom Kippur is equally a sinoffering. Anything that must not be done on the Sabbath, though it is not actual work, must not be done on Yom Kippur; if one nevertheless performs it, he receives punishment for disobedience, the same as he would for a similar act on the Sabbath. In brief: The only difference between the Sabbath and Yom Kippur in this respect is that the punishment for deliberate work on the Sabbath is stoning, while on Yom Kippur it is kareth.

It is permitted to do kinuv on detached vegetables on the Day of Atonement from the afternoon and on. And what is kinuv That he removes the rotten leaves and trims the rest and prepares the vegetable for eating. So too, it is permitted to crack open nuts and break open pomegranates from the afternoon and on because of the anguish of the soul i.e. so one won't have to do it after the fast when he is very hungry. But the people of Shin'ar Babylonia and the West Israel have already accepted not to do any of these activities on the day of the fast, rather it is like the Sabbath in all of its matters.

Another positive command concerning Yom Kippur requires us to abstain from eating or drinking on that day, as it is written: "You shall afflict yourselves" (Leviticus 16:29). According to tradition, selfaffliction signifies fasting. Whoever fasts on Yom Kippur fulfills a positive command, and whoever eats or drinks on it breaks a positive command and transgresses a negative command, as it is written: "Whoever will not abstain and fast on that day shall be cut off"

(Leviticus 23:29).

We have also learned from the oral tradition that it is forbidden to wash one's body, anoint oneself, wear shoes, or have sexual relations on it. And it is a commandment to refrain from all of these activities in the same manner that one refrains from eating and drinking, as it says "a Sabbath of rest," a Sabbath for the matter of eating, rest for these other matters. One is not liable to excision or an offering except for eating and drinking. But if one washed, anointed, put on shoes, or had relations, he is given rabbinic lashes.

The same as the rabbinically forbidden occupations on Yom Kippur apply to both day and night, so the rabbinical interpretation of affliction applies to both day and night. One must add to Yom Kippur parts of the preceding and following weekdays, as it is written: "You shall abstain and fast from the sunset of the ninth day" (Leviticus 23:32), which means: you shall begin fasting and afflicting yourselves from the sunset of the ninth day bordering on the tenth day. So too, at the termination of Yom Kippur, one should prolong the fasting somewhat into the night of the eleventh day of Tishri, as it is written: "From sunset of the ninth day to sunset of the tenth day you shall keep your Sabbath."

If women continue eating and drinking until nightfall, because they fail to know the rule about adding part of the weekday to the holyday, we should not protest against their action, lest they come to do so willfully; for it is impossible to assign a policeman to each homestead in order to caution its womenfolk. Hence, leave them alone. It is better to let them act unwittingly rather than willfully. The same applies to all similar cases.

Chapter 2

One who eats on the Day of Atonement foods fitting for human consumption of the size of a thick date which is slightly smaller than an egg, is liable. All foods combine to this measure. Similarly, one who drinks beverages fitting for human drinking of the full volume of the cheek of the drinker each drinker according to his cheek is liable. How much is the full volume of his cheek? It is such that if he pushed the liquid to one side, it looks like his cheek is full. This measure in an average person is less than a *revi'it* specific unit of volume. All beverages combine to this measure, but eating and drinking do not combine to one measure.

Whether one eats permitted foods or forbidden foods, such as sacrificial meat that was slaughtered with the intent to eat it after the designated timeframe, sacrificial meat that was actually left over past the time frame, untithed food, meat from an unslaughtered or improperly slaughtered animal, meat from an animal with a mortal defect, forbidden fat, or blood, seeing as he ate foods fitting for human consumption, he is liable to excision for eating on the Day of Atonement.

If one ate or drank less than this measure, he is not liable to excision because although consuming a partial measure is Biblically forbidden, people are not liable to excision except for a full measure. And one who eats or drinks a partial measure receives rabbinic lashes.

If one ate a small amount and then ate again, if the time that elapsed between the beginning of the first eating and the end of the second eating was less than the time it takes to eat three eggs, they combine to the measure, and if not, they do not combine to the measure. If one drank a small amount and then drank again, if the time that elapsed between the beginning of the first drinking and the end of the second drinking was less than the time it takes to drink a *revi'it*, they combine to one measure, and if not, they do not combine to one measure.

If one ate foods that are not fitting for human consumption, such as bitter grasses or foul syrups or drank liquids that are not fitting for human drinking, such as fishbroth, fish oil or undiluted vinegar, even if he ate or drank a lot, he is exempt from excision, but receives rabbinic lashes.

If one drank vinegar diluted in water, he is liable. If one chews peppercorns or dry ginger and the like, he is exempt, but if it was fresh ginger, he is liable. If one ate grape leaves, he is exempt, but if they were grape vines, he is liable. These are grape vines: anything that blooms in the Land of Israel from the New Year until after the Day of Atonement. Beyond that time, they are like wood and he is exempt, and so too with similar items.

If one ate roasted meat in salt, the salt combines with the meat for the measure. Broth that is on a vegetable combines with the vegetables because items prepared with food that are mixed with the food are considered like the food. If one was full from gluttonous eating, meaning to say that he ate until he spurned more food and ate more than his fill, he is exempt like one who ate foods not fitting for consumption. This is because although this food is permitted and fitting for one who is hungry it is not fitting for this one who is as full as he is.

If a patient who is seriously ill asks for food on Yom Kippur, he should be given to eat as he desires, until he says "enough," even though competent physicians say that he does not need any food. If the patient says that he does not require food, and the physician says that he does, he should be fed in accordance with the physician's order, provided that the physician is competent. If one physician says that the patient needs food and another says that he does not, he should be given food.

A pregnant woman who smelled food and wants to eat it, we whisper in her ear that it is the Day of Atonement. If she calmed down upon being reminded of this, all is well and we do not feed her; if not, we feed her until she calms down. So too, we feed one who is struck with extreme hunger until his eyes light up i.e. he is satiated. We feed him even unslaughtered animals and other nonkosher foods immediately and don't wait until permissible foods can be found.

A boy of nine years should be trained to fast by the hours. For example, if he is used to eat at eight o'clock in the morning, he should be fed at nine; if he is used to eat at nine, he should be fed at ten; the number of hours is to be increased in accordance with the physical strength of the boy. A boy or a girl of eleven should fast the entire day, according to a rabbinical enactment, so as to be trained in the observance of religious duties.

A girl of 12 years and one day i.e. 12 complete years and a boy of 13 years and one day who have grown two pubic hairs are considered adults for all commandments and are Biblically obligated to complete the fast. But if they did not grow two hairs, they are still considered minors and are only rabbinically obligated to complete the fast. A child under 9 is not afflicted on the Day of Atonement so that he does not come to be endangered.

Chapter 3

It is forbidden to wash oneself on the Day of Atonement whether with hot water or with cold water, whether his whole body or a single limb. It is forbidden to put even one's pinky finger into water. However, the king and a bride wash their faces the bride so she will not be disgraceful to her husband and the king so people will see his beauty, as it says, "your eyes shall see the king in his beauty." For how long after her wedding is she called a bride Thirty days.

One who was dirty with excrement or mud may wash the dirty place in his usual way without worrying about violating the prohibition. A woman can heat up one of her hands in water and give bread to a baby. An ill person may wash in his usual way even if he is not in danger of his life. All those who are obligated to immerse in a ritual bath immerse in their usual way, whether on the Ninth of Av or the Day of Atonement.

One who has a seminal emission on the Day of Atonement nowadays: If it is moist, he wipes it with a napkin, and that is enough. If it is dry or he became dirty with it, he washes the dirty places alone and then he may pray. It is forbidden for him to wash his whole body or immerse. For one who immerses nowadays is not pure due to impurity from exposure to dead people which everyone is assumed to have and washing i.e. immersing for a seminal emission nowadays is only a custom. And a custom cannot permit something that is forbidden, rather it can only forbid something that is permissible. They the rabbis said that one who has a seminal emission on the Day of Atonement immerses only when there was a rule that those who had seminal emissions must immerse the rule was made at the time of Ezra, and we already explained that this rule was cancelled.

It is forbidden to sit on mud that is so wet that a person can put one hand on it and pick up enough moisture to wet his other hand. A person may not fill up an earthenware utensil with water with which to cool off because the water flows lit. crawls from its walls. It is forbidden even with metal utensils for fear of water sprinkling on his flesh. It is permissible to cool oneself with fruits.

A person may take a handkerchief on the eve of the Day of Atonement, soak it in water, squeeze it out a little, and put it under clothes. The next day, he may pass it over his face and not worry about violating the prohibition although it is very cold.

One who goes to greet his teacher, father, or one who is wiser than he or to learn in the house of study may cross through water up to his neck and not worry about violating the prohibition and perform the mitzva that that he went to perform and return through the water to his place. For if you do not permit him to return, he will not go in the first place and will be prevented from doing the mitzva. So too one who is going to guard his fruit may cross through water up to his neck without worrying as long as they do not take their hands out from under the edges of their garments as they would do during the week for then it looks as though they are carrying their garments which is forbidden on the Day of Atonement.

It is forbidden to wear shoes and sandals even on one foot. It is permitted to go out with a sandal of cork, rubber, or

other similar materials. One may wrap a cloth around his feet and go out with it for the hardness of the earth reaches his feet and he feels as though he is barefoot. Children although they are allowed to eat, drink, wash, and anoint themselves, we prevent them from wearing shoes and sandals.

It is permitted for any person to wear a sandal because of a scorpion or similar creature so it will not bite him. A woman who gave birth is permitted to wear a sandal due to cold for thirty days after the birth. An ill person acts in the same way even if he is not in danger.

It is as forbidden to anoint part of one's body as it is to anoint his whole body whether an anointing of pleasure or otherwise. If he was an ill person even not in danger or one who has scabs on head, he may anoint as usual with worrying about violating the prohibition.

There are places which have the practice to light a candle on the eve of the Day of Atonement so one will be embarrassed from his wife and not come to have marital relations with her. There are other places which have the practice not to light a candle lest one see his wife and she will find favor in his eyes and he will come to have relations with her. If the Day of Atonement falls on the Sabbath, everyone must light in all places because the lighting of candles for the Sabbath is a requirement. **Rest on a Holiday**

Chapter 1

These six days on which scripture prohibited labor, namely the first and seventh days of Passover, the first and eighth days of Succot, the day of Shavuot, and first day of the seventh month (Rosh HaShanah), are called Holidays (Yamim Tovim). The degree of cessation of labor is equal in all of them, in that all labor is prohibited, excepting the one category of labor necessary for preparing food, as stated (Exodus 12:16): "Except anything that shall be eaten by any person"

Any act that is culpable on the Sabbath is punishable with lashing if it is committed on a holyday and not for the purpose of food. This does not include the prohibition against conveying objects from one domain to another, and the prohibition against starting a fire on the Sabbath. Since the transfer of objects from one domain to another has been made permissible for the purpose of preparing food, it has been made permissible even for purposes other than food preparation. So too, it is permissible to start a fire on a holyday even when it is not needed for the preparation of food. Other acts, however, are permissible on a holyday only when they are needed for the preparation of food; for example: slaughtering, baking, kneading, and the like.

The sages have prohibited any work on a festival, even for the purpose of food, if it can be done on the day preceding the festival without loss or depreciation. Why have they enacted this prohibition It has been enacted in order to prevent one from postponing the performance of tasks until the day of the festival, with the result that the whole day would be spent in performing these tasks, without having time to enjoy the festival or to eat.

For this very reason they have not prohibited the transfer of objects from one domain into another on a festival, even though each transfer is work that can be done on the day preceding the festival. Why then have they not prohibited it In order to increase the festive rejoicing. One may therefore carry to and fro whatever he pleases, performing all that he has to do, without being like one whose hands are tied.

We celebrate each of the festivals for two days outside Eretz Yisrael owing to custom, the second day being observed by rabbinical enactment as one of the things newly innovated in the Diaspora. Those who reside in Eretz Yisrael, however, observe only Rosh Hashanah for two days. In the section of this book concerning the rules of the Hebrew calendar, we shall explain the principle of this custom as well as the reason why Rosh Hashanah is celebrated for two days everywhere.

Even though the second day of a festival is only by rabbinic enactment, it equals the first day regarding anything that is forbidden. On the second day, just like the first day of a festival, funeral eulogies and fasting are forbidden, since one is required to rejoice. The only difference between the two days is that a dead person may be buried on the second day.

Thus, nonJews should attend to the burial of one who died on the first day of the festival; but on the second day, Jewish people may attend to it, because the second day is regarded as an ordinary weekday as far as the burial of the dead is concerned. This applies even to the second day of Rosh Hashanah.

These two festival days of the diaspora are two instances of holiness, and they are not like one day. Therefore,

something that was muktzeh (set aside from use) on the first festival day, or that was born on the first, if he prepared it for the second, it is permitted. How so An egg that was laid on the first can be eaten on the second. A wild animal and a bird that were trapped on the first can be eaten on the second. Something connected to the ground that was uprooted on the first can be eaten on the second. And similarly, it is permitted to blue an eye on the second festival day, even though there is no sickness there. These words apply to the two festival days of the diaspora, but the two days of New Year are one instance of holiness, and are considered like one day for all of these things, except only for the matter of the deceased. But, an egg that was laid on the first day of New Year is forbidden on the second, and similarly for all similar cases. If Sabbath was adjacent to a festival day, and an egg was laid on one of them, it is forbidden on the other, and similarly for all similar cases. And even if it was laid on the second day, it is not eaten on the Sabbath which is adjacent to it.

Chapter 2

A chick that was hatched on Yom Tov is prohibited to eat on the Yom Tov it was born because it is Muktzeh. A calf that was born on Yom Tov if it's mother was going to be used for meat it is permitted to slaughter the calf and eat it on Yom Tov because the animal is considered to be prepared for Yom Tov because of its mother's status and if one were to slaughter it's mother while it was still inside it is permitted to eat the fetus inside even though it was not born.

Animals that go out and graze outside of the Techum and come to sleep within the Techum these are considered to be prepared and it is permitted to take them and slaughter them on Yom Tov. But those animals that graze and sleep outside of the Techum if they come within the Techum on Yom Tov They are prohibited to be slaughtered on Yom Tov because they are Muktzeh and they are not on the minds of the people of the city to be considered to be eaten on Yom Tov.

And similarly Kadshim animals that received a blemish on Yom Tov is prohibited to slaughter and eat on Yom Tov since the owner did not have his mind on it to be slaughtered for personal use on Yom Tov from the eve of Yom Tov it is prohibited to slaughter it on Yom Tov. Therefore it is prohibited for one to examine blemishes on Kadshim animals on Yom Tov because it is a rabbinic decree lest a sage permit Kadshim animals with blemishes to be slaughtered for personal use and he the owner will come to slaughter it on that day on Yom Tov. But the sage may look at the blemish on the eve of Yom Tov and for the next day tell the owner if it is permitted or prohibited.

A Bechor that was born on Yom Tov with a blemish it is considered to be prepared for Yom Tov and it should not be examined on Yom Tov. If one were to transgress and see the blemish, examine it and permit it to be eaten it can be slaughtered and eaten on Yom Tov. A Bechor that falls into a pit make for it provisions so that it will not die because one is not able to bring it up because it is not considered to be fit for slaughter on Yom Tov. If it and it's child were to fall into a pit He should bring up the animal on condition to slaughter it and not do so and be cunning and bring up the second one on the same condition to slaughter and slaughter either one he wishes. Because of animal suffering it is permitted to use cunning. Hullin animals that fall from a roof and stood there from time to time it requires examination to determine if the animal is valid for consumption. It may be slaughtered and may be examined. It is possible that it would be found to be suitable and may be eaten.

If one sets aside black birds and sets aside white birds and finds the white ones in the place of the black ones They are prohibited on Yom Tov because I the Rambam say maybe those that were set aside for Yom Tov flew away and these are others and everything that has a doubt for being prepared for Yom Tov is prohibited to be slaughtered/eaten on Yom Tov. If one were to set aside two birds and finds three all the birds are prohibited. If one were to set aside three and find two they are permitted. If he were to set them aside within the coop and find them in front of the coop and there and they the birds are the only ones and are unable to fly eve though there is another coop there on the corner within fifty cubitsthe birds are permitted because they only hop around by their coop in the vicinity.

Fish that are in large Bribbin, and similarly domesticated animals and fowl that are in large Bribbin, anything that is lacking trapping to the point that the owners say "Come from the trap and we will trap it" these Animals in these traps are Muktzeh and one cannot trap them on Yom Tov and if one were to trap these animals in these large Bribbin it may not be eaten. Anything that does not require trapping is considered to be prepared and may be trapped on Yom Tov and eaten. Similarly and domesticated animal that is cooped up in an area near a city and gives birth to young while they the young are still little and do not require to be trapped to slaughter them also do not required to be set aside for Yom Tov because he had his mind on them to be used for Yom Tov

Traps for wild animals, birds and fish that are baited from the eve of Yom Tov one should only take that which was trapped inside them if he knows that they were trapped before Yom Tov. One who dams a canal on the eve of Yom Tov and finds in it the next day On Yom Tov fish they are permitted to be eaten on Yom Tov for they were already trapped on the eve of Yom Tov and are considered to be prepared.

A storehouse that is filled with fruits are considered to be prepared for Yom Tov and one may open it and take the fruits inside from the opening. One who stands on Muktzeh from the eve of Yom Tov before Yom Tov during the Shmittah year when all fruits are considered to be ownerless require specification to acquire them since they are ownerless (even though the fruits are in his field because it is Shmittah) and he should say "from here until here I will take" and if he does not specify he cannot take.

Chapter 3

Chapter 4

One may not start a fire on a holyday by rubbing sticks or stones or metal together, or by striking one against the other until fire is produced. On a holyday, one is permitted to start a fire only by means of an already existing fire; but not to start a new fire, since it is possible to start it on the day preceding the festival.

Although it is permissible on a holyday to light a fire for the purpose of food, it is forbidden to quench a fire that was lit for the purpose of food, because quenching a fire is work entirely unnecessary for the preparation of food.

We do not extinguish a candle, to save money, on Yom Tov, just as we do not extinguish it on Shabbat, rather one should leave it to go out. And we do not extinguish a flame in order to have sex, rather, one should cover it with a vessel or make a partition between oneself and the light, or bring the light to another room/house. And if it is not possible to do any of these things, it is still forbidden to extinguish the candle and it is forbidden to have sex until it goes out.

Chapter 5

Chapter 6

On a holyday occurring on a Friday, one must not bake or cook food for the next day, the Sabbath. This prohibition is on rabbinic grounds, to prevent one from cooking on a holyday for a plain weekday. It stands to reason: if one must not cook food for the Sabbath, he certainly must not cook for a plain weekday. Accordingly, it is permissible to cook and bake on a holyday for the Sabbath if on the day preceding the festival one prepared a dish upon which to depend. The dish upon which he depends is called eruv tavshilin a mingling of dishes designed for the Sabbath as well as for the immediately preceding holyday.

Why is it called eruv The same as an eruv, prepared for courtyards and alleys on Friday, is a distinguishing mark preventing the residents from supposing that it is permissible to transfer objects from one domain to another, the eruv dish is a symbol and a reminder, lest some come to think vaguely that it is permissible to bake on a holyday what is not to be eaten on the same day. Hence, it is called the eruv of dishes.

When setting aside the eruv tavshilin, one should recite this blessing: "Blessed art thou, Lord our God, King of the universe, who hast sanctified us with thy commandments, and commanded us concerning the precept of eruv." He should add: "By virtue of this eruv may I be permitted to bake and cook on the festival day tomorrow what we need for the Sabbath." If he also acts for others, he should say: "May I and soandso be permitted," or: "May all the inhabitants of the town be permitted to bake and cook on the festival for the Sabbath following it."

If the two days of a festival occur on Thursday and Friday, the eruv tavshilin should be prepared on Wednesday, the day immediately preceding the holyday.

In the same way that there is an obligation to honor the Sabbath and to delight in it those obligations apply to the festivals. As it is stated (Isaiah 58:13) "to the Holy God who is honored" and all of the holidays are referred to as (Leviticus 23:7) "a time of holiness". We have already addressed the ideas of honor and delight in the laws of the Sabbath. It is therefore fitting for a person to refrain from feasting on the eve of festivals from the time of mincha just as we do on Sabbath eve as this is part of obligation of honoring. And, anyone who disgraces the festivals, it is as if he as served foreign worship.

Lamentation and fasting are forbidden during the seven days of Pesa, the eight days of Sukkoth, and the other

holydays. One is required to rejoice and be cheerful on those days, along with his wife, children, grandchildren, and all his dependents, as it is written: "You shall rejoice at your festival, you and your son and your daughter, your male and female servants" (Deuteronomy 16:14). Although the festivity mentioned here refers to the peaceoffering, as we are about to explain in the section concerning the rules of the pilgrimoffering, it includes the appropriate rejoicing of each man and his children and the members of his household.

The children, for example, should be given parched grain, nuts, and sweetmeats; the womenfolk should be presented with pretty clothes and trinkets according to one's means; the menfolk should eat meat and drink wine, for there is no real rejoicing without the use of meat and wine. While eating and drinking, one must feed the stranger, the orphan, the widow, and other poor unfortunates. Anyone, however, who locks the doors of his courtyard and eats and drinks along with his wife and children, without giving anything to eat and drink to the poor and the desperate, does not observe a religious celebration but indulges in the celebration of his stomach.

Even though feasting and making merry are biblical commandments, one should not eat and drink all day, rather follow this procedure: Go to the synagogue in the morning, pray and read the appropriate Torah portion. Then they go home, eat, return to the synagogue, and study Torah until it is time for the Mincha service. Then they pray, go home, and feast for the rest of the day until nightfall.

When one eats and drinks on a festival, he should not unduly indulge in wine, merriment and frivolity, thinking that the more anyone partakes of this the more he observes a religious celebration. Drunkenness, jesting and levity are not rejoicing but madness and folly, and we are not charged to indulge in madness and folly but in the kind of rejoicing that finds expression in the worship of the Creator of all things, as it is written: "Because you have not served the Lord your God with joy and with a glad heart for all your abundance" (Deuteronomy 28:47). This proves that one should worship with joy, while it is impossible to serve God by jesting, frivolity, or drunkenness.

Chapter 7

Although the Torah does not attach complete rest to the intermediate days of Pesa and Sukkoth, it refers to them as sacred assembly, and the pilgrimoffering was presented in the Temple on those days; hence, work is forbidden on Hol haMo'ed, so that it may not be regarded as ordinary weekdays that are devoid of all sanctity. If anyone performs prohibited work on Hol haMo'ed, he is punished for disobeying a rabbinic enactment. However, not every type of work is prohibited on Hol haMo'ed as on a holyday, for the things that are prohibited on Hol haMo'ed are essentially designed to show that it is not like a weekday in every respect. Therefore, some kinds of work are forbidden on Hol haMo'ed, while others are permitted.

If considerable loss is likely to result from neglecting any particular piece of work on Hol haMo'ed, it may be performed, provided that it does not involve excessive exertion.

Leavened and Unleavened Bread

Chapter 1

Anyone who eats an olive's volume of leavened bread on Passover beginning on the night of the 15th until the end of the 21st of Nissan intentionally is obligated to a punishment of kareit/cutting off, as it was said, "For anyone who eats leavened bread and will be cut off" (Exodus 12:15). Unintentionally one is obligated to a sacrifice of a fixed type (i.e. nonsliding scale) of sinoffering. This is the same for one who eats it and one who liquifies and drinks it.

The leavened bread on Passover is forbidden to derive pleasure from as it is stated: "You will not eat hametz" there should be no permissive scenario of eating.

Chametz which passed over Passover under Jewish ownership is forbidden to derive benefit from forever. This is a penalty imposed by the Rabbis on the Jew who violated the prohibition of "thou shalt not see nor shall it be found" so they forbade it even if he left it accidentally or under unavoidable circumstances so that no one would keep chametz around on Passover in order to use afterwards.

Chapter 2

The Torah commands us to put away the ametz before the time when it is forbidden to eat it, as it is written: "On the first day you shall put away leaven out of your houses" (Exodus 12:15); according to the traditional interpretation, the first day in this verse refers to the fourteenth of Nisan. This is obvious from what is written in the Torah: "You shall not offer the blood of my sacrifice with leaven" (Exodus 34:25), which means: "You shall not slaughter the paschal lamb

while leavened bread still exists"; the time for slaughtering the paschal lamb is the afternoon of the fourteenth day of Nisan.

What is meant by the biblical term putting away It means that one should regard the ametz as nonexistent or as mere dust of the earth, impressing on his mind that he has no ametz in his possession and that all the ametz in his possession is equivalent to dust or something entirely useless.

By rabbinic enactment, one must search for ametz in hiding places and holes, and remove it from his entire domain. Also, by rabbinic enactment, one should search and remove the ametz by lamplight at night, at the beginning of the night preceding the fourteenth day of Nisan, because all the people are then at home and lamplight is best for searching.

Chapter 3

Chapter 4

It is written in the Torah: "No leavened bread shall be seen with you" (Exodus 13:7). One might suppose that a man commits no transgression if he hides the ametz or deposits it with a nonJew; the Torah therefore says plainly: "No leaven shall be found in your houses" (Exodus 12:19), even if he has deposited or hidden it. Furthermore, one might suppose that a man transgresses only if the ametz is inside his house, but if it is far from his house, in the fields or in another town, he does not transgress the law; the Torah therefore says plainly: "In all your territory" (13:7), meaning: wherever you have control.

From this you can learn that chametz of a Jew that was left in the possession of a nonJew, even if it was concealed, and even if in a different city or even if entrusted to a gentile, is transgressing "shall not be seen" and "shall not be found". Chametz that was consecrated or that belonged to a nonJew and was in a Jew's possession, even if it is in the Jew's house, is permitted because it doesn't belong to him. And even if it belongs to an gentile ger toshav that is under the authority of a Jew, we do not force him (the gentile) to abandon his chametz during Passover. But it is necessary to establish a division ten tefachim high between his chametz in order to prevent accidental use of it. But consecrated (chametz) need not (be partitioned off) because everyone shies away from consecrated (things) in order not to infringe on the prohibition of "me'ilah".

A Jew may say to a nonJew: "Instead of buying ametz for one hundred zuzim, buy for two hundred; instead of buying it from a nonJew, buy it from me; I may find it necessary to buy it back from you after Passover." However, one must not attach a condition to the act of selling or giving it to the nonJew; if he does, he transgresses the law which prohibits ametz from being seen or found during Passover.

If one keeps food that contains an admixture of ametz during Passover, he transgresses the prohibition against its being seen or found. However, if the thing containing an admixture of ametz is not edible, it is permissible to retain it during Passover.

Chapter 5

There is no prohibition in the category of leavened grains on Passover except the five species of cereal alone; and they are the two species of wheat being wheat and buckwheat and the three species of barley being barley, oats, and rye. But legumes, like rice, beans, lentils and the like, lack the designation of leavened grains; yet even if one had kneaded rice flour and the like in boiling water and covered it in clothes until it rose like leavened dough; indeed this is permitted for eating as this is not fermentation but rather decay.

These five species of cereals, if kneaded with fruit juice alone without any water, they will never come to be leavened; rather even if they are left out all day until the dough has risen, they are permitted to eat, as fruit juice does not ferment but rather decays. And fruit juices include things like wine, milk, honey, oil, apple juice, pomegranate juice, and the like from the remaining wines, oils, and liquids. And these are those that have never been mixed with water; and if water has been mixed with them at all then they ferment.

One may not cook grains in water like bulgur and not flour like fritters. And if one cooked these indeed these are totally leavened breads; and these are those that have cracked during cooking One may not brown dough in oil on a pan, but one may cook matzah bread and browned flour. And if one boiled water a lot and afterwards put flour into it, indeed this is permitted because it is cooked instantly before it can leaven. It was already the custom in Shin'ar (Babylonia), in Spain and in all the West (Egypt and North Africa) to prohibit this by decree lest the water not be boiled

quite nicely.

It is permitted to cook the grain or the flour in fruit juice. Same with dough that was kneaded with fruit juice; if they cooked it in fruit juice or browned it on a pan in oil, indeed this is permitted because fruit juices do not ferment.

Fresh damp grain that one flashes in fire and grinds, one may not cook its flour in water lest it did not brown nicely in the fire and one will find that it ferments when one cooks it. And so too when one rubs flour to cover remaining pores in the new pots, one may not cook anything inside them except for baked matzah that they went back and ground it, but browned flour is prohibited lest they did not brown it nicely and it comes to leaven.

Chapter 6

The Torah commands us to eat matzah on the night preceding the fifteenth day of Nisan, as it is written: "In the evening, you shall eat unleavened bread" (Exodus 12:18), everywhere and throughout time. By eating a piece of matzah the size of an olive on the night of the fifteenth one fulfills his duty.

All are required to eat matzah on the first night of Passover; this includes women and slaves. A child able to eat bread should be fed a piece of matzah the size of an olive at least in order to train him in the performance of religious duties.

By rabbinic enactment, nothing may be eaten after the conclusion of the Seder meal, not even parched grain, nuts or the like. Even though one has eaten matzah first, and then some other food, fruits and the like, he should conclude the Seder meal by eating a piece of matzah the size of an olive and stop.

The sages have forbidden the eating of matzah on the day preceding Pesa, in order to make it conspicuous at night. The ancient sages used to go hungry on the day preceding Pesa, so that they might eat the matzah with appetite.

Chapter 7

According to a biblical positive command, we must tell on the night preceding the fifteenth day of Nisan all about the miracles and wonders that were performed for our forefathers in Egypt. Even great scholars are required to tell about the exodus from Egypt. Anyone who relates at length about the events that occurred deserves praise.

It is one's duty to inform the children even if they ask no questions, as it is written: "You shall tell your son" (Exodus 13:8). The father should instruct his son according to the child's understanding. For example, he should say to one small or foolish: "My son, all of us were slaves in Egypt, like this maidservant or like this manservant, and on this night God redeemed and liberated us." If the son is grown up and intelligent, he should inform him about everything that happened to us in Egypt, and about the miracles that were wrought for us by our teacher Moses; all in accordance with the son's understanding.

On the first night of Pesa, one should introduce some change at the table, so that the children who will notice it may ask, saying: "Why is this night different from all other nights" And he in turn will reply: "This is what happened." In what manner, for example, should he introduce a change He may distribute parched grain or nuts to the children; remove the table from its usual place; snatch the unleavened bread from hand to hand, and so on. If he has no son, his wife should ask the questions; if he has no wife, they should ask one another: "Why is this night different" even if they are all scholars. If one is alone, he should ask himself: "Why is this night different"

Chapter 8

Begin with the blessing "who brought forth from the ground" and take a vegetable and dip it in charoset and eat a kazait, he and everyone reclining with him should not eat less than a kazait. Afterwards, take away the table from in front of him and he reads the hagaddah to himself. Mix the second cup, and here the son asks. Why is this night different from all other night On all other nights we don't dip even once, tonight twice. On all other nights we eat hametz and matzah, tonight only matzah. On all other nights we eat meat roasted, boiled, or cooked, tonight only roasted. On all other nights we eat all kinds of vegetables, tonight only maror. On all other nights we eat while sitting or reclining, tonight we all recline.

In today's times we don't say "tonight only roasted" because we don't have a pascal sacrifice. Begin with shame and read until completion of the entire section "arami oved avi".

And afterwards, he recites the Grace after the Meals over a third cup and drinks it. And afterwards, he mixes (pours) a

fourth cup and finishes the Hallel (a set order of praises from the Psalms) over it. And he recites the blessing of song and that is "May all of your creatures praise you, etc." And he recites the blessing, "Who creates the fruit of the vine," and does not taste anything afterwards the whole night, except for water. And he should mix (pour) a fifth cup and say upon it the Great Hallel (Psalms 136), from "Give thanks to the Lord, for He is good" (Psalms 136:1) to "Upon the waters of Babylon" (Psalms 137:1). And this cup is not obligatory like the other four cups. And he can finish the Hallel anyplace that he desires, even though he is not in the place of the meal.

Chapter 9

We were slaves in Egypt and God took us out with a mighty hand and an outstretched arm. And had God not taken out our ancestors from Egypt, we and our children, and our children's children would still be slaves to Pharaoh in Egypt. So, even if all of our scholars or prophets, or elders, know the whole Torah, it is still incumbent (a mitzvah) upon us to tell of our leaving Egypt. Anyone who lengthens the telling of the Exodus, this is truly praiseworthy.

Shofar, Sukkah and Lulav

Chapter 1

It is a biblical commandment to hear the sound of the shofar on Rosh Hashannah as it says "it is a day of blowing the horn unto you." The horn which is blown, both on Rosh Hashannah and for the Jubilee year, is a bent ram's horn. All Shofars are invalid except the horn of a ram. Even though a Shofar is not mentioned explicitly in the passage about Rosh Hashannah, it does say in the passage about the Jubilee year "Then shalt thou make proclamation with the blast of the Shofar" and we have learned through the Tradition that just as the "teruah" of the Jubilee year is with a shofar, so is the "teruah" of Rosh Hashannah.

A priori, we do not blow with a shofar of idolaters (gentiles). But if one blew with one, he has fulfilled the commandment. And if one blew with a shofar of a condemned city (eer hanidachat), he has not fulfilled it. With a stolen shofar with which he has blown, he has fulfilled it; as the commandment is only listening to the sound even though he did not touch it and did not raise it up, the listener has fulfilled it; and there is no law of theft with sound. And so too with the shofar of a burnt offering, he should not blow, but if he blew, he has fulfilled it; as there is no law of misappropriating the sacred with sound. And if you say, "Did he not derive pleasure from listening to the sound"; the answer is that the commandments are not given for pleasure. Therefore, one who has vowed not to derive pleasure from the shofar is permitted to blow the blow of the commandment with it.

Chapter 2

If the festival of Rosh Hashanah falls on the Sabbath, the shofar is not sounded in every place. This law was enacted even though blowing the shofar was forbidden only as sh'vut.

It would be appropriate for the shofar to be sounded, for a positive commandment of the Torah should supersede sh'vut instituted by the Sages. If so, why is the shofar not sounded

Because of a decree of the Sages lest a person take it in his hands and carry it to a colleague so that the latter can blow for him, and in the process, carry it four cubits in the public domain or transfer it from one domain to another, and thus violate a prohibition punishable by being stoned to death. This is necessary because all are obligated in the mitzvah of blowing the shofar, but not all are skilled in it.

Chapter 3

How many blasts is one required to hear on Rosh Hashana Nine Tekias. This is because the Torah writes 'teruah' with regards to the jubilee year and Rosh Hashana three times. Every 'teruah' requires a straight blast before and after it. Through oral tradition, we learn that all 'teruahs' in the seventh month are the same, whether for Rosh Hashana, or Yom Kippur of the jubilee year, we blow nine blasts. The setup is Tekiah, Teruah, Tekiah. Tekiah, Teruah, Tekiah. Tekiah, Teruah, Tekiah.

This Teruah that the Torah discusses, due to the many years of exile, we are unsure what it is. It may be the wail that women wail amongst themselves whilst crying. It may be the sigh that one does, one after the other, whilst they are worried about a great stress. It may also be both together, the sigh followed by the cry, as it usually comes afterwards. This may be called teruah, as this is the way of a worrier, to first sigh, and then cry. We therefore do all options.

The wail is what we call 'Teruah'. The sighing, one after another, is what we called three 'Shevarim'. The order of shofar blasts is therefore thus. The blessing is recited, Tekia is sounded, followed by three Shevarim, a Teruah and a Tekia. This is repeated three times. Then Tekiah is sounded, followed by three Shevarim and a Tekiah. This is repeated three times. Then Tekiah is sounded, followed by Teruah and Tekiah. This is also repeated three times. Therefore, the numbers of blasts is thirty, in order to avoid any doubts.

Chapter 4

Chapter 5

The covering of the sukkah is not kosher from all materials. One may cover only with materials that grew from the earth, that was uprooted from the earth and that is not susceptible to ritual impurity (tumah) and does not have a bad smell nor has fallen or is wilted.

Chapter 6

Chapter 7

The branches of palm trees specified in the Torah (Leviticus 23:40) are freshly sprouted twigs of a palm tree, before their leaves are spread apart; they resemble a rod, called lulav.

The fruit of goodly trees specified in the Torah is the ethrog. The boughs of leafy trees specified in the Torah refer to the myrtle, the leaves of which cover the wood; it has, for example, three or more leaves growing from each bud.

The willows of the brook specified in the Torah do not refer to every plant growing near a brook, but to a definite kind of plant called willows of the brook. Its leaf is elongated like a brook and has a smooth edge, and its twig is red. This is called aravah, willow. Most plants of this kind grow beside brooks, hence the term willows of the brook; even if it grows in the wilderness or on the mountains it is fit for use.

The four species described above constitute one precept, and the absence of any of these makes the others useless. All of them are included under the term lulav precept; their number should be neither decreased nor increased.

How many should be taken of each species One lulav, one ethrog, two twigs of willow, and three twigs of myrtle. If one wishes to increase the number of myrtle twigs so that the bunch should be larger, he may do so.

We are required to wave the lulav on the first day of Sukkoth only, anywhere and at any time, even if this happens to be a Sabbath, as it is written: "You shall take on the first day the fruit of goodly trees" (Leviticus 23:40). Only in the Temple was the lulav waved on each of the seven days of Sukkoth, as it is written: "You shall rejoice before the Lord your God seven days"

After the destruction of the Temple it was ruled that the lulav should be waved on each of the seven days of the festival, in remembrance of the Temple usage.

Anyone who is required to hear the shofar and to dwell in a sukkah is also required to wave the lulav; anyone who is exempt from hearing the shofar and dwelling in a sukkah is likewise exempt from waving the lulav. A little boy who knows how to shake the lulav is required to do so, by rabbinic rule, in order to train him in the observance of precepts.

The custom in Jerusalem used to be that an individual would leave home carrying his lulav, go to synagogue with lulav in hand, worship with lulav in hand, and then go to visit the sick and comfort the mourners with lulav still in hand. But when he was about to enter the schoolhouse, he would send his lulav home with his son or servant (Sukkah 41b).

Chapter 8

If partners bought a Lulav or Etrog together, neither of them can fulfill the Mitzva on the first day until the other gives him his portion as a gift. If brothers bought multiple Etrogs with money from a shared estate and one brother took one etrog on the first day, he has fulfilled his obligation. However if they keep accounts of the estate money he has not fulfilled his obligation until the other brother gives it to him as a gift. And even if one bought an Etrog and the other a quince or one bought an etrog, a quince, and a pomegranate he has not discharged his obligation until the other brother gives him his share in the fruit even if he would not mind under normal circumstances if the first brother ate it.

Although we are required to rejoice on all festivals, there was special rejoicing in the Temple during the Sukkoth festival, as it is written: "You shall rejoice before the Lord your God seven days" (Leviticus 23:40). How was this done

On the day preceding the first day of Sukkoth, a raised section for women and a lower section for men were prepared in the Temple, so that they might not mix. They began to celebrate at the conclusion of the first day of the festival. On each day of Hol haMo'ed, the celebrations began after the daily afternoon sacrifice and continued for the rest of the day and the entire night.

How was this celebration observed Flutes were sounded, and harps, lyres and cymbals were played. Anyone who could play an instrument, played it; anyone who could sing, sang. They danced, clapping hands and leaping, each one to the best of his ability. However, this celebration was not permitted on the Sabbath or on the first day of the festival.

It was a religious duty to observe this celebration as much as possible. Ignorant individuals, or anybody who wished to participate took no leading part in it. Only great Jewish scholars, heads of academies, members of the Sanhedrin, elders, and men of piety and good deeds danced, clapped hands, made music and entertained in the Temple in the days of Sukkoth. Everyone else, men and women, came to watch and listen.

The joy which a person derives from doing good deeds and from loving God, who has commanded us to practise them, is a supreme form of divine worship. Anyone who refrains from experiencing this joy deserves punishment, as it is written: "Because you have not served the Lord your God with joy and with a glad heart" (Deuteronomy 28:47). Anyone who is arrogant and insists on selfglory on such occasions is both a sinner and a fool. King Solomon had this in mind when he said: "Do not glorify yourself in the presence of the King" (Proverbs 25:6). On the other hand, anyone who humbles himself on such occasions is indeed great and honored, for he serves the Lord out of love. David, King of Israel, expressed this thought when he said: "I will make myself even more contemptible than this, humbling myself in my own eyes" (II Samuel 6:22). True greatness and honor are attained only by rejoicing before the Lord, as it is written: "King David was leaping and dancing before the Lord" (II Samuel 6:16).

Shekel Dues

Chapter 1

The Torah commands each member of Israel to contribute half a shekel each year. Even a poor man who lives on charity is required to give; he borrows or sells the garment off his back and contributes a silver halfshekel, as it is written: "The rich shall not give more and the poor shall not give less than half a shekel" (Exodus 30:15). One must not pay the halfshekel in several instalments, a little today and a little tomorrow, but has to contribute it all at once in a single payment.

This halfshekel requirement signifies that one is to give half of the contemporary standard coin, even if this coin happens to be larger than the sanctuary standard of a shekel. However, one is never allowed to pay less than the halfshekel used in the time of Moses our teacher, which weighed one hundred and fifty barley grains.

All are required to contribute half a shekel: priests, Levites, Israelites, proselytes, and emancipated slaves; but not women, slaves or minors. If these, however, offer to pay, the halfshekel is accepted from them. If nonJews offer it, it is not accepted from them. If the father of a minor begins paying the halfshekel on behalf of his son, he is no longer free to discontinue it, but must go on paying each year until his son grows up and pays for himself.

The shekel dues are applicable only when the Temple is in existence. As long as the Temple was in existence, shekel dues were contributed both in Eretz Yisrael and outside it. After the destruction of the Temple, the halfshekel payments ceased even within Eretz Yisrael.

On the first of Adar announcement is made concerning the payment of shekel dues, so that each individual may prepare his halfshekel and be ready to pay it. On the fifteenth of Adar, the moneychangers sit down in each town and gently request everyone to pay. They accept from everyone who offers them the halfshekel, without using compulsion against anyone who does not. On the twentyfifth of Adar, they sit down in the Temple to enforce collection. From then on, payment is obtained by force from those who have not yet paid. Anyone who refuses to pay is subjected to compulsion by levy; a pledge is taken from him forcibly, even the garment he is wearing.

Chapter 2

When each town has completed the collection of the shekel dues, they are sent by messengers to the Temple; it is permissible to convert them into gold denars to facilitate transportation. All shekel dues are gathered in the Temple and deposited in one of the Temple chambers, the doors of which are locked with keys and sealed with seals. Three large baskets of nine seah each are filled with collected shekel dues, and the remainder is left in the chamber. The

halfshekels in the baskets are called Temple fund; the surplus is called the residue of the chamber.

Three times a year sums are taken from the Temple treasury: on Rosh Hodesh Nisan, on Rosh Hodesh Tishri, before or after the festival, and on the fifteenth day before Shavuoth.

If the shekel dues in the three large baskets were insufficient and all spent before Nisan, sums were taken again from the residue of the chamber.

The priest entering the chamber to take up the heave offering must not wear a garment in which money can be concealed, nor shoes, sandals, a phylactery, or an amulet, that people should not become suspicious and say: "He has concealed money from the chamber on his person while taking up the heave offering." Besides, conversation was maintained with him from the moment he entered the chamber until he left it, to prevent him from putting coins in his mouth. Yet, despite all these precautions, a poor man or a greedy person should not take up the heave offering, because of possible suspicion, as it is written: "You shall be clear before the Lord and before Israel" (Numbers 32:22).

Chapter 3

Chapter 4

What is done with the Temple fund It is used for the purchase of the daily offerings, the additional offerings, and all other public offerings with their libations, as well as the salt with which all sacrifices were salted, and the firewood, if it has not been brought as a gift and is obtainable only for money.

The official proofreaders of biblical manuscripts in Jerusalem, and the judges who tried robbers in Jerusalem, received their salaries out of the Temple fund. How much did they receive Ninety maneh (9,000 zuz) annually. If this was insufficient for their maintenance, they were given, whether they wanted it or not, enough additional pay to provide for their own needs and the needs of their wives and children and other members of their households.

Sanctification of the New Month

Chapter 1

The months of the year are lunar months and the years we reckon are solar years.

The solar year exceeds the lunar year by eleven days, approximately. Hence, whenever this excess accumulates to about thirty days, somewhat more or less, one month is added and the year is made up of thirteen months and is called leap year. The year cannot consist of twelve months plus several days, because it is written: "Months of the year" (Exodus 12:2), implying that the year should be reckoned by months and not by days.

The moon is invisible for about two days each month, or somewhat more or less: about one day at the end of the old month before it is close to the sun and about one day after its conjunction with the sun, when it reappears in the evening in the west. The night on which it becomes visible in the west after having disappeared is the beginning of the month. Twentynine days are counted from that day on. If the new moon appears on the night of the thirtieth day, then the thirtieth day is the first day of the new month. If it does not appear on that night, the thirtieth day belongs to the past month and the thirtyfirst day is the first day of the new month. We pay no attention as to whether or not the moon appeared on the night of the thirtyfirst day, because the lunar month never exceeds thirty days.

If the moon appears on the night of the thirtieth day, the past month has twentynine days and is called defective month. If the moon does not appear on the night of the thirtieth day, the past month has thirty days and is called intercalated month or full month.

The observation of the new moon is not entrusted to every individual, as in the case of the regular weekly Sabbath where anyone may count six days and rest on the seventh, but the authority is given to the court only, to sanctify and proclaim the day as the first of the month. The day proclaimed by the court is Rosh Hodesh, as it is written: "This month shall be to you" (Exodus 12:2), implying that the evidence in this matter is surrendered to you members of the court.

Like astronomers who engage in calculation and know the positions and motions of the stars, the Jewish court calculates and investigates minutely so as to know if it is or is not possible for the new moon to be visible in its time, which is the night of the thirtieth day. If the members of the court found that it would be possible, they had to wait in the court house for the arrival of witnesses throughout the thirtieth day. If witnesses arrived and were duly examined

and tested and found trustworthy, the thirtieth day was sanctified as the first day of the new month. If the new moon did not appear and no witnesses arrived, that day was counted as the thirtieth of the past month which became an intercalated month. If, however, the members of the court knew by calculation that the new moon could not possibly be seen, they were not required to sit and wait for the arrival of witnesses the thirtieth day. If witnesses did come to testify that they had seen the new moon, it was certain that they were false witnesses, or that a semblance of the new moon appeared to them through the clouds, and was not the real moon.

The new moon days and the leap years are computed and proclaimed only in Eretz Yisrael, as it is written: "Out of Zion shall go forth instruction, and the word of the Lord from Jerusalem" (Isaiah 2:3). If, however, a great scholar was ordained in Eretz Yisrael and then emigrated to another country without leaving in Eretz Yisrael anyone equal to him in learning, he is permitted to compute and proclaim the new moon days and leap years outside the Land of Israel.

Chapter 2

Two trustworthy men only are qualified to testify concerning the new moon, men that are fit to bear witness in any legal case. Women and slaves, however, are not eligible to bear witness, and their testimony is not accepted.

According to the biblical law, the court is not required to be too strict in accepting evidence concerning the new moon. If the court sanctified the new moon on the evidence of two witnesses, who were found to have given false testimony, it remains sanctified. Originally, therefore, the court used to accept evidence concerning the new moon from any Jewish man, proceeding upon the assumption that each Israelite is qualified as a witness unless he is known to be disqualified. However, after the evil doings of the heretics, who tried to confuse the sages by hiring false witnesses to bear evidence that they had observed the new moon, though they had not seen it, the sages enacted that evidence concerning the new moon should not be admitted unless the witnesses were known to the court as trustworthy men, and that the witnesses should be thoroughly tested and examined.

For this reason, if the court does not know the men who saw the new moon, the people of the town should send along with the witnesses who saw the new moon other witnesses to certify them before the court, vouching for their being trustworthy men; only then is their evidence accepted.

The court employs methods of calculation similar to those used by astronomers, ascertaining whether the new moon of the forthcoming month will be seen to the north or to the south of the sun, whether it will be wide or narrow, and in which direction the tips of the horns will point. When the witnesses arrive to testify, the court examines them: Where did you see the new moon, to the north or to the south? In which direction did its horns point? How high was its altitude, in the estimate of your eyes, and how wide its latitude? If their evidence has been found to conform with the results of astronomical calculation, it is accepted; but if it has been found not to conform, it is rejected.

If the witnesses said "we saw it in water" or "in clouds" or "in frost", or they saw part of it in the sky and part of it in clouds or in water or frost, this isn't a sighting and we don't sanctify based on this sighting. One says "I saw it with my eyes at a height of about two floors" and the second says "at about a height of three floors", they join up to form valid testimony. One says "about three floors" and the second says "about five floors", they don't join up. And we do join up one of them with a second that testifies like him or with a single floor between them.

If the witnesses said: "We noticed the moon unintentionally, but failed to see it again when we looked and wanted to see it in order to bear witness," their testimony is not sufficient, and the court does not sanctify the new moon on the strength of it, owing to the suspicion that combined clouds produced the illusion of a moon and then disappeared.

The evidence concerning the new moon is accepted in this fashion: Anyone who is qualified to bear witness comes to the courthouse after seeing the new moon. Then the court assembles them all to one place; they are entertained generously with large meals, so that people may make it their habit to come. The first pair of witnesses to arrive are examined first, as we have described. The elder of the two witnesses is brought in and questioned. If his testimony is found to correspond to the data of calculation, the other one is called in. If both testimonies are found to be in agreement, their evidence is declared valid. The other pairs of witnesses are asked only a few main questions, not because their testimony is needed, but that they should not go away disappointed at not being asked, and that they may make it their habit to come.

Thereupon, when the evidence has been sustained, the chief justice of the court proclaims Mekuddash! the new moon is sanctified, and after him all the people present respond: Mekuddash! Mekuddash! Only a court of three may carry out the calculation and the sanctification of the new moon. The formal sanctification of the new moon is

proclaimed only when the new moon has been observed in its proper time; and this must be done at daytime. If it was done at night, the sanctification is not valid.

If the court itself saw it at the end of the 29th day, if there still hasn't emerged a star of the night of the 30th, the court says "it is sanctified, it is sanctified", for it is still day. And if they saw it on the night of the 30th after two stars emerged, on the next day, we sit two judges with one of them that saw it at night and the two others testify before the three judges and the three sanctify it.

If the court sanctified the new moon erroneously, incorrectly or forcibly, the sanctification remains valid and everyone must fix the dates of the festivals in accordance with the day in which the members of the court sanctified the new moon. Even if someone knows that they have made a mistake, he must rely on their decision, because the authority in this matter rests only with them. He who has commanded us to observe the festivals has also commanded us to depend on them, as it is written: "The festivals which you shall proclaim" (Leviticus 23:2).

Chapter 3

Witnesses that see the month, if there is between them and the location of the court a distance of a night and day's journey or less, they go and testify. And if there is between them more than this, they don't go for their testimony after the 30th day doesn't help since the month has already been made pregnant (into a 30 day month).

Witnesses who saw the new moon must go to the court to bear witness even if it happens to be a Sabbath, as it is written: "Which you shall proclaim, each in its proper season" (Leviticus 23:4); and wherever proper season is used in a biblical command, it supersedes the Sabbath. For this reason, they are allowed to break the Sabbath only when the new moon of Nisan and that of Tishri are concerned, to determine the time of the festivals. When the Temple was still in existence, the additional offering presented on Rosh Hodesh superseded the Sabbath, which was profaned on account of any Rosh Hodesh coinciding with it.

Just as the witnesses that saw the month desecrate the Shabbat, so too the witnesses who justify them to the court desecrate with them if the court doesn't recognise the ones who saw. And even if the one who informs the court of them is a single witness, he goes with them and desecrates in case he will find another and join up with him.

If the witness that saw the month on the night of Shabbat was ill, we ride him on a donkey and even on a bed. And if there is an ambush on the way, the witnesses take weapons in their hands. And if it was a far way, they take food in their hands. And even if they saw it large and visible to all, they shouldn't say "just as we saw it, others saw it and we don't need to desecrate the Shabbat", rather anyone who sees the month and will be fitting to testify and there will be between him and the location where the court is fixed a night and a day's journey or less has a commandment upon him to desecrate the Shabbat and to go and testify.

At first, they'd accept testimony of the month the entire 30th day. One time, the witnesses delayed in coming until the late afternoon and they ruined the service in the Temple and didn't know what to do; whether they should do the afternoon elevation offering, perhaps the witnesses would come and it is impossible to bring up the additional offering of the day of the first of the month after the afternoon continual offering. The court arose and amended that they would only accept witnesses of the month until the time of minchah in order that there would be sufficient time in the day to bring up the additional offering and afternoon continual offering and their libations.

And if minchah arrived and witnesses did not come, they'd do the afternoon continual offering. And if witnesses came from minchah onwards, they treat that day as holy and the morrow as holy and they bring the additional offering on the morrow, since they didn't sanctify it after minchah. From when the Temple was destroyed, Rabban Yochanan ben Zakkai and his court amended that they'd accept testimony of the month the entire day and even if witnesses came on the 30th day at the end of the day close to sunset, they accept their testimony and sanctify only the 30th day.

When the court makes the month pregnant (30 days) because witnesses didn't come the entire 30th day, they'd go up to a prepared place and they'd make a feast on the 31st day which is the first of the month. And they don't go up to there at night, rather at first light, before sunrise, and they don't go up to this feast with less than 10 people. And they only go up with grain bread and legumes and they eat these at the time of the feast. And this is the meal of the commandment of impregnating the month that is said in every place.

Originally, when the court sanctified the new moon, they used to light flares on the tops of the mountains, so that those who lived far away might know of it. But when the Samaritans began to cause trouble, by kindling misleading flares, it was enacted that messengers should go forth to inform the public.

Messengers were sent out to proclaim the beginning of six months: Nisan, on account of Pesa; Av, on account of the fast of Tish'ah b'Av; Elul, because of Rosh Hashanah; Tishri, because of Yom Kippur and Sukkoth; Kislev, because of Hanukkah; Adar, because of Purim. When the Temple was still in existence, messengers would go forth to inform about the beginning of Iyyar, because of Pesa Shenit observed on the fourteenth of Iyyar.

The messengers of Nissan and the messengers of Tishri only go out on the day of the first of the month after the sun will rise, waiting until after they have heard from the mouth of court "it is sanctified". And if the court sanctifies at the end of the 29th day as we have said and they heard from the court "it is sanctified", they go out in the evening. And the messengers of the other 6 months can go out in the evening after the moon has been seen, even though the court is yet to sanctify the month. Since the month has been seen, they go out, for tomorrow the court will certainly sanctify it.

Every place that the messengers reach, they'd make the festivals a one day holiday as is written in the Torah. And the distant places that the messengers wouldn't reach would make two days because of the doubt, for they wouldn't know which day was the day that the court fixed the first of the month.

There are places that the messengers of Nissan would reach them and the messengers of Tishri would not reach them. And according to the law, they ought to make Passover one day of holiday, for the messengers reached them and they knew on which day the first of the month was fixed. And they ought to make the holiday of the festival of Tabernacles two days, for the messengers didn't reach them. And in order not to distinguish between the festivals, the sages amended that any place that the messengers of Tishri didn't reach would make two days of holidays, even the holiday of Ceasing (Shavuot).

And how much is between the messengers of Tishri and the messengers of Nissan Two days. For the messengers of Tishri didn't travel on the 1st of Tishri because it is a holiday and not on the 10th of it because it is the Day of Atonement.

The messengers do not need to be two, rather even one is believed. And not only a messenger alone but even a merchant from the rest of the populace that comes on his way and says "I heard from the mouth of the court that they sanctified the month on a particular day" is believed and they fix the festivals by his mouth. For this matter is something which is prone to be revealed and a single kosher witness is believed for it.

If the court sat all of the 30th day and witnesses didn't come, and they awoke at first light and impregnated the month as we have explained in this chapter. And after 4 or 5 days, distant witnesses come and they testify that they saw the month at its time which is the night of the 30th. And even if they come at the end of the month. They intimidate them very threateningly and they hassle them with questions and they bother them with checks and they are meticulous with their testimony and the court attempts to not sanctify this month since its name of pregnant has gone out.

And if the witnesses stand with their testimony and it is found consistent and the witnesses are known and intelligent men and the testimony has been appropriately investigated. They sanctify it and retract and count for that month from the 30th day since the moon was seen on its night.

And if the court need to leave this month pregnant as it was before these witnesses came, they leave it. And this is what they said "we impregnate the month for necessity". And there are amongst the great sages those who argue on this matter and say we never impregnate the month for necessity; since witnesses came, we sanctify and don't intimidate them.

It appears to me that there is only an argument amongst the sages for the months other than Nissan and Tishri. Or with witnesses of Nissan and Tishri that came after the festivals had passed. For what has been done has been done and the time of the offerings and the time of the festivals has passed. But if the witnesses came in Nissan and Tishri before half of the month, we accept their testimony and we don't intimidate them at all. For we don't intimidate witnesses that testify about the month that it was seen at its time to impregnate it.

But we intimidate witnesses whose testimony has become ruined and the matter is tending such that the testimony will not stand and the month will become impregnated. We intimidate them in order that the testimony will stand and the month will be sanctified at its time. And similarly, if witnesses come to disprove the witnesses that saw it at its time before the court have sanctified it, we intimidate the disproving witnesses until their disproof doesn't stand and the month is sanctified at its time.

Chapter 4

A leap year is a year to which an extra month is added. Only Adar is the month that is ever added, so that a leap year has two months of Adar: a first Adar and a second Adar. Why is just this month added Because of the spring season, so that Pesa should be observed during the barley season, as it is written: "Observe the month of Aviv, and keep the Passover" (Deuteronomy 16:1), implying that this month of Nisan should occur during the spring. Without the addition of this month of Adar, Passover would occur sometimes in the summer and sometimes in the rainy season of winter.

For three indicators we make the year a leap year. For the epoch and for the spring and for the fruit of the trees. How The court calculates and knows; if the epoch of Nissan (when the sun enters Aries) will be on the 16th of Nissan or after this time, they make the year into a leap year. And they make that Nissan an Adar Sheini in order that the Passover will be in the spring time. And on this indicator, we rely and make leap years and we are not concerned about another indicator.

And similarly, if the court saw that the spring has yet to arrive, rather it is still dark. And the fruit of the trees that tend to sprout around Passover have not sprouted. We rely on these two indicators and make the year a leap year. So that the spring will be present to offer up from it the waved omer (an offering of grain) on the 16th of Nissan. And in order that the fruit will sprout normally throughout the spring time.

And we rely on three lands with respect to the spring. On the land of Yehuda and on the Jordan Bank and in the Galil. And if the spring arrived in two of these lands and in one it didn't, we don't make it a leap year. And if it arrived in one of them and it didn't arrive in two, we make it a leap year, if the fruit of the trees is yet to sprout. And these are the main things that we make leap years for in order that the years will be solar years.

And there exist other things that the court makes leap years for due to necessity. And these are they: Because of the roads that are not mended and the people are unable to go up to Jerusalem, we make the year a leap year until the rain stops and the roads are mended. And because of the bridges which were demolished and the rivers are found blocking and preventing the people or they are endangering themselves and dying, we make the year a leap year until they mend the bridges. And because of the passover ovens that were destroyed in the rain and they don't have place to roast their passover offerings, we make the year a leap year until they will have built the ovens and they will have dried. And because of the Israelite exiles that have been uprooted from their place and are yet to have arrived in Jerusalem, we make the year a leap year in order that they will have enough time to arrive.

But we don't make the year a leap year, not for the snow and not for the cold and not for the Israelite exiles that are yet to be uprooted from their place. And not for the ritual impurity. For example, were the majority of the congregation or the majority of the priests ritually impure, we don't make the year a leap year in order that they will have enough time to purify themselves and do the offerings in purity, rather they do in impurity. And if they made the year a leap year because of the impurity, it is a leap year.

There are things for which we don't make a leap year at all but we make them a support for a year that needs to become a leap year because of the epoch or because of the spring and the fruits of the trees. And these are they: Because of the goats and sheep that are yet to be born or which are few. And because of the chicks that haven't flown. We don't make a leap year because of these, in order that the goats and sheep should be accessible for the passover offerings and the chicks accessible for the Re'iah offering or for those who are obligated in a bird offering. But we make them a support for the year.

How do we make them a support for the year We say "this year needs making into a leap year because of the epoch that has dragged" or "because of the spring and the fruit of the trees that are yet to arrive and further for the goats are small and the chicks are delicate."

A year should be intercalated only by those who were invited to participate in the act of intercalation. How is this done The chief justice of the Supreme Court should say to certain members of the Sanhedrin: "You are invited to come to such and such a place, that we may together calculate and find out whether this year should be intercalated or not." Only those invited may decide about the intercalation of the year.

If two of the five members of the council say that the year should be intercalated, and three say that it should not, the minority of two does not count. If three say that it should be intercalated, and two say that it should not, two members are added to the council from among those who have been invited, and they discuss the matter and decide with a panel of seven. If all seven of them unanimously decide to intercalate or not to intercalate, their decision is adhered

to; but if they disagree, the opinion of the majority is followed.

A king or a high priest must not be placed as a member of the council on the intercalation of the year. A king is not eligible on account of his armies and farflung campaigns, lest he may be inclined to intercalate or not to intercalate in their interests. A high priest is not eligible because he may be concerned about the cold weather; he may not be inclined to intercalate, so that the month of Tishri should not occur in the cold season, when he must take five baths of purification on Yom Kippur.

If the chief justice of the Supreme Court, who bears the title of Nasi, happens to be away on a distant trip, the year can be intercalated only on condition that the Nasi will consent. If he arrived and gave his consent, the intercalation remains valid; if he did not consent, the intercalation is invalid.

The court is able to calculate and to know which years will be leap years at any time they want, even several years. But they don't say "year suchandsuch is a leap year", rather after Rosh Hashanah they say "this year is a leap year". And this matter is only because of pressure but at a time when there is no pressure, we don't inform that it is a leap year after Rosh Hashanah, rather in Adar they say "this year is a leap year and the coming month is not Nissan but rather Adar Sheini". If they said before Rosh Hashanah "this entering year is a leap year", it is not a leap year with this statement.

If the 30th day of Adar arrived and they were yet to make the year a leap year, they don't make it a leap year at all. For that day is fitting to be the first of the month of Nissan and once Nissan has entered and they haven't made it a leap year, they are not able to make a leap year. And if they made it a leap year on the 30th day of Adar, it is a leap year. If witnesses come after they made it a leap year and they testify on the moon, they sanctify the month on the 30th day and it will be the first of the month of Adar Sheini. And if they sanctify it before they make the year a leap year, they can no longer make a leap year for we don't make leap years in Nissan.

We don't make the year a leap year in a year of famine, for everyone runs to the granaries to eat and to live and it is impossible to add for them time to forbid the new produce (which will only become permissible on the 16th of Nissan). And we don't make a leap year in the shvi'it (the seventh year of the agricultural cycle), for everyone's hand is controlling the undergrowth, and we won't find grain for the omer offering and the two loaves offering. And they were used to making a leap year on the eve of shvi'it.

It seems to me that this that the sages said "we don't make a leap year in years of famine and shvi'it", is that we don't make a leap year because of the necessity of the roads and the bridges and such like. But if the year was fitting to be made a leap year because of the epoch or because of the spring and the fruit of the trees, we always make a leap year at any time.

When the court makes the year a leap year, they write letters for all the distant places and they inform them that it has been made a leap year and for what reason it was made a leap year. And with the language of the prince they are written. And it says to them "it is known to you that I and my colleagues have agreed and we have added on this year such and such". If they want, 29 days, if they want, 30 days. For the leap year month, the court has the authority to add a full month or a lacking month for the people who are far away when they inform them. But they themselves go according to the sighting, if full or if lacking.

Chapter 5

All that we have said concerning the fixation of Rosh Hodesh on the basis of observing the new moon, and concerning intercalation of the year because of the season or because of some other necessity, is applicable only to the Sanhedrin in Eretz Yisrael or to the members of the court who were ordained in Eretz Yisrael, to whom the Sanhedrin gave permission to act. Moses and Aaron were told: "This month shall be to you the beginning of months" (Exodus 12:2), and the sages have derived from an oral tradition going back to our teacher Moses that the meaning of this verse is: This evidence shall rest with you and your successors. When, however, no Sanhedrin exists in Eretz Yisrael, the newmoon days and the leap years are determined only by such methods of calculation as we are employing today.

And this matter is a law of Moses from Sinai. That at a time that there is a Sanhedrin, we fix by the sighting, and when the Sanhedrin doesn't exist, we fix by this calculation that we calculate today and we don't relate to the sighting. Rather, sometimes the day we fix with this calculation will be the day of sighting, or a day before, or a day after. And that it will be after the sighting by a day is a wonder (i.e. very rare), and this is so in lands that are to the west of the

land of Israel.

When did all Israel begin to use this method of calculation During the last generation of the talmudic sages, when Eretz Yisrael was in ruins and no established court had survived there. In the times of the Tannaim the sages of the Mishnah, and also in the period of the talmudic sages prior to Abbay and Rava, the people relied on the courts of Eretz Yisrael for setting the calendar.

When the Sanhedrin still existed and the calendar was set by observation, the inhabitants of Eretz Yisrael, and the places that could be reached by the messengers of Tishri on time, observed each festival one day only; whereas those who lived in more distant places that could not be reached by the messengers of Tishri in time observed two days, because of doubt, since they failed to know which day had been proclaimed as Rosh Hodesh by the men of Eretz Yisrael.

At the present time, when no Sanhedrin and court of Eretz Yisrael are in existence, we set the calendar by calculation. It might be logical that the Jewish people everywhere, even those living in remote places of the Diaspora, should observe one day only as holyday just as the inhabitants of Eretz Yisrael do, in view of the same calculation followed by all in determining the calendar. The sages, however, have made it a rule that the people must carefully follow the custom of their forefathers.

Accordingly, the localities which could not be reached on time by the messengers sent to announce Rosh Hodesh Tishri must observe two days even at present, just as they used to when the men of Eretz Yisrael determined the calendar on the basis of observation. But the residents of Eretz Yisrael at our time should continue to keep only one day, according to their ancient custom, for they never observed two days. Hence, it becomes evident that the second day of the festival that we observe in the Diaspora nowadays is something enacted by the sages.

When the fixing of the month was accomplished by the observation method, the majority of the inhabitants of Eretz Yisrael observed Rosh Hashanah for two days, because they were in doubt as to which day had been declared as newmoon day, since the messengers could not go forth on a holyday and Rosh Hashanah coincides with the first day of the month.

Moreover, even in Jerusalem itself, which was the seat of the court, it frequently happened that Rosh Hashanah was observed for two days. If witnesses failed to arrive on the thirtieth day of Elul, the people were accustomed to celebrate it as Rosh Hashanah, while waiting for witnesses to appear, observing the following day likewise as a holyday. Since they used to keep two days Rosh Hashanah even when the method of observation was in use, the sages ordained that even the citizens of Eretz Yisrael should keep it for two days always, at the present time when the calendar is determined by computation. You may thus infer that even the second day of Rosh Hashanah is based on the authority of the sages.

The observance of one day of the other festivals does not depend upon the proximity of a location to Jerusalem. For example, a locality at a distance of five days' journey or less from Jerusalem could certainly have been reached by the messengers in time; yet it cannot be said that the residents of this place should observe only one day. Possibly no messengers were ever sent out to this place because there were no Jews there, and when the calendar began to be determined by computation the place was settled by Jews who were required to observe two days by their previous custom. Or else, no messengers ever came to this place because of insecurity in travel, as was the case between Judea and Galilee during the period of the Tannaim the sages of the Mishnah, or, because nonJews, living along the road, would prevent the messengers from passing through the area.

If this matter of observing one day were to depend upon the proximity to Jerusalem, all the Jews of Egypt would observe only one day, since the messengers of Tishri could have reached them in time. The distance between Jerusalem and Egypt, by way of Ashkelon, is indeed only a matter of eight days' journey or less. The same applies to most places in Syria. Hence you may infer that the thing does not depend upon the proximity of a place.

It is found that the root of this matter on this way is such: Any place that has between it and between Jerusalem a journey greater than 10 complete days makes two day always like their custom from before. For the messengers of every single Tishrei would only reach a place that has between it and between Jerusalem a journey of 10 days or less. And any place that has between it and between Jerusalem a journey equal to 10 days or less, such that it is possible that the messengers of Tishrei would reach it, we see if that place was from a part of the land of Israel that had in it people of Israel at the time of the sighting in the second conquering of the land, like Usha and Shaphram and Lod and Yavneh and Nov and Tiberius and such like, they make only one day alone. And if that place was from Syria,

like Tyre and Damascus, and Ashkelon and such like, or from the outside of the land of Israel, like Egypt and Amon and Moav and such like, they do like the custom of their fathers in their hands, if one day, one day, and if two days, two days.

A place that has between it and between Jerusalem 10 days or less than 10, and it is in Syria or the outside of the land of Israel, and they don't have a custom. Or it is a newly formed city in the desert of the land of Israel. Or a place that people of Israel dwells now. They make two days like the custom of the majority of the world. And every second day holiday is from the words of the scribes and even the second day of the holiday of Rosh Hashanah which everyone makes at this time.

When we nowadays compute, everyone in his own town, declaring such and such a date to be Rosh Hodesh or a festival, we do not rely upon our own calculation and determination, for it is not permissible to intercalate the years or to determine newmoon days outside of Eretz Yisrael; we may rely only on the computation and fixation performed by the inhabitants of Eretz Yisrael. Our own computation is only for the purpose of making it known to the public; since we are aware that in Eretz Yisrael they use the same method of computation, we calculate in order to find out what day it is that has been determined by the residents of Eretz Yisrael.

Chapter 6

When the fixing of the new month used to be based upon the observation process, the sages calculated with great precision to ascertain the moment at which the conjunction of the moon with the sun occurred, according to the practice of the astronomers, so as to know whether the moon could appear on the night of the thirtieth day or not.

The day and the night consist of twentyfour hours: twelve for the day and twelve for the night. The hour is divided into one thousand and eighty parts. Why is the hour divided into this number of parts Because this number may be divided by two, four, eight, three, six, nine, five, and ten, without a remainder; these denominators may again be divided into many other parts.

According to these figures, the interval between two conjunctions of moon and sun at their average motion is twentynine days and twelve hours of the thirtieth day, beginning with the night of that day, and seven hundred ninetythree parts of the thirteenth hour. That is the time between one molad conjunction and the other, and that is the duration of the lunar month.

The lunar year consists of twelve months of the length just defined, totaling three hundred fiftyfour days, eight hours, and eight hundred seventysix parts; but leap year, consisting of thirteen months, totals three hundred eightythree days, twentyone hours, and five hundred eightynine parts. The solar year consists of three hundred sixtyfive days and six hours. Hence, the excess of the solar year over the lunar year totals ten days, twentyone hours, two hundred and four parts.

If you subtract twentyeight days from the lunar month, or four weeks consisting of seven days each, there will remain one day, twelve hours, and seven hundred ninetythree parts, symbolized by 1d 12h 793p. This is the remainder of the lunar month. Similarly, if you subtract the multiples of seven from the number of days of the lunar year, there will remain, in the case of an ordinary year, four days, eight hours, and eight hundred seventysix parts, symbolized by 4d 8h 876p. This is the remainder of an ordinary lunar year. In the case of a leap year, the remainder is five days, twentyone hours, and five hundred twenty-nine parts, symbolized by 5d 21h 589p.

Hence, if you know the molad the moment in which the new moon appears of a given month, you can obtain the next molad by adding 1d 12h 793p, and you will know on which day of the week, in which hour, and in which fraction of the hour it will occur. For example: Suppose the molad of Nisan occurred in the daytime of a Sunday the fifth hour and one hundred seven parts of an hour, symbolized by 1d 5h 107p.

When you add to this the remainder of the lunar month, which is 1d 12h 793p, the molad of Iyyar will emerge, occurring at five hours and nine hundred parts on the night of Tuesday, symbolized by 3d 5h 900p. The same applies to month after month until the end of time.

Each group of nineteen years, consisting of seven leap years and twelve ordinary years, is called mazor (cycle).

Chapter 7

According to this computation, Rosh Hodesh Tishri (Rosh Hashanah) cannot occur on Sunday, Wednesday, or

Friday, symbolized by 146. If the molad of Tishri occurs on one of these three days, the following day is proclaimed as the first day of the month. Suppose, for example, that the molad occurs on Sunday, the first day of the month is postponed to Monday; if the molad occurs on Wednesday, it is postponed to Thursday; if it occurs on Friday, it is postponed to Saturday.

Similarly, if the molad of Tishri occurs at noon or later, the first day of the month is postponed to the following day. Thus, for example, if the molad occurs on Monday at noon or later, Tuesday is made to be the first day of the month. But if the molad occurs before noon, even though by one fraction of an hour, the very day of the molad is declared as the first day of the month, that is, if that day does not happen to be 146.

Chapter 8

The lunar month consists of twenty-nine days and a half plus seven hundred ninety-three parts of an hour, as we have already pointed out. But one cannot assume that the month should begin in the middle of the day, so that one part of the day would belong to the past month while the other part would belong to the next month. It is written: "A month of days" (Numbers 11:20), and the traditional interpretation of this verse has been that the month should be reckoned by days and not by hours.

For this reason, the lunar months are adjusted to an alternate succession of one defective and one full month. The defective month contains twenty-nine days only, although the lunar month is longer than that by more than twelve hours; and the full month contains thirty days, although the lunar month is several hours shorter. It is because we must count the month by full days and not by hours.

Fasts

Chapter 1

It is a positive commandment from the Torah to cry out and to sound trumpets for all troubles that come upon the community, as it is said, "upon an enemy who attacks you and you sound trumpets (Numbers 10:9)." That is to say, every matter that troubles you like famine, plague, locusts, and so forth, cry out because of them and sound the trumpets.

But if they do not cry out and sound trumpets, but rather say: "What has happened is the way of the world, is merely happenstance". This is a cruel way, and it causes them to stick to their bad deeds. And the trouble will add other troubles. About this it is written in the Torah (Not an exact quote, seems to be referring to Leviticus 26, 27:28): "but walk contrary unto Me then I will walk contrary unto you in fury". That is, when I will bring upon you troubles, if you will say that it is happenstance I will increase the fury of this tear.

Chapter 2

Chapter 3

Chapter 4

Chapter 5

There are days that all the people of Israel observe as fasts on account of the tragic events which occurred on them, the purpose being to appeal to the hearts and to lay open the paths of repentance. This serves as a reminder of our evil doings, and the deeds of our fathers which were like ours now, resulting in the afflictions endured by them and by us. By remembering these things we are likely to repent and do right, as it is written: "They shall confess their sins and the sins of their fathers" (Leviticus 26:40).

They are as follows: The third day of Tishri, on which Gedaliah the son of Ahikam was slain, the last ember of Judea's independence was extinguished, and her dispersion was made complete. The tenth of Tevet, on which wicked Nebuchadnezzar, king of Babylon, pressed on Jerusalem and placed it under siege and stress. The seventeenth day of Tammuz, on which five things occurred: the tablets were broken, the daily offering was discontinued before the destruction of the first Temple, the walls of Jerusalem were breached before the destruction of the second Temple, wicked Apostomos burned the Torah and set up an idol in the Temple.

The ninth of Av, on which five things happened: it was decreed in the wilderness that the people of Israel were not to enter the promised land; the Temple was destroyed both the first time and the second time, and a great city named Betar was captured. It was inhabited by tens of thousands of Jews. They had a great ruler, thought by all of them,

including great scholars, to be King Messiah. But he fell into the hands of the Roman pagans, who killed them all, a calamity as great as the destruction of the Temple. On that day, the ninth of Av, predestined for Israel's reverses, the wicked Turnus Rufus plowed up the Temple site and its surroundings, in fulfillment of the prophetic utterance: "Zion shall be plowed up like a field" (Jeremiah 26:18).

These four fast days are distinctly mentioned in the prophetic books: "The fast of the fourth month, the fast of the fifth, the fast of the seventh, and the fast of the tenth" (Zechariah 8:19). The fast of the fourth month is the seventeenth of Tammuz, which is in the fourth month; the fast of the fifth is Tish'ah b'Av, which is in the fifth month; the fast of the seventh is the third of Tishri, which is in the seventh month; and the fast of the tenth is the tenth of Teveth, which is in the tenth month.

All the Jewish people are accustomed nowadays to fast on the thirteenth day of Adar in remembrance of the fast observed in the days of Haman, as it is written: "Regarding their fasting and wailing" (Esther 9:31). If the thirteenth of Adar happens to coincide with the Sabbath, we observe the fast earlier, on Thursday, the eleventh. If one of the other four fast days coincides with the Sabbath, it is postponed until after the Sabbath. If it falls on Friday, it is observed on Friday.

All these fasts will be abolished during the messianic days. Furthermore, they will be turned into festive days of rejoicing and gladness, as it is written: "The Lord of hosts declares that the fast of the fourth month, the fast of the fifth, the fast of the seventh, and the fast of the tenth shall become occasions of joy and gladness and cheerful festivals for the house of Judah; only love truth and peace" (Zechariah 8:19).

Scroll of Esther and Hanukkah

Chapter 1

We are bidden by the sages to read the Megillah at its proper time. It is widely known that this reading was prescribed by the prophets. Everyone is required to hear its reading: men, women, proselytes, and emancipated slaves. Minors should be trained to read it.

One reads and one hears from the reader; he should extend the mitzvah of the hearing of the Megillah to his friend. And he who hears, is obligated to read. If he is a minor or is mentally unstable the listener does not have to recite.

On what date should it be read The sages prescribed several dates for it, because it is written: "At their appointed times" (Esther 9:31). These are the dates of reading the Megillah: Every town in Eretz Yisrael or abroad that was surrounded by a wall since the time of Joshua the son of Nun should read it on the fifteenth of Adar, even if it has no wall at the present. Such a town is referred to as a walled city. Every town that was not surrounded by a wall in the days of Joshua, even if it has a wall now, should read the Megillah on the fourteenth of Adar. Such a town is referred to as an open city.

Although the castlecity of Shushan was not surrounded by a wall in the days of Joshua the son of Nun, the Megillah is read there on the fifteenth of Adar, because it was there that the miracle occurred, as it is written: "They rested on the fifteenth" (Esther 9:18). This was made to depend on the days of Joshua in deference to Eretz Yisrael which was in ruins at that time. The inhabitants of Eretz Yisrael were to be considered residents of walled cities so as to read the Megillah at the same time as the residents of Shushan. Although Eretz Yisrael is still desolate, its residents are to read the Megillah on the fifteenth of Adar in localities that used to be surrounded by defense walls during the period of Joshua. Eretz Yisrael is thus remembered in connection with the miracle of Purim.

The Megillah must not be read on the Sabbath. This is a precautionary measure, lest someone might take the Megillah to a skilled reader, transporting it four cubits or more through a public domain; for, though everyone is required to read the Megillah, not everyone is a skilled reader. For this reason, if the date for the reading of the Megillah falls on the Sabbath, it should be read prior to the Sabbath, while on the Sabbath itself the rules concerning Purim should be thoroughly discussed as a reminder that the day is Purim.

If, for example, the fourteenth falls on a Sabbath, the inhabitants of open towns should read the Megillah on the preceding Friday, while the inhabitants of walled cities should read it on Sunday, their normal time. If the fifteen occurs on a Sabbath, the inhabitants of fortified cities should read it earlier, on Friday, which is the fourteenth, while the inhabitants of open towns should read it on the same day, which is the normal time for them. In such a case, all will be reading the Megillah on the fourteenth.

Chapter 2

If he found a community that already read half, he must not say, "I will read the latter half with the community and go back and read the first half," since this is reading it in its reverse order. Instead he must read it from its beginning to the end in the proper order. If he read and paused briefly and went back to read it, even if he paused long enough to finish all of it, since he read it in the proper order, he has fulfilled his obligation.

If a man read the Megillah by heart, he has not fulfilled his duty. If a speaker of a foreign tongue heard the Megillah read from a copy written in the Hebrew language and in Hebrew script, he has fulfilled his duty, even though he did not know what they said. Similarly, if the Megillah is written in Greek, and he heard it read, he has discharged his duty, even though he knows no Greek, and even if the listener is familiar with Hebrew.

If the Megillah is written in Aramaic or in some other foreign tongue, except Greek, only a person who is familiar with that tongue fulfills his duty by hearing it read.

If a man read the Megillah without due intention, he has not discharged his duty. If, for example, while copying the Megillah, or expounding it, or proofreading it, he intended to fulfill his duty with this reading, he has discharged his obligation; if he did not so intend, he has not fulfilled his duty.

On these two days, namely the fourteenth and the fifteenth of Adar, lamentation and fasting are forbidden to anyone anywhere: to residents of walled cities who observe the fifteenth day only, and to residents of open towns who observe the fourteenth day only. Lamentation and fasting are forbidden on these two days of the first Adar and the second Adar.

Residents of villages and open towns are bidden to make the fourteenth day of Adar, and residents of walled cities the fifteenth, a day for rejoicing and feasting and sending presents to one another and gifts to the poor. Work is permitted; nevertheless it is improper to work on Purim. The sages have declared that anyone who works on Purim will never see a sign of success in that work.

What is the nature of our obligation for this feast? A person should eat meat and prepare as attractive a feast as his means permit. He should drink wine until he becomes intoxicated and falls asleep in his intoxication. And similarly a person is obligated to send two portions of meat or two types of cooked food or two types of food to his friend, as it says (Esther 9:22) "and send portions one man to another" two portions to one man. And all that increase to send to others is praiseworthy. And if he has no money he should exchange with his friend: this one sends to this his meal and this one sends to this his meal in order to fulfill (Esther 9:22) "and send portions one man to another".

One is required to distribute charity to the poor on Purim. The applicants for Purim money should not be scrutinized; it should be given to anyone who holds out his hand. Purim money must not be diverted to any other charity.

One should rather spend more money on gifts to the poor than on his Purim banquet and presents to his friends. No joy is greater and more glorious than the joy of gladdening the hearts of the poor, the orphans, the widows, and the strangers. He who gladdens the heart of these unhappy people imitates God, as it is written: "I am to revive the spirit of the humble, and to put heart into the crushed" (Isaiah 57:15).

All Prophetic Books and the Sacred Writings will cease to be recited in public during the messianic era except the Book of Esther. It will continue to exist just as the Five Books of the Torah and the laws of the Oral Torah that will never cease. Although ancient troubles will be remembered no longer, as it is written: "The troubles of the past are forgotten and hidden from my eyes" (Isaiah 65:16), the days of Purim will not be abolished, as it is written: "These days of Purim shall never be repealed among the Jews, and the memory of them shall never cease from their descendants" (Esther 9:28).

Chapter 3

During the period of the second Temple, when the Greek kings were in power, they proclaimed decrees against the Jewish people, abrogating their religion and forbidding them to study the Torah or to perform the divine precepts. They laid their hands on their wealth and their daughters; they entered the Temple and broke through it, defiling the things that were pure. The people of Israel were sorely distressed by their enemies, who oppressed them ruthlessly until the God of our fathers took pity, saved and rescued them from the hands of the tyrants. The Hasmonean great priests won victories, defeating the Syrian Greeks and saving Israel from their power. They set up a king from among the priests and Israel's kingdom was restored for a period of more than two centuries, until the destruction of the

second Temple.

When, on the twentyfifth of Kislev, the Jews had emerged victorious over their foes and destroyed them, they reentered the Temple where they found only one jar of pure oil, enough to be lit for only a single day; yet they used it for lighting the required set of lamps for eight days, until they managed to press olives and produce pure oil.

Because of this, the sages of that generation ruled that the eight days beginning with the twentyfifth of Kislev should be observed as days of rejoicing and praising the Lord. Lamps are lit in the evening over the doors of the homes, on each of the eight nights, so as to display the miracle. These days are called Hanukkah, when it is forbidden to lament or to fast, just as it is on the days of Purim. Lighting the lamps during the eight days of Hanukkah is a religious duty imposed by the sages, like the reading of the Megillah on Purim.

Chapter 4

How many lights do you kindle on Chanukah It is a commandment that one light be kindled in each and every house whether it be a household with many people or a house with a single person. To exalt the mitzvah, one may kindle light according to the number of people in the household, a light for each and every person, whether they are men or women. One who wishes to further glorify this and performs the mitzvah in the most choice manner kindles a light for each person on the first night and adds on following nights one light.

How does this work Suppose the people of the house were ten. On the first night, one lights ten candles; on the second night, twenty; and on the third night, thirty; until the result is that one lights on the eighth night eighty candles.

One may not light Chanukah candles before the sun sets, but rather light with its setting not after, and not before. If he forgot or intentionally did not light with the setting of the sun, he can light until pedestrians leave the marketplace. And how long is this time Like a half hour or more. If this time passes, he may not light. And he needs to put enough oil in the candle so that it will continue to be lit until the pedestrians leave the marketplace. If he lit it and it became extinguished, he is not required to light it another time. If it stayed lit after the pedestrians leave the marketplace, he can extinguish it or take it away, if he wants.

The precept of lighting the Hanukkah lamp is exceedingly precious, and one should carefully observe it in order to acclaim the miracle, ever praising and thanking God for the miracles which he has performed for us. Even if one has nothing to eat except what he gets from charity, he should borrow, or sell his garment, to buy oil and lamps and light them.

Therefore, if one has only a limited amount of money, and the mitzvot available to him are either kiddush of Shabbat or lighting the Hanukkah candles, preference should be given to buying oil for lighting the Hanukkah candles over buying wine for kiddush, since both are mitzvot instituted by the Sages. One gives preference to Hanukkah candles, as they have an additional component of recalling the miracle.

If a poor person must choose between Sabbath lights and Hanukkah lights, or between Sabbath lights and wine for Kiddush, the lighting of his home takes priority, so as to sustain peace in the house, since even the divine name was erased in the oath of purgation Numbers 5:12³¹ to make peace between a jealous husband and his wife. Great is peace, since the entire Torah has been given to create peace in the world, as it is written: "Its ways are ways of pleasantness, and all its paths are peace" (Proverbs 3:17).

Sefer Nashim

Marriage

Chapter 1

Before the giving of the Torah, it would be that if a man happened upon a woman in the marketplace and they wanted to marry each other, he would bring her into his house and consummate the marriage between them privately, and she would be his wife. Once the Torah was given, Israel was commanded that if a man wanted to marry a woman, he would acquire her first through witnesses, and afterwards she would be his wife, as it says, "When a man takes a woman and comes (sleeps with) to her..." (Deuteronomy 22:13).

And taking a wife as such is a positive commandment of the Torah. And a woman is acquired through three means: money, a contract, or through intercourse. Marriage through intercourse and by contract is from the Torah, and by money is Rabbinical lit. "the words of the Scribes". And this acquisition is what is called "Kiddushin" or "Eirusin" in several places. And a woman who is acquired through one of these three means is called a "Mekudeshet" or "Meureset".

Chapter 2

Chapter 3

How is a woman sanctified (for engagement) If one choses to do so with money (or its equivalent), it can not have less than the value of a "Peruta". He says to her, "Behold, you are sanctified to me", "Behold, you are engaged to me", "Behold, with this, you are to be my wife", and he gives her the object in front of witnesses. The man must be the one to say words that have the meaning of an acquisition, and it must be he that is giving her the money.

If she gives the money and says, "I am sanctified to you", "I am engaged to you", "I am a wife to you" or any other acquisition term, she is not sanctified. So too if she gives the money and he speaks, she is not sanctified. If he gives and she speaks, this is a questionable sanctification.

If he sanctified with a document, he writes it on paper or clay or of earth, or on anything he desires. "Behold, you are sanctified to me", "Behold, you are engaged to me" and so on (other terms), and gives her the document in front of witnesses.

Chapter 4

Chapter 5

Chapter 6

If a man betrothed a woman upon condition, her betrothal is valid if the condition has been fulfilled; if it has not been fulfilled, she is not betrothed. It is immaterial whether the condition proceeds from the man or the woman. Every condition in the world, whether in matters of betrothal or divorce, purchase or sale, or any other civil case, must consist of four things.

The four things constituting any stipulation are as follows: 1) the stipulation must be double stating both alternatives and their eventual consequences; 2) the positive must be expressed before the negative; 3) the condition in the agreement must precede the act; 4) the condition must be possible of performance. If the condition lacks one of them, it is void as if there has been no condition attached. Then the betrothal or divorce of the woman takes effect immediately, the purchase or the gift is fulfilled forthright, as if there has been no condition expressed, just because the condition has lacked one of the four components.

If, for example, a man said to a woman: "If you give me two hundred zuz you will be betrothed to me with this denar, and if you do not give me you will not be betrothed," and having imposed this condition he gave her the denar; it is a valid stipulation, and she is betrothed conditionally. If she gives him two hundred zuz, she will be betrothed in fact; if she fails to give him that amount, her betrothal is invalid.

If, however, he said to her: "You are betrothed to me with this denar," and he handed her the denar; then he completed the condition and said: "If you give me two hundred zuz you will be betrothed, and if you do not give that

amount you will not be betrothed," the condition is void, because he performed the act of handing her the denar before he stipulated the condition. Even though it all occurred instantly, while speaking, her betrothal took immediate effect and she does not have to give him anything.

So too, if he said to her: "If you give me two hundred zuz you are betrothed to me with this denar," and then he handed her the denar; the condition is void because he did not double it by stating both alternatives and their consequences; for he did not tell her: "If you will not give me the amount you will not be betrothed." Hence, she is betrothed immediately, and does not have to give him anything.

Similarly, if he said to her: "If you will not give me two hundred zuz you will not be betrothed to me, and if you will give me two hundred zuz you are betrothed to me with this denar," and he handed her the denar; the stipulation is invalid because he stated the negative before the affirmative. Accordingly, she is betrothed immediately without being required to give him anything.

So too, if he said to her: "If you will ascend to heaven or descend to the bottom of the ocean you are betrothed to me with this denar, but if you will not ascend to heaven or descend to the bottom of the ocean you will not be betrothed," and then handed her the denar; the condition is void and she is betrothed immediately, because it is known that she cannot perform this stipulation; he merely meant to divert her with jesting words.

There are some recent Geonim who have stated that a man does not have to double his condition anywhere except in divorce and betrothal cases; he is not required to do so in civil cases. But this opinion should not be relied upon, seeing that the rule about doubling the condition along with the three other restrictions have been derived by the sages from the condition that Moses stipulated in addressing the Israelites concerning the Gadites and the Reubenites: "If the Gadites and the Reubenites cross the Jordan you shall give them the land of Gilead but if they do not cross over with you" (Numbers 32:2930). This condition had nothing to do with divorce and betrothal occasions. Hence, the early great Geonim ruled as stated previously, and we should act accordingly.

If a man has betrothed a woman conditionally, her betrothal will be valid from the moment the condition has been fulfilled, and not from the time she became betrothed. Example: A man said to a woman: "If I will give you two hundred zuz this year, you are betrothed to me with this denar; and if I will not give you, you shall not be betrothed." He handed her the denar on Nisan, and gave her the two hundred zuz, which he had stipulated with her, on Elul. Then her betrothal becomes valid beginning with Elul. Accordingly, if someone else betrothed her before the fulfillment of the condition made by the first man, she is betrothed to the second man. The same law applies to divorce cases as well as property rights. At the moment the condition is fulfilled, the divorce takes effect, the bargain or the gift becomes valid.

This rule applies only where there was a condition and the man did not say from now. If, however, he said to her: "You are betrothed to me with this denar from now if I will give you two hundred zuz," and after some time he gave her two hundred zuz, her betrothal is valid retroactively from the moment the betrothal was contracted, even though his condition became a reality after a long period only. Accordingly, if a second man betrothed her prior to the fulfillment of the condition, her betrothal is not binding. The same rule applies to divorce and property cases.

Anyone who says from now does not have to double his condition or to express the condition before stating the act; even if he has stated the act first, his condition is valid. Nevertheless, the condition must be possible of performance; if he has made a condition that is impossible of fulfillment, he is regarded as if he used diverting speech, so that no condition exists.

Chapter 7

Chapter 8

Chapter 9

If there is a rumor that a certain woman is betrothed to a certain individual, she is assumed to be betrothed even though no clear evidence is available. We should not take into consideration any rumor that was not made known in the law court. On the basis of what rumor is she assumed to be betrothed For example, two men came and testified that they had seen the lamps burning, the couches arranged, the people coming and going, and the women cheerfully telling that soandso had become engaged today. Similarly, if two men came and said: "We saw something like an engagement party and heard a rumor; we heard from soandso who heard from soandso that soandso had become engaged in the presence of two witnesses who left for another country, or died"; she is deemed betrothed on the

basis of such a rumor.

This is only in a case where there was no reasonable explanation showing the report to be mistaken; if, however, there was such a reasonable explanation, which they heard together with the rumor, she is not assumed to be betrothed. If, for example, there was such an explanation as: "Soandso has become betrothed conditionally, or dubitably," she is not assumed to be betrothed. She should be asked and trusted, since there is no clear evidence available nor even a strong rumor.

If it was rumored that she became betrothed to a certain man and after some time a halting explanation was offered, we rely on the explanation if the court considers it authentic, and she is not deemed betrothed; if it does not seem reasonable to the court, we should not pay attention to the halting explanation, since it was not heard at the time the betrothal was reported.

It once happened that a rumor spread that a girl had become betrothed to the son of a certain party. After some time, the father of the young man was asked, and he replied that she had become betrothed to his son conditionally, and the condition was not fulfilled. The sages did not rely on what he said but declared: "She is doubtfully betrothed as if there were no halting explanation available" (Gittin 89a).

If a rumor spread that she was betrothed to a certain party and then another rumor, like the first, spread that she was betrothed to another party, then either the first party or the second should write a divorce so that the other can marry her.

If two witnesses say: "We saw her becoming betrothed on a certain day," and two others say: "We did not see it," even though they are all residents of the same courtyard, she is considered betrothed, because the argument "we did not see it" is no evidence, since the popular custom is to betroth privately.

Chapter 10

Chapter 11

Chapter 12

Chapter 13

Chapter 14

Chapter 15

Men are obligated in procreation (periyya ureviyya), but not women. When is a man obligated in this mitzva From the age of seventeen. Once he reaches the age of twenty years and has not married, he has transgressed and neglected a positive commandment. However, if he is involved in Torah and engrossed in it, and he fears that if he marries, he will have to busy himself with supporting a wife and thereby come to neglect Torah study, then it is permissible for him to delay marriage; for one who is involved in a mitzva is exempt from another mitzva all the more so regarding Torah study.

One who is in love with Torah and studies it and cleaves into it always, as Ben Azzai did, commits no sin thereby. That is, providing his sexual desire does not get the better of him. If it does, he is required to marry even if he already has children, in order that he not come to thoughts of sin.

Thus the Sages commanded: A man should honor his wife more than himself and love her as himself. If his money abounds, according to what he can afford. He should not inspire excess fear in her, and he should speak gently with her, and be neither depressed nor hottempered.

Thus the Sages commanded: A woman should honor her husband too much, and have awe of him, do all of her actions according to his word. He should seem to her like a minister or king, walking in the desires of his heart, and distancing herself from what he hates. This is how holy and pure Jews behave in their marriages. These paths should be their pleasant and praiseworthy lifestyle.

Chapter 16

The properties that a woman brings to her husband, whether real estate, movable goods or servants, even if they are recorded in the marriage contract, are not called kethubbah but nedunya dowry. If the husband has assumed

responsibility for the nedunya, which has come under his control, so that the increments and losses are his, it is termed nikhs tzon barzel property of iron sheep: like iron, it cannot be destroyed; like sheep, the husband derives all profit from it. If, however, he has not assumed responsibility for the nedunya, so that the losses and increments belong to her, it is called nikhs melog property of plucking: the husband has the usufruct and need not answer for any damage that may occur to it.

So too, all properties belonging to the woman who has not brought them to her husband, and they were not recorded in the kethubbah but remained her own, or those which she obtained through inheritance or gift after her betrothal, are all designated as nikhs melog and remain under her control. Only the main marriage contract, amounting to a hundred or two hundred zuz, plus the additional dower, is designated as kethubbah.

We have already stated that the sages instituted the writing of a marriage contract for the woman, and that the additional dower has the same legal status as the main kethubbah. They have ruled that she cannot collect it from her husband whenever she pleases; instead, it is regarded as a debt bearing a date of collection. The kethubbah can be collected only after the husband's death, or in the case of his divorcing her.

A woman is believed when she says "my husband is dead," so that she may lawfully marry, as will be explained among the laws of divorce. The kethubbah stipulates that if she remarries after her husband's death, she is to receive all that he detailed in her kethubbah. Accordingly, if she came to the court and said: "My husband is dead, give me permission to remarry," and she mentioned no kethubbah at all, she is permitted to marry; she is given her kethubbah after imposing an oath on her. If she came and said: "My husband is dead, give me my kethubbah," she is not even permitted to remarry, because the presumption is that her husband is not dead and that she has come only to collect the kethubbah when he is still alive, and does not intend to marry. If she came and said: "My husband is dead, permit me to marry and give me my kethubbah," she is permitted to marry and is given her kethubbah, because she principally spoke of marriage. If, however, she came and said: "Give me my kethubbah and permit me to remarry," she is permitted to marry but is not given the kethubbah. But if she took possession of some of her husband's property, we should not take it away from her.

Chapter 17

Chapter 18

A widow receives her maintenance from the property of the heirs during her widowhood until she obtains her kethubbah. As soon as she claims her kethubbah in the court of law she can no longer claim maintenance.

As she receives maintenance from her husband's property after his death, so must she be provided with clothing, utensils, and the living quarters she occupied when her husband was alive.

If the house collapsed, or if her husband had merely occupied a rented house, she must be provided with living quarters that are suitable to her social position. Her maintenance and her clothing likewise must be suitable to her social position. If the social position of her husband had been superior to hers, she must be provided in accordance with his position, inasmuch as a wife rises to the position of her husband and does not descend from it even after his death.

Chapter 19

The husband has priority over any person in being the heir of his deceased wife.

The husband has the right of enjoying the fruit of any property belonging to his wife, whether nikhs tzon barzel or nikhs melog, as long as she is alive. If she dies during the lifetime of her husband, he inherits everything.

If he sold movables classed as nikhs tzon barzel, even though he was not permitted to do so, his sale is valid.

Chapter 20

Chapter 21

Chapter 22

Chapter 23

Chapter 24

Divorce

Chapter 1

The wife can be divorced only with a written document that comes into her possession; such a document is called get (letter of divorce). There are ten basic things prescribed by the Torah in the divorce proceedings, namely: 1) The get must come from the husband voluntarily. 2) He must prepare it in writing only. 3) The subject of the letter must unfold that he has divorced and removed her from his possession. 4) It must express the idea of separation between him and her. 5) It must be especially written for her. 6) It must not require any other act except delivery. 7) He must hand it to her. 8) He must hand it to her in the presence of witnesses. 9) He must give it to her as a letter of divorce. 10) Only the husband, or his agent, must be the one handing it to her. The rest of the features of a get, such as the date and the signature of the witnesses, and the like, are all rabbinic in origin.

How do we know that these ten essentials are prescribed by the Torah? It is written: "If she fails to please him and he writes her a bill of divorcement, hands it to her, and sends her away from his house" (Deuteronomy 24:1). If she fails to please him denotes that he divorces her only voluntarily; if his divorce has been involuntary it is invalid. The wife, however, is divorced whether or not she has been willing.

And he writes denotes that she can be divorced only with a written document; her, especially for her; a bill of divorcement, something that separates between him and her, leaving him no right of possessing her; if this separation between him and her is not stated, her divorce is invalid, as it will be explained. Hands it to her denotes that she is not divorced until the get is given into her hand, or the hand of her agent that means the same as her own, or into her courtyard, all of which is legally regarded as her own hand, as it will be explained. And sends her away, the context of the get must convey that he sends her away and not that he sends himself away from her.

If, for example, he wrote to her: "You are sent away, you are divorced, you are free to yourself, you are permitted to marry any man," or something like this, her divorce is valid. The essential formula of a get is: "You are permitted to marry any man." If, however, he wrote to her: "I am not your husband, I am not your betrothed, I am not your man," it is not a valid divorce, since it is written and he sends her away and not that he sends himself away. So too, if a man has written to his wife: "You are a free woman," it is not a valid divorce.

The biblical expression and he sends her away does not indicate that her divorce is incomplete until she leaves his house, but that she is divorced as soon as the get reaches her hand, even if she is still in his house.

How do we know that he must hand it to her only in terms of a divorce? It is written: "a bill of divorcement hands it to her," that is, he must give it to her as a bill of divorcement. If, however, he handed it to her in terms of a note of indebtedness or a Mezuzah, or if he placed it in her hand while she was asleep, and when she awoke she noticed it in her hand, it is not a valid divorce. But, if he told her afterwards: "This is your divorce," it is a valid divorce.

If a man said to witnesses: "Look at the get I am giving her," and then he said to her: "Take this note of indebtedness," it is valid, because he had informed the witnesses that he was giving it to her in terms of a divorce. He told her about a bill of indebtedness only because he was embarrassed in her presence.

The man who divorces his wife must say to her, while handing her the get, this is your get, or it is your get, or something like this. If, however, he handed it to her and said nothing, it is a disqualified get. This rule applies only in a case where he had not spoken with her concerning her divorce; but if he had spoken with her about her divorce, and then handed it to her while saying nothing, it is a valid divorce.

The sages have ruled that the witnesses must sign the divorce: suppose he gives her a get in the presence of two men and they die, her get would be as insignificant as a potsherd, seeing that it is not confirmed by witnesses. Hence, it has been instituted that the get should bear the testimony of witnesses. Even though the evidence of witnesses is included in the get, he must hand it to her in the presence of two men, either those who signed it or two others, because the get basically depends on the delivery witnesses who transfer it to her.

The witnesses who sign the get must know how to read and sign. If, however, they do not know how to read, it must be read to them before they sign it, provided that they understand the language of the get.

Chapter 2

The biblical expression he writes her a bill of divorcement and hands it to her means that it is immaterial whether he has written it himself or has told another to write it for him, whether he has handed it to her himself or has told another to hand it to her on his behalf. The term he writes solely signifies that she can be divorced only with a written document; and he hands her, she must not take it by herself.

What difference is there between a disqualified and a nullified divorce? Wherever it is stated in this work that a get is nullified, we mean that it is nullified on biblical grounds; wherever the reference is to a disqualified get, it is disqualified on rabbinic grounds.

If a husband brought a signed letter of divorce and said: "Give this get to my wife," they should give it to her. If he told others to write and sign a divorce and give it to his wife, and they did, and then it was found out that the get was nullified or disqualified, they may write another get, even a hundred, until finally a valid get reaches her hand.

If a man says: "Write a get for my wife," it should be written, signed, and delivered into the husband's hand, and must not be handed to his wife before he tells them to give it to her; if they gave it to her, it is not a valid get. This rule applies to a man in good health; but if a dangerously ill person, whose illness has suddenly worsened, or one who is being taken prisoner, or one who is starting out on a sea voyage or a convoy, says: "Write a divorce for my wife," they should write, sign, and give it to her, for it is known that he only meant to have it written and given to her.

If a paralyzed man whose mind is intact was asked: "Shall we write a divorce for your wife" and he nodded his head as a sign of assent, he should be tested three times intermittently whether he is sane: if he says no for no and yes for yes, they should write and deliver the get. He should be tested extremely well, since he might have lost his mind. So too, if he wrote in his own hand: "Write and give a divorce to my wife," they should write and give it to her, if his mind is intact, for the paralyzed person has not the same legal status as the deafmute.

If a man married while in possession of all faculties and later became a deafmute, and needless to say insane, he can never give a divorce until he is well again. We must not rely on the gesture or the writing of a deafmute, even if his mind is completely intact. If, however, he married as a deafmute, he may give a divorce by a gesture.

If the law requires that a man should be compelled to divorce his wife and he refuses to do so, the Jewish court anywhere, at any time, should lash him until he says I am willing; then he should write the get, and it will be valid. So too, if nonJews flogged him, saying to him: "Do what the Jews are telling you," and if pressure is exerted on him by Jews through nonJews until he gives his divorce, it is a valid get. Why is this get not nullified, seeing that he is compelled by nonJews or by Jews? The rule concerning a person who has committed a misdeed under compulsion applies only to one who has been pressured to do a thing to which he is not biblically bound.

Chapter 3

Chapter 4

No matter in what language the get is composed, the scribe must carefully avoid ambiguous wording resulting in the reader's conjecturing: perhaps the meaning is not divorce but something else, and maybe it is an expression of divorce. The phrasing must be such that there can be no doubt about its single meaning in that language, namely that soandso has divorced and sent away his wife soandso.

So too, the handwriting must appear very clear in the get, to the extent that even youngsters who are familiar with that particular writing should be able to read it, children who are neither bright nor dull but average. The writing must not be bent and confused, lest one letter may resemble another letter, resulting in a changed context.

Chapter 5

Chapter 6

The messenger appointed by the woman to accept her get from her husband on her behalf is called agent of acceptance. She becomes divorced as soon as the get reaches the agent's hand, as if it reached her own hand. The appointment of her agent must be made in the presence of two witnesses.

The husband cannot appoint a messenger to accept a divorce for his wife, but he can appoint a messenger to take the get to his wife. This one is called agent of delivery.

So too, the woman can send a messenger to bring her the get from her husband. This one is called a bringing agent. Neither the delivery agent nor the bringing agent requires witnesses.

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Wherever we have stated in this work that the get is nullified or that she is not divorced, the reference is to a get that is biblically nullified, and she is still an absolutely married woman; if she remarried, she must leave her second husband, and the child is illegitimate.

Wherever we have stated in this work that the get is disqualified, it is disqualified only on rabbinic grounds, and she is ineligible for marriage with a kohen on biblical grounds. She must not remarry from the start; but if she did remarry, she does not have to leave her second husband, and the child is legitimate. Another, valid get should be written for her and delivered to her while she stays on with her second husband.

An illtempered wife, and one that is not chaste as worthy daughters of Israel are expected to be, ought to be sent away, as it is written: "Get rid of a scoffer, and strife will cease" (Proverbs 22:10).

Chapter 11

Chapter 12

Chapter 13

Levirate Marriage and Release

Chapter 1

It is a positive biblical command that a man shall take in levirate marriage his paternal brother's wife if he died childless whether after wedlock or after betrothal.

If he or she refuses levirate marriage, he should give her alitzah; then she is permitted to marry another man.

The biblical expression and he leaves no son (Deuteronomy 25:5) means son or daughter, or even the offspring of either son or daughter. If he has left any offspring whatever, whether from this wife or another, he exempts his wife from alitzah and yibbum (levirate marriage).

However, his son by a bondmaid or a nonJewish wife does not exempt his wife, because the children coming from a bondmaid are slaves, and those from a nonJewess are nonJews; they are regarded as nonexistent.

Men who adopted the Jewish faith and slaves who were set free have no legal relationship with their brothers and are like strangers to one another.

Chapter 2

If a man died and left many brothers, it is the duty of the eldest to marry the childless sisterinlaw or to give her alitzah, as it is written: "The first son that she bears" (Deuteronomy 25:6). This has been traditionally interpreted to refer only to the firstborn among the brothers; that is, the eldest of the brothers "shall succeed to the position of the dead man." The phrase that she bears denotes that the mother bore, and does not mean that the sisterinlaw will bear.

If the eldest brother refuses to perform the levir's duty, we must go around from one brother to the other. If they refuse, we must come back to the eldest and say: "It is your duty, either give alitzah or marry her." The brotherinlaw should not be coerced to perform the levir's duty, but should be compelled to give alitzah.

Chapter 3

Chapter 4

How is the duty of alitzah performed The brother's widow proceeds to the place where the yavam (brotherinlaw) is to

be found and comes to the judges, who summon him and give him such advice as suits him and her alike. If it is advisable for him to marry her, he is counseled to marry her; if it is advisable to perform alitzah, as when she is young and he is old or she is old and he is young, he is advised to perform alitzah.

She and the yavam are taught to recite the formula until they are both used to it and she can pronounce in one breath lo avah (he will not), then adding yabbemi (perform the levir's duty to me), so that it should not sound as if she were to say avah yabbemi (he desires to perform the levir's duty to me).

The alitzah ceremony must take place by day and not at night, and in the presence of three men capable of instructing them what and how to recite.

How is the alitzah shoe removed A heeled leathershoe that is not stitched with flax is brought to him, who puts it on and fastens its straps on his right foot. Then he and she stand before the judges of the court, who instruct her to say in Hebrew: "My husband's brother refuses to establish a name in Israel for his brother; he will not perform the duty of a levir" (Deuteronomy 25:7). Then the yavam is made to recite: "I do not wish to marry her" (8). He puts his foot down on the ground, and she sits down, stretches out her hand in front of the court, unties the straps of the shoe from his foot, takes off the shoe and throws it upon the ground. As soon as most of the heeled shoe is detached from his foot, the brother's widow is permitted to marry a stranger.

Thereupon she is made to recite: "Thus shall be done to the man who will not build up his brother's house! And he shall become known in Israel as the unsandaled one" (910).

All must be done in the Hebrew language, as it is written "thus," in this language. All those who are seated there respond by repeating after her "the unsandaled one" three times.

Chapter 5

Chapter 6

Virgin Maiden

Chapter 1

Woman Suspected of Infidelity

Chapter 1

The warning that is mentioned in the Torah "And he warned his wife" is that he tells her in the presence of witnesses, "Do not seclude yourself with Mr. soandso," even if that man is her father, her brother, a gentile, a slave, or an impotent person who cannot achieve an erection or produce children."

The seclusion mentioned in the Torah "And she secludes herself" is that she secludes herself with the same man about whom her husband had told her, "Do not seclude yourself with him," in the presence of two witnesses. If she remained with him long enough to defile herself, which is the time it takes to roast an egg and swallow it, then she is forbidden to her husband until she drinks the bitter waters and the matter is examined. And when there are no Sotah waters, she becomes forbidden to her husband forever and she leaves the marriage without a kesubah.

If he warns her about two people simultaneously and he tells her, "Do not seclude yourself with soandso and soandso," and she secludes herself with both of them simultaneously, and she remains with them long enough to defile herself, then even if the two men are her brothers or her father and brother, she is forbidden to her husband until she will drink the Sotah waters.

If he tells her in the presence of two witnesses, "Do not speak with soandso," that is an invalid warning. And even if she secludes herself with that man in the presence of witnesses and remains with him long enough to defile herself, she does not become forbidden to him and need not drink the Sotah waters based on this warning.

And similarly, if he told her, "Do not seclude yourself with him," and witnesses see her speaking with him, this is an invalid seclusion, and she does not become forbidden to her husband, and she need not drink the Sotah waters. And similarly, if the warning did not precede the arrival two witnesses who testify that she secluded herself with someone and remained with him a duration long enough to defile herself, then she is not forbidden to her husband and she need not drink the Sotah waters.

Chapter 2

Chapter 3

Sefer Kedushah

Forbidden Intercourse

Chapter 1

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

Chapter 12

If a Jewish person sleeps with a nonJew in the way of married people, they receive biblically ordained lashes, as it says You shall not intermarry with them: do not give your daughter to their sons or take their daughters for your sons. (Deuteronomy 7:3) The same law is true concerning the seven nations of the land of Canaan and all other nations. This is also explained by Ezra, We will not give our daughters in marriage to the peoples of the land, or take their daughters for our sons. (Nehemiah 10:31)

i.e. The illegitimate children of a Hebrew servant and Caanite maidservant are not considered Jews. Because of this, his father's seed was wasted because it did not go toward the birth of another Jew. This is said in Deuteronomy 23:18, "No Israelite man or woman shall become a temple prostitute."

Chapter 13

There are three ways in which someone enters the covenant: by circumcision, by immersion, and by a Temple offering.

Circumcision as it was in Egypt, as it says, "Every uncircumcised person shall not eat of it (the Passover offering)." Moses our teacher circumcised them and everyone spurned the covenant in Egypt with the exception of the Tribe of Levi. On this it says, "Your covenant was withheld."

Immersion was in the desert before receiving the Torah, as is said, "Sanctify yourselves today and tomorrow; wash your clothes." The offering, as is said, "Send the young ones of Israel to bring elevation offerings" and everyone in Israel brought them.

Throughout the generations, any nonJew who wants to enter the covenant and come in under the 'wings of the Presence of God' accepts upon him or herself the yoke of Torah he needs circumcision, immersion and a Temple offering. If female, she needs only immersion and an offering, as is said "As for you, so for the foreigner." That's to say, just as you (entered via) circumcision, immersion and an offering, so too the foreigner (shall enter via) circumcision, immersion and an offering.

What's a convert's offering An elevation offering or two doves or two turtledoves (and the two are considered an offering). At this time in history where there are no offerings, one needs (merely) circumcision and immersion. Once the Temple is built, one will bring an offering.

A convert who was circumcised and has not immersed, or has immersed and not circumcised is not a convert until he

is circumcised and immersed. And it is necessary to immerse before three (men). And since the matter requires a Beit Din (counsel) no immersion is done on the Sabbath, nor Yom Tov (holiday) nor at night. And if he was immersed, he is a convert.

A minor convert is immersed upon the knowledge of Beit Din (counsel), because it is in his interest. A pregnant woman who converts and immerses her child does not need immersion. If he immersed in front of only himself, and converted to himself, or even in front of two, he is not a convert. If he comes and say "I converted in the Beit Din of so and so and they immersed me" he is not trusted to come into the community until he brings witnesses.

Chapter 14

How do we accept righteous converts When one comes to convert from being a Gentile and they examine him and they do not find any ulterior motive, they say to him: What did you see that made you want to convert Don't you know that Israel in these times is rejected, swept away, disturbed, and afflictions come on them. If he says, "I know, and I am not worthy" they accept him immediately.

And they inform him of the main principles of the religion, which is the unification of God's name, and the prohibition of idol worship, and they dwell at length on this matter. And they inform him of some of the lenient commandments, and some of the stringent commandments. And they do not dwell at length on this. And they let him know the sin of gatherings forgotten sheaves corners of the field and second tithe. And they tell him of the punishments for not keeping the commandments. How so They say to him: Know that before this point, if you ate forbidden fate, you would not be punished with karet, if you broke Shabbat, you would not be punished by being stoned. But now, after you have converted, if you eat forbidden fat you will be punished with karet, if you break Shabbat, you will be punished by being stoned. And they do not dwell at length on this, nor do they go into detail, lest this causes him to be troubled and turn away from the good path to the evil path. For at the beginning we do not draw a person except with words of appeasement and gentleness. I drew them with human ties, with cords of love.

And just as they inform them of the punishment for keeping commandments so too they inform them of the reward of mitzvot, and they inform them that by doing these mitzvot they will earn the world to come, and that no one is perfectly righteous person except for one who is a master of wisdom, who performs these commandments and knows them.

And they say to him: Know that the world to come is hidden only for the righteous, and this is Israel. And the reason that Israel is in pain in this world, it is a good hidden for them for they cannot accept too much goodness in this world, like the other nations, lest they get haughty, and go astray and they lose the reward of the world to come, as it says, "So Jeshurun grew fat and kicked."

And God does not bring on them an abundance of punishment so that they will not be lost. Rather, all of the nations of the world are finished off, and they will remain. And they go on at length about this matter, in order to endear it to them. If he retracts and does not want to accept, he can go on his way. And if he accepts, they do not delay him. Rather they circumcise him immediately. And if he was already circumcised they spill some covenantal blood, and they delay him until he fully heals, and then they immerse him.

Chapter 15

Chapter 16

Chapter 17

Chapter 18

Chapter 19

Chapter 20

All the priests in our day are assumed to be priests and they only partake in holy food that can be consumed within the borders of eretz yisrael, meaning rabbinic Teruma however of Torah ordained Teruma and of Torah ordained Hallah only a priest with definite lineage may partake.

Who is a priest with definite lineage Anyone about whom two witnesses testified that he is a priest and the son of john doe priest the son of john doe priest until we arrive at a man whose priesthood does not need to be checked and

he is a priest who served at the altar for had the Sanhedrin not checked after his status they would not have permitted him to serve.

Chapter 21

Anyone who sleeps with one of the forbidden relationships "by way of limbs", or who hugs and kisses in a sexual way and takes pleasure in physical intimacy, receives lashes for a d'Oraisa transgression, as it says (Leviticus 18:30) "do not do any of these abominable customs etc" and it says (Leviticus 18:6) "do not approach to uncover nakedness", which is to say do not approach things which will bring you to transgressing Arayos.

One who engages in these behaviours is suspected of committing Arayos. And it's forbidden for a person to intimate with his hands or feet or to hint with his eyes to any of the Arayos or to laugh with her or to engage in lightheadedness. And even to smell her perfume or to gaze at her beauty is forbidden. And one who engages in this deliberately receives lashes of rebelliousness. And one who gazes even at the little finger of a woman intending to derive sexual pleasure is comparable to one who looks at her genitalia. And even to hear the voice of an Ervah or to look at her hair is forbidden.

These matters are also forbidden with regard to women with whom relations are forbidden on the basis of merely a negative commandment. It is permitted to look at the face of an unmarried woman and examine her features whether she is a virgin or has engaged in relations previously to see whether she is attractive in his eyes so that he may marry her. There is no prohibition in doing this. On the contrary, it is proper to do this. One should not, however, look in a licentious manner. Behold Job 31:1 states: "I established a covenant with my eyes; I would not gaze at a maiden."

A man is permitted to gaze at his wife when she is in the Niddah state although she is an Ervah at that time. Although his heart derives satisfaction from seeing her, since she will be permitted to him afterwards, he will not suffer a lapse. He should not, however, share mirth with her or act frivolously with her lest this lead to sin.

It is forbidden for a man to have any woman whether a minor or an adult, whether a servant or a freed woman perform personal tasks for him, lest he come to lewd thoughts. Which tasks are referred to Washing his face, his hands, or his feet, spreading his bed in his presence, and pouring him a cup. For these tasks are performed for a man only by his wife. A man should not send greetings to a woman at all, not even via a messenger.

When a man embraces or kisses any of the women forbidden to him as arayot despite the fact that his heart does not disturb him concerning the matter, e.g. his adult sister, his mother's sister, or the like, it is very shameful. it is forbidden and it is foolish conduct. This applies even though he has no desire or pleasure at all. For one should not show closeness to a woman forbidden to him as an Ervah at all, whether an adult or a minor, except a woman to her son and a father to his daughter.

Similarly, the sages forbade a man to have marital relations while thinking of another woman. Nor may he initiate sex while drunk, nor out of spite or hatred, nor may he rape her or initiate sex while she is afraid. Nor may they have sex while either of them are excommunicated nor after he has decided to divorce her. If the husband does any of those things, the children will not be proper citizens but brazen, rebellious people and criminals.

Chapter 22

There is no prohibition in the whole of Scripture which the generality of the people experience greater difficulty in observing than the interdict of forbidden unions and illicit intercourse. The sages have declared that when Israel was given the commandments concerning forbidden unions, they wept and accepted this injunction with grumbling and wailing, as it is said, "weeping in their families (Numbers 11:10), i.e., weeping on account of the matter of family relations

Forbidden Foods

Chapter 1

It is a positive commandment to know the simanim (signs) that distinguish between domesticated and wild animals, birds and fish, and grasshoppers that are permitted to be eaten, and those that are forbidden for consumption, as it says, (Leviticus 20:25) "And you shall distinguish between a kosher animal and a nonkosher animal, between a nonkosher fowl and a kosher fowl." And it says, (Leviticus 11:47) "To distinguish between the kosher and the nonkosher, between a beast which may be eaten and one which may not be eaten."

Chapter 2

Chapter 3

The milk of a nonkosher animal will not coagulate and form into cheese like the milk of a kosher animal. If milk of a nonkosher animal were mixed with that of a kosher animal, when it coagulates into cheese, the nonkosher milk with its whey will flow out of the cheese.

It therefore is logical that any milk owned by a nonJew is prohibited, lest they have mixed in the milk of a nonkosher animal. Cheese produced by a nonJew is permitted, since milk of a nonkosher animal cannot become cheese. However, in the days of the sages, they decreed that cheese produced by a nonJew be prohibited, lest they coagulate it using the nonkosher stomach lining of animals they slaughter. And if you will say the stomachlining is negligible in relation in the amount of milk; should it not be considered nullified Since it is the very thing which creates the cheese, and if the thing which creates the cheese is prohibited, the whole thing is prohibited, as will be explained.

Chapter 4

Anyone who eats an olivesize of the flesh of cattle, beasts, or birds that died a natural death should be lashed, as it is written: "You must not eat anything that has died a natural death" (Deuteronomy 14:21). Whatever has not been slaughtered properly is regarded as if it died a natural death.

The term prohibited nevelah is applicable only to the clean species that are fit for ritual slaughter, and permitted as food if slaughtered properly. Unclean species, on the other hand, where sheitah has no advantage, if anyone eats of their flesh he is to be lashed not because of eating nevelah and terefah but for eating the flesh of an unclean animal; and it is immaterial whether it has been slaughtered properly or it has died a natural death, or whether he has cut a piece of flesh from it when alive and eaten it.

Anyone who eats an olivesize of the flesh of clean cattle, beasts or birds that were declared ritually unfit for food is to be lashed, as it is written: "You must not eat flesh torn by beasts in the field; you shall cast it to the dogs" (Exodus 22:30). The biblical term terefah refers to an animal torn by a wild beast, such as a lion, a leopard, or the like. So too, terefah is applied to a bird torn by a bird of prey, a hawk, or the like. You cannot say that terefah signifies that the wild beast or bird of prey tore and killed it, since it would be nevelah if dead; what difference does it make whether it died of itself or was killed by someone who struck it with a sword, or whether a lion mauled and killed it Hence, the biblical text must refer to a mauled animal that has not died.

If a torn animal that has not died is forbidden, one might suppose that if a wolf came and dragged away a young goat by its foot, tail or ear, and a man chased the wolf and rescued the kid from its mouth, the kid should be forbidden because it was mauled, therefore the Torah plainly says: "You must not eat flesh torn by beasts in the field; you shall cast it to the dogs," that is, it is forbidden only when it has become fit for the dogs. Hence, you may infer that terefah spoken of in the Torah refers to an animal torn and mauled by a wild beast to the point of death, though it has not died yet. Even if someone hastened to slaughter it prior to its death, it is forbidden as terefah, since it could not have survived the wound inflicted upon it.

From this you may conclude that the Torah has forbidden an animal that has died, a nevelah. It has also forbidden an animal on the verge of death because of its wounds, even though it has not died yet, and that is terefah. Just as you can make no distinction between the causes of death, whether the animal died a natural death or it fell down and died so you can make no distinction in the case of an animal on the verge of death, whether a beast tore and mauled it or whether someone shot an arrow at it and pierced its heart or lungs. Once the animal is dying at any rate, it is terefah, whether the cause is a human act or an act of God. If this is the case, why is the term terefah (torn) mentioned in the Torah Scripture speaks of what happens regularly. If you will not interpret it in this manner, you will have to assume that it refers only to an animal "torn in the field," and if it was torn in a courtyard it should not be forbidden! Hence, you must infer that Scripture speaks only of what is likely to happen.

In reference to an ox condemned to be stoned it is written: "Its flesh shall not be eaten" (Exodus 21:28). How could it be eaten after it had been stoned and assumed the status of nevelah ! Scripture only means to convey that as soon as the ox was condemned to be stoned it became forbidden and was regarded as an unclean animal. If anyone hastened and slaughtered the ox properly, it is forbidden to derive any benefit from it; if anyone ate an olivesize of its flesh he is to be lashed.

Chapter 5

Chapter 6

If anyone eats an olivesize of blood willfully he deserves kareth; if unwittingly, he must bring a standard sinoffering.

If the liver is cut open and thrown into vinegar or boiling water so that it becomes bleached, it is then permitted to be cooked. All the Jewish people have already adopted the custom of singeing it over the fire before cooking it.

If one cooked a liver without singeing it over the fire or without scalding it in vinegar or boiling water, the entire dish is forbidden: the liver and all that was cooked with it.

Meat cannot be rid of its blood unless it is thoroughly salted and rinsed. How should one proceed First, he should rinse the meat, and then salt it thoroughly and leave it in the salt for the time it takes to walk a mile. He should then rinse it well again until the water is entirely clear, and immediately throw it into boiling water, but not lukewarm water, that it may become bleached without any blood coming out.

When meat is salted, it should be salted only in a perforated utensil, using only salt that is as heavy as coarse sand, since the salt that is as fine as flour becomes absorbed in the meat and fails to extract the blood. Also, one must shake off the salt before rinsing the meat.

A bowl in which one has salted meat must never be used for hot food, even if the bowl is lined with lead, for the blood has already been absorbed in its potsherds.

Chapter 7

Chapter 8

A butcher who has been believed to sell kosher meat must refund the money to the customers if it has been found out that he has been passing on nevelah or terefah meat. He should be excommunicated and removed from his position. He can never be rehabilitated to enable him to sell meat again, unless he proceeds to a place where the people do not know him, and there restores a lost object of considerable worth, thereby proving that he has indeed repented, without any trickery.

Ten stores: nine sell kosher meat and one sell nonkosher meat, and one takes meat from one of them, but does not know which one the meat was taken from, this meat is forbidden, as every established place is like a half of a half i.e. each established location is treated as its own majority. But meat that is found thrown in the marketplace, you can follow the majority, as anything separated is considered to be separated from the majority. If the majority of sellers are nonJews, it is forbidden; and if the majority of sellers are Jews, it is permitted.

Chapter 9

It is biblically forbidden either to cook or to eat meat with milk. Anyone who cooks both together as little as the size of an olive is to be lashed, as it is written: "You shall not boil a kid in its mother's milk" (Exodus 23:19; 34:26; Deuteronomy 14:21). So too, anyone who eats of both the meat and the milk that have been cooked together, even as little as the size of an olive, is to be lashed, even if he has not done the cooking himself.

The reason Scripture is silent, and does not explicitly prohibit the eating of meat with milk, is that it has already forbidden the cooking; that is to say, since the cooking of the meatmilk mixture is forbidden, it is needless to state that partaking of it is likewise forbidden. Similarly, Scripture is silent and does not explicitly prohibit taking one's own daughter to wife, having already prohibited the taking of one's granddaughter to wife.

Biblically, only the meat of a clean animal with the milk of a clean animal is forbidden, as it is written: "You shall not boil a kid in its mother's milk." The term kid includes the offspring of ox, sheep or goat, unless the text explicitly states "a kid from the flock of goats" (Genesis 38:17). The phrase "a kid in its mother's milk" is used only because Scripture speaks of something that actually happens. But if one cooks the meat of a clean animal with the milk of an unclean animal, or the meat of an unclean animal with the milk of a clean animal, he is permitted to do so and derive a benefit from it as well; punishment is incurred for eating it, but not by reason of its being a meatmilk mixture.

So too, the meat of beast or bird cooked with the milk of beasts or cattle is biblically not prohibited from eating; hence, it is permissible to cook it and to derive a benefit from it. It is, however, prohibited from eating it on rabbinic grounds, so that the people may not reach out beyond what is permitted and transgress the biblical meatmilk prohibition by eating the meat of a clean animal with the milk of a clean animal, since the literal meaning of the verse is restricted to

a kid in its mother's milk only. For this reason, the sages have prohibited all meat with milk.

If one has first partaken of cheese or milk, he may eat meat immediately thereafter. He must, however, wash his hands and cleanse his mouth between the cheese and the meat. With what should he cleanse his mouth With bread, or by chewing fruit and swallowing it or spitting it out.

This applies only to the meat of cattle and livestock; but if one eats poultry after milk or cheese, he is not required to cleanse his mouth or wash his hands.

If one has eaten meat first, whether the meat of cattle or fowl, he should not partake of milk thereafter until a lapse of time is spent, equal to the interval between two meals, namely about six hours, because the fragments of meat between the teeth are not removed by cleansing.

Chapter 10

Chapter 11

A Ger Toshav He who has accepted the Seven Mitzvot of the sons of Noah, as we have explained it is prohibited to drink his wine, but it is permitted to derive benefit from it. And one may leave wine with him briefly, but not for a long time. And so too any Gentile who does not worship the stars and the constellations, such as the Ishmaelites, their wine may not be drunk, but one may derive benefit from it. And such instructed all the Geonim. But those who worship the stars and the constellations, one may not derive benefit from their wine.

Chapter 12

Chapter 13

Chapter 14

Chapter 15

Chapter 16

Chapter 17

And there are other things that the Sages prohibited, even though they are not Biblically prohibited, the Sages decreed upon these in order to distance from the Gentiles such that Israel would not assimilate in them, and intermarry. And the prohibitions are: The prohibited to drink with them, even when we are not worried about libations; and they prohibited eating their bread or dishes that they cooked, even when we are not worried about their "revulsions" i.e. the absorbed taste of nonkosher food in the dishes.

Even though they the Sages prohibited Gentile bread, there are cases where we are lenient and we take bread from a Gentile baker where there is no Jewish baker, and in the field, for it is a time of pressing need. But bread made by ordinary folk, there is nobody who permits it; for the primary purpose of the decree is from intermarriage, and if he eats the bread of ordinary folk, he will end up eating with them.

Ritual Slaughter

Chapter 1

The biblical positive command is that if anyone wishes to eat the meat of cattle, beasts or birds, he must first perform the rite of sheitah; only thereafter he may eat it, as it is written: "You shall slaughter any of your cattle or sheep" (Deuteronomy 12:21).

This mode of slaughtering, which is spoken of in the Torah indefinitely, must be explained, so as to know on what organ of the animal sheitah is performed; what is the extent of sheitah; with what instrument, when, where and how sheitah is executed; what things invalidate sheitah; and who may serve as a shoet. All these details are implied in the biblical command, which states: "You shall slaughter any of your cattle or sheep as I have instructed you, and you may eat to your heart's content in your settlements." All these details were commanded orally, like the rest of the Oral Torah which is referred to as Mitzvah (commandment), as we have explained in the introduction to this work.

With what is sheitah performed With any instrument, whether it is a metal knife or a flint, a piece of glass or a shell of reed, and similar things that cut, provided that the edge is sharp and without a notch. If, however, there was something like a ridge on the edge of the sheitah instrument, even the smallest perceptible ridge, the sheitah is

defective.

The shoet must examine the edge of the knife and both sides. How should he examine it? He should first pass the finger and then the fingernail along its three sides, namely the edge and both sides, to make sure that it is without any notch whatever. After that, he may use it for sheitah.

The shoet must again examine the knife after sheitah in a like manner, because if he should discover a notch in it after sheitah, it would be a doubtful case of nevelah: the knife may have become notched inside the hide, so that when he cut the windpipe and the gullet he did so with a defective knife. Accordingly, the person who slaughters several animals or several birds must examine the knife after each of them. If he failed to do so, and upon examining the knife at the end of the sheitah it was discovered to be defective, all the animals are regarded as doubtful cases of nevelah, even the first.

When may sheitah be performed? At any time, day or night, as long as the shoet has a torch with him, so that he can see what he is doing. If he performed sheitah in the dark, it is valid nevertheless.

Chapter 2

Chapter 3

There are five things that spoil the sheitah act, and the essential sheitah requirement is to be cautious about each. They are: delay, pressing, digging, slipping, and tearing.

What is meant by delay? If a man began the sheitah act and before finishing it he raised his hand and paused, whether unintentionally or intentionally, or under compulsion, and then he or another person completed it, his sheitah is defective if he delayed as much time as would be required to raise the animal and make it lie down and slaughter it; but if he delayed less than that, his sheitah act is valid.

What is meant by digging? If, for example, he inserted the knife between the windpipe and the gullet, it is immaterial whether he cut through the upper tube upward or the lower tube downward, which is the mode of sheitah, it is defective.

What is meant by pressing? If, for example, he struck the neck with a knife, as it is done with a sword, and cut the tubes with a single stroke, without passing the knife forward and backward, or if he placed the knife on the neck and pressed it downward and cut through the tubes as one would cut radish or cucumber, it is defective.

What is meant by slipping? If the shoet cut in a slanting direction, upward the windpipe, a place which is improper for sheitah.

What is meant by tearing? If, for instance, the windpipe or the gullet was torn out or removed from its regular position before the completion of the sheitah act. If, however, he cut through one tube of a bird, or most of it, and then the second tube became detached, his sheitah is valid.

Chapter 4

If a Jewish person already knows the sheitah laws, he should nevertheless refrain from performing the sheitah act when all by himself, but should perform it in the presence of an expert many times until he becomes experienced and skillful. If, however, he did perform it all by himself, his sheitah is valid.

If a person who is familiar with the sheitah laws has performed the act of sheitah in the presence of an expert till he has gained experience, he is called expert. All experts may perform sheitah by themselves from the start. Even women and slaves, if they are experts, may perform sheitah from the start (that is, their sheitah performance is absolutely legitimate).

Those Sadducees and Boethusians, their disciples and all who go astray after them, who do not believe in the Oral Torah, the sheitah they perform is invalid. If, however, they perform it in our presence, it is legitimate; their sheitah is prohibited only because they are likely to perform it wrongly. Since they do not believe in the sheitah regulations, they cannot be trusted when they say "we have not acted wrongly."

Chapter 5

We have already explained, among the laws concerning forbidden foods, that the biblical term terefah refers to an

animal on the verge of death; the word terefah is used only because Scripture speaks of ordinary experience, as when a lion or some other beast has mauled an animal, and it is not yet dead.

There are other diseases, if they occur to an animal, it is to be regarded as terefah. These rules were handed down to Moses at Sinai.

Chapter 6

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

Chapter 12

Sefer Haflaah

Oaths

Chapter 1

There are four types of oaths: the futile oath, the false oath, the oath concerning a deposit, and the oath of testimony.

The law concerning the futile oath applies only to things that are possible of performance whether in the future or in the past. Examples of the past: "I ate; I threw a stone into the sea; A conversed with B; I did not eat; I did not throw a stone into the sea; A did not converse with B." Examples of the future: "I will eat; I will not eat; I will throw; I will not throw a stone into the sea." Thus there are two kinds of a futile oath that include positive and negative assertions about things past, and two kinds that include positive and negative assertions about the future.

If anyone took one of these four classes of oaths and did the reverse, if for example he swore not to eat and ate, or to eat and did not eat; or if he swore "I ate" when in fact he did not eat, or "I did not eat" when in fact he did eat, it is a false oath. Of this and similar oaths it is written: "You shall not swear falsely by my name" (Leviticus 19:12).

The futile oath is likewise divisible into four classes. The first is a case where one has sworn that a known fact is not a fact. For example, one has sworn that a man is a woman, or that a woman is a man, or that a pillar of marble is made of gold, or anything of this sort.

The second is a case where one has sworn about a known fact which is not doubted by anybody, as when he has sworn that heaven is heaven, or that a particular stone is a stone, or that the number two is two, or anything of this sort. Since this is not doubted by any normal person, there is no need to confirm it by oath.

The third is a case where one has sworn to break a commandment, as when he has sworn not to enwrap himself in a fringed garment, or not to wear tefillin, or not to dwell in a sukkah during the festival of Sukkoth, or not to eat matzah on Passover nights, or to fast on Sabbaths and festivals, or something like this.

The fourth is a case where one has sworn about something that is not within his power to do. He has, for example, sworn not to sleep for three days in succession, both night and day, or not to taste anything for seven consecutive days, or something like this. Anyone who swears a vain oath belonging to one of these four classes transgresses a prohibitive law, as it is written: "You shall not take the name of the Lord your God in vain" (Exodus 20:7). If he has committed the transgression deliberately he is to be lashed; if unintentionally, he is altogether exempt from liability.

The oath concerning a deposit is as follows: Anyone who has in his possession money belonging to another person, whether it is a deposit or a loan, or he has robbed or exploited him, or found a lost article of his and failed to restore it, or anything of the sort, if he denies when the other demands it from him, he transgresses a prohibitive law, as it is written: "You shall not deal deceitfully" (Leviticus 19:11). This is a warning against the denial of money due. No lashing is inflicted for transgressing this prohibition; but if he has sworn falsely concerning the money which he has denied, he has transgressed another prohibition, concerning which it is written: "You shall not deal falsely with one another" (11). This is a warning directed against the person who swears to deny money due. Such an oath is referred to as the oath concerning a deposit.

What is the oath of testimony? If witnesses in a case of property are summoned by the plaintiff to testify for him and they deny their knowledge of evidence and refuse to testify, swearing that they know no testimony concerning him, it is what is called the oath of testimony.

Chapter 2

It is immaterial whether one swears any of the four types of oaths with his own lips or is adjured by others and he answers Amen; even if a non-Jew or a minor adjured him and he answered Amen, he is liable, because anyone who responds with Amen to an oath is as if he uttered it with his own lips. It makes no difference whether he answers Amen or says something that has the same meaning as Amen, as when he says "yes" or "I am required to take this oath" or "I accept this oath," or anything of this sort in any language, it is as if he had indeed taken an oath which makes him liable either to lashing or to bringing a sacrifice.

If anyone had taken an oath with his lips and heart agreeing, but he immediately retracted after having bound himself,

instantly, within the time required for a single utterance, such as peace be to you, Rabbi, a pupil's greeting and said: "This is not an oath" or "I regret it" or "I retract," and such like expression signifying that he has set himself free from the binding oath, he is set free and the oath is removed, for he is like one who has been in error.

So too, if others told him retract or you are set free, or a similar phrase, and he acquiesced within the time required for a single utterance, and said "yes" or "I retract" or the like, he is set free; but he cannot retract after a lapse of time required for a single utterance.

If he had taken an oath and retracted in his heart within the time required for an utterance, it is of no avail. So too, if others told him retract or you are set free or you are pardoned, and in his heart he instantly acquiesced to their words, it is of no avail, unless he expresses the retraction with his lips, as in the case of the oath which he uttered with his lips.

Chapter 3

Chapter 4

Chapter 5

When a person says: "I am taking an oath that I will not eat this loaf. I am taking an oath that I will eat it," the second oath is an oath taken in vain, for he is forbidden to eat it. He is liable for lashes for the second oath whether he partakes of the loaf or not. If he eats it, he is liable also for not fulfilling a sh'vuat bitui. Similarly, whenever one takes an oath to neglect a mitzvah and does not neglect it, he is exempt for violating a sh'vuat bitui. He is, however, liable for lashes for taking an oath in vain. He should perform the mitzvah that he took an oath to neglect.

What is implied For example, a person took an oath that he would not make a sukkah, he would not put on tefillin, he would not give charity, he is liable for lashes for taking an oath in vain. Similarly, one is liable if he takes an oath for a colleague that he will not give testimony that he knows or that he will not testify if he will know testimony, for he is commanded to testify. Similarly, if he tells a colleague: "I am taking an oath that I will never know testimony concerning you," it is an oath taken in vain, for it is not within his capacity to be certain that he will never know of testimony concerning him. Similar laws apply in all analogous situations.

When a person takes an oath to fulfill a mitzvah and fails to fulfill it, he is not liable for not fulfilling a sh'vuat bitui. What is implied A person took an oath to make a lulav or a sukkah, to give charity, or to testify on behalf of a colleague if he knew testimony that could affect him. If he did not make these articles, give the charity, or testify, he is exempt for not fulfilling his sh'vuat bitui. For a sh'vuat bitui takes effect only with regard to matters left to one's choice i.e., matters that if he wants to, he may perform and if he does not want to, he need not perform, as implied by Leviticus 5:4: "whether he will do harm or do good." Therefore whenever anyone takes an oath to harm another person, he is exempt from a sh'vuat bitui, e.g., he takes an oath to strike soandso, to curse him, steal his money, or deliver him to the control of a man of force. The rationale is that he is commanded not to do these things. It appears to me that he is liable for lashes for taking an oath in vain.

If a person took an oath to harm himself, e.g., he took an oath to inflict injury upon himself, the oath takes effect even though he is not allowed to do so. If he does not harm himself, he is liable for not fulfilling a sh'vuat bitui. If he took an oath to help others with regard to a matter with which he could help them, e.g., to speak to the ruling authorities or to show him honor, the oath takes effect. If he transgresses and does not carry out his promise, he is liable for not fulfilling a sh'vuat bitui.

Chapter 6

If anyone took a rash oath and regretted it; he realized that he would suffer if he kept this oath, so he changed his mind; or something occurred to him of which he was unaware at the time of the oath, and is sorry on its account, he should apply to a sage, or to three laymen if no sage is available, and they will absolve him from his oath, and he will be permitted to do the thing he swore not to do, or not to do the thing he swore to do. This is called absolution from oaths.

No one can absolve himself from his own oath. No one may absolve an oath or a vow in a locality where there is someone greater than he in wisdom. If his own teacher is in the same place, he must not absolve without his teacher's consent.

How are oaths absolved The person who took the oath should present himself to the distinguished scholar, or to three laymen if no expert is available, and say: "I took an oath concerning this and that, and now I am sorry. Had I known that I might be distressed because of it to such a degree, or that such a thing might happen to me, I would not have taken the oath. Had I known at the time of the oath what I know now, I would not have sworn." Thereupon the scholar, or the eldest of the three laymen, should say to him: "Have you regretted it indeed" And he should reply: "Yes." Then he should say to him: "You are set free, you are pardoned," or anything similar in meaning in any language. If, however, he said to him: "Your oath is void," or "Your oath is eradicated," or something similar in meaning, what he said is of no avail, because none except a husband or a father can revoke an oath. A scholar may use only terms of absolution and pardon.

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

There are three types of oaths that are biblically imposed, namely: 1) when a man claims movable goods from his neighbor, who admits one part but denies another; 2) when he denies owing any of the movable goods claimed, but one witness testifies against him and contradicts him. These two oaths result from a positive claim and a denial. 3) So too, when a custodian pleads that the article which was deposited with him is lost, stolen, dead, or something like that, he must take an oath due to the uncertainty of the claim, since the claimant of the deposit does not know whether the custodian's plea is true or false. He swears a biblical oath, as it is written: "An oath before the Lord shall decide between the two of them" (Exodus 22:10).

Any oath administered by the judges, with the exception of these three types, is of rabbinic origin. This legal oath is referred to as the oath imposed by the judges.

There is another type of oath, instituted by the talmudic sages, which is known as equitable oath. Although it is administered by the court at present, it is not called a judicial oath.

The judicial oath, whether biblical or rabbinic in origin, whether arising from a definite claim or from a doubtful claim, is administered as follows: The person who is taking the oath is holding a Sefer Torah in his arm while standing and swearing by the divine name or a substitute for the divine name, uttering the oath or curseoath with his own lips, or it is pronounced by the judges. My teachers have taught that the judicial oath should only be administered in the holy tongue.

What is the oath formula when uttered with his own lips He should, for example, say: "I hereby swear by the Lord God of Israel," or "by him whose name is Gracious One," or "by him whose name is Merciful One, that I do not owe anything to this person".

What is the oath formula coming from the lips of the judges They, for example, say to him: "We adjure you by the Lord God of Israel," or "by him whose name is Merciful One, that you owe nothing to this man," and he answers Amen.

The only difference between the equitable oath and the judicial oath rests in the holding of a sacred object; the one who takes an equitable oath is not required to hold a Sefer Torah, but is adjured by the divine name or its substitute, as he utters the oath or curseoath with his own lips, or it is pronounced by the judges, as in the case of the judicial oath. It has become a general custom, however, that the azzan of the synagogue or someone from among the people holds a Sefer Torah in his hand while the equitable oath is being administered, in order to impress the man with awe.

Judges who administer the oath in any language the swearer knows are acting within the law. Such was the decision of the Geonim. My teachers, however, taught that the oath should be administered only in the holy tongue; but it is not right to rely on this decision. Even though all courts customarily administer oaths in the holy tongue, it is important to inform the person who is taking the oath so that he may know the terms of the oath.

Anyone subject to a judicial oath resulting from a definite claim and a denial should be admonished, as will be explained. There is, however, no need to admonish anyone liable to an oath on grounds of a doubtful claim.

How should the one who takes an oath be admonished? He should be told: "Know that the entire world trembled at the moment God said to Moses: You shall not bear the name of the Lord your God in vain" (Exodus 20:7). Concerning all biblical transgressions it is written: "The man shall be clear of guilt" (Numbers 5:31), but here it is written: "The Lord will not clear one who swears falsely" (Exodus 20:7). For all biblical transgressions the guilty person alone is punished, but here both he and his family who protect him from justice are punished. Furthermore, he causes all Israel to be punished, since all Israelites are responsible for one another, as it is written: "Nothing but perjury, lying, and murder therefore the land mourns, and all who dwell in it languish" (Hosea 4:23).

The full substance of this admonition should be expressed to them in the language they know, so that they may understand the words and that the sinner be determined to sin no more. If he then says: "I will not swear," we should exempt him from the oath, and he must pay what his neighbor claims from him. So too, if the claimant says: "I will not make him take an oath," thus releasing him from the claim, they leave the court.

Chapter 12

If youngsters have taken an oath, understanding fully its significance, they should be compelled to abide by their spoken words; even though they are not subject to the law of fulfilling an oath, they should be trained and admonished not to take oaths lightly.

One should be extremely careful with youngsters in teaching them to speak the truth without oaths, so that they should not become habituated to frequent swearing. This amounts to a duty resting upon their parents and upon the elementary teachers.

Although it is permissible to apply to a scholar for absolution from an oath, as we have explained, and there is nothing wrong in it, and if anyone has scruples in this matter he is probably under the influence of sectarian heresy, nevertheless it is proper to be cautious in this thing. Absolution should be attended to only for the sake of a religious duty or because of a great need. It is best for a person not to swear at all. **VOWS**

Chapter 1

Vows are divided into two classes. The first class relates to a person who forbids himself things that are permitted to him, as when he says: "Let the fruit products of a certain country be forbidden to me for thirty days," or "forever"; or "a certain kind of the world's fruit products" or "these fruit products shall be forbidden to me." No matter what language he uses in restricting himself, those things are forbidden to him even in the absence of an oath or the mention of the divine name or its substitute. In regard to this, it is written in the Torah: "If a man makes a vow imposing a prohibition on himself" (Numbers 30:3); that is, he forbids himself things that are permitted. So too, if he said: "These things shall constitute a vow of abstinence for me," they are forbidden. I refer to this class of vows as vows of prohibition.

The second class relates to a person who obligates himself to offer a sacrifice that he does not owe, as when he says: "I pledge myself to offer a burnt offering," or "let this animal be a burnt offering" or "a peace offering." The expression I pledge myself is called a vow, while this is to be is called a donation. I refer to this class as vows of consecration.

The Torah commands every person to fulfill his oath or his vow, whether it is a vow of prohibition or a vow of consecration, as it is written: "You must fulfill what has passed your lips and perform what you have vowed" (Deuteronomy 23:24); and it is written: "He must carry out all that has passed his lips" (Numbers 30:3).

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Chapter 8

If anyone made a vow or took an oath, specifying at the same time the cause of his vow or oath, it is as if he had

made his vow or oath dependent upon that cause. Hence, if the cause of his oath has not materialized, he is released.

If, for example, he vowed or took an oath: "I will not marry that woman, because her father is an evil man; I will not come into this house, because there is a surly dog in it," and they died, or the father repented, he is released. For he is like one who made a vow or took an oath, saying: "I will not marry that woman; I will not enter this house, unless the injurious factor is removed." This applies to all similar cases.

If, however, one takes a vow or swears: "I will not marry that ugly woman," and she is found to be pretty, or "that brunette" and she is a blonde, or "that short one" and she is tall, or "I vow that my wife shall derive no benefit from me because she stole my purse and struck my son," and it has become known that she neither stole nor struck, he is released, since it was an erroneous vow.

Moreover, if a person saw men at a distance as they were eating his figs and he told them: "They are prohibited to you as a sacred offering," but when he came closer he realized that they were his own father and brother, they are released from his vow. Even though he failed to specify the reason for which he prohibited them, it is as if he did specify, because it is obvious that he forbade them only because he thought that they were strangers. The same applies to all similar cases.

If any vow has been remitted in part, it has been remitted in its entirety. The same is true of oaths. If, for example, one noticed men at a distance as they were eating his fruit products and he said: "These products are forbidden to you as a sacred offering," but upon approaching them he realized that they were his father and some strangers, they all are released from his vow along with his father. Even if he said: "If I had known this, I would have said: "These men are prohibited, but my father is permitted," they are all permitted nevertheless.

If a man was asked to marry his relative and he refused; when he was urged he vowed or took an oath that she was never to derive any benefit from him; or if a man divorced his wife and swore or vowed that she was never to derive any benefit from him; either of these women may nevertheless derive a benefit from him, since his intent was confined to matrimony.

So too, if a man invited a person to dine with him, and the latter refused, swearing or vowing that he would not enter his house or drink a drop of cold water, he is nevertheless permitted to enter his house and drink his cooled beverage on other occasions, since he merely had in mind not to eat and drink with him at this particular meal. This holds good in all similar cases.

If a man swore or vowed to take a wife, to buy a house, to join a caravan, or to go on a sea voyage, he should not be compelled to marry, buy, or leave immediately, but only after he has found a suitable occasion. It once happened that a woman made a vow to marry anyone who would propose to her, and some men who were not suitable to her snatched the opportunity and proposed to her. The sages thereupon declared: "This woman had in mind only a suitable party asking her in marriage (Bava Kamma 80a). This applies to all similar cases.

Chapter 9

Chapter 10

Chapter 11

A Boy of twelve years and one day and a girl of eleven years and one day, who took oaths or made vows, whether vows of prohibition or of consecration, should be examined and interrogated. If they know in whose name they vowed, consecrated, and took oaths, their vows are valid and their consecration is effective; if they do not know, there is no value to their vows and verbal commitments. They should be examined concerning each vow made throughout the entire year; that is, the twelfth year in the case of a girl and the thirteenth year in the case of a boy.

What has just been stated, namely that the vows made by a girl of twelve years and one day are valid, relates to one who is not under the control of her father or her husband; but if she is under the control of her father, even if she has grown up and become a maiden, he may annul all her vows and all her oaths on the day he finds out, as it is written: "None of her vows or selfimposed prohibitions shall stand since her father restrained her" (Numbers 30:6).

Until when may her father annul them Until she reaches maturity. Once she has reached maturity, he may no longer annul them. All her vows and oaths have the same force as the vows of a widow or a divorced woman, concerning

whom it is written: "Whatever she has imposed on herself shall be binding upon her" (10).

Chapter 12

A father may annul all his daughter's vows or oaths the day he finds out, as it is written: "All her vows and all her selfimposed prohibitions" (6). The husband, however, may annul only those vows and oaths that entail selfmortification or affect their mutual relationship, as when she has sworn or vowed not to paint her eyelids or not to make herself look pretty, as it is written: "Between a man and his wife" (17).

Chapter 13

If a person has made vows in order to adjust his characteristic traits and to improve his behavior, he is indeed alert and deserves praise. Examples: One who was a glutton forbade himself meat for a year or two; or one who was addicted to drinking forbade himself wine for a long time, or vowed never to become intoxicated. So too, one who ran after bribes, hastening to get rich, forbade to himself the gifts or the favors coming from the residents of a particular town. So too, one who became arrogant because of his good looks vowed to become a nazirite. Such vows are designed to serve God, and concerning them the sages declared: "Vows are a fence around selfrestraint" (Avoth 3:17).

Even though they are a form of divine service, one should not impose on himself many vows of prohibition nor make frequent use of them, but should rather abstain from things that are to be shunned, without making vows.

The sages have asserted: "Anyone who makes a vow is as if he built a high place for idolatry" (Nedarim 60b). If he transgressed and made a vow, it is his duty to seek absolution from his vow, so that it might not become an obstacle on his way. **Nazariteship**

Chapter 1

Chapter 2

Naziriteship was observed both during the time of the Temple and after the time of the Temple. Accordingly, if anyone has vowed nowadays to become a nazirite, he becomes a lifelong nazirite, for we have no Temple where he might offer his sacrifices on the day his term as nazirite is completed.

Naziriteship is observed only in Eretz Yisrael. If a man took the nazirite vow in the Diaspora, he is fined and compelled to go to Eretz Yisrael to be a nazirite there for the number of days he specified in the nazirite vow.

As long as he is outside Eretz Yisrael, he is forbidden to drink wine, defile himself for the dead, or cut his hair; he must observe all the details of naziriteship, even though these days are not counted. If he transgresses by drinking wine, cutting his hair, touching a corpse or the like, he is to be lashed.

Chapter 3

The duration of unspecified naziriteship is thirty days. If, for example, one said "I will be a nazirite," he becomes one for no less than thirty days.

If he specified a period of less than thirty days, as when he said: "I will be a nazirite for one day," or "ten days," or "twenty days," he becomes a nazirite for thirty days, since there can be no naziriteship for less than thirty days. This law is based on tradition.

Samson was not a complete nazirite, because he had not taken the nazirite vow, but the angel separated him from uncleanness. What was his legal status? He was forbidden to drink wine and cut his hair, but was permitted to defile himself for the dead. This, too, is based on tradition.

Accordingly, if anyone said: "I will be a nazirite like Samson," he becomes a lifelong nazirite, kept from cutting his hair and drinking wine. He must not cut his hair every twelve months, like other lifelong nazirites, but he may defile himself for the dead.

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Chapter 8

Chapter 9

Chapter 10

If a man said: "I will be a nazirite if I will perform this or that," or "if I will not perform," or something of the sort, he is a sinful person; such naziriteship is of the sinful. If, however, one vows to God in a way of holiness, he does a good thing and deserves praise. Concerning such a man it is written: "His consecration to God is upon his head he is consecrated to the Lord" (Numbers 6:78). Scripture considers him the equal of a prophet, as it is written: "I raised up some of your sons as prophets, and some of your young men as nazirites" (Amos 2:11).

Appraisals and Devoted Property

Chapter 1

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Chapter 8

Sefer Zeraim

Diverse Species

Chapter 1

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Gifts to the Poor

Chapter 1

One who reaps his field should not reap the whole field entirely but rather he should leave a little bit of standing grain for the poor at the edge of the field, as it is written, (Lev. 23:22) You shall not reap all the way to the edges of the field. It is the same whether one is reaping with a tool or plucking by hand, and that which is left is what Scripture refers to as *pah* the "edge".

Just as one must leave some standing crops in the field, so too when one gathers the fruit of trees, one should leave a little for the poor. If he does transgress the negative mitzvah against harvesting one's field completely and reaps all the field or gathers all the trees' fruit, he should take a little from what he reaped or gathered and give it to the poor, for giving it is a positive mitzvah divine commandment, as it is said, (Lev. 23:22) You shall leave them for the poor and the stranger. Even if the standing grain is ground, kneaded, and baked into bread, the one who gives from it is considered to have given *pah* to the poor.¹ That is, the first part of the verse, (Lev. 23:22) You shall not reap all the way to the edges of the field, corresponds to the prohibition against reaping all of the field, and the second part of the verse, you shall leave them for the poor and the stranger, corresponds with the injunction to give the food to the poor, no matter what form it is in or how far it has been processed. "Leaving them for the poor and the stranger," therefore, actually indicates actively giving.

If all of his produce that he reaped was destroyed or burned before he gave *pah*, he deserves punishment with lashes, for he has transgressed a negative mitzvah and cannot fulfill the positive one to rectify the situation for the opportunity has been taken from him.² See Babylonian Talmud Makkot 16b. Punishment, according to the rabbis of the Talmud, usually took the form of lashes, where the offender was whipped across his or her back, based upon Deuteronomy 25:3. Because no one was ever to receive more than forty lashes, the standard number to be received was thirtynine or less if that is what the offender could bear. Negative commandments were usually punished with lashes while positive commandments were not, but in this case, the commandments not to gather certain agricultural produce involve negative commandments whose transgression could be made up for by fulfilling positive commandments. In this case, it is only when the opportunity to fulfill the positive commandment is also lost and the situation cannot, therefore, be rectified in any fashion that punishment is incurred. This rabbinic understanding of liability also applies to the next two laws.

And so it is with *leket* overlooked gleanings as one reaps and binds, one may not gather the fallen stalks at the time of reaping, but rather one should leave them for the poor, as it is said, (Lev. 23:22) Or gather the gleanings of your harvest. If one transgresses the negative mitzvah against reaping one's field completely and reaped them and even kneaded and baked them, one should give them to the poor, as it is said, (Lev. 23:22) You shall leave them for the poor and the stranger. If it is destroyed or burned after one has gleaned but before one has given to the poor, one deserves punishment.

And so it is with *peret* separated fruit that fell from the vine at the time of harvesting and with *ollot* malformed grape clusters, as it is said, (Lev. 19:10) You shall not pick your vineyard bare *te'oll* or gather the fallen fruit *uferet* of your vineyard; you shall leave them for the poor and the stranger. So also with one who stacks sheaves and has forgotten a sheaf in the field. This person may not recover it, as it is said, (Deut. 24:19) And overlook a sheaf in the field, do not turn back to get it. If one does transgress the negative mitzvah against picking up a forgotten sheaf and gleans and

even grinds and bakes, this one still must give to the poor, as it is said, (Deut. 24:19) It shall go to the stranger, the fatherless, and the widow. This is a positive mitzvah. Thus you learn that all these mitzvot are negative which are transformed into positive mitzvot, and if one does not fulfill a positive mitzvah, one deserves punishment.³ Each one of these verses is twofold; one part corresponds to the prohibition against gleaning or picking all of a crop while the other part is the injunction to give food to the poor. Each one of the gifts for the poor involves two acts: one of self-restraint and one of giving.

Just as it is with forgotten sheaves shikhecha, the "forgotten", so it is with standing grain. If one has forgotten a portion of standing grain, one may not harvest it. It is for the poor. And just as with forgotten produce and their products, so also with forgotten fruit of trees altogether, as it is said, (Deut. 24:20) When you beat down the fruit of your olive trees, do not go over them again. So it applies to all other types of trees.⁴ With regard to trees, however, there are exceptions, such as with carob trees. See 3:21.

Thus we have learned of four gifts to the poor concerning the vineyard: peret the "separated fruit", oloth the "malformed grape clusters", pah the "edge", and shikhecha the "forgotten". We learned three gifts concerning produce: leket the "overlooked gleanings", shikhecha, and pah. And we learned two concerning trees: shikhecha and pah.⁵ See Babylonian Talmud Chullin 131ab. Maimonides offers a different way of organizing categories of "gifts for the poor," based on applicability. The categories of peret and oloth apply only to the vineyard while the category of leket applies only to the field. Pah and shikhecha apply to every situation.

With regard to all of these gifts to the poor, owners may not derive any benefit from them, but rather the poor come and take them regardless of the owner's wishes. Even if he the farmer is one of the poor of Israel, they take them from his possession.⁶ See Babylonian Talmud Chullin 131 ab. Even if the farmer is poor, he is still obligated to give to the poor as a member of the community. This principle that all may give is taken up again in Chapter 10, with the provision that collectors of tzedakah may not cause any public embarrassment to a poor person.

Any "stranger" that is mentioned in Scripture with regards to the gifts for the poor can only refer to a convert, for it states regarding ma'aser sheni the second tithe, (Deut. 14:29) Then the Levite...and the stranger...shall come. Just as a Levite is a member of the covenant, so also the stranger is a member of the covenant. Nevertheless, we do not prevent the poor of the Gentiles⁷ Literally, "worshippers of the stars" or idolators. from these gifts. Rather, they may come along with the poor of Israel and take them for the sake of peaceful relations.⁸ See Mishnah Gittin 5:8, Babylonian Talmud Gittin 61a, and Tosefta Gittin 3:13. Doing something "for the sake of peaceful relations" was ultimately a political reason, where a member of the community would act so as to avoid conflict with others, principally Gentiles. The Jewish community, which was often at the mercy of a hostile ruling power, needed to act so as not to provoke the authorities against them. See later in this treatise in 8:68, and also 10:2, where Maimonides states refers to the ruling powers' relationship with the Jews as "the idolatrous nations that hate them and pursue them." It has already been noted in the Introduction that giving to the poor of another ethnic or religious group was remarkable for that time.

It is mentioned regarding gifts for the poor, (Lev. 19:10, 23:22) You shall leave them for the poor and the stranger, that is to say each time the poor have a claim on them these gifts, when they have ceased to desire and return after them, the remainder is permitted to anyone, for it is not in and of itself sanctified like giftofferings which belong only to the Temple in Jerusalem.⁹ Giving to the Temple in Jerusalem was a different kind of giving than giving to the poor including any kind of consecrated property or sacrifice, such as a giftoffering. Property became sanctified when the donor said a pledge to that effect and was immediately efficacious, and the use of the property other than for the Temple was prohibited.. Nor is one obligated to give their value's worth, for it does not say, "give them to the poor" but rather you shall leave them for the poor. It is not a mitzvah to leave them for wild animals and birds but rather for the poor, and these animals are not "the poor" but rather they should be used by people.¹⁰ See Babylonian Talmud 134b, where it says that we leave food for people and not for "ravens and bats." "

When can anyone take leket When the poor gleaners come into the field a second time and gather after the first group of poor gleaners and then depart. When can anyone take peret and oloth When the poor have come into the vineyard and gone, what remains after them is permitted to anyone. When can anyone take forgotten olives In the Land of Israel, if one forgot it the olive produce from the top of the olive tree, this is permitted from the first of the month of Kislev, for it is the time of the second rainfall, late in the season. But olives that are left piled up, forgotten under a tree, are permitted to anyone as soon as the poor cease from going through them.¹¹ See Mishnah Pah 7:2 and 8:1.

Any time that the poor person can take forgotten olives that were left on the ground under the tree, he the poor person may take them that is, it does not depend on the time of the season, even after the time when anyone is permitted to take what was forgotten at the top of the tree. Any time he anyone can take forgotten olives that were left on the top of the tree that is, beginning in Kislev, he may take them, even though he still may not take the forgotten olives from beneath the tree that the poor have not yet ceased to go through.¹² Maimonides follows an established tradition of dividing a tree in half between top and bottom (see Mishnah Gittin 5:8). The top includes those olives that would need to be beaten down with a stick while the bottom includes those that can be reached by hand. A tree, therefore, cannot be categorized under the requirement of being harvested all at once. In addition, olives left on the ground are like other produce in that, once they have been left behind by their owner, the poor may claim them, and after the poor have gone through them, they are available to anyone. The olives that were not beaten down from the top of the tree, however, depend upon the time of year before they can be considered abandoned by their owner. He bases this upon both Mishnah Pah 7:2 and 8:1. Ravad of Posquieres, however, takes issue with this, also citing Mishnah Pah 7:2 for a different rule that states that as soon as the olives underneath are deemed to be forgotten so, too, are the olives above. This is reiterated in the Jerusalem Talmud, Pah 7:2, with the added explanation that even if the olives below may be remembered by the owner and not deemed to be forgotten, the olives above are deemed forgotten as soon as the worker has gone through with a harvesting rod and beaten down all that he wanted. In addition, Ravad claims that "underneath" need not only apply to that which is on the ground but actually on the lower branches of the tree, and he also cites the part of a Mishnah that says that if the tree has more than two seah of olives on it, then this clearly could not have been forgotten by the owner because it is too large a quantity. Ravad therefore understands that the status of whether or not the olives qualify as shikhecha depends entirely upon the actions and intentions of the owner and not the time of year.

The gifts for the poor that are in the field of which the poor have not claimed belong to the owner, even if the poor have not ceased from going through their gifts.¹³ This passage speaks to the rabbinic understanding of the property of the poor. The poor own these agricultural products and have a claim to them even before the owner of the field has given them because these products are gifts from God and the owner of the field is merely a steward of God's will. It is only when the poor have not claimed the property that it can be understood as being abandoned property and, in that case, the owner of the field or anyone else can take possession of the produce.

All of these gifts for the poor as they are in the Torah only apply to the Land of Israel, like gift offerings and tithes. Thus Scripture says, (Lev. 19:9, 23:22) When you reap the harvest of your land, and (Deut. 24:19) When you reap the harvest in your field. But it has already been explained in the Talmud¹⁴ See Babylonian Talmud Chullin 137b. that the category of pah applies outside of the Land of Israel from rabbinic law, and it appears to me that it makes sense for the remaining types of gifts for the poor to all apply to outside of the Land of Israel from rabbinic law as well.¹⁵ See Mishnah Kiddushin 1:9. In this law as well as the next, Maimonides makes a distinction between laws that are from the Torah itself and rabbinic rulings. While laws from the Torah are more directly authoritative, the laws of the rabbis rest on the authority of a tradition of sacred interpretation and were considered just as binding as the laws of the Torah. Indeed, some rabbinic laws carried very severe punishments for their transgression to discourage challenging their authority. The rabbinic law seeks to clarify the intent of the Torah, filling in the gaps that the Torah does not make clear. In this instance, the location of where these laws are in force in the Jewish community and the minimum amount that needed to be given are details lacking in the Torah that the rabbis fill in.

How much is the minimum measure of an "edge" portion From the Torah there is no minimum measurement. Even if one left one stalk, one is free from one's obligation, but from rabbinic law it is not less than onesixtieth whether in the Land of Israel or outside, and one increases over and above onesixtieth according to the size of the field, the number of poor people, and the blessing of sowing. How so If a field is exceedingly small and one leaves from it onesixtieth, it does not benefit a poor person. Thus in this case the measure is increased. And so if there are a great deal of poor people one adds to the measure, and if the sowing is very little and nevertheless one took in a great deal because one was unusually blessed, one increases what one gives according to the abundance of the blessing. Anyone who adds to the measure of the pah portion increases his reward by God, and there is no maximum measure to this added benefit.¹⁶ See Mishnah Pah 1:12. The first line of Mishnah Pah reads, "These are the things for which there is no definite quantity: pah, first fruits, the festival offering upon appearing in the Temple, deeds of lovingkindness, and the study of Torah." Taken literally, this means that the Torah does not prescribe a limit in the application of this duty. The implication, however, is that there is no prescribed definite quantity for the reward of following these commandments, as Maimonides makes clear in this law. In addition, one is supposed to be as generous as possible.

Chapter 2

Anything (1) that people eat, (2) that is raised from the soil, (3) that is supervised, (4) that is gleaned all together at once, and (5) that is put into storage is subject to the giving of the pah portion, as it is said, (Lev. 19:9, 23:22) When you reap the harvest of your land.¹⁷See Mishnah Pah 1:4 as a source for this definition.

Anything to be harvested that shares these five characteristics is liable for the giving of the pah portion, such as produce, legumes, carob, nuts, almonds, pomegranates, grapes, olives, dates whether dried or fresh, and such, but woad a plant that is harvested for blue dye and rubia a plant that is harvested for red dye and similar things are exempt because they are not edible. So also with morils and truffles which are kinds of mushrooms because they are not raised from the soil like other produce of the earth. So also is property that has been appropriated by the court "ownerless property" exempt, for there is no specific person to supervise it, for it was appropriated for all. So also are figs exempt because they are not picked all at once but rather there are some that are ready on one day and some a few days later. So also are herbs exempt, for they are not put into storage. Garlic and onions however are liable for giving of pah, for people dry them and put them into storage. So also are the shoots of onions liable for the giving of pah, for they are put in the ground in order to get their seeds, and so also with similar things.¹⁸See Mishnah Pah 1:45. Maimonides adds a great deal to the Mishnah, but he follows the same principle: food for the poor included basic kinds of food that were processed in the usual way under regular processes and supervision. In addition, the food also needed to be able to be conserved for future consumption as a matter of practical interest and to avoid waste. Luxury items, such as figs and herbs, which required special care, were exempt, but garlic and onions, which do not require special care and can be harvested like a regular crop, are not. It is also interesting to note that the principle of conservation also extends to the shoots of onions, implying that the poor might participate in the processes of planting and harvesting on land of their own.

Cultivated land of any kind is liable for the giving of pah, even if it is owned in a partnership, as it is said, (Lev. 19:9, 23:22) When you reap the harvest of your land, even if it is land owned by many.

A field that was harvested by Gentiles for themselves, or one that was harvested by bandits, or one that was chewed down by ants,¹⁹Some texts read milnb, "camels," but as this is based upon Mishnah Pah 2:7, "ants" is what was intended. or one that was laid low by the wind or cattle is exempt from the giving of pah, for the obligation of pah is on things still standing.²⁰However, see law 2:10 of this chapter where the Gentiles are not robbers but hired workers.

One who harvested half of his field and then bandits harvested the other half that remained is exempt from giving pah, for the obligation was to come from the half that the bandits harvested. But if the bandits harvested half and then the owner came back and harvested the remaining half, he gives pah according to the measure of what he harvested. If he harvested the first half and sold the second half, the one who took what he sold gives pah (for all). If he harvested the first half and dedicated the second half to the Temple, the redeemer, who takes it from the possession of the treasurer, gives pah for all.²¹See Mishnah Pah 2:78. There is no pah obligation for anything dedicated to the Temple. If he harvested the first half and redeemed it, he leaves pah from what remains as is appropriate for all of the crop.

In the case of a grapeharvester who has a field from which he takes grapes to sell in the market and the remainder he intends to leave for the wine press, if the grapeharvester took the grapes to the market a bit from here and a bit from there, then the grapeharvester gives pah from what he left for the wine press according to the measure of what was left. But if the grapeharvester took the grapes to the market all from one side of his field, then he should give pah from the remaining grapes according to the measure of the entire vineyard because one who harvests grapes all from one side of his field is not like a grapeharvester who by chance takes a little bit from here and a little bit from there, who, in that case, is exempt. So also this applies to one who plucks parched ears of corn bit by bit and brings them into his house.²²This is apparently different because this is for consumption in the home. Even if he plucks his entire field this way, he is exempt from leket, shikhecha, and pah.²³The fourth qualification was that produce be gleaned all at once, like an ordinary crop, and not like a home garden for personal consumption. These instances present ambiguities in this area.

One who harvests his field before it has ripened, that is, it has not yet ripened onethird of the way, it this field is exempt, but if it was onethird of the way ripened, it the field's produce is subject to pah. So also with the fruit of trees that if it is onethird of the way ripened, it the fruit is subject to pah.

One who sanctifies corn and redeems it while it is still standing and not yet harvested owes pah. If the treasurer harvested it and afterwards he the owner redeemed it, it is exempt, for at the time of the obligation of pah the crop was sanctified and therefore he does not owe pah.²⁴See Mishnah Pah 4:7.

A Gentile who harvested his field and afterwards converted is exempt from pah, leket, and shikhecha, even though shikhecha can only be owed during the time of carrying the sheaves home when he would have been considered a Jew.²⁵ See Mishnah Pah 4:6.

One should not hire Gentile workers for harvesting because they are not familiar with the laws of leket and pah, but if one hired them and they harvested everything, then the owner still owes pah.²⁶ See Tosefta Pah 3:1.

A landowner who harvested his field and did not leave pah should give pah from the harvested sheaves to the poor, and he does not need to tithe it. And if he gave them the majority of his harvest in the name of giving pah, he is exempt from tithes. So also this applies if he threshed his produce but still did not bundle it, he must give pah before he has tithed. But if he threshed and bundled with a winnowing shovel and a winnowing fan and thus finished all of his labor, he tithes and then gives pah to them from the tithed produce according to the measure of what is fitting for that field. So also does this apply to produce from trees.²⁷ See Mishnah Pah 1:6. While the situations described here are different from that of the Mishnah, the ideas seem to be related. The system of tithes is described in Chapter 6. See also Babylonian Talmud Bava Kama 94a.

One should only leave pah from the end of one's field so that the poor know the place they are to go and so that it is known to the passersby, so they will not suspect anything. This is so because there are liars who intend to harvest the whole field who could say to those who see him harvesting the end of the field, "I left my due from the beginning of the field." And moreover this applies so he will not wait until a time when no one is around and leaves his due to his poor relative. But, if he transgressed and left pah from the beginning of the field or from the middle, this still counts toward the total amount of the pah portion. However, he still needs to leave the rest of his due from the end of the field so as to fulfill the fitting measure of pah after he has separated the first part.²⁸ See Tosefta Pah 1:7 and Babylonian Talmud Shabbat 23ab. This law speaks to the transparency of the system of giving to the poor and fighting corruption. Also illustrated here is a principle of what should be in theory versus accepting something not scrupulously done after the fact.

A landowner who gave pah from one side to the poor, and they say to him, "Give to us from that side," and he gave to them from that other side, both portions count as pah. So also with a landowner who separates his portion for pah and said, "This is pah and so also is this," or he said, "This is pah and this;" both of them count toward the pah portion.²⁹ See Tosefta Pah 2:6.

It is forbidden for workers to harvest all of a field unless they leave at the end of the field the appropriate area for giving pah, and nothing is given to the poor at all until the landowner separates it for that purpose in full knowledge. Therefore, for a poor person who sees pah at the end of the field, it is forbidden for him to labor in it because it would be considered as theft until he knows for certain that this is the intention of the owner.³⁰ See Tosefta Pah 2:78.

The pah portion of grain, legumes, and similar plants that are harvested, and so also with the pah portions of the vineyard and the trees, the produce of which is directly connected to the ground which the poor must pull up with their hands, they the poor may not harvest them with scythes and may not uproot them with spades so that one does not strike another. If the poor people want to divide up the produce among them rather than on a firstcome, firstserve basis by pulling with their hands then they may divide it up, but if ninety-nine out of a hundred say to divide it and one says to pull it up with their hands on a firstcome, firstserve basis, they heed the one, for he spoke according to the law.³¹ See Mishnah Pah 4:12, 4. Violence among the poor was obviously a concern as they fought for food.

In the case of the pah portion that is given from suspended vines³² A suspended vine is also known as a trained vine because it is trained to grow in a certain direction and suspended up high. or from date palm trees that are up high that the poor cannot reach to pick without great risk, the landowner must bring the food down and divide it up evenly among the poor people. If they want to go up and pick it themselves, they may do so. But even if ninety-nine out of a hundred say to pick them and one says to divide them, they heed the one, for he spoke according to the law, and the landowner is obligated to bring the produce down and divide it among them.³³ See Mishnah Pah 4:12, 4. In both this and the previous passage, there is a conflict with what might be easier and even more reasonable versus the literal letter of the law. Because the law is understood to be holy, there must be unanimous consensus to accomplish the goal of distributing this produce in a fashion different from the literal method.

At three times of the day they divide up the pah portion in the field for the poor or leave it for them to pick: at dawn, at noon, and at mincha,³⁴ Late afternoon. and they do not leave anything for the poor person who does not come at these times so that there is a set time for the poor to gather together and take what they need. Why was there not

only one set time during the day Because there are nursing mothers who are poor who need to eat at the beginning of the day, there are poor children who do not stir during the morning and do not arrive to the field until noon, and there are old people who cannot arrive until mincha.³⁵See Mishnah Pah 4:5.

If a poor person takes his portion of pah and throws something on the remainder, falls on it, or spreads out his garment on it as an act of claiming it, they fine him and take him away and they even confiscate what he took from him and give it to another poor person. So also with leket and so with shikhecha.³⁶See Mishnah Pah 4:3.

If someone took the pah portion and said, "This is for soandso, who is poor," if he the taker is poor, then he can take it on his own merit and thus have it for soandso, but if he the taker is a wealthy person, he may not have it, but rather he must give it to the next poor person who appears.³⁷See Mishnah Pah 4:9.

When a landowner leaves pah for those poor people who stand in a line before him, and another poor person comes up behind him and takes from it the pile of produce to be given out, he the poor person may keep it even though he acquired it unfairly, for no one possesses leket or shikhecha or pah or even a coin that was found until it is in his hand and without possession those standing in line have no legal claim to it as their property.³⁸See Tosefta Pah 2:2.

Chapter 3

One does not leave pah for one field from another field. How so If a farmer had two fields, he may not harvest one entirely and leave pah of the second one in proportion for both of them, as it is said, (Lev. 23:22) You shall not reap all the way to the end of your field singular. He should leave pah of each and every field as is fitting for it. If he leaves pah for one field from another, this does not count as leaving pah.

If one has a field that is sown all with one type of crop and a river flows through the field, even though it may not be flowing that is, it is a stagnant body of water, or it is merely a channel of water so wide that one cannot harvest what is on both sides all together and the channel is continuous and permanent, then this is as if there are two fields and one gives pah from one for itself and the other for itself.³⁹For this law through number seven of this chapter, see Mishnah Pah 2:12. Water always divides a field into two because one cannot harvest the crop all together.

So also a private road that is at least four cubits wide or a public road that is at least sixteen cubits wide form a partition between the two parts of the field. In the case of a private path which is less than four cubits⁴⁰Ravad objects saying that a private path must be at least four cubits wide in all cases in order to form a partition, otherwise it may merely serve as access between vineyards and fields and not really a road for those passing through. or a public path that is less than sixteen cubits, if it is in regular use during both the dry and the rainy season, then it forms a partition, but if it is not in regular use during the rainy season, it does not count as a partition, and this is considered to be one field all year round.⁴¹In other words, yearround used paths that are less than the minimum width constitute a partition between the fields, but paths not used part of the year do not constitute a partition. See Mishnah Bava Batra 6:7.

In the case of a field that is divided by fallow land which is not sown or ploughed, or land that is broken up and ploughed but not sown, or land planted with different kinds of crops, such as wheat on either side and barley in the middle, or if one harvested the middle, even if it was before the crop became a third of the way ripe and he ploughed the area he harvested, then this area is divided into two fields. This is in the case of each field on either side being at least the width of three furrows of ploughed land, which is a little less than an amount of land required to plant one-fourth of a kav of seed. How does this apply This pertains to a small field that is fifty cubits by two cubits or less that one is dividing into even smaller fields, but if it is more, the fallow land or broken land does not form a partition dividing the field into two unless it the divider is the width of the amount of land required for one-fourth of a kav of seed.⁴²Maimonides claims that if one has a small, narrow field and wants to divide it into two even smaller fields, if one leaves a portion of uncultivated or simply ploughed land in between two parts of this thin field, then this serves as an adequate partition so long as the two parts are at least three furrows wide and can still be considered a field each in its own right. If, however, the field is not long and thin but larger, the divider itself must be larger, at least as large as an area in which a quarter of a kav of seed might be sown (approximately 100 square cubits). Ravad, however, points out that this is not in accordance with what is written in the Jerusalem Talmud Pah 2:1. There it describes two approaches to dividing a field with fallow or ploughed land. In that source, the sage Rav says that a field may be divided by a section of land large enough to require a quarter of a kav of seed, while Rabbi Yochanan says that the divider need only be three furrows in width. The Talmud goes on to explain that these approaches do not contradict each other, only that Rav defines the divider in terms of total area while Yochanan defines the divider in terms of width, and one could say that a divider of three furrows width is fifty cubits by two cubits, thereby satisfying Rav's

measurement. Ravad clarifies that Rav's approach easily pertains when dealing with a very large field, that if one has a square section of 100 square cubits or more of uncultivated or ploughed land in the middle of a very large field, then this can serve as a divider. Yochanan's approach is applicable to the more common scenario of having either a large or a small field where one has a thin strip of land dividing it. Ravad's implication is that Maimonides has confused which measurement goes with which field, that the long, thin field that is fifty by two cubits is the divider and not the total field. In the case, however, of a different kind of crop going down the middle, any quantity of land serves as a partition.

If locusts consumed the crop or ants devoured it down the middle, if the farmer ploughs the land that they ate, then this forms a partition and each side is considered a separate field.⁴³See Tosefta Pah 1:8.

One who plants on a land with hills so that the entirety of it the field is uneven, so there are peaks and valleys, even though one is unable to plough it entirely and to sow it as one but harvests the peaks by themselves and the valleys by themselves, then this is still considered to be one field, and one leaves pah for the field at the end of the hilly region for all the hills.

If the land forms steps and they are ten handbreadths high,⁴⁴In agriculture, this is a common terrace. The land is cultivated to look like large steps down a hillside. one leaves pah for each and every terrace, but if the beginnings of the rows are mixed together and then the land separates into steps, one gives from one level for the entire area. If they are less than ten handbreadths high, regardless of whether the beginnings of the rows are mixed together, one gives from one level for the entire area. If there is a rock that runs through the entire field, if one has to unhitch the plough from behind the animal in order to get the plough from one side of the rock over to the other side, then this forms a partition, but if it does not jut out this way then it does not form a partition.⁴⁵See Tosefta Pah 1:12.

If one sows a field in which there are trees, even if there are plots of land between the trees but the crops are not mixed in between, one gives pah from one section for the entire field, for it is obvious that this is a single field but because of the location of the trees, the crop was divided.⁴⁶See Mishnah Pah 3:1.

In what situation does this apply When there are ten trees on an amount of land large enough for one sah of seed, but if among ten trees one can sow more than a sah of seed, then one gives pah for each and every plot, for the trees are spread out and it is not because of the trees that the crop is in different plots.⁴⁷The issue here is whether or not trees can act as dividers that same way rivers can. Maimonides claims that it depends on the density of the number of trees on the land. Citing Mishnah Pah 3:1 and the Jerusalem Talmud Pah 3:1, Ravad objects that this is not the approach of the sages. In fact, there is a dispute between the Schools of Hillel and Shammai on this point. Those of Hillel state that a plot of land with grain sown in between trees is treated as one field, while Shammai say that the trees act as dividers and the grain in between the trees is divided into separate plots. However, both acknowledge that if the trees are scattered so there is a large space for the grain in between the trees, this is treated as one field, and if there are many trees in a small space, then the trees act as a divider. The point of disagreement comes with the measure of ten trees on an amount of land large enough for one sah seed. Those of Hillel seem to say that this is treated as one field, while those of Shammai say that this is sufficient for a divider. Maimonides follows the rule of Hillel. Ravad, however, states that the Jerusalem Talmud teaches us that the formation of the trees determines the law. If the ten trees on land sufficient for one sah of land are close together, then they form a divider, but if they are scattered, then we should follow the rule of Hillel and treat it as one field.

So also with plots of onions, that between vegetables one gives pah for all the onions, even if the vegetables form divisions between them and one places them in different plots.⁴⁸See Mishnah Pah 3:4.

In the case of a field that is sown entirely with one type of crop, when certain patches of it begin to dry and ripen and the farmer uproots and plucks what has dried from here and there leaving the fresh unripe crop in separate patches far from each other so that they appear like separate fields, if this is the usual way for people to sow this kind of crop in separate beds, such as dill or mustard, then he should leave pah from each and every plot, for anyone who sees would say that they were sown in beds.⁴⁹See Mishnah Pah 3:2. But if this is the kind of crop that people sow in fields, such as grain or legumes, then he gives pah from one patch for the whole crop.

In what situation does this apply When there is dried ripe crop on either side and fresh unripe crop in between, but if the fresh unripe crop is here and there and the dry ripe crop is in between, one leaves pah from the dried ripe crop for itself and from the fresh unripe crop for itself separately.⁵⁰Ravad objects strongly, saying that Maimonides has confused two separate, albeit similar, subjects, and Maimonides does not rule in accordance with Jewish law.

According to Ravad, Maimonides has confused the law of what happens when one reaps the ripe portion of a field down the middle and thereby creates two separate fields of unripe grain on either side (as taught by Rabbi Akiva in Mishnah Pah 3:2) with the issue of a farmer who plucks casually from here and there in his field and thereby leaves patches behind. As expounded in the Jerusalem Talmud Pah 3:2 attributed to Rabbi Meir in accordance with Rabbi Akiva, if one reaps a ripe portion of a field and in doing so divides a field in half so that the unripe portions are no longer continuous, then one treats these as separate fields and gives pah from each. The law, according to Ravad, only addresses the issue of crops that remain after such a reaping. The Jerusalem Talmud here does not say anything about the case of a farmer plucking from here and there. We do not know what Rabbi Meir would have said in such a case, although the sages rule in accordance with what Maimonides has written, namely, that one who casually reaps in patches gives pah from the whole as one field. Ultimately, Ravad's objection is that Maimonides has oversimplified matters.

In the case of a field sown with onions, beans, peas, or similar items, if one's intention was to sell part of it fresh in the market and leave part of it to dry for storage, one is obligated to leave pah for that which one sells fresh separately and for that which one harvests dry.⁵¹ See Mishnah Pah 3:3.

If one who sows his field with one type of crop, even if he can make two storechambers⁵² "Storechamber" is one definition and is used here for the sake of consistency and known to the common reader. "Threshing floor" is another definition and may be more precise in this context. out of it, he leaves pah for it as one unit. If he sowed two types of crops, even if he can only make one storechamber out of it, he gives pah for each type of crop separately.⁵³ See the first part of Mishnah Pah 2:5.

If one sowed two types of seed for one kind of crop, such as having sowed two types of wheat or two types of barley, if one makes one storechamber out of it, then he should give pah for it as one unit. If he makes two storechambers, then he should give two portions of pah one from each. This is the law of Moses at Sinai.⁵⁴ See Mishnah Pah 2:56. The expression "the law of Moses at Sinai" indicates an established tradition not derived explicitly from the Torah.

Brothers who are business partners, probably because of their inheritance who separate and dissolve their partnership need to give two portions of pah one apiece. If they come back together as partners, they give one portion of pah. If partners harvest half of a field and then separate, the one who took the harvested portion does not set aside anything for pah, and the one who took the standing grain sets aside pah for the half he took alone.⁵⁵ A qualification for pah is that it is still standing. If they came back and became partners again, and harvested the other half in their partnership, each of them sets aside pah from his portion of standing grain over against the portion of his partner's standing grain, but he does not set aside pah over the portion that was previously harvested.⁵⁶ See Mishnah Pah 3:5.

In the case of a field, half of which became onethird of the way ripe and half of which did not, so he the farmer began to harvest the half which had begun to ripen and completed harvesting only that half. Then after some time the whole remaining part of the field that was not ripe at all became onethird of the way ripe and then he completed harvesting the first part. He should then set aside pah from the first section on the intermediate section that is, for the first section that he harvested, he sets aside pah for the whole first half of the field that had become onethird of the way ripe and on the intermediate section from the first and the last that is, on the second half that became onethird of the way ripe, he sets aside pah for the entire field.

In the case of one who sells from different places a bit from here and a bit from there in his field to many people, if he eventually sold the entire field this way, each one of the buyers must give pah for the lot that they took. But if the original owner of the field began to harvest it, having sold part and kept part, the owner of the field must give pah for the entire field, for when he began to harvest it he became liable for all of it. But if he sold part of it first, the one who takes must set aside pah from what he took and the owner of the field from what he kept.⁵⁷ See Mishnah Pah 3:2. Maimonides' ruling is at variance from the Mishnah.

In a field of trees, the only thing that can form a partition is a fence tall enough to separate the trees, but if there is a fence separating the lower part of the trees and the branches and the crowns of the trees are entangled up above, touching one another over the fence, then this counts as one field, and one gives pah in one portion for it all.⁵⁸ See Mishnah Pah 2:3.

Two people who took produce from different branches of one tree give together one portion of pah. But if one took from the north of the tree and the other from the south, then each gives pah from his portion separately.⁵⁹ See Mishnah Pah 3:5.

In the case of carob trees which grow very tall with a great deal of space in between them, all that someone standing on one side of the field with another standing on the other side of the field can see counts as one field and one gives one portion of pah for them all. If the two sides can see trees in between them but they cannot see each other through the trees, one tithes by dividing the trees in between in proportion to each side, but he may not set aside pah from one side of the field all the way to the other side, as if it is one large field.⁶⁰Referring to Mishnah Pah 2:4, Ravad raises an objection. Whereas Maimonides rules that people must be in sight of one another through the carob trees to form one unit, Ravad claims that it is not the people who must be in sight but the trees themselves. The Mishnah states that carob trees that are all in sight of one another are counted as one unit as far as the giving of pah is concerned because of the great height of carob trees. That is, one who climbs up the tree counts the other carob trees that are in sight, regardless of fences in between them, and this constitutes one group of trees. Carob trees, like sycamores, are in a special category because of their height, as seen also in Mishnah Bava Batra 2:11, where it states that one cannot plant a carob tree near a well because of the way it spreads out (presumably with its roots as well as branches).

In the case of olive trees, all trees located on one side of the city, such as the west of the city or in its entirety, or to the east, count as one field, and one portion of pah is given for all.

When one harvests grapes partially from different patches of his vineyard in order to lighten the vine so that the remaining space in between the clusters widens, it is called "thinning." We have already explained⁶¹See 2:6. that one who harvests grapes all from one side is not thinning and therefore must give pah for the whole crop, regardless of whether he takes them to market instead of saving them for wine. But if he thinned out the vines in order to sell those grapes in the market, he does not need to give pah for that which he thinned out. But if the grapes that were taken in the thinning out were brought into his home, then he gives pah from the remainder that he left to be stamped in the wine press as due for the whole crop including the ones he brought into his house.⁶²See Mishnah Pah 3:3.

Chapter 4

What is considered leket That which falls from within the scythe at the time of harvesting or that which falls from within one's hand while gathering sheaves that one is about to harvest. And this means one or two stalks that fall, but if three have fallen as one bunch, they belong to the owner of the field. And that which falls after the scythe or from behind the hand, even if it is only one stalk, is also the owner of the field's and is not considered to be leket.⁶³See Mishnah Pah 4:10. In other words, any stray stalks that are missed through the normal motion of using a scythe, so long as they do not fall in bunches of three or more and therefore would normally be picked up by the harvester belong to the poor.

If one is harvesting by hand without a scythe and it is usual to use a scythe to harvest, that which falls from within the hand is not leket, but as for one who picks things and this is the normal manner to gather them, when they pluck them and something falls from under the hand, then this is leket. If one was harvesting or picking something for which it is usual to be plucked by hand and had harvested an armful or had picked a handful and then a thorn stuck him and it fell from his hand to the ground, then this remains the household owner's and does not count as leket.⁶⁴See Mishnah Pah 4:10.

If one harvested and there remained one stalk that was not harvested but all around it was harvested, if its end was even with the standing grain that was on the side and it is possible that it will be harvested with the standing grain, then this is the owner of the field's, and if not that is, it is not close enough to the standing grain to be harvested with it when the reapers come through again, then this belongs to the poor.⁶⁵See Mishnah Pah 5:2. These will be harvested in the normal course of things.

If there were two stalks side by side next to standing grain, and the one on the inside could be harvested with the standing grain and the outside one could be harvested with the inside one but could not be harvested with the standing grain, the inside one is saved from being leket and in turn it saves the outside one from being leket,⁶⁶See 5:21 and Mishnah Pah 6:8. for while it is similar to that which falls within the scythe, nevertheless it still has not been harvested and therefore it is not leket. And stalks that are covered by the stubble so that they cannot be seen easily belong to the owner of the field.⁶⁷See 5:3 and Mishnah Pah 5:7.

If the wind scatters the sheaves that are set aside as leket, and they became mixed in with the harvested grain that belongs to the owner of the field, they estimate according to the size of the field how much leket is appropriate to be provided, and he gives to the poor accordingly because this is a matter of forces beyond his control. How much is the

measure for estimating It is four kavim of produce for every bt kor.⁶⁸ See Mishnah Pah 5:1. In today's terms, according to the calculations found in the tables by Haim Herman Cohn, "Weights and Measures in the Talmud," Encyclopedia Judaica 16 (Jerusalem: Keter Publishing Company Ltd., 1972), four kavim would equal approximately 3.7 kilograms for every 4.3 acres which would produce about 2,750 kilograms, or only .1. This is very small. However, in the Jerusalem Talmud Pah 5:1, Rabbi Zeira challenges this measurement and claims that the minimum amount should be four kavim for each area that produces a kor of grain, which would make more sense. Indeed, there is a dispute in the Jerusalem Talmud about different kinds of measuring and whether or not this leaves enough for the poor. The question that this brings up is whether or not the minimum amounts that one needs to give as gifts for the poor are of significance. Clearly they once were, but their equivalents in today's measurements are ambiguous.

If leket fell to the ground and the poor did not glean them and then the owner of the field came and bundled his harvest from all that was on the ground including the leket left there, what is he supposed to do? He rolls his bundle over entirely to another place, and all the stalks which touch the ground on the outside of the bundle are for the poor.⁶⁹ This method leaves a much greater quantity for the poor, because it cannot be known which was leket, and gifts for the poor that are in doubt are deemed to be for the poor.⁷⁰ It is better to err on the side of generosity than on the side of selfishness. See Babylonian Talmud Chullin 134a. as it is said, (Lev. 19:10, 23:22) Leave them for the poor, that which is left before them from your property.

And why do they not estimate how much he should give in the preceding situation and let him give to the poor that which is appropriate to become leket? Because he transgressed the negative mitzvah against gathering overlooked gleanings and bundled the leket, so therefore they fine him with this costlier method. Even if he did so by accident, even if the leket were barley and he bundled wheat, even if he called out to the poor and they did not come, and even if others bundled it for him without his knowledge, all that touches the ground is for the poor.

If one needs to irrigate his field before the poor glean the leket that are in it, if not irrigating would result in more damage to the owner than the loss of the leket would do to the poor, then watering is permitted, but if the loss of the leket for the poor is greater than his loss, then it is forbidden to irrigate.⁷¹ See Tosefta Pah 2:21. If he the owner gathered all the leket and laid them against a fence before he irrigated so the poor person could come and take them, this is holding oneself to an extreme measure of piety.⁷² Maimonides indicates that going to this extent to fulfill the commandment is going above and beyond the necessary requirements and effort. In another place in the Mishneh Torah, "Laws on Attributes," 1:45, Maimonides considers this level of observance extreme and not necessarily praiseworthy. Whereas the "wise person" lives a balanced life in moderation, the "pious" live life in unnecessary and often dangerous extremities.

As for the seeds that are found in ant holes, if the holes are located within the standing grain, they belong to the owner of the field and not to the poor, for they are placed within the standing grain, but if they are in a place that has been harvested, then these belong to the poor, for perhaps they were buried from leket. And even though a seed might appear black from having been there long time, they do not say that it is from the year that has passed and therefore belongs to the owner, for leket that are doubtful are deemed to be leket and are given to the poor.⁷³ See Mishnah Pah 4:11. See also the previous law 4:6.

If a stalk of leket became mixed with a bundle for the owner, then he separates two stalks and declares over one of them, "If it is leket then it is for the poor and if it is not leket then it is for tithes," for the obligation on one of the stalks is connected with the second stalk. He then goes back and gives the second stalk to the poor, thus giving one of them to the poor and the other for tithing.

A man may not hire a worker on the condition that his the worker's son glean after him and thus guarantee that there will be no leket, but one who is betrothed to him the worker, or a tenant, or if he the owner sold his standing grain to his partner to harvest, then his son may glean after him because these people are in need themselves. And the worker may bring his wife or his children to glean after him, even if his wages equalled half the value of the harvest or a third or a fourth.⁷⁴ See Tosefta Pah 3:1 and Mishnah Pah 5:6.

One who does not permit the poor to glean or who permits one but prevents another or who assists one of them rather than another is considered a robber of the poor.⁷⁵ See Mishnah Pah 5:6. This law names an important principle, the "robbery of the poor," which is the idea that if one does not give the poor their due then one has essentially stolen from them. The assumption here is that the poor already own the property that is under the owner of the field's supervision, and it is the owner of the field's privilege and duty to transfer the produce to its rightful owners as decreed by God. If one fails in that duty, then one has seized the property of another. There is a "constitutional"

relationship that exists between the owner of the field and the poor in relation to God-given, inalienable rights that lay a foundation for their legal responsibilities. However, it is up to human actions to designate and transfer this property before the poor can lay their claim to specific produce. Just as the poor have the constitutional right to certain kinds of produce, so does the owner of a field have a constitutional right to designate and transfer that property. See 2:1220 for an expansion upon these principles and rights, specifically 2:14 for the rights of the owner of the field.

It is forbidden for a man to let loose a lion or something similar within his field so that the poor see it and flee.⁷⁶ Maimonides implies that the poor must be able to gather their due free from coercion or intimidation. If there are poor people who are not supposed to take *leket* for whatever reason, if the household owner can interfere with what they have taken, he may interfere, but if not, he should leave them be for the sake of peace.⁷⁷ See Babylonian Talmud Bava Metzia 12a. Earlier, in 1:9, the phrase "for the sake of peace" was used in relation to Gentiles, indicating that it was politically expedient to let the poor of Gentiles to gather food alongside the poor of the Jewish community. Here, the "poor people who are not supposed to take *leket*" may be the poor of Gentiles or might be those who are poor but not poor enough to merit public support. In any case, it seems that it would be an unnecessary hardship on the owner of the field to sort through and assess the needs of the poor, and it is simply easier to let them be.

If one attempts to declare *leket* as "ownerless" and thus the community's property along with the main part of it, which has fallen to the ground of his crop, then the *leket* is not considered "ownerless" because since the main part fell off, it the *leket* is no longer his property.⁷⁸ See Mishnah Pah 6:1. In other words, *leket* belongs to the poor, and the owner of the field cannot declare it as "ownerless."

What is considered *peret* These are one or two grapes that have separated from the cluster during the time of the grape harvest. If three grapes fell together as a bunch at the same time, then this does not count as *peret*.⁷⁹ See Mishnah Pah 7:3. This parallels the definition of *leket*. One or two grapes indicate stray produce, but three is a significant bunch that the owner would normally pick up. See 4:1.

If one was harvesting grapes and cut down a cluster and it became entangled in the leaves and fell to the ground and the grapes fell from the bunch and became separated, then this is not *peret* for the intention was that this was one cluster. However, if one was harvesting grapes and threw the cluster to the ground and the cluster rolled, or even half a cluster for that matter obviously not caring for grapes that would separate from the cluster, what fell away and could be found counts as *peret*. (So also with a complete cluster that fell away, that this counts as *peret*.) If one places a basket under the vine at the time one is harvesting grapes and thereby eliminating any chance for *peret*, then that person is considered a robber of the poor.⁸⁰ See Mishnah Pah 7:3. As with previous laws, one should not be overzealous in harvesting but do so in a normal, moderate fashion. That which goes astray is intended by God for the poor.

What is considered *ollet* This is a small cluster that is not very dense like a regular cluster and does not have a shoulder⁸¹ See the next law for an explanation of "shoulder" and "pendant." and its grapes do not droop down over each other but rather are scattered. If it has a shoulder but no pendant or a pendant but no shoulder, then this belongs to the owner of the vineyard, but if it is in doubt, it belongs to the poor.⁸² See Mishnah Pah 7:4.

What is a "shoulder" Growths which are joined at the stem, one next to the other forming the wide, upper part of a cluster. What is a "pendant" Grapes which are joined to the stem and droop down forming the lower, coneshape of the cluster. In the case of *ollot*, all of the leaves touch within the palm of one's hand.⁸³ Ravad takes issue with these definitions, citing the Jerusalem Talmud Pah 7:4. There is a dispute between the opinion of Rabbi Yehuda, who gives the definitions that Maimonides puts forward, and an instance cited by Rabbi Chiya who claims that a malformed grape cluster was once weighed and it came out to be an enormous amount. While this cluster was still understood to be malformed, it was clearly much too large to fit into the palm of one's hand. Rather, a third opinion was offered by Rabbi Chinena which said a malformed grape cluster was one where, when it was placed on a table, all of the grapes touched the table's surface. That is, it is not that the entire cluster be of a size as to fit into the palm of one's hand but that it lay flat in an unusual way when one would hold out one's hand horizontally. And why is the term for a malformed grape cluster *oll* literally: infant Because it is small compared to the rest of the regular clusters the way an infant is to a person.

And the owner is not obligated to harvest the *ollot* for the poor, but rather they harvest them for themselves. And a single grape growing by itself falls into the category of *ollot*.⁸⁴ See Mishnah Pah 7:4.

In the case of a vineshoot with a cluster on it that is joined with a vine shoot that has an *ollet* on it, if the *ollet* is

clipped with the regular cluster then it belongs to the owner of the vineyard, and if not then it belongs to the poor.

A vineyard made entirely of ollot belongs to the poor, as it is said, (Lev. 19:10) You shall not pick your vineyard bare te'oll even if it is entirely made of ollot. And the categories of peret and ollot apply only to the vineyard.⁸⁵See Mishnah Pah 7:7 where Rabbi Akiba dissents.

The poor have no right to take peret and ollot until the owner of the vineyard begins to harvest his grapes, as it is said, (Deut. 24:21) When and only when you pick the grapes of your vineyard, do not go over it again te'oll. And how much does he need to harvest until they the poor have the right to start picking Three clusters, for this is enough to make a quarter of a kav.

If one dedicates his vineyard to the Temple before it can become known which will be ollot, then the ollot do not belong to the poor. But if one waited until ollot could be discerned, then they belong to the poor, and they the poor dedicate to the Temple the increase of their due.⁸⁶See Mishnah Pah 7:8.

One who prunes a vine after it is already known which are ollot prunes as usual, and as he cuts the regular clusters, he also cuts the ollot.

If a Gentile sold his vineyard to a Jew to harvest, then he the Jew is obligated to give ollot. If a Jew and a Gentile are partners in owning a field, then the Jew owes ollot from his section and the Gentile is exempt.⁸⁷See Tosefta Pah 3:12.

A Levite to whom is given ma'esar tevel produce from which the portion due to the priests, terumah, was not separated and who finds within it ollot should give them to the poor. But if it was clipped with regular clusters, then he the Levite needs to give terumat ma'esar the portion the Levites must give to the priests from another crop.⁸⁸Ravad objects and cites Tosefta Pah 3:14, which states that if a Levite is given a portion of grapes in which he finds ollot, he need not be concerned that these belong to the poor. As it is explained further in the Jerusalem Talmud Pah 7:4, it is stated that the Levite who finds ollot in his portion may declare these as terumat ma'asr, that is, the portion the Levites separate from the tithe given to them that they give to the priests, for other produce in another location. Nevertheless, an objection is raised that the Levite is still depriving the poor of their share by designating it as another kind of tithe. Rabbi Avin then comments that the grapes under dispute are not really ollot at all but rather the Levite may assume that these malformed grapes were cut as one bunch along with regular grapes and thereby do not belong to the poor. In any case, these sources seem to contradict Maimonides' claim that the Levite should give ollot to the poor from their apportioned share.

In the case of someone who owns five grape vines and brings their produce within his house, if he harvested them to eat the grapes, then he is exempt from peret, from shikhecha, from the fourth year's produce.⁸⁹The fourth year of a tree was the first year that one could eat its fruit, and one would offer its fruits to the Temple. See Mishnah Pah 7:6 and Babylonian Talmud Berachot 35a. but owes ollot. If he harvested them for wine, then he owes everything except if he leaves some of them remaining.⁹⁰Referring to Tosefta Pah 1:10, where the case of one who harvests four or five grape vines and brings them into the house is described, Ravad hastens to include pah among the categories from which one is exempt. Ravad also disputes Maimonides last statement, that if the owner of the vines harvested them for wine, then he owes all types of categories unless he left some of them on the vine. Ravad claims that he owes everything even if he leaves some behind, as is stated in the Tosefta.

Chapter 5

If a sheaf is forgotten by workers but was not forgotten by the owner of the field, or if the owner of the field forgot it but the workers did not forget it, or both of them forgot it but others passed by and saw it at the time that they the owner and the workers forgot it, then it does not count as shikhecha until everyone forgets it. Even if it is a sheaf that was hidden, if it was forgotten by everyone, then this is shikhecha.⁹¹See Mishnah Pah 5:7.

If the owner of the field was in the city, and he said, "I know that the workers forgot a sheaf in suchandsuch a place," and they had in fact forgotten it, then this is shikhecha. But if he was in the field and said so and they forgot it, then this is not shikhecha, for the act of forgetting is rooted exclusively in the field in order for it to be shikhecha and remembering outside of the domain of the field has no effect. If one is in the city, even if it is remembered by someone there and in the end becomes forgotten by those in the field, then this is shikhecha, as it is said, (Deut. 24:19) And overlook a sheaf in the field and not in the city.⁹²See Babylonian Talmud Bava Metzia 11a.

If the poor people stood in front of him the owner, hiding the sheaf, or if it was buried in stubble and he the owner or

the worker remembered the stubble, or if he took it and brought it to the city and left it in a field there and forgot it, then this is not shikhecha. But if they took it from place to place within the field, even if they left it next to a stone wall, a stack, near oxen, or next to tools which might indicate that it was put there on purpose, and it was forgotten, then this is shikhecha.⁹³See Mishnah Pah 5:7 and Mishnah Pah 6:2. In Mishnah Pah 5:7, we see that it is not shikhecha if it was covered up, but it does not mention anything about forgetting. Perhaps the implication is that the poor may have tried to hide it from the owner. Maimonides adopts Hillel's position that the sheaf does qualify as shikhecha, rejecting the idea that the poor might have covered it up so as to get more.

If he took a sheaf and brought it to the city and placed it on top of another and forgot both of them, if he remembered the top one first and then happened upon it the bottom one, the bottom one is not shikhecha, but if not that is, if he did not remember the top one, then the bottom one is shikhecha.⁹⁴See Tosefta Pah 3:3 and Babylonian Talmud Sotah 45a. Ravad points out that Maimonides is ruling according to Rabbi Shimon who is stating the dissenting opinion. In the Tosefta, the first opinion is that the top sheaf is not subject to the law of shikhecha, presumably because the owner had at one time specifically picked it up to carry it into the city, but the bottom one is. Rabbi Shimon's opinion is that both sheaves are not shikhecha in that the top one is linked with the bottom one and in remembering the top one the bottom one is also exempt from being shikhecha. In the Jerusalem Talmud Pah 6:3, this idea is expanded upon by Rabbi Zeira who states that it is precisely in remembering the top sheaf that the bottom one is not shikhecha, for the top one covers up and hides the bottom sheaf and disqualifies it from being shikhecha, just as if it were hidden by clothes or stones (as in the previous law). In this case, the top sheaf is not shikhecha, but the bottom one is.

If a strong wind blew someone's sheaves into an adjacent field and he the owner or the worker forgot the sheaf there, this is not shikhecha, for it is said, (Deut. 24:19) When you reap the harvest in your field yours and not anyone else's, but if it scattered the sheaves within his own field and he forgot them then this is shikhecha.

If one takes one sheaf and then a second one and then a third one and forgot the fourth, if there is a sixth one, then the fourth one is not forgotten until he takes the fifth. And if there were only five sheaves, if he waited long enough to take the fifth, then the fourth is shikhecha.⁹⁵It has been demonstrated that one sheaf can "save" another, and the question arises here when an observer can decisively say a sheaf has truly been forgotten. If one is taking sheaves, skips two, and goes back and only picks up one of the skipped sheaves, the one left behind is truly forgotten.

If two sheaves were mixed up, and he forgot one of them, this is not shikhecha until he takes all the ones around it.⁹⁶See Tosefta Pah 3:4.

Arum, garlic, onions, and similar produce, even though they are buried in the ground, the law of shikhecha applies to them. So also for the one who harvests at night and forgets standing grain, or one who was binding sheaves at night and forgot a sheaf, and so too with the blind person who forgets some standing grain or a sheaf, the law of shikhecha applies in these situation as well. But if the blind person or the one who harvests at night intends to take only the larger sheaves and deliberately leave some of the smaller ones behind, then they are not shikhecha. But anyone who says, "I am harvesting on the condition that anything I forget I may take later," the law of shikhecha still applies, for all of the gifts for the poor come from the Torah, and his condition is invalid.⁹⁷See Mishnah Pah 6:1011. Human legal stipulations cannot override laws from the Torah.

If grain was harvested before it was finished ripening so as to feed cattle, and so also if he harvested them into small bundles and did not make sheaves of them, and so also with garlic and onions that they picked them in small bundles in order to sell them in the market and they did not make sheaves out of them to put them into storage, then the law of shikhecha does not apply.⁹⁸See Mishnah Pah 6:10.

If a harvester began to harvest at the beginning of a row and forgot produce that was in front of him that he had not yet gone through and behind him that he had gone through, the law of shikhecha applies to what was behind him but not to that which is in front of him, as it is said, (Deut. 24:19) Do not turn back to get it. It is not shikhecha until he has gone through it and left it behind him. A general rule: When "do not turn back" applies, so does shikhecha, and anything to which "do not turn back" does not apply cannot be shikhecha.⁹⁹See Mishnah Pah 6:4.

If two people began to harvest from the midst of a row with some space left in between them with one facing north and the other facing south, and they forgot produce that was before them that the individual did not get through but which his partner was relying upon him to finish and after them that they did not go through because both backs were turned to it right from the start, the law of shikhecha applies to that which was before them because what is before one is behind the other and is shikhecha by the other person but the sheaf which they forgot after them in the place

that they started is not shikhecha because it is mixed in with the rows that will be harvested from east to west which they are assuming will be harvested when people go east and west and that is why they purposefully did not go through it and thus it is not shikhecha. So also with the rows of sheaves which they transfer to storage, for if two begin in the midst of a row and they forget a sheaf that is behind and between them, this is not shikhecha because it is in the middle of a row that also goes from west to east which they have not begun to bind and thus this proves that it is not shikhecha.¹⁰⁰See Mishnah Pah 6:4. Ravad responds here with an unusually lengthy comment because he apparently feels Maimonides has not explicated the sources completely and properly. First Ravad explains Maimonides' reasoning as he sees it: If someone is gathering sheaves going from north to south, reaches the end of the row and then goes from south to north and so on, if the gatherer passes through and leaves a sheaf behind, Maimonides claims this is shikhecha. Ravad claims that Maimonides does not take into account the special circumstances that exist for sheaves left at the ends of rows. The gatherer who goes from north to south could intend to go back and collect some more at the ends of the rows while going east to west. Since the gatherer going east and west is walking perpendicular to his original path, he is not retracing his steps and does not violate the commandment to not turn back to get it (Deut. 24:19). This possibility is taught in Tosefta Pah 3:4 and the Jerusalem Talmud Pah 6:3. Thus, what is shikhecha at the ends of the rows is not clear until one sees the direction in which one completes the binding of the sheaves. Thus it says in Mishnah Pah 6:3, "In the case of sheaves at the end of rows, whether or not a sheaf is shikhecha is proven by the sheaf lying opposite it."

When one is harvesting standing sheaves, one standing sheaf after another, and transfers these sheaves from one place to another, also called omrim,¹⁰¹The word "sheaf" as it has been translated here has only referred to omrim. from a second place to a third place, and from a third place to the threshing floor storage area, and he forgot a sheaf while transferring it from place to place, if he was transferring sheaves to a place where he had completed the process of their preparation and he forgot it, then it is shikhecha. If he forgot it when he was transferring it from a place where he had completed the process to the threshing floor, then this is not shikhecha. And if he was transferring sheaves to a place where he would not complete the process and he forgot one, this is not shikhecha either because he is in the midst of the process. But if he was transferring from a place where he had not completed the process to the threshing floor, then this is shikhecha.¹⁰²See Mishnah Pah 5:8.

What is a place that is one where he completed the process of their preparation This a place where it is his intention to gather all of the sheaves and from there to thresh them or to bring them to a stack that serves as storage. And a place which is one where he does not complete the process is a place where he has gathered the sheaves in order to make large standing sheaves so that he can bring them to another place.

Two small bundles which can be distinguished one from the other may be shikhecha, but three may not count as shikhecha. Two sheaves which can be distinguished one from the other may be shikhecha, but three may not count as shikhecha.¹⁰³See Mishnah Pah 6:5. Here and in the next three laws, Maimonides upholds the principle that two items of produce go to the poor but three do not. See 4:6.

Two heaps of olives or carobs that can be distinguished one from the other may be shikhecha, but three may not count as shikhecha. Two stalks of flax may be shikhecha, but three may not count as shikhecha.¹⁰⁴See Mishnah Pah 6:5.

As for two vines, and so also with other trees, two which can be distinguished one from the other may be shikhecha, but three may not count as shikhecha, as it said, (Lev. 19:10, 23:22) You shall leave them for the poor and the stranger. Only if there are two, one for the poor and one for the stranger.¹⁰⁵See Tosefta Pah 3:5.

If there is a field and the sheaves are of one kav quantity apiece, and then there is one unusually large sheaf with four kavim quantity and they forget it, then it is shikhecha. If it is more than four, then it is not shikhecha. So also if there is a field and the sheaves are two kavim quantity apiece, any sheaf more than eight kavim quantity may not be shikhecha.¹⁰⁶See Mishnah Pah 6:1.

A sheaf that will yield two seah¹⁰⁷The plural is actually se'atayim, indicating a couple or a pair. and is forgotten does not count as shikhecha, as it is said, (Deut. 24:19) And overlook a sheaf in the field, and not a stack, even if each sheaf yields two seah and is no different from the others in the field. If he forgot two sheaves which between the two add up to two seah, even though there is between them two seah, this counts as shikhecha. So also, it appears to me, that the law of shikhecha applies even if they add up to more than two seah such as if each sheaf yielded one and a half seah and together made three.¹⁰⁸See Mishnah Pah 6:6.

Standing grain that would yield two seah which he forgot does not count as shikhecha. If it would not yield two seah, they view the thin stalks as if they were healthy and long and the blasted ones as if they were full, and if they estimate the standing grain to be fit to yield two seah and then he forgot it, this does not count as shikhecha.¹⁰⁹ See Mishnah Pah 6:7.

If he forgot a seah of grain that was uprooted and a seah of grain that was not uprooted, they do not combine them but rather both of them are shikhecha. So also with garlic, onions, and fruits of trees. If he forgot part of them in the ground and part of them already picked and combined they make up two seah, they do not combine them, but both of them are shikhecha.¹¹⁰ See Mishnah Pah 6:9.

If one forgets a sheaf next to standing grain that is not forgotten, then this sheaf is not shikhecha, as it is said, (Deut. 24:19) When you reap the harvest in your field and overlook a sheaf in the field. A sheaf in which the area around it is harvested may be shikhecha, but a sheaf in which the area around it is standing grain is not shikhecha. So also if one forgot standing grain that is next to standing grain that is not forgotten, even one stem that is not forgotten saves that which is forgotten and it is permitted to take it, but if he forgot a sheaf or standing grain next to a sheaf that is not forgotten, even if it would yield two seah, it does not save it and this is considered shikhecha and for the poor.¹¹¹ See Mishnah Pah 6:8. The standing grain of one's fellow does not save his the original farmer's sheaf. And the standing grain of barley does not save a sheaf of wheat, that this only applies if the standing grain is of the same type as the forgotten sheaf.

If one forgot a tree that was in the midst of other trees, even if it were to yield several seah worth of fruit, or even if one forgot two trees, then these are shikhecha. Three trees may not be shikhecha.¹¹² See Mishnah Pah 7:1. Ravad disagrees claiming that trees do not fit into this category.

To what does this refer To a tree that is not wellknown for its place, such as one that stands by a wine vat or by the side of a breach in a wall, or for its productivity, such as one that makes many of olives, or for its name, such as it being known as "the olive tree that drips olives" or if it overflows with a great deal of oil or has a nickname, such as "the Pourer" or "the Embarrasser" in that it embarrasses the other trees, or even if it has only one of these three characteristics, the law of shikhecha does not apply to it, as it is said, (Deut. 24:19) Overlook a sheaf in the field, which means a sheaf you have forgotten completely and you would not know it unless you went back and saw it. It is exempt from the law of shikhecha because one remembers it for a long time, even if one would only remember that particular produce by happening upon it, for it is wellknown.¹¹³ See Mishnah Pah 7:1.

If one had marked it a certain tree off in his mind, then this counts as being wellknown. If it stood next to a date palm tree, then the date palm tree marks it off. If there are two olive trees that overflow with oil by their abundant produce, they mark off each other. If an entire field is of olive trees known for overflowing with oil, and he forgot one or two of them, then these are shikhecha. To what does this refer Only when he has not begun to pick this wellknown tree, but if he began to pick it and forgot part of it, then this does count as shikhecha, even if it is wellknown. But if what remained was less than two seah then this does not apply. But if it is of two seah then this is not shikhecha unless he forgot the whole tree, as was explained.¹¹⁴ Ravad objects that Mishnah Pah 7:1 does not seem to indicate this.

An olive tree that stands in the middle of several rows by itself, and three rows of olive trees surround it from three sides, even if each row has only two olive trees, if he forgot the one in the middle, this does not count as shikhecha, for the rows of trees hid it. Why does this apply to olive trees only Because they were important in the Land of Israel at that time.¹¹⁵ Ravad points out that this view is only according to Rabbi Yosi in Mishnah Pah 7:1. See also Mishnah Pah 7:2.

What is considered shikhecha in an arbor Anything that is beyond one's reach and cannot grasp. In a vineyard When one has passed by one vine or several vines and forgotten them. In suspended vines or date palm trees Whatever remains after he has come back down. And as for all the other types of trees Whatever he leaves behind when he turns and goes. To what situation does this apply When he has not begun to harvest the orchard with that tree, but if he began to harvest the orchard with that tree and forgot it, it the first tree is only shikhecha when he has harvested all of the fruit trees from around it in that orchard.¹¹⁶ See Mishnah Pah 7:2.

If one declares one's field "ownerless" and thus community property and he the former owner then gets up one morning and repossesses it and harvests grapes from it, one is obligated to give peret, ollot, shikhecha, and pah, for this is what it says in Scripture, (Lev. 19:910), Your field...your vineyard. I read this to mean that because it was his and now it is his again, he is obligated to give these things to the poor. But if one took possession of that which was

declared ownerless from others, then one is exempt from all, and in any case one is exempt from tithes as will be explained.¹¹⁷See Babylonian Talmud Bava Kamma 28a.

Chapter 6

Another, sixth type of gift for the poor from agriculture is the tithe that they give to the poor, and it is called ma'esar ani the "tithe for the poor".

And this is the system of giftofferings and tithes: After one has harvested the seeds of the earth or gathered the fruit of the trees and has completed one's labor, one must separate out one-fiftieth, and this is called the *terumah gedolah* the "great giftoffering", and one gives it to a priest. About this it is said in the Torah, (Deut. 18:4) You shall also give him the first fruits of your new grain and wine and oil. Afterwards, one separates from the remainder one-tenth, and this is called *ma'asr rishon* the "first tithe", and one gives it to a Levite. About this it is said in the Torah, (Num. 18:24) For it is the tithes set aside by the Israelites as a gift to the LORD that I give to the Levites as their share, and (Num. 18:21) To the Levites I hereby give all the tithes in Israel.

Afterwards, one separates from the remainder one-tenth, and this is called *ma'asr sheni* the "second tithe", and this is for the owner to eat in Jerusalem. About this it is said, (Lev. 27:31) If anyone wishes to redeem any of his tithes, he must add one-fifth to them, and about this it is said, (Deut. 14:22-23) You shall set aside every tenth year of all of the yield of your sowing that is brought from the field. You shall consume the tithes of your new grain and wine and oil, and the firstlings of your herds and flocks, in the presence of the LORD your God, in the place where He will choose to establish His name, so that you may learn to revere the LORD your God forever.

According to this system, they should tithe, in a seven year cycle, the first, second, fourth, and fifth years, but on the third and the sixth years of the seven year cycle, after one has tithed *ma'asr rishon*, one should take out from the remainder another tithe one-tenth and give it to the poor. This is called *ma'esar ani*. In these two years there is no *ma'asr sheni* but instead *ma'esar ani*.¹¹⁸See Babylonian Talmud Rosh Hashanah 12b. About this it is written, (Deut. 14:28-29) Every third year you shall bring out the full tithe of your yield of that year, but leave it within your settlements. Then the Levite, who has no hereditary portion as you have, and the stranger, the fatherless, and the widow in your settlements shall come and eat their fill, so that the LORD your God may bless you in all the enterprises you undertake. And about this it is written, (Deut. 26:12) When you have set aside in full the tenth part of your yield in the third year the year of the tithe and have given it to the Levite, the stranger, the fatherless, and the widow, that they may eat their fill in your settlements.

In the Sabbatical year, everything is considered "ownerless" and thus community property and there are no giftofferings or tithes at all, not *ma'aser rishon*, not *ma'asr sheni*, not *ma'esar ani*, and outside of the Land of Israel there is no sabbatical for the land. However, they tithe in Egypt, Amon, and Moav *ma'asr rishon* and *ma'esar ani* because these lands are close to the Land of Israel so that the poor of Israel may be sustained on it during the seventh year. This is the law of Moses at Sinai¹¹⁹See 3:15. that they tithe in the lands of Amon and Moav *ma'esar ani* in the seventh year, but in Shinar they separate out *ma'aser sheni* in the seventh year according to the system of the majority of the years.¹²⁰See Mishnah Yada'yim 4:3.

As for *ma'asr rishon* that was taken for the Levite, he the Levite separates from it one-tenth and gives it to a priest. It is called *terumat ma'aser* the "gift offering of the tithe", and about this it is written, (Num. 18:26) Speak to the Levites and say to them: When you receive from the Israelites their tithes, which I have assigned to you as your share, you shall set aside from them one-tenth of the tithe as a gift to the LORD.

When the poor pass by an owner of a field, and he has *ma'esar ani*, he gives to each poor person who comes before him his fill from the tithe, as it is said, (Deut. 14:29) In your settlements shall come and eat their fill.

How much is (Deut. 14:29) their fill If it is from wheat, one should not give less than a half a kav. If it is from barley, not less than one kav. If it is from spelt, not less than one kav. If it is from dried figs, not less than one kav. And if it is from fig cakes, not less than one shekel and five hundred twenty selah. If from wine, not less than half a log. If from oil, not less than one-fourth a kav. And if from rice, not less than one-fourth of a kav. If he gives from green herbs, he gives him a shekel of a litre when a shekel is thirty-five dinarim. From carobs, three kavim. From nuts, ten. From peaches, five. From pomegranates, two. From citrons, one. And if he gave from the remainder of fruits, he gives him not less than enough for him to sell in the market and take from their value food for two meals.¹²¹See Mishnah Peh 8:5.

If he only had a small amount of food and there are great many poor people so that he cannot give to each and every

one according to the right measure, he gives the whole to them, and they divide it up amongst themselves.¹²²See Mishnah Pah 8:6.

If ma'esar ani is divided from the storechamber, the owners have no right to decide how it is to be apportioned among the poor. Only the poor may come and take regardless of the owner's feelings on the matter. And even if the owner is also a poor person of Israel, they take it the tithe from his possession for distribution. But if they divide it up in his home instead of at the storechamber, then the owner has the right to give it to the poor person that he wants.¹²³See Babylonian Talmud Nedarim 84b and Chullin 131a.

If he had the tithe in the storechamber, and he wanted to give it to a certain poor relative or someone known to him, he may separate out up to half of it to give to him, and the other half is divided among all the poor who come with the method described previously.¹²⁴See Mishnah Pah 8:6.

When does it apply that one gives to the poor in order to give them their fill When it is from the field, but if he had the tithe in his home because he was poor himself, they divide it among all the poor people, even if it is only a little bit for each, for one is only commanded to give to satisfy his the poor person's fill only from the field, for one finds that this is the case in the verse, (Deut. 14:29) In your settlements shall come and eat their fill.

If a man and a woman come begging to a house, they should give to the woman first and then send her away and then afterwards give to the man. In the cases of a father and his son, a man and his relative, two brothers, two partners, when one of them becomes poor, the other one gives ma'esar ani to him.¹²⁵See Babylonian Talmud Yevamot 100a and Kiddushin 32a.

If there are two poor people who rented a field in partnership with the owner, one may separate out ma'esar ani and give it to the other his partner, and so may the other take out from his share and give it to him.¹²⁶See Mishnah Pah 5:5.

If one poor person receives a field to harvest, it is forbidden for him to take out in addition to the produce of the field itself leket, shikhecha, pah, and ma'esar ani for his own benefit. When is this In the situation where he receives it and can take part of the whole field's harvest, such as when one gives him a third or a fourth as his wages. But if the owner of the field said to him, "What you can harvest yourself from this onethird is yours," or "What you will harvest from this fourth," then he has nothing until he has harvested it. While he is harvesting, therefore, he is poor, and therefore he may take leket, shikhecha, and pah for himself, but he is forbidden to take ma'esar ani because they only separate out ma'esar ani after it is all harvested and he has at that point taken possession of his portion that he harvested and is no longer poor.¹²⁷See Mishnah Pah 5:5.

If one sells his field, including the land and the produce, and then he becomes poor, he is permitted to take its the land's leket, shikhecha, pah, and ma'esar ani. But the purchaser is forbidden to take them these gifts if he is poor.¹²⁸See Mishnah Pah 5:6. Even if he the purchaser has not yet been paid and even if he borrowed money for the purchase, he is still forbidden to take the gifts for the poor.

One may not use ma'esar ani to repay a loan, and one may not pay back a favor from it ma'esar ani, but they may pay out of it something for an act of loving kindness so long as he informs him that it comes from ma'esar ani. But they may not use it to redeem captives by paying their ransom from ma'esar ani, or buy wedding gifts, or give tzedakah, but they may give it to a town scholar for his benefit.¹²⁹See Tosefta Pah 4:16. They may not, however, take it from the Land of Israel to outside the Land of Israel, as it is said, (Deut. 14:28) But leave it within your settlements, and it is said, (Deut. 26:12) That they may eat their fill in your settlements teaching that it must be used within the Land of Israel.

Chapter 7

It is a positive mitzvah to give tzedakah to the poor according to what is fitting for the poor person if he has the means to do so, as it is said, (Deut. 15:8) Rather, you must open your hand and lend him sufficient for whatever he needs. And it is said, (Lev. 25:35) If your kinsman, being in straits, comes under your authority, and you hold him as though a resident alien, let him live by your side: And it is said (Lev. 25:36), Do not exact from him advance or accrued interest, but fear your God. Let him live by your side as your kinsman.¹³⁰See Babylonian Talmud Ketubot 67b68a.

Anyone who sees a poor person begging and averts his eyes from him and does not give him tzedakah transgresses a negative mitzvah, as it is said, (Deut. 15:7) If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the LORD your God is giving you, do not harden your heart and shut your

hand against your needy kinsman.

One is commanded to give to a poor person according to what he lacks. If he has no clothes, they clothe him. If he has no utensils for a house, they buy them for him. If he does not have a wife, they arrange a marriage for him. If the poor person is a woman, they arrange a husband for marriage for her. Even if it was the custom of a person who was rich but is now a poor person to ride on a horse with a servant running in front of him, and this is a person who fell from his station, they buy him a horse to ride upon and a servant to run in front of him, as it is said, (Deut. 15:8) Sufficient for whatever he needs. You are commanded to fill whatever he lacks, but you are not commanded to make him wealthy.¹³¹See Babylonian Talmud Ketubot 67b.

In the case of an orphan who wants to marry a woman and lacks the means to do so, first they pay for a house for him and arrange for a bed for him and all that he needs for the household, and afterwards they arrange a marriage for him.

If a poor person comes and asks for what is sufficient to fill his needs and one does not have the means to provide it for him, one gives according to his means. How much is this One-fifth of one's assets is the best possible way, but one-tenth is the usual way. Less than this is a bad sign, and never should one restrain himself from a third of a shekel a year. Anyone who has not given at least this much has not fulfilled the mitzvah.¹³²See Babylonian Talmud Bava Batra 9a. Even a poor person who lives on tzedakah is obligated to give tzedakah to another.¹³³See Babylonian Talmud Gittin 7b.

If a poor person who is unknown in the area has said, "I am hungry; please feed me," They do not check into his background lest he be an impostor, but rather they feed him immediately. If he was naked and said, "Clothe me," they do check on his background lest he be an impostor, but if they know him, they clothe him according to his honor immediately and they do not check on him.¹³⁴See Babylonian Talmud Bava Batra 9a, the opinion of Rabbi Yehudah.

They provide for and clothe the poor of Gentiles along with the poor of Israel for the sake of peaceful relations.¹³⁵See Babylonian Talmud Gittin 61a and Bava Batra 9a. And if there is a poor person who goes door to door, they are not obligated to give him a large gift, but rather they give him a small gift. It is forbidden to turn away a poor person who asks empty handed, even if you give him a single dry fig, as it is said, (Psalms 74:21) Let not the downtrodden be turned away disappointed; let the poor and needy praise Your name.

They may not give to a poor person who goes from place to place less than a loaf of bread which when sold is worth a dupondium when wheat is worth four se'in for a selah, and we have already explained the ways this is done. And if he stays overnight, they give him a blanket with which to sleep and a cushion to put under his head, some oil and some beans, and if it is the Sabbath, they give him enough food for three meals and oil, beans, fish, and green herbs. If they know him, they give to him according to his honor.¹³⁶See Mishnah Peh 8:7.

If a poor person does not want to take tzedakah, they deal subtly with him and give to him in the name of a gift or a loan, but as for a wealthy person who makes himself go hungry and looks with sorrow on his wealth and will not eat or drink, they do not pay attention to him.¹³⁷See Babylonian Talmud Ketubot 67b.

In the case of one who does not want to give tzedakah or who gives less than he should, a court should beat him with blows of chastisement until he gives what they estimate he should. They should bring down his money in front of his face and take from him what he should have given, and they may pawn his property for tzedakah, even if it is on the eve of the Sabbath.¹³⁸See Babylonian Talmud Ketubot 49b and Bava Batra 8b.

If a man who is in hardship who gives tzedakah more than he should, or who afflicts himself and gives to the collectors so as not to be embarrassed, it is forbidden to make a claim of him or collect tzedakah from him. The collector who shames him and asks for tzedakah from him in the future will be punished, as it is said, (Jeremiah 30:20) I will deal with all his oppressors.¹³⁹For example, see Babylonian Talmud Bava Batra 8b, Shabbat 156b and the Introduction.

They do not take tzedakah from orphans, even for the ransom of captives, even if they have a great deal of money, but a judge may decree such for them for the sake of their reputation. Collectors of tzedakah may take a small amount from women, servants, and children, but they may not take a large amount, for a large amount may have been the result of thievery and robbery from others. And what is the small amount they may give All is according to the wealth of their masters and their poverty.¹⁴⁰See Babylonian Talmud Bava Batra 8b.

A poor person who is a relative takes precedence over anyone else. The poor of one's household take precedence

over the poor of one's city. The poor of one's city take precedence over the poor of another city, as it is said, (Deut. 15:11) Open your hand to the poor and needy kinsman in your land.¹⁴¹See Babylonian Talmud Bava Metzia 71a. A new principle becomes present here. As opposed to giving agricultural produce, which was on a strict "firstcome, firstserve" basis, family and community relationships now dictate the giving of tzedakah.

If one engages in trade and travels between cities and the authorities of a city exact tzedakah from him when he traveled through for the needs of the city, then this money should be given to the poor of that city. But if there are many such traders, and the authorities of the city exact tzedakah from them when they come through, then they pay it in that city, but they bring it back with them and give it to the poor of their city of origin.¹⁴²See Babylonian Talmud Megillah 27a. But if there is a special town scholar, he distributes the tzedakah as he sees fit.

One who says, "Give 200 dinarin for the synagogue" or, "Donate a Torah scroll to the synagogue," they should give to the synagogue which he usually attends. And if he usually attends two synagogues, then he should give to both of them. If one says, "Give 200 dinarin to the poor," they should give to the poor of that city.¹⁴³See Tosefta Bava Kama 11:3.

Chapter 8

A pledge to tzedakah is a form of a vow, and therefore one who says, "I pledge to give a selah for tzedakah," or "This selah is for tzedakah" is obligated to give it to the poor immediately,¹⁴⁴See Babylonian Talmud Rosh Hashanah 6a. and if he delays, then he has transgressed the commandment not to delay fulfilling a vow (Deut. 23:22). Thus, if poor people can be found there when he makes the vow, he should give it to them immediately. If there are no poor people there, he should set it aside and leave it until he happens upon some poor people. But if he stipulates that he will not give the coin until he encounters a poor person, then he need not set it aside. So also if he makes the condition at the time he took the vow for tzedakah or to donate something that the collectors are permitted to exchange it or to change it with a goldsmith, then they are permitted to do so.

One who connects pledges of tzedakah is as obligated with one vow as with another. How so This applies if he said, "This selah is like that selah, then that one is for tzedakah." If he sets aside a selah and said, "This is for tzedakah," and then he took out a second selah and said, "And this second one is for tzedakah" even though he did not set it aside from the start.¹⁴⁵See Babylonian Talmud Nedarim 7a.

One who took a vow for tzedakah without knowing how much he vowed should give until he says, "This is not what I intended."¹⁴⁶See Mishnah Menachot 13:4.

If one says, "This selah is for tzedakah," or one who says, "I owe a selah for tzedakah," and sets one aside, if he wants to, he may exchange it that particular coin for another, but if it has reached the hand of the collector, it is forbidden to exchange it. If the collectors want to combine the small coins for dinarin which are of larger value, they are only permitted to do so if there are no poor people around to whom they need to distribute it. They may combine the coins for coins of larger value for the sake of others, but not for themselves.¹⁴⁷See Babylonian Talmud Arachin 6a.

If the poor would benefit from keeping the coins in the possession of the collector so that they would thereby make others give because they would see money in the box and feel compelled to give as others have done, then that collector is permitted to borrow the coins of the poor and make payments with them, for tzedakah is not like sanctified property from which it is forbidden to derive any benefit.¹⁴⁸See Babylonian Talmud Arachin 6b.

If someone who donates a menorah or a lamp to a synagogue, it is forbidden to exchange it, but if it is for the sake of a mitzvah, it is permitted to exchange it even though the name of the donor has not become lost and people can say, "That menorah" or "That light is from soandso." And if the name of the donor became lost with all the other goods and donations, then it is even possible to exchange it for a secular matter as opposed to a mitzvah.¹⁴⁹See Babylonian Talmud Arachin 6b.

To what does this refer To a situation when a Jew makes the donation, but if a Gentile makes a donation, it is forbidden to exchange it, even for the sake of a mitzvah, until the donor's identity has become lost, lest the Gentile say, "I consecrated something to the synagogue of the Jews, and they sold it for themselves."¹⁵⁰See Babylonian Talmud Arachin 6b.

If a Gentile donated something to the Temple fund for the Temple in Jerusalem, they may not accept it before the fact, but if they already took it from him, they may not return it to him. If it is something affixed, such as a beam or a stone,

they do return it to him so that something permanent will not be in the Holy Temple, as it is said, (Ezra 4:3) It is not for you and us to build a House to our God, but we alone will build it. But in the case of a synagogue, they may accept it right from the start, so long as he says, "I dedicated something with the same intention of a Jew," and if he did not say so, it may be preserved in storage in that his intention may be for the sake of heaven. They may not accept anything from Gentiles for the walls of Jerusalem or for the water channel there, as it is said, (Nehemiah 2:20) But you have no share or claim or stake in Jerusalem!¹⁵¹See Babylonian Talmud Arakhin 6a.

It is forbidden for a Jew to take tzedakah from a Gentile in public, but if he is not able to live on the tzedakah of Israel and cannot take tzedakah from the Gentiles in private, then he may do so in public. If a king or a noble of the Gentiles sends money to a Jewish community for tzedakah, they may not send it back for the sake of the peace of the kingdom, but rather they take it and give it to the poor of the Gentiles in secret so that the king will not hear.¹⁵²See Babylonian Talmud Sanhedrin 26b. However, it only states that those who accept charity from Gentiles in public when there is an alternative are ineligible to be witnesses.

The redemption of captives held for ransom takes precedence over sustaining the poor and clothing them. You do not find a mitzvah greater than the redemption of captives, for captivity is in the same category as famine, drought, or exposure, and one stands in danger to one's life. One who averts his eyes from redeeming the captive transgresses the commandment, (Deut. 15:7) Do not harden your heart and shut your hand, and (Lev. 19:16) Do not stand upon the blood of your neighbor, and (Lev. 25:53) He shall not rule ruthlessly over him in your sight, and nullifies the commandment (Deut. 15:8) You must open your hand, and the commandment, (Lev. 25:36) Let him live by your side as your kinsman, and (Lev. 19:18) Love your fellow as yourself, and (Proverbs 24:11) If you refrained from rescuing those taken off to death, those condemned to slaughter if you say, "We knew nothing of it," surely He who fathoms hearts will discern, and many such sayings. You cannot find a greater mitzvah than the redemption of captives.¹⁵³See Babylonian Talmud Bava Batra 8ab on the importance of redeeming captives and Chullin 7a where Rabbi Phineas ben Yair travels to redeem captives and, on the way, a river parts for him, enabling him to pass through on dry land to fulfill his duty.

If people of a city have collected money for the building of a synagogue, and a matter of a mitzvah comes before them, they should use the money for the mitzvah. But if they already purchased stones and beams, they should only sell them in the case of redeeming captives. Even if they have brought the stones and made walls of them, beams and laid them out, they sell it all for the sake of redeeming captives and that alone, but if they have built and completed the synagogue, they do not sell the synagogue. Rather, they collect for their the captives' redemption from the public.¹⁵⁴On the public collection of charity, see Babylonian Talmud Bava Batra 8b.

They may not redeem the captives for more than their worth for the sake of civilization, so that the enemies will not pursue after them to enslave them once they find out they are will to pay anything. And they do not try to make the captives escape for the sake of civilization, so that the enemies will not increase the weight of their yoke and add more guards.¹⁵⁵See Mishnah Gittin 4:6. The translation "for the sake of civilization" is used to try to capture the nuance that there is a duty to make the world a less chaotic and dangerous place.

He who sells himself and his children to Gentiles or who takes a loan from them and becomes enslaved to them or is imprisoned because of the loan, the first and second time it is a mitzvah to redeem them. The third time they do not redeem him, but they redeem the children after the death of their father. But if they want to kill him, then they redeem him from their power, even if this is several times that this has happened.¹⁵⁶See Babylonian Talmud Gittin 46b47a.

In the case of a slave who was taken captive, if he immersed himself for the sake of servitude and he accepted upon himself the duty of the mitzvot, they redeem him as if he were a Jew who had been taken captive. But if the prisoner rebels and joins the idolaters, even if it is by transgressing one mitzvah, such as the prohibition against eating carrion, in order to infuriate the Jewish community, etc., it is forbidden to redeem him.¹⁵⁷See Babylonian Talmud Gittin 37b and 47a.

A woman takes precedence over a man for feeding, clothing, and bringing out of prison, because it is more usual for men to go door to door to beg and not for a woman who feels great shame in this. But if both of them a man and a woman were in captivity and were in danger of being violated sexually, the man takes precedence for redemption, because this is not the way of things.¹⁵⁸See Mishnah Horayot 3:7, Babylonian Talmud Ketubot 67a.

In the case of a male orphan and a female orphan who come to the authorities of the community to get married but not to each other, the female orphan takes precedence over the man, because she feels great shame in this.¹⁵⁹See

Babylonian Talmud Ketubot 67ab. And they may not give her less than the worth of six and a quarter dinar of pure silver, and if they have more in the bank of tzedakah, they give to her according to her honor.¹⁶⁰See Mishnah Ketubot 6:5.

If we have before us many poor people or many captives, and there is not enough in the fund to sustain them, or to clothe them, or to redeem them all, a priest takes precedence over a Levite, a Levite over a regular Jew, a Jew over a chalel an illegitimate child of a priest, a chalel over a shetuki an illegitimate child with an unknown father, a shetuki over a asufi a foundling, an asufi over a mamzer a child who was conceived in a union forbidden by the Torah, a mamzer over a natin a descendent of the Gibeonites, and a natin over a stranger, so long as the natin was praised with us in holiness, and a convert takes precedence over a freed slave, for he the slave was once one of the cursed.¹⁶¹See Mishnah Horayot 3:8.

To what does this refer When both who are imprisoned are equal in wisdom. But if there was a High Priest who was an ignoramus and a mamzer who was a wise disciple, the wise disciple takes precedence. Anyone who is great in wisdom takes precedence over another. But if one of them the captives was one's rabbi or father, even if there is someone who is greater in wisdom, one's rabbi or father takes precedence. Even if there is someone there among the captives who is greater in wisdom than his rabbi or his father, so long as he his father or rabbi is a wise disciple, he the father or the rabbi takes precedence over the one who is greater than them in wisdom.¹⁶²See Mishnah Horayot 3:8 and Babylonian Talmud Horayot 13a.

Chapter 9

Any city in which there is a Jewish community is obligated to raise up collectors of tzedakah, people who are wellknown and trustworthy, to go doortodoor among the people from Sabbath eve to Sabbath eve and to take from each and every one what is appropriate for them to give. The amount should be a set and clear matter for each person. They also distribute the money from Sabbath eve to Sabbath eve and give to each and every poor person enough food to last them for seven days. This method is called the kupah the "coffer" for the charity fund.¹⁶³For laws 112, see Babylonian Talmud Bava Batra 8a11b in addition to the citations listed below.

So also the community must enlist collectors to take donations on a daytoday basis, from each and every yard, a main dish, other types of food, fruit, or money for anyone who would donate something at that time, and they distribute this collection in the evening among the poor and give to each poor person from it a day's sustenance. This method is called the tamchui the "charity plate".

Never have we seen or heard of a Jewish community that does not have a kupah, but as for a tamchui, there are places whose custom it is to have it and places that do not. The widespread custom today is that the collectors of the kupah make their rounds each day to collect the tzedakah, and they distribute it on each Sabbath eve.¹⁶⁴See also Babylonian Talmud Sanhedrin 17b on the basic requirements for a community.

On fast days, they must still distribute food for the poor. Any fast where the community eats at the end after sundown, goes to sleep, and did not distribute tzedakah to the poor is like a community that sheds blood. About them it is written in the prophetic books, (Isaiah 1:21) Where righteousness tzedek dwelt, but now murderers. To what does this refer When they have not given them a main dish and fruit with which to eat it, such as dates or grapes. But if the money or the wheat was delayed and they did not give them food because of a mitigating circumstance, then they are not like murderers.¹⁶⁵See Babylonian Talmud Sanhedrin 35a.

The kupah may only be collected by two individuals, for there is no authority to an institution in the community in financial matters except if there are at least two people to run it, but it is permissible to entrust one person with the money from the kupah. It may only be distributed by three individuals, because it is as if they are making judicial decisions about money and a Jewish court is comprised of three individuals, for they give to each one enough to fill this lack for the Sabbath and this is a matter of judgment. And the tamchui is collected by three, for this is not a clearly defined matter and also requires judicial decisions, and it is distributed by three.¹⁶⁶See Mishnah Peh 8:7.

The tamchui is collected each day, and the kupah is collected each Sabbath eve. The tamchui is given to the poor everywhere, and the kupah is given to the poor of that city alone.

The citizens of the city are permitted to interchange the kupah and the tamchui one with the other, and they may exchange them according to the desires fitting the needs of the community, even though they did not stipulate such at the time it was collected. If there is someone in the province who is especially wise, everything should be collected

according to his understanding, and he should distribute it as he sees best. This person is permitted to exchange them the kupah and the tamchui as he sees fit according to the needs of the community.

Collectors of tzedakah are not permitted to spread out far from each other while collecting in the market so as to avoid suspicion, except when one goes through a gate while the other goes into a store so they may make a collection.

If a tzedakah collector finds money in the market, he may not put it in his pocket so it looks like he is stealing, but rather he puts it in the money bag of the tzedakah, and when he gets home he may take it out.

If a tzedakah collector engages in business with another in the market while he is collecting tzedakah and he the other person pays him the collector in front of others, he may not place the money in his pocket, but rather he puts it in the money bag of tzedakah, and when he gets home he may take it out. He may also not count the money from the kupah two by two but rather one coin at a time so that there is no suspicion, as it is said, (Num. 32:22) You shall be clear before the LORD and before Israel.

If the collectors of tzedakah do not have poor people at that moment to whom to distribute, they may combine the money into dinarim, for the sake of others but not for themselves. The collectors of the tamchui who do not have poor people to whom to distribute may sell donated gifts for the sake of others but not for their own sake. People should not investigate the collectors of tzedakah, the treasurer of the Temple, that is, demand a list of who gave what, as it is said, (II Kings 22:7) However, no check is to be kept on them for the silver that is delivered to them, for they deal honestly.

If someone stays in a province for thirty days, they may coerce him to give tzedakah for the kupah for the citizens of that province. If he stays for three months, they may coerce him to give to the tamchui. If he stays for six months, they may coerce him to give tzedakah for clothing, so they may clothe the poor of that city. If he stays for nine months, they may coerce him to give tzedakah for burial, so they may bury the poor and take care of all of the needs for burial.

One who has enough food for two meals is forbidden to take from the tamchui. If one has food for fourteen meals, he may not take from the kupah.¹⁶⁷See Babylonian Talmud Shabbat 118a. If he had 200 zuz and does not engage in business with them, or if he had fifty zuz and does engage in business with them, then he may not take leket, shikhecha, pah, and ma'esar ani. If he had 199 dinar, even if a thousand people gave him at once, he is permitted to take everything. If he had money in his possession but he has a debt or this is collateral for the prenuptial agreement ketubah for his wife, then he is permitted to take tzedakah.¹⁶⁸See Mishnah Pah 8:7.

If a poor person is in need who owns a yard and household utensils, even if they are made of silver or gold, they may not require him to sell his home or his utensils, but rather he is permitted to take tzedakah, and it is a mitzvah to give to him. In what situation does this apply To utensils for eating, drinking, doing laundry, for bedding, and similar such things. But if the utensils of silver and gold are things such as a trowel or a pestle or something similar, he must sell them and he gets utensils of lesser value. When does this apply that they force him to sell extraneous tools Before he has collected tzedakah from the people. But even after he has collected tzedakah, they still make him sell his utensils and take others of lesser value, and then afterwards he may take tzedakah again.¹⁶⁹See Babylonian Talmud Ketubot 68a.

If a owner of a home was traveling to a city and lost his money while on the way and now has nothing to eat, then he is permitted to take leket, shikhecha, pah, ma'esar ani, and to benefit from tzedakah. And when he arrives at his home, he does not need to pay the money back, for he was a poor person at that time. To what is this similar To a poor person who becomes rich and does not need to pay back all the money that sustained him while he was poor.¹⁷⁰See Mishnah Pah 5:4.

If one owns houses, fields, or vineyards, and if he sold them during the rainy season, it would be at a loss, whereas if he waited until the dry season, he could sell them for their worth, in such a case, they may not require him to sell when he would lose money, but rather they feed him from ma'esar ani up until half their his property's worth,¹⁷¹See Babylonian Talmud Bava Kama 7a. and they do not pressure him to sell at a time when it would be disadvantageous to sell.

If the rest of the people are buying at high prices, and he finds that no one will buy from him except at a cheap price because he is under pressure and in dire straits, they may not require him to sell at that time. Rather, he eats from ma'esar ani and continues until he can sell for their value, as everyone knows so he is not under pressure to sell at a loss.¹⁷²See Babylonian Talmud Bava Kamma 7ab. It is remarkable, however, that the Talmud teaches the opposite

of Maimonides' ruling. However, later legal decisions are in accordance with Maimonides, perhaps suggesting a problem with the transmission of texts.

If they collected money for a certain poor person in order to fill his lack, and they accumulated a surplus by collecting more than what he was lacking, the surplus belongs to him. And so if they collected a surplus for poor people in general, the surplus is set aside for the poor in the future. And so a surplus for captives is set aside for future captives, and so for a specific captive, the surplus goes to that specific captive. And so a surplus for taking care of the dead in general is set aside for the future needs of taking care of the dead, and so if there is a surplus that they collected for a specific dead person, it goes to his heirs.¹⁷³See Mishnah Shekalim 2:5.

A poor person who has given a perutah to the tamchui or to the kupah, they accept it from him. If he did not give anything, they do not require him to give. If they gave him new clothes, and he returned the worn garments, they accept them from him. And if he did not donate to the kupah, they do not require him to give.¹⁷⁴See Tosefta P'ah 4:10.

Chapter 10

We must be especially careful to observe the mitzvah of tzedakah, more so than any other positive mitzvah, for tzedakah is a sign of the righteous tzadik lineage of Abraham, our father, as it is said, (Genesis 18:19) For I have singled him out, that he may instruct his children and his posterity to keep the way of the LORD by doing what is just tzedakah.¹⁷⁵See Babylonian Talmud Yevamot 79a. The throne of Israel is established and the religion of truth stands only on tzedakah, as it is said, (Isaiah 54:14) You shall be established through righteousness tzedek. And Israel will only be redeemed through tzedakah, as it is said, (Isaiah 1:27) Zion shall be saved in the judgment; her repentant ones, in the retribution tzedakah.¹⁷⁶See Babylonian Talmud Shabbat 139a.

Never has anyone become poor by giving to tzedakah, nor has anything bad ever come of it, nor has any harm occurred because of tzedakah, as it is said, (Isaiah 32:17) The work of righteousness tzedakah is peace. Anyone who shows compassion, others will show compassion to him, as it is said, (Deut. 13:18) May God show you compassion, and let your compassion increase.¹⁷⁷This is a play on the text. The original reads, "and in His compassion increase you," that is, God will multiply your descendants. Here, the compassion itself increases. And if someone is cruel and without compassion, then his lineage is suspect, for cruelty is only found among the idolatrous nations, as it is said, (Jer. 50:42) They are cruel, they show no mercy.¹⁷⁸See Babylonian Talmud Shabbat 151b. All Israel and all who are associated with them are like brothers, as it is said, (Deut. 14:1) You are children of the LORD your God.¹⁷⁹See Babylonian Talmud Bava Batra 10a and the Introduction. And if a brother does not show compassion for another brother, then who will have compassion for him And to whom can the poor of Israel look To the idolatrous nations that hate them and pursue them They can only look to rely upon their brothers.

Anyone who averts his eyes from the need of tzedakah is called Belial "Wickedness", just as the idolaters worship Belial, and of the idolaters Scripture says, (Deut. 13:14) That some scoundrels children of Belial from among you have gone and subverted the inhabitants of their town by averting their eyes from the need of tzedakah. It says, (Deut. 15:9) Beware lest you harbor a base belial thought.¹⁸⁰See Babylonian Talmud Ketubot 68a. And such a person is called, "wicked," as it is said, (Prov. 12:10) The compassion of the wicked is cruelty. Such a person is called, "a sinner," as it is said, (Deut. 15:9) He will cry out to the LORD against you, and you will incur a sin.¹⁸¹See Babylonian Talmud Bava Batra 10a. The translation reads, "guilt," but the connection here is through "sin." The Holy One, Blessed Be He, is close to the cries of the poor, as it is said, (Job 34:28) He listens to the cry of the needy.¹⁸²Maimonides does not quote this exactly. Therefore, one needs to be especially sensitive to their cries, for they the poor have a covenant established between them and God, as it is said, (Exodus 22:26) Therefore, if he cries out to Me, I will pay heed, for I am compassionate.

Anyone who gives tzedakah to a poor person with a scowl and causes him to be embarrassed,¹⁸³Literally: causes his face to fall in shame. even if he gave him a thousand zuz, has destroyed and lost any merit thereby. Rather, one should give cheerfully, with happiness to do so and empathy for his plight, as it is said, (Job 30:25) Did I not weep for the unfortunate Did I not grieve for the needy And one should speak to him words of comfort and consolation, as it is said, (Job 29:13) I received the blessing of the lost, I gladdened the heart of the widow.

If a poor person asks of you to give him something, and you do not have anything in your possession to give to him, comfort him with words.¹⁸⁴See Leviticus Rabbah 34:15 as well as Babylonian Talmud Bava Batra 9b. It is forbidden to speak harshly to a poor person or to raise your voice in a shout, for his heart is broken and crushed. Thus it says in

Scripture, (Psalms 51:19) God, You will not despise a contrite and crushed heart. And it says, (Isaiah 57:15) Reviving the spirits of the lowly, reviving the hearts of the contrite. And woe to anyone who shames a poor person! Woe to him! Rather, let him be like a father to him, in compassion and in words, as it is said, (Job 29:15) I was a father to the needy.

One who coerces others to give tzedakah is considered to have performed even a greater deed than the person who actually gives, as it is said, (Isaiah 32:17) For the work of the righteousness tzedakah shall be peace, and the effect of righteousness tzedakah, calm and confidence forever.¹⁸⁵See Babylonian Talmud Bava Batra 9a. The first half of the verse refers to the one who gives. The second part of the verse refers to one who coerces others and whose reward is more lasting. Of collectors of tzedakah and similar people it is written, (Daniel 12:3) Those who lead the many to righteousness matzdik harabim will be like the stars forever and ever.

There are eight levels of tzedakah, each one greater than the other. The greatest level, higher than all the rest, is to fortify a fellow Jew and give him a gift, a loan, form with him a partnership, or find work for him, until he is strong enough so that he does not need to ask others for sustenance. Of this it is said, (Lev. 25:35) If your kinsman, being in straits, comes under your authority, and you hold him as though a resident alien, let him live by your side. That is as if to say, "Hold him up," so that he will not fall and be in need.¹⁸⁶See Babylonian Talmud Shabbat 63a.

One level lower than this is one who gives tzedakah to the poor and does not know to whom he gives, and the poor person does not know from whom he receives.¹⁸⁷Maimonides holds the anonymity of both giver and receiver of great importance, but he does not require anonymity at the highest level of giving. This is perhaps because the highest level of giving addresses the source of poverty whereas giving something to a beggar only alleviates a person's temporary need. Preventing poverty is therefore of such importance that anonymity becomes secondary in that instance. This is purely a mitzvah for its own sake, such as the Chamber of Secrets in the Holy Temple, for there the righteous would give in secret and leave, and the poor, of good background, would sustain themselves from it in secret. Very close to this is one who gives to the kupah of tzedakah, but one should not contribute to the kupah of tzedakah unless one is certain that the one who counts it is trustworthy and wise and behaves competently, as was Rabbi Chanania ben Teradion.¹⁸⁸See Babylonian Talmud Bava Batra 10b and Avodah Zarah 17b. Rabbi Chanania ben Teradion had a reputation for competence and honesty, so he dealt with the collection and distribution of charity funds. He was later tortured and executed by the Romans.

One level lower is one who gives tzedakah and the giver knows to whom he gives but the poor person does not know from whom he takes. Such did the great sages who would go in secret and throw money onto the doorways of the poor.¹⁸⁹See Babylonian Talmud Ketubot 67b. A method such as this one is a good way when the keepers of tzedakah do not behave competently.

One level lower is when the poor person knows from whom he takes but the giver does not know to whom he gives. Such was the way of the sages who would tie coins to their garments and would throw the bundle over their shoulder so the poor could come up behind them and take them without being embarrassed.¹⁹⁰See Babylonian Talmud Ketubot 67b.

One level lower is to give to him with one's own hand before he can ask.¹⁹¹It can be assumed that from this point on the situation is one of face to face encounter, handing something to another.

One level lower is to give to him after he has asked.

One level lower is to give him less than one should but with kindness.

One level lower is to give to him begrudgingly.

The greatest among the sages used to give a perutah to the poor before every prayer service and only afterwards would they pray, as it is said, (Psalms 17:15) Then I, justified betzedek, will behold Your face.¹⁹²See Babylonian Talmud Bava Batra 10a.

One should give sustenance to one's sons and daughters who have come of age and to whom one is no longer required to give such support so that they may study the testimonies of Torah and to guide one's daughters on an upright path and not become shameful.¹⁹³See Babylonian Talmud Ketubot 50a. So also one should give sustenance to one's father and mother, for this is essential tzedakah. It is an important principle of tzedakah that a relative takes precedence over another.¹⁹⁴See Babylonian Talmud Bava Metzia 71a. All who give food and drink to the poor and the orphans from his own table can call to God and he will be answered with joy, as it is said, (Isaiah 58:9) Then,

when you call, the LORD will answer.

The sages commanded that the poor and orphans should be members of one's household instead of servants. It is better to use their services by employing them and that the children of Abraham, Isaac, and Jacob benefit from one's property and not the descendants of Ham, for one who increases the number of servants each and every day adds to the sin and iniquity of the world. But if the poor are made members of one's household, each and every hour one adds merit and mitzvot.¹⁹⁵See Pirk Avot 1:5, 2:7.

One should always strain oneself and endure hardship and not come to depend on others rather than cast oneself onto the community. Thus the sages commanded, "Make your Sabbaths into weekdays rather than come to depend on others."¹⁹⁶See Babylonian Talmud Pesachim 112a. Even if one is wise and revered and becomes poor, he should engage in some kind of craft, even a menial one, rather than come to depend on others. Better to stretch leather from carrion than to say, "I am a great sage," or "I am a priest: Feed me." Thus have the sages commanded. Great sages were splitters of wood, raisers of beams, drawers of water for gardens, ironworkers, and blacksmiths rather than ask for their living from the community or accept anything when they gave to them.

Anyone who does not need tzedakah but deceives people and takes will not reach death in old age without having come to depend upon others in reality.¹⁹⁷See Mishnah Pah 8:9 and Babylonian Talmud Ketubot 68a. For such a one fits the type: (Jer. 17:5) Cursed is he who trusts in man and does not heed divine providence. And anyone who needs to take tzedakah and cannot live without it unless he takes, such as an elderly person, a sick person, or one who has many afflictions, but whose mind is full of pride and will not take is like one who sheds blood, is guilty of his own death, and gets nothing for his hardship except sins and guilt. But anyone who needs to take and endures hardship, presses himself, and lives a life of hardship so as not to burden the community will not reach death in old age without being able to sustain others from his wealth. Of him and those like him it is written, (Jer. 17:7) Blessed is he who trusts in the LORD. Thus ends, with the help of God, the laws on gifts for the poor.

Heave Offerings

Chapter 1

Priestly gifts and tithes are biblically applicable only in Eretz Yisrael, both during the time of the Temple and after the time of the Temple. The prophets, however, made them applicable also in Babylonia, which is close to Eretz Yisrael and many Jews commute from there. The ancient sages made them applicable also in Egypt, Ammon and Moab, because these countries are close to Eretz Yisrael.

Wherever Eretz Yisrael is spoken of, the reference is to territories occupied by a king of Israel, or a prophet, with the consent of a majority of Israel; it is called a national conquest so as to give it the character of the holy Land. On the other hand, if an individual Israelite, or members of a family or tribe, went ahead and occupied a locality for themselves, even if it was part of the land given to Abraham, it would not be called Eretz Yisrael in terms of all the mitzvot applicable to the Holy Land. For this very reason, Joshua and his court distributed all of Eretz Yisrael among the tribes long before it was actually occupied by them, so that when each tribe would ascend and occupy its share it should not be regarded as an individual conquest.

The lands which David occupied outside the land of Canaan, such as Mesopotamia and Aram Tzova and Alav, even though he was king over Israel and acted upon the decision of the supreme court, count neither as Eretz Yisrael nor as Diaspora in every respect; they are not like Babylonia and Egypt, for example, but are classified as outside the Holy Land and yet unlike it as to special laws operative only in Eretz Yisrael. Why are they of a lower degree than Eretz Yisrael? Because David occupied them before occupying all of Eretz Yisrael, where some remnants of the seven nations of Canaan were left. Had David occupied the entire land of Canaan with its various boundaries and then the other lands, all his conquests might then have assumed the sanctity of Eretz Yisrael, in every respect. The lands conquered by David are referred to as Syria.

Syria is like Eretz Yisrael in regard to certain laws, and in certain respects it is like Diaspora. If a man has acquired land in Syria, it is as if he acquired it in Eretz Yisrael with regard to heaveofferings, tithes, and the sabbatical year. All the laws pertaining to Syria are rabbinic enactments.

The part of Eretz Yisrael that was occupied by those who had come up from Egypt received the first consecration, which ceased to be as soon as they were exiled. The first consecration, resulting from the mere conquest, applied only for the time being while inhabited and ruled by Israelites and not for the future. As soon as the returned exiles came up and occupied part of the land, they consecrated it a second time with a sanctity lasting forever, both for the

time being and the future. They retained, however, certain laws which had been operative in the places occupied by those who had come up from Egypt and unoccupied by those who arrived from Babylonia. These were not exempted from heaveofferings and tithes, so that the poor might rely on them during the sabbatical year.

Hence, the entire world is divisible into three classifications: Eretz Yisrael, Syria, and the Diaspora. Eretz Yisrael, in turn, is divisible into two parts: the one which was occupied by the returned exiles from Babylonia, and the second which was occupied only by those who had come up from Egypt. The Diaspora is divisible into two parts: Egypt, Babylonia, Ammon and Moab are lands where the special laws are to be observed by the authority of sages and prophets; while in the other countries the laws of heaveofferings and tithes are not to be observed.

The priestly tithe at this time is not from Torah writ, but rabbinic even in a place that those that came up from Babylonia held, and even at the time of Ezra as you do not have the priestly tithe from the Torah except in the Land of Israel at the time that all of Israel is there, as it is stated, "When you come" (seemingly a reference to Numbers 15:18, which has, "In your coming") the coming of all of you, like they were at the first possession, and like they are to return in the future for the third possession, and not like they were at the possession in the days of Ezra, which was a coming of some of them and hence it was not from the Torah then. And so does it appear to me is the law of tithes as well, that we are only obligated rabbinically at this time like the priestly tithe.

Chapter 2

Chapter 3

The great terumah given to priests has biblically no prescribed limit, as it is written: "You shall give him the first fruit of your new grain" (Deuteronomy 18:4); that is, anything: even one particle of wheat may exempt a heap of grain.

But what proportion has been prescribed by the sages A generous person gives onefortieth of the crop; the average person gives onefiftieth; the miserly gives onesixtieth. One must not give less than onesixtieth.

The priestly terumah is not given by measure, weight or number, because no limit has been stated in the Torah with regard to heaveofferings. One should estimate in his mind and set aside about onesixtieth.

The duty concerning a terumah of the tithe concerns the Levite who must give to a priest a tenth of the tithe he receives, as it is written: "When you receive from the Israelites their tithes you shall remove from them onetenth of the tithe" (Numbers 18:26). A lay Israelite may set it aside and give it to a priest and then give the tithe to a Levite, after having removed from it the terumah which is known as a tithe from the tithe.

The terumah and the tithe are to be set aside according to the following order: the first fruits are set aside first of all, then the great terumah, then the first tithe, then the second tithe, or else the tithe for the poor.

Chapter 4

Chapter 5

Chapter 6

Terumah and tithe of the Levite's tithe given to priests may be eaten by priests, whether adults or minors, males or females, and Canaanite slaves and cattle belonging to priests.

If the daughter of a nonpriest married a priest, she may eat terumah.

A nonpriest is forbidden to eat terumah, as it is written: "No lay person shall eat of holy things" (Leviticus 22:10), even one who lives with a priest or is his hired worker, as it is written: "No sojourner or a hired worker of a priest may eat of holy things" (10). Sojourner here means a lifelong hireling, while hired worker denotes one hired by years. A Hebrew slave has the status of a sojourner and a hireling. If a priest's daughter married a lay person, she assumed the status of a lay person, as it is written: "No lay person," that is, neither he nor his wife.

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

Chapter 12

Chapter 13

Two baskets, one of undedicated produce and one of dedicated produce, and before them are two vessels, one of undedicated produce and one of dedicated produce, and the latter fell into the former they are permitted, as I can say that the undedicated fell into the undedicated, and that the dedicated fell into the dedicated. And even though there is more undedicated produce than dedicated. What case are we speaking of One of dedicated produce in our times, which is a Rabbinic commandment; but dedicated produce that derives from a Torah commandment, until the undedicated food outnumbers the dedicated food a nonpriest cannot eat it. **Tithes**

Chapter 1

Having set apart the terumah gedolah great gift or the priest's share of the crop, one must set apart onetenth of the rest, what is known as first tithe. This tithe is intended for the Levites, whether male or female, as it is written: "To the Levites I have given every tithe in Israel as their share" (Numbers 18:21).

The first tithe may serve as food for a lay Israelite; he may partake of it even in a state of ritual uncleanness, since no sanctity whatever is attached to it. Whence do we know that the first tithe is free for common use It is written: "Your gift shall be regarded as though it were the grain of the threshing floor or the wine of the vat" (27); that is to say, just as the grain of the threshing floor and the wine of the vat are altogether free for common use, so the first tithe, from which the priest's share has been removed, is free for common use in every respect.

Levites and priests who happen to own farm products set apart the first tithe so as to remove from it the priest's share of the tithe. So too, the priests set apart other terumoth and tithes for their own use, since they only receive from all and are not required to give away anything to other priests. One might think that they are allowed to eat their farm products untithed, but the Torah explicitly declares: "Thus shall you too set aside a gift" (28). Traditionally interpreted, you refers to the Levites; you too includes the priests as well.

Chapter 2

Chapter 3

Chapter 4

Chapter 5

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Chapter 7

Chapter 8

The products from which the great terumah and the terumah of the tithe have been removed are called ullin and are free for common use. If one has removed the remaining tithes from them, they are termed properlytreated ullin in every respect.

Chapter 9

In the days of Yoanan the high priest, who was after Simeon the Just, the supreme court sent men to investigate the entire Jewish territory. They discovered that all the people carefully set apart the great terumah priest's share, but that the illiterate Jews among them made it easy for themselves by not setting apart the first tithe, the second tithe and the poorman's tithe. For this reason, they decreed that only faithful people might be trusted as to the tithes. On the other hand, the farm products belonging to the illiterate were to be regarded as doubtful, since they could not be trusted when they asserted that the products were tithed. This is what is called demai doubtful tithing.

They furthermore ordained that one should remove from demai only the priest's share of the tithe, because it involves a sin punishable by death, and also the second tithe, which involves no loss since it is consumed by the owner himself. As to the first tithe and the poorman's tithe, however, one is not called upon to set them apart from the demai,

being a matter of doubt, in which case the rule is that the claimant must produce evidence in order to collect. Accordingly, one may say to the Levite or the poor person: Produce evidence that the product is not tithed, and you will obtain tithes.

Chapter 10

Chapter 11

Chapter 12

Chapter 13

Chapter 14

If one has purchased grain from a wholesale dealer one time and then again, he must not give tithe from the one purchase for the other, even though they are of the same kind or from the same basket, and even though he can identify the barrel as the same from which he obtained the two purchases. This is so because the wholesale dealer buys from many people and sells, and it may be that the man who has sold the grain had bought it from an illiterate, whose products are deemed demai; and this one, in turn, who has bought it at the end, has done so from one who strictly observes the rules of tithing and whose products are in order. We have already explained that tithes may not be given from what is required for what is exempt, nor from what is exempt for what is required. If, however, the wholesale dealer said "they are from the same lot," he should be believed.

If one buys from a bakery shop, he should give tithe from one loaf for all the others, even though they are of many shapes. If, however, one buys from a monopolized shop, he should tithe from each different shape of loaf, because the monopolized shop has probably bought the bread from two bakers.

First Fruits and other Gifts to Priests Outside the Sanctuary

Chapter 1

Twentyfour gifts were given to the Priests, and they are all explained in the Torah, and the covenant with Aharon includes all of them. And every Priest that does not recognize these gifts, he is not part of the Priestly tribe, and one must not give him any of these gifts.

Chapter 2

It is a positive biblical command to bring first fruits to the sanctuary; they apply only in Eretz Yisrael in the time of the Temple, as it is written: "The choice first fruits of your soil you shall bring to the house of the Lord your God" (Exodus 23:19).

First fruits are brought only from the seven species which are spoken of in praise of the land, namely: wheat, barley, grapes, figs, pomegranates, olives, and dates. If one had brought products other than the seven species, they were not consecrated.

Chapter 3

It is a positive biblical command to confess in the sanctuary over the first fruits at the moment they are presented. One should begin by reciting: "I acknowledge this day before the Lord your God that I have come into the land which the Lord solemnly promised to our fathers My father was a wandering Aramean" He should continue to the end of the biblical section which concludes with the words "which thou, O Lord, hast given me" (Deuteronomy 26:310). This acknowledgment must be recited in the holy tongue only, as it is written: "You shall then recite as follows" (5), meaning: in this Hebrew tongue.

Originally, anyone who could recite the prescribed biblical passage recited it; and if anyone could not recite it, he was assisted in reciting it. But when those illiterates refrained from bringing their first fruits, that they might not be put to shame, it was ordained by the court that both those that knew and those that did not know should be made to repeat the words after the priest.

Chapter 4

A proselyte brings and reads, as it is said to Abraham, "A father of the many peoples I have made you..." This means that he was the father to the entire world that entered under the wings of the Shechina, and the promise was to

Abraham first that his children would inherit the land. So too, priests and levites bring and read because they have open cities.

How were the first fruits brought up to Jerusalem The men of all the smaller towns that belonged to the Maamad one of the twentyfour divisions in the outlying districts gathered together in the town of the Maamad leader, so as not to come up to Jerusalem as isolated individuals, as it is written: "In a multitude of people is the glory of a king" (Proverbs 14:28). Having arrived, they spent the night in the open street of the town and did not enter the homes for fear of contracting uncleanness therein. Early in the morning, the officer of the Maamad said: "Arise, and let us go up to Zion, to the Lord our God" (Jeremiah 31:5). In front of them went the ox, having its horns overlaid with gold and a wreath of oliveleaves on its head, to indicate that the first fruits were taken from the seven species of farm products. The flute was played in front of them until they reached near Jerusalem. As they walked all the way, they chanted: "I was glad when they said to me: Let us go up to the house of the Lord" (Psalm 122:1). They walked only two thirds of the day. Upon arriving at the outskirts of Jerusalem, they sent messengers to let the men of Jerusalem know. They bedecked their first fruits and adorned them, placing the fresh ones on top of the dry. The high officers and the treasurers of the Temple came out of Jerusalem to meet them. They used to come out according to the number of those who arrived: if many pilgrims arrived, they were greeted by many; and if few, by few. When all of them entered within the gates of Jerusalem, they began to chant: "Our feet stand at last within your gates, O Jerusalem" (2).

All the craftsmen in Jerusalem used to rise up before them and greet them, saying: "Brethren, men of suchandsuch a place, you are welcome!" The flute was played in front of them as they marched inside Jerusalem until they reached the Temple Mount. Having arrived at the Temple Mount, each pilgrim would take his basket on his shoulder as they chanted: "Praise the Lord! Praise God in his sanctuary Let everything that has breath praise the Lord. Praise the Lord" (Psalm 150). They marched on the Temple Mount chanting until they reached as far as the Temple Court. When they reached the Temple Court, the Levites sang: "I extol thee, O Lord, for thou hast lifted me" (30:2).

Chapter 5

At this time, when there is no pure dough because of impurity from contact with the dead, challah is separated once in all Israel, which is 1/48th, and it is burned because it is impure. And this has a foundation from the Torah. But from Keziv to Amanah, a second challahis separated and given to the priest, but this has no required amount, as was the matter in the past.

Since its main obligation is only rabbinic, challah outside of Israel even though it is impure is not prohibited to be consumed by a priest unless he has impurity that emits from his body, such as those who have had seminal emissions or irregular genital flows, mestruant women, those who have recently birthed and lepers. Therefore, if there was a minor priest boy outside of Israel whether in Syria or other lands if they want to, they may separate one challah as 1/48th and it may be given to eat to a minor priest boy who has not yet seen a seminal emission or to a minor priest girl who has not yet menstruated, and there is no need to do a second separation to burn it.

Also, if there is a an adult priest there who has immersed to purify himself from genital flows even if the sun has not yet set for him on the day of his immersion, and even though he is impure from contact with the dead he may eat this first challah, and there is no need to do a second separation outside of Israel.

Chapter 6

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

By a biblical positive command, each Israelite must redeem his son, the firstborn of an Israelite mother, as it is written: "Every firstborn belongs to me" (Exodus 34:19); and it is written: "You shall have the firstborn of man redeemed" (Numbers 18:15).

The man who redeems his son should recite this blessing: "Blessed art thou who hast sanctified us with thy commandments, and commanded us concerning the redemption of the firstborn son." Then he should recite: "Blessed

art thou who hast granted us life and sustenance and permitted us to reach this festive occasion."

This religious duty is applicable everywhere and at all times. For what price does he redeem him For five shekels, as it is written: "The redemption price for the child of one month is the equivalent of five shekels" (16).

If the kohen is willing to return the redemption price, he may do so. Yet, the infant's father must not give the kohen the redemption price with the intention that he should return it. If he acted in this manner, and the kohen returned the money, the firstborn son is not redeemed. He must resolve in his mind to present him with an absolute gift; and if the kohen is willing to return it thereafter, he may do so. So too, if he specified the condition that the kohen should return the gift that he had handed him, his son is redeemed.

Priests and Levites are exempt from redeeming their firstborn.

When is one required to redeem his son When the firstborn has completed thirty days, as it is written: "The redemption price for the child of one month" (16). If the firstborn son died during the thirty days, even on the thirtieth day, or if the child became afflicted with a fatal organic disease, the father is not required to pay five shekels.

If a man's wife had never before given birth, and now she gave birth to twins, a boy and a girl, without knowing which of the two emerged first, the kohen receives nothing in such a case. If she gave birth to two boys, the father should give the kohen five shekels, even though it is not known which of them is the firstborn. If, however, one of the twins died during the thirty days, he is exempt from paying the redemption price, in keeping with the rule that the claimant must produce evidence.

If the wives of two men gave birth to boy twins for the first time each, and the infants were mingled together, then each father should give five shekels.

Sabbatical Year and the Jubilee

Chapter 1

It is a positive commandment to refrain from working the land and caring for trees in the seventh year, as it says, "and the land shall rest a Sabbath for the Lord" (Leviticus 25:2), and it says "in plowing and in harvesting you shall rest" (Exodus 34:21). Anyone who performs one of the forbidden labors from the working of the land or caring for trees in this year has abrogated a positive commandment and transgressed a negative commandment, as it says, "you shall not plant your field, nor shall you prune your vineyard" (Leviticus 25:4).

Chapter 2

Chapter 3

Working of the land in the sixth year (of the Sabbatical cycle) is forbidden 30 days in advance of the seventh year, as an oral law given to Moses at Sinai, because he prepares it (for planting) in the Sabbatical year. By tradition, this labor is forbidden when the Temple is in existence, but the Rabbis legislated additional restriction, that people should not plow orchards in the eve of Sabbatical year during Temple times except until Shavuot, and grain fields only until Passover. When there is no Temple, it is permitted to work the land until New Year as in the law of the written Torah.

What defines an orchard Three trees in a beit seah (plot of land 50 x 50 cubits), whether a nonfruitbearing tree or a fruit bearing tree. Even if they belong to three different people, we view them as if they are fig trees. If they (fig trees of similar size or maturity) would be capable of producing a dried fig cake weighing sixty talents, it is permitted to plow the entire beit seah for them (the trees), as long as the distance between each tree is sufficient for the ox with its utensils (yoke) to pass between the trees.

Chapter 4

It is a positive commandment to annul ownership of everything that comes out of the ground in the seventh year as it says "and in the seventh year, annul it and forsake it" and anyone who locks up his vineyard or fences in his field in the seventh year has violated a positive commandment, and similarly someone who harvest all his fruits and brings them inside. Rather everything should be seen as ownerless and everyone has equal claim as it says "and the destitute of your people will eat it." The owner may bring in small amounts the way one does from ownerless property e.g. five pitchers of oil or fifteen of wine and if he brought in more it is permitted.

Chapter 5

Chapter 6

One does not sell goods of the fruit of the seventh year. If one wants to sell a small amount from the fruit of the seventh year, one may sell. And the same money he receives, this is like the produce of the seventh year. And he can take from it food and eat with the sanctity of the seventh year. And the same produce that was sold still has the holiness it has previously.

Chapter 7

Chapter 8

In a like manner, as it is forbidden to till the soil in the seventh year, so is it forbidden to encourage Jewish persons who cultivate it, or to sell them working tools, because help must not be given to those who commit a transgression.

A craftsman may not sell the following tools in the seventh year to one who is suspected of ignoring the laws of the sabbatical year: a plough and all its accessories, a yoke, a winnowing fan, or a pick. This is the general rule: any tool used exclusively for the kind of work which is forbidden in the seventh year must not be sold to a suspected transgressor.

NonJews, however, may be encouraged in the seventh year with words alone. If, for example, one sees a nonJew plowing or sowing, he should greet him with such expressions as: "Be of good courage!" or "Good luck!" For, they are not under the obligation of observing the sabbatical of the land. Nevertheless, one should not help them manually.

Chapter 9

It is a biblical positive command to cancel a cash debt in the sabbatical year, as it is written: "Every creditor shall remit the due that he claims from his neighbor" (Deuteronomy 15:2). If a man claims a debt which has remained over the sabbatical year, he breaks a prohibitive command, as it is written: "He shall not exact it of his neighbor, his brother" (2).

The law concerning remission of funds is biblically applicable only at a time when the jubilee is observed, involving the remission of landed property, inasmuch as land then returns to its original owner without payment. This rule is based on tradition. The sages have declared: At a time when you remit landed property you must remit funds at any place, whether in Eretz Yisrael or in the Diaspora; and when remission of land no longer exists, you are not required to remit funds in the seventh year, even in Eretz Yisrael (Mo'ed Katan 2b).

If one delivered his bonds to the court and said to them: "You will collect this debt for me," it is not canceled, as it is written: "You must remit whatever is due you from your brother" (Deuteronomy 15:3), and in this case it is the court that exacts payment from him.

When Hillel the Elder saw that the people refrained from giving loans one to another and transgressed what is written in the Torah: "Beware lest you harbor the base thought" (9), he ordained a prozbul whereby a loan is secured and not cancelled, so that the people might extend loans mutually. The prozbul is effective only in regard to remission of cash debts at the present time, being applicable on rabbinic grounds; the biblical remission, however, cannot be counteracted by the prozbul at all.

This is the formula of the prozbul: "I inform you, judges soandso in suchandsuch locality, that I will collect any debt due to me whenever I please." And the judges, or witnesses, sign below.

Chapter 10

It is a biblical positive command to count off seven times seven years and to consecrate the fiftieth year, as it is written: "You shall count seven weeks of years and you shall hallow the fiftieth year" (Leviticus 25:810). These two precepts are within the power of the supreme court alone.

When did they begin to count the jubilees Fourteen years after they had entered Eretz Yisrael. Hence you may say that they began to count in the year two thousand five hundred and three after the Creation, from the new year following the birth of the first man, being the second year of Creation.

The Israelites counted seventeen jubilees from the time they entered the land until they left. The year in which they left, when the First Temple was destroyed, happened to be the year following the sabbatical year and the thirtysixth year of the jubilee, since the First Temple lasted four hundred and ten years. As soon as the Temple was destroyed,

this counting ceased. When it ceased, the land remained desolate for seventy years, and then the Second Temple was built. It lasted four hundred and twenty years. Ezra came up from Babylonia to Judea in the seventh year of its erection. This was the second coming to the land. From that year on, they began to use a different counting. They made the thirteenth year of the construction of the Second Temple to serve as shemittah (year of release), and counted seven shemittoth and hallowed the fiftieth year. Although no jubilee was observed during the period of the Second Temple, they counted its years in conjunction with the shemittoth which they did hallow.

Hence you may infer that the year in which the last Temple was destroyed, beginning with Tishri or two months following the destruction, since the count of shemittoth and jubilees is from Tishri, was the year after the sabbatical year and the fifteenth year of the ninth jubilee. According to this computation, the present year, the year one thousand one hundred and seven since the destruction, which is the year one thousand four hundred and eightyseven of the Seleucidan Era, used in dating documents, which is four thousand nine hundred and thirtysix since the Creation, is a sabbarical year and the twentyfirst year of jubilee.

From Rosh Hashanah until Yom Kippur, the slaves who were to be freed on the occasion of the jubilee year neither left for their homes nor were they still subjected to their masters, nor were the fields restored to their original owners. The slaves would eat and drink and rejoice as they were wearing wreaths on their heads. As soon as Yom Kippur arrived, the court sounded the shofar. Thereupon the slaves left for their homes and the fields returned to their original owners.

The sabbatical year surpassed the jubilee year in that it cancelled cash debts while the jubilee did not. On the other hand, the jubilee year surpassed the sabbatical year in that it freed the slaves and cancelled land purchases. The jubilee cancelled land purchases at its very beginning, while the sabbatical year cancelled cash debts only at its conclusion, as we have explained.

Chapter 11

Any part of Eretz Yisrael, which had been divided among the tribes could not be sold in perpetuity, as it is written: "The land must not be sold beyond reclaim" (Leviticus 25:23). If anyone sold it in perpetuity, both seller and purchaser broke a prohibitive command; their actions were of no avail; the land had to revert to its original owner in the jubilee year.

If, however, a man sold his field for the duration of sixty years, it did not revert in the year of jubilee: only what was sold without specification, or what was sold in perpetuity, reverted in the year of jubilee.

One must not sell his house or his hereditary field, even though they will revert after some time, unless he has become poor, as it is written: "When your brother is reduced to poverty and has to sell part of his property" (25). But one is not permitted to sell it and put the money into his pocket or into business, or spend it on furniture, slaves and cattle; he may sell it only for food provisions. Nevertheless, if he sold it at any rate, the sale is valid.

Chapter 12

If a man sold a house within a walled city, he may redeem it at any time he pleases within the twelve months of the sale, even on the day he made the sale. If he desires to redeem it, he must repay the entire price he took and cannot deduct anything at the expense of the purchaser.

If the day ending the twelvemonth period arrived and the purchaser was not available to redeem from him, the man may deposit his money at the court, break the door and enter his house; and when the purchaser arrives, he can appear at the court and collect his money.

If anyone sold a house in a walled city and jubilee arrived within the year of the sale, it does not revert because of the jubilee, but remains with the purchaser until the seller is willing to redeem it throughout the year of the sale; or else, it is sold irredeemably if the year is completed.

If anyone sold a house in a village, or in a city that is not adequately encircled by a wall, it is redeemable by the legal right applied to the sale of fields, and of houses within a walled city. If, for example, the seller wished to redeem it immediately, he can do so in accord with the law governing the sale of houses. If twelve months passed and he failed to redeem it, he can do so until the year of jubilee, in accord with the law governing the sale of fields.

Only an encircling wall existing at the time of the conquest of Eretz Yisrael is to be relied upon in connection with the

law of redemption. If, for example, a city that was unwalled at the time Joshua conquered the land is walled at present, it is nevertheless counted as a village as to the sale of its houses. On the other hand, a city that was walled in the time of Joshua, even though it is not walled at present, has the legal status of a walled city. When the people were exiled after the destruction of the First Temple, the sanctity of the walled towns during the period of Joshua ceased to exist. But as soon as Ezra came up with the second migration, all the walled towns of that time were consecrated, because their arrival at the time of Ezra, called the second arrival, was comparable to that of the time of Joshua: on both historic occasions, they began counting shemittoth and jubilees, having consecrated the walled towns and obligated themselves to observe the laws of tithing.

So too, in the future, during the third coming of Israel: when they will enter the land, they will begin counting the shemittoth and the jubilees; they will consecrate the houses of the walled cities, and every place they will occupy will be required to maintain the system of tithing.

Chapter 13

Although the tribe of Levi was not allotted a share in the land, the Israelites had already been commanded to assign to them special towns to dwell in, and pasture lands surrounding them. Those towns included the six cities of refuge as well as fortytwo additional localities.

Why were the Levites not allotted land in Eretz Yisrael or a share in its booty along with their brethren Because they were singled out to serve the Lord and minister to him, to teach his upright ways and just laws to many people, as it is written: "They shall teach thy laws to Jacob, and thy instruction to Israel" (Deuteronomy 33:10). For this reason, they were separated from worldly affairs: they fought no battles like the rest of Israel; they inherited no land; they won nothing by means of their physical ability. They are indeed the Lord's army, as it is written: "Bless, O Lord, his substance" (11). He, blessed be he, has won them for himself, as it is written: "I am your portion and your share" (Numbers 18:20).

Not only the tribe of Levi, but each wellinformed thinking person whose spirit moves him to devote himself to the service of the Lord, to know the Lord, and has walked uprightly after casting off his neck the yoke of many a cunning wile that men contrived, is indeed divinely consecrated, and the Lord will forever and ever be his portion. God will provide sufficiently for his needs, as he did for the priests and the Levites. David, may he rest in peace, declared: "The Lord is my allotted portion and my cup; thou holdest my lot" (Psalm 16:5).

Sefer Avodah

The Chosen Temple

Chapter 1

It is a positive obligation to build a house for God where offerings may be brought and to make pilgrimage to it three times a year as it says "and they shall make Me a sanctuary." The tabernacle which Moses made in the desert has already been described in the Torah, but it was a temporary measure, as it says "for you have not yet reached, etc."

As soon as the Israelites entered Eretz Yisrael, they set up the portable sanctuary (Mishkan) in Gilgal for the fourteen years during which they occupied and divided the land. From there they came to Shiloh and built a sanctuary of stones, over which they spread the curtains of the Mishkan, since it had no ceiling. The sanctuary of Shiloh lasted three hundred and sixty-nine years. It was destroyed when Eli died, so they came to Nov and built a sanctuary there. It was destroyed when Samuel died, so they came to Gibeon and built a sanctuary there. From Gibeon they came to Jerusalem to build the permanent sanctuary. Nov and Gibeon lasted fifty-seven years.

As soon as the Temple was built in Jerusalem, it was prohibited to build a sanctuary for the Lord or to offer a sacrifice in any other place. Only the Temple in Jerusalem, on Mount Moriah, was intended for all generations.

The building which Solomon built has already been described in I Kings. Similarly, the Temple which will be built in the future which is mentioned in Ezekiel, is not described clearly or completely. The people of the Second Commonwealth built their Temple like Solomon's with some of the features described explicitly in Ezekiel.

The following are the major requirements for the Temple: It must have a sanctuary and an inner sanctum. There must be a space in front of the sanctuary called the Hall () and the three together are called "Heichal" (). Another wall must be built around the Heichal away from the building itself, like the curtains around the courtyard of the tabernacle in the desert. Everything enclosed by this wall representing the yard of the tabernacle is called the Court () and the whole compound is called "Temple" ()

Vessels must be made for the Temple: An altar for burnt offerings and other sacrifices, and a ramp to access the altar; these are placed in front of the Hall slightly southward (of center). The basin and its base, which the priests use to wash their hands and feet for the service, are both placed between the altar and the Hall towards the south, on your left as you enter the sanctuary. A table, a (smaller) altar for incense, and a Menorah are also necessary and all three go in the sanctuary in front of the inner sanctum.

The Menorah belongs on the south side, on your left as you enter, and the table which holds the showbread on the right. Both of them are just outside the inner sanctum. The incense altar goes between them, but further out from the inner sanctum. The court is divided into sections for priests and Israelites, and rooms are built there for the various needs of the Temple. Each room is called an office ()

The Temple is to be built with large stones or bricks if large stones are not available. The stones are not carved on site, rather they are carved and dressed away from the Temple Mount and brought in afterwards, as it says "Large, expensive stones for the foundation of the House, hewn stones" and it also says "the sound of the axe, nor any other metal tool was heard in the Temple while it was being built."

There is to be no visible wood structure in any part of the Temple compound, only stones or bricks and mortar. Even temporary wooden walkways in the Court are not allowed.

The floor of the Court is paved with expensive stones. If one of the stones was detached, even if it is still in place it is invalid as part of the Temple and a Priest cannot perform Temple services while standing on it until it is reattached.

The appropriate way to perform the Mitzvah is to continuously strengthen and expand the building as much as the community can afford as it says "and to glorify the house of our God." It is also a mitzvah to renovate, and beautify the building. If the community can plate the whole thing in gold and to make the architecture famous, that too is a mitzvah.

The Temple is not to be built at night as it says "and on the day the Tabernacle was erected," i.e. we erect it during the day but not at night. We may work on the construction from dawn until the stars come out, and everyone is obligated to build helping physically and financially both men and women just like the sanctuary in the desert.

However, we do not close the schools in order for the children to build the Temple nor does building the Temple override Shabbat or the festivals.

The altar is made out of stones only. When the Torah says "build Me an altar of earth" it means that the altar should be part of the earth and not built over domes or arches. When it says "and if you make Me a stone altar" the oral tradition teaches that it is not permission but an obligation.

Any stone that was chipped enough to catch the fingernail to the same exacting standards as with a shechita knife, is unfit for the ramp and for the altar as it says "With whole stones build the altar of God." Where did they get the stones From virgin ground. They would dig down to where it was obvious that this soil is not for cultivating or building and take out whole stones, or they would take rocks from the Mediterranean Sea and build with those. Similarly, the stones of the Temple and the Courtyards were also whole.

Stones of the Sanctuary or the courtyard which were chipped or scraped cannot be repaired, rather they must be hid away. Any stone which was touched by iron may not be used for the Altar or the ramp because it says "for you have lifted your sword against it and desecrated it." One who built the ramp or the altar with stones touched by iron is flogged because it says (as a prohibition) "do not build them of hewn stones" but if one built with a chipped stone he has (only) transgressed a positive commandment.

A stone which was chipped or touched by iron after it was built into the altar or the ramp is invalid, but the rest remain valid. The altar was whitewashed twice a year at Passover and Sukkot and when they whitewashed it they used a cloth rather than a trowel to prevent iron from touching the stones.

It is forbidden to make steps up to the altar as it says "thou shalt not go up on steps to My altar" rather we build a sort of mound at the southern end of the altar which gets shorter and shorter until it reaches the ground and this is called a 'ramp.' One who ascends the altar on stairs is flogged, as is one who removes a stone from the altar, or from the entire Temple building or from the area of courtyard between the Temple and the altar as a destructive measure as it says "thou shalt break up their altars etc." and it says "thou shalt not do so to the LORD thy God."

The Menorah, its vessels, the Table, its vessels, the Incense Altar, and all vessels of the Divine Service may only be made out of metal; they are invalid if made out of wood, bone, stone or glass.

If the Community is poor they may even make the vessels out of lead. If they are rich, they should make them out of gold, even the pitchforks, skewers, and shovels of the Sacrificial Altar which tend to get dirty. The community should even plate the gates of the courtyard with gold if they can afford it.

The vessels must be originally made with the intent to use them for the Divine Service. If they were already made for mundane purposes they may not be used for sacred ones. Things that were made for sacred purposes but were not yet used may be used for mundane purposes but once they were used for a sacred purpose they become forbidden for the mundane. Stones and boards which were originally cut for a synagogue may not be built with on the Temple Mount.

Chapter 2

The altar is placed extremely precisely and may never ever be placed anywhere else as it says "This is the Altar for the offerings of Israel." And it was in the temple that Isaac was bound as it says "and go to the land of Moriah" and it says "Solomon built the temple on Mt. Moriah."

And it is a tradition accepted by all, that the place where David and Solomon built the altar at the threshing floor of Arauna was the place that Abraham built the altar and bound Isaac upon it, and that was the place that Noah built upon when he left the ark, and that was the altar upon which Kain and Abel sacrificed, and upon which Adam the First sacrificed when he was created. And from there was born the saying of the sages that "Man was created from the place of his atonement."

The measurements of the Altar are very exact and its shape is known by tradition from man to man. The altar that those who ascended from the Babylonian exile built was made like the one which will be built in the future. It is forbidden to add or subtract from its dimensions.

Of the three prophets who ascended with them from the exile, one testified as to the Altar's location, one to its dimensions, and one to the Law that they could bring offerings on the altar even though there was no Temple yet.

The Altar that Moses made, that Solomon made, that the returnees of the First Exile made, and that will be made in the future are all 10 cubits high, and that which is stated in the Torah: "and three cubits its height, that is the place of the pyre alone (above the ledge of the Altar). And the dimensions of the Altar that the returnees of the Exile made and the one that will be built in the future are 32 cubits by 32 cubits.

The ten cubits of the height of the Altar, some of them are of a 5handbreadth cubit and some are of a 6handbreadth cubit, and the rest of the cubits of the building are of 6 handbreadths. The height of the entire Altar is 58 handbreadths.

These are its dimensions and its shape: Starting from the 32x32 cubit square at ground level it goes up five handbreadths and in five handbreadths, making the base. Now it is 30 cubits and two handbreadths. It goes up thirty handbreadths and in five handbreadths, making the ledge. From there, it went up another eighteen handbreadths and this was the place of the pyre. Its width on each side at the top works out to a square of 28 cubits and four handbreadths by 28 cubits and four handbreadths. From the top, it went up another eighteen handbreadths built as a hollow structure at each corner. The place for the "horns" was one cubit by one cubit, and the path for the priests was one cubit by one cubit, so the dimensions of the place of the pyre works out to 24 cubits and four handbreadths by 24 cubits and four handbreadths.

The height of each corner piece is five handbreadths and each was one cubit square. The four corner pieces were hollow inside and the place of the Pyre was 18 handbreadths high. Thus we find that half the height of the altar was 29 handbreadths from the ledge down.

A red stripe girdled the Altar in the middle (about six handbreadths below the ledge) to separate between the blood of the Higher half and the blood of the Lower half. And its height from the ground comes to nine cubits less one handbreadth.

The base of the Altar did not surround it on all four sides, rather it went along the entire north and west sides, one cubit on the south and one cubit on the east, and the southeast corner had no base.

The southwest corner had two holes like thin pipes called "shittin" through which the blood drained into the underground stream at that corner and went out to the Kidron.

And below that corner there was a trapdoor in the floor by which they could go down to the "shittin" and clean them.

A ramp was built at the south of the altar 32 cubits long by sixteen wide and took up 30 cubits of floor from the side of the altar, and spread out a cubit over the base and a cubit over the ledge, and a little air space was between the ramp and the altar to allow the limbs of the sacrifices to be thrown, and the ramp was nine cubits high less one sixth to parallel the pyre.

Two small ramps branched out from the large ramp to the base and the ledge and they were separated from the altar itself by a hair and there was a niche in the west side of the ramp where invalidated bird offerings were left until they decayed and were brought out to the place of burning.

And two tables were at the west of the ramp, one of marble on which they put the limbs of the offerings and one was of silver on which they put the vessels.

The altar is built completely solid like a pillar without any hollow bits at all. They bring whole stones, large and small, mortar, tar and plaster and they mix it and dump it all into a big form. And they make a hollow wooden or stone structure in the southeast corner the size of the base and at each corner on top so that the southeast corner won't have a base and the corner pieces will stay hollow.

The four cornerpieces of the altar, its base, and its squareness are all essential and any altar that does not have cornerpieces, a base, a ramp, and squareness is invalid for they are all essential, however its length, width, and height are not essential as long as it is not less than one cubit wide by once cubit long by three cubits high like the pyrespace of the Altar in the desert.

An altar that has a piece broken off of its structure is valid as long as the missing piece is less than a handbreadth and so long as what is left does not contain a chipped stone.

Chapter 3

The Menorah's shape is described explicitly in the Torah, and there were four cups, two knobs, and two flowers on the stem as it says "and on the Menorah there were four cups, decorated with its knobs and its flowers." There was a third flower near the leg as it says "from its leg to its flower."

It also had three legs and three more knobs on the stem where the six branches came out, three on each side. There were three cups, a flower, and a knob on each branch and all of them were made like almonds.

The sums work out to twentytwo cups, nine flowers, and eleven knobs, all of which are absolutely necessary. If even one of the fortytwo decorations are missing, it prevents all of them from being valid.

When is the above law that all the decorations are essential true When it is made of gold. However, if it were made of other metals, we do not make the cups, knobs, and flowers. Similarly, a golden Menorah must be one talent of gold, including the candles, and hammered out solid while in the case of Menorahs made of other metals we do not care about the weight, and it is Kosher even if it is hollow.

It is never made out of scraps whether scraps of gold or of other metals.

The tongs, the pans, and the oil vessels are not part of the talent of gold as it says in the commandment to make a Menorah "pure gold," then repeats itself and says "the tongs and the pans of pure gold." It does not say "pure gold lamps" because the lamps are part of the Menorah and therefore part of the talent.

The seven branches of the Menorah each impede each other and the seven lamps impede each other whether it is made of gold or other metals and all of the lamps are fastened to the branches.

The six lamps which are attached to the six branches all point towards the middle lamp which is on the stem of the Menorah, and this middle lamp points towards the Holy of Holies and is called the "Western Lamp."

The "goblets" look like Alexandrian cups with wide mouths and narrow bottoms (like martini glasses without the stems translator). The "knobs" looked like the apples from Keros which are slightly elongated like an egg with both ends rounded. The "flowers" look like the flowers on top of columns, like bowls with the lip folded outwards.

The Menorah was eighteen hand breadths tall. The legs and the bottom flower were three hand breadths, then two smooth hand breadths on the stem then a hand breadth with a goblet, knob, and flower; then two smooth hand breadths; then a hand breadth with a knob and two branches extending one on each side up to the height of the Menorah; then one smooth hand breadth; then a hand breadth with a knob and two branches extending one on each side up to the height of the Menorah; then one smooth hand breadth; then a hand breadth with a knob and two branches extending one on each side up to the height of the Menorah; leaving three hand breadths which had three goblets, a knob and a flower.

There was a stone in front of the Menorah with three steps cut in it on which the High Priest would stand and set up the lamps and he would rest the tweezers and oil vessels etc. on it when setting them up.

The Table was twelve hand breadths long and six hand breadths wide. It was placed with its length parallel to the length of the Temple and its width to the width of the Temple. Similarly, all the other Temple vessels were placed lengthwise except the Ark which was placed with its long axis parallel to the width of the Temple and the lamps of the Menorah (but not the Menorah itself translator) which were placed parallel to the width of the Temple, from north to south.

The table had four forked pieces on which were placed the racks for the showbread, two for each arrangement. These are what the Torah calls "its kesot."

There were 28 golden rods on the racks each one shaped like a hollow halfpipe, fourteen for each arrangement which are called "its menakiyot" in the Torah; and the two bowls that they placed the frankincense in beside the racks are the scriptural "kapot"; and the forms which they used to shape the showbread are the scriptural "k'arot".

These fourteen rods were used as follows: They would place the first loaf on the Table itself, then three rods between the first and second and so on; three rods between every two loaves; between the fifth and the sixth they only put two rods because there was nothing on top of the sixth. It works out that there were fourteen rods on each side.

There were two more tables in the foyer by the entrance to the Temple: one of marble where they put the showbread on its way in and one of gold where they put the showbread on its way out since we always increase in holiness and

never decrease.

The incense altar was a one cubit by one cubit square and was placed in the Sanctuary at the midpoint between the north and south walls of the Temple between the table and the Menorah but slightly outward (further away from the Inner Sanctum translator). All three of them were in the inner third of the Sanctuary close to the curtain which divided between the Sanctuary and the Sanctum Sanctorum.

The laver had twelve faucets so that all the priests officiating at the morning Offering could sanctify by washing their hands and feet from it at once. They made a machine so it would always have water inside, and the machine was (left) unconsecrated so that the water inside would not become invalid by being left overnight since the laver is a sacred vessel and anything that was sanctified by being stored in a sacred vessel becomes invalid for whatever purpose it was put in there by being left overnight.

Chapter 4

There was a stone at the western side of the Holy of Holies, on which the Ark was placed, and in front of it there was the jar of manna as well as the staff of Aaron. When Solomon built the Temple, knowing that it would at the end be destroyed, he constructed underneath a place where to hide the Ark in deep and winding secret tunnels. At the command of King Josiah, it was concealed in the place which Solomon had built. Along with it were concealed the staff of Aaron, the jar of manna, and the anointing oil. None of these reappeared in the Second Temple. Even the Urim and Tummim, which were available in the Second Temple, no longer responded prophetically, nor were they consulted.

In the first Temple, a one cubit thick wall separated the Sanctuary from the Inner Sanctum, but since when they built the second Temple they were unsure whether the thickness of the wall was part of the Sanctuary or the Inner sanctum. Therefore they made the Inner Sanctum twenty full cubits and the Sanctuary forty full cubits and left a cubit empty between the Sanctuary and the Inner Sanctum and did not build a wall, rather they made two curtains, one on the Sanctuary side and one on the Inner Sanctum side with a cubit between them representing the wall that was in the first but in the first Temple there was only one curtain as it says "and the curtain shall separate for you..."

The Temple which the returning diaspora built was 100 by 100 cubits by 100 high. This was the measure of its height: They built six cubits solid, sealed as a sort of foundation; and the walls of the House were forty cubits; and the gutter in the ceiling was one cubit; above it there were to empty cubits for the runoff rainwater to enter the gutters which was called the "beit dilfa" (runoff place translator); the thickness of the ceiling above the Beit Dilfa was a cubit, and its plaster was another cubit. There was a second story built above the Temple proper, forty cubits high; a one cubit gutter; a two cubit Beit Dilfa; a cubit of ceiling; a cubit of plaster; the height of the parapet was three cubits; and there was an iron sheet like a sword one cubit tall on top of the parapet so the birds wouldn't sit on it and this sheet was called "Kaleh Orev" (birdsbane translator). (Translator's note: In talmud "Tikra" which we have rendered as "ceiling" refers to the joists themselves and the plaster, etc. below the joists. "Ma'aziva" which we have rendered as "plaster" refers to all the roofing materials put on over ceiling joists.)

From west to east was 100 cubits and this was the breakdown: Four concentric walls with three empty spaces between them. between the westmost wall and the next one in was five cubits. Between that wall and the third, six cubits, and between the third wall and the fourth, six cubits; all of these measurements including the thickness of the walls themselves. The Inner Sanctum was twenty cubits long, and the space between the two curtains was one cubit. The Sanctuary was forty cubits long, and the eastern wall of the Sanctuary which had the gate in it was six cubits thick. The Hall was eleven cubits long and its eastern wall was five cubits thick. The whole thing adds up to 100 cubits.

Chapter 5

The Temple Mount, which is Mount Moriah, was five hundred cubits long and five hundred cubits wide, and was surrounded by a wall. It was all roofed over, a colonnade within a colonnade.

It had five gates: one on the west, one on the east, one on the north, and two on the south. Each gate was ten cubits wide and twenty cubits high; each had doors.

Within, there was a latticed railing ten handbreadths high, encircling all around. Inside the latticed railing was the defensive rampart, ten cubits high.

Chapter 6

The entire Temple was not on level ground, but on the slope of the mountain. When a person entered from the east gate of the Temple Mount, he would walk on level ground till the end of the rampart. From the rampart he would ascend twelve steps to the Women's Court, the height of each step being half a cubit and its tread half a cubit.

He would then walk the entire length of the Women's Court on level ground. From there he would ascend fifteen steps to the Israelite Court, which was the beginning of the Temple Court. The height of each step was half a cubit and its tread half a cubit.

Any place that is not done as above and according to this order is not completely holy. This is what Ezra did he offered two Thanksgiving offerings, but they were a remembrance. The place was not made holy because there was no king and no urim v'tumim. And how is it holy With the initial holiness. For when Solomon made the courtyard and Jerusalem holy, he made them holy for ever and ever.

Therefore, all of the sacrifices may be brought even though the temple has not been brought. The Holiest sacrifices may be eaten throughout the courtyard, even though it is destroyed and there are no walls surrounding it. And sacrifices of lesser holiness and Second Tithe may be eaten in all of Jerusalem, even though there are no walls because the initial holiness is eternal holiness.

Chapter 7

The Temple Mount is more holy than them because zavin, zavot, a yoledet (women who has given birth) cannot enter there. A dead body itself is permitted to enter there, and it goes without saying that a tamei met can enter there.

The cheyl is more holy than that because a nonJew and a tamei met and someone who had contact with a nidah cannot enter there.

Chapter 8

It is a biblical positive command to guard the sanctuary, even in the absence of fear of enemies or marauders, since by guarding the sanctuary honor is accorded to it. A palace that is attended by guards is quite unlike a palace that is not attended by guards.

The duty of guarding the sanctuary is applicable all through the night, with the priests and the Levites serving as the guards.

The duty of guarding it is fulfilled by the priests guarding from within and the Levites from without the Temple Court. Twentyfour groups would guard the sanctuary every night continuously at twentyfour posts; the priests at three posts, and the Levites at twentyone posts.

One officer was placed in charge of all the guards, and he was called Officer of the Temple Mount. He used to go round to every watch all night, with lighted torches in front of him. If any guard did not stand up and say to him: "Officer of the Temple Mount, peace be with you," it was evident that he slept, so he would beat him with his cane. He had the right to burn his clothing. They used to say in Jerusalem: "What is the noise in the Temple Court It is the noise of some Levite being beaten and having his clothing burned because he slept during his watch."

In the morning, before daybreak, but close to it, the Temple officer would come and knock on the door of the priests who were at the chamber of the hearth, and they would open the door for him. He took the key and opened the small gate between the chamber of the hearth and the Temple Court. He entered the Temple Court from the chamber of the hearth, and the priests followed him with two lighted torches in their hands. They separated into two groups, the one going eastward and the other going westward. They kept searching the entire Court. When they all arrived, they said: "Peace, all is well!"

They followed this procedure each night, except Sabbath nights, when they had no lighted torches in their hands but searched by means of the lamps which were lit in the Court since Sabbath eve.

Vessels of the Sanctuary and Those who Serve Therein

Chapter 1

Chapter 2

Chapter 3

The entire progeny of Levi was set apart to do the work inside the sanctuary, as it is written: "At that time the Lord set apart the tribe of Levi" (Deuteronomy 30:8). A biblical positive command imposes upon the Levites to be free and ready to do work inside the sanctuary, whether they are willing or not, as it is written: "Only Levites shall perform service inside the Tent of Meeting" (Numbers 18:23). If a Levite accepted all the levitical assignments except one, he was rejected unless he accepted all of them.

Their function was to guard the Temple. Some of them acted as gatekeepers, to open the gates of the sanctuary and to shut its doors; while some served as singers, to chant during the daily offerings.

There were never less than twelve Levites standing on the platform daily to chant during the sacrificial service, but their number could be increased without end. They sang by word of mouth alone, without instrument, because the singing as a form of service is essentially restricted to vocal music. However, there were others standing there and playing musical instruments; some were Levites, and some lay Israelites of distinguished birth, eligible to marry off their daughters into priestly families, for none but of distinguished lineage might ascend the platform. Those who used musical instruments when they sang were not included among the twelve.

What instruments did they play Lyres, flutes, harps, trumpets, and cymbals.

No Levite would enter the Temple Court to do his work unless he had been trained for five years, as it is written: "This is the rule for the Levites, from twentyfive years of age up" (Numbers 8:24); and another verse says: "From thirty years of age up" (4:3). How is this It is a difference of five years of training.

Samuel the prophet and David the king divided the Levites into twentyfour divisions; each division served for one week. The chief of a division divided the men of his division into subdivisions family groups. The chiefs of the subdivisions distributed assignments among those serving on their particular day, each man performing his own task.

Chapter 4

The priests were set apart from the general Levites for the performance of sacrificial service.

Every Jew ought to treat those of priestly lineage with great deference in all sacred matters: a kohen should be first in reading the Torah, first in reciting a blessing, and first in receiving a fine portion.

Our teacher Moses divided the priests into eight divisions, four from the family of Elazar and four from the family of Ithamar. They functioned that way until the time of Samuel the prophet, when he and King David divided them into twentyfour divisions. A chief was named over each division. One division a week would go up to Jerusalem for service. The divisions would change every Sabbath day, one leaving and the next one entering, until the cycle was completed. Then they would begin the cycle over again.

The chief of each division would divide his division into subdivisions, referred to as family groups; so that a complete subdivision with its men would perform service one day in the week, another doing service on the following day, and still another on the third day. Each subdivision was headed by an officer of its own.

When a high priest was appointed as the head of all the priests, he was anointed with anointing oil and clothed with the vestments of the high priesthood. If no anointing oil was available, he was merely clothed with the larger number of eight instead of four vestments designed for the high priesthood.

How was he invested with the clothes of high rank He put on the eight garments and then removed them, and the following day he put them on again, repeating this for seven days in succession, as it is written: "The son who becomes priest in Aaron's place shall put them on seven days" (Exodus 29:30). Just as the rite of investing the sacred garments was performed for seven days, so was the anointing with oil carried out for seven consecutive days.

Only the supreme court of seventyone was entitled to appoint a high priest. He was anointed only during daytime, as it is written: "In the day he is anointed" (Leviticus 6:13).

A priest was appointed to serve the high priest as a viceroy. He was called both deputy high priest and appointed officer, and always stood at the right hand of the high priest as a token of respect. The other priests stood below the deputy.

Chapter 5

The high priest had to excel his fellow priests in beauty, strength, wealth, wisdom, and appearance. If he had no wealth, all the priests gave him of their own, each according to his means, until he became richer than the richest among them.

The high priest was required to maintain his self-respect and was not to act frivolously among the rest of the people.

He was not to enter a house of feasting or a public banquet, even if they were religious celebrations. He might, however, go to a house of mourning, if he wished, but not in a mixed crowd with other priests; they were merely to encircle him and treat him with deference. The deputy high priest placed himself between him and the people. He would say to the mourners: "May you be comforted," and they would honor him as much as they could.

Chapter 6

It was not possible to offer a man's sacrifice when he was not standing nearby. The communal offerings were on behalf of all Israel, and it was impossible that all the people of Israel should be standing in the Temple Court during the sacrificial service. Accordingly, the ancient prophets ordained that the upright and sin-fearing men should be selected from among Israel as the representative messengers of all Israel to stand by the sacrificial services. They were called Men of the Post. They were divided into twenty-four posts, corresponding to the number of the priestly and levitical divisions. Over the men of each post there was one appointed to be in charge, and he was referred to as the chief of the post.

The Men of the Post of any particular week assembled during that week. Those who were in Jerusalem or close by came to the Temple with the priestly and levitical divisions of that week. Those who were far away assembled in the synagogue of their place as soon as the turn of their post arrived.

What were those men doing, who assembled either in Jerusalem or in the synagogues? They fasted on Monday, Tuesday, Wednesday, and Thursday of their particular week.

Every day of the week of their post they prayed four times: morning prayer, afternoon prayer, closing prayer (ne'ilah), and an additional prayer between the morning and afternoon prayers. On Friday they would not assemble for the afternoon prayer, being preoccupied with preparations for the Sabbath.

Their foregathering for each of these four prayer services, and their remaining there for prayer, supplication and petition, and for the reading of the Torah, is referred to as ma'amad (post).

Chapter 7

There were fifteen appointed officers in the Temple.

Each of these officers had under his control many men to prepare the work under his charge. The one in charge of the schedule, together with his men, supervised the schedule. As soon as the time arrived for the sacrificial service, he or one of the men under his control would make the following announcement: "Arise, priests, for the service; Levites, to the platform; Israelites, to the post!" As soon as his voice was heard, each one came to his assignment.

The officer in charge of closing the gates by his instruction, they closed or opened them; only with his permission were the trumpets sounded daily for the opening of the gates. They blew three blasts in the Temple every day for the opening of the gates: a sustained blast, a quavering blast, and a sustained blast.

The officer in charge of the guards was the superintendent of the Temple Mount; he went round every night inspecting the Levites. It was he who struck with his cane and burned the clothing of anyone found sleeping on his watch.

The officer in charge of the singers daily selected the singers who were to stand on the platform and chant without the use of musical instruments. By his instruction, they blew the trumpets during the sacrificial service.

All those who blew the blasts during the sacrificial service were under the control of the officer in charge of the singers. Trumpets were used for all these blasts.

The officer in charge of the cymbal was the one who assigned all those who played musical instruments, assisting the Levites, as we have explained.

The officer in charge of the lots would cast the lots among the priests every day, so that everyone performed his task

won by lot. Lots were cast four times a day; and in the section dealing with the rules concerning daily offerings, I will explain how they were cast.

The priests had sick stomachs, because they constantly stood barefoot on the Court pavement, consumed much meat, and wore nothing but a shirt during the sacrificial service. For this reason, an officer was appointed to examine them and cure all their ailments; he was constantly taken up with them, he and the men under him.

So too, an officer was appointed to dig wells and trenches, and keep the public wells in good repair, so that water would be available in Jerusalem for all its residents and all the pilgrims.

The officer in charge of making the priestly garments was occupied with weaving and preparing the vestments of ordinary priests and those of the high priest. Everything was performed under his supervision. He had special quarters in the Temple.

Sacrificial Procedure

Chapter 1

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Rambam, in Hilkhos Temidin uMusafin, Chapter 7, states:

22: It is a Mitzvat Aseh to count seven complete weeks from the day of the bringing of the Omer, as it says: You shall count for yourselves, from the day after the Shabbat, seven weeks. It is a Mitzvah to count the days along with the weeks, as it says: You shall count fifty days; and we count from the beginning of the day, therefore, he should count at night, from the night of the 16th of Nissan.

23: If he forgot to count at night, he should count during the day. We count standing up; however, if he counted while seated, this is valid.

24: This Mitzvah is incumbent upon every Jew, in every place and at every time; women and slaves are exempt from it.

25: One must recite a Brakhah every evening: Blessed Who sanctified us with His Mitzvot and commanded us regarding Sefirat haOmer before he counts; if he counted without saying the Brakhah, he has fulfilled it and he does not go back and say the Berakhah.

Daily Offerings and Additional Offerings

Chapter 1

Chapter 2

Chapter 3

Chapter 4

All these services that were performed every day were done by lot. How did they do it All the priests of the subdivision of the day entered the chamber of hewn stone after daybreak and the officer in charge of the lots was with them. They stood in a circle, and the officer took a mitre from the head of one of them and put it back, to indicate the man from whom the counting was to begin. The lot was then cast, as will be explained.

How was the lot cast The priests stood in a circle and agreed upon a number: eighty, a hundred, a thousand, or any other number upon which they happened to agree. Then the officer said to them: "Raise your fingers!" They thrust out their fingers, one or two and the officer began to count from the indicated person whose mitre he had removed at first. He counted by their fingers, going round and round until he finally reached the number upon which they had agreed. The person at whose finger the number was reached came out first in the lot for the service.

Why was the number agreed upon counted on the thrustout fingers and not on the individuals themselves Because it is forbidden to count Israelites except by means of some other object, as it is written: "He numbered them by sheep" (I Samuel 15:4).

Chapter 5

Chapter 6

Chapter 7

On Passover, the additional offering was presented every day, from the first to the seventh day, like the additional offering of Rosh Hodesh. On the second day of Passover, which is the sixteenth day of Nisan, they presented a lamb as a burnt offering, together with the sheaf of wave offering, over and above the daily additional offering.

This sheaf came from barley, in accord with an ancient tradition transmitted from our teacher Moses. How was it made ready On the eve of the festival messengers of the supreme court came out and tied the grain in bunches while still attached to the ground to make it easier to reap. All the nearby townspeople assembled, that it might be reaped with much pomp. Three measures of barley were reaped by three men, in three baskets, with three sickles. As soon as it grew dark, each reaper called out to all who were standing there: "Has the sun set" They replied: "Yes!" "Has the sun set" They replied: "Yes!" "Has the sun set" They replied: "Yes!" "Is this a sickle" They replied: "Yes!" "Is this a sickle" "Yes!" "Is this a sickle" "Yes!" "Is this a basket" "Yes!" "Is this a basket" "Yes!" "Is this a basket" "Yes!" If it was on a Sabbath, he called out: "Is today Sabbath" and they replied: "Yes!" "Is today Sabbath" "Yes!" "Is today Sabbath" "Yes!" Then he asked them: "Shall I reap" and they replied: "Yes!" "Shall I reap" "Yes!" "Shall I reap" "Yes!" Everything was repeated three times.

Why was all this required Because of the heretical Sadducees who deviated from the Jewish community during the period of the Second Temple, asserting that the biblical expression on the day after the sabbath (Leviticus 23:11), used in connection with the omer offering refers to the original Sabbath. But traditionally interpreted, this verse refers to the festival and not to the Sabbath. This was the view of the prophets and the Sanhedrin at all times from generation to generation: they waved the omer on the sixteenth of Nisan, whether it was a weekday or a Sabbath. It is written in the Torah: "You shall eat no bread or parched grain or fresh ears of the new crop until that very day" (14); and it is written: "The day after Passover, they ate some of the produce of the land, unleavened cakes and parched grain" (Joshua 5:11). Were you to say that that Passover happened to occur on a Sabbath, as the foolish heretics have imagined, then why has Scripture made the permission to eat of the new grain depend on something that is not the essential factor but merely accidental Since, however, Scripture has indeed made the matter depend on the day after Passover, it becomes obvious that the day after Passover is the determining factor that makes the new grain permissible, without paying attention to the day of the week that happens to coincide with it.

It is forbidden to reap any one of the five kinds of grain in Eretz Yisrael before the reaping of the omer (sheaf of wave offering), as it is written: "The first of your harvest" (Leviticus 23:10), meaning that it should be the first of all that is harvested.

It is a biblical positive command to count seven full weeks from the day that the omer is brought, as it is written: "From the day after the sabbath, the day you bring the sheaf of wave offering, you shall count seven full weeks" (15). The days must be counted along with the weeks, as it is written: "You shall count fifty days" (16). The counting must be performed from the beginning of the day. Accordingly, one is to do the counting at night, beginning with the night preceding the sixteenth of Nisan.

If one forgot and failed to count at night, he may count at daytime. The counting must be performed while standing; but if one counted while sitting, he has fulfilled his duty.

Every Jew is required to perform this duty, everywhere and at all times. Women and slaves, however, are exempt from it.

Every night, before counting, one is required to recite the following blessing: "Blessed art thou, Lord our God, King of the universe, who hast sanctified us with thy commandments, and commanded us concerning the counting of the omer." If one has counted without the blessing, he has fulfilled his duty, and need not count over again.

Chapter 8

Chapter 9

Chapter 10

All seven days of the festival, water is poured on the altar. This matter is a Halacha LeMoshe MiSinai. Along with the wine libation that accompanied the daily Tamid sacrifice in the morning, the water libation was performed separately.

Sacrifices Rendered Unfit

Chapter 1

Chapter 2

Chapter 3

Chapter 4

Chapter 5

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Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

Chapter 12

Chapter 13

Chapter 14

Chapter 15

Chapter 16

Chapter 17

Chapter 18

Anyone who has in mind a wrong intent while dealing with sacrifices transgresses a negative commandment. As it says, "do not think wrongfully"

Service on the Day of Atonement

Chapter 1

Chapter 2

Chapter 3

and afterwards they send the living goat in the hand of a man that was ready to lead it to the desert, and anyone is able to lead it, but they made high kohanim as the set rule and didn't let a yisrael lead it. and they would make sukkos from yerushalayim until the beginning of the desert, and one man or many men would rest in each sukkah, so that they would be accompanying him from sukkah to sukkah. at every sukkah they would say to him, here is food and here is water and if his strength weakened and he needed to eat, he would eat but never did any man need that. and the men of the last sukkah stood at the end of the border and saw his actions from afar, how he did it: he divided a scarlet thread that was on its horns, half of it he tied to a rock, and half he tied between its two horns, and he pushed it from behind and it would roll and fall before it even reached halfway down the mountain, it would become many limbs...and then he would come and sit under the last sukkah until it became dark; and they would prepare towers and they would wave signals so that they would know that the goat had reached the desert; and after they sent the goat with its leader, he (kohein gadol) returned to the bull and the goat whose blood he had sprinkled previously...

Trespass

Chapter 1

A nonpriest is forbidden to derive any benefit from things consecrated to God, whether they are designed as offerings upon the altar or as offerings for the repair of the Temple. Anyone who derived personal enjoyment from things consecrated to God to the extent of a penny has committed sacrilege.

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Chapter 8

One ought to consider the laws of the Torah and to penetrate into their ultimate significance as much as he can. If, however, he cannot discover the reason and is ignorant of the basic cause of a law, he should not regard it with contempt. Let him not break through to ascend to the Lord, lest he break out against him (Exodus 19:24). His thinking about it must not be like his thinking concerning secular matters. Consider, for example, how strict the Torah is with regard to sacrilege. If wood and stones, earth and ashes, became consecrated as soon as the name of the eternal Lord was called upon them, and anyone who put them to secular use committed sacrilege and required atonement even if he acted unwittingly, how much more should man take care not to regard with contempt the laws which God wrote down for us, simply because he happens to be ignorant of their basic reason. One must not impute to God things that are not right, nor regard the precepts as he would secular things. It is indeed written in the Torah: "You shall faithfully observe all my statutes and all my laws and do them" (Leviticus 19:37). The sages interpreted this verse to mean that we must observe and do the statutes just as well as the laws. What performance denotes is known, namely: one must do the statutes; observance, on the other hand, means that one should be careful about them and not imagine that they are less important than the laws. The laws are duties the reason of which is obvious, and the benefit derived in this world from doing them is known; for example, the prohibition against robbery and bloodshed, or the precept of honoring father and mother. The statutes are precepts the reason of which is not known, such as the prohibition against pork and that against meatmilk mixture, the laws concerning the heifer with the broken neck, the red cow, or the goat that is sent away to the wilderness. The Torah places the commandment concerning the statutes first, as it is written: "You shall observe my statutes and my laws, by the performance of which man shall live" (Leviticus 18:5).

Sefer Korbanot

Festival Offering

Chapter 1

Chapter 2

Women and slaves are exempt from appearance in the Temple. But it is required of all men to appear in the Temple as pilgrims, unless one is deaf, speechless, insane, or a minor, or blind, lame, unclean or uncircumcised. So too, the aged and the sick, the very tender and delicate, who cannot go up to the Temple on their own feet. All these eleven are exempt.

If a minor can hold his father's hand and go up from Jerusalem to the Temple Mount, his father is required to take him up to appear in the Temple, in order to train him in the performance of religious duties.

All who are obligated to appear are obligated to bring a festival offering and all who are exempt from appearing are exempt from the festival offering and all are obligated for the offering of celebration except for the deafmute, the mentally incompetent, the minor, the uncircumcised, and the ritually impure. The deafmute, mentally incompetent, and the minor because they are never held to be obligated and so they are exempt from all commandments explicitly stated in the Torah. The uncircumcised and the impure because they cannot eat sanctified food and cannot appear and enter the Temple like we have explained in the Laws of Entry into the Sanctuary and the Laws of Sacrificial Acts.

Chapter 3

It is a biblical positive command to assemble all Israelites, men, women, and children, after the close of every sabbatical year, when they go up to make the pilgrimage, and recite to them sections from the Torah which will urge them to perform the precepts and encourage them to cling to the true religion, as it is written: "At the end of every seven years, the year set for remission, at the festival of Sukkoth, when all Israel comes to appear before the Lord gather the people, men, women, and children, and the strangers within your towns" (Deuteronomy 31:1012).

Anyone who is exempt from appearance in the Temple is exempt from the duty to assemble at the close of the sabbatical year, except women, children, and the uncircumcised.

When were the biblical sections read At the close of the first festival day of Sukkoth, being the beginning of the intermediate days of the feast, in the eighth year. It was the king who read to them, and the reading took place in the Court of Women. He might read sitting; but if he read standing, it was deemed praiseworthy. From where in the Torah did he read From the beginning of the book of Deuteronomy to the end of the Shema section (6:9), resuming at If you will carefully obey (11:13), thence beginning at You shall set aside every year a tenth part (14:22), continuing in due order until the end of the blessings and the curses (27:1528:69), as far as: in addition to the covenant which he had made with them at Horev (28:69). And there he stopped.

How did he read Trumpets were blown throughout Jerusalem to assemble the people; and a high platform, made of wood, was brought and set up in the center of the Court of Women. The king went up and sat there so that his reading might be heard. All the Israelite pilgrims would gather round him. The azzan of the synagogue would take a Sefer Torah and hand it to the head of the synagogue, and the head of the synagogue would hand it to the deputy high priest, and the deputy high priest to the high priest, and the high priest to the king, to honor him by the service of many persons. The king would receive it standing or sitting, as he pleased. He would open it and look in it, reciting the blessing used by anyone who reads the Torah in the synagogue. He would read the sections we have mentioned until he would come to the end. Then he would roll up the Sefer Torah and recite a blessing after the reading, the way it is recited in the synagogue.

The Torah reading and the blessings had to be in the sacred tongue, as it is written: "You shall read this Torah" (31:11), in its very language, even though there might be there persons using a foreign language.

Proselytes who did not know Hebrew were required to direct their hearts and listen with utmost awe and reverence, as on the day the Torah was given at Sinai. Even great scholars who knew the entire Torah were required to listen with utmost attention. If there was a person who could not hear, he had to direct his heart to this reading, which

Scripture has instituted only for the purpose of strengthening the true faith. Each had to regard himself as if he had been charged with the Torah now for the first time, and as though he had heard it from the mouth of God, for the king was an ambassador proclaiming the words of God.

When the day of hakhel falls out on Shabbat, we push it off to after Shabbat, because of the blowing of trumpets and the supplications, both of which do not preempt the Shabbat. We have finished the laws of the festival offering, with Heaven's help.

Firstlings

Chapter 1

It is a positive command to set apart every male firstborn, whether among human beings or among clean cattle or among the donkey species, whether they are unharmed or diseased, as it is written: "Consecrate to me every firstborn, man or beast; every firstborn among the Israelites is mine" (Exodus 13:2). All these belong to the priests.

The firstborn of a human being and the firstborn of a donkey must be redeemed, and their redemption price is given to the priests. The firstborn of clean cattle is to be slaughtered in the Temple Court, like other things holy in a minor degree.

If the firstborn of a clean animal was blemished, it had to be given to the priest, whether it was blemished from birth or it became blemished after it had been perfect. If the priest wanted to, he might eat it anywhere, sell it, or serve it as food to anyone he pleased, even to a nonJew, since it was permissible for common use.

Chapter 2

A sheep that gave birth to offspring similar to a goat, or a goat that gave birth to offspring similar to a sheep, it is exempt from firstborn laws, as it says (Numbers 18, 17): "Just the firstborn of an ox", only when it is an ox and its eldest son is an ox. And if it had some signs of its mother it is a firstborn and it is permanently blemished for there is no blemish greater than change of its species. Even a cow that gave birth to offspring similar to a donkey, and it has some signs of a cow, it is a firstborn for the priest because the laws of firstborn apply to donkeys. But if it gave birth to offspring similar to a horse or a camel, even if it has some signs of a cow, it is a doubtful firstborn and therefore may be eaten by the owners. And if the priest seized it, we don't take it from him the priest.

Chapter 3

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Chapter 6

It is a positive command to set apart one out of ten from all clean cattle which are born to any man each year. This command applies only to herds or flocks, as it is written: "All tithes of the herd or flock shall be holy to the Lord" (Leviticus 27:32).

All are required to give tithe from cattle: priests, Levites, and lay Israelites.

Chapter 7

If a man had ten lambs and he set apart one of the ten, or if he had a hundred and he set ten apart as tithe, they are not valid tithe. But how should one act? He must gather all the lambs or all the calves into the fold and make an opening so small that two cannot get out at the same time. Their dams are left outside bleating, so that the lambs hear their voice and leave the fold to meet them, as it is written: "All that passes under the shepherd's staff" (32), meaning that each must pass under the staff of itself, and not that the owner should pull it out. When they emerge from the fold, one after the other, the owner begins to count: one, two, three, four, five, six, seven, eight, nine, and the lamb which comes out tenth, whether male or female, unblemished or blemished, he marks with red paint and says: "This is tithe."

Young lambs are not like untithed farm products from which it is forbidden to eat until they are tithed. One may sell or slaughter whatever he pleases before he performs the tithing; then the tithe animal is consecrated and consumed in a legally prescribed manner.

The sages appointed three seasons in the year for tithing cattle, and when one of these seasons arrives one must not

sell or slaughter until he has given tithe. **Substitution**

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Chapter 4

The offspring of a sinoffering is killed without being sacrificed and it goes without saying that the same is true for the offspring of its replacement as well.

If one who slaughters a sinoffering finds inside it a live fourmonth old fetus, it may be eaten like the meat of the offering itself since fetal sacrificial animals are holy.

One may not engage in shenanigans using an animal belonging to the Temple to sanctify its fetus with another form of sanctity rather the fetus has the sanctity of its mother for the children of sacred animals are sacred from within their mothers' womb as we explained and therefore each of them have the same sanctity as its mother, which cannot be changed in the womb as with a firstborn for the first born becomes holy when it comes out. Even though all the laws of the Torah are arbitrary decrees, as we explained at the end of the Laws of Desecration, it is worthwhile to meditate on them and assign reasons to whatever part of it you can assign a reason to. Behold the early sages said "Solomon understood the reasons of most of the Torah's Laws." In light of this it appears to me that this which the Torah says "and both it and its replacement shall be holy" is similar to the subject where it says "and if the one who sanctifies redeems his house and adds a fifth of your appraisal to it." The Torah descends to the end of a person's train of thought and some of his evil inclination for a person's nature urges him to increase his possessions and conserve his money and even if he pledged and sanctified, he may retract and regret it and redeem it for less than its worth. Therefore if he redeems it privately, the Torah makes him add a fifth. Similarly if he sanctified an animal with corporeal sanctity he may regret it and since he cannot redeem it, he may come to exchange it for one that is worth less and if he were given permission to exchange the worse animal for a better one, he would exchange the better animal for a worse one and call it better. Therefore the Scripture closed the way in front of him that he may not exchange and fined him if he did exchange and said "both it and its replacement will be holy." And all of these things are to subdue the will and refine the character and most of the laws of the Torah are nothing but advice from the Master of Advice to refine the character and to straighten the actions. Thus it says "Have not I written unto thee excellent things of counsels and knowledge; That I might make thee know the certainty of the words of truth, that thou mightest bring back words of truth to them that send thee" We have finished the Laws of exchanges with the help of Heaven.

Sefer Taharah

Defilement by a Corpse

Chapter 1

A corpse makes unclean by contact, by carrying, and by overshadowing, and it is a seven-day uncleanness.

Wherever uncleanness by contact is spoken of, whether the reference is to a corpse or other things that defile, it is understood that the person has touched the unclean thing itself with his flesh. Whether he has touched it with his hand or foot or with any other part of his flesh, or even with his tongue, he has become unclean.

Just as a person becomes unclean by touching an unclean thing, so do utensils become unclean by contact with an unclean thing, except pottery which is rendered unclean only through its airspace.

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Chapter 5

All that becomes unclean because of a corpse is unclean seven days, whether human beings or utensils. If, for example, a person or an object touched any of the things that transmit corpse uncleanness by contact, or became unclean by the overshadowing of the things which transmit uncleanness by overshadowing; so too, if a man carried any of the things that transmit uncleanness by carrying they all are unclean seven days, as it is written: "Whoever enters the tent and whatever is in the tent shall be unclean seven days" (Numbers 19:14).

If a person has become unclean by a corpse, the objects he touches incur the seven-day uncleanness, as it is written: "On the seventh day you shall wash your clothes and be clean" (31:24). But if a man has touched a person who has become unclean by a corpse he is unclean until evening, as it is written: "And the person who touches him shall be unclean until evening" (19:21).

If utensils became unclean by a corpse, whether by contact or by overshadowing, they are like the corpse itself to whatever touches them: just as the corpse transmits seven-day uncleanness to what touches it, whether it is a human being or utensils, so do utensils which became unclean by a corpse: the utensils or persons that touch them contract seven-day uncleanness.

If pottery touched a corpse or was with it in a tent, it is unclean; but it transmits uncleanness neither to persons nor to other utensils, because pottery never becomes a cause of defilement, whether on account of a corpse or any other unclean object. This law, though a tradition, is as good as a law specified in the Torah.

This is an important general rule concerning unclean objects: Every principal cause of defilement transmits uncleanness to human beings and to garments and utensils and whatever transmits uncleanness by contact to persons and to utensils is a principal cause of defilement. Every secondary cause of defilement transmits uncleanness to foodstuffs and liquids, but does not transmit uncleanness to persons and objects, whether pottery or any other utensils or clothing.

Anything that touches a principal cause of defilement is called first-grade uncleanness; if it touches first-grade uncleanness, it is referred to as second-grade uncleanness; if it touches second-grade uncleanness, it is referred to as third-grade uncleanness; and if it touches third-grade uncleanness, it is referred to as fourth-grade uncleanness. First-grade uncleanness and the uncleanness of lesser degrees are referred to as derivative uncleanness.

Defilement by Leprosy

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The Hebrew term for leprosy is a homonym embracing various meanings. The whiteness in a man's skin is called leprosy; the falling off of some hair on the head or the chin is named leprosy; and a change of color in clothing or in houses is referred to as leprosy. Now this change in clothes and in houses which the Torah has called leprosy, as a homonym, is not a natural phenomenon, but was deemed a sign and a wonder among the people of Israel to warn them against evil gossip. If a man dealt out malicious gossip, the walls of his house would change; if he repented, the house would become clean again. But if he persisted in his wickedness until the house was demolished, leather objects in his home upon which he would sit or lie would then suffer a change; if he repented, they would become clean again. But if he persisted in his wickedness until they had to be burned, the clothes which he wore would undergo a change; if he repented, they would become clean again. But if he persisted in his wickedness until they had to be burned, his skin would suffer a change and he would become leprous, and be set apart and exposed all alone, so as not to engage in evil talk, which consists of mockery and malicious gossip. In warning against this, the Torah says: "In an attack of leprosy you shall be careful Remember what the Lord your God did to Miriam on the journey" (Deuteronomy 24:89). The Torah means to say: Consider what happened to Miriam the prophetess who spoke against her brother, even though she was older than he, and had nurtured him on her knees after having endangered her life to save him from the sea. Now she did not disparage him but made the only mistake in placing him on a level with other prophets, and he did not mind all this, as it is written: "Moses was a very humble man" (Numbers 12:3). And yet, she was immediately punished with leprosy. How much more then is this applicable to evil men, those fools, who keep talking arrogantly and boastfully. It is therefore proper for the man who would steer his course of life aright to shun their company and refrain from talking with them, that he should not be caught in the net of evil and arrogant men. The company of wicked mockers follows this usage: At the outset, they indulge in much idle talk, as it is written: "A fool's voice comes with a multitude of words" (Ecclesiastes 5:2). Thereupon they fall into discrediting the upright, as it is written: "Let dumbness strike the lying lips that speak insolence against the just" (Psalm 31:19). Then they get into the habit of talking against the prophets and discrediting their words, as it is written: "They mocked God's messengers, despised his words, and derided his prophets" (II Chronicles 36:16). Then they come to speak against God and to deny the very principle of religion, as it is written: "The Israelites devised things that were not right against the Lord their God" (II Kings 17:9). It is written moreover: "They set their mouthings against heaven, and their tongue roams the earth" (Psalm 73:9). What caused them to set their mouthings against heaven Their tongue, which first roamed the earth. Such is the conversation of the wicked, occasioned by their sitting at street corners, the meeting places of the ignorant, and the company of drunkards in the taverns. The conversation of worthy Jews, on the other hand, is permeated with words of Torah and wisdom. For this reason, God lends them aid and bestows wisdom upon them, as it is written: "When those who revered the Lord spoke to each other, the Lord heeded and heard them, and a book of remembrance was written before him of those who revered the Lord and adhered to him" (Malachi 3:16).

Defilement of Foods

Chapter 1

Any food designed for man, such as bread, meat, grapes, olives and the like, is susceptible to uncleanness; whatever is not used as food by man is clean, and is not susceptible to uncleanness unless one has assigned it as food for man. In either case it can contract uncleanness only if it is first mixed with one of seven liquids; this is what is called hekhsher (defilement fitness), as it is written: "If water is put on the seed and such a carcass falls upon it, it shall be unclean for you" (Leviticus 12:38).

The seven liquids which render foodstuffs susceptible to uncleanness are: water, dew, oil, wine, milk, blood, and honey.

No liquid other than the seven liquids which we have enumerated contracts uncleanness; but other fruit juices do not contract any uncleanness at all, just as they do not render foodstuffs susceptible to uncleanness.

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Whatever is written in the Torah and in traditional lore about the rules relating to things unclean or clean is only in connection with the Temple and its sacred objects, heaveofferings and second tithe. The Torah warns those who are unclean against entering the Temple or eating anything that is hallowed, or terumah or tithe, while in a state of uncleanness. But no such prohibition applies to common food; it is permissible to eat common food that is unclean and to drink liquids that are unclean. It is written in the Torah: "Meat that touches anything unclean shall not be eaten" (7:19), implying thereby that common food is permissible; the Torah speaks there only of the meat of sacred offerings.

Although it is permissible to eat defiled food and to drink defiled liquids, the saintly men of early times used to eat their common food in a state of purity, and were cautious of any uncleanness throughout their lifetime. Hence they were called Perushim the separated Pharisees. This is extreme holiness and a way of saintliness, when a man separates himself from the rest of the people without either touching them or eating and drinking with them. Abstinence leads to physical purity from evil doings; physical purity leads to spiritual holiness; and spiritual holiness leads to being godlike, as it is written: "You shall sanctify yourselves and be holy I the Lord make you holy" (20:78).

Immersion Pools

Chapter 1

Whatever is defiled, whether human beings or utensils, whether rendered unclean by some grave uncleanness on biblical grounds or by some uncleanness on rabbinic grounds, can become clean only by immersion in water that is

gathered on the ground not within a receptacle.

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According to biblical law, any water that is gathered may be used for immersion, as it is written: "A gathering of water" (Leviticus 11:36), of any kind; provided that there is enough of it to fill up the measure required for the complete immersion of a man's entire body. The sages have calculated the measure to be one cubit square by three cubits deep. This quantity holds forty seahs (sixty gallons) water, whether drawn or undrawn from any kind of receptacle.

According to rabbinic law, drawn water from any receptacle is not valid for immersion.

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It is obviously clear that the laws concerning defilements and purities are biblical decrees, and not things which the human mind can determine; they are classified as divine statutes. So too, immersion as a means of ridding oneself from defilement is included among the divine statutes. Defilement is not mud or filth to be removed with water, but is a matter of biblical decree; it depends on the heart's intent. Accordingly, the sages have declared: If a man immersed himself, but without a definite purpose in view, it is as though he had not immersed himself at all. Nevertheless, there is some ethical allusion to this: just as one who sets his mind on becoming clean becomes clean as soon as he has immersed himself, even though nothing new is produced in his physical being, so one who sets his mind on purifying himself from all the spiritual defilements, namely wrongful thoughts and evil traits, becomes clean as soon as he made up his mind to abstain from those notions, and brought his soul into the waters of reason. Indeed, Scripture declares: "I will pour clean water over you, and you shall be clean; from all your impurities and idolatries I will cleanse you" (Ezekiel 36:25).

Sefer Nezikim

Damages to Property

Chapter 1

If any living creature under a man's control caused damage, the owner of the animal must compensate, because the injury was occasioned by his chattel, as it is written: "If a man's ox hurt the ox of another man" (Exodus 21:35), implying not only domestic animals but also wild beasts and birds. In using the term ox, the Torah merely speaks of a common occurrence.

How much must the owner compensate If the animal occasioned damage by doing habitual things within its nature, as when it ate straw or hay or inflicted injury with its foot in the course of walking, the owner must pay full compensation with the best of his estate, as it is written: "He shall make restitution with the best of his own field and the best of his own vineyard" (Exodus 22:4). If, however, the animal acted strangely and did things that were not habitual, as when an ox gored or bit, the owner has to pay only halfdamages from the body of the injurious animal itself, as it is written: "They shall sell the live ox and divide the money" (Exodus 21:35).

Accordingly, if an ox worth one hundred denars gored an ox worth twenty and killed it, and the carcass is worth four, the owner of the goring ox has to pay eight, amounting to half of the remaining damage, which is to be paid only from the body of the ox that caused the damage, as it is written: "They shall sell the live ox" Hence, if an ox worth twenty killed an ox worth two hundred, and the carcass is worth one hundred, the owner of the carcass cannot say to the owner of the live ox "give me fifty," since the latter may say to him: "Here is the ox that caused the damage, take it and go." This relates even to an ox that is worth no more than one denar. The same applies to all similar cases.

An animal is called mu'ad and the owner stands forewarned with regard to any damage that should be expected from a creature of its kind; an animal is called tam (harmless) with regard to any damage that is strange and unlikely to be done by an animal of its kind, as when an ox has gored or bitten. If an animal acts in a strange manner repeatedly, it becomes a mu'ad with regard to the injurious action to which it got used, as it is written: "If the ox is known to have been in the habit of goring" (Exodus 21:36).

An animal is considered a tam with regard to five classes of damages, concerning which legal warning is required before the owner is made fully responsible and liable to pay in full for any thricerepeated act namely: an animal is not a natural attested danger as to goring, jostling, biting, squatting upon large utensils, or kicking. If, however, it became an attested danger with respect to any of these acts, it becomes a mu'ad in reference to it. The tooth, on the other hand, is an attested danger from the very beginning as to eating fit food; the foot is an attested danger from the very beginning as to breaking things in the course of walking; any animal is an attested danger from the very beginning as to squatting upon small pottery and the like and crushing them.

Five kinds of animals are an attested danger from the outset even when they are tamed. Hence, if any of them did damage or killed by goring, biting, clawing, or the like, the owner must restore in full. They are: the wolf, the lion, the bear, the leopard, and the panther. So too, the snake, even if tamed, is an attested danger as to biting, and the owner must pay in full for the damage done.

Any mu'ad pays full damage, collectible from the owner's best property; any tam pays halfdamage from the sale of its own body. This rule applies to the animal that entered the premises of the injured party and caused him damage there. If, however, the plaintiff entered the premises of the defendant and the owner's animal caused him damage, the defendant is exempt from any claim, for he can say to the injured party: "If you had not entered my premises, no injury would have been inflicted upon you." The Torah is explicit when it says: "If he lets his beast loose and it feeds in another man's field" (Exodus 22:4).

If the animal caused damage in a public domain, or in a courtyard which belonged neither to the defendant nor to the plaintiff, or in a courtyard which belonged to both of them, where they both had the right of placing their produce and cattle, such as a stretch of fields and the like, the law is that if the animal caused damage by tooth or foot, in a normal manner, its owner is not liable, because it had the right to walk in various directions, and it is natural for an animal to walk about and eat or to break things as it walks along. If, however, it gored or jostled or squatted or kicked or bit, the owner must pay halfdamage if it was a tam, and fulldamage if it was a mu'ad.

Three primary causes of injury are to be found in an ox: damage done by the horn, the tooth, and the foot. Subordinate damages by the horn are jostling, biting, squatting, and kicking. Subordinate damages by the tooth are in cases where the animal rubbed itself against a wall for gratification and caused damage by its rubbing, or soiled fruit products for gratification. Subordinate damages by the foot are in cases where it occasioned injury with its body while walking along, or with its hair while treading along, or by swishing its tail, or with the saddle on its back, the bridle in its mouth, or the bell on its neck. So too, if a donkey caused injury with its load as it treaded along, or a heifer occasioned injury with the wagon it was pulling. All these are subdamages by the foot, and the owner is exempt if the injury was occasioned in a public domain, but must pay in full if it was occasioned on the premises of the plaintiff.

Chapter 2

Both the primary and the secondary causes of injury are alike: if the primary cause is considered an attested danger, the secondary cause is likewise considered an attested danger; if the primary cause is not regarded as an attested danger, neither are its derivatives. All primary and secondary causes are considered forewarned from the very outset, except the horn and its derivatives, which are counted as innocuous to begin with until they are proved to be an attested danger, as we have explained.

This is the rule: Compensation for damage caused is due indemnity; whenever one is required to pay more than this or less, such as double compensation for theft or halfdamage for injury caused by a tam, both the excess and the lesser amount are regarded as a fine. Fines are payable only on the basis of witnesses; anyone who admits liability in the case of any fine is exempt from paying it.

If a man incites somebody's dog against another man, he is morally liable, though he is legally exempt. But the owner of the dog must pay halfdamage, because he knew that his dog would bite if incited; he should not have let him loose.

Chapter 3

An animal is deemed a mu'ad (forewarned) as to eating fruit or vegetable products and the like. Accordingly, the defendant must pay full damage if his animal entered the premises of the plaintiff and ate things that it normally eats, as it is written: "When it feeds in another man's field, he shall make restitution from the best of his own field" (Exodus 22:4). If, however, it ate them in a public domain, he is exempt. If the animal benefited thereby, the owner must pay for the benefit it derived and not for the damage.

Chapter 4

If a man brought his flock into a fold and shut it in with a door that could withstand a normal wind, and it nevertheless came out and caused damage, he is exempt. If, however, the door could not withstand an ordinary wind, or if the walls of the sheep fold were flimsy, which means that he failed to shut in the flock properly, he is liable if it emerged and caused damage. But if there was a strong partition and it came down at night, or burglars broke it down, and the sheep got out and caused damage, he is exempt. If burglars brought the sheep out and it caused damage, they are liable.

If a man broke a fence enclosing someone's animal, and it got out and caused damage, he is liable if the fence had been strong and firm. If, however, it had been weak, he is legally exempt but morally liable. So too, if a man placed deadly poison in front of another man's animal, he is legally exempt and morally liable.

If a man entrusted his animal to an unpaid or a paid guardian, to a hirer or a borrower, the keeper takes the place of the owner and is held responsible for the damage the animal has caused. This is so only if they failed to guard it at all; but if they took excellent care of it, as it should be, they are quit of liability if it went out and caused damage, but the owner is liable, even if it killed a person and the compensation exacted would be relatively high. If they failed to take adequate care of it, an unpaid guardian is exempt, whereas a paid guardian, a hirer, or a borrower is held responsible.

Chapter 5

If a pasturing animal strayed into fields and vineyards, the owner should be warned three times even if it caused no damage as yet. If he took no care of his animal and failed to prevent it from pasturing there, the owner of the field has the right to slaughter the animal properly and then say to its owner: "Come and sell your meat," since one is forbidden to do damage and pay for it; even to cause damage indirectly is forbidden.

For this reason, the sages prohibited the raising of small cattle or small wild animals in Eretz Yisrael in areas containing fields and vineyards, though they allowed this in the wooded and desert areas of Eretz Yisrael. In Syria, however, such animals may be raised anywhere.

The sages also prohibited the breeding of swine in any place, or of dogs, unless they are chained. One may, however, breed dogs in a town near the border. A dog should be tied up by day and untied at night. The sages said: "Cursed be the man who breeds dogs or pigs," because the damage they do is substantial and frequent.

Chapter 6

What kind of animal is accounted an attested danger One against which evidence of injury has been brought within three separate days. If, however, it gored or bit, or lay down or kicked or jostled, even a hundred times on a single day, it is not accounted an attested danger.

Warning given of a mischievous animal should be conveyed only in the presence of the owner and before a court of three judges, as it is written: "And its owner has been warned" (Exodus 21:29), and any warning must be before a court of law.

If an ox against which evidence has been brought is sold or given away, it reverts to the status of harmlessness, because the change in ownership entails a change in the legal status of the animal. But if the owner has lent it to someone or entrusted it to a guardian, it retains the status of an attested danger.

If an animal against which evidence has been brought discontinues the behavior of attested danger, it reverts to the status of harmlessness. If, for instance, evidence has been brought against a goring ox, and it stops goring, even though it jostles, it is deemed harmless with respect to goring. From what time is it assumed that the animal has turned harmless If it does not gore when the children put their hands on it. So too, with respect to other actions concerning which evidence has been brought against an animal, it remains an attested danger unless it refrains from those actions when children put their hands on it.

If an ox is an attested danger to its own species, it is not an attested danger to another species. If evidence has been brought against it with respect to human beings, it is not deemed an attested danger to animals; if it is an attested danger to children, it is not an attested danger to adults. Hence, if it caused damage to a species to which it has been an attested danger, the owner must pay full compensation; he pays only halfdamage, if the animal caused damage to other species.

Chapter 7

If the owner of an ox had tied it with a halter, or shut it in properly, but it nevertheless came out and caused damage, he must pay for half the damage if it was accounted harmless, but is exempt if it was accounted an attested danger, as it is written: "If he has not kept it in" (Exodus 21:29), meaning that if he did keep it under guard, he is exempt; and this ox was guarded indeed.

An appraisal is made with regard to damages. If, for instance, a man or his animal broke someone's article, we must not say to the defendant: "Take the broken article and pay its original value to the plaintiff." Instead, the amount of depreciation of the article is estimated, and the defendant must pay the entire amount of depreciation to the plaintiff if the animal that caused the damage was an attested danger, or half the amount of depreciation if it was accounted harmless, as it is written: "He shall keep the dead animal to himself" (Exodus 21:34), meaning: the plaintiff. The value depreciation of the carcass is borne by the plaintiff; the value improvement of the carcass is shared between the plaintiff and the defendant.

If, for instance, an ox worth two hundred was gored and died, and the carcass was worth one hundred at the time of death, but decreased in value by the time the case was tried, being worth only eighty, the defendant has to pay only one hundred if his animal was a mu'ad; if it was a tam, he has to pay fifty from the price of the animal itself.

If the carcass grew in value and is worth one hundred twenty by the time the case is tried in court, the defendant has to pay ninety if his animal was a mu'ad; if it was a tam, he has to pay fortyfive from the animal itself. This is what the Torah means by saying: "They shall divide the dead animal as well" (Exodus 21:35).

Chapter 8

Chapter 9

Chapter 10

An ox that killed a human being anywhere, whether an adult or a minor, a slave or a freeman, must be stoned, whether a tam or a mu'ad.

It does not matter whether an ox or any other animal, wild beast or bird, if it kills a human being it is to be stoned. What difference is there between a tam that killed a human being and a mu'ad that killed a human being? The tam is exempt from ransom paid to the heirs of the slain person, and the owner of the mu'ad must pay ransom, provided that evidence has been brought against it as being prone to killing.

Since any domestic or wild animal or any bird is to be stoned if it killed a human being, how can any mu'ad be found as to killing, so that the owner might have to pay ransom? For example, if the animal killed three Jewish persons who were afflicted with a fatal disease and then it killed one in good health; or if it killed and escaped and was caught after a fourth killing, for the owner is not required to pay ransom till the ox is stoned. So too, if the animal fatally injured three human beings in succession and they did not die until it killed a fourth person, or if it killed three animals, it becomes a mu'ad as to killing, and its owner must pay ransom.

What is written in the Torah, "and the owner shall also be put to death" (Exodus 21:29), has been traditionally interpreted to mean death at the hands of Heaven (by an act of God); the owner obtains atonement upon payment of a ransom for the slain person. Even though the ransom is a form of atonement, the court may forcibly seize a pledge from anyone who has to pay ransom.

If an ox belonging to two partners has killed, each must pay the full ransom, for each must obtain complete atonement.

If a man incited a dog against another man and it killed him, the dog is not to be stoned. So too, if he incited a domestic or wild animal against another person and it killed him.

Chapter 11

How much ransom is one required to pay? Whatever the judges consider to be the value of the slain individual. All depends on the value of the slain man, as it is written: "He must redeem his life by giving whatever is imposed upon him" (Exodus 21:30).

The ransom is paid to whom? To the heirs of the slain individual. If the animal killed a woman, the ransom goes to her heirs on her father's side and not to her husband.

Chapter 12

If a man dug a pit in a public domain and an ox or a donkey fell into it and died, he must pay the full damage even if the pit was full of wool shearings and the like, as it is written: "The owner of the pit shall make good the loss" (Exodus 21:34). This applies to an ox or a donkey or any other domestic or wild animal or bird. Ox and donkey are mentioned in the Torah only because they are the usual cases.

If a man dug a pit in a public domain and an ox fell upon him and killed him, the owner of the ox is exempt. If the ox died too, the owner of the ox can collect for his ox from the heirs of the owner of the pit.

Chapter 13

If utensils fell into a pit and were broken, the owner of the pit is exempt, as it is written: "If an ox or a donkey fell into it" (Exodus 21:33). This has been traditionally interpreted to mean: an ox, but not a human being; a donkey, but not utensils.

The pit is one of the primary causes of injury, and its derivatives are like it, deemed forewarned from the very beginning. Anyone who interposes an obstacle is deemed a derivative of pit, and if a person or an animal has been injured by it, the one who interposed the obstacle must pay full indemnity.

If a man left a jug in the public domain, and a pedestrian stumbled over it and broke it, he is exempt, because it is not usual for people to watch the road as they walk along. If the pedestrian was hurt, the owner of the jug must pay for the damage.

The early men of piety used to hide their thorns and pieces of glass, burying them three handbreadths deep in the ground so that the plough might not stir them up again to the surface. Others used to burn them; still others used to cast them into the sea or river, so that none might be injured by them.

Chapter 14

If a man set fire to a building belonging to another, he must pay for everything in it, since it is usual for people to place all their utensils and valuables in their homes.

If a fire spread and harmed an individual, the one who started the fire is liable for damages, loss of time, healing expenses, pain, and humiliation of the injured party, just as if he had injured him with his own hand. Even though the fire is the man's chattel, it is as if it did the damage by means of his arrows. If, however, a man's animal or pit injured a person, the owner is liable only for the damage done, as we have explained.

All derivatives of fire bear the same legal liability as fire itself. If, for instance, a man placed a stone or a knife or a load on top of his roof, and one of these fell down because of an ordinary wind and caused damage, he must pay full indemnity, since all these are derivatives of fire. If any of these fell down on account of an unusual wind and caused damage, he is exempt. **Theft**

Chapter 1

Anyone who steals property worth a penny or more transgresses the prohibition: "You shall not steal" (Exodus 20:15). One does not incur the penalty of lashes by breaking this prohibition, since the atonement for stealing is obtained by payment of the principal and the fine; the Torah requires the thief to repay. It makes no difference whether one steals the property of a Jew or a nonJew, or whether one steals from an adult or from a minor.

According to the law of the Torah, it is forbidden to steal the smallest amount. It is likewise forbidden to steal in jest, or to steal with the intention of returning the object or paying for it. All this is forbidden, lest one may become addicted to it.

Who is a thief One who takes a person's property secretly without the owner's knowledge, as when he puts his hand into someone's pocket and takes money out without the awareness of the owner, and so on. If, however, one took something openly, publicly, forcibly, he is not deemed a thief but a robber. Hence, if an armed robber stole something, he is not considered a robber but a thief, even though the owner was aware of the action at the time the robber was stealing.

If eligible witnesses testified that an individual committed a theft, he must pay the owner of the stolen property twice its value. If he stole one denar, he must pay two; if he stole a donkey or a garment or a camel, he must pay twice its value. Thus he loses in proportion to what he intended to despoil another.

If a thief has confessed of his own accord that he has stolen, he has to repay the capital value and is exempt from paying a double amount, as it is written: "He whom the judges condemn shall pay double" (Exodus 22:8), implying that a man who condemns himself does not have to pay double. The same rule applies to all fines: if a person admits his guilt, he is exempt from paying fines.

The fine of double payment applies to everything except a sheep or an ox. If one stole an ox or a sheep and slaughtered it or sold it, he has to pay fourfold for the sheep and fivefold for the ox.

There is no difference between man and woman who stole; they must each pay double, or fourfold, or fivefold. If the thief was a married woman without money of her own to pay, the double amount of the theft becomes a debt which the court collects from her when she is divorced or her husband dies.

If a minor committed theft, he is exempt from paying double, but the stolen object must be returned to the owner. If the minor lost it, he is not liable to repay even its capital value, not even after he has reached full age.

If a slave committed theft, both he and his master are exempt from paying double: a man is not liable for damage done by his slaves although they are his chattels, because they have minds of their own and he cannot keep watch over them. A slave angered by his master might go and set fire to a grain stack worth a thousand denars or do similar damage in order to cause his master to pay a large fine. Should the slave become free, he must make the double payment for what he had stolen.

The court should impose physical punishment upon minors, in proportion to their strength, for committing theft, so that they should not become addicted to stealing. So too, if they occasion other damage. If slaves steal or do damage, they too should be severely punished in order that they should not grow accustomed to cause injury.

When the stolen article increased in value while it was in the thief's possession e.g., a sheep bore a lamb and it was shorn the thief must restore the sheep, its shearings and its offspring. If the owner already despaired of the sheep's return, and it gave birth or was shorn, the thief must pay only the value at the time of the theft. If the thief invested in the stolen property, causing its value to increase e.g., he force fed livestock the thief is entitled to the increase in value even when the owner does not despair of the article's return. When the thief restores the stolen article and the double payment, he should be repaid for the increase in value by the owner, or that amount should be deducted from the double payment.

When the stolen article remains unchanged in the possession of the thief, it should be returned to its owner regardless of whether or not he despaired of its return. If, however, it increased in value after the owner despaired of its return, the thief is entitled to that increase, as we have explained above. If, however, the stolen article underwent a fundamental change while in the thief's possession, the thief acquires it and any increase in its value, even before the owner despairs of the article's return. All that is required of him is to return the value of the stolen article at the time of the theft.

If a man stole a lean animal and it grew fat, or a fat animal and it got lean, he must pay double or fourfold or fivefold the value it had at the time of the theft. If a man stole a lamb and it grew into a ram, or a calf and it grew into an ox, he must pay double the value it had at the time of the theft. If he slaughtered or sold it after it had grown, he acquired title to it on account of the change which occurred while the animal was in his possession and it is his own property that he has slaughtered or sold; hence, he is exempt from the fourfold or fivefold fine.

When a person steals an animal, a utensil or the like that was worth four zuz at the time of the theft, but at the time the case is brought to court, it depreciated and is worth only two, the thief must pay the worth of the principal at the time of the theft, and pay the double or quadruple or quintuple amount as evaluated at the time the case is brought to court. The following rules apply if an animal or a utensil was worth two zuz at the time of the theft, but at the time the case is brought to court, it appreciated and is worth four. If the person slaughtered or sold the animal or destroyed or lost the utensil, he must pay double or four or five times the worth of the stolen article at the time the case is brought to court. If the animal died or the utensil was lost as a matter of course, he must pay double the worth of the stolen article at the time of the theft.

When a person steals a utensil and destroys it or causes it to decrease in value or it is destroyed or it decreases in value as a matter of course the amount of the decrease is not evaluated. Instead, we evaluate the original worth of this utensil, and the thief is obligated to pay the owner twice this amount. The broken utensil becomes the property of the thief. The same laws apply in all similar instances. If the owner desires to take the broken utensil and be compensated for the damage done to it and receive the double payment, his wishes are respected.

When a thief slaughters or sells a sheep or an ox before the owner despairs of its return, he is required to pay four or five times its amount, despite the fact that the sale is nullified and the purchaser does not acquire the article, but instead must return it intact to its original owner. Needless to say, the above applies if he slaughters or sells the animal after the owner despairs of its return. For his deed is effective, and the purchaser is considered to have acquired the article.

When a thief steals from another thief, he is not required to pay twice its amount. This applies even if the original owner despaired of the stolen article's return. If the second thief slaughters or sells a stolen animal, he is not required to pay the first thief four or five times its worth. The rationale is that the law is that this animal must be returned to its owner; it was never acquired by the thief. Nor must the second thief pay twice, four or five times the amount to the original owner, because he did not steal the property from the original owner's domain.

If a man stole an animal and slaughtered it, and then another thief stole it from him, the second thief must pay him double, because he had acquired title by a change brought about by human action; the first thief must pay the original owner fourfold or fivefold.

Chapter 2

Chapter 3

If two men bear witness that an individual has stolen an animal, he must pay fourfold or fivefold if the same or others testify that he has slaughtered or sold it. If two men bear witness that an individual has stolen an animal, but only one witness testifies that he has slaughtered or sold it, or if he himself confesses that he has slaughtered or sold it, he has to pay double and not fourfold or fivefold, because one is exempt from a penalty that is based upon his own confession, as we have explained.

The law requires a thief to pay the capital amount and the penalties of double and of fourfold or fivefold from his movable property. If he has no movable property available, the court must attach his real property and collect everything from the best of his estate, as in the case of other damages concerning which it is written: "The best of his field" (Exodus 22:4). If he has neither land nor movable property, the court must sell the thief and give the money to the plaintiff, as it is written: "If he has nothing, he must be sold to pay for what he has stolen" (Exodus 22:2).

A man but not a woman may be sold for theft; this is known from traditional lore. A thief may be sold only to pay the capital value of the stolen object, but must not be sold for the penalties of double and of fourfold or fivefold, which remain a debt against him until he can afford to pay.

If a man committed theft and was sold and then committed theft again, he may be sold a second time if he stole from a different person; he may indeed be sold a hundred times if he stole from a hundred different people. But if he stole a second time from the first individual, he may not be sold again ; instead, everything is counted as a debt against him.

Chapter 4

If a man pleads that the thing entrusted to him has been stolen from his home, and takes an oath to that effect, and then witnesses come and testify that he pleads falsely and that the entrusted object is still in his possession, he must pay double, because he himself is the thief. If he slaughtered or sold an entrusted animal after taking the oath denying theft, he must pay fourfold or fivefold.

This rule applies if the keeper had taken an oath before he made illegitimate use of the entrusted object. But if he had made use of it and then pleaded that it was stolen, affirming this on oath, and witnesses appeared afterwards, he is exempt from paying double, because as soon as he made use of it he became answerable for it and acquired title to it.

If a man pleads that someone's lost article which he had found was stolen from him, affirming this on oath, and then witnesses testify that the lost article is in his possession and that he has pleaded falsely, he must pay double, as it is written: "Concerning any lost thing" (Exodus 22:8). This law applies only when he claims that it was stolen by an armed robber, in which case he should be exempt since he was a victim of compulsion. If, however, he pleads that it was stolen without compulsion, he is exempt from paying double, because his own plea condemns him to pay for it, since a guardian of found property is regarded as a paid guardian who is liable in case of theft, as will be explained.

Chapter 5

It is forbidden to buy from a thief anything he has stolen; it is a grave sin, since one encourages criminals thereby, inducing a thief to commit other thefts. If he finds no customer, he will not steal. Relative to this it is written : "The partner of a thief is his own enemy" (Proverbs 29:24).

If a man stole an object and sold it, while the owner did not give up hope of regaining it, and thereupon the thief was discovered and witnesses testified : "The article that this man sold he had stolen in our presence," then the object goes back to the owner who, for the good of the open market, must restore to the purchaser the price he paid the thief; and then the owner may bring the thief to trial. If, however, he was a notorious thief, the sages did not apply the rule of open market, and the owner does not have to pay the purchaser anything, but the purchaser may bring the thief to trial and exact from him the money he paid him.

If the owner gave up hope of recovering the stolen article, no matter whether he first gave up hope and then the thief sold it or he gave up hope after the thief had sold it, the purchaser has acquired title to it by the owner's abandonment of hope, and the change of possession, and does not have to restore the stolen article itself to the owner, but should give him only its value if he bought it from a notorious thief. If the seller was not a notorious thief, the buyer does not have to give the owner anything, because of the openmarket rule.

If, during the trial between the purchaser and the owner, there are no witnesses to testify about the sum paid for the stolen article, the purchaser, holding a sacred object, states on oath the price he paid for it and then collects it from the owner. Anyone who receives payment after taking an oath does so on the authority of the sages; he swears with a sacred object held in his hand, as will be explained in the proper place.

When the purchaser calls the thief to trial, saying: "I bought it for such and such a sum," while the thief says: "I sold it to you for less," the purchaser must take an oath, with a sacred object held in his hand, and then he collects from the thief. The thief cannot take an oath, since he is suspected of swearing falsely.

Chapter 6

One who plays dice with a gentile does not transgress the prohibition of stealing, but he does transgress the prohibition of occupying oneself with worthless things, for it is not suitable for a person to occupy himself all the days of his life with anything other than matters of wisdom and the developing of the world.

Chapter 7

If a man weighs out to his neighbor with weights that are deficient by the standards agreed upon by the residents of his state, or uses a measure deficient by the agreed standards, he breaks a prohibition, as it is written: "You must never act dishonestly in judgment, in measures of length or weight or quantity" (Leviticus 19:35).

Even though the man who measures or weighs deficiently is committing theft, he does not have to repay double but only the amount of deficiency in measure or weight. Lashing is not inflicted for breaking this prohibition, since he is required to pay.

It makes no difference whether a man deals with a fellow Jew or a heathen, if he has measured or weighed deficiently he has broken a prohibition and must repay. So too, it is forbidden to deceive a heathen in computing an account, but one should be carefully precise in dealing with him, as it is written: "He must compute with his purchaser" (Leviticus 25:50), even if he is subject to Jewish rule ; and so much the more a heathen who is not subject to Jewish rule. This is implied in the biblical statement: "Anyone who does such things is abominable to the Lord your God" (Deuteronomy 25:16) anyone who acts dishonestly in any manner.

If a man removed his neighbor's landmark and included some of his area into his own, even as much as a finger's length, he is deemed a robber if he did it forcibly, and a thief if he removed it secretly. If he removed a landmark in Eretz Yisrael, he has broken two prohibitions: robbery or theft, and: "You shall not remove your neighbor's landmark" (Deuteronomy 19:14). This last prohibition is applicable only in Eretz Yisrael, since it is written in the same verse: "In the inheritance which you will hold in the land"

Robbery and Lost Property

Chapter 1

Anyone who robs another of a penny's worth breaks a prohibition, as it is written: "You shall not rob" (Leviticus 19:13).

According to biblical law, it is forbidden to rob the smallest quantity. It is prohibited to rob or defraud even a heathen, an idolater. If a man did rob or defraud him, he must make restitution.

Who commits robbery One who takes a man's property by force, as when he snatches an object from his hand or enters his premises without permission and takes utensils, or seizes his servant and animal and makes use of them, or enters his field and eats its products, or commits anything of the sort; he is deemed a robber, in the sense that it is written: "He snatched the spear out of the Egyptian's hand" (II Samuel 23:21).

Who commits fraud One who has come into possession of another person's money with the consent of the owner and detains it by force, and does not return it when the owner demands it. Such is the case if one has a loan or wages due him, and he claims it from the debtor but cannot obtain it from him because he is a violent and difficult man. Relative to this it is written: "You shall not defraud your fellow man" (Leviticus 19:13).

Anyone who commits robbery must return the very object he robbed, as it is written: "He shall restore what he took by robbery" (Leviticus 5:23). If, however, the object is lost or altered, he must pay its value. Whether he has confessed of his own accord, or witnesses have testified that he committed robbery, he is required to repay the capital value only. Even if he took a rafter by robbery and built it into a structure, inasmuch as it underwent no change, biblical law requires that he shall pull down the whole building and give back the rafter to its owner. The sages, however, have

ruled for the benefit of repentant sinners, that he may repay its value and does not have to demolish the structure. The same is applicable to all similar cases. Even if one took a rafter by robbery and used it for the sukkah, and the owner came to claim it during the Sukkoth festival, he has to repay only its value. But if it is claimed after the festival, he must return the rafter itself, inasmuch as it has not been altered and he has not built it in with mortar.

Anyone who covets the male or female servant or the house or goods of his neighbor, or anything that he can buy from him, and he exerts friendly pressure and annoys him until he buys it from him, even for a high price, breaks the prohibition: "You shall not covet" (Exodus 20:17).

Desire leads to coveting and coveting leads to robbery. That if owners do not want to sell even if a great deal of money has been offered and pleading by friends, one is lead into robbery as it says, "They coveted houses and stole them (Micah 2:2)." And if the owners stand against them to protect their property or prevent him from theft, he will be moved to shed blood. Go and learn from the example of Achav and Navot.

Chapter 2

Chapter 3

If one borrows an article without the owner's knowledge, he is deemed a robber. If the owner's son or servant held in his hand an instrument, and a man took it from him and used it, he is like one who borrows an article without its owner's consent, and it is deemed to be in his care so that he is responsible for any accident befalling it until he returns it to the owner. Accordingly, if he has returned it to the minor in whose hand it was, or to the servant, and it has been lost or broken, he must pay for it. So too, in all similar cases.

If one seizes a pledge from a debtor's hand without the permission of a court, he is deemed a robber, even though the other owes him money. It is needless to say that if one enters another's home and seizes a pledge, he is deemed a robber, as it is written: "You must stand outside" (Deuteronomy 24:11).

Chapter 4

Chapter 5

... It is forbidden to buy from a thief something stolen, and forbidden to dress it up with a modification so as to buy it. Anyone who does this, and other things like this, strengthens the hands of transgressors and doing so transgresses "do not put a stumbling block in front of the blind" (Lev. 19:14)

...If the tax collectors took his cloak and returned to him a different one (took his donkey and returned a different donkey) Behold, those switched properties are his because this is like a sale, and there is presumption of despairing of ownership by the original owners, and he does not know with certainty that this was stolen. And if he is established, and strict with himself, he returns the things to the original owners.

... When is the previous case applicable When the tax collector is like a robber, like when an idolater or the tax collector that is standing above him or the one sent by the king, and there is no limit, rather, he takes as much as he wants and gives to the king as much as he wants. But the tax established by the king, and is he said he should take a third or a fourth, or any amount with a limit. And if he appoints a Jew to collect this part for the king and it is known that this person is trustworthy, and he does not add anything over what the king has decreed, he is not under the assumption that he is a robber, since the law of the king is law. Not only that, but one who transgresses and smuggles from this tax is stealing from the king, whether the king is an idolater or a Jewish king.

...And so too a king who put a tax over the inhabitants of a city, or over each and every person, a predictable thing of every year; or over a field, something predictable. Or if he decreed that everyone who passes over this thing, all his possessions will be taken to the house of the king. Or that every person who is found in the field at the time of working the threshing floor will pay a tax whether he is or not the owner of the field and all cases similar: this is not theft, and a Jew that is collecting those for the king is not under the assumption of being a thief, and he is a "kosher" person provided that he does not add, nor change, nor get anything for himself.

The general principle is: Any law that a king decrees to be universally applicable, and not merely applying to one person, is not considered robbery. But whenever he takes from one person alone in a manner that does not conform to a known law, but rather seizes the property from the person arbitrarily, it is considered to be robbery. Therefore, the king's dues collectors and his officers that sell fields with a defined tax on the fields, their sale is valid. But a personal

tax is only collected from the person himself, and if they sold the field with a personal tax, behold this is not a valid sale unless the king has decreed that it is.

In the case of a king who cut down trees belonging to individual property owners and made a bridge out of them, it is permissible to cross the bridge. So too if he destroyed homes to make a path or a wall, one is allowed to benefit from it. And so it is for all similar circumstances, for the king's law is the law.

In what instances does this principle the king's law is the law apply When the king's coins are accepted throughout those lands under his control, for the residents of that country have agreed to him and have accepted that he is their master and they are to him as slaves. But if his coins do not circulate, he is like a robber by force and like a band of armed thieves whose laws are not enforced, and such a king and all his servants are considered thieves in all matters.

Chapter 6

Chapter 7

Anyone who owes money to his fellow Jew and denies it, and swears falsely, must repay the capital value which he has denied, plus the added fifth part of the amount as a penalty. He must also bring an offering, known as the guilt offering for robbery.

The same law applies to one who robs, defrauds, steals, or denies that someone lent him or deposited with him, or that he is in possession of a lost object, or that he detains some of the joint property of a partnership, or fails to pay the amount due for work that has been done for him. In sum: Anyone who would be legally obligated to pay if he confessed must repay the capital amount, plus a fifth part twenty percent of the amount if he denies on oath, as it is written: "If he deceives his neighbor in a matter of deposit" (Leviticus 5:21).

If one takes an oath, denying money that is due, he does not have to pay the fifth part unless he confesses of his own accord. But if witnesses came and he persists in denying, he has to pay only the capital value, on the testimony of the witnesses; he does not have to pay the fifth part, since the fifth part and the offering are intended as an atonement, and he is to provide them only upon selfconfession.

Even if one has restored all that he robbed with the exception of a penny's worth, he is obligated to take it to the person robbed. He should give it neither to the son of the man robbed nor to his agent, unless the robbed man made him his agent in the presence of witnesses. If a man brings what he has robbed, plus the fifth part, to the law court of his town, he may offer the guilt offering, and he obtains atonement; the court takes care of it until it reaches its owner. So too, he may give it to an agent of the court. Anyone who gives what he has robbed, and the like, to the law court has discharged his duty.

Chapter 8

No fifth part is added in the case of slaves, bonds, or landed property, as it is written: "If he deceives his neighbor in a matter of deposit" (Leviticus 5:21). Everything spoken of in this context is movable property with an intrinsic value. Excluded are landed property and slaves, who are placed on an equality with landed property; bonds are excluded, since they have no intrinsic value. Title to land can never be acquired by a robber; it always remains in the legal possession of its owner. If the land has been sold to a thousand people, one after another, and the owner has given up hope of recovery, it must go back to the robbed one without payment. The person parting with it has a claim against the one who sold it to him, who in turn has a claim against the previous seller, and so on until the one who bought it from the robber makes claim and exacts payment from the robber.

Chapter 9

Chapter 10

If a violent heathen took Jewish property by force, entering a field because its owner owed him a debt, and after seizing the field he sold it to another Jew, the owner cannot recover it from the buyer.

When heathen oppress a Jew and seek to slay him, until he gives up his field or his house to save himself, if the oppressor is willing to sell the land, and the original owner can afford to buy it back, he has precedence over anyone else. But if the owner cannot afford to buy it, or if the oppressor kept the land for twelve months, anyone who has bought it first from the oppressor has gained title to it, provided that he gives the original owner a quarter of the land

or a third of the price he has paid, since the oppressor sells cheaply. Because he sells land that is not his, he sells it for some twentyfive percent less, and this quarter belongs to the original owner; it is sold cheaply because it is his. Accordingly, anyone who buys from the oppressor for thirty must give the owner ten, or a quarter of the land, and then he acquires title to all the rest. If, however, he has not given, then one-fourth of the land in his possession has the status of robbed property.

Chapter 11

The restoration of lost property to a Jew is a positive command, as it is written : "You shall surely take them back to your brother" (Deuteronomy 22:1). Anyone who sees the lost property of a Jew and ignores it, and leaves it there, breaks a prohibitive command as well as a positive command, as it is written: "You must not withhold your help from any ox or sheep of your brother which you see gone astray" (Deuteronomy 22:1). If he has restored it to the owner he has carried out a positive command.

When a lost article is not worth a p'rutah, the finder is neither obligated to concern himself with it, nor to return it.

Anyone who follows the good and upright path, and does more than the strict requirement of the law, should restore lost property under all circumstances, even if the act detracts from his dignity.

If one noticed lost property and his father told him "do not restore it," he must return it and should not obey him. For, if he obeyed his father, in fulfillment of the positive command honor your father, he would thereby nullify the positive command you shall surely take them back, and transgress you must not withhold your help.

If one sees flooding water threatening to destroy the building or field of somebody else, he must restrain and prevent it, as it is written: "So you shall do with any lost thing of your brother" (Deuteronomy 22:3), including loss of his landed property.

Chapter 12

If he chanced upon both the lost object of his teacher and the lost object of his father if his father was equal to his teacher in wisdom, his father's takes precedence, but if not his teacher's takes precedence. And this is characteristic of his teacher, that he learned the majority of his Torah wisdom from him.

Chapter 13

If one finds lost property which he must restore, he is obligated to advertise and let it be known and say: "Whoever has lost a certain kind of object, let him come to identify it and receive it." He must announce it even if it was worth a penny at the time it was found and has since been reduced in value. There was a high rock outside Jerusalem where lost and found things were announced.

How should one make the announcement If one has found money, he should announce: "Let anyone who has lost a coin come and identify it and get it." So too, one should announce: "Let anyone who has lost a garment, an animal, or documents, come and present identification marks and take them." He need not worry about making known the kind of lost property, because he is not supposed to return it unless he is given decisive marks of identification.

In olden times, anyone who lost property and came and presented its identification marks, it was restored to him, unless he was known to be a swindler. But when the deceivers became plentiful, the court instituted that the claimant should be told: "Bring witnesses that you are not a fraud and take it."

We may rely and base a legal decision upon definite marks of identification under all circumstances, according to biblical law. Size, weight, number, or the place where the object was lost are considered sure marks of identification.

If two individuals came and each gave the same marks of identification, the finder should not give it to either of them, but it must be left intact until one admits to the other or until they make a settlement. If one of them presented identification marks and the other brought witnesses, he must give it to the one with witnesses. If one presented identification marks and the other presented identification marks and one witness, the witness is considered nonexistent, and the finder leaves it undisposed.

After the destruction of the Temple, the sages ruled that lost and found articles should be announced in synagogues and schools. But when oppressors increased and declared that anything found belonged to the king, the sages ruled that it was enough if the finder let it be known among his neighbors and acquaintances.

If the finder made it known that he had found something and the owner did not appear, he must keep it with him until Elijah shall come. As long as the lost article is in his possession, the finder is held responsible if it gets stolen or lost. If it meets with an accident, however, he is exempt. The guardian of lost property is considered a paid guardian, because he is released from many positive commands as long as he is fulfilling the precept of taking care of it.

The finder must examine and inspect the lost article so that it does not deteriorate of itself, as it is written: "You shall give it back to him" (Deuteronomy 22:2); that is, be careful how you restore it to him.

If one has found wooden utensils, he should use them to prevent them from rotting. Silverware should be used with cold water but not with hot, because he might tarnish them.

If one has found scrolls he should read them once every thirty days; and if he cannot read, he should at least unroll them every thirty days. But he must never learn anything from them for the first time, nor read any section and repeat it, nor read a section and translate it, nor open them at more than three columns. Nor should two persons read on two different subjects, lest they pull each in a different direction and the scroll becomes worn; but two may read on one subject. Three persons may not read in a scroll, even on the same subject.

Chapter 14

This is the general rule concerning lost property: If anything without a mark of identification was lost and the owner was aware of its loss, it is assumed that the owner has given up hope of recovering it and it therefore belongs to the finder.

Anything that has an identification mark, such as a garment or an animal, it is taken for granted that the owner has not given up hope of recovering it and therefore the finder must announce it, unless he knows that the owner has abandoned hope of its recovery. If, for instance, he heard the owner say: "Alas, what a loss of money," or if the owner used a similar expression, showing that he has given it up, the lost article belongs to the finder.

Unconscious resignation, even when the lost object has no mark of identification, is not considered abandonment of hope of recovery. If, for instance, one dropped a denar without being aware that he dropped it, although he is likely to abandon hope of its recovery upon noticing that he dropped it, it is not deemed abandonment of hope as yet, until the owner is aware that it fell out and disappeared. If, however, the owner still says: "I may have given it to soandso," or "it is lying in the chest," or "I may have made a mistake in figuring," or something like this, it is not regarded as abandonment of hope.

If one finds earthen jars and pottery that are identical in form, they belong to him if they are new, since they are like any one of the denars without a mark of identification, which the owner cannot recognize; he cannot know whether this jar or flask belongs to him or to somebody else. If, however, they are old utensils which the owner has seen long enough to recognize them by sight, he must announce them. If a scholar comes and declares: "Even though I cannot identify this jar, I can recognize it by sight," he must show it to him. If he recognizes it and says: "It is mine," it must be returned.

This applies only to a distinguished scholar who never deviates from the truth except in promoting peace, who has promoted peace between fellow men by adding or omitting facts in order to make them friendly to one another; such misrepresentation is permissible. But if witnesses appeared and testified that he misrepresented in other matters, lost property should not be returned to him merely by virtue of recognition by sight.

Chapter 15

Whenever a person finds an article that appears to have been intentionally placed down, it is forbidden for him to touch it. This applies whether or not it has a mark by which it can be identified. The rationale is that perhaps the owner of the article left it there until he returns. Thus, if the finder takes it he will have illtreated the owner. If the article does not have a mark by which it can be identified, he has purposefully caused his colleague financial loss, for the article does not have a mark that will enable it to be identified and returned. Even if it has a mark, he has wronged him, for he has troubled him to search for the article and identify it by its marks. Therefore, it is forbidden for the finder to touch it, unless it appears to have fallen. Even if the finder is in doubt and does not know whether the article was lost or placed down, he should not touch it. If he transgressed and took it, he is forbidden to return it to its place. If it is an article that does not have a mark by which it can be identified, the finder acquires it; he is not obligated to return it.

Chapter 16

If one has found treasures in a heap of stones or in an old wall, they are his, since we should assume that they belonged to the ancient heathen. This is so, provided that he finds them deep down, like all ancient treasures. But if it looks likely that they are recently concealed treasures, or even if he has doubts about it, he must not touch them, for they may have been placed there.

Chapter 17

Wherever we have said that a found article belongs to the finder, he does not gain possession of it until it reaches his hand or his premises. But if a man noticed lost property, and even fell upon it, and another came and seized it, he that seized it has acquired title to it.

If, riding an animal, a man saw lost property and said to his friend: "Acquire title to it for me," as soon as the other picked it up for him, the rider acquired title to it even before it reached his hand. But if the rider said to his friend: "Give it to me," and the latter took it and said: "I have acquired title to it," he has acquired title to it indeed by taking it. If, however, after having given it to the rider he said: "I acquired title to it first," he said nothing at all to his advantage; his claim is invalid.

A man's courtyard can acquire property for him without his knowledge, and if a lost object fell in there, it belongs to the owner of the courtyard.

Chapter 18

If one has found a deed of gift, the law is this: If the donor made the gift while in good health, the finder should return it neither to the donor nor to the donee, even if both admit that the deed is valid. For the donor may possibly have written the deed for the purpose of presenting the gift to the named donee but failed to do so and, instead, sold the field or gave it to another person but has now retracted. The reason he admits having made the gift to this one is that he plans to defraud the last party to whom he gave or sold the field. If, however, the gift was made when the donor was on the verge of death, the law is this: If he admits that it is valid, the finder should return it to the donee; if not, he should not return it, because if a person on the verge of death has given property to two people, one after the other, the second one gains title to it, as will be explained.

All lost documents that legally are not to be returned are valid if the finder has returned them, and they are enforceable and must not be taken away from their possessor. They are presumed to be valid and are not subject to suspicion.

One Who Injures a Person or Property

Chapter 1

If a man wounded a fellow man, he must pay him compensation on five counts, namely: injury, pain, medical treatment, forced idleness, and humiliation. These things are paid out of the defendant's best property, in keeping with the law concerning all injurers.

How is compensation for injury determined? If one cut off a man's hand or foot, the court determines, as if he were a slave to be sold on the market, how much he was worth previously and how much he is worth now. The defendant must then pay the amount by which he decreased the value of the injured man, as it is written: "An eye for an eye" (Exodus 21:24); traditionally interpreted it means remuneration for injury sustained.

When the Torah says: "If a man disfigures a person, as he has done so shall it be done to him" (Leviticus 24:20), it does not mean to inflict injury on this man as he did on the other, but that the offender fittingly deserves to be deprived of a limb or wounded in the same manner as he did, and must therefore indemnify the damage he caused. Furthermore, the Torah says: "You shall accept no ransom for the life of a murderer" (Numbers 35:31), implying that only for a murderer no ransom is accepted, but compensation is taken for the loss of limbs or for injuries sustained.

So too, when it is written concerning one who wounds another and causes him injury: "You must have no pity on him" (Deuteronomy 19:13), the meaning is that no pity is to be had when exacting compensation. Lest you say: "He is a poor man, and he injured the other without intention, I must have mercy on him," it is written: "You must have no pity on him."

How do we know that what is written concerning the loss of limbs, "an eye for an eye," means compensation? In the same context it is written: "A wound for a wound" (Exodus 21:25), and it is also written explicitly: "If one strikes the

other with a stone or with his fist he must pay for the man's loss of time and also see that he is thoroughly restored to health" (Exodus 21:18-19). Hence, you may infer that the word for (taath), used in wound for wound, signifies compensation. The same applies to the word for used in connection with the eye and the other organs.

And even though these things are apparent from perusal of the written Torah, they are all explained from the mouth of Moshe, our teacher, and they are all laws given to Moshe (halacha le'Moshe) that are in our hands. And like this did our ancestors see that they were judging in the court of Yehoshua and in the court of Shmuel the Ramati and in each and every court that stood from the times of Moshe, our teacher, until today.

How do we know that if one injures another, he has to compensate for the pain separately It is written concerning a man guilty of rape: "Because he violated her" (Deuteronomy 22:29). The same applies to anyone who inflicts physical suffering on another: he must compensate for the pain sustained.

How do we know that he must compensate for the loss of time and pay for the medical treatment separately It is written: "He must pay for the man's loss of time and also see that he is thoroughly restored to health" (Exodus 21:19).

How do we know that he has to compensate for the humiliation separately It is written: "If she put out her hand and seized him by the private parts, you shall cut off her hand" (Deuteronomy 25:11-12). Anyone who humiliates a person is included in this law.

The man who humiliated someone does not have to compensate for the humiliation unless he acted intentionally, as it is written: "If she put out her hand." If, however, he humiliated another unintentionally, he is exempt. Accordingly, if one caused humiliation while asleep, or the like, he is exempt.

A human being is always regarded as a mu'ad (forewarned), whether he acts unwittingly or deliberately, whether he is awake or asleep or intoxicated; and if he has injured another or caused damage to his property, he must pay compensation out of the best of his own property. The law that a man who does injury while asleep must pay compensation applies only in a case where two men lay down to sleep at the same time and one turned over in his sleep and injured the other or tore his clothing. If, however, one was asleep and another came and lay down beside him, the one who came last is the mu'ad, and if the sleeping one injured him, he is exempt. So too, if one placed a utensil alongside a sleeping individual and the latter broke it, he is exempt. The reason is that the person who put it there was the mu'ad and at fault.

If a man intentionally injured another, he is liable on five counts under all circumstances. Even if an individual entered one's premises without permission and the owner injured him, he is held liable, because he has a right to expel him but he has no right to injure him.

If a man chopped wood in a public domain and a piece of wood flew off and caused injury in a private domain, or if one chopped in a private domain and caused injury in a public domain, or if one chopped in a private domain and caused injury in another private domain, or if one entered a carpenter's shop, with or without permission, and a chip of wood flew off and struck his face, in each of these cases the injurer is liable on four counts but is exempt from compensation for humiliation.

Just as we appraise the likely cause of death in cases of fatal outcome, so must such an appraisal be made in cases of injury. If, for instance, a man struck another with a small pebble not large enough to cause injury, or with a small chip of wood, and it inflicted a wound that an object of this kind was unlikely to inflict, he is exempt, as it is written: "With stone or with fist" (Exodus 21: 18) ; that is, an object capable of causing injury. Yet, he is liable only for the humiliation sustained. Even if one spat on the person of another, he is held liable for humiliation. The witnesses must therefore know with what the defendant inflicted the injury; and the object with which he inflicted the injury must be brought to court to appraise it and to come to a judicial decision on the basis of it. If the object is lost and the offender says: "It was not capable of inflicting an injury and it is as if I had been a victim of an unavoidable accident," while the injured party says: "It was capable of inflicting an injury," the injured one may take an oath and collect damages, as will be explained.

No appraisal is to be made in the case of iron: even a small needle can kill, let alone injure a person.

Chapter 2

If a man inflicted on another a wound for which he should pay on all five counts, he must compensate for the five. If he injured another on four counts, he must compensate for the four; if on three counts, he must pay for three ; if on

two counts, he must pay for two ; if on one count, he must pay for one.

If, for instance, a man cut off another's hand, foot, finger, or toe, or blinded his eye, he must pay on five counts: injury, pain, medical treatment, loss of time, and humiliation. If he struck him on the hand so that it swelled but will eventually recover, or on his eye so that it became inflamed but will eventually heal, he must pay on four counts: pain, medical treatment, loss of time, and humiliation. If he struck him on the head and it swelled, he must pay on three counts: pain, medical treatment, and humiliation. If he struck him on a spot that is not visible if, for example, he struck him on his knees or his back, he must pay on two counts : pain and medical treatment. If he struck him with his handkerchief or with a document, and the like, he should pay only on one count, namely : humiliation.

Hence, you may infer that anyone who deprives another of an organ that will not regenerate is held liable on all five counts.

Even if he deprived him of a tiny piece of skin, he is held liable on five counts, because the skin does not grow back but is marred by a scar. Accordingly, if a man injured another and tore the skin and made him bleed, he is held liable on five counts.

If a man frightened another, he is exempt from legal but not moral responsibility, even if the other became ill from fright, provided that he did not touch him; for instance, he shouted behind him or suddenly confronted him in the dark. So too, if a man shouted into somebody's ear and deafened him, he is exempt by the laws of man and held liable by the laws of Heaven.

It seems to me, that if the injured person says: "I am deafened and I can not hear," or: "My eye is blinded and I cannot see," he is not believed ; since we do not know the matter; he may be acting with cunning playing blind or deaf. Hence, he should not collect damages unless he has been examined in ample time, and it is confirmed that he has lost his eyesight or has become deafened. Only then should the defendant pay compensation.

How much is compensation for pain It all depends on the injured party. One individual may be most tender and delicate and wealthy, that even for a large amount of money he would not submit to a little pain. Another individual may be hardworking, robust and poor, and would undergo severe pain for a single zuz. According to these considerations we appraise and determine the indemnity for pain.

How should pain be assessed in a case where a man deprived another of an organ For example, if he cut off another's hand or finger, we estimate how much such a person would pay for the difference between having his limb removed by means of a drug and having it cut off by means of a sword if the king decreed to have his hand or foot cut off. When the difference has been estimated, the offender has to pay it.

How should loss of time be assessed If the offender did not deprive the injured person of a limb but the latter became ill and bedridden, or his hand became swollen but will eventually return to health, he must pay him for his daily loss of time at the rate an unemployed workman of the same occupation would lose by being unemployed.

If a man boxed another's ear, or seized him and blew into his ear, and deafened him, he must pay him all that he was worth, since he is no longer fit for any work at all.

If the offender said to the injured person: "I will cure you myself," or: "I have a physician who will treat you free of charge," we should not pay attention to him ; but he must bring a competent physician to treat him for a fee.

If the patient disobeyed the physician and his illness got worse, the man who injured him is not obligated to provide him with further medical treatment.

When the court has determined the amount of damages to be paid by the defendant, it must collect all of it from him immediately, without designating a time limit whatsoever for his payment. If, however, he is required to pay compensation for humiliation only, he is given time to pay, since he did not cause the other a loss of money.

Chapter 3

How should humiliation be assessed It all depends on the social positions of the insulting individual and the person insulted. An insult received from a person of light esteem cannot be compared with an insult received from a person of considerable prestige. The humiliation caused by a lesser individual is more painful.

If a man insulted another verbally or spat on his clothes, he is exempt from paying compensation ; but the court

should prevent this, everywhere and at all times, as they see fit. If one insulted a scholar, he must pay him full compensation, even though he only humiliated him verbally.

Such cases occurred frequently in Spain, where we lived. Some scholars used to condone this, as it was proper to do. Others would sue for redress, and then a settlement would be reached between the parties. The judges, on the other hand, would tell the offender: "You ought to give him a pound of gold."

Although the person who verbally insults people is exempt from paying compensation, it is a grave sin. Only an evil fool reviles and abuses people. The ancient sages declared: "Anyone who puts a worthy Jew to shame in public has no share in the world to come."

Chapter 4

It is harmful to clash with a deafmute, an imbecile, or a minor: if a man injures one of these, he is held liable; if they injure other people, they are exempt. Even after a deafmute has been cured of his defect, or an imbecile has become normal, or a minor has grown up, he is not held liable for payment, because none of these was sensible when he inflicted the injury.

Chapter 5

A man is forbidden to injure himself or another. Not only one who inflicts a wound, but anyone who strikes a worthy Jew, whether an adult or a minor, whether a man or a woman, breaks a prohibitive law, as it is written: "He must not lash him excessively" (Deuteronomy 25:3). If the Torah has warned against excess in lashing an offender, how much more should this apply to striking an innocent man.

It is forbidden even to raise a hand against another; if anyone does raise a hand against another, even though he has not struck him, he is wicked.

A man who inflicts physical injury upon another is unlike one who damages another's property. If one damaged another's property, as soon as he has paid what he is required to pay he obtains atonement. If, on the other hand, he wounded another person, even though he has paid compensation on five counts he does not obtain atonement, even if he has offered up all the rams of Nevaioth, unless he asks forgiveness of the injured person who should pardon him.

The injured person is forbidden to be cruel by not forgiving; this is not the Jewish way. But as soon as the offender has asked forgiveness a first time and a second time, and he knows that he has turned from his sin and is sorry about his evil, he should pardon him. Anyone who hastens to forgive deserves praise and meets with the approval of the sages.

Chapter 6

If a man damaged the property of another person, he has to pay full compensation; whether he acted unwittingly or accidentally, he is regarded as if he acted willfully.

This applies only to damage done on the premises of the injured party; on the premises of the defendant, however, he must pay only if he caused the damage willfully ; but if he acted unwittingly or accidentally, he is exempt.

If two men were walking on a public domain, one carrying a jar and the other a beam, and the jar of the one was broken by the beam of the other, the latter is exempt, because each alike has the right of passage.

If two were proceeding on a public domain, one walking and the other running, and one was injured by the other unintentionally, the one running is held liable, because he behaved unusually by running instead of walking.

Chapter 7

Chapter 8

If an informer turned another's property into the hands of an oppressor, he must pay compensation out of his best property. Whether the oppressor was Jewish or not, the informer must make good whatever the oppressor took away.

This rule applies only when the informer pointed out the property of his own accord. If, however, he was compelled by

a nonJewish or a Jewish oppressor to do so, he is exempt from paying compensation. One who saves himself at the expense of another's property must pay for it.

If one took another's money and gave it to an oppressor, he must repay under all circumstances, even if the king compelled him to deliver it.

It is forbidden to turn a Jew over into the hands of a heathen, whether physically or financially, even if he happens to be wicked and sinful, and even if he is the cause of one's distress and pain. Anyone who hands a Jew over into the hands of heathen, whether physically or financially, has no share in the world to come.

An informer may be slain anywhere, even at the present time when Jewish courts do not try capital cases. It is permissible to slay him before he has informed. As soon as he says that he is about to inform against an individual or his property, even a small amount of money, he has surrendered himself to death as an outlaw. He must be warned and told: "Do not inform." If he has acted impudently, replying: "Not so, I will inform against him," it is a religious duty to slay him ; whoever hastens to kill him attains merit.

If the informer has executed what he planned, and reported, it seems to me that it is forbidden to kill him, unless he is a confirmed informer, in which case he should be killed lest he continue to inform against others. There are frequent cases in the cities of Northern Africa where informers, who are known to report Jewish funds to oppressors, are killed or handed over to the nonJewish authorities to be executed, beaten, or imprisoned, in accordance with their wickedness. It is forbidden to destroy the property of an informer, even though it is permissible to destroy him physically, since his property belongs to his heirs.

Murderer and the Preservation of Life

Chapter 1

It is a commandment for the redeemer of blood to kill the murderer as it says, "The redeemer of blood shall kill the murderer (Numbers 35:19)." And everyone who is worthy to inherit, he is the redeemer of blood. If he does not want to be the redeemer of blood or if he is unable to kill him or if there is no redeemer of blood, the court kills the murderer by decapitation.

In the case of a father, who killed his son, if the victim had a son, he kills his father's father, because he is the redeemer of blood. If, however, he doesn't have a son, none of his brothers becomes the redeemer of blood obliged to kill his father, but the courts execute him instead. The same law applies to men and women in cases of redeeming of blood.

And the court is warned not to take a ransom from the murderer, even if they give all of the money in the world, and even if the redeemer of blood wishes to exempt them. For the life of this person who was killed is not the possession of the redeemer of blood but rather the possession of the Holy One Blessed be He as it says, "Do not take a ransom for the life of a murderer." And there is nothing that the Torah is more exacting about than bloodshed as it says, "You shall not pollute the land..." (BeMidbar 35:33) "...for blood pollutes the land..."

... It is a negative commandment that one should not protect the life of a rodef (pursuer). For this reason, the sages ruled that in the case of a pregnant woman in a dangerous labor, it is permissible to dismember the fetus in her womb whether with a drug or by hand because it is like a rodef pursuing her to kill her. However, once his head has emerged one may not touch him, as we do not set aside one nefesh soul for another, and this is the natural way of the world.

Anyone who can save and does not save transgresses 'do not stand by the blood of your neighbour'. So too one who sees his friend drowning in the sea, bandits attacking him or a bad animal attacking him and he is able himself to save him or he could hire others to save him but he does not; one who hears idol worshippers or informers plotting harm for him or laying a trap for him and he doesn't tell his friend and inform him; or if he knows that an idol worshipper or a thug are on their way to his friend and he could appease them on behalf of his friend to change their intention and he doesn't appease him; and so too any similar case; One who does any of these transgresses 'do not stand idly by your neighbour's blood'.

The one who sees a pursuer going after his friend to kill him or after a woman to rape her and is able to save the pursued and does not, this one has cancelled a positive commandment: "and cut off her hand" (Deut. 25:12) and has transgressed two negative commandments: "do not turn away your eyes" (Deut. 25:12) and "do not stand idly by your neighbor's blood" (Lev. 19:16.)

And even though we do not give lashes on negative commandments because there are no "deeds" in them, nevertheless they are very serious, since every person who kills a soul from Israel is considered as having destroyed the entire world, and every person who sustains/establishes one soul from Israel is considered as having established the entire world.

Chapter 2

If anyone killed another with his own hand, as when he struck him down with a sword or a deadly rock, strangled him to death or burned him alive, he must be executed by the court, because at any rate he murdered a man by himself.

On the other hand, if a man hired a murderer to kill somebody, or sent servants to kill him, or tied him up and put him in front of a lion or similar beast and it killed him, and also if an individual attempted suicide, each of these is guilty of shedding blood and bears the crime of murder; he deserves to die by an act of God, but is not executed by the court.

How do we know that to be the law It is written : "Whoever sheds human blood, by human hands shall his own blood be shed" (Genesis 9:6). This refers to one who commits murder himself and not through an agent. "I will require your lifeblood" (9:5) refers to suicide. "I will require it of any beast" refers to one who puts a man in front of a beast to devour him. "Of man I will require a reckoning for human life, of every man for that of his fellow man" (9:5) refers to one who hires others to kill his fellow man. The verb require is explicitly iterated in the three cases to show that the verdict is left with God.

Any of these and similar murderers, who are not sentenced to death by a court, might be put to death by a royal decree if a Jewish king desires this for the benefit of society.

If the king did not have them executed, if circumstances did not demand such a measure, the court must at any rate have them lashed to the point of death, and harshly imprisoned for many years, punishing them severely in order to terrify and frighten other criminals, so that this may not turn into a pitfall and a snare for others as to say: "I will arrange to kill my enemy indirectly as did soandso, and I will be acquitted."

Whether a man killed an adult or an infant of one day, male or female, he must be executed if he committed deliberate murder, or exiled if he killed unwittingly.

Whether a man killed a healthy individual or a sick man on the verge of death, or even a dying person, he must be executed.

8. When, by contrast, a person is considered treifah, even though he eats, drinks and walks in the market place, one is not held liable by an earthly court for killing him. Every person is presumed to be physically sound, and a person who kills him should be executed unless it is certainly known that he is a treifah, and the physicians say that his infirmity does not have any remedy for humans and it will surely cause his death, if no other factor does first.

Whether a man killed a Jew or a Canaanite slave, he must be executed on his account; if he killed him unwittingly, he must go into exile.

The difference between one's own slave and the slave of others is that he has the right to strike his own slave. Accordingly, if he struck him hard enough to kill, and he was on the verge of death for twentyfour hours and then died, he should not be put to death on account of his slave, even though he died as a result of the blow, for it is written: "If the slave survives a day or two, he shall not be punished, for the slave is his property" (Exodus 21:21). The phrase day or two means a day that is like two, namely: twentyfour hours.

But if a man struck a slave not his own, even if the slave died on account of the blow several days afterwards, the man is put to death, as in the case of any freeman, because he struck him hard enough to kill.

It seems to me, that if a man struck his slave with a knife or a sword, with a stone or a fist, and the like, and the slave was considered to be fatally wounded and then he died, the law concerning "a day or two" is not applicable to him ; even if the slave died after a year, his master should be put to death on account of him. For this reason it is written : "If a man strikes his slave with a rod" (Exodus 21:20), because the Torah has permitted him to strike his slave merely with a rod or a stick or a strap, and the like, but not a murderous blow.

Chapter 3

If a man willfully struck a person with a stone or a piece of wood and killed him, we should appraise the object with

which he knocked him down and the place on which he dealt the blow, to determine whether that object was or was not capable of killing by striking that vital organ.

The Torah has stated no minimal size for an instrument of iron, as it is written: "If he struck the person with an iron tool, so that he died, the man is a murderer" (Numbers 35:16), even if he used a needle.

If a man knocked a person down and killed him without a tool, if he struck him with his hand or foot, or bumped his head against him and killed him, we should appraise the strength of the assailant as well as the strength of the slain man, and the place of the blow. There is no comparison between pushing a person with a finger and kicking him with full might, between striking him in the heart and hitting him on the hip, between a weak person striking a robust and strong individual and a strong and healthy man striking a weak and sickly person.

If a man pushed a person into water or fire, the case should be evaluated : If the victim could have escaped, the offender is exempt from the deathpenalty by the court; otherwise, he is held liable. The same applies to a man who put his hand over a person's mouth and nose and left him in convulsions and unable to live, or a man who tied another up and placed him in the cold or in the heat, so that he died, or one who put another into a cave or a house and filled it with smoke, so that he died. In each of these cases the culprit must be executed on account of the victim, since he is regarded as if he suffocated him with his own hand.

Chapter 4

If a man intended to kill A and killed B, he is exempt from a deathpenalty imposed by the court, from payment of compensation, and from banishment. Accordingly, if a man threw a stone into a group of Jews and killed one of them, he is exempt from a deathpenalty imposed by the court.

If a man struck a person with a stone or fist, or the like, an appraisal should be made. If it is considered likely that he will live, the offender pays compensation on five counts and is released. Even if the victim fell ill, took a turn for the worse and died from the blow, the offender is exempt. If, however, he is considered likely to die, the assailant must immediately be put into prison, while we wait for further developments. If the victim dies, the assailant is executed; but if he has improved and recovered completely, being able to walk along in the street like any other healthy individual, the assailant pays compensation on five counts and is released.

When the Torah says "upon his staff," it does not mean that he can walk leaning on his staff or on another person ; even a dying man is able to walk leaning on a staff. The phrase upon his staff only means that he can walk, leaning on his own strength, without requiring the strength of another person for support.

One who takes a life and the witnesses did not see them as one but rather, they saw them from one behind the other, or they killed before witnesses without being warned, or the witnesses contradict one another in trivial details but not in the essentials. All of these murderer are placed in an enclosed space and force fed dry bread and water until their guts hurt and then they feed them barley until their stomachs rupture from the weight of the sickness.

One does not do this matter in the remainder of instances where the death penalty can be imposed by the court, but if one is liable for execution, they should execute him and if one is not liable for execution they should free him. That even if there transgressions that are weightier than the spilling of blood, they are not as corrupting to society as the spilling of blood. Even idolatry and it does not need to be said, forbidden sexual relations or the desecration of the Sabbath are not like the spilling of blood. That these transgressions are offenses between a person and God, but the spilling of blood is an offense between people. And everyone who has in his hand this sin, see, he is completely evil and all the commandments that one has done in his lifetime cannot balance against this sin and will not save him from judgment. As it is said, "A person weighed down with the blood of a life, etc, (Proverbs 28:17)." Go and learn from the example of Ahab who performed acts of idolatry, that behold it is said concerning him, "There are none like Ahab (I Kings 21:25)." And when his merits and his sins were weighted before the Lord of Spirits, no sin was found that merited the death penalty that was not balanced by another matter except the blood of Navot. As it says, "And the spirit came out and stood before God (I Kings 22:21)." This is the spirit of Navot. And as it says concerning him, "You will entice and you will prevail (I Kings 22:22)." Behold, the evil one did not kill with his hands, rather brought it about, how much the more so if he had killed with his own hands.

Chapter 5

Anyone who has killed inadvertently is banished from the town where he has slain to the cities of refuge. It is a positive command to banish him, as it is written: "There he shall remain until the death of the high priest" (Numbers

35:25). The court has been warned not to accept ransom from a man who has killed inadvertently, allowing him to stay in his own town, as it is written : "You must not accept ransom in order to allow one to stay home instead of his flight to a city of refuge" (35:32).

The man who killed inadvertently is not banished unless the victim died immediately. But if a man wounded a person inadvertently, even though the victim was judged to be fatally hurt and he fell ill and died, the man is not banished, because the victim may have hastened his own death.

Originally, a manslayer with or without intent would flee immediately to one of the cities of refuge, and the court of the town where he killed a person would send and fetch him from there and try him. If condemned to death, he was executed; if acquitted, he was set free; if condemned to exile, he was sent back to his place.

If he unwittingly left the limits of his city of refuge, whoever killed him was banished on account of him, whether bloodavenger or any other man. If a man killed him within the limits of his city of refuge, he was executed on account of him, even if he was a bloodavenger.

Chapter 6

How or in what circumstance The one who throws a stone into the public domain and it kills someone or the one who is taking down his wall into the public domain and a stone fell and it killed someone. Either when he took it down during the day or when he took it down at night, behold, he is considered grossly negligent and is not exiled to the city of refuge because it is a crime, because he should have looked and only then afterwards he can throw the stone or take down the wall.

If he takes down the wall into the garbage heap at night, if many people are common there, behold, he is considered grossly negligent and is not exiled to the city of refuge. If many people are not common there at all, behold, it is considered to be a freak accident and he is exempt from exile.

If there was a garbage heap that people regularly use as a bathroom at night and it is not regularly used as a bathroom during the day, and a person is found there, sitting and using the bathroom, and a stone fell on him at the time of the taking down of the wall and he dies, behold, he is exiled.

And this is also the case when, the one who throws a stone and after it left his hand, that person put out his head and he received the stone to his face and he died, the thrower is exempt from exile, as it is said, "and it found his friend (Deuteronomy 19:5) excludes the one who places himself in danger.

Chapter 7

If a student was banished to a city of refuge, his teacher must be exiled with him, as it is written: "And he shall live" (Deuteronomy 19:5); that is, make it possible for him to live. Life without study is like death for scholars who seek wisdom. So too, if a teacher went into exile, his school must be exiled with him.

If a homicide was exiled to a city of refuge and its inhabitants wished to honor him, he must say to them: "I am a homicide." If they replied: "Nevertheless," he should accept the honor from them.

An exiled man must never leave his city of refuge, not even to fulfill a religious duty or bear witness in a civil or a capital case, not even if all Israel needs his help, as that of Joab ben Zeruiah; he must not leave the city until the death of the high priest. If he did leave, he surrendered himself to death as an outlaw, as we have explained.

A homicide who returned to his town, after the death of the high priest, was regarded as any other man; if the bloodavenger killed him, he would be executed on account of him, having already obtained atonement in his exile.

Even though he had obtained atonement, he could never come back to public office held by him previously. He was deprived of his high office throughout his life, because such a dire mishap had occurred through him.

Chapter 8

The Torah commands to set aside cities of refuge, as it is written: "You shall set apart three cities" (Deuteronomy 19:7). The laws concerning the cities of refuge were observed only in Eretz Yisrael.

There were six such cities : three were set apart by Moses in Transjordan, and three by Joshua in the Land of Canaan.

The court is required to build direct roads to the cities of refuge, to keep them in repair and to have them made wide. All obstacles and obstructions must be removed from them in order not to delay an escaping person, as it is written: "You shall prepare the road" (19:3). Refuge, refuge was written on each crossroad, so that the homicides could know where to turn.

All the cities of the Levites offer asylum, each one being a city of refuge, as it is written: "In addition to the six cities of refuge assigned to the Levites you shall give fortytwo cities ; all the cities which you give to the Levites shall be fortyeight" (Numbers 35:67). The Torah regards them all alike in terms of refuge.

What is the difference between the cities of refuge that were set apart as a refuge and the cities of the Levites The cities of refuge afford asylum with or without consent, as soon as the homicide enters he is given asylum; but the other cities belonging to the Levites afford asylum only if he entered with their consent. Then, too, a homicide residing in one of the cities of refuge need not pay rent, but one who lives in a city of the Levites must pay rent to the landlord.

Chapter 9

Chapter 10

Chapter 11

The Torah commands that one should make a parapet for his roof, as it is written: "You shall make a parapet for your roof" (Deuteronomy 22:8). This law applies only to a dwelling house; but a storehouse, a stable, or the like, does not require it. Any house less than four square cubits is exempt from the need of a parapet.

There is no difference between a roof or anything else that is dangerous and likely to cause death to a person who might stumble. If, for instance, one has a well or a pit in his courtyard he must build an enclosing ring ten handbreadths high, or put a cover over it, so that a person should not fall into it and die. So too, any obstruction that is a danger to life must be removed as a matter of positive duty and extremely necessary caution.

The sages have prohibited many things because they are dangerous to life. If anyone disregards them and says : "What claim have others on me if I risk my own life" or: "I do not mind this," he should be lashed for disobedience.

The rules are: A person must never put his mouth to a pipe spouting water and drink; he must not drink from rivers or ponds at night, for fear that he might swallow a leech without seeing; he must not drink uncovered water, for fear that a snake or any other reptile drank it, and he might die.

Even if nine people drank from an uncovered jar and did not die, a tenth one may not drink from it. The sages have reported a case where a tenth person drank and died, since the poison of a snake sinks to the bottom. There is a poison of venomous reptiles that floats on the top and another that remains suspended in the liquid. For this reason, all of it is forbidden, even if the liquid has been passed through a strainer. So too, if nine ate of an uncovered melon and did not die, let not a tenth person eat of it.

Chapter 12

One must not put small change or denars into his mouth, because they may bear the dry saliva of one who suffers from a skin disease or leprosy; they may bear perspiration, and all human perspiration is deadly poison, except that which comes from the face.

It is forbidden to sell arms of any kind to heathen ; one should not sharpen their weapons; one should not sell them a knife or anything that is likely to be a public danger. Shields, however, may be sold to them, since they are used only for defense.

Just as the sages have prohibited the sale of arms to a heathen, so have they prohibited selling the same to a Jew who sells to a heathen. On the other hand, weapons may be sold to the local citizens' force, since they protect the Jewish population.

Whatever must not be sold to a heathen must not be sold to a Jewish bandit, since this will encourage a criminal and misdirect him. So too, anyone who misdirects a person, blind on any subject, by giving him wrong advice, or encourages a criminal, who is blind and cannot see the way of truth because of his greedy lust, is transgressing a prohibitive command, as it is written: "You shall not place a stumbling block before the blind" (Leviticus 19:14),

meaning that if a man comes to you for advice, you should give him an advice fitting his needs.

Chapter 13

If, on the road, one meets a person whose animal is lying helpless under its load, he must help to release the animal whether or not the load is more than it can carry. This is a positive command, as it is written: "You must help him" (Exodus 23:5).

This is the general rule: In any case where, if the animal were his own he would load or unload it, he must load or unload it when it belongs to another person.

If he unloaded and reloaded an animal and it fell down again, he must load and unload again, even a hundred times, as it is written: "You must help him. You must help him raise it" (Deuteronomy 22:4; 23:5). Accordingly, he should help the owner pull the animal as much as a Persian mile, unless he tells him: "I do not need you."

If a person encountered two animals, one crouching under its load and the other in need of help in reloading it, he should help unload first to prevent the animal from suffering, and then load the other. This rule applies only where the owners are both enemies or both friends of the person in question. But if one is an enemy and the other a friend, he is required to load for the enemy first, in order to subdue his evil impulse.

The enemy mentioned in the Torah (Exodus 23:5) is of Jewish origin, and not a foreign enemy. If one finds him aghast with his load, one must help him load or unload and not leave him there to die. He may possibly stay on because of his property and be exposed to danger, and the Torah insists on saving Jewish lives, whether they are wicked or upright, since they are attached to the Lord and believe in the principles of religion, as it is written: "Tell them: By my life, says the Lord God, I have no desire for the death of the wicked man, but for him to live by giving up his evil course" (Ezekiel 33:11).

Sefer Kinyan

Sales

Chapter 1

Title to an article purchased is not acquired by verbal agreement alone, even if witnesses have testified to such an agreement. If, for example, one said to a person: "I am selling you this house, I am selling you this wine, I am selling you this slave," and both agreed on the price: the purchaser was pleased and said "I have bought it," and the seller was pleased and said "I have sold it"; then they said to witnesses: "You be our witnesses that A has made a sale and B has procured a purchase," this counts as nothing, as if there had never been an oral agreement between them. The same applies to donor and donee in the case of a gift.

But if the article purchased was acquired by one of the modes of acquisition, the purchaser has gained title to it; they need no witnesses, and neither of them may retract.

In what manner is title acquired to anything bought In the case of landed property, by one of the following three things: by money, by deed, or by undisturbed possession.

How is title acquired by money If A sold a house or a field to B, and B paid the price to A, then B has acquired title. This applies only in a place where it is not customary to write a deed of sale ; where, however, it is customary to write a deed of sale, the purchaser acquires title only after the seller has written a deed of sale. Landed property cannot be acquired by less than a penny's worth as a nominal consideration.

How is title acquired by deed If the seller wrote on a paper or a potsherd or on a leaf: "My field is given to you, my field is sold to you," as soon as the deed has reached the hand of the transferee, he has acquired title.

How is title acquired by undisturbed possession If A sold a house or a field to B, or gave it to him as a gift, as soon as B locked, fenced, or tore down something, for the improvement of the property, he has acquired title to it.

If a man sold a house to a person and handed him the key, it is as if he told the transferee: "Go, take possession and acquire title."

How can a man acquire title by locking If, for example, a man sold a house or a courtyard with an open door, and the purchaser locked it and then reopened it, he has thereby performed an act of possession and acquired title, since he has made effective use of the property.

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Chapter 2

A Canaanite slave is like landed property as to acquisition of title, and is acquired by money or by writ of sale or by an act of possession.

What constitutes an act of possession in the acquisition of slaves By using them in the manner slaves are employed.

An animal, large or small, is acquired by drawing it into possession.

How is an animal acquired by drawing Needless to say that if the buyer pulled the animal and it moved along, or he mounted it and it moved with him, he has thereby acquired title to it; but even if he merely called the animal and it came, or he struck it with a stick and it ran before him, the moment it moved its legs to go, he acquired title to it, provided he performed the act of drawing in the presence of the owner. If, however, he performed the act of drawing in the absence of the owner, it is necessary that the owner should have told him before the drawing: "Go, draw and acquire."

Chapter 3

According to biblical law, title to both cattle and movable goods is acquired by the payment of cash; as soon as the buyer has paid the cash he has acquired title, and neither party can retract. The sages, however, have ruled that title to movable goods can be acquired only by lifting, or by drawing where lifting is not feasible.

Why did the sages institute this rule about movable goods? It was a preventive measure in a case where the object that was bought and paid for by the purchaser has been lost by accident. If, for example, a fire broke out and the object was burned, or robbers came and took it away, the seller might delay and make no effort to save the object, if the title to it should be vested in the purchaser. The sages therefore placed the object in the ownership of the seller, in order that he should strive to save it, since he is held liable to pay for it if it is lost.

Chapter 4

Be mindful of this important general rule: In buying movables, if a man agreed on the price and then performed the act of lifting up, he has acquired title; but if he first lifted the object, replaced it, and then agreed on the price, he has not acquired title by that lifting. He should lift, or pull the object that is not liftable, after agreeing on the price.

It is immaterial whether one performs the act of pulling or that of lifting or that of taking possession by himself, or he tells another to lift or take possession for him, title is thus acquired by him. So too, in other modes of acquisition.

Chapter 5

All movable property acquires other movable property. If, for example, a person has bartered a cow for a donkey or wine for oil, even though the parties are particular about the price and have made the exchange following an assessment of the worth of each article, as soon as one of them performed the act of pulling or lifting, the other has acquired title to the movables given in exchange wherever they may be at the time; they become his possession, though he has not pulled them.

If one has bartered a donkey for a cow and a lamb, and he pulled the cow and not yet the lamb, he has not acquired title, because the act of pulling has not been complete. And so in all similar cases.

Landed property, slaves, cattle and all the rest of movables may be acquired by a symbolical form of barter, known as kinyan. The principle of this method is that the buyer transfers to the seller an object of no matter how small a value and says to him: "Acquire this object in exchange for the courtyard or the wine or the cattle or the slave that you sold me for so much." Thereupon the moment the seller lifted the object and acquired it, the buyer has acquired title to the land or all the aforementioned movables even though he has not pulled them or paid their price, and neither party may retract.

A kinyan can be made only by means of objects, even if they are not worth a penny. It cannot be made with anything from which it is forbidden to derive a benefit, nor with fruit products, nor with a coin. A kinyan cannot be made with objects owned by the seller; instead, objects owned by the buyer must be used.

If a third person made a kinyan by transferring an article to the seller so that the buyer should thereby acquire title to the object for sale, then the buyer has acquired title to it. Even though the third party transferred the article to the seller on condition that the latter should return it to him, the transaction has been consummated and the buyer has acquired title, because a present made with the condition that it must be returned is legally considered a valid gift.

Chapter 6

Although fruit products cannot be used as a means of kinyan, as we have explained, they may be acquired by kinyan. Coins, however, can neither serve as a means of kinyan nor be acquired by kinyan. Hence, a coin is not to be acquired by kinyan in terms of a commodity, and should not be used as a means of kinyan to effect the acquisition of other objects.

Lumps of gold or silver are like bars of iron or copper, all of which are like any other movable property and may be acquired by kinyan, and acquire each other in a form of exchange, as we have explained. But silver coins, gold denars, or copper small change are all regarded as purchasing money in relation to any other movable property. Thus, if one has given any of these as the price of movables, he has not acquired title to the movables unless he pulled or lifted them, as we have explained. None of the coins can be acquired by kinyan or used as a means of kinyan.

This applies only where one intends to acquire other movables, slaves and landed property, by means of the aforementioned coins. However, gold denars in relation to silver coins have the status of fruit products; so too, copper small change is comparable to fruit products with regard to silver coins.

If, for instance, one gave to a person a gold denar in exchange for its equivalent twentyfive silver denars, he has

acquired title to the silver even though it has not yet reached him, and the other party is obligated to deliver the twentyfive silver denars, according to the bargain made. If they agreed on new coins, he must deliver new coins; if old coins, he must deliver old coins. If, on the other hand, he gave him twentyfive silver denars in exchange for a gold denar, he has not acquired title to the gold denar unless he has taken it in his hand ; otherwise, either party may retract.

So too, disused currency that the government or the state has canceled, or denars that are not current in that state and are not used as a means of transaction unless they are recast into another coin, are regarded as fruit products in every respect and can be acquired by kinyan; they can acquire title to money, but money cannot acquire title to them, just as all fruit products cannot be used as a means of kinyan.

Chapter 7

If a man paid the price but has not drawn the product from the seller into his possession, even though title to the article has not been acquired, as we have explained, the one who retracts, whether the buyer or the seller, does not act properly as a Jew should, and must receive the curse expressed in the formula "He who punished" Even if the man gave only the earnest money, the one who retracts receives the curse beginning with the phrase "He who punished"

How is he to receive this curse They speak a curse against him as follows: "He who punished the generation of the flood and the generation of the tower of Babel, the men of Sodom and Gomorrah, and the Egyptians who were drowned in the sea, will punish him who does not stand by his word." Then the money is refunded.

If a person to whom a debt was due said to the debtor: "Sell me a cask of wine for the debt you owe me," and the seller agreed, it is as if the creditor paid the money now, and therefore the one who retracts must receive the curse formula. Accordingly, if one has sold a piece of land to a person for a debt he owed him, neither of them can retract, even though the money of the debt is not available at the time of the sale.

If one buys from a person land or slaves or other movable property, both having agreed on the price, and the buyer has deposited a pledge for the money, he has not acquired title ; and either of them may retract without being required to receive the curse against one who fails to keep his word.

If one sold an article to a person merely by verbal agreement, both having agreed on the price, and the buyer has marked the purchased article in order to have a distinct sign indicating that it is his, even though he has not yet paid any money, then either one who retracts must receive the curse formula.

Anyone who transacts business by verbal agreement alone should keep his word, although he has received no money, made no mark, and left no pledge. If either of them, purchaser or seller, retracts, he belongs to the class of dishonest men and the sages are displeased with him, although he is not required to receive the curse formula.

If one gave money to a person to buy for him land or movable property, and the person put away the other's money and went ahead and purchased the property for himself with his own money, what he has done is done, and he is included among the cheats.

Chapter 8

Chapter 9

Chapter 10

Chapter 11

If one has transferred land or movable property and stipulated conditions that are possible of performance, title to the object is acquired if the conditions are fulfilled, whether they were stated by the transferor or the transferee. The latter cannot acquire title if the conditions are not fulfilled. We have already explained the rules of conditions in the section dealing with the laws of matrimony.

If one sold his courtyard or his field and specified at the time that he was selling it in order to make a journey to a certain place, or owing to want of rain, it is as if he made the sale on condition. Accordingly, if rain fell after he had made the sale or it became impossible for him to make the trip to that particular country, he may refund the money and the land will be restored to him, because he stated explicitly that he was selling only to accomplish a specific

thing, and it was not accomplished. And so in all similar cases.

If, however, one sells unconditionally, even though he has in mind the reason why he is making the sale, and although circumstances make it clear that he is selling merely to accomplish a certain thing, he cannot retract if it is not accomplished, because he has not specified it, and mental reservations are not effective.

It once happened that a woman appointed Reuben as her agent to buy her a courtyard from Simeon who was her relative. Simeon, the seller, said to Reuben, the agent: "When I will have money, will that lady who is my relative return this land to me" And Reuben replied: "You and that lady are as close as brother and sister," as if he meant to say: "It is very likely that she will restore it to you, since she does not care much for it." When this case reached the sages, they declared: "This agent had acquired no title, because the relative had not relied on the words of the agent who had given him no definite reply; hence, he had not resolved to sell." And so in all similar cases.

If a person has obligated himself unconditionally to pay an amount of money to another person, whom he owes nothing at all, he must pay it. If, for example, a man said to witnesses: "Be witnesses that I owe that person one hundred shekels," or, in the presence of witnesses, he said to another: "I owe you one hundred shekels by writ," he must pay; even though he omitted saying "be my witnesses," it is as if he said it, because he used the phrase "by writ." Even though both parties admit, and the witnesses know that he owes him nothing, he has obligated himself like one who has made a guaranty. The majority of the Geonim have decided the case in this manner.

Chapter 12

Both seller and buyer are forbidden to defraud each other, as it is written : "When you sell to your neighbor or buy from your neighbor, you shall not wrong each other" (Leviticus 25:14). Whether one has deceived deliberately or has not been aware of the fraud in a particular sale, he must repay.

What are the legal limits of deceit requiring repayment A sixth of the value of the article. If, for example, one has sold an article worth six denars for five, or worth seven for six, or worth six for seven, or worth five for six, it is a fraud where the transaction is valid but the defrauder has to repay the defrauded amount to the person deceived.

If the fraud has amounted somewhat less than that, the defrauder is not required to restore anything, since it is generally customary to forego anything less than a sixth.

If the fraud has amounted somewhat more than a sixth, the transaction is void and the defrauded party may return the article and not buy it at all. The defrauder, however, cannot retract if the other person is pleased and accepts the deal.

The law against defrauding applies to an ordinary purchaser and a merchant alike, even though he is an expert. The law against defrauding applies to coins as well as to fruit products and cattle.

If, for example, a golden denar was valued at twentyfour silver denars and he exchanged it for twenty or twentyeight denars, he must refund the amount defrauded. If it was more than this, the exchange deal is invalid; if less than this, it is remitted.

Chapter 13

If one transacts business on word of honor, the law against defrauding does not apply to him. If, for example, one says : "I have bought this article for so much and I make so much profit on it," the purchaser can have no claim of fraud against him.

The law of defrauding does not apply to the following items : real estate, slaves, deeds, and Temple property. Even if one has sold them for one denar when they are worth a thousand, or for a thousand when they are worth one denar, the law against defrauding does not apply to them, as it is written: " or buy from your neighbor's hand" (Leviticus 25:14), meaning something transferred from hand to hand. Real estate is excluded, and so are slaves who are compared to landed property; deeds are excluded, since they have no intrinsic value and serve only for the evidence they contain. The term "your neighbor" excludes Temple property.

Chapter 14

We have already explained that if one transacts business on word of honor and has said: "I am making so much profit," the law against defrauding does not apply to him. Even if he said: "I have bought this article for one sela and

am selling it for ten," it is legitimate. The courts, however, are required to fix prices and appoint officers for that purpose, so that any merchant should not make all the profit he desires; the law courts should establish one-sixth of the price as the merchants' profit; and let the seller not profit more than one-sixth.

This rule applies only to commodities that are necessary to life, such as wines, oils, kinds of flour; but for spices such as costus roots, frankincense, and the like, no market price should be fixed, and let the merchant make all the profit he desires.

Just as there is a law against defrauding in buying and selling, so there is a law against wronging a person by means of words, as it is written: "You shall not wrong each other, but you shall fear your God; I am the Lord" (Leviticus 25:17). This refers to wounding the feelings of another by words.

If, for instance, someone is a repentant sinner, one must not say to him: "Remember your former deeds." If a proselyte comes to study Torah, one must not say to him: "Shall the mouth that ate unclean and forbidden food study Torah which has been given by the Lord?" If a person has been afflicted with disease and suffering, or if he has buried his children, one must not say to him in the words used by Job's companions in addressing Job: "Let your piety reassure you. Think now, what guiltless man has ever perished" (Job 4:67).

Anyone who wrongs the Convert, whether fiscally or verbally, violates three prohibitions. As it is said (Exodus 22, 20): "And a stranger shalt thou not wrong" this is verbally wronging. "Neither shalt thou oppress him" this is fiscally wronging. You have learned that he who wrongs the convert violates three prohibitions. He violates "ye shall not wrong your fellow" (Leviticus 25, 17), "ye shall not wrong your brother" (Leviticus 25, 14), and "a stranger shalt thou not wrong".

A wrong inflicted by means of words is worse than a wrong inflicted in financial dealings, because restitution can be made for one and not the other; one is financial, while the other is personal. Concerning the wrong we do by means of words, the Torah says: "You shall fear your God" (Leviticus 25:17), since it is a matter entrusted to the heart over which the legal authorities have no control. Indeed, anything that is left to the conscience of the individual is referred to by the biblical expression you shall fear your God. Whoever cries out to God on account of a wrong done by means of words is answered immediately, as it is written: "for I am the Lord" (Leviticus 25:17).

Chapter 15

Chapter 16

Chapter 17

Chapter 18

It is forbidden to deceive people in business dealings, as well as by false pretenses; non-Jews and Jews are all alike in this respect. If one is aware of a defect in the article he is selling, he must let the purchaser know about it. It is forbidden to cheat people even by the use of mere words.

Chapter 19

One cannot transfer title to what does not yet exist whether by sale, or by gift, or by bequest of a person who is critically ill. If, for example, a person says to another: "What this field will yield is sold to you, what this tree will yield is given to you, give to so-and-so what this animal will bear," no title is acquired thereby. And so in all similar cases.

Chapter 20

If one sells the soil itself for a specified time, it is a valid sale and the purchaser may use the land as he pleases, enjoying its fruit products throughout the period of the sale. At the end of the period, the land reverts to its original owner.

What difference is there between a person who sells land for a specified period and one who transfers it for the use of its fruit products? One who buys land for the use of its fruit products may not alter the shape of the land and may not build or demolish anything on it; on the other hand, one who buys it for a specified period may build or demolish on it, doing with it during the entire specified time as one who buys it in perpetuity.

What is the difference between one who sells a field for the use of its products and one who sells only the products of that field to another? When one merely sells the products of the field, the buyer may not make use of that field at all,

not even enter it, except for the purpose of removing the products, while the owner of the field may use it as he pleases. But the owner of a field who sells it for the use of its products may enter it only with the consent of the purchaser, while the purchaser may make use of it as he pleases.

What is the difference between one who buys a field for the use of its products and one who rents a field from another? One who buys a field for the use of its products may plant it or sow it whenever he pleases, or leave it untilled; but the person who rents it may not do so, as it will be explained in connection with leasing. Besides, the person who rents something may not rent it out to a third party; but one who buys may transfer to others whatever he has bought.

If one sells the products of a dovecot or the products of a beehive to another, the latter has acquired title; and it is not considered as if he were selling something nonexistent, because he is not selling doves that will be born or honey that will come into the hive, but he is selling the dovecot for the use of its products or the beehive for the use of its honey. It is like one who leases a pond to another person, where the latter may benefit from whatever he catches there. So too, the person who transfers this dovecot for the use of its products is like one who sells a tree for the use of its fruit.

Chapter 21

There are three whose purchase or sale is invalid according to biblical law: the deafmute, the imbecile, and the minor. The sages, however, have enacted that the deafmute or the minor may have valid business dealings for his livelihood.

How does a deafmute make a transaction? If one neither hears nor speaks, or speaks but hears nothing, he can buy movable goods by signs, but not landed property. Even with movable goods, his transactions are valid only after he has passed many tests and the court has duly deliberated the case.

A speechless person who hears though he cannot speak, or one who has been paralyzed and rendered speechless, both his purchase or sale is valid, and so are his gifts valid in every respect, both in movable goods and in landed property, provided he has been examined by the court in the manner that tests are given in divorce cases, or if he can write with his own hand.

Neither the purchase nor the sale of an imbecile is valid, nor are his gifts valid. The court appoints an administrator for imbeciles as it does for minors.

One who is alternately insane and sane, as in the case of epileptics, the rule is that when he is sane all his dealings are valid and he may acquire ownership for himself and for others like any sensible person. The witnesses should investigate the matter thoroughly to be sure that he did not perform the act toward the end or at the beginning of his lapse into insanity.

The minor should be tested whether or not he is familiar with the nature of business. Sometimes a seven-year-old youngster is clever and intelligent, while another as old as thirteen knows nothing about the nature of a transaction. If a youngster, knowing the nature of business and having no guardian, has made a deal in movable goods and committed an error, his legal status is that of an adult: less than one-sixth is remitted; one-sixth, the difference is refunded; an overcharge of more than one-sixth, the transaction is invalid, as we have explained.

The purchase or sale by a drunken man, and his gifts, are valid. If, however, he has reached the drunken condition of Lot, being too drunk to know what he is doing, his transactions mean nothing, since he has the legal status of a youngster less than six years old.

Ownerless Property and Gifts

Chapter 1

Whoever takes possession of ownerless property gains title to it. Similarly, whatever is available in deserts, rivers and streams, is ownerless property; whoever comes first, gains title to it; for example, grass, wood, fruit of forest trees, and the like.

If one catches fish in lakes and rivers, or if he catches birds and various wild animals, he gains title, because they are ownerless. However, one should not catch them in another's field; but if he did catch them there, he has gained title. If the fish, animals and birds, are kept in vivariums owned by others, even if it is a large vivarium where they still must be hunted, they belong to the owner of the vivarium, and whoever hunts there is a robber.

Chapter 2

Chapter 3

If one presents a gift to a person, the donee acquires title to it only by one of several ways whereby a buyer acquires title to the object he has purchased. If, for example, one wishes to make a gift to a person of some movable property, the donee acquires title after lifting it, or drawing it to his possession where lifting is not feasible, or by other means whereby movable goods are acquired. If it is landed property or slaves that he gives him, the donee acquires title only after performing an act of possession as a buyer would, or after obtaining the deed of gift. The donee does not gain title by mere words, in which case either of the two may still retract.

Whoever has made a gift conditionally, regardless of whether the donor or the donee has imposed the condition, and the donee has taken possession and title, then the gift is valid if the condition has been fulfilled; if not, the gift is null and void, and the donee must restore the products he has consumed; provided the condition is properly phrased.

We have already explained that all conditions in connection with gifts, purchases and sales, must contain a double stipulation; the affirmative must be stated before the negative; the condition must precede the act: and the condition must be possible of performance. If one of these provisions is missing, the condition is null and void, as if there has been no condition.

Anyone who says "on condition" is as if he were to say "from now on," and is not required to use a double stipulation. I am inclined to agree with some Geonim who formulated this decision. My teachers, however, have taught that only in cases of divorce and marriage is it required to state a double stipulation, where the affirmative should precede the negative. But there is no proof that this is so.

Chapter 4

Chapter 5

If one presents a gift, whether in a state of good health or in illness, it should be open and publicized. If a person said to witnesses: "Write a deed of gift secretly and give it to him," it is not effective, because he may be acting subtly so as to cause a loss to others by selling it to someone after having presented it as a gift.

It once happened that a man wanted to marry a certain woman, who told him: "I will not be wedded to you unless you deed all your property to me." His adult son heard of this and complained that he was leaving him without anything. The father thereupon said to witnesses: "Go hide yourselves and deed all my estate to my son as a gift." Then he deeded all his estate to the woman and married her. When the case came before the sages, they said: Neither the son nor the woman acquired title, since the man manifested his unwillingness to deed it to her when he first presented it to his son, even though the gift was invalid because it was concealed. It is as if he had acted under compulsion when deeding his entire estate to his future wife. And so it is in all similar cases.

Chapter 6

We should always appraise the intention of the donor. If circumstances show his final intention, we should act according to the appraisal, even though he failed to specify. To illustrate: A man whose son had gone abroad heard that he died, so he deeded his estate to another person as a completely undisguised gift, and then his son arrived home. The gift in such a case is invalid, because the circumstances make it evident that had he known that his son was alive he would not have given away his entire estate. Accordingly, if he has reserved some of his estate for himself, whether landed or movable property, his gift would be valid.

So too, if one deeded his entire estate as a gift to one of his sons, it is immaterial whether he was at the time in good health or dangerously ill, then even if the son is only an infant lying in the cradle, it is assumed that the father has appointed him merely as an administrator, and he shares the entire estate equally with his brothers. It is assumed that the father merely intended to have his brothers submit to his authority. However, if he had reserved anything for himself, whether land or movables, the son would have gained title to the gift.

This applies only where he deeded the gift to one of his sons. If, however, he deeded his entire estate to a son among daughters or to a daughter among daughters or to one heir among other heirs, then even if he has not reserved anything for himself his gift is valid.

Chapter 7

There is a widespread custom in most countries that when a man marries, his friends and acquaintances send him money whereby to recover from the strain of expense in providing for his wife. Those friends and acquaintances who

have sent him money come to eat and drink with the groom during the seven days of celebration, or some of them, all in accordance with local custom. The money they send is referred to as wedding gifts, and those who send the money and eat and drink with the groom are referred to as groomsmen.

A groomsmen's gift is not a perfect gift. It is well known that he has not sent ten denars to eat and drink for it ; he has sent it only with the intention of having his friend send it back to him upon the occasion of his own marriage. Hence, if he got married and the other failed to restore his wedding gift, he can sue him and collect.

He cannot sue him unless he marries in the same manner as the other did. If, for instance, Reuben married a maiden and Simeon sent him a wedding gift, and then Simeon married a widow. He cannot sue Reuben to restore the wedding gift to him, because Reuben may plead: "I will return it to you only if you marry a maiden, as when you gave me a gift." Similarly, if a man sent a groomsmen's gift to one who married a widow, he cannot claim it back when he marries a maiden.

If Reuben made a public feast and Simeon made one privately, or if Reuben made a private feast and Simeon made one publicly, they cannot claim anything from each other, because each may plead: "I will do for you only as you have done for me."

Five things have been asserted about a groomsmen's gift: it is collectible through the court, because it is only a loan; it is paid at the proper time only, when the donor marries in the same manner as has the donee, because it is considered as if he had sent the gift on that condition, although he did not explicitly say so; the law against usury does not apply here; that is, even if he sent one denar and the other repaid ten denars it is permissible, because he did not send the denar on condition that the other should return it with an increase; the sabbatical year does not cancel it, because the donor cannot press for its return unless he himself gets married in the manner of the donee ; the firstborn does not obtain a double share of it if it is repaid to the heirs, because it is only prospective, and the firstborn does not take a double share of what is expected to fall due to the father's estate, as it will be explained in the right place.

Chapter 8

A blind man, a lame man, a onearmed man, or a person with a headache, or one with a sore eye, or one whose hand or foot hurts, or the like, is legally considered in sound health in reference to everything : his buying, selling, and transfer of gifts are valid.

However, a sick person whose entire body has weakened and whose strength has given way owing to disease, so that he cannot walk in the street but is confined to bed, is referred to as critically ill ; the rules governing his gifts are unlike those that govern the gift of a healthy man. If, for example, a person who is critically ill bequeaths a certain amount to a certain individual, then regardless of whether he stated this on a weekday or on the Sabbath, in writing or not, the donee acquires title to whatever the man has left him upon his death ; no kinyan is required, since the verbal statement of one who is critically ill is like a deed written and delivered. This is one of the rabbinic enactments. Even though it is merely a rabbinic enactment, it has been given the force of a biblical law, that the patient's mind might not become deranged knowing that his words are invalid.

If a moribund person made a bequest because of imminent death, as when he intimated that he felt sure he was dying, he may retract if he has recovered, even though part of his estate was acquired by means of a symbolical kinyan.

If a man departs on a sea voyage or sets out with a caravan or is led out in chains or is on the verge of death, having been suddenly overwhelmed by a sickness which worsened, his instructions in each of the four situations are deemed orders of a man on the verge of death, and his words are like a deed written and delivered ; they are made valid if he dies. If he has been saved or has recovered, he may retract even if there has been a kinyan for part of his estate, in keeping with the legal status of anyone who makes a bequest because of imminent death.

Chapter 9

If a dying man deeded his estate to one person and then to another, the last one has acquired it, because the moribund can retract until he dies.

If a dying person has made a sale, it is as valid as that made by a healthy man.

In the case of a gift deed made out indefinitely, in which it was not specified whether the donor was in sound health or

on the verge of death, if the donor claims: "I was critically ill, and now that I have recovered I retract my gift," and the donee declares: "He was in good health and he cannot retract," then the donee must bring proof that the donor was in good health. If he has found no proof, the donor takes an exemption oath whereby he is freed, and the land remains in the possession of the donor.

Chapter 10

Chapter 11

Chapter 12

If a dying person said: "This son of mine shall be my heir," then that son alone is his heir and the other sons are not. So too, if he said this in reference to one of his daughters or one of his brothers or other heirs, his words are valid.

However, if a man in good health makes such a statement, his words are invalid.

If a deed of gift made by a person in sound health contains the phrase from today and after death, it is like a gift of a moribund person, title to which is acquired only after the donor's death, because the meaning of these words is that, though the donee has acquired the substance as of today, he obtains possession of it and may eat its products only after the donor's death.

If it is written in a deed of gift that a certain party shall acquire title to a certain piece of land after the donor's death, it is immaterial whether or not the deed contains a kinyan, and the beneficiary acquires title now to become effective after the donor's death. Since the deed contains a date, and on that date the donor was alive, the date proves that he transferred title to the donee while still alive. Had the donor intended to transfer title by this document not while alive but after his death, he would not have stated the date. Accordingly, even if it is not written in the document from today and after death, the beneficiary has the right of ownership after the donor's death. The reason that we do write in all gift and sale documents from now, even if they are dated, is only to expatiate by inserting what is not absolutely necessary.

If a man in sound health gave a gift and wrote in the deed in life and in death, it is a perfectly valid gift in life, since in life is written in the document. The phrase and in death means about the same as henceforth and forever, and it is one of those embellishments inserted in the texture of a deed.

Sincerely upright men of good works do not accept gifts from men; they trust in God, blessed be he, and not in philanthropists. Indeed, it is written: "He who hates gifts will live" (Proverbs 15:27).

Neighbors

Chapter 1

Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

The inhabitants of a town may lawfully compel one another to share in building a defense wall, gates and bars for the town, to help build a synagogue for their use, and to purchase a Sefer Torah and books of the Prophets and Sacred Writings, so that any member of the community may read them whenever he pleases.

If a person has bought a town in Eretz Yisrael, the court induces him to buy for himself land in all the four directions of the town for purposes of creating a Jewish settlement in Eretz Yisrael. The owners of a stretch of fields may compel one another to dig a large ditch and a small ditch between them.

If a man has a courtyard in another town, the inhabitants of that town may lawfully compel him to share in digging cisterns, trenches, caves, and a waterchannel; but they cannot impose other duties upon him. If he has been residing among them in that town, they may coerce him to share in everything.

When funds are collected from the city residents for building the defense wall, they should collect according to the

proximity of the homes to the wall; the closer one lives to the wall the more he should contribute.

Anyone who has lived in the town for twelve months, or bought a residential house there, must share with the residents of the town in everything that is needed for the repair of the wall and the gates, the hire of the horsemen who guard the city, and all similar things that pertain to the safeguarding of the town.

All things needed for the safeguarding of the city are taken from the citizens, including orphans, but not from Torah scholars, since the scholars are not in need of extra protection: the Torah is their protection. But for the repair of the roads and the streets even scholars are taxed. If the entire population comes out to do the repairing by themselves, scholars should not come out with them, because it is not right for scholars to degrade themselves in the presence of the common people.

The residents of an alley may lawfully prevent one another from letting a tailor or a tanner or any other craftsman settle among them. If a craftsman has been in an alley without being hindered, or if there has been a bathhouse or a shop or a mill, and someone comes and makes another bathhouse next to the first, or another mill, the owner of the first cannot prevent him, claiming: "You are cutting off my livelihood." Even if the owner of the second is from another alley, he cannot be prevented, since that type of craft is already in their midst. A stranger from another country, however, who comes to open a shop or a bathhouse close to one that is there already, may well be prevented. But if he has contributed along with the other citizens toward payment of the royal tax, he cannot be prevented.

The citizens cannot lawfully hinder peddlers who travel from town to town, because there is a regulation adopted by Ezra permitting them to peddle, so that perfume may be readily available to the daughters of Israel. But they cannot establish permanent residence without the consent of the inhabitants of the town. If the peddler is a scholar, he may establish residence anywhere he pleases.

The citizens may lawfully prevent merchants from bringing their merchandise for sale inside the towns; if the traders sell only on the market day, they cannot be prevented, provided they do the selling in the market ; but they must not go from door to door even on a market day. If they have debts to collect in town, they may sell as much as they need for their livelihood even on a nonmarket day, until they collect their debts and leave.

If one of the residents of a blind alley wishes to become a general practitioner or a surgeon or a weaver, or a teacher of heathen children, the residents of the alley may lawfully prevent him, because he would increase the number of people coming and going. So too, if one has a house in a cooperative courtyard, he must not rent it out to a general practitioner or a surgeon or a weaver, or a Jewish scribe who writes deeds, or a teacher of heathen children.

If there is a shop in a courtyard, the residents may interfere with the owner and say to him: "We cannot sleep on account of the noise of those who come and go. He should therefore do his work in his shop and sell the product in the market. But they cannot protest and tell him: "We cannot sleep on account of the noise of the hammer or the mill," since he has already established the right to do this. So too, he has the right to teach Torah to Jewish children in his house, and the partners cannot protest and claim: "We cannot sleep because of the noise of the school children."

Chapter 7

Chapter 8

Chapter 9

Chapter 10

A tree may not be grown within twentyfive cubits from the town, or fifty cubits if it is a carob or a sycamore tree, in order to preserve the beauty of the town. Every tree that is found closer to town should be cut down. If the tree was there first, the residents of the town must compensate the owner for it. If it is doubtful which was there first, the owner of the tree is not compensated; he takes his wood and leaves.

Carcasses, graves, and tanneries must be removed fifty cubits from the town.

A tannery may be set up only on the east side of the town, because the east wind is warm and reduces the bad odor resulting from tanning.

If one has a tree in his field close to the cistern of his neighbor, the owner of the cistern cannot interfere with him by claiming: "The roots of the tree will penetrate my cistern and damage it," because this is a damage that comes

automatically after some time ; when he planted the tree he caused no harm to the cistern. Just as the one may dig in his premises, so may the other plant in his own. So too, if Reuben dug a cistern, and as he descended he found roots of Simeon's tree in his field, he may cut the roots and continue digging, and the wood belongs to him.

Chapter 11

Chapter 12

If one of the brothers or partners has sold his share to a stranger, the buyer may lawfully be removed. The other brothers or partners reimburse him and he leaves, so that a stranger might not thrust himself upon them.

Furthermore, if a man sold his land to a stranger, his neighbor owning adjoining land has the right to pay the price back to the buyer and evict him; the distant buyer is treated as if he were an agent of the owner of the adjacent field. The law of preemption prevails regardless of whether the sale was made by the owner in person or through an agent or by the court. Even if the new buyer is a scholar, a neighbor, or a relative to the seller, and the owner of the adjacent field is ignorant and distant, the latter has nevertheless priority and may lawfully evict the buyer. This rule is derived from the biblical expression : "Do what is right and good in the sight of the Lord" (Deuteronomy 6:18). The sages have declared : Since the purchaser can as easily buy a similar field elsewhere, it is good and right that the owner of the adjacent land should buy this place rather than a distant person. (Bava Metzia 108a).

If one gave property as a mortgage and then sold it to the mortgagee, the law of preemption does not apply. So too, if one sold a distant piece of property that he might redeem one that is close to his home, or if he sold an inferior field that he might redeem a better one for its price, or if he sold land to pay the royal tax or to take care of funeral expenses or for maintenance to wife or daughters, the neighbor's right of preemption does not apply to any of these cases, and the buyer acquires title. Why does not the right of preemption apply in such cases Because in all these, the owners are anxious to sell because of urgent need. If you were to apply to them the rule of preemption, they would find no buyer, for one would say: "Why should I bother and purchase so that the adjacent landowner may come and evict me The owners cannot afford to wait until the adjacent landowner will bring money and buy the property.

Agents and Partners

Chapter 1

If one said to his messenger: "Go out and sell a piece of land for me," or "movable goods," or "buy for me," the latter can sell and buy and act as his agent, and all his actions are valid.

If an agent has transgressed the bidding of his principal, his acts are void. So too, if he has committed an error in any quantity soever, whether in realty or in movables, his principal may lawfully retract, because he can say: "I have sent you to do the right thing as my agent and not the wrong thing."

Chapter 2

A broker is an agent who is paid for his services. Accordingly, if he acted otherwise than his principal's instructions, he must pay for the loss he has caused. If, for example, Reuben gave an object to Simeon the broker and told him: "Sell this for me, but do not sell it for less than one hundred," and he went and sold it for fifty, he must pay fifty of his own. If, however, he sold it for two hundred, it all belongs to Reuben. And so it is in all similar cases.

Chapter 3

If a man has a piece of land in the care of another person, or if he has movables deposited, and he wishes to appoint an agent to enter a lawsuit against that person and to take the land or the deposited object away from him, he should write an authorization for him. This authorization should be confirmed by the symbolical transfer of some article, referred to as kinyan, and he should address him in writing with these words: "Plead, acquire, and dispossess for yourself," or something like this. If he has not written such an authorization for the agent, the latter cannot enter a suit against the other, who can say to him: "You are not entitled to sue me." And even if he has written such an authorization for the agent, the latter remains no more than an agent, and whatever he wins belongs to his principal. All the expenses that the agent incurs in a case to which he has been authorized must be defrayed by his principal, for it is written in the deed of authorization: "Whatever you will spend on this case I will have to pay."

If one has money deposited with another and he wishes to authorize an agent to obtain it for him, the formal authorization is of no avail in such a case, because coins cannot be acquired by symbolic barter. How then should he

do He should give the agent any piece of land soever and transfer title to the money along with it, so that he may obtain the money by means of this authorization. The agent can then proceed to sue the other party and obtain the money.

Chapter 4

Chapter 5

Chapter 6

If two persons transact business with funds held in partnership, even though the money has been provided by only one of the two, it is called a partnership ; in the case of either a loss or a profit, it is divided equally. But if only one of the partners transacts business with the money held in partnership, even though the money has been provided by both, it is called sek, and the one who carries on the business is called mithassek, because it is he alone who engages in the transactions ; his partner who does not carry on the business is called the investor.

The sages have provided that when someone gives money to another person to do business, half the amount should be regarded as a loan, so that the one who engages in the transactions (mithassek) is held responsible for it, even if it is lost by accident; the other half should be in the form of a deposit, so that the investor remains responsible for it. Accordingly, if half the amount that is regarded as a deposit is stolen or lost, the mithassek is not required to pay. Hence, the profit made by this half belongs to the investor.

The sages have furthermore provided that when anyone advances capital to another to do business, and there is a loss or a profit, and he does not care to pay the other the daily wages for his work, nor have they made any agreement as to wages, onethird of the profit made by the half that is considered a deposit, which is onesixth of the profit of the entire amount, should serve as the wage of the mithassek as to the half serving as a deposit. Accordingly, if they have made a profit, the mithassek will receive twothirds of the profit: half the profit for half the amount in the form of a loan, and onesixth of the entire profit as compensation for doing business with the deposit, totaling in all twothirds of the profit, while the investor will receive onethird of the entire profit. In the case of a loss, the mithassek (operator) will bear onethird of it, since he is responsible for half the loss owing to half the amount in the form of a loan, but he is allowed onesixth as compensation for handling the half which is regarded as a deposit; hence, onethird of the loss is borne by him, and the investor bears twothirds of the loss.

Chapter 7

Chapter 8

Chapter 9

All partners, tenants, guardians appointed by the court over orphans, must each take an oath imposed by the sages in a case of doubtful claim (suspicion of fraud) : perhaps he has robbed the other in a transaction, or maybe he was careless in computing the accounts between them. Why did the sages institute this oath Because these people are likely to decide the law to their advantage, thinking that whatever they take from the property of the investor belongs rightfully to them, inasmuch as they carry on the business and do all the work. Hence, the sages have ruled that they should be required to take an oath in a doubtful claim, so that they may do all their work justly and faithfully.

Slaves

Chapter 1

A Hebrew slave spoken of in the Torah is an Israelite whom the court sold into servitude forcibly, or one who sold himself voluntarily. If, for example, a man committed a theft and has no means to pay the value of the stolen object, the court sells him, as we have stated in the section concerning theft. With the exception of a thief, the court may not sell any Israelite. When the Torah says: "If you buy a Hebrew slave" (Exodus 21:2), it refers to one whom the court has sold. Of such a one it is written in Deuteronomy: "If your fellow Hebrew is sold to you" (15:12). The person who voluntarily sells himself into slavery is an Israelite who has become exceedingly poor, and the Torah has permitted him to sell himself, as it is written: "If your brother becomes poor and sells himself to you" (Leviticus 25:39). He is not permitted to sell himself and put the money away or buy merchandise or utensils with it, or give it to a creditor. He can sell his freedom only if he needs the money for food. One is not permitted to sell himself unless he has nothing left, not even clothing. Only then may he sell himself.

We have already explained that a woman may not be sold by the court for theft, nor may she sell herself.

If the court sells a Hebrew slave, it sells him only to an Israelite or to a true proselyte. So too, if one voluntarily sells himself, he must not sell himself to a heathen, or even to a resident alien who renounced idolatry. If, however, he broke the law and sold himself even to an idolater, or even to the idol itself to take care of it, he is sold, as it is written: "If he sells himself to the resident alien or to an offshoot of an alien's family" (Leviticus 25:47). Offshoot alludes to one who sells himself to be of service to the idol itself.

If one comes and tells you: "I am going to sell myself to a heathen," you are not obligated to pay attention to him unless he has sold himself already. But after he has sold himself to a heathen, even though he has broken the law and acted wrongfully, it is a duty to redeem him, so that he may not become assimilated with idolaters, as it is written: "After he has sold himself he should be bought back."

Whether he sells himself or is sold by the court, he must not be sold publicly at an auction place or in a backstreet, as slaves are generally sold, for it is written: "They must not be sold as slaves are sold" (Leviticus 25:42). He should rather be sold privately and politely.

It is forbidden to work a Hebrew slave ruthlessly. What is meant by ruthless work It is work that has no definite time or limit, or needless work designed only to keep the slave working and occupied. Hence, the sages have said: The master should not tell the Hebrew slave: "Pluck weeds under the vines until I arrive," because he has not given him a time limit. He should rather tell him : Pluck weeds until a certain hour or up to a certain place. Nor should he say to him: "Dig up this place," when he does not need it. It is even forbidden to tell him to prepare a glass of hot or cold water for him if he does not need it. By doing this he breaks a prohibitive law, as it is written: "You shall not rule over him ruthlessly" (43). This implies that the Hebrew slave is to do for the master only what is timemarked and needed.

An Israelite who bought any Hebrew slave is forbidden to impose upon him humiliating tasks, performed by slaves only, such as making him carry his clothing to the bathhouse, or take off his shoes, as it is written: "Do not subject him to the treatment of a slave" (39). He must treat him as a hired worker, as it is written: "You must let him stay with you as a hired servant and a resident alien" (40). This applies only to a Hebrew slave, who feels humiliated by having been sold. It is, however, permissible to impose the work of a slave upon an Israelite who has not been sold, since the latter is doing this work voluntarily and with his own consent.

Regarding people that do not behave well, it is permissible to subjugate them with force and enslave them. If there is a king that rules that anyone that does not give the fixed tax, and that therefore he is enslaved to whoever pays the tax for him, it is permissible to use him more than necessary. But not like a Caananite slave. But if he does not behave well, it is permissible to use him as a Caananite slave.

The master must treat his Hebrew male and female slaves as his equals as to food, drink, clothing, and shelter, as it is written: "Because he fares well with you" (Deuteronomy 15:16), meaning that you should not eat white bread, and the slave black bread; you should not drink old wine, and he new wine; you should not sleep on a feather bed, and he on straw; you should not live in the city, and he in the village; or you in the village, and he in the city, as it is written: "He shall come out from staying with you" (Leviticus 25:41). Hence, the sages have declared: "He who has bought a Hebrew slave is like one who has acquired a master for himself" (Kiddushin 20a). He should treat him brotherly, as it is written : "You must not lord it over your brothers the children of Israel" (Leviticus 25:46). Nevertheless, the slave should behave as a slave in the servile work he does for his master.

The laws pertaining to Hebrew female and male slaves are applicable only when the law of the jubilee year applies, regardless of whether it is a Hebrew slave who has sold himself or one whom the court has sold. We have already explained as to when jubilees were discontinued.

Chapter 2

If the court has sold him, he serves six years from the day he was sold. At the beginning of his seventh year he goes free. If the sabbatical year intervenes during the six years, he continues to serve in it. If, however, the jubilee year intervenes, even though he was sold only one year before jubilee, he goes free, as it is written : "He shall serve with you only until the jubilee year" (Leviticus 25:40). "In this year of jubilee, each of you shall return to his possession" (13).

If one sells himself into servitude, he may sell himself for more than six years. If, for example, he sold himself for ten or twenty years, and the jubilee year intervened, even after one year, he goes free during the jubilee, as it is written:

"He shall serve with you only until the jubilee year."

It is immaterial whether one sold himself or was sold by the court, to an Israelite or to a heathen, he can deduct the time he has already served from the amount of his redemption and go free. If, for example, he was sold for sixty denars, and he has served four years and found means to liberate himself, he pays twenty denars and goes free. So too, if he sold himself to serve for ten years, he deducts four denars for each year that he has served and pays for the rest with money or its equivalent and goes free.

Chapter 3

A Hebrew slave is not permitted to marry a Canaanite bondmaid unless he already has an Israelite wife and children. If, however, he has no Israelite wife and children, his master must not give him a Canaanite bondmaid to marry. This rule is a matter of tradition. Even if the one sold is of a priestly family, he is permitted to live with a Canaanite bondmaid throughout the time of his servitude.

One who sold himself is not subject to the law of having his ear pierced (Exodus 21:6) ; if, however, the court sold him and he has served six years and refuses to go free, his ear is pierced and he continues to serve until the jubilee year, or until the death of the master.

Chapter 4

A father may not lawfully sell his daughter into servitude unless he has become poor and has nothing whatsoever left of land or movables or even personal clothing. And yet, the father should be compelled to buy her back after he has sold her because it disgraces the family. If the father has fled or died or had no means to buy her back, she must serve until she goes free.

A Hebrew bondmaid serves six years, like a Hebrew slave whom the court has sold, as it is written: "If your fellow Hebrew, man or woman, is sold to you, he shall serve you six years" (Deuteronomy 15:12); and she goes free at the beginning of the seventh year. If the jubilee year intervened during the six years, she goes free without payment, like a male slave. If the master has died, even though he has left a son, she goes free, as in the case of a male slave whose ear has been pierced, as it is written: "Do the same with your female slave" (Deuteronomy 15:17).

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It is permissible to work a heathen slave relentlessly. Even though it is lawful, the quality of benevolence and the paths of wisdom demand of a human being to be merciful and striving for justice. One should not press his heavy yoke on his slave and torment him, but should give him to eat and drink of everything. The sages of old were in the habit of sharing with the slave every dish they ate, and they fed the cattle as well as the slaves before they themselves sat down to eat. Nor should a master disgrace his servant by hand or by words; the biblical law surrendered them to servitude, but not to disgrace (Niddah 47a). He should not madly scream at his servant, but speak to him gently and listen to his complaints. Cruelty is frequently to be found only among heathen who worship idols. The progeny of our father Abraham, however, the people of Israel upon whom God bestowed the goodness of the Torah, commanding them to keep the laws of goodness, are merciful toward all creatures. So too, in speaking of the divine attributes, which he has commanded us to imitate, the psalmist says: "His mercy is over all his works" (Psalm 145:9). Whoever is merciful will receive mercy, as it is written: "He will be merciful and compassionate to you and multiply you" (Deuteronomy 13:18).

Sefer Mishpatim

Hiring

Chapter 1

Four guardians have been mentioned in the Torah, but only three rules govern their liability. The four guardians are: 1) the gratuitous guardian 2) the borrower, 3) the paid guardian, and 4) the hirer.

The three rules that govern their liability are: a) A gratuitous guardian from whom the deposited object was stolen or lost, and needless to say if it was overcome by a major accident, as in the case of an animal that dropped dead or was carried off, may take an oath that he had guarded it properly and be free from liability, as it is written: "When a man gives money or goods to another for safekeeping, and they are stolen from the man's house the owner of the house shall depose before the judges (Exodus 22:67). b) A borrower must make restitution in every case, whether the object borrowed was lost or stolen or overcome by a major accident, as when a borrowed animal dropped dead or was injured or carried off. Concerning the borrower it is written: "When a man borrows an animal from another, and it was injured or died, its owner not being with it, he must make restitution" (13). c) A paid guardian and a hirer are both subject to one rule. They are obligated to make restitution if either the hired object or the deposit for a fee was stolen or lost. But if something worse happened through a superior force, as in the case of an animal that dropped dead or was injured, carried off, or torn by beasts, the paid guardian or the hirer may take an oath that the animal met with an accident and be released from liability, as it is written: "When a man gives to another a donkey, an ox, a sheep or any other animal to guard, and it dies or is injured, or is carried off, with no witness about, an oath before the Lord shall decide between the two of them" (910). It is written moreover: "But if it was stolen from him, he shall make restitution to its owner" (11). Hence it follows that the gratuitous guardian clears himself by his oath in all cases; the borrower pays in all cases, except in the case of an animal that died from work, as will be explained; the receiver of a fee and the hirer pay for what is lost or stolen, but they take an oath about the major accidents, namely about the injured or captured or dead or torn animal; or in a case where the object was lost in shipwreck or was taken by armed robbers; and so too, all similar major accidents. 3. When a man gives something to another for safekeeping, whether gratuitously or for a fee, or if he lent or rented it to him, the guardian is free from all responsibility if he borrowed or hired the services of the owner. Even if he was negligent with regard to the safekeeping of the object and it was lost through his fault, he is not answerable, as it is written: "If its owner was with it, no restitution need be paid; but if it was hired, he loses the hiring fee" (14). This biblical verse has been traditionally interpreted to mean that if the lender was with the borrower at the moment of the borrowing, though he was not with him at the time of the theft or the death of the animal, the borrower is exempt. But if the lender was not with the borrower at the moment of the borrowing, even though he was with him at the time the animal died or was carried off, the borrower is liable. The same rule applies to all other bailees: they are exempt if the owners were present, even in a case of negligence.

One who deposits property with his fellow whether for free, or the owner paid the bailee, or the owner lent it to him, or he rented it out to him if the bailee also took the owner for free along with his property or hired the owner for money the bailee is completely exempt from all loss to the property. As it is said: "If the property's owner is with it, he need not pay; if the property's owner is a hired worker, the risk of damage to his property is included in his wage" (Exodus 22:14). In what circumstances does this apply? When the owners volunteered or were hired at the same time as the bailee took the object, even if the owner was not with the object at the time of the theft or the loss or when the object was lost through force majeure. But if the bailee took the object and first became a bailee and only afterwards hired the owners or had them volunteer even if the owner is standing there at the time when the deposited object is harmed the bailee must pay. As it is written "If its owner is not with it the bailee must pay." (Exodus 22:13). They learned from tradition: If the owner was with it at the time of borrowing, even though he was not there at the time of the theft or the death the bailee is exempt. If the owner was not with it at the time of borrowing, even though he was with it at the time of death or capture the bailee is liable. And this is the case for the other types of bailees. If any of the objects come with their owners the bailees are exempt. Even if the bailee is negligent if the object came with its owner, the bailee is exempt.

If a bailee was at fault at the beginning, even though the object was in the end lost through force majeure, the bailee may be liable, as will be explained. And the borrower is not permitted to lend what he borrowed to a third party. Even if he borrowed a Torah scroll where everyone who reads from it performs a mitzvah he may not lend it to a third party. Likewise, the renter is not permitted to rent out the object to a third party. Even if the owner rented a Torah

scroll to him, he may not rent it to a third party, for the owner can say to the bailee: I don't want my deposit to be in the hands of a third party. If the bailee transgresses and passes the object to a second bailee if there are witnesses that the second bailee exercised the ordinary care of bailees and the object was lost through force majeure, the first bailee is not liable because there are witnesses that the loss occurred through force majeure. But if there are no witnesses there, the first bailee has to pay the owner, because he passed the object to another bailee. And the first bailee may recover from the second bailee. Even if the first bailee was an unpaid bailee and he passed the object to a paid bailee the first bailee is liable, because the object's owner can say to him: I trust you to take an oath, but I don't trust the paid bailee's oath. Therefore, if the owner habitually deposits this object with the second bailee, the first bailee is not liable to pay, because he can say to the owner: this object that you deposited with me or lent to me last night you used to deposit it with this person with whom I deposited it. But this is only in a case where the bailee does not reduce the duty of care. What is a case of reducing the duty of care If it was deposited with him for money, and he deposited it with the second bailee without payment, or if he had borrowed the object, and he deposited it with the second bailee for money. Since the first bailee lowered the duty of care, he is at fault and he pays the owner. Even if the first bailee acquired the services of the object's owner for free or by paying the owner, he has removed the deposited object from his possession to the possession of a different bailee and must repay the owner.

Chapter 2

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Chapter 7

If a man rented his house to another for a year, and it became a leapyear, the advantage of an extra month is gained by the tenant. If the lease was made by the month, the benefit of the extra month accrues to the lessor.

If a man leased an orchard, or if it was mortgaged to him, for ten years, and it dried up during the term of the lease, the dead trees should be sold and land should be purchased for the price realized from the sale. The lessee or mortgagee may enjoy its fruit products until the end of the lease or the mortgage. Neither the creditor nor the debtor may use the trees that dried up or were cut, since they would constitute a form of usury.

Chapter 8

The man who rents a field or an orchard to cultivate and to spend money on it, giving the landowner one third or one fourth of the produce, or anything they have stipulated, is called sharecropper. Whatever is spent on fencing the land, the landowner is required to pay ; and whatever is spent on extra precaution, the tenant or sharecropper is required to pay.

If one leased a field from another and refused to weed it, saying to the lessor: "What are you losing I am paying you rent, anyway," we should not listen to him, since the lessor may reply: "Tomorrow you may probably vacate it, and it will yield me nothing but weeds." Even if the lessee said: "I will plough it up at the end of my term," we should not listen to him.

If one leased a field from another to sow it in barley, he may not sow it in wheat, since wheat exhausts the soil more than barley. If he leased it to sow it in wheat, he may sow it in barley; in pulse, he may not sow it in grain; in grain, he may sow it in pulse.

Chapter 9

If a man hired workers and told them to work early or to work late, he cannot compel them to do so where it is customary not to work early or not to work late.

When a person hires a worker and tells him: "I will pay you like any other worker in the city," we check the lowest wage paid and the highest wage paid and arrive at an average.

If a man said to his agent: "Go and hire workers for me at three zuz," and he went and hired them at four, then if the agent said to them: "I am responsible for your wages," he must pay them four even though he receives only three

from the employer, and he loses one out of his own pocket. If, however, he said to them: "The employer is responsible for your wages," the employer should pay them according to local custom.

When a person hires workers and the workers hoax the employer or the employer hoaxes the workers, all they have is complaints against each other. When does the above apply When the workers did not go to the appointed place. Different rules apply, however, if donkey drivers went to the appointed place and did not find any grain, workers went to a field and found that the ground was wet, or the employer hired workers to irrigate his field and they discovered that it was filled with water. If the owner checked the area that required work on the previous evening and saw that the workers were necessary, the workers are not entitled to any reimbursement. What could the owner have done If, however, he did not check the land where he wants the work to be performed beforehand, he must pay them as an idle worker. For a person who comes carrying a burden cannot be compared to someone who comes emptyhanded, nor can a person who performs labor be compared to someone who does not. When does the above apply When they did not begin doing work. If, however, the worker began doing his work different rules apply. A worker may quit his work even in the middle of the day. This is derived from Leviticus 25:55: "The children of Israel are servants to Me" i.e., to Me alone. They are not servants to servants. What is the law that applies to a worker who quits after having started work We evaluate the work that he performed and he is paid that amount. If he is a contractor, we evaluate the work that still must be performed. Whether the price of labor was low at the time he was hired or it was not low, whether it was reduced afterwards or whether it was not reduced, we evaluate the work that must be performed. What is implied A person agreed to harvest standing grain for two selaim. He harvested half of the grain, but left half unharvested. Similarly, a person agreed to weave a garment for two selaim. He wove half of the garment, but left half unwoven. If the remainder would cost six dinarim to complete, the original contractor is paid a shekel or he is given the option of completing his work. If the remainder was worth only two dinarim, the owner need not pay the contractor more than a sela, because he did not perform more than half the work. When does the above apply With regard to work that does not involve an immediate loss. If, however, the work involves an immediate loss e.g., he hired the workers to remove flax from the vat, or he hired a donkey to bring flutes for a funeral or for a wedding or the like neither a worker nor a contractor may retract unless he is held back by forces beyond his control e.g., he became ill or a close relative died. If the worker is not held back by forces beyond his control, and he retracts, the owner may hire others on their account or deceive them. What is meant by deceiving them He tells them: "I agreed to pay you a sela; take two so that you will complete your work." Afterwards, he is not required to give them anything more than he originally agreed. Moreover, even if he gave them two, he can compel them to return the additional amount. What is meant by hiring others on their account He hires other workers who complete their task so that he will not suffer a loss. Whatever he must add to pay these later workers beyond the amount the first workers agreed upon, he may take from the first workers. To what extent are the first workers responsible For their entire wage. Moreover, if they have property that is in the employer's possession, the employer can use that property to hire workers to complete their work until he pays each worker 40 or 50 zuz a day although he originally hired the worker at three or four zuz. When does the above apply When there are no workers available to hire at the wage to be paid the original workers. If, however, such workers are available and the original workers tell the employer: "Go out and hire from these to complete your work so that you will not suffer a loss," whether a worker or a contractor is involved, the employer has only complaints against them. To determine the wage that should be paid, we follow these guidelines: For a worker, we calculate the work he already performed and for a contractor, we calculate the work that must be performed.

When a person hires a worker, but the worker is then taken to perform the king's service, the worker need not be paid for a full day's work. Instead, the employer should pay him only for the work he performed.

The following rules apply when a person hires a worker to irrigate his field from a particular river, and that river dried up in the middle of the day. If the river does not ordinarily dry up, the workers need only be paid for the work they performed. Similarly, if the inhabitants of the city frequently dam the river, and they stop its flow in the middle of the day, the workers need only be paid for the work they performed. The rationale is that the workers know the pattern of this river. If, however, the river often dries up on its own accord, the employer must pay the workers their entire wage. For it was his responsibility to inform them. If a person hires workers to irrigate a field and it rains and completes the watering of the field, the workers need only be paid for the work they performed. If a river rises and irrigates the field, they should be paid their entire wage. From heaven, they were granted help. When does the above apply With regard to a worker. Different rules apply, however, when a person stipulates with a sharecropper that if he waters a field four times a day, he will receive half the crop, in contrast to other sharecroppers who water the field twice a day and receive a fourth of the crop. If rain comes and he does not have to draw water to irrigate the crop, he still receives half the crops, as he stipulated. The rationale is that a sharecropper is considered to be a partner, not a worker.

The following rules apply when a person hires a worker to perform work for an entire day and he completes it in half the day. If the employer has another task that is as or less difficult, he may have the worker perform it for the remainder of the day. If he does not have a task for him to perform, he should pay him as an idle worker. When the worker is one who digs, labors in the field or performs heavy labor of this nature and hence will become ill if he does not work, the employer must pay him his entire wage even if he is idle.

When a person hires a worker to bring him an object from one place to another, and the worker goes to the designated place but cannot find the object specified, the employer is obligated to pay him his entire wage. If a person hires a worker to bring rods to use as supports for a vineyard, but the worker can not find them, and hence does not bring them, the employer must pay the worker his wage. If he hired him to bring cabbage or prunes for a sick person, the worker went and when he returned, the sick person either died or recovered, the employer should not tell the worker: "Take what you brought as your payment." Instead, he must pay him the entire wage he promised him. Similar principles apply in all analogous situations.

When a person hires a worker to perform work in his own field, but shows him a field belonging to a colleague and has him perform work there, he must pay him his entire wage. Afterwards, he may require his colleague to reimburse him for the benefit he received from this work.

When a person hires a worker to work together with him with straw, stubble and the like, he is not given the option of telling the worker: "Take what you did as your payment." If, however, he made such an offer, and the worker agreed, he is not given the option of changing his mind and telling the worker: "Take your wage and I will take my straw."

An ownerless object discovered by a worker belongs to him. This law applies even when the employer told him: "Work for me today." Needless to say, it applies if he told him: "Hoe for me." If, however, he hired him to take possession of ownerless objects e.g., a river dried up and he hired him to collect the fish in a nearby marsh whatever he finds, even a wallet filled with silver coins, belongs to the owner.

Chapter 10

Chapter 11

It is a positive command to pay the hired man his wages on time, as it is written: "You must pay him his wages on the same day" (Deuteronomy 24:15). If the employer delayed the payment till after it was due, he has transgressed a prohibitive command, as it is written: "Let not the sun go down upon it." The transgressor is not to be lashed for this, since he is required to pay money. One must pay on time not only the hire of a human being but also the hire of an animal and the hire of implements. If one put off the payment, he has transgressed a prohibitive command.

Anyone who detains the wages of a hired man is as if he took his life, as it is written: "His life depends on it" (15). When are wages due A hireling for the day collects his wages all night, and about him it is written: "You shall not detain overnight the wages of your day laborer until morning" (Leviticus 19:13). A hireling for the night collects all day, and about him it is written: "You must pay him his wages on the same day" (Deuteronomy 24:15). A hireling by the hour during the day collects all day; a hireling by the hour during the night collects all that night ; a hireling by the week, by the month, by the year, by a sevenyear period, collects all day if his term ends in the daytime; if his term ends in the night, he collects all that night.

If a man gave his garment to a craftsman and the craftsman completed his work on it and informed the owner about it, the latter has not broken a law even if he has delayed the payment for a period of ten days, as long as the object remains in the hands of the craftsman. If the craftsman gave him the garment in the middle of the day, the owner has transgressed the law against withholding the wages overnight as soon as the sun went down, because contract work is like hire, and the employer is required to pay the employee on time.

If a man said to his agent: "Go and hire workers for me," and the agent told them: "The employer is responsible for your wages," neither of them transgresses the law against withholding overnight: the employer, because he did not hire them ; and the agent, because they did not work for him. If, however, the agent did not say to them: "The employer is responsible for your wages," the agent commits a transgression if they are not paid on time. The hirer commits a transgression only when the employee has asked for the wages and he has failed to pay. But if the employee has not asked to be paid, or if he did ask and the employer did not have the money to pay, or if he gave the employee a draft on another person and the employee accepted it, the employer is free from liability if the employee fails to collect the draft within the set time.

If a man withheld the wages of an employee until after it was due, he must pay him immediately even though he has already transgressed a positive as well as a negative command. And as long as he keeps withholding the wages thereafter, he transgresses a negative command based on the words of the sages, as it is written: "Never say to your fellow man: Go, and come again" (Proverbs 3:28).

If an employee that was hired in the presence of witnesses demanded his wages within the set time and the employer told him: "I have given you your wages," while the employee claimed: "I have received nothing," then, by an enactment of the sages, the employee should take an oath while holding a sacred object in his hand, and collect what he claims, as in the case of any claimant who swears and collects, because the employer is preoccupied with his workmen and may have forgotten to pay, while the employee sets his heart upon this wage. Even if the employer is a minor, the employee takes an oath and collects. If, however, the employer hired the man in the absence of witnesses, he is believed when he says: "I have hired you and paid your wage," since he could say: "Nothing of the sort, I have never hired you." The employer therefore takes a rabbinic oath of exemption that he has paid, or a biblical oath if he admitted part of the claim, as in the case of all other lawsuits. If the employee had one witness that the man hired him, he is of no help to him. So too, if the employee asked to be paid subsequent to the time when the wage was due, even though he had been hired in the presence of witnesses, the rule applied to him is that the man who claims anything from another must bring proof. If the employee has produced no evidence that he had been asking for his wage ever since it had become due, the employer takes a rabbinic exemption oath. If, however, the employee has produced evidence that he had been demanding the wage all the time, he takes an oath and collects the same day of his demand. If, for example, he worked for the employer on a Monday until evening, payment is due throughout the night preceding Tuesday, but he cannot take an oath and collect on Tuesday. If, however, he has brought witnesses that he had been demanding his wage throughout the night preceding Tuesday, he takes an oath and collects throughout Tuesday. But from the night preceding Wednesday and thereafter, the rule is applied: the man who claims anything from another must produce proof. So too, if he has brought witnesses that he had kept demanding his wage until Thursday, he takes an oath and collects throughout Thursday.

If the employer says: "I have agreed to pay you two zuz," and the employee claims: "You have agreed to pay me three zuz," in such a case the sages have not enacted that the employee should take an oath, but: the man who claims anything from another must produce proof. If he has brought no evidence, the employer takes an oath while holding a sacred object, even though he has already given him two zuz or told him: "Here they are." This rule is by rabbinic enactment, so that the employee should not walk away discouraged. This applies only where the hiring took place in the presence of witnesses who did not know how much the employer agreed to pay to the employee, who demanded his wage within the set time. If, however, he was hired in the absence of witnesses, or if he demanded his wage after the time it had become due, let the employer take an exemption oath that he did not agree to pay the employee more than what he has already paid him, or that he owes him no more than what he has offered to pay, as is the rule regarding all claims.

If a man gives his garment to a craftsman for repair and then the craftsman says: "You have stipulated to pay me two zuz," and the employer says: "I have stipulated only one," as long as the garment is in the hands of the craftsman and he is in position to claim that he has acquired it by purchase, he may take an oath while holding a sacred object and collect. He may claim it for all it is worth as his payment. But if the garment is out of his possession or if he has no azakah (right of possession) in it and cannot claim that he has acquired it by purchase, the rule applied is: the man who claims anything from another must produce evidence. If he has not produced evidence, the owner of the garment takes an exemption oath, or a biblical oath if he has admitted part of the claim, as is the rule in all claims. The law of a hired man is not applicable to such a case.

A hired worker who comes to take an oath should not be treated with strictness, and should not be made to take additional oaths at all; he is to swear only that he has not received his wage and be paid. All others who come to take an oath are not to be treated as leniently as a hired man, for whom we should make it easy. The court should open proceedings by saying to him: "Do not grieve; take an oath and collect." Even if his wage was only a penny, and the employer claims I have paid it, the hired man can collect only by oath. So too, all the claimants who take an oath and collect cannot collect even a penny without a quasibiblical oath while holding a sacred object.

Chapter 12

When men are working at anything that grows from the soil, while the work is yet unfinished, whether it is detached from the soil or still attached to it and the men are engaged in the final processing, the employer is enjoined to allow them to eat of whatever they are working on, as it is written: "When you enter your neighbor's vineyard, you may eat

as many of his grapes as you wish. When you go through your neighbor's grainfield, you may pluck some of the ears with your hand" (Deuteronomy 23:25-26). Traditionally interpreted, this verse refers only to a hired worker. If he was not hired, who permitted him to enter the vineyard or the grainfield of his neighbor without the latter's consent? Hence, Scripture means to say: if you enter the owner's domain for work, you may eat.

What difference is there between one who is working on something that is detached from the soil and one who is working on something that is still attached to the soil? The man who is working at a fruit already plucked may partake of it until it has been completely processed, and is forbidden to partake of it after it has been completely processed; but the one who is working at something that is still attached to the soil, such as a gatherer of grapes or a reaper, may partake of it only after he has completed his work. If, for example, the hired worker gathered the grapes, filled the basket, shook it out into another place, came back and filled the basket with more grapes than he gathered, he might not partake of the grapes until he filled all the baskets.

If a man, working together with his wife, children and servants, stipulated with the employer that none of them should partake of what they were working on, they must not eat of it. This rule applies only to adults who, being sensible, are fully aware that they have renounced their privilege to eat; but as to minors, one may not stipulate that they shall not eat, because what they eat neither belongs to their father nor to their master; it belongs to God.

Chapter 13

Just as the employer is warned against robbing the wage of the poor workman, and against delaying it, so is the poor workman warned against robbing the employer by idling away his time on the job, a little here and a little there, thus wasting the entire day deceitfully. He must be scrupulous throughout the time of work. Also, he is required to work to the best of his ability, as the upright Jacob said: "I have served your father with all my strength" (Genesis 31:6). For this reason, he was rewarded even in this world, as it is written: "The man became exceedingly rich" (30:43).

Plaintiff and Defendant

Chapter 1

If a man sues another concerning movables and the other admits that he owes a portion of the goods claimed, he must pay what he admits and take a biblical oath about the balance, as it is written: "Where one claims that the thing is his, both parties shall present their case before the judges" (Exodus 22:8). So too, if the defendant denies everything and says: "It never happened," and one witness testifies that it did, he must take a biblical oath. It has been traditionally inferred that wherever the testimony of two witnesses subjects a party to payment liability, the testimony of one witness subjects him to taking an oath.

None but the following three is required to take a biblical oath: 1) one who admits that he owes a portion of the movables claimed; 2) one against whom a single witness testifies that he owes money; 3) the bailee. Every one of these three takes an oath and is released from payment. But all those who take an oath and collect do so only by virtue of a rabbinic ordinance. All these oaths, though taken on rabbinic grounds, resemble the biblical oaths and are administered while holding a sacred object.

If a man lodged a claim against another concerning movables and the defendant denied the entire claim and said it is absolutely untrue, or if he admitted the claim in part and immediately handed it to him, saying: "This is all you have on me, take it," or if the defendant said: "It is true that you have had a claim on me, but you have remitted it to me," or "you have presented it to me," in all such cases the defendant is exempt from a biblical oath, but the sages of the Talmud ordained that the defendant should take an exemption oath and be released. This oath is unlike the biblical oath, since it is administered without holding a sacred object. We have already explained, in the section concerning oaths, how the biblical oath and the exemption oath are administered.

Anyone who is required to take an exemption oath may shift it to the plaintiff, if he so desires, so that the plaintiff swears and collects from the defendant. This is the only case where the plaintiff collects from the defendant by taking the exemption oath which has been shifted to him by the defendant. Only an exemption oath can be so shifted; but a biblical oath, or a rabbinic oath that is quasibiblical cannot be shifted.

An exemption oath is imposed only in the case of a certainty claim; if the claim is based on doubt, the defendant is exempt from such an oath. If, for example, the plaintiff says: "It seems to me that you owe me one hundred zuz," or if he says: "I lent you one hundred zuz, and it seems to me that you have not repaid me" and the defendant says: "I owe you nothing," he is free from taking even an exemption oath. The same applies to all similar cases.

Chapter 2

Chapter 3

Chapter 4

One who makes a partial admission is not obligated to take an oath until he admits something he could have denied. How so The plaintiff claimed that he was owed one hundred Dinars, fifty in this bill and fifty without, and the defendant responded "I do not owe you but this fifty in the bill" he is not one who has made a partial admission, for his denial of the bill shall have no effect, and all his assets are security for the loan, and if he denied he would still have to pay, therefore he takes a rabbinic oath on the remaining fifty.

Chapter 5

Chapter 6

If litigants came into the law court, and one of them said: "I have a claim on this man for one hundred zuz which I lent him, deposited with him, he stole from me, he owes me in wages," and the like, and the defendant replied: "I owe you nothing, you have no claim on me, you are making a false claim," it is not a correct answer. The court will say to him: "Refute his claim, and be specific in your reply as he was in his claim. State whether you did or did not borrow money from him, whether he did or did not deposit with you, whether you did or did not rob him, whether you did or did not hire him. And so with other claims. Why does not the court accept a reply that is not specific For fear that the defendant is in error and might unwittingly swear falsely; for it is possible that the plaintiff lent money to the defendant, as he claims, and that the defendant paid the debt to the plaintiff's son or wife, or presented him with a gift equivalent to the debt, and he imagines that he has thereby been released from the debt. He is therefore told by the court: "How can you say I owe him nothing when you may be lawfully required to make restitution without your being aware of it Inform the judges precisely what you mean, and they will let you know whether or not you owe anything. Even if the defendant is a great scholar, he is told: "You will lose nothing by replying to the plaintiff's claim and informing us as to why you do not owe him anything, whether because his claim is absolutely untrue or because you have repaid what you owed. If the plaintiff lodged a claim against the defendant for one hundred zuz that he had lent him, and the defendant answered him it is absolutely untrue, and the plaintiff produced witnesses thereafter who testified that he had lent him the money in their presence, whereupon the defendant retracted and said : "It was indeed so, but I borrowed and repaid," we should lend no attention to him; he is considered a liar, and must make restitution. If, however, he answered: "I do not owe," or "you have no claim on me," or "you are making a false claim," and the like, and the plaintiff produced witnesses thereafter that he had lent him in their presence, while the defendant said: "Yes indeed, it was so, but I have returned his deposit," or "I have repaid what I owed him," he is not considered a liar; he takes an exemption oath and is released.

If witnesses saw a man count money and give it to another, but they did not know what the money was for, and then the first man lodged a claim against the other, demanding: "Give me the money I lent you," and the second man said: "You gave me the money as a gift," or "in payment of a debt," he is believed ; he takes an exemption oath and is released. If, however, the defendant said it is absolutely untrue, and then witnesses appeared and testified that the plaintiff had counted the money and given it to the defendant in their presence, the defendant is deemed a liar. A man is never deemed dishonest unless he makes a denial in court and two witnesses come and contradict his denial.

Chapter 7

Chapter 8

All movable goods are presumed to be the property of the person in whose possession they are, even though the plaintiff has produced witnesses that those movables are known to be his. If, for example, the plaintiff says: "This garment, or this instrument which you have in your hand, or in your house, is mine, or I deposited it with you, or I lent it to you, and here are witnesses who know that it was previously in my possession," while the defendant says: "It is not so; you have sold it to me, or presented it to me as a gift," the defendant takes an exemption oath and is released.

This applies only in regard to things that are not likely to be lent or rented out, such as garments, farm products, household utensils, merchandise, and the like. But things that are likely to be lent or rented out are presumed to be the property of the original owner, even though they are in the possession of the defendant, and even though the plaintiff did not lend or rent out the object in the presence of witnesses. If, for example, Reuben owned an instrument

that was likely to be lent or rented out ; he has witnesses that it was known to be his ; the instrument is now in the possession of Simeon; Reuben claims that it was lent or rented, while Simeon claims: "You have sold it to me, you have presented it to me as a gift, you have left it with me as a pledge," he is not believed. Reuben takes an exemption oath to offset Simeon's claim and recovers his instrument. Even if Simeon died, Reuben recovers the instrument. But the Geonim have taught that Reuben must take an exemption oath, because the court pleads for the heir.

Do not be confused, as many great men were, concerning the difference between things that are likely to be lent or rented out and things that are usually lent or rented out. Indeed, all things are suitable to be lent or rented out; even a man's undershirt, his mattress and bed are fit to be lent. But things that are likely to be lent or rented out are those instruments which the residents of a particular town produce primarily for the purpose of lending or renting them and receiving a fee for them. They are to the owner like landed property, the products of which he enjoys while the principal remains. These utensils, too, are made essentially for the purpose of enjoying the fee they bring, as in the case of the large copper kettles which are used for cooking at banquet halls, or the gilded copper ornament which is rented out to a bride for adornment. These objects are not made for sale or for use by the owner in his home, but for the purpose of lending them to others in order to receive in return an equivalent benefit, or renting them out and receiving a fee for their use.

This is an essential legal principle. It is sensible and should be relied upon in judging. It is clear to those who find knowledge, and the judge should duly place it before his eyes, so that he may not depart from the truth.

Chapter 9

Two that were holding one vessel or riding upon one animal, or one was riding and the other guiding, or sitting next to a pile of wheat placed in an alley, or a courtyard belonging to both of them. He says "all of it is mine" and he says "all of it is mine". Each one of them swears while holding an holy object that he has at least half of it, and they split it. And this oath is a decree of the Sages so that people will not grab their fellow's garment and take it without an oath.

Two people are holding a garment, one says it's all mine and the other says it's all mine. One takes until the place that his hand grabs, the other takes until the place that his hand grabs, and the remainder is split after they swear upon it. And they both have the ability to make the other swear that all he has taken he has taken lawfully.

One was holding the fringes of the garment, the other was holding the other fringes, they split it equally after swearing upon it. And all divisions mentioned here are in value, so as not to devalue the vessel or garment itself or to kill the animal.

If two came holding it a garment and one grabs it from the other in front of us Beit Din and the second is quiet, even if he later protests we don't take it from him the first one, since he the second one was quiet at first, it's as though he admitted to him that the garment was his. If the second went back and grabbed it from the first, even though the first protests from the beginning to the end, we divide it.

Chapter 10

Chapter 11

All landed property known to belong to a certain owner is presumed to be the property of that owner, even though it is now in the possession of others. If, for example, Reuben was using a courtyard in the manner people use their courtyards: he lived in it or leased it to others, or built and tore down. But after some time Simeon came and lodged a claim against him, saying to him: "This courtyard which is in your possession is mine; it is merely rented, or lent, to you." Whereupon Reuben answered him: "It was yours and you sold it to me," or "you presented it to me as a gift." If Simeon has no witnesses that the courtyard was known to have been his, Reuben takes an exemption oath and remains where he is; if, however, Simeon produced witnesses testifying that this courtyard was his, it is presumed to be the property of Simeon, and the court tells Reuben: "Produce evidence that he has sold it to you or presented it to you." If he has not produced evidence, we evict him from the property and seize it for Simeon, even though Reuben does not admit that it was Simeon's; indeed, Simeon has witnesses to that effect.

What has just been stated, that we make it necessary for Reuben to produce evidence or else he is evicted from the property, applies only in case he has not been using the property for a long time. If, however, he has produced witnesses that he has enjoyed the produce of the land for three years in succession, and derived as much benefit from the whole of it as every person would from that type of land, provided the original owner could know that another took possession of it and he entered no protest, we let it remain in the possession of Reuben who takes an exemption

oath that Simeon sold or presented it to him, and he is released. Because we say to Simeon: "If what you claim is true, namely that you have neither sold it nor given it away, why have you not protested when this man has made use of your land year after year without your having a rent note or a mortgage note" If he put forth a claim, saying: "Because I was in a distant country, the information failed to reach me," we say to him: "It is impossible that the information should not have reached you in the course of three years, and when it reached you, you should have entered a protest in the presence of witnesses, telling them : Soandso has robbed me ; I will sue him at law tomorrow. Since you have not protested, you have occasioned your own loss." Accordingly, if it was a time of war, or a dangerous road between the locality where Reuben was and the locality where Simeon was, the property is taken away from Reuben and restored to Simeon, even if Reuben enjoyed its produce for ten years, because Simeon may say : "I was unaware that he was using my land."

Creditor and Debtor

Chapter 1

It is a biblical positive command to lend to Israelite poor people, as it is written: "If you lend money to my people, to the poor among you" (Exodus 22:24). This precept is greater than giving charity to a poor man who asks for it, since the one is already in need of begging while the other has not yet reached that stage. The Torah is strict with a person who refrains from lending to the poor, as it is written: "Beware lest you grudge help to your needy brother" (Deuteronomy 15:9).

Anyone who acts as a creditor toward the poor, when he knows that the debtor has nothing to repay, breaks a prohibitive command, as it is written: "You shall not act like an extortioner toward him" (Exodus 22:24).

One is forbidden to show himself to his debtor, or even to pass in front of him, when he knows that the debtor has no money to repay, lest he might frighten or embarrass him, although he makes no demand upon him, and needless to say if he does demand payment. Just as the creditor is forbidden to demand payment, so is the debtor forbidden to detain the creditor's money in his possession and to say to him go and come again, provided he has the money, as it is written: "Do not say to your neighbor: Go, and come again" (Proverbs 3:28). So too, the debtor is forbidden to borrow money and spend it for no purpose or waste it, so that the creditor will find nothing to collect, even if the creditor is very rich. Anyone who acts in this manner is evil, as it is written: "The godless never pays back what he borrows" (Psalm 38:21). The sages have enjoined: "Let your friend's property be as precious to you as your own" (Avoth 2:17).

Chapter 2

Chapter 3

Chapter 4

The Hebrew terms neshekh and marbith (usury and interest) are one and the same thing, as it is written: "Do not lend him your money at advance interest, do not give him your food at accrued interest" (Leviticus 25:37). Thereafter the Torah says: "You shall not deduct interest from loans to your brother, whether in money or food or anything else that can be deducted as interest" (Deuteronomy 23:20). Why is it called neshekh (biting) Because the usurer bites, inflicting pain to another person and eating his flesh. Why has Scripture used two different terms for interest So that the usurer should be punished for transgressing two prohibitive commands.

Just as it is forbidden to lend money on interest, so is it forbidden to borrow on interest, as it is written: "You shall not cause your brother to bite" (20), which is traditionally interpreted as a warning to the borrower, namely: do not let yourself be bitten by your brother.

Chapter 5

Chapter 6

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

Chapter 12

Chapter 13

Chapter 14

Chapter 15

If a man lent money to another in the presence of witnesses and told him: "Pay me only in the presence of witnesses," the borrower must pay him in the presence of witnesses on account of the stipulation, whether the lender told him so at the time he made the loan or thereafter. If the borrower claimed, saying to him: "I did what you told me and paid you in the presence of soandso who have gone overseas or died," he is believed, and he takes an exemption oath and is released. If, however, he told him: "Pay me only in the presence of soandso," and the borrower said: "I paid you in the presence of others who have died or have gone overseas," he is not believed. It was to forestall such a plea that the lender stipulated with the borrower, saying to him: "Pay me only in the presence of Reuben and Simeon," who were staying with him in the same place, so that the borrower should not dismiss him by claiming: "I have paid in the presence of others who are gone."

There are talumdic texts in which it is written: "If a man said to another pay me only in the presence of witnesses, and the borrower then claimed I have paid you in the presence of soandso who have gone overseas, he is not believed." This is a scribal error. Those who have given a decision in accordance with those texts have been in error. I have examined the old texts and found therein that he is believed. In Egypt, I have obtained a fragment of an old text of the Talmud written on parchment, upon which they used to write some five hundred years ago, and I have found this halakhah (rule) written on two specimens of parchment as follows: "If he said I have paid in the presence of soandso who have gone overseas, he is believed." Because of this error, which has occurred in some texts, some Geonim have taught that if he told him pay me only in the presence of soandso, and he paid him in the presence of others, he is not believed even if he has produced the witnesses in whose presence he paid him. This too is a serious error. The true law is that if witnesses came and testified that the borrower had paid the lender in their presence, the borrower is released; and there is no room here for any doubt.

If the lender stipulated with the borrower that he should be believed at any time he might say that the latter has not paid him, he collects what he claims without an oath, even though the borrower pleads that he has paid him. But if the borrower produced witnesses of payment, the lender collects nothing.

If the borrower paid the debt and the lender claimed that he had not been paid, and the borrower paid him a second time because of the stipulation, the borrower may sue the lender, telling him: "You owe me such an amount because I have paid you twice." If the lender has admitted, he must pay back the extra amount ; if he has denied, he must take an exemption oath to the effect that the borrower paid him only once. The same applies to all similar cases.

Chapter 16

Chapter 17

Chapter 18

If a man lent money to another vaguely (without express terms), all the debtor's estate serves as security for the loan. Accordingly, when the creditor comes to collect the debt, he sues the debtor first. If he has found property in his possession, whether movables or real estate, he collects out of these with the debtor's consent; and if the debtor has refused to give his consent, the court compels him to pay. If the debtor's available property has been insufficient to cover the amount of the promissory note, the creditor may collect out of all the landed property which belonged to the debtor previously, even though it has been sold, or transferred in the form of a gift to others. The creditor may evict the buyers or the donees, since the debtor sold the property, or transferred it in the form of a gift to others, after he had become obligated for the debt. A creditor seizing the property which has been sold by the debtor is called in Hebrew toref (seizor, one who seizes). This applies only to landed property owned by the debtor at the time he borrowed the money ; but property which he acquired after he had borrowed the money has not been mortgaged to the creditor, and he may not seize it. If, however, the creditor stipulated that all the property which the debtor should ever acquire should serve as mortgage for the payment of the debt, and the debtor acquired property after he had taken the loan and then sold it, or transferred it in the form of a gift, the creditor may seize it.

All this applies only to landed property, but movables do not serve as security. If, however, the debtor conveyed a security title to all his movables in conjunction with such title to his land, the creditor may seize such movables.

Chapter 19

Chapter 20

If a man has many debts, the creditor whose loan was advanced first collects first whether from the property of the debtor himself or from the purchasers. If a creditor who is next in time hastened to collect first, the court takes it back from him, because the lender who is prior in time is prior in right. This rule applies only to landed property which the debtor owned at the time he took the loan ; however, the law of priority does not apply with respect to property which the debtor acquired after he had borrowed from many creditors, even if he did write in the note which he gave to each creditor: "What I will acquire is mortgaged to you." All such creditors are equal, and if one of them collected first, he was entitled to do so, even if he was the last one.

The law of priority does not exist with respect to movables, but whoever hastened to collect from them was entitled to it, even if he was the last. If a noncreditor seized some of the debtor's movables to obtain title on behalf of one of the creditors, the latter has not acquired title, because anyone who seizes movables on behalf of a creditor where there is another debt outstanding against the debtor does not acquire title on behalf of such a creditor. But if there is no other debt outstanding against the debtor, he does acquire title on the creditor's behalf.

Borrowing and Deposit

Chapter 1

If a man borrowed implements, or an animal or any movables, from another person, and the thing borrowed was lost or stolen, even if subjected to a major accident, as in the case of an animal that was injured or captured or it died, he must make full restitution, as it is written: "When a man borrows an animal from another and it is injured or dies, its owner not being with it, he must make full restitution" (Exodus 22:13). This applies only when the accident happened while the animal was not at work ; if, however, a man borrowed an animal from another to plough with it and it died while ploughing, he is free from liability. But he is held liable if it died before or after the ploughing ; or if, instead of ploughing with it, he rode on it or threshed grain with it, and it died during the threshing or riding. And so it is in all similar cases.

If a man borrowed an instrument or an animal from another for an indefinite period, the lender may demand its return at any time he pleases. If he borrowed the object for a definite period, once he acquired a right to it by drawing it to himself, the owner cannot demand its return until the end of the borrowing term.

If a man borrowed from another an implement with which to do a certain piece of work, the lender cannot demand its return until the borrower has completed that particular work. So too, if one borrowed an animal to take him to a certain place, the lender cannot demand its return until the borrower has gone to that place and returned from it.

Chapter 2

Chapter 3

Chapter 4

If a man deposited anything with another gratuitously and it was stolen or lost, the bailee takes an oath and is released from liability, as it is written: "When a man gives money or any article to another for safekeeping and it is stolen from the man's house the owner of the house shall depose before the judges that he has not laid hands on his neighbor's property" (Exodus 22:67). An additional oath is imposed on him : that it was not his fault but he took normal care of it, after the manner of bailees, and made no use of it before it was stolen. If the bailee had made use of the deposit before it was stolen, he is held responsible for it.

Since Scripture has acquitted a gratuitous guardian in the case of theft, it stands to reason that he is all the more free from liability in the case of such major accidents as injury, capture or death of an animal, provided that he did not make use of the object deposited; if he did, he is held responsible in the case of accidents. What is the normal manner of bailees It is all according to the deposit. There is a deposit that is placed at the gatehouse for safekeeping; for example, beams and stones; there is a type of deposit that is put in the courtyard for safekeeping; for example,

large bundles of flax and the like; another type of deposit is placed in the house for safekeeping; for example, a garment or a cloak; still another type of deposit is put in a box or a chest and locked for safekeeping; for example, silk garments and silver or gold objects, and the like.

If a bailee put the deposit in an unsuitable place, and it was stolen from there or lost, even if a major accident befell it, as where a fire broke out and the entire house was burned down, he is charged with negligence and must make restitution. Even if the bailee put the deposit together with his own belongings, the rule is that if the place was suitable for safekeeping, he is free from liability; if the place was not suitable for safekeeping, he is liable. He is permitted to be careless with his own property, and not with the property of others.

Chapter 5

If a man deposited money or valuable objects with another, and thieves came upon the bailee who forestalled them and gave them the deposit in order to save himself, he is held responsible if he was reputed to be a man of wealth, since the presumption is that the thieves came because of him, and that he saved himself with the other's money. But if he was not considered wealthy, the presumption is that they came only for the deposit, and he is free from responsibility. This applies to all similar cases.

Chapter 6

Chapter 7

Chapter 8

If a man left an animal or implements with another for safekeeping and they were stolen or lost, and the bailee said: "I will rather make restitution than take an oath," and then the thief was found, the thief must make twofold restitution, and if he had slaughtered or sold the animal he must make fourfold or fivefold restitution to the bailee who had agreed to pay rather than take an oath.

A gratuitous guardian who said it was my fault is entitled to the double payment, since he obligated himself to pay when he could have said it was stolen or lost and been free from liability. So too, a paid guardian or a hirer who said it was stolen is entitled to the double payment, since he obligated himself to pay when he could have said the animal died and been released from liability. The borrower, however, is not entitled to the double payment unless he has actually paid voluntarily. If he had paid before the thief was discovered, the latter must make the fourfold or fivefold restitution to the borrower.

Whoever is entitled to the double payment is entitled to the spontaneous increase in value. If, for example, a man deposited four measures of grain with another when they were worth one sela and they were stolen or lost, and the bailee said I will rather pay a sela than take an oath, and then they were discovered and found to be worth four selas, they belong to the bailee, and he pays only one sela to the owner.

Inheritances

Chapter 1

Following is the order of legal heirs: If a man died, his children are his heirs; they have priority over anyone else; the males have priority over the females.

A female does not share an inheritance with a male. If a man died without leaving children, his father inherits his property; the mother does not inherit from her children. This rule is based upon tradition.

Whoever has priority in the order of heirs, his descendants have priority likewise. Accordingly, if anyone died, man or woman, leaving a son, he inherits everything. If there is no son living, we look carefully into the son's descendants, males or females ; even the son's daughter's daughter's daughter, to the end of the line, shall inherit everything. If the son left no descendants, we resort to the daughter, who inherits everything. If there is no daughter living, we look to the daughter's descendants, males or females, to the end of the line, who shall inherit everything. If his daughter left no offspring, the inheritance returns to his father. If his father is not living, we look to the father's offspring, being the brothers of the deceased. If he had a brother, or the descendant of a brother, he shall inherit everything; if not, we resort to the sister. If the deceased had a sister living, or her children, they shall inherit everything. In this manner the inheritance keeps ascending to the beginning of the generations. Accordingly, there is no man in Israel without an heir.

Chapter 2

The firstborn son receives a double share of his father's estate, as it is written: "To give him a double portion" (Deuteronomy 21:17).

The firstborn son who was born after his father's death does not receive a double share of his father's estate, as it is written: "When he wills his property to his sons he must recognize as his firstborn the son of the unloved one" (1617).

The firstborn does not receive a double share of his mother's estate. A firstborn and a plain brother, for example, share equally their mother's estate ; it makes no difference whether he is a firstborn from the side of his father with the privilege of a double share or a firstling from the side of his mother.

A firstborn with the privilege of a double share is the first son of his father, as it is written: "Since he is the first fruit of his vigor" (17). We disregard the mother: even if she previously gave birth to several children, the firstborn from the side of his father inherits a double share.

Chapter 3

The firstborn does not receive a double share of the property that is due to his father posthumously, but only of property held in the possession of his father, as it is written: "Of whatever he happens to own" (17).

Sefer Shoftim

The Sanhedrin and the Penalties within their Jurisdiction

Chapter 1

Only in Eretz Yisrael are we required to set up courts of law in every district and every city, as it is written: "You shall appoint judges for your tribes in all the cities that the Lord your God is giving you" (Deuteronomy 16:18).

How many regular courts of law are to be in Israel, and how many members should each include To begin with, a supreme court named Great Sanhedrin is established in the Temple; it consists of seventyone members, as it is written: "Gather for me seventy of the elders of Israel," presided over by Moses, as it is written: "Let them present themselves beside you" Numbers 11:1617), thus totaling seventyone. The greatest sage among them all is appointed their presiding officer, who also serves as head of the academy. He is designated by the sages as Nasi (president), who occupies the position of our teacher Moses. The most eminent member of the seventy is placed second in rank and is seated to the right of the Nasi. He is referred to as Avbethdin (tribunal chairman). The rest of the seventy are seated in front of both, according to their distinction : the greater in knowledge, the closer he is placed to the left of the Nasi. They sit in the form of a semicircle, so that the Nasi and the Avbethdin may see all of them. Two other tribunals, each consisting of twentythree members, are set up next to the Great Sanhedrin, one at the entrance of the Temple Court and the other at the entrance of the Temple Mount. Besides, a Small Sanhedrin is set up in every town of Israel with a population of one hundred and twenty or more, and is to meet at the gate of the town, as it is written: "Let justice prevail at the gate" (Amos 5:15). How many members make up the Small Sanhedrin Twentythree judges. The most learned man among them presides over them; the rest are seated in the form of a semicircular threshing floor, so that the presiding judge may see all of them.

If a town has less than one hundred and twenty residents, three judges are appointed there, since no court can be sustained by less than three, sufficient to form a majority and a minority if there is a dispute among them about a point of law.

Any town that does not have two eminent scholars, one competent to teach the entire Torah and the other competent to comprehend and discuss, is not entitled to have a Sanhedrin established inside it, even if its population consists of thousands of Israelites.

Three rows of scholars are seated in front of every Small Sanhedrin, each row numbering twentythree. The first row is near the Sanhedrin; the second row is behind the first, and the third row is behind the second. They are seated in each row according to their distinction in scholarship.

If the members of the Sanhedrin dispute about something and must ordain a new member to increase their number, they ordain the outstanding scholar of the first row. Thereupon the first in the second row takes the last seat in the first row, and the first in the third row takes the last seat in the second. Then they choose a new member out of the rest of the community to occupy the last seat in the third row. The same procedure is followed if they must ordain a second or a third additional member.

Wherever there is a Sanhedrin, two legal clerks stand before the judges, one to the right and the other to the left; one records the words of those who favor conviction, and the other the words of those who favor acquittal.

Why is a Sanhedrin set up only in a town that has a population of one hundred and twenty or more The population must be sufficiently large to provide twentythree judges, three rows comprising sixtythree alternates, ten men of leisure for the synagogue (minyan), two clerks, two sheriffs, two litigants, two witnesses, two men to refute a testimony, two men to rebut those who refute, two charity collectors, plus one to constitute a minimum of three for the distribution of charity, a competent surgeon, a scribe, an elementary teacher; thus totaling one hundred and twenty.

Chapter 2

Only wise and intelligent men, who are eminent in Torah scholarship and possess extensive knowledge, should be appointed members of either the Great or the Small Sanhedrin. They should be somewhat aware of such branches as medicine, mathematics, astronomy, forecasting constellations, astrology, methods of soothsayers, augurs and wizards as well as idolatrous superstitions, and the like, in order to be competent in dealing with them.

A man who is advanced in years or one who is childless must not be appointed member of any Sanhedrin, since he is required to be compassionate.

A king of Israel must not be seated among the Sanhedrin, since it is unlawful to disagree with him or to defy him. But a high priest may be given a seat on the Sanhedrin, provided he is well qualified in terms of wisdom.

Just as the members of a court of law must be cleared with respect to uprightness, so must they be clear of any physical defect. Every effort should be exerted in an intensive search for sufficiently mature candidates, who are tall and handsome, easily articulate and conversant with most of the spoken tongues, so that the Sanhedrin may dispense with an interpreter.

Although we do not insist upon all these requirements in the case of a court of three, nevertheless it is desirable that each of the three should be endowed with the following qualifications: wisdom, humility, reverence, disdain of gain, love of truth, loved by fellow men, and of a good reputation.

The sages have reported that the supreme court used to send agents throughout Eretz Yisrael to examine candidates for the office of judge. Whoever was found to be wise, sin-fearing, humble, contrite, respectful and well-liked by people, was made judge in his town; from the local court he was promoted to the court situated at the entrance of the Temple Mount; from there he was promoted to the court situated at the entrance of the Temple Court; and from there he was promoted to the supreme court.

A man can carry out his own judgement, if he has the power to do so; since he is doing so properly and legally, he need not bother with coming to Beit Din, even if he will not lose anything by coming later to Beit Din. Therefore, if his adversary complained about him, and brought him to Beit Din, and they researched and found that he did appropriately and judged truthfully, we do not overturn his verdict.

If one is publicly regarded as well-qualified, or if he received permission, from the court, he is permitted to try cases alone; and yet he is not considered a full-fledged court. Though he is permitted to act as sole judge, the sages have enjoined him to associate others with himself. They have declared: "Do not judge alone, for none may judge alone except One" (Avot 4:8).

One may take the law into his own hands, if he has the power to do so. Since he acts according to the law, he is not obligated to take the trouble of coming to court, even if no material loss would result if he were to postpone action and come to court. Accordingly, if his legal opponent has protested and taken him to court, and after careful investigation it has been found that the defendant has acted lawfully on his own behalf, his own verdict is not nullified.

A scholarly person must not sit down in judgment unless he knows the persons with whom he is to sit, for fear that he might associate with unworthy men and be included in a band of renegades instead of a court of law.

Chapter 3

The supreme court of seventyone is not required to be in plenary session at their sanctuary place constantly. They all convene only when necessary; at other times, anyone who has some business to attend leaves to take care of it and then returns, provided that during the session period no less than a quorum of twentythree is always present. If one of them has to leave, he looks around to make sure that twentythree members remain without him; if not, he must not leave before another one comes in.

The Divine Presence is always to be found in the midst of a just Jewish tribunal. For this reason, the judges should sit in a serious frame of mind and dressed properly. They are forbidden to behave frivolously, to jest or engage in idle talk; they should discuss only topics of Torah and wisdom.

If a Sanhedrin, or king or exilarch, appointed an unworthy judge in a Jewish community, who is not sufficiently versed in the lore of the Torah and qualified to be a judge, though he is otherwise altogether lovable and possesses fine qualities, the one responsible for his appointment has broken a prohibitive commandment, as it is written: "You shall not be partial in judgment" (Deuteronomy 1:17). This verse has been traditionally interpreted to refer to one who is in charge of appointing judges. The sages have declared that if you say: "I will appoint a certain individual to serve as judge because he is handsome because he is a hero because he is my relative because he is a linguist," the result will be that he will acquit the guilty and condemn the innocent, not because he is evil but because he is lacking in knowledge. It is therefore written: "You shall not be partial in judgment" (Sifra).

It is forbidden to rise before a judge who has paid money to be appointed. The sages tell us to look upon him with utter contempt.

This was the manner of the ancient sages : they shunned being appointed ; they made many straining efforts to avoid sitting in judgment, unless they knew that there was none as qualified for the office as they, and that if they refrained to serve, the line of justice might be upset. Nevertheless, they would not act as judges unless the people and the elders exerted pressure upon them to do so.

Chapter 4

In order to act as a judge in the supreme court or in a Small Sanhedrin or in a court of three, one must be ordained by someone who has been ordained. Our teacher Moses ordained Joshua by placing his hands upon him, as it is written: "He laid his hands on him and commissioned him" (Numbers 27:23). He also ordained the seventy elders, and the Divine Presence rested upon them. The elders ordained others, who in turn ordained others.

What has been the manner of ordination in the course of generations? They have not placed their hands upon the head of the elder, but conferred upon him the title Rabbi, saying to him: "You are ordained and authorized to sit in judgment even on cases dealing with fines."

A court cannot be referred to as Elohim unless its members have been ordained exclusively in Eretz Yisrael; they are the wise men, qualified to sit in judgment, who have been examined in the court of Eretz Yisrael, where they have been ordained and appointed to judgeship.

Originally, every ordained teacher would ordain his own students. As a mark of honor to the house of Hillel the Elder, however, the sages later enacted that no person could be ordained without the authorization of the Nasi, and that the Nasi was to ordain only in the presence of the Avbethdin; the Avbethdin, in turn, was to ordain only in the presence of the Nasi. Each member of the college was authorized to ordain by permission of the Nasi, provided that he was joined by two men, since the ordination ceremony must be performed in the presence of no fewer than three.

No scholars may be ordained outside Eretz Yisrael, even though the ordainers have been ordained in Eretz Yisrael. Even if the ordainers are in Eretz Yisrael, and the man to be ordained is outside the country, they cannot ordain him. Needless to say that this applies to a case where the ordainers are outside Eretz Yisrael, and those to be ordained are inside the land. If both are in Eretz Yisrael, ordination may be conferred upon the candidate, even if they do not reside in the same place, in which case they inform him by a messenger or in writing that he is ordained; and he is thus granted authorization to conduct lawsuits involving fines. It is because both ordainer and ordained are inhabitants of Eretz Yisrael. Every part of Eretz Yisrael that was occupied by the Israelites who came up from Egypt is qualified for the performance of ordination ceremonies.

Ordainers may ordain even one hundred candidates at one time.

Court members who were ordained in Eretz Yisrael and then went abroad are qualified to try penalty cases even there, just as they are qualified in Eretz Yisrael, since the Sanhedrin may conduct its office within Eretz Yisrael or outside Eretz Yisrael, if only its members have been ordained.

The Babylonian exilarchs take the place of a king; they may govern and sit in judgment over Israel anywhere, whether the latter wish it or not, as it is written: "The scepter shall not depart from Judah" (Genesis 49:10) ; this alludes to the Babylonian exilarchs members of the tribe of Judah.

Hence, any competent judge who has been permitted by the exilarch to act as judge has the right to function as such everywhere, within Eretz Yisrael or outside Eretz Yisrael, even if the litigants do not consent, even though he is not qualified to try penalty cases.

If a man who is not qualified to act as judge, because he lacks knowledge or is unworthy, has been wrongly authorized by the exilarch or the court, the authorization avails him nothing; for, if a man dedicated a blemished animal for the altar in Temple times, the consecration did not take effect.

Chapter 5

A king can be appointed only with the consent of the supreme court of seventyone. A Small Sanhedrin for every tribe and every town can be formed only with the consent of the supreme court of seventyone.

Capital cases cannot be tried by fewer than twentythree, constituting a Small Sanhedrin.

Three judges may try a case involving the penalty of lashing, even though the person lashed may die as a result.

Cases involving penalties, such as larceny, injuries, twofold and fourfold restitution, rape, seduction, and the like, can be tried only by three expert judges who have been ordained in Eretz Yisrael. But civil cases, such as admission of indebtedness and contraction of loans, do not require experts; even three laymen, or even one expert, may try them. Accordingly, cases of admission and contraction of loans, and the like, may be tried even outside Eretz Yisrael. Although a Diaspora court is not referred to as Elohim, it performs in the capacity of an agent for the court of Eretz Yisrael. Diaspora judges are not authorized, however, to adjudicate penalties as agents for the court of Eretz Yisrael.

A Diaspora court may try only frequent cases that involve a loss of money, such as admission of indebtedness, contraction of loans, and damage done to a person's property. So too, Diaspora judges cannot collect any of the fines imposed by the sages in case one strikes another with a clenched fist, or slaps his face, and the like.

If a man has stolen or robbed, the Diaspora judges can collect the principal, but not the additional penalty.

Cases of indirect damages are unlike penalty cases, hence they are tried and collected in the Diaspora.

So too, the Diaspora judges may sit in judgment over a person who has acted as an informer, delivering another's property into the hands of persecutors, even though the informer has not committed an overt act.

The practice of the Diaspora academies has been to excommunicate the offender, though they cannot collect fines, until he finally compensates his opponent, or goes to Eretz Yisrael with him for trial.

In the case of one who is publicly recognized as an experienced judge, even though he may try civil cases by himself alone, an admission made in his presence is not deemed an admission made in a court, even if he is an ordained judge. But in case of a court of three, even though it consists of unordained laymen, who cannot be called Elohim, an admission made before them is deemed an admission before a court of justice.

Chapter 6

Chapter 7

If one of the litigants said let that man try my case, and the other said let that man try my case, the two men thus chosen, one to each litigant, jointly select a third person, and the three act as judges for both litigants, so that a correct verdict is likely to result.

Chapter 8

If the members of a court are divided, some voting for acquittal and others for conviction, the majority opinion is followed. This is a biblical positive command, as it is written: "Incline after the many" (Exodus 23:1). This applies to civil cases and to ritual laws as to what is prohibited and what is permitted, what is unclean and what is clean, and the like. But in capital cases, if there is a division of opinion whether the culprit should suffer death or not, he is acquitted if the majority is for acquittal; but if the majority is for conviction, he is put to death only when those who favor conviction exceed those who favor acquittal by at least two. According to a traditional interpretation, this is what the Torah has meant by the warning: "You must not follow a majority to do wrong" (23:2); that is to say, if the majority is inclined to do wrong, to kill, do not follow it, unless it consists of a larger majority of at least two judges, as it is written: "To incline toward a majority that can decide" (23:2). Your verdict of acquittal is reached by the decision of a majority of one, but your verdict of condemnation must be reached by a majority of two. These interpretations are based on tradition.

If a court of three is divided, two finding the defendant innocent and one finding him guilty, he is declared innocent. If two find him guilty and one finds him innocent, he is declared guilty. If one says that the defendant is innocent and one says that he is guilty, while one says I do not know, two more judges are added. Thus five judges are now discussing the case. If three of them find him innocent and two find him guilty, he is declared innocent. If three find him guilty and two find him innocent, he is declared guilty. If two find him innocent and two find him guilty, while one says I do not know, two more judges are added. But if four judges find him innocent or guilty while one says I do not know, the majority opinion is followed.

The judge who says I do not know is not required to give a reason for his statement or to indicate why he is in doubt,

whereas the judge who favors acquittal or conviction must outline his reasons.

Chapter 9

Chapter 10

In capital cases, we do not begin with the opinion of the eldest judge, for fear that the others might depend on his view, considering themselves incompetent to disagree with him. Each judge should express his own preference.

Furthermore, capital cases must not begin with reasons for conviction but for acquittal. For example, the judges should say to the defendant: "If you have not committed the thing with which you are charged by the witnesses, do not be afraid of what they say."

If a court gave a wrong decision in a capital case, declaring an innocent man guilty and passing sentence on him for conviction, and later discovered a reason for reversing the sentence so as to clear the accused, the decision of the court is revoked and he is tried again. If, however, the judges gave a wrong decision and acquitted one who deserved death, the decision is not revoked and he is not brought back for a new trial.

Chapter 11

Chapter 12

How is a trial held in a capital case When witnesses appear in court, stating: "We saw that man commit the offense," they are asked: "Do you know him Did you warn him" If they have said we do not know him, or we are in doubt, or if they failed to warn him, he is acquitted.

Whether the accused is scholarly or ignorant, a warning is required, inasmuch as the purpose of warning is that of distinguishing between the unwitting and the willful transgressor, since he might have committed the offense unintentionally. How should he be warned The witnesses should say to him : "Abstain, you must not do this; it is an offense for which you are liable to suffer death at the hands of the court of justice, or be lashed." If he abstained, he is free. He is liable only in case he commits the offense immediately after the warning, within as much time as is needed for an utterance. But if the interval is longer than the duration of an utterance, another warning is required.

If the witnesses have said: "The accused had due warning and we know him," the court admonishes them. How are the witnesses in capital cases admonished They are told: "Perhaps what you are about to say is based on mere conjecture or hearsay, on secondhand information, on what we have heard from a trustworthy person. Perhaps you are not aware that we will, in the course of the trial, subject you to examination and searching inquiry. You must know that capital cases are unlike noncapital cases, where a person may make restitution and redeem his guilt by money. In capital cases, the witness is accountable for the blood of the person wrongfully condemned and for the blood of his potential posterity until the end of time. Regarding Cain, it is written: "Your brother's bloods cry out to me" (Genesis 4:10); that is, his blood and the blood of his potential descendants. For this reason, Adam was created alone, to show that should anyone destroy a single life he shall be called to account as though he had destroyed a complete world; and should anyone preserve a single life, he is credited as though he had preserved a complete world. Furthermore, all men are fashioned after the pattern of the first man, yet no two faces are exactly alike. Therefore, every man may well say: For my sake the world was created." Even if there are a hundred witnesses, each is subjected to close examination and searching inquiry. If their evidence tallies, the discussion begins with arguments in favor of the accused, as we have explained. He is told: "If you have committed no offense, do not be afraid of what they say." Then he is tried. If he is found innocent, he is set free; if he is not found innocent, he is imprisoned until the next day. The same day the members of the Sanhedrin meet in pairs to study the case. All that day, they eat but little and do not drink wine. All night, each judge keeps discussing the case with his colleague, or deliberates upon it singlehandedly in his home. The following day, they come to court early in the morning. He who favors acquittal says: "I have declared him innocent and I still declare him innocent." He who favors conviction says: "I have declared him guilty and I still declare him guilty." Or, "I have changed my opinion, and am now for acquittal." If the majority is for conviction, and the accused is pronounced guilty, he is taken out to be executed. The place of execution was far away from the court.

As soon as he is convicted, he is executed on the same day, without delay.

Chapter 13

The person who is condemned to death is removed from the court. Even if he himself said thereafter: "I have something to say in favor of my acquittal," though there is nothing of substance in his words, he is returned to the court once and again, since he might have come to the end of his pleas on account of fear, and upon his return to the court he might perhaps come to himself again and offer a plausible plea. If after he has been returned to court nothing substantial is found in his words, he is taken out to the place of execution a third time. If he asserted a third time that he had something to say in favor of his acquittal, he is brought back even a hundred times if there is any substance in his statement. For this reason, he is given two scholars to accompany him that they may hear what he has to say. If there is substance in his words, he is brought back; if not, he is not brought back. If nothing has been found in favor of his acquittal, he is taken out, and the witnesses execute him by the mode of death prescribed for him. If he does not know how to confess, he is told to say: "May my death be an expiation for all my sins." Even if he knows that the evidence against him was false, he makes this confession.

After he has confessed, he is given a cup of wine containing a grain of frankincense to induce a loss of consciousness through intoxication. Then he is executed by the mode of death prescribed for him.

The members of the court must not come out to follow the person who has been condemned to death. Any court that has executed a person must not eat all that day. This is implied in the prohibitive command: "You shall not eat with the blood" (Leviticus 19:26).

Chapter 14

The court has power to inflict four death penalties: stoning, burning, beheading, and strangling.

Stoning is severer than burning; burning is severer than beheading; beheading is severer than strangling. Anyone who deserves two death penalties is punished by the severer kind of the two.

The court must ponder over capital cases and be moderate; it must not be hasty. Any court that condemns a person to death in seven years is destructive. Nevertheless, it must condemn to death day after day if there are compelling circumstances. No two offenders, however, should be tried on the same day, but one today and the other the following day.

Capital cases are tried only when the Temple is in existence, provided that the supreme court is in the chamber of hewn stone within the sanctuary, as it is written concerning the rebellious scholar: "The man who acts insolently and refuses to listen to the priest who serves there the Lord your God, or the judge" (Deuteronomy 17:12). Traditionally interpreted, this verse means that capital cases are tried only when there is a priest presenting offerings upon the altar, provided that the supreme court is in its proper place in the Temple.

Forty years before the destruction of the Second Temple, capital trials ceased in Israel even when the Temple was still in existence, because the Sanhedrin went into exile and was no longer situated in its assigned place within the sanctuary.

So long as capital cases are tried in Eretz Yisrael, they are tried in the Diaspora, provided that the members of the Sanhedrin are ordained in Eretz Yisrael, as we have explained, because the Sanhedrin conducts its office both in Eretz Yisrael and the Diaspora.

Chapter 15

Chapter 16

A person is liable to lashes only when there have been witnesses and a due warning. The witnesses are subjected to an examination and searching inquiry, as it is practised in capital cases.

Chapter 17

A judge must not conduct legal proceedings for his own friend, even if the latter has not been his best man nor one to whom he has been intimately attached. Neither should he act as judge for one whom he dislikes, even though he is not his avowed enemy nor one who means to injure him. It is necessary that both parties to a lawsuit should be equal in the eyes and the minds of the judges. The judge who fails to know either litigant and his activities is most likely to be a rightful judge.

Two scholars who dislike each other must not act as judges together, since this might result in perverted justice.

Owing to the hostility between them, each will be inclined to refute the other.

A judge should ever regard himself as if a sword were placed upon his neck, with Gehinnom gaping under him. He should know whom he is judging, before whom he is judging, and who will punish him for deviating from the line of truth, as it is written: "God stands in the divine assembly, in the midst of the judges" (Psalm 82:1).

Ever regard the litigants as guilty when they are facing you, on the presumption that each of them has a false claim, and judge according to the arguments of which you approve. But when they go away from you, regard them both as innocent after having submitted to the judgment; regard each of them favorably.

Chapter 18

A judge must not behave toward the community in a domineering and arrogant manner, but with humility and reverence. Any leader who casts exaggerated fear upon the community for ulterior motives will be punished.

So too, he must not behave toward the people contemptuously, even if they happen to be ignorant. He must not stride over the heads of a holy people. Even if they happen to be uninformed and lowly, they are still the children of Abraham, Isaac, and Jacob.

Just as the judge is charged with this duty, so is the community charged with the duty of treating the judge with respect.

As soon as a person is appointed leader of the community, he must not do menial work in the presence of three men, so that he does not degrade himself in front of them. If he must not do menial work in public, it stands to reason that he is even more forbidden to eat and drink and get intoxicated in the presence of many people.

Chapter 19

Chapter 20

Chapter 21

Chapter 22

From where do we know that a student who sees his teacher erring in a particular matter of judgment, should not say, "I will wait for him until the conclusion of the judgment, at which time I will point out his error. I will then construct the argument correctly, so that the judgment will be quoted in my name" The Torah therefore says, "Distance yourself from falsehood."

It is a Mitzvah to tell the parties at the beginning 'do you want Din (strict justice), or Pesharah (arbitration)' If they want Pesharah, we seek out a compromise for them. A court that always does Pesharah is praiseworthy. Of them the verse says, A just peace was made in your gates. What kind of peace is also justice We must conclude that this is Pesharah. As it is stated regarding King David, And David made justice and righteousness to the nation. What is the justice that has with it righteousness We must conclude that it is arbitration. This is before the verdict, even if you heard their words and know which way the verdict leans. Once the case finished, and he said Ploni, you are innocent, and Almoni, you are liable, you may not do Pesharah, rather, let the Din pierce the mountain.

Testimony

Chapter 1

1. A witness is commanded to testify in court with of all of the relevant testimony, whether it is evidence that causes a colleague to be held liable, or testimony that vindicates him. With regards to financial cases, this will only apply when he is called to testify. As it is written (Leviticus 5:1), "And he should witness, see, and know (of the matter), if he does not testify, he will bear his sin."

It is a biblical positive command to investigate the witnesses and to subject them to searching inquiry and many questions, as it is written: "You shall investigate and inquire and interrogate thoroughly" (Deuteronomy 13:15). The judges should be careful in examining the witnesses, lest through the inquiry the witnesses learn to tell lies. The judges must examine the witnesses by asking them seven types of questions: In what sevenyear cycle was the crime committed In what year In what month On what day of the month On what day of the week At what hour In what place

They must furthermore question the witnesses exhaustively concerning things that are not essential for the testimony,

the validity of which does not depend on them. These are referred to as bedikoth (crossexamination). The more bedikoth a judge uses to test the evidence, the more praise he deserves. Here is an example of bedikoth: If witnesses testified that a man killed a person, they were subjected to the seven types of questions we have enumerated, relating to the exact time and place. If, upon being questioned, they gave a precise description of the act itself and the weapon with which the accused had killed a person, they are crossexamined as follows : What clothes did the slain or the slayer wear Were they white or black Was the dust of the earth, where the slaying took place, white or red Such questions are bedikoth. It once happened that the witnesses stated that the accused had killed a person on a certain spot under a fig tree. When they were crossexamined, they were asked: Were the figs black or white Were the stalks long or short (Sanhedrin 40a).

Chapter 2

Wherein does examination differ from crossexamination In the examination, if one witness has given a definite answer and the other says I do not know, their evidence becomes invalid. But in the crossexamination, if both say we do not know, their evidence remains valid. Yet if they contradict each other even in the crossexamination, their evidence becomes invalid. If, for example, they testified that the accused had killed a person and, when questioned, one said: "It happened during the sevenyearcycle in the year the month the day of the month the fourth day of the week, the sixth hour of the day; he killed him at that place." When questioned: "With what weapon did he kill him," he replied: "He killed him with a sword." The second witness, likewise, gave precise answers to all questions, except the one concerning the hour of the day, when he said : "I do not know at what time it happened" ; or, he agreed as to the time, but said: "I do not know with what weapon he killed him, I did not investigate the weapon in his hand" ; in a case such as this their evidence is invalid. But if they gave precise answers to all questions except when the judges asked them: "Were his clothes black or white," if they replied: "We do not know, we paid no attention to such unsubstantial things," their evidence remains valid.

If one witness said: "He wore black clothes," and the other said: "It is not true, he wore white clothes," their evidence is invalid. It is as if one said Wednesday and the other said Thursady, in which case there would be no evidence ; or, as if one said he killed him with a sword and the other said with a spear, then there is no evidence, as it is written: "The thing is certain" (Deuteronomy 13:15). Since they have contradicted each other in any one of the things, it is no longer certain.

If there were many witnesses, two of whom gave definite answers to the examination questions, and the third said I do not know, the evidence is sustained by the two and the accused is put to death ; but if the third witness contradicted them, even during the crossexamination, their evidence is void.

Chapter 3

Chapter 4

Chapter 5

No verdict is determined on the testimony of a single witness, whether in civil or capital cases, as it is written: "A single witness shall not take the stand against a man in regard to any crime or any offense" (19:15).

Any witness who has testified in a capital case must not act as one of the judges dealing with the same case; he must neither defend nor prosecute the accused. If he said: "I have something in favor of the accused," he is to be silenced.

In civil cases, however, he may defend or prosecute the defendant, but he cannot be included among the judges in the lawsuit, since no witness can act as a judge even in civil cases.

Chapter 6

Chapter 7

Chapter 8

Chapter 9

A lunatic's testimony is invalid on a biblical level because he is not eligigle to perform Mitzvot. This does not refer to only to a lunatic who goes naked, breaks things, and throws stones rather anyone whose sanity is impaired and finds his intellect constantly confused on some point even if he can ask questions and converse on topic regarding other things. An epileptic is considered a "lunatic" during a seizure, and considered healthy at all other times, whether he is

someone who gets seizures at predictable periods or the seizures happen randomly. This is only true if he is not always confused for there are epileptics who are mentally impaired even when not experiencing seizures. And one must consider the testimony of someone who has lots of seizures on a case by case basis.

Chapter 10

Chapter 11

He who has no knowledge of Scripture or Mishnah or right conduct is presumed to be sinful, and is therefore disqualified as a witness, on rabbinic grounds. The presumption is that anyone who is on such a low level commits most of the sins that come within his reach.

Accordingly, no evidence is entrusted to a boorish person, nor is his evidence accepted, unless he is known to be an observer of religious duties, or one who practises benevolence, leads an upright life and is courteous. His testimony is accepted, even though he is ignorant and has no knowledge of Scripture or Mishnah.

Hence, you may infer that every scholar is deemed eligible to bear witness unless he becomes disqualified ; every ignoramus is considered ineligible unless it becomes certain that he follows the right paths.

So too, contemptible persons are ineligible to bear witness, on rabbinic grounds. They are men who eat while walking in the street, in front of all the people ; and those who go about undressed in the market, while they are occupied with filthy work; and similar individuals who lack a sense of shame. All these are doggish and will not hesitate to bear false witness.

Chapter 12

Chapter 13

Chapter 14

Chapter 15

Chapter 16

Chapter 17

Chapter 18

If one has given false testimony and it has become known through witnesses that he has testified falsely, he is referred to as a scheming witness. It is a biblical positive command to do to him as he intended to do to the person against whom he testified. All those who testified and were proved plotting witnesses concerning an offense punishable by stoning must be stoned; if it is punishable by burning, they must be burned ; and so, the other modes of punishment by death. If the scheming witnesses bore evidence concerning an offense punishable by lashing, each of them is lashed like all offenders who deserve to be lashed ; his physical endurance is appraised, and he is lashed accordingly. If they testified to render a person liable to paying a penalty, each is assessed an equal share of the fine, according to the number of witnesses; each pays his proportionate share. They are not lashed where they have to pay compensation.

This applies only to witnesses who were convicted of scheming. But if two sets of witnesses contradict each other so that the evidence is invalid, neither of them is punished, because we do not know which is the lying set. What is the difference between contradiction and refutation Contradiction affects the evidence itself: one set says that this event happened, and the other set says that this event did not happen, or implies that it did not happen. Refutation affects the witnesses ; those who refute them do not know whether the thing did or did not happen. If, for example, witnesses appeared and said: "We saw this man killing a person," or "lending one hundred zuz to that man, on suchandsuch a day and in suchandsuch a place." Then, after they had testified and been examined, two other witnesses came and said: "On that very day and in that very place we were together with you and these individuals the entire day, and what you say is absolutely untrue: the accused did not kill that person," or "the plaintiff did not lend money to the defendant," this is contradiction. So too, if they said to them: "How can you testify like that On that day the alleged homicide, or the slain person, or the borrower, or the lender, was with us in another city!" This is contradicted evidence, since it is as if one were to say: the accused did not kill the man, or the alleged creditor did not lend money to the alleged borrower, for they were with us and it did not happen. The same applies to all similar cases.If, however,

the second set said to the first set: "We do not know whether the accused killed the victim in Jerusalem on that day, as you assert, or whether he did not kill him, but we bear witness that you yourselves were with us in Babylon on that day," the first witnesses are thus turned out to be scheming witnesses and are put to death, or ordered to make restitution, since the refuting witnesses were not at all concerned with the testimony, whether it was true or false.

It is by divine decree that the Torah has accepted the evidence of the second set of witnesses rather than the first. Even if the first set consisted of a hundred witnesses, and two men came and refuted their evidence, saying to them : "We bear witness that the entire hundred of you were with us that day in suchandsuch a place," all of them are punished on the testimony of the two, since the evidence of two is as valid as that of a hundred and the testimony of a hundred is no more effective than that of two. So too, in the case of two sets of witnesses that contradict each other, we do not follow the one that is more numerous but dismiss the evidence of both.

Chapter 19

Chapter 20

Scheming witnesses are neither put to death, nor lashed, nor ordered to make restitution, unless the two of them are eligible witnesses, and both are found to be scheming, and the scheming is detected after sentence has been passed. But if only one of them was refuted, or if both were refuted before sentence was passed, or even if both were refuted after sentence had been passed, and it was discovered that one of them was a relative or disqualified, they are not punished, although they have been refuted and become ineligible to bear witness in whatever case mentioned in the Torah.

If they were refuted after the execution of the person against whom they had testified, they are not put to death, owing to a decisive inference, as it is written: "You shall do to him as he schemed to do" (Deuteronomy 19:19), but has not yet done. This interpretation is based on tradition. However, if the accused against whom they had testified was lashed, they are lashed. So too, if by the evidence submitted by them, money was handed over from the defendant to the plaintiff, it is returned to the defendant and they make restitution to him.

If three witnesses, or even a hundred, testified in court one after the other within brief intervals, lasting as much as is needed for a mere utterance, and some of them were refuted, they are not punished unless all of them are refuted. If, however, the interval between the witnesses was longer than that needed for an utterance, or a student's greeting addressed to his teacher, the evidence has thus been divided: the two who were refuted suffer punishment, but the other two who testified after the prolonged interval are not punished. Although the entire evidence has become invalid, since they all constitute one set of witnesses, and if the evidence of some is disqualified, all of it is disqualified.

If witnesses testified that a person who was afflicted with a fatal disease killed someone, and they have been refuted, they are not put to death, because even if they had killed him with their own hands, they would not be executed, since he was anyway incurable. **Rebels**

Chapter 1

The Supreme Court in Jerusalem represents the essence of the Oral Torah. Its members are the pillars of direction; law and order emanate from them to all of Israel. Concerning them the Torah assures us, as it is written: "You shall act in accordance with the directions they give you" (Deuteronomy 17:11). This is a positive command. Anyone who believes in Moses, our teacher, and in his Torah, must relate religious practices to them and lean upon them.

Whether their direction is based upon what they have learned from tradition, referred to as the Oral Torah, or it is derived from what they have independently discovered by means of any of the rules whereby the Torah is interpreted, and meets with their approval, or it is in the form of temporary regulations designed to preserve the biblical laws, measures consisting of decrees and ordinances and customs, we are biblically commanded to obey our sages with regard to any of these three categories. Whoever disregards one of them breaks a prohibitive command.

There has never been dissension among the sages with regard to laws handed down by tradition. Anything concerning which there has been dissension is certainly not a tradition dating back to Moses, our teacher. Rules derived by rational inference, if sanctioned by all the members of the Supreme Court, are invested with authority indeed; if there is a divergence of opinion among the sages, we follow the majority and formulate the law according to the greater number. The same applies to the decrees, ordinances and customs : if some sages felt that it was appropriate to issue a decree or to enact an ordinance, or that the people should abandon a certain custom, and

others felt that it was improper to issue that decree or to enact that ordinance, or that the people should not discontinue that custom, they would debate the subject and follow the majority opinion, formulating the law according to the greater number.

When the Supreme Court was in existence, there was no religious dissension among the people of Israel. If doubt came to the mind of a Jew concerning any law, he consulted the court of his home town. If they knew, they told him; if not, he was joined by that court or its agents and together they went up to Jerusalem where they submitted the question to the court that was situated at the entrance of the Temple Mount. If they knew, they told him; if not, they all proceeded to the court at the entrance of the Temple Court. If they knew, they told them; if not, they all went to the Supreme Court which occupied the chamber of hewn stone, and put the question to the judges. If the law concerning which they were all in doubt was known to the Supreme Court, either from tradition or from a principle of biblical interpretation, they stated it immediately. If the members of the Supreme Court were uncertain about that specific law, they dealt with it in their own time, and debated it until they eventually reached unanimous agreement or passed the measure by vote, following the majority opinion, and told all the questioners: "This is the law." And they went away. When, however, the Supreme Court ceased to exist, religious dissension increased in Israel: one scholar would declare a thing unclean and give a reason for his statement, while another would declare it clean and give a reason for his statement; one would forbid, while the other would permit.

If two scholars, or two courts of law, whether contemporary or not, are in disagreement at a time when a Sanhedrin is nonexistent, or before a specific law has become clear to the Sanhedrin, follow the stringent view with regard to biblical law and the lenient view with regard to rabbinic law, if you do not know which way the law is prone.

Chapter 2

If a Supreme Court issued a decree or enacted an ordinance or introduced a custom, which has become widespread throughout Israel, and a subsequent court desires to abolish the instructions of the predecessors and to eradicate that particular ordinance, decree or custom, it cannot do so, unless it is superior both in wisdom and in number. If it exceeds the other court in wisdom but not in number, or in number but not in wisdom, it cannot annul its instructions. Even if the reason for which the predecessors introduced the decree or ordinance exists no more, the successors cannot revoke anything introduced by the predecessors unless they exceed them. But how can any Supreme Court exceed another in number when each Supreme Court consists of seventyone members The reference is to the number of contemporary sages who have agreed to accept the decision of the Supreme Court, or have not opposed it.

Chapter 3

One who does not believe in the Oral Torah is not to be identified with the rebellious elder spoken of in the Torah, but is classed with the epicureans (heretics).

The rebellious elder mentioned in the Torah is indeed one of the sages of Israel, who is familiar with the traditional lore, acts as judge, and instructs in subjects of Torah, as do all the wise men of Israel; but he has disagreed with the Supreme Court on a point of law, refusing to yield to their point of view. Instead, he has opposed them and taught others to act contrary to the court's ruling. The Torah has condemned him to death, and if he confesses before being executed he has a share in the world to come. Although he argues just as well as they do, he received the traditional lore just as well as they did, yet the Torah has honored them favoring their view. Even if the members of the court are willing to forego their honor and leave him alone, they cannot do so, in order to prevent many dissensions in Israel.

A rebellious elder is not guilty of death unless he is one of the sages of Israel, fit to render decisions, having been ordained by the Sanhedrin, and he is opposed to the court on a matter punishable by kareth for willful action, and by a sinoffering for action in error. But if he is a student who has not yet reached the stage of rendering decisions, and he has given a decision concerning what should be done, he is not liable, as it is written: "If a case is too baffling for you to decide" (Deuteronomy 17:8) ; that is, one who is capable of solving any problem except a superior one.

If the elder is the chief scholar of the court, and he differed, imparting his views to others persistently but giving no decision concerning what should be done, he is not liable, as it is written: "The man who acts presumptuously" (12); not that he says something presumptuously, but instructs others to act, or himself, acts presumptuously.

Chapter 4

Chapter 5

Chapter 6

It is a great positive precept to honor father and mother; so too, to pay reverence to father and mother. Scripture considers the duty of honoring parents and revering them equal to the duty of honoring and revering God. It is written: "Honor your father and your mother" (Exodus 20:12), and it is also written: "Honor the Lord with your wealth" (Proverbs 3:9). Concerning one's father and mother it is written: "You shall each revere his mother and his father" (Leviticus 19:3), and it is also written: "Revere the Lord your God" (Deuteronomy 6:13). Just as God commanded us to honor and revere his great Name, so he has commanded us to honor and revere our parents.

The one who curses his father or his mother (is killed) with stoning, and the blasphemer (is killed) with stoning. Here there is a comparable punishment for them (the acts of blaspheming and cursing parents). The father precedes the mother for honor, and the mother precedes the father in fear, to teach that the two are equal whether for fear or for honor.

What is the distinction between reverence and honor? Reverence signifies that the son must neither stand nor sit in his father's place; he must not contradict his father nor decide against him. What does honoring signify? The son must provide his father and mother with food and drink and clothing, paid for by the father. If the father has no money and the son has, he is compelled to maintain his father and mother as much as he can. He must manage his father's affairs, conducting him in and out, and doing for him the kind of service that is performed by servants for their master; he should rise before him, as he should rise before his teacher.

To what lengths should the honoring of one's father and mother go? Even if they took a pocketful of gold pieces belonging to him and cast it into the sea right in his presence, he must not shame them or scream and be angry at them; instead, he should accept the divine decree and keep silent. To what lengths should the duty of revering them go? Even if he wore costly clothes while presiding over a public assembly, and his father and mother came and tore his clothes, struck him on the head, and spat in his face, he must not embarrass them but keep silent. He should revere and fear the supreme King of kings who has thus commanded him. Had a mortal king laid a more painful restraint on him, he would be powerless to struggle against it; so much the more if the decree comes from him who spoke and the world came into being by his will.

Although we have been commanded to behave thus generously and reverently toward our parents, a man must not impose too heavy a yoke upon his children by being too strict with them in regard to his honor, that he might not cause them to stumble; he should rather forgive and ignore, since a father may well forego the honor due him allowing the son to omit the acts of reverence, and the son may avail himself of the permission; the father's honor may well be remitted.

If one's father or mother has become mentally disordered, he should make an effort to behave toward them according to their state of mind until they will be shown mercy and get cured. But if he is unable to endure the strain any longer, because they have become utterly insane, he may leave them and go elsewhere, charging others to take proper care of them.

If a man was ordered by his father to transgress the words of the Torah, and break either a prohibitive or a positive precept, or even a rabbinic enactment, he must not listen to him, as it is written: "You shall each revere his mother and his father, and keep my sabbaths" (Leviticus 19:3); that is, all of you including your parents are required to honor me.

One is obligated to honor his father's wife, even though she is not one's mother, while his father is alive. And so too one should honor one's mother's husband while one's father is alive. After she dies the obligation ends. And from the words of our Sages, one is obligated to honor an older brother like one honors a father.

Chapter 7

The penalty incurred by a rebellious son, who is spoken of in the Torah, has been stated to be death by stoning. But Scripture never condemns to punishment unless it has expressed a warning. Where has it expressed that warning? It is written: "You shall not eat anything with its blood" (Leviticus 19:26); that is, you must not eat in a manner that induces bloodshed. This alludes to the kind of eating in which the rebellious son indulges: he is put to death only for his repulsive manner of eating, as it is written: "He is a glutton and a drunkard" (Deuteronomy 21:20). Traditionally interpreted, a glutton is one who eats meat voraciously; a drunkard is one who drinks wine ravenously.

This eating for which he is liable is restricted by many limitations that are derived from traditional law: He does not deserve stoning unless he steals from his father and buys meat and wine cheaply in order to have large quantities ; or if he eats and drinks outside his father's premises in company of entirely ignorant and worthless men; eats the meat partially raw and partially cooked, the way thieves eat ; drinks the wine partially diluted, the way gobblers drink. If he stole from his father and ate like this in the premises of his father, or he stole from others and ate in this repulsive manner whether in his father's premises or in the premises of others, he is not liable. So too, if he stole from his father and ate in such a repulsive fashion in the premises of others, but it was in connection with the performance of a religious duty, even a rabbinic precept, or in connection with the performance of a transgression, even on rabbinic grounds, he is not liable, as it is written: "He does not listen to our voice" (Deuteronomy 21:20); that is, he disobeys his parents only by this eating, excluding this one who in so doing transgressed the precepts of the Torah.

Mourning

Chapter 1

It is a positive commandment to mourn for one's closest relatives, as it is said (Lev 10:19) "...had I eaten sin offering today would the Lord have approved." And mourning is not based on Scripture except for the first day only because it is the day of the death and the day of the funeral. But the rest of the seven days are not torahmandated, even though it says (Gen 50:10) "...and he mourned for his father seven days." when the Torah was given the law was renewed. And Moses our teacher established the seven days of mourning and the seven days of celebrating for Israel.

When a person commits suicide kills oneself with clarity of mind, we do not engage in activity on their behalf at all. We do not mourn for him or eulogize him. We do, however, stand in a line to comfort the relatives, recite the blessing for the mourners and perform any act that shows respect for the living. What is meant by a person who commits suicide Not necessarily one who climbs up on a roof, falls, and dies, but rather, one who says: "I am going up to the top of the roof." If we see him climb up immediately in anger or know that he was distressed and see him fall and die, we presume such a person is one who committed suicide. If, however, we see him strangled and hanging from a tree or slain and lying on the back of his sword, we presume that he is like all other corpses. We engage in activity on his behalf and do not withhold anything from him.

Chapter 2

Chapter 3

It is permissible for a priest to become impure through walking through a beit hapras or the diaspora for the sake of a mitzvah, when there is no way other than that, e.g., he went to marry or to study Torah. Even though there is someone who could teach him in Eretz Yisrael, he is permitted to leave, because a person does not merit to learn from every colleague. Similarly, a person may incur ritual impurity that is Rabbinic in origin to show respect to other people. What is implied If a mourner walked through a beit hapras, everyone follows after him to comfort him. Similarly, we may walk over the coffins of the dead to greet Jewish kings. This is allowed even to greet gentile kings, so that a distinction will be able to be made between them and Jewish kings when their glory will return to its place. Similarly, leniency is granted in all analogous situations. Also, a priest may incur ritual impurity of Rabbinic origin to enter in judgment and disputation with gentiles concerning property, for he is saving it from their hands. Similar laws apply in all analogous situations.

Chapter 4

One should wait a little while, for perhaps the person who appears to have died has simply swooned or fainted.

Chapter 5

Chapter 6

According to rabbinic law, a mourner should observe some of the mourning customs throughout thirty days. From what biblical passage have the sages derived the number of thirty days It is written: "She shall mourn her father and mother for a full month" (Deuteronomy 21:13). Hence, a mourner ought to grieve throughout thirty days.

Following are the things which a mourner must not do during the thirty days: he must not take a haircut, wear ironed clothes, get married, attend a social festivity, travel from one town to another on business a total of five things.

Chapter 7

Chapter 8

Chapter 9

Chapter 10

Chapter 11

Chapter 12

Funeral rites are held in honor of the deceased. Accordingly, the heirs are compelled to pay a fee to wailing men and women who eulogize the dead. But if the deceased charged in his will not to eulogize him, he should not be eulogized. If, however, he charged in his will not to bury him, his wish is not heeded, because burying the dead is a religious duty, as it is written: "You must bury him" (Deuteronomy 21:23).

Anyone who is too indolent to mourn for a scholar will not enjoy longevity; anyone who is too indolent to mourn for a worthy man deserves to be buried alive. Anyone who sheds tears for a worthy person, there is a reward in store for him with God.

Chapter 13

How is consolation offered to the mourners When the corpse has been buried, the mourners assemble and remain standing at the border of the cemetery. All who have escorted the deceased stand around them, row after row.

The mourners stand on the left of those who offer consolation, while all the comforters, one by one, approach the mourners and say to them: "May you be comforted by God." Then each mourner goes home. On each of the seven days of mourning, people come to offer him consolation.

One should not grieve too much over his deceased relative, as it is written : "Weep not for him who is dead, wail not over him" (Jeremiah 22:10); that is, weep not for him too much, since this is the way of the world. He who grieves too much over what is bound to happen is a fool. What measure of mourning should one follow Three days for weeping, seven for lamenting, thirty days for abstaining from a haircut, and the rest of the five things.

Chapter 14

It is a rabbinic positive precept to visit the sick, comfort the mourners, escort the dead, dower the bride, accompany the departing guests as well as to cheer the bride and the groom, and to assist them in whatever they need. Even though all these precepts are of rabbinic origin, they are implied in the biblical verse: "You shall love your neighbor as yourself" (Leviticus 19:18); that is, whatever you would have others do to you, do to your brothers in Torah and precepts.

The reward for escorting a stranger is greater than any reward. It is a practice introduced by our father Abraham, a way of kindness which was habitual with him. He served food and drink to wayfarers and escorted them. Hospitality to wayfarers is greater than welcoming the Divine Presence, as it is written: "He saw three men he ran to meet them" (Genesis 18:2). Escorting them is even greater than receiving them. The sages have declared: "Anyone who does not escort his guests is almost guilty of bloodshed" (Sotah 46b).

Local residents are compelled to provide escorts for wayfarers just as they are compelled to contribute to charity. The court used to provide agents to escort any person who would pass from one locality to another. Those who shirked this duty were regarded as if they shed blood because of the dangerous roads. Even if one accompanies another the distance of four cubits, he will be amply rewarded.

The duty of visiting the sick applies to everybody. Even an eminent person must visit one who is of minor importance. The visits should be made several times a day. The more often one visits the sick, the more praise he deserves, provided that he does not weary the patient. Whoever visits a patient is as though he took away part of his illness and lightened his pain. Whoever does not visit the sick is almost guilty of bloodshed.

A sick person should be visited only from the third day on. If his illness came on suddenly and his condition has become worse, he should be visited immediately. A patient should not be visited either during the first three hours or the last three hours of the day, because he is being attended to at the time.

All the clothes that are thrown on the deceased and on the casket in which he is buried must not be used, lest they become mixed up with the shrouds which of course must not be used for anything else.

One should be trained not to be destructive, not to suffer a loss of garments by casting them into a devastating grave. It is better to give them to the poor rather than casting them to worms and moths. Anyone who throws many garments upon the dead transgresses the prohibitive precept: "You shall not destroy" (Deuteronomy 20:19).

Kings and Wars

Chapter 1

Israel was enjoined with three Commandments upon entering the Land: to appoint a king, as it says, you shall set a king over yourselves (Deut. 17:15); to destroy the descendents of Amalek, as it says erase the memory of Amalek (Deut. 25:19); and build the Temple, as it says, you shall seek His habitation, and there you will come (Deut. 12:5).

The appointment of the king comes before the war with Amalek, as it says, Gd has sent me to anoint you king Now, go and smite Amalek (I Samuel 15:13). The eradication of Amalek precedes the construction of the Temple, as it says, and it was so, when the king was settled in his home, and Gd allowed him respite from his enemies all around. And the king said to Nathan, the Prophet, I am living in a house of cedar (II Samuel 7:12). Now, since the appointment of a king is a Commandment, why did Gd not want (a king) when the people asked Samuel for one Because their request was merely due to resentment, and not for the purpose of fulfilling a Commandment. They had rejected Samuel the Prophet, as it says, as they have forsaken Meso do they also with you (I Samuel 8:7).

At first, a king was not appointed other than by the Court of Seventy (Sanhedrin) and with consent of a Prophet. So was Joshua appointed by Moses our Teacher and his Court, and Saul and David by Samuel the Ramathite and his Court.

A convert may not be appointed king, even after many generations, until one has a Jewish mother, as it says, You cannot place over yourselves a foreign man, one who is not your brother (Deut. 17:15). This rule is also applicable for any governing Position, and includes a commander in the Army and any officer in the Army¹Lit., officers of the fifties or tens., or even the one who is merely responsible for the reservoir which irrigates the fields. It goes without saying that a convert cannot be appointed Judge or President. All these Positions must be filled by (born) Jews, as it says, place upon yourselves a king from those who are close to you (ibid.). All official, governing Positions must be filled with those from among our brethren.

A woman may not be appointed queen, as it says, upon yourselves a king (Deut. 17:15) a king and not a queen. A woman may not be appointed to any Position²Lit., mission. in Israel. Only may a man.

A butcher³Or, bloodletter., barber, bath attendant or tanner may not be chosen either as a king or as a Kohen Godol (High Priest). Not because they are disqualified, but because these professions are degrading they are always viewed trivially in the eyes of the people. Even if he worked at one of these vocations for but one day, he is disqualified (from becoming king).

The king is anointed with the (original) Anointing Oil⁴Prepared by Moses., as it says, Then Samuel took the vial of oil and poured it upon his head, and he kissed him (I Samuel 10:1). The anointing qualifies him and his sons in perpetuity, and ensures that the monarchy will be hereditary, as it says, In order that he may have many days in his reign, he and his sons, among Israel (Deut. 17:20). If the king (dies and) leaves a young son, the monarchy is retained for him until he gets older, as Yehoyadah did with Yoash. Those who take precedence in (the laws of) inheritance, take precedence for succession to the throne; and the older son precedes the younger one. This is not only true for the monarchy but for all governing Positions and all appointments in Israel a son inherits from his father, and so his son from him, forever. This is as long as the son follows in his fathers footsteps with regard to wisdom and awe. If the son was Gd fearing but lacked wisdom, he is appointed to succeed his father, and trained. However, if he was not Gd fearing, even though he was very wise, he is not appointed to a Position in Israel. From the time David was anointed he merited the crown of kingship, the monarchy became his and that of his male descendents for all time, as it says, Your throne, will be established forever (II Samuel 7:16). This only refers to those who are of legitimate lineage, as it says, If your sons shall observe my covenant (Psalms 132:12). Even though he only merited the monarchy for his descendents who have legitimate lineage, the monarchy will never be withdrawn from the descendants of David. The Holy One, Blessed Be He, had promised him as such, as it says, If his children forsake my Torah and walk not in My statutes, and I shall visit their transgression with the rod, and their iniquity with disease. But

My mercy I shall not break off from him (Psalms 89:3134).

Should a prophet install a king from any of the other Tribes of Israel, and that king follows in the ways of the Torah and observes the Commandments, and fights the Wars of Gd, he, too, is a king and all the Commandments of the King are applicable to him. This, even though the essential monarchy belongs to David and from his children there will be kings. For we see that Achiya the Shilonite appointed Jeraboam and said to him, And it will be, if you listen to all that I command you and I shall build for you a sure house as I built for David (I Kings 11:38). And Achiya said to him, And to his son, I shall give one tribe, so that it shall be a remembrance for David my servant for all days before me in Jerusalem (I Kings 11:39).

The monarchy remains with the House of David forever, as it says, your throne shall be established forever (II Samuel 7:16). In contrast, if a king from (any of the other tribes of) Israel is appointed, the monarchy will cease from his House, as it says with regard to Jeraboam, but not for all the days (I Kings 11:39).

The kings of Israel are not anointed with the (special) Anointing Oil, but with persimmon oil only. They may never be appointed in Jerusalem only may the descendants of David. Only descendants of David are anointed (with the special Anointing Oil).

When a king of the House of David is anointed, he is anointed only next to a spring⁵ Done to symbolically compare him to an everflowing spring..

The son of a king is not anointed unless this is necessary to resolve a dispute (of succession) or a war. Thus, Solomon was anointed because of Adoniyoh, Yoash because of Asalih, and Yehoachoz because of Yehoyokim his brother.

Chapter 2

The king must receive great honor. He is to be venerated and feared by everyone, as it says, Surely, shall you place (Deut. 17:15) that is, his awe is to be upon you. No one may ride his horse, sit on his chair⁶ Or, throne., use his scepter or his crown or any of his serving vessels⁷ Or, his appurtenances.. When he dies, all of these are destroyed by fire. His slaves, maidservants and attendants may not be employed by anyone except by another king. For this reason Avishag was permitted to Solomon, but not to Adoniyoh.

No one else may ever have marital relations with a wife of a king. Even a king may not marry the widow or divorcee of a different king.

It is forbidden to see a king naked or when he is having his hair cut or when he is in the bathhouse or when he is drying himself off. He does not perform Chalitzoh⁸ Divorce the wife of his deceased, childless brother., as it says, and she shall spit before him⁹ Or, in his face. (Deut. 25:9) since this would be a disgrace. We do not listen to him even if he allows it because a king cannot forgo his own honor. Since he cannot perform Chalitzoh, he cannot perform Yibum¹⁰ Levirate marriage with his sister-in-law.. And since it is not possible to perform Yibum with his wife, Chalitzoh is not performed with her either. She will forever remain bound to her husband.

Should one of the king's relatives die, the king must not pass the threshold of his palace¹¹ Or, chambers.. When he is being comforted¹² With the mourners meal., the entire nation sits on the ground and he sits on an ottoman¹³ Or, footstool.. If he was a descendent of David, he may sit in the Courtyard (Azarah) of the Temple since only kings from the House of David may sit in the Temple Courtyard, as it says, And King David came, and he sat before Gd (II Samuel 7:18, I Chronicles 17:16).

The king gets his hair cut every day. He grooms himself and adorns himself in resplendent garments, as it says, your eyes shall gaze upon the king in his beauty (Isaiah 33:17). The king sits on a throne in his palace and he wears a crown on his head. The entire nation comes to him when he wants, and stands before him and bows to the ground. Even a prophet stands before the king and bows to the ground, as it says, behold, Nathan the Prophet; and he came in before the king and bowed down to the king with his face to the ground (I Kings 1:23). However, the Kohen Godol does not appear before the king unless he¹⁴ The Kohen Godol. wants to nor does he stand before him. Rather, the king stands before the Kohen Godol, as it says, and he stood before Eliezer the Kohen (Numbers 27:21). Nevertheless, the Kohen Godol is commanded to honor the king, he seats him, and stands before him when he comes to him. The king should not stand before him unless he is there to ask of the Urim. The king must give honor to those who study Torah. When the Sanhedrin and the Sages of Israel enter, he must stand for them and he seats them by his side. So did Asa¹⁵ In some editions: Yehoshofat. King of Judah do when he stood up from his throne for a

Torah scholar and kissed him and called him my rabbi, and my teacher. This applies when the king is at home alone with only his servants present, and he does this and similar things privately. But in public, before the people, he does not do this. Then he stands for no one and does not speak gently and does not call any one, but by his name. This is so that reverence¹⁶Lit., awe. for him will fill the hearts of all.

In the same way that Scriptures has given him great honor, and everyone is obliged to give him honor, so has he been commanded to be of a subdued and unpretentious heart, as it says, and my heart is empty within me (Psalms 109:22). He must not act overly haughty towards Israel, as it says, lest his heart become haughty over his brothers (Deut. 17:20). He must be merciful and compassionate to the small and great with regard¹⁷Lit., and deal with. to their wants and welfare. He must show respect for even the lowest of the low. When he speaks to the entire Congregation together, he is to speak sensitively, as it says, listen to me my brothers and my people (I Chronicles 28:2) and should you today be a servant to your people (I Kings 12:7). He must always behave with extreme modesty, for we have never had anyone greater than Moses Our Teacher who said, and what are we your complaint is not against us (Exodus 16:78). He must suffer their burdens and criticisms and anger, as a nursing father carries the sucking child (Num. 11:12). Scriptures calls him shepherd, To be a shepherd over Jacob His people (Psalms 78:71), and the (proper) behavior of a shepherd is as has been defined in the Tradition, as it says, As a shepherd who leads his flock, and with his arm he gathers the lambs, and in his breast he carries. (Isaiah 40:11).

Chapter 3

When the king sits on the throne of his monarchy, he must write a Sefer Torah for himself, this in addition to the Sifrei Torah which were left for him by his forefathers. He checks his Sefer against the one¹⁸It was an ancient Sefer Torah. in the Temple Courtyard, in accordance with the Court of SeventyOne. If his forefathers did not leave him a Sefer or if it was lost, he has to write two Sifrei Torah. The first one will be kept in his Repository; this is the same Commandment which all of Israel must observe. The second one must never leave his side, other than when he goes to the lavatory or the bath or a place where it would be improper to read from it¹⁹e.g. a cemetery.. When he goes to war, it is with him. When he returns, it is with him. When he sits in judgment, it is with him. When he eats²⁰Lit., reclines., it is next to him, as it says, And it shall be with him, and he shall read from it all the days of his life (Deut. 17:19).

"He must not have too many women" (Deut. 17:17). By Tradition we have learned that he may have up to eighteen women including wives²¹Those with a marriage contract. and concubines²²Those without a marriage contract.. Were he to add even one and have intercourse with her, he is given stripes. He may divorce one and marry another one in her place.

"He must not accumulate many horses" (Deut. 17:16), but only as many as he needs for his chariots²³For war.. He may not even have one spare horse to trot before him, as is done before other kings. If he adds, he is given stripes.

He must not amass too much silver and gold for his treasury in order to be proud about it or for his enjoyment. He may only have as much as he needs to pay his soldiers, servants and attendants. However, it is a Mitzvoh to increase the coffers of the Temple Treasury. Any extra silver and gold is to be ready for use for the public needs and their wars. The prohibition only forbids him from increasing his own wealth in his own treasury, as it says, and he shall not increase for himself (Deut. 17:17). He is given stripes if he increase his riches.

The king must not drink himself drunk, as it says, not for kings is the drinking of wine (Proverbs 31:4). Rather, he must be engaged in Torah and the needs of Israel, day and night, as it says, and it shall be with him, and he shall read from it all the days of his life (Deut. 17:19).

Similarly, he must not be preoccupied with women. Even if he has but one (wife) he should not be found by her all the time as with the fools, and as it says, Give not your strength to women (Proverbs 31:3). Regarding the steering of his heart away, the Torah has already been exacting and said, Do not veer your heart (Deut. 17:17). For his heart is the heart of the entire Congregation of Israel. Therefore, Scriptures has attributed to him that which is written in the Torah, more so than any other member of the nation, saying, all the days of his life (Deut. 17:19).

We have already explained that the kings of the House of David may judge and may be judged and testimony can be brought against them. Not so the kings of Israel regarding whom our Sages have decreed that they do not judge and are not judged, they cannot give testimony and no one can testify about them. This is because their hearts are coarse, and from these matters only fiascoes will result, and there will be a loss to the religion.

The king has the right to execute anyone who rebels against a king. One is liable to the death penalty even if the king decreed that he is to go to a particular place and he did not go there or that he not leave his house and left. If he so wishes, he may execute him it says, any man who disagrees with your words (Joshua 1:18). Similarly, the king has permission to execute anyone who disgraces²⁴Or, embarrasses. him or insults him, as was the case with Shimi ben Gera. The king has permission to execute only by the sword. He may imprison and beat someone with a whip for the sake of his honor. However, he may not declare their money ownerless, for it would be robbery were he to do so.

Anyone who fails to obey the king's orders because he is engaged in the performance of Commandments, even of one simple Commandment, is exempt. This is so since whenever a dictate of the Master (Gd) conflicts with a dictate of the servant (the king), the dictate of the Master takes precedence. Needless to say, the king is not heeded if he decrees something which cancels a Commandment.

The king has the right to execute a killer, even when there is no clear proof (against him) or no warning was given him or even if there was only one witness. He may execute someone who killed accidentally out of hatred. He may do so for purposes of establishing Public Order, as is necessary depending on the prevailing circumstances. He may even execute many people on one day and hang them and leave them hanging for many days in order to instill fear and crush the hands of the wicked of the world.

Chapter 4

The king has the right to levy a tax for his own needs or for wars, and to set rates for the tax. It is forbidden to avoid paying his tax. The king has the right to decree that anyone who fails to pay his taxes can have his property confiscated or he can be executed, as it says, and you shall be slaves unto him (I Samuel 8:17). Further, it says, and they shall be for you a tribute, and they shall serve you (Deut. 20:11). From here we learn that he can levy a tax and set the rates for the tax. His laws in these, and all similar matters, are binding. For the king is entitled to everything about which is written in the Chapter Regarding Kings²⁵I Samuel 8..

He can recruit and conscript, from anywhere in Israel, courageous and strong men and make them soldiers for his chariots, horsemen, and members of his guard. He can draft men who will run before him, as it says, and will appoint them for his chariots and horsemen, and they will run before his chariots (I Samuel 8:11). He can take of the handsomest ones and make them his attendants, as it says, and your best youth and your asseshe will take for his work (I Samuel 8:16).

He can enlist artisans²⁶Or, craftsmen., any he so needs, to do his work. But, he must pay them their wages. He can draft all the animals and slaves and maidservants he needs for his service, but he must pay their wages or pay their worth, as it says, and to plough his ploughings, and to harvest his harvests, and to make the implements of war and the tools for his chariotsand the best of your slaves and maidservants and youth and your asseshe shall take; and they shall do his work (I Samuel 8:1216).

He can take, from anywhere in Israel, wives and concubines; wives being those with a Kesuba (marriage contract) and Kedushin (being sanctified), while concubines are those without a Kesuba and Kedushin. He need only sequester himself with her in private to make her a concubine. She is then permitted to him. However, an ordinary man is forbidden to have a concubine, but may have a Hebrew maidservant, but only after she was so designated²⁷To be his wife.. The king makes those concubines who has brought to his palace into cooks and bakers and perfumers²⁸I do not know why the Rambams order is different than that in the verse., as it says, and your daughters he shall take for perfumers and cooks and bakers (I Samuel 8:13).

He can compel those who are qualified to be his ministers, and may appoint them to be the officers in charge of the thousands and the fifties, as it says, and he shall set up for himself, officers of the thousands and officers of the fifties (I Samuel 8:12).

He may seize any of the fields and olives and vineyards for his servants when they go to war. He may deploy his army in any of these places and take from there if they have from nowhere else to feed themselves. But, he must pay its worth, as it says, and your good fields and vineyards and oliveshe shall take; and he will give to his servants (I Samuel 8:14).

He is entitled to a tithe from the seeds and the trees and the animals, as it says, And he will take a tithe of your seeds and your vineyardsand he will take a tithe of your flocks (I Samuel 8:1517).

The King Messiah may procure for himself 1/13th of all the lands conquered by Israel. This is a law for him and his

sons, forever.

The king acquires the money of anyone²⁹Those who rebelled against him. he executes. The treasuries of the king of any conquered kingdom are his. The spoils are laid out before him and he takes a half first. The remaining half of the booty is divided equally between all the soldiers (who went out to the battlefield) and all those who guarded the weapons in the camp, as it says, and that part which goes down to the battle and the part which remains with the provisions and equipmenttogether they shall divide (I Samuel 30:24).

All lands which he conquers are his. He can give them to his servants or his soldiers, however he so wishes. He retains for himself whatever he wants. However he so decides is the law. This is as long as all his doings are done for the Sake of Heaven, and his orientation and thoughts are to promote the True Religion, fill the world with righteousness, break the arm of the wicked, and fight Gds war. For we do not, a priori, appoint a king except to execute justice and fight wars, as it says, and that our king will judge us, and go out before us, and fight our battles (I Samuel 8:20).

Chapter 5

A priori, the king does not go to fight other than a War of Mitzvoh (Mandatory War). What is a War of Mitzvoh This is the war against the Seven Nations³⁰Aboriginal to Eretz Yisroel. or the war against Amalek or any war to assuage Israel of a persecutor. After this, he may fight Discretionary Wars which are those wars he conducts against the other nations in order to enlarge the borders of Israel, and increase his renown and reputation³¹So that the Gentiles will be afraid of us and wont bother us..

He does not need to obtain permission from the Court to engage in a War of Mitzvoh but he may, at any time, on his own, compel the people to go out to war. However, he requires the authorization of the Court of SeventyOne to take the people with him go out to fight a Discretionary War.

He may breach³²Vineyards and fields. to build roads, and no one can stop him from so doing. The kingsway has no dimension, but is whatever size he needs. He need not make the way tortuous in order to circumvent someones vineyard or field. Rather, he cuts straight through and goes about his war.

It is a Positive Commandment to exterminate the Seven Nations, as it says, surely, you shall destroy them (Deut. 20:17). Anyone who comes across any of these nations and fails to kill them violates a Negative Commandment, as it says, you shall not keep alive any soul (Deut. 20:16). Nonetheless, they have already all been destroyed and their memory forgotten.

It is a Positive Commandment to obliterate Amalek, as it says, erase the memory of Amalek (Deut. 28:19). It is a Positive Commandment to perpetually remember their wicked deeds and their ambush in order to arouse our enmity against them, as it says, remember what Amalek did to you (Deut. 25:17). By Tradition we have learned that remember means by speech, do not forget (Deut. 25:19) in ones heart; for it is forbidden to forget their enmity and hatred.

Any lands conquered by Israel with a king, and in accordance with the Court, are lands conquered by the masses and are equal in status to Eretz Yisroel in every respect, as were the lands conquered by Joshua. This is as long as these lands were conquered after all those lands mentioned in the Torah have already been conquered.

It is permissible to live anywhere in the world, except for Egypt, defined as the area extending west of the Mediterranean Sea, 400 Parsangs by 400 Parsangs, in the direction of Ethiopia and in the direction of the desert. The Torah warned us in three places not to return to Egypt, and do not return in this way again (Deut. 17:16), and and you shall no longer see it (Deut. 28:68), and And you shall not ever again see it (Exodus 14:13). Alexandria is included in this prohibition.

It is permissible to return to Egypt to conduct business and commerce or to conquer other lands. The prohibition is only against residing permanently there. One does not get lashes for violating this prohibition, since when he entered the country he was permitted to do so. Then, when he planned to dwell there permanently, he was not actually committing an act. It appears to me that if an Israelite king conquers Egypt with the permission of the Court, it would be permitted to live there. The warning against returning was said for individuals or to live there when (Egypt) is in the hands of the nonJews since their deeds are more corrupt than all the other nations, as it says, as the doings of the Land of Egypt (Levit. 18:3).

It is forbidden to leave Eretz Yisroel, ever, except for purposes of learning Torah or marrying or to save (his money) from the nonJews. Then he must return to the Land. One may leave for commerce. However, one may not reside (permanently)³³Without intention of returning. outside of the Land unless there is famine so severe that wheat which once cost one Dinar now costs two Dinars. This rule applies when people have money and the fruit is expensive. However, if fruit is cheap, but people have no money or income, and he doesn't even have a cent in his pocket, one may go to wherever he can to make a living³⁴Lit., make a profit.. Although it may be permissible to leave the country, it would not be altruistic to do so. For we see that Machlon and Kilyon, two of the greats³⁵That is, great community leaders. of their generation, left only because of the considerable troubles there were then and, nevertheless, perished.

The greatest of our Sages would kiss the borders of Eretz Yisroel and its stones and roll in its dust. And so it says, As your servants desired her stones, and loved her dust (Psalms 102:15).

Our Sages have said that the sins of anyone who dwells in Eretz Yisroel are forgiven, as it says, And the inhabitant shall not say, I am sick, the people who dwell therein shall be forgiven for their iniquity (Isaiah 33:24). Even if one were to walk but four cubits in the Land, he merits The World To Come. The sins of anyone buried in the Land are forgiven. It is as if his grave becomes an altar for atonement, as it says, and makes expiation for the land of His people (Deut. 32:43). And when discussing the calamities³⁶The Prophet was severely reproving Amatziah, priest of Beis El. it says, on defiled ground shall you die (Amos 7:17). Nevertheless, being admitted (into the Land) during one's life and being admitted after death (i.e. buried) are not the same. Even so, the greatest of the Sages would escort their dead to there. Learn from Jacob our father and Joseph the Righteous.

A person should always dwell in Eretz Yisroel, even in a city where most of the residents are not Jewish, rather than live outside of the Land in a city where most of the residents are Jewish. For anyone who leaves the Land is considered as if he worships idols, as it says, for they have driven me out this day that I should not cleave to the inheritance of the Lord, saying, go serve other gods (I Samuel 26:19). And regarding the calamities it says, Neither shall they enter into the land of Israel (Ezekiel 13:9). Just as it is forbidden to leave the Land, so it is forbidden to leave Babylon for any other country, as it says, They shall be carried to Babylon, and there shall they be (Jeremiah 27:22).

Chapter 6

War is not conducted against anyone in the world until they are first offered peace (and refuse it), whether this is a Discretionary War or a War of Mitzvoh, as it says, when you come close to the city to fight with it, you shall call to it to make peace (Deut. 20:10). If they make peace and accept the Seven Commandments incumbent upon the Sons of Noah (Gentiles), none of them are killed, but they must pay us tribute, as it says, and they shall be for you a tributary, and they shall serve you (Deut. 20:11). If they propose to accept upon themselves the payment of the tribute but not servitude to us or they accept servitude but not the tribute, we ignore their proposal until they accept both. The servitude referred to here is one of disgrace and is demeaning. They are not to raise their heads up to Israel for any reason. They must be subjugated to us and may never be assigned to a Position over us. The tribute they must pay shall be for service of the king, with their bodies and their money, such as the building of the walls³⁷Of Jerusalem. and the strengthening of fortresses and the building of the royal palace and similar, as it says, And this is the account of the levy which King Solomon raised to build the Temple of Gd, and his palace, and Milo, and the wall of Jerusalem and all the storecities which Solomon had the Emorites who remained and Solomon imposed a headtax, until this very day. And of the Children of Israel, Solomon made none a bondsman; but they were the soldiers and his servants and his officers and his captains and those in charge of his chariots and his horsemen (I Kings 9:15-22).

The king may make a deal with them that he can take half of their money or land and leave all their moveable goods or take their moveable goods³⁸Or, chattel. and leave their lands. This is all in accordance with whatever arrangement he makes with them.

It is forbidden for us to lie to them in their peace treaty or deceive them after they have made peace and have accepted the Seven Commandments.

If they do not come to peaceful terms or they make peace but do not accept the Seven Commandments, we engage in war against them and slay all their adult males. We take all their money and children as spoils. We do not kill the women or minors, as it says, the women and the children (see Deut. 20:14 and 2:34) which means the male children. To what do we refer To a Discretionary War with one of the other nations. However, with one of the Seven Nations or

with Amalek who do not make peace, we leave no soul alive, as it says, so you shall do with everyone only of the cities of the nations do not leave alive any soul (Deut. 20:15-16), and regarding Amalek it says, erase the memory of Amalek (Deut. 25:19). How do we know that this is referring to those who do not make peace with us? For it says, there was no city which came to peace with the Children of Israel except the Chivites, dwellers of Givon. Everything they took in the war. For from G-d their hearts were strengthened to the call of war with Israel, so that they may be destroyed. (Joshua 11:19-20). They were offered peace, and refused.

Joshua dispatched three communiques before entering the Land. The first one he sent read, Whoever wishes to flee, may flee. The next read, Whoever wishes to make peace, let him make peace. The next read, Whoever wishes to make war, make war. If so, why did the residents of Givon go and deceive us?³⁹ Saying, we are from a distant land when they could have simply made peace with us (Joshua 9:9). He had sent the (first) letter to them, and they did not accept it. Being unaware of the Laws of Israel, they thought that we would again be offering them peace.⁴⁰ After the first time, i.e., they would not have a second chance.. So, why was this matter difficult for the Heads⁴¹ Of the Tribes., and they saw that it would have been proper to smite them by sword were it not for the oath⁴² That they made with the Givonites. Because they made a treaty with them, and it says, make no peace treaty with them (Deut. 7:2). Thus, their verdict was that they were to be serfs. Now, since we, in error, made an oath with them, by law, they should have been killed because they deceived us, were it not for the disgrace doing so would have caused to G-d's Name.

We do not extend offers of peace neither to Ammon nor to Moab, as it says, do not seek as to their peace or their prosperity all your days (Deut. 23:7). Our Sages have said that from what it says, and you shall call upon her (the city) to peace (Deut. 20:10) we might have thought that we can offer Ammon and Moab peace, were it not to say do not seek their peace. From the phrase, With you he shall dwell and you shall not wrong him (Deut. 23:17) one would think that we can offer peace to Ammon and Moab. However, from the phrase, and for their prosperity we learn that although we do not offer them peace if they, on their own, make peace, we accept them.

When we besiege a city which we want to capture, we do not encircle it from all four sides, but only on three. We leave one side open for them to flee. Anyone who wishes to escape with his life may so do, as it says, and you shall deploy against Midian, as G-d had commanded Moses (Numbers 31:7). By Tradition we have learned that this is what was meant.

Fruitbearing trees must not be cut down outside of the city⁴³ Under siege in order to pain them. nor do we block their irrigation water causing the trees to dry up, as it says, do not destroy her trees (Deut. 20:19). Anyone who cuts down a tree receives lashes. This is not only at times of a siege, but anyone at anytime who chops down a fruitbearing tree by for destructive purposes receives stripes. The tree may be cut down if it is damaging other trees or it is damaging another's field, or because the tree is more valuable for its wood than its fruit. The Torah only forbids wanton destruction.

It is permitted to cut down a nonfruitbearing tree even if the tree itself is not needed. Similarly, an old fruitbearing tree which only produces a small yield and is not worth the effort to maintain can be cut down. And how much olive yield must an olive tree produce for it not to be cut down? A quarter of a Kav of olives. A palm tree which produces a Kav of dates may not be cut down.

And not only regarding trees, but even one who destructively breaks vessels or rips up clothing or tears down a building or seals up a spring or wastes food violates the Negative Commandment of Do not destroy. However, he only receives stripes for disobedience, in accordance with the Rabbis.

We may besiege a nonJewish city (even) on Shabbos⁴⁴ Other versions read: but may not begin within three days before Shabbos so as not to violate Shabbos. and we may make war with them even on Shabbos, as it says, until it falls (Deut. 20:20). We do battle on Shabbos whether it is a War of Mitzvah or a Discretionary War.

We may encamp anywhere. One who is killed in battle is buried wherever he falls, for he acquires that spot, as would a Meis Mitzvah⁴⁵ An abandoned corpse..

Four things were exempt in the military camp: 1) Dmai⁴⁶ Foods which we do not know if Maaser tithes or Terumah were taken. may be eaten; 2) The requirement to ritually wash one's hands before eating (a meal) is waived; 3) Wood could be collected from anywhere⁴⁷ And it would not be considered theft. even if it was found unattached from a tree and dry. We are not concerned about any of these matters in the camp, and 4) They are exempt from erecting an Eruv Chatzeiros⁴⁸ Device to commingle two courtyards and, thus, permit carrying between them on Shabbos. in the camp. Rather, one may carry from tent to tent and hut to hut. This, as long as the entire camp is encircled with a

barrier ten handbreadths high so that it legally becomes a Private Domain, as we have explained in the Laws of Shabbos, since there is no such thing as a camp⁴⁹Some version have divider. of less than ten⁵⁰For camp this would mean ten people, for divider this would mean ten handbreadths high.. Just as the soldiers are exempt from these matters when going out to war, they are exempt from them within the camp when returning⁵¹From the battle, for they are still in danger..

It is forbidden to relieve oneself within the camp or just anywhere in the field. Rather, it is a Positive Commandment to set up a latrine where the people may go and relieve themselves, as it says, and you shall have a place outside of the camp (Deut. 23:13).

Similarly, it is a Positive Commandment that everyone carries a shovel⁵²Or, spade. along with the rest of his weaponry so that when he goes to the latrine he can dig a hole where to relieve himself and cover over⁵³His excrement. with soil, as it says, you must have a shovel with you, with your weaponry (Deut. 23:14). This must always be done whether the Holy Ark is with them or not, as it says, and your camp shall be holy (Deut. 23:15).

Chapter 7

A Kohen is appointed to address the people at the time of war, whether it is a War of Mitzvoh or a Discretionary War. He is anointed with the (special) Anointing Oil and called the Anointed for War.

The Anointed for War addresses the people twice. First, at the border⁵⁴When leaving the country. just before going out to wage the battle, he says to them, Is there man here who has planted a vineyard, and has not redeemed it (Deut. 20:6). When they hear him, those people will return from the front. And then again at the front he (addresses them and) says, do not fear and do not run away (Deut. 20:3).

At the time they are organizing to deploy in their battle array and are ready to do battle, the Anointed for War stands on a high place with the entire army before him and says to them in the Holy Tongue, Shema Yisroel, you are about to do battle today with your enemies. Have no fear in your hearts, do not be frightened, do not scurry about and do not flee from before them. HaShem, your Gd, goes with you to fight with your enemies and save you (Deut. 20:34). Until here does the Anointed for War speak. A subordinate Kohen now broadcasts this message to the people in a loud voice. The Anointed for War again speaks and says, Is there a man here who has built a new home and has not dedicated it Let him go and return to his house lest he die in battle and another man dedicate it. Is there a man here who has planted a vineyard and has not used its fruit Let him go and return to his house lest he die in battle and another man use its fruit. Is there a man here who has betrothed a wife and has not taken her Let him go and return to his house lest he die in the battle and another man take her (Deut. 20:57). Until here does the Anointed for War speak. Then a⁵⁵Lit., the. marshal broadcasts this message to the people in a loud voice. The marshal himself then speaks and says, Is there a man here who is afraid and weak of heart (Deut. 20:8). Another officer then broadcasts this to the people.

After all those who are to leave have left from the front, they arrange the battle array and appoint officers to lead the people. Behind each array, strong and tough gendarmes are appointed and hold an iron axe in their hands. These police have the right to cut the thigh of anyone who wants to flee the battle, for fleeing is the first step to defeat. People are returned from the battlefield in a Discretionary War. However, in a War of Mitzvoh everyone goes out to the battle, even a groom from his room and a bride⁵⁶She will supply food and water for her husband, but will not participate in the fighting. from under her wedding canopy.

The Law is the same whether one builds a house wherein he will live or builds a pen for his cattle or a woodshed or a storehouse⁵⁷Used for wine, oil or wheat., as long as a human could live therein⁵⁸Even if no one actually does.. The Law is also the same whether one builds, buys or inherits a house or receives it as gift. In all these cases, he is returned home from the front. However, the one who built a guard booth or a porch or a portico or a structure which does not have the (minimum) dimensions of 4 x 4 cubits, or the one who steals a house, does not return.

The Law is the same for the one who plants a vineyard or the one who plants five fruitbearing trees or even five types of food⁵⁹I think this means whether five of one type of tree or five different types of trees.. It is same whether one plants or prunes or grafts. Grafting refers to the type of grafting which would cause one to be obligated by the Laws of Orlah. It is the same whether one buys or inherits or was given these as a gift. However, this Law is not applicable to the one who planted four fruitbearing trees or five nonfruitbearing trees or stole a vineyard. He does not return home. Similarly, a vineyard owned by two partners, qualifies neither to return.

The Law is the same whether one is engaged to a virgin or a widow or if he has to perform Yibum (Levirate marriage) even in a case where there are five brothers and one dies, they all return home. If one made a condition today that his marriage to a woman retroactively to today would be valid only twelve months from now, and that time elapsed while he was at war, he returns home.

One who remarries his divorcee, one who becomes engaged to a woman who is forbidden to him, for instance, a Kohen Godol to a widow, or a divorcee or a Chalutzah to a regular Kohen, or a female bastard or female Nosin⁶⁰Givonites, and cursed by King David. to a Israelite, or the daughter of an Israelite to a male bastard or male Nosin do not return from the battlefield.

All those who are returned from the battle array, return when they hear the words of the Kohen. They will, however, supply the water and food for the soldiers, and repair the roads.

These are those who do not go out to the battlefield at all, and they are not troubled for any reason at all: The one who builds a house and dedicates⁶¹I.e., he moves in. it; the one who marries his fiancée or performs Yibum; and the one who redeems⁶²In the fourth year after planting. The redemption monies are brought up to Jerusalem. his vineyard. These do not go out until the end of the year, as it says, he shall be free unto his house for one year, and he shall make his wife happy, she who he has taken (Deut. 24:5). By Tradition we have learned that a person is given one undisturbed year⁶³Free from communal responsibilities. after buying a house or marrying a woman or beginning to eat from a vineyard.

For an entire year he does not supply the water or the food, nor repair the roads, nor guard at the wall⁶⁴Nor give the wooden boards to strengthen the city gates.. Nothing is given him to do that year, as it says, he shall not go to the army, and nothing shall burden him at all (Deut. 24:5). This verse is worded to teach two Negative Commandments: that he does not go out either for needs of the city or for needs of the brigade⁶⁵Or, garrison..

One built a house and rented it out. If the renter pays the rent up front, then it is like he dedicated the house⁶⁶As soon as the rent is collected.. But, if the renter only pays his rent after twelve month have elapsed, he is considered like one who has not dedicated his home.

Regarding the one who built a house, brought his household goods in and locked the door: if he has to forgo (his normal activities) in order to guard his belongings, then this is similar to someone who dedicated his home and has begun to dwell therein. But, if there is no need to stay there and guard his household goods⁶⁷Because they were large and heavy and cannot be easily stolen. at all, then he is comparable to one who has not dedicated a house at all.

Anyone who builds a house and plants a vineyard outside of the Land of Israel does not return from the battlefield, for these reasons.

"What man is there who is fearful and is fainthearted" (Deut. 20:8) Exactly so. This is one whose heart has no strength to withstand the strains of war⁶⁸He is afraid he'll be killed in battle due to his sins.. Now, once one becomes entangled with the perplexities of war, he should trust the Hope of Israel, and He will save him in times of trouble. He should know he is doing battle for the unity of the Name. He should place his life in His Hands and neither be afraid nor alarmed. He should not think about his wife or his children. Rather, he should wipe away thoughts of them from his heart, and clear himself of everything for the war. Anyone who thinks about or contemplates (matters) during the battle and frightens himself violates a Negative Commandment, as it says, do not be faint of heart, nor be alarmed, do not flee, and be not frightened before them (Deut. 20:3). And not only that, but all the blood of Israel hangs around his neck. If he did not win and did not fight the battle with all his heart and soul, he is like one who spills everyone's blood, as it says, lest he not melt his brothers hearts as has his (Deut. 20:8). It is explicitly stated in the Tradition that, Cursed be he who does the work of Gd sluggishly, and cursed be he who keeps back his sword from blood (Jeremiah 48:10). However, anyone who does fight with all his heart without fear, and his intentions are only to Sanctify the Name, is promised that he will not be harmed and nothing bad will happen to him. He will build an upright home in Israel, and he and his children will earn merit forever, and merit The World To Come, as it says, certainly, Gd shall make for my master a faithful house, for the wars of Gd does my master fight and no evil will be found with you all your daysAnd the soul of my master will be bound with the living, with the Lord your Gd (I Samuel 25:28-29).

Chapter 8

Those courageous soldiers (or frontline troops) who cross the borders into nonJewish lands, capture them and take

prisoners are permitted to eat nonKosher meats⁶⁹Lit. Neveilos and Treifos., swine and so on, if they are hungry and could not find anything to eat except for these forbidden foods. They may also drink wine offered in the service of idolatry. By Tradition we have learned that houses filled with all good (Deut. 6:11) means beheaded boar, and the like.

Similarly, one may have sexual intercourse with a nonJewish woman if his lust gets the better of him. But, he must not just have intercourse with her and go. Rather, he must take her home, as it says, and when you see a Woman of Beauty among the captives (Deut. 21:11). He may not have intercourse with her a second time until he marries her.

The Woman of Beauty is permitted only in the hour of capture, as it says, and you see her among the captives (Deut. 21:11). This is applicable whether or not she is a virgin. Even if she is a married woman this Law applies since there is no concept of forbidden interpersonal relationships among the nonJews⁷⁰Actually, since they do not have the concept of sanctification, the Rambam is referring to relations between Jews and nonJews. However, as far as relations between nonJews and nonJews are concerned, they are considered married and the prohibition against adultery is applicable for them.. From And you desire her (ibid.) we learn even if she is not pretty; from unto her (ibid.) we learn and not with her friend, for you may not have relations with a second one; from and you shall take her as a wife (ibid.) we learn you may not take two and have relations with one and leave the other for your father or brother. From where do we know that we do not coerce her (to have relations) during the war⁷¹Probably, out in the open., as it says, and you shall bring her home (Deut. 21:12). He must take her back to the city⁷²Lit., an open place. and only then he may have relations with her.

A Kohen, too, is permitted to have this onetime intercourse with a Woman of Beauty, for the Torah only permitted this to appease the (Evil) Inclination. But he may not marry her afterwards because she will then be a convert.

What are the details of the Jewish Law of the Woman of Beauty (Even) after he has had the first intercourse with her, she still remains a nonJewess. Now, if she accepts upon herself the Wings of the Shechinoh (Holy Presence)⁷³I.e., she converts., she immediately⁷⁴And she need not grow her fingernails long nor shave her head. immerses in a Mikveh for purposes of conversion. If she does not wish to do accept this, she sits in his house for thirty days, as it says, and she cries for her father and mother, for a month of days (Deut. 21:13). He does not prevent her from weeping for her religion⁷⁵Which she can no longer practice.. She grows her fingernails long and shaves her head so that she will appear despicable in his eyes. She is to remain in the house with him. When he comes in, he sees her, and when he leaves, he sees her. This is done so that he will come to loathe her. He discusses matters with her in order to induce her to convert for thirty days. If she accepts and he still wants her, she converts and immerses, as do all converts.

In all, she must wait three months: one month of wailing, and two months thereafter. He then may marry her with a Kesuba (marriage contract) and Kiddushin (sanctification). If he does not want her, he releases her on her own. If he sells her⁷⁶As a maidservant., he violates the Negative Commandment and you may not sell her for money, you shall not deal with her as a slave, because you have humbled her (Deut. 21:14). The sale is invalid and he must return the money. If he first had relations with her and then seized her for the purposes of making her a maidservant, once he uses her as such, he violates a Negative Precept, as it says, you shall not deal with her as a slave (Deut. 21:14), that is, he must not have her serve him.

If (at first) she does not want to convert, (we) talk with her repeatedly for twelve months. If she still doesnt want to (fully) convert, she may accept the Seven Noahide commandments, and he sends her away on her own. She then has the same status as any other Resident Convert. He cannot marry her, for we cannot marry anyone who has not fully converted.

If she became pregnant from their first intercourse, the child is a convert. However, it is not the fathers child in every respect⁷⁷E.g. inheritance, etc., since the mother was a nonJewess. However, the Court immerses the child with (without) their consent⁷⁸Lit., knowledge.. Tamar was born from a first intercourse with a Woman of Beauty, while Avshalom was born after the wedding. Thus Tamar was (Halochically) Avshaloms sister on their mothers side (only) and she was permitted to marry Amnon, as it says, now speak with the king, for he will not withhold me from you. (II Samuel 13:13).

A Woman of Beauty who does not want to forsake (her) idolatry after the twelve months is executed. Similarly, we do not make a treaty with a city which came and made peace with us until they completely relinquish their idolatry, destroy its places, and accept the rest of the Commandments commanded of the Sons of Noah. For any nonJew who is under our jurisdiction and fails to accept the Noahide Commandments is executed.

Moses our Teacher did not bequeath the Torah and the Commandments to anyone but to Israel, as it says, the Heritage of the Congregation of Jacob (Deut. 33:4), and to anyone from the other nations who wishes to convert, as it says, as you, as a convert (Numbers 15:15). However, no one who does not want to convert is forced to accept the Torah and the Commandments. Moses our Teacher was commanded by the Almighty to compel the world to accept the Commandments of the Sons of Noah. Anyone who fails to accept them is executed. Anyone who does accept them upon himself is called a Convert Who May Reside Anywhere⁷⁹A Resident Convert for short. He may live anywhere in the Land of Israel.. He must accept them in front of three wise and learned Jews. However, anyone who agrees to be circumcised and twelve months have elapsed and he was not as yet circumcised is no different than any other member of the nations of the world⁸⁰He remains a nonJew in every respect..

Anyone who accepts upon himself and carefully observes the Seven Commandments is of the Righteous of the Nations of the World and has a portion in the World to Come. This is as long as he accepts and performs them because (he truly believes that) it was the Holy One, Blessed Be He, Who commanded them in the Torah, and that is was through Moses our Teacher we were informed that the Sons of Noah had already been commanded to observe them. But if he observes them because he convinced himself logically⁸¹By his own intellect and conscience, but he does not agree that they were commanded by Gd., then he is not considered a Resident Convert and is not of the Righteous of the Nations of the World, but merely one of their wise.

Chapter 9

Adam, the first man, was commanded with six commandments: 1) idolatry, 2) blessing (euphemistically) the Name (of Gd), 3) murder, 4) illicit sexual relations, 5) thievery and, 6) establishing a system of justice. Even though all of these have been received as a Tradition from Moses our Teacher and we can understand the rationale for them, nevertheless, from (verses in) the Torah (we learn that) it was these that they were commanded. A seventh commandment forbidding the eating of a limb torn from a live animal was added for Noah, as it says, Even flesh, life is in the blood, do not eat of it (Genesis 9:4). These commandments were universally applicable until Abraham. With Abraham, circumcision was also commanded and he prayed Shacharis (the Morning Prayer). Isaac separated out a tithe and added another prayer in the afternoon and, with Jacob, the prohibition against eating the sciatic nerve was added, as was the Maariv (Evening) Prayer. In Egypt, Amram was commanded with other precepts⁸²I do not know which. and, with Moses our Teacher, the Torah was completed.

A nonJew who worships idols is culpable⁸³Liable to execution by the sword., if he worships the idol in its own peculiar way⁸⁴I.e., in the way said idol is worshipped.. Any type of idolatry which would result in the death penalty in a Jewish Court, would be cause for a nonJew to be put to death. Similarly, any act committed for which a Jewish Court would not assign the death penalty, would not be cause for the execution of a nonJew. Yet, even though he would not be executed, all (acts) are forbidden (to him). We do not allow them to set up a monument nor plant an (idolatrous) Ashera tree nor make (human) forms, and so on, even for decorative purposes.

A nonJew who blesses the Name, whether he blesses with one of the special Names⁸⁵Specifically or with one of the sobriquets⁸⁶E.g. , , , , in any language, is liable. This is not so with a Jew⁸⁷For he is liable only with or .

A nonJew who kills someone, even a fetus in its mothers womb, is executed. Even if he kills someone who has an incurable, terminal illness, or tied someone up and placed him in front of a lion or he let him starve until he died is liable since he caused someone to die. Similarly, if he killed a Pursuer⁸⁸Someone who is chasing someone else for the purpose of killing him. when he could have saved his friend by merely injuring one of the Pursuers limbs, is also executed. This is not the case with a Jew.

Six are forbidden to the nonJew⁸⁹With whom he may not engage in sexual relations.: 1) his mother, 2) his fathers wife, 3) a married woman, 4) his maternal sister, 5) a male, and 6) an animal. From and so a man will leave his father (Genesis 2:24), we learn of the prohibition with his fathers wife; and his mother (ibid.) this is learned in its literal sense; from and cleave to his wife (ibid.) we deduce and not his friends wife; from his wife⁹⁰Or, his woman. (ibid.) and not with a male; from and they shall be as one flesh (ibid.) we learn about the animal or beast or bird since he and they are not of the same flesh; and it says, she is indeed my sister the daughter of my father, but not the daughter of my mother. And so she became my wife. (Genesis 20:12).

A nonJew is culpable if he has relations with the one whom his father had seduced or raped. What this really means is his mother. He is forbidden to his fathers wife even after his fathers death. He is forbidden to have relations with any male, whether a minor or an adult, nor with any animal whether young or fullygrown. He alone is executed and

not the animal, since an animal is only killed if it had relations with a Jew.

A nonJew is not liable for punishment with regard to his friends wife until he has intercourse with her in the normal way, and this only after she has already had marital relations with her husband. However, if she was only engaged or she was brought under the marital canopy⁹¹It is unclear to what this refers since nonJews do not have Chuppa (the marital canopy) as part of their wedding ceremony. Maybe, for this reason, this phrase is absent in some versions., but the marriage was not as yet consummated, he is not liable for having had relations with her, as it says, and she, one who has had relations with a man (Genesis 20:3). To what do we refer To a nonJew who had relations with a nonJewess. But a nonJew who had relations with a Jewess, whether in the normal fashion or not in the normal fashion is culpable. If she was an engaged girl⁹²Between the ages of 12 and 12., he is stoned, as would be a Jew. If he had relations with her after she had come under the canopy, but the marriage was not as yet consummated, he is strangled to death, as would a Jew. If he had relations with a married Jewish woman has consummated her marriage with her husband, then (the Law) is the same as if he had relations with his nonJewish friends wife, and he is killed by means of the sword.

A nonJew who had relations with a maidservant who he united⁹³I.e. married. with his slave is executed because of the prohibition of having relations with his fellows wife. He is not culpable unless it was publicly known that she belonged to such and such a slave. From when is she considered permitted⁹⁴I.e. divorced from his slave. When he separates her from his slave and shakes loose her hair in the market. And when is one of their⁹⁵Not referring to a slave. married women considered like one of our divorcees From the time he expels her from his house and sends her off on her own, or from when she leaves on her own from his property. For the Gentiles do not have a written bill of divorce⁹⁶As do we. and the matter is not dependent upon him alone. Rather, whenever either he or she wishes to separate⁹⁷The spouse need not consent., they (may) separate.

A nonJew is liable to punishment because of thievery whether he stole from a nonJew or a Jew, whether he stole or robbed money or kidnapped or withheld an employees wages or the like. Even if he was a worker and ate⁹⁸He is entitled to eat from the produce of the field within which he was working when he is working. at a time when he wasnt working, he, too, is a thief and is culpable, which is not the case with a Jew. A nonJew is liable for thievery for stealing even the value of less than a Prutah (penny). If a nonJew stole less than the value of a Prutah, and another came and stole from him, both are executed.

He is liable for punishment for eating any amount of the limb of a living animal or the flesh from a living animal. For measures and sizes were given for Israel only. NonJews are permitted to consume blood from a live animal.

The Law is the same regarding a limb or flesh which separated from the animal or beast. However, it appears to me, that a nonJew is not executed for eating the limb of a live bird.

Any limb or flesh which falls off of a slaughtered animal, even though both its signs⁹⁹The trachea and the esophagus, both of which must be cut to affect a Kosher slaughtering. were cut is forbidden to the nonJew because of the prohibition of eating a limb from a live animal as long as the animal is still quivering about¹⁰⁰Has postslaughter spasms..

Anything which is forbidden to a Jew because of the prohibition of eating flesh from a live animal is also forbidden for a nonJew. There are cases when it would be forbidden for a nonJew, but not for a Jew. For a nonJew, there is no difference if it is an animal or a beast, whether it was a nonkosher (species of) animal or a kosher (species of) animal. In all these cases, nonJews are obligated in the prohibition of eating a limb or flesh from a live animal. Limbs and flesh which separated from the quivering animal are forbidden to a nonJew because of this prohibition, even though a Jew slaughtered it through both its signs.

What must they do to fulfill their requirement regarding the Law of Justice They have to set up magistrates and judges in each district to judge the people with regard to these Six Commandments; and they must issue warnings (about them) to the people. A nonJew who violates one of the Seven Commandments is executed by means of the sword. ¹⁰¹This entire passage is absent in most versions.How is this so Anyone who worships idols or blasphemed or murdered or had sexual relations with one of those forbidden to him or stole even less than the value of a Prutah or ate any amount from a limb or the flesh of a live animal or saw someone else violate one of these and failed to judge and execute him, is himself executed by means of the sword. It was for this reason all residents of the City of Shechem deserved to be executed. For Shechem kidnapped¹⁰²Dinah., and they saw and knew and failed to judge him. A nonJew is executed by the testimony of one, and with one judge, without forewarning, and by the testimony of

relatives, but not by the testimony of a woman¹⁰³Other editions are missing the words, but not by the testimony.. A woman may not judge for them.

Chapter 10

A nonJew who accidentally violates one of his (Seven) Commandments is exempt from punishment, except for an accidental murderer. For if a Blood Avenger kills him, he is not killed. He¹⁰⁴The accidental murderer. has no City of Refuge and their courts do not execute him. To what do we refer To someone who accidentally and without intention violates one of the commandments as, for example, if he had sexual intercourse with his friends wife and thought that she was his wife or that she was single. However, if he knew that she was his friends wife, but did not know that she was forbidden to him and thought this was permitted for him, or if he killed someone and he did not know that it is forbidden to kill, this is considered to be close to having committed the act On Purpose, and he is executed. This is not considered as an accidental sin for them since he should have learned what the Law is, and didnt.

A nonJew may violate one of the Commandments if he is forced¹⁰⁵By some violent and strong person. to do so. Even if he was forced to worship idols, he may do so, since nonJews are not commanded to Sanctify the Name. A nonJewish child or a deaf person or a mentallydeficient person may never be punished, since these people are not obligated in the Commandments.

We ignore the request of a nonJew who had converted and was circumcised and immersed, and now wishes to turn away from Gd and change his status to Resident Convert as he was before. Rather, he is to conduct himself like any other Jew, or he will be executed. A child can annul his conversion when he grows up if he had been immersed by the Court when he was a minor. He may only become a Resident Convert. However, if he didnt annul his conversion at that time¹⁰⁶Immediately upon reaching the age of majority., he cannot do so later, and he becomes a Righteous Convert. Therefore, the money from the marriage contract of a minor girl¹⁰⁷If she was married to or raped or seduced by a Jew. who the Court has immersed or the rape fine or the seduction fine will all be given to and held by the Court until she grows up and she does not reject her conversion. This is done lest she take the money, grow up, deny her conversion and utilize monies to which, as a nonJewess, she has no rights, except by Jewish Law¹⁰⁸l.e. unless she would be Jewish..

A nonJew who blessed Gd or worshiped idols or had relations with a married woman or killed someone, and then converted, is exempt from punishment. If he killed a Jew or had relations with a married Jewish woman and converted, he is liable for punishment. He is executed¹⁰⁹By the sword. for killing the Jew or strangled for having relations with a married Jewish woman, for here his verdict changes.

We have already explained that all death penalties for nonJews are by the sword, except if he had relations with a married Jewish woman or with an engaged girl. In those cases he is executed by stoning. If he had relations with a woman after she had come under the marital canopy, but had not consummated her marriage, he is strangled to death.

By Tradition we know that nonJews are also forbidden to have sexual relations with animals, and are not permitted to graft trees, only¹¹⁰That is, they are not forbidden in the other matters of commingling, such as Shaatnez, etc.. They are not executed for these violations. A nonJew who hits a Jew, even if he just injures him a bit, is not executed, even though he deserves it.

Circumcision was only commanded of Abraham and his descendents, as it says, You and your descendents who will follow you throughout the generations (Genesis 17:9). Ishmaels descendents are excluded from this Commandment, as it says, For through Isaac shall your descendents be called yours (Genesis 21:12). Esau is excluded since Isaac said to Jacob, and he shall give the blessing of Abraham to you and to your descendents (Genesis 28:4). Since he, alone, was the descendent of Abraham who stood fast with his religion and his upright ways, it is his progeny who were commanded with circumcision.

Our Sages have said that the sons of Ketura, those who are the descendents of Abraham who came after Ishmael and Isaac, are obligated with (the Commandment of) circumcision. However, today, since the descendents of Ishmael have commingled with the children of Ketura, all of them are obligated with circumcision on the eighth day. However, they are not executed¹¹¹If they fail to do so.

A nonJew who busied himself with Torah is liable with his life¹¹²From Heaven, because others will see him perform Mitzvoths and being engaged in Torah and will be deceived. They will think him a practicing Jew and err after him.. He

must involve himself in their Seven Commandments only. Similarly, a nonJew who rested as one would on Shabbos, even on a weekday, is liable with the death penalty. There is no reason to mention (that he is culpable) if he invented his own holiday. The principle here is that we do not permit them to make a new religion and create new commandments for themselves based on their own reasoning. They may only become Righteous Converts and accept upon themselves all the Commandments, or they must observe their own (Seven) Laws only, and not add or detract from them. If a nonJew busied himself with Torah or made Shabbos or made up something new, we give him lashes and punish him and tell him that he is liable with the death penalty for doing this. But he is not executed.

A nonJew¹¹³One who had accepted the Seven Commandments, i.e. a Resident Convert. who wishes to perform another Torah Commandment¹¹⁴Other than learning Torah or observing Shabbos. (merely) in order to receive a reward is not prevented from so doing in the Halochically correct way. Thus, if he brings the Olah (burnt) offering, we accept it from him. If he gives charity, we accept it from him. It appears to me, however, that we give these monies to the Jewish poor since he (the Resident Convert) is sustained by Israel, and they have a commandment to keep them (the Jews) alive. However, if a nonJew¹¹⁵One who didnt accept the Seven Commandments. gives charity, we take it and give it to the nonJewish poor¹¹⁶We take for the sake of peace, but give it back to them since it is a disgrace for Jews to have to receive charity from nonJews..

The Jewish Court must set up judges for the Resident Converts to judge them in accordance with these statutes. This is so that the world will not come to be destroyed¹¹⁷Or, morally corrupted.. If the Court sees that it can appoint judges from among them, then it should do so. If the Court sees that it must appoint Jewish judges¹¹⁸Since no nonJew was qualified to be a judge., then it may do so.

Two nonJews who appear before you to be judged in accordance with Jewish Law and wish to be judged in accordance with the Torah, are so judged. One wishes to be judged so and the other not, he is not forced to be judged except by their own laws. If a Jew and a nonJew appear before us and we can learn merit for the Jew in accordance with their laws, we judge them in accordance with their laws and we say to him, this is your law. But if the Jew has merit in accordance with our Law, we judge him by Torah Law and tell him this is our Law. It appears to me that we do not do this with a Resident Convert, but we always judge him by his laws. And so it appears to me that we treat a Resident Convert as we would a Jew, that is with respect and lovingkindness, since we are commanded to keep him alive¹¹⁹Sustain and support him., as it says, to the stranger who is within your gates you shall give, that he may eat of it (Deut. 14:21). Our Sages have said that we do not double¹²⁰Literally double by saying Shalom. Shalom. our saying of Shalom refers to the nonJews¹²¹One who has not accept the Seven Commandments., but we do with a Resident Convert. And that that our Sages have commanded us to visit their sick and bury their dead along with Jewish dead, and sustain their poor along¹²²But not alongside. with the poor of Israel is for the sake of peace, since it says, Gd is good to all, and His mercies extend upon all his works (Psalms 145:9) and it says, her ways are ways of pleasantness, and all her paths are peace" (Proverbs 3:17).

Chapter 11

The King Messiah will arise and reestablish the monarchy of David as it was in former times. He will build the Sanctuary and gather in the dispersed of Israel. All the earlier statutes will be restored as they once were. Sacrifices will be offered, the Sabbatical and Jubilee years will be observed, as commanded in the Torah. Anyone who does not believe in him or one who does not anticipate his coming not only denies the Prophets, but also the Torah and Moses our Teacher. For the Torah has given testimony about him saying, And the Lord your Gd will turn your captivity and have compassion with you. He will return and gather you from all the peoplesIf any of you should be dispersed at the ends of Heaven, from there Gd will gather you, from there He will fetch you. And the Lord, your Gd will bring you (Deut. 30:34). These matters are explicit in the Torah and include everything said by all the Prophets. It is even written in the Chapter of Balaam who prophesized about both the Messiahs. The first Messiah was David who saved Israel from her adversities. The final Messiah will be from his sons and will deliver Israel from the hands of the descendants of Esau. There it says, I shall see him, but not now (Numbers 24:17) this refers to David; I behold him, and not soon (ibid.) this is the King Messiah; A star from Jacob shall step forth (ibid.) this is David; and a scepter shall arise out of Israel (ibid.) this the King Messiah; and shall smite through the corners of Moab this is David; and so it says, And he smote Moab and measured them with a rope (II Samuel 8:2); and break down all the sons of Seth (Numbers 24:17) this is King Messiah of whom it says, and his dominion shall be from sea to sea (Zechariah 9:10); and Edom shall be a possession (Numbers 24:18) this is David, as it says, And Edom shall become slaves to David (see II Samuel 8:6 and II Samuel 8:14); Seir also, even his enemies, shall be a possession (Numbers 24:18) this is King Messiah, as it says, And the saviors shall come upon Mount Zion to judge the mount of Esau (Obadiah 1:21).

Even in the section regarding the cities of refuge it says, If the Lord your Gd shall enlarge your borders and shall add for you another three cities more (Deut. 12:20, Deut. 19:89). This actually never took place¹²³ Since there were never nine, but at most six Cities of Refuge. The additional three must therefore be prophetic., and the Holy One Blessed be He never commands for nothing. However, from the words of the Prophets this matter does not need a proof, since all the Books are full of this matter.

It should not occur to you that the King Messiah must bring wondrous signs or perform marvels or invent new things or revive the dead or anything like what the fools say. It is not so. For Rabbi Akiva, one of the wisest of the Sages of the Mishna, was King Ben Cozibas¹²⁴ Bar Cochba. armsbearer¹²⁵ i.e. his staunch supporter. and said that he was the King Messiah. He and all the Sages of his generation thought that he was the King Messiah, until he was killed because of his sins¹²⁶ He killed Rabbi Elazar HaModai.. Since he was killed, they then understood that he was not the one. The Sages never asked of him neither a sign nor a wonder. So, the essence of the matter is like this: The Laws and the Statutes of the Torah never change. We may not add to them nor detract from them. ¹²⁷This last sentence is absent in most editions. Anyone who adds to or subtracts from them or reveals some new dimension to the Torah or understands the Commandments differently than their plain meaning is, for sure, an evil person and an Apikoris.

Now, if a king should arise from the House of David who is versed in Torah and engages in Commandments, as did David his forefather, in accordance with both the Written and the Oral Torahs, and he enjoins all of Israel to follow in its ways and encourages them to repair its breaches, and he fights the Wars of Gd¹²⁸ i.e. he defends Israel., then he may be presumed to be the Messiah. If he succeeds in his efforts and defeats the enemies around and builds the Sanctuary in its proper place and gathers the dispersed of Israel, he is definitely the Messiah.

But, if he does not succeed in these matters or is killed, we will know that he was not the one Torah has promised. He is (merely to be considered) like all the (other) exemplary and qualified kings of the House of David who have died. Gd set him up only to try the masses, as it says, And some of the wise will stumble, to refine among them and to purify and to make white, even to the time of the end, for it is yet for the time appointed (Daniel 11:35).

Even Jesus the Nazarene who imagined he would be the Messiah and was killed by the Court¹²⁹ Or, was handed over to the Romans who killed him as a revolutionary because he proclaimed himself the Messiah, King of Israel. was prophesized about by Daniel as it says, and also the children of the violent among your people will lift themselves up to establish the vision, but they shall stumble (Daniel 11:14). Was there ever a greater impediment than this one All the Prophets spoke of the Messiah, Redeemer of Israel and Savior and Gatherer of the Exiles and Strengtheners of the Commandments. But this one caused the ruin of Israel by the sword and the dispersal of its remnant and its humiliation and reversed¹³⁰ Or, changed. the Torah, and caused most of the world to err and worship a god other than HaShem (Gd).

Nonetheless, the Thoughts of the Creator of the World are beyond any mans understanding. For our ways are not His Ways, and our thoughts are not His Thoughts. And all the doings of Jesus the Nazarene and that of that Ishmaelite¹³¹ i.e. Mohammed. The Rambam labels him Meshugah in his Igeress Teiman. who came after him are nothing but to pave the way for the King Messiah and prepare the entire world to worship Gd together, as it says, For then¹³² When they will realize that their Messiahs were false will they abandon them and turn to Gds true Messiah. I will turn to the peoples a pure language, that they may all call upon the Name of the Lord, to serve Him with one consent (Zephania 3:9).

How is this so The world is now already filled with matters of the Messiah and matters of the Torah and matters of the Commandments. Knowledge of these matters have spread to the distant islands and to the many nations of those with uncircumcised hearts. They discuss these matters and the Commandments of the Torah. Some of them¹³³ As did Jesus. say that these Commandments were once true, but have since been canceled for our times as they were not meant to be observed for all generations. Some of them say that these are secret matters and are not as simple as they would appear, and now the Messiah¹³⁴ Mohammed. has come and revealed these secrets.

But when the true King Messiah will rise and succeed, and he will be lifted up and raised aloft, they all will immediately return and will know that their fathers left them an erroneous legacy, and their fathers and prophets led them astray.

Chapter 12

It should not occur to you that during the days of the Messiah a single thing from the ways of the world¹³⁵ i.e. Nature.

will be canceled nor will there be something novel in the Creation. Rather, the world will continue in its customary way. Now, that which is said in Isaiah, And the wolf will live with the sheep and the leopard shall lie down with the kid (Isaiah 11:6) is a parable and riddle. The substance of the matter is that Israel will dwell in safety with the wicked of the world who are compared to wolves and tigers, as it says, a wolf of the deserts spoil them, a leopard watches over their cities (Jeremiah 5:6). But, they will all return to the true religion and they will not steal and not destroy. Rather, they will eat of the permissible foods comfortably¹³⁶l.e. in peace. like Israel, as it says, and the lion will eat straw as does the ox (Isaiah 11:7). And so similar matters written about the Messiah are parables. In the days of the King Messiah everyone will understand these parables and to what these matters were compared and to what was hinted.

Our Sages have said that there is no difference between This World and the Days of the Messiah except (our) subservience to the kingdoms of the world alone. From the plain meaning of the words of the prophets we understand that at the beginning of the days of the Messiah there will be the War of Gog and Magog. Before the War of Gog and Magog, a prophet will arise to correct Israel and prepare their hearts¹³⁷l.e. Direct them to Gd., as it says, Behold, I will send you Elijah (Malachi 3:23). He will not come to make the pure impure, nor purify the impure, nor disqualify people who are presumed to have legitimate lineage¹³⁸Or, family pedigree., nor qualify those who are disqualified. He will only come to bring peace to the world¹³⁹Between Israel and the other nations., as it says, And he shall turn the hearts of the fathers on the children (Malachi 3:24). Some of the Sages say that Elijah will come¹⁴⁰Either to announce his coming or authorize rabbis (for the Sanhedrin). before the coming of the Messiah. But regarding all these matters and similar, no one knows how it will be until it will be. For these matters were unclear to the Prophets. Even the Sages themselves did not have a Tradition regarding these matters and only could attempt to understand the verses. Thus, there were disagreements in these matters. Nevertheless, neither the order that these events will occur nor their details are fundamental to the religion. Thus, a person must never busy himself with the Aggadot and not dwell on the Midrashim regarding these matters or similar issues. He must not make them dogma¹⁴¹Or, the essence, a tenet.. For these do not result in either love (for Gd) nor fear (of sin). Similarly, one should not calculate the Ends¹⁴²Of a) the Exile, and b) when the Messiah will come.. Our Sages have said that the spirit of those who calculate the Ends will expire¹⁴³l.e. They will die.. Rather, one is to (simply) wait and believe in the principle¹⁴⁴And not contemplate the details. of this matter, as we have explained.

During the days of King Messiah, when he will be secure in his monarchy, and all of Israel will gather about him, everyone's genealogy will be clarified by him by means of the Holy Spirit which will rest upon him, as it says, And he shall sit as a purifier and refiner (Malachi 3:3). The Sons of Levi will be the first to be purified¹⁴⁵Their lineage will be determined first., and he will say, this one has the pedigree of a Kohen, and this one has the pedigree of a Levite. He will reject those who have no (true) lineage¹⁴⁶As Levites and Kohanim. and make them Israelites, as it says, And the Tirashoso said to them until a Kohen will arise with the Urim and Tumim (Ezra 2:63). You have now learned that those with a pedigree will be confirmed, and lineage will be made known, by means of the Holy Spirit. He will not ascertain the ancestry of Israel except regarding which tribe they are from, and inform us that this one is from such and such a tribe and that one is from such and such a tribe. But, he will not tell us whether someone presumed of legitimate pedigree is a bastard or a slave. For the Law is that the family which had someone assimilate within it, assimilates him¹⁴⁷Lit., the family which became assimilated, assimilates. The commentary in the Rambam Laam says remains in its presumption of legitimate lineage..

The Sages and the Prophets did not long for the days of the Messiah because they wanted to rule the world or because they wanted to have dominion over the non-Jews or because they wanted the nations to exalt them or because they wanted to eat, drink and be merry. Rather, they desired this so that they would have time for Torah and its Wisdom. And there would be no one who would oppress them or force them to be idle (from Torah). This, in order that they may merit the World to Come, as we have explained regarding the Laws of Repentance.

At that time there will be no famines and no wars, no envy and no competition. For the Good will be very pervasive¹⁴⁸Or, inspiring, affecting, influencing.. All the delicacies will be as readily available as is dust. The world will only be engaged in knowing Gd¹⁴⁹Compare with Rabbi S. R. Hirsch in his Nineteen Letters.. Then, there will be very wise people¹⁵⁰Some editions have, Israel will be very wise. who will understand the deep, sealed matters. They will then achieve knowledge of the Creator to as high a degree as humanly possible, as it says, For the Earth shall be filled of knowledge of the Lord, as the waters cover the sea (Isaiah 11:9). Blessed be Hashem who helped me.