

A TRANSLATION OF TOSEFTA HAGIGAH

WITH COMMENTARY

by

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"גל עיני ואביטה  
נפלאות מתורתך"

To my father,

EFRAIM FISHEL DEUTSCHER;

may his memory be for a blessing.

ר' אפרים פישל ב"ר פנחס זצ"ל

who inspired me with the love of  
learning the Torah and the  
understanding of its moral depth,  
its ethics, and its linguistic  
beauty.

HAGIGAH

## CHAPTER I

TOSEFTA 1:1

The Unclean Person<sup>1</sup> is exempted<sup>2</sup> from the Pilgrim's Appearance<sup>3</sup>, for it is written<sup>4</sup>: 'And you shall come there', 'And you shall bring there'. By a person suitable to enter the Temple Court<sup>5</sup>, Excludes an Unclean who is not suitable to enter the Temple Court.

Yohanan ben Rehavei said in the name of Rabbi Yehuda: "Also the blind [is exempted], for it is written: 'Shall appear'<sup>6</sup> - [meaning] with the exception of the blind<sup>7</sup>."

Rabbi objected to the view of Yohanan ben Rehavei.

The Sages made the decision supporting the view of Rabbi Yehuda: 'But Hannah went not up<sup>8</sup>.'

[See Mishnah 1:1].

TOSEFTA 1:2

A Minor<sup>9</sup> complies with the requirement of the Law, by the Eruv<sup>10</sup> of his mother; and is subject to the obligation of Sukkah<sup>11</sup> and they place an Eruv on his behalf, consisting of food for two meals as the Eruv of Limits<sup>12</sup>.

[A Minor who]<sup>13</sup> knows to shake [the Lulav]<sup>14</sup> is subject<sup>15</sup> to the obligation of Lulav<sup>16</sup>.

Who knows how to wrap himself [with a Tallith]<sup>17</sup> is subject to the obligation of Tzitzith<sup>18</sup>.

Who is able to speak, his father must teach him the reading of the Shema<sup>19</sup>, the Torah<sup>20</sup> and the Holy Language.

And if not [and if his father does not teach him] it would be appropriate for him not to have come into this world [i.e., it would have been better for him not to have been born].

If he knows to look after<sup>21</sup> his Tefillin [Phylacteries]<sup>22</sup> his father must acquire Tefillin for him.

How do they test him? They immerse him and give him Hullin<sup>23</sup> [ordinary, not consecrated food], pretending that it is T'rumah<sup>24</sup> [Heave Offering]<sup>25</sup>.

If he knows to guard his body<sup>26</sup>, we may eat food that has been prepared in ritual purity<sup>27</sup>, though his body [touched it].

[If he knows to guard] his hands, we may eat food that has been prepared in ritual purity even though his hands [touched it].

If he<sup>28</sup> knows to slice his allotted bread slice<sup>29</sup>, [then] they allot to him [his allotment] at the threshing barn<sup>30</sup>.

Is there wisdom in him to be asked [and able to answer] regarding a doubtful case<sup>31</sup> which in Private Domain is considered Unclean and in Public Domain as Clean<sup>32</sup>.

If he knows [to slaughter [animals, ritually]], his slaughtering is considered Kasher.

If he<sup>33</sup> is able to eat an olive size [of bread made] of grain, one

must remove oneself a distance of at least four cubits from his excrement and his water<sup>34</sup>.

[If he can eat] an olive size of roasted meat, they may slaughter for him the Passover-Lamb<sup>35</sup>.

Rabbi Yehuda says: "Never is the Passover-Lamb slaughtered for him<sup>36</sup>, unless he understands the 'Distinction of Edibles' ".

What is called the 'Distinction of Edibles'?

When there is given to him an egg and he accepts it, or a stone and he pitches it.

#### TOSEFTA 1:3

A female-child that brought forth [grew] two [puberty] hairs, is subject to all the Mitzvoth prescribed in the Torah, and she may perform Halitza<sup>37</sup> or contract a Levirate Marriage<sup>38</sup>.

And so a male-child that brought forth [grew] two [puberty] hairs, he is subject to all the Mitzvoth prescribed in the Torah and he is fit to become a Stubborn and Rebellious son<sup>39</sup>.

At the time his beard is [grown] full<sup>40</sup>, he is subject to be made a leader in prayer<sup>41</sup> to appear before the Ark of the Law, and to spread out his hands [in the benediction of the Priests].

However, he does not partake in the Sacred Offerings of the Sanctuary, until he brought forth [grew] two [puberty] hairs.

Rabbi says: "I say, until he is twenty years old and upward. For it is



written: 'And they appointed the Levites, from twenty years old and upward to have the oversight of the work of the House of the Lord'"<sup>42</sup>.

TOSEFTA 1:4

Beth Shamai say: "The Re'iyah-Pilgrimage-Offering is superior to the Festal-Offering"<sup>43</sup>. The Pilgrimage-Offering in it's entirety is offered to God<sup>44</sup>, which is not so with the Festal-Offering"<sup>45</sup>.

Beth Hillel say: "The Festal-Offering is superior to the Pilgrimage-Offering"<sup>46</sup>. Festal-Offering is applicable prior to the Revelation<sup>47</sup> and after the Revelation, which is not so with the Pilgrimage-Offering. Three Precepts are applicable at Pilgrimage-Time, and this they are:

Pilgrimage-Offering, Festal-Offering and Rejoicing-Peace-Offering.

There is in a Pilgrimage-Offering something [superior] that the other two have not. A Pilgrimage-Offering is offered in it's entirety to God which is not the case with the other two.

Festal-Offering is applicable prior to the Revelation and after the Revelation, which is not the case with the other two.

Rejoicing-Peace-Offering applies to both, men and women<sup>48</sup>, and applies to all seven [days of the Festival], which is not the case with the other two [offerings]<sup>49</sup>.

Which is considered a 'Pilgrimage-Offering'?

These are Burnt-Offerings<sup>50</sup> that are brought for Pilgrimage-Offerings.

Which is considered a 'Festal-Offering'?

These are Peace-Offerings<sup>51</sup> that are brought for Festal-Offerings.

If he has [a whole animal for the offering] to bring from his household, then he shall bring it. However if he does not have it<sup>52</sup>, then he shall participate with others on condition [that] he shall not eat less than the [established] measure<sup>53</sup>.

These and those are called Festal-Offerings<sup>54</sup>.

Rabbi Shimon ben Leazar said: "Beth Shammai and Beth Hillel do not differ concerning Burnt-Offerings<sup>55</sup> which are brought, that under no circumstances should they be brought from other than Hullin<sup>56</sup>.

[They further do not differ] concerning Peace-Offerings<sup>57</sup> that are brought during the remaining days of the year, if he wishes to add [a sacrifice] from the Tithe, he may do so".

[If so] on what matter do they differ?

On the Festal-Offering of the Festival Day [of Passover] self.

Beth Shammai say: "He shall bring all from Hullin", and Beth Hillel say: "His Obligatory-Offerings only, shall he bring from Hullin<sup>58</sup>.

And if he wishes to add [a sacrifice] from the Tithe, he may do so.

And all the remaining days of the year he shall bring his Obligatory-Offering<sup>59</sup> from Hullin."

TOSEFTA 1:5

Israelites<sup>60</sup> may fulfill their obligations<sup>61</sup> with the Vow-Offerings and Freewill-Offerings<sup>62</sup> and Tithe of Cattle<sup>63</sup>.

The Priests, with the Sin-Offerings and Guilt-Offerings<sup>64</sup> and with Firstlings<sup>65</sup> and with the breast and the foreshank<sup>66</sup> of the animal, but not<sup>67</sup> with the Fowl-Offering<sup>68</sup> and not with the Meal-Offering<sup>69</sup>.

A Nazirite fulfills<sup>70</sup> by his ram, regardless whether it is his or from others, as long as he eats from the Animal-Offerings all the seven days.

TOSEFTA 1:6

A Thank-Offering is not brought<sup>71</sup> on the Feast of Unleavened Bread, because of the leaven which it contains<sup>72</sup>. Nor on Pentecost, because it is a Festival<sup>73</sup>. However at the Sukkoth-Festival the Thank-Offering may be brought and one may fulfill his obligation with it.

Rabbi Shimon says<sup>74</sup>: "One may not bring a Thank-Offering on the Sukkoth-Festival, because whatever may be brought on the Feast of Unleavened Bread, may also be brought on the Feast of Weeks and on the Feast of Tabernacles. A Thank-Offering that may not be brought on the Feast of Unleavened Bread may [also] not be brought on the Feast of Weeks and on the Feast of Tabernacles".

Rabbi Leazar the son of Rabbi Shimon says: "A Thank-Offering may be

brought on the Feast of Tabernacles and he may fulfill with it his obligation concerning 'Rejoicing' [Offering] but he does not fulfill with it his obligation concerning the Festal-Offering<sup>75</sup>".

TOSEFTA 1:7

If<sup>76</sup> the Festival passed and he did not bring the Festal-Offering, he is not bound to make good his obligation<sup>77</sup>. Of such a person it is said: 'He that is crooked cannot be made straight etc.<sup>78</sup>'. And it is said: 'The wicked borrows and pays not, but the righteous deals graciously and gives<sup>79</sup>'.

Rabbi Shimon ben Menasya says<sup>80</sup>: "If a man stole he still can return the stolen object, if he robs he still can return the object which he robbed. - But he that has intercourse with a married woman and makes her prohibited unto her husband<sup>81</sup>, is banished from the world and passes away. And of this it is said: 'That which is crooked cannot be made straight'".

TOSEFTA 1:8

Rabbi Shimon ben Yohai said: "One does not say: 'Examine this camel for a possible blemish it might have, examine this pig for a possible blemish it might have<sup>82</sup>'. Only the perfect is examined. And which is such one? A learned scholar who separated himself from the Torah. And

of this it is said: 'The wicked borrows and pays not'".

Rabbi Yehuda said<sup>83</sup>: "In regard of him, scripture says: 'As a bird that wanders from his nest [so a man that wandered from his place<sup>84</sup> ']. And he also said: "What unrighteousness have your fathers found in me, that they are gone far from me and have walked after things of vanity and become vain<sup>85 86</sup>".

#### TOSEFTA 1:9

[The laws concerning]<sup>87</sup> the Dissolution of Vows hover in the air and have nothing to support it. But a Sage [after questioning the person involved] can annul it accordingly by his wisdom<sup>88</sup>.

The laws concerning the Shabbath, Festal-Offering, Act of Sacrilege<sup>89</sup> are as mountains hanging by a hair<sup>90</sup>, for they have scant scriptural basis but many laws<sup>91</sup>, and have nothing to support it.

Based on this, Rabbi Yehoshua said: "A tong is made with the help of another tong, but who made the first tong? Was this not a [divine] creation?"

[The laws concerning] Civil Laws and the laws pertaining to the Temple Services<sup>92</sup>, to Levitical Cleanness and Uncleanness<sup>93</sup> and to the Forbidden Relations<sup>94</sup>, in addition to them [those pertaining to] Vows of Valuations, Excommunications, and [dedicated] Temple Properties ; they have many scriptural roots, many textual interpretations and many laws. They have [a wide basis] on what to rest on.

Rabbi Yossi ben Hanan said: "These eight categories of the [laws] of the Torah are the Bodies of Halakhoth<sup>75</sup>."

## CHAPTER II

TOSEFTA 2:1

The [subject of] Forbidden Relations<sup>1</sup> may not be expounded in the presence of three persons<sup>2</sup>, however it may be expounded in the presence of two [persons], nor the Work of Creation<sup>3</sup> in the presence of two [persons], however it may be expounded in the presence of one [person], nor [the Work of] the Chariot<sup>4</sup> in the presence of one [person], unless he is a Sage and understands of his own knowledge.

It once happened that Rabban Yohanan ben Sakkai was riding on a donkey and Rabbi Leazar ben Arah was ass-driving behind him. He [Rabbi Leazar] said to him: "Rabbi, teach me a chapter about the Work of the Chariot"<sup>5</sup>. He said [answering] to him: "Have I not told you so before: 'The Work of the Chariot may not be thought to a single person, unless he is a Sage who understands of his own knowledge'?" He said to him: "Hencefore I will lecture before you". He said to him: "Speak !"

Began Rabbi Leazar ben Arah and expounded the [mystic] Speculation of the Divine Chariot<sup>6</sup>.

Rabban Yohanan ben Sakkai dismounted from his donkey and wrapped himself with his tallith cloak<sup>7</sup> and both sat together upon a stone beneath the olive tree and he lectured before him, he rose and kissed him on his head and said: "Praised be the Lord, God of Israel who has given a son to Abraham our father, who knows to understand and to

expound the reverence of his Heavenly Father<sup>6</sup>.

There are some who preach well but do not act well - others act well but do not preach well.

Happy [are you] Abraham our father, that Leazar ben Arah has come from your loins, who knows to understand and to expound the reverence of his Heavenly Father"<sup>7</sup>.

#### TOSEFTA 2:2

Rabbi Yossi ben Yehuda says: "Rabbi Yehoshua discoursed before Rabban Yohanan ben Sakkai. Rabbi Akiba discoursed before Rabbi Yehoshua. Hananyah ben Kinnai discoursed before Rabbi Akiba"<sup>8</sup>.

#### TOSEFTA 2:3

Four [men] entered the Pardes<sup>11</sup> [engaged in Esoteric Philosophy]: Ben Azzai and Ben Zoma, Aher<sup>12</sup> [an other one, i.e. Elisha ben Abuha] and Rabbi Akiba.

One cast a look and died, one cast a look and was stricken, one cast a look and mutilated the shoots [of the garden of religion] and one ascended in peace and descended in peace.

Ben Azzai cast a look and died - of him the Scripture says: 'Precious in the sight of God is the death of His saints'<sup>13</sup>.

Ben Zoma cast a look and was stricken [became insane] - of him the



Scripture says: 'Honey you found, eat so much as is sufficient for you, - lest you will overfill yourself and vomit it'<sup>14</sup>.

Elisha cast a look and mutilated the shoots [of the garden of religion] of him the Scripture says: 'Don't give your mouth to bring your flesh into guild [and don't say before the messenger that it was an error. Should God be angry at your voice and destroy the work of your hands]'<sup>15</sup>.

TOSEFTA 2:4

Rabbi Akiba ascended in peace and descended in peace - of him the Scripture says: 'Draw me, we will run after you - [the king brought me into his chambers]'<sup>16</sup>.

TOSEFTA 2:5

A parable: to what is it [the 'pardes'] similar? To an orchard of a king in which there is a watch tower build atop [to guard the pardes]. What is the man to do? To look<sup>17</sup>, so long as not to feast his eyes from it<sup>18</sup>.

And they made a further comparison to what this is like: To a strada [street] which passes between two paths, one of light and one of snow. If he turns to the one side he will be burned by the [hot] light, if he turns to the other side, he will be inflicted by the snow.

What is the man to do? He is to walk in the middle, without turning to the one side or the other.

TOSEFTA 2:6

It once happened with Rabbi Yehoshua, who was walking on the street and Ben Zoma was coming toward him, as he reached him, he did not greet him<sup>19</sup>. He [Rabbi Yehoshua] said to him: "Where from and toward where, Ben Zoma"<sup>20</sup>? He said: "I was gazing into [contemplating about] the Work of the Creation. Between the upper water [above the heaven] and the lower water<sup>21</sup> [below the heaven] there is not a handbreath [distance]. For it is said: 'And the Spirit of God hovered over the face of the waters'<sup>22</sup>. And it is said: 'As an eagle that stirred up her nest, fluttered over her young<sup>23</sup> [without touching them]'. As this eagle that flutters over her nest, touches but does not touch it, so there is no distance between the water above [the heaven] and the water below [the heaven] even a handbreath. Rabbi Yehoshua said to his students: "Ben Zoma is already at the outside [insane or heretic]; there have not to many days passed until Ben Zoma departed<sup>24</sup>."

TOSEFTA 2: 7

Whoever looked into [speculated about] four things, for him it had been better if he had not come into the world<sup>25</sup>:

What is above<sup>26</sup>? What is beneath<sup>27</sup>? What was beforetime? And what will be hereafter<sup>28</sup>?

One might think [speculate pertaining to matters] prior to the Work of Creation. Therefore Scripture teaches: 'Since the day that God created man upon the earth'<sup>29</sup>.

One might think [speculate<sup>30</sup> pertaining matters that existed prior to] the Arrangements of Cycles. Therefore Scripture teaches: 'And from one end of heaven unto the other'.<sup>30</sup>

What does the Scripture: "Since the day that God created man upon earth" teach?<sup>31</sup> - Since the day that God created man upon the earth - you may expound. And you are not to expound what is above<sup>32</sup> and what is beneath<sup>33</sup>, what has been and what is to be in the future.<sup>34</sup>

TOSEFTA 2:8

Never did they [the Sages] differ<sup>35</sup>, except on the question of Laying Hands [upon] the head of the sacrifice before it is slaughtered.<sup>36</sup>

They are five pairs -

The three of the former pairs who said that the Laying of the Hands

may not be performed [on the Holy Day], and the two of the latter pairs who said that it may be performed were Nasiim [Presidents of the Sanhedrin]<sup>37</sup> and the others were Heads of the Court<sup>38</sup> - this is the view of Rabbi Meir. Rabbi Yehuda says: "Shimon ben Shetah was a Nasi, Yehuda ben Tabbai was a Head of the Court."<sup>39</sup>

TOSEFTA 2:9

Rabbi Yossi said<sup>40</sup>: "Originally there were no disputes in Israel, but the Beit-Din of seventy-one members sat in the Hall of Hewn Stones and the other courts of twenty-three sat in the cities of Eretz-Israel, two courts of twenty-three sat in Jerusalem, one [sat] at the Temple-Mount and one the Temple-Bastion."<sup>41</sup>

If a person needed a Halakhic decision<sup>42</sup>, he was to go to the court in his provincial town, if there was no court in his provincial town, he went to the court close to his provincial town.

If they had a tradition, they stated so, and if not, he and the Chief Judge of them went to the court of the Temple-Mount

If they had a Tradition, they stated so, and if not, he and the Chief Judge of them went to the court on the Temple-Bastion.

If they had a Tradition<sup>43</sup>, they stated it and if not, they all proceeded to the court at the Hall of Hewn-Stone. Although this [chamber] consists of seventy one men, [at no session] could there be less than twenty three. When one of [the members] needed to leave, he

had to observe if there were [at least] twenty three remaining, so he could leave. If not so, he could not leave until there were twenty three remaining.

They were sitting [to deliberate in court] from the time of the daily Burnt-Offering in the morning<sup>44</sup> to the time of the daily Burnt-Offering at dusk. And on Shabbaths and on Festival-Days they entered the Beit- Hamidrash [Academy] on the Temple-Mount.<sup>45</sup>

When a question of Halakhah was put before them, if they had a Tradition thereon, they stated it to them [the question], if not, they <sup>asked</sup> took a vote; if the majority voted 'Unclean' they declared it so, if the majority voted 'Clean' they ruled even so.

The Halakhah came out from there<sup>46</sup>, and spread among [the people of] Israel.

But when the students of Shammai and Hillel, who [the students] had insufficiently studied, increased [in number], disputes multiplied in Israel and the Torah became two Torah.<sup>47</sup>

There [at the Hall of Hewn-Stones] they sessioned and they examined men of wisdom and humility<sup>48</sup>, who were pleasant<sup>49</sup> and sin-fearing and of good maturity<sup>50</sup> and who were esteemed by their fellowmen, and [if he possessed these qualities] they appointed him as judge in his provincial town. From the time he was appointed as judge in his provincial town, they [might] promote and appoint him [to the court] on the Temple-Mount.<sup>51</sup>

Thence they [might] promote and appoint him [to the court] on the

Temple-Bastin and thence they [might] promote and appoint him [to the court] at the Hall of Hewn-Stone.

And there they held sessions<sup>52</sup> and examined Genealogies of Priests<sup>53</sup> and Genealogies of Levites<sup>54</sup> and if in any Priest a blemish was found, he clothed himself in black and veiled himself in black and departed and went his way.<sup>55</sup> And he in whom no blemish was found, clothed himself in white and veiled himself in white and went in and ministered with his brethern the Priests.

And they kept it as a festival day for that no blemish was found in the seed of Aaron.<sup>56</sup>

And he brings a tenth of an ephah from his own [as a Meal-Sacrifice] and he does Temple-Service [sacrifices], even though this is not the service turn of his Mishmar [weekly rotating unit].<sup>57</sup>

The High Priest, as well as an ordinary Priest, if they performed [the offerings], even if they have not yet brought their tenth of an ephah [as a Meal-Sacrifice] their service is valid.

4

#### TOSEFTA 2:10

About which Laying of the Hands did they differ?<sup>58</sup>

Beth Shammai say: "He does not lay [hands] on them [the sacrificial animals] on the Festival.<sup>59</sup> Regarding Peace-Offerings, the one who feasts with them [on the Festival] he lays the hands [upon the animal] on the eve of the Festival."

Beth Hillel say<sup>60</sup>: "They may bring Peace-Offerings and Whole-Offerings [on a Festival] and lay their hands thereon."<sup>60</sup>

Beth Hillel said<sup>61</sup>: "If when you are not allowed to work for a commoner<sup>62</sup>, you are allowed to work for the Sanctuary - [so] when you are allowed to work for a commoner, should not you be allowed to work for the Sanctuary"?

[To this] Beth Shammai said to them: "Vow-Sacrifices and Freewill-Offerings shall prove the opposite as you are allowed to sacrifice these for a commoner and you are not allowed to sacrifice them for the Sanctuary."<sup>63</sup>

Beth Hillel said to them: "Not so! If you said that with [reference to] Vow-Sacrifices and Freewill-Offerings that don't have fixed times<sup>64</sup>, you cannot say this with [reference to] Festal-Offerings that its time is fixed."<sup>65</sup>

[To this] Beth Shammai said: "Also a Festal-Offering, in some cases its time is not fixed, [so] he that made no offering on the first Festival-Day of the Feast must offer them [some other time] throughout the course of the entire Festival, even at the last Festival-Day of the Feast."<sup>66</sup>

Abba Shaul had an other version of Beth Hillel's view: "If when your stove is closed<sup>67</sup> your master's stove<sup>68</sup> is open<sup>69</sup>, how much the more must the master's stove be open when your stove is open?"

In other words: "Is it logical that your table should be full and the table of your master empty?"<sup>70</sup>

TOSEFTA 2:11

It once happened that Hillel the Elder did lay hands on the Burnt-Offering in the Temple-Court and the students of Beth Shammai gathered around him [and asked him]<sup>71</sup>: "What is the nature of this animal"? He said to them: "Come and see that she is a female<sup>72</sup>, and I am required to sacrifice her as a Peace-Offering".

He replied evasively and they left.

At once Beth Shammai got the upper hand<sup>73</sup> and wished to establish the Halakhah according to their ruling.<sup>74</sup>

And there was Baba ben Buta, who was a student of Beth Shammai and he knew that the Halakhah is according to Beth Hillel<sup>75</sup> in all cases. He went and fetched all the sheep of Kedar<sup>76</sup> and placed them in the Temple-Court and said: "Whoever needs to bring Burnt-Offerings or Peace Offerings shall come and take and lay on hands. They came and took the animal and they sacrificed Burnt-Offerings and laid hands on them.

On the same day the Halakhah was established according to Beth Hillel and no one there disputed the matter.<sup>77</sup>



TOSEFTA 2:12

It happened again<sup>70</sup> with on student of the students of Beth Hillel who laid on the hands on the Burnt-Offering, encountered him one student of the students of Beth Shammai, [and] he said to him: "Why the laying of the hands"?? He said [answering] to him: "Why [not keep] silence"? He silenced him with a rebuke.<sup>80</sup>

TOSEFTA 2:13

If the Feast of the Weeks<sup>81</sup> fall on the second day or on the fifth day or on the sixth or any other day of the week.

Beth Shammai say: "The day for slaughtering<sup>82</sup> is the following day".

Beth Hillel say: "There is no need for [an other day of] slaughtering [i.e., it is to be slaughtered on the Feast itself]".

It happened<sup>83</sup> that Alexa<sup>84</sup> died in Lod<sup>85</sup> and the people of the city came to eulogize him, Rabbi Tarfon said to them: "Get out ! There is no eulogy on a Festival"<sup>86</sup>.

## CHAPTER III

TOSEFTA 3:1<sup>1</sup>

Which is an Intention?<sup>2</sup>

Inasmuch as he has detached his feet from the water. Yet his feet are still in the water, if he immerses for a lighter thing [lower degree of Sanctity] and intended<sup>3</sup> for a weightier thing [higher degree of Sanctity], [he cannot intend for a higher degree] [because] what he has done is done.

TOSEFTA 3:2

If he immerses in order to ascent from Uncleanness [defilement] to Cleanness [purity] he is in all aspects [levitically] Clean.

The one who immerses, if he intended<sup>4</sup> [for Cleanness] he is Clean.

And if not he is Unclean.

However the one who immerses his hands<sup>5</sup>, in either event, his hands are Clean.

TOSEFTA 3:3

Rabban Gamliel was eating all his days in Purity<sup>6</sup> of Secular level and his apron was 'Midras'<sup>7</sup> of Sacred level.

Onkales the Proselyte was eating in Purity of Sacred level and his apron was 'Midras' for Sin-Offering level.<sup>8</sup>

TOSEFTA 3:4

Greater stringency<sup>9</sup> applies to Sacred Things<sup>10</sup> than to Heave-Offering.<sup>11</sup> For vessels are immersed within vessels<sup>12</sup>, cups within cups, charity plates within charity plates for Heave-Offering but not for Sacred Things.

For Sacred Things<sup>13</sup> he puts into the basket or into the net<sup>14</sup> and immerses [them].

Abba Shaul says: "So it was done for Heave-Offering and not for Sacred Things."<sup>15</sup>

TOSEFTA 3:5

The outside and the inside and handle<sup>16</sup> [of vessels are deemed separate with respect of defilement] for Heave-Offering<sup>17</sup> but not for Sacred Things.<sup>18</sup>

Said Rabbi Yossi: "This is a phrase of double [i.e., superfluous]

expression since anything that has an outside and an inside has a handle - implies that anything that does not have an outside and an inside does not have a handle".<sup>19</sup>

TQSEFTA 3:6

He who carries out that has contracted 'Midras' Uncleaness, may carry [at the same time] Heave-Offering<sup>20</sup> but not Sacred Things.

How? Were his sandals Unclean, he may carry a jug of a Heave-Offering on his shoulder, however this may not be done with Sacred Things.

The garments<sup>21</sup> of those who eat Heave-Offering possess 'Midras' Uncleaness [for those who eat] Sacred Things.

Not as the manner of Sacred Things is the manner of Heave-Offering.

For in the case of Sacred Things one loosens [a knot]<sup>22</sup> and immerses it [the vessel] and wipes it<sup>23</sup> and afterward reties it [the knot].

But in the case of Heave-Offering he ties it up and afterward immerses it.

Same rule for this matter<sup>24</sup> is for the Sacred Things [to be consumed] in the Temple.<sup>25</sup> And the Sacred Things [to be consumed outside] the border [of Jerusalem in the Land of Israel].<sup>26</sup>

TOSEFTA 3:7

Vessels that were completed in Cleanness, even in the Temple Court, need immersing for Sacred Things, but not for Heave-Offering.<sup>27</sup>

How? Fine flour<sup>28</sup> that was mixed in a kneading basin and a T'bul Yom<sup>29</sup> touched a part of it, he makes all of it unfit.<sup>30</sup>

If it was Heave-Offering, he made unfit only the place of contact.

The soil does not unite<sup>31</sup>, neither the Sacred Thing nor the Heave-Offering.

The vessel unite<sup>32</sup> that which is in it for Sacred Thing but not so for Heave-Offering.

TOSEFTA 3:8

[The Unclean] in the fourth degree<sup>33</sup> in the case of Sacred Things is unfit, and it is so in the third degree [only] in the case of Heave-Offering.<sup>34</sup>

TOSEFTA 3:9

But with Heave-Offering, if one of his hands contracts Uncleanness<sup>35</sup> the other stays Clean; however with Sacred Things he immerses both.<sup>36</sup> One is not to immerse the Clean one [hand] by itself and the Unclean one by itself, but both together.

TOSEFTA 3:10

He who immerses one [hand] of both [hands] and handles [levitically] Clean things, all the Clean things which have been handled by the Clean [hand] and are still [levitically] Unclean, as long as he has not immersed the other [hand], because the hand defiles the other one<sup>37</sup> [to cause her] 'to defile Sacred Things', this are the words of Rabbi.

Rabbi Yossi the son of Rabbi Yehuda says: "To invalidate Sacred Things".<sup>38</sup>

TOSEFTA 3:11

One may eat dried-off food with unclean hands in the case of Heave-  
Offering, but not so in the case of Sacred Things.<sup>39</sup>

TOSEFTA 3:12

Rabbi Hanina ben Antigonus said: "Is there [a distinction in favor of] Dry Things in regard to Sacred Things<sup>40</sup>? [it must refer to a case], therefore, when he picks up the cake with a spindle or a chip of wood and he eats with it an [unconsecrated] olive or onion, it is permitted in the case of Heave-Offering but not in the case of Sacred Things".<sup>41</sup>

TOSEFTA 3:13

Greater stringency applies in the case of Sacred Things and in the case of Heave-Offering<sup>42</sup> than in the case of Sin-Offering, because all are trustworthy in the case of Sin-Offering and not all are trustworthy in the case of Sacred Things and in the case of Heave-Offering.<sup>43</sup>

TOSEFTA 3:14

Greater stringency applies in the case of Sin-Offering, because that which is [levitically] Clean in the case of Sacred Things and in the case of Heave-Offering is [levitically] Unclean in the case of Sin-Offering.<sup>44</sup>

TOSEFTA 3:15

There is a grade counting in the case of Sacred Things and in the case of Heave-Offering; however there is no grade counting in the case of Sin-Offering.<sup>45</sup>

The mourner [before the burial of the dead]<sup>46</sup> is forbidden to eat Tithe<sup>47</sup>, but is permitted to eat Heave-Offering and to [engage] in [the preparation of] the Red Heifer.

TOSEFTA 3:16

The T'bul Yom<sup>48</sup> is forbidden to eat Heave-Offering, but is permitted to eat Tithe and to [engage] in [the preparation of] the Red Heifer.

TOSEFTA 3:17

He whose atonement is incomplete<sup>49</sup> [though he immersed but still needs to bring a sacrifice] is forbidden [to engage] in [the preparation of] the Red Heifer. But is permitted to eat Tithe and Heave-Offering.

TOSEFTA 3:18

Rabbi Yossi said:<sup>50</sup> "Whence [is it deduced] that Sacred Things become invalid [by Uncleanness, even] at the fourth remove?"

Now it is [to be deduced by] Kal Vekhomer [conclusion a minori ad majus]: 'If one who [only] needs to bring his Atonement-Sacrifice [in order to complete his purification]<sup>51</sup> is not disqualified for the Heave-Offering, [nevertheless] is disqualified for Sacred Things.

How much more so should Uncleanness at the third remove which renders Heave-Offering invalid, invalidate [Sacred Things]. Thus, we learn [Uncleanness] at the third remove, from the Scripture, and Uncleanness at the fourth remove, by means of an 'a fortiori' reasoning'.<sup>52</sup>



TOSEFTA 3:19

Says Rabbi Nehemyah:<sup>53</sup> "Wherefore are all trusted with respect to the Sin-Offering but are not trusted with respect to the Sacred Things and not with respect to Heave-Offering? " It is lest everyone should say: "I will build an altar<sup>54</sup> for myself, I will burn a [Red] Heifer<sup>55</sup> for myself", for it is written:<sup>56</sup> 'and you and your sons with you shall keep your Priesthood in everything that pertained to the Altar'.

[This] or with respect to:

'To everything that pertained to the Altar'.<sup>57</sup>

One might say: "[Applies] to Heave-Offering and to the Tithe of the Tithe and to the Halah, therefore Scripture says: 'And to that within the Curtain' just as 'Within the Curtain' refers specifically, to that which is not known to the Israelites [Non-Priests]; this excludes [the case of] Heave-Offering and the Tithe of the Tithe and Halah, which is known to the Israelites [Non-Priests].

TOSEFTA 3:20

Rabbi Yehuda says: "'And it shall be kept for the congregation of the Children of Israel for a water of sprinkling [lit.: water of the banished from their camp]'<sup>58</sup>, [this means that] all the trustworthy to guard it".<sup>59</sup>

TOSEFTA 3:21

If it is doubtful that it is the domain of an Am-Ha'aretz<sup>60</sup>, his 'Midras'<sup>61</sup> and his 'Vessel'<sup>62</sup> and his 'Hesset'<sup>63</sup> are Clean for Hullin but are Unclean for Heave-Offering.

TOSEFTA 3:22

There are six grades<sup>64</sup> pertaining to the [Red heifer] Sin-Offering: It is allowed to draw and to sanctify Water of Purification<sup>65</sup> at any place [in Judea].<sup>66</sup> It is allowed to bring Water of Purification and Ashes of Purification from place to place.<sup>67</sup>

An Am-Ha'aretz, when he says: "I am clean for Sin-Offering".<sup>68</sup> - He is to be accepted.<sup>69</sup>

When he [the Am-Ha'aretz] said: 'These vessels are Clean for Sin-Offering Water'. They are to be accepted from him.<sup>70</sup>

If he [the Am-Ha'aretz] has immersed in order to sprinkle [someone] and did not sprinkle; such a person is permitted to eat Heave-Offerings at evening time.<sup>71</sup>

TOSEFTA 3:23

If he [the Am-Ha'aretz] was seen to hold in his hands, Water of Purification and Ashes of Purification, because of it - it is allowed to eat in Cleanness [food handled by him], and because of it - his clothes are considered Clean, and because of it - his sandals are considered Clean [no 'Midras' Uncleanness].<sup>72</sup>

TOSEFTA 3:24

An Am-Ha'aretz who brought vessels for his Sin-Offering, the Haber may take them from him for his Sin-Offering and for his Heave-Offering.<sup>73</sup>

TOSEFTA 3:25

If he brought it for his Heave-Offering, [then the] Haber may not take them from him, neither for his Sin-Offering nor for his Heave-Offering.<sup>74</sup>

TOSEFTA 3:26

If he brought them for his<sup>75</sup> Sin-Offering and his Heave-Offering [together]. That which is brought for Sin-Offering: The Haber may then take them from him for his Sin-Offering and his Heave-Offering.

But that which is brought for his Heave-Offering: The Haber may not take them from him, neither for his Sin-Offering nor for his Heave-Offering.<sup>76</sup>

TOSEFTA 3:27

A Haber who says to an Am-Ha'aretz:<sup>77</sup> "Bring vessels for my Sin-Offering", [in this case] the Haber may take from him for his Sin-Offering and for his Heave-Offering.

[If the Am-Ha'aretz says, he brought it especially] for his Heave-Offering [then] the Haber may not take it from him neither for his Sin-Offering nor for his Heave-Offering.<sup>78</sup>

[If] he brought for his Sin-Offering and for his Heave-Offering, then for Sin-Offering, the Haber may take them from him, regardless if it is for him or for some other one<sup>79</sup> - provided<sup>80</sup> he does not deceive. And if he did deceive, they are Unclean.<sup>81</sup>

TOSEFTA 3:28

An Am-Ha'aretz who said: "These vessels I have brought for my Sin-Offering and have changed my mind about them [to be] for my Heave-Offering". Since they were left for a time in the domain of the Am-Ha'aretz, they become Unclean.<sup>82</sup>

TOSEFTA 3:29

From Modi'in and inward [toward Jerusalem], they<sup>83</sup> were considered trustworthy regarding small earthenware vessels<sup>84</sup> with respect to Sacred Things; but from Modi'in and outward they were not considered trustworthy.

TOSEFTA 3:30

In Judea<sup>85</sup> they<sup>86</sup> were considered trustworthy in regard to Cleanness of [Sacred] wine and oil throughout the year<sup>87</sup>, however not for Heave-Offering.

But at the season of the wine presses and olive vats<sup>88</sup> [they were considered trustworthy] even in regard to Heave-Offering.

Seventy days before the season<sup>89</sup> of the wine presses [wine pressing] and the olive vats [oil pressing] they are trustworthy for Sacred Things and for that, which became Dema<sup>90</sup> through mixture, and for the cylindrical vessel<sup>91</sup>; however not for Heave-Offering.

But at the season of the wine presses and olive vats, even in regard to Heave-Offering.<sup>92</sup>

TOSEFTA 3:31

They are trustworthy in regard to the wine, during the wine season, and in regard to the oil, during the oil season. But not in regard to the wine during the oil season and not in regard to the oil during the wine season.<sup>93</sup>

TOSEFTA 3:32

If [the season of] the wine presses and the olive vats had passed, they return to their prohibited state.<sup>94</sup> If they<sup>95</sup> brought to him<sup>96</sup> a jar of wine for Heave-Offering, he was not to accept it from him, unless he said to him: "I have set apart therein a quarter [log]<sup>97</sup> as Sacred Thing"<sup>98</sup>.

If he brought it [the jar] to him at the next wine pressing season; although he recognized it, that this is the same [jar], he is not to accept it from him.<sup>99</sup>

TOSEFTA 3:33

It happened once to Rabbi Tarfon,<sup>100</sup> he was going on [his] way and was met by an old man, he said to him: "Why do people carry evil talkes about you? Is it not so, that all your words are true and honest. Only [and this is the reason for evil talk] that you accept Heave-

Offering throughout the year<sup>101</sup> from every person?"<sup>102</sup>

Said Rabbi Tarfon: "May I bury my children, if it is not a Halakhah from Rabban Yohanan ben Sakkai, who told me: 'You are allowed to accept Heave-Offering during all the days of the year from every person'. And now that people talk evil <sup>about</sup> after me, I decree upon myself that I will not accept Heave-Offering during all days of the year from every person, unless they tell me: 'I have set apart therefrom a quarter [log] as Sacred Thing'<sup>103</sup>.

TOSEFTA 3:34

Tax-collectors<sup>104</sup> who entered a house and inscribed on the outside [saying] that all that is inside is Clean.<sup>105</sup> They are trustworthy in regard of the 'Cleanness of the Sin-Offering', but they are not trustworthy in regard of the 'Cleanness of the Heave-Offering'<sup>106</sup>. But in Jerusalem they are trustworthy pertaining to the Cleanness of all<sup>107</sup> the vessels for Sacred Things but not for the Heave-Offering. However at the time of the Pilgrimage Festival even for the Heave-Offering.<sup>108</sup>

TOSEFTA 3:35

The one who takes [buys] vessels from artisans who are Ammei-Ha'aratz and the one who hands over<sup>109</sup> vessels to artisans who are Ammei-Ha'aretz are trustworthy in regard to the 'Cleanness for Sin-Offering'<sup>110</sup>, but are not trustworthy in regard to the 'Cleanness for Heave-Offering'.

A table [used for the Show-Bread in the Temple]<sup>111</sup> that got Unclean is to be immersed at once [when they remove the Show-Bread from it], even on the Shabbath.<sup>112</sup>

It happened and they immersed the Menorah on the Festival Day -

Then the Sadducees have said: "Come and see, the Pharisees immerse the light of the moon".<sup>113</sup>



## COMMENTARY, CHAPTER I

1. Unclean, levitically impure, forbidden. Num. XIX, 13, 20.
2. Exempt, even from sending the Offering by a messenger.
3. Appearance-Offering [Olath-Re'iyah], however Face-Appearance [Re'iyath-Panim] at the Temple Court, even a minor is subject to it: Deut. XII, 7 'You and your household'... like in Hakhel: Deut. XXXI, 12

'Assemble the people, the men, and the women and the little ones'... (*i.e., minors*)

Face-Appearance took place at the Temple Court and not at the Temple Mount, as at the latter the Unclean was permitted to enter.

4. Deut. XII, 5, 6.
5. At the Temple Court [Azarah] on the three Pilgrim Festivals of Passover, Pentacost and Tabernacles: Exod. XXIII, 14, 17. Deut. XVI, 16.

The word 'Re'iyah' [rendered in our text: 'to appear'] is

understood by Rashi, Maimonides, Jastrow, Danby etc. in the sense of 'Re'iyath-Panim', the personal appearance of the Pilgrim in the Temple. But Rabenu Tam [in Tosafoth] regards it as referring to the Burnt-Offering [Lev. I,3] brought by the Pilgrim on his visit to the Temple; i.e., it stands for 'Olath Re'iyah'.

6. Exod. XXXIV,23.

7. 'Yrah' - may be vocalized: 'Yir'eh' [Kal 'he will see'], or following the Massorah: 'Yera'eh' [Nif'al 'he will be seen', 'appear'] cf

Gen. XXII,14. By combining both readings, it is deduced that the 'seeing' and 'being seen' must be alike to fulness of vision; i.e., in regard to the use of both eyes [an anthropomorphism for full vision necessitated by the desired parallel in respect to man], when the Pilgrim comes to appear before God, he must be able to see with both eyes. - so Rashi -. But Rabenu Tam [in Tosafoth] prefers to make man the subject, and construes thus: 'Ye'raeh', 'Yir'eh', just as the Pilgrim is seen by God, who has two eyes [i.e., full vision] so he must see Him [i.e., appear in the Divine Presence] with both eyes.

8. 'Hannah went <sup>^</sup>up', I Sam. I,22, according to the Talmud a child is <sup>^</sup>not weaned at the end of 24 months. - Hannah ought therefore have

gone up to the Sanctuary [then in Shilo] and taken Samuel with her, even before he was weaned.

9. Minor: A child who is dependent upon his mother.

10. 'Eruv' [lit. mixture]: a quantity of food, enough for two meals, place:

I - 2000 cubits from the border of the town, so as to extend the Shabbath limit by the distance.

II - In a room or in a court yard to enable all the residence to carry to and from in the court yard on Shabbath.

11. Lev. XXIII,42 - 'You shall dwell in the booths seven days; all that are home-born in Israel shall dwell in booths'.

12. 'Tehum': The boundary beyond which one must not walk on Shabbath, which is 2000 cubits without the town limit; this can be extended by another 2000 cubits by means of an 'Eruv'.

13. Minor under age of 13 and one day.

14. 'Lulav': The palm branch used on the Festival of Tabernacles. To it are tied the myrtle and willow and the tying together of the plant is regarded as analogous to the preparation of a Sukkah.

Lev. XXXII,42.

15. In Rabbinical law.
16. In this and all the instances that follow, the purpose is to train the child in the observance of precepts.
17. 'Tallith': A garment, cloak, esp. the four cornered shal with fringes [Tzitzith] at each corner, worn during the recital of certain prayers.
18. 'Tzitzith': Num. XV,37; XVI,38. Long threads on the corner of the Tallith.
19. 'Shema': Scriptural reading, 'Declaration of God's unity' Deut. VI,4.  
Has to be read twice daily.
20. 'Torah': [lit. Teaching, Learning, Instruction]
  - A. The Pentateuch [Written law]
  - B. The Mishnah [Oral law]
  - C. The whole body of Jewish Religious Literature.
21. Does know to look after, does care.

22. 'Tefillin' [Phylacteries]: Small cases containing passages from the Scriptures and affixed to the forehead and arm during the recital of morning prayers, in accordance with Deut. VI,8.
23. 'Hullin' [lit. 'Profane']: Ordinary unhallowed food as opposed to Terumah.
24. 'Terumah': ['That which is lifted or separated']; the Heave-Offering given from the yields of the yearly harvest, from certain sacrifices, and from the 'Shekels' collected in a special chamber in the Temple [Trumath Ha'lishkah].  
Terumah Gedolah [Great Offering]: The first levy on the produce of the year given to the Priest, - Num. XVIII,18ff.  
Its quantity varied according to the generosity of the owner, who could give one-fortieth, one-fiftieth or one sixtieth of the harvest.  
Terumath Ma'aser [Heave-Offering of the Tithe]: The Heave-Offering given to the Priest by the Levite from the Tithe he received [Num. XVIII,25ff.].
25. They give him Hullin instead of Terumah and watch him how he reacts.

26. If he knows to guard his body against Uncleanness.

27. Condition of Levitical Cleanness.

28. Being a Priest.

29. Translation according to 'Biur of Hason Yeheskel'.

Lieberman interprets: "If he knows to spread his lap of the garment in order to receive Heave-Offering".

Babl. Talmud, Suk. 42a, brings it in different version: "If he knows how to spread out his hands [in priestly benediction]".

30. 'Treashing Barn': Where the sharing of the Terumah to the Priest took place publicly. As such a boy may obviously be relied upon [Meg. 24a] to preserve the Terumah in its Levitical Purity, it may be given him even in public.

However if he is unable to perform the above:

According to 'Biur Hason Yeheskel': To slice his allotted bread slice.

According to Lieberman: To spread the lap of his garment.

According to Babl. Sukkah: To spread out his hands for the priestly benediction;

then he cannot be assumed to know how to take proper care of Terumah and therefore only to those who know him personally to be

able to do it, may privately send Terumah to his house [Yeb. 99b].

31. 'A Doubtful Case' on his part: If they ask him: "Did you touch Uncleanness"? and he replies: "Yes" or "No" or "I don't know".
32. Any Doubtful Case of Uncleanness is regarded 'Clean' if it is in Public Domain and 'Unclean' if in a Private one.
33. If he: Who desires to read his prayers or any Sacred Matter.
34. Since they emit an offensive odor.
35. 'Passover Lamb': He may be included in a party that joined together to participate in the Lamb.
36. 'For him': To be included in the above group.
37. 'Halitzah' [lit.: drawn off], the ceremony of <sup>of repelling the levirate marriage by</sup> taking off the shoe of the brother of a husband who died childless, Deut. XXV, 5-9.
38. <sup>6)</sup> 'Yibum': <sup>to</sup> Levirate marriage with a brother's childless widow.
39. Can be condemned as 'Stubborn and Rebellious Son', Deut. XXI, 18.

40. 'Beard in full': The lower one and not the upper one is meant [Hul. 24b].

41. 'Leader in Prayer': 'Shaliah Tzibur' [lit.: Messenger of the congregation]. This usually connotes the person who acts as the reader of the congregation in conducting the prayers. Since, however, the subsequent words, 'appear before the ark' clearly refers to the function of that of the reader, the representative of the community, therefore, the warden or person appointed to attend the affairs of the community [Rashi].

42. Ezra III,8.

43. 'Re'iyah': [lit. appearing] in the Temple. Whole-Offering [wholy burnt at the Altar. Beit Shamai say: The Pilgrimage-Offering must be worth [at least] two pieces of silver and the Festal-Offering one ma'ah of silver, Mishnah, Hag. I,2.]

44. Lit.: 'The Most High'.

45. Festal-Offering: Which is partly burnt, and partly eaten by Pilgrims and Priests.



46. Beit Hillel say: "The Pilgrimage-Offering must be worth [at least] one ma'ah of silver and the Festal-Offering two pieces of silver, Mishnah, Hag. I,2.
47. 'Revelation': Ex. XXIV,5 - which is taken to refer to a time prior to the Revelation, though it occurs after the Decalogue; where the building of the Altar and the Offering of the Sacrifices thereon by 'the Young Men of the Children of Israel', [taken by the Rabbis to be the Firstborn] is said to have taken place on the fifth of Sivan, a day before the Revelation.
48. Men and women - Deut. XIV,26.
49. 'Other two': Which are being Precepts, not expressly enjoined upon women, and being dependent on fixed time, are incumbent on men only.
50. 'Olah': [lit. <sup>goes up</sup> rising] - Olath-Re'iyah, The Burnt-Offering mentioned in Exod. XXIV,5, before the Revelation at the Tent of Meeting, were offered up whole, whilst the Continual Burnt-Offering, like all Burnt-Offerings, require flaying and dissection, Lev. I,6; therefore it must be Pilgrimage-Offerings that are referred to in Exod. XXIV, which they offered on their own accord and which were consequently not subject to any of the

detailed laws governing Burnt-Offerings

[Rashi - Hag. 6b].

51. 'Festal-Peace-Offering': Which obligatory [Lev. XXII,41] and the eating of meat was considered an essential part of the festive enjoyment. 'Peace-Offering' is a wider term, which includes but is not included in the term of 'Thank-Offering'.
52. 'Does not have it': and also does not have the means to buy it.
53. The Pilgrimage-Offering must be worth [at least] one ma'ah of silver and the Festal-Offering two pieces of silver.
54. This is the simple meaning literally. - However in Babl. Bez. 19a 'Hagotem' is considered different meanings and therefore Beth Hillel and Beth Shammai differ.  
  
Beth Shammai hold: 'And you shall keep [we'hagothem] it a Feast [hag] unto the Lord' [Lev. XXIII,41] implies only Festal-Peace-Offerings [Hagigah]. [We'hagothem being grammatically connected with 'Hag' and 'Hagigah' but not the Pilgrimage-Offerings]. And Beth Hillel maintain:  
    'Unto the Lord' [implies] all [Sacrifices offered] unto the Lord.  
    [Which includes the Pilgrimage-Burnt-Offering].

55. Burnt-Offering as a Vow or a Freewill-Offering, which ~~non~~ of the Sacrifice is <sup>not</sup> eaten by the owner and can be brought after the Festival [Suk. 19a].
56. See Mishnah: Hag. I,3. The Burnt-Offerings during the Intermediate-Days must come from Hulin.
57. and the Peace-Offerings from Tithe-Money.
58. The same Mishnah.
59. Meaning his obligation, like a Hagigah-Offering and Obligatory-Offering cannot be brought, or to be added from, like Sin-Offerings or Guilt-Offerings, from the Tithe [Suk. 19a].
60. See Mishnah, Hag. I,4; Israelite: Layman, neither Priest nor Levite.
61. Deut. XVI,14 - of 'rejoicing' on the Festival by offering Peace-Offerings wherewith to provide themselves with meat for the feast. Thus it is unnecessary to bring special sacrifices for this purpose, if the Vow-Offerings etc. provide sufficient <sup>meat</sup> for the family needs.

62. Mishnah, Meg. I, 6.

63. Lev. VII, 31-39.

64. Brought by Pilgrims and of which only the Priest may eat,  
[Num. XVIII, 9f].

65. Num. XVIII, 17-19.

66. Lev. VII, 29f.

67. Because it is written: 'Zebah'; Slaughtering-Sacrifice.

68. They were Sin-Offerings.

69. Lev. II, 9.

70. His obligation for Rejoicing-Festal-Offering.

For the offering itself he is obligated only once, on the  
Festival, however the eating for rejoicing he is obligated all  
the seven days.

71. For his obligation of rejoicing with the Obligatory Peace-Festal-  
Offering.

72. The Thank-Offering requires leaven [Lev. VII,13] and naturally cannot be offered on Passover.
73. A Thank-Offering like Vows- and Freewill-Offerings may not be offered on a Festival, [Babl. Bez. 19b].
74. Babl. Bez. 19b.
75. A Thank-Offering is not to be brought on a Festival even if it is meant as a Peace-Festal-Offering.
76. Mishnah, Hag. I,6.
77. By paying for this Offering.
78. Eccl. I,15.
79. Psal. XXXVII,21.
80. Babl. Hag. 9b. - Mishnah Hag.I,7.  
)
81. Even if there be no issue, it is irreparable - this contradicts his statement in the Mishnah.

82. To see if they are without blemish and so fit for sacrifice, for they are unfit to start with. Likewise 'made crooked' can only refer to one who was originally worthy and later degenerated. See Rabbi Shimon ben Yohai's statement in Mishnah, Hag. I,7.
83. Babl. Hag. 9b - Rabbi Yehuda ben Lakish.
84. Prov. XXVII,8.
85. Jer. II,5.
86. Here we have to point out that we are dealing with a learned scholar who did not repent, however if he did repent, he can correct it.
87. Babl. Hag. 10a - Mishnah, Hag. I,8.
88. By a Sage, to whom the person who makes the vow explains his original intention which did not include the special circumstances that now caused him to regret the vow; thus a 'Petah Haratah' ['a way of retraction'] is found whereby the vow can be annulled. [Babl. Ned. 9a, 10b].

89. The misappropriation of Sacred Things to secular use. Lev. V,14-16.
90. 'Shabbath': Because the Torah prohibited on the Shabbath 'purposed work' [lit.: 'work of thought' - Ex. XXXV,35], yet purposed work is not mentioned in Scripture [it is only deduced from the juxtaposition of the section concerning the the Shabbath and the section concerning the construction of the Tabernacle. [Babl. Hag. 10b].
- 'Festal-Offerings': Because no inference may be drawn concerning statements of the Torah from the statements of the Prophets. ['Kabalah', lit. 'tradition', a designation for post-pentateuchal books of the Bible, which are deemed of lesser authority than the Torah]. Babl. Hag. 10b.
- 'Act of Sacrilege': Even though he could hardly avoid the Sacrilege, he is deemed to have committed Sacrilege in error and is held responsible. Babl. Hag. 11a.
91. If you are in doubt about anything concerning [defilement through] tent-covering, search the Mishnah [Oral Tradition] Babl. Hag. 11a.

92. i.e., The Offering of Sacrifices.

93. Lev. XI,31.

94. Lev. XVIII,6.

95. i.e., The laws explicitly stated in Scripture are essentials of the Torah, and those not so explicitly stated are not.ot.



COMMENTARY, CHAPTER II

1. 'Forbidden Relations': Lev. XVIII,6f; All union between the sexes that are repellant to the finer feelings of man, or would taint the natural affection between near relations, are sternly prohibited.

Primary prohibited marriages are: -

- a) blood-relations - mother, sister, daughter, grand-daughter, father's sister and mother's sister; and
- b) cases of affinity - the wives of blood-relations and of the wife's blood relations.

All unions - whether temporary or permanent - between persons belonging to these groups are classed as 'incestions' [Ara'youth].

Note i: These 'Prohibited Degrees' of marriage, whether Biblical or Rabbinical, are based on instinctive abhorrence and natural decorum.

Note ii: The Rabbis explain that prior to the Revelation at Sinai only the following marriages were prohibited: viz.

mother, father's wife, married woman, and sister on mother's side. Hence Abraham was permitted to marry his half-sister; and Jacob,

two sisters.

2. Zuckermandel [manuscript Erfurt] refers the number to the pupils and does not include the teacher.

See also Babl. Hag. 11b.

3. The term 'Work of Creation' [Ma'assei Bere'shith] does not include the whole Talmudic cosmogony, only its esoteric aspect. The cosmogonic details mentioned in the Gemara such as the ten elements, the ten agencies etc., do not form part of the secret doctrine of 'Ma'assei Bere'shith', for the Tosefta [and so the Mishnah] expressly forbids the teaching of the 'Creation Mysteries' in public. The views recorded in the Talmud regarding the 'Work of Creation' seem to belong chiefly to the realm of 'Aggadah'.

4. 'Ma'assei Merkavah' [Merkavah Mysticism] was given by this Tosefta [and also Mishnah] to the first chapter of Ezekiel. This term was used by the Rabbis to designate the complex of speculations, homilies, and visions connected with the Throne of Glory and the Chariot [Merkavah] which bears it and all that is embodied in this Divine World.

The term, which does not appear in Ezekiel, is derived from I Chron. XXVIII, 18 and is first found with the meaning of

'Merkavah Mysticism at the end of Ben Sira IL,8: 'Ezekiel saw a vision, and describt the different orders of the Chariot'.

The Hebrew expression of 'Zanei Merkavah' should possibly be interpreted as the different sights of the vision of the Chariot in Ezekiel I,8&10. Or the different parts of the Chariot [Khadrei Merkavah]. This text was later corrected to 'Secrets of the Chariot' [Razei Merkavah].

5. The mysteries of 'Creation' and the 'Chariot' were favorite themes with the mystics.

6. Many Traditions relate Rabban Yohanan ben Zakkai with the study of the 'Mystice of the Merkavah'.

In Babl.Suk. 28a, 'Merkavah Mysticism' was put forward as a 'major subject' [Davar Gadol] in contrast to the relatively 'minor subject' [Davar Katan] of rabbinic casuistry.

7. Put round him his Tallith - a four cornered garment adorned with fringes; which was worn in Talmudic times by scholars, distinguished persons and those who led in Prayer.

By wrapping himself in the Tallith, Rabban Yohanan ben Sakkai showed his sense of holiness of the occassion.

8. In Babl. Hag. 14b, it reads as follow: 'Praised be the Lord God

of Israel who has given a son to Abraham our father, who knows to understand and to speculate upon, and to investigate and to expound the 'Work of the Chariot'. - This appears to be more correct.

9. Babl. Hag. 14b omits 'who knows to understand and to expound the reverence of his Heavenly Father'.

10. Babl. Hag. 14b: 'Rabbi Yossi ben Yehuda said: "There were three discourses [only in three instances did disciples discourse on the 'Work of the Chariot' before their teachers]: Rabbi Yehoshua discoursed before Rabban Yohanan ben Sakkai, Rabbi Akiba discoursed before Rabbi Yehoshua, Hananya ben Hakinai discoursed before Rabbi Akiba; - whereas Rabbi Eleazar ben Arah he does not count ! -

One who discoursed [himself], and others discoursed before him, he counts; one who discoursed [himself], but others did not discourse before him, he does not count.

But behold there is Hananyaya ben Hakinai before whom others did not discourse, yet he counts him ! - He at least discoursed before one who discoursed [before others].

[Hanina ben Hakinai has to be mentioned on account of Rabbi Akiba, to show that the latter not only discoursed himself but that also another discoursed before him. But Rabbi Eleazar ben

Arah did not discourse before a teacher who in his turn discoursed before others, nor did any one discourse before him, hence he is not counted].

11. 'Pardes' ['Paradise']: Cant. IV,13; Eccl. II,5 - 'enclosure', 'preserve', 'garden'.

L. Blau [Altjuedisches Zauberwesen 115f] seeks to prove that this account of the entry of the four Rabbis into Paradise is to be understood literally. This view is also shared by others.

On the other hand, M. Jastrow [Dictionary] and Goldschmidt consider 'Pardes' a figurative expression for the mystical realm of theosophy.

Rashi explains that the four scholars ascended to 'heaven', and Tosafoth adds that it only appeared to them that they did so.

Similarly, Rabbi Hai Gaon, who discussed the Beraitha/Tosefta in a responsum [quoted by 'Ha-Kothev in Ein-Ya'akov'], and Rabbi

Hananel explain that the entry of the Rabbis into the 'Pardes' was only a vision. But these authorities refer to the comment on the passage contained in the mystical works: 'Hekhaloth Rabbathi' and 'Hekhaloth Zutarthi'.

12. Lit., 'another', by which term Elisha ben Abuha is referred to after his apostasy. He is also referred as Elisha Ahor [because he retreated].

13. Psa. CXVI,15.

14. Prov. XXV,16.

15. Eccl. V,5.

16. Cant. I,4. - it refers to the second part of the verse: 'The king has brought me in his chambers'. [The chambers of the Chariot].

17. And not to touch.

18. to feed - also in some manuscripts 'Yaziz': [not to move his eyes].

19. He was so lost in thought that he failed to show respect of disciple to master.

Babl. Hag. 15a: [I'did not stand up before him].

20. i.e., what is the trend of your thoughts?

21. Gen. I,6&7.

22. Ibid V,2.

23. Deut. XXXII,11.

24. i.e., died.

25. See Mishnah Hag. Chap. II,1.

Tosefta: 'Ra'uy' [he looked, as though]

Mishnah: 'Ra'tuy' [relief, mercy, pity].

26. The sky stretching over the heads of the 'living creatures' of the Chariot [Rashi].

27. the 'living creatures'.

28. i.e., beyond the sky eastward and westward [Rashi of Mishnah 2,1]. But from the Gemara Babl. Hag. 16a and here in the Tosefta it is clear that the terms have also temporal significance, what happened before Creation and what will happen thereafter.

29. Deut. IV,32.

30. Ibid.

i.e., since one may not inquire beyond the extent of heaven, it follows that one may not inquire beyond the time of its

existence,

i.e., concerning what happened prior to the Creation.

31. Ibid.

Re Babl. Hag. 12a: To intimate that which Rabbi Eleazar taught: 'The first man [extended] from the earth to the firmament, as it is said: 'Since God created man upon the earth', the verse continues [lit] 'and unto the end of heaven'.

[i.e., in height: this is the usual explanation. But Goldschmidt suggests that the meaning might also be: 'His vision extended from earth to heaven'], but as soon as he sinned, [lit. 'became of bad odour'], the Holy One, blessed be He, placed His hand upon him and diminished him. For it is said: 'You have fashioned [hemmed] me in after and before [i.e., there were to speak, two creations of man: the first when he extended to heaven, the second when his stature was reduced] 'and laid Your hand upon me'. Ps. CXXXIX,5.

32. The sky stretching over the heads of the 'living creatures' of the Chariot [Rashi].

33. Beneath the 'living creatures'.

34. Temporal significant, i.e., what happened before Creation and



what will happen hereafter.

35. In the Jer.Hag. II,2, we are told: 'At first there was no controversy in Israel except over the Laying of the Hands alone. But Shammai and Hillel arose and made them four [in Babl.Shab. 14b, only three points of dispute are mentioned]. When the disciples of the School of Hillel increased, and they did not study sufficiently under their master. [lit., 'did not sufficiently minister to their master'] the controversies in Israel increased, and they came divided into two companies, the one declared 'Unclean' and the other declared 'Clean'. And [the Torah] will not again return to its [uncontroversial] place until the son of David [i.e., the Messiah] will come.'
36. Cf. Lev. I,4. - The controversy turns on whether it is permissible on a Festival-day [to which apply the same rule about work as apply to the Shabbath, except for the preparing of necessary food] to lay the hands on the animal that is to be sacrificed, since this act is performed with a man's whole weight so that he 'makes use of' an animal in making it bear his burden, so profaning the Shabbath rule.
37. Nasi - President of the Sanhedrin.

38. Ab Beth Din - Father of the Court; i.e., Vice President of the Sanhedrin.

39. Mishnah Hag. II,2 says:

Yossi ben Yoezer says: may not lay,

Yossi ben Yohanan says: he may,

Yoshua ben Perahya says: he may not,

Nittai ben Arbelite says: he may,

Yehuda ben Tabbai says: he may not,

Shimon ben Shetah says: he may,

Shemaiah says: he may,

Avtalion says: he may not,

etc.

Shammai says that it may not be performed,

Hillel says that it may be performed.

The former [of each] pair were Nassiim and the latter were Heads of the Court.

40. Babl. Sanh. 88b.

41. Mishnah Sanh. XI,2.

42. Hame'iri: needed an 'instruction' [Hora'ah].

42. A ruling handed down by their teachers deciding or bearing upon the special point.

43. The daily continual Burnt-Offering.

45. A place within the fortification of the Temple. - They changed their locale, lest they should appear to be given judgement, which is forbidden on these days.

In the Babl. Sanh. 88b it reads 'Khel', in the Jerushalmi and our Tosefta the reading is Beth Hamidrash [Academy]. - There they were 'teaching' the Halkhah.

46. The Beth Din Hagadol.

47. Pl. of Torah. There being many conflicting rulings.

48. Lit., 'of lowly knee'.

49. Pleasant and quiet.

50. Had a good name since his youth.

51. When a vacancy occurred [through death].

52. At the Beth Hadin Hagadol, when there were regular court sessions held. See Mishnah Middoth IV,
53. i.e., Priests who came to Jerusalem to be included with the Priests in serving at the Temple. Priests had to observe meticulously the laws of ritual purity, [also without blemish 'Moom'] and were forbidden to marry divorcees or proselytes.
54. Levites: Served in various functions in the Temple and therefore their Genealogies had to be examined to be in accordance to the Law.
55. Mishnah Middoth IV,4.
56. In the above Mishnah it is added: 'And blessed be he that chose Aaron and his sons to stand and serve before the Lord in the House of the Holy of Holies'!
57. From this we understand that the other Priests cannot hinder his Service Dedication 'Hinukh Ha'avodah' by having him to wait till his service turn.
58. See above commentary # 36.

59. Since Beth Shammai held that the slaughtering of the animal need not necessarily follow immediately upon the Laying of the Hands, the latter rite could be performed on the eve of the Festival, and the former on the Festival-Day itself.
60. Babl.Bez.: 20a - Beth Shammai and Beth Hillel do not differ about the Laying of the Hands itself, [but agreeing] that it is necessary;  
[see above commentary # 59], they dispute only whether the [act of] slaughtering must immediately follow the Laying of the Hands. When Beth Shammai hold: 'It is not necessary', [hence it can be done before the Festival, and therefore it may not be done on the Festival] and Beth Hillel maintain: 'It is necessary', [in the case of Obligatory-Peace-Offering.
61. Babl.Bez. 20b.
62. on the Shabbath.
63. 'Although you are allowed to sacrifice these for a commoner [on the Festival], you are not allowed to sacrifice these for the Sanctuary' - even according to your interpretation; so we too will bring the case of Re'iyah [Whole-Offering] which is

forbidden on the Festival.

64. If they are not sacrificed today, they can be sacrificed any other day.

65. Festivals have determined [fixed] dates.

66. Babl.Suk. 20a.

67. i.e., when you may not prepare food, viz., Shabbath.

68. The Altar.

69. For sacrifice.

70. Viz., on a Festival.

He did not draw from a 'qal v'khomar' [a minori ad majus] but maintains that it is a 'din' [a rule].

71. Babl.Suk. 20a.

72. And such is not offered as a Burnt-Offering, Lev. I,3.

He wanted to avoid a quarrel and told them what was not true, for the sake of peace.

73. I.e., they forced the majority.
74. Viz., that Obligatory-Burnt-Offerings do not require Laying of the Hands.
75. I.e., that Beth Shammai's ruling is only a stringency, but not bases on Biblical law.
76. I.e., the best, cf. Isa. LX,7.
77. In the Jerushalmi and Babl. and others, the words 'be'khol makom' [in all places] is missing - at that time the Halakhah according to Beth Hillel was not yet established in most places.
78. Babl.Suk. 20b.
79. Seeing that we forbid it.
80. i.e., "You are hinting that I'm not versed in the Halakhah of 'Laying the Hand', however I'll hint to you that you are not versed in the Halakhah of 'Silence'".
81. This is the Talmudic sense of 'Atzereth' - lit., '[sacred]

assembly'. -

But in the Bible it means, (a) a general assemblage, e.g. Jer.

IX,1.,

(b) a sacred assembly, e.g. Isa. I,13., but especially the last day of Passover - Deut.XVI,8., or of Tabernacles - Lev.XXIII,36. - Num.XXIX,35.

82. i.e., of the Pilgrimage-Burnt-Offering, which according to Beth Shammai, could not be offered up on the Festival-Day and a fortiori on the Shabbath; hence the offering was postponed till the first day of the week, for the Pentecost Sacrifices could be offered throughout seven days in the same way as the Passover and Sukkoth Offerings.

83. Bahl. Hag. 18a.

84. Abbreviated form of the name Alexander.

85. Lydda in South Israel [Roman name: Diospolis].

86. Thus Rabbi Tarfon forbade mourning on the slaughtering day, which contradicts the Mishnah: 'And mourning and fasting are permitted, in order not to conform the view of those who say that the Festival of Weeks [invariably] follows the Shabbath'. - According



to the Gemara there is no contradiction: In the one case [case of Alexa], the Festival Day [of the Feast of the Weeks] fell after the Shabbath [i.e., in the middle of the week, so that the slaughtering day was not on the first day of the week. Mourning therefore, was prohibited in accordance with the regular Jewish law]; in the other case, [i.e., that of the Mishnah] the Festival-Day fell on the Shabbath.

[Consequently the slaughtering day was on the first day of the week, and therefore, as a demonstration against the erroneous view of the Sadducees, the ordinary rule prohibiting mourning on the slaughtering day was waived].

COMMENTARY, CHAPTER III

1. The Tosefta begins a new chapter on the matter of 'Uncleanness' and 'Cleanness' which is mainly connected with Pilgrimage.

Our Mishnah Hag. II,6:

If one immerses himself to render himself fit to eat of unconsecrated produce, he may not touch [Second] Tithe.

If he immerses himself to render himself fit to eat of [Second] Tithe, and his intention was confined to [Second] Tithe, he may not touch Heave-Offering.

If he immerses himself to render himself fit to eat of Heave-Offering, and his intention was confined to Heave-Offering he may not touch Holy Things. etc.

Here the Tosefta interprets that an 'intention' is established at the instant when he detouches his feet from the water. And when he has detouched his feet from the water he cannot intend himself for a weightier thing [higher degree of Sanctity].

2. Presumption, presumptive continuance of an actual condition.
3. The 'immersion'.

4. Note the importance of 'intention'. See our Mishnah II,4: 'If he immerses himself without intention, it is as though he had not immersed himself at all'. [He just took a bath].
5. Here again: without intention.
6. Actually, unconsecrated food does not require ritual immersion, unless one desires to eat in purity, and even so the immersion does not require 'intention'; but even if there is definite intention to eat ordinary food in purity, it yet does not render the person fit to eat food possessing any degree of Sanctity. Similarly, in the cases that follow, intention for any degree of sanctity does not enable one to partake of food having a higher degree of sanctity.
7. 'Midras', lit. 'place or pressure or treading'. It denotes the degree of Uncleaness suffered by an object which any of those enumerated in Lev. XII,2, XV,2,25, sits, lies or rides upon or leans against. Any object which is fit to sit, lie or ride upon, or which is usually sat,lain or ridden upon [without affecting that object's proper function, if it is not primarily a seat, couch or saddle], is deemed to be 'susceptible to Midras-Uncleaness'.

8. The rules of Uncleanness are clearly pictured by Eliyahu Rabbah, a commentary on the Division 'Tohoroth', by Eliyahu, the Gaon of Wilna. The degrees of 'Impurity' [Uncleanness] from the 'Av-Hatum'ah' [the first degree] to the fourth remove of Uncleanness.  
- See our Mishnah II,6,7.
9. This is actually the beginning of our Mishnah III,1 - and, of course, also the Gemarah of Chapter III.
10. Sacred Things: i.e., sacrificial flesh, Meal-Offerings and Drink-Offerings.
11. In the eleven cases [according to Raba], or ten [according to Rabbi Ela], that follow.  
For further differences see Mishnah and Gemara Hag. 18b.
12. i.e., any article susceptible to defilement. According to Rashi, both, the exterior and interior of the vessels are Unclean; according to Tosafoth only the interior of the vessels are Unclean.
13. Babl. Hag. 22a: v. 'What is [the practical difference] between [the explanation of] Raba and Rabbi Ela?' etc.

14. A wicker or network in the wine or oil press used for straining.
15. From the language of this Tosefta we understand that Abba Shaul supposes that even for Heave-Offering he is not to immerse vessels within vessels. He puts them into the basket or the net and immerses [them].
16. 'Beth Ha'tvitah' [Beth Ha'tviah - in the Tosefta] the place of holding.
17. i.e., if these parts can be used separately they are regarded, in the case of Heave-Offering, as distinct utensils, so that if one of them becomes defiled the others remain unaffected. This rule applies, as the Gemara explains, only in the case of Rabbinical degree of Uncleaness. v. Kel. XXV,6f.
18. In the case of Sacred Things, if one part becomes defiled, the whole vessel is rendered Unclean.
19. There is no need to mention it, because, what implies to one implies also to the other.
20. I.e., if the Heave-Offering is in an earthenware vessel, which he

touches only from without.

21. The rule for the immersion of the garment in respect of the law of 'Hatzitzah' [Interposition, an intervening object].

See Babl. Er.4a.

22. Because they resemble an intervening object.

23. Here the moisture is deemed to resemble an intervening object.

24. Because 'all vessels have no outside', i.e., if the outside became defiled, the whole vessel is rendered Unclean.

25. i.e., sacrifices.

26. i.e., sacred gifts, like Heave-Offering, which can be eaten in any part in the Land of Israel.

27. This enactment is Rabbinic only - who regarded it Unclean to demonstrate against the Sadducees in order to uphold the authority of the Oral Law.

28. For Meal-Offering.

29. Lit. 'one that was immersed on that day'; i.e., one who, having incurred any Uncleanness for which it is ordained 'he shall be Unclean until evening', has duly immersed himself, must now await sunset before he is deemed fully Clean.

The degree of Uncleanness which he still suffers is slight. He is deemed to suffer 'second grade Uncleanness'.

He does not render common food Unclean, but he renders Heave-Offering 'invalid' [i.e., conveys to it 'third grade Uncleanness' whereby it become unusable and must be burnt]. He may not, therefore, touch the Sacred Things [which are one degree more susceptible than Heave-Offering] and he may not enter the Temple beyond the Court of the Gentiles [Kel I,8].

30. Mishnah Eduyoth VIII,1 - 'Rabbi Akiba added that if one that had immersed himself [because of Uncleanness] the self-same day touched but a part of the fine flour, the incense, the frankincense, and the charcoal, he renders the whole unfit.

31. Babl. Hag. 24a:..according to the Torah, that which has an inside [i.e., is hollowed like a receptacle] can unite [its contents], that which has no inside, cannot unite [them].

32. Even though it has no inside [it is not hollow].

33. If A is a 'Father of Uncleanness' and touches B, B touches C, and C touches D, if D is a Sacred Thing it becomes invalid; and if C is Heave-Offering it becomes invalid; but if D was Heave-Offering it would not become invalid.
34. Mishnah Hag. III,2 - Babl. Hag. 24a: 'Rabbi Yossi said: "Whence [is it deduced] that Sacred Things become invalid [by Uncleanness even] at the fourth remove? Now it is [to be deduced by] conclusion 'ad majus': if one who [only need to bring his Atonement-Sacrifice - in order to complete his purification] is, whilst being permitted [to partake] of Heave-Offering, [nevertheless] disqualified for Sacred Things, how much more so should Uncleanness at the third remove, which renders Heave-Offering invalid, produce in the case of Sacred Things Uncleanness at the fourth remove"'.
35. Uncleanness according to Rabbinical rules, which defiles the hand without affecting the rest of the body.
36. Not 'Netilah' [washing] but 'T'vilah' [immersion]. -  
In the case of Sacred Things, he immerses both [hands], because the one hand defiles the other for Sacred Things but not for Heave-Offering.



37. Rambam interprets our Mishnah: 'If the defiled hand has touched a wet object than the other hand becomes defiled [Unclean] too; however if the object was dry [i.e., a book] than the other hand does not become Unclean unless she was touched by the defiled one'.
38. Note the difference between defiled and invalid.
39. See note #37 - Babl. Hag. 24b.
40. Babl. Hag. 24b. - This distinction obtains only in the case of unconsecrated food, which does not become susceptible to Uncleanness till it has been once wetted. Rabbi Hanina ben Antigonus assumes that the Mishnah [and so our Tosefta] refers to consecrated foods and that their 'dryness' means that they have not yet been fitted for Uncleanness.
41. This Tosefta is quoted by Tosafoth as it is near to the Gemara's version, but omits the sentence: 'Ve'halo Hibath Hakodesh Machshartan?!' - 'Does not then the honor in which Sacred Things are held render them fit for [Uncleanness]?!' which makes the answer appear to be part of Rabbi Hanina ben Antigonus' statement instead of a reply by others to his question.

42. This is the correct reading [London Manuscript] and not: 'Greater stringency applies in the case of Sacred Things than in the case of Heave-Offering and in the case of Sin-Offering'.
43. Mishnah Hag. III,4: 'Greater stringency applies to Heave-Offering [than for Sacred Things], for in Judea the [Amme Ha'aretz] are trusted in regard to the purity of [Sacred] wine and oil throughout the year and only at the season of the wine presses and olive vats [when everyone can be trusted to purify his vessels] in regard to Heave-Offering. [If an 'Am Ha'aretz' set aside wine and oil for the Temple use - for Libations and Meal-Offerings respectively - during the season of the wine presses and olive vats, he may be trusted in regard to their purity throughout the year. For though an 'Am Ha'aretz' could not be trusted in respect to Heave-Offering, he could be relied upon strictly to observe the law of purity in respect to Sacred Things.
44. Mishnah Hag. II,6: If he immersed himself to render himself fit to eat Heave-Offering and his intention was confined to Heave-Offering, he may not touch Sacred Things. If he immersed himself to render himself fit to eat Sacred Things, and his intention was confined to Sacred Things, he may not touch Sin-Offering water [he defiles it].

V. Mishnah Hag. II,7 & III,1.

45. Mishnah Toh. II,5&6.

The first, second and third grades of Uncleanness in Sacred Things are Unclean and render [Sacred Things] Unclean; the fourth grade of Uncleanness is invalid and does not render [Sacred Things] Unclean.

While [Sacred Things suffering] fifth grade Uncleanness may be consumed in pottage containing Sacred Things. Second grade Uncleanness in common food renders Unclean in liquid [with first grade Uncleanness] that is common food, and renders invalid foods that are Heave-Offering. Third grade Uncleanness in Heave-Offering renders Unclean liquid pertaining to Sacred Things, and renders invalid food pertaining to Sacred Things if it was kept in the Cleanness proper to Sacred Things; but if it was esteemed according to the Clean conditions proper to Heave-Offering, it conveys Uncleanness at the first and second removes, and renders Sacred Things invalid to the third remove.

46. 'Onen' opposed to 'avel', [a mourner prior to the burial of the deceased - a close relative]. It is assumed here that the mourner had not become defiled by the corpse.

47. Deut. XXVI,14: 'I have not eaten thereof as a mourner, neither

have I put away thereof, being unclean, etc.'

48. One who has immersed [in day-time] but must wait for sunset to be perfectly Clean. - Lev. XXII,7.

The degree of Uncleanness which he still suffers is slight.

v. Mishnah Zab. V,12.

49. Requires a ceremony of Atonement [before he may partake of a Sacred meal].

BabI. Hag. 24b: 'A mourner [prior to the burial of the deceased] and one who needs to bring his Atonement-Sacrifice [in order to complete his purification] etc. What is the reason? - Since up till now they were prohibited [from partaking of Sacred Things] the Rabbis require them to take an immersion.

50. BabI. Hag. 24a.

51. After duly immersing himself on the seventh day of his Uncleanness, has to await sunset on that day, and now has only to bring his sacrifice on the morrow in order to complete his purification.

52. Thus rendering the Sacred Things invalid.

The principle of 'Dayyo laba min hadin lih'yoth kanadon' ['It is

quite sufficient that the law in respect of the thing inferred should be equivalent to that from which it is derived'] does not apply here, for otherwise the 'a fortiori' argument becomes valueless, for we know from Scripture that Uncleanness at the third remove invalidates Sacred Things; and those, too, who hold the principle of 'Dayyo' even where the purpose of the 'a fortiori' argument is defeated, would nevertheless not apply it here, since we are dealing only with Rabbinical and not Torah degrees of impurity.

53. Babl. Hag. 22a. - 'And so said Rabbi Yossi'.

54. When these were prohibited.

55. Num. XIX, 2ff.

56. Num. XVIII, 7.

57. To be performed by Priests only.

58. Num. XIX, 9.

59. 'All members of the congregation of the Children of Israel'. This is a law from the Torah and not [just] a Rabbinical ruling.

60. 'Am Ha'aretz' ['People of the land']. The name was given to those Jews who were ignorant of the Law and who failed to observe the rules of Cleanness and Uncleanness and were not scrupulous in setting apart Tithe from the produce [namely, Heave-Offering, First Tithe, Second Tithe and Poorman's Tithe].

Those Jews who on the contrary, undertook to be faithful in observing the requirement of the Law are known as 'Associates' ['Haberim'].

61. See above Com. III,7.

62. Intermediate contact, shaking an object between which and the person causing the vibration there is a partition.

63. 'Hessed' - shaking an object so as to move it from its place [vibration]. One of the causes of levitical Uncleanness.

64. Which are counted as follow.

65. The Red Heifer which, in accordance with the prescriptions of Num. XIX,1-22, is to be burnt, its ashes collected together and laid up 'without the camp in a clean place'. These ashes were to be mixed with water 'for a water of separation: it is a Sin-

Offering' - Num. XIX, 9. This water is called throughout the Mishnah 'the water of the Sin-Offering [Num. VIII, 7; R.V. 'water of expiation'].

If men or utensils contracted 'Corpse-Uncleanness' [thereby becoming Unclean for seven days] this 'Sin-Offering-Water' must be sprinkled on them on the third day; they must thereafter be immersed and at sunset they become Clean, Num. XIX, 19.

From this it is inferred that the Sin-Offering-Water requires conditions of Cleanness a grade higher even that is required for Sacred Things. Thus what is accounted Clean so far as Heaven-Offering and Sacred Things are concerned, is Uncleanness in what concerns Sin-Offering-Water and those who are engaged with it.

66. There were no specific places like for wine and oil for libation.  
- Even from Galilee were a strip of land inhabited by Cutheans [Samaritans] separated them, which suspects Uncleanness.

This is the first grade.

67. This is the second grade.

68. Other version: 'Tehorani', 'I was purified'.

69. 'Mekablin oto': 'They accept him' - or 'Mekablin mimeno': 'They are to be accepted from him'.

This is the third grade.

70. This is the fourth grade.

71. i.e., The 'Am Ha'aretz' immersed in order to sprinkle, nevertheless he is presumed Clean, because we trust him that he did not divert his attention. And for this trust in reference to Sin-Offering-Water, the person is permitted to eat Heave-Offering at evening time.

This is the fifth grade.

72. v. Mishnah Hag. 2,7: For Perushim [those who accept the law according to its strictest interpretation] the clothes of an 'Am Ha'aretz' count as suffering 'Midras' Uncleanliness. We fear that his wife may have sat on them during her 'Niddah' ['impurity' or 'separation' - menstrual impurity]. However if he was seen to hold in his hands Water of Purification or Ashes of Purification he is considered Clean.

This is the sixth grade.

The above Mishnah's expression 'the clothes of an 'Am Ha'aretz' is carefully chosen; only the garments are defiled not the 'Am Ha'aretz' himself. The Sages did not decree that he should be considered a 'zav' [who that suffered a flux, Lev. XV,1ff, 'when any man had an issue out of his flesh']. Such a decree would have



been too severe for most people to observe without great hardship, for instance, it would have become virtually impossible to find workers who could move barrels of wine from place to place without contaminating [defiling] their contents, because most laborers were unlearned.

73. If he is trusted for Sin-Offering how much more shall he be trusted for Heave-Offering. However the Baraitha in Oholoth differs with this Tosefta.

74. The characteristic point is that the Am Ha'aretz is not trusted in respect to Heave-Offering and therefore the vessel is considered Unclean.

75. The Haber's.

76. The interpretation is that he brought two vessels, one for his Sin-Offering and the other one for his Heave-Offering. Here we could assume that the Am Ha'aretz in bringing the vessels together, has a 'Miggo' [see below]. 'That because he is trusted in respect to Sin-Offering he should also be trusted in respect to Heave-Offering; as he was careful in observing for Cleanness for Sin-Offering he too would be careful the same for Heave-Offering'. Or the opposite, 'as he is not careful for Heave-

Offering he might not be careful for Sin-Offering'. Came the Tosefta to let us know that for Sin-Offering he is trusted and for Heave-Offering he is not trusted.

'Miggo' - A legal rule according to which a deponent's statement is accepted as true on the ground that, if he had intended to tell a lie, he might have invented one more advantageous to his case.

77. The Tosefta had to bring this, because we would have assumed that, by the Haber's request from the Am Ha'aretz to purchase vessels for his [the Haber's] Sin-Offering or Heave-Offering he indicates that he trusts him for Cleanness and this might tempt him to misrepresent.

78. See above Com. III #74.

Even when the Am Ha'aretz said, that he does not have a Clean vessel for Sin-Offering, but has a Clean vessel for Heave-Offering [which would make us think that he is trustworthy] - for Heave-Offering he is not to be trusted.

79. Obviously, the significance here is that the Am Ha'aretz brought many vessels [for sale] for Sin-Offering and these the Haber may purchase for himself and for others.

80. a: The Am Ha'aretz shall not deceive by stating that the vessels are Clean in order to sell them easier.

b: The Gaon from Wilna comments, that the Haber shall not deceive by saying to bring vessels for Sin-Offering, however his intentions are for Heave-Offering.

81. To summerize: For Sin-Offering the vessels are Clean as long as he does not deceive - if he deceived they are Unclean. For Heave-Offering they are Unclean either way.

82. Mishnah Toh. VIII,3 -. .. it becomes Unclean, since it was left for a time in the domain of an Am Ha'aretz.

83. i.e., potters, who are Amme Ha'aretz are trusted within this radius [15-20 miles] from Jerusalem in regard to small, essential earthenware vessels like pots and cups, because no furnaces, whether for pottery or lime, were permitted in Jerusalem on account of the smoke.

84. Babl. Hag. 26a - Mishnah III,5.

The statement in the Mishnah that from Modi'in inwards the potters are trusted in regard earthenware vessels, refers only to small vessels for Sacred Things, which are essential to the pilgrims, but not large vessels, like wine jars, which may be

bought only in Jerusalem itself.

85. Mishnah Hag. III,4, starts: 'Greater stringency applies to Heave-Offering [than to Sacred Things], for in Judea they are considered trustworthy in regard to Cleanness.

86. The Amme Ha'aretz.

87. If an Am Ha'aretz set aside wine and oil for Temple use [for Libations and Meal-Offerings respectively] during the seasons of the wine presses and olive vats, he may be trusted in regard to their purity throughout the year. For though an Am Ha'aretz could not be trusted in respect to Heave-Offering, he could be relied upon strictly to observe the laws of purity in respect to Sacred Things.

88. When everyone can be trusted to purify his vessels.

89. At that time, seventy days before the season of the wine presses and olive vats, they started to prepare the vessels in Cleanness in order to set aside into them Terumah [Heave-Offering] and oil and wine [for Libations and Meal-Offerings]. Therefore they are trustworthy [in regard to Cleanness], even though the above was not sanctified yet, only allocated for sanctification.

90. The produce discussed here is mingled in the sense that Tithes had not yet been separated from it.

Thus, it is as if 'Terumah', 'Ma'aser' and 'Hullin' which would later be separate entities, were intermingled.

Produce in this state is known as 'Tebel'.

The Am Ha'aretz who owned the produce intended to guard it from contamination so that he could later use part of it for Sacred Things.

'Tebel': Produces in that stage in which the separation of Levitical and Priestly shares respectively is required before one may partake of them; eatable forbidden pending the separation of Sacred Gifts. 'Tebel', however, is not subject to Tithe until it is brought home.

'Demai', lit. 'dubious', i.e., produce not certainly tithed. The term is applied to produce bought from an Am Ha'aretz and 'dubious' in the sense that it cannot be assumed by an 'Haber' [one who undertakes to be scrupulous in his observance of the rule governing Tithes and Cleanness and Uncleanness] who proposes to eat it that Heave-Offering and Tithes have been duly separated from it. The 'Haber' must, therefore, set apart the Priests' due, viz. Heave-Offering, and the Heave-Offering of the Tithe which are forbidden to nonpriests. He need not; however, give First Tithe and Poorman's Tithe from Demai-Produce.

'Dema': The Priest's share of the produces [Ex. XXII,28].

'Terumah': Heave-Offering is the portion [from a sixtieth to a fortieth] of the yield of their harvests which Israelites must gift to the Priests [Num. XVIII,8ff, Deut. XVIII,4], and the produce is forbidden to be eaten by nonpriests until such Heave-Offering has been set aside.

In addition to its being the first levy on newly harvested produce, the right to eat of Heave-Offering is a gauge of priestly status [Lev. XXII,10ff]; also, by reason of Sanctity, Heave-Offering is one degree more highly susceptible to Uncleaness than common food.

'Ma'asser', - 'Tithe': The term here includes Heave-Offering also.

There were three 'Tithes' [excluding Heave-Offering]:

a: First or Levitic Tithe [Num. XVIII,21] which must be given to a Levite, who in his turn, must give a tenth of it ['Heave-Offering of Tithe'] to a Priest [Num. XVIII,26].

b: Second Tithe which the owner himself must consume in Jerusalem [Deut. XIV,22ff]; the actual Second Tithe produce need not itself be conveyed to Jerusalem but could be 'redeemed', i.e. converted into money [plus a fifth of its value] and reconverted into food in Jerusalem [Deut. XIV,26] and

c: Poorman's Tithe [Deut. XIV,28ff; XXVI,13] which takes the place of Second Tithe in the third and sixth years of the seven-

year cycle.

91. A cylindrical vessel let into the ground of the cellar, in general wine or oil vessel.
92. The Tosefta repeats what it taught above, this is to emphasize and stress that even though he [the Am Ha'aretz] is trustworthy for 'Dema', nevertheless he is not trustworthy for Heaven-Offering.  
London manuscript mentions: 'at the Pilgrimage even for Heaven-Offering - he is not trustworthy'.
93. This is expounded in broader context in the Gemara [Hag. 25a], referring to the Mishnah [Toh. XI,4] according to which the Am Ha'aretz is not to be trusted at all, refers to Judea. [Tosafoth explains that the Galileans were rich and produces so much olive oil that their season continued much later].  
To this, Abaye put an objection: 'Transjordan and Galilee are like Judea: they are trusted [there] in regard to the wine during the wine season, and in regard to oil during the oil season; but not in regard to the wine during the oil season, and not in regard to the oil during the wine season'. In the reply the point is made that during the season the Am Ha'aretz is trustworthy and not after the season.

94. Our Tosefta makes it clearer than the Mishnah III,4, by adding 'they return to their prohibited state'.
95. Ammei Ha'aretz.
96. The Priest who is a 'Haber' [one scrupolous concerning matters of purity].
97. He had put a quarter log of wine in a vessel to be used as a Drink-Offering, [after he separated from it Heave-Offering]. Apparently this was customary to add to the Heave-Offering wine and oil for Sacred Things. In other places it is mentioned that it was done as a virtue to prevent the wine from getting vinegary.
98. Here again: 'Miggo' if he is trustworthy for Sacred Things, he should be trustworthy for Heave-Offering [Rashi]. For it would be unseemly that part of the wine should be offered as a Libation, whilst another part, intented as Heave-Offering, should be considered Unclean.
99. Our Tosefta says: 'If he brought it at the next wine pressing season, he is not to accept it'. Mishnah Hag. III,4 says: 'But he



may set it aside for the next wine pressing season'. Rashi comments to this Mishnah that, Ammei Ha'aretz are regarded as dependable during the pressing season. Therefore should one of them wish to fulfill his 'Mitzvah' of giving Heave-Offering wine to the Priest, the Am Ha'aretz may store the jar until the following season, when his claim of Cleanness will be accepted, and then bring it to the Priest.

100. This story is not found anywhere else.

101. After the wine pressing and olive vats season.

102. Not only from a Haber even from an Am Ha'aretz.

103. From this it is clear that Rabbi Tarfon, who was a great, righteous and very learned man accepted the ruling that an Am-Ha'aretz was trustworthy for Heave-Offering all days of the year, even after the seasons of the wine pressing and olive vats. This was reinforced by a Halakha from Rabban Yohanan ben Sakkai. However, in order to stop people from talking evil after him, he decreed upon himself not to accept Heave-Offering during all days of the year from every person.

104. Jews appointed by a gentile ruler to collect taxes entered a home

to seize collateral until the home owner paid his assessment [Rashi]. The Jewish tax collectors [and Jewish thieves, as mentioned in our Mishnah] are believed only if no gentile was overseeing them. Otherwise, we would assume that they inspected everything in their zeal to please him [Tifereth Yisrael].

105. Our Mishnah Hag. III,6 adds: 'and likewise thieves who returned vessels [they had stolen] are trusted to say: "We did not touch them".

106. They are trusted in regard to Sacred Things but not in regard to Heave-Offering. - Rashi, who regards our Mishnah [and therefore, so our Tosefta] as a further exemplification of leniency in regard to Sacred Things as compared with Heave-Offering.

Tosafoth [Bab]. Hag. 26a] 'Hagabain' quotes this Tosefta to support the Mishnah on this subject.

107. In the Gemara Babl. Hag. 26a: 'And in Jerusalem they are trusted to large earthenware vessels for Sacred Things. [And, 'a fortiori', in regard to small vessels]. Why all this? - Because no furnaces were erected in Jerusalem'. [For making small or large vessels]. Consequently, permission was granted to buy vessels from an Am-Ha'aretz. In the case of small vessels, which was in great demand, the permission was extended to a fifteen

mile radius round Jerusalem; in the case of larger vessels, purchase was permitted only in Jerusalem.

108. Ibid.: 'And at the time of the Pilgrimage Festival even in regard to the Heave-Offering'. Whence is this deduced? - Rabbi Yehoshua said: "Scripture says: 'So all the men of Israel were gathered against the city, 'knit together' as one man' [Jud. XX,11]. Thus the verse made them all Haberim. - Similarly, at Festivals 'when all men of Israel were gathered', they were to be regarded as Haberim.

109. Even if he does not own them personally.

110. Tosafta Tohoroth VIII,9: 'The one who takes vessels from artisans who are Ammei Ha'aretz are considered 'Midras Unclean' and 'Corps Unclean' etc. - The interpretation of our Tosefta is that for Sin-Offering the Am Ha'aretz is trustworthy for Cleanness.

111. Mishnah Hag. III,8: 'Do not touch the table' [of the Show-Bread, which could not be removed for immersion since the Show-Bread was to lie on it continually] - and thus render it Unclean. Nevertheless, if the table was defiled it had to be immersed at once even on Shabbath.

112. In order to understand the cautions taken against Uncleanness it is advised to view our Mishnah Hag. III,8 with great attention: 'For all the vessels that were in the Temple they had a second and a third set, that if the first contracted Uncleanness there might be a second in their stead. All the vessels that were in the Temple required immersion, excepting the Altar of gold and the Altar of bronze, for they were reckoned as like to the ground, so Rabbi Eliezer. But the Sages say: "Because they were plated".

113. This story points out the intensity the matter of Cleanness and Uncleanness was dealt during that period.

## SUMMARY

HAGIGAH signifies Festal-Offering, it refers to Peace-Offering brought on the Festival. The noun 'Hagigah' is not mentioned in the Scriptures although the verb 'Hagag' [make pilgrimage, keep a Pilgrim Feast] and the noun 'Hag' [Festival, Pilgrimage] is found in the Torah many times. 'Hagigath haregel' is interpreted by Jastrow 'Pilgrimage of the Festive Season' and by Levy 'Joy of the Festival'.

This tractate is also known under 'Re'iyah', 'to appear as understood by Rashi, Maimonides and others - the appearance of the Pilgrim at the Temple. Rabenu Tam from the Tosafoth connects it with the Pilgrim-Burnt-Offering.

The first chapter deals with: 'Who is bound to appear at the Temple during the Festivals'. From which sources the Offerings are to be taken. Regulations regarding postponing Offerings and its time limitations. And the Laws concerning the Dissolutions of the Vows.

The second chapter involves the subject of teaching [with its limitation] the investigation of Forbidden Relations, Work of the Creation and the Work of the Chariot - and with it, Mystics and Esoteric Philosophy is dealt. Also rules governing the Offering of Sacrifices on Festivals, Matters of the Courts of seventy-one and

twenty-three; their sessions and the ways Halakhic decisions were made. The Laying of Hands and its disputes by Beth Hillel and Beth Shammai.

The third chapter talks mainly about the rules concerning stringencies of Sacred Things opposite Heave-Offerings and visa versa. Especially the involvement of Ammei Ha'aretz and Haberim in matters of Cleanness and Uncleanness.

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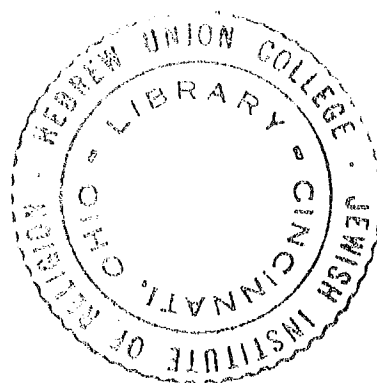
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