



but not in wisdom, it may not set aside its decision, unless it is greater than it in wisdom and in number.

1:6 Rabbi Judah said: "If so, why do they record the opinion of a single person among the many to set it aside? So that if a man shall say, 'Thus have I received the tradition', it may be said to him, 'According to the [refuted] opinion of that individual did you hear it.'"

1:7 Beth Shammai says: "A quarter-kav of any bones, even from two limbs or from three." And Beth Hillel says: "A quarter-kav of bones from a corpse, either from [the bones which form] the greater portion of the [body's] build, or from the greater portion of the number [of the body's bones]. Shammai says: "Even from a single bone."

1:8 Vetches of terumah: Beth Shammai says, "They must be soaked and rubbed in purity, but can be given for food in impurity." And Beth Hillel says: "They must be soaked in purity, but can be rubbed and given for food in impurity." Shammai says: "They must be eaten dry." Rabbi Akiva says: "All actions in connection with them [can be carried out] in impurity."

1:9 One who changes for a sela copper coins from second tithe: Beth Shammai says: "Copper coin for the whole sela." And Beth Hillel say: "Silver for one shekel and copper coin for one shekel." Rabbi Meir says: "Silver and fruits may not be substituted for silver." But the sages allow it.

1:10 One who exchanges a sela from second tithe in Jerusalem: Beth Shammai says: "Copper coin for the whole sela." And Beth Hillel says: "Silver for one shekel and copper coin for one shekel." The disputants before the Sages say: "Silver for three denars and copper coin for one denar." Rabbi Akiva says: "Silver for three denars and for the fourth silver, copper coin."

Rabbi Tarfon says: "Four aspers in silver." Shammai says: "He must leave it in the shop and eat on the credit thereof."

1:11 A bride's stool from which the covering-boards have been taken: Beth Shammai pronounces it [liable to become] unclean, And Beth Hillel pronounce it not [liable to become] unclean. Shammai says: "Even the framework of a stool [by itself is liable to become] unclean." A stool which has been set in a baker's trough: Beth Shammai pronounces it [liable to become] unclean, And Beth Hillel pronounces it not [liable to become] unclean. Shammai says: "Even one made therein [is liable to become unclean]."

1:12 These are subjects concerning which Beth Hillel changed their mind and taught according to the opinion of Beth Shammai: A woman who came from overseas and said: "My husband died" may be married again; "My husband died [without children]" she must be married by her husband's brother (the levir). But Beth Hillel says: "We have heard so only in the case of one who came from the harvesting." Beth Shammai said to them: "It is the same thing in the case of one who came from the harvesting or who came from the olive-picking or who came from overseas; they mentioned harvesting only because that is how it happened." Then Beth Hillel changed their mind and taught according to Beth Shammai. Beth Shammai says: "She may be married again and take her kethubah payment." But Beth Hillel says: "She may be married again but may not take her kethubah payment." Beth Shammai said to them: "You have permitted the graver matter of a forbidden marriage, should you not permit

the lighter matter of property?" Beth Hillel said to them: "We have found that brothers do not inherit on her statement." Beth Shammai said to them: "Do we not infer it from her marriage document in which he writes to her 'That if you be married to another you shall take what is written for you'?" Then Beth Hillel changed their mind and taught according to the opinion of Beth Shammai.

1:13 Whoever is half a slave and half a free man should work one day for his master and one day for himself, according to Beth Hillel. Beth Shammai said to them: "You have set matters in order with regards to his master, but you have not set matters in order with regards to himself. He is not able to marry a slave-woman, nor is he able [to marry] a woman who is free. Is he to refrain [from marrying]? [How can he] for is it not the case that the world was created in order for people to be fruitful and multiply? For it is said, "He did not create it to be a waste; but formed it for inhabitation" (Isaiah 45:18). But for the rightful ordering of the world his master is compelled to make him free, and he writes out a bond for half his value." Then Beth Hillel changed their mind and taught according to the opinion of Beth Shammai.

1:14 A vessel of earthenware can protect everything [in it from contracting impurity], according to Beth Hillel. But Beth Shammai says: "It protects only food and liquids and [other] vessels of earthenware." Beth Hillel said to them: "Why?" Beth Shammai said to them: "Because it is [itself] impure with respect to an ignoramus, and no impure vessel can screen [against impurity]." Beth Hillel said to them: "And did you not pronounce pure the food and liquids inside it?" Beth Shammai said to them: "When we pronounced pure the food and liquids inside it, we pronounced them pure for him [the ignoramus] only, but when you pronounced the vessel pure you pronounced it pure for yourself and for him." Then Beth Hillel changed their mind and taught according to the opinion of Beth Shammai.

2:1 Rabbi Hanina, chief of the priests, testified concerning four matters: Through all their days the priests never refrained from burning meat which had been defiled by an "offspring" of impurity with meat which had been made impure by a "father" of impurity, although they were [thereby] increasing its impurity by a [higher] impurity. Rabbi Akiba added: "Through all their days the priests never shrank from lighting oil which had been rendered unfit by a tevul yom in a lamp made impure by one who was made impure by a corpse, although they were [thereby] increasing its impurity by a [higher] impurity."

2:2 Rabbi Hanina, chief of the priests, said: "All my days I never saw a hide taken out to the place of burning." Rabbi Akiba said: "From his words we infer that whoever flays the hide of the firstborn beast and it is found to be trefah, the priests may enjoy the use of the hide." But the Sages say: "[A testimony which consists of] 'we didn't see' is not a proof; rather the hide must be taken out to the place of burning.

2:3 He also testified concerning a small village in the vicinity of Jerusalem in which there was an old man who used to lend to all the people of the village and write out [the bond] in his own handwriting and others signed it. And when the fact was brought before the Sages they pronounced it legal. Hence,

incidentally, you may infer that a wife may write her own bill of divorcement, and a husband may write his own receipt; for the legality of a document depends only on those who sign it. And [he testified] concerning a needle which was found in flesh of a [sacrifice], that the knife and the hands [which had been employed on the flesh] are clean, but the flesh itself is defiled; and if it was found in the excrement, all are clean.

2:4 Rabbi Yishmael declared three things before the Sages in the vineyard at Yavneh: Concerning an egg which was beaten together, and placed on vegetables of terumah that it acts as a connection; but if it was in the form of a helmet it does not act as a connection. And concerning an ear of corn in the harvesting, the top of which reached the standing corn that if it can be reaped together with the standing corn, it belongs to the owner; and if not, it belongs to the poor. And concerning a small garden which was surrounded by a row of vines that if it has space for the grape-gatherer and his basket on one side, and space for the grape-gatherer and his basket on the other side, it may be sown with seed; but if not, it may not be sown with seed.

2:5 They stated three things before Rabbi Yishmael, and he pronounced none of them either unlawful or lawful; and Rabbi Joshua ben Matya explained them. One who lances an abscess on the Sabbath: if it was to make an opening he is liable; if it was to bring out the pus, he is exempt. And concerning one who hunts a snake on the Sabbath: that if he was occupied with it in order that it should not bite him, he is innocent; but if that he might use it as a remedy, he is guilty. And concerning Ironian stewpots: that they do not contract impurity when under the same tent as a corpse; but become impure if they are carried by a zav. Rabbi Eliezer ben Zadok says: "Even if they are carried by a zav they remain pure, because they are unfinished."

2:6 Rabbi Yishmael said three things, and Rabbi Akiba disagreed with him. Garlic or unripe grapes or green ears of grain were being crushed [on the eve of the Sabbath] while it is yet day: Rabbi Yishmael says: "He may finish crushing after it grows dark." But Rabbi Akiba says: "He may not finish."

2:7 They said three things before Rabbi Akiva, two in the name of Rabbi Eliezer and one in the name of Rabbi Joshua. Two in the name of Rabbi Eliezer: A woman may go out [on the Sabbath adorned] with a "golden-city"; And they that fly pigeons are unfit to bear evidence. And one in the name of Rabbi Joshua: If there was a creeping thing in the mouth of a weasel when it walked over loaves of terumah, and it is doubtful whether it touched them or whether it did not touch them, that about which there is doubt remains pure.

2:8 Rabbi Akiba declared three things; about two they agreed with him, and about one they disagreed with him. About a lime-burner's sandal, that it is liable to contract midras impurity; And about the remains of a [broken] oven, that they must be four handbreadths high [in order to retain impurity], whereas they used to say three and [when he said four] they agreed with him. And about one they disagreed with him About a stool, from which two of its covering-boards had been removed, the one beside the other, which Rabbi Akiba pronounces able to contract impurity, but the Sages declare unable to contract impurity.

2:9 He used to say: the father transmits to the son beauty, strength, wealth,

wisdom and years. And the number of generations before Him, that shall be their appointed end: For it is said, “calling the generations from the beginning” (Isaiah 41:4) Although it is said, “And shall serve them, and they shall afflict them four hundred years” (Genesis 15:13), it is also said, “And in the fourth generation they shall come hither again” (Genesis 15:16).

2:10 Also he used to say that there are five things that last twelve months: The judgment of the generation of the flood [continued] twelve months; The judgment of Job [continued] twelve months; The judgment of the Egyptians [continued] twelve months; The judgment of Gog and Magog in the time to come [will continue] twelve months; The judgment of the wicked in gehinom [continues] twelve months, for it is said, and “It will be from one month until its [same] month” (Isaiah 66:23). Rabbi Yohanan ben Nuri says: “[As long as] from Passover to Shavuoth, for it is said, “And from one Sabbath until its [next] Sabbath” (ibid.).

3:1 [In the case of] all things which cause defilement in a “tent”, if they [the pieces of the corpse] were divided and brought into the house, Rabbi Dosa ben Harkinas pronounces [everything under the same roof-space] clean, but the Sages pronounce it unclean. How so? He who touches as much as two halves of an olive [in quantity] of an animal’s carcass or carries them; or in the case of a [human] corpse, he who touches as much as half an olive and stands over as much as half an olive; or touches as much as half an olive and as much as half an olive is above him; or if he stands over as much as two halves of an olive; or if he stands over as much as half an olive and as much as half an olive is above him Rabbi Dosa b. Harkinas pronounces him clean, and the Sages pronounce him unclean. But if he touches as much as half an olive [in quantity] and another thing was over him and over as much as half an olive; or if he stood over as much as half an olive and another thing was over him and over as much as half an olive, he is clean. Rabbi Meir said: “Also in this case Rabbi Dosa pronounces him clean and the sages pronounce him unclean. In all such cases a man is unclean unless there is an act of touching and also an act of carrying, or an act of carrying and also [the fact of] being under the same roof-space.” This is the general rule: in whatever case the means of causing defilement are of one category, he is unclean; if they are of two categories, he is clean.”

3:2 Food which is in separate pieces does not combine together [to receive impurity], according to Rabbi Dosa ben Harkinas. But the Sages say: “It does combine together.” One may exchange [produce of] second tithe for uncoined metal, according to Rabbi Dosa. But the Sages say: “One may not so exchange it.” The hands [alone] need to be immersed for the waters of purification according to Rabbi Dosa. But the Sages say: “If his hands have become unclean his whole body becomes unclean.”

3:3 The insides of a melon and the discarded leaves of a vegetable of terumah: Rabbi Dosa permits [their] use to non-priests, and the Sages forbid it. Five ewes, their fleeces weighing each a mina and a half, are subject to [the law of] the first of the fleece, according to Rabbi Dosa. But the Sages say: “Five ewes [are subject] whatever [their fleeces weigh].”

3:4 All mats are [liable to become] impure by “corpse” impurity, the words

of Rabbi Dosa. But the Sages say: “[Also by] “midras” impurity. All network is unsusceptible to impurity except a [network] girdle, the words of Rabbi Dosa. But the Sages say: “They are all liable to uncleanness, except those used by wool dealers [for carrying raw wool].”

3:5 A sling whose pocket is woven is susceptible to impurity. If it is of leather, Rabbi Dosa ben Harkinas pronounces it not susceptible to impurity, and the Sages pronounce it susceptible to impurity. If its finger-hold is broken off, it is not susceptible to impurity; [But if the] string-handle [only] is broken off it is susceptible to impurity.

3:6 A female captive may eat of terumah, according to the words of Rabbi Dosa b. Harkinas. But the Sages say: “There is a female captive who may eat, and there is a female captive who may not eat. How is this so? The woman who said: ‘I was taken captive but [nonetheless] I am pure’, she may eat; because the mouth that forbade is the same mouth that permit. But if there are witnesses [who declare] that she was made a captive, and she says: ‘[nonetheless] I am pure’, she may not eat.”

3:7 Four cases of doubt Rabbi Joshua pronounces impure, and the Sages pronounce them pure. How is this so? If the impure person stands and the pure person passes by him; or if the pure person stands and the impure person passes by him; or if impurity is in the private domain and something pure is in the public domain; Or if something pure is in the private domain and something impure is in the public domain; If it is doubtful [in all of these case] whether one touched or did not touch the other, or if it is doubtful whether one formed a tent over the other or did not form a tent over the other, or if it is doubtful whether one moved or did not move the other Rabbi Joshua pronounces such a case impure, and the Sages pronounce it pure.

3:8 Three things Rabbi Zadok pronounces [liable to receive] impurity and the Sages pronounce them not [liable to receive]: The nail of the money-changer; And the chest of grist makers; And the nail of a stone dial. Rabbi Zadok pronounces [liable to receive] impurity and the Sages pronounce them not [liable to receive].

3:9 Four things Rabban Gamaliel pronounces susceptible to impurity, and the Sages pronounce them not susceptible to impurity. The covering of a metal basket, if it belongs to householders; And the hanger of a strigil; And metals vessels which are still unshaped; And a plate that is divided into two [equal] parts. And the Sages agree with Rabban Gamaliel in the case of a plate that was divided into two parts, one large and one small, that the large one is susceptible to impurity and the small one is not susceptible to impurity.

3:10 In three cases Rabban Gamaliel was strict like the words of Beth Shammai. One may not wrap up hot food on a festival for the Sabbath; And one may not join together a lamp on a festival; And one may not bake [on festivals] thick loaves but only wafer-cakes. Rabban Gamaliel said: “In all their days, my father’s house never baked large loaves but only wafer-cakes.” They said to him: “What can we do with regards to your father’s house, for they were strict in respect to themselves but were lenient towards Israel to let them bake both large loaves and even charcoal-roasted loaves.”

3:11 Also he declared three decisions of a lenient character: One may sweep up

[on a festival] between the couches, And put spices [on the coals] on a festival; And roast a kid whole on the night of Passover. But the sages forbid them.

3:12 Rabbi Eleazar ben Azariah allows three things and the Sages forbid them: His cow used to go out with the strap which she had between her horns; One may curry cattle on a festival; And one may grind pepper in its own mill. Rabbi Judah says: one may not curry cattle on a festival, because it may cause a wound, but one may comb them. But the Sages say: one may not curry them, and one may not even comb them.

4:1 The following cases are [examples] of the lenient rulings of Beth Shammai and of the rigorous rulings of Beth Hillel. An egg which is laid on a festival Beth Shammai says: it may be eaten, and Beth Hillel says: it may not be eaten. Beth Shammai says: yeast as much as an olive [in quantity], and leavened food as much as a date, and Beth Hillel says: as much as an olive [in quantity] in both cases.

4:2 A beast which was born on a festival all agree that it is permitted; and a chicken which was hatched from the egg all agree that it is forbidden. He who slaughters a wild animal or a bird on a festival Beth Shammai says: he may dig with a pronged tool and cover up [the blood] , but Beth Hillel says: he may not slaughter unless he has had earth made ready. But they agree that if he did slaughter he should dig with a pronged tool and cover up [the blood, and] that the ashes of a stove count as being prepared for the holiday.

4:3 Beth Shammai says: [produce pronounced] ownerless with respect to the poor [only] is counted as ownerless. But Beth Hillel says: it is not counted as ownerless unless it is made ownerless also with respect to the rich, as in the year of release (shmittah). If all the sheaves of the field were of one kav each and one was of four kavs, and it was forgotten, Beth Shammai says: it does not count as forgotten, And Beth Hillel says: it counts as forgotten.

4:4 A sheaf which was close to a wall or to a stack or to the herd or to [field] utensils, and was forgotten, Beth Shammai says: it does not count as forgotten, And Beth Hillel says: it counts as forgotten.

4:5 A vineyard of the fourth year Beth Shammai says: it is not subject to the law of the fifth nor to the law of removal. And Beth Hillel says: it is subject to the law of the fifth and to the law of removal. Beth Shammai says: it is subject to the law of fallen grapes and to the law of gleanings, and the poor redeem them for themselves. And Beth Hillel says: all of it goes to the winepress.

4:6 A barrel of pickled olives: Beth Shammai says: one need not perforate it, And Beth Hillel say: one must perforate it. But they agree that if it was perforated and the dregs stopped it up, it is not liable to receive impurity. One who had anointed himself with clean oil and [then] became unclean, and he went down and immersed himself, Beth Shammai says: although he still drips [oil], it is clean. And Beth Hillel says: [only while there remains] enough for anointing a small limb. And if from the beginning it was unclean oil, Beth Shammai says: [it is unclean as long as there remains] enough for anointing a small limb, And Beth Hillel says: [even if there remains as much] as a moist liquid. Rabbi Judah says in the name of Beth Hillel: [provided it remains]

moist [itself] and [can also] moisten [other things].

4:7 A woman is betrothed by a denar or the value of a denar, according to the opinion of Beth Shammai. But Beth Hillel says: by a perutah or the value of a perutah. And how much is a perutah? One-eighth of an Italian issar. Beth Shammai says: one may dismiss his wife with an old bill of divorcement, But Beth Hillel forbids it. What is an old bill of divorcement? Whenever he was secluded with her after he has written it for her. One who divorces his wife and she [afterwards] spends a night with him at the [same] inn: Beth Shammai says: she does not require a second bill of divorcement from him. But Beth Hillel says: she requires a second bill of divorcement from him. When [does she require a second bill of divorcement]? When she was divorced after marriage. But if she was divorced after betrothal she does not require from him a second bill of divorcement, since he is not [yet] familiar with her.

4:8 Beth Shammai permits the rival wives [of a deceased brother to be married] to the [surviving] brothers; But Beth Hillel forbids them. If they have performed halitzah, Beth Shammai pronounce them unfit to [marry into] the priesthood, But Beth Hillel pronounced them fit. If they have married their brother-in-law, Beth Shammai pronounce them fit [to marry into the priesthood], But Beth Hillel pronounced them unfit. And although these pronounce unfit and these pronounce fit, Beth Shammai did not refrain from marrying women from [the daughters of] Beth Hillel, nor did Beth Hillel refrain from marrying women from [the daughters of] Beth Shammai. And in the case of all matters of purity and impurity in respect to which these pronounce pure and these pronounce impure, they did not refrain from preparing foods requiring a condition of purity each by means of [the vessels of] the other.

4:9 [In the case of] three brothers, of whom two were married to two sisters and one was unmarried, if one of the husbands of the sisters died and the unmarried one betrothed her (maamar), and afterwards his other brother died, Beth Shammai says: his wife remains with him, and the other [widow] is released on the grounds of [the law forbidding] the wife's sister. But Beth Hillel says: he should put away his wife with a get and halitzah, and the wife of his brother [he should put away] with halitzah. This is the case of which they said: woe to him because of his wife, and woe to him because of his brother's wife!

4:10 One who takes a vow not to have intercourse with his wife: Beth Shammai says: [after] two weeks [he must divorce her and pay her kethubah], And Beth Hillel say: after one week. A woman has a miscarriage on the eve of the eighty first [day]: Beth Shammai exempt her from bringing the offering, And Beth Hillel do not exempt her. [With regards to the rules of] tzitzit (fringes) on linen sheet: Beth Shammai exempts, And Beth Hillel does not exempt. A basket of [fruit set aside for] the Sabbath: Beth Shammai exempts it [from tithes]. And Beth Hillel does not exempt it.

4:11 One who vowed [to keep] a longer naziriteship [than ordinary] and he completed his naziriteship and afterwards came to the [holy] land: Beth Shammai says: [he must be] a nazirite [only] thirty days, But Beth Hillel says: [he must be] a nazirite [the full time vowed as] in the beginning. One who has two groups of witnesses who testify about him, these testifying that he vowed two

naziriteships and these testifying that he vowed five: Beth Shammai says: their testimony is divided, and there is no [obligation to perform] naziriteship. But Beth Hillel says: within the five, two are included, so that he must be a nazirite twice.

4:12 A man who was set beneath the gap: Beth Shammai says: he does not cause the impurity to pass over. But Beth Hillel says: a man is hollow, and the upper side causes the impurity to pass over.

5:1 Rabbi Judah says: there are six instances of lenient rulings by Beth Shammai and stringent rulings by Beth Hillel. The blood of a carcass: Beth Shammai pronounces it clean, And Beth Hillel pronounces it unclean. An egg found in a [bird's] carcass: if the like of it were sold in the market, it is permitted, and if not, it is forbidden, according to the opinion of Beth Shammai. And Beth Hillel forbids it. But they agree in the case of an egg found in a trefa [bird] that it is forbidden since it had its growth in a forbidden condition. 3+4) The blood of a non-Jewish woman and the blood of purity of a leprous woman: Beth Shammai pronounces clean; And Beth Hillel says: [it is] like her spittle and her urine. One may eat fruits of the seventh year with an expression of thanks and without an expression of thanks [to the owner of the field], according to the opinion of Beth Shammai. But Beth Hillel says: one may not eat with an expression of thanks. Beth Shammai says: a waterskin [is liable to become impure only if it is] tied up and remains unimpaired. And the school of Hillel says: even if it is not tied up.

5:2 Rabbi Yose says: there are six instances of lenient rulings by Beth Shammai and stringent rulings by Beth Hillel. A fowl may be put on a table [together] with cheese but may not be eaten [with it], according to the opinion of Beth Shammai. But Beth Hillel says: it may neither be put on [the table together with it] nor eaten [with it]. Olives may be given as terumah for oil and grapes for wine, according to the opinion of Beth Shammai. But Beth Hillel says: they may not be given. One who sows seed [within] four cubits of a vineyard: Beth Shammai says: he has caused one row [of vines] to be prohibited. But Beth Hillel says: he has caused two rows to be prohibited. Flour paste [flour that had been mixed with boiling water]: Beth Shammai exempts [from the law of hallah]; But Beth Hillel pronounces it liable. One may immerse oneself in a rain-torrent, according to the opinion of Beth Shammai; But Beth Hillel say: one may not immerse oneself [therein]. One who became a proselyte on the eve of Passover: Beth Shammai says: he may immerse himself and eat his Passover sacrifice in the evening. But Beth Hillel says: one who separates himself from uncircumcision is as one who separates himself from the grave.

5:3 Rabbi Yishmael says: there are three instances of lenient rulings by Beth Shammai and strict rulings by Beth Hillel. The book of Ecclesiastes does not defile the hands, according to the opinion of Beth Shammai; But Beth Hillel say: it defiles the hands. Water of purification which has done its duty: Beth Shammai pronounces it pure, But Beth Hillel pronounces it impure. Black cumin: Beth Shammai pronounces it not liable to become impure, But Beth Hillel pronounces it liable to become impure. So, too, with regard to tithes.

5:4 Rabbi Eliezer says: there are two instances of lenient rulings by Beth Shammai and strict rulings by Beth Hillel. The blood of a woman after childbirth

who has not immersed herself, Beth Shammai says: [it is] like her spittle and her urine. But Beth Hillel says: it causes impurity whether wet or dry. However, they agree in the case of the blood of a woman who gave birth when she had non-menstrual discharge, that it causes defilement whether wet or dry. 5:5 [In the case of] four brothers of whom two were married to two sisters, if those married to the sisters died, behold, these should perform halitzah and not enter into levirate marriage (with the brothers-in-law). If they went ahead and married them, they must put them away (divorce them). Rabbi Eliezer says in the name of Beth Shammai: they may keep them. But Beth Hillel say: they must put them away.

5:6 Akavia ben Mahalalel testified concerning four things. They said to him: Akavia, retract these four things which you say, and we will make you the head of the court in Israel. He said to them: it is better for me to be called a fool all my days than that I should become [even] for one hour a wicked man before God; So they shouldn't say: "he withdrew his opinions for the sake of power." He used to pronounce impure the hair which has been left over [in leprosy], And green (yellow) blood (of vaginal discharge); But the Sages declared them clean. He used to permit the wool of a first-born animal which was blemished and which had fallen out and had been put in a niche, the first-born being slaughtered afterwards; But the sages forbid it. He used to say: a woman proselyte and a freed slave-woman are not made to drink of the bitter waters. But the Sages say: they are made to drink. They said to him: it happened in the case of Karkemith, a freed slave-woman who was in Jerusalem, that Shemaiah and Avtalion made her drink. He said to them: they made her drink an example (and not the real water). Whereupon they excommunicated him; and he died while he was under excommunication, and the court stoned his coffin. Rabbi Judah said: God forbid [that one should say] that Akavia was excommunicated; for the courtyard is never locked for any man in Israel who was equal to Akavia ben Mahalalel in wisdom and the fear of sin. But whom did they excommunicate? Eliezer the son of Hanoch who cast doubt against the laws concerning the purifying of the hands. And when he died the court sent and laid a stone on his coffin. This teaches that whoever is excommunicated and dies while under excommunication, his coffin is stoned.

5:7 At the time of his death he said to his son, "Retract the four opinions which I used to declare." He (the said to him, "Why did not you retract them?" He said to him, "I heard them from the mouth of the many, and they heard [the contrary] from the mouth of the many. I stood fast by the tradition which I heard, and they stood fast by the tradition which they heard. But you have heard [my tradition] from the mouth of a single individual and [their tradition] from the mouth of the many. It is better to leave the opinion of the single individual and to hold by the opinion of the many." He said to him, "Father commend me to your colleagues." He said to him, "I will not commend you." He said to him, "Have you found in me any wrong?" He said, "No; your own deeds will cause you to be near, and your own deeds will cause you to be far."

6:1 Rabbi Judah ben Bava testified concerning five things: That women who are minors are made to declare an annulment of their marriage; That a woman is

allowed to re-marry on the evidence of one witness; That a rooster was stoned in Jerusalem because it had killed a human being; And about wine forty days old, that it was used as a libation on the altar; And about the morning tamid offering, that it is offered at the fourth hour.

6:2 Rabbi Joshua and Rabbi Nehunia ben Elinathan, a man of Kefar Habavli, testified concerning a limb [separated] from a corpse that it is impure; whereas Rabbi Eliezer says: they declared [this] only of a limb from a living [man]. They said to him: is not there an inference from the minor to the major (kal vehomer): If in the case of a living man [who is himself pure] a limb severed from him is impure, how much more in the case of a corpse [which is itself impure] should a limb severed from it be impure! He said to them: they have [nevertheless] declared it only of a limb from a living man. Another answer: The impurity of living men is greater than the impurity of corpses, because a living man causes that on which he lies and sits to become capable of making impure a man and clothing, and [he causes also] what is over him to transfer impurity to foods and liquids- which is defilement that a corpse does not cause.

6:3 1) An olive's quantity of flesh severed from a limb of a living man: 1) Rabbi Eliezer pronounces impure and Rabbi Joshua and Rabbi Nehunia pronounce pure. a) A barley-grain's quantity of bone severed from a limb of a living man, b) Rabbi Nehunia pronounces impure and Rabbi Eliezer and Rabbi Joshua pronounce pure. 2) They said to Rabbi Eliezer: what reason have you found for pronouncing impure an olive's quantity of flesh severed from a limb of a living man? 1) He said to them: we find that a limb from a living man is like an entire corpse; just as in the case of a corpse, an olive's quantity of flesh severed from it is impure, so also in the case of a limb from a living man an olive's quantity of flesh severed from it must be impure. 2) They said to him: No! When you pronounce impure an olive's quantity of flesh severed from a corpse, it is because you have pronounced impure a barley-grain's quantity of bone severed from it. But how can you also pronounce impure an olive's quantity of flesh severed from a limb of a living man, seeing that you have pronounced pure a barley-grain's quantity of bone severed from it? 3) They said to Rabbi Nehunia: what reason have you found for pronouncing impure a barley-grain's quantity of bone severed from a limb of a living man? 1) He said to them: we find that a limb from a living man is like an entire corpse; just as in the case of a corpse, a barley-grain's quantity of bone severed from it is impure, so also in the case of a limb from a living man, a barley-grain's quantity of bone severed from it must be impure. 2) They said to him: No! When you pronounce impure a barley-grain's quantity of bone severed from a corpse, it is because you have pronounced impure an olive's quantity of flesh severed from it. But how can you also pronounce impure a barley-grain's quantity of bone severed from a limb of a living man, seeing that you have pronounced pure an olive's quantity of flesh severed from it? 1) They said to Rabbi Eliezer: what reason have you found for dividing your standards? Either pronounce them both impure, or pronounce them both pure! 1) He said to them: greater is the impurity of flesh than the impurity of bones, for the defilement of flesh applies both to (animal) carcasses and to creeping

things, but it is not so in the case of bones. Another answer: a limb which has on it the proper quantity of flesh causes impurity by touching and by carrying and by being under the same roof-space (ohel); if the flesh is diminished it is still impure, while if the bone is diminished it is pure. They said to Rabbi Nehunia: what reason have you found for dividing your standards? Either pronounce them both impure, or pronounce them both pure! He said to them: greater is the impurity of bones than the impurity of flesh, for flesh severed from a living man is pure, whereas a limb severed from him, while in its natural condition, is impure. Another answer: an olive's quantity of flesh (from a corpse) causes impurity by touching and by carrying and by being under the same roof-space (ohel); and a majority of a corpse's bones causes impurity by touching and by carrying and by being under the same roof-space (ohel); if the flesh is diminished it is pure, but if a majority of the bones is diminished, although it does not cause impurity by being under the same roof-space, it yet causes defilement by touching and by carrying. Another answer: any flesh of a corpse less than an olive's quantity is pure, but bones forming the greater portion of the body' build or the greater portion of the number of the corpse's bones, even though they do not fill a quarter-kav are yet impure. They said to Rabbi Joshua: what reason have you found for pronouncing them both pure? He said to them: No! When you pronounce impure in the case of a corpse, it is because the rules of "majority", "quarter-kav", and "decayed matter" apply to it. But how can you say the same of a living man, seeing that the rules of "majority", "quarter-kav", and "decayed matter" do not apply to him?

7:1 Rabbi Joshua and Rabbi Zadok testified concerning the redemption (lamb) of a firstborn donkey, that if it died, the priest receives nothing, Whereas Rabbi Eliezer says: the owner must bear the responsibility as with the five selas [in the case] of a [firstborn] son. But the Sages say: he bears no responsibility any more than in the case of the redemption of second tithes.

7:2 Rabbi Zadok testified concerning brine of unclean locusts that it is clean, Whereas the first mishnah [said]: unclean locusts that have been preserved together with clean locusts do not make their brine unfit.

7:3 Rabbi Zadok testified concerning flowing water which exceeded in quantity dripping water; that it was valid. There was such a case at Birath Hapilya, and when the case came before the Sages they declared it valid.

7:4 Rabbi Zadok testified concerning flowing water which was made to run in a stream through nut-leaves, that it was valid. There was such a case at Ahaliyya, and when the case came before [the Sages in] the Chamber of Hewn Stone they declared it valid.

7:5 Rabbi Joshua and Rabbi Yakim, a man of Hadar, testified concerning a jar of ashes of a red heifer which was put over a creeping thing, that they were unclean. Whereas Rabbi Eliezer had pronounced them clean. Rabbi Papias testified concerning one who had vowed two naziriteships, that if he cut his hair after the first one on the thirtieth day, he could cut his hair after the second one on the sixtieth day; and if he cut his hair on the fifty-ninth day he has also fulfilled his duty, for the thirtieth day counts towards the required number.

7:6 Rabbi Joshua and Rabbi Papias testified concerning the offspring of a peace-offering, that it can be brought as a peace-offering, whereas Rabbi Eliezer says that the offspring of a peace-offering cannot be brought as a peace-offering. But the sages say: it can be brought. Rabbi Papias said: "I testify that we had a cow, which was a peace-offering, and we ate it at Passover, and its offspring we ate as a peace-offering at the [next] festival.

7:7 They testified concerning the boards of bakers, that they are impure (they can receive impurity), whereas Rabbi Eliezer declares them pure (unable to receive impurity). They testified concerning an oven which was cut into rings and sand was put between the rings that it is impure (can receive impurity), whereas Rabbi Eliezer declares it pure (unable to receive impurity). They testified that the year may be intercalated throughout the whole of Adar, whereas they used to say: only until Purim. They testified that the year may be intercalated conditionally. There was such a case with Rabban Gamaliel who went to receive permission from the governor in Syria and he delayed in coming back; and they intercalated the year on condition that rabban gamaliel should approve; and when he came back he said: I approve, and the year was intercalated.

7:8 Menahem ben Signai testified concerning the ledge attached to an olive-boiler's cauldron, that it is [liable to become] impure; and concerning that of dyers, that it is not [liable to become] impure, whereas they used to say the reverse.

7:9 Rabbi Nehunia ben Gudgada testified concerning a deaf-mute whose father had given her in marriage, that she could be sent away with a bill of divorcement; And concerning a minor, daughter of an Israelite who married a priest, that she could eat terumah, and if she died her husband inherited from her; And concerning a stolen beam that had been built into a palace, that it might be restored by the payment of its value; And concerning a sin-offering that had been stolen, and this was not known to many, that it caused atonement because of the welfare of the altar.

8:1 Rabbi Joshua ben. Bathyra testified concerning the blood of carcasses that it was pure. Rabbi Shimon ben Bathyra testified concerning the ashes of purification, that if a defiled person had touched part of them he had defiled the whole of them. Rabbi Akiva added in regard to the fine flour, the incense, the frankincense, and the coals, that if a tevul yom had touched part of them he had made the whole of them unfit.

8:2 Rabbi Judah ben Baba and Rabbi Judah the priest testified concerning a minor, the daughter of an Israelite who married a priest, that she could eat terumah as soon as she entered the bridal chamber even though she had not engaged in marital intercourse. Rabbi Yose the priest and Rabbi Zechariah ben Hakatzav testified concerning a young girl who had been taken as collateral (by gentiles) in Ashkelon, and that her family had distanced her, even though her witnesses testified that she had not secluded herself [with any Man] and that she had not been defiled. The Sages said to them: if you believe that she had been taken as collateral, believe also that she did not seclude herself [with any man] and that she was not defiled; and if you do not believe that she did not seclude herself and that she was not defiled, neither believe that she had

been taken as collateral.

8:3 Rabbi Joshua and Rabbi Judah ben Bathyra testified concerning the widow of [a man belonging to] a family of doubtful lineage (an issa), that she was fit to marry into the priesthood, [And that those of] a family of doubtful lineage are fit to declare who was unclean and who clean, who was to be put away and who was to be brought near. Rabban Gamaliel said: we accept your testimony, but what can we do since Rabban Yochanan ben Zakkai ordained that courts should not be commissioned for this purpose? The priests would listen to you concerning those who might be put away, but not concerning those who might be brought near!

8:4 Rabbi Yose ben Yoezer, a man of Zereda, testified concerning the ayal-locust, that it is pure; And concerning liquid in the slaughter-house (of the Temple), that it is pure; And that one who touches a corpse is impure. And they called him “Yose the permitter”.

8:5 Rabbi Akiva testified in the name of Nehemiah, a man of Beth Deli, that a woman is allowed to remarry on the evidence of one witness. Rabbi Joshua testified concerning bones found in the wood-shed that the Sages said: one may gather them, bone by bone, and they are all clean.

8:6 Rabbi Eliezer said: I have heard that when they were building the Temple [complex] they made curtains for the Temple and curtains for the Temple-courts; but in the case of the Temple they built from the outside, and in the case of the Temple-court they built from the inside. Rabbi Joshua said: I have heard that sacrifices may be offered even though there is no Temple, and that the most holy sacrifices may be eaten even though there are no curtains, and the less holy sacrifices and second tithes even though there is no wall [around Jerusalem]; because the first sanctification sanctified both for its own time and for the time to come.

8:7 Rabbi Joshua said: I have received a tradition from Rabban Yohanan ben Zakkai, who heard it from his teacher, and his teacher [heard it] from his teacher, as a halakhah [given] to Moses from Sinai, that Elijah will not come to pronounce unclean or to pronounce clean, to put away or to bring near, but to put away those brought near by force and to bring near those put away by force. The family of Beth Tzriphah was on the other side of the Jordan and Ben Zion put it away by force; and yet another family was there, and Ben Zion brought it near by force. It is such as these that Elijah will come to pronounce unclean or to pronounce clean, to put away or to bring near. Rabbi Judah says: to bring near, but not to put away. Rabbi Shimon says: to conciliate disputes. And the Sages say: neither to put away nor to bring near, but to make peace in the world, for it is said, “Behold I send to you Elijah the prophet”, etc., “and he shall turn the heart of the fathers to the children and the heart of the children to their fathers” (Malachi 3:23-2).