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Notes to Chapter One

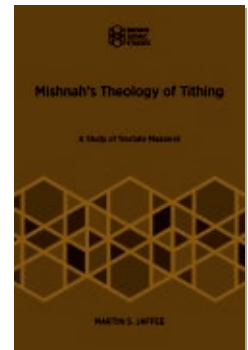
Published by

Jaffee, Martin.

Mishnah's Theology of Tithing: A Study of Tractate Maaserot.

Brown Judaic Studies, 2020.

Project MUSE. <https://dx.doi.org/10.1353/book.74137>.



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[136.0.111.243] Project MUSE (2025-01-15 06:39 GMT)

NOTES

CHAPTER ONE

¹On this point, see Introduction, pp. 1-2. Relevant literature is cited at p. 165, n. 1 and p. 166, n. 4.

²The core rulings of each catalogue conform to the following pattern: substantive + $m\check{s}$ -/ $^o d$ \check{s} - + imperfect. There is no effort, however, to balance the catalogues, either in number of stichs or in pattern of glossing.

³It is possible to argue (though, to my knowledge, no one has) that M. 1:2-3 and M. 1:5-8 present contradictory conceptions of the law. The former claims that produce must be tithed as soon as it is ripe, while the latter claims that produce must be tithed only after it is processed. Indeed, the two notions are somewhat out of joint, requiring efforts at harmonization such as I have provided. My solution is substantially in agreement with that arrived at in earlier commentaries, and recently reformulated by Lieberman in *TK*,II:666.1. If this harmonization is deemed artificial, it is important to note that not only has the redactor of Chapter One read the pericopae as complementary, but nowhere in M. do we find any indication that the harmonistic reading of Chapter One is ever questioned. The point, then, is that the Ushan notion of the law of tithes, reflected in Chapter One, is the presupposition of all pericopae in M. which address the same topic.

⁴So Samtner (p. 137), who translates "gehütet." Perhaps the best translation of $n\check{s}mr$ would be "cared for" or "tended." This sense informs the discussions of b. Shab. 68a, s.v. $lm^o wty$ $hpqr$ and y. Ma. 1:1 (48d), both of which exclude from the law of tithes all produce grown in untended fields.

⁵I discern three senses in the participle $hyyb$ as it is used in M. The first defines a general class or status to which unharvested produce belongs. $hyyb$ has this sense in M. 1:1 and M. 1:2A, where it indicates that a given batch of produce is "among those things to which tithing laws apply." The second use of the term, as at M. 3:4, refers to items which are already harvested. In these cases $hyyb$ means that produce is "liable to" or "requires" removal of tithes forthwith before the produce may be eaten. The third usage, as in M. 2:2 and M. 4:1, refers to the man who owns the produce. That is, the owner of a given batch of produce is $hyyb$, "required to tithe" whatever he eats.

⁶Cf. Danby (p. 67): "Whatsoever is used for food either in its earlier or later condition (of ripeness)." I follow KM (*Tithes*, 2:5) and MR (M. 1:4) in interpreting $thltw$ to indicate the point at which the fruit is recognizable as a member of its species.

⁷Failure to meet any one of the three criteria at B exempts the produce in question from the law. For example, produce growing wild is edible, but the fact that it is not cultivated by human beings means that tithes need not be removed from it. The *locus classicus* for determining the range of produce excluded from the law of tithes is b. Shab. 68a where M. is cited and glossed. The passage is the foundation for all later commentaries

to M. Cf. as well as Sifre Dt. 105 (translated and discussed, pp. 56-57) and y. Ma. 1:1(48c), which is based upon Sifre.

⁸Sarason, *M. Demai*, p. 9, observes that in any given year nearly 22% of the harvest is to be offered as heave-offering and tithes.

⁹Both of these criteria have clear precedents in Scripture's discussion of tithing rules. On the specification that tithes must be removed from all agricultural produce in particular, cf. Dt. 14:22: "You shall tithe all the yield of your seed which comes forth from the field year by year." On the notion that tithes are due from the land because the land itself is God's gift, cf. Dt. 26:14-15 which requires the farmer to remove his tithes and confess: "I have obeyed the voice of the Lord my God, I have done according to all that thou hast commanded me. Look down from thy holy habitation, from heaven, and bless thy people Israel and the ground which thou hast given us, as thou didst swear to our fathers, a land flowing with milk and honey." To be sure, B3 does not specify that, in order to be subject to the law, produce must grow from the earth of the *land of Israel*. Nevertheless, this notion is attested everywhere in Mishnah, and must be read as the meaning here as well. On the stipulation that tithes come only from the land of Israel, see M. 3:10, M. 5:5, M. Dem. 6:11, and, at length, Maim., *Heave-offering* 1:1-9.

¹⁰Lv. 25:23 is clear that the land is owned by God: "The land shall not be sold in perpetuity, for the land is mine." Lv. 27:30 is equally clear that the fruits of the land also belong to God: "All the tithe of the land, whether of the seed of the land or of the fruit of the trees, is the Lord's; it is holy to the Lord." We must note here that B entirely ignores the fact that, according to Lv. 27:32, cattle as well must be tithed as offerings for the Temple sacrifices. Mishnah's discussion of the cattle-tithe (M. Bek. 9:1-8) is found in The Division of Holy Things, in a tractate devoted to the problem of cattle offerings for Temple sacrifices. The tithe of cattle, then, is deemed to fall under problems relevant to the cult rather than those applicable to agriculture.

¹¹I translate *yrq* as "green vegetable" for lack of a better term, even though M. 4:5 uses the term to refer to the green leaves of herbs. More generally, the term is applied to anything which grows on a creeping vine or stalk (see p. 171, n. 17). M.-T.'s inclusive use of the term *yrq* to subsume a number of different species is paralleled in Theophrastus, for whom the term "herb" defines items such as marjoram and basil (*Enquiry*, VII.ii.1) as well as lettuce, cabbage, cucumber, or gourd (*ibid.*, VII.ii.9).

¹²Unless specified otherwise, M. assumes that seed will be used for planting instead of food (cf. M. 5:8 and T. 3:16).

¹³At y. Ma. 1:1 Yonah observes that vegetables kept for their seed become so hard that they are as wood regarding tithes, i.e., they are exempt (cf. M. Sheb. 2:10). But cf. White, *Roman Farming*, p. 187, who cites Theophrastus' opinion that seed must be taken from plants "in their prime."

¹⁴Sifre Dt.'s exegesis of Dt. 14:22ff. is important in the history of M.'s exegesis. Accordingly, I offer a translation and commentary to the relevant passages of Sifre Dt. 105, which I have divided into three units, b-d. Unit a, irrelevant to M., is not discussed, while units c and d are translated and discussed

in relation to their respective pericopae of M. For a quite independent version of Sifre Dt. 105, cf. y. Ma. 1:1 (48c).

¹⁵Cf. T. 3:16 where Yose exempts woad and vetch (*bqy'*) from the law. In M. Sheb. 7:1 woad and madder are designated "types of dye" which are subject to the laws of the Sabbatical Year.

¹⁶*Rubia Tinctoriosum* (Löw, p. 311), a plant yielding a red dye.

¹⁷In the technical vocabulary of M.-T. there are three general types of produce subject to the laws of tithe: *prwt* (fruit), *tbw'h* (grain) and *yrq* (greens). A fourth item, *qtnyt* (pulse), is normally categorized with grain. In general, *prwt* refers to anything which grows from a climbing vine, a tree or bush (M. 1:2-3). *Tbw'h*, according to M. Hal. 1:1, includes wheat, barley, spelt, rye, and oats. *Yrq*, as at T. 1:1b (see p. 170, n. 11) and M. 1:4, refers to produce which grows from a creeping vine or stalk (T. Uqs. 2:11). *Qtnyt* refers to a wide variety of items ranging from sesame to various types of legumes (M. Sheb. 2:7-8). The common characteristic of *qtnyt* is that all items in this class require hulling before they may be eaten.

Mishnah's classification of grains and pulses is closely parallel to that of Theophrastus, and indicates that Mishnah's authorities knew a common Hellenistic science of taxonomy. Theophrastus remarks (*Enquiry*, VIII,i.1): "There are two principal classes [of corn and corn-like plants]: there are the corn-like plants such as wheat, barley, one-seeded wheat, rice-wheat, and the others which resemble the first two; and again there are the leguminous plants, as bean, chick-pea, pea, and in general, those to which the name of pulses is given." On this passage and other parallels between Mishnaic and Hellenistic taxonomy, see S. Lieberman, *Hellenism*, pp. 180-193.

¹⁸C and M record the verb in the imperfect, *mšybhylw*. MSS. reveal no pattern in the use of perfect and imperfect forms in this pericope. Thus, while the forms change from *stich* to *stich* and MS. to MS., I consistently translate as future perfect.

¹⁹S reads *b'wšym*, "sickly grapes" (cf. Ribmaš, Lieberman, *TK*, II:667.5-6, Jastrow, p. 135, and Sacks-Hutner, p. 200). In light of M. 1:1B, which stipulates that only agricultural produce is subject to the law, S is to be preferred, for its grapes are domesticated.

²⁰On the meaning of *B'š* cf. y. Ma. 1:1(48d), Maim., *Tithes* 2:5 and Jastrow, p. 137.

²¹*Rhus Coriara* (Bunte, p. 57). According to Bunte, the fruit is used in pickling.

²²*Morus* (Löw, *Pflanzenamen*, p. 395).

²³*Punica Granatum* (Löw, *ibid.*, p. 312).

²⁴See Sacks-Hutner (p. 201) for the numerous MSS. traditions for this word. Bunte (p. 59) notes that all closely resemble the Greek word for peach (*persikon*).

²⁵So Jastrow, p. 234, s.v., *GYD*.

²⁶*Juglans Regia* (Low, *op. cit.*, p. 84).

²⁷S appears to have added "and almonds" in order to balance I with J. The addition, however, upsets the division of the

pericope into 10 items per unit, with J the dividing line. For discussions of the "original" reading, see Albeck, p. 394, and Lieberman, *TK*, II:668.7.

²⁸*Crustiminum pirum* (Löw, *op. cit.*, p. 208). Also known as "pippin."

²⁹*Pirus Cydonia* (Bunte, p. 61). I follow Löw, p. 144, and Bunte in translating "medlars," but see Danby (p. 67) and Blackman (p. 352) who translate "quince." Löw documents the error which led to the identification of *pryš* with quince.

³⁰*Crataegus Azarolus* (Löw, *op. cit.*, p. 288).

³¹The reference is unclear. TYY explains that the reference is to other tree-fruits which are neither red nor black.

³²*Trigonella Foenum Graecum* (Löw, *op. cit.*, p. 316).

³³The items at M. 13-16, we may point out, appear elsewhere in M.-T. in numerous contexts, yet always in the same order (cf. M. Uqs. 1:6, M. Kil. 1:4, T. Uqs. 3:7, T. Sheb. 7:16). Thus the list, "pears-crab apples" is a standard unit of material providing a fixed protasis for numerous apodoses. Only at T. Uqs. 3:7 is there any interest in the point at which these items are subject to the law. There we are told that the items in question impart food uncleanness from the point of their "tithing season" and thereafter. The point, that the produce imparts uncleanness as food only after it has become food, is congruent with the view of A, that edibility determines when produce is subject to the law.

³⁴Cf. M. Sheb. 4:7-9 which attests the fact that figs, grapes, grain and olives are all ripe enough to be eaten *before* they have reached the stages enumerated here at B-C and P.

³⁵See Q. Jones, "Fenugreek," *EB*, 9:176.

³⁶The meaning is obscure. T. Ter. 2:14 claims that grain which has not "reached a third," will not sprout if sown. This, however, does not explain the meaning of the term. I know of no sustained discussion of the term, but cf. the remarks of J. Feliks, *Ḥaqla'ut*, p. 125.

³⁷Maimonides' interpretation of M. 1:2-3 departs considerably from the clear intentions of the redactor. Maimonides ignores the issue of edibility entirely and stipulates that the signs all refer to the point in the growth of the produce at which its seeds are fertile. Thus, he reads the entire pericope in light of O. See *Tithes* 2:5 (tr. I. Klein, p. 189): "When is the season of tithing? When the produce reaches the stage that makes the seed thereof fit to be sown and to sprout"

³⁸See Lieberman, *TK*:667.5.

³⁹*Corylus Avella* (Löw, p. 48).

⁴⁰*TK*:667-68. There is no MS. evidence for Lieberman's suggestion, even though the context thoroughly supports it.

⁴¹Fruit of the cedar tree, *Pinus Cedrus* (Löw, p. 58).

⁴²The opinion is analogous to Yose's ruling about connection in regard to uncleanness in M. Toh. 8:8 (cf. Neusner, *Purities* XI:198-200 and XII:154-57), and we can therefore take Ishmael's

attribution as reliable. In M. Toh. 8:8, Yose holds that still water trapped between balls of dough--each of which is less than an egg's-bulk in size--is sufficient to join the balls together in a size requisite to receive food uncleanness (i.e., an egg's-bulk). Thus, the fact of connection renders parts which are exempt from the law of purities into a whole which is subject to it. In T. Yose's conception is perfectly complementary. The connective of the common stem renders the whole subject to the law which now applies to the part. On the general Ushan provenance of issues regarding connection in the transfer of uncleanness, see Neusner, *Purities* III:298-305, XII:196-97.

⁴³šy'h = *Satureia thymbra* (Löw, p. 135).

⁴⁴'zwb = *Origanum majorana* (*loc. cit.*). Also known as hyssop.

⁴⁵qwrnyt = *Calamantha officinalis* (*ibid.*, p. 330).

⁴⁶Theophrastus (*Enquiry*, VI, ii, 3-4) discusses the development of berries upon the herbs mentioned in A: "Savory, and still more marjoram, has a conspicuous fruitful seed, but in thyme it is not easy to find, being somehow mixed up with the flower; for men sow the flower and plants come up from it." Theophrastus further observes that "most herbs wither with the ripening of their seed" (VII, i, 7).

⁴⁷I translate following Jastrow, p. 2, s.v., 'B, 'YB, ('WB). *Aruch Completum*, I:3, s.v. 'B, derives the word from the Syriac 'b', "fruit."

⁴⁸y. treats T. 1:4 and T. 1:5a(A-B) as a single unit.

⁴⁹Lieberman (*TK*, II, p. 670, ls. 13-14) notes that a version of A-B appears in y. Sheb. 7:6 where it is joined to T. 1:4. This indicates that A-B was read as a statement about the herbs cited in T. 1:4.

⁵⁰In his discussion of T. Sheb. 2:6, Neusner (*Pharisees*, II:79) theorizes that "... the Houses serve as convenience names to which to attribute the two possible opinions on any intermediate or ambiguous stage of an issue. Simeon may on his own have fabricated the Houses-dispute, in conformity with a prevailing literary convention."

⁵¹In general, contrary to A-B, M.-T. seems clear that there is no single standard for determining the tithing year of produce. M. Bik. 2:6 is clear that green vegetables are tithed according to the year in which they are picked, and that only citrons are like them in this regard. T. Sheb. 4:20 says that the tithing year of fruit trees is established by the year in which the fruits first form (*HNT*), and does not mention harvest. M. Sheb. 2:7's discussion of pulse likewise ignores the harvest and says that pulse is tithed according to the year in which it takes root. I have found no clear statement in M.-T. regarding other types of fruit, but compare the *baraita* cited at y. Ma. 5:4(50d) in the name of Jonathan b. Yose, which indicates that grain is tithed according to the year in which it reaches a third of its growth. In light of all this, we may understand A-B in one of three ways. Either (1) it simply contradicts other rulings in M.-T. by claiming a single standard applies to all crops, or (2) the rule refers only to green vegetables (M. Bik. 2:6), or (3) it claims that the herbs of T. 1:4 are subject to the same criteria as are green vegetables (HD). As I shall argue, this latter view is probably

that of the redactor of T. 1:5a, but cannot be shown to be the original meaning of A-B.

⁵²Lieberman (*TK*, II: 670.16-17) argues that Simeon b. Gamaliel knows A-B. Further, Lieberman asserts that the dispute of D-F concerns the herbs of T. 1:4. He thus sees T. 1:4 + T. 1:5a as a unitary pericope which discusses at what point the tithing year of herbs is determined. As my analysis indicates, this view is correct only on the redactional level of meaning. But since T. 1:4 + T. 1:5a is a series of three formulaically independent units (T. 1:4 + T. 1:5a[A-B] + [C-F]), it is not likely that one tradent formulated the whole or even that a single conception of the law informs each unit.

⁵³Lieberman's emendation, which simply transposes the *w* and the *y* of the text's *'wbyn*, is highly plausible since the two letters are easily mistaken in MSS. Further the context of D calls for a stage of development between blossoming and maturity. The stage of sprouting recorded in the printed text does not qualify, while the point at which berries develop is such an intermediate point.

⁵⁴Concerning the question of whether a single phenomenon can establish both the onset of liability to the law and the year in which the produce must be tithed, see MR to M. Sheb. 2:7 and Maimonides, *Seventh Year and Jubilee* 4:9.

⁵⁵Kosovsky's concordances to Sifra, Sifre and Mekhilta d'Rabbi Ishmael contain no other references to the words *y'mr zh* in an exegetical context. The sense seems to be similar to the later Babylonian Amoraic term *šryk'* ("it is necessary"), which is used to show that a word or passage in a Tannaitic text is not superfluous and in fact contains a concept essential to the proper understanding of the law.

⁵⁶Löw, p. 102, gives no positive identification for *prgym*, except to say that despite the traditional identification of *prgym* as poppy seed, it is more likely a type of millet in the family *Panicum*.

⁵⁷Löw, p. 336, identifies pulse (*Hülsenfrucht*) as any type of plant whose edible part is a berry or bean found in a hull. The types of pulse listed at O all require some kind of preparation. P must have in mind items such as peas or lima beans, which can be eaten raw. See Krauss (*TA*, I:115) who asserts that many types of pulse were used as substitutes for grain in the baking of bread.

⁵⁸*Lupinus Termis*. Also known as Horsebean (Löw, p. 394).

⁵⁹*Šhlyym* = *Lepidum Sativa* (Jastrow, p. 1548).

⁶⁰*Grgyr* = *Eruca Agrestis* (Jastrow, p. 264).

⁶¹Probably a reference to *Ficus Sycomorus*, a popular shade tree in the Middle East. Its fruit is edible only after the apex is cut open so that the insect which normally inhabits the fruit can no longer survive. See Löw, p. 176, Condit, and S. Klein.

⁶²Acacia pods are used in the tanning process. See Feliks, *Plant World*, p. 98.

⁶³As I have indicated at n. 55, *y'mr zh* is an oddity. Moreover, the particle *š-* never appears before the formulaic phrase "if so, I should say" insofar as I have been able to check these instances

in Kosovsky's concordances to Sifra, Sifre and Mekhilta d'Rabbi Ishmael. In fact, N-P appears to be a truncated exemplum of a rhetorical form frequently found in Sifra but which appears only here in Sifre (Kosovsky, *Sifra*, I:188 and *Sifre*, I:161-63). The form has four essential components: I. Scriptural citation; II. 'ynw dyn š- (isn't it logical that ...?); III. 'ylw kn hyyty 'wmr (if so I could say); IV. tlmwd lwmr (Scripture says). II is a faulty deduction from the Scriptural citation. III makes this clear by deducing a further implication from II which Scripture (IV) clearly contradicts. Sifre's version omits part II. M forces us to read L's citation of Scripture as the introduction to N. But this turns the Scriptural rule into a false proposition! As I have indicated in the translation, some MSS. try to remedy this by substituting 'lml' (if it were not) for 'ylw (if). While this is indeed the only way of making sense of what is before us, it is an obvious fabrication. The phrase 'lml' kn never appears in any Tannaitic midrash, insofar as I can see from a survey of the standard concordances.

⁶⁴ qšw'ym = *Cucumis Sativa* (Löw, *op. cit.*, p. 334).

⁶⁵ dlw^aym = *Cucurbita Pepo* (*ibid.*, p. 351).

⁶⁶ b'tyhyym = *Citrullus Vulgaris* (*ibid.*, p. 352).

⁶⁷ mlppwnwt = *Cucumis Melo* (*ibid.*, p. 351).

⁶⁸ trgyr = *Citrus medica cedra* (*ibid.*, p. 46).

⁶⁹ On these items, see Bunte, p. 66.

⁷⁰ Lieberman (*TK*, II:666.2), on the basis of y. Ma. 1:4, argues that A-B is understood by the Palestinian Amoraim as a gloss appended to M. 1:3P, yielding the following reading: "Olives and grain--when they reach a third of their growth. And among green vegetables: cucumbers, gourds, chatemelons, and muskmelons." Thus these green vegetables are subject to the law upon reaching a third of their growth, while all other greens mentioned in M.-T. (e.g., T. 1:1b) are subject to the law at all points in their growth. As Albeck points out (p. 394), Lieberman's solution fails to solve the literary problem, for A-B in its present form does not follow conventional glossing patterns common in M. See Albeck's discussion of M. 1:4 in the appendix of his commentary to the Division of Agriculture, p. 394.

⁷¹ F-G has in fact been excerpted from its original location in M. Hul. 1:6, where it appears in the midst of a catalogue of thematically diverse rulings sharing only a common, and striking, pattern of formulation. The contrast between the role of F-G in M. Hul. 1:5-6 and its present function in M. 1:4 is instructive in regard to the possible redactional principles available to M.'s formulators. In M. Hul. 1:5-6, formal criteria alone determine which materials are to be placed together. In M. 1:4, formal criteria are subordinated to content.

⁷² So Lieberman, *TK*, II, 669.9-10. Cf. Löw, *Flora* III:215, s.v. "Apfel," who indicates that the fruit, known in Greek as *melimela*, is the fruit of an apple tree grafted on to quince stock.

⁷³ Lieberman (*TK*, II:669.12) explains that Simeon exempts melons even after they have reached a third of their growth, as long as they have not yet become smooth. This interpretation follows from his analysis of M. 1:4A-B as a gloss of M. 1:3P (see my comment to

M. 1:4, p. 175, n. 70). Lieberman, however, ignores the formulary identity of A and M. 1:4E (... *p̄twr* ... *bq̄tnn*) which suggests that Simeon is indeed responding to a claim that melons are tithable whether large or small.

⁷⁴MS. Erfurt's version of A is cited anonymously.

⁷⁵I follow Lieberman and *ed. princ.* against y. Ma. 1:4, HY and HD. See *TK*, II:669.10-11.

⁷⁶Note, however, that B agrees with the anonymous rule of T. 1:1c(N), as PM suggests by his gloss of B with the explanatory remark of T. 1:1c(O). See PM, y. Ma. 1:4, s.v. *ʿd štrš qlyptn h̄yṣwnh*.

⁷⁷The *baraita* reads:

- A. *That which is subject [to the law] among bitter almonds is exempt among small sweet [ones]. That which is subject to tithes among sweet almonds is exempt among large bitter ones.*
- B. *tny*: R. Ishmael b. R. Yose in the name of his father: "Bitter almonds are exempt, and sweet ones are not subject until (*ʿd š-*) the outer shell separates."

A interpolates T. Hul. 1:24A-B's distinction between large and small almonds into its citation of M. B = T. 1:2, save for the substitution of "exempt" for T.'s "subject" (see note 75). Compare b. Hul. 25b which cites T. Hul. 1:24 in its entirety and adds a different version of Ishmael b. Yose's lemma.

⁷⁸Translated from Zuckerman, p. 501.

⁷⁹The translation is paraphrastic, for I can produce no literal translation of A which yields readable English. Literally, the passage reads: "What is the [stage in processing for] storage at which [the requirement to remove] tithes [is binding]?" Cf. Danby, "When is their tithing season?" (p. 68), and Cohen, "When are the fruits fixed to be tithed?" (p. 257). The key problem of translation is the word *goren*, which literally means "threshing floor" (cf. Nu. 18:27), the place where grain is threshed and winnowed in preparation for storage (cf. Maim., *Comm.*). On the semantic range of *goren* in M.-T. and the Talmuds, see Feliks, *Haqla'ut*, p. 235. Feliks does not refer to our passage, and none of his citations is perfectly applicable to the use of the term in the present context. Following T. 1:5a, we may define *goren* as the point at which produce is processed for storage and is therefore rendered liable to the removal of tithes. Neither the suggestion of Jastrow ("harvesting season," p. 227, s.v. *GWRN*) nor that of Krauss ("completion of harvest," *TA*, II:575, n. 271; followed by Bunte and Sammtter) is adequate to the present context, for the produce listed in our pericopae has already been harvested. At issue, as T. points out, is the completion of the processing and the storage of the produce.

⁸⁰⁰¹, ⁰², B, ^{G5} read *myšpqš*, "when he" For discussions of various readings see Lieberman (*TK*, II:670.18), Sacks-Hutner (p. 200, n. 69) and TAS (M. 1:5).

⁸¹Throughout M. 1:5-6 MSS. are indiscriminate in dropping or preserving the *w-* before 'm (see Sacks-Hutner, pp. 205-09). Therefore, I have translated Albeck's text without noting variant readings.

⁸²Seven MSS. read *cd š-* instead of *mš-*. Since the use of the particles is inconsistent in all MSS. and editions, I have simply translated Albeck's text. The meaning, in any case, is substantially the same; "Tithes are removed *after*" (*mš-*) or "Tithes need not be removed *until*" (*cd š-*). Cf. the discussion of this phenomenon, and its exegetical possibilities at b. B.M. 88b.

⁸³So Lieberman (*TK*, II:671.18) for *šLQ*. Cf. Albeck, pp. 394-95.

⁸⁴See Krauss (*TA*, II:197 and 581, n. 327) for the term *muqṣeḥ*.

⁸⁵So Danby, p. 67.

⁸⁶So Jastrow, p. 1358, s.v., *QYT^c*.

⁸⁷So b. A.Z. 56a: "Learn from this [i.e., M. 1:7B] that we are discussing the skimming [which takes place in] the vat [rather than the skimming which takes place in] a jar."

⁸⁸So Jastrow, p. 1106.

⁸⁹I follow the witness of eleven MSS. Albeck reads *wmbyn*, "and from between."

⁹⁰So Jastrow, p. 795.

⁹¹In M.T.Y. 1:1 the word *hmyth* refers to a kind of thin cake. Interpretations of the word as it appears at F generally follow this meaning. The context, however, and the evidence of T. 1:7b(C) and M. Shab. 3:5 both argue for the translation I have suggested. Cf. Maim., *Comm.* and Lieberman, *TK*, II:674.30.

⁹²So Maim., *Comm.* for *DWš*.

⁹³The etymology and original meaning of the term *tebel* are unknown. See Krauss, "TBL" for a review of Amoraic, medieval and modern philological research.

⁹⁴I cannot explain why G-H and J-K repeat the pattern twice, or why J-K simply cites G-H. The important stich in each case is the last, H and K, both of which repeat that at issue is the point at which the owner has stored enough produce for his own use.

⁹⁵Opinion is divided concerning the referent of L-M. Maimonides, *Tithes* 3:1-3 indicates that L-M applies to all the produce of M. 1:5-8, certainly a plausible interpretation. Nevertheless MS, following the observation of Joseph Ashkenazi, notes that the items of M. 1:6-8 are all glossed by qualifications specific to the types of produce enumerated in those pericopae. This yields the hypothesis that L-M refers back to B-K alone. As I argue below, Maimonides is probably correct, for L-M is placed in its present location for literary and substantive reasons relevant to the redactor's glossing agenda rather than to the meaning of the rulings at B, D, F and I.

⁹⁶b. B.M. 87b-88a understands matters differently. Yannai, basing himself upon Dt. 26:12 ("I have removed the holy thing [i.e. the tithes] from my house"), claims that the tithes become sanctified only upon entry into the householder's dwelling. Untithed produce, therefore, may be eaten prior to that point because the holy portion is not yet active. Yannai's point is well taken, but his exegetical basis is farfetched. Requiring explanation is why

the house functions as a terminus for the removal of tithes. M. itself is clear that this is the point at which the man is deemed to have effected final acquisition of the produce, i.e., the point at which God's claim to the tithes is provoked.

⁹⁷The only difficulty is that the ruling at N unexpectedly receives no gloss at all. This is due to the substance of the ruling itself. All items at N are dried, i.e., processed, before they can be used or stored. If N were cast in the pattern of the other rulings, it would yield an absurdity: "Dried split-pomegranates, etc.--when they are dried. But if he does not dry them, when they are stacked up." The absurdity is that if the pomegranates, etc., are piled without drying, they will rot.

⁹⁸Translated by Neusner, *Appointed Times* I. See his comments *loc. cit.* and in his introduction to M. Shab. Chapter Three, in the same volume.

⁹⁹Maimonides, *Uncleanness of Foodstuffs*, 12:2-3. See also Neusner, *Purities*, XVII:19-22 for the interpretation of M. Makh. 1:1 which I follow.

¹⁰⁰On the divisibility of intention regarding susceptibility to uncleanness, and Judah's position regarding the matter, see Neusner, *ibid.*, pp. 15-44, 60-63, 91-92, and 185-98.

¹⁰¹The reader will note that I have translated *grnn lmcswt* differently than at M. 1:5. As at M. 1:5, my concern is to convey the sense of this untranslatable term in the context within which it is employed. In T., the term itself is simply cited and then glossed by the definitional remarks of B-C. Therefore I have provided, at A, the most literal translation. See M. 1:5-8, n. 79 (p. 176).

¹⁰²This is Maimonides' understanding of the rule, *Tithes* 3:8. But compare *Tithes* 3:4 where Maimonides says that if the melons were in the owner's house and only *then* did he begin to process them, they are all rendered liable with the completion of the first melon. Presumably, since they have already entered the owner's home the first indication of his desire to process them renders them all liable immediately. Cf. KM and RDBZ to *Tithes* 2:8 as well as the entirely different development of the matter at b. B.M. 88b. See also MH, y. Ma. 1:5, s.v. *hyh mpqš*.

¹⁰³V lacks "he has not" (*šl'*), but the reading appears both in E and *ed. princ.* Furthermore, the context clearly requires the negative. Lieberman includes the words in brackets in his text of T., p. 228, l. 19.

¹⁰⁴Although T. specifies that this is the case only for the four items mentioned, M. Ter. 1:10 suggests that the rule is generally applicable: "They [may] not separate heave-offering ... from something which is not completely processed for something [else] which is not completely processed. But if they separated heave-offering [despite this], their separation of heave-offering is considered valid heave-offering (*trwmtn trwmh*). See Peck, *M. Terumot*, HD and HY.

¹⁰⁵See Lieberman's discussion of the rare term *mhpwrt* (TK, II, p. 672, l. 24).

¹⁰⁶Here I follow Lieberman's understanding of the case (*loc. cit.*, l. 23). But see HD who understands the ears to have fallen

from the pile onto the threshing floor. In his reading, T. contradicts M. rather than providing a further exemplification of the same principle.

¹⁰⁷For other interpretations of the matter, see y. Ma. 1:6 and Sirillo, s.v. *qwlṭ hw' mṭḥt ḥkbrh w'wkl*.

¹⁰⁸Lieberman (TK, II, pp. 673-74, l. 26) attacks the problem by arguing that the crucial difference between A-C and E-G is that at A-C the former owner has completed the manufacturing of the Temple's wine while at E-G the Temple treasurer himself performed the labor. While the observation is important, Lieberman can interpret its legal implications only by resorting to an Amoraic legal principle. Citing the opinion attributed to Simeon b. Laqish (y. Ma. 5:6), Lieberman explains that if a man completes the processing of another's produce without the owner's knowledge, then the processing does not effect liability to tithes. That is, since the owner had no intention of completing the processing at that particular time, the unauthorized act is null and void. The tithing status of the produce remains unaltered until the owner authorizes the processing explicitly. Lieberman applies this principle to A-C, surmising that the former owner has skimmed the wine without the knowledge of the Temple treasurer who represents the Temple as the wine's owner. The resulting situation is that the conditions required at H, which exempts wine processed under Temple auspices, do not apply to A-C. That is, the wine at A-C has not undergone a *legitimate* stage of processing while in a state of exemption from tithing regulations, and therefore cannot be considered in any sense to have been processed while exempt from the law. Unlike the wine of E-G, it remains subject to the law after it is redeemed, for the owner must then authorize the processing which will render the wine liable. While this account resolves the contradiction between the two rulings, it must be regarded with the greatest suspicion since it imports into the exegesis of T. a principle attested only in b. Secondly, the explanation presumes the ignorance of the Temple treasurer regarding the owner's actions, a fact which can hardly be seen as central--if it is even present at all--in T.'s articulation of the case.

¹⁰⁹See TZ, p. 229, variant readings l. 26, and TK, II, p. 274, l. 26.

¹¹⁰In Lieberman's text the word *whwlk*, translated as "continual," appears in brackets. The insertion is based upon the readings of *ed. princ.*, E and Sirillo.

¹¹¹*Anigaron* is a kind of broth (Lieberman, TZ: 229.33).

¹¹²See Peck, *M. Terumat*.

¹¹³*Ibid.*

¹¹⁴This point is made at M. 4:1G-I.

¹¹⁵Alternatively, as at M. 4:1D-F, the issue is whether the action of crushing is interpreted as making a random snack or a regular meal. If one crushes in the hand, this is a snack, and the juice is exempt. If one crushes into a cup, this is a meal, and the juice is rendered liable. Cf. Maimonides, *Tithes* 5:17, RDBZ, *loc. cit.*, and Lieberman, TK, II:675.36.

¹¹⁶Cf. Lieberman, TK, II:676.39 and y. Ma. 1:8, end.

¹¹⁷Krauss, *TA*, II:189 affirms that the threshing was commonly done in the fields.

¹¹⁸Quoted by Finkelstein, p. 165, l. 2.

¹¹⁹On the stalls of Beth Ḥanan see Freedman's translation of b. B.M. 88a (p. 508, n. 8): "These were stores set up on the Mount of Olives for the supply of pigeons and other commodities required for sacrifices, and owned by powerful priestly families, to whom they proved a source of wealth."