FICATION MARKS AND IS CLAIMED, SO MUST EVERYTHING BE ANNOUNCED, IF IT BEARS IDENTIFICATION MARKS AND IS CLAIMED.¹

**Gemara.** What is meant by in all these?—Said Raba: In the general phrase, [and in like manner shalt thou do] with every lost article of thy brother.²

Raba said: Why should the Divine Law have enumerated ox, ass, sheep and garment?³ They are all necessary. For had the Divine Law mentioned 'garment' alone, I would have thought: That is only if the object itself can be attested, or the object itself bears marks of identification. But in the case of an ass, if its saddle is attested or its saddle bears marks of identification,⁴ I might think that it is not returned to him. Therefore the Divine Law wrote 'ass,' to show that even the ass [too is returned] in virtue of the identification of its saddle. For what purpose did the Divine Law mention 'ox' and 'sheep'?—'Ox,' that even the shearing of its tail and 'sheep,' that even its sheavings [must be returned].⁵ Then the Divine Law should have mentioned 'ox,' to show that even the shearing of its tail [must be returned], from which the sheavings of a sheep would follow a fortiori.—But, said Raba, 'asses,' mentioned in connection with a pit,⁶ on R. Judah's view, and 'sheep,' in connection with a lost article, on all views, are unanswered difficulties. But why not assume that it comes [to teach] that the dung [too must be returned]?—[The ownership of] dung is returned.⁷

(1) Lit., 'it has claimants'. The last phrase excludes articles which the owner has abandoned.—The whole Mishnah is explained in the Gemara. (2) Deut. XXII, 3.—The 'singling out' of a garment is in the same verse; and in the manner shalt thou do with his garment. (3) Thou shalt not see thy brother's ox or his sheep go astray, and hide thyself from them: thou shalt in any case return them unto thy brother. . . . in the manner shalt thou do with his ass, and so shalt thou do with his garment. [Ibid.: 4, 7.] (4) But not the ass itself. (5) Ex. XXI, 33: And if a man shall open a pit . . . and an ox or an ass fall therein. (6) V. B.K. 346. The Rabbis maintain that the maker of the pit is not responsible if a man or utensils fall therein, interpreting, 'ox,' but not man, 'asses,' but not utensils. R. Judah, however, maintains that he is responsible for utensils: hence the difficulty: why mention 'asses'? (7)   "It need not be returned. " (8) Though it is stated below that the Tanna may have mentioned identification marks in connection with 'garment' casually, yet that is sufficient to prove that in his opinion the purpose of 'sheep' is certainly not to prove their validity. (9) Literal rendering of Deut. XXII, 3 (E.V.; which he has but). (10) Ibid. (11) That which is not worth a parah is neither a loss nor gain. (12) But there is no difference in actual law. (13) Lit., 'hand.' (14) V. supra, p. 2. (15) V. lec., 'b. Ichozadak,' v. supra p. 139, n. 4. (16) Lit., 'found.'
the Rabbis stated the measure for civil matters only in a broad and general sense, excluding that which is not to be applied in civil matters. The Rabbis' statement in the case of civil matters, therefore, is to be understood as a general principle that the Rabbis could freely choose measures affecting civil matters. But when it is applied to matters of property or inheritance, the measure is not applicable, as it cannot be applied to such matters. For example, in the case of property, it is not applicable, as it does not apply to matters of property or inheritance. Therefore, it is clear that the Rabbis could freely choose measures affecting civil matters, but not matters of property or inheritance.
Come and hear: Testimony¹ may be given² only on proof [afforded by] the face with the nose, even if the body and the garment bear identification marks.³ This proves that identification marks are not Bibically valid!—I will tell you: In respect to the body, [the proposed identification marks were] that it was short or long;⁴ whilst those of his garments [are rejected] because we fear borrowing.⁵ But if we fear borrowing, why is an ass returned because of the identification of the saddle?—I will tell you: people do not borrow a saddle, because it chases the ass [is back].⁶ Alternatively, the garments were identified through being white or red.⁷ Then what of that which was taught: If he found it tied up in a purse, money bag, or to a ring, or if he found it amongst his household utensils, even a long time afterwards, it is valid.⁸

Now should you think, we fear borrowing: if he found it tied up in his purse [etc.], why is it valid? Let us fear borrowing!—I will tell you: A purse, wallet, and signet ring are not lent; a purse and a money bag, because people are superstitious about it;⁹ a signet ring, because one can commit forgery therewith.¹⁰

Shall we say that this is disputed by Tannaim? [For it was taught:] Testimony may not be given¹ on the strength of a mole; but Eleazar b. Mahabai said: Testimony may be so given.¹¹ Surely then they differ in this: The first Tanna holds that identification marks are [only] Rabbinically valid,¹² whilst Eleazar b. Mahabai holds that they are Bibically valid.—Said Raba: All may agree that they are Bibically valid: they differ here as to whether a mole is to be found on one's affinity.¹³ One Master maintains that a mole is [generally] found on a person's affinity;¹⁴ whilst the other holds that it is not. Alternatively, all agree that it is not; they differ here as to whether identification marks are liable to change after death. One Master maintains: Identification marks are liable to change after death;¹⁵ the other, that they are not. Alternatively, all agree that a mole is not liable to change after death, and identification marks are valid only by Rabbinical law; they differ here as to whether a mole is a perfect mark of identification. One Master maintains that a mole is a perfect mark of identification,¹⁶ whilst the other holds that it is not.¹⁷

Raba said: If you should resolve that identification marks are not Bibically valid, why do we return a lost article in reliance on these marks?²⁷ Because one who finds a lost article is pleased that it should be returned on the strength of identification marks, so that should he lose anything, it will likewise be returned to him through marks of identification. Said R. Safra to Raba: Can then one confer a benefit upon himself with money that does not belong to him? But [the reason is this:] the loser himself is pleased to offer identification marks and take it back.²⁸ He knows full well that he has no witnesses; therefore he argues to himself, 'Everyone does not know its perfect identification marks,²⁹ but I can state its perfect identification marks and take it back.' But what of that which we learnt: R. Simeon b. Gamaliel said: If it was one man who had

¹ To a free widow for marriage. ² As to the identity of a corpse. ³ Yeb. 120a. ⁴ These are naturally rejected, since many people are short or long. But it may well be that others are accepted. ⁵ Granted that the ownership of the garments is established, that does not prove the identity of the corpse, as they might have been borrowed. ⁶ A saddle must fit its particular ass. ⁷ Cf. n. 4. [MS.M. omits this passage, and rightly so, seeing that it assumes that we do not fear borrowing, which would make the question that follows closely on irrelevant; v. n. 10.] ⁸ Git. 75b. If a messenger loses a bill of divorce, and then finds one in the places mentioned, it is valid, and we do not fear that it might be a different document written for another husband and wife with identical names. A bill of divorce had to be written specifically for the woman it was intended to free. ⁹ Believing it unlucky to lend them [last]. ¹⁰ [MS.M. adds here the passage it omits above, v. n. 7.] ¹¹ Yeb. 120a. ¹² Therefore they cannot establish identity to break the marriage bond. Cf. p. 169, n. 11.
borrowed from three, he [the finder] must return [them] to the
debtor; if three had borrowed from one, he must return them to
the creditor. Is then the debtor pleased that it [the promissory
note] is returned to the creditor?—In that instance, he replied to
him, it is a matter of logic. If it was one man who had borrowed
from three, he must return [them] to the debtor, because they
are to be found [together] in the debtor’s possession, but not in
the creditor’s; therefore the debtor must have dropped it. If three
had borrowed from one, it must be returned to the creditor,
because they are to be found in the creditor’s possession, but not
in the debtor’s.

[28a] But what of that which we learnt: If one finds a roll of
notes or a bundle of notes he must surrender [them];
is then the reason because the debtor is pleased that they
should be returned to the creditor!—But, said Raba, identification marks
are Biblically valid, because it is written, And it shall be with thee
until thy brother seek after it. Now, would it then have occurred to
you that he should return it to him before he sought it? But [it means
this:] examine him [the claimant], whether he be a fraud or not. Surely
that is by means of identification marks! That proves it.

Raba said: Should you resolve that identification marks are
Biblically valid . . . (Should you resolve) — but he has proved that
they are Biblically valid! – That is because it can be explained as was
answered [above].) If two sets of identification marks are offered by
two conflicting claimants, it [the lost article] must be left in [custody].
[If one states] identification marks and [another produces] witnesses, it [the
lost article] must be surrendered to him who has witnesses. If one states
identification marks, and an-

other also states] identification marks and [produces] one witness
—one witness is as non-existent, and so it must be left. If one
produces] witnesses of weaving, and [another] witnesses of
dropping, it it must be given to the latter, because we argue, He
[witnesses] may have sold, and another lost it. [If one states] its
length, and [another] its breadth, it it must be given to [him who
states its] length; because it is possible to conjecture the breadth
when its owner is standing and wearing it, whereas the length
cannot be [well] conjectured. [If one states] its length and breadth,
and another its gams, it it must be surrendered to the former. If the
length, breadth, and weight [are stated by different claimants], it
must be given to [him who states] its weight.

If he [the husband] states the identification marks of a bill of
divorce, and she does likewise, it must be given to her. Where-
with [is it identified]? Shall we say, by its length and breadth?
Perhaps she saw it whilst he was holding it! But it had a perfora-
tion at the side of a certain letter. If he identifies the ribbon
[wit which the divorce was tied], and she does likewise, it must be
given to her. Wherewith [is it identified]? Shall we say, by [its
colour], white or red? Perhaps she saw it whilst he was holding it!
—Hence, by its length. If he states, [it was found] in a valise, and she
states likewise, it must be surrendered to him. Why? She knows full
well that he places whatever he has [of his documents] in a valise.

(1) That he wove it. (2) That he dropped it. (3) This refers to a garment, these
measurements being offered as marks of identification. (4) [The breadth of the
diaphragm of which a toga was made was worn lengthwise, and the length breadth-
wise.] (5) [Sum the sum total of its length and breadth. The term Gemel has
been identified with the Greek Gnomos, the carpenter’s square, and is derived from
the Hebrew gamsel, which has the shape of an axe, or carpenter’s square. V. B. B.
[Sonc. ed.] p. 271, n. 1] (6) Each claims ownership, the husband maintain-
ing that he lost it before delivering it to his wife, so that she is still married
to him, and now he has changed his mind and no longer wishes to divorce her,
whilst the wife insists that she lost it after receiving it, so that she is divorced.
(7) Because the husband’s knowledge is no proof of ownership, since he certainly
saw it before delivering it to her; but if she had not received it, she would not
know its identification marks. (8) And before delivering it he changed his mind.
(9) Though this does not prove his ownership either, it must nevertheless be sur-
rrendered to him, since she cannot be declared free after a valid doubt has arisen.
MISHNAH. Now, until when is he [the finder] obliged to proclaim it? Until his neighbours may know thereof: This is R. Meir's view. R. Judah maintained: [Until] three festivals have passed, and an additional seven days after the last festival, giving three days for going home, three days for returning, and one day for announcing.¹

GEMARA. A Tanna taught: The neighbours of the loss [are referred to in the Mishnah]. What is the meaning of 'the neighbours of the loss'? Shall we say, the neighbours of the loser? But if they know him [who lost it], let them go and return it to him!—But [it means] the neighbours of the district wherein the lost article was found.²

R. Judah maintained etc. But the following contradicts this: On the third day of Marcheshvan, we [commence to] pray for rain.³ R. Gamaliel said: On the seventh, which is fifteen days after the Festival,⁴ so that the last of the pilgrims in Eretz Yisrael⁵ can reach the river Euphrates.⁶—Rab H. Joseph: There is no difficulty. The latter refers to the days of the First Temple, the former [sc. our Mishnah] to the Second. During the First Temple, when the Israelites were extremely numerous, as it is written of them, Judah and Israel were many, as the sand which is by the sea in multitude,⁷ such a long period was required.⁸ But during the Second Temple, when the Israelites were not very numerous, as it is written of them, The whole congregation together was forty and two thousand three hundred and threescore,¹ such a long time was unnecessary. Thereupon Abaye protested to him: But is it not written, So the priests and the Levites, and the porters, and the singers, and some of the people and the Nethinims, and all Israel, dwelt in their cities?² and that being so, the logic is the reverse. During the first Temple, when the Israelites were very numerous, the people united [for travelling purposes], and caravan companies were to be found travelling day and night, so long a period was unnecessary, and three days were sufficient. But during the second Temple, when the Israelites were not very numerous, the people did not join together [for travelling], and caravan companies were not available for proceeding day and night, this long period was necessary!—Raba said: There is no difference between the first Temple and the Second: the Rabbis did not put one to unreasonable trouble in respect of a lost article.

Rabina said: 'This [sc. our Mishnah] proves that when the proclamation was made, [the loss of] a garment was announced.¹ For should you think, a lost article was proclaimed [unspecified], another day should have been added to enable one to examine his belongings! Hence it follows that [the loss of] a garment was proclaimed. This proves it. Raba said: You may even say that a mine loss was proclaimed: the Rabbis did not put one to unreasonable trouble in respect of a lost article.

Our Rabbis taught: At the first Festival [of proclamation] it was announced: 'This is the first Festival;' at the second Festival it was announced: 'This is the second Festival;' but at the third a simple announcement was made.⁴ Why so; let him announce: 'Is it the third Festival?'—So that it should not be mistaken for the second.³ But the second, too. [186] one might mistake for the first. In any case, the third is still to come.⁶

¹ Ezz. II. 64. ² Neh. VII. 71. [So that they thus lived scattered 'in their (former) home' despite their paucity in numbers.] (1) I.e., the actual article lost, the claimant having to submit identification marks. (4) Without stating that it was the third time of proclamation. But the first and second had to be specified, so that the loser should know that he still had a third, and not be compelled to hurry back home. (5) Through faulty hearing. (6) Even if a mistake is made, no harm is done.
Our Rabbis taught: In former times, whoever found a lost article used to proclaim it during the three Festivals and an additional seven days after the last Festival, three days for going home, another three for returning, and one for announcing. After the destruction of the Temple—may it be speedily rebuilt in our own days—it was enacted that the proclamation should be made in the synagogues and schoolhouses. But when the oppressors increased, it was enacted that one's neighbours and acquaintances should be informed, and that sufficed. What is meant by 'when the oppressors increased'?—They insisted that lost property belonged to the king.

R. Ammi found a purse of denarii. Now, a certain man saw him displaying fear, whereupon he reassured him, 'Go, take it for thyself: we are not Persians who rule that lost property belongs to the king.'

Our Rabbis taught: There was a Stone of Claims in Jerusalem: whoever lost an article repaired it there, and whoever found an article did likewise. The latter stood and proclaimed, and the former submitted his identification marks and received it back. And in reference to this we learnt: Go forth and see whether the Stone of Claims is covered.

MISHNAH. If he [the claimant] states the article lost, but not its identification marks, it must not be surrendered to him. But if he is a cheat, even if he states its marks of identification, it must not be given up to him, because it is written, and it shall.

GEMARA. It has been stated: Rab Judah said: He proclaims, [I have found] a lost article. 'R. Nahman said: He proclaims, [I have found] a garment.' Rab Judah said: He proclaims a lost article, for should you say that he proclaims a garment, we are afraid of cheats. 'R. Nahman said: He proclaims a garment;' for 'we do not fear cheats, as otherwise the matter is endless.'

We learnt: If he states the article lost, but not its identification marks, it must not be surrendered to him. Now, if you say that he proclaims a loss, it is well: we are thus informed that though he states that it was a garment, yet since he does not submit its identification marks, it is not returned to him. But if you say that he proclaims a garment, then if one [the finder] states that it was a garment, and the other [the claimant] states likewise, a garment, is it necessary to teach that it is not returned to him unless he declares its marks of identification?—Said R. S. Safran: After all, he proclaims a garment. [The Mishnah means that] he [the finder] stated [that he had found] a garment, whilst the other [the claimant] submitted identification marks. What then is meant by 'he did not state its identification marks'?—He did not state its perfect identification marks.

But if he is a cheat, if he states its identification marks, it must not be given up to him. Our Rabbis taught: At first, whoever lost an article used to state its marks of identification and take it. When deceivers increased in number, it was enacted that he should be told, 'Go forth and bring witnesses that thou art not a deceiver; then take it.' Even as it once happened that R. Papa's father lost an ass, which others found. When he came before Rabbah son of R. Huna, he directed him, 'Go and bring

1 V. Mishnah. 2 This phrase has become liturgical. 3 That was Persian law, which the Jews felt justified in secretly resisting. 4 [Var. lec., 'Stone of the erring (loose).'] On the attempt to localize the stone, v. J. N. Sepp. ZDPV. II, 49. 5 So Rashi. Lit., 'is dissolving.' The story is related in Tan. 190 of a certain Honi who prayed for rain so successfully that he was asked to reverse his prayer, more than enough having fallen. To which he answered, 'Go forth and see whether the Claimants' Stone is already covered with water, in which case I will pray for the rain to cease.' 6 I.e., where the claimant is known to be one in general; but v. Gemara on this.
witnesses that you are not a fraud, and take it.' So he went and brought witnesses. Said he to them, 'Do you know him to be a deceiver?'—'Yes', they replied. 'I, a deceiver!' he exclaimed to them. 'We meant that you are not a fraud,' they answered him. 'It stands to reason that one does not bring [witnesses] to his disadvantage,' said Rabbah son of R. Huna.

Mishnah. Everything [sc. an animal] which works for its keep must be kept by the finder and earn its keep. But an animal which does not work for its keep must be sold, for it is said, and thou shalt return it unto him; [which means], consider how to return it unto him. What happens with the money? R. Tarfon said: He may use it, therefore if it is lost, he bears responsibility for it. R. Akiba maintained: He must not use it; therefore if it is lost, he bears no responsibility.

Gemara. For ever!—Said R. Nahman in Samuel's name: Until twelve months [have elapsed]. It has been taught likewise: As for all animals which earn their keep, e.g., a cow or an ass, he [the finder] must take care of them for twelve months; after that he turns them into money, which he lays by. He must take care of calves and foals three months, sell them and lay the money by. He must look after geese and cocks for thirty days, sell them and put the money by. R. Nahman b. Isaac observed: A fowl ranks as large cattle. It has been taught likewise: As for a fowl and large cattle, he must take care of them twelve months, then sell them and put the money by. For calves and foals the period is thirty days, after which he sells them and lays the money by. Geese and cocks, and all which demand more attention than their profit is worth, he must take care of for three days, after which he sells them and lays the money by. Now this ruling on calves and foals contradicts the former one, and likewise the rulings on geese and cocks are contradictory.—The rulings on calves and foals are not contradictory: the former refers to grazing animals; the latter to those that require feeding stuffs. The rulings on geese and cocks are likewise not contradictory: the former refers to large ones, the latter to small.

But an animal which does not work for its keep. Our Rabbis taught: And thou shalt return it unto him: deliberate how to return it unto him, so that a calf may not be given as food to other calves, a foal to other foals, a goose to other geese, or a cock to other cocks.

What happens with the money? R. Tarfon said: He may use it etc. Now, this dispute is [29a] [apparently] only if he [the finder] did use it. But if not, [all would agree] that if it is lost, he is free [from responsibility]. Shall we say that this refutes R. Joseph? For it has been stated. A bailee of lost property: Rabbah ruled, he ranks as an unpaid bailee; R. Joseph maintained, as a paid bailee. R. Joseph can answer you. As for theft and loss, all agree that he is responsible. They differ only in respect to unavoidable accidents, for which a borrower [alone is responsible]. R. Tarfon holds: The Rabban permitted him [the finder] to

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(1) Therefore the witnesses can withdraw their testimony, though normally this is forbidden. But in this case it is evident that they thought that he had asked, 'Do ye know that he is not a deceiver?' which was the usual form of the question. (2) Lit., 'does and eats.' (3) Ibid. (4) But if the finder keeps it and then charges the loser with its keep, it may exceed its actual worth, and so the return will be a loss. (5) The advantage that he enjoys in that he may use it makes him a paid bailee. (6) Surely the finder need not keep the animal indefinitely, even if it does earn its keep! (7) And must be kept a twelfth month.
use it, therefore he is a borrower in respect thereto. Whilst R. Akiba holds that the Rabbis did not permit him to use it, therefore he is not a borrower in respect thereto. If so, why does R. Akiba say 'therefore'? For if you agree that they differ concerning theft and loss, it is well; hence it is taught. R. Akiba maintained, he must not use it; therefore if it is lost he bears no responsibility. For I might think he is a paid bailee, in accordance with R. Joseph's view, and responsible for theft and loss; hence we are informed, 'therefore' [etc.]. i.e., since you say that he may not use it, he is not a paid bailee, nor is he responsible for theft and loss. But if you say that all agree that he is responsible for theft and loss, whilst they differ only in respect of [unpreventable] accidents, for which a borrower [alone is responsible], what is the meaning of R. Akiba's 'therefore'? Surely he [the Tanna] should have stated thus: R. Akiba maintained, he must not use it [and no more]; then I would have known myself that since he may not use it, he's not a borrower, hence not responsible. What then is the need of R. Akiba's 'therefore'?

On account of R. Tarfon's 'therefore'. And what is the purpose of R. Tarfon's 'therefore'? He means this: Since the Rabbis permitted him to use it, it is as though he had done so, and he is [therefore] held responsible for it. But it is taught: [IF] IT IS LOST! [29b] It is in accordance with Rabbah; for Rabbah said [elsewhere]: They were stolen by armed robbers: whilst lost means that his ship founder at sea.

Rab. Judah said in Samuel's name: The halachah is as R. Tarfon. Rehah had in his charge an orphan's money. He went before R. Joseph and enquired, 'May I use it?' He replied, 'Thus did Rab Judah say in Samuel's name, The halachah is as R. Tarfon.' Thereupon Abaye protested, But was it not stated thereon: R. Helbo said in R. Huna's name: This refers only to the purchase price of a lost article, since he took trouble therein, but not to

(i) The question is a straightforward one, though put with a good deal of unnecessary circumlocution. Rabinovici, D.S. a.d., suggests this to be an interpolation of Jehudai Gaon. (2) I.e., for the sake of balancing the Mishnah. (3) Even if he does not use it. (4) How then can it refer to unpreventable accidents? (5) These are unpreventable, v. infra 43a. (6) Before selling it he had

money which was itself lost property: and these are likewise as lost money?—Go then, said he to him; they do not permit me to give you a favourable ruling.

MISHNAH. If one finds scrolls, he must read them every thirty days; if he cannot read, he must roll them. But he must not study [a subject] therein for the first time. Nor may another person read with him. If one finds a cloth, he must give it a shaking every thirty days, and spread it out for its own benefit [to be aired], but not for his honour. Silver and copper vessels may be used for their own benefit, but not [so much as] to wear them out. Gold and glassware may not be touched until Eliahu comes. If one finds a sack or a basket, or any object which is undignified for him to take, he need not take it.

GEMARA. Samuel said: If one finds phylacteries in a sack, he must immediately turn them into money [i.e., sell them] and lay the money by. Rabina objected: If one finds scrolls, he must read them every thirty days; if he cannot read, he must roll them. Thus, he may only roll, but not sell them and lay the money by!—Said Abaye: Phylacteries are obtainable at Bar Habu, whereas scrolls are rare.
Our Rabbis taught: If one borrows a Scroll of the Torah from his neighbour, he may not lend it to another. He may open and read it, providing, however, that he does not study [a subject] therein for the first time; nor may another person read it together with him. Likewise, if one deposits a Scroll of the Torah with his neighbour, he [the latter] must roll it once every twelve months, and may open and read it; but if he opens it in his own interest, it is forbidden. Synnachus said: In the case of a new one, every thirty days; in the case of an old one, every twelve months. R. Eliezer b. Jacob said: in both cases, every twelve months.

The Master said: 'If one borrows a Scroll of the Torah from his neighbour, he may not lend it to another.' Why particularly a Scroll of the Torah? surely the same applies to any article? For R. Simeon b. Lakish said: Here Rabbi has taught that a borrower may not lend [the article he borrowed], nor may a hirer re-hire [to another person]!—It is necessary to state it in reference to a Scroll of the Torah. I might have said, One is pleased that a precept be fulfilled by means of his property: therefore we are informed [otherwise].

'He may open and read it.' But that is obvious! Why else then did he borrow it from him?—He desires to state the second clause: 'providing, however, that he does not study [a subject] therein for the first time.'

Likewise, if one deposits a Scroll of the Torah with his neighbour, he [the latter] must roll it once every twelve months, and may open and read it. What business has he with it? Moreover, 'if he opens it in his own interests, it is forbidden; 'but have you not said, 'He may open and read it'!—It means this: If when rolling it he opens and reads it, that is permitted; but if he opens it in his own interests, it is forbidden.

'Synnachus said: In the case of a new one, every thirty days;

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(1) 'Here' refers to a Mishnah in Git. (29a) from which Reish Lakish deduced this. (2) But the same certainly applies even with greater force to other articles. (3) It was assumed that he may open and read it for his own purpose, since it was already taught once that he rolls it every twelve months for its own benefit; but how may one use a bailment in his own interests?
objection to an earthenware one. And even of a metal utensil, this holds good only if it [the water] is unboiled; but if it is boiled, it does not matter. Moreover, that is only if he throws no speck wood therein; but if it does, there is no objection.

R. Johanan said: If one is left a fortune by his parents, and wishes to lose it, let him wear linen garments, use glassware, and engage workers and not be with them. 'Let him wear linen garments'—this refers to Roman linen; 'use glassware'—viz., white glass; 'and engage workers and not be with them'—refer this [verse] to [workers with] oxen, who can cause much loss. 4

And spread it out for its own benefit, but not for his honour. The scholars propounded: What if it is for their mutual benefit?—Come and hear: He may spread it out for its own benefit; this proves, only for its own benefit, but not for their mutual benefit!—Then consider the second clause: but not for his honour; thus, it is forbidden only for his own honour, but permitted for their mutual benefit! Hence no inference can be drawn from this.

Come and hear: He may not spread it [a lost article] upon a couch or a frame for his needs, but may so in its own interests. If he was visited by guests, he may not spread it over a bed or a frame, whether in his interests or in its own!—There it is different, because he may thereby destroy it, either through an [evil] eye or through thieves.

Come and hear: If he took it [the heifer] into the team and it [accidentally] did some threshing, it is fit; 5 but if it was in order that it should suck and thresh, it is unfit. 6 But here it is for their mutual benefit, and yet it is taught that it is unfit!—There it is different, because Scripture wrote, which hath not been wrought with under any condition. If so, the same should apply to the first clause too? 7 This [then] can only be compared to what we learn: If a bird rested upon it [the red heifer], it remains fit; 8 but if it copulated with a male, it becomes unfit. 9 Why so?—In accordance with R. Papa's dictum. For R. Papa said: Had Scripture written 'abed,' and we read it 'abed,' I would have said [that the law holds good] even if it were of itself; 6 whilst if it were written 'abed,' and we read it 'abed,' I would have said, [It becomes unfit] only if he himself wrought with it. Since, however, it is written 'abed' [active], whilst read 'abed' [passive], 8 we require that 'it was wrought with' shall be similar to 'he wrought with it'; 9 just as 'the wrought with it' must mean that he approved of it, so also 'it was wrought with' refers only to what he approved. 10

Silver and copper vessels may be used, etc. Our Rabbis taught: If one finds wooden utensils he may use them, to prevent them from rotting; copper vessels, he may use them with hot [matter], but not over the fire, because that wears them out; silver vessels, with cold [matter], but not with hot, because that tarnishes them; trowels and spades, on soft [matter], but not on hard, for an heifer wrought with, and which hath not been in the yoke' (v. 3). Though this heifer had done some threshing, it remains fit, because it had been taken into the team to feed, not to thresh.

(1) Lit., 'much money.' 4 (2) [i.e., manufactured, not grown, in Rome; v. Krauss, 5 (3) Which was rare and costly. (4) On the difficulty of the process for producing colourless glass among the ancients, v. Krauss, op. cit. II, 286. (5) Either by failing to plough up the land properly, so that the subsequent crop is a poor one (Tosaf.), or through carelessly driving the ox carts over the crops when engaged in reaping or vintageing, and so causing damage both to oxen and plants (Rashi). 5 (6) Lev. xxv. 36. Thus proving that he may not use it for their mutual benefit. 6 (7) Lit., 'burn it.' (8) Of three or four cows used for threshing; his purpose was that it should suck. (9) To be used to make atonement for a murder by an unknown person. V. Deut. XXII, 1-9. The heifer had to be one 'which hath