

THE REMNANT AND THE RELIC

From the Books of Commandments of the Early Karaites



COMPILED BY
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THE KARAITE PRESS



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Introduction from The Karaite Press

ABOUT THE TRANSLATOR: Zahava Yod, a pen name, grew up in an Orthodox Jewish household. Over the last few years, she has been exploring Karaite Judaism as her preferred form of Judaism. Fluent in Hebrew, she presents her first foray into translating medieval texts. In that regard, she is thankful to the countless academics and laypersons who reviewed this translation, provided insight into the dialect and theology of Ḥakham Binyamin al-Nahawandi and Ḥakham Daniel al-Kumisi, and annotated the translation with copious explanatory footnotes.

ABOUT THIS EDITION: This volume presents for the first time in English the surviving fragments of the *Books of Commandments* of Ḥakham Binyamin al-Nahawandi and Ḥakham Daniel al-Kumisi. These individuals were two outstanding figures who shaped the growing Karaite movement in the 9th century CE.

There no longer exist any manuscripts of the complete *Books of Commandments* by Ḥ' al-Nahawandi and Ḥ' al-Kumisi. This volume is, instead, a collection of the passages in which later Karaite scholars *quoted* from these respective *Books of Commandments*. The excerpts were originally compiled by the prominent Russian Jewish orientalist Albert (Abraham) Harkavy, who published them in St. Petersburg in 1903 as appendices to his edition of Ḥ' Anan ben David's *Book of Commandments*. Harkavy named his publication *The Remnant and the Relic from the Books of Commandments of the Early Karaites (of Anan the Prince, Binyamin al-Nahawandi and Daniel al-Kumisi)*.¹

¹ This publication does not include the *Book of Commandments* of Anan ben David. We have accordingly dropped “Anan the Prince” from the title of this publication. The title that Harkavy chose for his publication might be more literally translated as “what survived and what escaped . . .,” which may be a reference to Joshua 8:22: *And these [am-*

The nature of the collection is such that the passages are somewhat random and therefore do not give a comprehensive view of the original works. Nevertheless, precisely because the originals have been lost, this is a crucial collection for understanding the formative stage of the Karaite legal tradition.

NOTE ON THE HEBREW TEXT: The Hebrew text of this edition was copied from Harkavy's *Hasarid Veba-palit* (*Zikhron La-rishonim*, issue 8), St. Petersburg, 1903. Harkavy's text included numerous Hebrew footnotes. We have not retyped or translated those footnotes; where we deemed necessary, the substance of Harkavy's notes are reflected in the English footnotes of this publication.² There are a number of instances in which Harkavy's text presents a citation of a Biblical verse that differs from the Biblical text that we have; in all these instances, we have preserved Harkavy's text, because these fragments are important historical documents, but we have indicated this discrepancy in a footnote in the English translation. However, in two instances, both in the same sentence, Harkavy's discrepancies from the Biblical text yield nonsense, and are clearly due to a mistake, whether in the manuscript that he was using, a typographical error in Harkavy's own printing, or some other cause. These are in *H' al-Nahawandi* §30: (i) Scripture

bushers] came forth out of the city against [Israel]; and they were in the midst of Israel, some on this side and some on that side; and [Israel] smote them, so that no survivor or escapee remained. These words appear also in Lamentations 2:22 (in reverse order): And there was none in the day of the Lord's anger that escaped or remained.

- 2 We also note that Harkavy's published text contains numerous places where Hebrew text appears in brackets. For example, in Section 3(a), the Hebrew text would have brackets around the words "the seven days of" in the phrase "during seven days of Passover." For our translation, we have rendered the text without brackets. Similarly, we have retained the Hebrew paragraph structure in our publication of Harkavy's Hebrew text, but we have added paragraph breaks to our English translation for the benefit of the modern English reader.

(2 Chronicles 30:19) reads הכין לדרוש, *that setteth his heart to seek*, whereas Harkavy's text reads הכי לדרוש, which would mean, very unidiomatically, "such an extent to seek"; and (ii) in the same section, Scripture (2 Chronicles 30:18) reads אכלו את הפסח, *did they eat the passover*, whereas Harkavy's text reads אכלו אתן הפסח, which would mean, again unidiomatically, "they ate along with themselves [feminine plural] the passover." In these two instances, we have corrected the Biblical text.

Finally, Harkavy's text is presented with only very occasional vowel signs; his manuscripts probably would have contained no vowel signs at all. We have provided the text with full vocalization, in order to make the text more readable to today's readers. Because we have added vowel signs, we have normalized the spelling in a few places, omitting instances of vav and yud that would be extraneous when vowels are included. In all these cases, the normalization has been very minor and trivial; however, in one instance, Nahawandi §1, Harkavy's text uses the spelling בוקרים for "mornings"; this reflects the pronunciation בְּקָרִים, as opposed to the customary בְּקָרִים, and our vocalization reflects the presence of the vav, even though we have normalized the spelling by removing the vav.

ABOUT Ḥ' AL-NAHAWANDI AND Ḥ' AL-KUMISI: Ḥ' al-Nahawandi and Ḥ' al-Kumisi³ came from the region known today as Iran, which in their time had been under Arab Islamic rule for two centuries.

In the time of Ḥ' al-Nahawandi (first half of the ninth century) and Ḥ' al-Kumisi (second half of the ninth century), the

3 As his name suggests, Ḥ' al-Nahawandi was from the town of Nahawand (known today as Nahavand). Ḥ' al-Kumisi is also known in Karaite literature as al-Damaghani, suggesting he was from the city of Damghan. The city of Damghan itself was at various times called Kumis, especially in early Islamic literature. Kumis was a province in Islamic Persia, and Damghan was its administrative capital.

Jewish intellectual discourse was dominated by the rabbis, known as *geonim*, based in Babylonia (present-day Iraq). These were the direct successors of the rabbis who, over the previous five centuries, had codified the Babylonian Talmud, the text that became the cornerstone of rabbinic Judaism from that time until the present day. At the same time, the reins of Jewish political power belonged to the exilarch (*resh galutha*), who in general had close ties with both of the geonic academies as well as the ruling Abbasid caliphate.

Despite the dominance of rabbinic Judaism, it did not go unchallenged. Perhaps the most famous of the dissenters is Ḥ' Anan ben David, who was active in Baghdad in the century preceding Ḥ' al-Nahawandi and Ḥ' al-Kumisi. In later Karaite historical writings, Ḥ' Anan became recognized as the first scholar to reject the authority of the rabbis and to call for a return to Scripture. Nevertheless, Ḥ' Anan was also censured by later Karaite *hakhamim* – especially by Ḥ' al-Kumisi – for remaining too close to the exegetical methods and the rulings of the rabbis. Initially, the descendants and followers of Ḥ' Anan were not known as Karaites but rather as Ananites. In addition to this group, numerous other non-rabbinic sects arose in the late 8th century and the first half of the 9th century. These flourished in Persia especially, far from the centers of rabbinic discourse.

It was none other than the judge Ḥ' Binyamin al-Nahawandi, who, after studying under a leading scholar in the Ananite school and coming to endorse a deeply individualistic approach to the Tanakh, brought about a union between the Ananites and these diverse non-rabbinic sects. It was also he who first used the term “Karaite” (*bené miqra* or *ba'alé miqra*). Despite the period's ongoing consolidation of non-Rabbanite movements into the growing Karaite movement, the adherents to the philosophies and decisions of Ḥ' al-Nahawandi are often referred to as “Benjaminites.”

After Ḥ' al-Nahawandi, the next leader to arise in the Karaite

community was the charismatic preacher Ḥ' Daniel al-Kumisi, who, as the head of the Mourners of Zion, migrated to Jerusalem around 880 CE and established a Karaite community there over the next two decades. With Ḥ' al-Kumisi and his followers, the center of gravity of Karaite Judaism moved westward from Babylonia to Palestine. Ḥ' Al-Kumisi is most famous today for his commentary on the Twelve Minor Prophets and for a sermon that he sent to the Karaite communities of the diaspora, calling upon them to return to Jerusalem to devote themselves to mourning and prayer. Ḥ' Al-Kumisi's zeal is apparent in his writings no less than in his communal leadership. Whereas rabbinic language and modes of interpretation persisted in the writings of Ḥ' Anan and Ḥ' al-Nahawandi, Ḥ' al-Kumisi broke far more thoroughly with his rabbinic predecessors, ushering in a new period of uniquely Karaite exegetical methods.

Underscoring the unique historical position of both Ḥ' al-Nahawandi and Ḥ' al-Kumisi is the Hebrew language of these texts. Before this time, the default language of Jewish legal literature was Aramaic: Anan himself wrote his *Book of Commandments* in the same Aramaic dialect used by the rabbis. After this time, the primary language used by Karaite scholars became Judaeo-Arabic (Arabic written in Hebrew characters), while rabbinic scholars favored Hebrew over Judaeo-Arabic. Ḥ' al-Nahawandi and Ḥ' al-Kumisi wrote in Hebrew, albeit with strikingly different styles from one another. Whereas Ḥ' al-Nahawandi drew extensively on rabbinic phrases and methods of argumentation, Ḥ' al-Kumisi used a highly idiosyncratic form of the language, occasionally glossing obscure Hebrew vocabulary in Persian or Arabic.

Many of the interpretations and legal rulings of Ḥ' al-Nahawandi and Ḥ' al-Kumisi found in this book will be familiar to readers acquainted with Karaite religious practice. In other instances, their positions were not accepted by later Karaite

scholars, who thus fulfilled the spirit of al-Nahawandi's statement, "I am Binyamin, one out of many thousands and tens of thousands. *I am no prophet, neither am I the son of a prophet* (Amos 7:14)." Yet whatever the fates of their specific rulings, Ḥ' Binyamin al-Nahawandi and Ḥ' Daniel al-Kumisi both had a tremendous impact on the early stages of the unified Karaite movement. Their influence reverberates down to the present day.

In the same spirit of intellectual openness captured so aptly by Ḥ' al-Nahawandi, the Karaite Press notes that the original Hebrew of Ḥ' al-Nahawandi and Ḥ' al-Kumisi is often very difficult. Where the language is ambiguous, we have endeavored either to preserve the ambiguity in the translation or to identify the ambiguity in a footnote. Yet, in other cases, translation necessitated imposing one of several possible interpretations on the text. Readers who understand Hebrew are therefore encouraged to read the original texts, which are presented side by side in this edition, and they are invited to reach their own understandings of the words of these *ḥakhamim*.

All readers, regardless of language ability, are strongly encouraged to keep a Tanakh close at hand while reading this book. While this book could certainly be read cover to cover, The Karaite Press humbly suggests that its true value lies in empowering the reader to access and to deeply ponder the words of the Tanakh, inspired by the examples of Ḥ' Binyamin al-Nahawandi and Ḥ' Daniel al-Kumisi.⁴

4 The Karaite Press is indebted to the work of scholars in the field of Karaitica. The information in this introduction was culled primarily from the following sources: (i) Nemoy, Leon. 1976. "The Pseudo-Qumisian Sermon to the Karaites." *Proceedings of the American Academy for Jewish Research* 43: 49–105; (ii) Polliack, Meira. 2003. *Karaite Judaism: A Guide to Its History and Literary Sources*. Leiden; Boston: Brill.

מספר המצוות

להחכם בנימין הנהאונדי

FROM THE BOOK OF MIZVOTH

by Hakham Binyamin Ha-nahawandi

מספר המצות לבנימין הנהאונדי

(ובעברית: אלנהאונדי) הדין לבני מקרא.

1. אצל מחבר בלתי נודע בשמו.

א. (קול בנימין פי ספר מצות אלדי לה מאמר בנימין בספר מצות שלו):

וזמן בקר משיאור העולם ועד שיזרח השמש, שנאמר הבקר אור והאנשים שלחו (בראשית ט:א). ואומר וכאור בקר יזרח שמש (שמואל ב כג:ד); אומר: כמו אור בקר, כך השמש - מלמד שהאור בקר, לא זריחת שמש הוא. ואומר והשבתם בבקר ואור לכם ולכו (שמואל א כט:י). הולך מן שיאור העולם עד שיזרח השמש. שנאמר והיה בבקר כזרח השמש תשכים ופשתת על העיר (שופטים ט:א). זה תכלית בקר, שכך הוא אומר תכלית בקר בעת זריחת שמש.

(וקד קאל פי תפסיר בראשית וכבר אמר בפרוש בראשית):

שלשה בקרים בו ביום ברא שדי. בקר ראשון הוא עלות השחר. שנאמר וידעו אותה ויתעללו בה כל הלילה עד הבקר

From *The Book of Mizvoth* by Binyamin Ha-nahawandi

Known in Arabic as al-Nahawandi,
the Judge of the Karaite Community

1. From the writings of someone unknown:

I. An excerpt from Binyamin's *Book of Mizvoth*:

The time of morning is from the time the world lightens until the time the sun shines, as it is said, *As soon as the morning was light, the men were sent away* (Genesis 44:3).¹ It also says, *And as the light of the morning, when the sun riseth . . .* (2 Samuel 23:4), which is saying that *the light of the morning* is similar to *the sun* – which teaches that *the light of the morning* is not [identical to] the rising of the sun.² It also says, *As soon as ye are up early in the morning, and have light, depart* (1 Samuel 29:10). From this we discern [that the time of morning] is from the time the world lightens until the shining of the sun. As it is said, *And it shall be, that in the morning, as soon as the sun is up, thou shalt rise early, and set upon the city* (Judges 9:33). This refers to the end of the morning, as it implies that the end of the morning is at the time of the shining of the sun.

As [Binyamin] said in his commentary on Genesis:

On that day, God created three mornings. The first morning is daybreak [*'aloth ha-shaḥar*]. As it is said, [*But the men would*

¹ Implying an equivalence between *boqer* (morning) and *or* (light).

² This is a verse from a very challenging Biblical poem. It is difficult to fully grasp H' Binyamin's interpretation of the verse; he seems to be reading the verse as something like: *When the morning light becomes brighter through the shining of the sun*, which implies that there is already morning before the actual sun shines.

וְשִׁלְחוּהָ בְעֵלוֹת הַשָּׁחַר. וְתָבֵא הָאִשָּׁה לַפְּנוֹת בְּקָדָר וּג' וַיִּקַּם אֲדֹנֶיהָ
בְּבִקְרָה (שופטים יט:כו-כז). אָמַר כָּל הַלְיֵלָה עַד הַבִּקְרָה, וְאָמַר פְּעֻלוֹת
הַשָּׁחַר. מְלֻמֵּד שֶׁבִקְרָה רָאשׁוֹן הוּא עֵלוֹת הַשָּׁחַר, וְהוּא לַפְּנוֹת
הַשָּׁנִי. יֵאמָר עַד הָאֹר. וְאָמַר וַיִּקַּם אֲדֹנֶיהָ בְּבִקְרָה. לְלַמְדֵּךְ שֶׁבִקְרָה
שָׁנִי הוּא בְּקָרָה אֹר. וְאָמַר הַבִּקְרָה אֹר וְהָאֲנָשִׁים שְׁלָחוּ. בְּקָרָה שְׁלִישִׁי
הִיא עֵת זְרִיחַת הַשָּׁמֶשׁ. שֶׁנֶּאֱמַר וְהָיָה בְּבִקְרָה כְּזֶרַח הַשָּׁמֶשׁ תִּשְׁכַּח
וּפְשִׁטָּתָה עַל הָעֵדִיר (שופטים ט:לג).

2. אֶצֶל הַחֲכָם יִפֹּת בֶּן עֲלֵי הַלְוִי (וּבַעֲרַבִּית אָבִו עֲלֵי חֶסֶן
אֶלְלָאוּ) בְּפָרוּשׁ תָּרִי עֶשֶׂר בְּתַרְגוּמוֹ הָעֵבְרִי.

א. (וְאָמַר בְּנִימִין ז"ל בְּאַחַת מִסְפָּרוֹ: אֲנִי בְנִימִין אֶחָד מֵאֶלְפִים
וְרַבֵּי רַבּוֹת לֹא דְבַרְתִּי. וְלֹא נִבְיָא אֲנֹכִי וְלֹא בֶן נִבְיָא [וכו']). (וְכֵן
כָּל) חֲכָם מִן הַקְּרָאִים לֹקַח זֶה הַדְּרָךְ וְכֹתְבוֹ מֵה שֶׁהִתְבּוֹנְנוּ
כִּי הוּא אֱמֶת. וְצוּוּ לְאֲנָשִׁים לְהִבְחִין וּלְנַחֵת. וַיֵּשׁ שִׁיחֲלִיף אַח

*not hearken to him; so the man laid hold on his concubine, and brought her forth unto them;] and they knew her, and abused her all the night until the morning; and when the day began to spring [ka-'aloth ha-shaḥar], they let her go. Then came the woman in the dawning of the day³ [and fell down at the door of the man's house where her lord was, till it was light]. And her lord rose up in the morning (Judges 19:25–27). It says, *all the night until the morning*, and it says, *when the day began to spring*. This teaches that the first morning is daybreak, which occurs before the second morning. It says, *till it was light* [*ad ha-'or*], and it says, *And her lord rose up in the morning* [*ba-boqer*]: this teaches that the second “morning” is the morning of light [*boqer or*]. And it says: *As soon as the morning was light, the men were sent away* (Genesis 44:3). The third “morning” is the time of the shining of the sun. As it is said, *And it shall be, that in the morning, as soon as the sun is up, thou shalt rise early, and set upon the city* (Judges 9:33).*

II. From the Ḥakham Yefeth Ben 'Eli the Levite (known in Arabic as Abu 'Ali Ḥasan al-Lāwī) in the Hebrew translation of his commentary on the Twelve Minor Prophets.

I. Binyamin (of blessed memory) said in one of his books:⁴

I am Binyamin, one out of many thousands and tens of thousands.⁵ *I am no prophet, neither am I a prophet's son* (Amos 7:14).

[Yefeth continues:] The *ḥakhamim* of the Karaites follow this path, writing what they determine to be true through their contemplations. And they charge a page all people to discern [the

3 Harkavy's text reads *boqer*, “morning,” whereas the Biblical text reads *ha-boqer*, “the morning.”

4 Harkavy emends to *ba-ḥathimath sifro*, “at the conclusion of his book,” based on Ḥ' Yefeth's original Arabic text.

5 Harkavy's Hebrew text has the words “I have not spoken” here, but Harkavy has a note saying that they do not appear in all witnesses to this text, and that they make no sense.

על אחיו וכן על אב. ולא אמר האב למה החלפת דברי. וכן התלמיד למלמד. ולכן יצאו מידי חובה והם נצולים מלפני ד'. ואף-על-פי שייעבור מהם שגגה במקצת דבריהם וספריהם. ויש להם שכר גדול על אשר גלו והאירו עיני האנשים.)

3. אצל החכם ישועה בן יהודה (פ"פ) בפרוש התורה.

א. (פלאם יסיר לבנימין רחמה אללה דברה והו מתפלס פי סדר מועדים פי החדש הזה לכם. קאל דבר קצר מבנימין ירחמהו אל, שזכר בסדר מועדים בדברו אודות החדש הזה לכם (שמות יב:ב). אמר:)

ואם בשל קציר שעורים בחדש ניסן, כדי שיוכלו להקריב ממנו עמר בתוך שבועת ימי הפסח, השנה כסדורה. ואם לא בשל קציר [שעורים בחדש ניסן] מעברין חדש... לניסן כדי שיבשל קציר [שעור]ים שמקריבין ממנו [עמר] בתוך [שבועת ימי] הפסח, וכל השנה מ[עברת]. ומתחדשים שני חדשים, ראש חדש ניסן וראש חדש תשרי, עם חדוש ירח. שהם חדשי מועדים, וירח לתקנת מועדים נברא. שנאמר עשה ירח למועדים (תהלים ט:ט). כל מועדי יי בניסן ובתשרי הם; לפיכך עם חדוש ירח מתחדשים. ואם יהי עב, יתנהג כסדורו גם ניסן וגם תשרי.

truth for themselves].⁶ It may happen that a man contradicts his brother, or a son contradicts his father, and the father will not respond, “How can you disagree with me?” So too a student with his teacher. In this manner, they fulfill their duty and achieve salvation from God. Despite errors in some of their sayings and writings, they have earned a great reward, because they have uncovered and illuminated the eyes of the people.

III. From the Ḥakham Yesu’a Ben Yehuda
in his commentary on the Torah:

- I. A short statement by Binyamin (may God have mercy upon him) in his discussion of the order of the festivals. Referring to the verse, *This month shall be unto you* (Exodus 12:2), he said:

If the barley harvest has ripened enough in the month of Nisan to be used for the ‘omer offering during the seven days of Passover,⁷ the year is regular. But if the barley harvest has not ripened in the month of Nisan, we intercalate a month . . . for Nisan so that the barley harvest will ripen enough to be used for the ‘omer offering during the seven days of Passover, and the whole year is a leap year.

Two months begin with the renewal of the moon: the new moon of Nisan and the new moon of Tishri, for these are the months of the festivals, and the moon was created for the purpose of establishing the festivals [*mo’adim*], as it is said, *He appointed the moon for seasons* [*mo’adim*] (Psalms 104:19). All the festivals of God are in Nisan and Tishri; therefore, these are the months that begin with the renewal of the moon. But if there is a cloud

6 Harkavy’s Hebrew text adds *ve-linḥoth*, “and to guide” (cf. Ex. 13:17), but Harkavy notes that this is not found in Ḥ Yefeth’s original Arabic.

7 The “seven days of Passover” refers to the Biblical Festival of Mazzoth (or the Festival of Unleavened Bread). The Hebrew in Harkavy’s edition has the word *Pesah*, which (in the Torah) refers only to the passover sacrifice. In post-Biblical times, though, *Pesah* is a common way to refer to the seven-day festival.

ומנין שגם ראשי חֲדָשִׁים מתעבְרִין? שְׁנַאֲמַר וַיִּסְתַּר דָּוִד בַּשָּׂדֶה וַיְהִי הַחֲדָשׁ וַיֵּשֶׁב הַמֶּלֶךְ אֶל הַלֶּחֶם לֶאֱכֹל. וַיֵּשֶׁב הַמֶּלֶךְ עַל מוֹשָׁבוֹ כַּפַּעַם בַּפַּעַם אֶל מוֹשֵׁב הַקִּיר וַיִּקַּם יְהוֹנָתָן וַיֵּשֶׁב אֲבִנֵר מֵצַד שְׂאוֹל וַיִּפְקֹד מְקוֹם דָּוִד. [...] וַיְהִי מִמַּחֲרַת הַחֲדָשׁ הַשְּׁנִי וַיִּפְקֹד מְקוֹם דָּוִד וַיֹּאמֶר שְׂאוֹל אֶל יְהוֹנָתָן בְּנֹו מְדוּעַ לֹא בָּא בֶן יִשָּׁי גַם תָּמוּל גַּם הַיּוֹם אֶל הַלֶּחֶם (שמואל א כ:כד-כז). אָמַר וַיְהִי הַחֲדָשׁ, וַאֲמַר וַיְהִי מִמַּחֲרַת הַחֲדָשׁ הַשְּׁנִי, לְלַמְדֵּךְ שְׁגַם רָאשֵׁי חֲדָשִׁים מִתְעַבְרִין. וַאֲמַר וַיֵּשֶׁב הַמֶּלֶךְ אֶל הַלֶּחֶם לֶאֱכֹל, לְלַמְדֵּךְ שְׁמַתְקִינִים סְעוּדַת חֲבָרִים בְּרָאשֵׁי חֲדָשִׁים. אָמַר וַיֵּשֶׁב הַמֶּלֶךְ אֶל הַלֶּחֶם [...] וַיִּקַּם יְהוֹנָתָן וַיֵּשֶׁב אֲבִנֵר [...] וַיִּפְקֹד מְקוֹם דָּוִד, לְלַמְדֵּךְ שֶׁבַחבֹּרָה מְקוֹם לְכָל אֶחָד וְאֶחָד הָיָה נֶכֶר, זֶה בְּצַד זֶה וְזֶה בְּצַד זֶה. וַאֲמַר מִמַּחֲרַת הַחֲדָשׁ הַשְּׁנִי, שְׁנֵי יָמִים הָיוּ רֹאשׁ חֲדָשׁ; אָמַר גַּם תָּמוּל גַּם הַיּוֹם אֶל הַלֶּחֶם, לְלַמְדֵּךְ שֶׁאֶפְלוּ יְהִיוּ שְׁנֵי יָמִים רֹאשׁ חֲדָשׁ, גַּם אוֹתָם שְׁנֵי הַיָּמִים מִתְקִינִים סְעוּדוֹת חֲבֹרָה.

אָלָא מְנִין לְעֵלָה מְנִין רֹאשׁ חֲדָשִׁים לֹא מוֹנִים אֱלָא מִיּוֹם מַחֲרַת הַחֲדָשׁ הַשְּׁנִי? שְׁלֹא אֶפְשָׁר שְׁמוֹנִים יְמֵי חֲדָשִׁים מִיּוֹם חֲדָשׁ רֵאשׁוֹן, וּמִיּוֹם חֲדָשׁ שְׁנִי יְהִיָּה שְׁנַיִם בְּחֲדָשׁ; שְׁכִינֹן שִׁיְהִיָּה

[obscuring the new moon], Nisan and Tishri are treated as regular months.⁸ How do we know that the new moon itself can be intercalated [by insertion of a leap day]? Because it is said, *So David hid himself in the field; and when the new moon was come, the king sat him down to the meal to eat. And the king sat upon his seat, as at other times, even upon the seat by the wall; and Jonathan stood up, and Abner sat by Saul's side; but David's place was empty. . . . And it came to pass on the morrow after the new moon, which was the second day, that David's place was empty; and Saul said unto Jonathan his son: "Wherefore cometh not the son of Jesse to the meal, neither yesterday, nor to-day?"* (1 Samuel 20:24–25, 27). It says, *When the new moon was come*, and it says, *The morrow after the new moon, which was the second day [of the new moon]*, to teach that the new moon itself can be intercalated. It says, *The king sat him down to the meal to eat*, to teach that one makes a feast with friends on the new moon. It says, *And the king sat him down at the meal [. . .] [And the king sat upon his seat, as at other times, even upon the seat by the wall]; and Jonathan stood up, and Abner sat [by Saul's side . . .]; but David's place was empty*, to teach that each person had a designated place in this gathering, one on this side and one on that side. It says, *on the morrow after the new moon, which was the second day [of the new moon]* – for the new moon was two days – and it says, *[Wherefore cometh not the son of Jesse] to the meal, neither yesterday, nor to-day*, to teach that one makes a feast with friends on both days of a two-day new moon.

How do we know that the numbering of the days for the burnt-offering [of the new moon] begins on the second day rather than the first? It is impossible to start the numbering from the first day, for then the second day of the new moon would be the second

8 "Regular" could mean that the new month does not begin until the following day, when the cloud no longer covers the moon, or that the new month is established based on calculation instead of lunar observation.

שָׁנַיִם בַּחֹדֶשׁ, לֹא רֹאשׁ חֹדֶשׁ חֹדֶשׁ הוּא. לְפִיכֹךְ לֹא מוֹנִיִּים יְמֵי חֹדֶשׁ אֶלָּא מִיּוֹם מַחְרַת הַחֹדֶשׁ הַשְּׁנַיִ, וְגַם קָרְבָן וּתְפִלָּה שֶׁלֹּאֲשׁ חֹדֶשׁ לֹא יִהְיוּ אֶלָּא בְיוֹם מַחְרַת הַחֹדֶשׁ הַשְּׁנַיִ. שְׁנֵאמַר וּבַחֹדֶשׁ הַשְּׁבִיעִי בְּאַחַד לַחֹדֶשׁ מִקְרָא קֹדֶשׁ יִהְיֶה לָכֶם כָּל מְלֹאכֶת עֲבֹדָה לֹא תַעֲשׂוּ יוֹם תְּרוּעָה יִהְיֶה לָכֶם. וַעֲשִׂיתֶם עֲלֶיהָ לְרִיחַ נִיחֹחַ (במדבר כט:א-ב). וְאָמַר: מִלְבַּד עוֹלַת הַתְּמִיד וּג'. לְפִיכֹךְ לֹא מִקְרִיבִים קָרְבָן רֹאשׁ חֹדֶשׁ וּתְפִלָּתוֹ בּוֹ, אֶלָּא בְּאַחַד לַחֹדֶשׁ. וּמוֹנִיִּים יְמֵי חֹדְשֵׁי תְּקוּפֹת שְׁלֹשִׁים יוֹם שְׁלֹשִׁים יוֹם. <וְרֹאשׁ חֹדֶשׁ נִיֶּסֶן.> כָּל שָׁנָה שְׁנַיִם-עָשָׂר חֹדֶשׁ עַד שְׁנַת הַשְּׁשִׁית וּמִעֲבַרְתָּ שְׁלִישִׁית. שְׁכָל יְמוֹת הַשָּׁנָה יִתְרִים עַל שְׁנַיִם-עָשָׂר חֹדֶשׁ תְּקוּפֹת חֹדְשֵׁי הַשָּׁנָה חֲמִשָּׁה יָמִים, שֶׁהֵם תְּמִימִים נְמוֹנִים שְׁלֹשִׁים יוֹם. לְפִיכֹךְ שְׁנַת עֶבֶר שְׁלִישִׁית בְּחֲמִשָּׁה בְּשָׁבוּעַ, וְעַל הַשְּׁלִישִׁית בְּאַרְבָּעָה בְּשָׁבוּעַ, עַד בְּעֶבֶר עֶבְרוֹ לַשָּׁנִית בְּתַחֲלַת הַשָּׁנִית. וְהֵם שְׁבַעַה

day of the month, and if it is the second day of the month, then it is not the new moon. Therefore, we start the numbering of the days of the month on the second day of the new moon; the offering and the prayer for the new moon take place only on the second day. As it is said, *And in the seventh month, on day one of the month [be-ehad la-ḥodesh], ye shall have a holy convocation: ye shall do no manner of servile work; it is a day of shouting unto you.*⁹ *And ye shall prepare a burnt-offering for a sweet savor [unto the LORD]* (Numbers 29:1–2). And it says, *Beside . . . the continual burnt-offering [of the morning].*¹⁰ Therefore, we do not bring the offering of the new moon and its prayers on it [the first day of the new moon, *rishon*] but on [the second day of the new moon, which is] day one [*ehad*]. We count the days of the solar months [*ḥodshé tequfoth*]¹¹ to be thirty days each. <And the new moon of Nisan.>¹² Each year consists of twelve months, until the completion of a six-year cycle with an intercalated third year. For the [true] number of days in a year exceeds the total number of days in the twelve solar months by five days, and these [excess days] accumulate to thirty days when [the six-year cycle is] complete.¹³ Therefore, the third leap year takes place in the fifth of the seven, upon the third in the fourth of the seven, until the intercalation of the second at the beginning of the second.¹⁴ These seven interca-

9 This passage is translated in accordance with the traditional Karaite interpretation, in which Yom Teru'a is understood as "a day of shouting" and not "a day of trumpeting" (as it is understood in the Rabbanite community). To the best of our knowledge, Ḥ' Binyamin's interpretation of this passage has not survived. However, we do know that Ḥ' Daniel al-Kumisi advocated blowing the shofar on the holiday.

10 Paraphrasing Numbers 29:6.

11 Meaning of Hebrew uncertain.

12 This sentence is likely an erroneous insertion by the scribe.

13 That is, with every 360-day year based on twelve thirty-day months, the calendar falls behind the actual 365-day solar year by five days. This is rectified by intercalating one year out of every six-year cycle.

14 The meaning of this sentence is highly uncertain. While the word *shavua'*

עבורים מחזור אחד, <וארבעים> ארבעים ושתי שנים עד
 עבור שנת ששיתו. ומנין שחדשי תקופות שלשים יום שלשים
 יום? שנאמר בשנת שש מאות שנה לחיי נח בחדש השני בשבעה
 עשר יום לחדש ביום הזה נבקעו כל מעינת תהום רבה וארבת השמים
 נפתחו (בראשית ז:א). ואמר: ויגברו המים על הארץ חמשים ומאת יום
 (בראשית ז:ד). ותנח התבה בחדש השביעי בשבעה עשר יום לחדש
 על הרי אררט (בראשית ח:ד). נמצאו חמשים ומאת יום חמשה
 חדשים, כל חדש שלשים יום.

וחדשי מצות ומועדים מנהגים עם ירח, כמו פתרגו. ומנין
 שיש לחדשים שני חשבונים? שאמר: ביום עשרים וארבעה לחדש
 בששי בשנת שתים לדרוש המלך, בשביעי בעשרים ואחד לחדש היה
 דבר יי [ביד חגי הנביא] (חגי א:טו-ב:א). אפשר כן שעשרים וארבעה
 לחדש באול יהי עשרים ואחד לחדש בתשרי? אלא היה
 חדש תקופה מאחר אחד ועשרים יום. וכל מועדים וצומות
 וכל עסקי מצות במספר חדשי ירח מתעלים, שנאמר וביום
 שמחתכם ובמועדיכם ובראשי חדשיכם (במדבר י:); ראשון הוא לכם
 לחדשי השנה (שמות יב:ב). ללמדך שחשבון ראשי חדשים שלנו

lations comprise one period of <forty> forty-two years, until the intercalation of its sixth year.¹⁵ How do we know that the solar months are thirty days each? It says, *In the second month, on the seventeenth day of the month, on the same day were all the fountains of the great deep broken up, and the windows of heaven were opened* (Genesis 7:11). And it also says, *And the waters prevailed upon the earth a hundred and fifty days* (Genesis 7:24); *And the ark rested in the seventh month, on the seventeenth day of the month, upon the mountains of Ararat* (Genesis 8:4). One hundred and fifty days correspond to five months, so each month is thirty days.

However, the months for the commandments and the festivals follow the moon, as we have explained. How do we know that there are two systems of calculation for the months? It is said, *In the four and twentieth day of the month, in the sixth month, in the second year of Darius the king, in the seventh month, in the one and twentieth day of the month, came the word of the LORD [by Haggai the prophet]* (Haggai 1:15–2:1). Could it be that the twenty-fourth of Elul was the same as the twenty-first of Tishri? Rather, the solar month was twenty-one days behind [the lunar month]. All the festivals and fasts and all matters pertaining to commandments are calculated according to the numbering of the lunar months, as it is said, *Also in the day of your gladness, and in your appointed seasons, and in your new moons* (Numbers 10:10); [*This month shall be unto you the beginning of months*]; *it shall be the first month of the year to you* (Exodus 12:2). This teaches that the calculation of our new months is for the festivals and the commandments. And these are the lunar months, as it is said, *He appointed the moon*

(translated as “the seven”) can refer to a cycle of seven days, here it more likely refers to a cycle of seven years or, most likely, to a cycle of seven six-year cycles, which comprise the 42-year period mentioned in the next sentence.

¹⁵ The meaning of this last phrase is uncertain. The first “forty” may be an erroneous insertion by the scribe; if so, the emended sentence reads, “These seven intercalations comprise one period of forty-two years . . .”

חֲדָשִׁי מוֹעֲדִים וּמִצְוֹת הֵם. וְהֵם חֲדָשֵׁי יְרַח, שְׁנֵאמַר עָשָׂה יְרַח
 לְמוֹעֲדִים (תהלים קד:ט). לְפִיכֹף כָּל הָעוֹלָם, וְכָל חֲבִילָה וַחֲבִילָה,
 חֲשֹׁבֹן חֲדָשֵׁי שְׁנַתָּה נוֹהֲגוֹת, מוֹלִידָה וּמוֹלִיכָה חֲשֹׁבֹן עֲבוּר
 חֲדָשִׁיהָ עַד שְׁחוּזָרַת לְעֵקֶר יְרַח. לְפִיכֹף חֲדָשֵׁי מוֹעֲדִים וּמִצְוֹת
 שְׁלַגְנוּ נוֹהֲגִים עִם יְרַח. שְׁכִיּוֹן שִׁיְהִיָּה רֹאשׁ חֲדָשׁ אֶחָד יוֹמִים
 וְרֹאשׁ חֲדָשׁ שְׁנֵי יוֹם הוּא יוֹם, חֲדָשׁ אֶחָד שְׁלָשִׁים יוֹם וַחֲדָשׁ
 שְׁנֵי עֶשְׂרִים וְתִשְׁעָה יָמִים. וְזֶה הוּא מְנַהֵג יְרַח בְּמִרְאוֹת עֵינָיִם
 וּבְמִרְאוֹת כָּל הָעוֹלָם. וְתַחֲלַת הַרְאוֹתוֹ לְעֵין כָּל הָעוֹלָם הוּא,
 וְזָמַן עָרֵב שְׁיִרְאֶה לְעֵין כָּל הָעוֹלָם. וּמִן אוֹתוֹ עָרֵב וְעַד עָרֵב
 מְחַרַּת הוּא רֹאשׁ חֲדָשׁ. וּמוֹנִים יְמֵי חֲדָשִׁים מִן אוֹתוֹ הַיּוֹם, שְׁכָל
 מוֹעֲדִים וְזִמְנִים יִצְטוּוּ מִן עָרֵב הַיּוֹם וְעַד עָרֵב יוֹמוֹ. שְׁנֵאמַר
 וְעֵנִיתֶם אֶת נַפְשֹׁתֵיכֶם בְּתִשְׁעָה לְחֹדֶשׁ בְּעָרֵב מְעָרֵב עַד עָרֵב תִּשְׁבְּתוּ
 שִׁבְתְּכֶם (ויקרא כג:לב). וְאָמַר: בְּרֹאשׁוֹן בְּאַרְבַּעָה עָשָׂר יוֹם בְּעָרֵב תֹּאכְלוּ
 מִצֹּת עַד יוֹם הָאֶחָד וְעֶשְׂרִים לְחֹדֶשׁ בְּעָרֵב (שמות יב:יח). וּבִמְהַ דְּבָרִים
 אֲמוּרִין? שְׁחִיבִין לְקַבּוּעַ רֹאשׁ חֲדָשׁ בְּהַרְאוֹת חֲדוּשׁ יְרַח בְּעָרֵב,
 גִּיסוֹן וְתִשְׂרִי וְחֲדָשֵׁי מוֹעֲדִים, כְּמוֹ פְתָרְנוּ. אֲבָל שְׂאֵר חֲדָשֵׁי שְׁנָה,
 כִּיּוֹן שְׂרֹאשׁ חֲדָשׁ אֶחָד מִתְעַבֵּר וְרֹאשׁ חֲדָשׁ שְׁנֵי כְּסֻדּוֹרוֹ, כְּמוֹ
 פְתָרְנוּהוּ. וְיוֹם נוֹהֲגִים עִם יְרַח כְּמוֹ פְתָרְנוּ.

for seasons (Psalms 104:19). Therefore, all the peoples of the world, each and every community,¹⁶ in their calculations of the months of their years, originate and maintain a system of intercalation such that they return to the foundation of the moon.¹⁷ Therefore, the months of our festivals and commandments follow the moon. The fact that some new moons are two days while others are one day means that some months are thirty days while others are twenty-nine days. This is indeed the way of the moon, as we and the whole world observe with our eyes. It is first visible to the eyes of the whole world at evening time, and [the observance of] the new moon is from that evening until the following evening. We count the days of the month from that day, for all the festivals and times are commanded from evening until the following evening. As it is said, [*It shall be unto you a sabbath of solemn rest, and] ye shall afflict your souls; in the ninth day of the month at even, from even unto even, shall ye keep your Sabbath* (Leviticus 23:32). And it also says, *In the first month, on the fourteenth day¹⁸ at even, ye shall eat unleavened bread, until the one and twentieth day of the month at even* (Exodus 12:18). In which situation do these words apply? When we are obligated to establish the new month by observing the renewal of the moon in the evening, [i.e.,] Nisan and Tishri, which are the months of the festivals, as we have explained. However, for the rest of the months of the year, since one new moon is intercalated and the next new moon is regular, as we have explained, <the day that we follow the moon, as we have explained>.¹⁹

16 Literally: "bundle."

17 Meaning of Hebrew uncertain.

18 The Biblical text reads *la-ḥodesh*, "of the month" here, but it is missing in Harkavy's text.

19 The text is likely corrupt here.

ב. ...ובקשו את ה'ירח. אם תראו אותו, דעו כי החדש הראשון יצא, וזה חדש אחר.

ג. (פֶּעַל פִּי מֵא דְּבִרָה בְּנִימִין, רַחֲמָה אֵלֶּהָ. קֹאֵל:
פֶּרֶק בְּמָה שְׂזָכְרוּ בְּנִימִין, יִרְחֲמֶהוּ אֵל. אָמַר:)

וְשָׂרַץ עֹוֹף טָהוֹר נֶכֶר בְּשָׁלוֹשׁ סִימָנִים: בְּכַנָּף שְׂיֵעוּף, וּבְאַרְבַּע רַגְלִים שְׂיֵלֶךְ עֲלֵיהֶן, וּבְשִׁתֵּי כְרָעִים שְׂיִנְתָר בָּהֶן. שְׂנֹאֲמַר זֶה תֹאכְלוּ מִכָּל שְׂרָץ הָעוֹף הַהֵלֶךְ עַל אַרְבַּע אֲשֶׁר לוֹ כְרָעִים מִמַּעַל לְרַגְלָיו לְנִתָר בָּהֶן עַל הָאָרֶץ (וּיִקְרָא יֵא:כא). אָמַר שְׂרָץ הָעוֹף שֶׁעַל כָּנָף עוֹמֵד, שְׂנֹאֲמַר וְעוֹף יְעוֹפֵף עַל הָאָרֶץ (בְּרֵאשִׁית א:כ). וְאָמַר כִּי עָשָׂה יַעֲשֶׂה לוֹ כְּנָפִים כְּנֹשָׁר יְעוֹף בְּשָׂמִים (מִשְׁלֵי כג:ה). וְאָמַר אֲשֶׁר לוֹ כְרָעִים מִמַּעַל לְרַגְלָיו, מְלַמֵּד שְׂאֵלוֹ שְׂתִי כְרָעִיו מִמַּעַל רַגְלָיו. וְאָמַר לְנִתָר בָּהֶן, מְלַמֵּד שְׂאֵלוֹ שְׂתִי כְרָעִיו לֹא מֵהֵלֶךְ בָּהֶן, אֲבָל בֵּן מִן הַלִּיכָה הוּא מְגוֹרֵר אוֹתָן. וְאָמַר אֲשֶׁר לוֹ כְרָעִים מִמַּעַל לְרַגְלָיו, לְלַמַּדָּךְ שְׂכָרְעִים עִם אַרְבַּע רַגְלִים צְרִיכִים. וְאָמַר שְׂרָץ הָעוֹף הַהֵלֶךְ עַל אַרְבַּע, מְלַמֵּד שְׂאֲרַבַּע רַגְלִים צְרִיכִים עִם כְּנָפִים. לְפִיכֹךְ כָּל שְׂרָץ הָעוֹף הַנִּחָסֵר מִן שְׁלֹשׁ סִימָנִים אֲסוּר לֶאֱכֹל.

2. [Binyamin said:]

... and seek out the [new] moon. If you see it, know that the previous month has ended and a different month has begun.²⁰

3. An excerpt from what Binyamin (may God have mercy upon him) said:

The pure species of winged swarming things [*sherez 'of*] are known by three signs: (1) the wings with which they fly, (2) the four feet with which they walk, and (3) the two jointed legs with which they leap. As it is said, *Yet these may ye eat of all winged swarming things [sherez ha-'of] that go upon all fours, which have jointed legs above their feet, wherewith to leap upon the earth* (Leviticus 11:21).

It says, *winged swarming things* to indicate that the creature must have wings, as it is said, *Let fowl ['of] fly above the earth* (Genesis 1:20), and as it is said, [*For riches*] *certainly make themselves wings, like an eagle that flieth [ya'uf] toward heaven*²¹ (Proverbs 23:5).²² It says, *which have jointed legs above their feet*, to teach that the creature must have two jointed legs above its feet. And it says, *wherewith to leap upon the earth*, to teach that the creature does not use these two jointed legs for walking but rather drags them when²³ walking. It says, *which have jointed legs above their feet*, to teach that there must be jointed legs in addition to the four feet. And it says, *winged swarming things that go upon all fours*, to teach that there must be four feet in addition to the wings. Therefore, any winged swarming creature that is missing any one of these three signs may not be eaten.

20 The previous page is missing from the manuscript. Because of the thematic connection to the preceding section, it is presumed that these words also belong to the quotation from H' Binyamin.

21 For "toward heaven," Harkavy's text reads *ba-shamayim*, whereas the Biblical verse reads *ha-shamayim*.

22 Both verses demonstrate that 'of implies the presence of wings.

23 Harkavy's Hebrew text reads the meaningless *ben min*; in our translation, we have followed Harkavy's emendation *bizman*, "when."

ד. (בגנימין, רחמה אללה, קאל:
בגנימין, ירחמהו האל, אמר:)

ועופות טהורות לא נפרות אלא יונה ומינו. ויש בהם טהורים
וטמאים הרבה - שנאמר שתי צפרים חיות טהורות (ויקרא יד:ד),
ואמר כל צפור תאכלו (דברים יד:יא), ללמד שיש בהם טהורות
הרבה - אלא לא נפרות בסימניהם, שלא פרש קרא בסימניהם.
ויונה ותור הם הטהורים, שנאמר והקריב מן התאים או
מן בני היונה את קרבנו (דברים א:ד). ויונה שתהגה קול בגרונה,
שנאמר וכיונים הגו תהגה (ישעיהו נט:יא). ותור מן היונה היא,
שנאמר ובן יונה או תר לחטאת. לפיכך לא זכר בטרה בעופות
אלא יונה ומינה.

ה. (תם אדעי בגנימין
ועוד טען בגנימין:)

כי האיש יורש (את אשתו) כאמור וכל בית ירשת וג', ולא תסב
נחלה ממטה אל מטה אחר וג' (במדבר לו:ח-ט). אמר: לולי האיש
הוא יורש את אשתו, לא אסר זוג מי שהיתה יורשת נחלה
למי שהוא משבט אחר. ובמנעו מזה, באר שאישה יירשנה,

4. Binyamin (may God have mercy upon him) said:

The pure birds cannot be known, except for the pigeon after its kinds. Although there are many pure and impure kinds of birds – as it is said, *Two living pure birds* (Leviticus 14:4), and it says, *Of all [pure]²⁴ birds ye may eat* (Deuteronomy 14:11), implying that there are many pure kinds – these pure birds cannot be recognized by signs, as there is no verse that gives the signs.

[Only] the pigeon [*yona*] and the turtle-dove [*tor*] are [known to be] pure, as it is said, *He shall bring his offering of turtle-doves, or of young pigeons* (Leviticus 1:14). The pigeon is that which utters a sound from its throat, as it is said, *Thou mournest sore like pigeons* (Isaiah 59:11).²⁵ And the turtle-dove is a kind of pigeon, as it is said, *[She shall bring] a young pigeon, or a turtle-dove, for a sin-offering* (Leviticus 12:6). Thus, [Scripture] does not mention the purity of any bird, except for the pigeon after its kinds.

5. Binyamin further claimed:

The husband inherits (from his wife), as it is said, *And every daughter, that possesseth an inheritance [in any tribe of the children of Israel, shall be wife unto one of the family of the tribe of her father, that the children of Israel may possess every man the inheritance of his father's]. So shall no inheritance remove from one tribe to another;*²⁶ *[for the tribes of the children of Israel shall cleave each one to its own inheritance]* (Numbers 36:8–9). [Binyamin] says: if it were not the case that the husband inherits from the wife, then Scripture would not have forbidden marriage between a woman who possesses an inheritance and a man from another tribe. To

²⁴ The word “pure,” *tehora*, is in the Biblical verse, but missing in Harkavy’s text.

²⁵ The Biblical verse reads *we mourn sore* (*nehgé*), but Harkavy’s Hebrew text reads *thou mournest sore* (*tehgé*).

²⁶ For “to another,” the Biblical verse reads *le-matté aher*, whereas Harkavy’s Hebrew text reads *el matté aher*. (The meaning is identical.)

חוץ מאחר מן שבטה.

1.לקיים כל נדריה ואסריה. ואם הניא אביה אתה ביום שמעו
 (במדבר ל:ו). מלמד שאם ביום שמעו לא יבטל עד לאחר ערב,
 חיב[ת לשלם. ואם] יבטל בתוך יום שמעו, פטורה היא מלשלם.
 ואמר וייסלח לה כי הניא אביה אתה (שם); מלמד שאין סולחין
 אם לא יבטל אביה ביום שמעו אלא אם יקים. וכן אין לנדרו
 ואסרו[ו] סולחן אלא לקיים. ואם מבטל אחר ערב אותו היום,
 עונה תלוי בראשה, ונפרע ממנה שדי, שנאמר ואם הפר יפר
 אתם ביום שמעו ונשא את עונה (במדבר ל:ז). וכן בעלה כמו זה
 הסדר הפתור למעלה באב.

לפיכך האב זכאי בביתו ורשאי בהפר נדריה ביום שמעו
 ובקיום נדריה. וכן במכירתה ובהשאתה לבעל, ובכל דבר
 שלא שנוי מצות הוא, עד שתצא מרשות אביה לרשות בעלה.
 וכיון שהיתה לרשות בעלה, בעלה רשאי בהפר נדריה ואסריה
 ביום שמעו ובקיום נדריה. אבל במכירתה [אינו] רשאי. ואם
 נתאלמנה ואם נתגרשה, חיבת בכל נדריה ובכל אסריה לקיים.

exclude this [contradiction, Binyamin] explains that the husband inherits from her and may not be someone from out of her tribe.

6. ... to keep all her vows and her self-restrictions.²⁷ *But if her father disallow her in the day that he heareth* (Numbers 30:6). This teaches that if he does not annul [the vow] until after the evening of *the day that he heareth*, she is obligated [to fulfill it]. But if he annuls it that day, she is not obligated to fulfill it. And it is said, *And the LORD will forgive her, because her father disallowed her* (ibid.); this teaches that there is no absolution [for the vow] if her father upholds it instead of annulling it that day. There is also no absolution for a man, except through fulfillment. If [her father] does annul her vow after the evening of that day [in which he heard it], her sin is upon her head [if she fails to fulfill it], and God will punish her, as it is said, *But if he shall make them null and void after that he hath heard them, then he shall bear her iniquity* (Numbers 30:16). The same rulings apply for a husband as for a father, as explained above.

Therefore, the father has the right and prerogative over his daughter to annul or to uphold her vows on the day that he hears them. Likewise to sell her [as a maidservant] and to betroth her to a husband, and for everything else – as long as it is not in violation of the [Torah's] commandments – until she leaves his domain and enters the domain of her husband. Once she moves to the domain of her husband, he is entitled to annul or to uphold her vows and self-restrictions on the day that he hears them. However, he has no right to sell her. If she becomes widowed or divorced, she is obligated to fulfill all her vows and self-restrictions. As it is said, *But the vow of a widow, or of her that is divorced, even every*

²⁷ The previous page is missing from the manuscript. It is presumed that this is a quotation from H' Binyamin based on its style (e.g., the use of *Shaddai* for God).

שָׁנָא [מַר] וְנָדַר אֶלְמָנָה וְגִדּוּשָׁה כֹּל אֲשֶׁר אָסְרָה עַל נַפְשָׁה יָקוּם עָלֶיהָ
(במדבר ל:).

ז. (וקאל בנימין)
ואמר בנימין:

וּבְחֶרְבוֹת צוּרִים מוֹלִים. שָׁנָא אֲמַר עֲשֵׂה לְךָ חֲרָבוֹת צוּרִים וְשׁוּב
מִלְּאֵת בְּנֵי יִשְׂרָאֵל שְׁנִית. וַיַּעַשׂ לוֹ יְהוֹשֻׁעַ חֲרָבוֹת צוּרִים וַיִּמַּל אֶת בְּנֵי
יִשְׂרָאֵל אֶל גְּבֻעַת הָעֵרְלוֹת (יהושע ה:ב-ג). אֲמַר עֲשֵׂה לְךָ שְׂקָדָשׁ
הוּא. שָׁנָא אֲמַר עֲשֵׂה לְךָ שְׁתֵּי חֲצוּצֹת כֶּסֶף (במדבר יב:); עֲשֵׂה לְךָ שָׂרָף
(במדבר כא:ח). מֵה חֲצוּצֹרוֹת וְשָׂרָף שְׁלֵא יִכְשְׁרוּ אֶלָּא לְמַעֲשִׂיהֶם,
אִף חֲרָבוֹת צוּרִים לֹא יִכְשְׁרוּ אֶלָּא לְמִילָה. חֲרָבוֹת צוּרִים חֲרָבוֹת
הֵם, שָׁנָא אֲמַר בְּחֲרָבוֹת גְּבוּרִים אֶפִּיל [הַמוֹנֵךְ] (יחזקאל לבי:ב). צוּרִים
חֲדָיִם הֵם, שָׁנָא אֲמַר מִצוּר הַחֲלָמִישׁ (דברים ח:טו), וְשָׁמֹן מִחֲלָמִישׁ
צוּר (דברים לבי:ג). וְכִיּוֹן שְׁלֵא נִמְצָא חֲרָבוֹת צוּרִים, מוֹלִים בְּכֹל
דְּבָר שְׁנִמְצָא, שָׁנָא אֲמַר וְתַקַּח עֲפָרָה צֹר וְתִכְרַת [אֵת עֲרֵלַת בְּנֵה] (שמות ד:כה).

ח. (בנימין קאל)
בנימין אמר:

וְאֲמַר שְׁנִית - לִיצִיאַת מִצְרַיִם הוּא. שָׁמֹן שִׁיִּצְאוּ יִשְׂרָאֵל מִמִּצְרַיִם
לֹא מָלוּ בַדֶּרֶךְ עַד שֶׁבָאוּ לְאֶרֶץ כְּנָעַן. שָׁנָא אֲמַר כִּי מְלִים הָיוּ כָּל

thing wherewith she hath bound her soul, shall stand against her
(Numbers 30:10).

7. Binyamin said:

We circumcise with knives of flint. As it is said, [*At that time the LORD said unto Joshua:*] “*Make thee knives of flint, and circumcise again the children of Israel the second time.*” And *Joshua made him knives of flint, and circumcised the children of Israel at Gibeath-ha-araloth* (Joshua 5:2–3). It says, *make thee*, to indicate that [the knives] are holy.²⁸ As it is said, *Make thee two trumpets of silver* (Numbers 10:2); *Make thee a fiery serpent* (Numbers 21:8). Just as the trumpets and the fiery serpent may only be used for their [proper] purposes, so too the knives of flint may be used only for circumcision. The *knives of flint* must be knives, as it is said, *By the swords of the mighty will I cause thy multitude to fall* (Ezekiel 32:12).²⁹ *Flint* [means that] they must be sharp, as it is said, [*The LORD brought thee forth water out of*] *the rock of flint* (Deuteronomy 8:15); [*The LORD made him to suck honey out of the crag, and*] *oil out of the flinty rock* (Deuteronomy 32:13). In a place where there are no knives of flint, we circumcise with anything we can find, as it is said, *Then Zipporah took a flint, and cut off the foreskin of her son* (Exodus 4:25).

8. Binyamin said:

[*Circumcise again the children of Israel*] *the second time* (Joshua 5:2). [“The second time” means the second since] the exodus from Egypt. For from the time that Israel left Egypt, they did not circumcise on the way, until they came to the Land of Canaan. As it is said, *For all the people that came out were circumcised; but*

²⁸ That is, designated specifically for this holy purpose.

²⁹ Both the verse in Joshua and the one in Ezekiel use the word *haravoth* (in the construct state, *harvoth*), though the KJV translates it as “knives” in Joshua, but as “swords” in Ezekiel.

הָעַם הַיִּצְאִים וְכָל הָעַם הַיִּלָּדִים בְּמִדְבַּר בְּדֶרֶךְ בְּצֵאתְכֶם מִמִּצְרַיִם לֹא מָלוּ (יהושע ה:ה).

ואם תאמר: ושוב לא נאמר על פעם ראשונה - לא כך הוא; שגם שיבה נאמרה על פעם ראשונה, שנאמר וישב יהושע וכל העם דברה וילחם עליה (יהושע י:א); ואמר וישב יהושע בעת ההיא וילכד את חיצור ואת מלכה הבה בחרב (יהושע יא:י). ואם תאמר שזו שיבה על מלחמה ראשונה ויותר נאמרה, שעשה יהושע עם כנענים - אם כן הוא, גם זו שיבה נאמרה אצל מילה על מילה ראשונה נאמרה, שמלו ישראל במצרים, ועד שבאו לארץ לא מלו. שנאמר פי ערלים היו פי לא מלו אותם בדרך. הילכך שנית ליציאת מצרים (יהושע ה:ה).

ט... [יום מילה שלקטן הוא] קבוע כמצות שדי. ויום מילה שלגדול אינו קבוע.

י. (וקאל בנימין פי ילידי בית

ואמר בנימין אודות ילידי בית (בראשית יז:ב):

אבל לא עבדים הם, אלא גרים מולים את נפשם הם. שנאמר וכי יגור אתך גר ועשה פסח ליי המול לו כל זכר (שמות יב:סח). ואמר המול לו, ולא אמר "לכם". לפיכך הכל כשרים למול, אנשים

all the people that were born in the wilderness by the way as they came forth out of Egypt, had not been circumcised (Joshua 5:5).

One might object that “again” [*shuv*] is not used for a first occurrence [of an event]. This is not so; [the root] *shiva* is indeed used for a first occurrence, as it is said, *And Joshua turned back* [*vayyashov*], *and all the people,*³⁰ *to Debir; and fought against it* (Joshua 10:38); *And Joshua turned back* [*vayyashov*] *at that time, and took Hazor, and smote the king thereof with the sword* (Joshua 11:10). If one objects that this was a “turning back” upon earlier battles that Joshua already waged against the Canaanites, then in that case the circumcision [upon arrival in the Land of Canaan] was a “turning back” upon an earlier circumcision, since they performed circumcision in Egypt but did not perform circumcision [again] until they arrived in the promised land. As it is said, *For they were uncircumcised, because they had not been circumcised by the way* (Joshua 5:7). Therefore, *the second time* [is counting since the first time at the] exodus from Egypt.

9. . . . The day of circumcision for a [newborn] child is fixed, as God commanded. The day of circumcision for an adult is not fixed.

10. Binyamin said regarding those born into slavery [*yelidé bayith*]:³¹

Slaves do not [circumcise one another], but strangers [*gerim*] do circumcise one another.³² As it is said, *And when a stranger shall sojourn with thee, and will keep the passover to the LORD, let all his males be circumcised* [*himmol lo*] (Exodus 12:48). It says *lo* [his] instead of *lakhem* [your, plural]. Thus, every person is permitted

30 The Biblical verse reads *and all Israel with him* (*ve-khol yisra'el 'immo*), but Harkavy's texts reads “and all the people” (*ve-khol ha-'am*).

31 The expression *yelid bayith* is a reference to Genesis 17:12.

32 This Hebrew sentence is very difficult; translation follows Harkavy's note.

וְנָשִׁים, וְאָב וְאָם. אָבֵל גַּר וְגוֹי הֵם מוֹלִים נַפְשָׁם אֶחָד לְאֶחָד, וְיִשְׂרָאֵל מוֹלִים נַפְשָׁם אֶחָד לְאֶחָד. שְׁנֵאמַר יְמוּל לָכֶם כָּל זָכָר לְדֹרֹתֵיכֶם (בראשית יז:ב). אָמַר יְמוּל לָכֶם, וְאָמַר הַמּוּל לוֹ, לְלַמְדָּךְ שִׁיִּשְׂרָאֵל מוֹלִים אֶחָד לְאֶחָד, וְגַם גָּרִים וְגוֹיִם מוֹלִים אֶחָד לְאֶחָד. אָבֵל כָּלֶם מוֹלִים כְּסִדּוֹר יִשְׂרָאֵל. אָמַר שְׂכַל יִשְׂרָאֵל כְּשָׂרִים לְמוּל, וְאֶפְלוּ נָשִׁים. שְׁנֵאמַר וְתִקַּח צִפְרָה צֶדֶד וְתִכְרַת אֶת עֶרְלַת בְּנָהּ (שמות ד:כה). בְּמָה דְבָרִים? שֶׁתִּכְרַת אֶת עֶרְלַת קִטְנִים. שְׁנֵאמַר וְתִכְרַת אֶת עֶרְלַת בְּנָהּ.

יא. (ובנימין קאל פֿי אלעבד
ובנימין אמר אודות העבד:)

וְאֲנָשִׁים מוֹלִים אוֹתוֹ, וְהוּא אֵינְנוּ חֵיב לְמוּל נַפְשׁוֹ. שְׁנֵאמַר הַמּוּל לָכֶם כָּל זָכָר (בראשית יז:י). וְכִיּוֹן שִׁיִּדְעַע נַפְשׁוֹ שֶׁהוּא עֶרֶל וְלֹא מֶל, חֵיב כָּרַת.

יב. (קול בינימין
דברי בנימין:)

וּמִזְכְּרוֹת חֵיבִין לְמוּל. מִמַּעַל מִתְחִילִים בְּפִסְיקָה, לְמַטָּה מִמוּל

to circumcise – man and woman, father and mother – but nevertheless, sojourners [*gerim*]³³ and gentiles [*goyim*] circumcise one another, and Israelites circumcise one another. As it is said, *And he that is eight days old shall be circumcised among you [yimmol lakhem], every male throughout your generations* (Genesis 17:12). [In Leviticus] it says *himmol lo*, and [in Genesis] it says *yimmol lakhem*. This teaches that Israelites circumcise one another and sojourners and gentiles circumcise one another.³⁴ But all circumcise in the manner of the Israelites. The reason the verse says *lakhem* [your, plural] is because all Israelites are fit to circumcise, even women, as it is said, *Then Zipporah took a flint, and cut off the foreskin of her son* (Exodus 4:25). In which situation do these words apply? When the woman is circumcising a child. As it is said, *and cut off the foreskin of her son*.

11. Binyamin said regarding the slave:

Other people circumcise him, but he is not obligated to circumcise himself. As it is said, *Every male among you shall be circumcised [himmol lakhem]* (Genesis 17:10). [However,] if he does not get circumcised once he knows that he is uncircumcised, he is liable to *kareth*.³⁵

12. A statement of Binyamin:

The obligation is to circumcise the [organ of] masculinity [i.e., the penis]. From the top [of the penis], we begin by cutting downward, across from and toward the “mound of masculinity.” As it is said,

33 It is not clear whether ה' Binyamin means this word in the sense of “people from foreign nations who live amidst the Jewish community” or “people who have converted to Judaism and become Jews” (or whether that is even a meaningful distinction for him).

34 That is, sojourners and gentiles do not circumcise Israelites, and – apparently – Israelites do not circumcise sojourners or gentiles.

35 *Kareth* refers to the Biblical penalty of being “cut off” from the People of Israel (Genesis 17:14 et passim).

גְּבַעַת זְכוֹרוֹת אֶל גְּבַעַת זְכוֹרוֹת. שְׁנֵאמַר וַיִּמַּל אֶת בְּנֵי יִשְׂרָאֵל אֶל
גְּבַעַת הָעֵדוּלוֹת (יהושע ה:א).

יג. (וקאל בנימין
ואמר בנימין:)

וּמַגִּיעִים דְּמֵי מִילָה לְקוֹמַת הָרֶגֶל. שְׁנֵאמַר וַתְּכַרֵּת אֶת עַדְלוֹת בְּנֵה
וַתִּגַּע לְרַגְלָיו (שמות ד:כה). וְהִגִּיעַ לְרַגְלֵי מַלְמַעְלָה לְמַטָּה, כִּי יִהְיֶה
שְׁמַגִּיעִים לְקוֹמַת הָרֶגֶל. שְׁנֵאמַר הָרִס בְּעֵבְרָתוֹ מִבְּעָרֵי בֵּת יְהוּדָה
הִגִּיעַ לְאַרְצָן (איכה ב:ב). שְׁלֵמַטָּה מְכַלֵּם אַרְץ, וְלִמְטָה אֲבָרִים רֶגֶל.

יד. (בנימין קאל
אמר בנימין:)

אָמַר כָּל זָכָר, לְלַמְדוֹךָ שְׁחִיבִין כָּל זָכָר לְהַמוּל, וְלֹא נִקְבָּה. וְאָמַר
בֶּן שְׁמֹנֶת יָמִים יִמוּל לָכֵס כָּל זָכָר לְדוֹתֵיכֶם יְלִיד בְּיַת וּמִקְנַת כְּסָף מִכָּל

[Joshua] circumcised the children of Israel at Gibeath-Ha-araloth (Joshua 5:3).³⁶

13. Binyamin said:

We touch the blood of circumcision to the sole³⁷ of the foot, as it is said, [Zipporah] *cut off the foreskin of her son, and cast it [va-tagga'] at his feet* (Exodus 4:25). [The foreskin] reached [higgia']³⁸ the foot [of her son] from above to below; that is how it should be done when we touch [maggi'im] to the sole of the foot. As it is said, *He hath thrown down in His wrath the strongholds of the daughter of Judah; He hath brought them down [higgia'] to the ground* (Lamentations 2:2). Just as the ground is under everything, so too the foot is under the limbs.³⁹

14. Binyamin said:

It says, *every male* (Genesis 17:12), to teach that every male is obligated to be circumcised, but not females. It says, *He that is eight days old*⁴⁰ *shall be circumcised among you [yimmol lakhem], every male throughout your generations, he that is born in the house, or bought with money of any foreigner, that is not of thy seed* (Genesis

36 ה' Binyamin interprets "Gibeath-ha-araloth" [*giv'ath ha-'araloth*], *the mound of foreskins*, anatomically rather than geographically.

37 A more expected understanding of Hebrew *qomath ha-regel* would be "the level of the foot," but the translation here follows Harkavy's note.

38 We understand this word as the verb *higgia'*, "it reached," referring to the foreskin of the son of Zipporah and Moses; we have vocalized the Hebrew text accordingly. On the other hand, Harkavy, in a footnote, reads it as a noun, *haggia'*, "the touching," and apparently understands it as referring to the foreskin of every Jewish baby boy. In any event, the difference is only slight, for in the second half of the sentence, ה' Binyamin extends the story to a prescription regarding all circumcisions today.

39 The word "to reach" (*higgia'*) is the *hif'il* form of the word "to touch" (*naga'*), and thus it means: "to cause [something] to touch." Thus, the severed foreskin must reach (that is, touch) the foot.

40 The Biblical verse reads *And he that is eight days old (u-ven shemonath yamim)*, but Harkavy's text leave out the initial "and."

בן נכר אשר לא מזרעך הוא (בראשית יז:יב). ללמדך שכן שמונת ימים חיבים למוול. כן הוא אומר וביום השמיני ימול בשר ערלתו (ויקרא יב:א). אומר ימול לכם ולא אומר "ימול"; ואמר כל זכר, ללמד שכל זכרים חיבים למוול ולא כל נקבות.

טו. (וקאל בנימין)

ואמר בנימין:

לפיכך טמאה וטהרה שנאמרו במי נדה על אותו זמן נאמרו שיהיה מי נדה ויכשר לעשות מי נדה.

כמו יולדת שתעלה טהרתה בקרבן. שנאמר והקריבו לפניי יי וכפר עליה וג' (ויקרא יב:ז); ואומר ולקחה שתי תדים או שני בני יונה וג' (ויקרא יב:ח). מלמד שטהרתה בקרבן. ומצאנו במקום שלא היה בקרבן עלתה טהרתה בלא קרבן. שנאמר וחנוה לא עלתה (שמואל א א:כב), מלמד שלא עלתה חנה לאחר שלשים יום ושלושת ימים ימי טהרה למקדש יי. וכיון שלא עלתה, גם

17:12). This teaches that we are obligated to circumcise the boy who is eight days old. And similarly it says, *And in the eighth day the flesh of his foreskin shall be circumcised* [*yimmol*] (Leviticus 12:3). [In Genesis] it says *yimmol lakhem* [*shall be circumcised among you*] instead of *yimmol* [*shall be circumcised*]; and it says *every male* – this teaches that every male is obligated to be circumcised, but not every female.

15. Binyamin said:

Therefore, the impurity and purity [of the dead] mentioned in the context of the water of sprinkling [*be-mé nidda*]⁴¹ applied only during the period when there existed the water of sprinkling and the means of preparing it.

This is analogous to the laws of the woman who has given birth and who becomes pure through an offering. As it is said, *And he shall offer it before the LORD, and make atonement for her; [and she shall be cleansed from the fountain of her blood]* (Leviticus 12:7); [*And if her means suffice not for a lamb,*] *then she shall take two turtle-doves, or two young pigeons: [the one for a burnt-offering, and the other for a sin-offering; and the priest shall make atonement for her, and she shall be clean]* (Leviticus 12:8). This teaches that her purity is [attained] through an offering. In a place where there are no sacrifices, we find that a woman attains purity without an offering. As it is said, *But Hannah went not up* (1 Samuel 1:22) [after giving birth to Samuel], which teaches that Hannah did not go up to God's Temple⁴² after her thirty-three days of purity. Since she did not go up, it is impossible that she would have brought an

41 Harkavy's transcription says *bimé nidda* ["in the days of menstruation"], with a *yod* before the *mem*, but this is likely to be a textual error; we have fixed it to *be-mé nidda* in our Hebrew text in this volume.

42 That is, the sanctuary at Shiloh, as described in the opening chapters of the Book of Samuel. The Temple in Jerusalem had not yet been built.

קרָבֵן לֹא יִכֹּלֶה לְהֵבִיא חוּץ לְמִקְדָּשׁ יי, כְּמוֹ פְתָרְנוּ. לְלַמְדָּךְ
שְׁעֵלְתָה לָּה טְהֵרְתָּה בְּלֹא קָרָבֵן.

לְפִיכָךְ אֵין לָנוּ מִי נִדְּהָ וְקָרָבֵן בְּגָלוֹת, אֲבָל יֵשׁ לָנוּ רְחִיצָה
וְכַבוֹס בְּמַיִם. וְאֵין לָנוּ עוֹלֹת שְׁבֵת וְלֹא עוֹלוֹת בְּמוֹעֲדִים וּפְסָח,
[אֲבָל יֵשׁ לָנוּ] שְׁמִירַת שְׁבֵת וּמוֹעֲדִים וְחַג מִצּוֹת שְׁבַעַת יָמִים.
לְכֵן כָּל הַמִּצְוֹת כָּל הַשְּׁגַת יָד חִיבִים בָּהּ לְקִיָּמָה; וְכָל שְׂאִינָה
נִמְצָאָת וְאֵין בָּהּ הַשְּׁגַת יָד, אוֹ נִצְטוֹתָהּ בְּמִקּוֹם אַחֵר, אוֹ לֹא יָדְעוּ
אוֹתָהּ, אֵין חִיבִין [לְקִיָּמוֹ. שְׁנֵאֲמַר] כָּל לְבָבוֹ הֵכִין לְדְרוֹשׁ הָאֱלֹהִים
” אֱלֹהֵי אֲבוֹתָיו וְלֹא כְטָהֲרַת הַקֹּדֶשׁ. וְאָמַר כִּי אֲכָלוּ אֶת הַפֶּסַח בְּלֹא
כַפְתּוֹב, כִּי הִתְפַּלֵּל חִזְקִיָּהוּ עֲלֵיהֶם לְאֹמֹר יי הַטּוֹב יִכְפֹּר בְּעַד. וְאָמַר
וַיִּשְׁמַע יי אֱלֹי חִזְקִיָּהוּ וַיִּרְפָּא אֶת הָעַם (דְּבָרֵי הַיּוֹסִים ב ל:יח-כ). לְלַמְדָּךְ
שְׁבַכְל מִצְוֹת שֵׁישׁ בְּהֵן הַשְּׁגַת יָד וַיִּכֹּלֶה לְהַעֲשׂוֹת - חִיבִים
לְעֲשׂוֹתוֹ, וְכָל שְׂאִין בְּהֵן יִכֹּלֶה וְהַשְּׁגַת יָד - אֵין חִיבִים בְּהֵן.

טז. (וְעִנְדָּ כְּלֵאמָרָה כִּי אֵלְטָהֵר מִן אֲלִצְרַעַת קֹאֵל בְּנִימִין
וּבְדְבָרָיו אוֹדוֹת הַטְּהָרָה מִן הַצְּרַעַת אָמַר בְּנִימִין:)

[אָמַר] וּבִיּוֹם הַשְּׁמִינִי יִקַּח לוֹ. מְלַמֵּד שֶׁלֹּא עֵלְתָה לוֹ טְהָרָה שְׁנֵיָהּ

offering outside God's Temple, as we have explained. This teaches that she attained purity without an offering.

In the diaspora, therefore, we do not have the water of sprinkling nor [Temple] offerings, but we do have bathing and washing [of clothes]. We do not have the burnt-offering of the Sabbath nor the burnt-offerings of the festivals nor the Paschal sacrifice, but we do have the observance of the Sabbath and the festivals and the seven days of the Festival of Unleavened Bread. Thus, we are obligated to fulfill any commandment that is possible; and we are not obligated to fulfill any commandment that no longer exists, is impossible, is commanded to be done in a different place, or is unknown. As it says, [*For a multitude of the people, even many of Ephraim and Manasseh, Issachar and Zebulun, had not cleansed themselves,*] yet did they eat the passover otherwise than it is written. For Hezekiah⁴³ had prayed for them, saying: "The good LORD pardon every one that setteth his heart to seek God, the LORD, the God of his fathers, though he be not cleansed according to the purification that pertaineth to holy things." And the LORD hearkened to Hezekiah, and healed the people (2 Chronicles 30:18–20).⁴⁴ This teaches that we are obligated to fulfill all the commandments that are possible, but we are not obligated to fulfill all the commandments that are impossible.

16. In his words regarding purification from *zara'ath*, Binyamin said:

It says, *And on the eighth day he shall take unto him [two turtle-doves, or two young pigeons, and come before the LORD unto the*

43 For the name "Hezekiah," the Biblical verse uses the form Yehizqiyahu, whereas Harkavy's text has Hizqiyahu.

44 Harkavy's edition, presumably based on the underlying source texts, provides these verses out of order: verse 19, then 18, and then 20. We have placed them in the Biblical order in the English translation, but have not changed the order in our reprinting of the Hebrew. Regarding the errors in Harkavy's printing of this verse, which we have fixed in the Hebrew; see the introduction to this volume.

אלא ביום השמיני כזרח השמש. שכל הקרבנות ומוספים
 הקבועים נקרבים אחר עולת התמיד. שבכלם אמר מלבד
 עלת הבקר, מלבד עלת התמיד (הרבה פעמים במדבר כח ו'כט). וכל
 קרבנות מוספים שאינם קבועים נקרבים בין הקבועים לעולת
 התמיד - לאחר עולת התמיד לפני הקבועים - שנאמר על כל
 קרבנות מוספים הקבועים אלה תעשו ליי במועדיכם וג' (במדבר
 כט:ט). אמר תעשו ליי במועדיכם לבד מנדריכם. ללמדך שמוספי
 כל מועדיכם נקרבים לאחר כל נדרים ונדבות ועולות ומנחות
 ונספיהם וזבח[ני] השלמים שאינם קבועים. שכל המתאחר
 באמירה במלבד ולבד הקדם בעשייה. שנאמר מלבד עלת הבקר
 אשר לעלת התמיד (במדבר כח:כג). לפיכך, תחלה עולת תמיד,

door of the tent of meeting, and give them unto the priest] (Leviticus 15:14).⁴⁵ This teaches that he does not regain his state of purity until sunrise of the eighth day.

This is because all the fixed offerings and additional offerings are brought after the continual burnt-offering of the morning [*tamid*], for regarding all of them it says, *Beside the burnt-offering of the morning; Beside the continual burnt-offering*.⁴⁶ All the non-fixed additional offerings are brought between the fixed offerings and the *tamid* – after the *tamid* and before the fixed offerings – for regarding all of the fixed offerings it says, *These ye shall offer unto the LORD in your appointed seasons, beside your vows, [and your freewill-offerings, whether they be your burnt-offerings, or your meal-offerings, or your drink-offerings, or your peace-offerings]* (Numbers 29:39). It says: *Ye shall offer unto the LORD in your appointed seasons, beside your vows*, to teach that the [fixed] additional offerings of all the festivals are brought after all the non-fixed vows, freewill-offerings, burnt-offerings, meal-offerings, drink-offerings, or peace-offerings. For [the rule is that] whatever comes after the word “beside” [*millevad* or *levad*] is carried out first. As it is said, [*Ye shall offer these*] *beside the burnt-offering of the morning, which is for a continual burnt-offering* (Numbers 28:23). Therefore, the *tamid* is brought first, then the [non-fixed] vows and freewill-offerings, then the non-fixed meal-offerings and

45 In fact, this verse does not refer to the impure state of *zara'ath* (a skin disease) but rather to the impure state of *zov* (an abnormal penile discharge – a man in this state is known as a *zav*). Perhaps the intended verse is Leviticus 14:10, *And on the eighth day he shall take two he-lambs without blemish, and one ewe-lamb of the first year without blemish, and three tenth parts of an ephah of fine flour for a meal-offering, mingled with oil, and one log of oil*. The distinction is not critical, as the ensuing discussion applies equally to the *zav*, *zava* (woman with an unusual discharge of blood from the genitals), and *mezora'* (person afflicted with *zara'ath*).

46 These formulas occur throughout Numbers 28 and 29 (e.g., Numbers 28:23, quoted further down).

ואחריה קרבנות נדרים ונדבות, ואחריהם עולות ומנחה ונסכים
 שאינם קבועים, ואחר כל דבר זבח שלמים שאינו קבוע.
 לפיכך זב וזבה ומצרע וכהן גדול טמא נפש - טהרה שניה
 שלהם תעלה ביום השמיני כזרוח השמש לימי ספירתם. שעל
 כלם צוה להביא קרבן ביום השמיני למקדש לאחר עולת
 הבקר. שנאמר וביום השמיני וג'. וביום באו אל הקדש אל החיצר
 הפנימית לשרת בקדש יקריב חטאתו (יחזקאל טז:טז).
 ויולדת לאחר ימים שלשים ושלשה שלזכר [וששים]-
 וששה שלנקבה תעלה לה טהרה שנית. שנאמר ובמלאת ימי
 טהרה לבן או לבת (ויקרא יב:ו). ללמדך שעד שימלאו ימי טהרה
 שלום, ואחר כך תעלה לה טהרה שניה. כן הוא אומר ימים רבים
 שמונים ומאת יום, ובמלואת הימים האלה עשה וג' (אסתר א:ד-ה).

drink-offerings, then the non-fixed peace-offerings, [and, finally, the fixed-offerings].

Therefore, for a man or woman with an issue [*zav* or *zava*], for someone with *zara'ath*, or for a high priest who has contracted the impurity of the dead,⁴⁷ each of them regains his or her purity on sunrise of the eighth day of their counting. This is because each of them is commanded to bring an offering in the temple on the eighth day, after the morning burnt-offering [the *tamid*]. As it is said, *And on the eighth day;*⁴⁸ [and says about the priest]: *And in the day that he goeth into the sanctuary, into the inner court, to minister in the sanctuary, he shall offer his sin-offering* (Ezekiel 44:27).

A woman who has given birth regains her purity after thirty-three days for a boy and sixty-six days for a girl. As it is said, *And when the days of her purification are fulfilled, for a son, or for a daughter* (Leviticus 12:6). This teaches that she does not regain her purity until the days of purification are completed in full,⁴⁹ by analogy with the verse, [*Ahasuerus showed the riches of his glorious kingdom and the honor of his excellent majesty,*] *many days, even a hundred and fourscore days. And when these days were fulfilled, [the king] made [a feast]* (Esther 1:4–5).⁵⁰ Thus, the

47 According to Ezekiel 44:27 (cited by H' Binyamin below), if a priest contracts impurity by contact with the dead and then undergoes purification, he must bring a sacrifice. This refers to any priest, so it is unclear why H' Binyamin specifies a high priest. It may be that because the verb forms in verses Ezekiel 44:25–27 are singular rather than plural, H' Binyamin interprets them as referring to the high priest alone.

48 The expression occurs in Leviticus 14:10 for the person with *zara'ath*, Leviticus 15:14 for the *zav*, and Leviticus 15:29 for the *zava*. (It also appears in Numbers 6:10 for the Nazirite with impurity from a corpse, but H' Binyamin does not mention this.)

49 Reading *shalom* (perhaps to be vocalized *shillum*) as “in full,” like *shalem*, following Harkavy's comment.

50 The word *bi-meloth* (“in the fulfillment”) appears both here and in Leviticus 12:6. By citing Esther, H' Binyamin intends to demonstrate that the word signifies the completion of the specified period.

הילֶכְךָ טֹהֵרֶת יוֹלֶדֶת תַּעֲלֶה בְּיוֹם שְׁלֹשִׁים־וְאַרְבָּעָה לְסִפְיַת
זָכָר, וּבְיוֹם שְׁשִׁים־וְשִׁבְעָה לְסִפְיַת נְקֵבָה, כְּזֵרוּחַ הַשָּׁמַשׁ.
וּתְפַלְתֶּם כִּכְתוּב לְמַטֵּה.

יז. (וּפְדֹלֶךָ קֹאֵל אֵיזָא בְּנִימִין
וְכִזָּה אָמַר גַּם כֵּן בְּנִימִין:)

הַפְּרִישׁ בְּנֹא"ו עֲרִיּוֹת אֲנָשִׁים לְעֲרִיּוֹת נָשִׁים...

woman who has given birth regains her purity at sunrise of the thirty-fourth day for a boy and at sunrise of the sixty-seventh day for a female. Their prayer is written below.

I7. And Binyamin also said:

With the letter *vav*, [Scripture] distinguishes the forbidden sexual relations of men from those of women.

מספר המצוות

לְהַחֲכֶם דְּנֵי־אֵל הַקּוּמִסִּי

FROM THE BOOK OF MIZVOTH

by Hakham Daniel Ha-kumisi

מספר המצות לדניאל הקומסי

(ובערבית אלקומסי או אלדמגאני) המכנה ראש פלה

א. (קאל דניאל ראס אלבל רחמה אללה)
אמר דניאל ראש פלה ירחמהו האל:

דע כי טהרת הבהמה והדגים והארבה נודע באותותיהם
(באותיהם): הבהמה (בהמה) בשסוע פרסה וגרה, ודגים
בסנפיר וקשקשת, וארבה בכרעים ממעל לרגליו (לרגלים).
וטהרת העוף נודע בשמותם, לא באותיות (לא באותות). כי
לא צנה יוי (יי וכן למטה) "כל עוף אשר לו (עליו) אות כן וכן
תאכלו", כי אם כל מין ומין בשמו (כשמו). ככתוב את הנשר
וג' (ויקרא יא:ג).

(קאל, אמר) ולמה לא צנה יוי גם טהרת עופות באותיות
כאשר צנה לבהמות ולדגים? למען כי אות בהמות טמאות
לא כטהורות. ואולם אות עוף טהור כאות עוף טמא הרבה
מהם. על כן צנה בשמות לא (ולא) באותות.

From *The Book of Mizvoth* by Daniel Ha-kumisi

Known in Arabic as al-Kumisi or
al-Damaghani, the Rosh Kalla¹

1. Daniel the Rosh Kalla (may God have mercy upon him) said:²

Know that the purity of mammals, fish, and locusts is known by their signs: mammals by their split hooves and the chewing of their cud, fish by their fins and their scales, and locusts by their jointed legs above their feet. The purity of birds is known not by their signs but by their names: God did not command, “Every bird with such-and-such sign may be eaten;” rather, [He named] each genus [of impure bird] by name. As it is written, [*And these ye shall have in detestation among the fowls; they shall not be eaten, they are a detestable thing*]: *the great vulture*, etc. (Leviticus 11:13).³

Why did God not command signs for the purity of birds as He commanded for mammals and fish? Because the sign of an impure mammal is distinct from the sign of a pure mammal, whereas the sign of a pure bird is often the same as the sign of an impure bird. That is why He commanded with names and not with signs.

- 1 An honorific that originated in the rabbinic academies of Babylonia, meaning “the head of the study session.”
2 Harkavy excerpted this passage from two different manuscripts: 1) from H' Yeshu'a ben Yehuda in his commentary on the Torah; 2) from an anonymous *Book of Mizvoth*, which he surmises is either by H' 'Eli ben Suleiman or by H' Yashar ben H̄esed Ha-tustari (Sahl bin Faḍl al-Tustari).
3 Cf. Deuteronomy 12:12.

בזאת תדע כי כל המדבר "כל עוף אֲשֶׁר לוֹ אוֹת כֵּן אוֹ כֵּן
הוא טְהוֹר" דָּבַר סָרָה עַל יוֹי, וְהוּא בּוֹדָה מְלִבּוֹ. וַיֵּשׂ אוֹמֵר "כָּל
עוֹף אֲשֶׁר לוֹ מְרָאָה וְנוֹצָה מְתָר לְאָכֹל"; וְלֹא כֵן הוּא, וְלֹא בְדַעַת
יֹאמְרוּ. וְהֵם חוֹשְׁבִים כִּי מְרָאָה וְנוֹצָה (הֵם) שְׁתֵּי נְתָחִים. כִּי הֵם
חוֹשְׁבִים כִּי מְרָאָה וְנוֹצָה הִיא קֵאֲנִיעָה וְחוֹצֵלָה. וְלֹא כֵן הוּא. וְדַע
כִּי הַמְרָאָה (מְרָאָה) הוּא הָאֲכָל אֲשֶׁר יִלְקֹט הָעוֹף וַיֵּאֱכֹל, מְרָאָה
הוּא הַלְקֹט אֲשֶׁר בְּתוֹךְ הַנוֹצָה, וְהַנוֹצָה הִיא מְקוֹם אֲסִיפַת הָאֲכָל.
כְּכַתוּב וַיְהִי כִּי אָתְּ מְרָאָתוֹ בְּנֹצָתָהּ (ויקרא א:טו); וְלֹא כְּתוּב "מְרָאָתוֹ
וְנוֹצָתוֹ". וְהוּא נִתְחַ אֶחָד, וְלֹא שְׁנַי (שְׁתֵּי) נְתָחִים. וּבְזֹאת תִּדְעַ
כִּי כֵן: הֲלֹא הַכְּתוּב אָמַר וַיְהִי שְׁלִיךְ אֶתָּה (שם), כִּי אַחַת הִיא, וְלֹא
כְּתוּב (כִּי הִיא אַחַת. וְלֹא אָמַר) "וַיְהִי שְׁלִיךְ אוֹתָם". לְלַמְדֶּךָ כִּי
לֹא שְׁנַיִם הֵם (הֵם שְׁנַיִם).

כָּלֵל דָּבַר, מְרָאָה הוּא מְאֲכָל הָעוֹף, וְנוֹצָה הַמְקוֹם אֲשֶׁר
יִקְבֹּץ בוֹ מְאֲכָל הָעוֹף. וְאִי זֶה מִן הָעוֹפּוֹת אֲשֶׁר אֵין בְּקִרְבוֹ

With this you shall know that any person who says, “Every bird with such-and-such a sign is pure” has spoken perversion against God⁴ and has innovated from his own heart. There are some who say, “Every bird with *mur’a* and *noza* may be eaten,” but it is not so, and they speak from ignorance. They think that *mur’a* and *noza* are two separate units; they think that *mur’a* means gizzard and *noza* means crop.⁵ But it is not so. Know that the *mur’a* is the food that is gathered and eaten by the bird, and the *mur’a* is that which is gathered inside the *noza*, and the *noza* is the place where the food is gathered.⁶ As it is written, *And he shall take away its mur’a with the noza thereof* (Leviticus 1:16);⁷ it is not written, “its *mur’a* and its *noza*.” Thus, [the *mur’a* with the *noza* thereof] is one unit, and not two units. And with this you shall know that it is so: does not Scripture say, *And cast it [beside the altar on the east part]* (ibid.), for it is one unit, and not “cast them”? This teaches that [*mur’a* and *noza*] are not two units.

The general principle is that the *mur’a* is the food of the bird, and the *noza* is the place where the food of the bird is gathered. And what bird does not have a place where its food is gathered, be it the crop or the intestine?⁸ And some

4 Quoting Deuteronomy 13:6.

5 For “gizzard” and “crop,” Ḥ’ Daniel uses the Arabic *qāniṣa* and *ḥawṣala*. The crop and the gizzard are digestive organs found in most birds. The crop is an enlargement of the esophagus where food is stored before the stomach. The gizzard is a specialized stomach with muscular walls and stones or grit for grinding food.

6 Though this interpretation is not mentioned by Ḥ’ Daniel, today *noza* is generally understood as “feathers.”

7 First half of the verse.

8 This is the critical sentence for understanding Ḥ’ Daniel’s point: because all birds have a place where the food is gathered, the presence of the *noza* is useless as a criterion of purity.

מקום המאכל, אם נוצה ואם מעים? ואשר הם אומרים זפק, סגיאנה* קאנצה, ואין זה בתורת יוי.

ואתה דע כי אין לנו לאכול עופות טרם נדע אלה שמות העופות באר היטב. ומי הוא היום הזה אשר ידע פתרון אלה שמות העופות. באמת זה אומר כן וזה אומר לא כן. וכל דבר אשר יש לו דומה במקרא נוכל לפתור אותו, כמו עורב ונשר. ואשר אין לו דומה במקרא לא נוכל לפתור אותו, כמו הפרס והעזניה והתחמס, והאחרים. ודבור לשון הקדש שבת ממנו, ולא נדע אלה העופות אי זה הם.

על כן אסור לאכול, כי לא נדע עוף טמא מעוף טהור, כי אם תורים ובגי יונה. ותורים הוא שפנין, יונה חמאס; ולא דיך ודג'אג'ה. ובזאת תדע כי כן, כי הלא דג'אג'ה עוף הבית תמיד בבית, ולא נודע מועדה לבוא. ותורים נודע עת בואם בשנה. ככתוב ותד וסיס ועגור שמרו את עת באנה (ירמיהו ח:ז). בזאת תדע כי תור - שפנין, ימאס.**

ואם תאמר כי איך צנה יוי אשה אלמנה לצוד ציד עוף מן

* נראה שהוא משובש; הרכבי מציע לקרוא: "יג'אנה" בערבית, שפירושו "יוכל להיות".

** נראה שהוא משובש; הרכבי מציע לקרוא: "יונה - חמאס".

claim that it is *zefaq*,⁹ that is,¹⁰ the gizzard; but this is not found in God's Torah.

Now, know that we may not eat any bird before we attain complete understanding of the names of the [impure] birds [listed in the Torah]. But who knows the meanings of the names of the birds today? In truth, one person says, "This is so," and another says, "This is not so." We can decipher the names that occur in more than one place in Scripture, such as *'orev* [raven] and *neshet* [great vulture]. But we cannot decipher the names that do not occur elsewhere, such as *peres*, *'ozniyya*, *taḥmas*, and others. The speaking of the holy tongue has ceased from us, and we do not know the identity of these birds.

Therefore, it is forbidden to eat [all birds], because we cannot distinguish between an impure bird and a pure bird, with the exception of *torim* and *bené yona*. *Tor* means turtle-dove, and *yona* means pigeon; they do not mean rooster and hen.¹¹ With this you shall know that it is so, for is not the hen a domestic bird that is always in the house with no "appointed time for coming"? And the *tor* has an appointed time for coming in the year. As it is written, *Yea, the stork in the heaven knoweth her appointed times; and the tor and the swallow and the crane observe the time of their coming* (Jeremiah 8:7). With this you shall know that *tor* means turtle-dove and *yona* means pigeon.¹²

One might object, "How could God command a widow

9 *Zefaq* is a word used in Aramaic in Targum Onqelos, and in Hebrew in the Rabbinic Midrash Sifra, to explain *mur'a* in Leviticus 1:16.

10 For "that is," the text has the meaningless SGY?NH; Harkavy suggests to read this as Arabic *yajī 'innahu*, lit. "which can be."

11 For "turtle-dove," "pigeon," "rooster," and "hen," H' Daniel uses the Arabic *shifnin*, *hamām*, *dik*, and *dajājah*, respectively.

12 Following Harkavy's emendation, *yona ḥamām*.

השָׁדָה וְלִהְקָרִיב? דַּע כִּי עַל כֵּן צִוָּה עַל מְקוֹם תּוֹרִים אוּ בְּנֵי יוֹנָה; אִם לֹא נִמְצָא זֶה, הֲלֹא נִמְצָא זֹאת.

וְאִם תֹּאמַר: "שְׂכֹוֹי הוּא דִּיד, וְלֹא נִזְכָּר שְׁמוֹ בְּתוֹךְ הַטְּמֵאִים; עַל כֵּן יִדְעֵנוּ [כִּי עוֹף] הַבַּיִת דִּיד וְהוּא מִתֵּר לְאֹכֵל." דַּע כִּי לֹא כָּל עוֹף טְמֵא נִזְכָּר שְׁמוֹ, כִּי מְכַל מִין וּמִין שֶׁהוּא אָב וְרֹאשׁ לְמִינֵהוּ. כִּכְתוּב אֵת כָּל עֵרֵב לְמִינֵו (ויקרא יא:טו). וּמִי יִדַּע כִּמָּה מִינֵי עוֹרֵב? וְאֵת הָאִיָּה לְמִינָה (ויקרא יא:יד), וְאֵת הַשְּׁחִף וְאֵת הַנִּיץ לְמִינֵהוּ (ויקרא יא:טז). בְּזֹאת תִּדַּע כִּי כָּל אֱלֹהֵי הַנִּזְכָּרִים הֵם אֲבוֹת הָעוֹפוֹת, וְיִשׁ לָהֶם כִּמָּה מִינֵים לְמִינֵיהֶם, שֶׁלֹּא נִזְכָּרוּ שְׁמוֹתָם. וּמִי יוֹדֵעַ כִּי שְׂכֹוֹי לֹא שֵׁם הָעוֹף הוּא.

עֲתָה דַּע כִּי כָּל יְרֵא אֱלֹהִים אֵין לוֹ לְאֹכֹל עוֹף, כִּי אִם תּוֹרִים, וּבְנֵי יוֹנָה, וְיוֹנֵי שְׁדָה - וְרִשִׁין, עַד יְבוֹא מוֹרָה צָדֵק. לְמַעַן כִּי כָּל עוֹף שֶׁקָּץ אוּ דָג שֶׁקָּץ יִכְלֶה וְיִסּוֹף בְּיוֹם פְּקֻדָּה, כְּאוֹכְלֵי חֲזִיר. כִּכְתוּב אֲכָלִי בֶּשֶׂר הַחֲזִיר וְהַשֶּׁקֶץ וְהָעֵבֶר יַחְדָּו יִסְפוּ (ישעיה

[who has given birth] to go hunt a bird from the field and bring it as an offering?"¹³ Know that this is why God commanded that turtle-doves and pigeons substitute for one another; for if one cannot be found, surely the other can be found.

One might object, "The word for rooster is *sekhvi*, and this name is not mentioned in the list of impure birds; therefore, we know that the domestic chicken may be eaten." Know that not all impure birds are mentioned by name; rather, a parent name [is mentioned] for each and every [impure] genus. As it is written, *the raven after its kinds* (Leviticus 11:15), and who knows how many species of raven there are? And *the falcon after its kinds* (Leviticus 11:14), and *the sea-mew and the hawk after its kinds* (Leviticus 11:16). With this you shall know that the names mentioned are the parent names for [the genera of] birds and that each genus includes a number of species that are unnamed. And who can know that *sekhvi* is not the name of the [specific species of] bird?

Now, know that every God-fearing person should abstain from eating birds, except for the turtle-dove, the pigeon, and the desert pigeon,¹⁴ until the coming of the Teacher of Righteousness. This is because [he who eats]¹⁵ detestable birds [‘*of sheqez*’] or detestable fish [*dag sheqez*] will surely perish on the Day of Reckoning, no less than he who eats swine’s flesh. As it is written, [*They that sanctify themselves and*

13 Referring to Leviticus 12: 6–8. H’ Daniel interprets these verses as referring to widows only, apparently because otherwise the commandment would have fallen on the husband.

14 For “desert pigeon,” H’ Daniel first writes “pigeons of the field” in Hebrew, and he then explains with the Arabic word *warashin*.

15 Words not present in the Hebrew text; Harkavy suggests that they should be there (and have fallen out erroneously).

יא:ז). הַשְּׁקֶץ נִזְכָּר בֵּין הַחֲזִיר וְהַעֶכְבֵּר. וְהַשְּׁקֶץ הוּא עוֹף וְדָג טָמֵא, כְּאוֹכֵל חֲזִיר וְגָמֵל. וְכֹל יֵרָא אֱלֹהִים עָלָיו לְהַנָּזֵר מִכָּל דְּבַר אֲשֶׁר יֵשׁ בּוֹ פּוּגוֹת.

ב. (וְקוֹל דְּנִיָּאל אֱלֻקוֹמְסִי נ"ע פִּי סֵפֶר מִצְוֹת וְדַבְרֵי דְנִיָּאל הַקּוֹמְסִי נ"ע בְּסֵפֶר מִצְוֹת הֵם:)

אָסוּר לָנוּ לְדָרוֹשׁ וְלַחֲשׁוֹב אֶת חֲשַׁבּוֹן הַקּוֹסְמִים. כְּכַתּוּב לֹא יִמְצָא בְךָ מַעֲבִיר בְּנוּ וּבַתּוּ בְּאִשׁ קִסִּים קְסָמִים וּג' (דברים יח:). וְאִין מִתָּר לָנוּ לְדָרוֹשׁ חֲדָשִׁי יוֹי וּמוֹעֲדָיו בְּחֲשַׁבּוֹן הַקּוֹסְמִים וְהוֹבְרֵי שָׁמַיִם. וְעוֹד הַזְּמִין יוֹי לְהוֹבְרֵי הַשָּׁמַיִם וּמוֹדִיעִים חֲדָשִׁים וְעֵתִידוֹת תְּבוּאוֹת הַזְּמַנִּים לְשִׁרְפַת אֵשׁ. כְּכַתּוּב הַחֲזִים בְּכּוֹכְבֵים מוֹדְעִים לְחֲדָשִׁים מֵאֲשֶׁר יָבֹאוּ עָלֶיךָ, הִנֵּה הָיוּ כְּקֶשׁ אֵשׁ שֶׁרְפָתָם (ישעיהו מז:ג-ד).

ג. (דְּנִיָּאל נ"ע קֵאל דְּנִיָּאל נ"ע אָמַר:)

וְאָסוּרָה עָלֶיךָ מְלֹאכְתָךְ לְהַעֲשׂוֹת (בַּשָּׁבַת) בְּיַדֵי גוֹיִם, אִם

purify themselves to go unto the gardens, behind one in the midst,] eating swine's flesh, and the detestable thing [sheqez], and the mouse, shall be consumed together, saith the LORD (Isaiah 66:17). Sheqez is mentioned in between the flesh of the swine and the mouse. It refers to the impure birds and fish, and [those who eat them]¹⁶ are no different from those who eat swine and camels. And every God-fearing person must abstain from every doubtful thing.

2. A statement of al-Kumisi in *The Book of Mizvoth*:¹⁷

We are prohibited to conduct calculations in the manner of diviners. As it is written, *There shall not be found among you any one that maketh his son or his daughter to pass through the fire, one that useth divination, [a soothsayer, or an enchanter, or a sorcerer]* (Deuteronomy 18:10). And we are not permitted to reckon the months of God and His festivals with the calculations of diviners and stargazers. For God has appointed the stargazers and the prognosticators of months and harvests to be burned in the fire. As it is written, *[Thou art wearied in the multitude of thy counsels; let now the astrologers,] the stargazers, the monthly prognosticators, stand up, and save thee from the things that shall come upon thee. Behold, they shall be as stubble; the fire shall burn them; [they shall not deliver themselves from the power of the flame]* (Isaiah 47:13–14).

3. Daniel (may he rest in Eden) said:¹⁸

It is forbidden for your work [*melakha*] to be done by gen-

¹⁶ Here too, words not present in the Hebrew text; Harkavy suggests that they should be there (and have fallen out erroneously).

¹⁷ From an anonymous Arabic *Book of Mizvoth*.

¹⁸ From an anonymous Arabic *Book of Mizvoth*.

בח[נים], ואם בשכר יום, ואם בשכר הנכרת.

ד. (קאל אלקומסי רחמה אללה)
אמר הקומסי ירחמהו האל:

ויש שאמרו כי אם יהיו כמה כלים מחברים זה בצד זה מואצל כלם יטמאו, ואם עד נהר פרת. ולא כן הוא כאשר יאמרו. הלא תדע כי טמאה אין קשה מן טמאת מת אדם, כתוב בו וכל כלי פתוח אשר אין צמיד פתיל עליו (במדבר יט:ט-יט). להודיע כי אם פתוח יטמא הכלי; ואם עליו צמיד פתיל, מונע את הטמאה מן הכלי.

ואף כי יתר הטמאות, שהם קלים מן טמאת מת, הלא להם גבול ומדה. ואחרי טמאת מת, טמאת נדה קשה. ולולי היה גבול אחד ומדה לטמאת נדה - ואם כל המחבר בנדה יטמא, ואם עד נהר פרת כלם יטמא - ומה חפץ לדבר מושבה ומשכבה, מושב לבד והמשכב לבד, ואם על המשכב (ויקרא יט:כג) לבד? ואם אשר הוא בשפת נהר פרת יטמא מן הבגד המחבר בנדה אשר בירושלם, מה חפץ לדבר "משכב"? כי

tiles on Shabbath, regardless of whether it is for free, for a daily rate, or for the recognized [piece] rate.

4. Al-Kumisi (may God have mercy upon him) said:¹⁹

There are those who say that if multiple vessels are connected,²⁰ one to the side of the next, they all become impure [together] – even [were they to extend] to the Euphrates River.²¹ And it is not so, this claim of theirs. Consider that there is no impurity more severe than the impurity of the dead, about which it is written, [*When a man dieth in a tent . . .*] *every open vessel, which hath no covering close-bound upon it, [is impure]* (Numbers 19:[14–]15). This teaches that the vessel becomes impure if it is open, but if there is a covering close-bound upon it, this prevents the vessel from becoming impure.

All the more so, there is [also] a boundary and a measure for all the impurities of lesser severity than the impurity of the dead. After the impurity of the dead, the impurity of the menstruating woman [*nidda*] is the most severe. If this impurity does not have a certain boundary and measure – if all that is connected to the menstruating woman becomes impure, even to the Euphrates River – then what is the point of specifying her seat and her bed, each one mentioned in turn, [such that it says] *and if he be on the bed* on its own (Leviticus 15:23)?²² If indeed the [vessel] on the shore of the Euphrates River becomes impure via the garment connected to the menstruating woman who is in Jerusalem, then what is the point of specifying her bed?

¹⁹ From Ḥ' Yeshua' ben Yehuda's Arabic commentary on the Torah.

²⁰ For "connected," Ḥ' Daniel uses the Arabic *muwasil*.

²¹ The author is presumably using the Euphrates River as an example of a place far from Jerusalem.

²² Leviticus 15:20.

מן טמאת הנטמא מרחוק, הלא נוכל ללמוד טמאת המשכב אשר תחת הנדה.

ומה חפץ לדבר צווי משכב לנוגע במשכב, ואם מחבר עד מאה כלים עד למרחוק? טמא? מה חפץ לדבר "נוגע"? הלא כדבריה ראוי לדבר "וכל המחבר במטמא"? ולא ראוי לכתוב "נוגע", אם הנוגע הוא מואצל. ומה חפץ לו לדבר "נושא", כי כלם כאחד מחברים, בדבריה. ואם פתרון "נוגע" מואצל, למה הפריד בין נוגע ובין נושא? נוגע ברחיצה, ונושא בכבוס. ומה חפץ לצוות כבוס, כי כל מלבוש הנוגע אמנם הוא מואצל בכל מטמא אשר יגע בו. ולמה כל נוגע לא יכבס בכל מטמא? ואם תאמר כי כל "נוגע" מואצל, כי כן מצאנו כתוב וישלח המלאך (מלאך יי) את קצה המשענת אשר בידו ויגע (שופטים ו:כא). ומה תוכל להשיב לאיש אשר יאמר אליך כי "נגיעה" נפלה על

From the long-distance transmission of impurity, surely we could deduce the impurity of the bed that is directly underneath her.

And what is the point of the commandment regarding the impurity of the person who touches her bed, if indeed one becomes impure at a distance merely by being connected through one hundred vessels? And what is the point of saying *nogea'* [he who touches]?²³ For, according to you, is it not better to say “whosoever is *mehubbar* [connected] to the impure object”? It is inappropriate to say *nogea'* if the intended meaning is “connected.” And what is the point of saying *nosé* [he who bears] if, as you claim, [touching and bearing] are all one?²⁴ For, if the proper interpretation of *nogea'* is “connected,” why does [Scripture] distinguish between “touching” and “bearing”? He who touches must bathe [only]; he who bears must [also] wash his clothes. And what is the point of commanding the washing [of the clothes], for [is it not obvious that] all the clothes of the person who touches [an impure object] are connected to the impure object that he touches? And why is he not obligated to wash all of his clothes every time he touches an impure object?

You may claim that *nogea'* always means “connected,” for we have found a verse, *Then the angel of the LORD put forth the end [qezé] of the staff that was in his hand, and touched [vayyigga'] the flesh and the unleavened cakes* (Judges 6:21). But how can you respond to the man who informs you that the subject of the verb “touched” is “the end of the staff”? *Qazé* is masculine.²⁵ And if you cite the verse, [*They cast*

²³ Leviticus 15:21–23.

²⁴ Leviticus 15:10.

²⁵ H' Daniel's hypothetical opponent interprets the subject of the masculine verb “touched” to be the angel, and not the staff, for the word

"קצה המשענת"? ו"קצה" יאמר בלשון זכר. ואם תאמר וילך ויגע [...] בעצמות אלישע (מלכים ב יא:כא), ומה תדע כי לא בעצמו נגע, הגידני? ואם זה הכתוב על המלאך, ו"יגע" הוא כדבריה, למה תדמה נגיעת מלאך לנגיעת אדם? ומלאך הוא רוח, ולא גוף. ככתוב עשה מלאכיו רוחות (תהלים טד:ד). ורוח הוא במזרח ונוגע במערב. וכן כתוב על יי יגע בהרים ויעשנו (תהלים קד:לב). ואמנם לא נוכל להצות דבור "יגע" אשר כתוב על יי כדבור נגיעת האדם. ולמה תדמה נגיעת מלאך? והיא שבועה לדבר.

ה. (והדא נין קול דניאל בן משה אלקומסי נ"ע פי ספר מצות אלדי לה. קאל

וזה גוף דברי דניאל בן משה הקומסי נ"ע בספר מצות אשר לו. אמר:)

ואם תהיה לאשתך אחות הנולדת מן אשת חותנך, או בת בעל

the man into the sepulchre of Elisha; and as soon as] *the man touched the bones of Elisha, [he revived, and stood up on his feet]* (2 Kings 13:21), pray tell, how can you know that the man did not [actually] touch the bones of Elisha?²⁶ And if you are correct about “touch” in the verse about the angel, how can the touching of an angel compare to the touching of man? An angel is wind without body. As it is written, *Who maketh winds His messengers* (Psalms 104:4).²⁷ [An angel touches in the same sense that] a wind from the east touches the west. And so it is written about God, *He toucheth the mountains, and they smoke* (Psalms 104:32). Clearly, we cannot deal with the word “touch” when written about God together with the word [when it refers to] human touching. [Just so,] how is the touching of an angel similar [to the touching of man]? [Rather, the touching of the angel] was an oath.²⁸

5. This is the text of a statement of Daniel b. Moshe al-Kumisi (may he rest in Eden) in his *Book of Mizvoth*. He says:²⁹

If your wife has a [step-]sister born to the wife of your

for staff, *mish'eneth*, is feminine, and thus could not be the subject of a masculine verb. H' Daniel counters that the verse speaks of the “edge” (*qazé*, construct state of *qazé*) of the staff, and the word *qazé* is masculine.

- 26 The hypothetical opponent thinks that the dead man was revived merely by being tossed into the sepulchre, and he “touched” Elisha’s bones only in the sense that he was “connected” to them. H' Daniel counters that there is no reason to believe that the dead man did not actually touch Elisha’s bones.
- 27 In Hebrew, *mal'akh* means both “angel” and “messenger.”
- 28 That is, the angel’s touching is not meant literally but rather as an expression for the taking of an oath (in this case, that Gideon will vanquish the Midianites).
- 29 From the Arabic *Book of Mizvoth* by H' Yefeth ben Tza'ir (Saghir).

חותנך היא, ולא נולדה לא מן אם אשתך ולא מן אב אשתך - אסורה היא עליך בחיי אשתך. ומתרת אליך אחרי מות אשתך. ככתוב עליה בחייה (ויקרא יח:ח). ואסורות שתי אחיות בחיים ובמות, לא למען צרד (שם), כי אם למען כי זאת שאר זאת. וכל שתי נשים שהן שאר זאת לזאת אסורות הן לעולם זאת על בעל זאת. ככתוב שארה הנה זמה היא (ויקרא יח:ז).

זזה הכתוב ואשה אל אחותה - שלא בת אביה ולא בת אמה היא. אסירתה למען צרור, כי לא שארה הנה - ככתוב לצרור. וכאשר הודיעני יוי כתבתי, ואשר לא ישמע עונו בו.

(וקאל קבל

.1

ואמר קדם לזה:)

ואשה אל אחותה (ויקרא יח:ח). זאת האחות הכתובה הנה לא היא אחות אשתך הנולדת מאבי אשתך ולא מן אם אשתך. כי היא נקראת אחות אשתך למען כי נולדה מאשת אבי אשתך מאיש

father-in-law or to the husband of your <mother-in-law>,³⁰ who was born neither to your father-in-law nor to your mother-in-law, then she is forbidden to you during your wife's lifetime and permitted to you after your wife's death. As it is written, [*And thou shalt not take a woman to her sister, to be a rival to her, to uncover her nakedness,*] *beside the other in her lifetime* (Leviticus 18:18).

Two sisters are forbidden to you both during [your wife's] lifetime and after [her] death – this is not because of [the prohibition] *to be a rival* (ibid.) but rather because of kinship. Any woman who is kin to another woman is forever forbidden to the other's husband. As it is written, [*Thou shalt not uncover the nakedness of a woman and her daughter; thou shalt not take her son's daughter, or her daughter's daughter, to uncover her nakedness:*] *they are near kinswomen; it is lewdness* (Leviticus 18:17).

When the verse states, *a woman to her sister*, it is referring to [a step-sister, who is] the daughter of neither [the woman's] father nor her mother. She is forbidden because of rivalry – for she is not kin – as it is written, *to be a rival to her*.

As God has informed me, so I have written. He who listens not, his sin is upon him.

6. As he said earlier:³¹

A woman to her sister (Leviticus 18:18). The sister spoken of here is not your wife's sister who was born to your wife's father or to your wife's mother; [rather, it is your wife's step-sister.] She is called your wife's sister because she was

³⁰ The Hebrew text here says "father-in-law," but it should say "mother-in-law," as we have rendered it. Harkavy's edition notes that "father-in-law" is printed, but is incorrect: "Thus in the manuscript and in Pinsker's edition, but it is obvious that it should say 'mother-in-law.'"

³¹ From the same source as the previous passage.

אחר. כְּאִשֶּׁר כְּתוּב עֲרוֹת בֵּית אִשָּׁת אָבִיךָ מוֹלֶדֶת אָבִיךָ אַחֻתְךָ הִיא (ויקרא יח:יא). וְלֹא אַחֻתְךָ בִּילִידָה, כִּי אִם מֵאִשָּׁת אָבִיךָ. וְכֵן וְאִשָּׁה אֶל אַחֻתָּהּ לֹא אַחֻתָּהּ הִיא בִּילִידָה, כִּי אִם הַנוֹלְדֶת מֵאִשָּׁת אָבִיָּהּ אוֹ מִן בַּעַל אִמָּהּ.

וּבְזֹאת תִּדְעַ כִּי אַחֻת אִשְׁתְּךָ אֲסוּרָה עֲלֶיךָ בְּחֵייהָ וּבְמוֹתָהּ. כִּי כְּאִשֶּׁר אֲסוּרִים שְׁנֵי אַחִים עַל אִשָּׁה, בְּחַיִּים וּבְמוֹת, כֵּן שְׁתֵּי אַחֻתוֹת אֲסוּרוֹת לְעוֹלָם, בְּחַיִּים וּבְמוֹת. וְאִם יָמוּת אִישׁ, הֲלֹא אִשָּׁת הַמֵּת אֲסוּרָה עַל אַחִיו? כֵּן אִם תָּמוּת אִשָּׁה, הֲלֹא בַּעֲלָהּ אֲסוּר עַל אַחֻת הָאִשָּׁה הַמֵּתָה?

וּבְזֹאת תִּדְעַ כִּי שְׁתֵּי נָשִׁים שֶׁהֵן שָׂאֵר זֹאת לְזֹאת אֲסוּרוֹת הֵן לְעוֹלָם לְהִיּוֹת זֹאת אִשָּׁת בַּעַל זֹאת, לְהִיּוֹת שְׁתֵּיהֶן לְאִישׁ אֶחָד, בְּחֵייהֶן וּבְמוֹתֵן, כִּי זְמָה וְתוֹעֵבָה הִיא. וְהַדָּבָר הַזֶּה כְּתוּב בְּעִנְיַן אִשָּׁה וּבִתָּהּ, לְמַעַן כִּי זֹאת שָׂאֵר זֹאת, כְּכַתוּב שְׂאֵרָה הִנֵּה זְמָה הִיא (ויקרא יח:זז). כֵּן הָאֲחֻת הֲלֹא שָׂאֵר אַחֻתָּהּ הִיא? עַל כֵּן אֲסוּרוֹת שְׁתֵּי אַחֻתוֹת, בְּחַיִּים וּבְמוֹת, כִּי אָמַר שְׂאֵרָה הִנֵּה. וְהֵן שְׂאֵרוֹת קְרוֹבוֹת זֹאת לְזֹאת מִן קְרִיבַת אִשָּׁה וּבִתָּהּ, לִירְשָׁה נַחֲלָה וּמִשְׁפָּחָה. כִּי אִשָּׁה וּבִתָּהּ, זֹאת מִשְׁבֵּט רְאוּבֵן וְזֹאת מִשְׁבֵּט שְׂמֵעוֹן; וְאוֹלָם אִשָּׁה וְאַחֻתָּהּ מִשְׁבֵּט אֶחָד וּמִשְׁפָּחָה נוֹלְדוּ, מִמִּשְׁפַּחַת אָב אוֹ מִמִּשְׁפַּחַת אִם.

born to your wife's father's wife from a different man. As it is written, *The nakedness of thy father's wife's daughter, begotten of thy father, she is thy sister, thou shalt not uncover her nakedness* (Leviticus 18:11). [The sister spoken of] is not your sister by birth; she is your sister by virtue of being the daughter of your father's wife. Just so, *a woman to her sister*: this does not refer to your wife's sister by birth but rather her sister born to her father's wife [with a different man] or mother's husband [with a different woman].

And with this you shall know that your wife's sister is forbidden to you in her lifetime and after her death. For just as two brothers are forbidden to a woman in life and in death, so too are two sisters forever forbidden [to a man], in life and in death. If a man dies, is not his wife forbidden to his brother? So too, if a woman dies, is not her husband forbidden to her sister?

With this you shall know that any woman who is kin to another woman is forever forbidden to become the wife of the other's husband; [it is forbidden for] the two of them to be with one man, in their life and in their death, for this is lewdness and an abomination. This matter is written with regard to a woman and her daughter because they are kin, as it is written, *They are near kinswomen; it is lewdness* (Leviticus 18:17). And two sisters, are they not kin? For this reason, two sisters are forever forbidden [to a man], in life and in death, because it says, *they are near kinswomen*. With regard to inheritance, [land] possession, and clan affiliation, the kinship of two sisters is even stronger than the kinship of a mother and her daughter. For in the case of a mother and her daughter, one might belong to the tribe of Reuben and the other to Simeon, whereas a woman and her sister always belong to the same tribe and the same family, be it the family of the father or the family of the mother.

ז. (קול דניאל אלקומסי. קאל
דברי דניאל הקומסי. אמר:)

ובהמה טהורה לא כתוב בהם "טמאים הם לכם" אחרי מותם.
למען כי אחרי אשר תעשה למלאכה לא תטמא. כאשר לא
כתוב בכלים - בגד ועור ושק - "טמאים הם לכם", למען כי
גבול טמאתם עד הערב ורחיצה. כן לא כתוב לבהמה טהורה
"טמאים הם לכם", למען כי גבול טמאתה עד אשר תעשה
למלאכה. על כן כתוב וחלב נבלה וחלב טרפה יעשה לכל מלאכה
(ויקרא ז:ד). ועל כן כתוב וגם את המת יחצון (שמות כא:לה).

וכתוב בה וכי ימות (ויקרא יא:לט). כי לא כלם ימותו? להודיע
כי הנשחט לא מטמא.

ויש שיאמר כי הכתיב וכי ימות היא הבהמה הנשחטת
בחליה, ולא כן הוא. וגם יאמרו וחלב נבלה היא הנשחטת
בחליה, ולא כן הוא. כי אין בכל המקרא שם הנזבח נקרא

7. A statement of Daniel al-Kumisi. He said:³²

It is not written regarding the pure animals [that have died] that “they are impure unto you” after their death.³³ This is because [their impurity is not permanent]: once they are used for another purpose, they do not make one impure. Likewise, it is not written regarding [wooden] vessels, clothing, leather, or sackcloth that “they are impure unto you,” for their impurity lasts only until they are washed and evening has fallen.³⁴ In the same way, it is not written regarding the pure animals that “they are impure unto you,” for their impurity lasts only until they are used for another purpose. This is why it is written, *And the fat of that which dieth of itself, and the fat of that which is torn of beasts, may be used for any other service; [but ye shall in no wise eat of it]* (Leviticus 7:24). And this is why it is written, [*And if one man’s ox hurt another’s, so that it dieth; then they shall sell the live ox, and divide the price of it; and the dead also they shall divide*] (Exodus 21:35).

It is written regarding [a pure animal], *If [any beast, of which ye may eat,] die, [he that toucheth the carcass thereof shall be impure until the even. And he that eateth of the carcass of it shall wash his clothes, and be impure until the even; he also that beareth the carcass of it shall wash his clothes, and be impure until the even]* (Leviticus 11:39–40). But do not all animals die? Rather, [the word “die”] informs us

³² From Ḥ' Yeshu'a ben Yehuda's commentary on Leviticus.

³³ Ḥ' Daniel is observing that although impurity inheres in the carcasses [*neveloth*] of pure and impure animals alike, the formula, *They are impure unto you*, occurs only in the context of the impure animals (Leviticus 11:8, 26, 27, 28, 35). Regarding the pure animals, it is written instead, *And if any beast, of which ye may eat, die, he that toucheth the carcass thereof shall be impure until the evening* (Leviticus 11:39).

³⁴ Referring to Leviticus 11:31–32.

"נבלה", וגם אם נזבח לגלולים. וכתוב וזבחו לאלהיהם (שמות לד:10), לבעלים יזבחו (הושע יא:ב), זבח רשעים תועבה (משלי כא:כז). קרא בשם "זבח", ולא בשם "נבלה".

והנזבח בחליו - אם אסור לאכול ואסור לנגוע, הלא הוא כמשפט המת, כאחד? ובמה להפריד בינו ובין המת? ואם מתר לאכול ומתר לנגוע, הלא הוא כמשפט החי מתם הגוף? ולמה קרא אותו נבלה? ובמה תפריד בינו ובין החי מתם הגוף? ואם מתר לאכול [ואסור לנגוע] - ושכן כתוב הנגע בנבלתה (ויקרא יא:10) - למה אסור לנגוע? ואם תאמר הוא האוכל בשגגה או לאנס, ולמה גם כן לא יגיע שגגה ואנס גם על הבהמה המתה? ולא נפלא זה מן הכתוב ונבשל את בני ונאכלהו (מלכים ב ו:כט).

that [only an animal that dies of itself makes one impure, whereas] an animal that is slaughtered does not make one impure.

There are some who claim that *die* refers to an animal that is slaughtered while sick, but it is not so. They also claim that *the fat of that which dieth of itself*³⁵ refers to an animal that is slaughtered while sick, but it is not so. For nowhere in the entirety of Scripture is the slaughtered animal referred to as a “carcass” [*nevela*], not even if it is sacrificed to idols. As it is written, [*Lest thou make a covenant with the inhabitants of the land, and they go astray after their gods,*] and *do sacrifice unto their gods* (Exodus 34:15); *They sacrificed unto the Baalim* (Hosea 11:2); *The sacrifice of the wicked is an abomination* (Proverbs 21:27). [In all these instances,] it is called a “sacrifice” rather than a “carcass.”

[Let us suppose that the word “die” refers to] the animal that is slaughtered while sick. If one is forbidden to eat it and forbidden to touch it, then is not its ruling the same as the dead [that died of itself]? Why then do we distinguish between it and the dead? If one is permitted to eat it and permitted to touch it, then is not its ruling the same as the live [animal that was slaughtered] in sound health? Why then is it called a “carcass”? If one is permitted to eat it and forbidden to touch it – as it is written, *He that toucheth the carcass thereof . . .* (Leviticus 11:39) – then why should one be forbidden to touch it? If you claim that eating [is permissible but] only in a state of error or coercion [e.g., famine], then why should error and coercion not apply equally to the animal that died? This is no more wondrous than the verse, *So we boiled my son, and did eat him* (2 Kings 6:29).

35 Referring to Leviticus 7:24 (quoted above).

בְּזֹאת תִּדְעַ כִּי הַנּוֹגֵעַ בְּבִהְמָה טְהוֹרָה הַמֵּתָה אַחֲרֵי אֲשֶׁר
נַעֲשָׂה לְמִלְאכָה לֹא יִטְמָא. וְהַנּוֹגֵעַ בְּבִהְמָה וְחִיָּה טְמֵאָה, וְשָׂרֵץ
טְמֵא, אִם נִשְׁחָט לְמִלְאכָה, יִטְמָא. עַל כֵּן כָּתוּב אוֹ בְּנִבְלַת חִיָּה
טְמֵאָה [...] אוֹ בְּנִבְלַת שָׂרֵץ טְמֵא (ויקרא ה:ב), וְלֹא הַזְכִּיר הַנָּה
בְּהִמָּה טְהוֹרָה.

With this you shall know that he who touches a pure animal that has died after it has been used for another purpose does not become impure. He who touches an impure domestic or wild mammal, or an impure swarming thing, even if it has been slaughtered for another purpose, does become impure. Thus it is written, [*If any one touch any impure thing, whether it be*] *the carcass of an impure beast, [or the carcass of impure domestic beasts,*³⁶ *or the carcass of impure swarming things* (Leviticus 5:2), with no mention of pure beasts.

³⁶ JPS reads *impure cattle*, which is a halakhic impossibility, for cattle are pure animals.