
A CAIRO GENIZAH FRAGMENT OF BAVLI ERUVIN 104A-105A LINGUISTICS AND PRONUNCIATION

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Abstract

The article refers to a Cairo Genizah fragment related to Bavli, Tractate Eruvin 104a-105a, identified as Cambridge UL T-S F2 (2) 23, FGP No. C98947. The paper opens with a description of the Genizah fragment, presents its parallel in the printed version (Vilna edition) and cites from the fragment only the topics discussed in the article and a reproduction of the entire fragment. The article discusses the pronunciation of a certain word written inconsistently by the fragment's scribe or copyist and clarifies the causes. Another word that appears in the fragment, although slightly blurred, raises the possibility that the fragment may preserve a different variant of the same word than the print version and the other manuscripts, which significantly changes the interpretation of the word and the understanding of the sentence that contains it. But the scholarly discussion rejects the possible appearance of this word's variant in the fragment. The article also discusses the phonetics of another word that is written differently than in the printed version and the other manuscripts. We end with a discussion of various phrases in the fragment. The discussion of the last phrase suggests different meanings of the phrase that compared to its parallels in the manuscripts, both with regard to its structure and to the linguistic precision in the words, is understood differently than in the other manuscripts and the printed version.

Keywords: Genizah, Eruvin, sugya, pronunciation, phrases

1. Introduction

The Genizah fragment signature is identified as Cambridge UL T-S F2 (2) 23 Fragment 1v, FGP No. C98947. The Genizah fragment refers to the text of Tractate Eruvin 104a-105a.

The fragment is damaged in the outer-bottom (right hand) corner. It is faded and illegible in the outer edge. The number of lines in the fragment is about 44, of which 17 whole lines survived at the top of the fragment. The fragment is perforated. On the bottom part of the fragment 9 lines were obliterated.

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The measurements of the fragment are 26.5x32.3 cm; the measurements of the written area are 20.5x24.5 cm.

The scoring of the fragment is imperforated. The scribe designated paragraphs with a colon and a space. There are ten unique words that are pointed. The mishna in the fragment was copied in full from its location in the sugya. (The Mishna is a formal codex of Jewish laws and oral law from the previous generations of sages including the period of the Tannaim that reached R. Judah Hanassi, who arranged and redacted it in the early third century AD).

The scribe's writing style is Eastern square. But compared to other examples in medieval Hebrew manuscript collections, the script is Eastern script.

Paleographically, the formative features of the letters have a greater similarity to letter specimens written in 995 AD (unknown place) and to letter specimens written in Cairo, Egypt, in 1003/4 [1].

The legible part of the fragment, which parallels that of the printed version, begins with the words "דלא מבטיל ליה" (104a) and ends with the words "אמ' רב טמא" (105a).

2. The text in the printed version (Vilna edition) that parallels the fragment under discussion (bEruvin 104a-b)

[Mishnah]. "Water also may be drawn ... from the cistern of the exiles..." He [Abaye] pointed out to him a further objection: If a man guards his fruit against the birds or his gourds against wild beasts he may proceed on the Sabbath in his usual way, provided he does not clap his hand, beat his chest or stamp his feet as is usually done on weekdays... We learned: "Water may be drawn on the Sabbath by means of a wheel from the cistern of the exiles and from the great cistern..."

[104b] [Mishnah]. "If a [dead] creeping thing was found in the Temple, a priest should carry it out in his girdle to avoid keeping the uncleanness there any longer than is necessary"; so R. Johanan b. Beroqa... Whence must it be removed? "From the Hekal, from the Ulam and from between the Ulam and the Altar"; so R. Simeon b. Nanus... R. Simeon said: "Wherever the sages have permitted you anything they have only given you what is really yours, since they have only permitted you that which is forbidden as Shebuth"... Must it be conceded that on this question there is a divergence of opinion between the following Tannas: "If a creeping thing was found in the Temple a priest should carry it out in his girdle to avoid keeping the uncleanness there any longer than is necessary"; so R. Johanan b. Beroqa... Now do they not differ on this point: That he who said, 'to avoid keeping', holds the opinion that one who takes a creeping thing into the Temple incurs guilt... No, all may agree that guilt is incurred, but the point at issue here is the following: One Master holds that it is preferable to keep an unclean object a little longer... The point at issue is rather the same as that between the following Tannas. We learned: "Whence must it be removed" etc... [2]



Figure 1. Cambridge U-L T-S F2 (2) 23.

3. Discussion (Figure 1)

ממלין מיבור הגולה ומבור הגדול בגילגל בשבת ... איתביה המשמר פירותיו מפני העופות א א א
 ומששאו מפני החיה מ...מר כדירכו בשבת ובלבד שלא יצנח ולא יטפיה ולא ירקד
 כדרך שעושה בחול ... תא שמע ממלין מבור הגדול בגלגול בשבת...
 [קד ע"ב] מתני שרץ שנימצא במקדש כהן מוציאו שלא לשחות את הטמאה דברי רבי
 יוחנן בן ברוקא ... מיהכן מוציאין או... מן ההיכל ומן האולם ומבין האולם למזבח דברי
 ר' שמעון בן ...
 ... אומר כל שהתירו לך חכמים משלך נתנו לך ושלא התירו לך אינו משום שבות:
 ... שרץ שנימצא במקדש כהן מוציאו בהימנו שלא לשחת את הטמאה ... יוחנן בן ב... קה ...

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... מ שלא לשחות קא סבר המכניס טמא שרץ למקדש חייב ... בהא קא מיפלגי דמאן
 10 דמר סבר שחויי טמאה עדיף ... כן מוציאין אותו מן ההיכל ומן האולם ומבין(ת)
 האולם למזבח דברי ר' שמעון בן גנאס ...

3.1. Pronunciation of the word “בגילגול”/“בגלגול”

The scribe or copyist of the fragment first pronounced the beginning of the word “בגילגול” (1) or “בגילגול” (3) (while in MS Munich 95, MS Oxford 366 and the printed version have: “בגלגל”) audiographically, as though with a *hirik* (.) under the first ג (*gimel*), and therefore wrote “בגילגל” or “בגילגול” in all the appearances of the word. In the pointed version of the Babylonian Talmud (Amar edition), however, the word appears with a *patah* - “בגֶלגל”. Also the ending of the word “בגילגול” (3) was pronounced differently by the scribe or copyist, “בגלגול” (3), as though with a *kamatz* (ֶ) pronounced as a *holam* under the second ג (*gimel*) [3], as read in the Yemenite tradition [4, 5], and therefore he wrote audiographically “בגילגול”. In the version of the text in the pointed Talmud, however, this word too appears with a *patah* - “בגלגֶל”. But the inconsistency of the scribe or copyist in writing the ending of the word “בגילגל” (1) and “בגילגול” (3) is notable.

3.2. The explanation of the word “ומששאי”

In all the different manuscripts, versions, and commentators, the word “ומקשאיו” appears in various forms (Tosefta, Shabbat 17(18):25, Lieberman edition; MS Oxford 366) [6, 7] and not as in the fragment’s version “ומששאי” (2). The meaning of the word “ומקשאיו” (“and its fields”) is “שדה הקישואים” (“a field of squash”) (Avoda Zara 29a) [8] or “הקישואים מקום זריעת” [9] (“a place where squash is sown”) (see further discussion on squash below). In the printed version this word is missing. In the fragment’s version, however, an indication of the word “ומששאי” (2) rather than “ומקשאיו” is still evident. If there is no mistake or distortion in the fragment’s version, it may preserve the word “ומששאי” (rather than “ומקשאיו”). The second ש (*shin*) replaces a *dagesh* and is not pronounced [3, 10] (as though it said “ומששאי”), and the meaning of the word is: burden (from the root of נשא [8], something that is carried), cargo [11, 12].

Accordingly, the fragment’s version has “ומששאי [= מטענון מפני]” מפני העופות ומששאי (“one who protects his fruit from the birds and his cargo from the beasts”) (Tosefta, Shabbat 17(18):25, Lieberman edition) and this form seems to be appropriate, as the pumpkin [13] is a large fruit from the gourds family (*Cucurbita Maxima*) and the squash (Numbers 11.5) [14] too is a type of garden vegetable (fruit [13, 14]) from the gourds family (*Cucumis*). And they can both be included under the definition of “המשמר פירותיו מפני העופות” (“one who protects his fruit from the birds”). So, there is no need to mention them separately “ומקשאיו מפני החיה ודלעיו” (“and his squash fields and pumpkins from the beasts”) - as in the other parallel versions above (in different forms), or as in the printed version: “ודלעיו” (“and his pumpkins”) only.

Despite all the above, it appears that the fragment's version "ומששאי" (2) is a distortion of the word "ומקשאי" ("and his fields of squash") that appears in all the parallel versions above (in different forms), because this word is not found in the sources. The customary word in rabbinical language is "משאי", "משוא" (or "משוי"/"מסוי") [8, 12]. The double letter ש (*shin* in the word "ומששאי"), denoting a double consonant (pronounced with a *dagesh forte*) - is a relatively rare spelling and very common in modern North African Jewish Arabic writing.

Moreover, in many other places the words "מקשאי ודלעיו" ("fields of squash and pumpkins") (in all their different forms) usually appear together as a well-known and customary word pair (Terumot 8:6, Ma'asrot 1:4) [8] rather than as in the fragment's version. Hence, it appears that the fragment's version "ומששאי" is an error.

Furthermore, regarding this Baraita of "המשמר פירותיו" (1) ("one who protects his fruit"), it should be noted that the fragment's version preserves the phrase "שלא יצוה" (2) ("that he should not shout") [15]. This means producing a shout or a loud call by a person in order to turn away birds and beasts, rather than "שלא יספק" ("that he should not clap") (Tosefta, Shabbat 17(18):25, Lieberman edition; MS Munich 95; R. Hananel, Eruvin 104a; MS Oxford 366 and the printed version) as in most of the versions above, which means human clapping (Rashi, Eruvin 104a), close or similar to the phrase "ולא יטפה" ("that he should not clap") that also means making a sound with one's hands (Rashi, *ibid.*) in order to keep away birds and beasts. Hence, the fragment's version preserves the use of three means to keep away birds and beasts: one's mouth, hands and feet [15], while the other versions mention only two means: one's hands and feet.

The final section of the Baraita version in the fragment and in the other versions (MS Munich 95 and the printed version) is in the singular "עשה בחול" "כדרך" (3) ("as he would do on a weekday") in accordance with the first section of the Baraita: "המשמר פירותיו" (1) ("one who protects his fruit") which uses the singular form, and as in the Tosefta (Tosefta, Shabbat 17(18):25, Lieberman edition), rather than in the plural as in the printed version: "כדרך שהן עושין בחול" ("as they would do on a weekday"). (The Tosefta is a collection of tannaitic sources not included in the formal Mishna, called 'Baraita' in the singular form, arranged and redacted by R. Hiyya and R. Osha'aya, disciples of R. Judah Hanassi, in the early third century AD, in a similar format to the order of the Mishna).

3.3. Identification of the watermelon, melon and squash

The קישואים can be identified as one of two types of plants: the first is (the modern day cucumber). The second is קישות (=קישואים) הקתא (*kata*) (*Cucumis melo var chate*). The researchers support the identification of the קישות as the *kata* melon. The description of the קישואים in rabbinical literature also fits the *kata* melon, and it has different species and forms such as a melon or small pumpkin. According to the sages, watermelons and squash result in *kil'ayim*

when cultivated together [16]. The pumpkin is similar to the field plants, it is sown in the spring and grows in the summer [16]. The method used to sow squash and pumpkins is unique, they were sown alternately, two rows of squash and then two rows of pumpkin, relatively widely spaced, because these plants spread considerably in the field. In the laws of *kil'ayim* they were accorded special rates of distancing to keep one species from reaching the other [17]. The phrase "המקשאות והמדלעות" encompassed the קישואים (identified as the kata melon), מלפפונות (identified as the yellow melon, *Cucumis melo*), watermelons (identified as *Citrullus colocynthis*), and various types of pumpkin (identified as the calabash, bottle gourd - *Lagenaria vulgaris*) [17]. The מלפפון mentioned in the Mishna (*kil'ayim* 1:2), aside from its identification above as the yellow melon, is also identified as the current day cucumber (*Cucumis sativus*). The watermelon in rabbinical literature is a small watermelon and not that known to us today. The דלעת mentioned above is different than that called pumpkin today, which is from the Cucurbita species and was brought from America in the sixteenth century [18]. The Mishna mentions different types of pumpkin (*kil'ayim* 1:5).

3.4. The phonetics of the word "לשחות"

In the fragment's version this word appears in a different form "לשחות"/"לשחת" (4, 5, 9), "שהויי" (10) ("keeping"). In the printed version and in the manuscripts (MS Munich 95, MS Vatican 109, MS Oxford 366) however, this word appears in all its occurrences "שהויי", "לשחות" ("keeping"). The alternations of the letters ה - ה (*het, he*) are well-known and common [3, 19]. Lexically, the root of the word is "שהי", "שחי" and there is no difference between the definition of these two [20].

3.5. The version "מן ההיכל ומן האולם ומבין האולם למזבח"

The fragment's version has "מן ההיכל ומן האולם ומבין האולם למזבח" (5, 10) ("from the sanctuary and from the hall and from between the hall and the altar", however the Mishna's version has only "בין האולם ולמזבח... ההיכל" ("between the hall and the altar... the sanctuary") with no mention of "האולם" ("the hall") (*Kelim* 1:9). Some of the researchers noted that "מן האולם" ("from the hall") is missing also in other versions [21], and others explained the lack "כעניין של סגנון" ("as a matter of style") [22].

3.6. Alternate versions of the phrase "לך חכמים משלך נתנו לך ושלא התירו לך אינו אלא" and their meaning

In the Genizah fragment the phrase is "לך חכמים משלך נתנו לך ושלא התירו לך" (7) ("...says whatever the sages permitted you they have only given you what is really yours, and [anything they] did not permit you is only [forbidden] due to Shebuth"). There are alternate versions of

this phrase in the mishna, in the manuscripts and printed versions. Here are several examples.

MS Kaufmann: “מקום חכמי משלך נתנו לך [שלא התירו לך] אלא משום שבות” (R. Simeon says: “Wherever the sages have permitted you anything, they have only given you what is really yours [since they have only permitted you] that which is forbidden as Shebuth.”)

MS Munich 95: “שהתירו לך חכמים משלך נתנו לך שלא התירו לך אלא משום שב[ו]ת” (R. Simeon says: “Wherever the sages have permitted you anything, they have only given you what is really yours, since they have only permitted you that which is forbidden as Shebuth”)

MS Vatican 109: “שהתירו לך חכמי משלך נתנו לך שלא התירו לך אלא משום שבות” (Whatever the sages have permitted you they have only given you what is really yours, since they have only permitted you that which is forbidden as Shebuth.”)

MS Oxford 366: “שהתירו לך חכמים משלך נתנו לך שלא התירו לך אלא משום שבות” (R. Simeon says: “Wherever the sages have permitted you anything, they have only given you what is really yours, since they have only permitted you that which is forbidden as Shebuth.”)

Venice edition: “שהתירו לך חכמים משלך נתנו לך שלא התירו לך אלא משום שבות” (R. Simeon said: “Wherever the sages have permitted you anything, they have only given you what is really yours, since they have only permitted you that which is forbidden as Shebuth.”)

Pisaro edition: “שהתירו לך חכמים משלך נתנו לך שלא התירו לך אלא משום שבות” (R. Simeon said: “Wherever the sages have permitted you anything, they have only given you what is really yours, since they have only permitted you that which is forbidden as Shebuth.”)

Printed edition: “משלך נתנו לך שלא התירו לך אלא משום שבות שהתירו לך חכמים” (R. Simeon says: “Wherever the sages have permitted you anything, they have only given you what is really yours, since they have only permitted you that which is forbidden as Shebuth.”)

The Genizah fragment lacks the word ‘מקום’ (‘wherever’, lit. ‘place’) (as does MS Vatican 109) that appears in the other versions, and the letter ו (vav) was added to the word ‘ושלא’ (7) (‘and [anything] they did not’), unlike the other versions. Also, the word ‘אינו’ (7) (‘is only’, lit., ‘is not’) was added, unlike the other versions. Therefore, the phrase can be interpreted as meaning separation and division between the first and second part of the phrase [23]. The first part “כל שהתירו לך חכמים משלך נתנו לך” (“whatever the sages have permitted you they have only given you what is really yours”) is interpreted as - wherever the sages have permitted you anything they have only given you what is really yours - namely, the sages permitted you *shebuth* prohibitions that were permitted on the Sabbath to begin with but were then forbidden by the sages. The second part “ושלא התירו לך אינו משום שבות” (“and [anything they] did not permit you is only forbidden due to Shebuth”) may be interpreted as meaning - and what the sages did not permit you remains a Shebuth (prohibition), which is determined by the words of the sages.

In the other versions, MS Kaufmann, MS Munich 95, MS Vatican 109, MS Oxford 366, the Venice edition, the Pisaro edition, and the printed version, despite the minor alternate versions they contain (in the words 'מקום', 'כל', 'מקום') the phrase is interpreted as a single phrase [23] that ends in a justification of the beginning. Namely, the explanation of the phrase's first part is - the sages permitted you *shebuth* prohibitions that were permitted on the Sabbath to begin with but were then forbidden by the sages, and the justification for this is: because the sages permitted you only what they had forbidden by reason of *shebuth*, as they were permitted on the Sabbath to begin with and were not Sabbath prohibitions from the Torah (see in the next section).

3.7. *Alternate versions of the word 'ושלא'/'ושלא' and the explanation of the phrase by researchers and commentators*

The fragment's version of the phrase "משלך נתנו לך ושלא התירו לך אינו אלא" (7) mentions the word 'ושלא' ('and [anything they] did not'), with the addition of the letter ו (vav). In the printed version and in the manuscripts (MS Munich 95, MS Vatican 109, MS Oxford 366, MS Kaufmann, Venice edition, Pisaro edition) [23, p. 271] the word 'שלא' ('since they have only', lit. 'not') appears without the letter ו (vav), and most of the commentators also have 'שלא' ('since they have only', lit. 'not') in the Mishna (for instance, Perush R. Ishma'el ben Hakhmon 'al Hilkhoh ha-Rif, Eruvin 104b).

The researchers and the commentators explain this phrase (usually together with its halakhic meaning) in different ways. Some of the researchers contend that the letter ו (vav) in the word 'ושלא' ('and [anything they] did not') denotes separation and the phrase separates R. Simeon's words into two matters that explain R. Simeon's method in the laws of Sabbath and Eruvin [23].

Some of the commentators contend that the meaning of the phrase "נתנו לך" ("they have only given you what is really yours") is that "ואינו אסור אלא" ("the sages have permitted you only prohibitions that were permitted on the Sabbath from the Torah and were forbidden only as Shebuth"). This interpretation suits the version 'שלא' ('since they have only', lit. 'not') (without the letter ו (vav)) [23]. Other researchers are of the opinion that the phrase "משלך נתנו לך" means "אסור שלא התירו חכמים אלא מה" ("since the sages have only permitted what they themselves had forbidden") [22]. In the printed version, the phrase "מקום שהתירו לך חכמים" ("wherever the sages have permitted you") (the word 'מקום' does not appear in the fragment's version) "relates [to the word] 'place' as denoting a certain law (halakha)" rather than as a 'general note', and the phrase "התירו לך אלא משום שבות" "שלא" ("since they have only permitted you that which is forbidden as Shebuth") stands alone [22].

However, some commentators contend that the letter ו (vav) in the word 'ושלא' ('and [anything they] did not') - is a connecting ו (vav), whereby "אין כאן פסקא והנוסח [ושלא] ... ונוסחא הישנה עדיפה בכל הדפוסים הישנים מלבד" ("in all the old printed versions aside from Salonika there is no paragraph here and the

phrase (and [anything they] did not]), ... and the older version is preferable”) [24]. Namely, the phrase “אינו אלא משום שבות כל שהתירו לך חכמים משלך נתנו לך ושלא” (“whatever the sages have permitted you they have only given you what is really yours and [anything they] did not permit you is only [forbidden] due to Shebuth”) is a single phrase (R. Yehonatan [on Rif], Eruvin 104b, s.v. *rasha*), whose second part beginning from the word ‘ושלא’ is connected to the first part “כל שהתירו לך חכמים” (“whatever the sages permitted you”) via the connecting ו (vav) in the word ‘ושלא’ (“and [anything they] did not”) [25], and this is the preferred version (“and the older version is preferable”) - namely, ‘ושלא’ (“and [anything they] did not”) with a connecting ו (vav).

Other commentators contend that the wording should be ‘שלא’ (‘since they have only’, lit. ‘not’) (and even emended thus) - without the letter ו (vav) (Hokhmat Shlomo [on Mharsha], Eruvin 105a). In this way, the phrase is comprised of two separate parts - the first part is the part that opens the beginning of the phrase “כל שהתירו לך חכמים” (“whatever the sages permitted you”). The second part of the phrase begins with the word ‘שלא’ (‘since they have only permitted’, lit. ‘not’) and the second part is interpreted as “a new thing, an additional saying” and it is in fact “a new paragraph” [25].

3.8. The verbal meaning of the phrase

The phrase “מקום שהתירו לך חכמים משלך נתנו לך שלא התירו לך אלא משום שבות” (“Wherever the sages have permitted you anything, they have only given you what is really yours, since they have only forbidden that which is prohibited as Shebuth”) in its simple verbal meaning is interpreted as several similar options. The first is: “The leniency in [certain] laws (halakhot) is only in matters usually prohibited primarily by reason of Shebuth, and [therefore] in cases when [there is] a detail [a certain law (halakha) that enables leniency] - it is possible to be lenient, as the primary prohibition will not be forbidden only due to the prohibition of Shebuth (halakhic prohibitions against or restrictions of types of work defined by the sages with the intention of preventing one from performing acts that desecrate the Sabbath [26, 27]) ... The poetic phrase ‘they have only given you what is really yours’ [means receiving] from one a large gift and honouring the giver [of the gift] with a small part - as the initial giving was much greater.” [28].

The second is: “קולא שהקילו לגביך לפנים משורת הדין, אלא זה מגיע לך מצד הדין ... אין זאת אלא משום שבות” (“whatever they have permitted you... is not leniency for you beyond the letter of the law, rather you deserve it by law”) [25].

The words from the phrase “משלך נתנו לך” (“they have only given you what is really yours”) can be interpreted as “הם אסרו והם התירו” (“they forbade and they permitted”) [21], i.e. the sages permitted that which they had forbidden for you [22], “ממה שהחמירו חכמים עליך חזרו והקילו” (“and from what the sages prohibited for you they then proved lenient for you”) (Korban ha-Eda, Rosh HaShana 2:1), “חומרא דרבנן דמן הדין לא צריך כלל” [להחמיר] (“a stringent ruling by the sages that by law is completely unnecessary”) (Mahara Fulda, Terumot 11:1), namely, “משלך נתנו לך” means “ממה שהם גזרו התירו לך” (“what they decreed

they then permitted you”) (Rash Sirilio, Terumot 11:1), they only gave you of what was already yours.

4. Conclusions

This paper focuses on the pronunciation and language in the Genizah fragment noted above. We showed that the scribe or copyist of the fragment wrote the word 'בגלגל' that appears in the print version in one of the following forms: 'בגילגל' or 'בגלגול'. It is written differently than that currently customary, attesting that these words were pronounced differently than presently. Thus, also the word 'לשהות' that appears in the fragment's version in other places as 'לשהות'. This is a result of the frequent alternations between the letters ה - ה, which are lexically similar.

In the fragment's version there are also different linguistic forms than in the printed version, such as the word 'ומששאי'. It seems, however, that the word 'ומששאי' is a disruption of the word 'ומקשאי' that appears in the printed version and in other versions, because we do not find the word 'ומששאי' in other sources.

We also find linguistic differences in the lack of the word 'האולם' in the fragment's version compared to the printed version. Although this word is also absent from other versions, the researchers explained the lack of the word 'האולם' as a stylistic matter.

Finally, the linguistic phrase “ כל שהתירו לך חכמים משלך נתנו לך ושלא התירו לך “ that appears in the fragment's version differs in its formulation than in the printed version, the manuscripts, and the different print editions. Despite the minor variations between the different versions, this has implications for the language of the sentence, whether it is one sentence or divided in two. These two parameters, linguistic differences between the fragment's version and the other versions and whether this linguistic phrase is one sentence or divided in two, change the meaning of this phrase and our understanding of it.

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