

**“A Miserable Remnant Though this Be, It is Not without Value”:
A Fragment of Mishnah Avodah Zarah in the Babylonian Tradition
from a Book Binding in the Cambridge University Library**

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1. Initial impressions

In his catalogue of Hebrew manuscripts in the Cambridge University Library, Salomon Schiller-Szinessy describes a single page of Mishnah, said to be “the mishnah of ’Abodah Zarah according to the Palestinian Talmud; a fragment”, with the evaluation, “A miserable remnant though this be, it is not without value.”¹ The solitary page, CUL MS Add.1207.2, was extracted from the binding of a fourteenth-century book acquired by the Library in 1875.

The page is physically well preserved, except that the left margin was cut when the page was used for a binding. Fortunately, inspection of the text showed that very little was missing on the left edge. Unfortunately, the fragment was in bad enough shape that it could not all be read. The top left quarter of the page, the bottom left, and parts of the lower right side, were entirely faded and no text was visible there. Furthermore, the fragment had been mounted in glass at some point in the nineteenth century, making it very difficult to photograph without significant glare.

Fortunately, Błażej Mikuła of the Cambridge University Library Digital Content Unit was able to take multi-spectral images.² The first photos received were not a substantial improvement over what could be seen with the naked eye, but a week later I received an email: “The photographer advises

* My thanks to Tzvi Novick and Elitzur A. Bar-Asher Siegal for their careful reading of this paper and their helpful suggestions for correction and improvement.

1 S. M. Schiller-Szinessy, *Catalogue of the Hebrew Manuscripts* (Cambridge: University Library, 1878), Volume 2, p. 12 (MS no. 75). Part 2 was never formally published, only printed for private use, so it is missing all front matter.

2 The funding for the photography came from Yeshiva University, and I am grateful to Dr. William Stenhouse and Dr. Fred Sugarman for facilitating that.

that after further image processing we have managed to get clearer image of the missing text.” This was lovely British understatement: in the new image, the top left and much of the rest of the page could be read clearly.³ A transcription of the fragment can be found in the Appendix below.

2. The text

Since the tractate clearly began with a new page, Schiller-Sziinessy weighed the possibility that this was a stand-alone tractate of Mishnah, although he conceded that “it is difficult to conceive circumstances under which this particular Massikhta could have formed a special subject of study among Jews.” There was, fortunately, an alternative: “It may, of course, be a portion of a Talmud MS., in which the whole Perek of the Mishnah stood at the head of the Gemara belonging to it.”⁴

Our understanding of the textual history of the Mishnah and of the manuscript traditions have advanced significantly in the past century and a half. After a thorough study of all medieval manuscripts and Geniza fragments, Yaacov Sussman came to the conclusion that outside of the Palestinian-Byzantine realm, the Mishnah was never studied independently of the Talmud. He then noted that as a result, if one finds the first page of a Mishnah manuscript of a tractate and it is not in the Palestinian tradition (like Kaufmann and Parma A), it should be assumed to be a manuscript of the *Talmud* with the mishnah collected at the beginning of the chapter – and he pointed to our fragment as an example.⁵ In this regard, Schiller-Sziinessy’s second option proves to be correct.

3. Different traditions of AZ

In another matter, though, Schiller-Sziinessy’s judgment has to be revised

3 For the story from the photographer’s perspective, see Błażej Mikula, “Spectro Gasp”, *The Book Collector* 73 (2024), 48-52.

4 Schiller-Sziinessy, *Catalogue*, 12-13.

5 Yaacov Sussman, “Yaacov Sussmann, “Manuscripts and Text Traditions of the Mishnah”, *Proceedings of the Seventh World Congress of Jewish Studies, vol. 3* (1977), 215-250 (Hebrew), 248-249 n. 134 = Yaacov Sussmann, “Manuscripts and Text Traditions of the Mishnah”, in Sussman, *Thesaurus of Talmudic Manuscripts, vol. 3: Introductions & Indices* (with Yoav Rosenthal and Aharon Shweka; Jerusalem: Ben-Zvi Institute, 2012), 29-42 (Hebrew)”, 41-42 n. 106.

in light of subsequent work: the claim that this fragment reflects the Palestinian version of the Mishnah. It is possible that he noticed certain features which are preferable to what is found in printed texts of the Mishnah or the Bavli (see immediately below). It is, however, easy to check if our fragment is of the Palestinian or Babylonian variety, as there are a few well-known divergences between the traditions, some of which are in the first chapter of the tractate. These were carefully traced by David Rosenthal in his doctoral dissertation, and have subsequently been discussed especially by Christine Hayes.⁶

In nearly every case, our fragment's textual traditions agree with the Babylonian, rather than the Palestinian, versions. This includes both diagnostic linguistic features and textual features. Here we will only discuss those that are philologically more substantive.⁷ First we will look at two features that are not associated with the Babylonian tradition; perhaps these are what suggested the Palestinian affiliation to Schiller-Szinessy. Then we will turn to the features that conclusively align this fragment with the Babylonian tradition.

4. Non-Babylonian features

a) תרנוגלין (1:5)

Our fragment reads תרנוגלין as the plural of תרנגול. Rosenthal pointed to this as a feature of the Palestinian branch,⁸ but in fact Mishnayot with Babylonian vocalization have the form תרנוגלין as well,⁹ as do reliable

6 David Rosenthal, *Tractate Avodah Zarah, Critical Edition with Introduction* (Ph.D. dissertation, Hebrew University, 1981), esp. 153-231 (Hebrew); Christine Hayes, *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah* (New York: Oxford University Press, 1997).

7 For example, the plural form in our fragment is מרחצאות rather than מרחציות (Rosenthal, *Tractate Avodah Zarah*, 73; דימוסאות is missing in the fragment); in 1:5 the reading is הצב rather than הצד (a reading preserved only in K and a few other witnesses; Cambridge here reads הצב like the Babylonian tradition; Rosenthal, 164-165 and 247-250). On the other hand, the fragment reads היה הוצה ע"ז תוכה מותר rather than היה הוצה ע"ז תוכה לה מותר; תוכה לה מותר; אם יכול להלך rather than אם היה יכול להלך (Rosenthal, 79).

8 Rosenthal, משנה עבודה זרה, 74.

9 Moshe Bar-Asher, "The Different Traditions of Mishnaic Hebrew", *Tarbiz* 53

manuscripts of the Bavli as well: it appears many times in MS Bodleian Opp. Add. fol. 23 (Neubauer catalogue no. 366) of Berakhot and Mo'ed and MS Hamburg 165 of Neziḳin, for instance. In our case, the Paris MS of the Talmud has תרנגולין, and JTS reads תרנגולין, which should likely be vocalized in the same way.

b) ואל ישנה אדם (1:6)

The first part of 1:6 in MS Kaufmann reads, מקום שְׁנֵהֲגוּ לְמַכּוֹר בְּהֵמָה דָּקָה, לְגוּיִם מוֹכְרִין. מְקוֹם שְׁנֵהֲגוּ שְׁלֹא לְמַכּוֹר אֵין מוֹכְרִין. וְאֵל יִשְׁנֶה אָדָם מִפְּנֵי הַמַּחְלָקוֹת, and the same is found in the other Palestinian witnesses to the text.¹⁰ The last clause (ואל ישנה אדם מפני המחלקות) is not in the Babylonian branch of the Mishnah. Rashi clearly knew of this clause, but rejects it: ואל ישנה אדם מפני המחלוק' לא גרס לה הכא אלא בפסחים גרס לה. As he observes, with the line, the structure of this mishnah is strikingly similar to m. Pesahim 4:1: מקום שנהגו בערב פסחים עד חצות, עושין. מקום שנהגו שלא לעשות, אין עושין. ... ואל ישנה אדם מפני המחלקות.

In Avodah Zarah, the line ואל ישנה אדם is missing in the Babylonian version of the mishnah. MS Paris reads, מקום שנהגו למכור בהמה דקה לגוים, מוכרין, מקום שלא נהגו למכור לגוי אין מוכרין. ובכל מקום אין מוכרין להם בהמה גסה. Rosenthal suggests that Rashi deleted the line,¹¹ but it is unlikely that Rashi

(1984), 187-220, at 223 (Hebrew); Moshe Bar-Asher, *Studies in Classical Hebrew* (ed. Aaron Koller; Studia Judaica 71; Berlin: De Gruyter, 2014), 299-300; for full documentation see Moshe Bar-Asher, *A Morphology of Mishnaic Hebrew* (Jerusalem: Academy of the Hebrew Language, Mossad Bialik, and the Matanel Foundation, 2015), 2.1484-1485 (Hebrew).

- 10 Besides Parma A and Cambridge, it is also found in T-S Misc 21.1 – a Mishnah with Arabic translation – which picks up at this point. As noted by Sussmann, “Talmud Fragments in the Cairo Geniza”, in *Cairo Geniza Studies* (ed. Mordechai Akiva Friedman; Te‘udah 1; Tel Aviv: Tel Aviv University and ha-Kibbutz ha-Me‘uḥad, 1980), 21-31, at 28 n. 38 (Hebrew), this belongs to the same manuscript as the fragments from ‘Eduyyot and Kelim published by J. N. Epstein, “An Arabic Translation of Mishnayot”, in *Sefer ha-Yovel in Honor of Alexander Marx on the Occasion of His Seventieth Birthday* (New York: Jewish Theological Seminary, 1950), 23-48 (Hebrew). See also the discussion and critique in David J. Wasserstein, “Avot in al-Andalus”, in *Religious and Intellectual Diversity in the Islamic World and Beyond: Essays in Honor of Sarah Stroumsa* (ed. Omer Michaelis and Sabine Schmidtke; Leiden: Brill, 2024), 1.212-219.

- 11 Rosenthal, *Mishnah Avodah Zarah*, 59.

would have deleted it simply because it is *also* found in m. Pesahim. Instead, he must have known of both readings, but preferred the version without *ואל ישנה אדם*, either because the versions he trusted more did not have it or, because he did not think it belonged in this context. Until now there was no evidence for the line in the Babylonian tradition, though.

Our fragment provides just this evidence. Although the line is not preserved to the end, the words *ואל ישנה אדם* are clear. In the witnesses to the Palestinian tradition, the line then continues, *ובכל מקום אין מוכרין להן*. In the CUL fragment, there is not sufficient space between *אין* [מוכרין להם בהמה גסה] and *ואל ישנה אדם* to restore all the missing words. It may have read *ואל ישנה אדם* and *ובכל מקום אין מוכרין להם בהמה גסה*, or *ואל ישנה אדם* and *ובכל מקום אין מוכרין להם בהמה גסה*. In any event, our fragment is a Babylonian text that does have the *ואל ישנה* clause.

5. Babylonian features

a) אסור לשאת ולתת (1:1)

In Palestinian tradition of Mishnaic Hebrew, the syntax of *אסור* is highly constrained. Two types of nouns may be the subjects: either an object is *אסור* (e.g., m. AZ 5:1, *שכרו אסור*), or the person is *אסור* “from doing something” (e.g., m. Berakhot 2:6, *אבל אסור מלרחוץ*).¹² Never is the *action* – expressed as the infinitive – the subject of *אסור*. In the Talmud, though, this is common, e.g., *אסור לו לאדם לעשות הפציו קודם שיתפלל* (b. Berakhot 13b).

The expression originally relied on a metaphorical use of the word *אסור* “bound”, to refer to the person who was bound, and thus unable to perform an action. One of two processes then took place. Either by metonymy, the action became *אסור*, and the preposition *-מ* was concomitantly dropped, or the *-מ* was dropped creating the elliptical

12 Gad Ben-‘Ami Sarfatti, “The Tradition of Mishnaic Hebrew – a ‘Living Literary Language’”, in *Hebrew Language Studies Presented to Professor Zeev Ben-Hayyim* (ed. Moshe Bar-Asher; Jerusalem: Magnes, 1983), 451-458, esp. 454 (Hebrew); see the slightly different presentation of Yoḥanan Breuer, “On the Hebrew Language of the Amora’im in the Babylonian Talmud”, *Mehqarim ba-Lashon* (1987), 132-134 (Hebrew) = “On the Hebrew Dialect of the ‘Āmōrā’īm in the Babylonian Talmud”, in *Studies in Mishnaic Hebrew* (ed. Moshe Bar-Asher and Steven E. Fassberg; Scripta Hierosolymitana 37; Jerusalem: Magnes, 1998), 134-136.

expression לעשות אסור, and then by reanalysis the syntax was understood to be the verbal noun rather than the implied human.¹³

The transition took place through reanalysis of the construction אסור לעשות, which was originally elliptical for אסור אדם מלעשות but was then understood to have לעשות as the subject. Later versions of the Mishnah took their cue from this Amoraic construction, and we see that here, as well.¹⁴

In our case, the Palestinian tradition represented by Kaufmann, Cambridge, and Parma A has אסור מלשאת ומלתת, preserving the original syntax, whereas all Bavli manuscripts do not have the מ and agree with our fragment.¹⁵

b) מפני שמיצר לו (1:1)

R. Judah allows collecting a debt from a non-Jew within three days of a festival, because it causes suffering rather than joy. In the Palestinian version, the text is, מפני שיהוא מצר.¹⁶ On this reading, the verb מצר is intransitive: “because he suffers.” In the Babylonian branch, however, the

13 My thanks to Elitzur Bar-Asher Siegal for his correction of an earlier formulation. For a formal definition of the mechanisms of reanalysis, see Elitzur A. Bar-Asher Siegal, “Syntactic Reanalysis and Semantic Reanalysis: A Study of the Development of the Meaning of ‘Ilmalē”, in Babylon”, in *Shay le-Moshe – Celebrating Moshe Bar-Asher’s 80th Birthday* (ed. Emanuel Tov; Jerusalem: Israel Academy of Sciences and Humanities, 2022), 129-159 (Hebrew), and the fuller version in “A Formal Approach to Reanalysis and the Early Semantic Stability Hypothesis: Exploring the Test Case of the Negative Counterfactual Marker ’ilmale in Hebrew and Aramaic”, *Linguistics* (2024), 1-56, <https://doi.org/10.1515/ling-2023-0022>.

14 See also Rosenthal, *Mishnah Avodah Zarah*, 82-83.

15 An unrelated area of disagreement is the morphology of the infinitive of נשא. The biblical form is usually נשא, but twice נשא (Genesis 4:13 and Isaiah 1:14; is this an intentional allusion?). In Tannaitic Hebrew, there is a semantic split. When the word means “to marry”, based on נשא אשה, the infinitive is לישא. This is an example of the widespread phenomenon in MH of the infinitives being reshaped to look like the imperfections – as seen in the second infinitive of the word-pair here, ליתן (see also לישב instead of לשבת; לוכל instead of לכול; ליקח instead of לקחת, etc.). But outside of that usage, the infinitive is usually לשא as here. However, two Bavli witnesses here (MS Paris 1337; Munich 95) do read לישא וליתן. The same expression is sporadically in the Bavli and once, perhaps, in Sifra (MS Vatican 66) Nedavah 14:1, reinforcing its Babylonian origin.

16 Thus in Kaufmann, Cambridge, and Parma A.

reading is לו (הוא).¹⁷ Here the verb is transitive; either the subject is the Jew (“because he distresses him”) or it is an impersonal “it” (“because it distresses him”).¹⁸ Our fragment is not well preserved here, but the words לו שמיצר are clearly visible.

c) וגוי שעשה משתה לבנו (1:3)

M. AZ 1:3 lists the personal celebrations of a non-Jew which would prohibit a Jew from doing business with them prior. In MS Kaufmann, the lists reads, יום תיגלחת זקנו ובלוריתו, יום שְׁעֵלָה בו מן הַיָּם, יום שְׁיָצָא בו מִבֵּית הָאָסוּרִים, “the day of shaving his beard and his locks; the days that he ascended from the sea; the day that he left jail – he is only prohibited on that day and for that person.”¹⁹ Our fragment has two additions in the last part of the mishnah, and reads, יום שעלה בו מן הים ויום שיצא מבית האסורים וגוי שעשה משתה לבנו א[ינו] אסור אלא אותו היום ואותו האיש בלבד. The most striking addition is the line, “and a non-Jew who made a [wedding] feast for his son.”

As Rosenthal observed, this phrase does occur in the Bavli itself (AZ 14a), in a *baraita* that runs parallel to part of our mishnah. Its citation is prompted by the claim that if a non-Jew has an evidently good reason to want to buy a fancy chicken – for example, he is making a wedding for his son – then one may sell to him any chicken, because it will not be used for idolatry. The Talmud then challenges from the *baraita*: גוי שעשה משתה לבנו “a non-Jew who made a [wedding] feast for his son, only that day and that man alone are prohibited.” In all manuscripts this is introduced with והתניא “but was it not taught in a *baraita*.”²⁰ Under the influence of this *baraita*, the phrase “a non-Jew who made a [wedding] feast for his son” was introduced into the Babylonian version of the Mishnah, as well.²¹

17 Rosenthal, *Mishnah Avodah Zarah*, 81.

18 As Tzvi Novick pointed out, the continuation of the mishnah in all traditions, אף על מפני שמיצר עכשו, שמח הוא לאחר זמן, suggests that even in the Babylonian version, לו שמיצר is an impersonal construction.

19 There are no variants in Parma A or Cambridge.

20 In the printed text, a marginal note reads, צ"ל והתני, לעיל ה'.

21 See Rosenthal, *Mishnah Avodah Zarah*, 58 and 59, and Hayes, *Between the Palestinian and the Babylonian Talmuds*, 209 n. 55.

d) (1:3) ואותו האיש בלבד

The end of the same line is also different in the Babylonian tradition than in the Palestinian texts: as opposed to *ואותו האיש*, the Babylonian version adds *בלבד* at the end. Again, this is under the influence of the same *baraita* in the Bavli (14a).²² This is an interesting dialectal difference, although one related to chronology rather than geography. While in the Mishnah we find two ways of limiting a rule: *אין אלא אותו*, e.g., *אין בין יום טוב*, e.g., *אין אלא בלבד* (m. Berakhot 8:8), or *ואין שם אלא אותו הכוס* (m. Megillah 2:5), the combination – *אין אלא אותו בלבד* – is never found in the Mishnah. It is common in the Tosefta²³ and in the Yerushalmi, however.²⁴ Thus it is not surprising that the *baraita* has the combination of *אין אלא אותו* and *בלבד*.²⁵ Again, this was added to the Babylonian version of the Mishnah under the influence of that same *baraita*.

e) (1:5) בפטוטרותיהם

Among the items forbidden to sell to a non-Jew are, according to our manuscript, *א.צט*[רובילין ובנות שוח ופטוטרות ולבונה ותרנגול לבן]. The *אצטרובלין* are uncontroversially pinecones (στρόβιλοι). Lieberman showed that the *בנות שוח* are pines, perhaps small pines, on the basis of the descriptions of the tree given elsewhere in rabbinic literature (e.g., m. Demai 1:1) and the

- 22 Rosenthal, *Mishnah Avodah Zarah*, 58, and also 17-18 (see below); Hayes, *Between the Palestinian and the Babylonian Talmuds*, 48-50. Hayes reads the word *בלבד* as conveying legal content, i.e., that the prohibition is only on the one year of celebration, not the annual anniversary of the day. Given the dialectal significance about to be presented, however, this seems like overreading to me.
- 23 For example: *אין אסור אלא אותו היום בלבד* (t. Demai 2:3); *אין חשוד אלא על אותו דבר בלבד* (t. Ta'anit 2:2); *אבל באידיהן שאינן קבועין אינו אוסר אלא אותו היום בלבד* (t. AZ 1:1); *אינו אלא אותו היום בלבד* (t. AZ 7:2); *אינו טמא אלא אותו עמוד בלבד* (t. Kelim BQ 3:14); *אינו טמא אלא אותו עמוד בלבד* (t. Parah 5:2).
- 24 Some examples from the Yerushalmi: *אין לו אלא אותו השור בלבד* (y. BQ 3:9/3d); *אין לו אלא אותו היום בלבד* (y. Shevu'ot 7:1/37c); *אינו פסול אלא לאותה עדות בלבד* (y. Shevu'ot 7:4/37d).
- 25 I do not agree with Rosenthal, *Mishnah Avodah Zarah*, 17-18, that the Yerushalmi shows that the 'Babylonian' version of the Mishnah circulated in Palestine, as well. In the line he cites, *מה אותו היום בלבד או אותו היום בכל שנה*, the word *בלבד* is an explanatory gloss on the citation from the Mishnah – like *בכל שנה* – and not meant to be part of the text itself.

Testaments of the Twelve Patriarchs, where Greek στρόβιλον καὶ πίτυς is rendered in Aramaic as וואט[ר]י[ב]לא ושוחא, strikingly similar to our mishnah.²⁶

And what are פטוטרות? Lieberman pointed out that the word was understood by some of the Genonim to mean “stalks”, and that this fits the context (here and elsewhere) well.²⁷ What, then, is the relationship between the “pines” and the “stalks”? While MS Paris also reads ופטוטרות,²⁸ the Palestinian versions all have a possessive suffix: Kaufmann read בפּוּטְרוּתִיהֶן; Parma has בפּוּטְרוּתִיהֶם; and Cambridge has בִּפְטוּטְרוּתִיהֶם. As already suggested by Lieberman and shown in greater detail by Rosenthal, it was Rabbi Yoḥanan who emended the text from ופטוטרות to בפּוּטְרוּתִיהֶם.²⁹ Both Hayes and Brody, in later studies, also concluded that

- 26 Saul Lieberman, “Palestine in the Third and Fourth Centuries”, *JQR* n.s. 36 (1946), 329-370 and 37 (1946-1947), 31-54; the relevant passage for our purposes is 37:47-50. The text is Oxford heb. c.27/56. As indicated by Lieberman’s brackets, the text actually reads, וואטולא ושוחא. The manuscript – parts of which are also in Cambridge and Manchester – was first identified by H. L. Pass in 1900 among the manuscripts from the Cairo Geniza; a little later, fragments of the same text (clearly the same scribe) were identified in the Bodleian’s collection of Geniza documents. Most recently, an additional fragment of the same manuscript was found by Gideon Bohak in the Geniza collection of Manchester; see Gideon Bohak, “A New Geniza Fragment of the Aramaic Levi Document”, *Tarbiz* 79 (2011), 373-383 (Hebrew); “A New Geniza Fragment of the Aramaic Levi Document”, in *From Cairo to Manchester: Studies in the Rylands Genizah Fragments* (ed. Renate Smithuis and Philip S. Alexander; JSJSup 31; Oxford: Oxford University Press, 2013), 101-114 and Henryk Drawnel, “The Cairo Genizah Fragment of the Visions of Levi from the University of Manchester Library”, *Dead Sea Discoveries* 28 (2021), 75-108.
- 27 Lieberman, “Palestine in the Third and Fourth Centuries”, 47 n. 44; so too Robert Brody, “Petoterot and Benot Shuah”, *Jewish Studies: An Internet Journal* 12 (2013), 2.
- 28 MS JTS has just ופטוט, as noted in Rosenthal, *Mishnah Avodah Zarah*, 160; correct Hayes, *Between the Palestinian and the Babylonian Talmuds*, 51.
- 29 Lieberman, “Palestine in the Third and Fourth Centuries”, 47 n. 44: “R. Johanan explains (or corrects) the *Mishnah*”. Rosenthal, 160-161 notes that the Babylonian Amoraim read ופטוטרות, whereas R. Yoḥanan (in both the Yerushalmi and the Bavli) and the Palestinian Amoraim read בפּוּטְרוּתִיהֶם; see also 245-247.

the Mishnah's original text had read *וּפְטוּטְרוֹת*, which was transmitted accurately to Babylonia.³⁰

One wrinkle in this otherwise neat picture is the Geniza manuscript T-S F 14.28, which is part of the same Talmudic codex as L-G Talmud 2.109-110; 2.111; 2.112; and 2.119.³¹ This is a manuscript of the Bavli, but the reading is, *אִיסְטְרוּבִילִין וּבְנוֹת שׁוּה בְּפְטוּטְרוֹתֵיהֶם*. Thus the Palestinian version is found in some Babylonian witnesses, although the precise chain of textual transmission is difficult to be sure of.

f) *לפי שאין* / *שאין* (1:5) as justification clause

Although the syntagm *לפי שאין* appears in the Mishnah regularly, it is syntactically limited: it is never attested in MS Kaufmann as a reason clause with a participle. Instead, *שאין* appears then alone, always after the main clause.³² In the Tosefta and in Amoraic Hebrew, however, it is often augmented by *לפי*.³³ This then rebounded back to the Mishnah, where *לפי שאין* often appears in printed texts. For example, the phrase *לפי שאין מחזיקין ידי עוברי עברה* that appears in *Giṭṭin* 5:9 does not have the *לפי* in MS K, but is simply *שאין מחזיקין ידי עוברי עברה*.³⁴

Mishnah 1:5 explains that in cases where there is no better option, one may chop off the finger of a chicken and then sell it to a non-Jew, *שאין מקריבין חסר לעבודה זרה*. This original version is still preserved in some Babylonian versions, such as MS Paris, but not all: MS JTS and our fragment read, *לפ[י] שאין מקריבין חסר לע"ז*.

30 Brody, “*Petoterot and Benot Shuah*”, 4-5, argues that the variants may be semantically identical. For Hayes (whom Brody does not cite), 50-53, following Rosenthal, the original version meant to gloss *בנות שוה* with *פְטוּטְרוֹת*, but the Palestinian Amoraim misunderstood the *waw explicativum* as a conjunction, and thought it meant “*with their stems*”. Brody’s critique of Rosenthal (“*Petoterot and Benot Shuah*”, 3-4) applies in part here as well.

31 The manuscript is described briefly in Rosenthal, *Mishnah Avodah Zarah*, 38 and deserves further attention.

32 Moshe Azar, *The Syntax of Mishnaic Hebrew* (Jerusalem: Academy of the Hebrew Language and the University of Haifa, 1995), 125-126 (Hebrew).

33 E.g., t. Shabbat 2:1 and often.

34 It appears without the *לפי* in printed editions of m. Shevi‘it 5:9, as well, perhaps because that tractate was studied less often and therefore affected less by later syntax.

g) גרדום/וגרדון (1:7)

Mishnah 1:7 prohibits Jews from joining with non-Jews in building, בסילקי ובימה וגרדון ואיסטדיא ובימה. This text makes it clear that there are four structures prohibited: the *basilica*, a large building that functioned as a court and a market in many Roman towns; the *gradus*, a small platform for defendants in criminal cases;³⁵ the *stadium*, huge arenas for sporting and gladiatorial events; and the *bema*, a platform used for tribunals and other public events. The Babylonian version, however, does not have the conjunctions, and Hayes argued that this allowed the Bavli (16b) to read it as a compound construct phrase: the *basilicas of gardon* and *of the stadium* and *of the bema* (אימא של גרדום ושל צטדיא ושל בימה).³⁶

As Hayes acknowledged, the textual data are not as clean as one might wish. MS JTS and MS Paris of the Bavli clearly do have the *vav* before גרדון.³⁷ Hayes therefore suggests (following Epstein) that the Bavli may be *emending* the Mishnah rather than reflecting a different reading. If so, it is noteworthy that neither MS JTS nor MS Paris reflects that emendation in their Mishnaic texts. Our fragment, however, does just that, reading ואין בונין עמהן בסילקי גדודום איצטיר [יא] ובימה.

6. Non-diagnostic features

a) אותו מקום/אותו המקום (1:3)

The question of the definite article after the particle of equation אותו has been studied with no real resolution. It appears to be a prosodic question rather than a grammatical one: in most cases of nouns that are monosyllabic or stressed on the first syllable, the article appears; on most others, it does not.³⁸ In 1:4, we find inconsistency within all traditions. MS

35 For a review of the opinions, see Hayes, *Between the Palestinian and Babylonian Talmuds*, 79 and 219 nn. 64-67.

36 See the thorough discussion in Hayes, *Between the Palestinian and Babylonian Talmuds*, 78-84.

37 MS JTS: בסילקי וגרדון ואיצטדיא ובימה; MS Paris: רדום אצטרייה ובימה בסילקי וג.

38 See Gad Ben-ʿAmmi Ṣarfatti, “על אודות היידוע של צירופי הסמיכות הכבולים בלשון חכמים”, in *מחקרים בעברית ובלשונות שמיות*, מוקדשים לזכרו של פרופ' יהזקאל קוטשר (ed. Gad Ben-ʿAmmi Ṣarfatti, Jonas C. Greenfield, Menaḥem-Zvi Ḳaddari, and Pinḥas Artzi;

Kaufmann reads, בְּזֶמַן שֶׁהֵדְרָה מִיּוֹקֶדֶת לְאוֹתוֹ הַמָּקוֹם (so too Cambridge), but MS Parma reads, לְאוֹתוֹ מָקוֹם. Our fragment is not legible, but there is no room for the ה.

b) מֵה שֶׁקָּצַץ (1:8)

The last mishnah partially preserved in our fragment is 1:8.³⁹ The mishnah begins, “one may not sell to them while it is connected to the ground, but one may sell once it is cut off.” The reading of the last word is shared in most versions, to be vocalized מְשִׁיקָצֵץ (thus in T-S Misc 21.1⁴⁰ and T-S NS 329.596;⁴¹ K: מְשִׁיקָצֵץ). Our fragment, however, has מֵה שֶׁקָּצַץ. Whereas the other versions relate to the time – “once it is cut off” – this version relates to the objects – “what is cut off.”⁴² This presumably is the result of a scribal error somewhere along the way, but the details are difficult to trace.

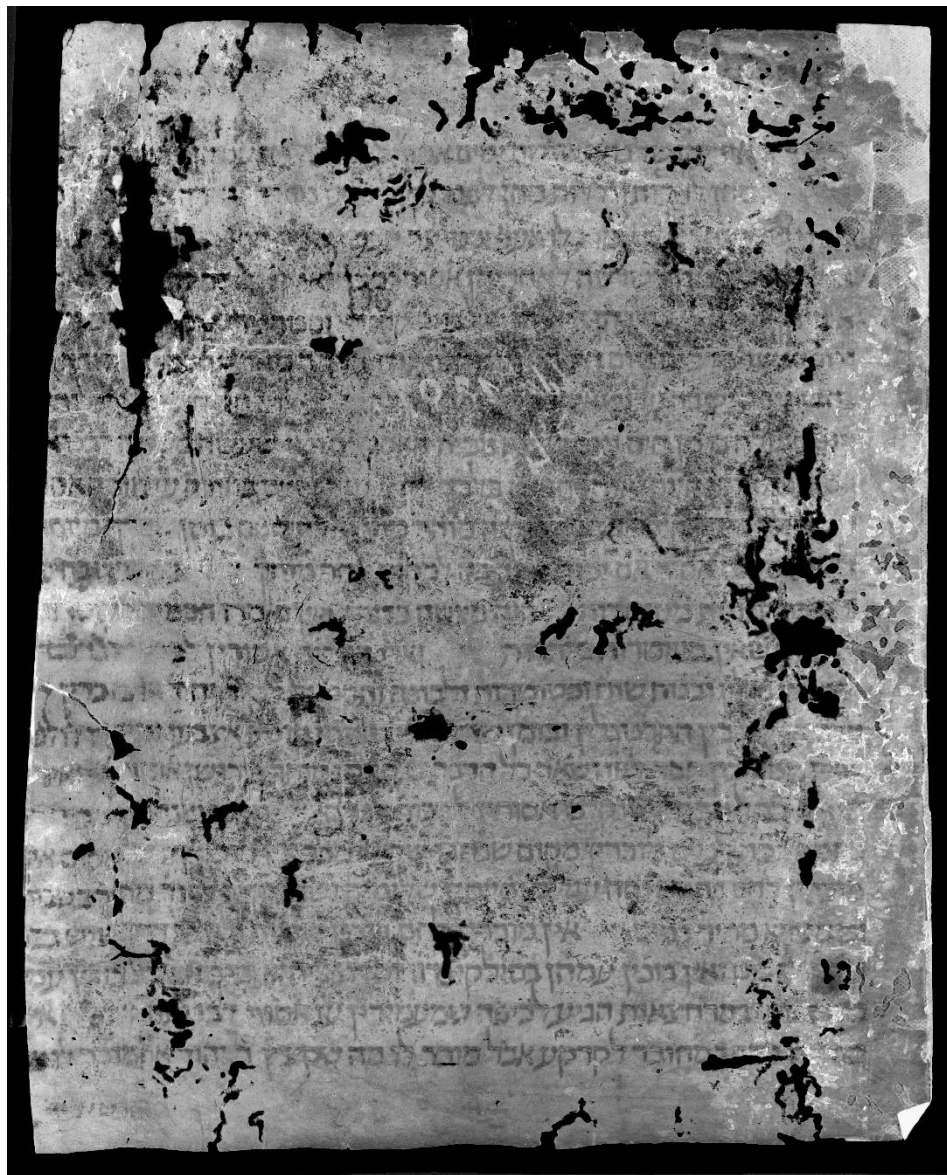
7. Conclusions

In sum, our fragment, while a “miserable remnant”, is indeed “not without value.” It preserves a good copy of the Babylonian version of the Mishnah, including features not present in other witnesses to the Babylonian tradition. It thus allows us to further refine which features are actually diagnostic and which have merely been subject to the vicissitudes of copying and time.

Ramat Gan: Bar Ilan University Press, 1980), 140-154, esp. 185 n. 1, and Azar, *The Syntax of Mishnaic Hebrew*, 212-213.

- 39 The line at the beginning of that mishnah in printed editions, ואין עושיין תכשיטין לעבודה, זרה, קטלאות ונזמים וטבעות. רבי אליעזר אומר, בשכר מתר to the Palestinian traditions of the mishnah. It is found in MS JTS, but not in MS Paris or our fragment. The Bavli also does not comment on it. Therefore this mysterious line does not appear to be a particularly Babylonian feature. For discussion see Rosenthal, 192-201.
- 40 See above, n. 10.
- 41 The two fragments T-S NS 329.596 and 329.1023 are parts of what is, when put back together, a lovely vocalized page of Mishnah AZ.
- 42 MS Paris has משיקוץ, and MS JTS has משיקצץ.

Appendix: Images and Text: m. Avodah Zarah 1:1-8
CUL MS Add.1207.2



CUL MS Add.1207.2
m. Avodah Zarah 1:1-8



CUL MS Add.1207.2
m. Avodah Zarah 1:1-8
multi-spectral image

**The text of m. Avodah Zarah 1:1-8
from CUL MS Add.1207.2**

לפני אידיהן שלגוים שלשה ימים אסור לש[את] ולתת עמהן [להשאלין] ול[שאול]
 מהן להלותן וללות מהן לפורען ולפרע מהן ר' יהודה [אומר נפר] ע[ין מהן מפני]
 שמיצר לו אמרו לו אע"פ שמיצר עכשו שמח הוא לא[חר זמן ר' ישמעאל אומר]
 שלשה לפניהן ושלשה לאחריהן אסור וחכמי' או' לפני אידי[הן אסור לאחר]
 אידיהן מותר ואלו הן אידיהן של גוים קלנדא וסטדנוריא [קרטיסים ויום]
 [גנ] וסיא שלמלכים ויום הלידה ויום המיתה דברי ר' מאיר [וחכמ' אומ' כל מיתה שיש]
 בה שריפה יש בה ע"ז ושאין בה שריפה אין בה ע"ז [יום תגלחת זקנו] ובלורית[ו]
 יום שעלה בו מן הים ויום שיצא מבית האסורים וגוי שעשה משתה לבנו א[ינו]
 אסור אלא אותו היום ואותו האיש בלבד עיר שיש בתוכה ע"ז תוכה אס[ור]
 [חו]צה לה מותר היה חוצה ע"ז תוכה מותר מהו לילך לשם בזמן שדרך מיוחדת[ת]
 לא[ותו] מ[מ]ק[ום] אסור אם יכול לילך בה למקום אחר מותר .. עיר שיש בה ע"ז[ו]
 והיו בה חנויות מעוטרות⁴³ זה היה מעשה בבית שאן ואמרו חכמי[ם מעוטרות]
 [אסורות] ושאין מעוטרות מותרות ואלו דברים אסורין למכור לגוים
 א[צט]רובילין ובנות שוח ופטוטרות ולבונה ותרנגול לבן ר' יהוד' או' מוכרין ל[ו]
 [תרנגול] לבן בין התרנגולין ובזמן ש[הוא בפ]ני עצמו קוטע אצבעו ומוכרו לו לפ[י]
 שאין מקריבין חסר לע"ז ושאר כל הדברים סתמן מותר פירושן אסור[ו] ר' מ[איר] או'
 [א]ף דקלטב וחצב ונקלמ אסורין למכור לגוים .. מקום שנ[הגו] למכור[ו]
 [בהמה] דקה לגוים מוכרין מקום שנהגו שלא למכר אין מוכרין ואל ישנה אד[ם]⁴⁴
 כל ,

מוכ[רין] להם בהמה גסה עגלים וסייחין שלימים ושבורין ר' יהוד' מתיר בשבור[ה] בן
 [בת] ירא מתיר בסוס אין מוכרין להן דובין ואריות ולא כל דבר שיש ב[ו]
 [נזקה] לרבים ואין בונין עמהן בסילקי גדודים איצטיר[יא] ובימה אבל בונין עמ[הן]
 [בדמסיות] ובמרחצאות הגיע לכיפה שמעמידין ע"ז אסור לבנותה אין[ו]
 מוכ[רין] להן במחובר לקרקע אבל מוכר לו מה שקצץ ר' יהוד' או' מוכר לו ע[ל] מנת

43 The scribe skipped מעוטרות ושאינן מעוטרות.

44 Kaufmann, Parma A, and Cambridge all read, ואל ישנה אדם מפני המחלקות ובכל מקום אין, מפני המחלקות ובכל מקום אין. There is not sufficient room in our fragment for מוכרין להן בהמה גסה מקום אין.