

The Original Understanding of Sea Sponges in mShabbat 21:3

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In popular Mishnaic texts *mShabbat* 21:3 reads "ספוג אם יש לו עור בית אחיזה" "מקנהין בו ואם לאו אין מקנהין בו וחכמים אומרים בין כך ובין כך ניטל בשבת". The anonymous redactor (*stamma*) of *bShabbat* 143a, followed by medieval halakhic scholars, understood this Mishnah as teaching that squeezing a handleless sponge violates a *melakhah*. However, this interpretation of the Mishnah has many problems. Equipped with the *stamma's* understanding of the Mishnah, Avraham ben David ("Ravad," 12th century) doubted whether a sponge's handle can in fact prevent the sponge from being squeezed while scrubbing and wiping down a surface, and truly evade transgression of *melakhah*. A widespread medieval Mishnaic explanation, that the *melakhah* transgressed by squeezing a wet sponge is *dash*, is in direct conflict with Talmudic sources which permit squeezing materials if the fluid exudate is not intended for collection (הולך לאיבוד). Furthermore, as many as fifteen textual variants, many of which are contradictory to one another, exist for this clause of the Mishnah, suggesting that the manner in which the Mishnah was interpreted has adapted over time. It will be reasoned that the *stamma* of *bShabbat* 143a erroneously understood *mShabbat* 21:3 as discussing violation of a *melakhah*,¹ while in fact the Mish-

¹ That the *stammaic* layer of the Talmud is a late addition which does not always reflect an accurate understanding of earlier teachings is described by David Weiss Halivni:

I have determined that the majority of the discursive portions of the Talmud, which are overwhelmingly anonymous, ought to be treated as a later commentary, noncontemporaneous with the statements attributed by name to the Sages (Amoraim) of the Talmud. *The fact that this discursive matrix is not contemporaneous with the earlier and more carefully preserved rabbinic statements recorded in the Talmud, but is the product of later generations, entitles us to offer alternatives whenever the given explanation or understanding of an earlier statement seems unsatisfactory (either because it does not fit the words of the earlier statement or because it contradicts a parallel source).* Whereas the attributed opinions were scrupulously distilled into terse, apodictic statements, which were carefully preserved and

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which were intended to serve as authoritative dicta, the discursive material that now connects these statements was not so distilled, not so carefully preserved, and not intended to serve as authoritative pronouncements. The discursive material contains many suggestions and possibilities out of which legal data may be extracted, but which by themselves were never meant as final rulings or even tenable positions. Indeed, later generations—probably until the time of R. Hai Gaon (10th-11th century)—felt free to add their own comments to the discursive material (and perhaps also to alter or subtract from this material). Maimonides apparently did not regard the discursive turns of the Talmud as the final word in matters of law. In his famous legal code, the *Mishneh Torah*, he often codifies positions contrary to those that seem to prevail in the argumentation of the Gemara, its “give and take,” as this discursive material is traditionally called. Such contradiction can be accounted for only if we understand that Maimonides related to the discursive disputations of the Talmud, not as a passive spectator, but as almost an active participant ... Maimonides evidently recognized the anonymous “give and take” of the Gemara as a guide and a commentary to the earlier Ammoraic statements, but he did not interpret this framework... as being itself a closed or final legal code. (*italics added for emphasis*) (David Weiss Halivni, *Revelation Restored: Divine Writ and Critical Responses* [Boulder: Westview Press, 1997], p. 95, note 1.)

Besides Maimonides, other medieval scholars including R. Tam, shared this dismissive attitude towards the *stamma* (see Adams, “The Development of a Waiting Period Between Meat and Dairy: 9th – 14th Centuries” *Oqimta: Studies in Talmudic and Rabbinic Literature* 4 [2016], pp. 112-114).

This paper aligns well with a premise that even the Talmud (preceding the late *stammaic* additions) could have misunderstood the true meaning of the Mishnah, or often did not strive to present the authentic original meaning of the Mishnah. This approach has been attributed to rabbinic scholars including Eliyahu of Vilna and Menashe of Ilya (see Yaakov Elman, “Progressive Derash and Retrospective Peshat: Nonhalakhic Considerations in Talmud Torah,” ed. Shalom Carmy, *Modern Scholarship in the Study of Torah* [Jason Aronson, 1996], pp. 240-250; Yisroel Sklov, *Pe’at ha-shulhan*, Intro. [Jerusalem: Pardes, 1958], p. 5b column 1: “(וגמ' ס"ל כאידך תנא ואליבי' קאמרה הגמ' הסורי מחסרי"). It is further noteworthy that modern scholarship has demonstrated that portions of Rashi's and Hananel's commentaries entered standard Talmud editions because later copyists mistook the teachers' words for their version of the text (Saul Lieberman, *Tosefeth risbonim: seder Nashim* vol. 2 [Palestine, 1936], p. 13-15; David Rosenthal, *Sefer hayovel le-rav Mordechai Breuer: asufat ma'amarim be-made'ei ha-Yabadut*, eds. M. Ahrend and M. Bar-Asher [Jerusalem: Akedemon, Hebrew University, 1992], pp. 596-600, notes 29-30).

nah describes sea sponges as they pertain to the laws of *muktzeḥ*—an interpretation supported by the context of the Mishnah’s chapter.² Specifically, the Mishnah teaches that without its handle the sea sponge is considered an incomplete tool (*keli*), thereby subject to *muktzeḥ* restrictions. The comments of the *stamma* were likely a very late stratum added to the Talmud.³ The Babylonian redactor’s error may possibly be attributed to his limited familiarity with the manufacture of sea sponges, an industry historically centered in the Mediterranean Sea. The impact of this *stamma* upon the development of halachic stringencies in the laws of Shabbat will be described.

The *stamma*, Mishnah Shabbat 21:3, reads:

ספוג אם יש לו [עור] בית אחיזה מקנחין בו ואם לאו אין מקנחין בו והכמים
אומרים בין כך ובין כך גיטל בשבת.

As for a sponge, if it has a [leather] handle, one may wipe [the board] with it; if not, one may not wipe [the board] with it. The Sages maintain in either case it may be handled on Shabbat.⁴

² The term “*muktzeḥ*” is used here as it was in the Talmudic era: items that may be touched though not moved during Shabbat (see Ephraim Urbach, *ba-Halakhah, mekoroteha ve-hitpatutah* [Givatayim, Israel: Yad la-Talmud, 1984], pp. 124-127).

³ It should not be assumed that this piece of *stammaic* commentary was present in the Talmud as early as the sixth century, when the bulk of the Talmudic corpus was assembled. It is well established that much of the anonymous layer throughout the Talmud was added at a much later date. Weiss Halivni postulates that the general editing activity of the *stammaim* continued until the mid-ninth century (Halivni, *The Formation of the Babylonian Talmud*, trans. to English by Jeffrey Rubenstein [Oxford: Oxford University Press, 2013], p. 9), but he believes small insertions may have continued to be added afterwards:

...later generations—probably until the time of R. Hai Gaon (10th – 11th century)—felt free to add their own comments to the discursive material (and perhaps also to alter or subtract from this material) (Halivni, *Revelation Restored*, p. 95 n. 1).

Indeed, Hai’s numerous textual amendments to the Talmud (and to its anonymous layer) have been confirmed by recent scholarship (see Uziel Fuchs, “*Haga’otav shel rav Hai gaon ba-Talmud*,” *Ta-Shma: meḥkarim be-ma’adei ha-yahadut le-zikbro shel Yisrael Ta-Shma*, ed. Avraham Reiner, vol. 2 [Alon Shvut, 2011], pp. 601-626). Hai’s editing demonstrates that the Talmudic text was perceived to have some degree of fluidity even in the 11th century (Fuchs, *ibid.*, 626; *idem.*, “*Mekomum shel geonei Bavel be-mesoret ha-nusab shel ha-Talmud ha-Bavli*,” [Ph.D. Thesis, Hebrew University of Jerusalem, 2003], p. 66).

⁴ Translation is adapted from *The Soncino Babylonian Talmud, Book V*, trans. by H. Freedman, reformatted by Reuven Brauner, *Shabbat* 143a (Raa`nana, 2011), p. 45.

The anonymous speaker of the Talmud (*bShabbat* 143a) understood the Mishnah as teaching a law regarding *melakhab*: Unless the sea sponge is fastened to its handle it may not be used to wipe down a surface, lest such usage squeezes the sponge:

שער של אפונין: מני ר"ש היא דלית ליה מוקצה. אימא סיפא ספוג אמ יס לו בית אחיזה מקנחין בו ואם לאו אין מקנחין בו אתאן לר' יהודה דאמר דבר שאין מתכוין אסור בהא אפילו ר"ש מודה דאבוי ורבא דאמרי תרוייהו מודה ר"ש בפסיק רישיה ולא ימות.

“Panicles of beans.” Who is the authority? [Apparently] R. Shimon, who rejects [the interdict of] *muktzeb*? Then consider the final clause: “As for a sponge, if it has a leathern handle, one may wipe [the board] with it; if not, one may not wipe with it”: this agrees with R. Yehudah, who maintains, ‘That which is unintentional is forbidden?’—Here even R. Shimon agrees, for Abaye and Raba both maintained: R. Shimon admits in a case of ‘cut off his head but let him not die.’⁵

According to the *stamma* the Mishnah can be understood as follows:

[Regarding the usage of] a sponge [to wipe off the table]; if it has a [leather] handle [so that by handling it *one will not necessarily squeeze the sponge*], one may wipe [the table] with it; if not [and therefore *one would certainly squeeze the sponge*], one may not wipe [the table] with it.

Ravad's Practical Difficulty

Understanding *mShabbat* 21:3 through the lens of the *stamma*, Avraham ben David wondered how the addition of a handle can aid in avoiding compression of the sponge. Whether the force upon the sponge is exerted via one's hand, or via a handle, the sponge will inescapably be squeezed:

אמר אברהם – הצרפתים מפרשים כן וקשיא לי כי יש לו בית אחיזה מאי הוי, אי אפשר לקנוח בלא סחיטה...⁶

Avraham (Ravad) states: The French sages likewise explained this law like Maimonides, however, I am bothered—if a handle is affixed to the sponge what good is done? It is still impossible to use the sponge without squeezing...

⁵ Translation is adapted from *Soncino*, *ibid*.

⁶ *Hasagot ha-Ravad* to Maimonides, *Mishneh Torah, Laws of Shabbat* 22:15.

Melakhat Dash

Tosafists and others understood that the *melakhat* proscribed by *mShabbat* 21:3 (through its *stamma bShabbat* 143a commentary) is that of *dash*.⁷ By this explanation, even though the soiled table water collected into the pores of the sponge is discarded and ultimately goes to waste (הולך) (לאיבוד), pressing a sea sponge in the act of wiping down a table surface is forbidden.⁸ However, this understanding of the scope of the laws of *dash* is problematic as it contradicts *dash* guidelines described in other Talmudic sources. For example, *bShabbat* 145a states:

כבשים שסחטן אמר רב לגופן מותר למימיהן פטור אבל אסור.
If one presses out [pickled] preserves,—Rav said: If for their own sake,⁹ it is permitted; if for their fluid,¹⁰ he is not culpable, nevertheless it is forbidden.¹¹

This teaches that if the squeezed liquid is not for collection *dash* is not violated. Similarly, *bShabbat* 50b discusses which detergents one is not permitted to wash oneself with on Shabbat lest such washing causes one's hair to fall out—triggering a transgression of *melakhat gozeze*, shearing. Thereafter, a question is posed whether olives may be crushed on Shabbat:

בעו מיניה מרב ששת מהו לפצוע זיתים בשבת אמר להו וכי בחול מי התירו קסבר משום הפסד אוכלין.

⁷ See *Sefer ha-terumah, Laws of Shabbat* 244 (Warsaw, 1897), p. 149; Moshe of Coucy, *Sefer mitzyot gadol ha-shalem* vol. 1, negative commandment 65 (Jerusalem: Machon Yerushalayim, 2003), p. 117-118; *Mordekhai bShabbat* 20:428; Asevilli, *Hiddushei ha-Ritva, bShabbat* 143a (Jerusalem: Mossad Harav Kook, 2008), p. 934; Aaron of Lunel, *Orhot Hayingim, Laws of Shabbat* 1:23 (Florence, 1750), p. 45b; Kolbo, ed. David Avraham, vol. 2, *Laws of Shabbat* 31 (Jerusalem: Feldheim Publishers, 2009), p. 73; *Tur* O.H. 320: *Tur* includes the sponge law in the rules of *dash* in section 320, not amongst laws of laundering in section 302.

⁸ Tosafists state so explicitly: "ומורי רבי מפרש דאיסורא דרבנן מיהא איכא אע"ג דהמש" (*Sefer ha-terumah* Laws of Shabbat 244 [Warsaw, 1897], p. 149; other sources below in note 80).

⁹ I.e., he wishes to eat them, and they bear too much moisture at present.

¹⁰ He actually wishes to drink its fluid.

¹¹ Translation and previous two notes are adapted from *Soncino, Shabbat* 145a, p. 51.

R. Sheshet was asked: Is it permissible to bruise olives on the Sabbath? He answered them: Who permitted it then on weekdays? (He holds [that it is forbidden] on account of the destruction of food).¹²

The medieval Talmudic commentaries, geonim and rishonim,¹³ explained that the intent of the question posed to R. Sheshet is whether the acidic olive juice can be used for washing the hands (and face), as suggested by the context of the entire Talmudic passage. Yitzchak Alfasi wrote:

בעו מיניה מרב ששת: מהו לפצוע זיתים בשבת? פירוש, למימשא ביה ידיה. אמר:
וכי בחול מי התירו? קסבר משום הפסד אוכלין.
[Talmud:] R. Sheshet was asked: Is it permissible to bruise olives on the Sabbath? [Alfasi interjects:] The meaning is: [Is it permissible to bruise olives] to rinse one's hands? [Talmud:] He answered: Who permitted it then on weekdays? (He holds [that it is forbidden] on account of the destruction of food.)

Neither the questioners nor R. Sheshet saw a problem with squeezing olives, in the context of violating Shabbat laws, other than the possibility that using the juice yield for a face-and-hand scrub might have an inadvertent depilatory effect. Yom Tov Asevilli (Spain, 1260s – 1320s) makes clear why *melakhat dash* was not of concern to the rabbis:

¹² Translation adapted from *The Soncino Babylonian Talmud, Book II*, trans. by H. Freedman, reformatted by Reuven Brauner, *Shabbat* 50b (Raa`nana, 2011), p. 51.

¹³ See B. M. Levin, ed., *Otzar ha-geonim Shab., peirushim* 90 (Jerusalem: Hebrew University Press Association, 1930), p. 21, citing Hai and “the geonim”; see *ibid.* note 8 citing Aaron ha-Levi; Rabbeinu Hananel (printed in the margin of standard Talmud editions); Tosafot *bShabbat* 50b s.v. *mahu liftzqa*, Asher b. Yehiel, *Rosh bShabbat* 4:9; Isaac b. Moses of Vienna, *Or zarua'* 1:205 (Jerusalem: Machon Yerushalayim, 2009), p. 180; Nahmanides, *Hiddushei ha-Ramban Shabbat, Eiruvim, Megillah*, ed. Hershtler, *Shabbat* 50b (Jerusalem: Machon Ha-Talmud Ha-Yisraeli Ha-Shalem, 1973), pp. 177-178; Shlomo b. Aderet, *Hiddushei ha-Rashba Shabbat*, ed. Yair Broner 50b (Jerusalem: Mossad Harav Kook, 2008), p. 248; Nissim of Gerona, *Hiddushei ha-Ran Shabbat* 50b (Jerusalem: Mossad Harav Kook, 2008), pp. 246-247; *Piskei ha-Rid u-piskei be-Riaz Brakhot ve-Shabbat, Shabbat* 50b (Jerusalem: Machon HaTalmud HaYisraeli HaShalem, 1992), p. 292; Menachem ha-Meiri, *Beit ha-behirah*, ed. Isaak Lange, *Shabbat* 50b (Jerusalem, 1976), pp. 183-184. Rashi and Yehonatan of Lunel, though, are exceptions (Rashi, *bShabbat* 50b s.v. *liftzqa z'eti*; *Hiddushei ha-Ri meLunel, Shabbat* 50b [Jerusalem: Yad Harav Herzog, 2011], p. 301). They understood the Talmud's query as asking whether it is permissible to crush olives against a stone to weaken the olive's bitter taste.

פר"י ז"ל לפצוע זתים לחוף בהן פניו וידיו קאמר ומשום הסרת שער וכעין סוגיין דלעיל, אבל משום סחיטה ליכא כיון שאינו צריך למימיהן והולך לאיבוד. ... the crushing of olives was for scrubbing one's face and hands with their juice. [The problem being addressed was the possibility of causing] one's hair to fall out, like the context of the [Talmud's] discussion above. *Melakhat dash* is not pertinent here because one does not need the juice as it goes to waste

Asevilli tells us that although the pressed olive juice serves an important function as a toiletry aid, *dash* is avoided because the juice ultimately goes to waste (הולך לאיבוד).¹⁴

We should recognize that crushing olives (the topic of *bShabbat* 50b) represents the fundamental case of the *melakhat* of squeezing on Shabbat as explained in *bShabbat* 145a,

אמר רב חייא בר אשי אמר רב דבר תורה אינו חייב אלא על דריסת זיתים וענבים בלבד וכן תני דבי מנשה דבר תורה אינו חייב אלא על דריסת זיתים וענבים בלבד. R. Hiyya b. Ashi said in Rav's name: By the words of the Torah one is culpable for the treading out of olives and grapes alone. And the School of Menasheh taught likewise: By the words of the Torah one is culpable for the treading out of olives and grapes alone,¹⁵

and even so *dash* is not violated if the exudate goes to waste, per *bShabbat* 50b.

¹⁴ An assumption is made here that Hai, Alfasi, and the other medieval authorities cited in the previous note understood that *melakhat dash* was not a concern for squeezing olives in *bShabbat* 50b for this same reason that Asevilli gives (כיון שאינו צריך למימיהן והולך לאיבוד). Asevilli (on *bShabbat* 50b) merely spelled out a fine detail which was obvious to his medieval predecessors. Shlomo b. Aderet and Meiri specify elsewhere that if the squeezed liquid goes to waste *melakhat dash* cannot apply (*Hiddushei ha-Rashba, Shabbat*, ed. Yair Broner 111a [Jerusalem: Mossad Harav Kook, 2008], pp. 405-406; Aderet cited in Vidal of Tolosa, *Maggid Mishnah* on Maimonides, *Mishneh Torah, Laws of Shabbat* 9:11; *Beit ha-behirah, Beit-zab* 30a [Jerusalem, 1969], p. 180). Rashba's words, "וזו אינה ראייה דודאי נהנה הוא, במים הנסחטין דצריך לו לקנה ולנקות" (*Hiddushei ha-Rashba, Ketubot* 6a [Jerusalem: Mossad Harav Kook, 2010], p. 33), appear to contradict his commentary to *bShabbat* 50b. See also the comments of Tosafot (*bBeitzab* 30a s.v. *zimmun dematmish*) "אבל התם מיירי ביין דסחיטה שלו אסורה משום דש וא"כ כי נפיל לארעא הולך" "והכא אומר ר"ת דליכא למימר דאסור משום מפרק כיון, לאיבוד ולא חיישינן סחיטה" (*Ketubot* 6a s.v. *hai mesucharayata*).

¹⁵ Translation is adapted from *Soncino, Shabbat* 145a, p. 51.

As R. Sheshet was being asked a practical question, clearly such squeezing is allowed, within the parameters of *dash*, even according to rabbinic law.¹⁶

Tosafot's reading of the *stamma's* rendering of *mShabbat* 21:3, which would apply *dash* even if the squeezed sponge liquid goes to waste, is contradicted by these cited early Talmudic sources.^{17,18,19}

¹⁶ *bShabbat* 50b's permit to use olive juice in such a manner on Shabbat is found in *Tur* and *Beit Yosef* O.H. 326:10.

¹⁷ Rav (*bShabbat* 145a) and R. Sheshet (*bShabbat* 50b) were 3rd-century Amoraim, while the anonymous redactor of the Talmud (*stamma*) of *bShabbat* 143a may have lived as late as the 11th century (see notes 1 and 3 above).

¹⁸ Even if the squeezed sponge liquid aids in cleaning the table surface, it is still considered "going to waste" as is clear from the cited *bShabbat* 50b regarding pressed olive juice, where the acidic juice cleans one's face and hands before going to waste.

¹⁹ YomTov Asevilli's unique reading of *mShabbat* 21:3 avoids any contradiction to *bShabbat* 50b or *bShabbat* 145a. Asevilli suggests that the sponge described in *mShabbat* 21:3 was used to soak up spilled wine in order to collect it—it was not going to waste—and therefore it is subject to *melakhat dash* (*Hiddushei ha-Ritva bShabbat* 143a [Jerusalem: Mossad Harav Kook, 2008], p. 934). However, Asevilli's reading of the Mishnah is problematic. The previous Mishnah (*mShabbat* 21:2) discusses cleaning up peels and crumbs, and wiping spittle (*lashleshet*) off leather. This context suggests that the sponge of our Mishnah (*mShabbat* 21:3) was similarly used for wiping down a soiled surface. See Homer, *Odyssey* Book 22, lines 450-455 trans. by Samuel Butler (London, 1900), p. 297: "they cleaned all the tables and seats with sponges and water, while Telemachus and the two others shovelled up the blood and dirt from the ground." Furthermore, the meaning of the word קנה (used in *mShabbat* 21:3) is "to wipe off, cleanse" (Jastrow, *A Dictionary of the Targumim, Talmud Babli, Talmud Yerushalmi and Midrashic Literature*, entry, קנה [New York: G.P. Putnam's Sons, 1903], p. 1389). קנה is commonly used to convey meaning of cleaning off a soiled surface. See *mBrachot* 8:3: "מקנה ידיו במפה"; *bHullin* 105a: "אין קינח פה אלא בפת"; *bSanbedrin* 94b: "שהיה מקנה בצרור ואין מקנה בחרס"; *bShabbat* 82a: "אוכל ארבעים סאה גוזלות בקינח סעודה". If wiping for the purpose of soaking up and collecting were the intent of the *mShabbat* 21:3, a different verb such as ספג found in the following Mishnah (*mShabbat* 22:1) would have been used: "חבית שנשברה, מצילין הימנה מזון שלש סעדות. ואומר לאחרים: בואו והצילו לכם, ובלבד שלא יספגו" (ובלבד שלא יספוג. שלא ישם ספוג במקום היין, *u-bilvad shelo yisfog*) comments, לחזור ולהטיפו בכלי גזירה שמא יסחוט" (וטבל ולא מספג *bZevachim* 40b). (Similarly, see *bZevachim* 40b מספג *bZevachim* 40b). Asevilli stretched the meaning of קנה in *mShabbat* 21:3 in order to reconcile the Mishnah (as understood by the *stamma* in terms of *melakhat*) with the laws of *dash* which do not apply in cases of fluid going to waste (as Asevilli explained in his comments to *bShabbat* 50b and elsewhere).

Melakhat Melabein

Perhaps because of the conflict to *bShabbat* 50b and *bShabbat* 145a posed by Tosafot's *dash* interpretation, Maimonides chose to read *mShabbat* 21:3 and its *stamma* differently.²⁰ Maimonides teaches the law of the sea sponge amongst the rules of *melabein*, laundering, not *dash*.²¹ Including the prohibition against squeezing the sponge under laundering obviates any contradiction from the *stamma* of *bShabbat* 143a to *bShabbat* 50b/145a because the fate of a sponge's exudate is of no significance for the *melakhab* of *melabein*.

Maimonides' opinion, however, is difficult to accept. While wiping down a soiled surface, one's intention is for the sponge to become less clean by absorbing the spills, food particles, and filth from the surface.²² As the kitchen sponge's function is to absorb dirty fluids,²³ it is difficult to recognize its use as a transgression of the *melakhab* of *melabein*.²⁴

Context

The difficulties presented above (Ravad's practical question, and the problems with the explanations of Tosafot and Maimonides) hint that the

²⁰ The teaching on *bShabbat* 145a, "כבשים שסחטן אמר רב לגופן מותר", is codified by Maimonides in *Mishneh Torah, Laws of Shabbat* 21:13.

²¹ *Mishneh Torah, Laws of Shabbat* 22:15. This is also the understanding of the Mishnah according to the Parma Ms cited in *Midrash Tanhuma*, ed. Solomon Buber, *Vayetzei* 17 (Vilna: Rom, 1885), p. 155 n. 108.

²² Note that the previous Mishnah (*mShabbat* 21:2) discusses cleaning up peels and crumbs, and wiping spittle (*lashlesbet*) off leather. This context suggests that the sponge of our Mishnah (*mShabbat* 21:3) was similarly used for wiping down a soiled surface. קנה (used in *mShabbat* 21:3), which means "to wipe off, cleanse" (Jastrow, *Dictionary*, p. 1389), is commonly used to convey meaning of cleaning off a soiled surface, thereby dirtying the item used for wiping. See examples cited in note 19 above. Maimonides writes (*Mishneh Torah, Laws of Shabbat* 22:18), "כר" "או כסת שהיה עליהן צואה או טנוף מקנחו בסמרטוט" and on the Mishnaic source for this law he comments, "לשלת, לכלוך וטנוף. מקנחה, מסירה. סמרטוט, בלויי בגד," (*Mishnah im peirush rabbeinu Moshe ben Maimon, Moed, Shabbat* 21:2 ed. Yosef Qafih [Jerusalem: Mossad Harav Kook, 1963], p. 85), showing no concern for transgression of *melabein*.

²³ This argument is similar to Avraham Gombiner's logic, "ונ"ל דבסמרטוט המיוחד" "לכך שרי דלא גזרינן שמא יסחוט" (*Magen Avraham* O.H. 302:27).

²⁴ Compare the position of Rabbeinu Tam, regarding simple clean water, that "לא" "אמרינן שרייתו זהו כיבוסו היכא שהוא דרך לכלוך" (Tosafot, *bShabbat* 111b s.v. *hai mesuchrayata*, *Tur* O.H. 302). Certainly soiled liquids on a surface after a meal cannot cause a violation of *melabein*.

sea sponge teaching of *mShabbat* 21:3 formerly had a different meaning than that of *melakhab* attributed to it by the *stamma* of *bShabbat* 143a of a later era.^{25,26} The context of the chapter in which this Mishnah appears may provide an important clue as to the original meaning of the sea sponge passage. The 21st chapter of *mShabbat*, with small exception, discusses the laws of *muktzeh*, items that may not be moved on Shabbat.²⁷ It

²⁵ All extant manuscripts, Ms. Vat. Ebr. 108 (square Sephardic script, end of 13th century, early 14th century), Ms. Munich, Cod. hebr. 95 (1342, probably in France), Ms. Nuremberg Fr. 51-68 (France, 14th century), available on *The Friedberg Project for Talmud Bavli Variants* website contain the *stammaic* passage (dates and locations from “The complete manuscripts of the Babylonian Talmud,” ed. by Menachem Katz, Asael Shmeltzer, Hillel Gershuni, Sarah Prais, The Friedberg Project for Talmud Bavli Variants [June 2017], pp. 8, 11, 12, https://bavli.genizah.org/Content/pdfFile/Introductions_B/Introductions_Eng/Background%20to%20complete%20mss.pdf). The earliest extant sources in which the *stamma* is found are the commentaries of Ḥananel and Nissim of Kairouan (11th century), albeit in terse form (Nissim, *ha-Mafte'ah, Shabbat* 143a ed. Jacob Goldenthal [Wien, 1847], p. 53b; Ḥananel’s commentary appears in the margin of standard Talmud editions). (There are limited extant writings of the Babylonian geonim to *bShabbat* 143a, see Levin, *Otzar ha-geonim, Shab.*, p. 89). Nissim’s brief comments to our *sugya*, “אתאן לרבי יהודה דאמר דבר שאין מתכוין אסור עיקר דבריו, וכבר פירשנו דבריו גם במס' של ר' יהודה במשנה במסכת בכורות (דף לג) ובמס' יום טוב (דף כג) וכבר פירשנו דבריו גם במס' כירה” indicate that the Talmud text in his possession already contained the *stamma*. Most likely, the *stamma* was inserted by Babylonian scholars in generations prior to Nissim and Ḥananel.

²⁶ Our *stamma*’s additions to the Talmud can be detected elsewhere as well: In *bShabbat* 134b we find the *stamma* saying, “התם משום סחיטה”, a response only possible if *dash* can apply even in an instance where the squeezed fluid goes to waste. (However, one can argue that the oil used in *bShabbat* 134b is not deemed “going to waste” because it aids in healing the wound under the bandage, and all would agree that rules of *dash* apply. See *Y. Shabbat* 6:5 (37b): “שמן הוא שהוא (מרפא”).

²⁷ *mShabbat* chapter 21:

משנה א: נוטל אדם את בנו והאבן בידו, וכלכלה והאבן בתוכה. ומטלטלין תרומה טמאה עם הטהורה ועם החולין. רבי יהודה אומר, אף מעלין את המדומע באחד ומאה.
 משנה ב: האבן שעל פי החבית, מטה על צדה והיא נופלת. היתה בין החביות, מגביהה ומטה על צדה והיא נופלת. מעות שעל הכר, נוער את הכר והן נופלות. היתה עליו לשלישת, מקנחה בסמרטוט. היתה של עור, נותנין עליה מים עד שתכלה.
 משנה ג: בית שמאי אומרים, מגביהין מן השולחן עצמות וקליפין. ובית הלל אומרים, נוטל את הטבלה כולה ומנערה. מעבירין מלפני השולחן פירורין פחות מכזית ושער של אפונין ושער של עדשים, מפני שהוא מאכל בהמה. ספוג, אם יש לו עור בית אחיזה, מקנחין בו, ואם לאו, אין מקנחין בו. (וחכמים אומרים) בין כך ובין כך, ניטל בשבת, ואינו מקבל טומאה.
mShabbat 21:3’s unfinished sponge tool *muktzeh* teaching was likely included in chapter 21 rather than chapter 17 (with other specific *muktzeh* laws regarding

is reasonable to say that this item is likewise part of that discussion.²⁸ The Mishnah's first speaker's (*tanna kamma*) intention was that until a handle is affixed to the sponge it is not considered a functional completed item, *keli*, and is thus *muktzeh*.²⁹ The Sages dissented, maintaining that the

unfinished or incomplete vessels) because 21:3 deals with cleaning tables and dining surfaces ("נוטל את הטבלה כולה ומנערה", "מגביהין מן השולחן עצמות וקליפין").

- ²⁸ The usage of the verb, מקנחים, the appropriate verb for the action performed with the sponge, merely intended that the sponge is not *muktzeh* and may be used in its normal fashion. This choice of language is like that in *mShabbat* 17:6:

האבן שבקירויה אם ממלאין בה ואינה נופלת ממלאין בה ואם לאו אין ממלאין בה.

If a stone [is placed] in a gourd shell, and one can draw [water] in it and it [the stone] does not fall out, one may draw [water] in it; if not, one may not draw water in it. (*Soncino*)

The verb ממלאין, "fill," merely teaches that the stone embedded into the gourd-vessel is not *mukzeta* and does not relate to a conceivably forbidden *melakhah* being performed.

Another example is from *mShabbat* 20:5, "לא ינענעו בידו", where the Mishnah chooses the appropriate verb for the item discussed rather than using a generic term such as "לא יטלנו בידו".

- ²⁹ There are historical records of sponges with handles being used in ancient times. Paleopathologist Philippe Charlier writes that "during the Greco-Roman period, a sponge fixed to a stick (tersorium) was used to clean ... after defecation..." (Philippe Charlier, et al, "Toilet Hygiene in the Classical Era," *BMJ* [2012]: 345). An early source is from Seneca the Younger (4 BCE – 65) who wrote:

secessit ad exonerandum corpus — nullum aliud illi dabatur sine custode secretum; ibi lignum id quod ad emundanda obscena adhaerente spongia (*Moral letters to Lucilius [Epistulae morales ad Lucilium] by Seneca*, trans. by Richard Mott Gummere vol. 2, Letter 70, line 20 [A Loeb Classical Library, 1920], p. 66)

Translation:

he withdrew in order to relieve himself, — the only thing which he was allowed to do in secret and without the presence of a guard. While so engaged, he seized the stick of wood, tipped with a sponge, which was devoted to the vilest uses...

(*Moral letters*, p. 67)

This item, called a xylospongium (= wood-sponge) in Greek, likely functioned as a toilet brush and general-purpose mop as well. In Book XII of *Epigrams* of the Roman poet, Martial (published in Spain, c. 102 CE) is written:

Lauta tamen cena est: fateor, lautissima, sed cras

Nil erit, immo hodie, protinus immo nihil,

Quod sciat infelix damnatae spongia virgae

Vel quicumque canis iunctaque testa viae

(Marcus Valerius Martialis, *Epigrammaton libri*, ed. Wilhelm Heraeus, Jacobus Borovskij, Book XII, poem XLVIII, lines 5-8 [Leipzig. 1925/1976])

sponge is considered fully functional prior to the addition of a handle. This is comparable to the law that wood and stones are *muktzeh* until they are fashioned into usable and finished tools.³⁰ Elsewhere in the Mishnah it is taught that the addition of a handle to an item is a sure way to remove its prior *muktzeh* status.³¹ Alternatively, several variants read, "ספוג אם יש"

Translation:

Yet your dinner is a handsome one, I admit, most handsome, but tomorrow nothing of it will remain; nay, this very day, in fact this very moment, there is nothing of it but what a common sponge at the end of a mop-stick, or a famished dog, or any street convenience can take away. (*The Epigrams of Martial*, tr. into Engl. prose [London: Bohn's Libraries, 1860], p. 565)

An inscription on the fresco *Baths of the Seven Sages*, from 2nd-century Ostia Antica, Italy, contains the words, "(u)tariis xylospungio," "use the sponge on wood" (John R. Clarke, *Art in the Lives of Ordinary Romans: Visual Representation and Non-Elite Viewers in Italy, 100 B.C.–A.D. 315* [Berkeley: University of California Press, 2006], p. 171, 311). For further uses of the sponge in ancient times see Roberto Pronzato and Renata Manconi, "Mediterranean commercial sponges: Over 5000 years of natural history and cultural heritage," *Marine Ecology* 29 (2008): pp. 146–150. Some variants of *mShabbat* 21:3 read עור בית אחיזה indicating a leather handle rather than a wooden stick handle.

³⁰ See *mShabbat* 17:6, *bShabbat* 125b; Maimonides, *Mishneh Torah, Laws of Shabbat* 25:6.

³¹ See *mShabbat* 17:8:

כל כיוסיי הכלים שיש להן בית אחיזה ניטלין בשבת א"ר יוסי במה דברים אמורים בכיוסיי הקרקעות אבל בכיוסיי הכלים בין כך ובין כך ניטלין בשבת.

All lids of utensils which have a handle may be handled on the Sabbath. Said R. Yose, when is that said? In the case of lids of ground [buildings], but the lids of utensils may in any case be handled on the Sabbath. (*Soncino*, p. 84)

Though *mShabbat* 17:8 strongly resembles *mShabbat* 21:3, 17:8 primarily discusses how to resolve a *melakhat boneh* issue, as the *muktzeh* status of lids without handles is due to a possible *boneh* violation (see *bShabbat* 126b and *rishonim*). However, some understood *mShabbat* 17:8 as discussing *muktzeh* even unrelated to *boneh* (see Moshe Margalit, *Pnei Moshe, Y. Shabbat* 6:5 [37b]). According to *Y. Shabbat* 17:8 (84a) the *tanna kamma*'s view applies to all vessel lids, not merely those affixed to the ground—unlike the explanation of Bavli 126b. Also, see Ritva's comment, "בעי ת"ק בית אחיזה להיכירא דלהוי עליו תורת כלי", (*Hiddushei ha-Ritva bShabbat* 125a [Jerusalem: Mossad Harav Kook, 2008], p. 815). It should be noted that *mShabbat* 17:8 was included in a chapter teaching laws of *muktzeh*. Likewise, Maimonides and Yaakov ben Asher codified the rulings from *mShabbat* 17:8 in their sections on *muktzeh* (Maimonides, *Mishneh Torah, Laws of Shabbat* 25:13; *Tur* O.H. 308:10). The position of *tanna kamma* of *mShabbat* 21:3 may be similar to other views found in the Talmud which required a change or act performed unto an incompletely processed item in order that it not be *muktzeh*. See *bShabbat* 125b:

"לו עֹבֵב בֵּית אַחִיזָה מִקְנַחִין בּוֹ וְאִם לֹא אֵין מִקְנַחִין בּוֹ"³² telling that the Mishnah discusses the case of a sponge whose handle had fallen off. The *tanna kamma* considered the sponge *no longer* a proper tool. The Sages opined that the sponge *remains* fully functional even without its handle.³³

פעם אחת הלך רבי למקום אחד ומצא נדבך של אבנים של אמר לתלמידיו צאו וחשבו כדי שנשב עליהן למחר ולא הצריכן רבי למעשה ור' יוחנן אמר הצריכן רבי למעשה מאי אמר להו רבי אמי אמר צאו ולמדום אמר להו רבי אסי אמר צאו ושפשפום.

Rabbi once went to a certain place and found a course of stones, whereupon he said to his disciples, Go out and intend [them,] so that we can sit upon them to-morrow; but Rabbi did not require them [to perform] an act of labor. But R. Johanan said, Rabbi did require them [to perform] an act of labor. What did he say to them? — R. Ammi said: He said to them, Go out and arrange them in order. R. Assi said: He said to them, 'Go out and scrape them' [free of mortar, etc.] (Brauner, *Soncino*, p. 82)

Similarly, *Mordechai* writes that in order to use rocks and wood blocks on Shabbat one must perform an "act of *tikkun*" to them prior to the start of Shabbat: "הרוצה להשתמש באבן או בבקעת בשבת לסגור בהם הדלת או להכות בהם הברזא צריך" (*bShabbat* 126b remez 416). On *bShabbat* 50a,

יוצאין בפקורין ובציפא בזמן שצבען (בשמן) וכרכן במשיחה לא צבען (בשמן) ולא כרכן במשיחה אין יוצאין בהם.

One may go out on Shabbat with combed flax or combed wool when he previously dipped them in oil and tied them with twine. If he did not dip them in oil or tie them with twine, he may not go out with them.

"אבל לא צבען בשמן אין יוצאין בהן. לא דוקא אין. יוצאין דאפילו לטלטלם אסור לפי שאינם מוכנים" Tosafot (s.v. *aval lo*) comments, Wool and flax, which had already reached the stage of combing (comparable to sea sponge which was cleaned but not yet fitted with a handle), needed additional preparation to be permitted to be moved on Shabbat.

³² This version of *mShabbat* 21:3 appears in the Cambridge Ms (*Catalogue of the Hebrew Manuscripts Preserved in the University Library, Cambridge*, Volume 2 [Brockhaus, Univ. Libr., 1876], p. 4), as well as in printed *Mishnayot* and liturgy books (see *Seder tefilot Šifte renanot mi-kol ha-shanah ke-minhag ashkenaz; ... ben bi-leshon ha-kodesh u-vi-leshon Ashkenaz* ... [Petschau, 1769], p. 86a; *Seder Tefilot mi-kol ha-shanah: ke-minhag Pehm Polin u-Mehrin* [Seckel b. Ahron, 1797], p. 107(?); *Mishnayot Seder Mo'ed, Shabbat* 21:3 [Furth: Zirndorfer, 1814], p. 28a.) Codex Kaufmann (MS Kaufmann A 50, fol. 49v) seems to read "עֹבֵב בֵּית אַחִיזָה" as well (see Figure 1). While late printings containing עֹבֵב may be attributed to printer's errors, one wonders if the עֹבֵב became עֹבֵב in early centuries due to scribal errors. This possibility is strengthened when we consider that early historical descriptions of the sponge tool depict a sponge on a stick, not a sponge affixed to a leather handle (see note 29).

³³ Accordingly, the dispute in *mShabbat* 21:3 resembles the discussion regarding broken vessels in *mShabbat* 17:5.

Mishnaic Variants

Authoritative texts of the Mishnah, including Codex Kaufmann, Oxford and Cambridge manuscripts, as well as Alfasi's *Halakhot* and the di Trani family commentaries, indicate that *melakbah* (*dash* or *melabein*) is not the Mishnah's topic. According to these variants, the Mishnah concludes by stating that the Sages disagreed with the *tanna kamma* in regard to the distinction between a sponge with and without a handle and allowed compression (not merely handling) of the sponge regardless: "והכמים אומרים" "והכמי' אומ' בין כך ובין כך מקנחין בשבת" or "בין כך ובין כך מקנחים בו" according to Alfasi, and "והכמים אומרים בין כך ובין כך מקנחין ניטל בשבת" in the Oxford Ms. As the Sages certainly did not intend to allow violation of the Shabbat laws, the Mishnah must not have been addressing violation of a *melakbah*.³⁴

Variants of mShabbat 21:3

Group 1	Codex Kaufmann, ³⁵	ספוג אם יש לו עו?ד? בית אחיזה מקנחים בו ואם לאו אין מקנחין בו והכמי' אומ' בין כך ובין כך מקנחים בו
	Cambridge Ms ³⁶	ספוג אם יש לו עו?ד? בית אחיזה מקנחין בו ואם לאו אין מקנחין בו והכ' אומ' בין כך ובין כך מקנחין בו

³⁴ It is superior to ascribe to both the *tanna kamma* and the Sages positions which are logical and easily defensible (whether *muktzeb* can apply to a sea sponge after it is cleaned and mostly processed but yet prior to its very final completion, the addition of a handle) than to suggest that basic principles of *melakbah* (whether *dash* can apply even when the juice goes to waste, or whether *melabein* can apply even to an item one is making filthy) were a matter of dispute in the Mishnah.

³⁵ MS Kaufmann A 50, fol. 49v ("Mishnah MS A 50 – Italy, late 11th – mid 12th c.: fol. 49v Shabbat XIX.5 - XXI.3," David Kaufmann and His Collection, Accessed March 30, 2018, <http://kaufmann.mtak.hu/en/ms50/ms50-049v.htm>).

³⁶ The Mishnah on which the Palestinian Talmud Rests: Edited for the Syndics of the University Press from the Unique Manuscript Preserved in the University Library of Cambridge, Add. 470. 1, ed. by William Henry Lowe, Shabbat 21:3 (Cambridge: University Press, 1883), p. 38b.

³⁷ This variant suggests that the Mishnah is discussing the case of a sponge whose handle had fallen off. The *tanna kamma* considered the sponge no longer a proper tool. The Sages opined that the sponge remains fully functional without its handle.

Isaiah di Trani the Elder ³⁸	ספוג אם יש לו עור בית אחיזה מקנחין בו ואם לאו אין מקנחין בו והכמים אומרים בין כך ובין כך מקנחין בו
Alfasi's Halakhot ³⁹	ספוג אם יש לו בית יד מקנחין בו ואם לאו אין מקנחין בו והכמ"א אומ' בין כך ובין כך מקנחין בשבת
Tosafot ⁴⁰	ספוג אם יש לו עור בית אחיזה מקנחין ואם לאו אין מקנחין בו והכמים אומרים בין כך ובין כך מקנחין בו
Menaḥem haMeiri ⁴¹	ספוג אם יש לו עור בית אחיזה מקנחין בו והכ"א בין כך ובין כך מקנחין בו

³⁸ *Piskei ha-Rid u-piskei be-Riaz Berakhot ve-Shabbat, Shabbat* 143a (Jerusalem: Machon HaTalmud HaYisraeli HaShalem, 1992), pp. 510-511. Many of the rishonim cited in this table, who possessed the ancient text showing the Sage's permissive attitude towards squeezing sponges, replaced the simplest meaning of the Mishnah's words (namely, that one is permitted to squeeze a wet sponge) with a clever reinterpretation in order to reconcile their Mishnah's text with the *stamma's* interpretation. To be fair, their reconciliations will be cited in the footnotes. The relevant comments of di Trani are as follows:

הכמ"א אומ' בין כך ובין כך מקנחין בו. פ"י משום דקסברי אין תורת סחיטה בספוג, דתורת סחיטה יש בענבים וזיתים וכיוצא בהן לסוחטן ולהוציא מהן משקין שהיא תולדה דדש, ותורת סחיטה יש נמי בבגדי', והיא תולדה דמכבס שהוא חפץ בליבונן, אבל הספוג אין בו לא זה ולא זה, משום מפרק אינו חייב שאין המשקין מגופו כמו הפירות שתהא סחיטתו תולדה דדש, ולליבוננו נמי אינו צריך שתהא תולדה דמכבס, והילכך מותר לקנח בו, ואין בו משום סוחט. והכי נמי אמרי' בפרקין דלקמן בפרק חבית שנשברה, תנא לא יספג ביין ולא יטפח בשמן, שלא יעשה כדרך שהוא עושה בחול, אלמא לא אסר הסיפוג אלא משום מעש' חול ולא משום סחיטה, וההיא אתיא כחכמ' דהכא.

³⁹ *Hilkhot Rav Alfasi*, vol. 1, ed. Nissan Zacks (Jerusalem: Mossad Harav Kook, 1969), p. 146. Zacks reprinted the first printed edition of Alfasi's *Halakhot* which appeared in Constantinople in 1509. A later printing of *Halakhot* which appears in the back of standard Talmud editions reads, "והכמים אומרים, בין כך ובין כך, ניטל בשבת". Alfasi omits the comments of the *stamma* and therefore possibly understood the Mishnah as suggested in this essay. (Though one may argue that Alfasi did not consider the *stamma's* comment to contain practical value and therefore omitted it from his halakhic digest.)

⁴⁰ Tosafot *bShabbat* 143a s.v. *ve-im lav ein*. "...אם יש ספוג דגרסי ספוג אם יש..."

⁴¹ Menachem ha-Meiri, *Beit ha-bebirah*, ed. Isaak Lange, *Shabbat* 143a (Jerusalem, 1976), p. 566. Meiri explains the text as follows:

ספוג והוא שהיה מנהגם לטבלו במים ולקנח בו את הטבלא אם יש לו עור בית אחיזה ר"ל בית אחיזה של עור לאחזו בו מקנחין בו אבל אם אין לו בית אחיזה אסור אחר שהוא טבול במים שהרי כשאחזו נסחט בין אצבעותיו ויש כאן איסור סחיטה ואף לר' שמעון שהרי פסיק רישיה הוא בין כך ובין כך ר"ל אע"פ שאין לו בית אחיזה אם הוא נגוב ניטל בשבת מפני שתורת כלי עליו ואין גוזרין נגוב אטו טבול.

	Yeshayah ben Eliyah di Trani the Younger ⁴²	ספוג בין יש לו בית אחיזה בין שאין לו בית אחיזה מותר לקנח בו, ובלבד שלא יתכוין לסוחטו...
	Yehudah haRofe Anav ⁴³	בין כך ובין כך מקנחין בו
Group 2	Meir ben Shimon haMe'ili of Narbonne ⁴⁴ Oxford Ms ⁴⁵	ספוג בין שיש לו עור בית אחיזה בין שאין לו ניטל בשבת ומקנחין בו ספוג אם יש לו עור בית אחיזה מקנחין בו ואם לאו אין מקנחין בו והכמים אומרים בין כך ובין כך מקנחין ניטל בשבת ואין מקבל טומאה
	Meir Lublin ⁴⁶	והכמים אומרים בין כך ובין כך מקנחים בו וניטל בשבת וכו' כצ"ל
Group 3	Maimonides's Commentary to the Mishnah ⁴⁷	ספוג--אם יש לו עור בית אחיזה, מקנחין בו; ואם לאו, אין מקנחין בו. והכמים אומרים, בין כך ובין כך, ניטל בשבת
	Babylonian Talmud: first print, Venice 1520–1523	ספוג אם יש לו עור בית אחיזה מקנחין בו ואם לאו אין מקנחין והכמלי או' בין כך ובין כך נוטל בשבת
Group 4	Parma Ms	ספוג אם יש לו עור בית אחיזה מקנחין ואם לאו אין מקנחין בו והכמים אומרים בין כך ובין כך אין מקנחין בו

⁴² *Piskei Ri"az Shabbat ve-Eiruvim*, ed. B. Rotenberg (New York, 1962), p. 104. The work contains Yeshayah's final rulings rather than his version of the text. However, his ruling suggests that the Mishnah variant in his possession was similar to that of Codex Kaufmann.

⁴³ Yehuda haRofe Anav, *Shitat ha-kadmonim al masekhet Shabbat*, ed. Moshe Yehuda Blau (Brooklyn, New York, 1987), p. 238. The full commentary reads: הספוג שעשוי לקנח בו את הקערה ויש לו בית אחיזה: מקנחין בו. דאינו נסחט הואיל ואינו אוהו הספוג שאם היה אוהו ודאי סוחטו ומודה רבי שמעון בפסיק רישיה: בין כך ובין כך מקנחין בו. דתבשיל לא השיב משקה דלא חשיבא סחיטה דידיה:

⁴⁴ Meir ben Shimon ha-Me'ili, *Ha-Meorot, bShabbat* 143a, ed. Moshe Yehuda Blau (Brooklyn, New York, 1964), p. 192-193. The commentary reads: ספוג בין שיש לו עור בית אחיזה בין שאין לו ניטל בשבת פירוש דתורת כלי עליו ... ומקנחין בו פירוש את הטבלא בשבת כשיש לו בית אחיזה ואע"פ שאינו נגוב אבל אי לית ליה בית אחיזה אתי לידי סחיטה ואסור.

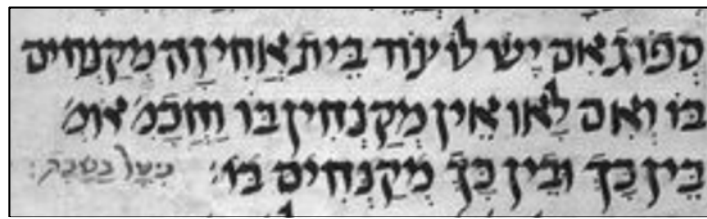
⁴⁵ Cited by *Shinui nus'haot in Mishnayot zekher Hanokh* vol. 3 (Jerusalem: Hotza'at Vagshal, 1999), p. 161.

⁴⁶ Meir Lublin, *Meir Einei Hakhamim (Maharam), bShabbat* 143a (printed in the back of standard Talmud editions).

⁴⁷ *Mishnah im peirush rabbeinu Moshe ben Maimon*, Moed, ed. Yosef Qafih (Jerusalem: Mossad Harav Kook, 1963), p. 86: וספוג, צמר ים שמנגבין בו... ואפילו ר' שמעון מודה: 86: ומה שאמרו חכמים בין כך ובין כך ר"ל בין שיש לו שאסור לנגב בו אם אין לו בית אחיזה ... בית יד שמותר לנגב בו בין שאין לו מותר לטלטלו בשבת והלכה כחכמים.

	Tosafist Yitzchak of Dam-pierre ⁴⁸	בין כך ובין כך אין מקנחין בו
Group 5	Ms. Vat. Ebr. 108, Bezalel Ashkenazi's preferred variant ⁴⁹ Soncino Talmud, first print, 1489-1498	ספוג אם יש לו בית אחיזה מקנחין בו ואם לאו אין מקנחין בו בין כך ובין כך ניטל בשבת ואינו מקבל טומאה ספוג אם יש לו עור בית אחיזה מקנחין בו ואם לאו אין מקנחין בין כך ובין כך נוטל בשבת ואינו מקבל טומאה
Group 6	Tosafot (alternate opinion) ⁵⁰ Ms. Munich, Cod. hebr. 95	ספוג אם יש לו עור בית אחיזה מקנחין ואם לאו אין מקנחין בו... ספוג אם יש לו בית אחיזה מקנחין ואם לאו אין מקנחין בו *סליק פירקא*

Figure 1 – Codex Kaufmann



The Mishnah Text's Evolution

A possible explanation for the existence of so many Mishnaic variants is that the text evolved in several phases over many centuries.

Stage 1:

It is generally accepted that Codex Kaufmann (Group 1), the oldest of extant complete Mishnah manuscripts, which here reads, "וחכמי אומ' בין כך ובין כך מקנחין בו", conserves the language of the Mishnah in its most authentic form.⁵¹ Other variants (Group 3), such as Maimonides's text, read, "וחכמים אומרים בין כך ובין כך ניטל בשבת". Both texts can be interpreted in the same manner: The Sages opined that whether with or without a handle, one may "מקנחין בו", "wipe with" the sponge, or "ניטל בשבת," the sponge may be "moved on Shabbat"—the teaching being that a sponge,

⁴⁸ Tosafot *bShabbat* 143a s.v. *ve'im lav ein*. "וה"ר יצחק מדלפירא גרס בין כך...".
⁴⁹ Cited by Shelomo Adeni, *Meleket Shlomo, mShabbat* 21:3 in *Mishnayot zekher Hanokh* vol. 3, p. 161.
⁵⁰ Tosafot *bShabbat* 143a s.v. *ve'im lav ein*. This view deletes from "...וחכמים אומרים", and onwards.
⁵¹ See Michael Ryzhik, "The Language of the Mishnah: From Late Manuscripts to the Printed Editions," *The Edward Ullendorff Lectures in Semitic Philology*, Third Lecture (Bar Ilan University, 2016), p. 2.

even though it has no handle, is not *muktzeḥ*. The *tanna kamma* regarded the sea sponge as incomplete and not fully purposeful without its handle. The Sages dissented, deeming the sea sponge fully functional even before a handle is affixed (or even after the handle has fallen off—according to the "אם יש לו עוֹךְ בֵּית אַחִיזָה" variant). Later, Meir Lublin and the Oxford manuscript (Group 2) combined both these variants as "וְהַחֲכָמִים אוֹמְרִים בֵּין כֶּךָ וּבֵין כֶּךָ מִקְנָחִין גִּיטֵל בַּשַּׁבָּת" as did a late inscription penned into the margin of Codex Kaufmann (see Figure 1).

Stage 2:

In the late anonymous Bavli stratum the contextual *muktzeḥ* reading was abandoned. Because the sponge is used for squeezing and because the verb סָפַג means “to soak up,”⁵² the dispute between *tanna kamma* and the Sages came to be understood as a conversation regarding *melakḥah* (*dash* or *melabein* as discussed above). (A historical explanation for a transition in understanding of the Mishnah is suggested below.) The Mishnaic variant reading of "וְהַחֲכָמִים אוֹמְרִים בֵּין כֶּךָ וּבֵין כֶּךָ גִּיטֵל בַּשַּׁבָּת" (Maimonides’s version—Group 3), was preferred (or created) over the alternate "וְהַחֲכָמִים אוֹמְרִים בֵּין כֶּךָ וּבֵין כֶּךָ מִקְנָחִין בּוֹ" (Group 1) as the latter posed a serious problem for it suggested the Sages allowed transgression of a *melakḥah* (*dash* or *melabein*).

However, the original text, "בֵּין כֶּךָ וּבֵין כֶּךָ מִקְנָחִין בּוֹ", survived especially in Italian writings, such as the Codex Kaufmann,⁵³ and Anav and de Trani family commentaries, likely under the influence of the Palestinian Sages (see below).⁵⁴

⁵² Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*, entry – סָפַג (Ramat Gan: Bar Ilan University Press, 2002), p. 824. Sokoloff notes the word’s Greek origins. Marcus Jastrow (*Dictionary*, entry, סָפַג, p. 1011), translates “to absorb.”

⁵³ Malachi Beit-Arié argues that the Kaufmann Manuscript was written in 12th-century Italy (Malachi Beit-Arié, “Ktav yad Kaufmann shel haMishnah – motze’o u-zmano,” *Kovetz ma’amarim be-lashon Hazaal*, II [Jerusalem: Hebrew University of Jerusalem, 1980], p. 88.)

Others suggest that the manuscript comes from Palestine as, “It has kept older forms of the Palestinian type of text and it often reflects the spoken language of second-century Palestine” (“3.2. Mishnah [MS A 50],” *David Kaufmann and His Collection*, accessed March 30, 2018, <http://kaufmann.mtak.hu/en/study04.htm>).

⁵⁴ Moshe Sofer’s assessment is that Nathan of Rome, author of *Arukh*, used a Mishnaic text which read "וְהַחֲכָמִים אוֹמְרִים בֵּין כֶּךָ וּבֵין כֶּךָ מִקְנָחִין בּוֹ" (Moshe Sofer, *Hiddushei Hatam Sofer, Shabbat 143a* [Jerusalem, 2006], p. 240) like is found in the

Stage 3:

The authors of Tosafot in northern France still possessed the suggested original variant but regarded it as faulty because it contradicted the *stamma's* understanding of the Mishnah. Tosafot wrote, "אית ספרים דגרסי, והכ"א בין כך ובין כך מקנחין בו ולא יתכן דאמר בגמרא דבאין לו עור בית אחיזה אפילו ר"ש מודה דאסור משום דפסיק רישיה הוא" wondering how there possibly could have been a view amongst the Sages that squeezing is allowed on Shabbat.⁵⁵ Tosafot understood the Mishnah through the lens of the *stammaic* stratum, that laws of a *melakhah* (*dash* according to Tosafot) were discussed. Tosafot (and the Parma Ms) chose to amend the ancient original text of the Mishnah to fit the new understanding of the Mishnah's logic: "והכמים אומרים בין כך ובין כך אין מקנחין בו" (Group 4).

Stage 4:

Others (Group 5), like Bezalel Ashkenazi⁵⁶ and the scribe of the Vatican manuscript, took matters a step further by choosing to omit "והכמים אומרים" leaving only "בין כך ובין כך ניטל בשבת" —as they reasoned that the *tanna kamma* surely did not dispute the non-*muktzeh* status of a sea sponge.⁵⁷

Stage 5:

Some Tosafot authors suggested an emendation omitting the entire rejoinder of the Sages (Group 6), thereby resolving any difficulties the passage may have presented.⁵⁸

Persian Gulf Marine Products

The reason for the anonymous Babylonian redactor's revisionist interpretation of *mShabbat* 21:3 may be related to geography and social economic

other mentioned Italian works. It is significant that Italian rishonim were not aware of an alternate text.

⁵⁵ Tosafot *bShabbat* 143a s.v. *ve'im lav ein*.

⁵⁶ Cited in Adeni, *Meleket Shlomo, mShabbat* 21:3. Eliezer ben Yoel HaLevi's text also appears to leave out "והכמים אומרים": "ספוג אם יש לו עור בית אחיזה מקנחים בו: "והכמים אומרים" וואם לאו אין מקנחין בו. ובהא אפילו רבי שמעון מודה, דפסיק רישיה הוא. בין כך ובין כך ניטל" (Ra'avyah, ed. David Deblinski, vol. 1, *Shabbat* 327 [Bnei Brak, 2005], p. 281).

⁵⁷ This reasoning for choosing a preferred Mishnaic variant is given in Adeni, *Meleket Shlomo mShabbat* 21:3.

⁵⁸ Tosafot *bShabbat* 143a s.v. *ve-im lav ein*.

history. The Jews of Babylonia were removed from the centers of the sponge diving industry in the Mediterranean Sea. Divers in the Persian Gulf were interested in a far more precious commodity—pearls, as the Gulf was famous in the old world for its pearls.⁵⁹ There are extensive reports from travelers and historians, as well as archeological evidence, dating from antiquity through the 20th century—including the period of Babylonian Talmud and its late redaction—that the Persian Gulf was prized for its valuable pearl industry.⁶⁰ Interestingly, the Babylonian Talmud discusses what marine products were sought after in the Persian Gulf with some detail, but fails to mention sea sponges:

היכי עבדו מייתו שית אלפי גברי בתריסר ירחי שתא ואמרי לה תריסר אלפי גברי
בשיתא ירחי שתא וטעני לה חלא עד דשכנא ונחית בר אמוראי וקטר אטוני דכיתנא
בכסיתא וקטר להו בספינתא ונטלי חלא ושדו לבראי וכמה דמדליא עקרא ומתיא
ומחליף על חד תרין בכספא תלת פרוותא הויין תרתי בי ארמאי וחדא דבי פרסאי
דבי ארמאי מסקן כסיתא דבי פרסאי מסקן מרגנייתא ומקרייא פרוותא
דמשהיג.⁶¹

How do they perform this collection of coral? They bring there six thousand men for twelve months (or according to others twelve thousand men for six months) and load the boat with sand until it rests on the sea-bottom. Then a diver goes down and ties a rope of flax to the coral while the other end is tied to the ship, and the sand is then taken and thrown overboard, and as the boat rises it pulls up the coral with it. The coral is worth twice its weight in silver. There were three ports, two belonging to the Romans and one belonging to the Persians. From the Roman side they brought up coral, from

⁵⁹ Furthermore, it is not clear whether the coasts of the Persian Gulf possessed varieties of sponge fit for preparation for household use, as only select sponge species are of such quality. See Ernest J.J. Cresswell, *Sponges — their nature, history, modes of fishing, varieties, cultivation, etc.* (London: Sir I. Pitman & sons, 1922), p. 11:

Hard sponges were of no value to the trade, and were called “wild” or “mud.”...

Aristotle also informs us precisely where the best sponges were to be found.

On the eastern side of Cape Matapan there are beautiful sponges, but beyond that region they are of lower grade.

See also Pronzato and Manconi, “Mediterranean commercial sponges,” *Marine Ecology*, p. 151.

⁶⁰ Robert Carter, “The History and Prehistory of Pearling in the Persian Gulf,” *Journal of Economic and Social History of the Orient* 48, no. 2 (2005): pp. 139-209, esp. pp. 143-146.

⁶¹ *bRosh haShanah* 23a.

the Persian side pearls. This [the Persian] one was called the port of Mashmahig.⁶²

If the Babylonian authors of the *stamma* (approx. 6th – 9th centuries) did use sponges, it was likely an imported item from the Mediterranean Sea that arrived completely processed and ready for use.⁶³ It is difficult to find an instance in the Babylonian Talmud where sponges are clearly mentioned as a familiar item to its writers.⁶⁴ Babylonian Jews may have lacked familiarity with the extensive processing sea sponges underwent once harvested from the sea until they became usable as household items. To their knowledge the sea sponge had little relevance to *muktzeḥ* matters.

⁶² Maurice Simon, *Rosh Hashanah. Translated into English with notes, glossary and indices by Maurice Simon*, 23a (London: The Soncino Press, 1938); in *The Soncino Babylonian Talmud Rosh haShanah*, reformatted by Reuven Brauner (Raa'nana, 2011); this appears on pp. 62-63. Mashmahig is identified with Muharraq Island, Bahrain (Carter, "The History and Prehistory of Pearling," p. 191) or "an island in the Persian Gulf between 'Oman and al-Bahrin'" (Simon, *Rosh haShanah*, p. 63 in Brauner's *Soncino*). Alternatively, according to Rashi "ומקרייא פרוותא דמשמהיג", means "the Persian ports are called royal ports."

⁶³ Raw and unprocessed sponges could not be transported long distances as they would rot and lose their tactile strength along the way (see Cresswell, *Sponges*, pp. 43-45). The only form of sponge with which the rabbis living in Persia could have been familiar was the ready-made finished product. Preparing a raw sponge was a skilled task which was likely unknown to people living far from any sponge industry.

⁶⁴ The existences of a thriving pearl industry in the Persian Gulf and a similar sponge industry in the Mediterranean in ancient times are both well documented. However, I was unable to find evidence of sponge fishing and processing in the Persian Gulf of ancient times. For example, the *Encyclopædia Iranica* website's search tool yields no relevant results for the words "sponge," "dive," and "diving." Lack of evidence for an Iranian sponge industry in the times of the Talmud does not prove for certain that none existed. In the words of Zohar Amar, "לפי שעה, אין לי ראיות לשימוש בספוג בבבל, אבל עדיין אין זה פוסל לחלוטין את, "האפשרות שהם הכירוהו, רק שלא נזכר" (e-mail message to author, April 3, 2018). However, it is recorded that during the era of the geonim, Persian physicians used drug-impregnated sponges for inhalation anesthesia in surgical operations (Ali Dabbagh, Samira Rajaei, Samad EJ Golzari, "History of Anesthesia and Pain in Old Iranian Texts," *Anesthesiology and Pain Medicine* 4:3 (2014): p. 3; Alireza Salehi, Faranak Alembizar, Ayda Hosseinkhani, "Anesthesia and pain management in traditional Iranian medicine," *AMHA - Acta Medico-Historica Adriatica* 14:2 [2016]: p. 320).

Extensive Processing

Descriptions from the early 20th century of sea sponge preparation from harvest to dealer's counter depict an extensive and careful process:

When first taken from the water, the sponge presents a very different appearance to when it is seen on the dealer's counter. The entire body, including the canals and osculum, are coated with a fine, black gelatinous substance. This is the flesh of the invertebrate and has to be removed before the sponge is fit for market. The process of cleaning takes from five to eight days. The sponge is allowed to die on the deck of the vessel and is then thrown into a "crawl," an enclosure made of stakes in shallow water. There the natural process of decay ensues, and the flesh drops from the fibrous skeleton and is carried off by the tide flowing through the enclosure. In a short time the sponge is ready for beating and the spongers, armed with "gluts" (short thick clubs), spring into the "crawl" and pound the sponges vigorously, thereby expelling all the disintegrated matter in the pores of the sponge. This thorough beating is very necessary, as an improperly cleaned sponge is nearly worthless in the market. The buyers are very keen about "dead meat," as it is known to the trade, that is to say, portions of black jelly remaining in the centre of the sponge, not discernible to the untrained eye, but which is quickly detected by the expert, who will shun the sponge containing it.⁶⁵

Because of their limited familiarity with the sponge manufacturing process, Babylonian Sages may have had difficulty understanding *mShabbat* 21:3 in the context of *muktze'eh*, which commonly applies to unfinished tools before their construction is complete, and therefore sought out an alternative explanation. As the verb *לִפְגֹּם* means "to soak up," it was easy to view the Mishnah's words as a limitation against transgressing a *melakehah* often violated by soaking or squeezing (such as *dash* or *melabein*).

⁶⁵ Cresswell, *Sponges*, pp. 43-45. Aristotle writes, "Whilst they are still alive and before they are washed and cleaned, they are blackish in colour" (*The Works of Aristotle: Vol. IV: Historia Animalium*, trans. by D'Arcy Wentworth Thompson, 5:16 [Oxford: Clarendon Press, 1910], p. 548b). For a brief video of sea sponge harvesting and processing see BlueWorldTV, "Jonathan Bird's Blue World: Sponges!" YouTube Video, 1:05-3:06, March 11, 2014, <https://www.youtube.com/watch?v=m8a0oNsDEx8&v1=en>.

Mediterranean Sponge Fishing

Unlike their Persian counterpart, the Jews of the Mediterranean Basin of antiquity and the medieval era were intimately familiar with the production of sea sponges because the Mediterranean was the world center of the sea sponge industry for millennia—especially at its eastern end along the coast of the Levant.⁶⁶ Jewish merchants regularly sailed these waters:

בני ביישן נהוג דלא הוּוּ אזלין מצור לצידון במעלי שבתא.⁶⁷

The citizens of Beyshan were accustomed not to go from Tyre to Sidon [for market day—Rashi] on the eve of the Sabbath.⁶⁸

The Jerusalem Talmud reveals that Jews even participated in sponge diving:

ההן דגזז ספוג גומי קרולין חייב משום קוצר ומשום נטע.⁶⁹

One who harvests a sea sponge, *gomi*, or coral is accountable for the *melakhab* of harvesting and the *melakhab* of planting.⁷⁰

⁶⁶ From Cresswell's *Sponges*:

Phoenicians, Egyptians, Greeks, Romans, Byzantines and Venetians ...All these peoples during the height of their civilization consumed large numbers of sponges (p. 12). The very finest grades come from the south-eastern part of the Mediterranean, and the quality deteriorates as one goes westward along both the north and south shores. ...In the Red Sea there are many sponges, but their quality is so inferior as to make them even not worth the freight that has to be paid for their transference... (pp. 22-23)... from an imaginary line drawn from about Tunis to Italy, sponges become very prolific, and as the eastern part of the Mediterranean is reached, both in the north and south, sponges become more abundant and better in quality. From these waters by far the largest quantity of useful sponges are obtained, and no other waters produce anything like such valuable supplies of equal or perhaps greater bulk (p. 16).

In general, all commercial sponge species are considered to be common and are widely distributed in the Mediterranean Sea along the coast of Dalmatia, Greece, the Aegean islands, Turkey, Cyprus, Syria, Egypt, Libya, and Tunisia. Although the presence of conspicuous populations of bath sponges has been determined along northern coasts of the Western Mediterranean basin (peninsular Italy, France and Spain), they are generally considered not to be economically exploitable. (Pronzato and Manconi, "Mediterranean commercial sponges," *Marine Ecology*, p. 157)

⁶⁷ *bPesahim* 50b.

⁶⁸ Translation from *Soncino, Pesahim* 50b (Raa`nana, 2011), p. 60.

⁶⁹ *Y. Talmud, Shabbat* 7:2, (48b).

⁷⁰ For why severing a sponge is considered an act of planting see Cresswell, *Sponges*, pp. 95-101.

אמר רבי אבהו אם הים גליני והביט לארבע רוחותיו וראה שאין שם בריה משיאין את אשתו. ושוב מעשה באסיא באחד ששלשלתו לים ולא עלת בידם אלא רגלו. תני רצו לחתוך ספוגים ובאו ומצאו אותו שולחני בעכו.⁷¹

R. Abahu taught: [If a man did not resurface from the sea and] the sea is clear and calm, and after searching in all directions the man is not seen [we can assume he drowned and perished] and his wife can remarry. Then there was an incident in Assi⁷² in which [a diver] was lowered by rope into the sea and only his foot returned.⁷³ [The rabbi] taught: [the diver's mission] was to harvest sponges. [Later, this diver] was located in Acco, working as a moneychanger.⁷⁴

Because the Jews of Palestine and its environs knew of the processing stages of the sponge they presumably had no difficulty understanding *mShabbat* 21:3 as a law regarding *muktze'eh* which taught that until the sponge tool is completed it is to be treated as an unfinished item and remains *muktze'eh* like unprocessed rocks and stones.⁷⁵ In possession of the former authentic understanding of the Mishnah, early medieval scholars of Palestine were not tempted to alter the words of the Sages, והכמים אומרין בין כך ובין כך מקנהין בו. This statement of the Sages was simply an alternate view that the sea sponge is functional prior to the attachment of a handle, but *after* the cleaning and beating processing, and accordingly is not *muktze'eh*. Therefore, textual variants extant from areas more heavily influenced by the Palestinian Sages (such as the Italian Mishnaic texts) retained the original reading of the Mishnah.

⁷¹ Y. Talmud, *Yevamot* 16:4, (83b).

⁷² Some suggest that Assi was located in the vicinity of the Greco-Roman cities Apamea and Antioch on the Orontes River (*Arukh ha-shalem*, ed. Kohut, vol. 1 [Vienna, 1878], p. 179).

⁷³ It was presumed the diver drowned or had an unfortunate encounter with a shark or other sea creature.

⁷⁴ The translation, my own, is in line with the explanation of Moshe Frishko: "תני רצו לחתוך ספוגים ובאו ומצאו אותו שולחני בעכו משמע שהם הורידוהו לים כדי לחתוך ספוגים" (*Yadav Shel Moshe* [Salonika, 1812], p. 103b). Marcus Jastrow translates "רצו לחתוך ספוגים", as "(divers) wanted to cut sponge" (Jastrow, *Dictionary*, entry – ספוג m, p. 1012). Alternatively, the passage can be understood as saying that the sailors, who had lowered the person who went missing into the water, subsequently went sponge fishing ועל "אי נמי שהם היו רצין כדרךן ולחתוך ספוגים מהים ועל ועיקר" (Moshe Margalit, *Pnei Moshe*, *Yevamot* 16:4, 83b, found in *Talmud Yerushalmi* vol. 26, *Yevamot* 16 [Israel: Oz ve-Hadar, 2016], p. 86b).

⁷⁵ The Jerusalem Talmud provides no comment to *mShabbat* 21:3 and thus speculation is resorted to here.

Avraham ben David's confusion regarding how the addition of a handle to a sponge can prevent squeezing the sponge was justified. Affixing a handle to the sea sponge in no way changes its compressible and absorptive nature. The Mishnah only discussed a sponge's *muktzeh* status.

Impact on Halakhic Thought

The textual error and misunderstanding of *mShabbat* 21:3 gradually entered rabbinic study halls and caused the emergence of new stringencies in the laws of Shabbat. Found in medieval to modern rabbinic Shabbat law literature is an often-repeated dispute regarding whether it is permitted to perform an action which produces a sure unintended side effect which violates Shabbat laws, "פסיק רישיה דלא ניהא ליה".⁷⁶ Nathan of Rome permitted such an action,⁷⁷ but Ri ha-Zaken considered it forbidden by rabbinic law.⁷⁸ The debate began regarding snugly fitting a cloth-wrapped spigot into its hole in a wine barrel. As the spigot would press some wine out of the cloth Ri argued such an act is forbidden by the rules of *melakhat dash*. Nathan opined that pressing the cloth with the spigot's insertion to the barrel is permitted because the pressed wine falls to the floor, and is *לא ניהא ליה*, of no interest to the person. Though in later centuries the discussion became more extensive, the primary basis for Ri ha-Zaken's position was *mShabbat* 21:3 which seemingly teaches that squeezing a wet dirtied sea sponge is forbidden even though the dirty water goes to waste. Ri's disciple, Barukh ben Yitzhak from Worms, records his teacher's words:

ומורי רבי' מפרש דאיסורא דרבנן מיהא איכא אע"ג דהמש' הולך לאבוד כגון ספוג שאין לו בית אחיזה אין מקנחין בו הקערה מן השמן ומן המאכל א"כ אסור למשוך בברזא הכרוכה במוכין אפי' היא מן הצד וגם אין כלי תחת החבית.⁷⁹
My teacher [Ri ha-Zaken] explained that a rabbinic prohibition applies even in scenarios in which the liquid goes to waste, as [observed in *mShabbat* 21:3] that a sponge with no handle may not be used to wipe a plate from oil and food. Therefore, it is forbidden to press the spigot wrapped in cloth even if [the spigot] is placed into the barrel from the side and no collecting vessel is placed beneath the

⁷⁶ See *Tur* and *Shulhan Arukh* O.H. 320:18; Kagin, *Mishnah Berurah* 321:57; *ibid.* 253 *sha`ar batziyon* 43; *ibid.* 259 *sha`ar batziyon* 16, 21.

⁷⁷ *Sefer be-Arukh*, ed. S. Schlesinger, entry, סבר (Tel Aviv: Lipa Friedman Publications, n.d.), p. 371.

⁷⁸ *Tur* O.H. 320.

⁷⁹ *Sefer ha-terumah, Laws of Shabbat* 244 (Warsaw, 1897), p. 149.

barrel [in which case the pressed wine drops to the floor and is wasted].

Other medieval scholars also record that *mShabbat* 21:3 was the source for Ri ha-Zaken's position.⁸⁰ However, Ri's argument is only valid if *mShabbat* 21:3 describes laws of *dash*. As has been argued above, *dash* was not the intent of the Mishnah, and thus Ri ha-Zaken's proof falls apart.⁸¹ It is likely that Nathan of Rome was not concerned by *mShabbat* 21:3 because he understood it in its proper *muktzeh* context. The text of Nathan's Mishnah was probably similar to that of Codex Kaufmann and of his Italian colleagues.⁸² It is possible that Nathan's Talmud manuscript did not contain the added words of the *stamma* which interpreted the Mishnah in terms of *melakhab*.

Another stringency which arose because of the late flawed understanding of *mShabbat* 21:3 is refraining from swimming or bathing (even in cold water) on Shabbat, due to a concern that one might squeeze out water from one's hair after the bath. A ruling in *bShabbat* 128b teaches that *melakhat dash* does not apply to wet hair:

רבה ורב יוסף דאמרי תרווייהו אין סחיטה בשיער.

Rabba and Rav Yosef who both said: [The prohibition of] wringing out does not apply to hair [since hair fibers are nonabsorbent—Rashi].⁸³

⁸⁰ Moshe of Coucy, *Sefer mitzvoṭ gadol ha-shalem*, vol. 1, negative commandment 65 (Jerusalem: Machon Yerushalayim, 2003), p. 117-118; *Maḥzor Vitri*, vol. 1, ed. Aryeh Goldschmidt, *Laws of Shabbat* 40 (Jerusalem: Machon Otzar Ha-poskim, 2009), p. 249, this portion of *Maḥzor Vitri* was borrowed from *Sefer ha-terumah* (see Goldschmidt's comments p. 238 n. 1); *Mordekhai*, *bShabbat* chapters 18-19, 143a; *Mordekhai*, *bShabbat* 141a *remez* 428. Aaron of Lunel and *Kolbo* likewise cite *mShabbat* 21:3 as the source for the stringent position (Aaron of Lunel, *Orhot Hayyim*, *Laws of Shabbat* 1:23 [Florence, 1750], p. 45b; *Kolbo*, ed. David Avraham, vol. 2, *Laws of Shabbat* 31 [Jerusalem: Feldheim Publishers, 2009], p. 73). Also see Shlomo b. Aderet, *Hiddushei ha-Rashba*, *Ketubot* 6a (Jerusalem: Mossad Harav Kook, 2010), pp. 32-33. It may be that Ri ha-Zaken's sole source for his position was *mShabbat* 21:3 and only later scholars saw support from other Talmudic passages as well.

⁸¹ Maimonides's unique *melabein* understanding of the Mishnah similarly does not allow for conclusions regarding "פסיק רישיה דלא ניחא ליה" to be drawn.

⁸² Moshe Sofer writes that Nathan of Rome likely used a Mishnaic text which read "וחכמים אומרים בין כך ובין כך מקנחין בו" (*Hatam Sofer*, *Shabbat* 143a, p. 240).

⁸³ Translation adapted from *Soncino*.

Most medieval authorities understood this ruling as absolute,⁸⁴ while some insisted that the Talmud only intended that a biblical prohibition does not exist, but a rabbinic prohibition does still apply.⁸⁵ Regardless of the interpretation one chooses, it is clear from the context of the Talmud's ruling that wringing for the purpose of collecting the squeezed liquid is discussed.⁸⁶ If the wringed liquid were to go to waste no prohibition should apply. However, when halachic scholars juxtaposed the medieval-era opinion that rabbinic prohibition does apply to hair, "יש סחיטה בשיער, מדרבנן", with the view of Ri ha-Zaken (which, as explained above, was based upon a late-era interpretation of *mShabbat* 21:3) that an action which produces a sure unintended side effect which violates Shabbat laws is forbidden, "פסיק רישיה דלא ניהא ליה אסור", they concluded that wringing out wet hair is forbidden even if the fluid is not for collection.⁸⁷ This thought process gave rise to practical guidance promoted by halakhists that bathing and *mikveh* immersion must be avoided on Shabbat lest one come to squeeze out the water in one's hair afterwards.⁸⁸ Already in the 12th century, Avraham ben David (Ravad) wrote that women must not immerse

⁸⁴ Menachem ha-Meiri, *Beit ha-behirah*, ed. Avraham Sofer, *Niddah* 67b (Jerusalem, 1949), p. 302; Shlomo b. Aderet as clarified by *He' arot bagaon Rabi Yosef Shalom Elyashiv*, *Shabbat* 128b (Jerusalem, 2014), p. 650; Yehonatan of Lunel, *Peirushei rabbeinu Yehonatan me-Lunel*, *Shabbat* 51b in Alfasi pagination (Jerusalem, 1985), p. 26; *Hiddushei ha-Ran* (attributed to Ran) *Shabbat* 128b (Warsaw, 1862), p. 76b, citing and agreeing with Aaron ha-Levi in regard to water in hair.

⁸⁵ Vidal of Tolosa, *Maggid Mishnah* on Maimonides, *Mishneh Torah*, *Laws of Shabbat* 9:11; a view cited in *Beit ha-behirah*, *Niddah* 67b; Avraham ben David, *Ba'alei hanefesh*, ed. Yosef Qafih, *sha'ar ha-Tevilah: hafifab* (Jerusalem: Mossad Harav Kook, 2007) p. 83.

⁸⁶ The Talmud discusses transporting oil for the needs of a woman giving birth.

⁸⁷ An example of such juxtaposition is seen in Yehiel Michel Epstein, *Arukh ha-shulhan* O.H. 320:34-35.

⁸⁸ In later centuries, further reasons for the then prevalent custom amongst Ashkenazi Jewry to refrain from bathing were suggested by halakhists. However, concern for squeezing hair remained the primary and emphasized reason in many halachic guides (see Maharil cited in *Magen Avraham* O.H. 326:8; Schneur Zalman of Liadi, *Shulhan arukh ha-rav* vol. 2, O.H. 326:6 [Jerusalem: Oz veHadar, 1992], p. 298; Epstein, *Arukh ha-shulhan* O.H. 326:8-9; Kagin, *Mishnah Berurah* 326:21), while in other sources it is the only reason given to refrain (see Eliyahu of Vilna, *Ma'aseh rav*, ed. Y. Zelushinski, *Laws of Shabbat* 125 [Jerusalem, 2011], p. 138-139: "טבילה בשבת אם צריך לקרי מוטב לטבול במ"ש ולא בשבת כי א"א להזרה: שכרו בהפסדו" (שלא יבא לידי סחיטה ויוצא שכרו בהפסדו)). Bathing in cold water on Shabbat remained permissible in the Sephardic world (see Karo, *Shulhan Arukh* O.H. 326:1; Ben Tzion Abba Shaul, *Ohr le-tzion* 2:35 [Jerusalem: Ohr leTzion, 1992], p. 251;

in their ritual bath on Shabbat as they will surely come to wring out their wet hair:

ואני תמה היאך אשה יכולה לטבול בלילי שבת ולילי יום טוב ואיך תנצל מסחיטת שער, ולכן אני אומר כי ראויה הטבילה לדחות עד מוצאי שבת או מוצאי יום טוב.⁸⁹

I wonder how a woman is permitted to immerse during the nights of Shabbat or Yom Tov, for how can she avoid wringing her hair? Therefore, I say that the immersion be delayed until after Shabbat or Yom Tov.

Subsequent scholars have noted that such a ruling does not match the historical halakhic record.⁹⁰ Meiri, commenting on view of Ravad, wrote, "וכן מה שכתבו מסחיטת שער לדבריהם היאך לא חששו בתלמוד בכך" "regarding what [some scholars forbade immersion on Shabbat because of it possibly leading] to squeezing hair, why is it that such a concern is not found in the Talmud?"⁹¹ Because of this perceived squeezing hair problem some authorities in recent centuries permitted immersion but cautioned to refrain from wringing one's wet hair.⁹² Many Ashkenazi halakhists, including Vilna Gaon and the author of *Mishnah Berurah*, instructed that bathing and *mikveh* immersion should be avoided altogether on Shabbat, lest one come to squeeze out the water in one's hair afterwards.⁹³

Yitzhak Yosef, *Kitzur Shulhan Arukh Yalkut Yosef* [2006] O.H. 326:4). Islamic hygienic expectations (and Middle Eastern climate) prevented development of Sephardic customs which would limit bodily cleanliness.

⁸⁹ *Ba'alei hanefesh*, p. 83. *Beit Yosef* (to *Tur* vol. 9, YD 199:6 [Tel Aviv: Machon Shirat Devorah, 1993], p. 217) writes that *Kolbo* repeats Ravad's words.

⁹⁰ See *mShabbat* 3:4, 22:5; *bShabbat* 57a; *mBeitzah* 2:2.

⁹¹ Meiri, *Beit ha-behirah*, *Niddah* 67b, p. 302. In *Hiddushei ha-Ran* (attributed to Ran) *Shabbat* 128b we find the argument that as ritual immersion is permitted on Shabbat surely one is permitted to wring out hair without violating the Shabbat laws. Yosef Karo (*Beit Yosef* Y.D. 199:6) notes that Ravad's position contradicts the Talmud; Yisroel Isserlein writes, "אע"ג דלא מצינו איסור מפורש על זה" (*Trumat ha-deshen* vol. 1, 255 [Jerusalem: Ohr ha-Hayyim, 2015], p. 254). Meiri concludes with an unconvincing argument, "ואע"פ שאפשר לומר שבזמן התלמוד לא היו מגדלות שער כל כך אבל עכשו שנוהגות בשערות ארוכות יש לחוש מ"מ הואיל ומצות עונה בטבילה אין חוששין לכך אלא שמזהירין אותן בכך כמה שאפשר".

⁹² Yisroel Lifschitz, *Tiferet Yisroel: hilkhita gevirta, Shabbat 3* in *Mishnayot zekher Hanokh* vol. 3, p. 44; Avraham Danzig, *Haye adam, Laws of Shabbat* 22:12 (Frankfurt am Main, 1860), p. 197.

⁹³ Kagan, *Mishnah Berurah* 326:21; Epstein, *Arukh ha-shulhan* O.H. 326:8-9; Eliyahu of Vilna, *Ma'aseh rav*, ed. Y. Zelushinski, *Laws of Shabbat* 125 (Jerusalem, 2011), pp. 138-139.

The suggestion put forth here is that the *stamma* of *bShabbat* 143a misled many readers of *mShabbat* 21:3 to understand that *melakhat dash* applies even when the fluid squeezed out is not intended for collection. The *stamma's* Mishnah interpretation was the foundation of Ri ha-Zaken's novel view that "פסיק רישיה דלא ניחא ליה אסור". Later authorities who maintained that a rabbinic prohibition of wringing is applicable to hair, "יש סחיטה בשיער מדרבנן", logically extended the squeezing hair restriction to include scenarios in which the squeezed liquid goes to waste. What followed from this reasoning was that bathing must be avoided lest one squeeze out the water from the resultant wet hair. Some scholars noted that such a halakhic recommendation is incongruent with historical Talmudic tradition of permitting immersion on Shabbat. However, as both "פסיק רישיה דלא ניחא ליה אסור", and "יש סחיטה בשיער מדרבנן", were independent positions upheld by respected medieval scholars, refraining from squeezing one's hair and even abstaining from bathing at all gradually became standard Shabbat halakhic guidance in recent centuries.

