

VI

THE STRUCTURE AND SYSTEM OF BABYLONIAN TALMUD BESAH

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here.

By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further

identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the

document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Sotah derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-paragraphs of our tractate are discussed in no other place in the entire Talmud of

Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Sotah is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites — footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining. Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

1. the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose,

or

2. the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Besah 1:1-2

A. AN EGG THAT IS LAID ON THE FESTIVAL DAY--THE HOUSE OF SHAMMAI SAY, “IT MAY BE EATEN ON THAT DAY.” AND THE HOUSE OF HILLEL SAY, “IT MAY NOT BE EATEN:”

1. I:1: With what circumstances do we deal in the dispute between the Houses? A theory to explain the position of the House of Hillel.
2. I:2: If it is true that the issue is the prohibition against using what had not been set aside before the festival day, why should the Houses dispute the secondary case of an egg laid on the festival day? They should rather dispute the primary case, of whether or not the hen which, prior to the festival day, was not deemed a food, may, on the festival itself, be prepared for consumption.
3. I:3: The Hillelites prohibit consumption of an egg laid on a festival day as a preventative measure, lest people come to believe that, on the festival day, it also is permitted to consume fruit that falls from a tree.
4. I:4: The Hillelite ruling is a preventative measure, lest people think that, just as they may consume an egg laid on a festival day, so they may drink fruit juices that exude from fruit on a festival day.
 - a. I:5: Comment on the foregoing: All of the other rabbis do not interpret the Houses' dispute as did R. Nahman, because, if, as Nahman claims, the dispute concerns a hen kept for laying eggs, the superscription should refer to both the hen and the egg. Otherwise the Hillelite position is not clear.
 - b. I:6: R. Yohanan too reasons that consumption of an egg laid on a festival day is prohibited as a preventative measure, lest knowing that they may eat such an egg, people err and believe that, on the festival day, they even may drink juice that exudes from pieces of fruit.
5. I:7: Continuation of the sustained treatment of the problem, now with reference to the solutions proposed at Nos. 3, 4. The rules that state that doubts concerning the egg are treated stringently, are intelligible within the perspective of Rabbah, for he said that the reason the Hillelites prohibit consumption of the egg is that it was made ready within the hen on the Sabbath. The rule against preparing foods on the Sabbath itself derives from Scripture, the instances of doubt are doubts concerning a biblical prohibition. And all doubts concerning whether or not a biblical prohibition applies are resolved stringently. But from the perspectives of Joseph and Isaac, who reason that the Hillelite prohibition is simply a preventive measure, the above rules for cases of doubt are not intelligible. From the perspectives of Joseph and Isaac, the cases of doubt referred to above are doubts concerning rabbinic enactments. And all such doubts concerning rabbinic enactments should be resolved leniently.
6. I:8: Tannaite complement to the Mishnah's rule: Others say in the name of R. Eliezer, “An egg laid on a festival day may be consumed — both it and its dam may be consumed on the festival day.”

7. I:9: As for a Sabbath or festival which is immediately followed by a second holy day, either a festival or the Sabbath — Rab said, “An egg which is laid on the first of the two consecutive holy days remains forbidden on the following holy day.” But R. Yohanan said, “If it was laid on the first holy day it is forbidden for consumption on that day, but it becomes permitted for consumption on the following holy day.” Shall we state that Rab reasons that the two consecutive holy days comprise a single period of sanctification?

a. I:10: Illustrative case.

b. I:11: As above.

8. I:12: Further consideration of I:9: R. Yohanan said, “If it was laid on the first holy day it is forbidden for consumption on that day, but it becomes permitted for consumption on the following holy day.”

9. I:13: As for branches that, on a festival day, fell directly from a palm tree into an oven — one should add to them many other branches, that had been readied for use on the festival day, so as to burn them all together.

10. I:14: Concerning the two festival days celebrated in the diaspora for instance, in the marking of the new month, the dating of which depends upon when the new moon is sighted in the Land of Israel — Rab said, “If an egg is laid on this, the first festival day, it is permitted for consumption on this, the second day of the festival.” And R. Assi said, “If an egg is laid on this, the first festival day, it remains forbidden for consumption on this, the second day of the festival.”

a. I:15: Secondary development of the foregoing.

11. I:16: Concerning the two festival days of the New Year — Rab and Samuel state, “An egg laid on the first day of the festival remains forbidden on the second.”

a. I:17: Proof for a proposition advanced in the foregoing.

12. I:18: Continuation of I:16. Now if you state that Rabban Yohanan b. Zakkai also took a vote concerning an egg laid on the first festival day and that, as a result, they judged such an egg permitted for consumption on the second day of the festival — I shall answer that they indeed took a vote concerning testimony.

13. I:19: As above. R. Adda and R. Salmon, both of Be Keluhit, say, “Even after the enactment of Rabban Yohanan b. Zakkai, an egg laid on the first day of the New Year’s festival remains forbidden for consumption on the second day of that festival.”

14. I:20: As above. Raba said, “Even after the enactment of Rabban Yohanan b. Zakkai, an egg laid on the first day of the New Year’s festival remains forbidden for consumption on the second day of that festival.

15. I:21: If an Israelite dies on the first day of a festival, gentiles should take care of him, preparing the shrouds and digging the grave. But if he dies on the second day of a festival, an Israelite may take care of him. And this rule, that on the second day an Israelite may do the work, applies even in the case of the second of the two days of the New Year’s festival, which is unlike the rule regarding an egg.

a. I:22: Secondary expansion of a detail of the foregoing.

16. I:23: As for a chick that is hatched on a festival day — Rab said, “It is forbidden for consumption on that day.” But Samuel, and some say R. Yohanan, said, “It is permitted for consumption on that day.”

a. I:24: Tannaite formulations in accord with the above authorities’ respective positions.

17. I:25: A chick that is hatched on a festival day is forbidden for consumption on that day. R. Eliezer b. Jacob says, “Even if it hatches on a regular weekday, it is forbidden for consumption on the day on which it hatches, since its eyes have not yet opened.”

a. I:26: Exploration of the theme just now introduced: At the point at which an egg is laid, it is deemed fully formed. Before this point it is not.

i. I:27: Illustrative case, continuing the foregoing.

b. I:28: Reverting to the discussion at I:26C.

c. I:29: Reverting to the discussion at I:26F.

18. I:30: Any type of creature that copulates during the day — its offspring is born during the day. And any creature that copulates during the night — its offspring is born during the night. And any creature that copulates during the day or the night — its offspring may be born during the day or the night. Any type of creature that copulates during the day — its offspring is born during the day”: This refers to the hen.

a. I:31: Gloss of foregoing: what is the practical difference in these facts? Connection to our problem.

i. I:32: A tacked on saying assigned to the authority cited above.

B. THE HOUSE OF SHAMMAI SAY, “LEAVEN IN THE VOLUME OF AN OLIVE’S BULK, AND WHAT IS LEAVENED IN THE VOLUME OF A DATE’S BULK MAY NOT BE KEPT IN ISRAELITES’ DOMAINS ON PASSOVER (EXO. 13: 7).” BUT THE HOUSE OF HILLEL SAY, “THIS AND THAT ARE PROHIBITED IN THE VOLUME OF AN OLIVE’S BULK.”

1. II:1: What is the reasoning of the House of Shammai in claiming that different measures apply to the prohibition against maintaining in one’s house that which is leavened and leaven itself?

2. II:2: Do the House of Shammai not agree with that which R. Zira said with reference to Exo. 12:20: ‘You shall eat no leaven; in all your dwellings you shall eat unleavened bread.’ For said R. Zira, “The cited verse of Scripture opens with reference to leaven and concludes with that which is leavened. This is to teach you that the same rule that applies to leaven applies to that which is leavened.”

C. ONE WHO SLAUGHTERS A WILD BEAST OR FOWL ON THE FESTIVAL — THE HOUSE OF SHAMMAI SAY, “HE DIGS WITH A MATTOCK AND COVERS UP THE BLOOD (LEV. 17:13).” AND THE HOUSE OF HILLEL SAY, “HE SHOULD NOT SLAUGHTER AT ALL, UNLESS HE HAD DIRT READY FOR COVERING UP THE BLOOD WHILE IT WAS STILL DAY LIGHT ON THE DAY PRECEDING THE FESTIVAL.”

1. III:1: The phrasing of the dispute before us, which refers to “One who slaughters,” indicates that the Shammaites’ view applies *post facto* but not *ab*

initio. But the Shammaites agree with the Hillelites that, *ab initio*, a person should not slaughter unless, prior to the festival, he prepared dirt to cover the blood.

2. III:2: Continuation of the same problem of the interpretation of secondary issues in the Mishnah's dispute.

D. BUT THEY CONCUR THAT IF HE ACTUALLY DID SLAUGHTER, HE MAY DIG WITH A MATTOCK AND COVER UP THE BLOOD:

1. IV:1: And that rule applies only if the mattock had been sticking in the earth since day light, on the day preceding the festival.

E. AND THAT THE ASHES OF THE OVEN ARE DEEMED TO HAVE BEEN MADE READY:

1. V:1: Who mentioned, "The ashes of the oven"!

2. V:2: They teach that the ashes of an oven are ready and permitted for use on a festival only in a case in which the oven was kindled prior to the eve of the festival. But if it was kindled on the festival day itself, it is forbidden to take ashes from this oven and use them to cover blood.

3. V:3: Continuation of the foregoing: a person may bring a basketful of earth into his home and on the festival may do with it whatever he pleases.

a. V:4: Secondary development of the foregoing. As for a koy, the reason one may not cover its blood on a festival is a rabbinic enactment, lest people come to believe that it is permitted to eat the koy's fat.

4. V:5: If he slaughtered a bird before the eve of a festival day, they are forbidden to cover its blood on the festival day itself. Work which could have been completed before the start of the festival is prohibited on the festival itself.

II. Mishnah-Tractate Besah 1:3A-C

A. THE HOUSE OF SHAMMAI SAY, "ON A FESTIVAL DAY THEY MAY NOT MOVE A LADDER FROM ONE DOVECOT TO ANOTHER:

1. I:1: This dispute concerning whether or not, on a festival, one may move a ladder from dovecot to dovecot applies only in the case of a dovecot situated in a public area. But as for a dovecot situated in a private area, in which case there can be no concern for onlookers at all, all concur that it is permitted to move the ladder from dovecot to dovecot.

2. I:2: Another version of the foregoing.

3. I:3: Intersecting Our Mishnah's formulation of matters contradicts another Tannaite rule.

a. I:4: Illustrative case.

b. I:5: as above.

B. BUT THEY MAY LEAN A LADDER FROM ONE WINDOW TO ANOTHER," THE WORDS OF THE HOUSE OF SHAMMAI. BUT THE HILLELITES PERMIT ONE EVEN TO MOVE THE LADDER FROM ONE DOVECOT TO ANOTHER:

1. II:1: Accordingly, concerning the need to have joy on the festival day, which requires preparation of a proper meal, the House of Shammai rule stringently, not

allowing the individual to do all that is necessary in order to get pigeons to slaughter and prepare, while the House of Hillel rule leniently, allowing the individual to do all that might be necessary to find pigeons and thereby enjoy the festival day. Contrasting Tannaite statement.

III. Mishnah-Tractate Besah 1:3D-E

A. THE HOUSE OF SHAMMAI SAY, “ONE MAY NOT TAKE PIGEONS FOR SLAUGHTERING ON THE FESTIVAL DAY UNLESS HE PHYSICALLY TOUCHED AND STIRRED THEM UP WHILE IT WAS STILL DAY I.E., BEFORE THE ONSET OF THE FESTIVAL.” BUT THE HOUSE OF HILLEL SAY, “PRIOR TO THE FESTIVAL, ONE MAY SIMPLY STAND AT A DISTANCE:”

1. I:1: Clarification of what is at issue between the Houses.

B. AND SAY, “THIS ONE AND THAT ONE I SHALL TAKE:”

1. II:2: Why does the House of Hillel require the individual to say, “This specific one and this particular one I shall take”? He should need only to say, “From among these I shall take one tomorrow.” The issue of retrospective clarification of the facts of a case.

IV. Mishnah-Tractate Besah 1:4

A. IF ONE DESIGNATED BLACK PIGEONS FOR USE ON THE FESTIVAL DAY AND ON THE FESTIVAL DAY ITSELF FOUND WHITE ONES, WHITE ONES AND FOUND BLACK ONES, — THEY ARE PROHIBITED.

1. I:1: Is it not self-evident that if, having designated pigeons of one color, he came back on the festival day and found birds of a different color, that such birds may not be taken for use on that day?

2. I:2: Should one state that the rule of the Mishnah supports the view of R. Hanina? For said R. Hanina, “If a legal issue may be resolved through reference either to what is nearby or to what is in the majority, decide the law on the basis of majority.

B. TWO AND FOUND THREE

1. II:1: No matter how you consider this case, the pigeons he finds cannot be deemed permitted for use on the festival day. If all three are different pigeons, then they are indeed other pigeons, which he did not designate for use on the festival day and which therefore may not be prepared for consumption on that day. And if these are not altogether different pigeons, even so, a third bird, which he had not designated, is mixed up with the two he had designated.

C. IF HE DESIGNATED THREE AND FOUND TWO, THEY ARE PERMITTED.

1. III:1: What is the reason? These two pigeons that he finds really are the same ones that he had designated, but one of the original three has flown away.

D. IF HE DESIGNATED PIGEONS IN THE NEST AND FOUND THEM IN FRONT OF THE NEST, THEY ARE PROHIBITED:

1. IV:1: Should one state that supports the view of R. Hanina? For said R. Hanina, “If a legal issue may be resolved through reference either to what is nearby or to what is in the majority, decide the law on the basis of majority.”

E. BUT IF ONLY THOSE PARTICULAR BIRDS ARE THERE, LO, THESE ARE PERMITTED:

1. V:1: Explanation of the ruling at hand. We deal with a case of two nests, one on top of the other. There is no question that if he designated pigeons in the lower nest and did not designate pigeons in the upper nest, and later found pigeons in the lower nest but did not find them in the upper nest, that the pigeons he finds in the lower nest in all events are forbidden for use on the festival day. For we reason that those pigeons that the individual designated flew off, and that these from the upper nest, which he did not designate, hopped down. Yet even if he had designated pigeons in the upper nest and did not designate pigeons in the lower nest, and later he returned and found pigeons in the upper nest, where he indeed had designated pigeons, but did not find pigeons in the lower nest — these birds that he find in the upper nest also are forbidden, even though this is where he originally had designated pigeons. For we reason that those pigeons that he designated flew off, and that these birds from the lower nest, which he had not designated at all, fluttered up and took the place of the pigeons in the upper nest.

2. V:2: Under what circumstances does the rule apply?

V. Mishnah-Tractate Besah 1:5C-H

A. THE HOUSE OF SHAMMAI SAY, “ON A FESTIVAL DAY THEY DO NOT TAKE UP A PESTLE TO HACK MEAT ON IT.” BUT THE HOUSE OF HILLEL PERMIT DOING SO.

1. I:1: Tannaite gloss. After the work is completed, the pestle may not be handled on a festival day. It no longer has a purpose permitted on that day.

2. I:2: The area of dispute between the Houses is defined.

B. THE HOUSE OF SHAMMAI SAY, “THEY DO NOT PLACE A HIDE BEFORE THE TREAD AS A DOORMAT, NOR MAY ONE LIFT IT UP, UNLESS THERE IS AN OLIVE’S BULK OF MEAT ON IT.” BUT THE HOUSE OF HILLEL PERMIT.

1. II:1: Tannaite complement. But the Houses concur that one may salt upon the hide meat that is for roasting.

2. II:2: Tannaite complement: On a festival day they may not salt pieces of suet or turn them about to keep them from spoiling.

a. II:3: On a festival day a person may salt several pieces of meat at the same time, even though he only needs one of them for use on the festival day itself.

VI. Mishnah-Tractate Besah 1:5A-B

A. THE HOUSE OF SHAMMAI SAY, “THEY DO NOT REMOVE SHUTTERS ON A FESTIVAL DAY.” AND THE HOUSE OF HILLEL PERMIT ONE TO REMOVE THEM AND EVEN TO PUT THEM BACK.

1. I:1: To what kinds of shutters does M. **Bes. 1:5A-B** refer? Said Ulla, “The shutters of a shop.” In three cases sages permitted the completion of an action on account of its inception.

2. I:2: Our Mishnah’s report of the Houses’ dispute is not in agreement with the tradition reported by Tosefta at T. **Y.T. 1:10**.

VII. Mishnah-Tractate Besah 1:5I-J

A. THE HOUSE OF SHAMMAI SAY, “ON A FESTIVAL DAY THEY DO NOT TAKE OUT INTO PUBLIC DOMAIN A MINOR, A LULAB, OR A SCROLL OF THE TORAH.” BUT THE HOUSE OF HILLEL PERMIT.

1. I:1: A Tannaite authority taught in the presence of R. Isaac b. Abdimi: “One who sacrifices a freewill burnt-offering on a festival receives stripes.” Isaac said to him, “The one who told you this follows the view of the House of Shammai, who say, ‘We do not reason that, since taking out what is necessary for the preparation of food is permitted on the festival day, so taking out what is not necessary for the preparation of food is permitted.’ The Shammaites do not permit taking out on a festival what is not needed in the preparation of food. This accounts for their position at M. Bes. 1:5I and shows that they likewise would not permit the individual, A, to take out an animal for a sacrifice that does not, as a secondary result, produce meat for the Israelite himself.

2. I:2: Continuation of foregoing.

VIII. Mishnah-Tractate Besah 1:6

A. THE HOUSE OF SHAMMAI SAY, “THEY MAY NOT BRING TO THE PRIEST DOUGH OFFERING AND PRIESTLY GIFTS DEU. 18: 3: THE SHOULDER, TWO CHEEKS AND MAW ON A FESTIVAL DAY, WHETHER THEY WERE RAISED UP ON THE PRECEDING DAY OR ON THAT SAME DAY.” BUT THE HOUSE OF HILLEL PERMIT.

THE HOUSE OF SHAMMAI SAID TO THEM, “IT IS AN ARGUMENT BY WAY OF ANALOGY. DOUGH OFFERING AND PRIESTLY GIFTS ARE A GIFT TO THE PRIEST, AND HEAVE-OFFERING IS A GIFT TO THE PRIEST. JUST AS ON A FESTIVAL DAY THEY MAY NOT BRING HEAVE-OFFERING TO A PRIEST, SO THEY MAY NOT BRING OTHER PRIESTLY GIFTS.” SAID TO THEM THE HOUSE OF HILLEL, “NO! IF YOU HAVE STATED THAT RULE WITH REGARD TO HEAVE-OFFERING, WHICH ON THE FESTIVAL DAY ONE MAY NOT DESIGNATE AND SEPARATE, WILL YOU APPLY THE SAME RULE IN THE CASE OF OTHER PRIESTLY GIFTS, WHICH ON A FESTIVAL DAY ONE MAY DESIGNATE AND SEPARATE?”

1. I:1: You might assume that, at M. **Bes. 1:6**, the Houses dispute the rule for dough offering separated on the festival day that the individual wishes to bring to the priest along with priestly gifts derived from an animal slaughtered on that day. You might also assume that under dispute is the rule for dough offering separated on the day preceding the festival that the individual wishes to bring to the priest along with gifts from an animal slaughtered on the day preceding the festival. Within the stated premises, which authority stands behind the version of the

Houses' dispute recorded at M. **Bes. 1:6**? It is not Judah or Yosé in the Tannaite ruling but "others."

2. I:2: The decided law. A case.

3. I:3: What is the law whether or not I may crush the mustard on a festival day and eat it? This is an issue insofar as the individual could have prepared the mustard before the start of the festival. Crushing the mustard on the festival day therefore may be deemed unnecessary work.

a. I:4: Further analysis of the foregoing problem, now from a new perspective.

b. I:5: Continuation of foregoing.

I. I:6: Gloss on foregoing.

II. I:7: Gloss on I:5.

III. I:8: Continuation of foregoing.

c. I:9: Husking grain on the Sabbath or a Festival, continuing I:2-3.

d. I:10: As above, a continuation of the issue of I:2-3.

e. I:11: Continuation of foregoing.

IX. Mishnah-Tractate Besah 1:7

A. THE HOUSE OF SHAMMAI SAY, "ON A FESTIVAL DAY SPICES ARE CRUSHED IN A WOODEN CRUSHER, AND SALT IN A CRUSE WITH A WOODEN POT-STIRRER." BUT THE HOUSE OF HILLEL SAY, "ON A FESTIVAL DAY SPICES ARE CRUSHED IN THE THEIR USUAL WAY IN A STONE CRUSHER, AND SALT IN A WOODEN PESTLE."

1. I:1: The Houses dispute whether or not, on a festival day, spices must be prepared in an unusual manner. According to all authorities, however, on a festival day salt must be prepared in an unusual way. What is the reason the Houses concur that salt must be prepared in a special way?

2. I:2: On a festival day, all spices that normally are pounded may be pounded in their usual manner, even too salt.

a. I:3: Illustrative cases. Said Rab to R. Aha Bardela, "When you crush salt on a festival day, tilt the mortar on its side and pound."

3. I:4: Tannaite statement: On a festival day they do not prepare pearl-barley because doing so requires much pounding, and they do not crush anything in a mortar.

a. I:5: Illustrative case.

X. Mishnah-Tractate Besah 1:8

A. HE WHO PICKS OUT PULSE ON A FESTIVAL DAY — THE HOUSE OF SHAMMAI SAY, "HE MAKES HIS SELECTION OF FOOD AND EATS IT RIGHT AWAY. BUT THE HOUSE OF HILLEL SAY, 'HE MAKES HIS SELECTION IN HIS USUAL WAY, PUTTING IT DOWN

USING HIS LAP, A BASKET, OR A DISH; BUT NOT USING A BOARD, SIFTER, OR SIEVE, NORMALLY USED TO PREPARE A LARGE QUANTITY, FOR THE FOLLOWING DAYS.”

1. I:1: Tannaite complement. In what case does this apply, that the Hillelites permit one to select pulse in the usual way, picking the refuse out of the pile of food? When there is more food than refuse. But if there is more refuse than food, all concur that as the Shammaites state he picks out the food and leaves the refuse.

B. RABBAN GAMALIEL SAYS, “ALSO: HE SWILLS THE PULSE IN WATER AND SEPARATES THE HUSKS.”

1. II:1: Tannaite complement: the customary practice of Gamaliel.

XI. Mishnah-Tractate Besah 1:9

A. THE HOUSE OF SHAMMAI SAY, “THEY SEND ON THE FESTIVAL DAY ONLY PREPARED PORTIONS OF FOOD.” BUT THE HOUSE OF HILLEL SAY, “THEY SEND DOMESTIC BEASTS, WILD BEASTS, AND FOWL, WHETHER ALIVE OR ALREADY SLAUGHTERED.”

1. I:1: Tannaite complement: One may send gifts on a festival day only so long as he does not send them by a company of men.

B. THEY SEND WINE, OIL, FINE FLOUR, AND PULSE, BUT NOT GRAIN. BUT R. SIMEON PERMITS SENDING EVEN GRAIN.

1. II:1: Tannaite complement. R. Simeon permits sending even grain, such as 1) wheat from which to prepare gladiators' food, 2) barley to give to one's cattle, or 3) lentils from which to prepare groats. It is permitted to prepare and use these items on a festival day.

XII. Mishnah-Tractate Besah 1:10

A. THEY SEND CLOTHING, WHETHER SEWN OR NOT YET SEWN, AND EVEN THOUGH THERE ARE DIVERSE KINDS IN THEM, IF THEY ARE NEEDED FOR USE ON THE FESTIVAL:

1. I:1: It makes sense to state that on a festival day one may send to a friend sown clothing. These are fit for wearing. It also makes sense to state that one may send items that are not yet sown. For these are fit for use as a covering. But it makes no sense to state that one may send items that are Diverse Kinds. For what are they fit?

B. BUT THEY DO NOT SEND A NAIL-STUDDED SANDAL:

1. II:1: what is the reason they may not send it as a gift on a festival day?

2. II:2: As for a nail-studded sandal — it is forbidden to wear it on a festival day, but is permitted to carry it on a festival day.

C. OR AN UNSOWN SHOE:

1. III:1: This is obvious and goes without saying. Such a shoe has no possible use and therefore may not be handled on a festival day.

D. R. JUDAH SAYS, “ALSO: NOT A WHITE SHOE, BECAUSE IT REQUIRES A CRAFTSMAN’S WORK, TO PUT ON THE BLACKING:”

1. IV:1: Tannaite complement. R. Judah permits sending a black shoe but prohibits sending a white shoe. For the white shoe still needs to be blackened with a lump of sulfite of iron.

E. THIS IS THE GOVERNING PRINCIPLE: WHATEVER MAY BE USED ON THE FESTIVAL DAY DO THEY SEND:

1. V:1: R. Sheshet permitted rabbis to send phylacteries on the festival day.

a. V:2 Topical appendix on the subject of phylacteries.

XIII. Mishnah-Tractate Besah 2:1

A. AS FOR A FESTIVAL THAT BEGAN ON THURSDAY NIGHT, SUCH THAT ITS CONCLUSION COINCIDED WITH THE EVE OF THE SABBATH ON FRIDAY NIGHT — A PERSON SHOULD NOT DO COOKING TO BEGIN WITH ON THE FESTIVAL DAY THAT IS, FRIDAY FOR THE PURPOSES OF THE SABBATH. ON A FESTIVAL DAY ONE IS PERMITTED ONLY TO PREPARE FOOD FOR THAT SAME DAY. HE MAY NOT PREPARE FOOD FOR USE AFTER THE FESTIVAL. BUT ON THE FESTIVAL HE MAY PREPARE FOOD FOR THE FESTIVAL ITSELF, AND IF HE LEAVES SOMETHING OVER, HE HAS LEFT IT OVER FOR THE SABBATH.

AND BEFORE THE EVE OF THE FESTIVAL DAY THAT IS, ON THURSDAY HE MAY PREPARE A COOKED DISH AND RELY ON IT TO PREPARE FOOD ON FRIDAY FOR THE SABBATH.

1. I:1: From which passage in Scripture do we know that one may prepare a cooked dish and rely on it to prepare food on Friday for the Sabbath?

2. I:2: What is the reason that the erub tabshilin must be prepared before the start of the festival? So that one will be cognizant of both holy days and will choose a fine portion of food for the Sabbath and a fine portion of food for the festival day.” Or: ‘So that people will say, ‘You may not bake on a festival day for the Sabbath. How much the more may you not bake on a festival day for a following weekday.’”

3. I:3: Continuation of No. 1’s proof.

B. PROPER OBSERVANCE OF THE FESTIVAL DAY

1. I:4: Story illustrating the requirement of preparing food before the festival; other actions that are appropriate to the festival. Eating and drinking as against Torah-study. Those who leave the master’s lecture those relinquish an everlasting life in order to occupy themselves with immediate gratification. A person has nothing to do on a festival day except either to eat and drink or to sit and study.

a. I:5: Amplifying the statement, 4.DD, “My children, borrow from me in order to sanctify the festival day, and trust in me, and I shall pay,” A person’s entire allotment for the year is determined by God between New Year’s Day and the Day of Atonement, except for the expenses of celebrating Sabbaths and the expenses of celebrating festivals and the expense of educating his sons in Torah.

2. I:6: They said concerning Shammai the elder that all of the days of his life he would eat with an eye to the honor of the Sabbath.

3. I:7: Homily that shows that the Sabbath was a gift.

a. I:8: Gloss of a detail of the foregoing.

4. I:9: Continuation of I:7: Every commanded duty that the holy one, blessed be he, assigned the Israelites, he gave them publicly, except for the Sabbath, which he gave them in secret.

C. ... A COOKED DISH AND RELY ON IT TO PREPARE FOOD ON FRIDAY FOR THE SABBATH; RULES THAT GOVERN THE *ERUB TABSHILIN*.

1. II:1: They taught this rule concerning a **cooked dish** only with reference to a cooked dish, but not with reference to bread.

2. II:2: A further version of the foregoing.

3. II:3: As for lentils at the bottom of the pot — one relies upon them as an *erub tabshilin*.

4. II:4: Small salted fish which can be eaten raw are not subject to the restriction against eating foods cooked by gentiles. And if a gentile roasted them, one may rely upon them as an *erub tabshilin*.

5. II:5: Food set aside as an *erub tabshilin* must contain at least an olive's bulk.

a. II:6: Challenge to the foregoing.

b. II:7: As above.

6. II:8: Food must intentionally be set aside as an *erub tabshilin*.

a. II:9: Story that illustrates a clarification of the foregoing.

7. II:10: On that festival day they do not prepare an *erub* either for Sabbath boundaries or for courtyards.

8. II:11: Continuation of the foregoing.

D. WHEN THE SABBATH AND A FESTIVAL DAY COINCIDE, OTHER PROBLEMS: THE BENEDICTIONS THAT ARE RECITED

1. II:12: As for a festival day that fell on the Sabbath — the House of Shammai say, "He recites eight benedictions, the first three and last three as they are said on every Sabbath and weekday along with the benediction for the Sabbath separately and the one for the festival day separately." But the House of Hillel say, "He recites seven benedictions, as normally are said on the Sabbath, beginning with the wording for the Sabbath and ending with the wording for the Sabbath..."

2. II:13: As for a Sabbath that coincides with a New Moon or the intermediate days of a festival.

3. II:14: An individual may set up an *erub* of boundaries on the first day of a two day festival followed immediately by the Sabbath for use on the second day by making a stipulation. Only one of the two festival days is a true festival. The individual sets up the *erub* on each of the days, stipulating that his actions are to be deemed valid only on the day that is not a true festival.

4. II:15: They do not bake food on the first festival day for use on the second.

5. II:16: As for one who did not set up an *erub tabshilin* — is he forbidden from baking for the Sabbath and his flour forbidden to be used by others, who did set up an *erub*? Or perhaps he is forbidden from baking for the Sabbath, while his flour is not forbidden but may be prepared by others?

6. II:17: If on a festival day one transgressed and baked food for the Sabbath, even though an *erub* had not been prepared, what is the rule? May the food be eaten on the Sabbath?

E. THE HOUSE OF SHAMMAI SAY, “THE ERUB TABSHILIN MUST BE COMPRISED OF TWO DISHES.” AND THE HOUSE OF HILLEL SAY, “A SINGLE DISH IS SUFFICIENT.” BUT THEY AGREE THAT A FISH AND THE EGG COOKED ON IT CONSTITUTE TWO DISHES.

1. III:1: Our Mishnah does not accord with the version of this Tannaite authority cited in the following.

F. IF ONE ATE THE ERUB TABSHILIN OR IF IT WAS LOST, ONE SHOULD NOT IN THE FIRST PLACE COOK FOOD FOR THE SABBATH IN RELIANCE UPON IT. BUT IF HE LEFT OVER ANY AMOUNT OF IT AT ALL, HE RELIES UPON IT IN ORDER TO COOK FOOD FOR THE SABBATH.

1. IV:1: If he had begun preparing his dough when his *erub* was eaten, he may finish the preparation of that dough.

XIV. Mishnah-Tractate Besah 2:2-3

A. IF THE FESTIVAL DAY COINCIDED WITH THE DAY AFTER THE SABBATH, THAT IS, SUNDAY, THE HOUSE OF SHAMMAI SAY, “THEY IMMERSE EVERYTHING BEFORE THE SABBATH, SO AS NOT TO PERFORM A PURIFICATION RITE ON A HOLY DAY. AND THE HOUSE OF HILLEL SAY, “UTENSILS ARE TO BE IMMERSED BEFORE THE SABBATH, BUT MAN MAY IMMERSE ON THE SABBATH ITSELF, AS A MODE OF SABBATH-ENJOYMENT.”

1. I:1: Now, all concur that, on the Sabbath, a utensil may not be immersed so as to be purified. What is the reason that such purification is forbidden on the Sabbath?

2. I:2: A new answer is given to the question of why, on a Sabbath or festival, immersing utensils and clothing is forbidden: It is a preventative measure on account of the possibility that the one who has immersed the clothes will wring them.”

3. I:3: Offering yet another explanation for why it is forbidden to immerse utensils on the Sabbath or festival day: This is a preventative measure, lest knowing that he can immerse the utensils on the festival one waits and does not do so early enough.”

4. I:4: Offering yet another explanation for why it is forbidden to immerse utensils on the Sabbath or festival day: One may not immerse utensils on a Sabbath or festival, because this looks like an act of repairing the utensil, which is forbidden on the holy day.

B. AND THEY CONCUR THAT THEY EFFECT SURFACE CONTACT BETWEEN WATER THAT IS UNCLEAN, CONTAINED IN A STONE UTENSIL, WHICH IS INSUSCEPTIBLE TO UNCLEANNESS, WITH THE WATER OF AN IMMERSION POOL IN ORDER TO RENDER THE UNCLEAN WATER CLEAN.

BUT THEY DO NOT IMMERSE UNCLEAN WATER IN AN UNCLEAN UTENSIL THAT CONTAINS IT, SINCE THIS WILL HAVE THE EFFECT OF PURIFYING THE UNCLEAN UTENSIL, WHICH IS FORBIDDEN ON THE HOLY DAY.

1. II:1: What is the meaning of the continuation of the cited passage, which reads: But they do not immerse unclean water in an unclean utensil that contains it?
2. II:2: Who is the authority behind this Mishnaic passage, M. Bes. 2:3A-B?
3. II:3: As for a utensil that was rendered unclean before the eve of a festival — they do not immerse it at twilight on the eve of the festival day.

C. AND ON A FESTIVAL DAY THEY IMMERSE UTENSILS IF THEY ARE TO BE CHANGED FROM ONE USE TO ANOTHER USE, SINCE SUCH IMMERSION HAS NOTHING TO DO WITH THE REMOVAL OF UNCLEANNESS, OR AT PASSOVER FROM ONE ASSOCIATION OF INDIVIDUALS JOINED TO MAKE USE OF A SINGLE PASSOVER-LAMB TO ANOTHER SUCH ASSOCIATION.

1. III:1: Tannaite complement. How so “from one use to another”?
2. III:2: How so “from one association to another association”?

XV. Mishnah-Tractate Besah 2:4

A. THE HOUSE OF SHAMMAI SAY, “ON A FESTIVAL DAY THEY BRING PEACE-OFFERINGS, BUT THEY DO NOT LAY HANDS ON THEM. BUT THEY DO NOT BRING WHOLE-OFFERINGS AT ALL.” AND THE HOUSE OF HILLEL SAY, “THEY BRING PEACE-OFFERINGS AND WHOLE-OFFERINGS, AND THEY LAY HANDS ON THEM.”

1. I:1: The dispute between the Houses, M. **Bes 2:4** concerns only whether or not it is permitted to lay hands on a festival peace-offering and whether or not it is permitted to offer a pilgrimage whole-offering. But as for vow and freewill-offerings, all agree that these may not be offered on a festival day, since they are not particular to the festival at all.
2. I:2: Continuation of the foregoing: And these following Tannaite authorities’ dispute the rule for the vow and freewill-offering just as do these Tannaite authorities’ cited in I:1.
 - a. I:3: Gloss of the concluding lines of the foregoing.
 - b. I:4: As above.
3. I:5: Clarification of the implications of the Shammaite view: “Referring to the ceremonies by which Aaron commenced his priesthood, Lev. 9:16 states, ‘And he offered the obligatory whole-offering, and he offered it according to the ordinance.’ This means he offered it according to the ordinance of a freewill whole-offering. This teaches that the obligatory whole-offering requires a laying on of hands, as do freewill whole-offerings, Lev. 1:3-4.” Isaac b. Abba said to him, “The one who told you this derived it in accordance with the House of

Shammai. For they do not infer the rule for obligatory peace-offerings from the rule for freewill peace-offerings.

4. I:6: But do the House of Shammai, M. **Bes. 2:4A**, really reason that obligatory peace-offerings do not require laying on of hands?

a. I:7: An incident occurred involving Hillel the elder, who brought his whole-offering into the Temple-courtyard on a festival day to lay hands on it.

b. I:8: There occurred another incident involving one of the disciples of the House of Hillel who brought his whole-offering to the Temple-courtyard in order to lay hands on it.

5. I:9: The Houses debate whether or not, on a festival day, one may lay on hands so as to offer a pilgrimage whole-offering. The Shammaites hold that one may not; the Hillelites that one may. The House of Hillel said to the House of Shammai, “If, on the Sabbath, when it is forbidden to slaughter for common use, it anyway is permitted to slaughter sacrifices for the Most High, is it not logical that on a festival, when it is permitted to slaughter for common use, it also should be permitted to slaughter sacrifices for the Most High?”

6. I:10: Restatement of the foregoing.

a. I:11: Analysis and clarification of the foregoing.

7. I:12: Theoretical question: in the opinion of the one who says that vow and freewill-offerings are not offered on a festival day, if one transgressed and slaughtered them anyway, what is the law whether or not the blood may be sprinkled on the altar?

8. I:13: Theoretical question: as for an animal half of which belongs to a gentile and half of which belongs to an Israelite — what is the rule whether or not one may slaughter it to obtain meat on a festival day?

9. I:14: Theoretical question: An animal half of which belongs to a gentile and half of which belongs to an Israelite may be slaughtered on a festival day, because it is impossible for the Israelite to eat even so little as an olive’s bulk without slaughtering the animal.

a. I:15: Secondary utilization of the argumentation of the foregoing: “As for the Israelite inhabitants of a rural community who they obligated to supply bread for foreign troops — what is the rule whether or not they may bake it on a festival day?”

I. I:16: Gloss on the foregoing. Said Abbayye to R. Joseph, “Now, according to R. Yosé the Galilean, who said, ‘Exo. 12:16 means that, on a festival day, food may be prepared ‘for you Israelites’ but not for dogs — why on a festival day are we permitted to spread date-stones as fodder for cattle?”

II. I:17: As above. Huna differs with R. Joshua b. Levi. For said R. Joshua b. Levi, “They invite a gentile to a meal on the Sabbath, but they do not invite a gentile to a meal on a festival day, as a

preventative measure, lest, on account of the gentile, he cooks more than he would have needed for himself alone.”

III. I:18: As above.

XVI. Mishnah-Tractate Besah 2:5

A. THE HOUSE OF SHAMMAI SAY, “ON A FESTIVAL DAY A PERSON MAY NOT HEAT WATER FOR HIS FEET, UNLESS IT IS ALSO SUITABLE FOR DRINKING.” BUT THE HOUSE OF HILLEL PERMIT.

A PERSON MAY MAKE A FIRE AND WARM HIMSELF BY IT.

1. I:1: This rule, which permits one to make a fire, M. **Bes. 2:5D** — who taught it? Is it the opinion of both Houses, insofar as the House of Shammai distinguishes between a case of benefit to the whole body, which they permit, and a case of benefit to a single limb, which they prohibit, M. **Bes. 2:5A**? Or perhaps the House of Hillel taught this rule, while the House of Shammai did not teach it at all?

XVII. Mishnah-Tractate Besah 2:6

A. IN THREE RULINGS DOES RABBAN GAMALIEL IMPOSE THE MORE STRINGENT RULING, IN ACCORD WITH THE OPINION OF THE HOUSE OF SHAMMAI:

(1) THEY DO NOT COVER UP HOT FOOD ON THE FESTIVAL DAY FOR USE ON THE SABBATH.

1. I:1: Under what circumstances does the question arise of whether or not, on a festival day, one may cover up hot food for use on the Sabbath, M. Bes. 2:6B? If it is a case in which the individual set up an erub tabshilin, so as to be permitted to prepare food for the Sabbath, what is the reason that the House of Shammai, whose opinion Gamaliel follows, prohibit one to cover up the food? And if it is a case in which the individual did not set up an erub tabshilin, what is the reason that the House of Hillel, assumed to have the view opposite that of the Shammaites, permit one to cover up the food?

C. (2) AND THEY DO PUT TOGETHER A CANDLESTICK ON THE FESTIVAL DAY.

1. II:1: In putting together a candlestick what would he be doing that could be considered work so as to be forbidden on a festival day?

a. II:2: Illustrative case.

2. II:3: Snuffing a wick is permitted on a festival day. What is the law whether or not it is permitted on a festival day to extinguish a lamp for some other reason i.e., to darken the room in order to engage in sexual intercourse?

3. II:4: What is the law whether or not it is permitted to extinguish a conflagration on a festival day? Where there is a danger to life, I would not ask this question, for even on the Sabbath it is permitted to put out the fire. The case about which I ask involves a loss of money. What is the law whether or not, to prevent loss of money, one may, on a festival day, extinguish a fire?

4. II:5: What is the law whether or not one may put on mascara for medicinal purposes on a festival day? In a case in which there is a danger to health, such as a

discharge, pricking pain, tearing, inflammation or the beginning of an eye-disease, I would not ask this question, for I know that in such a case even on the Sabbath it is permitted to use a medicine. The instance for which I ask the question is one in which the eye-disease is almost cured, and the individual wishes to use the mascara only to brighten the eye and cover up the final signs of the illness. What is the law whether or not, in such a case, one may use the mascara on a festival day?

a. II:6: Illustrative case.

b. II:7: As above.

D. (3) AND ON A FESTIVAL THEY DO NOT BAKE BREAD INTO LARGE LOAVES BUT ONLY INTO SMALL ONES.

SAID RABBAN GAMALIEL, “NEVER IN MY FATHER’S HOUSE DID THEY BAKE BREAD INTO LARGE LOAVES BUT ONLY INTO SMALL ONES.” THEY SAID TO HIM, “WHAT SHALL WE MAKE OF YOUR FATHER’S HOUSE? FOR THEY IMPOSED ON THEMSELVES A STRICT RULE, WHILE IMPOSING A LENIENT RULE FOR ALL ISRAELITES, SO THAT ISRAELITES MIGHT BAKE LARGE LOAVES AND THICK CAKES.”

1. III:1: Tannaite complement: The House of Shammai say, “On Passover they do not bake thick unleavened loaves, lest the dough become leavened during the preparation and baking.” But the House of Hillel permit.

a. III:2: Development of a secondary point at the foregoing.

b. III:3: Continuation of the foregoing. Smoking fruit by placing spices on burning coal also is permitted, for it is just like cooking meat on charcoal.

XVIII. Mishnah-Tractate Besah 2:7

A. ALSO: GAMALIEL GAVE US THREE RULINGS TO IMPOSE A LENIENT OPINION: THEY SWEEP BETWEEN THE COUCHES. AND THEY PUT SPICES ON THE FIRE ON A FESTIVAL DAY.

1. I:1: The dispute in which sages, unlike Gamaliel, prohibit one to put spices in the fire on a festival day concerns only an instance in which the individual desires to perfume his clothing. But if he desires simply to smell the burning spices, all concur that it is permitted to put the spices on the fire.

2. I:2: What is the law whether or not on a festival day one may smoke fruit by placing it over burning spices?

B. AND THEY PREPARE A KID ROASTED WHOLE ON PASSOVER NIGHT AS WAS DONE IN THE TEMPLE. BUT SAGES PROHIBIT.

1. II:1: Todos of Rome taught the community of Rome the custom of eating lambs roasted whole on Passover eves.

XIX. Mishnah-Tractate Besah 2:8

A. IN THREE MATTERS DOES R. ELEAZAR B. AZARIAH PERMIT AND DO SAGES PROHIBIT. ELEAZAR B. AZARIAH’S COW GOES FORTH ON THE SABBATH WITH A STRAP WHICH IS BETWEEN ITS HORNS CF., M. [Shab. 4:5](#);

1. I:1: Shall it be said that R. Eleazar b. Azariah had only one cow, which went out on the Sabbath with a strap between its horns, M. **Bes. 2:8B**?

B. THEY CURRY CATTLE ON A FESTIVAL DAY; AND ON A FESTIVAL DAY THEY GRIND PEPPER IN ITS PEPPER-MILL IN THE NORMAL MANNER. R. JUDAH SAYS, “THEY DO NOT CURRY CATTLE ON THE FESTIVAL DAY, BECAUSE DOING SO MAKES A WOUND. BUT THEY MAY COMB THEM.” AND SAGES SAY, “THEY DO NOT CURRY THEM. ALSO: THEY DO NOT COMB THEM.”

1. II:1: Tannaite complement: what is currying?

XX. Mishnah-Tractate Besah 2:9

A. A PEPPER-MILL IS SUSCEPTIBLE TO UNCLEANNESS BY REASON OF CONSTITUTING THREE DISTINCT SORTS OF UTENSILS: BECAUSE IT FORMS A RECEPTACLE, AND BECAUSE IT IS A METAL UTENSIL, AND BECAUSE IT CONSTITUTES A SIEVE.

1. I:1: Tannaite complement: The lower part of a pepper-mill is susceptible to uncleanness because it forms a receptacle. The middle part is susceptible to uncleanness because it constitutes a sieve. The upper part is susceptible to uncleanness because it is a metal utensil.

XXI. Mishnah-Tractate Besah 2:10

A. A CHILD’S WAGON IS SUSCEPTIBLE TO MIDRAS-UNCLEANNESS, AND MAY BE HANDLED ON THE SABBATH,

1. I:1: Reason for the ruling: because the child supports himself on it.

B. BUT MAY BE DRAGGED ON THE SABBATH ONLY OVER OTHER ARTICLES E.G., MATTING. R. JUDAH SAYS, “ON THE SABBATH NO UTENSIL MAY BE DRAGGED, EXCEPT FOR A WAGON, BECAUSE IT PRESSES DOWN THE EARTH AND DOES NOT BREAK THROUGH THE SURFACE.”

1. II:1: The implications of the ruling and the underlying principle expressed therein. Even an unintentional act, such as making a rut, is forbidden.

XXII. Mishnah-Tractate Besah 3:1

A. THEY DO NOT CATCH FISH IN A VIVARIUM ON A FESTIVAL DAY. AND THEY DO NOT CAST FOOD FOR THEM. BUT THEY DO CATCH A WILD BEAST OR FOWL IN A VIVARIUM. AND THEY DO CAST FOOD FOR THEM.

1. I:1: They pointed out a contradiction to M. **Bes. 3:1C-D** T. Y.T. 3:1: Vivaria for wild beasts, fowl and fish they do not catch from them on a festival day. This is contrary to M. **Bes. 3:1C**, which holds that on a festival day one may catch wild beasts or fowl in a vivarium.

B. RABBAN SIMEON B. GAMALIEL SAYS, “NOT ALL VIVARIA ARE EQUIVALENT.”

1. I:1: The decided law accords with the view of Rabban Simeon b. Gamaliel.

C. THIS IS THE OPERATIVE PRINCIPLE: WHATEVER IS NOT ALREADY FULLY CAUGHT IS PROHIBITED TO BE CAUGHT AND TAKEN FOR FOOD ON A FESTIVAL DAY; BUT WHATEVER IS ALREADY FULLY CAUGHT IS PERMITTED TO BE TAKEN FOR FOOD ON THE FESTIVAL DAY.

1. I:1: In what case is something deemed not fully caught? Whenever one still needs to say, 'Bring a trap so that we may capture it,' this animal is not deemed already caught.

XXIII. Mishnah-Tractate Besah 3:2

A. NETS FOR TRAPPING A WILD BEAST, FOWL OR FISH, WHICH ONE SET ON THE EVE OF THE FESTIVAL DAY — ONE SHOULD NOT TAKE WHAT IS CAUGHT THEREIN OUT OF THEM ON THE FESTIVAL DAY, UNLESS ONE KNOWS FOR CERTAIN THAT CREATURES CAUGHT IN THEM WERE TRAPPED PRIOR TO THE EVE OF THE FESTIVAL DAY. AN INCIDENT OCCURRED:

1. I:1: The Mishnah quotes the incident at M. **Bes. 3:2D** to contradict the general rule given at M. **Bes. 3:2A-B**! The general rule states that fish or animals that might have been caught on the festival may not be taken and eaten on a festival day. But Gamaliel, M. **Bes. 3:2D**, states that, while he does not wish to take the fish, they are permitted, even though they may have been caught on the festival itself.

2. I:2: The decided law does not accord with the view of Rabban Gamaliel.

B. A GENTILE BROUGHT FISH TO RABBAN GAMALIEL, AND HE SAID, "THEY ARE PERMITTED. BUT I DO NOT WANT TO ACCEPT THEM FROM HIM."

1. II:1: Permitted for what purpose? Rab said, "They are permitted to be received." But Levi says, "They are permitted even to be eaten on the festival day."

2. II:2: They objected to the notion that fish received from a gentile on a festival day may be eaten on that day.

3. II:3: Regarding one who, before the eve of the festival, closes off a pond from the stream that feeds it, so as to prevent any more fish from entering the pond, and who arises early the next, festival morning and finds fish in the pond — these are permitted for use on the festival day." By closing off the pond, the individual trapped the fish it contained and rendered them permitted for use on the festival.

XXIV. Mishnah-Tractate Besah 3:3

A. A BEAST ON THE POINT OF DEATH ONE SHOULD NOT SLAUGHTER ON THE FESTIVAL DAY, SO AS TO AVOID ITS DYING AND BECOME CARRION, UNLESS THERE IS SUFFICIENT TIME ON THE FESTIVAL DAY TO EAT OF IT AN OLIVE'S BULK OF FLESH THAT HAS BEEN ROASTED. THE ANIMAL THUS WILL HAVE BEEN SLAUGHTERED FOR USE ON THE FESTIVAL DAY, WHICH IS PERMITTED.

R. AOIBA SAYS, "EVEN AN OLIVE'S BULK OF RAW MEAT FROM THE PLACE AT WHICH THE BEAST IS SLAUGHTERED WILL SUFFICE."

**B. A PERSON SHOULD NOT EAT MEAT BEFORE IT HAS BEEN FLAYED AND CARVED;
OTHER RULES OF PROPER ETIQUETTE**

1. I:1: Aqiba's statement, M. **Bes. 3:3C**, figures in the argument concerning whether or not an animal must be flayed and carved before any of it is permitted for consumption. Since the issue here pertains primarily to a regular weekday, it is not directly relevant to the Mishnaic passage at hand. Said Rami b. Abba, "Flaying so as to remove the hide and carving up of the carcass are required for whole-offerings. And this is the case as well for butchers. Before selling meat, they must flay and carve it. Through this rule, the Torah teaches that a person should not eat meat before it has been flayed and carved."

2. I:2: Other rules of proper conduct.

3. I:3: As above.

a. I:4: Why was Torah given to the people of Israel? Because they are strong enough to take it.

C. IF ONE HAS SLAUGHTERED IT IN THE FIELD, HE SHOULD NOT BRING IT IN ON A POLE OR BARROW. BUT HE MAY BRING IT IN BY HAND, LIMB BY LIMB.

1. II:1: Tannaite complement: On a festival day a blind man may not go out with his staff, nor a shepherd with his wallet. And on a festival day they do not go out in a palanquin — this same rule applies to men and women.

2. II:2: As for a palanquin, what is the rule, whether or not it may be used on a festival day? Illustrative cases.

XXV. Mishnah-Tractate Besah 3:4

A. A FIRSTLING THAT FELL INTO A PIT — R. JUDAH SAYS, "LET AN EXPERT CLIMB DOWN AND EXAMINE IT. IF IT BEARS A BLEMISH, LET ONE BRING IT UP AND SLAUGHTER IT ON THE FESTIVAL. AND IF NOT, HE SHOULD NOT SLAUGHTER IT." R. SIMEON SAYS, "ANY FIRSTLING THE BLEMISH OF WHICH HAS NOT BEEN DISCERNED WHILE IT IS STILL DAY BEFORE THE FESTIVAL — THIS IS NOT DEEMED TO BE IN THE CATEGORY OF THAT WHICH IS READY FOR FESTIVAL USE.

1. I:1: Concerning what do Judah and Simeon, M. **Bes. 3:4** differ? Could it be that they differ concerning whether or not one may examine blemishes on a festival day — with R. Judah reasoning, "They may examine blemishes on a festival day," and R. Simeon reasoning, "They do not examine blemishes on a festival day"?

2. I:2: Tannaite reprise of the dispute of the Mishnah, with a debate appended.

3. I:3: Continuation of foregoing.

4. I:4: Theoretical question: The Talmud discusses the law for the firstling born on a festival day and found to be blemished. Why should such a firstling be deemed permitted for consumption on that festival day? Can the restriction against using that which was not set aside as appropriate for the Sabbath apply for only part of the Sabbath day or not?

5. I:5: Discussion of the previous unit's question continues, concerning whether or not on a Sabbath or festival one may use that which had been available as food, became inedible, and again became useful as food.

6. I:6: What is not fit for consumption on part of a festival is not, as a result, deemed forbidden for the whole day.

a. I:7: Illustrative case yielding discussion on the actual practice of the law, is it in accord with Judah or Simeon?

I. I:8: Illustrative case.

XXVI. Mishnah-Tractate Besah 3:5

A. A DOMESTICATED BEAST THAT ON A FESTIVAL DAY DIED — ONE SHOULD NOT MOVE IT FROM WHERE IT IS LOCATED. THERE WAS AN INCIDENT CONCERNING A CASE SUCH AS A DESCRIBES, AND THEY ASKED R. TARFON ABOUT IT AND ABOUT DOUGH-OFFERING THAT HAD CONTRACTED UNCLEANNESS AND THAT THEREFORE MAY NOT BE EATEN. SO HE ENTERED THE STUDY-HOUSE AND ASKED AND THEY TOLD HIM, “ONE SHOULD NOT MOVE THEM FROM WHERE THEY ARE LOCATED.”

1. I:1: Shall it be said that the anonymous authority at M. **Bes. 3:5A** differs from the view of R. Simeon? For we have learned in the Mishnah M. **Shab. 23:4**: R. Simeon says, “On the Sabbath they may cut up gourds to be fed to cattle or chop up a carcass to be fed to dogs.”

XXVII. Mishnah-Tractate Besah 3:6A

A. THEY DO NOT TAKE SHARES IN A BEAST TO BEGIN WITH ON A FESTIVAL DAY, SO AS TO DETERMINE THE COST OF THE MEAT. BUT THEY DO TAKE SHARES IN IT ON THE EVE OF THE FESTIVAL SO AS TO SLAUGHTER AND DIVIDE IT AMONG THEMSELVES ON THE FESTIVAL DAY ITSELF.

1. I:1: What is the meaning of, They do not take shares in a beast to begin with on the festival day M. **Bes. 3:6A**? Said R. Judah said Samuel, “On a festival day they may not to begin by arranging a price for the animal.” This would constitute the performance of a business transaction, forbidden on the festival day.

XXVIII. Mishnah-Tractate Besah 3:6B

A. R. JUDAH SAYS, “ON A FESTIVAL DAY ONE MAY WEIGH OUT MEAT IN THE BALANCE AGAINST A UTENSIL OR AGAINST THE CHOPPER.” AND SAGES SAY, “THEY DO NOT USE SCALES AT ALL.”

1. I:1: What is the meaning of sages' statement, M. **Bes. 3:6D**, that one may not use scales at all? Said R. Judah said Samuel, “One may not put the meat in a scale even to protect it against mice, without having any intention to weigh the meat.”

2. I:2: On a festival day, R. Hiyya and R. Simeon b. Rabbi weighed one portion of meat against a different portion. In this way, they assured that they received equal shares. In accordance with the view of which authority at M. **Bes. 3:6C-D** did they do this?

XXIX. Mishnah-Tractate Besah 3:7A

A. THEY DO NOT WHET A KNIFE ON THE FESTIVAL DAY. BUT ONE MAY DRAW IT OVER ANOTHER KNIFE.

1. I:1: They taught M. **Bes. 3:7A** only with regard to a whet-stone. But it is permitted on a festival day to sharpen a knife on a knife-board.
2. I:2: Which Tannaite authority stands behind M. **Bes. 3:7A**'s statement that, on a festival day, using a whet-stone is forbidden?
 - a. I:3: An incident appropriate to the preceding unit is reported. Said R. Nehemiah the son of R. Joseph, "On a festival day I was standing in the presence of Raba, and he was strapping a knife against the mouth of a basket.
3. I:4: Joseph: What is the law whether or not on a festival day one may show a knife to a sage." Before the knife is used for slaughtering, a sage must determine that it is perfectly smooth and free of the slightest nick or notch.
4. I:5: Joseph: As for a knife that became blunt — it is permitted to sharpen it on a festival day. But this applies only if the blunt knife can still cut if used with force.
5. I:6: Hisda/Joseph: In the same status are repair of a knife that on a festival day was dented, of a roasting-spit that was crushed and its end broken off, and the cleaning out of an oven and of a stove?
6. I:7: As for a roasting-spit that became bent — it is forbidden to repair it on a festival day.
7. I:8: As for a spit on which they roasted meat on a festival day — it thereafter is forbidden to move it on the festival day." This is because the spit no longer has a permitted use in the preparation of food.

XXX. Mishnah-Tractate Besah 3:7B

A. ON A FESTIVAL DAY A PERSON SHOULD NOT SAY TO A BUTCHER, "WEIGH OUT A DENAR'S WORTH OF MEAT FOR ME." BUT THE BUTCHER MAY SLAUGHTER THE BEAST, AND THEY THEN DIVIDE IT AMONG THEMSELVES.

1. I:1: What should they do so as to ask for a quantity of meat, which M. **Bes. 3:7D** permits, without specifying a value, which M. **Bes. 3:7C** prohibits?

XXXI. Mishnah-Tractate Besah 3:8A

A. A PERSON SAYS TO HIS FELLOW, "FILL THIS UTENSIL FOR ME," BUT NOT WITH A MEASURE. R. JUDAH SAYS, "IF IT WAS A UTENSIL OF A SPECIFIC MEASURE, HE SHOULD NOT FILL IT UP EITHER."

1. I:1: What is the meaning of But not with a measure? It means: but not with a utensil that is set aside for use only as a measure. But as for a utensil that, while normally not put to that use, can serve as a measure — he may fill it up on a festival day.

2. I:2: Same as above. It means that the buyer may not mention the name of a specific measure. But as for a utensil that is set aside for use only as a measure — he may fill it up on a festival day.

B. M'SH B: ABBA SAUL B. BOTNIT WOULD FILL UP HIS MEASURING-CUPS ON THE EVE OF A FESTIVAL AND HAND THEM OVER TO PURCHASERS ON THE FESTIVAL ITSELF.

ABBA SAUL SAYS, "ALSO ON THE INTERMEDIATE DAYS OF THE FESTIVAL HE WOULD DO SO, BECAUSE OF THE CLEARNESS OF MEASURE." AND SAGES SAY, "ALSO ON ORDINARY WEEK-DAYS HE WOULD DO SO, BECAUSE OF THE EXACTNESS OF THE MEASURE NOT FILLED IN HASTE.

1. II:1: Mishnah-complement: Also on intermediate days of the festival he would do so, filling measuring cups in the evenings, to prevent absence from the house of study during the days. Doing the work at night allowed him to be free during the day.

2. II:2: Tannaite complement: Abba Saul b. Botnit collected three hundred jugs of wine from that which was left in the measuring-cup after he had poured out the wine into the buyers' own containers.

3. II:3: On a festival day a person should not measure out barley and place it before his animal. But he may scoop up by hand a *qab* or two and place it before his animal and he need not scruple. But on a festival day the baker measures out spices and puts them in his pot, so as not to spoil the dish he is baking.

4. II:4: Tannaite complement: They do not double-sift flour on a festival day.

a. II:5: Illustrative case.

XXXII. Mishnah-Tractate Besah 3:8B

A. ON A FESTIVAL DAY A PERSON GOES TO A STOREKEEPER WHOM HE USUALLY PATRONIZES AND SAYS TO HIM, "GIVE ME EGGS AND NUTS BY NUMBER." FOR THIS IS IN ANY CASE HOW THE HOUSEHOLDER COUNTS OUT THESE SAME THINGS IN HIS OWN HOME.

1. I:1: Tannaite complement: On a festival day a person goes to a cattle-dealer whom he usually patronizes and says to him, "Give me a kid," or "...a lamb." He goes to a butcher whom he usually patronizes and says to him, "Give me a hoof," or "...a thigh."

XXXIII. Mishnah-Tractate Besah 4:1

A. HE WHO ON A FESTIVAL BRINGS JARS OF WINE FROM ONE PLACE TO ANOTHER SHOULD NOT BRING THEM IN A BASKET OR HAMPER. BUT HE BRINGS THEM ON HIS SHOULDER OR CARRYING THEM BEFORE HIM. AND SO TOO: HE WHO TAKES STRAW SHOULD NOT HANG THE HAMPER OVER HIS BACK. BUT HE BRINGS IT CARRYING IT IN HIS HAND.

1. I:1: If it is impossible for the individual carrying the load to do so in an unusual way such as is described at M. **Bes. 4:1B** and D, it is permitted for him to carry it in the normal fashion, described at M. **Bes. 4:1A** and C.

2. I:2: Raba b. R. Hanin said to Abbayye, “We have learned in the Mishnah M. Bes. 5:2: On a festival day they do not clap hands, slap the thigh or dance, lest they come also to play musical instruments. But now, when we see that people do this anyway, we do not say a thing to them!” Abbayye continues explaining why sages keep quiet about the proper law. “Rather, leave these people of Israel alone! It is better that they inadvertently sin, not knowing the law, and that they not be made knowingly to transgress. For, even if we did tell them the law, they would not follow it.

B. AND THEY BREAK INTO A STACK OF CHOPPED STRAW THAT IS SET ASIDE AS FUEL, BUT NOT INTO WOOD STACKED IN THE STORAGE HUT WHICH NORMALLY WOULD BE USED FOR BUILDING.

1. II:1: This is to say they break into a store of straw for the first time on a festival day.

XXXIV. Mishnah-Tractate Besah 4:2A

A. THEY DO NOT TAKE PIECES OF WOOD FROM THE ROOF OR WALLS OF A HUT, BUT THEY DO TAKE WOOD FROM THAT WHICH IS ADJACENT TO IT.

1. I:1: What is special about a hut, such that M. **Bes. 4:2A** states that from a hut one may not take wood for use as fuel on the festival day?

2. I:2: “On a festival day they do not take pieces of wood from the walls or roof of a hut, but they take wood from that which is adjacent to it M. **Bes. 4:2A**. But R. Simeon permits. And they concur concerning the hut that is, the sukkah used during the festival of Tabernacles, that, during the festival, it is forbidden to take wood from it. But if prior to the festival he made a stipulation concerning it, indicating that certain portions of the wood are reserved for use as fuel, everything depends upon his stipulation.

XXXV. Mishnah-Tractate Besah 4:2B

A. THEY BRING PIECES OF WOOD — FROM THE FIELD — FROM WOOD THAT HAS BEEN GATHERED TOGETHER, AND FROM THE OUTER AREA NEAR THE TOWN — EVEN FROM WOOD THAT IS SCATTERED ABOUT.

1. I:1: On a festival day they only bring pieces of wood from those that have been gathered together, which are in an outer area.

2. I:2: On a festival day it is forbidden to gather leaves of shrubs and leaves of vines, even though they previously had been piled in a heap. For since, if a wind came they would be scattered about, they are regarded as scattered about even while they lie in the pile.

B. WHAT IS THE ‘OUTER AREA’? ANY AREA NEAR THE TOWN,” THE WORDS OF R. JUDAH. R. YOSÉ SAYS, “ANY ENCLOSED AREA INTO WHICH PEOPLE ENTER WITH A

KEY, AND EVEN THAT WHICH IS FAR FROM THE TOWN, LOCATED JUST INSIDE THE SABBATH-LIMIT.”

1. II:1: To what does it refer? Does Judah say it refers to any area near the town M. **Bes. 4:2F**, provided that it has an entrance secured by a key, such that R. Yosé, M. **Bes. 4:2G-H**, comes to indicate that if it has an entrance secured by a key, even if it is not near the town, but rather is just inside the Sabbath-limit, it still is called an ‘outer area’? In this interpretation, Judah and Yosé agree that an ‘outer area’ must be secured by a lock and key. They disagree only concerning whether the ‘outer area’ also must be near the town. Judah says it must; Yosé states that it need not. Or perhaps Judah holds that it refers to this: any area near the town, whether or not it has an entrance secured by a key..

XXXVI. Mishnah-Tractate Besah 4:3A

A. THEY DO NOT CHOP FIRE-WOOD EITHER FROM BEAMS OR FROM A BEAM THAT BROKE ON A FESTIVAL DAY:

1. I:1: M. **Bes. 4:3C-D** indicates which tools one may use to chop wood on a festival day. This seems to contradict M. **Bes. 4:3A-B**, as is now explained. But contrary to M. **Bes. 4:3C-D**, you said in the first clause at M. **Bes. 4:3A-B** that on a festival day they do not chop fire-wood at all!

B. AND THEY DO NOT CHOP WOOD ON A FESTIVAL DAY WITH AN AX:

1. II:1: They taught that one may not use an ax only with reference to its broad, feminine side. But with its narrow, masculine side, it is permitted.

XXXVII. Mishnah-Tractate Besah 4:3B

A. A HUT FULL OF PRODUCE, WHICH WAS BLOCKED UP,¹⁸ BUT WHICH WAS DAMAGED SO THAT ONE UNEXPECTEDLY HAS ACCESS TO THE PRODUCE THROUGH THE BREACH — ONE TAKES PRODUCE THROUGH THE BREACH ON A FESTIVAL DAY.

R. MEIR SAYS, “ALSO: ONE MAY MAKE A BREACH TO BEGIN WITH AND REMOVE PRODUCE.”

1. I:1: How can Meir, M. **Bes. 4:3G**, permit one to breach a wall on the festival day? For by doing this he tears down a tent, an activity that is forbidden on the festival!

2. I:2: On a festival or Sabbath one may untie the knots in ropes that secure the doors to cellars dug out in the ground, but one may not open the door by breaking or cutting the rope.

XXXVIII. Mishnah-Tractate Besah 4:4

A. ON A FESTIVAL DAY THEY DO NOT HOLLOW OUT A LUMP OF CLAY TO MAKE A LAMP, BECAUSE ONE THEREBY MAKES A UTENSIL:

1. I:1: Which Tannaite authority stands behind the rule at M. Bes. 4:4A-B, that on a festival day hollowing out a lump of clay to make a lamp is forbidden, since one thereby creates a utensil?

2. I:2: Tannaite restatement: On a festival day they do not hollow out a lump of clay to make a lamp M. **Bes. 4:4A-B**, and they do not make flat, unfired dishes. Rabban Simeon b. Gamaliel permits one to make flat unfired dishes.

B. AND ONE DOES NOT MAKE CHARCOAL ON A FESTIVAL DAY:

1. II:1: This is obvious and goes without saying, since, on the festival day, for what use is the charcoal fit? Charcoal normally is used for firing earthenware utensils. Since this may not be done on the festival, the charcoal has no use and, obviously, may not be made on that day. The rule was needed only to teach that one may not make charcoal to give to the bath house attendant for use in heating water on that same festival day.” While bathing itself is permitted, M. **Bes. 4:4C** teaches that, on a festival day, one may not make the charcoal to heat the bath water.

C. AND THEY DO NOT CHOP A WICK INTO TWO. R. JUDAH SAYS, “ONE SEVERS IT WITH A FLAME BETWEEN TWO LAMPS:”

1. III:1: What is the reason one may not cut the wick with a knife?

2. III:2: Said R. Nathan b. Abba said Rab: On a festival day they may trim a wick.

a. III:3: Recapitulation of the foregoing.

b. III:4: Other statements in the line, Said R. Nathan b. Abba said Rab: The rich men of Babylonia will go down to Gehenna.

c. III:5: And said R. Nathan b. Abba said Rab, “As for anyone who depends upon the table of others — the world is dark for him.

XXXIX. Mishnah-Tractate Besah 4:5

A. ON A FESTIVAL DAY THEY DO NOT BREAK A CLAY UTENSIL OR CUT A PIECE OF PAPER TO ROAST A SALT-FISH THEREON.

1. I:1: What is the reason that on a festival day one may not break a clay utensil, M. **Bes. 4:5A**?

B. AND THEY DO NOT CLEAR OUT THE ASHES OF AN OVEN OR STOVE. BUT THEY LEVEL THEM DOWN.

1. II:1: But if it is impossible to bake in the oven unless he clears it out, it is permitted to do so on a festival, contrary to M. **Bes. 4:5C**.

2. II:2: The issue here is the permissibility of other work, besides sweeping out ashes, needed to prepare an oven for use on the festival day. Said Rabina to R. Ashi, “R. Aha from Husal told us that they sealed up an oven for you, Master, on a festival day!” This should be forbidden, because of the work involved in kneading the clay.

C. AND THEY DO NOT BRING TWO JARS TOGETHER TO SET A POT ON THEM.

1. III:1: As for the stones of a toilet — on a festival day it is permitted to place them side by side so as to form a seat. Contrasted with our Mishnah’s rule.

2. III:2: Said R. Judah, “As for a bonfire — piling up the wood from the top down is permitted, but piling it from the bottom up is forbidden.” One may not lay two logs on the ground and place a third log crosswise on top of them, since this is comparable to building. Rather, he holds the upper log and then places the two supporting logs beneath it.

D. AND THEY DO NOT PROP UP A POT WITH A CHIP, AND SO IS THE RULE FOR A DOOR.

1. IV:1: Can it really mean that just as one may not support a pot with a chip, so he may not support it with a door?

2. IV:2: Tannaite gloss: the reason is that on a festival day wood is meant only for use as kindling. It therefore is prohibited for any other purpose, not having been specifically set aside for that other use.

E. AND THEY DO NOT LEAD A DOMESTIC BEAST WITH A STAFF ON A FESTIVAL DAY. AND R. ELEAZAR B. R. SIMEON PERMITS DOING SO.

1. V:1: Should one reason that R. Eleazar b. R. Simeon agrees with his father cited in the Tannaite gloss to IV:2, who, on a festival, does not forbid use even of that which, prior to the festival, was not specifically set aside for the particular purpose?

2. V:2: As for a sharpened stick — R. Nahman prohibits using it as a spit on a festival, since, prior to the holy day, it was not set aside for that purpose.

3. V:3: On a festival day a woman may not enter the wood-shed to take a brand for use as a poker. This is because the wood only may be used for its set purpose, as fuel. And a brand previously used as a poker that on a festival day shattered — it is forbidden to kindle it on a festival day, since on a festival day one may kindle with whole utensils, but may not kindle with broken ones.

XL. Mishnah-Tractate Besah 4:6-7B

A. R. ELIEZER SAYS, “A PERSON TAKES A WOOD-SPLINTER WHICH MAY BE BEFORE HIM TO PICK AT HIS TEETH. AND HE SWEEPS UP WHAT IS IN THE COURTYARD TO MAKE A FIRE. FOR WHATEVER IS LOCATED IN THE COURTYARD IS DEEMED AVAILABLE FOR USE BEFORE THE FESTIVAL BEGINS:”

1. I:1: That which is food for animals i.e., straw is not subject to the restriction against making a utensil.

2. I:2: Continuation of foregoing: On a festival day one may break spice-twigs and smell them. But a different Tannaite teaching states: He may not break them in order to smell them.

B. AND SAGES SAY, “HE SWEEPS UP WHAT IS BEFORE HIM IN THE HOUSE TO MAKE A FIRE.”

1. II:1: Tannaite complement: On a festival day he may sweep up wood from the courtyard and kindle it, for whatever is in the courtyard is considered available for use from before the festival began M. Bes. 4:6C. This applies so long as on the

festival he does not collect much wood, so as to make many heaps. But R. Simeon permits one even to make many heaps of wood on the festival day.

C. THEY DO NOT PRODUCE FIRE ON A FESTIVAL DAY FROM WOOD, STONES, EARTH THAT IS, SULPHUR, FLINT OR LIQUID:

1. III:1: What is the reason? Because by doing this he is creating a new thing on a festival day.

D. AND THEY DO NOT HEAT TILES WHITE HOT TO ROAST ON THEM:

1. IV:1: In doing this what prohibited action does he perform?

a. IV:2: Reconsideration of the foregoing in a different context altogether.

b. IV:3: Another free-standing discussion in which the present Mishnah-rule figures in a tangential way.

2. IV:4: Tannaite complement: A new oven or double-oven — lo, they are in the status of all other utensils which, on a festival day, may be carried in a courtyard.

3. IV:5: As above: On a festival day, to remove the hair, they scald the head and feet of a fowl or animal, and they singe them with fire. But they do not cover them with clay, with earth or with lime.

4. IV:6: As above: On a festival day they may not fan a fire with a bellows. But they may fan it with a reed.

5. IV:7: On a festival day they do not split a reed so as to roast a salt-fish with it. But they split a nut in a rag.

XLII. Mishnah-Tractate Besah 4:7B

A. AND FURTHER DID R. ELIEZER SAY, “A MAN TAKES UP A POSITION AT THE STORAGE-HUT ON THE EVE OF THE SABBATH IN THE SEVENTH YEAR AND IN ORDER TO DESIGNATE FOOD FOR SABBATH USE SAYS, ‘FROM THIS PRODUCE I SHALL EAT TOMORROW.’” AND SAGES SAY, “HIS DESIGNATION IS VALID ONLY IF HE MAKES A MARK AND SAYS, ‘FROM THIS PLACE UP TO THAT PLACE SHALL I TAKE PRODUCE TO EAT TOMORROW.’”

1. I:1: Discussion of a problem in connection with tithing, to the solution of which the foregoing makes a tangential contribution. The larger issue under dispute is pertinent to M. Tractate Maaserot. It concerns whether or not the advent of the Sabbath renders liable to tithes produce the processing of which is not completed. Such produce normally may be eaten as a snack, without first being tithed. The question is whether or not this same leniency applies to produce eaten on the Sabbath.

a. I:2: repetition of the basic issue of the foregoing, whether or not the advent of the Sabbath renders produce liable to the separation of tithes.

XLII. Mishnah-Tractate Besah 5:1

A. THEY LET DOWN PRODUCE FROM A ROOF THROUGH A HATCHWAY ON A FESTIVAL, BUT NOT ON THE SABBATH.

1. I:1: One teaches the Tannaite rule of M. **Bes. 5:1A** using the language, “They let down produce masillin...” And one teaches the Tannaite rule of M. **Bes. 5:1A**, “They let produce slide down mashillin...”

2. I:2: They let down produce from a roof through a hatchway on a festival. How much produce may be removed through the hatchway, without this being deemed forbidden labor?

3. I:3: The same question is pursued once more.

4. I:4: They let down produce from the roof through a hatchway on a festival day. And said R. Nahman, “They taught this rule so as to permit one to lower the produce through a hatchway in the same roof on which the produce already is located. But lowering the produce from one roof to another is not permitted.”

5. I:5: One may not lower baskets of produce through windows with ropes and may not bring them down by means of ladders. There for the case of the Sabbath, on which one wishes to move produce for the sake of guests or study, what is the law whether or not using a ladder or rope is permitted?

B. AND ON A FESTIVAL THEY COVER UP PIECES OF PRODUCE WITH UTENSILS IN ORDER TO PROTECT THEM AGAINST DRIPPING LIQUID. AND SO MAY THEY COVER UP JUGS OF WINE OR OIL:

1. II:1: Said Ulla, “On a festival day even a stack of bricks, which may not be moved on the festival, may be covered.” R. Isaac said, “Only produce that is fit for eating on the festival may be covered.

2. II:2: Reprise of the foregoing. On a festival day they cover up pieces of produce with utensils. This means: Yes, they may cover produce; no, they may not cover a stack of bricks! M. Bes. 5:1C in fact means that even a stack of bricks may be covered on a festival.

3. II:3: Problem parallel to the foregoing. We have learned in the Mishnah M. Bes. 5:1D: And so they may cover up jugs of wine or oil. With what sort of produce are we dealing here? It is produce the processing of which is completed but which is not as yet tithed. Even though this untithed food may not be eaten on a festival day, still, it may be covered up. Note that this rule is parallel to the one given for bricks, unit II:2. While they may not be used on the festival, they may be covered.

4. II:4: As above. They place a utensil under a drip to catch the water on the Sabbath. This The Talmud presents a separate, but parallel, rule. Come and hear: They spread a mat over bricks on the Sabbath. This refers to bricks that were left over from building, which are fit for sitting on.

C. AND THEY PLACE A UTENSIL UNDER A DRIP TO CATCH THE WATER ON THE SABBATH:

1. III:1: Tannaite gloss: If the utensil placed under the drip filled up, one may pour it out and replace it and need not refrain from doing this as often as is necessary.

a. III:2: In Abbayye’s mill-room there was a drip. The millstone was made of clay, such that the dripping water would ruin it. Abbayye came before

Rabbah to ask whether or not he could remove the millstone, even though it was the Sabbath.

3. III:3: As for a chamber pot and a bed pan — on the Sabbath it is permitted to take them out to the dung-heap for emptying. On account of their vileness, these items may be removed from the house on the Sabbath. But in order to bring them back — he first puts water in them and then brings them back. By themselves, the empty vessels may not be moved, for they are unbefitting the honor of the Sabbath.

XLIII. Mishnah-Tractate Besah 5:2

A. FOR ANY ACT THE PERFORMANCE OF WHICH ON THE SABBATH RENDERS PEOPLE CULPABLE 1) ON GROUNDS OF TRANSGRESSING THE REQUIREMENT OF SABBATH REST, 2) ON GROUNDS OF CARRYING OUT AN OPTIONAL RELIGIOUS RITE THAT COULD BE PUT OFF UNTIL AFTER THE SABBATH, OR 3) ON GROUNDS OF CARRYING OUT A MANDATORY RELIGIOUS DUTY THAT, LIKE THE OPTIONAL ONE, SHOULD BE PERFORMED AFTER THE CONCLUSION OF THE SABBATH, THEY ALSO ARE CULPABLE IN REGARD TO THE FESTIVAL DAY. THESE ARE THE ACTS FOR WHICH PEOPLE ARE CULPABLE BY REASON FOR THEIR TRANSGRESSING THE REQUIREMENT OF SABBATH REST:

THEY DO NOT CLIMB A TREE:

1. I:1: This is a preventative measure.

B. RIDE A BEAST:

1. II:1: This is a preventative measure.

C. SWIM IN WATER:

1. III:1: This is a preventative measure.

D. CLAP HANDS, SLAP THE THIGH OR STAMP THE FEET.

1. IV:1: This is a preventative measure.

E. AND THESE ARE THE ACTS FOR WHICH PEOPLE ARE CULPABLE BY REASON OF THEIR BEING OPTIONAL RITES, THAT SHOULD BE PUT OFF UNTIL AFTER THE HOLY DAY:

THEY DO NOT SIT IN JUDGMENT:

1. V:1: But sitting in judgment should not be in this category at all, since by judging one performs a religious obligation!

F. EFFECT A BETROTHAL:

1. VI:1: But one performs a religious obligation!

G. CARRY OUT A RITE OF HALISAH OR ENTER INTO LEVIRATE MARRIAGE:

1. VII:1: But sitting in judgment should not be in this category at all, since by judging one performs a religious obligation!

H. AND THESE ARE THE ACTS FOR WHICH PEOPLE ARE CULPABLE BY VIRTUE OF THEIR BEING A RELIGIOUS DUTY THAT SHOULD BE PERFORMED AFTER THE CONCLUSION OF THE SABBATH OR FESTIVAL: THEY DO NOT DECLARE OBJECTS TO

BE SANCTIFIED, MAKE A VOW OF VALUATION, DECLARE SOMETHING TO BE HEREM:

1. VIII:1: This is a preventative measure, lest, being permitted to do these things, one transact business on a holy day.

I. OR RAISE UP HEAVE-OFFERING OR TITHE.

1. IX:1: This is obvious and goes without saying! This rule is needed only to indicate that on that same festival day one may not give an agricultural offering to a priest.

2. IX:2: Now are these acts — judging, effecting a betrothal, carrying out a rite of halisah and entering into Levirate marriage, M. **Bes. 5:2F** — indeed forbidden on grounds of their being optional rites, that one should wait to perform after the festival or Sabbath, but not on grounds of the requirement that one maintain Sabbath rest? And are these acts — declaring objects to be sanctified, making a vow of valuation, declaring something herem and raising up heave-offering or tithes, M. **Bes. 5:2H** — forbidden on grounds of their being a religious duty that should be carried out after the conclusion of the holy day, but not on grounds of the requirement that one maintain Sabbath rest?

J. ALL THESE ACTIONS ON A FESTIVAL THEY HAVE DECLARED TO BE CULPABLE; ALL THE MORE SO WHEN THEY ARE DONE ON THE SABBATH.

THE SOLE DIFFERENCE BETWEEN THE FESTIVAL AND SABBATH IS THE PREPARATION OF FOOD ALONE, WHICH IS PERMITTED ON THE FESTIVAL BUT FORBIDDEN ON THE SABBATH.

1. X:1: A's rule is assumed to mean that any action forbidden on the Sabbath as inappropriate to Sabbath rest is forbidden as well on the festival day. This is the case even if refraining from the act on the festival will lead to monetary loss. But M. **Bes. 5:1A-B** contradicts the idea cited at A: They let down produce from the roof through a hatchway on a festival, but not on the Sabbath.

XLIV. Mishnah-Tractate Besah 5:3-4

A. DOMESTIC CATTLE AND UTENSILS ARE IN THE STATUS OF THEIR OWNER AND ON THE FESTIVAL OR SABBATH ARE RESTRICTED TO TRAVEL WITHIN THE SAME LIMITS AS HE IS. HE WHO HANDS OVER HIS DOMESTIC BEAST TO HIS SON OR TO A SHEPHERD — LO, THEY ARE IN THE STATUS OF THE OWNER.

1. I:1: Our Mishnaic passage, M. Bes. 5:3A-B, does not accord with the perspective of R. Dosa.

B. UTENSILS SET ASIDE FOR USE OF ONE OF THE BROTHERS IN A HOUSEHOLD — LO, THEY ARE IN HIS SAME STATUS. AND THOSE NOT SET ASIDE FOR USE OF A PARTICULAR PERSON, LO, THEY ARE IN THE STATUS OF THE BROTHERS AS A GROUP, AND THEY MAY GO TO THE PLACE TO WHICH ALL OF THE BROTHERS MAY GO.

1. II:1: An intersecting case that expresses the same principle, namely: As for two individuals who together borrowed a single garment to be used on a festival or Sabbath, this one intending to wear it to go in the morning to the house of study

and this one intending to wear it to go in the evening to the dining hall, with this one having set an *erub* to the north of the town, at a distance, for instance, of 1000 cubits and this one having set an *erub* to the south, also at a distance of 1000 cubits — The one who set his *erub* to the north may only go with the garment as far to the north as the one who set his *erub* to the south is permitted to go to the north. The *erub* permits person “A” to travel 3000 cubits to the north. But the garment is restricted by the limit imposed upon the co-user, individual “B”. Having set his *erub* to the south, 1000 cubits from the town, individual “B” may only go outside of the city 1000 cubits to the north and in all other directions.

2. II:2: Continuation of the foregoing. Two individuals who, prior to the holy day, purchased a jug of produce and a domestic animal as partners, intending to divide these things between themselves on the holy day itself — Rab said, “The contents of the jug are permitted to be taken to the limits of each individual’s area of travel, even to an area to which the other cannot go. But the animal is forbidden.” When it is slaughtered and divided on the holy day, the meat only may be taken within the area of travel shared by both men. But Samuel said, “The contents of the jug too are forbidden.” Like the animal, they may not be taken to an area not shared by both people.

3. II:3: An ox belonging to a cattle dealer, lo, it is in the status of any person. Since the dealer sells to people of all districts, anyone who takes the ox on the festival day may travel with it within his own area of permitted movement. The area to which the dealer is restricted does not affect the ox. By contrast an ox belonging to a shepherd, lo, it is in the status of the residents of his same town.

C. HE WHO BORROWS A UTENSIL FROM HIS FELLOW ON THE EVE OF THE FESTIVAL — IT IS IN THE STATUS OF THE ONE WHO BORROWS IT.

1. III:1: This is obvious and goes without saying! But it is necessary to teach this rule for a case in which, while the individual indicated his intention to borrow the utensil prior to the festival, the lender did not give it to him until the festival day itself.

D. IF HE BORROWS IT ON THE FESTIVAL DAY, IT IS IN THE STATUS OF THE ONE WHO LENDS IT.

1. IV:1: This is obvious and goes without saying! But it is necessary to teach this rule for a case in which, while the individual indicated his intention to borrow the utensil prior to the festival, the lender did not give it to him until the festival day itself.

E. A WOMAN WHO BORROWED FROM HER FRIEND SPICE, WATER OR SALT FOR HER DOUGH — LO, THEY ARE IN THE STATUS OF THE TWO OF THEM AND GO ONLY TO A PLACE WHERE BOTH OF THEM MAY GO.

1. V:1: Why should borrowed water or salt be in the status of the two women, such that the dough be restricted to be taken only to an area where both of them can go? Rather the water or salt should be deemed null in relationship to the much greater quantity of the dough!

F. R. JUDAH DECLARES EXEMPT IN THE CASE OF WATER, FOR IT IS OF NO SUBSTANCE:

1. VI:1: How can Mishnah report that Judah believes water is exempt but salt is not? For to the contrary it is taught on Tannaite authority: R. Judah says, “Water and salt are nullified both in dough and in a cooked dish.”

XLV. Mishnah-Tractate Besah 5:5A

A. A BURNING COAL IS IN THE STATUS OF ITS OWNERS. BUT THE FLAME MAY GO ANYWHERE. A BURNING COAL BELONGING TO THE SANCTUARY IS SUBJECT TO THE LAWS OF SACRILEGE. BUT ITS FLAME IS NEITHER AVAILABLE FOR COMMON USE NOR SUBJECT TO THE LAWS OF SACRILEGE IF, CONTRARY TO THE LAW, IT IS PUT TO SECULAR USE.

1. I:1: Tannaite complement: Five rules did they state concerning a burning coal.

B. ON THE SABBATH HE WHO TAKES OUT A BURNING COAL TO THE PUBLIC DOMAIN IS LIABLE. BUT IF HE TAKES OUT A FLAME, HE IS EXEMPT.

1. II:1: Contradictory Tannaite formulation is examined.

XLVI. Mishnah-Tractate Besah 5:5B

A. A CISTERN BELONGING TO AN INDIVIDUAL — ITS WATER IS IN THE STATUS OF THAT INDIVIDUAL. BUT IF IT BELONGS TO THE RESIDENTS OF THAT TOWN — ITS WATER IS IN THE STATUS OF THE RESIDENTS OF THAT TOWN.

1. I:1: Contradictory Tannaite rulings are harmonized.

B. AND ONE BELONGING TO THOSE WHO CAME UP FROM BABYLONIA IS IN THE STATUS OF THE PERSON WHO DRAWS WATER FROM IT.

1. II:1: If one draws water from such a cistern and gives it to a friend, in whose status is the water? R. Nahman said, “It is in the status of the one for whom it was drawn.” R. Sheshet said, “It is in the status of the one who draws it.”

XLVII. Mishnah-Tractate Besah 5:6-7C

A. HE WHOSE PIECES OF PRODUCE WERE LOCATED IN ANOTHER TOWN, AND THE RESIDENTS OF THAT TOWN PREPARED AN ERUB SO AS TO BRING HIM SOME OF HIS PRODUCE — NONETHELESS THEY SHOULD NOT BRING IT TO HIM, SINCE THE PRODUCE IS IN HIS STATUS. BUT IF HE MADE THE ERUB IN HIS OWN BEHALF, HIS PIECES OF PRODUCE ARE IN HIS OWN STATUS AND THEY MAY BE BROUGHT TO HIM.

HE WHO INVITED GUESTS TO HIS HOUSE — THEY SHOULD NOT TAKE AWAY PORTIONS OF FOOD IN THEIR HAND, SINCE THE FOOD IS IN THE HOUSEHOLDER’S STATUS, UNLESS HE HAD GIVEN THEM POSSESSION OF THEIR PORTIONS ON THE EVE OF THE FESTIVAL DAY, IN WHICH CASE THE FOOD IS IN THEIR STATUS.

1. I:1: As for one who deposits his produce with his friend over a Sabbath or festival — Said Rab, “It is in the status of the one with whom it is deposited.” But Samuel said, “It is in the status of the one who deposits it.”

2. I:2: As above: On a holy day, does an object have the status of the individual who owns it or of the person with whom it is stored? R. Hana b. Hanilai hung

meat given to him by butchers in a town to which he had come to lecture on a holy day on a door-bolt of the home of his host. He came before R. Huna to ask whether or not, on the holy day itself, he may take the meat within his own area of permitted travel. Huna said to him, "If you hung the meat yourself, go and take it! But if they hung it for you, go and return to your own home on the holy day, but do not take the meat with you, since it is in the status of the host."

XLVIII. Mishnah-Tractate Besah 5:7B

A. THEY DO NOT GIVE DRINK TO FIELD-ANIMALS OR SLAUGHTER THEM ON A FESTIVAL DAY, SINCE THEY ARE NOT DEEMED SET ASIDE AS FOOD. BUT THEY GIVE DRINK TO AND SLAUGHTER HOUSEHOLD-ANIMALS, WHICH ARE DEEMED SET ASIDE FOR FESTIVAL USE.

1. I:1: Why should M. Bes. 5:7E say: They do not give drink to field-animals or slaughter them? The fact of the matter is that, on a festival day, one may water such animals. Contrary to what M. Bes. 5:7E seems to say, only slaughtering them is forbidden.

B. WHAT ARE HOUSEHOLD-ANIMALS? THOSE THAT SPEND THE NIGHT IN TOWN. FIELD-ANIMALS? THOSE THAT SPEND THE NIGHT IN DISTANT PASTURES.

1. II:1: Tannaite complement.

Points of Structure

1. DOES BABYLONIAN TALMUD-TRACTATE BESAH FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

The Talmud adheres closely to a simple program of Mishnah-exegesis, enhanced by a tendency to ask theoretical questions, transcending the cases at hand, as well. The principal focus, however, is on the kind of analytical question that allows the Mishnah's statements to emerge with still greater force and clarity. We want to know about the reasoning behind controverted positions, the deeper theory behind rulings, the sense of wordings, and the like. The reasons behind rulings, glosses of statements — these form the principal points of the Talmud's exegetical structure.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

The tractate stays so close to the Mishnah's and other Tannaite compilations' statements that a simple statement is possible. The structure of the Talmud's discussion derives from the order of the Mishnah's statements — and from no other source.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

“To what case does a ruling apply?” “What is at issue in the dispute” — these and comparable questions leave no doubt that, to the framers of the Talmud, the Mishnah defines an orderly and reasoned statement of rules, and together with its Tannaite complement, the Mishnah can be shown to be accessible, reasonable, and internally coherent and harmonious. Why a statement makes sense, how it is necessary to articulate a given rule, and illustrative cases define the main frame of inquiry.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

These entries present other than Mishnah-exegesis: XIII.B; XIII.D; and XXIV.B. All other entries take shape around the tasks of Mishnah-exegesis or secondary development of compositions aimed at Mishnah-exegesis.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE BESAH SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

Since nearly the whole of the Mishnah-tractate is covered but, except in a subsidiary or desultory way, little else, the answer is affirmative.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE BESAH AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

I identify only three sizable topical composites, as follows:

XIII.B: The proper observance of the festival day is set forth in the setting of rules on cooking in advance of the festival; then other actions appropriate to the festival day are reviewed — eating and drinking, as against Torah-study. The focus is upon the joy and holiness of festival days. In context, the unit simply amplifies the topic of the Mishnah and places the matter of cooking on the festival into a broader setting of theological and moral appreciation.

XIII.D: The setting is the fusion of the Sabbath and festival, e.g., through a fictive meal that links both distinct spells of sanctification. At issue now are rules that govern when the Sabbath and the festival day coincide, benedictions that are recited, and special problems in connection with the coincidence of two sources of sanctification of time. This enriches and broadens the topic of the Mishnah, but does not materially change its main point.

XXIV.B: This strikes me as an unimportant appendix, adding other rules of proper conduct to the Mishnah's main point.

These three topical appendices do not materially affect the Bavli's treatment of the Mishnah-tractate's main theme and its repertoire of problems. I do not see how the Bavli's framers have in any important way reframed the Mishnah-tractate or cast its topical program into a fresh perspective. To the contrary, the three composites simply broaden matters, but in no way change their basic point.

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

Let us classify the point of entry of a Talmud-composition devoted to Mishnah-analysis, and ask the results to tell us the purpose of the Talmud's Mishnah-exegetes:

1. with what circumstances do we deal; the limitations of a dispute's extent; secondary extension of the Mishnah's rule or clarification of how it applies

I.A.1, VI.A.1; IX.A.1, X.A.1, XV.A.1, XVIII.A.1, XXII.C.1, XXV.A.1, XXIX.A.1, XXXIX.C.1, XL.A.1, XLII.B.1

2. what is the reasoning behind a position taken in the Mishnah; other cases that express the same principle or reasoning

I.B.1, III.A.1, IV.C.1, XII.B.1, XII.D.1, XIV.A.1, XVII.C.1, XXI.A.1, XXXVII.A.1, XXXVIII.C.1, XXXIX.A.1, XXXIX.E.1, XL.C.1, XL.D.1, XLIII.A.1, XLIII.B.1,

XLIII.C.1, XLIII.D.1, XLIII.H.1, XLIV.B.1, XLVI.B.1 secondary dispute clarifying the basic principle in hand, XLVII.1.A, XLVIII.A.1

3. the implications of the phrasing of a rule for the law to be derived from said rule

I.C.1, II.B.1, IV.D.1, VII.A.1, XIII.F.1, XXI.B.1, XXIII.A.1, XXIII.B.1, XXXV.A.1, XXXVI.B.1, XXXIX.B.1, XXXIX.D.1

4. the context in which a Mishnah-rule applies

I.D.1, II.A.1, XIII.C.1, XVII.A.1

5. criticism of the language of the Mishnah or explanation of its meaning or intent, inclusive of contradictions between one Mishnah-teaching and another

I.E.1, III.B.1, IV.A.1, IV.B.1, IV.E.1, XII.A.1, XII.C.1, XIV.B.1, XIX.A.1, XIX.B.1, XXII.A.1, XXVII.A.1, XXVIII.A.1, XXXI.A.1, XXXI.B.1, XXXIII.A.1, XXXIII.B.1, XXXIV.A.1, XXXV.B.1, XXXVI.A.1, XXXVIII.B.1, XLII.A.1 (wording), XLIII.E.1, XLIII.F.1, XLIII.G.1, XLIII.I.1 this is obvious, XLIII.J.1, XLIV.C.1, XLIV.D.1, XLIV.E.1, XLIV.F.1, XLV.B.1, XLVI.A.1

6. Tannaite gloss or complement

V.A.1, V.B.1, XI.A.1, XIV.C.1, XVII.D.1, XX.A.1, XXIV.C.1, XXXII.A.1, XL.B.1, XLII.C.1, XLV.A.1, XLVIII.B.1

7. who is or is not the authority behind a given rule of the Mishnah, and the implications of such an attribution

VIII.A.1, XIII.E.1, XVI.A.1, XXVI.A.1, XXXVIII.A.1, XLIV.A.1

8. the practical rule on a given matter of law

XII.E.1, XVIII.B.1, XXII.B.1

9. the foundation in Scripture for a rule of the Mishnah

XIII.A.1

These several categories may now be reframed in groups that undertake a fundamentally uniform inquiry; now I lay matters out in terms of the orderly arrangement by a logic that places earlier a simpler inquiry, later a more subtle one, with the latter relying upon the results (explicit or otherwise) of the former

A. Clarification of facts concerning a Mishnah-paragraph who is or is not the authority behind a given rule of the Mishnah, and the implications of such an attribution the foundation in Scripture for a rule of the Mishnah criticism of the language of the Mishnah or explanation of its meaning or intent, inclusive of contradictions between one Mishnah-teaching and another with what circumstances do we deal; the limitations of a dispute's extent; secondary extension of the Mishnah's rule or clarification of how it applies Tannaite gloss or complement (sometimes: further information to complement the Mishnah's law with other cases of the same law)

B. Specification of the deeper implications of a rule given by the Mishnah; secondary expansion of a Mishnah-rule, showing deeper implications, underlying principles the implications of the phrasing of a rule for the law to be derived from said rule what is the reasoning behind a position taken in the Mishnah; other cases that express the same principle or reasoning

Tannaite gloss or complement (commonly: further applications of the same principle to new problems or cases) the context in which a Mishnah-rule applies the practical rule on a given matter of law

The various categories that accommodate nearly all of the Talmud's initiatives in Mishnah-commentary and analysis leave no doubt whatsoever concerning the character and program of the Talmud. The document has a single purpose, which is to open up the Mishnah and uncover its meaning and profound layers of principles. While rich in secondary clarification of its primary statements, the primary purpose always governs. That is shown by a single, simple fact. Nearly every principal unit of our outline commences with Mishnah-commentary, and nearly all of them proceed to a secondary expansion of that commentary. No rubric in our Talmud, except for the handful of anomalous entries, follows a program other than that dictated by the requirements of Mishnah-commentary (of a very particular, well-defined character). Indeed, the strikingly uniform program of the Talmud is shown most clearly when we compare the 98% of the units that commence with Mishnah-commentary with the negligible representation of the units that do not; the former follow a uniform program, choosing out of a limited repertoire one or another of the handful of analytical initiatives that the evidence before us indicates were available; the anomalous groups follow no cogent program we are able to discern. This Talmud-tractate presents a commentary to the Mishnah, nothing less, nothing more. The document makes one remarkable statement: the Mishnah takes priority over all documents and traditions, except for Scripture; the Mishnah is a document bearing profound layers of meaning, reaching from cases deep into principles that in their abstraction govern in a wide variety of concrete instances of diverse character; the Mishnah is a perfect document, sustaining rigorous critical analysis, and the laws that comprise the document are wholly harmonious. The Talmud before us forms a sustained hymn in celebration of the Mishnah, an exercise in applied reason and practical logic aimed at showing how the cases of the Mishnah yield principles that overspread the entirety of the workaday life.