

I.

BAVLI TRACTATE MOED QATAN

CHAPTER ONE FOLIOS 2A-11A

The topic of the tractate is conduct on the intermediate days of the festivals of Passover and Tabernacle, that is, the days between the opening and closing festival days, on which servile labor is forbidden. In the interval certain forms of labor may be carried on, and the tractate through cases defines the principles that govern what may or may not be done in accord with the lower level of sanctity that applies between the first and the last days of the eight-day festival season.

1:1-2

1:1

- A. They water an irrigated field on the intermediate days of a festival and in the Sabbatical Year [when many forms of agricultural labor are forbidden],
- B. whether from a spring that first flows at that time, or from a spring that does not first flow at that time.
- C. But they do not water [an irrigated field] with (1) collected rainwater, or (2) water from a swape well.
- D. And they do not dig channels around vines.

1:2

- A. R. Eleazar b. Azariah says, “They do not make a new water channel on the intermediate days of a festival or in the Sabbatical Year.”
- B. And sages say, “They make a new water channel in the Sabbatical Year, and they repair damaged ones on the intermediate days of a festival.”
- C. They repair damaged waterways in the public domain and dig them out.
- D. They repair roads, streets, and water pools.

E. And they (1) do all public needs, (2) mark off graves, and (3) go forth [to give warning] against [maintaining a field that is planted with] Diverse Kinds [or species of crops].

I.1 A. [They water an irrigated field on the intermediate days of a festival and in the Sabbatical Year, whether from a spring that first flows at that time, or from a spring that does not first flow at that time:] *since it is explicitly stated that they may water a field from a spring that flows for the first time, which may damage the soil by erosion [making necessary immediate repair of the damage during the intermediate days of the festival], is it necessary to specify that they may water from a spring that does not first flow at that time, which is not going to cause erosion?*

B. *One may say that it is necessary to include both the latter and the former, for if the Tannaite framer had given the rule only covering a spring that first flows on the intermediate days of the festival, it is in that case in particular in which it is permitted to work on an irrigated field, but not for a rain-watered field, because the water is going to cause erosion, but in the case of a spring that does not first flow on the intermediate days, which is unlikely to cause erosion, I might have said that even a rain-watered field may be watered. So by specifying both cases the framer of the Mishnah-paragraph informs us that there is no distinction between a spring that flows for the first time and one that does not flow for the first time. The rule is the same for both: an irrigated plot may be watered from it, but a rain-watered plot may not be watered from [either a new or an available spring].*

Mishnah-criticism presupposes that the document says only what is necessary, but does not set forth in so many words rules that one may infer on the basis of what is made explicit. The solution demonstrates that without making the rule articulate, the Mishnah's formulation left room for misconstruction. Specifically, we can have concluded that a consideration present in one case but not in the other accounts for the lenient ruling accorded only that case. This is amply spelled out.

I.2. A. *And on what basis is it inferred that the meaning of the words “irrigated field” is, a thirsty field [which has to be irrigated]?*

B. *It is in line with that which is written: “When you were faint and weary” (Deu. 25:18), and the Hebrew word for weary is represented in Aramaic by the word that means, “exhausted.”*

C. *And how do we know that the words translated rain-watered field refers to a well-fucked field?*

D. *“For as a man has sexual relations with a maiden, so shall your sons be as husbands unto you” (Isa. 62: 5), and the word in Aramaic is rendered, “Behold, as a boy fucks a girl, so your sons shall get laid in your midst.”*

Mishnah-criticism proceeds from the analysis of the wording — looking for flaws — to the correct rendition of the meaning of the code's words.

The third step, now taken, identify the authority behind the Mishnah's anonymous, therefore normative, rule. The premise of the Talmud is that a rule that is anonymous

stands for the consensus of sages and is the law, while one that bears a name is schismatic and is not the law. At stake, once we know the authority behind the law, is whether other rulings in the name of that same authority, intersecting if not in detail then in principle, are consistent with this one. If they are not, then the decided law shows flaws of coherence, and these have to be identified and worked out.

I.3. A. *Who is the Tannaite authority who takes the position that work on the intermediate days of a festival is permitted if it is to prevent loss, but if it is to add to gain it is not permitted, and, further, even to prevent loss, really heavy labor is forbidden?*

The premise of the Mishnah's rule is now made explicit. The cases yield the rule that on the intermediate days of a festival one may carry out those acts of labor that prevent loss but not those that produce gain. And that leniency is further limited by the consideration that even to prevent loss, heavy labor is forbidden.

B. *Said R. Huna, "It is R. Eliezer b. Jacob, for we have learned in the Mishnah: R. Eliezer b. Jacob says, 'They lead water from one tree to another, on condition that one not water the entire field. Seeds which have not been watered before the festival one should not water on the intermediate days of the festival' [M. 1:3]."*

Watering the entire field is forbidden, since it merely hastens the maturing process. But seeds that have not begun their growth-processes may not be watered at all; that would be work not to prevent loss but to secure gain. Neither however concerns preventing loss. That question now arises.

C. *Well, I might concede that there is a representation of R. Eliezer's position that he prohibits work to add to one's gain, but have you heard a tradition that he disallows work in a situation in which otherwise loss will result?*

D. *Rather, said R. Pappa, "Who is the authority behind this rule? It is R. Judah, for it has been taught on Tannaite authority: 'From a spring that first flows on the intermediate days of a festival they irrigate even a rain watered field,' the words of R. Meir. And sages [=Judah vis à vis Meir] say, 'They irrigate from it only a field that depends upon irrigation, which has gone dry.' R. Eleazar b. Azariah says, "Not this nor that, [[but they do not irrigate a field from it [namely, a field the spring of which has gone dry] even in the case of an irrigated field]' [T. Moed 1:1A-C]. Even further, said R. Judah, 'A person should not clean out a water channel and with the dredging on the intermediate days of a festival water his garden or seed bed.'"*

E. *Now what is the meaning of "that has gone dry"? If you say that it really has dried up, then what is going to be accomplished by watering it?*

F. *Said Abbaye, "The point is that this former water source has gone dry and another has just emerged."*

Judah's ruling at D clearly pertains to preventing loss; the field depends on irrigation, so its crop is in danger. That reading is challenged at E: how does this prevent loss? The answer is, the earlier spring has gone dry, a new spring has begun to flow. Judah

maintains the farmer may use that. We now proceed to a gloss on the cited passage that has no bearing upon our problem.

- G. **R. Eleazar b. Azariah says, “Not this nor that:”** *there is no difference between the case of an old spring that has gone dry or that has not gone dry, in any event a spring that has just flowed may not be utilized on the intermediate days of the festival.*

We revert to our task, showing the authority behind the anonymous rule. Our interpretation of the cited passage has yielded the attribution to Judah. But another interpretation of the same passage, based on a different premise, produces a different result.

- H. *And how to you know [that it is Judah in particular who takes the position that work on the intermediate days of a festival is permitted if it is to prevent loss, but if it is to add to gain it is not permitted, and, further, even to prevent loss, really heavy labor is forbidden]? Perhaps R. Judah takes the position that he does, that is, that it is permitted to use the water for an irrigated field but not for a field that depends on rain, only in the case of a spring that has just now begun to flow, [2B] since it may cause erosion, [hence, that may cause damage, as stipulated], but in the case of a spring that has not just now begun to flow and will not cause erosion, such a spring might be permitted for use even on a field that depends on rain?*

Then Judaism will permit watering a field from a spring that has not just emerged, even in a field that depends on rain; but the Mishnah’s anonymous rule says that in the case of a spring that has not emerged for the first time, the water may be used for irrigation only for a field that depends on irrigation but not for a field that depends on rain water, in which case Judah and the Mishnah’s anonymous rule take contradictory positions.

- I. *If so, then in accord with which authority will you assign our Mishnah-paragraph? For in fact, in R. Judah’s view, there is no distinction between a spring that has just now flowed and one that has not just now flowed; in either case, an irrigated field may be watered, while one that depends on rain may not. And the reason that the passage specifies the spring that has just now flowed is only to show the extend to which R. Meir was prepared to go, even a spring that has just now flowed may be used, and that is, even for a field that depends upon rain.*

The solution is to insist that Judah does not make the proposed distinction, and that yields a rule in his name that is consistent with the Mishnah’s. The language that is supposed to have yielded the distinction for Judah is to be read in the context of Meir’s position, which is still more lenient than Judah’s, as the language before us explains. We have now completed the exposition of the Mishnah.

The next unit, which is a free-standing discussion pursuing its own interest and in no way a formal comment on our Mishnah-paragraph, cites our Mishnah-paragraph in the context of its pursuit of a solution to its problem. That formally accounts for the introduction of the passage into the amplification of our Mishnah-paragraph. But, as I shall explain at the end, introducing the composition into our composite serving M. 1:1 profoundly deepens our grasp of the law, not just the case and ruling, before us. Our concern in the Mishnah-

paragraph before us has been to specify those interstitial acts that are neither heavy labor nor optional, but of moderate difficulty and necessary to preserve the value of the crop. Much then has to do with the character of the act. This yields an interest in the character and classification of agricultural labor: how hard, and for what purpose, is the work done.

In what follows, we take up a free-standing composition that analyzes the classification of agricultural labor, once more with special reference to watering the field. Since what follows is a free-standing discussion that does not pursue the program of Mishnah-exegesis or continue the secondary implications of that program, and indeed does not even intersect with the law or principle before us, I indent the passage. The citation, later on, of a sentence of our Mishnah-passages provides the formal explanation for the inclusion of the following composition, but, as I shall propose at the end, reading the Mishnah-paragraph in light of what follows yields a profound grasp of the law, not only the rule, to which the Mishnah-paragraph's statement points. This is how the compositors of the Talmud move our vision from the rule to the laws, and from the laws to law.

I.4. A. *It has been stated:*

- B. He who on the Sabbath weeds a field or waters his seedlings — *on what count is he to be admonished [not to do so]?*
- C. Rabbah said, "On the count of plowing."
- D. R. Joseph said, "On the count of sowing."

One who violates the law of the Sabbath is admonished that he is violating the law, being told specifically what law he is violating, and on what count. Here the act of weeding or watering is classified among the classes of forbidden labor. Is watering an act of plowing or of sowing? The point of intersection is now clear. Our Mishnah-paragraph has dealt with irrigating a field, which is a marginal activity; under some conditions it may be performed on the intermediate days of the festival. Can we sow? Certainly not. Can we plow? As we shall now see, there is an aspect of plowing that pertains to the intermediate days of the festival, namely, softening the soil.

- E. *Said Rabbah, "It is more reasonable to see matters as I do. For what is the purpose of plowing, if not to loosen the soil, and, here too, he loosens the soil."*
- F. *Said R. Joseph, "It is more reasonable to see matters as I do. For what is the purpose of sowing? It is to make produce sprout up. And here too, he makes produce sprout up."*

Here is a point of intersection with our rule, since we recall we may save the crop but not enhance its growth. Joseph's thinking, then, intersects with the problem before us, when he introduces the notion that plowing is forbidden on the count of enhancing the crop's growth. But how will Rabbah differ, since plowing a crop enhances its growth by aerating the roots. Keeping in mind that we deal with a free-standing composition, we cannot find surprising the systematic analysis of the dispute just now introduced:

- G. *Said Abbaye to Rabbah, "There is a problem in your position, and there also is a problem in the position of R. Joseph."*

- H. *“There is a problem in your position: does this act come only under the classification of plowing and not sowing?”*
- I. *“And there also is a problem in the position of R. Joseph: does this act come only under the classification of sowing and not plowing?”*

We are now on quite familiar ground, namely, the area where we deem a given action to fall into two distinct classifications. Yet, if the issue is crop-enhancement, then distinguishing one position from the other produces a distinction that makes slight difference.

- J. *“And should you say that in any place in which an act may be classified under two taxa, one is subject to liability on only one count, has not R. Kahana said, ‘If one pruned his tree but requires the wood for fuel, he is liable on two counts, one on the count of planting, the other on the count of harvesting?’”*
- K. *That’s a problem.*
- L. Objected R. Joseph to Rabbah, **“He who weeds or covers with dirt diverse seeds is flogged. R. Aqiba says, ‘Also one who preserves them’ [T. Kil. 1:15A-B].** *Now from my perspective, in that I hold that one is liable on the count of sowing, that explains the penalty, since sowing is forbidden in connection with mixed seeds in the vineyard; but from your perspective, in that you say that the count is plowing, is there any prohibition of plowing in connection with mixed seeds?”*

If plowing is classified as crop-enhancing, then on what basis is it forbidden to plow when the taboo against mixed seeds has been violated? That is an easy question to answer. Preserving the crop is a form of enhancing it.

- M. *He said to him, “The count is that he has preserved them.”*
- N. *“But lo, since the concluding clause states, **R. Aqiba says, ‘Also one who preserves them,’** it must follow that the initial Tannaite authority maintains that the count for sanction is not that of preserving the crop of mixed seeds!”*
- O. *“The whole of the statement represents the position of R. Aqiba, and the sense of the passage is to explain the operative consideration, specifically: what is the reason that **he who weeds or covers with dirt diverse seeds is flogged?** It is because one is thereby preserving them, since **R. Aqiba says, ‘Also one who preserves them.’”***

We now add a gloss to the foregoing, of which we may rapidly dispose; it is simply a scriptural foundation for a rule.

- P. *What is the basis in Scripture for the position of R. Aqiba?*
- Q. *It is in line with that which has been taught on Tannaite authority:*
- R. *“You shall not sow your field with two kinds of seed” (Lev. 19:19)*

- S. I know only that sowing is forbidden. How do we know that preserving the sown seed is forbidden?
- T. Scripture says, “Mixed seeds in your field not....,” [meaning: it is the mixing of seeds that is emphatically forbidden, and you may have no share by your action in producing such a situation (Lazarus)].

We revert to the discussion broken off at U. We continue our interest in the intersecting issues, first, grounds for prohibiting watering a field — plowing vs. sowing; and, second, the matter of the sanctification expressed through prohibition of labor on the Sabbath and the Festival day, as against the sanctification expressed through that same prohibition on days that are comparable to the Sabbath and the Festival but of a diminished level of sanctification. For that purpose, we revert to our Mishnah-paragraph. And that in a formal sense accounts for the inclusion here of the entire, massive composition, together with its inserted and appended supplements. But, as I shall explain at the end, the result of the insertion of the discussion is greatly to deepen our understanding of the context in which the law of our Mishnah-paragraph finds its place. So we grasp not merely the rule, but the law, when we have read our Mishnah-paragraph as part of a larger essay of thinking about labor, sanctification, the Sabbath and Festivals, and spells of time that are comparable to the Festival or to the Sabbath. Since we have dealt with the intermediate days of festivals, comparable to the Festival day, we turn now to the Sabbatical Year, that is to say, the seventh year of a seven-year cycle, which, as its name states, is comparable to the Sabbath, in bearing prohibitions as to acts of labor by reason of Sabbath rest, but at the same time is subject to a lesser degree of sanctification than the Sabbath.

- U. *We have learned in the Mishnah: **They water an irrigated field on the intermediate days of a festival and in the Sabbatical Year [M. 1:1A]:***

The reason for the introduction of the Mishnah-paragraph’s rule on the Sabbatical Year is immediately articulated:

- V. [With respect to the inclusion of **in the Sabbatical Year:**] *Now there is no difficulty understanding the rule concerning the intermediate days of the festival, which pertains to a situation in which there is substantial loss, on account of which rabbis have permitted irrigation. [We simply repeat the result of the opening exegetical discussion, without citing it verbatim. Our passage’s author need not have known Nos. 1-3 above. Now reference is made to the present composition’s important question, now linked to the Mishnah-rule before us:] But as to the Sabbatical Year, whether one holds that watering is classified as sowing or that watering is classified as plowing, is it permitted either to sow or to plow in the Sabbatical Year [that it should be permitted to water the field]? [On what basis have we treated the intermediate days of the festival as comparable to the Sabbatical Year, even though they share the classification of spans of time that are comparable to the Sabbath or Festival day but at a diminished level of sanctification.]*

The question is a powerful one and brings to the surface the premises of our entire discussion, which are, we compare days that are comparable to the Sabbath or Festival, therefore we invoke the rule governing the one for the law that prevails on the other, here,

intermediate days of the festival, there, the Sabbatical Year. Once we have asked the question in this way, the answer is obvious, and Abbayye can be relied upon, as always, to see it:

- W. Said Abbayye, “It is concerning the Sabbatical Year at this time that the rule speaks, and the rule represents the position of Rabbi.”
- X. *For it has been taught on Tannaite authority:*
- Y. Rabbi says, “‘This is the manner of release: release [by every creditor of that which he has lent his neighbor’ (Deu. 15: 2) — it is of two different acts of release that Scripture speaks, one, the release of lands, the other, the release of debts. When you release lands you release debts, and when you do not release lands, you do not release debts.” [The prohibition of agricultural labor in the Sabbatical Year now that the Temple is destroyed is merely by reason of rabbinical authority, and that prohibition is not enforced where loss is involved (Lazarus). Therefore, from our perspective, the lenient ruling for the intermediate days of the festival applies also to the Sabbatical Year in the present age.]
- Z. *Raba said, “You may even maintain that the rule before us represents the position of rabbis [vis à vis Rabbi]. It is the generative categories of labor that the All-Merciful has prohibited, [3A] but the subsidiary classes of labor [such as the ones we are considering as analogous to the generative category, that is, watering is either in the class of plowing or in the class of sowing] have not been forbidden. For it is written, ‘But in the seventh year shall be a Sabbath of solemn rest for the land...you shall neither sow your field nor prune your vineyard. That which grows of itself of your harvest you shall not reap and the grapes of your undressed vine you shall not gather’ (Lev. 25: 4-5). Since pruning falls within the generative category of sowing, and grape gathering falls within the generative category of reaping, for what concrete legal purpose did the All-Merciful make written reference to these items? It is to present the inference that it is to these particular derivative classes of generative categories of labor that liability pertains, but to all others, there is no liability.”*
- AA. *So they don’t, don’t they? But has it not been taught on Tannaite authority:*

We now adduce evidence that the subsidiary acts of labor do fall under the same restrictions as the generative acts of labor, and this is explicit. The evidence is from Sifra and is marked as Tannaite in attribution. Spelling out the evidence is not critical to the exposition and I treat it as a footnote or appendix. The concluding sentence disposes of the whole, as we shall see presently.

BB. [“The Lord said to Moses on Mount Sinai, Say to the people of Israel, When you come into the land which I give you, the land shall keep a Sabbath to the Lord. Six years you shall sow your field, and six years you shall prune your vineyard and gather in its fruits; but in the seventh year there shall be a Sabbath of

solemn rest for the land, a Sabbath to the Lord; you shall not sow your field or prune your vineyard. What grows of itself in your harvest you shall not reap, and the grapes of your undressed vine you shall not gather; it shall be a year of solemn rest for the land. The Sabbath of the land shall provide food for you, for yourself and for your male and female slaves and for your hired servant and the sojourner who lives with you; for your cattle also and for the beasts that are in your land all its yield shall be for food” (Lev. 25: 1-7):] “you shall not sow your field or prune your vineyard:”

CC. the Torah forbids me only to sow or prune,

DD. And how do we know that farmers may not fertilize, prune trees, smoke the leaves or cover over with powder for fertilizer?

EE. Scripture says, “your field you shall not....” — no manner of work in your field, no manner of work in your vineyard, shall you do.

FF. And how do we know that farmers may not trim trees, nip off dry shoots, trim trees?

GG. Scripture says, “your field you shall not....” — no manner of work in your field, no manner of work in your vineyard, shall you do.

HH. And how do we know that one may not manure, remove stones, dust the flower of sulphur, or fumigate?

II. Scripture says, “your field you shall not....” — no manner of work in your field, no manner of work in your vineyard, shall you do.

JJ. Since Scripture says, “you shall not sow your field or prune your vineyard,”

KK. might one suppose that the farmer also may not hoe under the olive trees, fill in the holes under the olives trees, or dig between one tree and the next?

LL. Scripture says, “you shall not sow your field or prune your vineyard” —

MM. sowing and pruning were subject to the general prohibition of field labor. Why then were they singled out?

NN. It was to build an analogy through them, as follows:

OO. what is distinctive in sowing and pruning is that they are forms of labor carried on on the ground or on a tree.

PP. So I know that subject to the prohibition are also other forms of labor that are carried on on the ground or on a tree, [excluding

from the prohibition, therefore, the types of labor listed] [Sifra CCXLV:I.3-6].

QQ. *What we have here is a rule made by rabbinical authority, for which support is adduced from Scripture.*

The solution to the problem at QQ is a simple one. The prohibition derives from rabbis, who then can release it on their own; the role of Scripture is not to declare the rule but only to provide support for rabbis' opinion. We have now completed our exposition.

The foregoing insertion has alleged at KK-LL that it is permitted in the Sabbatical Year to aerate the soil under an olive tree. That matter is now treated on its own; the composition that follows is then an appendix to an appendix. The indentation is meant to show the relationship of the following composition to the foregoing.

- I.5.** A. *And is it permitted to stir the soil under an olive tree in the Sabbatical Year? Has it not been taught on Tannaite authority:*
- B. *Now it is permitted to hoe [in the Sabbatical Year]? And has it not been written, “*
- C. *“But the seventh year you shall let [the land] rest and lie still” (Exo. 23:11).*
- D. *“You shall let it rest” from hoeing,*
- E. *“and lie still” from having stones removed.*
- F. *Said R. Uqba bar Hama, “There are two kinds of hoeing. In one kind one closes up the holes [around the roots of a tree], and in the other, he aerates the soil [around the roots of a tree].*
- G. *“Aerating the soil is forbidden, closing up the holes is permitted [since the former serves the roots of the tree, the latter merely protects the tree].”*

Yet another free-standing composition is appended. We have dealt with plowing and sowing on the intermediate days of the festival, which we have treated as comparable to the Sabbatical Year. So it is natural to pursue the rules of the Sabbatical year as these have been introduced. Is it then permitted at all to plow in the Sabbatical Year? The next appendix follows.

- I.6.** A. *It has been stated:*
- B. He who plows in the Sabbatical Year —
- C. R. Yohanan and R. Eleazar —
- D. One said, “He is flogged.”
- E. The other said, “He is not flogged.”

Clearly, there is debate on the matter, and the premise of our discussion, comparing the two types of diminished sanctification, depends upon the opinion of the one who says he is

not flogged. Were we to conclude here, we should have an ample presentation of our free-standing composition, as well as its secondary accretions. But we proceed to expand upon the expansion, in fresh commentary to what has just preceded.

It answers, specifically, the question, hence the basis for the division? At stake for us is a rational reading of the law; we wish to show that both parties to a dispute have ample basis for their opinions, and, ideally, the basis for the dispute will be a deeper, more systematic conflict on how, exactly, we interpret Scripture. The issue in its own terms has been set forth. What is the basis in a more encompassing reading of matters? What underlies the dispute is now spelled out, in an appended commentary on the dispute itself.

I.7. A. *May we say that the dispute concerns that which R. Abin said R. Ilaa said, for said R. Abin said R. Ilaa, "In any passage in which you find a generalization concerning an affirmative action, followed by a qualification expressing a negative commandment, people are not to construct on that basis an argument resting on the notion of a general proposition followed by a concrete exemplification only the substance of the concrete exemplification."* [Freedman, *Sanhedrin*, p. 777-8, n. 8: The rule in such a case is: the general proposition includes only what is enumerated in the particular specification. But when one is thrown into the form of a positive command and the other stated as a negative injunction this does not apply.]

B. *By this theory of what is at issue, one who says he is flogged does not concur with what R. Abin said R. Ilaa said, and one who said, "He is not flogged," concurs with what R. Abin said.* [Lazarus: The general rule in positive terms: "The land shall keep a Sabbath..." (Lev. 25: 2-5); the particulars in negative terms, "You shall neither sow..." (Lev. 25: 4-5); the general rule again in positive form, "It shall be a year of solemn rest...." Then the particulars are considered typical as illustrations, serving to include in the general rule all such items as are similar to the particulars. If the particulars are typical of the general rule, one who does any of these would break the law. In the case of the former, he takes sowing, pruning, reaping, and gleaning as typical illustrative instances, and plowing is covered and is punishable. In the case of the latter, plowing is not included among the forbidden processes and is not punishable.]

- C. *No, all parties reject the position stated by R. Abin in R. Ilai's name. One who says he is flogged has no problems anyhow.*
- D. *The one who says he is not flogged may reply in this way:*
- E. *Since pruning falls within the generative category of sowing, and grape gathering falls within the generative category of reaping, for what concrete legal purpose did the All-Merciful make written reference to these items? It is to present the inference that it is to these particular derivative classes of generative categories of labor that liability pertains, but to all others, there is no liability."*

Following the printed text, we now go over the previously-introduced demonstration that for the purposes of the Sabbatical Year we treat as uniform, under the same law and penalty, an entire class of acts of labor.

- F. *So they don't, don't they? But has it not been taught on Tannaite authority:*
- G. **[“The Lord said to Moses on Mount Sinai, Say to the people of Israel, When you come into the land which I give you, the land shall keep a Sabbath to the Lord. Six years you shall sow your field, and six years you shall prune your vineyard and gather in its fruits; but in the seventh year there shall be a Sabbath of solemn rest for the land, a Sabbath to the Lord; you shall not sow your field or prune your vineyard. What grows of itself in your harvest you shall not reap, and the grapes of your undressed vine you shall not gather; it shall be a year of solemn rest for the land. The Sabbath of the land shall provide food for you, for yourself and for your male and female slaves and for your hired servant and the sojourner who lives with you; for your cattle also and for the beasts that are in your land all its yield shall be for food” (Lev. 25: 1-7):] “you shall not sow your field or prune your vineyard:”**
- H. **the Torah forbids me only to sow or prune,**
- I. **And how do we know that farmers may not fertilize, prune trees, smoke the leaves or cover over with powder for fertilizer?**

- J. Scripture says, “your field you shall not....” — no manner of work in your field, no manner of work in your vineyard, shall you do.**
- K. And how do we know that farmers may not trim trees, nip off dry shoots, trim trees?**
- L. Scripture says, “your field you shall not....” — no manner of work in your field, no manner of work in your vineyard, shall you do.**
- M. And how do we know that one may not manure, remove stones, dust the flower of sulphur, or fumigate?**
- N. Scripture says, “your field you shall not....” — no manner of work in your field, no manner of work in your vineyard, shall you do.**
- O. Since Scripture says, “you shall not sow your field or prune your vineyard,”**
- P. might one suppose that the farmer also may not hoe under the olive trees, fill in the holes under the olives trees, or dig between one tree and the next?**
- Q. Scripture says, “you shall not sow your field or prune your vineyard” —**
- R. sowing and pruning were subject to the general prohibition of field labor. Why then were they singled out?**
- S. It was to build an analogy through them, as follows:**
- T. what is distinctive in sowing and pruning is that they are forms of labor carried on on the ground or on a tree.**
- U. So I know that subject to the prohibition are also other forms of labor that are carried on on the ground or on a tree, [excluding from the prohibition, therefore, the types of labor listed] [Sifra CCXLV:I.3-6].**
- V. *What we have here is a rule made by rabbinical authority, for which support is adduced from Scripture.***

We proceed to a further refinement on the proposition at hand. The Sabbatical Year is augmented by a month fore and aft, during which prohibitions of a diminished order are introduced, on the one side, and continued, on the other. This protects the sanctity of the

Sabbatical Year by training the farmers to observe the taboos before the advent of the year, and making certain they continue to observe them for a bit of time after the year has terminated, so that they do not cut the year short. So we ask whether the result just now adduced pertains to these still-less sanctified spells, and that is a gloss upon an appendix, and is so marked:

- W. **[3B]** *When R. Dimi came, he said, “Might one suppose that one is flogged even for doing so during the additional time that has been added to the Sabbatical Year [fore and aft]? But the discussion resolved in favor of exempting one who worked during the addition to the Sabbatical Year.”*
- X. *But I don’t know what is this “discussion” and to what reference is made under the category, “addition”!*
- Y. *R. Eleazar said, “Reference is made to plowing, and this is the sense of the statement: might one suppose that one is flogged on account of plowing in the Sabbatical Year? For that conclusion would derive from a reading of the relevant verses under the principle of a generalization followed by a particularization of the foregoing followed by another generalization. And the discussion resolved in favor of exempting one who worked during the addition to the Sabbatical Year in the following way: if the flogging were in order, then what is the sense of the many particularizations that the text contains?”*
- Z. *R. Yohanan said, “Reference is made to the days that sages added to the Sabbatical Year prior to the advent of the New Year that marks the commencement of the Sabbatical Year proper, and this is the sense of the statement: might one suppose that one is flogged on account of plowing on the days that sages added to the Sabbatical Year prior to the advent of the New Year that marks*

the commencement of the Sabbatical Year proper? For that conclusion would derive from the following: ‘In plowing time and in reaping time you shall rest’ (Exo. 34:21). And the discussion resolved in favor of exempting one who did so,” as we shall have to explain below.

A further appendix is now called for, to explain the reference to days added to the Sabbatical Year.

AA. *To what is reference made in the allusion to the days that sages added to the Sabbatical Year prior to the advent of the New Year that marks the commencement of the Sabbatical Year proper?*

We now proceed to a secondary development of the statement that has just been made. Were we to stop before what follows, we should suffer no less of sense or meaning. The discussion that follows moreover goes off in its own direction.

BB. *That is in line with what we have learned in the Mishnah:*
Until what time do they plow an orchard during the year preceding the Sabbatical Year? The House of Shammai say, “As long as [the plowing] continues to benefit the produce [of the Sixth Year. Until that year’s fruit ripens and is harvested] .” But the House of Hillel say, “Until Pentecost.” And the opinion of the one is close to the opinion of the other [M. [Sheb. 1:1](#)]. Until what time do they plow in a field of grain (lit.: a white field) during the year preceding the Sabbatical Year? Until the moisture [in the ground] is gone As long as people plow in order to plant chatemelons and gourds. Said R. Simeon,

“You have put the law into the hands of each individual. Rather, [one may plow] in a field of grain until Passover [when Israelites offer the first sheaf of new grain at the Temple; cf. Lev. 23:10] and [one may plow] in an orchard until Pentecost [when they present the firstfruits] [M. *Sheb.* 2:1].

CC. And said R. Simeon b. Pazzi said R. Joshua b. Levi in the name of Bar Qappara, “Rabban Gamaliel and his court took a vote concerning these two spells and annulled them.” [It was permitted to till down to the New Year itself (Lazarus).]

The allegation that has just now been made requires exposition in its own terms. It attracts interest for obvious reasons: how can a later court nullify the actions of an earlier one?

DD. *Said R. Zira to R. Abbahu, and some say, R. Simeon b. Laqish to R. Yohanan, “How could Rabban Gamaliel and his court have annulled an ordinance made by the House of Shammai and the House of Hillel? And lo, we have learned in the Mishnah: [And why do they record the opinion of an individual along with that of the majority, since the law follows the opinion of the majority? So that, if a court should prefer*

the opinion of the individual, it may decide to rely upon it.] For a court has not got the power to nullify the opinion of another court unless it is greater than it in wisdom and in numbers. If it was greater than the other in wisdom but not in numbers, in numbers but not in wisdom, it has not got the power to nullify its opinion — unless it is greater than it in both wisdom and numbers [M. Ed. 1:5]!”

EE. *For a moment he was stupefied, but then he said to him, “I say, this is what they stipulated among themselves: whoever wants to nullify the rule may come along and nullify it.”*

FF. *Well, did that measure really belong to them? Was it not a law revealed by God to Moses at Mount Sinai? For that is in line with what R. Assi said R. Yohanan said in the name of R. Nehunia of the Valley of Bet Hauran, “The rules covering ten saplings, [As regards ten saplings which are spread out*

**within a seah space
— they plow the
entire seah space for
the saplings' sake
until the New Year
of the Sabbatical
Year (M. Sheb.
1:6A-B)], the willow
[carried around the
altar during the
festival], and the
water offering are
laws revealed to
Moses at Sinai.”**

GG. *Said R. Isaac, “When we received as a tradition the law adding additional restricted time to the Sabbatical Year as a law revealed to Moses at Sinai, it was only concerning the thirty days prior to the New Year. The House of Shammai and Hillel came along and ordained that work should cease from Passover [for the grain field] and from Pentecost [for an orchard], and, at the same time, they made the stipulation with regard to what they said that, whoever might afterward come along and want to nullify those spells of restricted time may come along and nullify them.”*

HH. *But are these specified spells of time merely law? Are they not*

*based in fact on
explicit verses of
Scripture? For has it
not been taught on
Tannaite authority:*

- II. “Six days you shall
work but on the
seventh day you shall
rest, in plowing time
and in harvest you
shall rest”
(Exo. 34:21)
[whatever the need,
plowing and reaping
may not be done on
the Sabbath or the
Sabbatical Year] —
- JJ. R. Aqiba says, “The
reference to plowing
and reaping is not
required to indicate
that these actions are
forbidden in the
Sabbatical Year itself,
for that is explicitly
covered when
Scripture says,
‘neither shall you sow
your field or prune
your vineyard
(Lev. 25:4-5).
Rather, the purpose is
to impose the
restriction of plowing
even in the year prior
to the Sabbatical Year
[4A] when the effect
of the plowing will
extend into the
Sabbatical Year, and it
is to restrict
harvesting produce
partly grown in the
Sabbatical Year but
reaped in the year

following the
Sabbatical Year.”

KK. R. Ishmael says, “Just as plowing is optional, so reaping is optional. Excluded from the prohibition of work on the Sabbath then is the reaping of the first sheaf of barley for the sheaf to be waved, which is a religious duty [and may be done on the Sabbath].”

LL. *Rather, said R. Nahman bar Isaac, “When the law was handed on as a tradition [concerning the time prior to the Sabbatical Year], this concerned permitting tilling to benefit saplings, while the cited verses of Scripture concern prohibiting tilling around old trees.”*

MM. *Well, if it was necessary to appeal to a traditional law to allow tilling around saplings up to the advent of the New Year, is it not self-evident that doing so around old trees is going to be forbidden?*

NN. *Rather, when the traditional law was handed down as a prohibition, it was required only from*

the view of R. Ishmael, while the verses of Scripture form the basis of the position of R. Aqiba.

OO. *R. Yohanan said, Rabban Gamaliel and his court nullified the restrictions on the authority of the Torah."*

PP. *What is the scriptural basis for their position?*

QQ. *They formed a verbal analogy based on the use of the word "Sabbath" with reverence to both the Sabbatical Year, called the Sabbatical Year, and also the Sabbath of Creation, along these lines:*

RR. *Just as in the case of the Sabbath of Creation, prohibitions pertain to the holy day but not to the time beforehand or afterward, so in the case of the Sabbatical Year, prohibitions pertain to the year but not to the time beforehand or afterward.*

SS. *Objected R. Ashi, "On the view of one who maintains that the restriction is a traditional law, can an argument based on verbal analogy come along and nullify a*

traditional law? And if one says that it is based on a verse of Scripture, along these same lines, can an argument formed of a verbal analogy come along and nullify the result of the reading of a verse of Scripture?"

TT. *Rather, said R. Ashi, "Rabban Gamaliel and his court adopted the reasoning of R. Ishmael, who said, 'The prohibitions of tilling on the spell prior to the actual advent of the Sabbatical Year derives from a traditional law. And to what span of time did that traditional law pertain? It was during the time that the Temple was standing, just as the rule of the water libation [which likewise derived from a traditional law] pertained only during the time that the Temple was standing. But when the Temple is no longer standing, the law received by tradition does not apply.'"*

The final entry clearly serves as a massive appendix; it is intelligently situated for that purpose at the end, since it does not impede the presentation of the whole. In contemporary scholarship we should situate in an appendix at the end of a chapter or of a book such a discussion, only tangentially relevant to the main point. One of the marks of the conclusion of a systematic and cogent presentation of a point is the insertion of such

sizable complexes of supplementary data. Whoever wrote up the composition had his own focus and in no way evinces knowledge of the ultimate location of his writing; and whoever inserted the composition selected it for the sake of completeness, even recognizing how the insertion would impart to his composite a discursive character.

He has paid a heavy price for his decision, since the Talmud before us loses cogency before it has run its course even half way. Then what lesson did he propose to teach by the composition as we have it, in which the opening units pursue a single line of thought, and everything else wanders off hither and yon? To frame the question more concretely: we have now completed the presentation of the entire treatment of M. 1:1A. The run-on effect of the whole proves blatant. Had we stopped at No. 3, we should have found a fairly ample exposition of the Mishnah-passage. Not only so, but Nos. 4-6 really do not address the Mishnah-rule at all; they go their own way, with a focus upon the Sabbatical Year, not the intermediate days of the festival. But the Sabbatical Year in the Mishnah-rule is subordinate, introduced by reason of an analogy that is not spelled out. Any allegation that the Talmud is coherent and well-drafted must address the challenge of the sizable and meandering composite before us.

The secondary expansion, No. 4, drawing in its wake the appended, also free-standing discussions at Nos. 5 and 6, bearing their extensions and accretions, obviously has taken up most of our attention. Together with its enormous amplification in successive appendices, the consideration of that matter has defined the context in which the Talmud wishes us to read the Mishnah-paragraph at hand. So we have now to ask, What has the framer accomplished in introducing the passage into the context of our Mishnah-paragraph? First, he has raised the issue of the Sabbath and its categories of prohibited labor, and therefore he has introduced a complication into our consideration of the Mishnah-passage. We deal here with watering. Watering on the Festival is forbidden, since all acts of labor but cooking that are forbidden on the Sabbath are forbidden on the Festival. Then we forthwith deal with the prohibition of watering on the Sabbath and ask by what reason it is forbidden, with implications for the considerations operative in our Mishnah-rule governing the diminished sanctity of the intermediate days of the festival. In doing so, the compositor who took a free-standing discussion and deposited it here has accomplished a second matter in the exegesis of the theme before us. He has settled the paramount issue of our tractate: to what do we compare the intermediate days of the festival? Are they comparable to the Festival and the Sabbath, only subject to diminished restrictions? Or are they comparable to weekdays, but subject to some restrictions rather than none?

Juxtaposition the exposition of M. 1:1 with a rule concerning the Sabbath (therefore also: the Festival taboo against labor), introducing a case comparable to the Mishnah's, namely, watering the field, the compiler of the set has underscored the theoretical issue that must engage us: the governing analogy, Sabbath-Festival or ordinary week day, that generates the specific rulings at hand. Since I maintain that the juxtaposition makes a point directly pertinent to the theoretical problem our Mishnah states in concrete terms, let me spell out the connections I see to join to the exposition of our Mishnah-rule an otherwise utterly irrelevant passage.

That brings us to the substance of the comment on the Mishnah-passage that is effected by the compositor simply by introducing the present free-standing composition. It is to

introduce the complications of classifications of acts of labor into the simple matter at hand. Our Mishnah-paragraph has made the point that we may keep a crop alive through irrigating it, but we may not go to great effort to water the crop, and we may also not do more than keep it alive; that is, we may do nothing to enhance the growth. That point is made explicit in the language, “*work on the intermediate days of a festival is permitted if it is to prevent loss, but if it is to add to gain it is not permitted.*” The free-standing composition then goes over the same ground in a different setting. Why? Because the free-standing composition addresses the matter of crop enhancement on the Sabbath; the Festival day is comparable to the Sabbath in every prohibition but that concerning food-preparation. Hence the issue of the Sabbath and the Festival, so far as crop-enhancement is the governing consideration, pertains here. We then draw the contrast between crop-enhancement — watering the crop, the same act the Mishnah-rule has introduced — on the Sabbath or Festival and on the intermediate days of the festival. What we simply may not do on the former occasion we may or may not be permitted to do on the latter. Introducing this discussion has served to remind us that while we deal with the intermediate days of the festival, the diminished sanctity that pertains must be protected, and the very same considerations that govern on the Sabbath (here: crop-enhancement) govern also on the intermediate days of the festival, but in a different way.

The operative principle then is underscored: loss is prevented, gain is not permitted. And that means, what may not be done on the Sabbath or Festival also may not be done on the intermediate days of the festival. By introducing the rule for the Sabbath and producing the explanation that the operative consideration behind the rule is the prohibition against crop-enhancement, the framer has made his main point: the intermediate days of the festival are comparable not to ordinary days, but subject to some restrictions, but to the Festival or Sabbath, and are subject to formidable restrictions. The governing analogy is the Sabbath and Festival, their restrictions diminished only for very special reasons, and not the everyday practices of the unconsecrated week, subject to a few special limitations. If this juxtaposition expresses the point I have spelled out — the priority of the Sabbath-Festival in defining the governing metaphor — then we should have a sustained interest in showing how the intermediate days of the festival really are comparable to the Festival itself, and are not comparable to, and do not follow the rules that pertain on, the ordinary days of the secular calendar. The upshot is that, in introducing an independent composition, with its own focus, the compositor has asked us to read the Mishnah-rule in a more complex way and so made us understand the rule as part of a larger web of law on the comparison of sacred and this-worldly matters.

We then form a preliminary hypothesis that the key to the selection-process is an interest in comparison and contrast of like classes of things, e.g., spans of time that are not sanctified like the Sabbath and Festival but that are in a diminished level of sanctification. Within that category falls each class of data we have worked on. Then the connections that are made yield the conclusions that are drawn, and, inclusive of the supplementary appendices, the whole holds together and imparts a lesson that on their own the parts do not convey. In this way the Talmud vastly transcends the labor of Mishnah-commentary and also enriches our grasp of the law that the Mishnah conveys through detail. We now proceed to the next clause of our Mishnah-paragraph.

II.1 A. But they do not water [an irrigated field] with (1) collected rain water, or (2) water from a swape well [1:1C]:

- B. *There is no trouble in understanding why water from a swape well should not be used, since watering in that way involves heavy labor. But what objection can there be to using collected rain water, since what heavy labor can possibly be involved in irrigating with rain water?*

We resume the work of Mishnah-commentary, now turning directly to the sense of the statement. We do not understand why the same rule applies to two distinct classes of water-sources. The answer takes the form of a dispute:

- C. *Said R. Ilaa said R. Yohanan, "It is a precautionary decree, on account of the possibility of the farmer's going on to make use of water from a swape well."*
- D. *R. Ashi said, "Rain water itself can be as hard to draw as the water of a swape well."*

Yohanan concedes the premise of the question, Ashi does not, but insists upon commensurability. Now the dispute is situated on a shared premise, so shown to be rational:

- E. *At issue between them is what R. Zira said. For said R. Zira said Rabbah bar Jeremiah said Samuel, "From irrigation streams that draw water from ponds it is permitted to irrigate on the intermediate days of the festival." One authority [Ashi] concurs with the position of R. Zira, and the other authority does not concur with the position of R. Zira.*

The dispute now rests upon whether or not it is permitted to draw water from ponds, as Zira maintains is the case; so the problem is whether or not the rain water is in the same classification as standing water. We proceed to analyze 1.E in its own terms, and since the analysis is not required for the purpose that defines the matter but complements the discussion, in our setting we should footnote what follows, which is therefore indented:

II.2. A. Reverting to the body of the foregoing: said R. Zira said Rabbah bar Jeremiah said Samuel, "From irrigation streams that draw water from ponds it is permitted to irrigate on the intermediate days of the festival."

- B. *Objected R. Jeremiah to R. Zira, " But they do not water [an irrigated field] with collected rain water, or water from a swape well."*
- C. *He said to him, "Jeremiah my son, the pools in Babylonia are like water that never languishes."*

The intersection with the Mishnah-rule is now explicit and shows why the entire composition serves Mishnah-exegesis. What follows are other items that are comparable, namely, bodies of water that draw from a constant source and do not involve physical labor in collecting the water for irrigation. These too form complements to the topic of the Mishnah.

II.3. A. Our rabbis have taught on Tannaite authority:

- B. Ditches and pools that were filled with water on the eve of the festival may not be used for irrigation on the intermediate days of the festival. But if an irrigation ditch passes between them, they may be used.
- C. Said R. Pappa, “But that is so only if the greater part of that field derives its water from that irrigation ditch.”
- D. R. Ashi said, “Even though the greater part of that field does not derive its water from that irrigation ditch, *since the water flows continuously, the owner concludes, the the field does not get enough water one day, it will get enough two or three days later [and he will not undertake heavy labor during the intermediate days of the festival].*”

The data not only add facts but also receive amplification at 3.D, which shows us the underlying reckoning that leads sages to their rulings. We now move on to Tosefta’s complement to the Mishnah, which we analyze just as we do a Mishnah-paragraph. I cite the whole of the passage, though the Bavli gives us only the opening sentence and discusses that alone:

II.4. A. *Our rabbis have taught on Tannaite authority:*

- B. **A pool that gets a trickle of water from an irrigated field higher up may be used for watering another field.** [R. Simeon b. Menassia says, “Two pools,. one above the other — one should not draw water from the lower to water the upper, but he may draw water from the upper to water the lower one. R. Simeon b. Eleazar says, “A furrow, part of which is low and part high — one should not draw water from the lower part for the upper part and irrigate it. But he may draw water from the upper part for the lower part and irrigate by that means” (T. **Moed 1:1F-I**)].
- C. [With reference to the statement, **A pool that gets a trickle of water from an irrigated field higher up may be used for watering another field.**] *but lo, will it not give out?*
- D. Said R. Jeremiah, “In any event at this moment it is still trickling.”
- E. Said Abbaye, “The rule applies only so long as the first spring has not languished.” [Lazarus: but once the trickling has ceased, the pool has lost its supply and becomes like a swape well or stored rain likely to entail exertion.]

The contribution lies in the analysis, which once more underscores the governing principle, for the reason that Lazarus contributes to the elucidation of Abbaye’s comment. Now we go forward with further components of the passage just now cited.

II.5. A. *It has been taught on Tannaite authority:*

- B. **R. Simeon b. Menassia says, “Two pools,. one above the other — one should not draw water from the lower to water the upper, but he may draw water from the upper to water the lower one.**
- C. **More than this did R. Simeon b. Eleazar [Bavli: Eleazar b. R. Simon] say, “Even in the case of a furrow, part of which is low and part high — one should not draw water from the lower part for the upper part and irrigate it.**

[T. adds: But he may draw water from the upper part for the lower part and irrigate by that means"] [T. Moed 1:1F-I].

This completes the citation and amplification of the Tosefta-paragraph. We go on with another rule in the status of Tannaite formulation:

II.6. A. Our rabbis have taught on Tannaite authority:

- B. They may raise up water by buckets from a well during the festival week for vegetables so as to eat them. But if it is only to enhance their growth, it is forbidden to do so [since this is done for profit, not merely for maintaining the crop for the week or preventing loss].

The cited rule is now given amplification through a specific case, which clarifies the sense of the foregoing:

II.7. A. Rabina and Rabbah Tosefaah were going along the way. They saw somebody who was drawing buckets of water during the intermediate days of the festival. Said Rabbah Tosefaah to Rabina, "So let's go and excommunicate that man."

- B. He said to him, "But has it not been taught on Tannaite authority: They may raise up water by buckets from a well during the festival week for vegetables so as to eat them. But if it is only to improve their appearance, it is forbidden to do so?"
- C. He said to him, "Do you really think that the meaning of 'raise up' means raise up water? What is the real meaning of 'raise up'? **[4B]** it is to pull out vegetables. That meaning of the word is in line with what we have learned in the Mishnah: **"He who thins [using the word at hand] grape vines, just as he [is allowed] to thin his own [produce, the normal clusters], so may he thin [the defective clusters] which belong to the poor,"** the words of R. Judah. R. Meir says, **"He is permitted to thin his own [produce], but he is not permitted [to thin produce] which belongs to the poor"** **[M. Peah 7:5].**"
- D. He said to him, "But has it not been taught on Tannaite authority: They may raise up water by buckets from a well during the festival week for vegetables so as to eat them?"
- E. He said to him, "So if that has been taught on Tannaite authority, that is what has been taught [and no more discussion]."

The exposition of the Mishnah-paragraph in dialogue with the Toseftan supplements is now complete, the whole a cogent statement of the principle behind the rule: maintaining the crop, not making a profit, defines the acts that may be performed on the intermediate days of the festival, and how this works in detail is then spelled out for the case at hand.

III.1 A. And they do not dig channels around vines:

- B. What are "channels"?
- C. Said R. Judah, "They are little hollows."
- D. So too it has been taught on Tannaite authority:

- E. **What are channels dug around a tree? These are ditches dug around the roots of trees [T. Moed 1:2B-C].** They hoe lightly around the roots of olives and vines.
- F. *Is that so? But did not R. Judah permit the sons of Bar Zittai to make little hollows in their vineyards?*
- G. *That's no problem, the statement of our Mishnah speaks of fresh ones, R. Judah's to established ones.*

The explanation of word-choices is followed by citation and clarification of precedents.

IV.1 A. R. Eleazar b. Azariah says, “They do not make a new water channel on the intermediate days of a festival or in the Sabbatical Year.” And sages say, “They make a new water channel in the Sabbatical Year, and they repair damaged ones on the intermediate days of a festival:”

We find ourselves thrust once more into the comparison of different spells that are at a lower level of sanctification than the Sabbath or the Festival, namely, the intermediate days of the festival and the Sabbatical Year. Consequently, we resume the task we began earlier, and, specifically, we want to know why the Sabbatical Year is subject to the prohibition at hand, which obviously pertains to the intermediate days of the festival. Here, the Mishnah-rule has dictated its own exegetical problem. The matter is spelled out in so many words in the terms I introduced earlier:

- B. *There is no problem with respect to the prohibition concerning the intermediate days of a festival, since the operative consideration is that this is heavy labor, but why ever not make a channel in the Sabbatical Year?*
- C. *R. Zira and R. Abba b. Mamel differ on the matter —*
- D. One said, “The reason is that the one who digs appears to be hoeing.”
- E. And the other said, “The reason is that he looks as though he is preparing the banks for sowing.”
- F. *So what's at stake?*
- G. *At issue is a case in which the water comes along immediately. From the perspective of him who has said, “The reason is that he looks as though he is preparing the banks for sowing,” it is still objectionable. But from the perspective of him who has said, “The reason is that the one who digs appears to be hoeing,” there is no objection.*
- H. *But should not the one who objects for the reason that it looks as though he is spading also object that he looks as though he is preparing the bank for seed?*
- I. *Rather, this is what's at stake between the two explanations: it would involve a case in which he takes what is in the trench and tosses it out. From the perspective of him who says, “The reason is that he looks as though he is preparing the banks for sowing,” there is no objection; but from the perspective of him who says, “The reason is that the one who digs appears to be hoeing,” it is still subject to an objection.*

- J. *But from the perspective of him who says that he appears to be preparing the sides for seed, would he not also admit that he seems to be hoeing?*
- K. *Not really, for one who hoes, as soon as he takes up a spadeful, he puts it down again in place.*

What makes the exposition satisfying is that each side is given an opportunity to apply its reasoning at every stage in the argument, hence a full account, through the dialectic of back-and-forth exchange of positions and reasoning, is set forth. We proceed to a secondary analysis of the matter just now spelled out; the whole is continuous and cogent. The next step in the exposition raises the possibility that a given authority has taken two positions that contradict one another in principle.

IV.2. A. *Amemar repeated the Mishnah's law along with the reason, The reason is that the one who digs appears to be hoeing, but this presented a problem to him because of a contradiction between two statements of R. Eleazar b. Azariah [in the following language]: "And has R. Eleazar b. Azariah taken the position that any act that looks as if he is hoeing is forbidden? And in contradiction to that position: A person places all the manure in his possession in [one large] pile. R. Meir forbids [the farmer from doing this] unless he either deepens [the ground by] three [handbreadths] or raises [the ground by] three [handbreadths]. If one had a small amount [of manure already piled up in the field], he continually adds to it. R. Eleazar b. Azariah forbids [the farmer from doing so] unless he either deepens [the ground by] three [handbreadths] or raises [the ground by] three [hand-breadths] or unless he places [the manure] on rocky ground [M. [Shebiit 3:3D-G](#)]. [Lazarus: here Eleazar permits digging in the field in the sabbatical year to prepare a place for the manure store without concern about giving a wrong impression, such as he had in mind when he prohibited making a water channel.]*

- B. *R. Zira and R. Abba b. Mamel differ on the matter —*
- C. *One said, "The cited passage speaks of a case in which he had already had the place excavated."*
- D. *And the other said, "The operative consideration is that the manure heap itself shows what his real intention is."*

The possibility of Eleazar's adopting contradictory principles — do we take account of the farmer's giving the wrong impression? — is now explored and worked out. The exposition of the Mishnah's rule has given way to a systematic account of the consideration of the Sabbatical Year. Yet this too has a profound bearing on the conduct of the farmer on the intermediate days of the festival.

V.1 A. **and they repair damaged ones on the intermediate days of a festival:**

- B. *What is the meaning of "damaged ones"?*
- C. *Said R. Abba, "If one was only a handbreadth deep, he may restore it to a depth of six handbreadths."*

The Mishnah-exegesis is simple and routine. We proceed to an important clarification of the kind of "damaged ones" that the farmer may repair. This imposes a considerable

clarification and limitation: the original principle — no heavy labor, no work for enhancing profit — is illustrated once more. We now ask a question that flows from the matter at hand, one that defines an interstitial case.

V.2. A. *It is obvious that restoring the channel from a half handbreadth to three, since there was to begin with hardly any flow of water, is null [and work that is useless and so forbidden]; to deepen it from two handbreadths to the original twelve involves heavy labor and that is not permitted. But what about deepening it from two to seven? Here he deepens it by five handbreadths, from one to six, so here too he deepens it by five, two to seven? Or perhaps what is going on here is that he is actually deepening it by an extra handbreadth, so that involves heavy and needless labor and is forbidden?*

B. *The question stands.*

We proceed to a set of precedents, clarifying the application of the law to real cases.

V.3. A. *Abbayye permitted the people of Harmakh [during the intermediate days of the festival] to clear away the growths obstructing the irrigation ditch.*

B. *R. Jeremiah permitted the people of Sacuta [during the intermediate days of the festival] to dredge a ditch that had been blocked.*

C. *R. Ashi permitted the people of Mata Mehasia to clear obstructions from the Barnis canal, saying, "Since people get their water from it, it is as public domain, and we have learned in the Mishnah: **And they do all public needs.**"*

The Mishnah-sentence has now been fully clarified, and we go on to the next clause.

VI.1 A. **They repair [5A] damaged waterways in the public domain and dig them out:**

We begin by a close reading of the word-choice: repair, yielding, but not make new ones. We immediately qualify the result of that reading:

B. *Repairing is all right, but not digging afresh.*

C. Said R. Jacob said R. Yohanan, "They have taught this rule only when the public has no need of the waterways, but if the public needs them, then it is permitted even to dig afresh."

The proposed distinction yields the principle that public welfare overrides the prohibitions of hard labor on the intermediate days of the festival. This is forthwith challenged:

D. *But if the public needs them, is it permitted to do that work? And has it not been taught on Tannaite authority: Cisterns, pits, and caverns that belong to private property may be cleaned out, and, it goes without saying, those that belong to the public; but cisterns, pits, and caverns belonging to the public may not be dug, and all the more so those of a private person? Does this not address a case in which the public has need of these facilities?*

E. *No, it addresses a case in which the public has no need of those facilities.*

F. *Along these same lines with respect to a private party, where the private person has no need of the facility, is repairing allowed? And has it not been taught on*

Tannaite authority: As to cisterns, pits, and caverns of a private person, they collect water in them but they may not be cleaned out, nor may their cracks be plastered; but as to those belonging to the public, they may be cleaned out and their cracks may be plastered?

- G. *Now what is the point here? It is when a private person has need of the facility. And in that case, in regard to what is required for public use, where the public has need of it the same rule pertains? And where the public has need of the facility, is it forbidden to dig? Has it not been taught on Tannaite authority:* As to cisterns, pits, and caverns belonging to a private person, they collect water in them and clean them out, but they may not plaster their cracks nor put scourings into them to fill cracks; as to those serving the public, they may dig them to begin with and plaster them with cement?
- H. *So the initial formulation poses a contradiction.*
- I. *This is how to iron out the difficulty:* They may clean out wells, ditches or caverns of a private person, when the private party requires the facility, and, it goes without saying, those that belong to the public *when the public require use of the facility, in which case even digging them out is permitted.* But they may not dig out wells, ditches, or caverns belonging to the public when the public does not require use of the facility, and, it goes without saying, those belonging to a private party. *When the private party does not require using them, then even cleaning them out is forbidden.*

We have now made the necessary distinctions to iron out our problem, leaving open only the question of how to relate our result to the formulation of the rule in the Mishnah.

- J. *Said R. Ashi, “A close reading of our Mishnah-paragraph yields the same result: **And they do all public needs.** Now what is encompassed within the augmentative formulation, **all**? Is it not to encompass, also, digging?”*
- K. *Not at all, it is to encompass what is covered in that which has been taught on Tannaite authority: **On the fifteenth day of Adar agents of the court go forth and dig cisterns, wells, and caves. And they repair immersion pools and water channels. Every immersion pool that contains forty seahs of water is suitable for receiving further drawn water if need be, and to every immersion pool that does not contain forty seahs of water they lead a water course and s complete its volume to the measure of forty seahs of water that has not been drawn so that it is suitable to receive further drawn water if need be [T. Sheq. 1:1].*** And how on the basis of Scripture do we know that if they did not go forth and carry out all these duties, that any blood that is shed there is credited by Scripture as though they had shed it? Scripture states, “And so blood be upon you” (Deu. 19:10).
- L. *Lo, in point of fact the framer of the Mishnah has covered these matters explicitly: **They repair roads, streets, and water pools. And they do all public needs!** what is encompassed within the augmentative formulation, **all**? Is it not to encompass, also, digging?*
- M. *Yes, that’s the proof!*

The exposition has come to a successful conclusion, in that all of the complementary formulations of the rule at hand are held together in a single coherent statement and moreover are shown to accord with Scripture.

The next clause of the Mishnah is linked to Scripture's statements on the same subject.

VII.1 A. mark off graves:

- B. Said R. Simeon b. Pazzi, "Whence do we find an indication in Scripture that it is required to mark off graves? Scripture states, 'And when they pass through the land and one sees a man's bone, then shall he set up a sign by it' (Eze. 29:15)."
- C. *Said Rabina to R. Ashi, "So before Ezekiel made that point, how did we know it?"*
- H. *Said R. Ashi to Rabina, "So until Ezekiel came along and made that statement, how did we know the correct rule?"*
- I. *"According to your reasoning, when R. Hisda made his statement, 'This matter we have not learned from the Torah of our lord, Moses, but from the teachings of Ezekiel b. Buzi we have learned it, "No alien, uncircumcised in heart and uncircumcised in flesh, shall enter my sanctuary" (Eze. 44: 9),' — until Ezekiel came along and made that statement, how did we know the correct rule? Rather, it is a tradition that was handed on, and Ezekiel came along and supplied it with support from Scripture. Here too, it is a tradition that was handed on, and Ezekiel came along and supplied it with support from Scripture."*

The relationship of Ezekiel's prophecy to the Torah of Moses is worked out as a byproduct of our interest in Scripture's allusions to the rule of the Mishnah. We now go off on a tangent and address the issue of VII.1.I: the source of the rule that aliens may not enter the sanctuary.

VII.2. A. R. Abbahu said, "It derives from the following: 'And he shall cry, unclean, unclean' (Lev. 13:45) — the uncleanness affecting him cries out for him and says, 'Keep away.'"

- B. And so said R. Uzziel, grandson of Rabbah, "...the uncleanness affecting him cries out for him and says, 'Keep away.'"
- C. *But does that verse serve the specified purpose? It is in point of fact required in line with that which has been taught on Tannaite authority:*
- D. "And he shall cry, unclean, unclean" (Lev. 13:45) — one has to publicize his pain in public, so that the public may seek for mercy on his behalf.
- E. *If that were the case, then Scripture can as well have written, "Unclean he shall cry out." Why say, "Unclean, unclean"? It is to yield both points.*

VII.3. A. Abbaye said, "It derives from the following: 'And do not put a stumbling block before the blind' (Lev. 19:14)."

- B. *R. Pappa said, "It derives from the following: 'And he will say, m Cast you up, cast you up, clear the way' (Isa. 57:14)."*
- C. *R. Hinena said, "It derives from the following: 'Take up the stumbling block out of the way of my people' (Isa. 57:14)."*

- D. *R. Joshua b. R. Idi said, "It derives from the following: 'And you shall show them the way in which they must walk' (Exo. 18:20)."*
- E. *Mar Zutra said, "It derives from the following: 'And you shall separate the children of Israel from their uncleanness' (Lev. 15:31)."*
- F. *R. Ashi said, "It derives from the following: 'And they shall have charge of my charge' (Lev. 22: 9), meaning, protect my charge [the priesthood]."*
- G. *Rabina said, "It derives from the following: 'And to him who orders his way will I show the salvation of God' (Psa. 50:23)."*

We proceed to a footnote on Rabina's statement, that is, further exposition of Psa. 50:23:

- VII.4.** A. And R. Joshua b. Levi said, "Whoever properly sets his ways in this world will have the merit of witnessing the salvation of the Holy One, blessed be he,
- B. "as it is said, 'To him who orders his way I will show the salvation of God' (Psa. 50:23).
- C. "Do not read 'orders' but 'properly sets' his way" [Cohen, *Sotah*, p. 21, n. 6: He calculates the loss incurred in fulfilling a precept against the reward it will bring him.]
- VII.5.** A. *R. Yannai had a disciple who day by day raised tough questions, but on the Sabbaths of Festivals did not raise tough questions.*
- B. **[5B]** *In his regard he recited the verse, "And to him who orders his way will I show the salvation of God" (Psa. 50:23).*

The composite follows familiar lines of order and structure. We take up the exposition of the Mishnah-rule again, now turning to Tosefta's supplement. It is topical, concerning marking off graves; it has no bearing on the issue of our Mishnah-sentence, which is, labor permitted on the intermediate days of the festival. The framers of the Talmud have in mind not only an exposition of the Mishnah's laws and logic, but also an amplification of the subjects that it covers. But, we note, these amplifications are subordinate, coming later in the sequence of treatments of a Mishnah-sentence or paragraph. Since what follows is topical and in no way clarifies the Mishnah's rule governing the intermediate days of the festival, I treat it as a secondary and subordinate statement.

VII.6. A. *Our rabbis have taught on Tannaite authority:*

- B. **They do not may a mark to indicate the presence of corpse matter that is not bigger in volume than an olive's bulk, nor a human bone that is not bigger than a barley seed, nor any human remains that would not convey uncleanness when under a tent. But they do make a marking to indicate the presence of a spine, skull, or major limb of a skeleton, or the larger part of the small bones.**
- C. **They make markings not when the matter is certainly known, but only when it is uncertain.**
- D. **What are cases of uncertainty?**

- E. leafy bowers, jutting ledges, and a grave-area.
- F. And they do not make a mark right on the spot of the source of uncleanness, so as not to waste what is unaffected [and so remains] uncontaminated, nor is a mark placed far from the spot, so as not to waste space in the Land of Israel [cf. T. **Sheq. 1:5**].
- G. *But will an olive's bulk of human flesh not convey uncleanness in a tent? Lo, we have learned in the Mishnah: These contaminate in the Tent: (1) the corpse, and (2) an olive's bulk [of flesh] from the corpse, [and (3) an olive's bulk of corpse dregs, and (4) a ladleful of corpse mould; (5) the backbone, and the skull, and (6) a limb from the corpse, and (7) a limb from the living person on which is an appropriate amount of flesh; (8) a quarter-qab of bones from the larger part of the frame [of the skeleton] or (9) from the larger number; and (10) the larger part of the frame or (11) the larger number of the corpse, even though there is not among them a quarter-qab, are unclean. How much is the "larger number"? One hundred twenty-five] [M. **Oh. 2:1**]/*
- H. *Said R. Pappa, "Here we deal with a piece of flesh precisely an olive's bulk in size, since ultimately it will be found lacking. It is better that on its account food in the status of priestly rations and Holy Things should be burned on its account for a little while, but not for all time."*

VII.7. A. What are cases of uncertainty? Leafy bowers, jutting ledges, and a grave-area:

- B. leafy bowers: a tree that overshadows the ground near a cemetery.
- C. jutting ledges: Protruding stones that project from a wall [T. **Oh. 9:2**].
- D. and a grave-area: *that is in line with that which we have learned in the Mishnah: He who plows up the grave — lo, he makes [the field into] a grave area. How much [space] does he make? The length of a furrow of a hundred cubits, [over] a space of four seahs [M. **Oh. 17:1A-B**].*

The block of topically-agglutinated materials is itself now subjected to its own amplification.

- VII.8. A.** *So does dirt deriving from a grave-area convey uncleanness through overshadowing by a common tent? But did not R. Judah say Samuel said, "One [who wants to remain uncontaminated by corpse matter] in a beth haperas [a grave area, an area possibly contaminated by corpse matter] blows away the earth and goes along his way."*
- B. R. Judah bar Ammi in the name of R. Judah said, "A beth haperas [a grave area, an area possibly contaminated by corpse matter] that has been trodden down is no longer a source of uncleanness."
- C. *Said R. Pappa, "There is no contradiction. The one statement speaks of a field in which the location of a grave has been lost" [so the whole field is a source of uncleanness], and the other speaks of a field in which a grave has been turned up by a plow [which crushes the bones so that they are no longer a source of uncleanness]."*

- D. *But is a field in which a grave has been plowed up even classified as a grave area?*
- E. *Yes indeed, for we have learned in the Mishnah: There are three kinds of grave areas: [1] He who plows up the grave — it may be planted with any kind of tree, but it may not be sown with any kind of seed, except for seed [the plants of which] are cut. And if one uprooted it, one heaps up the threshing floor in it, and sifts — “the grain through two sieves,” the words of R. Meir. And sages say, “The grain with two sieves, and the pulse through three sieves.” And one burns the stubble and the stalks [in the grave area]. And it renders unclean through contact and through carrying, and it does not render unclean through the Tent. [2] A field in the midst of which a grave has been lost is sown with any kind of seed but is not planted with any kind of tree. And they do not preserve trees in it, except for a barren tree, which does not produce fruits. And it renders unclean through contact and through carrying and through the Tent. [3] A field of mourners/tomb niches is not planted, and is not sown, but its dust is clean. And they make from it ovens for holy use. [M. Oh. 18:2-4].*

VII.9. A. *What is the definition of A field of mourners?*

- B. R. Joshua bar Abba in the name of Ulla said, “It is a field in which they take leave of the dead.”
- C. *And how come [it is classified as a grave area, imparting uncleanness]?*
- D. Said Abimi, “It is because of the contingency of abandonment by the owners [of the limbs that may have been dropped there when collection was made for secondary burial].”

VII.10. A. *And is it not necessary to mark of a field in which a grave has been dug up by a plow? Has it not been taught on Tannaite authority:*

- B. **If one found a field that is marked off as having corpse matter in its midst, and the nature of the uncleanness is not known, if there is a tree in it, one may be sure that a grave has been plowed up in it. If there is no tree in it, one may be sure that a grave has been lost in it.**
- C. **Said R. Judah, “Under what circumstances? When there is available a sage or a disciple, for not everybody is going to be expert in this matter” [T. Ahilot 17:12].**
- D. *Said R. Pappa, “When that passage was repeated on Tannaite authority, it made reference to a field in which a grave had been lost and which therefore had been marked. If, then, there are trees in the field, that means that a grave had been plowed up by a plow thereafter; if there are no trees in it, it means a grave has been lost in it.”*
- E. *But should we not take account of the possibility that trees are located in the field but the grave lies outside of it? For that would be in line with*

what Ulla said, "We speak of a case in which trees are located at the edges of the field," so here too, "We speak of a case in which trees are located at the edges of the field."

- F. **[6A]** *But perhaps the uncleanness is located inside the field and trees are situated outside [Lazarus: and since corpses are not buried on the road, the grave must be located among the trees and it must have been run over by the plow when the field was tilled for the sake of the trees].*
- G. *We deal with a case in which the trees were planted irregularly.*
- H. *If you prefer, I shall say, "It is in line with what we said earlier: **nor is a mark placed far from the spot, so as not to waste space in the Land of Israel.**"*

VII.11. A. Said R. Judah, "Under what circumstances? When there is available a sage or a disciple, for not everybody is going to be expert in this matter:"

- B. *Said Abbaye, "That proves that, when a neophyte rabbi is located in a place, all affairs of the place are assigned to his authority."*

VII.12. A. Said R. Judah, "If one found a stone with a marking, the space under it is deemed to be unclean [with corpse uncleanness]. If there were two such stones, then if there is lime between them, the space between them is deemed unclean. If there is no lime between them, then the space between them is deemed clean."

- B. *But is that the case even if there is no mark of plowing there? And has it not been taught on Tannaite authority:*
- C. **If one found a single stone marked off, even though it is not to be kept in that way, he who overshadows it is clean. If one found two of them, if there is a mark of plowing between them, the space between them is clean, if not, it is unclean [T. Sheq. 1:5D-E].**
- D. Said R. Pappa, "Here we deal with a case in which the lime was poured on top of the stones and then spread down on either side. If there is a mark of plowing between them, the space is clean, *for we assume that the lime that splashed was peeled off by the plowing; if there is no mark of plowing, the lime is clearly intended to mark the space between and that space is held to be unclean.*"

VII.13. A. Said R. Assi, "If there is a marking on one side, that side is unclean, the rest of the whole field is clean. if there is marking on two sides, those are unclean, the whole rest of the field is clean; if there was marking on three sides, those are unclean, but the whole rest of the field is clean. If there is a marking on four boundaries, they are then held to be the marks of what is clean, but the entire field inside is unclean."

- B. "For a master has said, **nor is a mark placed far from the spot, so as not to waste space in the Land of Israel.**"

If we had a Talmud for Mishnah-tractate Ohalot, we should have found the present composition a likely candidate for inclusion, e.g., in the exposition of Mishnah-tractate Ohalot Chapter Two. Our problem is, why is this excellent composition inserted here? The answer is, the whole is a secondary amplification of other rules that pertain to a topic we treat in the context of our tractate's problem. Topical appendices inserted into the text give the Talmud the appearance of prolixity. In fact, understood for what they are and explained within the technical capacities available to our document's writers, the compositions that add to the exposition of various topics greatly enrich the presentation of the whole and truly belong. The definition of the document as a whole must then encompass a further purpose, besides Mishnah-amplification, which is, the composition of a topical encyclopaedia.

What does belong is a further exposition of the Mishnah-clause that follows: giving a warning that farmers who find in their fields situations in which diverse seeds are sown in the same plot had better remove the inappropriate species:

VIII.1 A. and go forth [to give warning] against Diverse Kinds:

Here the issue is whether or not on the intermediate days of the festival to go out into the fields to find whether Diverse Kinds are growing there. Opinion on when this is done contradicts the premise of the rule of the Mishnah, since the following indicates that is done not on the intermediate days of Passover, but long before Passover, some four or so weeks prior, in the middle of the preceding month of Adar:

- B. *But in fact in the intermediate days of a festival do we go about to inspect whether or not there are mixed seeds in a field? But there is the following contradiction: On the first day of Adar they make public announcement concerning [payment of] sheqel dues and concerning the sowing of mixed seeds [Lev. 19:19, Deu. 22:9]. On the fifteenth day of that month they read the Megillah [Scroll of Esther] in walled cities. And they repair the paths, roads, and immersion pools. And they carry out all public needs. And they mark off the graves. And they go forth [to inspect the fields] on account of mixed seeds [M. Sheq. 1:1]!*

The clear contradiction between the two rules, both occurring in the Mishnah, is now resolved:

- C. R. Eleazar and R. Yosé bar Hanina —
- D. One said, "The latter refers to the crops that ripen earlier [in mid-Adar], the other, of late-ripening crops [and our Mishnah-paragraph has a further inspection, now in mid-Nisan, during the intermediate days of the festival of Passover]."
- E. And the other said, "In the one case [in Adar] they go out to inspect the condition of grain fields, in the other, vegetable patches."
- F. Said R. Assi said R. Yohanan, "The rule pertains only in a case in which the sprouts are not yet recognizable [earlier on]; but where it is possible to discern the character of the sprouts early on, they went forth to inspect the situation earlier."

The contradictions as to the facts are now neatly resolved, and we ask a further question as to why it is permitted to do at least part of the work on the intermediate days of the

festival. This brings us to the principle of the law, now that we have dealt with a detail of disharmony.

VIII.2. A. *What makes the festival week special that we go out at that time for the purpose at hand?*

- B. *Said R. Jacob said R. Yohanan, “It is at that time labor is cheap with us [since there is no demand for labor during the intermediate days of the festival].” [The work is light, and the cost is trivial. So there is no reason to prohibit it.]*
- C. *Said R. Zebid, and some say, R. Mesharshayya, “That leads to the inference that, when we pay them, we pay them out of the heave offering taken up from the sheqel-chamber. For if you should imagine that the owners of the fields are paid, what difference does it make to us? Pay whatever the workers ask [and don’t try to hire workers at a time when wages are low, since the householders are going to have to shell out]!”*

We have completed the exposition of the Mishnah-rule, and, as before, we proceed to a topical appendix, on the subject of the law of Mixed Seeds. Here we have a talmud for Mishnah-tractate Kilayim, which in the Bavli lacks one.

VIII.3. A. How much [constitutes a mixture of seeds]?

- B. *Said R. Samuel bar Isaac, “It is in line with that which we have learned in the Mishnah: [Concerning] every seah [of one kind of seeds] which contains [6B] a quarter [-qab] of another kind — he shall lessen [the quantity of seeds of the other kind, so that those seeds form less than a quarter-qab] [M. Kil. 2:1A].”*
- C. *But has it not been taught on Tannaite authority: They ordained that they should declare ownerless the crop of the entire field?*
- D. *There is no contradiction, the Mishnah-rule describes how things were done before the ordinance, the latter tells us how things were done afterward, in line with what has been taught on Tannaite authority: .At first they would uproot the crops and throw them in front of their cattle, but the householders were delighted on two counts, first, that they weeded their fields for them, second, they threw the crop to the cattle. So they ordained that they should uproot the forbidden crop and throw it in the road. So the householders were still delighted, because the court then took care of weeding their field. So in the end they ordained that they should declare ownerless the crop of the entire field.*

There clearly is a pattern of Mishnah-exposition followed by Tosefta-exposition followed by topical appendices. A brief summary of the results suffices to show how the work is carried out. I.1 raises a fundamental question of Mishnah-exegesis. No. 2 proceeds to explain the meanings of words. No. 3 asks a third routine question of Mishnah-exegesis. Nos. 4-5 pursue their own interests, and the composite is included here because of the point of intersection with our Mishnah; this is then an appendix. II.1 asks an obvious question in clarifying the principle of the Mishnah’s rule. No. 2 footnotes the foregoing. Nos. 3, 4, 5, 6+7 provide an anthological supplement, principally deriving from the Tosefta, to the theme of the Mishnah. III.1 engages in a simple exercise of Mishnah-exegesis. IV.1 asks a question invited by the point of the Mishnah’s rule. No. 2 clarifies

the foregoing explanation. V.1 explains the meaning of the language of the Mishnah, and No. 2 then builds on the facts given in No. 1. No. 3 then provides case reports on how the law at hand is applied. VI.1 investigates the implications of the rule of the Mishnah in light of other Tannaite formulations on the subject. VII.1, 2, 3 ask the familiar question of the scriptural basis for a rule of the Mishnah. No. 4 is tacked on to the foregoing by reason of the shared proof-text. No. 5 is present for the same reason. The Mishnah's theme then accounts for the inclusion of the Tannaite appendix that follows, Nos. 6, 7-13, which is hardly required except for a complete presentation of the topic. VIII.1 investigates the implications of the framing of the Mishnah's rule and harmonizes them with other rulings. No. 2 continues the exposition of the Mishnah's rule. No. 3 then turns to the theme at hand.

1:3

- A. **R. Eliezer b. Jacob says, "They lead water from one tree to another,**
- B. **"on condition that one not water the entire field.**
- C. **"Seeds which have not been watered before the festival one should not water on the intermediate days of the festival."**
- D. **And sages permit in this case and in that.**

The exposition of the Mishnah begins with a clarification, which tells us when one may indeed water the entire field, and that is, in principle, to prevent massive loss.

- I.1** A. [**on condition that one not water the entire field:**] said R. Judah, "If the field's soil is clay, he may water it."
- B. *So too it has been taught on Tannaite authority:*
- C. When they made the rule that it is forbidden to irrigate on the intermediate days of a festival, they made that statement only concerning seed that had not drunk before the festival; but as to seed that had been watered before the festival, they may be watered during the intermediate days of the festival; and if the soil of the field was clay, it is permitted to water it. And a bare field [without a crop at that time] is not watered during the festival week. But sages permit doing so in both cases [where seeds were not watered, watering a bare field].
- D. *Said Rabina, "That statement leads to the inference that it is permitted to hand-sprinkle a vegetable patch during the intermediate days of a festival. For in the case of a bare field, why is it permitted to do so? It is because that renders the soil fit to be sown or planted, and here too, that is permitted."*

We proceed to further Tannaite rulings, introducing the Talmud's special interest in the comparison of the two distinct types of spells of time that possess diminished sanctity, the intermediate days of the festival and the Sabbatical Year. The Mishnah at hand has omitted reference to the latter, so it is the Talmud's framers' interest, not the Mishnah's rule, that accounts for the selection and introduction of what follows.

- I.2.** A. *Our rabbis have taught on Tannaite authority:*
- B. They sprinkle water on a field of grain in the Sabbatical Year but not during the intermediate days of a festival.

- C. *But lo, it has been taught on Tannaite authority:*
- D. It is permitted to sprinkle a grain field both in the Sabbatical Year and in the intermediate days of the festival?
- E. *Said R. Huna, “There is no contradiction, the one speaks for R. Eliezer b. Jacob [R. Eliezer b. Jacob says, “They lead water from one tree to another, on condition that one not water the entire field. Seeds which have not been watered before the festival one should not water on the intermediate days of the festival”], the other, rabbis.”*

I.3. A. *It has been further taught on Tannaite authority:*

- B. A field of grain may be sprinkled on the even of the Sabbatical Year so that the greens may sprout in the Sabbatical Year; and not only so, but they may sprinkle a field of grain in the Sabbatical Year so that the greens may sprout in the year after the Sabbatical Year.

The secondary expansion of the Tannaite rules of No. 2 then explicitly links our topic’s problem, conduct on the intermediate days of the festival, with the comparison of the rule governing that span of time with the one that covers the Sabbatical Year.

Seeing the whole all together: I.1 clarifies the application of the Mishnah’s rule. Nos. 2, 3 deal with the subsidiary issue of the Sabbatical Year, which is not addressed in our Mishnah-paragraph.

1:4

- A. **They hunt moles and mice in a tree-planted field and in a field of grain,**
- B. **in the usual manner,**
- C. **on the intermediate days of a festival and in the Sabbatical Year.**
- D. **And sages say [R. Judah], “[They do so] in a tree-planted field in the normal manner, and in a grain field not in the normal manner.”**
- E. **They [may only] block up a breach in the intermediate days of a festival.**
- F. **And in the seventh year [the Sabbatical Year], one builds it in the normal way.**

The distinction between the normal manner — meaning, how the act is done every day — and a manner that indicates recognition of the occasion of the intermediate days of the festival and their sanctity will play a role throughout. It is a practical way of signifying the special character of the season. We commence with the usual clarification of words and phrases.

I.1 A. *What is the definition of moles?*

- B. Said R. Judah, “It is a creature without eyes.”
- C. *Said Raba bar Ishmael, and some say, R. Yemar bar Shelamayya, “What is the pertinent verse of Scripture? ‘Let them be as a snail that melts and passes away, like the young mole that has not seen the sun’ (Psa. 58: 9).”*

The next step is to introduce Tannaite formulations pertinent to the Mishnah's rule.

I.2. A. *Our rabbis have taught on Tannaite authority:*

- B. **Moles and mice may be trapped in a grain field and in an orchard in the ordinary way, and ants' holes may be destroyed. How are they destroyed? Rabban Simeon b. Gamaliel says, "They get earth from one hole and put it into another and the ants strangle each other" [T. Moed 1:5].**
- C. *Said R. Yemar bar Shelamayya in the name of Abbaye, "And that is the case only if the nests are located on opposite sides of the river, if there is no bridge, if there is not even a plank, if there is not even a rope."*
- B. **[7A]** How far apart must they be?
- C. Up to a parasang.

II.1 A. **And R. Judah says, "[They do so] in a tree-planted field in the normal manner, and in a grain field not in the normal manner:"**

Once the distinction is made between the everyday manner and that that prevails on the intermediate days, we define precisely what is meant.

- B. *Our rabbis have taught on Tannaite authority:*
- C. **What is the usual way? He digs a hole and suspends a trap in it. What is the unusual way? He drives in a stake or strikes it with a pick and crushes the dirt underneath [T. Moed 1:4A-B].**

II.2. A. *It has been taught on Tannaite authority:*

- B. **R. Simeon b. Eleazar says, "When they spoke of a grain field in which it was not to be done in the normal manner, reference was made to a grain field near town. But as to a grain field near an orchard, even doing it in the normal way is permitted, lest the pests come out of the grain field and destroy the orchard" [T. Moed 1:4C-D].**

III.1 A. **They block up a breach in the intermediate days of a festival. And in the seventh year, one builds it in the normal way:**

- B. How is the breach blocked up?
- C. *Said R. Joseph, "With [Lazarus:] a hurdle made of twigs and daphne stakes."*
- D. *In a Tannaite statement it was set forth: one piles up pebbles but does not hold them down with mortar.*

We now expound the application of the rule governing repairing walls. The Mishnah-formulation has not specified types of walls and their purposes, and that matter has to be clarified: where is a wall so urgent that the distinction between the normal and unusual way of doing the work no longer applies at all?

III.2. A. **Said R. Hisda, "This rule [concerning repairing walls] has been taught only of a wall around a vegetable patch, but as to a wall around a courtyard, one may build it up in the normal way."**

- B. *May we say that the following supports his position: **As to a wall that is hanging over into public domain, they may tear it down and rebuild it in the usual way, because it is a public nuisance** [T. 1:7A-B]?*
- C. *Well, that does not necessarily sustain the proposition, for that case bears a stated reason, namely, **because it is a public nuisance**.*
- D. *And there are those who present matters in this way:*
- E. *Come and take note: **As to a wall that is hanging over into public domain, they may tear it down and rebuild it in the usual way, because it is a public nuisance** [T. 1:7A-B], so if it is a public nuisance, that may be done, but if not, it may not be done. Then may we say that this forms a refutation of the position of R. Hisda?*
- F. *R. Hisda may say to you, “There one may both tear down the wall and rebuild it, here one may build the wall but not tear it down.”*
- G. *So in that case, too, maybe one should tear down the wall but not rebuild it?*
- H. *If so, one will just give up and not tear it down at all!*
- I. *Said R. Ashi, “A careful reading of the Mishnah yields that same result: **And in the seventh year, one builds it in the normal way. Now what is the point of saying he may block up the breach.** If it is the wall of his courtyard, this hardly requires explicit articulation. So it can only be a breach in his garden wall, even though it might appear that he is doing it to safeguard his crop.”*
- J. *That leads to the proposed inference.*
- I.1 clarifies a word-choice in the Mishnah. No. 2 then complements the Mishnah with a Tannaite addition. II.1, 2 do the same. III.1 answers a question of Mishnah-exegesis. No. 2 explains the application of the Mishnah’s rule. The whole is carefully put together as a systematic exegesis of the Mishnah, and nothing that the exegetes contribute seems to me vastly to abandon the clear intent of the Mishnah’s rule.

1:5A-B

- A. **[On the intermediate days of the festival,] R. Meir says, “They examine marks of the presence of the skin ailment [to begin with] to provide a lenient ruling but not to provide a strict ruling.”**
- B. **And sages say, “Neither to provide a lenient ruling nor to provide a strict ruling.”**

The list of permitted activities is now extended with a Tannaite supplement:

I.1 A. *It has been taught on Tannaite authority:*

- B. **R. Meir says, “They examine marks of the presence of the skin ailment [to begin with] to provide a lenient ruling but not to provide a strict ruling.”**

- C. **R. Yosé says, “Neither to provide a lenient ruling nor to provide a strict ruling, for if you undertake a ruling in his case so as to present a lenient ruling, you will have also to provide the stringent ruling if it is called for.”**
- D. **Said Rabbi, “The opinion of R. Meir makes more sense in the case of one who is merely shut up for inspection, and the opinion of R. Yosé makes more sense in the case of one who is certified as unclean” [T. **Moed 1:8**].**

A further clarification of the Tannaite rule is now advanced, with a refinement of who, exactly, is examined with a view to a lenient or a strict ruling. The disagreement concerns someone who may now be decisively classified as unclean.

- I.2.** A. *Said Raba, “In the case of someone who is now assumed to be clean, all parties concur that he is not subject to an examination at all during the intermediate days of the festival. In the case of someone who has been shut up for the first week, all parties concur that he is examined. Where there is a disagreement, it concerns [7B] one who has been shut up for a second span of time.*
- B. *“One authority [Meir] takes the view that we leave the decision to the priest’s discretion, so that if the person is clean, he declares him clean, but if he looks unclean, the priest shuts his mouth, while the other authority invokes the verse, ‘this is the law of the plague and the skin ailment, to make a pronouncement of clean or unclean’ (Lev. 13:59), [meaning, without dissimulation].”*

We proceed to a secondary exposition of a component of the foregoing composition, Rabbi’s statement, which is given its own analytical discussion.

- I.3.** A. The master has said: **“The opinion of R. Meir makes more sense in the case of one who is merely shut up for inspection, and the opinion of R. Yosé makes more sense in the case of one who is certified as unclean:”**
- B. *But has not the opposite between taught on Tannaite authority?*
- C. *It represents a conflict of Tannaite statements in respect to the position of Rabbi. One authority takes the view that having company is preferable to the victim, the other, having the company of his wife is preferable to him. [Lazarus: Meir has confirmed patient in mind and holds, “Inspect him now to mitigate his plight; if he is still a leper, he loses nothing; if he is found cured, he can at once get back to town, even though he has to part from his wife for seven days, he does not mind, since he wants to get back to his buddies. Yosé has in mind a second shutting up and says there should be no inspection, for if he is found a leper, he is then confirmed as such and isolated from everybody except his wife.]*

This clarification bears implications for Rabbi’s view on the matter of whether or not the man who is confirmed as unclean with the skin ailment may have sexual relations with his wife, and the continuation now examinations Rabbi’s view on that matter, introduced by way of explaining his ruling in the primary discussion above.

- D. *Is that to say that sexual relations [in Rabbi’s view] are permitted to a person who is confirmed unclean with the skin ailment?*
- E. *Yes indeed, for so it has been taught on Tannaite authority:*

- F. “And he will dwell outside his tent” (Lev. 14: 8) —
- G. he is prohibited from having sexual relations, for “His tent” (Lev. 14: 8) — his tent means only his wife, as it is said, “Return to your tents” (2Ki. 15: 1) [Sifra CL:I.4].
- H. R. Judah says, “‘And after he is cleaned they shall reckon for him seven days’ (Eze. 44:26) — that is while he is counting seven clean days, but not while he is confirmed as unclean with the skin ailment.”
- I. R. Yosé b. R. Judah says, “If he is prohibited during the days of his counting, all the more so is he to be prohibited during the days when he is completely unclean.”
- J. Said R. Hiyya, “I said before Rabbi, ‘You have taught us, our lord, that Jothan was born to Uzziah [2Ki. 15:5] only during the days when he was certified unclean’” [T. Neg. 8:6].
- K. He said to him, “Yeah, that’s just what I said.”

We now proceed to an exposition of the evidence just now introduced. As usual, once a piece of evidence is presented, it will demand a reading on its own terms, not only in the context in which it has been laid out. Because the discussion is secondary to a mere amplification, I treat it as a footnote:

- L. *What is at issue between them?*
- M. *R. Yosé b. R. Judah takes the view that the All-Merciful has made it explicit that during the days of his counting out [clean days] [“shall dwell outside his tent,”] and all the more so should he not have sexual relations when he is confirmed as unclean with the skin ailment.*
- N. *Rabbi takes the position is that what Scripture has articulated is to be taken as fact, and what has not to be explicitly articulated is not to be imputed.*

We now return to the point at which we broke off, namely, Raba’s allegation, at No. 2, which explains the range of conflict in the Tannaite dispute. Here too we find a clarification of a tangential text in its own terms, which I treat as footnoted material.

- I.4.** A. *Does that position of Raba stated earlier [in the case of someone who is now assumed to be clean, all parties concur that he is not subject to an examination at all during the intermediate days of the festival. In the case of someone who has been shut up for the first week, all parties concur that he is examined. Where there is a disagreement, one authority [Meir] takes the view that we leave the decision to the priest’s discretion, so that if the person is clean, he declares him clean, but if he looks unclean, the priest shuts his mouth, while the other authority invokes the verse, ‘this is the law of the plague and the skin ailment, to make a pronouncement of clean or unclean’ (Lev. 13:59),] bear the implication that the postponement of a decision on the cultic status of the person depends on the priest’s discretion?*
- B. *Yes indeed, for so it has been taught on Tannaite authority:*

- C. “And on the day” (Lev. 13:14) — there is a day on which you inspect him, and there is a day on which you do not inspect him.
- D. In this connection they have said: **A bridegroom on whom a plague appeared — they give him the seven days of the marriage feast [before inspecting him], him, and his house, and his garment. And so with respect to the festival: they give him all the seven days of the festival [M. Neg. 3:2], the words of R. Judah.**
- E. **Rabbi says, “Lo it says, ‘And the priest will command that they empty the house before the priest goes in to see the plague, that all that is in the house not be made unclean’ (Lev. 14:36).**
- F. **“If they wait for an optional matter, should they not wait for a required matter?” [Sifra CXXXIV:L1-2]**
- G. *What is at issue between them?*
- H. *Said Abbaye, “The implications of the exegesis of Scripture is what is at issue between them.”*
- I. *And Raba said, “The disposition of an optional matter is what is at issue between them. And R. Judah does not derive the rule from the verse cited by Rabbi [Lev. 14:36], because that is an anomaly, for, in any event, [8A] wood and stone in general do not contract uncleanness, while here they contract uncleanness. Rabbi for his part says that the verse is required [not for the purpose cited by Judah but for another purpose,] for had Scripture written, ‘and on the day when raw flesh shall be seen in him’ alone, I might have supposed that one may postpone inspection only in connection with carrying out a religious duty but not in the case of an optional matter, so the All-Merciful has already said, ‘And the priest shall command.’ And if the All-Merciful had said only, ‘And the priest shall command that they empty the house,’ I might have supposed that that is in the case of these matters because uncleanness does not affect a human being, but in a case in which the uncleanness affects a human being, I might have supposed that the priest has to inspect him without delay. So both verses are required.”*
- I.5. A.** *The master has said: “And on the day” (Lev. 13:14) — there is a day on which you inspect him, and there is a day on which you do not inspect him. How does the cited verse yield this conclusion?*
- B. *Said Abbaye, “If the verse yielded no such conclusion, the All-Merciful could as well have written, ‘on the day.’ Why say, ‘and on the day’? That yields the conclusion that there is a day on which you inspect him, and there is a day on which you do not inspect him.”*
- C. *Raba said, “The whole of the verse is redundant, for otherwise Scripture could have said, ‘and when raw flesh is seen in him.’ Why add, ‘and on a day’? That yields the conclusion that there is a day on which you inspect him, and there is a day on which you do not inspect him.”*
- D. *And Abbaye?*
- E. *That is required to indicate, by day and not by night.*

- F. *And how does Raba know that it is to be by day and not by night?*
- G. *He derives that fact from the following: “According to everything that the priest sees” (Lev. 13:12) [which is to say, by day, when people can see properly].*
- H. *And Abbayye?*
- I. *That is required to exclude from the inspection process a priest who is blind in one eye.*
- J. *And does not Raba require the verse to make this point as well?*
- K. *True enough.*
- L. *Then how does he know that it is to be by day but not by night?*
- M. *He derives it from the verse, “Like as a plague was seen by me in the house” (Lev. 14:35) — by me, not with the help of a lamp.*
- N. *And Abbayye?*
- O. *If the rule derived from there, I might have supposed that the restriction applies when the uncleanness does not affect a person’s body, but where uncleanness affects the body, I might have supposed that one may inspect it by a lamp. So the original proof-text is the better one.*

Once more we note that appended footnotes tend to be tacked on at the end of a fairly coherent discussion. The layout of the whole is clear. I.1 complements the Mishnah’s ruling with further relevant data, and Nos. 2, 3, 4 (reverting to No. 2), and 5 form a talmud to the foregoing. It is hardly necessary to note that we deal with a highly patterned program, first Mishnah-exegesis, then amplification, starting with other Tannaite formulations that intersect with, or treat the subject of, the Mishnah-paragraph, and, finally, appended materials. If the Talmud is more than Mishnah-commentary (as it is), then the specification of the part that is not limited to Mishnah- (or Scripture-) exegesis requires some considerable attention, for, as I have shown in a variety of works, this Talmud (as well as the other one) represents far more than a recapitulation of the positions of the framers of the Mishnah.

1:5C-G

- C. **And further did R. Meir say, “[On the intermediate days of the festival] a man may go out and gather the bones of his father and his mother,**
- D. **“because it is a time of rejoicing for him.”**
- E. **R. Yosé says, “It is a time of mourning for him.”**
- F. **A person may not call for mourning for his deceased,**
- G. **or make a lamentation for him thirty days before a festival.**

Once more we commence with Mishnah-exegesis. Now what is important is amplifying the sense of the matter in light of intersecting rulings. I, II, and III all begin with the same program of lower criticism.

I.1 A. “because it is a time of rejoicing for him:”

- B. *An objection was raised on the basis of the following:*
- C. He who collects the bones of his mother and father for secondary burial — lo, one observes mourning for them all that day. But in the evening he no longer observes mourning for them.
- D. And in that connection said R. Hisda, “Even if he had them tied up in a sheet.”
- E. *Said Abbayye, “Say the rule as follows: ‘because the rejoicing of the festival affects him.’”*

II.1 A. A person may not call for mourning for his deceased:

- B. *What is the sense of ...may not call for mourning for his deceased?*
- C. *Said Rab, “In the West, when a professional lamenter comes around, people say, ‘Let everybody of mournful spirit weep with him.’”*

III.1 A. or make a lamentation for him thirty days before a festival:

- B. *What makes the spell of **thirty days** the specified span of time?*
- C. [It is to prevent mourning from interfering with the pilgrimage, for] said R. Kahana said R. Judah said Rab, “There was the case of someone who saved money to go up to Jerusalem for the festival, and the professional mourner came along and stood at the door of his house, and his wife took the money and handed it over to him, so he never got to go up. At that moment they said, a **person may not call for mourning for his deceased, or make a lamentation for him thirty days before a festival.**”
- D. And Samuel said, **[8B]** “It is because for at least thirty days, the deceased is not put out of mind.”
- E. What is at issue between them?
- F. At issue between them is where the professional mourner does it for nothing.

I.1 harmonizes Tannaite rules on the same subject. II.1 clarifies the facts to which the Mishnah’s rule makes reference. III.1 explains what is at issue in the rule of the Mishnah.

1:6

- A. **They do not hew out a tomb niche or tombs on the intermediate days of a festival.**
- B. **But they refashion tomb niches on the intermediate days of a festival.**
- C. **They dig a grave on the intermediate days of a festival,**
- D. **and make a coffin,**
- E. **while the corpse is in the same courtyard.**
- F. **R. Judah prohibits, unless there were boards [already sawn and made ready in advance].**

Predictably, each passage of the Mishnah is given a clarification, as required; I see no amplification of any theoretical considerations or ambitious secondary developments.

I.1 A. What are tomb niches and what are tombs?

- B. Said R. Judah, "Tomb niches are formed by digging, and tombs are formed by building."
- C. *So too it has been taught on Tannaite authority:*
- D. What are tomb niches and what are tombs? Tomb niches are formed by digging, and tombs are formed by building.

II.1 A. But they refashion tomb niches on the intermediate days of a festival:

- B. How do they refashion them?
- C. Said R. Judah, "If it was too long, they may shorten it."
- D. *In a Tannaite formulation it is set forth: One makes it broader or longer [T. Moed 1:8A-B].*

III.1 A. They dig a grave on the intermediate days of a festival:

- B. *What is a grave?*
- C. Said R. Judah, "It is a small hollow creek" [Lazarus].
- D. But has it not been taught on Tannaite authority: ...**a grave and a small hollow...** [cf. T. Moed 1:8C].
- E. [That does not mean they are the same thing, for] said Abbaye, and some say, R. Kahana, "*They relate as do a [Lazarus:] trough and a little trough.*"

IV.1 A. and make a coffin, while the corpse is in the same courtyard:

- B. *We have a Tannaite formulation along these same lines in that which our rabbis have taught on Tannaite authority:*
- C. They do all that is needed for the deceased, cutting the hair, washing his garment, making a box of boards out of boards that had been cut prior to the festival.
- D. Rabban Simeon b. Gamaliel says, "They may even bring lumber and, in the privacy of one's house, cut it to size."

I.1 explains the meaning of words in the Mishnah. II.1 amplifies the sense of the Mishnah's statement. III.1 produces a relevant Tannaite complement.

1:7-8

1:7

- A. They do not take wives on the intermediate days of a festival,**
- B. whether virgins or widows.**
- C. Nor do they enter into levirate marriage,**
- D. for it is an occasion of rejoicing for the groom.**

- E. But one may remarry his divorced wife.
- F. And a woman may prepare her wedding adornments on the intermediate days of a festival.
- G. R. Judah says, “She should not use lime, since this makes her ugly.”

1:8

- A. An unskilled person sews in the usual way.
- B. But an expert craftsman sews with irregular stitches.
- C. They weave the ropes for beds.
- D. R. Yosé says, “They [only] tighten them.”

The opening clause is immediately challenged at its vulnerable point: is this not a form of celebration of the festival, so that there should be no such prohibition?

I.1 A. *So if it's an occasion of rejoicing for the groom, what's so bad about that?*

- B. Said R. Judah said Samuel, and so said R. Eleazar said R. Oshaia, and some say, said R. Eleazar said R. Hanina, “The consideration is that one occasion of rejoicing should not be joined with another such occasion.”
- C. Rabbah bar R. Huna said, “It is because he neglects the rejoicing of the festival to engage in rejoicing over his wife.”
- D. Said Abbaye to R. Joseph, “This statement that has been said by Rabbah bar R. Huna belongs to Rab, for said R. Daniel bar Qattina said Rab, ‘How on the basis of Scripture do we know that people may not take wives on the intermediate days of the festival? As it is said, “You shall rejoice in your feast” (Deu. 16:14), meaning, in your feast — not in your new wife.’”
- E. Ulla said, “It is because it is excess trouble.”
- F. R. Isaac Nappaha said, “It is because one will neglect the requirement of being fruitful and multiplying” [if people postponed weddings until festivals, they might somehow diminish the occasion for procreation, which is the first obligation].”

We have been given a range of discrete explanations, but a challenge to them all forms of them a single statement.

- G. *An objection was raised:* All those of whom they have said that they are forbidden to wed on the festival [9A] are permitted to wed on the eve of the festival. *Now this poses a problem to the explanations of all the cited authorities!*
- H. *There is no problem from the perspective of him who has said,* “The consideration is that one occasion of rejoicing should not be joined with another such occasion,” *for the main rejoicing of the wedding is only a single day.*
- I. *And from the perspective of him who has said,* “It is because it is excess trouble,” *the principal bother lasts only one day.*

- J. *And from the perspective of him who has said, "It is because one will neglect the requirement of being fruitful and multiplying," for merely one day someone will not postpone the obligation for any considerable length of time.*

The most interesting point, also the most abstract, concerns not confusing two occasions for rejoicing but allowing each its own integrity, hence not celebrating two religious duties at one and the same time. We now ask Scripture to show us the context and meaning of that principle that occasions for rejoicing (like occasions for sanctification, a point fundamental to tractate Besah) be kept distinct.

- I.2.** A. *And how on the basis of Scripture do we know that one occasion of rejoicing should not be joined with another such occasion?*
- B. *It is in line with that which has been written: "So Solomon made the feast at that time and all Israel with him, a great congregation from the entrance of Hamath to the Brook of Egypt, before the Lord our God seven days and seven days, even fourteen days" (1Ki. 8:65). Now if it were permitted to join one occasion of rejoicing with another such occasion, he should have postponed the celebration of the consecration of the Temple until the Festival and should then have held it for seven days concurrently, for both the Festival and the consecration [rather than celebrating the occasions sequentially].*
- C. *Well, maybe the rule means only that one should not deliberately postpone a wedding until the festival, but where it just happens to work out that way, we may nonetheless hold the wedding on the festival?*
- D. *Well, if that were the case, then he should have left unfinished some small detail of the building of the house of the sanctuary?*
- E. *We do not leave over some small detail in the building of the Temple!*
- F. *He could have left off a cubit of the scarecrow's parapet!*
- G. The scarecrow's parapet was an essential part of the Temple.
- H. *Rather, in point of fact the cited formulation of Scripture leaves a redundancy. For it says "fourteen days," so why go and say also, "Seven days and seven days"? That yields the simple fact that the two sets of seven days were kept distinct from one another [each marking its own occasion for rejoicing].*

The discussion is now concluded, but it carries in its wake a further treatment of the theme at hand, and that accounts for the introduction of what follows as appendix. What we have is a complex in which we discuss the intruded materials, and then we further discussion the appendix to that appendix, and on to the end. Some of the materials can be understood only in the context of what has gone before and form a continuing talmud thereto; and some of the materials are completely autonomous compositions, which stand on their own.

- I.3.** A. Said R. Parnakh said R. Yohanan, "In that year, the Israelites did not observe the Day of Atonement, so they worried, saying, 'Perhaps Israel has become subject to extinction. An echo came forth and said to them, 'You all are singled out for the life of the world to come.'"

- B. *What was the exegesis that led them to that concern?*
- C. They thought along these lines: “It is a matter a fortiori. For if in the case of the tabernacle, which was sanctified not for all time [but only for an interval], the offering of an individual [presented on the occasion of the consecration of the tabernacle, Num. 7] overrode the restriction of the Sabbath, which ordinarily represents a prohibition the violation of which is penalized by stoning, then in the case of the sanctuary, the sanctification of which is for all time, all the more so should it be permitted to present an offering in behalf of the community and the Day of Atonement, which are subject to the penalty merely of extirpation, all the more so [should it be permitted to present offerings in behalf of the individual]!”
So what were they worried about?
- D. *[Reference is made to the private offerings presented by the heads of the tribes as individuals, Num. 7:] there, in that earlier case, the offerings were presented to meet the requirements of the Most High [since the burnt offerings and sin offerings yielded no meat for the people, and the sin offerings yielded meat only to the male priests], while here the offerings were presented to meet the requirements of common folk [since there were peace offerings for everybody’s pleasure].*
- E. *Well, here too, they could have made the offering, without eating the meat or drinking.*
- F. There is no such thing as celebration without eating and drinking.

I.4. A. *And how do we know that the consecration of the tabernacle overrode the restrictions of the Sabbath? Should I say because it is written, “On the first day...on the seventh day so and so offered...,” [at Num. 7:12, 18, 42? But maybe that means only, the seventh day in sequence of offerings [but not the Sabbath]!*

- B. Said R. Nahman bar Isaac, “Said Scripture, ‘On the day of the eleventh day’ (Num. 7:72) — just as a day is consecutive, so all the eleven days were consecutive [encompassing the Sabbath, without skipping].”
- C. *But perhaps reference is made to days that ordinarily were suitable for such private offerings?*
- D. *There is yet another verse of Scripture that pertains: “On the day of the twelfth day” (Num. 7:78) — just as a day is consecutive, so all the twelve days were consecutive [encompassing the Sabbath, without skipping].*
- E. *But perhaps here too reference is made to days that ordinarily were suitable for such private offerings?*
- F. *If that were the sense, why do I need two distinct verses to make the same point?*

I.5. A. *And how do we know that the consecration of the tabernacle overrode the restrictions of the Day of Atonement? Should I say because it is written, “...even fourteen days”?*

- B. *But perhaps reference is made to days that ordinarily were suitable for such private offerings?*
- C. *We draw a verbal analogy based on the common usage of “day” in that other context.*

What follows is a sequence of free-standing compositions, which have been strung together to form a topical appendix to the foregoing appendix. We begin with an exposition of language that has been introduced as a supplement.

- I.6.** A. “An echo came forth and said to them, ‘You all are singled out for the life of the world to come.’”
- B. How do we know that they were forgiven?
- C. *It is in line with what Tahalipa taught as a Tannaite statement:*
- D. “‘On the eighth day he sent the people home and they blessed the king and went to their own tents joyful and glad of heart for all the goodness that the Lord had shown to David his servant and to Israel his people’ (1Ki. 8:66) —
- E. “‘to their own tents;’ they went and found their wives in a state of cleanness suitable for sexual relations.
- F. “‘joyful:’ for they had feasted on the splendor of God’s presence;
- G. “‘and glad of heart:’ for the wife of every one of them became pregnant with a male child.
- H. “‘for all the goodness:’ for an echo came forth and said to them, ‘You all are singled out for the life of the world to come.’”

We proceed to a verse of Scripture that has been quoted and we provide an exegesis of the proof-text.

- I.7.** A. “to David his servant and to Israel his people.”
- B. *Now there is no problem understanding the reference to Israel, his people, since the sin of violating the Day of Atonement was forgiven them. But what is the meaning of the reference to David his servant?*
- C. Said R. Judah said Rab, “When Solomon had built the house of the sanctuary, he tried to bring the ark into the house of the Holy of Holies. The gates cleaved to one another. He recited twenty-four prayers [Freedman, p. 734, n. 4: in 2Ch. 6 words for prayer, supplication and hymn occur twenty-four times], but was not answered.
- D. “He said, ‘Lift up your head, O you gates, and be lifted up, you everlasting doors, and the King of glory shall come in. Who is this King of glory? The Lord strong and might, the Lord mighty in battle’ (Psa. 24: 7ff.).

- E. “And it is further said, ‘Lift up your heads, O you gates even lift them up, you everlasting doors. (Psa. 24: 7).
- F. “But he was not answered.
- G. “When he said, ‘Lord God, turn not away the face of your anointed, remember the mercies of David, your servant’ (2Ch. 6:42), forthwith he was answered.
- H. “At that moment the faces of David’s enemies turned as black as the bottom of a pot, for all Israel knew that the Holy One, blessed be he, had forgiven him for that sin.”

What follows is a first-class composition, formulated entirely in its own terms and parachuted down here only because of its general relevance to the topic and relevant verses; the prior discussion is complete without it; the composition is entirely comprehensible without reference to what has gone before.

- I.8.** A. *R. Jonathan b. Asemai and R. Judah, son of proselytes, repeated the Tannaite presentation of the laws of vows at the household of R. Simeon b. Yohai and took their leave of him by night, but the next morning they came, and again they took their leave of him. He said to them, “But did you not take leave of me last night?”*
- B. *They said to him, “But did you not take leave of me last night?”*
- C. *They said to him, “You have taught us, our lord: ‘A disciple who takes leave of his master but spends the night in that town has to take leave from him once again, in line with this verse: “On the eighth day he sent the people home and they blessed the king and went to their own tents joyful and glad of heart for all the goodness that the Lord had shown to David his servant and to Israel his people” (1Ki. 8:66); and then it is written, “And on the twenty-third day of the seventh month he sent the people away” (2Ch. 7:10). Thus we learn that a disciple who takes leave of his master but spends the night in that town has to take leave from him once again.”*
- I.9.** A. *He said to his son, “My son, these men are men of standing. Go to them so that they will bestow their blessing on you.”*
- B. *He went and found them contrasting verses one against the next, in the following way: “It is written, ‘Balance the path of your feet and let all your ways be established’ (Pro. 4:26), and, by contrast, ‘Lest you should balance the path of life’ (Pro. 5: 5). But there is no conflict between the advice of these two verses. The one speaks to a case in which a religious obligation can be carried out through someone else, [9B] the latter, a case in which the religious obligation can be carried out only by oneself.”*
- C. *They again went into session and raised questions along these lines: “It is written, ‘Wisdom is more precious than rubies, and all things*

you can desire are not to be compared to her' (Pro. 3:10), meaning that what Heaven wants of you are comparable to Wisdom [Lazarus: your own affairs and wishes are not comparable to the study of the Torah, but such pursuits as please Heaven are comparable to it], but it is written, 'And all things desirable are not to be compared with Wisdom' (Pro. 8:11), which means that what Heaven demands of you is comparable with her. And again, 'And all things desirable are not to be compared to her' (Pro. 8:12), meaning that even things that Heaven wants of you are not comparable to her [so study of Torah is supreme over all]. But there is no conflict between the advice of these two verses. The one speaks to a case in which a religious obligation can be carried out through someone else, the latter, a case in which the religious obligation can be carried out only by oneself."

- D. *They said to him, "What did you want here?"*
- E. *He said to them, "Father said to me, 'Go to them so that they may bestow their blessing on you.'"*
- F. *They said to him, "May it please God that you sow and not harvest, go in but not go out, go out but not go in; that your house be empty but your inn filled; that your table be upset and you not see a new year."*
- G. *When he got home, he said to his father, he said to him, "Not only did they not bless me, but they called down troubles upon me!"*
- H. *He said to him, "So what did they say to you?"*
- I. *"Thus and so did they say to me!"*
- J. He said to him, "But all of their statements were blessings:
- K. "'that you sow and not harvest:' that you father children and they not die;
- L. "'go in but not go out:' that you bring home daughters in law and your sons not die so that the wives do not have to depart from you;
- M. "'go out but not go in:' that you give your daughters in marriage and their husbands not die so that your daughters do not have to come back;
- N. "'that your house be empty but your inn filled:' this world is your inn, the other world is home, 'Their grave is their house for ever' (Psa. 49:12), reading not 'their inward thought' but 'their grave is their house for ever, and their dwelling places be for generations.'
- O. "'that your table be upset:' by sons and daughters;
- P. "'and you not see a new year:' your wife should not die so you do not have to take a new wife."

I.10. A. R. Simeon b. Halapta took his leave of Rabbi. Said Rabbi to his son, “Go to him that he may bless you.”

- B. He said to him, “May it please God that you not put anybody to shame nor feel ashamed.”
- C. He came back to his father, who said to him, “What did he say to you?”
- D. He said to him, “Oh, nothing out of the ordinary.”
- E. He said to him, “What he gave to you was the blessing that the Holy One, blessed be he, bestowed upon Israel two times: ‘And you shall eat in plenty and be satisfied and shall praise the name of the Lord your God...and my people shall never be ashamed. And you shall know that I am in the midst of Israel, and that I am the Lord your God, and there is none else, and my people shall never be ashamed’ (Joe. 2:26-27).”

Each Mishnah-sentence that follows is given amplification through a further Tannaite formulation, which then is illustrated.

II.1 A. **And a woman may prepare her wedding adornments on the intermediate days of a festival:**

- B. *Our rabbis have taught on Tannaite authority:*
- C. What are women’s adornments: she may blue her eyes, curl her hair, trim her hair and nails, put on rouge, *and some say*, shave her sexual organs.

II.2. A. R. Hisda’s wife made herself up in front of her daughter in law.

II.3. A. In session before R. Hisda, R. Hina bar Hinnena said, “That rule [**a woman may prepare her wedding adornments**] applies only in the case of a girl. But as to a mature woman, that is not so.”

- B. He said to him, “By God! Even your mother, and even your mother’s mother, and even if she is ready to fall into the grave!” *For people say, ‘At sixty, at six, [Lazarus:] the sound of the timbrel makes her nimble.’”*

III.1 A. R. Judah says, “She should not use lime, since this makes her ugly:”

- B. *It has been taught on Tannaite authority:*
- C. R. Judah says, “A woman should not put lime on her face on the intermediate days of a festival, since it makes her ugly.” But R. Judah concedes that if the lime can be scraped off during the intermediate days of the festival, she may put it on during those same intermediate days, for **even though it is distressing to her now, she will be happy about it later.**” [There is therefore a contradiction between the two rulings in Judah’s name.]
- D. *But does R. Judah hold this view? And have we not learned in the Mishnah: Before the festivals of gentiles for three days it is forbidden to do business with them: (1) to lend anything to them or to borrow anything from them;*

(2) to lend money to them or to borrow money from them.; (3) to repay them or to be repaid by them. R. Judah says, “They accept repayment from them, because it is distressing to him.” They said to him, “Even though it is distressing to him now, he will be happy about it later” [M. A.Z. 1:1]?

- E. Said R. Nahman bar Isaac, “Forget about the laws of the intermediate days of the festival, for all of them fall into the category, ‘**Even though it is distressing to him now, he will be happy about it later.**’”
- F. *Rabina said, “As to a gentile, so far as getting repaid is concerned, it is always a source of anguish.”*

III.2. A. Said R. Judah, “Israelite girls who reached puberty before they reach the normal age of maturity in years [twelve years and a day], if they are poor, may put on a lime-concoction; if they are rich, they put on fine flour; princesses put on oil of myrrh, as it is said, ‘Six months with oil of myrrh’ (Est. 2:12).”

A footnote to the foregoing follows, a comment on the cited proof-text.

III.3. A. “Six months with oil of myrrh” (Est. 2:12):

- B. *What is oil of myrrh?*
- C. R. Huna bar Hiyya said, “It is stacte.”
- D. R. Jeremiah bar Abba said, “It is oil derived from olives not yet a third grown.”

III.4. A. *It has been taught on Tannaite authority:*

- B. R. Judah says, “[Olives for olive oil] from a manured field refers to olives that are not a third grown. And why is it used for smearing? Because it serves as a depilatory and skin-softener.”
- C. Why do they apply it? Because it removes hair and softens the skin.

The illustrative case has no bearing on the foregoing and is added for encyclopaedic purposes.

III.5. A. *R. Bibi had a daughter with dark skin, on which he put that ointment limb by limb, and this produced for her a husband who had four hundred zuz.*

- B. *A gentile neighbor also had a daughter with dark skin, on which he put that ointment all at once, so she died.*
- C. *He said, “Bibi killed my daughter.”*
- D. *Said R. Nahman, “R. Bibi drank beer, so his daughters needed ointments, but we don’t drink beer, so our daughters don’t need ointments.”*

We revert to the work of Mishnah-clarification.

IV.1 A. **[10A] An unskilled person sews in the usual way:**

- B. *What is the definition of an unskilled person?*

- C. At the household of R. Yannai they said, "It is anyone who cannot draw a needleful of stitches all at once."
- D. R. Yosé bar Hanina said, "It is any that cannot sew an even seam on the hem of his shirt."

V.1 A. But an expert craftsman sews with irregular stitches:

- B. *What does it mean to sew with irregular stitches?*
- C. R. Yohanan said, "Overstepping."
- D. *Rabbah bar Samuel said, "Hounds' teeth."*

VI.1 A. They weave the ropes for beds. R. Yosé says, "They [only] tighten them:"

- B. *What defines weaving and tightening?*
- C. *When R. Dimi came, he said, "There was a dispute on this matter between R. Hiyya bar Abba and R. Assi, both of them speaking in the name of Hezekiah and R. Yohanan."*
- D. "One said, 'Interlacing means interlacing warp and woof, and tightening means putting in the warp but not the woof.'
- E. "And the other said, 'Interlacing means putting in the warp without the woof, and tightening means he tightens a girth cord if it becomes loose.'"
- F. *Is that so? But lo, R. Tahalipa bar Saul taught, "And they concur that they may not insert new cords to begin with." Now that poses no problem to him who maintains that the interlacing that is permitted is, interlacing warp and woof, and tightening means putting in the warp but not the woof. In line with that view, R. Tahalipa could say, "And they concur that they may not insert new cords to begin with." But from the perspective of him who has said, Interlacing means putting in the warp without the woof, and tightening means he tightens a girth cord if it becomes loose, what sense does R. Tahalipa b. Saul's statement make? If you maintain that interlacing the warp and woof is forbidden, is there any need to add that they may not insert new cords to begin with?*
- G. *That's a problem.*
- H. *Said R. Nahman bar Isaac to R. Hiyya bar Abin, "But is there anybody who takes the view that 'interlacing' means inserting a warp without the woof? Have we not learned in the Mishnah: R. Meir says, "The bed [becomes susceptible to uncleanness] when one will have knit together on it three rows [of the mesh of the underwebbing]" [M. Kel. 16:1F]?"*
- I. *Rather, when Rabin came, he said, "All concur that interlacing involves both warp and woof. Where there is a dispute, it concerns tightening. One master takes the view that the tightening that is permitted means inserting the warp without the woof, and the other master maintains that what is permitted is tightening a cord that became loose."*
- J. *An objection was raised:*

- K. “During the intermediate days of a festival they may interlace bed frames, and, it goes without say, they may be tightened,” the words of R. Meir.
 - L. R. Yosé says, “They may be tightened but not interlaced.”
 - M. Some say, “They may not tighten at all.”
 - N. *Now from the perspective of him who has said, “Tightening means inserting the warp without the woof,” then there is a place for “some say” to dissent. But from the perspective of him who says that tightening means tightening the cord that has become slack, then in the view of some say, will even this simple improvement not be allowed?*
 - O. *Well, yes! For since it is possible to fill up the sag with bedding, we don’t have to go to any more trouble than that during the intermediate days of the festival.*
- I.1 provides a reason for the Mishnah’s rule, and No. 2 then derives from Scripture the consideration that explains the Mishnah’s rule. Nos. 3-6+7, 8-10, supplement No. 2, a run-on thematic anthology, each item tied to the foregoing. II.1 complements the Mishnah with a Tannaite extension, and No. 2 follows suit. III.1 harmonizes two rulings of the cited authority. No. 2, supplemented by Nos. 3, 4, 5, adds a thematic complement. IV.1, V.1, VI.1 explain references in the Mishnah.

1:9

- A. **They set up an oven or double stove or a hand mill on the intermediate days of a festival.**
- B. **R. Judah says, “They do not rough the millstones [which are smooth and so not now usable for grinding grain] for the first time.”**

Mishnah-exegesis, word by word, is the Talmud’s first step.

I.1 A. *What is the meaning of rough?*

- B. R. Judah said, “It means chiselling holes into the millstones [so that the grain may be milled].”
- C. R. Yehiel said, “It means fixing an eye hole [on the upper stone, through which the grain is poured in (Lazarus)].”
- D. ***An objection was raised: “They set up an oven or double stove or a hand mill on the intermediate days of a festival,*** on condition that the work is not completely finished,” the words of R. Eliezer.
- E. And sages say, “It may even be finished.”
- F. R. Judah says in his [Eliezer’s] name, “They may set up a new one and roughen an old one.”
- G. And some say, “They may not do any roughening at all.”
- H. *Now from the perspective of him who says that “rough” means scoring the millstones, that explains why the process pertains also to an old mill [which has been smoothed through use], but from the perspective of him who says that it*

means fixing an eye hole, how does a used mill require fixing an eye hole [since it already has one]?

I. *It would involve, for example, one that requires widening a bit more.*

I.2. A. *R. Huna heard somebody scraping millstones during the intermediate days of a festival . He said, “May the person of him who profanes the intermediate days of the festival be profaned.”*

B. *He then takes the position of “some say [They may not do any roughening at all].”*

I.3. A. *R. Hama presented this exposition: “On the intermediate days of the festival, people may roughen millstones.”*

B. *In the name of R. Meir one said, “On the intermediate days of the festival one may even trim the hooves of a horse on which he rides, or an ass on which he rides, [10B] but one may not do so to the ass who turns the mill.”*

C. *R. Judah permitted trimming the hooves of the ass that turns the mill, setting up a mill, building a mill, constructing a base for the mill, and building a stable for horses.*

D. *Rab permitted currying horses, constructing a bed, or making a mattress box.*

We now proceed to a number of other actions that various authorities permitted to be carried out on the intermediate days of the festival. Here the Mishnah-rule is supplemented, but there is no effort at identifying a general principle to guide decisions. I do not see what follows as footnotes or appendices, but we also do not have Mishnah-exegesis, rather a compilation of rules relevant to the basic theme that the Mishnah has given us.

I.4. A. *During the intermediate days of a festival Raba permitted bleeding cattle.*

B. *Said to him Abbaye, “In support of your position it has been taught on Tannaite authority: During the intermediate days of a festival they may bleed cattle and they do not withhold any means of healing from an animal.”*

I.5. A. *Raba permitted softening carded sheets of cloth.*

B. *How come?*

C. *It is a process that can be carried out by unskilled labor.*

D. *Said R. Isaac bar Ammi said R. Hisda, “It is forbidden to pleat sleeve ends [Lazarus]. How come? Because that is a process that can be carried out only by skilled labor.”*

What follows is an appendix built around the distinction that Raba makes between doing an action for one, licit purpose as against doing it for another, illicit one. We therefore take account of the intentionality of the actor in connection with assessing whether or not action is permitted on the intermediate days of the festival. I treat the unit as free-standing but integral to exegesis of the law of the Mishnah, if not the Mishnah’s particular rule.

- I.6.** A. *Said Raba, “One who levels the ground, if it is with the purpose in mind of evening the slope of the threshing floor, that is permitted; if it is with the purpose in mind of leveling the soil, it is forbidden.*
- B. *“How so? If he takes up the heaped up soil to heap on soil, or hard soil to lay on hard soil, that indicates that the purpose is to improve the threshing floor. But if he takes heaped up soil and puts it on hard soil, that shows it is to improve the ground.”*
- C. *And said Raba, “Someone who collects chips of wood in his field, if it is with gathering fire wood in mind, it is permitted; if it is with clearing the ground in mind, it is forbidden.*
- D. *“How so? If he picks up big pieces and leaves little ones, that shows that it is with the purpose of gathering fire wood; if he picks up both the big and little pieces, this shows that he has in mind to clear the field.”*
- E. *And said Raba, “Someone who opens sluices to let water run off into the field, if it be with the purpose in mind of collecting the fish, it is permitted; if it is to irrigate the field, it is forbidden.*
- F. *“How so? If he opens two flood gates, one above, the other below, that proves it is to collect the fish; but if it is only one gate, that is with the purpose in mind of irrigating the field.”*
- G. *And said Raba, “Someone who trims his palm, if it is with the purpose of getting food for his animals, it is permitted. If it is to benefit the palm, it is forbidden.*
- H. *“How so? If he trims only one side, this shows that it is with the need of his cattle that he trims the palm; if he trims both sides, it is to benefit the palm and the act is forbidden on the intermediate dates of the festival.”*
- I. *And said Raba, “Unripe tupalani-dates may be picked but not pressed.”*
- J. *R. Pappa said, “But if they were getting rotten, then it is like a business deal that would involve a loss if one does not carry it out on the intermediate days of a festival and they may be pressed during the intermediate days of a festival.”*
- K. *And said Raba, “Any sort of business deal is forbidden [on the intermediate days of a festival].”*
- L. *Said R. Yosé bar Abin, “But with regard to a deal that, if not carried out right away, may go sour, it is permitted.”*

Now comes another well-crafted composition, involving cases in which sages’ actions illustrate the practical law.

I.7. A. *Rabina had a deal that would have produced six thousand zuz; he put it off until after the festival and sold the same at twelve thousand.*

I.8. A. *Rabina lent some money to people from Agra deShanuta. He asked R. Ashi and said, “What about going over there now [during the intermediate days of the festival]?”*

- B. *He said to him, "Since just now they have the ready cash but some other day they may not put their hands on it, it falls into the category of a deal that, if not carried out right away, may go sour, so it is permitted."*
- C. *It has been taught on Tannaite authority along these same lines with regard to dealing with idolators: [Israelites] may go [11A] to a fair of gentiles and buy from them beasts, slave-boys and slave-girls, houses, fields, and vineyards, and write deeds and deposit them in their archives, because thereby what one does is rescue [property] from their hands.*

I.9. A. *Rab permitted Hiyya bar Ashi to repair basket traps during the intermediate days of a festival.*

- B. *How come?*
- C. *This is unskilled work.*
- D. *But mending mesh nets is forbidden.*
- E. *How come?*
- F. *This is skilled work.*

I.10. A. *R. Judah permitted Ammi the oven maker to build up ovens, and Rabbah bar Ashbi to plait sieves.*

- B. *Is that so? But did not Rabbah bar Samuel repeat as a Tannaite formulation, "And they concur that they do not build up an oven to begin with"?*
- C. *There is no contradiction, the former ruling applies during the dry season, the latter during the rainy season [Passover, Tabernacles, respectively; in the former period the clay dries quickly and the oven can be used right away, but in the latter festival the rain delays the hardening process, so the oven will not be available right away (Lazarus)].*

I.1 defines the principal word of a Mishnah-sentence. No. 2 provides a case illustrative of the rule. Nos. 3-10 supplement the foregoing composite and stand on their own. The outline in Chapter Four shows the position of the compositions and composites in the presentation of the Mishnah-paragraph.

1:10

- A. **They make a parapet for a roof or a porch in an unskilled manner,**
- B. **but not in the manner of a skilled craftsman.**
- C. **They plaster cracks and smooth them down with a roller, by hand, or by foot, but not with a trowel.**
- D. **A hinge, socket, roof beam, lock, or key, [any of] which broke**
- E. **do they repair on the intermediate days of the festival,**
- F. **so long as one had not [earlier on] had the intention to [postpone the work so as to] do work on it on the intermediate days of the festival.**

G. And all pickled foods which a man can eat during the intermediate days of a festival he also may pickle.

We commence with the explanation of the Mishnah's words, phrases, and specific rules.

I.1 A. [They make a parapet for a roof or a porch in an unskilled manner, but not in the manner of a skilled craftsman:] What is the definition of an unskilled manner?

- B. *Said R. Joseph, "With [Lazarus:] a hurdle made of twigs and daphne stakes."*
- D. *In a Tannaite statement it was set forth: one piles up pebbles but does not hold them down with mortar.*

II.1 A. They plaster cracks and smooth them down with a roller, by hand, or by foot, but not with a trowel:

- B. *Now if it is permitted to use a roller to flatten it down, is there any question that one may do so by hand or by foot?*
- C. *This is the sense of the statement: They may plaster crevices and flatten down the plaster as with a roller, by hand or by foot, but not with ramming tools.*

III.1 A. A hinge, socket, roof beam, lock, or key, [any of] which broke do they repair on the intermediate days of the festival, so long as one had not [earlier on] had the intention to [postpone the work so as to] do work on it on the intermediate days of the festival:

- B. *An objection was raised: Yohanan the High Priest [John Hyrcanus]: until his time, hammers would pound [work was done] in Jerusalem [during the intermediate days of Passover and Sukkot] [M. M.S. 5:15C]. The meaning then is, until his time but not afterward!*
- C. *There is no contradiction. There reference is made to the hammer of a smith, here, it is to the joiner's mallet [which is permitted].*
- D. *Objected R. Hisda, "Then some will say that a loud noise is forbidden, but a soft one permitted."*
- E. *Rather, said R. Hisda, "There still is no contradiction: The tool that may be used is a bill hook, the other is an adze" [Lazarus's translations of the substantives].*
- F. *R. Pappa said, "The one speaks of the period prior to the decree, the other, afterward."*
- G. *R. Ashi said, "The one represents the position of R. Judah, the other R. Yosé. For said R. Isaac bar Abdimi, 'Who is the Tannaite authority who takes the view that one has to perform in an extraordinary manner an act that is permitted in a matter in which considerable loss is going to be incurred by postponement? It is not in accord with R. Yosé.'"*
- H. *Said Rabina, "In accord with whom do we these days deem permitted in the intermediate days of a festival the raising of [Lazarus:] pivot cups of doors? It is in accord with R. Yosé."*

IV.1 A. And all pickled foods which a man can eat during the intermediate days of a festival he also may pickle:

- B. *At Luba on the Badita Canal everybody went fishing and caught some [at Passover, when fish are abundant], and Raba permitted them to salt them [even though some then were being preserved on the intermediate days of the festival for use after the Festival day, which is forbidden by the implication of the rule before us].*
- C. *Said to him Abbayye, “But lo, we have learned in the Mishnah: **And all pickled foods which a man can eat during the intermediate days of a festival he also may pickle!**”*
- D. *He said to him, “Since to begin with they caught them with eating them in mind, and if they leave them, they will rot, it falls into the category of a deal that, if not carried out right away, may go sour, so it is permitted.”*
- E. *There are those who report the case in this way:*
- F. *Raba permitted them to go trapping. They went and brought in the fish and salted them.*
- G. *Said to him Abbayye, “But lo, we have learned in the Mishnah: **And all pickled foods which a man can eat during the intermediate days of a festival he also may pickle!**”*
- H. *He said to him, “These too may be eaten if they are pressed.”*
- I. *That is in line with the case of Samuel, when they pressed fish in salt sixty times, and he ate it.*

The case draws in its wake a number of other cases that exhibit the same traits, the whole an appendix that does not require the foregoing for cogency.

IV.2. A. Raba visited the household of the exilarch. They made for him fish pressed sixty times, and he ate it.

IV.3. A. Rab visited Bar Shappir, and they set before him a fish that was boiled a third, salted a third, and broiled a third. Said Rab, “Adda the fisherman told me that a fish is best just when it is going to turn putrid.”

- B. *And said Raba, “Said to me Adda the Fisherman, ‘Broil the wish with its brother [salt], put it into its father [water], eat it with its son [sauce], and wash it down with its father [water].’”*
- C. *And said Raba, “Said to me Adda the Fisherman, ‘After eating fish, fill our belly with cress and milk, don’t lie down.’”*
- D. *And said Raba, “Said to me Adda the Fisherman, ‘After eating fish, cress and milk, drink water not fermented date-juice, or that but not wine.’”*

I.1, II.1 clarifies the sense of the Mishnah’s statements, and III.1 then harmonizes the implications of this Mishnah’s rule with those of another. IV.1 refines the application of the law, and Nos. 2, 3 then provide an appendix to the foregoing.