

I

BAVLI TRACTATE BESAH CHAPTER ONE

FOLIOS 2A-15A

1:1-2

1:1

- A. An egg that is laid on the festival day —
- B. the House of Shammai say, “It may be eaten [on that day].”
- C. And the House of Hillel say, “It may not be eaten.”
- D. The House of Shammai say, “Leaven in the volume of an olive’s bulk, and what is leavened in the volume of a date’s bulk [may not be kept in Israelites’ domains on Passover (Exo. 13: 7)].”
- E. But the House of Hillel say, “This and that [are prohibited in the volume of] an olive’s bulk.”

1:2

- A. One who slaughters a wild beast or fowl on the festival —
- B. the House of Shammai say, “He digs with a mattock and covers up [the blood (Lev. 17:13)].”
- C. And the House of Hillel say, “He should not slaughter [at all],
- D. “unless he had dirt ready [for covering up the blood] while it was still day [light on the day preceding the festival].”
- E. But they concur that if he actually did slaughter, he may dig with a mattock and cover up [the blood],
- F. [and] that the ashes of the oven are deemed to have been made ready [on the preceding day, and they too may be used for covering up the blood].

- I.1** A. [An egg that is laid on the festival day — the House of Shammai say, “It may be eaten [on that day].” And the House of Hillel say, “It may not be eaten:”]
With what circumstance do we deal [in the dispute between the Houses, M. 1:1A-C]?
- B. *If one holds that it is the case of a hen reserved [for slaughter] as food, then what reason could the House of Hillel have for its position, [that the egg may not be prepared and eaten on a festival day]?*
- C. [The egg] is an edible thing that has separated [from the hen].

- D. [It is clear, therefore, that Mishnah speaks] rather of a hen kept for laying eggs. [This hen is not in the status of food and may not be prepared for consumption on a festival day. The egg that derives from it also is prohibited, just as the Hillelites declare.]
- E. *[If D is the case] what reason can the House of Shammai have [for their position, that the egg may be consumed on the festival]?*
- F. *[Prior to the festival the hen] had not been set aside for use as food. [It therefore may not be prepared for consumption on the festival day. The egg that derives from it likewise should be forbidden, contrary to what the Shammaites say.]*
- G. *But what's the problem for the House of Shammai? Perhaps the House of Shammai simply does not prohibit [for use on the festival] objects that had not previously been set aside [for use on that day]?*
- H. *In the assumption that that even one who permits [for use on the festival day] that which had not previously been set aside for use on that day [e.g., the hen] will prohibit [for use on the festival] an object that [physically] comes into being [on the festival, e.g., the egg].*
- I. *Then what is the reasoning of the House of Shammai?*
- J. Said R. Nahman, "Indeed [the Houses dispute the case of] a hen kept for laying eggs. But while anyone who prohibits [for use on the festival day] that which has not been set aside [for use on that day] also prohibits [for use on the festival] an object that [physically] comes into being [on that day],
- K. *"A party [such as the Shammaites] that does not prohibit [for use on the festival day] that which was not specifically set aside [for use on that day] likewise does not prohibit [for use on the festival] an object that [physically] comes into being on that day].*
- L. "The House of Shammai have the same position as R. Simeon, [who, at b. Shab. 44b, permits for use on a festival objects that had not been set aside for use on that day]; and the House of Hillel have the same position as R. Judah, [who, at b. Shab. 44b, prohibits use of objects that, prior to the festival, were not set aside for use on that day]."
- M. *But did R. Nahman really say this? Have we not learned in the Mishnah:*
- N. **The House of Shammai say, "[On the Sabbath] one may remove from the table [by hand] bones and nutshells." The House of Hillel say, "[To avoid contact with the inedible refuse], one must remove the whole tablecloth and shake it out" [M. Shab. 21:3].** And said R. Nahman, "We know only that the House of Shammai have the same position as R. Judah, [b. Shab. 44b, such that they prohibit contact with that which has no permitted use on the Sabbath]; and the House of Hillel have the same position as that ascribed to R. Simeon, [who does not prohibit use, on the Sabbath or festival, of that which was not specifically set aside for use on that day]."
- O. *R. Nahman can respond to you, "Concerning [rules for] the Sabbath, in which an anonymous Tannaite authority follows the view of R. Simeon — as we have learned in the Mishnah [M. Shab. 23:4]: [On the Sabbath] they may cut up gourds before cattle or [chop up] a carcass [of an animal that dies on the Sabbath itself] before dogs — we [likewise] ascribe to the House of Hillel the*

view held by R. Simeon. But **[2b]** concerning the rules for a festival day, in which an anonymous Tannaite authority follows the view of R. Judah — as we have learned in the Mishnah **[M. Bes. 4:3]: [To obtain firewood on a festival day] they may not split wood from beams nor [take wood] from a beam that broke on the festival day [itself, since in neither of these cases was the wood available for use before the festival]** — we [likewise] ascribe to the House of Hillel the view held by R. Judah.’

P. Now, who determined that, in the Mishnah, certain rules should be transmitted anonymously [and not in the names of their authors]? It is Rabbi. Then what differentiates the laws of the Sabbath, in which case he taught anonymously the rule that accords with the view of R. Simeon from a festival day, such that [for its case] he taught anonymously the rule that accords with the view of R. Judah?

Q. Say: [For the case of] the Sabbath, to which stringent rules [generally] apply, such that people do not treat its [restrictions] lightly, [Rabbi] taught anonymously a rule that accords with the view of R. Simeon, who takes a lenient position, [allowing use of objects that were not previously set aside for use on the Sabbath]. [But for the case of] a festival day, the rules of which [generally] are lenient, such that people have disregard for them, [Rabbi] taught anonymously a rule that accords with the view of R. Judah, who takes a stringent position, [not permitting use of objects that, prior to the festival, were not set aside for use on that day].

I.2. A. To what case have you claimed [that the dispute at M. **Bes. 1:1A-C**] refers? To the case of a hen kept for laying eggs. And [the issue that divides the Houses thus] concerns the prohibition against using on the festival that which, prior to the holy day, had not been set aside for such use.

B. If it is true [that the issue is the prohibition against using what had not been set aside before the festival day], why should [the Houses] dispute the [secondary] case of an egg [laid on the festival day]? They should rather dispute [the primary case, of whether or not] the hen [which, prior to the festival day, was not deemed a food, may, on the festival itself, be prepared for consumption]!

C. [The reason that the secondary case of the egg is disputed is in order] to inform you of the breadth of the opinion of the House of Shammai. For [not only do they permit for consumption on the festival day that which, prior to the festival, had not been deemed a food (that is, the hen) but they go so far as to permit for consumption] that which actually comes into being on the festival day itself.

D. Yet [if this is the point, the Houses] should indeed have disputed the case of a hen, so as to inform us of the breadth of the opinion of the House of Hillel. For [the Hillelites] prohibit anything that, prior to the festival, had not been set aside for use on the festival day. Now if you state that [in phrasing a dispute] it is preferable to state matters so as to make clear the extent to which [the lenient party, in the present instance, the Shammaites, will go in] rendering an activity permitted, even so, let them dispute both items [at issue, the hen and the egg], thus:

E. A hen kept for laying eggs — [as for] it and its egg [which it lays on a festival day] —

F. The House of Shammai say, “[These] may be eaten [on the festival itself].”

- G. And the House of Hillel say, “[They] may not be eaten.”
- H. Rather, said Rabbah, “In fact [the Houses dispute the case of an egg laid by] a hen intended for [slaughter] as food. *And [moreover] we deal with [an egg laid on] a festival day that began at the close of the Sabbath. Now, the reason [the Hillelites prohibit this egg for consumption on the festival day] is that, [even though it was not laid until the festival day itself], it was made ready [inside of the hen on the Sabbath].*”
- I. *For Rabbah reasons that any egg that is laid on one day was formed [inside of the hen] on the preceding day. And Rabbah is consistent with his usual perspective.*
- J. *For said Rabbah, “What is the meaning of the verse [concerning the Israelites’ eating of manna], ‘On the sixth day, when they prepare that [manna] which they bring in [for the Sabbath]...’ (Exo. 16: 5)? [It teaches that on] a weekday [food may be] prepared for the Sabbath; and [on] a weekday [food may be] prepared for a festival day. But [on] a festival [food] may not be prepared for [use on] the Sabbath; and [on] the Sabbath [food] may not be prepared for [use on] a festival.”*
- K. Said to him Abbaye, “On the basis of your reasoning, [an egg laid on] a regular festival day [i.e., that does not fall right after the Sabbath, on a Sunday], should be permitted, [for it became ready inside of the hen on a weekday, not the Sabbath]!”
- L. [Rabbah answers,] “[The Hillelite position, that an egg laid on a festival day may not be prepared for consumption on that day applies in all cases, as] a preventative measure, lest [people come to ignore the special rule for] a festival day that does fall just after the Sabbath.”
- M. [Abbaye:] “[According to Rabbah’s view, an egg laid] on a regular Sabbath [that does not follow directly after a festival] should be permitted [for consumption on that same Sabbath day, since it became ready inside the hen on the preceding weekday]!”
- N. [Rabbah:] “[No! An egg laid on the Sabbath may in no event be consumed], as a preventative measure, lest [people forget and not follow the special rule for] a Sabbath that does in fact follow a festival day.”
- O. *But do we really legislate preventative measures [so as to deter people from transgressing Sabbath or festival law]? For [to the contrary], it is taught on Tannaite authority [T. Y.T. 1:2] **One who [on a festival] slaughters a hen and finds in it fully formed eggs — it is permitted to eat these on the festival.** Now, if it is so [that we generally legislate preventative measures], let us draw up a prohibition [against eating these eggs], lest [people come to believe that, just as, on a festival day, one may consume eggs found in a hen slaughtered on that day, so they may consume] those [eggs] that are laid on that day.”*
- P. [Rabbah] said to him [i.e., Abbaye], “[The finding of] fully formed eggs inside of their [slaughtered] mother is extremely rare, and rabbis did not legislate preventative measures in the case of occurrences that, in all events, are extremely rare.”
- I.3.** A. R. Joseph said, “[The Hillelites prohibit consumption of an egg laid on a festival day as a] preventative measure, lest [people come to believe that, on the festival day, it also is permitted to consume] fruit that falls [from a tree].”

B. *[Rejecting this interpretation] said to him Abbayye, "What is the reason for [the prohibition against eating on a festival day] fruit that falls [from a tree]? [3A] It is a preventative measure, lest [people believe that, just as it is permitted to eat fruit that falls from a tree, so it is permitted on the festival to] climb [a tree] and pick fruit. This [rule against eating fruit that falls from a tree] is itself legislated only as a preventative measure. Now, should we go and legislate a further preventative measure [concerning the egg laid on the festival day] simply to protect what is, in itself, only a preventative measure [that is, the rule against eating fallen fruit]? [Rather] both [the rule concerning fallen fruit and the Hillelite prohibition against eating the egg] constitute preventative measures to safeguard a single prohibition, [against actually climbing a tree and picking fruit on a festival day]."*

I.4. A. R. Isaac said, "[The Hillelite ruling is] a preventive measure, lest [people think that, just as they may consume an egg laid on a festival day, so they may drink] fruit juices that exude [from fruit on a festival day]."

B. *Said to him Abbayye, "What is the reason for the prohibition against drinking [on the Sabbath] juices that exude from fruit? It is a preventative measure, lest [people come to believe that, just as it is permitted to drink juice that exudes by itself, so it is permitted actually to] press [fruit for its juice]. This [rule against drinking fruit juice that exudes on its own] is itself legislated only as a preventative measure. Now, should we go and legislate a further preventative measure [concerning the egg laid on the festival day] simply to protect what is, in itself, only a preventative measure [that is, the rule against drinking the fruit juice]? [Rather] both [the rule concerning the fruit juice and the Hillelite prohibition against eating the egg] constitute preventative measures to safeguard a single prohibition, [against actually pressing fruit for juice on a festival day]."*

I.5. A. *All [of the other rabbis] do not interpret [the Houses' dispute] as did R. Nahman, because of the objection [to that interpretation] that we raised.*

B. *[The rabbis] likewise do not interpret [the dispute] according to the perspective of Rabbah, [since] they do not agree [with the rule he phrases concerning] preparation [of the egg within the hen].*

C. *Yet as for R. Joseph, [who states that the Hillelite position is a preventative measure, lest people think it is permitted to eat fruit that falls from a tree on the festival], why can he not agree to the interpretation [of the Hillelite position] offered by R. Isaac, [who states that the Hillelites wish to prevent people from believing that on a festival it is permitted to drink juice that exudes from fruit]?*

D. *[Joseph] can answer you, "[Since] an egg is a food and fruit is a food [my claim makes sense, that the rule for the egg is a preventative measure so that people do not forget the rule for fruit]. [This reasoning] excludes [the possibility that the rule for the egg is a preventative measure related to] fruit juice, [which is a beverage], not a food."*

E. *And as for R. Isaac, why can he not agree to the interpretation offered by R. Joseph?*

F. *He can answer you, "[An egg is comparable to fruit juice, for] an egg is hidden [inside of the hen] and the juice is hidden [inside of the fruit]. This excludes*

[from the analogy] fruit [itself], which is exposed, [not hidden in something else].”

- I.6.** A. *R. Yohanan too reasons that [consumption of an egg laid on a festival day is prohibited as] a preventative measure, lest [knowing that they may eat such an egg, people err and believe that, on the festival day, they even may drink] juice that exudes [from pieces of fruit].*
- B. *For R. Yohanan contrasts one statement of R. Judah with another [seemingly contradictory statement] of R. Judah. But he also reconciles [Judah's two opposing views]. For we have learned in the Mishnah [at M. Shab. 22:1.] We have taught on Tannaite authority: [On the Sabbath] they may not press fruit to extract from it juice. And [even] if juice exudes from fruit on its own, it is forbidden [for consumption on the Sabbath]. R. Judah says, “If [the fruit was intended] for consumption as a food, [juice] that exudes from it [on the Sabbath] is permitted [for consumption on that day.] But if [the fruit was intended for pressing into] juice, that which exudes from it [on the Sabbath] is forbidden [for consumption on that day]. Consequently, in R. Judah's view, anything [that exudes from what is intended as] food is in the status of a food that has become separated.*
- C. *But contrast [M. Erub. 3:8]; And moreover R. Judah said, “On the first festival day [of the two-day New Year's festival] a person may make a stipulation concerning his basket [of untithed produce]. [The man stipulates that the required offerings are deemed separated on whichever of the two days of the festival is not in fact holy.] As a result he may eat this [produce] on the second festival day.” [Judah continues], “And so an egg laid on the first festival day [of the two day New Year's holiday] may be eaten on the second day of the festival.” [But sages did not concur with R. Judah.] [Judah however holds that] on the second day [of the festival the egg] may [be eaten]; but on the first day [it] may not [be consumed]!*
- D. *R. Yohanan reconciled [Judah's two statements by stating], “The positions [of Judah and sages, E-G], are reversed.” Since [Yohanan troubled to] contrast these two statements [of Judah], deduce from that fact that, [in Yohanan's view, both rules] derive from a single reason.*
- E. **[3B]** *Rabina said. “Under no circumstances should you reverse [the opinions of Judah and sages at M. Shab. 22:1, cited at E-G]. [Solve the apparent contradiction, rather, by recognizing that, at M. Erub. 3:8, cited at K], R. Judah was speaking from the perspective of the rabbis, [his opponents, who did not believe that the egg could be eaten on either of the two festival days]. [Judah argues as follows:] ‘In my opinion, it is even permitted [to eat the egg] on the first day [on which it was laid], for it is simply [a portion of] food that became separated [from other food]. Yet even within the framework of your opinion, [which holds that, as a preventative measure, the egg may not be eaten, lest people err and prepare fruit juice on a festival day], you still must concede to me that [consumption of the egg] is permitted on the second festival day. For [the New Year's festival] is comprised of two [distinct] periods of sanctification, [only one of which is actually a holy day].” [If the first festival day is the actual holy day, the egg laid on it still is permitted for consumption on the following day,*

which, while deemed a festival, is not really a holy day. Likewise, if the holy day is the second day of the two-day festival, the egg, which turns out to have been laid on a secular day, is permitted for consumption on the following, holy, day.] *Rabbis can say to him, 'No! [The two days of the festival comprise] a single period of sanctification.'*”

- F. *Rabina, son of R. Ulla, said, “[At M. Erub. 3:8, Judah considers the case] of a hen kept for laying eggs. And [in prohibiting for consumption an egg laid on a festival day], R. Judah is consistent with his usual position. For R. Judah prohibits for use on a festival that which, prior to the festival, was not set aside for use on that day.”*
- I.7.** A. *[Anonymous authorities] objected [to the interpretations offered by Joseph, at Nos. 3 and 4]: The same restrictions apply to an egg laid on the Sabbath and to one laid on a festival day: one may move it neither to use it to cover a [narrow-mouthed] vessel nor to support with it the leg of a bed. But one may move a cooking utensil in order to cover it [so that it will not be broken]. And in a case of doubt [whether or not the egg actually was laid on the festival day], the egg still is subject [to all of the restrictions listed here, as well as to the] prohibition [against consuming it on the festival]. And if [an egg laid on the Sabbath or festival day] becomes mixed with [even so many as] a thousand [permitted eggs], all of them are rendered forbidden.*
- B. *[The rules that state that doubts concerning the egg are treated stringently], are intelligible within the perspective of Rabbah, for he said that the reason [the Hillelites prohibit consumption of the egg] is that it was made ready [within the hen on the Sabbath]. The rule against preparing foods on the Sabbath itself derives from Scripture], the instances of doubt are doubts concerning] a biblical prohibition. And all doubts concerning whether or not a biblical prohibition applies are [indeed] resolved stringently. But from the perspectives of R. Joseph and R. Isaac, who reason that [the Hillelite prohibition is simply] a preventive measure, [designed to deter people from transgressing certain other prohibitions, the above rules for cases of doubt are not intelligible]. [From the perspectives of Joseph and Isaac, the cases of doubt referred to above are] doubts concerning rabbinic enactments. And all such doubts concerning rabbinic enactments should be resolved leniently!*
- C. *Said R. Idi b. Abin, “The final [rules, which state that an egg that might not have been laid on the festival or Sabbath in all events may not be consumed on that day] actually concern [an egg laid by a hen] about which there is a doubt whether or not it is fit for consumption at all.”*
- D. *If [you wish to claim that we deal with a hen that might be unfit for consumption], you must refer to the [very] final clause [of the rules under discussion]: [Even if the egg] becomes mixed with a thousand [permitted eggs], all of them are rendered forbidden. If you argue that at issue is whether the egg was laid on a festival day or a weekday, [this rule makes perfect sense], for such an egg is an object that can, through natural processes, become permitted [for consumption]. And in the case of any object that, through natural processes, becomes permitted, even [if it is mixed] with a thousand [already permitted objects, its forbidden status] is not nullified. By contrast, if you argue that at issue here is a doubt whether or not [the*

hen that laid the egg] is fit for consumption at all, in this case there is no natural process through which the egg can become permitted [for consumption]. [In such a case, we always prevent the loss of much food by ruling that the forbidden status of the one egg] is nullified within a vast quantity [of permitted produce with which it is mixed].

- E. *Now — further — if you argue that eggs [sometimes are sold by number, indicating that they are a food] of extreme importance, such that [their forbidden status is] under no circumstances nullified — [this argument would be] correct from the perspective of an authority who claims that we teach [as law] that anything [including eggs] that may [on occasion] be [sold by] count [never loses its forbidden status, even if it is mixed with a large count of permitted things]. But from the perspective of an authority who argues that we teach [as law] that [only] those things that [are sold exclusively] by number [do not lose their forbidden status], what can you say”*
- F. *For we have learned in the Mishnah [M. Or. 3:6-7]:*
- G. **Whoever had bunches of fenugreek that are [prohibited under the laws of] diverse kinds of the vineyard [Deu. 22: 9-11] — [the bunches] must be burned.**
- H. **If they were mixed with other [permitted] bunches —**
- I. **“All must be burned,” the words of R. Meir.**
- J. **But sages say, “[The bunches of forbidden fenugreek] are neutralized [and lose their forbidden status] in a mixture of one [part of prohibited food] and two hundred [parts permitted food].”**
- K. **For R. Meir used to say, “Those things that one normally sells by a count sanctify [that is, render prohibited] that with which they are mixed.”**
- L. **But sages say, “Only six [specific] types [of produce] sanctify [that with which they are mixed].”**
- M. **[And] R. Aqiba says, “Seven [types render forbidden other produce with which they are mixed in any quantity].”**
- N. **And these are the six types referred to by sages: 1) nuts from Perekh, 2) pomegranates from Baddan, 3) sealed jars containing forbidden wine], 4) beet-shoots, 5) cabbage stalks and 6) Greek gourds.**
- O. **R. Aqiba adds loaves [of bread] owned by a householder.**
- P. **To those [items listed here] that the restriction of Orlah [Lev. 19:23-24] is applicable, the restriction of Orlah applies.**
- Q. **To those [items listed here] that the restriction of mixed kinds in a vineyard is applicable, the restriction of mixed kinds in a vineyard applies.**
- R. *Concerning this [Mishnaic passage there is an Amoraic teaching:*
- S. *R. Yohanan said, “We teach [as law] that [only] those types [of food] that [are sold exclusively] by number [do not lose their forbidden status, no matter how much permitted produce is mixed with them].”*
- T. *But R. Simeon b. Laqish said, “We teach [as law] that all types [of food] that may [on occasion] be [sold] by number [do not lose their forbidden status, no matter how much permitted produce is mixed with them].”*

- U. *[The rule of E, understood to claim that an egg laid by a hen that is unfit for consumption does not lose its forbidden status even if mixed with a thousand permitted eggs], makes sense within the perspective of R. Simeon b. Laqish. But from the perspective of R. Yohanan, [who claims that only foods that are sold exclusively by count, a category to which eggs do not belong, never lose their forbidden status], what can you say?*
- V. *Said R. Pappa, “The Tannaite authority who taught this is the same one who taught [the rule concerning] a litra of dried figs [in the status of heave-offering that is mixed with unconsecrated figs. For [as we shall see, that Tannaite authority] held that [in the case of] any type [of food] that [might, on occasion, be sold] by number, [such as dried figs], even if [its forbidden status is the result of] rabbinic legislation, [which is the case for fruits designated to be heave-offering, since Scripture requires that offering only from grains, wine and oil (Num. 18:12), that forbidden status] never can be nullified. [Since the authority at hand applies this stringency to produce forbidden by rabbinic enactment, he] certainly [deems it to apply to produce forbidden] under scriptural law, [for instance, to an egg laid by a hen that is forbidden for consumption]!”*
- W. *For we have learned on Tannaite authority [T. Ter. 5:11]:*
- X. **1) A *litra* of dried figs [in the status of heave-offering] that one pressed on a circle of [unconsecrated] pressed figs, but does not know on which circle he pressed them,**
- Y. **2) [or which one stuffed] into the mouth of a jar [filled with dried, unconsecrated figs], but does not know into which jar he stuffed them,**
- Z. **3) [or which one stuffed] into a beehive [filled with unconsecrated figs, but does not know into which beehive he stuffed them —**
- AA. **R. Meir says, “R. Eliezer [4A] says, ‘They regard the [figs] on top [of the jar, beehive, or pressed figs] as though they are loose [and are mixed with the rest of the produce]. [Therefore the figs] at the bottom serve to neutralize [the figs] on top.’**
- BB. **“R. Joshua says, ‘If there are a hundred mouths [of jars, etc., the heave-offering] is neutralized. But if not, [produce in] the mouths [of the jars, etc.] is forbidden and [produce in] the bottoms [of the jars, etc.] is permitted [i.e., retains its unconsecrated status].”**
- CC. **R. Judah says, “R. Eliezer says, ‘If there are there a hundred mouths [of jars, etc., the heave-offering] is neutralized. But if not, [produce in] the mouths [of the jars, etc.] is forbidden and [produce in] the bottoms [of the jars, etc.] is permitted.’**
- DD. **“R. Joshua says, ‘Even if there are there three hundred mouths [of jars, etc., the heave-offering] is not neutralized.’**
- EE. **“If he pressed it [i.e., a *litra* of dried figs in the status of heave-offering] upon a circle of pressed figs, but does not know on which [circle] he pressed it, all agree that it is neutralized.”**
- FF. *Both parties agree? Rather, that is exactly the case under dispute!*
- GG. *Said R. Pappa, “This [is the case concerning which Judah] said [that both parties concur]: If he pressed [the dried heave-offering figs] upon a*

[single] circle of pressed figs and does not know in which place upon the circle he pressed it, whether to the north or to the south, both parties concur that [its status as heave-offering] is neutralized.”

HH. R. Ashi said, “In point of fact, the rule concerns a case of doubt [whether the egg was laid] on a festival day or a week day. [But the reason for the strict ruling, that the egg may not be consumed on the festival day, is that this is a case of a forbidden] thing that will, through natural processes, become permitted, [after the festival, at which time the egg may be eaten]. Now in the case of any item that will, through natural processes, become permitted, even if its [forbidden status derives] from rabbinic enactment, [its forbidden status] is not nullified.”

I.8. A. *It is taught on Tannaite authority [T. Y.T. 1:1]: Others say in the name of R. Eliezer, “An egg [laid on a festival day] may be consumed — both it and its dam [may be consumed on the festival day].”*

B. *With what circumstances are we dealing [such that this ruling applies]?*

C. If you say it is the case of a hen intended for consumption [as a food, and not one kept for laying eggs], *it is obvious that both [the egg] and its dam are permitted.* By contrast, it [cannot] refer to a hen kept for laying eggs, [since Eliezer agrees that such] an egg and its dam are forbidden. [Prior to the festival this hen was not set aside as a food. It therefore is forbidden for consumption on the festival, as is the egg, which shares its same status.]

D. Said R. Zira, “[Eliezer’s point is that the egg] may be eaten by virtue of its dam’s [status as food].”

E. *What [case] can we imagine?*

F. Said Abbaye, “For instance, if one bought [the hen] without considering [whether it would be slaughtered for food or kept for laying eggs], and then [on a festival day] it was slaughtered [and prepared for consumption], it becomes retrospectively clear that it was intended for use as food [so that an egg it laid on that same day may also be consumed on the festival itself]. [If by contrast] it was not slaughtered [on that day], it becomes retrospectively clear that it is being kept for laying eggs, [such that, for the reason specified above, E, an egg it laid on the festival day may not be prepared and eaten on that day].

G. R. Mari said, “[Eliezer] taught [the rule given in his name at B, mentioning the dam as well as the egg, as an] emphatic statement. For it is taught on Tannaite authority [T. Ed. 2:2]: Others say in the name of R. Eliezer, “An egg [laid on a festival day] may be consumed — both it and its dam [may be eaten], and a new-born chick [may be eaten on the festival day] as well as its shell. *What is the force of “its shell”?* If you say [the rule] in fact [permits consumption of] a shell, [this makes no sense]. For, is egg-shell a food? If [you say that the point] rather is that one may [prepare and] eat a chick [as yet unhatched] in its shell, [this too is impossible]. For indeed sages only disagree with R. Eliezer b. Jacob concerning the case of a chick that has already [hatched and] entered the world. But in a case in which the chick has not yet [hatched] and entered the world, [all parties] agree [that it may not yet be eaten]. [It thus is clear] rather that reference to [the permissibility for consumption of] a chick and its shell is [simply] an emphatic statement [made by Eliezer to stress his point, that a chick

hatched on a festival may be eaten on that day]. In the same way, [as Mari claims, J, Eliezer's statement that] the egg and its dam [may be eaten on the festival day] is simply an emphatic statement [made by Eliezer to stress his point].

I.9. A. *It is taught on Amoraic authority:*

- B. [As for] a Sabbath or festival [which is immediately followed by a second holy day, either a festival or the Sabbath] —
- C. Rab said, “[An egg which] is laid on the first of the two consecutive holy days [remains] forbidden on the following [holy day].”
- D. But R. Yohanan said, “[If] it was laid on the first [holy day it is forbidden for consumption on that day, but it becomes] permitted for [consumption on] the following [holy day].”
- E. *Shall we state that Rab reasons that [the two consecutive holy days] comprise a single period of sanctification?*
- F. But didn't Rab say, “The decided law accords with the view of the four elders , and it follows the perspective of R. Eliezer, who states that [the consecutive holy days] comprise two separate periods of sanctification.”
- G. *Rather, here at issue is Rabbah's requirement that [food that is to be consumed on a festival or Sabbath] be readied [for consumption on a regular weekday]. [On a weekday food may be prepared for the Sabbath; and on a weekday food may be prepared for a festival day. But on a festival food may not be prepared for use on the Sabbath; and on the Sabbath food may not be prepared for use on a festival.] Rab accepts Rabbah's requirement concerning [food's] preparation. But R. Yohanan discounts Rabbah's requirement concerning [food's] preparation.*
- J. *This is along the lines of a conflict of Tannaite opinion [T. Y.T. 1:3]:*
- K. **[If an egg] was laid on the Sabbath, it may be eaten on the festival day [immediately following. If it was laid] on a festival day, it may be eaten on the Sabbath [immediately following].**
- L. **R. Judah says in the name of R. Eliezer, “Still the dispute is in place.**
- M. **“For the House of Shammai say, ‘[The egg] may be eaten [on the holy day immediately following the one on which it was laid].’**
- N. **“And the House of Hillel say, ‘It may not be eaten [on the consequent holy day].’”**

I.10. A. *The host of R. Adda b. Ahbah had some eggs [laid] on a festival day [that he wished to prepare] for the Sabbath [which followed on the next day]. He came before [Adda b. Ahbah and] asked him, “What is the rule whether or not it is permitted to roast them today [on the festival, on which they were laid], so that we may eat them tomorrow [on the Sabbath]?”*

- B. *[Adda b. Ahbah] said to him, “What can you be thinking [even to ask such a question]! In a dispute between Rab and R. Yohanan, the decided law accords with the view of R. Yohanan. [And] even R. Yohanan, [who permits an egg laid on a festival to be eaten on the Sabbath that] immediately follows, only permits one [on that Sabbath] to quaff [the egg*

raw, it being forbidden to cook the egg on the Sabbath]. Yet [Yohanan and, by extension, Rab both hold that] on the very day [on which the egg is laid one is] not [permitted to do anything with it]! *for thus it is taught on Tannaite authority:* The same restrictions apply to an egg laid on the Sabbath and to one laid on a festival day. [On the holy day itself] one may move it neither to use it to cover a [narrow-mouthed] vessel nor to support with it the leg of a bed.”

- I.11.** A. *R. Pappa’s host, though some say it was simply a certain man who came before R. Pappa [to ask a question of law], had some eggs [laid] on the Sabbath [that he wished to eat] on the festival [that followed on the next day].*
- B. *He came before [Pappa]. He said to him, “What is the rule regarding eating these [eggs] tomorrow [on the festival day]?”*
- C. *[Pappa] said to him, “Go away now, but return tomorrow [to ask your question], for [I wish to follow the precedent of] Rab, who would not [teach law and] appoint an interpreter [to expand upon his teachings] from [after the meal marking the onset of] the festival day until its companion [meal, on the second day of the festival], on account of drunkenness.”*
- D. *When [the individual] returned on the following, [festival], day, [Pappa] said to him, **[4B]** “If I [had given you my decision] immediately, I would have erred by telling you that, in a dispute between Rab and R. Yohanan, the decided law follows the opinion of R. Yohanan. But [I now recall that to the contrary], said Raba, ‘In these three [cases], the decided law agrees with Rab, whether [in the specific instance he takes] the lenient or the stringent perspective.’”*

- I.12.** A. *Said R. Yohanan, “[As for] branches that broke off of a palm tree on the Sabbath — it is forbidden to burn them as firewood on a festival [that follows on the next day]. And do not attempt to refute my [judgment in this matter by referring to my opinion concerning] an egg [laid on a Sabbath, which may be prepared and eaten on the following festival day].”*
- B. *What is the reason [that Yohanan prohibits burning of the wood on the festival day, but permits consumption of the egg]?*
- C. *[In the case of] an egg, which is [intrinsically] fit for consumption on the Sabbath, since I do not [explicitly] permit it [for any form of consumption] until the following [festival] day, [people] will certainly recognize that, [even if it should be laid on a festival, not the Sabbath, then, just as, when laid on the Sabbath, it is forbidden for consumption on that day, so, should it be laid on the festival], it is forbidden [for consumption] on the very day it is laid. [By contrast], branches, which [intrinsically] are not fit for any use [on the Sabbath] on which they fell, [since it is forbidden to make a fire on that day] — if I deemed them permitted [for use on] the following [festival] day, people would come to believe that even [should they fall on the festival day itself] they are permitted [for use on that same day]. [This belief would derive from the reasoning that, when they fell] yesterday, [on the Sabbath, they were prohibited for use] simply because it was a Sabbath, on which day making a fire is forbidden, [but that in*

general, there is no prohibition against using wood that, on that same day, breaks off of a tree].

- I.13.** A. Said R. Mattenah, “[As for] branches that, on a festival day, fell [directly] from a palm tree into an oven — one should add to them many [other] branches, that had been readied [for use on the festival day], so as to burn them [all together].”
- B. *[But in all events] does he not thereby handle that which is forbidden, [an act that in itself constitutes a transgression]?*
- C. *Since the majority [of these branches] is permitted [for use on the holy day], when, [in tending the fire], he handles [the branches, he is deemed only to] handle that which is permitted.*
- D. *But [by adding permitted branches to the forbidden ones] does he not take actions designed to nullify [the effect of that which has] a forbidden status? [This should be forbidden] as we have learned in the Mishnah: **They may not take actions [such as adding permitted things to that which is forbidden] designed to nullify the status of the prohibited item [M. Ter. 5:9].***
- E. *This statement applies [only] in the case of a scriptural prohibition. But [in the case of that which is prohibited by] rabbinic legislation, [such as the branches that broke off on the festival, one is permitted to] nullify [the forbidden status by adding a large quantity of that which is permitted].*
- F. *But in accordance with the view of R. Ashi, who said that, [in the case of any forbidden thing that will], through natural processes, become permitted, even if [its prohibition] is the result of rabbinic legislation, [its forbidden status] never is nullified [in a mixture with permitted produce] — what can one say?*
- G. *[Ashi’s] ruling applies only in a case in which the forbidden thing remains visible to the eye [after it is mixed with the permitted things]. Here [however] the forbidden [wood] is burned up.*

I.14. A. *It is taught on Amoraic authority:*

- B. [Concerning] the two festival days [celebrated] in the diaspora [for instance, in the marking of the new month, the dating of which depends upon when the new moon is sighted in the Land of Israel] —
- C. Rab said, “[If an egg] is laid on this, [the first festival day], it is permitted [for consumption] on this, [the second day of the festival].”
- D. And R. Assi said, “[If an egg] is laid on this, [the first festival day], it remains forbidden [for consumption] on this, [the second day of the festival].”
- E. *Shall one state that R. Assi reasons that [the two festival days] comprise a single period of sanctification, [such that the restriction that applies when the egg is laid does not expire until the conclusion of the second festival day]?*
- F. *[No, that is not the case], for R. Assi recites habdalah between [the first] festival day and its companion, [the second day of the festival]. [Habdalah is a liturgical formula that marks the conclusion of a festival day or Sabbath. Since Assi uses this formula between the two festival days, he clearly understands the two days to be distinct, such that only one of them actually is a festival.] But R. Assi is not certain [whether the two days of the festival comprise a single long period of sanctification or whether they are separate]. He therefore acted stringently in this [case, not eating on the second day an egg laid on the first day, lest the two*

days comprise a single period of sanctification]; and [he also acted] stringently in this [case, reciting habdalah between the two days, lest the end of the first day does in fact mark the conclusion of a festival period].

I.15. A. Said R. Zira, “It makes sense [to rule] in accordance with the position of R. Assi, [that an egg born on the first festival day may not be eaten on the second]. For now we are knowledgeable in the fixing of [the date of] the [new] moon, [such that there is no question concerning the date on which a festival will occur], and yet we [continue to] observe two [festival] days.”

B. Said Abbaye, “It makes sense [to rule] in accordance with the position of Rab, [that an egg laid on the first festival day may be consumed on the second]. For we have learned in the Mishnah [M. R.H. 2:2]: At first [when, in the Land of Israel, the new moon was sighted] they would kindle flares, [so as to notify outlying communities]. Once the Samaritans had spoiled matters [by kindling flares at the wrong times, so as to cause confusion, sages] made the rule that agents would go forth [to notify the outlying communities of the correct date]. [The implication of the Mishnaic passage is that] should [the trouble caused by] the Samaritans come to an end, we would [revert to] celebrating only one [festival] day. And indeed, [even during the conflict with the Samaritans], in the areas that the messengers were able to reach [in time], only one festival day was observed! And now that we are knowledgeable in the fixing of [the date of] the [new] moon, what is the reason that we [continue to] observe two [festival] days? It is because they sent word from there [i.e., the Land of Israel, stating], ‘Be careful [to follow] the customs of your ancestors, [which have come down] into your hands. At times [the government] might enforce [a period of] religious persecution, and, [should you not maintain the tradition of two festival days], this will cause confusion.’” [Avery-Peck: The observance of two festival days thus is a rabbinic enactment, to prevent potential problems when, in the future, people do not know the correct length of the month. But this continued observance does not indicate that both days are deemed true holy days. Rab therefore is correct that an egg laid on the first festival day may be eaten on the second.]

I.16. A. It is taught on Amoraic authority:

B. [Concerning] the two festival days of the New Year —

C. Rab and Samuel, the two of them, state, “[An egg] laid on the first day [of the festival] remains forbidden on the second.”

D. For we have learned in the Mishnah [at M. R.H. 4:4:] At first [on the thirtieth of Elul] they would receive testimony about the new moon all day long. One time the witnesses came late, [5A] and the Levites [consequently] were mixed up as to [what] song [they should sing for the afternoon offering]. [Therefore] they enacted the rule that they would receive witnesses [who said they had sighted the new moon] only until [the time of] the afternoon offering. [But] if witnesses came after the afternoon offering, [even though the court would not at this late hour proclaim the new month to have begun, such that it already was the first of Tishré and New Year’s day, still] they would [go ahead and] treat [the remainder of] that day as holy, and the next day [the actual first day of Tishré would, of course, be treated as] holy [too].

[Avery-Peck: Since the second day was not observed because of doubt, the implication is that, in general, both of the festival days are deemed sanctified. This being the case, as Rab and Samuel state, C, an egg laid on the first of them may not be consumed on the second.]

- E. Said Rabbah, “Ever since the enactment of Rabban Yohanan b. Zakkai, an egg [laid on the first day of the New Year’s festival] is permitted [for consumption on the second day]. *For we have learned in the Mishnah [M. R.H. 4:4]: When the Temple was destroyed [such that confusion in the cult was no longer a concern], Rabban Yohanan b. Zakkai made the rule that they should [once more] receive testimony about the new moon all day long.*” [Both of the festival days are not true holy days. One of them is celebrated only because of doubt. Therefore, an egg laid on the first of them may be consumed on the second.]
- H. *Abbaye said to him [Rabbah], “But [contrary to your statement], Rab and Samuel, the two of them, say, ‘An egg [laid on the first festival day remains] forbidden [on the second festival day].’”*
- I. *[Rabbah] replied to him, “I quote you [the great authority] Rabban Yohanan b. Zakkai, and you tell me about [a ruling of] Rab and Samuel!”*
- J. *Now, [as we have seen], the Mishnaic passage presents a contradiction to the view of Rab and Samuel.*
- K. *[Actually], there is no contradiction! This [rule, of Rab and Samuel], applies to us [in the diaspora, where two festival days perpetually are observed]. But this [ruling based upon Yohanan b. Zakkai’s statement], applies to them [in the Land of Israel, where two days are observed only in cases of doubt].*
- L. But R. Joseph said, “Even since the time of the enactment of Rabban Yohanan b. Zakkai, an egg [laid on the first festival day remains] forbidden [for consumption on the second festival day]. *What reasoning [leads us to this conclusion]? [The prohibition against eating the egg on the second day] was a matter determined by a vote. And any prohibition established by a vote may be rescinded only by a second vote.*”

I.17. A. Said R. Joseph, “From which [scriptural verse] do I derive this [notion, that a prohibition established by a vote is rescinded only by a vote, and does not automatically expire when the circumstances that prompted it no longer pertain]? For it is written : ‘[God commands Moses:] Go and say to them [that is, the Israelite men], ‘Return to your tents.’ [Deu. 5:30] [Exo. 19:15 reports that prior to the giving of the law, the Israelites were commanded to refrain from sexual relations. Contrary to what one might expect, this prohibition did not automatically expire after the giving of the law, when the reason for its original enactment no longer applied. Rather, God needed explicitly to inform Moses of the point at which the prior prohibition was rescinded.] And [Scripture] states [Exo. 19:13], ‘When the trumpet sounds a long blast, they may come up the mountain.’” [In preparation for receiving the law at Mount Sinai, the people were told, Exo. 19:12, not to go up the mountain. This prohibition did not automatically expire once the law had been given. Rather, God indicated explicitly the point at which the people again could climb the mountain.]

- B. *“And we have learned in the Mishnah [M. M.S. 5:2]: [Produce of] a vineyard in its fourth year [of growth, which, like second tithe, must be brought to Jerusalem and consumed there], was brought to Jerusalem [if it was grown] within one day’s [journey of the city] in any direction. And what is the extent [of a day’s journey from Jerusalem]? Elat to the south, Aqrabah to the north, Lod to the west and the Jordan [River] to the east. Now said Ulla, and some say it was Rabbah b. bar Hana, said R. Yohanan, ‘What is the reason [that sages ordained that, within these boundaries, the fruit itself should be brought instead of being redeemed]? It was so that the markets of Jerusalem could be decorated with produce.’ And it is [further] taught on Tannaite authority: R. Eliezer had a vineyard in its fourth year of growth to the east of Lod, next to Kefar Tabi [and thus within the area demarcated as a day’s journey to Jerusalem]. [5B] And [to avoid needing himself to carry the produce to Jerusalem] he desired to declare [the grapes] ownerless, for the benefit of the poor, [who thus could themselves take the fruit to Jerusalem and eat it there]. His students said to him, ‘Rabbi, your colleagues already have voted on this matter and rescinded [the previous prohibition against redeeming fourth year produce that grows within a day’s journey of Jerusalem].’ Who are referred to as “your colleagues”? Rabban Yohanan b. Zakkai [and, presumably, his school]. The reason [that the prohibition was rescinded] is that they voted. Thus, if they had not voted, [the prohibition would] not [have been rescinded, even though the reason for its original enactment no longer pertained]”*
- C. *How does [Deu. 5:30], ‘[Go] and say [to them, ‘Return to your tents]’” [prove the point at hand]?*
- D. *[The authority who cites that text] reasons as follows: It is written [Exo. 19:15], “Be ready by the third day; do not go near a woman.” [Therefore], why do I require [the release of the prohibition against sexual relations recorded in the text that reads], “Go and say to them, ‘Return to your tents’”? Learn from this that any prohibition enacted by a vote is rescinded only by a second vote.*
- E. *But if you state that [Deu. 5:30] actually serves to indicate the commandment of conjugal duty [and does not constitute the release of the prohibition given at Exo. 19:15], come and learn, [from the second example]: it is written [Exo. 19:13], “When the trumpet sounds a long blast, they may come up the mountain.” Since it is written [Exo. 34:3, referring to the morning on which Moses is himself to go up to the top of Mont Sinai], “[No man shall come up with you, and let no man be seen throughout all the mountain]; let no flocks or herds feed before that mountain” — why do I require [the further verse], “When the trumpet sounds a long blast, [they may come up the mountain].” Learn from this that any prohibition enacted by a vote may be rescinded only through a second vote.*

F. *Now if you should argue that this principle applies to scriptural [prohibitions] but not to rabbinic [ones], come and learn the case of the vineyard in its fourth year [of growth]. Indeed, [the rule that] the produce of a vineyard in its fourth year of growth [may not be redeemed, but must be brought to Jerusalem] is a rabbinic [prohibition]. Yet they say concerning it: “Your colleagues already have voted on this matter and rescinded [the previous prohibition against redeeming fourth year produce that grows within a day’s journey of Jerusalem].”*

I.18. A. *[Said Joseph], “Now if you state that Rabban Yohanan b. Zakkai also took a vote [concerning] an egg [laid on the first festival day] and [that, as a result], they judged [such an egg] permitted [for consumption on the second day of the festival] — [I shall answer] that they [indeed] took a vote concerning testimony. But concerning the egg, they did not vote.”*

B. *Abbaye said to him, “Is it the case that [the question of] the egg was [originally] subject to [its own] vote at all? The egg’s being prohibited was a result of [the prohibition against accepting] testimony. [Thus], when it became forbidden [to accept] testimony [late in the afternoon] an egg [laid on the first festival day] became forbidden [for consumption on the second day of the festival]. [And conversely] when testimony [brought late in the afternoon again] was permitted, so [the consumption on the second day of the festival of] an egg [laid on the first day] became permitted.”*

I.19. A. R. Adda and R. Salmon, both of Be Keluhit, say, “Even after the enactment of Rabban Yohanan b. Zakkai, an egg [laid on the first day of the New Year’s festival remains] forbidden [for consumption on the second day of that festival]. *What is the reason?* The sanctuary may be rebuilt very soon. [If, at the present time, we permit the egg on the second day, then, when the Temple is rebuilt and the law reverts to hold that the egg is forbidden] people will say, ‘Was it not the case that a year ago, on the second festival day, we could eat an egg [laid on the first day of the festival]? *Even now [that the Temple has been rebuilt] let us [therefore] eat [the egg on the second festival day].*’ [The people will make this error because] they will not know that last year, [before the Temple was rebuilt, the two days of the festival] comprised two distinct periods of sanctification, whereas now [that the Temple is rebuilt, the festival comprises] a single period of sanctification.”

B. *If matters are [as you claim, then, contrary to the ruling of Yohanan b. Zakkai], we should [presently] not even accept testimony [concerning the sighting of the new moon all day on the thirtieth of Elul]. What is the reason?* The Temple may be rebuilt soon, [such that testifying again will be restricted to before the afternoon offering]. But [judges] will say, “Is it not so that last year we accepted testimony concerning the new moon throughout the day? So too this year let us accept [testimony throughout the whole day].”

C. *What [grounds for comparison] have you here? [In the legal matter referred to] there, choosing to accept or reject] testimony is the responsibility of the court. [But decisions concerning the permissibility for consumption of] an egg are placed in the hand of each [individual] person.*

- I.20.** A. Raba said, “Even after the enactment of Rabban Yohanan b. Zakkai, an egg [laid on the first day of the New Year’s festival remains] forbidden [for consumption on the second day of that festival] Does Yohanan b. Zakkai not concur that, if the witnesses arrived after [the time for] the afternoon offering, all of present day is treated as holy, [for it is indeed the first of Tishré], but that, [even so, just as the prior ordinance ruled], the following day [too] is [celebrated as a] sanctified day?”
- B. And said Raba, “The decided law accords with the view of Rab in the [previously cited] three cases, whether [in the individual instance he takes] a lenient or a stringent position.”
- I.21.** A. **[6A]** Said Raba, “[If an Israelite] dies on the first day of a festival, gentiles should take care of him, [preparing the shrouds and digging the grave]. [But if] he dies on the second day of a festival, an Israelite may take care of him. And this rule, [that on the second day an Israelite may do the work], applies even in the case of [the second of] the two days of the New Year’s festival, which is unlike the rule regarding an egg.”
- B. *The Nehardeans say, “[The leniency that applies to the handling of a corpse on the second day of the New Year’s festival] applies as well in the case of an egg [laid on the first festival day. The egg may be eaten on the second day of the festival.] Of what are you thinking [that makes you deem the second day of the New Year’s festival a true holy day, such that the egg may not be consumed on it]? Perhaps [you are concerned lest a court] intercalate the month of Elul [by adding an extra day to it, so that the New Year’s festival will turn out actually to fall on the second day of the two that are celebrated]? But thus said R. Hinena b. Kahana, said Rab, ‘Since the days of Ezra, we do not find [a case in which] the month of Elul is intercalated.’”*
- C. *Said Mar Zutra, “We rule [that on the second day of a festival an Israelite may tend to a corpse] only in the case [of a corpse] that has lain [unburied] for a long time. But if it had not already lain for a long time, we leave it alone [until after the festival, when Israelites may tend to it].”*
- D. *R. Ashi said, “Even if it has not lain [unburied] for a long time, we do not leave it alone. What is the reason [that we may care for a corpse on the second day of a festival, when work normally is prohibited]? As concerns [performance of chores required for burying the dead] rabbis have deemed the second day of a festival comparable to a regular weekday. [This is the case] even as regards cutting a shroud or cutting for it [a branch of] myrtle, [placed on the bier in honor of the dead].”*
- E. *Said Rabina, “Nowadays, because of the Magi, we take care [and do not tend to the dead on the second of two festival days].”*
- I.22.** A. *[With reference to the statement of the Nehardeans:] Rabina was sitting in the presence of R. Ashi on [the first day of] the two festival days of the New Year, [in this instance, a Thursday].*
- B. *[Rabina] saw that [Ashi] was grieved. [Rabina] said to him, “Why is the master grieved?”*
- C. *[Ashi] said to him, “I have not set up an erub tabshilin.”*

[An *erub tabshilin* is a symbolic preparation of food by which an individual becomes permitted to cook foods on the festival day for a Sabbath day that falls immediately at the conclusion of the festival. On the Wednesday preceding a two day festival, the individual prepares and sets aside food for the Sabbath. This marks the beginning of the preparation of the Sabbath meals. Once this preparation is started on a regular weekday, it may be continued on the following, festival days. If an *erub tabshilin* is not prepared, food cooked on the festival day may be used only for that same day. Food may not be prepared on the festival for use on the Sabbath. Of course food preparation always is forbidden on the Sabbath itself.]

- D. *[Rabina] said to him, "Let the master prepare an erub tabshilin right now, [on the first festival day itself]. For did Raba not say, 'An individual may establish an erub tabshilin on the first day of a festival for use on the second, and he validly does this by making a stipulation.'"* [If the second festival day is the true holy day, the setting up of an *erub tabshilin* on the first day (Thursday) is permitted. This makes it possible for the individual on the following, festival day (Friday) to prepare food for the Sabbath. But for the case that the first day is the true holy day, the individual stipulated that the food he cooks on it is intended for that day alone. In this instance, since the second festival day is not really a holy day, food may be prepared on it for the Sabbath, with no need for an *erub tabshilin* at all.]
- E. *[Ashi] said to him, "Certainly Raba stated this [possibility] only in reference to the two festival days celebrated in the diaspora, [in cases of doubt concerning the correct calendrical date]. [But] did [Raba] really say this in reference to the two festival days of the New Year?"*
- F. *"But the Nehardeans claim that even an egg [laid on the first day of the New Year's festival] is permitted [for consumption on the second day, thus indicating that only one of the two days is a true festival day]."*
- G. *R. Mordecai [Ashi's student] said to him [i.e., Rabina], "The master, [Ashi], told me explicitly that he does not agree with this [teaching] of the Nehardeans."*

I.23. A. *It is taught on Amoraic authority:*

- B. [As for] a chick that is hatched on a festival day —
- C. Rab said, "It is forbidden [for consumption on that day]."
- D. But Samuel, and some say R. Yohanan, said, "It is permitted [for consumption on that day]."
- E. Rab said, "It is forbidden, [for] prior to the festival it had not been set aside as food."
- F. But Samuel, and some say R. Yohanan, said, "It is permitted, since [by hatching] it gains for itself the possibility to become permitted through slaughter." [Since hatching, in general, gives the chick the right to be slaughtered and eaten, it also, Samuel argues, gives it the right to be slaughtered and eaten on the festival.]
- G. Said R. Kahana and R. Assi to Rab, "What is the difference between this [chick, hatched on a festival day, which you forbid for consumption], and a calf born on a festival day, [which all agree may be slaughtered and eaten on the festival day]?"
- H. [Rab] said to them, "[Unlike the chick, the calf is permitted] since it is [a food] made ready [for consumption] through the slaughter of its mother." [If, before the

calf is born, the cow is slaughtered, the unborn calf it is carrying may be eaten without undergoing its own slaughter. Since, in this regard, on a festival day, the calf shares the status of its mother, if actually born on the festival, it likewise is deemed permitted for slaughter and consumption, just as its mother is permitted. This same reasoning cannot be applied to the chick, which, while inside its dam, is as yet unhatched and not in the status of a chick at all.]

- I. They said to him, “Then what is the difference between this [chick, such that it may not be eaten on the festival] and a calf born of a cow that, because of some deformity, is unfit for consumption?”
 - J. *Rab remained silent, [unable to reply].*
 - K. *Said Rabbah, and some say it was R. Joseph, “Why was Rab silent? He should have responded to them [that the calf, unlike the egg, is permitted] since it is [a food] made ready for [consumption by] dogs through the slaughter of its mother.”*
 - L. Said Abbaye to [Rabbah], **[6B]** “Now, that which is ready [and permitted] for consumption by people is not [necessarily] deemed ready for consumption by dogs. *As we have learned in the Mishnah [M. Shab. 23:4]: [On the Sabbath] they may cut up gourds to be fed to cattle or [chop up] a carcass [of an animal that dies on the Sabbath itself] to be fed to dogs. R. Judah says, ‘If it was not dead by the onset of the Sabbath, it is forbidden [for consumption by dogs], since it is not in the category of that which was ready [prior to the Sabbath for consumption on that day].’* [What is considered ready for consumption by dogs is [automatically] deemed ready for consumption by people?”
 - M. *[Rabbah] said to Abbaye, “Yes, that which is ready [and permitted] for consumption by people is not [by extension] ready for consumption by dogs. [The reason is] that one does not throw to dogs what is fit for [consumption by] people. But that which is ready [and permitted] for use by dogs indeed is deemed ready [and permitted] for use by humans. For a person’s intention is to eat anything that is fit for him.”*
- I.24.** A. *A Tannaite statement accords with the view of Rab, [that a chick hatched on a festival day may not be consumed on that same day]. [And] a Tannaite statement accords with the view of Samuel, and some say R. Yohanan, [that the chick may be eaten].*
- B. *A Tannaite statement accords with the view of Rab:*
 - C. A calf that is born on a festival day is permitted [for consumption on that day, but] a chick that is hatched on a festival day is forbidden [for consumption on that same day].
 - D. Now what is the difference between the two [types of food]? [The calf, when as yet unborn], becomes permitted for consumption by virtue of its mother’s being slaughtered. But this [chick] does not become permitted for consumption by virtue of the slaughter of its mother.
 - E. *A Tannaite statement accords with the view of Samuel, and some say R. Yohanan, [that the chick is permitted for consumption on the festival on which it hatches].*

- F. A calf that is born on a festival day is permitted [for consumption on that day], and a chick that hatches on a festival day [likewise] is permitted [for consumption on that day].
- G. *What is the reason?*
- H. This [calf, when as yet unborn], becomes permitted for consumption by virtue [of the slaughter] of its mother. And this [chick is permitted because, by hatching], it gains for itself the possibility to become permitted through slaughter.

I.25. A. *Our rabbis have taught on Tannaite authority:*

- B. A chick that is hatched on a festival day is forbidden [for consumption on that day].
- C. R. Eliezer b. Jacob says, “Even [if it hatches] on a regular weekday, it is forbidden for [consumption on the day on which it hatches], since its eyes have not yet opened.”
- D. *With whose view does this [exegesis], which is taught on Tannaite authority, agree:* “All of the swarming things that swarm upon the earth [you shall not eat]” [Lev. 11:42] — including chicks the eyes of which have not yet opened.
- E. *With whose [view does E’s interpretation agree]? With [the view of] R. Eliezer b. Jacob, [C].*

I.26. A. Said R. Huna said Rab, “At the point at which an egg is laid it is deemed fully formed. [Before this point it is not.]”

- B. *What [is the legal implication of the claim that] at the point at which an egg is laid it is deemed fully formed?*
- C. *If you state that* at the point at which it is laid it is deemed fully formed so as to be permitted for consumption with dairy products, [but that, before it is laid, e.g., if the egg is found in a slaughtered hen, it is deemed a meat, and prohibited for consumption with dairy products — this explanation is unacceptable].
- D. [For] is it not the case that, [even prior to when the egg was laid, while it still was] in the belly of its dam, [the egg] was permitted for consumption with dairy products?
- E. *Indeed so it is taught on Tannaite authority:*
- F. One who slaughters a hen and finds in it fully formed eggs — it is permitted to eat these together with dairy products.
- G. Rather, [if you suggest that the point of A is that] when the egg is laid it is deemed [already] to be fully formed [and in the status of food], such that, [should it have been laid just before a festival] it is permitted for consumption on that festival — [this explanation too would be unacceptable].
- H. [For] is it the case that, while still in the belly of its dam, [the egg is deemed unformed and not in the status of a food, such that it is] forbidden for consumption on the festival day? [That is not true.]
- I. *For thus it is taught on Tannaite authority [T. Y.T. 1:2]:*
- J. **One who [on a festival] slaughters a hen and finds in it fully formed eggs — it is permitted to eat these on the festival.**

- K. *And if you state that [Huna wishes] to teach us that the rule stated in the Tannaite teaching, [is not not the decided law, insofar as] what it states is not found in the Mishnah —*
- L. *we have learned in the Mishnah [M. Bes. 1:1]:*
- M. **[As for] an egg laid on a festival day:**
- N. **The House of Shammai say, “It may be consumed [on that day].”**
- O. **And the House of Hillel say, “It may not [be consumed].”**
- P. *Now the House of Shammai and the House of Hillel dispute only the case of an egg actually laid [on a festival day].*
- Q. *But [concerning an egg] as yet in the belly of its dam, both parties deem it permitted [for consumption on the festival].*
- R. *Now if you maintain that the House of Hillel deem forbidden for consumption [on the festival day] even [eggs] found [on that day] within the belly of their dams, and that [the reason M. Bes. 1:1’s dispute] is taught with reference to an egg] “laid” [on a festival day, instead of referring to an egg “extracted” from its dam] is to inform you of the breadth of the Shammaite position — [that is] that they permit [for consumption not only eggs that, on the festival day, are found inside of slaughtered hens but] even eggs that are laid [on the festival itself — this line of reasoning leads to a problem in understanding a different, anonymous rule]. For that which is taught on Tannaite authority [T. Y.T. 1:2]: **One who slaughters a hen and finds in it fully formed eggs — it is permitted to eat these on the festival day, then which [authority stands behind this rule]? It cannot be the House of Shammai. And it cannot be the House of Hillel.***
- S. *Rather, [the implication of Huna’s statement is that] when an egg is laid it is fully formed and capable of producing chicks. [But, an egg found] in the belly of its dam cannot produce chicks.*
- T. *What are the practical implications?*
- U. *[These facts have implications for business transactions involving] the buying and selling [of eggs. A person who buys eggs for hatching must be given eggs that were actually laid, not ones that were found inside of slaughtered hens. As Z states, the latter are not fertile and cannot produce chicks.]*
- V. *This is as in the case of the individual who said to them [i.e., egg salesmen], “Who has eggs [7A] of a cackling [that is, live] hen?”*
- W. *[When] they gave him eggs taken from a slaughtered hen, [which did not produce chicks], he came before R. Ammi [to complain].*
- X. *[Ammi] said to them [i.e., the salesmen], “This was a purchase made in error, and [the buyer] can withdraw [from it and recover his original purchase price].”*
- Y. *But this [EE] is obvious!*
- Z. *What [in particular] does [this case] teach?*
- AA. *[The sellers may claim to have thought that the purchaser] actually desired the eggs for consumption, [not for hatching chicks], and that the reason he asked for eggs of a cackling hen is that these have thicker shells [and are less susceptible to breaking].*

- BB. *What would be the outcome of this claim [on the part of the sellers]?*
- CC. *[Instead of needing to return all of the money, they must] give [the buyer] only the difference [between the higher price of eggs of cackling hens, which the buyer paid, and the lower value of eggs from slaughtered hen, which he received].*
- DD. *So [Ammi] informs us, [that this is not the case].*
- I.27.** A. *[This is the case of] a certain individual who asked them [i.e., salesmen], “Who has eggs of a mated [hen, which are fertile]? Who has eggs of mated hen?”*
- B. *[When] they gave him eggs of an unmated [hen], he came before R. Ammi [to complain].*
- C. *[Ammi] said to them [i.e., the salesmen], “This is a sale made in error and [the buyer] can withdraw, [and have his money refunded].”*
- D. *This is obvious.*
- E. *What [specific legal lesson] does this case teach? [The sellers may claim that] this [buyer] desired eggs for eating, [not for hatching], and that he had asked for eggs of a mated hen since they are richer.*
- F. *What would be the outcome of this claim [on the part of the sellers]?*
- G. *[Instead of needing to return all of the money, as in the case of an erroneous sale, they must simply] give him the difference [between the price of the eggs of a mated hen, which he paid, and the lower price of eggs of an unmated hen, which he received].*
- H. *So [Ammi] informs us, [that that is not a valid claim].*

- I.28.** A. *[Reverting to I.26.C:] And [alternatively] if you wish I can reason What [is the legal implication of Huna’s statement that] at the point at which an egg is laid it is deemed fully formed?*
- B. *[It means] the egg is deemed completely formed when its greater part has come forth [from the hen]. [An egg that has been almost entirely laid when the festival begins is deemed fully laid and is permitted for consumption on the festival day.]*
- D. *And this is in accord with the view of R. Yohanan, for R. Yohanan said, “An egg most of which came forth on the eve of the festival day, [that is, just before the festival began] and then went back [into the hen] is permitted for consumption on the festival day, [should it then be entirely laid on that day].”*
- E. *But there are those who say that [the statement] “at the point at which an egg is laid it is fully formed” [means that] only when the egg is completely laid is it deemed fully formed. When all of the [egg] has come out [of the hen] it is [deemed fully formed]. But if [only] the majority of [the egg has come out] it is not [deemed fully formed]. And that is to reject the perspective of R. Yohanan.*

- I.29.** A. *[Reverting to] the body [of the foregoing, I.26.F]:*
- B. *One who slaughters a hen and finds in it fully formed eggs — it is permitted to eat these together with dairy [products].*
- C. *R. Jacob says, “If they are attached [to the hen] with veins, they are forbidden [as meat, for consumption with dairy products].”*
- D. *Who is the author of this [rule], which our rabbis have taught:*

- E. One who eats the carcass of a clean hen [that died of itself, without proper slaughter], or [its] embryonic eggs, [held together with veins], or [its] bones, veins, or its meat, torn off while [the hen] was still alive, remains cultically clean. [But if he ate its] ovary, [its] crop, [its] entrails, or if he melted its fat and swallowed it, he is unclean.[These items are part of the hen's flesh, and therefore they render unclean one who has any contact with them.]
- G. *Who taught, "[If he eats] its embryonic eggs, he is clean"?*
- H. Said R. Joseph, "[This rule] does not accord with the view of R. Jacob. *For if it were in accord with [the view of] R. Jacob, [it would have to say the opposite, that the individual is unclean]. For has he not said, 'If [the eggs found in a slaughtered hen] are attached with veins, they are forbidden [for consumption with dairy products]'*?"
- K. *Abbayye said to [Joseph], "On what basis [do you reason as at I]? Perhaps R. Jacob made the statement there, only concerning the prohibition [of eating the embryonic eggs with dairy products]. But [even though Jacob forbids consumption of these eggs with dairy products, perhaps he does] not [deem them a part of the hen's flesh, such that they would] impart uncleanness [to the one who eats them]! [In Jacob's view, since these eggs are nearly like flesh, there is a rabbinic prohibition against consuming them with dairy products. But, insofar as they really are not flesh, he agrees with E that they do not render unclean an individual who takes them from a carcass and eats them.] And if you argue that [following L's reasoning], we should also have enacted a prohibition [so as to deem these eggs to render unclean the person who eats them] — [this cannot be the case, since it] would entail increasing [the possibility of an individual's] becoming unclean. And [as a principle] we do not through rabbinic enactment increase the potential for people to become unclean."*
- Q. *And there are those who teach [the preceding discussion as follows]:*
- R. *Who taught [this rule]: "[If he eats] from its ovary, he is unclean"?*
- S. Said R. Joseph, "It is R. Jacob, [for he said, 'If [eggs found in a slaughtered hen] are attached [to the hen] with veins, they are forbidden [for consumption with dairy products].'"
- U. Said Abbayye to [Joseph], "What [makes you think] that [the term] 'ovary' [in the rule at F] refers to [the eggs] that hang from the ovary? Perhaps it refers to the ovary itself! And if you state [that it cannot refer to the ovary itself, since, regarding] the ovary itself, why is there a need for such a rule at all, [it being obvious that this part of the hen has the status of flesh, so as to render unclean one who takes it from a carcass and eats it] — [the need for the rule regarding the ovary is analogous to the need for the rule] concerning the crop and entrails. For even though these things [obviously] are flesh, since certain people do not eat them, it is necessary to teach [explicitly the law that, like all flesh, they render unclean one who eats them]. So here [in the case of the ovary], since there are people who do not eat it, it was necessary to teach [explicitly the

rule that if the ovary derives from an unfit hen, just like other flesh, it renders unclean the one who eats it].”

I.30. A. *Our rabbis have taught on Tannaite authority:*

- B. Any [type of creature] that copulates during the day — [its offspring] is born during the day.
- C. [And] any [creature] that copulates during the night — [its offspring] is born during the night.
- D. [And] any [creature] that copulates during the day or the night — [its offspring] may be born during the day or the night.
- E. “Any [type of creature] that copulates during the day — [its offspring] is born during the day”:
- F. This refers to the hen.
- G. “Any [type of creature] that copulates during the night — [its offspring] is born during the night”:
- H. This refers to the bat.
- I. “Any [type of creature] that copulates during the day or night — [its offspring] is born during the day or night”:
- J. This refers to humans and all that are similar to them.

I.31. A. Said a master, “Any [type of creature] that copulates during the day — [its offspring] is born during the day — this refers to the hen:” *What is the practical implication of this fact?*

- B. *It is that which is stated by R. Mari son of R. Kahana. For said R. Mari son of R. Kahana, “[If] one checked the chicken coop on the eve of the festival day and did not find an egg in it, and [then] on the next day he got up early [before daybreak] and found there an egg, it is permitted [for consumption on the festival day].” [The egg could not have been laid during the night, after the festival began. Therefore it must have been laid on the preceding day, before the onset of the festival. We assume that this is the case even though, on the preceding evening, when the individual checked the coop, he did not find an egg there.]*
- C. [How can you claim that the egg was laid before the festival, for] did he not check [the coop on the preceding evening and find no eggs there]?
- D. *Say: he did not check very very carefully.*
- E. *And even if he did check carefully [and not find an egg], I can argue that [before the onset of the festival, while it still was day], most of the egg had come forth [from the hen], but it had gone back in [and was fully laid after the individual checked the coop].*
- F. *[In this case, the fact that the egg, fully laid on the festival itself, is permitted for consumption on the festival day] is in accordance with the view of R. Yohanan, [who holds that once most of the egg has come forth from the hen, the egg is deemed laid. If it subsequently goes back into the hen and is later fully laid on the festival day, it is permitted for consumption on that festival day.]*

- G. *But is this really so? But [to the contrary] thus said R. Yosé b. Saul said Rab, “[If] one checked the chicken coop on the eve of the festival day and did not find an egg in it and, on the next day, he got up early [before daybreak] and found there an egg, it is forbidden [for consumption on the festival, since it clearly was born during the night, after the onset of the festival day].”*
- H. *There, [we deal with a hen that, although unmated, produced an egg by] rubbing against the ground.*
- I. *If so, then, in the case suggested by R. Mari, let us also state that we deal with [an unmated hen, which produced an egg by] rubbing against the ground!*
- J. *[Mari cannot refer to an unmated hen since, he cites a case] in which there was a cock nearby.*
- K. *Even if there is a cock nearby, I can argue that [this egg was produced because the hen] rubbed against the ground.*
- L. *said Rabina, “It is a well known maxim that in any case in which there is a cock [nearby], a hen does not [cause production of an egg by] rubbing against the ground.”*
- M. *And how near [must the cock be in order to prevent the hen from producing eggs without actual copulation]?*
- N. *Said R. Gamda in the name of Rab, “So near **[7B]** that [the hen] can hear its voice [crowing] during the daytime.”*
- O. *R. Mari judged a case in which [the cock was removed a distance of] sixty houses [from the hen]. [Even so, when, under the circumstances described at D, the hen laid an egg, Mari deemed it to have resulted from the hen’s mating with the cock. As at D, the egg therefore was deemed permitted for consumption on the festival day.]*
- P. *But [whatever the proximity between the hen and cock], if there is a river [between them, the hen] does not cross over [and mate]. But if there is a bridge, it does cross over. And if [rather than a bridge] there is [simply] a plank, it does not cross over.*
- Q. *There once was a case in which [a hen] crossed [a river] on a plank.*
- R. *How have you explained it [i.e., the view of Yosé b. Saul, that one who finds an egg before daybreak on a festival must assume that the egg was laid during the night, so as to be forbidden for consumption on the festival day]? [Yosé b. Saul refers to a hen that produced an egg because it] rubbed against the ground. [If the case is as given], why does [Yosé b. Saul mention] specifically [that the individual] had checked [the chicken coop just before the onset of the festival and had not found eggs at that time]? [Even if] he had not checked [the coop before the start of the festival] the same [rule would apply].*
- S. *[Yosé b. Saul refers to a case in which an individual checked the coop prior to the festival] because, if the individual had not checked, one might*

argue that [the egg found on the morning of the festival was laid] on the preceding day, [before the festival began].

- T. *But even if he checked [the coop on the preceding evening], one can argue [that the egg he finds the next morning is permitted because] most of it had come forth [from the hen before the start of the festival] but had then gone back in.*
- U. *[The notion that such an egg, when finally laid on the festival day, is permitted for consumption on that day] is in accordance with [the view of] R. Yohanan,*
- V. *[We do not concern ourselves with the possibility raised by Yohanan], since that which R. Yohanan describes occurs very infrequently.*

I.32. A. And said R. Yosé b. Saul said Rab, “This pulverized garlic that is left uncovered is a danger.”

II.1. A. The House of Shammai say, “Leaven in the volume of an olive’s bulk [and that which is leavened in the volume of a date’s bulk (may not be seen in Israelites’ domains on Passover)].” [But the House of Hillel say, “This and that (are prohibited in a volume of) an olive’s bulk”] :

- B. *What is the reasoning of the House of Shammai [in claiming that different measures apply to the prohibition against maintaining in one’s house that which is leavened and leaven itself]?*
- C. *[The reason is that] if [contrary to the Shammaites’ claim] it were the case [that both items are forbidden in the same measure], Scripture should have mentioned [the prohibition against keeping in one’s house] that which is leavened, but would not have had to refer [explicitly] to leaven [itself] [Exo. 13: 7: ‘Nothing that is leavened shall be seen with you, and no leaven shall be seen with you’].’ Now [if only that which is leavened were explicitly prohibited by Scripture] I would have reasoned: If that which is leavened, which does not have a high level of acidity, [is forbidden in a volume of] an olive’s bulk, how much the more so should leaven, which does have a high level of acidity, [be forbidden in the quantity of an olive’s bulk]. Why [therefore] do I require Scripture’s [explicit] reference [to leaven]? It is to inform you that the quantity in which this [leaven is forbidden] is not the same as the quantity in which that [which is leavened is forbidden].*
- D. *And [in the view of] the House of Hillel [as well, explicit reference to both items] is required. For if Scripture referred only to [a prohibition against maintaining] leaven [but did not prohibit that which is leavened], I would have argued: [Leaven is forbidden] because it has a high level of acidity. But [as for] that which is leavened, which does not have a high level of acidity — I would have said it is not [forbidden to keep it in one’s house during Passover at all]. So Scripture’s explicit reference to that which is leavened] is required.*
- E. *And if Scripture had referred [explicitly only] to that which is leavened, [without mentioning leaven itself] — [I might have reasoned that what is leavened may not be kept in one’s house] because it is fit for consumption. But, [as for] leaven, which is not fit for consumption — I would have held that it is not [forbidden to keep it in one’s house during Passover]. So Scripture’s explicit reference to leaven] is needed.*

- II.2.** A. *Do the House of Shammai not agree with that which R. Zira [said with reference to Exo. 12:20: “You shall eat no leaven; in all your dwellings you shall eat unleavened bread.”] For said R. Zira, “[The cited verse of] Scripture opens with [reference to] leaven and concludes with [reference to] that which is leavened. This is to teach you that the same rule that applies to leaven applies to that which is leavened.”*
- B. *Concerning the consumption [on Passover of leaven and that which is leavened] all parties [i.e., the Shammaites as well as the Hillelites] agree [that a single volume applies to both prohibitions]. They disagree [only] concerning the requirement of removing [leavened things from one’s home]. The House of Shammai reason that we do not derive [the rules for] removal [of leaven from the home] from [the rules for] the consumption of leaven. But the House of Hillel reason that we do derive [the rules for] the removal [of leaven from the home] from [the rules concerning] consumption [of leaven on Passover].*
- C. *It also is stated on Amoraic authority:*
- D. Said R. Yosé b. Hanina, “The dispute [between the Houses of Hillel and Shammai] concerns only [the quantities in which leaven and that which is leavened must be] removed [from one’s domain]. But concerning [the prohibition against] eating [leavened things], both sides agree that this [i.e., leaven] and this [i.e., that which is leavened, are forbidden] in [the volume of] an olive’s bulk.”
- E. *A Tannaite teaching makes the same point:*
- F. “That which is leavened may not be seen with you, and no leaven shall be seen with you...” [Exo. 13:7] —
- G. [Concerning] this [verse there] is a dispute between the House of Shammai and the House of Hillel.
- H. For the House of Shammai say, “Leaven in [the volume of] an olive’s bulk and that which is leavened in [the volume of] a date’s bulk [may not be maintained in an Israelite’s domain during Passover].”
- I. But the House of Hillel say, “This and that [are prohibited] in [the volume of] an olive’s bulk” [M. [Bes. 1:1D-E](#)].

- III.1** A. One who slaughters a wild beast or a bird on the festival — [The House of Shammai say, “He digs with a mattock and covers up (the blood).” But the House of Hillel say, “He should not slaughter at all, unless he had dirt ready while it was still day (light, on the day preceding the festival):”
- B. [The phrasing of the dispute before us, which refers to] “One who slaughters,” [indicates that the Shammaites’ view applies] *post facto* but not *ab initio*.
- C. *But then note the conclusion of the same passage: The House of Hillel say, “He should not slaughter at all.” The implication [of the Hillelites’ statement] is that the previously [cited] authority [i.e., the Shammaites] reasons that one may [indeed] carry out the slaughter [ab initio] and use a mattock to cover the blood.*
- D. *That is no problem. [Even] one who has gone ahead and slaughtered [on the festival day] should not then cover up [the blood using a mattock, the Hillelites] mean to say.*
- E. *Consider the subsequent clause: But [the Houses] concur that if he actually did slaughter, he may dig with a mattock and cover up [the blood] [M. Bes.*

1:2E]. *The implication [of the Houses' agreement on what an individual who already has gone ahead and slaughtered may do] is that the beginning [of the passage in question, which describes the Houses' dispute], does not refer to the post facto rule [for a case in which the individual anyway has gone ahead and slaughtered].*

- III.2.** A. *Said Rabbah, "This is the meaning [of the dispute between the Houses]: "[As for] a person who [on a festival day wishes to] slaughter [but who has not prepared earth beforehand and] who comes to ask advice — how should one answer him? The House of Shammai say, 'One tells him: "[Go ahead and] slaughter, dig [with a mattock] and cover [the blood]."' But the House of Hillel say, '[One tells him]: A person may not slaughter [on a festival day] unless he has dirt ready [for covering up the blood] while it is still day [light, on the day preceding the festival].'"*
- B. *R. Joseph said, "This is what [the Mishnaic passage] means: [As for a person] who [on a festival day wishes to] slaughter and who comes to ask advice — how should one answer him? The House of Shammai say, 'Say to him, "Go and dig [to get earth], then slaughter and cover [the blood]."' The House of Hillel say, 'A person may not slaughter [on a festival day] unless he has dirt ready [for covering up the blood] while it is still day [light, on the day preceding the festival].'"*
- C. *Said Abbaye to R. Joseph, "Should we reason that the master [i.e., you] and Rabbah disagree concerning the teaching that R. Zira [said] Rab said? For said R. Zira said Rab, 'One who slaughters must place loose earth below, [on which to pour out the blood], and loose earth above, [so as to cover the blood]. [And this is] as [Scripture] states, '[Any man also of the people of Israel...who takes in hunting any beast or bird that may be eaten] shall pour out its blood and cover it in earth' [Lev. 17:13]. '[With] earth' is not written; rather [Scripture says explicitly], 'in earth.' This teaches that one who slaughters must place earth below [into which the blood is poured] and earth above, [used to cover the blood].' For the master [that is, Joseph] follows [the perspective of] R. Zira [and so interprets the Shammaites' view to accord with the view of Zira. The slaughterer must begin by getting dirt. Afterwards he performs the slaughter, pouring the blood into the already prepared earth.] But Rabbah does not follow R. Zira, [and the Shammaites tell the individual first to perform the slaughter and only afterwards to get earth. In Rabbah's view, therefore, the slaughterer need not pour the blood into prepared earth, contrary to what Zira says.]"*
- D. *He said to him, "Both Rabbah and I accept the view of R. Zira. But our dispute here is as follows: Rabbah reasons: [On a festival day, one may slaughter only] if there is earth below [into which to pour the blood]. And if [on the festival day he has] no [earth already prepared into which to pour the blood, the individual may] not [slaughter at all]. [Rabbah takes this view because he holds] we should worry lest [having already gone ahead and dug for earth into which to pour the blood the individual will] change his mind and determine not to [carry out the] slaughter. But in my opinion, it is preferable [that he be allowed to go ahead and dig even prior to the slaughter, so as to get the earth that he needs]. For is he is*

not so permitted, he will wind up being deprived of the joy of the festival, [which depends upon the preparation of a proper meal].”

IV.1 A. But [the Houses] concur that if he actually did slaughter, he may dig with a mattock and cover up [the blood]:

- B. Said R. Zerika said R. Judah, “And that rule applies only if the mattock had been sticking [in the earth] since day [light, on the day preceding the festival].
- C. *But [in all events, what the individual does with the mattock is in the category of work, since] his actions cause crumbling [of soil].*
- D. Said R. Hiyya b. Ashi said Rab, **[8A]** “[The case is one in which the mattock is stuck] in loose earth. [Lifting up some of this earth does not cause crumbling and therefore is not in the category of work.]
- E. *But [what the individual does still should be considered work, and forbidden, since] he thereby creates a hole!*
- F. *This accords with the view of R. Abba. For* said R. Abba, “One who digs a hole on the Sabbath, but desires only the earth [he digs up, not the hole itself], is not culpable in its regard.

V.1 A. That the ashes of the oven are deemed to have been made ready [M. Bes. 1:2F].

- B. *Who ever mentioned, “The ashes of the oven”!*
- C. *Said Rabbah, “This is what is meant: [The Houses concur that one who already has slaughtered may use a mattock to cover the blood] and [they agree that] ashes from the oven are deemed to have been made ready, [such that they too may be used to cover blood].”*

V.2. A. Said R. Judah and Rab, “They teach [that the ashes of an oven are ready and permitted for use on a festival] only in a case in which [the oven] was kindled prior to the eve of the festival. But if it was kindled on the festival day itself, it is forbidden [to take ashes from this oven and use them to cover blood.] [Such ashes, created on the festival day itself, were not readied prior to the festival so as to be permitted for use on that day.] But if [the ashes from an oven kindled on the festival day itself] are [still hot and therefore are] fit to roast an egg, it is permitted [to take them to cover blood].”

- B. *A Tannaite statement makes this same point:*
- C. When [the Houses] stated that ashes from the oven are deemed ready [and permitted for use on the festival] they said this only with regard to [an oven] kindled prior to the eve of the festival. But if [the oven] was kindled on the festival day itself [and so created the ashes on that day], it is forbidden [to use them on the festival to cover blood]. But if [the ashes taken from the oven kindled on the festival day itself] still are fit for roasting an egg, it is permitted [to use them on the festival day to cover blood].
- D. If one had brought earth into his garden or waste-dump, it is permitted to cover [blood with it, on a festival day].

V.3. A. And said R. Judah, “A person may bring a basketful of earth [into his home] and [on the festival] may do with it whatever he pleases.”

- B. Explained Mar Zutra in the name of Mar Zutra the elder, “But this is only the case if he set aside [for the basketful of earth] a particular corner.”
- C.. [With reference to Judah’s statement that earth stored in the home on a festival may be used in any way one wants,] *they raised an objection: [As for] a koy — they may not slaughter it on a festival. And if they [anyway] slaughtered it, they may not cover its blood [with earth] [M. Bik. 2:9].* [A hybrid, the koy does not clearly fit into the category of either wild animal or domesticated animal. If it is a wild animal, after slaughtering it for food, one must pour out the blood and cover it with earth. But if it is a domesticated animal, the blood need not be covered. On a festival it is forbidden to work by digging to get earth. Therefore, *ab initio*, people may not slaughter a wild animal or koy on that day. If one does slaughter a wild animal on a festival, he is permitted, *post facto*, to cover its blood (M. Bes. 1: 2). This is not the case with a koy, for if it is in fact a domesticated animal, by digging to cover its blood, one does *unnecessary* work and thereby transgresses the festival law.]
- D. *Now if earth stored in one’s home may, on a festival, be used however one wishes], let them [go ahead and] cover [the blood of a koy slaughtered on a festival day], in accordance with the opinion of R. Judah.*
- E. *And in accordance with your position, he should cover [the blood of the koy slaughtered on a festival day] with ashes from an oven [M. Bes. 1:2F] or with [earth dug up by] a mattock that had been stuck in the ground [prior to the onset of the festival]. Rather it is a case in which the individual does not have [on hand either of the things]. So too [regarding the possibility of using dirt stored in one’s house, this is a case in which] the individual does not have [such ready-earth].*
- F. *If the point is as claimed, [that the rule applies only in the case of an individual who does not have earth available to cover the koy’s blood], what [specific] point [was intended through phrasing this claim for a case of] uncertainty [whether or not the blood needs to be covered at all]? Even if it were a case of [an animal the blood of which] certainly [needs to be covered, if the slaughterer does not have earth available for use, he] is not [permitted to dig and cover the blood].*
- G. [The authority] stated [this rule so as to say], “*not only* [is such-and-so forbidden] *but also* [thus-and-thus is forbidden].” [On a festival day] *not only* is it forbidden [for one who does not have earth prepared] to slaughter [an animal the blood of which] certainly [needs to be covered], *but also* [it is forbidden to slaughter an animal about which there is] a doubt [whether or not its blood needs to be covered]. *I might have reasoned: [In order to allow] celebration of the festival day, [which requires consumption of a proper meal, one is permitted] to slaughter [an animal the blood of which might not require covering] and not cover its blood. So we are informed [that, contrary to what we might reason, even in a case of doubt, on a festival one may not slaughter an animal and leave its blood uncovered].*
- H. **[8B]** *But indeed, since the subsequent clause [of M. Bik. 2:9, cited at C] reads: But if they [anyway] slaughtered it, they may not cover [its blood] with earth, the implication is that in the first statement, [which prohibits slaughter of a koy on a festival ab initio], we deal with a case in which he does have [dirt in*

readiness, so that he can in fact cover the blood without performing work that might be prohibited on the festival day]. [Avery-Peck: Even in the case of an animal the blood of which certainly requires covering, one may not cover its blood on the festival day unless he has earth that was prepared before the festival began. Since M. **Bik. 2:9** treats the doubtful case of the koy as a special circumstance, it surely is because, in its case, even though dirt is available, the blood may not be covered. Otherwise its rule would simply repeat what already is obvious to all parties, that one who slaughters on a festival may not perform work so as to get the earth needed to cover blood. We therefore must conclude that the rule of C applies even if the slaughterer has earth on hand.]

- I. Therefore said Rabbah, “The ashes of the oven [or dirt stored in one’s home] are deemed ready [and therefore permitted] for covering [blood that] certainly [needs to be covered]. But they are not deemed ready [and permitted] for [use in covering blood] about which there is a doubt [whether or not it needs to be covered]. *What is the reason [such ashes are] not [permitted for use in covering blood] that might not [need to be covered]? Because [by removing the ashes on the festival] he would make a hole, [which is prohibited on the festival day].*”
- J. *By taking ashes or dirt to cover blood that] certainly [needs to be covered] he also makes a hole!*
- K. *Rather [the rule that permits the individual to take ashes, even though in doing so he makes a hole], accords with the view of R. Abba [if one does not desire the hole, but only the earth or ashes that he takes from it, he is not culpable for creating the hole.] [For] here too [in the case of the koy slaughtered on the festival day, the law should] accord with the view of R. Abba, [so as to deem it permitted for the individual to take ashes to cover the blood of the koy, even though, in doing so, he creates a hole.]*
- L. *Rather, in a case of doubt [concerning whether or not the blood needs to be covered at all], what is the reason [that we do not allow the blood to be covered on a festival day]?*
- M. [Covering the blood is prohibited] lest [in taking the earth or ashes] the individual crumbles [the soil or the cinders contained in the ashes]. [In light of the possibility that the individual will inadvertently do prohibited labor (crumbling), we do not allow him to cover the koy’s blood on a festival day].
- N. *[In the case of blood that] certainly [needs to be covered] should we not also enact a prohibition because of [the possibility that, in covering the blood, the individual will cause] crumbling?*
- O. [In the case of blood that] certainly [must be covered], if he causes crumbling [of earth or cinders], the positive commandment [that one *must* cover the blood] overrides the negative commandment [that one *should not* crumble earth on the festival day]. [The case of the koy differs, since, if its blood does not in fact need to be covered, the individual turns out to have transgressed a negative commandment without having fulfilled a positive one at all.]
- P. *I may well say that that [performance of] a positive commandment overrides [transgression of] a negative one* in cases such as the circumcision of [one who has a] spot of leprosy [on his foreskin]. *Or it would apply to a woolen garment, on which [it is permitted to put] linen fringes.* [Deu. 22:11 prohibits the mingling

of wool and linen. The following verse contains the positive commandment to make fringes. That latter commandment is understood to override the negative one, such that it is permitted to put linen fringes on a woolen garment.] *For in such cases, at the same time at which he infringes upon the negative commandment, he fulfills the positive one. But in the present case [of covering blood], at the same time that he infringes upon the negative commandment [by crumbling ashes or earth], he does not fulfill the positive commandment, [insofar as he will actually cover the blood only a moment later].*

- Q. *That presents no difficulty, for we deal with an instance in which, at the same time that he crumbles [the earth], he covers [the blood].*
- R. But after all, [the rules for] a festival day [include both] a positive commandment, [to rest on the festival day], and a negative one, [not to do any work]. And a [single] positive commandment, [to cover the blood of a slaughtered animal], cannot serve to override [both] a negative and a positive commandment.
- S. Therefore said Raba, “[As for] the ashes of an oven — his intention is to [use them for covering blood that] certainly [needs to be covered]. But it was not his intention [to use them for covering blood] about which there is a doubt [whether or not it needs to be covered].”
- T. *And Raba follows his [usual] view. For* said Raba, “If one brought [into his home] earth to use in covering [a child’s] excrement, it is permitted to use it to cover the blood of a bird [he slaughters on the festival day]. [The earth was set aside for a contingency, should the child defecate. Since, on the festival, it is permitted for use for a contingency, it likewise is permitted for a use that the householder knew would arise, covering the blood of the bird he had determined to slaughter.] [But if he brought the earth to cover] the blood of a bird, it is prohibited to use it [on the festival to cover] the excrement [of a child].”
- U. *The Neharbeleans say,* “Even if he brought in earth to cover the blood of a bird, he may use it to cover the excrement [of a child].”
- V. *They say in the west [in the Land of Israel]: R. Joseph bar Hama and R. Zira — and some say Raba, the son of R. Joseph b. Hama, and R. Zira — dispute this [following issue]:*
- W. *One of them holds,* “A koy is in the status of excrement.” [The koy and the excrement have the same status because, just as there is a doubt whether or not the individual will require the dirt for covering excrement, so there is a doubt whether or not the blood of the koy needs to be covered at all.]
- X. *But [the other] one holds,* “A koy is not in the status of excrement.”
- Y. *Conclude that it was Raba who said,* “A koy is in the status of excrement.” For said Raba, “If one brought [into his home] earth to use in covering [a child’s] excrement, it is permitted to use it to cover the blood of a bird [he slaughters on the festival day]. [But if he brought the earth to cover] the blood of a bird, it is prohibited to use it [on the festival to cover] the excrement [of a child].”
- Z. *[Indeed] conclude exactly that.*

- V.4.** A. *Rami the son of R. Yabba said, “[As for] a koy — the reason one may not cover [its blood on a festival] is a rabbinic enactment, lest [people come to believe that] it is permitted [to eat the koy’s] fat.”*
- B. *If this is the reason, then even on a [regular] weekday [it should be forbidden to cover a koy’s blood].* [Just as on a festival, if someone sees another person covering the koy’s blood on a weekday, he will assume that this is required because the koy is a wild animal and that, therefore, it is permitted to eat its fat. In line with Rami’s reasoning, covering a koy’s blood therefore should always be forbidden. Since it is not, it is clear that Rami’s reasoning is not acceptable.]
- C. *On a weekday, [people who see someone covering the blood of a koy] will hold that [the individual is doing this simply because he] needs to clean his courtyard.*
- D. *But if [on a weekday] he slaughtered the koy in his garbage heap, [such that, when he covers the blood, people know he is not doing so in order to clean up] — what is there to say [to uphold the explanation of Rami]?*
- E. *If he came to ask advise [whether or not he should cover the blood on a weekday, in which case rabbis certainly would tell him that he must do so] — what is there to say [to uphold Rami’s claim]?*
- F. *Rather, on a regular weekday, even though there is a doubt [whether or not the blood of a koy in fact must be covered], rabbis would say to him, “Go, take the trouble to cover [this blood].”* [The fact that an individual is instructed to cover a koy’s blood and is seen doing so on a regular weekday therefore in no case can be taken to mean that the koy is definitely in the status of a wild animal, and that its fat is permitted for consumption.] *But on a festival day, if there is any doubt [that the blood must be covered], would rabbis say to him, “Go, take the trouble to cover [the blood of the koy]?”* [No, they would not. Thus, as Rami argued, if the individual were permitted to cover the koy’s blood on a festival, people would reach the wrong conclusion that the koy certainly is a wild animal, the fat of which is permitted for consumption. But this conclusion does not follow from the fact that, on a regular weekday, rabbis insist that the slaughterer cover a koy’s blood.]
- G. *Taught R. Zira on Tannaite authority, “Not only in the case of the koy [do rabbis] rule in this way, [prohibiting covering the blood on a festival day]. Rather, even if he had slaughtered cattle [the blood of which does not need to be covered] along with a wild animal and fowl [the blood of which must be covered], and [all of] the blood became mixed together — it is forbidden to cover it on a festival day.”*
- H. *Said R. Yosé b. Yaasinaah, “They taught only for a case in which he cannot cover [all of the blood] with a single thrust [of the mattock]. But if he can cover [all of the blood] with a single thrust [of the mattock], it is permitted [to do so on a festival].”*
- I. *This [statement] is obvious!*
- J. *Not at all. What might one have reasoned? We should enact a prohibition against [covering the blood with even] a single thrust [of the mattock], lest [people come to believe that it is permitted to cover the blood even if doing so requires] two thrusts [of the mattock]. So we are informed that there is no such enactment].*

- V.5.** A. Said Raba, “If he slaughtered a bird before the eve of a festival day, they are forbidden to cover its [blood] on the festival day itself. If **[9A]** one made dough before the eve of a festival, he may separate from it dough offering on the festival day [itself].” [Since one may prepare dough on a festival day, one may also separate on that day dough offering, the removal of which is necessary to render the dough permitted for consumption. Dough offering, further, may be separated on a festival day even from dough that was prepared before the festival began.]
- B. The father of Samuel said, “Even if he made dough before the eve of a festival, it is forbidden to separate from it dough offering on the festival day [itself].”
- C. *Should one say that Samuel differs with his father?* For said Samuel, “[As regards] dough offering [separated as heave-offering] outside of the Land [of Israel] — one may go along eating [bread from which such dough offering has not yet been separated] and only afterwards [need he] separate [the offering].” [Outside of the Land of Israel, bread may be eaten even if dough offering is not separated from it. Since the separation of that offering is not required to render the bread permitted for consumption, it is not comparable to the removal of other tithes, which is needed to render food available for consumption. Since removing dough offering has no effect upon the dough, it should be permitted on a festival day. In taking this view, Samuel appears to disagree with his father, who does not permit separating dough offering on a festival day.]
- D. Said Raba, “Does not Samuel concur that if [before the festival] one designated [the dough offering contained in the bread, that, even before it physically is separated, the offering is in the status of a priestly gift and therefore] is forbidden for [consumption by] non-priests [and, like heave-offering and other tithes, may not be separated on a festival day]?”

In I:1-7 emphasis is on the Hillelite view, that the egg may not be consumed. Throughout the upcoming discussions this view is assumed to be normative. Then the issue is examined: May an egg laid on one of the two days be eaten on the holy day that follows immediately thereafter? There is then a secondary discussion of the two festival days observed in the diaspora because of doubts concerning the correct calendrical date. Depending upon one’s assessment of whether or not the two days comprise a single holiday period, one will or will not permit an egg laid on the first of the days to be consumed on the second. We proceed to the issue of whether or not an egg *hatched* on a festival day is in the same status as one *laid* on that day, so as to be prohibited for consumption. We proceed to deal with the ambiguous case of a koy. Since it has some of the traits of a wild animal, the blood of which must be covered, and some traits of a domesticated animal, the blood of which need not be covered at all, it is not clear whether either House will allow its blood to be covered on a festival day. Discussion of M. Bes. 1:1+2 is protracted, but well organized and almost always to the point. The individual discussions as well are logically arranged. In each case a basic interpretation of each Houses’ opinions opens and is followed by an application of those opinions in cases of ambiguity.

1:3A-C

- A. The House of Shammai say, “[On a festival day] they may not move a ladder from one dovecot to another.**

- B. “But they may lean it from one window to another, [so as to take pigeons from different nests within the same dovecot]. “
- C. But the House of Hillel permit [moving the ladder from one dovecot to another].

I.1 A. [The House of Shammai say, “On a festival day they may not move a ladder from one dovecot to another:”] Said R. Hanan b. Ammi, “This dispute [concerning whether or not, on a festival, one may move a ladder from dovecot to dovecot applies only] in [the case of a dovecot situated in] a public area. *For the House of Shammai reason that one who sees [an individual moving a ladder on a festival day] will think, ‘He needs [the ladder] to plaster his roof,’ [an action prohibited on a festival day]. But the House of Hillel [permit the individual to move the ladder even in public domain, because they] reason that the person’s ownership of dovecots proves [that he intends to get pigeons not to plaster his roof]. But as for [a dovecot situated] in a private area, [in which case there can be no concern for onlookers at all], all concur [that is, the Shammaites concede to the Hillelites] that it is permitted [to move the ladder from dovecot to dovecot].”*

- B. Is it really so, [that in the case of a dovecot located in private domain, the Shammaites concur that the individual may move the ladder]? But thus said R. Judah said Rab, “In any case in which sages enacted a prohibition for appearances’ sake, that prohibition applies even in the most innermost of rooms, [where no one can see what the individual is doing].”
- C. *In fact the matter is subject to a Tannaite [dispute]. For it is taught on Tannaite authority:*
- D. One may spread [clothes that accidentally were wetted on the Sabbath] out in the sun [so as to allow them to dry]; but one may not [do this] in the presence of people, [lest it appear that, on the Sabbath, the individual purposely washed the clothes and desires to dry them].
- E. But R. Eleazar and R. Simeon prohibit [the individual from drying the clothes even if others do not see this].

I.2. A. *And there are those who report [the preceding discussion as follows]:*

- B. Said R. Hanan b. Ammi, “[This] dispute [concerning whether or not, on a festival, one may move a ladder from dovecot to dovecot] applies only in [the case of a dovecot situated in] a private area. *For the House of Shammai accept that which R. Judah [said] Rab said. But the House of Hillel do not accept that which R. Judah [said] Rab said.* But [as for a dovecot situated] in public domain, [in which case the consideration of what onlookers will think must be taken into account] all concur [that is, the Hillelites concede to the Shammaites] that it is forbidden [to carry a ladder from one dovecot to another].”
- C. *May we then propose that Rab [I.B] concurs with the House of Shammai?*
- D. *It is a matter subject to dispute by Tannaite formulations, for it has been taught on Tannaite authority:*
- E. One may spread [clothes that accidentally were wetted on the Sabbath] out in the sun [so as to allow them to dry], but may not [do this] in the presence of people, [lest it appear that, on the Sabbath, the individual purposely washed clothes and desires to dry them]. [This view, which

parallels the explanation of the Hillelite position at C-E, is contrary to the position held by Rab, who holds that any rule enacted for appearances' sake applies in private as well as in public.]

- F. But R. Eleazar and R. Simeon prohibit [the individual to dry the clothes even if others cannot see him doing this]. [This corresponds to the view of Rab and the House of Shammai, as explained at C-E. Even while holding this view, however, Rab can agree with the Hillelites' position — as explained in the preceding unit — that, in public domain, it is *permitted* to carry a ladder from dovecot to dovecot. The fact that the individual owns dovecots indicates his intention to use the ladder for this permitted purpose. In that case, Rab agrees with the Hillelites that the restriction Judah cites in his name, and found here in the names of Eleazar and Simeon, does not apply.]

I.3. A. **[9B]** *Our Mishnah's [report of the Houses' dispute, M. Bes. 1:3] is not in agreement with [the tradition reported by] the following Tannaite authority. For it is taught on Tannaite authority [T. Y.T. 1:8, with minor variations]:*

- B. **Said R. Simeon b. Eleazar, "The House of Shammai and the House of Hillel concur that [on a festival day] they may move a ladder from one dovecot to another.**
- D. **"They disputed only concerning [whether or not one may, on a festival day] move it back [to the original dovecot].**
- E. **"For the House of Shammai say, 'They may not move it back.'**
- F. **"But the House of Hillel say, 'They may even move it back.'"**
- G. **Said R. Judah, "Under what circumstances [do the Houses permit one to move a ladder on a festival day]?"**
- H. **"In the case of a ladder that serves dovecots [exclusively].**
- I. **"But in the case of a ladder that serves an upper room, all concur that it is forbidden [to move it from dovecot to dovecot]."**
- J. **R. Dosa says, "They may lean [the ladder] from one window to another [within the same dovecot]" [M. Bes. 1:3B].**
- K. **Others state in the name of R. Dosa, "They also may jiggle it."**

I.4. A. *The sons of R. Hiyya went into the villages. When they returned, their father asked them, "Did any case of law come before you?"*

- B. They said to him, "[The question of whether or not] a ladder [used for an upper room may be carried from dovecot to dovecot on a festival day] came before us, and we permitted its [being carried]."
- C. He said to them, "Go back and declare forbidden that which you have permitted!" [Both Houses prohibit moving on a festival day a ladder used for an upper room.]
- D. *They had reasoned that, insofar as R. Judah said that, concerning a ladder used for an upper room, [the Houses] do not disagree [that it may not be used], it follows logically that, in the opinion of the previously cited authority, [that is, Simeon b. Eleazar], they do dispute concerning a ladder used for an upper room. [Hiyya's sons] therefore followed [what they believed to be] the previous authority's, [that is, Simeon b. Eleazar's, tradition of the Hillelite position, that a*

ladder used for an upper room may on a festival day be carried from one dovecot to another]. But [contrary to what they claim] it is not the case [that Judah disputes Simeon b. Eleazar's understanding of the Houses' dispute]. [Rather] R. Judah [simply] explains the view of the first authority, [that is, Simeon b. Eleazar].

- E. *How do we know [that Simeon b. Eleazar agrees with Judah that, in the view of both Houses, on a festival day, one may move a ladder used exclusively for dovecots but may not carry one used for an upper room]?*
- F. *How do we know? [We know] from the fact that [Simeon b. Eleazar] teaches [as follows]: “[The House of Shammai and the House of Hillel concur] that they may move a ladder from one dovecot to another.” Now if you wish to maintain that [Simeon b. Eleazar and Judah] dispute concerning [whether or not the Houses hold that one may carry] a ladder used for an upper room, then this phrase “they move a ladder from one dovecot to another,” [would be inappropriate]. [If he indeed wished to indicate that, contrary to Judah's view, the Houses actually hold that one may move a ladder used for an upper room, Simeon b. Eleazar] should have said: “[On a festival day] they may move a ladder [from the building where it previously was located, in use for the upper room], to a dovecot.” Thus, it cannot be the case [that, contrary to Judah, Simeon b. Eleazar believes that the Houses hold that, on a festival day, one may carry a ladder used for an upper room]. [Rather, Simeon b. Eleazar holds that in both Houses' views a ladder used] for a dovecot may [be carried on a festival]; [but a ladder used] for an upper room may not [be carried on a festival].*
- G. *And the other party?*
- H. *But these [sons of Simeon b. Eleazar] will say to you: Did [Simeon b. Eleazar] teach [explicitly]: ‘[The Houses of Hillel and Shammai concur that only] a ladder used for dovecots [may be moved on a festival day]?’ [Simeon b. Eleazar] taught: ‘[The House of Shammai and the House of Hillel concur that [on a festival day] one may carry a ladder] from one dovecot to another.’ [This means that one may move the ladder] even to any number of dovecots.”*

- I.5. A. *There are those who say: [Hiyya's sons] said to him, “[The question of whether or not it is permitted] to lean against a dovecot a ladder used for an upper room came before us, and we deemed doing so permitted.”*
- B. *[Hiyya] said to them, “Go back and declare forbidden that which you have deemed permitted.”*
- C. *[Hiyya's sons] reasoned that what the preceding authority prohibited, R. Dosa, deemed permitted. But [what Hiyya's sons concluded] is not the case. [Rather], what the preceding authority, [Judah], deemed permitted, [that is, carrying a dovecot ladder from one dovecot to another], R. Dosa prohibits, [allowing one instead only to lean a dovecot ladder from one window to another].*

II.1 A. “But they may lean [a ladder] from one window to another [within the same dovecot].” So the House of Shammai. But the Hillelites permit one even to move the ladder from one dovecot to another:

- B. *Accordingly, [it appears as though] concerning [the need to have] joy on the festival day, [which requires preparation of a proper meal], the House of*

*Shammai rule stringently, [not allowing the individual to do all that is necessary in order to get pigeons to slaughter and prepare], while the House of Hillel rule leniently, [allowing the individual to do all that might be necessary to find pigeons and thereby enjoy the festival day]. But contrast [the Houses' positions at M. **Bes. 1:2**]:*

- C. **One who slaughters a wild beast or fowl on the festival —**
- D. **the House of Shammai say, “He digs with a mattock and covers up [the blood].”**
- E. **But the House of Hillel say, “He should not slaughter [at all],**
- F. **“unless he had dirt ready [for covering up the blood] while it was still day [light on the day preceding the festival].”**
- G. Said R. Yohanan, “The authorities should be reversed [in one of the two passages]!”
- H. *Why [do we need to reverse the Houses' positions at all]? Perhaps the House of Shammai permit [digging to cover blood of an animal slaughtered on a festival day] only if one has a mattock already sticking in the earth, [so that he can cover the blood without performing work]. But if he does not have a mattock already sticking in the ground, [the Shammaites will rule that the individual] may not [slaughter an animal on a festival day]. I. And along the same lines, perhaps the House of Hillel did not state this [opinion, that, on a festival day, an individual may even move a ladder from one dovecot to another], except for the reason that the individual's ownership of dovecots proves [that he needs the ladder for the permitted purpose of taking pigeons, not for the forbidden reason of plastering his roof]. But there [in the case of digging, the Hillelites hold that he] may not [dig, even if a shovel has been prepared, because in doing so he might cause crumbling of earth, which is forbidden on a festival day].*
- J. *Rather, if there is a contradiction [to M. **Bes. 1:2**], this is it [M. **Bes. 1:3D-E**]:*
- K. **The House of Shammai say, “One may not take [pigeons for slaughtering on a festival day] unless he [physically touched and] stirred them up while it was still day [light, on the day preceding the festival].”**
- L. **But the House of Hillel say, “[On the day preceding the festival], one may stand [at a distance] and say, ‘This one and that one I shall take.’”**
- M. *Accordingly, [it appears as though] concerning [the need to have] joy on the festival day, [which requires preparation of a proper meal], the House of Shammai rule stringently, [requiring that prior to the festival the individual physically choose pigeons for use on the festival itself], while the House of Hillel rule leniently, [requiring little work prior to the festival itself]. But contrast [the Houses' positions at M. **Bes. 1:2**]: **One who slaughters a wild beast or fowl on the festival...***
- N. Said R. Yohanan, “The authorities should be reversed [in one of the two passages]!”
- O. *Why [do we need to reverse the Houses' positions at all]? Perhaps the House of Shammai permit [digging so as to cover blood of an animal slaughtered on a festival day] only if one has a mattock already sticking in the earth, [so that he can bury the blood without performing work prohibited on a festival day]. **[10A]***

But if he does not have a mattock already sticking in the earth, [the Shammaites will rule that the individual] may not [slaughter an animal on a festival day]. And perhaps the House of Hillel said [that one may use pigeons that were not physically handled before the festival only] because the requirement is that, prior to the festival, food be set aside for use on the holy day, in which case, [it is sufficient that, to designate the pigeons, the individual] stand and state, “This one and this one I shall take.” But there, [in the case of covering the blood, the House of Hillel] does not [rule this way, permitting the mattock’s use, since, by using it, the individual performs the forbidden work of crumbling earth].

- P. *Rather, if there is a contradiction [to M. **Bes. 1:2**], this is it [M. **Bes. 1:5C-D**]: The House of Shammai say, “[On a festival day] they do not take up a pestle to hack meat on it.” But the House of Hillel permit [doing this]. Accordingly, [it appears as though], concerning [the need to have] joy on the festival day, [which requires preparation of a proper meal], the House of Shammai rule stringently, [not allowing the individual to do all that is necessary to prepare meat], while the House of Hillel rule leniently, [allowing the individual to do all that might be necessary to prepare meat].*
- Q. *But contrast [the Houses’ positions at M. **Bes. 1:2**]: One who slaughters a wild beast or fowl on the festival...*
- R. *Said R. Yohanan, “The authorities should be reversed [in one of the two passages]!”*
- S. *Why [do we need to reverse the Houses’ positions at all]? Perhaps the House of Shammai permit [digging so as to cover blood of an animal slaughtered on a festival day] only if one has a mattock already sticking in the earth, [so that he can bury the blood without performing work that normally would be prohibited on a festival day]. But if he does not have a mattock already sticking in the earth, [the Shammaites will rule that the individual] may not [slaughter an animal on a festival day]. And along the same lines perhaps the House of Hillel said [the lenient view, that one may use the pestle], only because it is in the status of a utensil, [which is permitted for use on a festival day]. But there, [in the case of covering the blood, the House of Hillel] do not rule this way, [permitting a shovel’s use, since by using this tool, the individual performs the forbidden work of crumbling earth].*
- T. *Rather, if there is a contradiction [to M. **Bes. 1:2**], this is it [M. **Bes. 1:5E-H**]:*
- U. **The House of Shammai say, “[On a festival day] they do not place a hide before the tread [as a doormat], nor may one lift it up, unless there is an olive’s bulk of meat on it.” But the House of Hillel permit.**
- V. *Accordingly, [it appears as though] concerning [the need to have] joy on the festival day, the House of Shammai rule stringently, [not allowing the individual to use the hide as a doormat], while the House of Hillel rule leniently, [allowing the individual to use the hide as a doormat, even though, through such use, the hide will be tanned, which normally is forbidden on a festival day].*
- W. *But contrast [the Houses’ positions at M. **Bes. 1:2**]: One who slaughters a wild beast or fowl on the festival...*

- X. Said R. Yohanan, “The authorities should be reversed [in one of the two passages]!”
- Y. *Why [do we need to reverse the Houses’ positions at all]? Perhaps the House of Shammai permit [digging so as to cover blood of an animal slaughtered on a festival day] only if one has a mattock already sticking in the earth, [so that he can cover the blood without performing work]. But if he does not have a mattock already sticking in the earth, [the Shammaites will rule that the individual] may not [slaughter an animal on a festival day]. And along the same lines [of proving that there is no contradiction between the Houses’ positions], perhaps the House of Hillel did not state this [opinion, that, on a festival day, an individual may use an animal hide as a doormat], except in the case that it is fit for sitting upon, [such that the individual may use it on the festival without performing forbidden tanning at all].*
- Z. *Rather, if there is a contradiction [to M. **Bes. 1:2**], this is it [M. **Bes. 1:5A-B**]: he House of Shammai say, “They do not remove the cupboard doors on a festival day.” But the House of Hillel permit [one to remove them and] even to put them back. Accordingly, [it appears as though] concerning [the need to have] joy on the festival day, the House of Shammai rule stringently, [not allowing the individual to make full use of the cupboard], while the House of Hillel rules leniently, [allowing the individual to do whatever is needful in preparing food].*
- AA. But contrast [the Houses’ positions at M. **Bes. 1:2**]: **One who slaughters a wild beast or fowl on the festival...**
- BB. Said R. Yohanan, “The authorities should be reversed [in one of the two passages]!”
- CC. *Why [do we need to reverse the Houses’ positions at all]? Perhaps the House of Shammai permit [digging so as to cover blood of an animal slaughtered on a festival day] only if one has a mattock already sticking in the earth, [so that he can cover the blood without performing work]. But if he does not have a mattock already sticking in the earth, [the Shammaites will rule that the individual] may not [slaughter an animal on a festival day]. And along the same lines [of proving that there is no contradiction between the Houses’ positions at M. Bes. 1:2 and 1:5A-B], perhaps the House of Hillel did not state this [opinion, that, on a festival day, an individual may remove and replace the doors of a cupboard] except for the reason that [the prohibition against] building and tearing down [on a festival day] does not apply to utensils. But there [in the case of covering the blood, the House of Hillel] do not rule this way, [since by using a mattock, the individual clearly engages in an act of labor that transgresses the rules of the festival].*

I:1, 2 delimit the circumstances under which the Houses disagree concerning whether or not an individual may, on a festival day, move a ladder from one dovecot to another. These exegetical concerns are expanded at the end of unit I:2, which asks which House’s opinion Rab accepts as law. The following units move outside of the specific Mishnaic passage before us, bringing into play both Tosefta and other Mishnaic Houses’ disputes. Still, these units deal directly with issues

raised here and so are perfectly appropriate in this context. I:3-5 cite and evaluate T. Y.T. 5:7, a pericope corollary to M. Bes. 1:3A-C. I:3 correctly announces that T. has a version of the Houses' dispute different from that of M. Yet no attempt is made either to resolve the conflict or to indicate which version of the dispute is correct. I:4-5 rather, clarify the meaning of T.'s own materials, without relating them to those of M. II:1, finally, presents four parallel discussions in which different sets of Houses' disputes are compared. The point is to determine whether or not each House's opinions are consistently lenient or stringent regarding rules that will affect the Israelite's ability fully to enjoy the festival day. No contradictions are found, insofar as neither House's opinion seems, in the end, to reflect any concern for enjoyment of the festival. In each case the Houses have different reasons for ruling either leniently or stringently on a matter that, only at a secondary level, happens to affect the individual's ability to enjoy the festival. This long and complex *sugya* thus reaches a negative conclusion. It is unable to uphold its basic proposition that several Houses' views are contradictory or even to show that the Houses reflect upon the issue of enjoyment of the festival.

1:3D-E

- D. **The House of Shammai say, "One may not take [pigeons for slaughtering on the festival day] unless he [physically touched] and stirred them up while it was still day [i.e., before the onset of the festival]."**
- E. **But the House of Hillel say, "[Prior to the festival], one may [simply] stand [at a distance] and say, 'This one and that one I shall take.'"**
- I.1 A. Said R. Hanan b. Ammi, "[The Houses] only dispute [what is required for designation of the year's] first brood. *For [concerning that first brood] the House of Shammai maintain that we enact a prohibition [requiring a special act of designation] lest [having not personally handled these pigeons before the festival day, a householder who, on the festival day itself, goes ahead and takes them from the dovecot] change his mind [and decide to leave them with the mother, as would normally be done with them]. But the House of Hillel maintain that we do not enact such a [special] prohibition [for the case of the first brood].* But in the case of the second brood [of the year], all concur that it is sufficient if, [before the festival day], one **stands and says, 'This one and that one I shall take.'**"
- II.1 A. **[This one and that one I shall take:]** *Why does the House of Hillel require the individual to say, "This [specific] one and this [particular] one I shall take"? He should [need only to] say, "From among these I shall take [one] tomorrow."*
- B. *If you say that the Hillelites [do not allow this] because they do not accept the principle of retrospective selection, [which claims that a present selection has retroactive validity, such that the bird actually selected may be treated as the one to which the individual referred on the preceding day] — we have learned in the Mishnah [M. Oh. 7:3]: [If there is] a corpse in a house that has many entrances, they are all deemed unclean. If one of them was opened, it alone is unclean and all of the rest are clean. If one intended to remove [the corpse] through one of [the entrances] or through a window that measures four-by-four handbreadths — this affords protection to all of the other entrances, [causing them to remain in a state of cleanness]. The House of Shammai say,*

“[G] is the case [only] if the intention was formed to remove the corpse [through one specific entrance] even before the individual actually died.” But the House of Hillel say, “...even [if the intention to use a particular entrance was formulated] after the individual died.”

- C. *But concerning this it has been taught on Amoraic authority:*
- D. Said Rabbah, “[The Hillelites only claim that the entrances are] clean from this point, [at which the individual determines to use one specific entrance], and onwards, [but they are not clean retroactively].”
- E. And thus said R. Hoshaia, “[The Hillelites claim that the entrances are] clean from this point onwards.”
- F. *From this time onwards [when the individual determines through which entrance to remove the corpse] indeed [the other entrances are clean]; but [the other entrances are] not [deemed] retroactively [clean].*
- G. Said Raba, “In fact [the Hillelites, M. **Oh. 7:3**, do deem the other entrances clean] retroactively. But here [in the case of the selection of pigeons], the reason [he must specify which birds he will take on the festival day] is lest, [in order to find the exact bird he wants], he will pick up one bird and put it down, select a different bird and then put it down and, as a result, will wind up having lifted things that are not permitted [to be lifted on the festival day, insofar as he does not, in the end, desire them for consumption].”
- H. Yet you say that it is sufficient if [before the festival] the individual **stands and says, “This one and this one I shall take!**
- I. *This opinion [of the Hillelites] applies only [when the individual verbally selects pigeons] on the eve of the festival. [Since the individual decides before the start of the festival which birds he will select on the next day, we can be assured that he will not pick and choose. He knows that only the birds he pointed out are permitted for consumption on that day.] [10B] But [if prior to the festival he had only said, “From among these I shall take one,” then], on the festival day [itself], it is forbidden [to take any pigeon at all, since the person will not be able simply to take a single bird, but, rather, will pick and choose]. For sometimes the [apparently] fat birds turn out to be thin or the [seemingly] thin ones turn out to be fat. And [as a result, in picking and choosing to find the bird he wants], the individual winds up carrying something that is not fit [to be carried on the festival day]. In the same way, sometimes all of the [pigeons] may turn out to be thin, such that the person will leave all of them and as a result refrain from the joy of the festival.*

I:1 explains the case that the Houses dispute and, at the same time, gives the reason for the Shammaites’ view. The Hillelite position requires only brief evaluation, since all parties indeed concur that, to be used on a festival day, a food item must have been designated before the onset of the festival. Unit II:1 evaluates the specific mode of designation that the Hillelites delineate, making clear that they require no more than is necessary to assure that the individual does not unwittingly transgress. Both of the discussions pertinent to M. Bes. 1:3b thus are narrowly exegetical, explaining exactly what is at issue in each House’s view.

- A. [If] one designated black [pigeons for use on the festival day] and [on the festival day itself] found white ones,
- B. white ones and found black ones,
- C. two and found three —
- D. they are prohibited.
- E. [If he designated] three and found two, they are permitted.
- F. [If he designated pigeons] in the nest and found them in front of the nest, they are prohibited.
- G. But if only those particular birds are there, lo, these are permitted.

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

- B. *Said Raba, "With what case do we deal here? [It is a case] such as one in which he had designated [both] black and white [pigeons] and, in the morning, found the black ones where the white ones had been and the white ones where the black ones had been. What might one have argued? [One might have argued], 'These are [actually] the same [pigeons that I designated yesterday]. They have [simply] switched [nests].' So we are informed that we reason: 'those [birds that were designated] have flown off and these [pigeons, presently found in the nests], are different [birds entirely].'"*

I.2. A. *Should one state that the rule of the Mishnah supports the view of R. Hanina? For said R. Hanina, "[If a legal issue may be resolved through reference either to] what is nearby or to what is in the majority, decide [the law] on the basis of majority." [If, in the case at hand, one focuses upon what is nearby, he will determine that the birds in the dovecots have simply switched places and therefore are permitted for consumption on the festival day. If, by contrast, one imagines these pigeons within the great number of pigeons that have not been designated for use on the festival day, he will have to rule that the birds that he finds are not likely to be the ones that he originally designated, such that they are forbidden for consumption. M. Bes. 1:4A-D, which rules that the birds indeed are forbidden, appears to support Hanina's principle, that when attention to nearness and majority results in two different legal decisions, one should follow the ruling derived through attention to majority.]*

- B. *It is in accordance with Abbaye's [explanation]: [The rule of applies] when there is a board [in front of the dovecot, on which many pigeons land]. So the present rule, [M. Bes. 1:4A-D], applies when there is a board [in front of the dovecot]. [Because of the board, many different birds will rest next to the nest. These may easily enter the dovecot should the pigeons the individual has designated momentarily fly away. This being the case, even the principle of nearness leads to the conclusion that the different colored birds the individual finds in the two dovecots are not the same ones he originally had designated. Even*

those who argue that the principle of nearness has precedence over that of majority therefore may agree that the pigeons the individual finds are not permitted for use on the festival day.]

II.1 A. [If he designated] two [pigeons] and found three — they are prohibited [M. Bes. 1:4C-D].

- B. *No matter how you consider this case, [the pigeons he finds cannot be deemed permitted for use on the festival day]. If [all three] are different pigeons, then they are indeed other pigeons, [which he did not designate for use on the festival day and which therefore may not be prepared for consumption on that day]. And if these are not [altogether] different [pigeons], even so, a third [bird, which he had not designated], is mixed up with [the two he had designated]. [Since he does not know which bird was not designated, he cannot use any of these three birds on the festival day, lest he choose and prepare the pigeon that prior to the festival day had not been set aside for use on that day.]*

III.1 A. [If he designated] three [pigeons] and found two, these are permitted [M. Bes. 1:4E].

- B. *What is the reason?*
- C. *These [two pigeons that he finds] really are the same [ones that he had designated], but one [of the original three] has flown away.*
- D. *Shall one [therefore] say that this Mishnaic passage accords with [the view of] Rabbi [Judah the Patriarch] and not [the view of] our rabbis [= sages]?*
- E. *For it is taught on Tannaite authority [T. M.S. 5:7]:*
- F. **If one set aside [for safe keeping coins in the status of second tithe in the value of] a *maneh*, but [later, when he went back], found [there coins in the value of] two hundred *zuz* [that is, two *maneh*] —**
- G. **“Unconsecrated [coins] and [the original coins in the status of] second tithe have been mixed together,” the words of Rabbi.**
- H. **But sages say, “All [of the coins that the individual finds] are unconsecrated [i.e., none of them are coins that the individual originally set aside].”**
- I. **If he set aside [coins in the status of second tithe in the value of] two hundred *zuz* but [later] found [coins in the value of only] a *maneh* —**
- J. **“[The coins that he finds are deemed consecrated, in the theory that] one *maneh* was left behind while one *maneh* was carried off” — the words of Rabbi.**
- K. **But sages say, “All [of these coins] are unconsecrated [i.e., they are not the coins that the individual originally left behind].” [Rabbi deems what the individual later finds to be the same as that which he originally had set aside, even if the items are not exactly the same. Sages seem to disagree with the rule of M. Bes. 1:4E, holding that if what the individual finds is not exactly the same as that which he set aside, the two items are totally different. Yet D’s conclusion regarding rabbis disagreement with M. Bes. 1:4E is now shown to be unacceptable.]**
- L. *You may even argue [that] rabbis [agree with the rule of M. Bes. 1:4E]. [For] concerning [M. Bes. 1:4E] it was stated on Amoraic authority: R. Yohanan and*

R. Eliezer, the two of them, say, “The case of pigeons is different [from that of the coins], since [pigeons] normally hop about.” [It is likely that one of the pigeons the individual designated hopped away, while the other two remained. The case of the two *maneh* the individual set aside is different. Half of the money could not walk off by itself, and no one would have stolen only one of the two *maneh*. Both Rabbi and sages therefore agree that, when the individual finds only one *maneh*, he can be certain that it is not the coins he originally set aside.]

- M. *How can one teach, [that both Yohanan and Eliezer believe that the case of M. Bes. 1:4E] is different [from that of T. M.S. 5:7], since pigeons normally hop about? For it has been taught on Amoraic authority that, concerning [the meaning of] this [passage, T. M.S. 5:7], R. Yohanan and R. Eliezer [disagree].*
- N. *One of them says that the dispute [between Rabbi and sages] concerns a case in which the money was set aside in two separate purses, [such that Rabbi can argue that it is possible that an individual stole only one of them]. But, [in the perspective of Q’s authority, if the money was set aside] in a single purse, all concur [that is, Rabbi concedes to sages] that [the single *maneh* that the individual later finds] is unconsecrated [and not a portion of the money that he originally set aside].*
- O. *But the other says that they dispute the case in which the money was set aside in a single purse, [such that sages argue that part of the money could not have been taken]. But [in this perspective] if the money was set aside in two purses, all concur [that is, sages concede to Rabbi] that one [of the two *maneh* that the individual had set aside] was left while the other was taken, [such that the one that remains in fact is part of the original second tithe].*
- P. *Granted, in the view of the one who says that the dispute [at T. M.S. 5:7] concerns a case in which there were two separate purses, one needs to teach that [the case of M. Bes. 1:4E] is different, since pigeons normally hop about. [The pigeons are comparable to separate purses, insofar as one of the three can fly away (or be taken away) and leave the others. In order to show that sages agree to M. Bes. 1:4E’s law concerning pigeons, the authority who says that they dispute the case for separate purses must show how the case of pigeons in fact is different from that of the money. He does this by noting that one pigeon can fly away by itself, while it is unlikely that someone will take just one of the two purses.] But, in the view of the one who says that the dispute [between Rabbi and sages, T. M.S. 5:7], concerns [two *maneh* set aside in] a single purse, but that, in the case of two separate purses, all concur that one of the [original] purses was left while the other was taken, [such that the one that later is recovered indeed contains money in the status of second tithe] — why should I teach [that this authority holds that sages believe that the case in which an individual designated three pigeons and later finds only two is different]? For you [already] have said [that this authority holds that], concerning two purses, there is no dispute [but, rather, that sages and Rabbi agree that the money that later is found is part of that which originally was set*

aside]! [In the exact same theory, this authority should hold that Rabbi and sages agree that the pigeons the individual later finds are two of the three he originally designated. In this authority's view, the case of the pigeons is no different from that of the money. Why then does this authority claim, that sages hold that the pigeons are a special case?]

Q. *Said R. Ashi, "Here [in the cases at hand] we deal with pigeons that were tied together and with purses that were tied together. [Pigeons tied together are different from purses tied together since, by hopping about], pigeons pull themselves apart from each other, but purses do not pull themselves apart."*

R. *And Rabbi can say to you: "There are times that the knot connecting the purses likewise [11A] may become weak, [so that one of the purses can be taken and the other left behind]."*

IV.1 A. [If he designated pigeons] in the nest and found them in front of the nest, they are prohibited [M. Bes. 1:4F]:

B. *Should one state that [M. Bes. 1:4F] supports the view of R. Hanina?*

C. *For said R. Hanina, "[If a legal issue may be resolved through reference either to] what is nearby or to what is in the majority, decide [the law] on the basis of majority."*

D. *Said Abbaye, "[The rule of M. Bes. 1:4F applies] when there is a board [in front of the dovecot, on which many pigeons land]."*

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

V.2. A. Under what circumstances [does the rule apply, namely: But if only those particular birds are there, lo, these are permitted]? If [the rule refers to pigeons that] can fly, one should argue that those [original pigeons] flew away and these [pigeons that he later finds in the nest] are different [pigeons entirely]. And if [the rule refers to young pigeons that] can [only] hop — if there is a [different] nest within fifty cubits, these [pigeons that the individual designated] may well have hopped away, [and the ones that he later finds are different birds, which were not designated and should not be used on the festival day, contrary

our rule]. But if there is no other nest within fifty cubits, it is obvious [that the birds the individual finds near the nest in which he had designated pigeons are the same ones that he designated and therefore] are permitted. [So what does the Mishnah's rule add?]

- B. For said R. Uqba bar Hama, "Any [bird] that [only] hops can hop no further than fifty cubits."
- C. *Indeed [the rule cited above at A] applies when there is another nest within fifty cubits. But it is an instance such as one in which the [second] nest is around a corner, [and out of sight of the nest in which the individual designated birds]. What might one have reasoned? The pigeons that the individual designated hopped away [and were replaced by pigeons from the second nest]. So we are informed that pigeons hop along only if they can turn around and see their nest. But if [when they hop away they] cannot [see their nest], they do not hop away at all.*

Each of M. Bes. 1:4's rules is addressed in turn: M. Bes. 1:4A-B+D at units I:1 and II:1, M. Bes. 1:4C-D at unit II:1; M. Bes. 1:4E at unit III:1. The majority of the Talmud's materials are narrowly exegetical and clarify the point of M.'s rules by describing the cases in which they apply. The other units expound secondary questions.

1:5C-H

- C. **The House of Shammai say, "[On a festival day] they do not take up a pestle to hack meat on it."**
- D. **But the House of Hillel permit [doing so].**
- E. **The House of Shammai say, "They do not place a hide before the tread [as a doormat],**
- F. **"nor may one lift it up,**
- G. **"unless there is an olive's bulk of meat on it."**
- H. **But the House of Hillel permit.**

I.1 A. *A Tannaite statement* [T. Y.T. 1:11]:

- B. **[The Houses] concur that if he hacked meat on it [that is, a pestle], it is prohibited [afterwards] to handle it.** [After the work is completed, the pestle may not be handled on a festival day. It no longer has a purpose permitted on that day.]

I.2. A. Said Abbaye, "[The Houses'] dispute concerns [the use of] a pestle [on a festival day].

- B. "But [as for] a butcher's block — in both [Houses'] opinions, its [use] is permitted [on a festival day]."
- C. *This is obvious, for we have learned in the Mishnah [that the Houses dispute the case of] a pestle.*
- D. *What might one have reasoned? That the same [dispute that applies in the case of the pestle] applies to the butcher's block. [That is: the Shammaites prohibit its use on a festival day, and the Hillelites permit.] And the Tannaite formulation encompassing a pestle so as to indicate the extent of the House of Hillel's*

opinion. For even in the case of an item [such as a pestle] designed for work that is forbidden [on a festival day], they permit [its use when, on the festival, the individual puts it to a permitted purpose]. So we are informed [by Abbayye, A-B, that contrary to what we might reason, not only the Hillelites but also the Shammaites] permit use [of a butcher's block on a festival day].

- E. *Others say:*
- F. *Said Abbayye, "[My statement that the Houses concur that a butcher's block may be used on a festival] needed [to be recorded] only [to indicate] that [the Houses concur that] even a new butcher's block [may be used on a festival day]. [Had this not been stated explicitly] what might one have thought? [The individual] might change his mind and [determine] not to cut [meat on it] at all, [insofar as it is brand new]." So [Abbayye] informs us, [that contrary to what we might reason, both Houses permit use of a new butcher's block on a festival day]."*
- G. *But are the House of Shammai not concerned that he will change his mind [and, even though he already lifted the butcher's block, will decide not to use it]? Has it not been taught on Tannaite authority: [T. Y.T. 1:16-17, with minor variations]: The House of Shammai say, "They may bring the slaughterer and the knife to the beast, but not the beast to the slaughterer and knife." But the House of Hillel say, "They may bring [either] one to the other."*
- H. **The House of Shammai say, "They may bring the spices and crusher to the pestle, but not the pestle to the spices and crusher." But the House of Hillel say, "They may bring [either] one to the other]."**
- I. *What is the similarity? Granted, in the case of [slaughtering] a beast, [P-Q], the individual may change his mind, saying, "Let us leave this animal, and I shall bring a different, fatter, beast." Likewise [in the case of] a dish, the individual may change his mind and say, "Let us set aside this dish, which needs spices, and I shall bring a different one that does not require spices." But here [in the case of the individual's use of a butcher's block], what are we to suppose? Will he change his mind and decide not to cut up the meat?*
- J. *Since he has [already] slaughtered [the animal], it needs now to be cut up. [Therefore, as Abbayye claims, the Shammaites permit the individual to take up even a new butcher block. There is no reason to believe that the person will, in the end, determine not to use it.]*

II.1 A. The House of Shammai say, "[On a festival day] they do not place a hide before the tread [as a doormat]:"

- B. *It is taught on Tannaite authority [T. Y.T. 1:11]:*
- C. **But [the Houses] concur that one may salt [upon the hide] meat that is for roasting.** [This is the case even though the salt that spills on the hide will tan it. The Shammaites permit this since very little salt is put on meat that will be roasted.]
- D. *Said Abbayye, "They did not teach [that the rule of C applies] except in the case of meat intended for roasting, [on which only a little salt is used]."*
- E. *"But if the meat is to be boiled, [on a festival day one may] not [place it on top of a hide and then salt it, since, in this case, much salt will be used]."*
- F. *This is obvious. We [explicitly] have learned in the Mishnah, **or roasting.***

- G. *This is what [Abbaye wished to] inform us: That even [in the case of] meat intended for roasting, [if one wished to place it on a hide and salt it] so much as [one would salt meat to be] boiled, this is forbidden.*

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

- B. [On a festival day] they may not salt pieces of suet or turn them about [to keep them from spoiling]. [After the festival the suet may be used, for instance, in making candles.]
- C. In the name of R. Joshua they said, “They may hang them out on pegs in the breeze.”
- D. Said R. Mattenah, “The decided law accords with [the view of] R. Joshua.”
- E. *There are those who say:*
- F. Said R. Mattenah, “The decided law does not accord with [the view of] R. Joshua.”
- G. *The view of the party that claims that [Mattenah said], “The decided law accords with [the view of] R. Joshua,” makes sense. [If indeed the law accords with Joshua’s view] it would be necessary [to indicate that explicitly]. What might one have reasoned [were we not told that the law accords with Joshua’s position]? [In a case in which] an individual and a majority [are in dispute], the decided law follows the majority [opinion]. So we are informed that, [in this particular case], the decided law follows [the view of] the individual.*
- H. *But in the view of the party who stated [that Mattenah said], “The decided law does not [accord with the view of R. Joshua]” — [if this is the case] it would be obvious [and go without saying that Joshua’s view is not the decided law]. [For in a dispute between] an individual and a majority, the decided law follows [the position of] the majority.*
- I. *What might one have reasoned [had it not been taught explicitly that the law does not follow Joshua’s view]? [One might have reasoned]: The position of R. Joshua is logical, for if you do not permit him [to spread out the suet to prevent its spoiling], he will refuse to slaughter [on the festival day altogether and so will be deprived of the joy of the festival]. So [Mattenah, F], informs us, [that contrary to what seems to be logical, the law does not follow Joshua’s view].*
- J. [The Hillelites, M. Bes. 1:5H, permit use of a hide as a doormat on a festival day. For if this were prohibited, people would decide not to slaughter at all. The same consideration should apply in the case of the suet. The individual should be permitted to hang it out on a festival day, just as Joshua says.] *How does the case [of hanging out suet] differ from that of placing a hide before the tread?*
- K. **[11B]** *There [in the case of the hide] it is not obvious [that it has been spread out before the door to facilitate tanning], since it is fit for being sat upon. Here [in the case of hanging out the suet, by contrast], one [who sees suet hanging out on a festival day] may come to reason, “Why did rabbis permit me [to hang out suet on a festival day]? It is so that it will not [spoil and] stink. [Therefore] what difference is there whether I hang out [the suet] or salt it?” [Joshua’s view will lead to the incorrect understanding that it is permitted to salt suet on a festival day. His view therefore is not the decided law.]*

II.3. A. Said R. Judah said Samuel, “[On a festival day] a person may salt several pieces of meat at the same time, even though he only needs one of them [for use on the festival day itself].”

B. *R. Adda b. Ahbah made use of an artifice and [on the festival day] salted piece after piece.*

Discussion of M. Bes. 1:5b consists of supplementary rules, related only in theme to those topics disputed by the Houses in the Mishnaic passage at hand. Unit I:1 simply cites T. Y.T. 1:11. Unit I:2 contains a more developed evaluation of a Talmudic tradition, which claims that even the Shammaites, who prohibit use of a pestle, permit use of a butcher’s block on the festival day. This leads to these materials’ only theoretical conclusion: The Shammaites prohibit the individual to take up objects that he might ultimately decide not to use at all. Units II:1, 2, 3 supplement M. Bes. 1:5b’s dispute on the use of a hide as a doormat. They provide rules governing other uses of the hide (e.g., as a base on which to salt the meat of the freshly slaughtered animal) and limiting the handling of other parts of an animal slaughtered on the festival day (e.g., the suet).

1:5A-B

A. **The House of Shammai say, “They do not remove shutters on a festival day.”**
B. **And the House of Hillel permit one [to remove them and] even to put them back.**

I.1 A. **[They do not remove shutters on a festival day:]** *To what [kinds of shutters does M. Bes. 1:5A-B refer]?*

B. Said Ulla, “The shutters of a shop.”

C. And said Ulla, “In three cases [sages] permitted the completion of an action on account of its inception. [Sages permit the individual to perform an action that might be construed as forbidden on the festival day so as to encourage performance of some logically prior action necessary for proper observance of the festival.]

D. “And these are they:

E. “[They permitted] placing a hide before the tread. [If this secondary act were not permitted, people would refrain from slaughtering on the festival and therefore would not properly enjoy that day.]

F. “[They permitted replacing] the shutters of a shop. [If the shopkeeper were not permitted to close up his stall on the festival day, he would not in the first place open it so as to distribute food needed for the festival.]

G. “[And they permitted a priest] to replace a bandage in the Temple.” [The priest may not perform Temple worship while bandaged. Were he not permitted to replace the bandage on the festival, he would refrain from removing it and performing the required service.]

H. And Rahba said R. Judah [said], “Even one who opens a cask of wine or who begins [cutting] his dough for the requirements of the pilgrimage festival [belongs in the list].

- I. *“This is based upon the view of R. Judah, who said, ‘They [even] may finish [selling the wine or dough at the conclusion of the pilgrimage festival].’” [An *am ha’ares* is not scrupulous about the laws of cleanness. Normally wine or dough that he touches may not be sold to a *haber*, who is scrupulous concerning matters of cleanness. This rule is suspended during pilgrimage festivals in order to permit merchants to sell wine and dough to *ammé ha’ares*. Judah states that even when the festival ends, the dough or wine that, during the festival, had been touched by an *am ha’ares* still is considered clean and may be sold to a *haber*. If this were not permitted, then during the festival itself, shopkeepers would not be willing to sell wine and dough to those who are not scrupulous about cleanness.]*
- J. *[There was no need for Ulla to mention that placing] a hide before the tread [is permitted, since] we already have learned this! [The Hillelites, M. Bes. 1:5, are clear that using the hide as a doormat is permitted.]*
- K. *What might one have reasoned [had Ulla not indicated the reason that using a hide as a doormat is permitted]?*
- L. *[One could have argued] that the reason that the House of Hillel [permit using the hide as a doormat] is that the hide is fit for being sat upon. [In line with this reasoning, one would have believed] that even [if the animal had been slaughtered] before the start of the festival [it is permitted to use its hide as a doormat on the festival day, even though doing so has the secondary effect of tanning the hide]. So [Ulla] informs us: [Sages] permit the completing of this action [e.g., using the hide as a doormat] only on account of its inception [that is, their desire to assure that people will slaughter on a festival day]. [Thus using as a doormat the hide of an animal slaughtered] on the festival day [itself] is [permitted]; [but using as a doormat the hide of an animal slaughtered] before the eve of the festival is not [permitted].*
- M. *[There was no need for Ulla to mention that sages permitted one to remove] shutters of shops [on a festival day, since this] too we already have learned, [M. Bes. 1:5B: The Hillelites permit storekeepers both to remove and replace shutters on a festival day.]*
- N. *What might one have reasoned [had Ulla not explicitly taught that replacing the shutters is permitted so as to assure that storekeepers will open shop in the first place]? One could have argued] that the reason that the House of Hillel [permit removing and replacing the shutters] is that [the prohibition against] building and tearing down [on a festival day] does not apply to utensils, such that [on a festival day one] even [is permitted to remove the lids of chests] in houses. [Ulla] informs us: [Sages] permit the completing of this action [e.g., replacing the shutters] only on account of its inception [that is, their desire to assure that people will open their shops in the first place]. We thus know that removing and replacing shutters] in shops is [permitted]; [but removing and replacing shutters] in homes is not [permitted].*
- O. *[There was no need for Ulla to mention that sages permitted a priest] to replace a bandage in the Temple [on a festival day, since this] too we already have learned [M. Erub. 10:13]: They may replace a bandage on a wound in the Temple but not in the provinces.*

- P. *What might one have reasoned [had Ulla not indicated why replacing the bandage is permitted]? [One might have reasoned]: Why [is the priest permitted to replace the bandage]? [The reason is] that [since the prohibition enacted to assure] abstention [from all secular acts] does not apply in the Temple, even a priest who is not performing the worship [may remove and replace a bandage on a festival day]. So [Ulla] informs us: [Sages] permitted the completing of this action [e.g., replacing the bandage] only on account of its inception, [that is, the desire to assure that the priests would carry out the festival worship]. [Thus a priest] who is needed for the worship may indeed [remove and replace a bandage on a festival day]; [but] a priest who is not required for the Temple worship may not [do so].*
- Q. *[We now turn to the fourth item.] This too we have learned on Tannaite authority [M. Hag. 3:7]: One who opens a cask [of wine] or batch of dough during the pilgrimage festival — R. Judah says, “He may finish [selling these items to haberim after the festival].” [The assumption that the *am ha’ares* is clean, which applied during the festival, may still be relied upon after the festival ends. Those scrupulous about cultic cleanness may buy the wine or dough that, during the festival, was touched by an *am ha’ares*.] But sages say, “He may not finish [selling these things to those who are scrupulous].” [The assumption concerning the *am ha’ares* that applied during the festival need not be upheld after the festival. The wine and dough now are deemed unclean and may not be sold to a person who is scrupulous about cleanness.] [Judah’s position seems clear. After the festival we permit the individual to continue selling to those who are scrupulous about cleanness because otherwise, during the festival itself, shopkeepers will not be willing to sell an *am ha’ares* that which he requires properly to observe the festival. The Talmud now explains why Rahba, J-K, needed to state this explicitly.] What might one have reasoned [had Rahba not made his statement at J-K]? [One might have reasoned that] during the festival, rabbis deemed the state of uncleanness of an *am ha’ares* to be comparable to a state of cleanness. [That is, one might have reasoned that sages actually deem the *am ha’ares* to be clean for the duration of the festival.] [As a result of this reasoning, one would assume that] even if [the shopkeeper] had not begun [to sell the wine or dough in his shop, and an *am ha’ares* touched it], still [it is deemed clean and, after the festival, may be sold to those who are scrupulous about cultic cleanness]. So [Rahba] informs us: [Sages] permitted the completion of this act [i.e., continuing after the festival to sell the wine or dough to those who are scrupulous] only on account of its inception, [that is, the desire to have shopkeepers sell to *ammé ha’ares* during the festival]. [Thus] if he began [selling the wine or dough during the festival and it was touched by an *am ha’ares*, he] may indeed [at the conclusion of the festival continue selling the item to those who are careful about cultic cleanness]; [but if] he did not begin [selling the wine or dough during the festival and it was, even so, touched by an *am ha’ares*, he may] not [at the conclusion of the festival sell the item to one who is scrupulous about cleanness].*
- R. *Now [as for] Ulla, [who listed the three examples at E-G] — why did he not [also] state this [final example of the principle he described]?*

- S. *[He did not list it because] he did not deal with a case [such as this one] that is subject to dispute. [Reference is to the position of sages, that after the close of the festival the shopkeeper may not sell the wine or dough to those who scruple about cleanness.]*
- T. *But in these [three cases that Ulla does mention] there is also a dispute! [In each case the House of Shammai disagree with the Hillelite position, upon which Ulla bases his argument.]*
- U. *The [opinion of the] House of Shammai against [that of] the House of Hillel does not have Mishnaic [authority]!*

I.2. A. *Our Mishnah's [report of the Houses' dispute, M. **Bes. 1:5A-B**], is not in agreement with [the tradition reported by] the following Tannaite authority [T. **Y.T. 1:10**]:*

- B. **Said R. Simeon b. Eleazar, "The House of Shammai and the House of Hillel concur that they remove shutters on the festival day.**
- C. **"They only disputed concerning whether or not they may replace them.**
- D. **"For the House of Shammai say, 'They do not replace them.'**
- E. **"And the House of Hillel say, 'They even may replace them.'"**
- F. *In what case does this apply, [that the Houses dispute whether or not one may replace the shutters]? In [a case in which] the shutters have hinges. But if they do not have a hinge, all concur that it is permitted [both to remove and to replace them on the festival day].*
- G. *But has it not been taught on Tannaite authority:*
- H. *In what case does this apply, [that the Houses dispute whether or not one may replace the shutters]?*
- I. *When they do not have a hinge. But if they do have a hinge, all concur that it is forbidden [to replace the shutters].*
- J. *Said Abbaye, "If they have a hinge on the side, all concur that it is forbidden [to replace the shutters]. If they do not have a hinge at all, all concur that it is permitted [to replace the shutters]. What they disputed is [the law for the case] in which they have a hinge in the middle. **[12A]** One master [i.e., the House of Shammai] holds that we enact a preventative measure [against replacing shutters with] a hinge in the middle on account of [the existing prohibition against replacing shutters with] a hinge on the side. But [the other] master [that is, the House of Hillel] holds that we do not enact a preventative measure [but, in the case of a middle hinge, permit the individual to remove and replace the shutters]."*

Unit I:1 expresses the legal principle behind the Hillelites' position in two of M. Bes. 1:5's disputes. Certain leniencies are legislated to encourage performance of actions upon which proper observance of the festival depends. This theory is exemplified through evaluation of laws from other Mishnaic contexts as well. It thus was not formulated for exclusive use in the present context. I:2 is exegetical. It cites T.'s version of M. **Bes. 1:5A-B**'s dispute and then delineates and harmonizes several divergent accounts of the case that the Houses dispute.

1:5I-J

I. The House of Shammai say, “[On a festival day] they do not take out into public domain a minor, a lulab, or a scroll of the Torah.”

J. But the House of Hillel permit.

I.1 A. A Tannaite authority taught in the presence of R. Isaac b. Abdimi: “One who sacrifices a freewill burnt-offering on a festival receives stripes.” [On a festival one only is permitted to bring an offering a portion of which he may eat. A burnt-offering is entirely consumed on the altar, such that the individual who brings it does work on the festival that is not related to his preparation of food. For this transgression stripes are inflicted.]

B. *[Isaac] said to him, “The one who told you this follows the view of the House of Shammai, who say, ‘We do not reason that, since taking out what is necessary [for the preparation of food] is permitted [on the festival day], so taking out what is not necessary [for the preparation of food] is permitted.’ [The Shammaites do not permit taking out on a festival what is not needed in the preparation of food. This accounts for their position at M. Bes. 1:5I and shows that they likewise would not permit the individual, A, to take out an animal for a sacrifice that does not, as a secondary result, produce meat for the Israelite himself.] For if [the rule you state were phrased according to the view of] the House of Hillel, thus they would say: ‘Since taking out what is necessary [for the preparation of food] is permitted [on a festival day], so taking out what is not necessary [for the preparation of food] is permitted on a festival day. [This accounts for the Hillelites’ position at M. Bes. 1:5J.] Here too, [in the case described at A], since slaughtering what is needed [for food on the festival day] is permitted, so [slaughtering] what is not needed [for food on the festival day, e.g., in the case of a burnt-offering], is permitted.’”*

C. *Raba objected to this [reasoning], “How [do you know] that the House of Shammai and the House of Hillel disagree concerning this [question of whether or not work not necessary for preparing food on a festival day is permitted by analogy to work that is necessary for preparing food on that day]? Perhaps the [Houses’] dispute [at M. Bes. 1:5I-J] concerns rather whether or not the laws of] erub and carrying out [apply on a festival day]. [The cited restrictions prevent an individual from carrying an item from one domain to another on a holy day. This prohibition applies unless the individual has created an erub, which, for purposes of the law, unites the separate domains into a single area within which carrying is permitted.] One master [that is, the House of Shammai] reasons that the laws of the erub and carrying out apply on both the Sabbath and the festival. [Since they hold that these restrictions apply, the Shammaites do not allow the individual to carry into public domain on a festival the items listed at M. Bes. 1:5I.] But [the other] master [that is, the House of Hillel] reasons that the laws of the erub and carrying out apply on the Sabbath but do not apply on the festival day, as it is written [Jer. 17:22], ‘And do not carry a burden out of your houses on the Sabbath...[This] indeed [applies] on the Sabbath; [but it does] not [apply] on a festival day.’ [In Raba’s interpretation the issue at M. Bes. 1:5I-J is not the performance of labor on the festival day but whether or not the prohibition of carrying things from private to public domain applies. In this view, even though*

the Hillelites permit one to carry from private to public domain on a festival day, they will not allow the individual to perform on that day the sacrifice described at A. Performance of that sacrifice is an act of labor forbidden in its own right on the festival day. The reason it is forbidden is unrelated to the issue raised at M. **Bes. 1:5I-J.**]

- D. *R. Joseph objected to this [statement of Raba, that the issue at hand concerns whether or not the rules for carrying out apply on the festival day]: Rather, if this [is the case, that they dispute concerning the applicability of the law of the erub in general], they should have disputed [whether or not, on a festival day, one may carry out from his home into public domain] stones. [Since stones have no possible use, the Hillelites' claim that, on a festival day, it is permitted to carry them into public domain would prove that, as Raba argues, the Hillelites do not believe that the restrictions against carrying out apply at all on festival days.] But since [the Houses] do not dispute [the rule for] stones, learn from this that they dispute [whether or not, on a festival day, one is permitted] to carry out objects that he does not need [for the preparation of food, but for which he does have some other need on the festival day].” [The issue disputed by the Houses thus is as Isaac originally phrased it. By analogy to the carrying out of items that are needed for preparing food, the Hillelites permit the carrying out of items which, while not needed for food, do have some other purpose. In the same way, by analogy to slaughter, which is permitted on the festival, the Hillelites even permit a sacrifice that does not produce food for the individual who brings it.]*

I.2. A. *And R. Yohanan also reasoned that [the Houses] dispute [whether or not], since carrying out that which is needed [in the preparation of food on a festival day] is permitted, carrying out that which is not needed [in the preparation of food] likewise is permitted. For a Tannaite authority taught in the presence of R. Yohanan: “One who, on a festival day, boils the sinew of the thigh in milk and eats it receives stripes on five accounts: (1) “He receives stripes for cooking sinew [on the festival]. [Since the sinew may not be eaten, Gen. 32:32, cooking it on a festival is unnecessary work, punishable by flogging.] (2) “And he receives stripes for eating sinew. (3) “And he receives stripes for boiling meat in milk. [Exo. 23:19, Exo. 34:26, Deu. 14:21.] (4) “And he receives stripes for eating [together] milk and meat. (5) “And he receives stripes **[12B]** for making a fire [on the festival day].”*

- B. *[Yohanan] said to him, “Go outside [of the academy] and teach [that cooking and making a fire are two distinct transgressions]! [What you claim concerning] making a fire and cooking does not have Mishnaic [authority]! And if you wish to state that it has Mishnaic [authority, that authority] is the House of Shammai. For [the Shammaites] say, ‘We do not reason that, since carrying out [on a festival day] that which is needed [for the preparation of food] is permitted, so carrying out that which is not necessary [for the preparation of food] is permitted. In the same way, we do not reason that, since making a fire when this is needed [for the preparation of food] is permitted, so making a fire when this is not needed [for the preparation of food] is permitted.’ [The Shammaites thus do not permit the making of a fire on a festival day. This is a separate transgression, for which the individual would be flogged, as at G.] For if were phrased in accordance with*

[the opinion of] the House of Hillel, [it would be expressed as follows]: Since [on a festival day] carrying out what is needed [for the preparation of food] is permitted, so carrying out what is not needed [for the preparation of food] is permitted. In the same way, since making a fire needed [for the preparation of food] is permitted, so making a fire that is not needed [for the preparation of food] is permitted.’’ [The Hillelites thus would not deem that which is listed as a transgression. The larger point is that Yohanan agrees with the previous claims, that M. Bes. 1:5I-J’s dispute concerns whether or not, by analogy to what is permitted in the preparation of food, actions that do not contribute to the preparing of food may be performed on the festival day.]

Unit I:1 makes the point: At M. Bes. 1:5I-J the Houses dispute whether or not, on a festival day, actions permitted in the preparation of food also are permitted when they do not contribute to the preparation of food. Once unit I concludes that this indeed is the question that the Houses argue, Yohanan, unit I:2, can go ahead and predict the Houses’ opinions on a different case, which they do not explicitly dispute.

1:6

- A. The House of Shammai say, “They may not bring to the priest dough offering and [priestly] gifts [Deu. 18:3: the shoulder, two cheeks and maw] on a festival day,
- B. “whether they were raised up on the preceding day or on that same day.”
- C. But the House of Hillel permit.
- D. The House of Shammai said to them, “It is an argument by way of analogy.
- E. “Dough offering and [priestly] gifts are a gift to the priest, and heave-offering is a gift to the priest. Just as [on a festival day] they may not bring heave-offering [to a priest], so they may not bring [other priestly] gifts.”
- G. Said to them the House of Hillel, “No! If you have stated [that rule] with regard to heave-offering, which [on the festival day] one may not [designate and] separate, will you apply the same rule in the case of [other priestly] gifts, which [on a festival day] one may [designate and] separate?”
- I.1 A.** [Dough offering and priestly] gifts are a gift to the priest, and heave-offering is a gift to the priest. Just as [on a festival day] they may not bring heave-offering to a priest, so they may not bring other priestly gifts:] *You might assume that, [at M. Bes. 1:6, the Houses dispute the rule for dough offering] separated on the [festival] day [that the individual wishes to bring to the priest] along with [priestly gifts derived from an animal] slaughtered on that day.*
- B. *[You might also assume that under dispute is the rule for dough offering] separated on the day preceding [the festival that the individual wishes to bring to the priest] along with [gifts from an animal] slaughtered on the day preceding [the festival].*
- C. *[Within the stated premises,] which authority [stands behind the version of the Houses’ dispute recorded at M. Bes. 1:6]?*
- D. It is not R. Yosé and it is not R. Judah.
- E. Rather, it is “Others”.

- F. *For it is taught on Tannaite authority* [T. Y.T. 1:12-13, with minor variations]:
- G. Said R. Judah, “The House of Shammai and the House of Hillel did not disagree concerning [the priest’s] gifts that were taken up on the day before the festival that they are brought along with gifts that are taken up [from dough] on the festival [itself] or that derive from an animal slaughtered on that same day.
- H. “[They differed] only concerning bringing [to the priest on the festival gifts that were taken up on the day before the festival] by themselves.
- I. “For the House of Shammai say, ‘They do not bring [them].’
- J. “And the House of Hillel say, ‘They do bring [them].’
- K. “And thus the House of Shammai would reason:
- L. “‘Dough offering and [priestly] gifts are a gift to the priest, and heave-offering is a gift to the priest.
- M. “‘Just as [on a festival day] they may not bring heave-offering [to a priest], so they may not bring [other priestly] gifts.’
- N. “Said to them the House of Hillel, ‘No! If you have stated [that rule] with regard to heave-offering, which [on the festival day] one may not [designate and] separate, will you apply the same rule in the case of [other priestly] gifts, which [on a festival day] one may [designate and] separate?’”
- O. Said R. Yosé, “The House of Shammai and the House of Hillel did not disagree concerning priestly gifts, that they do bring [them to the priest on the festival day].
- P. “They only differed concerning [the rule for] heave-offering.
- Q. “For the House of Shammai say, ‘They do not bring [heave-offering to the priest on a festival day].’
- R. “And the House of Hillel say, ‘They do bring [it].’
- S. “And thus would the House of Hillel reason:
- T. “‘Dough offering and priestly gifts are a gift to the priest, and heave-offering is a gift to the priest. Just as they do bring the priestly gifts [to the priest on a festival day], so they should bring heave-offering [to the priest on a festival day].’
- U. “Said the House of Shammai to them, ‘No. If you have stated [that rule] in the case of the priestly gifts, which are permitted to be designated [on the festival], will you state that same rule for the case of heave-offering, which may not be designated [on the festival day].?’”
- W. Others say, “The House of Shammai and the House of Hillel did not disagree concerning heave-offering, that they do not bring [it on a festival].
- X. “They disagreed only concerning priestly gifts.
- Y. “For the House of Shammai say, ‘They do not bring [them to the priest on the festival].’
- Z. “And the House of Hillel say, ‘They do bring [them].’”
- AA. Should it be said [as D-E claims] that [the dispute at M. **Bes. 1:6**] accords with the view of “Others” but not the view of R. Judah? [Yosé’s version clearly differs from that of M. **Bes. 1:6**. Yosé holds that the Houses dispute the rule for heave-

offering, an offering in Mishnah not subject to dispute at all. But perhaps Mishnah's version is the same as that of Judah. Judah has the Houses dispute the same items mentioned in Mishnah. But he says that the Houses agree that gifts from an animal slaughtered before the festival day may, on the festival itself, be brought to the priest along with gifts taken from an animal slaughtered on that same day. The issue is whether or not the Shammaites, M. **Bes. 1:6A-B**, actually permit one to bring to the priest on a festival day gifts from an animal slaughtered on that day.]

- BB. [Arguing that M. Bes. 1:6 may record Judah's version of the Houses' dispute] said Raba, "*Does [M. **Bes. 1:6**] state [that the Shammaites prohibit one to bring gifts to the priest even if] they were separated or slaughtered on that same day? [What is said is that the Shammaites prohibit one to bring the gifts to the priest only] if they were [dough offering] separated on that same day. [But the Shammaites, M. Bes. 1:6B, make no explicit reference to when the animal from which the offerings derive was slaughtered.]*
- DD. "Indeed [we may therefore conclude that the Shammaites prohibit only if] it had been slaughtered on the previous day, [prior to the start of the festival]. [Just as Judah claims, G, the Shammaites at M. **Bes. 1:6A-B** permit people to bring to the priest on a festival day animal offerings from an animal slaughtered on that day. Along with those gifts, they even may bring ones from an animal slaughtered prior to the festival. The Shammaites only prohibit one from bringing by themselves gifts from an animal slaughtered before the start of the festival.]"
- EE. *Should it [therefore] be said that [the dispute at M. **Bes. 1:6**] accords with the view of R. Judah but not the view of "Others"?* [According to Judah, the Shammaites permit the Israelite to bring to the priest on a festival day animal gifts from a beast slaughtered on that same day along with gifts taken on the preceding day. But in the view of "Others," the Shammaites prohibit one from bringing on a festival day dues from an animal slaughtered either before the festival or on the festival day itself.]
- FF. *You may even argue that [M. Bes. 1:6's dispute is phrased] in accordance with the view of "Others."*
- GG. For [the point of their statement, X-Y, is that the Shammaites prohibit one to bring to the priest on the festival day gifts that were separated on that day] from an [animal] that had been slaughtered on the preceding day. [But, like Judah, "Others" hold that the Shammaites permit one to bring to the priest on a festival day gifts from an animal slaughtered on that same day.]
- HH. *If this is the case, then [the view of "Others"] is the same as that of R. Judah!*
- II. *They differ concerning [whether or not, on the festival day, one may bring along with permitted gifts, separated on that day], other [gifts, separated prior to the start of the festival]. [Judah holds that the Shammaites permit one to bring gifts separated prior to the festival along with gifts separated on the festival itself. "Others" hold that the Shammaites do not permit this.]*

I.2. A. Said R. Judah said Samuel, "The decided law accords with [the view of] R. Yosé [In Yosé's view, the Hillelites hold that, on a festival day, one may bring heave-offering to a priest.]"

- B. *R. Tobi the son of R. Mattenah had a jug of wine in the status of heave-offering.*
- C. *He came before R. Joseph and asked him, "What is the rule [whether or not I may] now, [on the festival day], carry it to the priest?"*
- D. *[Joseph] said to him, "Thus said R. Judah said Samuel, 'The decided law accords with [the view of] R. Yosé.'"*

I.3. A. *The innkeeper of Raba b. R. Hanan had bundles of mustard.*

- B. *[The innkeeper] said to him, "What is the law [whether or not I may] crush [the mustard] on a festival day and eat it?"* [This is an issue insofar as the individual could have prepared the mustard before the start of the festival. Crushing the mustard on the festival day therefore may be deemed unnecessary work.]
- C. *[Raba b. Hanan] did not have [the answer] at hand.*
- D. *He came before Raba [to ask him the law].*
- E. *[Raba] said to him, "On a festival day they rub ears of grain together [to separate the grain from the chaff], and they crumble pea-pods [to remove the vegetables]." [In the same way, it is permitted to crush the mustard seed in order to prepare it.]*
- F. *Objected Abbaye, [citing T. Y.T. 1:20], "He who rubs ears of grain before the eve of the Sabbath — on the next day he sifts them from hand to hand and eats them.*
- G. *"But [he does] not [sift them] in a reed-basket or in a dish.*
- H. *"He who rubs ears of grain before the eve of the festival — on the next day he may sift them [Rashi:] a little at a time and eat [them].*
- I. *"[He] even [may sift them] in a reed-basket or in a dish.*
- J. *"But [he may] not [sift them] on a board nor in a sifter or sieve. [These utensils normally are used to sift large quantities, which creates the appearance that the individual is preparing food for the following days, not for the festival alone.]*
- K. *"Before the eve of the festival [one] may [rub ears of grain]; [but] on the festival [itself, one may] not [rub them]."*
- L. *[Even in light of the passage at hand] you can reason [that one may rub grain] on a festival day [itself].*
- M. *Since in the first part [of the cited rule of T. Y.T. 1:20] he [had to] teach "before the eve of the Sabbath" [insofar as preparation of food on the Sabbath is not permitted], in the concluding part [of the passage] he also taught "before the eve of the festival." [The point is not that one may only rub grain prior to the start of the festival. Abbaye's objection, F-K, is unsupported. Raba's claim stands.]*
- N. *If this is the case, [that, on a festival day, one may rub ears of grain], then we must conclude that [on that day] one also is permitted to separate [from the grain] heave-offering! [Heave-offering is separated only after the grain is husked. If the individual is permitted to rub and husk it on a festival, then he also must be permitted to separate heave-offering, so as to render it permitted for consumption.]*
- O. *But [contrary to N] we have learned in the Mishnah [M. Bes. 1:6G]:*
- P. *[Said to them the House of Hillel], "No! If you have stated [that rule] with regard to heave-offering, which [on a festival day] one may not [designate and] separate..." [Raba must be wrong. Since, as the cited passage makes clear,*

heave-offering may not be separated on a festival day, grain likewise may not be rubbed on that day.]

- Q. *There is no contradiction. [13A] This [statement, which allows heave-offering to be separated on a festival], is [the position of] Rabbi. This [contrary view, represented by M. Bes. 1:6G], is [the view of] R. Yosé b. R. Judah. As it is taught on Tannaite authority [T. Ma. 3:5]:*
- R. **[If the householder] brought kernels of grain [into his house] in order to process them into dough, he may snack on them and is exempt [from tithing].**
- S. **[If he brought them into his house] in order to rub them together and eat them as parched grain —**
- T. **Rabbi requires [him to tithe, on the theory that the grain is edible without further processing].**
- U. **But R. Yosé b. R. Judah exempts [him from tithing, since the grain has not yet been fully processed].**
- V. *[If the individual brought the grain into his home on the festival, Rabbi would permit him to separate heave-offering from it on that day. Following this view, Raba is correct in permitting the individual to rub grain on the festival. But it appears that Yosé b. Judah, who does not require heave-offering to be separated, would not permit him to separate the offering on that day, and, by implication, would not allow the grain even to be prepared on that day. But the Talmud now explains that, contrary to what T. Ma. 3:5 implies, even Yosé b. Judah will permit the individual to separate heave-offering on a festival day.] But even in the opinion of R. Yosé b. R. Judah, a case occurs [in which the individual may separate heave-offering on a festival day].*
- W. *For instance, if he had brought ears of grain [into his house] in order to process them into dough but, on the festival day, changed his mind [and decided to] rub them together [and eat them as parched grain].*
- X. *For [in the case of Z] he renders them subject to tithes on that same [festival] day! [This grain already is husked and winnowed. It is subject to heave-offering and tithes and further is ready to be served as a regular meal, in the form of parched grain. When this circumstance arises on a festival day, even Yosé b. Judah will permit the individual to separate the heave-offering required to render the grain permitted for consumption.]*
- Y. *[The problem is solved with the claim that, unlike T. Ma. 3:6, M. Bes. 1:6G does not refer to a case in which produce became subject to the separation of heave-offering on the festival itself.] Rather, what [is the meaning of the reference at M. Bes. 1:6G to] heave-offering? [It refers to] heave-offering [as it is separated] in the majority of cases. [The case of M. Bes. 1:6, that is, refers to produce that became subject to the separation of heave-offering prior to the onset of the festival. In such a case, all agree that the individual may not separate heave-offering on the festival day. But in other cases, such as that referred to by Raba, E, heave-offering may be separated on the festival day.]*

I.4. A. Said Abbayye, “The dispute [concerning whether or not grain intended for consumption as parched kernels must be tithed] applies in the case of ears of grain. [Yosé b. Judah exempts these from heave-offering.]

- B. “But in the case of pulse, all [that is, Rabbi and Yosé b. Judah] concur that, *when it is in bundles, it is in the status of untithed produce that must be tithed [before being eaten].*”
- C. *Shall one state that [the following] supports [Abbaye’s view, that all agree concerning the rule for pulse]?*
- D. **[M. Ter. 10:6]: [If] one had bundles of fenugreek that were subject to the separation of heave-offering and tithes —**
- E. **he crushes [some of the stalks] and estimates the quantity of seed that [all of the stalks together] contain,**
- F. **and separates [the tithes required] for [this quantity of] seed.**
- G. **But he does not need to separate tithes for the stalks.**
- H. *Can [the authority behind M. Ter. 10:6’s rule] be R. Yosé b. R. Judah? For he said there, [at T. Ma. 3:5, that grain that was rubbed together and prepared for consumption] is not in the status of untithed food that must be tithed [before being eaten]. Yet here [in the superscription at D] it states that [the pulse in bundles] is subject to tithes.*
- I. *No, it accords with [the position of] Rabbi. [He holds that the ears of grain are subject to heave-offering and tithes, T. Ma. 3:5, and that pulse too, M. Ter. 10:6, is subject to agricultural offerings.]*
- J. *If this indeed accords with the view of Rabbi, what is special about bundles of fenugreek, [such that they require their own rule]? This same rule applies even to kernels of grain, [which, as Rabbi already said, T. Ma. 3:5, must be tithed, even though their processing is not complete]! [Rabbi elsewhere has phrased the rule of M. Ter. 10:6. He therefore would not have stated M. Ter. 10:6 as well.]*
- K. *Rather, what [must we assume]? [Contrary to K, M. Ter. 10:6 accords with the view of] R. Yosé b. Judah! [If it were in accord with the view of Yosé b. Judah] it should teach the rule for other kinds of pulse, [which are not tied up in bundles]. Then, [having been told that such other types of pulse are subject to tithes, one could conclude that] how much the more so is fenugreek, [which is tied up in bundles, subject to the separation of tithes]. [Since M. Ter. 10:6 refers to fenugreek, we know that Yosé b. Judah does not stand behind it.] Rather, the rule for fenugreek needed to be taught explicitly [by Rabbi]. [Its point is separate from that of T. Ma. 3:5. Rabbi therefore may have stated both rules.]*
- L. One might have thought that, since the taste of its stalk and fruit is the same, he must also separate [heave-offering and tithes] on behalf of the stalk. So we are informed [by M. Ter. 10:6 that heave-offering is not separated on behalf of the stalks].

I.5. A. [The Talmud presents a second version of the preceding unit’s analysis.] *There are those who say:*

- B. Said Abbaye, “The dispute [concerning whether or not that which is eaten in kernels is subject to heave-offering] applies in the case of ears of grain. [Yosé b. Judah exempts these from heave-offering. Rabbi deems them subject, since many people eat them without further processing.]
- C. “But concerning pulse, all concur that, *when it is in bundles, it is not [yet] subject [to the separation of heave-offering and tithes].*”

- D. *They objected, “[M. Ter. 10:6 reads]: [If] one had bundles of fenugreek that were subject to the separation of heave-offering and tithes, he crushes [some of the stalks] and estimates the quantity of seed that [all of the stalks together] contain, and separates [the tithes required] for [this quantity of] seed. But he does not need to separate tithes on behalf of the stalks. [Does this Mishnaic passage] not [indicate that fenugreek in bundles is] subject to the separation of heave-offering? [Indeed, contrary to the rule C claims that Yosé b. Judah and Rabbi agree upon, M. Ter. 10:6 assumes that even while it still is in bundles, fenugreek is subject to the separation of heave-offering.]”*
- F. No, [M. Ter. 10:6 does not state that the fenugreek in bundles is subject to the separation of the great heave-offering. Rather, it is] subject to the separation of heave-offering of the tithe. [Levites separate heave-offering of the tithe from their first tithe. Like the great heave-offering, separated by householders, it is given to the priests. Produce not yet subject to the great heave-offering can be subject to the separation of heave-offering of the tithe. For first tithe, from which the latter offering is taken, is separated only from produce from which the great heave-offering already has been removed.] *And this accords with the view R. Abbahu said [in the name of] R. Simeon b. Laqish. For said R. Abbahu said R. Simeon b. Laqish,^S “[If one] went ahead and separated first tithe from ears of grain [that were not yet subject to the separation of heave-offering], his designation [of the first tithe] renders the ears of grain subject to the separation of heave-offering of the tithe. [The produce from which the Levite receives his share is not yet subject to heave-offering. Even so, since this produce has been designated first tithe, the Levite must take from it heave-offering of the tithe. M. Ter. 10:6 pertains only to such a case. Normally, however, pulse that is in bundles, but that is not yet fully processed, is not subject to heave-offering.]*
- I. *Why do I insist that [the Levite] thresh [the grain he receives as first tithe, so as to give the priest heave-offering of the tithe from fully processed produce]? Let [the Levite] tell [the priest], “Just as [the Israelite] gave me, so I am giving to you [produce that is not yet fully processed].”*
- K. *Said Raba, “It is a penalty [for accepting first tithe separated out of order, before the priest’s heave-offering was separated].”*
- L. *It is taught on Tannaite authority along these same lines:*
- M. A Levite to whom they gave [unthreshed] ears of grain as first tithe must thresh them.
- N. [If he was given] grapes, he must [press them into] wine.
- O. [If he was given] olives, he must make them into oil.
- P. Then [when the processing is completed], he separates on their behalf heave-offering of the tithe and gives it to a priest.
- Q. For just as the great heave-offering [separated by the householder and given to the priest] may only be taken **[13B]** from the threshing floor and from the wine press [that is, from produce the processing of which is fully completed], so heave-offering of the tithe may only be taken from the threshing floor and from the wine press.

- I.6.** A. [The preceding unit's claim, that M. **Ter. 10:6** refers to heave-offering of the tithe, not the great heave-offering, is problematic.] [M. **Ter. 10:6** states]: **[He crushes some of the stalks and] estimates [the quantity of seed that all of the stalks together contain, and separates heave-offering based upon this estimation].**
- B. *[But] indeed, [if reference here is to heave-offering of the tithe], it requires an exact measuring!* [Unlike the great heave-offering, which is separated by an estimation (M. Ter. 1: 7), heave-offering of the tithe is taken in the exact quantity of one-tenth.]
- C. [B's claim concerning heave-offering of the tithe is not accepted by all authorities.] *Who is the authority [behind M. **Ter. 10:6**]?*
- D. *It is Abba Eleazar b. Gimel.*
- E. *For it is taught on Tannaite authority:*
- F. Abba Eleazar b. Gimel says, "[Num. 18:27 reads], 'And your offering shall be reckoned to you...'
- G. Concerning the two [different types of] heave-offering Scripture speaks.
- H. "One of them is the great heave-offering and the other is heave-offering of the tithe."
- I. "Just as the great heave-offering is separated through an approximation and estimation, so heave-offering of the tithe is taken through an approximation and an estimation."

I.7. A. [Returning to] the body [of the previously cited text, I:5.H].

- B. Said R. Abbahu said R. Simeon b. Laqish, "[If one] went ahead and separated first tithe from ears of grain [that were not yet subject to the separation of heave-offering], his designation [of the first tithe] renders the ears of grain subject to the separation of heave-offering of the tithe."
- C. *What is the reason?*
- D. Said Raba, "It is because the designation 'tithe' [already] has come to pertain to it." [Num. 18:26 commands the Levite to separate a tithe from his tithe. Since that which the Levite receives in the case at hand bears the designation 'tithe,' it is by definition subject to the separation of this tithe of the tithe, that is, heave-offering of the tithe. This is the case without regard to the fact that the produce from which the first tithe was separated was not yet subject to the separation of heave-offering.]

I.8. A. [Normally the Israelite separates heave-offering and then first tithe. If the order is reversed, one might expect the Levite to be required to separate from his first tithe both heave-offering of the tithe and the great heave-offering. For in this case the latter offering never was separated from the produce that became first tithe. We now are told that this is not required.] Said R. Abbahu said R. Simeon b. Laqish, "[If] they went ahead and separated first tithe from ears

of grain [not yet subject to heave-offering, that first tithe in all events] is exempt from the separation of the great heave-offering.

- B. “For [regarding first tithe] it is said [Num. 18:26], ‘And you shall separate from it an offering to the Lord, a tithe of the tithe.’
- C. “‘A tithe of the tithe,’ I commanded you [to separate]; but [I have] not [commanded you to separate both] the great heave-offering and heave-offering of the tithe from the tithe.”
- D. *Said R. Pappa to Abbaye, “If this is the rule, [that the great heave-offering is not separated from first tithe taken from sheaves of grain], then the same rule should apply to [first tithe separated prior to heave-offering from produce that is fully processed and located in] the pile!”* [In this case, the produce designated first tithe already was subject to the separation of the great heave-offering. Following B-C’s argument, Pappa says that the Levite need not pay the priest the great heave-offering that never was separated from the first tithe.]
- E. [Abbaye] said to him, “For your sake Scripture [at Num. 18:29] says, ‘From all of your gifts you shall separate *every* offering of the Lord.’ *What [reason] do you envision [to distinguish between the case of first tithe separated from produce not yet subject to heave-offering and first tithe separated from produce already so subject]? Here [in the case of first tithe taken from processed grain] it is already in the status of grain. [Heave-offering therefore is due from it, and the priest is entitled to recover his share, even out of the Levite’s first tithe.] But here [in the case in which first tithe is separated before the grain is processed] it is not yet in the status of grain at all.*” [That which the Levite received was not subject to heave-offering and therefore, as Simeon b. Laqish argues, A-C, the priest is not given the great heave-offering from it.]

We now return to the problem of husking grain on the Sabbath and festivals, that is, a further secondary exposition of the problem that commenced at I:2-3.

I.9. A. *We have taught on Tannaite authority there [M. Ma. 4:5]:*

- B. **One who husks barley removes the husks [from the kernels] one by one and eats [without tithing].**
- C. **But if he husked [a few kernels] and placed [them] in his hand, he is required [to tithe].**
- D. Said R. Eleazar, “And so is the rule as regards the Sabbath.” [One may husk kernels and eat them one at a time. But if he husks a few kernels at once, he is culpable for performing forbidden labor on the Sabbath.]
- E. *Is this really so?*
- F. *For [on the Sabbath] Rab’s wife husked for him cupfuls.*
- G. *And R. Hiyya’s wife [likewise] husked for him cupfuls.*

- H. *Rather, if [Eleazar's statement] was made at all, it was made concerning the second clause [of M. **Ma. 4:5**]:*
- I. **One who husks parched kernels of wheat sifts [the kernels] from hand to hand and eats [without tithing].**
- J. **But if he sifted [the kernels] and placed [them] inside his shirt, he is required [to tithe].**
- K. Said R. Eleazar, "And so is the rule regarding the Sabbath." [So long as the individual does not sift the kernels together he has not violated Sabbath law. But if he does what is described at J, he is culpable.]
- L. *R. Abba b. Memel objected to this [claim, E+F-G, that actions that render produce subject to tithes, C, are not forbidden on the Sabbath]:*
- M. *"Concerning the first clause, [cited at B-C, can it be that its rule] does apply to tithes but does not apply to the Sabbath, [in the manner explained at D]?"*
- N. "For is there an action that, for purposes of the Sabbath, is not considered a completed act of work, [such that one is not culpable for it], but which, for purposes of tithing, is considered a completed act of work, [so as to render produce subject to the separation of heave-offering and tithes]?" [Actions that render produce subject to tithes represent the completion of the produce's processing. Such completed actions by definition are forbidden on the Sabbath. Eleazar's original statement, D, therefore appears to be correct, contrary to E-G.]
- O. *R. Shisha the son of R. Idi objected to this [reasoning of Abba b. Memel, L-N]:*
- P. *"Are there no [actions that, even though they represent the completion of produce's processing, are permitted on the Sabbath]?"*
- Q. *"For instance, the [description of] the point at which tithes must be removed from produce.*
- R. *"As we have learned in the Mishnah [M. **Ma. 1:5**]:*
- S. **"At what point after the harvest must tithes be removed from produce?"**
- T. **"Cucumbers and gourds — after they remove the fuzz [from them].**
- U. **"But if he does not remove the fuzz, [tithes are removed] after he stacks them up.**
- V. *"And so we have learned in the Mishnah concerning onions, [that they must be tithed] after he stacks them up [M. **Ma. 1:6**].*
- W. "Yet concerning the Sabbath, making a heap [of produce] is exempt [and is not a transgression]!" [Abba b. Memel's substantiation of Eleazar's claim, D, is not acceptable. Contrary to what Abba b. Memel states, there are labors that, while they render produce subject to tithes, are not forbidden on the Sabbath. Thus it is possible that husking kernels of grain on the Sabbath is permissible, as E-H claims, contrary to Eleazar, D.]
- X. [A new explanation is offered why the husking of kernels, which renders them subject to tithes, is forbidden on the Sabbath. The net result is to prove Eleazar's original proposition, D.] *Rather, what can you argue [to prove the claim made by Eleazar, D]?"*
- Y. [On the Sabbath] the Torah forbade productive work. So here [in the case of placing grain in his hand, D], the Torah forbade productive work [on the Sabbath].

[This is the case even though, as Abba b. Memel notes, making produce into a heap is not forbidden on the Sabbath. Making a heap is permitted because it is not “productive” but consists simply of moving produce around.]

- I.10.** A. [We turn back to the original issue of unit II, which stated that, on a festival day, one may rub ears of grain in order to husk them.] How does one rub [the ears of grain so as not to appear to do forbidden labor]?
- B. *Abbaye in the name of R. Joseph said, “[He rubs] one [finger] against one [other finger].”* [He may only rub the grain between his thumb and forefinger.]
- C. *But R. Awia in the name of R. Joseph said, “[He rubs] one [finger] against two [fingers].”*
- D. *Raba said, “So long as he does it in an unusual manner, [he may] even [rub] one [finger] against all of [his other fingers].”*
- I.11.** A. How does one winnow [them on the Sabbath, so as to make clear that he is not performing forbidden labor]?
- B. Said R. Adda b. Ahbah said Rab, “He winnows **[14A]** from the joint of his fingers and upwards [but may not use the palms of his hands].”
- C. *They laughed at him in the west, [in the Land of Israel].*
- D. *[They laughed because they were of the opinion that] so long as he does it in an unusual manner, he even may use all of [his hand].*
- E. But said R. Eleazar, “He winnows with all of his might, using [only] one hand.”

The first two units provide an interpretation of M. Bes. 1:6, explaining which types of foods, prepared on what days, are subject to dispute by the Houses. The issue is discussed on the basis of T. Y.T. 1:12-13, which provides three different explanations. Unit I:2 ignores unit I’s conclusion, that Mishnah’s dispute is phrased according to the version of “Others” or Judah. It claims instead that the decided law accords with Yosé’s view of the Hillelite position. Unit I:3 introduces a new concern, only tangentially related to the dispute at M. Bes. 1:6. The issue is whether or not certain foods, which could have been prepared prior to the festival, may be readied on the festival day itself. The question is pertinent here because determining the law ultimately depends upon whether or not, in some circumstances, heave-offering and tithes may be separated on the festival. This discussion involves reference to several Tannaite statements other than M. Bes. 1:6. Each of these statements is subject to its own interpretative essay, at units I:4-8. Unit I:9 is independent of its context, repeating in its own terms the theoretical issue of unit I:3. This concerns whether or not, on the Sabbath, one may perform certain minor labors in order to consume food. Units I:10-11, finally, respond directly to unit I:3, indicating exactly how, on a festival day, one performs the work unit I:3 permits. As we know from other contexts, it is expected that, on the festival day, work will be performed in an unusual manner, which shows that the individual is not engaged in a prohibited activity.

1:7

- A. The House of Shammai say, “[On a festival day] spices are crushed in a wooden crusher,
- B. “and salt in a cruse with a wooden pot-stirrer.”
- C. But the House of Hillel say, “[On a festival day] spices are crushed in the their usual way in a stone crusher,
- D. “and salt in a wooden pestle.”

- I.1** A. *[The Houses dispute whether or not, on a festival day, spices must be prepared in an unusual manner.] According to all authorities, however, [on a festival day] salt must be prepared in an unusual way.*
- B. *What is the reason [the Houses concur that salt must be prepared in a special way]?*
 - C. *R. Huna and R. Hisda [dispute this point].*
 - D. One said, “All dishes require salt, but not all dishes require spices.” [The individual knows for certain that, on a festival day, he will need salt. He therefore should prepare salt prior to the festival. If he does not do so, he must prepare the salt on the festival day in an unusual manner, so that onlookers will recognize that he is doing only that which is necessary to prepare food for that same day.]
 - E. But the other says, “All spices lose their flavor [once they have been crushed], but salt does not lose its flavor.” [The individual can prepare the salt before the festival. If he needs to do so on the festival itself, he must use a method that makes it apparent to onlookers that he only is doing work necessary for the preparation of food for the festival day.]
 - F. *In what cases will [the authorities behind D and E] differ?*
 - G. *They differ regarding the case in which he knew [prior to the festival] which dish he wished to prepare. [If the dish requires spices, the individual should have prepared those spices prior to the start of the festival. Since he did not, even the Hillelites will rule that, when he prepares them on the festival day itself, he must use an unusual method.] Saffron should be prepared before the start of the festival. If it is prepared on the festival day, even the Hillelites will rule that he must do so in an unusual manner.]*
- I.2.** A. Said R. Judah said Samuel, “[On a festival day], all [spices that normally] are pounded may be pounded in their usual manner.
- B. “And [contrary to the opinions of both Houses at M. **Bes. 1:7** this applies] even [too] salt.”
 - C. *But surely you have stated [in Mishnah] that salt must be prepared in an unusual manner!*
 - D. *[Judah in the name of Samuel] ruled in accordance with [the view of] this Tannaite authority [cited in the following].*
 - E. *For it is taught on Tannaite authority:*

- F. Said R. Meir, "The House of Shammai and the House of Hillel did not disagree concerning [spices] that [normally] are pounded, that, [on a festival day] they may be pounded in their usual manner,
- G. "along with salt.
- H. "They disputed only concerning pounding [salt] by itself.
- I. "For **the House of Shammai say, 'Salt [is pounded] in a cruse with a wooden pot-stirrer [M. Bes. 1:7C]** only for [use in] roasting [which requires only a small quantity], but [may] not [be pounded] for use in boiling.'
- J. "But the House of Hillel say, '[Salt may be pounded] in anything.'"
- K. "In anything"? *Do you really think so? [For instance, do the Hillelites permit one to make use of a utensil that may not normally be handled on the festival?] Rather, phrase [the Hillelite position], [Salt may be pounded] for anything, [whether roasting or boiling].'*

- I.3.** A. *Said Rab to R. Aha Bardela, "When you crush [salt on a festival day], tilt [the mortar] on its side and pound."*
- B. *[On a festival day] R. Sheshet heard the sound of a mortar.*
- C. *He said, "This [sound] is not coming from within my house!"*
- D. *But perhaps [the mortar was being used] on its side, [so as to be permitted]?*
- E. *He heard a shrill sound, [indicating that the mortar was being used straight up and down, in the usual manner].*
- F. *But perhaps spices were [being crushed in the normal manner, which the Hillelites permit on a festival day]?*
- G. *Spices produce a dull sound.*

- I.4.** A. *Our rabbis have taught on Tannaite authority [T. Y.T. 1:18]:*
- B. **[On a festival day] they do not prepare pearl-barley [because doing so requires much pounding],**
- C. **and they do not crush [anything] in a mortar.**
- D. *[B and C represent] two [contradictory rules]. [B prohibits preparing food that requires much pounding. C forbids any pounding at all.]*
- E. *This is the sense of the statement:*
- F. *What is the reason that they do not prepare pearl-barley [on a festival day]?*
- G. *It is because [on a festival day] they do not crush in a mortar.*
- H. *[If the point is as G claims], it should have said [only], "[On a festival day] they do not crush in a mortar." [By implication one would know that preparing pearl-barley is forbidden.]*
- I. *If it was taught on Tannaite authority [simply], "On a festival day] they do not crush in a mortar," one would have thought that this applies only to a large mortar.*
- J. *But in the case of a small mortar, one would have said that this is permitted.*
- K. *So [the rules at B and C] inform us, [that on a festival day any use of a mortar, large or small, is prohibited].*
- L. *But [contrary to what I-K claims] thus it is taught on Tannaite authority:*
- M. *[On a festival day] they do not crush in a large mortar,*

- N. but they do crush in a small mortar.
 - O. *[Resolving the contradiction] said Abbaye, “When we taught the passage [cited at B-C], we also taught it only in reference to a large mortar.” [According to B-C, it is forbidden to use a large mortar and it is prohibited to make pearl barley. But a small mortar may be used for any purpose other than preparing pearl-barley.]*
 - P. **[14B]** *[Resolving the contradiction in a different way], Raba said, “There is no contradiction: This [passage, which permits crushing in a small mortar, M-N], pertains to us [in Babylonia]. While that [passage, B-C, which does not permit use of a mortar], pertains to them [in the Land of Israel].” [In the Land of Israel, servants take festival law lightly. They are likely to use a large mortar and claim that they used a small one. Therefore, in the Land of Israel, use of any mortar is prohibited. This does not apply in Babylonia, where servants are careful regarding festival law.]*
- I.5.** A. *R. Pappi visited the home of Mar Samuel [on a festival day].*
- B. *They brought him grits [that is, crushed grain or barley], but he did not eat them.*
 - C. *Perhaps they had prepared them in a small mortar, [such that they were permitted on the festival day]?*
 - D. *Pappi] saw that they were extremely fine. [From this he could tell that they had been prepared in a large mortar.]*
 - E. *But perhaps they had prepared them on the preceding day, [before the start of the festival]?*
 - F. *[Pappi] saw that they were [still] shiny from being husked, [a sign that they were freshly prepared].*
 - G. *[Giving a different reason why Pappi would not eat the grits], if you wish, I can say:*
 - H. *[The rule] is different in the case of the home of Mar Samuel, because of the laxity of the servants. [Even though he lived in Babylonia, Mar Samuel had servants who disregarded festival law.]*

The Talmud’s five units focus primarily on the point upon which the Houses agree — that on a festival day salt must be prepared in an unusual manner. Unit I:1 provides two different reasons that salt requires special treatment and includes a secondary discussion of the implications for other cases of the two views presented. Unit I:2 gives a second version of the Houses’ opinions. Now we are told that the Houses do dispute the rule for salt, with the Hillelites claiming that it does not require special treatment. This is contrary to what M. Bes. I:7 makes clear. Unit I:2’s claim concerning the correct version of the Houses’ tradition is ignored in the remaining three units. Unit I:3 provides an Amoraic description of how salt should be prepared on the festival day. Such special preparation is required according to Mishnah’s version of both Houses’ opinions. Units I:4-5 turn outside of the particular foods referred to in Mishnah. They question the permissibility in general of using a mortar on a festival day. The question of what types of mortars may be used, and for what purpose, is raised in unit IV. The answer that unit gives is applied in a specific case, unit I:5.

1:8

- A. He who picks out pulse on a festival day —
- B. the House of Shammai say, “He makes his selection of food and eats it [right away].
- C. But the House of Hillel say, ‘He makes his selection in his usual way, [putting it down using] his lap, a basket, or a dish;
- D. “but not [using] a board, sifter, or sieve, [normally used to prepare a large quantity, for the following days].”
- E. Rabban Gamaliel says, “Also: he swills [the pulse in water] and separates the husks.”

- I.1 A. *It is taught on Tannaite authority:*
- B. Said Rabban Gamaliel, “In what case does this apply, [that the Hillelites permit one to select pulse in the usual way, picking the refuse out of the pile of food]?
- C. “When there is more food than refuse.
- D. “But if there is more refuse than food, all concur that [as the Shammaites state] he picks out the food and leaves the refuse.”
- E. *[D does not appear to be acceptable.] [If] there is more refuse than food, does any [authority] permit [one to pick out the food]? [The mixture as a whole is in the status of refuse. Since it is not food, it is forbidden to handle it on a festival.] Even so, [D] needed [to be taught]. [It applies in a case] in which the work [of picking out the refuse] is great even though the quantity [of refuse] is small.*

- II.1 A. Rabban Gamaliel says, “Also: he swills [the pulse in water] and separates [the husks]” [M. Bes. 1:8E].
- B. *It is taught on Tannaite authority [T. Y.T. 1:22]:*
- C. Said R. Eleazar b. Saqoq, “This was the custom in the household of Rabban Gamaliel, that they would bring a bucket filled with lentils and pour water in it so that the food would [sink] to the bottom and the refuse would [float] to the top.”
- D. *But has not the opposite been taught on Tannaite authority, [that the refuse sinks and the food floats]?*
- E. *This is not a problem.*
- F. *This [claim, that refuse sinks], applies to sand; [while] this [claim, that refuse floats], applies to chaff.*

Unit I:1 explains the circumstances in which the dispute between the Houses, M. Bes. 1:8A-D, pertains. Unit II:1 cites T. Y.T. 1:22 to explain Gamaliel’s statement, M. Bes. 1:8E.

1:9

- A. The House of Shammai say, “They send on the festival day only [prepared] portions of food.”
- B. But the House of Hillel say, “They send domestic beasts, wild beasts, and fowl,
- C. “whether alive or already slaughtered.”
- D. They send wine, oil, fine flour, and pulse,

E. **but not grain.**

F. **But R. Simeon permits [sending] even grain.**

I.1. A. R. Yehiel taught on Tannaite authority, “[One may send gifts on a festival day] only so long as he does not send [them] by a company [of men].

B. *It is taught on Tannaite authority:*

C. Fewer than three men are not called “a company.”

D. *Asked R. Ashi, “[What is the law whether or not] three men [may, on a festival day, deliver] three [different] types [of gifts]?”*

E. *It remains undecided.*

II.1 A. **R. Simeon permits [sending] even grain [M. Bes. 1:9F]:**

B. *It is taught on Tannaite authority:*

C. **R. Simeon permits [sending] even grain**, such as 1) wheat from which to prepare gladiators’ food, 2) barley to give to ones cattle, [or] 3) lentils from which to prepare groats. [It is permitted to prepare and use these items on a festival day. In light of these permitted uses, Simeon allows these grains to be sent as gifts on a festival day.]

Unit I:1 gives a general condition for sending gifts on a festival day, M. Bes. 1:9A-C. Unit II:2 lists the permitted purposes for which Simeon, M. Bes. 1:9F, allows one to send grain.

1:10

A. **They send clothing, whether sewn or not [yet] sewn,**

B. **and even though there are Diverse Kinds in them,**

C. **if they are needed for use on the festival.**

D. **But [they do] not [send] a nail-studded sandal or an unsown shoe.**

E. **R. Judah says, “Also: Not a white shoe,**

F. **“because it requires a craftsman[’s work, to put on the blacking].”**

G. **This is the governing principle: Whatever may be used on the festival day do they send.**

I.1. A. **[They send clothing, whether sewn or not yet sewn:]**

A. *It makes sense [to state that on a festival day one may send to a friend] sown [clothing].*

B. *These are fit for wearing.*

C. *[It] also [makes sense to state that one may send] items that are not yet sown.*

D. *[For] these are fit for use as a covering.*

E. *But [it makes no sense to state that one may send items that are] Diverse Kinds.*

F. *For what are they fit? [Since they have no permitted use, on a festival day one should not be allowed to do work involving them.]*

G. *And if you say that they can be folded under oneself [as a cushion] —*

H. *thus it has been taught on Tannaite authority:*

I. [Lev. 19:19 reads]: “Nor shall there come upon you a garment of cloth made of two kinds of stuff.”

- J. [This means that, in theory], you may spread [such a garment] under you [as a cushion].
- K. But said sages, “It is forbidden do this,
- L. “lest a thread cling to one’s flesh.”
- M. *And if, [suggesting a way in which the fabric of Diverse Kinds may in fact be used as a cushion], you say [that using it is permitted] if something interposes between [the individual and the fabric] —*
- N. Thus said R. Simeon b. Pazzai said R. Joshua b. Levi said R. Yosé b. Saul said Rabbi *in the name of the holy community in Jerusalem*, “Even if there are ten mattresses one on top of the other, if there is [a fabric of] Diverse Kinds under them, it is forbidden to sleep on them,
- O. “since it is written [Lev. 19:19], ‘Nor shall there come upon you a garment of cloth made of two kinds of stuff.’”
- P. *But rather [if you state that the permitted use of the fabric of Diverse Kinds is] as a curtain,*
- Q. thus said Ulla, “Why did they rule that a curtain is susceptible to uncleanness?
- R. “Because the attendant uses it to warm himself.” [In this respect, the curtain can be used as a garment. It therefore may not be made of Diverse Kinds.]
- S. **[15A]** Rather [perhaps the reason that the law permits one to send a fabric of Diverse Kinds that is] *stiff*. [Such a fabric does not provide warmth and may be sat upon even if it is Diverse Kinds.]
- T. *And this is in line with that which R. Huna the son of R. Joshua said, “These coarse felt mattresses [which come] from Naresh are permitted [and may be slept upon, even if they contain fabric of Diverse Kinds].*
- U. *[Having located one item of Diverse Kinds that has a permitted use, such that it may be sent on a festival day, the Talmud lists several other such items.] Said R. Pappi, “The restrictions of Diverse Kinds do not apply to slippers.”*
- V. *Said R. Pappa, “The restrictions of Diverse Kinds do not apply to money-bags, [and they therefore may be sat upon].”*
- W. *But seed-bags are subject to the restrictions of Diverse Kinds.*
- X. *R. Ashi said, “The same law applies to both. They are not subject to the restrictions of Diverse Kinds, since they normally are not used for warming oneself.”*

II.1 A. But [they do] not [send] a nail-studded sandal... [M. Bes. 1:10D].

- B. **A nail-studded sandal** — *what is the reason [they may] not [send it as a gift on a festival day]?*
- C. It is because of the incident that occurred. [B. **Shab. 60A-B**: During the war with Rome, Israelites hiding in a cave permitted people to enter the hiding place but not to leave. Someone had a nail-studded sandal on backwards, so that, when he entered the cave, people were mistaken and thought that he had left. Fearing that their hiding place thereby was revealed, many attempted to escape. In the ensuing panic, more died than might have been killed by the Romans. In light of this incident, it later was prohibited to wear such sandals whenever many people gather, e.g., on a Sabbath or festival.]

- II.2.** A. Said Abbayye, “[As for] **a nail-studded sandal** — it is forbidden to wear it [on a festival day], but is permitted to carry it [on a festival day.]”
- B. It is forbidden to wear it — because of the incident that occurred.
- C. But it is permitted to carry it —
- D. *[We know this] because it is taught on Tannaite authority [M. Bes. 1:10D]: They do not send...*
- E. *For if you imagine that it is forbidden to handle it, insofar as handling it is forbidden, why [does Mishnah need to teach], [They do not] send [it]? [If handling it is forbidden, it goes without saying that sending it is also forbidden. Since Mishnah refers explicitly to sending, it must mean that other handling of it is permitted.]*

III.1 A. And [they do] not [send] an unsown shoe... [M. Bes.1:10D].

- B. *This is obvious [and goes without saying]. [Such a shoe has no possible use and therefore may not be handled on a festival day.]*
- C. *No! [The rule] needed. [For it teaches] that [one may not send] even a shoe that is held together with pins.*

IV.1 A. R. Judah says, “Also: Not a white shoe” [M. Bes. 1:10E].

- B. *It is taught on Tannaite authority:*
- C. R. Judah permits [sending] a black [shoe] but prohibits [sending] a white [shoe].
- D. For [the white shoe still] needs [to be blackened with] a lump of sulfite of iron.
- E. R. Yosé forbids [sending] a black shoe,
- F. because one still needs to polish it.
- G. *Now these [authorities in fact] do not disagree [concerning the law for the black shoe]! [They focus, rather, upon the facts of how the shoe is made.] Each ruled according to the custom in his own district. In the district of [one] master [that is, Judah, C-D, they made shoes with] the flesh [side] in. [In this case, no polishing is needed. Black shoes could be sent and immediately worn on the festival day.] [But] on the district of [the other] master [that is, Yosé, they made shoes with] the flesh [side] out. [Even a blackened shoe still needed to be polished. It therefore could not be sent and worn on a festival day.]*

VI.1 A. This is the governing principle: Whatever may be used on the festival day do they send” [M. Bes. 1:10G].

- B. *R. Sheshet permitted rabbis to send phylacteries on the festival day.*
- C. *Said to him Abbayye, “But, lo, we have taught on Tannaite authority [M. Bes. 1:10G]: Whatever may be used on the festival do they send.” [Phylacteries are not used on a festival or Sabbath and so, contrary to B, should not be sent.]*
- E. *This is what [M. Bes. 1:10G] means:*
- F. *Whatever may be used on a weekday do they send on a festival day.*

VI.2. A. Said Abbayye, “Since the topic of phylacteries has come up, let us say something concerning them:

- B. “If one were coming along a path [on a Sabbath eve] with his phylacteries on his head and the sun was setting [marking the start of the Sabbath],

- C. “he should place his hand on them until he reaches his home. [Once the Sabbath begins, he may not wear the phylacteries. But he also should not carry them on the Sabbath. By the method described here the individual is allowed to bring them home, instead of leaving them wherever he happens to be when the Sabbath starts.]
- D. “If he were sitting in the house of study [on the eve of the Sabbath] and had his phylacteries on his head, and the sanctity of the Sabbath began,
- E. “he places his hand on them until he reaches his home.” [As at C, this permits him to carry his phylacteries home, even though, on the Sabbath, he normally is permitted neither to wear nor to carry them.]
- F. *R. Huna the son of R. Iqa objected:*
- G. “If he were coming along the path and his phylacteries were on his head and the sanctity of the Sabbath began,
- H. “he places his hand on them until he reaches a house close to the wall [of the city]. [He must leave the phylacteries at the first house he reaches, just inside the city-wall.]
- I. “If he were sitting in the house of study [wearing phylacteries] and the sanctity of the Sabbath began,
- J. “he places his hand on them until he reaches a house close to the house of study.” [He should not leave them in the school, where they might be lost. But, contrary to Abbaye, he likewise may not carry them all the way home.]
- K. *There is no contradiction [between Abbaye’s statements, which permit the individual to carry the phylacteries home, and Huna’s rules, which force the individual to leave them in the closest house].*
- L. *This [authority, Huna], refers to a case in which [the house] is guarded. [The individual can leave his phylacteries there without fear that they will be lost or stolen.]*
- M. *This [authority, Abbaye], refers to a case in which [the house] is not guarded. [Only in such a case is the individual permitted to carry the phylacteries all the way home.]*
- N. *If [Abbaye] refers to a case in which [the house in which the individual might leave the phylacteries] is unguarded, why in particular [did he state the law in reference to a person wearing the phylacteries] on his head?*
- O. *Even if he had found [the phylacteries] on the ground, [he should be permitted to carry them all the way home, if necessary, rather than leaving them unguarded].*
- P. *For thus we have taught on Tannaite authority [M. Erub. 10:1]:*
- Q. **One who finds phylacteries [on the Sabbath] brings them into [his home] a pair at a time.** [He puts them on head and arm, as they are worn on a weekday, and wears them into the house. Since this is permitted, why did Abbaye phrase the rule only for the case of an individual already wearing the phylacteries?]
- R. *There is no problem.*
- S. *This [rule, phrased by Huna, applies if the house] is guarded against both thieves and dogs. [In such a case, it is totally safe to leave the phylacteries in that house. Therefore the individual may not carry them home.]*

- T. *This [rule, phrased by Abbaye, applies if the house] is guarded against dogs but not against thieves. [In such a case Abbaye holds that phylacteries the individual has found on the ground should be left in that house. But the individual is permitted to carry his own phylacteries home, where they are completely safe.]*
- U. *And this [rule of M. Erub. 10:1 applies when the house] is not guarded against either dogs or thieves.¹³⁹ [In that case, the individual may even bring to his own home phylacteries that he finds on the ground.]*
- V. *What might you have thought [if Abbaye had not informed us that one may carry phylacteries home instead of leaving them in a house guarded against dogs but not thieves]? [You would have thought that] the majority of thieves [in the area] are Israelites, and they would not handle [the phylacteries] disrespectfully. [This reasoning would lead one to believe that it is proper to leave the phylacteries in a home guarded against dogs but not thieves.] So [Abbaye] informs us, [that, to the contrary, we do not assume that thieves will leave the phylacteries unharmed].*

The Talmud discusses in turn each of M. Bes. 1:10's rules, dealing primarily with questions of basic meaning. Units I:1 and II:1-2 deal respectively with M. Bes. 1:10A-C and D. They indicate why, on a festival, one *may* send items that are composed of Diverse Kinds but may *not* send a nail-studded sandal. Units III:1 and IV:1 refer to M. Bes. 1:10D and E's rules for shoes. These units explain why the rule for an unsown shoe needs to be stated at all and supplement Mishnah with other facts that determine what shoes may be sent on a festival day. Unit V:1 explains M. Bes. 1:10G's general rule. In doing so it refers to whether or not, on a festival, one may send phylacteries. V:2 forms a topical appendix of no great weight and provides other, unrelated, rules for carrying phylacteries, in particular, on the Sabbath.