

IV.

THE STRUCTURE AND SYSTEM OF BAVLI TRACTATE MOED QATAN

Whether or not the Talmud of Babylonia is structured and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints. Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

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

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

I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well. In the work of others I have not found complete structural descriptions, similar to mine, except on an episodic basis, e.g., Joseph Heinemann's introduction to one parashah of *Leviticus Rabbah*, cf. *Journal of the American Academy of Religion*.

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

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

We move from the act of thought and its written result backward to the theory of thinking, the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the

deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

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

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

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

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Moed Qatan is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general

theory to explain the principles of selection (“making connections, drawing conclusions” meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

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

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

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

[1] the topical composites (“appendices,” “footnotes”) do belong and serve the compilers’ purpose, or

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

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

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

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

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

I. Mishnah-tractate Moed Qatan 1:1-2

A. THEY WATER AN IRRIGATED FIELD ON THE INTERMEDIATE DAYS OF A FESTIVAL AND IN THE SABBATICAL YEAR [WHEN MANY FORMS OF AGRICULTURAL LABOR ARE FORBIDDEN], B. WHETHER FROM A SPRING THAT FIRST FLOWS AT THAT TIME, OR FROM A SPRING THAT DOES NOT FIRST FLOW AT THAT TIME.

1. I.1-2. Explanation of the formulation of the Mishnah's language.
2. I.3 Who is the Tannaite authority who takes this position?

B. THE SABBATICAL YEAR — HOW DOES IT COMPARE IN RESTRICTIONS CONCERNING LABOR TO THE INTERMEDIATE DAYS OF THE FESTIVAL?

1. I.4 On what count is one who on the Sabbath admonished for wedding a field or watering seedlings? Ploughing vs. sewing

2. 1:5 is is permitted to stir the soil under an olive tree in the Sabbatical year?

3. 1:6 Flogging for plowing in the Sabbatical year?

C. BUT THEY DO NOT WATER [AN IRRIGATED FIELD] WITH (1) COLLECTED RAINWATER, OR (2) WATER FROM A SWAPE WELL.

1. II.1 Explanation of the rule of the Mishnah

2. II.2, 3 Bodies of water that draw from a constant source and do not involve physical labor in collecting the water for irrigation; extension of the rule of the Mishnah to other cases.

3. II.4, 5, 6 Tannaite complements to the Mishnah rule [Tosefta, then other]

i. II.7 Complement to foregoing

D. AND THEY DO NOT DIG CHANNELS AROUND VINES.

1. III.1 Explanation of the language of the Mishnah

E. R. ELEAZAR B. AZARIAH SAYS, “THEY DO NOT MAKE A NEW WATER CHANNEL ON THE INTERMEDIATE DAYS OF A FESTIVAL OR IN THE SABBATICAL YEAR.”

1. IV.1 Explanation of the Mishnah’s rule that concerns the Sabbatical Year: why is the Sabbatical year treated as comparable to the intermediate days of the festival?

2. IV.2 Explanation of the Mishnah’s rule: does the authority before us contradict himself?

F. AND SAGES SAY, “THEY MAKE A NEW WATER CHANNEL IN THE SABBATICAL YEAR, AND THEY REPAIR DAMAGED ONES ON THE INTERMEDIATE DAYS OF A FESTIVAL.”

1. V.1 What is the meaning of the language of the Mishnah?

2. V.2 Speculative question on the meaning of the Mishnah’s rule

i. V.3 Illustrative case

G. THEY REPAIR DAMAGED WATERWAYS IN THE PUBLIC DOMAIN AND DIG THEM OUT. THEY REPAIR ROADS, STREETS, AND WATER POOLS. AND THEY (1) DO ALL PUBLIC NEEDS.

1. VI.1 Close reading of the language of the Mishnah to yield a distinction that produces a clarification of the law

H. (2) MARK OFF GRAVES,

1. VII.1 Indication in Scripture that graves are to be marked off: Eze. 44:9

i. VII.2, 3 Source of the rule that is taken for granted by Eze. 44:9.

ii. VII.4, 5 Further exposition of a verse cited in the foregoing, Psa. 50:23.

2. VII.6 Tannaite rule on marking of graves

3. VII.7 Tannaite rule on marking of graves

i. VII.8-13 Amplification of foregoing

I. AND GO FORTH [TO GIVE WARNING] AGAINST WHAT IS PLANTED WITH] DIVERSE KINDS [OR SPECIES OF CROPS].

1. VIII.1 Mishnah-clarification: is this done on the intermediate days of the festival or prior to the festival (of Passover)?
2. VIII.2 Mishnah-clarification: why do this during the intermediate days of the festival?
 - i. VIII.3 What defines the mixture of seeds?

II. Mishnah-tractate Moed Qatan 1: 3

A. R. ELIEZER B. JACOB SAYS, “THEY LEAD WATER FROM ONE TREE TO ANOTHER, ON CONDITION THAT ONE NOT WATER THE ENTIRE FIELD.

[“SEEDS WHICH HAVE NOT BEEN WATERED BEFORE THE FESTIVAL ONE SHOULD NOT WATER ON THE INTERMEDIATE DAYS OF THE FESTIVAL.” AND SAGES PERMIT IN THIS CASE AND IN THAT.]

1. I.1 Clarification of the rule of the Mishnah: condition operative; Tannaite allegation along the same lines.

B. I.2, 3. TANNAITE RULE ON THE SABBATICAL YEAR, PERTINENT TO WATERING THE FIELD.

III. Mishnah-Tractate Moed Qatan 1: 4

A. THEY HUNT MOLES AND MICE IN A TREE-PLANTED FIELD AND IN A FIELD OF GRAIN, IN THE USUAL MANNER, ON THE INTERMEDIATE DAYS OF A FESTIVAL AND IN THE SABBATICAL YEAR.

1. I.1 What is the definition of moles?
2. I.2 Tannaite complement to the Mishnah-rule.

B. AND SAGES SAY [R. JUDAH], “[THEY DO SO] IN A TREE-PLANTED FIELD IN THE NORMAL MANNER, AND IN A GRAIN FIELD NOT IN THE NORMAL MANNER.”

1. II.1 What is the usual way?
2. II.2 Tannaite complement.

C. THEY [MAY ONLY] BLOCK UP A BREACH IN THE INTERMEDIATE DAYS OF A FESTIVAL.

[AND IN THE SEVENTH YEAR [THE SABBATICAL YEAR], ONE BUILDS IT IN THE NORMAL WAY.]

1. III.1 How is a breach blocked up?
2. III.2 Application of the Mishnah-rule, with Tannaite complements thereto.

IV. Mishnah-Tractate Moed Qatan 1: 5A-B

A. [ON THE INTERMEDIATE DAYS OF THE FESTIVAL,] R. MEIR SAYS, “THEY EXAMINE MARKS OF THE PRESENCE OF THE SKIN AILMENT [TO BEGIN WITH] TO PROVIDE A LENIENT RULING BUT NOT TO PROVIDE A STRICT RULING.” AND SAGES SAY, “NEITHER TO PROVIDE A LENIENT RULING NOR TO PROVIDE A STRICT RULING.”

1. I.1 Tannaite reformulation of the Mishnah-rule.

i. I.2 Analysis of foregoing.

a. 1:3 Analysis of foregoing.

ii. 1:4 Reversion to discussion of I.2

a. 1:5 Analysis of foregoing.

V. Mishnah-Tractate Moed Qatan 1: 5C-G

A. AND FURTHER DID R. MEIR SAY, “[ON THE INTERMEDIATE DAYS OF THE FESTIVAL] A MAN MAY GO OUT AND GATHER THE BONES OF HIS FATHER AND HIS MOTHER, BECAUSE IT IS A TIME OF REJOICING FOR HIM.” R. YOSÉ SAYS, “IT IS A TIME OF MOURNING FOR HIM.”

1. I.1 Contradictory rule examined, revised to harmonize.

B. A PERSON MAY NOT CALL FOR MOURNING FOR HIS DECEASED:

1. 1:1 Clarification of language of the rule

C. OR MAKE A LAMENTATION FOR HIM THIRTY DAYS BEFORE A FESTIVAL.

1. Why thirty days in particular?

VI. Mishnah-Tractate Moed Qatan 1: 6

A. THEY DO NOT HEW OUT A TOMB NICHE OR TOMBS ON THE INTERMEDIATE DAYS OF A FESTIVAL.

1. I.1 What are tomb niches?

B. BUT THEY REFASHION TOMB NICHE ON THE INTERMEDIATE DAYS OF A FESTIVAL.

1. II.1 How do they refashion them?

C. THEY DIG A GRAVE ON THE INTERMEDIATE DAYS OF A FESTIVAL,

1. III.1 What is a grave

D. AND MAKE A COFFIN, WHILE THE CORPSE IS IN THE SAME COURTYARD.

[R. JUDAH PROHIBITS, UNLESS THERE WERE BOARDS ALREADY SAWN AND MADE READY IN ADVANCE].

1. IV.1 Tannaite formulation parallel to the rule.

VII. Mishnah-Tractate Moed Qatan 1: 7-8

A. [THEY DO NOT TAKE WIVES ON THE INTERMEDIATE DAYS OF A FESTIVAL, WHETHER VIRGINS OR WIDOWS. NOR DO THEY ENTER INTO LEVIRATE MARRIAGE,] FOR IT IS AN OCCASION OF REJOICING FOR THE GROOM.

[BUT ONE MAY REMARRY HIS DIVORCED WIFE.]

1. I.1 So as not to join together two distinct occasions for rejoicing. Why does the stated reason explain the rule?

i. I.2 Scriptural basis for the principle.

a. I.3 Clarification of foregoing

b. I.4 Scriptural basis for foregoing

c. I.5 As above

1. I.6 Analysis of I.5

2. I.7 As above

B. TAKING LEAVE OF THE MASTER. I.8.-9, 10 EXPOSITION OF VARIOUS VERSES OF SCRIPTURE BY DISCIPLES OF SIMEON B. YOHAI IN THE CONTEXT OF TAKING LEAVE OF THE MASTER. FREE-STANDING TOPICAL COMPOSITION.

C. AND A WOMAN MAY PREPARE HER WEDDING ADORNMENTS ON THE INTERMEDIATE DAYS OF A FESTIVAL.

1. II.1 Tannaite complement

i. II.2 Illustrative case.

2. II.3 Clarification of the rule

D. R. JUDAH SAYS, “SHE SHOULD NOT USE LIME, SINCE THIS MAKES HER UGLY.”

1. III.1 Tannaite complement

i. III.2 Free-standing rule, relevant to foregoing.

a. III.3-4 Footnote to III.1

1. Free-standing illustrative case.

E. AN UNSKILLED PERSON SEWS IN THE USUAL WAY.

1. IV.1 What is the definition of an unskilled person

F. BUT AN EXPERT CRAFTSMAN SEWS WITH IRREGULAR STITCHES.

1. V.1 Meaning of language of the Mishnah

G. THEY WEAVE THE ROPES FOR BEDS. R. YOSÉ SAYS, “THEY [ONLY] TIGHTEN THEM.”

1. VI.1 Definition of language of the Mishnah

VII. Mishnah-tractate Moed Qatan 1: 9

A. [THEY SET UP AN OVEN OR DOUBLE STOVE OR A HAND MILL ON THE INTERMEDIATE DAYS OF A FESTIVAL.]

R. JUDAH SAYS, “THEY DO NOT ROUGH THE MILLSTONES [WHICH ARE SMOOTH AND SO NOT NOW USABLE FOR GRINDING GRAIN] FOR THE FIRST TIME.”

1. I.1 What is the meaning of “rough”

i. I.2 Case of law-violation

2. I.3 Exposition of the Mishnah-rule

i. I.4, 5 Case of law-violation.

B. I.6 AN ACTION MAY BE LICIT FOR ONE PURPOSE BUT ILLICIT FOR ANOTHER; THE POWER OF INTENTIONALITY TO DIFFERENTIATE AMONG ACTIONS. FREE-STANDING TREATMENT OF THE PRINCIPLE.

C. I.7-10 ACTIONS OF SAGES THAT ILLUSTRATE THE PRACTICAL LAW OF THE PRINCIPLE OF NOT MAKING PROFIT ON THE INTERMEDIATE DAYS OF THE FESTIVAL.

VIII. Mishnah-tractate Moed Qatan 1: 10

A. THEY MAKE A PARAPET FOR A ROOF OR A PORCH IN AN UNSKILLED MANNER, BUT NOT IN THE MANNER OF A SKILLED CRAFTSMAN.

1. I.1 Clarification of Mishnah-rule

B. THEY PLASTER CRACKS AND SMOOTH THEM DOWN WITH A ROLLER, BY HAND, OR BY FOOT, BUT NOT WITH A TROWEL.

1. II.1 Explanation of the formulation of the Mishnah-rule

C. A HINGE, SOCKET, ROOF BEAM, LOCK, OR KEY, [ANY OF] WHICH BROKE DO THEY REPAIR ON THE INTERMEDIATE DAYS OF THE FESTIVAL, [SO LONG AS ONE HAD NOT [EARLIER ON] HAD THE INTENTION TO [POSTPONE THE WORK SO AS TO] DO WORK ON IT ON THE INTERMEDIATE DAYS OF THE FESTIVAL.]

1. III.1 Harmonization of Mishnah-rule with contradictory, intersecting rule

D. AND ALL PICKLED FOODS WHICH A MAN CAN EAT DURING THE INTERMEDIATE DAYS OF A FESTIVAL HE ALSO MAY PICKLE.

1. IV.1 Case that illustrates the Mishnah-rule.

i. Cases appended to foregoing for a combination of formal and topical reasons

IX. Mishnah-tractate Moed Qatan 2: 1

A. HE WHO HAD TURNED HIS OLIVES, AND THEN AN OCCASION FOR MOURNING OR SOME ACCIDENT BEFELL HIM, OR WORKERS PROVED UNRELIABLE [SO THAT HE COULD NOT COMPLETE THE PROCESSING PRIOR TO THE FESTIVAL], “[DURING THE INTERMEDIATE DAYS OF THE FESTIVAL] APPLIES THE PRESSING BEAM [TO THE OLIVES] FOR THE FIRST TIME, BUT [THEN] LEAVES [THE OIL] UNTIL AFTER THE FESTIVAL,” THE WORDS OF R. JUDAH. R. YOSÉ SAYS, “HE SQUEEZES OUT THE OIL ENTIRELY AND SEALS IT IN JARS IN THE USUAL WAY.”

1. I.1 The paragraph commences with mourning and concludes with discussion of pressing oil: criticism of Mishnah’s formulation.

2. I.2 Case report, illustrative of the Mishnah’s rule.

B. 1:3 GENTILES WHO CONTRACT TO DO WORK ON THE SABBATH MAY WORK ONLY OUTSIDE THE SABBATH LIMIT.

1. I.4 Case illustrative of foregoing.

C. I.5-9 CONTRACTING IN GENERAL, WITH REFERENCE TO THE INTERMEDIATE DAYS OF THE FESTIVAL. TANNAITE RULES ON THE THEME OF HOW CONTRACTS ARE CARRIED

OUT, AND HOW GENTILE WORKERS MAY BE EMPLOYED, ON THE INTERMEDIATE DAYS OF THE SABBATH AND THEREAFTER.

X. Mishnah-tractate Moed Qatan 2: 2

A. AND SO: HE WHO HAD HIS WINE IN THE CISTERN, AND THEN AN OCCASION FOR MOURNING OR SOME ACCIDENT BEFELL HIM, OR WHOSE WORKERS PROVED UNRELIABLE, EMPTIES OUT THE WINE COMPLETELY AND SEALS IT IN JARS IN THE USUAL WAY,” THE WORDS OF R. YOSÉ. R. JUDAH SAYS, “HE [MAY DO NO SUCH THING, BUT HE ONLY] MAKES A COVER OF SHINGLES FOR IT, SO THAT IT NOT TURN SOUR.”

1. I.1 Mishnah-criticism: why repeat at M. 2:2 the same principle as has been given at M. 2:1, covering the case of both olives and wine.

2. I.2-3 Who is the Tannaite authority who takes the position that one has to perform in an extraordinary manner a permitted act under the rubric of preventing considerable loss

B. I.4 THE LAWS GOVERNING INTERMEDIATE DAYS OF THE FESTIVAL ARE IN THE SAME CLASSIFICATION AS THE LAWS GOVERNING RELATIONSHIPS WITH SAMARITANS.

1. I.5 Case illustrative of the rule on dealing with majority and minority opinion.

C. I.6 DOING AN ACT OF LABOR REQUIRED FOR THE PURPOSE OF OBSERVING THE FESTIVAL (PREPARING FOOD THEREON).

1. I.7-8 Cases illustrative of the foregoing.

2. I.9 One may cut down branches even though he needs only the chips.

i. I.10-12 Cases illustrative of the foregoing

XI. Mishnah-Tractate Moed Qatan 2: 3

A. A PERSON BRINGS HIS PRODUCE INTO [THE HOUSE] ON ACCOUNT OF THIEVES.

1. I.1 Tannaite gloss

i. I.2 Case illustrative of the foregoing

B. AND HE TAKES HIS FLAX OUT OF THE SOAK, SO THAT IT NOT GO TO WASTE, [SO LONG AS [TO BEGIN WITH] HE NOT PLAN TO DO THE WORK ON THE INTERMEDIATE DAYS OF THE FESTIVAL. AND IN ALL CASES IN WHICH PEOPLE HAVE [ACTUALLY] PLANNED TO DO THEIR WORK ON THE FESTIVAL, IT MUST BE LEFT TO PERISH.]

1. II.1 Theoretical question on the application of the Mishnah-rule

XII. Mishnah-Tractate Moed Qatan 2: 4A

A. THEY BUY HOUSES, SLAVES, AND CATTLE, ONLY FOR THE NEEDS OF THE FESTIVAL OR FOR THE NEEDS OF A SELLER WHO HAS NOTHING TO EAT.

1. I.1 Secondary, theoretical question on make-work for the starving. The theoretical issue is solved by reference to the Mishnah-rule.

XIII. Mishnah-Tractate Moed Qatan 2: 4B-E

**A. [THEY DO NOT MOVE [ONE'S PROPERTY] FROM ONE HOUSE TO ANOTHER.]
BUT A MAN MAY MOVE HIS GOODS OUT INTO HIS COURTYARD.**

1. I.1 Clarification of the language of the Mishnah-rule.

B. THEY DO NOT BRING UTENSILS FROM THE WORKSHOP OF A CRAFTSMAN.

[BUT IF HE IS CONCERNED ABOUT THEM, HE MAY MOVE THEM INTO A DIFFERENT COURTYARD.]

1. II.1 Contrast between two intersecting, contradictory rules, and how they are harmonized.

XIV. Mishnah-Tractate Moed Qatan 2: 5

A. [ON THE INTERMEDIATE DAYS OF A FESTIVAL] THEY COVER UP WITH STRAW FIG CAKES [THAT HAVE BEEN LEFT TO DRY].

[R. JUDAH SAYS, "THEY ALSO PILE THEM UP IN HEAPS."]

1. I.1 Meaning of the verbs "cover up" and "pile up"

B. [ON THE INTERMEDIATE DAYS OF A FESTIVAL] THOSE WHO SELL PRODUCE, CLOTHING, AND UTENSILS SELL THEM DISCREETLY, FOR THE PURPOSES OF THE FESTIVAL. [ON THE INTERMEDIATE DAYS OF A FESTIVAL] HUNTERS, GROATS-MAKERS, AND GRIST-MILLERS DO THEIR WORK DISCREETLY, FOR THE PURPOSES OF THE FESTIVAL.]

R. YOSÉ SAYS, "THEY HAVE ADOPTED A STRICT RULING FOR THEMSELVES."

1. II.1 Meaning of the language: they have adopted a strict ruling for themselves

i. II.2 Meaning of word choice in foregoing

a. II.3-4 Meaning of word choice in II.2

2. II.5 Case illustrative of the principle of the Mishnah-law.

XV. Mishnah-Tractate Moed Qatan 3: 1-2

A. WHO ARE THEY WHO ARE PERMITTED TO GET A HAIR CUT ON THE INTERMEDIATE DAYS OF A FESTIVAL?

1. I.1 Why are all other classifications of persons forbidden to do so? General rule that governs the specific cases.

i. I.2 Theoretical case that deals with an interstitial problem.

B. (1) HE WHO COMES FROM OVERSEAS OR FROM CAPTIVITY;

1. II.1 Conflicting opinions and their harmonization

2. II.2-3 Extension of the Mishnah's rule to cases that fall under its principle

C. II.4-6. A MOURNER AND OTHERS WHO ON THE INTERMEDIATE DAYS OF THE FESTIVAL MAY OR MAY NOT OBSERVE THE RESTRICTIONS THAT CONCERN THEIR SPECIAL SITUATION. This class of persons is not introduced by the Mishnah but comes under the principle that the Mishnah-rule sets forth for its case.

1. II.4: the mourner
2. II.5: A person subjected to a ban of excommunication
3. II.6: A person suffering from the skin ailment

D. II.7-19. THE LAWS THAT GOVERN THE MOURNER. This is a free-standing exposition, with little relevance to the Mishnah-tractate before us. It is inserted, whole, because of the reference of II.4 to the mourner.

1. II.7 Mourner may not get a haircut
 - i. What about person subject to excommunication or the skin ailment?
2. II.8 Mourner has to cover head.
3. II.9 Mourner does not put on tefillin
4. II.10 Mourner does not give a greeting
5. II.11 Mourner may not study Torah.
6. II.12 Mourner may not wash his clothes.
7. II.13 Mourner must tear his clothes.
8. II.14 Mourner must overturn his bed.
9. II.15 Mourner is forbidden to work.
10. II.16 Mourner is forbidden to wash.
11. II.17 Mourner is forbidden to put on sandals.
12. II.18 Mourner is forbidden to have sexual relations.
13. II.19. Mourner does not have to send his sacrifices to the Temple.

E. II.20-49 THE LAWS GOVERNING EXCOMMUNICATION: IGNORING A SUMMONS.

1. II.20 How on the basis of Scripture do we know that a summons is issued by the court
 - i. II.21 Analysis of proof-text introduced in fore-going
2. II.22 Illustrative case on how a summons is issued and the laws that pertain.
3. II.23 Decree of excommunication: how long it takes effect.
4. II.24 Status of decree of excommunication in Babylonia
5. II.25-26 Case of a decree of excommunication
6. II.27 How long a decree of rebuke in Babylonia pertains
7. II.28 Case of a decree of excommunication
8. II.29 As above
 - i. II.30 Exposition of the verse of Scripture introduced in II.29
 - a. II.31 Clarification of foregoing
 - ii. II.32 Exposition of the verse of Scripture introduced in II.30
 - iii. II.33 Exposition of the verse of Scripture introduced in II.30
 - iv. II.34 Exposition of the verse of Scripture introduced in II.30

- v. II.35 Exposition of the verse of Scripture introduced in II.30
- vi. II.36 Exposition of the verse of Scripture introduced in II.30
- vii. II.37 Exposition of the verse of Scripture introduced in II.30
- viii. II.38 Exposition of the verse of Scripture introduced in II.30
- 9. II.39 A disciple who issued a writ of excommunication on account of a matter of honor that is owing to him
- 10. II.40 Continuation of topic of the foregoing
 - i. II.41 Explanation of the case to which the foregoing refers
- 11. II.42 Case of a sage's issuing a writ of excommunication.
- 12. II.43 Case of a decree of excommunication
- 13. II.44 Case of a decree of excommunication
- 14. II.45 A disciple of a sage may excommunicate and release himself
- 15. II.46 What is the meaning of the word for excommunication
- 16. II.47 Excommunicating a dog
- 17. II.48 Case of excommunication of a bully.
- 18. II.49 Why use a ram's horn

F. [(2) AND HE WHO GOES FORTH FROM PRISON; (3) AND HE WHOSE EXCOMMUNICATION HAS BEEN LIFTED BY SAGES. (4) AND SO TOO: HE WHO SOUGHT ABSOLUTION FROM A SAGE [FOR RELEASE FROM A VOW NOT TO GET A HAIRCUT] AND WAS RELEASED;] AND THE NAZIRITE [NUM. 6:5] OR A PERSON AFFLICTED WITH THE SKIN AILMENT [LEV. 14:8-9] WHO EMERGES FROM HIS STATE OF UNCLEANNES TO HIS STATE OF CLEANNES.

- 1. III.1 Clarification of the conditions governing the concession of the Mishnah-rule
- 2. III.2 Tannaite complement to the Mishnah's law. Priest and the mourner compared.
- 3. III.3 Tannaite complement: all who may get a haircut on the intermediate days of a festival also may get a haircut in the thirty days of a bereavement
- 4. III.4 Just as it is forbidden to get a haircut, so it is forbidden to cut fingernails.
 - i. III.5-6 Case illustrative of foregoing
 - ii. III.7 As above
 - iii. III.8 Ruling by Rabbi on the same topic
- 5. III.9 Trimming a moustache
 - i. III.10 Another ruling by the authority of III.9

G. [AND WHO ARE THEY WHO MAY WASH THEIR CLOTHES ON THE INTERMEDIATE DAYS OF A FESTIVAL? (1) HE WHO COMES FROM OVERSEAS OR FROM CAPTIVITY; (2) AND HE WHO GOES FORTH FROM PRISON; (3) AND HE WHOSE EXCOMMUNICATION HAS BEEN LIFTED BY SAGES. (4) AND SO TOO: HE WHO SOUGHT ABSOLUTION FROM A SAGE [FOR RELEASE FROM A VOW NOT TO WASH

CLOTHES] AND WAS RELEASED. (1) HAND TOWELS, (2) BARBER'S TOWELS, AND (3) BATH TOWELS [MAY BE WASHED]. (1) MALE AND (2) FEMALE ZABS, (3) WOMEN IN THEIR MENSTRUAL PERIOD, (4) WOMEN AFTER CHILDBIRTH, AND ALL WHO GO UP FROM A STATE OF UNCLEANNESSTO CLEANNESS, LO, THESE ARE PERMITTED TO WASH THEIR CLOTHES.] BUT ALL OTHER PEOPLE ARE PROHIBITED.

1. IV.1 Extension of the list of those permitted to wash clothes: He who had only a single shirt is permitted to launder it during the intermediate days.

2. IV.2 It is permitted to launder linen garments.

XVI. Mishnah-Tractate Moed Qatan 3: 3

A. AND THESE DO THEY WRITE ON THE INTERMEDIATE DAYS OF A FESTIVAL: WRITS OF BETROTHAL FOR WOMEN, (2) WRITS OF DIVORCE, (3) RECEIPTS [FOR PAYMENT OF THE MARRIAGE SETTLEMENT], (4) TESTAMENTS, (5) DEEDS OF GIFT, (6) PROSBOLS, (7) DEEDS OF VALUATION, (8) DEEDS OF ALIMONY, (9) WRITS OF THE RITE OF REMOVING THE SHOE AND OF THE EXERCISE OF THE RITE OF REFUSAL, (10) DEEDS OF ARBITRATION, (11) COURT DECREES, AND (12) OFFICIAL DECREES.

1. I.1-2 Explanation of Mishnah-entry: writs of betrothal

i. I.3 Amplification of principle introduced in explanation of the Mishnah-entry

ii. I.4 As above

a. I.5 Further saying by authority of I.4

XVII. Mishnah-Tractate Moed Qatan 3: 4

A. [THEY DO NOT WRITE WRITS OF INDEBTEDNESS ON THE INTERMEDIATE DAYS OF A FESTIVAL. BUT IF ONE DOES NOT TRUST HIM, OR IF HE HAD NOTHING TO EAT, LO, THIS ONE SHOULD WRITE [A WRIT OF INDEBTEDNESS]. THEY DO NOT WRITE (1) SCROLLS, (2) PHYLACTERIES, OR (3) DOOR POST MARKERS CONTAINING SCRIPTURAL VERSES ON THE INTERMEDIATE DAYS OF A FESTIVAL. AND THEY DO NOT CORRECT A SINGLE LETTER, EVEN IN THE TORAH OF THE TEMPLE COURT.]

R. JUDAH SAYS, "A MAN MAY WRITE OUT PHYLACTERIES AND DOOR POST MARKERS CONTAINING SCRIPTURAL VERSES FOR HIS OWN USE."

1. I.1 Tannaite complement to the Mishnah: dispute among Meir, Judah, and Yosé on a secondary issue.

B. [19A] "AND HE MAY SPIN ON HIS THIGH THE PURPLE THREAD FOR HIS FRINGES."

1. II.1 Tannaite complement to foregoing.

2. II.2 Ruling in practice.

XVIII. Mishnah-Tractate Moed Qatan 3: 5-6

A. HE WHO BURIES HIS DEAD THREE DAYS BEFORE THE FESTIVAL — THE REQUIREMENT OF THE SEVEN DAYS OF MOURNING IS NULLIFIED FOR HIM.

1. I.1 The restrictions are nullified, but the days of mourning are not nullified but deferred

2. I.2-4 Clarification of foregoing

3. I.5 How on the basis of Scripture do we know the fact taken for granted in the Mishnah

4. I.6 All parties concur; clarification of positions of authorities in foregoing

5. I.7-8 Mishnah-clarification: what of the period after the festival; do the remaining days of mourning have to be observed

6. I.9 Mourning rites for the period after the festival, as above, now with attention to the details of turning over the bed

7. I.10-11 Continuation of foregoing

i. I.12 How on the basis of Scripture do we know that the period of mourning is for seven days

B. I.13 OBSERVING THE THIRTY-DAY PERIOD OF BEREAVEMENT. IF THE NEWS HAS COME LATE, SO THAT IMMEDIATE ACTION IS NO LONGER POSSIBLE, HOW DO WE ALLOCATE THE MOURNING PERIODS OF SEVEN, THEN THIRTY DAYS?

1. I.14 Case illustrative of foregoing rule

2. I.15 Special cases for foregoing rule

3. I.16 Does he tear his clothing or not?

C. I.17 TEARING CLOTHING ON THE OCCASION OF A BEREAVEMENT

1. I.18 A case that illustrates the law above.

2. I.19 Another illustrative case

3. I.20 How on the basis of Scripture do we know that tearing clothing is done standing

D. I.21-31 RULES THAT PERTAIN TO THE MOURNER DURING THE FIRST DAYS OF THE BEREAVEMENT

1. I.21 Mourner forbidden to work, bathe, anoint self, etc. If the community needs him, he may recite certain required texts.

2. I.22 Mourner is forbidden to put on tefillin for first three days.

3. I.23 Mourner is forbidden to work during first three days of bereavement.

4. I.24 Mourner does not have to go to a house of mourning during first three days of bereavement

5. I.25 Mourner is forbidden to give a greeting during first three days of bereavement

6. I.26 As above

7. I.27 Analysis of same

8. I.28 Mourner who reaches home during first three days of bereavement...

9. I.29 As above

10. I.30 Continuation of above

11. I.31 Decided law on foregoing

E. I.32-38 RULES THAT PERTAIN TO MOURNING FOR FATHER OR MOTHER IN PARTICULAR

1. I.32 For all other deceased but father or mother, one hastens the bier to the grave, but not for parents.
2. I.33 For all other deceased but father or mother, one gets a haircut at the end of thirty days, but not for parents.
3. I.34 For all other deceased but father or mother, one makes a tear of a handbreadth, but for parents, a much bigger tear.
4. I.35 For all other deceased but father or mother, one wearing ten garments tears the uppermost one alone, but for parents, all.
5. I.36 Other special rules on tearing for parents.
6. I.37 As above.
7. I.38 As above.

F. I.39-40 RULES THAT PERTAIN TO MOURNING FOR THE DEATH OF A SAGE

1. I.39 When a sage dies, one bares the right, when the principal of a court dies, the life, for the patriarch, both sides.
2. I.40 When a sage dies, the house of study he conducted is dissolved.

G. I.41-44 OTHER RULES GOVERNING CONDUCT DURING A BEREAVEMENT

1. I.41 On the first Sabbath after bereavement
2. I.42 For the entire thirty days, the mourner may not take a wife
3. I.43 Other rules for the thirty days: clothing one may not wear
 - i. I.44 Case illustrative of foregoing.

H. [HE WHO BURIES HIS DEAD EIGHT DAYS [BEFORE THE FESTIVAL] — THE REQUIREMENT OF THE THIRTY DAYS OF MOURNING IS NULLIFIED FOR HIM.]

FOR THEY HAVE SAID, “THE SABBATH COUNTS [IN THE DAYS OF MOURNING] BUT DOES NOT INTERRUPT [THE PERIOD OF MOURNING], [WHILE] THE FESTIVALS INTERRUPT [THE PERIOD OF MOURNING] AND DO NOT COUNT [IN THE DAYS OF MOURNING].”

1. II.1 Does mourning pertain to the Sabbath
2. II.2 From the case to the law: principle subject to analysis in the Mishnah-rule and how it emerges in different cases altogether
3. II.3 As above
 - i. II.4 Thematic expansion of foregoing
 - ii. II.5 Continuation of foregoing
4. II.6 Conduct of mourner on the Sabbath; what is required and what is optional; reference to making a tear

I. II.7-10 TEARS MADE AS A MARK OF MOURNING

1. II.7 Any tear not made at the moment of grief is null

2. II.8 Continuation of foregoing topic
3. II.9 Are tears sewn up or not after mourning is over
4. II.10 Mourner may walk about wearing torn wrap in the house on the Sabbath

J. R. ELIEZER SAYS, “AFTER THE TEMPLE WAS DESTROYED, PENTECOST HAVE BEEN DEEMED EQUIVALENT TO THE SABBATH.” RABBAN GAMALIEL SAYS, “THE NEW YEAR AND THE DAY OF ATONEMENT ARE DEEMED EQUIVALENT TO FESTIVALS.” AND SAGES SAY, “THE RULE IS IN ACCORD WITH THE OPINION NEITHER OF THIS ONE NOR OF THAT ONE.

1. III:1 The decided law

K. BUT PENTECOST IS DEEMED EQUIVALENT TO A FESTIVAL, AND THE NEW YEAR AND THE DAY OF ATONEMENT ARE DEEMED EQUIVALENT TO THE SABBATH.”

1. IV.1 One day of mourning prior to Pentecost and Pentecost count as fourteen days of the thirty, in line with the stated principle.
2. IV.2 The same proposition worked out again
3. IV.3 As above

XIX. Mishnah-Tractate Moed Qatan 3: 7A-B

A. THEY TEAR THEIR CLOTHING, BARE THE SHOULDER, OR PROVIDE FOOD FOR MOURNERS, ONLY IN THE CASE OF THE NEAR RELATIVES OF THE DECEASED:

1. I;1 Clarification of the status of the sage within the rule of the Mishnah
2. I.2 Case illustrative of the foregoing

B. I.3-15 THE HONOR THAT IS OWING TO A SAGE WHEN HE DIES. MIRACLES IN CONNECTION WITH THE BURIAL OF SAGES. EULOGIES SPOKEN AT THE DEATH OF SAGES

1. I.3 Huna
2. I.4 Abba/Huna eulogy
3. I.5 Burial of Huna
4. I.6. Hisda
5. I.7 Rabbah b. R. Huna
6. I.8 Eulogy for foregoing
7. I.9 Eulogy for Rabina
8. I.10 Eulogy for Ashi; Raba
9. I.11 Eulogy for death of patriarch's grandchild
10. I.12 Eulogy for Pedat
11. I.13 Mourning for Yohanan
12. I.14 Eulogy for Zira
13. I.15 Miracles done when various sages died

C. I.16-27 TEARS ON GARMENTS THAT ARE NOT TO BE SEWN UP AGAIN, E.G., FOR PARENTS, MASTER, SAGES, AND THE LIKE

1. I.16 Tears on garments that are not to be sewn up again, e.g., for parents, master, sages, and the like
2. I.17 For parents: how on the basis of Scripture do we know that fact
3. I.18 How on the basis of Scripture do we know they are not to be sewn up again
4. I.19 For patriarch, principal of court: how on the basis of Scripture do we know that fact
5. I.20 For hearing: blasphemy how on the basis of Scripture do we know that fact
 - i. I.21 Clarification of what it means to hear blasphemy in this context
6. I.22 are not to be resewn: how on the basis of Scripture do we know that fact
7. I.23 when a scroll of the Torah has been burned how on the basis of Scripture do we know that fact
8. I.24 continuation of foregoing
9. I.25 case illustrative of foregoing
10. I.26 making a tear upon seeing ruined cities of Judah how on the basis of Scripture do we know that fact
11. I.27 Temple, Jerusalem how on the basis of Scripture do we know that fact

D. I.28-37 RULES OF TEARING GARMENTS AS A SIGN OF MOURNING

1. I.28 All these tears may be tacked together, basted, and so on, but not by a sewn seam along the edges
2. I.29 As above
3. I.30 One may turn the garment inside out and mend the tear
4. I.31 Length of the tear
5. I.32 Initial tear
6. I.33 Multiple tears in connection with coincidental bereavements
7. I.34 To what extent does one make the tear
 - i. I.35 refinement of foregoing
8. I.36 Failing to make the tear ridicules the deceased
9. I.37 One does not make the tear for a sick person or in his presence

E. AND THEY PROVIDE MOURNERS FOOD ONLY ON AN UPRIGHT COUCH

1. II.1 Tannaite complement to the Mishnah-rule
2. II.2 Case illustrative of foregoing

F. SOME SPECIAL RULES GOVERNING CONDUCT DURING A BEREAVEMENT; OVERTURNING THE BED AS A SIGN OF MOURNING; CLEANING THE HOUSE OF MOURNING

1. II.3 Suffering a bereavement while away on a business trip
2. II.4 When do they overturn the couches
3. II.5 When do they set beds upright on the eve of the Sabbath

4. II.6 All the beds in the house are turned over

i. II.7 Clarification of foregoing

5. II.8 Mourner may not sleep in a bed or chair

6. II.9 Cleaning the house of mourning

XX. Mishnah-tractate Moed Qatan 3: 7C-E, 3: 8A-C

A. THEY DO NOT BRING [FOOD] TO A HOUSE OF MOURNING ON A TRAY, SALVER, OR FLAT BASKET, BUT IN PLAIN BASKETS.

1. I.1 Tannaite complement to the foregoing

2. I.2 As above

B. [AND THEY DO NOT [IN RECITING THE GRACE AFTER MEALS] SAY THE BLESSING FOR MOURNERS DURING THE INTERMEDIATE DAYS OF THE FESTIVAL. BUT [THE MOURNERS] DO STAND IN A LINE AND OFFER CONSOLATION AND DISMISS THOSE THAT HAVE GATHERED TOGETHER.]

THEY DO NOT SET THE BIER DOWN IN THE STREET, SO AS NOT TO GIVE OCCASION FOR A LAMENTATION

1. II.1 During the intermediate days of the festival they do so for a sage

C. II.2-9 THE FORMS OF LAMENTATION: STATEMENTS AND GESTURES

1. II.2 Striking the breast

2. II.3 Stamping the foot

3. II.4 Rise before mourner

4. II.5 Mourner may not eat his own food on first day of mourning

5. II.6 Three days are for weeping, seven for lamenting, thirty for not getting a haircut

i. II.7 Exposition of Jer. 22:10 [cited at II.6]

ii. II.8 As above

6. II.9 Mourner is in danger during the mourning period

D. AND UNDER NO CIRCUMSTANCES DO THEY SET DOWN THE BIER OF WOMEN IN THE STREET, ON ACCOUNT OF RESPECT.

1. III.1 Qualification of Mishnah-rule

i. III.2, 3 Amplification of a topic introduced in III.1, Miriam and how she died

E. III.5-8 ON DYING SUDDENLY OR AFTER SOME DAYS OF ILLNESS

1. III.5 Dying suddenly

2. III.6 Extirpation: story

3. III.7 Huna died suddenly

4. III.8 Everything depends on one's star's position in the heavens

F. III.9-15 THE ANGEL OF DEATH AND HOW HE DOES HIS WORK

1. III.9 Seorim in a coma sees the angel of death

2. III.10 Nahman in a coma
3. III.11 Angel of death approaches Eleazar
4. III.12 Angel of death approaches Sheshet
5. III.13 Angel of death approaches Ashi
6. III.14 Angel of death and Hisda
7. III.15 Angel of death and Hiyya

XXI. Mishnah-tractate Moed Qatan 3: 8D-E, 3: 9

A. MOURNING WOMEN ON THE INTERMEDIATE DAYS OF A FESTIVAL WAIL BUT DO NOT CLAP THEIR HANDS.

[R. ISHMAEL SAYS, “THOSE WHO ARE NEAR THE BIER CLAP THEIR HANDS.” ON THE NEW MOONS, HANUKKAH, AND PURIM THEY WAIL AND CLAP THEIR HANDS. ON NONE OF THEM DO THEY SING A DIRGE. ONCE THE DECEASED HAS BEEN BURIED, THEY DO NOT WAIL OR CLAP THEIR HANDS. WHAT IS THE DEFINITION OF A WAIL? WHEN ALL SING TOGETHER. WHAT IS A DIRGE? WHEN ONE STARTS, AND THEN ALL JOIN IN WITH HER, AS IT IS SAID, “TEACH YOUR DAUGHTERS WAILING, AND EVERY ONE HER NEIGHBOR A DIRGE” (JER. 9: 19). BUT IN THE TIME WHICH IS COMING, IT SAYS, “HE HAS SWALLOWED UP DEATH FOREVER, AND THE LORD GOD WILL WIPE AWAY TEARS FROM OFF ALL FACES, AND THE REPROACH OF HIS PEOPLE HE SHALL TAKE AWAY FROM OFF ALL THE WHOLE EARTH, FOR THE LORD HAS SPOKEN IT” (IS. 25: 8).]

1. I.1 What do they [mourning women] say?

B. I.2-5 CONDUCT OF SAGES IN THE HOUSE OF MOURNING. ATTITUDE TOWARD MOURNING AND TOWARD DEATH.

1. I.2 Meir cites Qoh. 7:2

2. I.3 Conduct of sages when the sons of Ishmael died.

i. I.4 supplement to foregoing

ii. I.5 As above

C. I.6-12 THE CONDUCT OF MOURNERS WHEN THE COMFORTERS MAKE THEIR APPEARANCE

1. I.6 Comforters may not speak until bereaved commences

2. I.7 Mourner reclines at the head of the meal

i. I.8 complement to foregoing: bridegroom does the same

a. I.9 Exodus of soul from the body agitates the body

3. I.10 He who takes his leave of the ceased should say Go in peace.

i. I.11 He who leaves the synagogue

D. I.12 DISCIPLES OF SAGES HAVE NO REST IN THE WORLD TO COME

We may now conduct a systematic inquiry into the matters of structure and system that form the center of this commentary.

Points of Structure

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

The outline I have proposed answers this question. The Talmud-tractate follows a coherent outline; at remarkably few points were we unable to account for the position and purpose of a complete composition, one with a beginning, middle, and end. I can identify few, if any, such compositions that do not relate to the composite of which they form a part, and I can point to not a single composites without a clear purpose in the tractate's large-scale constructions. The outline I was able to construct followed a simple order: topic sentence, ordinarily a sentence of the Mishnah-tractate, at some points a subject or proposition not supplied by it; analytical discussion of the topic-sentence; propositions generated by the topic-sentences. Where the compilers wish to provide both analysis and illustrative cases, the order is, first, analysis, then illustration.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

The outline of the Talmud-tractate follows the outline of the Mishnah-tractate, but extends beyond the Mishnah-tractate in two ways. First, important statements of the Mishnah-tractate are not analyzed at all. Second, important propositions not set forth in the Mishnah-tractate are examined, and significant topical composites are inserted without regard to the Mishnah-tractate's program but in addition to it. The rules that the outline reveals present no surprises. In examining any sentence of the Mishnah or of a comparable Tannaite document, [1] the compilers first discuss the formulation, authorities, or scriptural foundations for the Mishnah's or other Tannaite document's statement. Then [2] secondary augmentation will begin, whether through an extension of the rule to other cases, or an investigation of the implicit principle of the rule and its intersection with other types of cases altogether. Following comes [3] the consideration of Tannaite formulations of rules that pertain in theme or problem or principle, and these will be subjected to the same sequence and type of analytical questions that have already been brought to bear upon the Mishnah.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

We proceed from the particular — the Mishnah's rule — to the general. We first deal with the details of the particular, then we move outward to theoretical considerations. We deal with rules accorded Tannaite origin or sponsorship, first found in the Mishnah, then found in the Tosefta (not so firm a rule), and finally given a signal of Tannaite but not found in a compilation of Tannaite statements now in our hands (e. g., Tenno rabbanon, Tanné and the like).

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

The foregoing account of the orderly structure of the Talmud-tractate Moed Qatan contains no explanation of the introduce of large-scale composites that we find as principle subdivisions of the divisions of the outline, I-XXI. With only the Mishnah-tractate in hand, we should have no basis for predicting the topics of the composites that provide other than Mishnah-exegesis, augmentation, and extension. Only when we ask why a given topical composite, extrinsic to the Mishnah-tractate, has been positioned where it is,

and whether or not said composite can have occupied a position elsewhere in the Talmud-tractate or have been omitted with a significant loss of meaning, which we do at Points of System No. 2, will the topical composites be shown to participate in the rationality of the Talmud-tractate.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE MOED QATAN SERVE ONLY AS A RE-PRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

For negative and positive reasons, the answer to this question is one-sidedly negative. The negative reason is that Talmud-tractate does not re-present Mishnah-tractate Moed Qatan, because it omits consideration of sizable passages of the Mishnah-tractate. I can conceive of no way to predict what the Talmud-tractate's framers will omit; I see no pattern, nor can I explain why, in the same set of sentences, a given sentence will attract extensive consideration and another will not. But it suffices to say that the Talmud-tractate in no way pretends to cover every clause of the Mishnah. I further have formed the subjective impression that at no point do the framers of compositions concerning clauses of the Mishnah strain to find something to fill up space where they have nothing to say. I cannot point to a passage that strikes me as extraneous or fabricated for the occasion. That subjective impression gains a measure of objective standing when we observe that the same types of discussion accorded to a given Mishnah-clause recur throughout. A coherent and cogent program of Mishnah-exegesis governs everywhere. That seems to me to bear the implication that the framers of the Talmud-tractate do not acknowledge the task of filling up space by making statements where they have nothing interesting to say. My tentative hypothesis is that where a sentence of the Mishnah attracts no analytical inquiry, it is because it contains nothing that the framers of our Talmud-tractate found problematic; where they say nothing, it is because they have nothing to say. But to test that hypothesis we should have to pursue the question of the sources of the Talmud-tractate, that is, the resources upon which the compilers of composites drew, or the authors of compositions devoted to Mishnah-exegesis wrote up. That is not a question that concerns me here, since the answer tells us nothing about structure and system, explaining what we do not have, not what we do.

The positive reason is that the Talmud-tractate Moed Qatan includes presentation of topics and principles and propositions that the Mishnah-tractate does not present. Because of the inclusion of large-scale topical composites at I.B, IIB, VII.B, C, IV.B, C, X.B, C, XV.C, D E, XVIII.B, C, D, E, F, G, I, XIX.B, C, D, F, XX.C, E, F, XXI. B, C. The proportion of the tractate represented by the freestanding topical composites is accurately estimated only by a word count, that is, the number of words in the listed composites as against the number of words in the tractate as a whole. Without making such a word-count, I believe readers will concur in the simple judgment that the important topical composites extrinsic to Mishnah-exegesis and yet primary in the Talmud-tractate form a substantial component of the whole. These extrinsic composites and compositions take shape around their own subjects or propositions or problems, and they do not respond to those of the Mishnah-tractate. But, as we shall now see, they do change the re-presentation of the Mishnah-tractate in important ways, to which we now turn.

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

I.B: The comparison of the Sabbatical Year's rules with those governing the intermediate days of the festival: this composite imposes the study of the relationship between two species of the single genus, occasions on which, by reason of a lesser degree of sanctification, limitations less drastic than those governing the Sabbath or the festival day are placed on acts of labor. The Mishnah has introduced the comparison of the two occasions, the Sabbatical Year and the intermediate days of the festival, and the Talmud-composite has taken up that comparison in its own terms, not for the purpose of Mishnah-exegesis, as an examination of I.B shows. This composite could not have made sense anywhere else in the tractate and had to be situated exactly where it is. It is therefore intrinsic to the exposition of the Mishnah, and what it does is redefine our perspective upon the Mishnah by insisting on a broader, comparative framework for reflection on the law.

II.B: This composite simply pursues the Mishnah's topic. It can have been introduced only here.

VII.B, C: What this freestanding composition and its appended composite contributes is the theme, taking leave of the master. The Mishnah-rule covers taking wives and the conduct of a woman on the occasion of a wedding. I see no direct connection to the Mishnah-topic. Introducing disciples' relationships with the master and their coming and going calls to mind the comparability of the familial relationship (here: marriage) and the supernatural relationship of master-disciple. I cannot point to any other appropriate setting in our tractate for this topic. What is contributed is the consideration of that other relationship, the supernatural one. But how the occasion — intermediate days of the festival — plays a role I cannot say. Since the composite continues the theme introduced in VII.A.1.c.2, I am inclined to think the reason for introducing it derives from the needs of expounding the composite to which it is attached, rather than the tractate into which the whole is inserted.

IX.B, C: The general theme of the composite is the conduct of workers, using workers to do work that Israelites may at the same span of time not carry out, contracting for work to be done on the intermediate days of the festival and the like. The composite serves very well in context and cannot have found a comfortable location any where else in the tractate. It expands the case of the Mishnah into the consideration of the principle of contracting — whether with gentile or with Israelite workers — to perform various acts of labor. The net effect is vastly to expand the scope of the Mishnah, transforming the case into a rule, the rule into a broad and ubiquitously relevant principle.

X.B: Here we compare two sets of laws that have in common the same status, namely, laws that apply to interstitial cases. The intermediate days of the festival are not the festival, but also not secular; the Samaritan is not an Israelite, but is also not a gentile. Once more, if we look back at the Mishnah-rule, X.A, we find ourselves in a comparable situation, namely, an interstitial case, involving a situation that has come about by accident and

that can cause great loss, and how we contend with it; the way we deal with a middle-range situation — two rules in conflict — frames the problem throughout. Then the net effect again is to recast the Mishnah-rule in a much broader framework and to highlight the deeper conflict at hand.

X.C: The issue here is limits on labor performed on the intermediate days of the festival in connection with observance of the festival — another kind of interstitiality. Now, there are limits, just as pertain in general to the intermediate days of the festival. But there also is a reason to extend those limits, since the acts of labor now pertain to the festival itself. Once more, the composite cannot serve elsewhere in the tractate, and it makes a formidable contribution to the examination of the Mishnah in a broader context than suggested by the Mishnah-rule itself.

XV.C, D, E: Here is the point at which the framers of the Talmud have made a statement that is entirely their own, reshaping the topic of the Mishnah in ways that the Mishnah-tractate cannot have led us to anticipate in any way. The set of composites takes up the rules governing the mourner on the intermediate days of the festival, and this shades over into a systematic presentation of the rules of mourning in their own terms. Then, E, others who are comparable to the mourner in their status — not permitted to conduct themselves in ordinary society in accord with the rules that otherwise govern uniformly — are introduced. The net effect is to transform the re-presentation of the Mishnah-tractate by introducing a topic that the Mishnah-tractate scarcely touches.

XVIII.B, C, D, E, F, G, I: The topic of mourning is once more treated in its own terms, out of all relationship to the Mishnah-tractates interest in it. Here again, we have what amounts to a small tractate on mourning, a range of general rules, special problems, and then the inevitable case of the sage produced in this context as in many others now carrying us far beyond the limits of the Mishnah-tractate.

XIX.B, C, D, F: The topic of mourning for sages, the death of sages, and the like, along with further comments on mourning rites, predominates once more. Here again, the Mishnah-tractate in a tangential way has introduced a topic in the contest of the Mishnah-tractate's program. Then the Talmud-composite treats the topic in terms not to be predicted out of the way in which the Mishnah-tractate has introduced said topic. Now the topic takes on a life of its own.

XX.C, E, F: Forms of lamentation take over, and the matter of the intermediate days of the festival falls by the way. Once more the result is the same. The essay shades over from mourning to death: dying suddenly, the angel of death, and the angel of death and sages.

XXI. B, C, D: Not surprisingly, the freestanding composite pursues its own interest, which is [1] rules of mourning with [2] special interest in sages. It is hardly surprising that D ends with the condition of sages in the world to come, that is, after death.

The topical composites fit in in two distinct ways. First, some of them — represented by I.B, IX.B, C, and X. B (a very subtle entry indeed) — greatly expand the scope of the Mishnah-rule, introducing a level of abstraction that Mishnah-exegesis does not require. Mishnah-exegesis is made to set the stage for a much broader consideration of principles that transcend cases and recast rules into representations of underlying conceptions of a high order of generalization. In this first type of topical composite, the Mishnah's rule is re-presented as an indicator of a deeper, compelling problem of thought, often of a philosophical, rather than a narrowly-legal character.

Second, and more strikingly, the larger number of the topical composites — represented by the composites from XV.C-E to the end! — change the face of the Mishnah-tractate by raising to prominence subjects treated by the Mishnah only incidentally and in a subordinate status. A tractate on conduct on the intermediate days of the festival has been turned into one on that subject and on another as well.

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

The answer to this question lies in explaining the connection between rites of mourning and the rules governing conduct on the intermediate days of the festival. What made sages conceive that the latter should find a comfortable and capacious place amid the former — even to the extent of extensively and promiscuously interspersing rules of mourning in expositions of intermediate days of the festival? True, the Mishnah-tractate introduces the mourner, along with other classes of persons in a special situation on the intermediate days of the festival. But the Talmud has not then given us large-scale discussions of the person released from prison or others who appear on the same lists as the mourner. So the formal explanation — the topic is introduced by the Mishnah, so it is discussed in its own terms in the Talmud — begs the question.

Rather, a substantive explanation is required, and it is contained in the answer to a simple question. Precisely what has death to do with the intermediate days of the festival? The principal mode of thought of the Mishnah is that of comparison and contrast. Something is like something else, therefore follows its rule; or unlike, therefore follows the opposite of the rule governing the something else. So as a matter of hypothesis, let us assume that the framers of Talmud-tractate Moed Qatan found self-evidently valid the modes of thought that they learned from the Mishnah and so made connections between things that were alike, on the one side, or things that were opposite, on the other. How do death and mourning compare to the intermediate days of the festival? The point of opposition — the contrastive part of the equation — then proves blatant. Death is the opposite of the celebration of the festival. The one brings mourning, the other, joy. And the Mishnah's inclusion of the mourner on its list of those whose special situation must be taken into account then precipitates thought about the item on the list — the mourner — that most clearly embodies the special circumstance of all items on the list.

But if the contrast proves obvious, the point of comparison — how are these things similar, and what rule pertains to both — emerges with equal facility. Extremes of emotion — mourning, rejoicing — come together in the normal cycle of life and the passage of time. Each takes its place on a continuum with the other, whether from the perspective of the passage of time in nature or the passage of life, also in nature; whether from the perspective of the sacred or from the standpoint of uncleanness. The natural

rhythm of the year brings Passover and Tabernacles, the celebration of the first full moon after the vernal and autumnal equinoxes, respectively. The natural rhythm of life brings its moments of intense emotion too. But death and the festival also form moments of a single continuum, one of uncleanness yielding to its polar opposite, sanctification, sanctification yielding to uncleanness. Death, we must not forget, also serves as a principal source of uncleanness, the festival, the occasion for sanctification beginning with the removal of cultic uncleanness and the entry into a state of cultic cleanness. These opposites also take their place on a single continuum of being.

So in establishing the connection, through treating the categories as equivalent and counterpart to one another, between death and the festival's intermediate days, what have our sages in Talmud-tractate Moed Qatan said in their own behalf, not about the Mishnah but through their re-presentation of the Mishnah? They make the connection between the one and the other — death and the festival's intermediate days — so as to yield a conclusion concerning the everyday and the here and now. These are neither permanently sanctified nor definitively unclean, neither wholly the occasion for rejoicing without restriction as to acts of labor nor entirely the occasion of common ventures without restriction as to attitudes of exaltation. The days between festivals, like ordinary life, after birth but before death — these are to be seen as sanctified but not wholly so, just as life forms the realm of the angel of death, but only for a while. The festival comes — and so does the resurrection of the dead and the life of the world to come, of which the festival, like the Sabbath, gives us a foretaste.