

IV

BAVLI BESA CHAPTER FOUR

FOLIOS 29B-35B

4:1

- A. He who [on a festival] brings jars of wine from one place to another should not bring them in a basket or hamper.
- B. But he brings them on his shoulder or [carrying them] before him.
- C. And so too: he who takes straw should not hang the hamper over his back.
- D. But he brings it [carrying it] in his hand.
- E. And they break [30a] into a stack of chopped straw [that is set aside as fuel], but not into wood stacked in the storage hut [which normally would be used for building].

I.1 A. *A Tannaite authority taught:*

- B. If it is impossible [for the individual carrying the load] to do so in an unusual way [such as is described at M. **Bes. 4:1B** and D], it is permitted [for him to carry it in the normal fashion, [described at M. **Bes. 4:1A** and C].
- C. *Raba enacted at Mehoza:*
- D. *Whatever one [usually] carries [by hand] with great effort — [on a festival] he should carry it on a carrying pole.*
- E. *That which he [usually] carries on a carrying pole, he should carry [on a festival] on a yoke [alt.: staff].*
- F. *That which he [usually] carries on a yoke, he should carry [on a festival] on a hand-barrow.*
- G. *That which he [usually] carries on a hand-barrow, he may still carry on a barrow, but] a sheet is spread over [the load, to represent a deviation from the normal procedure used on regular weekdays].*
- H. *But if it is impossible [in any way to carry the load in a unusual manner], it is permitted [to carry it in the normal way, just as B states].*
- I. *For a master said, “If it is impossible [for the individual carrying the load] to do so in an unusual way, it is permitted [for him to carry it in the normal fashion].*

- J. *[The theory of the preceding is evaluated within a concrete case.] Said Raba b. Hanin to Abbaye, "Did the rabbis say, 'On a festival day, insofar as it is possible [to do work] in an unusual way, one should [in fact] do it in an unusual way'?"*
- K. *"For [to the contrary], these women [that is, our wives] — when they fill up water pitchers on the festival day, they do not do it differently at all, yet we do not say a thing to them [about it]!"*
- L. *[Abbaye] said to him, "This is because it is impossible [to fill the pitchers in any other way].*
- M. *"For how should they do it?"*
- N. *"If one who usually fills a large pitcher [instead] fills a small one, she will have to do more walking, [making several trips].*
- O. *"If one who usually fills a small pitcher [instead] fills a large one, she will increase the load [she has to carry].*
- P. *"If she covers it with a lid, it might fall off, and she will wind up carrying it.²*
- Q. *"If she ties [the lid on], it might become loose and she will wind up refastening it.*
- R. *"If she spreads a cloth over it, it might get soaked with water, and she will wind up wringing [it out].*
- S. *"Therefore, it is impossible [to bring water home in an unusual manner]."*

I.2. A. Raba b. R. Hanin said to Abbaye, "We have learned in the Mishnah [M. Bes. 5:2]: [On a festival day] they do not clap hands, slap the thigh or dance, [lest they come also to play musical instruments].

- B. *"But now, when we see that people do this [anyway], we do not say a thing to them!"*
- C. *[Abbaye] said to him, "According to your view [that we should say something, how can you explain] that which Raba said: ' [On a holy day] a person should not sit in the entrance to an alley, lest some object should roll away from him and he wind up carrying it four cubits in public domain, [which is forbidden on the holy day].'*
- D. *"But [contrary to this rule], women take their water-pitchers and go and sit in the entrances to alleyways, and we don't say a word to them [about it]!"*
- E. *[Abbaye continues explaining why sages keep quiet about the proper law.] "Rather, leave [these people of] Israel alone! It is better that they inadvertently sin, [not knowing the law], and that they not be made knowingly to transgress. [For, even if we did tell them the law, they would not follow it.]*
- F. *"Here too, [in the case described at A-B], leave [these people of] Israel alone. It is better that they inadvertently sin, [not knowing the law], and that they not be made knowingly to transgress."*
- G. *Now, this [principle, E and F] applies only in the case of rabbinic [law].*
- H. *But in the case of a Scriptural [prohibition], no! [In the case of a Scriptural prohibition, the law must be stated, even if people will not follow it.]*

- I. *But no, [H is not the case].*
- J. *It makes no difference whether the law is Scriptural or rabbinic.*
- K. *[In either case] we do not say anything [to the people].*
- L. *[An example for the case of a Scriptural prohibition is cited.] For the time added [at the start of] the Day of Atonement, [during which people already should cease eating], is Scriptural [see b. Yom. 8lb], yet people eat and drink [through this period], until dusk, and we do not say a thing to them [about it].*

II.1 A. And they break into a stack of chopped straw... [M. Bes. 4:1E]:

- B. Said R. Kahana, "This is to say they break into a store [of straw] for the first time [on a festival day]."
- C. *Who is the authority [behind M. Bes. 4:1E]?*
- D. *It is R. Simeon, who does not apply the restriction that prohibits use on the festival day of that which was not specifically set aside for use on that day.*
- E. *[Having argued as at D], consider the final clause [of the passage at hand]: **[But one may not break into] the wood stacked in the storage-hut [M. Bes. 4:1E].*** [The wood may not be used because it was not set aside as fuel prior to the festival day. D's conclusion therefore is unacceptable, as we shall now see.]
- F. *This represents [the opinion of] R. Judah, who does apply the restriction against using on a festival day that which was not set aside prior to the festival. [The rule at M. Bes. 4:1E thus cannot all be the opinion of Simeon.]*
- G. *[The Talmud now argues that, contrary to E+F, Simeon can stand behind all of M. Bes. 4:1E.] Here [in the final clause of M. Bes. 4:1E] we deal with cedar and cypress wood, which are not deemed set aside for festival use because [such use would entail] great monetary loss. [This expensive wood normally is used only for building, not as a fuel.]*
- H. And even R. Simeon concurs [therefore that it is forbidden to use this wood as a fuel on the festival day].
- I. *[A-H's exercise is repeated, switching the order of reference to the clauses of M. Bes. 4:1E.] There are those who teach this [discussion] concerning the final clause [of M. Bes. 4:1E]: **But [on a festival day] they may not break into wood stacked in a storage hut.***
- J. Said R. Kahana, "This is to say that they do not break into a store [of wood] for the first time [on a festival day]."
- K. *Which [authority stands behind M. Bes. 4:1E]?*
- L. *It is R. Judah, for he applies the restriction against using on a festival day that which was not set aside and prepared for use on that day.*
- M. *[Having argued as at L], cite the first clause [of M. Bes. 4:1E, which suggests that this legal statement cannot derive from Judah]: **And they break into a stack of chopped straw [on a festival day].***
- N. *This is the opinion of R. Simeon, who does not apply the restriction against using on a festival day that which was not set aside in particular for use on that day!*
- O. *[The Talmud now argues that, contrary to M-N, Judah can stand behind all of M. Bes. 4:1E, including the rule cited at M.] That [rule] concerns rotted straw. [Such straw's only use is as fuel for a stove. Even Judah therefore holds that it*

automatically is permitted for use on a festival day. This is the case even though straw from the same pile had not specifically been set aside for use as fuel.]

P. [O's conclusion is challenged. The straw does have a different purpose, such that Judah would not permit it to be taken for fuel on a festival day. As M-N originally argued, Judah therefore cannot stand behind the first clause at M. **Bes. 4:1E**.] [Contrary to O], *this [rotted straw] is fit for use as clay*. [It therefore is not automatically in the status of a fuel, and Judah would not permit it to be used on the festival day, unless it had been specifically set aside for use on that day.]

Q. [P's argument against O is rejected, leaving the conclusion that Judah indeed stands behind both clauses at M. **Bes. 4:1E**.] [*The case at hand is one*] *in which there are thorns in it*. [Because of the thorns, the rotted straw cannot be kneaded into clay. It therefore can be used only as fuel for a stove. Judah therefore does not apply to it the restriction against using on the festival that which was not specifically set aside for use on that day. The straw is deemed automatically to be set aside for use as fuel.]

Unit I:1 supplies the theory of M. **Bes. 4:1A-D**. On a festival day one should, if possible, do permitted labor in an unusual way. This is a central aspect of the differentiation between holy and secular time. While unit I:2 takes up an issue derived from unit I, it actually is autonomous in topic. It asks why the rabbis do not always tell people that they are transgressing. The important assumption of the discussion is that people do not invariably heed rabbinic authority. Unit II:1 debates which Tannaite authority stands behind M. Bes. 4:1E. In doing so it elucidates the rule's underlying issue, whether or not on a festival day an individual may use that which, prior to the festival, was not specifically set aside for the festival day.

4:2a

A. **[30b] They do not take pieces of wood from [the roof or walls of] a hut, but [they do take wood] from that which is adjacent to it.**

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

B. [*The reason is that, by taking wood from the hut*], *one tears down a tent*. [*This act of demolition is not permitted on a festival day*.]

C. [*If the reason is as B states, then, contrary to the second clause at M. **Bes. 4:2A**, taking wood*] **from that which is adjacent to [the hut]** *likewise [should be forbidden, since by taking this wood too] one tears down a tent!*

D. [*Explaining why the restriction does not apply to the adjacent wood*] *said R. Judah said Samuel, "What [is the meaning of] "adjacent"?*

E. "Adjacent to the walls, [but not actually part of them]." [Taking this wood does not constitute tearing down the hut itself.]

F. [*Carrying forward the theory of E*], *R. Menasia said, "You may even say [that M. **Bes. 4:2A** applies] when [the wood] is not adjacent to the walls, [but, rather, is upon the roof of the hut, as part of the covering]. When this was learned in the Mishnah, it was taught with reference to [wood] tied up in bundles [and placed on the roof]."* [The wood was placed on the roof for storage, not to constitute

part of the hut. Taking this wood down on the festival day therefore does not constitute a forbidden act of tearing down the hut.]

- I.2.** A. *R. Hiyya b. Joseph learned in the Mishnah in the presence of R. Yohanan: “[On a festival day] they do not take pieces of wood from [the walls or roof of] a hut, but [they take wood] from that which is adjacent to it [M. Bes. 4:2A].*
- B. “But R. Simeon permits.
- C. “And they concur concerning the hut [that is, the *sukkah*] used during the festival [of Tabernacles], that, during the festival, it is forbidden [to take wood from it].
- D. “But if [prior to the festival] he made a stipulation concerning it, [indicating that certain portions of the wood are reserved for use as fuel], everything depends upon his stipulation.” [See T. Y.T. 3:9: If one said, “When I want it, I shall take it,” lo, this one is permitted [to do so].]
- E. [Beginning with Simeon’s position, B, A-D now is evaluated, E-O and P-LL.] “And R. Simeon permits [taking wood from the walls or roof of a *sukkah*].”
- F. *[How can Simeon permit this, since, by doing it, the individual] is tearing down a tent, [which all agree is forbidden on a festival day]!*
- G. *Said R. Nahman b. Isaac, “We deal here with a hut that collapsed [on the festival day].*
- H. *“And R. Simeon [here] accords with his [usual] position, for he does not forbid for use on the festival day that which, prior to the festival, was not set aside for use on that day. [Simeon does not mind that the wood the individual takes had not been set aside specifically for festival use. And since the hut already has collapsed, in taking this wood, the individual does not tear down a structure.]*
- I. *“[We know that Simeon does not forbid use of what was not specifically set aside for the festival] since it is taught on Tannaite authority:*
- J. “That which is left over of the oil in the lamp or in a dish [placed next to the lamp to feed it oil] is forbidden [to be used on the Sabbath]. [While the lamp was burning the oil could not be handled, for that would contribute to extinguishing the lamp. Even if the lamp goes out, the oil remains forbidden for use.]
- K. “But R. Simeon permits [one to take the oil].” [Simeon does not take into account the fact that, prior to the holy day, the oil was not set aside for a permitted use.]
- L. *[The question is whether or not Simeon’s opinion in the case at J should apply as well in a case such as that of A.] But are the [two cases under consideration] similar?*
- M. There [in the case cited at J] the person sits and waits for the lamp to go out. [Insofar as he knows that the lamp eventually will go out by itself, the individual expected to be able to use the oil that was left over. This being the case, Simeon does not hold that the oil is forbidden for use on the holy day.]
- N. [But] here, [in the case cited at A+G], does the person sit and wait for his hut to collapse? [Since the person had no expectation that the hut’s wood would become available for use, even Simeon should hold that, upon the hut’s collapse, that wood remains forbidden. If this argument holds, Simeon’s opinion, B, remains unexplained.]
- O. *[Explaining why the consideration at N does not apply], said R. Nahman b. Isaac, “Here [at A+G] we deal with a wobbly hut, such that he had his mind on it, [to*

use the wood as fuel], already on the previous day, [before the start of the festival].” [The case thus is exactly like that of J. In both instances, Simeon permits for use on the festival that which the individual had considered for use prior to the festival, but which had actually become available for use only on the festival day itself.]

- P. [Exposition of the Tannaite teaching cited at A-D continues.] “And they concur concerning the hut [that is, the *sukkah*] used for the festival [of Tabernacles], that, on the festival, it is forbidden [to take wood from it]. But if [prior to the festival] he made a stipulation concerning it, everything depends upon his stipulation.”
- Q. *But is a stipulation concerning [the sukkah] in fact valid?*
- R. For [to the contrary] said R. Sheshet in the name of R. Aqiba, “From what [verse in Scripture do we know] that the wood of a *sukkah* is forbidden [for use] the entire seven days [of the festival]?”
- S. “For it is stated [Lev. 23:34], ‘[On the fifteenth day of the seventh month and] for seven days is the festival of Tabernacles to the Lord.’” [The implication is that all seven days are consecrated “to the Lord.” The *sukkah* may in no event be put to secular use during the whole period of the festival.]
- T. *And [making the same point] it is taught on Tannaite authority:*
- U. R. Judah b. Batera says, “From what [verse in Scripture do we know] that just as the festival offering bears the name of heaven [and, once designated, cannot be put to secular use], so the *sukkah* bears the name of heaven [and cannot be put to secular use]?”
- V. “Scripture says, ‘For seven days is the festival [hg] of Tabernacles to the Lord.’”
- W. “Just as the festival offering [hg = *hagygh*] is to the Lord, so the *sukkah* [that is, the ‘tabernacle’] is to the Lord.” [In light of the proofs at R-S and U+V, how can D claim that, if the individual stipulates to that effect, he may take wood from the *sukkah* for use as fuel?]
- X. *Said R. Menasia said Samuel, “The final clause [above at D, which states that a stipulation is valid], applies only to ordinary huts. [If, prior to a festival, the individual indicates that, on the festival day, he will take wood from the hut, he may do so.]”*
- Y. *“But [concerning] a hut [that is, the sukkah] erected to fulfill a commandment, the stipulation is not valid [at all]!”*
- Z. *[But is Y really correct that, in the case of] a hut erected to fulfill a commandment [the stipulation is] not [valid]?*
- AA. *But [to the contrary] it is taught on Tannaite authority [see T. Suk. 1:7]:*
- BB. [If] one covered a *sukkah* [correctly], according to the law, and then decorated it with fine cloth and tapestries, and hung on it nuts, almonds, peaches, pomegranates, bunches of grapes, [containers of] wine, oil and fine grain and wreaths of sheaves of corn — it is forbidden to eat any of these things until the conclusion of the final festival day [of the seven day] festival.**
- CC. But if [prior to the festival] one made a stipulation concerning these things, [that he will eat of them during the festival], everything depends upon his stipulation, [and he may eat this food during the festival itself]. [It thus appears that, contrary to Y, a stipulation concerning a *sukkah* is valid.]**

- DD. [The contradiction between R-Y and Z-CC is solved by distinguishing the status of the fruit, concerning which BB-CC says a stipulation is valid, from that of the wood itself, which Q-W states may not validly be made subject to a stipulation.] *Abbaye and Raba, the two of them, say, “[The rule of CC applies] when the individual states [prior to the start of the festival], ‘I shall not keep aloof from [this food] at all, through twilight.’ [Twilight is the point at which the sanctity of the festival normally would begin to apply to that which is hanging on the sukkah.]*
- EE. *“As a result, sanctity never pertains to this [food, and, during the festival, the individual may take and eat it].*
- FF. *“But, concerning the wood of the sukkah, to which sanctity does apply — it becomes restricted for use during the seven days [of the festival of Tabernacles].”*
- GG. [The Talmud suggests that, like other objects consecrated for festival use, the *sukkah* should not remain forbidden all seven days, contrary to FF.] *But how [is the case of the sukkah] different from this, [at HH-JJ], which is taught on Amoraic authority?*
- HH. If one set aside seven citrons [see Lev. 23:40], [one] for each of the seven days [of the festival of Tabernacles] —
- II. Said Rab, “He fulfills [the religious obligation of taking up the citron] with them [one] per day and may [after using each one] immediately eat it.” [The citron does not remain forbidden for the whole seven day festival.]
- JJ. But R. Assi said, “He fulfills his obligation with one [citron each day] and then may eat [the one he had used] on the following day.” [Assi agrees with Rab that the citron does not remain forbidden for the whole festival. He disagrees simply concerning the portion of the festival during which it is forbidden. In light of what both authorities agree upon, why should the *sukkah* itself remain forbidden, as FF indicates it does?]
- KK. *There [in the case of the citrons], where the nights, [during which there is no obligation to take up the citron at all], are separate from the days, each day represents its own, autonomous period of obligation. [A citron used on one day does not remain subject to festival use on a different day. The owner therefore may eat it after it has served its purpose, even during the festival itself.]*
- LL. *But here [in the case of a sukkah, in which one is obligated to dwell seven days and nights], such that the nights are not autonomous of the days, the whole [seven] day [period] is comparable to a single, long, day. [The restriction against taking wood from the sukkah for fuel therefore applies during the whole period, as FF indicated.]*

After unit I:1 provides a close exegesis of M. Bes. 4:2A, clarifying the reason for its rule, unit I:2 goes on to supplementary matters. The Tannaite tradition involving Simeon serves as the basis for the extended exegesis concerning the rules for a *sukkah*. This discussion is, by and large, autonomous of the issues raised directly by M. Bes. 4:2A and discussed in unit I.

4:2b

- B. [31A] They bring pieces of wood —**
- C. from the field — from [wood] that has been gathered together,**

- D. and from the outer area [near the town] — even from [wood] that is scattered about.
- E. What is the ‘outer area’?
- F. “Any area near the town,” the words of R. Judah.
- G. R. Yosé says, “Any [enclosed] area into which people enter with a key,
- H. “and even that which is [far from the town, located just] inside the Sabbath-limit.”

I.1 A. [and from the outer area near the town — even from wood]that is scattered about:] Said R. Judah said Samuel, “[On a festival day] they only bring pieces of wood from those that have been gathered together, which are in an outer area.”

- B. *But, to the contrary, we have learned in the Mishnah [M. Bes. 4:2D]:*
- C. **And [they bring pieces of wood] from the outer area — even from that which has been scattered about.**
- D. *This Mishnaic passage, [C], is [the opinion of] an individual [and, unlike A, is not an authoritative teaching]:*
- E. *For it is taught on Tannaite authority [T. Y.T. 3:10]:*
- F. **Said R. Simeon b. Eleazar, “The House of Shammai and the House of Hillel did not differ concerning pieces of wood that were scattered about, which were in the fields,**
- G. **“that one may not bring [them].**
- H. **“Nor [did they differ] concerning pieces of wood that were gathered together in an outer area,**
- I. **“that one may bring [them].**
- J. **“Concerning what did they differ?**
- K. **“Concerning those pieces of wood that are scattered about, which are in an outer area [= M. Bes. 4:2D], and concerning those pieces of wood that are gathered together, which are in the field [= M. Bes. 4:2C].**
- L. **“For the House of Shammai say, ‘One may not bring [them].’**
- M. **“And the House of Hillel say, ‘One may bring [them].’”** [Simeon b. Eleazar reports that the Hillelites stand behind the rule of M. Bes. 4:2C-D. The point of D above is that, contrary to Simeon b. Eleazar, other authorities hold that the Hillelites actually have the view cited at A. This is the opposite of the view that the single authority, Simeon b. Eleazar, attributes to them.]

I.2. A. *Said Raba, “[On a festival day] it is forbidden [to gather] leaves of shrubs and leaves of vines, even though they [previously] had been piled in a heap.*

- B. *“For since, if a wind came they would be scattered about, they are regarded as scattered about [even while they lie in the pile].*
- C. *“But if, prior to the start of the festival, he placed something on them [to keep them from blowing in the wind], it is alright [to gather them on the festival].”* [Rashi: By his action, the individual indicates that he intends to gather the leaves on the festival, such that they are rendered permitted for festival use.]

II.1 A. What is the ‘outer area’ [M. Bes. 4:2E].

- B. *The question was raised: “To what does it refer?*

- C. “[Does Judah say it refers to] **any area near the town** [M. Bes. 4:2F], provided that it has [an entrance secured by] a key,
- D. “such that R. Yosé, [M. Bes. 4:2G-H], comes to indicate that if [it has an entrance secured by] a key, even [if it is not near the town, but rather is just] inside the Sabbath-limit, it still [is called an ‘outer area’]? [In this interpretation, Judah and Yosé agree that an ‘outer area’ must be secured by a lock and key. They disagree only concerning whether the ‘outer area’ also must be near the town. Judah says it must; Yosé states that it need not.]
- E. “Or perhaps [Judah holds that] it refers to this: **any area near the town**, whether or not it has [an entrance secured by] a key,
- F. “such that R. Yosé comes to indicate that even if it is [far from the town, located just] inside of the Sabbath-limit, so long as it has [an entrance secured by] a key, [it is called an ‘outer area’],
- G. “but if it does not have [an entrance secured by] a key, even though it is close to the town, it still is not [called an ‘outer area’]?” [In this view, Judah holds that all that matters is where the ‘outer area’ is located. Whether or not it is secured by a key is immaterial. Yosé, by contrast, holds that all depends upon whether or not the area is secured by a key. If it is, it is deemed an ‘outer area,’ whether it is near to or far from the town.]
- H. Come and learn [which interpretation of the dispute is correct, B-D or E-G]:
- I. Since it is learned in the Mishnah [M. Bes. 4:2G-H]:
- J. **R. Yosé says, “Any area into which people enter with a key, (and) even that which is [far from the town, just] within the Sabbath-limit” —**
- K. learn from this that R. Yosé teaches a double leniency. [The passage is understood to mean that Yosé holds that an area *near the town* is called an ‘outer area’ even if it is not secured with a lock and key. And Yosé holds that an area located *far from the town* is called an ‘outer area’ so long as it is locked with a key.]
- L. [Thus we] learn from this.
- M. Said R. Salla said R. Jeremiah, “The decided law accords with [the opinion of] R. Yosé so as to be lenient.”

The two parts of the Mishnaic pericope at hand are referred to in turn, M. Bes. 4:2B-D at units I:1-2 and M. Bes. 4:2E-H at unit I:3. The first unit provides an alternate version of M. Bes. 4:2D’s law and explains the discrepancy between the two rules. Unit I:2 is topically related, indicating again what already has been made clear: In order to gather and use fire-wood on a festival day, the individual must already have set the wood aside specifically for that purpose. Unit III explains the positions of Judah and Yosé in the dispute at M. Bes. 4:2E-H.

4:3a

- A. **They do not chop fire-wood either from beams**
- B. **or from a beam that broke on a festival day.**
- C. **And they do not chop [wood] with an ax, saw, or sickle,**
- D. **but [only] with a chopper.**

- I.1 A.** [M. **Bes. 4:3C-D** indicates which tools one may use to chop wood on a festival day. This seems to contradict M. **Bes. 4:3A-B**, as is now explained.] **[31B]** *But [contrary to M. **Bes. 4:3C-D**], you said in the first clause [at M. **Bes. 4:3A-B**] that [on a festival day] they do not chop [fire-wood] at all!*
- B. [Explaining the apparent contradiction between the two parts of M. **Bes. 4:3A-D**] said R. Judah said Samuel, “*There is a lacuna in the text, and here is how it should be taught:*
- C. **“[On a festival day] they do not chop [fire-wood] from a pile of beams [stored away for building purposes], or from a [single] beam that broke on the festival day.**
- D. “But they do chop [wood] from a beam that broke prior to the start of the festival.
- E. “And when they chop [fire-wood on a festival day], **they do not chop with an ax, saw or sickle, but [only] with a chopper.”**
- F. *That which is learned in the Mishnah [makes] the same [point]:*
- G. **[On a festival day] they do not chop [fire]-wood from a pile of beams [stored away for building purposes], or from a [single] beam that broke on the festival day,**
- H. since this had not been made ready [prior to the festival for use on the festival day].

II.1 A. And [they do] not [chop wood on a festival day] with an ax [M. **Bes. 4:3C]:**

- B. Said R. Hinena b. Salmia in the name of Rab, “They taught [that one may not use an ax] only with reference to its [broad], feminine side. [Rashi: This side is used by experts to split trees into boards.]
- C. “But with its [narrow], masculine side, it is permitted.” [This side of the ax is used for chopping wood.]
- D. *[C] is obvious [and need not have been stated at all]!*
- E. *[It is obvious since, at M. **Bes. 4:3D**], we have learned in the Mishnah: [On a festival day, one may use] a chopper.* [The chopper only has a dull side, such as is referred to at C.]
- F. *What might you have thought [were C’s rule not taught explicitly]?*
- G. *[You might have reasoned that M. **Bes. 4:3D**’s rule] applies only to a chopper.*
- H. *But if [the tool combines] both a chopper and an ax, I might say, “Since [use of] this side [that is, the ax] is forbidden, [use of] this side [that is, the chopper] likewise is forbidden.*
- I. *So we are informed, [B+C, that if the tool has both a chopper and an ax, one may use the chopper on a festival day].*
- J. *And some teach [this preceding discussion] in reference to the final clause [at M. **Bes. 4:3D**]: But [on a festival day], one may use] a chopper.*
- K. Said R. Hinena b. Salmia in the name of Rab, “They taught [that one may use the chopper] only with reference to its [narrow], masculine side.
- L. “But [chopping] with its [broad], feminine side is forbidden.”
- M. *[L] is obvious [and need not have been stated at all]!*

- N. *[It is obvious since, at M. **Bes. 4:3C**] we have learned in the Mishnah: **And [they do] not [chop wood on a festival day] with an ax.** [It thus is clear that, as L states, one may not use the broad, ax-like side of the chopper.]*
- O. *What might you have thought [were L's rule not taught explicitly]?*
- P. *[You might have reasoned that M. **Bes. 4:3C**'s prohibition] applies only to an ax.*
- Q. *But if [the tool combines] both a chopper and an ax, I might say, "Since [use of] this side [that is, the chopper] is permitted, [use of] this side [that is, the ax] likewise is permitted.*
- R. *So we are informed, [K+L, that only use of an ax-like part of a chopper is permitted].*
- Unit I:1 explains M. Bes. 4:3A-D as a whole. Unit II:1 qualifies M. Bes. 4:3C's reference to an ax or, alternatively, M. Bes. 4:3D's reference to a chopper.

4:3b

- E. **A hut full of produce, [which was] blocked up, but which was damaged [so that one unexpectedly has access to the produce through the breach] —**
- F. **one takes [produce] through the breach [on a festival day].**
- G. **R. Meir says, "Also: One may make a breach to begin with and remove produce."**
- I.1 A. [Also: One may make a breach to begin with and remove produce:]** *How [can Meir, M. **Bes. 4:3G**, permit one to breach a wall on the festival day]?*
- B. *For [by doing this] he tears down a tent, [an activity that is forbidden on the festival]!*
- C. *[Explaining] said R. Nehumi b. Adda said Samuel, "[Meir refers to] a [wall formed of] a pile of bricks." [These have not been cemented together. The individual who removes several of them therefore does not engage in a prohibited act of tearing down.]*
- D. *Can this really be, [that one is permitted to move bricks from the pile, as C claims]?*
- E. *But [to the contrary] said R. Nahman, "[As for] a pile of bricks left over from construction — it is permitted to move them on the Sabbath, since they are fit for sitting upon.*
- F. *"[But] if [prior to the Sabbath] one had piled them [up as a defined structure, they may not be carried on the Sabbath itself], since he surely has set them aside for some other purpose." [Since they have a set purpose, on the Sabbath, the bricks may not be moved at all. It thus appears that, contrary to C, even if the bricks are not cemented together, if they have been formed into a structure, they may not be moved on the holy day.]*
- G. *[Explaining that F does not contradict Meir's statement, M. **Bes. 4:3G**], said R. Zira, "They said [what is cited in Meir's name, that one may remove bricks], only in reference to a festival day, but [as F states] on the Sabbath [one may] not [do this]." [Removing the bricks to get fruit on a festival day is an aspect of the preparation of food, a permitted activity. This does not apply on the Sabbath,*

when preparing food is prohibited. F's rule thus does not pertain in the circumstance of M. **Bes. 4:3G.**]

- H. *A Tannaite statement makes this same point, [that Meir permits one to breach the wall only on a festival, when doing so is an aspect of the preparation of food]:*
- I. **R. Meir says, "Also: One may make a breach to begin with and remove produce."**
- J. On a festival day they said [this applies], but not on the Sabbath, [when it is forbidden to prepare food].
- I.2.** A. Said Samuel, "[On a festival or Sabbath] one may untie the knots [in ropes that secure the doors to cellars dug out] in the ground,
- B. "but one may not [open the door by] breaking or cutting [the rope]. [The knot may be untied, since it never was intended as permanent. But the rope may not be broken or cut, since this constitutes an act of tearing down part of the structure, which is forbidden on the festival day.]
- C. "[But as for knots that seal the doors in a cabinet where] utensils [are kept] — one may untie, break or cut [the rope].
- D. "[And] this same [rule applies] on the Sabbath and on a festival day." [In Samuel's view, the prohibition against tearing down does not apply to a cabinet at all, but only to buildings, including the cellar.]
- E. *They raised an objection, [arguing that, on a festival day, the restriction against tearing down does not even apply to the cellar]:*
- F. "Knots [in ropes that secure the doors to cellars dug out] in the ground — one may untie them on the Sabbath but [on that day] may not break or cut them.
- G. "On a festival day, one may untie, break or cut them."
- H. [Samuel goes on to explain the basis for his opinion, B, and that of the conflicting rule, F.] "*Whose opinion is this, [F]?*
- I. "*It is R. Meir, for* he said, '**Also: [On a festival day] one makes a breach to begin with and removes produce'** [M. **Bes. 4:3G.**].
- J. "*But rabbis differ from him, [stating, M. **Bes. 4:3E-F**, that on a festival one may not engage in the act of tearing down].*
- K. "*And I agree with rabbis.*"
- L. *[Samuel's explanation, H-K, is challenged.] But do rabbis [in fact] disagree with him [that is, Meir] concerning knots [that secure doors to cellars dug] in the ground?*
- M. *But [to the contrary] this is taught on Tannaite authority: Sages concur with R. Meir concerning knots [that secure doors to cellars dug] in the ground, that on the Sabbath one may untie them but may not break or cut them;*
- N. *and on a festival day, [they agree that] one may untie, break or cut [the rope]. [Contrary to J-K, Samuel thus does not follow sage's opinion.]*
- O. [A new attempt is made to locate the basis for Samuel's ruling, A-D.] **[32A]** *[Samuel] phrased [the rule] in accordance with [the opinion of] this Tannaite authority.*

- P. *For it is taught on Tannaite authority: One may untie knots [that secure doors of cellars dug] in the ground; but he may not break nor cut them.*
- Q. *This same rule applies on the Sabbath and on a festival day.*
- R. *And [a knot securing the door of a cabinet for] utensils — on the Sabbath one may untie it but not break or cut it;*
- S. *[and] on a festival day one may untie, break or cut it.*
- T. *[O-S does not completely solve the problem posed by Samuel's ruling, A-D.] [With P-Q] you have resolved [the difficulty presented by] the first [ruling of Samuel, A-B].*
- U. *But the final ruling, [R-S], still poses a difficulty. [Samuel states that knots securing cabinet doors may be untied, broken or cut both on Sabbaths and festivals. R-S states that while this indeed is permitted on a festival, on a Sabbath, one only may untie the knot. He may not cut or break the rope.]*
- V. *Whose opinion [is represented at R-S]?*
- W. *It is R. Nehemiah, for he said, "[On the Sabbath] utensils may only be handled for their usual purpose." [Theoretically, cutting the knot is permitted on the Sabbath, as Samuel states. R-S simply indicates that this may not, in practice, be done, since, on the Sabbath, a knife may not be handled for the purpose of cutting the rope.]*
- X. *If [R-S] indeed represents the view of R. Nehemiah, [and reflects his prohibition against using the knife], what is unique about the Sabbath, [such that the prohibition would apply on that holy day alone]?*
- Y. *Even on a festival day it likewise [should be forbidden to use the knife for the unusual purpose of cutting open the cabinet door]!*
- Z. *[A possible distinction is raised and then rejected. The rejection entails a lengthy reference to several Tannaite rules, BB-DD. Explanation of these rules leads us to recognize that Nehemiah in fact does not distinguish between the pertinent aspect of Sabbath and festival law.] If you say that R. Nehemiah distinguishes between the application to the Sabbath and to festivals of the requirement that one cease doing all work —*
- AA. *[I would respond by asking]: Does he really make such a distinction?*
- BB. *For [to the contrary] one Tannaite teaching [states]: [On a festival day] they kindle a fire using [as fuel whole] utensils but not fragments of [broken] utensils. [The whole utensils may be handled on the festival and accordingly may be burned. The fragments were not set aside for use as kindling. Since they have no predetermined use that allows them to be handled, they may not be burned.]*
- CC. *While a different Tannaite teaching [states]: [On a festival day] they may kindle a fire both with utensils and with fragments of [broken] utensils. [This is explained below, at GG.]*
- DD. *And yet a third Tannaite teaching [states]: [On a festival day] they may not kindle a fire either with a [whole] utensil or with fragments of a [broken] utensil.*
- EE. *Now [to explain the contradictory rules] we must distinguish [among the authorities responsible for them].*

- FF. This [rule, BB, which forbids burning the fragments] is [the opinion of] R. Judah, [who always applies the prohibition of using on the festival that which was not previously set aside for festival use].
- GG. *This [rule, CC, which permits burning the fragments] is the opinion of] R. Simeon,* [who does not require the individual to set aside before the festival that which he requires for festival use].
- HH. *[And] this [rule, DD, which prohibits burning even whole utensils] is [the opinion of] R. Nehemiah.* [Nehemiah holds that even on a festival a utensil only may be put to its normal purpose. The problem raised at X-Y therefore stands.]
- II. *[To resolve the difficulty:] There are two [different] Tannaite authorities who report the view of R. Simeon.* [One, X-Y+HH, holds that he does not distinguish between Sabbaths and festivals. In this view, the problem raised at X-Y stands, and R-S cannot be Nehemiah's view. The other Tanna's view is found at Z. In this view, R-S is Nehemiah's opinion and the reason for Samuel's perspective is as explained at W.]
- Unit I:1 explains the position of Meir, M. Bes. 4:3G, indicating the basis for his view that, on a festival day, one may break a brick wall. Unit I:2 supplements M. Bes. 4:3E-G, discussing other cases in which one is, or is not, permitted to break into a room or cabinet in which food is stored.

4:4

- A. **[On a festival day] they do not hollow out [a lump of clay to make] a lamp,**
- B. **because one thereby makes a utensil.**
- C. **And one does not make charcoal [on a festival day].**
- D. **And they do not chop a wick into two.**
- E. **R. Judah says, "One severs it with a flame [between two lamps]."**
- I.1 A. [On a festival day they do not hollow out a lump of clay to make a lamp, because one thereby makes a utensil:] Which Tannaite authority stands behind [the rule at M. Bes. 4:4A-B, that on a festival day] hollowing out [a lump of clay to make] a lamp [is forbidden, since one thereby creates] a utensil?**
- B. *Said R. Joseph, "It is R. Meir.*
- C. *"For we have learned on Tannaite authority [T. Kel. B.Q. 3:13]:*
- D. **"Earthenware utensils — from what point [in their manufacture] are they susceptible to uncleanness?**
- E. **"From the point at which their [initial] manufacture is completed' — the words of R. Meir.** [Like M. Bes. 4:4A-B, Meir holds that the earthenware item is deemed a completed utensil as soon as it is formed, even before it is fired.]
- F. **"R. Judah says, 'When they have been fired in the furnace.'"** [In Judah's view the initial act of hollowing out the clay, M. Bes. 4:4A-B, does not create a utensil and therefore is not forbidden on the festival day.]
- G. *Said Abbaye to [Joseph], "On what basis [do you conclude that Meir stands behind M. Bes. 4:4A-B]?"*

- H. *“Perhaps R. Meir [deems the unfired clay to constitute a utensil] there [in the case of T. Kel. B.Q. 3:13] alone, for [the unfired earthenware utensil] is fit for [use as a container], holding [dry-]goods. [The unfired earthenware cannot be used for liquids. It is however suitable for dry-goods and therefore is in the status of a completed utensil.]*
- I. *“But here [at M. Bes. 4:4A-B, in the case of the unfired lamp, Meir may not deem it a completed utensil, since] what is it fit to hold?”* [Before being fired, the clay is porous and cannot hold oil. The individual therefore has not yet made a lamp. It further is too small to hold other items, such that it is not in the status of a container either. Contrary to what Joseph, B-D, states, there thus is no reason to assume that Meir, who holds that the manufacture of a utensil is complete at the point at which that utensil has a use, stands behind M. Bes. 4:4A-B.] [Abbayye’s argument, I, is rejected. The unfired lamp may in fact be used as a container, such that Meir may indeed stand behind M. Bes. 4:4A-B’s rule that prohibits the making of such a lamp on a festival day.]
- J. *[The unfired lamp may be used to contain] copper coins.*
- K. [A-J’s exercise is repeated on slightly different terms.] *And some say:*
- L. *Said R. Joseph, “[The authority at M. Bes. 4:4A-B] is R. Eliezer b. R. Zadoq.*
- M. *“For we have learned in the Mishnah [M. Ed. 2:5]:*
- N. **“Unburned flat dishes do not become unclean when they are under the same roof as a corpse.** [See Num. 19:14-15. Rashi: Since they have not been entirely hollowed out, the laws of corpse uncleanness do not apply to these dishes.]
- O. **“But they are rendered unclean through being carried by a zab, [that is, an individual who has suffered a flux]. [For even flat utensils are subject to this form of uncleanness.]**
- P. **“R. Eliezer b. R. Zadoq says, ‘Also [they remain] clean if they are carried by a zab, since [they are still flat such that] their manufacture is not complete.’”** [Eliezer b. Zadoq holds that the item is deemed a utensil when it is *completely* hollowed out. He therefore may stand behind M. Bes. 4:4A-B, which states that the hollowing out of a lamp constitutes the completion of its manufacture and thus the creation of a utensil. This hollowing out may not accordingly be done on a festival day.]
- Q. *[Rejecting Joseph’s claim] said to him Abbayye, “Perhaps R. Eliezer b. R. Zadoq only holds this opinion, [that a utensil is considered fully manufactured as soon as it is hollowed out] only there [in the case of the dish], for [when it is fully formed, it] is fit for [use as a container], to hold [dry-]goods.*
- R. *“But here [at M. Bes. 4:4A-B, in the case of the unfired lamp, even though it is fully hollowed out, Eliezer b. Zadoq may not deem it a utensil at all, since] what is it fit to hold?’* [Although it is fully hollowed out, the unfired lamp cannot hold oil and is too small for use as a container for other goods. Eliezer b. Zadoq therefore may not deem it a completed utensil and, contrary to M. Bes. 4:4A-B, may permit forming such a lamp on a festival day.]
- S. *[Abbayye’s argument is rejected, since the unfired lamp does have a purpose as a container.] [The unfired lamp may be used to hold] copper coins.*

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

- B. On a festival day they do not hollow out [a lump of clay to make] a lamp [M. Bes. 4:4A-B], and they do not make flat, unfired dishes.
- C. Rabban Simeon b. Gamaliel permits [one to make] flat unfired dishes.
- D. *What is the meaning of hrnywt, [the term previously translated as “flat, unfired”]?*
- E. Said R. Judah, “Provincial.”
- F. *What is the meaning of “Provincial”?*
- G. *Said Abbaye, “[They are] the dinner plates of the peasants.”*

II.1 A. And they do not make charcoal on a festival day [M. Bes. 4:4C]:

- B. *This is obvious [and goes without saying, since, on the festival day], for what use is [the charcoal] fit? [Charcoal normally is used for firing earthenware utensils. Since this may not be done on the festival, the charcoal has no use and, obviously, may not be made on that day.]*
- C. *[Explaining why M. Bes. 4:4C was taught explicitly], R. Hiyya taught on Tannaite authority, “The rule was needed only [to teach that one may not make charcoal] to give to the bath house attendant for use [in heating water] on that same [festival] day.” [While bathing itself is permitted, M. Bes. 4:4C teaches that, on a festival day, one may not make the charcoal to heat the bath water.]*
- D. *[C’s reasoning is rejected, since the rabbis in fact do not permit bathing on a festival day or Sabbath at all.] Is it really permitted [to bath] on that same [festival] day? [No, it is not. There thus should be no question that making charcoal on a festival day is forbidden, since the charcoal has no permitted use. We therefore are left with the original question, of why M. Bes. 4:4C needed to be taught.]*
- E. *[D’s challenge to C’s explanation is rejected. While, as D claims, bathing on the festival day is forbidden, M. Bes. 4:4C reflects an earlier stage in the law, when using the bath house as a sauna was permitted on a holy day.] This is as Raba said, “[D refers to using the bath house on a Sabbath or festival] to perspire.*
- F. *“And [this was permitted] prior to the point at which an injunction was enacted [rendering doing this forbidden].”*
- G. *Here too, [M. Bes. 4:4C was needed for a case in which on a festival the individual wished to use the bath house] to perspire. [On the festival, this individual may not make charcoal to give to the attendant to use in making steam.]*
- H. *And this [rule was needed] prior to when the injunction was enacted [rendering forbidden any use of the bath house on a Sabbath or festival.]*

III.1 A. [On a festival day] they do not chop a wick into two. [R. Judah says, “One severs it with a flame.”] [M. Bes. 4:4D-E].

- B. *What is the reason [one may] not [cut the wick] with a knife?*
- C. **[32B]** *For he [thus] makes something [i.e., a second wick]. [This is forbidden on a festival.]*
- D. *[If that is the reason, then contrary to Judah, one should not be permitted to sever the wick with a flame either, since in doing this] with the flame he also makes something!*

- E. *[Explaining why using the flame is permitted], R. Hiyya learned in the Mishnah, “One severs it with a flame between two lamps.” [If each end of the wick is in a lamp, the individual’s purpose in lighting the middle appears to be to light both lamps, not to divide the wick. This action is permitted on a festival day, as Judah states.]*

- III.2.** A. Said R. Nathan b. Abba said Rab, “On a festival day they may trim a wick.”
B. *What is the meaning of “trim a wick”?*
C. *Said R. Hanina b. Salmia in the name of Rab, “[It means] removing the charred top.”*

- III.3.** A. *Bar Qappara taught on Tannaite authority: “Six statements were made concerning [handling] a wick [on a festival day].*
B. *“Three of them imposed stringencies, and three of them allowed leniencies.*
C. *“To impose a stringency: 1) they do not plait [a wick] in the first instance on a festival day, and 2) they do not singe it with fire [so as to burn off loose fibers], and 3) they do not cut it into two.*
D. *“To allow a leniency: 1) one may rub it by hand [to soften it], 2) one may soak it in oil, and 3) one may sever it with a flame between two lamps.”*

- III.4.** A. And said R. Nathan b. Abba said Rab, “The rich men of Babylonia will go down to Gehenna.
B. *“For once Shabbetai b. Marinos came to Babylonia. He asked them for goods to trade for a commission, but they would not provide them. He asked for food. Also they would not provide him any food.*
C. *“He said, ‘These people are [descendants] of the mixed multitude [that left Egypt with the Israelites, Exo. 12:38],*
D. *““as it is written [Deu. 13:17], ‘And [God] will bestow on you [the spirit of] mercy and compassion [as he swore to your fathers].’*
E. *““[This means that] anyone who has compassion for others is [through his actions] known to be of the progeny of Abraham our father.*
F. *““But anyone who does not show compassion to others is known not to be of the progeny of Abraham our father.””*

- III.5.** A. *[The following is an independent exegesis.] And said R. Nathan b. Abba said Rab, “[As for] anyone who depends upon the table of others — the world is dark for him,*
B. *“for it is said [Job. 15:23], ‘He wanders abroad for bread, [saying], ‘Where is it?’ He knows that a day of darkness is at hand.””*
C. *Said R. Hisda, “Also: his life is no life.”*
D. *Our rabbis have taught on Tannaite authority:*
E. *There are three [individuals] whose lives are no lives, and these are they: 1) one who depends upon his companion’s table, 2) one whose wife controls him and 3) one whose body is subject to sufferings [yswryn].*
F. *And some say, “Also: one who has only one shirt [which is infested with lice].”*

G. *And [as for] the first authority [cited at K, why does he not include L's individual in his list]?*

H. *It is possible to examine [Rashi: and clean] the garment.*

Unit I:1, 2 asks which Tannaite authority stands behind M. Bes. 4:4A-B. Two parallel discussions bring out a single point. Forming a lamp on a festival day will be permitted by any authority who deems the shaped, but unfired, lamp not to constitute a completed utensil. On a festival day, one only is forbidden to complete a utensil. Units II:1 and III:1 explain M. Bes. 4:4C and D-E. Contrary to our initial reaction, it is not obvious that charcoal may not be made on a festival day. M. Bes. 4:4C's rule therefore needed explicitly to be taught. Unit III:1 explains the circumstances under which Judah's opinion, M. Bes. 4:4E, applies, allowing one to sever a wick with fire. The unit thus explains how cutting it with fire differs from using a knife, which all agree is forbidden.

4:5

A. **[On a festival day] they do not break a clay utensil or cut a piece of paper**
B. **to roast a salt-fish thereon.**

C. **And they do not clear out the ashes of an oven or stove.**

D. **But they level them down.**

E. **And they do not bring two jars together to set a pot on them.**

F. **And they do not prop up a pot with a chip,**

G. **and so is the rule for a door.**

H. **And they do not lead a domestic beast with a staff on a festival day.**

I. **And R. Eleazar b. R. Simeon permits [doing so].**

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

B. *Because by doing this [the individual] creates a [new] article.*

II.1 A. **And [on a festival day] they do not clear out the ashes of an oven or stove [M. Bes. 4:5C].**

B. *R. Hiyya b. Joseph taught on Tannaite authority in the presence of R. Nahman: "But if it is impossible to bake [in the oven] unless he clears it out, it is permitted to do so [on a festival, contrary to M. Bes. 4:5C]."*

C. *[Other examples now follow in which it is permitted to remove something from an oven on a festival day.] The wife of R. Hiyya — a brick fell into [her] oven on a festival day.*

D. *Said to her R. Hiyya, "Look! I want good bread!" [The implication is that Hiyya permitted her to clear out the oven, since doing so was necessary in order properly to bake bread.]*

E. *[On a festival day] said Raba to his servant, "Roast a duck for me, but be careful not to burn it!" [To prevent this the servant needed to clear the ashes out of the oven, which Raba apparently permitted.]*

II.2. A. *[The issue here is the permissibility of other work, besides sweeping out ashes, needed to prepare an oven for use on the festival day.] Said Rabina to R. Ashi, "R. Aha from Husal told us that they sealed up an oven for [you], Master, on a*

festival day!” [This should be forbidden, because of the work involved in kneading the clay.]

- B. *[Ashi] said to him, “We relied upon, [that is, we used, clay from] the bank of the Euphrates, [which does not require kneading at all],*
- C. *“and [we permitted this] only when, on the preceding day, [before the start of the festival], one had marked out [the clay to be used].”*
- D. *Said Rabina, “Ashes are permitted [for the purpose of sealing an oven].”*

III.1 A. And they do not bring together two jars [to set a pot on them] [M. Bes. 4:5E].

- B. *Said R. Nahman, “[As for] the stones of a toilet — on a festival day it is permitted to place them side by side [so as to form a seat].”*
- C. *Objected Rabbah to R. Nahman, “[M. Bes. 4:5E states], They do not bring together two jars to set a pot on them.” [Since creating this sort of resting place is prohibited, so it should be forbidden to bring together stones to create a seat.]*
- D. *[Nahman] replied to him, “That case [of bringing together the jars] is different, since, [by bringing together the jars and placing a pot on them], one forms a tent, [which is prohibited on a festival day].” [By placing stones side by side and sitting on them, the individual however does not form a tent. This latter activity therefore is permitted on a festival day.]*
- E. *Said Rabbah Zuta to R. Ashi, “On the basis [of D], one also is permitted to build a plastered stone seat on a festival day, since, [in doing this], he does not create a tent!”*
- F. *[Ashi rejects E by indicating that D does not correctly explain why B is permitted.] [Ashi] said to him, “There [in the case of bringing together the jars, while] the Torah [explicitly] forbade only the construction of a permanent building, but not a temporary one, the rabbis enacted a prohibition against constructing even a temporary building, lest [one come to create] a permanent one. [Putting the jars together thus is forbidden, even though this only creates a temporary structure. By the same theory, placing the stones of a toilet together should be forbidden. The following explains why it is not.]*
- G. *“But here [in the case of the stones in the toilet], on account of the individual’s dignity, rabbis [made an exception and] did not enact a prohibition, [but, rather, permitted the making of the seat].” [This concern for dignity, however, does not apply to the creating of other sorts of chairs. What Rabbah Zuta describes at E therefore is forbidden, as are all forms of temporary or permanent building.]*

III.2. A. Said R. Judah, “As for a bonfire — piling up the wood] from the top down is permitted, but [piling it] from the bottom up is forbidden.” [One may not lay two logs on the ground and place a third log crosswise on top of them, since this is comparable to building. Rather, he holds the upper log and then places the two supporting logs beneath it.] [33A] And so [one must do in setting up a support for] an egg [that is to be roasted], a pot, a bed and a jug.” [In each case the item to be supported must be held in place first and only afterwards the support placed beneath it.]

IV.1 A. And [on a festival day] they do not prop up a pot with a chip, and so is the rule for a door [M. Bes. 4:5F-G].

B. *Can it really mean [that just as one may not support a pot with a chip, so he may not support it] with a door?*

C. [No, that cannot be the meaning.] Rather, say [it means]: the same [rule that prohibits supporting a pot with a chip prohibits supporting] the [h] door [with a chip]. [Changing one letter in M. Bes. 4:5G clarifies its rule.]

IV.2. A. *Our rabbis have learned in the Mishnah* [M. Bes. 4:5F-G]:

B. **[On a festival day] they do not prop up a pot with a chip, and so is the rule for a door —**

C. [the reason is] that [on a festival day] wood is meant only for [use as] kindling. [It therefore is prohibited for any other purpose, not having been specifically set aside for that other use.]

D. But R. Simeon permits.

V.1 A. And they do not lead a domestic beast with a staff on a festival day.

B. **But R. Eleazar b. R. Simeon permits** [M. Bes. 4:5H-I].

C. *Should one reason that R. Eleazar b. R. Simeon agrees with his father, [D], who, on a festival, does not forbid use even of that which, prior to the festival, was not specifically set aside for the particular purpose?*

D. *No! With this [rule concerning use of a staff] even R. Simeon agrees [that, contrary to Eleazar b. R. Simeon, it is forbidden], for it appears as though the individual is going to the market.* [The issue here for Simeon thus does not concern whether or not the staff was set aside prior to the festival at all. It is, rather, a matter of appearances, such that, based on this rule, G's conclusion cannot be upheld.]

IV.2. A. [As for] a sharpened stick —

B. *R. Nahman prohibits [using it as a spit on a festival, since, prior to the holy day, it was not set aside for that purpose].*

C. *But R. Sheshet permits.* [Sheshet does not prohibit use of that which, prior to the festival, was not set aside for festival use.]

D. *[The dispute is now explained on different grounds.] [In the case of] a moist [stick], both parties concur that it is forbidden [to use it on a festival day as a spit]. [If it is moist it cannot be used for kindling. Since it has no every-day use, even Sheshet agrees that, on a festival day, it cannot be put to a secondary use, as a spit.]*

E. *Their dispute concerns a dry [stick].*

F. *The authority who [deems using it as a spit to be] forbidden [that is, Nahman] can say to you, “Wood was meant only for kindling, [such that any other use is forbidden on a festival day].”*

G. *But the authority who permits [using the twig as a spit, that is Sheshet] can say to you, “What difference exists between roasting meat on it [in use as a spit] and roasting meat on charcoal made from it?” [All agree that the latter use is permitted. The former use is functionally parallel and therefore should be permitted as well.]*

- H. *But some say:*
- I. *In the case of a dry [stick] both authorities concur that it is permitted [to use it, for the reason given at G].*
- J. *Their dispute concerns a moist [stick].*
- K. *The authority who forbids [using it as a spit, that is, Nahman, can say to you], “It is not fit for kindling.”*
- L. *And the authority who permits [using it as a spit, that is, Sheshet] can say to you, “It is fit [for kindling in] a big fire.”*
- M. *And the decided law [is]: a dry [stick] is permitted [for use as a spit], but a moist [one] is forbidden.* [This is the view of Sheshet, as explained at D+G, or that of Nahman, as interpreted at I+K.]

- IV.3.** A. Lectured Raba: “[On a festival day] a woman may not enter the wood-shed to take a brand [for use as a poker]. [This is because the wood only may be used for its set purpose, as fuel.] And a brand [previously used as a poker] that [on a festival day] shattered — it is forbidden to kindle it on a festival day, since [on a festival day] one may kindle with [whole] utensils, but may not kindle with broken ones.”
- B. *Is this to say that Raba agrees with R. Judah, who prohibits for festival use that which, prior to the festival day, was not set aside for a permitted purpose?*
 - F. *[That conclusion does not appear likely], since, to the contrary, [on a festival day] Raba said to his servant, “Roast me a duck and toss its entrails to the cat.”* [Raba does not forbid use of the entrails as cat food, even though, prior to the festival, they were not set aside for this purpose. Judah would not permit this use at all, such that it is clear that Raba is not in agreement with him, contrary to D’s claim.]
 - G. [The Talmud now explains that in E’s case, even Judah would agree that the entrails may be given to the cat. D’s conclusion therefore stands.] *There [in the case of the entrails], since they had become putrid on the preceding day, [prior to the start of the festival], he already had intended them [for use in feeding the cat].* [The prohibition referred to at D therefore does not come into play in E’s case at all. E therefore does not disprove — or prove — D’s claim.]

Unit I:1 explains M. Bes. 4:5A-B. On a festival day, one may not break a utensil in order to create a new type of cooking-dish. Such an act of creation obviously is forbidden on the holy day. Units II:1-2 turn to M. Bes. 4:5C-D, sapping all weight from its rule. Contrary to Mishnah, the Talmud permits one to clean the ashes out of an oven, so long as doing so is necessary for cooking on the festival day. Units III:1-2 indicate that M. Bes. 4:5E-G prevents people from making a tent on the festival day. Unit IV:1 explains the ambiguous language of M. Bes. 4:5G. The final Mishnaic rule states that, on a festival day, one may not lead cattle with a staff. Unit VII claims that the issue is one of appearances. Using the staff makes it appear that the individual is going to the market, which is forbidden on the festival day. The continuation of this discussion, makes a different point. Tannaite authorities dispute the conditions under which wood may be used for purposes other than kindling on a festival day.

4:6-7A

4:6

- A. R. Eliezer says, “A person takes a wood-splinter which may be before him to pick at his teeth.
- B. “And he sweeps up what is in the courtyard to make a fire.
- C. “For whatever is located in the courtyard is deemed available for use [before the festival begins].”
- D. And sages say, “He sweeps up what is before him [in the house] to make a fire.”

4:7a

- A. They do not produce fire [on a festival day] from wood, stones, earth [that is, sulphur], flint or liquid.
- B. And they do not heat tiles white hot to roast on them.

- I.1 A. [R. Eliezer says, “A person takes a wood-splinter which may be before him to pick at his teeth.”] Said R. Judah, [33B] “That which is food for animals [i.e., straw] is not subject to [the restriction against] making a utensil.” [On a festival day, the individual therefore may use straw, stubble or twigs, for instance, as a tooth-pick.]
- B. R. Kahana objected to R. Judah, “[T. Shab. 5:9-10 states the contrary]: [On the Sabbath] they carry incense-twigs to smell and to wave them before a sick person.
- C. “One may crush and smell it.
- D. “But one may not break it off to smell it.
- E. “But if one has broken it off [for that purpose], he is exempt [from punishment].
- F. “But it is forbidden to pick one’s teeth with it.
- G. “[For this purpose] he may not break it off, and if he broke it off he is liable to a sin-offering.” [Contrary to Judah’s claim, A, the Tannaite teaching cited at F makes it clear that, on a festival day, one may not make a tooth-pick.]
- H. [Judah] said to [Kahana], “[On the surface your objection appears correct.] It would have contradicted [my statement] even if [it had said that, for using the wood as a tooth-pick], the individual is not subject to punishment even though [that action] is forbidden.
- I. “How much the more [it appears to contradict my ruling when it phrases an even stronger prohibition, stating that the action is forbidden and that the individual further] is liable to a sin-offering!
- J. [Judah now goes on to explain that, contrary to what appears to be the case, the rule at F does not contradict his statement, A, at all. For unlike A, F does not concern making a tooth-pick out of something that was in the status of cattle-feed, such that it already had a permitted purpose on the festival day.] “Rather [to show that F does not contradict A, realize that] when that [rule, F] was taught on Tannaite authority, it referred to hard [incense-twigs].” [Since such twigs cannot be used as cattle-feed, even Judah agrees that, on a festival day, they may not be

made into tooth-picks. This prohibition does not contradict Judah's statement, A, which refers to wood that can be fed to animals.]

- K. [Judah's claim, that F refers to hard twigs, is rejected. Rather, it refers to soft twigs. These can be fed to animals, such that F indeed contradicts Judah's statement, A.] *But can hard wood be crushed [in order to be smelled, an action that C permits]? [No, it cannot be. The Tannaite passage therefore must refer to soft wood, which can be crushed and also can be fed to animals. Kahana's challenge to Judah's statement therefore stands.]*
- L. [To maintain Judah's statement, A, the Talmud claims that the Tannaite passage cited at B-G refers to two different kinds of wood. C refers to soft wood, as K indicates that it must, while F refers to hard incense-twigs, just as J claims.] *There is a lacuna in the text, and here is how [C-G] should be taught:*
- M. **One may crush it and smell it, and one may break it off and smell it.**
- N. In what case does this apply?
- O. In the case of soft [incense-twigs].
- P. But in the case of hard [incense-twigs], **he may not break it off [to smell it], but if he breaks it off [for that purpose] he is exempt [from punishment].**
- Q. **But it is forbidden to pick one's teeth with it.**
- R. **[For this purpose] he may not break it off, and if he broke it off, he is liable for a sin-offering.**
- I.2.** A. *One Tannaite teaching states:* [On a festival day] one may break [spice-twigs] and smell them.
- B. *But a different Tannaite teaching states:* He may not break them in order to smell them.
- C. *Said R. Zira said R. Hisda, "There is no contradiction.*
- D. *"This [rule, A, which permits breaking the twigs], refers to soft ones.*
- E. *"But this [rule, B], refers to hard ones."*
- F. *Challenging [E], said R. Aha b. Jacob, "[As for] hard wood — why may he not [break off a piece to smell]?"*
- G. *"How is [the case of hard wood] different from this, concerning which we have taught on Tannaite authority [M. Shab. 22:3]:*
- H. **"[On the Sabbath] a man may break open a jug to eat from it the dried figs [it contains].**
- I. **"This is permitted so long as [by breaking open the jug] he does not intend to make [of it] a [new sort of] utensil. [It thus is clear that, contrary to B, in no event is an action deemed prohibited lest, by performing it, the individual creates a utensil. So long as he does not intend to create a utensil, his actions are permitted. The same point is made again in the following.]**
- J. *"And moreover, Raba b. R. Adda and Rabin b. R. Adda, the two of them, say, "When we were at the home of R. Judah [over the Sabbath], he broke off and gave us each a piece of aloë-wood.*
- K. *"[And he did this] even though it was [hard enough to be used] as the handle of an ax or adze."* [The consideration raised by Zira, C-D, thus does not resolve the

contradiction between the rules at A and B. Even hard wood may be broken. A new resolution to the contradiction between A and B now is suggested.]

L. *There is no contradiction [between A and B].*

M. *This [rule at A] is the opinion of R. Eliezer.*

N. *[But] this [rule, B] is the opinion of rabbis.*

O. *For it is learned in the Mishnah [T. Y.T. 3:18, with variations]:*

P. **R. Eliezer says, “[On a festival day] a person takes [any] wood-splinter [that he happens to find] to pick at his teeth” [M. Bes. 4:5H].** [Eliezer does not prohibit using wood for purposes other than kindling.]

Q. **But sages say, “One may take only from the straw in the crib that is before cattle.”** [This wood is in the status of food, such that it may be put to the other purpose as well. But, contrary to Eliezer, if the wood were not already food, it could not be used for some different, secondary purpose, for instance, as a tooth-pick.]

R. And they concur **that he may in no case cut it off [in order to pick his teeth with it].**

S. And if he did cut it off as a tooth-pick or to [use as a latch and] open the door —

T. **“If he did this unintentionally on the Sabbath, he [has made a utensil and] is liable for a sin-offering;**

U. **“if he did it intentionally on a festival day, he receives forty stripes” — the words of R. Eliezer.**

V. But sages say, “The same [restriction has been transgressed] in both circumstances — he is liable only on account of engaging in an act of labor that, in general, should not be performed on the Sabbath or festival.” [Contrary to Eliezer, sages hold that the individual is not deemed to have created a utensil.]

W. [The connection between Eliezer and sages’ opinions and the rules at A and B now is explained.] *R. Eliezer, who there [in the case of the individual who makes a tooth-pick] says that the person is liable for a sin-offering, will hold here [in the case of one who breaks wood to smell it] that, while the individual is exempt [from a sin-offering], that which he has done is forbidden.* [Eliezer thus stands behind the rule of B, which states that on a festival day the individual may not break wood in order to smell its fragrance.]

X. *Rabbis, who there [in the case of the individual who makes a tooth-pick] say that the person is exempt [from punishment] even though [what he has done] is forbidden, here [in the case of the individual who breaks wood to smell] say that [what the person has done] is permitted in the first place.* [Rabbis thus stand behind the rule at A.]

Y. *But does R. Eliezer not take into account that which we have learned in the Mishnah [M. Shab. 22:3]:*

Z. **[On the Sabbath] a man may break open a jug to eat from it the dried figs [it contains].**

AA. **[This is permitted] so long as [by breaking open the jug] he does not intend to make [of it] a [new sort of] utensil.** [According to this teaching, Eliezer is wrong in forbidding the individual to break wood and smell it.]

BB. [Ashi claims that the rule cited at Z is not relevant to the case at hand. Eliezer therefore need not take account of it.] *Said R. Ashi, "When that [rule, cited at Z] was taught, it referred to a barrel sealed with pitch."* [Breaking it open totally destroys it, such that there is no possibility that the individual will create a new utensil. This is different from the case of wood, B, in which the individual's breaking it does potentially create a utensil. Eliezer therefore can agree with Z and still hold his position at B.]

II.1 A. And he sweeps up what is in the courtyard [to make a fire] [M. Bes. 4:6B].

B. *Our rabbis have taught on Tannaite authority [T. Y.T. 3:18]:*

C. **[On a festival day] he may sweep up [wood] from the courtyard and kindle it, for whatever is in the courtyard is considered available for use [from before the festival began] [M. Bes. 4:6C].**

D. **[This applies] so long as [on the festival] he does not [collect much wood, so as to] make many heaps.**

E. **But R. Simeon permits [one even to make many heaps of wood on the festival day].**

F. Concerning what do [rabbis, C-D, and Simeon, E], differ?

G. *One authority [that is, rabbis] reasons that [by making many heaps] it appears as though he is gathering [fire-wood] for tomorrow and the day after. [Rabbis hold that the individual must prevent the appearance of wrong-doing.] But [the other] authority [that is, Simeon] reasons that the individual's pot testifies on his behalf, [indicating that he wants the wood for use as fuel on the festival day itself]. [Simeon does not believe that there is an appearance of wrong-doing. He therefore permits the individual to gather much wood on the the festival day.]*

III.1 A. They do not produce fire [on a festival day from wood, stones, earth or liquid] [M. Bes. 4:7A].

B. *What is the reason?*

C. *Because [by doing this] he is creating [a new thing] on a festival day.*

IV.1 A. And they do not heat tiles white hot [to roast on them] [M. Bes. 4:7B].

B. *[In doing this] what [prohibited action] does he perform?*

C. *Said Rabbah b. bar Hanah said R. Yohanan, "Here we refer to new tiles, [and the reason heating them is forbidden is that] [34A] he [still] needs to examine them [to see that they can withstand the heat]." [The act of examining is forbidden on the festival day.]*

D. *But some explain: It is forbidden] because [they are new tiles that] he [yet] needs to harden [by firing]. [Heating them completes their process of manufacture. Doing this is forbidden on the festival day.]*

IV.2. A. [The materials introduced in the preceding unit are here used within a different framework entirely.] *There we have learned in the Mishnah [M. Hul. 3:3]:*

B. **If one [accidentally] stepped on [poultry], or knocked it against a wall, or if a domesticated beast trampled it, and it continues to move convulsively for twenty-four hours, after which time he slaughtered it — it is ritually fit [and**

may be consumed]. [Since, after being injured, the animal continued to live, we assume that no internal harm was done, and we do not require an internal examination.]

- C. Said R. Eleazar bar Yannai in the name of R. Eleazar b. Antigonos, “It must be examined [so as to determine whether or not the injury rendered the meat unfit].” [The fact that the animal lived for twenty-four hours after being injured is not in itself probative.]
- D. *R. Jeremiah asked R. Zira, “What is the law whether or not one may slaughter it on a festival?”*
- E. *“On the festival day do we assume it to be of impaired status or not?”* [If we assume the animal to be injured and unfit, it should not be slaughtered on a festival day, since that act of slaughter will not provide food. If we do assume the animal to be fit, however, it may be slaughtered and eaten on a festival day.]
- F. [Zira argues that we assume the animal is unfit, such that it should not be slaughtered on a festival day. This is explained fully at H.] [Zira] said to him, “We have learned in the Mishnah [M. **Bes. 4:7B**]: **And they do not heat tiles white hot [on a festival day] in order to roast on them.**
- G. *“And we asked concerning this: [In doing this] what [prohibited action] does he perform?”*
- H. *“[And we answered the question as follows]: Said Rabbah b. bar Hanah said R. Yohanan, ‘Here we refer to new tiles, [and the reason heating them is forbidden is that] he [still] needs to examine them [to see that they can withstand the heat].’”* [Unless the tiles are examined and proven to be sound, they are assumed to be unsound and going to crack. In the same way, we assume that the animal referred to at B has an internal injury. It may not be slaughtered on a festival day.]
- I. [Jeremiah responds with the second possible interpretation of M. Bes. 4:7B, given at unit E. In this interpretation the issue is not whether the tile is assumed to be unfit. According to this view, therefore, the rule for the tile has no bearing whatsoever on the question posed at D.] [Jeremiah] said to him, “We [also] have taught on Tannaite authority [that the reason] is that he [still] needs to harden [the tile by firing it].” [In this reasoning, M. **Bes. 4:7B**’s prohibition has no bearing upon the question of whether or not the possibly unfit animal may be slaughtered on a festival day. The question is dropped, with no final answer in hand.]

IV.3. A. [The relevance of the following to the present context is made clear at K, which refers to M. **Bes. 4:7B**.] *It is taught on Tannaite authority:*

- B. [If on the Sabbath] one person brings the flame, a different person brings the wood, someone else places the pot [on the fire], yet a different individual brings the water, [another person puts in the spices] and someone else stirs, they all are liable [for violating Sabbath-restrictions].
- C. *But to the contrary we have taught on Tannaite authority:*
- D. The last one is culpable and all [the others] are exempt!
- E. *There is no contradiction.*
- F. *Here [at B, which deems them all culpable], the fire was brought first. [All of the subsequent acts are aspects of cooking and therefore forbidden.]*

- G. *[But] here [at D] the fire was brought last. [Only the individual who brings it is culpable. The others have not engaged in acts of cooking, since no fire was present.]*
- H. *[We now refer to the case at B, asking why the individual who puts the pot on the fire should be culpable.] Granted, all [the others] have performed a [forbidden] action. [The individual who brings the flame or adds fuel is culpable for handling and making flame on the Sabbath. The ones who add the water, season the dish and who stir it have cooked.]*
- I. *But [as for] the one who put the pot [on the flame] — what [forbidden action] has he performed? [Since the pot was empty, he has not actually engaged in cooking.]*
- J. *Said R. Simeon b. Laqish, “Here we deal with a new pot,*
- K. *“and for [transgressing the prohibition against] heating a tile until it is white hot [see M. Bes. 4:7B] they deemed him culpable.”*

IV.4. A. *Our rabbis have taught on Tannaite authority [T. Y.T. 3:16]:*

- B. **A new oven or double-oven — lo, they are in the status of all other utensils which, [on a festival day], may be carried in a courtyard.**
- C. **But they may not anoint them with oil.**
- D. **And they may not wipe them off with a rag.**
- E. **And they do not rinse them in cold water, so as to seal them.**
- F. **But if it is to bake in them, it is permitted.**

IV.5. A. *Our rabbis have taught on Tannaite authority [T. Y.T. 3:19-20]:*

- B. **[On a festival day, to remove the hair], they scald the head and feet [of a fowl or animal],**
- C. **and they singe them with fire.**
- D. **But they do not cover them with clay, with earth or with lime.**
- E. **And they do not cut [the hair] with scissors.**
- F. **And they do not cut vegetables with their shears [that is, with the shears originally used to pick them]. [This is to prevent the appearance that the vegetable was picked on the festival day.]**
- G. **But they may trim an artichoke or a cardoon.**
- H. **And they kindle a fire and bake in a large oven,**
- I. **and they heat water in a copper vessel.**
- J. **But they do not bake in a new large oven, lest it crack [and the work of preparing the food and heating the oven be wasted].**

IV.6. A. *Our rabbis have taught on Tannaite authority [T. Y.T. 3:15]:*

- B. **[On a festival day] they may not fan [a fire] with a bellows.**
- C. **But they may fan it with a reed.**
- D. **But they may not make [the reed into] a spit or sharpen it.**

IV.7. A. *Our rabbis have taught on Tannaite authority [T. Y.T. 3:16]:*

- B. **[On a festival day] they do not split a reed so as to roast a salt-fish with it.**
- C. **But they split a nut in a rag, and do not scruple lest it tear.**

Units I:1-2 evaluate M. Bes. 5:6A's rule that, on a festival day, one may use a splinter of wood as a tooth-pick. The issue is in line with the familiar, recurring question of this tractate: to what extent need the piece of wood have come under the intention of the individual prior to the festival, having been set aside by him for a particular festival use? This matter is under dispute, as is the question of what physical actions the individual may take to shape the tooth-pick, and yet not be held culpable for creating a utensil on a festival day. Units II:1, III:1, IV:1 offer simple explanations of M.'s rules. M. Bes. 4:6B is discussed in unit II:1, which cites and explains Tosefta's statement that Simeon does not permit one to gather much wood on a festival. Unit III:1 explains why, on a festival day, one is not permitted to make a fire, M. Bes. 4:7A. Unit IV:1 indicates why, on a festival day, one may not heat a tile white hot, M. Bes. 4:7B.

Units IV:2, 3 appear here because of the secondary use they make of M. Bes. 4:7B and of unit V's explanation of it. M. Bes. 4:7B provides a criteria for arguing that such an animal should not be slaughtered, under the assumption that it was made unfit by the injuries. Units IV:5-7 cite materials from Tosefta. While describing permitted and forbidden cooking procedures, these laws have no direct relationship to M. Bes. 4:7, such that their placement here cannot be explained.

4:7b

- C. **And further did R. Eliezer say, "A man takes up a position at the storage-hut [34B] on the eve of the Sabbath in the seventh year and [in order to designate food for Sabbath use] says, 'From this [produce] I shall eat tomorrow.'"**
- D. **And sages say, "[His designation is valid only] if he makes a mark and says, 'From this place up to that place [shall I take produce to eat tomorrow].'"**
- I.1 A. [And further did R. Eliezer say, "A man takes up a position at the storage-hut on the eve of the Sabbath in the seventh year and [in order to designate food for Sabbath use says, 'From this produce I shall eat tomorrow:']"** [The relevance of this discussion to the present context becomes clear at M, which cites M. **Bes. 4:7C**. The larger issue under dispute is pertinent to M. Tractate Maaserot. It concerns whether or not the advent of the Sabbath renders liable to tithes produce the processing of which is not completed. Such produce normally may be eaten as a snack, without first being tithed. The question is whether or not this same leniency applies to produce eaten on the Sabbath.] *There we have learned in the Mishnah [M. **Ma. 4:2**]:*
- B. [In the case of] children who hid away figs on the eve of the Sabbath but forgot and did not separate tithes from them — [even] after the conclusion of the Sabbath they may not eat them unless they first tithe.** [Once the produce is designated for use in a meal, it must be tithed. It no longer may be eaten as a snack, free from tithes. This is the case even if it is not used for the meal for which it originally was designated.]
- C. *And we also have learned in the Mishnah [M. **Ma. 3:1**]:*
- D. [As for] one who brings [his] figs through his courtyard for drying — his children and [other] members of his household may eat of them as a snack**

and are exempt [from tithing]. [The produce is not yet fully processed, such that it is exempt from tithes. This applies even if the produce is brought into the courtyard, in which location it normally must be tithed.]

- E. [The issue of the following derives from a correlation of the rules cited at B and D.] *Raba asked R. Nahman, “What is the law as to whether or not the advent of the Sabbath [as at M. **Ma. 4:2**] renders drying figs [as at M. **Ma. 3:1**], the processing of which is not yet completed, liable to the separation of tithes?*
- F. *“Do we reason that since it is written in Scripture [Isa. 58:13], ‘And you shall call the Sabbath a delight,’ that [the Sabbath] renders [all foods eaten on it] liable to tithes, even in the case of something the processing of which is not completed? [In this understanding, the designation “delight” means that the food is eaten as a fully satisfying meal. Even if it is not yet fully processed, or if it is intended as a snack, on the Sabbath the food is a meal that is subject to tithes. Otherwise it would not be referred to as a “delight.”]*
- G. *“Or perhaps [contrary to what is proposed at F], food the processing of which is completed [the Sabbath] renders liable to tithes, but food the processing of which is not completed [the Sabbath] does not render liable to tithes?”*
- H. [Nahman] said to him, “The onset of the Sabbath renders [the food] liable to tithes in the case of something the processing of which is completed and in the case of something the processing of which is not completed.”
- I. [Raba challenges Nahman’s conclusion by referring to M. Ma. 3:3, cited above at D.] *[Raba] said to him, “But I can argue [to the contrary] that the Sabbath is comparable to a courtyard.*
- J. *“Just as the courtyard renders liable to tithes only produce the processing of which is completed, so the Sabbath should render liable to tithes only produce the processing of which is completed.”*
- K. [Nahman] said to him, “It is a specific teaching that we have, that the onset of the Sabbath renders produce liable to tithes, both in the case of food the processing of which is completed and that of food the processing of which is not completed.”
- L. [In the long argument that follows, Nahman’s claim is shown to follow from the opinion of Eliezer, M. **Bes. 4:7C**.] *Said Mar Zutra the son of R. Nahman, “We also have learned in the Mishnah [M. **Bes. 4:7C**]:*
- M. “And further did R. Eliezer say, ‘A man takes up a position at the storage-hut on the eve of the Sabbath in the seventh year and [in order to designate the untithed food in the hut for Sabbath use] says, ‘From this [produce] I shall eat tomorrow.’”**
- N. *“The reason [the individual validly designates this untithed food for the Sabbath] is that [this example refers to the law for] the Sabbatical year, in which tithing is not required.*
- O. *“Thus [it is clear that] in the other years of the Sabbatical cycle, it would be forbidden [to eat the food designated for the Sabbath unless one first tithed it].*
- P. [The point of L-M in relation to K is made explicit:] *“What is the reason [that Eliezer’s statement, M. **Bes. 4:7C**, applies only in the Sabbatical year, implying that, in the other years of the Sabbatical cycle, the individual would need to tithe food designated for the Sabbath]?”*

- Q. *“Is it not because the advent of the Sabbath renders [produce] liable to tithes, [just as Nahman said, K]?”*
- R. [The Talmud responds that the conclusion Q draws from M. **Bes. 4:7C** is unacceptable.] *No! That case [at M. **Bes. 4:7C**] is different [and does not prove that the onset of the Sabbath renders produce liable to tithes].*
- S. *There [in M. **Bes. 4:7C**’s case], since the individual said, “From this [produce] I shall eat tomorrow,” he [indicated that he deems the produce to be fully processed and ready to eat, such that he himself] rendered it liable to tithes. [In the case at hand, the advent of the Sabbath has nothing to do with with the produce’s becoming liable to tithes. M. **Bes. 4:7C** thus cannot be used to support Nahman’s claim, K.]*
- T. [According to S, the fact that it is the eve of the Sabbath is irrelevant to the law of M. **Bes. 4:7C**. S’s statement now is challenged.] *If [S’s claim] is correct, why [did Eliezer] point out in particular the case of [a designation made on the eve of] the Sabbath?*
- U. *The same rule, [that by choosing produce to eat the individual renders it liable to tithes], should apply as well on all other days of the week! [To make the point given at S, Eliezer would not have phrased a case that refers specifically to the eve of the Sabbath. Since he did refer in particular to Sabbath-eve, we must conclude that S is wrong. P-Q stands. From M. **Bes. 4:7C** we must conclude that the advent of the Sabbath renders produce liable to tithes.]*
- V. [T-U rejects S on the grounds that, if S were correct, Eliezer would not have phrased his example to refer in particular to the Sabbath. The following shows that, even wishing to make the point referred to by S, Eliezer had good reason to phrase a case concerning the eve of the Sabbath. Contrary to T-U, M. **Bes. 4:7C** thus does not support the claim that the onset of the Sabbath renders produce subject to tithes.] *Here is what [Eliezer] wished to teach us [by referring to the eve of the Sabbath]:*
- W. *that produce that is subject to tithes, but from which tithes have not yet been separated, is [upon the individual’s designation] deemed set aside and permitted for [consumption on] the Sabbath, such that, if one transgressed and [actually] tithed it [on the Sabbath itself], it is deemed validly tithed. [Eliezer phrased M. **Bes. 4:7C** in order to make two distinct points: 1) by indicating what produce he will eat, the individual renders that produce liable to tithes, even if it is not yet fully processed; 2) if one transgresses and tithes on the Sabbath, his actions are valid. M. **Bes. 4:7C** does not, however, make the point originally claimed by L-Q, that the advent of the Sabbath itself renders produce liable to tithes.]*
- X. [The Talmud challenges R-S’s claim, that the point of M. **Bes. 4:7C** is that the individual’s oral designation renders the produce subject to tithes. Eliezer’s claim, M. **Bes. 4:7C**, must be, rather, that the onset of the Sabbath renders the produce liable.] **[35A]** *But [in the case referred to by Eliezer, M. **Bes. 4:7C**] will the left-over food not be put back [with the rest of the produce being processed and not yet subject to tithes]?*
- Y. *And we are familiar with the teaching of R. Eliezer, who said that in any case in which the left-over food can be put back [with food not yet subject to tithes, the individual’s actions in taking that food to eat] do not render it liable to tithes.*

- Z. *For we have learned in the Mishnah [M. Ma. 4:3]:*
- AA. **One who takes olives from the softening-bin may dip them in salt one by one and eat [without tithing, since this is a snack].**
- BB. **But if he dipped ten [of them in salt] and placed them before him, he is obligated [to tithe before eating, since he has made a little meal].**
- CC. **R. Eliezer says, “[If he has taken ten olives] from a clean softening-bin, he is obligated [to tithe].**
- DD. **“[But if he takes ten and salts them] from an unclean softening-bin, he is exempt [from tithing], since he can return [to the bin] whatever he leaves over.”** [Contrary to R-S, it thus does not appear that Eliezer would deem the individual’s actions in designating food for a meal invariably to render that food subject to tithes. The individual’s designation at M. **Bes. 4:7C**, for instance, would not in itself render the food so liable. Eliezer’s point at M. **Bes. 4:7C** thus is that the Sabbath itself renders the food liable. The statement originally made by Nahman, N, and supported by Mar Zutra, L-Q, therefore stands.]
- EE. [DD’s conclusion is rejected. An evaluation of the reason for the rules cited at CC-DD shows that, in a case such as that of M. **Bes. 4:7C**, Eliezer *would* apply the rule of CC, stating that the individual is obligated to tithe. This obligation derives not from the fact that the Sabbath is approaching, but because the individual has designated for consumption food that he cannot thereafter return to the storage-hut.] *And we questioned [the reason for] this [rule, CC-DD]: What is the difference between [the cases referred to in] the first clause, [CC], and the second clause, [DD]?*
- FF. *And responded R. Abbahu, “The first clause, [which states that the individual is required to tithe], concerns a clean softening-bin and an unclean individual, who cannot return [the surplus of what he has taken, since doing so would render the whole batch unclean].*
- GG. *“The final clause, [which indicates that the individual need not tithe], refers to an unclean softening-bin and an unclean individual, who can return [the surplus of what he has taken, for all of the olives already are unclean].”*
- HH. *[We now come to the point of the present argument.] Mishnah [Bes. 4:7C] likewise refers to a case of a clean drying-place and an unclean individual, who cannot return [to the pile the surplus of what he takes for the Sabbath meal]. [This is the reason that Eliezer deems what the individual takes to be subject to tithes, just as above, CC. The reason is not that the onset of the Sabbath itself renders produce liable.]*
- II. [HH’s claim is rejected. At M. **Bes. 4:7C** the individual has not physically removed the food from the storage-hut, but simply has orally designated it. The rule cited above, CC, therefore should not apply. The food referred to at M. **Bes. 4:7C** rather is liable to tithes because of the advent of the Sabbath alone.] But [since the food referred to at M. **Bes. 4:7C** has never physically been removed from the storage-hut] does it not retain the status of having been returned [to the pile, even after it has been designated]? [Yes it does. It therefore would not be subject to tithes for the reason given at CC. It is subject, rather, because the advent of the Sabbath renders it so liable.]

- JJ. [The preceding arguments, at T-U, X-DD and II, prove L-Q's original argument, that Eliezer's statement at M. **Bes. 4:7C** implies that, except in the Sabbatical year, the onset of the Sabbath renders produce liable to tithes. According to the following, however, that proof does not conclusively support the latter proposition, phrased originally by Nahman, K. It does not supply that support, we are told, because M. **Bes. 4:7C** represents the perspective of Eliezer alone. Sages have a different view.] *Rather said R. Simi b. Ashi, "You [have supported Nahman's claim, K] only by referring to R. Eliezer!*
- KK. *"But R. Eliezer [simply] follows his own [idiosyncratic] opinion. [This opinion, that of an individual, cannot be used to support a statement of law with which others do not agree.]*
- LL. "For [Eliezer] holds that the separation of heave-offering [from produce the processing of which is not completed and which, therefore, is not subject to the separation of tithes] renders [the produce] liable [to the separation of the other tithes as well]; and all the more so [does Eliezer hold that] the advent of the Sabbath [renders produce liable to tithes].
- MM. *"As we have learned in the Mishnah [M. **Ma. 2:4**]:*
- NN. **"[As for] produce from which one separated heave-offering before its processing was completed [such that it was not yet actually liable to that offering] —**
- OO. **"R. Eliezer forbids one [thereafter] to eat of it as a snack, [without tithing].** [As LL indicates, Eliezer holds that the separation of one offering renders the produce liable to all of the offerings. Comparably, Eliezer holds that the advent of the Sabbath renders liable to tithes produce that otherwise would yet be exempt.]
- PP. **"But sages [disagree and] permit [one thereafter to eat the produce as a snack, without tithing. "** [Sages likewise disagree with Eliezer concerning the effect of the Sabbath. They hold that the advent of the Sabbath does not render liable to tithes produce that otherwise would be exempt. As JJ-KK indicates, Eliezer's view is not generally held, such that it does not conclusively prove the claim of Nahman, K. In the following, a new text is used in the attempt to substantiate Nahman's claim.]
- QQ. *Come and learn [that the onset of the Sabbath renders produce liable to tithes] from the last clause [M. **Bes. 4:7D**]:*
- RR. **And sages say, "[His designation of produce for the Sabbath is valid only] if he makes a mark and says, 'From this place up to that place [I shall take produce to eat tomorrow, on the Sabbath].'"**
- SS. [The argument beginning here, through BBB, repeats that of N-W.] *[Sages'] reason [for deeming this designation valid and permitting the individual on its basis to eat the produce on the Sabbath without tithing] is that [in this example] it is the Sabbatical year, in which tithing is not required.*
- TT. *But in all other years of the Sabbatical cycle, in which tithing is required, [sages] forbid [one to designate food for the Sabbath and then to eat it without tithing].*
- UU. *What is the reason [for TT]?*
- VV. *Is it not because the advent of the Sabbath renders [produce] liable to tithes?"*

- WW. *[The Talmud responds that the conclusion VV draws from M. Bes. 4:7D is unacceptable.] No! That case [at M. Bes. 4:7D] is different [and does not prove that the onset of the Sabbath renders produce liable to tithes].*
- XX. *[In M. Bes. 4:7D's case], since the individual said, "From this place up to that place [I shall take produce to eat tomorrow]," he [indicated that he deems the produce to be fully processed and ready to eat, such that he himself] rendered it liable to tithes.*
- YY. *[According to XX, the fact that it is the eve of the Sabbath is irrelevant to the law of M. Bes. 4:7D. XX's conclusion now is challenged.] If [XX's claim] is correct, why [did sages] point out in particular the case of [a designation made on the eve of] the Sabbath?*
- ZZ. *The same rule, [that by choosing produce to eat the individual renders it liable to tithes], should apply as well on all other days of the week! [If XX indeed represents the point sages wished to make, they would not have phrased a case that refers specifically to the eve of the Sabbath. Since they did refer in particular to Sabbath-eve, we must conclude that XX is wrong. RR-VV stands. From M. Bes. 4:7D we must conclude that the advent of the Sabbath renders produce liable to tithes.]*
- AAA. *[The following shows that, even wishing to make the point referred to by XX, sages had good reason to phrase a case that concerns the eve of the Sabbath. Contrary to YY-ZZ, M. Bes. 4:7D thus does not support the claim that the advent of the Sabbath renders produce subject to tithes.] Here is what [sages] wished to teach us [by referring in particular to the eve of the Sabbath]:*
- BBB. *[they teach] that produce that is subject to tithes, but from which tithes have not yet been separated, is, [upon the individual's designation], deemed set aside and permitted for [consumption on] the Sabbath, such that, if one transgressed and [actually] tithed it [on the Sabbath itself], it is deemed validly tithed. [Sages phrased M. Bes. 4:7D in order to make two distinct points: 1) by indicating what produce he will eat, the individual renders that produce liable to tithes, even if it is not yet fully processed; 2) if one transgresses and tithes on the Sabbath, his actions are valid. M. Bes. 4:7D does not, however, make the point originally claimed by QQ-VV, that the advent of the Sabbath itself renders produce liable to tithes. The present argument now is dropped, having failed to prove the point raised by QQ-VV.]*
- CCC. *[We return to the claim of L-PP, that Eliezer holds that the advent of the Sabbath renders produce liable to tithes.] [M. Ter. 8:3] contradicts this [claim of L-PP, that Eliezer believes that the advent of the Sabbath renders produce liable to tithes]:*
- DDD. **[If] he was eating a cluster of grapes [as a chance meal, free from the liability to tithe] and entered from the garden into the courtyard [at which point the grapes are subject to the separation of tithes (M. Ma. 3:5-6)] —**
- EEE. **R. Eliezer says, "Let him finish [eating the cluster, without tithing]."**
- FFF. **R. Joshua says, "He may not finish it [unless he first separates tithes]."**
- GGG. **[If he was eating a cluster of grapes as a chance meal and] dusk fell on the eve of the Sabbath —**

- HHH. R. Eliezer says, “Let him finish eating [the cluster].” [Eliezer apparently does not hold that the advent of the Sabbath renders the produce liable to tithes, contrary to the view he holds at M. **Bes. 4:7C**.]
- III. R. Joshua says, “He may not finish it.” [Unlike Eliezer, Joshua holds that the onset of the Sabbath renders produce liable to tithes.]
- JJJ. The apparent contradiction between Eliezer’s positions at M. **Bes. 4:7C** and M. **Ter. 8:3** is resolved. Eliezer’s point at M. **Ter. 8:3** is not that the individual may continue eating the produce on the Sabbath without tithing. Rather, as M. **Bes. 4:7C** proves, he holds that the advent of the Sabbath renders the produce liable to tithes. In the case of M. **Ter. 8:3** he simply permits the individual to continue eating without tithing after the conclusion of the Sabbath. But all food eaten on the Sabbath itself must be tithed.] *There [at M. Ter. 8:3] the meaning [of Eliezer’s statement] is as it is taught on Tannaite authority [T. **Ter. 7:10**, in a different wording]:*
- KKK. R. Nathan says, “When R. Eliezer said that the individual may finish eating [the grapes, he did] not [mean] he may finish them in the courtyard [itself]. Rather [Eliezer meant that he may] go outside of the courtyard and finish [eating].
- LLL. “And when R. Eliezer said the individual may finish [eating the grapes after the start of the Sabbath, he did] not [mean] he may finish [them] on the Sabbath [itself]. Rather [he meant that the individual may] wait until the conclusion of the Sabbath and [only] then may finish [eating without tithing].” [The upshot of this whole discussion is that Nahman, K, agrees with the position of Eliezer, that the advent of the Sabbath renders produce subject to tithes, even if that produce otherwise would not yet need to be tithed. Sages, however, disagree, such that Nahman’s contention is not finally proven.]
- I.2.** A. [The issue of the preceding, concerning whether or not the onset of the Sabbath renders produce liable to tithes, is discussed on new terms. Three other corollary issues are introduced: whether or not in the case of produce the processing of which is not completed 1) the separation of heave-offering, 2) being brought into a courtyard or 3) a sale renders the produce liable to tithes.] When Rabin came [from the Land of Israel], said R. Yohanan, “In the same status are the advent of the Sabbath, [the separation of] heave-offering, [bringing into] a courtyard and an act of sale —
- B. “none [of these] renders produce liable to tithes except in the case of produce the processing of which already is completed.”
- C. [The significance of each of the four listed items is discussed in turn.] The advent of the Sabbath [does not render produce liable to tithes] —
- D. *This statement rejects [the opinion of] Hillel.*
- E. *For we have taught on Tannaite authority [T. **Ma. 3:4**]:*
- F. [As for] one who is transporting produce from place to place and the [Sabbath] day began —
- G. Said R. Judah, “Hillel himself deemed it forbidden [thereafter to eat the produce, even as a snack, without tithing].”

- H. [Bringing unprocessed produce into] **[35B]** a courtyard [does not render it liable to tithes] —
- I. *This statement rejects [the opinion of] R. Jacob.*
- J. *As we have learned in the Mishnah [M. Ma. 3:1]:*
- K. **[As for] one who brings his figs through his courtyard for drying — his children and [other] members of his household may eat of them as a snack and they are exempt from tithing.**
- L. *But concerning this it is taught on Tannaite authority:*
- M. R. Jacob requires [them to tithe].
- N. But R. Yosé b. R. Judah exempts [them].
- O. [The separation of] heave-offering [from produce the processing of which is not completed does not render that produce liable to tithes] —
- P. *This rejects [the opinion of] R. Eliezer.*
- Q. *For we have learned in the Mishnah [M. Ma. 2:4]:*
- R. **[As for] produce from which one separated heave-offering before its processing was completed [such that it was not yet actually liable to that offering] —**
- S. **R. Eliezer forbids one [thereafter] to eat of it as a snack [unless he first tithes].**
- T. **But sages permit.**
- U. [An act of] sale [does not render produce liable to tithes] —
- V. [The basis of U's rule is indicated, V-BB. Then we learn of the contrary view, CC-DD.] *This is as it is taught on Tannaite authority:*
- W. One who purchases [unpressed] figs from an *am ha'ares*, [who is not trusted properly to tithe his produce] — in a place in which the majority of the people press [their figs], he may eat of them as a snack [free from tithes]. [The purchase does not render the figs liable to tithes, since their processing is not yet completed. This is just as U states.]
- X. And [when the individual completes the figs' processing and needs to tithe them], he tithes them as *demai*, [that is, as produce about which there is a doubt whether or not it already was fully tithed].
- Y. *Learn from this [passage cited at W-X] three things:*
- Z. *Learn from it that [an act of] sale does not render produce liable to tithes except in the case of food the processing of which is completed. [This is as at W.]*
- AA. *And learn from it that the majority of amei ha'ares do separate tithes. [This is derived from X. Rashi: A partial tithing procedure for demai is used because most amei ha'ares are assumed in fact to tithe. If most of them were assumed not to separate the required offerings, even suspect produce would need to be tithed in the same manner as produce that certainly was never before tithed.]*
- BB. *And learn from this that one even tithes produce the processing of which is not completed. [The produce is tithed as demai, X, under the assumption that its previous owner may already have tithed it. This is the case even though its processing was not yet completed at the time of the purchase. Hence the present conclusion, that people tithe produce before it is fully processed.]*

- CC. [We now consider the basic rule, that being sold does not render liable to tithes produce the processing of which is not completed.] *And this [rule, U, Z] rejects that which we have learned in the Mishnah [M. Ma. 2:8]:*
- DD. **[As for] one who exchanges produce with his fellow, one [of the individuals taking produce] to eat and the other [also taking produce] to eat, one [taking produce] to dry and the other [taking produce] to dry, [or] one [taking produce] to eat and the other [taking produce] to dry — [both] are obligated [to tithe].** [The exchange of produce is comparable to a sale. The authority at DD holds that even a sale of produce the processing of which is not completed renders that produce liable to tithes. As CC suggests, this is contrary to the rule cited by Rabin in the name of Yohanan, A.]
- EE. [The rule cited at U is shown to follow the view of Judah.] **R. Judah says, “[The one who wants the produce] to eat is obligated [to tithe, since he deems the produce fully processed].**
- FF. **“[But the one who wants the produce] to dry is exempt [from tithing].”** [In the case of produce the processing of which is not completed, Judah holds that even a sale does not render it liable to tithes.]

M. Bes. 4:7C-D appears in unit I:1 as an ancillary component to a discussion of whether or not the onset of the Sabbath renders produce liable to the separation of tithes. At M. Bes. 4:7C-D, however, the opinions of Eliezer and sages concern a quite different matter, the requirement of designating produce for Sabbath (or festival) use. Indeed, in light of their own concern, these authorities refer in particular to the Sabbatical year, when tithes are not separated at all. Use of their opinions in the context at hand therefore is forced. On the basis of substance it is clear that this unit was not formulated for use in this particular context. Except for Abbahu, however, the authorities cited in unit I are late Babylonian Amoraim. It therefore is unclear what occasioned the creation of this unit, pertinent to the issues of Mishnah Maaserot. This is not the case for unit I:2, which cites Amoraic authorities from the Land of Israel in discussion of comparable issues. Since unit I:2 makes no use of M. Bes. 4:7C-D, it clearly is found here only because of its repetition of the basic issue of unit I:1, namely, whether or not the advent of the Sabbath renders produce liable to the separation of tithes.