

III

BAVLI BESA CHAPTER THREE

FOLIOS 23B-29B

3:1

- A. They do not catch fish in a vivarium on a festival day.
 - B. And they do not cast food for them.
 - C. But they do catch a wild beast or fowl in a vivarium.
 - D. And they do cast food for them.
 - E. Rabban Simeon b. Gamaliel says, “Not all vivaria are equivalent.”
 - F. This is the operative principle: Whatever [24a] is not [already] fully caught is prohibited [to be caught and taken for food on a festival day];
 - G. but whatever is [already] fully caught is permitted [to be taken for food on the festival day].
- I.1** A. [They do not catch fish in a vivarium on a festival day. And they do not cast food for them. But they do catch a wild beast or fowl in a vivarium:] *They pointed out a contradiction [to M. Bes. 3:1C-D] [T. Y.T. 3:1]:*
- B. Vivaria for wild beasts, fowl and fish they do not catch from them on a festival day. [This is contrary to M. Bes. 3:1C, which holds that on a festival day one may catch wild beasts or fowl in a vivarium.]
 - C. And they do not cast food for them. [Cf., M. Bes. 3:1D.]
 - D. [Therefore] the rulings concerning wild beasts are contradictory,
 - E. and the rulings concerning fowl are contradictory.
 - F. In point of fact, the rules concerning wild animals are not contradictory.
 - G. For this [rule, M. Bes. 3:1C, which permits catching beasts] is the opinion of R. Judah;
 - H. while this [rule, B, which prohibits catching beasts], is the opinion of sages.
 - I. For we have learned in the Mishnah [M. Shab. 13:5]:
 - J. R. Judah says, “One who [on the Sabbath] hunts a bird [and drives it] into a tower-trap, or [hunts] a gazelle [and drives it] into a house is culpable [for hunting on the Sabbath, since the animals now are easily caught].”

- K. *[Explaining]: [Judah] deems the individual culpable for [driving the gazelle] into a house.*
- L. But [he does] not [deem him culpable for driving it into] a vivarium. [Judah thus stands behind the rule of M. **Bes. 3:1C**, which permits one on a festival to catch a wild beast in a vivarium.]
- M. **But sages say, “[He is culpable if he drives] a bird into a tower-trap or a gazelle into a garden, courtyard or a vivarium.”** [Sages thus stand behind T. Y.T. 3:1’s rule, cited at B, for a wild animal. They do not permit one to catch it in a vivarium on a festival day.]
- N. *[The preceding resolved the apparent contradiction between the rules for the wild animal, showing that one law is the opinion of Judah and the other the view of sages. Neither Judah nor sages, however, deems the individual culpable for driving a bird into a vivarium. Therefore the problem described at E still stands. This apparent contradiction now is resolved.] Rather, the rules concerning fowl are contradictory.*
- O. *And if you state that here too there is no difficulty, insofar as this [rule, M. **Bes. 3:1B**, which permits catching a bird in a vivarium], refers to a roofed enclosure, [in which the bird is fully trapped, so that no additional hunting is required on the festival day],*
- P. *while this [rule, B, which prohibits catching a bird in a vivarium], refers to an unroofed enclosure, [in which the bird is not completely trapped] —*
- Q. *[this attempt to solve the problem will fail, for], lo, a house, which is like an enclosure, is roofed, and yet both R. Judah and sages [concur that on the Sabbath one] is [culpable for driving a bird] into a tower-trap, [but] is not [culpable for driving it into] a house. [The bird is not deemed fully trapped in the roofed structure. The fact that the vivarium is roofed therefore would not explain the rule of M. **Bes. 3:1**, contrary to O.]*
- R. *[To resolve the contradiction] said Rabbah b. R. Huna, “Here [at B, which prohibits catching the bird from a vivarium] we deal with a ‘free-bird,’ which does not submit to domestication.*
- S. *“For the school of R. Ishmael taught on Tannaite authority:*
- T. *“‘Why is it called a ‘free-bird’ [root: DRR]?”*
- U. *“‘For it dwells [root: DR] in a house as in the fields, [without becoming domesticated and easily caught].’” [T. **Y.T. 3:1** and M. **Bes. 3:1C** thus are not contradictory. They simply give the rules for different kinds of birds.]*
- V. *[The contradiction referred to above at D was resolved by locating a Tannaite dispute which accounts for the opposing rulings. The contradiction referred to at E, by contrast, was resolved without reference to a Tannaite disagreement.] Now that you have come to this [kind of explanation for the rules regarding catching fowl],*
- W. *[you can explain that] the rules for wild beasts likewise are not contradictory.*
- X. *This [rule, which permits catching wild beasts in a vivarium, M. **Bes. 3:1B**], refers to a small vivarium. [Once the beast is trapped in this enclosure it is caught without any hunting.]*

- Y. *While this [rule, above, B, which prohibits catching the beast], refers to a large vivarium. [Even when trapped in this large enclosure, the beast is not easily caught. It still must be hunted, which is forbidden on the festival day.]*
- Z. *In what case is it called a small vivarium?*
- AA. *In what case is it called a large vivarium?*
- BB. *Said R. Ashi, "Whenever one runs after [the beast] and catches it with one lunge, that is a small vivarium.*
- CC. *"Otherwise, it is a large vivarium.*
- DD. *"Alternatively: Any [vivarium] that contains many recesses [in which the beast can hide] is a large vivarium.*
- EE. *"Otherwise it is a small vivarium.*
- FF. *"Alternatively: Any [vivarium] in which the shadow of one wall falls upon the other is a small vivarium.*
- GG. *"Otherwise it is a large vivarium."*

II.1. A. Rabban Simeon b. Gamaliel says, "Not all vivaria are equivalent [M. Bes. 3:1E].

- B. *Said R. Joseph said R. Judah said Samuel, "The decided law accords with the view of Rabban Simeon b. Gamaliel."*
- C. *Said to him Abbayye [citing B], "'The decided law' — this [statement that the law follows Simeon b. Gamaliel] implies that [other rabbis] differ [and hold that the law is the same for all vivaria]." [Yet we know that no one differs, since, in the preceding unit, at X-Y, there is no dispute that the rule for a small vivarium is different from that for a large one.]*
- D. *[Joseph] said to him, "What practical difference does it make to you?" [Whether you believe that the matter is under dispute or that all parties agree, the law still is the same, that all vivaria are not equivalent.]*
- F. *[Abbayye] said to him, "Is the lesson to be recited in a sing-song, [without concern for whether or not it is correct]?"*

III.1 A. This is the operative principle: Whatever is not [already] fully caught is [prohibited to be caught on the festival day] [M. Bes. 3:1F].

- B. *In what case is something deemed not fully caught?*
- C. *Said R. Joseph said R. Judah said Samuel, "Whenever one [still needs to] say, 'Bring a trap so that we may capture it,' [this animal is not deemed already caught]."*
- D. *Said Abbayye to [Joseph], "But what about geese and hens, for which one says, 'Bring a net so that we may catch it,' and yet it is taught on Tannaite authority:*
- E. *"One who [on a festival day] catches geese, hens or Herodian doves is exempt [and not culpable for hunting on a festival day]?"*
- F. *Said Rabbah b. R. Huna said Samuel, "These [kinds of fowl, E] come into their coops in the evening. [They therefore are deemed domesticated and completely caught, even though one will need to use a net to capture them on a festival day.]*
- G. *"But these [other beasts, C] do not come into their coops at night." [They therefore are not deemed already caught. One may not use a trap to capture them on a festival day.]*

- H. But what of pigeons raised in a dovecot and pigeons raised in an upper room, which come into their coops at night, *yet [concerning them] it is taught on Tannaite authority:*
- I. One who [on a festival day] catches pigeons that are raised in a dovecot, pigeons raised in an upper room or birds that make their nest in the eaves of a house or in a pit is culpable [for hunting on the festival]. [The fact that the bird comes into its coop each night thus is of no legal weight, contrary to F-G.]
- J. Rather [to distinguish between the fowl discussed at D and at I], said Rabbah b. R. Huna said Samuel, “These [kinds of fowl, referred to at E] come to their coops at night and you are responsible for their sustenance. [They therefore are deemed already caught and may be trapped on a festival.]
- K. “And these [other birds, I] come to their coops at night, but you are not responsible for their sustenance. [They therefore are not deemed caught and may not be trapped on a festival day. They are irrelevant to the distinction made at F+G.]
- L. *R. Mari said, “These [birds listed at I] generally flee [when one attempts to catch them],*
- M. *“while these [birds listed at D] do not generally attempt to flee.”*
- N. *[The distinction drawn at L+M seems unacceptable.] All of them in fact generally flee!*
- O. *[Mari explains his point.] “I meant to say, ‘These [ones referred to at I] generally flee to their coops,⁷ [so that a great deal of work is required to catch them].’”*

Two of the three units are exegetical. By citing T.’s rule, which seems to contradict M. Bes. 3:1C-D, unit I:1 explains exactly what is at issue in the Mishnaic pericope. Whether or not one may take animals from traps on the festival day depends upon the amount of work (hunting) necessary to do so. In explaining M. Bes. 3:1F, unit III:1 makes the same point. Unit II:1 states that the decided law accords with Simeon b. Gamaliel’s view, M. Bes. 3:1E. In doing so, however, it makes a much deeper point. Of major importance is not the final statement of law but the correct phrasing of the diverse legal opinions on the basis of which the law is determined.

3:2

- A. **Nets for trapping a wild beast, fowl or fish, which one set on the eve of the festival day —**
- B. **one should not take [what is caught therein] out of them on the festival day,**
- C. **unless one knows for certain that [creatures caught in them] were trapped prior to the eve of the festival day.**
- D. **An incident occurred: A gentile brought fish to Rabban Gamaliel, and he said, “They are permitted. But I do not want to accept [them] from him.”**
- I.1 A. *[The Mishnah quotes] the incident [at M. Bes. 3:2D] to contradict [the general rule given at M. Bes. 3:2A-B]! [The general rule states that fish or animals that might have been caught on the festival may not be taken and eaten on a festival day. But Gamaliel, M. Bes. 3:2D, states that, while he does not wish to take the*

fish, they are permitted, even though they may have been caught on the festival itself.]

- B. *[To explain the contradiction:] There is a lacuna in the text [of M. Bes. 3:2], and thus it should be taught, [to indicate explicitly that Gamaliel does not concur with the anonymous rule]:*
- C. [If there is] a doubt [whether or not the food] was caught [prior to the festival], it is forbidden [for consumption on the festival day].
- D. But Rabban Gamaliel deems it permitted.
- E. **An incident also occurred: A gentile brought fish to Rabban Gamaliel [on a festival day] and he said, “They are permitted [as D indicates]. But I do not want to accept [them] from him” [M. Bes. 3:2D].**

- I.2.** A. Said R. Judah said Samuel, “The decided law does not accord with [the view of] Rabban Gamaliel.”
- B. *Some teach this [statement, A], with reference to that which is taught on Tannaite authority [see unit I.D]:*
- C. If there is a doubt [whether or not food was caught and made] ready [prior to the start of the festival], Rabban Gamaliel deems it [in all events to be] permitted [for consumption on the festival day].
- D. But R. Joshua deems it prohibited.
- E. Said R. Judah said Samuel, “The decided law accords with [the position of] R. Joshua.”
- F. *Some teach this [statement, A and E] with reference to that which is taught on Tannaite authority [T. Y.T. 3:1, with major variations]:*
- G. **[24B] On a festival day they slaughter [animals kept in] enclosures but not [those kept in] hunting-nets or gins. [The latter may have been caught on the festival day itself.]**
- H. **R. Simeon b. Eleazar says, “If he came before the eve of the festival and found [the long ropes to which the nets or gins are attached] damaged, it is clear that [the animals he finds in the nets on the festival day] were caught before the eve of the festival and [therefore] are permitted.**
- I. **“If he came on the festival itself and found them damaged, it is clear that on the festival day itself [the animals] were caught and [therefore] are forbidden [for use on the festival day].”**
 - J. [The statement of Judah in the name of Samuel, referred to at F, appears at U. First the Talmud evaluates the point of H-I.] *This [passage] contains an internal contradiction! [As we shall now see, H leads us to believe that a case of doubt is treated as forbidden, while I implies that a case of doubt is treated leniently and is permitted.]*
 - K. *You said, [H, that if] he came before the eve of the festival and found [the ropes] damaged, it is clear that [the animals] were caught before the eve of the festival [and therefore are permitted].*
 - L. *The reason [they are permitted] is that he [actually] came and found [the ropes] damaged [so as to know for certain that animals already were captured].*

- M. *[The implication of this is that] in a case of doubt [whether or not the animals were caught prior to the festival], they are forbidden [for consumption on the festival day].*
- N. *Recite the second clause [so as to see the contradiction]:*
- O. If he came and found them damaged on the festival day, it is clear that, on the festival day, [the animals] were caught [and therefore are forbidden].
- P. *The reason [they are forbidden] is that he [actually] came and found [the ropes] damaged [on the festival day itself, so as to know that the animals were caught on that same day].*
- Q. *[The implication of this is that] if there is a doubt, [I may reason that] they were caught before the eve of the festival and are permitted [for consumption on the festival day]. [But this contradicts the assumption, M, derived from H.]*
- R. *This is what [Simeon b. Eleazar's statement, H-I], means:*
- S. If he came before the eve of the festival and found [the ropes] damaged, it is clear that [the animals] were caught before the eve of the festival and [therefore] they are permitted [for consumption on the festival day].
- T. But if [any] doubt [exists], it is treated as though [the animals] were caught on the festival day itself and [therefore] are forbidden [for consumption on that day].
- U. Said R. Judah said Samuel, "The decided law accords [with the opinion of] R. Simeon b. Eleazar."

II.1 A. [A gentile brought fish to Rabban Gamaliel on a festival day], and he said, "They are permitted" [M. Bes. 3:1D]:

- B. **Permitted** — *for what purpose?*
- C. Rab said, "They are permitted to be received."
- D. But Levi says, "They are permitted [even] to be eaten [on the festival day]."
- E. Said Rab, "A person should never be absent from the academy for even a [single] hour.
- F. *"For Levi and I [both] were in the presence of Rabbi when he taught this lesson.*
- G. *"In the evening he said, 'They are permitted to be eaten.'*
- H. *"In the morning he [reversed himself and] said, 'They are permitted [only] to be received.'*
- I. *"I, who was in the academy, retracted, [yielding my correct statement, above, C].*
- J. *"Levi, who was not in the academy [in the morning], did not retract [his statement, D]."*

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

- B. [As for] a gentile who [on a festival day] brought a gift to an Israelite, even moist, [fresh-caught] fish or fruit [picked] on that same day — they are permitted.
- C. *Granted, for one who states that [these things] are permitted to be received [on the festival day but not to be eaten, B's rule presents] no problem.*
- D. *But for the one who states [that the gift] is permitted to be eaten —*

- E. *[regarding] fruit [picked] on the same [festival] day — is this permitted to be eaten?* [Certainly not! “Permitted” thus must mean that they are permitted to be received, but not to be eaten.]
- F. *[Contrary to C, there is a problem even with stating that these things may be received.] But in your view, [that they may be accepted but not eaten] —*
- G. *[regarding] fruit [picked] on the same [festival] day — is this permitted [even] to be handled?* [Certainly not, such that it should not even be received. The meaning of B thus is entirely unclear.]
- H. *[In order to understand B, assume], rather, that we are dealing with [fish] that are red in the gills and fruit preserved [by being wrapped] in leaves. [These things are not entirely fresh. They were gotten before the festival and therefore are permitted to be received and eaten on the festival day.]*
- I. *[A problem with H’s explanation is raised.] [If these gifts were gathered before the festival], why does [B] refer to them as having been [picked] “on the same, [festival] day”?*
- J. [Solving the problem:] For they are [fresh] as though they were [picked] on that same day!
- K. [The Talmud provides a new explanation of B’s law.] Said R. Pappa, “The decided law is: [Regarding] a gentile who on a festival day brought a gift [of fruit] to an Israelite —
- L. “if the same kind [of fruit that the gentile brought] still is found [in the orchards] unpicked, [that which the gentile brought] is forbidden [for consumption on the festival day]. [We assume that it was picked on that same day.]
- M. “And in the evening [after the conclusion of the festival], it remains forbidden [for consumption] for so long as it would take [to go out and pick the fruit oneself]. [The Israelite thus is prevented from benefitting in any way from work performed on a festival day.]
- N. “But if that same type [of fruit] is not [still] found unpicked [in the orchards, such that the gentile must have gathered it before the festival] —
- O. “[if the fruit was brought] from within the Sabbath boundaries, [which limit travel on the holy day], it is permitted.
- P. **[25A]** “[But if it was brought from] outside of the Sabbath boundary, it is forbidden.
- Q. “And [fruit] brought [from outside of the Sabbath boundary, which is forbidden] for one Israelite, is permitted for [use by] a different Israelite [to whom the first one gives it].” [While indicating that he knows no good reason for this rule, Rashi suggests that it is because the law for boundaries is rabbinic. A leniency therefore is imposed and the restriction is not extended to the second individual.]

II.3. A. Said Rabbah b. R. Huna said Rab, “[Regarding] one who, before the eve of the festival, closes off a pond [from the stream that feeds it, so as to prevent any more fish from entering the pond], and who arises early the next, [festival] morning and finds fish in [the pond] — these are permitted [for use on the festival day].” [By closing off the pond, the individual trapped the fish it contained and rendered them permitted for use on the festival.]

- B. Said R. Hisda, "From the words of our rabbi, [Rab], we should learn that an animal that takes up residence in an orchard does not have to be designated [so as to be deemed available for use on a festival day]." [As in the case of the fish, the orchard is an enclosed area, within which the animal is deemed captured and available for slaughter.]
- C. *[Reacting to B] said R. Nahman, "Our colleague, [Hisda], has fallen among the great."* [As we shall see below, Hisda has stuck his head into a dispute between renowned masters.]
- D. [E-F presents a second version of B-C.] There are those that say: Said Rabbah b. R. Huna, "From the words of our rabbi, [Rab, A], we should learn that an animal that takes up residence in an orchard does not have to be designated [so as to be permitted for slaughter on a festival day]."
- F. *Said R. Nahman, "[Rabbah], the son of our colleague [Huna] has fallen among the great.*
- G. [Nahman goes on to explain why Rabbah's analogy does not necessarily hold.] "There [in the case of the animal in the orchard] he has not himself performed any action, [such that, contrary to Rabbah, we need not conclude that the animal is deemed automatically permitted for use on the festival day]."
- H. "[By contrast], here [in the case of the pond, the Israelite] has performed an action [so as to indicate his intention to use the fish on the festival]."
- I. [The Talmud now responds to Hisda's statement, B, ignoring G-H.] *And does [the animal in the orchard] not require designation?*
- J. *But [to the contrary] it is taught on Tannaite authority:*
- K. [To be permitted for use on a festival] an animal that took up residence in an orchard must be designated and a free-bird must be tied by its wings, so that it will not be mistaken for its mother.
- L. And this [K] is testimony that they gave in the names of Shemaiah and Abtalion.
- M. *[This indeed is] a refutation [of Hisda's claim, B].*
- N. *But does it [really] require designation, [as K suggests]?*
- O. *For [to the contrary] it is taught on Tannaite authority [T. Y.T. 1:10]:*
- P. **Said R. Simeon b. Eleazar, "The House of Shammai and the House of Hillel concur that if one designated birds within the nest and found them before the nest, they are prohibited.**
- Q. **"Under what circumstances?**
- R. **"[This rule applies] to pigeons that are raised in a dovecot, and to birds that make their nest in the eaves of a house or in a pit.**
- S. **"But geese, chickens and Herodian pigeons and an animal that took up residence in an orchard are permitted [for use on a festival day and they] do not require designation [T. continues: for they are already in human domain].**
- T. **"But [as for] a free-bird, it must be tied up by its wings so that it will not be mistaken for its mother,**
- U. **"and those that are tied up and those that have been stirred up [by their owners, before the festival], which [later] are found in pits, houses, ditches or**

trenches are permitted [for use on the festival, since the owner recognizes them];

- V. “but those [found] in trees are forbidden,
- W. “lest he climbs up [to get them] and picks [fruit at the same time]. [This is forbidden on a festival day.]
- X. “And those that are tied and those that have been stirred up, wherever they are found [on public property] are forbidden [for use by the finder] on account of robbery.” [They belong to the one who originally handled them.]
- Y. [We now have seen both sides of the dispute to which Nahman, C and F, refers. Shemaiah and Abtalion, K, state that even in the case of trapped animals, designation for use on the festival is required. As cited at S, the Houses of Hillel and Shammai, by contrast, do not require designation in the case of such animals. The following suggests that these views do not represent different theories of the matter, but simply refer to different cases.] *Said R. Nahman b. Isaac, “There is no contradiction [between the views given at K and S].*
- Z. “This view [of the Houses of Hillel and Shammai, S, which does not require designation] applies to [a young animal] itself. [It cannot escape and therefore is deemed automatically to be available for use as food, without designation.]
- AA. “[But] this [view of Shemaiah and Abtalion, K, which insists upon designation] refers to the mother [animal].” [It can escape and therefore is not deemed available for use on a festival unless the individual makes concrete his intention to slaughter and eat it on that day.]
- BB. [AA is unacceptable.] [As for] the mother — is it sufficient that it be designated?
- CC. [No!] It still needs [physically] to be caught! [Since this entails much work, it is forbidden on the festival day. Z-AA thus has not explained the reason for the difference between the views given at K and S. Another explanation now is offered.]
- DD. *Rather, said R. Nahman b. Isaac, “Both [rules] refer to the [young] animal itself. [It is easily captured, so that this is permitted on a festival day.]*
- EE. “[But] this [view, S, which states that designation is required] refers to [an animal residing in] a garden near the city. [The individual will take note of this animal and surely intends to slaughter and eat it. No further designation is required.]
- FF. “[And] this [view, K, which holds that designation is required] applies in [the case of an animal living in] a garden that is not close [to the city]. [The individual will not pay particular attention to this animal. In order to render it permitted for use on the festival, he must designate it.]

Unit I:1 defines the relationship between the anonymous rules of M. Bes. 3:2A-B and the opinion of Gamaliel, M. Bes. 3:2C. The two statements are in dispute, with Gamaliel, unlike the anonymous rule, holding that one generally may take food caught on a festival day. While the exact meaning of Gamaliel’s statement is given in units II:1-2 (i.e., he holds that one may take, but not cook and eat, the food), unit II goes on to state that the law does not follow his view. At the same time, unit I:2 indicates the basic point made by M. Bes. 3:2. On a festival day, one only is permitted to slaughter and prepare animals that were captured prior to the start of the festival day. Unit II:3’s issue is appropriate to Chapter One’s

discussions of the requirement that, prior to the start of the festival, food be designated and set aside for use on the holy day. Indeed, the unit's point is made through citation of Toseftan materials that supplement Mishnah's first chapter. The discussion is placed in the present context because of its conclusion, which indicates again that whether or not food may be taken and prepared on the festival depends directly upon the amount of work involved in catching it.

3:3

- A. **A beast on the point of death one should not slaughter [on the festival day [one would wish to do so in order to avoid its dying and become carrion],**
- B. **unless there is sufficient time [on the festival day] to eat of it an olive's bulk of flesh that has been roasted. [The animal thus will have been slaughtered for use on the festival day, which is permitted.]**
- C. **R. Aqiba says, "Even an olive's bulk of raw meat from the place at which [the beast] is slaughtered [will suffice to validate such an action]."**
- D. **[If] one has slaughtered it in the field, he should not bring it in on a pole or barrow.**
- E. **But he may bring it in by hand, limb by limb.**

A person should not eat meat before it has been flayed and carved **Other Rules of Proper Etiquette**

- I.1 A. **[R. Aqiba says, "Even an olive's bulk of raw meat from the place at which [the beast] is slaughtered will suffice":]** [Aqiba's statement, M. **Bes. 3:3C**, figures in the following argument concerning whether or not an animal must be flayed and carved before any of it is permitted for consumption. Since the issue here pertains primarily to a regular weekday, it is not directly relevant to the Mishnaic passage at hand.] Said Rami b. Abba, "Flaying [so as to remove the hide] and carving [up of the carcass are required] for whole-offerings.
- B. "And this is the case as well for butchers. [Before selling meat, they must flay and carve it.]
- C. "Through this [rule], the Torah teaches that a person should not eat meat before it has been flayed and carved."
- D. *To reject what [wrong idea has Rami b. Abba's statement, C, been taught]? [C may indicate simply that, as a matter of etiquette, one should properly prepare meat before eating it. Alternatively, C may indicate that, until it is flayed and carved, the animal is suspect of being unfit for consumption, such that one still is actually forbidden to eat it.]*
- E. [The second alternative is discussed first.] If I argue [that C's statement prohibits consumption of an animal that has not yet been flayed and carved, so as to] reject the opinion of R. Huna, [who states the opposite, that a slaughtered animal is presumed to be fit for consumption, even before it is flayed and carved] —
- F. for said R. Huna, "A living animal remains in the presumption of being forbidden for consumption until [it has been slaughtered and] you have ascertained how it was slaughtered.

- G. “Once it has been [properly] slaughtered, it remains in the presumption of being fit for consumption, unless it becomes known to you that it is [in fact] unfit, [e.g., because it has a pierced lung or other internal deformity] —
- H. *[this theory, that C intends to reject Huna’s perspective, is unacceptable], for indeed we have taught in the Mishnah [a rule] that accords with [the statement of] R. Huna.*
- I. *For we have learned in the Mishnah [M. Bes. 3:3C]:*
- J. **R. Aqiba says, “Even [consumption of] an olive’s bulk of raw meat from the place at which [the beast] is slaughtered [will suffice].”**
- K. *Now what [does Aqiba mean]?*
- L. *Does he not mean literally, “From the place at which [the beast] is slaughtered”?* [He certainly seems to. Huna’s view thus is supported by Aqiba, who holds that the slaughtered animal is presumed fit for consumption and may be eaten without being flayed and carved.]
- M. [L’s conclusion is rejected but then readopted, N.] No! [Aqiba means], “From the place at which the animal digests its food. [In order to reach the digestive organs, the animal must be fully carved. If M is correct, Aqiba in fact contradicts Huna’s view, holding rather that, by law, one must flay and carve an animal before eating of it.]
- N. *But, [rejecting M], R. Hiyya taught on Tannaite authority, “[Just as L claimed, Aqiba referred] literally to ‘The place at which [the beast] is slaughtered.’”*
- O. *Thus, [on the basis of Aqiba’s statement, we may conclude that] Rami b. Abba, [C, simply] [25B] teaches us proper manners, [that is, that one should not eat meat from a carcass that has not been flayed and carved].*
- P. *This is in line with what is taught on Tannaite authority [in other rules on etiquette]:*
- Q. A person should not eat garlic or onion from the top, but from the leaves.
- R. And if he did eat [it from the top], lo, he is a glutton.
- S. In the same way:
- T. A person should not drink his cup [of wine] in one draught.
- U. And if he did drink [it that way], lo, he is a guzzler.

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

- B. One who drinks his cup [of wine] in one draught, lo, he is a guzzler.
- C. [If he drinks it in] two [draughts], lo, this is proper manners.
- D. [If he drinks it in] three [draughts], this is haughtiness.

I.3. A. *And said Rami b. Abba, “Plants used as boundary lines cut off the feet of criminals [who attempt to remove them].*

- B. *“The law for the sapling, [Lev. 19:23, which states that the fruit may not be used for general consumption until the tree’s fifth bearing-year], cuts off the feet of butchers, [who are too impatient to flay and carve meat before selling it], and of those who have intercourse with menstruating women, [without waiting for the completion of their process of purification].*

- C. *“The lupine, [which must be cooked seven times before being eaten], cuts off the feet of those who hate [the people of] Israel,*
- D. *“for it is said, [Jud. 10: 6, which lists seven foreign deities worshipped by Israelites]: ‘And the people of Israel again did what was evil in the sight of the Lord, and served the Baals and the Ashtaroth, the gods of Syria, the gods of Sidon, the gods of Moab, the gods of the Ammonites, and the gods of the Philistines; and they forsook the Lord and did not serve him.’”*
- E. From the fact that [the end of the verse] states, ‘They forsook the Lord,’ would I not know, [without being told, that] they did not serve him?
- F. Why then does Scripture state [explicitly, in the final clause], ‘And they did not serve him’?
- G. Said R. Eleazar, “Said the holy one, blessed be he, ‘My children did not even treat me like the lupine, which they boil seven times but which they then eat as a dessert.’”

I.4. A. *A Tannaite statement in the name of R. Meir:* “Why was Torah given to [the people of] Israel?

- B. “Because they are strong.”
- C. *A Tannaite statement of the household of R. Ishmael:* “[Deu. 33: 2 states], ‘At his right hand was a fiery law for them.’
- D. “[This means]: Said the holy one, blessed be he, ‘These [Israelites] are worthy that the fiery law be given to them.’”
- E. Some say, “[The verse means that] the laws of these [Israelites] are [like] fire.
- F. “For if Torah was not given to [the people of] Israel, no other nation or tongue could have withstood it.”
- G. *And this is [in line with] what R. Simeon b. Laqish said,* “Three [things are known for] strength:
- H. “[The people of] Israel among the nations,
- I. “the dog among animals,
- J. “and the cock among birds.”
- K. And some say, “Also the goat among small animals.”
- L. And some say, “Also the caper-bush among trees.”

II.1 A. **[If] one has slaughtered it in his field, he should not bring it in on a pole...** [M. **Bes. 3:3D**].

- B. *Our rabbis have taught on Tannaite authority* [T. **Y.T. 3:17**]:
- C. **[On a festival day] a blind man may not go out with his staff, nor a shepherd with his wallet.**
- D. **And [on a festival day] they do not go out in a palanquin —**
- E. **[this] same [rule] applies to men and women.**
- F. *Is this really so?*
- G. But, [indicating the contrary], R. Jacob b. Idi sent [word from the Land of Israel]: “There was a certain old man in our neighborhood, and [on festival days] he would go out in his sedan-chair.

- H. “They came and asked R. Joshua b. Levi [whether or not this is permitted], and he said, ‘If the public needs him [e.g., in the academy (Rashi)], it is permitted.’”
 - I. *And our rabbis relied upon the words of Ahi Shafia, who said: “I brought R. Huna [in a palanquin] from Hini to Shili and back from Shili to Hini.”*
 - J. *And said R. Nahman b. Isaac, “[On a festival day] I carried Mar Samuel [in a palanquin] from the sun into the shade and from the shade into the sun.”*
 - K. *There it was for the reason stated [at H]:*
 - L. If the community needs him, it is permitted.
- II.2.** A. *Said R. Nahman to Hama b. Adda, the messenger of Zion, “When you go over there, [to the land of Israel], make a circuit and go to the promontory of Tyre and go and visit R. Jacob b. Idi. And ask him, ‘[As for] a palanquin, what do you [say is the rule, whether or not it may be used on a festival day]?’”*
- B. *Before [Hama b. Adda] arrived, R. Jacob b. Idi passed away.*
 - C. *When he arrived, he found R. Zerika.*
 - D. *He said to him, “[As for] a palanquin, what do you [say is the rule, whether or not it may be used on a festival day]?”*
 - E. *He said to him, “Thus said R. Ammi, ‘[It is permitted] so long as one is not carried on the shoulders.’”*
 - F. *What [is the meaning of], “[It is permitted] so long as one is not carried on the shoulders?”*
 - G. *Said R. Joseph the son of Raba, “[It is forbidden to use] shoulder-poles.”*
 - H. *Is this really so?*
 - I. *But [indicating the contrary] R. Nahman permitted Yalta, [his wife], to go out [on a festival day in a palanquin lifted] by shoulder-poles!*
 - J. *[The case of] Yalta is different, for she was nervous [about being lifted in a sedan-chair without poles].*
 - K. *[In the same way — as for] Amemar and Mar Zutra — they carried them on the shoulders [in the school house] on the Sabbath preceding a festival, [when they would expound festival law], because of nervousness.*
 - L. *And some say it was because of troubling the public. [By being carried in the chair, or literally, on shoulders, they were brought quickly through the crowd, so that people would not have to wait to hear the exposition.]*

The Talmud all but ignores the issues at play in M. Bes. 3:3. Unit I:1 questions whether or not, in general, one must flay and carve an animal before eating it. This appears here because Aqiba’s statement, M. Bes. 3:3C, has a part in the unfolding of the argument. The Talmud concludes that flaying and carving the animal is only a matter of proper table-manners. This result engenders a digression on proper etiquette, unit i, which in turn, takes the Talmud off on a wild tangent, units I:3-4. Unit I:3I’s mention of the people of Israel’s forsaking of their God presumably accounts for the inclusion here of an explanation of why the Israelites were given the law in the first place, unit I:4. Units II:1-2 take up M. Bes. 3:3D’s statement that, on a festival day, one may not use a pole to bring a slaughtered animal in

from the field. The Talmud speaks to the related question of whether or not, on a festival, one may use a sedan-chair carried on poles.

3:4

- A. **A firstling that fell into a pit —**
- B. **R. Judah says, “Let an expert climb down and examine it. [26A] If it bears a blemish, let one bring it up and slaughter it [on the festival]. And if not, he should not slaughter it.”**
- C. **R. Simeon says, “Any [firstling] the blemish of which has not been discerned while it is still day [before the festival] — this is not [deemed to be] in the category of that which is ready [for festival use].**

I.1 A. *Concerning what do [Judah and Simeon, M. Bes. 3:4] differ?*

- B. *If we state [that they differ concerning whether or not one may] examine blemishes [on a festival day] —*
- C. *with R. Judah reasoning, “They may examine blemishes on a festival day,”*
- D. *and R. Simeon reasoning, “They do not examine blemishes on a festival day” —*
- E. *[this explanation of their dispute will not be acceptable, for, if this is the issue] they should dispute whether or not in general one may examine blemishes [on a festival day]. [Since M. Bes. 3:4’s issue is phrased in terms of a firstling that has fallen into a pit, it appears that the dispute cannot concern the simple issue of whether or not, on a festival day, one may examine blemishes.]*
- F. *[E’s argument is rejected with an explanation of why, from Judah’s perspective, the issue is best argued in the case of the firstling.] The case of the firstling that fell into a pit is particularly appropriate [for arguing this issue]!*
- G. *You might have thought that, on account of suffering of animals, one may use an artifice [and claim that the firstling that fell into the pit certainly was blemished], such that it may be brought up [from the pit, in order to be slaughtered for use as food].*
- H. *[And this] would accord with the view of R. Joshua. [At b. Shab. 117b Joshua holds that if an animal and its calf both fall into a pit on a festival day, one may state that he wishes to slaughter the grown animal, thereby rendering it permitted to raise it from the pit. The individual then refrains from slaughtering it, stating that he wishes instead to butcher the calf, which now also may be removed from the pit.]*
- I. *So [Judah] informs us, [that in the case of a firstling that falls into a pit, such an artifice may not be used]. [In Judah’s view, on a festival day, the individual may examine for blemishes and may raise the firstling from the pit only if it does in fact turn out to be blemished. This is contrary to what we might have concluded on the basis of Joshua’s opinion, cited at H, and explains why Judah and Simeon dispute in particular the case of the firstling that falls into a pit.]*
- J. *If [the point] indeed [is as I indicates, why does Judah teach that, if the animal turns out not to be blemished], **he should not slaughter it ?***
- K. *It should state, “He may not bring it up and slaughter it”! [This is because, in the explanation offered at I, Judah’s main point is that, if the animal is not actually*

blemished, one may not bring it up. It then is obvious that the individual may not slaughter it.]

- L. *No! [Contrary to K, stating that he may not slaughter it] is necessary for a case in which he transgressed and, [having claimed that it is blemished], brought it up.*
- M. *You might have thought that [having brought it up], he may [go ahead and] slaughter it.*
- N. *So [Judah] informs us, [that this is not the case].*
- O. *[L-N's claim, that Judah's ruling is phrased for a case in which the individual transgressed and brought the firstling up from the pit is challenged. For it appears that, even if the individual used an artifice (as at H-I) and raised it up, we still would not imagine that he may go ahead and slaughter it.] [How could he imagine going ahead] to slaughter it?*
- P. *It is [in fact] unblemished! [The individual, we recall, raised it by making the claim that it must be blemished. But this is not in fact the case.]*
- Q. *[Rejecting O-P]: [Judah's teaching] is necessary for a case in which the firstling actually was blemished [when it fell into the pit]. [Judah's point is that if, in falling into the pit, the firstling became blemished on the festival day, one should not lift it out. And even if he does lift it out, he may not slaughter it on the festival day.]*
- R. *[As explained at Q, Judah's teaching still seems ill-phrased (as J-K indicated). For no one would think that an animal that became blemished on a festival day may be slaughtered on that same day. This is for the reason now indicated.] But [prior to the festival] it was not set aside [for use on the festival day]! [This being the case, it is obvious that the firstling may not be slaughtered on the festival. Why would Judah tell us this explicitly?]*
- S. *Rather, [this is a case] in which [the animal] received a temporary blemish before the start of the festival, and now [because of the fall] it has become a permanent blemish. What might you have thought? That [because of the temporary blemish] the individual's intention was upon [the firstling, to use it as food], such that it may be slaughtered [on the festival day]. So [Judah] informs us, [that in no event may a firstling blemished on a festival day be slaughtered on that day, for it was not previously designated for use as food].*

I.2. A. *Our rabbis have learned on Tannaite authority [M. **Bes. 3:4C**]:*

- B. **[As for] a firstling that fell into a pit [on a festival day] —**
- C. **R. Judah the Patriarch says, “An expert should go down and examine it.**
- D. **“If it has a blemish, he may bring it up and slaughter [it].**
- E. **“But if not, he may not slaughter [it].”**
- F. Said to him R. Simeon b. Menasia, “But [contrary to C], they have said, ‘They may not examine blemishes on a festival day.’”
- G. “How so?”
- H. “If a blemish appeared on it before the eve of the festival day, they do not examine it on the festival day [itself]. [Rashi: But if they anyway examined it and it turned out to have a permanent blemish, the firstling may be slaughtered and eaten on the festival day, since, prior to the festival, it already was thought of as food.]

- I. “[If] a blemish appeared on it [26B] on the festival day —
- J. “R. Simeon says, ‘This [firstling] has not been set aside as food [prior to the festival day].’” [Since it was not set aside prior to the festival, this firstling may in no event be slaughtered on that day. This is the case even if the expert transgresses, examines it, and discerns that the blemish is permanent.]
- K. “But they concur that if it was born blemished [on a festival day], it is in the category of that which is ready [and permitted for consumption on the festival].” [Since this firstling never was prohibited for use as food, it is not forbidden for use on the festival day on which it is born blemished.]

- I.3.** A. [Unit II.K’s line of questioning is carried forward by Amoraic authorities.] Rabbah b. R. Huna expounded: “If [a firstling] was born blemished [on a festival day], they examine it on the festival day *de jure*.” [If the blemish is permanent, this firstling may be slaughtered and eaten on that same day.]
- B. *Said to him R. Nahman, “Father taught on Tannaite authority: ‘If one transgressed and examined it, it is deemed [validly] examined, [such that one may go ahead and slaughter this firstling].’*
 - C. *“Yet [to the contrary] you say that they may examine it *de jure* !?”*
 - D. *Said Abbaye, “It makes sense [to rule] in accordance with Rabbah b. R. Huna, for [the preceding unit] has taught on Tannaite authority three rules. [The third of these, cited and explained below at I-J, supports Rabbah b. Huna’s statement.]*
 - E. *“(1) If a blemish appeared on it before the eve of the festival day, they do not examine it on the festival day [itself]. [See unit II.H.]*
 - F. *“In the first instance one may not examine it. But after the fact, it is accepted [as a valid examination].*
 - G. *“(2) [If] a blemish appeared on it on the festival day — R. Simeon says, ‘[This firstling] is not in the category of that which is ready [and permitted for use on the festival day].’ [See unit II.I-J.]*
 - H. *“[This means that] even after the fact, [if the expert has examined it anyway, it may not be slaughtered on the festival day].*
 - I. *“But then it teaches: (3) But they concur that if it was born blemished [on a festival day], it is in the category of that which is ready [and permitted for consumption on the festival day].*
 - J. *“[This means that, as Rabbah b. Huna says, A] even in the first instance [it may be examined and deemed permissible for use on the festival day].” [Rashi: If the point were that the animal should not be examined, but if it is, it may be eaten, this rule would not have been stated independently of the first rule, which, as F indicates, deals with the law *post facto* .]*
 - K. [I-J’s reasoning is challenged.] *But when R. Oshaia came from Nehardea, he brought with him [the following] Tannaite teaching:*
 - L. Whether a blemish appeared on [the firstling] before the eve of the festival day [as at E] or on the festival day [itself, as at G], sages say, “This is not in the category of that which is ready [having been set aside as food prior to the festival].” [Both E and G give the law *post facto*, stating that even if the blemish is examined on the festival day, the firstling may not be consumed on that day. Since both E and G give the law *post facto*, we must assume that, contrary to J, I too refers to a case

post facto . As Nahman states, B, one should not examine a firstling born on a festival day. But if one does so, the examination is valid and, if permanently blemished, the firstling may be slaughtered on that day.]

- M. *[How, then, do we explain the] contradiction between [Oshaia's record of the law, L, and] that [used by Abbaye, E-K]?*
- N. *That [statement at E+G] is [a Tannaite teaching recorded by] Adda b. Ukmi, who garbles that which he teaches.*
- O. *Said R. Nahman b. Isaac, "A close reading of the Mishnah also proves [what Oshaia claims, viz., that whether the blemish appears before the festival or on the festival day itself, the firstling may not be examined on the festival].*
- P. *"For we have learned in the Mishnah [M. Bes. 3:4C]: R. Simeon says, 'Any [firstling] the blemish of which has not been discerned while it is still day [before the start of the festival] — this is not deemed to be in the category of that which is [set aside and] ready [for festival use].'*
- Q. *"What [therefore is the meaning of]: the blemish of which has not been discerned ?*
- R. *"If I say [it means], 'Its blemish has not been discerned at all,' it is obvious [and goes without saying that the firstling is not deemed to be in the status of food, so as to be permitted for consumption on the festival day].*
- S. *"[Therefore] we must say, rather, that [Simeon refers to a case in which] it was not shown to a sage before the eve of the festival, [so that it could not be determined] whether it was a permanent or temporary blemish.*
- T. *[From S's statement it is clear that the individual did know of the blemish before the start of the festival. He simply had not yet had it examined.] "Even so, it is taught: this is not in the category of that which is [set aside and] ready [for festival use].*
- U. *"Learn from this [that, as Oshaia says, no matter when the firstling received the blemish, it is not deemed permitted for festival use unless it actually was examined before the start of the festival]."*

I.4. A. *[The Talmud discusses the law for the firstling born on a festival day and found to be blemished. Why should such a firstling be deemed permitted for consumption on that festival day? A-G establishes the criteria for evaluating that question, which is addressed directly at H-M.] [R.] Hillel asked Raba, "Can the restriction against using that which was not set aside as appropriate for the Sabbath apply for only part of the Sabbath day or not?*

- B. *"In what concrete case [would this question arise]?*
- C. *[The first examples, at C-D, fail to find a case in which the question is appropriate.] "If [fruit] was fit for consumption at twilight [just before the start of the Sabbath], it is fit [and not restricted from use on the Sabbath at all]!*
- D. *"If [at twilight] it was not fit [for consumption], it is not fit [for consumption on the Sabbath]! [In neither case, however, might the food be permitted during part of the day and forbidden during other portions.]*
- E. *"No, the question is legitimate, [for it applies in a case] in which [prior to the Sabbath dried fruit] was fit [for consumption], but then it became unfit, [for*

instance, by being swollen by rain], but again, [on the Sabbath itself], it became fit, [the sun having dried it out].

- F. "What [is the law whether or not these pieces of fruit are restricted from use on the Sabbath]?"
- G. [Raba] said to him, "The restriction against using that which was not set aside as appropriate for the Sabbath applies." [Since, at one point, the object was not fit for Sabbath use, it continues to be unfit for Sabbath use.]
- H. [Hillel] objected [on the basis of the law for the firstling born with a blemish]: **"And they concur that if it was born blemished [on a festival day], it is in the category of that which is ready [and permitted for consumption on the festival]."**
- I. "But why [should this be the case]?"
- J. "[By your reasoning, G] we should state that, in the beginning, [when it was being born], the firstling was permitted for consumption on account of its mother. [Since the mother is fit for slaughter on the festival day, the unborn calf likewise is permitted.]
- K. "Once it was [fully] born, it became unfit [for consumption, since it is a firstling].
- L. "[Then], when it was shown to a sage, [who established the permanence of the blemish], it [again] became [in theory] permitted." [This is exactly comparable to the case of the fruit, E, which is forbidden for use on the Sabbath, G. Why should the blemished firstling in fact be permitted, as H states that it is?]
- M. Said Abbaye and some say R. Safra, "[The case of the firstling] is one, for instance, in which the judges [who are experts in blemishes] sat there [at the time of the birth]." [They immediately affirmed that there was a permanent blemish, such that the firstling at no time was forbidden for consumption.]
- N. [Rephrasing G] some say:
- O. [Raba] said to him, "The restrictions against using that which was not set aside as appropriate for the Sabbath cannot apply to only part of the Sabbath." [In the case described at E, having once been fit for Sabbath-use, the fruit is permitted for the whole Sabbath day.]
- P. Should we state that [the following] supports [Raba's] view?
- Q. [For it is taught]: **And they concur that if it was born blemished [on the festival day], it is in the category of that which is ready [and permitted for consumption on the festival].**
- R. For indeed, in the beginning, [while it was being born], the firstling was fit [for consumption] on account of its mother.
- S. Once it was [fully] born, it became unfit [for consumption, since it is a firstling].
- T. [Then] when it was shown to a sage, [who established the permanence of the blemish], it [again] became permitted. [The case thus appears to be comparable to that of the fruit, which Raba deems permitted, O.]
- U. [The Talmud concludes that the cases are not in fact parallel, such that R-T does not substantiate Raba's claim, O.] Said Abbaye and some say R. Safra, "[R-T applies in a case], for instance, in which the judges sat there [while the calf was being born]." [At no point did this firstling enter a status of being forbidden for

use on the festival day. The rule of the firstling thus is not parallel to and does not support Raba's decision, O.]

- I.5.** A. [Discussion of the previous unit's question continues, concerning whether or not on a Sabbath or festival one may use that which had been available as food, became inedible, and again became useful as food.] *Come and learn:*
- B. [If prior to a festival] one was eating grapes, had some left over, and brought them up to the roof to make from them raisins,
- C. or [if he was eating] figs, left some over, and brought them up to the roof to make from them dried figs —
- D. he may not eat of them [on the festival] unless he designates them [for festival use] while it is still day[-light, before the start of the holy day].
- E. And thus you find [is the law] for peaches, quinces and all other types of fruit.
- F. *How can [this rule apply] in a concrete case?*
- G. *If [the fruit] was fit [for consumption prior to the festival], why should he need to designate it [at all]?*
- H. *[And] if it was not fit, what is the effect of his designation? [It would be null, since a designation cannot render that which is not edible permitted for festival use.]*
- I. *And if [to explain the rule of B-D] you state [that it applies in a case] in which [prior to the festival] he did not know whether or not the fruit [which had been drying on the roof] was fit [for consumption, such that he declares, "If it is ready tomorrow, I shall eat it"] —*
- J. [this explanation will not be acceptable], for thus said R. Kahana, "[Fruits set aside for drying, which are as yet] forbidden for festival consumption, but which, without the owner's knowing it, dried out [before the start of the festival and so became available for consumption] are permitted [for festival use and require no designation at all]." [Contrary to I, even in a case in which the individual is not certain whether or not the fruit is ready for consumption, the designation described at B-D would not be required. A different explanation for B-D's law therefore must be found.]
- K. *Thus [B-D must apply] in a case in which [the fruit] was fit [for consumption], became unfit and then again became fit.*
- L. [K is rejected.] *But if you say [as does Raba, unit IV.G] that [in such a situation] the restriction against [eating on the festival day] that which was not set aside for festival use does not apply — why should he have to designate it?*
- M. *Then what? If the restriction against [eating on the festival day] that which was not set aside for festival use does apply — what is the affect of his designation?* [The fruit became unfit after the designation, such that, even if it becomes fit again, we should rule that it may not be used on the festival. The rule at B-D therefore remains unexplained.]
- N. [A new description of the situation in which B-D's law applies is suggested.] *Rather, [the rule] is needed [for a case of fruit] that is "fit and not fit," [that is], which some people will eat but others will not eat. [If] he designates it, he reveals his intention [to use it for food on the festival day]. [In this circumstance, the fruit is rendered permitted for use.] If he did not designate it, he did not*

reveal his intention [to use it as food]. [The fruit therefore is forbidden for consumption on the festival day.]

- I.6.** A. [Zira presents a new proof that what is not fit for consumption on part of a festival is not, as a result, deemed forbidden for the whole day. His proof ultimately is rejected.] *Said R. Zira, “Come and learn [the correct law] from [the case of] beans and lentils.*
- B. *“For beans and lentils are, in the first place, fit for chewing on. Once one puts them in the pot [to be cooked], they no longer are fit. [27A] [Then, when] their cooking is completed, they [again] are fit [for consumption].”* [Zira’s point is that we do not take into account the period of unfitness, so as to state that they may not be eaten on the festival day at all.]
- C. [Zira takes seriously the point during the cooking at which the food would not be consumed. Abbaye points out that this view, which deems foods being cooked restricted from consumption, renders it impossible to explain the law for the Sabbath eve.] *Said to him Abbaye, “But following your reasoning, you will have a problem [explaining the rule] for cooked dishes in general.*
- D. *“For [on the eve of the Sabbath] at twilight, dishes usually are boiling [such that you would deem them forbidden for use on the following day].*
- E. *“But even so, in the evening, [after the Sabbath has begun], we eat them!*
- F. [Abbaye goes on to explain why the rule for cooked dishes cannot be used to answer the question posed in the previous units concerning, for instance, foods drying in the sun.] *“Rather, [if the food’s] being prepared is in human hands, we have no question. [It is clear that in such a case, we do not take into account the intermediate period during which the food is not fit for consumption. This explains the case here at B.]*
- G. *“The case in which we have a question is one in which [the food’s being] prepared depends upon heaven. [Since the householder has no control, we might indeed take into account the period during which the food is inedible, so as to deem the food forbidden for use on the holy day.]*
- I.7.** A. *R. Judah the Patriarch had a firstling [with a blemish].*
- B. *[On a festival day] he sent it to R. Ammi [to examine whether or not the blemish was permanent, so that the firstling could be slaughtered and eaten on that same day].*
- C. *[Ammi however] determined not to examine it, [because it was a festival day].*
- D. *Said to him R. Zerika and some say R. Jeremiah, “[In a dispute between] R. Judah and R. Simeon, [M. **Bes. 3:4B** vs. C], the decided law accords with [the view of] R. Judah.” [Ammi should have examined the firstling, in accordance with the view of Judah, M. **Bes. 3:4B**.]*
- E. *[Judah the Patriarch] then sent it to R. Isaac the smith.*
- F. *[Like Ammi] he determined not to examine it [on the festival day].*
- G. *Said to him R. Jeremiah and some say R. Zerika, “[In a dispute between] R. Judah and R. Simeon, the decided law accords with [the view of] R. Judah.”*
- H. *Said to him R. Abba, “Why did you not leave the rabbis to act according to [the view of] R. Simeon?”*

- I. *[Jeremiah or Zerika] said to him, “What grounds do you have [for deciding the law in accordance with Simeon’s view]?”*
- J. *[Abba] said to him, “Thus said R. Zira, ‘The decided law accords with [the view of] R. Simeon.’”*
- K. *A certain individual said, “May I be privileged to go over there [to the Land of Israel] to learn this tradition from the master’s own mouth!”*
- L. *When he did [in fact] go over there, he met R. Zira.*
- M. *He said to him, “Did you, Master, say, ‘The decided law accords with [the view of] R. Simeon?’”*
- N. *[Zira] said to him, “No! I [only said that] it makes sense [to follow Simeon’s view].*
- O. *“For since our Mishnah teaches: **R. Simeon says, ‘Any firstling the blemish of which had not been discerned while it is still day [before the festival] — this is not [deemed to be] in the category of that which is ready [for festival use]’ [M. Bes. 3:4C],***
- P. *“and [since Simeon’s position likewise] is taught in a Tannaite tradition in the name of sages —*
- Q. *“conclude from this that it makes sense [to rule] according to his view.”*
- R. *What, then, is the law? [Does it follow the view of Judah, as D reasons, or the position of Simeon, as O-P explains?]*
- S. *Said R. Joseph, “Come and learn, for [the answer] hangs on strong ropes [i.e., has been stated by a chain of great masters]:*
- T. *“For said R. Simeon b. Pazzi said R. Joshua b. Levi said R. Yosé b. Saul said Rabbi in the name of the holy congregation in Jerusalem, ‘R. Simeon b. Menasia and his contemporaries said the decided law accords with [the view of] R. Meir [in the following, X-DD].”*
- U. *[The answer to R’s question comes at X-EE. U-W intervenes, explaining that T makes no sense, since Simeon b. Menasia is of a younger generation than those who cite his decision concerning the law.] [These contemporaries of Simeon b. Menasia] have said!*
- V. *But these [authorities cited at T] are much older than [Simeon b. Menasia]! [They therefore would not have reported the law in his and his colleagues names.]*
- W. *Rather, [the older authorities said that Simeon b. Menasia and his contemporaries] taught [the law] according to the theory of R. Meir. [They thus did not report that law in the younger authorities’ names, but only said that the younger rabbis’ view concurs with that of a great individual.]*
- X. *[We now turn to M. Bekh. 4:3, where the opinion of Meir referred to here is found.] For we have learned in the Mishnah:*
- Y. *[As for] one who slaughters a firstling and [only] afterwards shows its blemish [to an expert] —*
- Z. **R. Judah permits [the individual to consume this animal].**

- AA. **But R. Meir says, “Since it was slaughtered without the permission of an expert, it is forbidden.”**
- BB. *Consequently [it is clear that] R. Meir reasons that the examination of a firstling is not comparable to the examination of an animal [performed to see whether it is] unfit by reason of some internal blemish.*
- CC. *For the examination of a firstling must take place during its life, while the examination of the animal [to see whether it is] unfit for consumption by reason of some internal blemish [obviously] takes place after the slaughter.*
- DD. *And [it follows] from this that [in Meir’s view] the examination of an animal [to see if it is] unfit for consumption by reason of some internal blemish may take place even on a festival day, [on which the animal is slaughtered],*
- EE. *while the examination of a firstling [must take place] prior to the eve of the festival day. [We thus see that Meir is in agreement with Simeon, M. **Bes. 3:4C**. Judah, M. **Bes. 3:4B**, turns out to have a minority position, and the law should follow Simeon, not Judah.]*
- FF. *Said Abbaye to [Joseph, S-T, who introduced the opinion of Meir in the first place], “There [at M. **Bekh. 4:3**] do [Judah and Meir in fact] dispute whether or not one may examine blemishes [on a festival day]?”*
- GG. *[They do not. Even Meir agrees that an examination performed on a festival day is valid.] “They [only] differ concerning [whether or not] one is punished [for slaughtering the firstling before having it examined].*
- HH. *“For said Rabbah b. bar Hana said R. Yohanan, ‘In the case of a cataract, all agree that [the firstling, examined after the slaughter], is forbidden, since it changes [in appearance after the animal is slaughtered].’*
- II. *“What they differ about is blemishes on the [firstling’s] body, [which do not change in appearance after the animal is slaughtered].*
- JJ. *“R. Meir reasons that we enact a preventative measure against [slaughtering the firstling and then examining] blemishes on the body, lest one wind up also [slaughtering the animal and then examining] blemishes in the eye.*
- KK. *But R. Judah reasons that we do not enact a preventative measure [at all, but, rather, permit the consumption of the firstling the bodily blemish of which was examined only after slaughter]. [As EE-FF claims, both Meir and Judah do, however, permit the examination of a live firstling on the festival day.]*
- LL. *Said R. Nahman b. Isaac, “The Mishnaic passage [at hand] also proves this.*
- MM. *“For it is learned in the Mishnah: **R. Meir says, ‘Since it was slaughtered without the permission of an expert, it is forbidden [for consumption].’***
- NN. *“Learn from this that [Meir only] penalizes [the individual for going ahead to slaughter the firstling before it was examined].” [But he does not forbid one to examine a live animal on a festival day.]*
- OO. *Thus we [indeed] should learn from this.*

- I.8.** A. *Ammi of Wardenai would examine the firstlings of the household of the exilarch.*
- B. *[A blemish] formed on a festival day and he did not examine it, [for he held that doing so on a festival day is forbidden].*

- C. *Now, they told this to R. Ammi.*
- D. *He said to them, "He has done well by not examining [the blemish on the festival day]."*
- E. *Can it really be [that Ammi, D, held that examining blemishes on the festival is forbidden]?*
- F. *For, to the contrary, R. Ammi himself examined [blemishes on festival days]!*
- G. *[F is rejected.] When [Ammi] examined [the blemish], it was the day before [the festival].*
- H. **[27B]** *But on the festival day [itself], he only asked how [the blemish] was caused.*
- I. *This is like the case of a certain man who brought a firstling before Raba towards evening on the eve of a festival.*
- J. *Raba was sitting and combing his hair [lit.: head].*
- K. *He lifted his eyes and examined the blemish.*
- L. *[Raba] said to him, "Go away now and come back tomorrow, [on the festival day]."*
- M. *When he came back on the next day, [Raba] said, "How did this [blemish] come about?"*
- N. *He said to him, "Barley was scattered on one side of a hedge, and this [firstling] was on the other side. Since it wanted to eat, it stuck its head [through the hedge] and tore its lip, [causing a permanent blemish]."*
- O. *[Raba] said to him, "Perhaps you [intentionally] caused this blemish?"*
- P. *He said to him, "No!"*
- Q. *And how do you know that if he [intentionally] caused it, the [firstling remains] forbidden?*
- R. *For it is taught on Tannaite authority:*
- S. *[Lev. 22:21 states]: 'There shall be no blemish on it.'*
- T. *I know only that there may be no blemish on it. [The implication is that the individual may not directly cause a blemish.]*
- U. *How [do we know] that he [also] may not cause [a blemish] through some secondary object,*
- V. *[e.g.], that he may not bring dough or a pressed fig and place it in [the firstling's] ear, so that a dog will come and take it, [that is, bite off the ear]?*
- W. *[U-V's question is answered through a complete citation of Lev. 22:21, including the word "any," omitted at S.] Scripture says, '[There shall not be] any blemish in it.'*
- X. *It says 'blemish,' and it says, 'any blemish.' [The word blemish alone would have made the point. Addition of the word 'any' therefore is interpreted to indicate that even indirect actions in blemishing a firstling are forbidden.]*

The Talmud's discussions address the issue central at M. Bes. 3:4: whether or not on a festival day one may examine a firstling so as to determine if it has a permanent blemish. If the examination may be carried out, and the blemish is found to be permanent, the firstling may be slaughtered and eaten on that day. If the examination is prohibited, the firstling in question may not be butchered on the holy day. While a single question is addressed here, its exposition occurs in two autonomous sets of materials, units I:1-3 and I:4-8. Each brings into play its own considerations. Unit I introduces the larger question by describing the issue at M. Bes. 3:4 and by explaining Judah's view, that the blemish may be examined. The point here, that the examination only is permitted under certain circumstances (e.g., if the individual already knew prior to the festival day that the firstling was blemished), is developed at units I:2-3, first in the names of Tannaite authorities and then on Amoraic authority. Units I:4-8 rephrase the issue before us. Since the firstling was forbidden for consumption on part of the festival day (that is, before it was examined), one might argue that it remains forbidden during the whole day, even if it is examined and turns out to be permanently blemished. Units I:4-6 establish the circumstances under which this argument cannot be used. Unit I:7 looks for criteria for determining which Mishnaic authority's view is law, Judah's, that the firstling may be examined on a festival day, or Simeon's, that it may not. This discussion is inconclusive, such that unit I:8 is left to report the practice of Amoraic authorities, who, it turns out, refused to examine firstlings on festival days.

3:5

- A. **A domesticated beast that [on a festival day] died — one should not move it from where it is located.**
- B. **There was an incident [concerning a case such as A describes], and they asked R. Tarfon about it and about dough-offering that had contracted uncleanness [and that therefore may not be eaten].**
- C. **So he entered the study-house and asked and they told him, "One should not move them from where they are located."**
- I.1 A. [A domesticated beast that [on a festival day] died — one should not move it from where it is located:] Shall it be said that the anonymous authority [at M. Bes. 3:5A] differs from [the view of] R. Simeon?**
 - B. *For we have learned in the Mishnah [M. Shab. 23:4]:*
 - C. **R. Simeon says, "[On the Sabbath] they may cut up gourds to be fed to cattle or [chop up] a carcass to be fed to dogs."** [This is the case even though people do not eat these things. This view appears contrary to that of M. Bes. 3:5A, which holds that what may not be eaten may not be handled on a holy day.]
 - D. **R. Judah says, "If it was not dead by the onset of the Sabbath, it is forbidden [for consumption by dogs, since it is not in the category of that which was ready for consumption prior to the Sabbath day]."**
 - E. *[You can even argue that R. Simeon [agrees with the anonymous rule at M. Bes. 3:5A].*
 - F. *[For] R. Simeon concurs in the case of animals that die [on the Sabbath itself], that these are forbidden. [What he permits, C, applies only if the animal actually dies*

before the Sabbath. He thus can agree with the rule at M. **Bes. 3:5A**, for it concerns a case in which the animal dies on the holy day itself.]

- G. *[E-F] is logical from the point of view of Mar b. Amemar in the name of Raba.*
- H. *For he said, “R. Simeon would agree in the case of an animal that died [on the Sabbath itself], that it is forbidden, [as at F].”*
- I. *But, in the view of Mar the son of R. Joseph in the name of Raba, who said, “R. Simeon differed even in the case of an animal that died [on the Sabbath itself, holding that it is] permitted [to cut it up and feed it to dogs]” — what can you say [to show that Simeon in fact agrees with the apparently contradictory rule at M. **Bes. 3:5A**]?*
- J. *Zeiri explained it with respect to a sanctified animal. [Such an animal may not be given to dogs at all. Therefore, no matter when it dies, it is not in the category of food and may not be moved on the Sabbath.]*
- K. *[The passage at M. **Bes. 3:5B**] also makes clear [that J is the case].*
- L. *For we learn in the Mishnah: **[They asked R. Tarfon] about it and about dough-offering that had contracted uncleanness.***
- M. *Just as dough-offering is a sanctified thing, so the animal [referred to in this passage] is a sanctified thing.*
- N. *[Summing up:] Thus the reason [for the rule at M. **Bes. 3:5A**] is that [the animal] is consecrated [and may not be eaten even by dogs].*
- O. *This implies that [if it were] unconsecrated [and could be fed to dogs] it would be permitted [to move it on the festival day]!*
- P. *This [conclusion, O] is acceptable from the perspective of Mar the son of R. Joseph in the name of Raba, who said, “R. Simeon differed even in the case of an animal that dies [on the Sabbath itself, holding that it is] permitted [to cut up and feed this animal to dogs].”*
- Q. *But in the view of Mar b. Amemar in the name of Raba, who said, “R. Simeon would agree in the case of an animal that died [on the Sabbath itself], that it is forbidden” — what can you say? [In this view, all parties hold that when the animal dies on the Sabbath, it cannot be fed to dogs. Contrary to O, this applies even if it is an unconsecrated animal. Whose view, then, does the anonymous passage at M. **Bes. 3:5A** follow?]*
- R. *[Rashi: It indeed is the view of Simeon.] Here [at M. **Shab. 23:4**] with what case do we deal? [M. **Shab. 23:4** speaks of an animal] that was in danger of dying [on the eve of the Sabbath]. [Simeon permits one to feed it to dogs since, even before the holy day, he assumed it would die and thus considered it food. This is not the situation referred to at M. **Bes. 3:5A**, which accounts for the different law there.]*

The issue concerns whether or not Simeon can agree with the anonymous rule of M. Bes. 3:5A. This question leads to the larger issue of the reason for M.'s rule and the circumstances in which it applies.

3:6a

- A. **They do not take shares in a beast to begin with on a festival day, [so as to determine the cost of the meat].**
 - B. **But they do take shares in it on the eve of the festival so as to slaughter and divide it among themselves [on the festival day itself].**
 - I.1 A. *What is the meaning of, **They do not take shares [in a beast to begin with on the festival day]** [M. **Bes. 3:6A**]?*
 - B. Said R. Judah said Samuel, “On a festival day they may not begin by arranging a price for the animal.” [This would constitute the performance of a business transaction, forbidden on the festival day.]
 - C. *How should one carry out [what is permitted at M. **Bes. 3:6B**, so as to divide the animal without engaging in a forbidden business transaction]?*
 - D. Said Raba, “He brings two animals and places them side-by-side and says, ‘This one is just like the other one.’” [After the festival they determine the value of shares in the animal that was not slaughtered. They then pay accordingly for the shares taken in the animal that, on the festival day, was slaughtered.]
 - E. *A Tannaite teaching [T. **Y.T. 3:5**] makes this same point [viz., that a price may not be set on a festival]:*
 - F. **One may not [on a festival day] say to his fellow [who owns an animal about to be slaughtered]: “Lo, I am with you for a sela’s value [of the meat].”**
 - G. **“Lo, I am with you for two.”**
 - H. **But he may say to him, “Lo, I am with you for half,” “...for a third,” “...for a fourth.” [In the latter cases, the price is not fixed on the festival day.]**
- The Talmud explains M. Bes. 3:6A-B.

3:6b

- C. **[28a] R. Judah says, “[On a festival day] one may weigh out meat in the balance against a utensil or against the chopper.”**
- D. **And sages say, “They do not use scales at all.”**
- I.1 A. *What is the meaning of [sages’ statement, M. **Bes. 3:6D**, that **they do not use scales] at all?***
- B. Said R. Judah said Samuel, “[One may not put the meat in a scale] even to protect it against mice, [without having any intention to weigh the meat].”
- C. *Said R. Idi b. Abin, “[That rule] applies only if the scales are hanging on their hook, [in the position in which they normally are used.] [If the scales are not hanging, there is no problem of appearance of wrongdoing.]*
- D. And said R. Judah said Samuel, “[On a festival day] a skilled butcher is forbidden to weigh the meat by hand.”
- E. And said R. Judah said Samuel, “[On a festival day] a skilled butcher is forbidden to weigh the meat in water, [by displacement].”
- F. And said R. Hiyya b. Ashi, “[On a festival day] it is forbidden to make [that is, cut] a hand-hold in the meat.”

- G. *Said Rabina, "But [making such a hand-hold] with the hand is permitted."* [One may dig his fingers into the meat.]
- H. *Said R. Huna, "It is permitted to make a mark on the meat, [for purposes of identification],*
- I. *"such as the way in which Rabbah b. R. Huna would cut the piece of meat] in a triangular shape."*
- I.2.** A. On a festival day, R. Hiyya and R. Simeon b. Rabbi weighed one portion [of meat] against a different portion. [In this way, they assured that they received equal shares.]
- B. *In accordance with [the view of] which [authority at M. **Bes. 3:6C-D** did they do this]?*
- C. *It is not in accordance with the opinion of R. Judah.*
- D. *And it is not in accordance with [the opinion of] rabbis.*
- E. *If it were according to [the opinion of] R. Judah, he said [M. **Bes. 3:6C**],*
"[On a festival] one may weigh out meat in the balance against a utensil or against the chopper."
- F. *Against a utensil indeed [one may weigh it]!*
- G. *[But] against some different object, [including a different portion of meat, one may] not [weigh it]!*
- H. *If it were according to [the opinion of] rabbis, they said [M. **Bes. 3:6D**],*
"[On a festival day], they do not use scales at all."
- I. *[Answering B's question:] These [authorities, cited at A] acted according to [the view of] R. Joshua.*
- J. *For it is taught on Tannaite authority:*
- K. *R. Joshua says, "On a festival day they weigh one portion [of meat] against a different portion."*
- L. *Said R. Joseph, "The decided law accords with [the view of] R. Joshua, since in [Tractate] Bekhorot we have taught on Tannaite authority according to his view.*
- M. *"For we have learned in the Mishnah [M. **Bekh. 5:1**]:*
- N. **"[Animal offerings] that have become invalid for use in the Temple — their value [when they are sold] belongs to the Temple. [Such items may therefore be sold by weight, so as to demand the highest possible price.]**
- O. **"But in the case of a firstling [that has a blemish, which the owner sells so as to keep the money for himself], they may weigh a portion [of the firstling's meat] against a portion [of meat from a different animal]."** [Since the proceeds belong to the owner, he may not engage in a regular business transaction so as to maximize his profit from the firstling. The point of O is that weighing one portion of meat against another is not in the category of a usual business transaction. As Joshua claims, K, on a festival day, one therefore is permitted to weigh meat in this fashion.]
- P. [The following argues that, contrary to L-O, the cases of the firstling and the slaughter of unconsecrated meat on a festival day are not analogous at all.] *Said Abbaye to [Joseph], "But perhaps [M-O's reasoning is] not [correct]!"*

- Q. “[For] R. Joshua may hold [the view reported in his name, K] only here, [in the case of weighing of meat on the festival], where there is no question of disrespect towards consecrated [animals, that is, the blemished firstling].
- R. “But there [in the case of the firstling, O] where there is the issue of disrespect for consecrated [animals, Joshua might] not [permit one to weigh one portion of meat against another].
- S. “Along these same lines: [Perhaps] rabbis said this [opinion recorded in their name at O] only there [in the case of the firstling], in which [weighing meat against meat] does not appear to be an everyday practice. [It is prohibited to sell the meat of the disqualified consecrated animal. Weighing portion-against-portion is not a normal method of sale and therefore need not be prohibited in the case of the blemished firstling.]
- T. “But here [in the case of the animal slaughtered on a festival day], in which [weighing piece-against-piece] does appear like an everyday practice, [the authorities at O may well] prohibit [one to do so]. [Meat often is divided by balancing the pieces to establish that they are of equal weight. Even the authorities at O may, therefore, prohibit doing this on a festival day. Contrary to Joseph, L-O, O’s rule does not necessarily concur with that of Joshua, K, such that there is no evidence that the decided law follows Joshua’s position.]
- U. [The Talmud turns back to A, questioning whether or not it is feasible that Hiyya and Simeon b. Rabbi would go to extraordinary measures to assure that they shared equally in the meat.] *Should it be said that these [two authorities] were so careful [to receive exactly the same amount]?*
- V. *[Indicating the contrary] once seven fishes were brought to the house of Rabbi and [later] five of them were found in the house of R. Hiyya. Yet R. Simeon b. Rabbi did not mind [that his household wound up with the smaller share]. [From this it appears that what A describes could not have occurred at all.]*
- W. *[To explain A], said R. Pappa, “Link a [different] person with them: Either [the incident concerned] R. Hiyya and R. Ishmael b. R. Yosé, or [it involved] R. Simeon b. Rabbi and Bar Qappara.”*

In unit I:1 the Talmud explains M. Bes. 3:6C and goes on to offer other parallel rules. Unit I:2’s case disagrees with both positions at M. Bes. 3:6. The Talmud suggests its legal basis.

3:7a

- A. **They do not whet a knife on the festival day.**
- B. **But one may draw it over another [knife].**
- I.1 A. **[They do not whet a knife on the festival day:]** Said R. Huna, “They taught [M. **Bes. 3:7A**] only with regard to a whet-stone.
- B. “But it is permitted [on a festival day to sharpen a knife on] a knife-board.”
- C. *Said R. Judah said Samuel, “That which you have said concerning a whet-stone, that it is forbidden, applies only to [actually] sharpening the knife.*
- D. “But [using the stone] to remove the grease [on the knife] is permitted.”
- E. It follows that, concerning a knife-board, it even is permitted to sharpen [a knife on it on a festival day].”

- F. *Some teach this [statement of Judah, C-E] about the second clause, [above at B, **But one may draw it over another knife**]: On a knife-board, it is permitted.*
- G. Said R. Judah said Samuel, “That which you have said concerning a knife-board, that it is permitted, applies only to [using the board] to remove the grease [on the knife].
- H. “But [using the board] to sharpen [the knife] is forbidden.”
- I. *It follows that, concerning a whet-stone, it even is forbidden to use it [on a festival day] to remove the grease [on the knife].*
- J. *Some teach this [statement of Judah, C-E and G-I] concerning the passage in Mishnah: **They do not whet a knife on a festival day** [M. Bes. 3:7A].*
- K. Said R. Judah said Samuel, “They taught this only concerning sharpening [the knife].
- L. “But so as to remove grease [from the knife], it is permitted.
- M. It follows that, in the case of drawing it over a different [knife], even for purposes of sharpening, this is permitted.”
- N. *Some teach this [statement of Judah, K-M] concerning the second clause [at M. Bes. 3:7B]: **But one draws it over another [knife]**.*
- O. Said R. Judah said Samuel, “They taught [that this is permitted] only so as to remove the grease [on the knife].
- P. “But for purposes of sharpening [the knife], this is forbidden.
- Q. It follows that, as for whetting [the knife on the festival day], even for purposes of removing grease [from the knife], this is forbidden.
- I.2.** A. *Which Tannaite authority [stands behind M. Bes. 3:7A’s statement that, on a festival day, using] a whet-stone is forbidden?*
- B. *Said R. Hisda, “It does not accord with [the view of] R. Judah.*
- C. *“For it is taught on Tannaite authority [T. Meg. 1:7]:*
- D. **“There is no difference between a festival day and the Sabbath except for preparing food alone [M. Meg. 1:5].**
- E. **“R. Judah even permits [one to do what is] preliminary to [preparing] food, [e.g., sharpening the knife, contrary to M. Bes. 3:7A].”**
- F. *Said Raba to R. Hisda, “May we lecture in your name that the decided law accords with R. Judah?”*
- G. *[Hisda] said to him, “May it be the will [of God] that you lecture in my name all such good things.”*
- I.3.** A. *[An incident appropriate to the preceding unit is reported.] Said R. Nehemiah the son of R. Joseph, “[On a festival day] I was standing in the presence of Raba, and he was [28B] strapping a knife against the mouth of a basket.*
- B. *“I asked, ‘Is the master sharpening it or removing grease from it?’*
- C. *“And he said to me, ‘[I want only] to remove the grease from it.’*
- D. *“But I saw through him, that he [really] intended to sharpen it.*
- E. *“But [he did not wish to say this, since] he reasoned that [while] by law [sharpening the knife is permitted], one should not [publicly] teach this, [lest people will come to treat the festival lightly].”*

- F. [F-J reports a similar story, in the name of Abbayye.] *And said Abbayye, "[On a festival day] I was standing in the presence of the master, [i.e., Rabbah], and he was stropping a knife on the edge of a millstone.*
- G. *"And I said to him, 'Does the master wish to sharpen it or to remove from it grease?'*
- H. *"Now, he said to me, '[I wish] to remove grease [from] it.'*
- I. *"But I saw through him, that he [really] wanted to sharpen it.*
- J. *"But [he did not wish to tell me this, since] he reasoned that [while] by law [sharpening the knife is permitted], one should not [publicly] teach this."*

I.4. A. *The question was raised: "What [is the law whether or not] on a festival day [one may] show a knife to a sage." [Before the knife is used for slaughtering, a sage must determine that it is perfectly smooth and free of the slightest nick or notch.]*

- B. *R. Mari the son of R. Bisna permits,*
- C. *but rabbis forbid.*
- D. *And R. Joseph said, "A sage may examine [a knife] for his own use and then, [after determining that it is fit], may lend it to others."*

I.5. A. *And said R. Joseph, "[As for] a knife that became blunt — it is permitted to sharpen it on a festival day.*

- B. *"But this applies only if [the blunt knife] can [still] cut [if used] with force."*

I.6. A. *Lectured R. Hisda and some say R. Joseph, "In the same status are [repair of] a knife that on a festival day was dented, [of] a roasting-spit that was crushed [and its end broken off], and the cleaning out of an oven and of a stove.*

- B. *"[In discussing whether this work may be performed on a festival day] we come to the dispute between R. Judah and rabbis.*

C. *"For it is taught on Tannaite authority [T. Meg. 1:7]:*

D. **"There is no difference between a festival day and the Sabbath day except for preparing food alone [= M. Meg. 1:5].**

E. **"R. Judah even permits [one to do what is] preliminary to preparing food."**

F. *What is the basis in Scripture for the view of the first authority, [cited at D]?*

- G. *[In reference to Passover, Exo. 12:16], Scripture states, "[On the first day you shall hold a holy assembly and on the seventh day a holy assembly; no work shall be done on those days; but what every one may eat], that only may be prepared for you."*

H. *[This indicates that] "that" [which is directly related to preparing food may be done], but preliminaries [may] not [be carried out on the festival day itself].*

I. *But R. Judah [reasons]: "Scripture says, '[...may be prepared] for you.'*

J. *'For you' [means], 'for all of your needs,' [even preliminary ones]."*

K. *But [how do we uphold] the first authority's [argument]?*

L. *For certainly [as Judah reasons] it says, "for you," [meaning, for all of your needs]!*

M. *This [first cited authority] can say to you, "...['for you' means that food may be prepared] 'for you,' but not for gentiles. [The clause thus does not in any way intend to state that preliminary preparation may be performed on the festival day.]*

- N. [We now ask how Judah would respond to the anonymous authority's argument, G-H.] *And this one, [that is, Judah — he must admit that, as the first authority notes, Scripture states], "That [only may be prepared]"!*
- O. *[Judah] can say to you: "[Scripture] states 'that [only],' and [Scripture] states, 'for you.'*
- P. *"But there is no contradiction [between the implications of the two terms]. This [phrase, 'that only,' prohibits one to carry out on the festival day] preliminary activities that it is possible to perform on the eve of the festival day. [But] this [term, 'for you,' indicates that it is permitted on the festival day to carry out] preliminary activities that could not be performed prior to the eve of the festival."*

I.7. A. Said R. Judah said Samuel, "[As for] a roasting-spit that became bent — it is forbidden to repair it on a festival day."

B. *This is obvious [and goes without saying].*

C. *No, it needed [to be said, for it indicates that] even though one can straighten it with his hands, [doing so on a festival is forbidden].*

I.8. A. And said R. Judah said Samuel, "[As for] a spit on which they roasted meat [on a festival day] — it [thereafter] is forbidden to move it on the festival day." [This is because the spit no longer has a permitted use in the preparation of food.]

B. R. Adda b. Ahbah said R. Malkio [said], "He pulls it [out of its stand] and places it [out of the way] in a corner."

C. Said R. Hiyya b. Ashi said Rab, "[B] applies so long as there is on [the spit] meat."

D. Rabina said, "Even if it does not have on it any meat, it is permitted to move it,

E. *"for it is similar to a thorn [found on the Sabbath] in public domain." [The thorn may be moved to prevent injuries.]*

F. Said R. Hinena the son of R. Iqa, "[The teachings concerning] roasting-spits, [above, B] handmaids [see M. **Ket. 5:5**, b. **Ket. 59b** and 61b], and follicles [see b. Nid. 52a] [derive from] R. Malkio.

G. "[The teachings concerning] locks of hair [see b. A.Z. 29a], ashes [see b. Mak. 21a] and cheese [see b. A.Z. 35b] [derive from] R. Malkia."

H. *R. Pappa said, "Mishnaic and [other] Tannaite citations [derive from] R. Malkia. [Non-Tannaite] traditions [derive from] R. Malkio. And a mnemonic [for this] is 'Mishnah is queen (malketha)'."*

I. *Concerning what do [Hinena, F, and Pappa, H] differ?*

J. *[They differ concerning whether the statement about] handmaids [derives from Malkio or Malkia]. [Hinena, F, says it derives from Malkio. Pappa holds its source is Malkia, since it refers to M. **Ket. 5:5**.]*

M. Bes. 3:7A-B's rule is ambiguous concerning whether or not one may sharpen a knife on a festival day. This ambiguity is reflected in the Talmudic discussions which address this question as well as the more general one concerning the permissibility of other work that is preliminary to the preparation of food. These materials in part make use of a dispute between Judah and sages, T. Meg. 1:7, concerning this exact issue. The dispute is central at units I:2-3 and I:6. Judah's position, that one may do preliminary work, is taken up independently in units I:4,5 7-8. That leaves unit I:1, which purports to clarify the meaning of M. Bes.

3:7A. Instead it leaves us with four different, contradictory interpretations. We are left with a catalog of possible interpretations of Mishnaic law but no final statement concerning proper practice.

3:7b

- C. [On a festival day] a person should not say to a butcher, “Weigh out a denar’s worth of meat for me.”
- D. But [the butcher] may slaughter [the beast], and they [then] divide it among themselves.

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

B. *Like this:*

- C. **[29A]** *For in Sura they say, “[Give me] a tirta ,” or “...half a tirta .”*
- D. *In Naresh they say, “[Give me] a helka ,” or “...half a helka .”*
- E. *In Pumbeditha they say, “[Give me] an uzya ,” or “...half an uzya .”*
- F. *In Nehar Pekod and in Matha Mehasia they say, “[Give me] a riba ,” or “...half a riba .” [Using these designations for specific cuts of meat allows the individual to specify a quantity without referring to a value. A “sale” thus is not conducted on the festival day.]*

The Talmud explains how an individual may ask for meat on a festival day without “buying” it in the manner of a usual sale.

3:8a

- A. A person says to his fellow, “Fill this utensil for me,”
- B. but not with a measure.
- C. R. Judah says, “If it was a utensil of a [specific] measure, he should not fill it up [either].”
- D. **M’S H B:** Abba Saul b. Botnit would fill up his measuring-cups on the eve of a festival and hand them over to purchasers on the festival itself.
- E. Abba Saul says, “Also on the intermediate days of the festival he would do so,
- F. “because of the clearness of measure.”
- G. And sages say, “Also on ordinary [week-]days he would do so, because of the exactness of the measure [not filled in haste].”

I.1 A. **[but not with a measure:]** *What is the meaning of But not with a measure?*

- B. Said R. Judah said Samuel, “[It means]: but not with a utensil that is set aside for use only as a measure.
- C. “But [as for] a utensil that, [while normally not put to that use], can serve as a measure — he may fill it up [on a festival day].
- D. “*But concerning this R. Judah [the Tanna] said, ‘Even a utensil that can serve as a measure, [but which normally is not used in that capacity] — one should not [on a festival day] fill it up.’”*
- E. *Consequently [on the basis of C vs. D, we can conclude] that concerning the requirement that one have joy on the festival, R. Judah rules stringently, [as at D,*

not permitting certain activities that would facilitate one's enjoying the holy day], while rabbis rule leniently, [as at C, permitting activities that aid in the preparation of food and that therefore contribute to the enjoyment of the festival day].

F. *[E cannot be correct.] For, lo, we have learned the opposite!*

G. *For we have learned in the Mishnah [M. Bes. 3:6C-D]:*

H. **R. Judah says, “[On a festival day] one may weigh out meat in the balance against a utensil or against the chopper.”** [Contrary to E, Judah here permits an activity that will facilitate the preparation of food and contribute to the individual's enjoyment of the festival.]

I. **But sages say, “They do not use scales at all.”** [Contrary to C, sages thus rule stringently and prohibit an act that would contribute to the individual's enjoyment of the festival.]

J. *[H vs. I] shows that R. Judah rules leniently and rabbis rule stringently!*

K. *[We thus see that] a contradiction exists between [the position of] R. Judah [at D] and that of R. Judah [at H].*

L. *And a contradiction exists between [the position of] rabbis [at C] and rabbis [at I].*

M. *[We now find that neither Judah's nor rabbis rulings in fact are contradictory.] [The view of] R. Judah, [D, in fact] does not contradict [the ruling of] R. Judah, [H].*

N. *There [at H, in the case of weighing meat, he permits using as a counterweight a utensil] that in no instance can serve as a measure. Here [at D he forbids measuring with a utensil] that can [in certain instances] serve as a measure.*

P. *[The view of] rabbis, [C], likewise does not contradict [the view of] rabbis, [I]. There [at I, where they forbid use of scales entirely], the individual is acting as he would on a regular weekday. [Rashi: When his weights are not nearby, the butcher often uses utensils as counterweights. Since this is a normal way of conducting a sale, sages do not permit it on a festival day.] Here [at C, where sages permit one to use a measure], the individual is not acting as he would on a regular weekday. [As C indicates, sages permit the individual only to use a utensil normally not used for measuring at all.]*

I.2. A. Raba said, “What [is the meaning of M. Bes. 3:8B]: But not with a measure ?

B. *“[It means] that [the buyer] may not mention the name of a [specific] measure.*

C. *“But [as for] a utensil that is set aside for use only as a measure — he may fill it up [on a festival day]. [Cf., unit I.A-B.]*

D. *“But concerning this, R. Judah [the Tanna] said, “[As for] a utensil that is set aside for use only as a measure — he may not fill it up [on a festival day].”*

E. *[The argument of unit I.E-R now is repeated verbatim, with the addition of S.] Consequently [on the basis of C vs. D, we can conclude] that concerning the requirement that one have joy on the festival, R. Judah rules stringently, [as at D, not permitting certain activities that would facilitate one's enjoying the holy day], while rabbis rule leniently, [as at C, permitting activities that aid in the preparation of food and that therefore contribute to the enjoyment of the festival day].*

- F. *[E cannot be correct.] For, lo, we have learned the opposite!*
- G. *For we have learned in the Mishnah [M. Bes. 3:6C-D]:*
- H. **R. Judah says, “[On a festival day] one may weigh out meat in the balance against a utensil or against the chopper.”** [Contrary to E, Judah here permits an activity that will facilitate the preparation of food and contribute to the individual’s enjoyment of the festival.]
- I. But sages say, **“They do not use scales at all.”** [Contrary to C, sages thus rule stringently and prohibit an act that would contribute to the individual’s enjoyment of the festival.]
- J. *[H vs. I] shows that R. Judah rules leniently and rabbis rule stringently!*
- K. *[We thus see that] a contradiction exists between [the position of] R. Judah [at D] and that of R. Judah [at H].*
- L. *And a contradiction exists between [the position of] rabbis [at C] and rabbis [at I].*
- M. *[We now find that neither Judah’s nor rabbis’ rulings in fact are contradictory.] [The view of] R. Judah, [D, in fact] does not contradict [the ruling of] R. Judah, [H].*
- N. *There [at H, in the case of weighing meat, he permits using as a counterweight a utensil] that in no instance can serve as a measure.*
- O. *Here [at D he forbids measuring with a utensil] that can [in certain instances] serve as a measure.*
- P. *[The view of] rabbis, [C], likewise does not contradict [the view of] rabbis, [I].*
- Q. *There [at I, where they forbid use of a scale entirely], the individual is acting as he would on a regular weekday. [Rashi: When his weights are not nearby, the butcher often uses utensils as counterweights. Since this is a normal way of completing a sale, sages do not permit it on a festival day.]*
- R. *Here [at C, where sages permit one to use a measure], the individual is not acting as he would on a regular weekday. [As C indicates, sages permit the individual only to use a utensil normally not used for measuring at all.]*
- S. *For people are accustomed to passing wine in a measuring vessel and drinking [from it]. [The use of such a measuring vessel therefore does not appear to constitute a sale. As sages say, C, that use accordingly is permitted on a festival day.]*

II.1 A. M’S H B: Abba Saul b. Botnit [would fill up his measuring-cups on the eve of the festival and hand them over to purchasers on the festival itself] [M. Bes. 3:8D].

- B. *It is learned in the Mishnah [cf., M. Bes. 3:8E-F]:*
- C. **Also on intermediate days of the festival he would do so, [filling measuring cups in the evenings], to prevent absence from the house of study [during the days]. [Doing the work at night allowed him to be free during the day.]**

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

- B. [Abba Saul b. Botnit] collected three hundred jugs of wine from that which was left in the measuring-cup [after he had poured out the wine into the buyers’ own containers].

- C. And his associates collected three hundred jugs of oil from that which remained in the measuring-cup [and which did not drip into the buyers' containers].
- D. [Thinking that this wine and oil were ill-gotten gains, which actually belonged to the buyers], they brought them to Jerusalem, to the treasurers [of the Temple].
- E. [The treasurers (Rashi: Sages)] said to them, "You don't need to do this!" [That which remains in the measure rightly belongs to the seller.]
- F. [Abba Saul and his associates] replied to them, "We too do not want to keep this [wine and oil]."
- G. [The treasurers] said to them, "Since you have imposed a stringent rule on yourselves, use [the proceeds from] these [items] for public needs.
- H. *"For it is taught on Tannaite authority:*
- I. "[If] one robbed but does not know whom he robbed, he should use it for public needs."
- J. *What are these [public needs]?*
- K. Said R. Hisda, "Wells, ditches and caves, [from which fresh water will be supplied]."

II.3. A. R. Hisda took Rabbana Uqba for a walk and he expounded: "On a festival day a person should not measure out barley and place it before his animal.

- B. "But he may scoop up [by hand] a *qab* or two and place it before his animal and he need not scruple.
- C. "But [on a festival day] the baker measures out spices and puts them in his pot, so as not to spoil the dish [he is baking]."
- D. Said R. Jeremiah b. Abba said Rab, "[On a festival day] a woman measures flour and kneads it into her dough so that she will be able to separate a generous quantity of dough offering."
- E. But said Samuel, "This is forbidden."
- F. *[Samuel's statement is odd], since the school of Samuel teaches on Tannaite authority, "It is permitted."*
- G. *[To explain the contradiction], said Abbaye, "Since Samuel said it is forbidden and the school of Samuel taught on Tannaite authority that it is permitted, [29B] [it is clear that] Samuel intended to teach us the law for actual practice. [In theory, on a festival day one may do what is described at D. But this is not considered the best festival behavior.]*

II.4. A. [The same rule is discussed three times, A-C, E-H and I-J.] *Our rabbis have taught on Tannaite authority:*

- B. They do not double-sift flour on a festival day.
- C. In the name of R. Papeus and R. Judah b. Batera they said, "They may double-sift."
- D. And they agree that if a pebble or sliver of wood fell into [the once-sifted flour], they may sift it again.
- E. *A Tannaite authority taught in the presence of Rabina:*
- F. "They do not double-sift flour on a festival day.

- G. “But if a pebble or sliver fell [into the once-sifted flour], he may pick it out by hand.”
- H. *[Rabina] said to him, “All the more so is [G] forbidden, since this constitutes an act of selecting, [which is forbidden on holy days].*
- I. *Expounded Raba b. R. Huna Zuti at the gate of Nehardea, “They may double-sift flour on a festival day.”*
- J. *R. Hama said to them [i.e., to Raba’s students], “Go and tell Abba [that is, Raba], ‘Take your favors and throw them on thorns! Go and see how many sieves are being used [for prohibited sifting] in Nehardea [as a result of your teaching].’”*

II.5. A. *[On a festival day] the wife of R. Joseph sifted flour on an inverted sieve.*

- B. *He said to her, “Look! I want perfect bread!” [His point was that she may sift in the normal manner.]*
- C. *[On a festival day] the wife of R. Ashi sifted flour on a table-top.*
- D. *Said R. Ashi, “My [wife] is the daughter of Rami b. Abba. And Rami b. Abba was always around R. Pappi. And R. Pappi was a man of [proper] actions. So if she had not seen this in her parents’ house, she would not have done it [this way].”*

The material before us presents no sustained line of inquiry or even a consistent interest in issues pertinent to M. Bes. 3:8. Units I:1 and I:2 open with the question of the meaning of M. Bes. 3:8B. But in both cases this question serves only to introduce a quite different matter. This is the issue of whether Judah and sages have consistent positions regarding the permissibility of doing all that is necessary to prepare food in order properly to enjoy the festival day. Unit II:1 supplements M. Bes. 3:8D with a further example and explanation of Abba Saul b. Botnit’s festival customs. Unit II:2 simply gives another story about the same authority, unrelated to the present context. Unit II:3 supplements the present discussion, with rules for cases in which, contrary to Mishnah, one is permitted to use a measure on a festival day. II:4-5 are unrelated to the present context, talking about how one may sift flour on the festival day.

3:8b

- H. **[On a festival day] a person goes to a storekeeper whom he usually patronizes and says to him, “Give me eggs and nuts by number.”**
- I. **For this is in any case how the householder counts out [these same things] in his own home.**
- I.1.** A. *Our rabbis have taught on Tannaite authority [see T. Y.T. 3:6-7]:*
 - B. **[On a festival day] a person goes to a cattle-dealer whom he usually patronizes and says to him, “Give me a kid,” or “...a lamb.”**
 - C. **[He goes] to a butcher whom he usually patronizes and says to him, “Give me a hoof,” or “...a thigh.”**
 - D. **[He goes] to a poultry-dealer whom he usually patronizes and says, “Give me a dove,” or “...a pigeon.”**

- E. [He goes] to a baker whom he usually patronizes and says, “Give me a loaf,” or “...a roll.”
- F. And [he goes] to a shopkeeper whom he usually patronizes and says, “Give me twenty eggs,” or “...fifty nuts,” “...ten peaches,” “...five pomegranates,” or “...one citron.”
- G. But [all of] this is on the condition that he does not mention the total amount [of the purchases on his tab].
- H. R. Simeon b. Eleazar says, “And this is on the condition that he does not mention a purchase price for the present purchases, [exclusive of the amount on his tab].”

The augmented citation of T. supplements M. **Bes. 3:8H-I.**