

## II.

# BAVLI PESAHIM CHAPTER TWO

## FOLIOS 21A-42A

### 2:1

- A. So long as it is permitted to eat [leaven],
  - B. one feeds [it] to domestic cattle, to a wild beast, and to fowl.
  - C. And he sells it to a gentile,
  - D. And it is permitted to derive benefit from it.
  - E. Once its time has passed,
  - F. it is forbidden to derive benefit from it.
  - G. And one should not kindle an oven or a double stove with it.
  - H. R. Judah says, “The only valid form of removal of leaven is through burning.”
  - I. And sages say, “One also may crumble it up and scatter it in the wind or toss it into the sea.”
- I.1** A. So long as it is permitted to eat [leaven], one feeds [it] to domestic cattle, to a wild beast, and to fowl: so it follows that so long as it is not permitted to eat it, it also is not permitted to feed it to one's cattle.
- B. *Hence, may one propose that our Mishnah-paragraph does not accord with the view of R. Judah, for if it were in accord with his view, lo, there is the fifth hour, at which, in his view, one may not eat leaven but one may still feed it to one's cattle, for we have learned in the Mishnah: R. Meir says, “They eat [leaven] throughout the fifth [hour on the fourteenth of Nisan], and they burn it at the beginning of the sixth hour [noon].” And R. Judah says, “They eat [leaven] through the fourth hour, keep it in suspense throughout the fifth hour, and burn it at the beginning of the sixth hour” [M. 1:4]?*
- C. *So what, then, is it R. Meir's ruling? But then, what is should say is not, So long as it is permitted to eat [leaven], [any] one [not necessarily the owner] feeds [it] to domestic cattle, to a wild beast, and to fowl, but rather, the whole time that one [personally] eats...one may feed.... [Freedman: the impersonal form used in the Mishnah implies that as long as one person may eat, another person may feed his cattle.]*

D. *Said Rabbah bar Ulla, “Our Mishnah-paragraph accords with Rabban Gamaliel, for we have learned in the Mishnah: **Rabban Gamaliel says, ‘[Leaven] in the status of unconsecrated food is eaten through the fourth hour, and [leaven in the status of] heave offering through the fifth. Then they burn at the beginning of the sixth hour’ [M. 1:5E]. And this is the sense of the statement before us: so long as a priest is permitted to eat food in the status of priestly rations [that is leaven], an Israelite is permitted to feed the unconsecrated food [that is leaven] to his cattle.”***

**I.2.** A. *What need do I have to make reference, also, to **wild beast, and to fowl?** And what need do I have to make reference, also, to **domestic cattle?***

B. *It was necessary to include reference in the Tannaite phrase to **wild beast**. For if reference had been made to domestic cattle, I might have supposed that it is because, if they leave over food, it is suitable for them [they can eat it later, from the ground], but as to a wild beast, if they leave it over, they hide it away, so I would suppose that the same rule does not apply. And if the Tannaite framer had spoken of wild beasts, I might say that, that is because if they leave some over, at least they hide it away, but as to domestic cattle, if they leave it over, the owner may not pay attention to it and so violate the rule, “it shall not be seen” and “it shall not be found” on that account; so I might have thought that the same rule does not pertain. So both statements are required.*

C. *What need do I have to make reference, also, to **fowl?***

D. *Since the Tannaite framer made reference to **to domestic cattle, to a wild beast**, he included also in his series a reference, **to fowl**.*

**II.1** A. **And he sells it to a gentile:**

B. *That’s obvious!*

C. *It was necessary to say so, in order to eliminate the position of the following, which has been taught on Tannaite authority:*

D. *The House of Shammai say, “A person should not sell his leaven to a gentile unless he knows that it will be used up prior to the Passover.”*

E. *And the House of Hillel say, “So long as it is permitted for an Israelite to eat it, it is permitted to sell it to a gentile.”*

F. **[21B]** *R. Judah b. Betera says, “It is forbidden for thirty days prior to Passover to sell Babylonian preserve or any other kind of preserve.”*

**III.1** A. **And it is permitted to derive benefit from it:**

B. *That’s obvious!*

C. *No, it was necessary to teach the rule, to cover a case in which he charred it before the time came that it was forbidden as leaven [and it has not got the taste nor appearance thereof (Freedman)]. And so we are informed that the law accords with Raba, for said Raba, “If he charred it before the time came that it was forbidden as leaven, it is permitted to derive benefit from it, and that is so even after the time came that it was forbidden as leaven.”*

**IV.1** A. **Once its time has passed, it is forbidden to derive benefit from it:**

B. *That’s obvious!*

- C. *No, it was necessary to teach the rule, to cover the span of time in which leaven is forbidden only by the authority of rabbis [but not of the Torah], for said R. Giddal said R. Hiyya bar Joseph said Rab, “He who with his leaven betroths a woman from the sixth hour and onward, even with wheat of Cordyene [which doesn’t leaven easily], they do not take account of the possibility that his act of betrothal may be valid.” [The wheat is valueless.]*

**V.1 A. And one should not kindle an oven or a double stove with it:**

- B. *That’s obvious!*
- C. *No, it was necessary to teach the rule in accord with R. Judah, who has said, “The only valid form of removal of leaven is through burning. It might have entered your mind to suppose, since R. Judah has said, properly performing the commandment concerning it requires burning it, then, along with burning it, he may as well derive benefit from it. So we are informed that that is not the case.*

**V.2. A. Said Hezekiah, “How on the basis of Scripture do we know that, on Passover, it is forbidden to derive benefit from leaven? As it is said, ‘There shall be no leavened bread be eaten’ (Exo. 13: 3) — in it there will be no aspect in which eating may be permitted.”**

- B. *The operative consideration, therefore, is that it is written, “There shall be no leavened bread be eaten” (Exo. 13: 3), but if it had not been written, “There shall be no leavened bread be eaten” (Exo. 13: 3), I might have supposed that while there is an implication that eating it is prohibited, there is no implication that deriving benefit from it is prohibited. Then he differs from R. Abbahu, for said R. Abbahu, “In any passage in which it is stated, ‘it shall not be eaten,’ or ‘you shall not eat,’ or ‘you [pl.] shall not eat,’ all the same are the prohibitions against eating and against deriving benefit, unless Scripture expressly spells out the contrary, as is the case with carrion. For it has been taught on Tannaite authority: ““You shall not eat of anything that dies of itself; to the stranger that is within your gates you may give it that he may eat it; or you may sell it to a gentile” (Deu. 14:21) [“stranger” is one who has renounced idolatry but does not yet observe the food taboos]. I know only that one may give it to a stranger or sell it to a gentile. How on the basis of Scripture do I know that it may be sold to a gentile? Scripture says, “You may give it...or sell it.” How do we know that you may give it to a gentile? Because Scripture says, “You may give it that he may eat it or you may sell it to a gentile.” So it follows that both giving and selling pertain to both a stranger and a gentile,’ the words of R. Meir. R. Judah says, ‘Matters are just as they are written out: to a foreigner the food is transferred as a gift, and to a gentile, through sale.’”*

**V.3. A. What is the scriptural basis for R. Judah’s view?**

- B. *If you think that matters are as R. Meir has stated them, then the All-Merciful ought to have written, ‘you shall give it and he may eat, and sell it....’ Why does Scripture say, ‘or sell it’? It is to indicate that matters are just as they are written out.”*
- C. *And R. Meir?*
- D. *The formulation we have indicates that it is a priority to give it away to a stranger rather than sell it to a gentile.*

- E. *And R. Judah?*
  - F. *Since in the case of a stranger, you are commanded to keep him alive, and concerning a Canaanite you are not commanded to keep him alive, it is hardly necessary to have a verse of Scripture to tell us to give priority to the stranger.*
- V.4.** A. *Not there is no problem from the perspective of R. Meir, who has said, So it follows that both giving and selling pertain to both a stranger and a gentile, since a verse of Scripture is required to permit deriving benefit [through sale to a gentile] of carrion, then everything else forbidden in the Torah would be covered by a prohibition as to both eating and deriving benefit. But from the perspective of R. Judah, who has said, Matters are just as they are written out, then how does he know concerning everything else forbidden in the Torah would be covered by a prohibition as to both eating and deriving benefit?*
- B. *He derives that proposition from the verse, “You shall not eat any meat that is torn of beasts in the field, [22A] you shall cast it to the dogs” (Exo. 22:30) — “it” you cast to the dogs, but you don’t cast to the dogs anything else that is forbidden in the Torah [but you may derive benefit from it, e.g., by selling it to a gentile].*
  - C. *And R. Meir?*
  - D. *“it” you cast to the dogs, but you don’t cast to the dogs unconsecrated meat from animals slaughtered in the Temple courtyard.*
  - E. *And the other party?*
  - F. *Not deriving benefit from unconsecrated meat from animals slaughtered in the Temple courtyard is a negative commandment that derives from the Torah itself.*
  - G. *Objected R. Isaac Nappaha, “Lo, there is the matter of the sciatic nerve! Even though the All-Merciful has said, ‘Therefore the children of Israel do not eat the sinew of the thigh vein’ Gen. 32:33), yet we have learned in the Mishnah: **A man sends to a gentile a thigh in which the sinew of the hip [is located], because its place [presence] is known [M. Hul. 7:2A].**”*
  - H. *R. Abbahu takes the view that when carrion was permitted, permissibility extended to it, its forbidden fat, and its thigh sinew [and that’s why one may derive benefit from these, by selling them to gentiles].*
    - I. *That poses no problem to him who has said the sinews impart flavor [if boiled with meat, so the meat would be forbidden as well]. But from the perspective of him who has said that the sinews don’t impart a flavor, what is to be said? [Freedman: on that view the sinews are as meat and therefore when carrion was permitted the permission included the sinews.]*
    - J. *Of whom have you heard who takes the view that the sinews don’t impart a flavor? It is R. Simeon, for it has been taught on Tannaite authority: He who eats of the thigh sinew of an unclean animal — R. Judah declares him liable on two counts, and R. Simeon declares him exempt [on account of eating meat of an unclean animal, since there is no taste in the sinew, and he is not liable on the sinew, because he would be liable on that count only if the meat of the beast were permitted, but not when the meat also is forbidden (Freedman)].*

- K. *But R. Simeon too declares it is forbidden for benefit, for it has been taught on Tannaite authority: “The sinew of the thigh is permitted as to benefit,” the words of R. Judah. And R. Simeon prohibits it.*
- L. *But then there is the matter of blood, of which the All-Merciful has said, “No soul of you shall eat blood” (Lev. 17:12), and yet we have learned in the Mishnah: [He tossed the blood on the top of the altar seven times. Then did he pour out the residue of the blood onto the western base of the outer altar. And that [the residue of the blood sprinkled on] the outer altar he poured out on the southern base.] The two streams of blood then mingled together in the [flow of the] surrounding channel and flowed down into the Qidron brook. They are sold to gardeners for fertilizer. And the law of sacrilege applies to them [until the sale] [M. Yoma 5:6].*
- M. *The case of blood is exceptional, since it is treated as comparable to water, as it is written, “You shall not eat it, you shall pour it out upon the earth as water” (Deu. 12:24) — just as water is permitted, so blood is permitted.*
- N. *But say: like water that is poured out as a libation on the altar?*
- O. *Said R. Abbahu, “‘like water’ means, like water in general.”*
- P. *Yeah, sure, and is it written, “like water in general”?*
- Q. *Rather, said R. Ashi, “Like water that is poured out, but not like water that is presented as a libation.”*
- R. *Well, then, why not say, “like water that is poured out before an idol”?*
- S. *There too it’s still called a libation: “They drank the wine of their drink offering” (Deu. 32:38).*
- T. **[22B]** *And from the perspective of Hezekiah, for what practical purpose is blood treated as comparable to water? [Freedman: since he holds that only the passive form, “shall not be eaten,” implies a prohibition of all benefit, but not the active, “you shall not eat,” benefit from blood is permitted in any case, for the prohibition is not expressed in the passive; then what is the purpose of treating blood as equivalent to water?]*
- U. *It is in accord with R. Hiyya bar Abba, for said R. Hiyya bar Abba said R. Yohanan, “How on the basis of Scripture do we know that blood of Holy Things does not make anything susceptible to uncleanness? As it is said, ‘You shall pour it on the earth as water’ (Deu. 12:24) — blood that is poured out like water imparts susceptibility to uncleanness, blood that is not poured out does not impart susceptibility to uncleanness.”*
- V. *But what about the limb of a living animal, for, although it is written, “You shall not eat the life with the meat” (Deu. 12:23), yet it has been taught on Tannaite authority: said R. Nathan, “How on the basis of Scripture do we know that one should not extend a cup of wine to a Nazirite [who is forbidden to drink wine] or a limb cut from a living beast to a child of Noah [who may not eat such meat,*

and that means, anybody]? Scripture states, “you shall not put a stumbling block before the blind” (Lev. 19:14)” — *lo, it is permitted to give it to dogs?*

- W. *The limb from the living animal is exceptional, for it is compared to blood, as it is written, “Only be steadfast in not eating the blood, for the blood is the life” (Deu. 12:23).*
- X. *And from the perspective of Hezekiah, for what practical purpose is blood treated as comparable to water?*
- Y. *He may say to you: blood is comparable to the limb from the living animal and not vice versa, thus: just as a limb from a living animal is forbidden [only as to eating], so blood from a living animal is forbidden, and what blood is that? It is the blood of arteries from which life flows out.*
  - Z. *But what about the ox that is to be stoned, for though the All-Merciful has said, “its meat shall not be eaten” (Exo. 21:28) [so benefit in general is forbidden, not only eating], yet it has been taught on Tannaite authority:*
    - AA. Since Scripture is explicit, “The ox will certainly be stoned” (Exo. 21:28), do I not know that the carcass is carrion, and it is forbidden to eat carrion? So why in the world does Scripture find it necessary to state explicitly, “And its meat shall not be eaten” (Exo. 21:28)?
    - BB. Scripture thereby informs you that if after the court decree has been issued, the beast was properly slaughtered [rather than stoned], it is forbidden to eat it.
    - CC. I know only that the prohibition extends to eating it; how do I know that it is prohibited also to derive benefit from the carcass [e.g., by selling it as dog food]?
    - DD. Scripture states, “But the owner of the ox shall be clean” (Exo. 21:28).
    - EE. *How does that prove the point?*
    - FF. Simeon b. Zoma says, “It is like someone saying to another, ‘So-and-so has gone forth clear of all his property and can get no benefit from anything.’”
    - GG. *So the operative consideration is that Scripture has said, “But the owner of the ox shall be clean” (Exo. 21:28). But if we had deduced the rule from the language,” And its meat shall not be eaten” (Exo. 21:28) , that would have implied that it is prohibited to eat it but not to derive benefit from it!*
    - HH. *In point of fact, the language, “And its meat shall not be eaten” (Exo. 21:28) bears the meaning that it is forbidden for eating and also for benefit, and the statement, “But the owner of the ox shall be clean” (Exo. 21:28).serves the purpose of dealing with its hide [that too is forbidden].*

*And it was necessary to cover all this ground in so many words. For it might have entered your mind to suppose that since it is written, “And its meat shall not be eaten” (Exo. 21:28), the meaning is, that covers the meat but not the hide. So we are informed that it covers the hide as well.*

- II. *But from the perspective of those Tannaite authority who read the verse in a different context altogether, namely, to cover half ransom and damages for minors [indicating that half ransom would be payable even when the damage is done by an ox, not by a person], how we know that use of the hide is forbidden?*
- JJ. *They derive it from the use of the accusative particle prior to the noun, “its meat,” meaning to encompass under the prohibition what is secondary to the meat, which is the hide.*
- KK. *And the other party?*
- LL. *He does not derive lessons from the appearance of the accusative particle. That is in accord with what has been taught on Tannaite authority:*
- MM. *Simeon the Imsonite — some say, Nehemiah the Imsonite — would derive a lesson from the use of every accusative particle that is in the Torah. When he reached the verse that places the accusative particle before the word “Lord,” namely, “the Lord your God you shall fear” (Deu. 10:20), he refrained from doing so [since he did not wish to suggest there was more than one God]. He disciples said to him, “My lord, what then will be the fate of all the other accusative particles from which you have drawn lessons [if you pick and choose among them]?”*
- NN. *He said to them, “Just as I have received a reward for the lessons that I have derived, so I shall receive a word for refraining from deriving a lesson.”*
- OO. *[And that was the situation that prevailed] until R. Aqiba came along and taught concerning the verse that places the accusative particle before the word “Lord,” namely, “the Lord your God you shall fear” (Deu. 10:20), “The accusative particle serves to encompass within the commandment the disciples of sages themselves.”*
- PP. *But what about produce of a tree in the first three years after planting, for though the All-Merciful has said, “Three years shall it be forbidden unto you, it shall not be eaten” (Lev. 19:23), yet it has been taught on Tannaite authority: “Uncircumcised: it shall not be eaten of” (Lev. 19:23) — I know only the prohibition concerning eating it. How do I know that one may derive no benefit from it or use it for dye or light a candle with it? Scripture says, “You shall count the fruit thereof as uncircumcised; uncircumcised it*



shall not be eaten of” — encompassing all these other usages.”

- QQ. *So the operative consideration is that Scripture has said, “You shall count the fruit thereof as uncircumcised; uncircumcised it shall not be eaten of.” Then if Scripture had not said so, I would have supposed that the prohibition covers eating but not deriving benefit!*
- RR. *In point of fact, the language here, it shall not be eaten, implies a prohibition of both eating and deriving benefit. But the case at hand is exceptional, since the language, unto you, is stated, and necessitates that explicit specification. For otherwise I might have argued, since it is written, unto you, the meaning is, it shall be yours [as to benefit]. So we are informed that that is not the case.*
- SS. *So then, with all of the cited verses [in which the phrase forbidden is repeated, extending the prohibition to benefit, not just eating], what’s the point of “unto you”?*
- TT. *It is in line with that which has been taught on Tannaite authority:*
- UU. **“for you:”**
- VV. **this encompasses what is planted [23A] for public use.**
- WW.R. **Judah says, ““for you,” excluding what one plants for public use.**
- XX. **R. Simeon b. Eleazar says in his name, “He who plants a fruit tree for public use — it is liable to the laws of orlah. If the tree sprouted by itself for public use, it is exempt from the laws of orlah” [T. **Orl. 1:2A-G=Sifra CCII:II.1/Parashat Qedoshim Parashah 3].****
- YY. *What is the scriptural basis for the position of the initial Tannaite authority?*
- ZZ. *It is written, “And you shall have planted,” meaning, the law pertains to the individual but not to the public, so the All-Merciful wrote, “unto you,” to include what is planted for public use.*
- AAA. **And R. Judah?**
- BBB. *“And you shall have planted,” meaning, the law pertains both to the individual and to the public. So too, “unto you,” bears the meaning, the law pertains both to the individual and to the public. Thus you have an augmentative clause following another augmentative clause, in which case the function is only to impose a limitation.*
- CCC. *But what about priestly rations, for though the All-Merciful has said, “There shall no common person eat of the holy thing” (Lev. 22:10) yet we have learned in the Mishnah: **They prepare a fictive fusion meal to unite courtyards***



into a single domain [=erub] for a Nazir with wine [which he is forbidden by his vow to drink], and for an Israelite with heave offering [which he is forbidden by reason of his caste status to eat] [M. Er. 3:1F-G]?

DDD. *Said R. Pappa, "That case is exceptional, since Scripture has said, 'your priestly rations' (Num. 18:27), meaning, it shall be yours."*

EEE. *And the other party?*

FFF. *"It is your priestly rations," meaning, belonging to all Israel.*

GGG. *But what about the Nazirite, for though the All-Merciful has said, "From the kernels even to the husk he shall not eat" (Num. 6: 4), yet we have learned in the Mishnah: They prepare a fictive fusion meal to unite courtyards into a single domain [=erub] for a Nazir with wine [which he is forbidden by his vow to drink] [M. Er. 3:1F]?*

HHH. *Said Mar Zutra, "That case is exceptional, since Scripture has said, 'all the days of his Naziriteship' (Num. 6: 4) — it shall be his."*

III. R. Ashi said, "He shall be holy, he shall let the locks of the hair of his head grow long' (Num. 4: 5) — the growth of his hair is holy, but nothing else is holy."

JJJ. *So is "nothing else" stated in so many words?*

KKK. *Rather, the better reply is Mar Zutra's.*

LLL. *But what about new produce prior to the presentation of the first sheaf of new barley on the fifteenth of Nisan, for though the All-Merciful has said, "And you shall eat neither bread nor parched corn nor fresh ears until this selfsame day" (Lev. 23:14), yet we have learned in the Mishnah: [Before the presentation of the first sheaf of barley,] one reaps unripe grain and feeds it to cattle [M. Men. 6:8E]?*

MMM. *Said R. Shemayyah, "That case is exceptional, for Scripture has said, 'You shall bring the sheaf of the firstfruits of your harvest' (Lev. 23:10) — what you harvest shall belong to you."*

NNN. *And the other party?*

OOO. *"of your harvest" — belonging to all Israel.*

PPP. *But what about creeping things, for though the All-Merciful has said, "It is a detestable thing, it shall not be eaten" (Lev. 23:10), yet we have learned in the Mishnah: Hunters of wild animals, fowl or fish who accidentally caught unclean animals are permitted to sell [such unclean animals] to gentiles [M. Sheb. 7:4C]?*

- QQQ. *That case is exceptional, for Scripture says, “They are detestable to you” — it shall be yours.*
- RRR. *If so, then even to begin with it should be permitted [to hunt unclean animals]!*
- SSS. *This case is exceptional, since Scripture has said, “They shall be...,” meaning, they shall remain in their forbidden state to begin with [but only if they happen to fall into the trap may they be sold].*
- TTT. *And from Hezekiah’s perspective, what need is there to say “shall not be eaten,” bearing in its wake “for you” so as to teach that it is permitted? Let the All-Merciful not write, “shall not be eaten,” so that there will be no need to say the words, “unto you”?*
- UUU. *Hezekiah may say to you, “The scriptural basis for my view too is right here!”*
- VVV. *But what about leaven, for though the All-Merciful has said, “There shall no leavened bread be eaten” (Exo. 13: 3) yet it has been taught on Tannaite authority: R. Yosé the Galilean says, “You should find it surprising that leaven is forbidden for general use [not just for eating] for all seven days!”*
- WWW. *That case is exceptional, since Scripture says, “Neither shall leaven be seen unto you” (Exo. 13: 7) — it shall belong to you.*
- XXX. *And rabbis?*
- YYY. *What is yours you shall not say, but you may say what belongs to others or what belongs to the Most High.*
- ZZZ. *And the other party?*
- AAAA. *The word “unto you” is written two times.*
- BBBB. *And the other party?*
- CCCC. *One pertains to the gentile who is subject to your authority, the other to a gentile who is not subject to your authority.*
- DDDD. *And the other party?*
- EEEE. *The word “unto you” is written three times [including Deu. 16:4].*
- FFFF. *And the other party?*
- GGGG. *The second one pertains to leaven, the third one to leavened bread, and both classes of leaven had to be specified.*

- V.5.** A. *May we say that at issue is what divides Tannaite authorities as well?*
- B. **“[Fat from animals that died or were torn by beasts may be put to any use, but] you must not eat it” (Lev. 7:24) “...may be put to any use:”** What is the purpose of this statement?

- C. **“One might have maintained that while for the uses of the sanctuary, the fat is permitted, for the use of unconsecrated purposes, it should not be permitted. Accordingly, Scripture says, ‘...may be put to any use,’” the words of R. Yosé the Galilean.**
- D. **R. Aqiba says, “One might have thought that for purposes of secular use the fat should be regarded as clean, while for purposes of consecrated use it should not be regarded as clean.**
- E. **“Accordingly, Scripture says, ‘...may be put to any use” [Sifra XCIII:III.2/Parashat Sav Parashah 102].**
- F. *R. Yosé the Galilean maintains that a verse is not required to deal with uncleanness or cleanness, but only to deal with what is forbidden or what is permitted, while R. Aqiba maintains that for what is forbidden or permitted no verse of Scripture is required, but a verse of Scripture is required to deal with what is unclean or clean.*
- G. **[23B]** *Now isn't this what is subject to dispute: R. Yosé maintains that the language, “you shall not eat,” pertains to both eating and deriving benefit, so when there is a verse that permits carrion, it has to do with deriving benefit, and R. Aqiba maintains that the language, “you shall not eat,” bears the sense of a prohibition as to eating, but not a prohibition as to deriving benefit, so for what purpose is the verse introduced? It has to do with uncleanness and cleanness?*
- H. *Not at all. All parties concur that the language, “you shall not eat,” pertains to both eating and deriving benefit, and here, this is what is subject to dispute: R. Yosé the Galilean maintains that, when carrion was permitted [as to benefit] it was permitted, but its fat and sinews were not, and when the verse was required, it was required to accord permission to derive benefit from these other classes of carrion. And R. Aqiba maintains that when carrion was permitted [as to benefit] it was permitted, but its fat and sinews were permitted too, and when a verse of Scripture was required, it was required to deal with uncleanness and cleanness.*
- I. *Now as to the position of R. Yosé the Galilean, we have found evidence as to fat that the All-Merciful has permitted it for benefit, but perhaps, as to the sinew, we should say that it is forbidden?*
- J. *If you wish, I shall say, true enough, it is forbidden. If you wish, I shall say, the proposition derives from an argument a fortiori: if fat, which is subject to the penalty of extirpation, is permitted for use, then sinew, which is not subject to the penalty of extirpation, all the more so should be permitted for use!*
- K. *But from the perspective of R. Simeon, who forbids it, may maintain: one may show a flaw in this argument, namely: the indicative taxon of fat is that it has been released from the generally prevailing prohibition when it comes to the case of a wild beast, but*

will you say the same of the sinew, which has not been released from the generally prevailing prohibition when it comes to the case of a wild beast?

L. *And the other party?*

M. *We are speaking of domesticated cattle, and even in the case of domesticated cattle, in any event, the fat was not permitted.*

**V.6.** A. *Now [regarding the items of No. 4,] we have presented objections deriving from all of these verses and we have answered those objections, so on what do Hezekiah and R. Abbahu differ in the end?*

B. *They differ with respect to leaven on Passover in the framework of the position of rabbis [that deriving benefit from it is forbidden], and with respect to the ox that is to be stoned, in the framework of the position of all authorities [benefit in general is forbidden, not only eating]. Hezekiah derives the view that benefit is forbidden from the phrase, “it shall not be eaten,” while R. Abbahu derives the same principle from the analogy of carrion.*

C. *Now note: both authorities maintain that use is forbidden, so in practice, where is there a difference?*

D. *There is a difference between them when it comes to unconsecrated animals that were slaughtered in the Temple courtyard. Hezekiah maintains that the language, “it shall not be eaten” excludes these two items, and “it” serves to exclude unconsecrated animals slaughtered in the Temple courtyard. R. Abbahu maintains that “it” excludes these two items, and benefit from unconsecrated beasts slaughtered in the Temple courtyard in fact is not forbidden by the Torah at all.*

**V.7.** A. *In session, one of the rabbis before R. Samuel bar Nahmani stated in the name of R. Joshua b. Levi, “How do we know concerning all of the prohibitions of the Torah that, just as the prohibition applies to eating, so too, the prohibition applies to deriving benefit? And what are these? They are leaven during Passover and the ox that is to be stoned.”*

B. *How do we know? It derives from “it shall not be eaten.”*

C. *To [Joshua b. Levi], the language, “it shall not be eaten,” bears the meaning that is forbidden for eating, but he does not derive from that language that it is forbidden as to benefit!*

D. *Well, he can deduce that fact from the argument based on carrion.*

E. *He concurs with R. Judah, who has said, “Matters are to be read literally as written.”*

F. *Well, if he concurs with R. Judah, then let him deduce the rule from the same source that serves R. Judah, namely, “You shall throw it to the dogs” (Exo. 22:30).*

G. *He takes the view that unconsecrated animals that are slaughtered in the Temple courtyard by the law of the Torah may not be used for benefit, so how do we know that?*

- H. It is written, “And no sin offering whereof any of the blood is brought into the tent of meeting to make atonement in the holy place shall be eaten, it shall be burned with fire” (Lev. 6:23). There is no need to say “It shall be burned with fire,” so why say, “It shall be burned with fire”? Since it is unnecessary in its own context, since it is written, “and behold, it was burned” (Lev. 10:16), apply it to all other things that in the Torah are forbidden. [24A] And if, in context, it cannot pertain to eating [which is stated on its own terms] apply it to the prohibition of benefit.
- I. Well, then, if it has to be burned, so must all things in the Torah that are forbidden be burned?
- J. Scripture says, “In the holy place...it shall be burned with fire,” meaning, what is forbidden in the holy place has to be burned with fire, but other things that are forbidden by the Torah do not have to be burned.
- K. *Well, does this phrase, “it shall be burned with fire,” serve the stated purpose? It is surely required in line with the position of R. Simeon, for it has been stated on Tannaite authority: R. Simeon says, “‘In the holy place...it shall be burned with fire’ — this teaches that the sin offering is to be burned in the holy place. Now I know only that that concerns this item alone. How do I know that the same is so of Most Holy Things that are invalid and the limbs of Lesser Holy Things? Scripture states, ‘in the holy place...it shall be burned with fire’ [Freedman: whatever would normally be disposed of in the holy place must be burned there].”*
- L. *He said to [Samuel bar Nahmani], “Your master derived that proposition from the following verse of Scripture: ‘And if any of the meat of the consecration or of the bread remain to the morning, then you shall burn the remainder with fire, it shall not be eaten, because it is holy’ (Exo. 29:34). Now there is no need for Scripture to say, ‘it shall not be eaten,’ so why does Scripture say, ‘it shall not be eaten’? If it does not pertain to itself, since it is written, ‘then you shall burn the remainder with fire,’ apply it to other things that are forbidden in the Torah; and if it does not pertain to eating, then apply it to the prohibition of deriving benefit. But then, might one say, just as here, it must be destroyed by burning, so all other things forbidden by the Torah have to be burned? Scripture says, ‘then you shall burn the remainder with fire.’ That means, ‘the remnant is subject to burning with fire, but all of the other things that are forbidden are not subject to burning with fire.’”*
- M. *Well, then, does this phrase, it shall not be eaten, serve the stated purpose? It is in fact required in line with what R. Eleazar has said. For said R. Eleazar, “‘it shall not be eaten, because it is holy’ (Exo. 29:34) — means this: ‘Any kind of Holy Things that has been invalidated is subject to a negative commandment as to its being eaten.’”*
- N. *Said Abbaye, “In point of fact, [the teaching of Joshua b. Levi] derives from the first verse [‘and every sin offering], but you have to reverse the argument, namely: let Scripture write, ‘it shall be burned with fire,’ so that it will not be necessary to say, ‘it shall not be eaten.’ So why does Scripture say, ‘it shall not be eaten’? If it does not pertain to its own matter, since that is deduced by the exegesis of R. Eleazar, apply it to all other things forbidden in the Torah. And since it cannot pertain to eating, then apply it to the matter of deriving benefit, indicating that it is forbidden to do so. Then, if so, just as here it has to be burned, so should*

everything that is forbidden by the Torah for benefit have to be burned? Scripture says, ‘the remainder’ meaning, the remaining requires burning, but all other forbidden things don’t require burning.”

- O. *Said R. Pappa to Abbaye, “Why not say that ‘it shall not be eaten’ serves to assign a negative commandment to itself? For if we derive the rule from R. Eleazar’s proof, then we cannot impose a flogging for what is merely an implied negative commandment [the action not being explicitly forbidden but stated only in general terms].”*
- P. *Rather, said R. Pappa, “[Joshua b. Levi’s position] derives from the following: ‘and the meat that touches any unclean thing shall not be eaten; it shall be burned with fire’ (Lev. 7:19) — for the Torah need not say, ‘it shall not be eaten,’ so why does it say, ‘it shall not be eaten’? Since it does not pertain to its own context — the rule in its own context deriving from an argument a fortiori based on tithe, which is of lesser significance, in the following way: if tithe, which is of lesser consequence, is subject to the statement of the Torah, ‘neither have I put away thereof, being unclean’ (Deu. 26:14), how much more so Holy Things, which are subject to a weightier ruling, and should you say, we do not admonish as to a flogging by reason of an argument a fortiori, then this is a verbal analogy, since it is written, ‘you may not eat within your gates the tithe of your grain or wine or oil or firstlings of your herd of your flock or any of the vows that you vow or your free will offerings’ (Deu. 12:17), — so, as I said, why should the Torah say, ‘it shall not be eaten’? If it does not pertain to its own context, then apply it to the context of all other things that in the Torah are forbidden; and if it does not pertain to eating, then apply it to deriving benefit. And if it be asked, well, just as here, the disposition must be through burning, so in the case of everything else that in the Torah is forbidden, it must be disposed of by burning, Scripture states, ‘the remainder’ meaning, the remaining requires burning, but all other forbidden things don’t require burning.”*
- Q. *Said Rabina to R. Ashi, “But may say: it teaches that on that account he violates two negative commandments [being flogged on each count, and the verse is not superfluous and so available for this other purpose]? Didn’t Abbaye say, ‘If someone ate an eel, he is flogged on four counts [specified at Lev. 11:10-11: a water insect, finless, scaleless, and twice again (Lazarus)]. If someone ate an ant, it is on five counts, [24B] the additional one being, “Any crawling thing that swarms on the earth you shall not eat” (Lev. 11:41-44). If it is a hornet, there are six counts, adding, “and all winged swarming things are unclean to you, they shall not be eaten” (Deu. 14:10)’?”*
- R. *He said to him, “In any case in which we have an opportunity to interpret a passage to pertain to some other topic, we do it, but we don’t derive from such an occasion still more prohibitions.”*

- V.8.** A. *“And the meat that touches any unclean thing shall not be eaten” (Lev. 7:19) that stands at the beginning of the verse — why do I need that clause?*
- B. *It encompasses wood and frankincense [which declares them subject to uncleanness even though they are not edible].*
- C. *“And as for the meat, every one who is clean may eat of it” at the end of the same verse — why do I need that clause?*



- D. It is to encompass the sacrificial parts that are to be burned on the altar.
- E. *But the inclusion of the sacrificial parts that are to be burned on the altar derives from the following, which has been taught on Tannaite authority: “But the soul that eats of the flesh of the sacrifice of peace offerings that pertain to the Lord, having his uncleanness upon him” (Lev. 7:20)— this encompasses the sacrificial parts that are to be burned on the altar.*
- F. *This refers to the uncleanness of the person, on account of which extirpation is incurred, while this refers to the uncleanness of the meat, which is subject merely to a negative commandment.*

**V.9.** A. Said R. Abbahu said R. Yohanan, “On account of all prohibitions that are in the Torah people are not flogged except when the things are eaten in the ordinary way in which they are eaten.”

- B. *Excluding what for instance?*
- C. *Said R. Shimi bar Ashi, “Excluding a case in which one ate forbidden fat raw, in which case, he is exempt from punishment.”*
- D. *There are those who state the matter as follows:*
- E. Said R. Abbahu said R. Yohanan, “On account of all prohibitions that are in the Torah people are not flogged except when they are used in the ordinary manner in which they are used.”
- F. *Excluding what for instance?*
- G. *Said R. Shimi bar Ashi, “Excluding a case in which he put forbidden fat deriving from an ox that was to be stoned on an injury, in which case he is exempt — and all the more so if one ate forbidden fat raw would he be exempt from punishment.”*
- H. *So too it has been stated:*
- I. Said R. Aha bar Avayya said R. Assi said R. Yohanan, “If someone put meat from an ox that was stoned on his wound, he is exempt, since, on account of violating any of the prohibitions that are in the Torah, people are flogged only if the deed is done in the way in which it is usually done.”
- J. *Said R. Zira, “So too we have learned as a Mishnah-teaching: **They do not receive the forty stripes for [drinking liquids made from produce which is] from the first three years of growth of a vineyard or orchard except for [drinking] that which is produced from olives or grapes [M. Ter. 11:3C-D].** Then for the juice of mulberries, figs, or pomegranates, people are not flogged. How come? Isn’t it because one does not consume them in the way in which they are usually consumed?”*
- K. *Said to him Abbaye, “If he had told us the rule governing the produce it self, that he hadn’t eaten it in the ordinary way in which it is eaten, that would be an entirely correct conclusion to draw; but here the operative consideration is that the juice is mere moisture.”*

**V.10.** A. Said Abbaye, “All concur in the matter of mixed seeds in a vineyard that we do flagellate on account of violating that prohibition even if one doesn’t do so in the normal way in which that is done. *How come? Because ‘eating’ is not stated in that connection.*”



- B. *An objection was raised:* Issi b. Judah says, “How on the basis of Scripture do we know that meat in milk is forbidden [to be eaten]? As it is said, ‘For you are a holy people...you shall not boil a kid in its mother’s milk’ (Deu. 14:21), and elsewhere, ‘and you shall be holy men to me, therefore you shall not eat any meat that is torn of beasts in the field, you shall throw it to the dogs’ (Exo. 22:30). Just as there eating it is forbidden, so here eating it is forbidden. So I know it is forbidden to eat such a thing, how do I know that it is forbidden to derive benefit from it? Say: it follows a fortiori: if produce of a tree in the first three years of its growth, which is not subject to any sort of sin, may not be used for benefit, then meat and milk, in which case a sin has been done, all the more so should be forbidden for benefit. [25A] But [should you reply], what is the distinctive trait of produce of a tree in the first three years of its growth is that it has never been permitted for a single moment, now will you say the same of meat in milk, which has been permitted [when the meat and milk were separate]? Then leaven on Passover will provide contrary proof, for it has been valid on its own but is now forbidden as to use. But the distinctive taxonomic trait of leaven on Passover is that violation of the prohibition brings on the penalty of extirpation — and will you say the same of meat in milk, in which case the penalty of extirpation does not apply? Then the mixed seeds in a vineyard will prove the contrary, for here, the penalty of extirpation does not apply, but it is forbidden for use.” *Now, if it is the fact [that what Abbaye has said is so], shouldn’t we be able to raise the following objection:* the distinguishing taxonomic trait of mixed seeds in a vineyard is that people are flogged for violating that rule even when the benefit is not attained in the ordinary way.
- C. And Abbaye?
- D. “Will you say” — *on what basis would you regard this as a valid refutation?* “Will you say the same of meat in milk, for which we do not flog except when used in the normal way”? *Then is eating written in the context of meat in milk?*
- E. *And the other party?*
- F. *In raising this objection, he takes the view that the for that purpose the rule is derived from carrion:* just as carrion is punishable only when used in the way in which it is normally used, so meat in milk is punishable only when it is used in the way in which it is ordinarily used.
- G. And Abbaye?
- H. *It is for this reason that Scripture did not refer to eating in the body of the matter, to indicate that a flogging would indeed be administered even when it is not used in the way in which it is ordinarily used.*
- I. *Well, why not raise the following objection:* what is the distinctive taxonomic trait of mixed seeds in a vineyard? It is that it was never valid for a moment....
- J. Said R. Ada bar Ahbah, “That proves that where there are mixed seeds in a vineyard, the stock itself is forbidden, and that cannot be refuted with the claim that it had a time of fitness before it took root.”
- K. *Objected R. Shemayya, “***He who carries a perforated pot [containing another kind] through the vineyard — if [while he carried the pot through the vineyard] it [the seeds of the other kind] increased in size by [one] two-**

**hundredth — it is prohibited [it sanctifies the vines] [M. Kil. 7:8D-E].** *So if it increased in size it is forbidden, but if it didn't, it isn't* [though it took root; this proves that the original stock is not forbidden (Freedman)].”

- L. Said Raba, “There are two verses of Scripture written in the matter: ‘the fulness’ and ‘the seed’ (Deu. 22:9: lest the fulness of the seed which you have sown be forfeited’) [Freedman: ‘the fulness’ refers to the additional growth, ‘the seed’ speaks of the original stock]., Now how are these reconciled? What is sown to begin with is forbidden when it takes root; what is sown when partly grown, if it increased is forbidden, if not, not.”

**V.11.** A. Said R. Jacob said R. Yohanan, “People may be healed with anything except the wood of an asherah-tree.”

- B. *Well, now how are we to interpret this statement? If there is danger to life, then it should be permitted to heal even with the wood of an asherah-tree, and if there is no danger to life, than it should also be prohibited to heal with anything that is forbidden in the Torah.*

- C. *In point of a fact, it is a case in which there is danger to life, and even here, it is forbidden to use the wood of an asherah-tree, for it has been taught on Tannaite authority: R. Eliezer says, “If it is said, ‘With all your soul,’ why is it also said, ‘With all your might’? And if it is said, ‘With all your might,’ why is it also said, ‘With all your soul’? But if there is someone who places greater value on his body than on his possessions, for such a one it is said, ‘With all your soul.’ And if there is someone who places greater value on his possessions than on his life, for such a one it is said, ‘With all your might.’”*

- D. *When Rabin came, he said R. Yohanan [said], “People may be healed with anything except through idolatry, fornication, [25B] or murder.”*

- E. *Idolatry: as we have just said.*

- F. *Fornication or murder, as has been taught on Tannaite authority: Rabbi says, “‘For as when a man rises against his neighbor and slays him, even so is this matter’ (Deu. 22:26). What has a murderer to do with a betrothed maiden? Lo, this comes to teach a lesson but turns out also to be subject to a lesson, namely: there is an analogy to be drawn between the murderer and the betrothed girl. Just as in the case of the betrothed girl, it is permitted to save her at the cost of the attacker’s life, so the murderer may be saved from sin at the cost of his life. And an analogy is further to be drawn between the case of the betrothed girl and that of the murderer. Just as in the matter or of murder, one should be killed and not commit murder, so as to a betrothed girl, let her be slain but not violate the law. How do we know that there is the case for the murderer himself? It is a matter of reasoning.”*

- G. *That is in line with the case of one who came before Raba and said to him, “The master of my town has said to me, ‘Go and kill so-and-so, and if you do not do so, I shall kill you.’”*

- H. *He said to him, “Let him kill you, but do not kill. Who will say that your blood is redder than his. Perhaps the blood of that man is redder [than yours].”*

- V.12.** A. *Mar bar R. Ashi found Rabina rubbing his daughter with undeveloped olives produced in the first three years of the tree's growth. He said to him, "I can grant you that rabbis have made that ruling that one may do so on account of danger to life, but have they made that ruling where there is no danger to life?"*
- B. *He said to him, "An inflammatory fever is in the category of a danger to life."*
- C. *Others say, he said to him, "So am I using it in the way in which it is ordinarily used?"*

**V.13.** A. *It has been stated:*

- B. As to benefit [that is prohibited] that comes to someone against his will and consent —
- C. Abbaye said, "It is permitted."
- D. And Raba said, "It is forbidden."
- E. *In a case in which it is possible to avoid it, but he intends to derive benefit, or in a case in which it is impossible to avoid it, but he intends to derive benefit, none disputes the fact that it is forbidden. If it is impossible to avoid it and he doesn't derive benefit, none dispute that it is permitted. Where they differ, it is in a case in which it is possible to avoid it and he does not intend to derive benefit. From the view of R. Judah, who maintained, "What is unintended is nonetheless forbidden," all concur that it is forbidden. Where then do they dispute the matter? It is within the premise of R. Simeon, who has said, "That which is not intended is permitted." Then Abbaye concurs with R. Simeon, and Raba maintains that R. Simeon takes the position that he does only where it is impossible, but not where it is not impossible.*
- F. *There are those who say: if it is possible to avoid it and he doesn't intend to benefit, that involves the dispute between R. Judah and R. Simeon. Thus, if it is impossible to avoid it and he doesn't intend to benefit, all parties concur that it is permitted. Where do they differ? In a case in which it is impossible to avoid it and he intends to benefit. On the view of R. Simeon, who takes account of intentionality as the determining factor, none dispute that it is forbidden. Where they differ it is on the view of R. Judah, who takes the view that it makes no difference whether he intends or does not intend to benefit; if it is possible to avoid it it is forbidden. Then Abbaye concurs with R. Judah, [26A] and Raba will say to you, "R. Judah takes the position that he does only, namely, that what is not intended is the same as what is intended, only where there is a strict result, but where there is a lenient result, he didn't take the position that what is intentional is the same as what is not intentional."*
- G. *Said Abbaye, "On what evidence do I state my position? As has been taught on Tannaite authority: they said concerning Rabban Yohanan ben Zakkai that he would sit in the shade of the sanctuary [thus utilizing it] and expound the whole day. Now here is a case in which it was not possible not to expound the Torah,*

*and he certainly intended to derive benefit from the shade, but it is permitted for him to do so."*

- H. *And Raba said, "This case of the sanctuary is exceptional, for it was built for the inside space [not for the shadow it would cast [so no prohibition pertains to that]."*
- I. *Said Raba, "On what evidence do I state my position? As has been taught on Tannaite authority: **And in the upper room were openings into the house of the holy of holies, through which they would lower down craftsmen in boxes [closed on three sides]. so that they should not feast their eyes on the house of the Holy of Holies [M. Mid. 4:5J-K].** Now here is a case in which it was impossible not to go there, and the workers intended to feast their eyes on the Holy of Holies, but it was forbidden for them to do so."*
- J. *But is that reasonable? And didn't R. Simeon b. Pazzi say R. Joshua b. Levi said in the name of Bar Qappara, "Hearing, seeing, and smelling things that are consecrated are not acts of sacrilege. But they imposed a higher criterion when it comes to the Holy of Holies."*
- K. *There are those who say, said Raba, "On what evidence do I state my position? As has been taught on Tannaite authority: said R. Simeon b. Pazzi said R. Joshua b. Levi said in the name of Bar Qappara, 'Hearing, seeing, and smelling things that are consecrated are not acts of sacrilege.' So while the consideration of sacrilege does not apply, a prohibition nonetheless does apply. Now isn't this pertinent for those who stand inside, since they can't avoid deriving benefit, and there is every intention of enjoying the matter, and it is forbidden?"*
- L. *No, it refers to those who stand outside.*

**V.14.** A. *Reverting to the body of the foregoing: R. Simeon b. Pazzi said R. Joshua b. Levi said in the name of Bar Qappara, "Hearing, seeing, and smelling things that are consecrated are not acts of sacrilege" —*

- B. *Does smelling not involve an act of sacrilege? And lo, it has been taught on Tannaite authority: He who compounds incense in order to learn about it or in order to hand it over to the community is exempt. But if he does so in order to sniff it, he is liable. But he who actually sniffs it is exempt from liability, but he has committed an act of sacrilege?*
- C. *Rather, said R. Pappa, "Hearing and seeing things that are consecrated are not acts of sacrilege, since they are insubstantial. Smelling the incense after the smoke column has ascended doesn't involve sacrilege, since the religious purpose of the incense has now been carried out."*
- D. *Is that to imply that in any case in which the religious purpose of a substance has been carried out, the laws of sacrilege no longer apply? And lo, there is the matter of the removal of the ashes [of the burnt offering, taking off the altar every day and put beside the altar, where it was*

absorbed by the earth (Freedman)], *to which the law of sacrilege applies, as it is written*, “And he shall put the ashes beside the altar” (Lev. 6: 3), so they are not to be scattered or utilized!

- E. That is because the statements concerning the removal of the ashes and the priestly garments constitute two verses of Scripture that cover the same subject, and in any case in which there are two verses of Scripture that cover the same subject, there is no analogy to be constructed to apply the rule governing them to anything else that falls into their classification.
- F. *As to the separation of the ashes, it is as we have just now stated.*
- G. *As to the priestly garments, as it is written:* “And he shall put them there” (Lev. 16:23) — this teaches that they have to be stored away [and may not be disposed of in a secular manner].
- H. *That reading poses no problem to rabbis, who indeed maintain*, this teaches that they have to be stored away [and may not be disposed of in a secular manner], *but from the perspective of R. Dosa, who differs from them, who has said*, “But they are suitable for use by an ordinary priest, and what is the meaning of, And he shall put them there? *It means*, one should not make use of them on some other Day of Atonement, *what is to be said?*
- I. It is because the verses that apply this rule to the removal of the ash and the heifer the neck of which is to be broken constitute two verses of Scripture that cover the same subject, and in any case in which there are two verses of Scripture that cover the same subject, there is no analogy to be constructed to apply the rule governing them to anything else that falls into their classification.
- J. *Well, that poses no problems to him who has said*, no analogy is to be constructed. *But from the perspective of him who has said*, an analogy is to be constructed, *what is to be said?*
- K. *There are two exclusionary clauses set forth here*, “and he shall put the ashes” and “over the heifer whose neck was broken” (Deu. 21: 6). [These limitations in each case indicate that benefit from these things is forbidden even though the purpose has been carried out in each case (Freedman).]
- L. *Come and take note:* If one put the heifer into a team of cows for threshing so it should suck, and it did

some threshing, the heifer remains fit; but if it was so that it should both suck and thresh, it is unfit. *Now here there is no possibility of doing otherwise [since it has to suck], and he intends to benefit, and the rule is, it is unfit!*

- M. That case is exceptional, since it is written, “Which has not been worked with” (Deu. 21: 2) — under any circumstances.
- N. *If that is the case, then even in the first clause the same consideration pertains [putting it with three or four cows, so its sole purpose is to suck]!*
- O. **[26B]** *The sole possible analogy is to the following: [If] a bird rested on it, it is fit. [If] a male [bull] mounted it, it is unfit [M. Par. 2:4A-B].*
- P. *How come?*
- Q. *Said R. Pappa, “If Scripture wrote the word to be, ‘with which the owner had not done work,’ and we read it, ‘and work was not done with it,’ I would say that it is unfit only if the owner himself did work with it. If it were written, ‘if work is done with it,’ and we read, ‘if work were done with it,’ then it would be, even if the work were done willy nilly. But since it is written, ‘if he worked with it,’ but we read the word, ‘if work is done with it,’ the sense of ‘work was done with it’ must fall in the parameter of ‘he did work with it,’ meaning, just as, ‘he worked with it’ means, he wanted the work done with it, so the passive, ‘work was done with it’ must pertain only to what he wanted to have done with it.”*
- R. *Come and take note:* As to a lost garment, if it is for one’s own convenience, one should not spread it out upon a couch or a frame, but he may do so if it is for the maintenance of the object. If guests came by, he should not spread it out upon a couch or a frame either for his own convenience or for the maintenance of the object. [He may then not use the object for the mutual benefit of finder and loser.]
- S. *That case is different, for he may destroy it either through the evil eye [brought on by the envy of a guest] or through thievery [brought on by publicity concerning the valuable find].*
- T. *Come and take note:* **Clothes dealers sell [garments of diverse kinds] in their usual manner provided that they do not intend, in a hot sun, [for the garments to protect them] from the hot sun, or in**

the rain, [for the garments to protect them] from the rain. And the more scrupulous ones tie [the garments of diverse kinds] on a stick [M. Kil. 9:5]. Now here is a case in which it is possible to act as do the more scrupulous ones, and yet, when there is no intention of deriving benefit, it is permitted to do so. This surely refutes the position of the one who repeats the matter in the first version of Raba, doesn't it?

U. Sure does.

**V.15. A. And one should not kindle an oven or a double stove with it:**

- B. *Our rabbis have taught on Tannaite authority:*
- C. In the case of an oven that was fired up with the shells of nuts of a tree in the first three years of its growth or with stubble of the growth of mixed seeds in a vineyard, if the oven was new, it must be destroyed, and if it was old, it must be cooled off. If a loaf of bread was baked in that oven —
- D. Rabbi says, “The bread is forbidden.”
- E. And sages say, “The bread is permitted.”
- F. If he baked the loaf on the coals, all concur that it is permitted.
- G. *And lo, it has been taught on Tannaite authority:* whether it is a new oven or an old one, it must be cooled.
- H. *No problem, the one stands for the position of Rabbi, the other, of rabbis.*
- I. *Well, I may say that you infer that Rabbi takes that position because the benefit of the fuel derives from the baked loaf. But do you know as fact that he takes that position where there are two distinct causes of the same effect?* [Freedman: when the new oven is fired, bread is not baked in it yet, and it will have to be fired a second time; thus the bread that is baked will be the product of two things, the forbidden fuel and the permitted fuel; we do not find Rabbi's holding that this too is forbidden, and if it is not, there is no need to demolish the oven.]
- J. *Rather, say: no problem, the one stands for the position of R. Eliezer, the other, that of rabbis.*
- K. *Which position of R. Eliezer? Should I say that it is R. Eliezer's ruling on leaven that has leavened other dough? For we have learned in the Mishnah: **Leaven of common produce and [leaven] of heave offering which fell into dough, [and there is] not enough of either to leaven [the dough], [but] they combined and leavened [it] — R. Eliezer says, “I rule [on the status of the dough] according to the last [leaven which fell in].” But sages say, “Whether the prohibited [leaven] fell in first or last, it does not render [the dough] prohibited [27A] unless there is enough of it to leaven [by itself]” [M. Orl. 2:11]. And said Abayye, “The rule of R. Eliezer pertains only if one had first removed the matter that disqualifies, but if he had not first removed the disqualifying matter, the dough is prohibited.”*** [Cohen: That is so whichever fell in last.] Consequently we have here an instance of combined causes, and since one of them is prohibited, the effect is also prohibited.



- L. *But how do we know that the critical consideration of R. Eliezer is in accord with what Abbaye has said? Perhaps the operative consideration of R. Eliezer is, “I rule [on the status of the dough] according to the last [leaven which fell in].” If the process ended with what is forbidden, then the dough is forbidden, and if it ended with what is permitted, then the dough is permitted, and this is without regard to whether or not he first removing the disqualifying matter.*
- M. *Rather, it is the R. Eliezer and rabbis of the matter of the wood of an asherah, for we have learned in the Mishnah: [If] one has taken pieces of wood from [an asherah], they are prohibited for benefit. [If] he lit a fire in the oven with them, if it is a new oven, it is to be overturned. If it is an old oven, it must be allowed to cool down. [If] he baked a loaf of bread in [the oven heated by the wood of an asherah], it is prohibited for benefit. [If] the loaf of bread was mixed up with other loaves of bread, all of them are prohibited as to benefit. R. Eliezer says, “Let him take the [funds received for the sale as a] benefit [from the tree] to the Salt Sea.” They said to him, “There is no form of redemption for an idol” [M. A. Z. 3:9].*
- N. *Now I may well concede that you have a valid tradition of R. Eliezer’s view when it comes to idolatry, which is subject to the most severe prohibition; but have you any tradition that he takes that view with respect to any of the other matters that the Torah prohibits?*
- O. *Well, then, to whom will you assign the ruling? And, furthermore, it was stated on Tannaite authority in so many words: and so would R. Eliezer prohibit in the case of all other matters that are subject to a prohibition on the authority of the Torah.*

**V.16.** A. Said Abbaye, “If you should find grounds to maintain that the effect of two distinct causes is forbidden, then Rabbi says the same thing as R. Eliezer. But if you should find reason to maintain, the result of two distinct causes is permitted, *and here, the operative consideration is special, namely, Rabbi forbids the bread because the fuel is improved in the form of bread, then, as a matter of fact, the plates, cups, and flasks [of clay, which were hardened in a kiln heated by forbidden fuel (Freedman)] are forbidden.*”

- B. *In point of fact, they differ only on an oven and a pot [which have to be reheated before food can be cooked in them]. In the opinion of him who has said, in the case in which two distinct causes produce the same effect, they are forbidden, then these are forbidden, and in the opinion of him who has said, if two distinct causes produce the same effect, they are permitted, then here they are permitted.*
- C. *There are those who say: even in the opinion of him who said, if two distinct causes produce the same effect, they are permitted, the pot is forbidden, for it can take the stew even before permitted fuel is put into place.*

**V.17.** A. Said R. Joseph said R. Judah said Samuel, “In the case of an oven that was fired up with the shells of nuts of a tree in the first three years of its growth or with stubble of the growth of mixed seeds in a vineyard, if the oven was new, it must be

destroyed, and if it was old, it must be cooled off. If a loaf of bread was baked in that oven — Rabbi says, ‘The bread is permitted.’ And sages say, ‘The bread is permitted.’”

- B. *But on Tannaite authority has it not been taught contrariwise?*
- C. *To Samuel the Tannaite formulation was handed on in reverse, and, if you prefer, I shall say, in general Samuel takes the view that the decided law accords with Rabbi over his colleague, but not over his colleagues, and here he maintains that it follows him even as against his colleagues. So he thought, well, I’ll recite it in reverse order, so that rabbis may be given the strict position.*

**V.18.** A. “If he baked the loaf on the coals, all concur that it is permitted.”

- B. Said R. Judah said Samuel, and R. Hiyya bar Ashi said R. Yohanan —
- C. One said, “They repeated the rule only with reference to dying coals, but as to live coals, the bread is forbidden” [by Rabbi].
- D. The other said, “Even bread baked on live coals is permitted.”
- E. *Now, there is no problem for him who has said, “Bread baked on live coals is forbidden,” since the operative consideration is that the improvement of the fuel is embodied in the bread [which therefore is forbidden]. But from the perspective of him who has said, Even bread baked on live coals is permitted, then from Rabbi’s perspective, how can bread ever be forbidden on grounds that the improvement of the fuel is embodied in the bread?*
- F. Said R. Pappa, “It would be a case in which the flame is opposite [the bread, through the mouth of the oven].”
- G. **[27B]** *Does that then bear the implication that rabbis who differ from him permit the bread even when the flame is opposite it? Then how according to rabbis would any fuel ever be prohibited?*
- H. Said R. Ammi bar Hama, “It would be a case of a stool [made of forbidden wood; one may not sit on such a stool, since one would benefit from the wood, which is still fully in existence (Freedman)].”

**V.19.** A. R. Ammi bar Hama asked R. Hisda, “An oven that one heated with wood belonging to the sanctuary, in which one baked a loaf of bread — *in the view of rabbis, who permitted in the first case [the oven heated with the shells of nuts of a tree in the first three years of its growth or with stubble of the growth of mixed seeds in a vineyard], what is the ruling?*”

- B. He said to him, “The bread is forbidden.”
- C. “Then what’s the difference between this and the oven heated by the shells of nuts of a tree in the first three years of its growth?”
- D. *Said Raba, “How now are the cases comparable? A volume of the shells of nuts of a tree in the first three years of its growth would be annulled in a volume of acceptable shells two hundred times greater, but what is sanctified is not nullified even by a volume of secular produce a thousand times in volume.”*
- E. *Rather, said Raba, “If there is a problem, here is the problem: he who fires the oven commits an act of sacrilege, but then, in any case in which one fires the oven and so commits sacrilege, the wood becomes secular [for that is the effect of an act of sacrilege].”*

- F. *Said R. Pappa, “Here we deal with wood in the status of peace offerings [wood to be sold for the purchase of animals for peace offerings], within the perspective of R. Judah. For R. Judah has said, ‘In the case of what is sanctified, if it has been inadvertently used in a secular way, it is deconsecrated, but if it has been deliberately used in a secular way, it is not deconsecrated.’ Now the operative consideration for the rule that if it is done deliberately, it is not deconsecrated? It is because there is no offering for sacrilege [which would cover only an inadvertent act of sacrilege]. So too in the case of peace offerings, there is no requirement of a sacrilege offering, so the wood does not become unconsecrated.”*
- G. *Is it the fact that in any case in which one fires the oven and thereby commits an act of sacrilege, the wood is deconsecrated? But it has been taught on Tannaite authority: As to the ashes of things that have been burned, their ashes are permitted, except for the ashes of an asherah-tree and the ashes of what has been consecrated. These are forever forbidden.*
- N. *Said Rami b. Hama, “The case here [where ashes of consecrated objects are forever forbidden] speaks of an accident in which fire broke out and burned up wood that had been consecrated. Since no one could be guilty of sacrilege so that the ashes might become unconsecrated there is no possibility that the ashes can be deconsecrated, [e.g., through an act of sacrilege].” [But if someone had deliberately burned the consecrated wood, by this act of sacrilege, the ashes are now unconsecrated.]*
- O. *R. Shemayyah said, “When the passage stated its rule, it concerned the ashes that are taken up [by the priest every morning and placed near the altar], which are forever forbidden for use. For it has been taught on Tannaite authority:*
- P. *“‘And he shall take up the ashes to which the fire has consumed the burnt offering on the altar and put them beside the altar’ (Lev. 6:10/6: 3) —*
- Q. *“‘he shall put it’ — in a serene manner.*
- R. *“‘he shall put it’ — the whole of it.*
- S. *“‘he shall put it’ — and not scatter it.” [We therefore see that these ashes have to be hidden away, and it is forbidden to derive benefit from them. But the ashes of other consecrated objects may be used.]*

**VI.1 A. R. Judah says, “The only valid form of removal of leaven is through burning:”**

- B. *It has been taught on Tannaite authority:*
- C. *Said R. Judah, “The only valid way of removing leaven is by burning. And that is a matter of logic. If left over sacrifices, which are not subject to the rules, ‘there shall not be seen’ and ‘there shall not be found’ (Exo. 12:15) have to be burned, then leaven, which is subject to the rules, ‘there shall not be seen’ and ‘there shall not be found’ (Exo. 12:15) surely has to be burned!”*
- D. *They said to him, “Any argument of that kind that you put forth with the result that the initial effect is a strict result but the final a lenient result is not a valid argument. If he didn’t find wood for burning the leaven, should he then do nothing? But the Torah has implacably ordered: ‘You shall put away leaven out of*

your houses' (Exo. 12:15), meaning, by any means with which you can put it away."

- E. R. Judah went back and offered another argument: "Left over Holy Things is forbidden to be eaten, and leaven on Passover is forbidden to be eaten. Just as left over holy things has to be disposed of through burning, so leaven on Passover has to be disposed of through burning."
- F. They said to him, "But carrion will prove to the contrary, since it cannot be eaten, but it doesn't have to be burned."
- G. He said to them, "There is this distinction: left over Holy Things may not be eaten or used for any purpose, and leaven on Passover must not be eaten and may not serve any other purpose; just as left over Holy Things have to be burned, so leaven has to be burned."
- H. They said to him, "But the ox that is to be stoned will prove the contrary, for it may not be eaten or used for enjoyment, but it also doesn't have to be disposed of by burning."
- I. He said to them, "There is this distinction: left over Holy Things may not be eaten or used for any other benefit, and the penalty for violating the rule is extirpation, and leaven on Passover is forbidden for eating or any other benefit, and the pertinent penalty also is extirpation. Just as just as left over Holy Things have to be burned, so leaven has to be burned."
- J. They said to him, "The fat of an ox that has been stoned will prove to the contrary, for it is forbidden for eating or any other benefit and the penalty of extirpation applies to it, but it doesn't have to be burned."
- K. **[28A]** R. Judah went back and offered another argument: "Left over holy things is subject to the rule, 'you shall let nothing of it remain' (Exo. 12:10), and leaven is subject to the rule, 'you shall let nothing of it remain' [since it has to be removed from the house]. Just as just as left over Holy Things have to be burned, so leaven has to be burned."
- L. They said to him, "A guilt offering that is held in suspense and the sin offering made of a bird that is presented by reason of doubt, from your perspective, will prove the opposite, for they are subject to the rule, 'you shall let nothing of it remain,' and we maintain that these must be disposed of by burning, but you say that they may be disposed of by burial."
- M. R. Judah shut up.
  - N. *Said R. Joseph, "This is in line with what people say: 'the ladle that the craftsman hollowed out — in it his tongue will be burned with mustard.'"*
  - O. *Abbaye said, "When the maker of the stocks sits in one he has made, he is paid with the clue that his own hand has wound' [Freedman]."*
  - P. *Raba said, "When the arrow-maker is killed by his own arrows, he is paid with the clue that his own hand has wound' [Freedman]."*

**VII.1 A. And sages say, "One also may crumble it up and scatter it in the wind or toss it into the sea:"**

- B. *The question was raised: what is the meaning of the statement before us? Is it, One also may crumble it up and scatter it in the wind or may crumble it up*

**and toss it into the sea? Or is it, One also may crumble it up and scatter it in the wind, but he may toss it into the sea as is?**

- C. *So too we have learned with respect to idolatry along these same lines: R. Yosé says, “One breaks them into pieces and throws the powder to the wind or drops them into the sea” [M. A.Z. 3:3C], and the question was raised: what is the meaning of the statement before us? Is it, One breaks them into pieces and throws the powder to the wind or one breaks them into pieces and drops them into the sea? Or perhaps, One breaks them into pieces and throws the powder to the wind or drops them into the sea as is?*
- D. *Said Rabbah, “It stands to reason that, in the case of an idol, which goes to the Dead Sea, it is not necessary to break it up into powder, but in the case of leaven, which goes into other bodies of water, it should have to be broken up into crumbs.”*
- E. *Said to him R. Joseph, “To the contrary, the opposite is more likely: an idol, which doesn’t dissolve, has to be brushed; leaven, which dissolves, doesn’t have to be crushed.”*
- F. *It has been taught on Tannaite authority in accord with Rabbah, and it has been taught on Tannaite authority in accord with R. Joseph:*
- G. *It has been taught on Tannaite authority in accord with Rabbah: if one was going along in the wilderness, he breaks the leaven up and throws it to the wind; if he was going along in a ship, he breaks it up and throws it into the sea.*
- H. *And it has been taught on Tannaite authority in accord with R. Joseph: if one was going along in the wilderness, he pulverizes the idol and throws it to the wind; if he was going along in a ship, he pulverizes it and throws it into the sea.*
- I. *The formulation that uses the word “pulverize” presents a challenge to Rabbah, and the formulation that uses the word “break up” presents a problem to R. Joseph.*
- J. *The formulation that uses the word “pulverize” presents no challenge to Rabbah: the one means, into the Dead Sea, the other, into other bodies of water.*
- K. *And the formulation that uses the word “break up” presents no problem to R. Joseph: the one speaks of wheat grains [that had leavened, and these have to be crumbled and scattered on the sea], the other, of bread.*

## 2:2

- A. **Leaven belonging to a gentile which has remained over Passover —**
- B. **one is permitted to derive benefit from it.**
- C. **But that of an Israelite —**
- D. **one is prohibited to derive benefit from it,**
- E. **since it is said, “Let it not be seen with you” (Exo. 13: 7).**
- I.1 A. *Who is the authority behind our unattributed Mishnah-rule, for it can be neither R. Judah nor R. Simeon nor R. Yosé?*
- B. *To what is reference made here?*
- C. *To that which has been taught on Tannaite authority:*

- D. “As to leaven, both before the time [of the prohibition, from six hours to mid day on the fourteenth of Nisan until evening] and afterward [after Passover], one violates a negative command on account of it; during its time [during Passover itself], one violates a negative command on account of it, and is punishable by extirpation,” the words of R. Judah. [If someone eats leaven that was kept from before until after Passover, he violates the law if he eats it.]
- E. **[28B]** R. Simeon says, “As to leaven, both before the time [of the prohibition, from six hours to mid day on the fourteenth of Nisan until evening] and afterward [after Passover], one violates on its account no rule at all. If it is used during the time that it is forbidden, one violates a law and is subject to extirpation and to the violation of a negative commandment. And from the hour that it is forbidden for eating, it is forbidden for use.”
- F. *That accords with the first Tannaite rule.*
- G. R. Yosé the Galilean says, “You should find it surprising that leaven is forbidden for general use [not just for eating] for all seven days!”
- H. “And how do we know that one who eats leaven from the sixth hour and onward on the fourteenth of Nisan violates a negative commandment? As it is said, ‘You shall eat no leavened bread with it’ (Deu. 16: 3),” the words of R. Judah.
- I. Said to him R. Simeon, “But is it really possible to say so? And has it not already been said, ‘You shall eat no leavened bread with it, seven days you shall eat unleavened bread with it’ (Deu. 16: 3). [Freedman: unleavened bread was not eaten before evening, therefore ‘with it’ must mean, when the Passover sacrifice is eaten, in the evening, and ‘with it’ must bear the same meaning in the first half of the verse, which Judah has cited.] If so, what does the phrase, ‘You shall eat no leavened bread with it’ teach? When one is subject to the commandment to take action: ‘get up and go, eat unleavened bread’ he is subject to the prohibition of not eating unleavened bread, and when he is not subject to the commandment to take action: ‘get up and go, eat unleavened bread’ he is not subject to the prohibition of not eating unleavened bread.”

**I.2.** A. *What is the scriptural basis for the contrary view of R. Judah?*

- B. There are three pertinent verses of Scripture: “There shall no leavened bread be eaten” (Exo. Exo. 13: 3); “you shall eat nothing leavened” (Exo. 12:20) and “You shall eat no leavened bread with it” (Deu. 16: 3). *One refers to the period prior to the advent of the prohibition, one to the period afterward, and one during that same time.*
- C. And R. Simeon?
- D. [He would say,] “One refers to the situation that prevails during the time that the prohibition prevails. ‘You shall eat nothing leavened’ *is required in line with that which has been taught on Tannaite authority*: I know only that what has leavened on its own is forbidden; if it was leavened by another substance, how do we know that it is forbidden? Scripture states, ‘You shall eat nothing leavened [e.g., fermented by something else]. *And as to the clause, ‘There shall no leavened bread be eaten,’ that is required in line with that which has been taught on Tannaite authority*: R. Yosé the Galilean says, ‘How on the basis of Scripture do we know that in the observance of the first Passover, in Egypt, the prohibition of



leaven applied for only a single day? Because it is said, “There shall no leavened bread be eaten,” adjacent to which it is said, “This day you go forth” (\*Exo. 13: 4).”

- E. *And as to R. Judah, how does he know that what is leavened by another substance also is prohibited?*
- F. *It is because the All-Merciful has used the word “leaven” in a transitive form.*
- G. *And how does he derive the proposition set forth by R. Yosé?*
- H. *If you wish, I shall say, because of the adjacent language, “this day,” and if you prefer, I shall say, well, he doesn’t interpret Scripture on the basis of adjacency of verses at all.*

**I.3.** A. The master has said: “And how do we know that one who eats leaven from the sixth hour and onward on the fourteenth of Nisan violates a negative commandment? As it is said, ‘You shall eat no leavened bread with it’ (Deu. 16: 3),” the words of R. Judah. Said to him R. Simeon, “But is it really possible to say so? And has it not already been said, ‘You shall eat no leavened bread with it, seven days you shall eat unleavened bread with it’ (Deu. 16: 3)” —

- B. *Now, as to R. Judah, has R. Simeon given him a good answer?*
- C. *R. Judah may say to you, “That verse is required to establish it as an obligation even nowadays.” [Freedman: the verse does not assimilate the prohibition of leavened bread to the precept of eating unleavened bread in the sense that the former is valid only when the latter is, but the verse: the latter is assimilated to the former. As long as leaven is prohibited, there is an obligation to eat unleavened bread, that is, even nowadays, after the destruction of the Temple and the cessation of sacrifices. For one might suppose that eating unleavened bread is obligatory only when there is a Passover sacrifices, and this verse teaches that that is not so.]*
- D. *So how on the basis of Scripture does R. Simeon know that it is established as an obligation even nowadays?*
- E. *He derives that fact from, “At evening you shall eat unleavened bread” (Exo. 12:18).*
- F. *And R. Judah?*
- G. *He requires that to make the point that someone who was unclean or on a far journey [would be obligated in respect to eating unleavened bread]. For it might have entered your mind to suppose that, since he cannot eat the Passover, he also need not eat unleavened bread and bitter herbs. So we are informed that that is not the case.*
- H. *And R. Simeon?*
- I. *No verse is required to make that point to cover someone who was unclean or on a far journey. For these classes of persons are no less than those who are uncircumcised or aliens, for it is written, “But no uncircumcised person shall eat thereof” (Exo. 12:48) — thereof such a one does not eat, but he does eat unleavened bread and bitter herbs.*
- J. *And R. Judah?*



K. *It is spelled out in a verse in the case of the one, and it is spelled out in a verse in the case of the other.*

**I.4.** A. *So anyhow, who is the authority behind our unattributed Mishnah-rule? It cannot be R. Judah, for he has made reference to leaven without further qualification, covering therefore even what belongs to a gentile. And it cannot be R. Simeon, [29A] for in his view, even that of an Israelite would be permitted. Nor can it be R. Yosé the Galilean, since in his view, even during the time of the prohibition it is permitted for general use.*

B. *Said R. Aha bar Jacob, "In point of fact, it is the position of R. Judah, and he derives the prohibition of eating leaven from the prohibition of seeing leaven: just as in the case of the prohibition of seeing leaven, you must not see your own, but you may see that which belongs to outsiders or to the Most High, so in the case of leaven in connection with which eating is discussed, you may not eat your own, but you may eat what belongs to others or what belongs to the Most High. And, as a matter of logic, the Tannaite authority of our Mishnah should teach that it is permitted even for eating, but because he teaches that what belongs to an Israelite may not be used, he also teaches that what belongs to a gentile may be used. And logically he should indicate that even during the period of the prohibition, the leaven of a gentile may be used, but since he speaks of the period after the prohibition in connection with the leaven belonging to an Israelite, he teaches the same about the leaven belonging to a gentile after the period of prohibition."*

C. *Raba said, "In point of fact, it represents the position of R. Simeon. For R. Simeon imposed an extrajudicial penalty, since with it one violates the clause, 'there shall not be seen' and 'there shall not be found.'" [Freedman: the Mishnah states the law as rabbis frame it, the cited external Tannaite passage speaks of the rule as the Torah spells it out.]*

D. *Now there is no problem for Raba in the language of the Mishnah: **But that of an Israelite — one is prohibited to derive benefit from it, since it is said, "Let it not be seen with you" (Exo. 13: 7).** But from the perspective of R. Aha bar Jacob, the language that is required is, "no leavened bread shall be eaten"!*

E. *Do you imagine that the cited verse addresses the second clause? Not at all, it speaks of the first clause, and this is the sense of the passage: **Leaven belonging to a gentile which has remained over Passover — one is permitted to derive benefit from it, since it is said, "Let it not be seen with you" (Exo. 13: 7) —** yours you must not see, but you may say what belongs to outsiders or the Most High. And the rule governing eating leaven derives from the rule governing seeing leaven.*

**I.5.** A. *Raba and R. Aha bar Jacob are consistent with views expressed elsewhere, for it has been stated:*

B. *He who eats leaven belonging to a gentile after Passover, in accord with the position of R. Judah —*

C. *Raba said, "He is flogged."*

D. *And R. Aha bar Jacob said, "He is not flogged."*

- E. Raba said, "He is flogged:" *R. Judah does not derive the rule governing eating leaven from the rule governing seeing leaven.*
- F. And R. Aha bar Jacob said, "He is not flogged:" *R. Judah does derive the rule governing eating leaven from the rule governing seeing leaven.*
- I.6.** A. *But R. Aha bar Jacob retracted that position, for it has been taught on Tannaite authority: He who eats leaven in the status of Holy Things on the festival commits sacrilege.*
- B. And there are those who say, "He has not committed sacrilege."
- C. *Whom does "there are those who say" represent?*
- D. *Said R. Yohanan, "R. Nehuniah b. Haqqanneh, as has been taught on Tannaite authority: **R. Nehuniah b. Haqqanneh treats the Day of Atonement as in the classification of the Sabbath so far as making restitution is concerned**" [T. B.Q. 7:18G]. [Because one incurs the death penalty for setting a haystack on fire, he does not have to pay for the damage, so on the Day of Atonement, because he incurs the penalty of extirpation, he does not have to pay (Silverstone, *Shebuot* 33A)]. Just as one who violates the Sabbath is subject to the death penalty but is also free from having to pay monetary compensation for any damage he may do, so he who violates the Day of Atonement is subject to the death penalty but is also free from having to pay monetary compensation for any damage he may do.*
- E. *R. Joseph said, "At issue between them is whether or not one may redeem Holy Things merely so as to feed the food to the dogs. The one who has said, 'he has committed an act of sacrilege,' takes the view that they do redeem Holy Things merely so as to feed the food to the dogs. The one who has said, 'he has not committed an act of sacrilege,' takes the view that they do not redeem Holy Things merely so as to feed the food to the dogs."*
- F. *R. Aha bar Raba repeated as a Tannaite formulation [29B] this tradition of R. Joseph in the following language: "All parties concur that they do not redeem Holy Things merely so as to feed the food to the dogs. So here what is under dispute? It is whether what is of indirect monetary value is equivalent to money. The authority who maintains that he has committed an act of sacrilege maintains that what is of indirect monetary value is equivalent to money, the authority who maintains that he has not committed an act of sacrilege takes the position that what is of indirect monetary value is not equivalent to money."*
- G. *R. Aha bar Jacob said, "All parties concur that what is of indirect monetary value is equivalent to money, and here, what is subject to debate? It concerns the dispute of R. Judah and R. Simeon. The one who maintains that he has not committed an act of sacrilege accords with R. Judah [Freedman: that all benefit is forbidden to an Israelite even after Passover, so that the leaven has no monetary value at all, nor has it any indirect monetary value, since it cannot*

be redeemed to feed it to dogs by selling it to a non-Jew for that purpose]. *He who maintains that he has committed an act of sacrilege concurs with R. Simeon* [Freedman: that it is permissible for general use after Passover, even to an Israelite, and that it has monetary value].”

H. *That proves that R. Aha bar Jacob retracted that position.*

I. *But lo, R. Aha bar Jacob is the one who said that R. Judah derives the rule governing eating leaven from the rule governing seeing leaven* [Freedman: whereby leaven that is sanctified is permitted for use during Passover, even according to Judah].

J. *So R. Aha bar Jacob retracted that position from that statement [as well].*

K. *R. Ashi said, All parties concur that one may not redeem Holy Things merely so as to feed the food to the dogs; further, what is of indirect monetary value is not equivalent to money. And here what is under dispute is the debate between R. Yosé the Galilean and rabbis. One who maintains that he has committed an act of sacrilege concurs with R. Yosé, and one who maintains that he has not committed an act of sacrilege concurs with rabbis.”*

**I.7.** A. Said Rab, “Leaven in its time [during the time that it is subject to a prohibition, that is, Passover] whether mixed with its own species or not mixed with its own species is forbidden. Not at the time that it is prohibited, if it is mixed with its own species, it is forbidden; if it is not mixed with its own species, it is permitted.”

B. *With what situation do we deal? Should we say, the leaven imparts its taste to the mixture? Then how can it be permitted when not at the time of the prohibition if it is mixed with a different species? Doesn't it impart a taste anyhow?! So what is under discussion here is a minimal quantity of leaven, which imparts no flavor to the mixture.*

C. Leaven in its time [during the time that it is subject to a prohibition, that is, Passover] whether mixed with its own species or not mixed with its own species is forbidden: *Rab is consistent with views expressed elsewhere, for both Rab and Samuel said, “With respect to whatever is forbidden in the Torah, if mixed with its own species in any volume whatsoever, or if mixed not with its own species in sufficient volume to impart a flavor, [the mixture is forbidden].”*

D. *Rab then makes a precautionary decree concerning leaven in its time, mixed with something not of its species, on account of a mixture with its own species; and leaven not in its time, mixed with its own species, treating these mixtures as forbidden, in line with the view of R. Judah; but he treats leaven not mixed with its own species as permitted, because, to forbid it when not in its own time and mixed with a different kind because of the prohibition that applies to a mixture with its own kind would be to make a precautionary decree beyond the ordinary extent to which such decrees are made.*

- E. Samuel said, "Leaven in its own time mixed with its own species is forbidden; leaven not in its own time is permitted; leaven not in its own time, whether mixed with its own species or mixed not with its own species, is permitted."
- F. Leaven in its own time mixed with its own species is forbidden: *Samuel is consistent with views expressed elsewhere, for both Rab and Samuel said, "With respect to whatever is forbidden in the Torah, if mixed with its own species in any volume whatsoever, or if mixed not with its own species in sufficient volume to impart a flavor, [the mixture is forbidden]."*
- G. *But Samuel then doesn't make a precautionary decree concerning leaven mixed not with its own species on account of a mixture of leaven with its own species.*
- H. ...leaven not in its own time is permitted; leaven not in its own time, whether mixed with its own species or mixed not with its own species, is permitted: this is in accord with R. Simeon.
- I. And R. Yohanan said, "Leaven in its time, whether mixed with its own species or not mixed with its own species, is forbidden if it imparts a flavor. If it is not in its own time, whether mixed with its own species or not mixed with its own species, is permitted.
- J. Leaven in its time, whether mixed with its own species or not mixed with its own species, is forbidden if it imparts a flavor: *R. Yohanan is consistent with views expressed elsewhere, for both R. Yohanan and R. Simeon b. Laqish said, "With respect to whatever is forbidden in the Torah, whether mixed with its own species or not with its own species, produces a forbidden mixture if the leaven imparts a flavor."*
- K. If it is not in its own time, whether mixed with its own species or not mixed with its own species, is permitted: this is in accord with R. Simeon.

**I.8. A. [30A]** *Said Raba, "The decided law is: leaven in its time, whether mixed with its own species or not mixed with its own species, is forbidden in any amount at all, that is, in accord with the position of Rab. If it is not in its time, then, whether mixed with its own species or not mixed with its own species, it is permitted, in accord with R. Simeon."*

B. *But did Raba make such a statement? And didn't Raba say, "In point of fact, it represents the position of R. Simeon. For R. Simeon imposed an extrajudicial penalty, since with it one violates the clause, 'there shall not be seen' and 'there shall not be found.'"*

C. *That is the case when the leaven is in its natural state, but not when it is found in a mixture.*

D. *And Raba is consistent with views expressed elsewhere, for said Raba, "When we were at the household of R. Nahman, when the seven days of Passover had passed, he would say to us, 'Go out and buy leaven from the soldiers.'"* [Freedman: their leaven was permitted after Passover since no transgression had been committed with it.]

**I.9. A.** Said Rab, "[To remove leaven that will have inhered through the year] pots shall be broken on Passover."

- B. *But why should this be the rule? Let them be kept until after Passover and then used with a species other than that usually cooked in them?*
- C. *It is a precautionary decree, lest people turn out to prepare in them food of the species that had been cooked in them.*
- D. *And Samuel said, "They don't have to be broken, but people may hold on to them after the time of the prohibition of leaven, and cook in them whether the species that had been cooked before or not."*
- E. *And Samuel is consistent with views expressed elsewhere, for said Samuel to the pot sellers, "Charge a fair price for your pots, 'cause if not, I'll announce that the law accords with R. Simeon [who doesn't require people to break the pots]."*
- F. *Well, then, let him make such an announcement, since Samuel agrees with R. Simeon?*
- G. *[He couldn't make such an announcement, because] it was Rab's town.*

**I.10.** A. *There was an oven that was greased in fat. Rabbah bar Ahilai prohibited forever eating bread that was baked in it [even though the oven were refired and burned through to remove the fat], even eating the bread with salt, lest one end up eating it with a preserve that contained milk as well.*

B. *An objection was raised: one may not knead dough with milk, and if one does so, the whole loaf is prohibited, because such a situation leads to sin [eating the bread, now classified as a dairy product, with meat]. So too, [30B] one must not grease an oven with fat, and if one does grease it, all the bread baked in the oven is forbidden until the oven will have been refired. So if the oven is refired, it is then permitted, and is this not a refutation of the ruling of Rabbah bar Ahilai?*

C. *For sure.*

**I.11.** A. *Said Rabina to R. Ashi, "Now since the position of Rabbah bar Ahilai has been refuted, why has Rab said, 'Pots [to remove leaven that will have inhered through the year] shall be broken on Passover' [since one can just as well reheat them]?"*

B. *He said to him, "He spoke of one made of metal, here it is an earthen pot.*

C. *"If you prefer, I shall explain, 'while it is a clay oven, it is one that is fired from the inside [which can expel absorbed matter (Freedman)], while the other pot is one that was fired on the outside.'"*

D. *And if you should say, if so why not burn the pot on the inside? [If that is permitted,] the owner will try to take it easy with the fire, so as not to break the pot [and so only burn it on the outside (Freedman)]. Therefore as to a tiled pan, since it is burned from the outside [with the coals underneath, bread on top], it is forbidden for use on Passover. But if it is filled with coals, it may be used on Passover.*

**I.12.** A. *Said Rabina to R. Ashi, "As to knives, what do we do with them on Passover?"*

- B. *He said to him, "As for me, we make new ones."*
  - C. *He said to him, "Well, that's all very well for the master, who can do it that way. But what about someone who can't afford it?"*
  - D. *He said to him, "What I meant was, like new ones, that is to say, I poke the handles into the dirt and their blades into the fire and then I put the handles into boiling water."*
  - E. *But the decided law is: both the one and the other are put into boiling water and into a utensil in which water is boiled while the water is still at the boiling point.*
- I.13.** A. *Said R. Huna b. R. Joshua, "A wooden pot ladle has to be freed of forbidden matter that it has absorbed by being put into boiling water and into a utensil in which water is boiled while the water is still at the boiling point."*
- B. *His theory is, as it absorbs forbidden matter, so it exudes it. [Freedman: the same conditions are necessary to make it exude as those whereby it absorbed; since the ladle absorbs the leaven from a utensil in which water is boiled while the water is still at the boiling point, for it is used for stirring the contents of the pot on the fire, it exudes only under comparable conditions.]*
- I.14.** A. *Maremar was asked, "As to utensils that are glazed, what is the law on using them for Passover? The question concerns not only green glazing, which contains alum crystals that absorb and render the utensil forbidden. The question concerns white or black glazes. And we do not ask about these only if there are cracks, for such as these would certainly absorb the contents of the utensil and so are forbidden. The question concerns those that are smooth and uncracked. What is the rule?"*
- B. *He said to them, "I myself have watched utensils of that kind exude liquid, and since they are porous, they also will absorb their contents; they therefor are forbidden. What is the operative consideration? The Torah itself has given evidence concerning clay utensils that they never can get rid of their defect."*
  - C. *Now how is that case different from the one involving libation-wine, in which case Maremar gave an exposition: "As to utensils that are glazed, whether the glaze is black, white, or green, they are permitted"? And should you maintain that the prohibition of leaven on Passover derives from the authority of the Torah, while the prohibition concerning libation-wine derives only from the authority of rabbis, now lo, whatever rabbis have ordained bears the same status as what derives from the Torah.*
  - D. *In the one case, the utensil is used for hot liquids, in the other, for cold liquids [and the utensil used all year for leaven has had hot things in it, which are more likely to penetrate the glaze].*
- I.15.** A. *Said Raba bar Abba said R. Hiyya bar Ashi said Samuel, "All utensils that have been used for leaven that was cold may be used with unleavened bread, except for what holds yeast, since that is very powerful leaven."*
- B. *Said R. Ashi, "And a container for a paste of flour and vinegar used as a relish is in the category of a container for leaven, since it is very powerful leaven."*
  - C. *Said Raba, "Kneading basis of Mahoza are in the category of a container for leaven, which is very powerful leaven, since leaven is continually kneaded in them and is kept in them."*



- D. *So what else is new?*
- E. *What might you otherwise have supposed? Since they are wide, the air affects them so they don't absorb what is placed on them; so we are informed that that is not the case.*

## 2:3A-D

- A. **A gentile who lent money to an Israelite on the security of his [the Israelite's] leaven —**
- B. **after Passover, it is permitted [for an Israelite] to derive benefit from it.**
- C. **And an Israelite who lent money to a gentile on the security of his leaven —**
- D. **after Passover, it is prohibited [for an Israelite] to derive benefit from it.**

**I.1** A. *It has been stated:*

- B. As to a creditor —
- C. Abbaye said, “He collects the debt retrospectively” [Freedman: if the creditor has to exact the pledge in repayment of the loan, the pledge is regarded as having retrospectively belonged to him from the time of the loan].
- D. And Raba said, “He collects the loan prospectively” [Freedman: it is regarded as having belonged to him only from the moment he actually seized it, on default of the loan].
- E. *There is no dispute about a case in which the debtor sanctified the pledge or sold it; all concur that the creditor may come and seize it, [31A] or the creditor may come and redeem it, for we have learned in the Mishnah: [He who sanctifies his property, and there were incumbent upon him payment of his wife's marriage settlement and a debt — the wife cannot collect her marriage settlement from the sanctified property, nor the creditor his debt. But he who redeems [the property] redeems it on condition of paying the woman her marriage settlement and the creditor his debt.] He who sanctified [property worth] ninety manehs, and his debt was a hundred manehs — he [the debtor] adds another denar and redeems these possessions, [on condition of paying the woman her marriage settlement and the creditor his debt] [M. Ar. 6:2]. Where there is a dispute, it concerns a case in which it was the creditor who sold or consecrated the object before foreclosure. Abbaye said, “He collects the debt retrospectively,” since the time came and the other didn't pay, the matter is retrospectively clarified that, to begin with, the pledge was in the domain of the lender, and he has quite validly consecrated it or sold it. And Raba said, “He collects the loan prospectively,” since, if he had the money, he could have paid him off with money, it turns out that it is only from this point onward that title passes.*
- F. *But did Raba say any such thing? And didn't R. Ammi bar Hama say, “If Reuben sold a field to Simeon with a guarantee [in case it is seized by a creditor, the seller would make up the loss], and allowed the price of the field to remain as a loan to the buyer, accepting instead a note of indebtedness, and then Reuben died, and a creditor of Reuben came along and seized the field from Simeon, and Simeon met his demand by refunding to him the amount of the loan he owed to Reuben's heirs, the law is, Reuben's children say say to him, ‘So far as we are concerned,*

*our father has left no more than movables with you, and movables of an estate are not available for seizure and collection by a creditor.” And said Raba, “If the other party [the buyer, subject to the orphans’ claim to pay the price of the land that he bought, which he had not paid earlier] is smart, he will hand over to them a plot of ground, settling the debt, and then he seizes the land from them [Slotki, to Ketubot 92A: by virtue of the responsibility which their father, as seller, had undertaken towards him as buyer; since the land comes into their possession by virtue of the debt they inherited from their father, it is deemed to be an inheritance that may be seized by a buyer whose purchase had been distrained on by their father’s creditor]. “That is in accord with what R. Nahman said, for said R. Nahman said Rabbah bar Abbuha, ‘Orphans who collected land in payment of a debt owing to their father — a creditor may go and collect the land from them’ [Slotki, Ketubot 92A: as if the land had been a direct inheritance from their father, although their acquisition of it took place after his death, as a result of the creditor’s inability to meet his obligation]. Now, if you maintain that the creditor collects the debt retrospectively, then there’s no problem; that’s why he in his turn can go and seize it from them, since it is just as though they had seized it in their father’s lifetime. But if you maintain that he collects the loan prospectively, on what basis can he go and collect it from them? Lo, it’s as though the orphans had bought real estate [Freedman: with the money owing to them, they now purchased this real estate], and if orphans buy real estate, is it then under a lien to the father’s creditor? [Of course not.]*

- G. *That case is exceptional, since the debtor can say to them, just as I was indebted to your father, so I was indebted to the creditor of your father. That is in line with what R. Nathan said, for it has been taught on Tannaite authority: R. Nathan says, ‘How on the basis of Scripture do we know that if someone claims a maneh from someone else, and the other party claims the same amount of money from a third party, the money is collected from the third party and paid out directly to the original claimant? “And give it to him against whom he has trespassed” (Num. 5: 7).’”*
- H. *We have learned in the Mishnah: **A gentile who lent money to an Israelite on the security of his [the Israelite’s] leaven — after Passover, it is permitted [for an Israelite] to derive benefit from it.** Now, if you maintain that he collects the debt retrospectively, that explains why it is permitted for use. But if you say that he collects the debt prospectively, then why should it be permitted for use? It had stood in the domain of the Israelite during the Passover season!*
- I. *Here with what situation do we deal? It was a case in which he deposited the leaven with the gentile as a pledge [and the gentile then has title to it].*
- J. *May we say that what is at issue is also subject to debate among Tannaite authorities, as follows: An Israelite who lent money to a gentile on the pledge of his [the gentile’s leaven, after Passover does not transgress [if he takes the leaven for the debt and uses it (Freedman)]. In the name of R. Meir they have said, “He does transgress.” Now isn’t this what is at stake? The one authority holds that he collects the debt retrospectively, and the other authority maintains that he collects the debt prospectively.*

- K. *But do you really think that that is what is at issue? Then let me proceed to the next part of the passage: But a gentile who lent money to an Israelite on the pledge of his leaven — after Passover, all parties concur that [if the Israelite uses the leaven] he violates the law. But lo, what is required is the opposite! The one who has said in the first clause that he does not transgress should here maintain that he does, and the one who has said that he does transgress should here maintain that he doesn't [Freedman: since the case is reversed, the rulings should be reversed, if they are dependent on whether the creditor collects retrospectively or prospectively].*
- L. **[31B]** *Rather, here with what do we deal? It is a case in which the borrower deposited the leaven with him, and at issue is what R. Isaac said. For said R. Isaac, "How on the basis of Scripture do we know that the creditor acquires title to the pledge [while it is in his possession and so is responsible for any accident that occurs]? Scripture states, 'In any case you shall deliver the pledge again when the sun goes down...and it shall be righteousness for you' (Deu. 24:13). Now if he doesn't have title to the object, whence the righteousness? This proves that the creditor takes the title to the pledge." [Freedman: it is legally his while in his possession, therefore he may validly offer it for a token of betrothal.] The first Tannaite authority maintains, [Isaac's statement] applies only if an Israelite took a pledge from an Israelite, since in his case we invoke the statement, "and it shall be righteousness unto you" (Deu. 24:13), but in the case of an Israelite's taking a pledge from a gentile, he does not acquire title [and therefore he has not violated the rule against having leaven]. And R. Meir takes the view that there is an argument a fortiori: if an Israelite acquires title from an Israelite, all the more so should an Israelite acquire title from a gentile! But as to a gentile who lent money to an Israel on the pledge of his leaven, all parties concur that one does violate the law. In that case, the gentile assuredly does not acquire title from the Israelite.*
- M. *We have learned in the Mishnah: A gentile who lent money to an Israelite on the security of his [the Israelite's] leaven — after Passover, it is permitted [for an Israelite] to derive benefit from it. Now, granting that he deposited the leaven with him, haven't you said that the gentile doesn't acquire title from the Israelite?*
- N. *No problem, in the Mishnah-paragraph, the case is one in which he said to him, "From now on" [If I don't pay on time, the leaven is yours from now on, so the leaven is owned by the lender]. But the passage just now cited refers to a case in which he didn't say to him, "From now on."*
- O. *And on what basis do you maintain that we draw a distinction between a case in which one has said, "From now on," and one in which he has not said, "From now on"?*
- P. *It is because it has been taught on Tannaite authority: A gentile who deposited as a pledge with an Israelite large loaves of bread — the Israelite does not violate the law against having leaven. But if he said to him, "I have assigned them to you," the Israelite violates the law. Now what distinguishes the first from the second conclusion? Isn't it that we make a distinction between a case in which one has said, "From now on," and a case in which one has not said, "From now on"?*
- Q. *That settles it.*

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

- B. A shop belonging to an Israelite and the wares belong to an Israel, and gentile works go in there — leaven that is found there after Passover may not be used for benefit, and it goes without saying, may not be eaten. If the shop belonged to a gentile and the wares to a gentile, and Israelite workers went in and come out of there, leaven that is found there after the Passover may be eaten, and it goes without saying may be utilized for benefit [T. **Pes. 2:7**].

### 2:3E-F

- E. Leaven on which a house fell down in ruins — lo, it is tantamount to its having been removed.
- F. Rabban Simeon b. Gamaliel says, “Anything which the dog cannot scratch up [is deemed to have been legally removed].”

**I.1.** A. Said R. Hisda, “But he has to annul it in his heart.”

**I.2.** A. *A Tannaite statement:* what is the definition of **anything which the dog cannot scratch up**?

- B. A depth of three handbreadths.

**I.3.** A. *Said R. Aha b. R. Joseph to R. Ashi, “As to what Samuel said, ‘Money can be protected only by burying it in the ground,’ do we require that it be buried three handbreadths deep or not?”*

- C. *He said to him, “Here the rule is because of the smell of the leaven, but there the consideration is to hide it from sight, therefore it doesn’t have to be three handbreadths deep.”*

- D. And how much is required?

E. Said Rafram bar Pappa of Sikkara, “A handbreadth.”

### 2:4

- A. He [who is not a priest] who on Passover inadvertently eats leaven which is in the status of heave offering
- B. pays the principal [which he consumed] and a penalty of an added fifth [of the value of the principal].
- C. [If he did so] deliberately, he is exempt from the requirement to make restitution,
- D. and [even] from repaying its value when it is assessed merely for use as wood [fuel].

## Topical Appendix on Rules governing the Misappropriation of Food in the state of Heave- Offering.

### COMMENCING WITH A FREE-STANDING ANALYSIS UTILIZING THE MISHNAH-RULE

**I.1** A. *We have learned in the Mishnah there:* [A non-priest] who unintentionally eats heave offering pays back the principal and an [added] fifth. The same [rule applies to] (1) one who

[unintentionally] eats [produce in the status of heave offering], to (2) one who [unintentionally] drinks [liquids in the status of heave offering], [32A] and to (3) one who [unintentionally] anoints [himself with oil in the status of heave offering]. The same [rule applies to] (4) [one who unintentionally misappropriates] clean heave offering, and to (5) [one who unintentionally misappropriates] unclean heave offering. He pays back [the principal and added] fifth, and a fifth of the [added] fifth. He does not pay restitution with heave offering; rather [he pays it with] unconsecrated produce, and this takes on the status of heave offering. And [since] the restitution is heave offering, [even] if the priest wishes, he may not refuse [it] [M. Ter. 6:1].

B. *Now the question was raised: When one repays, does he repay by quantity or by value? Now in a case in which to begin with it was worth four zuz and at the end it was worth a zuz, no one doubts that he has to repay in accord with the original in accord with value, for it is no worse than the case of a robber, in which we have learned in the Mishnah: all robbers pay compensation [in accord with the value of the stolen object] at the time of the theft [M. B.Q. 9:1K]. Where it is a question, it concerns a case in which to begin with it was worth a zuz, and in the end it was worth four zuz. What is the rule? Does he repay by quantity, saying to him, he ate a griva in volume, so he'll repay a griva in volume? Or maybe he repays by value, saying, he ate what was worth a zuz, so now he repays what is worth a zuz?*

C. *Said R. Joseph, "Come and take note: A non-priest who ate dried figs in the status of heave offering [which he may not do] and paid their value in dates — may he be blessed! Now how is this repayment to be interpreted? Should I say that it is a payment corresponding to the value of the figs that he ate, that is, he ate priests' figs worth a zuz so he repays dates for a zuz — then why in the world may he be blessed?! He ate a zuz-worth and he paid a zuz-worth. So isn't this by measure, that he ate a griva of dried figs, worth a zuz, and he paid back a griva of dates, worth four zuz, and that's why may he be blessed!"*

D. *Said Abbaye, "In point of fact he ate a zuz-worth of the one and he repaid a zuz-worth of the other, and what's the point of, may he be blessed? He ate something of his that is not in big demand and paid him back with something that is in heavy demand."*

E. *We have learned in the Mishnah: He [who is not a priest] who on Passover inadvertently eats leaven which is in the status of heave offering pays the principal [which he consumed] and a penalty of an added fifth [of the value of the principal]. Now, if you maintain that he repays by volume, there is no problem. But if you hold that he repays by value, then does leaven on Passover have any value at all?*

F. *Well, as a matter of fact, it does, for who is the authority behind this rule? It is R. Yosé the Galilean, who has said, "Leaven on Passover may be utilized."*

G. *If so, then look at what follows: [If he did so] deliberately, he is exempt from the requirement to make restitution, and [even] from repaying its value when it is assessed merely for use as wood [fuel]. Now, if this represents the view of R. Yosé the Galilean, why should he be exempt from the requirement to make restitution, and [even] from repaying its value when it is assessed merely for use as wood [fuel]?*

H. *He concurs with the position of R. Nehunia b. Haqqanneh, for it has been taught on Tannaite authority: R. Nehuniah b. Haqqanneh treats the Day of Atonement as in the classification of the Sabbath so far as making restitution is concerned" [T. B.Q. 7:18G].*

I. *The dispute at hand is conducted among Tannaite authorities as well:*

J. **"He who eats leaven in the status of priestly rations on Passover is exempt from the requirement to make restitution, and [even] from repaying its value when it is assessed merely for use as wood [fuel], the words of R. Aqiba.**

K. **R. Yohanan b. Nuri declares him liable.**

L. **Said R. Aqiba to R. Yohanan b. Nuri, "Well, what benefit does he derive from it?"**

M. **Said R. Yohanan b. Nuri to R. Aqiba, "Well, what benefit does a priest derive during the rest of the year, that he who eats unclean priestly rations should have to pay compensation?"**

N. **He said to him, "No. If you refer to unclean priestly rations during the rest of the days of the year, even though there is no permission to eat it, there is every right to burn it, will you say the same in this case, in which he cannot eat it or burn it? To what is the matter comparable? To priestly rations of straw berries or grapes that became unclean, in which case the priest is permitted neither to eat nor to burn the produce [in this case, the produce doesn't burn]. Under what circumstances? When he separates the priestly rations and it became leavened. But if he designates priestly rations of leaven on Passover, all concur that it is not sanctified" [T. Pes. 1:10].**

O. *It has further been taught on Tannaite authority:*

P. **"And if someone eat of the holy things unwittingly, then he shall put the fifth part thereof into it and shall give unto the priest the holy thing' (Lev. 22:14) — it is something that is suitable to come holy, excluding eating leaven in the status of priestly rations, in which instance one is exempt from having to pay compensation, even from repaying its value when it is assessed merely for use as wood," the words of R. Eliezer b. Jacob.**



Q. And R. Eleazar Hisma declares him liable.

R. Said R. Eliezer b. Jacob to R. Eleazar Hisma, "Well, what benefit does he derive from it?"

S. Said R. Eleazar Hisma to R. Eliezer b. Jacob, "Well, what benefit does a priest derive during the rest of the year, that he who eats unclean priestly rations should have to pay compensation?"

T. He said to him, "No. If you refer to unclean priestly rations during the rest of the days of the year, even though there is no permission to eat it, there is every right to burn it, will you say the same in this case, in which he cannot eat it or burn it?"

U. He said to him, "Even in this matter it is permitted to use it as fuel, since, if the priest wants, he can put it before his dog or burn it under his pot."

**I.2.** A. [32B] *Said Abbayye, "R. Eliezer b. Jacob, R. Aqiba, and R. Yohanan b. Nuri all take the position that it is forbidden to derive benefit on Passover from leaven. But this is what is at issue among them: R. Aqiba takes the view that one pays according to value; R. Yohanan b. Nuri maintains that one pays according to volume."*

B. *Well, that presents no surprise!*

C. *What might you otherwise have imagined? R. Yohanan b. Nuri also concurs with R. Aqiba, who has said that one pays in proportion to value, but in that case, there is a special consideration that he imposes liability, namely, he takes the view of R. Yosé the Galilean, who has said, "It is permitted to derive benefit from leaven on Passover," and so we are informed that that is not the case.*

D. *And might I say that that is indeed the case [and he does take that view]?*

E. *If so, then R. Yohanan b. Nuri should respond to R. Aqiba just as R. Eleazar Hisma does to R. Eliezer b. Jacob.*

**I.3.** A. *Our rabbis have taught on Tannaite authority:*

B. *He who eats an olive's bulk of priestly rations has to pay compensation of the principal and an added fifth.*

C. *Abba Saul says, "He is liable only if it is worth a penny at a minimum."*

D. *What is the scriptural basis of the initial Tannaite opinion?*

E. *Scripture said, "And if a man eat of the holy thing unwittingly" (Lev. 22:14) — and eating requires at least the bulk of an olive.*

F. *And what is the scriptural basis of the opinion of Abba Saul?*

G. *Scripture said, "...and he shall give to the priest" (Lev. 22:14), and there is no act of giving that involves what is worth less than a penny.*

H. *And as to the other, lo, it is written, "...eat..."?*

I. *That serves to teach: except for one who destroys the food.*

J. *And the initial Tannaite authority surely must address the language of the verse, "...and he shall give..."*

K. *That is required to make the point that he must return something that can be holy [in kind, not in money].*

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

- B. He who eats priestly rations that are less in volume than an olive's bulk has to pay the principal but doesn't have to pay the added fifth.
- C. *How is this to be understood? If it is not worth a penny, then he also shouldn't have to pay back the principal, but if it is worth a penny, then he also should have to pay the added fifth.*
- D. *In point of fact it is worth a penny, but even so, since there is not a volume of an olive in bulk, he pays the principal but he doesn't pay the added fifth.*
- E. *Rabbis stated this matter before R. Pappa, "Lo, this does not accord with Abba Saul, for, if it were to accord with Abba Saul, then hasn't he said, 'if it is worth a penny, even though it is not of the bulk of an olive [one has to pay the added fifth]?'"*
- F. *Said to them R. Pappa, "You may even say it represents the position of Abba Saul. Abba Saul requires that both conditions be met [worth at least a penny and be at least the bulk of an olive]."*
- G. *But is it the fact that Abba Saul requires that both conditions be met [worth at least a penny and be at least the bulk of an olive]? Haven't it been taught on Tannaite authority: **Abba Saul says, "In the case of what is worth a penny, one is liable to make restitution; in the case of what is not worth a penny, one is not liable to make restitution."** They said to him, "They referred to what is worthy a penny only as to sacrilege alone, but as to priestly rations, one is liable only if it is of the bulk of an olive" [T. **Ter. 7:2**]. Now if it were the fact that Abba Saul requires both conditions to be met, then they should have said, "...unless it contains as much as an olive."*
- H. *That is a valid refutation.*
- I. *So too, R. Pappa retracted [as well be demonstrated by J-Y], for it has been taught on Tannaite authority:*
- J. **"...unwittingly...."**
- K. **excluding the one who commits sacrilege deliberately [from the requirement of having to bring the offering described here].**
- L. **But is that proposition not subject to proof merely by logic?**
- M. **If in the case of other religious duties, in which a deliberate violation is punishable by extirpation, the law has exempted the one who deliberately violates the law [from having to bring an offering, such as is specified here, reserving the right of bringing an offering only to one who acts unwittingly,]**
- N. **the act of sacrilege, in which a deliberate violation is punishable by extirpation, surely should yield the rule that the one who deliberately violates the law does not have to bring an offering! [Why is it necessary to prove that proposition by appeal to Scripture?]**
- O. **No, if you have invoked that rule in the case of other religious duties, in which case the liability to the death penalty is not incurred for such a transgression, will you say the same in the case of sacrilege, in which violation does involve the death penalty? Since the death penalty is**

incurred for a violation of the law, the transgressor who violates the law deliberately should also not be exempt from the offering specified here.

- P. That is why it is necessary for Scripture to state explicitly, “...unwittingly...:”
- Q. so excluding the one who commits sacrilege deliberately [from the requirement of having to bring the offering described here] [Sifra LXIII:II.1/Parashat Vayyiqra Dibura Dehobah Parashah 11].
- R. *And said R. Nahman bar Isaac to R. Hiyya bar Abin, “This Tannaite authority to begin with treats extirpation as the more severe penalty, but then he regards death at the hands of Heaven as more severe [in the contrast between M and O].”*
- S. *And he said to him, “This is the sense of the statement: No, if you have invoked that rule in the case of other religious duties, in which case the liability to the death penalty is not incurred for less than an olive’s bulk, will you say the same of sacrilege, in which instance one may be liable to death for a violation of less than an olive’s bulk?”*
- T. *And he said to him, “May your mind be at rest, for you have given rest to my mind.”*
- U. *And he said to him, “What rest! For Rabbah and R. Sheshet have swung an ax at it [disproving it]: of whom have you heard who has said, [33A] ‘If one deliberately violated in a case in which an inadvertent violation would involve a sacrilege offering, he is punishable by death?’ It is Rabbi, for it has been taught on Tannaite authority: If one deliberately violated in a case in which an inadvertent violation would involve a sacrilege offering, — Rabbi says, ‘He is punishable by death.’ And sages say, ‘He is subject to an admonition only’ [flogging].”*
- V. *What is the scriptural basis for the position of Rabbi?*
- W. *Said R. Abbahu, “He draws a verbal analogy from the appearance of the word ‘sin’ both here and in the case of priestly rations [at Lev. 5:15 for sacrilege, at Lev. 22:9 for priestly rations]. Just as such a violation in the case of priestly rations involves the death penalty, so the same is incurred for sacrilege. And from the same verbal analogy, the following flows as well: just as in the case of priestly rations, one is liable only for the bulk of an olive or more, so in the case of sacrilege, the minimal volume is an olive’s bulk.”*
- X. *Objected R. Pappa, “How do you know that Rabbi concurs with rabbis [that as much as an olive’s bulk is required in the case of priestly rations]? Maybe he concurs with Abba Saul, who has said, ‘If it is worth a penny, even though it is not an olive’s bulk,’ one is liable?”*

Y. *Now, lo, it is R. Pappa who has said that Abba Saul requires both conditions to be met. So doesn't that prove that he retracted?*

**I.5.** A. *Mar b. Rabbana said, "This is the sense of his statement: 'No, if you have invoked that rule in the case of other religious duties, in which case the law has not treated what is unintentional as equivalent to what is intentional, for if he intended cutting what was detached from the ground but cut what is attached, he is not liable [on the Sabbath], will you say the same in the matter of sacrilege, where if he intended to warm himself with wool shearings that were unconsecrated but warmed himself with wool shearings of a burnt offering, he is liable to a sacrilege-offering?'"*

B. *R. Nahman bar Isaac said, "This is the sense of his statement: 'No, if you have invoked that rule in the case of other religious duties, in which case he who is not engaged therein is not treated as liable in the way in which he who is engaged therein is liable, for if he intended picking on the Sabbath what was detached but plucked what was attached to the ground, he is not liable, will you say the same of sacrilege, where, if he stretched out his hand to take the utensil and by the way anointed his hand with holy oil, he is liable for a sacrilege offering?'"*

**I.6.** A. **The master has said, When he separates the priestly rations and it became leavened. But if he designates priestly rations of leaven on Passover, all concur that it is not sanctified —**

B. *What is the basis for this view?*

C. *R. Nahman bar Isaac said, "Said Scripture, 'The firstfruits of your grain, your wine, and your oil shall you give to him' (Deu. 18: 4) — and not only for its light." [The priest has to be able to eat it, not only to burn it for light; if it is designated in such a condition that it cannot be eaten, it is not priestly rations (Freedman).]*

D. *Objected R. Huna b. R. Joshua, "They do not separate heave offering from that [produce] which is unclean for that which is clean. And if he separated heave offering [in that manner] — [if he did it] unintentionally, that which he has separated is [valid] heave offering; [but if he did it] intentionally, he has not done anything [M. Ter. 2:2A-D]. Now why should this be the case? Why not say, 'to him' (Deu. 18: 4) — and not only for its light?"*

E. *Well, that's no problem. In that case the food at once point was valid, but here, the food at no point was valid for eating.*

F. *But how can there be a case in which it never had a moment at which it was valid for eating?*

G. *For instance, if it leavened while it was still attached to the ground.*

H. *Then if it leavened when not attached to the ground, will it then also be sanctified [having had a moment at which it might have been eaten]?*

- I. Yup. “The sentence is by the decree of the watchers, and the matter by the word of the holy ones” (Dan. 5:14) — *that is precisely they way they rule in the house of study, precisely in accord with my view.*
- J. *When R. Huna b. R. Joshua came, [33B] he said, “Said Scripture, ‘the first fruits of your grain’ — the residue must be that which becomes distinct[ly permitted to an Israelite], which excludes leaven designated on Passover as priestly rations, since here the residue doesn’t become distinct[ly permitted to an Israelite].”*

- I.7.** A. *In session R. Aha bar R. Avayya before R. Hisda stated in the name of R. Yohanan, “Grapes that were made unclean — one may tread them out in a quantity of less than an egg’s bulk at one time, and the wine is suitable even for use as a libation [since the quantity is too small to become unclean, and the wine is fit for the altar]. Therefore he takes the view that the juice of the grapes is deemed stored up in the skin [as liquid in a utensil, but it is not absorbed and part of the skin, and that is why it does not contract uncleanness along with the outer skin (Freedman)]. So when does the juice contract uncleanness? It would be, when he squeezes it out, but, when he squeezes it out, it does not contain the requisite volume to contract uncleanness.”*
- B. *“But if that’s so, then he should be able to squeeze out as much as an egg’s bulk, for we have learned in the Mishnah: **One unclean with corpse uncleanness who pressed out olives and grapes — [if the olives or the grapes were of the volume of ] an egg exactly, it is clean, [and on condition that he not touch the wet place. If it was of the volume of more than an egg, it is unclean, for as soon as the first drop of moisture exuded, it was made unclean, ]by the remainder which is] the bulk of an egg. If it was a Zab or a Zabah, even [if only] an individual berry was squeezed out, it is unclean, for as soon as the first drop of moisture exuded, it was made unclean through the carriage of the male or female afflicted with flux uncleanness (Lev. 15) [M. Toh. 3:3A-G].*** [Freedman: here the man doesn’t touch the squeezed juice; after the first drop issues, the residue is less than the necessary minimum and therefore it does not defile the liquid that follows.]”
- C. *“There, that is the rule if he had actually already done it [that is, if he squeezed as much as an egg’s bulk, it is clean (Freedman)]. Here, to begin with, he mustn’t tread as much as an egg’s bulk, less he end up doing more than that.”* [Freedman: if he asks what to do, he is told to do it in less than an egg’s bulk at a time.]
- D. *Said to him R. Hisda, “So who pays any attention to you or to your teacher, R. Yohanan? Now where has the uncleanness of the grapes gone away?”*
- E. *Therefore he takes the view that the juice of the grapes is deemed absorbed in the skin, and since the solid-state edible is defiled, the juice too is made unclean.*
- F. *He said to him, “So you — don’t you maintain that the juice of the grapes is deemed stored up in the skin? But haven’t we learned in the Mishnah: **One unclean with corpse uncleanness who pressed out olives and grapes — [if the olives or the grapes were of the volume of ] an egg exactly, it is clean?** Now if*

*you maintain that the juice of the grapes is deemed stored up in the skin, that explains why it is clean. But if you hold that it is absorbed in the grape skins, how come it's still clean?"*

- G. *He said to him, "Here with what situation do we deal? It's a case of grapes that have not been rendered susceptible to uncleanness. When do they become susceptible to uncleanness? When he squeezes them and the juice exudes; but when he squeezes them the standard volume required for contracting uncleanness is diminished [for the reason given above, namely, after the first drop issues, the residue is below the requisite volume]. And if you don't concede that fact, lo, it has been taught on Tannaite authority: **To what is the matter comparable? To priestly rations of strawberries or grapes that became unclean, in which case the priest is permitted neither to eat nor to burn the produce [in this case, the produce doesn't burn] [T. Pes. 1:10]** — but lo, here it may be eaten, since, if he wants, he indeed can tread them out in a volume of less than an egg at once time!"*
- H. *Said Raba, "It is a precautionary decree, lest he come to stumble on their account [eating the grapes while treading them]."*
- I. *Said to him Abbaye, "But do we take account of the possibility of a stumbling block? And hasn't it been taught on Tannaite authority: they may kindle a flame with bread or oil in the status of priestly rations that has become unclean?"*
- J. *He said to him, "The bread he throws in with the wood, the oil in the status of heave offering he pours into a disgusting utensil [and he's not going to consume either]."*

**I.8.** A. *Reverting to the body of the foregoing:*

- B. Bread and oil in the status of priestly rations that has contracted uncleanness —
- C. *Abbaye said in the name of Hezekiah, and Raba said that the household of R. Isaac bar Marta said R. Huna said, "This has been taught only in connection with bread, but not of wheat, lest he come to stumble on their account [since the grains of wheat remain edible after being burned]."*
- D. *And R. Yohanan said, "The rule applies even to wheat."*
- E. *But why should that be the case? Don't we take account of the possibility that he may come to stumble on their account?*
- F. *It is in line with what R. Ashi said, [34A] "It speaks of boiled grains, which are disgusting." Here too, it speaks of boiled grains, which are disgusting.*

**I.9.** A. *And in what context was that statement of R. Ashi made?*

- B. *It was in the following:*
- C. *Said R. Abin bar R. Aha said R. Isaac, "Abba Saul was the dough-mixer in the household of Rabbi. They would heat hot water for him with wheat in the status of uncleaned priestly rations, with which to knead the dough in a state of cultic cleanness. But why should that be the case? Don't we take account of the possibility that he may come to stumble on their account?"*
- D. *Said R. Ashi, "It speaks of boiled grains, which are disgusting."*



- I.10.** A. *Abbaye bar Abin and R. Hanania bar Abin repeated tractate Terumot at the household of Rabbah. Raba bar Mattena met them. He said to them, “What do you people of the household of the master have to say about Terumot?”*
- B. *They said to him, “So what’s your problem?”*
- C. *He said to them, “We have learned in the Mishnah: **Saplings from seed in the status of priestly rations that became unclean — if he planted them they no longer render unclean that with which they come into contact. And the fruit of the saplings is forbidden for consumption [until he once trims off that fruit that has the status of priestly rations. R. Judah says, “Until he trims off the fruit and does so a second time] [doing so with the next crop that grows]”** [M. Ter. 9:7D-G]. Now, if they are insusceptible to uncleanness, why in the world should it be forbidden to eat them?”*
- D. *They said to him, “This is what Rabbah said, ‘What is the meaning of forbidden? They are forbidden to non-priests.’”*
- E. *“Well, then, what does he tell us? That what grows from that which is in the status of priestly rations is itself in the status of priestly rations? We have learned that in the Mishnah: **That which grows from [seed in the status of] heave offering has the status of heave offering [M. Ter. 9:4A]. And should you say, it refers to what grows from what grows, and what does he tell us? That that is so in regard to a species the seed of which is not destroyed in the ground? But that too we have learned in the Mishnah: **And as to produce subject to tithing but not yet tithed, what grows out of it is permitted in a species the seed of which is destroyed in the ground, but in the case of a kind the seed of which does not disintegrate, even if there are a hundred beds sown with unconsecrated seed and one planted with heave offering, all of them are forbidden [M. Ter. 9:5B-E].”*****
- F. *They shut up. Then they said to him, “So have you heard anything about it?”*
- G. *He said to them, “This is what R. Sheshet said: ‘What is the meaning of forbidden? Forbidden to priests, since they were made unfit for eating through his mental neglect of them.’”*
- H. *Well, that poses no problem for him who has said that mental neglect forms grounds for disqualification of the thing itself [neglect is in itself a disqualification (Freedman)], but from the perspective of him who maintains that mental neglect forms grounds for disqualification on grounds of the food’s having contracting uncleanness [when the priest was neglecting the food, for that might have happened,] what is to be said?” [The discussion breaks off here.]*
- I.11.** A. *For it has been said:*
- B. *Mental neglect —*
- C. *R. Yohanan said, “It constitutes grounds for invalidation of the food because the food might have contracted uncleanness.”*
- D. *R. Simeon b. Laqish said, “It forms grounds for invalidating the food itself.”*
- E. *R. Yohanan said, “It constitutes grounds for invalidation of the food because the food might have contracted uncleanness” — for if Elijah should come and declare it clean, he would certainly be obeyed [so the clarification of the fact that it has not*

contracted uncleanness would suffice; the invalidation is not intrinsic but merely circumstantial].

- F. R. Simeon b. Laqish said, "It forms grounds for invalidating the food itself" — for if Elijah should come and declare it clean, he would certainly not be obeyed [so the invalidation is intrinsic, not circumstantial].
- G. R., Yohanan objected to R. Simeon b. Laqish: **"R. Ishmael b. R. Yohanan b. Beroqa says, 'There was a small passage between the stairway and the altar at the west of the stairway, where they would throw invalidated bird sin offerings until the flesh rotted and then they were taken out to the place of burning' [T. Zeb. 7:6].** *Now, if you should say that mental neglect would disqualify the holy thing by reason of uncleanness, that explains why it has to rot, lest Elijah come and declare it clean [so it shouldn't have been burned, but if it rotted, it has to be burned one way or the other]. But if you maintain that mental neglect would disqualify the holy thing by reason of the intrinsic invalidation of the offering itself, then why does it have to rot? For hasn't it been taught on Tannaite authority: this is the encompassing rule: [34B] In any case in which the grounds for invalidation are intrinsic, the holy thing must be burned forthwith; but if the disqualification is in the blood rite or in the status of the owner, the meat must be left to rot and only then go out to the place of burning!"*
- H. *He said to him, "This Tannaite authority is the Tannaite authority of the household of Rabbah bar Abbuha, who has said, 'Even an offering that is in the status of refuse may not be burned until it has rotted.'"*
- I. *An objection was raised [by Yohanan to Simeon b. Laqish]: if the meat was made unclean or unfit, or if it was taken outside of the curtains, R. Eliezer says, "The priest sprinkles the blood." R. Joshua says, "He does not sprinkle the blood." But R. Joshua concedes that if he has sprinkled it, it is accepted. Now what is the meaning of unfit? Isn't it through mental neglect? And there is no problem if you maintain that the disqualification that results is that of uncleanness, since it is possible that the priest's head-plate [which propitiates for uncleanness] makes it acceptable. But if you maintain that the disqualification is intrinsic, why is it accepted on the view of both parties [for here the head-plate doesn't help]?*
- J. *What is the meaning of unfit? It is, made unfit by one who had completed the rite of purification and waits for sunset to conclude the purification process.*
- K. *If so, then how is that different from unclean?*
- L. *There are two classifications of uncleanness.*
- M. *When Rabin came up, he stated this tradition [of Sheshet's] before R. Jeremiah. And he said, "Idiot-Babylonians! Because they live in a dark country, they state obscure traditions. Haven't you people heard what R. Simeon b. Laqish stated in the name of R. Oshayya: Water of the Festival [of Tabernacles, used for water libations on that occasion, that was to be used for the one for the Sabbath of the Festival, when fresh water couldn't be drawn] that contracted uncleanness, and that one brought into contact with clean water [so that it was joined to the latter and formed into part of a pool of clean water], and which one then sanctified — the water is clean. If he consecrated it and then brought it into contact with clean water, it is unclean? Now note: This process of bringing the water into contact with*

*clean water is in the classification of sowing [as though the water were sown in an immersion pool, just as unclean produce is cleaned by being resown in the earth (Freedman)], so what difference does it make to me whether he effected the contact of the water and then declared it consecrated, or declared it consecrated and then effected contact with the water? Therefore the consideration of 'sowing' has no affect upon what is consecrated [to purify it, since for what is consecrated that process is null], and here too, the sowing has no affect upon the produce in the status of priestly rations."*

- N. *In session R. Dimi was stating this tradition. Said to him Abbayye, "Is his intent to say, he sanctified the water in a utensil, but if it were merely a verbal statement as to its status, rabbis did not require a higher standard of purification-precautions, or maybe for verbal sanctification too rabbis required a higher standard?"*
- O. *He said to him, "This I never heard, but I have heard something parallel, for said R. Abbahu said R. Yohanan, 'Grapes that contracted uncleanness — one treads them and afterwards sanctifies them, and they then are clean. If he sanctified them and then trod them, they are unclean. Now the case of grapes involves a verbal sanctification, and yet even so, the rabbis have required a higher standard of purification-precaution!"*
- P. *Said R. Joseph, "Do you speak of grapes? Here we deal with grapes in the status of priestly rations, in which case, the sanctification effected by a verbal statement is tantamount to the sanctification effected by the actual deed involved in using a utensil! But those that require a utensil for sanctification [such as water used for libation or wine for that purpose], if they were sanctified merely verbally, may not involve a higher standard of purity-precaution so far as rabbis are concerned."*

**I.12.** A. *If he sanctified them and then trod them, they are unclean —*

- B. *Doesn't the use of "trod" imply that he trod even a large volume? Then did R. Yohanan make such a statement? Didn't R. Yohanan say, "Grapes that were made unclean — one may tread them out in a quantity of less than an egg's bulk at one time, and the wine is suitable even for use as a libation [since the quantity is too small to become unclean, and the wine is fit for the altar]"?*
- C. *If you wish, I shall say, here too, it is less than an egg's bulk at a time. Or if you wish, I shall say, in that case, the grapes had come into contact with what was unclean in the first remove of uncleanness, in which case the grapes are in the second remove of uncleanness; here they have come into contact with what was unclean in the second remove of uncleanness, so that they are unclean in the third remove [and so they don't impact uncleanness to liquid, and therefore it won't matter how much he treads; but if he first sanctified them, the juice is unclean, a higher standard of cleanness pertaining to food in the status of priestly rations].*
- D. *Said Raba, "So too we have learned the matter as a Tannaite rule: 'And he shall put running water in a utensil onto it' (Num. 19:17) — this teaches that the water must run directly into a utensil [not collected in another utensil and poured into this one]. 'And he will put' — this proves that the water is detached from the ground. But lo, the water is attached to the*

ground! [35A] *Rather, it is a higher standard, and here too, it is a higher standard.*”

- E. *Said R. Shimi bar Ashi, “So too we have learned the matter as a Tannaite rule: One who has immersed and come up from the immersion pool may eat tithe. If his son has set, he may eat food in the status of priestly rations. Priestly rations — but not holy things, and why should that be the case? He’s clean! Rather, it is a higher standard, and here too, it is a higher standard.”*
- F. *Said R. Ashi, “So too we have learned the matter as a Tannaite rule: ‘And the meat that touches any unclean thing shall not be eaten’ (Lev. 7:19) — encompasses wood and frankincense [which declares them subject to uncleanness even though they are not edible]. But are these things subject to uncleanness at all? Rather, it is a higher standard, and here too, it is a higher standard.”*

## 2:5

- A. **These are types [of grains through bread made from which] a person fulfills his obligation [to eat unleavened bread] on Passover:**
- B. **(1) wheat, (2) barley, (3) spelt, (4) rye, and (5) oats.**
- C. **And [people] fulfill [this same obligation] through [grain] which has been only doubtfully tithed, through first tithe the heave offering of which has been removed, and through second tithe and food which has been consecrated, which have been redeemed;**
- D. **and priests [do so] through [unleavened bread deriving from] dough offering and through [unleavened bread] in the status of heave offering.**
- E. **[But people do] not [fulfill this obligation through eating unleavened bread] from which tithes have not been removed at all, first tithe from which heave offering has not been removed, second tithe and food which has been consecrated, which have not been redeemed.**
- F. **[Unleavened] loaves brought with a thank offering and wafers of a Nazir —**
- G. **[if] he made them for his own use [as his sacrifice], they do not fulfill their obligation through eating them.**
- H. **[If] he made them for sale in the marketplace, they do fulfill their obligation through eating them.**
- I.1. A. **[These are types of grains through bread made from which a person fulfills the obligation to eat unleavened bread on Passover: (1) wheat, (2) barley, (3) spelt, (4) rye, and (5) oats:] a Tannaite statement: spelt is classified as wheat; oats and rye are classified as barley; spelt is the same as *gulba*; oat is the same as *dishra*; rye is the same as foxtail.**
- I.2. A. *These are suitable, but not rice or millet. How on the basis of Scripture do we know that fact?*
- B. *Said R. Simeon b. Laqish, and so a Tannaite authority of the household of R. Ishmael reported, and so a Tannaite authority of the household of R. Eliezer b. Jacob said, “Said Scripture, ‘you shall not eat leavened bread with it, seven days shall you eat unleavened bread with it, even the bread of affliction’ (Deu. 16: 3) —*

with grain that can be leavened one carries out his obligation to eat unleavened bread on Passover, and that excludes these other grains, which cannot be leavened but which when left only decay.”

- I.3.** A. *Our Mishnah-paragraph is not in accord with R. Yohanan b. Nuri, for he has said, “Rice is a species of grain and if one eats it as leaven on Passover, one is subject to the penalty of extirpation.”*
- B. *For it has been taught on Tannaite authority:*
- C. R. Yohanan b. Nuri forbids using rice and millet, because these come close to leavening.
- I.4.** A. *The question was raised: is the meaning of the language, because these come close to leavening, that it quickly leavens, or, perhaps, does it mean, it is near leavening but not really leaven?*
- D. *Come and take note of that which has been taught on Tannaite authority: said R. Yohanan b. Nuri, “Rice falls into the category of grain. On Passover people are liable for preserving leaven made of rice to the penalty of extirpation, and someone may fulfill his obligation to eat unleavened bread on Passover by eating unleavened bread made of rice.”*
- E. **And so did R. Yohanan b. Nuri say, “Cow-wheat is subject to dough offering” [T. Hal. 1:1A].**
- F. *So what’s cow wheat?*
- G. *Said Abbaye, “It’s a weed.”*
- H. *What kind of weed?*
- I. *Said R. Pappa, “A weed found among kalnita.”*
- I.5.** A. *Said Rabbah bar bar Hannah said R. Simeon b. Laqish, “On account of dough that was kneaded with wine, oil, or honey people are not liable to extirpation on account of eating it as leaven on Passover.”*
- B. *In session, R. Pappa and R. Huna b. R. Joshua before R. Idi bar Abin, with R. Idi bar Abin there in session but drowsing off to sleep. Said R. Huna b. R. Joshua to R. Pappa, “What’s the scriptural basis for the ruling of R. Simeon b. Laqish?”*
- C. *He said to him, “Said Scripture, ‘You shall not eat leavened bread with it’ — on account of things with which a person may fulfill the obligation of eating unleavened bread on Passover are people liable to extirpation because of leaven of the same species, and, with respect to these, which are rich in possibilities for leavening, since someone will not carry out the obligation with them, people are not subject to extirpation on account of eating them in the form of leaven on Passover.”*
- D. *R. Huna b. R. Joshua objected to R. Pappa, “If one dissolved it and swallowed it, if it is leaven, he is subject to the penalty of extirpation, but if it is not leavened, someone will not be able to carry out the obligation of eating unleavened bread on Passover with it. Now here is a case in which someone may not carry out the obligation of eating leavened bread on Passover, and yet people are liable for eating it in leavened form to extirpation.”*

- E. *R. Idi bar Abin awoke to them and said to them, “Children! This is the operative consideration behind the ruling of R. Simeon b. Laqish: it is because this is fruit juice, [35B] and fruit juice doesn’t bring about fermentation.”*

**II.1 A. And [people] fulfill [this same obligation] through [grain] which has been only doubtfully tithed, through first tithe the heave offering of which has been removed, and through second tithe and food which has been consecrated, which have been redeemed:**

- B. *As to through [grain] which has been only doubtfully tithed, lo, that isn’t fit for him!*
- C. *Since, if he wants, he can declare his property ownerless and become a poor man and have every right to eat doubtfully tithed produce, now too, it is deemed suitable for him, for we have learned in the Mishnah: They feed the poor demai produce, and transient guests [or, “billeted troops”] demai produce [M. Dem. 3:1A].*
- D. *And said R. Huna, “A Tannaite statement: the House of Shammai say, ‘They do not feed the poor doubtfully tithed produce or billeted troops doubtfully tithed produce.’ And the House of Hillel say, ‘They do feed the poor doubtfully tithed produce or billeted troops doubtfully tithed produce.’”*

**III.1 A. first tithe the heave offering of which has been removed:**

- B. *Well, that’s not very surprising! Since the priestly rations have been designated from it, it is nothing other than perfectly unconsecrated produce.*
- C. *No, the rule was required to cover a case in which the farmer went ahead and designated the tithe while the grain was still in the ears, and the heave offering of the tithe was taken from it but the great heave offering was not taken from it, in accord with R. Abbahu. For said R. Abbahu said R. Simeon b. Laqish, “said R. Abbahu said R. Simeon b. Laqish, “First tithe [for the Levite] that was designated before the other dues were separated, while the grain was still in the ears, is exempt from the requirement of having great heave offering set apart from it, for Scripture says, ‘Then you shall set apart some of it as a gift for the Lord, even a tithe of the tithe’ (Num. 18:26). ‘I have instructed you to set apart only ‘a tithe of the tithe,’ but not great heave offering and the tithe of the tithe from the tithe.”*
- D. *Said R. Pappa to Abbaye, “If so, the same rule should apply if the Levite came prior to the priest when the grain was in the pile having been threshed.” [The question at hand concerns the case of a Levite who anticipated a priest and took his first tithes from the grain while it was still in the ear before the priest took his heave offering. Although he caused the priest a loss, for the priest should get two parts out of every hundred and the Levite has taken his first tithe so the heave offering will be only for the remaining ninety parts, still, the Levite does not have to make good the loss that the priest has suffered. Scripture says that the Levite must give a tenth part of the tithe, so Num. 18:26, implying that he need give not only a tithe from the tithe, but both tithe and heave offering. If the Levite anticipated the priest when the grain was stacked up in piles, that is, when it was liable to both heave offering and tithes, then the Levite must make up for the loss of heave offering when he separates his tithe. Pappa then said to Abaye, “If you exempt the Levite from giving heave offering because of the text, ‘a tenth part of*



the tithe,'] then even if the Levite anticipated the priest when the grain was still on the pile, he also should be exempt from the obligation to make up the heave offering, to which Abayye said to him, "It is to meet your challenge that Scripture has said, 'Out of all your gifts you shall offer every heave offering' (Num. 18:29)."]

- E. He said to him, "Against your position Scripture states, 'You shall set apart a gift to the Lord of all your tithes' (Num. 18:28)."
- F. And how come you see such a distinction [Slotki: between first tithe set apart while the grain was in the ears and between that set apart after it has been threshed? Why should only the former be exempt from the great heave offering?]
- G. *The one has entered the classification of grain, the other not.*

**IV.1 A. second tithe and food which has been consecrated, which have been redeemed:**

- B. *So what else is new?*
- C. *Here with what situation do we deal? A case in which he paid over the principal but not the added fifth, and so we are informed that paying the added fifth is not indispensable.*

**V.1 A. and priests [do so] through [unleavened bread deriving from] dough offering and through [unleavened bread] in the status of heave offering:**

- B. *So what else is new?*
- C. *What might you otherwise have supposed? That we require unleavened bread that is equally available to anybody. So we are informed through the repeated use of "unleavened bread" that the law is extended [to cover this case].*

**VI.1 A. [But people do] not [fulfill this obligation through eating unleavened bread] from which tithes have not been removed at all:**

- B. *So what else is new?*
- C. *It was necessary to cover the case only of what has been declared to be subject to tithing but not yet tithed only by authority of rabbis, e.g., if it was sown in a pot with no hole [that is not subject to tithing at all so far as the Torah is concerned, so someone might suppose that one could fulfill the obligation with it; so we are informed that that is not the case].*

**VII.1 A. first tithe from which heave offering has not been removed:**

- B. *So what else is new?*
- C. *It was necessary to cover the case in which he went ahead and designated it while the produce was still in the pile [the tithe being designated, but not the great heave offering]. You might have argued as did R. Pappa with Abayye [that it is exempt]; so we are informed that the rule accords with Abayye's reply.*

**VIII.1 A. second tithe and food which has been consecrated, which have not been redeemed:**

- B. *So what else is new?*
- C. *It is to cover a case in which it was redeemed, and what is the meaning of **which have not been redeemed**? It means, not redeemed in accord with the laws, as follows: it would be second tithe that one redeemed, but with unminted metal. For*

*the All-Merciful has said, “You shall bind up the money in your hand” (Deu. 14:265), referring to money that has a mint mark; or it may be what has been consecrated and then secularized by an exchange with land, for the All-Merciful has proposed, “Then he shall give the money [not land] and it shall be assigned to him.”*

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

- B. Might one think that someone may fulfill the obligation with produce that was liable to tithes but not yet prepared through tithing?
- C. *But surely anything that is subject to tithes but not yet been tithed falls into that category! Rather, say:* with what is liable to tithing but has not yet been prepared through tithing in every respect, for example: from which was removed the great heave offering but not the heave offering of the tithe; or the first tithe but not second tithe or poor person’s tithe — how do we know that one cannot carry out the obligation with such grain?
- D. Scripture states, “You shall not eat leavened bread with it” (Deu. 16: 3) — you must eat what is forbidden by reason of “you shall not eat leavened bread with it,” thus excluding grain in this category, which is forbidden not by reason of “you shall not et leavened bread with it” but rather, because “you shall not eat what is subject to tithes but not yet properly prepared through tithing.”

**VIII.3.** *A. So then, under what circumstances, where has the prohibition as to eating leaven gone away?*

- B. *Said R. Sheshet, “Lo, who is the authority behind this unassigned formulation? It is R. Simeon, who has maintained that a prohibition does not take effect where another prohibition is in force, for it has been taught on Tannaite authority: R. Simeon says, [36A] ‘He who eats carrion on the Day of Atonement is exempt from penalty by reason of carrion.’”*
- C. *Rabina said, “You may even say that this represents the position of rabbis. The sense is, the prohibition pertains to what is forbidden by reason of ‘you shall not eat leavened bread with it’ alone, excluding something the prohibition of which is not on account of ‘you shall not eat leavened bread with it’ alone, but also on account of ‘you shall not eat what is subject to tithing but not yet tithed.’”*
- D. *But is the language “alone” used here? Rather, the answer is better as framed by R. Sheshet.*

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

- B. “Might one suppose that a person may carry out the obligation to eat unleavened bread with bread made of second tithe in Jerusalem? Scripture says, ‘Bread of affliction’ (Deu. 16: 3) — what is eaten in grief, excluding second tithe, which may not be eaten in grief but only in joy,” the words of R. Yosé the Galilean.
- C. R. Aqiba says, “Scripture speaks twice of unleavened bread by way of extending the law even to bread of that sort. Then, if so, why does Scripture say, ‘Bread of affliction’ (Deu. 16: 3)? That is to exclude dough that has been kneaded in wine, oil, or honey.”

**VIII.5.** *A. What is the Scriptural basis for the position of R. Aqiba?*

- B. *Does Scripture say, “bread of grief”? What is written is “bread of poverty.”*

- C. And R. Yosé the Galilean?
- D. *Do we read the word as though written “poverty”? We read the word as “grief.”*
- E. And R. Aqiba?
- F. *The fact that we read it as “grief” is explained in line with what Samuel said, for said Samuel, “Bread of grief means, bread over which many words are recited” [e.g., at the Passover banquet].*

**VIII.6.** A. *So does R. Aqiba really maintain that one may not make use of dough that has been kneaded in wine, oil, or honey? And has it not been taught on Tannaite authority:*

- B. They are not to knead dough on Passover with wine, oil, or honey. And if one has done so —
- C. Rabban Gamaliel says, “The dough is to be burned forthwith.”
- D. And sages say, “It may be eaten.”
- E. And said R. Aqiba, “I was spending the Sabbath of Passover with R. Eliezer and R. Joshua, and I kneaded dough in wine, oil, and honey, and they didn’t say a word to me.”
- F. And even though they may not knead it in that way, one may smooth the surface with those things.
- G. *That is in accord with the position of the initial Tannaite authority.*
- H. But sages say, “With that with which they knead dough, they smooth it, and with that with which they don’t knead dough, they don’t smooth it.”
- I. And they concur that they don’t knead the dough with warm water [which causes rapid fermentation].
- J. *There is no contradiction [in the statements assigned to Aqiba], for the one speaks of the first day of the Festival, the other, the second day of the festival [Freedman: on the night of the first day, unleavened bread must be bread of poverty, and this is a rich unleavened bread and may not be used; afterward it’s all right].*
  - K. *That is in line with what R. Joshua said to his sons, “On the first day don’t knead it for me with milk, from that point on, you may knead it for me with milk.”*
  - L. *But has it not been taught on Tannaite authority: one may not knead dough with milk, and if one does so, the whole loaf is prohibited, because such a situation leads to sin?*
  - M. *Rather, this is the sense of what he said to them: “On the first day, don’t knead the dough for me in honey, from that point onward, knead it for me with honey.”*
  - N. *And if you prefer, I shall say, in point of fact he did speak of milk, in line with what Rabina said, “When made like the eye of an ox, it is permitted [that is, in very small volume, with nothing to be left over,” and here too it was like the eye of an ox.*

**VIII.7.** A. And they concur that they don’t knead the dough with warm water [which causes rapid fermentation] —

- B. *What differentiates this from meal offerings, concerning which we have learned in the Mishnah: **All those meal offerings [that must be unleavened] are kneaded in lukewarm water. And one watches them, that they not leaven [M. Men. 5:2A-B]**? For if they have stated that rule in connection with meticulous men [the priesthood], will they say it of those who are not meticulous?*
- C. *Well, if that is the case [that we have so much confidence in the priesthood], it should also be permitted to wash the grain [in making meal offerings, removing the bran and making a fine flour]! So how come said R. Zira said Rabbah bar Jeremiah said Samuel, “As to wheat used for meal offerings, they must not wash it”?*
- D. *The kneading was done by meticulous persons, the washing would not be done by meticulous persons [since the priests didn’t do it].*
- E. *So was the kneading done by meticulous persons? And wasn’t it written in Scripture, “And he shall bring it to Aaron’s sons the priests, and he shall take thereof his handful” (Lev. 2: 2), meaning, the duty of the priesthood commences with the taking of the handful and from that point onward, teaching that pouring the oil and mixing may be done by anyone and not only a priest?*
- F. *Well, in regard to the kneading, even though it wasn’t done by meticulous persons, yet it is done where meticulous persons are located, for a master has said, “The mixing may be done by a non-priest; but if it was done outside of the wall of the courtyard, it is invalid” — that serves to exclude washing the grain, which isn’t done by meticulous persons and also isn’t done in the place where meticulous persons do the work.*

**VIII.8.** A. *What differentiates other meal offerings from the meal offering of the first sheaf of barley offered on the fifteenth of Nisan [the omer], concerning which it has been taught on Tannaite authority: the meal offering of the first sheaf of barley is washed and heaped up [for the water to drain off (Freedman)]?*

B. *The case of a public offering is different [and carefully done under all circumstances].*

**VIII.9.** A. *Our rabbis have taught on Tannaite authority:*

- B. “Might one suppose that a person may fulfil the obligation with unleavened bread made from grain in the firstfruits? Scripture says, ‘In all your habitations shall you eat unleavened bread’ (Exo. 12:20) — it must be unleavened bread that may be eaten in all your dwellings, excluding unleavened bread made from grain in the firstfruits, which may not be eaten in all your dwellings but only in Jerusalem,” the words of R. Yosé the Galilean.
- C. R. Aqiba says, “Unleavened bread and bitter herbs are treated as comparable, so that, just as bitter herbs that are not firstfruits are required, so unleavened bread that is not made from grain in the firstfruits is required. If it is argued, what

characterizes bitter herbs is that its species would not be presented as firstfruits, so unleavened bread must derive from a species that is not subject to presentation as firstfruits? [36B] So should I then exclude wheat and barley, which is a species that is subject to firstfruits? Scripture uses the language, ‘unleavened bread’ twice, by way of an extension.”

- D. Sure, and why not say, “unleavened bread” is stated twice as an extension, covering even firstfruits?
- E. *R. Aqiba retracted [agreeing with Yosé] as has been taught on Tannaite authority:*
- F. Might one suppose that a person may fulfil the obligation with unleavened bread made from grain in the firstfruits? Scripture says, ‘In all your habitations shall you eat unleavened bread’ (Exo. 12:20) — it must be unleavened bread that may be eaten in all your dwellings, excluding unleavened bread made from grain in the firstfruits, which may not be eaten in all your dwellings but only in Jerusalem.
- G. Might one suppose that I should exclude bread made from grain in the status of second tithe as well? Scripture uses the language, ‘unleavened bread’ twice, by way of an extension.
- H. So why include second tithe but exclude firstfruits?
- I. I include second tithe, because it can be permitted for eating in all dwellings [when it becomes unclean], in accord with the position of R. Eleazar, but I exclude firstfruits, which can never be permitted for eating in all dwellings [but must be eaten only in Jerusalem].
- J. For R. Eleazar said, “How on the basis of Scripture do we know that produce in the status of second tithe that has become cultically unclean may be redeemed even in Jerusalem itself? As it is said, ‘When you are not able to bear it [then you shall turn it into money]’ (Deu. 14:24-25). And ‘bear’ means only ‘eating,’ as it is said, ‘And he took and sent burdens to them before him’ (Gen. 43:34) [making Deu. 14:24 mean, ‘if you cannot eat it, then you shall turn it into money].”
- K. *Now, of whom have you heard who takes the view that one may carry out the obligation of eating unleavened bread with unleavened bread made from grain in the status of second tithe? It is R. Aqiba. And yet he excludes firstfruits with the phrase “In all your habitations”! So that proves he retracted.*

**VIII.10.** A. *And as to R. Yosé the Galilean, why should he not deduce the proposition from the phrase, “bread of affliction” — what is eaten in affliction, excluding this [firstfruits], which is eaten only in joy?*

- B. *He concurs with the position of R. Simeon, for it has been taught on Tannaite authority:*
- C. **First fruits are forbidden to a person who has suffered a bereavement but whose dead relative has not yet been buried. R. Simeon permits [such mourners to eat firstfruits] [M. Bik. 2:2].**

D. *What is the scriptural source for the contrary position of rabbis?*

E. “You may not eat within your gates the tithe of your grain or of your wine or of your oil or the firstlings of the herd nor the offering of your hand” (Deu. 12:17), and a master has said, “...the offering of your hand’ refers to firstfruits,” and, in the cited verse, firstfruits thus are treated as

comparable to tithe: just as tithe may not be eaten by one who has suffered a bereavement but not yet buried his dead, so firstfruits are forbidden to such a person.

F. And R. Simeon?

G. *The All-Merciful has classified them as priestly rations: just as priestly rations are permitted to a priest who has suffered a bereavement but not yet buried his dead, so firstfruits are permitted to such a person.*

H. *Now, in regard to the position of R. Simeon, granted that he does not accept the comparison of the firstfruits and tithe, still, rejoicing is written in that connection: “and you shall rejoice in all the good” (Deu. 26:11) [rejoicing is required, so a mourner may not eat firstfruits]!*

I. *That refers to the time of rejoicing, for we have learned in the Mishnah: **From Pentecost until the Festival [of Sukkot] he brings firstfruits and recites. From the Festival until Hanukkah, he brings but does not recite [M. Bik. 1:6G-I].***

**VIII.11.** A. *Our rabbis have taught on Tannaite authority:*

B. “Bread of affliction” — that excludes rich dough made by stirring flour with hot water and pancakes.

C. Might one suppose that one may therefore carry out the obligation only with coarse bread [bread of poverty]?

D. Scripture refers twice to “unleavened bread” by way of extending the law to a variety of suitable forms of unleavened bread, encompassing even bread as fine as that of Solomon.

E. If so, why does Scripture say, “Bread of affliction”?

F. that excludes rich dough made by stirring flour with hot water and pancakes.

**VIII.12.** A. *And on what basis do we maintain that the word for pancakes denotes something of considerable value?*

B. *Because it is written, “And he dealt among all the people, even among the whole multitude of Israel, both to men and women, to every one a cake of bread and a good piece of meat and a pancake” (2Sa. 6:19), on which R. Hanan bar Abba said, “A piece of meat refers to a sixth of a bullock, and a pancake refers to one made with a sixth of an ephah of flour.”*

C. *And he differs from Samuel, for said Samuel, “The word under discussion here as pancake refers to a cask of wine: ‘And love casks of grapes’ (Hos. 3: 1).”*

**VIII.13.** A. *Our rabbis have taught on Tannaite authority:*

B. “On Passover they do not bake thick [unleavened] loaves, [lest the dough become leavened during the preparation and baking],” the words of the House of Shammai.

C. **[37A]** But the House of Hillel permit.

**VIII.14.** A. And how much [is regarded as] “thick loaves”?

B. Said R. Huna, “A handbreadth. For thus we have found with respect to the showbread, [that it was] a handbreadth [in thickness].”



- C. *R. Joseph objected: “If they said, [that the maximum thickness of a handbreadth is imposed] upon experts [who bake showbread], will they say [this same rule] for non-experts, [that is, householders, who bake unleavened bread]? [Non-experts, who work slowly, must produce thinner loaves, that are less likely to leaven.] If they stated the rule for well-kneaded [show] bread, will they state [the same rule] for bread that is not well-kneaded? If they stated the rule for [show bread, baked in a very hot fire] on dry wood, will they state [the same rule] for [unleavened bread, baked in people’s homes over the low heat of] damp wood? If they stated the rule for [show bread, baked in a] hot oven, will they state [the same rule] for [unleavened bread, baked in people’s homes in] a cool oven? If they stated the rule] for [show bread, baked in] a metal oven, will they state [the same rule] for [unleavened bread, baked in people’s homes in] a clay oven?”*

**VIII.15.** A. *Said R. Jeremiah b. Abba, “I asked my teacher privately — and who is that? Rab — ‘What is [meant by] ‘thick loaves’? [And he replied], ‘A large quantity [of bread].’”*

B. *Some report:*

C. *Said R. Jeremiah b. Abba said Rab, “I asked my teacher privately — and who is that? Our holy Rabbi [Judah the Patriarch] — ‘What is meant by ‘thick loaves’?’ [And he replied], ‘A large quantity of bread.’”*

D. *Now, why do they call it ‘thick loaves’?*

E. *For it requires much kneading.*

F. *Alternatively, in the locale of this Tannaite authority, they called a large quantity of bread “thick loaves.”*

G. *Now, [what is the reason much bread may not be prepared]? It is because [its preparation entails] unnecessary toil.*

H. *Why, then, speak specifically about Passover? Even on other festival days [this same restriction against baking much bread should apply]!*

I. *That is so, but the Tannaite authority [chose to teach in particular] about the festival of Passover.*

J. *It also is taught on Tannaite authority [that the rule for baking much bread on a festival is under dispute]:*

K. *The House of Shammai say, “[On a festival day] they do not bake thick loaves.”*

L. *But the House of Hillel permit.*

**VIII.16.** A. *Our rabbis have taught on Tannaite authority:*

B. **People fulfill the obligation to eat unleavened bread with bread made of fine flour, coarse bread, and with Syrian cakes shaped in figures, even though sages have said, “Syrian cakes shaped in figures may not be made on Passover.”**

C. **Said R. Judah, “This matter asked Beitos b. Zonen [Boethus b. Zeno] of sages, ‘How come they have said, “Syrian cakes shaped in figures may not be made on Passover?” They said to him, “Because a woman takes her time with it and it leavens.” He said to them, “It’s possible to make them in a mould, which would form it without delay.” They said to him, “People will**

say, ‘All Syrian cakes shaped in figures are forbidden, but Syrian cakes of Beitos are permitted’” [cf. T. Pisha 2:19].

**VIII.17.** A. Said R. Eleazar bar Sadoq, “Once on Passover I followed after father into the household of Rabban Gamaliel, and they placed before him Syrian cakes shaped in figures. I said, ‘Father, haven’t sages said, “Syrian cakes shaped in figures may not be made on Passover”?’ He said to me, ‘My son, they didn’t speak of those of every person, but only those of bakers.’”

B. *There are those who say, this is what he said to him:* “Not of those of bakers did they speak, but only of those of ordinary people.”

**VIII.18.** A. Said R. Yosé, “People may make Syrian cakes like wafers, but they may not make Syrian cakes like rolls.”

**VIII.19.** A. *Our rabbis have taught on Tannaite authority:*

B. **Sponge cakes, honey cakes, dumplings, and cakes made in a mould and bread made of dough that was a mixture of unconsecrated and consecrated grain are exempt from dough offering [M. Hal. 1:4].**

C. *What is the definition of cakes made in a mould?*

D. Said R. Joshua b. Levi, “This is a rich bread made of dough prepared by stirring flour with hot water made by householders.”

E. Said R. Simeon b. Laqish, “These are made with a tightly covered stew pot [and isn’t bread at all].”

F. And R. Yohanan said, “What is made in a stew pot is nonetheless liable [to dough offering], but these are made by being baked in the sun.”

G. *An objection was raised:* sponge cakes, honey cakes, and paste balls — if prepared in a stew pot, are liable to dough offering; if prepared in the sun, they are exempt. *Isn’t this a refutation of the claim of R. Simeon b. Laqish?*

H. *Said Ulla, “R. Simeon b. Laqish may say to you, ‘Here with what situation do we deal? It is a case in which he first heated the stew pot and then put the dough in it. But if he first put the dough in it and then heated it, what would be the law? Here too they are exempt.’”*

I. *If that were so, then instead of framing the latter clause in the language, if prepared in the sun, they are exempt., the author of the passage could as well have formulated it in the following unified way:* Under what circumstances? In a case in which he first heated the stew pot and then put the dough in it. But if he first placed the dough in the stew-pot and then heated it, it is exempt.

J. *Well, as a matter of fact, the formulation of the rule is flawed, and this is how the Tannaite formulation should read:* Under what circumstances? In a case in which he first heated the stew pot and then put the dough in it. But if he first placed the dough in the stew-pot and then heated it, it is treated as though he had made it in the sun and it is exempt.

K. *Come and take note:* People may fulfill their obligation to eat unleavened bread on Passover by eating unleavened bread that is only partly baked, or with unleavened bread prepared in a stew pot.

L. Here too, what it means is, first he heats the stew pot and then he puts in the dough.

- M. *What is the meaning of unleavened bread that is only partly baked?*
- N. Said R. Judah said Samuel, "It is any that when broken has no threads hanging out of it."
- O. Said Raba, "And that is the rule in the case of loaves of the thank offering."
- P. *That is self-evident! Here we find the use of the word "bread" and the same is used in the other case [Lev. 7:13, Deu. 16: 3]. [Cashdan: and surely what is regarded as bread for the Passover is regarded as bread for the thank offering.]*
- Q. *What might you otherwise have supposed? Scripture said, "one" (Lev. 7:14), [37B] meaning that one may not take what is broken, so what is partially baked is classified as broken.*

R. *So we are informed that that is not the case.*

- S. *An objection was raised: [As regards] meisah dumplings — the House of Shammai declare [them] exempt [from dough offering]. But the House of Hillel declare [them] subject [to dough offering]. [As regards] halitah dumplings — the House of Shammai declare [them] subject [to dough offering], but the House of Hillel declare [them] exempt [from dough offering] [M. Hal. 1:6A-G]. What is the definition of meisah-dumplings and what is the definition of halitah-dumplings? The former is flour poured over boiling water, the latter, boiling water poured over flour. R. Ishmael b. R. Yosé said in the name of his father, "Both are exempt." Others say, "Both are liable." And sages say, "Both as to the one and as to the other, if prepared in a stew-pot, they are exempt; if prepared in an oven, they are liable." Now as to the initial Tannaite authority, how does a mesiah-dumpling differ from a halitah-dumpling? Said R. Judah said Samuel, and so said R. Yohanan, and some say, R. Joshua b. Levi, "As is the dispute concerning the one, so is the dispute concerning the other, and the two clauses contradict one another, so the Tannaite authority who repeated the one didn't know the formulation of the Tannaite authority who repeated the other." Now, in any event, there is a clear Tannaite statement: And sages say, "Both as to the one and as to the other, if prepared in a stew-pot, they are exempt; if prepared in an oven, they are liable"! Surely that refutes the position of R. Yohanan!*
- T. *R. Yohanan may say to you, "It represents a conflict among Tannaite formulations, for it has been taught on Tannaite authority: Might one think that meisah-dumplings and halitah-dumplings are liable to dough offering. Therefore the word 'bread' is stated. R. Judah says, 'Bread is only what is baked in an oven.' Now R. Judah stands in the same position as the initial authority, so isn't it the case that what is at issue between them is what is made in a stew pot? The initial Tannaite authority maintains that what is made in a stew pot is liable, and R. Judah holds that what is made in a stew pot is exempt from dough offering?"*
- U. *Not at all. All parties concur that what is made in a stew pot is exempt from dough offering, and what is at issue here is a case in which one went and baked it in the oven afterward. The initial Tannaite authority maintains that, since one has gone and baked it in an oven, we classify it as bread, and R. Judah maintains that what is classified as bread is only what is baked in an oven to begin with, and*

*since in this case it has not been baked in an oven to begin with, it is not classified as bread.*

- V. *Said Raba, “What is the Scriptural basis for the position of R. Judah? It is that it is written, ‘Ten women shall bake your bread in one oven’ (Lev. 26:26) — what is baked in an oven is classified as bread, and what is not baked in an oven is not classified as bread.”*

**VIII.20.** A. *In session, Rabbah and R. Joseph were behind R. Zira, and R. Zira in session in the presence of Ulla. Said Rabbah to R. Zira, “Ask Ulla: if one put the dough inside and heated it from the outside [putting the bread dough in a stew pot and baking it with an outside fire] — what is the law [is it bread or not]?”*

- B. *He said to him, “What should I say to him? For if I should say this to him, he will say to me, ‘But that is precisely how dough is prepared in a stew-pot anyhow!’”*

- C. *Said R. Joseph to R. Zira, “Ask Ulla: if one put the dough inside and had the flame opposite [bearing directly on the stew pot, so it bakes more quickly], what is the law?”*

- D. *He said to him, “What should I say to him? For if I should say this to him, he will say to me, ‘That’s just the way most poor people do it anyhow.’”*

**VIII.21.** A. *Said R. Assi, “As to dough in the status of second tithe, in the view of R. Meir it is not liable to the separation of dough-offering, and in the view of sages it is liable to the separation of dough-offering. [38A] As to unleavened bread in the status of second tithe, in the view of R. Meir, it may not serve for a person to fulfill his obligation on Passover, and, in the view of sages, such unleavened bread may serve for a person to fulfill his obligation on the festival. A citron in the status of second tithe, in the view of R. Meir, may not serve for a person to fulfill his obligation on the festival day, and, in the view of sages, such a citron may serve for a person to fulfill his obligation on the festival.”*

- B. *To this statement R. Papa objected, “Now with respect to the dough, [there is no problem], for it is written, ‘Of the first of your dough’ (Num. 15:21). [Dough in the status of second tithe is not ‘yours’ but belongs to the Most High.] Likewise with reference to the citron, [there is no problem], for it is written, ‘... For yourself’ (Lev. 23:40), meaning, it must be yours. But with respect to unleavened bread, where is it written ‘Your unleavened bread’ [that the unleavened bread must belong wholly to the person who eats it]?! [Such a provision does not appear.]”*

- C. *Said Raba, and some say it in the name of R. Yemar bar Shelamiah, “We derive the rule by analogy with regard to the use of the word ‘bread.’ Here it is written, ‘Bread of affliction’ (Deu. 16: 3), and there [in regard to the dough from which bread-offering is to be separated], it is written, ‘When you shall eat of the bread of the land’ (Num. 15:19). Just as in that latter case, the ‘bread’ must belong to you, and therefore may not be in the status of tithe, so here, the ‘bread’ must belong to you and may not be in the status of tithe.”*

- D. *May I propose that the following supports the view that just now stated: “Dough in the status of second tithe is exempt from the requirement of separating dough-*

offering,” the words of R. Meir. And sages say, “It is liable to the separation of dough-offering.”

- E. *May I say that what has just been cited gives support?! But that’s pretty cheap — since it is exactly the same statement as is given above!*
- F. *What is meant is this: just as in the one case, there is a dispute, so in the other there is a dispute [in which case the principle at hand is the same, and Assi’s thesis is reinforced].*
- G. *But maybe the case of dough-offering is distinct from the others, for in that case Scripture has made use of the word “Your dough” two times (Num. 15:20, 21). [Slotki, Sukkah, p. 158, n. 15: In this case alone perhaps, where the fact that it must be one person’s property is emphasized, does R. Meir exempt it, but not in the case of the citron or unleavened bread, where Scripture laid no such emphasis.]*

**VIII.22.** A. R. Simeon b. Laqish raised this question: “What is the law on a person’s fulfilling the obligation to eat unleavened bread with bread made from dough offering of dough that had the status of second tithe in Jerusalem? *From the perspective of R. Yosé the Galilean, of course, there really is no question, for if one does not carry out the obligation with unconsecrated produce [that is, ordinary second tithe after the dough offering has been removed], can there be any question here? But the question is to be raised in the framework of the position of R. Aqiba. He may say, it is in particular with unconsecrated food that he can carry out the obligation, for, since it has been made unclean, it is permitted in all dwellings, but as to dough offering, if it is made unclean, it is not permitted in all dwellings but is tossed into the fire, so one cannot carry out the obligation with it — or maybe we invoke the conception, since if he had not designated it as dough offering and it became unclean, it would have been permitted in all your dwellings, so he could carry out his obligation with it on Passover, now too he can do the same?”*

- B *Others say, ““Lo, that should certainly should be no problem for you, for we do indeed invoke the argument, since [if he had not designated it as dough offering and it became unclean, it would have been permitted in all your dwellings, so he could carry out his obligation with it on Passover, now too he can do the same]. Where you should raise a question, it should pertain to dough offering that came from produce bought with money in the status of second tithe. [Freedman: second tithe was redeemed, flour was bought with the money, and now dough offering has been separated from the dough]. And the question should not be raised from the perspective of rabbis, since they say that what was bought with second tithe money and became unclean has to be redeemed, it is really no different from tithe itself [and is subject to the same law]. Where you should raise the question, it is within the framework of the view of R. Judah, who has said, it is to be buried. For we have learned in the Mishnah: **Produce purchased with coins in the status of second tithe which becomes unclean and therefore may not be eaten as second tithe — let it be redeemed. R. Judah says, “Let it be buried” [M. M.S. 3:10A-C].** Now, do we say, since if it had not been purchased, and since if he had not declared it second tithe, and it became unclean, it would be permitted in all dwellings and he can fulfil the obligation with it, now he can do the same*



*too? Or do we say, we invoke only one argument involving a 'since,' but we don't invoke two such arguments"?*

- C. *Said Raba, "It stands to reason that the classification of tithe is one and the same [Freedman: whether it is actual produce or bought with money received in the redemption of produce, and they are alike and he can fulfil his obligations with the dough offering set aside from either]."*

**IX.1 A. If he made them for his own use [as his sacrifice], they do not fulfill their obligation through eating them. [If] he made them for sale in the marketplace, they do fulfill their obligation through eating them:**

- B. *What is the scriptural basis for this rule?*
- C. *Said Rabbah, "Said Scripture, [38B] 'You shall guard the unleavened bread' (Exo. 12:17) — unleavened bread that is guarded for the purpose of eating unleavened bread, excluding, therefore, what is guarded not for the sake of eating unleavened bread but for a sacrifice."*
- D. *R. Joseph said, "Said Scripture, 'Seven days you shall eat unleavened bread' (Exo. 12:15) — it is to be unleavened bread that is eaten for seven days, thus excluding that which is not eaten for seven days but for a day and a night."*
- E. *It has been taught on Tannaite authority in accord with Rabbah, and it has been taught on Tannaite authority in accord with R. Joseph.*
- F. *It has been taught on Tannaite authority in accord with Rabbah: You might imagine that one may discharge his obligation to eat unleavened bread with the loaves that accompany the thanksgiving offering or the wafers of a Nazirite. Therefore Scripture states, "You shall guard the unleavened bread" (Exo. 12:17) — unleavened bread that is guarded for the purpose of eating unleavened bread, excluding, therefore, what is guarded not for the sake of eating unleavened bread but for a sacrifice.*
- G. *And it has been taught on Tannaite authority in accord with R. Joseph: You might imagine that one may discharge his obligation to eat unleavened bread with the loaves that accompany the thanksgiving offering or the wafers of a Nazirite. Therefore Scripture states, "Seven days you shall eat unleavened bread" (Exo. 12:15) — it is to be unleavened bread that is eaten for seven days, thus excluding that which is not eaten for seven days but for a day and a night.*
- H. *But why not derive the same rule from language of "bread of affliction," — what may be eaten in a state of grief, excluding this bread, which is eaten not in grief but only in joy?*
- I. *The framer concurs with the view of R. Aqiba, who has said, "The word is written to be read, 'bread of poverty.'"*
- J. *While, then, why not derive the same rule from the fact that this would be rich unleavened bread [since the unleavened cakes brought with a sacrifice were kneaded with oil (Freedman)]?*
- K. *Said Samuel bar R. Isaac, "It is made only of a quarter-log of oil, divided among numerous loaves [so it isn't so rich]."*
- L. *While, then, why not derive the same rule from the fact that these other classifications of unleavened bread are not eaten in all dwellings [outside of Jerusalem]?*



- M. Said R. Simeon b. Laqish, “That is to say, the loaves brought with a thanksgiving offering and the wafers of a Nazirite were eaten in Nob and Gibeon [before Jerusalem].” [Freedman: since we do not deduce the present law from the fact that these loaves might not be eaten in all habitations, it follows that there was a time when they were eaten outside of Jerusalem, that is, during the period of the high places of Nob and Gibeon.]

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

- B. Said R. Ilai, “I asked R. Eliezer, ‘What is the law on someone’s carrying out his obligation to eat unleavened bread on Passover with the loaves that accompany a thanksgiving offering or with the wafers of a Nazirite.’ He said to me, ‘I haven’t heard.’ I came and I asked before R. Joshua. He said to me, ‘Lo, they have said: “[Unleavened] loaves brought with a thank offering and wafers of a Nazir — [if] he made them for his own use [as his sacrifice], they do not fulfill their obligation through eating them. [If] he made them for sale in the marketplace, they do fulfill their obligation through eating them.”’ And when I came and laid matters out before R. Eliezer, he said to me, ‘By the covenant! These are the exact words that were stated to Moses at Sinai’” [T. Hal. 1:6].
- C. *There are those who say: By the covenant! Are these the exact words that were stated to Moses at Sinai? And is no reason required [that you claim divine origin and draw the distinction without stating the grounds (Freedman)]?*
- D. *So what is the reason?*
- E. *Said Rabbah, “Whatever is made for the market is subject to one’s changing his mind, saying, ‘If it’s sold, well and good, and if not, I’ll carry out my obligation with it.’”*

**2:6**

- A. [39A] And these are herbs through [eating of] which a person fulfills his obligation on Passover:
- B. (1) lettuce, (2) chicory, (3) pepper wort, (4) endives, and (5) dandelion.
- C. They fulfill their obligation by eating them, whether they are (1) fresh or (2) dried,
- D. but not [if they are] pickled [in vinegar], (4) stewed, or (5) cooked.
- E. And they join together to form the requisite volume of an olive’s bulk.
- F. And they fulfill their obligation by eating their stalks,
- G. and [if they are] in the status of produce which has not been fully tithed, first tithe the heave offering of which has been removed, and second tithe and food which has been consecrated, which have been redeemed.

**I.1** A. (1) lettuce, (2) chicory, (3) pepper wort, (4) endives, and (5) dandelion:

- B. lettuce has an Aramaic equivalent, *hassa*.
- C. endives has an Aramaic equivalent, *ulshin*.
- D. chicory: said Rabbah bar bar Hannah, “It is called *Tameka* in Aramaic.”
- E. pepper wort: said R. Simeon b. Laqish, “It is the creeper of the palm tree.”
- F. dandelion has an Aramaic equivalent, *merirta*.

- I.2.** A. *Bar Qappara repeated a Tannaite statement:* “With these herbs a person fulfils the obligation on Passover: endives, chicory, thistles, pepperwort, and lettuce.
- B. R. Judah says, “Also with wild endives and garden endives and lettuce.”
- C. ...garden endives and lettuce! *But that’s what the initial statement says anyhow.*
- D. *This is the sense of the statement:* also wild endives are in the status of garden endives and lettuce.
- E. R. Meir says, “Also with *aswas*, *tura*, and *mar yeroar*.”
- F. Said to him R. Yosé, “*Aswas* and *tura* are the same, and it is bitter, and that’s what’s called *mar yeroar*.”
- I.3.** A. *A member of the household of Samuel repeated as a Tannaite statement:* “With these herbs a person fulfils the obligation on Passover: with lettuce, endives, chicory, pepper wort, garden ivy, and wall ivy.”
- B. R. Judah says, “Also lettuce, thistles, and willow lettuce are in the same category.”
- I.4.** A. R. Ilai says in the name of R. Eliezer, “[**They fulfill their obligation to eat bitter herbs] also through hart’s tongue on Passover. And I made the rounds of all his disciples, and I looked for a partner for myself [in holding these traditions] but found none [M. Er. 2:6E-F].** But when I came before R. Eliezer b. Jacob, he concurred with what I said.”
- I.5.** A. **R. Judah says, “Any plant that contains sap.”**
- B. **R. Yohanan b. Beroqah says, “It s any that withers” [cf. T. Pisha 2:21F, G].**
- C. Others say, “It is any bitter herb that contains sap and the leaves of which wither.”
- D. Said R. Yohanan, “On the basis of what all of them say, we derive the rule that it may be any bitter herb that has sap and that withers.”
- E. Said R. Huna, “The decided law is in accord with ‘others.’”
- I.6.** A. *Rabina came across R. Aha b. Raba, who was out in search of dandelion. He said to him, “What are you thinking? That it’s more bitter? But lo, we have learned in the Mishnah as the first item on the rule lettuce, and a Tannaite authority of the household of Samuel repeated, ‘lettuce,’ and said R. Oshayya, ‘The religious duty is to use lettuce,’ and said Raba, ‘What is lettuce? It is, in Aramaic, hasa.’”*
- B. *“What’s the meaning of the word hasa for lettuce?”*
- C. *“That the All-Merciful has shown pity [has] on us.*
- D. *“And said R. Samuel bar Nahmani said R. Jonathan, ‘Why are the Egyptians compared to bitter herbs? To teach you: just as bitter herbs start with softness but end up harsh, so with the Egyptians, they started off soft but ended up harsh.’”*
- E. *He said to him, “I retract.”*
- I.7.** A. *Said R. Rehummi to Abbaye, “On what basis do we know that the reference to ‘bitter’ [required at Exo. 12:8] means an herb? Maybe it’s gall of a colias-fish?”*
- B. *“It must be comparable to unleavened bread: just as unleavened bread is from what grows in the earth, so this ‘bitter’ must be something that grows in the earth.”*

- C. *“Well, then, why not say it is a shrub with bitter leaves, e.g., oleander?”*
- D. *“It must be comparable to unleavened bread: just as unleavened bread is a species of plant, so this ‘bitter’ must be a species of plant.”*
- E. *“Well, then, why not say it is a bitter herb people usually don’t eat?”*
- F. *“It must be comparable to unleavened bread: just as unleavened bread is something that may be purchased with money in the status of second tithe [that is, a generally eaten substance], so this ‘bitter’ has to be something that may be purchased with money in the status of second tithe.”*

**I.8.** A. Said Rabbah bar R. Hanin to Abbaye, *“Why not say that it may be a single herb [and that must be, the bitterest]?”*

- B. *“Because the plural is used by Scripture.”*
- C. *“Why not say, since the plural is written, it must be two?”*
- D. *“It must be comparable to unleavened bread: just as unleavened bread may derive from many species, so the ‘bitter’ here may derive from many species.”*

**I.9.** A. Said Rabbah bar R. Huna said Rab, *“The herbs of which sages have spoke, with which a person may carry out the obligation of eating such on Passover — all of them may be sown in a single garden bed.”*

- B. *Is that to say that they are not subject to the prohibition of mixed seeds?*
- C. *Objected Raba, “ **Lettuce and hill lettuce, chicories and wild chicories, leeks and wild leeks, coriander and wild coriander, mustard and Egyptian mustard, and an Egyptian gourd and a remusah, and a cowpea and an asparagus bean, are not [considered] diverse kinds with one another [M. Kil. 1:2D-E]. So that applies to lettuce and hill lettuce, but not to lettuce and endives! And should you say, they are all repeated in the same Tannaite rule [and form a single category], lo, Rab said, ‘They have been taught by pairs’ [and these pairs may be planted together, but the entire list does not form a single category].”***
- D. *But what is the meaning of may be sown in a single garden bed that Rab said? It means, may be sown in accord with the law governing them [that is, not to sow them together, and they have to be kept separate when in a single bed].*
- E. *in accord with the law governing them? But there is the following Mishnah-formulation: **[39B] A garden bed which is six handbreadths by six handbreadths — (1) they sow in it five [kinds of] seeds, four [along) the four sides of the garden bed and one in the middle [M. Kil. 3:1A-B] [so this has already been stated, and why does Rab go over familiar ground]?***
- F. *What might you otherwise have supposed? That is the rule in the case of cereals but not vegetables? So we are informed to the contrary.*
- G. *Does that bear the implication that vegetables draw sustenance from the ground with greater force than do cereals? But surely we have learned in the Mishnah: **No kind of seeds do they sow in a garden bed, but all kinds of vegetables do they sow in a garden bed [M. Kil. 3:2B].***
- H. *What might you have supposed? The bitter herbs enumerated in our Mishnah is a species of cereal? So we are informed that that is not the case.*

- I. *But do you imagine that we speak of cereal, when the language before us is herbs, and the Tannaite formulation of Bar Qappara uses the word, herbs, and a member of the household of Samuel's Tannaite formulation likewise uses the word, herbs!*
- J. *He required the formulation to cover the issue of lettuce. What might you have supposed? Since it is going to harden, we have to provide it with more space? For didn't R. Yosé bar Hanina say, "If the cabbage stalk hardens, we assign more space to it, up to a ground large enough for a quarter-qab of seed"? This proves that, since it is going to harden, we allow more space; here to we give it more space. So we are informed [by Rab's statement] that that is not the case.*

**II.1 A. They fulfill their obligation by eating them, whether they are (1) fresh or (2) dried, but not [if they are] pickled [in vinegar], (4) stewed, or (5) cooked:**

- B. Said R. Hisda, "They repeated this rule only in connection with the stalk [whether **fresh or dried**], but as to the leaves, it may be only fresh ones and not dried ones."
- C. *But lo, since the latter clause goes on to say, **And they fulfill their obligation by eating their stalks**, it follows that the first clause speaks of the leaves!*
- D. *It serves as an amplification, that is, when the Tannaite formulation refers to whether **fresh or dried**, he refers to the stalk.*
- E. *An objection was raised: "**They fulfil their obligation with their stalk, whether it is fresh or dried,**" the words of R. Meir. And sages say, "With fresh ones they carry out their obligation, with dry ones they do not carry out their obligation." And they concur that they carry out their obligation when they are withered, but not when they are preserved, stewed, or boiled. This is the governing principle: whatever has the taste of what is bitter can serve for carrying out the obligation, but whatever doesn't have the taste of bitter cannot be used for that purpose [cf. T. **Pisha 2:21H-J**]. [Freedman: here too, Meir seems to state that both the herbs themselves, leaves, and the stalks, may be fresh or dry; and the Mishnah-rule evidently agrees with Meir, since rabbis maintain that dried herbs cannot be eaten.]*
- F. *Explain the statement permitting the use of dried ones to refer to the stalk.*

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

- B. **They may not carry out their obligation with them when they are pickled.**
- C. **In the name of R. Eleazar b. R. Sadoq, they said, "They may carry out their obligation with them when they are pickled" [cf. T. **Pisha 2:21K**].**

**II.3. A. R. Ammi bar Hamma raised this question:** "What is the law on one's carrying out his obligation in Jerusalem with bitter herbs in the status of second tithe? With respect to the position of R. Aqiba, there is no problem at all. *If, with unleavened bread in that status, the commandment of which derives from the Torah, one carries out his obligation, can there be any question concerning the eating of bitter herbs, which derives from the authority of rabbis? Where there is a problem, it is within the position of R. Yosé the Galilean. Now what is the upshot? It is in particular with unleavened bread in that status, which is subject to the Torah's commandments, that one does not carry out his obligation, but with bitter herbs, the requirement of which derives from rabbis, one does carry*

*out his obligation? Or perhaps, anything that rabbis have ordained falls into the category of what derives from the Torah [so there would be no such distinction]?"*

- B. *Said Raba, "It stands to reason that unleavened bread and bitter herbs are to be treated as comparable and subject to the same rule."*

## 2:7

- A. **They do not soak bran for fowl,**
- B. **but they scald [it].**
- C. **A woman should not soak bran which she takes with her to the bathhouse.**
- D. **But she rubs it dry on her skin.**
- E. **A person should not chew grains of wheat to put on his sore on Passover,**
- F. **because they ferment.**

**I.1** A. *Our rabbis have taught on Tannaite authority:*

- B. *These are things that never end up fermenting: what is baked, boiled, or scalded in boiling water.*

**I.2.** A. *boiled: but while boiling, it ferments!*

- B. *Said R. Pappa, "He means baked [unleavened bread] that then was boiled."*

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

- B. *R. Yosé b. R. Judah says, "Flour into which fell drippings of water, even if it was all day long, doesn't end up fermenting."*

**I.4.** A. *Said R. Pappa, "But that is the case if it was drop after drop [without stopping]."*

**I.5.** A. *The household of R. Shila stated, "Flour-pastry is permitted."*

- B. *But hasn't it been taught on Tannaite authority: Flour pastry is forbidden?*
- C. *No problem, in the one, it is prepared with oil and salt [and won't ferment], in the other, it is prepared with water and salt [and will ferment].*

**I.6.** A. *Said Mar Zutra, "One must not line a pot with flour of roast grain, lest it not bake well and end up fermenting" [Freedman: though roast grain is baked and cannot leaven, yet we fear it may not have been fully baked and when a dish is put into the pot with the water, this flour will ferment].*

- B. *Said R. Joseph, "A person should not boil [40A] two grains of wheat together, lest one of them get itself wedged in the cleft of the other so water won't surround it on all sides and it may end up fermenting."*
- C. *And said Abbaye, "Someone shouldn't singe two ears of grain together, lest sap exude from one and be absorbed by the other, which may then ferment."*
- D. *Said to him Raba, "If so, then the same would apply even to a single one, lest sap exude from one end and get absorbed by the other!"*
- E. *Rather, said Raba, "These are fruit juices, and fruit juice doesn't cause fermentation."*
- F. *And Abbaye retracted that position, since, so long as grain absorbs liquid, it won't ferment. For said Abbaye, "The jar for roasting grain, if inverted, is*

*permitted* [the sap will run out and not be reabsorbed, and the same is so when he singes two ears of grain together, which is permitted, thus he has retracted (Freedman)]. *If it is upright, it is forbidden.*”

- G. *Raba said, “Even if it is upright, it also is permitted. These are fruit juices, and fruit juice doesn’t cause fermentation.”*

**I.7.** A. *Our rabbis have taught on Tannaite authority:*

- B. They don’t wash barley on Passover, and if one did so and they split, they are forbidden; if they didn’t split, they are permitted.
- C. R. Yosé says, “One may soak them in vinegar, and the vinegar will bind them [and stop fermentation].”

**I.8.** A. Said Samuel, “The law is not in accord with R. Yosé.”

**I.9.** A. Said R. Hisda said Mar Uqba, “The meaning is not that they actually split, but if they reach the possibility of splitting, such that, if put on the mouth of a wine cask, they would split on their own, [they are forbidden].”

- B. And Samuel said, “The meaning is that they actually split.”

**I.10.** A. *There was a practical decision made by Samuel in the neighborhood of the household of Bar Hashu on the view that “split” is meant literally.* [Freedman: since those about which he was consulted had not actually split, he said they were permitted.]

**I.11.** A. Said Rabbah, “A person of conscience shouldn’t wash grain.”

- B. *How come you single out a conscientious person? The same law applies to everybody in the world! For lo, it has been taught on Tannaite authority: They don’t wash barley on Passover.*
- C. *This is the sense of what he has said: a conscientious person will not soak even wheat, even though it is hard.*
- D. *Said to him R. Nahman, “Whoever pays any attention to Abba’s [your] ruling will be eating mouldy bread. For lo, the household of R. Huna washed it, and the household of Raba bar Abin washed it.”*
- E. *And Raba said, “It is forbidden to wash wheat.”*
- F. *But what about that which has been taught on Tannaite authority: They don’t wash barley on Passover, and if one did so and they split, they are forbidden; if they didn’t split, they are permitted? This means, after all, so it is barley that may not be washed, lo, it is permitted to wash wheat!*
- G. *The sense of the statement is, it goes without saying, thus: it is not necessary to refer to wheat, since it has splits and water goes into it, but perhaps barley, which is smooth, I might say is permitted for washing, and so we are informed to the contrary.*
- H. *Then Raba retracted [and] said, “It is permitted to wash wheat.” For it has been taught on Tannaite authority: **People fulfill the obligation to eat unleavened bread with bread made of fine flour or coarse bread** — and it is not possible to have fine flour without washing the grain.*



- I. *An objection was raised by R. Pappa to Raba, "As to flour and fine meal deriving from gentiles, the one that comes from villages are clean, from towns, unclean. Now what is the consideration that governs in the case of what comes from the villages? Isn't it because there they don't wash the grain, and yet he classifies it as fine meal?"*
- J. *"Explain it to refer to the flour."*
- K. *After Raba left, R. Pappa said to himself, "Why didn't I say to him what R. Zira said R. Jeremiah said Samuel said, 'As to wheat used for meal offerings, they must not wash it,' and yet he calls it fine meal [for meal offerings, Lev. 2:10]?"*
- L. *Then Raba retracted, saying, "It is a religious duty to wash the grain, for it is said, 'And you shall guard the unleavened bread' (Exo. 12:17) — if it doesn't require washing, then why should it require guarding?"*
- M. *But maybe that guarding should have to do with the kneading process?*
- N. *The guarding during the kneading process really isn't classified as guarding, for said R. Huna, 'As to gentile-made dough that has not leavened, one may fill his belly with it, on condition that he also eats an olive's bulk of unleavened bread at the end.' Thus it is only at the end, but not to begin with? Why not? It's because he hasn't given it any guarding. Well, let him guard it from baking onwards? So doesn't the fact that that is not required yield the conclusion that we require guarding from the beginning?*
- O. *But how does this follow? Maybe that case is exceptional, since, when guarding became necessary [at the beginning of the kneading process, when water was added to the flour, so fermentation was possible], he didn't guard it [even though it wasn't leavened]. But when he did guard it when guarding became necessary, it may be that guarding at the kneading process is classified as guarding.*
- P. *Well, even though [Raba's proof has been refuted (Freedman)], Raba didn't retract. For he said to those who were handling the sheaves, "When you turn over the sheaves, do it with the religious duty in mind [that the grain will be used for unleavened bread]." That proves that he does maintain, we require guarding from the beginning to the end of the process.*
- Q. *Mar b. Rabina [40B] — his mother stored grain for him in a trough [guarding it from beginning to end].*
- I.12.** A. *There was a boat bearing grain that just before Passover sank in Hista. Raba permitted selling the grain to gentiles.*
- B. *Objected Rabbah bar Livai to Raba, "A garment in which mixed species of fabrics were lost — he must not sell to a gentile, nor make into a saddle cloth for an ass, but it may be used for shrouds for a corpse. Now how come one may not do so? Isn't it because the gentile may then go and sell it to an Israelite? [The same may happen here.]"*
- C. *Raba retracted, saying, "Let them sell it to Israelites a qab at a time, so that it is eaten up before Passover."*

**I.13.** A. *Our rabbis have taught on Tannaite authority:*

- B. *They do not mash a dish on Passover [putting in first vinegar and then flour, since that may ferment and leaven], and one who wishes to mash first puts in flour and then vinegar.s*

C. And there are those who say, “He may also put in the vinegar and then the flour.”

**I.14.** A. *Who is this* there are those who say?

B. *Said R. Hisda, “It is R. Judah, for we have learned in the Mishnah: The pan or pot which one has taken off the stove while it is boiling — one may not put spices into it. But he may put [spices] into [hot food which is] in a plate or a dish. R. Judah says, ‘Into anything may one put [spices], except what has vinegar or fish brine [in it]’ [M. Shab. 3:5D-G].”*

C. *But why not assign the rule to R. Yosé, for it has been taught on Tannaite authority: R. Yosé says, ‘He may soak them in vinegar, and the vinegar binds them’ [stopping fermentation]”?*

D. *When we have heard that R. Yosé takes that position, we know that that is the case when it is by itself, not in a mixture.*

E. Ulla said, “All the same are the one and the other: it is prohibited, because we invoke the principle: ‘Go, go Nazirite, take the devious route, but don’t approach the vineyard.’”

F. *R. Pappa permitted the stewards of the household of the exilarch to mash a dish with parched grain. Said Raba, “So is there anybody who permits doing so where there are slaves?”*

G. *There are those who say, “Raba himself would mash a dish with parched grain.”*

## 2:8

A. **They do not put meal into haroset [the mixture of fruit, spice, and wine used for sweetening the bitter herb on Passover] or into mustard.**

B. **But if one has put it in, he must eat it forthwith.**

C. **And R. Meir prohibits [eating it].**

D. **They do not boil the Passover lamb in [one of the seven specified] liquids or in fruit juice.**

E. **But they baste it or dip it in them.**

F. **Water used by a baker must be poured out, because it ferments.**

**I.1** A. Said R. Kahana, “The dispute concerns putting it into mustard, but as to putting it into haroset, all concur that it is to be burned right away.”

B. *So too it has been taught on Tannaite authority:*

C. They do not put meal into haroset and if they did so, it must be burned right away. As to putting it into mustard —

D. R. Meir says, “It is to be burned right away.”

E. And sages say, “It may be eaten right away.”

**I.2.** A. Said R. Huna b. R. Judah said R. Nahman said Samuel, “The decided law is in accord with the position of sages.”

B. *Said R. Nahman bar Isaac to R. Huna b. R. Judah, [41A] “Was this statement made with respect to haroset or with respect to mustard?”*

C. *He said to him, “Yeah, so what difference does it make anyhow?”*

- D. *"It concerns what R. Kahana said, for said R. Kahana, 'The dispute concerns putting it into mustard, but as to putting it into haroset, all parties concur that it is to be burned right away.'"*
- E. *He said to him, "I haven't heard," meaning, "It makes no sense to me."*
- F. *Said R. Ashi, "What R. Kahana has said stands to reason, for, since Samuel has said, 'The law does not accord with R. Yosé [as to vinegar], doesn't this mean that, since vinegar doesn't bind, it causes fermentation?'"*
- G. *"No, maybe it doesn't bind or cause fermentation."*

## **II.1 A. They do not boil the Passover lamb in [one of the seven specified] liquids or in fruit juice:**

- B. *Our rabbis have taught on Tannaite authority:*
- C. *"Eat it not raw or boiled at all with water" (Exo. 12: 9) —*
- D. *I know only that it is forbidden to use water. How do we know that other liquids are forbidden?*
- E. *You may say: it is an argument a fortiori: if water, which does not impart its flavor, is forbidden, all other liquids, which do impart their flavor, all the more so is forbidden!*
- F. *Rabbi says, "'Eat it not raw or boiled at all with water' (Exo. 12: 9) — I know only that it is forbidden to use water. How do we know that other liquids are forbidden? Scripture says, 'nor boiled at all' — under any circumstances."*

## **II.2. A. What's at stake between these two proofs?**

- B. *At stake between them is what is roasted in a pot [without the addition of any external liquid, which Rabbi would forbid and rabbis permit].*

## **II.3. A. And as to rabbis, how do they interpret the language, nor boiled at all?**

- B. *They require it in line with that which has been taught on Tannaite authority:*
- C. **If one boiled it and then roasted it, or roasted it and then boiled it, he is liable [T. Pisha 5:9C-F].**
- D. *As for the formulation, **If one boiled it and then roasted it**, that poses no problems, for lo, he has after all boiled it. But as to the formulation, **or roasted it and then boiled it**, lo, it has met the condition that it be roasted in fire! So why is he liable?*
- E. *Said R. Kahana, "Lo, who is the authority behind this formulation? It is R. Yosé, for it has been taught on Tannaite authority:*
- F. *"'People fulfill their obligation to eat unleavened bread by eating an unleavened wafer that is soaked or boiled, but that has not dissolved in the process,' the words of R. Meir.*
- G. **"R. Yosé says, 'They fulfill their obligation by eating an unleavened wafer that is soaked, but they do not fulfill their obligation by eating an unleavened wafer that is boiled, even though it has not dissolved' [T. Pes. 2:19]."** [It is no longer in its original condition, so Yosé concurs with Yohanan that a different blessing is required]."

- H. *Ulla said, "You may even maintain that it represents the position of R. Meir. But this situation is exceptional, for Scripture has said, 'nor boiled at all' — under any circumstances."*

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

- B. Might one think that if one roasted the lamb as much as was necessary [actually burning it], he should be liable [this not being "roast with fire" but "burned with fire"]?
- C. Scripture stated, "Eat it not semi-roast nor boiled at all with water" — semi-roast or boiled I forbade, but not roasted as much as is necessary.

**II.5.** A. *How so?*

- B. *Said R. Ashi, "He turned it into char-broiled meat."*

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

- B. Might one think that if one ate an olive's bulk raw, he should be liable?
- C. Scripture said, "'Eat it not semi-roast nor boiled at all with water" — semi-roast or boiled I forbade you, but not raw.
- D. Then might one think it is permitted?
- E. Scripture says, "But rather roasted with fire."

**II.7.** A. *What is the meaning of "raw"?*

- B. *Said Rab, "It is in line with what the Persians call half-done meat."*

**II.8.** A. *Said R. Hisda, "He who cooks on the Sabbath in the hot water of Tiberias is exempt. For a Passover that one boiled in the hot springs of Tiberias, he is liable."*

- B. *What differentiates the case of the Sabbath, in which instance he is not liable?*
- C. *We require a derivative of fire [for something to be called cooking], and that condition has not been met.*
- D. *Well, in the case of the Passover, then, it also is not a derivative of fire [so there is no aspect of cooking here either]!*
- E. *Said Raba, "What is the meaning of 'liable,' that the Tannaite formulation states here? He is liable on account of violating the rule about eating it only 'roast with fire.'"*
- F. *R. Hiyya b. R. Nathan repeated this statement of R. Hisda in so many words, as follows: said R. Hisda, 'He who cooks on the Sabbath in the hot water of Tiberias is exempt. For a Passover that one boiled in the hot springs of Tiberias, he is liable, for he is liable on account of violating the rule about eating it only "roast with fire."'*

**II.9.** A. *Said Raba, "If one ate the paschal lamb raw [half roasted] [41B] he is flogged on two counts, on the count of eating it raw ['do not eat of it raw nor boiled with water but roast in fire'], and on the count of 'but roast with fire' (Exo. 12: 9). If he ate it boiled, he is flogged on two counts, one on the count of eating it boiled, the other on the count of 'but roast with fire' (Exo. 12: 9). [If he ate it raw and boiled, he is flogged on three counts, because of eating it raw, because of eating it boiled, and on the count of 'but roast with fire' (Exo. 12: 9).]"*

- B. *Abayye said, "They do not administer flogging on account of a prohibition that is merely drawn from the implication of Scripture."*

- C. *There are those who say, he is not flogged twice, but he is flogged once.*
- D. *There are those who say, he is not flogged even once, since Scripture did not specify the prohibition, like that of not muzzling an ox in its ploughing.*

**II.10.** A. Raba said, "If a Nazirite ate the husk of grapes, he is flogged on two counts; if he ate the pit, he is flogged on two counts; if he ate the husk and the pit, he is flogged on three counts."

- B. Abayye said, "They do not administer flogging on account of a prohibition that is merely drawn from the implication of Scripture."
- C. *There are those who say, he is not flogged twice, but he is flogged once.*
- D. *There are those who say, he is not flogged even once, since Scripture did not specify the prohibition, like that of not muzzling an ox in its ploughing.*

**II.11.** A. *Our rabbis have taught on Tannaite authority:*

- B. If he ate as much as an olive's bulk of raw meat of a Passover offering prior to nightfall, he is exempt from penalty. If he ate as much as an olive's bulk of raw meat of a Passover offering after nightfall, he is liable. If he ate as much as an olive's bulk of roasted meat of a Passover offering prior to nightfall, he does not invalidate himself as a member of an association [formed for the purpose of eating an offering]. If he ate as much as an olive's bulk of roasted meat of a Passover offering after nightfall, he does invalidate himself as a member of an association [formed for the purpose of eating an offering, since one may belong to one such association, not two].
- C. *It has further been taught on Tannaite authority:*
- D. Might one suppose that if he ate as much as an olive's bulk of raw meat of a Passover offering prior to nightfall, he is liable?
- E. And it is a matter of logic that he should be: if when he is subject to the requirement of going and eating roast meat, he is subject to the rule against eating raw meat, when he is not subject to the requirement of going to eat roast meat, shouldn't he be subject to the requirement of not eating raw meat?
- F. Or maybe not: when he is not subject to the requirement of going and eating roast meat, he is subject to the rule of not eating it raw, but when he is subject to the requirement of going to eat roast meat, he is not subject to the prohibition of not eating it raw. And don't be surprised at that, for lo, the offering was exempted from the general prohibition in respect to being eaten when it is roast. [Freedman: even a roast Passover offering is not permitted before nightfall, so it might be argued, granted that the general interdict is not lifted at the outset in respect of semi-roast too, yet if he ate it he is not liable to punishment].
- G. Accordingly, it is necessary for Scripture to state, "Don't eat of it raw or at all boiled with water but roast in fire."
- H. Now Scripture doesn't really have to say, "but roast with fire," and why is that phrase stated? It is to teach you: when he is subject to the requirement of going to eat roast meat, he is subject to the requirement of not eating it raw, and when he is not subject to the requirement of going to eat roast meat, he is not subject to the

requirement of not eating it raw. [Freedman: flogging for eating raw meat of the Passover offering is incurred only on the evening of the fifteenth, when one is commanded to eat roast Passover meat, not on the day of the fourteenth, before the obligation commences.]

**II.12.** A. Rabbi says, “I might well have used the formulation, ‘boil.’ Why use the language, ‘boiled’? For one might have supposed: I know only that if one boiled the meat after nightfall, he is liable. How do we know that if he boiled it during the day that is the case as well? The doubling of the verb, boil/boiled covers all cases.”

B. *But Rabbi has produced this doubling of the word “boil” to cover meat roasted in a pot and meat boiled with other liquids than water!*

C. *If it were limited to that context, Scripture could have formulated matters either in the qal or in the pual, why mix them? To yield two distinct meanings.*

**II.13.** A. *Our rabbis have taught on Tannaite authority:*

B. If one ate roast Passover meat during the day, he is liable; if he ate an olive’s bulk of raw meat after nightfall, he is liable.

C. *Thus the Tannaite formulation treats what is roasted as comparable to what is boiled: just as what is boiled is subject to a negative commandment, so what is roasted is subject to a negative commandment.*

D. *As for what is raw, there is no problem, since there is an explicit verse, “Don’t eat it raw.” But how do we derive a negative commandment covering what is roasted?*

E. Because it is written, “And they shall eat the meat in that night” — at night, not by day.

F. *But this is a negative commandment that is inferred on the basis of an affirmative one, and any negative commandment inferred from a positive one is classified as a positive one [so there is no flogging].*

G. **[42A]** *It represents the position of R. Judah, for it has been taught on Tannaite authority:*

H. “Either a bullock or a lamb that has anything extra or that is lacking anything, that you may offer for a free will offering, but for a vow it shall not be accepted” (Lev. 22:23) — that you may dedicate for the upkeep of the house, but you may not dedicate for the upkeep of the house an unblemished animal. On this basis they have said, **“He who sanctifies unblemished animals for the upkeep of the Temple house violates a positive commandment”** [cf. T. Tem. 1:13A].

I. And how do we know that such a one is guilty also of transgressing a negative commandment? Because it says, “And the Lord spoke to Moses saying” (Lev. 22:17), and that clause serves to indicate that the entire passage as a whole has the force of a law covering prohibitions,” the words of R. Judah [cf. T. Tem. 1:13A].

J. *Said Rabbi to Bar Qappara, “What do you get out of this?”*

K. *He said to him, “Since it is written, ‘saying,’ the sense is that a negative commandment has been said in connection with these statements [following Miller].”*



- L. The household of Rabbi says, “The word ‘saying’ bears the sense, ‘tell the children of Israel a negative commandment.’”

**III.1 A. Water used by a baker must be poured out, because it ferments:**

- B. *One Tannaite rule: they pour it out on a slope but not on broken ground [where it would stagnate and ferment].*
- C. *And it has further been taught on Tannaite authority: they pour it out on broken ground.*
- D. *No problem, the one refers to a case in which there’s a lot of water, which will collect; the other refers to a case in which there’s not a lot of water, so it won’t collect.*

**III.2. A. Said R. Judah, “A woman should knead unleavened bread only in water that has been kept overnight.”**

- B. *R. Mattenah expounded this point in Pappunayya. The next day everybody came to him with their pitchers and asked water from him. He said to them, “I didn’t mean, ‘our — sages’ — water,” such as you heard, I meant, ‘water that was kept overnight’ [which the same letters can yield, depending on the accent].”*

**III.3. A. Expounded Raba, “A woman should not knead in the sun or with water heated by the sun or with water taken from the caldron, and she mustn’t take her hand away from the oven until she has finished with all the bread, and she has to use two utensils, one to moisten the dough and the other to cool her hands [so they don’t add heat to the dough and hasten the fermentation process].”**

**III.4. A. The question was raised: if a woman violated the law and kneaded in warm water, what is the rule?**

- B. Mar Zutra said, “The bread is permitted.”
- C. R. Ashi said, “It is forbidden.”
- D. *Said Mar Zutra, “On what basis do I say so? Because it has been taught on Tannaite authority: They don’t wash barley on Passover, and if one did so and they split, they are forbidden; if they didn’t split, they are permitted.”*
- E. *And R. Ashi said, “Are you going to weave everything into a single web? To that concerning which such a statement has been made, the rule applies, and to what concerning which no such statement has been made, the rule doesn’t apply.”*