

II.

BAVLI TRACTATE MOED QATAN CHAPTER TWO

FOLIOS 11B-13B

We turn from the general principle to special situations of emergency during the intermediate days of the festival. The comparison between those days and the Sabbatical Year is not pursued, the considerations of emergency not intervening in the latter situation.

2:1

- A. [11B] He who had turned his olives, and then an occasion for mourning or some accident befell him,
- B. or workers proved unreliable [so that he could not complete the processing prior to the festival],
- C. “[during the intermediate days of the festival] applies the pressing beam [to the olives] for the first time, but [then] leaves [the oil] until after the festival,” the words of R. Judah.
- D. R. Yosé says, “He squeezes out the oil entirely and seals it in jars in the usual way.”

Once more the Talmud’s principle of selection — its identification of the problems in the Mishnah-statement that it wishes to address — emerges with power: the analogies implicit in the Mishnah-statement and how they are to be worked out. We have completed our work on the study of the Sabbatical Year in relationship to the intermediate days of the festival and now move on to a different comparison altogether: days on which, by reason of circumstance, one’s conduct is subject to restrictions. The obvious candidate for analytical study of analogies is conduct on the mourning week. But the Talmud’s Mishnah-criticism involves two distinct and interesting considerations, the one stylistic, the other substantive. We commence with the usual Mishnah-criticism, now turning to the stylistic problem involved in changing the subject from a question of mourning, A — meaning, on ordinary days — to conduct on the intermediate days of the festival, B. The substantive point of interest presented by the analogy opens the way to the discussion of the rules of conduct during the week of mourning for the death of a close relative. Once we treat as comparable the rules governing the mourning week and the festival week, a

variety of relevant cases arises. The analogy is perceived at I.1.A and exploited at I.1.B, C.

- I.1.** A. While the passage commences by discussing mourning, it concludes solely with advice on how to press oil!
- B. Said R. Shisha b. R. Idi, “That bears the implication that what one may do during the intermediate days of a festival one may not do during the week of mourning.” [Lazarus: one may do these things now only in the intermediate days of the festival but not during the mourning week].
- C. [Rejecting this thesis,] *R. Ashi said, “The formulation is meant to yield the reading, ‘it goes without saying,’ in this way: it is not necessary to give the rule governing the time of mourning, which is in any event based on the authority of rabbis and so such acts of labor are permitted, but even during the intermediate days of a festival, during which, on the authority of the Torah, acts of supererogatory labor are forbidden, still, where there may be a great loss, rabbis have permitted such an act of labor.”* [Ashi thus reads the present rule as consistent with the one yielded by M. 1:1.]
- D. *It has been taught on Tannaite authority in accord with the position of R. Shisha b. R. Idi:*
- E. **These are things that people do for a mourner during his mourning period: if his olives were turned, they may put the beam on them for the first time, or if his wine cask is to be sealed or his flax lifted from the soak or his wool lifted from the dye bath; and they sprinkle his field for him when his turn to draw riparian rights comes up.**
- F. **R. Judah says, “They may even sow for him a field that was already ploughed or a field that was awaiting its crop of flax.”**
- G. **They said to him, “Not at all. If the field is now sowed early in the season, it can be sowed later on, and if it cannot be sowed with flax, it can be sowed with some other crop.”**
- H. **Rabban Simeon b. Gamaliel says, “If his olives were turned and he is the only skilled worker around, or if his cask is ready to be sealed and he is the only skilled worker around, or if his flax is ready for lifting from the soak or his wool for lifting from the dye bath and he is the only skilled worker around, then he may do the work in private.”**
- I. **And, said Rabban Simeon b. Gamaliel, “If he is a skilled work serving the public, a hairdresser or bath attendant serving the public, and the Festival is coming and he is the only skilled worker around, he may do the work.”**
- J. **Farmers [paid by a fixed fee in kind], share croppers, and contractors may have others do the work for them. Ass drivers, camel drivers, and barge men may not work.**
- K. **But if they were already on the job or were in the employ of others, they may do their work. A day worker may not work, even in some other town.**
- L. **One who has others’ work in hand, even if it is a contract, may not do it.**
- M. **“Even if it is a contract” — all the less if it is not a contract? To the contrary, a contract job is in the category of his own work. Rather, state the rule as follows: whether it is a contract or not, he may not do it.**

- N. **If his work was farmed out to others, they may not do it in his household but they may do it in some other establishment [cf. the Tractate Mourning, Chapter Five, and compare trans. D. Zlotnick, pp. 45-46].**

We proceed to a case-report which shows how the rule works in everyday life.

- I.2.** A. *Marion b. Rabin and Mar b. R. Aha b. Raba had a pair of oxen that they owned as partners and hired out to farmers. Mar b. R. Aha b. Raba suffered a bereavement and he removed his animal and did not send it to work.*
- B. *Said R. Ashi, "How could an eminent authority like Mar b. R. Aha do such a thing? Granted, he could not care less about his own loss! But should he not care about the loss he is causing others?! And has it not been taught on Tannaite authority, **But if they were already on the job or were in the employ of others, they may do their work?**"*
- C. *But [Mar] reasoned that the rule governing an eminent authority is exceptional.*

We now proceed to case reports of an only tangential relevance. The next entry intersects only because a minor detail concerns the intermediate days of the festival. I see the whole as a composition formed in its own terms and inserted here though only marginally pertinent.

- I.3.** A. **[12A]** *Said Samuel, "Gentiles who contract to do work [on the Sabbath] may not do the work [for a Jew] within the limits of the Sabbath boundary, but they may do so outside of it."*
- B. *Said R. Pappa, "Even outside of the Sabbath boundary we do not take that position, except where there is no other town near by, but if there is another town near by, that too is forbidden."*
- C. *Said R. Mesharshayya, "And even if there is no town near by, we still do not invoke that position, except on the Sabbaths and festivals, occasions on which not many people will be passing by, but during the intermediate days of the festival, when there will be a lot of passing by to and fro, it is forbidden."*
- I.4.** A. *Mar Zutra b. R. Nahman build himself a villa outside of the Sabbath boundary through gentile contractors. R. Safra and R. Huna bar Hinnena came by but would not go into see him.*
- B. *There are those who say, he himself would not go into the building.*
- C. *But has not Samuel said, "Gentiles who contract to do work [on the Sabbath] may not do the work [for a Jew] within the limits of the Sabbath boundary, but they may do so outside of it"?*
- D. *The rule governing an eminent authority is exceptional.*
- E. *And there are those who say that his employee helped out with the straw.*
- I.5.** A. *R. Hama permitted the table stewards of the exilarch to do their work during the intermediate days of the festival. He explained, "They get no salary, so they only intend to do him a favor, and that is of no concern to us."*

We now introduce the Tannaite treatment of the theme that has come to the fore, which is, how contracts are carried out, on the one side, the utilization of gentile workers, on the other. Here the issue is contracted on the intermediate days of the festival to do work after the festival has ended; that is permitted; but they may not undertake a contract on the intermediate days of the festival to do work at that same time. The purpose is not

Mishnah-exegesis and amplification, but rather, an extended account of a topic deemed relevant to the Mishnah but set forth in its own terms. Since the work of Mishnah-commentary scarcely requires what follows, it seems to me what we have is a topical composite, cogent in its own terms but only marginally coherent in its context here. But it can be argued that the Mishnah-reference to workers under contract who proved unreliable and did not show up opens the door, in the setting of Mishnah-amplification, to the issue of contracting in general.

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

- B. **During the intermediate days of a festival people accept contracts to do work that is to be carried out after the festival, but not to do the work during the intermediate days of the festival themselves [cf. T. [Moed 2:3](#)].**
- C. The governing rule is this: anything that one may oneself do one may tell a gentile to do, and whatever one may not oneself do, one may not instruct a gentile to do.

I.7. A. *It has further been taught on Tannaite authority:*

- B. **During the intermediate days of a festival people accept contracts to do work that is to be carried out after the festival on condition that one not count up, weigh, or measure, as one does on ordinary days [T. [Moed 2:5](#)].**

I.8. A. *Our rabbis have taught on Tannaite authority:*

- B. **During the intermediate days of a festival they do not arrange for insemination, and along these same lines they do not at any time arrange for insemination in the case of a firstling or in the case of consecrated beasts that have been invalidated for use on the altar [T. [Moed. 2:11G-H](#)].**
- C. *It has further been taught on Tannaite authority:*
- D. **During the intermediate days of a festival they do not arrange for insemination.**
- E. **R. Judah says, “When an ass is in heat, they bring her the jackass to mate with, lest she turn cold. All other beasts are merely put into their stalls” [T. [Moed 2:11C-F](#)].**

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

- B. **On Sabbaths, festivals, or the intermediate days of a festival, they do not turn sheep out into the corral to graze [and so manure the area], but if they came along on their own accord, it is permitted to leave them there. They may not be helped out.**
- C. **A watchman may not be assigned to keep the sheep moving. If the herdsman was hired by the week, month, year, or seven year cycle, they may be given help, and a watchman may be assigned to them to keep the sheep moving.**
- D. **Rabbi says, “On the Sabbath this may be done as an act of grace, on the festival in exchange for meals, and during the intermediate days of a festival, for money” [T. [Sheb. 2:20](#)].**
- E. *Said R. Joseph, “The decided law accords with the view of Rabbi.”*

I.1 provides an explanation of the thematic repertoire of the Mishnah-paragraph and draws a conclusion from it. Nos. 2-5 then present a thematic anthology. Nos. 6-9 tack on a Tannaite complement. As I said, I see no analytical discussion at all, and treat the entire complex as a topical appendix; it is not possible to treat the

passage as a Tannaite complement to the Mishnah-paragraph before us. Here the Talmud serves as a repository of information, not as the medium of sustained argument.

2:2

- A. **And so: he who had his wine in the cistern, and then an occasion for mourning or some accident befell him,**
- B. **or whose workers proved unreliable,**
- C. **“empties out the wine completely and seals it in jars in the usual way,” the words of R. Yosé.**
- D. **R. Judah says, “He [may do no such thing, but he only] makes a cover of shingles for it, so that it not turn sour.”**

We go over the same matter twice, and the Talmud may be relied upon to ask how come. That is where Mishnah-criticism starts, and the question is so blatant as not to require articulation; we simply answer it. The mode of analysis is to distinguish one case from another, e.g., showing how a principle operative here may not pertain there. The larger issue that will predominate concerns performing on the intermediate days of the festival work that will prove beneficial after the festival. The issue in 2:2C vs. D is whether one may perform work necessary for the emergency — not incurring severe loss on the intermediate days of the festival — that also has bearing upon the situation once the festival is over. Yosé holds that one may do so, and Judah says one may perform on the intermediate days of the festival only work that is absolutely necessary to prevent loss thereon, but work that produces benefit later on may not be carried out on the intermediate days of the festival. We shall see a variety of cases, but the paramount point of concern is the principle subject to dispute in the case of Yosé and Judah.

- I.1 A. *It was necessary to give us the cases of both olives and wine, for had the first case alone been given to us, we might have supposed that it is in that case in particular that R. Yosé took the position that he did, because in the case of the loss of oil, the monetary penalty would be considerable, but in the case of the loss of the wine, the monetary penalty of which would not be so substantial, I might say that he concurs with R. Judah.*
- B. *And had we been given only the second case, it would have been in that case in particular that R. Judah took the position that he did, but as to the other, I might have said that he concurs with R. Yosé. So both cases had to be set forth.*

The second mode of Mishnah-exegesis is to identify the authority behind an anonymous, and therefore normative, rule. That permits us to see whether a principle is uniformly imposed, or whether within the law are case-rules that contain contradictions in principle.

- I.2. A. *Said R. Isaac bar Abdimi, ‘Who is the Tannaite authority who takes the view that one has to perform in an extraordinary manner an act that is permitted in a matter in which considerable loss is going to be incurred by postponement? It is not in accord with R. Yosé.’”*
- B. *Said R. Joseph, “The decided law accords with the position of R. Yosé.”*
- I.3. A. *This question was addressed to R. Nahman bar Isaac: “What is the law as to coating a mead cask with resin [Lazarus: to make it airtight] on the intermediate days of a festival?”*

- B. He said to them, "Sinai [Joseph] is the one who has said, 'The decided law accords with the position of R. Yosé.'"
- C. *"Well, I might well grant that R. Yosé took that position with respect to wine, but would he have said the same thing in the matter of mead?"*
- D. *"So what is the operative consideration in the case of wine? It is because the loss on it is substantial, and, as a matter of fact, it is pretty considerable in the matter of mead as well."*
- E. *For, said Abbaye, "Mother told me, better a coated cask of mead of six seahs than an uncoated one of eight."* [The possible loss of mead would be thirty-three and a third percent.]

We now move from Mishnah-exegesis to the broader analysis of the law, and, once more, analogical thinking takes over. Our interest is in finding analogies to the present category of law, which will then deepen our grasp of the principles that are in play. We have succeeded in developing two analogies, the one to the Sabbatical Year, based on the comparison of spells of time of diminished levels of sanctification, the other to the situation of the mourner during a week during which activities are restricted, as they are during the intermediate days of the festival. Reverting to the conception of interstitial occasions or situations, we turn now to the comparison of the laws governing the intermediate days of the festival, of diminished sanctification, to the laws governing relationships with Samaritans. They are neither gentiles nor Israelites, but form an interstitial category; they keep the laws of the Torah, but not the oral laws that accompany them. They are not wholly sanctified but also not entirely common. But why in the world draw such an analogy? The following, theoretical composition pursues the topic, moving away from Mishnah-exegesis altogether and into the realm of legal theory.

- I.4.** A. Said R. Hama bar Guria said Rab, "The laws governing the intermediate days of the festival are in the same classification as the laws governing relationships with Kutim [Samaritans]."
- B. *For what concrete legal purpose is such a statement set forth?*
- C. Said R. Daniel bar Qattina, "That is to say that they are all episodic and do not provide analogies, one for the other."
- D. *For said Samuel, "They may coat a jug with pitch, but they may not coat a cask," and R. Dimi of Nehardea said, "They may coat a cask with pitch, but not a jug." The one master concerned himself with the question of loss [Lazarus: there is more loss involved in neglecting a cask than a jug], and the other was concerned about not undertaking heavy labor on the intermediate days of the festival."*
- E. *Said Abbaye, "We hold the tradition: The laws governing the intermediate days of the festival are analogous to the laws governing the Sabbath. [12B] There are among them actions that are exempt from sanctions but nonetheless forbidden, and there are among them actions that are permitted to begin with."*

Further issues of legal theory are now raised, the entire composite forming a purposive unit of tangentially-related disquisitions. The next question concerns how we determine correct action in practical cases. We contrast minority with majority opinion.

- I.5.** A. *R. Huna had his crop harvested during the intermediate days of the festival. Objected Rabbah bar R., Huna to R. Huna: "They grind flour during the intermediate days of the festival for use in the intermediate days of the*

festival, but doing so not for the requirements of the festival is forbidden. To a matter that brings about loss do they attend on the intermediate days of a festival, to a matter that does not bring about loss they do not attend on the intermediate days of a festival. Under what circumstances? This is with reference to that which is plucked up from the ground. But with reference to that which is not yet plucked up from the ground, even to a matter that brings about loss they do not attend on the intermediate days of a festival. If one does not have anything to eat, he cuts grain, stacks and threshes it, on condition that he not thresh with cows [T. **Moed 1:11**].” [Under these principles, there was no basis for Huna’s action.]

- B. *He said to him, “That is the position of a minority [not adopted by the consensus of the community of sages], and we do not concur with it, for it has been taught on Tannaite authority: An encompassing rule did Rabban Simeon b. Gamaliel state in the name of R. Yosé, ‘As to something that has already been harvested from the ground, even if only part of it may go to waste, it is permitted [to work it; and as to that which is still attached to the ground, even though it may all perish, may not be worked.]”*
- C. *But if the unassigned formulation represented the private opinion of R. Yosé alone, then it should also be permitted to thresh with cows. For lo, said R. Isaac bar Abdimi, ‘Who is the Tannaite authority who takes the view that one has to perform in an extraordinary manner an act that is permitted in a matter in which considerable loss is going to be incurred by postponement? It is not in accord with R. Yosé.’”*
- D. *[Huna] may say to you, “True enough, but since one does not ordinarily thresh using cows, threshing without them would not form a significant change, for the intermediate days of the festival, from the normal procedure anyhow.”*

The next passage proceeds to a free-standing Tannaite rule that intersects with the foregoing in its interest in doing an act of labor that is required for the purpose of observing the Festival (e.g., preparing food thereon).

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

- B. **They grind flour during the intermediate days of the festival for use in the intermediate days of the festival, but doing so not for the requirements of the festival is forbidden.**
- C. But if one had ground flour and had some left over, lo, this is permitted.
- D. People may cut down trees on the intermediate days of the festival for use on the festival, but if it is not for use on the festival, it is forbidden.
- E. And if one had cut down some trees and had some wood left over, lo, this is permitted.
- F. It is permitted to pour in the ingredients for brewing mead during the intermediate days of the festival for use on the festival, but if it is not for use on the festival, it is forbidden.
- G. And if one had some left over, it is permitted, so long as one does not practice deception in the matter.
- H. *An objection was raised from the following:* It is permitted to pour in the ingredients for brewing mead in the intermediate days of the festival, for what is

needed for the festival, but if it is not for the needs of the festival, it is forbidden to do so, all the same being a brew of dates or barley, and even though one may have some available brew, he may practice deception and drink the new brew as well [which would show that he had brewed the new for the festival week, even though he did not have to do so].

I. *What we have is a conflict of Tannaite statements on the matter, as has been taught on Tannaite authority:*

J. One may not practice deception in this matter.

K. R. Yosé b. R. Judah says, "One may practice deception."

Having laid out the Tannaite rules, we proceed to cases that illustrate how the rules are enforced. No. 8 is attached for formal grounds — X heard and was outraged — but has no bearing upon the case; so the set was put together prior to insertion here. From the perspective of the formation before us, however, No. 8 must be treated as an add-on and out of place in a well-crafted exposition.

I.7. A. *Rab had his crop harvested during the intermediate days of the festival. Samuel heard. He was outraged..*

B. *May we then draw the conclusion that Samuel took the position of the minority opinion [as to that which is still attached to the ground, even though it may all perish, may not be worked]?*

C. *Not at all. It was a crop of wheat, which, if left in the ground, would not have been lost.*

D. *So why did Rab do it?*

E. *He had nothing to eat.*

F. *So why did Samuel get mad?*

G. *They did not tell him the whole story.*

H. *Alternatively, he thought that the rule governing an eminent authority is exceptional[ly strict].*

I.8. A. *R. Judah the Patriarch went out on the Sabbath with an amethyst signet, and once drank water cooked by a gentile. R. Ammi heard. He was outraged.*

B. *Said R. Joseph, "So how come he got mad? Was it because of the amethyst signet? Has it not been taught on Tannaite authority: chains, earrings and nose rings are all articles of clothing, which may be worn on the Sabbath in a courtyard. And was it because he drank water heated by a gentile? But did not Samuel bar Isaac say Rab said, 'Whatever can be eaten uncooked is not prohibited in the category of food that a gentile has cooked'?"*

C. *He thought that the rule governing an eminent authority is exceptional[ly strict]. [The patriarch therefore owes it to the public interest to impose upon himself a more strict ruling.]*

We revert to the sequence of illustrative cases. The principle that is illustrated is doing on the intermediate days of the festival actions that yield consequences for after the festival has ended, which is precisely the consideration that operates in our Mishnah-paragraph.

I.9. A. Said R. Hananel said Rab, "One may cut down the branches of a palm tree on the intermediate days of the festival, even though he needs to use on that occasion only the chips."

B. *Abbaye simply ridiculed that statement.*

I.10. A. *R. Ashi had a forest in Shelanayya, which he went to cut down during the intermediate days of the festival. Said R. Shila of Shelanayya to R. Ashi, "What's in your mind? Is it that which R. Hananel said Rab said, 'One may cut down the branches of a palm tree on the intermediate days of the festival, even though he needs to use on that occasion only the chips'? But lo, Abbaye simply ridiculed that statement."*

B. *He said to him, "I never heard that," meaning, "I don't agree [with Abbaye]."*

C. *The hatchet slipped and nearly cut off his leg, so he left off the work and returned to it later on.*

I.11. A. *R. Judah came along and permitted pulling up flax, picking hops, and pulling up sesame crops.*

B. *Said Abbaye to R. Joseph, "Well, I can understand the case of flax, since that can be used to cover fruit, and hops can be used for brewing beer, but what can you do right away with sesame?"*

C. *"It can be used for the seeds."*

I.12. A. *R. Yannai had an orchard that in the intermediate days of the festival was ready for picking, so he had it picked.*

B. *The next year everybody kept their orchards for picking, waiting on the intermediate days of the festival. R. Yannai then declared his orchard to be ownerless for that year [in penance for having misled the community into thinking it was permitted to do that work during the festival week].*

I.1 goes through one familiar exercise of Mishnah-exegesis, No. 2 another. No. 3, carrying No. 4 in its wake, then complements No. 2. No. 5 then addresses the central conception of the rules of M. 2:1-2, now facing the formulation of the Tosefta on the same subject. No. 6+7-8 goes on with the Tannaite amplification on the Mishnah's theme. Nos. 9-10, 11, 12 continue the repertoire of pertinent rules, all supplementary to the ones given exemplary standing by inclusion in the Mishnah. The main point of the Mishnah governs through most of the secondary and derivative materials.

2:3

A. A person brings his produce into [the house] on account of thieves.

B. And he takes his flax out of the soak, so that it not go to waste,

C. so long as [to begin with] he not plan to do the work on the intermediate days of the festival.

D. And in all cases in which people have [actually] planned to do their work on the festival, it must be left to perish.

We now introduce the differentiating principle of intentionality. The same act of labor may be prohibited by reason of one intention connected thereto, permitted by reason of another. one may not plan in advance of the intermediate days of the festival to do work on those days. One may do work only to avoid loss, but not with the intention of increasing profit. These and other considerations of intentionality are now introduced. We take up a sequence of glosses, at I.1 introducing a required stipulation to avoid public scandal, at II.1 inventing a case

that shows a complication in applying the principle of intentionality: if one has formed an improper intention to perform work that, with the proper intention, is permitted, how does that affect the situation of his heirs? Are they subject to the prohibition involved in his improper intention, or are they permitted to do the work in accord with the proper intention that (by reason of circumstance) governs their conduct?

I.1 A. A person brings his produce into [the house] on account of thieves:

B. *It was taught as a Tannaite statement: that is with the stipulation that he do so discreetly.*

I.2. A. *R. Joseph had some timber-beams, which he brought in to the house quite openly. Said to him Abbayye, “But has it not been taught on Tannaite authority: that is with the stipulation that he do so discreetly?”*

B. *He said to him, “In this case, discretion requires doing it by day, since at night there would be need for more workers and also torchbearers, making a big fuss.”*

II.1 A. And he takes his flax out of the soak, so that it not go to waste:

B. *R. Jeremiah asked R. Zira, “If one planned to do his work on the intermediate days of the festival but then died, what is the law about imposing a fine on his children after him? Should you propose to state as a pertinent case [yielding the governing principle], [13A] if one had torn the ear of a first born beast, then the son is subjected to a penalty after he has died, I may reply, the operative consideration is that this violates a law of the Torah. And if you propose to state as a pertinent case, he who sold his slave to a gentile, then the son is subjected to a penalty after he has died, I can say that it is because he has kept the slave from everyday religious duties [for the gentile will not permit the slave to perform his religious obligations]. But what is the operative consideration here? Is it that it is the person that our rabbis have fined, and lo, that person is no more? Or perhaps it is a sanction levied against his property, and lo, the property is right here!”*

C. *He said to him, “You have learned the following teaching in the Mishnah: **A field which was cleared of thorns [during the Sabbatical year] may be sown during the year following the Sabbatical, [for removing thorns is not a forbidden act of cultivation]. [But a field] which was improved [by the removal of stones during the Sabbatical year] or which was used as a fold [for animals during the Sabbatical year, such that it was fertilized by the dung which the animals left on the ground, cf. M. 3:4,] may not be sown during the year following the Sabbatical, [since these activities have effect of preparing land for cultivation] [M. Sheb. 4:2A-E]. And stated R. Yosé bar Hanina, ‘We have learned as a tradition: if he improved the field and then died, his son may sow it.’ Therefore the sanction is inflicted upon him personally by our rabbis, but they have not inflicted the sanction on his son.**”*

D. *Said Abbayye, “We have in hand the following tradition: if one has imparted uncleanness to the food requiring conditions of cleanness that belonged to someone else and then died, sages did not impose a sanction upon his son after him. How come? Impalpable damage is not classified as damage. So the*

sanction is inflicted upon him personally by our rabbis, but they have not inflicted the sanction on his son."

I.1 provides a minor gloss to the Mishnah's rule. No. 2 illustrates the foregoing.

II.1 proceeds to a theoretical question that is solved by appeal to the theme of the law before us.

2:4A

A. **They buy houses, slaves, and cattle, only for the needs of the festival or for the needs of a seller who has nothing to eat.**

The Mishnah-rule underscores the principle that what is required for the Festival may be done on the intermediate days, but what is not required for those days may ordinarily not be done on those days. The analysis of the Mishnah-rule forthwith turns to secondary cases, involving the intersection of distinct principles of law. In the first instance, it is support for the poor as against the sanctification of the intermediate days of the festival.

- I.1** A. *Raba raised this question to R. Nahman: "As to hiring for make-work jobs someone who has not got food — what is the law?"*
- B. *He said to him, "We have learned in the Mishnah, **or for the needs of a seller who has nothing to eat. Now what does who has nothing to eat encompass? It is surely make-work for starving workers.**"*
- C. *He said to him, "No, it serves to amplify the clause."*
- D. *Objected Abbaye, "**They do not write writs of indebtedness on the intermediate days of a festival. But if one does not trust him, or if he had nothing to eat, lo, this one should write [a writ of indebtedness] [M. 3:4A-D]. Now what does if he had nothing to eat encompass? It is surely make-work for starving workers.**"*
- E. *That is decisive proof.*
- F. *Objected R. Sheshet, "**And sages say, 'Three sorts of craftsmen perform work on the eve of Passover up to noon, and these are they: tailors, barbers, and laundrymen.' R. Yosé b. R. Judah says, 'Also: shoemakers' [M. Pes. 4:6D-F]. tailors, barbers, and laundrymen** — for the same reason that an individual may do some sewing in the ordinary way during the intermediate days of the festival; hairdressers and fullers, for the same reason that persons coming home from abroad or coming out of prison may have a hair cut and wash their clothes during the intermediate days of the festival. Now if you assume that it is permitted to hire for make-work jobs starving people, then all other work should have been permitted hear, since, if make-work jobs are permitted where one is starving, anything else should also be permitted on the same principle."*
- G. *Objected R. Pappa, "Then how about the following [equally plausible objection, leading to an absurd result]: building too should be permitted, for the following rule applies: **As to a wall that is hanging over into public domain, they may tear it down and rebuild it in the usual way, because it is a public nuisance [T. 1:7A-B].**"*
- H. *Objected Rabina, "Then how about the following: a scribe should be permitted to do his work, since in any event, **And these do they write on the intermediate days of a festival: (1) writs of betrothal for women, (2) writs of divorce, (3) receipts [for payment of the marriage settlement], (4) testaments, (5) deeds of***

gift, (6) prosbols [assigning to the court writs of indebtedness, so that the writs will not be nullified by the advent of the Sabbatical Year], (7) deeds of valuation, (8) deeds of alimony, (9) writs of the rite of removing the shoe and of the exercise of the rite of refusal, (10) deeds of arbitration, (11) court decrees, and (12) official decrees [M. **Moed Qatan 3:3**]. ”

- I. [The premises throughout invoke an analogy that is inappropriate, namely, the intermediate days of the festival and the conduct of ordinary people on the fourteenth of Nisan, prior to the advent of Passover; but that day is not the counterpart to a festival day at all.] *Rather, said R. Ashi, “How can you compare the rules governing the intermediate days of the festival week and the rules concerning the fourteenth of Nisan? Those governing the intermediate days of the festival week are so as to avoid heavy labor, but where there is the possibility of severe loss, rabbis have permitted work; rules governing the fourteenth of Nisan are based on the requirements of the festival of Passover, so that whatever is needed for the observance of the festival of Passover have our rabbis permitted, but anything that is not needed for the observance of the festival of Passover have our rabbis not permitted.”*

A well-crafted, completely cogent composition, made up for the purpose of the extension of the law of the Mishnah, I.1 addresses a theoretical question that is solved by appeal to the theme of the law before us. Here is a model of a composition that amplifies not the Mishnah-paragraph’s wording or rule but its principle, allowing us to clarify the law that covers a variety of topics and to establish a more profound and decisive conception out of the details of the diverse topics: discover the valid analogy, and criticize a position on grounds of the appropriate or inappropriate character of said analogy.

2:4B-E

- B. They do not move [one’s property] from one house to another.**
- C. But a man may move his goods out into his courtyard.**
- D. They do not bring utensils from the workshop of a craftsman.**
- E. But if he is concerned about them, he may move them into a different courtyard.**

Work needed for the festival itself may be done; work that must be done to avoid incurring loss may be done. The amplification of the cases gets underway with an analysis of the contradiction between A and B.

- I.1 A. [But a man may move his goods out into his courtyard:]** *But have you not said in the opening clause, They do not move [one’s property] from one house to another — at all?*
- B. *Said Abbaye, “The concluding clause serves to inform us that one may move his effects from his house to another house in the same courtyard.”*

The same mode of exegesis — contrast and contradiction between rules — is brought to bear upon the next sentence of the Mishnah-paragraph.

II.1 A. They do not bring utensils from the workshop of a craftsman:

- B. *Said R. Pappa, “Raba examined us in this way: ‘We have learned in the Mishnah, They do not bring utensils from the workshop of a craftsman.’ But by*

contrast: they may deliver to the household of a craftsman, and bring home from the household of a craftsman, various objects, even though they are not required for use on the festival! *And we smoothed out the contradiction for him in the following way:* the one passage refers to the fourteenth of Nisan, the other to the intermediate days of the festival. [This solution invokes Abbaye's observation in the immediately preceding passage, but the composition is free-standing and not dependent on the foregoing.] *And if you prefer, I shall say that both speak of the intermediate days of the festival, but the rule here pertains where the householder has confidence in the craftsman [who will avoid needless hard labor], and the other ruling applies where he does not have confidence in the craftsman. [13B] For has it not been taught on Tannaite authority:* They bring utensils from the household of the craftsman, for example, jugs from the jug maker, glasses from the glass maker, but not wool from the dyer nor articles from the household of the craftsman; but if he does not have enough to eat, one pays him in advance and leaves the object there. If he does not have confidence in him, he leaves the object in a house near him, and if he is concerned about thievery, he brings them home, but only discreetly."

- C. *There is no longer a contradiction about bringing home, but there still is a contradiction about bringing the objects over, for when the rule states, **They do not bring utensils from the workshop of a craftsman**, then how much the less one may bring them to the household of the craftsman! So the first explanation [the one passage refers to the fourteenth of Nisan, the other to the intermediate days of the festival] is better.*

I.1 answers an obvious question. II.1 harmonizes rules of Tannaite origin.

2:5

- A. **[On the intermediate days of a festival] they cover up with straw fig cakes [that have been left to dry].**
- B. **R. Judah says, "They also pile them up in heaps."**
- C. **[On the intermediate days of a festival] those who sell produce, clothing, and utensils sell them discreetly, for the purposes of the festival.**
- D. **[On the intermediate days of a festival] hunters, groats-makers, and grist-millers do their work discreetly, for the purposes of the festival.**
- E. **R. Yosé says, "They have adopted a strict ruling for themselves."**

The principles of the law scarcely require amplification, but the language of the Mishnah-paragraph does.

- I.1 A. **[On the intermediate days of a festival] they cover up with straw fig cakes that have been left to dry]** *R. Hiyya bar Abba and R. Assi, both speaking in the name of Hezekiah and R. Yohanan, differ [on the meaning of the usage of the verbs, "cover up" and "pile up: "]*
- B. *One said, "'Cover up' means, lightly, and 'pile up,' densely."*
- D. *The other said, "'Cover up' means spreading straw lightly or densely, and 'pile up,' means, making a kind of pile."*
- E. *So too it has been taught on Tannaite authority:*
- F. *"'They pile up' means making a kind of heap," the words of R. Judah.*

The point that now requires clarification is the intent of the language, not its sense, and the Mishnah-exegesis proceeds apace.

II.1 A. [On the intermediate days of a festival] those who sell produce, clothing, and utensils sell them discreetly, for the purposes of the festival. [On the intermediate days of a festival] hunters, groats-makers, and grist-millers do their work discreetly, for the purposes of the festival. R. Yosé says, “They have adopted a strict ruling for themselves:”

- B. *The question was raised: “Does the language, **They have adopted a strict ruling for themselves**, mean that they do not do any work at all, or does it mean that they do it discreetly?”*
- C. *Come and take note: [On the intermediate days of a festival] those who sell produce, clothing, and utensils sell them discreetly, for the purposes of the festival. [The following shows that, from Yosé’s perspective, the latter interpretation is correct.] R. Yosé says, “Traders at Tiberias adopted a strict ruling for themselves, not selling anything at all.”*
- D. *Those who trap wild animals, birds, and fish, trap discreetly, for the requirements of the festival itself.”*
- E. *R. Yosé says, “Trappers of Akko adopted a strict ruling for themselves, not trapping anything at all.”*
- F. *Groats pounders make coarse meal, pulse porridge, and pearl barley discreetly, for the requirements of the festival itself.*
- G. *R. Yosé says, “The grits pounders of Sepphoris adopted a strict ruling for themselves, not pounding anything at all.”*

We now expand upon the example, giving it an analysis not required for the purpose for which the example has been introduced.

I.2. *A Said Abbayye, “‘Groats’ [1.F] refers to one grain broken into two, pulse porridge, one into three, pearl barley one into four.”*

- B. *When R. Dimi came, he said, “All fall into the classification of spelt.”*
- C. *An objection was raised: **Pounded wheat and groats and grits are susceptible to uncleanness [by reason of having been wet down] under all circumstances [M. Makh. 6:2H].** Now that poses no problem from the perspective of him who said, “It is one broken into two, three or four,” they are **susceptible to uncleanness in all circumstances** because they have been rendered susceptible [in the process of grinding, being wet down for that purpose], but if one says that all fall into the classification of spelt, why then is it maintained that they are **susceptible to uncleanness in all circumstances**, since they have not been rendered susceptible by being wet down?*
- D. *Well, for example, they may be wet down, when groats are made of peeled spelt, since, if the grain is wet down, it will not peel [following Lazarus’s translation].*

I.3. A. *Why is it called by a word that can be translated “cloak”?*

B. *Because it has had its tunic removed.*

I.4. A. *An objection was raised: **He who takes a vow not to eat grain is forbidden to eat Egyptian bean when it is dry, but permitted to eat it when green, and he is permitted to eat rice, coarse meal, pulse***

porridge, and pearl barley [T. Ned. 4:3F-G]. *Now that poses no problem from the perspective of him who said, "It is one broken into two, three or four," he may eat such things because they are now meal, no longer grain. But if one says that all fall into the classification of spelt, that would still fall into the classification of grain.*

B. *So that's a problem.*

We now return to the exposition of the law before us, introducing a further case.

I.5. A. *R. Huna permitted those who sell potted herb plants to go and sell them in the intermediate days of the festival in public and in the ordinary way.*

B. *Objected R. Kahana, " In the case of stalls open to the stoa one opens and closes them in the normal way. If they open out onto the public way, however, one opens on one side and closes on the other. On the day prior to the final day of the Festival of Tabernacles one goes out and decorates the market place in honor of the last festival day of the Festival itself [T. 2:13]. Thus: in honor of the last festival day of the Festival itself one may open, but if it is not in honor of the last festival day of the Festival itself, one may not open."*

C. *That is no challenge. The latter speaks of selling produce, the former, selling seasoning [and one may sell potted herb-plants as produce, but the herbs that have been cut out of the pots are not classified as produce but only as herbs]..*

I.1 explains the sense of the verb-choices in M. 2:5A, B. II.1 asks another exegetical question, again interpreting the language of the Mishnah-paragraph. Nos. 2-5 form a talmud to No. 1.