

JUDAISM

The Talmud

Beitzah

A massive, multi-volume compendium of rabbinic debates and commentary on the Torah that forms the basis of Jewish religious law, ethics, and practice. Presents all 37 tractates with Gemara, via Sefaria's William Davidson Talmud (the Koren Talmud Bavli translation, CC BY-NC), plus Avot and Eduyot (which have no Gemara) via Michael L. Rodkinson's 1896-1918 translation.

Presented by Earth's Sacred Texts — blackbetty.space

Contents

Beitzah

Beitzah

Chapter 1

¹ MISHNA: With regard to an egg that was laid on a Festival (Eduyyot 4:1), Beit Shammai say: It may be eaten even on that day, and Beit Hillel say: It may not be eaten, as the Gemara will explain at length. Apropos this exceptional case, in which Beit Shammai are lenient and Beit Hillel are strict, the mishna cites additional halakhot of the Festivals in which this unusual phenomenon occurs (Yoma 79b). Beit Shammai say: Leaven, i.e., dough that has leavened to such an extent that it is no longer used as food but as a leavening agent for other dough, is prohibited on Passover in the measure of an olive-bulk. However, the measure for edible leavened bread is greater, that of a large date-bulk. And Beit Hillel say: For both this and that, the measure is that of an olive-bulk.

² Furthermore, with regard to one who slaughters an undomesticated animal or a bird on a Festival (Eduyyot 4:2), in which case there is a mitzva from the Torah to cover the blood after slaughtering (Leviticus 17:13), Beit Shammai say: He digs earth with a shovel and covers the blood with that earth ab initio. And Beit Hillel say: He may not slaughter ab initio, unless he had earth prepared for that purpose while it was still day. But even Beit Hillel concede that if one already slaughtered the animal or the bird, then he should dig with a shovel and cover the blood. Additionally, they agree that the ashes of a stove are considered prepared for the use of covering blood, as will be explained by the Gemara.

³ GEMARA: The Gemara inquires: With what case are we dealing in this mishna? If we say that the mishna is referring to a chicken that is designated for eating, i.e., one planned to slaughter and eat a chicken that laid an egg, what is the reason that Beit Hillel prohibit eating the egg? It is food that has been separated [de'ifrat]. The entire chicken is considered food, as it is designated for eating, and this egg is simply a part that became detached. Just as one may partake of the chicken itself on a Festival, its egg should likewise be fit for consumption.

⁴ Rather, the mishna must be referring to the case of a chicken designated for laying eggs. Since the owner of this chicken decided not to eat it on the Festival, it is classified as set-aside [muktze], and muktze items may not even be moved, let alone eaten. Since the chicken itself is muktze, its egg is muktze as well.

⁵ The Gemara asks: If so, what is the reason of Beit Shammai for permitting one to eat the egg? After all, it is muktze. The Gemara expresses surprise at this question: And what is the difficulty? Perhaps Beit Shammai do not hold that there is a prohibition of muktze? There are different opinions with regard to the scope of the prohibition of muktze. It is possible that Beit Shammai, like other tanna'im, maintain that there is no prohibition of this type of muktze. Perhaps this is the subject of their dispute with Beit Hillel.

⁶ Before stating its proposed solutions for this difficulty, the Gemara notes: It enters our mind to say that even one who permits moving an item that was set aside by its owners on a Festival or Shabbat

prohibits the owners from doing so with an object that came into being [nolad] on a Festival. One may not move an object that came into being on a Festival or Shabbat, since the owner never entertained the notion that he would be able to use it. This egg is certainly an object that came into being on the Festival. What, then, is the reason of Beit Shammai?

⁷ Rav Nahman said: Actually, the mishna is referring to a chicken designated for laying eggs. However, our previous assumption was mistaken, as the Sage who holds that there is a prohibition of muktze in general also holds that there is a prohibition of objects that came into being, while one who does not hold that there is a prohibition of muktze likewise does not hold that there is a prohibition of objects that came into being (Shabbat 45b). Consequently, the dispute can be summed up as follows: Beit Shammai hold in accordance with the opinion of Rabbi Shimon, who maintains that there is no prohibition of muktze; and Beit Hillel hold in accordance with the opinion of Rabbi Yehuda, who rules that there is a prohibition of muktze.

⁸ The Gemara is puzzled by this explanation: And did Rav Nahman actually say that Beit Hillel hold in accordance with the opinion of Rabbi Yehuda? But didn't we learn in a mishna (Shabbat 143a) that Beit Shammai say: One may remove bones and shells left from the meal from the table, despite the fact that they are inedible and are muktze. And Beit Hillel say: It is prohibited to do so; rather, one may remove the entire board [tavla] that is the table surface, which is a vessel that may be carried, and shake it all at once. By moving the table, which is not muktze, one is able to shake off the bones and shells, but he may not move the items themselves.

⁹ And Rav Nahman said: That version of the mishna is not in accordance with the halakha; rather, the opinions should be reversed, as we have nothing other than the following version of this dispute: Beit Shammai hold in accordance with the opinion of Rabbi Yehuda, who maintains that the prohibition of muktze applies, while Beit Hillel hold in accordance with the opinion of Rabbi Shimon, who maintains that the halakha of muktze does not apply. Why, then, does Rav Nahman explain that the ruling of Beit Hillel in the case of the egg in the mishna is based on the opinion of Rabbi Yehuda, who holds that there actually is a prohibition of muktze?

¹⁰ The Gemara answers that Rav Nahman could have said to you in reply: With regard to Shabbat, this is a case where the tanna taught us an unattributed mishna, which is generally accepted as the halakha, in accordance with the opinion of Rabbi Shimon, as we learned in a mishna (Shabbat 156b): One may cut pumpkins before an animal to facilitate their consumption, and likewise one may cut up an animal carcass before dogs, even if the animal died on Shabbat, to enable them to consume it. Although that carcass is classified as muktze, it may be moved on Shabbat.

¹¹ The Gemara concludes: That unattributed mishna in tractate Shabbat is in accordance with the opinion of Rabbi Shimon. For this reason, Rav Nahman establishes that the dispute between Beit Hillel and Beit Shammai should be understood to mean that Beit Hillel hold in accordance with the opinion of Rabbi Shimon, whom the halakha apparently follows, as there is a principle that the halakha is always in accordance with Beit Hillel's opinion. However,

¹² with regard to a Festival, the tanna taught us an unattributed mishna in accordance with the opinion of Rabbi Yehuda (Shabbat 156b), as we learned in a mishna in this tractate: One may not chop wood on a Festival from beams prepared for use in construction work, nor may one chop kindling wood from a beam that broke on a Festival. As the beams were not prepared for this use when the Festival began, they are classified as muktze; this demonstrates that an unattributed mishna

prohibits muktze on a Festival. Consequently, Rav Naḥman establishes the opinion of Beit Hillel in accordance with the opinion of Rabbi Yehuda, who prohibits muktze. He does so by asserting that the mishna is referring to the case of a chicken designated for laying eggs, which is muktze. This concludes the Gemara's explanation of Rav Naḥman's rendering of the tannaitic dispute.

¹³ The Gemara asks: Now since, i.e., consider the following: Who is the one who wrote and edited the Mishna, and arranged the unattributed mishnayot? It was Rabbi Yehuda HaNasi. Since the same Sage formulated the statements in both tractates, the question arises: What is different with regard to the halakhot of Shabbat, that he stated the unattributed opinion and ruled for us in accordance with the opinion of Rabbi Shimon, and what is different with regard to the halakhot of a Festival, that he stated the unattributed opinion and ruled for us in accordance with the opinion of Rabbi Yehuda?

¹⁴ They answer and say: In the case of Shabbat, which is stringent with regard to its punishments (see 35b), and therefore people will not come to treat it with contempt, Rabbi Yehuda HaNasi taught us the unattributed mishna in accordance with the opinion of Rabbi Shimon, who rules leniently. Conversely, with regard to a Festival, which is lenient, as certain labors may be performed on a Festival, and therefore people will be more likely to come to treat it with contempt, he stated the unattributed opinion for us in accordance with the opinion of Rabbi Yehuda, who rules stringently.

¹⁵ The Gemara asks: In what manner did you ultimately establish the mishna? It was established as referring to a chicken designated for laying eggs, and the prohibition is due to muktze. If so, rather than disputing with regard to an egg laid on a Festival, let them dispute with regard to the chicken itself. Instead of considering the secondary detail of an egg, Beit Shammai and Beit Hillel could discuss whether or not the chicken itself may be slaughtered on a Festival.

¹⁶ The Gemara answers: Beit Shammai and Beit Hillel also disagree with regard to the chicken, but the dispute was phrased in this manner to convey the far-reaching nature of the opinion of Beit Shammai. The formulation of the mishna emphasizes the extent of Beit Shammai's lenient opinion, that even in the case of an egg, which is not a regular muktze item but an item that came into being, an especially stringent type of muktze, Beit Shammai nevertheless permit it. By stating the dispute with regard to an egg, the mishna stresses Beit Shammai's lenient opinion.

¹⁷ The Gemara raises an objection: And let them disagree with regard to a chicken, rather than an egg, to convey the far-reaching nature of the opinion of Beit Hillel, who prohibit its use even in the more lenient case of muktze. And if you say it is better to present the dispute as in the mishna, so as to clarify the more lenient opinion, as the strength of leniency is preferable (Berakhot 60a), there is another option: And let them disagree with regard to both of these cases.

¹⁸ The mishna could have said: With regard to a chicken designated for laying eggs, it and its eggs, Beit Shammai say: It may be eaten, and Beit Hillel say: It may not be eaten. In this manner, the mishna could have referred to all aspects of the dispute, without the need for any lengthy addition. Consequently, Rav Naḥman's explanation of the mishna is inadequate.

¹⁹ Rather, Rabba said: Actually, the above explanation should be rejected. We are dealing with a chicken designated for food and we are dealing with an egg that was laid on a Festival that occurs after Shabbat, i.e., on a Sunday. And the relevant issue is not the halakhot of muktze; rather, one may not eat the egg due to the prohibition against preparation from Shabbat to a Festival.

²⁰ And in this regard, Rabba holds that any egg laid now was already fully developed yesterday, and merely emerged from the chicken today. Consequently, an egg laid on a Festival that occurred on a Sunday may not be eaten, as it was prepared on Shabbat, despite the fact that it was prepared naturally, by Heaven, rather than by man.

²¹ The Gemara comments: And Rabba, who prohibits one to derive benefit even from something that was not prepared by man, conforms to his standard line of reasoning. As Rabba said: What is the meaning of that which is written with regard to the manna: “And it shall come to pass on the sixth day, that they shall prepare that which they bring in” (Exodus 16:5)? According to Rabba, it can be inferred from this verse that on an ordinary weekday, “the sixth day,” one may prepare what is needed for Shabbat, and similarly, on an ordinary weekday one may prepare what is needed for a Festival. However, on a Festival one may not prepare for Shabbat, and likewise on Shabbat one may not prepare for a Festival.

²² Abaye said to Rabba: However, if that is so, and the concern is only due to preparation, let an egg laid on a regular Festival, one that does not occur on a Sunday, be permitted. Rabba responded: That egg is not prohibited by Torah law, but by rabbinic decree, due to the case of a Festival that occurs after Shabbat. Abaye asked: On a regular Shabbat, one that does not occur after a Festival, let it be permitted to eat an egg that was laid on that day, provided that one does not cook it. Rabba similarly answered: It is a decree due to a Shabbat that occurs after a Festival.

²³ Abaye further asked: And do we issue a decree of this kind? But isn’t it taught in a baraita (see 6b): In the case of one who slaughters a chicken on a Festival and finds inside it fully developed eggs with their shells, it is permitted to eat them on the Festival. And if it is so, that the aforementioned decree is in effect, let him issue a decree and prohibit these eggs found inside the chicken, due to those that are laid on that day.

²⁴ Rabba said to him: This is not difficult, as the case of fully developed eggs found inside their mother is an uncommon matter, and in a case of an uncommon matter the Sages did not issue a decree as a preventive measure (Eiruvim 63b). The Sages issued their decrees only for usual situations, in which people might err, but they did not apply them to rare cases. This concludes the Gemara’s discussion of Rabba’s explanation.

²⁵ The Gemara proceeds to explain other interpretations of the mishna. Rav Yosef said: An egg laid by a chicken designated for food is prohibited for a different reason: It is a decree due to fruits that fall from a tree (Eiruvim 39b). Fruits that fall from a tree on Shabbat or a Festival may not be eaten, and the same applies to eggs that emerge from a chicken.

²⁶ Abaye said to Rav Yosef: With regard to fruits that fall, what in fact is the reason that the Sages prohibited them?

²⁷ It is a decree lest one climb the tree and pick the fruit, as this would constitute the prohibited labor of harvesting. If so, the prohibition against eating fruit is itself due to a decree. And will we arise and issue a decree to prevent violation of another decree? Rav Yosef responded: That is not so; rather, when the Sages issued the initial decree, they enacted the prohibitions against both fruit that fall and a laid egg, as all the prohibitions are components of one decree. In other words, the similar cases of the fruit and the egg were both included in the original decree.

²⁸ Rabbi Yitzḥak said a different reason: An egg that was laid on a Festival is prohibited as a decree due to liquids that seeped from the fruit (Eiruvim 39b), which is prohibited on that day. The legal status of an egg that was laid on a Festival is like that of liquids that seeped from a fruit on a Festival.

²⁹ Abaye said to him: With regard to liquid that seeped from fruit, what is the reason that the Sages prohibited it? It is a decree lest one purposely squeeze the fruit, and thereby perform the prohibited labor of threshing. However, the prohibition against consuming this juice is itself a rabbinic decree. And will we arise and issue a decree to prevent violation of another decree? Rabbi Yitzḥak replied: All the prohibitions are components of one decree. When the Sages prohibited this juice, they banned the eating of an egg laid on a Festival for the same reason, as the actions are similar.

³⁰ As various explanations have been offered for this mishna, the Gemara seeks to clarify why each Sage was dissatisfied with the other explanations and suggested an alternative. The Gemara says: All of them, Rabba, Rav Yosef, and Rabbi Yitzḥak, did not state their explanations in accordance with the opinion of Rav Naḥman, as stated in our previously stated objection to Rav Naḥman's explanation. The other Sages also did not state their explanations in accordance with the opinion of Rabba, as they do not accept that there is a Torah prohibition of using items whose preparation was from Shabbat to a Festival or from a Festival to Shabbat.

³¹ However, the following question arises: Since Rav Yosef provides an explanation that is similar to that of Rabbi Yitzḥak, what is the reason that he did not state his explanation in accordance with the opinion of Rabbi Yitzḥak? The Gemara answers that Rav Yosef could have said to you: An egg is food, and fruit is food, i.e., an egg is comparable to fruits that fall. This observation would serve to exclude juice, which is not food but drink. Consequently, an egg is not comparable to juice and would not be included in the same decree.

³² The Gemara asks the reverse question: And with regard to Rabbi Yitzḥak, what is the reason that he did not state his explanation in accordance with the opinion of Rav Yosef? The Gemara answers: He could have said to you that the case of an egg is more similar to juices that seep from fruit. How so? An egg is enclosed inside a chicken before it is laid, and likewise juice is enclosed inside the fruit. This observation serves to exclude fruits that fall from a tree, which are standing exposed on the tree. Therefore, the comparison between fruits that fall and an egg is weaker than the comparison between liquid that seeped from fruit and an egg.

³³ § The Gemara notes: And Rabbi Yoḥanan also holds that the prohibition against eating an egg laid on a Festival is a decree due to liquid that seeped from fruit. What proof can be cited for this? It is proven as Rabbi Yoḥanan raised a contradiction between one statement of Rabbi Yehuda and a different statement of Rabbi Yehuda, and he resolved the apparent contradiction in a manner that indicates his own opinion.

³⁴ The Gemara elaborates on the previous statement. We learned in a mishna (Shabbat 143b): One may not squeeze fruits to extract liquids from them on Shabbat, and if the liquids seeped out on their own, it is prohibited to use them on Shabbat, lest he come to squeeze fruits intentionally. Rabbi Yehuda says: If the fruit is designated for eating, e.g., apples, the liquid that seeps from them is permitted. Since there is no concern that one might squeeze the fruit, there is no reason to prohibit its liquid. And if the fruit was originally designated for liquids, such as grapes for wine, there are grounds for concern that one might squeeze them, and therefore the liquid that seeps from them is prohibited.

³⁵ From the fact that Rabbi Yehuda said that liquid from fruit intended for eating is permitted, one can infer that, apparently, all food that comes out of another food is classified as food that was separated, according to the opinion of Rabbi Yehuda. Food that was separated is not considered a new food, but part of the food that previously existed.

³⁶ And the Gemara raises a contradiction against this from a different source: And Rabbi Yehuda said further, concerning untithed fruit, which may not be rendered fit to be eaten on a Festival by separating teruma and tithes from it (Eirubin 39a): A person may stipulate a condition with regard to a basket of untithed fruit on the first day of a Festival, and say: If today is the true Festival day, the second Festival day is actually a weekday. Therefore, this fruit is permitted, once I separate tithes from it, as on any other weekday. And vice versa: If today is, in fact, a weekday, and tomorrow is the Festival, I hereby separate its tithes today.

³⁷ Likewise, on the following day, he should again stipulate: If today is a weekday and yesterday was holy, I hereby separate tithes from the fruit now; if today is holy and yesterday was a weekday, separating the tithes yesterday was sufficient. And he may then eat the produce on the second Festival day, as in either case no prohibition is involved. And similarly, an egg laid on the first Festival day may be eaten on the second day, regardless of which day is the actual Festival.

³⁸ Rabbi Yehuda's statement indicates that on the second day, yes, it is permitted to partake of the egg; but if the egg was laid on the first day, no, one may not eat it. If so, Rabbi Yehuda apparently contradicts himself, as he said previously that liquid from food prepared for eating has the same status as the food itself, and that its emergence is considered to be nothing more than the separation of two foods from each other. And Rabbi Yoḥanan resolves the difficulty: The attribution of the opinions with regard to the second day of the Festival is reversed (Berakhot 17b), so that Rabbi Yehuda's opinion corresponds with his ruling above.

³⁹ The significance of Rabbi Yoḥanan's statement for the issue at hand is as follows: Since Rabbi Yoḥanan raised a contradiction between the cases of an egg and liquid that oozed, one may conclude from this that it is the same reason in both cases, i.e., an egg is prohibited on a Festival due to the rabbinic decree against liquid that oozed from fruit.

⁴⁰ With regard to the contradiction presented by Rabbi Yoḥanan, which led him to suggest that the opinions should be reversed, Ravina said that this is not the only possible resolution: Actually, do not reverse the opinions. Rather, in the case of the two Festival days, one could claim that Rabbi Yehuda spoke to them in accordance with the statement of the Rabbis, rather than presenting his own opinion.

⁴¹ If so, Rabbi Yehuda's statement should be understood as follows: In my opinion, even on the first Festival day, the egg is also permitted, as it is food that was separated. However, according to your opinion, which is that you prohibit liquid that comes from food, at least agree with me that it is permitted on the second day, as they are two sanctities. The first and second days of Rosh HaShana are not one unit, but two separate entities. Therefore, it is possible that the first day is sacred, while the second is a weekday. Consequently, an item prohibited on the first day might be permitted on the second. And the Rabbis said to him: No, the two days are one sanctity, i.e., they are viewed as a single continuous unit. The uncertainty applies equally to both of them.

⁴² Ravina, son of Rav Ulla, said: There is an alternative resolution to the contradiction raised by Rabbi Yoḥanan. Here, in the case of the egg laid on a Festival, Rabbi Yehuda prohibited eating the

egg since it is not from a chicken designated for food, whose legal status is that of food. Rather, the case refers to a chicken designated for laying eggs, and Rabbi Yehuda conforms to his standard line of reasoning, as he holds that there is a prohibition of muktze. Since the egg is produced by something muktze, it is certainly muktze itself, which means that the halakha of food that was separated is inapplicable to this case.

⁴³ § The Gemara raises an objection from a baraita, which clarifies the issue differently: Both an egg that was laid on Shabbat and an egg that was laid on a Festival are considered to be muktze, and therefore in both cases, one may not move the egg, neither for the sake of food nor for any other purpose: Not to cover a vessel with it, nor to support the legs of a bed with it.

⁴⁴ However, if one wishes, he may cover the egg with a vessel, without handling the egg itself, so that it does not break from being accidentally trodden upon. Although it is prohibited to move the egg itself, it is nevertheless permitted to move a vessel for its sake. And even if there is uncertainty with regard to whether this egg was laid on a Festival, it is prohibited to move it. And, furthermore, if it became intermingled with a thousand permitted eggs, they are all prohibited.

⁴⁵ The Gemara notes: Granted, according to the opinion of Rabba, who said that an egg is prohibited due to the lack of preparation, this case involves an uncertainty with regard to the legal status of an item prohibited by Torah law; and in any case of an uncertainty with regard to the legal status of an item prohibited by Torah law, the ruling is stringent. Therefore, the egg is prohibited even if there is uncertainty whether it was laid on a Festival.

⁴⁶ However, according to the opinions of Rav Yosef and Rabbi Yitzḥak, who say that an egg is prohibited due to a decree, this case involves an uncertainty with regard to the legal status of an item prohibited by rabbinic law, and in any case of an uncertainty with regard to the legal status of an item prohibited by rabbinic law, the ruling is lenient.

⁴⁷ The Gemara answers: In the latter clause of the baraita, we have arrived at a different case. The case does not involve the prohibition of an egg laid on a Festival; the case involves an egg laid by a chicken with regard to which there is uncertainty whether it is an animal with a condition that will cause it to die within twelve months [tereifa], which is prohibited by Torah law. The uncertainty with regard to the legal status of the chicken is relevant to the egg.

⁴⁸ The Gemara raises a difficulty with this response: If so, say the latter clause of that same baraita: If it became intermingled with a thousand other eggs, they are all prohibited. Granted, if you say that there is uncertainty whether the egg was laid on a Festival and uncertainty whether it was laid on a weekday, then it is an object whose prohibition is temporary, as the egg will be permitted on the following day, and the principle is: Any object whose prohibition is temporary is not nullified, even by a thousand permitted items. Since its prohibition will lapse on its own, there is no need to make use of the option of nullification.

⁴⁹ However, if you say that the egg referred to in the baraita is an uncertain tereifa, it is an object whose prohibition is not temporary, as there is no way to permit the prohibition of tereifa, and it should therefore be nullified by a simple majority.

⁵⁰ The Gemara adds: And if you say that an egg is significant and is not nullified, as nullification applies only to items that have no intrinsic significance, while a significant object cannot be nullified, that works out well according to the one who said that we learned: Any item whose manner is also to

be counted, i.e., that is sometimes sold by unit, rather than by weight or volume, is considered significant. An egg falls into that category, as it is sometimes sold by unit.

⁵¹ However, according to the one who said that we learned: That item whose manner is exclusively to be counted, i.e., that is always sold by unit, is considered significant, what can be said? Although eggs are often sold by unit, they are also often sold by weight or volume.

⁵² The Gemara cites the mishna where the dispute cited above appears. As we learned (Orla 3:6–7): With regard to one who had bundles of clover, a type of legume, that were diverse kinds of food crops that grew in a vineyard, from which it is prohibited to derive benefit, those bundles must be burned. If the bundles were intermingled with others, and those others were intermingled with others, they must all be burned. This is the statement of Rabbi Meir. And the Rabbis say: They may be nullified by one part in two hundred similar parts. When the prohibited portion is less than one-half of one percent of the permitted portion, the prohibition is nullified.

⁵³ The mishna continues: Rabbi Meir says that they must all be burned, as Rabbi Meir would say: That whose manner is exclusively to be counted, is considered significant and cannot be nullified. Therefore, it renders the entire mixture forbidden, and it must be burned. And the Rabbis say: Only six items are sufficiently significant to render the entire mixture forbidden. Rabbi Akiva says: There are seven. And they are: High-quality nuts from Perekh, and pomegranates from Badan, and sealed barrels of wine, and branches of spinach, and cabbage stalks, and Greek pumpkin. Rabbi Akiva adds: Even loaves of a homeowner.

⁵⁴ Different prohibitions apply to these seven items. That which is fit to be forbidden due to orla, fruit that grows during the first three years after a tree is planted, is forbidden due to orla. That which is fit to be forbidden due to diverse kinds of food crops that grew in a vineyard is forbidden due to diverse kinds in a vineyard (Avoda Zara 74a). And it was stated about the wording of this mishna that there is an amoraic dispute. Rabbi Yoḥanan said that we learned: Only that whose manner is exclusively to be counted is significant and cannot be nullified, and it is therefore prohibited by Rabbi Meir. And Rabbi Shimon ben Lakish said that we learned: Any item whose manner is also to be counted, is significant and cannot be nullified.

⁵⁵ Returning to the matter of the egg, the Gemara reprises its question: This works out well according to the opinion of Rabbi Shimon ben Lakish, but according to Rabbi Yoḥanan, what can be said? Since an egg is not sold exclusively by unit, it is not significant. Therefore, the egg of a tereifa should be nullified by a simple majority.

⁵⁶ Rav Pappa said: According to Rabbi Yoḥanan, this tanna, who said that an egg cannot be nullified, is the tanna of the halakha concerning a litra of dried figs, who, based on his statement, said: Any item that is counted, even if it is prohibited by rabbinic law, cannot be nullified, and all the more so items prohibited by Torah law, e.g., the egg of a tereifa.

⁵⁷ As we learned in a mishna: With regard to a litra of dried figs, whose stems were removed, and were dried and pressed in different vessels and shaped into circles, the obligation to tithe fruits is by rabbinic law. If one forgot to tithe the figs, and later remembered that he placed the figs into a barrel, and during the process of producing a circle he pressed the figs onto the mouth of one of the circular vessels in which the circles are formed, and does not know into which circular vessel he pressed it; or, if he recalls that he pressed it on the mouth of a barrel, but does not know in which barrel he pressed it, or if he recalls that he pressed it on the mouth of a straw receptacle, but does not know in

which receptacle he pressed it, Rabbi Meir says that in all these cases there is a dispute between the tanna'im of the previous generation: Rabbi Eliezer

⁵⁸ says: One considers the upper circles of dried figs as though they are separate pieces, rather than one unit. And the lower ones, which were there beforehand and have certainly been tithed, nullify the upper ones, as there are enough circles of figs in the entire barrel to nullify the upper litra.

⁵⁹ In contrast, Rabbi Yehoshua says: If there are one hundred mouths of different barrels or circular vessels there, the prohibited litra of untithed figs on the mouth of one of the vessels is nullified by a ratio of one part of prohibited figs to one hundred parts of similar, permitted figs. And if not, all of the circles of figs at the mouths of the barrels or circular vessels are prohibited, as one of them clearly contains a prohibited litra that has not been nullified. And the figs on the insides of the vessels are permitted, as the prohibited figs certainly did not reach there. This is Rabbi Meir's version of the dispute.

⁶⁰ Rabbi Yehuda says a different version of the dispute. Rabbi Eliezer says: If there are one hundred mouths of vessels with permitted figs present there, in addition to the prohibited one, it is nullified by the one hundred permitted mouths. And if not, the figs at the mouths are prohibited and those at the bottom are permitted. Rabbi Yehoshua says: Even if there are three hundred mouths present there, they are not nullified, as this litra cannot be nullified in any manner. Rav Pappa was referring to this opinion when he said that there is a tanna, meaning Rabbi Yehoshua in Rabbi Yehuda's version, who maintains that even an item occasionally sold by unit, e.g., a circle of dried figs, can never be nullified.

⁶¹ The same mishna further states: If one pressed the litra of figs into a circular vessel but he does not know into which circular vessel he pressed it, everyone agrees that the prohibited fig cakes are nullified. The Gemara expresses surprise at this statement: Everyone agrees? This is the very matter of their dispute, whether or not the litra is nullified.

⁶² Rav Pappa said: This is what the tanna said, i.e., he meant the following: One pressed it onto a circular vessel but does not know onto which place, which side of the circular vessel he pressed it, whether on its north or on its south side. In this case, as the prohibited litra is not located in a specific place and it cannot be distinguished from the others, it certainly cannot be considered an object of significance, and everyone agrees that it is nullified.

⁶³ The Gemara explained why the egg mentioned in the baraita, an egg laid by a chicken that is a tereifa, cannot be nullified even if it is mingled with a thousand permitted eggs. However, Rav Ashi said: Actually, the baraita can be explained as referring to a case where there is uncertainty whether it is a Festival or a weekday. While it is true that according to most opinions this is a rabbinic prohibition, and the halakha is generally lenient with regard to uncertainties involving rabbinic law, it is an object whose prohibition is temporary. And with regard to any object whose prohibition is temporary, even if it involves a rabbinic prohibition, it cannot be nullified.

⁶⁴ § It is taught in a baraita: Aḥerim say in the name of Rabbi Eliezer: With regard to an egg laid on a Festival, it and its mother may be eaten. The Gemara asks: With what case are we dealing? If we say that this is dealing with a chicken designated for food, it is obvious that it and its mother are permitted. Rather, say that this is dealing with a chicken designated for laying eggs, but in that case it and its mother are both prohibited. Rabbi Zeira said that the baraita should be understood as follows:

The egg may be eaten on account of its mother; if the chicken is eaten on the Festival, the egg may also be eaten.

⁶⁵ The Gemara asks: What are the circumstances? In which case is it necessary to apply this ruling? Abaye said: It is referring to a case where one bought this chicken without specifying whether he intended to eat it or use it for its eggs. In that case, if the chicken was slaughtered on a Festival, it has been retroactively clarified that it was intended for food, and the eggs it lays are, therefore, permitted. If it was not slaughtered, it has been retroactively clarified that it was intended for laying eggs, and the eggs it lays are prohibited.

⁶⁶ Rav Mari said that the phrase: It and its mother may be eaten, should not be taken literally. Rather, the tanna is teaching an exaggeration [guzma], for extra emphasis, as it is taught in another baraita: Aḥerim say in the name of Rabbi Eliezer: An egg may be eaten, it and its mother, and a chick and its shell.

⁶⁷ The Gemara clarifies: What is the meaning of this addition: Its shell? If we say it is referring to an actual shell, is a shell edible? Rather, the baraita must be referring to the consumption of a chick that is still in its shell. This explanation is problematic, as the Rabbis disagree with Rabbi Eliezer ben Ya'akov only in permitting the eating of a chick immediately after it hatches, when it has already entered the world. However, when it has not yet entered the world, i.e., if the chick is still in its shell, they do not disagree. Even the Rabbis accept that this chick has the status of a creeping animal and may not be eaten.

⁶⁸ Rather, evidently the expression: A chick and its shell, should not be understood literally, as it is an exaggeration. Here, too, the phrase: It and its mother may be eaten, is an exaggeration. It does not mean literally that the chick and its mother may be eaten, but is merely a statement of emphasis that the egg is undoubtedly permitted.

⁶⁹ § It was stated that amora'im disputed the following issue (Eiruvim 38b): If Shabbat and a Festival occur on consecutive days, Rav said: An egg laid on this one is prohibited on that one, and Rabbi Yoḥanan said: An egg laid on this one is permitted on that one. The Gemara asks: Let us say that Rav holds that when Shabbat and a Festival occur on consecutive days, it is considered one continuous sanctity, i.e., a single, indivisible day.

⁷⁰ But didn't Rav say: The halakha is in accordance with the opinion of four elders, who ruled in accordance with the opinion of Rabbi Eliezer, who said: When a Shabbat and a Festival occur consecutively, they are two sanctities rather than one long day; therefore, a joining of Shabbat boundaries need not be placed on a weekday, but may be placed on the first of the holy days to allow going beyond the Shabbat boundary on the second. Evidently, this issue cannot be the basis of their dispute.

⁷¹ Rather, here they disagree with regard to Rabba's preparation, i.e., an item that was prepared on its own from one day to the other, whose use Rabba prohibits. Rav holds that items prepared by means of Rabba's preparation are prohibited, whereas Rabbi Yoḥanan does not hold that items prepared by means of Rabba's preparation are prohibited.

⁷² The Gemara comments: This dispute is like a dispute between tanna'im: An egg laid on Shabbat may be eaten on a Festival; if it was laid on a Festival, it may be eaten on Shabbat. Rabbi Yehuda says in the name of Rabbi Eliezer: This opinion is not unanimous; rather, it is still a matter of dispute,

as Beit Shammai say it may be eaten, and Beit Hillel say it may not be eaten, just as they disagreed about whether an egg is permitted on the day on which it was laid.

⁷³ The Gemara relates: Rav Adda bar Ahava's host [ushpizikhnei] had these eggs that were laid on a Festival that occurred on a Friday, and the host was unsure whether eggs laid on the Festival were permitted from the Festival for use on Shabbat. He came before his guest, Rav Adda, and said to him: What is the halakha with regard to roasting these eggs now, on the Festival, although eating them today is prohibited due to nolad, and let us eat them tomorrow, as they will be no longer be prohibited due to nolad?

⁷⁴ Rav Adda said to him: What is your opinion that led you to pose this question? You evidently assume that in the dispute between Rav and Rabbi Yoḥanan, the halakha is in accordance with the opinion of Rabbi Yoḥanan, and therefore an egg laid on one day will be permitted on the following day. However, even Rabbi Yoḥanan permitted one to swallow it only raw, on the next day, when it is no longer prohibited; but on the same day that it was laid, he did not permit one even to move it, and certainly not to roast it.

⁷⁵ And it is taught likewise in a baraita: With regard to both an egg that was laid on Shabbat and an egg that was laid on a Festival, one may not move it, neither to cover a vessel with it nor to support the legs of a bed with it.

⁷⁶ The Gemara relates a similar incident: Rav Pappa's host, and some say it was a certain man who came before Rav Pappa, had these eggs that were laid on a Shabbat that occurred before a Festival. He came before him and said to him: What is the halakha with regard to whether it is permitted to eat these eggs tomorrow, on the Festival? Rav Pappa said to him: Go away from me now, and come back tomorrow. He said this because Rav would not place a disseminator before him to explain his lectures, from one Festival day until the end of the other, the second Festival day, due to drunkenness. Since it was customary in those times to drink a great deal of wine during Festival meals, Rav was concerned that his mind would not be sufficiently clear to issue a public ruling.

⁷⁷ When that man came back on the following day, Rav Pappa said to him:

⁷⁸ Had I issued a ruling for you then, I would have forgotten the correct response, and I would have said to you, based on the accepted principle that in the case of a dispute between Rav and Rabbi Yoḥanan, the halakha is in accordance with the opinion of Rabbi Yoḥanan, that the eggs are permitted. However, Rava said: The halakha is in accordance with the opinion of Rav with regard to these three issues, in connection to the sanctity of Festivals and Shabbat, whether his ruling is lenient, or whether it is stringent. This is one of those three cases in which the halakha is in accordance with the opinion of Rav.

⁷⁹ § Rabbi Yoḥanan said: With regard to branches that fell from a palm tree on Shabbat, it is prohibited to kindle them on a Festival that occurs the next day. And do not reply to me by asking why I permit an egg to be eaten on the following day. What is the reason for the distinction between the two cases? In the case of an egg, because on the day of Shabbat itself it is also fit to be swallowed raw and nevertheless it is permitted to be eaten only the following day, one knows that an egg is prohibited on the day it was laid. In contrast, with regard to branches, which are not fit for kindling on the day of Shabbat, as kindling a fire is prohibited, if you permit them to kindle the wood on the Festival that occurs on the following day they will mistakenly come to say that on the day that they fell off the tree they are also permitted. And as for the reason the branches were not kindled

yesterday when they fell from the tree, it was due only to Shabbat, as they were not fit for kindling then.

⁸⁰ Rav Mattana said: With regard to branches that fell from a palm tree directly into an oven on a Festival, one may add to those branches wood prepared from the previous day, which may be used for kindling, and kindle them all together. The Gemara asks: But doesn't he turn over and move the prohibited wood in the course of the cooking process? The Gemara answers: Since most of the wood is permitted, when he turns it over, he turns over permitted wood, as the prohibited part is nullified by the majority.

⁸¹ The Gemara challenges this: But doesn't he thereby nullify a prohibited item *ab initio*, by adding permitted wood to the pieces of wood that fell into the oven, which are prohibited? And we learned in a mishna (see Terumot 5:9): One may not nullify a prohibited item *ab initio*. The Gemara answers: That principle applies only to items prohibited by Torah law; but with regard to items prohibited by rabbinic law, as in this case involving the prohibition of *muktze*, one may nullify the prohibition *ab initio*.

⁸² The Gemara asks: And according to the opinion of Rav Ashi, who said: Any object whose prohibition is temporary, even if the prohibition applies by rabbinic law, it cannot be nullified, what is there to say? Doesn't Rav Ashi agree that it is permitted to kindle the wood after the Festival? The Gemara answers: That principle applies only where the prohibited item remains intact; here, however, the prohibited item is burned, as the wood is turned over when it has already become charcoal. Therefore, one does not perform any action with prohibited items.

⁸³ § It was stated that there is a dispute between amora'im with regard to the halakha for the two Festival days observed in the Diaspora. Rav said: An egg that was laid on this day is permitted on that one, and Rav Asi said: An egg that was laid on this day is prohibited on that one.

⁸⁴ The Gemara asks: Let us say that Rav Asi holds that the two days are one sanctity. But didn't Rav Asi himself recite havdala, the prayer of distinction at the end of a holy day, from one Festival day of the Diaspora to the other? This shows that, in his opinion, the first day is the true Festival, while the second day is considered a weekday. In earlier generations, they observed the second day of the Diaspora because they were unaware when the court sanctified the New Moon to mark the beginning of the month. Today, that determination is accomplished by means of calculations known to all, and the second day is observed as the custom of our fathers, not due to any uncertainty.

⁸⁵ The Gemara answers: Rav Asi was uncertain whether the Sages' ordinance that the second day is to be observed as a Festival was a fixed ordinance that applies even when the calculations determining the New Moon are known to all; or whether the ordinance was based strictly on the uncertainty stemming from their lack of awareness. Today, when everyone is aware of the beginning of the month, the second day is a weekday. And therefore he acted stringently here, and prohibited eating an egg on the second day that had been laid on the first day. And he also acted stringently here, and recited havdala between the two days.

⁸⁶ Rabbi Zeira said: It is reasonable to say in accordance with the opinion of Rav Asi that the Sages considered the two days as one and it is not a practice instituted due to uncertainty, as today we know the determination of the first day of the new month based on a fixed calendar and the precise dates of the Festivals are known by all, and nevertheless we observe the two Festival days of the Diaspora.

⁸⁷ Abaye said: On the contrary, It is reasonable to say in accordance with the opinion of Rav that the second day is observed as a Festival due to uncertainty, as we learned in a mishna (Rosh HaShana 22b): Initially, after the court sanctified the new month, they would light torches on the mountain tops, from one peak to another, to signal that the New Moon had been sanctified. After the Samaritans [Kutim] disrupted this method by lighting torches at the wrong times, the Sages instituted that messengers should depart to inform the people of the start of the month. Since the messengers could not reach all Diaspora communities before the beginning of the Festival, the Sages instituted that an additional Festival day should be observed there, due to the resultant uncertainty with regard to which day was the actual Festival day.

⁸⁸ Abaye continues his argument: And this indicates that if the Samaritans had desisted from their interference, the Sages would have restored the earlier custom and we would observe only one day. And, similarly, in a place where the messengers arrived from Jerusalem on time, we observe only one Festival day.

⁸⁹ The Gemara asks: And now that we know the determination of the first day of the new month, what is the reason that we observe two Festival days in the Diaspora? Because they sent a warning from there, from Eretz Yisrael: Although now there is a fixed calendar and there is no uncertainty, be careful to observe the custom of your fathers that you received, because at times the monarchy will issue decrees of persecution restricting Torah study and the fixed calendar may be forgotten. And the people will come to have their proper observance of the Festivals be disrupted again. However, the fundamental halakha is that the observance of two Festival days is based on uncertainty.

⁹⁰ § It was further stated that the amora'im discussed a similar problem, with regard to the two Festival days of Rosh HaShana. Rav and Shmuel both said: An egg laid on this day is prohibited on that one, as the two days of Rosh HaShana have a special status. As we learned in a mishna (Rosh HaShana 30b): Initially, the court would accept testimony of witnesses who saw the new moon to establish the first day of the new month. This system would also be used for the first of Tishrei, which is Rosh HaShana, and the court would accept this testimony on the entire thirtieth day of the month of Elul. Once, the witnesses tarried and managed to arrive only when the hour was late,

⁹¹ and the Levites erred in the song. They were unsure whether to sing the weekday song or that of Rosh HaShana during the sacrifice of the afternoon daily offering, as it was unclear whether or not witnesses would arrive that day. From that point on, the court instituted that they would accept witnesses who came to testify that that day was Rosh HaShana only up to minḥa time, i.e., when the daily afternoon offering was sacrificed. If witnesses had not arrived by then, they would declare Elul a thirty-day month and calculate the dates of the Festivals accordingly.

⁹² And if witnesses came from minḥa time onward, although the calculations for the dates of the Festivals began only from the following day, the people would nevertheless observe that day on which the witnesses arrived as sacred, and they would also observe the following day as sacred. On the second day, they observed Rosh HaShana in full, both by sacrificing its offerings as well as calculating the upcoming Festivals from that date. It is evident that the observance of two days of Rosh HaShana did not stem from uncertainty in the Diaspora as to when the Festival began. Rather, the Sages instituted that the two days of Rosh HaShana are one unit due to the inherent difficulty in determining the date of a Festival that is celebrated on the first of the month.

⁹³ Rabba said: From the time of the ordinance of Rabban Yoḥanan ben Zakkai onward, an egg laid on one day of Rosh HaShana is permitted on the other. As we learned in a mishna (Rosh HaShana 30b): After the Temple was destroyed, Rabban Yoḥanan ben Zakkai instituted that the court should once again accept testimony to determine the start of the month all day. Since the concern about errors was no longer relevant, they reverted to the original custom. As the court was aware of the exact date based on the testimony of the witnesses, those in proximity to the court kept only one day of Rosh HaShana. Those who lived far from the court observed two days merely due to uncertainty, and as one of those days was certainly a weekday, an egg laid on the first day was permitted on the second.

⁹⁴ Abaye said to him: But didn't Rav and Shmuel both say that an egg is prohibited? Rabba said to him: Your question is out of place; I say to you a statement in the name of the distinguished tanna Rabban Yoḥanan ben Zakkai, and you say to me a ruling of the amora'im Rav and Shmuel?

⁹⁵ The Gemara asks: And according to the opinion of Rav and Shmuel, isn't it true that the mishna is difficult, as it indicates that the special status of Rosh HaShana has been revoked? The Gemara answers that this is not difficult: This ruling is for us, those who live outside of Eretz Yisrael, who have kept the ancient custom of observing two Festival days, and therefore Rosh HaShana is still considered one long day and constitute a single sanctity. Conversely, that ruling of the mishna is for them, the inhabitants of Eretz Yisrael. Since Rabban Yoḥanan ben Zakkai instituted that the court should once again accept testimony all day concerning the new moon, then even if circumstances dictate that Rosh HaShana would be observed for two days, each day is considered an independent sanctity.

⁹⁶ And Rav Yosef said: Even from the time of the ordinance of Rabban Yoḥanan ben Zakkai onward, an egg remains prohibited. The Gemara explains: What is the reason for the opinion of Rav Yosef? It is that the decree prohibiting an egg laid on the first day of Rosh HaShana on the second day of Rosh HaShana is a matter that was established by a vote of the Sanhedrin, after that occasion on which the witnesses failed to arrive on time, and any matter that was established by a vote requires another vote to permit it. A new vote must be taken to render the prohibited item permitted, as the prohibition does not lapse even if the reason for the decree no longer applies.

⁹⁷ Rav Yosef said: From where do I say my opinion? As it is written, after the Jews received the Torah: "Go, say to them: Return to your tents" (Deuteronomy 5:26), where "your tents" is referring to your wives. And it says, before the revelation at Sinai: "When the ram's horn sounds long, they may come up to the mount" (Exodus 19:13). And it is stated: "Be ready for the third day, do not come near a woman" (Exodus 19:15). In other words, although the original prohibition served a particular purpose, in this case the giving of the Torah, it was nevertheless necessary to explicitly render the prohibition permitted.

⁹⁸ And this idea was likewise taught in a baraita: The fruit of a fourth-year grapevine have the status of second-tithe fruits, and therefore their owner would ascend to Jerusalem and eat them there. If he was unable to do so, due to the distance involved or the weight of the load, he could redeem the fruits with money where he was, and later redeem that money for other fruits in Jerusalem. However, the Sages decreed that fruit from the environs of Jerusalem should not be redeemed, but that the owners should bring the fruit itself to Jerusalem. The environs of Jerusalem for this purpose were defined as

a day's walk in each direction. And this is its boundary: Eilat to the north; Akrobat to the south; Lod to the west; and the Jordan to the east.

⁹⁹ And Ulla said, and some say Rabba bar bar Ḥana said that Rabbi Yoḥanan said: For what reason did the Sages institute this ordinance, that someone who lived near Jerusalem must bring his fruit there? In order to adorn the markets of Jerusalem with fruit, as this decree ensured that there was always an abundance of fruit in Jerusalem for people to eat.

¹⁰⁰ And it was further taught in a baraita: Rabbi Eliezer ben Hyrcanus, a student of Rabban Yoḥanan ben Zakkai, had a fourth-year grapevine located between Lod and Jerusalem, to the east of Lod alongside the village of Tavi. The grapevine was within the environs of Jerusalem for the purpose of this halakha. Rabbi Eliezer could not bring the fruit to the Temple, as it had been destroyed,

¹⁰¹ and he sought to render the fruit ownerless in favor of the poor, for whom it would be worth the effort to bring the fruit to Jerusalem. His students said to him: Rabbi, there is no need to do so, as your colleagues have already voted for you and permitted it. The members of the Sanhedrin have already taken a vote and permitted the redemption of the fruit of a fourth-year grapevine even near Jerusalem. The reason is that after the destruction of the Temple there is no need to adorn the markets of Jerusalem. The Gemara explains: Who are: Your colleagues? This is referring to Rabban Yoḥanan ben Zakkai.

¹⁰² The Gemara infers from the baraita: The reason is that they explicitly voted to annul the decree, which indicates that if they had not voted, the ordinance would not have lapsed on its own, despite the fact that its justification was no longer applicable. Similarly, the prohibition of a laid egg is not nullified, as it was never explicitly permitted.

¹⁰³ The Gemara seeks to clarify why Rav Yosef cited two verses as proof. The Gemara asks: What is the reason for: And it says? Why does Rav Yosef find it necessary to quote a second verse? The Gemara explains that this is what he is saying. Now since it is written: "Be ready for the third day, do not come near a woman" (Exodus 19:15), why do I need the verse "Go, say to them: Return to your tents" (Deuteronomy 5:26)? After three days the prohibition would lapse in any case. Conclude from this that any matter established by a vote requires another vote to permit it.

¹⁰⁴ And if you say an alternative explanation, that the instruction to "return to your tents" was not given to permit the men to return home to their wives, but rather it came as a special command to fulfill the mitzva of conjugal rights, i.e., the obligation of a man to engage in periodic marital relations with his wife, then it was to refute this possibility that Rav Yosef continued: Come and hear a different proof from another verse: "When the ram's horn sounds long, they may come up to the mount" (Exodus 19:13).

¹⁰⁵ Now since it is written: "Neither shall the flocks nor the herds feed before that mount" (Exodus 34:3), this indicates that the prohibition applies only when the Divine Presence is revealed on the mountain, and it is permitted immediately afterward. If so, why do I need the verse "When the ram's horn sounds long"? Why is a special signal required? Conclude from this that any matter established by a vote requires another vote to permit it.

¹⁰⁶ And if you say: That statement, that a specific vote is necessary, applies only to matters prohibited by Torah law, but in the case of a matter prohibited by rabbinic law, no, this halakha does not apply, come and hear the baraita concerning a fourth-year grapevine. The halakha that the fruit of

a fourth-year grapevine must be brought to Jerusalem and may not be redeemed is by rabbinic law, and they nevertheless said to Rabbi Eliezer: Your colleagues have already voted for you and permitted it. This indicates that without a vote, the prohibition would not be abrogated.

¹⁰⁷ And if you say: In the case of the prohibition of an egg also, Rabban Yoḥanan ben Zakkai took a vote on it and permitted it; the Gemara answers: When they took a vote, it was with regard to testimony to determine the start of the month; they did not take a vote to annul the prohibition of an egg.

¹⁰⁸ Abaye said to Rav Yosef: Is that to say that an egg was prohibited by a vote? Did the court take a special vote to render prohibited an egg laid on Rosh HaShana? Isn't the halakha of an egg dependent on the matter of testimony? When testimony in the late afternoon was prohibited, the eating of an egg laid on Rosh HaShana was thereby prohibited as well, and when this testimony was permitted, the eating of an egg was automatically permitted. Rav Yosef's observation is therefore incorrect.

¹⁰⁹ Rav Adda and Rav Shalman, who both came from Bei Keloḥit, said: Even from the time of the ordinance of Rabban Yoḥanan ben Zakkai and onward, an egg remains prohibited. What is the reason? May the Temple speedily be built, and the ordinance that testimony is accepted only until minḥa time will be restored, and people will say: Last year, didn't we eat an egg laid on the first day of Rosh HaShana on the following day, the second Festival day of Rosh HaShana? Now, too, we will eat it, like last year. And they will not know the significant difference in halakha between the two cases, as last year the two days of Rosh HaShana were two sanctities, and now they are one long sanctity.

¹¹⁰ The Gemara challenges this: If so, that this is the concern, we also should not accept testimony nowadays. What is the reason? May the Temple speedily be built, and the people will say: Last year, didn't we accept testimony to determine the start of the month all day? Now, too, we will accept the testimony of witnesses even after minḥa time.

¹¹¹ The Gemara rejects this challenge: How can these cases be compared? There, with regard to witnesses, testimony is entrusted to the court, and the court is capable of distinguishing between the reasons for decrees. An egg, however, is entrusted to all, and as not all people will consult a Sage about the status of their eggs, there is a legitimate concern about error.

¹¹² Rava said: Even from the time of the ordinance of Rabban Yoḥanan ben Zakkai and onward, an egg remains prohibited. Rava explained his reasoning: Doesn't Rabban Yoḥanan ben Zakkai concede that if witnesses came from minḥa time and onward, even after the destruction of the Temple, then one observes that day as a holy day and also the following day as a holy day? The only difference is that during the time of the Temple any testimony delivered on the first day was not taken into account at all, which meant the second day was considered the first of the new year, whereas during the time of Rabban Yoḥanan ben Zakkai the new year was counted from the first day. As far as the sanctity of the Festival is concerned, however, the second day was also treated as sacred, which proves that when two days were observed in Eretz Yisrael, they were considered a single sanctity rather than two.

¹¹³ And Rava said in summary: The halakha is in accordance with the opinion of Rav in these three cases, whether the ruling is lenient, or whether the ruling is stringent.

¹¹⁴ § Rava said: If one died on the first day of a Festival, gentiles should attend to his burial. If he died on the second day of a Festival, Jews should attend to his burial. And even with regard to the two Festival days of Rosh HaShana, the halakha is that the legal status of the two days is like that of the two days of the Festivals; however, that is not so with regard to an egg that was laid on the first day of Rosh HaShana, as it remains prohibited on the second day.

¹¹⁵ The Sages of Neharde'a say: Even with regard to an egg, Rosh HaShana is no different from other Festivals, as an egg laid on the first day is permitted on the second. As what do you think i.e., what is your concern; perhaps witnesses will fail to arrive, and the court will proclaim the month of Elul full, i.e., thirty days long, and begin counting the year only from the following day? In that case, both days are kept as sacred *ab initio*. Didn't Rav Hinnana bar Kahana say that Rav already said in this regard: From the days of Ezra and onward we have not found that the month of Elul was full, as the Sages employed various methods to ensure that there would be no need to add a thirtieth day. Consequently, Rosh HaShana would always occur on the thirtieth day after the beginning of Elul.

¹¹⁶ Mar Zutra said: We said that Jews should attend to the dead on the second day of Rosh HaShana only when the burial of the corpse has already been delayed and for some reason the burial was not on the day that he died. In that case, the body might begin to decay, and the dignity of the dead is at stake. However, if the burial has not been delayed, and there is no concern for the dignity of the corpse, its burial may not be attended to on the Festival; rather, we delay it until the Festival has ended.

¹¹⁷ Rav Ashi said: Even though the burial was not delayed, but it is the day that he died, we still do not delay the burial. What is the reason for this? With regard to the dead, the Sages equated the legal status of the second Festival day with that of a weekday. This is true to such an extent that on a Festival it is permitted even to cut material to fashion a cloak for the deceased. And similarly, it is permitted to cut myrtles for the deceased, to be placed on the bier in their honor.

¹¹⁸ Ravina said: And nowadays, when there are ḥabarei, this practice must be adjusted. The ḥabarei were Persian priests who made false accusations against Jews in Babylonia. They cited the fact that Jews were burying their dead on the second Festival day as proof that the day was not holy, and they forced them to work on that day. Since we are concerned about this possibility, we do not bury the dead on the second day.

¹¹⁹ The Gemara relates: Ravina sat before Rav Ashi on the two Festival days of Rosh HaShana, which occurred that year on Thursday and Friday. Ravina observed that Rav Ashi was sad. He said to him: Why is the Master sad? He said to him: Because I did not prepare a joining of cooked foods, and therefore I cannot prepare food or light a candle on Rosh HaShana for the upcoming Shabbat. When a Festival immediately precedes Shabbat, a joining of cooked foods is prepared before the Festival with ready-to-eat food. It is kept until Shabbat, symbolically indicating that any food prepared on the Festival for Shabbat is merely a continuation of that initial preparation.

¹²⁰ Ravina said to him: And let the Master prepare a joining of cooked foods now, on the first day of Rosh HaShana, a Thursday. Didn't Rava say: A person may prepare a joining of cooked foods from one Festival day of the Diaspora to another, by stipulating the following condition: If today is a weekday and tomorrow is holy, this shall be my joining of cooked foods, by means of which I may prepare food tomorrow for Shabbat; if today is holy and tomorrow a weekday, it is permitted to prepare food tomorrow as it is on any regular weekday, and a joining of cooked foods is not needed.

¹²¹ Rav Ashi said to him: You can say that Rava stated this halakha with regard to the regular two Festival days of the Diaspora; but did he actually say so with regard to the two Festival days of Rosh HaShana? The two days of Rosh HaShana are considered one long day, and they are both equally holy.

¹²² Ravina replied: Didn't the Sages of Neharde'a say that even an egg is permitted on the two days of Rosh HaShana, which are treated exactly the same as other Festival days in the Diaspora? The same ruling should apply to a joining of cooked foods. Rav Mordekhai said to Ravina: This does not resolve Rav Ashi's difficulty, as the Master, Rav Ashi, explicitly said to me that he does not hold in accordance with this opinion of the Sages of Neharde'a. Rather, he maintains that Rosh HaShana differs from other Festivals, and in this case there is no way to make up for failure to prepare a joining of cooked foods.

¹²³ § It was stated that amora'im disputed the following case: With regard to a chick that hatched on a Festival, Rav said: It is prohibited. And Shmuel, and some say Rabbi Yoḥanan, said: It is permitted. The Gemara explains the reasoning for their respective opinions. Rav said: It is prohibited because it is muktze. And Shmuel, and some say Rabbi Yoḥanan said: It is permitted, since it itself is rendered permitted through slaughter. The slaughter of the chicken, which renders it fit to be eaten, is made possible by its hatching. Consequently, hatching likewise removes the prohibition of muktze.

¹²⁴ Rav Kahana and Rav Asi said to Rav: And what is the difference between this case and that of a calf born on a Festival, since you agree that a calf may be slaughtered on that day? He said to them: There is a difference. Since a calf inside its mother is considered prepared on account of its mother, by slaughter, the halakha is as follows: If a cow is slaughtered, the calf inside its womb is also permitted. Therefore, that calf never had the status of muktze, whereas the chick was considered muktze before it hatched.

¹²⁵ Rav Kahana and Rav Ashi further challenged Rav: And what is the difference between this case and that of a tereifa? If the mother has a condition that will cause it to die within twelve months, neither it nor the calf inside it may be eaten. Nevertheless, after it is born the calf may be slaughtered on a Festival and it is permitted. Rav was silent and did not offer an answer, as though he did not know how to respond to the question.

¹²⁶ Rabba said, and some say it was Rav Yosef: What is the reason that Rav was silent? Let him say to them: Even a calf born to a tereifa mother is not considered fully muktze, since it is prepared on account of its mother to be fed to dogs. On a Festival, it is permitted to slaughter a tereifa and give it to dogs as food, and therefore the calf is not fully muktze even before it is born. By contrast, a chick in its shell is not intended as food for dogs, and therefore a chick that hatched on a Festival was unfit for use when the Festival began. Consequently, it was considered muktze and it is now nolad, an object that came into being on Shabbat or a Festival, and it is therefore prohibited.

¹²⁷ Abaye said to him:

¹²⁸ Now, we know that food prepared, i.e., fit, for human consumption that became spoiled is not automatically considered prepared for dogs, as we learned in a mishna (see 2a): One may cut pumpkins before an animal to facilitate their consumption, and likewise one may cut up an animal carcass, even of an animal that died on Shabbat, before dogs. Rabbi Yehuda says: If the animal was not already a carcass, i.e., it was not dead and fit for dogs, prior to Shabbat, it is prohibited, because it is not in the category of items considered prepared for use on Shabbat. This shows that although

this animal was fit for human consumption while alive, it does not automatically become prepared for dogs once it dies. If so, can food prepared for dogs be considered prepared for humans?

¹²⁹ He said to him: Yes. It is not surprising that something prepared and fit for humans is not considered fit and prepared for dogs, as that which is fit for a person, one does not throw it to dogs, and he has therefore removed that animal from his mind. However, something that is prepared for dogs is also considered fit and prepared for humans, as a person's mind is on anything fit to be eaten by him. One does not completely remove from his mind even food meant for dogs, if it is kosher and edible. Consequently, one has in mind the possibility that he might eat the calf of a cow that is a tereifa once it is born, since at that point it will be kosher and edible.

¹³⁰ With regard to the dispute itself, the Gemara comments: It is taught in a baraita in accordance with the opinion of Rav; and it is taught in another baraita in accordance with the opinion of Shmuel, and some say in accordance with the opinion of Rabbi Yoḥanan.

¹³¹ The Gemara elaborates: It is taught in a baraita in accordance with the opinion of Rav: A calf born on a Festival is permitted; a chick born on a Festival is prohibited. And what is the difference between this case and that one? This one, the calf, is prepared on account of its mother by slaughter; and that one, the chick, is not prepared on account of its mother.

¹³² The Gemara further explains: It is taught in a baraita in accordance with the opinion of Shmuel, and some say it is the opinion of Rabbi Yoḥanan: A calf born on a Festival is permitted, and a chick born on a Festival is likewise permitted. What is the reason? This one, the calf, is prepared on account of its mother; and that one, the chick, is itself rendered permitted through slaughter.

¹³³ The Sages taught in a baraita: A chick born on a Festival is prohibited. Rabbi Eliezer ben Ya'akov says: Even on a weekday, the chick is prohibited on the day it hatched because its eyes have not yet opened. A small chick of this kind is not yet considered a bird fit for consumption; rather, it is similar to a creeping animal.

¹³⁴ The Gemara comments: In accordance with whose opinion is that which is taught: The verse that states: "Even all creeping animals that creep upon the earth, you shall not eat them, for they are a detestable thing" (Leviticus 11:42) comes to include in the list of prohibited creeping animals even chicks that have not yet opened their eyes. In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Eliezer ben Ya'akov.

¹³⁵ § Rav Huna said that Rav said: An egg is fully formed upon its emergence; i.e., it is not considered an egg until it is laid. The Gemara inquires: What is the meaning of the statement: An egg is fully formed upon its emergence? To which issue is Rava referring? If we say he meant an egg is fully formed and called an egg only upon its emergence, and at this stage it is permitted to eat it with milk, this indicates that while an egg is still inside its mother, even if it is fully formed, it is considered meat and it is prohibited to eat it with milk. But isn't it taught in a baraita: With regard to one who slaughters a chicken and finds fully formed eggs inside it, it is permitted to eat them with milk?

¹³⁶ Rather, Rav's statement should be explained as follows: An egg is fully formed upon its emergence in that it is permitted to eat it on a Festival only if the entire egg emerged on a weekday. The Gemara expresses surprise at this claim: This indicates that if an egg is found inside its mother, it

is prohibited to eat it on a Festival. But isn't it taught: With regard to one who slaughters a chicken and finds fully formed eggs inside it, it is permitted to eat them on a Festival?

¹³⁷ And if you say: The baraita teaches us that which the mishna did not explicitly teach us, and Rav stated the halakha accordingly; however, this we already learned in the mishna here, as it says in the mishna: With regard to an egg laid on a Festival, Beit Shammai say it may be eaten, and Beit Hillel say it may not be eaten. And Beit Shammai and Beit Hillel disagree only with regard to an egg that was already laid, but concerning eggs inside their mothers, all agree that they are permitted.

¹³⁸ And if you say that the mishna should be explained in the opposite manner, as Beit Hillel also prohibit eggs inside their mothers, and the fact that the mishna teaches: Laid, is to convey the far-reaching nature of the opinion of Beit Shammai, that they permit even an egg that was laid. However, consider that which is taught in the aforementioned baraita: With regard to one who slaughters a chicken and finds inside it fully formed eggs, it is permitted to eat them on a Festival. In accordance with whose opinion is this baraita? It is the opinion neither of Beit Shammai nor of Beit Hillel.

¹³⁹ Rather, Rav certainly did not prohibit an egg that has not yet been laid. Instead, his statement should be explained as follows: An egg is fully formed upon its emergence, and it produces chicks, i.e., an egg laid in the regular manner can be incubated and a chick will hatch from it. By contrast, an egg that remained inside its mother cannot produce chicks. The Gemara asks: What is the practical halakhic difference of this observation? The Gemara answers: It is relevant for buying and selling. In other words, the difference between the types of eggs has ramifications for terms of commerce. This is like that incident involving a certain individual who would say to the general public: Eggs

¹⁴⁰ of a live chicken, who has? He sought to purchase eggs of this kind. They gave him eggs of a slaughtered chicken. He came before Rabbi Ami, claiming he had been cheated. Rabbi Ami said to the sellers: This is a mistaken transaction, and it is rescinded; the sale is void.

¹⁴¹ The Gemara asks: It is obvious that the transaction is void, as he specified exactly what he wanted. The Gemara answers: The ruling is necessary, lest you say that this individual wants them for food rather than for chicks, and that which he said, that he is looking for eggs of a live chicken, he said only because they are hard-shelled, mature eggs. What is the practical difference, i.e., what is this man claiming from the seller according to this rejected interpretation? He is merely demanding to refund him the difference in value between the two types of eggs. Rabbi Ami therefore teaches us that the sale involved a fundamental error, as the eggs of a slaughtered chicken are unfit for incubation. The transaction is therefore void.

¹⁴² The Gemara relates a similar incident: A certain person said to vendors: Does anyone have eggs of a chicken that has had relations with a rooster? Does anyone have eggs of a rooster? They gave him eggs that a hen had absorbed from the ground, i.e., which had not been fertilized by a rooster. He came before Rabbi Ami claiming that he had been cheated. Rabbi Ami said to them: This is a mistaken transaction, and it is rescinded.

¹⁴³ The Gemara again asks: It is obvious that this is the case. The Gemara explains: The ruling is necessary, lest you say that this person wants the eggs for food, and that which he said, that he wants eggs of a rooster, he said only because they are fatter. What is the practical difference; i.e., what is this man claiming from the seller according to this rejected interpretation? He is merely demanding that they should refund him the difference in value between the two types. Rav Ami therefore teaches us that this is not the case; rather, the sale is void.

¹⁴⁴ The Gemara suggests another explanation of Rav's statement. And if you wish, say instead: What is the meaning of the claim: An egg is fully formed upon its emergence? It means that it is fully formed with the emergence of most of it, in accordance with the statement of Rabbi Yoḥanan. As Rabbi Yoḥanan said: It is taught in a baraita that in the case of an egg, most of which emerged from the chicken on a Festival eve, and the egg returned inside the mother and was finally laid on the Festival itself, it is permitted to eat this egg on the Festival. Since most of the egg had emerged before the Festival began, it is considered to have been laid the day before.

¹⁴⁵ And some say the following explanation: What is the meaning of the expression: Fully formed upon its emergence? It means that it is fully formed upon the emergence of all of it. The Gemara infers: Upon the emergence of all of it, yes, it is fully formed at this stage; however, if only most of it came out the day before, no, it is not considered fully formed. And this reading serves to exclude the statement of Rabbi Yoḥanan. In any case, Rav's statement can correspond to this statement of Rabbi Yoḥanan.

¹⁴⁶ § Apropos the halakhic status of eggs found inside a slaughtered chicken, the Gemara discusses the matter itself: In the case of one who slaughters a chicken and finds inside it fully formed eggs, it is permitted to eat these eggs with milk. Rabbi Ya'akov says: If the eggs were still attached by sinews, it is prohibited to eat them with milk, as they are considered meat.

¹⁴⁷ The Gemara asks: Who is the tanna who taught this halakha that the Sages taught in a baraita: One who eats one of the following parts of the unslaughtered carcass of a kosher bird: From a cluster of eggs that are still attached to it by sinews, or from its bones, or from the sinews, or from meat that has been detached from a live animal, is ritually pure because none of these are considered part of the meat of the bird, and therefore they do not impart the ritual impurity of an animal carcass.

¹⁴⁸ However, if one ate from the ovary of its eggs, which contains very small eggs that do not possess any of the regular characteristics of eggs, or if he took a piece of the craw or the intestines, or if he melted the fat of a dead bird and swallowed it, he is ritually impure from the impurity imparted by the unslaughtered carcass of a bird.

¹⁴⁹ Who is the tanna who taught that if one ate from a cluster of eggs he is pure, which indicates that eggs still attached by sinews to the chicken are not considered part of the meat of the bird? Rav Yosef said: This ruling is not in accordance with the opinion of Rabbi Ya'akov. For if you say it is in accordance with the opinion of Rabbi Ya'akov, didn't he say: If the eggs were attached by sinews it is prohibited to eat them with milk, indicating that he considers these eggs meat of the chicken.

¹⁵⁰ Abaye said to Rav Yosef: From where do you draw this conclusion? Perhaps Rabbi Ya'akov stated that these eggs are part of the chicken only there, with regard to the prohibition against eating the eggs with milk; however, perhaps with regard to ritual impurity he did not say that these eggs are considered part of the chicken.

¹⁵¹ And if you say that with regard to ritual impurity let us also issue a decree and be stringent in a case of uncertainty and therefore rule that these attached eggs should be considered part of the chicken, this would serve to proliferate impurity, and we do not proliferate impurity that is by rabbinic law. One does not declare an item ritually impure by rabbinic law merely because uncertainty has arisen with regard to its status.

¹⁵² And some say a different version of this discussion, according to which the question is: Who is the tanna who taught that if one eats from the ovary of its eggs he is ritually impure? Rav Yosef said: It is Rabbi Ya'akov, who said: If the eggs were attached by sinews, they are prohibited. Abaye said to him: From where do you know that the term ovary means: From these eggs that are hanging from the ovary; perhaps it is referring to the ovary itself, the part of the flesh of the bird where the eggs develop?

¹⁵³ And if you say: If it is referring to the ovary itself, what is the purpose of stating this? It is obvious that the ovary itself is meat. One can answer as follows: Just as it is in the case of the craw and the intestines, that even though they are meat according to all opinions, since there are people who do not eat them, it was necessary to teach us that they have the status of meat; here, too, with regard to an ovary, since there are people who do not eat it, it was necessary to teach us that it may not be eaten with milk. Therefore, this argument does not prove that this version of the discussion is incorrect.

¹⁵⁴ § The Sages taught in a baraita: Any species whose intercourse occurs only in the hours of the day is born only by day; any species whose intercourse occurs only at night is born only by night; any species whose intercourse occurs either by day or by night is born either by day or by night. The Gemara elaborates: Any species whose intercourse occurs by day is born by day, this is referring to a chicken. Any species whose intercourse occurs by night is born by night, this is a bat. Any species whose intercourse occurs either by day or by night, this means a human being and all that are similar to him.

¹⁵⁵ The Master said: Any species whose intercourse occurs by day is born by day, this is a chicken. The Gemara asks: What is the practical halakhic difference of this statement? The Gemara answers: The halakhic difference is with regard to that which Rav Mari, son of Rav Kahana said, as Rav Mari, son of Rav Kahana said: If one examined a chicken's nest on a Festival eve and did not find an egg in it, and the following day, on the Festival, he rose early and found an egg in it, the egg is permitted, as it can be assumed it was not laid that night.

¹⁵⁶ The Gemara asks: But didn't he examine the nest before the Festival and fail to find an egg there? If so, the egg must have been laid on the Festival. The Gemara answers: Say that he did not examine very carefully. And even if he did examine carefully, you can say that most of the egg emerged on the eve of the Festival and returned inside its mother, and this ruling is in accordance with the opinion of Rabbi Yoḥanan. This baraita shows that the halakha does not take into account the possibility that a chicken could lay an egg at night.

¹⁵⁷ The Gemara asks: Is that so? But didn't Rabbi Yosei ben Shaul say that Rav said: If one examined a chicken's nest on a Festival eve and did not find an egg in it, and the following day he rose early and found an egg in it, it is prohibited? This indicates that a chicken might indeed lay an egg at night. The Gemara answers: There it is referring to an egg that the chicken absorbed from the earth, i.e., one that was not formed by male fertilization. An egg that is not produced by intercourse can be laid at night as well.

¹⁵⁸ The Gemara challenges this: If so, in Rav Mari's case too, you can say that the chicken absorbed from the earth and laid the egg during the night of the Festival. How, then, could Rav Mari permit the egg? The Gemara answers: There it is referring to a case where there is a male with it. The Gemara asks: Even where there is a male with it, one can also say that it absorbed from the earth rather than

from the male. The Gemara answers that Ravina said: It is learned as a tradition that anywhere that a male is present, a chicken does not absorb from the earth.

¹⁵⁹ The Gemara asks: Until where exactly is it considered to have a male with it; How near must a rooster be for this principle to come into effect? Rav Gamda said in the name of Rav: The male must be any place

¹⁶⁰ where the hen can hear its voice by day, when sounds cannot be heard as easily as at night. If the chicken is close enough to hear the rooster's call by day, the rooster is considered close enough to the chicken that the latter will produce eggs only through fertilization by the male.

¹⁶¹ The Gemara relates: Rav Mari took action in accordance with this opinion, when he found an egg on a Festival morning after he had looked in the nest the day before and failed to find an egg there. He examined up to a distance of sixty houses from the chicken, and although he did not find a rooster within this area, he assumed there was one further away and permitted the egg.

¹⁶² The Gemara comments: And if there is a river between the rooster and the chicken, the chicken does not cross the river; but if there is a bridge, it crosses the river. And if there is only a rope bridge suspended across the river, the chicken will not cross on the rope. The Gemara comments: Nevertheless, an incident occurred in which a chicken crossed over on a rope bridge. However, one may not rely on this possibility.

¹⁶³ The Gemara further asks: In what manner did you establish this halakha of Rabbi Yosei ben Shaul, who prohibits eating an egg discovered in a nest on a Festival morning after the previous day's examination revealed nothing? You said that it is referring to a case in which the chicken absorbed from the earth. If so, why discuss specifically a situation in which one examined the nest the evening before? The same halakha should apply even when one did not examine the nest beforehand.

¹⁶⁴ The Gemara answers: In a case where he did not examine the nest, one could say that the egg was laid yesterday, and there is no reason to prohibit its use. Rabbi Yosei ben Shaul therefore specified that he checked the day before and is certain that the egg was not laid prior to the Festival. The Gemara challenges this: If so, when he examined the nest as well, say: Perhaps this is a case in which most of the egg emerged and returned, and the halakha is in accordance with the opinion of Rabbi Yoḥanan? The Gemara answers: The case discussed by Rabbi Yoḥanan, where most of the egg emerged from the chicken and returned, is uncommon, and therefore it is assumed not to have occurred.

¹⁶⁵ Apropos one statement of Rabbi Yosei ben Shaul in the name of Rav, the Gemara cites another ruling that Rabbi Yosei ben Shaul said that Rav said: This crushed garlic poses the danger of exposure. If mashed garlic is not properly covered, there is concern that a snake might have tasted from it and thereby injected its venom into the food. This garlic is consequently prohibited as a health risk.

¹⁶⁶ § The mishna states that Beit Shammai say: The measure that determines liability for leaven is an olive-bulk. However, the measure for leavened bread is greater, a large date-bulk. According to Beit Hillel, the measure in both cases is an olive-bulk.

¹⁶⁷ The Gemara asks: What is the reason for the opinion of Beit Shammai? The Gemara explains: If it is so that the measures are equal, let the Merciful One write only the prohibition of leavened bread,

and it would not be necessary to write leaven, and I would say an a fortiori inference: If the measure that determines liability for leavened bread, whose leavening is not as extensive, is an olive-bulk, then leaven, whose leavening is extensive, all the more so should the measure that determines liability be an olive-bulk. If so, why do I need the explicit reference to leaven that the Merciful One wrote in the verse: “Seven days there shall be no leaven found in your houses” (Exodus 12:19)? It must be to tell you that the measure of this, leavened bread, is not equal to the measure of that, leaven. Rather, the measure that determines liability for leaven is smaller.

¹⁶⁸ The Gemara asks: And Beit Hillel maintain that both the mention of both leaven and leavened bread are necessary. As if the Merciful One had written only leaven, I would have said its measure that determines liability is an olive-bulk because its leavening is extensive. However, with regard to leavened bread, whose leavening is not extensive, say no, that is not the measure. Therefore, it is necessary to mention leavened bread as well.

¹⁶⁹ And conversely, if the Merciful One had written only leavened bread, I would have said that the measure that determines liability for leavened bread is an olive-bulk, because it is fit for consumption on its own; however, leaven, which is not fit for consumption on its own but only when used as a leavening agent for dough, say no, its measure is not like that of leavened bread. Therefore, it is necessary to mention both cases.

¹⁷⁰ The Gemara asks: And Beit Shammai, don't they hold in accordance with Rabbi Zeira's opinion? As Rabbi Zeira said, the verse states: “Seven days there shall be no leaven found in your houses, for whoever eats that which is leavened, that soul shall be cut off from the assembly of Israel” (Exodus 12:19). The verse begins with leaven and ends with leavened bread to say to you that leaven is equivalent to leavened bread. How, then, can Beit Shammai maintain that the two are prohibited by different measures?

¹⁷¹ The Gemara answers: Indeed, with regard to the measure that determines liability for eating, everyone agrees that the same measure applies to leavened bread and leaven. When they disagree it is with regard to the removal of leavened bread from one's house. Beit Shammai hold that we do not derive the halakha of removal from that of eating. Rather, with regard to the obligation of removal, different measures apply to leavened bread and leaven. And Beit Hillel hold that we derive the halakha of removal from the measure that determines liability for eating.

¹⁷² The Gemara comments: This idea was also stated explicitly by amora'im. Rabbi Yosei bar Ḥanina said: The dispute between Beit Shammai and Beit Hillel was stated with regard to the removal of leavened bread; however, with regard to the measure that determines liability for eating, everyone agrees that the measure for both this and that is an olive-bulk.

¹⁷³ That opinion is also taught in a baraita. The verse states: “And no leavened bread shall be seen with you, and no leaven shall be found in all your borders” (Exodus 13:7). This obligation to remove leavened bread is subject to a dispute between Beit Shammai and Beit Hillel, as Beit Shammai say: The measure that determines liability for removal of leaven is an olive-bulk, and the measure for leavened bread is a large date-bulk, and Beit Hillel say: The measure for both this and that is an olive-bulk. This baraita indicates that the dispute between Beit Shammai and Beit Hillel is with regard to the obligation to remove leavened bread, not liability for eating it.

¹⁷⁴ § The mishna states that Beit Shammai and Beit Hillel also dispute whether or not one who slaughters an undomesticated animal or a bird on a Festival, without having prepared earth the day

before with which to cover the blood after the slaughter, may dig out earth on the Festival itself to cover the blood.

¹⁷⁵ The Gemara analyzes the wording of the mishna: One who slaughters an animal; this indicates that after the fact, yes, one may dig out dirt, but *ab initio*, no, even Beit Shammai agree that one may not slaughter an undomesticated animal or a bird if there is no prepared dirt. Otherwise, the mishna would have said: One may slaughter an undomesticated animal or a bird on a Festival. Say the latter clause of the mishna: And Beit Hillel say that one may not slaughter it. This proves by inference that the first tanna, Beit Shammai, holds that one may slaughter it even *ab initio*.

¹⁷⁶ The Gemara answers: This is not difficult, as Beit Hillel said and meant the following: One may not slaughter an animal and cover the blood. They are emphasizing that one may not cover the blood even if he slaughtered an animal, whereas Beit Shammai maintain that if one slaughtered he may cover the blood *ab initio*.

¹⁷⁷ The Gemara challenges this explanation: Say the latter clause of the mishna: And Beit Hillel concede that if he already slaughtered, then he may dig with a shovel and cover the blood, which indicates that Beit Hillel were not emphasizing the covering of the blood. This proves by inference that the first clause of the mishna is not referring to one's action after the fact, but to the halakha *ab initio*.

¹⁷⁸ Rabba said that this is what the mishna is saying. The phrase: One who slaughters an animal, is not a broad directive on how to act, but rather it means: If there is one who slaughters animals who comes to consult a Sage on how to proceed, what should the Sage say to him? Beit Shammai say that the Sage says to him: Slaughter it *ab initio*, dig, and cover the blood. And Beit Hillel say: He may slaughter the animal only if he had earth that was prepared while it was still day.

¹⁷⁹ Rav Yosef provided a slightly different explanation of the mishna and said that this is what the mishna is saying: With regard to one who slaughters animals who comes to consult, what does the Sage say to him? Beit Shammai say that he says to him: Go dig, slaughter the animal, and cover the blood. And Beit Hillel say: He may slaughter the animal, only if he had earth that was prepared while it was still day.

¹⁸⁰ Abaye said to Rav Yosef: Let us say that the Master, i.e., Rav Yosef, and Rabba dispute the following statement that Rabbi Zeira said that Rav said, as Rabbi Zeira said that Rav said: One who slaughters an undomesticated animal or bird is obligated to perform the mitzva of covering the blood, and therefore he must place earth beneath the blood and earth above it, as it is stated: "And he shall pour out its blood and cover it in earth" (Leviticus 17:13). It is not stated: Cover it with earth, but "in earth," indicating that the blood must be concealed inside the earth. The verse thereby teaches that one who slaughters an animal must place earth beneath and earth above the blood.

¹⁸¹ Abaye is suggesting that the Master is of the opinion that the ruling is in accordance with the opinion of Rabbi Zeira, and therefore he requires one to dig first and only afterward slaughter the animal and have the blood flow onto that earth and then cover it with additional earth, and that Rabba is of the opinion that the ruling is not in accordance with the opinion of Rabbi Zeira.

¹⁸² Rav Yosef said to Abaye: This is not so; rather, both according to me and according to Rabba we are of the opinion that the ruling is in accordance with the opinion of Rabbi Zeira, and here we disagree with regard to this matter: Rabba holds that if there is prepared earth beneath, yes, in that

case one may slaughter an animal, but if there is no earth prepared beneath, no, he may not slaughter it at all. Why not? Rabba says: We are concerned that perhaps one will reconsider and not slaughter it at all, and he will have dug a hole on a Festival unnecessarily. And according to my opinion, on the contrary: This situation, in which he is permitted to dig first, is preferable, since if you do not permit him to dig in all cases for the purpose of slaughter, he will be unable to eat meat and will refrain from rejoicing on the Festival.

¹⁸³ § That mishna states: And Beit Hillel concede that if one transgressed and slaughtered an animal, then he digs with a shovel and covers the blood. Rabbi Zerika said that Rav Yehuda said: And that is the halakha specifically when one has a shovel already embedded in the ground while it was still day, before the onset of the Festival. The Gemara asks: But what purpose does an embedded shovel serve; doesn't he still perform the act of crushing, as one must crush the lumps of earth to make the soil fit for covering? Rav Ḥiyya bar Ashi said that Rav said:

¹⁸⁴ Here it is referring to loose earth that does not require further crushing.

¹⁸⁵ The Gemara challenges this: But even in the case of loose earth, one makes a hole by the very act of removing the earth or the shovel from that place. The Gemara answers: This ruling is in accordance with the opinion of Rabbi Abba, as Rabbi Abba said: One who digs a hole on Shabbat, but he needs only its earth and has no interest in forming a pit, is exempt for that act. Since he has no interest in the hole, he is considered to have performed a destructive act, and the halakha is that one who commits a destructive act is not liable for the performance of prohibited labor on Shabbat and Festivals.

¹⁸⁶ § The mishna states: That the ashes of a stove are prepared. The Gemara express puzzlement at this statement: The ashes of a stove, who mentioned anything about it? Why does the mishna suddenly speak about the ashes of a stove when it had not previously discussed or even mentioned them? Rabba said: This is what the tanna said: And the ashes of a stove are prepared. In other words, everyone agrees that in addition to prepared earth, the ashes of a stove are also considered prepared, and one may cover the blood with them. It is not necessary to prepare these ashes especially for this purpose the day before.

¹⁸⁷ Rav Yehuda said that Rav said: They only taught that the ashes of a stove are considered prepared if the stove was ignited on the Festival eve, so that the ashes had already formed at the start of the Festival. However, if it was ignited on the Festival itself, the ashes are prohibited. And if the ashes are still hot and fit to roast an egg in them, they are not considered muktzeh, and therefore it is permitted to use them for covering as well.

¹⁸⁸ The Gemara comments: That opinion is also taught in a baraita: When they said that the ashes of a stove are prepared, they said so only when it was ignited on the Festival eve; however, if it was ignited on the Festival, they are prohibited. And if the ashes are still hot and fit to roast an egg in them, they are permitted.

¹⁸⁹ The Gemara further states: If before the Festival one brought earth into his garden or his ruin to use for various needs, it is permitted to cover blood with it. And Rav Yehuda likewise said: A person may bring in a basketful of earth the day before the Festival and use both the basket and the earth it contains for all his needs on the Festival.

¹⁹⁰ With regard to this case, Mar Zutra added and taught in public in the name of Mar Zutra the Great that the application of this halakha is limited: And that is the case only if one designated a corner for this earth, thereby demonstrating that he intends to use it for all his requirements, rather than merely bringing earth in to scatter over the floor of the house. In that case, the dirt is nullified. It is considered part of the floor, which means that it is once again classified as muktze.

¹⁹¹ The Gemara raises an objection against this from a mishna (Bikkurim 4:9): In the case of a koy, a kosher animal with characteristics of both domesticated and non-domesticated animals, one may not slaughter it on a Festival, as it is uncertain whether or not its blood requires covering. And if one did slaughter it, he may not cover its blood. And if it is so, that one may use his basket of earth as he wishes, as claimed by Rav Yehuda, even if a koy is definitely a domesticated animal, let him cover it, in accordance with the opinion of Rav Yehuda.

¹⁹² The Gemara expresses surprise at this objection: And according to your reasoning, one could equally suggest: Let him cover the blood of the koy with ashes of a stove or with earth dug up with an embedded shovel. Rather, this mishna must be referring to a situation where one does not have prepared earth to use for covering the blood; here too, one can say that he does not have a basket of earth ready for all his needs.

¹⁹³ The Gemara asks: If so, if the mishna is referring to a situation where one does not have prepared earth, why discuss specifically the case of a koy, where there is uncertainty whether there is a mitzva to cover its blood? Even in the case of an undomesticated animal, whose blood must certainly be covered, slaughter should also not be permitted, as the halakha is in accordance with the opinion of Beit Hillel that one may not slaughter if he does not have prepared earth.

¹⁹⁴ The Gemara explains that this baraita is speaking utilizing the style of: It is not necessary, as follows: It is not necessary to state the halakha with regard to definite undomesticated animals and birds, that it is not permitted to slaughter them; however, with regard to an uncertainty, one might say: Due to the joy of the Festival let one slaughter it and not cover its blood, as there is uncertainty whether there is a mitzva to cover its blood, and therefore it is overridden by the mitzva to rejoice on a Festival. The baraita therefore teaches us that one should not slaughter it ab initio if he does not have something prepared with which to cover the blood.

¹⁹⁵ The Gemara challenges this: From the fact that the latter clause teaches: And if he slaughtered it one may not cover its blood, it may be inferred that in the first clause we are dealing with a situation where he does have something with which to cover the blood. If he does not have anything he can use, why is it necessary to state that one may not cover it? And consequently, if he does in fact have material with which to cover the blood, why may he not do so, either with his basket of earth, in accordance with the opinion of Rabbi Yehuda, or with the ashes of a stove?

¹⁹⁶ Rather, Rabba said that the ashes of a stove, which the mishna stated are prepared, are prepared only for covering the blood in a case of a definite obligation, but they are not considered prepared for a case of uncertainty. Although his intention was to use these ashes to cover the blood of any animal he slaughters, whether in a definite or an uncertain case, they are nevertheless not considered prepared for an uncertain case.

¹⁹⁷ The Gemara inquires: In a case of uncertainty, what is the reason that the ashes are not considered prepared? If the reason is that one makes a hole in the mound of ashes when he removes part of it for covering, in a definite case he also makes a hole. If it is prohibited to make a hole, that prohibition

applies in all cases. Rather, one must say, in accordance with the opinion of Rabbi Abba, that the making of this hole is not considered prohibited labor, as he is merely performing a destructive act. If so, here too, in a case of uncertainty, there should be no cause for concern, in accordance with the opinion of Rabbi Abba.

¹⁹⁸ Rather, the Gemara retracts from the previous suggestion and offers an alternative: With regard to a case of uncertainty, what is the reason that it is prohibited? The reason is that perhaps one will forget and perform crushing with this earth, to ready it for covering. However, the same problem arises as before: If so, we should also decree against covering the blood in a definite case, because he might crush the earth. The Gemara answers: This presents no difficulty, as when one fulfills the mitzva of covering the blood in a definite case, even if he performs crushing, the positive mitzva of covering the blood comes and overrides the prohibition concerning the desecration of a Festival.

¹⁹⁹ The Gemara challenges this: Say that we said the following principle: A positive mitzva comes and overrides a prohibition in a case such as the circumcision of a child who has leprosy. Cutting off a leprous blemish is a violation of a prohibition. However, if a baby's foreskin is leprous, it is permitted to cut it off by circumcision. Alternatively, the principle applies to a case of a linen cloak on which woolen ritual fringes are placed, despite the prohibition against wearing diverse kinds, i.e., a mixture of wool and linen.

²⁰⁰ The Gemara explains the difference between those halakhot and the issue at hand. In those cases, at the time that one uproots the prohibition, he fulfills the positive mitzva with the same act. However, here, in the case of covering blood, two separate actions are involved, as at the time that one uproots the prohibition, when he crushes the earth, he does not fulfill the positive mitzva of covering the blood. The Gemara answers: This is not difficult, as it is possible to say that when one crushes the earth, he covers the blood with it; he fulfills the positive mitzva by means of the same action through which he uproots the prohibition.

²⁰¹ The Gemara challenges this explanation from a different perspective: Ultimately, a Festival is a mitzva that includes both the positive mitzva of rest and also the prohibition against performing prohibited labor, and there is a principle that a positive mitzva by itself does not override a prohibition and a positive mitzva together.

²⁰² Rather, the Gemara rejects the previous explanation, in favor of the following. Rava said: One's initial intention is to use the ashes of a stove for a mitzva that is definite, and he does not have this intention for cases of uncertainty. One may not use an article on a Festival for a purpose which he did not have in mind beforehand.

²⁰³ The Gemara comments: And Rava follows his regular line of reasoning in this regard, as Rava said: If one brought in earth in order to cover a baby's excrement with it on a Festival, it is likewise permitted to cover with it the blood of a slaughtered bird. Since he prepared this earth for a case of uncertainty, as it is possible that the baby will not soil the house, he certainly intended to use it for covering the blood of a bird prepared before the Festival for slaughter. If, however, one prepared the earth at the outset to cover the blood of a bird, it is prohibited to cover excrement with it, as he did not know in advance that he would require the earth for this purpose. He had only definite uses in mind, not possible ones such as covering excrement.

²⁰⁴ The Sages of Neharbela said: Even if one brought in earth to cover the blood of a bird with it, it is permitted to cover excrement with it, as it cannot be said that he did not intend this usage.

²⁰⁵ They say in the West, Eretz Yisrael, that Rabbi Yosei bar Ḥama and Rabbi Zeira disagree with regard to this issue, and some say it was disputed by Rava, son of Rav Yosef bar Ḥama, commonly mentioned in the Babylonian Talmud as Rava, without the patronymic, and Rabbi Zeira. The Gemara elaborates: One of them said that a koy is similar to excrement in this regard. Just as one may cover the blood of a bird with earth brought in for the purpose of covering excrement, he may likewise use it for covering the blood of a koy, as both the case of excrement and the case of the koy are cases of uncertainty. And the other one said: A koy is not similar to excrement. Since the covering of excrement is common, it is regarded as a definite purpose in comparison to a koy, which is by definition an uncertain case. It is therefore prohibited to cover the blood of a koy with earth prepared for the sake of covering excrement.

²⁰⁶ The Gemara comments: Conclude that Rava is the one who said that a koy is similar to excrement, as Rava said: If one brought in earth to cover excrement with it, it is permitted to cover the blood of a bird with it; if he did bring in earth to cover the blood of a bird, it is prohibited to cover excrement with it. One intends to use the earth for the definite rather than the uncertain purpose, and likewise in the case of a koy. The Gemara summarizes: Indeed, conclude that this is the correct version of the opinions in the dispute.

²⁰⁷ § Rami, son of Rav Yeiva, said a different reason: In the case of a koy, this is the reasoning for the halakha that one may not cover its blood: It is not because this action would constitute prohibited labor; rather, it is a rabbinic decree due to the permission of its prohibited fat. If one were to cover its blood, people might think that a koy is definitely an undomesticated animal, and it is well known that the fats of an undomesticated animal may be eaten, whereas those of a domesticated animal are prohibited.

²⁰⁸ The Gemara challenges this: If so, even on a weekday as well, the blood of a koy should not be covered, due to this concern. The Gemara answers: On a weekday, people will say that he needs to clean his courtyard, and that he is covering the blood merely to keep his courtyard presentable, rather than to fulfill the mitzva of covering blood.

²⁰⁹ The Gemara asks: And if he slaughtered a koy in a dunghill, a place used for the disposal of refuse, what is there to say? It will be evident that he is not concerned about its cleanliness, and that he is attempting to perform the mitzva of covering blood. Alternatively, if he comes to consult a Sage concerning whether or not he should cover the blood of a koy on a weekday, what is there to say? If the owner of the koy is instructed to cover the blood, would he not come to the erroneous conclusion that its fats are permitted?

²¹⁰ Rather, the Gemara answers: On a weekday, even if the matter is uncertain, the Sages nevertheless say to him: Go and take the trouble and cover it, as it involves the possible fulfillment of a mitzva. On a Festival, however, if there is uncertainty, would the Sages say to him: Go and take the trouble and cover it? If one was told to cover the blood on a Festival, this would indicate that a koy is definitely an undomesticated animal.

²¹¹ Rabbi Zeira teaches the following baraita: Not only did the Sages say that the blood of a koy should not be covered on a Festival, but even if one slaughtered a domesticated animal, whose blood need not be covered, and also slaughtered an undomesticated animal or a fowl, whose blood must be covered, and their bloods became mingled together, it is prohibited to cover the mixture of blood on a Festival.

²¹² Rabbi Yosei bar Yasinia said: They taught this halakha only in a case where one cannot cover the entire mixture by one thrust of a shovel. However, if he can cover it with one thrust, it is permitted. Since the entire amount of blood can be covered with a single action, it does not matter if one unnecessarily covers the blood of a domesticated animal while performing the mitzva of covering the blood of a fowl or an undomesticated animal.

²¹³ The Gemara comments: It is obvious that this is the case; since he covers all the blood in a single action, clearly he performs a mitzva. The Gemara answers: This ruling is nevertheless necessary, lest you say that we should decree and prohibit even one thrust, due to the possibility that he might perform two thrusts. Therefore, Rabbi Yosei bar Yasinia teaches us that this concern is not taken into account.

²¹⁴ § Rabba said: If one slaughtered a bird on the eve of a Festival, one may not cover its blood on the Festival itself.

²¹⁵ If one kneaded dough on a Festival eve, i.e., the day before the Festival, he may separate its ḥalla on the Festival. In general, one may not separate teruma and tithes on a Festival. However, since it is permitted to bake bread on the Festival for the requirements of the day, and because bread may not be eaten unless ḥalla has first been separated from it, separating ḥalla is considered a necessary stage in the preparation of bread, and the Sages permitted it. Shmuel's father said: Even if one kneaded dough on a Festival eve, he may not separate its ḥalla on the Festival, as he should have separated ḥalla then. The mitzva of separating ḥalla goes into effect at the time of the kneading of the dough.

²¹⁶ The Gemara comments: Let us say that Shmuel disagrees with his father, as Shmuel said: With regard to ḥalla from outside of Eretz Yisrael, where the separation of ḥalla is a rabbinic obligation, one may proceed to eat the bread and afterward separate the ḥalla from the remainder of the dough. This statement indicates that the separation of ḥalla outside of Eretz Yisrael is not required to render the bread permitted, in contrast to the separation of teruma and tithes from produce. Consequently, separating ḥalla is permitted on a Festival, as it does not involve a significant change. This contradicts the opinion of Shmuel's father, who prohibited separating ḥalla that could have been separated before the Festival.

²¹⁷ Rava said: This is not necessarily the case. Doesn't Shmuel concede that if one designated a piece of dough as ḥalla outside of Eretz Yisrael, it is prohibited to non-priests? This proves that even Shmuel admits that a certain measure of sanctity applies to the ḥalla. Therefore, he might also agree with his father that it is prohibited to separate ḥalla on a Festival even outside of Eretz Yisrael.

²¹⁸ MISHNA: Beit Shammai say: One may not carry a ladder, which was used for reaching doves, from one dovecote to another. However, one may move it slightly so that he tilts it from one window to another in the same dovecote. And Beit Hillel permit even carrying a ladder from one dovecote to another.

²¹⁹ GEMARA: Rav Ḥanan bar Ami said: This dispute applies only in a case where one moves the ladder in the public domain, as Beit Shammai hold that one who sees someone carrying his ladder will say to himself: He must need the ladder to plaster his roof, to prevent rainwater from dripping into his house. In other words, an onlooker will suspect him of performing prohibited labor on the Festival. And Beit Hillel hold that his dovecote proves about him that he is not moving the ladder for the purpose of a transgression, as it is evident that he is placing the ladder alongside the second

dovecote, and everyone will understand his intention. However, in the private domain, where one will not be observed by strangers, everyone agrees that it is permitted.

²²⁰ The Gemara asks: Is that so? But didn't Rav Yehuda say that Rav said: Wherever the Sages prohibited an action due to the appearance of prohibition, even if one performs the act in his innermost chamber, where no one will see it, it is prohibited. The Gemara answers: This is a dispute between tanna'im, as it is taught in a baraita: One whose clothes fell into water on Shabbat or a Festival may spread them out to dry in the sun, but he may not do so opposite the masses, i.e., in a place where people can see him, lest they suspect him of laundering on Shabbat. However, Rabbi Eliezer and Rabbi Shimon prohibit doing so even in private.

²²¹ Some say a different version of this discussion. Rav Ḥanan bar Ami said: The dispute applies to the private domain, as Beit Shammai are of the opinion that the halakha is in accordance with that which Rav Yehuda said that Rav said, and therefore Beit Shammai apply the decree to the private domain. And Beit Hillel, by contrast, are of the opinion that the halakha is not in accordance with that which Rav Yehuda said that Rav said. However, in the public domain, everyone agrees that it is prohibited to move the ladder.

²²² The Gemara challenges this interpretation: Should we say that Rav stated his opinion in accordance with that of Beit Shammai? According to Rav Ḥanan bar Ami, only Beit Shammai maintains that anything prohibited by the Sages due to appearances may not be performed even in private.

²²³ The Gemara rejects this suggestion: No, it is a dispute between tanna'im, as it is taught in a baraita: If clothes fell into water on Shabbat or a Festival, one may spread them out in the sun but not opposite the masses. Rabbi Eliezer and Rabbi Shimon prohibit doing so. Rav Ḥanan bar Ami accepts the opinion of the first tanna in the baraita, who rejects Rav's principle. According to the opinion of that tanna, it can be claimed that Beit Hillel also rejected Rav's principle, and they permitted moving the ladder in private but not in public. Rav, on the other hand, follows the opinion of Rabbi Eliezer and Rabbi Shimon in interpreting the opinion of Beit Hillel.

²²⁴ § With regard to the mishna itself, the Gemara comments: The mishna is not in accordance with the opinion of this tanna, as it is taught in a baraita: Rabbi Shimon ben Elazar said that Beit Shammai and Beit Hillel agree that one may carry a ladder from one dovecote to another to take doves; they disagree only after one has finished at the second dovecote, whether it is permitted to replace the ladder to its original spot at the first dovecote, as Beit Shammai say: One may not replace the ladder, and Beit Hillel say: One may even replace it.

²²⁵ Rabbi Yehuda said: In what case is this statement said? With regard to a dovecote ladder, which clearly serves the purpose of taking doves. However, in the case of an attic ladder, which has a variety of uses, everyone agrees that it is prohibited, as this will raise suspicions. Rabbi Dosa says: One may tilt it from one window to another in the same dovecote. Aḥerim say in the name of Rabbi Dosa: One may even shift the ladder from one place to another by shuffling its legs.

²²⁶ The Gemara relates: The sons of Rabbi Ḥiyya went out to the villages to attend to their business. When they came back, their father said to them: Did any incident requiring a ruling of halakha come to your notice? They said to him: The issue of carrying an attic ladder to a dovecote came to our notice, and we permitted it. Rabbi Ḥiyya said to them: Go out and prohibit that which you permitted.

²²⁷ The Gemara explains: Rabbi Ḥiyya's sons thought that from the fact that Rabbi Yehuda said that Beit Shammai and Beit Hillel do not disagree with regard to an attic ladder, this proves by inference that the first tanna holds that they do disagree. Consequently, Rabbi Ḥiyya's sons thought that according to the first tanna, Beit Hillel permit even the use of a loft ladder, and they ruled in accordance with this opinion. But that is not so, as Rabbi Yehuda does not disagree with him, but rather he explains the reason of the first tanna.

²²⁸ From where can this be inferred? From the fact that the first tanna teaches: One may carry a ladder from one dovecote to another. And if it enters your mind to say that Beit Shammai and Beit Hillel disagree with regard to an attic ladder, if so, this phrase: One may carry a ladder from one dovecote to another, is inexact, as he should have said: One may carry a ladder to a dovecote. Rather, isn't this what the tanna said: With regard to a dovecote ladder, yes, it is permitted to move it; however, in the case of an attic ladder, no, one may not use it.

²²⁹ The Gemara asks: And the others, Rabbi Ḥiyya's sons, what is their reasoning? The Gemara answers that they would reply: Is it taught in the baraita: A dovecote ladder? It teaches: From one dovecote to another, and this simply means that it is permitted to do so even with regard to several dovecotes.

²³⁰ Some say a slightly different version of this incident. Rabbi Ḥiyya's sons said to him: The tilting of an attic ladder came to our notice, and we permitted it. We were asked whether an attic ladder positioned near a dovecote before the Festival may be moved from one window to another in the same dovecote, and we allowed it. Rabbi Ḥiyya said to them: Go out and prohibit that which you permitted. The Gemara explains that they thought: That which the first tanna prohibits, i.e., moving an attic ladder, Rabbi Dosa permits, i.e. Rabbi Dosa is more lenient than the first tanna and permits moving even an attic ladder from one window to another. And that is not so. Rather, that which the first tanna permits, moving a dovecote ladder, Rabbi Dosa prohibits. He is more stringent and maintains that even a dovecote ladder may be moved only by tilting rather than in the usual manner.

²³¹ § The mishna taught: However, everyone agrees that one may tilt a dovecote ladder from one window to another in the same dovecote. The Gemara infers: Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent, and that of Beit Hillel is lenient.

²³² And the Gemara raises a contradiction from the first mishna of the tractate (2a): With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai say: He may dig earth with a shovel and cover the blood, and Beit Hillel say: He may not slaughter an undomesticated animal or a fowl, unless he had earth prepared for that purpose while it was still day. This indicates that it is Beit Shammai who are concerned for the honor and joy of the Festival, and they are therefore lenient with regard to covering the blood; whereas Beit Hillel do not share the same concern and are stringent about covering the blood, despite the fact that their ruling might adversely affect the joy of the Festival.

²³³ Rabbi Yoḥanan said: The attribution of the opinions of the tanna'im is reversed. The opinion attributed to Beit Hillel is actually that of Beit Shammai, and vice versa. The Gemara rejects Rabbi Yoḥanan's answer: From where do you infer that this extreme conclusion is necessarily the case? A different explanation is possible: Perhaps Beit Shammai say their opinion, that it is permitted to cover the blood, only there, where there is already a shovel embedded in the earth ready for this

purpose, and therefore there are grounds for a lenient ruling. However, where there is no embedded shovel, they did not permit it.

²³⁴ Alternatively, it is possible to say that Beit Hillel say their opinion, that an act is permitted for the sake of the joy of the Festival, only here, where his dovecote, the place where he ultimately positions the ladder, proves with regard to him that he intended to use his ladder for a permitted purpose; but there, where there is no equivalent proof, they were not lenient. This shows that there is no clear contradiction between the rulings in the two cases.

²³⁵ Rather, the Gemara retracts the previous version and suggests that Rabbi Yoḥanan issued his statement with regard to a different issue: If the dispute between Beit Shammai and Beit Hillel is difficult, this is what is difficult: It was taught in a different mishna (10a): Beit Shammai say: One may not take fledgling doves on a Festival unless he shook them, as an act of preparation, while it was still day. And Beit Hillel say: It is indeed necessary to perform some act of preparation to permit the taking of fledglings on a Festival, but this does not have to be done by shaking them. Rather, it is enough if one stands the day before and says: I will take this dove and that one.

²³⁶ Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent and that of Beit Hillel is lenient. And the Gemara raises a contradiction as above: With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai are lenient and allow one to dig with a shovel to cover the blood, due to the joy of the Festival, whereas Beit Hillel do not permit one to slaughter at all, unless there was a shovel ready from the day before. It was with regard to this contradiction that Rabbi Yoḥanan said: The attribution of the opinions is reversed.

²³⁷ The Gemara challenges this explanation: But perhaps that is not so, as a different explanation is possible: Beit Shammai only state their lenient opinion, that it is permitted to cover the blood, where there is an embedded shovel.

²³⁸ However, where there is no embedded shovel, even Beit Shammai did not permit it. Alternatively, it is possible that Beit Hillel say their opinion only here, since a dove is *muktze*, which is prohibited by rabbinic law, and therefore when he stands and says: I will take this and that, it is enough. However there, where the prohibition applies by Torah law, they did not say so.

²³⁹ Rather, if there is a difficulty involving a contradiction, this is the difficulty, from a different mishna (11a): Beit Shammai say: One may not take a large pestle from a mortar, which is normally used for crushing wheat in the preparation of porridge, for any other purpose on a Festival, e.g., to cut meat on it; and Beit Hillel permit it. Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent, and that of Beit Hillel is lenient. And the Gemara raises a contradiction: With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai say: He may dig earth with a shovel and cover the blood, and Beit Hillel say: He may not slaughter an undomesticated animal or a fowl, unless he had earth prepared for that purpose while it was still day. It was in this regard that Rabbi Yoḥanan said: The attribution of the opinions is reversed.

²⁴⁰ The Gemara rejects this: From where do you know this? Perhaps it is not so. Rather, Beit Shammai say their opinion only there, where there is a shovel embedded and prepared the day before, but where there is no embedded shovel, they did not rule leniently. Alternatively, one can say that Beit Hillel say their opinion only here, with regard to a pestle, which at least has the status of a

vessel, and therefore it is not completely muktze. However, there, in the case of slaughtering, Beit Hillel did not issue a lenient ruling.

²⁴¹ Rather, if there is a difficulty, this is the difficulty: It is taught in a mishna (11a): Beit Shammai say: One may not place an unprocessed hide before those who will tread on it, as this is an instance of the prohibited labor of tanning on a Festival. And one may not lift the hide from its spot, as it is considered muktze, unless there is an olive-bulk of meat on it, in which case it may be carried on account of its meat. And Beit Hillel permit one to place a hide before those who will tread upon it.

²⁴² Once again the Gemara states: Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent, and that of Beit Hillel is lenient. And the Gemara raises a contradiction: With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai say, etc. Concerning this case, Rabbi Yoḥanan said: The attribution of the opinions is reversed.

²⁴³ Here too, the Gemara rejects this: From where do you know this? Perhaps that is not so. Rather, Beit Shammai say their opinion only there, where there is a shovel embedded and prepared the day before, but where there is no embedded shovel, they did not rule leniently. Alternatively, Beit Hillel say their opinion only here, with regard to a hide, which is suitable for people to recline upon, and therefore it is not completely muktze. However, there, in the case of slaughtering, they were not lenient.

²⁴⁴ Rather, if there is a difficulty, this is the difficulty, as it is taught (11a): Beit Shammai say: One may not remove the shutters of a store on a Festival, to open the store by raising them, due to the prohibition against building and demolishing on a Festival; and Beit Hillel permit not only to open the shutters, but even to replace them. Apparently, with regard to rejoicing on the Festival, the opinion of Beit Shammai is stringent, and that of Beit Hillel is lenient. And the Gemara raises a contradiction: With regard to one who slaughters an undomesticated animal or a fowl on a Festival, Beit Shammai say, etc.

²⁴⁵ Granted, the contradiction between one statement of Beit Shammai and the other statement of Beit Shammai is not difficult, as it can be explained as follows: There, in the slaughtering case, it is referring to a situation where there is a shovel embedded and prepared the day before; here, there is no embedded shovel, and therefore Beit Shammai are stringent. However, the contradiction between one statement of Beit Hillel and the other statement of Beit Hillel is difficult.

²⁴⁶ It is with regard to this contradiction that Rabbi Yoḥanan said: The attribution of the opinions is reversed. The Gemara comments: Alternatively, one can suggest a different answer without reversing the opinions: Beit Hillel say their lenient opinion only here, in the case of the shutters, because they maintain that there is no prohibition against building with regard to vessels and there is no prohibition against dismantling with regard to vessels, which means that no Torah prohibition is violated in removing the shutters. However, there, in the case of slaughtering, where there are no extenuating circumstances, Beit Hillel did not permit it. Consequently, there is no contradiction that necessitates a reversal of the opinions.

²⁴⁷ MISHNA: Beit Shammai say: One may not take fledgling doves from a dovecote on a Festival, unless he shook the ones he wished to take while it was still day, thereby preparing them. And Beit Hillel say: It is not necessary to shake; rather, it is sufficient if one stands the day before and says: I will take this fledgling and that one.

²⁴⁸ GEMARA: Rav Ḥanan bar Ami said: The dispute between Beit Shammai and Beit Hillel applies to the first brood, the first pair of fledglings hatched in the first month of the year from a pair of doves. Those fledglings are usually left in the nest and are not used for food. As Beit Shammai hold: We issue a decree prohibiting taking them, as perhaps on the Festival he will come to reconsider after handling them and decide to leave them in their place, in which case he has moved them unnecessarily. However, once he has already shaken them, there is no further concern that he might change his mind on the Festival itself.

²⁴⁹ And Beit Hillel hold: We do not issue a decree, as there is no concern that one might change his mind, and therefore a verbal commitment is sufficient. However, with regard to the second brood, the fledglings born on the second cycle in the following month, everyone agrees that it is enough for one to stand and say: I will take this one and that one.

²⁵⁰ The Gemara asks: And according to the opinion of Beit Hillel, why does one need to say: I will take this one and that one? Let him say: From here, this dovecote, I will take tomorrow. Why does one have to specify exactly which fledglings he plans to remove from the dovecote?

²⁵¹ And if you say that Beit Hillel do not accept the principle of retroactive designation, i.e., they reject the idea that a person's original intention can be clarified retroactively, and therefore it cannot be said that the fledglings one takes on the Festival were the ones he had in mind beforehand, but didn't we learn in a mishna (Ohalot 7:3): If a corpse is located in a house, and the house has many entrances, whether they are open or closed, not only is the inside of the house ritually impure as a tent of the dead, but all the entrances are likewise ritually impure and impart impurity to the vessels they contain? The reason is that the corpse might be removed via any of the entrances, and therefore they all contract impurity.

²⁵² If only one of the entrances was open after the person died, that entrance alone is ritually impure, as the corpse will certainly be removed through it, and all the other entrances remain ritually pure. The same applies if one decided from the outset to remove the corpse through one of the entrances, or to carry it out through a window that is four by four handbreadths in size, which is large enough for a corpse. This intention spares all the other entrances from ritual impurity, as it is clear that the corpse will not be removed through them.

²⁵³ With regard to this case, Beit Shammai say: This halakha applies only if one had decided to remove the corpse by a particular entrance before the person died, so that the entrance through which the body would be removed was already determined at the time of death. And Beit Hillel say: This halakha applies even after the person died, as the principle of retroactive designation is invoked, which means that the entrance through which the deceased will be removed is retroactively designated. This indicates that Beit Hillel do accept the principle of retroactive designation.

²⁵⁴ The Gemara refutes this proof: Wasn't it stated by amora'im with regard to this mishna that Rabba said: In this case, Beit Hillel referred only to purifying the entrances from that point forward. In other words, after one has decided on an entrance that he will use to remove the dead, any vessels in the space of the other entrances do not become ritually impure. However, vessels that were located inside the space of the other entrances before the decision was made remain impure. According to these amora'im, Beit Hillel do not accept the principle of retroactive designation. And, so too, Rav Oshaya said: This halakha is referring to purifying the entrances from that point forward, which

indicates: From here onward, yes, the entrances are ritually pure; retroactively, no, they are not considered pure.

²⁵⁵ Rava said that there is a different way to resolve the conflicting rulings of Beit Hillel: Actually, in the case of ritual impurity, Beit Hillel maintain that all the entrances are ritually pure retroactively. And here, with regard to fledglings, this is the reason why Beit Hillel insist that one designate which particular fledglings one plans to take on the Festival: Perhaps one will move fledglings, and put them down, and again move them, and put them down until he finds the pair he wants, thereby moving an object that is not suitable for him, i.e., which is muktze.

²⁵⁶ The Gemara raises an objection: But if this is indeed the concern, didn't you say that it is enough if one stands and says: I will take this one and that one. In this case, too, he does not touch them. It is therefore possible that he may reconsider his choice of fledglings on the Festival after he handles them. The Gemara answers: This applies only when one made his choice on the eve of the Festival. Since he knows that he may not alter his decision on the Festival itself even if he does not like the ones he chose, he definitively decides to take those fledglings and will not handle others.

²⁵⁷ However, on the Festival it is prohibited, as sometimes those that seemed to him to be fat ones will be found to be thin, and thin ones will be found to be fat, and he will move an object that is not suitable for him, thereby transgressing the prohibition against moving muktze objects. Alternatively, sometimes they will all be found to be thin, and he will leave them all, and he will come to neglect the rejoicing of the Festival. If, however, one announces the day before: I will take this one and that one, he will indeed take only those fledglings, thereby enhancing his Festival joy.

²⁵⁸ MISHNA: If, on the eve of a Festival, one designated black fledglings to be slaughtered, and on the following day found white ones in the dovecote, rather than the birds he had designated, or if one designated white ones to be slaughtered and found black ones, or if one designated two fledglings to be slaughtered and found three, they are prohibited, as these are not the same fledglings he had designated earlier. If, however, one designated three to be slaughtered and found only two, they are permitted, as it is presumed that one of the fledglings escaped.

²⁵⁹ If one designated them inside the nest and the next day he cannot find them there, and he found fledglings before the nest, they are prohibited, as they might be fledglings other than the ones he designated and left inside the nest. But if there are only those fledglings in the immediate vicinity, they are permitted, as it can be assumed that these are the ones he designated inside the nest.

²⁶⁰ GEMARA: The Gemara asks: But it is obvious that if one designated black ones to be slaughtered and found white ones, they are not the same birds. Rabba said: With what are we dealing here? The mishna is referring to a case where one designated both black and white ones to be slaughtered, and he arose and found black ones in the place where the white ones had been, and white ones in the place of the black ones. Lest you say: These are those same fledglings and they simply exchanged places, the mishna teaches us that this claim is not accepted. Instead, it is assumed that these ones that he designated have gone to the outside world, and these ones that he found are others that have come from elsewhere.

²⁶¹ The Gemara suggests: Let us say that this mishna supports Rabbi Ḥanina, as Rabbi Ḥanina said: When resolving an uncertainty with regard to the identity of an item, if the majority indicates one ruling but the item in question is proximate to a source that indicates otherwise, one follows the majority. In this case, the majority of fledglings are prohibited, as they were not designated for use on

the Festival. Consequently, the found fledglings are prohibited, despite the fact that the nearest fledglings are the designated ones.

²⁶² The Gemara refutes this suggestion: Perhaps it is as Abaye said with regard to a different issue: We are dealing with fledglings located on a ledge, a flat piece of wood protruding from the dovecote, around which many doves congregate. Here too, the mishna is referring to a ledge. Since other doves are regularly found there, the principle that one follows the majority rather than the proximate source does not apply, as both the majority of doves and the proximate source of doves are not the original ones, and therefore all the fledglings are prohibited.

²⁶³ The mishna taught that if one designated two and found three, they are prohibited. The Gemara explains: Whichever way you look at this matter, the fledglings are prohibited. If these are others, they are others that have not been designated. And if they are not others, i.e., two of the fledglings that one designated are still there, nevertheless there is one that he certainly did not designate and that is mingled with them, which renders the others prohibited as well.

²⁶⁴ § The mishna taught that if one designated three and found two, they are permitted. The Gemara asks: What is the reason for this? The Gemara explains: These are the same ones, and one of them has gone to the outside world, leaving two behind.

²⁶⁵ The Gemara suggests: Let us say that the mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, and not that of the Rabbis, as it is taught in a baraita: If one placed one hundred dinars of tithe money in a safe place and found two hundred there, it is assumed that this is non-sacred money and second-tithe money mingled together. Someone must have come and added another hundred to his tithe money. Therefore, he separates one dinar from the total and states: Whatever part of this is the tithe, is fine; whatever part of it is non-tithe money, let it be used to redeem the tithe money, and this should be sanctified as tithe money in its place. This is the statement of Rabbi Yehuda HaNasi. And the Rabbis say: It is all non-sacred money. Since the money is not as he left it, the assumption is that someone took the original one hundred dinars; and he, or someone else, replaced it with two hundred dinars of regular money.

²⁶⁶ Conversely, if one placed two hundred dinars and found one hundred dinars, it is presumed that one hundred dinars has been left in its place and is tithe money, and one hundred dinars was removed. This is the statement of Rabbi Yehuda HaNasi. And the Rabbis say: It is all non-sacred money. It is assumed that someone removed all the money, and the one hundred dinars he found must have been placed there by someone else, and is not connected to the money he left. The halakha with regard to the case of fledglings apparently follows Rabbi Yehuda HaNasi's opinion in the case of second-tithe money.

²⁶⁷ The Gemara refutes this claim: Even if you say that the mishna is in accordance with the opinion of the Rabbis, it can be explained, as it was stated with regard to this mishna that Rabbi Yoḥanan and Rabbi Elazar both say: Fledglings are different, since they typically hop from place to place. Therefore, it is possible that one of them escaped. By contrast, a money pouch cannot move of its own accord and must have been taken by someone.

²⁶⁸ The Gemara asks: And why do I need to answer with regard to it: Fledglings are different, since they typically hop? But wasn't it stated with regard to that mishna, which deals with a money pouch, that Rabbi Yoḥanan and Rabbi Elazar disagree over it: One of them said: The dispute applies only to a case of two pouches, with one hundred dinars in each pouch. However, if all of the money was in a

single pouch, everyone agrees that it is non-sacred money, as it is unlikely that only half of the money was removed while the other half was left in its place. And the other one of them said: The dispute applies only to one pouch, but with regard to two pouches, everyone agrees that one hundred dinars of tithe is left and one hundred dinars has been removed.

²⁶⁹ The Gemara explains: Granted, according to the one who said that the dispute deals with a case of two pouches, this is why it was necessary to answer here: Fledglings are different, since they typically hop. However, according to the one who says that the dispute involves a case of one pouch, but with regard to two pouches everyone agrees that one hundred dinars of tithe is left and one hundred dinars has been removed, now consider: Why do I need to answer, with regard to it, that there is a difference between that halakha and the case of fledglings? You said that they do not disagree even with regard to two separate pouches, and therefore they certainly do not disagree in the case of fledglings.

²⁷⁰ Rav Ashi said: Here we are dealing with fledglings tied together and with money pouches tied together. In other words, when it is stated that the dispute applies to one pouch, this refers to two pouches that are tied together, as well. Rabbi Yehuda HaNasi and the rabbis agree only with regard to two pouches that are entirely separate. Consequently, it is necessary to explain that there is a difference between pouches tied together and fledglings tied together: Fledglings can release themselves from each other, and therefore it is possible that only one of them escaped, whereas pouches cannot release themselves from each other. Therefore, it is evident that someone must have taken them. Since they were tied together, he certainly took both of them.

²⁷¹ The Gemara asks: But if that is indeed the case, and it is obvious that someone came and took the money, what is Rabbi Yehuda HaNasi's reasoning? The Gemara explains: And Rabbi Yehuda HaNasi could have said to you: Pouches, too, sometimes

²⁷² their knot becomes worn and untied. Consequently, it is possible that someone took only one of the two pouches.

²⁷³ § The mishna taught that if one designated fledglings inside the nest and found them before the nest, they are prohibited. The Gemara comments: Let us say that this supports the opinion of Rabbi Ḥanina, as Rabbi Ḥanina said: In a case involving a majority and an item that is near, one follows the majority. Since doves from the outside world are more numerous than those that one designated, the assumption is that these fledglings are from the majority, and therefore they are prohibited.

²⁷⁴ Abaye said, in refutation of this claim: Here we are dealing with a ledge affixed to the front of the nest, where all the doves gather. Therefore, the principle pertaining to a majority and an item that is near does not apply to this case. Rava said: Here we are dealing with two nests, one above the other, i.e., adjacent nests rather than any two nests. And it is not necessary to state that in the case of one who designated the fledglings in the lower nest and did not designate those in the upper one, and he found fledglings in the lower one and he did not find fledglings in the upper one, that the fledglings are all prohibited. The reason is that we say: These that were in the lower nest went to the outside world, while these still present have dragged themselves and come down.

²⁷⁵ Rather, even if one designated fledglings in the upper nest and did not designate fledglings in the lower one, and he came and found fledglings in the upper one and did not find fledglings in the lower one, those in the upper nest are also prohibited, as we say: Those that he originally designated went

to the outside world, and those in the lower nest have clutched and climbed. Therefore, there is cause for concern in both of these cases.

²⁷⁶ The mishna states that if there are no others there apart from them, they are permitted. The Gemara asks: What are the circumstances? If we say that the mishna is dealing with fledglings that are already able to fly, it is possible to say that those that he designated went to the outside world, and the ones that are present are other ones.

²⁷⁷ Rather, the mishna must be referring to fledglings that can only hop from one place to another. However, if it deals with a case where there is another dove nest within fifty cubits, the fledglings might have jumped and come from that nest; and if there is no nest within fifty cubits, it is obvious that they are permitted, for from where could they have come? As Mar Ukva bar Ḥama said: With regard to any creature that hops, it does not hop more than fifty cubits.

²⁷⁸ The Gemara answers: Actually, it is referring to a case where there is another nest within fifty cubits, and it deals with a situation where the additional nest is situated around a corner from the first nest, rather than in a straight line from it. Lest you say: The fledglings jumped from one nest to the other, the mishna therefore teaches us that anywhere that a fledgling hops and turns and sees its nest, it will continue to hop. But if it can no longer see its original nest, it will not hop any farther.

²⁷⁹ MISHNA: Beit Shammai say: One may not take a large pestle from a mortar, which is normally used for crushing wheat in the preparation of porridge, for any other purpose on a Festival, e.g., to cut meat on it; and Beit Hillel permit it. Likewise, Beit Shammai say: One may not place an unprocessed hide before those who will tread on it, as this constitutes the prohibited labor of tanning on a Festival. And one may not lift the hide from its place, as it is considered muktze, unless there is an olive-bulk of meat on it, in which case it may be carried on account of its meat; and Beit Hillel permit it in both cases.

²⁸⁰ GEMARA: The Sage taught in a baraita: And Beit Shammai and Beit Hillel agree that if one already cut the meat he needs for the Festival on the pestle, it is prohibited to move the pestle farther on the Festival. The reason is that the vessel is muktze as a utensil whose primary function is a prohibited use, and therefore it is permitted to handle it only when one requires it.

²⁸¹ Abaye said: This dispute applies specifically in the case of a pestle; however, in the case of a wooden anvil used for breaking bones, everyone agrees that it is permitted. The Gemara asks: This is obvious; we learned in the mishna: A pestle. Why would one think that an object not even mentioned in the mishna is prohibited?

²⁸² The Gemara answers: Abaye's statement is necessary, lest you say: The same is true, i.e., Beit Shammai and Beit Hillel disagree, even with regard to a wooden anvil used for breaking bones; and that which the mishna specifically teaches: A pestle, is to convey the far-reaching nature of the opinion of Beit Hillel, that they permitted moving even an object whose primary function is for a prohibited use. Abaye therefore teaches us that Beit Shammai and Beit Hillel did not disagree with regard to a wooden anvil used for breaking bones.

²⁸³ Some say a different version of the previous discussion. Abaye said: It is necessary to say only: Even a new wooden anvil used for breaking bones is also permitted. Lest you say: Perhaps one will reconsider and not break bones on it, but rather set it aside for a different purpose, Abaye therefore teaches us that this is not a concern.

²⁸⁴ The Gemara asks: And is that so? Are Beit Shammai not concerned about the possibility that one might reconsider? But isn't it taught (Tosefta, Beitza 1:13): Beit Shammai say: On a Festival, one may not lead a butcher with a knife in hand to an animal located far from him, so that he can slaughter it; nor may one lead an animal to a butcher with a knife, lest he reconsider, in which case he will have handled the knife unnecessarily, which is prohibited; and Beit Hillel say: One may lead them from one to the other, as they are not concerned about unnecessary use of the knife.

²⁸⁵ By the same reasoning, Beit Shammai say: One may not bring spices or a pestle to a mortar, nor a mortar to spices and a pestle, as he might change his mind and will have handled these utensils on the Festival for no purpose. And Beit Hillel say: One may bring one to the other, as there is no concern that he may reconsider. This shows that Beit Shammai are, in general, concerned that one might reconsider, as they prohibit one to handle items for this reason.

²⁸⁶ The Gemara refutes this: How can these cases be compared? Granted, in the case of an animal, one is liable to come to reconsider, as he might say: Let us leave aside this animal, as it is thin, and we will bring a different animal, fatter than it. With regard to a pot, too, one is liable to come to reconsider, as he might say: Let us leave aside this pot of cooked food, as it requires spices and would take great effort to prepare, and I will bring a different one that does not require spices and can be cooked as it is. However, here, with regard to a wooden anvil used for breaking bones, what is there to say? Will one reconsider and not break the bones? Since he has slaughtered an animal, it stands ready for its bones to be broken, as it cannot be eaten in any other way.

²⁸⁷ § It was taught in the mishna that Beit Shammai say: One may not place an unprocessed hide before the one who will tread on it. The Sage taught (Tosefta, Beitza 1:13): And Beit Shammai and Beit Hillel agree that one may salt meat for roasting on this hide, and there is no concern that some of the salt will fall on the hide, which would be similar to tanning the hide by salting. Abaye said: They taught that one may salt meat only for roasting, in which case it is not salted a great deal. However, in the case of meat for a pot, i.e., for cooking, the Sages did not say that one may salt it on the hide, as meat must be well-salted on all sides before cooking, and a large amount of salt will inevitably spill onto the hide.

²⁸⁸ The Gemara asks: It is obvious the one may not salt meat for cooking in a pot, as we explicitly learned in the Tosefta just cited: For roasting, and not for cooking. The Gemara answers: This comes to teach us that even the permission to salt meat for roasting applies only if one does so in the usual manner. However, if one salts it in a manner of meat salted to be cooked in a pot, which requires more salt than is necessary for roasting, it is prohibited.

²⁸⁹ The Sages taught: On a Festival, one may not salt the fats of an animal, which is done so that they will not decompose and emit a foul odor. This is true even if the animal was slaughtered on the Festival. And one may not turn them over. The fats are unfit for use on the Festival, and therefore they are muktzeh. They said in the name of Rabbi Yehoshua: One may spread the fats out in the wind on pegs to prevent them from decaying.

²⁹⁰ Rav Mattana said: The halakha is in accordance with the opinion of Rabbi Yehoshua. Some say that Rav Mattana said: The halakha is not in accordance with the opinion of Rabbi Yehoshua. The Gemara asks: Granted, according to the one who said that the halakha is in accordance with the opinion of Rabbi Yehoshua, this statement is necessary. Otherwise, it might enter your mind to say that since this is a dispute between an individual and the many, one should apply the principal that

the halakha is in accordance with the opinion of the many. Rav Mattana therefore teaches us that, in this case, the halakha is in accordance with the opinion of the individual.

²⁹¹ However, according to the one who said that the halakha is not in accordance with the opinion of Rabbi Yehoshua, this is obvious. In a case involving an individual and the many, the halakha is in accordance with the many. The Gemara answers: This ruling is nevertheless necessary, lest you say: Rabbi Yehoshua's opinion is more reasonable, for if you do not permit him to air out the fats, he will refrain and not slaughter an animal at all. Rav Mattana therefore teaches us that this factor is not taken into consideration.

²⁹² The Gemara asks: And in what way is this case different from placing a hide before those who will tread on it, which Beit Hillel, whose ruling is accepted as halakha, permit for the very reason that, if one is not allowed to do so, he will refrain from slaughtering animals?

²⁹³ The Gemara answers: There, in the case of spreading out the hide, the matter is not so evident that it is spread out for tanning because in its current state, it is fit to recline on, and therefore it can be said that one placed it for this purpose. However, here, with regard to fats, he himself might come to say: What is the reason that the Sages permitted it to me? So that it will not emit a foul odor. If so, what is the difference to me if I spread them out, and what is the difference to me if I salt them? This reasoning will lead one to salt hides, which is a prohibited labor.

²⁹⁴ Rav Yehuda said that Shmuel said: A person may salt on a Festival several pieces of meat at one time, although he requires only one piece, as it is all one act of salting. Rav Adda bar Ahava would employ artifice and salt bone by bone. After salting one bone, he would say: I prefer this one instead, and would thereby salt all the meat in his possession.

²⁹⁵ MISHNA: Beit Shammai say: One may not remove the shutters [terisin] of a store on a Festival, due to the prohibition against building and demolishing. And Beit Hillel permit one not only to open the shutters, but even to replace them.

²⁹⁶ GEMARA: The Gemara asks: What are these shutters? Ulla said: This is referring to shutters of shops. The marketplace shops or stalls were large crates or wagons, not buildings. They were closed at night with shutters. The shopkeepers would open the shutters on the Festival so that people who did not manage to finish all of their Festival preparations before the Festival could take the articles they required and settle accounts with the storekeeper later. Beit Shammai and Beit Hillel disputed whether the shutters may be opened and closed on the Festival itself.

²⁹⁷ And Ulla said: With regard to three matters, the Sages permitted an action whose result is undesirable in order to encourage a desirable initial action. And these are the three matters: First, they permitted spreading out the hide of an animal slaughtered on a Festival before those who will tread on it, a stage in its tanning. This was permitted because the Sages wish to encourage slaughtering the animal to enable celebration on the Festival. And second, the Sages permitted the replacement of shutters of shops on a Festival, so that storeowners could supply the Festival requirements for those in need.

²⁹⁸ And the third permitted action is the replacement of a bandage in the Temple. If a priest had an injury on his hand, he would have to remove the bandage while performing the Temple service, as it is prohibited for any item to interpose between his hand and whatever he must handle as part of the rite. After concluding his Temple service, he was allowed to replace the bandage on Shabbat, despite

the fact that this is ordinarily prohibited, so as not to discourage him from engaging in Temple service.

²⁹⁹ And Raḥava said that Rabbi Yehuda said: There is also one other matter, i.e., another instance where the Sages permitted an action whose result was undesirable in order to encourage a desirable initial action. This concerns a ḥaver, a member of a group that is meticulous with regard to the halakhot of ritual impurity, who opens his barrel of wine or prepares and begins to sell his dough to pilgrims for the sake of the Festival.

³⁰⁰ And this is according to the opinion of Rabbi Yehuda, who said: He may finish selling all the bread made from that dough and all the wine in the barrel. Wine or dough sold to the general public is usually classified as ritually impure, as it might have been touched by an am ha'arets, one who is not careful with regard to the halakhot of ritual impurity. During a Festival, however, the Sages decreed that all wine and dough sold in Jerusalem is ritually pure, so as not to embarrass ignorant people, and they may therefore be bought even by a ḥaver. Rabbi Yehuda adds that even if a large quantity of wine or dough remains after the Festival, it retains its status as ritually pure and one may continue to sell it to a ḥaver. This is a case of permitting an action whose result is undesirable for the sake of an initial action, in that the Sages maintained the wine and dough's status as ritually pure after the Festival in order to encourage people to sell wine and dough on the Festival.

³⁰¹ With regard to Ulla's statement, the Gemara asks: We already learned the halakha that one may spread out an animal's hide before those who will tread on it. Why did Ulla find it necessary to restate an explicit teaching of a mishna? The Gemara explains: Lest you say that the reason of Beit Hillel is because the hide is fit for reclining on it, and therefore even if the animal was slaughtered on the eve of the Festival, it would also be permitted to spread out its hide on the Festival. Ulla therefore teaches us that the reason for the leniency is that the Sages permitted an action whose result was undesirable in order to encourage a desirable initial action. Consequently, in the case of an animal slaughtered on a Festival, yes, this halakha applies; but with regard to one that was slaughtered on the eve of a Festival, no, one may not spread out its hide.

³⁰² The Gemara further asks: We already learned the halakha of the shutters of shops as well, as the mishna states that Beit Hillel permit one even to replace them. The Gemara explains: This, too, is necessary. Lest you say: Beit Hillel's reason for being lenient is that there is no prohibition of building with regard to vessels and no prohibition of dismantling with regard to vessels. Since these shops are not attached to the ground, they are vessels rather than houses, and it is therefore permitted to replace their shutters; and as a result, the dismantlement and replacement of shutters of large vessels, even of those found in houses, should also be permitted. To counter this logic, Ulla therefore teaches us that the reason the Sages allowed the replacement of shutters of shops on a Festival is because they permitted an action whose result is undesirable in order to encourage a desirable initial action. Consequently, in the case of the shutters of shops, yes, they permitted their replacement; in the case of those of houses, no, they did not allow it.

³⁰³ The Gemara further asks: We already learned the halakha of the replacement of a bandage in the Temple as well: One may replace a bandage in the Temple but not in the rest of the country. The Gemara explains that this halakha is necessary. Lest you say: What is the reason that a bandage may be replaced? It is because rabbinic decrees prohibiting labor do not apply in the Temple. Since the prohibition against applying a bandage is by rabbinic law, this leniency should apply to all who are in

the Temple, even to a priest who is not a candidate to perform the Temple service. Ulla teaches us that this is not the case; rather, it is an instance where the Sages permitted a result for the sake of an initial action: If one is a candidate for service, yes, he may replace his bandage; if one is not a candidate for service, no, he may not replace his bandage.

³⁰⁴ The Gemara asks a similar question with regard to Raḥava's addition: We already learned the halakha of one who opens his barrel of wine, as well: In the case of one who opens his barrel to sell its wine, and similarly in the case of one who begins selling his dough for the sake of the Festival, the substance is ritually pure. If some is left over, the tanna'im disputed whether it retains its presumed status as ritually pure after the Festival and one may continue to sell it to a ḥaver. Rabbi Yehuda says: He may finish selling the wine or dough, and the Rabbis say: He may not finish. What is added by including it in the list of matters where a result is permitted for the sake of an initial action?

³⁰⁵ The Gemara explains: Raḥava's statement is necessary. Lest you say: It is permitted to finish selling the wine or dough because the Sages rendered the ritual impurity of an am ha'arets on a Festival as ritually pure, and although one did not begin to sell this wine or dough on the Festival but at an earlier stage, he should likewise be permitted to finish, as items do not contract ritual impurity on a Festival. To counter this logic, Raḥava therefore teaches us: In this case, too, the Sages permitted an action whose result is undesirable in order to encourage a desirable initial action. If one had begun, yes, he may finish selling; if one had not begun, no, he may not do so.

³⁰⁶ The Gemara asks: And Ulla, what is the reason that he did he not state this halakha alongside the other cases he listed? The Gemara answers: He is not dealing with a case that is a matter of dispute. He listed only cases where the ruling is unanimous. The Gemara challenges this: These other three matters are also subject to dispute, as they all involve a disagreement between Beit Shammai and Beit Hillel. The Gemara answers: When Beit Shammai express an opinion where Beit Hillel disagree, Beit Shammai's opinion is not considered a legitimate opinion in the Mishna, and it is completely disregarded. Since everyone knows that Beit Shammai's opinion is entirely rejected by halakha, it is not taken into consideration. Therefore, those cases are not viewed as disputes at all.

³⁰⁷ § The Gemara comments: The mishna is not in accordance with the opinion of this tanna, as it is taught: Rabbi Shimon ben Elazar said: Beit Shammai and Beit Hillel agree that one may remove shutters on a Festival. They disagree only as to whether it is permitted to replace them, as well, as Beit Shammai say: One may not replace them, and Beit Hillel say: One may even replace them. And in what case is this statement said? When these shutters have a hinge that can be inserted into a slot in the side of the vessel. However, if they do not have a hinge, everyone agrees that it is permitted, as this is merely replacement of a board, and it is not similar to building.

³⁰⁸ The Gemara challenges this claim: But isn't it taught in a baraita: In what case is this statement said? What is the situation in which Beit Shammai and Beit Hillel disagree? They disagree when the shutters do not have a hinge; however, if they have a hinge, everyone agrees that it is prohibited. Abaye said that the two sources can be reconciled: When they have a hinge on the side, everyone agrees that it is prohibited, as the placement of a hinge in the side is a complicated endeavor that resembles building. If they have no hinge at all, everyone agrees that it is permitted, as it is considered merely the replacement of a board. When they disagree, it is with regard to a case where they have a hinge in the middle rather than on the side.

³⁰⁹ One Sage, Beit Shammai, holds that we issue a decree and prohibit a hinge in the middle due to a hinge on the side; and one Sage, Beit Hillel, holds that we do not issue this decree. Since placing a hinge of this type does not constitute the prohibited labor of building, it is permitted.

³¹⁰ MISHNA: Beit Shammai say: One may carry out on a Festival neither a minor child, nor a lulav, nor a Torah Scroll into the public domain, as none of these are required for the preparation of food; and Beit Hillel permit it.

³¹¹ GEMARA: The tanna who reviews mishnayot teaches a baraita before Rav Yitzhak bar Avdimi: One who slaughters a gift offering on a Festival is flogged for transgressing the prohibition: “No manner of work shall be done on them” (Exodus 12:16). Since this slaughtering was not performed for the purpose of eating, the action constitutes a prohibited labor on a Festival.

³¹² Rav Yitzhak bar Avdimi said to that tanna: Who could have said this baraita to you? It is evidently in accordance with the opinion of Beit Shammai, who say that we do not say: Since carrying out was permitted on a Festival for the purpose of food preparation, it was also permitted not for that purpose. For if you say the baraita is accordance with the opinion of Beit Hillel, they say: Since carrying out was permitted for the requirements of food preparation, it was also permitted not for these requirements. Here, too, with regard to the prohibited labor of slaughtering, since slaughter was permitted for the requirements of food preparation, it was also permitted not for these requirements. It was permitted for any purpose that benefits people, whether directly or indirectly.

³¹³ Rabba strongly objects to this reasoning: From where do you infer that Beit Shammai and Beit Hillel disagree over this issue? Perhaps they disagree about the following: The halakhot of eiruv and the prohibition against carrying out apply to Shabbat, but there are no halakhot of eiruv nor a prohibition against carrying out on a Festival.

³¹⁴ The Gemara clarifies the dispute according to this explanation: One Sage, Beit Shammai, holds that the halakhot of eiruv and the prohibition against carrying out apply to Shabbat, and similarly the halakhot of eiruv and carrying out apply to a Festival. The only difference is that, on a Festival, carrying, like other types of prohibited labor, is permitted for the sake of food preparation.

³¹⁵ And one Sage, Beit Hillel, holds that the halakhot of eiruv and the prohibition against carrying out apply to Shabbat, but there are no halakhot of eiruv nor a prohibition against carrying out on a Festival, as it is written: “Neither carry forth a burden out of your houses on the Shabbat day” (Jeremiah 17:22), from which Beit Hillel inferred: On Shabbat, yes, carrying from one domain to another is indeed prohibited; on a Festival, no, it is not prohibited. According to this explanation, Beit Shammai and Beit Hillel did not disagree about whether a prohibited labor that is permitted for the purpose of food preparation on a Festival is also permitted when it does not serve that purpose.

³¹⁶ Rav Yosef strongly objects to this explanation of Rabba: However, if that is so, that the dispute is whether the prohibition against carrying out applies on a Festival, Beit Hillel should permit one to move muktze objects, as the prohibition of handling muktze is an extension of the prohibition against carrying out. Consequently, let them differ with regard to whether or not it is permitted to carry out stones on a Festival. Rather, from the fact that Beit Shammai and Beit Hillel do not disagree with regard to stones but concerning objects that serve some sort of purpose, conclude from this: Everyone agrees that carrying out is prohibited on a Festival, and the Torah permitted it only when it is necessary for sustenance.

³¹⁷ Instead, Beit Shammai and Beit Hillel disagree with regard to carrying out that is not for the purpose of food preparation. According to the opinion of Beit Hillel, since carrying out is permitted for the sake of sustenance, it is entirely permitted. According to Beit Shammai, the Sages permitted only labor that serves the purpose of food preparation.

³¹⁸ The Gemara comments: And Rabbi Yoḥanan also holds that Beit Shammai and Beit Hillel disagree with regard to the principle: Since carrying out is permitted on a Festival for the purpose of food preparation, it was also permitted not for this purpose, as the tanna teaches a baraita before Rabbi Yoḥanan: One who cooks the sciatic nerve in milk on a Festival and eats it is flogged for violating five distinct prohibitions.

³¹⁹ How so? (1) He is flogged due to the prohibition of cooking the sciatic nerve, which is prohibited because the sciatic nerve is unfit for consumption; (2) and he is flogged due to the prohibition of eating the sciatic nerve, which is explicitly prohibited by the Torah; (3) and he is flogged due to the prohibition of cooking meat in milk; (4) and he is flogged due to the prohibition of eating meat cooked in milk; (5) and lastly, he is flogged

³²⁰ due to the prohibition of kindling a fire on a Festival.

³²¹ Rabbi Yoḥanan said to that tanna: Leave and teach it outside, i.e., this baraita is not fit for discussion in the study hall. The opinion that there is a prohibition against kindling and cooking on a Festival is not a mishna worthy of serious consideration. And if you say that it is a mishna rather than an error, this statement is still not in accordance with the halakha, as it is following the opinion of Beit Shammai, who say: We do not say: Since carrying out was permitted on a Festival for the purposes of food preparation, it was also permitted when performed not for these purposes. Here, too, we do not say: Since kindling was permitted on a Festival for the purposes of food preparation, it was also permitted when performed not for these purposes.

³²² The Gemara explains why the baraita cannot be attributed to Beit Hillel. If one were to suggest that this baraita follows the opinion of Beit Hillel, this cannot be the case, as they say: Since carrying out was permitted for the purposes of food preparation, it was also permitted when performed not for these purposes. Here, too, since kindling was permitted for the purposes of food preparation, it was also permitted when performed not for these purposes. Therefore, according to the opinion of Beit Hillel, kindling cannot be included amongst those prohibitions for which one is liable on a Festival.

³²³ MISHNA: The separation of ḥalla is permitted on a Festival, as one is permitted to prepare dough and bake it on a Festival, and bread may not be eaten without first separating ḥalla. Beit Shammai say: One may not bring separated ḥalla or any of the other priestly gifts, i.e., the foreleg, the jaw, and the maw of a slaughtered animal, to a priest on a Festival, though it is permitted to separate them from an animal slaughtered on a Festival. This is prohibited regardless of whether they were separated last evening, i.e., before the Festival, or whether they were separated today. And Beit Hillel permit it.

³²⁴ Beit Shammai said to Beit Hillel: This halakha can be derived by an analogy: Ḥalla and the other gifts are both considered a gift to the priest, and likewise teruma separated from produce is also a gift to the priest. Just as you agree that one may not bring teruma to a priest on a Festival, so too, one may not bring the other gifts.

³²⁵ Beit Hillel said to them: No, this analogy is incorrect. If you said that you derive the halakha from teruma, where its separation is not allowed on the Festival, how will you say the same with regard to the gifts from an animal or ḥalla, concerning which their separation is allowed on the Festival? Since it is not prohibited to separate these gifts, they may likewise be brought to a priest.

³²⁶ GEMARA: It enters your mind to explain that when the mishna states: They were separated today, it means: From animals slaughtered today. And the phrase: They were separated last evening, is referring to animals slaughtered last evening. The Gemara asks: If so, whose opinion is expressed in the mishna? It is not Rabbi Yosei nor Rabbi Yehuda, but the opinion of Aḥerim, as it is taught in the Tosefta that Rabbi Yehuda said: Beit Shammai and Beit Hillel did not dispute with regard to gifts separated on the eve of a Festival, that one may bring them to a priest on a Festival day itself along with gifts separated that day and from those animals slaughtered that day. They disputed only the halakha of bringing gifts separated the day before by themselves, as Beit Shammai say: One may not bring these gifts by themselves, and Beit Hillel say: One may bring them.

³²⁷ And Beit Shammai would reason as follows: Ḥalla and gifts from a slaughtered animal are a gift to the priest, and teruma is a gift to the priest. Just as one may not bring teruma to a priest on a Festival, so too, one may not bring the other gifts. Beit Hillel said to them: No, granted, if you said so with regard to teruma, the reason is that separation is not allowed on a Festival, but how will you say the same with regard to the other gifts, concerning which separation is allowed on the Festival? It is therefore permitted to bring these gifts to a priest as well. This is Rabbi Yehuda's interpretation of the dispute between Beit Shammai and Beit Hillel, according to which Beit Shammai prohibit bringing even gifts separated on the Festival itself.

³²⁸ Rabbi Yosei said: That is not the correct record of the dispute, as Beit Shammai and Beit Hillel did not dispute about the fact that one may bring the gifts from an animal to a priest on a Festival. They disputed only with regard to teruma, as Beit Shammai say: One may not bring it, and Beit Hillel say: One may even bring teruma. And Beit Hillel would reason as follows: Ḥalla and gifts are a gift to the priest, and teruma is a gift to the priest. Just as one may bring the other gifts on a Festival, so too, one may bring teruma. Beit Shammai said to them: No; if you said so with regard to the other gifts, concerning which their separation is allowed on the Festival, will you say the same with regard to teruma, whose separation is not allowed?

³²⁹ Aḥerim say that the dispute was as follows: Beit Shammai and Beit Hillel did not dispute with regard to teruma, that one may not bring it to a priest on a Festival. They disputed only the case of the other gifts, as Beit Shammai say: One may not bring the other gifts, and Beit Hillel say: One may bring them. The Gemara proposes: Let us say that the mishna is only in accordance with the opinion of Aḥerim, and not in accordance with the opinion of Rabbi Yehuda. The Gemara does not even suggest that the mishna might be in accordance with the opinion of Rabbi Yosei, as it is clear that it cannot be reconciled with his explanation.

³³⁰ Rava said: Is it taught in the mishna: They were separated that day and were slaughtered that day? No; it teaches: They were separated, and actually the mishna should be explained as follows: They were slaughtered last evening and separated today, which is exactly what Rabbi Yehuda said. The Gemara asks: If so, let us say that the mishna is in accordance with the opinion of Rabbi Yehuda and not in accordance with the opinion of Aḥerim? The Gemara rejects this: Even if you say that the mishna is in accordance with the opinion of Aḥerim, it can still be claimed that, in their opinion, Beit

Shammai and Beit Hillel disputed the case of these animals that were slaughtered last evening, not those slaughtered on the Festival.

³³¹ The Gemara asks: If so, this is the same opinion as that of Rabbi Yehuda. What, then, is the difference between the opinions of Rabbi Yehuda and Aḥerim? The Gemara answers: The practical difference between them is with regard to secondary gifts. If one has gifts separated before a Festival, is he permitted to join them as secondary gifts along with others separated on the Festival and transport them together to a priest? Rabbi Yehuda maintains that secondary gifts may be brought to a priest, according to the opinion of Beit Hillel, whereas Aḥerim prohibit it.

³³² With regard to the dispute cited in the Tosefta, Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yosei. The Gemara relates: Rav Tovi, son of Rabbi Neḥemya, had a bottle of teruma wine. He came before Rav Yosef and said to him: What is the halakha with regard to bringing this wine to a priest now, on a Festival? Rav Yosef said to him: That is what Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yosei, who maintains that Beit Hillel permit one to bring teruma to a priest on a Festival, and the halakha is in accordance with their opinion.

³³³ § The Gemara relates: The host of Rava, son of Rav Ḥanan, had bundles of unprocessed mustard, whose seeds remained in their stems. He said to his guest, the Sage: What is the halakha with regard to crushing these mustard stalks and eating from them on a Festival? Rava, son of Rav Ḥanan, did not have an answer readily available, so he came before Rava to ask his opinion. Rava said to him that it was taught: One may husk kernels by rubbing them between one's fingers, and one may likewise crush legumes on a Festival. This statement indicates that it is permitted to crush mustard stalks.

³³⁴ Abaye raised an objection to Rava from a baraita: In the case of one who husks kernels of grain on Shabbat eve, on the following day, on Shabbat itself, he may winnow the chaff in an irregular manner by passing the kernels from hand to hand and then eat them. However, one may not do so, neither by means of a basket [kanon] that is occasionally used for sorting and separating the chaff nor with a large vessel.

³³⁵ With regard to one who husks kernels of grain on a Festival eve, on the following day, he may winnow a little grain at a time and eat, even with a tray or a large vessel. However, he may not do so with a tablet, nor with a winnow, nor with a sieve. Since these vessels are designed for winnowing, they are used only for large quantities, and therefore it will appear as though he were preparing for after the Festival, which is certainly prohibited. In any case, the wording of the baraita indicates: On a Festival eve, yes, one may husk or crush legumes; on the Festival itself, no, it is prohibited to do so.

³³⁶ The Gemara refutes this: Even if you say that it is permitted on a Festival, the baraita can be understood. The reason is as follows: Since he taught in the first clause of the baraita: On Shabbat eve, as husking grain may not be performed on Shabbat itself, for it might lead to a prohibited labor on Shabbat, he also taught in the latter clause: On a Festival eve. However, this does not mean that rubbing or crushing legumes is prohibited on the Festival itself.

³³⁷ Abaye raises a difficulty against the opinion of Rava from a different angle: If you say so, we have thereby found a case of teruma for which separation is allowed on a Festival. Before being rubbed, the grains of wheat were certainly not fit to be eaten, and therefore there was no obligation to separate teruma from them. Now that one has prepared them as food by rubbing them, he is obligated

to separate teruma from them, and if one is permitted to eat them, he must be permitted to separate teruma from them first. And we learned explicitly in the mishna: No, if you said that you derive the halakha from teruma, where its separation is not allowed on the Festival. This statement indicates that even Beit Hillel agree that one may not separate teruma of any kind on a Festival.

³³⁸ The Gemara refutes this challenge: This is not difficult.

³³⁹ This source, the baraita, is in accordance with the opinion of Rabbi Yehuda HaNasi, who holds that one must separate teruma from kernels of grain on the stalk, and one may separate terumot on a Festival. That source, the mishna, is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, who maintains that there is no need to separate teruma from kernels of grain on the stalk, as it is taught in a baraita: If one brought inside his house stalks of grain in order to grind them into flour and to make dough from them, he may eat from them, as a snack, before they are ground, and he is exempt from teruma. Provided that the grain has not yet been fully processed, the obligation to separate teruma does not apply. The Sages decreed that such produce may only be consumed casually and not as part of a regular meal.

³⁴⁰ However, if from the outset one brought in the stalks of grain not to grind them but to husk the kernels and eat them a little at a time, Rabbi Yehuda HaNasi obligates him to separate teruma from them and prohibits him from partaking of the grain until he has done so. And Rabbi Yosei, son of Rabbi Yehuda, exempts him from the obligation of teruma. He maintains that not even this intention renders one obligated to separate teruma, as the obligation for teruma applies only to fully processed grain.

³⁴¹ The Gemara challenges this: And according to the opinion of Rabbi Yosei, son of Rabbi Yehuda, you can also find a case when one must separate teruma from grain that has not been fully processed. How so? For example, if one brought inside his house stalks of grain to make dough from them, thereby rendering himself obligated to separate teruma from them, and he reconsidered and decided to husk them in order to eat the kernels on a Festival. In that case, the prohibition of untithed produce takes effect on that day and one is obligated to separate teruma, only afterward is he permitted to eat the kernels.

³⁴² Rather, one must say: What is the teruma that Beit Shammai and Beit Hillel agree may not be separated on a Festival? It is referring to most teruma, e.g., grain that has been threshed and gathered into piles on the eve of the Festival. They do, however, admit that there are exceptional cases in which one may separate teruma on a Festival.

³⁴³ Abaye said: This dispute, concerning when the obligation to separate teruma and the prohibition of untithed produce takes effect, is referring only to stalks of grain, which are typically brought into a granary, where they are processed in a standard manner. Until that point, the grain is not prohibited as untithed produce. However, with regard to legumes, everyone agrees that the bundles are already regarded as untithed produce, and teruma must be separated from them at that stage.

³⁴⁴ The Gemara suggests: Let us say that the following mishna supports him (Terumot 10:6): With regard to one who had bundles of fenugreek, a type of legume, of untithed produce, he may pound these bundles to remove the seeds from them. And he calculates how many seeds the bundles contain and separates teruma based on the quantity of seeds, but he does not calculate and separate teruma based on the quantity of stalks. Although the stalks and leaves are also used for cooking, it is not necessary to separate teruma from them. What, is it not the case that this halakha is in accordance

with the opinion of Rabbi Yosei, son of Rabbi Yehuda, who said: There, with regard to stalks of grain, it is not yet ready to be tithed, and therefore not prohibited as untithed produce, whereas here, i.e., with regard to the bundles of fenugreek, it is ready to be tithed and therefore prohibited as untithed produce?

³⁴⁵ The Gemara rejects this contention: No, this is no proof, as it can be claimed that the mishna dealing with fenugreek is in accordance with the opinion of Rabbi Yehuda HaNasi, who obligates one to separate teruma in the case of stalks of grain. The Gemara challenges this: If it is in accordance with the opinion of Rabbi Yehuda HaNasi, what novel element does the mishna provide? Why specifically discuss fenugreek? According to Rabbi Yehuda HaNasi, the same halakha applies even to stalks of grain as well.

³⁴⁶ The Gemara rejects this: Rather, what then? Is the mishna in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda? If so, let him teach us this halakha with regard to other types of legumes, i.e., that they have the status of untithed produce when placed in bundles. And all the more so this would apply to fenugreek, which is eaten only in small quantities and is not processed in the manner of grain.

³⁴⁷ Rather, it cannot be proven that the mishna follows either the opinion of Rabbi Yosei, son of Rabbi Yehuda, or that of Rabbi Yehuda HaNasi, as it was necessary for the tanna to state the case of fenugreek for a different reason: It could enter your mind to say: Since in the case of fenugreek the taste of its stalk and its fruit are identical, as the branches of the fenugreek add flavor to a dish, perhaps one should also separate teruma based on the quantity of fenugreek stalks, as well. The tanna of the mishna therefore teaches us that there is no obligation to do so, and this is the novel element of his statement.

³⁴⁸ Some say that Abaye said the following: This dispute between Rabbi Yosei, son of Rabbi Yehuda, and Rabbi Yehuda HaNasi is referring to stalks of grain; however, with regard to legumes, everyone agrees that the bundles are not yet ready to be tithed and are therefore not prohibited as untithed produce. The Gemara raises an objection to this: With regard to one who had bundles of fenugreek of untithed produce, he may pound them and calculate how many seeds they contain and separate teruma based on the quantity of seeds, but he does not separate based on the quantity of stalks. What, is this not referring to the normal case of untithed produce of teruma, i.e., produce from which the regular teruma, the initial portion taken from produce as the priests' portion, must be separated?

³⁴⁹ The Gemara rejects this: No, it is referring to a different case, that of first tithe that is still regarded as untithed produce, because of teruma of the tithe that must still be separated from it. First tithe is given to the Levites, who must separate ten percent as teruma of the tithe, to give to the priests. Before teruma of the tithe is separated, the first tithe may not be eaten.

³⁵⁰ And this statement is in accordance with the opinion that Rabbi Abbahu said that Rabbi Shimon ben Lakish said, as Rabbi Abbahu said that Rabbi Shimon ben Lakish said: It can occur that a Levite might take the first tithe before the teruma is separated, while the grain is still on the stalks. The correct procedure is: After collecting the grain in a pile in the granary, one first separates teruma, and only afterward separates first tithe to give to the Levites.

³⁵¹ If this order was not followed, and the first tithe was separated first while the grain was still attached to the stalks, Rabbi Shimon ben Lakish maintains that the following halakha applies: Its name, i.e., the fact that it has been designated first tithe, renders it ready to be tithed and therefore

prohibited as untithed produce, as pertains to teruma of the tithe that must still be separated from it. This shows that there can be a separation of a type of teruma, specifically the teruma of the tithe, even before work on the produce has been completed, and this is the case to which the previously quoted mishna is referring.

³⁵² The Gemara challenges this interpretation: If first tithe is considered untithed produce when it is named, why do I need the act of pounding? Let the Levite say to the priest: As they gave to me stalks of grain, or unprepared bundles, so I am giving them to you in the same state. Rava said: It is a penalty. In other words, the Levite should indeed be entitled to issue this claim; however, as he acted improperly by taking his tithe prematurely, the Sages decreed that he may not separate the priest's portion in its current state, but must first improve it.

³⁵³ The Gemara comments: That opinion is also taught in a baraita. With regard to a Levite who was given stalks of grain as his tithes, he renders them into a granary, i.e., he must thresh and process them in the usual manner. Similarly, if he was given grapes, he renders them wine; if he was given olives, he renders them oil; and afterward he separates teruma of the tithe for them and gives them to a priest. For just as teruma gedola, i.e., standard teruma, is not separated from unprocessed produce,

³⁵⁴ but only from the granary and the winepress, so too, teruma of the tithe is separated only from the granary and the winepress.

³⁵⁵ The Gemara asks: If the mishna is referring to produce from which teruma gedola has not been separated, it is appropriate to use the term: Calculates. However, according to the suggestion that it is referring to a first tithe, from which teruma of the tithe must be separated, why does the mishna state: Calculates? The tanna of the mishna should have said: Measures. The amount of teruma gedola to be separated is calculated by estimation, as there is no fixed amount for this teruma according to Torah law. With regard to the teruma separated from first tithe, however, the Torah established the fixed amount of one-tenth, and one is required to measure precisely.

³⁵⁶ The Gemara explains: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Abba Elazar ben Gimmel, as it is taught in a baraita: Abba Elazar ben Gimmel says: The verse states: "And your teruma shall be reckoned to you as though it were the corn of the granary and as the fullness of the winepress" (Numbers 18:27). The verse speaks of two terumot. One is teruma gedola, and the other one is teruma of the tithe. Just as teruma gedola is separated by estimation and is not measured exactly, and it is enough to separate it by thought, as the word "reckoned" implies that the mere intention to separate a particular portion serves to remove the rest of the produce from its untithed state, so too, teruma of the tithe can also be separated by estimation and by thought.

³⁵⁷ § Since it was mentioned incidentally, the Gemara discusses the matter itself: Rabbi Abbahu said that Rabbi Shimon ben Lakish said: With regard to first tithe, in a case in which the Levite preceded the priest while the grain was still on the stalks, its name renders it untithed produce, until he separates from it the teruma of the tithe. The Gemara asks: What is the reason for this halakha? Rava said: Since the name of the first tithe was called upon it, the obligation of the teruma of the tithe takes effect as well.

³⁵⁸ The Gemara cites a similar halakha that Rabbi Shimon ben Lakish said: With regard to first tithe, in a case in which the Levite preceded the priest while the grain was still on the stalks, before it was threshed and turned into a pile, the owner separated first tithe before teruma. In that case, the

separated tithe is exempt from *teruma gedola*. Although *teruma gedola* should have been separated from the produce first, and it should have included some of the produce taken as the first tithe, the Levite is nevertheless exempt from separating this *teruma*.

³⁵⁹ This is because it is stated: “And you shall set apart from it a *teruma* for the Lord, even a tenth part of the tithe” (Numbers 18:26), which indicates: A tenth part of the tithe, i.e., the *teruma* of the tithe, I, God, said to you that you must separate it, and you are not obligated in both *teruma gedola* and *teruma* of the tithe from the first tithe.

³⁶⁰ Rav Pappa said to Abaye: If so, if there is a source for this *halakha* in the Torah, even if the Levite preceded the priest, i.e., first tithe was separated after the grain had been threshed and the kernels of grain placed in a pile, then it should also be exempt from *teruma gedola*. Abaye said to Rav Pappa: With regard to your claim, the verse states: “From all that is given you, you shall set apart that which is the Lord’s *teruma*” (Numbers 18:29). This verse indicates that God’s *teruma*, i.e., *teruma gedola*, must be taken from all the produce, including the tithe.

³⁶¹ The Gemara asks: And what did you see that led you to require the separation of *teruma gedola* from first tithe that was taken from processed grain piled in the granary but not from first tithe that was taken from grain on stalks? Abaye answers: This, grain that has been threshed and placed into piles, is completely processed and has become grain, and that, grain that remains on the stalk, has not yet become grain. Until the grain is threshed and assembled in a pile, the obligation to separate *teruma* does not take effect, as it is not considered grain. When such unprocessed grain is designated first tithe, it ceases to be untithed produce and the opportunity to separate *teruma* from it has been missed. However, once the grain has been processed, and the obligation to separate *teruma* has taken effect, it is as if the *teruma* is already mixed in, and the obligation to separate it cannot be overridden by the fact that this produce has been designated first tithe.

³⁶² § We learned in a mishna there (Ma’asrot 4:5): One who peels grains of barley to eat them raw may peel them one by one and eat them immediately without tithing them, as this is considered a casual manner of eating. But if he peeled and placed several of them into his hand, he is obligated to separate tithes. Rabbi Elazar said: And a similar *halakha* applies to Shabbat. Peeling grains of barley one by one is not considered threshing, and it is permitted; if a whole handful of grains are peeled together, this does constitute the prohibited labor of threshing.

³⁶³ The Gemara asks: Is that so? But didn’t Rav’s wife peel for him barley on Shabbat by the cupful? And likewise Rabbi Ḥiyya’s wife would peel barley for him on Shabbat by the cupful. Rather, if Rabbi Elazar’s comment was stated in this context, it was stated with regard to the latter clause of that same mishna (Ma’asrot 4:5): With regard to one who husks kernels of wheat by hand, he may blow onto the chaff to disperse it a little at a time and eat the kernels without separating tithes. But if he blows on the kernels and puts a large amount of them into his lap, he is obligated to separate tithes from the food. It was with regard to this teaching that Rabbi Elazar said: And a similar *halakha* applies to Shabbat.

³⁶⁴ Rabbi Abba bar Memel strongly objects to this: And with regard to the first clause of the mishna, one should conclude: Yes, if one peeled a handful of barley, it is considered prepared with regard to tithes, but no, it is not considered threshing with regard to Shabbat? But is there anything that, with regard to Shabbat, is not considered the completion of the labor and may be performed; and yet, with

regard to tithes, it is considered the completion of the labor? Isn't the prohibition against work on Shabbat far more stringent than tithes in all its details?

³⁶⁵ Rav Sheshet, son of Rav Idi, strongly objects to this claim: And is there no example of a halakha in which tithes are treated more stringently than Shabbat? And is there not the halakha of their granary for tithes, as we learned in a mishna (Ma'asrot 1:5): What is the equivalent of their granary, i.e., the point at which the processing of various vegetables is completed so that they become obligated in tithes? With regard to cucumbers and gourds, they become obligated from when one trims the thin hairs that cover them [misheyefaksu], and for those he did not trim, from when he assembles them in a pile. And we also learned in a mishna (Ma'asrot 1:6), with regard to onions, that it is from when one assembles them in a pile. Whereas with regard to Shabbat, one who assembles produce in a pile is exempt, as this is not a prohibited labor on Shabbat.

³⁶⁶ Rather, what have you to say? Why is one exempt if he forms a pile on Shabbat? The Torah prohibited only planned, constructive labor on Shabbat, the type of work that involves the creation of something new, and the formation of a pile is not considered that kind of labor. Here too, with regard to peeling barley, the Torah prohibited creative work. Although collecting the peeled barley in one's hand is considered the completion of the labor in respect to tithes, it is not prohibited labor on Shabbat.

³⁶⁷ Apropos husking kernels on Shabbat, the Gemara asks: How may one husk grain on a Festival? Abaye said in the name of Rav Yosef: One finger on another, i.e., one may place the kernels between two fingers and rub. And Rav Avya said in the name of Rav Yosef: One may even do so one on two, i.e., between the thumb and two fingers. Rava said: Since he alters the manner in which he performs the activity, he may even do so with one finger on all the rest.

³⁶⁸ The Gemara further asks: How may one blow on the grain, to winnow it in a permitted manner on Shabbat? Rav Adda bar Ahava said that Rav said: One blows

³⁶⁹ from the joints of his fingers and above, i.e., he does not place the kernels mixed with chaff in his palm but on his fingers, which is an unusual way to hold them.

³⁷⁰ They laughed at this explanation in the West, Eretz Yisrael, saying: Since he alters his behavior from the usual method, doing so even with his entire hand should be permitted as well. Rather, the halakha is as Rav Elazar said: One may blow while holding the grain with one hand but not two, and he may even do so with all his strength, as this is not considered similar to a prohibited labor at all.

³⁷¹ MISHNA: Beit Shammai say: Spices may be pounded on a Festival in a slightly unusual manner, with a wooden pestle, and salt may be pounded only with an earthenware flask or with a wooden pot ladle, in a manner very different from that of a weekday. And Beit Hillel say: Spices may be pounded in their usual manner, even with a stone pestle, and as for salt, although it must be pounded in an irregular manner, a slight modification such as pounding it with a wooden pestle is enough to render the act permitted.

³⁷² GEMARA: In any event, everyone, both Beit Shammai and Beit Hillel, agrees that the pounding of salt requires a change; it may not be performed in the regular weekday manner. What is the reason for this? Rav Huna and Rav H̥isda disputed this issue. One of them said: Everyone knows that all dishes require salt, and therefore one should prepare salt the day before the Festival. Since he failed to do so, this task may be performed on the Festival only in an unusual manner. But not all dishes

require spices, and therefore it is possible that on the day prior to the Festival, one was not aware that he would require spices on the Festival.

³⁷³ And the other one said a different reason: All spices lose their flavor and cannot be prepared ahead of time, and salt does not lose its flavor, which means one could have prepared it the day before. Since he neglected to do so, he may prepare salt on the Festival only in an unusual manner.

³⁷⁴ The Gemara asks: What is the practical difference between these two reasons? The Gemara answers: The practical difference between them is in a case where one knew beforehand which type of dish he wants to cook on the Festival. Since he knew which spices he would require, he could have prepared them the day before, in which case spices are no different from salt, and one should be required to prepare them in an unusual manner. However, if the reason is that spices lose their flavor, the fact that he knew which dishes he planned to prepare is of no relevance. Alternatively, there is a practical difference in the case of saffron, whose flavor does not dissipate over the course of a single day. Consequently, one who knows what dish he will prepare on the Festival could have prepared the saffron the day before.

³⁷⁵ Rav Yehuda said that Shmuel said: All foods that must be pounded before being eaten may be pounded in their usual manner, and this applies even to salt. The Gemara challenges this: But didn't you say that everyone agrees that salt requires a change in its manner of preparation? The Gemara answers: He said this halakha in accordance with the opinion of that tanna, as it is taught in a baraita that Rabbi Meir said: Beit Shammai and Beit Hillel did not disagree in the case of foods that are regularly pounded. They both maintain that they may be pounded in their usual manner, and salt can be pounded together with them.

³⁷⁶ They disagreed only about whether it is permitted to pound salt by itself, as Beit Shammai say: Salt may be pounded with a flask and with a wooden pot ladle for roasting, i.e., in small quantities, as one does not require much salt for roasting meat, but it may not be pounded in the large quantities required to salt meat for a cooked pot. And Beit Hillel say: It may be pounded by anything. The Gemara expresses surprise at this last statement: By anything? Can this enter your mind? How can Beit Hillel say that one may pound salt in any manner, when it has been established that everyone agrees that this may be performed only in an unusual manner? Rather, say: Salt may be pounded for anything, whether it is a small quantity for roasting or a large quantity for salting meat.

³⁷⁷ Rav Aḥa Bardela said to his son: When you pound salt, tilt it a little to the side and then pound, so that it will at least be performed in a slightly different manner on a Festival. The Gemara similarly relates: Rav Sheshet heard the sound of a pestle pounding salt on a Festival. He said to himself: This sound is not coming from inside my house, as I have instructed the members of my household not to do so.

³⁷⁸ The Gemara asks: But perhaps they tilted it and pounded in a permitted manner? The Gemara answers: This could not have been the case, as Rav Sheshet heard that it was a clear sound, unlike the one produced when a pestle is tilted. The Gemara asks: But perhaps they were pounding spices, which may be pounded in the regular fashion on a Festival? The Gemara answers: The sound produced by pounding spices is distinctive, like a bark, which he would have recognized.

³⁷⁹ § The Sages taught in a baraita: On a Festival one may not prepare groats [tisane], a dish comprised of grains of wheat crushed into quarters, which involves great effort, nor may one grind grain with a mortar and pestle. The Gemara expresses puzzlement: These are two contradictory

rulings. The tanna first stated that groats alone may not be prepared, as this involves hard work, implying that other items may be ground. He subsequently states that one may not grind with a mortar and pestle at all. The Gemara answers: This is what he said: The baraita should be amended to read as follows: What is the reason that one may not prepare groats? Because one may not grind with a mortar and pestle.

³⁸⁰ And let the tanna simply say: One may not grind with a mortar and pestle, from which it can be inferred that groats may not be prepared. The Gemara explains that if he teaches only: One may not grind with a mortar and pestle, I would have said that this applies only to a large mortar and pestle, whose use has the appearance of a weekday activity; but with a small mortar and pestle, one might say it seems well, and one may prepare even groats with this mortar and pestle. The tanna therefore teaches us that groats may not be prepared in any manner.

³⁸¹ The Gemara challenges this: But isn't it taught explicitly in a baraita that one may not grind with a large mortar and pestle, but one may grind with a small mortar and pestle? Abaye said: Also, when the first baraita was taught, it was taught with regard to a large mortar and pestle, not a small one. In other words, the baraita is stating two halakhot, not one, as claimed previously. The tanna first rules that one may not prepare groats even with a small mortar and pestle, and he subsequently states that one may not use a large mortar and pestle for any purpose.

³⁸² Rava said: This is not difficult; the baraitot do not contradict one another. This ruling, which permits a small mortar and pestle, is for us, the residents of Babylonia, who do not have servants, and that statement is for them, the inhabitants of Eretz Yisrael, who have many servants. Since servants might treat the prohibition lightly, by using a large mortar and pestle and claiming they had used only a small one, they are prohibited from pounding in all cases.

³⁸³ The Gemara relates: Rav Pappi happened to come on a Festival to the house of Mar Shmuel. He brought to him porridge, made from wheat groats, but he did not eat it, out of concern that the wheat might have been pounded on the same day. The Gemara asks: And perhaps they performed the pounding with a small mortar and pestle, in a permitted manner? The Gemara answers: This cannot be the case, as he observed that it was well ground, which cannot be achieved by means of a small mortar and pestle.

³⁸⁴ The Gemara asks: And perhaps they prepared it the day before, on the Festival eve? The Gemara answers: This cannot be the case, as he observed that the husks of the groats were bright, an indication that they had been prepared recently. And if you wish, say instead that he refrained from eating for another reason, because the house of Mar Shmuel is different, as he had slaves, and slaves are lax with regard to prohibitions. Therefore, Mar Shmuel ought to have prohibited all forms of grinding in his house, to ensure that no one grind anything in an inappropriate manner.

³⁸⁵ MISHNA: With regard to one who selects legumes on a Festival by separating the edible and inedible portions, Beit Shammai say: He may select food and eat it immediately, while leaving the refuse. And Beit Hillel say: He may select in his usual manner, in his lap, with a tray, or with a large vessel, but he may not do so with a tablet, nor with a winnow, nor with a sieve, as these vessels are specially designed for selecting, which gives his action the appearance of a weekday activity. Rabban Gamliel says: One may even wash the legumes in water and skim off the refuse floating on top.

³⁸⁶ GEMARA: It is taught in a baraita: Rabban Gamliel said: In what case is this statement said? Under what circumstances did Beit Hillel permit the removal of the refuse in the weekday manner of

selecting? In a case where the quantity of the food is greater than the quantity of the refuse. However, if the quantity of refuse is greater than the quantity of food, everyone agrees that one must remove the food and leave the refuse.

³⁸⁷ The Gemara asks: If the quantity of refuse is greater than the quantity of food, is there an opinion that permits it? Since the smaller amount of food is nullified by the refuse, the entire mixture is considered muktze and may not be moved. The Gemara answers: No, it is necessary to state this halakha in a case where the removal of the refuse is greater in terms of effort, and yet it is smaller in size. In other words, there is actually more food than refuse, but since greater effort is required to remove the refuse, it is preferable to remove the food.

³⁸⁸ The mishna taught that Rabban Gamliel says: One may even wash the legumes in water and skim off the refuse floating on top. It is taught (Tosefta, Beitza 1): Rabbi Elazar, son of Rabbi Tzadok, said: This was the custom of the house of Rabban Gamliel, that they would bring a bucket full with lentils and pour water in it, and then the food would sink down and the refuse would float up, which spared them from having to separate the lentils from the refuse manually.

³⁸⁹ The Gemara asks: But isn't the opposite taught in another baraita, that the food rose to the top while the refuse sunk below? The Gemara answers: It is not difficult. This baraita, which says the refuse sinks down, is referring to refuse in the form of earth, which sinks below the lentils; that baraita, where it is stated that the refuse rises, speaks of straw, which floats on water.

³⁹⁰ MISHNA: Beit Shammai say: One may send only portions of prepared food on a Festival, but not any other gifts. And Beit Hillel say: One may even send gifts of domesticated animals, undomesticated animals, and fowl, whether alive or slaughtered. Similarly, one may send wines, oils, and vessels of flour, and even legumes, but not grain, which is unfit for use, as one may not grind it on the Festival. And Rabbi Shimon permits sending gifts even in the case of grain, as it can be made into porridge without being ground.

³⁹¹ GEMARA: Rav Yehiel teaches: And one may send these items provided that he does not do it by means of a convoy of people, as they would look as though they were transporting merchandise to the marketplace. It is taught in a baraita: A convoy consists of no less than three people; if there are fewer than three, it is not called a convoy and is permitted. Rav Ashi raised a dilemma: In a case of three people and three different types of food, what is the halakha? Is this considered a convoy, or does the fact that there are three different types of food mean that each of them is considered a separate item? The Gemara answers: The dilemma shall stand unresolved, as no answer was found.

³⁹² The mishna taught that Rabbi Shimon permits the sending of grain. It is taught in a baraita: Rabbi Shimon permits the sending of grain, for example: Wheat to prepare from it ludiyot, a type of cookie; barley to place before his animal; or lentils to prepare from them resisin, a dish made from crushed lentils.

³⁹³ MISHNA: One may send clothes, whether they are sewn or whether they are unsewn, and even if they contain diverse kinds, a prohibited mixture of wool and linen [sha'atnez]. But one may do so only if they serve the purposes of the Festival. However, one may not send a spiked sandal, which has nails fixed to it, as the Sages decreed that one may not wear a sandal of this kind on a Shabbat or Festival, nor an unsewn shoe, which is not suitable for a Festival. Rabbi Yehuda says: One may not even send a white shoe, which people do not usually wear, because it requires an artisan to paint it black. This is the general principle: Anything that one may use on a Festival, one may send it.

³⁹⁴ GEMARA: The Gemara asks a question: Granted, it is permitted to send sewn clothes, as they are suitable for wearing. With regard to clothes that are not sewn as well, they are at least suitable for covering oneself. But in the case of clothes than contain diverse kinds, for what use are they suited? Since these clothes may not be used on the Festival, why is it permitted to send them?

³⁹⁵ And if you say that clothes of diverse kinds are suited for one to place underneath himself, but isn't it taught in a baraita: "Neither shall there come upon you a garment of diverse kinds" (Leviticus 19:19)? This verse teaches that one may not wear this garment, but by Torah law you may spread it beneath you. However, the Sages said: It is prohibited to do so, lest a thread [nima] wind itself around his flesh. This shows that the Sages prohibited even spreading underneath oneself a cloth that contains a mixture of wool and linen.

³⁹⁶ And if you say that the allowance of cloth of diverse kinds is referring to a case where there is something separating between them, i.e., one may place a garment of diverse kinds beneath another object, but didn't Rabbi Shimon ben Pazi say that Rabbi Yehoshua ben Levi said that Rabbi Yosei ben Shaul said that Rabbi Yehuda HaNasi said, in the name of the sacred congregation in Jerusalem: Even in a case of ten mattresses placed one on top of the other and a cloth of diverse kinds underneath them, it is prohibited to sleep on them, as it is stated: "Neither shall there come upon you" (Leviticus 19:19).

³⁹⁷ Rather, the mishna is referring to a curtain [vilon] of diverse kinds, which may be hung up, as it is not an item of clothing. The Gemara challenges this: But didn't Ulla say: For what reason did the Sages say that a curtain is ritually impure, i.e., that it can contract the impurity of a vessel despite the fact that it is not directly used by people? Because the attendant warms himself with it. Since attendants use curtains as makeshift blankets when they are cold, a curtain may not be made from a mixture of wool and linen.

³⁹⁸ Rather, it is referring to hard clothes, upon which it is permitted to sit even if they are a mixture of wool and linen. And this is in accordance with the opinion that Rav Huna, son of Rav Yehoshua, said: With regard to this hard felt [namta] material produced in the town of Neresh, it is permitted to sit or recline on it, and one need not be concerned about the fact that it is a mixture of wool and linen.

³⁹⁹ Rav Pappa said: With regard to felt socks [ardalayin], there is no prohibition of diverse kinds regarding them, as they are hard. Rava said: These bundles for coins, comprised of hard fabric or felt, there is no prohibition of diverse kinds with regard to them. However, with regard to pouches for holding seeds, there is a prohibition of diverse kinds with regard to them, as they are larger and softer than both felt socks and hard bundles for coins. Rav Ashi said: Both this and that have no prohibition of diverse kinds with regard to them because using these items is not the usual manner of keeping warm. Even if these objects are placed close to one's skin, this is not the usual way of wearing clothes and warming oneself, and therefore they are permitted.

⁴⁰⁰ § The mishna taught: However, one may not send a spiked sandal on a Festival. The Gemara asks: A spiked sandal, what is the reason that it may not be worn? The Gemara answers: It is due to an incident that occurred. A great tragedy resulted when people wore spiked sandals on Shabbat, which led the Sages to decree that these sandals may not be worn on a Shabbat or Festival.

⁴⁰¹ Abaye said: With regard to a spiked sandal, it is prohibited to wear it on Shabbat, but it is permitted to move it. He clarifies: It is prohibited to wear a spiked sandal, due to the incident that occurred. And it is permitted to move it, from the fact that the mishna teaches: One may not send. For

if it enters your mind that it is prohibited even to move a spiked sandal, now consider: If it were prohibited to move it, is the mishna required to state that one may send it? Rather, it must certainly be permitted to move a spiked sandal inside the house, despite the fact that one may not wear it.

⁴⁰² The mishna further teaches: Nor may one send an unsewn shoe on a Festival. The Gemara asks: This is obvious, as these shoes are unfit for wearing. The Gemara answers: This statement was necessary only to teach that although the shoe is attached with pins and can be worn, it may not be sent on a Festival. Since it is not properly sewn, it is not usually worn.

⁴⁰³ The mishna teaches that Rabbi Yehuda says: One may not even send a white shoe. It is taught in a baraita: Rabbi Yehuda permits the sending of a black shoe but prohibits the sending of a white one because a white one requires a lump of chalk to color it properly. Rabbi Yosei prohibits the sending of a black shoe because one needs to polish it.

⁴⁰⁴ The Gemara comments: And they do not disagree with regard to the halakha, as this Sage ruled in accordance with the custom of his locale, and this Sage ruled differently, in accordance with the custom of his locale. In the place of this Sage, Rabbi Yehuda, the leather was made so that the side of the hide facing the flesh is on the underneath, facing the inside of the shoe, and therefore it does not require polishing; whereas in the place of that Sage, Rabbi Yosei, the leather was made so that side of the hide facing the flesh is above, facing the outside of the shoe. That side is often cracked and uneven and requires smoothing and polishing.

⁴⁰⁵ § The mishna taught that this is the general principle: With regard to any article that one may use on a Festival, one may send it. The Gemara relates: Rav Sheshet permitted the Sages to send phylacteries on a Festival. Abaye said to him: But didn't we learn in the mishna: With regard to any article that one may use on a Festival, one may send it? Phylacteries are not worn on Festivals. The Gemara answers: This is what the mishna is saying: With regard to any article that one may use on a weekday, one may send it on a Festival.

⁴⁰⁶ Abaye said: With regard to phylacteries, since this topic has come before us in the previous discussion, let us say a novel matter about it: If someone was coming on the road on the eve of a Shabbat or Festival, and he had phylacteries on his head, as the practice then was to don phylacteries the entire day, but not at night, and the sun set before he arrived at his destination, signaling the beginning of the Shabbat or Festival, when phylacteries may not be worn or even moved, he places his hand upon them to cover them so that people will not see them until he reaches his house, at which point he removes them. If he was sitting in the study hall with phylacteries on his head, and the day of Shabbat or the Festival was sanctified, for which he was unprepared, he places his hand upon them until he reaches his house.

⁴⁰⁷ Rav Huna, son of Rav Ika, raised an objection from the following teaching: If one was coming on the road with phylacteries on his head, and the day was sanctified before he arrived at his destination, he places his hand upon them until he reaches the house nearest the wall, where he removes them and leaves them there. If he was sitting in the study hall, outside the city, and the day was sanctified, for which he was unprepared, he places his hand upon them until he reaches a house that is near the study hall, where there are people who can guard the phylacteries. This shows that one may not bring phylacteries all the way to his house, but only to the nearest place within the city boundary.

⁴⁰⁸ The Gemara answers: This is not difficult. This baraita, which teaches that one places the phylacteries in the house nearest the wall, is referring to a case where the phylacteries can be

safeguarded there, whereas that baraita, which states that he may bring them all the way to his house, deals with a situation where they are not safeguarded in the nearest house.

⁴⁰⁹ The Gemara challenges this: If the baraita is dealing with a case where the phylacteries are not safeguarded, why discuss specifically the case of phylacteries that were on his head? Even if one was not donning them but found them placed on the ground, he should also be required to don them and bring them to the house, for didn't we learn in a mishna (Eiruvין 95a): One who finds phylacteries lying in a field outside of the city on Shabbat should don them and bring them into the city one pair at a time?

⁴¹⁰ The Gemara answers: This is not difficult. This baraita, where it was taught that one need not don the phylacteries if they were not already on his head, is referring to a situation where they are safeguarded from thieves and also from dogs. That mishna, which stated that even if one found them on the ground, he must put them on and bring them into the city, is referring to a case where they are safeguarded from dogs but are not safeguarded from thieves.

⁴¹¹ The Gemara clarifies the novel element of the mishna's ruling. Lest you say: Since most thieves [listim] are Jews, who would not treat phylacteries with contempt, one should not be allowed to carry them because there is no danger that they will be desecrated if they are left in their place, the mishna teaches us that the halakha takes the minority of cases into account. It is therefore appropriate to don the phylacteries and bring them into the city.

Chapter 2

¹ MISHNA: With regard to a Festival that occurs on Shabbat eve, one may not cook on the Festival with the initial intent to cook for Shabbat. However, he may cook on that day for the Festival itself, and if he left over any food, he left it over for Shabbat. The early Sages also instituted an ordinance: The joining of cooked foods [eiruv tavshilin], which the mishna explains. One may prepare a cooked dish designated for Shabbat on a Festival eve and rely on it to cook on the Festival for Shabbat.

² The tanna'im disagreed with regard to the details of this ordinance: Beit Shammai say: For the purpose of the joining of cooked foods one must prepare two cooked dishes, and Beit Hillel say: One dish is sufficient. And they both agree with regard to a fish and the egg that is fried on it that these are considered two dishes for this purpose.

³ If one ate the food prepared before the Festival as an eiruv and none of it remained for Shabbat, or if it was lost, he may not rely on it and cook with the initial intent to cook for Shabbat. If he left any part of the eiruv, he may rely on it to cook for Shabbat.

⁴ GEMARA: The Gemara asks: From where are these matters derived? What is the source of the halakha of the joining of cooked foods and of the halakha that one who failed to prepare such an eiruv may not cook on a Festival for Shabbat? Shmuel said that the source is as the verse states: "Remember the Shabbat day, to keep it holy" (Exodus 20:8); from which he infers: Remember it and safeguard it from another day that comes to make it forgotten. When a Festival occurs on Friday, preoccupation with the Festival and the preparation and enjoyment of its meals could lead one to overlook Shabbat. Therefore, the Sages instituted an ordinance to ensure that Shabbat will be remembered even then.

⁵ The Gemara asks: What is the reason that the Sages instituted this ordinance in particular to ensure that Shabbat would not be overlooked? Rava said: The Sages did so in deference to Shabbat, and they instituted an eiruv so that one will select a choice portion for Shabbat and a choice portion for the Festival. If one fails to prepare a dish specifically for Shabbat before the Festival, it could lead to failure to show the appropriate deference to Shabbat.

⁶ Rav Ashi stated a different reason: The Sages did so in deference to the Festival, so that people will say: One may not bake on a Festival for Shabbat unless he began to bake the day before; all the more so, one may not bake on a Festival for a weekday.

⁷ We learned in the mishna: One may prepare a cooked dish on a Festival eve and rely on it to cook for Shabbat. Granted, according to Rav Ashi, who said that the reason for an eiruv is so that people will say: One may not bake on a Festival for Shabbat; that is why on a Festival eve, yes, one may prepare the eiruv, but on the Festival itself, no, one may not do so, as it is a reminder that in principle one may not cook on a Festival for Shabbat. However, according to Rava, who stated that the reason for the eiruv is to ensure that one selects choice portions for both the Festival and Shabbat, why does the mishna discuss specifically preparation on a Festival eve? Even were one to prepare a dish for Shabbat on the Festival as well, it would guarantee that he accord the appropriate deference to Shabbat.

⁸ The Gemara answers: Yes, it is indeed so; that objective could have been achieved even on the Festival. However, the Sages issued a decree that the eiruv must be prepared on the Festival eve lest one be negligent and fail to prepare one entirely.

⁹ The Gemara comments: And a tanna cites the proof for eiruv tavshilin from here, the following verse: “Tomorrow is a day of rest, a holy Shabbat to the Lord. Bake that which you will bake and cook that which you will cook, and all that remains put aside to be kept for you until the morning” (Exodus 16:23). From here Rabbi Eliezer said: One may bake on a Festival for Shabbat only by relying on that which was already baked for Shabbat the day before, and adding to it; and one may cook only by relying on that which was already cooked. From this verse the Sages established an allusion to the joining of cooked foods from the Torah.

¹⁰ § The Sages taught in a baraita: There was an incident involving Rabbi Eliezer, who was sitting and lecturing about the halakhot of the Festival throughout the entire Festival day. When the first group left in the middle of his lecture, he said: These must be owners of extremely large jugs [pittasin], who apparently have huge containers of wine awaiting them as well as a comparable amount of food, and they have left the house of study out of a craving for their food. After a while a second group departed. He said: These are owners of barrels, which are smaller than pittasin. Later a third group took its leave, and he said: These are owners of jugs, even smaller than barrels.

¹¹ A fourth group left, and he said: These are owners of jars [laginin], which are smaller than jugs. Upon the departure of a fifth group, he said: These are owners of cups, which are smaller still. When a sixth group began to leave, he became upset that the house of study was being left almost completely empty and said: These are owners of a curse; i.e., they obviously do not have anything at home, so why are they leaving?

¹² He cast his eyes upon the students remaining in the house of study. Immediately, their faces began to change color out of shame, as they feared he was referring to them and that perhaps they should have departed along with the others instead of staying. He said to them: My sons, I did not say that

about you but about those who left, because they abandon the eternal life of Torah and engage in the temporary life of eating.

¹³ At the time of the remaining students' departure at the conclusion of Rabbi Eliezer's lecture, he said to them the verse: "Go your way, eat the fat and drink the sweet, and send portions to him for whom nothing is prepared, for this day is holy to our Lord; and do not be grieved, for the joy of the Lord is your strength" (Nehemiah 8:10).

¹⁴ The Gemara clarifies this baraita. The Master said above: Because they abandon eternal life and engage in temporary life. The Gemara wonders at this: But isn't the joy of the Festival itself a mitzva and therefore part of eternal life? The Gemara answers: Rabbi Eliezer conforms to his standard line of reasoning, as he said: Physical joy on a Festival is merely optional.

¹⁵ As it is taught in a baraita that Rabbi Eliezer says: A person has no way of fulfilling the mitzva of a Festival correctly apart from either eating and drinking, thereby fulfilling the mitzva of joy in a completely physical manner, or sitting and studying Torah, thereby emphasizing only the spiritual; and those who did not engage in Torah study to the fullest extent acted inappropriately. Rabbi Yehoshua says: There is no need for such a dichotomy; rather, simply divide it: Half to God, Torah study, and half to yourselves, engaging in eating, drinking, and other pleasurable activities.

¹⁶ Rabbi Yoḥanan said: And both of them derived their opinions from one verse, i.e., the two of them addressed the same apparent contradiction between two verses, resolving it in different ways. One verse states: "It shall be a solemn assembly for the Lord, your God" (Deuteronomy 16:8), indicating a Festival dedicated to the service of God, and one verse states: "It shall be a solemn assembly for you" (Numbers 29:35), indicating a celebratory assembly for the Jewish people. How is this to be reconciled? Rabbi Eliezer holds that the two verses should be understood as offering a choice: The day is to be either entirely for God, in accordance with the one verse, or entirely for you, as per the other verse; and Rabbi Yehoshua holds that it is possible to fulfill both verses: Split the day into two, half of it for God and half of it for you.

¹⁷ § Since the baraita mentions the verse from Nehemiah, the Gemara poses the following question: What is the meaning of: "Send portions to him for whom nothing is prepared" (Nehemiah 8:10)? Rav Ḥisda said: Send to one who does not have food of his own prepared for Shabbat that follows the Festival because he did not prepare a joining of cooked foods and must therefore rely on others. Some say that he said the following: It is necessary to provide food for one who did not have an opportunity to prepare a joining of cooked foods on the eve of the Festival; but one who had an opportunity to prepare a joining of cooked foods and did not prepare one is negligent, and there is no obligation to care for him.

¹⁸ The Gemara poses another question with regard to the same verse: What is the meaning of: "For the joy of the Lord is your strength"? Rabbi Yoḥanan said in the name of Rabbi Eliezer, son of Rabbi Shimon: The Holy One, Blessed be He, said to the Jewish people: My children, borrow on My account, and sanctify the sanctity of the day of Shabbat and the Festivals with wine, and trust in Me, and I will repay this debt.

¹⁹ Apropos the statement attributed to Rabbi Yoḥanan in the name of Rabbi Eliezer, son of Rabbi Shimon, the Gemara cites another statement that Rabbi Yoḥanan said in the name of Rabbi Eliezer, son of Rabbi Shimon: One who wants his properties to be preserved and protected from ruin should plant an eder tree among them, as it is stated: "The Lord on high is mighty [adir]" (Psalms 93:4). Due

to the similarity of the words *eder* and *adir*, this is understood to mean that the *eder* tree bestows permanence.

²⁰ Alternatively: The *eder* tree will preserve one's property, as implied by its name, as people say: What is alluded to in the name of the *eder*? Its name hints that it endures for many generations [*darei*]. This is also taught in a baraita: A field that contains an *eder* tree will be neither stolen nor forcibly removed from one's possession, as the *eder* serves as a clear indication of its owner, and its fruit is preserved, as the unique odor of the *eder* sap wards off insects.

²¹ § The Gemara returns to the previous issue: Rav Taḥlisa, brother of Ravnai Ḥoza'a, taught:

²² A person's entire livelihood is allocated to him during the period from Rosh HaShana to Yom Kippur. During that time, as each individual is judged, it is decreed exactly how much money he will earn for all his expenditures of the coming year, except for expenditures for Shabbatot, and expenditures for Festivals, and expenditures for the school fees of his sons' Torah study. In these areas, no exact amount is determined at the beginning of the year; rather, if he reduced the amount he spends for these purposes, his income is reduced and he earns that much less money in that year, and if he increased his expenditures in these areas, his income is increased to ensure that he can cover the expense. Therefore, one may borrow for these purposes, since he is guaranteed to have enough income to cover whatever he spends for them.

²³ Rabbi Abbahu said: What is the verse from which this dictum is derived? The source is: "Blow the shofar at the New Moon, at the concealed time for our Festival day" (Psalms 81:4). On which Festival is the new moon concealed? You must say that it is Rosh HaShana, which occurs on the first of the month, when the moon is not yet visible, while the moon is visible during the other Festivals, which occur in the middle of the month. And it is written in the next verse: "For it is a statute [*ḥok*] for Israel, a judgment of the God of Jacob" (Psalms 81:5).

²⁴ The Gemara explains: From where may it be inferred that this word "statute [*ḥok*]" is a term relating to food? As it is written: "And they ate their allotment [*ḥukkam*], which Pharaoh gave them" (Genesis 47:22). Mar Zutra said: One can learn that *ḥok* is referring to food from here: "Feed me with my allotted [*ḥukki*] bread" (Proverbs 30:8).

²⁵ It is taught in a baraita: They said about Shammai the Elder that all his days he would eat in honor of Shabbat. How so? If he found a choice animal, he would say: This is for Shabbat. If he subsequently found another one choicer than it, he would set aside the second for Shabbat and eat the first. He would eat the first to leave the better-quality animal for Shabbat, which continually rendered his eating an act of honoring Shabbat.

²⁶ However, Hillel the Elder had a different trait, that all his actions, including those on a weekday, were for the sake of Heaven, as it is stated: "Blessed be the Lord, day by day; He bears our burden, our God who is our salvation; Selah" (Psalms 68:20), meaning that God gives a blessing for each and every day. That is also taught in a baraita in more general terms: Beit Shammai say: From the first day of the week, Sunday, start preparing already for your Shabbat. And Beit Hillel say: "Blessed be the Lord, day by day."

²⁷ § Apropos the statements about honoring Shabbat, the Gemara cites another statement on the same topic. Rabbi Ḥama, son of Rabbi Ḥanina, said: One who gives a gift to his friend need not inform him that he has given it to him, and he need not concern himself that the recipient might not realize

who gave it to him. As it is stated: “And Moses did not know that the skin of his face was radiant” (Exodus 34:29); Moses received this gift unawares.

²⁸ The Gemara raises an objection to this. Isn’t it written: “Nevertheless, you must keep My Shabbatot, for this is a sign between Me and you throughout your generations, that you may know that I am the Lord Who sanctifies you” (Exodus 31:13), which the Sages expounded as follows: The Holy One, Blessed be He, said to Moses: Moses, I have a good gift in My treasury, and its name is Shabbat, and I wish to give it to the Jewish people. Go and inform them of this intention of Mine. And from here Rabban Shimon ben Gamliel said: One who gives a gift of a piece of bread to a child must inform his mother of his actions, so that the child’s parents will be aware of the giver’s fond feelings for them, thereby enhancing friendly relations and companionship among Jews. This appears to be in direct contradiction to Rabbi Hama’s statement.

²⁹ The Gemara answers: This is not difficult; this case, where one need not inform the recipient, is referring to a gift that is likely to be revealed, such as Moses’ shining face, which everyone would point out to him; that case, where one must inform the recipient, is referring to a gift that is not likely to be revealed in the natural course of events. The Gemara challenges: Isn’t Shabbat also a gift that is likely to be revealed, as the Jews would eventually be instructed with regard to the time and nature of Shabbat? The Gemara answers: Nevertheless, its reward is not likely to be revealed. Therefore, God told Moses to inform the Jews of the gift of Shabbat and its reward.

³⁰ The Master said earlier that from here Rabban Shimon ben Gamliel said: One who gives a piece of bread to a child must inform his mother. The Gemara asks: What does he do to him; how does he inform the child’s mother? He rubs oil on him and paints his eyes blue, so that when the child arrives home his mother will ask him who did this to him and he will reply that it was a person who also gave him a piece of bread. The Gemara comments: And nowadays, when we are concerned about witchcraft, i.e., that painting the child’s eyes might have been performed as an act of sorcery, what should one do? Rav Pappa said: He rubs on the child a little of that same type of food that he put on the bread, such as butter or cheese, and this will cause the child’s mother to notice that he received a present.

³¹ The Gemara cites a further statement with regard to the gift of Shabbat to the Jewish people. Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai: All the mitzvot that the Holy One, Blessed be He, gave to the Jewish people, He gave to them in public [parhesya] except for Shabbat, which he gave to them in private. As it is stated: “It is a sign between Me and the children of Israel forever” (Exodus 31:17), meaning that in a sense, it is a secret between God and the Jewish people.

³² The Gemara challenges: If it is so that it was given in secret so that not everyone knew about it, the gentiles should not be punished for not wanting to accept it; they are liable to receive punishment for refusing to accept the other mitzvot of the Torah. The Gemara answers: The Holy One, Blessed be He, did inform them of the concept of Shabbat, but He did not inform them of the reward for the fulfillment of the mitzva. And if you wish, say instead that He also informed the gentiles of its reward, but about the idea of the additional soul given to each person on Shabbat He did not inform them.

³³ As Rabbi Shimon ben Lakish said: The Holy One, Blessed be He, gives a person an additional soul on Shabbat eve, and at the conclusion of Shabbat removes it from him, as it is stated: “He ceased from work and was refreshed [vayinafash]” (Exodus 31:17). Rabbi Shimon ben Lakish

expounds the verse as follows: Since he ceased from work, and now Shabbat has concluded and his additional soul is removed from him, woe [vai] for the additional soul [nefesh] that is lost.

³⁴ It was taught in the mishna that a person may prepare a cooked dish on a Festival eve and rely on it for Shabbat for the joining of cooked foods. Abaye said: They taught that the joining of cooked foods allows one to cook on a Festival for Shabbat only when it is made from a cooked dish; however, if it is composed of bread alone, no, this is not sufficient.

³⁵ The Gemara asks: What is different about bread that makes it not fit for this purpose? If we say that we require something that accompanies bread, and bread does not accompany itself, the following difficulty arises: Porridge also does not accompany bread, as Rabbi Zeira said: Those foolish Babylonians eat bread with bread, referring to their custom of eating bread with porridge. This shows that porridge is no better accompaniment to bread than bread itself, and yet Rav Neḥumi bar Zekharya said in the name of Abaye: One may establish an eiruv with porridge. Rather, one must say as follows: We require something that is not routine, so that it will be clear that one is setting it aside for the purpose of an eiruv, and bread is routine, whereas porridge is not routine.

³⁶ Some say a different version of this discussion: Abaye said: They taught that a joining of cooked foods allows one to cook on a Festival for Shabbat only when it is made from a cooked dish; however, if it is composed of bread, no, that is not sufficient. The Gemara asks: What is the reason for this? If we say that we require something that is not routine, and bread is routine, the following difficulty arises: Isn't porridge not particularly routine? And yet Rav Neḥumi bar Zekharya said in the name of Abaye: One may not establish an eiruv with porridge. Rather, one should say as follows: We require something that accompanies bread, and bread does not accompany itself, and porridge, too, does not accompany bread, as Rabbi Zeira said: Those foolish Babylonians eat bread with bread, from which it is clear that like bread, porridge does not accompany bread and consequently cannot constitute an eiruv.

³⁷ Rabbi Ḥiyya taught: With regard to lentils that remain at the bottom of a pot on the eve of a Festival, one may rely on them for the joining of cooked foods. Although they were not prepared with this purpose in mind, they are nevertheless considered a cooked dish. And this applies only if there is an olive-bulk of lentils in total. Similarly, Rav Yitzḥak, son of Rav Yehuda, said: With regard to fat of meat and the like that is on a knife, one may scrape it off the knife and rely on it for the joining of cooked foods; and this applies only if there is an olive-bulk of fat in total.

³⁸ Rav Asi said that Rav said: Small salted fish that a gentile then cooked are not considered the cooked food of gentiles because cooking does not prepare them to be food any more than they already were, as they can be eaten in their salted state. Rav Yosef said: And even if a gentile roasted them, a Jew may rely on them for the joining of cooked foods, as they are not considered the cooked food of a gentile and are indeed already edible. However, if the gentile made them into fish fried with oil and flour [kasa deharsena], it is prohibited to eat them. In this case they are considered the cooked food of a gentile, since his actions have made them into noteworthy food.

³⁹ The Gemara challenges: It is obvious that this is the case; it need not be taught. The Gemara answers: The justification for teaching it is lest you say that

⁴⁰ the fish fat, which one is permitted to eat even if cooked by gentiles, is the essential element. Therefore, he teaches us that the flour is the essential element, and the gentile has created a new and significant dish, which is consequently prohibited.

⁴¹ Rabbi Abba said: A joining of cooked foods requires an olive-bulk of food. A dilemma was raised before the Sages: Is it enough to have one olive-bulk for all of the household members who are relying on this eiruv, or perhaps must there be a separate olive-bulk for each and every one in the household? Come and hear that which Rabbi Abba said that Rav said: A joining of cooked foods requires an olive-bulk, whether it is cooked for a single person or for one hundred people.

⁴² The Gemara comments: We learned in the mishna: If one ate the joining of cooked foods that he prepared, or if it was lost, he may not rely on it and cook with the initial intent to cook for Shabbat; but if he left any part of the eiruv, he may rely on it to cook for Shabbat. The Gemara asks: What is the meaning of: Any part of it? Doesn't it mean that it is valid although there is not an olive-bulk? The Gemara answers: No, the phrase: Any part of it, means that there is at least an olive-bulk left.

⁴³ The Gemara attempts to bring another proof. Come and hear: The cooked dish that is required for a joining of cooked foods may be roasted, or even pickled, or well-boiled, or boiled in the regular manner, or may even be Spanish soft sea fish [koleyas ha'ispenin] upon which one poured hot water on the eve of the Festival, rendering it cooked. With regard to its beginning and end, meaning its required size ab initio and after it has been reduced by being partially lost or partially eaten, the eiruv has no required measure. What, is it not that it has no required measure at all, not even a minimum one? The Gemara rejects this: No, it means it does not have a maximum measure, but it does have a minimum measure, namely an olive-bulk.

⁴⁴ Rav Huna said that Rav said: A joining of cooked foods requires knowledge, meaning that one must be aware of the eiruv for it to be effective. The Gemara comments: It is obvious that we require the knowledge of the one who prepares the eiruv; the question is: Do we also require the knowledge of the one for whom the eiruv is prepared, or do we not require it?

⁴⁵ The Gemara suggests: Come and hear a proof from the following testimonies: Shmuel's father would prepare an eiruv for the entire city of Neharde'a, and Rabbi Ami and Rabbi Asi would prepare an eiruv for the entire city of Tiberias. Similarly, Rabbi Ya'akov bar Idi would announce: Anyone who did not prepare a joining of cooked foods for himself should come and rely on mine. The Gemara asks: And up to how much may one rely on it, i.e., how far may one be from such an eiruv and still rely upon it? Rav Neḥumi bar Zekharya said in the name of Abaye: One may be as far away as the Shabbat limit.

⁴⁶ The Gemara relates: With regard to the blind person who would present mishnayot before Mar Shmuel, the latter observed that he was sad. Mar Shmuel said to him: Why are you sad? He said to him: Because I did not prepare a joining of cooked foods before the Festival. Mar Shmuel said to him: Then rely on mine. In the following year, he once again observed that he was sad. He said to him: Why are you sad? He said to him: Because I did not prepare a joining of cooked foods. Mar Shmuel said to him: If so, you are consistently negligent in this regard. Therefore, for the entire world, i.e., anyone else but you, it is permitted to rely on my eiruv if they forgot to prepare one, but for you it is prohibited to do so, as I did not intend to include such negligent people as yourself in my eiruv.

⁴⁷ The Sages taught: If a Festival occurs on Shabbat eve, one may not prepare an eiruv on that day, neither a joining of Shabbat boundaries [eiruv teḥumin] nor a joining of courtyards [eiruv ḥatzerot], for Shabbat. If one did not prepare these before the Festival, he may not do so on the Festival itself.

⁴⁸ Rabbi Yehuda HaNasi says: On a Festival that occurs on a Friday, one may prepare an eiruv for a joining of courtyards, but not for a joining of Shabbat boundaries. His reasoning is as follows: There is a distinction between the two types of eiruv because you may prohibit him from a matter that is prohibited to him, e.g., venturing beyond the Shabbat limit, which is prohibited on a Festival as well as Shabbat, but you may not prohibit him from a matter that is permitted to him, e.g., carrying from one domain to another, which is permitted on a Festival. Therefore, on a Festival, one may not prepare a joining of Shabbat boundaries in order to render it permitted to venture beyond the boundary on the Shabbat following the Festival. However, one may prepare a joining of courtyards on the Festival in order to render it permitted to carry from one domain to another on the Shabbat following the Festival.

⁴⁹ It was stated that the amora'im disagreed as to the conclusive ruling. Rav said: The halakha is in accordance with the opinion of the first tanna, who said that it is prohibited to prepare both types of eiruvim, and Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda HaNasi, and it is permitted to prepare a joining of courtyards on a Festival.

⁵⁰ A dilemma was raised before the Sages: Is stating that the halakha is in accordance with the opinion of Rabbi Yehuda HaNasi a leniency or a stringency? The Gemara wonders at this query: It is obvious that he stated it as a leniency. The Gemara explains: The question was asked because Rabbi Elazar sent a message from Eretz Yisrael to the Diaspora: This baraita is not as you teach it in Babylonia, that Rabbi Yehuda HaNasi permits one to prepare a joining of courtyards on a Festival and the Rabbis prohibit it. Rather, the opinions should be reversed, so that Rabbi Yehuda HaNasi prohibits it and the Rabbis permit it. Therefore, the question arose: What is the conclusive ruling for this halakha? Is it lenient or stringent?

⁵¹ The Gemara attempts to cite a proof: Come and hear that Rav Taḥlisa bar Avdimi performed an action in accordance with the opinion of Shmuel, who ruled that the halakha is in accordance with the opinion of Rabbi Yehuda HaNasi, and Rav said in anger about this: The first public ruling of this young Torah scholar is bringing about corruption of the halakha. The Gemara analyzes this statement: Granted, if you say that Rabbi Yehuda HaNasi said it as a leniency, this explains the corruption of the halakha involved, as Rav was angered by a young scholar who relied on his own judgment to issue a lenient ruling on a disputed issue. However, if you say that Rabbi Yehuda HaNasi meant it as a stringency, what corruption of the halakha is there in the young scholar's ruling?

⁵² The Gemara answers: Since it corrupts the behavior of the masses, as, if they refrain from preparing a joining of courtyards on the Festival although it is permitted to do so, they might mistakenly carry from one domain to another on Shabbat,

⁵³ this is the corruption that might result from a ruling that renders it prohibited to prepare an eiruv the day before. Therefore, this cannot serve as proof of the conclusive ruling. Rava said that Rav Ḥisda said that Rav Huna said: The halakha is in accordance with the opinion of Rabbi Yehuda HaNasi to prohibit one from preparing either type of eiruv. One may not prepare an eiruv either for courtyards or for boundaries, as the halakha is in accordance with Rabbi Elazar's version of the opinion of Rabbi Yehuda HaNasi.

⁵⁴ § The Sages taught the following baraita: In the case of a Festival that occurs on Shabbat, Beit Shammai say: One must recite an Amida prayer that includes eight blessings, inserting two additional blessings between the standard opening three and concluding three. As for the two middle blessings,

one recites one for Shabbat as an independent blessing and a second for the Festival as an independent blessing. And Beit Hillel say: One must pray an Amida comprising only seven blessings, i.e., the three opening ones, the three concluding ones, and one in between. One begins the middle blessing with Shabbat and concludes it with Shabbat, and he recites a passage referring to the sanctity of the day of the Festival in the middle. Rabbi Yehuda HaNasi says: He even concludes this blessing with mention of both Shabbat and the Festival, saying: Who sanctifies Shabbat, the Jewish people, and the seasons.

⁵⁵ A tanna taught a baraita before Ravina with a slightly different reading: He concludes the blessing with: Who sanctifies the Jewish people, Shabbat, and the seasons. Ravina said to that tanna: Is that to say that the Jewish people sanctify Shabbat? Isn't Shabbat already sanctified from the six days of Creation? Every seventh day is automatically Shabbat, without the need for any declaration on the part of the Jewish people. Rather, amend it and say as follows: Who sanctifies Shabbat, the Jewish people, and the seasons, as the Jewish people indeed sanctify the New Moon and the Festival days. Rav Yosef said: The halakha with regard to the conclusion of the blessing is in accordance with the opinion of Rabbi Yehuda HaNasi and as the difficulty was resolved by Ravina.

⁵⁶ The Sages taught the following baraita: In the case of Shabbat that occurs on a New Moon or on one of the intermediate days of a Festival, for the evening, morning, and afternoon prayers, one prays in his usual manner, reciting seven blessings in the Amida, and recites a passage pertaining to the event of the day, i.e.: May there rise and come [ya'aleh veyavo], during the blessing of the Temple service, known as *retze*; and if he did not recite it, he is required to return to the beginning of the Amida prayer and repeat it. Rabbi Eliezer disagrees and says: This passage is recited during the blessing of thanksgiving, known as *modim*. And in the additional prayer one begins the fourth blessing, the special blessing for the additional service, with Shabbat, and concludes it with Shabbat, and recites a passage pertaining to the sanctity of the day of the New Moon or the Festival in the middle.

⁵⁷ Rabban Shimon ben Gamliel and Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, disagree and say: Wherever one is required to recite seven blessings, whether in the evening, morning, or afternoon prayers, he begins the fourth blessing with Shabbat and concludes it with Shabbat, and recites a passage referring to the sanctity of the day of the New Moon or the Festival in the middle. Rav Huna said: The halakha is not in accordance with the opinion of that pair of scholars; rather, it is in accordance with the opinion of the first tanna, that in the evening, morning, and afternoon prayers one recites the usual seven blessings and recites a passage pertaining to the event of the day during the blessing of the Temple service.

⁵⁸ § Rav Ḥiyya bar Ashi said that Rav said: If a person forgot to place an *eiruv* before a Festival occurring on Thursday and Friday in the Diaspora, he may act as follows: He may place an *eiruv* for the joining of Shabbat boundaries on the first Festival day for the next, i.e., on the first Festival day for the second Festival day kept in the Diaspora, based on a doubt as to which day is the real day of the Festival, and stipulate as follows: If today is in fact the Festival, then tomorrow is a weekday, on which I may walk as far as I wish in all directions; and if today is a weekday and tomorrow is the Festival, I hereby place an *eiruv* for the joining of Shabbat boundaries for tomorrow. On the following day he makes a similar stipulation with the same *eiruv*, so that he will have an *eiruv* for Shabbat.

⁵⁹ Rava said: A person may place an eiruv for the joining of cooked foods on the first Festival day for the next day and stipulate as follows: If today is a weekday and tomorrow is the Festival, this is my joining of cooked foods, so that I may rely on it to cook tomorrow for Shabbat; and if today is in fact the Festival and tomorrow is a weekday, I may cook tomorrow as on a regular weekday.

⁶⁰ The Gemara comments: With regard to the one who said this halakha concerning an eiruv for the joining of Shabbat boundaries, all the more so would he permit one to act in this manner concerning an eiruv for the joining of cooked foods. On the other hand, the one who said this halakha with regard to an eiruv for the joining of cooked foods spoke only with regard to the joining of cooked foods; however, as for an eiruv for the joining of Shabbat boundaries, this is not permitted. The Gemara asks: What is the reason for this difference? It is that they did not permit the acquisition of residence on a day of rest, even in a case of uncertainty. However, with regard to an eiruv for the joining of cooked foods, since it is merely symbolic, it is permitted for the sake of the honor of Shabbat.

⁶¹ The Sages taught in a baraita: One may not bake bread on one Festival day for the next, i.e., on the first Festival day for the second Festival day kept in the Diaspora. Nevertheless, actually, they said the following established halakha: A woman may fill an entire pot with meat to cook on a Festival, although she requires only one piece for that day, and all the remainder will be for the following day. Similarly, a baker may fill an entire barrel with water in order to heat it up although he requires only a jug of hot water. But with regard to baking, he may bake only that which he requires for that day.

⁶² The baraita continues: Rabbi Shimon ben Elazar says: A woman may fill the entire oven with bread, although she does not intend to use it all on that day, because bread bakes well when the oven is full. A full oven has less empty space and is therefore hotter; consequently, filling the oven with bread serves not only to provide bread for the next day but also to improve the bread to be eaten that same day. Rava said: The halakha is in accordance with the opinion of Rabbi Shimon ben Elazar.

⁶³ § A dilemma was raised before the Sages: In the case of one who did not prepare an eiruv for the joining of cooked foods, is he prohibited from cooking for Shabbat and his flour is likewise prohibited, meaning that none of his food may be prepared for Shabbat? Or perhaps only he is prohibited from performing this type of labor, but his flour is not prohibited.

⁶⁴ The Gemara asks: What is the practical halakhic difference that emerges from this question? The Gemara explains: There is a difference with respect to whether or not he must transfer ownership of his flour to others. If you say that he is prohibited and his flour is also prohibited, he must transfer his flour to others so that they are able to bake for him if they so desire. But if you say that only he is prohibited but his flour is not prohibited, he need not transfer his flour to others, as they may bake for him even if the flour is not theirs. The Gemara asks: What, then, is the halakha?

⁶⁵ The Gemara answers: Come and hear a resolution from the following baraita: One who did not prepare an eiruv for the joining of cooked foods on a Festival eve may neither bake, nor cook, nor insulate food on the Festival for Shabbat that occurs on the following day, neither for himself nor for others, and others may neither bake nor cook for him. What should he do so that he will have food to eat on Shabbat? He must transfer his flour to others, and they may then bake and cook for him. Learn from here, from the fact that the baraita states that he must transfer his flour to others, that he is prohibited and his flour is also prohibited. The Gemara concludes: Indeed, learn from here that this is the case.

⁶⁶ Another dilemma was raised before the Sages: In the case of one who transgressed this prohibition and baked on a Festival for Shabbat without having placed an eiruv for the joining of cooked foods on the eve of the Festival, what is the halakha? Is it permitted to partake of his bread and his cooking? The Gemara suggests: Come and hear a resolution to this question from the following baraita: With regard to one who did not prepare an eiruv for the joining of cooked foods, what should he do so that he will have food to eat on Shabbat? He must transfer his flour to others, and they may then bake and cook for him.

⁶⁷ And if it is so that if one baked without having placed an eiruv for the joining of cooked foods, it is permitted to eat the bread, let the baraita simply teach: With regard to one who transgressed the prohibition and baked, it is permitted to eat the bread. Rav Adda bar Mattana said: There is no proof from here, as the tanna is teaching a remedy involving acting in a permitted manner, and is not teaching a remedy involving a prohibited act. The tanna did not want to teach that it is also possible to solve the problem in this proscribed manner.

⁶⁸ The Gemara suggests: Come and hear a resolution from a different baraita: One who prepared an eiruv for the joining of cooked foods on a Festival eve may bake and cook and insulate food on the Festival for Shabbat that occurs on the following day, and if he wants to eat his eiruv on Shabbat, he has permission to do so. But if he ate it on the Festival before he baked or before he insulated, he may neither bake, nor cook, nor insulate, neither for himself nor for others, and likewise others may neither bake nor cook for him.

⁶⁹ However, even without an eiruv, one in this situation may cook for the Festival itself, and if he left over part of what he cooked, he has left it over for Shabbat, provided that he does not employ artifice to circumvent the prohibition by saying that he is cooking a large amount for guests on the Festival, when in fact he has Shabbat in mind. And if he employed artifice to circumvent the prohibition, it is prohibited to eat the food, by decree of the Sages. This indicates that one who cooks on a Festival for Shabbat in a prohibited manner may not eat the food.

⁷⁰ Rav Ashi said: This is no proof, as you speak of a case of artifice, and a case of artifice is different, as the Sages were more stringent with regard to one who employs artifice than with regard to one who intentionally cooks on a Festival for Shabbat. One who purposely transgresses is aware of his sin; therefore, he might repent and desist from his prohibited behavior, thereby preventing others from learning from his actions. However, one who employs artifice to circumvent a prohibition thinks that he is acting in a permitted manner. He is therefore likely to continue his practice. Furthermore, people might emulate him, and the halakha of preparing an eiruv might be forgotten.

⁷¹ Rav Naḥman bar Yitzḥak said that there is another reason to reject the proof from this baraita: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Ḥananya and in accordance with the opinion of Beit Shammai. As it is taught in a baraita that Ḥananya says that Beit Shammai say: One may not bake bread on a Festival for Shabbat unless he prepared an eiruv for the joining of cooked foods on the eve of the Festival specifically with bread; and one may not cook any type of dish unless he prepared an eiruv with a cooked dish; and one may not insulate food unless there was hot food insulated from the eve of the Festival.

⁷² And Beit Hillel say: One may prepare an eiruv for the joining of cooked foods with one cooked dish and use it for all his needs, i.e., baking, cooking, and insulating. Since Ḥananya's opinion in

accordance with the opinion of Beit Shammai is strict in this case, it may be assumed that he is stringent after the fact as well, and therefore the baraita provides no proof.

⁷³ The Gemara offers yet another suggestion. We learned in a mishna: In the case of one who transgressed a rabbinic prohibition and tithed his produce on Shabbat, if he did so unwittingly, he may eat of it; if he acted intentionally, he may not eat of it. This indicates that one may not derive benefit from a transgression that he committed intentionally. The Gemara rejects this argument: No, it is necessary to teach this halakha with regard to a case where he has other produce and therefore does not greatly suffer as a result. However, the Sages may have been more lenient with one who did not make an eiruv for the joining of cooked food and consequently has nothing to eat.

⁷⁴ The Gemara poses another resolution: Come and hear a proof from a different source: In the case of one who immerses his vessels on Shabbat, an activity that the Sages prohibited because it is akin to repairing a vessel, if he did so unwittingly, he may use them; however, if he did so intentionally, he may not use them. This shows that the product of an action performed in a prohibited manner is prohibited.

⁷⁵ The Gemara rejects this argument: No, it is necessary to teach this halakha with regard to a case where he has other vessels and is not forced to use these ones. Alternatively, it is possible for him to manage by borrowing vessels from others. But if one failed to set aside an eiruv for the joining of cooked foods, perhaps the Sages allowed him to eat the food he cooked on the Festival for Shabbat since it is difficult to obtain food from others on Shabbat.

⁷⁶ The Gemara suggests another proof: Come and hear that which was taught in the following baraita: In the case of one who cooks on Shabbat, if he did so unwittingly, he may eat the food that he cooked; but if he cooked it intentionally, he may not eat it. This demonstrates that one who purposely violated a prohibition may not benefit from his prohibited action. The Gemara rejects this argument: There is no proof from here; the prohibition of Shabbat desecration is different, since it entails karet and execution by a court. The same stringency might not necessarily apply to cooking on a Festival for the sake of the next day, and therefore the question raised above remains unresolved.

⁷⁷ § It is stated in the mishna: Beit Shammai say that for the purpose of the joining of cooked foods one must prepare two cooked dishes, whereas Beit Hillel say that one dish suffices. The Gemara comments: The mishna is not in accordance with the opinion of this tanna, who taught in the Tosefta that Rabbi Shimon ben Elazar said: Beit Shammai and Beit Hillel agree that two dishes are necessary. With regard to what do they disagree? They disagree with regard to a fried fish and the egg on it, as Beit Shammai say: Two proper dishes are required, and this fish is considered only a single dish; and Beit Hillel say: One dish of this kind is viewed as two dishes and is therefore suitable for an eiruv for the joining of cooked foods. And they both agree that if one sliced a cooked egg and placed it inside the fish, or if he mashed leeks [kaflotot] and placed them inside the fish, they are considered two dishes.

⁷⁸ Rava said: The halakha is in accordance with the opinion of the tanna of our mishna and in accordance with the opinion of Beit Hillel that one dish suffices.

⁷⁹ The mishna states that if one ate the food prepared before the Festival as an eiruv or if it was lost, he may not rely on it and cook with the initial intent to cook for Shabbat. Abaye said: We have a tradition that if one prepared a proper eiruv and began kneading his dough on a Festival for Shabbat,

and in the meantime his eiruv was eaten, he may finish baking the bread. Since he had begun in a permitted manner, he is allowed to complete the process and bake the bread.

⁸⁰ MISHNA: If a Festival occurs directly after Shabbat, i.e., on a Sunday, and one wishes to behave in a proper manner and purify himself and his vessels in honor of the Festival, Beit Shammai say: One must immerse everything before Shabbat, and Beit Hillel say: Vessels must be immersed before Shabbat, but a person may immerse himself even on Shabbat.

⁸¹ And Beit Shammai and Beit Hillel both agree that one may bring ritually impure water into contact with ritually pure water in stone vessels on Shabbat in order to purify the water. Impure water can be purified if it is placed into a vessel that does not contract ritual impurity, such as a stone vessel, and then lowered with the vessel into a ritual bath. The water becomes purified when it comes into contact with the water of the ritual bath. Although this is not considered proper immersion, water may nevertheless be purified in this manner. However, one may not immerse the impure water in a ritually impure vessel in order to purify the vessel at the same time. Likewise, one may immerse on a Festival from one principle to another, and from one group to another, as will be explained in the Gemara.

⁸² GEMARA: In any event, everyone agrees, i.e., both Beit Shammai and Beit Hillel agree, that one may not immerse a vessel on Shabbat. The Gemara asks: What is the reason that one may not do so? Which type of prohibited labor does it involve? Rabba said: It is a decree issued by the Sages as a preventive measure,

⁸³ lest one come to pick up the vessel in his hand and carry it four cubits in the public domain to a ritual bath. Abaye said to Rabba: If one has a pit full of water of a ritual bath in his courtyard, so that this decree should not apply, what is there to say? Rabba said to him: The Sages issued a decree against immersing vessels even in a pit of water in one's own courtyard due to a pit situated in the public domain.

⁸⁴ Abaye posed another challenge: This works out well with regard to Shabbat, but with regard to a Festival, when there is no prohibition against carrying from one domain to another, what is there to say? Rabba replied: The Sages issued a decree that it is prohibited to immerse a vessel on a Festival, due to the prohibition against immersing it on Shabbat.

⁸⁵ The Gemara asks: And do we issue a decree in such a case? But didn't we learn in the mishna: And Beit Shammai and Beit Hillel both agree that one may bring ritually impure water into contact with ritually pure water in stone vessels in order to purify the water. However, one may not immerse the impure water in a ritually impure vessel in order to purify the vessel at the same time. And if it is so that such a decree was issued, let us also decree here that bringing ritually impure water into contact with ritually pure water is prohibited due to the prohibition against immersing a ritually impure vessel in a ritual bath.

⁸⁶ The Gemara rejects this challenge: And how can you understand that there is substance to this question? If he has other good, ritually pure, water to drink, why do I need to bring this ritually impure water into contact with the ritually pure water? Rather, one must say that he does not have suitable drinking water, and since he does not have other water, he is particularly careful about this water, so that it not become impure. Therefore, perforce, this must be an exceptional case, as the water became impure despite the precautions that were taken; and the Sages did not apply their decrees to unusual cases.

⁸⁷ Abaye raised an objection from the following baraita: One may draw water from a spring or a ritual bath on a Festival with a ritually impure pail, and the pail becomes ritually pure because while being filled with water, the bucket is completely immersed in the ritual bath. And if it is so that the Sages issued such a decree, let us also decree here that it is prohibited to draw water on Festival with a ritually impure pail lest one come to immerse the pail by itself. Rabba answered: It is different there; since it is permitted for him to immerse the pail only by drawing water with it, he remembers that it is prohibited to immerse a vessel by itself, and therefore there is no reason to issue a decree.

⁸⁸ Abaye raised an objection from a different baraita, in which it was taught: With regard to a vessel that was rendered ritually impure on the eve of a Festival, one may not immerse it on the Festival; however, if it became impure on the Festival itself, one may immerse it on the Festival. And if it is so that the Sages issued such a decree, let us also decree here that it is prohibited to immerse a vessel that became impure on a Festival due to the prohibition against immersing a vessel that became impure on the eve of a Festival. Rabba answered: Contracting ritual impurity on a Festival, when all are ritually pure, is an uncommon occurrence, and the general principle is that in the case of an uncommon occurrence, the Sages did not issue a decree as a preventive measure.

⁸⁹ Abaye raised yet another objection from the following baraita: With regard to a vessel that was rendered ritually impure by a primary source of impurity, one may not immerse it on a Festival. However, if it was rendered impure only by a derivative source of impurity, meaning that the vessel came into contact with an object that was rendered impure by a primary source of impurity, so that the object has the status of first-degree ritual impurity and confers upon the vessel the status of second-degree ritual impurity, a type of impurity that applies to vessels only by rabbinic decree; in such a case, one may immerse the vessel on a Festival. And if it is so that the Sages issued such a decree, let us also decree here that it is prohibited to immerse this, a vessel rendered impure by a derivative source of impurity, due to the prohibition to immerse that, a vessel rendered impure by a primary source of impurity.

⁹⁰ Rabba replied: Where do you find a case where people are particular about purifying a vessel that contracted ritual impurity from a derivative source of impurity? It is only in one situation, namely, with regard to priests, since they eat teruma, and teruma contracts ritual impurity even from a vessel that came into contact with only a derivative source of impurity. An ordinary person, who eats non-consecrated produce, does not go to the trouble of purifying such a vessel, since regular produce contracts ritual impurity only from a vessel that came into contact with a primary source of impurity, but not from a vessel that came into contact with a derivative source of impurity. And as for priests, the general principle is that priests are vigilant; they are careful not to allow their vessels to become impure. Therefore, impurity in the case of priests is considered a rare occurrence, with regard to which the Sages did not issue a decree.

⁹¹ The Gemara further suggests: Come and hear a different proof, as Rav Ḥiyya bar Ashi said that Rav said: A menstruating woman who has no ritually pure clothes to wear after she immerses herself in a ritual bath to purify herself, as all her clothes had become impure, and it is Shabbat or a Festival, when she is unable to immerse them, may employ an artifice to circumvent the prohibition and immerse herself in her clothes. She is permitted to purify herself, and when she immerses herself while wearing her garments, they become purified at the same time. And if it is so that the Sages

issued such a decree, let us also decree that it is prohibited for the woman to immerse herself in her clothes lest she come to immerse the clothes by themselves.

⁹² The Gemara answers: It is different there; since it is permitted for her to immerse the clothes only by wearing them as garments, she remembers that it is prohibited to immerse them by themselves and will not come to violate this prohibition.

⁹³ Apropos Rabba's view that one may not immerse a vessel on Shabbat lest he come to carry it four cubits in the public domain, Rav Yosef said that it is prohibited to immerse a vessel on Shabbat for a different reason: It is a decree issued by the Sages as a preventive measure due to the prohibition against wringing. After immersing certain items, such as clothes, one might come to wring them, and this is prohibited on Shabbat and Festivals as a subcategory of the biblically prohibited labor of threshing.

⁹⁴ Abaye said to Rav Yosef: This works out well with regard to vessels that are fit for wringing, such as clothes, but with regard to vessels that are not fit for wringing, what is there to say? Rav Yosef said to him: The Sages issued a decree against these vessels, which cannot be wrung, due to those vessels, which can be wrung. Abaye raised against Rav Yosef all of these objections that he had raised against Rabba, in an attempt to prove that the Sages did not issue such a decree, and Rav Yosef answered him as we answered in the name of Rabba.

⁹⁵ Rav Beivai said a different reason: The prohibition against immersing a vessel on a Festival is a decree issued by the Sages lest one come to delay the immersion of his impure vessels. Were the Sages to permit him to immerse vessels on a Festival, he might delay immersing all of his impure vessels until the Festival, when he has more free time; and were he to leave ritually impure vessels in his possession for a lengthy period, he might come to defile items that must be kept ritually pure, such as teruma. The Gemara comments: It is taught in a baraita in accordance with the opinion of Rav Beivai: With regard to a vessel that became ritually impure on the eve of a Festival, one may not immerse it on a Festival, due to a decree lest he come to delay and keep impure vessels in his home in order to immerse them on the Festival.

⁹⁶ Rava said yet a different reason: It is prohibited to immerse a vessel on Shabbat because it looks as if he is repairing the vessel. Since the vessel was previously unfit for use, and the act of immersion renders it usable, this is similar to the repair of a vessel, which Torah law proscribes on Shabbat and Festivals. The Gemara challenges this understanding: If so, a person should likewise be prohibited to immerse himself, because it looks as if he is repairing himself through purification. The Gemara answers: A person undergoing immersion looks as if he is cooling himself. Since it is not clearly evident that he is immersing in order to purify himself, as he might be bathing for his pleasure, there is no reason to prohibit the immersion.

⁹⁷ The Gemara challenges this explanation: This works out well in a case where he immerses himself in good, clean water, in which it would be a pleasure to bathe; but if he immerses himself in bad, murky water, as the water of a ritual bath is not always sufficiently clean, what is there to say? Rav Nahman bar Yitzhak said: Even in that case, his actions do not prove that his intention is to purify himself, as sometimes a person comes home

⁹⁸ on a hot day and washes himself even in putrid water in which flax was soaked, because the heat has made him so uncomfortable.

⁹⁹ The Gemara raises another objection: This works out well in the summer season; however, in the rainy season, when people do not usually immerse themselves in water in order to cool off, what is there to say? Rav Naḥman bar Yitzḥak said: Sometimes a person comes home from the field soiled with mud and excrement and washes himself even in the rainy season.

¹⁰⁰ The Gemara continues with another objection: This works out well and explains why it is permitted for one to immerse himself on Shabbat, when it is permitted to wash, and therefore it can be argued that it is not clearly evident that he is immersing in order to purify himself; but on Yom Kippur, when all bathing apart from ritual immersion is prohibited, what is there to say? His actions prove that his intention is to purify himself, and this should be prohibited because it looks as though he is repairing himself through purification.

¹⁰¹ Rava said: It is impossible to prohibit immersion on Yom Kippur alone, as is there anything that is permitted on Shabbat and the very same act is prohibited as labor on Yom Kippur? In fact, the prohibition against labor is more stringent on Shabbat than on Yom Kippur. Rather, since it is permitted on Shabbat, it is also permitted on Yom Kippur. The Sages did not issue decrees with regard to Yom Kippur that would make it more stringent than Shabbat. Therefore, since they allowed a person to immerse on Shabbat because it looks as if he is doing so for pleasure, to escape the heat or to remove dirt, and not necessarily in order to purify himself, they permitted it on Yom Kippur as well, even though it is evident in that situation that his immersion is for the purpose of achieving purity.

¹⁰² The Gemara asks: Does Rava accept the principle of: Since? But didn't we learn in a mishna: One who is concerned about pain in his teeth may not sip vinegar through them on Shabbat in order to alleviate his toothache; however, he may dip his food in vinegar in his usual manner during the meal and eat it, and if he is healed by the vinegar, he is healed. And we raised a contradiction to this mishna from the following baraita: One may not sip vinegar and immediately spit it out, as this is clearly done for medicinal purposes; however, one may sip the vinegar and swallow it, since it looks as though he is drinking it. This indicates that there is a permitted way to use vinegar even without dipping his food into it.

¹⁰³ And Abaye said: Also when we learned this ruling in the mishna, we learned it with regard to the case of one who sips and spits it out. Rava said: Even if you say that the mishna prohibits sipping vinegar even in a case where one sips and swallows it, it is still not difficult: Here, the baraita permits sipping vinegar before dipping one's food in it, as he appears to be doing so for pleasure. There, the mishna prohibits sipping the vinegar after dipping his food in it, when it is clear that one is doing so for medicinal purposes only.

¹⁰⁴ The Gemara completes its question: And if it is so that Rava accepts the principle of: Since, let him say: Since it is permitted to sip vinegar before dipping, it is also permitted to do so after dipping. The Gemara answers: Rava retracted that statement with regard to vinegar and accepted Abaye's resolution of the difficulty, along with the principle of: Since.

¹⁰⁵ The Gemara asks: And from where can it be determined that he retracted that teaching? Perhaps he retracted this statement with regard to immersion in a ritual bath on Yom Kippur. The Gemara answers: This cannot enter your mind that he retracted his view in that case, as it is taught in a baraita: All who are obligated in immersions immerse in their usual manner, both on the Ninth of Av

and on Yom Kippur, even though it is prohibited to wash on these days. Rava would certainly have aligned his opinion with the explicit ruling of a baraita.

¹⁰⁶ § It was taught in the mishna: And Beit Shammai and Beit Hillel both agree that one may bring ritually impure water into contact with ritually pure water in stone vessels in order to purify the water. However, one may not immerse the impure water. The Gemara asks: What is the meaning of the mishna's statement: However, one may not immerse the impure water? Shmuel said: One may not immerse an impure vessel on account of its water in order to purify it on a Festival. The Sages allowed impure water to be purified through contact with ritually pure water only in a stone vessel or in another vessel that does not contract impurity, but not in an impure vessel that would itself become purified through this immersion.

¹⁰⁷ The Gemara asks: If that is its meaning, in accordance with whose opinion is the mishna? It is not in accordance with the opinion of Rabbi Yehuda HaNasi nor with that of the Rabbis. As it is taught in the Tosefta: One may not immerse an impure vessel on account of its water in order to purify the vessel, and one may not bring impure water into contact with pure water in a stone vessel in order to purify the water; this is the statement of Rabbi Yehuda HaNasi. And the Rabbis say: One may immerse an impure vessel on account of its water in order to purify the vessel, and one may bring impure water into contact with pure water in a stone vessel in order to purify the water.

¹⁰⁸ If so, in accordance with whose opinion is the mishna? If it is in accordance with the opinion of Rabbi Yehuda HaNasi, then the ruling with regard to bringing impure water into contact with pure water in a stone vessel is difficult, as in the Tosefta Rabbi Yehuda HaNasi prohibits doing so, whereas the mishna permits it; and if it is in accordance with the opinion of the Rabbis, then the ruling with regard to the immersion of an impure vessel on account of its water is difficult, as in the Tosefta the Rabbis permit this, while the mishna, as explained by Shmuel, prohibits it.

¹⁰⁹ The Gemara answers: If you wish, say that the mishna is in accordance with the opinion of Rabbi Yehuda HaNasi; and if you wish, say instead that it is in accordance with the opinion of the Rabbis. How so? If you wish, say that the mishna is in accordance with the opinion of Rabbi Yehuda HaNasi and explain that the first clause of that baraita, i.e., the first part of Rabbi Yehuda HaNasi's statement in the Tosefta, deals with a Festival; it is in that case that Rabbi Yehuda HaNasi prohibits immersing an impure vessel on account of its water, but bringing impure water into contact with pure water in a stone vessel would be permitted. And the latter clause, which extends the prohibition to bringing impure water into contact with pure water, is referring to the more stringent case of Shabbat. And the entire mishna is referring to a Festival, when it is permitted to purify impure water by bringing it into contact with pure water in a stone vessel.

¹¹⁰ And if you wish, say instead that the mishna is in accordance with the opinion of the Rabbis, and on a Festival one is permitted even to immerse an impure vessel on account of its water in order to purify the vessel. And the entire mishna is referring to Shabbat, when it is prohibited to immerse an impure vessel, but it is permitted to purify impure water by bringing it into contact with pure water in a stone vessel.

¹¹¹ § The Sages taught in a baraita: With regard to a vessel that became ritually impure on the eve of a Festival, one may not immerse it during twilight, a time period of doubtful status whether it is a weekday or a Festival, due to the possibility of violating the prohibition against immersing vessels on a Festival.

¹¹² Rabbi Shimon Shezuri says: Even on a weekday one may not immerse an impure vessel during twilight because the vessel requires sunset. After an impure vessel is immersed, it remains ritually impure for certain purposes until the sun has set and the stars have come out. If one immerses an impure vessel during the twilight period, then owing to the uncertainty as to whether it is day or night, he must wait another full day, until the next sunset, before using the vessel. It is therefore preferable not to put oneself in a situation where one might come to use a vessel before its purification process has been completed.

¹¹³ The Gemara asks: And does the first tanna not require sunset? It is clear that this is required. Rava said: I found the Sages of the school of Rav sitting and saying with regard to this issue that they disagree about whether or not to accept the principle that one's intention is evident from his actions. And what are the circumstances of this dispute? They are, for example, a case where one was holding a vessel in his hand and running along at the time of twilight to immerse it.

¹¹⁴ This Sage, i.e., the Rabbis, holds that the fact that he is running along indicates that he knows that the vessel requires sunset. If he arrives at the ritual bath late, he will realize that he must wait another day, and there is no concern that he might come to use the vessel on the same day. Consequently, it is prohibited to immerse the vessel during twilight on the eve of a Festival, as, since it may already be night and he will be unable to use the vessel until the next evening, immersing the vessel would be considered to be preparing something on a Festival for a weekday, which is prohibited. However, it is permitted to immerse a vessel during twilight on an ordinary weekday evening.

¹¹⁵ And this Sage, Rabbi Shimon Shezuri, holds that perhaps he is running due to his work that he has not finished on time, and not necessarily because he knows that the purification of his vessel requires sunset. He believes that he may use the vessel immediately upon immersion; therefore, the Sages decreed that one should never immerse vessels during twilight.

¹¹⁶ Rava continues: And I said to them: With regard to the principle that one's intention is evident from his actions, everyone agrees that this is accepted. Where they disagree is, for example, in a case where a vessel became impure through contact with a creeping animal less than a lentil-bulk in size, and the vessel's owner came before the Sages to ask whether a vessel becomes impure through contact with less than a lentil-bulk or not. One Sage, Rabbi Shimon Shezuri, holds that since he does not know this matter that a creeping animal smaller than a lentil-bulk does not impart impurity, it stands to reason that he also does not know the halakha of sunset; therefore, there is reason to prohibit him from immersing vessels during twilight even on a weekday. And one Sage, the Rabbis, who permit such immersion on a weekday, hold that it is only this halakha with regard to the size of a creeping animal that he does not know, but the requirement of sunset he does know, as it is stated explicitly in the Torah.

¹¹⁷ It was taught in the mishna that one may immerse on a Festival from one principle to another and from one group to another. The Gemara attempts to clarify the meaning of this statement: The Sages taught in a baraita: How does one immerse from one principle to another? One who wishes to make his winepress, meaning to immerse and purify vessels for the sake of his winepress, in addition to the purification of his ritually impure pitcher, may do so. In other words, if at first he merely intended to immerse his impure pitcher, but subsequently changed his mind and decided to use it for his winepress, and he wishes to immerse the pitcher a second time for the sake of the winepress, it is permitted to do so.

¹¹⁸ Similarly, one who wishes to make his pitcher in addition to the purification of his vessels for the sake of his winepress may do so. That is to say, if he originally intended to use the pitcher for his winepress, and after immersing it he decided not to use it for that purpose, and now he wishes to immerse his pitcher a second time, it is permitted to do so. Since the second immersion does not purify the vessel or fulfill any obligation, it is not considered a proper immersion and is not prohibited on a Festival.

¹¹⁹ Similarly, how does one immerse from one group to another? If one was planning to eat the Paschal offering with this group, and he immersed himself or his ritually impure vessels for that purpose; and now he has reconsidered and wishes to eat the offering with a different group, and he wants to immerse himself or his vessels a second time for the second group, in such a case he has permission to do so even on a Festival, for the same reason: Since this immersion is not obligatory, it is not viewed as an immersion at all.

¹²⁰ MISHNA: Beit Shammai say: One may bring peace-offerings on a Festival, but one may not place his hands on them, as this is considered using animals, which is prohibited on a Festival by rabbinic decree. However, one may not bring burnt-offerings, apart from the obligatory daily and additional offerings of the day, because burnt-offerings are consumed entirely on the altar and not by people, and slaughter is permitted on a Festival only for the purpose of human consumption. And Beit Hillel say: One may bring both peace-offerings and burnt-offerings, and one may even place his hands on them.

¹²¹ GEMARA: Ulla said: The dispute applies only to Festival peace-offerings, an obligation of the Festival, with respect to placing hands on them, and to burnt-offerings of appearance, which must be brought over the course of the Festival, with respect to sacrificing them. As Beit Shammai hold that the verse “You shall observe [vaḥaggotem] it as a Festival to the Lord seven days in the year” (Leviticus 23:41) indicates: Festival peace-offerings [ḥagiga], yes, they may be sacrificed even on a Festival day, but burnt-offerings of appearance, no, they may not. And Beit Hillel hold: “To the Lord” means that anything brought as an offering to the Lord may be sacrificed throughout the seven days of the holiday, even on the actual Festival day.

¹²² But with regard to vow-offerings and gift-offerings, which are not part of the obligations of the day, all agree, even Beit Hillel, that they may not be sacrificed on a Festival. And likewise, Rav Adda bar Ahava said: Vow-offerings and gift-offerings may not be sacrificed on a Festival.

¹²³ The Gemara raises an objection against Ulla’s statement from the following baraita: Rabbi Shimon ben Elazar said: Beit Shammai and Beit Hillel did not disagree with regard to a burnt-offering that is not part of the requirements of the Festival, such as a vow-offering or a gift-offering, that it may not be sacrificed on a Festival, or with regard to peace-offerings that are part of the Festival obligations, such as Festival peace-offerings or peace-offerings of rejoicing, that they may be sacrificed on a Festival, as the Festival is their designated time, and if one fails to bring them then he will be unable to sacrifice them later.

¹²⁴ The baraita continues: With regard to what, then, did they disagree? It is with regard to a burnt-offering that is part of the Festival requirements, such as the burnt-offering of appearance, and with regard to peace-offerings that are not part of the Festival obligations, such as vow-offerings and gift-offerings. As Beit Shammai say: He may not bring them, and Beit Hillel say: He may bring them.

This baraita contradicts Ulla's opinion that all agree that vow-offerings and gift-offerings may not be sacrificed on a Festival.

¹²⁵ The Gemara answers: Resolve the contradiction by emending the text, and say as follows: Rabbi Shimon ben Elazar said: Beit Shammai and Beit Hillel did not disagree with regard to burnt-offerings and peace-offerings that are not part of the requirements of the Festival, such as vow-offerings and gift-offerings, that they are certainly not sacrificed on a Festival, or with regard to peace-offerings that are part of the Festival obligations, such as Festival peace-offerings or peace-offerings of rejoicing, that they may be sacrificed on a Festival. With regard to what did they disagree? It is with regard to a burnt-offering that is part of the Festival requirements, such as the burnt-offering of appearance, as Beit Shammai say: He may not bring it, and Beit Hillel say: He may bring it.

¹²⁶ Rav Yosef said: There were never any grounds for objection from the outset, as have you removed all the tanna'im from the world? This is the subject of a dispute among tanna'im, and Rabbi Shimon ben Elazar's opinion was not unanimously accepted. As it is taught in a different baraita: With regard to peace-offerings that come on account of a Festival on the Festival, e.g., Festival peace-offerings or peace-offerings of rejoicing, Beit Shammai say: One places his hands on them on the eve of the Festival and slaughters them on the Festival, and Beit Hillel say: One places his hands on them on the Festival itself and slaughters them on the Festival.

¹²⁷ However, with regard to vow-offerings and gift-offerings, all agree that they may not be sacrificed on the actual Festival day, as stated by Ulla and Rav Adda bar Ahava.

¹²⁸ § The Gemara comments that in this matter, these tanna'im are like those tanna'im, who also disagreed about the same issue, as it is taught in a baraita: One may not bring a thanks-offering on the festival of Matzot due to the leavened bread included with it, as a thanks-offering must be accompanied by a meal-offering of forty loaves, ten of which are leavened bread, which may not be eaten on Passover. Nor may one bring this offering on Shavuot because it is a Festival, on which one may not bring any offering, even one that is eaten, if it is not part of the Festival obligations. However, a person may bring his thanks-offering on the festival of Sukkot.

¹²⁹ The baraita continues: Rabbi Shimon says: But it says: "On the festival of Matzot, on the festival of Shavuot, and on the festival of Sukkot" (Deuteronomy 16:16), to teach: Any offering that comes on the festival of Matzot may come on the festival of Shavuot and on the festival of Sukkot, and any offering that does not come on the festival of Matzot may not come on the festival of Shavuot or on the festival of Sukkot. Rabbi Elazar, son of Rabbi Shimon, says: A person may bring his thanks-offering on the festival of Sukkot and fulfill with it his obligation to bring peace-offerings of rejoicing. One fulfills the mitzva to rejoice on a Festival by eating the meat of offerings, and this obligation can be fulfilled with the meat of a thanks-offering. But he does not fulfill with it the obligation to bring a Festival peace-offering.

¹³⁰ The Gemara analyzes the baraita cited above. The Master said in the baraita that one may not bring a thanks-offering on the festival of Matzot due to the leavened bread included with it. The Gemara expresses surprise: It is obvious that one may not bring this offering on Passover, as it contains leavened bread. Rav Adda, son of Rav Yitzḥak, said, and some say it was Rav Shmuel bar Abba who said: Here, this baraita is not discussing Passover itself; rather, we are dealing with a thanks-offering sacrificed on the fourteenth of Nisan, i.e., on Passover eve, and this tanna holds that one may not bring consecrated offerings to a situation where the time that they may be eaten is

restricted, thereby increasing the likelihood of disqualification. Although it is permitted to eat leavened bread until the sixth hour of the fourteenth of Nisan, one may not bring a thanks-offering on Passover eve. The reason is that a thanks-offering may usually be eaten for one full day and the following night, and if it is brought on the eve of Passover, the time available before disqualification is reduced.

¹³¹ It was further taught in the baraita: Nor may one bring a thanks-offering on Shavuot because it is a Festival. The Gemara explains: This tanna holds that vow-offerings and gift-offerings may not be sacrificed on a Festival.

¹³² The baraita continues: However, a person may bring his thanks-offering on the festival of Sukkot. The Gemara asks: When? If we say he may bring it on the Festival day of Sukkot itself, this is difficult, as didn't you say: Nor may one bring a thanks-offering on Shavuot because it is a Festival, indicating that a thanks-offering may not be brought on an actual Festival day? The same should apply to Sukkot. Rather, it means that one may bring it on the intermediate days of the Festival.

¹³³ The baraita further taught that Rabbi Shimon says: But it says: "On the festival of Matzot, on the festival of Shavuot, and on the festival of Sukkot," to teach: Any offering that comes on the festival of Matzot may come on the festival of Shavuot and on the festival of Sukkot, and any offering that does not come on the festival of Matzot may not come on the festival of Shavuot or on the festival of Sukkot. This seems to indicate that thanks-offerings may not be brought on any Festival. Rabbi Zeira strongly objects to this: Now, if we may chop kindling wood on the intermediate days of the Festival for the sake of the Festival, is it necessary to state that it is permitted to sacrifice vow-offerings and gift-offerings on the intermediate Festival days? How can it be suggested that Rabbi Shimon prohibits bringing thanks-offerings on the intermediate days of the festival of Sukkot?

¹³⁴ Abaye said: With regard to sacrificing these offerings on the intermediate days of a Festival, everyone agrees that it is permitted. When they disagree, it is not with regard to the halakhot of a Festival but with respect to determining when one is liable for violating the prohibition: You must not delay. If one vows to bring an offering but fails to fulfill his pledge, how much time must pass before he transgresses the prohibition: "You shall not delay to pay it" (Deuteronomy 23:22)?

¹³⁵ The first tanna holds that the Merciful One states three Festivals in the Torah, even not in their proper order, meaning not in accordance with the yearly cycle found in the Torah: Passover, Shavuot, Sukkot. As soon as three Festivals have passed from the day a person took his vow, if he has yet to bring his offering, he has transgressed the prohibition against delaying. Therefore, the first tanna advises a person who vowed to bring a thanks-offering to do so on Sukkot, even if it is the first Festival after his vow, and even though it is not the first Festival listed by the Torah. If he fails to do so, he will have to make a special trip to Jerusalem in order to sacrifice the offering, as he will not be able to sacrifice it on Passover due to the leavened bread it contains, or on Shavuot because it does not have intermediate Festival days.

¹³⁶ But Rabbi Shimon holds that if three Festivals have passed in their proper order, yes, he has violated the prohibition against delaying; but if they have passed not in their proper order, he has not violated the prohibition. If, for example, one vowed to bring an offering between Passover and Shavuot, he may put off bringing the offering until Sukkot of the following year, and therefore he would not be required to travel an extra time to Jerusalem specifically for this purpose.

¹³⁷ The baraita further taught that Rabbi Elazar, son of Rabbi Shimon, says: A person may bring his thanks-offering on the festival of Sukkot. The Gemara asks: When? If we say that he means on the intermediate days of the Festival, this is identical to the opinion of the first tanna of the baraita. Rather, he must be referring to the Festival day itself, and he holds that vow-offerings and gift-offerings may be sacrificed on a Festival.

¹³⁸ The Gemara asks: If so, what is different about the festival of Sukkot that he cited it specifically as an example of a Festival? The Gemara answers: Rabbi Elazar, son of Rabbi Shimon, conforms to his standard line of reasoning, and this ruling too is related to the prohibition against delaying. As it is taught in a baraita that Rabbi Shimon says: The verse did not have to say “the festival of Sukkot,” of which the immediately preceding verse was speaking; it was only necessary to add the other Festivals. Why, then, is “the festival of Sukkot” stated? It is to say that this Festival, i.e., Sukkot, must be the last one with regard to the prohibition against delaying; one transgresses the prohibition only if the three Festivals have passed in their proper order, so that Sukkot is the last of the three.

¹³⁹ However, Rabbi Elazar, son of Rabbi Shimon, says: It comes to say that this Festival is what causes a person to be late in fulfilling his vow. In his view, the prohibition against delaying does not depend on the number of Festivals. Rather, it means that by the time of Sukkot, the last Festival according to the yearly cycle found in the Torah, one must have brought all of his vow-offerings of that year. Even one who vowed to bring an offering just before Sukkot must bring his offering before the Festival ends.

¹⁴⁰ It is taught in the baraita: A person may bring his thanks-offering on the festival of Sukkot and fulfill with it his obligation to bring peace-offerings of rejoicing, but he does not fulfill with it the obligation to bring a Festival peace-offering. The Gemara expresses surprise: It is obvious that one does not fulfill his obligation to bring a Festival peace-offering with his thanks-offering. The Festival peace-offering is an obligatory matter, as everyone is obligated to bring this offering, and the principle is that anything that is an obligatory matter must come only from that which is non-sacred, meaning that one cannot bring an obligatory offering from an animal that has already been consecrated for another purpose. It follows that one cannot discharge his obligation to bring a Festival peace-offering with a thanks-offering, as he is already obligated to bring the latter and has consecrated the animal for this purpose.

¹⁴¹ The Gemara answers: No, it is necessary to state this halakha in order to teach that even if one specified at the time of his vow that he is consecrating the animal as a thanks-offering on condition that it may be used as a Festival peace-offering as well, he nevertheless does not fulfill his obligation with it.

¹⁴² This teaching is similar to the question that Rabbi Shimon ben Lakish asked of Rabbi Yoḥanan: With regard to one who vows and says: It is incumbent upon me to bring a thanks-offering, and I will also fulfill my obligation to bring a Festival peace-offering with it; or if he says: I am a nazirite,

¹⁴³ and I will shave my head, meaning I will purchase the nazirite offerings that are brought when a nazirite shaves himself, with second-tithe money, which I am obligated in any case to bring to Jerusalem, what is the halakha? Rabbi Yoḥanan said to him: With regard to the thanks-offering, he has vowed and must bring the offering, but he does not fulfill his obligation of the Festival peace-offering with it, as the latter offering must be brought from unconsecrated animals. Similarly, one

who took the vow of naziriteship is a nazirite, but he may not shave his head and bring nazirite offerings purchased with second-tithe money.

¹⁴⁴ In relation to the previous case, in which one makes a conditional statement and only part of his statement is accepted, the Gemara relates a somewhat similar incident: A certain man said to those tending to him, in the form of a will: Give four hundred zuz to so-and-so, and let him marry my daughter. Rav Pappa said: The four hundred zuz he takes, but as for the benefactor's daughter, if he wishes, he may marry her, and if he wishes, he need not marry her.

¹⁴⁵ The Gemara comments: The reason is solely that he said it in this manner: Give him the money and let him marry my daughter, mentioning the gift before the condition. However, if he specified the condition first, by saying: Let him marry my daughter and give him the money, in that case, if he marries her, he takes the money, but if he does not marry her, he may not take it.

¹⁴⁶ The Gemara relates: Mareimar sat and stated this halakha with regard to one who attaches a condition to his vow to bring a thanks-offering in his own name, without attributing it to the Sage who stated it. Ravina said to Mareimar: You teach this halakha in this manner, without attribution, whereas we teach it in the form of a question that Reish Lakish asked of Rabbi Yoḥanan.

¹⁴⁷ § A tanna taught the following baraita before Rabbi Yitzḥak bar Abba: The verse concerning the burnt-offering that Aaron was commanded to sacrifice for the inauguration of the Tabernacle: "And he brought the burnt-offering and sacrificed it according to regulation" (Leviticus 9:16), indicates that the halakha of an obligatory burnt-offering is similar to the regulation governing a gift burnt-offering. This teaches with regard to an obligatory burnt-offering that it too requires the person bringing the offering to place his hands on the head of the animal to be sacrificed.

¹⁴⁸ Rabbi Yitzḥak said to the tanna: He who told you that this halakha requires an explicit biblical source, in accordance with whose opinion did he say this? It is that of Beit Shammai, who do not learn the halakha of obligatory peace-offerings from that of gift peace-offerings by way of an analogy [binyan av], as they distinguish between the two with regard to the requirement of placing hands on the peace-offerings brought on a Festival. As, if it were the opinion of Beit Hillel, since they learn the halakha of obligatory peace-offerings from that of gift peace-offerings, there being no distinction between the two categories, then an obligatory burnt-offering should also not require a special verse to teach this halakha, as they can learn it from the halakha governing a gift burnt-offering by means of an analogy.

¹⁴⁹ The Gemara asks: And from where may it be shown that Beit Hillel learn the halakhot of obligatory peace-offerings from those of gift peace-offerings? Perhaps they do not learn the halakhot of obligatory peace-offerings from those of gift peace-offerings. Rather, they learn the halakha governing obligatory peace-offerings from the halakha governing an obligatory burnt-offering: Just as an obligatory burnt-offering requires the one bringing the offering to place his hands on the animal to be sacrificed, so too do obligatory peace-offerings. And an obligatory burnt-offering itself requires an explicit verse from which to derive this halakha, and perhaps the verse cited above is the source: "And he brought the burnt-offering and sacrificed it according to regulation."

¹⁵⁰ The Gemara challenges this argument: What is different about obligatory peace-offerings such that Beit Hillel do not learn the halakha governing them from the halakha applying to gift peace-offerings? It is that gift peace-offerings are more common, and perhaps a different halakha applies to them. If so, they should also not learn the halakha governing obligatory peace-offerings from the

halakha applying to an obligatory burnt-offering, as the latter is entirely burnt, unlike peace-offerings.

¹⁵¹ The Gemara answers: Rather, the halakha governing obligatory peace-offerings is derived from between the two of them. The Torah explicitly states that one must place hands on the heads of both obligatory burnt-offerings and gift peace-offerings. It is possible to extend the same obligation to obligatory peace-offerings by combining the two sources, as follows: If one says that an obligatory burnt-offering is different from an obligatory peace-offering because it is entirely burnt, gift peace-offerings prove that this is not the critical factor; and if one counters that gift peace-offerings are different from obligatory peace-offerings because they are common, an obligatory burnt-offering proves that this is not crucial. Therefore, there is no proof from here with regard to Beit Hillel's position, as they too might learn the halakha governing an obligatory burnt-offering from the verse: "And he brought the burnt-offering and sacrificed it according to regulation."

¹⁵² The Gemara raises a question with regard to the halakha itself: And do Beit Shammai hold that obligatory peace-offerings do not require placing of hands on the head of the animal? But isn't it taught in a baraita: Rabbi Yosei said: Beit Shammai and Beit Hillel did not disagree with regard to the placing of hands itself that it is required in the case of obligatory peace-offerings. With regard to what, then, did they disagree? They disagreed with regard to the halakha that states that immediately following placing hands on the head of an offering is its slaughter. As Beit Shammai say: It is not necessary to be particular in this regard, and the ceremony of placing hands on the animal's head may be performed even on the eve of the Festival, long before the animal is slaughtered. And Beit Hillel say: It is necessary, and therefore one who brings an offering on a Festival must place his hands on the animal's head on the Festival itself.

¹⁵³ The Gemara answers: The tanna of the mishna said what he said in accordance with the opinion of this tanna, as it is taught in a different baraita: Rabbi Yosei, son of Rabbi Yehuda, said: Beit Shammai and Beit Hillel did not disagree with regard to the halakha that immediately following placing hands on the head of an offering is its slaughter, that it is necessary. With regard to what, then, did they disagree? They disagreed with regard to the placing of hands itself on the head of obligatory peace-offerings. Beit Shammai say: It is not necessary, and Beit Hillel say: It is necessary.

¹⁵⁴ § The Gemara returns to the basic dispute between Beit Shammai and Beit Hillel. The Sages taught in a baraita: There was an incident involving Hillel the Elder, who brought his burnt-offering to the Temple courtyard in order to place his hands on the animal's head on a Festival. The students of Shammai the Elder gathered around him and said to him: What is the nature of this animal that you are bringing? Hillel, being humble and meek, did not want to quarrel with them in the Temple and therefore concealed the truth from them for the sake of peace. He said to them: It is a female, and I have brought it as a peace-offering, as burnt-offerings are always male. He swung its tail for them so that they would not be able to properly discern whether the animal was male or female, and they departed.

¹⁵⁵ On that day, when the incident became known, suggesting that even Hillel had accepted Shammai's view, Beit Shammai gained the upper hand over Beit Hillel, and they sought to establish the halakha in this regard in accordance with their opinion. But a certain Elder of the disciples of Shammai the Elder was there, and Bava ben Buta was his name, who knew that the halakha is in accordance with the opinion of Beit Hillel in this matter. And he sent for

¹⁵⁶ and brought all the high-quality sheep of Kedar that were in Jerusalem, and he stood them in the Temple courtyard and said: Anyone who wishes to place his hands on the head of an animal should come and place his hands there. And on that day Beit Hillel gained the upper hand over Beit Shammai, and they established the halakha in this case in accordance with their opinion, and there was no one there who disputed the matter in any way.

¹⁵⁷ And some time later there was another incident involving a certain disciple from among the disciples of Beit Hillel who brought his burnt-offering to the Temple courtyard in order to place his hands on the animal's head on a Festival. A certain disciple from among the disciples of Beit Shammai found him and said to him: What is this placing of hands? Why do you place your hands on the animal's head and thereby violate the statement of Beit Shammai? He said to him: What is this silence? Why do you not stay silent, as the halakha was not established in accordance with their opinion? He silenced him with a rebuke, and he, Beit Shammai's disciple, departed quietly.

¹⁵⁸ Abaye said: Therefore, it is clear from here that a Torah scholar whose colleague says something reprimanding or insulting to him should not answer back with something more than his colleague had said to him, to avoid adding fuel to the fire, as in the above story the one said to the other: What is this placing of hands? and the latter responded to the former using the same language: What is this silence?

¹⁵⁹ § With regard to the dispute concerning the sacrifice of burnt-offerings of appearance on a Festival, it is taught in a baraita: Beit Hillel said to Beit Shammai: Just as in a place where it is prohibited to slaughter for the sake of a common person [hedyot], e.g., on Shabbat, it is permitted to slaughter offerings in the Temple for the Most High, such as the daily and additional offerings, then so too, with regard to a place where it is permitted to slaughter for the sake of a common person, e.g., on a Festival, is it not right that it should be permitted for the sake of the Most High? This argument should include burnt-offerings of appearance as well. Beit Shammai said to them: This is no proof. Vow-offerings and gift-offerings prove that this reasoning is not valid, as it is permitted to slaughter an animal on a Festival for a common person to eat, but it is prohibited to slaughter vow-offerings and gift-offerings on a Festival for the sake of the Most High.

¹⁶⁰ Beit Hillel said to them: If vow-offerings and gift-offerings may not be slaughtered on a Festival, that is because they do not have a fixed time and there is no obligation to sacrifice them on a Festival in particular, but can you say the same with regard to a burnt-offering of appearance, which has a fixed time, the Festival itself? Beit Shammai said to them: It too has no fixed time, as we learned in a mishna: One who did not bring his Festival offering on the first Festival day of Sukkot may bring it throughout the entire Festival, including the last Festival day of Sukkot, on the Eighth Day of Assembly, as that day is regarded as part of Sukkot for this purpose. This shows that a burnt-offering of appearance need not be brought at a fixed time on the Festival either.

¹⁶¹ Beit Hillel said to them: Although a burnt-offering of appearance need not be sacrificed on a particular day of the Festival, nevertheless it too has a fixed time, albeit a lengthier one. As we learned in a mishna: If the entire Festival passed and he did not bring his Festival-offering, he is not accountable for it. That is to say, he is not required to bring another offering, as the mitzva has already passed. This indicates that the offering is limited specifically to the Festival days, unlike vow-offerings and gift-offerings, which may be brought at any time.

¹⁶² Beit Shammai said to Beit Hillel in support of their own position: But wasn't it already stated in the verse: "Only that which every soul must eat, that alone may be done for you" (Exodus 12:16), which indicates that for you may food be prepared, but not for the Most High? Beit Hillel said to them: But wasn't it already stated in the verse: "You shall observe it as a Festival to the Lord" (Leviticus 23:41), which teaches: Anything sacrificed to the Lord may be sacrificed? If so, what is the meaning when the verse states "for you"? It means for you, but not for gentiles; for you, but not for dogs.

¹⁶³ Abba Shaul stated the same disagreement in a different formulation, that Beit Hillel said to Beit Shammai as follows: Just as in a place where your stove is closed, i.e., on Shabbat, when a person may not cook for himself, your Master's stove is open, as it is permitted to light a fire on the altar and sacrifice offerings upon it, so too, in a place where your stove is open, i.e., on a Festival, when one may cook food that he will eat, is it not right that your Master's stove should be open? And it likewise stands to reason that your table should not be full while your Master's table, the altar, remains empty.

¹⁶⁴ The Gemara asks: With regard to what do the tanna of the first baraita and Abba Shaul disagree in their different versions of Beit Hillel's statement? The Gemara explains: One Sage, Abba Shaul, holds that according to Beit Hillel, even vow-offerings and gift-offerings may be sacrificed on a Festival, and therefore Beit Shammai could not cite as proof the fact that they may not be sacrificed, as they claim in the first baraita. And one Sage, the tanna of the first baraita, holds that according to Beit Hillel, vow-offerings and gift-offerings may not be sacrificed on a Festival, and therefore Beit Shammai could adduce this halakha in support of their opinion.

¹⁶⁵ Rav Huna said: According to the statement of the one who says that vow-offerings and gift-offerings may not be sacrificed on a Festival, you should not say that by Torah law they are in fact fit to be sacrificed, and that it was the Sages who issued a decree about them that they should not be sacrificed on a Festival as a preventive measure, lest one delay sacrificing them until the Festival, when it is more convenient for him to bring them to the Temple, and thereby transgress the prohibition against delaying the fulfillment of one's pledge.

¹⁶⁶ This is not the reason; rather, according to this opinion, they are not fit to be sacrificed on a Festival even by Torah law. As the two loaves brought on the festival of Shavuot are an obligation of that day, and there is no reason to issue a decree about them lest one come to delay their offering, since they may be brought only on that Festival, and yet their baking and preparation override neither Shabbat nor the Festival. According to this view, anything that need not be performed on the Festival itself may not be done on the Festival.

¹⁶⁷ § A dilemma was raised before the Sages: According to the statement of the one who says that vow-offerings and gift-offerings may not be sacrificed on a Festival, if one transgressed and slaughtered those vow-offerings and gift-offerings on a Festival, what is the halakha? Rava said: He sprinkles the blood of these offerings on the altar in order to allow the meat to be eaten on the Festival. Rabba bar Rav Huna, however, said: He sprinkles the blood in order to burn the sacrificial parts of the animal, including the fats and other portions that are brought upon the altar, in the evening.

¹⁶⁸ The Gemara asks: What is the practical difference between the opinion of Rava and that of Rabba bar Rav Huna, since both agree that the blood is sprinkled? The Gemara answers: There is a practical

difference between them in a case where the meat became ritually impure or was lost. According to Rava, who holds that the blood is sprinkled in order to permit the meat to be eaten, by rabbinic decree one may not sprinkle the blood, as this sprinkling is not required for the Festival. On the other hand, according to Rabba bar Rav Huna, who holds that the blood is sprinkled in order to burn the sacrificial parts upon the altar in the evening, he does sprinkle the blood, even though it does not enable him to eat the meat.

¹⁶⁹ The Gemara raises an objection to the opinion of Rabba bar Rav Huna from the following baraita: With regard to the lambs of Shavuot, i.e., the two lambs sacrificed as peace-offerings that accompany the two loaves of bread brought on that Festival, if one slaughtered them not for their own purpose, i.e., at the time of slaughter his intent was to slaughter them as a different offering, or if he slaughtered them not at their proper time, whether before their time or after their time, the offerings themselves are valid, although the community has not fulfilled its obligation. What is to be done with them? The blood should be sprinkled and the meat should be eaten. And if the day he slaughtered the lambs was Shabbat, on which cooking or roasting the meat is prohibited, then since the sprinkling of the blood serves no purpose, neither with regard to their mitzva nor for any other matter, he may not sprinkle the blood. And if nevertheless he sprinkled the blood,

¹⁷⁰ the offering is accepted on condition that he burn the sacrificial parts that are brought upon the altar in the evening and not during the day. The wording of the baraita indicates that if the meat may not be eaten on that day, then only if he already sprinkled the blood, i.e., after the fact, yes, it is permitted; however, he may not sprinkle it *ab initio*. Granted, according to the opinion of Rava it works out well, but according to the opinion of Rabba bar Rav Huna, it is difficult. The Gemara comments: Indeed, it is difficult. And if you wish, say instead: A rabbinic decree concerning Shabbat is different from a rabbinic decree concerning a Festival, as the Sages were more stringent with regard to Shabbat than with regard to Festivals.

¹⁷¹ § Rav Avya the Elder raised the following dilemma before Rav Huna: If an animal is owned in partnership, half of it belonging to a gentile and half of it to a Jew, what is the halakha with regard to slaughtering it on a Festival? Rav Huna said to him: It is permitted. Rav Avya said to him: And what is the difference between this case and that of vow-offerings and gift-offerings? Vow-offerings and gift-offerings are similar to jointly owned animals, as part of the animal is sacrificed upon the altar while the other part is eaten by the owner and the priest. Why, then, is it not similarly permitted to slaughter them on a Festival? Seeking to distract Rav Avya so that he need not answer his question, Rav Huna said to him: Look, a raven flies in the sky.

¹⁷² When Rav Avya left, Rabba, son of Rav Huna, said to his father: Was this not Rav Avya the Elder, whom Master would recommend to us, saying that he is a great man? If so, why did you treat him in that manner and evade his question? Rav Huna said to him: What should I have done for him? Today I am in a state best described by the verse: “Let me lean against the stout trunks; let me couch among the apple trees” (Song of Songs 2:5), meaning I am worn out and exhausted from all the communal responsibility that has fallen upon me, and he asked me about something that requires reasoning and careful examination, and therefore I could not provide an immediate answer.

¹⁷³ The Gemara asks: And what, then, is the reason? The Gemara explains the difference between a jointly owned animal and a vow-offering or gift-offering: A jointly owned animal, half of which belongs to a gentile and half to a Jew, may be slaughtered on a Festival, as it is impossible to obtain

an olive-bulk of meat without slaughtering. If a Jew wishes to eat even a small portion of meat, he has no alternative but to slaughter an entire animal, even though he will not use all of it. Therefore, it does not matter if part of the animal belongs to a gentile. However, it is prohibited to slaughter vow-offerings and gift-offerings on a Festival, because in this case there is no real joint ownership of the animal, as the priests, when they receive their portions of the meat of the offering, and similarly, when Israelites partake of the offering, they receive their portions from the table of the Most High. In other words, the entire offering belongs to God, and those who partake of it are considered guests at His table; and as stated above, one may not slaughter an animal on a Festival for the sake of God.

¹⁷⁴ In continuation of the previous discussion, Rav Ḥisda said: A jointly owned animal, half of which belongs to a gentile and half to a Jew, may be slaughtered on a Festival because it is impossible to obtain an olive-bulk of meat without slaughtering. However, with regard to dough, half of which belongs to a gentile and half to a Jew, it is prohibited to bake it on a Festival, as it is possible for him to divide it in half during the kneading and bake only the part that belongs to the Jew.

¹⁷⁵ Rav Ḥana bar Ḥanilai raised an objection from the following mishna: Dough for bread that is meant for dogs, when it is of such quality that even shepherds eat of it, is considered like regular bread. Accordingly, one is obligated to separate ḥalla from such dough, and one may use it to establish an eiruv, i.e., a joining of courtyards and a joining of Shabbat boundaries, and to establish a merging of alleyways, and one recites a blessing before and after eating it, and one invites those with whom he ate to recite Grace after Meals after eating it, and it may be baked on a Festival, like all foods fit for human consumption, and a person fulfills his obligation to eat matza on the first night of Passover with it if it has not leavened.

¹⁷⁶ With regard to the allowance to bake this dough, the Gemara asks: And why may it be baked on a Festival? Isn't it possible to divide it during the kneading, so that he bakes only the portion to be eaten by people and leaves aside the part given to dogs? The Gemara answers: Dough for bread meant for dogs is different, since it is possible to appease them with a carcass. It is possible that one of his animals will die, and he will feed the carcass to the dogs, in which case all of the dough will be eaten by people.

¹⁷⁷ The Gemara challenges this explanation: Does Rav Ḥisda accept the principle of *since*, i.e., that since it is possible that the situation may change, the halakha is not determined based on the current circumstances? But wasn't it stated that the amora'im disagreed about the halakha governing one who intentionally bakes on a Festival day for a weekday? Rav Ḥisda said: He is flogged for desecrating the Festival. Rabba said: He is not flogged.

¹⁷⁸ The Gemara explains the two opinions: Rav Ḥisda said that he is flogged because he holds that we do not say that *since*, if guests happen to visit him, whatever he bakes will be fit for him on the Festival itself, now too, although guests have not yet arrived, it is considered fit for him. According to that logic, baking would not be considered a full-fledged transgression, and one cannot be forewarned about it and does not receive lashes. Rabba, however, said: He is not flogged, as he holds that we do say the principle of: *Since*. As Rav Ḥisda himself does not accept the principle of *since*, how can it be used to resolve a difficulty raised against him?

¹⁷⁹ Rather, the Gemara retracts its previous answer: Do not say that dough for dogs is different, since it is possible that one of his animals will die and he will appease the dogs with the carcass. Rather, the reference here is to a case where he has a carcass ready, so that it is certainly possible to appease

them with the carcass. Consequently, when the shepherds bake the dough, it is highly likely that they will consume it all themselves.

¹⁸⁰ § They raised a dilemma before Rav Huna: With regard to the Jewish residents of a village [baga] upon whom the authorities imposed the obligation to supply flour and bread to the gentile military troops serving in the area, what is the halakha with regard to baking it on a Festival? Rav Huna said to them: We examine the matter: If those villagers can give bread from the soldiers' quota to a child and the soldiers are not particular about it, then each and every one of the loaves is fit for a Jewish child, and therefore it is permitted to bake them. But if the soldiers do not allow anyone else to partake of their bread, it is prohibited to bake the loaves for them on a Festival.

¹⁸¹ The Gemara challenges Rav Huna's lenient ruling: But isn't it taught in a baraita: There was an incident involving Shimon the Timnite, who did not come on the night of the Festival to the study hall. In the morning, Rabbi Yehuda ben Bava found him and said to him: Why did you not come last night to the study hall? He said to him: A military unit on a search mission [balleshet] came to our city and wanted to pillage the entire city. We slaughtered a calf in order to placate them, and we fed them with it and had them depart in peace.

¹⁸² Rav Yehuda ben Bava said to him: I wonder if your gain, that which you saved by preventing the soldiers from taking your possessions, was not outweighed by your loss, the punishment for your desecration of the Festival. As the Torah states: "Only that which every soul must eat, that alone may be done for you" (Exodus 12:16), which indicates that food may be prepared for you, but not for gentiles. The Gemara asks: But why did Rabbi Yehuda ben Bava say this? Wasn't some portion of the calf fit to be eaten by them? The conclusion seems to be that even if a Jew may eat from an animal, it may not be slaughtered on a Festival for the sake of a gentile.

¹⁸³ Rav Yosef said: In that case it was a calf with a condition that would cause it to die within twelve months [tereifa], which may not be eaten by Jews. The Gemara challenges: But wasn't it still fit to be eaten by dogs, and it could be argued that it was slaughtered for the sake of dogs belonging to Jews?

¹⁸⁴ The Gemara answers: The question of whether or not one may perform prohibited labor on a Festival for the sake of dogs is a dispute between tanna'im. As it is taught in a baraita: It is written: "Only that which every soul must eat, that alone may be done for you." By inference, from that which is stated: "Every soul," I might derive that even the soul of an animal is included, similar to that which is stated: "And he that kills the soul of an animal shall pay it" (Leviticus 24:18), indicating that the life force of an animal is also called a soul. Therefore, the verse states and emphasizes: "For you,"

¹⁸⁵ indicating for you, but not for dogs; this is the statement of Rabbi Yosei HaGelili. Rabbi Akiva says: When the verse states "every soul," it comes to teach that even the soul of an animal is included. If so, what is the meaning when the verse states "for you"? It means for you, but not for gentiles.

¹⁸⁶ The Gemara asks: And what did you see that led you to include dogs among those on whose behalf one is permitted to perform a labor on a Festival, and to exclude gentiles? The Gemara explains: I include dogs because the responsibility for their sustenance is incumbent upon you, as one is obligated to feed the animals in his possession; and I exclude gentiles because the responsibility for their sustenance is not incumbent upon you.

¹⁸⁷ With regard to this baraita, Abaye said to Rav Yosef: And according to Rabbi Yosei HaGelili, who said that the verse indicates: “For you,” but not for dogs, how are we permitted to cast date stones to animals on a Festival? Since date stones are not fit for human consumption, they should be considered muktze, and therefore it should be prohibited to handle them.

¹⁸⁸ Rav Yosef said to him: Since they are fit for fuel, they may be handled, and therefore they may also be given to animals. Abaye objected: This works out well in the case of dry date stones; but in the case of moist ones, which are not suited for fuel, what is there to say? He said to him: They are fit for a large fire, which dries them out, after which they burn well.

¹⁸⁹ Abaye raised another objection: This works out well in the case of a Festival, when it is permitted to fuel a fire, but in the case of Shabbat, what is there to say? Why should one be permitted to handle date stones on Shabbat? Rav Yosef answered: We carry them along with bread. We place the date stones upon a loaf of bread and move them together with it. This is in accordance with the opinion of Shmuel, as Shmuel said: A person may perform all his needs with bread; as long as the bread remains edible, he need not be concerned that he is treating the bread contemptuously.

¹⁹⁰ The Gemara comments: And the ruling of Rav Huna that one is permitted to bake for gentiles on a Festival if they allow a Jew to eat of the bread differs from the opinion of Rabbi Yehoshua ben Levi. As Rabbi Yehoshua ben Levi said: One may invite a gentile for a meal on Shabbat, as he will certainly not cook for him on Shabbat, and it is permitted to give a gentile food that was prepared the day before. But one may not invite a gentile for a meal on a Festival; this is prohibited as a preventive measure lest he come to cook more for the gentile’s sake. This indicates that Rabbi Yehoshua ben Levi holds that one may not prepare more for a gentile, even if the meal is primarily meant for Jews.

¹⁹¹ Rav Aḥa bar Ya’akov said: Even on Shabbat as well, one may not invite a gentile for a meal due to the wine remnants in the cups. Once a gentile has drunk wine from a cup, whatever remains in the cup may not be used and is therefore considered muktze. Therefore, a Jew may not host a gentile on Shabbat lest he come to handle the muktze wine remnants on Shabbat. The Gemara asks: If so, our cups should also be prohibited, as they too contain wine remnants that have no use whatsoever and should therefore be considered muktze. The Gemara answers: The remnants in our cups are fit for chickens. The Gemara objects: If so, the remnants in their cups are also fit for chickens. The Gemara rejects this argument: The remnants in their cups are items from which it is prohibited to derive any benefit whatsoever; consequently, they may not be handled at all.

¹⁹² The Gemara asks: And let him move what remains of the wine on account of the cup, which is a vessel that may be handled, as the wine remnants should be considered nullified in relation to the cup. Didn’t Rava say: One may move a coal pan [kannuna] on account of the ashes that can be used to cover filth, even though there are broken pieces of wood on it that have no use? This indicates that one may move something that is muktze along with something else that one is permitted to handle.

¹⁹³ The Gemara rejects this argument: There is a difference between the two cases. There, the broken sticks are not items from which it is prohibited to derive any benefit but are merely muktze, whereas here, what remains of the wine in the gentile’s cup is an item from which it is prohibited to derive any benefit, and therefore the prohibition is more stringent.

¹⁹⁴ Rav Aḥa of Difti said to Ravina: But let it be like a chamber pot for feces, which may be removed from a room because it is repulsive. One should likewise be permitted to discard the remnants of

these cups, since it is unseemly to leave them on the table. Ravina said to him: If the cups contain such remnants, they may be removed, but may one make a chamber pot for feces *ab initio*? The Sages ruled that one may not invite a gentile for a meal on Shabbat so as to avoid such complications.

¹⁹⁵ In summary of this halakha, the Gemara states that Rava authorized the Sage Mar Shmuel, from the house of the Exilarch, to deliver a public lecture, and the latter taught: One may invite a gentile for a meal on Shabbat, but one may not invite a gentile for a meal on a Festival as a preventive measure, lest he come to cook more for his sake. It is related about Mareimar and Mar Zutra that when a gentile would happen to come to their house on a Festival, they would say to him: If you are satisfied with the food that we have prepared for ourselves, good; and if not, we will not go to any extra trouble on your account.

¹⁹⁶ MISHNA: Beit Shammai say: A person may not heat water on a Festival in order to wash his feet unless it is also fit for drinking, as they hold that kindling a fire on a Festival is permitted only for the sake of preparing food, but not for washing. But Beit Hillel permit one to kindle a fire on a Festival even for washing. A person may kindle a large fire and warm himself at it.

¹⁹⁷ GEMARA: A dilemma was raised before the Sages: This halakha with regard to a fire, who taught it? Is it a statement accepted by all, including Beit Shammai, and Beit Shammai differentiate between benefit affecting one's entire body and benefit affecting a single limb, so that they agree that kindling a fire to heat one's entire body is similar to kindling a fire for food and is therefore permitted, while heating water to wash one's feet remains prohibited? Or perhaps Beit Hillel taught it, but Beit Shammai do not differentiate between the two cases, and they permit kindling a fire on a Festival only for the purpose of preparing food.

¹⁹⁸ Come and hear a proof from an explicit baraita: Beit Shammai say: A person may not make a fire and warm himself at it, but Beit Hillel permit it. It is clear from here that the latter clause of the mishna was taught only in accordance with the opinion of Beit Hillel.

¹⁹⁹ MISHNA: Rabban Gamliel was stringent about three things in accordance with the statement of Beit Shammai: One may not insulate hot food on a Festival for Shabbat *ab initio*, but rather one ought to do so on the eve of the Festival; and one may not set up a metal candelabrum that fell on a Festival; and one may not bake thick loaves on a Festival but only thin ones, due to the great effort entailed in preparing the former. Rabban Gamliel said: From the days of my father's household they would never bake thick loaves on a Festival, but only thin ones. The Sages said to him: What shall we do for your father's household, who were stringent with themselves but lenient with all of the Jewish people, to allow them to bake thick loaves and cakes baked on coals.

²⁰⁰ GEMARA: With regard to the mishna's statement that Rabban Gamliel would not permit the insulation of hot water on a Festival *ab initio*, the Gemara asks: What are the circumstances? If it is referring to a case where he prepared a joining of cooked foods [*eiruv tavshilin*], what is the reason that Beit Shammai prohibit it? And if it speaks of a case where he did not set aside an *eiruv tavshilin*, what is the reason for the lenient ruling of Beit Hillel? Rav Huna said: Actually, I will say to you that the mishna is referring to a case where one did not prepare an *eiruv tavshilin*, but Beit Hillel hold that the Sages nevertheless permitted him to prepare what he needs for his basic sustenance.

²⁰¹ The Gemara comments: And Rav Huna conforms to his standard line of reasoning, as Rav Huna said: With regard to one who did not prepare an eiruv tavshilin on the eve of a Festival, others may bake one loaf of bread for him, and cook one pot of food for him,

²⁰² and kindle a lamp for him. They said in the name of Rabbi Yitzḥak: They may even roast a small fish for him. That is also taught in a baraita: With regard to one who did not prepare an eiruv tavshilin, others may bake one loaf of bread for him, and insulate one pot of food for him, and kindle a lamp for him, and heat one small jug [kiton] of water for him. And some say: They may even roast a small fish for him.

²⁰³ Rava said: Actually, one can say that the mishna is referring to a case where one prepared an eiruv tavshilin, and nevertheless, if he did not insulate hot food on the eve of the Festival for Shabbat he may not do so on the Festival itself, because insulating hot food is different, as it is evident that he is acting with Shabbat in mind and not for the Festival. Beit Shammai view this as a desecration of the sanctity of the Festival.

²⁰⁴ Abaye raised an objection to Rava's opinion from the following baraita: Ḥananya says that Beit Shammai say: One may not bake on a Festival for Shabbat that occurs on the following day unless he established a joining of cooked foods with bread, and he may not cook for Shabbat unless he established a joining of cooked foods with a cooked dish, and he may not insulate hot food for Shabbat unless he already had hot food insulated from the eve of the Festival. But this indicates that if he had hot food insulated, he may in any case act in that manner and insulate hot food for Shabbat, even though it is evident that he is acting with Shabbat in mind. This shows that even according to Ḥananya, who rules in accordance with the opinion of Beit Shammai, it is permitted to insulate hot food on a Festival for Shabbat.

²⁰⁵ Rather, Abaye said that the mishna is referring to a case where he established a joining of cooked foods for this, meaning he baked and cooked before the Festival for the sake of an eiruv, but he did not establish a joining of cooked foods for this, i.e., he did not insulate hot food for Shabbat on the Festival eve. And the mishna is in accordance with the opinion of Ḥananya, according to Beit Shammai, with Rabban Gamliel's household being stringent upon themselves in this regard.

²⁰⁶ § The mishna states that one of the three stringencies that Rabban Gamliel practiced in accordance with Beit Shammai was that on a Festival one may not set up a candelabrum that fell. The Gemara asks: What prohibited act does one perform when he sets a candelabrum upright? Rav Ḥinnana bar Bisna said: Here, we are dealing with a candelabrum composed of segments that come apart; it is prohibited to reassemble such a candelabrum because it looks like building. As Beit Shammai hold that there is a prohibition against building with regard to vessels, and therefore the pieces of this candelabrum may not be reconnected, whereas Beit Hillel hold that there is no prohibition against building with regard to vessels, and there is also no prohibition against dismantling with regard to vessels. One may therefore reattach the pieces of the candelabrum if they came apart.

²⁰⁷ The Gemara relates that Ulla once happened to come to the house of Rav Yehuda on a Festival. Ulla's servant stood and tilted the oil lamp [sheragga], diverting most of the oil to one side, with the intention of preventing the oil from reaching the wick so that the light would be extinguished more quickly. Rav Yehuda raised an objection to Ulla from the following baraita, in which it is taught: One who adds oil to a lamp on Shabbat is liable for performing the prohibited labor of kindling on

Shabbat, and one who supplies himself with oil from a lit lamp on Shabbat is liable for performing the prohibited labor of extinguishing, as he causes the light to be extinguished more quickly. This indicates that any action, even an indirect one, that causes a lamp to be extinguished earlier than it would have otherwise is considered extinguishing. Here too, by tilting the lamp, the servant extinguished a light on the Festival, which is prohibited. Ulla said to him: You are indeed correct; the act was performed by my servant without my knowledge.

²⁰⁸ With regard to the halakha governing extinguishing on a Festival, Rav said: It is permitted to trim the end of a wick that has become charcoal, so that it will burn better; this is not considered extinguishing.

²⁰⁹ With regard to this same issue, Abba bar Marta raised a dilemma before Abaye: What is the halakha with regard to extinguishing a lamp that is burning in a room on a Festival for another matter, a euphemism for marital relations? Since it is prohibited to have relations in a room where a lamp is burning, may one extinguish a lamp for this purpose? Abaye said to him: One may not extinguish it, as it is possible to have relations in a different room.

²¹⁰ Abba bar Marta continued: If he does not have a different room, what should he do? Abaye replied: It is possible to erect for oneself a partition out of sheets and engage in relations on the other side of the partition. Abba bar Marta asked further: If he does not have sheets to erect a partition, what should he do? Abaye answered: It is possible to invert a vessel over the lamp in order to hide the light. Abba bar Marta further inquired: If he does not have a vessel, what should he do? Abaye said to him: It is prohibited; one may not extinguish the lamp.

²¹¹ Abba bar Marta raised an objection to Abaye's opinion from the following baraita: One may not extinguish a piece of wood in order to save it from being needlessly burned, but if he extinguishes it so that the house or a pot not become smoky, it is permitted. This shows that it is permitted to extinguish a fire on a Festival if it serves people's needs. Abaye said to him: That baraita is in accordance with the opinion of Rabbi Yehuda, who permits the performance of prohibited labors on a Festival for all of one's needs and not only for the preparation of food; when I spoke, it was in accordance with the opinion of the Rabbis, who disagree.

²¹² Further on the topic of extinguishing, Abaye raised a dilemma before Rabba: What is the halakha with regard to extinguishing a fire on a Festival? He clarified his question: Where there is danger to life, I have no dilemma, as in that case it is permitted even on Shabbat. When I raised the dilemma, it was with regard to a case involving only monetary loss. What is the halakha? Rabba said to him: It is prohibited.

²¹³ Abaye raised an objection to his opinion from the baraita cited above: One may not extinguish a piece of wood in order to save it from being needlessly burned, but if he extinguishes it so that the house or a pot not become smoky, it is permitted. This indicates that extinguishing a fire on a Festival is permitted even if only to prevent a small loss. Rabba replied: That baraita is in accordance with the opinion of Rabbi Yehuda; when I spoke, it was in accordance with the opinion of the Rabbis.

²¹⁴ § Rav Ashi raised a dilemma before Ameimar: What is the halakha with regard to painting an eye with a medicinal ointment on a Festival? He elaborated on his question: Where there is a danger to the eye, for example, the illnesses called rira, ditza, dema, dimata, and kadahta, or the beginning of an inflammation, I have no dilemma, as in such cases it is permitted to apply an ointment even on Shabbat. When I raised the dilemma, it was with regard to less serious ailments, such as at the end of

an inflammation, or in order to brighten one's eyesight. What is the halakha in such cases? Ameimar said to him: It is prohibited.

²¹⁵ Rav Ashi raised an objection to him from the same baraita: One may not extinguish a piece of wood in order to save it from being needlessly burned, but if he extinguishes it so that the house or a pot not become smoky, it is permitted. This indicates that a prohibited labor is permitted on a Festival, if it is performed for the sake of a bodily need. And Ameimar answered him as we answered before, that the baraita is in accordance with the opinion of Rabbi Yehuda.

²¹⁶ The Gemara relates that Ameimar permitted painting an eye for medicinal purposes on Shabbat by means of a gentile. Some say that Ameimar himself painted his eye on Shabbat by means of a gentile. Rav Ashi said to Ameimar: What is your reasoning in permitting this practice? You must rely upon that which Ulla, son of Rav Ilai, said: All the needs of an ill person whose life is not in danger are performed by means of a gentile on Shabbat. And similarly, Rav Hamnuna said: With regard to any matter in which there is no life-threatening danger but only potential illness, one says to the gentile to perform the act, and the gentile performs the act for him.

²¹⁷ However, this applies only where the ill person, or any other Jew, does not assist the gentile. But in this case the Master, Ameimar, assists the gentile while the ointment is being applied, as he closes and opens his eye, thereby allowing the ointment to penetrate more deeply. Therefore, this should be prohibited. Ameimar said to Rav Ashi: There is also the opinion of Rav Zevid, who holds in accordance with your opinion; he, too, raised the objection that it should be prohibited due to the fact that the Jew assists the gentile. And I already answered him: The assistance provided by one who assists another in performing a task that the other could essentially have performed himself is insubstantial. Inasmuch as the action is primarily performed by the gentile, the minor assistance given by the Jew may be overlooked.

²¹⁸ The Gemara further relates that Ameimar permitted painting an eye with a medicinal ointment on the second day of the festival of Rosh HaShana if the eye is causing pain and requires treatment. Rav Ashi said to Ameimar: But didn't Rava say that if a person died on the first day of a Festival, gentiles may attend to his burial; if he died on the second day of a Festival observed in the Diaspora, Jews may attend to his burial? And this is the halakha even on the second day of the festival of Rosh HaShana,

²¹⁹ which is not so with regard to an egg. With regard to an egg laid on a Festival, the two days of Rosh HaShana are considered one long day and a single period of sanctity. It was only in deference to the dead that the Sages were lenient with regard to burial on the second day of Rosh HaShana, but with regard to all other matters, the two days of Rosh HaShana are viewed as one day and are governed by the same halakha.

²²⁰ Ameimar said to him: I hold in accordance with the opinion of the Sages of Neharde'a, who state this halakha even with regard to an egg laid on the Festival and other matters, as there is no difference between the two days of Rosh HaShana and the two days of other Festivals. And what is your reasoning that you are concerned? Is it that perhaps they will extend the month of Elul and declare it a thirty-day month, which would mean that the second day of the Festival is the first of Tishrei, the true date of Rosh HaShana? But didn't Rav Hinnana bar Kahana say: From the days of Ezra and onward we have not found that the month of Elul was made a full, thirty-day month, and therefore there is no cause for this concern.

²²¹ § It is taught in the mishna: And one may not bake thick loaves on a Festival but only thin ones. The Sages taught the following baraita: Beit Shammai say that one may not bake thick bread on Passover, as it might become leavened before it has a chance to bake, whereas Beit Hillel permit it. And how much thickness renders a loaf thick bread that is permitted by Beit Hillel? Rav Huna said: It is up to a thickness of one handbreadth, as we find likewise with regard to the shewbread in the Temple, which must also be unleavened and which was one handbreadth thick.

²²² Rav Yosef strongly objects to this argument of Rav Huna: If the Sages stated this leniency with regard to the shewbread that is prepared by priests, who are vigilant about the mitzvot and ensure that the dough is not leavened, would they say the same with regard to bread that is prepared by ordinary people, who are not as vigilant? Furthermore, if they said this with regard to the shewbread, which is well-kneaded [amela] bread, would they say the same with regard to bread that is not as well kneaded?

²²³ Rav Yosef continues: If they stated this leniency in the case of dry wood, which was used in the Temple, as it would burn well and bake the bread quickly, would they say the same in the case of moist wood, which is what most people use to heat their ovens? Furthermore, if they said this with regard to the hot oven found in the Temple, would they say the same with regard to a standard oven, which is typically cold in comparison to that of the Temple? And lastly, if they said this with regard to the Temple's metal oven, which warms up quickly, would they say the same with regard to the earthenware oven that most people use to bake their bread?

²²⁴ Rav Yirmeya bar Abba said: I asked my teacher in private, and who is this teacher? It is Rav. Rav Yirmeya asked him: What is the meaning of thick bread? Rav explained that it means a large quantity of bread, a large amount of dough prepared in a single session. The concern here is not that the bread might become leavened, but that its preparation involves unnecessary exertion on the Festival.

²²⁵ Some say that Rav Yirmeya bar Abba said that Rav said: I asked this of my teacher in private; and who is Rav's teacher? It is our holy Rabbi Yehuda HaNasi. And he explained the matter as follows: What is the meaning of thick bread? It means a large quantity of bread. And why do they call it thick bread? It is because it is greatly expanded at the time of kneading and therefore looks very thick. Alternatively, in the place where this tanna of the mishna lived, a large quantity of bread was called thick bread.

²²⁶ The Gemara asks: Now, since the prohibition here is because he exerts himself unnecessarily, then why did the baraita teach this halakha specifically with respect to Passover? The same halakha should apply with regard to the other Festivals as well. The Gemara answers: Yes, it is indeed so; the halakha is not limited to Passover. But the tanna who taught this halakha was dealing at the time with the festival of Passover and therefore mentioned this halakha in relation to that Festival, even though it applies in equal fashion to the other Festivals. The Gemara comments that this is also taught in a baraita: Beit Shammai say: One may not bake a large quantity of bread on any Festival, whereas Beit Hillel permit it.

²²⁷ MISHNA: Rabban Gamliel also said three things as leniencies, in opposition to the view of most of the Sages: One may sweep the room of the couches on a Festival, i.e., the dining room, where they would recline on couches to eat, as there is no concern that by sweeping the room one might come to fill in the holes and level the ground. And one may place incense consisting of fragrant herbs on burning coals in order to perfume one's house on a Festival. And one may prepare a whole kid goat,

meaning a kid goat roasted whole, with its entrails over its head, on the night of Passover, as was the custom when they roasted the Paschal lamb in the Temple. However, the Rabbis prohibit all three practices: It is prohibited to sweep lest one come to level the ground, it is prohibited to burn incense because it does not meet the criteria of permitted food preparation, and it is prohibited to eat a kid that was roasted whole on the night of Passover because it would appear as if he were eating consecrated food outside the Temple.

²²⁸ GEMARA: Rav Asi said: The dispute with regard to incense applies only to a case where one wishes to burn the incense in order to perfume his garments. However, if he burns the incense in order to enjoy the smell, all agree that this is like other bodily pleasures, the satisfaction of which has the same status as food preparation, and it is therefore permitted.

²²⁹ The Gemara raises an objection against Rav Asi's understanding of the mishna from the following Tosefta: One may not sweep the room of the couches on a Festival lest he fill in holes and level the ground, but in the house of Rabban Gamliel they did sweep, as they did not share this concern. Rabbi Eliezer bar Tzadok said: On many occasions I followed Father, Rabbi Tzadok, into Rabban Gamliel's house, and I observed that they would not actually sweep the room of the couches on a Festival, but rather they would do the following: They would sweep the room on the eve of the Festival and spread sheets over it so that it would not become dirty, and on the following day, when the guests entered, they removed the sheets, and it turned out that the house was cleaned on its own. The other Sages said to him: If so, it is permitted to do so on Shabbat as well, and there is no dispute in that case.

²³⁰ The Tosefta continues: Similarly, one may not place incense on burning coals on a Festival, but in the house of Rabban Gamliel they did place incense. Rabbi Eliezer bar Tzadok said: On many occasions I followed Father into Rabban Gamliel's house, and I noticed that they would not actually place incense on burning coals on a Festival, but rather they would bring perforated coal pans [ardaska'ot] made of iron, filled them with fragrant smoke on the eve of the Festival, and plugged their holes on the Festival eve so that their fragrant smell would not escape. On the following day, when the guests entered, they opened the holes, releasing the smell throughout the house, and it turned out that the house was perfumed on its own.

²³¹ The other Sages said to him: If so, it is permitted to do so on Shabbat as well. This shows that the issue was not the perfuming of clothes but rather the burning of incense for the smell in the house. It follows that the Sages prohibit the practice even when the incense is burned for the enjoyment of the smell, against the opinion of Rav Asi.

²³² Rather, the Gemara retracts its previous statement and says that if this was stated, it was stated as follows: Rav Asi said that the dispute with regard to incense applies only to a case where one burns the incense in order to enjoy the smell. However, if he burns the incense in order to perfume his garments, all agree that it is prohibited.

²³³ A dilemma was raised before the Sages: What is the halakha with regard to smoking fruit on a Festival with incense in order to enhance its aroma? Rav Yirmeya bar Abba said that Rav said: It is prohibited, as it is not included in the category of permitted food preparation. And Shmuel said: It is permitted. Rav Huna said: It is prohibited because he extinguishes some of the coals when he sprinkles the aromatic powder on them. Rav Nahman said to him: And let the Master say that it is prohibited because he kindles the coals, as afterward the fragrant spices cause the coals to burn even

more strongly; why are you not concerned about this? Rav Huna said to him: Two prohibitions are indeed violated: Its beginning involves extinguishing, and its end involves kindling.

²³⁴ Rav Yehuda said: Sprinkling the aromatic spices on the coals themselves is in fact prohibited for the aforementioned reasons.

²³⁵ However, placing them on a scalding fragment of earthenware is permitted, as there is no concern of extinguishing or kindling.

²³⁶ And Rabba said: Placing the spices on a hot piece of earthenware is also prohibited, because it produces a new scent in the earthenware, and one may not create new things on a Festival. The Gemara notes that similarly, Rabba and Rav Yosef both said the following: It is prohibited to overturn a cup containing perfume onto silk garments on a Festival. What is the reason for this prohibition? It is because it produces a new scent in the garment.

²³⁷ The Gemara asks: And in what way is this case different from the case discussed in the following baraita: One may press a piece of aromatic wood between his fingers and smell it, and one may also snip off a piece of it in order to release its fragrance and smell it? In those cases too he produces a scent. The Gemara answers: There, the scent exists in any case, and he merely adds to the fragrance, as his pressing or snipping causes the smell to be stronger. Here, on the other hand, where he overturns a cup of perfume on clothing, he produces a new scent. Rava, however, said: It is even permitted to sprinkle the aromatic spices on the coals themselves, just as it is permitted to place meat on coals for roasting.

²³⁸ The Gemara relates that Rav Geviha from Bei Katil once taught at the entrance to the house of the Exilarch that ketura is permitted on a Festival; but he did not add any further clarification. Ameimar said to him: What is the meaning of ketura? If it means tying [ketura] ornamental knots by hand, this is the act of a craftsman and is therefore certainly prohibited on a Festival. And if it is referring to burning incense [ketoret], this too is prohibited, as he extinguishes some of the coals when he sprinkles the aromatic powder on them. Rav Ashi said to him: Actually, it is referring to burning incense, which is permitted, just as it is permitted to place meat on coals for roasting.

²³⁹ Some say a slightly different version of this story, in which Ameimar said to Rav Geviha: What is the meaning of ketura? If it means tying ornamental knots by hand, this is the act of a craftsman, which is prohibited. If it is referring to burning incense, this too is prohibited, as he produces a new scent. Rav Ashi said: I said this halakha to Rav Geviha, and I said it in the name of a great man, Rava, that actually it is referring to burning incense, which is permitted, just as it is permitted to place meat on coals for roasting.

²⁴⁰ § It is taught in the mishna that one of Rabban Gamliel's three leniencies was that one may prepare a whole [mekulas] kid goat, meaning a goat roasted whole, with its entrails over its head, on the night of Passover. It is taught in a baraita in this regard that Rabbi Yosei says: Theodosius [Todos] of Rome, leader of the Jewish community there, instituted the custom for the Roman Jews to eat whole kids on the night of Passover, in commemoration of the practice followed in the Temple. The Sages sent a message to him: Were you not Theodosius, an important person, we would have decreed ostracism upon you, as you are feeding the Jewish people consecrated food, which may be eaten only in and around the Temple itself, outside the Temple.

²⁴¹ The Gemara expresses surprise: Can it enter your mind that the Sages really meant that Theodosius was feeding the Jewish people consecrated food outside the Temple? These goats are certainly not consecrated animals. Rather, say that he was feeding the Jewish people something similar to consecrated food, which people might mistake for a Paschal offering.

²⁴² MISHNA: There are three things that Rabbi Elazar ben Azarya permits and the Rabbis prohibit: His cow would go out on Shabbat with a decorative strap between its horns. Rabbi Elazar holds that such a strap is considered an ornament for the cow rather than a burden, whereas the Sages view it as a burden.

²⁴³ And one may comb [mekardin] an animal with a fine comb on a Festival in order to remove ticks and dirt from its hair; the Rabbis prohibit this due to a concern that he might thereby come to wound or bruise the animal. And one may grind pepper needed on the Festival even in its own mill, although this appears similar to a weekday labor.

²⁴⁴ Rabbi Yehuda says: One may not comb an animal to remove ticks and dirt from its hair on a Festival because this certainly creates a wound, but one may brush it with a wooden comb, as its blunt teeth do not wound the animal. But the Rabbis say: One may not comb, nor may one even brush.

²⁴⁵ GEMARA: With regard to the mishna's statement that Rabbi Elazar ben Azarya's cow would go out on Shabbat with a strap between its horns, the Gemara asks: Is that to say that Rabbi Elazar ben Azarya had only one cow? But didn't Rav say, and some say that Rav Yehuda said that Rav said: Rabbi Elazar ben Azarya would tithe from his herds thirteen thousand calves each and every year, which means that he had ten times that number of calves alone. Why, then, does the mishna speak of his cow? The Gemara answers that it is taught in the Tosefta: This cow was not his; rather, it was his neighbor's. And because he did not protest her conduct and tell her that it is prohibited to do so, the cow was called by his name to his discredit, as if it were his.

²⁴⁶ § It is taught in the mishna that Rabbi Elazar ben Azarya holds that one may comb an animal on a Festival. The Sages taught in a baraita: What is considered combing and what is brushing? Combing is performed with a small-toothed comb and makes a wound; brushing is done with a large-toothed comb and does not make a wound.

²⁴⁷ And there are three disputes with regard to this matter. Rabbi Yehuda holds that an unintentional act, a permitted action from which an unintended prohibited labor ensues on Shabbat, is prohibited, as in his opinion it is prohibited to perform an action that involves a prohibited labor on Shabbat even if one has a permitted action in mind and does not intend to perform the labor in question. Therefore, one may not comb an animal in a manner that will cause a wound, even unintentionally. However, he differentiates between the cases: Although he prohibits combing with a small-toothed comb that makes a wound, he permits brushing with a large-toothed comb that does not make a wound, and we do not issue a decree and prohibit brushing due to combing, as there is no concern that people will err and come to permit even combing in the prohibited manner.

²⁴⁸ And the Rabbis also hold in accordance with the opinion of Rabbi Yehuda with regard to the fundamental issue that an unintentional act is prohibited. However, they maintain that we issue a decree and prohibit brushing due to combing. On the other hand, Rabbi Elazar ben Azarya holds in accordance with the dissenting opinion of Rabbi Shimon, who said that an unintentional act is permitted. Therefore, both combing and brushing are permitted, as even if the combing or brushing

bruises the animal, there is no transgression of a prohibition, as there was certainly no intention to cause the animal a wound.

²⁴⁹ Rava said that Rav Nahman said that Shmuel said, and some say that Rav Nahman said this teaching himself: The halakha is in accordance with the opinion of Rabbi Shimon, that an unintentional act is permitted on Shabbat, as Rabbi Elazar ben Azarya agrees with him. Rava said to Rav Nahman: And let the Master say the opposite, that the halakha is in accordance with the opinion of Rabbi Yehuda, as the Rabbis agree with him. Rav Nahman said to him: Fundamentally I hold in accordance with the opinion of Rabbi Shimon; I am merely adding another reason for doing so, which is that Rabbi Elazar ben Azarya agrees with him.

²⁵⁰ MISHNA: The aforementioned pepper mill is a composite vessel, and each of its parts must be considered independently with respect to ritual impurity. It is susceptible to ritual impurity because of each of the three vessels of which it is comprised: It is susceptible to impurity because it is a wooden receptacle, it is susceptible to impurity because it is a metal vessel, and it is susceptible to impurity because it is a sieve.

²⁵¹ GEMARA: A Sage taught: The lower section of the mill is susceptible to impurity because it is viewed as a receptacle, since the ground pepper descends into it. The middle section is susceptible to impurity because it is a sieve, as it serves to filter the pepper. Finally, the upper part, in which the pepper is actually ground, is susceptible to impurity because it is a metal vessel. Although it is not a receptacle, it is nevertheless susceptible to impurity, since it is made of metal.

²⁵² MISHNA: A child's wagon, with which he plays and upon which he also sits, is susceptible to ritual impurity imparted by treading. It is considered a fixed seat of the child, so that if the child is a zav and he sits on the wagon, it contracts the ritual impurity imparted by the treading of a zav. And this wagon may be handled on Shabbat, as it is considered a vessel. And it may be dragged on the ground on Shabbat only upon cloth, a stone pavement, or the like, as otherwise it would create a furrow when dragged, and one would be liable due to the prohibited labor of plowing.

²⁵³ Rabbi Yehuda says: For this reason, no vessels may be dragged on the ground on Shabbat except for a wagon, which is permitted because its wheels do not make a furrow in the ground but merely press the earth down. Since no earth is moved from its place, this is not considered digging or plowing on Shabbat.

²⁵⁴ GEMARA: It is taught in the mishna that a child's wagon is susceptible to ritual impurity imparted by treading. Why? It is because he leans on it. The mishna also teaches that this wagon may be handled on Shabbat. Why? It is because it has the status of a vessel, and one may handle a vessel on Shabbat.

²⁵⁵ The mishna further teaches that a child's wagon may be dragged on Shabbat only upon cloth. The Gemara infers: Upon cloth, yes, it is permitted; but directly on the ground, no, it is not permitted. What is the reason for this halakha? It is because he creates a furrow in the ground when he drags the wagon across it. The Gemara asks: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Yehuda, who said: An unintentional act, i.e., a permitted action from which an unintended prohibited labor ensues on Shabbat, is prohibited, even though the person performing it does not have the prohibited labor in mind.

²⁵⁶ As, if it were in accordance with the opinion of Rabbi Shimon, didn't he say: An unintentional act is permitted, since there was no intention to perform the prohibited action? As we learned explicitly in a mishna that Rabbi Shimon says: A person may drag a bed, a chair, or a bench on the ground, provided that he does not intend to make a furrow. Even if one forms a furrow unwittingly, one need not be concerned, as this was not his intention.

²⁵⁷ The Gemara raises a difficulty: If so, say the latter clause of the mishna as follows: Rabbi Yehuda says: No vessels may be dragged on the ground on Shabbat except for a wagon, because it merely presses the earth down. This is not prohibited as plowing because it does not create a furrow. This indicates that a wagon may be dragged on the ground on Shabbat because, yes, it presses the earth down, but it does not make a furrow. Since it has already been established that the first section of the mishna is also in accordance with the opinion of Rabbi Yehuda, and there it appears that a wagon dragged along the ground makes a furrow, Rabbi Yehuda seems to contradict himself.

²⁵⁸ The Gemara answers: It must be explained that this is a dispute between two tanna'im who hold in accordance with the opinion of Rabbi Yehuda but differ with regard to the content of that opinion. The first tanna holds that even a wagon makes a furrow, whereas the other tanna maintains in the name of Rabbi Yehuda that a wagon does not make a furrow.

Chapter 3

¹ MISHNA: One may not trap fish from their ponds on a Festival even with the intention of eating them, as this falls into the category of hunting, a type of labor that is not permitted on a Festival. Nor may one place food before them, as it is not his duty to feed them; rather, they maintain themselves by eating smaller fish or different types of algae that grow in the water.

² However, one may trap an animal or a bird from their enclosures [beivarim], as they are viewed as already captured, and therefore the action is not considered an act of hunting. And one may also place food before them as one does for other household animals.

³ Rabban Shimon ben Gamliel says: Not all enclosures are identical with respect to the halakhot of hunting. This is the principle: With regard to any animal

⁴ inside such an enclosure whose trapping is inadequate, meaning that the enclosure is large and contains hiding places so that it is still necessary to pursue and apprehend the animal, it is prohibited for one to catch it; and with regard to any animal whose trapping is not inadequate, as it is possible to seize it immediately without having to engage in further pursuit, it is permitted for one to catch it.

⁵ GEMARA: And the Gemara raises a contradiction from what is stated in the Tosefta: From enclosures of animals and of birds, one may not trap animals or birds on a Festival, nor may one place food before them. This is difficult due to a contradiction between the ruling with regard to an animal in the mishna and the ruling with regard to an animal in the Tosefta. This is similarly difficult due to a contradiction between the ruling with regard to birds in the mishna and the ruling with regard to birds in the Tosefta.

⁶ The Gemara resolves the first contradiction: Granted, with regard to the contradiction between the ruling concerning an animal in the mishna and the ruling concerning an animal in the Tosefta, it is not difficult, because this, the baraita that prohibits trapping and feeding animals in the enclosures, is

in accordance with the opinion of Rabbi Yehuda, who holds that an animal trapped in an enclosure whose trapping is inadequate, i.e., it is still necessary to pursue and apprehend the animal, is not considered trapped, and therefore one may not trap it from the enclosure on a Festival. Whereas that, the mishna that permits trapping and feeding the animals in the enclosures, is in accordance with the opinion of the Rabbis, who maintain that an animal in an enclosure is considered trapped, and therefore removing it from there is not considered an act of hunting.

⁷ As we learned in a mishna: Rabbi Yehuda says: One who drives and traps a bird into a closet or a deer into a house is liable. The Gemara infers from this: It is only if he traps the animal into a house that he is liable, but if he traps it into an enclosure, he is not liable. And the Rabbis say: One is liable for trapping a bird into a closet, and for trapping a deer into a garden, or into a courtyard, or into an enclosure. This demonstrates that according to the Rabbis, an animal found inside an enclosure is regarded as already captured, whereas Rabbi Yehuda disagrees. From this it follows that Rabbi Yehuda and the Rabbis similarly disagree about catching an animal inside an enclosure and removing it from there on a Festival.

⁸ However, concerning the contradiction between the ruling with regard to birds in the mishna and the ruling with regard to birds in the Tosefta, it is difficult, as all agree that they may not be caught, even in one's house. And if you say that this contradiction is also not difficult, because this, the mishna that permits trapping, is referring to a roofed enclosure, in which a bird is considered captured, and therefore there is no prohibition against apprehending it on a Festival, and that, the baraita that prohibits trapping, is referring to an unroofed enclosure, in which a bird is not considered trapped and apprehending it is prohibited, that does not resolve the contradiction.

⁹ The Gemara explains why the proposed resolution must be rejected: As with regard to a house, which is like a roofed enclosure, there is no dispute. And according to both Rabbi Yehuda and the Rabbis, a bird trapped into a closet, yes, it is considered trapped, while a bird into a house, no, it is not considered trapped.

¹⁰ Rabba bar Rav Huna said: Here, in the mishna, according to which a bird in a house is not considered trapped, we are dealing with a free bird, a sparrow, which does not accept authority. That bird is not intimidated and evades capture even in a house. As the school of Rabbi Yishmael taught: Why is it called a free [dror] bird? Because it dwells [dara] in a house as it does in a field, flittering from place to place. For this reason, it is not considered captured when it is inside a house. Therefore, the distinction between a roofed and an unroofed enclosure resolves the apparent contradiction between the mishna and the Tosefta.

¹¹ The Gemara comments: Now that you have arrived at this understanding, that the difference between the rulings in the two sources is predicated on different circumstances and not on a tannaitic dispute, the apparent contradiction between the ruling with regard to an animal in the mishna and the ruling with regard to an animal in the Tosefta is also not difficult. This, the ruling in the mishna that permits apprehending the animal, is referring to a small enclosure, in which the animal cannot evade its pursuers and requires no further trapping. That, the ruling in the Tosefta that prohibits apprehending the animal, is referring to a large enclosure, from which the animal cannot escape, but it can still avoid being caught.

¹² The Gemara asks: What are the circumstances of a small enclosure, and what are the circumstances of a large enclosure? Rav Ashi said: Any enclosure where one can run after an animal

and reach it in one stoop is a small enclosure. And any other is a large enclosure. Or perhaps, any enclosure that has a series of corners in which the animal could hide and evade capture is a large enclosure, and any other is a small enclosure. Or perhaps, any enclosure where the shadows from the different walls fall upon each other, because the walls are close together, is a small enclosure. And any other, a larger area where the walls are further apart, is a large enclosure.

¹³ § It was taught in the mishna: Rabban Shimon ben Gamliel says: Not all enclosures are identical. If the animal is inadequately trapped in the enclosure, it is prohibited for one to catch it; whereas if it is adequately trapped, he is permitted to do so. Rav Yosef said that Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabban Shimon ben Gamliel. Abaye said to Rav Yosef: If one rules that the halakha is in accordance with his opinion, does that mean by inference that the Rabbis disagree, or perhaps there is no dispute and everyone accepts the opinion of Rabban Shimon ben Gamliel?

¹⁴ Rav Yosef said to him: And what difference is there to you whether or not the Rabbis disagree? In either case the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel. Why then does it matter whether or not the issue was in dispute? Abaye said to him, invoking a folk expression with regard to one who learns without reaching understanding: Is it simply learn the lesson; let it be like a song? In other words, is it sufficient to simply parrot the halakhic ruling? Rather, it is necessary to examine the issue to understand it even if it does not yield a practical halakhic difference.

¹⁵ It was further taught in the mishna: This is the principle: Any animal inside such an enclosure whose trapping is inadequate may not be caught and removed from there on a Festival, whereas any animal whose trapping is not inadequate may be apprehended and removed from there. The Gemara asks: What are the circumstances of an animal whose trapping is inadequate? Rav Yosef said that Rav Yehuda said that Shmuel said: Any animal with regard to which one would say: Bring a trap so that we may catch it, as the animal cannot be apprehended without the aid of a trap.

¹⁶ Abaye said to him: But aren't geese and chickens that are loose in a courtyard creatures with regard to which one would say: Bring a trap so that we may catch it, as they freely roam about and evade capture? And nevertheless, it is taught in a baraita: One who traps geese, chickens, or domestic doves is exempt, as they are considered already trapped.

¹⁷ Rabba bar Rav Huna said that Shmuel said: There is a difference between the two cases: These, the geese and chickens, enter their coop in the evening and use it as their fixed dwelling place and are therefore considered trapped, while these animals in the enclosure do not enter their coop in the evening and therefore flee from those trying to seize them.

¹⁸ The Gemara challenges this argument: But don't doves of a dovecote and doves of a loft enter their coop in the evening, and yet it is taught in a baraita: One who traps doves of a dovecote, doves of a loft, or birds that are nesting in pitchers in buildings is liable for their capture, although they enter their coop in the evening?

¹⁹ Rather, Rabba bar Rav Huna said that Shmuel said: A distinction can be made as follows: These, the geese and chickens, enter their coop in the evening, and providing them with their feed is your responsibility. They are therefore accustomed to their owners and considered as trapped. Whereas these, the doves of a dovecote and the other birds mentioned in the baraita, admittedly enter their coop in the evening, but feeding them is not your responsibility.

²⁰ Rav Mari said an alternative distinction: These, the doves of a dovecote, are likely to flee from people, and therefore require trapping, while these, the geese, chickens, and domestic doves, are not likely to flee from them. The Gemara asks: All of them are also likely to flee when being pursued, even chickens. The Gemara answers: We meant to say that they are likely to flee to their coop. In other words, even when they reach their coop they do not remain still but continue in their attempts to escape, and are therefore not considered trapped.

²¹ MISHNA: If traps for animals, birds, and fish were set on the eve of a Festival, one may not take anything from them on the Festival, unless he knows that the animals found in the traps had already been caught on the eve of the Festival. And an incident is related where a certain gentile brought fish to Rabban Gamliel, and the latter said: The fish are permitted, but I do not wish to accept them from him, as I despise him.

²² GEMARA: The Gemara raises a question about the story involving Rabban Gamliel. Was an incident cited above to contradict a previously stated halakha? The mishna first teaches that one may not eat an animal caught on a Festival, and then relates an incident in which Rabban Gamliel ruled that this is permitted. The Gemara answers: The mishna is incomplete; it is missing an important element, and it teaches the following: Even in a case where it is uncertain whether or not the animal was prepared before the Festival, as it is unclear whether it was caught today or on the previous day, it is prohibited; and Rabban Gamliel permits it. And an incident is also related where a certain gentile brought fish to Rabban Gamliel, and the latter said: The fish are permitted, but I do not wish to accept them from him.

²³ Rav Yehuda said that Shmuel said: The halakha is not in accordance with the opinion of Rabban Gamliel. Some teach this halakhic ruling with regard to this baraita, as it is taught: With regard to something about which an uncertainty exists whether or not it was prepared before the Festival, Rabban Gamliel permits it, and Rabbi Yehoshua prohibits it. Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehoshua. And others teach it in reference to this baraita, as it is taught:

²⁴ One may slaughter animals from pens containing pools of drinking water on a Festival, but not from those found caught in nets or in traps, as they may have been caught on the Festival itself. Rabbi Shimon ben Elazar says: If he came and found the nets and traps out of order on the eve of the Festival, which indicates that an animal had been caught in them, then it is known that the animals were caught on the eve of the Festival, and they are therefore permitted. However, if he checked the nets and traps shortly before the onset of the Festival and found them intact, and he later came and found them out of order on the Festival, it is known that the animals were caught on the Festival, and they are therefore prohibited.

²⁵ The Gemara poses a question: The baraita itself is difficult because it contains an internal contradiction between its clauses: You first said that if he came and found them out of order on the eve of the Festival, it is known that they were caught on the eve of the Festival. The reason is that he came and found them out of order, but if there is uncertainty, the animals are prohibited. But say now the latter clause of that same baraita: If he came and found them out of order on the Festival, it is known that they were caught on the Festival. The reason is that he came and found them out of order, but in a case of uncertainty, the assumption is that they were caught on the eve of the Festival and are permitted.

²⁶ The Gemara explains: This is what the baraita is saying: If he came and found them out of order on the eve of the Festival, it is known that they were caught on the eve of the Festival, and they are permitted. But in a case of uncertainty, it is considered as if they were caught on the Festival, and they are prohibited.

²⁷ Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Shimon ben Elazar. All these versions of Shmuel's ruling are basically in agreement: In a case of uncertainty as to whether or not an item was prepared before the Festival, it is prohibited.

²⁸ § It was stated in the mishna that Rabban Gamliel said that the fish brought to him on the Festival by the gentile are permitted. The Gemara asks: Permitted for what purpose? Rav said: They are permitted to be received and moved, but they may not be eaten. Levi said: They are even permitted to be eaten.

²⁹ Rav said: A person should never prevent himself from attending the study hall for even one moment, and the proof is from this issue; as Levi and I were before Rabbi Yehuda HaNasi when he stated this halakha. In the evening he said: They are permitted to be eaten, but the following morning he said: They are permitted only to be received. I, who was in the study hall in the morning as well, retracted what I said, and taught the matter in accordance with Rabbi Yehuda HaNasi's second opinion. Levi, who was not in the study hall in the morning, did not retract his statement.

³⁰ The Gemara raises an objection from the following baraita: If a gentile brought a gift [doron] to a Jew on a Festival, even moist [mefulamin] fish or produce from that same day, they are permitted. Granted, according to the one who said they are permitted to be received, it is well; the halakha is understandable. However, according to the one who said they are permitted to be eaten, is produce from that same day permitted to be eaten? If it was picked from the tree on that day, it is subject to the prohibition of muktze.

³¹ The Gemara responds with a counter-question: And according to your reasoning, is produce picked on that same day permitted to be moved? Why, then, is it obvious to you that the produce is permitted to be received? Rather, it must be explained that we are dealing with fish whose gills are still red and with produce that is preserved in greens, not with produce that was actually picked on that day. Why, then, is it called produce of that same day? Because it is fresh and similar to produce picked on that same day. Such produce is permitted not only to be moved, but even to be eaten.

³² Rav Pappa said that the halakha in this regard is as follows: In the case of a gentile who brought a gift to a Jew on a Festival, if there is of that species still attached to a tree or the ground, it is prohibited to be eaten, as it may be assumed that the gentile picked it that same day. And in the evening as well, after the conclusion of the Festival, it is prohibited for the period of time needed for its preparation, i.e., the period of time necessary to detach it from the tree or the ground, as one may not derive benefit from a prohibited labor that was performed on a Festival on behalf of a Jew.

³³ And if none of that species is still attached to the ground, then if the gift was brought from within the limit, i.e., the distance one may travel on a Festival, it is permitted, as no prohibited labor has been performed.

³⁴ If, however, the gift was brought from outside the limit, it is prohibited. And an item that came from outside the limit for one Jew is permitted to another Jew. No prohibition applies to the second recipient, as the gentile's intention was not fulfilled. Since the halakha of limits is a rabbinic

prohibition, the Sages decreed that the object is prohibited only to the one on behalf of whom it was brought, but not to others.

³⁵ § The Gemara continues its discussion about trapping animals on a Festival. Rabba bar Rav Huna said that Rav said: If one dammed a water channel that was used to irrigate a field on the eve of a Festival, and the following day he arose and found fish in it, they are permitted. These fish presumably arrived with the water before the Festival and were unable to escape, as the channel had been obstructed. Therefore, the fish are considered as having been prepared before the Festival.

³⁶ Rav Ḥisda said: From this statement of our teacher, Rav, we learn that an undomesticated animal that nested in an orchard near one's house does not require special designation but is considered prepared. Rav Naḥman said in response to this conclusion: Our colleague, Rav Ḥisda, has fallen upon a great matter, i.e., an issue that is not at all straightforward but is the subject of various disagreements. Some say a slightly different version of this statement, that Rabba bar Rav Huna said: From this statement of our teacher, Rav, we learn that an undomesticated animal that nested in an orchard does not require special designation, and with regard to this statement, Rav Naḥman said that Rabba, son of our colleague, Rav Huna, has fallen upon a great matter. Rav Huna was a contemporary of Rav Naḥman's, and they were both students of Rav; consequently, Rav Naḥman referred to Rav Huna as his colleague and called Rabba the son of his colleague.

³⁷ Rav Naḥman explains the difference between the cases: There, in the case where the undomesticated animal nested in an orchard, the person performed no action at all, as the animal came of its own accord, whereas here, in the case where he dammed the water channel, he performed an action when he blocked the water from leaving the channel.

³⁸ Rav Naḥman concludes his challenge: And does the animal not require further designation? Isn't it taught explicitly in a baraita: An undomesticated animal that nested in an orchard requires designation. And as for a free bird, one is required to tie its wings so that it will not be mistaken for its mother, i.e., so that he not take a different bird, such as its mother, in its place. And this is a testimony that was reported in the name of Shemaya and Avtalyon. The Gemara comments: Indeed, this is a conclusive refutation of the Sages who drew an inference from Rav's statement.

³⁹ The Gemara asks: Does an undomesticated animal in an orchard really require designation? But isn't it taught in a baraita that Rabbi Shimon ben Elazar said: Beit Shammai and Beit Hillel concede with regard to doves and the like that one had designated on the eve of a Festival when they were inside the nest, and on the Festival itself he found them in front of the nest, that they are prohibited, as these doves might not be the same ones that he had designated but rather others that came from somewhere else? In what case is this statement said? It is with regard to doves of a dovecote, doves of a loft, and birds nesting in pitchers or in a building. However, geese, chicken, domestic doves, and an undomesticated animal that nested in an orchard are permitted in all cases, and they do not require designation in advance. In the case of a free bird, one is required to tie its wings so that it is not mistaken for its mother.

⁴⁰ And with regard to those birds whose wings were tied as a sign, and similarly, those that were shaken in advance in order to designate them for the Festival, if they were in cisterns, in houses, in trenches, or in caves, they are permitted on the Festival. However, if they were in trees, they are prohibited, lest one climb up the tree and detach something from it, which is prohibited. And those birds whose wings were tied by another, and similarly, those that were shaken by another are

prohibited in all places, even not on a Festival, due to the prohibition against stealing. Tying or shaking is considered an act of acquisition, and therefore others may not take them. In any case, this baraita clearly states that an undomesticated animal that nested in an orchard does not require designation.

⁴¹ Rav Nahman said: This is not difficult. This baraita, which teaches that an animal nesting in an orchard is permitted even without designation, is referring to it, a young animal that cannot escape; whereas that baraita, which states that designation is required, is referring to its mother, which is larger and can escape. The Gemara asks: But is mere designation sufficient for its mother? Doesn't it require complete capture, as it is an undomesticated animal?

⁴² Rather, Rav Nahman bar Yitzhak said that both this baraita and that one are referring to it, a young animal that is unable to escape, and the difference between them is as follows: This baraita, which does not require designation, is referring to a garden situated near the city, so that one knows precisely where the animal is located and he can take it at any time. That baraita, which requires designation, is referring to a garden that is not located nearby.

⁴³ MISHNA: If an animal is in danger of dying, in which case its meat would be prohibited as the animal had not been properly slaughtered, and one wishes to slaughter it in the hope that it will be found fit for eating and he will be spared a loss, he may not slaughter it on a Festival unless there is still time in the day for him to eat an olive-bulk of roasted meat from the animal, so that it is possible to say that he slaughtered the animal for the sake of the Festival. Rabbi Akiva says: There need not be enough time for him to roast it; rather, it is sufficient even if there is only time to eat an olive-bulk of raw meat from the place where the animal is slaughtered, i.e., from its neck, without going to the trouble of removing its hide and roasting it.

⁴⁴ If one slaughtered an animal on a Festival in the field, he may not bring it to his house on a pole or on a set of poles carried by two people, as this appears similar to a weekday activity. Rather, he must alter his usual weekday manner of performing this action and bring it in by hand, limb by limb.

⁴⁵ GEMARA: Rami bar Abba said: The mitzva of flaying and cutting the animal into pieces is mentioned in the Torah with regard to the burnt-offering, and the same is true for butchers. That is to say, we learn from the halakhot of the burnt offering that a butcher should first remove the hide and cut the animal into pieces. From here the Torah taught proper etiquette, that a person should not eat meat before flaying and cutting the animal into pieces.

⁴⁶ The Gemara asks: What new halakha is Rami bar Abba teaching us? If we say that he wishes to exclude the opinion of Rav Huna, there is a difficulty, as Rav Huna said: An animal, while alive, retains its presumptive status of being subject to the prohibition against eating a limb from a living creature, and it retains that status after slaughter until it becomes known to you how it was slaughtered. As long as it has not yet been clarified that the animal was slaughtered properly, it is presumed to be prohibited.

⁴⁷ However, once the animal has been slaughtered properly, it retains its presumptive status of being permitted until it becomes known to you how it became a tereifa, an animal suffering from a wound or illness that would cause it to die within twelve months, which is prohibited to be eaten even after ritual slaughter. There is no need to conduct a special examination of the animal to determine if it had a defect or illness, as it is presumed to be permitted. Even if a defect is found, this does not

necessarily render the animal a tereifa, as one can say that it appeared only after the animal was slaughtered.

⁴⁸ One might have understood from Rami bar Abba's statement that he disagrees with Rav Huna and requires that the animal be examined. However, this is difficult, as didn't we learn in the mishna in accordance with the opinion of Rav Huna? As we learned in the mishna that Rabbi Akiva says: It is sufficient even if there is only time to eat an olive-bulk of raw meat from the place where the animal is slaughtered. What, is it not referring to meat from the actual place where the animal is slaughtered, from which it follows that one need not remove the hide or examine the animal?

⁴⁹ The Gemara rejects this argument: No, the mishna can be understood as follows: From the place where the animal slaughters its food, i.e., from its intestines, where digestion takes place. The hide must still be removed and the animal must be examined before it can be eaten.

⁵⁰ But didn't Rabbi Hiyya teach: From the actual place where the animal is slaughtered? Rather, the Gemara rejects the previous explanation and says that Rami bar Abba

⁵¹ merely teaches us proper etiquette, even though no prohibition is involved.

⁵² § The Sages teach proper manners unconnected to any prohibition, as it is taught in a baraita: A person should not eat garlic or onions from the side of its head, i.e., its roots, but rather from the side of its leaves. And if he did eat in that manner, he gives the appearance of being a glutton. Similarly, a person should not drink his cup of wine all at once, and if he did drink in this manner, he gives the appearance of being a greedy drinker. The Sages taught in this regard: One who drinks his cup all at once is a greedy drinker; if he does so in two swallows, this is proper etiquette; in three swallows, he is of haughty spirit, as he presents himself as overly delicate and refined.

⁵³ Apropos the previous discussion, the Gemara notes that Rami bar Abba also said: The sea squill, a plant from the lily family whose roots project deep into the ground, will cut off the feet of the wicked in the future on the Day of Judgment. It was customary to plant sea squill on the edges of fields as boundary markers because their roots grow straight down without spreading out. Those who overstepped boundaries and infringed upon their neighbor's property should have heeded the markers and desisted.

⁵⁴ Similarly, young trees will cut off the feet of butchers and those who have relations with menstruating women. After a tree is planted, one must wait three years before eating its fruit. This should serve as a lesson for those butchers who hasten to eat of the animal's meat before removing its hide, and for those who have relations with their menstruating wives and do not wait for them to achieve ritual purification.

⁵⁵ The lupine [turmus], an extremely bitter legume that is edible only after an extensive process, will cut off the feet of the enemies of the Jewish people, a euphemism for the Jewish people themselves. As it is stated: "And the children of Israel continued to do evil in the eyes of the Lord, and served the Baalim and the Ashtaroth, and the gods of Aram and the gods of Zidon and the gods of Moab and the gods of the children of Ammon and the gods of the Philistines, and they forsook the Lord and did not serve Him" (Judges 10:6).

⁵⁶ By inference from that which is stated: "And they forsook the Lord," do I not know that they did not serve Him? Rather, for what purpose does the verse state the seemingly unnecessary words "and did not serve Him"? Rabbi Elazar said: The Holy One, Blessed be He, said: My children did not treat

Me even like this lupine, which, because it is inedible as it is, must be cooked in water seven times in order to temper its bitter taste and is eventually made so sweet that one eats it as a dessert after a meal. They worshipped all seven types of idolatry listed in the verse, and even after I punished them for each and every one of them, they still refused to repent from their evil ways. Instead, they remained rebellious and did not serve Me.

⁵⁷ The Gemara considers another aspect of the character of the Jewish people. It is taught in a baraita in the name of Rabbi Meir: For what reason was the Torah given to the Jewish people? It is because they are impudent, and Torah study will weaken and humble them. A Sage of the school of Rabbi Yishmael taught the following with regard to the verse: “From His right hand went a fiery law for them” (Deuteronomy 33:2); The Holy One, Blessed be He, said: Based on their nature and character, these people, the Jews, are fit to be given a fiery law, a hard and scorching faith. Some say a different version of this baraita: The ways and nature of these people, the Jews, are like fire, as, were it not for the fact that the Torah was given to the Jewish people, whose study and observance restrains them, no nation or tongue could withstand them.

⁵⁸ And this is the same as what Rabbi Shimon ben Lakish said: There are three impudent ones: The Jewish people among the nations; the dog among animals; and the rooster among birds. And some say: Also the goat among small cattle. And some say: Also the caper bush among trees.

⁵⁹ § It is taught in the mishna: If one slaughtered an animal on a Festival in the field, he may not bring it to his house on a pole, as this appears similar to a weekday activity. The Sages taught in a baraita: A blind person may not go out on a Festival with his cane, nor a shepherd with his satchel. And one may not go out on a chair borne on poles by other people, neither a man nor a woman. All of these are considered weekday activities, the performance of which would display disrespect for the Festival.

⁶⁰ The Gemara asks: Is that so? But didn’t Rabbi Ya’akov bar Idi send the following halakha from Eretz Yisrael: There was an old man in our neighborhood who would go out on a Festival in his litter [gelodki], and they came and asked Rabbi Yehoshua ben Levi, the preeminent authority of the time, whether this was permitted. And Rabbi Yehoshua ben Levi said to them: If many people need the man to come and lecture them on Torah matters, it is permitted to transport him to the study hall in that manner.

⁶¹ Similarly, our Sages relied on the statement of Aḥi Shakkaya, who said: I once brought Rav Huna on a Festival from the town of Hinei to the town of Shilei and from Shilei back to Hinei on a chair of this kind. And Rav Naḥman bar Yitzḥak said: I once brought Mar Shmuel on such a seat on a Festival from the sun into the shade and from the shade into the sun. All of these incidents indicate that it is in fact permitted to use such a chair on a Festival. The Gemara answers: These cases pose no difficulty, as there, it is in accordance with the reason that Rabbi Yehoshua ben Levi stated: If many people need him, it is permitted. However, one who is not needed by the public may not go out in such a chair.

⁶² Rav Naḥman said to Ḥama bar Adda, emissary of the talmudic academies in Zion, who would regularly travel back and forth from Eretz Yisrael to Babylonia: When you go up there, to Eretz Yisrael, take a roundabout route, i.e., do not travel by the shortest path; and go to the Ladder of Tyre, and go to Rabbi Ya’akov bar Idi, who lives in Tyre, and raise this dilemma before him: What do you say with regard to a chair borne on poles; may one go out in such a chair on a Festival?

⁶³ By the time he arrived there, Rabbi Ya'akov bar Idi had already passed away. However, when he went up to Eretz Yisrael he found Rabbi Zerika and said to him: What do you say with regard to a chair borne on poles; what is your opinion on this topic? He said to him: Rabbi Ami said as follows: It is permitted provided that he is not carried on the shoulders, on the chair. The Gemara asks: What is the meaning of: Provided that he is not carried on the shoulders? Rav Yosef, son of Rabba, said: It means on poles [alunkei] that are used to carry burdens on the shoulders of two people. This mode of transportation is highly conspicuous and has the appearance of a weekday activity, the performance of which displays disrespect for the Festival. Instead, the poles on which the chair is borne should be held in the bearers' hands, so the seat will be closer to the ground and less noticeable.

⁶⁴ The Gemara asks: Is that so? But didn't Rav Nahman permit his wife Yalta to go out on a Festival on a chair borne on poles that rested on the shoulders of the bearers? The Gemara answers: Yalta is different, as she was afraid of falling and therefore required this special arrangement.

⁶⁵ The Gemara relates that Ameimar and Mar Zutra would be carried to their places in the study hall on the shoulders of their students for the public lecture delivered on the Shabbat of the Festival. They would be carried in that manner due to their fear of falling. And some say the reason was due to the pushing of the crowd, as these Sages were afraid of being crushed by the large number of people attending the lecture.

⁶⁶ MISHNA: A male firstborn of cattle, sheep, or goats belonging to a Jew is sanctified from birth and must be given to a priest to be sacrificed on the altar in the Temple. If a firstborn animal acquired a physical blemish that disqualifies it from being sacrificed as an offering, it still must be given to a priest, but it may be redeemed, slaughtered, and eaten as non-sacred meat. If a firstborn animal fell into a cistern on a Festival, and there is concern that it might die there, Rabbi Yehuda says: An expert in these matters goes down into the cistern and examines the animal.

⁶⁷ If it has a permanent blemish, owing to which it may be slaughtered and eaten, he may raise it from the cistern and slaughter it; but if it does not have a blemish, or if its blemish is temporary, he may not slaughter it. Rabbi Shimon says: Even if it has a blemish, it is prohibited to slaughter it, as any firstborn animal whose blemish is not perceptible while it is still day, i.e., on the day before the Festival, is not considered to be among the animals prepared prior to the Festival for use on the Festival.

⁶⁸ GEMARA: The Gemara asks: With regard to what principle do Rabbi Yehuda and Rabbi Shimon disagree? If we say that they disagree about whether or not one may examine blemishes on a Festival, such that Rabbi Yehuda holds that one may examine blemishes on a Festival, and Rabbi Shimon holds that one may not examine blemishes on a Festival, if so, let them disagree with regard to examining blemishes in general on a Festival and not only with respect to the particular case of a firstborn that fell into a cistern.

⁶⁹ The Gemara answers: It was necessary to teach the disagreement with regard to the case of a firstborn that fell into a cistern, as it could enter your mind to say that because of the matter of the suffering of living creatures, one should employ an artifice to circumvent the halakha and raise the animal from the cistern. This would be in accordance with the opinion of Rabbi Yehoshua, who states elsewhere (37a) with regard to a different case that one may employ an artifice in order to rescue an animal that fell into a cistern on a Festival. Therefore, the mishna teaches us that Rabbi Yehuda and Rabbi Shimon disagree even in the case of a firstborn that fell into a cistern.

⁷⁰ The Gemara asks: If so, if the mishna mentions the case of a firstborn that fell into a cistern in order to teach that an artifice may not be employed to raise the animal from the cistern, the phrase: He may not slaughter it, is inaccurate. Rather, it should have stated: He may not raise the animal and slaughter it. The Gemara answers: No, this teaching is necessary in a case where he transgressed the prohibition and already raised it, as it could enter your mind to say that he may now slaughter it. Therefore, the mishna teaches us that even then he may not do so.

⁷¹ The Gemara expresses wonder at this answer: How could one think that he may now slaughter it? Isn't the animal unblemished? How could one imagine that it is permitted to slaughter a firstborn that is unblemished? The Gemara answers: This teaching is necessary only in a case where it developed a blemish after it fell. The Gemara challenges this argument: But how could one think that he may now slaughter the animal? Doesn't it fall into the category of muktze, as it was not fit to be eaten on the eve of the Festival, since at that time it was still unblemished? In that case, it should remain in the category of muktze for the duration of the Festival.

⁷² Rather, the mishna is speaking of a case where the animal developed a temporary blemish, one that might eventually heal, on the eve of the Festival, and now, after falling, it has a permanent blemish. Lest you say that his mind was set on the animal as food already before the Festival due to the temporary blemish and therefore he should now be allowed to slaughter it, the mishna teaches us that since it was not fit to be eaten before the Festival, it is not considered prepared for use on the Festival. Rather, it falls into the category of muktze and may not be slaughtered.

⁷³ The Sages taught the following baraita: With regard to an unblemished firstborn that fell into a cistern on a Festival, Rabbi Yehuda HaNasi says: An expert in these matters goes down into the cistern and examines the animal. If it now has a permanent blemish as a result of the fall, he may raise it from the cistern and slaughter it; but if not, then even if he proceeds to raise it, he may not slaughter it, even if afterwards it develops a blemish. Rabbi Shimon ben Menasya said to him: The Sages of earlier generations already said that one may not examine blemishes on a Festival. How so? If a blemish came into being on the eve of a Festival, one may not examine it on the Festival itself to see whether it is in fact of the type that permits the animal to be slaughtered. And if the blemish came into being

⁷⁴ on the Festival itself, Rabbi Shimon says: It is not considered to be among the animals prepared prior to the Festival for use on the Festival; therefore, even if it was examined by an expert, it may not be slaughtered. And Rabbi Yehuda and Rabbi Shimon agree that if the animal was born with its blemish, it is considered to be among the animals prepared for use on the Festival.

⁷⁵ Rabba bar Rav Huna taught the halakha as follows: If a firstborn was born with its blemish, experts may examine it on a Festival *ab initio*, and if the blemish is found to be permanent, the animal may then be slaughtered. Rav Nahman said to him: Father would teach on this matter that if he transgressed and examined it, it is considered examined after the fact, and you say that one may examine it even *ab initio*?

⁷⁶ Abaye said: It stands to reason that the halakha is in accordance with the opinion of Rabba bar Rav Huna from the fact that the baraita is taught in three parts, which suggests that each part contains a novel halakha. The first section states: If a firstborn developed a blemish on the eve of a Festival one may not examine it on the Festival itself, from which one can learn that it is only *ab initio* that one may not examine it; but after the fact, it seems well, and the examination is valid.

⁷⁷ The second section of the baraita states: If it developed a blemish on the Festival itself, Rabbi Shimon says: It is not considered to be among the animals prepared prior to the Festival for use on the Festival. In other words, even after the fact, no, if the animal was examined by an expert, it may not be slaughtered and eaten. And then in the third section it teaches: And Rabbi Yehuda and Rabbi Shimon agree that if the animal was born with its blemish, it is considered to be among the animals prepared for use on the Festival. The fact that the baraita taught this halakha as an independent clause indicates that even ab initio as well, the animal may be examined.

⁷⁸ The Gemara raises an objection: But isn't it so that when Rav Oshaya came from Eretz Yisrael to Babylonia, he came and brought the following baraita in his hand: Whether the animal developed a blemish on the eve of the Festival or it developed a blemish on the Festival itself, the Rabbis say: It is not considered to be among the animals prepared for use on the Festival, so that even after the fact, if the animal was examined, it may not be slaughtered and eaten. According to this, the allowance granted in the case of a firstborn that was born with its blemish can be only after the fact, as argued by Rav Nahman, and not ab initio, as maintained by Rabba bar Rav Huna. Why, then, does Abaye accept the opinion of the latter and not that of the former?

⁷⁹ The Gemara asks: But if so, that baraita cited earlier, which presents these halakhot differently, is difficult. The Gemara answers: This does not pose a problem, as that baraita was taught by Adda bar Ukhmei, who would often confuse the opinions in the text and teach an inaccurate version of the dispute; therefore, his version is unreliable.

⁸⁰ Rav Nahman bar Yitzhak said: The mishna is also precise in its wording according to the opinion that no blemish may be examined ab initio. As the mishna teaches that Rabbi Shimon says: Even if the animal has a blemish, it is prohibited to slaughter it, since any firstborn animal whose blemish is not perceptible on the eve of the Festival while it is still day is not considered to be among the animals prepared prior to the Festival for use on the Festival. What is the meaning of the phrase: Whose blemish is not perceptible? If we say that its blemish is not perceptible at all, it is obvious. Need it be said that an animal whose blemish was not perceptible at all prior to the Festival is not considered prepared for use on the Festival?

⁸¹ Rather, one must say that the animal had a perceptible blemish, but it was not shown to a Sage on the eve of the Festival to determine whether it is a permanent blemish or a temporary blemish. In any event, the mishna teaches: It is not considered to be among the animals prepared prior to the Festival for use on the Festival, which indicates that it is not considered prepared even after the fact. It follows that the allowance granted in the case of a firstborn that was born with its blemish is also only after the fact, but the blemish may not be examined ab initio. The Gemara concludes: Indeed, learn from this that this is so.

⁸² § Hillel raised a dilemma before Rava: Is there a prohibition of muktze for half of Shabbat or is there no prohibition of muktze for half of Shabbat? The Gemara asks: What are the circumstances of this case? If an item was fit for eating or for some other purpose at twilight between Friday and Shabbat, it would then be fit for the entire Shabbat. And if it was not fit at twilight, it is not fit for the entire day, as anything considered muktze at twilight remains so throughout Shabbat. How, then, could there be a case of an item that is considered muktze for half of Shabbat?

⁸³ The Gemara explains: No, it is necessary to raise this dilemma in a case where the item had once been fit for use, and then became disqualified on Shabbat itself for some reason, and then once again

became fit. It is about such a case that Hillel asked: What is the halakha? Rava said to Hillel: There is a prohibition of muktze for half of Shabbat, that is to say, once an item becomes disqualified for use on Shabbat, it retains that status for the rest of the day.

⁸⁴ Hillel raised an objection from the previously cited baraita that taught: And Rabbi Yehuda and Rabbi Shimon agree that if the animal was born with its blemish, it is considered to be among the animals prepared before the Festival for use on the Festival. But why should this be? Let us say as follows: This firstborn was fit at the outset to be eaten on account of its mother, as had its mother been slaughtered before giving birth to the firstborn, it would have been permitted to eat them both. This being the case, when the firstborn was born, it became disqualified, since once a firstborn is born, it may not be eaten until it acquires a permanent blemish. And later, when he showed it to a Sage, it once again became permitted to him. This shows that although the animal had the status of muktze for part of the day of the Festival, it did not retain that status for the entire day.

⁸⁵ Abaye said, and some say it was Rav Safra who said: Here, the baraita is referring to a case where judges were sitting there, observing the firstborn as it was being born, and they immediately saw that it was blemished. Therefore, the animal never lost its permitted status even for a moment.

⁸⁶ Some say that Rava said the opposite to Hillel: There is no prohibition of muktze for half of Shabbat, that is to say, even if an item becomes disqualified for use on Shabbat, once it becomes fit again, it is no longer prohibited. The Gemara responds: Let us say that the previously cited baraita supports Rava: And Rabbi Yehuda and Rabbi Shimon agree that if the animal was born with its blemish, it is considered to be among the animals prepared before the Festival for use on the Festival. But wasn't this firstborn fit to be eaten at the outset on account of its mother; and then when it was born it became disqualified; and then later, when he showed it to a Sage, it once again became permitted to him? This indicates that for half of Shabbat there is no prohibition of muktze.

⁸⁷ Abaye said, and some say it was Rav Safra who said: This proof is inconclusive, as the baraita may be referring to a case where judges were sitting there when the firstborn was born, and they immediately saw that it was blemished; therefore the animal never acquired the status of muktze at all.

⁸⁸ The Gemara suggests: Come and hear a proof from a different baraita: If one was eating grapes and left some over and took them up to the roof to dry in order to make them into raisins, or if he was eating figs and left some over and took them up to the roof in order to make them into dried figs, he may not eat from them on Shabbat unless he designates them as food to be eaten while it is still day. Otherwise, they are prohibited as muktze. And you would find the same with regard to peaches, and quinces, and all other types of fruit that one left out to dry. It is prohibited to eat any of them on Shabbat due to the prohibition of muktze.

⁸⁹ The Gemara proceeds to clarify this baraita: What are the circumstances? If they are fit to be eaten, as they have already dried, why does he require prior designation? Since he placed them there in order to eat them after they dried, they should be considered food that has been designated to be eaten. And if they are not fit to be eaten, as they are yet not dry, even if he designates them the day before, what of it? Of what use is such designation, seeing that the fruit is still unfit to be eaten?

⁹⁰ And if you say the baraita is referring to a case where he could not ascend to the roof to examine them, and therefore he did not know whether they were fit or unfit, so that his designation was conditional, there is a difficulty. As didn't Rav Kahana say: If fruit had been set aside for drying, and

it dried and became fit for eating before Shabbat, but the owner did not know about it before Shabbat but only on Shabbat, the fruit is permitted, since he removed it from his mind only for as long as it would be unfit for eating.

⁹¹ Rather, is the baraita not referring to a case where the fruits were fit, and then became disqualified, and then once again became fit, and therefore they have the status of muktze? And if you say that there is no prohibition of muktze for half of Shabbat, why do they require prior designation? The Gemara refutes this argument: Rather, what then do you say, that there is in fact a prohibition of muktze for half of Shabbat? In that case, if he designates them the day before, what of it? How does his designation permit that which is prohibited as muktze?

⁹² The Gemara answers: No, the baraita is necessary for a case where the fruits were fit but not completely fit, meaning that there are people who eat them in that state and there are other people who do not eat them. Therefore, if he designated them as food to be eaten, he has revealed his intention that he is included among those who do eat them; if he did not designate them as food, he has not revealed his intention. Therefore, no proof can be adduced from here.

⁹³ Rabbi Zeira said: Come and hear a resolution to the problem raised above from the halakha governing beans and lentils cooked on a Festival. As beans and lentils at the outset, at twilight, when they are still raw and uncooked, are fit to be chewed as they are and are therefore not in the category of muktze; then, when he casts them into the pot to cook them, they become disqualified because while they are being cooked they are fit neither to be chewed raw nor to be eaten cooked.

⁹⁴ And then when their cooking is finished, they once again become fit for eating. This demonstrates that even food that had temporarily been set aside because it had become inedible does not remain prohibited for the entire day.

⁹⁵ Abaye said to him: And according to your reasoning that foods are temporarily considered muktze while being cooked, cooked dishes in general present a difficulty for you on Shabbat as well. As ordinary cooked dishes in general are still bubbling at twilight and not yet edible, and yet we partake of them later in the evening. This demonstrates that although the food was considered muktze at the critical moment of twilight, it is not prohibited for the duration of Shabbat.

⁹⁶ Rather, it must be that we have no dilemma with regard to a food whose completion, which brings it to its finished and edible form, is entirely in the hands of a person, e.g., beans and lentils. Such foods are certainly not considered as muktze for all of Shabbat simply because they had become temporarily unfit for eating. Where we have a dilemma is with regard to an item whose completion is in the hands of Heaven, such as figs and grapes, which dry by the heat of the sun. This dilemma remains unresolved.

⁹⁷ § The Gemara returns to the issue of permitting firstborn animals. Rabbi Yehuda Nesia had a firstborn animal that acquired a blemish on a Festival, and he wished to serve it to priests staying at his house. He sent it to be presented before Rabbi Ami for examination, and Rabbi Ami thought that he should not examine it, in accordance with the opinion of Rabbi Shimon. Rabbi Zerika said to him, and some say it was Rabbi Yirmeya: The principle is that in cases of dispute between Rabbi Yehuda and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yehuda, who in this case permits examination of the firstborn. Rabbi Yehuda Nesia then sent the firstborn to be presented before Rabbi Yitzḥak Nappaḥa, who likewise thought that he should not examine it. Rabbi Yirmeya

said to him, and some say it was Rabbi Zerika: The principle is that in cases where Rabbi Yehuda and Rabbi Shimon disagree, the halakha is in accordance with the opinion of Rabbi Yehuda.

⁹⁸ Rabbi Abba said to Rabbi Yirmeya: What is the reason that you did not allow the Sages to act in accordance with the opinion of Rabbi Shimon? He said to him: And you, what do you have? Do you have a tradition that the halakha is in accordance with the opinion of Rabbi Shimon? Rabbi Abba said to him that Rabbi Zeira said as follows: The halakha in this case is in accordance with the opinion of Rabbi Shimon.

⁹⁹ The Gemara relates that a certain unidentified person in Babylonia said: May it be His will that I merit to go up there to Eretz Yisrael, and that I learn this teaching from the mouth of its Master; I will ask Rabbi Zeira himself for his opinion on this matter. When he went up there to Eretz Yisrael, he found Rabbi Zeira and said to him: Did the Master say that the halakha is in accordance with the opinion of Rabbi Shimon? Rabbi Zeira said to him: No, that is not what I said; rather, I said: It stands to reason that this is so. It is reasonable to rule in accordance with Rabbi Shimon on this issue, although I do not have a definitive tradition to this effect.

¹⁰⁰ Rabbi Zeira explains: Why do I think so? From the fact that it teaches in the mishna that Rabbi Shimon says: Any firstborn animal whose blemish is not perceptible while it is still day is not considered to be among the animals prepared prior to the Festival for use on the Festival. And a baraita taught the same ruling in the name of the Sages, indicating that this is the majority opinion. One should therefore learn from this that it stands to reason that the halakha is ruled in accordance with the opinion of Rabbi Shimon.

¹⁰¹ The Gemara asks: In the final analysis, what conclusion was reached about this matter? Whose opinion does the halakha follow? Rav Yosef said: Come and hear, as this matter hangs on great trees, meaning it is the subject of a dispute among the early Sages. As Rabbi Shimon ben Pazi said that Rabbi Yehoshua ben Levi said that Rabbi Yosei ben Shaul said that Rabbi Yehuda HaNasi said in the name of the holy community in Jerusalem: Rabbi Shimon ben Menasya and his colleagues said that the halakha is in accordance with the opinion of Rabbi Meir.

¹⁰² The Gemara wonders at the wording of this report: How could the holy community in Jerusalem have reported that Rabbi Shimon ben Menasya and his colleagues said that the halakha is in accordance with the opinion of Rabbi Meir? Aren't they much older than he? Why, then, would they have reported a halakha in his name? The Gemara answers: Rather, the holy community in Jerusalem said the following: Rabbi Shimon ben Menasya and his colleagues, who said that one may not examine blemishes on a Festival, spoke in accordance with the opinion of Rabbi Meir.

¹⁰³ To which teaching of Rabbi Meir is the Gemara referring? It is as we learned in a mishna (Bekhorot 28a): If one slaughtered a firstborn before it was shown to a Sage and deemed permitted, and afterward he showed its blemish to a Sage, who confirmed that it was indeed a permanent blemish that permitted the animal to be slaughtered, Rabbi Yehuda permits it, as it had been established that the animal was blemished. And Rabbi Meir says: Since it was slaughtered without the permission of an expert, it is prohibited. Apparently Rabbi Meir holds that the examination of a firstborn is not as simple a process as the examination of a tereifa, since it involves more than a mere examination of the body of the animal. The examination of a firstborn must be conducted when the animal is alive, whereas the examination of a tereifa may be performed even after slaughtering.

¹⁰⁴ And from this Rabbi Shimon ben Menasya and his colleagues inferred that the examination of a tereifa, which consists merely of clarifying the facts of the animal's physical state, may be done even on a Festival. On the other hand, the more stringent examination of a firstborn, which can be likened to the rendering of a judgment, a process with principles of its own, must be performed on the eve of the Festival.

¹⁰⁵ Abaye said to Rav Yosef: Is that to say that there, in that mishna, Rabbi Yehuda and Rabbi Meir disagree about whether or not one may examine blemishes on a Festival? That was not their dispute; rather, they disagree with regard to the question of whether or not there is a penalty for one who acted improperly. As Rabba bar bar Ḥana said that Rabbi Yoḥanan said: If the blemish was in the eyelids, e.g., if a fissure developed there that disqualifies the animal, everyone, including Rabbi Meir, agrees that the animal is prohibited, because such a blemish changes its appearance after the slaughter. It is possible that after slaughter what was a temporary blemish will then look like a permanent one, and the animal will incorrectly be permitted retroactively.

¹⁰⁶ When they disagree is in a case of blemishes in the body, e.g., if an ear had been cut off or a foreleg broken, which are prominent blemishes whose appearance does not change after death. Rabbi Meir holds that we issue a decree that blemishes in the body are prohibited due to blemishes in the eye, and Rabbi Yehuda holds that we do not issue such a decree.

¹⁰⁷ Rav Naḥman bar Yitzḥak said: The wording of the mishna in tractate Bekhorot is also precise according to this explanation, as it teaches that Rabbi Meir says: Since it was slaughtered without the permission of an expert who confirmed that this is a permanent blemish, it is prohibited. Learn from this that this is a penalty that Rabbi Meir imposes and nothing else. The Gemara concludes: Indeed, learn from this that this is the correct understanding of the mishna.

¹⁰⁸ § The Gemara relates that Ami of Vardina was the examiner of firstborns in the household of the Nasi. On Festivals he would not examine firstborn blemishes. They came and told Rabbi Ami about this. He said to them: He does well not to examine them. The Gemara raises an objection: Is that so? But didn't Rabbi Ami himself examine firstborns for blemishes on a Festival? The Gemara answers: When Rabbi Ami would examine the blemishes of firstborns, it was on the day before the Festival that he would examine them, to see whether the blemishes were permanent or temporary.

¹⁰⁹ And on the Festival itself he would ask only how the incident occurred, meaning that he would investigate the cause of the blemish, as in that case where a certain man who was a priest brought a firstborn before Rava, close to nightfall on a Festival eve. Rava was sitting and washing the hair on his head. He raised his eyes and saw the firstborn's blemish. He then said to the owner of the firstborn: Go now, and come back tomorrow.

¹¹⁰ When he came back on the following day, Rava said to him: How did the incident that caused the blemish occur? The owner said to Rava: Barley grains were scattered on one side of a fence of thorns, while the firstborn was standing on the other side. When it wanted to eat, it stuck its head through the fence and a thorn cut its lip. Rava said to the owner: Perhaps you caused the blemish by deliberately placing the barley on the other side of the fence? He said to him: No.

¹¹¹ The Gemara comments: And from where do you say that causing a blemish to an offering is prohibited? As it is taught in a baraita: It is written with regard to offerings: "There must not be any blemish in it" (Leviticus 22:21). I have only an explicit prohibition that it may not have a blemish; from where is it derived that one may not cause a blemish to it by means of something else, e.g., that

he does not bring dough or a dried fig and place it on its ear so that a dog will come and take it, thereby biting off part of the animal's ear and leaving it blemished? Therefore the verse states "any blemish." It says "blemish" and it says "any blemish"; the word "any" comes to teach that one may not cause a blemish.

¹¹² MISHNA: With regard to an animal that died, one may not move it from its place on a Festival. And such an incident once occurred and they asked Rabbi Tarfon about it. And on that same occasion they also asked him about ḥalla that had been separated from dough and then became ritually impure on a Festival. Such ḥalla is not fit to be eaten by anyone, nor may it be used in any other manner, e.g., as animal feed or as fuel for a fire, on that day. Rabbi Tarfon entered the study hall and inquired about these matters, and the Sages said to him: One may not move them from their place.

¹¹³ GEMARA: The Gemara suggests: Let us say that we learned the unattributed mishna not in accordance with the opinion of Rabbi Shimon. As we learned in a mishna (Shabbat 156b) that Rabbi Shimon says: One may cut up gourds for an animal on Shabbat so that it can eat them more easily, and similarly, one may cut up an unslaughtered animal carcass for dogs. Rabbi Yehuda says: If it was not an animal carcass already on the eve of Shabbat, but rather it died on Shabbat itself, it is prohibited. Since Rabbi Yehuda distinguishes between an animal that died on Shabbat and one that died before Shabbat, it would appear that Rabbi Shimon holds that one may move an animal carcass and feed it to dogs even if it died on Shabbat. Accordingly, the mishna that prohibits moving an animal that died on a Festival seems to conflict with Rabbi Shimon's opinion.

¹¹⁴ The Gemara rejects this argument: The mishna can be understood even if you say that it is in accordance with the opinion of Rabbi Shimon, as Rabbi Shimon nevertheless concedes in the case of animals that were entirely healthy at twilight but died on the Festival that they are prohibited. Since they were healthy at twilight, the owner had no intention at that point in time of feeding them to dogs, and they are therefore prohibited as muktze. The baraita, on the other hand, is referring to an animal that had been sick on the previous day; since the owner knew that it was close to death, he had in mind to feed it to his dogs after it died.

¹¹⁵ The Gemara asks: This works out well according to the opinion of Mar bar Ameimar in the name of Rava, who said that Rabbi Shimon concedes in the case of animals that died on the Festival without having been mortally sick the day before that they are prohibited on the Festival due to muktze; according to this opinion, it is well. However, according to the opinion of Mar, son of Rav Yosef, in the name of Rava, who said that Rabbi Shimon was in disagreement even in the case of animals that died suddenly, and he holds that they are permitted, what is there to say? The unattributed mishna appears to contradict this opinion.

¹¹⁶ The Gemara answers: Ze'iri explained it as follows: The mishna is referring to a sacred animal that died; since it is sacred property, one may not derive benefit from it, and therefore one may not give it to dogs. The Gemara comments: The language of the mishna is also precise according to this interpretation, as it teaches: They asked Rabbi Tarfon about it and about ḥalla that became ritually impure, from which it may be inferred: Just as ḥalla is sacred, so too, the animal mentioned here is one that was sacred, rather than a non-sacred animal.

¹¹⁷ The Gemara asks: Rather, according to this explanation, the reason that the animal may not be moved is that the animal was sacred; but if it was a non-sacred animal that died, it would be permitted to move it. If so, this works out well according to the opinion of Mar, son of Rav Yosef, in

the name of Rava, who said that Rabbi Shimon was in disagreement even in the case of animals that died, and he holds that they are permitted; according to this opinion, it is well, as one can say that the mishna, which indicates that one may move an animal that died on a Festival, is in accordance with the opinion of Rabbi Shimon. However, according to the opinion of Mar bar Ameimar in the name of Rava, who said that Rabbi Shimon concedes in the case of animals that died that they are prohibited, what is there to say? The mishna is in accordance with neither Rabbi Shimon nor Rabbi Yehuda.

¹¹⁸ The Gemara answers: With what are we dealing here? It is with a case where the animal was in danger of dying the day before, and the owner had in mind to feed it to his dogs after it died, and all agree with regard to the ruling. Therefore, according to Rabbi Shimon, an allowance is granted to move the animal if it was a non-sacred animal and it had been in danger prior to the Festival; and if the animal was sacred, even he agrees that it is prohibited, as it may not be fed to dogs.

¹¹⁹ MISHNA: One may not register to have a portion of an animal on a Festival *ab initio*, since it is prohibited to divide up an animal into portions for different people, as this is similar to conducting business, a weekday activity, on a Festival. But one may register for the animal on the eve of the Festival, and then those who registered for the animal may slaughter and divide it between them on the Festival itself in accordance with the agreement reached the day before. The next day, each pays the slaughterer according to his portion of the animal.

¹²⁰ GEMARA: The Gemara asks: What is the meaning of: One may not register? Rav Yehuda said that Shmuel said: One may not fix a sum of money and set a particular price for each portion of an animal on a Festival *ab initio*. The Gemara asks: What should one do on a Festival to divide up the animal without fixing a price? Rav said: He should bring two animals and stand them one next to the other and say: Is this one equal in value to the other one? If the purchasers confirm that this is the case, then after the Festival they assess the value of the animal that is identical to the animal that had been slaughtered on the Festival, and in that way they establish the amount that each person must pay.

¹²¹ This is also taught in a baraita that states: A person may not say to another on a Festival: I am hereby in partnership with you in this animal that you are about to slaughter for the value of a sela, or: I am hereby in partnership with you for two sela. However, he may say to him: I am hereby in partnership with you for half the animal, or for a third or a quarter, without stipulating the value of that share, and after the Festival they may determine how much each share is worth.

¹²² MISHNA: Rabbi Yehuda says: A person selling meat on a Festival who wishes to know its weight in order to determine its price may not weigh it against regular weights in the ordinary weekday manner, but he may weigh the meat against a vessel or against a cleaver [kofitz] and then calculate the weight of the meat by weighing the vessel or cleaver later. And the Rabbis say: One may not look at the pans of a balance scale at all, meaning that they may not be used for weighing in any manner or for any other purpose.

¹²³ GEMARA: The Gemara asks: What is the meaning of: One may not look at the pans of a scale at all? Rav Yehuda said that Shmuel said: Even if one has meat and he wishes to protect it from mice, he may not put it on a scale, since it would look as if he were weighing it. Rav Idi bar Avin said: And this ruling applies only where the scale is hanging on the ring used for balancing it. However, if the scale is hanging in such a manner that it is not fit for weighing, one may use it as he would use any other vessel.

¹²⁴ And Rav Yehuda said that Shmuel said: It is prohibited for an expert butcher to weigh meat on a Festival even by hand because he can arrive at its precise weight using this method, and so it is prohibited like weighing with a scale. And likewise, Rav Yehuda said that Shmuel said: It is prohibited for an expert butcher to weigh meat on a Festival even in water. Butchers would calculate the weight of a slab of meat by placing it into a tub of water and measuring the amount of water that it displaces with the help of markings on the container. Since this procedure enables the butcher to determine the precise weight of the meat, it may not be performed on a Festival.

¹²⁵ And Rav Ḥiyya bar Ashi said: It is prohibited to make a hole to serve as a handle in meat on a Festival, since this is a weekday act. Ravina said: But it is permitted to make such a handle by hand, rather than with a knife or some other implement, since this is an atypical manner of making a hole.

¹²⁶ Rav Huna said: It is permitted to make a sign on meat even on a Festival, so that it not be mistaken for the meat of another person. This is like that which Rabba bar Rav Huna would do when he sent meat by means of a messenger to his house; he would cut it into triangles as a sign that the meat was his and it was fit to be eaten.

¹²⁷ The Gemara relates an incident in connection to the basic halakha of the mishna: Rabbi Ḥiyya and Rabbi Shimon, son of Rabbi Yehuda HaNasi, would weigh one portion against another portion on a Festival in order to divide the meat between them. The Gemara asks: In accordance with whose opinion did they do so? This seems to be neither in accordance with the opinion of Rabbi Yehuda nor in accordance with the opinion of the Rabbis in the mishna. As, if it is in accordance with the opinion of Rabbi Yehuda, didn't he say: A person may weigh meat against a vessel or against a cleaver, from which it may be inferred: Against a vessel or a cleaver, yes, one may do so; but against anything else, no, he may not. And if it is in accordance with the opinion of the Rabbis, didn't they say: One may not look at the pans of a scale at all?

¹²⁸ The Gemara explains: Rabbi Ḥiyya and Rabbi Shimon, son of Rabbi Yehuda HaNasi, acted in accordance with the opinion of Rabbi Yehoshua. As it is taught in a baraita that Rabbi Yehoshua says: One may weigh one portion against another portion on a Festival. Rav Yosef said: The halakha is in accordance with the opinion of Rabbi Yehoshua, since we learned in a mishna in tractate Bekhorot (31a) in accordance with his opinion.

¹²⁹ As we learned there: With regard to consecrated animals that have become disqualified because of a blemish, all the benefit that accrues from their sale belongs to the Temple treasury of consecrated property. And one may weigh one portion of meat against another portion of meat in the case of a firstborn that developed a blemish. Although the meat of a firstborn may not be sold by weight in the manner of non-sacred meat, one may weigh one portion against another portion in order to determine its price. This indicates that even in a case where it is prohibited to weigh an item in the ordinary manner, one may still weigh one portion of it against another portion.

¹³⁰ Abaye said to him: Perhaps that is not so, and the two cases are not similar. It is possible that Rabbi Yehoshua stated his opinion that one may weigh one portion against another only here, on a Festival, where the action does not involve a show of degradation of sacred items; but there, in the case of a firstborn, where the weighing involves a display of degradation of sacred items, perhaps he did not permit weighing of any kind.

¹³¹ Alternatively, it is possible that the Rabbis stated their opinion that one may weigh one portion against another only there, in the case of a firstborn, because it does not look like a weekday activity;

but here, on a Festival, where it looks like a weekday activity, perhaps they would not have permitted it. It is therefore possible that even the Rabbis would prohibit this action on a Festival.

¹³² With regard to the incident involving Rabbi Ḥiyya and Rabbi Shimon, son of Rabbi Yehuda HaNasi, the Gemara asks: Is this to say that they were particular with each other with regard to such matters, to the extent that they had to weigh one portion against another so that their portions would be exactly equal? But wasn't there the incident of the seven fish that were brought to the house of Rabbi Yehuda HaNasi, and five of them were later found in the house of Rabbi Ḥiyya, who had taken them from Rabbi Yehuda HaNasi; and Rabbi Shimon, son of Rabbi Yehuda HaNasi, was not particular about this, as they treated each other like family?

¹³³ Rav Pappa said: Cast a person between them. In other words, a third party must have been involved in the incident. How so? Either the two who divided the meat between themselves were Rabbi Ḥiyya and Rabbi Yishmael, son of Rabbi Yosei, or else they were Rabbi Shimon, son of Rabbi Yehuda HaNasi and bar Kappara. Although these pairs of scholars were colleagues, they were exacting with each other in monetary matters. Consequently, they weighed one portion of meat against the other to ensure that they would each receive the same amount.

¹³⁴ MISHNA: One may not sharpen a knife on a Festival in the ordinary weekday manner. However, one may do so in an unusual fashion, e.g., to run one knife over another, thereby sharpening the blade.

¹³⁵ GEMARA: Rav Huna said: They taught that one may not sharpen a knife on a Festival only if he does so in the typical manner, with a stone knife sharpener, but if he does so with a wooden knife sharpener, it is permitted, as this is an unusual way of sharpening knives. Rav Yehuda said that Shmuel said: With regard to that which you said, that a stone sharpener is prohibited, we said this only where one's intention is to sharpen the knife, but if he merely means to remove the accumulated fat by scraping it off with the stone, it is permitted. This proves by inference that with a sharpener made of wood, even if his intention is to sharpen the knife, it is permitted.

¹³⁶ Some teach the statement of Rav Yehuda as referring to the latter clause of Rav Huna's statement, where he says: But if he uses a sharpener made of wood, it is permitted. Rav Yehuda said that Shmuel said: With regard to that which you said, that with a wooden sharpener it is permitted, we said this only where one's intention is to remove its fat, but if he does so in order to sharpen it, it is prohibited. This proves by inference that with a sharpener made of stone, even if he intended merely to remove its fat, it is prohibited.

¹³⁷ Some teach the statement of Rav Yehuda as referring to the mishna itself, which teaches: One may not sharpen a knife on a Festival. Rav Yehuda said that Shmuel said: They taught that this is prohibited only where one's intention is to sharpen the knife, but if his aim is merely to remove its fat, it is permitted. This proves by inference that running one knife over another is permitted even if his intention is to sharpen the knife.

¹³⁸ And some teach the statement of Rav Yehuda as referring to the latter clause of the mishna, which teaches: However, one may run one knife over another. Rav Yehuda said that Shmuel said: They taught this only where one's intention is to remove its fat, but if he does so to sharpen it, it is prohibited. This proves by inference that with a sharpener, it is prohibited even to remove its fat.

¹³⁹ The Gemara asks: Who is the tanna who holds that with a sharpener it is entirely prohibited? Rav Ḥisda said: This tanna does not hold in accordance with the opinion of Rabbi Yehuda, as it is taught in a baraita: The difference between a Festival and Shabbat is only with regard to the preparation of food, as it is permitted to perform labor for the purpose of food preparation on a Festival, but not on Shabbat; Rabbi Yehuda permits even actions that facilitate preparation of food on a Festival, e.g., repairing utensils with which food is prepared on the Festival.

¹⁴⁰ Rava said to Rav Ḥisda: We teach in your name that the halakha is in accordance with the opinion of Rabbi Yehuda. He said to him: May it be God's will that you teach in my name all outstanding matters like this. In other words, Rav Ḥisda was pleased that this teaching was attributed to him, as he too agreed with it.

¹⁴¹ The Gemara relates that Rav Neḥemya, son of Rav Yosef, said: I was once standing before Rava, and he was

¹⁴² running a knife over the rim of a basket on a Festival. And I said to him: Is the Master doing so in order to sharpen it or in order to remove its fat? And he said to me: To remove its fat. And I nevertheless perceived his intention, that he did so in order to sharpen it. He concealed this from me, however, because he holds that Rabbi Yehuda's opinion is the halakha but a public ruling is not issued to that effect; therefore he did not wish to permit the practice explicitly.

¹⁴³ Similarly, Abaye said: I was standing before my Master and teacher, Rabba, and he was running a knife over the edge of a millstone on a Festival. And I said to him: Does the Master wish to sharpen it, or is he doing this in order to remove its fat? And he said to me: To remove its fat. And I perceived his intention, that he did so in order to sharpen it, but he holds: This is the halakha, but a public ruling is not issued to that effect.

¹⁴⁴ A dilemma was raised before the Sages: What is the halakha with regard to showing a slaughtering knife to a Sage on a Festival so that he may examine it for nicks and imperfections that would render it unfit to be used for slaughtering? Rav Mari, son of Rav Bizna, permitted it, whereas the Rabbis prohibited it, as this is somewhat similar to a weekday activity. And Rav Yosef said: A Torah scholar may examine a knife for himself in his own home and then lend it to others, who may also slaughter with it. Since the examination is not performed in public, it does not appear similar to a weekday activity.

¹⁴⁵ § And Rav Yosef said: With regard to a knife that became blunt without being nicked, it is permitted to sharpen it on a Festival. And this applies only if the knife still cuts, albeit with difficulty, so that when he sharpens it he is seen not as making a new utensil but merely as improving an old one. However, if the knife no longer cuts at all, it is prohibited to sharpen it.

¹⁴⁶ Rav Ḥisda taught, and some say it was Rav Yosef who taught: A knife that became nicked on a Festival, a roasting skewer [shappud] that was crushed on a Festival and its point broke off, and the sweeping of the coals in an oven and a stove on a Festival to prepare them for baking, with regard to all of these we have arrived at the dispute between Rabbi Yehuda and the Rabbis. As it is taught in a baraita: The difference between a Festival and Shabbat is only with regard to the preparation of food. Rabbi Yehuda permits even actions that facilitate preparation of food on a Festival.

¹⁴⁷ The Gemara explains: What is the reason of the first tanna for prohibiting actions that facilitate food preparation? The verse states: "Save that which every person must eat, that alone may be done

for you” (Exodus 12:16), from which it may be inferred: “That” may be done on a Festival, but not actions that facilitate it. And Rabbi Yehuda adduces proof for his view from the fact that the verse states: “For you,” indicating: For you, for all your needs, and that which facilitates food preparation is also a need.

¹⁴⁸ The Gemara asks: And according to the first tanna, is it not written “for you”? What does he learn from this phrase? The Gemara answers: That tanna could have said to you that that phrase comes to teach: For you, but not for gentiles.

¹⁴⁹ The Gemara asks: And according to the other tanna, Rabbi Yehuda, too, isn’t it written: “That,” which indicates a limitation? The Gemara explains that Rabbi Yehuda could have said to you: The limiting word “that” is written, and the expansive phrase “for you,” indicating all your needs, is written as well, but this is not difficult and no contradiction is involved. One can say that here, it is referring to actions that facilitate food preparation that can be performed on the eve of the Festival; the Torah prohibits these on a Festival. There, it is referring to actions that facilitate food preparation that cannot be performed on the eve of the Festival. The latter may be performed even on the Festival itself, as they too are part of the preparation of food, similar to cooking.

¹⁵⁰ Rav Yehuda said that Shmuel said: With regard to a roasting skewer that became bent, it is prohibited to repair it on a Festival. The Gemara asks: This is obvious; it is clear that one may not fix a utensil on a Festival. The Gemara answers: No, it is necessary to state this halakha with regard to a particular case: Although the skewer can be straightened by hand and no special tool is needed for this task, it is nevertheless prohibited.

¹⁵¹ And Rav Yehuda said that Shmuel said: With regard to a skewer upon which one roasted meat, it is prohibited to move it on a Festival, as it has already served its purpose on the Festival, and it is not fit for any other use. Rav Adda bar Ahava said that Rav Malkiyu said: He may pull the skewer out and place it in a corner so that it will not endanger anyone, as it could if it were left in the middle of the house.

¹⁵² Rav Ḥiyya bar Ashi said that Rav Huna said: And this ruling applies only where the skewer has an olive-bulk of meat on it; in such a case he may move the skewer on account of the meat and drag it into the corner in an unusual manner. However, if it does not have an olive-bulk of meat on it, he may not move it at all. Ravina said: Although it does not have an olive-bulk of meat on it, it is permitted to move it in the regular manner and place it in a corner, just as in the case of a thorn lying in the public domain. For the sake of public safety, it is permitted to remove such a thorn by moving it in increments, each less than four cubits. The same applies to this skewer; since it might harm someone where it is, it may be moved to a corner.

¹⁵³ Apropos Rav Malkiyu, to whom only a few halakhot are attributed, the Gemara mentions that Rav Ḥinnana, son of Rav Ika, said: The halakha with regard to a skewer that had been used for roasting meat but no longer has an olive-bulk of meat on it, that it may be moved to a corner; and likewise, the halakha concerning maidservants, that even if a woman brought one hundred maidservants into the marriage as her dowry, her husband may nevertheless compel her to perform some sort of work so that her boredom not bring her to sin (Ketubot 61b); and finally, the halakha with regard to follicles, that if a girl has two hair follicles in her pubic region, even if there are no hairs growing from them, she is considered to have reached majority and may perform ḥalitza; these three halakhot were all stated by Rav Malkiyu.

¹⁵⁴ However, the halakha concerning a forelock, that a Jew who cuts the hair of a gentile must stop before he reaches his forelock at a distance of three fingerbreadths on every side, as the gentiles would grow their forelocks for idolatry, and the Jew must not appear as if he were dressing the forelock for idolatrous purposes; and likewise, the halakha concerning burnt ashes, that one may not place them on a wound, as it looks like a tattoo; and finally, the halakha with regard to cheese made by a gentile, that it is forbidden because gentiles smooth the surface of their cheese with lard; these three halakhot were all stated by a different Sage named Rav Malkiya.

¹⁵⁵ Rav Pappa said a different principle: The teachings mentioned above that relate to a mishna or a baraita were stated by Rav Malkiya, whereas halakhot that are not related to a mishna or baraita were taught by Rav Malkiyu. And your mnemonic to remember this is: The mishna is a queen [malketa]; the comments that are referring to a mishna were made by Rav Malkiya, whose name is similar to the Aramaic term for queen. The Gemara asks: What is the practical difference between Rav Ḥinnana and Rav Pappa? The Gemara answers: There is a practical difference between them with regard to the halakha concerning maidservants. According to Rav Ḥinnana, this halakha was stated by Rav Malkiyu, whereas Rav Pappa holds that it was taught by Rav Malkiya, since it is referring to a dispute in a mishna.

¹⁵⁶ MISHNA: A person may not say to a butcher on a Festival: Weigh for me a dinar's worth of meat, since if he mentions a sum of money, it looks like a commercial transaction. But the butcher may slaughter an animal and apportion it among his customers without stipulating a price.

¹⁵⁷ GEMARA: The Gemara asks: What should one do if he wishes to take part of an animal on a Festival, but is barred from mentioning its price? The Gemara answers: As

¹⁵⁸ they would say in Sura: Give me that cut of meat called a tarta or half a tarta, without naming a price. In Neresh they would say in reference to those same portions: A part or half a part. In Pumbedita they would say: An uzya or half an uzya. In Nehar Pekod and in Mata Meḥasya they would say: Give me a quarter or half a quarter, thereby establishing the size of the portion without mentioning its price.

¹⁵⁹ MISHNA: One person may say to another on a Festival: Fill this vessel for me, and I will return its contents or reimburse you after the Festival, but he may not ask him to fill the vessel in a particular measure. Rabbi Yehuda says: If it was a measuring utensil, he may not fill it. There was an incident involving Abba Shaul ben Botnit, a Sage who was also a grocer, who would fill his measures on the eve of a Festival and give them to his customers on the Festival. In this way he would know exactly how much he had given each person, without conducting any measurements on the Festival itself.

¹⁶⁰ Abba Shaul, a Sage distinct from Abba Shaul ben Botnit, says: He would do this even on the intermediate days of a Festival because of the clarity of the measures, i.e., in order to clarify precisely how much must be given to each customer, since the measurement is more precise once the foam of the liquid being measured has subsided. And the Rabbis say: Even on a weekday it is proper to do so, because of the draining of the measures. This method allows all the liquid to drain fully out of the seller's measuring utensil so that the amount is exact.

¹⁶¹ GEMARA: The Gemara asks: What is the meaning of the phrase: But not in a measure? Rav Yehuda said that Shmuel said: But not with a vessel designated for measuring; however, in the case of a vessel that can be used for measuring but has yet to be used for this purpose, he may fill it.

According to this, Rabbi Yehuda comes to disagree and say that he may not fill even a vessel that can be used for measuring.

¹⁶² The Gemara asks: Apparently, Rabbi Yehuda is stringent with regard to the joy of the Festival in that he prohibits the use of any sort of measuring utensil, while the Rabbis are lenient. But didn't we hear them state the opposite, as we learned in an earlier mishna (28a) that Rabbi Yehuda says: A person selling meat on a Festival may weigh the meat against a vessel or against a cleaver, and the Rabbis say: One may not look at the pans of a balance scale at all? Apparently, here, the opinion of Rabbi Yehuda is lenient, while the opinion of the Rabbis is stringent. Therefore, there is a contradiction between the one statement of Rabbi Yehuda and the other statement of Rabbi Yehuda, as well as a contradiction between the one statement of the Rabbis and the other statement of the Rabbis.

¹⁶³ The Gemara answers: With regard to the contradiction between the one teaching of Rabbi Yehuda and the other teaching of Rabbi Yehuda, this is not difficult. There, where he is lenient, he is dealing with a vessel that cannot be used for measuring on a regular basis at all, whereas here, he is referring to a vessel that can be used for measuring, and therefore he is stringent even if the vessel has not yet actually been used in this capacity.

¹⁶⁴ With regard to the contradiction between the one statement of the Rabbis and the other statement of the Rabbis, it is also not difficult. There, he is acting in a weekday manner, and consequently they prohibit the weighing, whereas here, he is not acting in a weekday manner, as the vessel is not a measuring utensil, and consequently they permit him to use it. This completes the Gemara's discussion of Shmuel's explanation of the mishna.

¹⁶⁵ The Gemara offers a second explanation of the mishna. Rava said: What is the meaning of the phrase: But not by measure? It means that he may not mention to him the name of the measure. For example, he may not say: Fill for me one kav, or two kav. However, he may fill a vessel even if it is designated for measuring. And Rabbi Yehuda comes to say: He may not fill a vessel designated for measuring, even if he does not stipulate a particular measure.

¹⁶⁶ The Gemara asks: Apparently, with regard to the joy of the Festival, Rabbi Yehuda is stringent, and the Rabbis are lenient. But didn't we hear them state the opposite, as we learned in an earlier mishna (28a) that Rabbi Yehuda says: A person may weigh meat against a vessel or against a cleaver, and the Rabbis prohibit this and say: One may not look at the pans of a balance scale at all? Apparently, Rabbi Yehuda is lenient, while the Rabbis are stringent. Therefore, there is a contradiction between one statement of Rabbi Yehuda and the other statement of Rabbi Yehuda, and there is also a contradiction between one statement of the Rabbis and the other statement of the Rabbis.

¹⁶⁷ The Gemara answers: With regard to the contradiction between one teaching of Rabbi Yehuda and the other teaching of Rabbi Yehuda, this is not difficult. There, with regard to weighing meat against a vessel, he is dealing with a vessel that is not designated for measuring, and therefore he is lenient, whereas here, he is referring to a vessel that is designated for measuring, with regard to which he is stringent. With regard to the contradiction between one statement of the Rabbis and the other statement of the Rabbis, this is also not difficult. There, he is acting in a weekday manner, and consequently they prohibit the weighing, whereas here, he is not acting in a weekday manner, as

people are accustomed to offer their friends wine in a measuring utensil and drink. Since the use of such a vessel is not exclusive to commercial transactions, the Rabbis permitted it here as well.

¹⁶⁸ § The mishna recounted an incident involving Abba Shaul ben Botnit, a Sage who was also a grocer, who would fill his measures on the eve of a Festival and give them to his customers on the Festival. A tanna taught in a baraita: He would do this even on the intermediate days of a Festival, in order to prevent dereliction of Torah study in the study hall. Since he wanted to spend most of his day in the study hall and not have to interrupt his study to carry out measurements, he would measure for his customers at night, when it was not a time of study.

¹⁶⁹ The Sages taught in a baraita: Abba Shaul ben Botnit collected three hundred earthenware jugs of wine, to which he thought he was not entitled due to the clarity of the measures, as he thought that he had unfairly profited from the foam at the top of the liquid he measured. And his colleagues, similarly God-fearing grocers, collected three hundred earthenware jugs of oil, which they thought were not rightly theirs due to the draining of the measures; they were concerned that because they had measured for their customers using their own vessels, they might not have drained the entire measure from their containers into the customers' vessels. And they brought these jugs of wine and oil to Jerusalem before the Temple treasurers, as they did not want to benefit from possibly stolen goods.

¹⁷⁰ The treasurers said to them: You need not do this, as all buyers take into account the foam and what is left in the sellers' vessels and pay with this in mind. They said to them: Just like the buyers give up their claim to it, we too do not wish to benefit from this, even if strictly speaking it is not considered stolen property.

¹⁷¹ The treasurers said to them: Since you are so stringent with yourselves, use the wine and oil for communal needs. As it is taught in a baraita: If one stole and does not know from whom he stole, he should use the stolen items for communal needs, thereby repaying all of the Jewish people. The Gemara asks: What are communal needs? Rav Ḥisda said: He should finance the digging of cisterns, ditches, and caves, for storing water for travelers.

¹⁷² § Rav Ḥisda authorized Rabbana Ukva to give a public lecture, and he taught the following: A person may not measure barley and place it before his animal on a Festival, but he may cut out [koder] a hole in the pile of grain by means of a vessel of one kav or two kav, and place the barley before his animal, and he need not be concerned about the measuring this entails, as he does not transgress the prohibition against using a measuring utensil if he is not particular about measuring precisely. And a baker may measure spices and put them in his pot, so as not to spoil his dish, since if he puts in too much he will ruin the food.

¹⁷³ Rav Yirmeya bar Abba said that Rav said: A woman may measure flour on a Festival and put it into her dough in order to separate ḥalla generously, because if she knows the exact amount of dough she can separate the proper amount of ḥalla. And Shmuel said: It is prohibited, as she can estimate the amount that must be set aside as ḥalla. The Gemara asks: But didn't a Sage of the school of Shmuel teach a baraita stating that this is permitted?

¹⁷⁴ Abaye said: Now that it is known that Shmuel said it is prohibited and a Sage of the school of Shmuel taught a baraita that it is permitted,

¹⁷⁵ it is reasonable to conclude that Shmuel came to teach us the practical halakha. Knowing that a baraita permits the practice, Shmuel found it necessary to state that the halakha is otherwise.

¹⁷⁶ § The Sages taught in a baraita: One may not sift flour a second time on a Festival, as this involves unnecessary extra effort. They said in the name of Rabbi Pappeyas and Rabbi Yehuda ben Beteira: One may sift flour a second time. However, they all agree that if a pebble or a wood chip fell into the flour after it had been sifted the previous day, one may sift it a second time in order to remove the items.

¹⁷⁷ A tanna taught the following baraita before Ravina: One may not sift flour a second time on a Festival, but if a pebble or a wood chip fell into the flour after the first sifting, he may remove it with his hand. Ravina said to him: All the more so is the latter procedure prohibited, as it is similar to the prohibited labor of selecting. It is therefore preferable to sift the flour with a sieve, and the unwanted items will thereby be removed.

¹⁷⁸ Rava bar Rav Huna the Short taught at the entrance to Neharde'a: One may sift flour a second time on a Festival. Rav Nahman said to the students standing before him: Go out and say to Abba, i.e., to Rava bar Rav Huna, as Rava is a shortened form of Rav Abba: Your good has been removed and cast upon thorns, meaning that your teachings are not needed. Go out and see how many sieves circulate in Neharde'a, as all the women already know that this is permitted.

¹⁷⁹ The Gemara relates that Rav Yosef's wife was once sifting flour in an unusual manner on the reverse side of a sieve. He said to her: Look, I want good-quality bread, hinting that she need not invert the sieve but may sift the flour in her regular fashion. The Gemara likewise relates that Rav Ashi's wife was once sifting flour onto a table, rather than into a bowl in the usual manner. Rav Ashi said: This one of ours, my wife, is the daughter of Rami bar Hama, and Rami bar Hama is a master of good deeds who is meticulous in his performance of mitzvot. Had my wife not observed this practice in her father's house, she would not have acted in this manner. Therefore, one can learn the halakha in practice from her actions.

¹⁸⁰ MISHNA: A person may go on a Festival to a grocer from whom he is accustomed to buy and say to him: Give me eggs and nuts of such-and-such a number, as it is the manner of a homeowner to count this way in his own house. Counting eggs or nuts is not considered a commercial activity, as people regularly mention the number of eggs and nuts that they need.

¹⁸¹ GEMARA: The Sages taught in the Tosefta: A person may go on a Festival to a shepherd with whom he is accustomed to deal and say to him: Give me one kid, or one lamb. Similarly, one may go on a Festival to a butcher from whom he is accustomed to buy and say to him: Give me one foreleg of an animal, or one thigh. Likewise, one may approach one who deals in fattened fowl from whom he is accustomed to buy and say to him: Give me one dove or one pigeon. He may also visit a baker from whom he is accustomed to buy and say to him: Give me one loaf or one cake [geluska].

¹⁸² And one may go on a Festival to a grocer from whom he is accustomed to buy and say to him: Give me twenty eggs, or fifty nuts, or ten peaches, or five pomegranates, or one etrog, provided that he does not mention any measure. In other words, he must not specify a unit of measurement, e.g., a kav; rather, he must state a number, which is not the usual manner of making a purchase. Rabbi Shimon ben Elazar says: This is permitted, provided that he does not mention the amount of the purchase, meaning that he must not mention the sum of money that he is spending, but rather he must take what he needs and after the Festival they will calculate how much he owes.

Chapter 4

¹ MISHNA: One who brings wine jugs from one place to another place may not bring a large number of them in a basket or in a tub in the usual weekday manner on a Festival, as this is disrespectful of the Festival; but he may bring one or two barrels on his shoulder or carry them in front of himself. Similarly, one who brings straw for kindling or for feeding animals may not place the tub behind him while carrying it, as this is the usual weekday manner; but he may transport it in front of him in his hand, in an unusual fashion. And one may begin taking straw for kindling

² from the pile of straw, although he did not designate the pile for this purpose the day before; but one may not begin to take from the wood in the wood storage, a small yard behind the house where people store various items that they do not intend to use in the near future.

³ GEMARA: A tanna taught in a baraita: If it is impossible to modify the manner in which one carries a vessel, whether due to the vessel or due to time constraints, it is permitted to act in the typical weekday manner.

⁴ The Gemara relates that Rava instituted the following in his city, Mehoza: One who usually carries his burden with difficulty on a weekday should modify his habit on a Festival and carry it on a pitchfork. One who usually carries it on a pitchfork should carry it on a carrying pole held by two people on their shoulders. One who carries it on a carrying pole held by two people on their shoulders should carry it on a carrying pole in his hands, although he is not thereby making it easier for himself. One who carries burdens on a carrying pole in his hands should spread a scarf [sudara] over it. And if it is not possible to make these modifications due to time constraints, it is permitted to proceed in the usual manner, as the Master said above: If it is impossible to modify, it is permitted.

⁵ Rav Ḥanan bar Rava said to Rav Ashi: The Sages said: As much as it is possible to modify the weekday manner, one should modify on a Festival. A question was asked of Rav Ashi: But don't those women fill their jugs with water on a Festival without modifying, and we say nothing to them by way of protest; why do we not instruct them to alter their usual manner?

⁶ He said to him: It is because it is not possible for them to fill their jugs any other way. How should they act? She who is accustomed to filling a large jug, should she instead fill a small jug? Won't this mean that she increases her walking, since she has to make more than one trip to bring home more than one jug, and she will thereby perform unnecessary labor on the Festival?

⁷ If one were to suggest the opposite, that one who fills a small jug should fill a large jug, won't this mean that she increases her load? Furthermore, if one were to suggest that she should cover the jug with a wooden cover, sometimes it falls and she might come to bring it by hand, in the manner of a burden. Should she tie the cover to the jug, the rope might occasionally break, and she might come to tie it, a prohibited labor. Finally, should she spread a scarf over it, it occasionally falls off and becomes soaked in water, and she might come to transgress the prohibition against squeezing. Therefore, it is not possible to make a modification, and those women may act in the regular manner.

⁸ Rava bar Rav Ḥanin said to Abaye: We learned in a mishna: The Rabbis decreed that one may not clap, nor strike a hand on his thigh, nor dance on a Festival, lest he come to repair musical instruments. But nowadays we see that women do so, and yet we do not say anything to them.

⁹ He said to him: And according to your reasoning, how do you explain that which Rava said: A person should not sit at the entrance to an alleyway, next to the side post that has been placed at the edge of an alleyway in order for it to be considered a private domain, as perhaps an object will roll away from him and he will come to carry it four cubits in the public domain, thereby transgressing a biblical prohibition? But don't these women take their jugs, and go, and sit at the entrance to an alleyway, and we do not say anything to them?

¹⁰ Rather, the accepted principle is: Leave the Jews alone; it is better that they be unwitting sinners and not be intentional sinners. If people engage in a certain behavior that cannot be corrected, it is better not to reprove them, as they are likely to continue regardless of the reproof, and then they will be sinning intentionally. It is therefore preferable for them to be unaware that they are violating a prohibition and remain merely unwitting sinners. Here, too, with regard to clapping and dancing, leave the Jews alone; it is better that they be unwitting sinners and not be intentional sinners.

¹¹ The Gemara comments: There were those who understood that this principle applies only to rabbinic prohibitions but not to Torah prohibitions, with regard to which the transgressors must be reprimanded. However, this is not so; it is no different whether the prohibition is by Torah law or whether it is by rabbinic law, we do not say anything to them. For example, on the eve of Yom Kippur, there is an obligation that one begin the fast while it is still day, before sunset, as the extension of Yom Kippur. During this time, one must observe all the halakhot. This mitzva of extending Yom Kippur is by Torah law, and yet people eat and drink until darkness falls but we do not say anything to them, as we know they will pay no attention.

¹² It is taught in the mishna: And one may begin taking straw from the pile of straw. Rav Kahana said: That is to say that one may begin removing items from a storeroom on a Festival *ab initio*. Although the items in this storeroom are designated for other purposes, it is not assumed that one put them out of his mind. If so, in accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Shimon, who is not of the opinion that there is a prohibition of *set-aside* [muktze]. According to him, on Shabbat and Festivals it is not prohibited to handle items that one has removed from his mind.

¹³ The Gemara challenges: Say the latter clause of the same mishna as follows: But not wood in the wood storage. If so, we have come to the opinion of Rabbi Yehuda, who is of the opinion that there is a prohibition of muktze. The Gemara answers: Here, we are dealing with wood of cedars and firs, which are expensive and used only in the construction of important buildings, not for kindling; the wood storage is therefore considered muktze due to potential monetary loss. With regard to an item that one removes from his mind due to the financial loss he might suffer were he to use it, but not due to any prohibition involved, even Rabbi Shimon concedes that it may not be handled due to the prohibition of muktze.

¹⁴ There are those who taught the statement of Rav Kahana as referring to the latter clause of the mishna, as follows: But not wood from the wood storage area. Rav Kahana said: That is to say that one may not begin removing items from a storeroom *ab initio*. If so, in accordance with whose opinion is the mishna? It is in accordance with the opinion of Rabbi Yehuda, who maintains that there is a prohibition of muktze. The Gemara challenges: Say the first clause of the mishna, which states that one may begin taking from the pile of straw. If so, we have come to the opinion of Rabbi Shimon, who is not of the opinion that there is a prohibition of muktze. The Gemara answers: There,

in the first clause of the mishna, it is dealing with straw that has rotted and become rancid. Since it is no longer fit as animal fodder, even Rabbi Yehuda concedes that it will be used for kindling and is not muktze.

¹⁵ The Gemara asks: Isn't rancid straw fit for clay in the making of bricks; why can one assume that it will be used as fuel? The Gemara answers: The mishna is referring to straw that has thorns, which cannot be kneaded into clay. It will certainly be used only for kindling.

¹⁶ MISHNA: One may not take wood from a sukka on any Festival, not only on the festival of Sukkot, because this is considered dismantling, but one may take from near it.

¹⁷ GEMARA: The Gemara poses a question with regard to the mishna: In what way is this case different? Why did the mishna teach that from the sukka itself one may not remove wood? It is because one thereby dismantles a tent, which is a prohibited labor. But if so, if one takes wood from near it, too, doesn't he thereby dismantle a tent? Why, then, does the mishna permit him to do so?

¹⁸ Rav Yehuda said that Shmuel said: What is the meaning of: Near it? It means near the walls. Wood placed near the walls may be removed because it is not part of the sukka itself; the walls themselves may not be removed. Rav Menashya said: Even if you say that it is referring to a case where the wood is not near the walls but is part of the roof of the sukka itself, when that baraita was taught, it was with regard to bundles of reeds that are not considered part of the roof of the sukka, as they have not been untied. Therefore, one may remove them.

¹⁹ Rabbi Hiyya bar Yosef taught the following baraita before Rabbi Yoḥanan: One may not take wood from the sukka itself but only from the nearby wood. And Rabbi Shimon permits one to take wood from the sukka as well. And all agree, even Rabbi Shimon, that with regard to the sukka that was built for the festival of Sukkot, during the Festival it is prohibited to remove wood from it. But if at the outset one stipulated a condition with regard to it allowing him to use it for other purposes, it is all according to his stipulation.

²⁰ The Gemara questions this baraita: And does Rabbi Shimon permit one to take wood from the sukka itself? But isn't one dismantling a tent, which is a prohibited labor? The Gemara answers that Rav Naḥman bar Yitzḥak said: Here, we are dealing with a sukka that has already collapsed. Therefore, the only potential concern is muktze, not dismantling. And Rabbi Shimon conforms to his standard line of reasoning, as he is not of the opinion that there is a prohibition of muktze, as it is taught in a baraita: If a wick in oil was lit before Shabbat, and it went out on Shabbat, the remainder of the oil in a lamp or in a bowl is prohibited for use, as it is muktze. And Rabbi Shimon permits one to use it. Consequently, Rabbi Shimon also permits one to take wood from the sukka.

²¹ The Gemara rejects this claim: Is it comparable? There, in the case of oil in a lamp, a person sits and anticipates when his lamp will be extinguished. It is clear to him that it will be extinguished, and he can safely assume that a certain amount of oil will remain in the lamp or the bowl. Here, however, can it be said that a person sits and anticipates when his sukka will fall? He cannot know ahead of time that his sukka will collapse.

²² Rav Naḥman bar Yitzḥak said: Here, we are dealing with a sukka that is not sturdy, as from yesterday, the Festival eve, one already had his mind on it. He thought it might collapse, and therefore he did not remove the possibility of using its wood from his mind.

²³ § The above baraita states: All agree with regard to the sukka that was built for the festival of Sukkot, that during the Festival it is prohibited to remove wood from it, but if one stipulated a condition with regard to it, it is all according to his condition. The Gemara asks: And is a condition effective with regard to it?

²⁴ But didn't Rav Sheshet say in the name of Rabbi Akiva: From where is it derived that the wood of a sukka is prohibited to be used for any other use all seven days of the Festival? It is as it is stated: "The festival of Sukkot to the Lord, seven days" (Leviticus 23:34). And it is taught in a different baraita in explanation of this that Rabbi Yehuda ben Beteira says: From where is it derived that just as the name of Heaven takes effect upon the Festival peace-offering, so too, does the name of Heaven take effect upon the sukka? The verse states: "The festival of Sukkot to the Lord, seven days" (Leviticus 23:34), from which it is learned: Just as the Festival offering is consecrated to the Lord, so too, the sukka is consecrated to the Lord. Since the wood of the sukka is compared to consecrated objects, how may one stipulate a condition with regard to it?

²⁵ Rav Menashya, son of Rava, said: In the latter clause, where the stipulation is mentioned, we have arrived at the case of a regular sukka, a hut used throughout the year, not specifically for the Festival. With regard to such a sukka, one may stipulate to use the wood as he wishes; but as for a sukka of mitzva, used for the Festival, a condition is not effective with regard to it.

²⁶ The Gemara asks a question from a different angle: And is a condition not effective for a sukka of mitzva? But isn't it taught in the Tosefta: In the case of a sukka that one roofed in accordance with its halakha, and decorated it with embroidered clothes and with patterned sheets, and hung on it nuts, almonds, peaches, pomegranates, and vines [parkilei], of grapes and glass containers filled with wine, oil, and flour, and wreaths of ears of corn for decoration, it is prohibited to derive benefit from any of these until the conclusion of the last Festival day. But if one stipulated a condition with regard to them whereby he allows himself to use them, it is all according to his condition. This shows that conditions are effective even with regard to a sukka of mitzva.

²⁷ The Gemara answers based on the opinion of Abaye and Rava, who both say that this is referring to a case where one says: I am not removing myself from them throughout twilight. In other words, he announces from the outset that he will not set them aside as sukka decorations, but rather he will use them for other purposes as well. In that case, no sanctity devolves upon them at all, and he may therefore use them throughout the Festival. However, as for the actual wood of a sukka, sanctity devolves upon it through the very construction of the sukka, and it has therefore been set aside from use for the entire seven days.

²⁸ The Gemara asks: And in what way is it different from that which was stated with regard to a different halakha: In the case of one who separated seven etrogim for each of the seven Festival days, one for each day, Rav said: He fulfills his obligation through each and every one of them when he recites the blessing over the lulav and etrog, and if he so desires he may eat it immediately after the blessing. And Rav Asi said: He fulfills his obligation through each one, and he may eat it the following day, as it retains its sanctity for the duration of that entire day. In any case, all agree that the sanctity of each etrog does not extend to the following day. If so, why does the sanctity of the sukka extend through all seven days?

²⁹ The Gemara answers: There is a difference between an etrog and a sukka. There, with regard to an etrog, the nights are divided from the days, as the mitzva of etrog applies only during the day and not

at night. This means that each and every day is its own mitzva, and therefore an item that is sanctified for one day is not necessarily sanctified for the following day. However, here, with regard to a sukka, where the nights are not divided from the days, as the mitzva of sukka applies at night as well, all seven days are considered as one long day. Throughout the Festival, there is no moment during which the sanctity of sukka leaves the wood; it leaves only at the conclusion of the Festival.

³⁰ MISHNA: One may bring wood chopped from a tree the previous day from an unfenced field, but only from that which has been gathered into a pile before the Festival for the purpose of using it for kindling. However, scattered wood is muktze and may not be handled. And if one brings wood from a karpef used for storage, he may bring even from the scattered wood, as it is considered a guarded courtyard rather than a field, and one does not remove even scattered items from his mind if they are stored inside such an enclosure. The mishna explains: What is a karpef? It is any enclosure that is near a city, but if it is far from a city, it is considered a field; this is the statement of Rabbi Yehuda. Rabbi Yosei says: Any fenced place into which one can enter only with a key is a karpef, even if it is located at a distance from a city, provided that it is within the Shabbat limit.

³¹ GEMARA: Rav Yehuda said that Shmuel said: One may not bring wood except from the wood that was gathered in a karpef. The Gemara challenges: But didn't we learn in the mishna: And from a karpef, even from scattered wood? The Gemara answers: The mishna follows an individual opinion.

³² One may not rely on it, as is clear from a different source that the majority view is otherwise, as it is taught in a baraita that Rabbi Shimon ben Elazar said: Beit Shammai and Beit Hillel did not disagree with regard to wood scattered in fields that one may not bring it on a Festival to one's house for kindling, nor with regard to wood gathered in a karpef that one may bring it. With regard to what did they disagree? It is with regard to scattered wood in a karpef and gathered wood in fields, as Beit Shammai say: He may not bring it, and Beit Hillel say: He may bring it. Although the lenient opinion with regard to gathered wood in a field is attributed to Beit Hillel, this is only according to the minority view of Rabbi Shimon ben Elazar. However, most Sages disagree and say that one may not bring wood from a field at all, even according to Beit Hillel.

³³ Rava said: With regard to reed leaves and vine leaves, although they are gathered together and placed in the same spot, since if a wind comes it will scatter them, they are already considered scattered and are therefore prohibited. Given that they are likely to be scattered in the wind, one does not intend to use them. However, if one placed a vessel on them the day before to prevent their being scattered in the wind, it seems well and is permitted.

³⁴ The mishna discussed the question: What is a karpef? Rabbi Yehuda states that it is any enclosure that is near a city, while in Rabbi Yosei's opinion it is any fenced place into which one can enter only with a key, provided that it is within the Shabbat limit of a city. A dilemma was raised before the Sages: With regard to what case is the mishna speaking? Does Rabbi Yehuda mean to say that a karpef is any place that is near a city, provided that it has a key, otherwise it is not a karpef at all; and Rabbi Yosei comes to say: Since it has a key, even if it is not near a city, as long as it is within the Shabbat limit it is also considered a karpef? According to this understanding, Rabbi Yosei's view is more lenient than that of Rabbi Yehuda.

³⁵ Or perhaps this is what Rabbi Yehuda is saying: Any enclosure that is near a city is a karpef, whether it has a key or does not have a key, and Rabbi Yosei comes to say: With regard to the distance, it is a karpef even if it is not near a city, provided that it is within the Shabbat limit, but

specifically if it has a key. However, if it does not have a key, even if it is near a city it is also not considered a *karpef*. According to this understanding, the opinion of Rabbi Yosei is not necessarily the more lenient one; rather, for him the defining issue is whether or not there is a key, regardless of distance.

³⁶ The Gemara answers: Come and hear from the fact that it is taught in the mishna that Rabbi Yosei says: Any place into which one enters with a key, even within the Shabbat limit, and he does not say: If one enters, but rather: Any place into which one enters, it shows that the key is not the determining factor. One may learn from this that Rabbi Yosei stated two conditions as leniencies. In other words, he is not more stringent than Rabbi Yehuda in any situation; he is lenient in all cases. The Gemara concludes: Indeed, learn from here that this is the case. Rav Salla said that Rabbi Yirmeya said: The halakha is in accordance with the opinion of Rabbi Yosei as a leniency; Rabbi Yosei should be understood in this manner, and one should rule accordingly.

³⁷ MISHNA: One may not chop wood on a Festival neither from beams intended for construction nor from a beam that broke on a Festival, although it no longer serves any purpose. And one may not chop wood on a Festival, neither with an ax, nor with a saw, nor with a sickle, as these are clearly craftsman's tools used on weekdays. Rather, one may chop only with a cleaver. Using this tool differs greatly from the weekday manner in which wood is chopped.

³⁸ GEMARA: The Gemara wonders at the wording of the mishna: But didn't you say in the first clause of the mishna that one may not chop beams at all on a Festival, ostensibly due to the extra effort involved? Why, then, does the mishna later define how one may chop, and even permit the use of a cleaver? Rav Yehuda said that Shmuel said: The mishna is incomplete and is teaching the following: One may not chop wood from the pile of beams intended for construction, nor from a beam that broke on the Festival itself, as it is considered *muktze*. However, one may chop wood from a beam that broke on the eve of the Festival, since it has presumably been designated as firewood.

³⁹ Yet even when one chops such a beam, it must not be done in the weekday manner; an adjustment must be made. Therefore, one may not chop it neither with an ax, nor with a saw, nor with a sickle, but with a cleaver. The Gemara comments: This opinion, which is in accordance with the opinion of Shmuel, is also taught in a baraita: One may not chop wood, neither from the pile of beams nor from the beam that broke on the Festival itself, as it is not considered prepared.

⁴⁰ It is taught in the mishna that even when it is permitted to chop wood on a Festival, one may not do so with an ax. Rav Ḥinnana bar Shelemya said in the name of Rav: They taught this prohibition only with regard to a case where one chops with its female side, i.e., the broad side of the ax, as was normally done. But if one chops with its male side, i.e., the narrow side, this is permitted because it is an unusual manner of chopping.

⁴¹ The Gemara challenges: It is obvious that one may do so in this unusual fashion, as we learned in the mishna that it is permitted to chop with a cleaver, and chopping with the narrow side of an ax is similar to chopping with a cleaver. The Gemara explains: It was necessary to teach this halakha lest you say: This applies only to a cleaver, as it is narrow on both sides, but with regard to a tool that is an ax on one side and like a cleaver on the other, one might say: Since this side, that which is like an ax, is prohibited, the other, side, which is like a cleaver, should also be prohibited. Rav therefore teaches us that the cleaver side is in fact permitted.

⁴² And some teach this halakha in relation to the latter clause of the mishna: Rather, with a cleaver. Rav Hinnana bar Shelemya said in the name of Rav: They taught that it is permitted to chop wood on a Festival from a beam that was broken the day before, as stated previously, when one does so only with its male side; but if he chops with its female side, it is prohibited. The Gemara challenges: This is obvious. Didn't we learn in the mishna that one may not use an ax? The Gemara answers: It was necessary to teach this halakha lest you say: This prohibition applies only to an ax, but with regard to a utensil that is both an ax and a cleaver, i.e., that is broad on one side and narrow on the other, one might say: Since this side, the narrower one, is permitted, the other, broader side should also be permitted. Rav therefore teaches us that they did not permit one side due to the other.

⁴³ MISHNA: If there is a house that is filled with produce and locked on all sides, and a hole formed in one of its walls or its roof, one may remove produce through the place of the hole. The produce is not considered muktze, even though one cannot reach it without the existence of the hole. Rabbi Meir says: One may even make a hole ab initio and take produce through that opening.

⁴⁴ GEMARA: The Gemara wonders at Rabbi Meir's statement: Why does he permit one to make a hole in order to remove the produce ab initio? Isn't one who does so dismantling a tent, thereby performing a biblically prohibited labor? Rav Nahumi bar Adda said that Shmuel said: Here, it is referring to bricks placed one on top of the other [aveira delivni] but not cemented together. This is not considered a building at all. The Gemara challenges: Is that so? But didn't Rav Nahman say: With regard to these bricks remaining from a building, it is permitted to handle them on Shabbat, since they are fit to sit on; however, if one arranged them in rows, one on top of the other, he has certainly set them aside from his intentions? This indicates that even bricks placed on top of one another without being cemented together are nonetheless considered muktze.

⁴⁵ Rabbi Zeira said: Rabbi Meir was referring to a Festival. On a Festival they said that one may do so, but they did not allow it on Shabbat even in such a manner, and Rav Nahman was speaking of Shabbat. This opinion was also taught explicitly in the following baraita: Rabbi Meir says: One may even make a hole on a Festival ab initio and remove the produce from inside; they said this with regard to a Festival, but not with regard to Shabbat.

⁴⁶ Shmuel said: In the case of fastenings made of knotted ropes that are attached to the ground and that serve as closures for doors of cellars and caves, one may untie the knot, but one may not unravel the rope itself into its constituent fibers nor cut the rope. This constitutes the prohibited labor of dismantling the cellar or cave on Shabbat. With regard to fastenings that are on the doors of vessels, e.g., cupboards, it is permitted to untie, or unravel, or cut them if necessary, both on Shabbat and on a Festival, as the prohibition against dismantling does not apply to vessels.

⁴⁷ The Gemara raises an objection to this from the following baraita: In a case of fastenings that are attached to the ground, which are on doors, on Shabbat one may untie the rope but not unravel or cut it. Although it is permitted to do so by Torah law, the Sages prohibited it. However, on a Festival, one may untie or unravel or cut it, as this is not prohibited even by rabbinic law. This appears to contradict the opinion of Shmuel, who does not differentiate between Shabbat and Festivals.

⁴⁸ Shmuel could respond: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Meir, who said: One may even make a hole and remove produce ab initio, whereas the Rabbis disagree with him and prohibit it, and I spoke in accordance with the opinion of the Rabbis. The Gemara asks: And do the Rabbis disagree with him with regard to doors sealed to the

ground? But isn't it taught in a baraita: The Rabbis concede to Rabbi Meir with regard to doors sealed to the ground that one may untie them on Shabbat but not unravel or cut them, while on a Festival one may untie or unravel or cut them?

⁴⁹ The Gemara responds: It was he, Shmuel, who spoke in accordance with the opinion of that tanna, as it is taught in a baraita: With regard to fastenings that are to the ground, e.g., those on doors, one may untie them but not unravel or cut them, both on Shabbat and on a Festival. And with regard to those fastenings of a vessel, on Shabbat one may untie them, but one may not unravel or cut them; on a Festival one may untie, or unravel, or cut them.

⁵⁰ The Gemara challenges further: You have thereby answered the first clause of Shmuel's statement, with regard to fastenings attached to the ground, e.g., those on doors, by finding a tanna who permits untying them, as does Shmuel. However, the latter clause is difficult because the baraita states that one may not unravel even ropes of vessels on Shabbat, whereas Shmuel permits unraveling in all cases.

⁵¹ The Gemara answers: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Neḥemya, whose opinion is a minority view, as he said: All vessels may be handled only in the manner of their designated use. Therefore, the rope may not be cut, not because it is prohibited to unravel it but because one may not handle a knife for this purpose, as the designated use of the knife is cutting food rather than rope.

⁵² The Gemara challenges: If it is in accordance with the opinion of Rabbi Neḥemya, why discuss particularly Shabbat? The same halakha should apply even on a Festival, as there is no distinction between Shabbat and Festivals with regard to the halakhot of handling items. And if you say that there is a distinction according to Rabbi Neḥemya between a rabbinic decree of Shabbat, when a vessel may be moved only for its designated purpose, and a rabbinic decree of a Festival, when it may not be moved for any purpose, there is a problem. Does he differentiate between them in this manner?

⁵³ But isn't it taught in one baraita: On a Festival one may kindle fire with vessels, but one may not kindle fire with shards of vessels, as they are muktze? And it is taught in another baraita: One may kindle fire both with vessels and with shards of vessels. And it is taught in yet another baraita: One may kindle fire neither with vessels nor with shards of vessels.

⁵⁴ And this contradiction between the baraitot is resolved in the following manner: It is not difficult; this first baraita is in accordance with the opinion of Rabbi Yehuda, who accepts the law of muktze. One may therefore kindle fire with vessels, as they are not muktze, but not with shards of vessels, as they are muktze and may not be handled. This second baraita is in accordance with the opinion of Rabbi Shimon, who does not accept the law of muktze. According to him, one may use shards of vessels as well. This one that prohibits using even vessels that are intact is in accordance with the opinion of Rabbi Neḥemya, who allows vessels to be used only for their designated purpose. This indicates that Rabbi Neḥemya prohibits handling even whole vessels on Festivals as well.

⁵⁵ The Gemara replies: These are two tanna'im who both hold in accordance with the opinion of Rabbi Neḥemya. Two later tanna'im disagreed with each other in reporting the opinion of Rabbi Neḥemya. Both agree that one may use vessels only for their designated purpose, but they disagree with regard to whether this halakha applies only on Shabbat or on Festivals as well.

⁵⁶ MISHNA: On a Festival, one may not hollow out a piece of clay to form a lamp into which he will place oil and a wick because he thereby creates a vessel. And similarly, one may not produce charcoal at all on a Festival because this is not labor for sustenance. And similarly, one may not cut the wick, as this is considered mending a vessel. Rabbi Yehuda says: If one requires a wick of a particular length, he may cut it by burning it in a fire but not by cutting it with a knife.

⁵⁷ GEMARA: Who is the tanna who taught that hollowing out a lamp is considered creating a vessel, even if it is not fired in a furnace? Rav Yosef said: It is Rabbi Meir, as it is taught in a baraita with regard to the halakhot of ritual impurity: From when is an earthenware vessel susceptible to ritual impurity? It is from when its work is completed, i.e., when the clay has been made into the form of a vessel; this is the statement of Rabbi Meir. Rabbi Yehoshua says: It is from when the vessel is fired in the furnace.

⁵⁸ Abaye said to him: From where do you conclude that this is the same opinion? Perhaps Rabbi Meir stated his opinion only there, with regard to vessels, since they are fit to contain something. Although they cannot hold liquids before being fired in a furnace, they can contain other items. But here, for what use is this lamp fit? The Gemara responds: It can be used to contain small coins.

⁵⁹ Some say the following version of the discussion: Rav Yosef said: The mishna is in accordance with the opinion of Rabbi Eliezer, son of Rabbi Tzadok, as we learned: Ḥaraniyyot pots [ilpasin] are unfinished earthenware pots made together with their covers. The covers are removed after they are fired in a furnace. They are pure with regard to contracting the impurity of a tent over a corpse, as they do not have a receptacle. Earthenware vessels can contract impurity imparted by a corpse only if they have a hollow space that can contain something. But ḥaraniyyot pots are rendered impure by the carrying of a zav, even if the zav moved them without actually touching them, as this impurity applies to any earthenware vessels that serve some purpose.

⁶⁰ Rabbi Eliezer, son of Rabbi Tzadok, says: These vessels are even pure with regard to the impurity imparted by the carrying of a zav because their labor is not completed; therefore, they are not fully formed. This implies that when the pots are completed, they are considered full-fledged vessels, even before they have been fired in a furnace.

⁶¹ Abaye said to him: Perhaps it is not so, as it is possible to say that Rabbi Eliezer, son of Rabbi Tzadok, stated his opinion only there, in the case of ḥaraniyyot pots, since they are fit to contain something. But here, in the case of a lamp, for what is it fit? The Gemara replies: It is fit to contain small coins.

⁶² The Sages taught: One may not hollow out a lamp, and one may not create ḥaraniyyot pots on a Festival. Rabban Shimon ben Gamliel permits creating ḥaraniyyot pots. The Gemara asks: What is the meaning of ḥaraniyyot? Rav Yehuda said: They are pots of a city [iraniyyot]. The Gemara again inquires: What is the meaning of iraniyyot? Abaye said: It means villagers' bowls who will use even clay vessels that have not been fully formed or fired, as they are not particular with regard to half-finished utensils.

⁶³ It is taught in the mishna: And one may not produce charcoal on a Festival. The Gemara challenges: It is obvious that one may perform only labor for sustenance. For what is charcoal fit; what purpose does it have for the sake of sustenance? Rabbi Ḥiyya taught: It is necessary to teach this halakha only in the case of handing the charcoal over to bathhouse attendants [olyarin] who heat

up the bathhouse for that day. One might have thought that since charcoal is used for the sake of washing on a Festival, producing it should be permitted.

⁶⁴ The Gemara questions this: And on that day is it permitted to heat up water for washing? The Sages decreed that one may not wash in a bathhouse on a Festival, even if the water was heated up the day before, and certainly it is prohibited if the water was heated on the Festival itself. The Gemara replies: As Rava said with regard to a different issue, this decree does not refer to actual washing but to entering a bathhouse merely in order to sweat, and it was stated before the enactment of the decree against sweating in a bathhouse. Here, too, one can explain that the statement of Rabbi Ḥiyya is referring to a case where one entered to sweat, and he entered at a time before the decree was enacted.

⁶⁵ It was taught in the mishna: And one may not cut a wick into two, but Rabbi Yehuda permits cutting it by means of fire. The Gemara asks: What is different about cutting a wick with fire as opposed to with a knife, that one may not cut a wick with a knife?

⁶⁶ Is it because he thereby mends a vessel? If so, when one cuts it in the fire, he is also preparing a vessel for use. Rabbi Ḥiyya taught in explanation: He cuts it by fire in the mouth of two candles. In other words, he does not simply cut a wick, but rather inserts a long wick into two lamps, which he subsequently lights in the middle. This indeed leads to the formation of two separate wicks, but only as a result of kindling two lamps. Rav Natan bar Abba said that Rav said: One may *moḥet* a wick on a Festival. The term *moḥet* was unknown, and the Gemara therefore asks: What is the meaning of the word *moḥet*? Rav Ḥanina bar Shelemya said in the name of Rav: To remove the dark; in other words, it is permitted to remove the burnt, charcoaled section to make the lamp shine more brightly.

⁶⁷ Bar Kappara taught: Six matters were stated with regard to the halakhot of a wick on a Festival, three of which are to be stringent and three of which are to be lenient. The three halakhot to be stringent are: One may not spin or twist it *ab initio* on a Festival, and one may not singe it in fire before lighting it so that it will burn well, and one may not cut it into two. The three halakhot to be lenient are: One may crush it by hand, as although it is prohibited to twist it into a wick, one may adjust its shape in an unusual manner; and one may soak it in oil so that it will later burn well; and one may cut it by fire in the mouth of two candles.

⁶⁸ § After citing one teaching in the name of Rav Natan bar Abba, the Gemara quotes a few more statements attributed to the same scholar. Since he is not mentioned often, Rav Natan's teachings are arranged together, so that they can be remembered more easily. Rav Natan bar Abba said that Rav said: The wealthy Jews of Babylonia will descend to Gehenna because they do not have compassion on others. This is illustrated by incidents such as this: Shabbetai bar Marinus happened to come to Babylonia. He requested their participation in a business venture, to lend him money and receive half the profits in return, and they did not give it to him. Furthermore, when he asked them to sustain him with food, they likewise refused to sustain him.

⁶⁹ He said: These wealthy people are not descendants of our forefathers, but they came from the mixed multitude, as it is written: "And show you compassion, and have compassion upon you, and multiply you, as He has sworn to your fathers" (Deuteronomy 13:18), from which it is derived: Anyone who has compassion for God's creatures, it is known that he is of the descendants of Abraham, our father, and anyone who does not have compassion for God's creatures, it is known that

he is not of the descendants of Abraham, our father. Since these wealthy Babylonians do not have compassion on people, clearly they are not descended from Abraham, Isaac, and Jacob.

⁷⁰ This is another teaching that Rav Natan bar Abba said that Rav said: Whoever looks to the table of others for his sustenance, the world is dark for him. Everything looks bleak and hopeless to him, for it is stated: “He wanders abroad for bread: Where is it? He knows the day of darkness is ready at his hand” (Job 15:23). Rav Ḥisda said: Even his life is no life, as he receives no satisfaction from it.

⁷¹ In support of this last claim, the Gemara cites a baraita in which the Sages taught: There are three whose lives are not lives, and they are as follows: One who looks to the table of others for his sustenance; and one whose wife rules over him; and one whose body is ruled by suffering. And some say: Even one who has only one robe. Since he cannot wash it properly, he suffers from lice and dirt. The Gemara comments: And the first tanna, who did not include such a person, maintains: It is possible for him to examine his clothes and remove the lice, which would alleviate his suffering.

⁷² MISHNA: One may not break earthenware on a Festival. And one may not cut paper in order to roast salted fish on it. Earthenware shards or pieces of paper that have been soaked in water were placed on the metal surface or in the oven in which the fish was roasted, so that it would not be burned by the heat.

⁷³ And one may not sweep out anything that has fallen into an oven or stove that interferes with the baking, such as plaster. But one may press down and flatten any accumulated dust and ashes at the bottom of the oven, which might prevent it from lighting properly.

⁷⁴ And one may not draw two barrels together in order to place a pot on them, so that its contents will be cooked by a fire lit between the barrels. And one may not prop a pot that does not stand straight with a piece of wood, in order to prevent it from falling. And similarly, with a door. And one may not lead an animal with a stick in the public domain on a Festival; and Rabbi Elazar, son of Rabbi Shimon, permits it.

⁷⁵ GEMARA: With regard to the issue of breaking earthenware and cutting paper, the Gemara explains: What is the reason for this prohibition? Because one is thereby preparing a vessel for use.

⁷⁶ It was taught in the mishna: And one may not sweep out an oven or stove. Rabbi Ḥiyya bar Yosef taught before Rav Naḥman: And if it is not possible to bake unless one sweeps it out, it is permitted. The Gemara relates an incident with regard to the wife of Rabbi Ḥiyya: A part of a brick fell into her oven on a Festival, preventing her from baking. Rav Ḥiyya said to her: See, you should know that I want good-quality bread. He thereby stated that it would be impossible unless she removed the brick, making it permissible for her to do so. Similarly, Rava said to his attendant: Roast for me a duck in an oven, and be careful not to singe it. He thereby implied that the attendant may remove all impediments from the oven in order to fulfill this requirement because otherwise it would not be possible to cook without singeing.

⁷⁷ In a related case, Ravina said to Rav Ashi: Rav Aḥa from Hutzal said to us that the master, Rav Ashi, allows his attendants to plaster the mouth of the oven for him on a Festival. This was done in order to ensure that the roasted or cooked dish would be fully prepared. Why does this not constitute the prohibited labor of kneading on a Festival? He said to him: We rely on the bank of the Euphrates River. We avoid the labor of kneading by taking sufficiently kneaded mud from the riverbank. The Gemara comments: And this applies only when one wrapped or made some mark on the mud the day

before, so that it not be muktze. Ravina said: And as for kneading with ashes for this purpose, it is permitted, since the labor of kneading does not apply to ashes.

⁷⁸ § It was taught in the mishna: One may not draw two barrels together in order to place a pot on them. Rav Naḥman said: With regard to large stones of a lavatory, upon which one sits to attend to his needs, it is permitted to put them together in the proper manner, so that they may be used on a Festival. Rabba raised an objection to Rav Naḥman: Wasn't it taught that one may not draw two barrels together in order to place a pot on them? This seems to indicate that any arrangement resembling building is prohibited. He said to him: There, with regard to barrels, it is different, because one makes a tent. It is not the drawing of the barrels close together that is prohibited. Rather, the placement of the pot over them forms a kind of covering, which is similar to building a tent.

⁷⁹ Rabba the Younger, so called to distinguish him from the more famous amora known as Rabba, said to Rav Ashi: However, if that is so, then if, on a Festival, one built a solid bench [itztaba], without a gap below the seat, a situation in which one does not make a tent, so too, will you say that it is permitted? He said to him: The two cases are not comparable: There, with regard to a proper construction, such as a bench, the Torah prohibited erecting a permanent construction, but the Torah did not prohibit erecting a temporary construction. The Sages, however, decreed against creating a temporary construction on a Festival due to a permanent construction. However, here, with regard to a lavatory, due to the dignity of the user, the Sages did not decree with regard to it.

⁸⁰ Rav Yehuda said: With regard to this bonfire, in which the wood is arranged in the form of a house, if one arranges it from above to below it is permitted, as this is not the regular manner of building. However, if one prepares it in the usual fashion, from below to above, it is prohibited, for this is considered building.

⁸¹ And similarly, if one wishes to place eggs on the mouth of a hollow vessel or on a grill sitting above coals, he must first hold the vessel in his hands and put the eggs on it, and only afterward position them both on the coals. And similarly, with regard to a pot placed on barrels, one must hold the pot above the barrels before placing them underneath it. And similarly, in the case of a collapsible bed, whose legs and cover are separate pieces, one must first stretch the upper part, then add the legs. And similarly, in the case of barrels positioned one on top of the other, the upper one must be held in place first and then the others added below.

⁸² § It was taught in the mishna: And one may not prop a pot with a piece of wood, and similarly a door. The Gemara asks: With regard to a door, can this enter your mind? Is it possible to prop a pot by means of a door? Rather, say and correct the wording as follows: And similarly, one may not prop a door with a piece of wood. The Sages taught: One may not prop a pot with a piece of wood, and similarly a door, as wood is to be used only for kindling. With regard to any use other than kindling, wood is considered muktze. And Rabbi Shimon, who does not accept the prohibition of muktze, permits it.

⁸³ The baraita continues: And one may not lead an animal with a stick on a Festival, but Rabbi Elazar, son of Rabbi Shimon, permits it. The Gemara asks: Shall we say that Rabbi Elazar, son of Rabbi Shimon, holds in accordance with the opinion of his father, Rabbi Shimon, who is not of the opinion that there is a prohibition of muktze, and he therefore permits one to take any stick and lead an animal with it? The Gemara rejects this: No, there is no issue of muktze here at all, for in this case even Rabbi Shimon concedes to the first tanna that this activity is prohibited, not due to muktze but

because one who does so looks like one who is going to the market [ḥinga] in the manner of a weekday. On a Festival, one must therefore lead the animal in an unusual fashion.

⁸⁴ § In a case where one takes a bamboo branch to use as a skewer, Rav Naḥman prohibits it because it is muktze, since it was not made into a vessel the day before, and Rav Sheshet permits it. The Gemara elaborates: In the case of a wet branch, everyone agrees that it is prohibited; it is unfit for kindling and is therefore muktze. When they disagree, it is in the case of a dry branch. The one who prohibits handling it, Rav Naḥman, could have said to you: Wood is only for kindling, but it is considered muktze with regard to any other use. And the one who permits handling it, Rav Sheshet, could have said to you: Since all wood is to be used for roasting, what is it to me to roast with it when it is inserted into meat? What is it to me to roast with its coals? Just as it is permitted to burn the bamboo as coal, so it is permitted to use it as a skewer for cooking.

⁸⁵ Some say a different version of the explanation of this dispute: In the case of a dry branch, everyone agrees that it is permitted; when they disagree, it is in the case of a wet one. The one who prohibits handling it does so because it is not fit for kindling. And the one who permits it could have said to you: Isn't it at least fit for a large fire, which will dry out the branch and enable it to burn as well? The Gemara concludes: And the halakha is that a dry one is permitted and a wet one is prohibited.

⁸⁶ Rava taught: A woman may not enter a storehouse of wood in order to take from them a firebrand, a partly burnt piece of wood used for turning over the wood of the bonfire, because this piece of wood was not made into a vessel the day before and it is therefore muktze. And a firebrand that broke may not be kindled on a Festival, for one may kindle fire with vessels but one may not kindle fire with shards of vessels, and this firebrand was considered a vessel before it broke.

⁸⁷ The Gemara asks: Is that to say that in this case Rava holds in accordance with the opinion of Rabbi Yehuda, who is of the opinion that there is a prohibition of muktze? But didn't Rava say to his attendant: Roast a duck for me, and throw its innards to the cat? According to Rabbi Yehuda, it is prohibited to give the innards to animals, as they were not prepared for this purpose the day before. The Gemara answers: There, since the innards become rancid when they were left, from yesterday, the Festival eve, his mind was on them. At that point in time, he already intended to give them to the cats in his house.

⁸⁸ MISHNA: Rabbi Eliezer says: On a Festival, a person may remove a sliver from a pile of straw or from similar material that is before him, in order to clean with it between his teeth. And he may collect straw from a courtyard and kindle it, for anything in a courtyard is considered prepared for all purposes. The Rabbis say: He may collect these materials only from things placed before him in his house, as they are certainly prepared for all uses, and kindle them. With regard to objects lying in his courtyard, however, as their collection takes great effort, he certainly did not have them in mind the day before, and they are therefore muktze.

⁸⁹ The mishna states a different halakha: One may not produce fire, neither from wood, by rubbing one piece against another; nor from stones knocked against each other; nor from hot dirt; nor from tiles struck against each other; nor from water placed in round, glass vessels, which produces fire by focusing the rays of the sun. And similarly, one may not whiten tiles with a burning-hot heat in order to roast upon them afterward.

⁹⁰ GEMARA: Rav Yehuda said:

⁹¹ Animal fodder, such as straw and reed branches, does not have any associated prohibition due to the preparing of a vessel. One may therefore trim it on Shabbat and use it as one wishes.

⁹² Rav Kahana raised an objection to Rav Yehuda from the following baraita: One may handle wood of a spice tree on Shabbat in order to smell them and to wave them before a sick person to fan him. And he may crush it between his fingers to release its fragrance, and he may smell it. However, he may not cut it from the branch in order to produce a moist spot on the branch that will emit a strong fragrance, so as to smell it; and if he did cut it, he is exempt from punishment according to Torah law, but it is prohibited to do so. If he intends to clean his teeth with it, he may not cut it, and if he did cut it, he is liable to bring a sin-offering for transgressing a prohibited labor on Shabbat. This indicates that although some wood of a spice tree was used as animal fodder, it is nevertheless prohibited to cut it. This appears to contradict Rav Yehuda.

⁹³ Rav Yehuda said to Rav Kahana: Now, even the statement exempt but prohibited poses a difficulty to my opinion, and it is not reasonable. Is it required to say the opposite, i.e., liable to bring a sin-offering? This teaching cannot be understood at face value; rather, it must be understood as follows: When that baraita was taught, it was referring to hard pieces of wood such as beams, with regard to which there is a concern that one might perform a prohibited labor. The Gemara questions this: And can hard branches be crushed by hand?

⁹⁴ The Gemara replies: The baraita is incomplete and is teaching the following: With regard to wood of a spice tree, one may crush it and smell it and cut it and smell it. In what case is this statement said? With regard to soft pieces of wood, but with regard to hard ones, one may not cut them. And if he did cut it he is exempt, but it is prohibited to do so. If he intended to clean his teeth with it, he may not cut it, and if he did cut it, he is liable to bring a sin-offering.

⁹⁵ Similarly, it is taught in one baraita: One may cut it and smell it, and it is taught in another baraita: One may not cut it to smell it. Rabbi Zeira said that Rav H̥isda said: This is not difficult. In this case, when it is permitted, it is referring to soft wood. In that case, where the baraita prohibits it, it is referring to hard pieces of wood.

⁹⁶ With regard to the halakha itself, Rav Aḥa bar Ya'akov strongly objects to this: With hard ones, why not? In what way is this case different from that which we learned in a mishna: A person may break a barrel in order to eat dried figs from it, provided that he does not thereby intend to make a vessel, and he may use the barrel afterward. Breaking off wood in order to smell it is certainly not more of a prohibited labor than breaking a barrel. And furthermore, it is Rava bar Rav Adda and Ravin bar Rav Adda, who both say: When we were at the house of Rav Yehuda, he would break and give us many sticks of wood of a spice tree, although they were hard enough to be fit for handles of axes and hatchets.

⁹⁷ The Gemara answers: This is not difficult; this case is in accordance with the opinion of Rabbi Eliezer, whereas that case follows the Rabbis. As it is taught in a baraita: Rabbi Eliezer says: On Shabbat or a Festival, a person may take a sliver of wood from before him to clean his teeth with it, and the Rabbis say: One may take a toothpick only from an animal's trough; since it is fit for animal fodder, it is considered prepared for all purposes. And they agree that he may not pluck it. And if he did pluck it to clean his teeth with it or to use it as a key and open a door with it, if he did so unwittingly on Shabbat, he is liable to bring a sin-offering. If he did so intentionally on a Festival, he

receives the forty lashes administered to one who desecrates the Festival by performing labor. These are the words of Rabbi Eliezer.

⁹⁸ And the Rabbis say: Both this and this, whether one did so on Shabbat or a Festival, even if he plucked it by hand to use it as a key, it is prohibited only due to a rabbinic decree. Therefore, Rabbi Eliezer, who states there that one who plucks a toothpick on Shabbat unwittingly in order to make a vessel such as a key is liable to bring a sin-offering, then here, in the case of one who cuts a sliver of wood in order to smell it, he is exempt, but it is prohibited. However, the Rabbis who state there, in the case of plucking a toothpick, that he is exempt but it is prohibited, then here, when one cuts a sliver of wood for purposes of smelling, it is permitted *ab initio*.

⁹⁹ The Gemara asks: And does Rabbi Eliezer not accept this halakha that we learned in a mishna: A person may break a barrel in order to eat dried figs from it, provided that he does not thereby intend to make a vessel? This shows that if one does not intend to make a vessel, it is permitted *ab initio*; whereas Rabbi Eliezer maintains that he is exempt, but it is prohibited. The Gemara answers: Rav Ashi said: When that baraita was taught, its lenient ruling was with regard to a vessel patched with pitch [mustaki], meaning a vessel that had previously been broken and its pieces glued together with pitch. If one breaks it for his own needs, he does not smash a complete vessel, and he is therefore not considered to have fashioned a vessel.

¹⁰⁰ § It is taught in the mishna: And one may collect straw from the courtyard on a Festival. The Sages taught: One may collect materials from a courtyard and kindle a fire because everything in a courtyard is considered prepared, provided he does not arrange it in piles, and Rabbi Shimon permits it even in such a manner. The Gemara asks: With regard to what do they disagree; what is the basis of their dispute? One Sage, i.e., the Rabbis, who are stringent, holds: It looks as though he is collecting for tomorrow and another day, and it is therefore prohibited, so that one will not be suspected of preparing from a Festival to a weekday. And one Sage, Rabbi Shimon, holds: His pot proves his intention. When onlookers see that he is using the straw for cooking, they will not suspect him of preparing for after the Festival.

¹⁰¹ § It is taught in the mishna that one may not produce new fire on a Festival in any manner. The Gemara asks: What is the reason for this? The Gemara explains: Because he creates something new on a Festival. This is similar to an act of creation, and it is therefore prohibited.

¹⁰² § The mishna states that one may not whiten tiles by heating them, in order to roast food on them. The Gemara asks: What does one thereby do; since his intention is to prepare food, how does this differ from any other manner of roasting? Rabba bar bar Ḥana said that Rabbi Yoḥanan said: Here we are dealing with new tiles, and it is prohibited because

¹⁰³ it is necessary to test them to ensure that they do not burst when heated. If they are heated for the first time on a Festival, he will be thereby testing them, which is a prohibited labor. And some say: Because it is necessary to harden them by overheating them the first time to make them fit for use, which is considered preparing a vessel for use and is prohibited on a Festival.

¹⁰⁴ In relation to the above, the Gemara cites the following teaching: We learned in a mishna there: If one trampled fowl with his foot, or threw it against a wall, or if an animal crushed it, and it is twitching but cannot stand; if the animal waited, i.e., remained alive, from the time of the injury until the same time twenty-four hours later, and he subsequently slaughtered it, it is kosher, provided no other defect is found in it that would have caused it to die within twelve months, which would render

it a tereifa. Rabbi Elazar bar Yannai said in the name of Rabbi Elazar ben Antigonus: It requires examination after slaughtering, to make sure it does not have a defect.

¹⁰⁵ In relation to the same issue, Rabbi Yirmeya inquired of Rabbi Zeira: What is the halakha with regard to slaughtering it on a Festival? Do we assume on a Festival that it has a flaw or not? In other words, may one rely on the assumption that a typical chicken has no defect? Or perhaps, since there is concern with regard to this particular bird and it requires examination, one should refrain from slaughtering it lest it turn out to be a tereifa. If so, he will have performed labor for no purpose.

¹⁰⁶ He said to him in response: We already learned that one may not whiten tiles in order to roast on them. And we discussed it: What does he thereby do? And Rabba bar bar Ḥana said that Rabbi Yoḥanan said: Here we are dealing with new tiles, and the Sages prohibited heating them because one first needs to test them, and they might crack when heated. If they were heated for the first time on a Festival and cracked, it would show that they were unfit for use, in which case heating them would have been an unnecessary labor. This indicates that one may not take a chance on a Festival with regard to something that might be flawed, and therefore a possible tereifa should be similarly prohibited.

¹⁰⁷ He said to him: This is no proof; we learned that the reason for that halakha is because it is necessary to harden them in order to make them into proper vessels. Therefore, there is no connection between making a vessel and conducting an examination. Consequently, there is no reason to prohibit the slaughter of such a chicken on a Festival.

¹⁰⁸ It is taught in a baraita: It is possible for several people to perform a single act of cooking on Shabbat, and all will be liable. How so? One brings the fire, and one brings the wood, and one places the pot on the stove, and one brings the water for the pot, and one puts spices into the food, and one stirs the pot; they are all liable for cooking. The Gemara wonders at this: But wasn't it taught in a different baraita that the last one is liable and all the rest are exempt? The Gemara responds: This is not difficult. This case, where all are liable, is referring to a situation in which he brought fire at the outset, and therefore each of them performed part of the act of cooking; that case, where only the last one is liable, is referring to a situation in which he brought fire at the end. In that case, none of the earlier people performed any aspect of cooking at all, as the labor of cooking begins only from when fire is brought.

¹⁰⁹ The Gemara asks: Granted, all of them performed an action that constitutes a prohibited labor, and they are therefore partners in a prohibited act and the desecration of Shabbat. But the one who places the pot on the stove, what prohibited labor has he performed? Rabbi Shimon ben Lakish said: Here we are dealing with a new pot, and due to whitening tiles they applied the same prohibition to it. This means that one is not liable for cooking the food in the pot but for strengthening the pot itself, as is the case with heating tiles.

¹¹⁰ § The Sages taught in the Tosefta: New ovens and stoves are similar to all vessels that may be carried in a courtyard on a Festival, as one can place items on them. However, one may not anoint them with oil, nor rub them with a rag, nor cool them with cold liquids to harden them, as all these actions are considered preparing the vessel for use, which may not be done on a Festival. And if one did so in order to bake in the oven on the Festival itself, this is permitted.

¹¹¹ § The Sages taught in the Tosefta: During a Festival one may scald the head and the feet of a slaughtered animal with hot water in order to remove the hairs from them, and one may singe them in

fire for this purpose, but one may not smear them with clay, nor earth, nor lime in order to remove the hairs because this involves great effort, and it appears as though he is processing the skin. And one may not shear those hairs with scissors, as it appears as though he is performing the labor of shearing in an effort to obtain the hairs themselves.

¹¹² Similarly, one may not trim the top of the leaves connected to the vegetable with its special shears, but one may prepare kundas and akaviyot, bitter vegetables that can be eaten only after extensive cooking, although this involves great effort. And one may kindle fire and bake in a large baker's oven [purnei], and one may heat water in an antikhi, a kind of large urn, but one may not bake in a new baker's oven lest it break. If the oven cracks when heated because it was not properly made, one will have performed unnecessary work on a Festival.

¹¹³ § The Sages taught similarly in the Tosefta: One may not blow a fire with bellows, because this is the manner of a weekday activity, but one may blow a fire with a tube, in an unusual manner. And one may not mend a skewer nor sharpen it. The Sages further taught in the Tosefta: One may not break a reed in order to make a kind of skewer upon which to roast salted fish, but one may crack a nut covered with a rag, and there is no concern lest it tear, for even if this occurs, no prohibited labor has been performed.

¹¹⁴ MISHNA: And Rabbi Eliezer further stated the following leniency: A person may stand over objects in storage, such as produce that he has for some reason previously set aside from use,

¹¹⁵ on Shabbat eve during the Sabbatical Year, during which no tithes are separated, which means one may take fruit on the following day without the need for any corrective measure, and say: From here, from these fruits, I will eat tomorrow. And the Rabbis say: He may not eat unless he marks the pile of fruit the day before and explicitly says: From here to there I will take.

¹¹⁶ GEMARA: We learned in a mishna there: (Ma'asrot 4:2) Children who hid figs for themselves in a field on Shabbat eve in order to eat them on Shabbat, and they forgot and did not separate tithes, not only are they prohibited from eating them on Shabbat, for eating on Shabbat is always considered a fixed meal that obligates the produce in tithes, but even after the conclusion of Shabbat, they may not eat until they have separated tithes. And we also learned in a mishna: One who transfers figs in his courtyard in order to make them into dry figs, his children and the members of his household may in the meantime partake of them in a casual manner, and they are exempt from tithes. The fact that the fruit has reached his courtyard, as opposed to his house, is not enough to cause it to be liable for tithing.

¹¹⁷ Based on these two sources, Rava inquired of Rav Naḥman: With regard to Shabbat, what is the halakha in terms of whether it establishes an obligation to tithe food that has been muktzeh on Shabbat? Specifically, in the case of an item whose labor has not been completed, does the fact that the food is muktzeh on Shabbat give it the status of completely prepared food, or not? Do we say that since it is written: "And call Shabbat a delight" (Isaiah 58:13), this implies that any food one eats on Shabbat is considered a delight and not a casual meal, and therefore Shabbat establishes an obligation to tithe, as if the food were fully completed and fit to be eaten as a fixed meal, even for an item that has not had its labor completed? Or perhaps Shabbat establishes an obligation to tithe an item whose labor is completed, but regarding an item whose labor is not completed it does not establish an obligation to tithe?

¹¹⁸ Rav Naḥman said to Rava: Shabbat establishes the obligation for tithes, both with regard to an item whose work is completed and things whose work is not completed. Rava said to Rav Naḥman and challenged: But say that the law of Shabbat should be similar to that of a courtyard: Just as a courtyard establishes food placed inside it as a fixed meal with regard to tithes only when the work on an item is completed, so too, Shabbat should establish only an item whose work is completed as liable for tithing. Rav Naḥman said to Rava: I did not say this based on my own logic, which can be countered by logic of your own. Rather, we have it as an ordered teaching that Shabbat establishes both things whose work is completed and things whose work is not completed.

¹¹⁹ Mar Zutra, son of Rav Naḥman, said: We, too, have learned in the mishna: And Rabbi Eliezer further stated that a person may stand over objects in the storage area on Shabbat eve during the Sabbatical Year and say: I will eat from here and here. The reason is that it is fruit of the Sabbatical Year, with regard to which one is not obligated to separate tithes. However, if it occurred in the other years of the Sabbatical cycle, so too, you will say that it is prohibited to eat them without separating tithes. What is the reason for this? Is it not because Shabbat establishes them with regard to tithes, and consequently they may not be eaten until tithes have been separated?

¹²⁰ The Gemara refutes this: This is no proof, for there it is different: Since he said: From here I will eat tomorrow, he has immediately established for himself a meal with them, by stating his intention to eat the food as it is. The Gemara asks: If so, why does the mishna mention particularly Shabbat? Even if one said so on a weekday the same should also apply. Since he has set them aside for his meal, they are considered finished and are liable to tithes. The Gemara answers: This comes to teach us the following: One should not conclude that untithed produce is inherently muktze because one may not separate the tithes and eat it; rather, it is considered prepared with regard to Shabbat, in that if one transgressed the words of the Sages and corrected it by separating the tithes, it is considered corrected.

¹²¹ The Gemara challenges: How can one say that the very decision to partake of the fruit establishes it as fixed with regard to tithes? But isn't it true that even if one declared his intention to eat it the following day, it can nevertheless be assumed that the remaining fruit is restored to the pile? And we have heard that Rabbi Eliezer explicitly said: Anywhere that its leftovers are restored, it is not established with regard to liability for tithes at all.

¹²² This is as we learned in a mishna in tractate Ma'asrot: One who removes olives from a vat [ma'atan] where they are temporarily stored before being pressed may dip them one by one in salt and eat without tithing them first, since he is eating them one at a time. Although he is eating them with salt, it is not considered a fixed meal. And if he dipped and placed several olives before him, such as ten, they are liable in tithes. However, Rabbi Eliezer says: One who eats from a ritually pure vat is liable to separate tithes; one who eats from a ritually impure vat is exempt because he returns the surplus to the vat.

¹²³ And we discussed it: What is different in the first clause of the mishna and what is different in the latter clause; why is the issue of purity relevant to this case? And Rabbi Abbahu said: The first case is referring to a ritually pure vat and a ritually impure person, who transfers his impurity to the olives he touches. He may not return the olives to the vat because he would thereby render all the remaining olives ritually impure. Therefore, from the outset he takes only the amount he wishes to eat. This is enough to consider it a fixed meal, and he must tithe them.

¹²⁴ However, the latter clause is referring to a ritually impure vat and a person who is ritually impure, who may return the olives to the vat, as the olives it contains are already ritually impure. He is not particular to take the exact amount he wants to eat, since he knows he may return the remaining olives, and they are therefore not considered fixed for tithes. For the purposes of this discussion, it can be seen from here that Rabbi Eliezer maintains that whenever one may restore the food, it is not considered fixed until its work is complete.

¹²⁵ The Gemara answers: The mishna also deals with the case of a ritually pure storage area, containing pure food, and a ritually impure person, who may not return them to the vat. The Gemara challenges this answer: But aren't they already returned? This is not a case where a person takes all the fruit and replaces what remains after his meal; rather, he takes the amount he explicitly designated the day before, while the rest remains in place.

¹²⁶ Rather, Rav Shimi bar Ashi said: The previous explanation is to be rejected, and it should be understood as follows: Rabbi Eliezer, you said? There is no difficulty according to his approach. Rabbi Eliezer conforms to his standard line of reasoning, as he said that the separation of teruma itself establishes the work of fruit as completed, so that one may not eat it even in a casual manner without first separating the other tithes. And, all the more so, Shabbat itself establishes food as fixed with regard to tithes, as we learned in a mishna: Fruits from which teruma has been separated before their work was completed, Rabbi Eliezer prohibits eating from them in a casual manner without separating the rest of the tithes, as the teruma establishes the food as fixed; but the Rabbis permit it.

¹²⁷ The Gemara suggests a different answer to Rava's question as to whether Shabbat establishes an obligation to tithe food whose labor is incomplete: Come and hear a resolution from the latter clause of the mishna, which states: And the Rabbis say: Even in the Sabbatical Year, when teruma and tithes are not separated from fruit, a declaration from the day before is not enough to render the food prepared for Shabbat, unless one marks the fruit he is preparing and says explicitly: From here to there. The Gemara infers from this: The reason is that the eve of Shabbat during the Sabbatical Year is not fit for tithes; but during the other years of the Sabbatical cycle, which are fit for and obligated in tithes, the fruits are prohibited. What is the reason? Is it not because Shabbat itself establishes them as fixed? If this is the view of the Rabbis, one may not reject it in favor of a minority opinion such as Rabbi Eliezer's.

¹²⁸ The Gemara refutes this: No, this is no proof; there it is different. Since he said: From here to there I will eat tomorrow, he has thereby established his meal, and the reason is not due to Shabbat. The Gemara asks: If so, why discuss particularly Shabbat; even on a weekday as well the same law applies? The Gemara answers: This comes to teach us, as stated above, that untithed produce is not fundamentally muktzeh because it is prohibited to remove the dues and tithes on Shabbat; rather, it is considered prepared with regard to Shabbat, in that if one transgressed the words of the Sages and tithed it, it is tithed.

¹²⁹ And we raise a contradiction from a different source, in which it is taught: If one was eating from a cluster of grapes, whose work is not completed, as grapes are designated for juice extraction, and came in from a garden, where one may eat fruit in a casual manner without separating tithes, to a courtyard, Rabbi Eliezer says: He may finish eating the cluster, as the courtyard itself does not establish the fruit with regard to tithes, if their work was not completed beforehand. Rabbi Yehoshua

says: He may not finish. He maintains that a courtyard does establish the fruit as fixed for tithes, even if their work has not been completed.

¹³⁰ Similarly, if it grew dark on Friday evening, the night of Shabbat, while one was eating the cluster, and eating on Shabbat is considered a fixed meal, Rabbi Eliezer says: He may finish, as not even Shabbat establishes fruit as fixed if its work was not completed. And Rabbi Yehoshua says: He may not finish. He holds that Shabbat does indeed establish fruit as fixed for tithes even if its work has not been completed. This indicates that Rabbi Eliezer maintains that Shabbat does not establish food with regard to tithes, whereas the mishna here indicates that he agrees that the beginning of Shabbat does establish them as fixed.

¹³¹ The Gemara answers: There, the reason is as he taught explicitly that Rabbi Natan says: It is not that when Rabbi Eliezer said: He may finish, he meant that he may finish in the courtyard itself; but rather he meant: He may exit the courtyard and finish. And similarly, it is not that when Rabbi Eliezer said: He may finish, he meant that he may finish on Shabbat itself; but rather, he meant that he may wait until the conclusion of Shabbat and finish. If so, this source does not contradict the mishna here.

¹³² With regard to the halakhic ruling in this case, when Ravin came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: Whether with regard to Shabbat; or with regard to the separation of teruma from fruit; or with regard to a courtyard into which the fruit is brought; or with regard to a transaction; all of these cases establish a requirement for tithes only for items whose labor is completed.

¹³³ The Gemara notes that each of these details teaches a novel halakha. How so? Shabbat comes to exclude the opinion of Hillel, as it is taught in a baraita: One who gathers fruits from one place to another in order to reap them, and the day sanctified upon them, i.e., Shabbat commenced, Rabbi Yehuda said: Hillel prohibits the food from the gatherer himself. In other words, Hillel alone prohibits eating the fruit in that case until its tithes have been separated, for he believes that the beginning of Shabbat itself causes the fruit to be considered completed. Rabbi Yoḥanan teaches that the halakha in this case is not in accordance with the opinion of Hillel.

¹³⁴ In addition, it was necessary for Rabbi Yoḥanan to teach the law that a courtyard does not establish fruit for tithes unless its work is completed, to exclude the opinion of Rabbi Ya'akov. As we learned in a mishna: One who was transporting figs in his courtyard to make them into dried figs, his children and the members of his household may eat from them in a casual manner, and they are exempt from tithes. And a baraita is taught in that regard: Rabbi Ya'akov obligates him, and Rabbi Yosei, son of Rabbi Yehuda, exempts him.

¹³⁵ With regard to the law that the separation of teruma does not establish fruit as fixed for tithes, this comes to exclude the opinion of Rabbi Eliezer. As we learned in a mishna: Fruits from which teruma had been separated before their work was completed, Rabbi Eliezer prohibits eating from them in a casual manner, and the Rabbis permit it.

¹³⁶ With regard to the statement that a transaction does not fix fruit for tithes, this is as we learned in a baraita: In the case of one who acquires figs from an am ha'aretz in a place where most people press and dry their figs in order to make them into cakes, the work of the figs is not completed before this stage, and he may therefore partake of them in a casual manner. And when their work is

completed, he need only tithe them as doubtfully tithed produce, in accordance with the law with regard to all produce bought from an uneducated person.

¹³⁷ The Gemara comments: One can learn from this baraita three halakhot: Learn from here that a transaction establishes produce as fixed only with regard to an item whose work is completed, but if its work has not been completed, even selling it does not obligate it in tithes. And learn from here that most people who are in the category of am ha'aretz separate tithes, and therefore one need only separate tithes as doubtfully tithed produce, rather than definitively untithed produce. And one can learn from here another law: One may tithe doubtfully tithed produce purchased from an am ha'aretz, even with regard to something whose work is not completed.

¹³⁸ Rabbi Yoḥanan rules in accordance with this opinion to exclude that which we learned in a mishna: One who exchanges fruits with his friend, which is considered a commercial transaction, if their intention was for this one to eat and that one to eat, or for this one to make them into dried fruit and for that one to make them into dried fruit, this one to eat and that one to make them into dried fruit, they are both obligated in tithes. Rabbi Yehuda, however, says: The one who took the fruits in order to eat is obligated, as for him their labor is completed, but the one who intended to make them into dried fruit is exempt and may partake of the fruit in a casual manner, as for him their work has not yet been completed. Rabbi Yoḥanan rules in opposition to the first tanna. He maintains that the transaction itself does not make the fruit liable to tithes unless its work has been completed.

Chapter 5

¹ MISHNA: One may lower produce, which had been laid out on a roof to dry, into the house through a skylight on a Festival, in order to prevent it from becoming ruined in the rain. Although it is a strenuous activity, it is permitted to do so on a Festival in order to prevent a financial loss; however, one may not do so on Shabbat. And one may cover produce inside a building with cloths to prevent damage due to a leak in the ceiling over it, and similarly one may cover jugs of wine and jugs of oil for the same reason. And one may place a vessel beneath a leak in order to catch the water on Shabbat, to prevent it from dirtying the house.

² GEMARA: The Gemara discusses the first word of the mishna from a linguistic standpoint. It was said: Rav Yehuda and Rav Natan recited differing versions of the mishna's opening word, which is in all versions a verb meaning to lower. One of them taught mashilin, as in the text of this mishna, and the other one taught mashḥilin.

³ Mar Zutra said: The one who teaches mashilin is not mistaken, and the one who teaches mashḥilin is not mistaken, as support can be found for both versions. He elaborates: The one who teaches mashilin is not mistaken, as it is written: "For your olives will fall [yishal]" (Deuteronomy 28:40). Mashilin would therefore mean: To cause to fall. And he who teaches mashḥilin is not mistaken, as we learned the following cases in a mishna that lists blemishes that invalidate an animal for sacrifice: The shaḥul and the kasul. The mishna explains these terms: Shaḥul is referring to an animal whose thigh is dislocated, i.e., it has slipped out of place; kasul is referring to an animal one of whose thighs is higher than the other. This shows that the root sh-ḥ-l- is referring to something that has slipped down from its place.

⁴ Rav Naḥman bar Yitzḥak said that there are other possible variations of this word as well. One who teaches mashirin is not mistaken, and one who teaches mashḥirin is not mistaken, and one who teaches manshirin is not mistaken.

⁵ He elaborates: One who teaches mashirin is not mistaken, as we learned in a mishna: Rabbi Yishmael says: A nazirite may not wash the hair of his head with clay as a kind of shampoo, because it causes hair to fall off [mashir], and a nazirite is prohibited to remove the hairs of his head. This shows that mashir indicates causing something to fall. And one who teaches mashḥirin is also not mistaken, as we learned in a mishna: The sheḥor, a type of razor, and a barber's scissors, even if their blades are detached, are subject to ritual impurity. The fact that a razor is called sheḥor implies that the root sh-ḥ-r indicates causing to fall down.

⁶ And one who teaches manshirin is not mistaken either, as we learned in a mishna: One whose clothes fell down [nashru] into water on Shabbat may continue to walk in them while they dry of their own accord, and he need not be concerned that people might suspect him of having washed them on Shabbat. Alternatively, another support can be found from that which we learned in the following mishna: What is gleaning [leket], which must be left for the poor as commanded in Leviticus 19:9? That which falls [nosher] during reaping. These sources show that the root n-sh-r means: To fall down, and manshirin would consequently mean: To cause to fall down.

⁷ § The Gemara discusses the halakha in the mishna: We learned that one may lower produce through a skylight on a Festival. The Gemara asks: Up to how much produce may be lowered in this manner? At what point is it considered to be too strenuous an activity to be performed on the Festival? Rabbi Zeira said that Rav Asi said, and some say that Rav Asi said that Rabbi Yoḥanan said: It is like that which we learned in a mishna with regard to a different case: One may clear out four or five sacks of hay or grain from a room on Shabbat due to visitors, to clear a place for them to sit, or due to suspension of study in the study hall, i.e., to make room there for more people, who would not be able to study Torah otherwise. Here too, only four or five sacks' worth of produce may be lowered from the roof.

⁸ The Gemara raises an objection to the comparison of the two cases. But perhaps there it is different, since there is the matter of preventing suspension of study in the study hall or of providing hospitality to guests, i.e., moving those items is permitted in order to facilitate a mitzva. But here, where there is no suspension of study in the study hall, i.e., no facilitation of any mitzva, they did not permit one to move such a large amount. Alternatively: There, this is the reasoning that four or five sacks are permitted: Because Shabbat is severe in people's eyes and they will not come to belittle it; but on a Festival, which is regarded more lightly and which people might come to belittle, one may not move the items at all.

⁹ Alternatively, a claim can be made from the other perspective: There, this is the reasoning that it is permitted to carry only four or five sacks: Because there is no monetary loss involved. But here, where there is monetary loss if the produce is not moved, one may carry even a larger amount than four or five sacks.

¹⁰ The Gemara poses another question with regard to the same issue. We learned elsewhere, at the end of the mishna cited above concerning clearing out sacks for guests and study: But one may not clear out a storeroom. And Shmuel said: What is the meaning of: But not a storeroom? It means: But one may not finish clearing out the entire storeroom while clearing out the sacks, exposing the floor

of the storeroom. The reason this is prohibited is lest he come to level out depressions in the dirt floor of the storeroom, which would constitute a biblically prohibited labor. What would be the halakha here, with regard to lowering the produce from the roof on a Festival to prevent its ruin in the rain? Is it prohibited also in this case to remove all of it and thereby expose the floor of the roof?

¹¹ The Gemara specifies the possible arguments: Perhaps it is there, on Shabbat, that it is prohibited, because punishment for Shabbat desecration is severe, but on a Festival, which has a lighter punishment for desecration, it is acceptable. Or perhaps it can be argued to the contrary: There, in the case of the sacks on Shabbat, even though there is suspension of study in the study hall, i.e., the clearing out facilitates a mitzva, you say that they did not permit exposing the floor. Here, in the case of lowering produce on a Festival to prevent its ruin, where there is no suspension of study in the study hall, i.e., clearing out the produce does not facilitate any mitzva, is it not all the more so prohibited?

¹² The Gemara poses a further question. And here we learned in the mishna: One may lower produce through a skylight on a Festival, and Rav Nahman said: They taught this halakha only with regard to the same roof, i.e., only if the skylight is in the same roof where the produce is located, but to carry the produce from one roof to another roof in order to lower it through a skylight in the second roof is not permitted. This would involve too much exertion to be permitted on the Festival. And this ruling is also taught in a baraita: One may not carry from one roof to another roof, even when the two roofs are on the same level and there is no extra effort of lifting or lowering the produce while transporting it between the roofs.

¹³ The question arises: There, in the case of moving sacks on Shabbat for guests or for study, what is the halakha? May the sacks be moved from one roof or house to another for this purpose? Perhaps all the more so they may not be moved on Shabbat, because Shabbat is more severe than a Festival? Or perhaps it can be argued to the contrary: It is here, with regard to a Festival, that it is prohibited to transfer from one roof to another, because a Festival is regarded lightly by people and they might consequently come to belittle it; but on Shabbat, which is severe in people's eyes and so they will not come to belittle it, it is acceptable to transfer even from one house to another.

¹⁴ Or perhaps it may be argued: If here, in the case of clearing produce from the roof, when there is the issue of the loss of the produce, you say he may not transfer from one roof to another, then there, in the case of moving sacks on Shabbat for guests or study, when there is no issue of loss of produce, is it not all the more so prohibited?

¹⁵ The Gemara presents yet another dilemma: Here, with regard to bringing produce into one's house from the roof, we learned in a baraita: If there is no skylight from the roof to the house, necessitating another method of moving the produce out of the rain, he may not lower them by means of a rope through the windows, nor may he take them down by way of ladders. There, with regard to moving sacks on Shabbat, what is the halakha? May they be moved by ropes or using a ladder? Perhaps it is only here, in the case of moving produce out of the rain on a Festival, that it is prohibited, because produce left on a roof does not entail suspension of a mitzva such as study in the study hall; but on Shabbat, when there is the possibility that leaving the sacks in their current location will lead to suspension of study in the study hall, it is acceptable to remove them even via windows and ladders.

¹⁶ Or perhaps it can be argued to the contrary: Here, in the case of the produce on the roof, when there is the issue of the loss of the produce, you say it is not permitted. There, in the case of clearing

out sacks on Shabbat, where there is no issue of the loss of produce, should it not all the more so be prohibited to lower them via windows and ladders? No resolution was found, so the dilemma shall stand unresolved.

¹⁷ § It was taught in the mishna: And one may cover produce with cloths to prevent damage due to a leak. Ulla said: And even a row of bricks that might be ruined by the rain may be covered to prevent damage. Although the halakha in the mishna mentions produce, it is not limited to that case, but extends to any item liable to be spoiled. Rabbi Yitzḥak said: It applies only to an item like produce, which is fit for use on the Festival, but not to items such as bricks, which are designated for building and are not fit for use on the Festival. The Gemara comments: And Rabbi Yitzḥak follows his line of reasoning in this regard, as Rabbi Yitzḥak said: A vessel, even if it is of the type that may be handled on Shabbat, may be handled on Shabbat only if it is going to be used for something that may itself be handled on Shabbat, but not for the sake of set-aside [muktze] objects. Since the bricks are muktze, one may not handle cloths to cover the bricks.

¹⁸ The Gemara attempts to find a proof for this view: We learned in the mishna: One may cover produce with cloths, which seems to imply: Produce, yes, because it may be handled on the Festival, but muktze items such as a row of bricks, no. The Gemara rejects this argument: This is no proof, as it is possible that the same is true even for a row of bricks, i.e., that they may be covered. But since the tanna taught in the first clause of the mishna: One may lower produce, and there it is referring specifically to produce, as bricks may not be handled at all and surely not lowered from the roof, he taught also in the latter clause: One may cover produce. The example of produce was chosen to parallel the first clause in the mishna, not in order to imply exclusion of bricks.

¹⁹ The Gemara offers a different proof. We learned in the mishna: And similarly one may cover jugs of wine and jugs of oil due to a leak in the ceiling. This choice of examples seems to indicate that one may cover only things that are fit for use on the Festival, as opposed to objects such as bricks, which are muktze. The Gemara rejects this proof: With what are we dealing here? With jugs that contain wine and oil that are untithed, which are not fit for Festival use and are therefore muktze. And the same would be true for bricks.

²⁰ The Gemara goes further: So, too, it is in fact more reasonable that this is the case, as if it enters your mind that the mishna is referring to jugs of wine and jugs of oil containing permitted liquids, didn't the tanna already teach in the first clause of this part of the mishna that it is permitted to cover produce? What new information would be added by specifying jugs as well?

²¹ The Gemara rejects this assertion. It is possible that the mishna is referring specifically to jugs containing permitted liquids. Nevertheless, it was necessary for the tanna to add the example of jugs of wine and jugs of oil, as it could enter your mind to say that the Sages were concerned over a substantial loss, such as of produce, which can be ruined by drops of rain that leak on it. But with regard to a minor loss, such as drops of rain falling into a wine jug or an oil jug, they were not concerned, and they did not permit covering them. The mishna therefore teaches us that those may be covered as well.

²² The Gemara raises objections against Rabbi Yitzḥak's view: We learned in the mishna: One may place a vessel beneath a leak on Shabbat. It is permitted, then, to bring a bucket for the purpose of containing the water leaking into the house, although that water is ostensibly not fit for drinking and

is therefore muktze. The Gemara rejects this objection: The case in the mishna is of leakage of water that is in fact fit to be drunk, at least by animals, and is consequently fit for Festival use.

²³ Come and hear another objection from a baraita: One may spread a mat over bricks on Shabbat to protect against rain. The baraita explicitly permits covering bricks, which Rabbi Yitzḥak prohibited. The Gemara rejects this argument: This baraita is referring to bricks that were left over from building and are no longer designated for use in building, and which are consequently fit for use on the Festival by sitting on them.

²⁴ Come and hear another objection. It was taught in a baraita: One may spread a mat over stones on Shabbat, although stones are muktze. The Gemara responds: That baraita is speaking not of ordinary stones but of rounded [mekurzalot] stones, which are fit for use in personal hygiene in the lavatory on Shabbat, and are therefore not muktze.

²⁵ Come and hear an objection from a different source. One may spread a mat over a beehive on Shabbat to protect it from the elements, in the sun due to the sun, and in the rain due to the rain, provided he does not have the intent to trap the bees inside by covering the hive, as trapping is prohibited on Shabbat. A beehive and its bees are not fit for Shabbat use, yet it is permitted to handle a mat in order to cover the hive. The Gemara rejects this: There, too, the reference is to an item that is fit for Shabbat use, as it is discussing a hive when there is honey in it, which can be eaten on Shabbat. It is therefore permitted to handle the mat for the sake of the honey.

²⁶ Rav Ukva from Meishan said to Rav Ashi: This explanation works out well with regard to the summer, when there is honey, but in the rainy season, when there is no honey in beehives, what can be said? The baraita explicitly mentioned the two phrases in the sun and in the rain. The Gemara answers: This halakha is necessary only for those two honeycombs left in the beehive in the winter to sustain the bees. The Gemara questions this: Are those two honeycombs not muktze, as they have clearly been left for the sake of the bees, and not to be used by humans? The Gemara replies: With what case are we dealing here? This is a case when the beekeeper had in mind before the Festival that he was going to take them from the bees and eat them himself.

²⁷ The Gemara raises an objection to this interpretation. But if he did not have in mind to take them for himself, what would be the halakha? Wouldn't it be prohibited to spread a mat over the hive? If so, when the baraita goes on to specify that sometimes it is prohibited to cover the hive, rather than teaching: As long as he does not have the intent to trap the bees, introducing a totally new factor into the discussion, let it make a distinction within the case itself by saying: In what case is this statement said, that the beehive may be covered? When he had in mind beforehand to take the honeycombs; but if he did not have in mind to take them, it is prohibited.

²⁸ The Gemara responds: This is what the tanna is saying: Even if he had in mind to take the honeycombs, so that there is no problem of the hive's being muktze, it is still permitted to cover it provided he does not have intent to trap the bees.

²⁹ The Gemara raises a further objection against this interpretation of the baraita. In what manner did you establish and explain this baraita? In accordance with the opinion of Rabbi Yehuda, who, in disagreement with Rabbi Shimon, holds that the halakhot of muktze apply. But now say the latter clause of the baraita: Provided he does not have the intent to trap. This indicates that even though the bees may be trapped in the process of covering, it is permitted if this was not his intention. If so, we have come to the opinion of Rabbi Shimon, who, in disagreement with Rabbi Yehuda, said: An

unintentional act is permitted even though it leads inadvertently to a prohibited result. This interpretation of the baraita is internally conflicted, half in accordance with Rabbi Yehuda and half in accordance with Rabbi Shimon.

³⁰ The Gemara rejects this argument. And how can you understand that the baraita follows the view of Rabbi Shimon at all? But didn't Abaye and Rava both say: Rabbi Shimon concedes that even an unintentional act is prohibited in a case of: Cut off its head and will it not die? In this case the person covering the hive with a mat inevitably traps the bees, even if he does not have intent to do so, and this act should be prohibited even by Rabbi Shimon.

³¹ Rather, actually all of the baraita is in accordance with Rabbi Yehuda, and with what case are we dealing here? With a beehive that has windows, i.e., small openings, besides the main opening on top, so that some of the windows remain uncovered and covering the hive does not inevitably trap the bees. And in the baraita you should not say, according to Rabbi Yehuda: Provided he does not have intent to trap the bees, which would imply that the deciding factor is the intention of the one who covers them,

³² but rather say the following: Provided he does not make it a trap as he covers it, i.e., as long as he takes care not to cover all the openings. The Gemara questions this: But it is obvious that it is prohibited to directly trap bees on Shabbat; why would the baraita mention it? The Gemara responds: It does inform us of something that is not obvious: Lest you say: An animal whose type is generally trapped and hunted by people for some purpose is prohibited to be trapped on Shabbat, whereas an animal whose type is not generally trapped, such as a bee, is permitted to be trapped even *ab initio*, as this is not considered to be the normal manner of hunting. The baraita therefore teaches us that one may not in fact trap bees.

³³ Rav Ashi said a different elucidation: Is it taught in the baraita: In the summer, and: In the rainy season? No, it is taught: In the sun due to the sun and in the rain due to the rain. The baraita speaks not of the summer and the rainy season, but of the spring days of Nisan and the autumn days of Tishrei, when there is sometimes sun and there is sometimes rain, and when there is also honey in the hive. It is possible, then, that the baraita permits covering the hive during these seasons because of the honey that is in it, as initially proposed.

³⁴ § It was taught in the mishna: And one may place a vessel beneath a leak in order to catch the water on Shabbat. A Sage taught in a baraita: If the vessel became full with the leaking water, he may pour out its contents, place the vessel back under the leak, and repeat the entire process if necessary, and he need not refrain from doing so.

³⁵ The Gemara relates: Abaye's millhouse once developed a leak on Shabbat. Abaye was concerned about the potential damage to the millstones, which were made partly of clay and which would become ruined from the leaking water, and he did not have enough buckets to catch all the water without emptying and refilling them. But the water was unfit for drinking and was therefore *muktze* and could not be removed. Abaye came before Rabba to ask him how to proceed. Rabba said to him: Go and bring your bed into the millhouse, so that the dirty water will be considered like a container of excrement, which, despite being *muktze*, may be removed from one's presence due to its repulsive nature, and then remove the water.

³⁶ Abaye sat and examined the matter and posed a difficulty: And may one initiate a situation of a container of excrement, i.e., may one intentionally place any repulsive matter into a situation which

will bother him and will then have to be removed, *ab initio*? In the meantime, as he was deliberating the issue, Abaye's millhouse collapsed. He said: I had this coming to me for having gone against the words of my master, Rabba, by not following his ruling unquestioningly.

³⁷ Shmuel said: With regard to a container of excrement and a container of urine, it is permitted to remove them on Shabbat to a garbage heap. And when he returns the container to the house he must place water in it first and then return it, for it is prohibited to carry these containers alone, as their foul odor makes them *muktze* due to their repulsive nature.

³⁸ Some Sages at first understood from the wording of Shmuel's statement that with regard to removing a container of excrement on account of the vessel, i.e., along with its vessel: Yes, this is permitted; but to remove the excrement by itself, without a vessel containing it: No, this is prohibited. The Gemara counters this conclusion with the following story: Come and hear that a certain dead mouse was discovered in Rav Ashi's storeroom for spices [*isparmekei*]. Rav Ashi said to them: Take hold of it by its tail and remove it. This shows that repulsive matter may be removed even directly.

³⁹ MISHNA: Any act for which one is liable due to a rabbinic decree made to enhance the character of Shabbat as a day of rest [*shevut*]; or if it is notable because it is optional, i.e., it involves an aspect of a *mitzva* but is not a complete *mitzva*; or if it is notable because it is a full-fledged *mitzva*, if it is prohibited on Shabbat, one is liable for it on a Festival as well.

⁴⁰ And these are the acts prohibited by the Sages as *shevut*: One may not climb a tree on Shabbat, nor ride on an animal, nor swim in the water, nor clap his hands together, nor clap his hand on the thigh, nor dance.

⁴¹ And the following are acts that are prohibited on Shabbat and are notable because they are optional, i.e., which involve an aspect of a *mitzva* but are not complete *mitzvot*: One may not judge, nor betroth a woman, nor perform *ḥalitza*, which is done in lieu of levirate marriage, nor perform levirate marriage.

⁴² And the following are prohibited on Shabbat despite the fact that they are notable because of the full-fledged *mitzva* involved in them: One may not consecrate, nor take a valuation vow (see Leviticus 27), nor consecrate objects for use by the priests or the Temple, nor separate *teruma* and tithes from produce.

⁴³ The Sages spoke of all these acts being prohibited even with regard to a Festival; all the more so are they prohibited on Shabbat. The general principle is: There is no difference between a Festival and Shabbat, except for work involving preparation of food alone, which is permitted on a Festival but prohibited on Shabbat.

⁴⁴ GEMARA: The Gemara clarifies the reasons for each of these *halakhot*: One may not climb a tree. This is a decree that was made lest one detach branches or leaves as he climbs, thereby transgressing the prohibited labor of reaping.

⁴⁵ Nor ride on an animal: This is a decree that was made lest one go beyond the Shabbat limit on the animal. The Gemara asks: Can one then learn from here that the prohibition against venturing beyond the Shabbat limits, which applies also to Festivals, is by Torah law? If the prohibition with regard to the Shabbat limit were rabbinic, the Sages would not have reinforced it with the additional decree against riding an animal. It is known that this is a matter of dispute; in light of this explanation of the

mishna it would be a proof that Shabbat boundaries are of Torah origin. Rather, give a different reason for the prohibition: It is a decree that was made lest one cut off a branch to use as a riding switch, and thereby perform the labor of reaping, which is prohibited by Torah law.

⁴⁶ Nor swim in the water: This is a decree that was made lest one make a swimmer's barrel, i.e., an improvised flotation device used to teach beginners how to swim.

⁴⁷ Nor clap one's hands together, nor clap his hand on the thigh, nor dance: All of these are prohibited due to a decree that was made lest one fashion a musical instrument to accompany his clapping or dancing.

⁴⁸ § It was taught in the mishna: And the following are acts that are prohibited on Shabbat and are notable because they are optional, i.e., which involve an aspect of a mitzva but are not complete mitzvot: One may not judge. The Gemara asks: But doesn't one perform a full-fledged mitzva by acting as a judge in a court? Why is it categorized as optional rather than as a full-fledged mitzva? The Gemara answers: No, it is necessary for the mishna to categorize it as optional, as it is speaking of a case where there is another person who is more qualified than he. Since the other person can judge even better, it is not considered an absolute mitzva for the first one to judge.

⁴⁹ § Nor betroth a woman: The Gemara asks: Why is this categorized as optional, indicating that it is not a full-fledged mitzva? But doesn't one perform a full-fledged mitzva when he marries, as this enables him to fulfill the mitzva to be fruitful and multiply? The Gemara answers: No, it is necessary for the mishna to categorize it as optional,

⁵⁰ because it is dealing with a case in which he already has a wife and children, so that he has already fulfilled the mitzva to be fruitful and multiply, and his betrothal of another woman is only an optional act.

⁵¹ § Nor perform ḥalitza, nor perform levirate marriage: The Gemara asks: But doesn't one perform a mitzva through these acts? Why are they categorized as optional? The Gemara answers: No, it is necessary for the mishna to categorize them as optional, as it is speaking of a case when there is an older brother. Since the general principle is that the preferable way to carry out the mitzva is for the oldest brother to perform levirate marriage, the performance of levirate marriage by a younger brother is classified as optional.

⁵² The Gemara clarifies the reason for the prohibition against judging, betrothing, etc., on Shabbat and Festivals: And in all these cases, what is the reason they may not be performed? It is a decree lest one write down the proceedings of these acts in a document, such as the verdict of a judgment, the document of betrothal, a document testifying to the ḥalitza, or a marriage contract in the case of levirate marriage.

⁵³ § It was taught in the mishna: And the following are notable because of the full-fledged mitzva involved in them, yet are prohibited on Shabbat: One may not consecrate, nor take a valuation vow, nor consecrate objects for use by the priests or the Temple. The Gemara explains: All these cases are prohibited because of a decree due to their similarity to commerce. These acts, which all involve the transfer of ownership to the Temple treasury, resemble commerce, which is prohibited on a Festival.

⁵⁴ § It was taught in the mishna: And one may not separate terumot and tithes. The Gemara asks: Is it not obvious that this is so? In doing so one makes forbidden food usable, a form of repairing, which is a prohibited labor. Rav Yosef taught: It is necessary for the mishna to teach this only to state that it

is prohibited even to separate teruma in order to give it to a priest on the same day. One could have thought that since he is separating the produce in order to give it to a priest it should be permitted like any other preparation of food; the mishna therefore states explicitly that it is prohibited.

⁵⁵ The Gemara comments: And this applies only to produce that had the status of untithed produce, and therefore was required to be tithed, the day before the Festival. However, produce that became untithed now on the Festival itself, such as dough prepared on the Festival, which becomes untithed and requires ḥalla to be taken from it only after the dough is made: With regard to separating ḥalla from it, one may separate the ḥalla and give it to a priest even on a Festival.

⁵⁶ The Gemara asks a question. When the mishna describes those cases as notable because they are optional, is this to say that their prohibition is not because of a rabbinic decree to enhance the character of Shabbat as a day of rest [shevut]? Likewise, with regard to those cases described as notable because they are mitzvot, is this to say that their prohibition is not because of shevut? The mishna, by referring only to the first of its three categories as shevut, implies that the acts listed in the following categories do not involve shevut. But this is not so; as the Gemara stated above, all these acts are prohibited by rabbinic decree to enhance the character of Shabbat and the Festival as days of rest.

⁵⁷ Rabbi Yitzḥak said: They are indeed all prohibited as shevut. The mishna lists three types of shevut: Those that involve no mitzva whatsoever, those that have a mitzva aspect to them, and those that constitute a full-fledged mitzva. And the tanna is speaking and arranges his list employing the style of: There is no need, i.e., he arranges the cases in order of increasing notability. First, there is no need to state, i.e., it is most obvious, that plain shevut, which involves no mitzva at all, is prohibited, but even shevut of an optional act, i.e., an act that is a minor mitzva, is also prohibited. And there is no need to state, i.e., it is obvious, that shevut of an optional act is prohibited, but even shevut of a full-fledged mitzva is also prohibited.

⁵⁸ § It was taught in the mishna: The Sages spoke of all these acts being prohibited even with regard to a Festival; all the more so are they prohibited on Shabbat. There is no difference between a Festival and Shabbat except for work involving food. The Gemara raises a contradiction against this from an earlier mishna: One may lower produce from the roof into the house through a skylight to prevent it from being spoiled by the rain on a Festival, but not on Shabbat. This shows that there is another difference between a Festival and Shabbat besides food preparation: Doing a strenuous activity to prevent a loss is permitted on a Festival but prohibited on Shabbat.

⁵⁹ Rav Yosef said: This is not difficult, as this mishna here, which does not include the halakha of lowering produce as an example of a difference between Shabbat and a Festival, is in accordance with Rabbi Eliezer, whereas that previous mishna that does cite it as a difference is in accordance with Rabbi Yehoshua.

⁶⁰ Rav Yosef elaborates on his statement: As it is taught in a baraita: If a cow and her calf, which may not be slaughtered on the same day because of the biblical prohibition: “You shall not kill it and its offspring both in one day” (Leviticus 22:28), fell into a pit on a Festival, and their owner wishes to take them out, Rabbi Eliezer says: One may raise the first in order to slaughter it and then slaughter it, and as for the second, he provides it sustenance in its place so that it will not die in the pit. It is prohibited to undertake the strenuous task of raising an animal out of a pit except for the purpose of eating it on the Festival. Therefore, since one cannot slaughter both animals on the

Festival, only one can be raised, while the other should be sustained in its place until after the Festival.

⁶¹ Rabbi Yehoshua, however, says: One may raise the first with the intent of slaughtering it and then change his mind and not slaughter it. Then he may go back and employ artifice by deciding that he prefers to slaughter the second one, and he raises the second. Having raised both animals, if he so desires he may slaughter this one; if he so desires he may slaughter that one. Rav Yosef understands the argument between the two Sages as follows: Rabbi Yehoshua maintains that it is permitted to perform a strenuous activity on a Festival in order to prevent a loss, and therefore he may raise both animals, lest the one left behind die in the pit. Rabbi Eliezer, on the other hand, holds that one may not perform a strenuous activity to prevent a loss, so the second animal must be left in the pit even though it may die there. It may therefore be posited that the mishna that permits lowering produce on a Festival to prevent loss is in accordance with Rabbi Yehoshua's opinion. Rabbi Eliezer would disagree with this leniency, and the principle that there is no difference between Shabbat and a Festival other than food preparation would remain intact.

⁶² Abaye said to Rav Yosef: From where do you know that this analysis of these Sages' opinions is correct? Perhaps Rabbi Eliezer stated his opinion that a strenuous activity to prevent monetary loss is prohibited on a Festival only thus far, there in the case of the animals in the pit, where it is possible to sustain the second animal in the pit and keep it from dying. But here, in the case of the produce on the roof, where there is no possibility of preventing the loss through providing sustenance, he would not prohibit lowering the produce to save it from loss.

⁶³ Alternatively, one can propose an opposite argument: Rabbi Yehoshua stated his opinion that a strenuous activity to prevent loss is permitted only thus far, there in the case of the two animals, because it is possible to employ artifice to raise the second animal, so that an observer might assume that that he was not acting to preserve his property, but wished to eat the first animal and subsequently changed his mind. But here, in the case of the produce on the roof, where it is not possible to employ artifice, as it is clear that he is acting to salvage his produce, Rabbi Yehoshua would not be lenient. Therefore, Rav Yosef's approach to resolving the contradiction has no support from this baraita.

⁶⁴ Rather, Rav Pappa said: This resolution of the contradiction is to be rejected in favor of the following: This is not difficult, as this case is in accordance with Beit Shammai, whereas that case follows the approach of Beit Hillel.

⁶⁵ As we learned in a mishna: Beit Shammai say: On a Festival one may not take out a child who cannot walk, nor a lulav, nor a Torah scroll into the public domain, as none of these are required for the preparation of food, and Beit Hillel permit it. It is certainly prohibited to carry out any item into the public domain on Shabbat, yet Beit Hillel permit it on a Festival. Therefore, it may be posited that just as Beit Hillel allow carrying out items on a Festival but not on Shabbat, so would they permit moving the produce off the roof on a Festival but not on Shabbat. According to Beit Shammai, who forbid carrying items out on a Festival and on Shabbat equally, moving the produce from the roof would also be equally prohibited, and the principle that there is no difference between Shabbat and a Festival other than food preparation would remain intact.

⁶⁶ The Gemara at first refutes this explanation: Perhaps that is not so, as it is possible that Beit Shammai stated their opinion only thus far, there with regard to the prohibition against transferring

objects from one domain to another, but not with regard to moving objects, such as produce, from place to place in the house. The Gemara rejects this claim: Is that to say that moving is not performed for the sake of taking out to the public domain? The decree against moving items unnecessarily, i.e., not for use on Shabbat or a Festival, was enacted due to a concern that one might take objects into the public domain. Rav Pappa's explanation that it is only Beit Shammai who would prohibit lowering the produce from the roof therefore stands.

⁶⁷ MISHNA: The status of animals and vessels on Festivals is as the feet of their owner, meaning that one's animals and vessels are governed by his own travel limitations on Shabbat and Festivals. In the case of one who delivers his animal to his son or to a shepherd before the Festival to care for it, these are as the feet of the owner, rather than those of the son or the shepherd.

⁶⁸ Vessels that have been inherited by several brothers and have not been divided among them but are still owned jointly, if they are designated for the use of one of the brothers in the house and the other brothers have no part in them, these are as his feet, and they are subject to his travel limitations. And as for those that are not designated for any particular brother, these are as a place where they may all go. They are limited by the travel limitations of every one of the brothers, as when one brother made a joining of Shabbat boundaries [eiruv teḥumin] and the others did not.

⁶⁹ One who borrows a vessel from another on the eve of a Festival, it is as the feet of the borrower rather than the owner, as when the Festival began the vessel established its place of rest in possession of the borrower. However, if he borrowed it on the Festival itself, it is as the feet of the lender, since at the start of the Festival its place of rest was established in the possession of its owner. And similarly, a woman who borrowed spices from another to put in a dish, or water and salt to put in her dough, these foods, i.e., the dish and the dough, which contain ingredients belonging to both parties, are as the feet of both of them; they are limited by the travel limitations of both parties. Rabbi Yehuda exempts one from travel limitations in the case of water, because it has no substance in the mixture and therefore is not considered connected to the original owner.

⁷⁰ GEMARA: The Gemara asserts: The mishna

⁷¹ is not in accordance with the opinion of Rabbi Dosa. As it is taught in a baraita: Rabbi Dosa says, and some say Abba Shaul says: One who purchases an animal from another on the eve of a Festival, even if he did not deliver it to him until the Festival itself, it is as the feet of the purchaser. And one who delivers his animal to a shepherd, even if he did not deliver it to him until the Festival itself, it is as the feet of the shepherd. The mishna, on the other hand, teaches that an animal delivered to a shepherd remains as the feet of the owner, therefore apparently contradicting Rabbi Dosa.

⁷² The Gemara rejects the assertion that this is a contradiction. You can even say that the mishna is in accordance with Rabbi Dosa, and it is not difficult. Here, in the baraita, it is referring to a town that has only one shepherd. In that case the owner knows with certainty beforehand that he will be delivering his animal to this shepherd over the course of the Festival, and therefore the animal's place of rest is established as being identical to that of the shepherd. There, however, the mishna is referring to a town where there are two shepherds. Since the issue of which of them will receive this animal is undetermined when the Festival begins, the animal remains as the feet of its owner. The Gemara strengthens this assertion that the mishna is dealing with a case where there are two shepherds: The language of the mishna is also precise in accordance with this interpretation, as it

teaches: To his son or to a shepherd, suggesting that initially he did not know to whom he would give the animal. The Gemara concludes: Indeed, learn from this that this is so.

⁷³ Rabba bar bar Ḥana said that Rabbi Yoḥanan said: The halakha is in accordance with the opinion of Rabbi Dosa, that animals given to a shepherd are as the feet of the shepherd. The Gemara asks: And did Rabbi Yoḥanan actually say this? But didn't Rabbi Yoḥanan say a general principle that the halakha always follows an unattributed statement in a mishna? And we learned in the mishna: Animals and vessels are as the feet of the owner. One who delivers his animal to his son or to a shepherd, it is as the feet of the owner.

⁷⁴ The Gemara answers: And did we not establish that the baraita of Rabbi Dosa is dealing with a different case than the mishna, that here in the baraita it is dealing with a town with one shepherd, whereas there in the mishna it is dealing with a town with two shepherds? There is consequently no contradiction between establishing the halakha both in accordance with Rabbi Dosa and in accordance with the mishna.

⁷⁵ § The Sages taught: In the case of two people who borrowed one robe in partnership from a third party, this person in order to go to the study hall with it in the morning and that person in order to enter a wedding feast with it in the evening, and this one made a joining of Shabbat boundaries [eiruv tehumin] for himself to the north in order to reach his destination, and that one made an eiruv for himself to the south in order to reach his destination, the one who made an eiruv for himself to the north may walk with the robe only to the north as far as it is permitted for the feet of the one who made an eiruv for himself to the south, i.e., he may go north only as far as the other borrower may go.

⁷⁶ And similarly, the one who made an eiruv for himself to the south may walk with the robe to the south only as far as is permitted for the feet of the one who made an eiruv for himself to the north, as the robe is as the feet of both borrowers and may go only as far as both of them may walk. If each of them placed his eiruv at a distance of one thousand cubits from their house, to the north and south respectively, they may each walk, without the robe, three thousand cubits from their regular dwelling-place, one partner toward the north and the other partner toward the south. The three thousand cubits are comprised of the thousand cubits from the house to the eiruv plus another two thousand, the standard Shabbat limit, from the location of the eiruv. The one whose eiruv is in the north may not wear the robe farther than one thousand cubits north of his house, as he would then be going beyond the farthest extent of the other's Shabbat limit, and vice versa for the one whose eiruv is in the south.

⁷⁷ And if they made their respective limits end in the center, i.e., if one placed his eiruv two thousand cubits from the house to the south, so that the house is his farthest limit to the north, and the other placed his eiruv two thousand cubits to the north of the house, the house being his farthest limit to the south, then each of them may not move the robe from its place at all.

⁷⁸ The Gemara records a dispute between amora'im. It was said: In the case of two people who purchased a barrel of wine or an animal in partnership before a Festival, in order to divide the contents of the barrel or the meat of the animal between them on the Festival itself, what is the halakha if the two people have different Shabbat limits? Rav said: The barrel is permitted to each of them, and each may take his portion on the Festival and transfer it within his respective Shabbat limit, which is also applicable to Festivals; but the animal is prohibited, and each portion of it may be

transferred only within the limits that are shared by both purchasers. And Shmuel said: The barrel is also prohibited to be transferred beyond the limits shared by both people.

⁷⁹ The Gemara questions the opinion of Rav, who distinguished between the case of the barrel and that of the animal. What does Rav hold? If he holds that there is retroactive designation, so that after the division of the barrel it becomes clarified retroactively which portion belonged to which partner, and the Festival place of rest for each portion is established at the start of the Festival in accordance with the person who will later become its owner, then even the animal should be permitted. And if he holds that there is no retroactive designation, so that at the start of the Festival both portions of the animal belong jointly to both of them and may therefore be transferred only within the limits shared by both people, then even the barrel should be prohibited.

⁸⁰ The Gemara answers: Actually, the explanation for Rav is that he holds there is retroactive designation, and the reason Rav was stringent in the case of the animal is that an animal is different, as the limits absorb from each other. A live animal cannot be divided into two parts for ownership; each part of its body depends on and is nourished by the other. Consequently, even if the designation of the respective portions takes place retroactively, each portion continues to draw from the other part, so that at the time of division the two portions are once again mixed together. Rav Kahana and Rav Asi said to Rav: If that is your rationale, this indicates that the Sages were not concerned about the prohibition of muktze, as it is not assumed that each of them removed the portion of his partner from his mind, thereby prohibiting it from his own use, and yet they were concerned about the prohibition of Shabbat limits. Isn't this illogical? Rav was silent and offered no response.

⁸¹ The Gemara asks: What conclusion was reached about this issue? Rabbi Hoshaya said: In general, there is retroactive designation, and they can therefore each transport their portions of both the barrel and the animal to their respective places. And Rabbi Yoḥanan said: There is no retroactive designation, and therefore they may not move their portions of either the barrel or the animal except within the limits shared by both of them.

⁸² The Gemara asks: And does Rabbi Hoshaya really hold there is retroactive designation? But didn't we learn in a mishna: If there is a corpse in a house that has many entrances, all the entrances are ritually impure, i.e., everything situated in the space of the entrance becomes impure, even in the part that lies beyond a closed door, separating it from the corpse. Since any of the entrances might be used to remove the corpse, and none are designated for that purpose, all are rendered impure. However, if one of them was subsequently opened, then the space of that particular entrance is impure, while all the others are pure, as it is assumed that the corpse will be removed by way of the open door. Even if none of the entrances was actually open, if one merely intended to remove the corpse through a particular one of the entrances or through a window that is at least four by four handbreadths in size, this intention of his saves all the other entrances from impurity.

⁸³ The details of this last halakha are disputed by tanna'im. Beit Shammai say: And this applies only if he had this intention before the dead person died, so that at the time of death it was known which entrance would be used. And Beit Hillel say: It applies even if he had this intention only after the dead person died.

⁸⁴ And it is stated with regard to this mishna: Rabbi Hoshaya said: When Beit Hillel said that the other entrances are pure even if one thought of removing the corpse via a particular entrance only after the person died, they meant only to purify the entrances from that point and onward; from the

moment of his intention there is no more impurity in the other entrances. From this the Gemara infers: From here and onward: Yes, the other entrances are saved from impurity, but retroactively: No. Whatever was in the doorways before this intent was formulated has already contracted ritual impurity and this cannot be reversed retroactively by one's subsequent thoughts. This indicates that the principle of retroactive designation is not accepted by Rabbi Hoshaya.

⁸⁵ The Gemara resolves this contradiction in the following manner: Reverse the presentation of their opinions given above, and say: Rabbi Hoshaya said: There is no retroactive designation, and Rabbi Yoḥanan said: There is retroactive designation.

⁸⁶ The Gemara questions this resolution: And does Rabbi Yoḥanan really accept the principle of retroactive designation? But didn't Rav Asi say that Rabbi Yoḥanan said: Brothers who divided property received as an inheritance are considered purchasers from each other, and as purchasers of land they must return the portions to each other in the Jubilee year, at which point they may redistribute the property? This demonstrates that Rabbi Yoḥanan does not hold that it is retroactively established that each brother's portion was designated for him directly upon their father's death, but rather it is considered that all the land was joint property until the brothers traded or bought their respective portions from each other.

⁸⁷ And if you should say: When does Rabbi Yoḥanan not accept the principle of retroactive designation? Only in regard to matters that are Torah law, but he does hold of retroactive designation in regard to matters of rabbinic law, such as the halakhot of Shabbat limits; this would account for the discrepancy.

⁸⁸ But does he accept retroactive designation in matters of rabbinic law? Didn't the Sage Ayo teach otherwise in regard to the halakhot of joining of Shabbat boundaries [eiruv teḥumin]? As it was taught in a mishna: One who has heard that a rabbi will be coming to a place near his town to deliver a lesson on Shabbat, but is unsure where the lecture will take place, may place two eiruvim on Shabbat eve in two different directions, while stipulating that only the eiruv on the side where the rabbi will teach will take effect. Furthermore, if he hears that two rabbis will be coming to two different locations, he may place two eiruvim and stipulate that he will decide on Shabbat which rabbi he prefers, and consequently which of the two eiruvim will take effect.

⁸⁹ Ayo taught in a baraita that Rabbi Yehuda disagreed with this halakha and said: A person may not make a stipulation with regard to two contradictory things at once, and therefore if two Sages will be arriving, his condition is of no effect. Rather, it is true that in the first case, where he knows that a rabbi is coming but does not know from which direction, he may place two eiruvim and stipulate that if the rabbi comes from the east his eiruv in the east will take effect, and if the rabbi comes from the west, his eiruv in the west will take effect. However, in the second case, when two rabbis come to the two locations, one of them arriving here and the other arriving there, and one wants to place two eiruvim and decide on Shabbat which of the two lectures he will attend, this he may not do; that would require the identity of the functional eiruv to be determined retroactively, and one's place of rest must be determined when Shabbat begins.

⁹⁰ And we discussed the following difficulty with regard to this teaching of Ayo: What is different about the case where two rabbis are coming to the two locations, one here and the other there, and one places two eiruvim, planning to decide on Shabbat which lecture he will attend? Why did Rabbi Yehuda state that this may not be done? It is because he held that there is no retroactive designation.

But if so, in the first case as well, where only one rabbi comes, but the location of his lecture was not known before Shabbat, and one placed eiruv in the east and the west, we should say that neither is effective because the rabbi's location will not be known until Shabbat, and there is no retroactive designation.

⁹¹ And Rabbi Yoḥanan said in explanation: This first case is referring to a situation in which the rabbi had already arrived before the eiruv was placed, but the one placing the eiruv does not know the rabbi's location. Therefore, it had already been determined which of the two eiruvim would be effective, although it was not yet known to him when Shabbat began. Apparently, then, Rabbi Yoḥanan does not accept the principle of retroactive designation even in matters of rabbinic law, as he states that if the rabbi were to arrive after the eiruv was placed, it would not be effective retroactively.

⁹² Rather, the Gemara rejects this approach and states: Actually, do not reverse the views of Rabbi Yoḥanan and Rabbi Hoshaya; it is indeed Rabbi Hoshaya, also known as Rabbi Oshaya, who accepts retroactive designation, and Rabbi Yoḥanan who rejects it. As for Rabbi Oshaya's statement with regard to the entrances to a house that contains a corpse, the following answer may be offered: And when does Rabbi Oshaya not hold of the principle of retroactive designation? With regard to matters of Torah law, such as the ritual impurity of the dead. But with regard to matters of rabbinic law, such as Shabbat limits and the placement of eiruvim, he does accept this principle.

⁹³ Mar Zutra taught in a public lesson: The halakha is in accordance with the opinion of Rabbi Oshaya with regard to retroactive designation.

⁹⁴ Shmuel said: An ox of a fattener, one whose occupation is to fatten oxen in order to sell them for their meat, is as the feet of all people. It is as the feet of the one who acquires the animal on the Festival, even if the buyer is from another city, as the fattener's intention when the Festival begins is that the ox belong to whoever buys it. But an ox of a shepherd, who raises oxen for himself but occasionally sells them to his neighbors or acquaintances, is as the feet of the people of that city, as his intention when the Festival begins is that he might sell the animal to someone in town, but not to someone from out of town.

⁹⁵ § The mishna states: In the case of one who borrows a vessel from another on the eve of a Festival, it is as the feet of the borrower. The Gemara asks: It is obvious that this is the case, as the place of rest of the vessel has already been established in the possession of the borrower. The Gemara answers: No, it is necessary to state this halakha in a case where one did not deliver the vessel to him until the Festival itself. Lest you say: Since the lender did not establish it in the borrower's possession before the Festival began, it should remain as the feet of the lender, the mishna therefore teaches us that it is not so, but it is as the feet of the borrower.

⁹⁶ The Gemara comments: Interpreted in this manner, the mishna supports a statement of Rabbi Yoḥanan, as Rabbi Yoḥanan said: One who borrows a vessel from another on the eve of a Festival, even if he did not give it to him until the Festival itself, it is as the feet of the borrower.

⁹⁷ § It is taught in the mishna: If one borrowed on the Festival itself, it is as the feet of the lender. The Gemara again wonders: This is obvious. The Gemara answers: No, it is necessary to state this halakha in a case where this borrower is accustomed to borrowing such items from this lender. Lest you say that since it is a regular occurrence for this loan to take place, the lender establishes it in his possession ahead of time, and it should therefore be considered as though the object's place of rest is

established as the feet of the borrower, the mishna therefore teaches us that it is not so, as the lender certainly says to himself: Perhaps he will find someone else this time, and he will go and borrow from him. Consequently, the lender does not transfer possession of the object to the borrower until the latter takes it, and it may be carried only where the lender may go.

⁹⁸ § It is taught in the mishna: And similarly, a woman who borrowed spices from another to put in a dish, or water and salt to put in her dough, these are as the feet of both of them. The Gemara relates: When Rabbi Abba ascended from Babylonia to Eretz Yisrael, he said: May it be God's will that I say a statement of halakha that will be accepted by my listeners in Eretz Yisrael, so that I will not be put to shame. When he ascended, he found Rabbi Yoḥanan, Rabbi Ḥanina bar Pappi, and Rabbi Zeira, and some say he found Rabbi Abbahu, Rabbi Shimon ben Pazi, and Rabbi Yitzḥak Nappaḥa, and they were sitting and saying in a discussion of the mishna: Why is this the halakha with regard to dough? But let the water and salt be considered nullified in the dough, and the status of the dough should follow its flour rather than its minor ingredients, such as water and salt. Rabbi Abba said to them:

⁹⁹ If one's single kav of wheat became mingled with ten kav of another's wheat, shall the latter eat all eleven kav and rejoice? One does not allow his property to become nullified into someone else's property. The same applies to water and salt in dough. The Sages laughed at him. He said to them: Did I take your cloaks from you that you are putting me to shame? They again laughed at him.

¹⁰⁰ Rabbi Oshaya said: They did well to laugh at him. They were correct that the two cases are dissimilar, as they reasoned as follows: What is different about a case of wheat belonging to one person that became mingled with barley of another, that Rabbi Abba did not say this case to them as an example? He specifically chose an example of wheat mingling with other wheat and not that case of barley because that is one type mingled with something that is not its same type. The principle is: A type of food mixed with a large amount of food not of its own type becomes nullified, and this principle applies even when the two foods belong to two different people. If so, the same may be said when wheat of one individual is mixed with wheat of another as well. Although, according to Rabbi Yehuda, an item mingled with another item of the same type is not nullified, according to the Rabbis it is certainly nullified.

¹⁰¹ Rav Safra said to Rabbi Oshaya: Moses! This is a term of reverence for the leader of the generation. Have you in fact spoken well in defending those who scoffed at Rabbi Abba? But, did those Sages who scoffed not hear of this teaching that Rabbi Ḥiyya of Ketosfa'a said in the name of Rav: One who removes pebbles from another's wheat granary is obligated to reimburse him for the loss he has caused and pay him the value of wheat according to the weight of those stones. The latter could have sold those pebbles along with his wheat, as there is always some refuse mixed in with the wheat that is weighed and sold along with it. Therefore, the removal of the pebbles has caused the owner of the granary a monetary loss.

¹⁰² Apparently, he must compensate him because he has reduced his measure of wheat. Despite the fact that the pebbles themselves are worthless, we do not say that the pebbles were nullified in the wheat and that consequently there is no loss involved in their removal. Here, too, in the case of one who borrows water and salt, which are not worthless, all the more so may we say that one has reduced his measure, and he must compensate the lender; it cannot be said that they are nullified in the dough and that they are no longer taken into account regarding the Shabbat limit.

¹⁰³ Abaye objected to the comparison to the case with the pebbles in the wheat, and said to Rav Safra: And does the master not differentiate between money that has claimants, such as in the case of the pebbles removed from the granary in which the owner seeks compensation and therefore there is no nullification, and money that does not have claimants, as in the case of water and salt, where the owner lent them to the borrower and does not demand them back for now? In the latter case it is possible for these ingredients to be considered nullified.

¹⁰⁴ Rav Safra said to him: And according to your reasoning, that one must distinguish between money that has claimants and money that does not, how would you account for this teaching: Rav Ḥisda said: According to Rabbi Yehuda, who maintains that an item can be nullified only when mixed with an item of a different type but not of the same type, flesh of an unslaughtered animal carcass can be nullified in a larger quantity of meat of a slaughtered animal. Although carcass meat generally imparts impurity, if someone touches the mixture of the two meats he does not become ritually impure, as the carcass meat is considered a different type from the slaughtered animal, and is therefore nullified. This is because meat from a slaughtered animal cannot attain the status of carcass, and it is therefore viewed as a different type.

¹⁰⁵ The Gemara continues to cite Rav Ḥisda's statement: However, if meat of a slaughtered animal became mingled with a larger quantity of pieces of animal carcass, the meat of the slaughtered animal is not nullified by the carcass, as it is possible for a carcass to attain the status of a slaughtered animal. This means that it can lose its ability to transmit ritual impurity, as if a carcass becomes spoiled to the extent that it is no longer edible, it loses its impure status. The fact that the carcass meat has the potential ability to attain the status of slaughtered meat renders the two meats as the same type, and according to Rabbi Yehuda the smaller amount of slaughtered meat would not be nullified in the larger amount of carcass meat. The entirety of the mixture would not be considered carcass meat, but would retain its status of intermingled carcass and slaughtered meat.

¹⁰⁶ Here, too, will you say that if the carcass has owners other than the owner of the slaughtered meat, it is not nullified in the slaughtered meat? And if you say: Yes, it is indeed so, but isn't it taught: Rabbi Yoḥanan ben Nuri said: Ownerless objects acquire residence for Shabbat in their location, and anyone who finds them on Shabbat may move them two thousand cubits in all directions but not beyond that, as although they have no owner, it is as though they have an owner? This shows that even property that has no claimants, like the salt and water in this mishna, has its own independent Shabbat limits, which do not become nullified when mixed with items that have a different Shabbat limit.

¹⁰⁷ Abaye said to Rav Safra: Are you comparing a halakha involving prohibitions, i.e., ritual law, to monetary law? An object subject to a prohibition, such as a prohibited food, can be nullified, whereas one's money cannot be nullified.

¹⁰⁸ Therefore, the initial question remains: Why isn't the small amount of salt and water in the dough, which is subject to the ritual restriction of Shabbat limits, nullified in the rest of the dough, in the manner of nullification of all other ritual prohibitions? And what is the reason that the water and salt are not nullified in the dough?

¹⁰⁹ Abaye said: It is a decree that the Sages made, lest a woman make dough in partnership with her neighbors. Indeed, in the case of the mishna, the small amount she received from her neighbor should be nullified in the dough. However, on another occasion, several friends or neighbors might decide to

pool ingredients and prepare bread in partnership, in which case the bread is certainly bound by the Shabbat limits of all the parties combined. In order to prevent confusion between making dough in partnership and making it with borrowed ingredients, the Sages made a decree that the dough in both cases be subject to the same limitations.

¹¹⁰ Rava said a different reason: Spices are made in order to add taste to food, and taste is not nullified, even if the amount of actual substance is minute. Nullification indicates that a small amount of food may be considered insignificant and therefore null and void, but if an ingredient is added with the specific intent that its taste be noticed, there can be no nullification.

¹¹¹ And Rav Ashi said a different explanation as to why the spices, water, and salt are not subject to nullification: It is because any one of these ingredients is an object whose prohibition is temporary, as the prohibition against their being taken out of the Shabbat limits lapses once the Festival has passed, and the general principle is that anything whose prohibition is temporary cannot become nullified, even by one part in one thousand.

¹¹² § It is taught in a mishna: Rabbi Yehuda exempts one from travel limitations in the case of water. The Gemara asks: Does this mean to imply that water, yes, it is exempted by Rabbi Yehuda, but salt, no, it is not? But isn't it taught in a baraita: Rabbi Yehuda says: Water and salt are both nullified, whether in a dough or in a pot of cooked food. The Gemara answers: This is not difficult. In this case of the mishna, the reference is to salt of Sodom, which is quite coarse and does not blend in easily with the dough, and, being noticeable in the final product, is not nullified. In that case of the baraita, the reference is to a type of fine salt known as isterokanit salt. Consequently, it is not noticeable in the final product and can be nullified.

¹¹³ The mishna states that according to Rabbi Yehuda water mixed into dough, and presumably into a cooked dish as well, is considered nullified. The Gemara challenges this: But isn't it taught in a baraita that Rabbi Yehuda says: Water and salt are nullified in dough but not in a pot, due to its sauce. The pot, unlike bread, ends up with liquid in it, so the borrowed water is still recognizable. The Gemara replies: This is not difficult. This case of the mishna, where Rabbi Yehuda says that the water is nullified in the cooked food, is referring to a thick dish that has no liquid sauce. That case of the baraita, in which Rabbi Yehuda said the water is not nullified, is referring to a thin dish with liquid sauce.

¹¹⁴ MISHNA: A coal that one borrowed from another on the Festival is as the feet of the owner, and it may be carried on the Festival to any place where its owner may walk. Since it has substance, it is associated with its owner. But a flame that one lit from another's flame may be taken anywhere, as it has no substance. This essential difference between a coal and a flame has additional halakhic ramifications: If one uses a coal of consecrated property for a non-consecrated purpose, he is liable for misuse of consecrated property, since it has substance. But if one uses a consecrated flame, although according to rabbinic law one may not derive benefit from it *ab initio*, if one did benefit from it, he is not liable for misuse, since it does not have substance. Similarly, one who takes out a coal from a private domain to the public domain on Shabbat is liable for the prohibited labor of carrying, but one who takes out a flame is exempt.

¹¹⁵ GEMARA: The Sages taught in a Tosefta (Beitza 4:7): Five things were stated with regard to a coal, in relation to the practical halakhic differences between a coal and a flame: (1) Coal is as the feet of the owner with regard to its Festival resting place, whereas a flame may be carried anywhere.

(2) One is liable for misusing property consecrated to the Temple with a consecrated coal, whereas with regard to a flame, according to rabbinic law one may not benefit from it, but he is not liable for misusing property consecrated to the Temple. (3) Coal used for idol worship is prohibited for one to benefit from it, whereas from a flame of this sort it is permitted to benefit. (4) One who carries out a coal to the public domain is liable, whereas one who carries out a flame is exempt. (5) One who is prohibited by a vow from deriving benefit from another is prohibited from using his coal, but he is permitted to derive benefit from his flame.

¹¹⁶ With regard to the halakhot cited in the baraita above, the Gemara asks: What is different in the case of a flame of idol worship, that one is permitted to use it even *ab initio*, as the baraita uses the term permitted in that case; and what is different in the case of a consecrated flame, in that it is prohibited to be used *ab initio*, as the baraita states: One may not benefit from it, but he is not liable for misuse? The Gemara explains: In the case of idol worship, which is repulsive to Jews and from which Jewish people inherently maintain separation, the Sages did not decree additional restrictions with regard to it. However, concerning consecrated property, which is not repulsive and from which people do not inherently maintain separation, in order to prevent its misuse, the Sages did decree with regard to it that it is prohibited to use the flame.

¹¹⁷ § It is taught in the baraita that one who carries out a coal to the public domain is liable, whereas one who carries out a flame is exempt. The Gemara asks: But isn't it taught in another baraita: One who carries out a flame of any size on Shabbat is liable? Rav Sheshet said: The second baraita is referring to a case where one carried out the flame along with a wooden chip. Since the flame is attached to a physical object, it is considered significant.

¹¹⁸ The Gemara raises an objection: But if so, let it derive that one is liable for carrying out in this case due to the wooden chip, and the presence of the flame is irrelevant. The Gemara responds: That baraita speaks of a chip that does not have the minimum measure that determines liability for carrying out, as we learned in a mishna (Shabbat 89b): In the case of one who carries out wood on Shabbat, the measure that determines liability is enough wood to cook an egg of the kind that is the easiest to cook, which is the egg of a chicken. Because the chip is too small to cook an egg, one is not liable for carrying it out, but one is liable for carrying out the flame attached to it.

¹¹⁹ Abaye said a different scenario: The mishna is referring to a case where one smeared a vessel with oil, and lit a fire on it, and carried out that flame. The Gemara asks: If so, let it derive that one is liable for carrying out in this case due to the vessel itself, and the flame is irrelevant. The Gemara replies: The mishna is referring to a fire lit in an earthenware shard, not in a whole vessel.

¹²⁰ The Gemara challenges: And nevertheless, let it derive that one is liable for carrying due to the earthenware shard itself. The Gemara answers: It deals with a shard that is not of the minimum measure that determines liability for carrying out, as we learned in a mishna (Shabbat 82a): The measure that determines liability for carrying out earthenware is enough to place between one window frame and another, as small shards of earthenware were sometimes placed between window frames during construction. This is the statement of Rabbi Yehuda.

¹²¹ The Gemara asks: But if so, if one is liable for carrying it out whenever the flame is attached to an object of substance, that which we learned in the mishna here: One who carries out a flame is exempt, under what circumstances can this case be found? The Gemara answers: The mishna is

speaking of a case where one fanned the fire with his hand so that it spread into the public domain without its being attached to any vessel.

¹²² MISHNA: With regard to a cistern of an individual, water drawn from it is as the feet of the individual who owns the cistern, and the water may be carried only to those places where its owner is permitted to walk. And water drawn from a cistern belonging jointly to all the people dwelling in a particular town is as the feet of the people of that town. And water drawn from a cistern of those who come up to Eretz Yisrael from Babylonia, i.e., a public cistern, is as the feet of whoever fills his vessel with its water; the water has no defined boundary of its own since it is made available to all.

¹²³ GEMARA: Rava raised a contradiction to Rav Naḥman: We learned in the mishna that the water of a cistern of an individual is as the feet of the individual; and Rava raised a contradiction from the Tosefta (Beitza 4:8): Water drawn from flowing rivers and flowing springs are as the feet of all people. Rava said: With what are we dealing here in the mishna? With cisterns that contain collected water, not flowing water. And it was also said that Rabbi Ḥiyya bar Avin said that Shmuel said: The mishna applies only to collected water.

¹²⁴ § The mishna states: And water drawn from a cistern of those who come up to Eretz Yisrael from Babylonia, i.e., a public cistern, is as the feet of whoever fills his vessel with its water. It was stated that amora'im disagreed with regard to this issue: In the case of one who filled a vessel with water from a public cistern on behalf of another and gave the water to him, Rav Naḥman said: The water is as the feet of the one for whom they were filled; Rav Sheshet said: It is as the feet of the one who filled it.

¹²⁵ The Gemara asks: With regard to what principle do they disagree? The Gemara explains: One Sage, Rav Sheshet, holds that a public cistern is ownerless, and the halakha is that one cannot take possession of ownerless property on behalf of someone else. Therefore, the water belongs to the one who drew it; it is as his feet, and this status does not change even if he subsequently gave it to anyone else. And one Sage, Rav Naḥman, holds that a public cistern is considered jointly owned by all its partners, namely, all of the Jewish people. Therefore, it is possible for one partner to draw water on behalf of another partner, and the drawn water immediately belongs to the person for whom it was drawn.

¹²⁶ Rava raised a challenge to Rav Naḥman from a mishna (Nedarim 47b): One who says to another: I am hereby prohibited to you by force of ḥerem, a kind of vow of prohibition, as objects declared as ḥerem are generally consecrated to the Temple, the one prohibited by the vow, the addressee, is prohibited to derive benefit from the person who made the vow or from his property, as the point of the vow was to prohibit the addressee from deriving any benefit from the one who made the vow.

¹²⁷ If he said to him: You are hereby prohibited to me by force of ḥerem, the one making the vow is himself prohibited to derive benefit from the addressee or from his property. If he said to him: I am hereby prohibited to you and you to me by force of ḥerem, they are both prohibited to benefit from one another. And they are permitted to benefit from anything belonging to those who come up from Babylonia, i.e., public property that is not owned by any person or group, but they are prohibited to benefit from property that is jointly owned by the inhabitants of that city, as both parties have a share in such items.

¹²⁸ That mishna provides examples: And the following are items of those coming up from Babylonia, i.e., publicly owned items: The Temple Mount, the chambers, and the courtyards on the Temple

Mount, and a cistern situated in the middle of the road. And these are items jointly owned by the inhabitants of that city: The street, and the synagogue, and the bathhouse.

¹²⁹ Rava, having cited the mishna in full, concludes his challenge to the opinion of Rav Naḥman: And if you say that a cistern of those who come up from Babylonia, a public cistern, is owned jointly by partners, i.e., by all Jews, why should it be permitted for the one who made the vow and the addressee to use it? But didn't we learn in a mishna (Nedarim 45b): Two partners who took a vow not to derive benefit from one another are prohibited to enter a joint courtyard in which they both have a share to wash themselves in a cistern. According to you, the same should apply to a cistern in which the two of them have a share, such as the cisterns of those who come up from Babylonia.

¹³⁰ Rav Naḥman answered: Indeed that is the case. So too, they are prohibited to wash themselves in a cistern because when bathing one uses of all the water of the cistern, part of which belongs to the forbidden partner. But when the baraita says that a cistern of those who come up from Babylonia is permitted to both parties, with what are we dealing here? The baraita is referring only to filling water from the cistern. This is permitted because it is considered that this one fills from his portion, and that one fills from his portion. The water that each of them draws is considered retroactively designated exclusively for him, so that the partner has no share in it at all.

¹³¹ The Gemara asks: And does Rav Naḥman hold that there is retroactive designation? But didn't we learn in a mishna (Shekalim 1:7): If brothers divided up inherited property among themselves and subsequently joined their property again and became partners, they are obligated to add a kalbon, a small coin, to the obligatory half-shekel yearly Temple donation. The kalbon covered both the cost to the Temple of exchanging half-shekels into larger coins and the depreciation of the donated coin. Although a whole shekel given by two partners does not need to be changed into a larger coin, the Sages imposed the same kalbon fee on the partners as on everyone else. However, these partners are exempt from the animal tithe, in accordance with the standard halakha that people who own animals in partnership are exempt from the animal tithe.

¹³² The quote from the mishna continues: And in a situation in which the brothers are liable for the animal tithe, as when they have not yet divided up their inheritance, and all the deceased's estate is therefore still considered a single unit and not a partnership, they are exempt from the kalbon, in accordance with the halakha that a father who contributes a single shekel for his two dependent sons does not need to add the kalbon.

¹³³ And Rav Anan said: The Sages taught that the inherited property is no longer considered a single unit after the brothers divided it and then rejoined in a partnership only when they divided kids against lambs or lambs against kids, i.e., if one brother took kids and the other took a corresponding value of lambs. This kind of division is considered a commercial transaction, with one brother purchasing goats and paying for them with lambs and vice versa. Therefore, when they join their animals again as partners, it is considered an entirely new partnership.

¹³⁴ However, if they divided kids against kids and lambs against lambs, meaning that each brother took an equal portion of each of the items they inherited, one can say of each brother's portion: This is his portion destined to reach him from the first moment, from the time of the death of the deceased. If the brothers form their partnership again, the inheritance becomes a single unit again, and they are therefore obligated in the animal tithe and exempt from the kalbon.

¹³⁵ But Rav Naḥman said: Even if they divided kids against kids and lambs against lambs, one does not say that this is his portion destined to reach him from the first moment. This is because Rav Naḥman does not accept the principle of retroactive designation. Consequently, the resolution proposed previously for the issue of filling water from the cistern of those who come up from Babylonia is invalid.

¹³⁶ The Gemara retracts its previous explanation of the disagreement between Rava and Rav Naḥman: Rather, everyone agrees that a cistern of those who come up from Babylonia, i.e., a public cistern, is an ownerless cistern, but here they disagree over a different issue: One who picks up a found article intending to acquire it on behalf of his friend. One Sage, Rav Naḥman, holds that if one picks up a found object on behalf of his friend, his friend acquires it through this act as though he had picked it up himself. The water of the ownerless cistern is like a found object. Therefore, if one draws water on behalf of another, the latter acquires it, and consequently the water is as his feet. And one Sage, Rav Sheshet, holds that when one picks up a found object for another, the latter does not acquire it. Rather, it belongs to the one who actually picked it up, and consequently the water is as the feet of the one who draws it.

¹³⁷ MISHNA: With regard to one who had produce in a different city beyond the Shabbat limit, and the residents of that city where the produce was located joined the Shabbat boundaries, enabling them to reach the owner's home on the Festival, and they wish to bring him some of his produce, they may not bring it to him. His produce is as his feet; since it is outside of his Shabbat limit, it may not be taken from its place. However, if the owner placed an eiruv to enable travel to that city, the legal status of his produce is like his status with regard to the Shabbat limit. People from that city who also placed an eiruv may bring the produce to him, since he himself may walk to the produce and take it.

¹³⁸ With regard to one who invited guests to visit him from a town beyond his Shabbat limit, and they joined the Shabbat boundaries to enable them to reach his house, they may not carry in their hands back to their town any portions they received from him as gifts. These portions are as the feet of the host, since they belonged to him on the eve of the Festival. This is true unless he transferred ownership of their portions to them on the eve of the Festival, in which case the gifts may be carried wherever the recipients may walk.

¹³⁹ GEMARA: It is stated that amora'im disagreed with regard to one who deposits produce with another for safekeeping: In whose possession is the produce with regard to determining its place of rest over the Festival? Rav said: They are as the feet of the one with whom they were deposited. And Shmuel said: They are as the feet of the object's owner. The Gemara suggests: Let us say that Rav and Shmuel follow their usual line of reasoning, as we learned in a mishna: If one brought in his produce or his ox to another's courtyard with his permission, the owner of the courtyard is liable for any damage caused to them. And Rabbi Yehuda HaNasi said: The homeowner is never liable for damages, unless the homeowner explicitly accepts upon himself the responsibility to watch them.

¹⁴⁰ And Rav Huna said that Rav said: The halakha is in accordance with the statement of the Rabbis, who disagreed with Rabbi Yehuda HaNasi, and that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda HaNasi. If so, let us say that Rav spoke here in accordance with the opinion of the Rabbis, with the following reasoning: Just as when one gives permission to store something in his yard, that object is under his jurisdiction concerning monetary responsibility, so too,

it is in his jurisdiction concerning the establishment of the Shabbat limit. And Shmuel spoke here in accordance with the opinion of Rabbi Yehuda HaNasi: When a homeowner gives permission to store something in his yard, the object is not in his jurisdiction, whether with regard to monetary responsibility or with regard to the Shabbat limit.

¹⁴¹ The Gemara rejects the comparison: Rav could have said to you: I said my statement in this case even in accordance with the opinion of Rabbi Yehuda HaNasi. For Rabbi Yehuda HaNasi stated his halakha only there, that an object brought into a courtyard is not considered in the possession of the homeowner with regard to monetary responsibility, because in the ordinary situation one who allows someone to bring items into his courtyard does not accept upon himself the responsibility of watching them. But here, the homeowner has accepted upon himself the responsibility of watching the produce, and consequently it is as his feet.

¹⁴² And similarly, Shmuel could have said: I said my statement here even in accordance with the opinion of the Rabbis, as the Rabbis stated their opinion only there, maintaining that the objects are considered in the jurisdiction of the homeowner, because it is a person's, i.e., the owner's, preference that his ox or other object be established in the jurisdiction of the owner of the courtyard, so that if his ox does damage to the homeowner's property the owner will not be liable. But here, is it a person's preference for his produce to be in another's jurisdiction with regard to the establishment of its Shabbat limit? It is certainly inconvenient for him to have his produce out of his Shabbat limit. Consequently, the two disputes between Rav and Shmuel are not necessarily connected.

¹⁴³ The Gemara asks concerning Rav's opinion: We learned in the mishna: However, if the owner placed an eiruv, the legal status of his produce is like his status. And if you say that deposited produce is as the feet of the one with whom they were deposited, even if the owner of the produce placed an eiruv, what of it? The produce is under the jurisdiction of the people in the other town with whom it was deposited. It should be as their feet, not as the feet of the owner. Rav Huna said that the Sages of the school of Rav said in reply to this question: The mishna is dealing with a case where the keeper designated a corner of his house for the owner, thereby revealing his intention that the produce not be considered in his own jurisdiction but rather in that of the owner. Consequently, it remains as the feet of the owner.

¹⁴⁴ The Gemara raises another challenge to Rav's opinion: Come and hear a different proof from the mishna: With regard to one who invited guests to visit him, they may not carry in their hands any portions they may have received back to their town, unless he transferred ownership of their portions to them on the eve of the Festival. And if you say that the halakha is that deposited items are as the feet of the one with whom they were deposited, even if he transferred ownership to them by means of another person taking possession on their behalf, what of it? The portions are in any event deposited in the house of the host, and they should be as his feet. The Gemara answers: Here too, since he transferred ownership to them by means of another person, it is considered as a case of one who designated a corner for him, so that the gifts are considered in the jurisdiction of the guests and may be carried wherever they may walk.

¹⁴⁵ And if you wish, say instead that the entire case of transferring ownership is different because the host's specific intention is to transfer possession of the portions entirely to his guests. This means that the guests have certainly established the place of rest of these portions in their own jurisdiction and that the portions are as their feet.

¹⁴⁶ The Gemara relates: Rav Ḥana bar Ḥanilai once hung meat on the bar of the door of his host's house, located outside his own town. He subsequently wondered if he was permitted to take the meat home with him, since he had made an eiruv enabling him to walk from his home to his host's home. He came before Rav Huna to ask his opinion. Rav Huna said to him: If you yourself hung the meat, go take it, but if your hosts hung it for you, you may not take it.

¹⁴⁷ The Gemara questions this: And if he himself hung the meat, may he indeed take it? But wasn't Rav Huna a student of Rav, and Rav said that when an object is deposited in one's house it is as the feet of the one with whom it was deposited, which in this case is the host. The Gemara responds: Here it is different, as Rav Ḥana bar Ḥanilai hung the meat on the bar of the host's door, and this case is considered similar to a case of one who designated a corner for him. Since he was given a particular spot for the meat, it is considered his in all respects.

¹⁴⁸ The Gemara raises a further objection with regard to this incident: Rav Hillel said to Rav Ashi: And if they hung the meat for him, may he indeed not take it? But didn't Shmuel say: An ox of a fatterer, who fattens oxen in order to sell them for meat, is as the feet of all people, i.e., it is as the feet of whoever buys it on the Festival. This shows that meat that is likely to be sold is not as the feet of its owner, but rather it follows the buyer, as the intention before the Festival is that it be for whoever happens to purchase it. Here too, the intention from the outset was that Rav Ḥana would take it over the course of the Festival.

¹⁴⁹ Furthermore, Ravina said to Rav Ashi: And if the hosts hung the meat for him, may he indeed not take it? But didn't Rabba bar bar Ḥana say that Rabbi Yoḥanan says: The halakha is in accordance with the opinion of Rabbi Dosa, that in a town that has only one shepherd, an animal that will be given to that shepherd over the course of the Festival is as the feet of the shepherd, since it is certain that the animal will be transferred to him. Here too, since the meat was put aside for Rav Ḥana, he should be permitted to take it with him. There is a further difficulty: Rav Ashi said to Rav Kahana: And if they hung the meat for him, may he indeed not take it? But didn't we learn in a mishna: The status of animals and vessels is as the feet of their owner? The same should apply to meat that was hung for him; it should be as his feet.

¹⁵⁰ Because of all these questions, the Gemara reinterprets the case of Rav Ḥana. Rather, the problem with the meat concerns a completely different matter, as the issue under consideration is not the establishment of its place of rest but the prohibition against eating meat that has been left unobserved, due to the concern that it might have been exchanged for prohibited meat. Rav Ḥana bar Ḥanilai is different from the average person, as he is a great man and occupied with his studies, and this is what Rav Huna said to him: If you yourself hung it, in which case you noticed some recognizable mark on the meat and your attention was not diverted from it, the meat is not forbidden for having been left unobserved, and therefore you may go and take it. However, if the hosts hung it for you, you thereby diverted your attention from it, and they too did not pay careful attention to it after hanging it on your behalf. In that case, it is considered meat that has been left unobserved, and you may therefore not take it.

¹⁵¹ MISHNA: On a Festival one may not water and slaughter desert animals, which graze mainly outside the town, as they are considered muktze. However, one may water and slaughter domestic animals. The mishna elaborates: These are considered domestic animals: Those that sleep in the city at night. Desert animals are those that sleep in the pasture and come into town only rarely.

¹⁵² GEMARA: The Gemara asks: The mishna is coming to teach which animals are muktze and consequently may not be slaughtered and eaten on the Festival. Why, then, do I need the mishna to say: One may water and slaughter? What does watering have to do with the topic at hand? The Gemara explains: The tanna of the mishna teaches us a practical matter incidentally: That a person should first water his animal and only afterward slaughter it, due to the adhesion of the skin to the meat when this is not done. If one first waters the animal, it is easier to skin it after slaughtering it.

¹⁵³ The Sages taught in a baraita: Which are desert animals, and which are domestic ones? Desert animals include all those that go out to pasture at Passover time and graze in the pasture day and night and enter the town again only at the first rainfall, at the start of the rainy season. And these are domestic animals: All that go out in the morning and graze outside the town's boundary but come and sleep within the boundary at night. Rabbi Yehuda HaNasi says: Both these and those are considered domestic animals and may be slaughtered on the Festival. Rather, these are desert animals that may not be slaughtered on the Festival: All those that go out and graze in the pasture and do not enter the settled area, neither in the summer nor in the rainy season.

¹⁵⁴ The Gemara asks concerning Rabbi Yehuda HaNasi's opinion: And does Rabbi Yehuda HaNasi in general accept the concept of muktze? But didn't Rabbi Shimon, son of Rabbi Yehuda HaNasi, inquire of Rabbi Yehuda HaNasi: Unripe dates that are placed in a basket to ripen until they are edible, what is the halakha according to Rabbi Shimon ben Yoḥai? Are they considered muktze or not? He said to him in response: There is no recognition of the halakha of muktze according to Rabbi Shimon,

¹⁵⁵ except for the case of dried figs and raisins in the midst of the drying process alone. These are fruits that are fit to be eaten fresh and were deliberately removed from use to allow them to undergo a drying process, during which time they are inedible; they have therefore been actively removed from one's mind for the interim. Unripe dates, however, are unfit to be eaten fresh and become fit for eating only when they are ripe. Therefore, if one places unripe dates in a basket to ripen, they are never completely removed from his mind, not having been changed from an edible state to an inedible state, and are permitted. If so, desert animals, which are similarly never completely removed from one's mind, should also not be considered muktze. Why, then, does Rabbi Yehuda HaNasi indicate that they have the status of muktze?

¹⁵⁶ The Gemara suggests several resolutions: If you wish, say that these desert animals are also considered similar to dried figs and raisins, as by sending them outside the town the owner has actively removed them from use. And if you wish, say instead that the fact that Rabbi Yehuda HaNasi told his son that Rabbi Shimon does not accept the halakha of muktze except for the case of dried figs and raisins does not prove anything about his own opinion; he stated this only in accordance with the statement of Rabbi Shimon, but he himself does not hold accordingly.

¹⁵⁷ And if you wish, say a different answer: He himself, like Rabbi Shimon, did not accept the concept of muktze, and when he spoke in the baraita he was speaking, for the sake of argument, in accordance with the words of the Rabbis who had spoken before him, saying to them, in effect: According to my opinion, there is no halakha of muktze at all, in accordance with the opinion of Rabbi Shimon, and all animals may be slaughtered on the Festival. But even according to your approach, that there is a halakha of muktze, agree with me, in any event, that with regard to a case where they go out and graze on Passover and enter again at the first rainfall, they are considered

domestic animals and should be permitted. But the Rabbis said to him: No, even those are desert animals.