

**The Soncino Babylonian Talmud**



**BEITZOH**

**Folios 2a-40b**

**TRANSLATED INTO ENGLISH WITH NOTES**

**CHAPTERS I - V**

*Reformatted by Reuven Brauner, Raanana 5771*

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# BEITZOH – 2a–40b

## Beitzah 2a

### CHAPTER I

**MISHNAH.** [IF] AN EGG IS LAID ON A FESTIVAL-DAY, BETH SHAMMAI<sup>1</sup> SAY: IT MAY BE EATEN [ON THE SAME DAY], BUT BETH HILLEL<sup>1</sup> MAINTAIN: IT MAY NOT BE EATEN [UNTIL THE DAY IS OVER]. BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN<sup>2</sup> IS OF THE SIZE OF AN OLIVE<sup>3</sup> AND LEAVENED BREAD IS OF THE SIZE OF A DATE,<sup>4</sup> BUT BETH HILLEL MAINTAIN: BOTH<sup>5</sup> ARE OF THE SIZE OF AN OLIVE. HE WHO SLAUGHTERS GAME ON POULTRY ON A FESTIVAL-DAY, BETH SHAMMAI SAY: HE MAY DIG UP [EARTH] WITH A SHOVEL<sup>6</sup> AND COVER [THE BLOOD],<sup>7</sup> BUT BETH HILLEL MAINTAIN: ONE MAY NOT SLAUGHTER<sup>8</sup> UNLESS HE HAS [LOOSE] EARTH PREPARED FROM THE DAY BEFORE [THE FESTIVAL];<sup>9</sup> BUT THEY AGREE THAT IF HE HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD], BECAUSE<sup>10</sup> THE ASHES OF THE HEARTH ARE MUKZEH [CONSIDERED AS HAVING BEEN PREPARED].<sup>11</sup>

**GEMARA.** What<sup>12</sup> are we discussing? If one should say about a hen kept<sup>13</sup> for food, what is the reason of Beth Hillel,<sup>14</sup> [seeing that] it is food which has been separated;<sup>15</sup> and [if] about a hen kept for laying eggs, what is the reason of Beth Shammai,<sup>16</sup> [seeing that] it is Mukzeh?<sup>17</sup> — But what objection is this? Perhaps Beth Shammai do not accept [the prohibition of] Mukzeh?

(We are of the opinion that even he who permits Mukzeh forbids Nolad;<sup>18</sup> what then is the reason of Beth Shammai?) —

**R. Nahman replied:** In table [we are debating] about a hen kept for laying eggs; but he who accepts [the prohibition of] Mukzeh accepts [the prohibition of] Nolad, and he who rejects [the prohibition of] Mukzeh rejects [the prohibition of] Nolad;<sup>19</sup> Beth Shammai is [of the same opinion] as R. Simeon<sup>20</sup> and Beth

Hillel is [of the same opinion] as R. Judah.<sup>21</sup> But did R. Nahman say thus? Surely we have learnt: Beth Shammai say: One may remove<sup>22</sup> [on the Sabbath] from the table [with the hand] bones and nutshells;<sup>23</sup> but Beth Hillel maintain: One lifts off the whole table-top and shakes it.<sup>24</sup> And R. Nahman<sup>25</sup> said: As for us, we only hold that Beth Shammai [follow the view] of R. Simeon! —

**R. Nahman can reply to you:** With reference to the Sabbath where the Tanna teaches anonymously<sup>26</sup> according to [the opinion of] R. Simeon as we have learnt: You may cut up gourds<sup>27</sup> for cattle and a carcass<sup>28</sup> for dogs<sup>29</sup> Beth Hillel is made to represent the opinion of R. Simeon; but

(1) For the Schools of Shammai and Hillel v. J.E. III, 115ff.

(2) On the Feast of Passover, involving penalty; cf. Ex. XII, 19.

(3) But not less.

(4) A date is considered larger than an olive; but v. Jast. s.v.

(5) Leaven and leavened bread.

(6) If loose earth is not available.

(7) Cf. Lev. XVII, 13.

(8) On a Festival-day.

(9) In the three cases here mentioned Beth Shammai is more lenient than Beth Hillel. Hence they are taught together though not all are relevant to the subject.

(10) The sentence introduced by because has no casual relation with what precedes, and infra 8a, the letter ׀ because, is emended to ׀ and.

(11) 'Mukan', 'set in readiness'; v. Glos. The wood having been kindled on the previous day, the ashes accumulated during the Festival are considered as if they were prepared before the Festival, as the house-holder had in his mind that there would be ashes which he could use for covering the blood.

(12) Kind of hen that laid the egg.

(13) Lit., 'standing'.

(14) Who say the egg may not be eaten.

(15) From the hen. Since the hen was kept to be killed for food, the egg laid is regarded as a separated edible part of the hen. Cf., however, נרשום Hul. 14b who takes the word אפרת in the sense of פרו ורבו.

(16) Who say the egg may be eaten.

(17) A thing not mentally intended or set in readiness before the Festival to be used on the Festival is called Mukzeh; v. Glos. Since the hen was not 'set in readiness' before the Festival the

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egg should therefore be forbidden to be eaten or handled on the Festival.

(18) Lit., ‘born’; i.e., an object which has only come into existence in its present form on a Festival. Such is forbidden to be used on a Festival.

(19) There is no fundamental difference between Mukzeh and Nolad, only temporal.

(20) Who rejects the prohibition of Mukzeh, cf. Shab. 44b.

(21) The opponent of R. Simeon, *ibid.*

(22) Because they do not accept the prohibition of Mukzeh.

(23) Bones and nutshells are regarded as refuse and by the law of Mukzeh may not be handled.

(24) Beth Hillel accept the prohibition of Mukzeh and therefore rule that one may not remove the bones and nutshells with his hand but gets rid of them by lifting the table-top. Shab. 143a.

(25) R. Nahman, wishing to follow the standard rule that in disputes between Shammai and Hillel the law prevails as Hillel, and also to follow the rule that the law prevails according to the opinion expressed in an anonymous

MISHNAH, here reverses the teaching of the two Schools.

(26) A

MISHNAH taught anonymously without mention of its author indicates that the teaching is the prevailing law.

(27) The cutting up of gourds is not regarded as unnecessary labor on Sabbath, for the animals are then better able to feed.

(28) Of an animal that dies on a Sabbath and consequently was not intended before the Sabbath to be given to the dogs to feed on.

(29) Shab. 156b; *infra* 6b, 27b.

## Beitzah 2b

with reference to Festivals, where the Tanna teaches anonymously according to [the Opinion of] R. Judah as we have learnt: You may not [on a Festival] chop up firewood from rafters<sup>1</sup> nor from a beam which was broken on a Festival<sup>2</sup> — Beth Hillel is made to represent the opinion of R. Judah. Now who taught our Mishnah anonymously, [was it not] Rabbi?<sup>3</sup> Why then is it that with reference to the Sabbath he teaches the Mishnah anonymously according to [the opinion of] R. Simeon, whereas with reference to Festivals he teaches the Mishnah anonymously according to R. Judah? — I will answer. With respect to the Sabbath which is stringent so

that people will not come to treat it lightly, he taught the Mishnah anonymously according to R. Simeon who is lenient; [with respect to] a Festival which is less stringent<sup>4</sup> so that people might come to treat it lightly, he taught the Mishnah anonymously according to R. Judah who is strict. How have you explained it [the Mishnah]? With respect to a hen kept for laying eggs [the prohibition is] on account of Mukzeh! If so, then instead of disputing about an egg,<sup>5</sup> let [the Mishnah state that] they dispute about the hen [itself]!<sup>6</sup> —

It is in order to inform you of the extent of the opinion<sup>7</sup> of Beth Shammai that [even] Nolad is permitted. Then let them, dispute about the hen [itself] to show you the extent [of the opinion] of Beth Hillel that they forbid [even] Mukzeh! And if you reply that information with respect to the extent of the opinion of permitting is to be preferred,<sup>8</sup> then let them dispute about it both,<sup>9</sup> thus: ‘A hen and its egg [laid on a Festival] may be eaten; but Beth Hillel maintain: They may not be eaten’!<sup>10</sup> —

Therefore, said Rabbah: In reality, it [the Mishnah] refers to a hen kept for food; but we are discussing a Festival which fell on a Sunday,<sup>11</sup> and [the prohibition<sup>12</sup> is] on account of preparation [on a Sabbath].<sup>13</sup> For Rabbah is of the opinion that every egg laid now was completely formed the day before. And Rabbah is consistent with his view;<sup>14</sup> for Rabbah said: What is [the teaching of] that which is written,<sup>15</sup> and it shall come to pass on the sixth day that they shall prepare that which they bring in?<sup>16</sup> [It is that] a weekday may prepare<sup>17</sup> for Sabbath, and a weekday may prepare for a Festival; but a Festival may not prepare for Sabbath and Sabbath may not prepare for a Festival.<sup>18</sup> Said Abaye to him [Rabbah]: But if it is so,<sup>19</sup> let [the egg laid on] a Festival in general<sup>20</sup> be permitted!<sup>21</sup> —

It is a preventive measure out of consideration for a Festival falling on a Sunday.<sup>22</sup> Let [the egg laid on] a Sabbath in general<sup>23</sup> be permitted!<sup>21</sup> —

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It is a preventive measure out of consideration for a Sabbath [immediately] following a Festival.<sup>24</sup> But do we enact a preventive measure [in such a case]? Surely it was taught: If one slaughters a hen<sup>25</sup> and finds therein eggs completely formed, they may be eaten on the Festival.<sup>26</sup> Now if this be so,<sup>27</sup> let them<sup>28</sup> be prohibited on account of those [eggs] laid on the same day!<sup>29</sup> —

He answered him: [The case of] there being in a hen eggs completely formed is a rare occurrence, and the Rabbis do not decree a prohibition with regard to a rare occurrence. R. Joseph said: It<sup>30</sup> is a preventive measure on account of [the eating of] fruit fallen [from a tree].<sup>31</sup> Said Abaye to him: What is the reason [that] fruit fallen from a tree [on a Festival] is forbidden?

- (1) Stacked for building purposes.
- (2) Before the Festival the beam was not intended to be used for firewood, hence it may not be so used on account of Mukzeh, infra 31a, Shab. 157b.
- (3) Rabbi Judah ha-Nasi.
- (4) Cf. Ex. XII, 16.
- (5) Which is forbidden on account of its hen.
- (6) Whether it may be eaten or slaughtered on the Festival, since it was specifically kept for laying eggs.
- (7) Lit., ‘power’; i.e., how far Beth Shammai maintain their view.
- (8) Because It is an evidence of courage of conviction, while the more rigid opinion may be the outcome of doubt.
- (9) The hen and its egg. Granted that information respecting the power of permission is preferable, but where, by a slight addition, more information could be given, this addition should be made.
- (10) And since the Mishnah does not state this, R. Nahman's explanation of the Mishnah cannot be accepted.
- (11) Lit., ‘(immediately) after the Sabbath’.
- (12) According to Beth Hillel.
- (13) Though the egg was here prepared by nature, it is none the less forbidden.
- (14) Expressed elsewhere. ‘Er. 38b. V. Tosaf. s.v. אגוז.
- (15) This clause is omitted in ‘Er.; for such an expression is only used in haggadic passages, cf. D.S.
- (16) Ex. XVI, 5.
- (17) The preparation needs only be by word of mouth, or even by thought alone.

(18) [As a day of rest, a festival is included in the term Sabbath and requires also ‘preparation’; but such ‘preparation’ may not take place on the Sabbath and consequently the egg is prohibited].

(19) Lit., ‘from now’, where now refers to what Rabbah has just stated as the reason for Hillel's view.

(20) Except that falling on a Sunday.

(21) To be eaten the same day.

(22) If it should be permitted in the one case it will be thought that it is also permitted in the other.

(23) Except when a Festival falls on a Friday.

(24) V. p. 4, n. 15.

(25) On a Festival.

(26) No matter whether the Festival falls on a Sunday or on any other day, infra 7b.

(27) That a measure is enacted in such a case.

(28) The eggs found in the hen killed on a Festival falling on a Sunday.

(29) Which are forbidden.

(30) The prohibition of the egg according to Beth Hillel.

(31) On a Festival, which is forbidden. Not eating the egg laid on a Festival is fencing the law of not eating fruit fallen on a Festival.

## Beitzah 3a

It is a preventive measure lest one climbs [a tree] and plucks [its fruit];<sup>1</sup> but this<sup>2</sup> is itself [only] a preventive measure: should we then come and enact one preventive measure to safeguard [another] preventive measure! — Both<sup>3</sup> are one preventive measure.<sup>4</sup>

R. Isaac said: It is a preventive measure on account of [the consuming of] juices exuding [from fruit].<sup>5</sup>

Said Abaye to him: What is the reason that juice exuding [from fruit on a Festival] is forbidden? It is a preventive measure lest one [purposely] squeezes out [the juice];<sup>6</sup> [thus] this is itself [only] a preventive measure; should we then come and enact one preventive measure against [the breach of] another preventive measure! —

Both<sup>7</sup> are one preventive measure.<sup>8</sup> All [the other Rabbis] do not explain<sup>9</sup> as R. Nahman does, in accordance with our objection.<sup>10</sup> Likewise they do not explain as Rabbah, because they do not accept [his rule of]

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Hakanah.<sup>11</sup> But why does not R. Joseph explain as does R. Isaac? —

He will answer you: An egg is food and fruit is food, excluding juice which is not food [but a beverage]. And why does not R. Isaac explain as does R. Joseph? —

He will answer you: An egg is enclosed [in the hen] and juice is enclosed in the fruit, excluding fruit which is exposed all the time.

R. Johanan also is of the opinion that it is a preventive measure on account of [the consuming of] juices exuding [from fruit]. For R. Johanan pointed out a contradiction between one statement of R. Judah and another statement and [also] reconciled it: We have learnt: You may not squeeze fruit<sup>12</sup> to bring out juice, and [even] if the juice exuded of itself it is [still] forbidden. R. Judah says: If [the fruit was intended] as an eatable, what exudes is permitted; but if [it was kept] for its juice, then what exudes is forbidden.<sup>13</sup> So we see that according to R. Judah [what exudes from] anything [kept] as eatables is [regarded] as food separated.<sup>14</sup>

But contrast this with the following: R. Judah further said:<sup>15</sup> One may stipulate on the first day of the [New Year] Festival with respect to a basket of fruit<sup>16</sup> and eat it on the second [day];<sup>17</sup> similarly an egg laid on the first [day] may be eaten on the second.<sup>18</sup> Only ‘on the second’, but not on the first!<sup>19</sup> And R. Johanan answered: The statement must be reversed.<sup>20</sup> Now since he [R. Johanan] contrasts them with each other, infer from this that there is one and the same reason.<sup>21</sup>

(1) An act Biblically forbidden on a Sabbath or Festival, being in the nature of reaping.

(2) Prohibition of eating fallen fruit on a Festival.

(3) The prohibition of eating the egg laid on a Festival and the fruit fallen from a tree on a Festival.

(4) Against the same prohibition of climbing and gathering fruit. In the enactment of the measure against fallen fruit the egg was included, being regarded as a fallen fruit.

(5) On a Festival. Not eating the egg laid on a Festival is fencing the law of not consuming juice exuding from fruit on a Festival.

(6) An act Biblically forbidden on a Sabbath or Festival, being in the nature of threshing.

(7) The prohibition of eating the egg and the juice.

(8) Against the same prohibition of squeezing juice from fruit on a Festival. In the enactment of the measure against exuding juice the egg was included.

(9) Our Mishnah.

(10) Supra 2b.

(11) V. Glos.

(12) On a Sabbath or Festival.

(13) Shab. 143b.

(14) I.e., a part of the whole.

(15) With respect to the New Year Festival which even in Palestine was observed for two days.

(16) Not yet tithed.

(17) It is forbidden to separate the Levitical tithe on a Festival

(v. infra 36b). But since, according to R. Judah, only one of the two days is holy, the owner can make a conditional statement on the first day as follows: if to-day is not the Festival, then let this specified portion be the tithe for the rest; if, on the other hand, to-day is the Festival, then let what I have just said be void. On the second day he says likewise: If to-day is not the Festival, then let the specified portion be the tithe; if to-day is the Festival, then the specified portion is already tithe. By means of these two conditional statements the owner can, on the second day, proceed to eat the fruit, for it has been tithed either on the first or second day. V. ‘Er. 39b.

(18) For if the first day when the egg was laid was the holy day of the two days, then it can be eaten on the following day; and if the first day was not the holy day then the egg may also be eaten on the second day because it was not laid on a Festival. ‘Er. 39b.

(19) Because the egg is not regarded as food separated from the hen, and this is contradictory to his statement above with respect to the juice being permitted to be consumed on the Festival itself. At present it is assumed that the reference here is to a hen kept for food.

(20) To remove the contradiction, R. Johanan suggests, that in the quoted Mishnah, it is not R. Judah who permits the juice to be consumed but his opponent, the anonymous Tanna.

(21) For prohibiting both the egg and the self-exuded juice, viz., it is a preventive measure against the breach of the prohibition of squeezing juice from fruit on a Festival.

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## Beitzah 3b

Rabina says: In reality you need not reverse [the authorities] for R. Judah was speaking from the point of view of the Rabbis,<sup>1</sup> thus: According to my view [the egg] is permitted even on the first day, because it is food separated [from the hen]; but according to your opinion, you should at least agree with me that it is permitted on the second day, for they<sup>2</sup> are two distinct days of holiness.<sup>3</sup> And the Rabbis answered him: No, [the two days] are one [continuous day of] holiness. Rabina, the son of R. Ulla, says: [We are dealing] here with a hen kept for laying eggs, and R. Judah<sup>4</sup> is consistent with his view, for he holds [the interdict of] Mukzeh.<sup>5</sup>

An objection was raised: Both an egg laid on a Sabbath and an egg laid on a Festival may not be moved to cover therewith a vessel,<sup>6</sup> nor to support therewith the leg of a bed;<sup>7</sup> but a vessel may be placed over it so that it should not be broken; and if in doubt,<sup>8</sup> it is forbidden; and if it got mixed up with [even] a thousand [eggs], they are all forbidden.<sup>9</sup> This is well, according to Rabbah, who says [that it is] ‘on account of preparation’,<sup>10</sup> [then it is a] doubt with respect to a Biblical prohibition, and every doubt with respect to a Biblical prohibition [must be decided] with stringency. But according to R. Joseph and R. Isaac, who say [that it is] ‘a preventive measure’, then it is a doubt with respect to a Rabbinical enactment, and every doubt with respect to a Rabbinical enactment [is resolved] with leniency!<sup>11</sup> —

The last clause [of the text] deals with a doubt of trefah.<sup>12</sup> If so, consider the latter clause; ‘and if it got mixed up with a thousand [eggs] they are all forbidden’. Now if you say that the doubt is whether [the egg was laid on] a Festival or on a weekday,<sup>13</sup> it is well, because [the egg] is an object which can become [otherwise] permitted,<sup>14</sup> and any object which can become [otherwise] permitted is not neutralized even in a thousand [times its quantity].<sup>15</sup> But if you say that it is a doubt of

Trefah, then [the egg] is an object which cannot become [otherwise] permitted and should therefore] be neutralized by a greater number [than itself].<sup>16</sup> And if you answer ‘an egg is valuable and is not neutralized by a greater number,’ this<sup>17</sup> would be correct according to him who says that we learnt ‘whatsoever one is wont to count’.<sup>18</sup>

But according to him who says that we learnt ‘that which one is wont to count’, what is to be said?<sup>19</sup> For we have learnt:<sup>20</sup> If one had trusses of fenugreek of Kil'ayim of a vineyard<sup>21</sup> they are to be burnt;<sup>22</sup> if they got mixed up with others<sup>23</sup> and these [again with others,<sup>24</sup> they are all to be burnt. This is the opinion of R. Meir. But the Sages say: [The forbidden trusses] are neutralized in [a majority of the proportion of] one in two hundred. For R. Meir used to say: That which one is wont to count [when selling] disqualifies.<sup>25</sup>

But the sages say: Only six things<sup>26</sup> render [the whole] prohibited — R. Akiba says: seven — and they are as follows: The nuts of Perek,<sup>27</sup> and the pomegranates of Baden,<sup>27</sup> casks spigoted, beetroot-tops,<sup>28</sup> cabbage stalks<sup>29</sup> and Greek gourds. R. Akiba adds also the loaves of a householder.<sup>30</sup> Those mixtures which are subject to the law of ‘Orlah, [impart the prohibition of] ‘Orlah,<sup>31</sup> and those which are subject to the law of Kil'ayim of a vineyard [impart the prohibition of] Kil'ayim of a vineyard.<sup>32</sup> And it was stated thereon that R. Johanan said: We learnt,<sup>33</sup> ‘that which one is wont to count [when selling]’; and Resh Lakish said: We learnt: ‘whatsoever one is wont to count [when selling].’ [Now the text]<sup>34</sup> would be well according to the opinion of Resh Lakish; but according to the opinion of R. Johanan, what can be said?

R. Papa replied: This Tanna<sup>35</sup> is the author [of the teaching] concerning the ‘litra of dried figs’, who says that anything which [is sold] by number, even though [its prohibition is] a Rabbinical enactment, is not annulled, how much more so when it is Biblical.<sup>36</sup> For we

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have learnt:<sup>37</sup> If a litra of dried figs<sup>38</sup> was pressed upon the top of a jar<sup>39</sup> and he does not know on which jar it was pressed, or on the top of a barrel and he does not know on which barrel it was pressed, or on top of a basket<sup>40</sup> and he does not know on which basket it was pressed, R. Meir maintains [that] R. Eliezer

- (1) His opponents. The anonymous opinion is that of the majority of the Rabbis.
- (2) The two days.
- (3) Only one of which is really holy, cf. *infra*.
- (4) Who prohibits the egg to be eaten on the first day.
- (5) Cf. *Shab.* 156b.
- (6) A wine glass or a decanter.
- (7) According to an old tradition, an egg standing quite vertically can support a very heavy weight. But cf. *MGWJ* 71, 1927 p. 44; 72, 1928. pp. 391-5, where this Baraitha is discussed, and where it is shown that this was done for magical purposes.
- (8) On the present assumption as to whether the egg was laid on a Festival or not.
- (9) *Infra* 42; *Shab.* 43b.
- (10) *Supra* 2b.
- (11) And therefore the egg concerning which a doubt arose whether it was laid on a Festival or not should be permitted.
- (12) I.e., whether the hen that laid it is *Trefah* the prohibition of which is Biblical. V. *Glos.*
- (13) *Lit.*, 'common', 'ordinary', i.e., not a Festival-day.
- (14) After the Festival the egg is in any case permitted, even though no neutralization were to take place.
- (15) This is a Talmudic principle with respect to the neutralization of an object when intermixed with permitted commodities. Though normally a certain portion of the latter is sufficient to neutralize the former, that does not operate if the former is destined to become permitted without recourse to neutralization. Hence, in our case, where the egg was laid on a Festival-day and is forbidden for that day only, but not after, if that egg got mixed up with no matter how many others on the day it was laid, it is not neutralized, but all are forbidden on that day. Cf. *B.M.*, *Sonc. ed.* p. 314, note 2.
- (16) According to the rule based on *Ex.* XXIII, 3.
- (17) Forbidding to be eaten even though the egg got mixed up with a thousand.
- (18) When selling is regarded as important and is not neutralized by a greater quantity than itself. For eggs, though occasionally sold in bulk are also sold in units and therefore do not merge in the majority.

(19) To explain this statement; for the eggs which are sometimes sold in bulk do not belong to such a category. Whatsoever is more comprehensive than that. According to the former teaching, neutralization is not permitted in the case of any objects which are regarded as of sufficiently high commercial value to be sold in units rather than in bulk. According to the latter teaching, neutralization is permitted in all cases except those where the objects are of such a high value that they are not sold save by counting single units. V. *Yeb.*, *sonc. ed.*, p. 551 n. 11.

(20) 'Orlah. III, 6; *Yeb.* 81a. *Zeb.* 72a.

(21) Cf. *Lev.* XIX, 19, and *Deut.* XXII, 9. *Lit.*, 'mixed growths of plantings'. V. *Glos.*

(22) For no benefit or usufruct may be had from such mixed growths.

(23) Trusses of fenugreek not of mixed growths of a vineyard.

(24) This clause is omitted both in 'Orlah and *Yeb.* But V. *Tosaf. Zeb.* 72a. s.v. *נתערבו*.

(25) Or renders forbidden the others with its prohibition. For this rendering of the word *מקדש* v. *Jast.* p. 1320a. V.

also *Yeb.*, *Sonc. ed.* p. 552, n. 4 and 9.

(26) If forbidden and mixed up with others.

(27) *Perek* and *Baden* are both localities in Samaria N.E. of *Shechem* (cf. *Rashi*). *Tosaf. Yeb.* 81b. s.v. *פרך* takes the former to mean crack-nuts. Cf. *A.Z.*, *Sonc. ed.* p. 354, note 4.

(28) For making beverage.

(29) For making crude whisky.

(30) With reference to the law of leaven during *Passover*, as distinct from the loaves of a baker.

(31) I.e., come under the law of 'Orlah. *Lit.*, 'circumcision'. V. *Lev.* XIX, 23-4. where the use of the fruit of young trees forbidden. The use is wholly forbidden during the first three years.

(32) The first three belong to 'Orlah, the others to *Kil'ayim*.

(33) In the words of R. Meir.

(34) That if the egg got mixed up even in a thousand they are all prohibited.

(35) Who made the statement that even if the egg got mixed up with a thousand they are all forbidden.

(36) As the egg from the *Trefah* hen.

(37) Cf. *Ter.* IV, 10. For var. *lec. v. Comm. a.l.*

(38) Of *Terumah*

(V. *Glos.*) which may not be eaten by non-priests. Cf. *Lev.* XXII, 10. It is the portion (from one sixtieth to one fortieth) that must be given to the priests from the produce of the harvest and can only become neutralized in a quantity 100 times itself. V. *Num.* XVIII, 8; *Deut.* XVIII, 4, where corn, wine, and oil are mentioned but not fruit. The requirement to give *Terumah* of fruit is only a Rabbinical enactment.

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(39) Which was only among many jars of figs each holding 100 litras.

(40) In the shape of a beehive.

## Beitzah 4a

said: We regard the upper [layers] as if they are dispersed [among each barrel] and the lower<sup>1</sup> neutralize the upper [litra of figs]; [while] R. Joshua says: If there were there a hundred tops [of barrels] they neutralize, but if not, then [all] the top layers are forbidden and [all] the remainders are permitted. [But] R. Judah maintains<sup>2</sup> [that] R. Eliezer said: If there are a hundred upper layers they neutralize, but if not then [all] the top layers are forbidden and [all] the remainders are permitted; [while] R. Joshua Says: Even if there are three hundred tops of barrels they do not neutralize.<sup>3</sup> If it<sup>4</sup> was pressed in a jar and he does not know in which jar he pressed it, all agree that they neutralize. [You say], All agree? [Why] this is the point they are disputing!

Said R. Papa: This is what he says: If it was pressed in a jar and he does not know it, which part of the jar it was pressed, whether northward or southward, all agree that it is neutralized.<sup>5</sup>

R. Ashi said: In reality the doubt is whether [the egg was laid] on a Festival-day or on a weekday,<sup>6</sup> [but] it [the egg] is a forbidden object which will become permitted,<sup>7</sup> and anything [forbidden] which will become permitted, even though [forbidden] by a Rabbinical enactments is not neutralized.<sup>9</sup>

It was taught: Others say in the name of R. Eliezer: The egg [laid on a Festival] and the hen may be eaten. About what are we discussing? If about a hen kept for food, it is self-evident that the egg and the hen are permitted;<sup>10</sup> and if about a hen kept for laying eggs, then the egg and the hen are forbidden!<sup>11</sup> —

Answered R. Zera: [It means,] it [the egg] may be eaten in virtue of the hen.<sup>12</sup> What are the circumstances?<sup>13</sup> —

Said Abaye: For example when he bought it [the hen] without specifying [for what purpose]; if it is killed then it is [retrospectively] clear that it was intended to be kept for food;<sup>14</sup> if it is not killed, then it is evident that it was intended to be kept for laying eggs.<sup>15</sup> R. Mari says: He states an exaggeration.<sup>16</sup> For it was taught: Others say in the name of R. Eliezer: The egg may be eaten, it and its hen, and its chicken and its shell. What is meant by 'its shell'? Shall I say [it means] literally 'shell', is then the shell [fit for] food?<sup>17</sup> Again, if it should [mean] a chicken in its shell, surely the Rabbis dispute with R. Eliezer b. Jacob<sup>18</sup> only when the chicken is actually hatched, but when it has not yet been hatched they do not dispute!<sup>19</sup> Therefore 'the chicken and its shell' is an exaggeration,<sup>20</sup> so also here 'it and its hen may be eaten' is an exaggeration.

It was stated: A Sabbath and a Festival [following one another]. Rab says: [An egg] laid on the one is forbidden on the other, but R. Johanan maintains: [The egg] laid on the one is permitted on the other. Shall we say that Rab holds that they [a Sabbath and a Festival immediately following] are regarded as one [continuous day of] holiness? But Rab said: The Halachah is according to the four elders who decided according to the opinion of R. Eliezer who says [the Sabbath and the Festival] are two [distinct days of] holiness! — Rather they differ here in Rabbah's [law of] Hakanah;<sup>21</sup> Rab accepts Rabbah's law of Hakanah and R. Johanan rejects Rabbah's law of Hakanah.

The same is disputed by Tannaim: If it [an egg] is laid on a Sabbath, it may be eaten on a Festival;<sup>22</sup> [if it is laid] on a Festival it may be eaten on a Sabbath.<sup>23</sup> R. Judah says in the name of R. Eliezer: The dispute still continues; for Beth Shammai say: It may be eaten; whereas Beth Hillel maintain: It may

# BEITZOH – 2a–40b

not be eaten.<sup>24</sup> The host of R. Adda b. Ahabah had some eggs from a festival [which he wished to prepare] for the Sabbath.<sup>25</sup> He came before him, and asked: Is it permitted to roast them to-day<sup>26</sup> that we may eat their to-morrow? He answered him: What is in your mind: [in a dispute between] Rab and R. Johanan the Halachah is as R. Johanan?

But even R. Johanan only allows [the egg] to be quaffed on the morrow, but not on the same day [it was laid];<sup>27</sup> even as it was taught: Whether an egg was laid on a Sabbath or on a Festival, one may not move it to cover therewith a vessel nor to support therewith the leg of a bed.<sup>28</sup> The host of R. Papa — some say it was another man who came before R. Papa — had some eggs from a Sabbath [which he wished to prepare] on the [immediately following] Festival. He came, asking him: Is it permitted to eat them to-morrow?<sup>29</sup> He answered him: Go away now and come to-morrow: for Rab would not appoint an interpreter for himself from [the first day of] the Festival until [the termination of] its companion<sup>30</sup> on account of inebriety.<sup>31</sup> When he came on the morrow, he said to him:

- (1) Layers of each barrel.
- (2) R. Meir and R. Judah differ with respect to the dispute between R. Eliezer and R. Joshua.
- (3) The litra of figs, for the top layers of figs are in the category of things that are also sold by number and therefore the quantity of vessels is immaterial. Cf. J. Ter. IV, 7.
- (4) The litra of Terumah figs.
- (5) Because not being a complete layer now, it is no longer in the category of being numbered. R. Joshua is then the Tanna who held that anything which is often sold by number is not annulled, and he will be the author of the teaching regarding the mixed egg.
- (6) And as for the suggestion that in any doubt with respect to a prohibition based on a Rabbinical enactment leniency is required, v. supra 3b.
- (7) After a certain time. The egg will in any case be permitted after the Festival.
- (8) Concerning which leniency is usually preferred.
- (9) And we are to proceed with stringency even in the case of doubt.
- (10) That is, in the view of Beth Shammai; and if R. Eliezer intends to rule like Beth Shammai, why mention the hen-mother at all? Rashi.
- (11) On account of Mukzeh. V. infra 34a.

(12) If the hen is eaten on the Festival so may also the egg be eaten.

(13) When it is the actual eating of the hen that renders also the egg permissible.

(14) And therefore the egg, being part of the hen, may also be eaten.

(15) And therefore the egg is not permitted.

(16) He uses the figure of speech called hyperbole for the sake of emphasis; i.e., he states the law very emphatically, mentioning more than is necessary.

(17) All that was necessary to be said was 'the chicken', for the shell is not classed as food.

(18) And say that a chicken just hatched may be eaten even though its eyes were not open. V. infra 6b.

(19) I.e., they all agree that it may not be eaten. Hence it cannot mean in its shell.

(20) Saying more than is required.

(21) Supra 2b. V. Glos.

(22) Immediately following the Sabbath.

(23) Immediately following the Festival.

(24) So that the anonymous Tanna supports R. Johanan and R. Judah supports Rab.

(25) Immediately following the Festival, and he was doubtful.

(26) On Friday, the day they were laid.

(27) When it is forbidden even to move it.

(28) Supra 3b. q.v.

(29) I.e., on the Sunday.

(30) I.e., the second day of the Festival.

(31) Rab was in the habit of appointing an interpreter who would enlarge and expand the teachings he would communicate to him. Rab was so scrupulous that he refrained from communicating teachings and decisions to his interpreter on a feast day lest he should risk giving less than his best through the influence of drinking wine on the Festival. R. Papa would not give on a Sabbath a decision for the same reason.

## Beitzah 4b

If [I had given my decision] forthwith, I would have erred, and told you that [in a dispute between] Rab and R. Johanan the Halachah is as R. Johanan; whereas Raba has said: In these three [cases]<sup>1</sup> the law is as Rab, both when he is lenient and when he is stringent.

R. Johanan said: If branches fell off a palm tree on a Sabbath, it is forbidden to burn them [for firewood] on the Festival [immediately following it], and do not seek to refute me [by referring to the case] of the egg.<sup>2</sup> What is the reason?

## BEITZOH – 2a–40b

Because the egg is fit to be taken raw on the [Sabbath] day [it was laid],<sup>3</sup> and since you do not permit it [to be eaten] until the following day, one will surely know that on the same day [that it was laid] it is prohibited.<sup>4</sup> [But in the case of the] branches which are not fit for the [Sabbath] day [on which they fell],<sup>5</sup> if you permit them to be used on the morrow,<sup>6</sup> one might say that even on the [same] day [they fell off]<sup>7</sup>, they are also permitted, while [their prohibition] the day before was on account of the Sabbath, when they were not fit for burning.

R. Mattenah said: If branches fell off a palm tree on a Festival into an oven, one may add thereto a larger amount of wood kept in readiness and burn them [together]. But is he not handling a prohibited object?<sup>9</sup> Since the greater part consists of that which is permitted, when he is handling, he is handling that which is permitted. But he neutralizes a prohibited object at the outset, and we have learnt: One may not [directly] neutralize a prohibited object at the outset!<sup>10</sup> —

This applies only [where the object is prohibited] according to the Biblical law, but [where it is only] Rabbinically [prohibited] one may [directly] neutralize.<sup>11</sup> But how is it to be explained according to R. Ashi, who says that an object [forbidden] which will become permitted is not neutralized even though [forbidden] by a Rabbinical enactment?<sup>12</sup> — this applies only where the prohibited object remains intact, but here the thing forbidden is indeed burnt up.<sup>13</sup>

It was stated: [With reference to] the two Festival-days of the Diaspora,<sup>14</sup> Rab says: [The egg] laid on the one<sup>15</sup> is permitted on the other,<sup>16</sup> and R. Assi maintains: [The egg] laid on the one is forbidden on the other. Shall it be said that R. Assi holds the opinion that [both days] have one continuous holiness? But R. Assi recited the *habdalah*<sup>17</sup> [blessing] between the first and second Festival-days?<sup>18</sup> —

R. Assi himself was in doubt, hence he acted in both cases with stringency.<sup>19</sup> R. Zera said: Logic supports R. Assi; for we are now well acquainted with the fixing of the new moon and, nevertheless, we do observe two days.<sup>20</sup> Abaye said: Logic supports Rab; for we have learnt: In early times they used to light bonfires,<sup>21</sup> but on account of the mischief of the Samaritans<sup>22</sup> the Rabbis ordained that messengers should go forth.<sup>23</sup> Now if the [mischief of the] Samaritans ceased<sup>24</sup> we would [all] observe only one day; and [even during the Samaritan mischief] wherever the messengers arrived<sup>25</sup> they observed [only] one day.<sup>26</sup> But now that we are well acquainted with the fixing of the new moon,<sup>27</sup> why do we observe two days? —

Because they sent [word] from there [Palestine]:<sup>28</sup> Give heed to the customs of your ancestors which have come down to you; for it might happen that the government might issue a decree<sup>29</sup> and it will cause confusion [in ritual]. It was stated: [With respect to] the two Festival-days of the New Year, Rab and Samuel<sup>30</sup> both say: [An egg] laid on the first day is forbidden on the second day. For we have learnt:<sup>31</sup> In early times they [the Sanhedrin] admitted the testimony about new moon throughout the [whole]<sup>32</sup> day.<sup>33</sup> Once, however, the witnesses were late in arriving

(1) For the three cases v. infra 5b. Our case is one of the three.

(2) Concerning which I have said that an egg laid on a Sabbath may be eaten on the immediately following Festival-day.

(3) All egg may not be cooked on a Sabbath, but may be eaten raw because there is no work in sucking eggs.

(4) On account of Mukzeh.

(5) For it is prohibited to kindle fire on a Sabbath. Cf. Ex. XXXV, 3.

(6) The following Festival-day.

(7) If it were a Festival and not a Sabbath.

(8) V. Glos. s.v. Mukan.

(9) When stoking the fire the alien branches are prohibited on account of Mukzeh.

(10) This statement is not found anywhere else so worded, but is inferred from Ter. V, 9, where it is stated that if one Se'ah of Heave-offering fell into less than 100 se'ahs of common produce, and other common produce afterwards fell therein, if it was

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in error the whole is permitted, but if wantonly, it is forbidden. Cf. ש, 7 a.l.

(11) And the prohibition of Mukzeh is only Rabbinical.

(12) V. supra 3a. And the wood will in any case be permitted after the Festival.

(13) Cf. Tosaf. Pes. 26b. s.v. ש77.

(14) Outside Palestine every Festival which Biblically is to be observed for day is kept for two days because of doubt. Since the Festival is fixed for a certain day of the month

(for example Passover on the 15th Nisan) it is Important to know the exact day the New Moon appears. For the consecration of the New Moon was determined not only by mathematical calculation but by the confirmation of witnesses who had seen it. This applied only to the 30th, but on the 31st, the day would be consecrated even without witnesses, because it would be known that after the 30th the moon should become new even if it were not seen, for the moon renewed itself about every 292 days. therefore those in Palestine could easily be informed whether the new moon was consecrated by the Sanhedrin in Jerusalem on the 30<sup>th</sup> day or on the 31st, thus making the month just passed either full or defective. But those in the Diaspora, not being able to be informed in time whether the new moon was consecrated on the 30th or on the 31st, kept the appointed Festival-day for two days in order to be sure of observing it (for example, in the case of Passover, they kept both the 15th and 16th of Nisan as the 1st day of Passover). Hence the two Festival-days of the Diaspora.

(15) I.e., the first day.

(16) Because only one of the two days is holy.

(17) V. Glos.

(18) He would not have recited the Habdalah had he regarded the two Festival-days as one continuous day of holiness. V. Rashi.

(19) The observance in the Diaspora of two days instead of one as in Palestine can be regarded from two points of view:

(a) It was an enactment of the Rabbis that for all time in the Diaspora two days should be kept for each Festival-day (v. supra n. 1). From that point of view the two days are regarded as one long day of holiness and the egg might not be eaten on the second day.

(b) The people in the Diaspora have taken upon themselves the observance of two days instead of one because of their uncertainty; for those however, who were well acquainted with the fixing of the new moon, the first day only is regarded as really holy and the second day as of a minor holiness, requiring the recitation of the Habdalah between the two, and the egg would be permitted to be eaten on the second day.

(20) Presumably because the Rabbis have so enacted for us to keep the two days as one

continuous day of holiness and it is their ordinances that we observe.

(21) They indicated the new moon outside Jerusalem by means of fire-signals whether the day just elapsed was the 30<sup>th</sup> of the past month or the 1st of the coming month.

(22) In lighting beacons at other times to confuse the Jews. For the term Cuthim v. J.E. vol. IV, p. 398.

(23) V. R.H. 22b (Sonc. ed. p. 96, n. 7).

(24) And we reverted to the lighting of fire-signals.

(25) The distance covered by the traveling messengers was relative, dependent on what day in the month a festival fell, so that sometimes they would cover more territory than at others.

(26) Evidently the observance of two days was not an enactment for all time.

(27) The calendar was fixed about the beginning of the fourth century. [This has been ascribed to Hillel II, v. Graetz IV, pp. 316-318.]

(28) To the Jews in the Diaspora. Cf. Sanh. 17b. [probably this refers to the message sent by R. Jose (J. 'Er. III) a contemporary of Hillel II, urging the people of the Diaspora not to depart from the ancestral customs despite the calendar which have been introduced by the Patriarch, v. Graetz IV, p. 456.]

(29) To destroy all the sacred writings and prevent the study of the Law and thus all knowledge of fixing the calendar would be lost.

(30) Who are often opposed in debate.

(31) R.H. 30b.

(32) The word 'whole' is absent in R.H.

(33) The 30th of Ellul, which had already been determined as New Year. The 30th of Ellul, commencing at sunset, was observed as New Year's day in case witnesses should arrive during that day reporting that they had seen the new moon.

## Beitzah 5a

and the Levites erred in the chant.<sup>1</sup> [In consequence] they enacted that they should only receive witnesses until Minhah,<sup>2</sup> but if witnesses came from Minhah onwards<sup>3</sup> they observed [the remainder of] that day<sup>4</sup> and the following day as holy.<sup>5</sup>

Rabbah said: Since the enactment of R. Johanan b. Zakkai, the egg is permitted;<sup>6</sup> for we have learnt:<sup>7</sup> After the destruction of the Temples R. Johanan enacted that testimony [concerning the appearance of new moon] should be admitted the [whole] day.<sup>9</sup> Said Abaye to him: But have not Rab and Samuel

## BEITZOH – 2a–40b

both said that the egg is forbidden [on the second day]? —

He replied to him: I quote to you R. Johanan b. Zakkai, and you tell me about Rab and Samuel!<sup>10</sup> But for Rab and Samuel our

MISHNAH is a difficulty! — There is no difficulty. This [ruling] applies to us [Babylonians], but that [ruling] applies to them [the Palestinians].<sup>11</sup> But R. Joseph<sup>12</sup> says: Even from [the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited [on the second day]. What is the reason? It<sup>13</sup> is a matter which was decided by a majority vote<sup>14</sup> and whatever was [forbidden] by a majority vote, requires another majority vote to permit it.<sup>15</sup>

Said R. Joseph: Whence do I infer this?<sup>16</sup> From what is written: ‘Go say to them, return ye to your tents’.<sup>17</sup> And [Scripture] further says: ‘When the trumpet soundeth long, they shall come up to the mount’.<sup>18</sup> And we have further learnt:<sup>19</sup> The fourth [year] vineyard [fruit] was to be brought to Jerusalem [from all places] within a radius of one day's journey [from Jerusalem], and the following are its boundaries: Elath<sup>20</sup> on the South,<sup>21</sup> Akrah<sup>22</sup> on the North, Lydda<sup>23</sup> on the West, and the Jordan on the East.<sup>24</sup> And ‘Ulla said — others say Rabba b. Bar Hana in the name of R. Johanan — What is the reason?

[It is] in order to decorate the streets of Jerusalem with fruits. And it was [further] taught: R. Eliezer had trees of the fourth year in a vineyard to the east of Lydda near Kefar Tabi<sup>25</sup>

(1) They sang the psalm for ordinary days at the eventide sacrifice and it turned out after the arrival of witnesses that it was actually New Year's day. V. Tamid VII, 3-4.

(2) The time of the offering of the eventide sacrifice. V. Glos. Cf. Schurer II, I pp. 286ff.

(3) When there was still some part of the day to run, though their testimony would not be accepted for consecrating the 30th as New Year's day, yet.

(4) The end of the 30th from the arrival of the witnesses to the close of the day was also considered holy.

(5) Hence it was seen that the Sanhedrin itself under such conditions observed the New Year's Festival for two days even where there was no uncertainty; and the people outside Jerusalem would need to observe both the 30th and the 31st of Ellul as New Year in case of such a contingency, so that the observance of two days for the New Year's Feast was an enactment of the Rabbis from the very beginning making two days one continuous day of holiness, and, therefore, an egg laid on the first day is prohibited even on the second.

(6) To be eaten on the second day.

(7) R.H. 30b.

(8) Since the Temple no longer existed the reason for the previous enactment falls away.

(9) So that the observance of the two days at the present time could only be on account of doubt, since only one of the two days is holy. For, even if witnesses came towards the end of the 30th, the whole of the 30th would be regarded as New Year and the 31st would be regarded as a weekday. But if no witnesses came on the 30th, the 31st would be New Year's day and the 30th, though observed as a holy day, was in reality an ordinary day; and therefore the egg laid on the 30th in such a case would be permitted on the 31st.

(10) R. Johanan b. Zakkai was the greater authority.

(11) The enactment of R. Johanan b. Zakkai could only affect Palestine, where only one day, viz., the 30th, would now be regarded as New Year, however late the messengers came on that day. But in Babylon and all places outside Palestine, the observance of the two days was not affected by the enactment of R. Johanan, for there the two days were kept holy by the early Rabbinical enactment, and were regarded as one continuous day of holiness.

(12) In opposition to Rabbah.

(13) The prohibition of the egg on the second day.

(14) If witnesses had not come before eventide the Assembly of Sages decided to make the two days one continuous day of holiness.

(15) Even though the reason for its prohibition no longer exists, the prohibition still holds until a further vote in Assembly had been taken and declaring it now permissible; and as no such vote had been taken the status quo remains, i.e., the prohibition of the egg is still binding. V. Sanh. 59b. It is pointed out infra 5b that the vote of Assembly was not directly dealing with the egg but with the making of the two days one continuous day of holiness.

(16) That a prohibition once made by an Assembly is still binding until it has been rescinded by another Assembly.

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(17) Deut. V, 27. God had previously told them to abstain from women for three days, and this prohibition did not ipso facto cease at the expiration of the three days, but required from God direct permission to resume cohabitation. V. Tosaf. 5a, s.v.  $\text{וְ$  V. also Sanh., Sonc. ed. p. 403, n. 1.

(18) Ex. XIX, 13. Here too the prohibition of ascending Mt. Sinai was on account of the Theophany, and at the ceasing of the Theophany it could be inferred that the people might ascend the Mount. Yet it was not left for anyone to infer that they might ascend, but they had to await the express authority of God.

(19) M. Sh. V, 2; R.H. 31b.

(9) Fruit of the first three years of a tree may not be eaten, and the fruit of the fourth year must be eaten before the Lord in Jerusalem, Lev. XIX, 23. If, however, the journey was too great, the fruit might be redeemed and the money expended in Jerusalem. V. Deut. XIV, 24-25. The Rabbis, however, ordained that for a radius of one day's journey from Jerusalem the fruit could not be redeemed but must be brought to Jerusalem.

(20) V. Neubauer, La Geographic du Talmud, p. 19. No place of such a name within one day's journey from Jerusalem has yet been plausibly identified.

(21) This is the correct reading as in M. Sh. and not North. Cf. D.S. a.l.

(22) Neubauer, p.159. Perhaps the modern Akrabah, 25 miles North of Jerusalem.

(23) Cf. Neh. VII, 37. V. also Neubauer, p. 76.

(24) V. R.H., Sonc. ed. p. 151, notes.

(25) Since Lydda was within one day's journey West of Jerusalem, Kefar Tabi which was East of Lydda would likewise be within one day's journey from Jerusalem.

## Beitzah 5b

and he wished to renounce [the vineyard] for the poor.<sup>1</sup> But his disciples said to him: Master, thy colleagues have already taken a vote with respect to your case and permitted it.<sup>2</sup> Who are meant by 'thy colleagues'? R. Johanan b. Zakkai [and his school]. Now the reason [why the fruit may be redeemed] is only because they had taken a vote; but if they had not taken a vote, it would not [have been permitted].<sup>3</sup> What is meant by 'And [Scripture] further says'?<sup>4</sup> —

He means thus: Consider: It is written: Be ready against the third day, come not near a woman.<sup>5</sup> Then what is the purpose of 'Go say

to them, Return ye to your tents'? Infer therefrom that every prohibition decided by a majority vote requires another majority vote to rescind it. And should you reply, it comes as a command concerning conjugal duties,<sup>6</sup> [then] come and hear: 'When the trumpet soundeth long they shall Come up to the mount.' Now consider: It is written: 'Neither let the flocks nor herds feed before that Mount.'<sup>7</sup> Then what is the purpose of: 'When the trumpet soundeth long they shall come up to the Mount'. Conclude therefrom that what has been prohibited by a majority vote requires another majority vote to rescind it.<sup>8</sup> And should you argue, this only applies to the case of a Biblical [prohibition] but not to the case of a Rabbinical [prohibition],<sup>9</sup> [then] come and hear: 'The fourth [year vineyard] fruit, etc.' Now the law concerning the fourth [year vineyard] fruit is a Rabbinical enactment, and yet they said to him: 'Thy colleagues have already taken a vote respecting your case and permitted it!'

And if you say<sup>10</sup> that R. Johanan b. Zakkai allowed also a vote to be taken concerning an egg and permitted it, [I will reply]: They only took a vote concerning testimony, but concerning the egg they did not take a vote. Said Abaye to him: Has there been then at all a vote taken [at any time] concerning the egg [itself]?<sup>11</sup> The egg is dependent on [the acceptance of] testimony: If the testimony of the witnesses is disallowed, then the egg is forbidden<sup>12</sup> but if the testimony of the witnesses is permitted then the egg is [a automatically] permitted,<sup>13</sup> R. Adda and R. Salmon, both of Be Kelohith<sup>14</sup> say: Even [from the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited. Why?

The Temple may very soon be rebuilt,<sup>15</sup> and people would say: 'Did we not eat last year on the second day [of the New Year] the egg [laid on the first day]? Now too, we shall continue to eat it;' and they will not know that in the previous year<sup>16</sup> they [the two days] were of two distinct forms of holiness<sup>17</sup> whereas now<sup>18</sup>

# BEITZOH – 2a–40b

they are one [continuous day of] holiness.<sup>19</sup> If so, we should not even accept [the] testimony [of witnesses the whole day]! What is the reason? For the Temple may very soon be rebuilt, and people might say: ‘Did we not accept last year testimony concerning the New Moon during the whole day [long]? Now too, we shall [continue to] accept [their testimony]!’? —

Where [is the comparison] in this? [The acceptance of] testimony is entrusted to the Beth din<sup>20</sup> [only], but [the case of] the egg is entrusted to all.<sup>21</sup> Raba Says: Even since the enactment of R. Johanan b. Zakkai and onwards, the egg is forbidden; [for] does not R. Johanan b. Zakkai agree that if witnesses arrive after Minhah, the remainder of that day and the following day is observed as holy?<sup>22</sup> Raba further said: The law [is as] Rab in the foregoing three cases<sup>23</sup> whether he is lenient or stringent.

- (1) In order not to have to bring the fruit himself to Jerusalem, but that the poor might gather the fruit for themselves and bring it to Jerusalem. Although R. Eliezer lived after the fall of Jerusalem when the reason for decorating its streets no longer existed, yet he adhered to the ruling that the fruit being within the radius of one day's journey, could not be redeemed but had to be brought to Jerusalem.
- (2) I.e., the authority you are holding to has been rescinded by another authority and you can therefore redeem the fruits and bring only the money to Jerusalem.
- (3) [Which proves that whatever has been decided by a majority vote requires another majority vote to abrogate the decision, even where the reason for the original decision no longer operates].
- (4) The question here is: How do you infer from the first passage of Scripture the principle that a prohibition once made is absolutely binding until it has been rescinded; and if the inference is satisfactory, why is it necessary to have a second Scripture text? Rashi.
- (5) Ex. XIX, 15.
- (6) But not a canceling of the previous prohibition of Ex. XIX, 15.
- (7) Ibid. XXXIV, 3. The expression ‘before that Mount’ is interpreted as meaning ‘that Mount covered with the cloud of the Divine presence’, from which it might be inferred that only as long as the cloud of the Divine presence remained over the mountain no man or beast could draw near, but when the cloud was removed the people might,

by their own inference, have thought that they might now ascend the mountain.

(8) The reason for the ‘trumpet sounding long’ was to indicate that the Divine presence was removed from the mountain.

(9) As our case of the egg.

(10) R. Joseph resumes here the thread of his remarks which were interrupted by quoting the source of his principle.

(11) And if no vote was directly taken, the question of requiring another vote rescinding it does not arise.

(12) For the two days are regarded as one continuous day of holiness.

(13) For then, in reality, only one of the two days is holy.

(14) Or Kaluhith Chalchitis in Mesopotamia. V. Funk Monumenta I, p. 290.

(15) When the old order of consecrating the new moon through the testimony of witnesses would be restored and the witnesses be received until eventide only.

(16) Before the Temple had been restored.

(17) For only one day was really holy and the other was observed on account of doubt.

(18) The Temple having been rebuilt.

(19) As existed before the enactment of R. Johanan R. Zakkai.

(20) The Ecclesiastical Authorities, and they know the rule to be observed after the building of the Temple. V. Yeb. 22a.

(21) The question of the egg is a matter about which anyone may feel he can decide, and decide to eat the egg on the second day after the Temple had been rebuilt as he did before the Temple was rebuilt.

(22) In which case the two days of New Year would be regarded as one continuous day of holiness. According to this view, the object of R. Johanan's enactment of accepting witnesses throughout the 30th day was for the purpose of fixing the days of the Festivals following New Year; i.e., if witnesses came any time on the 30th, that day would be the first of Tishri, from which the days of the month would be computed.

(23)

(a) When a Festival-day falls on Friday or on a Sunday;

(b) The two Festival-days of the Diaspora;

(c) The two days of New Year.

## Beitzah 6a

Raba said: On the first day of a Festival, [only] Gentiles may busy themselves with a corpse,<sup>1</sup> [but] on the second day, Israelites may busy themselves with a corpse, and<sup>2</sup> even

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on the two Festival-days of the New Year, which however is not the case with respect to an egg.<sup>3</sup> The Nehardeans<sup>4</sup> say: The same holds good even with respect to an egg; for what is in your mind: Perhaps [the month of] Ellul will be intercalated?<sup>5</sup> Surely R. Hinena b. Kahana said in the name of Rab: From the days of Ezra<sup>6</sup> and onward we do not find Ellul ever intercalated.<sup>7</sup> Mar Zutra said: This was said only when [the corpse] had already been lying for some time,<sup>9</sup> but if it had not lain for a long time, we let it remain.<sup>10</sup>

R. Ashi says: Even if it had not lain for a [good] long time we do not let it remain [unburied]. What is the reason? With regard to a dead body the Rabbis have made the second day of a Festival as a weekday even with respect to cutting for it a shroud and cutting for it a [branch of] myrtle.<sup>11</sup> Rabina said: But nowadays when there are Guebers<sup>12</sup> we apprehend.<sup>13</sup>

Rabina was once sitting in the presence of R. Ashi on [one of] the two Festival-days of the New Year,<sup>14</sup> [and] noticing that he was troubled, he said to him: Why is the Master troubled? He [R. Ashi] replied: I have not set an 'Erub tabshilin.<sup>15</sup> Said he to him: Let the Master prepare an 'Erub Tabshilin now. For did not Raba say: A man may set an 'Erub Tabshilin on the first day of a Festival for the second and stipulate?<sup>16</sup> —

He replied: Granted that Raba [indeed] said so with respect to the two Feast-days of the Diaspora.<sup>17</sup> But did he then say this also with respect to the two days of the New Year's Festival?<sup>18</sup> But the Nehardeans maintain that even an egg is permitted!<sup>19</sup> —

R. Mordecai observed to him [to Rabina]: The Master<sup>20</sup> distinctly told me that he does not accept this [teaching] of the Nehardeans. It was stated: If a chicken was hatched out on a Festival, Rab says: It is forbidden,<sup>21</sup> but Samuel — some say, R. Johanan — maintains: It is permitted. Rab says it is forbidden [because] it is Mukzeh;<sup>22</sup> but

Samuel — some say, R. Johanan — maintains it is permitted, since it makes itself permitted through Shechitah.<sup>23</sup> R. Kahana and R. Assi said to Rab: What difference is there between this and a calf born on a Festival?<sup>24</sup> —

He replied to them: [The case of the calf is different] since it was [regarded as] Mukan<sup>25</sup> by virtue of its mother.<sup>26</sup> And what difference is there between this and a calf born [on a Festival] from a Trefa?<sup>27</sup> Rab remained silent. Said Rabbah — some say [it was] R. Joseph — Why was Rab silent? He should have replied to them: [This calf is permitted] since it is Mukan for dogs through its [Trefah] mother.<sup>28</sup> —

Abaye replied to him:

- (1) E.g., the making of a shroud and the digging of a grave.
- (2) The same holds good.
- (3) I.e., an egg laid on the first day of the New Year is not permitted on the second day.
- (4) The scholars of Nehardea, i.e., the School of Samuel. V. Sanh., Sonc. ed. p. 42.
- (5) I.e., Beth din will insert an extra day in the month of Ellul, in which case the New Year Festival would begin on the second day.
- (6) Cf. Neh. VIII, 13, where 'second day' refers to New Year.
- (7) The only exception was when the witnesses arrived late.
- (8) Law that Israelites may busy themselves with a dead body on a Festival.
- (9) And is decomposing and becoming offensive.
- (10) Until after the Festival.
- (11) The funeral trappings and the myrtle placed on the coffin were to honor the dead.
- (12) The fanatical sect of Persian fire-worshippers, v. Git., Sonc. ed. p. 63, n. 2. This probably refers towards the close of the Sassanid rule marked by the persecution of the Jews. V. J.E. p. 648, c. 1. The Jews had to render to the Guebers compulsory service from which they were exempt on a Festival.
- (13) Lest through allowing Jews to bury on the second day of a Festival the Guebers might regard that day as an ordinary working day and compel them to work.
- (14) The New Year Festival fell on Thursday and Friday.
- (15) V. Glos. It is a symbolical act by which meals may be prepared on a Festival occurring on a Friday for the following Sabbath. The method is to prepare a dish on the Thursday for the Sabbath which enables all the cooking done on the Friday to

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be regarded as a continuation of the cooking begun on the Thursday.

(16) If the first of the two days is the real feast-day, then the preparation of the food on the second day should be permitted; and if the second day is the proper feast-day, then preparation of the 'Erub is permissible on the first day, which is not a Festival but a weekday.

(17) I.e., observed only in the Diaspora where two days are observed on account of doubt.

(18) Which are observed also in Palestine where the two days of the New Year are regarded as one continuous holy day. Surely not!

(19) On the second day, if laid on the first day of the New Year's Festival thus indicating that only one of the two days is holy.

(20) R. Ashi who was R. Mordecai's teacher, v. Sot. 46b.

(21) To be eaten on the day of the Festival.

(22) V. supra, p. 2, n. 5.

(23) V. Glos. Before the chicken is hatched, the act of slaughtering does not permit it to be eaten. It is only when born that the chicken can be eaten through ritual slaughter. And since the hatching out of the chicken (on the Festival) enables it to be eaten through slaughtering, it also frees it from Mukzeh; i.e., since it gains permission for itself to be eaten through ritual slaughter, it also gains permission for itself to be free from Mukzeh.

(24) Which may be eaten on the same day, v. infra.

(25) V. Glos.

(26) The calf found in a ritually slaughtered cow may be eaten through the slaughtering of its mother. The calf therefore is valid for provision even before its birth.

(27) V. Glos. This calf when found within the mother is not permitted for use by the slaughtering of its Trefah mother. It must itself be ritually slaughtered before it can be permitted; and yet we do not find anyone prohibiting the eating of a calf born of a Trefah on a Festival.

(28) Immediately before the Festival the mother-cow as Trefah was intended as food for dogs, and this included the calf within it. The cow and the calf would thus become Mukan for dogs and therefore the law of Mukzeh should not apply to the calf. The same, however, cannot be said of the chicken in the egg.

## Beitzah 6b

Seeing that that which is Mukan for human consumption is not Mukan for dogs — for we have learnt: One may cut up<sup>1</sup> gourds for cattle and a carcass for dogs;<sup>2</sup> R. Judah says: If [the animal] was not yet nebelah<sup>3</sup> on the eve of the Sabbath it is forbidden,<sup>4</sup> for it was not

Mukan<sup>5</sup> — can that which is Mukan for dogs be considered Mukan for human beings? —

He said to him: It is even so; that which is Mukan for human consumption is not Mukan for dogs, for that which is useable for man one does not throw to dogs. [But] that which is Mukan for dogs is [also] Mukan for human consumption, for the mind of man is directed to everything which may be fitting for him. [A Baraitha] was taught in accordance with Rab [and a Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan. [A Baraitha] was taught in accordance with Rab: A calf which is born on a Festival is permitted;<sup>6</sup> [but] a chicken which is hatched on a Festival is forbidden. And what difference is there between the one and the other? [The calf] is Mukan by virtue of its mother through Shechitah,<sup>7</sup> but [the chicken] is not Mukan by virtue of its another.<sup>8</sup> [A Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan: A calf which is born on a Festival is permitted; a chicken which is hatched on a Festival is permitted. Why? [The calf] is Mukan by virtue of its mother and [the chicken] makes itself permitted through slaughter.

Our Rabbis taught: A chicken which is hatched on a Festival is forbidden. R. Eliezer b. Jacob says: It is forbidden even on a weekday since its eyes are not yet open. With whose opinion does the following passage agree: Even all creeping things that creep upon the earth,<sup>9</sup> this includes chickens whose eyes are not yet opened?<sup>10</sup> With whose opinion? The opinion of R. Eliezer b. Jacob. R. Huna said in the name of Rab: An egg is completed on its issue [from the fowl]. What is meant by 'completed on its issue'?

If we say, [it means] it is completed on its issue, so that [the egg] may be eaten with milk;<sup>11</sup> [which implies] when it is still within the hen [the egg] may not be eaten with milk? But surely we have learnt: If one kills a hen and finds therein completely formed eggs, these may be consumed with milk! And if [it

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means] it is completed on its issue so that [the egg] may be eaten on a Festival;<sup>12</sup> [which implies] when [the egg] is still within the hen,<sup>13</sup> it may not be eaten on the Festival?<sup>14</sup> But surely we have learnt: If one kills a hen and finds therein eggs completely formed they are permitted to be eaten on the Festival.<sup>15</sup> And if you say that he informed us in the Baraitha what we do not learn in the Mishnah?<sup>16</sup> This too<sup>17</sup> we have learnt [in a Mishnah]: If an egg is laid on a Festival, Beth Shammai say: It may be eaten [on the same day], but Beth Hillel maintain: It may not be eaten [until the day is over].<sup>18</sup> Now Beth Shammai and Beth Hillel dispute thus only about [the egg] that is laid; but if [the egg] is in the hen, all agree that it is permitted! And if you maintain that Beth Hillel prohibit [the egg] even when it is within the hen, and the reason he [the author of the Mishnah] quotes [their dispute with respect to an egg] ‘laid’ is in order to manifest to you the extent of the opinion of Beth Shammai that even if it is laid it is permitted; then as to that which we have learnt: If one slaughtered a hen and found therein eggs completely formed they are permitted to be eaten on the Festival — who will its author be?

Neither Beth Shammai nor Beth Hillel!<sup>19</sup> Therefore ‘it is completed on its issue’ [means] that [the egg] can hatch chickens, [but the egg found] in the body of the hen cannot hatch chickens. What is its practical bearing? — with respect to buying and selling.<sup>20</sup> As once happened when someone called out [to the salesman]: Who has eggs

- (1) On the Sabbath.
- (2) V. supra p. 3 and notes.
- (3) V. Glos.
- (4) To be given to the dogs.
- (5) For dog's consumption before the Sabbath.
- (6) [The prohibition of Nolad (V. Glos.) does not apply to living beings. V. Tosaf. s.v. עגל.]
- (7) The owner of the mother-cow could have intended to kill the cow on the Festival and the cow and the calf that was within it would be Mukan. The same however cannot be said of a chicken, because the owner could never conceive of an egg

within the fowl ready to be hatched, so that in the case of the chicken there is no case of Mukan.

(8) Because no egg is ever upon the point of being hatched when the hen is killed.

(9) Lev. XI, 42.

(10) Hul. 64a.

(11) And is not regarded as part of the flesh of the fowl. The Biblical rule not to eat meat together with milk (based on Ex. XXIII, 19) is extended by the Rabbis to include fowls. Eggs, however, may be eaten with milk.

(12) If the egg was laid before the Festival.

(13) Which was slaughtered on the Festival.

(14) On account of the law of Hakanah, v. supra 2b.

(15) Supra 2b.

(16) I.e., the Baraitha finds no support in the Mishnah, and therefore the Baraitha is not authoritative, so that R. Huna could rule that when the egg is still in the hen it may not be eaten on the Festival.

(17) The ruling of the Baraitha.

(18) Supra 2a.

(19) For Beth Shammai permit even the laid egg and Beth Hillel, according to this theory, prohibit the egg even though it is in the body of the hen.

(20) If one sells eggs for hatching then they must be eggs that are really laid and fertile.

## Beitzah 7a

of a cackling hen? When they gave him eggs [found] in a slaughtered hen, he came to R. Ammi [complaining], who said to them: It is an erroneous sale and he can withdraw [from it]. [But] this is self-evident!<sup>1</sup> —

You might say that this [buyer] really wanted [the eggs] for eating, and the reason he asked [for eggs] of a cackling hen is that [such eggs] are hard-shelled; and that the practical outcome [of] his claim<sup>2</sup> is that he must refund him the difference,<sup>3</sup> so he informs us [that this is not so].<sup>4</sup> There was once one who said to [the salesman], ‘Who has mated eggs<sup>5</sup> [for sale]? Who has mated eggs?’ [When] they gave him unmated eggs,<sup>6</sup> he came to R. Ammi who said to them: It is an erroneous sale and he can withdraw [from the transaction]. [But] this is self evident! —

You might say that he needed [the eggs] only for eating,<sup>7</sup> and the reason he asked for mated eggs is that they are richer; and that the

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practical bearing of this is that they must refund him the difference,<sup>8</sup> so he informs us that the whole transaction is fraudulent]. Alternatively: What is meant, ‘it is completed on its issue’? [It means] it is completed with the coming forth of its greater part, and it is accordance with R. Johanan. For R. Johanan said: If the greater part of an egg issued on the day before the Festival and went back, it may be eaten on the Festival-day.<sup>9</sup>

There are some [scholars] who say: What is meant, ‘it is completed on its issue’? [It means] it is completed with the [coming forth] of the whole of it. Only with the coming forth of the whole of it, but not with its greater part,<sup>10</sup> and this is to reject the opinion of R. Johanan. [To revert to] the main text: If one slaughtered a hen and found therein completely formed eggs, these may be taken with milk.<sup>11</sup> R. Jacob says: If [the eggs] were attached [to the hen] by sinews they are forbidden.<sup>12</sup> Who is the author of that which our Rabbis taught: He who eats of a carcass<sup>13</sup> of a clean bird, of its cluster of eggs, or of its bones, or of its veins, or of its flesh torn off while alive<sup>14</sup> is clean;<sup>15</sup> [but he who eats] of its ovary or of its crop or of its entrails, or if he melted its fat and swallowed it,<sup>16</sup> he is unclean.<sup>17</sup> —

Who is the author [of the teaching], ‘[He who eats] of its cluster of eggs is clean’? — Said R. Joseph: It is not in accordance with R. Jacob. For if it were in accordance with R. Jacob, lo, he says: If [the eggs] were attached by sinews they are forbidden [to be taken with milk]!<sup>18</sup> Said Abaye to him: Whence [do you say this]? Perhaps R. Jacob regards [these eggs as flesh] only with respect to a prohibition<sup>19</sup> but not with respect to defilement? And if you say that we should enact a preventative measure also in respect to defilement?<sup>20</sup> [I would reply], This would be an extension of [the scope of] defilement, and we do not extend [the scope of] defilement by Rabbinical enactment.<sup>21</sup> There are some [scholars] who say [thus]: Who is the author [of the teaching that if one eats] ‘of its ovary he is unclean’?<sup>22</sup>

Said R. Joseph: It is R. Jacob: For he says, ‘If [the eggs] were attached [to the hen] by sinews they are forbidden [to be taken with milk]’. Said Abaye to him: Whence [do you understand] that by the term ovary is meant [the eggs] that are attached to the ovary? Perhaps it means the ovary itself!<sup>23</sup> And if you object: What need is there to say this with respect to the ovary? [I would reply]: It is analogous to the crop and the inwards; for although these are [really] flesh,<sup>24</sup> [yet] since there are people who do not eat them, it is therefore necessary to state these; so also here [with respect to the ovary] since there are people who do not eat it, it is necessary to teach it.

Our Rabbis taught: All creatures which copulate during the day are born during the day; all creatures which copulate during the night are born during the night; all creatures which copulate both by day and by night, give birth both by day and by night. ‘Those which copulate by day are born by day’, this refers to a fowl; ‘those which copulate during the night are born during the night’, this refers to the bat; ‘those which copulate by day and by night give birth by day and by night’, this refers to man and whatever is like him.

The Master said [above]: ‘Those who copulate by day are born by day refers to a fowl’. What is the practical difference? — With respect to the teaching of R. Mari son of R. Kahana. For R. Mari son of R. Kahana said: If one examined a hen-coop on the eve of the Festival and could not find in it an egg, and on the morrow he rose early<sup>25</sup> and found in it an egg, it is permitted.<sup>26</sup> But did he not examine [the nest]? —

I say<sup>27</sup> that he did not examine it very carefully, and even if he did examine it very carefully, I would say that [perhaps] the greater part [of the egg] came out [before the Festival] and went back; and [this ruling is] in accordance with [the opinion of] R. Johanan.<sup>28</sup> But that is not so; for R. Jose b.

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Saul said in the name of Rab: If one examined a hen-coop on the eve of the Festival and did not find in it an egg and on the morrow he rose early and found an egg in it, it is prohibited?<sup>29</sup> —

This [latter passage] refers to eggs laid through friction with the earth,<sup>30</sup> If so,<sup>31</sup> with respect to the teaching of R. Mari, might I not also say [the egg] was laid through friction with the earth? — When there is a cock near her.<sup>32</sup> Even when there is a cock [near her] might I not [still] say that the egg was laid through friction with the earth? — Said Rabina: There is a tradition<sup>33</sup> that wherever there is a cock near her she will not fructify [eggs] through friction. And how near [should the cock be]?<sup>34</sup> —

R. Gamda replied in the name of Rab: Sufficiently near

- (1) That it is a fraudulent sale, since he asked for one thing and was given another.
- (2) Seeing that he requires them in any case for eating.
- (3) Between the value of cackling eggs and the eggs received, but the sale is nevertheless valid and cannot be rescinded.
- (4) But we rather assume that when he asked for eggs of a cackling hen he wanted them for hatching, hence the sale is null.
- (5) Lit., 'eggs of (a hen paired with) a cock'.
- (6) Lit., 'eggs produced through friction of the body in the earth', but not through contact with a male.
- (7) And not for hatching.
- (8) Between the value of mated eggs and the eggs received, but the transaction would still be valid.
- (9) If subsequently laid on the Festival-day, and the law of Mukzeh does not apply in this case.
- (10) Lit., 'with the coming... yes, but with... no'.
- (11) V. supra p. 25, n. 4.
- (12) Because they are then regarded as flesh.
- (13) The carcass of a bird not ritually slaughtered does not defile a person through being carried or touched; it is only the eating of its flesh which defiles. Cf. supra to Lev. XXII, 8 and Nid. 42b.
- (14) If any part of the bird is cut off while the bird is still living, although it may not be eaten, it does not defile.
- (15) Because the cluster of eggs, the bones and the veins are not considered as flesh.
- (16) Drinking is included in this law of defilement.
- (17) These are considered as part of the flesh.

(18) Hence they are considered flesh.

(19) Not because he regards the eggs as flesh but as a preventative measure to safeguard the breach of eating flesh and milk together.

(20) I.e., to pronounce the person unclean when eating only the eggs.

(21) The Rabbis did not extend the law of defilement by declaring the man who eats of these eggs unclean, because of the monetary loss that would follow (by his clothes and whatever he touches becoming unclean; v. Lev. XVII, 15). But with respect to the prohibition of eating the eggs with milk, there the eggs themselves are not prohibited; it is only to safeguard the law of eating flesh and milk that the Rabbis instituted a preventive measure, and though the eggs themselves may be eaten, they may not be eaten with milk. In this respect they consider the eggs flesh.

(22) And thus considers the eggs flesh. Cf. Tosaf. Men. 70a. s.v. ביצי.

(23) And that is indeed flesh.

(24) And you would understand that they defile.

(25) Before daybreak.

(26) Because it is assumed that the egg was laid the previous day as, by the nature of the case, it could not have been laid during the night.

(27) אימרי Either Imperf. 1. sing., or Imper. 2. sing.

(28) Who regards the egg as having been laid. It may have been deposited during the night of the Festival, but it is not regarded as having been laid during the night.

(29) Because we assume the egg was laid during the night of the Festival.

(30) Which eggs might be laid even at night.

(31) That unmated eggs can be laid at night.

(32) Therefore the egg must have been laid during the day.

(33) Lit., 'they

(teachings) are handed down'.

(34) That the hen should not lay eggs through friction.

## Beitzah 7b

that [the hen] can hear his crowing in the daytime.<sup>1</sup> R. Mari gave a decision [in a case where the cock was] at a distance of sixty houses.<sup>2</sup> But if there is a river [between them] she [the hen] does not cross over, but if there is a bridge,<sup>3</sup> she crosses over; if there is a plank she does not cross over. It happened once that [a hen] crossed over even a plank. How have you explained it;<sup>4</sup> with respect to unmated eggs? Then why particularly teach when he examined [the hen-coop]; even if he

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had not examined, it should also [be prohibited]! —

If he did not examine it, I might say [the egg] was from yesterday. If so, even if he had examined it, I might still say that the greater part [of the egg] came out [yesterday] and went back and [should therefore be permitted] in accordance with R. Johanan! — The contingency stated by R. Johanan is rare. R. Jose b. Saul further said in the name of Rab: This pulverized garlic is a danger to be left exposed.<sup>5</sup>

**BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN IS OF THE SIZE OF AN OLIVE, AND LEAVENED BREAD IS OF THE SIZE OF A DATE.** What is Beth Shammai's reason? — If so,<sup>6</sup> the Divine Law should only have written about leavened bread and not about leaven and I should have said: If leavened bread, the acidity of which is not very great, [is forbidden] at the size of an olive, how much more should leaven, the acidity of which is very great [be forbidden] at the size of an olive: then why does the Divine Law need to state leaven? In order to teach that the standard of the one is not like the standard of the other.<sup>7</sup> And Beth Hillel? —

It is necessary [for the Divine Law to state both]. For if the Divine Law had written only about leaven I might have said that the reason [leaven is forbidden to be seen] is that its acidity is very great, but leavened bread, the acidity of which is not great, I might have said is not [forbidden to be seen at all]. It is therefore necessary [to state leavened bread]. And if the Divine Law had stated leavened bread, [I might have said that] the reason [leavened bread is forbidden to be seen] is that it is fit for food, but leaven which is not fit for food, I might have said is not [forbidden to be seen at all]. Therefore both are necessary. Shall we say that Beth Shammai does not agree with what R. Zera had said? For R. Zera said: The Scripture [verse]<sup>8</sup> begins with the term 'leaven' and concluded with the term 'leavened bread' in

order to teach that 'leaven' and 'leavened bread' are alike? —

With respect to eating, no one differs [about the size].<sup>9</sup> They only differ with respect to the removal [of the leaven from the house]; Beth Shammai is of the opinion that we do not learn [the law of] 'removal' from [that of] 'eating', while Beth Hillel maintains that we do learn 'removal' from 'eating'.<sup>10</sup> Likewise it was stated: R. Jose b. Hanina said: The dispute is only with respect to the 'removal', but with respect to 'eating' all agree that both [leavened bread and leaven] are [forbidden] of the size of all olive. Likewise it was also taught: 'And there shall no leavened bread be seen with thee neither shall there be leaven seen with thee';<sup>11</sup> herein lies the dispute between Beth Shammai and Beth Hillel, where Beth Shammai say that leaven is the size of an olive and leavened bread is of the size of a date, but Beth Hillel maintain that both are of the size of an olive.

**HE WHO SLAUGHTERS GAME OR POULTRY ON A FESTIVAL, etc. HE WHO SLAUGHTERS** [implies] only if he has done so,<sup>12</sup> but not [that it may be done] at the very outset. Then consider the subsequent clause: **BUT BETH HILLEL MAINTAIN: HE MUST NOT SLAUGHTER** [etc.], whence it follows that the first Tanna holds that he may slaughter [at the outset]! —

This is no difficulty. He means, 'HE MUST NOT SLAUGHTER AND COVER [etc.]'.<sup>13</sup> But consider the final clause: **BUT THEY AGREE THAT IF HE SLAUGHTERED HE MAY DIG WITH A SHOVEL AND COVER;** whence it follows the first clause does not mean '[only] if he has done it'! —

Answered Rabbah: This is what [the Mishnah] says: 'The slaughterer who comes to ask advice<sup>14</sup> how should one answer him? Beth Shammai say: One answers him: Slaughter, dig and cover; but Beth Hillel maintain: he must not slaughter unless he had [loose] earth set in readiness before the

# BEITZOH – 2a–40b

Festival'. R. Joseph says: This is what [the Mishnah] says: 'The slaughterer who comes to ask advice, how should one answer him? Beth Shammai say: One answers him: Go [and] dig, slaughter and cover; but Beth Hillel maintain: He may not dig unless he had [loose] earth set in readiness from before the Festival'.

Said Abaye to R Joseph: Shall it be said that you, Sir, and Rabbah disagree with respect to the teaching of R. Zera in Rab's name? R. Zera said in the name Rab: The slaughterer [of game or poultry] must put earth beneath [to receive the blood] and earth above, for it is said: 'He shall pour out the blood thereof, and cover it with dust'.<sup>15</sup> It does not say earth but 'in earth',<sup>16</sup> teaching that the slaughterer must put earth beneath and earth above. You, Sir, [therefore] accept the teaching of R. Zera and Rabbah rejects the teaching of R. Zera.

He answered him: Both I and Rabbah accept the teaching of R. Zera and our dispute here is as follows: Rabbah is of the opinion that he may [only slaughter] if there is [already] earth beneath [to receive the blood]; but if not, he may not slaughter,<sup>17</sup> for we apprehend that he might change his mind and not slaughter.<sup>18</sup> But according to my view, it is better,<sup>19</sup> for if you will not permit him [to dig] he will come to be deprived of the joy of the Festival.<sup>20</sup>

**BUT THEY AGREE THAT IF SOME HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD].** R. Zerika said in the name of Rab Judah: This only holds good when the shovel had [already] been sticking [in the earth] since the previous day.<sup>21</sup> But does he not cause crumbling of the earth?<sup>22</sup> —

Answered R. Hiyya b. Ashi in the name of Rab:

- (1) The crowing does not reach so far during the daytime as at night.
- (2) The cock was removed sixty houses from the hen yet R. Mari maintained that there was copulation and permitted the egg.

- (3) Or 'ferry'.
- (4) The saying of R. Jose b. Saul.
- (5) Any exposed liquid is forbidden for use lest a snake has drunk therefrom. The same applies to pulverized garlic.
- (6) That the prohibition of both leaven and leavened bread were of the size of an olive.
- (7) I.e., leavened bread is of the size of a date, for food of such a size is estimated by the Rabbis sufficient to make one 'come to', (cf. Yoma 79a), and leaven is of the size of an olive which is the minimum.
- (8) Ex. XII, 19.
- (9) I.e., even Beth Shammai agree that both leaven and leavened bread of the size of an olive are forbidden to be eaten.
- (10) Ex. XII, 19 deals with the prohibition and penalty of eating anything leavened. Ex. XIII, 7 deals with the removal of anything leavened from the house. From the fact that Ex. XIII, 7 mentions both 'leaven' and 'leavened bread' Beth Shammai infer that the size of the 'leavened bread' with respect to removal is not that of an olive but that of a date.
- (11) Ex. Xlii, 7.
- (12) For otherwise, the Mishnah should state that a man may slaughter it. HE WHO SLAUGHTERS, however, implies that the law which follows holds good only if he has already slaughtered.
- (13) Beth Hillel's point is made with reference to the covering of the blood, not with reference to the killing at all; and therefore a deduction as to the view of the first Tanna can likewise be made only with reference to the covering.
- (14) Whether he may slaughter, having no earth.
- (15) Lev. XVII, 13
- (16) The preposition ׀ here means in rather than with, indicating that dust is to be put on all sides. V. Nachmanides a.l. for reason of covering the blood.
- (17) For he may not dig to obtain the earth to place beneath.
- (18) He would then have dug earth unnecessarily.
- (19) That he should be allowed to dig.
- (20) For he will not be able to slaughter, v. Deut. XVI, 14.
- (21) So that there is no violation of the law of digging on the Festival; for digging requires both the sticking in of the shovel as well as the lifting of it with the earth in it.
- (22) Granted there is not digging, but this crumbling of the earth is also forbidden, being in the nature of grinding.

## Beitzah 8a

[We are dealing with a case] where the soil is loose.<sup>1</sup> But does he not make a hole?<sup>2</sup> — This

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is according to R. Abba; for R. Abba said: if one digs a hole on the Sabbath and only requires its soil, he is guiltless in regard to it.<sup>3</sup>

**BECAUSE THE ASHES OF THE HEARTH ARE MUKAN [CONSIDERED AS HAVING BEEN PREPARED].** Who is speaking here of the ashes of the hearth?<sup>4</sup> Answered Rabbah: Read thus: ‘AND<sup>5</sup> THE ASHES OF THE HEARTH ARE MUKAN’. Rab Judah said in Rab's name: They only taught this<sup>6</sup> when it [the fire] had been kindled on the day of the Festival; but if it had been kindled on the Festival [itself] it is forbidden;<sup>7</sup> but if [the ashes] are suitable to roast an egg therein, it is permitted.<sup>9</sup> Likewise It was also taught: When they said [that] the ashes of the hearth are Mukan, they only said so when it [the fire] had been kindled before the Festival; but if it had been kindled on the Festival it is forbidden; but if they are suitable to roast an egg therein it is permitted. If one had brought earth into his garden or into his waste land [before the Festival] one may cover the blood therewith.<sup>10</sup>

Rab Judah further said in the name of Rab: A man may bring a basket-full of earth [into his house] and may use it for whatever is necessary.<sup>11</sup> Mar Zutra pointed out in the name of Mar Zutra the Great: This only holds good if he had appointed a special corner for it.<sup>12</sup>

An objection was raised: One may not slaughter a koy<sup>13</sup> on a Festival, and if he did slaughter it, he may not cover its blood.<sup>14</sup> Now if this were so<sup>15</sup>, let him cover it [the blood] in accordance with the opinion of Rab Judah?<sup>16</sup>

But even according to your point of view, let him cover the blood with ashes of the hearth, or with earth in which a shovel was stuck?<sup>17</sup> Therefore you must needs say that we are dealing here with a case where he has not [any of these];<sup>18</sup> so also explain that we are dealing with a case where he has not [a basket-full of earth in the house]. If so<sup>19</sup> then why

particularly with respect to [an animal about which there is] a doubt [whether its blood requires covering]; even with respect to an animal about which there is no doubt one also may not [cover the blood by digging]?<sup>20</sup> —

He uses the expression ‘not only but also’: not only may he not slaughter [in the case of an animal about which there is no doubt],<sup>21</sup> but even in the case of an animal about which there is a doubt, where I might have said that because of the joy of the Festival he should be allowed to slaughter without covering the blood, he informs us [that he may not slaughter].

- (1) As for example gravel or sand.
- (2) When he takes it out, which is forbidden, being in the nature of ‘building’.
- (3) Since it was not his intention to make the hole, the presence of the hole is only a disfigurement and for such an act of impairing or disfiguring one is not considered guilty of a breach of the Sabbath law; and although such an act is forbidden ab initio, yet for the sake of the joy of the Festival it has been permitted.
- (4) Lit., ‘who has mentioned its name previously (that you are referring to it now)?’
- (5) Changing the letter װ for ן. V. supra p. 1, n. 10.
- (6) That the ashes of the hearth are considered Mukan.
- (7) On account of Mukzeh.
- (8) Hot enough.
- (9) To use such ashes for covering the blood even though the fire was kindled on the Festival itself, because since the ashes may be used for baking they cannot be regarded as Mukzeh and may therefore be used, when in such a state, for any other purpose.
- (10) Since it was prepared for any purpose.
- (11) And it is not regarded as a part of the earth of the house and thus be prohibited from being handled.
- (12) I.e., he did scatter over the ground, thereby indicating that it was for his use.
- (13) A bearded deer or antelope (GR. \*\*) Jast. V. however Hul. 79b where it is defined as a cross between a goat and a gazelle. V. also B.K., Sonc. ed. p. 443 n. 6. A doubt prevails regarding this animal whether it is in the category of cattle the blood of which need not be covered, or in the category of game the blood of which is to be covered. Cf. Lev. XVII, 13.
- (14) Perchance it is cattle and he would be handling earth unnecessarily. V. Hul. 83b, 79b.

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(15) That earth thus brought could be used in any way.

(16) By listing the basket-full of earth. Even if it were definitely cattle, the earth could still be used without infringing the law not to do any work on a Festival.

(17) From before the Festival, which is stated in our Mishnah to be Mukan.

(18) Viz., ashes or a shovel of earth.

(19) That we are dealing with a case where he has no earth except through digging.

(20) Since we accept the decision of Beth Hillel according to which it is forbidden to dig earth on a Festival for covering blood.

(21) Since he has no earth in readiness.

## Beitzah 8b

But surely since he teaches at the end [of the clause] ‘and if he did slaughter it, he may not cover its blood’, understand from this that [we are] speaking of a case where he has [earth in readiness]!<sup>1</sup> —

Therefore answered Rabbah: The ashes of the hearth<sup>2</sup> are regarded as Mukan for [the covering of blood of] animals about which there is no doubt, but they are not regarded as Mukan with respect to animals about which there is some doubt [whether their blood requires covering]. Why are they not [considered Mukan in respect of the blood of the animal] about which there is a doubt? Because he would be making a hole [in the ashes on the Festival]! Then in the case of an animal [game] about which there is no doubt, he would also be making a hole? But [why would it not be regarded as making a hole in the ashes]? because it is in accordance with R. Abba!<sup>3</sup> Than here also it is in accordance with R. Abba!<sup>4</sup> And if [you say that] the reason [why he may not use them to cover the blood of an animal about which there is] a doubt is that he may cause a crumbling [of the earth],<sup>5</sup> we should enact a preventive measure on account of crumbling of the earth even in the case of definite [game]? —

In the case of [animals] about which there is no doubt, even if he crumbles the earth [it is permitted]; for the positive command [to cover the blood] comes and overrides the

negative command.<sup>6</sup> But when do we say that a positive command overrides<sup>7</sup> a negative command, [only in cases] like ‘circumcision in leprosy’<sup>8</sup> or ‘a linen garment with [woolen] fringes’,<sup>9</sup> where the infringement of the negative command is at the same time as the fulfillment of the of the positive command!<sup>10</sup>

—  
This presents no difficulty, for simultaneously with the crumbling of the earth he covers the blood. But after all, [in] a Festival there exists both a positive and a negative command,<sup>11</sup> and a positive command cannot override both a positive and negative command! —

Therefore answered Raba: ashes of the hearth [or anything like it] are intended for a definite case of game but not for a doubt.<sup>12</sup> And Raba follows [here] his opinion [expressed elsewhere]. For Raba said: If one brought in earth [before the Festival] to cover therewith excrement [of a child], he may cover therewith the blood of a bird;<sup>13</sup> [to cover therewith] the blood of a bird he may not cover therewith the excrement [of a child].<sup>14</sup> The Neharbeleans<sup>15</sup> say: Even if one brought in earth to cover therewith the blood of a bird, he may [also] cover therewith the excrement [of a child].<sup>16</sup>

In the West<sup>17</sup> they say: R. Jose Hama and R. Zera — some say, Raba the son of R. Jose b. Hama and R. Zera — differ therein; one says: Koy is analogous to excrement,<sup>18</sup> and the other says: Koy is not analogous to excrement.<sup>19</sup> It may be proved that it was Raba who said that Koy is analogous to excrement; for Raba said: If one brought in earth to cover therewith excrement [of a child], he may cover therewith the blood of a bird, [but if he brought it earth to cover therewith] the blood of a bird, he may not cover therewith the excellent [of a child].<sup>20</sup> Conclude from this [that it was Raba]. Rami the son of R. Yabba said: The reason why we are not allowed to cover [the blood of] a Koy is that it is a preventive measure against

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permitting the use of its suet.<sup>21</sup> If it is so, [it should be prohibited] even on a weekday!—

On a weekday people will say because he wants to clean his court.<sup>22</sup> What is there to be said if he slaughtered [the Koy] on a dust-heap?<sup>23</sup> [And further] what will you say if one comes to ask advice?<sup>24</sup> —

On a weekday even if there is any doubt the Rabbis would tell him: Go, take trouble and cover [the blood]; but on a Festival, if there is a doubt, would the Rabbis tell him: Go, take trouble and cover [the blood]!<sup>25</sup> R. Zera learnt: it is not only with respect to a Koy that the Rabbis said [thus]; but even if one slaughtered cattle, game and poultry and their blood became mingled, it is [also] prohibited to cover [such mingled blood] on a Festival.<sup>26</sup> Said R. Jose b. Jasiniah: This was only said when one cannot cover it [the mingled blood] with one thrust of the shovel;<sup>27</sup> but if one can cover it with one thrust of the shovel, it is permitted. But is not this self-evident?<sup>28</sup> —

You might assume that we should prohibit [even] one shovelful lest perchance [he might go on to use] two shovelfuls, so he informs us [that one is allowed]. Rabbah said: If one slaughtered a bird on the eve of the Festival [and omitted to cover the blood], one may not cover it on the Festival;<sup>29</sup>

(1) For otherwise there would be no point in stating the law, seeing that where no earth in readiness is available he may not cover the blood of an animal which certainly requires covering. The original question therefore remains, viz., why should he not cover the blood of the Koy either according to the teaching of Rab Judah or with the ashes of the earth?

(2) The same applies to the basket-full of earth.

(3) Who does not regard this as digging a pit; v. supra 6a.

(4) Therefore the reason cannot be on account of making a hole.

(5) [It is possible that the ashes contain cinders, or the basket-full of earth clods. V. supra p. 33 n. 6].

(6) Not to do any work on a Festival.

(7) Lit., 'positive command comes and overrides, etc.'

(8) It is forbidden to remove a Leprous spot by an operation. Deut. XXIV, 8. The command to circumcise however

(Gen.

XVII, 10ff) has to take place even though a leprous spot is on the foreskin.

(9) Woolen fringes (Deut. XXII, 12) may be inserted in a garment of linen in spite of the prohibition not to wear a garment of heterogeneous materials.

(10) For the act of crumbling the earth precedes the action of covering the blood.

(11) In addition to the negative command 'not to do any work', cf. Lev. XXIII, 7, 8, 21, 35 there is also a positive command of 'resting', cf. ibid. XXIII, 39.

(12) [They are not considered Mukan in respect of animals about which there is a doubt, not because of the infringement of any prohibition involved, but because it is assumed that he had intended to use them only for such animals as definitely require the covering of their blood].

(13) In the case of a child's excrements the need is only a probable one, but with respect to the blood, he decided beforehand to kill on that day. Therefore if he prepared the earth to use for a contingency how much more should he be permitted to use it for that which he definitely decided.

(14) For the earth was set in readiness only for a certain definitely determined object and therefore cannot be used in case of contingency.

(15) I.e., Rami b. Berabi or Beroki V. Sanh. 17b, Sonc. ed. p. 89. Neharbel identified with Nehar Bil, east of Baghdad, Obermeyer, p. 269.

(16) Because the contingency of the excrement is almost a certainty.

(17) I.e., Palestine. The Babylonians, when alluding to Palestine, called it the West, as Palestine was to the west of Babylon. Cf. Ber. 2b. But V. Sanh. 17b.

(18) I.e., if one brought earth to cover dung, he could cover therewith the blood of the Koy, for the contingency of the dung is similar to the uncertainty with respect to the Koy.

(19) Because the contingency of the dung is almost a certainty, and is therefore regarded as definite in comparison with Koy which is absolutely uncertain.

(20) Hence Raba regards the contingency of requiring the earth for dung as remote and not as almost a certainty.

(21) Heleb

(V. Glos.). Suet is disallowed in the case of oxen and sheep but not in the case of game. If therefore you allow to cover its blood, people might regard it as game.

(22) And not because the Koy is regarded as game. On a Festival work is forbidden with the exception

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of the preparation of food. The cleansing of a court is no exception.

(23) Where you cannot say that the covering of the blood is in order to keep the dust-heap clean.

(24) Whether, if he slaughters a Koy on a weekday he should cover its blood? Is there not the possibility of the one asking the question, on being told that he is to cover its blood, himself coming to the conclusion that he may regard the Koy as game and thus eat its suet.

(25) Surely not! Therefore people might come to a wrong inference.

(26) Because in so doing, he would be doing unnecessary work in covering the blood of the cattle.

(27) Which would be sufficient to cover the blood of the game and poultry; so that anything more than one shovelful would be unnecessary work.

(28) The one shovelful is required for the game and poultry, so that no extra work is done on account of the blood of the cattle.

(29) Because that which could be done before the Festival may not be done on the Festival. The bird, however, could be eaten in spite of the breach of the positive command to cover the blood.

## Beitzah 9a

if one prepared dough on the eve of the Festival, he may separate from its hallah<sup>1</sup> on the Festival.<sup>2</sup> The father of Samuel Says: Even if one Prepared dough on the eve of the Festival, he may not separate from it Hallah on the Festival.<sup>3</sup> Shall it be said that Samuel disputes with his father? For Samuel said: With respect to Hallah outside Palestine, one may go on eating [of the dough] and separate the priestly portion at the end!<sup>4</sup> — Answered Raba: Does then not Samuel agree that if one designated it by names that it is forbidden to be eaten by laymen?<sup>6</sup>

**MISHNAH.** BETH SHAMMAI SAY: ONE MAY NOT CARRY A LADDER [ON A FESTIVAL] FROM ONE DOVECOTE TO ANOTHER,<sup>7</sup> BUT HE MAY INCLINE IT FROM ONE PIGEON-HOLE TO ANOTHER. BUT BETH HILLEL PERMIT [THIS].

**GEMARA.** R. Hanan b. Ammi said: The dispute refers only to public ground, when Beth Shammai is of the opinion that whoever sees [him carrying the ladder] might say that he needed it for [plastering his roof];<sup>8</sup> Beth

Hillel hold, his dovecote proves his intention; but in private ground, all agree that it is permitted. But it is not so. For Rab Judah said in the name of Rab:<sup>9</sup> ‘Wherever the sages have forbidden anything because of appearances, it is forbidden even in the most innermost chambers!’<sup>10</sup> —

It is [a controversy of] Tannaim. For it was taught: One may spread them out in the sun, but not in the presence of people.<sup>11</sup> R. Eleazar and R. Simeon forbid this.<sup>12</sup> Others say [thus]: R. Hanan b. Ammi said: The dispute refers to private ground; for Beth Shammai accept the teaching of Rab Judah in the name of Rab, and Beth Hillel reject the teaching of Rab Judah in the name of Rab; but on public ground all agree that it is forbidden. Shall it be said that Rab ruled as Beth Shammai?!<sup>13</sup> —

It is [a controversy of] Tannaim.<sup>14</sup> For it was taught: ‘He may spread them out in the sun, but not in the presence of people. R. Eleazar and R. Simeon forbid this’.

(1) The priestly portion of dough. V. Glos.

(2) For the decree of the Rabbis ‘not to separate tithes on a Festival’ (infra 36b) did not include dough, since it is permitted to make dough, which cannot be eaten until the priestly portion of the dough has been taken.

(3) When the Rabbis permitted the separation of Hallah on a Festival, it only referred to a dough that was made on the Festival.

(4) Thus showing that the separation of Hallah is not essential, since the eating of the dough does not depend upon the separation of Hallah; and since one may eat of the dough before the separation one should be allowed to separate the Hallah on the Festival, since the separation cannot be regarded as making the dough legally fit for use; cf. infra 36b.

(5) If one designated the separated part by the name Hallah, it automatically assumes the name of Terumah (V. Glos.).

(6) Hence such Hallah is called Terumah and can therefore be included in the Rabbinical enactment forbidding tithing on a Festival.

(7) To bring down the pigeons that are to be slaughtered.

(8) A man must avoid even the appearance of transgression.

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(9) The authority of Rab as head of the Babylonian Community was not to be disputed by all Amora like R. Hanan, for he was regarded as enjoying the authority of a Tanna. CF. Sanh. 83b; 'Er. 50b; etc.; cf. also Tosaf. B.M. 46b.

(10) If therefore on public ground it is forbidden because of appearances, It should also be forbidden even on private ground.

(11) This refers to clothes which were accidentally wetted on the Sabbath. For they might say that work had been done in washing. Hence there is an opinion that in private ground where the question of because of appearances does not apply it is permitted.

(12) Shab. 64b; 146b.

(13) This explanation would make Rab appear to side with Beth Shammai against Beth Hillel. But Rab would not go against the standard rule that the Halachah prevails according to the opinion of Beth Hillel.

(14) The dispute between Beth Shammai and Beth Hillel according to R. Hanan is similar to the dispute between the anonymous Tanna and Rabbis Eleazar and Simeon. Rab, however, must explain the dispute of the Mishnah as in the first stage of the argument, and Beth Hillel, according to him, permit even on public ground because the dovecote proves the intention.

## Beitzah 9b

Our Mishnah is not in agreement with the following Tanna. For it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that one may carry the ladder from one dovecote to [another] dovecote;<sup>1</sup> they dispute only about bringing it back, Beth Shammai saying: One may not bring it back, and Beth Hillel maintaining: One may even bring it back. R. Judah said: These words apply only to a dovecote ladder;<sup>2</sup> but with respect to a loft-ladder all agree that it is forbidden.<sup>3</sup> R. Dosa says: One may incline it [the ladder] from one pigeon-hole to another. Others say in the name of R. Dosa: One may even move it with [short] hop-like steps.<sup>4</sup>

The sons of R. Hiyya<sup>5</sup> went out to the Villages [to inspect the fields]. When they came back their father asked them: Has any legal question come before you? They replied to him: A case of [carrying] a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have

permitted. They were of the opinion: Since R. Judah said that they [Beth Shammai and Beth Hillel] do not dispute with respect to a loft-ladder, it follows that the first Tanna holds that they do differ [even there].<sup>6</sup> But this is not so; R. Judah is only explaining the view of the first Tanna.<sup>7</sup> Whence [is this known]? —

Since [the list Tanna] states: 'One may carry a ladder from one dovecote to another [dovecote].' If therefore you maintain that they differ with respect to a loft-ladder [instead of] this [phrase], 'One may carry a ladder from one dovecote to another dovecote,'<sup>8</sup> he should say, 'One may carry a ladder to a dovecote.'<sup>9</sup> [Evidently] this is what he means: only [the ladder] of a dovecote but not that of a loft. And the other?<sup>10</sup> —

Does it then state a ladder of a dovecote'? It [only] states 'from one dovecote to another dovecote', [indicating] even to any number of dovecotes.<sup>11</sup> Others say: A case of inclining a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have permitted. They were of the opinion that what the first Tanna<sup>12</sup> forbids, R. Dosa permits.<sup>13</sup> But it is not so. [Rather is it] what the first Tanna permits,<sup>14</sup> R. Dosa forbids.

**BUT HE MAY INCLINE IT FROM ONE PIGEON HOLE TO ANOTHER, etc.** Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival<sup>15</sup> and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival, Beth Shammai say: He may dig up [earth] with a shovel and cover [the blood], but Beth Hillel maintain: One may not slaughter unless he has [loose] earth prepared from the day before [the Festival]!<sup>16</sup>

R. Johanan replied: The authorities should be reversed.<sup>17</sup> 'Whence [does this follow]?<sup>18</sup> Perhaps Beth Shammai say thus there<sup>19</sup> only when there is [already] a shovel sticking in the earth,<sup>20</sup> but not where there is no shovel sticking in the earth.<sup>21</sup> Or perhaps Beth Hillel

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permit here<sup>22</sup> only because the dovecote makes it evident,<sup>23</sup> but there<sup>24</sup> it is not permitted!<sup>25</sup>

Rather, if there is a difficulty,<sup>26</sup> the following is the difficulty. Beth Shammai say,<sup>27</sup> One may not take [pigeons]<sup>28</sup> unless he stirred [them] up<sup>29</sup> the day before. But Beth Hillel say: He stands and declares, ‘This one or that one shall I take’.<sup>30</sup> Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient; but the following contradicts this: If one slaughters game or poultry on a Festival [etc.]! —

R. Johanan replied: The authorities should be reversed. Whence [does this follow]?<sup>31</sup> Perhaps Beth Shammai [permit] only when there is [already] a shovel sticking in the earth

- (1) In order not to be deprived of the joy of the Festival.
- (2) As his intention is then unmistakable.
- (3) For the sake of appearance, as it may certainly be thought that he wishes to repair the roof.
- (4) If the top of the ladder does not reach a particular pigeon-hole otherwise.
- (5) Judah and Hezekiah.
- (6) And, of course, Beth Hillel's view is law.
- (7) Thus none permit the use of the ladder of the loft, since R. Judah does not state a separate view.
- (8) Which signifies a ladder only used for dovecotes.
- (9) The word משייבך should have been omitted.
- (10) I.e., R. Hiyya, what was the meaning of the text to him?
- (11) The expression from ‘one dovecote to another dovecote’ is not asserting that it was a dovecote ladder, but rather that the ladder may be moved to several dovecotes.
- (12) The first Tanna of R. Dosa is R. Judah who forbids the carrying of a loft-ladder.
- (13) The loft-ladder at any rate to be inclined from one pigeon hole to another.
- (14) R. Judah permits the carrying of a dovecote ladder while R. Dosa forbids carrying and only permits inclining the ladder which had been brought to the dovecote before the Festival. But a loft-ladder would be forbidden even to incline.
- (15) Beth Shammai do not give a more lenient decision out of regard for the joy of the Festival.
- (16) Supra 2a. In this case Beth Shammai is more lenient than Beth Hillel.

(17) Rashi: The authorities in the second Mishnah are to be reversed; Tosaf.: The authorities of the first Mishnah are to be reversed.

(18) There is no need to change the authorities for the attitude of each school in the second Mishnah can be in harmony with their attitude in the first Mishnah.

(19) That it is permissible to dig up earth with a shovel.

(20) Before the Festival when there is no likelihood of breaking any law on the Festival.

(21) Even if the earth is loose, for in sticking in the shovel it would appear as if he were digging on a Festival. Similarly in the second Mishnah an onlooker might think that he was intending to repair his roof.

(22) Not out of consideration for the joy of the Festival.

(23) That no forbidden work is intended to be performed.

(24) In the first Mishnah.

(25) To dig even though the shovel was already sticking in the earth because he may cause a crumbling of the earth which is in the nature of grinding and the possibility of an infringement of the law by digging takes precedence over the consideration of the joy of the Festival.

(26) Which led R. Johanan, to reverse the authorities.

(27) Infra 10a.

(28) For slaughtering on a Festival.

(29) V. infra 10a.

(30) Preparing then, for the following day.

(31) So D.S. as supra. Cur. edd. ‘perhaps it is not so’.

### Beitzah 10a

but not when there is no shovel sticking in the earth;<sup>1</sup> or perhaps Beth Hillel rule thus only here because since it is Mukzeh,<sup>2</sup> it is sufficient if he stands and declares, ‘This one or that one shall I take’;<sup>3</sup> but there [they do] not [rule thus]!

Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take a pestle<sup>4</sup> to cut up meat thereon; but Beth Hillel permit [it].<sup>5</sup> Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry [on a Festival] Beth Shammai, etc.!—

## BEITZOH – 2a–40b

R. Johanan replied: The authorities should be reversed. ‘Whence [does this follow]? Perhaps it is not so? [Perhaps] Beth Shammai rule [thus] only there where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking in the earth. Or perhaps Beth Hillel rule thus only here, because it [the pestle] bears the designation of utensil;<sup>6</sup> but there [they do] not [rule thus]!

Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not lay out a hide<sup>7</sup> for treading on<sup>8</sup> and one may not lift it up unless it has [sticking to it] flesh [as much as] an olive;<sup>9</sup> but Beth Hillel permit.<sup>10</sup> Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts that if one slaughters game or poultry on a Festival etc! —

R. Johanan replied: The authorities should be reversed. Whence [does this follow]? Perhaps it is not so; [perhaps Beth Shammai rule thus only there, where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking in the earth. Or perhaps Beth Hillel rule thus only here because it [the hide] is fit for sitting thereon,<sup>11</sup> but there [they do] not [rule thus]!

Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take down shutters<sup>12</sup> on a Festival, but Beth Hillel permit them even to be put back.<sup>13</sup> Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival, etc.! It is well [that the rulings of] Beth Shammai are not contradictory: there [it is permitted only] when there is [already] a shovel sticking in the earth but here there is no shovel sticking in the earth.<sup>14</sup> But [the views of] Beth Hillel are contradictory! —

Said R. Johanan: The authorities should be reversed. [Why reverse the authorities]?<sup>15</sup>

Perhaps Beth Hillel rule thus only here because building and pulling down do not apply to utensils,<sup>16</sup> but there [they do] not [rule thus].

*MISHNAH.* BETH SHAMMAI SAY:<sup>17</sup> ONE MUST NOT TAKE [PIGEONS] UNLESS HE HAS STIRRED<sup>18</sup> [THEM] UP THE DAY BEFORE [THE FESTIVAL]: BUT BETH HILLEL SAY: HE STANDS AND DECLARES: THIS ONE OR THAT ONE WILL I TAKE.

*GEMARA.* R. Hanan b. Ammi said: The dispute is only with respect to the first brood<sup>19</sup> when Beth Shammai is of the opinion that<sup>20</sup> we preventively prohibit,<sup>21</sup> lest he may come to change his mind;<sup>22</sup> whereas Beth Hillel is of the opinion: We do not prohibit as a precautionary measure; but with respect to the second brood all agree that it is sufficient when he stands and declares, ‘This one or that one will I take’.<sup>23</sup>

Now according to Beth Hillel, why must he declare, ‘This one or that one will I take’, let him [rather] say, ‘Of these will I take [one] tomorrow’?<sup>24</sup> And if you reply that Beth Hillel do not accept [the law of] Bererah,<sup>25</sup> surely we have learnt:<sup>26</sup> If a corpse [lay] in a room<sup>27</sup> which has many doors<sup>28</sup> they are all unclean;<sup>29</sup> if one of these [doors] was opened,<sup>30</sup> it alone is unclean<sup>31</sup> and all the others are clean.<sup>32</sup> If he formed the intention to take it [the corpse] out through one of them, or through a window which [measures] four handbreadths square,<sup>33</sup> this gives protection to all the other doors.<sup>34</sup> Beth Shammai say: Providing that he had formed his intention to take it out<sup>35</sup> before the person died;<sup>36</sup> but Beth Hillel say: [It holds good] even [if his intention was formed] after the person died!<sup>37</sup> —

But has it not already been stated thereon: Rabbah said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now onwards.<sup>38</sup> R. Oshaia also said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now

## BEITZOH – 2a–40b

onwards; only ‘from now onwards’ but not ‘retrospectively’.<sup>39</sup> Raba says: In reality [the statement of Beth Hillel is even in respect of cleansing] retrospectively,<sup>40</sup> and here<sup>41</sup> the reason<sup>42</sup> is lest he might take up [a pigeon] and put it down again, take up [a pigeon] and put it down again and thus come to take one which is not fit for him.<sup>43</sup> But you say it is sufficient if he stands and says this or that will I take!<sup>44</sup> — This only applies on the eve of the Festival,<sup>45</sup>

(1) Similarly they do not permit to take a pigeon on a Festival unless he had specified before the Festival the particular pigeon he intended to slaughter, for after handling one he might change his mind and decide upon another and thus the handling of the first pigeon would be regarded as unnecessary work on a Festival.

(2) Viz., the prohibition of taking pigeons without previous preparation.

(3) This constitutes sufficient preparation.

(4) Used for the pounding of groats and therefore reserved for work forbidden on a Festival and so must not be handled.

(5) *Infra* 11a.

(6) *Lit.*, ‘the law of a utensil is upon it’, and one may always handle a utensil on a Festival.

(7) Flayed on the Festival.

(8) Whereby it becomes tanned.

(9) The minimum to be used as a meal and what is needful for food may be carried about on a Festival.

(10) *Cf. infra* p. 51.

(11) They used to sit cross-legged upon rugs.

(12) For it is of the nature of building and pulling clown. *V. infra* 54, n. 2.

(13) Although such work is not directly for the sake of the Festival, *infra* 11b.

(14) *I.e.*, in this case there is nothing corresponding to the shovel sticking in the earth in order to permit.

(15) *Cf. MS.M. Cur. ed. ‘or’*. [The text is in disorder: *D.S. a.l.* on the basis of different *MSS.* reconstructs it as follows: ‘On a Festival, etc.’ — *Said R. Johanan*: The authorities are reversed. But whence (does this follow)? Perhaps *Beth Shammai* rules thus only there... but here there is no shovel... earth. Or perhaps *Beth Hillel* rule thus only here because building, etc.’ — following the same line of argument as in the preceding cases].

(16) The forms of the utensils are not changed but are only used for a different purpose.

(17) *Supra* 9b. q.v.

(18) To stir up, means to examine properly what sort of bird it was.

(19) It is usual to leave the first brood as company for the parent birds.

(20) If he did not ‘stir’ them before the Festival.

(21) Taking any on the Festival.

(22) About slaughtering that particular pigeon and put it back. He would thus have handled and moved the pigeon unnecessarily. If, however, he ‘stirred’ them before the Festival and chose one for slaughter, then he has definitely made up his mind to have that bird.

(23) For there is no question of putting the bird back, since it is only the first brood that is left with the parent birds.

(24) Since a verbal preparation is sufficient to remove the prohibition of *Mukzeh*, it should be assumed that the bird chosen on the Festival is retrospectively the same one about which he spoke the day before.

(25) Retrospective selection. A legal term to denote that a present selection shall have retrospective validity. The selection of a particular dove on the Festival from a number that have been generally designated before the Festival (when it was intended to take one only) shall rank as though that dove itself has been selected before the Festival.

(26) *Infra* 37b; ‘*Er.* 68b; *Oh.* VII, 3.

(27) A corpse in a room defiles not only the vessels inside the room but even those standing just outside the door beneath the lintel of the entrance through which the corpse is to be carried out. If there is more than one entrance to the room the same rule applies to them all unless it has been specifically determined to carry it through one particular entrance. Such determination protects the other entrances.

(28) All of which are closed or open.

(29) The doors themselves and even the vessels outside under the same lintels; because the corpse may be carried out through any one of them.

(30) After the person's death.

(31) For it is assumed that the corpse will be taken out through the open door.

(32) *I.e.*, all vessels placed subsequently in the remaining entrances. With respect to those vessels placed there prior to the opening of the one door *v.* the immediately following hypothetical dispute between *Beth Shammai* and *Beth Hillel*.

(33) The minimum opening through which a whole corpse could be carried out.

(34) His intention or determination is regarded as if he had actually opened the entrance.

(35) Through a particular door.

(36) But if only after death, then those vessels which had been placed in the same entrance prior to his determination would be unclean.

(37) It ranks as though that door had been designated for that purpose immediately at death;

## BEITZOH – 2a–40b

hence we see that Beth Hillel accept the rule of Bererah.

(38) I.e., from the time subsequent to his determination. According to Beth Shammai, when there has been no determination before the death, all the entrances are unclean and the subsequent determination does not remove the uncleanness except by the actual act of opening. Not so Beth Hillel. But Beth Hillel will not accept the rule of Bererah.

(39) I.e., those vessels placed in the entrances from the time of death until the forming of his intention all agree are unclean.

(40) Because Beth Hillel accept the rule of Bererah.

(41) In our Mishnah.

(42) That Beth Hillel say that he must specify this or that.

(43) On account of Mukzeh; for his intention was to take only what was necessary' for him. If, however, he said 'this or that I will take,' he will definitely take those designated.

(44) Why not apprehend here too lest he will pick and choose since he did not 'stir' them before the Festival?

(45) I.e., if he makes this declaration on the eve of the Festival to remind him that he may not pick and choose on the Festival on account of Mukzeh.

### Beitzah 10b

but<sup>1</sup> on the Festival [itself]<sup>2</sup> it is forbidden;<sup>3</sup> for sometimes the [seemingly] fat ones are found [to be] lean, and the [seemingly] lean ones are found [to be] fat, and [thus] he handles [birds] which are not fit for him; or else, sometimes they may all be found lean, and he will leave them and thus come to refrain from the joy of the Festival.<sup>4</sup>

**MISHNAH.** IF HE DESIGNATED<sup>5</sup> BLACK [DOVES]<sup>6</sup> BUT FOUND WHITE, WHITE BUT FOUND BLACK, TWO BUT FOUND THREE, THEY ARE [ALL] FORBIDDEN;<sup>7</sup> THREE BUT FOUND TWO, THEY ARE PERMITTED. [IF HE DESIGNATED DOVES] INSIDE THE NEST AND FOUND THEM IN FRONT OF THE NEST, THEY ARE FORBIDDEN; BUT IF NONE EXCEPT THESE WERE THERE, THEY ARE PERMITTED.

**GEMARA.** Is not this self-evident? — Said Rabbah: We are dealing here with a case where he had designated black and white,<sup>8</sup> and on the following morning he found black

ones in the place of the white and white ones in the place of the black; you might say they are the very same [doves] and they had only exchanged [their nests], so he informs us<sup>9</sup> that those<sup>10</sup> are gone away and these are different ones. Shall it be said that [this Mishnah] supports the view of R. Hanina? for R. Hanina said:<sup>11</sup> [If] majority and proximity [are in opposition]<sup>12</sup> you follow the majority?<sup>13</sup> — As Abaye has explained,<sup>14</sup> when there is a board,<sup>15</sup> likewise also here [explain] when there is a board.

[IF HE DESIGNATED] TWO [DOVES] BUT FOUND THREE THEY ARE [ALL] FORBIDDEN. Whichever way you take it [they are forbidden]; if these<sup>16</sup> are other [doves], then they are indeed others;<sup>17</sup> if they are the same, then there is [another] one mixed up with them.<sup>18</sup>

[IF HE DESIGNATED] THREE [DOVES] BUT FOUND TWO THEY ARE PERMITTED. What is the reason? — They are indeed the same<sup>19</sup> and one of them has flown away. Shall it be said that the Mishnah is according to Rabbi and not according to the Sages? For we have learnt: If one deposited one hundred [Zuz]<sup>20</sup> and found two hundred,<sup>21</sup> [it is assumed that] there is Hullin [money]<sup>22</sup> and second tithing [money] mixed together. This is the opinion of Rabbi. But the Sages say: The entire sum is Hullin [money].<sup>23</sup> If he deposited two hundred [Zuz] and found one hundred, [it is assumed that] one hundred has been left<sup>24</sup> and one hundred has been taken away. This is the opinion of Rabbi. But the Sages say: The entire sum is Hullin [money].<sup>25</sup> —

You can even say [that it is] in accordance with the Sages, for It was stated thereon: R. Johanan and R. Eleazar both say:<sup>26</sup> Doves are different since they are used to hop about.<sup>27</sup> But why is it necessary<sup>28</sup> to explain here, 'doves are different since they are used to hop about'? Surely it has already been stated with respect to this [very Baraita] that [there is a dispute between] R. Johanan and R. Eleazar;

## BEITZOH – 2a–40b

one says: The controversy [between Rabbi and the Sages] is when there were two purses,<sup>29</sup> but when there is [only] one purse all agree that the entire sum is hullin.<sup>30</sup> And the other says: The dispute is when there is one purse,<sup>31</sup> but when there are two purses all agree that [we are to assume] one hundred has been left and one hundred taken away!

It is well according to the view that the dispute relates to two purses; hence it is necessary to explain here 'it is different with doves since they are used to hop about.' But according to the view that 'the dispute is [only] with respect to one purse but when there are two purses all agree that one hundred had been left and one hundred taken' why is it necessary to answer it [as above]; surely you have said indeed that they do not dispute with respect to two purses?<sup>32</sup> —

Said R. Ashi: We are dealing here with doves tied together and with purses fastened together;<sup>33</sup> doves pull themselves apart from one another, but purses do not pull themselves apart from one another.<sup>34</sup> And Rabbi?<sup>35</sup> — He will answer you: In the case of purses too, it occurs

- (1) If he has to make up his mind.
- (2) I.e., if he only said 'of these will I take tomorrow.'
- (3) To take any bird.
- (4) But had he specifically designated which to take, he would not change his mind.
- (5) For eating on the Festival.
- (6) That were in the nest.
- (7) In the first case they are definitely strange doves and in the second case since he cannot recognize the doves he designated they are all forbidden.
- (8) In two separated nests.
- (9) That we are to suppose.
- (10) Doves that have been designated for slaughter on the eve of the Festival.
- (11) B.B. 23b.
- (12) I.e., if a case can be decided one way on the ground of majority and another way on the ground of nearness. For majority and nearness, cf. Ex. XXIII, 2 and Deut. XXI, 3 respectively. V. also B.B., Sonc. ed. p. 117, n. 2.

(13) Here too it is probable that the doves are the same and that the nests have been exchanged owing to their close proximity. On the other hand it is possible to imagine these doves as part of the great majority of birds which do not belong to him and which had not been predetermined on.

(14) With reference to another case, *infra* 11a.

(15) In front of the dovecote upon which strange birds settle. Accordingly it is also probable that as soon as the old doves left their dovecote (quitted their nest), these strange doves took their place. The question of proximity therefore applies equally to the strange doves as well as to the doves that were originally in the nest in which case no one disputes that majority decides.

(16) All three.

(17) They are therefore forbidden, for these have not been designated before the Festival.

(18) And since it is not known which is the new one they are all forbidden.

(19) I.e., two of the three previously designated.

(20) I.e., one case of a hundred Zuz of the second tithe which had to be taken to Jerusalem, but which owing to the distance was converted into money. This money had to be spent in Jerusalem. V. Deut. XIV, 22-26.

(21) I.e., two one-hundred Zuz pieces.

(22) I.e., ordinary, unconsecrated, not of the second tithe.

(23) He must therefore select the finest coin for the second tithe and say: If this was originally the second tithe coin then it is well; if, on the other hand, the other coin was originally the second tithe, then let this one be exchanged for the other.

(24) For he would not have put away Hullin money together with second tithe money; and since two coins were found instead of one, it is to be assumed that the one-hundred Zuz piece of the second tithe had been taken out and put in another place, while this two-hundred is ordinary money subsequently put in the same place.

(25) Because the owner would not have separated one second tithe coin from the other except to take it to Jerusalem; hence the Sages assume that he had taken out the two hundred Zuz which he put somewhere away, replacing them by the hundred Zuz of ordinary money, but that he had forgotten the whole matter. Similarly according to the Sages it would follow that the three doves had flown away and two others came in their place. V. Pes. 100.

(26) In explanation of this seeming contradiction.

(27) Therefore one of them may have hopped away and the two left are of the original ones. But the same cannot be said with respect to money.

(28) For both R. Johanan and R. Eleazar.

(29) Each containing one hundred Zuzim. It is then that Rabbi says that one hundred was left and one hundred taken away.

# BEITZOH – 2a–40b

(30) For if he took aught of such money he would have taken the lot.

(31) It is then that the Sages assume that the entire two hundred second tithe money had been taken out and placed elsewhere.

(32) The contradiction shown between the Mishnah and the view of the Sages was removed by both R. Johanan and R. Eleazar by explaining that there was a difference between doves and coins. But since one of the same two Rabbis maintains that in the case of two purses each containing one hundred Zuzim the Sages agree that the hundred left is part of the original, which is in agreement with the statement in the Mishnah, then why was he a party to that explanation of the contradiction?

(33) The expression ‘One purse containing two hundred Zuzim’ means two purses, each containing one hundred Zuzim, tied together and regarded as one purse; likewise ‘two purses’ would mean when they are not tied together. In the former case the Sages hold that the purse left is not one of the original two that were tied together. This view is contradictory to the Mishnah which says that the two doves found are of the original three that were tied together from which one had torn itself away. This contradiction is overcome by drawing a distinction between live birds and inanimate purses.

(34) And therefore the purse left may not be of the original two tied together.

(35) Surely this is a logical distinction!

## Beitzah 11a

that their knot becomes worn out.

**WITHIN THE NEST AND FOUND THEM IN FRONT OF THE NEST THEY ARE FORBIDDEN.** Shall it be said that this<sup>1</sup> supports the view of R. Hanina? For R. Hanina said:<sup>2</sup> [If] majority and proximity [are in opposition] you follow the majority?—

Said Abaye: When there is a board.<sup>3</sup> Raba says: ‘We are treating here of two nests one above the other;<sup>4</sup> and it goes without saying that if he designated [doves] in the lower [nest] and did not designate [those] in the upper, and [on the morrow] finds [doves] in the lower [nest] and none in the upper they are forbidden, for we assume that those of the lower [nest] had flown away and these<sup>5</sup> had indeed hopped down; but even if he designated [doves] in the upper [nest] and did not designate [those] in the lower and he came

and found [some] in the upper and did not find [any] in the lower, these too are forbidden, for we assume that those had flown away and these had indeed fluttered up.<sup>7</sup>

**BUT IF NONE EXCEPT THESE WERE THERE THEY ARE PERMITTED.** What are the circumstances? If you say that [this refers] to those which can fly, then it is possible to assume that those had flown away and these are different ones? And if [this refers] to those which can [only] hop,<sup>8</sup> then if there is [another] nest within fifty cubits, they might indeed have hopped away;<sup>9</sup> and if there is no [other] nest within fifty cubits, it is obvious that they are permitted, for Mar ‘Ukba b. Hama said: ‘Whatever hops does not hop more than fifty cubits! — In truth [it means] where there is [another] nest within fifty cubits, but e.g., it is situated round a corner; you might say that they have indeed hopped away,’ so it<sup>10</sup> informs us that they only hop along as long as by turning they see their nest,<sup>11</sup> but if not,<sup>12</sup> they do not hop away.

**MISHNAH.** BETH SHAMMAI SAY:<sup>13</sup> YOU MAY NOT TAKE A PESTLE<sup>14</sup> TO CUT UP MEAT THEREON,<sup>15</sup> BUT BETH HILLEL PERMIT [IT]. BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE<sup>16</sup> FOR TREADING ON<sup>17</sup> NOR MAY HE LIFT IT UP UNLESS THERE IS AS MUCH AS AN OLIVE OF FLESH WITH IT,<sup>18</sup> BUT BETH HILLEL PERMIT IT.

**GEMARA.** A Tanna taught: And they [both] agree that if he had already cut up meat thereon, it [the pestle] may not be moved.<sup>19</sup> Abaye said: The dispute is [only] with respect to a pestle, but in the case of a butcher's block<sup>20</sup> all agree that it is permitted. This is obvious: we learnt, A PESTLE!<sup>21</sup> —

You might say that the same applies even to a butcher's block<sup>22</sup> and the reason it states PESTLE is in order to inform you of the extent of the view of Beth Hillel that even an object specially made for work which is forbidden<sup>23</sup> is also permitted; hence he

## BEITZOH – 2a–40b

informs us [that it is not so]. Others state; Abaye [himself] replied:<sup>24</sup> It is only necessary [to teach] that even a new butcher's block [is permitted]. You might say: He may change his mind and not cut up [meat] on it,<sup>25</sup> so he informs us [that this is not so]. Do then Beth Shammai not fear [the possibility of] one changing his mind?<sup>26</sup>

Surely it was taught: Beth Shammai say: One may not lead the slaughterer<sup>27</sup> and the knife to the animal [to be slaughtered]<sup>28</sup> nor the animal to the slaughterer and the knife; but Beth Hillel say: One may bring the one to the other. Beth Shammai say: One may not carry spices or a pestle to the mortar, nor the mortar to the spices or the pestle; but Beth Hillel say: One may bring the one to the other! —

What comparison is this? [With respect to] an animal it is well: he may come to change his mind saying, let us leave this lean animal and I will bring another animal which is fatter than this; [with respect to] a dish too he may come to change his mind, saying, let us leave this dish which requires spices and I will bring another [dish] which does not require spices. [But] here what are we to suppose? He will change his mind and not cut up [the meat]? Since he has already slaughtered [the animal], it has to be cut up.

**BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE. A Tanna taught: And they [both] agree that one may salt upon it meat for roasting.<sup>29</sup> Abaye said: It was taught only [when it is] for roasting but not for boiling.<sup>30</sup> This is obvious: We learnt<sup>31</sup> ‘for roasting’? —**

This he [Abaye] informs us that even for roasting [to salt it almost as much] as for boiling is [also] forbidden. Our Rabbis taught: One may neither salt<sup>32</sup> pieces of suet<sup>33</sup> for turn them about.<sup>34</sup> They reported in the name of R. Joshua: One may spread them out in the air on pegs [of wood]. R. Mattenah said: The Halachah is as R. Joshua. Others state: R. Mattenah said: The Halachah is not

as R. Joshua. This is well according to the version, ‘the Halachah is as R. Joshua’, [then it is necessary]: For I might say, [when] an individual and a majority [are in dispute] the Halachah is as the majority: [hence] he informs us that [here] the Halachah is as the individual. But according to the version ‘the Halachah is not as R. Joshua’, it is obvious: [for when] an individual and a majority [are in dispute], the Halachah is as the majority!—

You might think that the opinion of R. Joshua is logical, for if you will not permit him<sup>35</sup> he will altogether forbear to slaughter,<sup>36</sup> so he informs us.<sup>37</sup> And why is this different from the case of placing a hide before the treading place?<sup>38</sup> —

- (1) Statement of the Mishnah in assuming that the doves now found in front of the nest are not those that were originally within the nest.
- (2) Supra 10b; B.B. 23b.
- (3) Before the dove-cote upon which strange doves settle. V. supra p. 48, n. 2.
- (4) And the reason they are forbidden is on account of Mukzeh and not that we regard them as part of the great majority of bids.
- (5) At present in the lower nest.
- (6) First mentioned.
- (7) From the nest below.
- (8) I.e., young ones that cannot yet fly.
- (9) From their own cote and settled here.
- (10) The Mishnah.
- (11) I.e., so long as their nest is within sight.
- (12) If by turning they cannot see their own nest.
- (13) Supra 10a.
- (14) Normally used for pounding grain, a work forbidden on a Festival.
- (15) Work permitted on a Festival.
- (16) Flayed on a Festival.
- (17) Or, ‘before the treading place’, i.e., to be walked on as a door-mat whereby it becomes tanned; v. p. 43.
- (18) I.e., clinging to it.
- (19) For the purpose for which it was needed had already been done.
- (20) Lit., ‘bone-breaker’.
- (21) But not a butcher's block.
- (22) I.e., Beth Shammai prohibits this too, lest after taking it he changes his mind and does not use it at all.
- (23) On a Festival; v. p. 51, n. 7.
- (24) To the question ‘is it not obvious?’
- (25) In order to spare it so as not to spoil it; hence it should be forbidden; cf. n. 1.

# BEITZOH – 2a–40b

(26) For we have just said according to Abaye that Beth Shammai agree that a new butcher's block may be moved for cutting up meat thereon, and they do not take into consideration the possibility of changing the mind.

(27) V. Marg. note; cf. also D.S.

(28) If they are distant from one another lest the slaughtering might not take place, and unnecessary toil is forbidden on a Festival.

(29) Although salt assists the tanning, because very little salt is used when the meat is to be roasted.

(30) Where much salt is required.

(31) The word *תג* is used here loosely as it refers to a Baraitha.

(32) On a Festival.

(33) In order to preserve them for use after the Festival. Suet may not be eaten but may be used for making candles, etc.

(34) To prevent them decaying.

(35) To spread the pieces of suet on pegs.

(36) And thus be deprived of the joy of the Festival.

(37) That we do not follow the opinion of R. Joshua.

(38) Which Beth Hillel permit for the reason that if you will not allow him to do this he will omit slaughtering altogether.

## Beitzah 11b

There it is not manifest,<sup>1</sup> since it [the hide] is fit to be used as a mat to sit on. Here [however] he will be led to argue: 'What is the reason [that] the Rabbis permitted me [to spread it on pegs]: so that it should not become offensive: what difference is there whether I spread them or salt them? Rab Judah in the name of Samuel said: A man may salt [on a Festival] several pieces of meat together even though he needs only one piece.<sup>2</sup> R. Adda b. Ahabah made use of an artifice and salted piece after piece.<sup>3</sup>

**MISHNAH.** BETH SHAMMAI SAY:<sup>4</sup> ONE MAY NOT TAKE DOWN SHUTTERS ON A FESTIVAL,<sup>5</sup> BUT BETH HILLEL PERMIT EVEN TO PUT THEM BACK AGAIN.

**GEMARA.** What [kind of] shutters? — Said 'Ulla: The shutters of a [shopkeeper's] stall.<sup>6</sup> 'Ulla further said: There are three cases where [the Rabbis] allowed the completing [of the action]<sup>7</sup> on account of its beginning,<sup>8</sup> and they are as follows: [The placing of] the hide for people to tread on;<sup>9</sup> [the taking down of]

shutters from stalls<sup>10</sup> and the replacing of a plaster<sup>11</sup> in the Temple. And Rehaba said in the name of Rabbi Judah:<sup>12</sup> Also he who opens his cask [of wine] or commences [cutting] into his dough for the requirements of the Festival<sup>13</sup> and according to R. Judah who Says: He may finish [selling them after the Festival].<sup>14</sup> '[The placing of] the hide for people to tread on'; we have [already] learnt it!<sup>15</sup> —

You might say that the reason of Beth Hillel<sup>16</sup> is because it is fit to be used as a mat and therefore even though [the hide was flayed] before the Festival it is also [permitted]; so he informs us [that] they permitted its completion for the sake of the beginning: [therefore if flayed] on the Festival it is [permitted], before the Festival it is not [permitted].

'[THE TAKING DOWN OF] SHUTTERS FROM STALLS' we have also learnt, [viz., but Beth Hillel permit even to put them back again]: — You might say that the reason of Beth Hillel is that building or demolishing does not apply to utensils and [therefore] even [the lids of chests in] houses are also permitted,<sup>17</sup> so he informs us that they only permitted its completion on account of the beginning; therefore of stalls only [is it permitted] but not of [chests in] houses.<sup>18</sup> 'The replacing of a plaster in the Temple' we have also learnt [viz.]:<sup>19</sup> One may replace<sup>20</sup> a plaster [on a wound] in the Temple but not in the country:<sup>21</sup> —

You might Say, what is the reason? Because there is no shebuth<sup>22</sup> in the Temple and [therefore] even a priest not performing a Temple service [may also replace a plaster], so he informs us that they [only] permitted its completion on account of the beginning, [therefore it is permitted] only in the case of [a priest] performing a Temple service, but not when not performing a Temple service. '[The case of] opening a cask', we have also learnt<sup>23</sup> [viz.]: He who opens his cask [of wine] or commences cutting into his dough for the

## BEITZOH – 2a–40b

requirements of the Festival, R. Judah says: He may finish [selling them after the Festival]; but the Sages say: He may not finish! —

You might say that the Rabbis regarded the uncleanness of an ‘am ha-arez during the [period of the] Festival as cleanness and [therefore] even though he had not commenced<sup>24</sup> it is also [permitted];<sup>25</sup> so he informs us that they only permitted its completion on account of the beginning, [therefore] only if he had commenced [to sell them during the Festival] but not if he had not commenced.<sup>26</sup> And ‘Ulla: What is the reason that he does not state this?<sup>27</sup> — He does not deal with [cases] where there is a dispute. But there is a dispute concerning those too!<sup>28</sup> —

The [opinion of] Beth Shammai against that of Beth Hillel is regarded as having no authority.<sup>29</sup> Our Mishnah<sup>30</sup> is not according to the following Tanna; for it was taught: R. Simeon b. Eleazar says: Beth Shammai and Beth Hillel agree that one may take down the shutters on a Festival; they dispute only about replacing, Beth Shammai maintaining: One may not replace [them]; while Beth Hillel rules: One may even replace [them]. When is this said? Where they [the shutters] have hinges,<sup>31</sup> but if they have no hinges all agree that it is permitted [even to replace them]. But it was taught: This applies only if they have no hinges, but if they have hinges all agree that it is forbidden! —

Said Abaye: When they have hinges on the side all<sup>32</sup> agree that it is forbidden;<sup>33</sup> they only dispute where there is a hinge in the middle:

- (1) That the spreading of the hide is for tanning.
- (2) For this is not doing extra work, for there is one act of salting whether it be for one or for several pieces.
- (3) After salting one piece for eating on the same day, he took another under the pretence that it was preferable, and so on until the whole was salted. The object was to preserve the meat in better condition for the days following the Festival.
- (4) Supra 10a.

(5) For it is of the nature of building and pulling down, work forbidden on a Festival.

(6) Although general trading is prohibited on a Festival, yet things necessary for the full enjoyment of the Festival may be sold on trust, no payment being made on the day of the Festival. One or two shutters were taken down to show that such goods might be obtained.

(7) Which was not necessary for the Festival and in an ordinary way would have been prohibited.

(8) The beginning of the action was necessary for the enjoyment of the Festival and so the ending is permitted for the sake of the beginning. If it were forbidden, it might cause the neglect of beginning certain work which was necessary for the full enjoyment of the Festival.

(9) If he would not be allowed to use the skin in this way he would not kill.

(10) If he will not be allowed to close he will not open to give food.

(11) To apply a plaster on the Sabbath is forbidden. If, however, a priest having a plaster on a wound on his hand by reason of which he may not perform the Temple service (because nothing may adhere to his hand during the Temple service) has removed same, then he may replace it after the Temple service is over.

(12) [The reference is to Rab Judah, whom Rehaba designated as ‘Rabbi’ (‘my teacher’) because he was his teacher (Rashi). V. D.S. a.l.]

(13) To retail these to the pilgrims during the Festival among whom may be some of the עמי הארץ who do not observe the law of purification and who may have come into contact with the wine or bread thus rendering them unclean. According to R. Judah, the remainder also may after the Festival be bought by or sold to anyone however scrupulous he may be. V. p. 56, n. 1. Here, too, if we do not allow him to sell after the Festival, he will not commence opening for the Festival.

(14) This is explained infra.

(15) Supra 11a. Then why mention it again?

(16) In permitting the hide to be trodden on.

(17) To be taken off and to be put back again.

(18) I.e., even Beth Hillel hold that building or demolishing with respect to utensils is Rabbinically prohibited, but here they permit only on account of the enjoyment of the Festival.

(19) ‘Er. 102b.

(20) On a Sabbath.

(21) מדינה (country) used here as opposed to מקדש (Sanctuary, Temple precincts).

(22) A Rabbinical Statute concerning the true keeping of the Sabbath; an act forbidden by the Rabbis on a Sabbath as being out of harmony with the celebration of the day. The replacing of a plaster on a Sabbath, like other medicinal remedies, is forbidden by the Rabbis as a preventive measure against pounding spices. The

# BEITZOH – 2a–40b

prohibition of acts as Shebuth, however, did not apply to Temple duties. V. Glos.

(23) Hag. 26b. Wine or dough which has been touched by an 'am ha-arez may not be bought by or sold to persons who are scrupulous about purification, for the 'am ha-arez is suspected of being unclean. If an 'am ha-arez comes into contact with the wine or the dough during the Festival, they are not contaminated and may be bought by or sold to anybody during the Festival, even the most scrupulous. Should any wine or dough remain after the Festival, R. Judah and the Sages dispute whether these may continue to be bought by or sold to scrupulous people. If, however, wine or dough not for sale during the Festival came in contact with an 'am ha-arez, such may not be bought by or sold to the scrupulous after the Festival even according to R. Judah.

(24) To sell during the Festival.

(25) To the most scrupulous according to R. Judah, even though an 'am ha-arez had come into contact with these.

(26) The uncleanness of an 'am ha-arez was regarded as clean only with respect to things that were started to be sold, but if an 'am ha-arez touched a thing that had not been started to be sold, he contaminated them.

(27) Additional case of Rehaba.

(28) For Beth Shammai dispute the three cases he mentions.

(29) Lit., 'Beth Shammai('s view), in the place of Beth Hillel is not a Mishnah', since the Halachah is determined according to Beth Hillel. Cf. Ber. 36b, Yeb. 9a.

(30) Which states the dispute between Beth Shammai and Beth Hillel with respect to taking down shutters.

(31) In which case replacing appears more in the nature of building.

(32) Both Beth Shammai and Beth Hillel.

(33) Because it is more difficult to put them back.

## Beitzah 12a

One master<sup>1</sup> holds that we preventively prohibit a hinge in the centre on account of a hinge at the side;<sup>2</sup> and the other master<sup>3</sup> is of the opinion we do not preventively prohibit.<sup>4</sup>

**MISHNAH.** BETH SHAMMAI SAY: ONE MAY NOT CARRY OUT AN INFANT<sup>5</sup> OR A LULAB<sup>6</sup> OR A SCROLL OF THE LAW<sup>7</sup> INTO PUBLIC GROUND,<sup>8</sup> BUT BETH HILLEL PERMIT [IT].

**GEMARA.** A Tanna taught before R. Isaac b. Abdimi: He who slaughters a freewill burnt-offering on a Festival is flagellated.<sup>9</sup> Said he to

him: He who taught you this held the opinion of Beth Shammai who maintain: We do not say, 'Since carrying out is permitted for what is [actually] necessary [for the preparation of food], it is also permitted for that which is not necessary'.<sup>10</sup> For if [he held the opinion of] Beth Hillel, surely they maintain: 'Since carrying out is permitted where it is necessary, it is also permitted where it is not necessary', so also here, since slaughtering is permitted where it is necessary<sup>11</sup> it is also permitted where it is not necessary.<sup>12</sup>

To this Rabbah demurred: Whence do you know that Beth Shammai and Beth Hillel differ on this [point]; perhaps they differ as to whether [the laws of] 'Erub and carrying out apply to Sabbath, but [the laws of] 'Erub and carrying out do not apply to a Festival?<sup>13</sup> One Master is of the opinion, 'Erub and [the laws of] carrying out apply to both the Sabbath and the Festival,<sup>14</sup> and the other Master maintains, 'Erub and [the laws of] carrying out apply to Sabbath but 'Erub and [the laws of] carrying out do not apply to the Festival, as it is written, Neither carry forth a burden out of your houses on the Sabbath day,<sup>15</sup> only on the Sabbath day but not on the Festival!<sup>16</sup>

To this R. Joseph demurred [in turn]: If so,<sup>17</sup> let them<sup>18</sup> dispute with respect to stones!<sup>19</sup> Since, however, they do not dispute about stones, infer from it that they differ with respect to carrying out [things] that are not necessary [in the preparation of food].<sup>20</sup> R. Johanan is also of the opinion that they differ in whether [we say], 'Since carrying out is permitted for what is necessary [in the preparation of food] it is also permitted for what is not necessary [in the preparation of food]'; for a Tanna recited before R. Johanan:<sup>21</sup> He who boils the thigh sinew on a Festival<sup>22</sup> in milk and eats it is flagellated on five counts, for [unnecessarily] cooking the sinew on a Festival,<sup>23</sup> for eating the sinew, for boiling meat in milk,<sup>24</sup> for eating meat with milk,<sup>24</sup> and

(1) I.e., Beth Shammai.

# BEITZOH – 2a–40b

(2) If the former is permitted, one will think that the latter, too, is permitted.

(3) I.e., Beth Hillel.

(4) And therefore permit even to put them back again. The two Baraita therefore are not contradictory, for each refers to a different case.

(5) On a Festival, even to circumcise it. The circumcision ceremony was usually performed in a synagogue, hence the need to carry the infant out.

(6) Lit., ‘palm-branch’, which bound together with myrtles and willows was carried, together with a citron, during the Feast of Tabernacles. V. Lev. XXIII, 40. Beth Shammai prohibit the carrying out of the Lulab even for the purpose of fulfilling this command.

(7) For the purpose of reading it.

(8) For only such work as is necessary in the preparation of food may be done on a Festival.

(9) The only offering which an individual may bring on a Festival is one part of which he may eat. But a burnt-offering is entirely consumed by fire on the altar; hence he does unnecessary work on the Festival. Obligatory

(i.e., public) burnt-offerings are however permitted, as are all public sacrifices, both on the Sabbath and on Festivals, but voluntary offerings can be offered after the Festival.

(10) As follows from our Mishnah.

(11) For his own food during the Festival.

(12) As the freewill burnt-offering.

(13) The carrying of articles from one domain to another is forbidden, yet by means of an ‘Erub it is permitted. ‘Erub is a symbolical act by which is established the legal fiction of joining one private estate with another private estate, thus extending the area in which things could be carried.

(14) Just as it is not permitted on a Sabbath to carry from one domain to another without an ‘Erub, so on a Festival.

(15) Jer. XVII, 22.

(16) Thus Beth Hillel too may hold that we do not say, ‘Since a certain labor is permitted in the preparation of food, it is also permitted in other cases too’, their reason in the Mishnah being that they do not regard carrying out as a labor at all vis a vis Festivals.

(17) That Beth Hillel hold that the prohibition of carrying without an ‘Erub does not apply to Festivals.

(18) Beth Shammai and Beth Hillel.

(19) Which it is altogether unnecessary to carry out; whether these may be carried out on Festivals into a public domain, v. Tosaf. s.v. ג"ה and R. Hananel.

(20) But for the carrying out of which there is nevertheless some reason as the examples quoted in the Mishnah, v. loc. cit.

(21) Mak. 21b; Yes. 47b. In Mak. the reading is slightly different.

(22) Forbidden in Gen. XXXII, 33.

(23) Since the sinew may not be eaten, the work of cooking it is unnecessary and consequently punishable by flogging. The same applies to the work of kindling a fire.

(24) The prohibition of boiling meat with milk or eating of the same as well as making any use thereof is derived from the three passages of Scripture (Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21) forbidding to seeth a kid in its mother's milk.

## Beitzah 12b

for kindling fire.<sup>1</sup> Said he [R. Johanan] to him: Go, teach [this] outside [the Academy]; [what you have said with respect to] kindling and cooking has no authority, and if you say that it has an authority, [that authority] must be Beth Shammai who maintain that we do not say, ‘Since carrying out [on a Festival] is permitted for what is necessary<sup>2</sup> it is also permitted for what is not necessary’, likewise [they maintain] here that we do not say, ‘Since the kindling of fire is permitted [on a Festival] for what is necessary, it is also permitted for what is not necessary’. For according to Beth Hillel, since they maintain [that we do say] ‘Since carrying out is permitted for what is necessary, it is also permitted for what is not necessary’, so also they would maintain here [that we say], ‘Since the kindling of fire is permitted for what is necessary. it is also permitted for what is not necessary’.<sup>3</sup>

*MISHNAH.* BETH SHAMMAI SAY: YOU MAY NOT TAKE TO THE PRIEST HALLAH<sup>4</sup> OR PRIESTLY DUES<sup>5</sup> ON A FESTIVAL WHETHER THEY WERE SEPARATED ON THE DAY BEFORE OR ON THE SAME DAY. BUT BETH HILLEL PERMIT IT. SAID BETH SHAMMAI TO THEM: AN ANALOGY [SUPPORTS OUR VIEW]: HALLAH AND PRIESTLY DUES ARE A GIFT TO THE PRIEST AND TERUMAH<sup>6</sup> IS [LIKEWISE] A GIFT TO THE PRIEST; JUST AS ONE MAY NOT TAKE [TO THE PRIEST] TERUMAH<sup>7</sup> SO ONE MAY NOT TAKE [TO HIM] PRIESTLY DUES. BETH HILLEL, REPLIED TO THEM: NO! IF YOU SAY<sup>8</sup> IN THE CASE OF TERUMAH WHICH HE HAS NOT THE RIGHT TO SEPARATE,<sup>9</sup> WILL YOU SAY

## BEITZOH – 2a–40b

[THE SAME] WITH RESPECT TO PRIESTLY DUES WHICH HE IS PERMITTED TO SEPARATE?<sup>10</sup>

GEMARA. Now it was assumed that [the Mishnah means where] they were [both] separated on that day and slaughtered on that day, and [where] they were [both] separated the day before and slaughtered the day before. Who is [the authority for] our Mishnah: It is neither R. Jose nor R. Judah but the ‘Others’!<sup>11</sup> For it was taught: R. Judah said: Beth Shammai and Beth Hillel did not differ concerning the dues which were separated on the eve of the Festival, [both agreeing] that you may take them together with the dues which were separated and killed on the same day [viz., the Festival]!<sup>12</sup> They differ only whether one may take them<sup>13</sup> by themselves, when Beth Shammai say: You may not take [them], and Beth Hillel maintain: You may take [them]. And this is how Beth Shammai argued: Hallah and Priestly Dues are a gift to the priest and Terumah is a gift to the priest; just as you may not take Terumah, so may you not take Priestly Dues. Beth Hillel replied to them: No! If you say [thus] of Terumah which he has not the right to set apart [on a Festival], would you say [the same] of Priestly Dues which he has the right to set apart!

R. Jose said: Beth Shammai and Beth Hillel do not differ about the Priestly Dues, [both agreeing] that you may take [them];<sup>14</sup> they dispute only with respect to Terumah when Beth Shammai say: You may not take [it],<sup>15</sup> and Beth Hillel maintain: You may take [it]. And this is how Beth Hillel argued: Hallah and Priestly Dues are a gift to the priest and Terumah is a gift to the priest; just as you may take the Priestly Dues [to the priest] so may you take Terumah [to him]. Beth Shammai replied to them: No! If you say [thus] of Priestly Dues which he has the right to separate [on a Festival], would you say [the same] of Terumah which he has not the right to separate!

Others say: Beth Shammai and Beth Hillel do not differ about Terumah, [both agreeing] that you may not take [it]; they dispute only with respect to the Priestly Dues, when Beth Shammai say: You may not take [them] and Beth Hillel maintain: You may take [them]. Now shall it be said that it [the Mishnah] is [the ruling of] ‘Others’ and not [the ruling of] R. Judah?<sup>16</sup>—

Said Raba: Does it then say, ‘Which were separated that day and killed that day’? It [only] says, ‘WHICH WERE SEPARATED [etc.]’ but in reality they were slaughtered the day before. [Accordingly] shall it be said that it [the Mishnah] is according to R. Judah and not according to the ‘Others’?<sup>17</sup> — You can even say, [It agrees with] the ‘Others’, for [they speak of Priestly Dues separated on a Festival] from those [animals] slaughtered the day before. If so they are identical with R. Judah! — They differ in respect of being brought together with other Priestly Dues.<sup>18</sup> Rab Judah said in the name of Samuel: The Halachah is as R. Jose.<sup>19</sup>

R. Tobi the son of R. Nehemiah had a jug of wine of Terumah. He came to R. Joseph asking him: May I carry it now [on the Festival] to the priest? He answered him: Thus did Rab Judah say in the name of Samuel: The Halachah is as R. Jose.

The host<sup>20</sup> of Rab, son of R. Hanan had bundles of mustard-stalks [and] he asked him: Is it permissible to crush it on the Festival and eat of it?<sup>21</sup> He could not answer.<sup>22</sup> He went to Raba who replied: You may rub ears of corn together<sup>23</sup> and crumble pods<sup>24</sup> on a Festival.<sup>25</sup> Abaye raised an objection: He who rubs ears of corn on the eve of the Sabbath may winnow them on the following day [Sabbath] from hand to hand and eat, but [he may] not [winnow them] with a reed-basket nor with a dish. He who rubs ears of corn on the eve of a Festival may winnow them on the following day [the Festival] little by little<sup>26</sup> and eat, even with a reed-basket and even with a dish, but not with a tray nor with a winnowing fan nor

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in a sieve.<sup>27</sup> [Now] only ‘on the eve of the Festival’ [is rubbing of corn stated to be permitted] but not on the Festival [itself]!<sup>28</sup> —

You may even say [that it may be done] on the Festival [itself], but because he states in the first part [of the passage] ‘on the eve of the Sabbath’, he also states in the concluding part ‘on the eve of a Festival’. If so,<sup>29</sup> we find that one has the right to separate [on a Festival]<sup>30</sup> and we have learnt: **NO! IF YOU SAY THAT WITH RESPECT TO TERUMAH WHICH HE HAS NO RIGHT TO SEPARATE, etc.!** — This is no difficulty:

- (1) V. Ex. XII, 16 and cf. n. 4.
- (2) As in the preparation of food.
- (3) This proves that R. Johanan is also of the opinion that the dispute between Beth Shammai and Beth Hillel is whether we say, ‘Since carrying out is permitted, etc.
- (4) Dough-offering. V. Num. XV, 17-21. Although Hallah may be taken from the dough in order to enable the dough to be eaten, it may not be carried to the priest.
- (5) For the different parts of a slaughtered animal which fall to the share of the priest, v. Deut. XVIII, 3.
- (6) Heave-offering. V. Num. XVIII, 11ff and Glos.
- (7) To the priest on a Festival, since it could have been taken to the priest before the Festival when it was separated.
- (8) That one may not bring to the priest on a Festival.
- (9) On a Festival; cf. infra 36b.
- (10) Since slaughtering is permitted on a Festival. Surely not!
- (11) ‘Others’ usually refers to R. Meir; Hor. 13b.
- (12) He regards the latter as axiomatic, and permits the former because no extra work is involved.
- (13) The Priestly Dues separated before the Festival.
- (14) The same holds good with respect to Hallah.
- (15) To the priest on a Festival.
- (16) The Mishnah can certainly not agree with R. Jose; but can it agree with R. Judah?
- (17) For according to the present explanation, even Beth Shammai permit taking to the priest the Priestly Dues of animals slaughtered on the Festival. Put the ‘Others’ represent Beth Shammai as prohibiting the bringing of Priestly Dues from both an animal slaughtered before or on the day of the Festival.
- (18) Which were separated on the Festival itself. In R. Judah’s opinion Beth Shammai permit them to

be taken in conjunction with similar gifts separated on the day of the Festival.

- (19) Who hold that Beth Hillel permits even Terumah to be taken to the priest on a Festival.
- (20) I.e., Innkeeper.
- (21) Is crushing prohibited since it is possible to do this before the Festival?
- (22) Lit., ‘it was not in his hand’.
- (23) To separate the grain from the chaff; v. infra 13b.
- (24) To get the seeds out.
- (25) Since rubbing ears of corn is different from the usual manner of threshing and does not involve culpability on a Sabbath it is altogether permitted in the case of a Festival.
- (26) Lit., ‘upon the hand’, v. fast. s.v. 77.
- (27) Such vessels are used for large quantities and it would appear as if he was preparing for the following day.
- (28) Which contradicts Rab b. R. Hanan.
- (29) That one may rub ears of corn on a Festival.
- (30) Corn is liable for tithing only after it has been threshed, winnowed and piled up in a heap, after which nothing may be eaten until Terumah is taken. But before it is subject to tithe a light meal is permitted. By allowing a man on a Festival to rub ears of corn and eat the grain it follows that he must also be permitted to take Terumah which he would not have done before, as Terumah is generally not separated in the ears of corn until they have been turned into grain.

## Beitzah 13a

One<sup>1</sup> is [according to] Rabbi and the other<sup>2</sup> is [according to] R. Jose son of R. Judah.<sup>3</sup> For it was taught: If he brought in ears of corn<sup>4</sup> to make dough therefrom, he may eat a slender repast<sup>5</sup> thereof and it is exempt [from Terumah]; [if however he brought in the ears of corn] in order to rub the in together,<sup>6</sup> Rabbi declares them liable [to Terumah]<sup>7</sup> and R. Jose son of R. Judah exempts them.<sup>8</sup> But [even] according to R. Jose son of R. Judah, it<sup>9</sup> may also occur when, for example, one has brought in ears of corn to make dough therefrom<sup>10</sup> and on the Festival changed his mind [deciding] to rub them,<sup>11</sup> so that they become tebel<sup>12</sup> on the day [of the Festival]!<sup>13</sup> —

Rather what does Terumah [mentioned in the Mishnah] mean? Terumah [as separated] in most cases.<sup>14</sup> Abaye said: The dispute<sup>15</sup> is only with respect to ears of corn,<sup>16</sup> but in the case

## BEITZOH – 2a–40b

of grain of pulse all agree that when in bundles they are tebel.<sup>17</sup> Shall it be said that the following supports him? [For we have learnt]: He who had bundles of fenugreek of Tebel, must beat out [the seeds] and estimate how much seed there is in them and separate [Terumah] on the seed, but he does not separate [Terumah] on the stalks.<sup>18</sup> Is not the author of this R. Jose son of R. Judah who says there<sup>19</sup> that it is not Tebel, yet here<sup>20</sup> it is tebel?<sup>21</sup> —

No, it is in accordance with the opinion of Rabbi.<sup>22</sup> If it is in accordance with Rabbi, [then] why state fenugreek; even ears of corn too [are liable to be tithed]? —

What then: [it is according to] R. Jose son of R. Judah? Let [the text] inform us of other kinds of pulse<sup>23</sup> and [I would infer] how much more [is it true of] fenugreek? But he [the Tanna] needs [to teach it about] fenugreek; for I might have thought that since the stalks have the same taste as the fruit, he should also give tithe on the stalks,<sup>24</sup> so he informs us [that it is not so]. Others state: Abaye said: The dispute is only with respect to ears of corn,<sup>25</sup> but as for grain of pulse all agree that when in bundles they are not tebel.<sup>26</sup>

An objection is raised: He who had bundles of fenugreek of Tebel, he must beat out [the seeds] and estimate how much seed there is in them and separate [Terumah] on the seed but not on the stalks. Does not Tebel connote that it is Tebel in respect of terumah?<sup>27</sup> —

No, [it means] Tebel in respect of the Terumah of the tithe,<sup>28</sup> and it is in accordance with R. Abbahu's dictum in the name of R. Simeon b. Lakish. For R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe [Levitical] which one anticipated while the corn was yet in the ears,<sup>29</sup> its designation renders it Tebel in respect of the Terumah of the tithe.<sup>30</sup> Why must he [the Levite] beat out [the seeds]? Let him say [to the priest]: Just as they have given them to me so will I give them to you!<sup>31</sup> —

Said Raba: This is a penalty.<sup>32</sup> Likewise has it been taught: A Levite to whom his tithes were given while the corn was still in the ear, must<sup>33</sup> make it [fit for] a barn;<sup>34</sup> [if it is] grapes, he must make them into wine; if olives, he must turn them into oil; [only] then does he separate the Terumah of [the] tithe and give same to the priest. For just as the great Terumah is taken

(1) The Baraitha allowing the corn to be rubbed and eaten on the Festival.

(2) Our Mishnah.

(3) Both agree that rubbing ears of corn on a Festival is allowed. They only dispute whether Terumah must then be separated. Rabbi maintains that it is required; consequently Terumah may in such a case be separated on a Festival. R. Jose, however, holds that it is unnecessary; hence Terumah may never be separated on a Festival (Rashi). Tosaf: This, i.e., the Mishnah, is according to Rabbi, for since Rabbi holds that the bringing in of the ears for eating raw constitutes the final stage for tithing, Terumah could and should have been separated before the Festival; and it is a general rule that whatever could be done before the Festival may not be done on the Festival. But the Baraitha is according to R. Jose b. R. Judah: for since he holds that the bringing in of the ears for eating raw does not constitute the final stage for tithing, there was no obligation to tithe them before the Festival; hence if he decides on the Festival to make a full meal of them, he must first separate Terumah; since there was no obligation before, it is regarded as something which could not be done earlier, and therefore it is permitted on a Festival.

(4) Not yet ready for tithing.

(5) V. p. 62, n. 13.

(6) And to eat the grain raw little by little.

(7) According to Rabbi, the bringing in of corn into the house for the purpose of eating raw grain corresponds to the finishing touch of the corn brought into the barn and makes it liable for tithing even for a light meal.

(8) He draws a distinction between the two purposes. For the Biblical expression  $\text{גָּזַר}$  (Num. XVIII, 27) signifies corn which has been threshed and leveled out in a heap, and as this corn was brought in the ears, it has not had the finishing touch making it ready for tithing.

(9) The taking of Terumah on a Festival.

(10) After the usual threshing and winnowing.

(11) And eat them raw. On the interpretation of Tosaf. (v. supra p. 63 n. 3) the question should read, 'But even according to Rabbi... therefrom' (when no obligation rested upon him to tithe before

# BEITZOH – 2a–40b

the Festival), ‘and on the Festivals... to rub them’, when he may not eat of these except after tithing, so that we find Terumah being authorized to be set apart on a Festival.

(12) Grain from which the priestly and Levitical dues have not been taken. V. Glos.

(13) The fact that he brought in the ears of corn to make dough therefrom after the normal threshing and winnowing made them liable for Terumah, and by changing his mind to rub the ears together to eat them raw not only cannot remove the liability for tithing, but, on the contrary, takes the place of the finishing touch in the barn so that not even a light meal may be had without first taking Terumah.

(14) Viz., when the corn is leveled out in heaps in a barn, as above. But the case which is now discussed is exceptional and therefore generally disregarded. The Mishnah can therefore agree both with Rabbi and R. Jose.

(15) Between Rabbi and R. Jose b. Judah.

(16) It is then that R. Jose exempts from tithing.

(17) V. Glos. Because pulse is frequently tied up in bundles to be threshed in small quantities as required, and consequently the bringing in of a bundle of pulse in the house corresponds to the finishing touch of grain in a barn (Rashi).

(18) Ter. X, 6.

(19) In the case of ears of corn.

(20) In the case of pulse.

(21) The statement ‘bundles of fenugreek of Tebel’ presupposes a liability for tithing, because the tying up into bundles is the finishing preparation for tithing.

(22) Who maintains that even ears of corn are also liable for tithing when brought into the house for use.

(23) Which are not tied up into bundles, like peas or beans.

(24) For the stalks together with its fruit are used for seasoning. The Baraitha can therefore on this argument be in accordance with Rabbi, so that it affords no support to Abaye.

(25) It is then that Rabbi says that they are liable to be tithed, because many take bundles of corn into the house to eat them raw or roasted without having been stored and prepared for tithing in a barn.

(26) Because pulse becomes liable for tithing only after it has been made into a stack.

(27) Consequently we see that although yet in bundles they are already liable for tithing.

(28) The proper order of tithing, after the corn has first been leveled out in the barn, is this: First Terumah is separated for the priest (called the great Terumah) and one-tenth of the remainder (called tithe) for the Levite, who in turn, separates one-tenth of his tithe for the priest which is designated Terumah of the tithe. The great

Terumah, or simply Terumah as it is generally referred to, varies from one-fortieth to one-sixtieth. It is also called the ‘great Terumah’ because this portion is greater than that received from the Levite.

(29) I.e., the Israelite separated it before separating the great Terumah.

(30) Although had he not separated tithe it would not be regarded as Tebel, and a light meal would be permissible. Similarly in the Baraitha, although pulse does not become liable to Terumah before it has been made into a stack, once the Levite anticipated and received his share when in bundles, it becomes liable also to Terumah of the tithe.

(31) If it referred to the Terumah of an Israelite he would have to beat out the grain because the expression תביל (Num. XVIII, 27) signifies that the priest is to be given tithe only when the corn is threshed; V. Rashi.

(32) For taking the tithe before the great Terumah was rendered, against the prescribed order.

(33) Before giving his Terumah to the priest.

(34) When it would have received the last preparation for tithing.

## Beitzah 13b

only from the threshing-floor and from the wine-press,<sup>1</sup> so also is the Terumah of the tithe to be taken only from the threshing-floor and from the wine-press. [It is stated above]: ‘He estimates!’ Surely it requires [exact] measuring!<sup>2</sup> —

The author of this is Abba Eleazar b. Gimal. For it was taught: Abba Eleazar b. Gimal says: ‘And your heave-offering shall be reckoned unto you’.<sup>3</sup> Scripture speaks of two heave-offerings,<sup>4</sup> one [being] the great Terumah and the other the Terumah from the [Levite's] tithe; just as the great Terumah may be separated by estimations<sup>5</sup> and by mental determinations<sup>6</sup> so may the Terumah from the [Levite's] tithe be separated by estimation and by mental determination. The text [above stated]: R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe which one anticipated while the corn was yet in the ears, its designation renders it Tebel in respect of the Terumah from the [Levite's] tithe. What is the reason?

## BEITZOH – 2a–40b

Said Raba: Because it already bears the name tithe. R. Simeon b. Lakish said: The First Tithe which was anticipated while the corn was yet in the ears is exempt from the great Terumah, for Scripture Says: Then ye shall offer up an heave-offering of it for the Lord, a tithe of the tithe;<sup>7</sup> a tithe of the tithe have I commanded you, but not ‘the great Terumah and a tithe of the tithe’. Said R. Papa to Abaye: If so, even if he anticipated its at the barn too? —

He replied to him: It is for your sake that Scripture states: Out of all your gifts ye shall offer every heave-offering of the Lord.<sup>9</sup> What [reason] do you see?<sup>10</sup> —

In the one case,<sup>11</sup> it is already corn;<sup>12</sup> in the other, it is not already corn. We have learnt elsewhere:<sup>13</sup> He who hulls barley,<sup>14</sup> may hull it grain by grain and eat it;<sup>15</sup> but if he hulls [it] and lays [the grains] in his hand, he is liable [to give tithe].<sup>16</sup>

Said R. Eleazar: And it is likewise with respect to the Sabbath.<sup>17</sup> But this is not so! For Rab's wife hulled for him cupfuls, and likewise R. Hiyya's wife hulled cupfuls for him! Rather if this [statement of R. Eleazar] has been said, It was said with respect to the second clause: He who rubs ears of wheat may winnow them from one hand to the other and eat them [without tithing]; but if he winnows them and lays them on his lap he is liable.

Said R. Eleazar: And it is likewise with respect to the Sabbath. R. Abba b. Mamel demurred to this: And [in] the first clause, [is he liable] in respect to tithe but not in respect to Sabbath? Is there then any action which with respect to the Sabbath does not rank as the final act,<sup>18</sup> whereas with respect to tithe it is regarded as the final act?<sup>19</sup> To this R. Shesheth the son of R. Idi demurred: Is there not? Surely there is [the case of what constitutes] their threshing-floor in respect of tithing;<sup>20</sup> for we have learnt,<sup>21</sup> When is their harvesting time for tithing?<sup>22</sup>

In the case of cucumbers and gourds after their coils of blossom have dropped,<sup>23</sup> and if they have not dropped, then as soon as they have been made a heap. And we learnt likewise of onions:<sup>24</sup> [They are liable for tithing] as soon as he [their owner] sets up a heap. Yet with respect to the Sabbath the setting up of a heap does not involve culpability? Therefore you must needs say that [with respect to the Sabbath] the Torah forbade work of craftsmanship;<sup>25</sup> so also here<sup>26</sup> [say] the Torah forbade work of craftsmanship. How should one rub them?<sup>27</sup> —

Abaye in the name of R. Joseph says: One [finger] against one [finger].<sup>28</sup> But R. ‘Awia in the name of R. Joseph says: One [finger] against two [fingers].<sup>29</sup> Raba [however] says: So long as he does it in an unusual way it is permitted even between the thumb and all the fingers. How should one winnow [them on a Sabbath]? —

Said R. Adda b. Ahabah in the name of Rab: He should winnow

(1) V. Num. XVIII, 27.

(2) If the text referred to the great Terumah, the expression ‘estimate’ would be correct, since according to Scripture no definite percentage is required, for even a single grain can exempt the whole of the crop, while the giving of one-fortieth — one-sixtieth is only a Rabbinical enactment. But now that we explain that it means the Terumah from the Levite's tithe, it definitely says (Num. XVIII, 27) that this must be one-tenth.

(3) Num. XVIII, 27.

(4) The Massoretic text has תרומתכם in the singular, but many MSS. including the Samaritan Version read תרומותיכם in the plural.

(5) It was not necessary to measure out the fiftieth part usually given for the Terumah.

(6) One can mentally determine to take Terumah from one side of the heap of corn and may then eat from the other side before the Terumah had been actually set apart.

(7) Num. XVIII, 26.

(8) I.e., if he tithed it before separating the great Terumah.

(9) Num. XVIII, 29, indicating that even the great Terumah has to be given by the Levite to the priest if it was not already given by the Israelite.

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(10) To make this distinction between the corn in the ear and the corn in the barn.

(11) When the corn is already in the barn.

(12) And the great Terumah is due to the priest. Therefore he is entitled to recover the great Terumah from the Levite.

(13) Ma'as. IV, 5.

(14) In order to eat it raw.

(15) For this is regarded as a scanty meal and he is exempt from tithing.

(16) For this is regarded as a full meal.

(17) If he hulls it into the hand it is regarded in the nature of threshing and he is guilty of desecrating the Sabbath.

(18) To make one guilty of a breach of the Sabbath. The finishing touch to a work on a Sabbath involves culpability.

(19) To make him liable for tithing.

(20) The word גרן 'threshing-floor' is used as a technical term meaning harvesting time or the final act making cereals or vegetables liable to tithe.

(21) Ma'as I, 5.

(22) So that it may be regarded as Tebel and a light meal would not be permissible.

(23) I.e., after they have been trimmed up and made neat.

(24) Ma'as I, 6.

(25) מלאכת מחשבת Ex. XXXI, 4-5 speaks of the work of craftsmanship of the Tabernacle and is immediately followed by the laws respecting the Sabbath, indicating that the work forbidden on the Sabbath is similar to the craftsmanship there referred to. But the placing of the vegetables in a heap is not considered a work of craftsmanship. But v. R. Hananel a.l.

(26) In the case of the laying of the grains in his hand.

(27) On a Festival to distinguish from the rubbing on any other day, which was to rub with the finger of one hand on the palm of the other.

(28) I.e., between the thumb and the first finger.

(29) I.e., between the thumb and the two fingers.

### Beitzah 14a

from the joints of the fingers upwards.<sup>1</sup> They laughed at it in the West:<sup>2</sup> so long as he does it in an unusual manner [it is permitted to be done] even with the whole palm! But said R. Eleazar: He should winnow vigorously with one hand.<sup>3</sup>

**MISHNAH.** BETH SHAMMAI SAY: SPICES MAY BE POUNDED WITH A WOODEN PESTLE<sup>4</sup> AND SALT IN A SMALL CRUSE OR WITH A WOODEN LADLE;<sup>5</sup> BUT BETH HILLEL MAINTAIN: SPICES MAY BE

POUNDED AFTER THEIR USUAL FASHION WITH A STONE PESTLE AND SALT WITH A WOODEN PESTLE.<sup>6</sup>

**GEMARA.** All agree at any rate that [the pounding of] salt must be done in an unusual manner; what is the reason? — R. Huna and R. Hisda [differ]. One says: [Because] all dishes require salt,<sup>7</sup> but not all dishes require spices; and the other says: [Because] all spices lose their flavour,<sup>8</sup> but salt does not lose its flavor. Wherein do they differ? —

The difference between them is when he knew [on the eve of the Festival] what dish he will cook [on the morrow],<sup>9</sup> or in the case of saffron.<sup>10</sup> Rab Judah said in the name of Samuel: Everything which is pounded may be pounded in the usual way, even salt.<sup>11</sup> But Surely you have said that salt must be [pounded] in an unusual way! He rules as the following Tanna, for it was taught: R. Meir says: Beth Shammai and Beth Hillel do not differ over [commodities] which are pounded, [agreeing] that they may be pounded in the usual way, and salt with them;<sup>12</sup> they differ only with respect to pounding it [salt] alone, when Beth Shammai say: Salt [may be pounded] in a small cruse and with a wooden ladle only for roasting<sup>13</sup> but not for boiling, and Beth Hillel maintain: [It may be pounded] with everything. 'With everything'? — Can you think so?<sup>14</sup> —

Say rather, for everything.<sup>15</sup> R. Aha Bardela said to his son: 'When you pound [salt], incline [the mortar] sideways and pound. R. Shesheth heard<sup>16</sup> the sound of a mortar and pestle; [then] said he: This is not [coming] from my house. Perhaps it was done sideways?<sup>17</sup> — He heard a shrill noise.<sup>18</sup> Perhaps it was spices?<sup>19</sup> — Spices produce a dull sound. Our Rabbis taught: One may not prepare pearl-barley<sup>20</sup> nor pound anything in a mortar. [You state] two [contradictory rulings]?<sup>21</sup> —

This is what it means to say: 'What is the reason that you may not prepare pearl-

## BEITZOH – 2a–40b

barley? Because you may not pound [anything] in a mortar. Then it should have [only] stated: ‘One may not pound [anything] in a mortar’! — If it stated [only], ‘One may not pound anything in a mortar’, I would say, that is only in a big mortar; but in the case of a small mortar [I would say], It is well; so it informs us [that this is not so]. But it was taught: One may not pound in a big mortar but one may pound in a small mortar! —

Said Abaye: ‘When the teaching<sup>22</sup> was taught, it too was taught of a large mortar.<sup>23</sup>

- (1) But not in his palm.
- (2) I.e., the scholars of Palestine. V. Sanh. 17b, Sonc. ed. p. 89.
- (3) Not just throw it up a little.
- (4) Although the pounding of spices is permitted on a Festival it should be done in a somewhat different way from ordinary days.
- (5) The pounding of salt must be done in all entirely unusual way, both with regard to the vessel in which, and also with regard to the vessel with which, it is pounded.
- (6) According to Beth Hillel it is sufficient if the vessel with which it is pounded is different.
- (7) He should therefore have prepared the salt before the Festival.
- (8) Therefore it must be prepared on the day it is required.
- (9) According to the first reason, even the pounding of spices must be done in an unusual manner since it could have been prepared on the day it is required.
- (10) According to not lose its flavor, so that according to the second reason it is the same as salt.
- (11) Or, Even salt! But, etc.
- (12) I.e., pounding them both on the same occasion, by preparing the salt in immediately after the spices Rashi as explained by Rashal).
- (13) When a small quantity only is required.
- (14) Even with a utensil which may not be handled at all on the Sabbath?
- (15) I.e., for every purpose, whether for roasting or boiling — and that in the usual way Rab Judah thus has a Tanna in support for his ruling.
- (16) On a Festival.
- (17) In which case it is permissible.
- (18) Whereas if the mortar were inclined there would be a heavy, dull noise.
- (19) Which may be pounded in the usual way.
- (20) On a Festival, because it requires toilsome pounding.
- (21) The first ruling forbids toilsome pounding only, whereas the second for bids all pounding.

(22) Introduced by, Our Rabbis taught’.

(23) The two statements are not contradictory. The first statement forbidding the pounding of pearl-barley refers even to a small mortar, and the second statement refers to a big mortar. Only pearl-barley is forbidden to be pounded in a small mortar but other things may be.

### Beitzah 14b

Raba says: There is no difficulty: this [Baraita<sup>1</sup> refers] to us,<sup>2</sup> and the other [Baraita<sup>3</sup> refers] to them.<sup>4</sup> R. Papa visited Mar Samuel.<sup>5</sup> They set before him pearl-barley broth and he did not eat of it. Perhaps they prepared it in a small mortar?<sup>6</sup> — He noticed that it was very fine.<sup>7</sup> Perhaps they prepared it the day before [the Festival]? — He saw that it [the pearl-barley] was still bearing the polish from the husking.<sup>8</sup> Or you can say: It is different in the case of the house of Mar Samuel, on account of the laxity of the servants.<sup>9</sup>

**MISHNAH.** IF ONE SELECTS PULSE ON A FESTIVAL, BETH SHAMMAI SAY: HE MUST SELECT THE EDIBLE PARTS AND EAT [THEM FORTHWITH]; BUT BETH HILLEL SAY: HE MAY PICK OUT AS USUAL<sup>10</sup> [FROM A SMALL QUANTITY] IN HIS LAP OR IN A BASKET OR IN A DISH; BUT NOT ON TO A BOARD OR IN A SIFTER OR IN A SIEVE.<sup>11</sup> RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM [IN WATER] AND SKIM OFF [THE REFUSE].

**GEMARA.** It was taught: Rabban Gamaliel said: This was [only] stated when the edible part is more than the refuse;<sup>12</sup> but if the refuse is more than the edible part, all agree that he must pick out the edible part and leave the refuse. If the refuse is more than the edible part, is there anyone who permits it [to be picked]?<sup>13</sup> — This refers to a case where the work [of picking out the refuse] is great though the quantity [of the refuse] is small.<sup>14</sup>

**RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM AND SKIM OFF [THE REFUSE]:** It was taught: R. Eleazar son of R. Zadok said: This was the practice in the house

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of Rabban Gamaliel; they brought a bucket-full of lentils and poured water over them with the result that that which was edible remained below and the refuse [floated] on top. But has not the opposite been taught?<sup>15</sup> — There is no contradiction: The one applies to sand, the other applies to chaff.<sup>16</sup>

**MISHNAH.** BETH SHAMMAI SAY: ONE MAY SEND [GIFTS TO A NEIGHBOUR] ON A FESTIVAL ONLY PORTIONS [READY FOR EATING],<sup>17</sup> BUT BETH HILLEL SAY: ONE MAY SEND CATTLE, GAME AND POULTRY WHETHER ALIVE OR SLAUGHTERED. ONE MAY [ALSO] SEND WINE, OIL, FLOUR OR PULSE BUT NOT GRAIN.<sup>18</sup> BUT R. SIMEON PERMITS [ALSO] GRAIN.<sup>19</sup>

**GEMARA.** R. Jehiel taught: Provided that he does not send it [the present] by a company [of men].<sup>20</sup> A Tanna taught: A company consists of not less than three persons. R. Ashi put the question: What [is the law] with respect to three persons with three varieties [of gifts]?<sup>21</sup> This question is undecided.

**R. SIMEON PERMITS [ALSO] GRAIN.** It was taught: R. Simeon allows grain: e.g., wheat, to prepare thereof food for gladiators;<sup>22</sup> barley, to give to his cattle; [and] lentils to prepare thereof groats.<sup>23</sup>

**MISHNAH.** ONE MAY SEND CLOTHES, WHETHER SEWN UP OR NOT YET SEWN UP EVEN THOUGH THERE IS KIL'AYIM<sup>24</sup> IN THEM, PROVIDED THEY ARE NECESSARY<sup>25</sup> FOR THE FESTIVAL; BUT [ONE MAY] NOT [SEND] HOB-NAILED SANDALS<sup>26</sup> NOR UNSTITCHED SHOES. R. JUDAH SAYS: NOT EVEN WHITE SHOES BECAUSE THEY [STILL] REQUIRE AN ARTISAN [TO BLACKEN THEM]. THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL MAY [ALSO] BE SENT [ON A FESTIVAL].

**GEMARA.** As for sewn [articles] it is well: they are fit for garments; [likewise] unsewn [articles] too, [as] they are fit for a covering.

But for what are Kil'ayim fit? And if you say they can be used to fold under him,<sup>27</sup> surely it was taught: Neither shall there come upon thee [a garment of two kinds of stuff mingled together],<sup>28</sup> but you may spread it beneath you.

But the Sages said: It is forbidden to do so lest a thread might cling to his body! And if you say [that it is permissible] if there is anything interposing between them,<sup>29</sup> surely R. Simeon b. Pazzi said in the name of R. Joshua b. Levi, who said in the name of R. Jose b. Saul, who said in the name of Rabbi in the name of the Holy Community at Jerusalem:<sup>30</sup> Even if ten mattresses lie one on top of the other and [some material of] Kil'ayim is beneath them, it is forbidden to sleep thereon! And if [you say] it refers to a curtain, surely 'Ulla said: Why did [the Sages] say a curtain is unclean<sup>31</sup> because the attendant warms himself beside it!<sup>32</sup> —

- (1) Permitting the pounding in a small mortar.
- (2) Babylonians, who have no domestics.
- (3) Forbidding pounding even in a small mortar.
- (4) Palestinians, who have domestics who are inclined to laxity; these might pound in a large mortar and say they have used a small one; hence small ones too were forbidden.
- (5) On a Festival.
- (6) Which is permitted in Babylon.
- (7) This cannot be attained in a small mortar.
- (8) Its sheen was too fresh for it to have been prepared the day before.
- (9) Mar Samuel, although in Babylon, had servants who might disregard the observance of the rules.
- (10) I.e., pick out the refuse and the bad ones that are not edible.
- (11) Because it might seem he was preparing for the next day.
- (12) It is then that Beth Hillel permit to pick out the refuse.
- (13) Since the lesser part is lost in the greater it is forbidden even to be handled on the Festival.
- (14) By the expression 'if the refuse is more' is to be understood not that the refuse is greater in quantity but rather that the trouble of picking out the refuse was greater.
- (15) That the edible parts float on top and the refuse sinks to the bottom.
- (16) Sand sinks to the bottom and chaff floats on top.
- (17) Which will be eaten at once and not kept.

# BEITZOH – 2a–40b

- (18) Which must be ground, and consequently may not be used.
- (19) For they can be cooked as they are or may be ground in a small mortar.
- (20) Lest it should appear as if the food were being sent to a public sale.
- (21) Are they regarded as individuals or does the variety of gifts make no difference.
- (22) The wheat was not ground but prepared whole for their special diet.
- (23) Which may be done on a festival.
- (24) V. Glos. So that one may not wear them. V. Lev. XIX, 19, Deut. XXII, 11; cf. Shab. 60b.
- (25) [Var. lec. 'Although they are not necessary'].
- (26) V. infra.
- (27) To be used cushion or mat.
- (28) Lev. XIX, 19.
- (29) Between the garment of Kil'ayim and the body.
- (30) V. R. H., Sonc. ed. p. 80, n. 9.
- (31) I.e. it can become unclean.
- (32) All ordinary partition does not receive defilement, being regarded as part of the house, but a curtain can become defiled, because it is also used as a wrap for warming; and since a curtain may be used as a wrap it may not be made of Kil'ayim.

## Beitzah 15a

Rather, [this refers] to hard material;<sup>1</sup> just as R. Huna the son of R. Joshua said: The coarse felt-mattresses [coming] from Naresh<sup>2</sup> are permitted [to sit on].<sup>3</sup> R. Papa said: Slippers<sup>4</sup> are not [forbidden] on account of Kil'ayim. Raba said: These money-bags do not come under [the law of] kil'ayim,<sup>5</sup> but seed-bags do come under [the law of] kil'ayim.<sup>6</sup> R. Ashi said: Neither money-purses nor seed-bags are subject to [the law of] Kil'ayim, because it is not the usual practice to warm oneself with these.

**BUT NOT HOB-NAILED SANDALS:** What is the reason that hob-nailed sandals may not [be sent]? Because of the incident that occurred.<sup>7</sup> Abaye said: Hob-nailed sandals may not be worn [during a Festival] but they may be handled. 'They may not be worn on account of the incident that happened; 'but they may be handled', since it teaches ONE MAY NOT SEND; for if you maintain that it is forbidden to handle, now if it is forbidden to handle, need sending [be taught]?<sup>8</sup>

**NOR UNSTITCHED SHOES.** This is obvious! — It is necessary even when it is fastened with wooden pins.<sup>9</sup>

**R. JUDAH SAYS: NOT EVEN WHITE SHOES.** It was taught: R. Judah permits black [sandals] and forbids white because they [still] require a clod containing silicate of iron.<sup>10</sup> R. Jose forbids black [sandals] because they [still] require to be smoothed. And they do not differ, the one Master [ruling] according to his district and the other Master according to his district. In the district of the one Master [the sandal was finished] with the flesh [side of the leather] inside, [and] in the district of the other Master [they finished the sandals] with the flesh [side] outwards.<sup>11</sup>

**THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL** R. Shesheth permitted scholars to send tefillin<sup>12</sup> on a Festival. Abaye said to him: But we have learnt: **WHATEVER MAY BE USED ON A FESTIVAL MAY HE SENT:**<sup>13</sup> — This is what he means to say: 'Whatever one uses on a weekday<sup>14</sup> may be sent on a Festival. Abaye said: Since we are now dealing with Tefillin, we would say something thereon. If one was on his way [home],<sup>15</sup> wearing Tefillin on his head,<sup>16</sup> and the sun was setting upon him, he should place his hand upon them<sup>17</sup> until he reaches his house. If he was sitting in the Academy<sup>18</sup> with Tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them, until he reaches his house.<sup>19</sup>

R. Huna the son of R. Ika raised an objection: If one was on his way [home] with Tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them until he reaches a house situated near the wall [of the city].<sup>20</sup> If he was sitting in the Academy [with Tefillin on his head] and the holiness of the day came in, he must place his hand upon them until he reaches the house nearest to the Academy.<sup>21</sup>

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There is no contradiction. The one treats of a case when it [the house] is guarded,<sup>22</sup> the other when it is not guarded. If it is not guarded, [then] why particularly ‘on his head’; even if they [the Tefillin] were [found] lying on the ground he should also [be allowed to carry them to this house]: For we have learnt: He who finds Tefillin [on a Sabbath] may bring them in in pairs!<sup>23</sup> —

This is no difficulty: The one<sup>24</sup> treats of a case when it is guarded against thieves and against dogs, the other<sup>25</sup> when it is guarded against dogs but it is not guarded against thieves.<sup>26</sup> You might think that the majority of robbers [in that district] are Israelites<sup>27</sup> who would not handle them disrespectfully; hence he informs us [that it is not so].

- (1) Which does not warm and upon which it is permitted to sit.
- (2) Identical with Nahrās or Nalr-sar, on the canal of the same name, on the east bank of the Euphrates, Obermeyer p. 307. Cf. B.M., Sonc. ed. pp. 468 n. 3; 539 n. 7.
- (3) Although they are manufactured from Kil'ayim.
- (4) Home-shoes or a kind of socks.
- (5) Because the purses become hard through the coins they contain and therefore do not warm.
- (6) And therefore may not be placed on one's lap.
- (7) The event is recorded in Shab. 60a. This particular sandal could be worn with the heel in front, giving the appearance that the one who had entered had gone out. When men hiding in a cave from the Romans saw what appeared as Signs of someone having left they became panic-stricken lest the Romans should by this means find them in their hiding-place, and in their attempt to escape more were killed through the panic than might have been killed by the Romans.
- (8) Surely not!
- (9) Or even in the case when only a few stitches were put in, Rashi.
- (10) Used for blacking leather.
- (11) It had therefore to be smoothed and polished.
- (12) Phylacteries. v. Glos.
- (13) But Tefillin are not used on a Festival. V. ‘Er. 96a.
- (14) I.e. a thing that is properly finished, which includes Tefillin.
- (15) On the eve of the Sabbath.
- (16) In Talmudic times Tefillin were worn all day and in the street not merely at the morning service as now.
- (17) The Sages allowed him to carry the Tefillin into the city after the manner of a garment and not to leave them unguarded, out of respect for the Tefillin.
- (18) Which was in the field, and therefore an unguarded place.

- (19) The Tefillin could not be left in the Academy for fear of being lost.
- (20) And leave the Tefillin there, but he may not carry them into the city.
- (21) But he may not carry them to his own house.
- (22) And therefore the Tefillin must be left in the house nearest the city wall or the Academy.
- (23) In the manner they are worn on weekdays, one on the arm and one on the forehead. V. Shab. 62a; ‘Er. 95a.
- (24) The Baraitha that states they must be left in the house nearest the city wall.
- (25) Abaye.
- (26) [MS.M. adds, ‘and one when it is guarded neither against dogs nor thieves’, the reference being to the Mishnah in ‘Er. 95a that he may bring them in in pairs].
- (27) Cf. A.Z. 70b; Tosaf. B.B. 55b, s.v. רבי אליעזר. This refers to large Jewish settlements. The Rabbis were broad-minded enough to realize that in a town containing an overwhelming Jewish population the majority of thieves would be Jewish.

## Beitzah 15b

### CHAPTER II

**MISHNAH.** [IF] A FESTIVAL FELL ON THE EVE OF SABBATH, ONE MAY NOT AT THE OUTSET COOK ON THE FESTIVAL FOR THE SABBATH, BUT HE MAY COOK FOR THE FESTIVAL, AND IF ANY IS LEFT OVER IT REMAINS FOR THE SABBATH; AND HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL<sup>1</sup> AND RELY UPON IT [TO PREPARE FOOD] FOR THE SABBATH.<sup>2</sup> BETH SHAMMAI SAY: TWO DISHES [ARE REQUIRED FOR THIS PURPOSE], WHILE BETH HILLEL SAY: ONE DISH. YET THEY [BOTH] AGREE THAT A FISH AND AN EGG UPON IT ARE [CONSIDERED AS] TWO DISHES. [IF] HE ATE IT<sup>3</sup> OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH.

**GEMARA.** Whence do we know this?<sup>4</sup> — Said Samuel: Because the Scripture Says: Remember the Sabbath day to keep it holy,<sup>5</sup> remember it in view of another<sup>6</sup> Festival which comes to make it forgotten.<sup>7</sup> What is

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the reason [for the institution of the ‘Erub’]?<sup>8</sup>

—

Said Raba: In order that he may choose a fine portion for the Sabbath and a fine portion for the Festival.<sup>9</sup> R. Ashi said: In order that people might say, ‘You may not bake on a Festival for the Sabbath, how much the more [is it forbidden] on a Festival for a weekday’.<sup>10</sup>

We have learnt: **HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL AND RELY UPON IT [TO PREPARE FOOD] FOR THE SABBATH.** It is well according to R. Ashi who says, ‘In order that people might say you may not bake on a Festival for the Sabbath [etc.]’: hence it is only **ON THE EVE OF THE FESTIVAL** but not on the Festival. But according to Raba, why particularly on the eve of the Festival; even on the Festival [itself] too [let it be permitted]?<sup>11</sup> —

It is even so, but it is a preventive decree lest he be negligent.<sup>12</sup> Now a Tanna deduces it from the following: Bake that which ye will bake, and seethe that which ye will seethe;<sup>13</sup> from this R. Eliezer concluded [that] you may bake only [in dependence] upon what is [already] baked and you may cook only [in dependence] upon what is [already] cooked.<sup>14</sup> Herein the Sages found a Biblical support for ‘Erub tabshilin.<sup>15</sup>

Our Rabbis taught: It happened that R. Eliezer was once sitting and lecturing the whole day [of the Festival] on Festival laws. [When] the first group left [the lecture hall] he said: These are people of butts;<sup>16</sup> [when] the second group [left] he said: These are people of casks; [when] the third group [left] he said: These are people of pitchers;<sup>17</sup> [when] the fourth group [left] he said: These are people of flasks; [when] the fifth group [left] he said: These are people of beakers.<sup>18</sup> [When] the sixth group began to go out he said: These are the people of the curse.<sup>19</sup> He cast his eyes at his disciples<sup>20</sup> and their faces

began to change,<sup>21</sup> [whereupon] he said to them: My sons, not of you said I this, but of those who have gone out, who put aside life eternal and occupy themselves with the life temporal [or ephemeral].

When they were taking their leave<sup>22</sup> he said to them: Go your way, eat the fat, and drink the sweet, and send portions unto him for whom nothing is prepared: for this day is holy unto our Lord: neither be ye grieved; for the joy of the Lord is your [strength] stronghold.<sup>23</sup> The Master said: ‘Who put aside life eternal and occupy themselves with the life temporal’. But the enjoyment of the Festival is a religious duty! —

R. Eliezer is consistent with his [own] view, for he said: Rejoicing on the Festival is optional. For it was taught: R. Eliezer says: On a Festival a man has naught [to do] save either eat and drink or sit and learn. R. Joshua says: Divide it, half of it for the Lord, [and] half of it for yourselves. R. Johanan said: Both drew their inference from the same Scripture verse[s]. One verse states: A solemn assembly to the Lord thy God,<sup>24</sup> and another verse reads: Ye shall have a solemn assembly.<sup>25</sup> How is this [to be reconciled]? R. Eliezer is of the opinion: Either the whole of it is for the Lord or the whole of it is for yourselves; while R. Joshua is of the opinion: Divide it; half of it is for the Lord and half of it is for yourselves. What means ‘for whom nothing is prepared’? —

R. Hisda said: For him who did not set [i.e., prepare] an ‘Erub Tabshilin. Others say: He who had not the opportunity to set an ‘Erub Tabshilin; but he who had the opportunity to set an ‘Erub Tabshilin and did not set is a transgressor. What means ‘for the joy of the Lord is your strength’?—

R. Johanan said in the name of R. Eleazar son of R. Simeon: The Holy One, blessed be He, said unto Israel: My children, borrow on My account and celebrate the holiness of the day, and trust in Me and I will pay. R. Johanan

[further] said in the name of R. Eleazar son of R. Simeon: He who desires his property to be preserved for him, should plant therein an adar,<sup>26</sup> for it says: The Lord on high is mighty;<sup>27</sup> alternatively, adara,<sup>28</sup> [implies] what its name [indicates]; for people say: Why [is it called] Adara? Because it lasts from generation to generation.<sup>29</sup> It was similarly taught: A field in which there is an Adar can neither be robbed nor forcibly purchased and its fruits are protected.<sup>30</sup>

**R. Tahlifa, the brother of Rabinai of [Be] Hozae<sup>31</sup> learnt:**

- (1) V. supra p. 23, n. 1.
- (2) The dish prepared on the eve of the Festival is regarded as the basis upon which the right to cook on the Festival for the Sabbath depends.
- (3) The dish intended for the 'Erub.
- (4) That he may cook for the Sabbath in virtue of a special dish ('Erub).
- (5) Ex. XX, 8.
- (6) Lit., 'from another'.
- (7) The interest in the Festival preceding the Sabbath might cause one to forget about the Sabbath. The 'Erub counteracts this possibility. [Aliter: 'Remember it since one might forget it' (v. Rashi) — a rendering supported by MS.M. which reads לאחור for מאחור cf. cur. edd.]
- (8) Actually it is not based upon any Biblical verse, but is only a Rabbinical enactment, the verse being a mere support.
- (9) He will not consume all the good things on the Festival, but will leave some for the Sabbath.
- (10) The 'Erub is instituted not in honor of Sabbath but in honor of the Festival.
- (11) For on the Festival itself he can still choose a fine portion for the Sabbath.
- (12) And omit to prepare it altogether.
- (13) Ex. XVI, 23.
- (14) On the Friday which is a Festival, you may bake and cook only in virtue of the baking and cooking of the previous day.
- (15) This phrase indicates that the present deduction too is merely in support, not the actual source of the law, which is Rabbinical only.
- (16) I.e., very rich, counting their wine by butts. They have left thus early because of the large quantities of food and drink waiting for them. These are gluttons.
- (17) I.e., less rich than the second but wealthier than the next group.
- (18) Less keen on their pleasures.
- (19) The emptiness of the Lecture Hall roused his ire.

- (20) Who had remained behind.
- (21) I.e., to turn pale, because they thought he was angry with them for not leaving earlier — apparently they thought that he considered himself bound to go on as long as he had hearers.
- (22) At the close of the lecture.
- (23) Neh. VIII, 10.
- (24) Deut. XVI, 8.
- (25) Num. XXIX, 35. The first verse implies that it may be devoted to God's service, whereas the second intimates that it is meant for man.
- (26) A kind of cedar, high and majestic. Such a tree is known, and in case of his having to go abroad, he will be remembered as possessor, for his name will be coupled with the Adar tree.
- (27) Ps. XCIII, 4. The word אדיר is linked with the אדר tree. The planting of the Adar tree will strengthen his claim to the property.
- (28) The Aramaic form of Adar.
- (29) Dora dora; a play on words
- (30) The pollen of this tree is a vermicide, Rashi.
- (31) The modern Khuzistan province S.W. Persia, Obermeyer, op. cit. pp, 204ff. cf. B.M., Sonc. ed. p. 508, n. 2.

## Beitzah 16a

The entire sustenance of man [for the year] is fixed for him from New Year's [Festival] to the Day of Atonement,<sup>1</sup> except the expenditure for Sabbaths and the expenditure for Festivals and the expenditure for the instruction of his children in the Law; if he [spent] less [for any of these] he is given less and if he [spent] more he is given more.

Said R. Abbahu:<sup>2</sup> What verse of Scripture [supports this]? 'Blow the horn at the new moon at the full moon for our feast-day'.<sup>3</sup> Which is the Festival on which the moon is concealed? Say, it is New Year;<sup>4</sup> and it is written [with respect to this Festival]: 'For it is a statute [Hok] for Israel, an ordinance of the God of Jacob'.<sup>5</sup> How is it implied that [the word] hook connotes sustenance? For it is written: 'And did eat their portion [Hukkam] which Pharaoh gave them'.<sup>6</sup>

Mar Zutra says, [It is inferred] from here: 'Feed me with mine allotted [Hukki]<sup>7</sup> bread'. It was taught: They related concerning Shammai, the Elder [that] all his life he ate in honor of the Sabbath. [Thus] if he found a

## BEITZOH – 2a–40b

well-favored animal he said, Let this be for the Sabbath. [If afterwards] he found one better favored he put aside the second [for the Sabbath] and ate the first.<sup>8</sup> But Hillel the Elder had a different trait, for all his works were for the sake of heaven,<sup>9</sup> for it is said: Blessed be the Lord, day by day.<sup>10</sup> It was likewise taught: Beth Shammai say: From the first day of the week [prepare] for the Sabbath;<sup>11</sup> but Beth Hillel say: Blessed be the Lord, day by day.<sup>10</sup>

R. Hama b. Hanina said: He who makes a gift to his neighbor need not inform him, for it says, 'And Moses knew not that the skin of his face sent forth beams'.<sup>12</sup> An objection was raised: 'That ye may know I am the Lord who sanctify you',<sup>13</sup> The Holy One, blessed be He, said unto Moses: Moses, I have a precious gift in my treasury and its name is Sabbath and I wish to give it to Israel; go and tell them. Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother! —

There is no difficulty. The one treats of a gift which will naturally become known, and the other treats of a gift which does not naturally become known. But the Sabbath too is a gift which would have naturally become known! — Its reward<sup>14</sup> would not naturally be known.<sup>15</sup> The Master said: 'Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother'. What should he do to it [the child]?<sup>16</sup> — He smears it with oil or puts rouge on it. But now that we are afraid of witchcraft, what [is to be done]?<sup>17</sup> —

R. Papa said: He must smear it [the child] with some of that very substance [he put on the bread].<sup>18</sup> R. Johanan said in the name of R. Simeon b. Yohai: Every commandment which the Holy One, blessed be He, gave unto Israel, He gave to them publicly, except the Sabbath which He bestowed upon them in secret, for it is said: 'It is a sign between Me and the children, of Israel for ever'.<sup>19</sup> If so,

idolaters should not be punished on its account!<sup>20</sup> —

The Sabbath He indeed made known to them [the idolater] but its reward He did not make known to them. Or you can say: Its reward too He made known to them [but] the enlarged soul,<sup>21</sup> He did not make known to them; for R. Simeon b. Lakish said: On the eve of the Sabbath the Holy One, blessed be He, gives to man an enlarged soul and at the close of the Sabbath He withdraws it from him, for it says: He ceased from work and rested:<sup>22</sup> once it [the Sabbath] has ceased<sup>23</sup> woe that the [additional] soul is lost!<sup>24</sup>

A MAN MAY PREPARE A DISH ON THE EYE OF THE FESTIVAL. Abaye said: They taught this only of a dish<sup>25</sup> but not of bread.<sup>26</sup> Why is bread different that it is not [fit for an 'Erub]? If I were to say something used as a relish is required then what of pearl-barley which is also not a relish — for R. Zera said: These Babylonians are fools for they eat bread with bread<sup>27</sup> — and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may set an 'Erub of pearl-barley broth! —

Rather, we require [for an 'Erub dish] something which is not common, and bread is common, whereas pearl-barley broth is not common.<sup>28</sup> Others teach: Abaye said: They taught this only of a dish but not of bread. What is the reason? If I were to say something which is not common is required whereas bread is common, then what of pearl-barley broth, which is also not common and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may not set an 'Erub with pearl-barley broth! —

Rather, something used as a relish is required and bread is not used as a relish and pearl-barley broth too is not used as a relish for R. Zera said: These Babylonians are fools for they eat bread with bread. R. Hiyya taught: The lentils at the bottom of the pot<sup>29</sup> can be relied upon as an 'Erub Tabshilin, providing that they amount to as much as an olive. R.

# BEITZOH – 2a–40b

Isaac son of Rab Judah said: One may scrape off the fat which is upon the knife and rely upon it as an 'Erub Tabshilin, providing that it amounts to as much as an olive. R. Assi said in the name of Rab: Small salted fish are not subject to [the interdict against] the cooking of a heathen.<sup>30</sup>

R. Joseph said: And if a heathen grilled them one may rely upon them as [or for] an 'Erub tabshilin,<sup>31</sup> but if a heathen made them into a pie of fish-hash it is prohibited.<sup>32</sup> This is obvious! You might think

- (1) Between the first and the tenth of Tishri. These days are known as the ten days of Penitence.
- (2) In Sanh. 11b, R. Abba.
- (3) Ps. LXXXI, 4; he connects כָּסָה (E. V. full moon) with the same root meaning to cater, and translates: 'at the concealed (moon)'.  
(4) The remaining Festivals fall during the middle of the month near full moon.
- (5) Ps. LXXXI, 5. The word חָק (E.V. statute) is taken to mean sustenance which is allotted to Israel on New Year.
- (6) Gen. XLVII, 22.
- (7) Prov. XXX, 8.
- (8) So that he was always eating in honor of the Sabbath.
- (9) He trusted in God that he would obtain something worthy for the Sabbath.
- (10) Ps. LXVIII, 20.
- (11) In Aramaic the saying rhymes and is a cue to prompt people to think of the coming Sabbath.
- (12) Ex. XXXIV, 29.
- (13) Ex. XXXI, 13.
- (14) Lit., 'the gift of its reward'.
- (15) God informed Israel, through Moses, the reward for keeping the Sabbath.
- (16) In order to let the mother know.
- (17) Sorcerers or witches used these in the practice of their occult arts.
- (18) Whether butter, jam or fat (dripping). These do not suggest witchcraft.
- (19) Ex. XXXI, 17. The word לְעַלֹּם is written defectively as if derived from עָלַם to hide, conceal.
- (20) V. A.Z. 2b, where it is implied that the idolater will be punished for rejecting the Torah when it was offered to him. But in respect of the Sabbath, at least, there should be no punishment, seeing that it was offered even to Israel in secret only.
- (21) Lit., 'additional soul', by this term the Talmud indicates the spiritual ennoblement conferred by the Sabbath.
- (22) Ex. XXXI, 17.

(23) The verb שָׁבָה 'he ceased from work' is translated: He ceased keeping the Sabbath (because of its expiration). Malter, Ta'anit, 27a.

(24) This is a play on the word וַיִּנָּפֶשׁ which is taken to stand for וַיִּאֲבֹדָה נַפְשׁוֹ (Goldschmidt suggests the reading וַיִּאֲבֹדָה נַפְשׁוֹ 'the soul is no longer (here)', which is nearer the Hebrew word וַיִּנָּפֶשׁ.)

(25) A cooked meal.

(26) Bread cannot be an 'Erub.

(27) Concerning the Babylonians who eat pearl-barley broth with bread, v. Ned. 49b.

(28) Bread is eaten at every meal, whereas pearl-barley is not.

(29) Left over unintentionally on the eve of the festival.

(30) The Rabbis forbade food cooked by heathens, to prevent over-familiarity leading to intermarriage. But things which can be eaten raw do not come under this prohibition even if they are cooked, been use the cooking of such things could hardly be considered a favor. These salted small fish can be eaten raw.

(31) Since they can be eaten raw.

(32) Because the dough could not be eaten unbaked (i.e. uncooked).

## Beitzah 16b

[that] the fish-hash is the principal element;<sup>1</sup> hence he informs us that the flour is the principal element. R. Abba said: An 'Erub tabshilin<sup>2</sup> must be the size of all olive.<sup>3</sup> The Scholars asked: [Does that mean] one olive for all [the participants together] or an olive for each one separately? —

Come and hear: For R. Abba said in the name of Rab: An 'Erub Tabshilin requires to be the size of an olive whether for one or for one hundred.

We have learnt: [IF] HE ATE IT OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH. What does 'ANY' [SMALL] PORTION mean? Does it not mean although it is not as much as an olive?<sup>4</sup> — No, when it is as much as an olive.

Come and hear: This dish<sup>5</sup> [can be] grilled or pickled or stewed<sup>6</sup> or boiled; and the Spanish colias<sup>7</sup> [can be used] when he had poured hot

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water over its on the eve of the Festival; [for] its commencement and its end there is no standard [in quantity]. Does it not [surely] mean there is no standard [fixed] at all? No, there is no upper [i.e., maximum] standard,<sup>10</sup> but there is a downwards [i.e., minimum] standard.<sup>11</sup> R. Huna said in the name of Rab: The ‘Erub Tabshilin requires cognizance.<sup>12</sup> It is certain that the cognizance of him who deposits [the dish] is required but do we require the cognizance of him for whom it is deposited, or do we not require [it]? —

Come and hear: For the father of Samuel used to set the ‘Erub for the whole of Nehardea; R. Ammi and R. Assi used to set the ‘Erub for the whole of Tiberias.<sup>13</sup> R. Jacob b. Idi proclaimed: He who has not set an ‘Erub Tabshilin, let him come and rely upon mine. And how far?<sup>14</sup> —

R. Nahumi b. Zecharaiah said in the name of Abaye: As far as the Sabbath limit.<sup>15</sup> There was a certain blind man who used to recite Baraithas in the presence of Mar Samuel. When he noticed that he was gloomy he asked him: Why are you gloomy? Because I have not set an ‘Erub tabshilin,<sup>16</sup> replied he. Then rely upon mine, he rejoined. The following year he [again] noticed that he was gloomy. Said he to him: Why are you gloomy? He answered him: Because I have not set all ‘Erub Tabshilin. [Then] said he to him: You are a transgressor: to everybody else it is permitted,<sup>17</sup> but to you it is forbidden.<sup>18</sup>

Our Rabbis taught: If a Festival falls on the eve of Sabbath one may neither set [on the Festival] a boundary ‘erub<sup>19</sup> nor an ‘Erub of courts.<sup>20</sup> Rabbi Says: One may set a court ‘Erub but not a boundary ‘Erub, for you can forbid him<sup>21</sup> what is forbidden to him [on a Festival]<sup>22</sup> but you cannot forbid him what is allowed to him [on a Festival].<sup>23</sup> It was stated: Rab says: The Halachah is as the first Tanna, and Samuel says: The Halachah is as Rabbi. The Scholars asked: Is the Halachah as Rabbi [meant] leniently or stringently?— Of course he [Samuel] meant it leniently!<sup>24</sup> —

[The question was raised] because R. Eleazar sent word to the Diaspora [to wit]; Not as you teach in Babylon that Rabbi permits and the Sages forbid, but [rather] Rabbi forbids and the Sages permit. How is it now?<sup>25</sup> —

Come and hear: For R. Tahlifa b. Abdimi decided a case according to Samuel, and Rab remarked [thereon:] The first decision of this young scholar is harmful.<sup>26</sup> [Now] if you say that he [Samuel] meant [his teaching] to be lenient it is well, hence this is harmful. But if you say [he meant] stringently, what harmful [teaching] is there! — Since many come to error<sup>27</sup>

(1) And therefore the dough is disregarded altogether.

(2) The Hebrew employs the plural.

(3) But not less.

(4) Which contradicts Rab.

(5) Of the ‘Erub.

(6) Shaluk, translated ‘stewed’, means very much boiled.

(7) A very small fish of the tunny type. V. Krauss TA II, pp. 91 and 506.

(8) The pouring of hot water on the tunny fish is its preparation for eating.

(9) I.e., both when it is first made for an ‘Erub and when part has been eaten or lost.

(10) I.e., as regards its greatness.

(11) Below which it cannot constitute an ‘Erub.

(12) That it has been set for the purpose of ‘Erub.

(13) It is evident from this that the cognizance of all the Jewish residents of Nehardea and Tiberias was not required.

(14) I.e. within what area.

(15) Tehum, v. Glos.

(16) The Festival referred to here was New Year when in ‘Erub cannot be set conditionally.

(17) To rely upon my ‘Erub.

(18) I only had intended those who had unwittingly forgotten to rely on my ‘Erub, but not where the forgetfulness is through sheer negligence.

(19) Enabling him to go on the Sabbath from one township to another.

(20) Enabling him to carry on the Sabbath from one court to another, because he would thereby join the courts in a legal sense, making them all as one. This ranks as the repairing of an object and constitutes work.

(21) To effect on a Festival that a certain action should be permitted on the Sabbath.

(22) The prohibition of going from one township to another applies both to Sabbaths and Festivals.

# BEITZOH – 2a–40b

(23) Carrying out from one private court to another is permitted on a Festival, without an 'Erub.

(24) For Rabbi allows a court 'Erub to be set on a Festival.

(25) Did Samuel mean that the Halachah is as Rabbi taught in Babylon or as taught in Palestine.

(26) I.e. leading to a breach of the law.

(27) By forgetfully carrying on the Sabbath following the Festival from one court to another though no 'Erub could be set on the Festival.

## Beitzah 17a

this is harm.<sup>1</sup> Raba said in R. Hisda's name who said in the name of R. Huna: The Halachah is as Rabbi, viz., that it is forbidden.<sup>2</sup>

Our Rabbis taught: If a Festival fell on a Sabbath, Beth Shammai Say: He must pray eight [benedictions]<sup>3</sup> and recite [the benediction] of the Sabbath separately and of the Festival separately; but Beth Hillel say: He must pray seven [benedictions]<sup>4</sup> beginning with the Sabbath [formula] and ending with the Sabbath [formula],<sup>5</sup> and he makes mention of the holiness of the day in the middle.<sup>6</sup>

Rabbi says: He should also conclude it [the benediction] 'Who sanctifieth the Sabbath, Israel and the Seasons.' A Tanna recited in the presence of Rabina: 'Who sanctifieth Israel and the Sabbath<sup>7</sup> and the Seasons.' He said to him: Does then Israel sanctify the Sabbath?<sup>8</sup> The Sabbath has already been sanctified [from the creation] and so continues! Say rather: 'Who sanctifieth the Sabbath, Israel and the Seasons.' R. Joseph said: The Halachah is as Rabbi and as Rabina explained it.

Our Rabbis taught: If a Sabbath falls on a New Moon or on the intermediate days of a Festival,<sup>9</sup> at the evening, morning and afternoon services he prays seven [benedictions]<sup>10</sup> and makes mention of the nature of the day<sup>11</sup> in the 'Abodah,<sup>12</sup> and if he did not recite [it], he is made to turn back;<sup>13</sup> R. Eliezer says: [He alludes to the day] in the

Thanksgiving [benediction],<sup>14</sup> while in the Additional Services<sup>15</sup> he begins with the Sabbath [formula] and closes with the Sabbath [formula], and makes mention of the holiness of the day in the middle.<sup>16</sup>

R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka say: Whenever one is obliged to say seven benedictions<sup>17</sup> he begins with the Sabbath [formula] and closes with the Sabbath [formula] and mentions the holiness of the day in the middle. Said R. Huna: The Halachah is not as that pair [of scholars].<sup>18</sup>

R. Hiyya b. Ashi in Rab's name said: A man may prepare a boundary 'Erub on the first day of a Festival<sup>19</sup> for the second and stipulate.<sup>20</sup> Raba said: A man may prepare an 'Erub Tabshilin on the first day of a Festival for the second and stipulate.<sup>21</sup> He who states a boundary 'Erub, all the more an 'Erub Tabshilin' while he who states an 'Erub Tabshilin, but not a boundary 'Erub. What is the reason? Because one may not acquire a [Sabbath] residence on a 'Sabbath'.<sup>22</sup>

Our Rabbis taught: One may not bake on the first day of a Festival for the second. In truth they said:<sup>23</sup> A woman may fill the whole pot with meat although she only needs one portion; a baker may fill a barrel with water although he only needs one handful,<sup>24</sup> but as for baking he may bake only what he needs. R. Simeon b. Eleazar says: A housewife may fill the entire oven with loaves, because bread is baked better in a full oven.

Said Raba: The Halachah is as R. Simeon b. Eleazar. The scholars asked: He who did not set an 'Erub Tabshilin is he forbidden [to bake for the Sabbath] and [likewise] his flour is forbidden,<sup>25</sup> or perhaps only he is forbidden, but his flour is not forbidden? What is the practical difference? —

Whether he must give up his flour to others.<sup>26</sup> If you say that [both] he is forbidden and [likewise] his flour is forbidden, then he must

## BEITZOH – 2a–40b

give his flour to others,<sup>27</sup> but if you say, he is forbidden but his flour is not forbidden, [then] he need not give up his flour to others. What [is the law]? —

**Come and hear: He who has not set an ‘Erub Tabshilin may neither bake nor cook nor store [food] away<sup>28</sup> neither for himself nor for others; nor may others bake or cook for him. What should he do? He gives up his flour to others [and these] bake and cook for him — Conclude therefrom that he is forbidden and [likewise] his flour is forbidden. It is thus concluded. The scholars asked: What if he transgressed and baked?<sup>29</sup>**

**Come and hear: He who has not set an ‘Erub Tabshilin what is he to do? He gives up his flour to others and [these] others bake and cook for him.**

(1) Had he permitted the ‘Erub to be set on the Festival they could have carried without transgressing the law.

(2) To set on a Festival either a boundary ‘Erub or a court ‘Erub.

(3) The first three and the last three are the same as that of the ordinary ‘Amidah (v. Glos).

(4) One middle benediction sufficing for both the Sabbath and the Festival, but must commence and end with the Sabbath formula.

(5) And no more, not as we end with the additional words ‘Israel and the Seasons’ cf. P.B. p. 229.

(6) The middle benediction is from **אתה בחרתנו** to **מקדש ישראל** and the allusion to the specific prayer is found in **ויתת לנו** v. P.B. p. 228.

(7) Mentioning Israel before Sabbath.

(8) Festivals are consecrated by Israel in accordance with the fixing of the New Moon, but the sanctity of the Sabbath is independent and absolute.

(9) Lit., ‘the non-sacred portion of the Festival’. In the case of Passover and Tabernacles the first and last days only are holy, the intermediate days enjoying a semi-sanctity.

(10) As on an ordinary Sabbath.

(11) Whether it be New Moon "ran intermediary day of a Festival.

(12) ‘Abodah

(lit., ‘service’) is the designation of the benediction commencing with **רצה**, so called because it is a prayer for the restoration of the sacrificial service. A passage commencing with **יעלה ויבא** in which specific mention of New Moon or of the

Intermediate Days is made, is inserted in the middle of this benediction. Cf. P.B. p. 50.

(13) I.e., start again at **רצה**.

(14) Viz., in the benediction commencing with **מודים** (‘we give thanks’). P.B. p. 51.

(15) On Sabbaths, Festivals, and New Moons an additional services read after the morning service, corresponding to the additional sacrifices when were offered in the Temple on those days. V. J.E. IX, p. 116.

(16) In the passage **ויתת לנו** cf. P.B. p. 233.

(17) Even in the first-named prayers.

(18) But as the first Tanna in so far as the nature of day at the evening, morning and afternoon services is to be mentioned in the ‘Abodah. His ruling, however, that the close at the Additional Service is only with the Sabbath formula, is not adopted as Halachah, for in that respect the Halachah is as Rabbi that the conclusion is, ‘Who sanctifieth the Sabbath, Israel and the seasons (or the New Moon)’ — Rashi.]

(19) If he forgot to set the ‘Erub on the eve of the Festival which fell on Thursday and Friday.

(20) For the Sabbath immediately following the second day. For the condition v. supra p. 23, n. 2.

(21) V. supra 6a.

(22) The term **שבתה** here means Festival. An ‘Erub Tabshilin, however, was allowed in honor of the Sabbath.

(23) For this expression v. B.M. 60a.

(24) With the same labor he can fill the entire vessel as well as partly fill it, but with respect to bread every loaf requires extra labor.

(25) To be baked on the Sabbath, even by others.

(26) Before they may bake it.

(27) By giving it to them as a present.

(28) In such a manner that it retains its heat.

(29) May he eat it on the Sabbath or not?

### Beitzah 17b

Now if there is [this possibility],<sup>1</sup> let him state: If he transgressed and baked it is permissible! — Said R. Adda b. Matena: [The Tanna] teaches a legal remedy; an illegal remedy he does not teach.

**Come and hear: He who has set an ‘Erub Tabshilin may bake and cook and store, and if he wishes to eat his ‘Erub he is at liberty to do so. If he ate it [the ‘Erub] before he had baked [or] before he had stored, then he may not bake nor cook nor store away neither for himself nor for others, nor may others bake or cook for him; but he may cook for the Festival and if he leaves [any thing] he has left**

## BEITZOH – 2a–40b

it for the Sabbath, provided that he does not [intentionally] resort to an artifice;<sup>2</sup> and if he has resorted to all artifice it is forbidden!<sup>3</sup> —

Said R. Ashi: You speak of all artifice? An artifice is different, for the Rabbis have treated it more rigorously than an intentional transgression.<sup>4</sup> R. Nahman b. Isaac says: This<sup>5</sup> represents the opinion of Hananiah and according to Beth Shammai. For it was taught:<sup>6</sup> Hananiah says that Beth Shammai maintain: One may bake only if he set an 'Erub of bread, and one may cook only if he set an 'Erub of cooked food, and one may store only if he had already warm water stored on the eve of the Festival; but Beth Hillel affirm: One may set an 'Erub with one dish and prepare all his requirement [in reliance] thereon.<sup>7</sup>

Come and hear: He who tithed his fruits on the Sabbath,<sup>8</sup> if [he acted] in error he may eat [of them], if deliberately, he may not eat [of them].<sup>9</sup> This treats of a case where he has other fruits.<sup>10</sup>

Come and hear: If one purified his [unclean] vessels on the Sabbath,<sup>11</sup> if in error he may use them, if deliberately he may not use them!<sup>12</sup> — This treats of a case where he has other vessels, or [the reason may be because] it is possible to borrow [vessels from others].

Come and hear: He who has cooked on the Sabbath, if in error he may eat [of it], if deliberately, he may not eat [of it]!<sup>13</sup> — The prohibition with respect to Sabbath is different.<sup>14</sup>

**BETH SHAMMAI SAY TWO DISHES.** Our Mishnah is not in accordance with the following Tanna; for it was taught: R. Simeon b. Eleazar says: Beth Shammai and Beth Hillel agree that two dishes are necessary;<sup>15</sup> they differ only about a fish and the egg thereon,<sup>16</sup> when Beth Shammai say: Two [separate] dishes [are necessary] and Beth Hillel maintain: [This] one dish [is sufficient]. But they agree that if one crumbles a

[hardboiled] egg and puts it inside the fish or if he shreds a head of leek<sup>17</sup> and puts it inside the fish, they [count as] two dishes. Rab said: The Halachah is according to our Tanna<sup>18</sup> [in his representation] of the view of Beth Hillel.<sup>19</sup>

**IF HE ATE IT OR IF IT WERE LOST, HE MAY NOT...** Abaye said: We have a tradition; if his 'Erub was eaten up after he had begun to prepare the dough he may finish it.<sup>20</sup>

**MISHNAH.** IF IT [THE FESTIVAL] FELL ON THE DAY AFTER THE SABBATH, BETH SHAMMAI SAY: ONE MUST IMMERSE EVERYTHING [UNCLEAN] BEFORE THE SABBATH;<sup>21</sup> BUT BETH HILLEL MAINTAIN; VESSELS [MUST BE IMMERSED] BEFORE THE SABBATH BUT MEN ON THE SABBATH. THEY AGREE [HOW EVER] THAT ONE MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL,<sup>22</sup> BUT ONE MAY NOT IMMERSE [IT];<sup>23</sup> AND ONE MAY IMMERSE<sup>24</sup> [TO CHANGE] FROM ONE INTENTION TO ANOTHER<sup>25</sup> OR FROM ONE COMPANY TO ANOTHER.<sup>26</sup>

**GEMARA.** All incidentally agree that a vessel may not [be immersed] on a Sabbath: What is the reason? — Said Rabba: It is a preventative measure

- (1) Of being able to eat, viz., by transgressing.
- (2) Evasion of the law by purposely cooking much more than he requires.
- (3) And presumably the same is true if he transgressed and cooked!
- (4) Deliberate transgression is recognized as such and will not entice others whereas all evasion may be regarded as wholly permitted and set an evil example for others too.
- (5) The teaching if he has resorted to an artifice it is forbidden. R. Nahman does not admit the possibility that an artifice may be treated more stringently than deliberate transgression, for the latter is certainly a graver fault intrinsically.
- (6) Supra 22b.
- (7) Consequently we see that Hananiah is very stringent with reference to an 'Erub Tabshilin, and therefore the same applies to an artifice, but our problem is based on Beth Hillel's more lenient ruling.
- (8) This is forbidden by the Rabbis. V. infra 36b.

## BEITZOH – 2a–40b

(9) Ter. II, 3. Hence we may infer that if he deliberately baked without an 'Erub, he may not eat of it.

(10) To eat on the Sabbath, so that there is no hindering of the enjoyment of the Sabbath. The problem here is when he has no other provision.

(11) In order to cleanse them, which is forbidden by the Rabbis since it is equivalent to repairing a utensil. V. infra 18a.

(12) Ibid.

(13) V. infra 18a.

(14) Cooking on the Sabbath is Biblically forbidden, the penalty for which may be stoning. Therefore the Rabbis have been rigorous in the treatment of such intentional breach. But with respect to cooking on a Festival without an 'Erub, where the prohibition is mere Rabbinical, it is possible that the Rabbis are more lenient and would allow him to eat on the Sabbath.

(15) As an 'Erub.

(16) I.e., the egg in which the fish is smeared before cooking.

(17) קפלוטורה GR. \*\* == a head of leek. V. Krauss T.A. II, pp. 560-561.

(18) I.e.,

(19) In Mishnah. (7) Viz., that an 'Erub may consist of one dish only.

(20) Even to baking it.

(21) But not on the Sabbath, because it is equivalent to repairing or reconditioning the vessel, and the same applies to man.

(22) Which cannot be defiled. The stone vessel containing the unclean water is placed in a Mikweh (ritual bath) and immersed until the two waters make contact. Other liquids and foods once unclean cannot be made ritually clean. V. Mik. VI, 8.

(23) Viz., the unclean water in a defiled vessel in order to cleanse the vessel at the same time.

(24) On a Festival.

(25) I.e., if the vessels were immersed before the Festival to be put to a particular use and on the Festival he decided to use them for another purpose which requires higher sanctity, he may immerse them on the Festival, for the second immersion is not regarded as reconditioning the vessels. V. Hag. II, 6, 7.

(26) If he performed an immersion before Passover with the intention of eating the Paschal Lamb with one company, and then determined to join another company which required a higher degree of sanctity, he may immerse again on the Festival itself.

### Beitzah 18a

lest he take it in his hand and carry it four cubits in a public ground.<sup>1</sup> Abaye said to him:

How is it to be explained when there is a pitz in his courtyard?<sup>3</sup> He answered him: A pit in his courtyard is preventively forbidden on account of a pit in public ground. This is well with respect to Sabbath, but with respect to Festivals<sup>4</sup> how is it to be explained? —

They forbade [it on] Festivals on account of [the] Sabbath. Do we then preventively forbid?<sup>5</sup> Surely we have learnt: **THEY AGREE THAT [ON A FESTIVAL] ONE MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL BUT ONE MAY NOT IMMERSE [IT];** and if this is so, let us forbid surface contact on account of immersion! —

Now is that logical? If he has [other] clean water, then why effect surface contact for this [water]? Therefore [this treats of a case] where he has no [other clean water], and since he has no [other clean water] he will be very careful with it.<sup>6</sup> He raised an objection to him: One may draw [water] with a [ritually] unclean bucket and it [the bucket] becomes clean;<sup>7</sup> Now if it is so, let us preventively forbid lest he come to immerse it by itself! It is different there; since he is permitted [to immerse it] by means of drawing water only he will remember.<sup>8</sup>

He raised an objection to him: A vessel which became defiled on the eve of a Festival, one may not immerse it on the Festival; [if it became defiled] on the Festival one may immerse it on the Festival: Now if it is so, let us forbid [that which became defiled] on the Festival on account of [that which became defiled] on the eve of the Festival? — Defilement on a Festival is a rare occurrence and [with regard to] a thing of rare occurrence the Rabbis did not enact a preventative measure.<sup>9</sup>

He raised an objection to him: A vessel which became defiled<sup>10</sup> through a father of uncleanness,<sup>11</sup> one may not immerse it on a Festival;<sup>12</sup> [but if it became defiled] through a derivative uncleanness,<sup>13</sup> one may immerse it

# BEITZOH – 2a–40b

on a Festival.<sup>14</sup> Now if it is so, let us forbid one because of the other! —

How is a derivative uncleanness possible?<sup>15</sup> [Only] in the case of priests,<sup>16</sup> [and] priests are careful.<sup>17</sup> Come and hear: For R. Hiyya b. Ashi said in Rab's name: A Niddah,<sup>18</sup> who has no [ritually clean] clothes,<sup>19</sup> may use guile and immerse herself in her clothes.<sup>20</sup> Now if it is so, let us forbid this lest she come to immerse [her clothes] by themselves! —

It is different there; since it is permitted to her only in her clothes, she will remember .<sup>21</sup> R. Joseph says: It<sup>22</sup> is a preventive measure on account of wringing [the clothes].<sup>23</sup> Said Abaye to him: This is well [with respect to] apparel, which can be wrung; [but with respect to] vessels, which cannot be wrung, what is there to be said?—

He replied to him: These have been forbidden on account of those. He raised all the above mentioned objections and he answered him [the said] as we have answered. R. Bibi says: It<sup>24</sup> is a preventive measure, lest he delay.<sup>24</sup> It was taught as R. Bibi: A vessel which became defiled on the eve of the Festival, one may not immerse it on the Festival lest he delay. Raba Says: [The immersion of vessels is forbidden] because it looks like repairing the vessel.<sup>25</sup> If it is so, a man too [should likewise] be forbidden?<sup>26</sup> — [In the case of] a man it looks as if he were cooling himself.<sup>27</sup> This is well in the case of clear water;<sup>28</sup> but what will you say with respect to turbid water?—

Said R. Nahman b. Isaac: It happens that one comes [home]

- (1) The minimum distance involving culpability.
- (2) I.e., a Mikweh.
- (3) When there is no need to carry the vessel out of private ground at all.
- (4) When carrying is permitted.
- (5) I.e., enact one preventative measure lest another preventative measure be violated.
- (6) Not to allow it to become defiled. Accordingly the water becoming defiled is a rare occurrence and such is disregarded; cf. infra.

(7) Because the real purpose of the immersion is not patent, for people would think that his purpose was to draw water.

(8) That immersion itself is forbidden on a Festival.  
(9) V. 'Er. 63a.

(10) On the eve of the Festival.

(11) I.e., a primary uncleanness, a person or object that touched a dead body. For the various degrees of defilement v. Pes. 14a.

(12) For a father of uncleanness defiles the vessel by Biblical law, hence the immersion of the vessel would be regarded as reconditioning it on a Festival.

(13) I.e., anything which itself became unclean through contact with a 'father of uncleanness'; which Biblically is incapable of transmitting uncleanness to the vessel.

(14) Since by Biblical law the vessel is still clean, the immersion is not regarded as reconditioning it.

(15) That it should defile a vessel

(16) Who eat consecrated food which would be contaminated by this vessel.

(17) To distinguish between a vessel that became defiled through a primary cause or through a secondary cause. Or, they are careful not to permit their vessels to become unclean, which makes such defilement rare: v. supra.

(18) V. Glos.

(19) To put off after performing Tebillah, while, on account of the Festival, she is unable to immerse the clothes she wears.

(20) Which cleanses both herself and her clothes. This is permitted for the same reason that you may draw water in an unclean bucket, as people will think that she is performing it for herself.

(21) As above.

(22) The prohibition of immersing vessels and clothes on Sabbath and Festivals.

(23) Wringing is prohibited both on Sabbath and Festivals.

(24) Their immersion until the Festival when he has more time and in the meantime uses the defiled vessels for consecrated food.

(25) Since this makes it useable.

(26) Since Tebillah makes Hin fit to eat sacred food, such as flesh of sacrifices.

(27) And that he was not taking a ritual bath.

(28) Where one may wash oneself.

## Beitzah 18b

in hot weather and bathes even in water used for soaking [dirty linen]. This is well in summer;<sup>1</sup> what will you say of winter? R. Nahman b. Isaac replied: A man sometimes returns [home] from the field besmeared with mud and filth and bathes even in winter. This

## BEITZOH – 2a–40b

is well on a Sabbath;<sup>2</sup> but on the Day of Atonement<sup>3</sup> what is there to be said? —

Said Raba: Is there then any[thing] which on a Sabbath is permitted<sup>4</sup> and on the Day of Atonement is forbidden?<sup>5</sup> But since it [bathing] is permitted on the Sabbath, it is also permitted on the Day of Atonement. Does then Raba accept the argument of ‘Since’?<sup>6</sup> Surely we have learnt: He who has toothache must not rinse them with vinegar<sup>7</sup> [On the Sabbath],<sup>8</sup> but he may dip [his food] in vinegar in his usual manner, and if it becomes better, it becomes better.<sup>9</sup> And we pointed out a contradiction: He must not rinse and expectorate<sup>10</sup> but he may rinse and swallow? And Abaye answered: When we learnt our Mishnah,<sup>11</sup> we learnt it also [as referring to] rinsing and expectorating.

Raba however answered: You may even say [the Mishnah refers to] rinsing and swallowing, and [still] there is no contradiction: in the one case [it means] before the dipping [of the food into the vinegar]<sup>12</sup> and in the other case [it means] after the dipping [of the food in the vinegar]. Now if it is so<sup>13</sup> let us say, Since it is permitted before the meal, it is also permitted after the meal! —

Raba retracted from that [statement].<sup>14</sup> How do you know that he retracted from that [statement]; perhaps he changed his mind with respect to the present one?<sup>15</sup> — You cannot suppose this, for it was taught: Everyone who is required to take a ritual bath<sup>16</sup> may bathe in the usual way, both on the [fast of the] Ninth of Ab and on the Day of Atonement.<sup>7</sup>

**BUT THEY BOTH AGREE THAT [ON A FESTIVAL] YOU MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL, etc. What does BUT ONE MAY NOT IMMERSE [IT] mean? — Said Samuel: One may not on a Festival immerse the [unclean] vessel on account of its water in order to cleanse it!<sup>17</sup> Who is the author of our**

Mishnah? It is neither Rabbi nor the Sages! For it was taught: One may not immerse the [unclean] vessel on account of its water in order to cleanse it, nor may one affect surface contact or [unclean] water in a stone vessel in order to cleanse it; this is the opinion of Rabbi.

But the Sages say: One may immerse the vessel on account of its water in order to cleanse it, and one may effect surface contact for [unclean] water in a stone vessel in order to cleanse it.<sup>18</sup> Who now is [the author of our Mishnah]? If Rabbi, [the ruling on] surface contact is a difficulty;<sup>19</sup> if the Sages, [the ruling on] immersion<sup>20</sup> is a difficulty? — If you like I can say [the author of the Mishnah is] Rabbi; alternatively, it is the Sages. If you like I can say it is Rabbi; the first clause of the Baraitha<sup>21</sup> concerns Festivals and the concluding clause<sup>22</sup> concerns the Sabbath, whereas the whole of our Mishnah<sup>23</sup> deals with Festivals.

(1) When one may bathe to cool oneself.

(2) When it is permissible to wash.

(3) When it is forbidden to wash oneself

(4) On the score of work.

(5) Surely not!

(6) As stated, even where there may be a reason for prohibiting it on the Day of Atonement which does not apply to the Sabbath, as in the present instance.

(7) Lit., ‘suck vinegar into them’.

(8) Healing, except in the case of danger, is forbidden, lest he crush the ingredients on the Sabbath. V. Shab. 111a; A.Z. 28a.

(9) I.e., there is no harm done; he has not broken the law.

(10) Because it is then evident that he is taking it as medicine.

(11) On toothache.

(12) Then he may rinse and swallow for it is regarded as a part of the meal, being his first meal, the aperitif, the hors d'oeuvre.

(13) That Rab accepts the argument of ‘Since’.

(14) Concerning toothache, and his statement about bathing on the Day of Atonement was made subsequently.

(15) Viz., re bathing on the Day of Atonement.

(16) E.g., a woman after menstruation or confinement.

(17) When washing oneself is forbidden. V. Ta'an. 13a; Shab. 111a.

# BEITZOH – 2a–40b

(17) One may not put unclean water [for surface contact in an unclean wooden vessel which itself requires immersion, so that through the surface contact the vessel is automatically immersed.

(18) For var. lec. v. D.S.

(19) Whereas Rabbi forbids it our Mishnah permits it.

(20) Which the Sages allow, while our Mishnah forbids.

(21) In which Rabbi forbids immersion, implying that surface contact is permitted.

(22) In which Rabbi forbids even surface contact.

(23) Which forbids immersion and permits surface contact. For var. lec. v. Rashi and D.S.

## Beitzah 19a

Alternatively, I can say it is the Sages and the whole of our Mishnah deals with the Sabbath. Our Rabbis taught: A vessel which became defiled on the eve of a Festival one may not immerse at twilight.<sup>1</sup> R. Simeon Shezuri says: Even on a weekday one may not immerse it [then], because it requires [waiting until] sunset.<sup>2</sup> And does not the first Tanna require [waiting until] sunset?<sup>3</sup>

Said Raba: I found the disciples of the Academy who sat and said: They differ whether his intention is to be recognized from his acts. How so? If, for example, he is holding a vessel in his hand and running along [about] twilight [time]<sup>4</sup> to immerse it; one Master is of the opinion that the reason he is running along is that he indeed knows that he requires [to wait until] sunset;<sup>5</sup> and the other Master is of the opinion that he is running on account of his work.<sup>6</sup>

Then said I to them: None dispute that his intention is recognized from his acts;<sup>7</sup> they differ [only] when [another] vessels became defiled through [part of a reptile] less than the size of a lentil,<sup>9</sup> and he<sup>10</sup> came before the Rabbis to ask whether [having come into contact with part of a reptile] less than the size of a lentil it has become defiled or not.<sup>11</sup> One Master is of the opinion: Since he does not know this he also does not know that;<sup>12</sup> and the other Master is of the opinion: This [only] he does not know,<sup>13</sup> but [with the requirement of] sunset he is well acquainted.<sup>14</sup>

AND ONE MAY IMMERSE [TO CHANGE] FROM ONE INTENTION TO ANOTHER. Our Rabbis taught: How is, FROM ONE INTENTION TO ANOTHER, meant? He who wishes to make his wine press out of his olive press<sup>15</sup> or his olive press out of his wine press may do so.<sup>16</sup> What means 'FROM ONE COMPANY TO ANOTHER'? If he intended to eat with one company,<sup>17</sup> and [now] wishes to eat with another company,<sup>18</sup> he may do so.<sup>19</sup>

*MISHNAH.* BETH SHAMMAI SAY: ONE MAY BRING PEACE-OFFERINGS<sup>20</sup> [ON FESTIVALS] BUT MAY NOT LAY [HANDS] THEREON;<sup>21</sup> BUT ONE MAY NOT BRING BURNT-OFFERINGS<sup>22</sup> [ON A FESTIVAL]; BUT BETH HILLEL MAINTAIN: ONE MAY BRING PEACE-OFFERINGS AND BURNT-OFFERINGS AND ALSO LAY HANDS THEREON.

*GEMARA.* 'Ulla said: 'The dispute is only with respect to the laying on [of hands] on Festival peace-offerings<sup>23</sup> and the sacrificing of the pilgrimage burnt-offerings,<sup>24</sup> when Beth Shammai hold: 'And ye shall keep [Wehagothem] it a Feast [hag] unto to the Lord',<sup>25</sup> implies only Festival peace-offerings [Hagigah]<sup>26</sup> but not the pilgrimage burnt-offerings; and Beth Hillel maintain: 'unto the Lord' [implies] all [sacrifices offered] unto the Lord;<sup>27</sup> but all agree that vows and freewill-offerings<sup>28</sup> may not be offered on a Festival.<sup>29</sup> And thus did R. Adda b. Ahabah say: Vows and freewill-offerings may not be offered on a Festival.

An objection was raised: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ concerning a burnt-offering which is not for the Festival,<sup>30</sup> [both agreeing] that it may not be offered on a Festival,<sup>31</sup> and concerning peace-offerings of the Festival<sup>32</sup> that they may be offered on the Festival;<sup>33</sup> they only differ concerning a burnt-offering which is for the Festival and concerning peace-offerings which are not for the Festival, when Beth Shammai say: He may not bring

[them]<sup>34</sup> and Beth Hillel maintain: He may bring [them]! —

Reconcile it by saying thus: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ concerning a burnt-offering or peace-offering which are not connected with the Festival that they may not be offered on the Festival and concerning peace-offerings connected with the Festival that they may be offered on the Festival; they differ only concerning a burnt-offering connected with the Festival, when Beth Shammai say: He may not bring [it], and Beth Hillel maintain: He may bring [it].

R. Joseph said:<sup>35</sup> You quote Tannaim at random.<sup>36</sup> There is a dispute of Tannaim. For it was taught: [As to] peace-offerings which are offered<sup>37</sup> on account of the Festival, Beth Shammai say: He lays [hands] on them on the eve of the Festival and slaughters them on the Festival; but Beth Hillel maintain: He lays [hands] on them on the Festival and slaughters their on the Festival,

(1) Because it may already be the Festival. Twilight is a period after sunset which it cannot exactly be determined whether it is day or night.

(2) I.e., if a person is seen to attempt to immerse a vessel at twilight he is stopped: the person immersing the vessel at twilight evidently intends to use it immediately after immersion. But the vessel immersed at twilight would still be unclean until sunset of the following day; cf. Lev. XI, 32.

(3) Before it is ritually clean. Surely a person who has ritually cleansed all unclean vessel by immersion must wait until the sun sets before he may use it.

(4) [I.e., before sunset. The bracketed words must be added if the word 'twilight' which MS.M. omits is retained with cur. edd.]

(5) Before he can use it. Therefore on a weekday he is allowed to proceed because when, on reaching the ritual bath, he finds that the sun has already set, he will immerse it and wait until the following sunset before using it. But on the eve of a Festival he may not immerse it in case it is already the Festival. But v. Goldschmidt, n. a.l.

(6) I.e., he is in a hurry to get on with his work. Such action does not show intention and it is therefore to be apprehended lest he will come to use it after immersing it.

(7) We may certainly deduce his intention from his acts.

(8) In addition to the one already defiled, Rashi. V. n. 9.

(9) The minimum size to cause defilement.

(10) This man who was seen running before sunset to immerse the vessel.

(11) R. Hananel reads: 'Became defiled through (a part of a reptile) of the size of a lentil, and he came before the Rabbis to ask whether a reptile of the size of a lentil defiles' (he not knowing the law that it does). On this reading the vessel which he was rushing to immerse was the very vessel about which he enquired of the Rabbis and which he was told that it required immersion; v. n. 6.]

(12) Viz., that sunset is required.

(13) For it is not specifically written in Scripture that it must be of the size of a lentil. [On the reading of R. Hananel (note 9): For it is not specifically stated in Scripture that a reptile (or part of it) bigger than a lentil defiles.]

(14) Scripture distinctly states that sunset is required cf. Lev. XI, 32.

(15) If one immersed his defiled vessel in order to use it for his olive press and then changed his mind and wished to use it for his wine press.  $\text{ג}$  is the smaller vessel for oil. [MS.M. reads  $\text{ג}$  'Olive press'.]

(16) Without requiring further immersion. If therefore the owner takes it upon himself to immerse again the vessel, such immersion may be performed on a Festival, for he is not thereby reconditioning the vessel.

(17) And performed immersion with this intention.

(18) He can only change his mind before the animal is sacrificed.

(19) Without requiring further immersion. The extra immersion is therefore permissible on a Festival.

(20) Because part thereof is eaten by their owners.

(21) Beth Shammai forbid this as a Shebuth (v. Glos.), as it was performed with all one's strength and is regarded as being in the nature of riding an animal which is expressly forbidden by the Rabbis (Rashi). [V. however, infra 20a where Beth Shammai are said to hold that the law of laying on of hands does not apply at all to obligatory offerings. Rashi's explanation follows, however, that of R. Johanan, Hag. 16b; v. Tosaf. infra 20a s.v.  $\text{אבל}$ ]

(22) I.e., private voluntary burnt-offerings.

(23) Which are obligatory. V. Lev. XXIII, 41, and the eating of meat was considered an essential part of the festival enjoyment.

(24) V. Ex. XXIII, 15. Lit., 'the appearance (in the Temple before the Lord)'.]

(25) Lev. XXIII, 41.

(26) We-hagothem being grammatically connected with hag and Hagigah.

## BEITZOH – 2a–40b

- (27) Which includes the pilgrimage burnt-offering.  
(28) I.e., private sacrifices.  
(29) Since they do not belong to the Festival and can be offered on any other day.  
(30) E.g., a burnt-offering as a vow or a freewill-offering.  
(31) Because (a) none of the sacrifice is eaten by the owners; and (b) it can be brought after the Festival.  
(32) I.e., the Festival peace-offerings.  
(33) Because (a) They are eaten by the owners, thus increasing the joy of the Festival; (b) They belong to the Festival and cannot be brought after the Festival.  
(34) Thus Beth Shammai maintain that peace-offerings not connected with the Festival may not be brought on the Festival, which contradicts 'Ulla.  
(35) There is no need to amend the Baraitha  
(36) You quote the view of one Tanna (viz., R. Simeon b. Eleazar) while disregarding the possibility that another Tanna may have a different opinion.  
(37) Lit., 'come'.

### Beitzah 19b

but all agree that vows and freewill-offerings may not be offered on a Festival.<sup>1</sup> And the following Tannaim [are engaged in the same controversy]<sup>2</sup> as these [aforementioned] Tannaim. For it was taught: One may not bring a thank-offering<sup>3</sup> on the Feast of Unleavened Bread on account of the leaven which it contains;<sup>4</sup> nor on Pentecost, because it is a Festival;<sup>5</sup> but one may bring his thank-offering on the Feast of Tabernacles.<sup>6</sup>

R. Simeon says: Lo, Scripture says, on the Feast of Unleavened Bread, and on the Feast of Weeks, and on the Feast of Tabernacles,<sup>7</sup> [teaching] whatever may be brought on the Feast of Unleavened Bread may [also] be brought on the Feast of Weeks and on the Feast of Tabernacles, and whatever may not be brought on the Feast of Unleavened Bread may not be brought on the Feast of Weeks and on the Feast of Tabernacles [either].

R. Eleazar son of R. Simeon says: A man may bring his thank-offerings on the Feast of Tabernacles and may therewith fulfill his obligation in respect of the joy [of the Festival],<sup>9</sup> but does not fulfill his obligation

therewith in respect of the Festival sacrifices.<sup>10</sup> The Master said:<sup>11</sup> 'One may not bring a thank-offering on the Feast of Unleavened Bread on account of the leaven which it contains. This is obvious! —

Said R. Adda son of R. Isaac, some say R. Samuel b. Abba: We are treating here of the fourteenth [of Nisan] and he holds: You must not bring consecrated meat to the place of disqualification.<sup>12</sup> 'Nor on Pentecost, because it is a Festival'; he is of the opinion [that] vows and freewill-offerings may not be offered on a Festival.<sup>13</sup> 'But a man may bring his thank-offering on the Feast of Tabernacles'. When? If it should mean on the Festival itself, but you say, 'Nor on Pentecost because it is a Festival'. —

Therefore [it must mean] on the intermediary days of the Festival. R. Simeon says: Lo, Scripture says: 'on the Feast of Unleavened Bread, and on the Feast of Weeks, and on the Feast of Tabernacles', [teaching] whatever may be brought on the Feast of Unleavened Bread may [also] be brought on the Feast of Weeks and on the Feast of Tabernacles, and what may not be brought on the Feast of Unleavened Bread may [also] not be brought on the Feast of Weeks and on the Feast of Tabernacles.<sup>14</sup> To this R. Zera demurred: Seeing that we may [even] gather firewood can there be a question about vows and freewill-offerings!<sup>15</sup> —

Said Abaye: None dispute that the offering [of the thank-offering] is permitted:<sup>16</sup> they differ only as to whether he is subject to 'Thou shalt not delay'<sup>17</sup> on its account. The first Tanna holds: The Divine Law said 'Three Festivals',<sup>18</sup> even not in their order of sequence;<sup>19</sup> while R. Simeon is of the opinion; only in their order of sequence [he transgresses] but not when they are not in order of sequence. 'R. Eleazar son of R. Simeon says: One may bring the thank-offering on the Feast of Tabernacles' —

When? If [it means] on the Intermediary days of the Festival, then it is the same as the first Tanna. Therefore [it means] on the Festival [itself], and he is of the opinion that vows or freewill-offerings may be offered on Festivals.<sup>20</sup> And why does he teach this particularly of the Feast of Tabernacles? —

R. Eleazar son of R. Simeon follows his view [expressed elsewhere]. For it was taught: R. Simeon Says: Scripture<sup>21</sup> need not have mentioned ‘the Feast of Tabernacles’ for the passage is dealing with it.<sup>22</sup> Why [then] is it mentioned? To teach that this is the last.<sup>23</sup> R. Eleazar son of R. Simeon says: To teach that this [Festival of Tabernacles alone] brings it about.<sup>24</sup> ‘And may therewith fulfill his obligation concerning the joy [of the Festival], but does not fulfill his obligation therewith concerning the Festival sacrifices.’ This is obvious; for this is indeed an obligatory sacrifice<sup>25</sup> and any obligatory sacrifice can only be brought of unconsecrated [animals or money]!<sup>26</sup> —

It is necessary to teach this even if he explicitly stipulated.<sup>27</sup> As R. Simeon b. Lakish asked R. Johanan: What if one said, ‘I vow a thank-offering that I may therewith fulfill my obligation of Hagigah;’ [or] ‘I take upon myself to become a Nazirite

- (1) This Tanna corroborates the statement of ‘Ulla.
- (2) With respect to vows and freewill-offerings
- (3) V. Lev. VII, 12-15.
- (4) The thank-offering requires leaven (V. Lev. VII, 13) and naturally cannot be offered on Passover.
- (5) And a thank-offering like vows and freewill-offerings may not be offered on a Festival.
- (6) I.e., during the Intermediary days of the Festival.
- (7) Deut. XVI, 16.
- (8) I.e., one which he had previously vowed.
- (9) It is obligatory to rejoice on the Festivals (v. Deut. XVI, 14), and this rejoicing requires meat (v. supra p. 97, n. 9). The thank-offering can be brought for this purpose.
- (10) These are obligatory and such must be brought from unconsecrated animals (i.e., animals which are not due on account of a previous vow); hence the thank-offering is ineligible for this purpose.

(11) The Talmid proceeds to a discussion of the Baraitha in the course of which there emerges the Tannaitic controversy referred to.

(12) For the ten loaves of leaven which accompany the thank-offering could hardly be eaten by about 10 a.m. when leaven becomes forbidden, and the rest would have to be burnt as Nothar (v. Glos.).

(13) This is the statement referred to above of the Tanna who differs and maintains that vows and freewill-offerings may not be offered on Festivals.

(14) It was wrongly assumed that the statement forbids the bringing of the thank-offering even on the Intermediary days of the Festival, hence the following objection.

(15) This certainly may be brought.

(16) On the Intermediary Days of the Festival of Tabernacles.

(17) Deut. XXIII, 22.

(18) Ex. XXIII, 14. In R.H. 4b it is deduced that one violates this if three festivals pass without his fulfilling his vow.

(19) If the vow to bring the thank-offering is made before Tabernacles, the first Tanna counsels the vower to bring it at the immediately following Feast of Tabernacles. Because, according to him, the three Festivals just mentioned need not be in order of sequence commencing with Passover. Therefore unless he brings it on the immediately following Tabernacles he will have to make a special journey to Jerusalem to offer it, since he cannot bring it either on Passover or the Pentecost, whilst he must not delay beyond them. R. Simeon, however, maintains that he transgresses only if three Festivals, taken in order of sequence starting from Passover, pass without his fulfilling the vow. Hence this is what he means: Whatever comes ‘on the Feast of Unleavened Bread’, i.e., whatever was vowed before the Feast of Passover, so that there was already an obligation by Passover, must be brought either at Pentecost or Tabernacles immediately following; but ‘Whatever does not come on the Feast of Unleavened Bread, ‘i.e., if there was no obligation then, as he vowed after Passover, need not be brought on the immediately following Festivals of Pentecost or Tabernacles, since he will still have till the Tabernacles of the following year without transgressing the prohibition of ‘delaying’.

(20) V. supra p. 100, n. 3.

(21) Deut. XVI, 16.

(22) Viz., Tabernacles. V. verse 13.

(23) I.e., that the three Festivals must, for the transgression of ‘delaying’ follow in that order — Passover, Pentecost and Tabernacles.

(24) The transgression of the Command. If he vowed before Tabernacles and did not fulfill the vow until Tabernacles elapsed he has transgressed. Cf. R.H. 4a.

(25) V. p. 99, n. 11.

## BEITZOH – 2a–40b

(26) But not of second tithe money which is already consecrated, nor of animals already dedicated as vows and freewill-offerings. V. Pes. 71a.

(27) When he vowed the thank-offering he stipulated that it should take the place of the Festival sacrifice.

### Beitzah 20a

[on condition] that I shave with the second tithe money?<sup>1</sup> He replied to him: He is under a vow, but he cannot discharge [his Hagigah obligation therewith]: he is a Nazirite, but he cannot shave [as he stipulated].<sup>2</sup> A certain man declared,<sup>3</sup> Give four hundred Zuz to So-and-so and let him marry my daughter.

R. Papa said: The four hundred Zuz he receives, and as for the daughter, if he wishes he may marry [her] [and] if he wishes he need not marry [her].<sup>4</sup> The reason is because he said: ‘Give him and he shall marry;<sup>5</sup> but if he had said, ‘Let him marry and give him’, [then] if he marries her, he receives [the money]; but if he does not marry [her], he does not receive [it]. Meremar was sitting and stated this ruling<sup>6</sup> in his own name. Said Rabina to Meremar: You are teaching this thus,<sup>7</sup> [but] we teach it as a question directed by Resh Lakish to R. Johanan.

A Tanna recited before R. Isaac b. Abba: ‘And he presented the burnt-offering; and offered it according to the ordinance’,<sup>8</sup> [i.e.,] according to the ordinance of a freewill burnt-offering;<sup>9</sup> this teaches that the obligatory burnt-offering requires laying on of hands.<sup>10</sup> Said he to him: He who told you this did so in accordance with Beth Shammai<sup>11</sup> who do not learn obligatory peace-offerings from freewill peace-offerings;<sup>12</sup> for it is according to Beth Hillel, since they learn obligatory peace-offerings from freewill peace-offerings, the obligatory burnt-offering too does not require a Scripture text, for they infer it from the freewill burnt-offering.<sup>13</sup> But whence do you know that Beth Hillel<sup>14</sup> learn obligatory peace-offerings from freewill peace-offerings; perhaps they learn it from the obligatory

burnt-offering,<sup>15</sup> while the obligatory burnt-offering itself requires a Scripture text?<sup>16</sup> —

Why [would you say that] they do not infer it from freewill peace-offerings: because they are frequent?<sup>17</sup> Then they could not infer it from an obligatory burnt-offering either, since it is wholly consumed!<sup>18</sup> —

It is inferred from both of them.<sup>19</sup> But does Beth Shammai maintain that obligatory peace-offerings do not require the laying on of hands. Surely it was taught: R. Joseph said: Beth Shammai and Beth Hillel do not differ about the laying on of hands itself, [both agreeing] that it is necessary;<sup>20</sup> they dispute only whether the [act of] slaughtering must immediately follow the laying on of hands, when Beth Shammai hold: It is not necessary,<sup>21</sup> and Beth Hillel maintain: It is necessary! —

He<sup>22</sup> teaches according to the following Tanna. For it was taught: R. Jose son of R. Judah said: Beth Shammai and Beth Hillel do not differ that the slaughtering must immediately follow the laying on of hands, they dispute only about the laying on of hands itself,<sup>23</sup> Beth Shammai ruling: It is not necessary, while Beth Hillel maintain: It is necessary.

Our Rabbis taught: It once happened that Hillel the Elder brought his burnt-offering into the Temple Court on a Festival for the purpose of laying hands thereon. The disciples of Shammai the Elder gathered around him and asked: What is the nature of this animal? He replied to them: It is a female<sup>24</sup> and I brought it as a peace-offering. [Thereupon] he swung its tail for them<sup>25</sup> and they went away. On that day Beth Shammai got the upper hand over Beth Hillel<sup>26</sup> and wished to fix the Halachah according to their ruling.<sup>27</sup> But an old man of the disciples of Shammai the Elder was there named Baba b. Buta, who knew that the Halachah is as Beth Hillel<sup>28</sup> and he sent

# BEITZOH – 2a–40b

- (1) I.e., that I purchase the sacrifice due on the day that I cut my hair (v. Num. VI, 13ff) with second tithing money.
- (2) Although the condition on which he made his vow is invalid, he is still bound to fulfill his vow.
- (3) As his last will and testament.
- (4) This decision of R. Papa has some analogy with that ruling of the Baraitha that precedes, hence its inclusion here.
- (5) In this order.
- (6) Supra 19b bottom and the ruling on same.
- (7) In your own name.
- (8) Lev. IX, 16. This verse refers, according to Rashi, to the obligatory burnt-offering brought by Aaron on the eighth day of his consecration (v. Lev. IX, 2), and according to Tosaf. to the communal burnt-offering (v. Lev. IX, 15).
- (9) For the Bible does not state a rule about the obligatory burnt-offering. Hence this verse must mean that the same rules that apply to a freewill burnt-offering apply to an obligatory burnt-offering. V. Lev. I, 3ff.
- (10) The law of laying on of hands is prescribed only for freewill-offerings v. Lev. I, 3ff (burnt-offerings), III, 2 (peace-offerings).
- (11) In our Mishnah 19a.
- (12) In regard to the necessity of laying on of hands (v. supra note 1). Similarly with respect to burnt-offerings Beth Shammai will not infer obligatory burnt-offerings from freewill burnt-offerings; hence a special Scripture text is required that obligatory burnt-offerings require laying on of hands. V. Lev. III, 2.
- (13) The inference is as follows: Just as we find that a freewill burnt-offering, because it is a burnt-offering, requires laying on of hands, so also an obligatory burnt-offering, since it is likewise a burnt-offering. This principle of exegesis is called Binyan Ab, v. Glos. Beth Shammai, however, does not admit this difference as there is no analogy between freewill burnt-offerings that can be brought at any time and obligatory burnt-offerings which are only brought at stated times.
- (14) Who permit the laying of hands on obligatory offerings on a Festival.
- (15) Perhaps Beth Hillel too reject this inference (v. n. 4) of obligatory from freewill offerings.
- (16) [I.e., Lev. IX, 16 from which is derived the law that the obligatory burnt-offering requires laying on of hands, so that the cited Baraitha can be in accord with Beth Hillel as well as Beth Shammai.]
- (17) I.e., they can be brought at any time.
- (18) V. Lev. I, 9.
- (19) So that if an objection is raised with regard to one that the rule of laying on hands applies there because of a certain characteristic which is not found in the case of obligatory peace-offerings, reference can be made to the other where the same characteristic is lacking and yet the rule of laying

on hands is not dependent on the presence of that characteristic.

- (20) Save that Beth Shammai maintain that the laying on of hands in the case of obligatory peace-offerings must be performed before the Festival and not on the Festival itself.
- (21) Hence it can be done before the Festival, and therefore it may not be done on the Festival.
- (22) The author of our Mishnah.
- (23) In the case of obligatory peace-offerings.
- (24) And such is not offered as a burnt-offering. V. Lev. I, 3. He wanted to avoid a quarrel and told them what was not true for the sake of peace.
- (25) In order to make them believe it was a female.
- (26) I.e., they forced the majority.
- (27) Viz., that obligatory burnt-offerings do not require laying on of hands.
- (28) I.e., that Beth Shammai's ruling is only a stringency, but not based on Biblical law.

## Beitzah 20b

and fetched all the sheep of Kedar<sup>1</sup> that were in Jerusalem and put them into the Temple Court and said: Whoever wishes to lay on hands let him come and lay on hands; and on that day Beth Hillel got the upper hand and established the Halachah according to their opinion and there was no one there who disputed it.<sup>2</sup> It happened again with a certain disciple of the disciples of Beth Hillel who brought his burnt-offering into the Temple Court for the purpose of laying hands thereon. A certain disciple of the disciples of Beth Shammai found him and said to him: Why the laying on of hands?<sup>3</sup> He replied: Why [not keep] silence? He silenced him with a rebuke and he went away.

Said Abaye: Therefore a young scholar to whom his colleague says anything should not answer back more than the former had spoken to him; for the one said to the other, Why the laying on of hands? and the other replied, [correspondingly] Why [not keep] silence?

It was taught; Beth Hillel said to Beth Shammai: If, when it is forbidden [to slaughter to provide food] for a layman,<sup>4</sup> it is permitted [to slaughter] for the Most High,<sup>5</sup> then where it is permitted on behalf of a

## BEITZOH – 2a–40b

layman,<sup>6</sup> it is surely logical that it is permitted for the Most High.<sup>7</sup>

Beth Shammai replied to them: Let vows and freewill-offerings prove [the contrary], for they are permitted for a layman and yet forbidden for the Most High.<sup>8</sup>

Beth Hillel said to them: As for vows and freewill-offerings, that is because there is no fixed time for them; will you say [the same] with respect to a pilgrimage burnt-offering seeing that it has a fixed time!<sup>9</sup>

Beth Shammai replied to them: Even [for] this [sacrifice] there is no [strictly] fixed time. For we have learnt:<sup>10</sup> He who did not bring his Festival offering on the first day of the Festival, may bring it during the whole of the remaining days of the Festival, even on the last day.

Beth Hillel replied to them: Even [for] this there is indeed a time fixed, for we have learnt:<sup>10</sup> If the Festival passes and he has not brought his Festival offering, he bears no [further] liability [on its account].<sup>11</sup>

Beth Shammai said to them: Surely it is said '[That only may be done] for you,<sup>12</sup> [implying] but not for the most High God?

Beth Hillel replied to them: Surely it is said: '[And ye shall keep it as a feast] unto the Lord',<sup>13</sup> [implying] whatever is for the Lord! If so, why then does the text say: 'For you'? for you but not for heathens,<sup>14</sup> for you, but not for dogs.

Abba Saul taught the same in another form: If when thy hearth is closed,<sup>15</sup> the hearth<sup>16</sup> of the Master is open,<sup>17</sup> how much the more must the hearth of thy Master be open when thy hearth is open.<sup>18</sup> And that is logical that thy table should not be full and the table of thy Master empty. In what do they differ?<sup>19</sup>

—

One Master<sup>20</sup> holds: Vows and freewill-offerings may be offered on a Festival and the other Master holds they may not be offered on a Festival. R. Huna said: On the view that vows and freewill-offerings may not be offered on a Festival, say not, Biblically they are indeed permitted<sup>21</sup> and only the Rabbis preventively forbade them lest one delay,<sup>22</sup> but even Biblically they are not permitted; for the two loaves of bread<sup>23</sup> which are obligatory for that day<sup>24</sup> so that we need not apprehend delay, yet [their preparation] does not override either the Sabbath or a Festival.<sup>25</sup>

The scholars asked: On the view that vows and freewill-offerings may not be offered on a Festival what is the law if one transgressed and did slaughter?<sup>26</sup> Raba says: He sprinkles the blood in order to permit the flesh to be eaten for food.<sup>27</sup> Rabbah son of R. Huna says: He sprinkles the blood in order to burn their inwards at eventide.<sup>28</sup> What [difference] is there between them? —

They differ when the flesh was defiled or lost; according to Raba he must not sprinkle [the blood],<sup>29</sup> according to Rabbah son of R. Huna he does sprinkle. An objection was raised: If one slaughters the lambs of the Feast of Weeks<sup>30</sup> for another purpose<sup>31</sup> or if one slaughters them before or after their [fixed] time, the blood is to be sprinkled and the flesh is to be eaten; but if it was the Sabbath, he may not sprinkle<sup>32</sup> and if he did sprinkle<sup>33</sup>

(1) I.e., the best, cf. Isa. LX, 7.

(2) Cf. Buchler, Types, p. 74.

(3) Seeing that we forbid it.

(4) Viz., on the Sabbath.

(5) Public sacrifices being offered on that day.

(6) Viz., on a Festival.

(7) Whatever is required for the altar, even the pilgrimage burnt-offering.

(8) I.e., vows and freewill-offerings may not be offered on a Festival, yet animals may be killed for ordinary food, then.

(9) Surely not!

(10) Hag. 9a, 17a; R.H. 4b; Meg. 5a.

(11) Therefore he should be allowed to bring it on the first day of the Festival lest, by postponing, he be prevented from bringing it at all.

(12) Ex. XII, 16.

# BEITZOH – 2a–40b

- (13) Lev. XXIII, 41.  
(14) Lit., ‘Kuthim’, but this is probably a censor’s substitute for heathen. For these no food may be cooked on Festivals.  
(15) I.e., when you may not prepare food, viz., Sabbath.  
(16) The altar.  
(17) For sacrifice.  
(18) Viz., on a Festival.  
(19) Abba Saul and the first Tanna.  
(20) Abba Saul who does not quote in his version the reply of Beth Shammai that vows and freewill-offerings prove the contrary.  
(21) For Beth Hillel’s interpretation ‘unto the Lord’ whatever is for the Lord is the correct one.  
(22) To offer them until the Festival when he may be prevented from offering them at all.  
(23) V. Lev. XXIII, 17.  
(24) I.e., The Feast of Weeks.  
(25) They may not be baked on the Festival, since that can be done prior thereto.  
(26) May the blood be sprinkled?  
(27) On the day of the Festival.  
(28) Sprinkling may only be performed during the day but the burning of the inwards takes place at night.  
(29) Though sprinkling is no labor, it is forbidden as Shebuth (v. Glos.).  
(30) V. Lev. XXIII, 19.  
(31) I.e., as burnt-offerings instead of peace-offerings.  
(32) For the flesh cannot be eaten on the Sabbath since cooking is prohibited.  
(33) Without consulting.

## Beitzah 21a

It is acceptable<sup>1</sup> on condition that the inwards are burnt at eventide.<sup>2</sup> [Now] ‘If he did sprinkle’ indicates only if it was [already] done, but [it may] not [be done] at the outset. According to Raba it is well, but on Rabbah b. R. Huna’s view there is a difficulty? — That is indeed a difficulty.

Alternatively you can answer: The shebuth<sup>3</sup> of Sabbath is different from the Shebuth of a Festival.<sup>4</sup> R. Awia the Elder asked R. Huna: Is it permissible to slaughter on a Festival an animal half of which belongs to a heathen and half to an Israelite? — He said to him: It is permitted. The other said: What difference is there between this [case] and the case of vows and freewill-offerings?<sup>5</sup> —

A raven flies,<sup>6</sup> he retorted. When he left, his son Rabbah said to him: Was this not R. Awia the Elder whom you, sir, have praised as a great man?<sup>7</sup> —

What then was I to do with him? answered he; I am to-day [in the condition of the lover who said] ‘Stay ye me with dainties, refresh me with apples’,<sup>8</sup> and he asked me things which require reasoning.<sup>9</sup> And what is [really] the reason?<sup>10</sup> —

An animal half of which belongs to a heathen and half to an Israelite may be slaughtered on a Festival, because it is impossible [to eat] as much as an olive of flesh without slaughtering;<sup>11</sup> but vows and freewill-offerings may not be slaughtered on a Festival because when the priests receive their portion,<sup>12</sup> they receive it from the table of the Most High.<sup>13</sup> R. Hisda said: An animal half of which belongs to a heathen and half to an Israelite is permitted to be slaughtered on a Festival, because as much as an olive of flesh is unattainable without slaughtering; [but] dough belonging half to a heathen and half to an Israelite may not be baked on a Festival for it is possible to divide it at the kneading.

R. Hana b. Hanilai raised an objection: Dogs’ dough,<sup>14</sup> if the shepherds eat of it, is subject to hallah,<sup>15</sup> and one may prepare an ‘erub<sup>16</sup> therewith, effect a partnership<sup>17</sup> therewith, pronounce a blessing over it,<sup>18</sup> and say grace after it,<sup>19</sup> and it may be baked on a Festival,<sup>20</sup> and a man can fulfill his obligation therewith on Passover.<sup>21</sup> But why [may it be baked on a Festival]? Surely it is possible for him to divide it during the kneading! —

Dogs’ dough is different since it is possible to appease them [the dogs] with carrion.<sup>22</sup> Does then R. Hisda accept the argument of ‘Since’?<sup>23</sup> Surely it was stated: He who bakes on a Festival for the weekday, R. Hisda says: He is flagellated; whereas Rabbah maintains: He is not flagellated. R. Hisda says: He is flagellated, [for] we do not say, Since if visitors came to him, it is fit for him [on the

# BEITZOH – 2a–40b

festival], it is even now<sup>24</sup> [considered] fit for him; Rabbah maintains: He is not flagellated, [for] we do maintain [the argument of] ‘Since’?<sup>25</sup> — Rather, do not say, ‘Since it is possible [etc.]’, but when, for example, he [the shepherd] has a carcass, so that it is definitely possible to satisfy them [the dogs] therewith.<sup>26</sup>

They asked of R. Huna: May the [Jewish] inhabitants of the valley<sup>27</sup> who are obliged to supply bread<sup>28</sup> for the troops, bake [it] on a Festival? — He replied to them: We see’ If they can give some bread [thereof] to a child and they [the soldiers] do not object, then every [loaf] is fit for a child; hence it is permitted; but if not,<sup>29</sup> it is forbidden.

But surely it was taught: It once happened that Simeon the Temanite did not come to the Academy on the eve [of the Festival]. In the morning Judah b. Baba found him and asked: Why did you not attend yesterday [evening] at the Academy? He replied to him: A troop of soldiers came into our town and wished to plunder the entire city; so we killed a calf for them and fed them and let them depart in peace. Said [Judah] to him: I should be surprised if your gain is not counterbalanced by your loss,<sup>30</sup> for surely the Torah said ‘for you’<sup>31</sup> but not for heathens. But why so: the [calf] was fit to be eaten [by them]?<sup>32</sup> —

Said R. Joseph: It was a Trefah calf.<sup>33</sup> But it was fit for dogs? — Tannaim differ on this; for it was taught: ‘Save that which every soul<sup>34</sup> must eat, that only may be done by you’.<sup>31</sup> From the implication of the expression ‘every soul’ I might assume also that the soul of cattle is included<sup>35</sup> as it is said, ‘And he that smiteth a soul of a beast mortally shall make it good’;<sup>36</sup> the text therefore says, ‘for you’

- (1) I.e., a valid act.
- (2) V. Nazir 28b; Men. 48a.
- (3) V. Glos., cf. n. 2.
- (4) On a Sabbath it is more stringent.
- (5) Which the owners likewise share, as it were with God.
- (6) A well-known phrase eluding a question or making an evasive reply.
- (7) Why then did you dismiss him insultingly?

- (8) Cant. II, 5. He had just finished lecturing and was anticipating the joy of the festive meal.
- (9) And I did not feel equal to the task.
- (10) This the Talmud proceeds to ask.
- (11) Therefore the animal may be slaughtered for the sake of the portion belonging to an Israelite.
- (12) The breast and thigh. V. Lev. VII, 34.
- (13) As invited guests, without having in the sacrifice any proprietary rights. Therefore the slaughtering of the sacrifice is entirely for God, and hence forbidden.
- (14) Which is to be baked for dogs.
- (15) For it is called bread. V. Num. XV, 19ff.
- (16) I.e., a court ‘Erub.
- (17) For an alley ‘Erub.
- (18) Before eating it.
- (19) Cf. P.B. pp. 279-280.
- (20) On account of the portion which the shepherds are to eat.
- (21) With unleavened bread prepared from such dough. V. Hal. I, 8.
- (22) So that it may all be for the shepherds, though in fact it will not be.
- (23) Since a thing is permitted under certain conditions it is permitted even where these conditions are absent, for in actual fact he has no carrion available and the dough will be eaten in part by the dogs.
- (24) Though he has no visitors.
- (25) If guests were coming, etc.
- (26) With the result that the whole dough will be for the shepherds. So according to cur. edd. R. Hananel omits ‘possible’, reading: ‘For he will certainly satisfy them therewith’. On his reading render, ‘Do not say, etc. but (say that we speak of) a case when (the shepherd) has, etc. cf. MS.M.]
- (27) Or (Jewish) villages.
- (28) Lit., ‘flour’.
- (29) If the soldiers do object.
- (30) I.e., the punishment for transgressing the Festival.
- (31) Ex. XII, 16.
- (32) The owners could have eaten a part of it.
- (33) Which is forbidden to Israelites.
- (34) So literally. E.V. ‘man’.
- (35) For the word ‘soul’ is found in connection with cattle.
- (36) Lev. XXIV, 18.

## Beitzah 21b

[intimating] but not for dogs. This is the opinion of R. Jose the Galilean. R. Akiba says: Even the soul of cattle is included; if so, then why does the text say ‘for you’? For you, but not for heathens — And what reason do you see to include dogs and to exclude heathens? I include dogs, since you are responsible for

## BEITZOH – 2a–40b

their food, and I exclude heathens because you are not responsible for their food.<sup>1</sup>

Abaye said to R. Joseph: Now according to R. Jose the Galilean who says ‘for you’ but not for dogs, how can we throw date stones [as fodder] to cattle on a Festival?<sup>2</sup> — Said he to him: Because they are fit for fuel. This is well when they are dry, but how is it to be explained when they are moist? — They are fit for a big fire.<sup>3</sup> This is well on a Festival, but what will you say with respect to the Sabbath.<sup>4</sup> — We may handle them in virtue of bread,<sup>5</sup> in accordance with Samuel; for Samuel said: A man may do all he needs in virtue of bread.<sup>6</sup> But he<sup>7</sup> disagrees with R. Joshua b. Levi; for R. Joshua b. Levi said: One may invite a heathen [to a meal] on a Sabbath, but one may not invite a heathen on a Festival as a preventive measure, lest he may [cook] more on his [the heathen's] account.

R. Aha b. Jacob says: Not even on a Sabbath, on account of what is left at the bottom of the cups.<sup>8</sup> If so, even [the remains of] our own [wine] too?<sup>9</sup> — Ours is fit for fowls.<sup>10</sup> Theirs too is fit for fowls? — Theirs is forbidden for any use.<sup>11</sup> Let him remove them in virtue of the cups! Did not Raba say: You may remove the brazier on account of the ashes,<sup>12</sup> although it contains fragments of wood!<sup>13</sup> — There<sup>14</sup> they are not prohibited for use, but here<sup>15</sup> they are prohibited for use.

R. Aha b. Difti said to Rabina: Let it be like a vessel for excrement!<sup>16</sup> — He answered him: May we make excrement at the outset?<sup>17</sup> Raba accompanied<sup>18</sup> Mar Samuel who lectured: One may invite a heathen [to a meal] on a Sabbath, but one may not invite a heathen on a Festival as a preventive measure lest he will [cook] more on his account. When a heathen visited Meremar and Mar Zutra on a Festival they would say to him: If you are content with that which we have prepared for ourselves it is well; but if not we cannot take extra trouble for your sake.

*MISHNAH.* BETH SHAMMAI SAY: A MAN MAY NOT HEAT WATER FOR HIS FEET<sup>19</sup> UNLESS IT IS ALSO FIT FOR DRINKING;<sup>20</sup> BUT BETH HILLEL PERMIT IT. A MAN MAY MAKE A FIRE AND WARM HIMSELF AT IT.

*GEMARA.* The scholars asked: Who taught this [ruling] about fire? Is it the opinion of all, Beth Shammai drawing a distinction between the benefit of the whole body<sup>21</sup> and the benefit of a single limb;<sup>22</sup> or does Beth Hillel teach this, while Beth Shammai do not differentiate?<sup>23</sup> —

Come and hear: Beth Shammai say: A man may not make a fire to warm himself at it; but Beth Hillel permit it.

*MISHNAH.* IN THREE THINGS RABBAN GAMALIEL WAS STRINGENT, IN ACCORDANCE WITH THE RULING OF BETH SHAMMAI: ONE MAY NOT STORE AT THE OUTSET WARM WATER ON A FESTIVAL [FOR THE SABBATH],<sup>24</sup> AND ONE MAY NOT SET UP<sup>25</sup> A CANDLESTICK ON A FESTIVAL, AND ONE MAY NOT BAKE BREAD IN LARGE LOAVES<sup>26</sup> BUT ONLY IN THIN WAFERS. RABBAN GAMALIEL SAID: NEVER DID MY FATHER'S HOUSEHOLD BAKE BREAD IN LARGE LOAVES BUT ONLY IN THIN WAFERS. SAID THEY TO HIM: WHAT CAN WE DO WITH YOUR FATHER'S HOUSEHOLD, WHO WERE STRINGENT TOWARDS THEMSELVES AND LENIENT TO ALL ISRAEL, [PERMITTING THEM] TO BAKE BREAD BOTH IN LARGE LOAVES AND THICK CAKES.

*GEMARA.* What are the circumstances? If he has set an ‘Erub Tabshilin, what is the reason of Beth Shammai?<sup>27</sup> And if he had not set an ‘Erub Tabshilin, what is the reason of Beth Hillel?<sup>28</sup> —

Said R. Huna: In truth I can say that he did not set an ‘Erub Tabshilin but the Rabbis<sup>29</sup> permitted him [to prepare]<sup>30</sup> what is necessary for his sustenance; and R. Huna follows his view: for R. Huna said: He who

## BEITZOH – 2a–40b

did not set an 'Erub Tabshilin, others<sup>31</sup> may bake one loaf for him and cook one dish for him

- (1) Thus R. Akiba permits the preparation of animal's food, while R. Jose forbids it.
- (2) Since they are not fit for human consumption, they should not be allowed to be handled.
- (3) A big fire can burn even damp fuel.
- (4) When it is forbidden to kindle a fire.
- (5) I.e., together with bread.
- (6) I.e., handle an article forbidden in itself along with bread, and it does not show disrespect to food.
- (7) R. Huna, who permits baking for heathens if a part thereof can be given to a child.
- (8) The wine left by the Jew in his cup may be used, and therefore it may be removed, whereas the wine in the cup of the heathen must not be used, and consequently may not be handled either.
- (9) May not be removed, because it is unseemly.
- (10) By putting pieces of bread into it.
- (11) Lest they performed some idolatrous libation therewith.
- (12) Which he intended before the Festival to use on the Festival for covering up anything unseemly.
- (13) Which are not usable and may not be handled.
- (14) With respect to the pieces of wood.
- (15) The dregs in the wine cups.
- (16) Which may be removed on account of its repulsiveness.
- (17) I.e., may we make an object repulsive so as to be permitted to remove it? Surely not!
- (18) אדברייה, v. Ta'an, Sonc. ed. p. 60, n. 5.
- (19) [Rashi: 'To wash them': R. Hananel: 'To warm them'.]
- (20) Kindling on a Festival is permitted for food but not for the purpose of washing.
- (21) Regarding this as equivalent to food.
- (22) I.e., heating water for his feet.
- (23) Between the whole body and a single limb.
- (24) Storing counts as cooking.
- (25) This appears to mean that if a metal candelabrum fell down, it must not be put up again, this being regarded as building.
- (26) Such loaves involve burdensome labor.
- (27) Who prohibit.
- (28) Who permit.
- (29) Adopting Beth Hillel's ruling.
- (30) V. n. 7.
- (31) [Lit., 'they'. Others take 'they' as referring to the household, including the master himself v. Asheri.]

### Beitzah 22a

and light [one] candle for him. It was said in the name of R. Isaac: They may also grill a small fish for him. It was taught likewise: He

who did not set an Erub Tabshilin, one may bake one loaf for him and store one dish for him and light [one] candle for him and heat one jug of water for him, while some maintain: They may also grill a small fish for him.<sup>1</sup> Raba says: In truth it treats of a case where he did set [an 'Erub Tabshilin], but storing [hot water] is different for it is evident that he is doing it for the sake of the Sabbath.<sup>2</sup>

Abaye raised an objection:<sup>3</sup> Hananiah says [that] Beth Shammai maintain: One may bake only if he set an 'Erub of bread and one may cook only if he set an 'Erub of cooked food, and one may store only if he had already warm water stored on the eve of the Festival. But if he had stored water, it is [as implied] at any rate allowed, even though it is evident that he is doing it for the sake of the Sabbath! Therefore said Abaye: [It<sup>4</sup> treats of a case] when for example he set an 'Erub for the one<sup>5</sup> and did not set an 'Erub for the other,<sup>6</sup> and the author is Hananiah according to Beth Shammai.

AND ONE MAY NOT SET UP A CANDLESTICK: What does he do?<sup>7</sup> — Said R. Hinena b. Bisna: We are dealing with [a jointed] candlestick composed of parts, [the reason being] because it looks like building;<sup>8</sup> for Beth Shammai hold:<sup>9</sup> Building applies [also] to utensils and Beth Hillel maintain: Neither building nor pulling down apply to utensils. 'Ulla visited Rab Judah and his attendant arose and set up the lamp<sup>10</sup> [on the Festival]. Rab Judah raised an objection to 'Ulla: He who puts oil in a [burning] lamp [on a Sabbath] is culpable on account of kindling, and he who draws supplies from it is culpable on account of extinguishing.<sup>11</sup> —

He replied: I was not paying attention to it. Rab said: Snuffing [the wick] is permitted [on a Festival]. Abba b. Martha asked Abaye: May one extinguish the lamp for something else?<sup>12</sup> —

He replied: It is possible [to take place] in another room. What if he has no other room?

## BEITZOH – 2a–40b

— It is possible to make a partition. What if he has nothing wherewith to make a partition? — It is possible to cover it [the light] with a vessel. What if he has no vessel? —

He replied: It is forbidden.<sup>13</sup> He raised an objection: One may not extinguish a log in order to save it,<sup>14</sup> but it is permitted [to extinguish it] so that a room or a pot does not become smoky!<sup>15</sup> —

He replied: This is the opinion of R. Judah,<sup>16</sup> but I am speaking according to the view of the Rabbis.<sup>17</sup> Abaye asked Rabbah: May one extinguish a conflagration on a Festival? When danger of life is involved I do not ask, for [this] is permitted even on a Sabbath; I only ask when a loss of money [alone] is involved: What is the law? —

He replied: It is forbidden. He raised an objection: One may not extinguish a log in order to save it, but it is permitted [to extinguish it] so that the room or a pot does not become smoky!<sup>18</sup> —

This is the opinion of R. Judah, but I am speaking according to the view of the Rabbis. R. Ashi asked Amemar: May one [medically] paint the eyes on a Festival? When there is a danger, for example of discharge, pricking [pain], congestion, watering, inflammation or the first stages of sickness, I do not ask, for [then] it is permissible even on the Sabbath;<sup>19</sup> I only ask when the sickness is almost cured and it [the painting] is only to give brightness to the eyes:<sup>20</sup> What is the law? —

He replied: It is forbidden. He raised the objection: ‘You may not extinguish a log [etc.]’ and he answered the same as we have answered.<sup>21</sup> Amemar permitted the eye to be painted [medically] by a heathen on a Sabbath. Some say: Amemar himself allowed his eye to be painted by a heathen on a Sabbath. R. Ashi said to Amemar: What is your opinion, because ‘Ulla the son of R. Illai said: All that a sick man needs may be

performed by a heathen on a Sabbath? And R. Hamnuna [further] said: In all cases where there is no danger one may tell a heathen to do it? But this is only when he does not himself help him, but you, Sir, assist him by closing and opening the eye! —

He replied: R. Zebid made the same objection and I answered him: Helping is of no consequence. Amemar permitted to paint the eyes on the second day of the New Year's Feast. R. Ashi said to Amemar: But Raba said: On the first day of a Festival Gentiles [only] may busy themselves with a corpse, [but] on the second day Israelites may do it, and even on the two Festival days of the New Year

(1) [According to the rendering adopted here (cf. n. 6) only others are permitted by Beth Hillel to prepare food for him, v. R. Nissim a.l.]

(2) Whereas cooking, even when intended for the Sabbath, may nevertheless appear to be for the Festival.

(3) V. supra 17b.

(4) Our Mishnah which prohibits storing.

(5) I.e., he baked and cooked before the Festival for the purpose of ‘Erub.

(6) I.e., he did not store any hot water before the Festival.

(7) Surely this is not a prohibited labor!

(8) If it is put together.

(9) V. supra 10a, 11b.

(10) [Alfasi and Rashi: He inclined it backwards so as to draw off the oil from the wick and caused the light to go out.]

(11) Because the light goes out sooner, and extinguishing is likewise forbidden on a Festival.

(12) A euphemism for marital intercourse.

(13) To put out the light.

(14) I.e., for the sake of thrift.

(15) Consequently we see that in order to derive benefit on a Festival, it is permissible to extinguish.

(16) V. infra 28b where R. Judah maintains that... ‘for you’ (Ex. XII, 16) means for all your (permitted) needs.

(17) Who differ from R. Judah. V. ibid.

(18) A conflagration likewise gives forth smoke and causes great inconvenience.

(19) V. A.Z. 28b, Sonc. ed. p. 142.

(20) I.e., to make the eyes sparkle.

(21) Viz. the Baraita is according to R. Judah.

## BEITZOH – 2a–40b

which how ever is not the case with respect to an egg?<sup>1</sup> — He replied: I hold as the Nehardeans who say: [The same holds good] even with respect to an egg; for what is in your mind: perhaps [the month of] Elul will be intercalated?<sup>2</sup> Surely R. Hinena b. Kahana said:<sup>3</sup> From the days of Ezra and onward we do not find Elul ever intercalated.

**AND ONE MAY NOT BAKE BREAD IN LARGE LOAVES BUT ONLY IN THIN WAFERS:** Our Rabbis taught: Beth Shammai say: One may not bake thick bread on Passover,<sup>4</sup> but Beth Hillel permit it; and how much is regarded as thick bread? —

Said Rab Huna: A handbreadth, for so we find with respect to the Showbread [that the loaves were] a handbreadth [in thickness].<sup>5</sup> To this Rab Joseph demurred: If they allowed<sup>6</sup> this for experts,<sup>7</sup> did they also permit it to non-experts?<sup>8</sup> If they allowed it in the case of well-kneaded bread,<sup>9</sup> are they also to allow it with respect to bread which is not well-kneaded?<sup>10</sup> If they allowed it in the case of dry wood,<sup>11</sup> would they allow it in the case of moist wood?<sup>12</sup> If they allowed it in the case of a hot oven,<sup>13</sup> would they allow it in the case of a cold oven?<sup>14</sup> If they allowed it in the case of a metal oven,<sup>15</sup> would they allow it in the case of a clay oven?<sup>16</sup>

Said R. Jeremiah b. Abba: I asked my teacher (viz., Rab) privately, what is meant by ‘thick bread’ [and he replied:] a large quantity of bread.<sup>17</sup> Others say: R. Jeremiah b. Abba said in Rab’s name: I asked my teacher (viz., Rabbi the Holy),<sup>18</sup> privately, what is meant by ‘thick bread’, [and he replied:] a large quantity of bread. And why do they call it ‘thick bread’? —

Because there is more kneading to be done.<sup>19</sup> Alternatively: In the district of this Tanna they called a large quantity of bread thick bread — Consider: [the reason is] that he labors unnecessarily.<sup>20</sup> [Then] why teach [particularly] about Passover, this should hold good of other Festivals as well? — It is even

so, only the Tanna was dealing with Passover. It was taught likewise: Beth Shammai say: One may not bake a large quantity of bread on a Festival, but Beth Hillel permit it.

*MISHNAH.* HE<sup>21</sup> FURTHERMORE GAVE THREE LENIENT RULINGS:<sup>22</sup> ONE MAY SWEEP A DINING-ROOM<sup>23</sup> AND PUT THE SPICES<sup>24</sup> [ON THE FIRE] ON A FESTIVAL, AND ONE MAY PREPARE A ‘HELMETED’ KID ON PASSOVER NIGHT.<sup>25</sup> BUT THE SAGES FORBID THESE.<sup>26</sup>

*GEMARA.* R. Assi said: The dispute is [only with respect] to perfuming [clothes],<sup>27</sup> but when it is for smelling all agree that it is permitted. An objection was raised: One may not sweep a dining-room on a Festival, but in the house of Rabban Gamaliel they did sweep. R. Eleazar b. Zadok said: Frequently I accompanied my father to the house of Rabban Gamaliel and [observed that] they did not sweep the dining-room on a Festival but they swept it on the eve of the Festival and covered it with sheets. On the morrow when guests came they removed the sheets with the result that the room was automatically swept. They said to him: If so, it is permitted to do the same even on the Sabbath. And one may not put the spices [on the fire] on a Festival, but in the house of Rabban Gamaliel they did put.

Said R. Eleazar b. Zadok: Frequently I accompanied my father to the house of Rabban Gamaliel and [observed that] they did not put the spices [on the fire] on a Festival, but they used to bring in iron censers and fill them with the perfume of the incense on the eve of the Festival and stop up the vent-holes on the eve of the Festival. On the morrow when guests came they opened the vent-holes with the result that the room was automatically perfumed. They said to him: If so, it is permitted to do the same even on a Sabbath.<sup>28</sup> But if stated it was thus stated: R. Assi said: The dispute is when it is for smelling, but when it is for perfuming [clothes] it is forbidden. The scholars asked: May one fumigate<sup>29</sup> [fruits] on a Festival?

**R. Jeremiah b. Abba in Rab's name says: It is forbidden;<sup>30</sup> but Samuel says: It is permissible. R. Huna says: It is forbidden because he extinguishes [the charcoal].<sup>31</sup> Said R. Nahman to him: Let the Master say because he kindles<sup>32</sup> [the spices]? — He answered him: At first he extinguishes and afterwards he kindles.<sup>33</sup> Rab Judah says: On charcoal fire it is forbidden,<sup>34</sup>**

- (1) The egg laid on the first day may not be eaten on the second. V. supra 6a.
- (2) In which case the New Year's Festival will begin on the second day.
- (3) V. supra 6a where the words 'in the name of Rab' are added.
- (4) It was presumed that the reason is lest the dough become leavened during its preparation.
- (5) V. Men. 57a.
- (6) Lit., 'said'.
- (7) I.e., priests who were acquainted with the preparation of the Showbread. Cf. Yoma 38a.
- (8) Inexperienced bakers might allow the thick dough to become leavened.
- (9) Such as was essential for the Showbread (Men. 76a). Well-kneaded dough does not easily become sour.
- (10) There is no guarantee that the dough in private houses would be well-kneaded.
- (11) Such as was used in the Temple (v. Ta'an 31a) and which gives a clear fire and bakes quickly.
- (12) Which smolders and does not give forth much heat.
- (13) The oven in the Temple was heated daily and never got quite cold.
- (14) I.e., an oven that was allowed to get cold and afterwards heated.
- (15) Such as was used in the Temple (v. Zeb. 95b) and which gives forth good heat and keeps the heat long.
- (16) Surely not! — In the Temple all these favorable conditions were present but they might be absent elsewhere.
- (17) More than is necessary for the Festival, thus doing more work than he should.
- (18) For this title of Rabbi Judah, the Prince, cf. Shab. p. 118b.
- (19) Lit., 'there is increase in kneading it'.
- (20) And not because the dough might become leaven as previously presumed.
- (21) Rabban Gamaliel.
- (22) Lit., 'said three things for leniency'.
- (23) Lit., 'couches' used as dining tables.
- (24) For the purpose of perfuming the room. V. Ber. (Cohen) p. 279 n. 6.

(25) I.e., a kid roasted whole with its knees and inwards hanging outside. The Passover-offering was roasted in that manner in the days of the Temple; consequently the Sages forbade this after the destruction of the Temple, since sacrifices might not be brought then. Rabban Gamaliel, however, permits it.

(26) They forbid sweeping because of the filling up of cavities, and they forbid spices because this only applies to epicureans or to people possessing repugnant odors, cf. Keth. 7a (Rashi).

(27) It is then that the Sages prohibit because the perfuming of the clothes is not directly one's personal pleasure.

(28) The Rabbis would never have disagreed in such a case. Since they do disagree, however, R. Gamaliel must have permitted the putting of spices on the fire on the Festival. They must then have assumed either that R. Eleazar b. Zadok's memory was at fault or that R. Gamaliel, while in truth holding that it was permitted, did not act on his view out of deference to the Sages who were in a majority. Incidentally we see that the Sages prohibit it even for smelling.

(29) For eating purposes, by placing them over spices on burning coals.

(30) Because it is only an epicurean luxury.

(31) When sprinkling the spices over it.

(32) And kindling is forbidden unless it is for the general preparation of food.

(33) The first effect of his action is to extinguish (i.e. dim) the coals; that is followed by the spices catching fire; R. Nahman quoted the first only.

(34) For there is both extinguishing and kindling.

## Beitzah 23a

on [hot] sherds<sup>1</sup> it is permitted;<sup>2</sup> but Rabbah maintains: On [hot] shards it is also forbidden because he generates a fragrance [in the shard].<sup>3</sup> Rabba and R. Joseph both say: It is forbidden to invert a box [of aromatics] on silken garments on a Festival, because he is producing a fragrance [in the garments]. And why is [this case] different from [the Baraitha]: One may rub it [aromatic wood] and smell it and one may nip off a bit of it and smell it?<sup>4</sup> —

There the fragrance is indeed present and one only increases the smell, [whilst] here he produces a fragrance [in the garments]. Raba [however] says: On charcoal too it is permitted, [for it is] just as roasting meat on a charcoal [fire].<sup>5</sup> R. Gebiha from Be Kathil<sup>6</sup>

## BEITZOH – 2a–40b

expounded at the door of the Exilarch: Kittura<sup>7</sup> is allowed. Amemar said to him: What [is meant by] Kittura? If it means the plaiting of sleeves, [creasing of garments] then it is a craftsman's work;<sup>8</sup> and if [it means] to fumigate, it is [surely] forbidden for he indeed extinguishes! —

Said R. Ashi to him: In truth [it means] to fumigate, but it is analogous to roasting meat on a charcoal fire. Some teach: Amemar said to him: What is [meant by] Kittura? If it means the plaiting of sleeves, then it is a craftsman's work; and if [it means] to fumigate, it is [surely] forbidden, for he produces a perfume! —

Said R. Ashi: I told it to him, and in the name of a great man did I tell it to him: In truth [it means] to fumigate, but it is analogous to roasting meat on a charcoal fire.

**AND ONE MAY PREPARE A 'HELMETED' KID:** It was taught: R. Jose said Theodosius of Rome introduced among the community of Rome the practice of eating a helmeted kid on Passover night. They [the Rabbis] sent [word] to him: If you were not Theodosius, we would have condemned you to excommunication, for you are causing the children of Israel to eat consecrated [animals] outside of Jerusalem. Do you really mean consecrated [animals]?<sup>9</sup> — Say rather: [That which is] similar to consecrated [animals].<sup>10</sup>

**MISHNAH. THREE THINGS R. ELEAZAR B. AZARIAH PERMITTED AND THE SAGES FORBADE: HIS COW WAS LED OUT [ON A SABBATH] WITH A LEATHER STRAP BETWEEN HER HORNS,<sup>11</sup> AND [HE ALSO RULED THAT] ONE MAY CURRY CATTLE ON A FESTIVAL,<sup>12</sup> AND ONE MAY GRIND PEPPER IN A PEPPER MILL.<sup>13</sup> R. JUDAH SAYS: ONE MAY NOT CURRY CATTLE ON A FESTIVAL BECAUSE IT MAKES A WOUND THEREBY, BUT ONE MAY COMB;<sup>14</sup> BUT THE SAGES SAY: ONE MAY NEITHER CURRY NOR COMB.**

**GEMARA.** Shall it be said that R. Eleazar b. Azariah had [only] one cow, surely Rab — some say, Rab Judah in Rab's name — said: R. Eleazar b. Azariah had given as tithe thirteen thousand calves yearly from his herd? — It was taught: It was not his cow but of a neighboring lady, and because he did not restrain her, it [is referred to as his].<sup>15</sup>

**AND ONE MAY CURRY CATTLE ON A FESTIVAL.** Our Rabbis taught: What is currying and what is combing? Currying is done with a small toothed [comb] and causes wounds; combing is done with a large-toothed [comb] and does not cause wounds; and there are three views with respect to this: R. Judah maintains: An unintentional act<sup>16</sup> is forbidden, but currying is done with fine teeth and causes wounds, [while] combing is done with large teeth and does not cause wounds, and we do not preventively prohibit combing on account of currying.

The Sages are likewise of R. Judah's opinion that an unintentional act is forbidden, but they preventively prohibit combing on account of currying;<sup>17</sup> and R. Eleazar b. Azariah holds as R. Simeon who says: An unintentional act is permitted, [hence] both currying and combing is allowed. Raba in the name of R. Nahman in the name of Samuel said: — some say, R. Nahman himself said — the Halachah is as R. Simeon, since R. Eleazar b. Azariah agrees with him. Said Raba to R. Nahman: Let the Master say the Halachah is as R. Judah since the Sages agree with him? — He replied to him: I hold as R. Simeon, and furthermore R. Eleazar b. Azariah agrees with him.

(1) Lit., 'on a fragment of pottery'.

(2) For extinguishing does not apply here and the kindling is performed in an unusual way, which is not prohibited Biblically (Rashi).

(3) I.e., he creates something new in the shard which was absent before, and this the Rabbis forbade.

(4) *Infra* 33b.

(5) Which is permitted, although here too there is extinguishing and kindling while the odor of the meat enters the coals.

# BEITZOH – 2a–40b

- (6) On the Tigris, N. of Baghdad. Obermeyer, p. 143.
- (7) The word has two meanings (a) plaiting (b) perfuming and he did not specify what he meant.
- (8) Which is certainly forbidden.
- (9) But they were not consecrated.
- (10) V. p. 116, n. 9.
- (11) Because he regarded such halter as an ornament. The Sages, however, regarded it as a burden.
- (12) With a fine comb.
- (13) Lit., 'in their mill'.
- (14) Rashi: with a blunt-toothed wooden comb or scraper.
- (15) Lit., 'is called by his name'.
- (16) As the causing of a wound through the combing.
- (17) If the former is permitted, people will do the latter too.

## Beitzah 23b

**MISHNAH.** A PEPPER-MILL IS SUSCEPTIBLE TO DEFILEMENT ON ACCOUNT OF [IT CONSISTING OF] THREE [SEPARATE] UTENSILS;<sup>1</sup> ON ACCOUNT OF A RECEPTACLE,<sup>2</sup> ON ACCOUNT OF A METAL UTENSIL<sup>3</sup> AND ON ACCOUNT OF A SIFTING UTENSIL.<sup>4</sup>

**GEMARA.** It was taught: The lower part [becomes defiled] as a receptacle; the middle part as a sifting utensil; the upper part as a metal vessel.

**MISHNAH.** A CHILD'S GO-CART IS SUSCEPTIBLE TO THE DEFILEMENT OF MIDRAS,<sup>5</sup> AND IT MAY BE HANDLED ON SABBATH,<sup>6</sup> AND IT MAY BE PULLED ALONG ONLY ON MAT TING.<sup>7</sup> R. JUDAH SAYS: NO ARTICLES MAY BE DRAGGED [ALONG THE FLOOR] EXCEPT A WAGON BECAUSE IT [ONLY] PRESSES<sup>8</sup> [THE EARTH] DOWN.

**GEMARA.** A CHILD'S GO-CART IS SUSCEPTIBLE TO THE DEFILEMENT OF MIDRAS, because he [the child] supports himself thereon;<sup>9</sup> AND IT MAY BE HANDLED ON SABBATH, because it is considered a utensil; AND IT MAY BE PULLED ALONG ONLY ON MATTING; only on matting but not on the earth. What is the reason? Because he makes a rut

[furrow]:<sup>10</sup> the author of this is [therefore] R. Judah who says: An unintentional act is forbidden; for if it were R. Simeon, surely he maintains: An unintentional act is permitted; for it was taught: R. Simeon says: A man may drag along a bed, stool or bench [on the floor], provided he has no intention of making a furrow. [But] read the last clause: R. JUDAH SAYS: NOTHING MAY BE DRAGGED [ALONG THE FLOOR] ON THE SABBATH EXCEPT A WAGON BECAUSE IT [ONLY] PRESSES [THE EARTH] DOWN; Only because it presses it down but it does not make a furrow? — There are two Tannaim<sup>11</sup> who differ as to the opinion of R. Judah.

## CHAPTER III

**MISHNAH.** ONE MAY NOT CATCH FISH FROM A FISHPOND ON A FESTIVAL<sup>12</sup> NOR GIVE THEM FOOD,<sup>13</sup> BUT ONE MAY CATCH VENISON OR GAME FROM ANIMAL ENCLOSURES AND ONE MAY PUT FOOD BEFORE THEM. RABBAN SIMEON R. GAMALIEL SAYS: NOT ALL ENCLOSURES ARE ALIKE. THIS IS THE GENERAL RULE:

- (1) So that even if one part were missing the rest counts as complete utensils and can become unclean (Rashi). Tosaf: if one part became defiled the other parts are not affected.
- (2) In contrast to flat wooden vessels which have no hollow for receiving and cannot become unclean. V. Kelim. XI, 1.
- (3) V. Kelim. XI, 2. Even a flat metal utensil can become unclean.
- (4) V. Kelim. XVI, 3, XVII, 4.
- (5) V. Glos.
- (6) Since it really is a utensil. That which does not rank as a utensil may not be handled.
- (7) In order not to make a rut. Their floors were earthen.
- (8) But does not turn it up into a furrow.
- (9) It is therefore considered a stool.
- (10) I.e., he breaks the surface of the ground, being in the nature of plowing.
- (11) One holds that a go-cart is regarded as any other piece of furniture and may not be dragged along because it may skid and turn up the earth as a plow, and the other holds the wheels only press down the earth but do not make a rut.
- (12) Because this could have been done before the Festival.
- (13) Because they can look after themselves.

# BEITZOH – 2a–40b

## Beitzah 24a

WHENEVER CHASING IS STILL NECESSARY<sup>1</sup>  
IT IS FORBIDDEN<sup>2</sup> BUT WHERE CHASING IS  
NOT STILL NECESSARY IT IS PERMITTED.

*GEMARA.* Now the scholars pointed out a contradiction: One may not catch [animals] from enclosures of venison and game on a Festival nor may one put food before them. Thus the rulings on venison are contradictory and those on game are contradictory. As for the rulings on venison, it is well and there is no difficulty, one agreeing with R. Judah, the other with the Sages. For we have learnt: R. Judah says: If [on a Sabbath] one hunts a bird into a tower-trap or a gazelle into a house he is culpable<sup>3</sup> — (only [if he drives it] into a house is he culpable but not into an enclosure).<sup>4</sup>

But the Sages say: [If he drives] a bird into a tower-trap or a gazelle [even] into a garden, a court or an enclosure [he is culpable].<sup>5</sup> But the rulings on game are contradictory! And if you say, this also presents no difficulty, for the one treats of a roofed enclosure and the other of an unroofed enclosure, — surely a house is like a roofed enclosure and [yet] according to both R. Judah and the Sages [he is liable] only [if he drove] a bird into a tower-trap but not into a house! —

Said Rabbah b. Huna: We treat here<sup>6</sup> of a wild bird which does not submit to taming.<sup>7</sup> For the School of R. Ishmael taught: Why is it called free-bird, because it dwells in the house as in the fields.<sup>8</sup> Now that you have come to this [explanation],<sup>9</sup> there is no contradiction in the rulings on venison, [for] the one refers to a small enclosure; the other, to a large enclosure.<sup>10</sup> What is ‘a small enclosure’ [and] what is ‘a large enclosure’? —

Said R. Ashi: Whenever one runs after it [the animal] and catches it with one lunge,<sup>11</sup> It is a small enclosure, otherwise it is a large enclosure. Alternatively: If there are many corners [whither it can escape] it is a large

enclosure, otherwise it is a small enclosure. Alternatively: whenever the shadow of one wall falls upon the other,<sup>12</sup> it is a small enclosure, otherwise it is a large enclosure.

RABBAN SIMEON B. GAMALIEL SAYS:  
NOT ALL ENCLOSURES ARE ALIKE, etc.  
R. Joseph said in the name of Rab Judah in the name of Samuel: The Halachah is as Rabban Simeon b. Gamaliel. Abaye said to him: ‘The Halachah is [etc.],’ from which it would follow that they [the Sages] dispute it!<sup>13</sup> — He said to him: What practical difference does it make to you?<sup>14</sup> — He replied to him: Is a lesson to be recited as a sing-song?<sup>15</sup>

THIS IS THE GENERAL RULE:  
WHENEVER CHASING IS STILL  
NECESSARY, etc.: What is meant by  
CHASING IS STILL NECESSARY? Said R.  
Joseph in the name of Samuel: Whosoever  
one has to say, ‘Bring a trap so that we may  
catch it’.<sup>16</sup> Said Abaye to him: But what of  
geese and hens where one [also] says, ‘Bring a  
net so that we may catch it’, and yet it was  
taught: He who catches geese, hens or  
Herodian doves<sup>17</sup> he is free!

Said Rabbah son of R. Huna in the name of  
Samuel: These come at night into their coops  
[for roosting],<sup>18</sup> but those do not come at night  
into their coops. But what of doves of a  
dovecote and doves of a loft which [likewise]  
come at night into their coops, and yet it was  
taught: He who catches doves of a dovecote or  
doves of a loft or birds nesting in nests<sup>19</sup> or in  
a residence<sup>20</sup> is liable? —

Rather, said Rabbah son of R. Huna in the  
name of Samuel: These come at night into  
their coops and their feeding is your  
obligation,<sup>21</sup> but those come at night into their  
coops but you are not obliged to feed them. R.  
Mari says: These are in the habit of fleeing,  
but those make no attempt to flee. But surely  
all of them make an attempt to flee! — I mean  
they are wont to flee to their nests.<sup>22</sup>

*MISHNAH.* IF TRAPS FOR WILD ANIMALS,  
BIRDS OR FISH WERE SET ON THE EVE OF

## BEITZOH – 2a–40b

THE FESTIVAL, ONE MAY NOT TAKE FROM THEM ON THE FESTIVAL UNLESS HE KNOWS THAT THEY WERE [ALREADY] CAUGHT ON THE EVE OF THE FESTIVAL; AND IT ONCE HAPPENED THAT A CERTAIN GENTILE BROUGHT FISH TO RABBAN GAMALIEL WHO SAID: THEY ARE PERMITTED, BUT I HAVE NO WISH TO ACCEPT [THEM] FROM HIM.<sup>23</sup>

**GEMARA.** You quote an incident to contradict [the teaching of the MISHNAH]! — There is a lacuna in the text and learn thus: When a doubt prevails whether it is in Mukan,<sup>24</sup> it is forbidden, but Rabban Gamaliel Permits it: AND IT ONCE HAPPENED THAT A CERTAIN GENTILE BROUGHT FISH TO RABBAN GAMALIEL, WHO SAID: THEY ARE PERMITTED BUT I HAVE NO WISH TO ACCEPT [THEM] FROM HIM.

Rab Judah said in the name of Samuel: The Halachah is not as Rabban Gamaliel. Some recited it [the statement of Samuel] with reference to the [following] teaching: When a doubt prevails whether it was Mukan, Rabban Gamaliel permits and R. Joshua prohibits. Said Rab Judah in the name of Samuel: The Halachah is as R. Joshua. Some [again] recite it with reference to the following teaching:

- (1) Lit., ‘whenever the hunting is wanting’, i.e., if the enclosure is large and great effort in pursuing the game is requisite.
- (2) Because it is regarded as hunting.
- (3) For having transgressed the Sabbath because these are now quite caught. Hunting is forbidden on the Sabbath, but liability is not incurred unless the act of hunting is complete and the animal actually caught.
- (4) For there is still effort required to catch the animal.
- (5) V. Shab. 106a. Thus all agree that the chasing of a bird into a house does not involve liability, the bird not being regarded as caught.
- (6) With respect to chasing a bird on Sabbath.
- (7) Even when chased into a house it cannot easily be captured.
- (8) Even when in the house it is not domesticated.

(9) That the apparent contradiction in the rulings on game may be reconciled without assuming a controversy of Tannaim.

(10) And both rulings state the view of the Sages.

(11) The space being too small to allow escape.

(12) The walls were of ordinary height.

(13) Which is not the case, for the Sages too draw a distinction between a large enclosure and a small one.

(14) Since the Halachah remains true.

(15) Whether correct or not.

(16) I.e., means are still required for catching it.

(17) [Domesticated indoor doves, supposed to have been bred by Herod. V. Krauss, T.A. II, p. 138].

(18) Where it is easy to catch them, and therefore they are regarded as permanently caught.

(19) Lit., ‘pitcher-shaped (vessels)’ put up in walls or cornices as birds’ nests. V. fast., s.v. טפיה.

(20) [Var. lec. (a) ‘or residences’; (b) ‘or pits’, v. infra p. 127, n. 16.]

(21) Therefore they are regarded as any domestic animal which is always ready for food.

(22) So that great effort is needed before they are caught.

(23) Because he did not like the man.

(24) I.e., prepared before the Festival. V. Glos.

### Beitzah 24b

One may slaughter [animals] out of enclosures<sup>1</sup> on a Festival but not out of hunting-nets or gins;<sup>2</sup> R. Simeon b. Eleazar says: If he came on the eve of the Festival and finds them [the nets or gins]<sup>3</sup> damaged, [then] it is certain that they were caught on the eve of the Festival and [consequently] they are permitted; but if he came on the Festival and finds them damaged, it is certain that they were caught on the Festival and are [therefore] prohibited. Now this is self-contradictory. [First] you say: If he came on the eve of the Festival and finds them damaged it is certain that they were caught on the eve of the Festival. Hence it is only because he came and found them damaged; but if a doubt exists, they are forbidden.

Consider then the latter clause: If he came on the Festival and finds them damaged, it is certain that they were caught on the Festival: Thus it is only because he came and found them damaged [on the Festival]; but if a doubt exists [then I say] they were caught on

## BEITZOH – 2a–40b

the eve of the Festival and are [therefore] permitted? —

This is what he means: If he came on the eve of the Festival and found them damaged, it is certain that they were caught on the eve of the Festival and are permitted; but if a doubt exists it is regarded as if they had been caught on the Festival and they are forbidden. Said Rab Judah in the name of Samuel: The Halachah is as R. Simeon b. Eleazar.

**WHO SAID: THEY ARE PERMITTED.** For what purpose are they permitted? — Rab says: They are permitted to be received,<sup>4</sup> and Levi says: They are permitted to be eaten. Said Rab: A man should never absent himself from the Academy even for a single hour, for I and Levi were both present when Rabbi taught this lesson. In the evening he said: They are permitted to be eaten; but on the [following] morning he said: They are permitted to be received. I who was present in the Academy retracted, [but] Levi who was not present in the Academy did not retract.

An objection is raised: If a Gentile brings a present to an Israelite, even slimy fish or fruit [gathered] on the same day, they are permitted.<sup>5</sup> This is well on the view that they are permitted to be received.<sup>6</sup> But on the view that they are permitted to be eaten, is then fruit [picked] on the same day permitted to be eaten?<sup>7</sup> — Now even according to your reasoning, is then fruit [gathered] on the same day permitted to be handled? But we treat here of fish that are red at the gills<sup>8</sup> and of fruit preserved in leaves.<sup>9</sup> And why does he call them ‘of the same day’? Because they are [as fresh] as [if they had been gathered] on the same day.

R. Papa said: The law is: If a Gentile brought a present<sup>10</sup> to an Israelite on a Festival, [then] if there is of that kind still attached to the ground it is prohibited,<sup>11</sup> and in the evening it is also prohibited for as long a time as it takes to gather;<sup>12</sup> but if there is nothing of the same

kind attached to the earth, [then] within the tehum<sup>13</sup> it is permitted,

(1) Since they are already there on the eve of the Festival, when they are regarded as fully caught. Lit., ‘dykes’, so called because they contain pools of water for the animals to drink.

(2) Because they may have been caught on the day of the Festival.

(3) [I.e., the long ropes or cords to which the nets proper are attached and which tend to become loosened when an animal is caught at the far distant end].

(4) I.e., to be handled, but not to be eaten.

(5) This teaching is evidently in accordance with Rabban Gamaliel.

(6) For although it is almost definite that they have been gathered on the Festival, yet he permits them only to be received.

(7) Surely not!

(8) They are fresh but have been caught for some time.

(9) To keep them fresh, but which had really been gathered before the Festival.

(10) Of freshly gathered fruit.

(11) Since they were possibly gathered on the Festival.

(12) In order not to benefit from work performed on the Festival.

(13) V. Glos. I.e., if the fruit were brought from within the Sabbath limit.

### Beitzah 25a

but outside the Tehum it is prohibited. And what is brought [from outside the Tehum] for one Israelite<sup>1</sup> is permitted for another Israelite.<sup>2</sup> Rabbah son of R. Huna said in Rab's name: If one stops up a pond [from a stream] on the eve of a Festival<sup>3</sup> and on the following morning he finds fish therein, they are permitted.<sup>4</sup> Said R. Hisda: From the words of our Masters<sup>5</sup> we learn [that] if a wild beast takes up its abode in an orchard, predetermination [of the young for the Festival] is not necessary.<sup>6</sup>

Said R. Nahman: Our colleague has fallen among the great.<sup>7</sup> (Some say: Rabbah son of R. Huna said: From the words of our Master we learn [that] if an animal takes up its abode in an orchard predetermination is not necessary. Said R. Nahman: The son of our colleague has fallen among the great — There

## BEITZOH – 2a–40b

he has not performed an action [whereas] here he did perform an action.<sup>9</sup> Does it<sup>10</sup> then not require [special] predetermination?<sup>11</sup> Surely it was taught: If an animal takes up its abode in all orchard it requires predetermination, and a free bird<sup>12</sup> must be tied by her wings<sup>13</sup> so that it should not be mistaken for its mother, and this they averred in the name of Shemaiah and Abtalion! —

This is [indeed] a refutation.<sup>14</sup> Does it then require predetermination? Surely it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that if he determined on doves within the nest and finds them in front of the nest they are forbidden;<sup>15</sup> this only applies to doves of a dovecote or doves of a loft and birds nesting in nests and pits;<sup>16</sup> but geese, hens and Herodian doves<sup>17</sup> and animals having their abodes in orchards are permitted and do not require predetermination; and a free-bird must be tied by its wings so that it should not be mistaken for its mother; and those that were tied up and those that have been handled,<sup>18</sup> [if found] in pits, houses, dykes or trenches are permitted,<sup>19</sup> but [if] on trees they are forbidden lest he climb up and pluck [fruit at the same time]; and those that are tied and those that have been handled, wherever they are found<sup>20</sup> are forbidden on account of robbery!<sup>21</sup> —

Said R. Nahman: There is no difficulty: the one applies to the young bird,<sup>22</sup> the other to its mother.<sup>23</sup> Is then determination [alone] sufficient for the mother-bird; it still requires to be caught?<sup>24</sup> Rather said R. Nahman b. Isaac: Both treat of the young, but the one refers to a garden near the city<sup>25</sup> and the other refers to a garden which is not situated near [the city].

**MISHNAH.** ONE MAY SLAUGHTER [ON A FESTIVAL] AN ANIMAL AT THE POINT OF DEATH ONLY IF THERE IS TIME ENOUGH ON THAT DAY TO EAT THEREOF AS MUCH AS AN OLIVE OF ROASTED FLESH.<sup>26</sup> R. AKIBA SAYS: EVEN [IF THERE IS ONLY

TIME TO EAT] AS MUCH AS AN OLIVE OF RAW FLESH [TAKEN] FROM THE PLACE OF SLAUGHTER.<sup>27</sup> IF HE SLAUGHTERED IT<sup>28</sup> IN THE FIELD, HE MAY NOT BRING IT IN ON A POLE OR A BARROW,<sup>29</sup> BUT HE BRINGS IT IN PIECE BY PIECE IN HIS HAND.

**GEMARA.** Rami b. Abba said: Flaying and cutting up [is required] in the case of a burnt-offering,<sup>30</sup> and the same holds good with respect to butchers:<sup>31</sup> the Torah teaches in this good breeding<sup>32</sup> that one should not eat flesh before flaying and cutting up. What does he inform us?<sup>33</sup> If I were to say that it is to reject the opinion of R. Huna, who said: An animal, when alive, stands in the presumption of a forbidden object until you ascertain how it was slaughtered;<sup>34</sup> once it is slaughtered, it stands in the presumption of being permitted until it becomes known to you how it became trefa<sup>35</sup> — but surely we have learnt in our Mishnah as R. Huna, for we have learnt: R. Akiba Says: EVEN [IF THERE IS ONLY TIME TO EAT] AS MUCH AS AN OLIVE OR RAW FLESH [TAKEN] FROM THE PLACE OF SLAUGHTER; does it not mean literally ‘from the place where it is slaughtered’?<sup>36</sup>—

No, it [means] ‘from the place where it digests the food’.<sup>37</sup> But R. Hiyya taught: [It means] literally ‘from the place where it is slaughtered’? Rather, Rami b. Abba

- (1) Who may not use it
- (2) Since the law of Tehum is only Rabbinical, the Rabbis were lenient (Rashi).
- (3) So that no fish can come in.
- (4) Although he did not know before the Festival that they had been trapped, for the fish in the pond are regarded as having been predetermined for use before the Festival.
- (5) I.e., Rab.
- (6) [They themselves are however forbidden since they need chasing, Asheri.]
- (7) He has made a statement about which there is great controversy.
- (8) The animal took up its abode of its own accord without the owner of the park enclosing it.
- (9) The act of stopping up. An action is a tacit predetermination.
- (10) An animal that took up its abode in an orchard.

# BEITZOH – 2a–40b

- (11) As inferred by R. Hisda.
- (12) Living in a house as well as in a field.
- (13) [This kind of bird is very small so that the mother and its young are alike, hence a sign is necessary].
- (14) Of R. Hisda.
- (15) V. supra 11a.
- (16) So Rashi: Cur. edd.: ‘And in a residence’.
- (17) V. supra p. 124, n. 1.
- (18) Before the Festival, and their owner recognizes them.
- (19) On the Festival.
- (20) On public property, even not on a Festival.
- (21) For the first person that handled them acquired ownership to them.
- (22) Which cannot escape.
- (23) Its mother, which is larger, requires predetermination.
- (24) And should be forbidden on the Festival.
- (25) The owner naturally would draw from that, and therefore he is regarded as having tacitly predetermined thereon.
- (26) Otherwise it would be preparing food on a Festival for the following day, which is forbidden.
- (27) I.e., from the neck without first having to flay the animal and cut it up.
- (28) Any animal.
- (29) This is not a way of paying due regard to the sanctity of the Festival.
- (30) Before the animal is placed on the altar; v. Lev. I, 6.
- (31) Before they sell the meat the animal must be flayed and cut up.
- (32) ‘The way of the land’.
- (33) Does he merely teach good manners or state a prohibition? In the latter case, the reason would be that the animal might be found Trefah (v. Glos.) when cut up, whence it follows that he regards an animal as a doubtful Trefah even if nothing has been seen to cause this doubt.
- (34) The flesh is forbidden so long as it is not known that the animal was slaughtered according to prescribed ritual.
- (35) V. Glos. If a cause of Trefah is discovered after Shechitah, e.g., the lung is pierced, and it is not known whether this happened before Shechitah or after, the animal is permitted. Cf. Hul. 9a. Thus he holds that we entertain no doubt at all once the animal is ritually slaughtered.
- (36) I.e., from the neck where flaying of the animal is not required. Hence we see that it is permissible to eat of the animal before it is flayed and cut up to discover any internal injury.
- (37) The word טבה has the wider significance ‘to destroy and grind up’, and under the term בית טביחה the digestive organs are to be included, and in order to arrive at them, the animal must be cut up

## Beitzah 25b

merely teaches us good manners, as it was taught:<sup>1</sup> A man should not begin to eat leek or onion from the top side, but from the leaves; and if he did eat, he is a glutton.<sup>2</sup> Likewise, a man should not drink his cup of wine in one draught; and if he did so drink, he is a swiller.

Our Rabbis taught: He who drinks his beaker in one draught is greedy, in two [draughts] is well-mannered, in three [draughts] is haughty. Rami b. Abba further said: The ivy<sup>3</sup> cuts off the feet<sup>4</sup> of criminals;<sup>5</sup> the [law concerning] young trees<sup>6</sup> cuts off the feet of butchers<sup>7</sup> and of those cohabiting with menstruous women;<sup>8</sup> the lupine<sup>9</sup> will cut off the feet of the enemies<sup>10</sup> of Israel, for it is said: ‘And the children of Israel again did that which has evil in the sight 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 served him not.’<sup>11</sup> From the implication of ‘and they forsook the Lord’, do I not know that ‘they served Him not’? Then why does the text say, ‘and they served him not’?

Said R. Eleazar: The Holy One, blessed be He, said: My children have not even treated Me like the lupine<sup>12</sup> which is boiled seven times and eaten as a dessert.

A Tanna taught in the name of R. Meir: Why was the Torah given to Israel? Because they are impetuous.<sup>13</sup>

The School of R. Ishmael taught: ‘At His right hand was a fiery law unto them’;<sup>14</sup> the Holy One, blessed be He, said: These are worthy to be given the fiery law. Some say: The laws of these are like fire, for had not the Law been given to Israel no nation or tongue could withstand them. And this is what R. Simeon b. Lakish said: There are three distinguished in strength [fierce]: Israel among the nations,<sup>15</sup> the dog among animals, [and] the cock among

## BEITZOH – 2a–40b

birds. Some say: Also the goat among small cattle. And some say: Also the caper-bush<sup>16</sup> among shrubs.

**IF HE SLAUGHTERED IT IN THE FIELD, HE MAY NOT BRING IT IN ON A POLE.** Our Rabbis taught: A blind man may not go out [on a Festival] with his staff,<sup>17</sup> nor a shepherd with his wallet, neither may a man or a woman go out in a palanquin. But it is not so! For R. Jacob b. Idi sent [word]: In our neighborhood was an old man who was carried in his sedan-chair, and when they came and asked R. Joshua b. Levi [about this], he said: When a number of people need him it is permitted. And our Teachers relied on the words of Ahi Shakia who related: I brought<sup>18</sup> R. Huna from Hini to Shili<sup>19</sup> and from Shili to Hini; and R. Nahman b. Isaac narrated: I carried Mar Samuel from the sun into the shade and from the shade into the sun? —

There it is as the reason stated: When a number of people need him it is permitted. R. Nahman said to Hanna b. Adda, Zion's messenger:<sup>20</sup> When you go hither make a circuit and go over the Promontory of Tyre<sup>21</sup> and visit R. Jacob b. Idi and ask him: What do you say with respect to a palanquin? Before he came there, R. Jacob b. Idi departed this life. When he arrived, he found R. Zerika. He asked him: How do you rule with respect to a palanquin? — He replied: Thus did R. Ammi say: [It is permissible] provided that he is not carried on the shoulders. What means 'provided that he is not carried on the shoulders'? —

Said R. Joseph the son of Raba: By means of alanki.<sup>22</sup> But it is not so, for R. Nahman permitted [his wife] Jaltha to be carried in a sedan-chair by means of Alanki? — It is different with Jaltha for she was nervous.<sup>23</sup> Amemar and Mar Zutra were carried on the shoulders<sup>24</sup> on the Sabbath [preceding] the Festival<sup>25</sup> on account of nervousness, and some say, on account of troubling the public.<sup>26</sup>

**MISHNAH. IF A FIRSTLING<sup>27</sup> FELL INTO A PIT,<sup>28</sup> R. JUDAH SAYS: LET AN EXPERT GO DOWN AND INSPECT [IT];**

- (1) For we find even Tannaim giving instructions with respect to good manners.
- (2) Likewise he who eats from the animal before it is flayed is a glutton.
- (3) Used for boundary marks. The ivy is used for landmarks because its roots go straight down and do not obtrude into neighboring land.
- (4) I.e., convicts.
- (5) Who perpetrate the removal of such landmarks.
- (6) V. Lev. XIX, 23.
- (7) Who eat of the flesh before the animal has been flayed and cut up and examined.
- (8) I.e., before the woman has taken the ritual bath. As patience is required until the fourth year before the fruit is eaten, so We are to have patience and wait until the proper time before enjoying meat or conjugal privilege.
- (9) The lupine is so bitter that it is not edible until it has been cooked seven times. So Israel has worshipped the seven idols mentioned in the following verse and was seven times chastened without amending.
- (10) A euphemism for Israel itself.
- (11) Judg. X, 6.
- (12) The lupine after seven boilings is sweet, but although Israel has repented seven times and been forgiven, they still rebel and make me bitter towards them again.
- (13) The Law was to discipline them.
- (14) Deut. XXXIII, 2.
- (15) But the Law tempers their strength.
- (16) Because of its rapid growing, for as soon as it is plucked it grows again. V. Shab. 30b.
- (17) Because of the disrespect to the Festival, since this is his everyday practice.
- (18) In a palanquin.
- (19) Hini and Shili are places in Babylon near Sura situated very close to each other.
- (20) He was so called because he frequently traveled to Palestine (Rash). Or, perhaps he was something like our modern משולי Palestine at this time was in a decaying state and needed support from abroad.
- (21) I.e., along the sea coast.
- (22) Poles used to carry burdens on the shoulders of two or more persons, Jast.
- (23) Of falling.
- (24) In the Beth ha-Midrash, to their seat. [MS.M. adds: by means of Alanki].
- (25) When it was customary for them to lecture on the Festival laws.
- (26) Who would have to stand up and wait until these teachers made their way slowly through the crowd to the platform. But by being carried

# BEITZOH – 2a–40b

shoulder high (or by means of Alanki) they were quickly carried through the gathering; cf., however, Sanh., Sonc. ed. p. 30, n. 4.

(27) Which may be slaughtered in post-Temple days for consumption by priests only when it has a blemish which would disqualify it for the altar. V. Deut. XV, 19-22.

(28) On a Festival, before the condition of its blemish was exactly known, and it is feared lest it die there.

## Beitzah 26a

**IF IT HAD A BLEMISH<sup>1</sup> HE MAY BRING IT UP AND SLAUGHTER IT,<sup>2</sup> BUT IF NOT, HE MAY NOT SLAUGHTER IT. R. SIMEON SAYS: WHENEVER ITS BLEMISH WAS NOT OBSERVED ON THE DAY BEFORE THE FESTIVAL, IT IS NOT MUKAN.<sup>3</sup>**

**GEMARA.** Wherein do they differ?<sup>4</sup> If we are to say that they differ as to whether one may examine blemishes [on a Festival], R. Judah holding: One may examine blemishes on a Festival, while R. Simeon maintains: One may not examine blemishes on a Festival, then let them dispute whether one may examine blemishes in general [on a Festival]!<sup>5</sup> —

It is especially necessary [to teach this] with respect to a firstling that fell into a pit; [for] you might have thought that on account of suffering of animals one might have recourse to an artifice and bring it up [from the pit] in accordance with R. Joshua,<sup>6</sup> so he informs us [that it is not so]. If so, instead of HE MAY NOT SLAUGHTER IT, it should be stated, 'He may not bring it up<sup>7</sup> and slaughter it!' —

This [teaching] is necessary [only] where he transgressed and brought it [the animal] up; you might think that he may slaughter it, so he informs us [that it is not so]. [But how could he possibly] slaughter it? Surely it is without blemish! —

This is necessary [concerning the case] where it received a blemish.<sup>8</sup> But it is Mukzeh!<sup>9</sup> —

Rather, [it treats of a case] where it received a temporary [transient] blemish on the eve of the Festival and now [on the Festival] it

turned into a permanent blemish; you might have thought that he [the owner] had set his mind upon it<sup>10</sup> and he may therefore slaughter it; so he informs us<sup>11</sup> [that it is not so].

**Our Rabbis taught:** A firstling without blemish that fell into a pit. R. Judah the Prince<sup>12</sup> says: Let an expert go down [the pit] and examine it; if it has sustained a blemish, he may bring [it] up and slaughter [it],<sup>13</sup> but if not, he may not slaughter [it]. R. Simeon b. Menasia said to him: They [the Rabbis]<sup>14</sup> indeed said: One may not examine blemishes on a Festival. How [is this<sup>15</sup> to be explained]? If it received a blemish on the eve of the Festival,<sup>16</sup> one may not examine it on the Festival;<sup>17</sup> if it received a blemish

(1) Rashi: If the firstling sustained a defect before the Festival, but it was not known until now whether the defect was such as to disqualify it for the altar.

(2) For its owner probably intended before the Festival to slaughter it on the Festival.

(3) I.e., no expert may go down to examine it, because the pronouncing of the blemish by the expert is regarded by R. Simeon as preparing a vessel, since before the examination of the expert it could not be used on the Festival, or as sitting in judgment, which is not permitted on a Festival (Rashi), v. infra 36a.

(4) It cannot be that they are disputing here with respect to Mukzeh, because we have previously learnt that R. Judah prohibits Mukzeh and R. Simeon permits it.

(5) Why particularly about a firstling that has fallen into a pit.

(6) V. Shab. 117b.

(7) Since on the present hypothesis this is the main purpose of the teaching.

(8) Through its fall.

(9) Since the firstling had no blemish before the Festival it may not be slaughtered on the Festival on account of Mukzeh. V. Glos.

(10) On account of its temporary blemish.

(11) Since the blemish was of a temporary nature, it is regarded as if the firstling had no blemish at all and cannot be intended to be slaughtered.

(12) [Not to be confused with R. Judah in our Mishnah who is R. Judah b. Ila'i].

(13) R. Judah the Prince does not regard the firstling as Mukzeh (Rashi).

(14) Of former generations.

# BEITZOH – 2a–40b

(15) [The views of the Rabbis of former generations in which R. Simeon b. Yohai the teacher of R. Simeon b. Menasia is included].

(16) And it is not known whether the blemish was of a temporary nature or permanent.

(17) At the outset. But if it was examined, it may be slaughtered, since on the eve of the Festival it only lacked the expert's examination.

## Beitzah 26b

on the Festival, R. Simeon [b. Yohai] says: This is not Mukan.<sup>1</sup> But they agree that if it is born [on a Festival] with a blemish it is regarded as Mukan.<sup>2</sup> Rabbah son of R. Huna expounded: If it is born with a blemish one may examine it at the outset on a Festival. R. Nahman said to him: My father taught: If he transgressed and examined it, it is an examination,<sup>3</sup> and you say one may examine it at the outset?!

Abaye said: The opinion of Rabbah son of R. Huna<sup>4</sup> is more acceptable, for it [the previous Baraitha] teaches three cases: [viz.,] 'If it received a blemish on the eve of the Festival you may not examine it on the Festival'; it is only at the outset that you may not [examine], but if it has been done it is well and good; 'If it received a blemish on the Festival, R. Simeon says: This is not Mukan'? i.e., even if it has been examined it still may not [be slaughtered]; and then it states, 'But they agree that if it is born [on a Festival] with a blemish it is regarded as Mukan', [i.e.] even at the very outset.<sup>5</sup> But surely when R. Oshaia came he brought with him the following teaching: Whether it received the blemish on the eve of the Festival, or whether it received the blemish on the Festival, the Sages<sup>6</sup> say: This is not regarded as Mukan!<sup>7</sup> But then there is a contradiction from the other [Baraitha]!<sup>8</sup>—

The author of that Baraitha is Adda b. Ucmi who blunders in his teaching.<sup>9</sup> R. Nahman b. Isaac said: Our Mishnah also proves this;<sup>10</sup> for it states: R. Simeon says: **WHENEVER ITS BLEMISH WAS NOT OBSERVED ON THE DAY BEFORE THE FESTIVAL IT IS NOT MUKAN.** What means ITS BLEMISH

**WAS NOT OBSERVED?** If I were to say that no blemish was visible at all,<sup>11</sup> [then] it is obvious; need this be taught?<sup>12</sup>

Therefore [it means] that it was not examined by an expert on the eve of the Festival whether it was a passing blemish or a permanent blemish. Nevertheless it teaches **IT IS NOT MUKAN**;<sup>13</sup> understand therefrom [that it is so]. [R.] Hillel<sup>14</sup> asked Raba: Does the law of Mukzeh apply to a part<sup>15</sup> of the Sabbath or not? How can such a contingency arise? If they [the fruit] were fit at twilight<sup>16</sup> they were fit;<sup>17</sup> and if [at twilight] they were not fit, then they are not fit!<sup>18</sup> —

It applies to a case where [at twilight] they were fit<sup>19</sup> but afterwards became unfit<sup>20</sup> and then again became fit.<sup>21</sup> What is the law?<sup>22</sup> He replied to him: The law of Mukzeh applies. He raised an objection: 'But they agree that if it is born with a blemish it is regarded as Mukan';<sup>23</sup> but why? Let us say: This firstling was originally<sup>24</sup> fit through its mother;<sup>25</sup> when it was born, it became debarred [from use];<sup>26</sup> on it being shown to an expert it became permitted!<sup>27</sup> —

Answered Abaye — some say, R. Safra: It means for example that the experts were present there [at the time of birth].<sup>28</sup> Some teach: He replied to him: The law of Mukzeh does not apply to a part of the Sabbath. Shall we say [the following] supports him? 'But they agree that if it is born with a blemish it is regarded as Mukan'; now this firstling was originally fit through its mother; when it was born, it became debarred [from use]; on its being shown to an expert it became permitted! —

Answered Abaye — some say, R. Safra: It means for example that the experts were present there [at the time of birth]. Come and hear: If one was eating grapes [on a Sabbath] and left some over, which he carried up on the roof to make from them raisins; [or was eating] figs and left some over which he carried up on the roof to make from them dry

figs, he may eat of them [on the Festival] only if he had designated them before the Festival;<sup>29</sup> the same is true of peaches, quinces and other kinds of fruit.<sup>30</sup> Now what are the circumstances? If they were fit,<sup>31</sup> why must he designate [them]? If [on the other hand] they were not fit, [then] what even if he does designate them?<sup>32</sup>

And if you say that he did not know<sup>33</sup> whether they were fit or not,<sup>34</sup> surely R. Kahana said: [Fruits] set aside [for drying] which had dried [before the eve of the Festival] even if the owners did not know it, are permitted!<sup>35</sup> Hence it must surely treat [of a case] where they were fit but [afterwards] became debarred from use and then again became fit, now if you maintain the law of Mukzeh does not apply [to such a case] why is it necessary to designate them? — What then: the law of Mukzeh does apply? Then what if he does designate them?<sup>36</sup> —

Rather it treats of a case where they were only half fit,<sup>37</sup> some people eating them<sup>38</sup> and some not; if he designated them, he made known his mind,<sup>39</sup> [but] if he did not designate them he did not make known his mind.

R. Zera said: Come and hear [an argument] from beans and lentils; for beans and lentils are in their raw state<sup>40</sup> fit for chewing; by putting them in a pot [for cooking] they become inedible;<sup>41</sup>

- (1) And even if an expert did examine it, it still may not be slaughtered. For the reason v. supra p. 132, n. 9.
- (2) Since the firstling was never in a condition of prohibition but from its birth was ready for use.
- (3) I.e., his decision is valid.
- (4) That it may be examined at the outset.
- (5) If it were otherwise this clause should have been coupled with the first clause.
- (6) I.e., R. Simeon.
- (7) So that it is still possible to maintain that the teaching with respect to the firstling being born with a blemish refers only to a case de facto. How could then Abaye support the opinion of Rabbah son of R. Huna in face of this Baraitha?
- (8) Brought in support of Rabbah son of R. Huna. Which of these is the more authoritative?

- (9) I.e., he is an unreliable authority.
- (10) As supporting R. Oshaia.
- (11) I.e., that it incurred no blemish at all.
- (12) Even R. Judah, R. Simeon's disputant, would agree that it may not be slaughtered; for though he may hold that a blemish may be examined on a Festival, yet he maintains the law of Mukzeh.
- (13) Even in the case of de facto. Hence the last clause in the Baraitha 'but they agree that if it is born with a blemish it is regarded as Mukan' also refers only to a case de facto.
- (14) A fourth century Amora.
- (15) מוֹעֵד = moiety or a part.
- (16) Just before the Sabbath commences.
- (17) And there was no part of the Sabbath during which they became Mukzeh.
- (18) And are certainly forbidden. — The question whether something was fit or not is always decided by its state at twilight.
- (19) When for example fruits such as figs or grapes have been set apart for drying, i.e., to become dry figs or raisins, (during which process they are not edible) but at the commencement of the Sabbath the drying process had finished.
- (20) Being swollen and puffed up by rain.
- (21) The sun having dried them before the end of the Sabbath.
- (22) Does the unfitness of part of the day render them Mukzeh for the rest of the day?
- (23) V. supra.
- (24) I.e., at twilight.
- (25) Through the slaughtering of the mother-animal the embryo, though a firstling, is permitted even if it is unblemished. V. Deut. XV, 19.
- (26) Until an expert will establish the permanency of its blemish.
- (27) Hence this animal too was forbidden for a part of the day, yet it is not accounted Mukzeh for the rest of day.
- (28) And immediately affirmed that it was a permanent blemish; hence at no time of the day was it Mukzeh.
- (29) That if he would set aside fruits on the Sabbath or Festival to be dried, he should be allowed to eat them after they were dried.
- (30) V. Shab. 45a.
- (31) I.e., at twilight.
- (32) It is of no avail, for designation cannot change that which is Mukzeh to Mukan.
- (33) At twilight.
- (34) And as it was too much trouble for him to find out, he designated them by declaring, 'I will eat them to-morrow if they are fit'.
- (35) To be eaten without requiring any designation.
- (36) Why should they be permitted, since the unfitness intervened later.
- (37) Lit., 'fit and not fit'.
- (38) In this half fit condition.
- (39) That for him they were fit.

# BEITZOH – 2a–40b

(40) Lit., ‘originally’.

(41) So long as they are boiling. Lit., rejected (from use)’.

## Beitzah 27a

and when their cooking is finished they are [again] fit!<sup>1</sup> —

Said Abaye to him: Then according to your reasoning,<sup>2</sup> cooked dishes in general present a difficulty; for usually dishes at twilight are seething<sup>3</sup> and [yet] in the evening we eat them!<sup>4</sup> But [the truth is] if they [can] become fit through human means, there is no question at all;<sup>5</sup> our question<sup>6</sup> is only when they become fit through heaven.<sup>7</sup> R. Judah the Princes had a firstling and sent it [on the Festival] to R. Ammi.<sup>9</sup> He however did not want to examine it.

Said R. Zerika — some say, R. Jeremiah — to him: [In a dispute between] R. Judah and R. Simeon the Halachah is as R. Judah!<sup>10</sup> Afterwards he sent it to R. Isaac the Smith. He [too] did not want to examine it.

Said R. Jeremiah — some say, R. Zerika — to him: [In a dispute between] R. Judah and R. Simeon the Halachah is as R. Judah!

Said R. Abba to him: Why did you not allow the Rabbis to act according to R. Simeon? He replied: What support have you?<sup>11</sup> — He said to him: Thus did R. Zera say: The Halachah is as R. Simeon. A certain person exclaimed: May it fall to my lot to go thither [Palestine] and learn this teaching from the mouth of the Master. When he came thither he met R. Zera and asked him: Did you, Sir, say the Halachah is as R. Simeon? —

He replied to him: No, I [only] said, his view is to be preferred; for since our Mishnah states: R. SIMEON SAYS: WHENEVER ITS BLEMISH WAS NOT OBSERVED BEFORE THE FESTIVAL IT IS NOT MUKAN; and the Baraita teaches the same in the name of the Sages,<sup>12</sup> it follows that his opinion is to be preferred. How then does the law stand?—

Said R. Joseph: Come and hear; for it hangs on strong ropes;<sup>13</sup> for R. Simeon b. Pazzi said in the name of R. Joshua b. Levi in the name of R. Jose b. Saul in the name of Rabbi in the name of the Holy Congregation of Jerusalem;<sup>14</sup> R. Simeon [b. Menasiah] and his contemporaries have said: The Halachah is as R. Meir. They<sup>15</sup> have said! But these<sup>16</sup> are much older<sup>17</sup> than he!<sup>18</sup> —

Therefore [say], They taught it according to the opinion of R. Meir.<sup>19</sup> For we have learnt: If one slaughtered a firstling and [only] afterwards showed its blemish [to an expert], R. Judah permits<sup>20</sup> [it], but R. Meir says: Since it was slaughtered without the permission of an expert it is forbidden.<sup>21</sup> Consequently R. Meir holds [that] the examination of a firstling is not like the examination of a Trefah; [for] the examination of a firstling [must take place] during life, [but] the examination of a Trefah [is done] after slaughtering. Hence [it follows that] the examination of a Trefah [takes place] even on a Festival, [but] the examination of a firstling [must take place only] on the eve of the Festival.<sup>22</sup>

Abaye said to him: Do they<sup>23</sup> then dispute there on the examining of blemishes [on a Festival]; [surely] they dispute whether he is to be penalized!<sup>24</sup> For Rabbah b. Bar Hana said in the name of R. Johanan: In the case of a cataract,<sup>25</sup> all agree that it [the animal] is forbidden, because it changes<sup>26</sup> [after slaughter]. They differ only with respect to a blemish in the body,<sup>27</sup> when R. Meir holds: We preventively prohibit a blemish in the body out of regard to a blemish in the eye;<sup>28</sup> while R. Judah is of the opinion: We do not preventively prohibit!

Said R. Nahman b. Isaac: The Mishnah also proves [this]. For it states: R. Meir says, Since it was slaughtered without the permission of an expert it is forbidden; conclude therefrom that [R. Meir merely] penalizes [him]. It is thus concluded. Ammi of Wardenai<sup>29</sup> used to

# BEITZOH – 2a–40b

examine the firstlings in the household of the Prince;<sup>30</sup> one [a blemish] occurred on a Festival, and he did not examine it. They came and told [this] to R. Ammi, who told then,; He did right in not examining it. But it is not so! For R. Ammi himself did examine? —

**R. Ammi indeed examined it on the day before<sup>31</sup>**

- (1) Thus they are exactly parallel to the case under discussion, yet they are certainly permitted when cooked.
- (2) That food on the boil is treated as Mukzeh.
- (3) And therefore unfit to be eaten.
- (4) [Despite the well-established principle that whatever is Mukzeh at twilight remains Mukzeh for the whole Sabbath].
- (5) About their becoming Mukzeh through their momentary unfitness, Since it is in his power to make them fit — which explains why the beans and lentils as well as the cooked dishes referred to are not considered Mukzeh.
- (6) Whether Mukzeh applies to a part of the Sabbath.
- (7) I.e., through the heat of the sun over which he has no control.
- (8) I.e., R. Judah II.
- (9) To examine whether it had a permanent blemish so that it might be eaten by the priests who ate at the Prince's table.
- (10) And R. Judah, in one instance, allows to examine blemishes on a Festival. V. 'Er. 46b.
- (11) To decide the Halachah according to R. Simeon.
- (12) R. Simeon's opinion is recorded in the Baraitha (supra 26b, 'when R. Oshaia came, etc.')
- anonymously in the form of 'the Sages say' — this expression indicates that it is the majority ruling.
- (13) An idiom meaning, 'it is based on high authority'. The strong ropes are the great authorities. (Cf. the expression, 'It is well moored.')
- V. A.Z., Sonc. ed. p 34 n. 5. Aliter: High trees (v. Aruch).
- (14) V. R.H., Sonc. ed., p. 80, n. 9.
- (15) I.e., R. Simeon b. Menasiah and his contemporaries.
- (16) The Rabbis who formed the Holy Congregation of Jerusalem.
- (17) I.e., belong to an earlier generation.
- (18) I.e. R. Simeon b. Menasiah. And it is very unusual for such to report a Halachah in the name of a very young man.
- (19) It is usual for older scholars to commend younger contemporaries by saying that their opinion coincides with the opinion of some great authority.

(20) To be eaten if the examination proves the blemish to be permanent.

(21) Even though the examination proved the blemish to be permanent. V. Bek. 28a.

(22) Because the examination of the firstling is the all important thing and may not be performed on a Festival. Hence R. Judah is in a minority against the opinions of R. Meir and R. Simeon b. Yohai.

(23) R. Meir and R. Judah.

(24) So that even R. Meir may hold that a blemish may be examined on a Festival.

(25) I.e., a skin on the pupil of the eye which gradually causes blindness.

(26) Had the animal been examined before it was slaughtered, the blemish would have appeared transitory, whilst after slaughter it appears permanent.

(27) Which does not vary with the slaughtering of the animal.

(28) And this preventive prohibition is really a penalty for having slaughtered it without permission of an expert.

(29) [On the Eastern Bank of the Tigris near Baghdad, Obermeyer p. 270.]

(30) [In Palestine where Ammi had settled.]

(31) The Festival to see whether the blemish was permanent.

## Beitzah 27b

and on the day of the Festival he only asked how it [the blemish] had come about; just as a certain man<sup>1</sup> brought a firstling before Raba on the eve of a Festival towards evening. Raba was sitting and combing his head; he lifted up his eyes and looked at the blemish and said to him: Go now, and come to-morrow. When he came on the following day, he asked him: How did it happen? He replied: Barley was strewn on the one side of the hedge and it [the firstling] was on the other side. As it wanted to eat thereof, it stuck its head [through the hedge] and the hedge tore its lip.<sup>2</sup> Said he to him: Perhaps you caused this intentionally? —

He replied to him: No. And whence do you know that the intentional causing [of a blemish] renders it forbidden? — For it was taught: There shall not be any blemish therein,<sup>3</sup> I only know that no blemish may be therein.<sup>4</sup> Whence do I know that one may not indirectly cause [a blemish] to it through something, [for example] that he may not

## BEITZOH – 2a–40b

bring dough or pressed figs and put them on the ear in order that a dog may come and take it?<sup>5</sup> The text says: ‘Not any blemish’. It says ‘blemish’ and it says ‘any blemish’.<sup>6</sup>

**MISHNAH.** IF A BEAST DIED [ON A FESTIVAL] IT MAY NOT BE MOVED FROM ITS PLACE. IT HAPPENED THEY ONCE ASKED R. TARFON CONCERNING THIS AND CONCERNING HALLAH<sup>7</sup> THAT BECAME DEFILED;<sup>8</sup> HE WENT INTO THE ACADEMY AND INQUIRED, AND THEY ANSWERED HIM: THEY MAY NOT BE MOVED FROM THEIR PLACE.

**GEMARA.** Shall it be said that we have learnt anonymously not as R. Simeon; for we have learnt: R. Simeon says: One may cut up gourds for cattle and a carcass<sup>9</sup> for dogs. R. Judah says: If the animal was not yet dead on the eve of the Sabbath it is forbidden.<sup>10</sup> —

You can say it [the Mishnah] can even be as R. Simeon, [for] R. Simeon admits that living animals<sup>11</sup> that died [on the Sabbath] are forbidden.<sup>12</sup> This is all very well according to Mar b. Amemar in the name of Raba, who said: R. Simeon admits that living animals that died [on the Sabbath] are forbidden.<sup>13</sup> But according to Mar the son of R. Joseph in the name of Raba, who says: R. Simeon disputes even in the case of living animals which died [on the Sabbath, maintaining] that they are permitted, what is there to be said?  
—

Ze'iri explained it with respect to a consecrated animal.<sup>14</sup> [Our Mishnah] also proves this; for it teaches CONCERNING THIS AND CONCERNING HALLAH THAT BECAME DEFILED; just as Hallah is consecrated, so is the animal [one that is] consecrated. Then the reason is that it was consecrated; but if [the animal was] not consecrated it is permitted;<sup>15</sup> this is all very well according to Mar the son of R. Joseph in the name of Raba, who says: R. Simeon disputes even in the case of living animals which died [on the Sabbath, maintaining] that they are permitted. But according to Mar b.

Amemar in the name of Raba who says: R. Simeon agrees that living animals which died [on the Sabbath] are forbidden, what is there to be said?<sup>16</sup> — It treats here of an [animal] that had been in a dangerous condition [on the eve of the Festival], and it is according to the opinion of all.<sup>17</sup>

**MISHNAH.** ONE MAY NOT ON THE FESTIVAL BE COUNTED IN AS HAVING A SHARE IN THE ANIMAL<sup>18</sup> AT THE OUTSET, BUT [PEOPLE] MAY BE COUNTED IN ON THE EVE OF THE FESTIVAL AS HAVING A SHARE IN THE ANIMAL, AND THEY SLAUGHTER IT<sup>19</sup> AND DIVIDE IT BETWEEN THEM.<sup>20</sup>

**GEMARA.** What means ONE MAY NOT BE COUNTED IN AS HAVING A SHARE? — Said Rab Judah in the name of Samuel: One may not on a Festival, at the outset, arrange about the price of an animal.<sup>21</sup> How should he do it?<sup>22</sup> Said Rab: Let him<sup>23</sup> bring two animals<sup>24</sup> and place them side by side and say: ‘This one is like the other one’.<sup>25</sup> It was Likewise taught:<sup>26</sup> One may not say to his neighbor: ‘I want to go shares with you [in your animal] to the value of a Sela’, I want to go shares with you to the value of two Sela's’; but he may say. ‘I want to go shares with you for a half or for a third or for a fourth’.

(1) A priest.

(2) Which counts as a permanent blemish.

(3) Lev. XXII, 21.

(4) I.e., one may not make a blemish.

(5) And injure its ear.

(6) I.e., ‘blemish’ alone would have sufficed; ‘any’ (Heb. Kol) is an extension and therefore includes even indirect action.

(7) V. Glos.

(8) Which may not even be used as fuel on a Festival.

(9) I.e., an animal that died on the Sabbath.

(10) V. supra 6b.

(11) I.e., animals that were healthy and strong at the beginning of the Sabbath.

(12) To be moved on the Sabbath. R. Simeon allows an animal to be cut up for dogs only if the same were in a dangerous condition on the eve of the Sabbath or Festival.

(13) V. Shab. 45b.

(14) Which is forbidden to be given to dogs, hence it may not be moved at all, since no use can be made of it.

# BEITZOH – 2a–40b

(15) To cut it up for dogs on Sabbath.

(16) Whose opinion will our Mishnah represent.

(17) Since the owner reckoned on it dying, he intended to give it to the dogs; therefore it was Mukan. [Var. lec. omit: 'And it is according to... all'. I.e., the Mishnah which implies that the carcass of a non-consecrated animal that has been in a dangerous condition may be cut up on the Festival is in accordance with R. Simeon, v. Rashi. On the reading of cur. edd., the Mishnah can be also in accordance with R. Judah; for he would agree that, where it had been in a dangerous condition before the Festival, it may be cut up on the Festival, his dispute with R. Simeon concerning only an animal that had been ill but not dangerously so, v. R. Nissim.]

(18) In doing so, it would be like transacting business on a Festival, because they would know its weight and market value.

(19) On the Festival, leaving over the question of price, etc. until after the Festival.

(20) [Rashi: 'He (the butcher) slaughters it'].

(21) As it savors of transacting business. V. infra 37a.

(22) Referring to the second clause of the Mishnah. How do they divide it on a Festival so that they should know afterwards how much each received?

(23) [On Rashi's reading

(p. 141, n. 7): 'How should the butcher do to be able to fix the price after the festival'].

(24) Of equal value, only one of which is to be slaughtered and shared.

(25) And after the Festival they arrange the price of the one that was not slaughtered and pay their shares pro rata for the one that was slaughtered.

(26) That no price may be fixed on a Festival.

## Beitzah 28a

**MISHNAH.** R. JUDAH SAYS: A MAN MAY WEIGH MEAT [ON A FESTIVAL] AGAINST A UTENSIL OR AGAINST A BUTCHER'S CHOPPER;<sup>1</sup> BUT THE SAGES SAY: ONE MAY NOT LOOK ON THE PAIR OF SCALES AT ALL.

**GEMARA.** What means [NOT] AT ALL? — Said Rab Judah in the name of Samuel: even to protect it [the flesh] from mice<sup>2</sup> Said R. Idi b. Abin: This only applies if it [the scales] hang on a hook.<sup>3</sup> Rab Judah in the name of Samuel further said: A skilled butcher may not weigh meat [on a Festival] even by hand.<sup>4</sup> Rab Judah in the name of Samuel further said: A skilled butcher may not weigh meat [on a Festival] in water.<sup>5</sup>

Rab Hiyya b. Ashi said: One may not cut a handle in the meat.<sup>6</sup> Said Rabina: But with the hand<sup>7</sup> it is permitted [to make a handle]. R. Huna said: It is permitted to make a mark on the meat,<sup>8</sup> just as Raba son of R. Huna was wont to cut it [the meat] in a triangular shape.<sup>9</sup>

R. Hiyya and R. Simeon b. Rabbi weighed one portion against [another] portion<sup>10</sup> on the Festival.<sup>11</sup> According to whom? It is neither according to R. Judah nor according to the Rabbis! For if according to R. Judah, Surely he says: A MAN MAY WEIGH MEAT [ON A FESTIVAL] AGAINST A UTENSIL OR AGAINST A BUTCHER'S CHOPPER; only against a utensil but not against any other thing!<sup>12</sup> And if according to the Rabbis, surely they say: ONE MAY NOT LOOK ON THE PAIR OF SCALES AT ALL! —

They acted as R. Joshua. For it was taught: R. Joshua says: One may weigh one portion [against] another portion on a Festival. Said R. Joseph: The Halachah is as R. Joshua, since we learnt in [Tractate] Bekoroth in accordance with his view. For we have learnt: As to consecrated animals that became disqualified, the benefit of them belongs to the Temple,<sup>13</sup> and one may weigh [the meat] portion against portion in the case of the firstling.<sup>14</sup>

Said Abaye to him: Perhaps it is not so?<sup>15</sup> [Perhaps] R. Joshua says this<sup>16</sup> only here<sup>17</sup> where there is no disrespect to consecrated animals, but not there<sup>18</sup> where there is a disrespect to consecrated animals. Alternatively, [perhaps] the Rabbis said this<sup>16</sup> only there<sup>18</sup> because it does not appear as everyday practice,<sup>19</sup> but not here<sup>20</sup> which appears like an ordinary transaction.<sup>21</sup> Shall it be said that they<sup>22</sup> were very particular [with each other]; but there were seven fishes brought to the house of Rabbi and [although] five of them were found in the house of R. Hiyya, yet R. Simeon b. Rabbi did not mind? — Answered R. Papa: Link a [different]

## BEITZOH – 2a–40b

person with each of them;<sup>23</sup> either it was R. Hiyya and R. Ishmael son of R. Jose or it was R. Simeon b. Rabbi and Bar Kappara.

**MISHNAH.** ONE MAY NOT WHET A KNIFE ON A FESTIVAL,<sup>24</sup> BUT ONE MAY DRAW IT OVER ANOTHER KNIFE<sup>25</sup> [TO SHARPEN IT].

**GEMARA.** R. Huna said: They only taught this of a whet-stone, but it is permitted on a knife-board. Said Rab Judah in the name of Samuel: That which you say that on a [whet-]stone it is forbidden, applies only to sharpening it, but to remove its grease is permitted; whence it follows that on a knife-board even sharpening is permitted. Some taught this<sup>26</sup> on the concluding part: 'it is permitted on a [knife-]board'. —

Said Rab Judah in the name of Samuel: That which you said that on a [knife-]board it is permitted, applies only to the removal of its grease, but to sharpen it is forbidden; whence it follows that on a whet-stone even to remove its grease is forbidden. Some taught this on our Mishnah: ONE MAY NOT WHET A KNIFE ON A FESTIVAL.

Said Rab Judah in the name of Samuel: They only taught this with respect to sharpening it, but to remove its grease is permitted; whence it follows that to draw it over another knife is permitted even for the purpose of sharpening it. And others taught this on the concluding part [of our Mishnah]: BUT ONE MAY DRAW IT OVER ANOTHER KNIFE.

Said Rab Judah in the name of Samuel: They only taught this with respect to removing its grease, but to sharpen it, is prohibited; whence it follows that on a whet-stone even to remove its grease is prohibited. Who is the authority [of our Mishnah] that on a whet-stone it is forbidden?

Said R. Hisda: It is not as R. Judah; for it was taught: The Festival is distinguished from the Sabbath only with respect to the preparing of food alone. R. Judah permits [on a Festival]

even the preliminaries for the preparing of food.<sup>27</sup> Raba said to R. Hisda: May we lecture in your name that the Halachah is as R. Judah? —

He replied to him: May it be [God's] will that you lecture all good things of this sort in my name. R. Nehemiah the son of R. Joseph said: I was standing [on a Festival] before Raba who

- (1) Putting the meat in one pan of the scale and the utensil in the other. But actual weights may not be used, as it would look like doing business.
- (2) Meat may not be put in scales even for that.
- (3) It is then prohibited because it appears as if the meat is being weighed.
- (4) Because he does the same during the week.
- (5) The water being placed in a graduated vessel used for weighing meat by observing the displacement of the water.
- (6) A hole by which it is handled.
- (7) By digging the fingers into the meat.
- (8) So that its ownership might not be mistaken.
- (9) When he sent it by a messenger, in order that his household might recognize it, because meat temporarily lost from sight is prohibited. V. B.M. 23a, Sonc. ed. p, 146, n. 5.
- (10) When they used to divide meat between them.
- (11) In the two pans of a scale. This is not an everyday practice, therefore they held it is permitted.
- (12) Such as one portion against another portion which he regards as an everyday practice.
- (13) And therefore they may be sold even by weight.
- (14) Though it may not be weighed with ordinary weights, because the benefit belongs not to the Temple but to the owner, yet weighing portion against portion is permitted. This proves that weighing portion against portion is not an everyday practice.
- (15) Perhaps the two cases are not analogous, as has been assumed.
- (16) That one may weigh portion against portion.
- (17) In the case of a Festival.
- (18) In the case of a firstling.
- (19) Because one does not usually sell meat by employing another piece of meat as the weight, and the law of disqualified sacred animals refers to the sale of their meat.
- (20) With respect to the division of the meat between the two Rabbis.
- (21) For it is not unusual for divisions to be made in this manner and therefore they would forbid this on a Festival.

## BEITZOH – 2a–40b

(22) R. Hiyya and R. Simeon b. Rabbi who divided the meat exactly between them.

(23) Do not say it was these two who were particular about having an equal share, but bring in somebody else.

(24) On a whet-stone.

(25) Because such a method is different from the everyday practice.

(26) Statement of Rab Judah.

(27) And sharpening a knife is such a preliminary.

### Beitzah 28b

was stropping a knife on the edge of a basket and I asked him: Do you, Sir, want to sharpen it or do you want to remove its grease? And he replied to me: To remove its grease. But it was clear to me that he was engaged in sharpening, only he was of the opinion: Thus is the Halachah but one does not teach it [publicly].<sup>1</sup> Abaye also related: I was standing before the Master<sup>2</sup> who was stropping a knife on the edge of a mill and I asked him: Do you, Sir, want to sharpen it or do you want to remove its grease? —

And he replied to me: To remove its grease. But it was clear to me that he was engaged in sharpening, but he was of the opinion, Thus is the Halachah but one does not teach it [publicly]. The scholars asked: May one show a knife on a Festival to a sage?<sup>3</sup> —

R. Mari the son of R. Bizna permits, and the Rabbis forbid [it]; but R. Joseph says: A scholar may examine [a knife] for himself<sup>4</sup> and lend it to another. R. Joseph further said: If a knife became blunts<sup>5</sup> it may be sharpened on a Festival; and this applies only in the case when it can cut with difficulty.<sup>6</sup> R. Hisda — some say, R. Joseph — lectured: With respect to a knife dented<sup>7</sup> and a spit with the point broken off<sup>7</sup> and the sweeping out of a stove and a pot ranges on a Festival we come to the dispute between R. Judah and the Rabbis. For it was taught: The Festival is distinguished from the Sabbath only with respect to the preparing of food alone. R. Judah permits even the preliminaries for the preparing of food. What is the reason of the first Tanna?<sup>9</sup>

Scripture says, ‘that alone may be done for you,’<sup>10</sup> [only] ‘that’ but not the preliminaries [for the preparation]. And R. Judah? — The text says, ‘for you’ for you [means] for all your needs. And the first Tanna; surely it says ‘for you’?<sup>11</sup> — He will reply to you: That [text] ‘for you’ [signifies] but not for a heathen. And the other;<sup>12</sup> surely it also says ‘that [alone]’? — He will reply to you: ‘That’ is written and ‘for you’ is written, yet there is no contradiction; the one applies to preliminaries which can be performed before the Festival,<sup>13</sup> and the other to preliminaries which cannot be performed before the Festival.<sup>14</sup> Rab Judah in the name of Samuel said: One may not repair a bent spit on a Festival. This is obvious! —

It [the teaching] is necessary even when one can straighten it with the hand.<sup>15</sup> Rab Judah in Samuel's name further said: A spit which was used for roasting meat may not be handled on the Festival.<sup>16</sup> R. Adda b. Ahabah said in the name of Malkio: He pulls it out [of the joint] and puts it in a corner.<sup>17</sup> Said R. Hiyya b. Ashi in R. Huna's name: Providing there is as much as an olive of meat on it.

Rabina says: It [the spit] may be handled even though there is no meat on it at all, for it is analogous to the case of a thorn in a public ground.<sup>18</sup> R. Hanina<sup>19</sup> son of R. Ikka said: [The teachings on] a spit,<sup>20</sup> bondmaids,<sup>21</sup> and hair-pits<sup>22</sup> are by R. Malkio; whereas those on belorith-tresses,<sup>23</sup> wood-ashes<sup>24</sup> and cheese<sup>25</sup> are by R. Malkia.<sup>26</sup> R. Papa says: If referring to a Mishnah or a Baraita<sup>27</sup> it is [by] R. Malkia, [but] independent teachings<sup>28</sup> are by R. Malkio; and as a mnemonic make use of: The Mishnah is queen.<sup>29</sup> Wherein do they differ? They differ in regard to bondmaids.<sup>30</sup>

*MISHNAH.* A MAN MAY NOT SAY TO A BUTCHER, ‘WEIGH ME A DINAR'S WORTH OF MEAT’,<sup>31</sup> BUT HE SLAUGHTERS [THE ANIMAL] AND SHARES IT AMONG THEM.<sup>32</sup>

*GEMARA.* What is he to do?<sup>33</sup> — As

(1) So that people might not treat Festivals lightly.

# BEITZOH – 2a–40b

- (2) Rabbah.
- (3) Before slaughtering the animal, the knife must be examined by a sage or an expert to assure that it is free from the slightest notch.
- (4) At home.
- (5) But there was no sign before the Festival that the knife needed sharpening.
- (6) I.e., it was not badly blunt so that it would not require much sharpening; otherwise it is forbidden.
- (7) On the Festival.
- (8) I.e., sweeping out plaster which had fallen from its walls before the Festival, but which was only just noticed.
- (9) I.e., the Rabbis.
- (10) Ex. XII, 16. E.V. 'by you'.
- (11) Signifying 'for all your needs'.
- (12) R. Judah.
- (13) Such 'are forbidden as implied in 'that'.
- (14) Such are permitted as implied in 'for you'.
- (15) Without beating it on an anvil. I might think that that does not constitute work.
- (16) I.e., it may not be taken out of the joint but the meat is carved from it on the spit; for the spit becomes Mukzeh on account of its unseemliness.
- (17) Thrust out of harm's way, but not taken there (Rashi).
- (18) Which one may remove on a Sabbath, to prevent danger to the public, by carrying it repeatedly short distances, each of which is to be less than four cubits. Similarly the spit may be taken to a place where it can do no harm., Cf. Shab. 42a.
- (19) In the parallel passage in Mak. 21a. It is R. Nahman.
- (20) Quoted above, allowing the greasy spit to be put into a corner.
- (21) R. Eliezer says (in a Mishnah), even if a wife brought with her one hundred maids of her own, the husband can still insist on her doing work with wool on the ground that idleness is demoralizing. On this R. Malkio comments, the Halachah is as R. Eliezer. V. Keth. 59b and 61b.
- (22) In Nid. 52a R. Huna says that the two hairs proving puberty must be set in pitlets. On this R. Malkio comments that the pitlets alone even without the hairs are sufficient indication of puberty.
- (23) In A.Z. 29a a Baraitha teaches that when an Israelite cuts the hair of a heathen, he should refrain from touching the top-tresses (or crown-lock) because these were usually consecrated to some deity. On this R. Malkia comments that the Israelite should begin to withdraw his hand at a distance of three fingers breadth on every side. On belorith V. Krauss. T.A. I., 645. Cf also Sanh., Sonc. ed. p. 114, n. 5.
- (24) In Mak. 21a. R. Malkia says that it is prohibited to powder one's wound with burnt

wood ash, because it gives the appearance of an incised imprint which is forbidden according to Lev. XIX, 28.

(25) In A.Z. 35b, R. Malkia, in a discussion why the cheese of a heathen is forbidden (in the Mishnah) says that it is forbidden because its surface is smeared with lard.

(26) The two names Malkio and Malkia can easily be interchanged, hence these two groups were given to assist the memory.

(27) Heb. Mathnitah.

(28) I.e., opinions and dicta heard from eminent teachers and reported by their disciples or visiting scholars as distinguished from what is taught in Mishnah and Baraitha.

(29) The name of the one associated with a Mishnah (and Baraitha) is R. Malkia which name closely resembles the Aramaic word for 'queen'-malketha.

(30) According to R. Hanina it is attributed to R. Malkio, while according to R. Papa, since it has a reference to a Mishnah, it is attributed to R. Malkia.

(31) The mentioning of money is disallowed.

(32) Without mentioning money.

(33) In order to get the quantity he desires.

## Beitzah 29a

in Sura they say,<sup>1</sup> '[Give me] a tirta<sup>2</sup> or half a tirta'; in Naresh<sup>3</sup> they say, '[Give me] a helka<sup>2</sup> or half a helka; in Pumbeditha they say, '[Give me] an uzya<sup>2</sup> or half an uzya'; in Nehar Pekod<sup>4</sup> and in Matha Mehasias they say, '[Give me] a rib'<sup>a2</sup> or half a rib'<sup>a</sup>.

**MISHNAH.** A MAN MAY SAY [ON A FESTIVAL] TO HIS NEIGHBOUR, 'FILL ME THIS VESSEL', BUT NOT IN A MEASURE. R. JUDAH SAYS: IF IT WAS A MEASURING-VESSEL HE MAY NOT FILL IT. IT IS RELATED OF ABBA SAUL B. BATNITH THAT HE USED TO FILL UP HIS MEASURES ON THE EVE OF A FESTIVAL AND GIVE THEM TO HIS CUSTOMERS ON THE FESTIVAL. ABBA SAUL SAYS: HE USED TO DO SO DURING THE INTERMEDIARY DAYS OF A FESTIVAL<sup>6</sup> TOO, ON ACCOUNT OF THE CLEARNESS OF MEASURE;<sup>7</sup> BUT THE SAGES SAY: HE USED ALSO TO DO SO<sup>8</sup> ON AN ORDINARY DAY FOR THE SAKE OF THE DRAINING OF THE MEASURES.<sup>9</sup>

## BEITZOH – 2a–40b

**GEMARA.** What means **BUT NOT IN A MEASURE?** — Said Rab Judah in Samuel's name, But not in a vessel set aside as a measure; but one may fill a vessel held in reserve<sup>10</sup> for measuring.<sup>11</sup> Whereupon R. Judah said: One may not fill even a vessel held in reserve as a measure. This proves that where the joy of the Festival is concerned R. Judah is stringent and the Rabbis are lenient; but we know of them to the contrary!

For we have learnt: R. Judah says: A man may weigh meat [on a Festival] against a utensil or a butcher's chopper, but the Sages say: One may not look on the pair of scales at all;<sup>12</sup> which proves [that] R. Judah is lenient and the Rabbis are stringent! [Hence] there is a contradiction [in the rulings] of R. Judah and a contradiction [in the rulings] of the Rabbis!—

R. Judah is not self-contradictory, [for] there<sup>13</sup> [it treats of a vessel] not held in reserve as a measure,<sup>14</sup> whereas here [it treats of a vessel] which is held in reserve as a measure. The Rabbis too are not self-contradictory, [for] there<sup>13</sup> he acts as one acts on an ordinary day,<sup>15</sup> [but] here he does not act as one acts on an ordinary day.<sup>16</sup>

Raba says: What means **BUT NOT IN A MEASURE?** [It is] that he may not mention to him the name of the measure;<sup>17</sup> but one may fill a vessel appointed as a measure. Whereupon R. Judah said: One may not fill a vessel appointed as a measure. This proves that where the joy of the Festival is concerned R. Judah is stringent and the Rabbis are lenient, but we know of them to the contrary!

For we have learnt: R. Judah says: A man may weigh meat [on a Festival] against a utensil or a butcher's chopper, but the Sages say: You may not look on the pair of scales at all, which [proves that] R. Judah is lenient and the Rabbis are stringent! [Hence] there is a contradiction [in the rulings] of R. Judah and a contradiction [in the rulings] of the Rabbis! —

R. Judah is not self-contradictory, [for] there it is not appointed as a measure, [but] here it is appointed as a measure. The Rabbis too are not self-contradictory, [for] there he acts as one acts on an ordinary day, [but] here he does not act as one acts on an ordinary day; for People are accustomed to pass wine in a measuring-vessel and drink [therefrom].<sup>18</sup>

**IT IS RELATED OF ABBA SAUL B. BATNITH.** A Tanna taught: He also used to act thus during [the Intermediary Days of] a Festival on account of disturbing [study] in the Academy.<sup>19</sup>

Our Rabbis taught: He collected three hundred jugs of wine from the foam of the measures,<sup>20</sup> and his associates collected three hundred jugs of oil from the drops of the measures,<sup>21</sup> and they brought them to the treasurers [of the Temple] in Jerusalem,<sup>22</sup> who said to them: There is no need for you to [do] this.<sup>23</sup> They replied to them: We too will have none of it. They said to them: Since you act so stringently with yourselves then apply it to public purposes; for it was taught: If one robbed and he does not know whom he robbed,<sup>24</sup> he must apply it to public purposes. What are such? —

Said R. Hisda: Wells, ditches and grottos.<sup>25</sup> R. Hisda took Rabana Ukba about and lectured:<sup>26</sup> A man may not measure barley on a Festival and give it to his animal, but he may scoop up [with his hand] a Kab-full or two Kabs-full and give it to his animal without fear.<sup>27</sup> And the baker may measure spices and put them in his pot so as not to spoil the dish.<sup>28</sup> R. Jeremiah b. Abba said in Rab's name: A woman may measure flour on a Festival and make it up into dough in order that she may separate hallah<sup>29</sup> generously, but Samuel says: It is forbidden. But the School of Samuel taught:<sup>30</sup> It is permitted! —

Said Abaye: Now that Samuel says: It is forbidden, and the School of Samuel taught: It is permitted,

# BEITZOH – 2a–40b

- (1) When asking for meat on a Festival.
- (2) According to Rashi these terms are technical names of the pieces of meat which were carved for retailing. They had different names in different places.
- (3) Identical with Nahras or Nahr-sar, on the canal of the same name, on the east bank of the Euphrates. Obermeyer, p. 307.
- (4) West of Mehuza, identical with Nehar Malka, situated on the canal of the same name on the west bank of the Tigris. Obermeyer, pp. 273, 275.
- (5) A suburb of Sura. V. Obermeyer, p. 297.
- (6) The second (or third) to the sixth days of Passover and the second (or third) to the seventh days of Tabernacles.
- (7) So that the froth might settle, thus assuring correct measure, or that the sediment might remain in the measuring vessel. [Var. lec. omit: ON ACCOUNT...MEASURE, v. Rashi.]
- (8) I.e., fill the measures a day before.
- (9) Lit., ‘squeezing’, ‘wringing out’. He placed his measuring-vessels a-tilt over the vessels of the customers so that no drop should be left behind in the measuring-vessel.
- (10) העומד למדה, Lit., ‘which stands for measuring’. [MS.M. העומד על, i.e., a vessel which has the capacity of a certain measure but not intended to be used for measuring, v. D.S.]
- (11) In case the real measure is broken or lost; but as yet this reserve has never been used for the purpose.
- (12) Supra 28a.
- (13) In the case of weighing meat.
- (14) The utensil and the hatchet are not vessels serving as weights.
- (15) When the weights are not at hand the butcher often uses his implements as weights.
- (16) For the new vessel was not yet regarded as a measure (Rashi). [This is difficult: On the reading of MS.M. (supra n. 1): For the vessel is not intended for measuring.]
- (17) E.g., pints, quarts or gallons, but only ‘fill this vessel’.
- (18) Therefore the filling of such a vessel has not at all the appearance of a sale.
- (19) He filled up the measures during the night in order that he may be free to lecture on the day of the Festival. [This might be taken as supplementing the reason stated in the Mishnah: He filled them during the night so that he should not have to wait for the froth to settle and be free to lecture, v. Rashi and supra p. 148, n. 10.]
- (20) By not removing the froth he saved so much on each measure. In that way he found that he had saved three hundred jugs full.
- (21) By not leaving the measuring vessel to run out into the funnel.

- (22) They thought it belonged to their customers. For the whole story cf. Buchler, Types, p. 144.
- (23) I.e., to deliver this, since the purchasers have waived all claim thereto.
- (24) To whom he wishes to make restitution.
- (25) And thus provide water to the general public among whom the robbed person is to be found. Cf. B.K. 94b.
- (26) אדבריה V. Supra p. 111, n. 3.
- (27) That he is desecrating the Festival thereby.
- (28) Which might occur if he merely guessed at the measure.
- (29) V. Glos.
- (30) [Rashi: Like R. Hiyya and R. Oshaia, Samuel too had compiled a collection of Tannaitic teachings.]

## Beitzah 29b

then Samuel's purpose is to inform us the Halachah for actual practice.<sup>1</sup>

**Our Rabbis taught: One may not [sift] flour a second time<sup>2</sup> on a Festival. In the name of R. Papeus and R. Judah b. Bathyra they said: One may [sift it] a second time;<sup>3</sup> but they agree that if a pebble or a splinter fell in, one may sift it again. A Tanna recited in the presence of Rabina: One may not [sift] flour a second time on a Festival, but if a pebble or a splinter fell in, he may pick it out with his hand. He said to him: All the more this is forbidden, because it is in the nature of selecting.<sup>4</sup>**

**Raba<sup>5</sup> the son of R. Huna Zuti expounded at the gate of Nehardea: One may [sift] flour a second time on a Festival. R. Nahman said to them [his disciples]: Go and say to Abba,<sup>6</sup> ‘Take your favors and throw them on thorns’;<sup>7</sup> come and see how many sieves are being used in Nehardea. The wife of R. Joseph sifted flour on an inverted sieve.<sup>8</sup> He said to her: Take notice that I want good bread.<sup>9</sup> The wife of R. Ashi sifted flour on the top side of the table. Said R. Ashi: This my [wife] is the daughter of Rami b. Hama, and Rami b. Hama was a man of [pious] deeds, and unless she had seen this in the home of her parents, she would not have done it.**

# BEITZOH – 2a–40b

**MISHNAH.** A MAN MAY GO TO A SHOPKEEPER WHOM HE GENERALLY PATRONIZES<sup>10</sup> AND SAY TO HIM: ‘GIVE ME [SO MANY] EGGS AND NUTS, AND STATING THE NUMBER; FOR THIS IS THE WAY OF A HOUSEHOLDER TO RECKON IN HIS OWN HOME.<sup>11</sup>

**GEMARA.** Our Rabbis taught: A man may go to a cattle-dealer whom he generally patronizes and say to him: Give me one kid or one lamb; to a butcher whom he generally patronizes and say to him: Give me one shoulder or one leg; to a poultry breeder whom he generally patronizes and say to him: Give me one dove or one pigeon; to a baker whom he generally patronizes and say to him: Give me one loaf or one roll; and to a shopkeeper whom he generally patronizes and say to him: Give me twenty eggs, or fifty nuts, or ten peaches, or five pomegranates, or one Ethrog; provided that he does not mention any measure.<sup>12</sup> R. Simeon b. Eleazar says: Provided that he does not mention any sum of money.

## CHAPTER IV

**MISHNAH.** WHEN ONE TAKES JARS OF WINE FROM PLACE TO PLACE, HE MAY NOT CARRY THEM IN A BASKET OR IN A HAMPER,<sup>13</sup> BUT HE MAY CARRY [THEM] ON HIS SHOULDER OR IN FRONT OF HIM. LIKEWISE, ONE WHO CARRIES STRAW MAY NOT LET THE BUNDLE [OF STRAW] HANG DOWN OVER HIS BACK, BUT MUST CARRY IT IN HIS HAND; AND ONE MAY START [USING] A HEAP OF STRAW,<sup>14</sup>

(1) Although theoretically it is permitted, still one should not decide accordingly. Cf. supra 28b.

(2) For this could have been done before the Festival.

(3) The sifting a second time is not considered work.

(4) Which is forbidden on Sabbaths and Festivals. Cf. Shab. 73a.

(5) Var. lec.: Rabbah.

(6) I.e., to my colleague (Rashi). [Abba is a familiar appellation of Raba (Rabbah), whereby he could be addressed only by a colleague. As R. Nahman could hardly have been his colleague, preference is

to be given to MS. M. which reads R. Hama, the head of the Nehardea School at the time; v. Hyman, Toledoth p. 1074].

(7) All know without this that it is allowed. Cf. B.K. 83a; B.M. 63b. V. Keth., Sonc. ed. p. 313, n. 7.

(8) In an unusual way.

(9) You can therefore sift it in the usual way.

(10) Who would trust him to settle the reckoning after the Festival. Lit., ‘with whom he is often’.

(11) Hence mentioning the number does not particularly give it the appearance of purchase.

(12) E.g., pints, quarts or gallons.

(13) For this is the usual way of carrying it.

(14) On a Festival even though he did not designate it before the Festival.

## Beitzah 30a

**BUT [ONE MAY] NOT [START USING WOOD] FROM A PENT-HOUSE.<sup>1</sup>**

**GEMARA.** A Tanna taught: If it is impossible [to carry it] in an unusual way,<sup>2</sup> it is permitted [to carry in a basket or hamper]. Raba enacted in Mehuza: Whatever [load] one [usually] carries with a great effort,<sup>3</sup> must be carried [on a Festival] on a carrying pole;<sup>4</sup> whatever is [usually] carried on a carrying-pole is to be carried [on a Festival] by a yoke;<sup>4</sup> whatever is [usually] carried by a yoke, is to be carried [on a Festival] by a hand-barrow;<sup>4</sup> whatever is [usually] carried by a hand-barrow [on a Festival] a cloth is to be spread over it;<sup>5</sup> but if it is impossible [to vary the usual procedure] it is permitted, for a Master said: If it is impossible [to carry it] in an unusual way it is permitted.

R. Hanan b. Rabas said to R. Ashi: Did the Rabbis say that on a Festival [every work] as far as possible should be done in an unusual way? But these [our] women fill their pitchers with water on a Festival without any alteration and we do not say anything to them! He replied to him: Because it is impossible [in any other way]. [For] how should it be done?

If [a woman], who usually draws water in a large pitcher, should have to draw in a small pitcher, then she would have to do more walking!<sup>7</sup> If [a woman], who [usually] draws

## BEITZOH – 2a–40b

in a small pitcher, should have to draw in a large pitcher, then you would increase her burden! Should she cover the vessel with a [wooden] lid, it might fall off and she will have to carry it!<sup>8</sup> Should she bind it fast, it might become unfastened and she would be caused to tie it up again!<sup>9</sup> Should she spread a cloth over it,<sup>10</sup> it might become soaked in water and she be led to wring it out!<sup>11</sup> Therefore, it is impossible [otherwise].

Raba son of R. Hanin said to Abaye: We have learnt: You may not clap the hands or slap the thighs or dance;<sup>12</sup> and yet we indeed see that [people] do this and we do not take them to task! —

He replied to him: And according to your opinion, that which Rabbah said: A man may not sit down at the entrance of the lehi<sup>13</sup> lest an object should roll away and he come to carry it [four cubits in a public thoroughfare];<sup>14</sup> yet there are these women who take their waterugs and go and sit at the entrance of an alley and we do not say anything to them! But let Israel [go their way]: it is better that they should err in ignorance than presumptuously;<sup>15</sup> here also [I say], Let Israel go their way: it is better that they should err in ignorance than presumptuously. This, however, applies only to a Rabbinical [prohibition] but not to a Biblical [prohibition]. But it is not so; whether it [the prohibition] is Biblical or Rabbinical we do not tell them anything; for the additional time to the Day of Atonement is a Biblical injunction,<sup>16</sup> yet people eat and drink until dusk and we do not say anything to them.

**AND ONE MAY START [USING] A HEAP OF STRAW.** Said R. Kahana: This proves that one may start using [wood] for the first time from a store [on a Festival]. With whom does that agree? With R. Simeon who does not hold [the law of] Mukzeh. Then consider the last clause: **BUT [ONE MAY] NOT [START USING STORED] WOOD FROM A PENT-HOUSE;** this is in accordance with R.

Judah who holds [the prohibition of] Mukzeh.  
—

We treat here of cedar and cypress wood which are Mukzeh on account of monetary loss,<sup>17</sup> where even R. Simeon agrees. Some recite this in reference to the last clause [thus]: **BUT NOT FROM WOOD FROM A PENT-HOUSE.** Said R. Kahana: This proves that one may not start using [wood] for the first time from a store [on a Festival]. With whom does that agree? With R. Judah who holds the prohibition of Mukzeh. Then consider the first clause: **ONE MAY START [USING] A HEAP OF STRAW;** this is in accordance with R. Simeon who does not hold Mukzeh! — There it speaks of rotted straw.<sup>18</sup> Rotted straw is indeed capable of being used for clay!<sup>19</sup> — When there are thorns in it.<sup>20</sup>

(1) Lit., 'which is in the Mukzeh (stored away)'. The wood stored there is usually for building purposes and not for fuel, hence it is Mukzeh.

(2) If e.g., he needs a great quantity.

(3) On a handspike.

(4) Commentators disagree about these terms. Cf. D.S. ad loc.

(5) Some kind of deviation, so that what is being carried is not seen.

(6) [R. Hanan b. Raba was no contemporary of R. Ashi and hence read with MS.M.: Raba b. Hanin said to Abaye.]

(7) She would have to go several times to draw the water to the amount she requires.

(8) [Var. lec.: It might break and she will carry the fragments, v. Ronsburg, Glosses].

(9) And it is forbidden to make a knot on a Festival, when the knot is in the nature of a repair.

(10) V. supra p. 153, n. 7.

(11) Which is forbidden.

(12) These are forbidden on a Festival as a preventive measure lest he fit up instruments of music. V. infra 36b.

(13) The post of an alley.

(14) Carrying in the alley is permitted, the post converting it by a legal fiction into a private residence. But carrying in the public thoroughfare is of course forbidden.

(15) And therefore we do not tell them this, since in any case they would go on doing the same thing.

(16) The injunction against eating, etc. commences a little before evening, and in Yom. 81b (q.v.) it is deduced that this addition is required by Scriptural law.

# BEITZOH – 2a–40b

(17) They are too good to be used as fire-wood and are only intended for building purposes.

(18) Which being unfit for fodder is automatically intended as fuel, and therefore is not Mukzeh.

(19) For building; hence it cannot be regarded as automatically intended for fuel.

(20) Which render it unfit for kneading into clay.

## Beitzah 30b

**MISHNAH.** ONE MAY NOT TAKE WOOD FROM A HUT BUT ONLY FROM [WHAT IS] ADJACENT TO IT.<sup>1</sup>

**GEMARA.** Why may he not [take wood] from the hut:<sup>2</sup> because he thereby demolishes a tent!<sup>3</sup> Then [if he takes it] from what is adjacent thereto he likewise demolishes a tent!<sup>4</sup> —

Said Rab Judah in Samuel's name: By the term adjacent understand adjacent to the walls.<sup>5</sup> R. Menasiah says: You can even say that they are not adjacent to the walls,<sup>6</sup> but this was taught with respect to [tied] bundles.<sup>7</sup> R. Hiyya son of Joseph recited in the presence of R. Johanan: One may not take wood [on a Festival] from a hut but only from what is adjacent to it, and R. Simeon permits it. They agree, however, with respect to a Tabernacle on the Feast of Tabernacles that it is forbidden;<sup>8</sup> but if he stipulated concerning it,<sup>9</sup> everything depends upon his reservation. 'And R. Simeon permits it;' but surely he is pulling down a tent! —

Answered R. Nahman b. Isaac: We treat here of a collapsed hut and R. Simeon follows his opinion, for he does not hold the prohibition of Mukzeh.<sup>10</sup> For it was taught: The oil left over in a lamp or in a dish<sup>11</sup> is forbidden [to be used on Sabbath], but R. Simeon permits it.<sup>12</sup> But what comparison is it? There the man sits and waits for the going out of the lamp,<sup>13</sup> but here does then a man sit and wait for his hut to collapse?—

Said R. Nahman b. Isaac: We treat here of a tottering hut, so that he had his mind set upon it since the day before.<sup>14</sup> 'They agree, however, with respect to a Tabernacle on the

Feast of Tabernacles that it is forbidden; but if he stipulated concerning it everything depends upon his reservation.' Is then a stipulation concerning it of any avail? Surely R. Shesheth said on the authority of R. Akiba: Whence do we know that the wood of the Tabernacle is forbidden [for use] the entire seven days [of the Festival]? From the verse: [On the fifteenth day of the seventh month is] the feast of Tabernacles for seven days unto the Lord.<sup>15</sup>

And it was taught R. Judah b. Bathyra says: Whence do we know that just as the Festival offering bears the name of Heaven so also the Sukkah [Tabernacle] bears the name of Heaven: Because the text says 'the feast [hag]<sup>16</sup> of tabernacles for seven days unto the Lord',<sup>15</sup> just as the Festival offering is for the Lord<sup>17</sup> so is the Sukkah for the Lord!<sup>18</sup>

Said R. Menasiah the son of Raba:<sup>19</sup> The concluding clause<sup>20</sup> refers to an ordinary hut,<sup>21</sup> but the stipulation with respect to a Festival booth<sup>22</sup> is of no avail. Yet is it not [valid] in the case of a Festival booth? Surely it was taught: If one covered it [the Festival booth] according to law and decorated it with hand-made carpets and tapestries, and hung therein nuts, almonds, peaches, pomegranates and bunches of grapes, vines, oils,<sup>23</sup> and fine meal, and wreaths of ears of corn, it is forbidden to make use of them until the termination of the last day of the Festival; and if he stipulated thereon, everything depends upon his stipulation!<sup>24</sup>—

Abaye and Raba both say: This refers to one who says [before the Festival] 'I will not stand aloof from them<sup>25</sup> right through the period of twilight,' so that the sanctity [of the Festival] did not fall upon them;<sup>26</sup> but as to the wood of the Festival booth, since sanctity did fall upon it<sup>27</sup> it becomes Mukzeh for the entire seven days. But in what respect is this different from what was stated: If one set aside seven Ethrogim<sup>28</sup> for the seven days of the Festival,<sup>29</sup> Rab says, [After] fulfilling his obligation with each one [of them], they may

## BEITZOH – 2a–40b

be eaten immediately;<sup>30</sup> and R. Assi says: [After] fulfilling his obligation with each one [of them] they may be eaten on the morrow?<sup>31</sup>—

There where the nights are separated from the days,<sup>32</sup> each day is a separate obligation; but here where the nights are not separated from the days,<sup>33</sup> all the [seven] days are regarded as one long day.

- (1) The meaning of this is discussed in the Gemara.
- (2) I.e., from its roof.
- (3) Technically, removing part of a building is regarded as demolishing it.
- (4) I.e., to the roof lying on top of it, The removal of that too or of part thereof also constitutes demolishing.
- (5) But not built into and part of them; but the wood that lies on the roof, even though not built into the roof, is regarded as part of the covering of the roof.
- (6) But adjacent to the roof, i.e., lying on the roof.
- (7) Since they were not untied, we see that they were put there for storage, and not to form part of the roof.
- (8) Even during the Intermediary days of the Festival.
- (9) Before the Festival.
- (10) The hut collapsed on the Festival. Now since it was standing just before the Festival commenced, it was then regarded as Mukzeh, as it was forbidden then to remove part of it on account of the prohibition of demolishing. Hence the first Tanna holds that even when it collapses it remains forbidden as Mukzeh. R. Simeon, however, does not accept the prohibition of Mukzeh at all, hence it is permitted.
- (11) I.e., a dish of oil placed near a lamp to act as a feed thereto.
- (12) For while it was burning one might not remove any of the oil, as technically that constituted extinguishing. Hence the oil is regarded as Mukzeh on account of a prohibition and remains forbidden even after the light goes out. R. Simeon permits it, because he rejects the prohibition of Mukzeh. Shab. 44a.
- (13) Lit., ‘when will his lamp go out’. He knows it will finally go out and therefore he intended to use the residue from the very beginning; hence R. Simeon does not regard it as Mukzeh.
- (14) I.e., He intended before the Festival that, should the hut collapse on the Festival, he would use its wood; hence it is quite analogous to the residue of the oil in the lamp or dish.
- (15) Lev. XXIII, 34. I.e., the entire seven days, it is consecrated ‘unto the Lord’.

- (16) The word **אֵל** is taken as **אֵלֶיךָ**.
- (17) The animal becomes holy as soon as it was dedicated for a Festival offering.
- (18) And may not be used. Hence this is a Biblical prohibition: surely a stipulation cannot nullify such!
- (19) [Var. lec. Said R. Menasiah in the name of Samuel.]
- (20) ‘If he stipulated, everything depends upon his reservation.’
- (21) Which has collapsed on a Festival.
- (22) Lit., ‘a booth of a precept’ — i.e., one erected in fulfillment of the scriptural law; v. Lev. XXIII, 42.
- (23) I.e., decanters containing wine and oil.
- (24) Here we see that the stipulation holds good.
- (25) I.e., I accept no interdict in respect of them.
- (26) Technically a Festival prohibition falls on an object at the immediately preceding twilight. Hence here he expressly stipulated that this should not happen; therefore it does not become Mukzeh.
- (27) The preceding stipulation would be of no avail here, since he could not take it at twilight on account of the prohibition of demolishing.
- (28) V. Glos. s.v. Ethrog.
- (29) One to be used for each day.
- (30) Without having to wait till the end of the day. Cf. Suk. 46b. He holds that it was made Mukzeh only in respect of that particular duty, and since that has been fulfilled, it is no longer Mukzeh.
- (31) Thus both agree that their prohibition does not extend to the entire Festival.
- (32) The command to take an Ethrog (v. Lev. XXIII, 40) has reference only to the day.
- (33) Since the precept of dwelling in booths applies to the nights just as well as to the days.

### Beitzah 31a

**MISHNAH.** ONE MAY BRING IN FROM THE FIELD [FIRE-] WOOD THAT IS GATHERED TOGETHER,<sup>1</sup> AND FROM A KARPIF [AN ENCLOSURE] EVEN THOUGH IT IS SCATTERED ABOUT.<sup>2</sup> WHAT IS A KARPIF? ANY [ENCLOSURE] ADJOINING THE TOWN; THIS IS THE OPINION OF R. JUDAH. R. JOSE SAYS: ANY [ENCLOSURE] WHICH ONE ENTERS WITH A KEY,<sup>3</sup> EVEN IF IT IS [ONLY JUST] WITHIN A SABBATH TEHUM.

**GEMARA.** Rab Judah said in Samuel's name: You may take wood only from a collected pile in an enclosure. But we have learnt: FROM AN ENCLOSURE EVEN THOUGH IT IS SCATTERED ABOUT! —

# BEITZOH – 2a–40b

Our Mishnah represents the opinion of an individual; for it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ [both agreeing] that one may not take in [wood] that was scattered in the field, and that one may take in [wood] that was piled up in an enclosure; they differ only with respect to scattered [wood] in an enclosure and collected [wood] in a field, when Beth Shammai say: He may not take thereof, and Beth Hillel say: He may take thereof.<sup>4</sup> Said Raba: Leaves of shrubs and leaves of the vine-shoots even though they lie in a heap are forbidden, for since if a wind rises it scatters them, they are regarded as if they are scattered. But if he laid a garment over them the previous day,<sup>5</sup> it is well.<sup>6</sup>

**WHAT IS A KARPIF, etc.?** The scholars asked: What does it mean? [Does it mean], 'Any [enclosure] adjoining the town providing, however, it has a way of entering by a key; whereas R. Jose comes to teach: Since it has a way of entering by a key, even if [only just] within a Sabbath Tehum, it is still [a Karpif]; or this is perhaps what it means: 'Any [enclosure] adjoining the town whether it has a way of entering by a key or not; and R. Jose comes to teach: Even if [only just] within a Sabbath Tehum [it is a Karpif] but only if it has a way of entering by a key; if, however, it has no way of entering by a key it is not [a Karpif] even though [the enclosure] adjoins the town? —

Come and hear: Since it [the Mishnah] teaches: 'R. JOSE SAYS: ANY [ENCLOSURE] WHICH ONE ENTERS WITH A KEY, EVEN IF [ONLY JUST] WITHIN A SABBATH TEHUM', understand therefrom that R. Jose teaches a twofold leniency.<sup>7</sup> R. Salla said in the name of Jeremiah: The Halachah is as R. Jose in the direction of leniency.

**MISHNAH.** ONE MAY NOT CHOP UP FIREWOOD FROM BEAMS NOR FROM A BEAM WHICH WAS BROKEN ON A FESTIVAL;<sup>8</sup> AND ONE MAY NOT CHOP

**EITHER WITH AN AXE OR WITH A SAW OR WITH A SICKLE BUT ONLY WITH A [BUTCHER'S] CHOPPER.**

- (1) The wood was piled up before the Festival for that purpose, so that strangers might not take it away.
- (2) For even then we may assume that he intended to use it, but did not trouble to collect it because it was enclosed and so guarded.
- (3) Lit., 'a padlocked entrance'.
- (4) But the majority of the Rabbis differ and hold that Beth Hillel forbids the taking of scattered wood even from an enclosure.
- (5) To keep the wind from scattering them.
- (6) For it shows that he intended before the Festival to use them for firewood.
- (7) If the enclosure is adjacent to the city there is no need to have an entrance by a key, and if it can be entered by means of a key it is regarded as a Karpif even though it is distant from the city to the extent of a Tehum.
- (8) V. supra 2b.

## Beitzah 31b

**GEMARA.** But you say [in] the first clause, **ONE MAY NOT CHOP UP [WOOD] at all!** — Answered Rab Judah in the name of Samuel: There is a lacuna and must be taught thus: **ONE MAY NOT CHOP UP FIREWOOD FROM a layer of BEAMS<sup>1</sup> NOR FROM A BEAM WHICH WAS BROKEN ON A FESTIVAL;** but one may chop up [firewood] from a beam which was broken before the Festival; and when one chops up, **ONE MAY NOT CHOP EITHER WITH AN AXE OR WITH A SAW OR WITH A SICKLE BUT ONLY WITH A [BUTCHER'S] CHOPPER.** We have likewise learnt: One may not chop up firewood from a layer of beams nor from a beam which was broken on a Festival, because it was not Mukan.

**BUT NOT WITH AN AXE.** R. Hinena b. Salmia said in Rab's name: They taught this only of its broad end; but with its narrow end<sup>2</sup> it is permitted. This is obvious: we have learnt: **[BUT ONLY] WITH A [BUTCHER'S] CHOPPER!**<sup>3</sup> —

## BEITZOH – 2a–40b

You might say: This applies to a chopper only, but as for a combined axe and chopper,<sup>4</sup> I might say, Since this side is forbidden the other side too is forbidden, so he informs us [that it is not so]. Some teach this with respect to the latter clause: **BUT ONLY WITH A [BUTCHER'S] CHOPPER.** R. Hinena b. Salmia said in Rab's name: They taught this only of its narrow end, but with its broad end it is prohibited. This is obvious; we have learnt: **ONE MAY NOT [CHOP] WITH AN AXE!**—

You might say: This applies only to an axe alone; but as for a combined chopper and axe, I might say: Since this end is permitted, the other end too is permitted,<sup>5</sup> so he informs us [that it is not so].

**MISHNAH.** IF A [CLOSED] ROOM FULL OF PRODUCE WAS BURST OPEN<sup>5</sup> [ON A FESTIVAL] HE MAY TAKE [THE PRODUCE] OUT THROUGH THE BREACH.<sup>6</sup> R. MEIR SAYS: HE MAY MAKE A HOLE AT THE OUTSET AND BRING OUT [THE PRODUCE].

**GEMARA.** Why so? He is indeed pulling down a tent! — Said R. Nahumi b. Adda in the name of Samuel: It treats here of a layer of bricks.<sup>7</sup> But it is not so, for R. Nahman said: Bricks left over from a building may be moved on Sabbath, because they are fit for sitting on;<sup>8</sup> but if he put them in layers one upon the other, he has certainly determined them for something else!

Said R. Zera: They said this<sup>9</sup> with respect to a Festival but not with respect to Sabbath. We have likewise learnt: R. Meir says: He may make a hole at the outset and take out; they said this with respect to a Festival but not with respect to Sabbath. Samuel said: One may loosen the knots<sup>10</sup> in the ground<sup>11</sup> but one may not unravel nor cut<sup>12</sup> [the rope]; [the knots in the doors] of utensils, one may loosen and unravel and cut,<sup>13</sup> whether on a Sabbath or a Festival. They raised an objection: One may loosen the knots in the ground on the Sabbath but one may not unravel nor cut; but

on a Festival one may loosen and unravel and cut! —

This represents the view of R. Meir, who says: He may make a hole at the outset and bring out [the produce] but the Rabbis dispute with him, and I say this according to the Rabbis. Do then the Rabbis dispute with him with respect to knots in the ground? Surely it was taught: The Sages agree with R. Meir with respect to knots in the ground that on Sabbath one may loosen but one may not unravel nor cut, while on a Festival one may loosen and unravel and cut! —

- (1) Because the beams were stored for building purposes and not for firewood.
- (2) Lit., 'its feminine side'... 'its masculine side'.
- (3) This usually has no broad, sharp side.
- (4) I.e., where one side is broad, like an axe, and the other narrow, like a butcher's chopper — presumably the choppers were made thus, not like ours nowadays.
- (5) I.e., some of the bricks fell out through the pressure.
- (6) The produce is not regarded as Mukzeh though he would not have been able to get at them had the room not burst open.
- (7) Lying loose one upon the other and not built in with mortar.
- (8) Hence rank as utensils. — An object not ranking as a utensil may not be handled on the Sabbath.
- (9) Viz., the law in our Mishnah.
- (10) Lit., 'seals'.
- (11) I.e., the knot in the cord which fastens the door to the rafter to keep it tight and which also points out the trap-door in the floor.
- (12) For this would be in the nature of pulling down.
- (13) For the law of pulling down does not apply to utensils.

### Beitzah 32a

He<sup>1</sup> ruled as the following Tanna. For It was taught: One may loosen the knots in the ground, but one may not unravel nor cut, whether on a Sabbath or on a Festival; but as to those of utensils — on a Sabbath one may loosen but one may not unravel nor cut; on a Festival one may loosen and unravel and cut. You have justified the first clause; but there is

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a contradiction from the concluding clause!<sup>2</sup>

—

This represents the opinion of R. Nehemiah who says: All utensils may not be handled except for their normal use.<sup>3</sup> If it is R. Nehemiah, why particularly the Sabbath; the same holds good even on a Festival! And if you say that R. Nehemiah makes a distinction between a shebuth<sup>4</sup> of the Sabbath and a Shebuth of a Festival,<sup>5</sup> [I would object], Does he then make a distinction?

For one [Baraita] teaches: One may kindle a fire [on a Festival] with utensils,<sup>6</sup> but one may not kindle a fire with fragments of utensils;<sup>7</sup> and another [Baraita] teaches: One may kindle a fire with both utensils and fragments of utensils; and [still] another [Baraita] teaches: One may not kindle either with utensils or with broken pieces of utensils; and we explained, there is no contradiction: One is according to R. Judah, the other is according to R. Simeon, and the third is according to R. Nehemiah!<sup>8</sup> — Two Tannaim dispute about the opinion of R. Nehemiah.<sup>9</sup>

**MISHNAH.** ONE MAY NOT HOLLOW OUT A LAMP<sup>10</sup> [ON A FESTIVAL], BECAUSE HE WOULD BE MAKING A UTENSIL; AND ONE MAY NOT MAKE CHARCOAL<sup>11</sup> ON A FESTIVAL, NOR CUT A WICK IN TWO. R. JUDAH SAYS: ONE MAY SEVER IT WITH A FLAME.

**GEMARA.** Who teaches that the hollowing out of a lamp constitutes [making] a utensil?<sup>12</sup> — Said R. Joseph: It is R. Meir; for it was taught: When is a clay vessel susceptible to defilement? As soon as its form is finished;<sup>13</sup> this is the opinion of R. Meir. R. Joshua says: As soon as it is baked in the furnace. Said Abaye to him: Whence does this follow? Perhaps R. Meir is of this opinion only there, because they [the vessels] are fit for receiving things;<sup>14</sup> but here<sup>15</sup> for what is it fit? —

For receiving copper coins. Some say: Said R. Joseph: It is R. Eliezer son of R. Zadok: For

we have learnt: Ironian<sup>16</sup> stewpots do not contract defilement when under the same roof as a corpse, but they become defiled if they are carried by one who has an issue.<sup>17</sup> R. Eliezer son of R. Zadok says: They are undefiled even if they are carried by one who has an issue, because they are not yet finished in the making.<sup>18</sup> Said Abaye to him: Perhaps R. Eliezer son of R. Zadok is of this opinion only there, because they [the stewpots] are fit for receiving things;<sup>19</sup> but here for what is it fit? —

For receiving copper coins. Our Rabbis taught: One may not hollow out a lamp and one may not make Ironian stewpots on a Festival. R. Simeon b. Gamaliel permits Ironian stewpots. What means Ironian? — Said Rab Judah: Provincial. What means 'provincial'? —

Said Abaye: Peasants' trenchers.<sup>20</sup> **AND ONE MAY NOT MAKE CHARCOAL.** This is obvious; for what is it fit?<sup>21</sup> — R. Hiyya taught: This is necessary to be taught only with respect to handing them over to the bath attendants on the same day.<sup>22</sup> Is it then permissible [for such use] on that day?<sup>23</sup> — As Raba explained [elsewhere]: Where it is for perspiring,<sup>24</sup> and before the prohibition,<sup>25</sup> so also here [it treats of a case] of perspiring and before the prohibition.

**NOR CUT A WICK IN TWO [etc.]:** Why not with a knife —

(1) R. Samuel who forbids unraveling even on a Festival.

(2) According to the concluding clause one may in the case of vessels only loosen on a Sabbath, whereas Samuel permits even unraveling and cutting too.

(3) Hence, though the cutting is permitted in itself, a knife may not be handled for that purpose. But Samuel disagrees with R. Nehemiah in this.

(4) V. Glos.

(5) Treating the latter less rigorously than the former and consequently the said restriction does not apply to a Festival.

(6) Since being utensils they may be handled, they may also be used for burning.

# BEITZOH – 2a–40b

(7) Being fragments, they may not be handled normally; and though fit for fuel (which under other circumstances would permit them to be handled), this is discounted, since they were not intended for this before the Festival.

(8) R. Judah who holds the prohibition of Mukzeh, forbids fragments as fuel; R. Simeon who rejects this prohibition, permits them, while R. Nehemiah, holding that utensils may be handled for their normal use only, forbids even whole utensils. This proves that R. Nehemiah's ruling applies to Festivals too.

(9) One holding that he draws a distinction in respect of his ruling between the Sabbath and Festivals; the other, that he does not.

(10) By pressing in the finger into a lump of clay.

(11) This too is technically regarded as a utensil for goldsmiths.

(12) Although the clay is not yet baked in the furnace.

(13) I.e., hollowed out, even before it is hardened in the furnace.

(14) I.e., dry objects, even though they were unfit for liquids.

(15) Being unbaked, it cannot take oil for lighting, as it will soak into it; while it is too small for ordinary dry objects.

(16) For V.L. cf. D.S. The correct reading as well as the exact meaning of this term is uncertain. The Talmud (*infra*) explains it in the sense of provincial, coarse and unfinished. V. 'Ed., Sonc. ed. p. 12, n. 9. According to the Commentaries, this stewpot was fashioned like a hollow ball and thus baked in the kiln and afterwards cut into two. Undivided it cannot become unclean through a dead body because the inner space is enclosed and a clay vessel must have a hollow before it can receive defilement. (Cf. Num. XIX, 15).

(17) Cf. Lev. XV, 4 and 12, where a hollow in the vessel is not required.

(18) Viz., their hollowing out, and are therefore not considered utensils. 'Ed. II, 5. Hence we see that the hollowing out constitutes the making of a utensil, and the same holds good in the Mishnah.

(19) When they are hollowed out.

(20) Which are coarse and unfinished.

(21) They can only be used on the same day for manufacturing works which are forbidden on a Festival.

(22) For the preparation of the bath water.

(23) The Rabbis distinctly forbade taking baths both on Sabbath and Festivals. Cf. Shab. 38a.

(24) Not actually bathing.

(25) Of such perspiring on Sabbath and Festivals. Cf. Shab. 40a.

## Beitzah 32b

because he thereby makes an article;<sup>1</sup> then by [severing it] with fire he is also making an article? —

R. Hiyya taught: He may sever it with fire [when the wick is] in two lamps.<sup>2</sup> Said R. Nathan b. Abba in the name of Rab: One may trim the wick on a Festival. What is meant by trimming? Said R. Hanina b. Salmia [in Rab's name]: To remove the snuff. Bar Kappara taught: Six things have been taught with respect to a wick, three restrictions and three leniencies. The restrictions are: One may not plait it at the outset on a Festival, and one may not singe it with fire,<sup>3</sup> and one may not cut it in two. Leniencies: One may rub it by hand,<sup>4</sup> and one may soak it in oil, and one may sever it with fire when it is in two lamps.

R. Nathan b. Abba further said in the name of Rab: The rich men of Babylon will go down to Gehenna; for once Shabthai b. Marinus came to Babylon and entreated them to provide him with facilities for trading and they refused this to him; neither did they give him any food. He said: These are the descendants of the 'mixed multitude',<sup>5</sup> for it is written, And [He will] show thee mercy and have compassion upon thee,<sup>6</sup> [teaching that] whoever is merciful to his fellow-men is certainly of the children of our father Abraham, and whosoever is not merciful to his fellow-men is certainly not of the children of our father Abraham.<sup>7</sup>

R. Nathan b. Abba further said in the name of Rab: He who is dependent on another's table, the world is dark to him, for it is said: He wandereth abroad for bread. 'Where is it?' He knoweth that the day of darkness is ready at his hand.<sup>8</sup>

R. Hisda says: Also his life is no life. Our Rabbis taught: There are three whose life is no life and they are: He who is dependent on the table of his neighbor; he whom his wife rules; and he whose body is subject to

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suffering. And some say: Also he who possesses only one shirt.<sup>9</sup> And the first Tanna? — It is possible to examine his garment.<sup>10</sup>

**MISHNAH.** ONE MAY NOT BREAK UP A POTSHERD OR CUT PAPER IN ORDER TO ROAST THEREON SALT-FISH;<sup>11</sup> NOR MAY ONE RAKE OUT AN OVEN OR A POT RANGE,<sup>12</sup> BUT ONE MAY PRESS [THE ASHES] DOWN;<sup>13</sup> NOR MAY ONE PLACE TWO JARS SIDE BY SIDE IN ORDER TO SET A SAUCEPAN ON THEM.<sup>14</sup> NOR MAY ONE PROP UP A POT WITH A WOODEN WEDGE AND THE SAME APPLIES TO A DOOR; NOR MAY ONE DRIVE CATTLE WITH A STAFF ON A FESTIVAL, BUT R. ELEAZAR SON OF R. SIMEON PERMITS IT.

**GEMARA.** What is the reason [that one may not break Up a potsherd]? — Because he is making a [new] article.<sup>15</sup>

**NOR MAY ONE RAKE OUT AN OVEN OR A POT RANGE.** R. Hiyya b. Joseph recited in the presence of R. Nahman: If it is impossible to bake unless it is raked out it is permitted. A brick fell down in R. Hiyya's wife's oven on a Festival. [So] R. Hiyya said to her: Take notice that I want good bread.<sup>16</sup> Raba said to is attendant: Roast a duck for me and mind it does not get burnt.<sup>16</sup>

Rabina said to R. Ashi: R. Aha from Huzal<sup>17</sup> told that they pasted up the oven<sup>18</sup> for you, Sir, on a Festival!<sup>19</sup> He replied to him: We use<sup>20</sup> [the clay from] the bank of the Euphrates,<sup>21</sup> and even then only when one had marked out [the clay] on the previous day. Said Rabina: Ashes are permitted.<sup>22</sup>

**NOR MAY ONE PLACE TWO JARS SIDE BY SIDE:** Said R. Nahman: It is permissible to arrange the stones of a privy side by side on a Festival.<sup>23</sup> Rabbah raised an objection to R. Nahman: **ONE MAY NOT PLACE TWO JARS SIDE BY SIDE AND ON THESE SET A SAUCEPAN!** —

He replied to him: It is different there, for he is making a tent.<sup>24</sup> Rabbah Zuta said to R. Ashi: Accordingly it should also be permitted to build a seat<sup>25</sup> on a Festival, since he is not making a tent! —

He replied to him: There the Torah forbade a permanent building but not a temporary building, but the Rabbis forbade a temporary building on account of a permanent building; but here<sup>26</sup> the Rabbis did not enact this prohibition, for the sake of his dignity. Rab Judah said: It is permitted [to build] a fire-heap from above downwards but not from beneath upwards.<sup>27</sup>

- (1) Out of one wick he makes two.
- (2) If the two ends of the wick are two lamps he may light it in the middle, since his purpose does not appear to be to divide it but rather to get a light.
- (3) To remove any threads or fibers.
- (4) To soften it.
- (5) Cf. Ex. XII, 38.
- (6) Deut. XIII, 18.
- (7) The verse ends: as He hath sworn unto thy fathers. Now he translates the part quoted thus: and He will give thee (the spirit of) mercy — i.e., to be merciful to others. Hence, of the person who possesses that, it can be said... 'unto thy fathers', viz., the Patriarchs; but if one lacks it, 'Unto thy fathers' cannot be said of him, and so he must be a descendant of the mixed multitude.
- (8) Job XV, 23.
- (9) Because he is distressed by vermin.
- (10) To cleanse it from vermin.
- (11) Which must not lie on the metal of the tripod, as it would be burnt.
- (12) If some of its plaster peeled and fell into it. It must not be raked out, as that would constitute the repairing of a utensil.
- (13) So that the dough which was pressed to the side of the oven (this was the ancient method of baking) should not come into contact with the old ashes or earth.
- (14) Because it looks like setting up a tripod and is in the nature of building.
- (15) The broken potsherd is now to serve as a utensil for preventing burning.
- (16) I.e., have the oven raked out.
- (17) A place between Nehardea and Sura; Obermeyer op. cit. p. 299. V. Keth., Sonc. ed. p. 716, n. 7.
- (18) I.e., they filled up the cracks in the oven making it airtight.

# BEITZOH – 2a–40b

(19) But surely mixing the cement for that purpose is forbidden, as a derivative of kneading. V. Shab. 73a.

(20) Lit., ‘we rely’.

(21) The alluvial soil of the bank of the Euphrates is like clay and no further preparation is required. [R. Ashi's home was Matha Mehasia on the right bank of the Euphrates.]

(22) To be mixed with water and used for making the oven airtight, because ‘kneading’ does not apply to ashes.

(23) Two large stones were put side by side, thus forming a kind of seat.

(24) In a technical sense.

(25) אֲזֵבֵּזָה is a solid seat standing on the ground. Since there is no empty space beneath its top, it does not constitute a tent.

(26) In the case of a privy.

(27) I.e., one may not lay two logs of wood near one another and lay a third above it, since this resembles the building of a tent. He must therefore hold up one log and lay two underneath.

## Beitzah 33a

The same is true also of an egg, a pot, a bed and a jug.<sup>1</sup> **NOR MAY ONE PROP UP A POT WITH A WOODEN WEDGE AND LIKEWISE WITH A DOOR.** Can you possibly mean **WITH A DOOR.**<sup>2</sup> —

Say rather: And the same applies to a door.<sup>3</sup> Our Rabbis taught: One may not prop up a pot with a wooden wedge and the same applies to a door, for wood is meant [as a rule] only for heating;<sup>4</sup> but R. Simeon permits it. Nor may one drive cattle with a staff on a Festival, but R. Eleazar son of R. Simeon permits it. Shall it be said that R. Eleazar son of R. Simeon agrees with his father in rejecting [the prohibition of] Mukzeh? —

No; in this case even R. Simeon agrees,<sup>5</sup> for it looks as though he were going to market.<sup>6</sup> Bamboo-cane, R. Nahman forbids<sup>7</sup> and R. Shesheth permits. When it is moist none dispute that it is forbidden;<sup>8</sup> they [only] dispute when it is dry; he who forbids it says: Wood is made to serve only for kindling;<sup>9</sup> he who permits it says, It is one and the same thing whether roasting with it [used as a spit] or whether roasting with its coal.<sup>10</sup> Some say: When it is dry none dispute that it is

permitted; they [only] dispute when it is moist; he who forbids [it,] it is because it is not fit for fuel,<sup>11</sup> and he who permits [it] says, It is fit for a big fire. And the law is: When it is dry it is permitted, when it is moist it is forbidden.

Raba lectured: A woman may not go into a wood-shed to fetch therefrom a brand;<sup>12</sup> and a log of wood that was broken [on a Festival] may not be burnt on the Festival, for one may heat with utensils but one may not heat with broken utensils. Shall it be said that Raba is of the same opinion as R. Judah who holds the rule of Mukzeh? But surely Raba said to his attendant: Roast me a duck and throw its inwards to the cat!<sup>13</sup> — There [it is different]; since they [the inwards] turn putrid, he had intended them [for the cat] from the day before.<sup>14</sup>

**MISHNAH.** R. ELIEZER SAYS: A MAN MAY TAKE A CHIP FROM THAT WHICH IS LYING BEFORE HIM<sup>15</sup> TO PICK HIS TEETH WITH IT, AND HE MAY COLLECT [CHIPS] FROM THE COURT YARD AND MAKE A FIRE, FOR EVERYTHING IN A COURT IS MUKAN. BUT THE SAGES SAY: HE MAY COLLECT ONLY FROM THAT WHICH IS BEFORE HIM AND MAKE A FIRE. ONE MAY NOT PRODUCE FIRE EITHER FROM WOOD,<sup>16</sup> OR FROM STONES,<sup>17</sup> OR FROM EARTH,<sup>18</sup> OR FROM TILES,<sup>19</sup> OR FROM WATER;<sup>20</sup> NOR MAY ONE MAKE TILES RED-HOT IN ORDER TO ROAST ON THEM.

**GEMARA.** Rab Judah said:

(1) When an egg is to be placed on a tripod for baking, the tripod must not be placed on the fire and the egg on it, but it must be held in the hand, the egg placed on it, and then the whole on the fire. — A pot was placed on two barrels with a fire burning underneath. These barrels, however, must not be placed in position first, but the pot must be held in the air and then the barrels put underneath. — Folding beds are likewise: instead of the supports being placed first and then the canvas or skin overlay, as usual, the canvas must be stretched out first and the supports fitted in to it. Finally, when barrels are being stored away, One on top of two, the top one must be held and

## BEITZOH – 2a–40b

the other two pushed under it. In each case the usual mode of setting would constitute making a tent.

(2) It was presumed that it means ‘the door may not be used as a prop’.

(3) Viz., a door may not be propped up with a chip. The Mishnah therefore must be translated: And it is likewise so in the case of a door.

(4) Hence it is Mukzeh in respect of any other purpose.

(5) That it is prohibited.

(6) Lit., ‘to a dance’, so called because of the crowds assembled at the market.

(7) To be used as a spit on a Festival, on account of Mukzeh, for it was not intended before the Festival to use it as a spit.

(8) For it cannot then be used even for eating.

(9) Hence it is Mukzeh in respect of any other purpose.

(10) For it is permissible to burn it and use its charcoal for roasting.

(11) Hence it cannot be handled for its natural purpose, and therefore it must not be handled for any other purpose either.

(12) To be used for a poker. For wood can only be employed for kindling and cannot be used as a utensil unless it was so intended before the Festival.

(13) Whereas according to R. Judah the inwards should be forbidden to be handled as Mukzeh. Cf. supra 2a, 27b.

(14) Hence R. Judah would agree that the inwards are not Mukzeh.

(15) I.e., in the house.

(16) By rubbing two sticks together, because this would be bringing into existence something which was not already made.

(17) By striking flint with steel,

(18) Sulfur or phosphorus.

(19) This clause is omitted in the Mishnayoth.

(20) By using the water in a glass as a mirror to focus the rays of the sun.

### Beitzah 33b

[The prohibition] of making a utensil does not apply to cattle fodder.<sup>1</sup> R. Kahana raised an objection to Rab Judah: One may carry about spice-wood for smelling or in order to fan a sick person with it; and he may rub it and smell it but he may not cut off [a piece] in order to smell it;<sup>2</sup> and if he did cut off [a piece] he is not culpable, although it is forbidden; he may not cut off [a piece] in order to pick his teeth, but if he did cut off he is liable to a sin-offering!<sup>3</sup> —

He replied to him: If [the Baraitha had taught that] ‘he is not culpable, yet it is forbidden’, even that would contradict me; how much more so when it states ‘he is liable for a sin-offering’; but that [Baraitha] was taught with respect to hard [spice-wood].<sup>4</sup> But is hard [spice-wood] capable of being rubbed! —

There is a lacuna and must be taught as follows: ‘He may rub it and smell it and he may cut off [a piece] and smell it’. This only applies to soft spice-wood, but he may not cut hard [spice-wood], and if he does cut it, he is not culpable, although it is forbidden; he may not cut off [a piece] in order to pick his teeth, but if he does cut off he is liable to a sin-offering. One [Baraitha] teaches: He may cut off [a piece] and smell it; and another [Baraitha] teaches: He may not cut off in order to smell thereof? —

Said R. Zera in the name of R. Hisda: There is no contradiction; one refers to soft [spice-wood]; the other, to hard. To this R. Aha b. Jacob demurred: Why [may he] not [cut off] from hard [spice-wood]?<sup>5</sup> In what respect is this different from what we learnt: A man may break open a cask in order to eat of its dry figs, provided that he does not intend to make a utensil [of it].<sup>6</sup> And furthermore, Raba son of R. Adda and Rabin son of R. Adda have both related: When we were staying with Rab Judah he broke a branch off<sup>7</sup> and gave us each a piece of aloe-wood, although they were [so hard that they were] capable of being used as a handle for a bill or an axe!<sup>8</sup> —

There is no contradiction; the one is according to R. Eliezer, and the other is according to the Rabbis; for it was taught: R. Eliezer says: A man may take a chip from [wood] lying before him to pick his teeth with it, but the Sages say: He may take [it] only out of a cattle-crib;<sup>9</sup> but they both agree that he may not cut off [a piece], and if he did cut off to pick his teeth or to open a door with it,<sup>10</sup> if he did it unwittingly on a Sabbath, he is liable to a sin-offering, and if he did it deliberately

## BEITZOH – 2a–40b

on a Festival he is liable to receive forty lashes: this is the opinion of R. Eliezer.

But the Sages say: Both the one and the other are forbidden only as a shebuth.<sup>11</sup> [Now] R. Eliezer<sup>12</sup> who says there,<sup>13</sup> 'he is liable to a sin-offering', [will hold] here [that] he is not culpable, although it is forbidden; the Rabbis who say there, 'he is not culpable although it is forbidden' [maintain] here [that] it is permitted at the outset. But does not R. Eliezer accept the teaching, A man may break open a cask in order to eat of its dry figs provided that he does not intend to make a utensil? — Said R. Ashi: That was taught with respect to a barrel whose parts are stuck together with pitch.<sup>14</sup>

**AND HE MAY COLLECT FROM THE COURT:** Our Rabbis taught: He may collect from the court and make a fire, for every thing in the court is Mukan, provided that he does not make many heaps; but R. Simeon permits [even this]. In what do they differ? — One is of the opinion: It looks as though he were gathering for the morrow and the day after;<sup>15</sup> and the other is of the opinion: His pot bears testimony for him.<sup>16</sup>

**ONE MAY NOT PRODUCE FIRE.** What is the reason? Because he is creating [something new] on a Festival.

**NOR MAY ONE MAKE TILES RED-HOT.** What does he do?<sup>17</sup> — Said Rabbah b. Bar Hana in the name of R. Johanan: We are dealing here with new bricks [and the prohibition is] because

- (1) I.e., straw or stubble and the like may be used as a tooth-pick.
- (2) By cutting off a piece, he produces a new surface which yields greater fragrance.
- (3) Although some spice-wood can be used as fodder. This contradicts Rab Judah.
- (4) Which is unfit for fodder. Hence it does not contradict me at all.
- (5) In order to smell. Did then the Rabbis preventively forbid it lest he might cut it off as a utensil?

(6) I.e., he must not break open the bung in such a way as to make a permanent mouth. This we see that no such preventative decree exists.

(7) On a Sabbath in order to smell thereof. The branch was, of course, detached.

(8) Cf. Shab. 146a.

(9) Since it is definitely food, it can therefore be used for any purpose.

(10) I.e., to use it as a latch.

(11) V. Glos.

(12) The explanation of there being no contradiction is now continued.

(13) With respect to cutting spice-wood.

(14) Therefore it cannot afterwards again be used as a vessel. Cf. Jast. s.v. מוסתקי

(15) Which is certainly forbidden.

(16) I.e., it is quite obvious that he wants the fuel for the Festival.

(17) What forbidden action is there in this?

### Beitzah 34a

he has yet to examine them.<sup>1</sup> Others explain it: Because he has yet to harden them.<sup>2</sup> We have learnt elsewhere:<sup>3</sup> If one trod upon it [poultry] or knocked it against a wall, or if cattle trampled over it and it still moves convulsively and continues alive for a full day of twenty-four hours, and he then slaughters it, it is ritually fit. Said R. Eleazar b. Jannai in the name of R. Eleazar b. Antigonus: It still has to be examined.<sup>4</sup> R. Jeremiah asked of R. Zera: May one slaughter it on a Festival? Should we assume an unsoundness On a Festival<sup>5</sup> or not?

He replied to him: We have learnt it: **NOR MAY ONE MAKE TILES RED-HOT IN ORDER TO ROAST ON THEM;** and we raised the point: What does he do? And Rabbah b. Bar Hana in the name of R. Johanan said: We are dealing here with new bricks [and they must not be heated] because he has yet to examine them.<sup>6</sup> He said to him: We teach: Because he has yet to harden them.<sup>7</sup> It was taught: If one brings the fire [on a Sabbath] and another brings the wood and another puts the pot on the fire and another brings the water and another puts in the seasoning and another stirs, they are all liable.<sup>8</sup> But surely it was taught: The last one is liable and the rest are exempt! —

## BEITZOH – 2a–40b

There is no contradiction. The one speaks of a case where the fire was brought first; and the other, where the fire was brought last.<sup>9</sup> As for all the others, it is well, for they perform an action;<sup>10</sup> but he who puts the pot on the fire, what does he do?<sup>11</sup> — Said R. Simeon b. Lakish: We treat here of a new pot and they applied here the prohibition of making tiles red-hot.

Our Rabbis taught: A new oven and a new pot range are like all other utensils which may be carried about in a court; but one may not smear them with oil or polish them with a rug or cool them with cold water in order to harden them; but if [it is done] for the purpose of baking,<sup>12</sup> it is permitted.

Our Rabbis taught: One may scald the head and the feet [of a fowl or animal] or singe them with fire; but one may not cover them, with potter's clay or with earth or with lime,<sup>13</sup> nor may one cut off [their hair] with scissors; and one may not cut round vegetables with their [garden] shears,<sup>14</sup> but one may trim the artichoke and the cardoon;<sup>15</sup> one may heat and bake in a large oven<sup>16</sup> and one may warm up water in an antiki<sup>17</sup> vessel; but one may not bake in a new large oven lest it crack<sup>18</sup>.

Our Rabbis taught: One may not blow up [the fire] with bellows [on a Festival] but one may blow it up with a tube [reed]; one may not condition a spit nor may one sharpen it.

Our Rabbis taught: One may not split a reed in order to roast a salt fish thereon, but one may crack a nut in a rag and we do not apprehend lest it be torn.<sup>19</sup>

**MISHNAH.** R. ELIEZER FURTHER<sup>20</sup> SAID: A MAN MAY STAND NEAR HIS DRYING FIGS<sup>21</sup>

(1) Whether they can stand burning, for if they crack they cannot be used and all his labor has been in vain.

(2) By burning; hence when he makes them red-hot he completes their manufacture, and this may not be done on Festival.

(3) Hul. 57a and 57b.

(4) Whether the injury did not make it Trefah.

(5) I.e., on account of its stringency and therefore not kill it.

(6) To see if they crack. Hence we see that we do assume an unsoundness on account of the stringency of the Festival.

(7) So that this has no bearing on our problem.

(8) For various breaches of the Sabbath.

(9) In the former case all are liable, for all have committed a breach of the Sabbath; in the latter only the last person performed a culpable act.

(10) As one carries the fire he creates a draught which fans it into a stronger blaze; hence his action technically constitutes kindling. Similarly, he who adds fuel. Pouring in the water and the condiments and stirring all constitute cooking.

(11) He puts it on empty; hence he does not cook at all.

(12) That the bread should not burn.

(13) In order to remove the hair.

(14) The shears with which they are cut from the soil. The prohibition is because one might suspect that the person had only on that day cut them from the ground.

(15) These plants require a good deal of care in their preparation.

(16) Though it involves much labor.

(17) אַנטיקי A water-heating vessel with a fuel compartment (v. Shab. 41a). Though it retains its heat for a long time, extending even beyond the needs of the Festival day on which it is heated, it is nevertheless permitted, v. R. Nissim. The derivation of the word is obscure. Krauss TA, I, p. 73 connects it with Grk, GR. \*\* v. op. cit. p. 411.]

(18) And the whole labor will be in vain. Unnecessary labor is forbidden on a Festival.

(19) For even if it does get torn it is of no consequence, for one is liable only if the tearing is for the purpose of sewing it up again.

(20) Cf. supra p. 33a.

(21) Heb. Mukzeh. Which require designation for the Sabbath.

### Beitzah 34b

ON THE EVE OF A SABBATH IN THE SABBATICAL YEAR<sup>1</sup> AND SAY: FROM THIS PART WILL I EAT TO-MORROW.<sup>2</sup> BUT THE SAGES SAY: ONLY IF HE MARKS IT OUT AND SAYS, 'FROM HERE UNTO THERE.'

**GEMARA.** We have learnt elsewhere:<sup>3</sup> If children put away figs<sup>4</sup> [in the field] on the eve of Sabbath [for the Sabbath] and they forgot and did not tithe them, [before the Sabbath], they may not be eaten after the Sabbath until they have been tithed.<sup>5</sup> And we have also

## BEITZOH – 2a–40b

learnt:<sup>6</sup> If one was carrying figs through his court for drying,<sup>7</sup> his children and the members of his household may make a light meal of them and are exempt [from tithes].<sup>8</sup>

Raba asked R. Nahman: Does the Sabbath establish a liability to tithes in the case of drying figs,<sup>9</sup> seeing that they were not completely ready [for eating]?<sup>10</sup> Do we say, Since it is written, And [thou shalt] call the Sabbath a delight,<sup>11</sup> it [the Sabbath] establishes a liability even where the commodity is not completely ready [for tithing], or perhaps it [the Sabbath] establishes liability only where the commodity is completely ready [for tithing], but not where the commodity is not yet completely ready? —

He replied to him: The Sabbath establishes liability whether the commodity is completely ready [for tithing] or not. He said to him: Say [perhaps] that the Sabbath is like a court? Just as a court establishes liability only where the commodity is completely ready [for tithing],<sup>12</sup> so also the Sabbath does not establish liability save where the commodity is completely ready?—

He replied to him: We have a distinct teaching that the Sabbath establishes liability both where the commodity is completely ready and where the commodity is not completely ready [for tithing]. Mar Zutra son of R. Nahman said: We have likewise learnt: R. Eliezer further said: A MAN MAY STAND NEAR HIS DRYING FIGS ON THE EVE OF A SABBATH IN THE SABBATICAL YEAR, etc.: Thus it is only in the Sabbatical year, when it is free from tithe; but in the other years of the septennate it would be forbidden;<sup>13</sup> [and] for what reason? Is it not because the Sabbath establishes liability! —

No, there it is different; since he Says, FROM THIS PART WILL I EAT TO-MORROW, he established liability for himself.<sup>14</sup> If so, why particularly the Sabbath; this holds good even

on a weekday? — This is what he informs us, [namely] that tebel<sup>15</sup> is regarded as Mukan

- (1) V. Lev. XXV, 1-7. In the Sabbatical year fruit is tithe-free.
- (2) Such designation is sufficient for he holds the rule of retrospective selection, i.e., a selection made subsequently is of legal effect retrospectively, as though it were made earlier—here, as though he expressly designated the particular figs to-morrow.
- (3) Ma'as. IV, 2.
- (4) Which were ready for eating and therefore liable for tithing.
- (5) Although a light meal of untithed fruit is permitted before it has been brought into the house or the court (v. B.M. 88a), appointing these figs for the Sabbath marks the end of their ingathering and they become liable to tithe.
- (6) Ma'as. III, 1.
- (7) The preparation of which is not yet complete.
- (8) Although they have been brought into the court.
- (9) Heb. Mukzeh.
- (10) Lit., 'its work (of storing) is not finished'. This clause is explanatory of the word Mukzeh, Rashi.
- (11) Isa. LVIII, 13.
- (12) Cf. Mishnah, Ma'as. III, I cited supra.
- (13) To eat the fruit without tithing.
- (14) For he has shown that as far as he is concerned its preparation is completed and it is now quite ready for eating.
- (15) V. Glos.

### Beitzah 35a

with respect to Sabbath, so that if one transgressed and tithed it, it is fit for use.<sup>1</sup> But is not the remainder put back; and we know R. Eliezer to hold that whenever the remainder can be put back, it does not establish liability?<sup>2</sup> For we have learnt: If one took olives out of the vat he may dip them in salt one at a time and eat them [untithed]; but if he dipped ten<sup>3</sup> [in salt] and placed them before him he is liable.<sup>4</sup>

R. Eliezer says: [If he takes them] from a clean vat he is liable; from an unclean vat, he is exempt, because he can put back what remains over.<sup>5</sup> And we argued on this: What is the difference between the first clause and the last clause?<sup>6</sup> And R. Abbahu answered: The first clause treats of a clean vat and an unclean person, so that he cannot put the

## BEITZOH – 2a–40b

remainder back;<sup>7</sup> the last clause treats of an unclean vat and an unclean person, so that he can put it back!—

Our Mishnah too treats of clean drying figs and an unclean person who cannot put it back. But surely they are de facto put back?<sup>8</sup> —

Rather said R. Simi b. Ashi:<sup>9</sup> You speak of R. Eliezer? R. Eliezer follows his opinion [expressed elsewhere]; for he says that [separating] terumah<sup>10</sup> establishes liability, how much more so the Sabbath.<sup>11</sup> For we have learnt: If Terumah had been separated from fruits before they were completely ready [for tithing],<sup>12</sup> R. Eliezer forbids a light meal to be made of it, but the Sages permit.<sup>13</sup>

Come and hear [a support] from the second clause: **BUT THE SAGES SAY: ONLY IF HE MARKS IT OUT AND SAYS: FROM HERE UNTO THERE.** Thus it is only on the eve of a Sabbath in the Sabbatical year, when it is free from tithe; but in other years of the septennate, it would be forbidden. What is the reason? Surely because the Sabbath establishes liability? —

No, there it is different; since he says, **FROM HERE UNTO THERE WILL I EAT TOMORROW,** he made it liable for tithing. If so, why particularly of Sabbath: this holds good even on a weekday? This is what he informs us, [namely] that Tebel is Mukan with respect to Sabbath, so that if one transgressed and separated the tithe, it is fit for use. But the following contradicts this: If one was eating a cluster of grapes<sup>14</sup> and entered from the garden into the court,<sup>15</sup> R. Eliezer says: He may finish [eating it without tithing], [but] R. Joshua maintains: He may not finish. If it was getting dark towards the Sabbath,<sup>16</sup> R. Eliezer says: He may finish [eating the cluster of grapes], [but] R. Joshua maintains: He may not finish.<sup>17</sup> —

There [it is different] as the passage is explained:<sup>18</sup> R. Nathan says: When R. Eliezer

said, ‘He may finish’, he did not mean that he may finish [eating it] in the court, but he must leave the court and finish [it in his garden]; and when R. Eliezer said, ‘He may finish’, he did not [mean] that he may finish [it] on the Sabbath, but he waits until the termination of the Sabbath and finishes [it].

When Rabin came [from Palestine], he said in the name of R. Johanan: Neither the Sabbath nor [the separating of] Terumah nor [bringing the fruit into the] court, nor [the act of] purchasing establish liability save where it was [otherwise] completely ready [for tithing]. ‘The Sabbath’, to reject the opinion of Hillel; for it was taught: if one carries fruit from one place to another<sup>19</sup> and the holiness of the [Sabbath] day came upon him, said R. Judah: Hillel alone forbids [it].<sup>20</sup>

(1) On the Sabbath, for the designation of the day before is valid; and the tithing too is valid, since the prohibition of the tithing on a Sabbath is only Rabbinical.

(2) How much more so is it not liable for tithing when he merely said, ‘From here will I eat tomorrow’.

(3) ‘Ten’ is absent in the Mishnayoth: it thus means, if he dipped a fair number, etc.

(4) By thus placing them all in front of him and not eating each as he dips it into the salt, he shows that he wishes to make a proper meal of them, not a mere snack, and a proper meal is forbidden before tithing.

(5) Ma'as. IV, 3. When he can put the remainder back, even if he takes many he does not mean to make a proper meal, as he may eat a few only; hence he is not liable. But when he cannot put the remainder back, and he takes a number, he evidently intends to eat them all now, and this intention establishes liability to tithes because it will constitute a full and proper meal.

(6) Even in a clean vat one can put back the fruit left over.

(7) Because he renders what he touches unclean, and so this in turn will defile the olives in the vat if he puts it back.

(8) Since they have never been taken out; he merely designated them by word of mouth.

(9) In truth it is not his speech but the Sabbath that establishes liability; nevertheless our Mishnah does not support R. Nahman, because it only quotes the view of R. Eliezer, but the Sages differ.

(10) V. Glos.

# BEITZOH – 2a–40b

(11) But the Sages who differ with respect to Terumah differ also with respect to Sabbath.

(12) I.e., before their preparation was complete and therefore not yet liable to tithe.

(13) Ma'as. II, 4. — R. Eliezer holds that the separating of Terumah though It was as yet unnecessary, has established a liability to tithes too, though it is not yet completely ready. But the Sages dispute this.

(14) The grapes are tithe-free until they are brought within the owner's court. When yet in the vineyard, the owner may eat of them a slender meal, for their preparation for tithing is regarded complete only when made into wine.

(15) Which makes the grapes liable to tithe, without which even a light meal is now forbidden.

(16) When it is forbidden to tithe. — This is a separate case and does not refer to when he entered the court.

(17) Ter. VIII, 3. Hence it is to be inferred that R. Eliezer does not hold that the Sabbath establishes liability for tithing.

(18) In Tosef. Ter. VII.

(19) This follows the text of the Tosefta, which is preferable to that of our edd. [The Fruit was evidently taken for drying; v. Wilna Gaon Ma'as. III and cf. R. Hananel a.l. Assuming that לקצור 'to harvest' in cur. edd. is a scribal error for לקצות 'to dry', the reading of cur. edd. yields equally good sense.]

(20) But all the other scholars allow.

## Beitzah 35b

'Court', to reject the opinion of R. Jacob, for we have learnt: If one was carrying figs into his court for drying, his children and the members of his household may eat of them a light meal and are exempt [from tithes]; and with respect to this, it was taught: R. Jacob makes him liable for tithing and R. Jose son of R. Judah exempts [him]. 'Terumah', to reject the opinion of R. Eliezer; for we have learnt: If one separated Terumah from fruits before they were completely ready [for tithing] R. Eliezer forbids a light meal to be made of it, but the Sages permit.<sup>1</sup>

'Purchasing', as it was taught: If one bought figs from an 'am ha-arez<sup>2</sup> in a district where the majority of the people press [them], he may eat thereof a light meal and he tithes them as demai.<sup>3</sup> Infer from this three things; infer from this [that] 'purchasing' establishes liability only where it was completely ready

[for tithing]; infer from this also [that] the majority of the 'amme ha-arez do tithe [their produce]; and [further] infer from this [that] one should tithe the Demai of an 'am ha-arez even of a commodity whose preparation has not yet been completed.

And it<sup>4</sup> is to reject that which we have learnt: If one exchanges fruit with his neighbor, the one intending to eat them [as they are] and the other intending to eat them, or the one intending to dry them and the other intending to dry them, or the one intending to eat them and the other intending to dry them, they are both liable.<sup>5</sup> R. Judah says: He who intends eating it is liable,<sup>6</sup> but he who intends drying it is exempt.<sup>7</sup>

## CHAPTER V

**MISHNAH.** ONE MAY LET DOWN FRUIT<sup>8</sup> THROUGH A TRAP-DOOR ON A FESTIVAL BUT NOT ON A SABBATH, AND COVER UP FRUIT WITH VESSELS ON ACCOUNT OF THE RAIN; AND LIKEWISE JARS OF WINE AND JARS OF OIL; AND [EVEN] ON A SABBATH ONE MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN.

**GEMARA.** It was stated: Rab Judah and R. Nathan [dispute]; one recites MASHILLIN<sup>9</sup> and the other teaches MASHHILLIN. Said Mar Zutra: The one that recites MASHILLIN does not teach wrongly and the other who recites MASHHILLIN does not teach wrongly. The one that recites MASHILLIN does not teach wrongly for it is written, For thine olives shall drop off, [Yishshal];<sup>10</sup> and the other who recites MASHHILLIN does not teach wrongly for we have learnt: [If the firstling is a] Shahol or a Kasol [it may be slaughtered]; 'Shahol' [means an animal] whose hip has become dislocated<sup>11</sup> and 'Kasol' [means an animal] one of whose hips is higher than the other.<sup>12</sup>

R. Nahman b. Isaac said: The One that recites MASHIRIN does not teach wrongly and the one that recites MASHHIRIN does not teach

## BEITZOH – 2a–40b

wrongly, and the one that recites MANSHIRIN does not teach wrongly. The one that recites MASHIRIN does not teach wrongly, for we have learnt: R. Ishmael says: A Nazirite may not shampoo his head with clay because it makes the hair fall out [Mashir];<sup>13</sup> and the one that recites MASHHIRIN does not teach wrongly, for we have learnt: The hair-clip [Shahor] and the barber's scissors are susceptible to defilement even though they [the two parts] are separated;<sup>14</sup> and the one that recites MANSHIRIN does not teach wrongly, for we have learnt: If one's clothes fell [Nashru] in the water [on a Sabbath], he may walk in them without fear.<sup>15</sup>

Alternatively, from the following teaching: What is leket?<sup>16</sup> That which was let fall [nashar] at the time of harvesting.<sup>17</sup> We have learnt: YOU MAY LET DOWN FRUIT THROUGH A TRAPDOOR ON A FESTIVAL? How much?<sup>18</sup> —

Said R. Zera in the name of R. Assi — some say, R. Assi said in the name of R. Johanan: Like that which we have learnt: One may clear away [on Sabbath as much as] four or five bundles of straw or grain<sup>19</sup> on account of guests or to avoid disturbance of study.<sup>20</sup> But perhaps it is different there where study would [otherwise] be disturbed, but here where there is no disturbance of study it is not so!<sup>21</sup> Or perhaps there [as many as] four or five bundles are allowed [to be cleared away] because the Sabbath is stringent and [people] will not come to treat it lightly, but on a Festival, which is less stringent and people might come to treat it lightly, he may not [move any at all]! Or [argue] in the reverse: There [only four or five are allowed] because no monetary loss is involved, but here where monetary loss is involved<sup>22</sup> even more is allowed!

(1) V. supra 35a.

(2) The name given to an illiterate peasant who is under suspicion of not giving tithes from his produce. V. Glos.

(3) 'Suspect produce', i.e. produce regarding which it is not known whether the prescribed tithes have been duly set apart by the vendor before selling.

(4) The statement of Rabin in the name of R. Johanan above.

(5) For exchange is a purchase, and this Tanna holds that purchase establishes liability even when the commodity is not completely ready.

(6) For it is ready as far as he is concerned.

(7) For it is not ready for him, and R. Judah holds that purchase itself does not establish liability.

(8) Spread out on the roof for drying.

(9) This and all the following verbs have the significance of letting down.

(10) Deut. XXVIII, 40. Mashillin is from the same root (Nashal).

(11) I.e., dropped, and Mashhillin therefore has the same sense.

(12) Bek. 40a.

(13) Naz. 42a. V. also Num. VI, 5.

(14) Because each part can be used separately as an instrument for cutting. Kel. XIII, 1. Thus 'Shahor' has the sense 'to cause to fall'.

(15) That he may be suspected of having washed them on the Sabbath. Shab. 147a.

(16) Which belongs to the poor.

(17) Pe'ah. IV, 10.

(18) May he clear away that it should not be regarded as extra work?

(19) But no more.

(20) I.e., if one needs the space for guests or disciples. Shab. 126b. Lit., 'the disturbance of the House of learning'.

(21) I.e., he may not take as many as four or five.

(22) The rain would spoil the fruit.

### Beitzah 36a

[Moreover] we have learnt there:<sup>1</sup> But [one may] not [clear away] the store-house; and Samuel said: What means 'but [one may] not [clear away] the storehouse'? [It means,] But one may not clear away the entire store<sup>2</sup> lest he come to level out hollows.<sup>3</sup> Now what is the law here?<sup>4</sup>

[Do I say that] it is forbidden there, on the Sabbath, because it is stringent, but on a Festival which is less stringent it is permitted; or perhaps [I can argue], if there where there is disturbance of study, you say that it is forbidden, here where there is no disturbance of study how much the more? [Furthermore] we have learnt here: ONE MAY LET DOWN FRUIT THROUGH A TRAP-DOOR ON A

## BEITZOH – 2a–40b

FESTIVAL; and R. Nahman said: They taught this only with respect to the same roof, but not from one roof to another. And it was likewise taught: One may not move [things] from one roof to another even when the roofs are level with each other.<sup>5</sup> Now how is it there [on the Sabbath]?<sup>6</sup>

[Do I say that] here only it is forbidden, because a Festival is less stringent and [people] might come to treat it lightly, but on a Sabbath which is stringent and [people] will not come to treat it lightly, it is allowed; or perhaps [I can argue], if here, where loss of fruit is involved, you say that it is not [permitted] there, where no damage of fruit is involved, how much the more? [Again] it was taught here:<sup>7</sup> He may not let them [the bundles] down through windows with ropes, nor may he bring them, down by means of ladders. How is it there?<sup>8</sup>

[Do I say that] only here, on a Festival it is forbidden, because no disturbance of study is involved, but [there] on the Sabbath, where there is a disturbance of study, it is allowed: or perhaps [I can argue], if here where damage of fruit is involved, you say that it is forbidden, there where no damage of fruit is involved, how much the more? The questions remain undecided.

AND ONE MAY COVER UP FRUIT. ‘Ulla said: Even a stack of loose bricks.<sup>9</sup> R. Isaac said: [Only] fruits which are useable [may be covered]. And R. Isaac follows his opinion [expressed elsewhere]; for R. Isaac said: A utensil may be handled [on Sabbath] only for the benefit of a thing which itself may be handled on the Sabbath.<sup>10</sup>

We have learnt: ONE MAY COVER UP FRUIT WITH VESSELS; only fruit but not a stack of loose bricks! — The same is true even of a stack of loose bricks; but because he teaches in the first part [of the Mishnah], ONE MAY LET DOWN FRUIT,<sup>11</sup> he teaches also in the concluding part, ONE MAY COVER UP FRUIT. We have learnt: AND

LIKEWISE JARS OF WINE AND JARS OF OIL!<sup>12</sup> —

We are dealing here with tebel.<sup>13</sup> This too is logical: for if you maintain [that we are dealing with] jars of wine and oil which are permitted, surely this he already teaches in the first clause, viz., FRUITS!<sup>14</sup> —

It is especially necessary to teach this with respect to jars of wine and oil; for I might have thought that the Rabbis took into consideration only a great loss,<sup>15</sup> but a small loss they did not take into consideration, so he informs us [that it is not so]. We have learnt: ON A SABBATH YOU MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN!<sup>16</sup> —

[It deals here] with respect to rain fit for use.<sup>17</sup> Come and hear: One may spread a mat over bricks on a Sabbath!<sup>18</sup> —

[It treats of bricks] that were left over from a building and which are fit to sit on. Come and hear: You may spread a mat over stones on a Sabbath!<sup>19</sup> —

[It treats] of smoothly pointed stones which are fit for a privy. Come and hear: One may spread a mat over a beehive on a Sabbath,<sup>20</sup> in sunny weather on account of the sun and in rainy weather on account of the rain, provided that he does not intend to capture [the bees]! —

There likewise [it treats of a case] where it contains honey.<sup>21</sup> R. Ukba of Meshan<sup>22</sup> said to R. Ashi: This is well in summer when there is honey [in the hive], but in winter how is it to be explained? — It is especially necessary to teach this with respect to the two honeycombs.<sup>23</sup> But these two honeycombs are Mukzeh!<sup>24</sup> —

We deal here with a case where he reserved them [for his use]. But what if he did not reserve them for his use? [It is] forbidden! Then instead of teaching, ‘provided that he

## BEITZOH – 2a–40b

does not intend to capture [the bees]’, he should teach a distinction with respect to [the first case] itself,<sup>25</sup> [viz.], This applies only when he has reserved them for his use, but if he did not reserve them for his use it is forbidden? —

This is what he means to say; even though he has reserved them, [for his use he may cover them with a mat] provided always that he does not intend to capture [the bees]. How have you explained it:<sup>26</sup> according to R. Judah who holds the law of Mukzeh?<sup>27</sup> But say the concluding part: provided that he does not intend to capture [the bees]: this is in accordance with R. Simeon, who says, An unintentional act is permitted!<sup>28</sup> —

Do you then think [the concluding clause] is according to R. Simeon? Surely Abaye and Raba both said: R. Simeon agrees [that it is forbidden] in the case of ‘Cut off his head but let him not die’.<sup>29</sup> —

In point of fact, the whole [Mishnah there] is according to R. Judah, and we are dealing here with a case where it [the beehive] has a little window;<sup>30</sup> and do not say, according to R. Judah provided that he does not intend to capture [the bees]

- (1) Shab. 126b.
- (2) I.e. if the store contained only four or five bundles he may not remove them all and thus clear the Boor.
- (3) Found in the floor of the barn.
- (4) May one clear away the entire barn on a Festival?
- (5) When no extra labor in lifting is incurred.
- (6) For the sake of guests or the study of the Law?
- (7) With respect to clearing bundles on a Festival.
- (8) On the Sabbath, may one remove for the sake of guests or the study of the Law?
- (9) May be covered up, even though the bricks themselves may not be moved.
- (10) Since the bricks may not be handled, nothing else (e.g., a tarpaulin) may be handled to cover them.
- (11) I.e. only that which is fit for use on the Sabbath or Festival and hence may be handled.
- (12) Implying, but not bricks.

(13) Which, like the bricks, are not useable on a Festival and therefore may not be moved, yet they may be covered. Hence bricks are the same.

(14) For obviously they are alike.

(15) The rain can cause greater damage to fruit than to the jars of wine or oil.

(16) The rain-drops are likewise not useable, and therefore may not be handled, and yet a vessel may be handled for receiving them.

(17) I.e., ordinary rainwater which can be used for watering cattle.

(18) To protect them from rain, although the bricks are for building purposes and may not be moved; cf. Shab. 43a.

(19) Shab. 43a, — it is assumed that these too are not fit for use and therefore may not be handled.

(20) To protect it from the rain, although the beehive itself may not be moved.

(21) And the mat is to protect the honey, which may be handled.

(22) Mesene, a district south-east of Babylon, on the path of the trade route to the Persian Gulf. V. Obermeyer, p. 89ff; B.K., Sonc. ed. p. 566, n. 5.

(23) Which are left behind as food for the bees, v. B.B. 80a.

(24) For they are reserved for the bees, and may not be moved.

(25) When he covered it solely to protect it from the rain.

(26) This law about covering a beehive?

(27) For otherwise you could have answered that it agrees with R. Simeon, who rejects the law of Mukzeh.

(28) Provided that the act he is doing is permitted, he is not made to refrain because he may unintentionally also do something forbidden. V. Shab. 50b. Whereas R. Judah is of the opinion that all unintentional act is prohibited.

(29) This is an idiom describing the inevitable result of an unintentional act; i.e., where an unintentional act must inevitably result in a forbidden act, R. Simeon agrees that it is forbidden. Here too, he inevitably captures the bees, so that even R. Simeon should forbid it. V. Keth., Sonc. ed. p. 20, n. 8.

(30) Through which the bees can escape.

### Beitzah 36b

but say rather, provided that he does not make it [the beehive] a trap.<sup>1</sup> [But] this is obvious! —

You might say [that] catching is forbidden only in respect of a kind of creature which one usually catches, but with respect to the sort which one does not usually catch,<sup>2</sup> it is

## BEITZOH – 2a–40b

permitted; so he informs us [that it is not so]. R. Ashi says:<sup>3</sup> Does he then teach ‘in summer and in winter’? He teaches ‘in sunny weather on account of the sun and in rainy weather on account of the rain’, [i.e.] in the days of Nisan and in the days of Tishri<sup>4</sup> when there is both sun and rain as well as honey present.

**ON SABBATH ONE MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN.** It was taught: If the vessel became full, he may keep on pouring it out as it fills and put it back again without restraint. In the mill-room of Abaye rain trickled through.<sup>5</sup> He came before Rabbah who said to him: Go, bring in your bed there, so that it [the mill] may be regarded by you like a commode<sup>6</sup> and [so] take it out.

Abaye sat and put himself the question: May then one make of anything a commode at the outset?<sup>7</sup> In the meantime Abaye's mill fell to pieces. He said: I well deserve it, for I have transgressed the words of my Master.<sup>8</sup> Samuel said. The commode and the chamber-pot may be taken out to the dung-heap [for emptying], and when he brings them back, he is to pour water therein and [then] take them back.<sup>9</sup> From this they [the disciples] concluded that one may carry out [the contents of] the commode by means of the vessel but not the ordure itself;<sup>10</sup> [but] come and hear [to the contrary]: Once a mouse was found in a scent-box belonging to R. Ashi. R. Ashi said to them: Take it by the tail and bring it out.<sup>11</sup>

**MISHNAH.** EVERY [ACT] THAT IS CULPABLE<sup>12</sup> ON A SABBATH AS A SHEBUTH,<sup>13</sup> [OR] AN OPTIONAL ACT [RESHUTH], [OR] A RELIGIOUS ACT,<sup>14</sup> IS ALSO CULPABLE ON A FESTIVAL. THE FOLLOWING ACTS ARE CULPABLE AS A SHEBUTH: ONE MAY NOT CLIMB A TREE, NOR RIDE A BEAST, NOR SWIM IN WATER, NOR CLAP THE HANDS, NOR SLAP [THE THIGHS], NOR DANCE. THE FOLLOWING ARE CULPABLE AS OPTIONAL SECULAR ACTS: ONE MAY NOT JUDGE,<sup>15</sup> NOR BETROTH A WIFE, NOR PERFORM HALIZAH,<sup>16</sup> NOR PERFORM YIBBUM

[CONSUMATE A LEVIRATE MARRIAGE],<sup>17</sup> THE FOLLOWING ARE CULPABLE AS RELIGIOUS ACTS: ONE MAY NOT DEDICATE [ANYTHING TO THE TEMPLE], NOR VOW A PERSONAL VALUATION,<sup>18</sup> NOR MAKE A VOW OF HEREM,<sup>19</sup> NOR SET ASIDE TERUMAH OR TITHES. ALL THESE THINGS THEY [THE RABBIS] PRESCRIBED [AS CULPABLE] ON A FESTIVAL, HOW MUCH MORE [ARE THEY CULPABLE] ON SABBATH. THE FESTIVAL, DIFFERS FROM THE SABBATH ONLY IN RESPECT OF THE PREPARATION OF FOOD ALONE.

**GEMARA.** ONE MAY NOT CLIMB A TREE; it is a preventive measure lest he pluck [fruit].

**NOR RIDE A BEAST;** it is a Preventive measure lest he might go without the tehum.<sup>20</sup> Then this proves that the law of Tehum is Biblical?<sup>21</sup> — Rather say, it is a preventive measure lest he cut off a switch.<sup>22</sup>

**NOR SWIM IN WATER;** it is a preventive measure lest he might make a swimming bladder.

**NOR CLAP THE HANDS, NOR SLAP THE THIGHS, NOR DANCE;** it is a preventive measure lest he might repair musical instruments.

**THE FOLLOWING ARE CULPABLE AS OPTIONAL SECULAR ACTS: ONE MAY NOT JUDGE:** But is he not discharging a religious act?<sup>23</sup> — This holds good only where a more capable person is available.<sup>24</sup>

**NOR BETROTH A WIFE.** Is he not discharging a religious obligation?<sup>25</sup> — It treats of one

(1) By closing also the small aperture.

(2) Bees, as a rule, are not caught with a net.

(3) The text treats of a case, as previously explained, when there is honey in the hive; and as for the question, In winter there is no honey!

(4) Nisan is the first and Tishri the seventh month of the Jewish Calendar, corresponding to the months of March and September respectively.

# BEITZOH – 2a–40b

(5) The placing of vessels to catch the dripping rain would itself be insufficient to save the mill from damage, unless it were itself removed.

(6) The mill was of clay and the rain would make it dirty and foul.

(7) V. supra 21b.

(8) By questioning his advice.

(9) Since the vessel itself is considered Mukzeh on account of its filthiness and may not be carried about.

(10) I.e., to take out the ordure by itself or anything filthy and obnoxious is forbidden.

(11) Showing that it is the unclean thing itself that can be removed.

(12) According to Rabbinical enactment.

(13) V. Glos. The term is generally applied to an action which while not belonging to the category of forbidden labors (V. Shab. 73a) or their derivatives, was nevertheless forbidden either because it might lead to one of these or because it did not harmonize with the general spirit of the Sabbath.

(14) I.e., actions which are normally secular and optional or even in the nature of religious observances, but which are nevertheless forbidden on the Sabbath.

(15) In a lawsuit.

(16) V. Deut. XXV, 9, and Glos. s.v.

(17) The marriage with the wife of a deceased brother. V. Deut. XXV, 5-7.

(18) V. Lev. XXVII, 1-8.

(19) I.e., devote anything to the Lord; V. Lev. XXVII, 28.

(20) V. Glos.

(21) For it is a general rule that a preventive measure is enacted to safeguard a Biblical law only, but not a Rabbinical one. But actually there is a controversy whether the law of Tehum is Biblical or only Rabbinical, v. 'Er. 35.

(22) To use as a whip. Cutting off anything that is growing is certainly prohibited by Biblical law.

(23) To judge is a meritorious deed — hence it should be included in the third category.

(24) So that as far as this person is concerned it is an optional act, though judging in general ranks as a religious obligation.

(25) V. Gen. I, 28.

consummate a levirate marriage. And on account of what are all these [forbidden]? — It is a preventive measure lest he write.<sup>2</sup>

**THE FOLLOWING ARE CULPABLE AS RELIGIOUS ACTS: ONE MAY NOT DEDICATE, NOR VOW A PERSONAL VALUATION, NOR MAKE A VOW OF HEREM; [they are forbidden] as preventive measures lest one transact business.<sup>3</sup>**

**NOR SET ASIDE TERUMAH OR TITHES. This is obvious!<sup>4</sup> R. Joseph taught: It is necessary [to teach this] even in the case of giving them to the priest on the same day [of the Festival].<sup>5</sup> This, however, applies only to produce which was tebel<sup>6</sup> since the day before; but with respect to produce which is only just now become Tebel, as for example to set aside Hallah from dough, he may set them [tithes] aside and give them to the priest. Are then these acts<sup>7</sup> culpable only as Reshuth and not as shebuth?<sup>8</sup> And are those acts<sup>9</sup> culpable only as religious acts and not as Shebuth?**

Said R. Isaac: He proceeds to a climax;<sup>10</sup> not only is an act which is purely a shebuth<sup>11</sup> forbidden, but even a Shebuth which partakes of an optional [meritorious] act<sup>12</sup> is also forbidden; and not only is a Shebuth partaking of an optional [meritorious] act forbidden, but even a Shebuth partaking of a religious obligation<sup>13</sup> is also forbidden.

**ALL THESE THINGS THEY FORBADE ON A FESTIVAL, [etc.]. But the following contradicts this. One may let down fruit through a trap-door on a Festival but not on a Sabbath!<sup>14</sup> —**

Said R. Joseph: There is no contradiction: the one<sup>15</sup> is according to R. Eliezer, the other is according to R. Joshua. For it was taught: If it [an animal] and its young fell into a pit,<sup>16</sup> R. Eliezer says: He may bring up one of them in order to slaughter it and must slaughter it; and as for the other, he feeds it in the very place [it fell], so that it should not die. R. Joshua says: He brings up one in order to

## Beitzah 37a

who [already] has a wife and children.<sup>1</sup>

**NOR PERFORM HALIZAH, NOR PERFORM YIBBUM.** Is he not performing a religious act? — It treats of a case where there is an elder [brother] and it is a [prior] obligation for the elder [brother] to

# BEITZOH – 2a–40b

slaughter it but does not slaughter it, and he uses subtlety<sup>17</sup> and again brings up the second [animal]; and he may slaughter whichever he desires.<sup>18</sup> Abaye said to him: Whence [do you know that it is so]? Perhaps R. Eliezer said so only there where one can feed the animal,<sup>19</sup> but not here where no feeding is possible.<sup>20</sup> Or [perhaps] R. Joshua ruled thus only there, where one can make use of subtlety, but not here where it is not possible to make use of subtlety?<sup>21</sup> —

Rather said R. Papa: There is no contradiction: the one<sup>22</sup> is according to Beth Shammai, the other is according to Beth Hillel. For we have learnt: Beth Shammai say: One may not carry out an infant or a Lulab or a Scroll of the Law into public ground; but Beth Hillel permit it.<sup>23</sup> But perhaps it is not so! [Perhaps] Beth Shammai ruled thus only there, with respect to carrying out, but not with respect to handling?<sup>24</sup> — Is not handling needed for carrying out?<sup>25</sup>

**MISHNAH.** CATTLE AND UTENSILS ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THE OWNERS.<sup>26</sup> IF ONE GIVES HIS COW OVER TO HIS SON OR TO A HERDSMAN [TO TEND], THEY<sup>27</sup> ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OR THE OWNER. [ANY] UTENSILS WHICH HAVE BEEN SET APART FOR [THE USE OR] ONE OF THE BRETHREN IN A HOUSE, ARE [RESTRICTED TO THE SAME LIMITS] AS HIS FEET; BUT [THOSE UTENSILS] WHICH HAVE NOT BEEN SO SET APART, CAN BE TAKEN [ONLY] WHERE [ALL THE BRETHREN] MAY GO.<sup>28</sup> IF ONE BORROWS A VESSEL FROM HIS NEIGHBOUR ON THE EVE OF A FESTIVAL, [IT IS RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THE BORROWER; [BUT IF HE BORROWED IT] ON THE FESTIVAL, IT IS AS THE FEET OR THE LENDER. LIKEWISE A WOMAN THAT BORROWED FROM HER NEIGHBOUR CONDIMENTS, WATER OR SALT FOR HER DOUGH, THESE ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THEM BOTH.<sup>29</sup> R. JUDAH

EXEMPTS IN THE CASE OF WATER,<sup>30</sup>  
BECAUSE IT IS NOT SUBSTANTIAL.<sup>31</sup>

**GEMARA.** Our Mishnah

- (1) V. Mishnah. Yeb. 61b.
- (2) The betrothal or marriage contracts.
- (3) Since these partake somewhat of that nature.
- (4) [It is not quite obvious, and Rashi seems to omit the question as well as 'It is necessary' in the reply, reading, 'R. Joseph taught: Even in the case, etc.' V. D.S. a.l.]
- (5) Although it is not then evident that the setting aside of the tithes was for his own benefit; rather has it the appearance that he is doing it in the interest of the priest.
- (6) V. Glos.
- (7) Not judging, etc.
- (8) Surely they too are forbidden on account of Shebuth for the reason stated supra.
- (9) Not dedicating, etc.
- (10) Lit., "He says it is unnecessary", etc.?
- (11) Which have no semblance of religious merit in them, such as climbing a tree, etc.
- (12) Such as are enumerated in the middle list.
- (13) Such as are enumerated in the last list.
- (14) Whereas from the end of our Mishnah it is to be inferred that no difference exists between Sabbaths and Festivals except in the preparation of food alone.
- (15) Our Mishnah which teaches that every action forbidden on a Sabbath on account of Shebuth is also forbidden on a Festival, implying even though it entails a monetary loss.
- (16) On a Festival, when one may bring up the animals for slaughtering only. On the other hand, it is forbidden to slaughter an animal together with its young on the same day. Lev. XXII, 28.
- (17) By preferring the other animal for slaughter.
- (18) V. Shab. 117b, 124a.
- (19) So that no monetary loss is incurred.
- (20) Perhaps in such a case even R. Eliezer would permit it on a Festival, and yet not on the Sabbath.
- (21) I.e., where it is impossible to give the pretence that the proposed action is entirely permissible in itself, even R. Joshua may forbid it.
- (22) Our Mishnah.
- (23) V. supra 12a. [It is assumed that just as Beth Shammai forbid carrying into the public ground anything not connected with preparation of food, so they would forbid the handling of such things even when money loss is involved].
- (24) I.e., moving it from one part of the house to another.
- (25) Before an article can be carried out it must be moved and handled, and it was only on that account that handling is forbidden (Rashi). Hence where carrying out is forbidden, handling and moving are likewise.

# BEITZOH – 2a–40b

(26) They may be taken on a Festival only where the owner may go. [On Sabbath and Festivals it is permitted to walk within two thousand cubits in all directions from the boundaries of the town where one lives. Should one wish to walk beyond that limit, he can do so by depositing an 'Erub at the end of the two thousand cubits in the direction he wishes to go, from which point he may again walk another two thousand cubits. Having however gained the two thousand cubit limit in one direction, he forfeits his right of movement in the opposite direction outside the town boundary].

(27) Such animals — the plural is used generically.

(28) I.e., if each brother has a different Sabbath limit, their common utensils are restricted to the area common to them all.

(29) The dough may only be brought to that place where both may go.

(30) I.e., the ownership of the water does not affect the dough.

(31) I.e., it is not noticeable as a separate ingredient and therefore does not affect the status of the dough.

## Beitzah 37b

is not as R. Dosa, for it was taught: R. Dosa says — some say, Abba Saul says: If one buys a beast from his neighbor on the eve of the Festival, even though he did not deliver it to him until the Festival, it is [restricted to the same limits] as the feet of the purchaser; and if one handed over a beast to a herdsman, even though he did not deliver it to him until the Festival, it is [restricted to the same limits] as the feet of the herdsman! —

You can even say, it is as R. Dosa, and there is no contradiction: Here it treats of one herdsman and there of two herdsman.<sup>1</sup> This call also be proved; for it teaches TO HIS SON ON TO A HERDSMAN;<sup>2</sup> infer from this [that it is so]. Rabbah b. Bar Hana said in the name of R. Johanan: The Halachah is as R. Dosa. Did then R. Johanan say thus? But surely R. Johanan has said: The Halachah is as an anonymous Mishnah, and we have learnt: CATTLE AND UTENSILS ARE AS THE FEET OF THE OWNERS [etc.].! — Have we not already explained, here it treats of one herdsman and there of two herdsman!

Our Rabbis taught: If two people borrowed one garment jointly,<sup>3</sup> one to wear it<sup>4</sup> in the morning at the Academy and the other to wear it in the evenings<sup>5</sup> at a banquet, the one setting an 'Erub on the north [side of the town] and the other on the south [side], [then] the one who set the 'Erub on the north [side] may walk in it to the north [side] only as far as the other who set his 'Erub on the south [side] is allowed to go; and the one who set the 'Erub on the south may wear it to the south only as far as the other who set the 'Erub on the north may go; and if they measured the Sabbath limit exactly,<sup>6</sup> then it [the garment] may not be moved from its place.<sup>7</sup>

It was stated: If two [men] bought a barrel and an animal<sup>8</sup> in partnership, Rab says: The barrel is permitted<sup>9</sup> but the animal is forbidden;<sup>10</sup> Samuel, however, says: The barrel too is forbidden. What is Rab's opinion? If he holds that selection is retrospective,<sup>11</sup> then the animal too should be permitted; and if he holds that selection is not retrospective, then the barrel too should be forbidden! In reality he holds that selection is retrospective, but the case of an animal is different, because the territories draw their vitality from one another.<sup>12</sup>

R. Kahana and R. Assi said to Rab: They [the partners] do not take into account the prohibition of Mukzeh, but they do take into account the prohibition of boundary limits!<sup>13</sup> Rab was silent. How does the law stand? R. Oshaia says, Selection is retrospective, and R. Johanan maintains: Selection is not retrospective. Does then R. Oshaia hold the law of Bererah? But surely we have learnt:<sup>14</sup> If a corpse [lay] in a room which has many doors they are all unclean; if one of these [doors] was opened, it alone is unclean and all the others are clean. If he formed the intention to take it [the corpse] out through one of them, or through a window which [measures] four handbreadths square, this gives protection to all the other doors.

# BEITZOH – 2a–40b

**Beth Shammai Say:** Providing that he had formed his intention to take it out before the person died; but **Beth Hillel Say:** [It holds good] even [if his intention was formed] after the person died. And it was stated thereon: **R. Oshaia said:** [The statement of Beth Hillel is] with respect to the cleansing of the doors from now and onwards. Only ‘from now and onwards’ but not retrospectively! —

**Reverse [the authorities]; R. Oshaia Says,** selection is not retrospective and **R. Johanan maintains:** Selection is retrospective. Does then **R. Johanan** hold that selection is retrospective? Surely **R. Assi** said in the name of **R. Johanan:** Brothers who have divided [an inheritance] are considered as purchasers<sup>15</sup> and must restore [their shares] to one another in the year of Jubilee!<sup>16</sup>

And if you answer that **R. Johanan** does not hold that Selection is retrospective in the case of a Biblical [law]<sup>17</sup> but with respect to a Rabbinical [law]<sup>18</sup> he does hold, [I would object] does he then hold in the case of a Rabbinical [law], but **Ayyo** taught:<sup>19</sup> **R. Judah** says: A man cannot conditionally reserve for himself two contingencies simultaneously; but if a scholar comes to the East, his ‘Erub to the East is valid: if to the West, his ‘Erub to the West is valid.<sup>20</sup> However, he cannot [stipulate] when there are two scholars coming on different sides.

(1) If there are in the town several herdsmen, the owner cannot know which will take over the beast and therefore it is restricted to the feet of the owner. But if there is only one, it is tacitly assumed that it will be entrusted to him, and therefore it automatically takes his status.

(2) Since the Mishnah states an alternative, we see that the circumstances are such that he is not restricted to one person only, and that is the same as where there are several herdsmen in the town.

(3) Before the Festival.

(4) Lit., ‘to go out in it’.

(5) Of the Festival.

(6) I.e., if each set his ‘Erub at the extreme limit of his boundary.

(7) It may not be taken without the town at all (cf. supra p. 188, n. 10).

(8) On the eve of the Festival to be divided on the Festival.

(9) To be carried by each according to his territory limit.

(10) To be carried save in the area where they may both go.

(11) I.e., what each was to receive on the Festival is assumed as having been determined before the Festival.

(12) I.e., the animal is one indivisible whole before it is killed, and the portion which subsequently falls to one could not at the beginning of the Festival be accounted as cut off from the other.

(13) **Rashi:** We can see that each partner did not put the portion of his other partner so much out of his mind that his own should be forbidden because it drew vitality from his partner's, (for if he had put it out of mind, his partner's portion would be forbidden to him as **Mukzeh**, and his own too, on the present hypothesis, since it draws vitality from the other). Why then should we assume that he does take his partner's portion into account in respect of boundaries? **Tosaf.** explains this differently.

(14) V. supra 10a, for notes.

(15) I.e., the portion chosen by each brother for himself cannot be considered as having thus retrospectively become the very inheritance designated for him, v. B.K., Sonc. ed. p. 399 and notes.

(16) Because there is no fictitious understanding that the father had given that part to one brother and the other part to the other. Purchased property returns in the year of Jubilee to the former owners. V. Lev. XXV, 8ff. V. B.K. 69b, Git. 25a and 48a.

(17) As for example the law of Jubilee.

(18) As for example the law of Tehum.

(19) In ‘Err. 36b a Mishnah teaches that if two scholars were coming near to him, one to the East and one to the West, he may place two ‘Erubs and on the Sabbath choose to which of these two he should go. **R. Judah**, according to **Ayyo**, disputes this.

(20) I.e., if only one scholar was coming and it was not definite whether he would be coming to the East or to the West.

## Beitzah 38a

And we raised the question: Why is it that he cannot [stipulate] when there are two scholars coming on different sides? Because we do not hold that selection is retrospective; then even [if a scholar came] to the East or to the West we should likewise not maintain that selection is retrospective! And **R. Johanan** answered: It treats of a case where the scholar had already come.<sup>1</sup> Consequently [we see that] **R. Johanan**

# BEITZOH – 2a–40b

does not hold that selection is retrospective! But in reality do not reverse [the authorities]; but R. Oshaia does not hold that selection is retrospective [only] in respect of a Biblical [law], but in respect to a Rabbinical [law] he does hold it. Mar Zutra lectured: The Halachah is as R. Oshaia. Samuel said: The ox of a cattle breeder is as the feet of all;<sup>2</sup> the ox of a herdsman is as the feet [of the people] of that town.<sup>3</sup>

**IF ONE BORROWS A VESSEL FROM HIS NEIGHBOUR ON THE EVE OF THE FESTIVAL [etc.].** This is obvious! — This is necessary respecting the case when it was not delivered to him until the Festival; you might think that he [the owner] did not place it in his [the borrower's] possession, so he informs us [that it is not so]. This supports R. Johanan; for R. Johanan said: If one borrows a vessel from his neighbor on the eve of a Festival, even though he did not hand it over to him until the Festival, it is as the feet of the borrower.

**BUT ON THE FESTIVAL IT IS AS THE FEET OF THE LENDER.** This is obvious! — This is necessary respecting the case when he is wont to borrow frequently from him; you might think that he [tacitly] puts it into his [the borrower's] possession, so he informs us [that it is not so]; for he [the owner] might say,<sup>4</sup> he will probably find another person and go and borrow from him.

**LIKEWISE A WOMAN THAT BORROWED FROM HER NEIGHBOUR:** When R. Abba went up [to Palestine], he said: May it be the will [of God] that I may say something which is acceptable. When he came up [to Palestine] he met R. Johanan and R. Hanina b. Pappi and R. Zera — some say, R. Abbahu and R. Simeon b. Pazzi and R. Isaac the Smith; and they were sitting and saying: Why so? Let the water and the salt be nullified in relation to the dough!<sup>5</sup> —

R. Abba said to them:

(1) So that the selection had already been made for him before Sabbath, though he was not aware where.

(2) Since it may be bought by any man, it may go wherever the purchaser goes.

(3) A cattle breeder sells to people of all districts, whereas a herdsman, though he does not generally sell, does so occasionally to people in the immediate vicinity.

(4) Since he had not asked him.

(5) Hence the dough would be permitted to be carried without reference to the ownership of the water and the salt!

## Beitzah 38b

If one Kab of wheat of one person got mixed up with ten Kabs of wheat of another, should the latter eat and be happy?<sup>1</sup> They laughed at him. Said he to them: Have I taken away your coats [that you laugh at me]?<sup>2</sup> They again laughed at him.

Said R. Oshaia: They were right in laughing at him. Why did he not say to them [as an example] of a case of wheat that got mixed up with barley? Because they are of different kinds, and in a mixture of different kinds the rule of neutralization takes effect; then the same is true of wheat that got mixed up with wheat: granted that according to R. Judah it does not become neutralized, but according to the Rabbis it indeed becomes neutralized.<sup>3</sup>

R. Safra said to him:<sup>4</sup> By Moses!<sup>5</sup> Is it well what you say?<sup>6</sup> Did they not hear what R. Hiyya of Ktesifon<sup>7</sup> said in the name of Rab: If one picks out pebbles from his neighbor's threshing floor he must pay him the value of wheat.<sup>8</sup> Consequently [it is because] he lessened the measure [of his wheat];<sup>9</sup> likewise in this case he has lessened the quantity.<sup>10</sup>

Said Abaye to him: Does not the Master make a distinction between money which is being claimed and money which is not being claimed?<sup>11</sup> —

He replied to him: And according to your opinion, that which R. Hisda said: Nebelah<sup>12</sup> is neutralized in ritually slaughtered meat,<sup>13</sup> because the slaughtered cannot assume the

## BEITZOH – 2a–40b

character of nebelah,<sup>14</sup> but ritually slaughtered meat is not neutralized in Nebelah, because Nebelah can assume the character of ritually slaughtered meat.<sup>15</sup> Would you likewise [assume that], if it<sup>16</sup> has an owner, it does not become neutralized? And if you say it is even so, surely it was taught: R. Johanan b. Nuri said: Ownerless articles acquire their [Sabbath] rest;<sup>17</sup> although they had no owner, it is the same as if they had an owner!<sup>18</sup> —

He replied to him: [Still]<sup>19</sup> can you compare the case of a ritual prohibition with a monetary case! In the case of a ritual prohibition, it [the less] is neutralized [in the majority]; but with respect to a monetary case, it is not neutralized [in the majority]. What is now the reason?<sup>20</sup> Abaye says: It is a preventive measure lest the dough be made in partnership.<sup>21</sup>

Raba says: Condiments are used for seasoning and whatever is used for seasoning does not become neutralized.<sup>22</sup>

- (1) Obviously not! Similarly, the salt and water do not lose their identity in spite of the greater value of the flour.
- (2) Surely I have said or done nothing absurd.
- (3) Cf. Men. 22a. Hence the very basis of his answer was incorrect.
- (4) To R. Oshaia (Rashi), cf. however infra p. 194, n. 1.
- (5) So Rashi. Or, Moses, well hast thou spoken, 'Moses' being a title of honor, as one might say, 'O great scholar'.
- (6) [Aliter 'It is well what you say'; R. Safra addressing R. Abba.]
- (7) On the eastern bank of the Tigris.
- (8) Corresponding to the measure of the stones picked out, since these stones are measured up with the wheat for sale.
- (9) By taking out the pebbles.
- (10) Through the water the quantity of the dough is enlarged and without the water the measure of the dough would be less. Hence if the pebbles, which have no intrinsic value, can nevertheless not be disregarded, surely we cannot disregard the water and the salt.
- (11) The pebbles cannot be disregarded and retain their separate identity because their owner claims their value, since a loss has been inflicted upon him. In the Mishnah no such claim is made on the

Festival, therefore owing to their lesser value the salt and the water may well be disregarded.

(12) V. Glos.

(13) If of three pieces of flesh, two are from a ritually slaughtered animal and one from a Nebelah, then that which is touched by one of these three is not unclean, for we assume that contact has taken place with one of the pieces of the ritually slaughtered animal.

(14) Hence there are two different kinds and the rule of majority prevails.

(15) If the Nebelah flesh putrefies, it loses the characteristic of Nebelah flesh and does not defile.

(16) The Nebelah.

(17) He who finds them may carry them two thousand cubits in every direction but not to the place for which he has set an 'Erub, for that would be beyond two thousand cubits.

(18) This proves that the absence of an owner to claim a thing does not destroy the status of an object in regard to its movements on Sabbaths and Festivals.

(19) Even granted that no distinction is made between objects that have an owner and such as have none, the difficulty presented by our Mishnah still remains.

(20) For the teaching of our Mishnah that condiments, water, and salt do not become neutralized, seeing that here too we are concerned merely with a matter of ritual prohibition — moving beyond the Tehum.

(21) And each carry it to his own limit, which is certainly forbidden.

(22) By its very nature.

### Beitzah 39a

And R. Ashi says: Because it is an object which can become [otherwise] permitted;<sup>1</sup> and any object which can become [otherwise] permitted is not neutralized even in two thousand [times its quantity].<sup>2</sup>

**R. JUDAH EXEMPTS IN THE CASE OF WATER.** Only water and not the salt? But surely it was taught: R. Judah says: Water and salt become neutralized both in dough as well as in cooked food!<sup>3</sup> — There is no difficulty; the one treats of salt of Sodom<sup>4</sup> and the other of salt of Istria.<sup>5</sup> But it was taught: R. Judah says: Water and salt become neutralized in dough but do not become neutralized in cooked food, because of its fluidity!<sup>6</sup> — There is no difficulty; the one treats of a thick mass, the other of clear soup.

## BEITZOH – 2a–40b

**MISHNAH.** A LIVE COAL IS [RESTRICTED TO THE SAME LIMITS] AS ITS OWNER, BUT A FLAME<sup>7</sup> CAN BE TAKEN ANYWHERE.<sup>8</sup> ONE INCURS A TRESPASS-OFFERING IN RESPECT OF A LIVE COAL OF HEKDESH;<sup>9</sup> BUT AS FOR A FLAME [OF HEKDESH], ONE MAY NEITHER BENEFIT FROM IT, NOR INCUR A TRESPASS-OFFERING.<sup>10</sup> IF ONE CARRIES OUT A LIVE COAL INTO PUBLIC GROUND [ON A SABBATH] HE IS CULPABLE, BUT [IF HE DOES THE SAME] WITH A FLAME HE IS EXEMPT.

**GEMARA.** Our Rabbis taught: Five things were said in respect to a live coal: A live coal is [restricted to the same limits] as its owner, but a flame can be taken anywhere; one incurs a trespass-offering in respect to a live coal of Hekdesh, but with respect to a flame, one may not benefit from it, nor incur a trespass-offering. A live coal used in idolatrous service is forbidden but a flame is permitted; if one carries out a live coal into public ground [on a Sabbath] he is culpable, but [if he does the same] with a flame he is exempt; he who is under a vow not to benefit from his neighbor, may not make use of his coal but may make use of his flame. Now why is the flame used in idolatrous service permitted and that of Hekdesh forbidden? —

Idolatrous service is repugnant and people hold themselves very aloof from it, therefore the Rabbis have taken no measures against it; but as Hekdesh is not repugnant and people do not hold themselves aloof from it, the Rabbis enacted a preventive measure on its account.<sup>11</sup>

IF ONE CARRIES OUT A LIVE COAL INTO PUBLIC GROUND [ON A SABBATH] HE IS CULPABLE, BUT [IF HE DOES THE SAME] WITH A FLAME HE IS EXEMPT. But it was taught:<sup>12</sup> He who takes out a flame of whatever size is culpable! —

Answered R. Shesheth: This treats of a case when he brings it [the flame] out on a chip.

Then he should be liable on account of the chip! — When it is less than the standard required; for we have learnt: He who carries out wood [is culpable only] if it is sufficient to cook therewith a small egg.<sup>13</sup> Abaye says: When he smears a vessel with oil and kindles it. Then he should be liable on account of the vessel! —

[We are treating] of a potsherd. Then he should be liable on account of the potsherd! — When it is less than the standard required; for we have learnt: [He is culpable that takes out] a potsherd big enough to place between one board and another;<sup>14</sup> this is the opinion of R. Judah.<sup>15</sup> But that which we have learnt: ‘If one carries out a flame [on a Sabbath] he is exempt’, how can it occur?<sup>16</sup> — If, for example, he brandishes the object [that is burning so that the flame projected] into public ground.<sup>17</sup>

**MISHNAH.** [THE WATER FROM] A PRIVATE WELL IS [RESTRICTED TO THE SAME LIMITS] AS ITS OWNER;<sup>18</sup> AND [THE WATER FROM A WELL] BELONGING TO THE INHABITANTS OF THAT TOWN IS [RESTRICTED TO THE SAME LIMITS] AS THE PEOPLE OF THAT TOWN; AND [THE WATER FROM A WELL] BELONGING TO THOSE WHO RETURNED FROM BABYLON<sup>19</sup> IS [RESTRICTED TO THE SAME LIMITS] AS THE ONE THAT DRAWS.

**GEMARA.** Raba pointed out a contradiction to R. Nahman: We have learnt: [The water from] a private well is [restricted to the same limits] as its owner; but the following contradicts this: Flowing streams and bubbling springs [have the same restrictions] as anyone!<sup>20</sup> — Answered Rabbah: Our Mishnah treats of collected [water].<sup>21</sup> It was likewise stated: R. Hiyya b. Abin said in the name of Samuel: [It treats] of collected [water].

AND [THE WATER FROM A WELL] BELONGING TO THOSE WHO RETURNED FROM BABYLON IS AS THE ONE THAT DRAWS. It was stated: If one

# BEITZOH – 2a–40b

draws [water] and gives it to his neighbor, R. Nahman says: [It is restricted to the same limits] as the one for whom it was drawn; [but] R. Shesheth maintains: As the one who drew. In what are they disputing? —

One is of the opinion that the well is ownerless,<sup>22</sup> while the other is of the opinion that the well is held jointly.<sup>23</sup> Raba raised the [following] objection to R. Nahman: If one says to his neighbor, Behold, I am Herem to you,<sup>24</sup> he against whom the vow is made is forbidden;<sup>25</sup>

- (1) After the Festival it can be taken anywhere.
- (2) This is a general rule; cf. supra 3b.
- (3) [Var. lec., 'R. Judah exempts in the case of water and salt'.]
- (4) The salt of Sodom was thick and hard. V. Krauss op. cit. I, 499ff. Hence it is not neutralized as its presence is always discernable.
- (5) A town in Pontus.
- (6) Whereas R. Judah's exemption in our Mishnah in the case of water applies also to cooked food with which the condiments mentioned are used.
- (7) I.e., if one for example lights a taper at another's flame.
- (8) Within the restricted areas belonging to those who carry it.
- (9) I.e., belonging to the Sanctuary. V. Lev. V, 14ff.
- (10) If one does benefit from it.
- (11) If people are permitted to use that, they will also put other articles of Hekdesh to secular use, which is forbidden.
- (12) V. Ber. 53a.
- (13) I.e., the egg of a hen. Shab. 89b.
- (14) To keep boards rigid and to avoid warping (Rashi).
- (15) Shab. 82a.
- (16) For a flame must be carried in something else.
- (17) Lit., he throws', while retaining the thing to which the flame clings.
- (18) Like the individual.
- (19) The wells that were dug for the use of the exiles who returned from Babylon and hence were regarded as the property of the whole nation.
- (20) I.e., one may take them wherever he himself may go.
- (21) I.e., a cistern.
- (22) The water accordingly belongs to the one that draws, on the principle that a man cannot act as agent to acquire ownerless property on behalf of another person; v. infra p. 199, n. 9.
- (23) I.e., it belongs to the whole nation, which includes him for whom the water was drawn, and the drawer of the water merely acts as his agent.
- (24) I.e., I am to you as a thing that is banned.

(25) To benefit from the vower.

## Beitzah 39b

[if he said,] Behold, thou art Herem, to thee, the vower is forbidden;<sup>1</sup> [if he said,] Behold, I am [Herem] to thee, and thou to me, both are forbidden to benefit from one another; but [to both] is permitted the use of things that belong to them that came up from Babylon, but the use of things that belong to the citizens of that town is forbidden to both.<sup>2</sup>

And the following are the things which belong to them that came up from Babylon: The Temple Mount, the [Temple] Chambers, the [Temple] Courts, and a well in the middle of the road.<sup>3</sup> The following belong to [the citizens of] that town: The market-square, the Synagogue, and the bath-house.<sup>4</sup> Now if you say that a well is held jointly, then why is it permitted? Surely we have learnt: Partners who vowed not to derive benefit from one another may not enter their [common] courtyard to bathe in the well!<sup>5</sup> —

To bathe in it is indeed [not allowed], but we are treating here of drawing [water]; the one draws of his own and the other draws of his own.<sup>6</sup> Does then R. Nahman hold the rule of Bererah, but we have learnt: Brothers who are [also] partners,<sup>7</sup> when they are liable to surcharges they are exempt from cattle-tithe, and when they are liable to cattle-tithe<sup>9</sup> they are exempt from the surcharge.<sup>10</sup> And in this connection R. 'Anan said: This<sup>11</sup> was taught only in the case when they divided goats for lambs and lambs for goats;<sup>12</sup> but if they divided goats for goats and lambs for lambs,<sup>13</sup> we say, each receives his share which was designated for him at the very beginning.<sup>14</sup> While R. Nahman said: Even if they divided goats for goats and lambs for lambs, we do not say each receives his share which was designated for him at the very beginning!<sup>15</sup> —

Rather, all agree that the well is ownerless, but they dispute here with respect to the case of one who picks up a lost article on behalf of his neighbor; one is of the opinion that he [the

# BEITZOH – 2a–40b

neighbor] acquires title [to it], and the other is of the opinion that he does not acquire [it].<sup>16</sup>

**MISHNAH.** IF ONE HAS HIS PRODUCE IN ANOTHER TOWN, THE INHABITANTS OF WHICH HAVE MADE AN 'ERUB IN ORDER TO BRING TO HIM SOME OF HIS PRODUCE, THEY MAY NOT BRING IT TO HIM;<sup>17</sup> BUT IF HE HIMSELF MADE AN 'ERUB, HIS PRODUCE IS LIKE HIMSELF.<sup>18</sup>

- (1) To benefit from the other.
- (2) Because they are both shareholders therein.
- (3) Made for the exiles who returned from Babylon to Jerusalem.
- (4) Ned. 47b.
- (5) [V. Ned. 45b. The words 'to bathe in the well' do not occur there, and are omitted here in MS.M.]
- (6) I.e., what each draws is regarded as though it had retrospectively been assigned to him, so that the other never had any claim therein. This answer therefore assumes the law of Bererah, v. Glos.
- (7) Partners are exempt from cattle-tithe (cf. Bek. 56b); brothers, on the other hand, who have come into the inheritance of their father, are liable to tithe those cattle that were born when their goods were still undivided.
- (8) Every Israelite had to give half a shekel annually to the Temple for the communal sacrifices; this was augmented by an agio, i.e., a kind of premium or surcharge to cover a possible deficiency in the value of the half shekel, since the value of coins depended on their weight. If two partners combine to pay a whole shekel, they still each have to pay the extra agio. On the other hand, a father can give a whole shekel for his two sons without any extra agio. If two brothers have come into the inheritance of their father, they are regarded as brothers, i.e., as successors of a property belonging to one individual, so that they would be liable for cattle-tithe and exempt from the agio, as their father would have been. If they divide the inheritance and afterwards become partners, they are regarded as partners both in respect of the cattle-tithe and of the agio.
- (9) I.e., if they have not yet divided the inheritance.
- (10) Shek. 1,7; Hul. 25b; Bek. 56b.
- (11) I.e., the teaching 'when they are liable to surcharge they are exempt from cattle-tithe', indicating that by dividing the estate the brothers are no longer regarded as heirs.
- (12) When they deal with each other in a purely business manner, it is then that they are not regarded as heirs but as partners.
- (13) I.e., if they are not so strict about the exact monetary value.
- (14) I.e., the portion chosen by each brother for himself is considered as having thus retrospectively

become the very inheritance designated for him, so that they are still regarded as heirs with respect to the estate though it had been divided.

(15) And therefore by dividing the estate the brothers cease to be regarded any longer as heirs. Thus R. Nahman rejects the law of Bererah.

(16) V. B.M. 10a. According to one opinion the water belongs to the one on whose behalf it was drawn, and according to the other opinion it belongs to the drawer. For since the well has the legal status of being ownerless, water drawn from it is like something found.

(17) Because the produce, being his private property, lay under the same restrictions as the owner. Bah emends: whose inhabitants set an 'Erub in order to visit him, they must not bring him of his fruit.

(18) I.e., he may bring his produce home, where his 'Erub permitted him to go to that town.

## Beitzah 40a

**IF ONE INVITED GUESTS TO HIS HOME, THEY MAY NOT TAKE AWAY WITH THEM [ANY] PORTIONS UNLESS HE [THE HOST] HAD ASSIGNED FOR THEM THEIR PORTIONS ON THE EVE OF THE FESTIVAL.**

**GEMARA.** It was stated: If one deposits produce with his neighbor, Rab says: [The produce has the same restrictive limits] as the one with whom they were deposited; but Samuel says: [They have the same restrictive limits] as the one who deposited them. Shall it be said that Rab and Samuel follow their opinions [expressed elsewhere]?

For we have learnt: If he brought in<sup>1</sup> with permission, the owner of the court-yard is liable. Rabbi says: He is liable only when the owner has undertaken to guard it.<sup>2</sup> And R. Huna said in Rab's name: The Halachah is according to the opinion of the Sages; whereas Samuel said: The Halachah is as Rabbi. Shall it be said that Rab is of the opinion of the Rabbis and Samuel is of the opinion of Rabbi?<sup>3</sup> —

Rab will say to you: My opinion is even in accordance with Rabbi; for Rabbi holds his opinion there<sup>4</sup> because without an explicit declaration he does not undertake supervision,<sup>5</sup> but here<sup>6</sup> he definitely undertook

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to look after it. [Also] Samuel will reply [to you]: My opinion is even in accordance with the Rabbis; for the Rabbis hold their opinion there<sup>7</sup> because a man wishes it, that his ox should be in the possession of the owner of the court, so that if it does damage he should not be liable; but here,<sup>8</sup> does a man then wish that his produce should be in the possession of his neighbour!<sup>9</sup>

We have learnt: **BUT IF HE HIMSELF MADE AN ‘ERUB, HIS PRODUCE IS LIKE HIMSELF.** Now if you say [that the produce has the same restrictive limits] as the one with whom it was deposited, even if he himself set an ‘Erub, of what avail is it to him?<sup>10</sup> — R. Huna replied: In the Academy they declared [that it treats of a case] where he assigned a corner [of his house] to him.<sup>11</sup>

Come and hear: **IF ONE INVITED GUESTS TO HIS HOME, THEY MAY NOT TAKE AWAY WITH THEM PORTIONS UNLESS HE HAD ASSIGNED FOR THEM THEIR PORTIONS ON THE EVE OF THE FESTIVAL.** Now if you say [that the produce has the same restrictive limits] as the one with whom it was deposited, even if he assigned [the portions] for them through another person of what avail is it? —

Here also, since he assigned [the portions] for them through another person, it is as if he assigned a corner [of his house] to them. Alternatively say: Assignment is different.<sup>12</sup> R. Hana b. Hanilai hung up meat<sup>13</sup> On the door-bolt.<sup>14</sup> He came before R. Huna who said to him: If you yourself hung it up, go and take it away; but if they<sup>15</sup> hung it up for you, you may not take it away.<sup>16</sup> And even if he himself hung it up, may he then take it away? Surely R. Huna was a disciple of Rab and Rab said: [The produce has the same restrictive limits] as the one with whom it was deposited! —

It is different [when he himself hung it up on] the door-bolt, for it is as if he<sup>17</sup> assigned for him a corner [of the house]. R. Hillel said to R. Ashi: And if they hung it up for him, may

he not take it away? Surely Samuel said: The ox of a cattle-breeder is as the feet of anyone!<sup>18</sup>

Rabina said to R. Ashi: And if they hung it up for him may he not take it away? Surely Rabbah the son of R. Hana said in the name of R. Johanan: The Halachah is as R. Dosa!<sup>19</sup> R. Ashi said to R. Kahana: And if they hung it up for him, may he not take it away? Surely we have learnt: Cattle and utensils have the same restrictive limits as the feet of the owners!<sup>20</sup> —

Rather it is different in the case of R. Hana b. Hanilai, for he was an important man<sup>21</sup> and was deeply occupied in his study, and he [R. Huna] said this to him: If you yourself hung it up, then you have an identification mark on it, and you did not let it out of your mind; therefore go and take it away; but if they hung it up for you, then you let it pass out of your mind and you may not take it away.<sup>22</sup>

*MISHNAH.* ONE MAY NOT GIVE DRINK AND SLAUGHTER PASTURE ANIMALS,<sup>23</sup> BUT ONE MAY GIVE DRINK AND SLAUGHTER HOUSEHOLD ANIMALS. THE FOLLOWING ARE HOUSEHOLD ANIMALS: THEY THAT PASS THE NIGHT IN TOWN. PASTURE ANIMALS ARE SUCH AS PASS THE NIGHT IN [MORE DISTANT] PASTURE GROUND.<sup>24</sup>

*GEMARA.* Why does he teach ‘GIVE DRINK AND SLAUGHTER’?<sup>25</sup> — He incidentally informs us that a man should water his animal before slaughter on account of the adhesiveness of the skin.<sup>26</sup> Our Rabbis taught: The following are pasture animals and the following are household animals. Pasture animals are such as are led out about [the time of] Passover<sup>27</sup> and graze in [more distant] meadows, and who are led in at the time of the first rainfall.<sup>28</sup> The following are household animals: Such as are led out and graze outside the city-border<sup>29</sup> but return and spend the night inside the city-border.

Rabbi says: Both of these are household animals; but pasture animals are such as are

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led out and graze in [more distant] meadows and who do not return to the habitation of men either in summer or in winter. Does then Rabbi accept the prohibition of Mukzeh?<sup>30</sup> Surely R. Simeon b. Rabbi asked of Rabbi: What is the law, according to R. Simeon, with respect to dates which are set aside for ripening?<sup>31</sup> [And] he replied to him: According to R. Simeon

- (1) His ox or other objects through which damage was caused in a stranger's court-yard.
- (2) B.K. 47b.
- (3) I.e., in the present instance, Rab rules that the produce suffers the same restrictions as their trustee, because he holds as the Rabbis that it belongs to the trustee in respect of guardianship, and therefore it also belongs to him in respect of ritual restrictions.
- (4) In B.K.
- (5) He merely permitted him to bring in his ox, but did not undertake to guard it.
- (6) In the case of the produce.
- (7) In B.K.
- (8) In the case of the produce.
- (9) [MS.M. adds 'so that the use of them should be prohibited to him (on the Festival)'.]
- (10) Since the produce is still in the possession of his trustees in the other town.
- (11) I.e., the trustee lent him the corner of his house where the produce was kept; therefore it remained legally in his (the depositor's) possession.
- (12) Since its very purpose thereby is that the object so assigned should pass into the assignee's ownership. [MS.M. omits this last passage.]
- (13) Given to him by the butchers before the Festival. He was visiting the town on the Festival to deliver a discourse, and was returning to his own place after the lecture.
- (14) Of the house of his host.
- (15) The host's household.
- (16) The reason is soon explained.
- (17) His host with whom the meat was left.
- (18) Likewise here too, since the butchers naturally have in mind that it is to belong to any purchaser as from the eve of the Festival.
- (19) Cf. supra 37b. Similarly here the movements of the meat should be determined by his limits.
- (20) V. supra 37a.
- (21) I.e., a great scholar.
- (22) Because meat (temporarily) hidden from sight is forbidden unless it is recognized by an identification mark. Such an identification mark would however have been noticed only by him himself, and not by the host's household who were not immediately concerned with the meat].
- (23) On account of Mukzeh.

(24) And so cannot come within the definition of 'what is set in readiness'.

(25) Surely the whole question is only about slaughtering, since even pasture animals may be given drink on Festivals.

(26) In order that the skin may more easily be flayed.

(27) The month of Nisan, i.e., March-April.

(28) October-November.

(29) In the environs and suburbs of the town.

(30) For the prohibition of slaughtering pasture animals on a Festival is due to Mukzeh, and therefore it is assumed that since Rabbi defines pasture animals, he accepts this prohibition.

(31) Lit., 'burst dates'. May they be eaten on Festivals?

## Beitzah 40b

only dry figs and raisins<sup>1</sup> come under the category of Mukzeh! —

If you like, say: These<sup>2</sup> also are like dry figs and raisins. And if you like, say: He [Rabbi] answered him<sup>3</sup> according to the opinion of R. Simeon, but he himself is not of this opinion.<sup>4</sup> Alternatively, say: He [Rabbi] said this according to the opinion of the Rabbis. According to my view, there is [absolutely] no Mukzeh; but even on your view, you should agree with me at all events that such [animals] as are led out and graze about the time of Passover and who are led in at the time of the first rainfall are household animals. And the Rabbis replied to him: No, such are pasture animals.

- (1) Because they were formerly edible and have been set aside for drying.
- (2) Animals which shun the habitation of men.
- (3) His son.
- (4) He himself extended the law of Mukzeh even to these.