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# TRACT BETZAH (YOM TOB).

## CHAPTER I.

REGULATIONS CONCERNING EATABLES AND BEVERAGES: PREPARATIONS FROM THE FIRST DAY OF FESTIVALS TO THE SECOND, FROM THE FESTIVALS TO THE SABBATH, AND VICE VERSA.

MISHNA: An egg laid on a festival may be eaten on the same day. So say the school of Shammai; the school of Hillel, however, say it must not. The school of Shammai say that leaven the size of an olive and leavened bread the size of a date (are to be removed before Passover), but the school of Hillel say that both must be removed when of the size of an olive only. If wild game or fowl is to be slaughtered on a festival, the school of Shammai say one should dig up (the earth) with a spade and cover the blood, but the school of Hillel forbid the killing unless loose earth had been prepared for that purpose the day before. Both schools, however, agree that if the killing had been done, one may loosen some earth and cover the blood with it, for ashes are always ready in the hearth.

GEMARA: To what kind of hen does the Mishna refer? If to a hen designed for eating, why then does the school of Hillel prohibit the eating of the egg? Is it not a part of the eatables which were prepared (for the festival)? If to a hen kept for laying eggs only, what is the reason of the school of Shammai, who permit to eat it? Is this not Muktzah (designation 1)? Should we suppose that the school of Shammai do not hold the theory of Muktzah, even then the eating of it could not be permitted, as it is a new-born thing, and even one who denies the theory of Muktzah should hold to the theory of Nolad (new-born thing). Nay, R. Na'hman has declared that one who denies the theory of Muktzah denies also the theory of Nolad.

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If so, then the school of Shammai will be in accordance with R. Simeon (who denies the theory of Muktzah), and the school of Hillel will be in accordance with R. Jehudah (who holds it); but this would not be the case, because did not R. Na'hman state (in Tract Sabbath) that the school of Hillel are always in accordance with R. Simeon and the school of Shammai with R. Jehudah? R. Na'hman may say: Because we found an anonymous Mishna (in Tract Sabbath, p. 375) which is in accordance with R. Simeon, therefore he declares that concerning the Sabbath the school of Hillel hold with R. Simeon, and concerning the festivals we found an anonymous Mishna (Sabbath, p. 375) in accordance with R. Jehudah, therefore he declares that the school of Hillel are in accordance with R. Jehudah, who is more rigorous.

Let us see: Who makes the Mishna anonymous? Rabbi (its editor). Why does he make it anonymous in regard to Sabbath in accordance with R. Simeon, and in regard to festivals (makes it anonymous) according to R. Jehudah? This is no question. Relating to Sabbath, which is so

rigorous that it has a capital punishment and there is no fear that anyone will dare to disregard its rules, therefore Rabbi made an anonymous Mishna in accordance with the more lenient R. Simeon; but relating to festivals, which have no capital punishment at all, and the rules are lenient, for fear that otherwise they may be disregarded, Rabbi made an anonymous Mishna in accordance with R. Jehudah.

Now, then, if the Mishna means a hen which is kept for laying eggs, and the reason that the school of Hillel prohibit it, is because the egg is Muktzah, why do they not differ about the hen itself? (whether it is permitted to eat it or not). Therefore said Rabba: The Mishna refers to a hen kept for eating, and to a festival which falls after Sabbath; and the teaching of the school of Hillel is not for the reason of Muktzah, but of preparation; *i.e.*, an egg which is laid to-day Rabba is certain that it was ripe the preceding day, and it is in accordance with his theory, thus: It is written [Ex. xvi. 5]: "And it shall come to pass on the sixth day, when they *prepare* what they shall have brought in"; *i.e.*, only on a week-day shall anything be prepared for the Sabbath or for festivals, but nothing should be prepared on a festival for the Sabbath, and *vice versa*.

Said Abayi to Rabba: Let it then be permitted on a festival which does not come after Sabbath, and he answered: It is as a precautionary measure for the festival which falls after Sabbath.

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[paragraph continues] Said Abayi again: Let it then be permitted on a Sabbath, and he rejoined again: It is a precautionary measure for the Sabbath which falls after a festival. Said Abayi again: Do we take such precautionary measures? Have we not learned in a Boraitha: If one kills a hen on a festival and finds in it ripe eggs, he is permitted to eat them? Now, if such precautionary measures are taken, why should not the same precautionary measure be taken for the above eggs, for fear lest one eat new-laid eggs? Rabba again rejoined: Ripe eggs in the entrails of a hen are not a usual occurrence, and for an unusual occurrence no precautionary measures are taken.

R. Joseph, however, said that (the prohibition of eating an egg from a hen kept for eating) is as a precautionary measure lest one may eat fruit which has fallen from a tree on Sabbath. R. Itz'hak said that the precautionary measure is taken lest one drink the beverages which flow from a tree on Sabbath. From the following teaching we learn that R. Johanan agrees with R. Joseph's opinion, viz.: R. Johanan found R. Jehudah contradicting himself, namely: We have learned in a Mishna in Sabbath, one may not press fruit to derive beverage from it; and even if the beverage flowed of itself, it is prohibited. R. Jehudah, however, said: If the fruit was for the purpose of eating, the beverage which flows from it is permitted, and if the fruit was for beverage, the latter is not permitted. From this we see that although the beverage which flows from the fruit was not prepared on the preceding day, its use is nevertheless permitted; and in another place we find that the same R. Jehudah said, "that an egg which was laid on one festival day may be eaten on the second festival day"--on the second, but not on the first. This contradicts his first dictum, that the beverage may be used on the same day. And R. Johanan answered about this contradiction thus: Say, that it is on the contrary, that not R. Jehudah permits to drink the beverage, but the first Tana in the above Mishna. Now, when R. Johanan contradicted the teaching concerning the beverage and the egg, we must say that the prohibition of both is for one and the same reason.

Rabbina the son of R. Ula said: It is not so. R. Jehudah, who says that the egg must be eaten on the second day, and not on the first, refers to a case where the hen was kept for laying eggs only,

and this is according to his theory of Muktzah.

An objection was raised from the following Boraitha: An egg which was laid on Sabbath or on a festival day must not be

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handled to cover a vessel with it, or to support the foot of a bed, with it. It is permitted, however, to cover it with a vessel to prevent it from breaking. If it is doubtful whether the egg was laid on that day or not, it is also disallowed to use it. Should it become mixed in even with a thousand eggs, all the eggs are prohibited to be used on that day. It is right according to Rabba's teaching, who says that when the egg is prohibited for the reason of preparation, which is biblical, therefore a doubtful egg must not be used because it is doubtful according to a biblical law, and all doubts about biblical ordinances must be decided more rigorously; but according to R. Joseph and R. Itz'hak, who say that it is prohibited only as a precautionary measure, why then is it not allowed to use the doubtful egg that is so only according to a rabbinical ordinance, and all doubts concerning rabbinical ordinances must be decided more leniently? The latter part of the Boraitha means that it was doubtful whether it was laid by a hen biblically forbidden to be eaten (*e.g.*, sick or crippled), If it is so, how will the latter part of this Boraitha, "if it were mixed in even with a thousand eggs, all are prohibited," be explained? It would be right if there were a doubt whether it was laid on a week-day or on a festival, where the prohibition is temporary (because on the morrow all may be eaten); and there is a rule when anything is temporarily prohibited, if it is mixed in with a thousand, the prohibition remains, but if the egg was doubtful to be from a biblically forbidden hen (in which case the prohibition remains in force always), then if it is mixed in with other eggs, why should they all be invalid? Let it be ignored as against the majority? (that one egg be removed, and the remaining should be used). The assumption that an egg is a thing of value, and therefore must not be ignored, would apply only to those who say that all things usually counted must not be ignored; but what can be said to those who say that only things which are always sure to be counted may be ignored? (This objection remains.)

R. Ashi said: The meaning of "doubtfulness" in the Boraitha is, whether it is a week or festival day, it is nevertheless prohibited to use it, although according to R. Joseph and R. Itz'hak it is only a rabbinical doubt, because the prohibition is only temporary, and in case of a temporary prohibition even a rabbinical one must wait till the prohibition is over.

We have learned in a Boraitha: Anonymous teachers in the name of R. Eliezer said that the egg in question may be eaten

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together with the hen that laid it. To what case does the Boraitha refer? If the hen is kept for eating, then it is self-evident; if it is a hen kept for laying eggs, then both are not allowed to be used. Said R. Zera: The Boraitha means to say that the egg can only then be eaten when the hen which laid it was also eaten. How shall it be explained? Said Abayi: In case the hen was bought not for any definite purpose, if it was slaughtered and prepared, then it is clear that it was bought for the festivals, and the egg may also be used; but if the hen is kept alive, then it is clear that it was bought with the intention to keep it for laying eggs, and then it must not be used. R. Mari, however, said that the Boraitha meant to say nothing, but merely exaggerated (*i.e.*, the egg may be eaten in any manner), as we have learned in the following Tosephta: A new-laid egg may be

eaten with the hen that laid it, and a new-born pullet with its shell. As the shell cannot be used and is only an exaggeration, so is it also meant with the egg and the hen which laid it.

It was taught: If Sabbath fell after a festival, or *vice versa*, anything born on one of these days must not be used on the other. So said Rabh. R. Johanan, however, allowed it to be used on the morrow.

Shall we assume that Rabh holds that both are of one and the same sanctitude? Did not Rabh say that the Halakha prevails according to the four old sages 1 who are in accordance with R. Eliezer, who said that Sabbath and the festivals are of different sanctitudes? Nay, here they do not differ concerning the sanctitudes, but as to the law of preparation mentioned above in the name of Rabba. Rabh is in accordance with this theory and R. Johanan is not.

The Tanaim of the following Tosephta differ on the same point: If an egg was laid on the Sabbath, it may be eaten on the festival, and *vice versa*. R. Jehudah in the name of R. Eliezer, however, said, that there is still a difference of opinion among the schools of Shammai and Hillel. According to the former it may, and according to the latter it may not be eaten.

The householder of R. Adda b. Ahabah had eggs which were laid on a festival preceding the Sabbath; he came to him and inquired whether it is permitted to roast them that day, to be eaten on the morrow. He answered: What is thy question P

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[paragraph continues] Because thou thinkest that when Rabh and R. Johanan differ the Halakha prevails according to the latter; yet even R. Johanan permits only to sip the egg when raw on the morrow, but he never permitted to handle it on the same day.

The householder where R. Papa lived, according to others another man, had eggs which were laid on a Sabbath preceding a festival, and he asked R. Papa if they could be eaten on the morrow, and R. Papa answered him: Leave it until to-morrow and come again, because Rabh did not use an interpreter on a festival day after meals to decide questions belonging to the next day, for fear, perhaps, that he had drunk more than a quarter of a lug of wine. When he came on the next day R. Papa said to him: If I had decided the question yesterday, when I was a little lightheaded, I would have erred, and would have decided according to R. Johanan, as the rule is where Rabh and R. Johanan differ, the Halakha prevails always according to R. Johanan, and this would not be right, because Rabha said that the case in question is one of the three 1 where the Halakha prevails according to Rabh, both when he is lenient as well as rigorous.

R. Johanan said: Wood which falls from a tree on Sabbath must not be used on the following festival day; and if it would be asked what is the difference between the wood and the egg, it can be said that the egg can be used while raw just after it has been laid, and if left until the next day, because it must not be used on the same day; but if the wood will be used just after Sabbath is over, one might say that the use of the wood was allowed on the same day, and that it was not used because it was prohibited to make a fire on Sabbath.

R. Mathna said: If wood had fallen down from a tree directly into an oven on a festival day, one

may add wood which had been prepared on the preceding day and burn it; but is not this handling a prohibited thing? To this the answer is, because the bulk of the wood may be handled, the rest is ignored. But did he not ignore the prohibited wood intentionally? and a Mishna teaches that a prohibited thing must not be ignored on purpose. This, however, is only true of a biblical prohibition, but not of a rabbinical. But according to R. Ashi, who said that a thing which is prohibited only temporarily, cannot be ignored by any means, what can be said? This is when the prohibited thing is preserved; but here, when the wood is to be destroyed by fire, it is different.

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It was taught about the two festival days in exile: Rabh said if anything was born on the first day, it may be eaten on the morrow, but R. Assi says it must not. Said R. Zera: It seems to me that R. Assi is correct in his opinion, because in our time the time of the calendar is known to us, and nevertheless we hold in exile two days of festival (consequently we must hold all the ordinances which were ordained in that time). Abayi, however, said: It seems to me that Rabh is correct in his opinion, and our keeping of two days of festival in exile is merely because a message was sent to us from the West: Take heed of the customs of your ancestors, as it can happen that the government might forbid the keeping of festivals, and the exact date might be forgotten (after the government should retract the command).

It was taught: Rabh and Samuel both said of the two festival days of New Year: Something born on the first day must not be used on the other.

Rabha said: From the day of the ordinance of Rabban Johanan ben Zakkai, 1 an egg which is laid on the first day of the New Year festival may be eaten on the next day. Said Abayi to him: Did not Rabh and Samuel both say that it is not allowed? Rejoined Rabha: I say to you that of Johanan b. Zakkai, and you mention Rabh and Samuel to me [says; the Gemara: Do really Rabh and Samuel contradict a Mishna P Nay, it presents no difficulty: The ordinance of Johanan b. Zakkai was only for Palestine, but Rabh and Samuel speak for the exile].

R. Joseph, however, said even after the ordinance of Johanan b. Zakkai the prohibition of the egg remains in force, because the prohibition has been ordained by the vote of a majority of sages, and everything that has been ordained by a majority some time ago, must again be voted by a majority. Said Abayi to him: Did the sages in Johanan b. Zakkai's time discuss about an egg? They discussed only about the witnesses of the new moon. When it was ordained that the witnesses should not be received on the 30th day (consequently two days were kept festival), the egg was prohibited, but after that, when it was again allowed to receive the witnesses the entire 30th day, in consequence holiday was kept only one day, and the egg could not be any longer prohibited.

R. Ada and R. Shalman [both from the city of Khaluchith] said: The reason why the egg is prohibited even after the ordinance

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of R. Johanan b. Zakkai, is because the Temple will soon be rebuilt, and then one may say the last year, have we not eaten the second day of the festival the egg that was laid on the first day?

We will do the same now, and they will not know that the last year had two separate sanctitudes; and now, when the Temple is built, the two days are as one long day of one and the same sacredness.

If it is so, let the witnesses who come to testify about the new moon, also not be received? because soon will the Temple be rebuilt, and they will say: Did we not receive the last year the whole 30th day? The same will we do now? What comparison is there? Only the court (Beth Din) can receive the testimony of the witnesses, but eating an egg appertains to the common people. Rabha, however, said: That even after the ordinances of R. Johanan b. Zakkai the egg is prohibited for this reason: Would not R. Johanan b. Zakkai himself agree that if the witnesses were coming after the Min'ha prayer (in the afternoon), both the 30th day and the morrow would be kept sacred? (Therefore we who are at a great distance from Palestine, and do not know when the witnesses appeared, must keep both days holy, and as of one kind of sacredness; in consequence an egg laid cannot be eaten on what is considered as the same day.)

Rabha said again: The Halakha prevails according to Rabh in these three ordinances, both when he is lenient and rigorous (namely: 1. An egg laid on a Sabbath preceding festival day or on a festival day preceding a Sabbath may be eaten on the morrow. 2. The same is the case with the two festival days in exile. 3. But if it m, as laid on the first day of the two New Year's days, it must not be eaten).

Rabha said: The preparing for the burial of a dead body on the first day of the exile festival must be done by Gentiles; but on the second day Israelites may do it, even if it is New Year. With a new-born thing, however, in the two days of New Year it is different (because *these* two days are considered as of one sacredness). The sages of Nehardai, however, said the case is the same with a new-born thing also. Said Mar Zutra: The law concerning burial on holidays refers to a case when the corpse had been lying some time and there is fear of corruption; but if it had just died it may lie until after the holidays and then be interred. R. Ashi, however, said: Even if it has just died it can be buried on the same day, as the sages considered the second day of a festival a week-day in relation to a dead body, and it is

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allowed even to cut myrtle for it and prepare (a nice cloak for him besides) the shrouds.

Rabbina was sitting in the presence of R. Ashi on the first day of New Year, and noticed that he was downcast. He asked him: Why is the Master downcast? R. Ashi answered: Because I have not made a combining of cookery (Erub Tabshilin; ix., the third day of the new year was a Sabbath, and it was necessary to prepare on the second day of New Year for the Sabbath by making a "combining of cookery"). Said Rabbina to him: Let Master make it to-day. Did not Rabha say that whoever forgot to make a combining on the eve of a festival, is permitted to make it on the first day? And R. Ashi rejoined: Rabha allowed it only on the exile festival day, but not on the two days of New Year. Said Rabbina again: Did not the sages of Neherdai decide that the same is the case with New Year's day? R. Mordecai answered to Rabbina: I have heard Master plainly declare that he did not agree with the sages of Neherdai (Master means R. Ashi). Therefore do not molest him with this question.

The rabbis taught: A pullet which was born on a festival must not be eaten on the same day. R.

Eliezer ben Jacob said even on a week-day it is not allowed to eat it on the same day, because its eyes are not yet open. We also learn in the following Boraitha: It is written [Lev. xi. 22]: "All flying insects that walk upon four legs shall be an abomination to you." By "all" it is meant to add the pullet whose eyes are not as yet open.

R. Huna said in the name of Rabh: An egg becomes ripe as soon as it is laid, What does Rabh mean to teach us by this statement? Shall we assume that he meant to say that it becomes ripe enough to be eaten with milk, which would not be the case if the egg were found in the entrails of a hen? Did not a Boraitha say: He who kills a hen and finds in it ripe eggs may eat them with milk? Shall we assume that Rabh means to teach us that when it is laid on a festival it may be eaten on that same day; but how if it were found in the entrails of a hen, would it not be allowed to eat it on a festival? Did not a Boraitha say that if ripe eggs are found in the hen on a festival day, they may be eaten? If it be said that Rabh means to teach us what the Boraitha has added to the Mishna (this cannot be said either, because) we have learned in the Mishna, an egg laid on a festival the school of Shammai permit to be eaten, etc. We see therefore that the above schools differed only about an egg laid already, but not about an egg found in the entrails of a hen and

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it cannot be said of the school of Hillel that they prohibited this, for then the above Boraitha which allows this would not be in accordance with any of the schools.

Rabh comes to teach us that only an egg which is laid is ripe to be put under a hen for hatching; but an egg which is found in the entrails of a hen, even if it were ripe, cannot be used for hatching, as it cannot breed pullets.

And the difference is in matters of buying and selling (*i.e.*, if one buy eggs for hatching and he was given eggs which were found in the entrails of a hen, the seller must return the money to him). As it happened once, one came to the market and asked for new-laid eggs and he was given eggs which were found in a killed hen. When the case was brought before R. Amai he decided that the sale was null and void and the seller must return the money. Is that not self-evident? One may say that when the buyer asked for new-laid eggs he meant eggs for eating, and he who sold him the eggs which were found in the killed hen has only to return to the buyer the difference between the value of a new-laid egg and one found in a killed hen. Therefore he comes to teach us that it is not so, but that the whole sale is null and void and the seller must return the money.

It happened, also, that one came to the market and asked for eggs of a hen which had paired with a cock, and he was given eggs of a hen which laid them by warming herself by scratching the earth; and when this case was also brought before R. Amai, he made the sale null and void for the same reason.

And if you wish, we will explain (the above saying of R. Huna in the name of Rabh), that an egg is ripe as soon as it is laid, means, that as soon as the greater part of it is out of the body of the hen, it is considered ripe; and this will be in accordance with R. Johanan, who said that an egg, of which the greater part was out on the eve of a festival, and it slipped back, and came out on the festival, it might be eaten the same day. And still others say, that Rabh means to teach that when the egg is wholly out then it is ripe, 'but not otherwise, the reverse of the opinion of R.

Johanán.

The text says: When one has killed a hen and found ripe eggs in it, they may be eaten with milk. R. Jacob, however, said: When the egg is as yet covered with veins, it must not be eaten with milk.

The rabbis taught: All the females which have communication with their males in the day-time only, give also birth in the

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day-time only; and those which have communication in the night-time only, give also birth in the night-time only. Those, however, which have communication at all times, give birth also at all times. Those that have communication in the day-time only: *e.g.*, a hen; and in the night only, *e.g.*, a bat; and at all times, *e.g.*, man and all animals similar to him.

To what purpose did the Master say all this? This is necessary to the following Halakha: R. Mari the son of R. Cahana says: One who has searched a chicken-coop on the eve of a festival at twilight, and does not find any eggs, and on the morrow before sunrise does find one, it may be eaten the same day (as it could not have been laid during the night). But did he not search the day before? Say, then, he did not search thoroughly; and even if he did search thoroughly, it is possible that at that time the greater part of the egg came out and slipped back again; and this is in accordance with what is stated above in the name of R. Johanán.

This is not so? For did not R. Jose b. Saul say in the name of Rabh: If one has searched a chicken-coop on the eve of a festival at twilight, and does not find any eggs in it, and on the morrow he finds one, it must not be used? He has reference to a hen which bears by scratching the earth (and such a hen may lay even at night). If it is so, say in the case of R. Mari also that the egg which was found in the morning was laid by such a hen.

There is the case where a male was in the coop. Even then, can it not happen that a hen may scratch the earth? Said Rabina: It is certain that when there is a male, no hen scratches the earth for the purpose of bearing. And at what distance in the neighborhood must the cock be? Said R. Gamda in the name of Rabh: As far as she can hear his voice in the day-time.

R. Mari, according to his decision, has decided a case (in which it was searched on the eve of a festival and nothing found in it, but an egg was found on the morrow, and there was no cock at) a distance of sixty houses.

When there is a stream between, the hen does not cross it, but she crosses a bridge; neither does she cross over a plank. It happened once that a hen crossed over a plank.

"*The school of Shammai say that leaven the size of an olive,*" etc. What is the reason of their teaching? They maintain if the same size would be for leaven and leavened bread, why did the Torah need mention leaven at all? Let it have been written

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[paragraph continues] "leavened bread," and it would be known from an *a fortiori* conclusion that leaven the size of an olive is prohibited (*i.e.*, as leavened bread, which is not as sour as leaven itself, one is culpable if he eats the size of an olive, so much the more, leaven itself the same size). Now, when the law mentioned leaven and leavened bread separately it is only to teach us that their sizes are different (leaven the size of an olive and leavened bread the size of a date). The school of Hillel, however, maintain that both are needed, because if *leaven* only were mentioned, one might say that because leaven is very sour, it must not be used, but leavened bread, which is not so sour, one may eat; if *leavened bread* only were mentioned, one could say that leavened bread which is fit to be eaten is prohibited, but leaven itself which is not fit for eating one is not culpable if he eats; therefore leaven is also mentioned.

We have learned also in a Boraitha: It is written [Ex. xiii. 7]: "And there shall not be seen with thee any unleavened bread, neither shall there be seen with thee any leaven in all thy boundaries." This is the point of difference between the school of Shammai and the school of Hillel: The first says, leaven the size of an olive and leavened bread the size of a date, and according to the latter, both are of the size of an olive.

"*When a person has killed,*" etc. If one has killed already, but may he not commence it? Said Rabha: The Mishna meant to say that if a person wishes to slaughter an animal at a festival and comes to ask how he shall do it, the school of Shammai say he must be told that he may slaughter first, dig to get loose earth, and then cover; but the school of Hillel say he must be forbidden to slaughter unless he has loose earth prepared from the preceding day. R. Joseph, however, said, that according to the school of Shammai he must be told to dig first, slaughter, and then cover. Said Abayi to R. Joseph: Shall we assume that the Master and Rabha differ about what R. Zera said in the name of Rabh, as follows: Whoever slaughters a wild animal or fowl, must have loose earth beneath, to soak the blood, and some on the top, to cover with, as it is written [Lev. xvii. 13]: "Then shall he pour out the blood thereof, and cover it up with (or *in*) earth"? 1 It is not said "to place earth *on* it," but to it "cover it *in* earth." From this we infer that there must be earth underneath and earth on the top. Now, the Master agrees with R. Zera (and therefore he must be told to dig first), but Rabha

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does not agree with R. Zera (therefore in his opinion he must be told to slaughter first and dig after). Rejoined R. Joseph: We both agree with the dictum of R. Zera, and we differ on another point, namely, Rabha holds if there is already earth underneath, he may slaughter, but he must not dig first, for it may happen that he should afterwards reconsider the matter and not slaughter at all (then he will have dug for nothing), but I hold it is better to permit him to dig first, else it may be that he would not slaughter at all, and not enjoy the festival as becomes it.

"*Both colleges agree,*" etc. R. Zriqa said in the name of R. Jehudah: The case is when one had a spade sticking in the ground from the preceding day. But he pounds the earth? (reduces the earth to powder). Said R. Hyya bar Ashi in the name of Rabh: It is meant that the spade was already in powdered earth.

"*As the ashes from the hearth,*" etc. Where are the ashes mentioned? Said Rabha: The Mishna means to say, that the ashes from the hearth may be considered as always prepared. Said R. Jehudah in the name of Rabh: The case is when the hearth had been heated on the preceding

day, but when the fire was made on the festival, it is not so. When the ashes, however, are hot enough for roasting an egg, they are considered as prepared. We have learned the same in a Boraitha, with the addition, that if one has brought loose earth for his garden or for a ruin, he may cover the blood with it.

R. Jehudah said again: One may bring a basketful of earth, and do with it all that he needs. Lectured Mar Zutra in the name of Mar Zutra the great: The case is when he has separated a corner for it.

An objection was raised: We have learned elsewhere: A kui 1 must not be slaughtered on a festival, and when it is, its blood must not be covered. Now, if it be so, let him cover it as R. Jehudah said above? What question is it--he could also cover it with the ashes of the hearth, or with a spade in powdered earth? We must say, then, that they were not available; and it is the same with the basketful of earth mentioned above, that he has not any. If such is the case, why a kui, of which it is doubtful whether his blood must be covered or not? Even an animal of which it is certain that his blood must be covered, the same is the case? The Mishna means to say, that not only an

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animal of which it is certain that his blood must be covered must not be slaughtered, unless he has prepared a covering; but even an animal which is doubtful, lest one say that because of the enjoyment of the festival it shall be slaughtered without covering, it comes to teach us that he must not. But did not the latter part of the Mishna state, that if it *was* slaughtered the blood must not be covered, from which we must infer that the first part of the Mishna means, even when he has a prepared covering for it?

Therefore said Rabha: The ashes of the hearth are only considered to be prepared when the animal is of a species whose blood must be certainly covered; but when the animal is of a kind about the covering of whose blood there is a doubt, it is not so (*i.e.*, the ashes must not be handled for this purpose, as they are Muktzah). And this is in accordance with his theory elsewhere, that if one has brought earth to cover with it dung, he may cover with it the blood of a fowl, but not *vice versa*. The sages of Neharbelai, however, said that even if he has brought the earth for the purpose of covering with it the blood of a fowl, he may cover with it dung also. In the West R. Joseph bar Hama, and according to others Rabha the son of R. Joseph bar Hama, and R. Zera differed on this point. According to one a kui (about which it is doubted whether it is a wild or domestic animal) is regarded as dung, and according to the other it is not so (but who entertained either of these two opinions it was not known). Now, from the above teaching of Rabha, who said that earth prepared for a fowl must not be used for dung, we infer that Rabha is the one in whose opinion a kui is regarded as dung.

Rami the son of R. Jebha, however, said that the reason that we do not cover a kui on a festival is as a precautionary measure, lest one think the use of its tallow permissible. If so, let it not be covered even on a week-day? Nay, on a week-day one (who sees the blood covered) may think it is done for the purpose of cleaning the yard. But what shall be the reply to him who comes to ask (whether he should cover the blood)? Therefore we must say, that the reason is this: On a week-day, when it is doubtful, the sages decree that nevertheless he should trouble himself to cover it, but on a festival day the sages do not wish to put him to perhaps unnecessary work.

R. Zera taught: Not the blood of a kui only is it prohibited to cover on a festival day, but even when a slaughtered domestic animal's and fowl's blood were mixed together, it must not be

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covered either. Said R. Jose bar Jasiniah: The case is when one cannot cover the whole blood with one (shovelful) stroke of the spade, but if he can, he must cover it. Is this not self-evident? One might say that we should prohibit this as a precautionary measure to prevent him from making two strokes. Therefore he comes to teach us that such precautionary measures are not necessary. Rabha said: If one has slaughtered a fowl on the eve of a festival, the blood must not be covered on the festival; but if he kneaded dough on the eve of a festival, he must separate the "first dough" on the festival. The father of Samuel, however, said that even this is prohibited.

MISHNA: Beth Shammai say: It is prohibited to remove a ladder from one dove-cote to another; it may, however, be inclined from one opening to another (of the same dove-cote). But Beth Hillel allow both.

GEMARA: R. Hanan bar Ammi said: Both schools differ only when it is done in public ground: According to Beth Shammai one who will see him carrying a ladder may think he is going to repair his roof; but Beth Hillel do not care for that, for they say the dove-cote will show the man's purpose of carrying the ladder. But if this is done in private ground (where there is no person to see his act), all agree that this is permissible. But is it so? Did not R. Jehudah say in the name of Rabh, that all which is prohibited on account of its liability to be seen (and misjudged) remains so even in the greatest privacy? In this the Tanaim differ (Sabbath, pp. 336, 337).

Our Mishna does not accord with the Tana of the following Boraitha: R. Simeon b. Elazar said both schools agree that the ladder may be carried from one dove-cote to another; the point on which they differ is whether the ladder may be carried back. The school of Shammai prohibit it, and the school of Hillel allow even this. Said R. Jehudah: The Mishna refers only to a ladder used for a dove-cote, but a ladder to an attic all agree is prohibited. R. Dosa said he may incline it from one window to another. Anonymous teachers say in the name of R. Dosa, that he may also trail the ladder (making it change its position by turning it about).

The children of R. Hyya were going out into the villages. When they came back their father asked them, was no question asked of you, which you have decided? and they answered that they were asked whether a ladder of an attic may be inclined on a festival, and they allowed it. And he said to them: Go, prohibit

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what you have permitted. (Said the Gemara): "The children of R. Hyya thought that R. Dosa had allowed what R. Jehudah prohibited, and it was not so; he only allowed what the first Tana did not prohibit; *i.e.*, a ladder to a dove-cote, allowed by the first Tana even to be carried, R. Dosa permits only to incline.

*"It may, however, be inclined from one opening,"* etc. We learn also in another Mishna farther on: The shutters (of shops) must not be removed on a festival, so is the decree of Beth Shammai;

but according to Beth Hillel they may be even returned to their places. From this we see that concerning the enjoyment of the festival, the school of Shammai are rigorous, and the school of Hillel are lenient. Is not this in contradiction to the first Mishna of this chapter, where we see the opposite? It would be (intelligible) if we explain the first Mishna's meaning that it speaks of a spade stuck in the ground before (then Beth Shammai would not be more rigorous). But what can be said of the self-contradiction of Beth Hillel? Said R. Johanan: Change the names of the authorities (assume the prohibitions to be made by Beth Shammai and the permissions by Beth Hillel). Says the Gemara: Perhaps it is not so, because we can explain the lenience of Beth Hillel in the case of the shutters by the fact that the law of building cannot be applied to vessels (according to their theory); but in the first Mishna, where such a reason cannot be found, they did not permit.

MISHNA: Beth Shammai say: It is unlawful to remove the birds from their places, unless they have been handled *before* the festival; but Beth Hillel say: It is unnecessary to do more than stand on the eve of the festival before the dove-cote and say: "This and this bird will I take for the festival."

GEMARA: Said R. Hanan bar Ammi: They differ only about the first brood of pigeons. Beth Shammai hold that if one will not handle it before the festival, he may change his mind (and spare it when he comes to take it on the festival, and will take others instead of them, but if he has handled it on the previous day, we are sure that he will not change his mind). Beth Hillel, however, do not entertain this fear. But as for the second brood, all agree that it is enough if he says before the festival: "I will take this and this."

According to Beth Hillel, why is it needed one should mention the individual bird? Would it not suffice to refer to the whole dove-cote (and say, "from this dove-cote I will take

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more")? Should we assume that the school of Hillel do not hold the theory of premeditated choice (see Vol. III., p. 80)? But this would not be right, as from the Mishna (Oholath, VII., 3), we know that the school of Hillel hold this theory. Said Rabba: It is needed for the reason that if he will not point out the individual, he may handle the next day all birds of the dove-cote except the one he chooses (if any) unnecessarily. But did not Beth Hillel say it is enough if he says: "I will take this and this bird," and yet he may reject it when he comes to take it for slaughtering? Nay, this is on the eve of a festival, if he has chosen some of them, be they lean or fat, he will not exchange them for others; but if he did not so on the eve, and he comes to choose them on the festival itself, it may be that he will be compelled to handle many until he finds one that is fit, or it may happen he finds none fit, and he will handle them for no purpose, and he will be deprived of the enjoyment of the festival.

MISHNA: If a person who had prepared for a festival black pigeons finds white ones, or having prepared white pigeons, should find black ones; or two birds, and he find three, they must not be used. If three birds had been prepared and two only are found, they may be used; but if they had been prepared within the nest, and are found before the nest, they must not be used unless there were no other birds but these in the dove-cote.

GEMARA: Is not this self-evident? Said Rabba: The Mishna refers to a case when one had

prepared both white and black, and on the morrow, when he comes to take them, he finds they have changed places. One might say that the pigeons are all the same, but they have changed places, hence the Mishna comes to teach us that it is not customary for the birds to change places, and therefore we must say that all the old ones are gone, and those which are found are other pigeons. Shall we suppose that this Mishna is in support of the decree of R. Hanina, who said that when one has to decide according to the majority of cases similar to one at hand, or according to the intrinsic probability, one should decide according to the former? (As our Mishna decided that they are other pigeons, and that is because in the majority of cases pigeons do not change places, we see that the Mishna decides according to majority and not probability.) Nay, the case of the Mishna can be explained as Abayi says farther on, that it means not in the nest itself, but on the board before the

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nest, where strange pigeons also come and roost (and so decides not according to majority, but probability).

*"Or two birds, and he finds three,"* etc. Why is it so? For all reasons: Either all are strange pigeons, or at least one.

*"If three birds,"* etc. Why so? Because two are the same, though one is gone. Shall we assume our Mishna is only according to Rabbi, and not the sages of the following Boraitha? If one had left at a certain place one hundred zuz of second tithe, and he found afterwards two hundred zuz, the ordinary and the second tithe money are mixed together. Such is the decree of Rabbi. But the sages said that the whole is considered as ordinary money (considering the first hundred as having been stolen, and this to be other money). But if he left two hundred zuz, and found only one hundred, it is considered that one hundred has been stolen, and the other hundred remains. So is the decree of Rabbi. But the sages said that the remainder becomes ordinary. Hence we see that the case of the doves in our Mishna is according to Rabbi? Nay, the Mishna can be explained even in accordance with the sages, for it was taught in addition to this Boraitha, that R. Johanan and R. Elazar both said that in the case of pigeons the law is different because pigeons have the habit of leaving their nest for short whiles.

*"But if they had been prepared in the nest,"* etc. Shall we say this part of the Mishna is in support of the above decree of R. Hanina? Here it can also be explained as the former according to Abayi (that the board before the nest is meant where strange pigeons come to roost). Rabha, however, said: The Mishna refers to a case where there were two nests, one on the top of the other; and not only is one prohibited to use pigeons found before the lower nest, when he had prepared same in the lower, and found both nests empty, because it is considered that from only the lower nest they are gone, and those from the upper nest have come down; but if he had prepared them in the upper one, and found them in front of it, while both nests are empty, the case is the same; though usually pigeons do not go up, it is considered that the upper pigeons are gone, and those of the lower nest came up in front of the upper nest.

*"Unless there were no other birds,"* etc. How was the case? Shall we say flying pigeons are meant? Then it maybe assumed that those that had been in the nest had flown away, and these are strangers. And if pigeons too young for flying are meant, then if there is a nest within fifty ells, we may say that those

that were here bounded away, and these are strangers; but if no strange nest is near, is it not self-evident that they are the same and may be used, as Mar Uqba bar Hamma said: A pigeon that cannot fly yet is not able to bound away more than fifty ells? Nay, it can be explained thus: There is a nest within fifty ells, but it is situated in a corner so that the pigeons could not see it. They are in their own nest, and the Mishna comes to teach us, that the fear of their bounding away is only when there is another nest within fifty ells, which is visible to them when they are in their own nest; but if not visible, they do not bound away at all.

MISHNA: Beth Shammai say: The (large wooden) pestle may not be moved for the purpose of using it as a block to cut meat upon; but Beth Hillel allow it. Beth Shammai teach: It is unlawful to lay down a skin to be trodden on (as a preparation for its being tanned) or to raise it from the ground unless the (*minimum*) quantity of meat of the size of an olive be thereon; Beth Hillel, however, allow it.

GEMARA: We have learned in a Boraitha (an addition to this Mishna) that all agree that if one has already cut meat on this pestle, it may not be handled more (because the occasion on which it was necessary for the festival is over).

Said Abayi: Even if the pestle mentioned in the Mishna was a new one, made only for breaking bones, the case is the same; (and Abayi found this necessary to explain) lest one say, that because it is a new one, it shall be feared that he will change his mind and will not use it for this purpose, and so it will be handled unnecessarily, and therefore the Mishna comes to teach us that this fear is not entertained. From this we see that Beth Shammai have not such fear. But did we not learn in a Boraitha: Beth Shammai said the slaughterer and the knife must not be brought to the animal, nor, *vice versa*, it to them (for fear of his changing his mind, and not slaughtering at all, and being troubled for nothing)? And the same is the case with spices and the pestle, which must not be carried to the mortar, nor *vice versa*. But Beth Hillel allow both (hence we see that the school of Shammai fear his changing his mind). What comparison is it? He can reject on second consideration an animal because he wants a fatter one, or spices because he resolves to have a dish without spices, but in this case the animal is already slaughtered and the meat is for cooking; hence he must cut it and prepare it for eating.

"*Beth Shammai teach it is unlawful to lay down a skin,*" etc. We have learned in a Boraitha: Both schools agree that meat for roasting may be salted on the skin. Said Abayi: Only for roasting is it permitted to salt meat on it, but not for boiling (because for roasting much salt is not necessary, but for boiling more is needed). Is not this self-evident? It is plainly stated, "for roasting." Abayi comes to teach us that even for roasting, if more salt is needed than ordinarily, it is not permitted.

The rabbis taught: Tallow must not be salted and must not be turned over. In the name of R. Joshua, however, it was said that one may spread it out upon nails for being aired. Said R. Mathna: The Halakha does not prevail according to R. Joshua; but wherein differs this case from the case of the skin in our Mishna? (The cases are not identical.) When one sees him spreading out the skin, he may think because it is fit for sitting on, it is spread out for such

purposes; but when one will be allowed to salt the tallow, he may say: For what purpose have the sages allowed it? Only that it shall not become spoiled. Then what is the difference between spreading and salting, and he will also salt it?

R. Jehudah in the name of Samuel said: One may salt several pieces of meat at one time, though only one of them is needed. R. Adda bar A'hbah had recourse to ingenuity, and used to salt meat for a festival meal (salting one piece with the pretext that he will use it, and then rejecting it, and choosing another, and so on).

MISHNA: The shutters of stalls must not be removed on a festival according to Beth Shammai; but Beth Hillel allow even to replace them.

GEMARA: What kind of shutters is meant? Said Ula: The shutters of movable stalls. He said again: There are three things of which the finishing was allowed (though not essential for the festival), for the reason of the beginning (which was necessary; *i.e.*, if it would not have been allowed to finish them, they would not have been begun). They are: The skin for the tanner, the shutters of the shops, [1](#) and the replacing of a plaster (on the priest's hand [2](#)) in the Temple. And Rhaba said in the

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name of Rabh Jehudah the Babylonian Amora: [1](#) The same is the case when one opens a barrel or begins to knead dough on the festival (he may stop up the barrel, or finish the kneading, because he would not begin if he were not permitted to finish, and his enjoyment of the festival would not be complete), and this is according to Rabbi Jehudah the Tana, who said (in Hagigah, p. 52), he shall finish it.

Our Mishna is not in accordance with the Tana of the following Boraitha: R. Simeon b. Elazar said: The schools both of Shammai and Hillel agree that the shutters may be removed on the festival; they differ only about the replacing of them. Beth Shammai do not permit this, and Beth Hillel allow even this. But this is in case there are hinges, but if there is none all agree it is permitted. But have we not learned in another Boraitha the contrary of this? Said Abayi: It can be explained so: If the hinges are at the sides of the shutters, all agree it is prohibited; [2](#) if there are no hinges at all, all agree it is permissible. They differ only on this point when the hinges are in the middle: Beth Shammai prohibit it as a precautionary measure, lest one think it permissible also even when they are at the sides, and Beth Hillel think such a precautionary measure is not to be taken.

MISHNA: A child, a Lulab (a branch of a date-tree), holy scrolls, must not be carried in public ground according to Beth Shammai; but Beth Hillel allow it.

GEMARA: In the presence of R. Itz'hak bar Abdimi one Tana taught as follows: If one slaughters a voluntary offering on a festival, he is liable to the penalty of stripes. Said R. Itz'hak to him: According to whom is your teaching? That is only according to Beth Shammai, who do not hold the theory that because it is permitted to carry things for the purposes of the festival, it is permissible to carry other things, even when they are not necessary for the purposes of the festival; but according to Beth Hillel, who hold this theory, we can say, because slaughtering for the festival is permitted, slaughtering for other

purposes is also permitted, consequently he is not liable to stripes. R. Johanan's opinion is also that Beth Shammai and Beth Hillel differ about the acceptation of the above theory.

Because a disciple has taught in the presence of R. Johanan thus: If one cooks the sinew which shrank [Gen. xxxii. 33] in milk on a festival, and eats it, he is liable to five times stripes: once for cooking the sinew, once for eating it, once for cooking meat in milk, once for eating meat with milk, and once for kindling a fire on the festival. And R. Johanan said to him: Go with thy teaching out of the college, because for kindling a fire and cooking on the festival he is not liable for stripes, according to the teaching of the Mishna; and even if you would find a Mishna which is in accordance with your teaching, it could be only according to the school of Shammai, who deny the theory that, because it is permitted to kindle a fire and to cook for the purposes of the festival, it is permissible also for other purposes; then, according to the school of Hillel, who agree with this theory, no Mishna could teach so. Now then, when kindling and cooking are permitted on the festival, you must remove the stripes for cooking and kindling out of the whole case.

MISHNA: It is unlawful, according to Beth Shammai, to carry to the priest on a festival the first dough (Halah) or other gifts, whether they had been set apart for that purpose on that day or on the preceding day. Beth Hillel, however, allow this. Said Beth Shammai: Let us say to them: Is there not an analogy of expression in both? First dough and other priestly dues are called gifts to the priest (Matanoth); and heave-offering (Terumah) is also called gifts to the priest. Now, as the last is prohibited, the same must be the case with the first? Rejoined Beth Hillel: Nay, how can the gifts be compared to heave-offering? The last one is not allowed to be set apart on the festival, whereas other gifts may.

GEMARA: At the first glance, the teaching of the Mishna, "whether it had been set apart on the same day," would seem to mean that it was slaughtered and set apart on the same day, and the expression, "the preceding day," would seem to mean that it was slaughtered also on that day. If it is so, however, according to whose opinion would the Mishna be? Not according to R. Jose, not according to R. Jehudah, but according to the anonymous teachers. As we have learned in the following Boraitha: R. Jehudah said: Beth Shammai and Beth Hillel do not differ about the gifts that were set apart on the eve of a festival,

whether they might be brought together with the gifts set apart and slaughtered on the festival. What they differ in is only whether those set apart on the eve of the festival might be brought to the priest separately. Beth Shammai do not allow this, and Beth Hillel permit it. R. Jose, however, said that the above schools do not differ about gifts at all, but only about the heave-offering; but an anonymous teacher said that they never differ about the heave-offering, which is prohibited according to all, but only about other gifts. Hence our Mishna is in accordance with the anonymous teachers. Said Rabha: Did the Mishna teach that they were set apart and *slaughtered* on the same day? They were set apart on that day, but may have been slaughtered on the previous day. Then the Mishna will be according to R. Jehudah only, but not according to the anonymous teachers? Nay, we may say it is in accordance with the anonymous teachers also, but the point on which they differ would be the gift that had been slaughtered on a preceding



day. If it is so, the anonymous teachers would say the same as R. Jehudah? Nay, there is a difference about the adding of the gifts set apart on the preceding day to those set apart on the festival itself (according to R. Jehudah it may be done, and according to the anonymous teachers it may not). Said R. Jehudah in the name of Samuel: The Halakha prevails according to R. Jose.

R. Tubbi the son of R. Nehemiah possessed one pitcher of wine of heave-offering on a festival, and he came to R. Joseph and asked him: Can I give it away to the priest to-day? And the answer was, that R. Jehudah in the name of Samuel declared the Halakha prevails according to R. Jose (who permits).

The host of an inn where Rabha bar R. Hanan was staying, possessed bundles of mustard stalks, and he asked his guest: May I thrash it and eat it on a festival? And he did not know the law. And he came before Rabha, who told him: We have learned in a Tosephta, one may pluck ears or crush pea-pods to get out the grains or peas on a festival. Abayi objects: We have learned in a Boraitha: Whoso has plucked ears on the eve of Sabbath, he may blow away chaff on the Sabbath from one hand into another, and eat, but not sieve. If he has done it on the eve of a festival, he may sieve it on the next day in a small but not a large sieve (that it may not be thought he does it for the next day). Hence it seems from this that to do it on the festival itself is not allowed. Rabha answered: The same would be the case on the festival itself. But as in the first part it is said: On

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the eve of Sabbath, so in the last part he speaks of the eve of the festival. (Said Abayi again:) If it is so, then we find a case in which it is allowed to set apart heave-offering on a festival (as it is usually taken from a quantity of grains, not ears); and here, when he thrashes the ears for the purpose of eating the grain, you allow him to separate the heave-offering of it, for otherwise he is not allowed to eat, and in our Mishna it is plainly stated that the heave-offering is not allowed to be set apart on the festival. Rabha answered: It presents no difficulty. Elsewhere it is said, according to Rabbi's opinion heave-offering may be separated on the festival, and only R. Jose bar Jehudah opposed him, and our Mishna is in accordance with the latter.

How shall one pluck (a change from the ordinary week-day manner there must be)? Abayi in the name of R. Jose said: He shall pluck it with the thumb and the index-finger. But R. Ivya upon the same authority said: The thumb and the two fingers next to it. Rabha, however, said: As soon as he does it in a peculiar manner, the number of fingers he employs is a matter of no great consequence.

How shall one blow? R. Adda bar A'hba said in the name of Rabh: He shall blow only off his fingers (but not the palms). But in Palestine they ridiculed this, saying that, provided he does it in a peculiar manner, he may employ his palms also. Therefore R. Elazar said: He may blow it off one hand with his whole might (but must not use the other).

MISHNA: Spices may be pounded on a festival with a wooden pestle only, and salt with an earthenware jug, or with a large wooden spoon, according to Beth Shammai. But Beth Hillel say: Spices may be, as usual, pounded with a stone pestle, and salt with a wooden spoon.

GEMARA: From this we see that all agree that salt must be pounded in a different manner.

Why? R. Huna and R. Hisda: One said, because all the dishes must have salt, but not all the dishes must have spices; and the other said, all the spices lose their fragrance, but not salt. What is the difference between the two? If one knows on the eve of a festival what dish he will prepare on the morrow? According to the former it needs a peculiarity (because he could have prepared it on the eve); and according to the latter it needs not, because had he prepared it on the eve the spices would lose their fragrance.

R. Jehudah in the name of Samuel, however, said: All that is pounded may be pounded on a festival as on week-days, even salt.

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[paragraph continues] Did we not say above, that salt must be pounded differently? He holds with the Tana of the following Boraitha: R. Meir said: Both schools of Shammai and Hillel never differ about the point that all things may be pounded on a festival as on week-days, and salt when it is among them: what they differ about is, whether it may be done so when it is separate. According to Beth Shammai it must be pounded with an earthenware jug or a large wooden spoon; and only in a quantity needed for roasting, but not for stewing into a pot; but Beth Hillel allow any quantity.

R. A'ha Bardla said to his son: If it shall happen that you will have to pound something on a festival, you should incline your mortar, and then pound (*i.e.*, he shall make some change in the manner of pounding). R. Shesheth heard on a festival the sound of pounding in a mortar, and he said: It is surely not in my house. Why was he sure? Perhaps the mortar was inclined? Because he could infer from the sound that this was not so. Perhaps they were pounding spices? Then the sound would have been different.

The rabbis taught: *Ptisana* 1 must not be made on a festival, for nothing may be pounded. But a small quantity may be pounded in a small mortar.

It once happened that R. Papa was the guest of Mar Samuel, and *Ptisana* was offered him, but he did not partake of it. Why? Perhaps it had been done in a small mortar? He did not choose to trust his host's servants, because they were disobedient.

MISHNA: When one picks pulse on a festival, he may, according to Beth Shammai, only pick out the eatable part and eat it; but according to Beth Hillel he may pick it as usual in his lap, in a basket with holes, or in a large dish, but not on a large table, or through a small or large sieve. Rabban Gamaliel says: It is also lawful to pour water thereon, and remove the part not fit to eat, by hand.

GEMARA: We learn in a Boraitha: Said R. Gamaliel: The Mishna refers to a case when there was more of the eatable part than of the part unfit for eating; but if the opposite was the case, then all agree that he may take out only the eatable part and leave the rest. Is there any one who is allowed to do as usually even when the unfit part was larger than the rest? R. Gamaliel meant to say, that even when the quantity of the unfit part was

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small, but to pick it out would be more trouble than to pick out the eatable part, all agree that he shall do what gives less trouble,

"*Rabban Gamaliel said,*" etc. We have learned in a Boraitha: R. Elazar bar Zadok said: Such was the custom in the house of Rabban Gamaliel: They usually brought a pail full of lentils and poured water on it, and the eatable part settled down, while the unfit part remained floating; but another Boraitha states the contrary (that the unfit part settles down, etc.)? It presents no difficulty: the straw floats above, but if there is any dust or other such matter, it sinks.

MISHNA: It is unlawful for one to send to another as a present on the festival anything but eatables, according to Beth Shammai. Beth Hillel, however, permit to send even cattle, game, and poultry, either slaughtered or alive; also presents of wine, oil, fine flour, and pulse, but not grain. R. Simeon allows also to send grain.

GEMARA: R. Je'hiel taught: This is permissible only when he sends it by a few persons, but not by a whole line of men. A Boraitha taught that a line is not constituted by less than three men.

"*R. Simeon,*" etc. A Boraitha taught: R. Simeon permits to send grain; *e.g.*, wheat, to make of it a dish which the inhabitants of Lydia used to make (by grinding the grains of wheat); barley, to give it to cattle; and lentils, to make of them a dish.

MISHNA: It is also permitted to send clothes, sewed or not, even of "*Kelayim,*" in case they can be used on the festival, but not sandals with iron nails or unfinished shoes. R. Jehudah says: White shoes may not be sent either, because an artificer is required to make them fit for use. This is the general rule: Whatever can be used on the festival, may be sent as a present thereon.

GEMARA: It is right that sewed clothes should be permitted on a festival, because they can be used, and clothes not sewed may also be used for covering; but how can *Kelayim* be used? The Mishna meant to say rough clothes which can be used for sitting upon, and this is according to R. Huna the son of R. Joshua, who said that felt of the city of Narash (which was rough) might be worn even if in it is *Kelayim* (linen and wool mixed together),

"*But not sandals,*" etc. What is the reason? Because once

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an accident occurred. <sup>1</sup> Said Abayi: Sandals with iron nails must not be worn, because an accident happened on account of them, but they may be handled; and this we infer from our Mishna, which says that they shall not be sent, and if it were disallowed to handle them, it would be self-evident that they could not be sent.

"*Or unfinished shoes.*" Is it not self-evident? The Mishna means to say that even if there were nails in them already (so that they could be put on), yet being unfinished, they might not be sent.

"*R. Jehudah says,*" etc. We have learned, in a Boraitha: R. Jehudah permits to send black shoes, but not white, because lime is needed to make them white; and R. Jose prohibits black shoes, because they must be polished. They do not disagree, however. Both speak of the customs in

their respective places. In the place of one Master the skin of the shoes had the inner side turned out, and therefore it had to be made white; while in the other the opposite was the case, and polishing was needed.

"*This is the general rule,*" etc. R. Shesheth permitted to his disciples to send phylacteries on a festival. Said Abayi to him: Did not we learn in our Mishna, only a thing which can be used on the festival may be sent (and phylacteries are not used then)? And he answered: The Mishna meant to say things fit to be used on a week-day may be sent on a festival. Said Abayi: When the phylacteries are spoken of we would like to say something: If one was on the road on the eve of Sabbath or of a festival, and the Tefilin were on his head and the sun set, he may lay his hand on the Tefilin and thus come to his home. The same is the case when he was sitting in the house of learning and the Tefilin were on his head, he may lay his hand on them until he comes home.

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## Footnotes

[1:1](#) See footnote on p. 79 of Tract Sabbath.

[5:1](#) See Tract Erubin, p. 82.

[6:1](#) As it will be explained further on, [p. 8](#).

[7:1](#) For this ordinance of R. Johanan ben Zakkai see Tract Rosh Hashana, pp. 55-56.

[12:1](#) The Hebrew term is ••• which signifies both in and with.

[13:1](#) Cross between a he-goat and a hind.

[20:1](#) It means that he would not slaughter, the animal at all if he would not be sure that the skin would not be spoiled; and so he would not open the shop to take out what was necessary for the festival, if he would not be allowed to shut it again, and the festival would be without enjoyment.

[20:2](#) As the priest is not permitted to do his work of sacrificing when there is something between (Hatzitzah, *intervention*) his hand and the victim.

[21:1](#) Rashi says: To some people it is doubtful if it was in the name of R. Jehudah the second, or R. Jehudah the disciple of Samuel; but I say, he added, that Rhaba, who was from Pumbeditha, had never seen R. Jehudah the second, as we do not find that he, sometime in his life, ever went to Palestine. Moreover, it is said elsewhere that no one was so particular in his study as Rhaba of Pumbeditha, and we must assume that Rhaba was so particular that he would not leave in his words any doubt about the man in whose name he said it; and if it was Jehudah the second, he would have certainly mentioned it.

[21:2](#) As when the hinges are at the sides, it is very difficult to remove and replace.

[25:1](#) Latin for a dish of pounded barley.

[27:1](#) See Tract Sabbath, p. 116.

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