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CHAPTER V.

REGULATIONS CONCERNING LABORS PERMITTED AND NOT PERMITTED ON BIBLICAL FESTIVALS.

MISHNA: It is allowed to throw down fruit (kept on the roof for drying) by a trap-door (into the yard) on the festival, but not on Sabbath. It is also allowed to cover fruit, or jars of wine or oil, with vessels to protect them from rain. One may also place a vessel to receive rain on Sabbath.

GEMARA: Of which quantity does the Mishna speak? Said R. Zera in the name of R. Assi, according to others R. Assi in the name of R. Johanan: The same quantity which we have learned in the Mishna (in Sabbath, p. 276). One may even clear off four or five chests of straw or grain in order to remove obstacles to instruction, etc. But perhaps there it is different, because there are obstacles to instruction; but here, where it is not the case, it may be a less [quantity](#)? Or, on the contrary, there the Mishna speaks of Sabbath, which is rigorous, therefore a slight quantity is allowed. But here it is a festival, perhaps a greater quantity is allowed? It can be interpreted even in another way: There, where there are no damages of *money*, a quantity from four to five is allowed; but here, where there can be damages of money, even more is also allowed? And another question: There the Mishna teaches that one must not clear out a whole barn, and Samuel explained this that the Mishna meant he shall not clear out the whole barn for fear he will notice pits and would like to fill them up (ibid. 276). How is the law in our case? Shall we assume that because Sabbath is rigorous, the precautionary measure must be taken; but in the case of the festival, which is lenient, it need not be taken? Or, on the contrary, there, where although the reason is the fear of interruption in the house of learning, yet it is not allowed to clear the whole barn, how much the more here, where such a reason does not exist? And another question: Here the Mishna teaches that fruit must be thrown through a trap-door, and R. Na'hman said in addition

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to this, that it is allowed only from *that* roof; but to throw it from this roof to another, it is not allowed. And so it was also taught in a Boraitha, that the fruit must not be carried from one roof to another, although the roofs are of equal altitude. Shall we assume that only in the case of the festival which is lenient this is prohibited as a precautionary measure, lest one shall come to hold cheap the holiday, and will do other things, but on Sabbath which is rigorous and no such fear exists, perhaps this is allowed? Or, on the contrary, as here, where the fruit can be damaged, we do not allow this; there, where no such a fear exists, so much the more it is not allowed. And another question: A Boraitha in addition to this Mishna teaches he shall not let it down by ropes and also not by ladders. Shall we say that only here, where the fear of the interruption in the house of learning does not exist, it is prohibited; but there, where such a fear does exist, it is allowed? Or, on the contrary, here, although there is fear of damages, it is not allowed, so much the more there? All these questions are not decided.

"*And fruits may be covered.*" Said Ula: Even piled-up bricks not mortared may be covered. R. Itz'hak, however, said only fruit fit for consumption may be covered with vessels, but no other things.

"One may place vessels to receive rain." A Boraitha taught: When the vessel was full, he might empty it, and put it in its former place again; and so repeatedly. The handmill of Abayi was exposed to the rain (and he had not enough vessels to protect it). He came to Rabba his Master, and asked; and he answered: Go and place your bed in that room (where the handmill was), and then the handmill will be considered as a night chamber, which may be removed from a bedroom (and then he can remove the bed again). Abayi himself considered the law and said to himself: May one turn a clean thing into an objectionable thing intentionally? While he sat and thought thus, the handmill cracked. Said he: I deserve this punishment because I was disobeying my Master.

Samuel said: A chamber-pot and similar vessels may be removed, and voided on the garbage; and then washed, and returned. The schoolmen who heard this thought that the dirt may be removed only together with another vessel, but not without another vessel? Come and hear: Once a dead mouse was found in the place where R. Ashi's spices were kept, and he said: Take it by its tail, and throw it out.

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MISHNA: All transgressions of the precept of Shbuth, 1 whether by any optional actions, or actions for religious purposes, are also such on the festival. The following actions are forbidden on account of Shbuth: To climb trees, mount an animal, swim in water, clap with the hands, strike on the hips, or dance. The following are prohibited as optional actions: To administer justice, to acquire a woman as a wife (by giving a ring, money, etc.), to take off the shoes of one refusing to marry the deceased brother's widow (Halitzah), or to marry such a brother's widow. The following actions are prohibited as though they are actions for religious purposes: To consecrate anything, to value sacred things, to pronounce anything as devoted (to the service of the Temple), to separate heave-offerings and tithes. All these have been decided to be prohibited on the festival, and *a fortiori* on Sabbath. (This is the rule): There is no difference between the Sabbath and the festival, except that the preparation of food is permitted on the latter.

GEMARA: To climb trees--lest one tear off something; mount an animal--lest one should cut off a twig (to drive it therewith); to swim--lest one make a *swimming bladder*; to clap the hands, strike on the hips, dance--all lest one fix musical instruments.

"*The following are prohibited as optional.*" *To administer justice*: is this not a religious act? The case is, when there is a better man than he who can perform it. *To acquire a wife*: is this not a religious act? The case is, when he has already a wife and children. *The ceremony of Halitzah and Jibum*: are these not religious duties? The case is, when there is an elder brother than he, and the duty falls on the elder brother. And the reason why all these are prohibited is as a precautionary measure, lest he come to write. *And these are prohibited, though religious acts*: as a precautionary measure, lest he will come to buy and sell. *To separate heave-offerings*, etc.: is not this self-evident? Taught R. Joseph: The case is, when he, wants to give it to the priest on the same day. But the law applies only to things wherefrom it is fit to separate the day before; but if he kneads dough on the festival, the first dough maybe separated and given to the priest.

All these on the festival, etc.: there is a contradiction to this (in the first Mishna of the chapter): "One may throw fruit on the festival, but not on Sabbath"? Said R. Joseph: There is no

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difficulty: Our Mishna is in accordance with Eliezer: that the precautionary measures taken for Sabbath are to be taken also for festivals; and the other Mishna is according to Joshua, who says: When mother and son fall in a pit, the first maybe taken out for slaughtering, and then by connivance the other. R. Papa, however, said that the above Mishna is in accordance with Beth Shammai, and the first Mishna is in accordance with Beth Hillel. But perhaps it is not so? The statement of Beth Shammai refers only to carrying out, but not to handling it? Nay, is then handling not necessary in carrying out?

MISHNA: Cattle and utensils may be brought as far only as their owners may go, and when a person commits his cattle to his son or shepherd, they may not be brought or driven farther than the owner may go. Utensils that are appropriated to the exclusive use of one among brothers living together in the same house may be brought as far as that brother may go; but if they are not thus exclusively appropriated to one only, they may be brought to the places where all may go.

A utensil that had been borrowed since the eve of the festival may be carried as far as the borrower may go; but if on the festival, as far as the lender may go. And when one woman has borrowed of another spice, water, or salt, to make dough, they may be carried as far as both may go. R. Jehudah excepts water, because its substance does not remain visible.

GEMARA: Our Mishna seems to be not in accordance with R. Dosa of the following Boraitha: R. Dosa, according to others Abba Saul, said: Whoso had bought an animal from his neighbor on the eve of a festival, although he did not receive it until the festival, the animal may be driven as far as the buyer may go. The same is the case with him who gives an animal to the shepherd. If the arrangement was made before the festival, but he delivered it on it, it must be considered as the shepherd's? Nay, the Mishna can be explained also in accordance with R. Dosa, and it presents no difficulty. Our Mishna refers to a case where there are two shepherds in the town (when it was not known to which of them he would give); therefore it is considered as the owner's. But R. Dosa speaks of a case where there is but one shepherd. This explanation seems to be right, because our Mishna teaches, "to his son or shepherd." And as there may be more than one son, so is it about shepherds.

Said Rabba bar bar Hana in the name of R. Johanan: The Halakha prevails according to R. Dosa.

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The rabbis taught: If two men had borrowed one garment, one should go in it to the House of Prayer in the morning, the other to the Dancing-house in the evening. Thus one will make an Erub to the north and the other to the south. Whoso has made an Erub to the north may go in this garment only as far as he who has made an Erub to the south may go in it to the north; and *vice versa*. But if either has made an Erub *at his* legal limit, so that by giving the right to move two thousand ells *more* in one direction, he loses the right to walk in the opposite direction even one step, then the garment belonging to both may not be moved from the town by either.

It was taught: If two men bought a barrel and an animal in partnership on the eve of a festival, the barrel may be moved by either to places where he goes; but the animal is not allowed to be driven except to places where both are allowed to go. So is the decree of Rabh. But according to Samuel, the case is the same with the barrel as with the animal. (Let us see:) What is the reason of Rabh's theory? If Rabh holds the theory of premeditated choice, then why shall the animal not be allowed? And if he does not, why shall the barrel be allowed? We may say that in reality he holds this theory (and therefore the barrel is allowed); but the animal is different, because it was alive at the twilight before the festival, and the blood changing its place from one member to the other on the festival, neither half can be chosen by either man (and as the partners have to go in different directions, neither may move the animal). Said p. Kahana and R. Ashi to Rabh: Even according to your theory, if the animal would be slaughtered, both partners would be allowed to eat of it, although the blood was circulating from one half designated for one man to the other half of the other man. Consequently the circulation of the blood is not feared in case of the law of Muktzah. Why, then, shall it affect the law of legal limit? Rabh was silent. What is in reality the law? R. Hoshia said: There is the theory of choice, and R. Johanan says: There is not. Mar Zutra lectured that the Halakha prevails according to R. Hoshia.

Samuel said: An ox from the dealer may be moved by every buyer to the places where he goes; but an ox belonging to the herdsman may be driven only where the people of the town have a right to go.

"*A utensil borrowed since the eve of,*" etc. Is not this self-evident? The case is, when one actually received it on the festival, we would assume that as at twilight it was yet in the lender's

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house, it should not yet be considered as the borrower's, he comes to teach us that the arrangement suffices to make it considered as the borrower's. And this is in support of R. Johanan's decree, who said: One who had arranged to borrow a utensil from his neighbor on the eve, and took it on the festival, is considered as the borrower's.

"*But if on the festival,*" etc. Is this not self-evident? The case is, when it was the custom of this man to borrow of that man often, and we would assume that the lender had the intention to give it to him from the eve, and therefore it should be regarded as the borrower's, he comes to teach us this is not the case; because it may happen that meanwhile another man may come and borrow it.

"*And when a woman borrowed,*" etc. When R. Abba intended to go to Palestine, he prayed that it should be the will of the Lord he should say a thing which should be accepted (by those sages). When he arrived there, he found R. Johanan, R. Hanina bar Papi, and R. Zera; according to others, R. Abahu, R. Simeon b. Pazzi, and R. Itz'hak of Naphha, who were sitting interpreting our Mishna, saying: Why, let the water and the salt be ignored in the dough? Said R. Abba to them: Would it be right, when one threw in one Kab of wheat into ten Kabs of his neighbor's, shall the owner of the nine Kabs take the one Kab as his own and enjoy it? (The same shall be the case here. Because water and salt are of little value, shall they be ignored?) They were laughing at him. Said R. Abahu to them: Why do you laugh? Have I taken your garments? They laughed again. In reality, what is the reason of the Mishna's teaching? Said Abayi: That is a precautionary measure, lest they will make the whole dough in partnership. Rabha said: The

reason is because spices give a flavor, and everything that gives a flavor cannot be ignored. R. Ashi said: The reason is, this prohibition is only temporary, and anything temporarily prohibited cannot be ignored, even when it is among a thousand.

"*R. Jehudah excepts water.*" Did R. Jehudah except water, and not salt? Have we not learned in a Boraitha: R. Jehudah said that water and salt both are ignored, either in dough or in a pot? It presents no difficulty: Our Mishna speaks of Astrakhan salt, which is coarse, and must not be ignored, while the Boraitha means salt of Sodom, which is fine and is ignored. But we found another Boraitha, which says that according to R. Jehudah water and salt are ignored only in dough, but not in a pot, because of

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its wetness (and it imparts a taste to every part). It presents no difficulty: One Boraitha applies to a pot where something thick is cooked, while the other means a pot of soup.

MISHNA: Burning coals may be carried as far as the owners may go, but a flame may be carried everywhere. If a coal of consecrated fire has been applied to profane use, the sin of desecration has been committed; but though no profane use must be made of a flame of sacred fire, yet a person who applies it thus has not incurred the penalty, and thus, if anybody carries (on Sabbath) a burning coal into a public place, he is guilty, but does not incur the penalty for a flame. The water of a well belonging to an individual may be carried as far as that man may go; but if it belongs to a town, as far as the inhabitants thereof may go. The water of a well made for the use of travellers (such as those) who come from Babylon, may be carried as far as he who draws it may go.

GEMARA: The rabbis taught: Five things have been taught about the burning coals: They may be carried as far as the owners may go; but a flame, everywhere. The sin of desecration applies only to a coal, but not to a flame; it must not, however, be used. A coal of idolatry is prohibited to be used, but the flame is permitted. Whoso carries a coal into public ground on Sabbath is culpable, and a flame is innocent; and whoso has made a vow not to receive any benefit from his neighbor must not use his coal, but may use his flame. Why may a consecrated flame not be used, but a flame of idolatry may be? In regard to idolatry, which is repulsive, and men avoid it in any event, no precautionary measure was taken; but to a consecrated thing which is not so, it was taken.

"*A well belonging to an individual,*" etc. Rabha suggested the following contradiction before R. Na'hman: Our Mishna teaches that the water of an individual may be carried only as far as he may go, and in another Boraitha we have learned: Running rivers and springing wells are to be considered as the feet of every man (Sabbath, p. 261). Said Rabba: The Mishna refers to a well where water is not springing, but collected, and the same was taught in the name of Samuel by R. Hyya bar Abbin.

"*Babylonian travellers*": as the feet of him who draws it. It was taught: If one draw it and give it to another man, R. Na'hman said it may be considered as the feet of him for whom it is drawn; but R. Shesheth says, as his who draws. In what point do they differ? One holds that the well may be considered

as ownerless (and if the water was drawn for any one he becomes the owner), and the other holds that they are partners.

MISHNA: If one has fruit in another town of which the inhabitants only made an Erub (but not the owner), they must not bring his fruit to him; but if he has made the Erub, the fruit may be carried to any place he is allowed to go.

When one has invited guests, they must not carry home with them anything from the table, unless he had granted it to them the day before the festival.

GEMARA: It was taught: If one has deposited fruit at his neighbor's house, Rabh said the fruit is to be considered the property of the keeper; but Samuel said it is still regarded as the property of the depositor. An objection was made, based upon our Mishna: If he made also an Erub, the fruit may be brought to him. Now if, according to Rabh, it is considered the property of the keeper, what is the use of his making an Erub? Said R. Huna: The disciples of Rabh explain our Mishna that it refers to a case when they assigned a corner for his fruit (so that it is as if under his supervision). Come and hear (another objection): "They must not carry home," etc., "unless he had granted it," etc. Now, if it is considered the keeper's, what is the use of granting on the day before? The answer is, that granting is equal to assigning a separate place, as explained above, and if you wish it can be said that the case when granting is different.

R. Hana bar Hanilai suspended meat on the bar of the door, and went away. After when he wished to use it he came before R. Huna and asked him whether he can use it or not (because the meat was brought to him by a butcher out of town, and he feared perhaps he brought it from over the legal limit), and R. Huna answered: If yourself have suspended it, you may use it, but if the butcher suspended it, you may not.

MISHNA: One must not give drink to, or slaughter, animals living wild, but one may do it to domestic animals. And what are called domestic animals? When they are at night in the town or the suburbs; and those which are in the open field are called wild.

GEMARA: To what purpose are both drinking and slaughtering stated? It is a thing by the way: it comes to teach us that before slaughtering it is good the animal shall drink, because it is then easier to take off the skin.

The rabbis taught: Wild beasts are called those which depart

about the time of Passover, and feed in the marshes in the summer, and return in the fall; and domestic are called those which go out every day beyond the legal limit, but return every night, Rabbi, however, said: Both kinds mentioned are called domestic; but which are called wild beasts? Those that never come to inhabited places. Does, then, Rabbi hold the theory of Muktzah (prohibiting to slaughter even a wild beast)? Did not his son, R. Simeon, ask him: Dates which become not ripe on the tree, but are put in boxes of palm-branches and remain there till they ripen, what is the law about eating them on Sabbath according to R. Simeon? And he

answered: The theory of Muktzah, according to R. Simeon, does not exist at all? (And as we know that Rabbi's opinion was according to R. Simeon, consequently he does not hold the theory of Muktzah at all?) Rabbi said to the sages as follows: According to my opinion, no theory of Muktzah exists. But even in your opinion, would you not own to me that the animals which return in the fall must be called domestic? And the sages answered: No; in our opinion they are still called wild beasts.

END OF TRACT BETZAH (YOM TOB).

Footnotes

[72:1](#) See above, [p. 67](#).