

p. 19

CHAPTER II.

REGULATIONS CONCERNING LABOR. MOURNING AND BUYING AND DOING BUSINESS IN THAT TIME, AND ALSO IN THE INTERMEDIATE DAYS.

MISHNA: One who has turned his olives, and a death occurred in his family; and one who is prevented from at once putting them to press, or has been disappointed by his laborers, may put the first press-block on, and leave it until after the feast. Such is the dictum of R. Jehudah. R. Jose, however, said: "He may put the olives into the oil-press and finish pressing them, and bung up the casks in the usual manner."

GEMARA: It begins with mourning and ends with the middle days (without stating the law relating to the former)? Said R. Shesha, son of R. Idi: "Infer from this, that things permitted on the middle days are, nevertheless, prohibited during mourning." R. Ashi says to the contrary: "Not only in the mourning time, which is only rabbinical, are these things allowed, but even on the middle days, during which work is prohibited biblically, in the case of loss the rabbis permitted it."

The following Boraitha is in support of the assertion of R. Shesha, son of R. Idi: The following things are done by *others* for one who is in mourning: If his olives are turned, the press-block may be put on, the cask bunged, his flax removed from the buck, his wool taken out of the boiler, and his land watered when his turn comes on. R. Jehudah said: "Even his ploughed land may be sown and the flax-field planted." The sages, however, maintain, that if not sown early in the season it can be done so late in the season; and if not flax, other plants can be raised. R. Simeon b. Gamaliel, however, said that if he is the only specialist in the place, of all those things mentioned above, they may be done by himself privately. And even more than that the same Rabban allowed: If he were the only mechanic in the place employed by the public, or a barber, or a bather, and the feast was approaching, he might perform his functions. Contractors of all kinds must have others to do their work (during their mourning).

p. 20

Those who hire out asses, camels, or ships to others, must not do their work. But if at the time (their mourning commences) they were already hired out, they might continue. A day laborer, although in a place where he is not known, must not work. If he were to work for others in his own house, whether under contract to do it for a definite time or not, he must not do it. If others were working for him in his own house, they must postpone their work; but in a house other than his own, they might continue. Marian, son of Rabhin, and Mar, son of A'ha son of Rabha, had a team of oxen in copartnership. One day a death occurred in the family of Mar b. A'ha and he kept in his ox. Said R. Ashi: Why should a great man like Mar do such a thing? If he does not consider his own loss, he must consider that of another. As stated above: "If they were hired out at the time, they might proceed with their work." He (Mar), however, was of the opinion that the

case is different when a prominent person is concerned. Samuel said: "Those who do their work under contract for a definite period of time, if *within* the legal limits, may not; if *outside* those limits, they may do it." R. Papa, however, said: Even where it is outside the legal limits, the case is only when there is no town adjacent. R. Mesharshia, however, said that even where there is no town adjacent the case is so only in reference to Sabbath days and festivals, for on those days people are few; but as regards the middle days, during which people are numerous, it is not permitted. Mar Zutra, son of R. Na'hman, had a house built under contract outside of the legal limits. R. Saphra and R. Huna bar Hinna happened to be in the neighborhood of that house and declined to enter it; and according to others, R. Zutra himself also declined to enter it. But has not Samuel said that if it was outside of the legal limits it is permitted? R. Zutra himself assisted them in placing the straw during the progress of the work. R. Hama permitted the Abunagars (waiters) of the Exilarch to do their work on the middle days; for, he said, they receive no salary, and work only for their board. (It is therefore not considered labor, and does not matter.)

The rabbis taught: Work may be taken under contract during the middle days to be done after the feast. But on the middle days it is not permitted. The rule is: All that one himself may do, he may have a Gentile do it for him, but not what he may not. We have learned in another Boraitha: "Work may be taken under contract on the middle days to be performed

p. 21

after the feast, provided always he does not measure, weigh, or count in the usual manner."

The rabbis taught: "No animals should be copulated on the middle days; the same applies to the firstborn and also to the desecrated ones at any time."

The rabbis taught: Cattle must not be brought into the field for the purpose of manuring, either on Sabbath days, feast days, or middle days. But if they come there of themselves it is permitted. And no assistance may be afforded to those in charge, neither a watchman assigned them to watch their sheep. But the case is different if they are hired by the week, month, year, or for a period of seven years. Rabbi, however, says: "On Sabbath days it may be done without compensation; on feasts days, for food only; and on the middle days, even for compensation." Said R. Joseph: "The Halakha prevails as Rabbi decreed."

MISHNA: The same is the case when one whose wine is in the press-pit and a death occurred in his family or another accident happened; or if he had been disappointed, he may pour the wine into casks, cooper, and bung them up in the usual manner. Such is the dictum of R. Jose. But R. Jehudah said: "He must only cover the pit with boards, so that the wine may not grow sour.

GEMARA: Said R. Itz'hak bar Abba: "The Tana who holds that on the middle days it must not be done in the usual manner, does not accord with R. Jose." Said R. Joseph: "The Halakha, however, prevails as decreed by R. Jose." A question was propounded to Na'hman bar Itz'hak: "Is it permitted to bung up a beer barrel on the middle days?" He answered: "Sinai (R. Joseph) had already stated that the Halakha prevails as decreed by R. Jose." But R. Jose's statement relates only to wine, but not to beer? What was the reason for wine--because there is a great loss? The same is the case with beer. R. Hama bar Guriah said in the name of Rabb: The laws regarding the middle days are distinct from each other and cannot be compared for the purpose of inference. As Samuel said: "A jug may, but a barrel may not be covered with tar." R. Dimi of

Nehardea holds the reverse. The one considers the loss involved; the other, the trouble with which it is accompanied.

The rabbis taught: Grinding is permitted on the middle days for use on those days only, but not otherwise; but if some of the flour remain till after the festival, it may be used. Such is also

p. 22

the case with wood-cutting and beer-brewing, but one must not go too far. R. Hananel said in the name of Rabb: "One may fell a tree, even if he needs only the splinters." Abayi, however, censured that. R. Ashi owned a forest in the neighborhood of Shalnayi, and he went there once during the middle days to chop wood. Said R. Shela of Shalnayi to R. Ashi: "You do this, relying on the statement of R. Hananel in the name of Rabb? But has not Abayi censured it?" And he replied: "I do not care for that." When he commenced to chop, his axe slipped off the handle and almost injured his shoulder. He thereupon left the forest (for he took it as a punishment for his statement in reference to Abayi). R. Jehudah permitted to pluck flax, hops, and poppy. Said Abayi to R. Joseph: "This would be correct as regards flax and hops, for the one may be used for covering (figs, etc.), and the other in beer-brewing; but what use can be made of poppy? Its seed can be used. R. Janai owned an orchard the fruit of which got ripe on the middle days, and he gathered in the fruit; on the following year every one postponed the gathering in of his fruit until the middle days. R. Janai (as a punishment to himself for having caused others to postpone their work until the middle days) gave away on the very same year that orchard to the free use of the public.

MISHNA: One may house his fruit from (dread of) thieves, and take flax out of the buck, that it be not spoiled, provided he does not intentionally defer doing it till the middle days; but should he have so deferred, then in all these cases he forfeits the articles in question.

GEMARA: A Boraitha states: "Provided he does it privately." R. Joseph had removed beams to his house in the daytime. Said Abayi to him: "Have we not learned that it should be done privately?" He answered: "In this case it may be considered more privately in the day-time than in the night-time; for in the night-time it must be done by light, and it requires therefore more men."

"*And take the flax out of the buck,*" etc. R. Jeremiah propounded the question to R. Zera: "One who deferred intentionally doing it until the middle days and soon afterwards died, shall we impose the fine on his sons? Shall we assume that the rabbis intended to punish him personally, and, therefore, his sons are released? or shalt we assume that the fine was directed against his property, and, therefore, his sons must pay it?" And he answered: "This we have learned in the following Mishna: A

p. 23

field which has been cleaned from prickles during the Sabbatical year may be sown immediately thereafter; but this is not the case if it was manured either by man's labor or by animals." Said R. Jose bar Hanina: "There is a tradition that if one had manured his field (on the Sabbatical year) and soon afterwards died, his son might sow it." Hence we see that the fine was directed against him, and not against his son. The same is the case with working on the middle days, stated

above.

MISHNA: One must not purchase houses, slaves, or cattle, excepting for the use of the whole festival, or for the use of the vendor, who otherwise might have nothing to eat.

GEMARA: Rabha asked R. Na'hman: "What is the law if a laborer has nothing to eat?" And he answered him: "This we have learned in our own Mishna, 'or for the use of the vendor,' which intends to include the case of the laborer." (For the case of the vendor is included in the statement, "for the use of the *whole* festival," which includes the middle days.) Rejoined Rabha: Perhaps the Mishna explains only what is meant by the expression "use of the vendor."

MISHNA: One must not remove things from one house to another, but this may be done from the house of another court to his court. Things must not be brought home from the mechanic's house, but if he fears (that they might be lost) he may remove them to another court.

GEMARA: Did not the Mishna begin with the statement that it must not be removed at all? Said Abayi: The last clause of the Mishna means to say, that it may be removed from the court-house to the court (but not to another house).

MISHNA: Dried figs may be covered with straw. R. Jehudah says: "They may, likewise, be put in layers. Dealers in fruit, garments, or utensils may privately sell what is required for use on the middle days. Huntsmen (fishers) and manufacturers of peeled barley and grits may carry on their occupations in private, as the exigencies of the festival may require it." R. Jose said: "They have of their own accord adopted the more rigorous observance and do not carry on their occupations (on the middle days)."

GEMARA: R. Hyya bar Abba and R. Assi, both in the name of Hezekiah and R. Johanan, differ. One holds that "covering," mentioned in the Mishna, means "thinly covering," and "put in layers" means "thickly covering"; and the other one holds that "covering" means both thinly and thickly covering, and "put in

p. 24

layers" means "heaping up." So also we have learned in a Boraitha: "Putting in layers--placing in a heap. Such is the dictum of R. Jehudah."

"*The dealers in fruit,*" etc. The schoolmen propounded a question: "Does it mean that they adopted a rigorous, etc., not to do any work at all, or only not in public?" Come and hear: The dealers in fruit, garments, and utensils may sell in private, for use on the middle days. R. Jose said: "The dealers of Tiberias adopted of their own accord a more rigorous observance and did not sell at all." (The Boraitha states further on that R. Jose said that the same was the case with the hunters and fishers of Achu and the manufacturers of grits of Sepphoris.) Abayi said: "It is called grits, if it (the kernel) is crushed into two; pearl grits, if into three; and meal, if crushed into four parts." When R. Dimi came he said: "It (grits) means spelt." R. Huna permitted the dealers in spices to trade in their usual way. R. Kahana objected: We have learned elsewhere: A store opening into a gallery may be locked and unlocked in the usual way, but if it opens into a public street he must open one door and lock the other; and on the eve of the last day of Tabernacles one may decorate his stores with fruit in honor of the last day of the festival. But

not otherwise? This presents no difficulty: the one is the case regarding fruit; the other, regarding spices (which may be done in the usual way).

[Next: Chapter III](#)