

NOTES

Permitted to another Jew – מותר לישראל אחר: Rashi explains this allowance as based on the fact that the prohibition is by rabbinic law. Rabbi Aharon HaLevi and the *Meiri* write that the reason for leniency is that the prohibition of the Shabbat limit does not apply to all people equally, as an item that is outside the limit in relation to one person may be within the limit of another.

He arose and found fish in it – השכים ומצא בה דגים: This wording is used in order to teach that when he dammed the water channel, he did not know with certainty that there were fish in it. For this reason, the Gemara sought to learn from this case that an undomesticated animal that nested in an orchard should likewise be permitted, even though it had not been specially designated the previous day (*Tziyyun LeNefesh Hayya*).

Isn't it taught – היתניא: Some understand this discussion slightly differently: Rav Nahman meant that Rav Hisha had come to a matter that is subject to a tannaitic dispute, as there are two other *baraitot* dealing with this issue, which must be explained in accordance with the opinion of Rav Nahman bar Yitzhak. According to this approach, the phrase: Isn't it taught, should not be read in the form of a challenge but as a statement: As it was taught, since he proceeds to cite the conflicting *baraitot* (*Shitta Mekubbetzet*).

So that it will not be mistaken for its mother – שלא תתקלף – באמה: Even though older birds are more likely to escape, they are occasionally caught as well (*Rishon LeTziyyon*).

BACKGROUND

A free bird – ציפור דרוז: This is understood as referring to a female house sparrow. The house sparrow, *Passer domesticus*, is one of the most common birds, found near people wherever they live. It is roughly 14 cm in height and brown-gray in color; older males have a black spot on their necks. Despite living in close proximity to humans for many years, the house sparrow has resisted domestication, as noted in the Gemara (24a), and it is not easy to catch even after it is brought into a house. In mild climates, the house sparrow lays eggs several times a year. The fledglings grow very quickly and reach the size of adult birds within two to three weeks, although the parents continue to care for their young for a considerably longer period. Therefore, it is entirely possible to mistake a fledgling for its mother.



Male house sparrow



Female house sparrow

חוץ לתחום – אסור. והבא בשביל ישראל זה – מותר לישראל אחר.

אמר רבה בר רב הונא אמר רב: הסוכר אמת המים מערב יום טוב ולמחר השכים ומצא בה דגים – מותרין.

אמר רב חסדא: מדברי רבינו נלמוד: חיה שקננה בפרדס אינה צריכה זמון. אמר רב נחמן: נפל חברין ברברבתא. איכא דאמרי, אמר רבה בר רב הונא: מדברי רבינו נלמוד: חיה שקננה בפרדס אינה צריכה זמון. אמר רב נחמן: נפל בר חברין ברברבתא.

התם לא קא עביד מעשה, הכא קא עביד מעשה.

ולא בעיא זמון? והתניא: חיה שקננה בפרדס צריכה לזמון, וצפור דרוז צריך לקשור בכנפיה כדי שלא תתחלף באמה, וזו עדות שהעידו מפי שמעיה ואבטליון, תיובתא.

If, however, the gift was brought from **outside the limit, it is prohibited. And an item that came from outside the limit for one Jew is permitted to another Jew.**^N No prohibition applies to the second recipient, as the gentile's intention was not fulfilled. Since the *halakha* of limits is a rabbinic prohibition, the Sages decreed that the object is prohibited only to the one on behalf of whom it was brought, but not to others.

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

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

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

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

HALAKHA

If one dammed a water channel – הסוכר אמת המים: If one dammed a water channel on the eve of a Festival so that water could neither enter nor leave it, he may remove fish found in it on the Festival. This applies only to a narrow water channel where the fish cannot evade capture, but one may not remove fish from a vessel wider than six

handbreadths (*Magen Avraham*). Some are stringent in all cases not to catch fish in the normal weekday manner (*Shulhan Arukh HaRav*, citing the *Peri Hadash*). Although some authorities are lenient (*Taz; Eliya Rabba*), it is proper to be stringent *ab initio* (*Mishna Berura; Shulhan Arukh, Oraḥ Hayyim 497:5*).

Those that were shaken – והמנוענעין: This must be referring to a case where the finder observed someone else shaking them first, as otherwise there would be no indication that this occurred. The novelty here is that one can acquire ownerless birds merely by shaking them (Rabbeinu Peretz; see *Tosafot*).

ומי בעיא זמון? והתניא, אמר רבי שמעון בן אלעזר: מודים בית שמאי ובית הלל על שהזמינו בתוך הקן ומצא לפני הקן – שאסורין. במה דברים אמורים – ביוני שובך ויוני עליה, וצפרים שקננו בטפוחין ובבירה. אבל ארזים ותרגולים, ויוני הרדסאות, וחיה שקננה בפרדס – מותרין, ואין צריכין זמון. וצפור דרור צריכה לקשר בכנפיה כדי שלא תתחלף באמה.

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

והמקושרים והמנוענעין, בבורות ובבתים ובשיחין ובמערות – מותרין, ובאילנות – אסורין שמא יעלה ויתלוש. והמקושרין והמנוענעין בכל מקום אסורין משום גול.

And with regard to those birds whose wings were tied as a sign, and similarly, those that were shaken in advance in order to designate them for the Festival, if they were in cisterns, in houses, in trenches, or in caves, they are permitted on the Festival. However, if they were in trees, they are prohibited, lest one climb up the tree and detach something from it, which is prohibited. And those birds whose wings were tied by another, and similarly, those that were shaken^{NH} by another are prohibited in all places, even not on a Festival, due to the prohibition against stealing. Tying or shaking is considered an act of acquisition, and therefore others may not take them. In any case, this *baraita* clearly states that an undomesticated animal that nested in an orchard does not require designation.

אמר רב נחמן: לא קשיא; הא בהא, הא – באמה. אמה בזמון סגי לה? צידה מעליותא בעיא!

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

אלא אמר רב נחמן בר יצחק: אידי ואידי בדידה, הא – בגנה הסמוכה לעיר, הא – בגנה שאינה סמוכה.

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

HALAKHA

Doves of a dovecote and a loft – יוני שובך ועליה: Doves of a dovecote, doves of a loft, and birds nesting in pitchers may not be trapped, nor is designation effective for them, in accordance with the opinion of Rabbi Shimon ben Elazar (*Shulhan Arukh, Orah Hayyim 497:9*).

Those whose wings were tied and those that were shaken – המקושרין והמנוענעין: If one finds birds with their wings tied, hopping behind a fence or along a path, he may not touch them, as perhaps they were put there by their owners. If he does take them, he need not announce that he found them unless the manner in which they are tied can serve as an identifiable sign (Rambam). Some authorities say that if one finds something without a sign in a place that is not protected at all, he may take

it for himself. However, if it is even partially protected, and all the more so if it is well protected, it is prohibited for him to take it, and if he does so it must be set aside until the prophet Elijah arrives and determines its true owner (*Shulhan Arukh, Hoshen Mishpat 260:10*).

An undomesticated animal in an orchard – חיה בפרדס: If a deer or gazelle nests in an orchard and gives birth to fawns, and as they are still young trapping is not required, one may take them without prior designation. This applies only to an orchard within seventy cubits of a town. However, the mother is prohibited and designation is ineffective, as it requires trapping. The *halakha* is in accordance with the opinion of Rav Nahman bar Yitzhak (*Shulhan Arukh, Orah Hayyim 497:8*).

If an animal is in danger – בהמה מסוכנת: When an animal is injured or ill, its owner will often hasten to slaughter it before it dies of its own accord and is rendered forbidden as an unslaughtered animal carcass [*neveila*]. The Gemara in tractate *Hullin* (37a) teaches that one must verify that it convulses after the slaughter, as otherwise it is considered to have been a *neveila* even when alive. Sometimes the animal is not found to have any defect that renders it forbidden as a *tereifa*, an animal with a condition that would have caused it to die within twelve months, and so one is permitted to eat it; still, great Sages would take care never to eat the meat of such an animal.

An olive-bulk of roasted meat – כזית עלי: Although one sometimes eats less than an olive-bulk, since an attempt is being made here to circumvent a prohibition, the Sages insisted that one must eat the significant amount of an olive-bulk (see *Tal Torah*).

An olive-bulk of raw meat – כזית חי: Although the Rambam maintains that all meat must be salted before it is eaten, *Tosafot* and many other authorities hold that raw meat may be eaten as it is even without salting, provided that one does not treat it in any other way. Meat of this type is called *umtza* by the Sages. This passage has been cited as a challenge to the Rambam's approach, as it implies that raw meat may in fact be eaten without salting. Some answer for the Rambam that since meat from the place of slaughter is covered in blood, it should have been necessary to salt it especially well; Rabbi Akiva, however, permits it even by means of minimal salting (see *Pe'at Yam* and others).

He may not bring it on a pole – לא יביאנה במוט: Some hold that this *halakha* applies only to an animal that was in danger, but that if he truly slaughtered the animal for the sake of the Festival itself, it is permitted (Rashba). The Rambam does not appear to accept this distinction. Most commentaries explain that the reason is that he is publicly acting in a weekday manner on a Festival; therefore, despite the additional walking back and forth, it is preferable to bring the animal limb by limb (Rabbi Aharon HaLevi; Rashba). The Rid explains that the reason is to ensure that he bring with him no more than the amount of meat he actually requires.

Flaying and cutting with regard to the burnt-offering – הפשט ונתוח בעולה: Some explain this proof as follows: Since a bird brought as a burnt-offering is entirely burned on the altar, with its skin and feathers, it would have been possible to do the same with an animal burnt-offering. Therefore, it is possible to say that this *halakha* was established to enable one to examine whether the animal has a defect (Rid).

The Torah taught proper etiquette – למדה תורה דרך ארץ: Although according to one opinion there is in fact a halakhic obligation to flay and cut the animal before eating from it, since this requirement is not clearly established, it is labeled merely as proper etiquette (*Meiri*).

Presumptive status of being prohibited or permitted – בחוקת איסור והיתר: In the Jerusalem Talmud the following teaching is cited in this context: If a hole is found in an animal's internal organs following its slaughter, since the slaughtered animal has the presumptive status of being permitted, the hole is assumed to have been formed after the slaughter and there is no concern that the animal is prohibited as a *tereifa*.

מתני' בהמה מסוכנת לא ישחוט, אלא אם כן יש שהות ביום לאכול ממנה כזית עלי. רבי עקיבא אומר: אפילו כזית חי מבית טביחתה.

שחטה בשדה לא יביאנה במוט ובמוטה, אבל מביא בידו אברים אברים.

גמ' אמר רמי בר אבא: הפשט ונתוח בעולה, והוא הדין לקצבים. מכאן למדה תורה דרך ארץ: שלא יאכל אדם בשר קודם הפשט ונתוח.

(לאפוקי) מאי קא משמע לין? אילימא לאפוקי מדרב הונא, דאמר רב הונא: בהמה בחייה – בחוקת איסור עומדת עד שיודע לך במה נשחטה.

נשחטה – בחוקת היתר עומדת, עד שיודע לך במה נטרפה.

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

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

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

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

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

HALAKHA

If an animal is in danger – בהמה מסוכנת: If one has already eaten his Festival meal but his animal is in danger of dying on a Festival and he wishes to slaughter it to avoid a monetary loss, he may slaughter it only if sufficient time remains in the day for him to eat a roasted olive-bulk from the animal. This amount of time need not include the time required to remove its hide and examine it (Rema). Others say that he must also have time to remove its hide and examine it, while yet others are lenient only in the case of kid goats and foals, where defects that render the animal a *tereifa* are rare (see *Mishna Berura*). When slaughtering this animal, one may take its hide only if he leaves it attached to a limb and he takes the hide with the limb (Jerusalem Talmud). Some hold that one may not remove its hide at all unless it was slaughtered for the sake of the Festival (Rema). One need not be stringent if he removes the hide in an exceedingly unusual manner (*Mishna Berura*; *Shulhan Arukh, Orach Hayyim* 498:6).

If one slaughtered an animal in the field – שחטה בשדה: If one slaughtered an animal in the field, even a healthy one that was slaughtered because it was actually needed for the Festival (*Taz*), he may not bring it to his house on poles in the weekday manner; rather, he must bring it in by hand, limb by limb. Some are lenient in a situation where it is necessary to hurry (*Mishna Berura*; *Shulhan Arukh, Orach Hayyim* 498:7).

Presumptive status of being prohibited or permitted – בחוקת איסור והיתר: While alive, an animal has the presumptive status of being prohibited, and it retains that presumptive status of prohibition even after it has been slaughtered, until it becomes known that it had been slaughtered properly. Once the animal is known to have been slaughtered properly, it has the presumptive status of being permitted until it becomes known that it is for some reason prohibited (*Shulhan Arukh, Yoreh De'a* 25:1).

והאין תנן מתניתין כדרב הונא: דתנן,
 רבי עקיבא אומר: אמילו כזית חי
 מבית טביחתה. מאי לאו – מבית
 טביחתה ממשי!

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

לא, ממקום שטובחת אכילתה.

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

והא תני רבי חייה: מקום טביחתה
 ממשי! אלא, רמי בר אבא

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

Perek III
 Daf 25 Amud b

אורח ארעא. קא משמע לן.

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

כדתניא: לא יאכל אדם שום ובצל
 מראשו אלא מעליו, ואם אכל – הרי
 זה רעבתן. כיוצא בו לא ישתה אדם
 כוסו בבת אחת, ואם שתה – הרי זה
 גרגרן. תנו רבנן: השותה כוסו בבת
 אחת – הרי זה גרגרן, שנים – דרך
 ארץ, שלשה – מגיפי הרוח.

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

ואמר רמי בר אבא: הצובא מקטע
 רגליהון דרשיעיא.

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

NOTES

As it is taught, a person should not eat – לא יאכל – כדתניא: The commentaries explain that this *baraita* teaches that one who eats and drinks hurriedly is a glutton. Similarly, one should be patient and not skin an animal in a hurried manner (Rashi; *Meiri*).

peeling off the leaves and consequently does not eat in a gluttonous manner (*Meiri*).

But from its leaves – אלא מעליו – He is forced to delay while

The sea squill will cut off – הצובא מקטע: This is teaching the following: Those who overstep boundaries and infringe upon their neighbor's property should learn from this plant, which is not obligated in the observance of mitzvot and yet does not venture beyond its boundary (*Arukh*).

HALAKHA

Drinking from a cup – שתיית הכוס: One should not drink one's entire cup all at once, so as not to appear to be a greedy drinker. He can avoid this by leaving a small amount in the cup (*Magen Avraham*). Two swallows is proper conduct, while three

reflects haughtiness. However, there are no rigid measures in this regard, as it depends on the size of the cup, the particular person involved, and the type of drink (*Shulhan Arukh, Oraḥ Hayyim* 170:8, and in the comment of the Rema).

BACKGROUND

Sea squill – תצובא: Sea squill, *Urginea maritima*, is a wild, perennial plant from the Liliaceae family. It has a large bulb and a cluster of roots that penetrate deep into the ground. The green and fleshy leaves of the plant, which measure 5–15 cm, grow as the squill blossoms, before withering at the start of summer. These leaves are poisonous to most animals. Around the rainy season a tall inflorescence of white flowers blossoms, measuring 1–1.25 m. Due to its deep roots, it is very difficult to uproot the squill; even if its flowers and leaves are cut off, it will sprout again year after year in the same place. For this reason sea squill has been used even in recent times to mark the boundaries of a field. Whenever a question of trespass arose, the roots of the squill indicated the original boundary of the field.



Sea squill

LANGUAGE

Lupine [*turmus*] – תורמוסא: From the Greek θέρμος, *thermos*, the lupine species of legume.

BACKGROUND

Lupine – תורמוסא: The lupine is a general name for various plants of the legume and faboideae families. The Egyptian lupine, *Lupines termis*, and the yellow lupine, *L. luteus*, are the most common species. These plants, which grow up to 1 m in height, develop leaves that divide into a particular number of leaflets. The flowers of the yellow lupine are bluish- or yellowish-white. Its seeds, which grow in pods, have a diameter of approximately 15 mm for Egyptian lupine or 8 mm for yellow lupine. Due to the presence of several alkaloids, these seeds are extremely bitter in taste, and in order to make them edible it is necessary to scald or soak them in water at least twice. To this day scalded lupine seeds are sold as a dessert. Nowadays lupine is mainly used as animal fodder or as vegetable manure.



White lupine



Cooked seeds of the white lupine



European yellow lupine

נטיעה מקטע רגליהון דקצביא ודבעלי נדות.

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

תורמוסא מקטע רגליהון דשנאיהון של ישראל. שנאמר "ויסיפו בני ישראל לעשות הרע בעיני ה' ויעבדו את הבעלים ואת העשתרות ואת אלהי ארם ואת אלהי צידון ואת אלהי מואב ואת אלהי בני עמון ואת אלהי פלשתים ויעבדו את ה' ולא עבדוהו".

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

ממשמע שנאמר "ויעבדו את ה'" איני יודע שלא עבדוהו? ומה תלמוד לומר "ולא עבדוהו"? אמר רבי אלעזר: אמר הקדוש ברוך הוא: אפילו בתורמוס הזה, ששולקין אותו שבע פעמים ואוכלין אותו בקנה סעודה לא עשאוני בני.

By inference from that which is stated: "And they forsook the Lord," do I not know that they did not serve Him? Rather, for what purpose does the verse state the seemingly unnecessary words "and did not serve Him"? Rabbi Elazar said: The Holy One, Blessed be He, said: My children did not treat Me even like this lupine, which, because it is inedible as it is, must be cooked in water seven times in order to temper its bitter taste and is eventually made so sweet that one eats it as a dessert after a meal. They worshipped all seven types of idolatry listed in the verse, and even after I punished them for each and every one of them, they still refused to repent from their evil ways. Instead, they remained rebellious and did not serve Me.

תנא משמיה דרבי מאיר: מפני מה נתנה תורה לישראל – מפני שהן עזין. תנא דבי רבי ישמעאל: "מימינו אש דת למו" אמר הקדוש ברוך הוא: ראויין הללו שתנתן להם דת אש. איבא דאמרי: דתיהם של אלו אש, שאלמלא (לא) נתנה תורה לישראל אין כל אומה ולשון יכולין לעמוד בפניהם.

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

NOTES

Young trees – נטיעה: Many commentaries (see the Maharsha and others) ask what proof can be brought from young trees, as the delay discussed is not a natural occurrence but the consequence of a mitzva as well. Some explain simply that whoever plants a tree knows that he will have to wait several years before he will be allowed to partake of its fruit. This is a lesson to those who impatiently insist on enjoying something while it is still prohibited (Rav Yitzhak Abuhav).

(*Meiri*). According to this approach, the subsequent statement that depicts the lupine as a symbol of the disrespect displayed by the Jewish people toward God is an entirely different matter (Maharam Schiff).

The feet of butchers – רגליהון דקצביא: See *Tosafot*, as well as other early authorities, who write that although it is not prohibited by Torah law to eat from an animal before examining it, it is nevertheless improper to do so, as, if the animal is in fact a *tereifa*, the butcher is held accountable for the unintentional eating of non-kosher meat (see *Shakh*). According to this explanation, deviating from proper conduct includes at the very least a possible violation of a rabbinic prohibition. The *Meiri* cites an explanation that butchers would sometimes hasten to eat from a slaughtered animal before it actually died.

For what reason was the Torah given – מפני מה נתנה תורה: Although the Jewish people, contrary to the other nations, agreed to accept the Torah of their own accord, God nevertheless overturned the mountain above them like a tub, coercing them to accept it, since He found them suitable to receive it (Rabbi Yoshiya Pinto). The impudence of the Jewish people is their strength that has enabled them to withstand persecution and suffering and to remain faithful to the Torah, even when dispersed among the nations (Maharsha; and others).

The lupine will cut off – תורמוסא מקטע: The lupine teaches one to endure great suffering before reaching the desired goal

A fiery law – אש דת: This is referring to the Torah, with its stringent *halakhot* and requirements (*Meiri*).

The ways of these people are like fire – אש של אלו: Perhaps this means that the Torah strengthens the Jewish people and enables them to resist even their most powerful enemies (*Bigdei Yom Tov*).

וְהֵינּוּ דְאָמַר רַבִּי שִׁמּוֹן בֶּן לָקִישׁ: שְׁלֹשָׁה עֵינֵי הֵן: יִשְׂרָאֵל בְּאוֹמוֹת, כְּלָב בְּחַיִּוֹת, תְּרַנְגוּל בְּעוֹפוֹת. וַיֵּשׁ אוֹמְרִים: אִף עוֹ בְּבִהְמָה דְקָה, וַיֵּשׁ אוֹמְרִים: אִף צֶלְף בְּאֵילָנוֹת.

And this is the same as what Rabbi Shimon ben Lakish said: There are three impudent ones: The Jewish people among the nations; the dog among animals; and the rooster among birds. And some say: Also the goat among small cattle. And some say: Also the caper bush among trees.⁸

”שְׁחֻטָה בְּשָׂדֶה לֹא יִבְיָאָה בְּמוֹט”. תְּנוּ רַבֵּנּוּ: אֵין הַסּוּמָא יוֹצֵא בְּמַקְלוֹ, וְלֹא הַרוּעָה בְּתַרְמִילוֹ, וְאֵין יוֹצֵאִין בְּכֶסֶא. אַחַד הָאִישׁ וְאַחַד הָאִשָּׁה.

It is taught in the mishna: If one slaughtered an animal on a Festival in the field, he may not bring it to his house on a pole, as this appears similar to a weekday activity. The Sages taught in a *baraita*: A blind person may not go out on a Festival with his cane,⁹ nor a shepherd with his satchel. And one may not go out on a chair borne on poles by other people, neither a man nor a woman. All of these are considered weekday activities, the performance of which would display disrespect for the Festival.

אֵינִי? וְהֵא שְׁלַח רַבִּי יַעֲקֹב בַּר אִידִי: וְקָן אַחַד הָיָה בְּשִׁכּוּנֵינוּ וְהָיָה יוֹצֵא בְּגִלְדֵי שִׁלֵּי, וּבָאוּ וְשָׂאוּ אֶת רַבִּי יְהוֹשֻׁעַ בֶּן לׁוֹי, וְאָמַר: אִם רַבִּים צְרִיכִין לוֹ – מוֹתֵר.

The Gemara asks: Is that so? But didn't Rabbi Ya'akov bar Idi send the following *halakha* from Eretz Yisrael: There was an old man in our neighborhood who would go out on a Festival in his litter [*gelodki*],¹⁰ and they came and asked Rabbi Yehoshua ben Levi, the preeminent authority of the time, whether this was permitted. And Rabbi Yehoshua ben Levi said to them: If many people need the man to come and lecture them on Torah matters, it is permitted to transport him to the study hall in that manner.¹¹

וְסִמְכוּ רַבּוֹתֵינוּ עַל דְּבָרֵי אַחֵי שְׁקִיאָא. דְּאָמַר: אָנָּה אֶפִּיקְתִּיהּ לְרַב הוּנָא מֵהֵינֵי לְשִׁילֵי וּמִשִּׁילֵי לְהֵינֵי. וְאָמַר רַב נַחֲמָן בַּר יִצְחָק: אָנָּה אֶפִּיקְתִּיהּ לְמַר שְׁמוּאֵל מִשְׁמֵשָׁא לְטוּלָא וּמִטוּלָא לְשְׁמֵשָׁא. הָתָם כְּדָאמַר טַעְמָא: אִם הָיוּ רַבִּים צְרִיכִין לוֹ – מוֹתֵר.

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

A blind person may not go out with his cane – אֵין יוֹצֵא בְּמַקְלוֹ: A blind person, and likewise an elderly person (*Shulhan Arukh HaRav*), may not go out with his cane on a Festival into a public domain or into an intermediate domain [*karmelit*] unless he cannot walk without it (*Arukh HaShulhan; Mishna Berura*). Similarly, a shepherd may not go out with his satchel (*Shulhan Arukh, Orah Hayyim 522:1*).

Going out on a chair – יוֹצֵאָה בְּכֶסֶא: One may not go out on a Festival on a chair borne on poles by other people. However, it is permitted if he is needed by the public (*Shulhan Arukh, Orah Hayyim 522:2*).

LANGUAGE

Litter [*gelodki*] – גִּלְדֵי: This appears to be a variant of the Latin *lectica*, meaning a litter or a chair used for carrying people.

BACKGROUND

The caper bush among trees – צֶלְף בְּאֵילָנוֹת: The commentaries struggle to explain the impudence of the caper bush (see Rashi and *Tosafot*). In addition to their observations, the caper can be viewed as impudent in two other ways. First, this bush can grow almost anywhere, including in fences and walls, and is very difficult to remove from cracks in walls once it has taken root. Additionally, the caper is full of sharp, curved thorns, so that anyone who inserts his hand into the bush will be badly scratched.

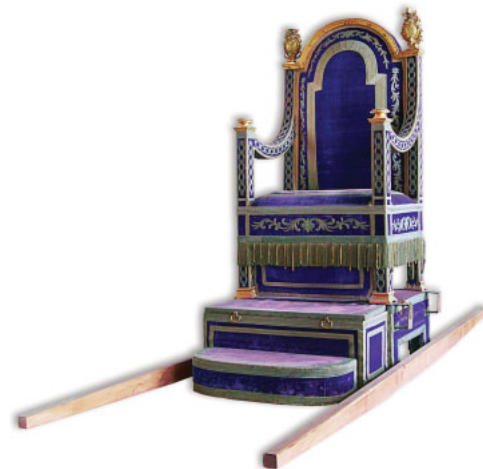


Caper bush growing between rocks



Left: Caper flower with some thorns visible on the plant

Litter – גִּלְדֵי:



Litter

BACKGROUND

Take a roundabout route...to the Ladder of Tyre – ...אָקויף דער אַסולמא דעזער: The map depicts the two routes by means of which Hama bar Adda could have reached Eretz Yisrael. One possible route would have taken him north, via Antioch. However, the shortest route is south, by way of Damascus, through the Golan to the Lower Galilee. It is also possible to travel to the coast and scale the hills known as the Ladder of Tyre before descending southward along the coast to Acre, and from there inland to Tiberias. This is a longer route to Eretz Yisrael.



Different routes to Eretz Yisrael

LANGUAGE

Poles [*alunkei*] – אַלונקיי: The etymology of this term is unclear, though many scholars believe it is an Iranian loanword. It may have come from a Middle Persian word *ülenag*, meaning that which is (raised) upward.

אָמַר לִיהָ רַב נַחְמָן לְחַמָּא בְּרַ אֲדָא שְׁלִיחַ צִיּוֹן: כִּי סָלַקְתָּ לְהֵתָם, אֲקוּיף וְוִיל אַסּוּלְמָא דְעֵזֶר, וְוִיל לְגַבֵּי דְרַבִּי יַעֲקֹב בְּרַ אִידִי, וּבְעֵי מִיַּמֵּיהָ: כִּסָּא מָה אַתּוֹן בֵּיהָ?

אֲדָא וְלִהֵתָם נַח נַפְשֵׁיהָ דְרַבִּי יַעֲקֹב בְּרַ אִידִי. כִּי סָלִיק, אֲשַׁבְּחֵיהָ לְרַבִּי זְרִיקָא. אָמַר לִיהָ: כִּסָּא מָה אַתּוֹן בֵּיהָ? אָמַר לִיהָ: הֲכִי אָמַר רַבִּי אָמִי: וּבִלְבָד שְׁלֵא יִכְתֵּף. מֵאִי יִבְלָבֵד שְׁלֵא יִכְתֵּף? אָמַר רַב יוֹסֵף בְּרִיָּה דְרַבָּא: בְּאֵלּוּנְקֵי.

אִינִי? וְהָא רַב נַחְמָן שָׂרָא לָהּ לִילְתָא לְמִיפֵק אֵאלּוּנְקֵי! שְׂאֵנִי יִלְתָּא דְבַעֲיָתָא.

אָמִימַר וּמַר זוּטְרָא מְכַתְּפֵי לְהוּ בְּשַׁבְּתָא דְרַגְלָא מְשׁוּם בֵּיעֵתוּתָא, וְאָמְרֵי לָהּ מְשׁוּם דּוּחֻקָא דְעֵבּוּרָא.

מִתְנִי' בְּכוֹר שֶׁנֶּפֶל לְבוֹר, רַבִּי יְהוּדָה אָמַר: יֵרֵד מוֹמְחָה וְיִרְאֶה

Rav Nahman said to Hama bar Adda, emissary of the talmudic academies in Zion, who would regularly travel back and forth from Eretz Yisrael to Babylonia: **When you go up there, to Eretz Yisrael, take a roundabout route, i.e., do not travel by the shortest path; and go to the Ladder of Tyre,⁸ and go to Rabbi Ya'akov bar Idi, who lives in Tyre, and raise this dilemma before him: What do you say with regard to a chair borne on poles; may one go out in such a chair on a Festival?**

By the time he arrived there, Rabbi Ya'akov bar Idi had already passed away. However, when he went up to Eretz Yisrael he found Rabbi Zerika and said to him: **What do you say with regard to a chair borne on poles; what is your opinion on this topic? He said to him: Rabbi Ami said as follows: It is permitted provided that he is not carried on the shoulders, on the chair. The Gemara asks: What is the meaning of: Provided that he is not carried on the shoulders?⁹ Rav Yosef, son of Rabba, said: It means on poles [*alunkei*]¹⁰ that are used to carry burdens on the shoulders of two people. This mode of transportation is highly conspicuous and has the appearance of a weekday activity, the performance of which displays disrespect for the Festival. Instead, the poles on which the chair is borne should be held in the bearers' hands, so the seat will be closer to the ground and less noticeable.**

The Gemara asks: **Is that so? But didn't Rav Nahman permit his wife Yalta to go out on a Festival on a chair borne on poles that rested on the shoulders of the bearers?** The Gemara answers: **Yalta is different, as she was afraid¹¹ of falling and therefore required this special arrangement.**

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

MISHNA A male firstborn of cattle, sheep, or goats belonging to a Jew is sanctified from birth and must be given to a priest to be sacrificed on the altar in the Temple. If a firstborn animal acquired a physical blemish that disqualifies it from being sacrificed as an offering, it still must be given to a priest, but it may be redeemed, slaughtered, and eaten as non-sacred meat. If a firstborn^N animal fell into a cistern on a Festival, and there is concern that it might die there, **Rabbi Yehuda says: An expert in these matters goes down into the cistern and examines the animal.**

NOTES

Provided that he is not carried on the shoulders – שְׁלֵא יִכְתֵּף: Some explain that carrying on the shoulders means carrying another person on crossed arms, forming a kind of chair (Rid the Younger). Alternatively, it refers to a seat held on crossed arms (Rabbeinu Hananel).

Yalta is different, as she was afraid – שְׂאֵנִי יִלְתָּא דְבַעֲיָתָא: The Rosh and others had an alternative reading: A woman is different, as she is afraid. According to this reading, Yalta, Rav Nahman's wife, is not a unique case; rather, it may be assumed that all women are concerned about sitting in a seat that is not held firmly. With regard to the *halakha*, some explain that she was needed by the public (*Tosafot*). Rabbi Aharon HaLevi holds that one who is regularly carried on weekdays on a chair

borne on poles resting on the shoulders of the bearers may be transported in this manner on a Festival as well.

A firstborn – בְּכוֹר: The *halakhot* of a firstborn animal are written in several places in the Torah (Exodus, chapter 13; Leviticus, chapter 27; Numbers, chapter 18; Deuteronomy, chapter 15), and they are discussed in tractate *Bekhorot*. A male firstborn of cattle, sheep, or goats is automatically sanctified. During the time of the Temple, it would be brought there and sacrificed, with its meat eaten by priests and members of their households. If a firstborn develops a blemish that disqualifies it from being sacrificed as an offering, it is considered the property of the priests and may be eaten anywhere.