

## *Sugya* One: “Specification of Passover Eve”

According to Mishnah *Pesahim* 4:1, the permissibility of labor on the morning before Passover is dependent upon local custom. Our *sugya* bears a close resemblance to the opening *sugya* of the tenth chapter of Bavli *Pesahim* (89b), which discusses the prohibition against eating on the afternoon before Passover. Both *sugyot* open with the same question, “Why does the tanna discuss only Passover eve”, rather than all Sabbath and festival eves, as expected? In our *sugya*, two answers are given – the first, which bears a striking resemblance to the answer given by Rav Papa to the question in the tenth chapter, is that labor is forbidden on Passover eve starting at midday, while on Sabbath and festival eves the prohibition would begin half an hour later. The second answer is that the one who transgresses and does labor on Passover eve is punished with excommunication, while one who works on a regular Sabbath or festival eve is not.

Analysis indicates that our *sugya* is secondary to the parallel in *Pesahim* chapter 10. The subject of our *mishnah* is not the prohibition of labor on the afternoon of Passover eve, but rather the additional stringency customary in certain places prohibiting labor on the morning of that day as well. This stringent custom has no parallel on regular Sabbath and festival eves, and thus the question with which our *sugya* opens is problematic. As Y. D. Gilat has pointed out, the custom to refrain from work on Passover eve has its root in the Passover sacrifice which involved preparation from the morning. However, there is no source for limiting work during the morning hours of Sabbath and festival eves. Our *sugya* was molded by a late editor, who used as his base the opening *sugya* of the tenth chapter, which deals with the question of eating – an issue that is in fact common to Passover and other holy days. Our editor borrowed a distinction originally made by Rav Papa between “*minhah* time and onward” and “close to *minhah* time”, with reference to Mishnah *Pesahim* 10:1, and applied it, with difficulty, to our *mishnah*'s discussion of labor before (and by implication, after) "midday".

## *Sugya Two: "Sign of Blessing"*

Our *sugya* consists of a series of seven *baraitot*, most of which engender short Talmudic discussions. Most of the *baraitot* contain the phrase, "he will never see a sign of blessing". The series of *baraitot* is chiasmic in structure: The first and seventh contain generalizations (I -- "and everywhere", VII -- "and all who conduct"), and the short anonymous Talmudic discussion on each discusses what these generalizations teach us. The second and sixth are each followed by an anonymous analysis of the *baraita*, which in turn leads to relatively lengthy amoraic comment. The third, fourth and fifth *baraitot*, at the center of the chiasmus, each deal with wages: the third and fourth are tied together by style: each opens with a defined participle + two items, one of which is puzzling. The fourth and fifth are tied together in that each engenders the anonymous Talmudic question "what is the reason" and a short answer.

This chiasmic structure typifies the *sugya* only in its final form. Analysis indicates that the material in the *sugya* accrued gradually; *baraita* 1 is directly relevant to the subject of the *mishnah*; *baraita* 2, which deals with hard work that is rewarded; hard work that is, ironically, not rewarded; laziness that is unrewarded, and laziness that is, ironically, rewarded, was added to the first since the phenomenon described in our *mishnah* and in the first *baraita*, not working on Passover eve, is an example of good "laziness" that is, ironically, rewarded. Subsequently, *baraitot* 5 and 7 were cited from Tosefta *Bikkurim* as examples of industriousness that ironically goes unrewarded. Finally, *baraitot* 3, 4 and 6 were added because they two deal with "signs of blessing" or the lack thereof from certain behavior.

## *Sugya Three: "Custom"*

Mishnah *Pesahim* 4:1 discusses two customs with regard to labor on the morning before Passover: in some places the custom is to work and others the custom is not to work. This long *sugya* deals with the question of how to address divergent custom. The discussion can be divided into four distinct units. In the first unit the customs of the people of Beishan and Bei Hozai are examined. According to the Bavli, the people of Beishan had the custom not to travel from Tyre to Sidon on the Sabbath eve, and they approached the amora Rabbi Yohanan in order to free themselves of this

obligation, but he refused to allow them to discontinue their parents' custom. The situation in Bei Hozai was different – the people there separated *hallah* from rice, despite the fact that according to all opinions rice is not obligated in *hallah*. Abaye and Rav Yosef dispute whether the custom can be abrogated; Abaye cites a *baraita* according to which customs should not be abrogated even when they mistakenly assume a prohibition. The discussion of this *baraita* leads to the second unit of the *sugya*, which opens with Rav Hisda's opinion that the above *baraita* is in fact referring only to Cutheans, who because of their lack of knowledge cannot be released from their mistaken customs. However, knowledgeable Jews may free themselves from customs which prohibit permissible activity. This premise is consequently challenged with a long *baraita* [henceforth: the "Galilee *baraita*"] which describes three episodes involving visits by well known rabbis to the Galilee region; these rabbis respecting local customs involving erroneous prohibitions. The Galilee *baraita* would seem to support Abaye's claim against Rav Yosef and show that Rav Hisda was mistaken in ascribing the *baraita* only to Cutheans: in fact it applies to all sectors of the population. The editor of the *sugya* explains the difficulty by arguing that any population which does not have Rabbis among them is to be considered like Cutheans; however, knowledgeable populations would not be obligated to continue prohibiting permissible activity. The third unit of our *sugya* examines the case of a Palestinian custom – the eating of a certain kind of fat, close to the stomach, which was prohibited in Babylonia. Rabbah bar bar Hanah is said to have eaten this fat, which was considered forbidden in Babylonia, only to be discovered by his colleagues. Rabbah bar bar Hanah hides the fat, and when these same colleagues report the incident to Abaye, Abaye tells them that Rabbah bar bar Hannah considered them like Cutheans. This leads to a discussion of the high regard in which Palestinian customs were held in Babylonia. The fourth unit ends with the description another problematic custom of Rabbah bar bar Hannah. He is said to have advised his son not to eat cabbage which sprouts in the sabbatical year, even though he himself did so. This leads to an examination of the status of cabbage, and sprouts in general, in the sabbatical year.

Analysis indicates that the *sugya* in the Bavli developed from an earlier version similar to that preserved in Yerushalmi *Pesahim* 4:1 (30d). In the Yerushalmi *sugya* the main discussion centers on the "Galilee *baraita*", which is preserved in a slightly

different form than in the Bavli. It is demonstrated that the versions of the *bariatot* in the respective Talmudim were influenced by the amoraic material that surrounded them. The "Galilee *baraita*" in the Bavli presents the Galilean communities crying out in surprise against the visiting sages who violate local custom, saying: "We have never seen ...". This reflects Rav Hisda's understanding, that those ignorant of the law are likely to misunderstand if their customs are violated. In the *baraita* in the PT, on the other hand, the people of the Galilee do not show ignorance of the law; they simply say: "We do not have the custom here". This is in line with the statement of the amora Rav Avin who argues that all depends on knowledge, and since the people in the Galilee knew full well that the respective customs were stringencies, the visiting Rabbis were obligated to respect local custom. However, if the people of the Galilee had not been knowledgeable, and if they had erroneously taken upon themselves prohibitions, the visiting Rabbis would have been able to free them of these. This perspective sees custom as a form of implicit vow (*neder*). Knowledge of the *halakhah* is therefore not a mitigating factor, but a reason for stringency.

#### *Sugya* Four: "Controversy"

According to Mishnah *Pesahim* 4:1, two seemingly contradictory principles govern behavior in the event of conflicting customs with regard to labor on the morning of Passover eve: "He who goes from a place where they do [work] to a place where they do not, or from a place where they do not [work] to a place where they do, is governed by the stringencies of the place he left and the place to which he has gone. A person should not diverge [from local custom], so as not to cause controversy." This short *sugya* attempts to resolve an apparent contradiction between two general principles in our *mishnah*. In the case of a person who travels from a place where they have the custom to work to a place where they have a custom to refrain from work, the two principles are not in contradiction; however, if one travels from a place where they refrain from work to a place where they do work, the stringency principle would require one to refrain from work, while the controversy principle would require one "do as the Romans do". This contradiction is resolved by Abaye and Rava in two different ways: Abaye argues that the controversy principle applies only in the first direction and not in the second; in the second case cited in the *mishnah*, only the stringency principle applies. Rava argues that both principles apply in both cases;

however, refraining from work in a place where they work does not cause controversy, since “there are many unemployed people in the market”.

Analysis indicates that the *mishnah* original contained only the stringency principle. The controversy principle originated in the context of *mishnah* 3 in our chapter, and the parallel in Mishnah *Avodah Zara* 1:6. Early on in the course of transmission, this principle was added to our *mishnah*, the opening *mishnah* of the chapter, as well, since it was seen as a statement of principles. In an early version of our *sugya*, which was common to the Bavli and Yerushalmi *Pesahim* 4:1, 30d, the apparent contradiction was resolved with the anonymous statement found in the current Yerushalmi *sugya*, according to which refraining from work is not controversial, since there are many unemployed people in the market. This early anonymous comment was adopted by Rava in the Bavli, but it was rejected by Rabbi Yohanan in the Yerushalmi, who asserted that idleness could engender controversy. (The existence of an early anonymous layer common to the Bavli and Yerushalmi indicates that the anonymous material in the Talmud is not entirely late.) Abaye's opinion in the Bavli, which consists of a one word comment, was originally stated in the context of a discussion of a *baraita* in Bavli *Ketubot* 12a, and was later transferred to our *sugya*. In point of fact, Abaye did not dispute the view of Rava and the early anonymous layer of the Talmud in our context.

#### *Sugya* Five: “Second Day of the Festival”

This *sugya* consists of two sections. In the first, Rav Sifra asks Rabbi Abba regarding the observance of second day of the festival in the desert; in the second, the behavior of a certain "Nathan Asia", or “Nathan the doctor”, is discussed. Nathan is said to have violated the second day of Shavuot by walking from Biram to Pumbedita. There are two versions of a discussion between Rav Yosef and Abaye about his punishment.

The placement of the *sugya* is puzzling, and analysis shows that scribes added words to Rav Sifra's question which directly relate to Rava's opinion in the previous *sugya*, thereby creating an artificial connection between the *sugyot*. However, this addition is missing from most of the manuscripts. We argue that Rav Sifra's question relates to Babylonian travellers who went back and forth between Babylonia and Palestine. On

the one hand, they belonged to the Babylonian community, but on the other they had exact information about the new moon. How were they to behave when travelling between the two centers of learning? Rabbi Abba answers according to a statement of Rabbi Ami that in a community one is obligated to keep a second day, but in the desert, one who has concrete knowledge of the date of the new moon is not obliged to do so. Analysis further indicates that the first version of the second part of the *sugya* is the original one; the second version is a recasting of the story, influenced by a similar story in Bavli *Ketubot* 111a.

### *Sugya* Six: “Go and Bring”

As is well known, it is forbidden to plant in the sabbatical year; however, one is allowed to eat produce that grows naturally. Once the produce is no longer available to animals foraging in the fields, it must be taken out of the house and eliminated; this concept of *bi'ur shevi'it* discourages hoarding and allows for equal division of the produce. Mishnah *Pesahim* 4:2 addresses the case of a person who transfers produce from a place where it is no longer found in the field to a place where it is, or vice versa. According to the first understanding of the two positions in our *mishnah*, the sages argue that the stringency principle applies, and therefore the produce should not be eaten by one who transfers it from place to place – instead, one must accept upon himself the stringencies of both places and destroy the produce wherever he is. Rabbi Yehudah, by contrast, argues for leniency, claiming that one who has produce that is no longer available in a certain location can say to his fellow: “Go and bring [some] for yourself”. However, this understanding of the tannaitic opinions in our *mishnah* is challenged by the Palestinian amora Rabbi Elazar, who argues that the opinions should be switched. Since he had a tradition that Rabbi Yehudah's position was the stringent one, Rabbi Elazar could not have agreed with the above understanding of Rabbi Yehudah. In its present form, the discussion in our *sugya* centers on Rabbi Yehudah and the stringency principle, and then changes course after Rabbi Elazar's opinion is presented. Since, according to the first understanding, Rabbi Yehudah disagrees with the stringency principle, Rav Shisha the son of Rav Idi argues that Rabbi Yehudah is addressing a third case not mentioned in the *mishnah*, in which a person who takes produce from a place where it is found in the field to another place where the produce is available, and subsequently hears that it is no longer available in

the original place. Rav Shisha's position is then immediately reversed, based on Rabbi Elazar's position that Rabbi Yehudah is stringent. Abaye argues that the Mishna is discussing a case in which a person completes a round trip from a place where produce is available passing through a place where it is no longer available. In both of these cases the sages rule that one is not obligated to destroy the produce, while Rabbi Yehudah is stringent, and rules that since the produce is forbidden in one of the places it must be destroyed. In the last section of the *sugya*, Rav Ashi and Ravina liken the argument of the sages and Rabbi Yehudah to other tannaitic disagreements about the laws of the elimination of sabbatical produce.

Analysis indicates that Rabbi Elazar's tradition, according to which Rabbi Yehudah's position was more stringent, has been transferred to our *sugya* from another context at a late stage, after all of the amoraic positions were already in place. Before the interpolation of Rabbi Eleazar's opinion, the *sugya* would have been divided into two distinct discussions: in the first, Rav Shisha bar Idi and Abaye discussed how to understand the first case in the mishnah, which seems to permit carrying produce out of a region even after it is no longer available to the animals of the field: should it not have been subject to elimination immediately? Rav Shisha bar Idi argued that when the person left, the produce was permissible and still found in the field; he learned of its unavailability in his old locale only once he arrived at the new locale. Abaye argues that the person indeed left a place where the produce was unavailable, but since he was only passing through, he is allowed to transfer the produce back to its original place, where it was still available. In the second part of the original discussion, Rav Ashi and Ravina discussed the opinions of the sages and Rabbi Yehudah, presenting parallels to Rabbi Yehudah's opinion.

#### *Sugya* Seven: "Three Lands"

The previous *sugya* discussed the elimination of produce in the sabbatical year. Since there is no Babylonian Talmud to Mishnah *Shevi'it*, our *sugya* provides a collection of tannaitic and amoraic sources on the sabbatical year. In its present form the *sugya* can be divided into four sections. (1) a discussion of the division of the land of Israel into three areas – Judea, Trans-Jordan and the Galilee (Mishnah *Shevi'it* 9:1-3), and the theoretical underpinning for this division. (2) a discussion of the transport of

sabbatical produce out of the land of Israel: Rav Sifra is said to have taken wine of the sabbatical year to Babylonia. (3) a discussion of waste of sabbatical produce: the Palestinian amora Rabbi Ila'i is said to have cut down palm branches, and it is debated how he could have done so if they contained dates, since the produce of the sabbatical year must be eaten and cannot be destroyed or wasted. (4) a collection of teachings on when various fruits and vegetables are no longer found in the fields, ending with a *baraita* which gives a practical method for distinguishing between the mountain areas, the foothills and the valleys of Judea.

The first part of the *sugya* opens with a partial quotation of Mishnah *Shevi'it* 9:2-3, which asks the question, "Why did they say three lands?", and the answer, "To teach that they eat in all of them until the last one can no longer be found". In the context of Mishnah *Shevi'it* 9:3 it is clear that the "three lands" phrase in the *mishnah* refers to the internal division of each of the three main geographical areas of Israel into three internal areas; for example, Judea is divided into three regions – mountains, foothills and the valleys. Accordingly one is allowed to eat only while the fruit lasts in one of these three internal regions. In our *sugya* the line would seem to refer to the three major divisions, since the minor divisions are not mentioned in most witnesses of the tannaitic material brought in our *sugya* in the Bavli. This caused the reinterpretation of the words of the amora Rabbi Yosi bar Hanina: in the parallel in Yerushalmi *Shevi'it* 9:2 (38d), he refers to the internal division, while in the Bavli his words were reinterpreted, because of the truncation of the *mishnah*, to refer to the major division between Judea, Trans-Jordan and the Galilee.

Analysis of the second and third parts of the *sugya* yields new understandings of the terms *Rahava dePumbedita* and *nisani*. Analysis of the fourth part of the *sugya* shows how Palestinian amoraic material was taken as tannaitic, confusing the transmission of material in the *sugya*.

#### *Sugya* Eight: "Todos of Rome"

Mishnah *Pesahim* 4:4 describes varying customs as to whether roasted meat is eaten at the Passover meal following the destruction of the Temple. This *sugya* opens with a ruling by the amora Rav, presented as an inference from the *mishnah*, that in any



event one may not say “this meat is for the Passover”, because the person could be understood to intend to dedicate the meat as a real Passover offering. Rav Papa adds that this would be the case only with meat, but not with other items associated with the Passover meal which are not at all similar to a sacrifice. Rav’s statement is challenged by a *baraita*, in which the tanna Rabbi Yose cites the case of a certain Todos of Rome who is said to have encouraged the people there to eat goat on Passover night that is roasted in the same manner as the Passover sacrifice in the Temple in Jerusalem. Todos was opposed on this count by the sages, who threatened to excommunicate him, but did not do so on account of his importance. The *baraita* in its current form in our *sugya* would seem to show that the only possible problem with cooking meat like a passover sacrifice would be in the act of roasting, and not in designating the meal “for the Passover”, in contradiction to Rav’s statement. The amoraim then attempt to associate Todos's position with those of other tannaim, but the consensus is that they are unrelated. The second part of the *sugya* goes on to debate the reason for Todos’s special status, which saved him from excommunication. He was either a violent criminal or, according to Rabbi Yose, a philanthropist who supported the sages.

Comparison to the parallel in Yerushalmi *Pesahim* 7:1 (34a) indicates that Rav’s statement was originally an inference from the *baraita* and not from the *mishnah*. The original *baraita* was not that cited in the Bavli, but rather one similar to the parallel preserved in Tosefta *Beitza* 2:15, according to which the sages criticized Rabbi Yose, rather than Todos, blaming the Roman Jews for misconstruing Todos's custom and referring to the roasted meat as “the Passover”. Rav's statement is directly based on the sages' position in the original *baraita*. The tradition regarding the near excommunication of Todos was originally developed from the excommunication tradition found in Yerushalmi *Moed Katan* 3:1 (81d), where there is an in-depth discussion of excommunication, which cites tannaitic traditions about excommunication of famous figures. The description of the near excommunication of Todos found in the Bavli's version of the *baraita* is modeled after the well known story of Honi the circle drawer found in Mishnah *Ta’anit* 3:8. The amoraic dispute regarding the similarity of Todos's position to those of other tannaim is shown to be affected by the shift in the assessment of Todos: from positive in the original *baraita* to negative in the version cited in the Bavli.

### *Sugya* Nine: "Something Else"

According to Mishnah *Pesahim* 4:5, some have the custom to light lamps on Yom Kippur eve, while others have the custom not to do so. This *sugya* consists of a *baraita* and a homily of Rava on Isaiah 60:21 concerning the reason for the customs. The manuscript traditions of our chapter have preserved the *baraita* in two different forms. Analysis indicates that the original form was similar to the parallel in Tosefta *Pesahim* 3:17; the other form was influenced by the language of Rava's homily. In other, late manuscripts, the opposite took place: the language of Rava's homily was made to conform to that of the original *baraita*.

### *Sugya* Ten: "Fire"

The discussion of lighting lamps on Yom Kippur eve in Mishnah *Pesahim* 4:4 engenders this *sugya*, which consists of a long series of tannaitic and amoraic sources concerning two themes: the blessing on fire in the *havdalah* service and items created after the six days of creation. Both themes develop from a statement of the amora Samuel, who argues that fire is only used for the *havdalah* concluding the Sabbath, and not that of festivals, because fire was first made by Adam following the first Sabbath. However, Rabbi Yohanan believed that one should bless on fire at the conclusion of Yom Kippur as well, and this became the prevalent custom. After citing a discussion between Rabbi Yohanan's pupils, according to whom Rabbi Yohanan himself ruled that fire is only used at the conclusion of the Sabbath, the Talmud states that Rabbi Yohanan distinguished between two types of fire: at the conclusion of Yom Kippur one blesses over fire that "rested", namely, fire which was in existence during the holiday of Yom Kippur, but at the conclusion of the Sabbath one blesses over newly ignited fire. Two series of *baraitot* are then cited, listing items that were created on the first Friday just before the Sabbath, items that were created before the creation of the world, and items that God thought to create before the Sabbath, but which were only created afterwards. Among these items are fire and mules; contradictory traditions as to when these were created are harmonized in the *sugya*.

Analysis indicates that the discussion amongst Rabbi Yohanan's pupils with regard to his position on the fire at the conclusion of Yom Kippur is the editor's adaptation of a discussion between these pupils regarding Rabbi Yohanan's position about lighting lamps on the *eve* of Yom Kippur. The development of the traditions regarding the created items – fire and mules in particular – is reconstructed in detail.

### *Sugya* Eleven: "Public Fasts"

Mishnah *Pesahim* 4:5 deals with conflicting custom regarding work on the fast of the ninth of Av. This *sugya* opens with a statement of Samuel, according to which the ninth of Av is the only public fast in Babylonia. The *sugya* does not accept this statement at face value; it assumes that there are other public fasts in Babylonia, but the ninth of Av is the only public fast in Babylonia that is as rigorous as Yom Kippur. Various suggestions are raised and rejected in the *sugya* as to the way in which the ninth of Av is as rigorous as Yom Kippur while other public fasts in Babylonia are less rigorous. These include issues such as fasting during twilight as the fast is ushered in; the obligation of pregnant and nursing women to fast; work, said to be forbidden on the ninth of Av as on Yom Kippur (a position rejected because of the statement in our *mishnah* that the question of work on the ninth of Av is a matter of custom, not law), the recitation of the *Ne'ilah* prayer, and washing the face, arms and legs.

According to our analysis, the *sugya* originally consisted of two statements by Samuel: "There are no public fast days in Babylonia other than the ninth of Av" and "Twilight on the ninth of Av is permitted [i.e., not part of the fast]", and a *baraita* according to which there is no difference between the ninth of Av and Yom Kippur except that Yom Kippur includes the dubious period of the day (twilight as the day is ushered in and out) while the ninth of Av does not. Over time a separate Talmudic discussion developed with regard to each of Samuel's statements, and an additional passage, regarding washing, was appended to the first discussion. The final editor of the *sugya* fused these originally separate units, folding the second discussion into the middle of the first, and adding material in order to smooth the transition, and create one seamless *sugya* out of two originally unconnected passages.

### *Sugya* Twelve: “Haughtiness”

This short *sugya* appears almost word for word in Bavli *Berakhot* 17b. It is relevant in both places, since it addresses an apparent contradiction between our *mishnah* and Mishnah *Berakhot* 2:8. In our *mishnah* Rabban Simeon ben Gamaliel urges all people to put themselves in the category of scholars and refrain from work on the ninth of Av. However, in Mishnah *Berakhot*, this same tanna teaches that only people who are truly unique in their dedication to God should recite the *Shema* on the night of their wedding. Since in both places Rabban Simeon ben Gamaliel's opinion is presented as a dissenting opinion, the Talmud argues that the sages also contradict themselves, arguing in *Pesahim* that only sages are allowed to refrain from work, and in *Berakhot* that anyone can recite the *Shema* on his wedding night. Rabbi Yohanan suggests that in one of the two contexts the opinions should be reversed; Rav Shisha bar Rav Idi distinguishes between the two contexts.

Analysis indicates that these two apparently contradictory *halakhot* really stem from a single source, a parallel to Tosefta *Ta'anit* 1:7 (Lieberman ed., pp. 324-325), which was subsequently redacted by Rabbi Judah the Patriarch in his Mishnah in two separate contexts: that of Mishnah *Pesahim* 4:5 and that of Mishnah *Berakhot* 2:8. In the source in Tosefta *Ta'anit*, Rabban Simeon ben Gamaliel rules that the status of a sage or *hasid* can be taken on by an individual only when the act in question is one that is difficult, not if it is an act that brings praise upon the person. Refraining from work is difficult and not noticeable, while reciting the *Shema* in public on one's wedding night is the type that brings praise, and therefore is a demonstration of haughtiness if performed by a layman. Thus his opinions in the two sources are not contradictory. The original *sugya* consisted only of the contradiction with regard to Rabbi Simeon ben Gamliel's statement and the solution, along these lines, proposed by Rav Shisha bar Rav Idi. The other material was added by the editor, who also imported Rabbi Yohanan's solution from elsewhere.

### *Sugya* Thirteen: "Prohibition"

Mishnah *Pesahim* 4:6 reverts to the issue with which the chapter opened: variant customs with regard to work on the fourteenth of Nissan, Passover eve. According to the Sages, cited in this *mishnah*, Judeans used to work on this day; Galileans did not. With regard to the night (i.e. the night before Passover), the House of Shammai

forbade labor while the house of Hillel permitted it. The *sugya* assumes that the Judean and Galilean practices, like those of the House of Shammai and the House of Hillel, are matters of law, not custom, and the Talmud poses a contradiction between this *mishnah*, which sees labor on the fourteenth of Nissan as a question of law, and Mishnah *Pesahim* 4:1, which considered it a matter of custom. *Mishnah* 1 is said to reflect the opinion of Rabbi Meir, while this *mishnah* is said to reflect the opinion of Rabbi Yehudah, that it is a matter of law. This would imply that according to Rabbi Yehudah, the Judeans permitted work on that day, a claim that contradicts the implication of a *baraita* concerning weeding on the thirteenth of Nissan, attributed to Rabbi Yehudah. Amoraim suggest a number of solutions to this contradiction.

Analysis indicates that the *sugya* originally discussed the contradiction between the two parts of *mishnah* 6, as does the Yerushalmi parallel, and not the contradiction between *mishnah* 1 and *mishnah* 6. The editor of the Bavli *sugya* reinterpreted the original question in light of the *baraita* concerning the dispute between Rabbi Meir and Rabbi Yehudah, which had been previously removed from its original context. The end of the *sugya* was originally an independent unit dealing with the contradiction between the *baraita* concerning weeding and our *mishnah*, and made no reference to Rabbi Yehudah. The editor of the *sugya* sought to combine the two units into one, and he did so by attributing the opinion cited in the weeding *baraita* to Rabbi Yehudah specifically.

#### *Sugya* Fourteen: "For the Sake of the Festival"

In Mishnah *Pesahim* 4:6, Rabbi Meir prohibits beginning new labor on the fourteenth of Nisan, but allows the completion of labor begun previously. This *sugya* is an attempt to clarify two ambiguities in Rabbi Meir's ruling: after considering a number of possibilities on the basis of partial quotations from a *baraita*, the *sugya* concludes on the basis of a parallel *baraita* that Rabbi Meir is referring to a place in which the custom is not to do labor; even in such a place work may be done on Passover eve morning providing it was begun earlier, and it is "for the sake of the festival". Work that has no connection with the festival may be done on Passover eve morning only in places that have the custom to work.

Analysis indicates that the original *sugya* simply cited the parallel *baraita* brought at the end of the current *sugya* without comment, as in the parallel in Yerushalmi *Pesahim* 4:6 (31a-b). The *sugya* in its present form, with the rejected possibilities and rejected proofs from partial quotations of a *baraita*, is an artificial literary enhancement of the editor, who was motivated by issues of form: he wished to consider three possibilities, and cite three *baraitot* confirming each possibility, rejecting the first two and accepting the third.

#### *Sugya* Fifteen: "Three Crafts"

In Mishnah *Pesahim* 4:6, the sages grant a dispensation from the prohibition of labor on the morning of Passover eve to tailors, barbers and fullers. Rabbi Yose bar Yehudah likewise exempts shoemakers. Our *sugya* cites a *baraita* explaining the reason for these exemptions, and then offers a short explanation for the dispute between the Sages and Rabbi Yose bar Yehudah concerning shoemakers: Rabbi Yose bar Yehudah allows shoemakers to make new shoes on Passover eve, because they are permitted to work on the intermediary days of the festival in order to fix the shoes of pilgrims. The sages see no reason to extend the exemption to the making of new shoes on Passover eve.

The *baraita*, which has parallels in Tosefta *Pesahim* 3:18 (Lieberman ed., p. 156) and Yerushalmi *Pesahim* 4:7 (31b), phrases the reasons for the exemptions in terms that indicate that it is referring to exemptions on the intermediary days of the festival, and not Passover eve. The Yerushalmi also explains the dispute regarding shoemakers as referring to fixing shoes on the intermediary days; according to the Rabbi Yose bar Yehudah, shoemakers must work on the intermediary days in order to fix the shoes of the pilgrims who walked to Jerusalem; according to the sages, there was no reason to permit this since the pilgrims rode to Jerusalem. Analysis provides two models for explaining the relationship between the *mishnah* and the *baraita*, and it is established that the Yerushalmi's explanation of the dispute is more in line with the original dispute than that of the Bavli.

### *Sugya Sixteen: "Dovecotes"*

According to Mishnah *Pesahim* 4:7, one may set up hens in dovecotes on Passover eve, restore straying hens to their eggs, and replace a dead hen with a live one. Abaye says the straying and replacement clauses refer to the intermediary days of the festival. Rav Huna limits the straying clause to a case in which the hen has strayed for less than three days, and to a case in which the hen has sat on the eggs for three days or more. Rabbi Ami disputes the second ruling of Rav Huna, and the Talmud explains that they differ as to whether work is permitted in a case in which not working would engender only minor loss.

Analysis indicates that the first clause originally referred to setting up dovecotes for doves, not placing hens in dovecotes. The hens of the last two clauses were artificially transferred to the first clause, which led Abaye to reinterpret the last two clauses, which were unnecessary in his view. The original *sugya* focused on the last two clauses in the *mishnah*; on the basis of the parallel in Yerushalmi *Pesahim* 4:8 (31b), it is argued that Rav Huna's statement (both clauses of which now seem to refer to the straying clause) consisted originally of two separate statements, the first of which limits the straying clause and the second of which limits the replacement clause. Rabbi Ami disputed the second limitation only.

### *Sugya Seventeen: "Shoveling"*

According to Mishnah *Pesahim* 4:7, manure may be shoveled from under the animals on Passover eve. However, on the intermediary days of the festival it can only be pushed aside. The *sugya* cites a *baraita* according to which manure in the yard must be pushed aside, but manure in the yard and in the barn can be removed completely. The internal contradiction regarding the yard is solved in two ways: Abaye says the first clause is referring to the intermediary days, while the second is referring to Passover eve. According to Rava, both clauses refer to the intermediary days, and the yard in the second case is a yard that is as messy as a barn.

On the basis of parallels, it is shown that the original *baraita* referred only to Passover eve, and it meant to permit both the initial removal of manure from the middle of the

yard to the side of the yard, and the subsequent shoveling of the manure from the yard or barn to the manure pile elsewhere. However, the language was ambiguous, and the *mishnah's* ruling distinguishing between shoveling, which is permitted on Passover eve, and pushing aside, which is permitted even on the intermediary days, is an attempt to interpret the *baraita*. Abaye offers the same interpretation as the editor of the *mishnah*. Rava originally interpreted the *baraita* in accordance with its original meaning, as referring to two activities permitted on Passover eve. A later editor changed the meaning by transferring the words "both clauses refer to the intermediary days" from a similar statement in the next *sugya*.

### *Sugya 18, "Vessels"*

This *sugya*, found almost verbatim in Bavli *Mo`ed Qatan* 13a-b, concerns an apparent contradiction between our *mishnah*, *Pesahim* 4:7, *Mishnah Mo`ed Qatan* 2:4, and a *baraita*. According to our *mishnah*, vessels can be transported to and from the craftsman, even though one has no need for them on the festival. According to *Mishnah Mo`ed Qatan* 2:4, one may not transport vessels on the intermediary days of the festival. The *baraita* distinguishes between different items, some of which may be brought to the craftsman and some of which may not be brought to him. The solution of the *sugya*, cited by Rav Papa as the response of his friends and himself to an examination given them by Rava, is that one may transport these items on Passover eve, but not on the intermediary days of the festival.

Analysis focuses on the *baraita*, which contains an internal contradiction not discussed in the *sugya*. It is established that the *baraita* is a composite of two sources, the first of which discussed Passover eve and the second of which discussed the intermediary days of the festival. Rava's examination of his pupils originally did not refer to the contradiction between the two *mishnayot* as in the current *sugya*, the solution to which is obvious, but to the contradiction between *Mishnah Pesahim* 4:7 and the first part of the *baraita*. His parallel examination cited in Bavli *Mo`ed Qatan* referred to the contradiction between *Mishnah Mo`ed Qatan* 2:4 and the second part of the composite *baraita*. Due to the similarity, the two *baraitot*, and ultimately the two *sugyot*, were conflated, and the examination was understood to refer to the contradiction between the *mishnayot*.



### *Sugya* Nineteen: "King Hezekiah"

This *sugya* consists of a single *baraita* listing six things done by King Hezekiah, three of which were approved of by the sages and three of which were not. It is found in some witnesses to our chapter and not in others; in a third group of witnesses it is appended to Mishnah *Pesahim* 4:8 and considered a *mishnah* in our chapter. The discrepancy between the textual witnesses can be accounted if we assume the *baraita* has been imported into our *sugya* from Bavli Berakhot 10b, where it is also cited.

### *Sugya* Twenty: "The People of Jericho"

The last *sugya* of our chapter is dedicated to the customs of the people of Jericho, and stretches from Bavli *Pesahim* 56a to Bavli *Pesahim* 57b. Mishnah *Pesahim* 4:9 mentions six of their customs. Three of these – their practice of pollinating palm trees on Passover eve, the way in which they recited the Shema, and their leniency with regard to harvesting and stacking grain before the Omer offering – were condoned by the sages. The other three were rejected by the sages: they ate the fruit of trees that had been dedicated by their ancestors to the Temple, they ate fruit found fallen beneath a tree on the Sabbath, and they left a corner of their vegetable patches for the poor, rather than tithing them. We argue that a clue to the identity of the "people of Jericho" lies in a common thread of some of the customs of the people of Jericho and the Qumran sect in the Judean desert. A striking example is the custom of the people of Jericho to eat fruit found fallen beneath the trees on Shabbat. This was the practice of the Qumran sect and is mentioned in the Damascus Document 10:22-23. Since most of the customs have to do with agriculture and some of the customs are similar to those of the Qumran sect, we propose that this *mishnah* may date from the period following the destruction of the community at Qumran. The people of Jericho may have been refugees and descendants of the Qumran sectarians who sought to navigate their way between their former practice and the practice of the tannaim.

The Talmudic passage discussing these practices contains varied traditions regarding these ancient customs and related material. A separate section of the book is dedicated to the Talmudic passage concerning each practice. The customs are placed in context

in light of parallel material, and the development of the *halakhah* surrounding each issue – pollination practices in ancient Israel, ancient customs regarding the public recitation of the *Shema*, and various aspects of agricultural law and Second Temple Sabbath law – is charted in detail. Detailed analysis is also provided for the aggadic passages cited in the Talmud alongside the discussion of these laws, including the tale of the recitation of the *Shema* by Jacob's sons at his deathbed, and various traditions concerning high priests who officiated shortly before the destruction of the Second Temple.