

The Soncino Babylonian Talmud



ERUVIN

Book IV

Folios 79b-105b

TRANSLATED INTO ENGLISH

WITH NOTES

CHAPTERS VIII – X

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but the straw was seven handbreadths and a fraction, since a distance of less than three handbreadths is regarded as labud. According to Abaye one can well understand why the expression ‘than ten’ was used;¹ according to R. Huna son of R. Joshua,² however, what could be the purport of ‘than ten’? — ‘Than the statutory height of ten’.³ ‘Both are forbidden’. Does this⁴ then imply that tenants who arrived on a Sabbath impose restrictions?⁵ — No; since it is possible that the reduction⁶ occurred on the previous day.⁷ ‘How is one to proceed? One of the tenants locks his house and renounces his right to his share’. Both [acts]?⁸ —

It is this that was meant: He either locks his house⁹ or renounces his right to his share. And if you prefer I might say: Both [acts] are in fact necessary¹⁰ for, having been in the habit of using it, he might continue to move objects into it.¹¹ ‘He remains under restrictions but his friend is permitted’. Is not this obvious? —

This ruling was required only in the case where the other tenant had subsequently¹² renounced his share to the former, and it is this that we were informed: That¹³ a renunciation may not follow a previous renunciation.¹⁴ ‘And the same law applies to a pit of straw between two Sabbath limits’. Is not this¹⁵ perfectly obvious?¹⁶ —

The ruling was required only according to the view of R. Akiba who holds that the ordinance of Sabbath limits is Pentateuchal.¹⁷ Since it might have been presumed that a preventive measure should be enacted¹⁸ against the possibility of exchange,¹⁹ hence we were informed that no such preventive measure was deemed necessary.

MISHNAH. HOW IS SHITTUF²⁰ IN AN ALLEY EFFECTED? ONE [OF THE RESIDENTS] PLACES THERE A JAR²¹ AND²² DECLARES,

‘THIS BELONGS²³ TO ALL THE RESIDENTS OF THE ALLEY’. AND HE CONFERS POSSESSION UPON THEM THROUGH HIS GROWNUP SON OR DAUGHTER, THROUGH HIS HEBREW MANSERVANT OR MAIDSERVANT OR THROUGH HIS WIFE;²⁴ BUT HE MAY NOT CONFER POSSESSION EITHER THROUGH HIS SON OR DAUGHTER, IF THEY ARE MINORS, OR THROUGH HIS CANAANITE BONDMAN OR BONDWOMAN, BECAUSE THEIR HAND IS AS HIS HAND.²⁵

GEMARA. Rab Judah ruled: A jar²⁶ for the shittuf of alleys²⁷ must be raised²⁸ from the ground to the height of a handbreadth.²⁹ Raba observed: These two rulings were given by the elders of Pumbeditha:³⁰ One is the ruling just cited. The other is the following: He who recites the kiddush³¹ has performed his duty if he tastes a mouthful,³² otherwise he does not.

R. Habiba observed: The following ruling also was given by the elders of Pumbeditha.³⁰ For Rab Judah³³ stated in the name of Samuel: A fire³⁴ for a woman in childbirth may be made on the Sabbath. From this one might understand that a fire may be made only³⁵ for a woman in childbirth but not for any other sick person, only in the rainy season but not in the summer season. It was, however, stated: R. Hiyya b. Abin citing Samuel ruled: If a person has been bled and felt chilly a fire may be made for him on the Sabbath even during the hottest period of the year.³⁶

Amemar observed, ‘The following ruling also was given by the elders of Pumbeditha, for it was stated: What is an Asherah by implication? Rab said: Any tree that is guarded by heathen priests

(1) Since he explained that the heap was ten handbreadths high.

(2) Who explains that the straw was only seven handbreadths and a fraction high.

(3) Sc. seven handbreadths and a fraction which under the law of labud, are regarded as ten.

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(4) The ruling that the tenants impose restrictions upon each other though, on account of the high altitude of the straw when the Sabbath begins, they were not then regarded as tenants of the same courtyard.

(5) So Bomb. ed. Cur. edd., 'are forbidden'. But this question, surely, is a point at issue between R. Huna and R. Isaac (supra 17a) none of whom would have differed from the ruling of a Baraitha.

(6) Of the height of the straw.

(7) Friday, so that when the Sabbath began the tenants were already occupiers of the same courtyard.

(8) I.e., why should it be necessary for the tenant (a) to lock his house and also (b) to renounce his right?

(9) An act which is tantamount to a specific renunciation of his right.

(10) For his sake, though not for that of his neighbors in whose benefit one act alone would have been sufficient.

(11) But by the locking of his door he would be constantly reminded of the restrictions he imposed upon himself.

(12) After the first had renounced his share in his favor.

(13) On the Sabbath.

(14) Once a tenant has renounced his share to any other tenant the latter cannot again, on the same Sabbath, renounce his share in favor of the former.

(15) That the ruling applicable to 'erub of courtyards should equally apply to 'erub of Sabbath limits.

(16) Since both forms of 'erub are Rabbinical.

(17) Cf. Sot. 27a.

(18) In the case of an 'erub of Sabbath limits.

(19) Of the straw that lay without one's limit for that which lay within it; and a Pentateuchal law might thus be transgressed.

(20) V. Glos.

(21) Of wine or of any other foodstuffs.

(22) Irrespective of whether each resident actually contributed his share to the contents of the jar or whether he himself contributed on their behalf.

(23) Lit., 'behold this'.

(24) By requesting any of these to receive the jar and to acquire possession of it on behalf of all the residents.

(25) Whatever they possess is his. As he cannot directly confer possession in upon the residents so cannot they.

(26) Of wine or of any other foodstuffs.

(27) If it belonged to one of the residents and he desired to confer possession upon them.

(28) By the person who acquires it on their behalf.

(29) When the formula 'I acquire this for them is pronounced. If it is not raised to the prescribed height the jar remains in the possession of its

original owner and the shittuf is consequently invalid.

(30) Rab Judah and R. 'Aina (cf. Sanh. 17b).

(31) Lit., 'sanctification', a prescribed form of benedictions and Biblical verses recited at the inauguration of the Sabbath, festivals and the New Year over a cup of wine or two loaves of bread.

(32) Melo lugmaw in this case means a quantity which can be kept within one cheek (R. Tam.).

(33) One of the elders (cf. supra n. 7).

(34) Medurah, 'a pile of wood', 'a large fire'.

(35) Lit., 'yes'.

(36) Lit., 'the cycle of Tammuz', Tammuz being the first of the three months following the summer solstice.

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and of which they do not taste the fruit;¹ and Samuel said: One, for instance, concerning which the priests² say: "These dates are for the beer of the temple of Nizrefe"³ since they drink it on their festival day;⁴ and⁵ the elders of Pumbeditha told me: The law is in agreement with Samuel'.

An objection was raised:⁶ How is shittuf in an alley effected? A jar of wine, oil, dates, dried figs or any other kind of fruit is brought there. If it is his own⁷ he must⁸ transfer possession to all the residents;⁹ and if it is theirs he must uniform them,¹⁰ and then one¹¹ raises it slightly¹² from the ground!¹³ —

By the expression 'slightly' also a handbreadth was meant. It was stated: The food for the shittuf of alleys, Rab ruled, requires no transfer of possession, and Samuel ruled: It does require transfer of possession. As regards the food for an 'erub of Sabbath limits, Rab ruled: Transfer of possession is required and Samuel ruled: Transfer of possession is not required. Samuel's view¹⁴ can well be justified, since we have learnt the one¹⁵ and have not learnt the other.¹⁶ What, however, is the justification for Rab's view?¹⁷ —

The question of transfer is a point at issue between Tannas.¹⁸ For Rab Judah related in the name of Rab: The daughter-in-law of R. Oshaia was once overtaken by dusk when she

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went¹⁹ to a bath house²⁰ and her mother-in-law prepared for her an 'erub.²¹ R. Hiyya to whom the incident was reported forbade her return.²²

Babylonian',²³ said R. Ishmael son of R. Jose to him, 'are you so strict about the laws of 'erub.²² Thus said my father: Wherever you see an opportunity of relaxing the laws of 'erub seize it'.²⁴ And when the question was raised: 'Was the 'erub prepared out of her mother-in-law's food and the reason [for the prohibition]²⁵ was that she²⁶ did not transfer possession to her²⁷ or was it rather that it was prepared out of her own²⁶ food and the reason for the prohibition²⁵ was that it was done without her²⁷ knowledge?' One of the Rabbis, whose name was R. Jacob, told them: 'It was explained to me by R. Johanan that the 'erub was prepared out of her mother-in-law's food and that the reason for the prohibition was that she did not transfer possession to her'.²⁸

R. Zera requested R. Jacob son of Jacob's daughter:²⁹ When you arrive in Palestine³⁰ make a detour to visit³¹ the Ladder of Tyre and ask R. Jacob b. Idi [his version of the incident].³² 'Was the 'erub', he asked him [in due course], 'prepared out of her mother-in-law's food and the reason for the prohibition was that she did not transfer possession to her or was it rather that it was prepared out of her own food and the reason for the prohibition was that it was done without her knowledge?' 'The 'erub', the other replied: 'was prepared out of her mother-in-law's food and the reason for the prohibition was that she did not transfer possession to her'.³³

R. Nahman stated: We have a tradition that both in the case of 'erubs of Sabbath limits and in that of³⁴ shittuf of alleys possession must be transferred.³⁵

R. Nahman, however, enquired: Is it necessary or not to confer possession in the case of an 'erub of dishes?³⁶ —

'Why', remarked R. Joseph, 'did he ask this question? Did he not hear the ruling laid down by R. Nahman b. K. Adda in the name of Samuel that an 'erub of dishes must be conferred [upon those who are to benefit from it]?' —

'It is obvious', Abaye retorted: 'that he did not hear it; for had he heard it what was the point of his asking?' — 'Did not Samuel rule', the first replied: 'that in the case of 'erubs of Sabbath limits possession need not be conferred and he nevertheless ruled that possession must be conferred?'³⁷ — 'What a comparison!³⁸ His ruling may well be justified there,³⁹ since Rab and Samuel are at variance on the point and he desired to inform us that we must adopt the restrictions of the one Master as well as those of the other Master, but in this case,⁴⁰ seeing that no one disputes Samuel's ruling⁴¹ would he, if he had heard it, have asked his question?'⁴²

A certain superintendent⁴³ of the town armory lived in the neighborhood of R. Zera, and when [the Israelite residents] asked him to let his share⁴⁴ to them he refused.⁴⁵ They, thereupon, came to R. Zera and asked him whether it would be permissible to rent it from his⁴⁶ wife. 'Thus', he replied: 'said Resh Lakish In the name of a great man (and who is it? — R. Hanina): A wife may prepare all 'erub without her husband's knowledge'.

A certain superintendent⁴³ of the town armory lived in the neighborhood of R. Judah b. Oshaia. 'Will you', the Israelite residents asked him, 'let your share to us?' He refused. They proceeded to R. Judah b. Oshaia and asked him whether it was permissible to rent it from his⁴⁶ wife, but he was unable to supply the information.⁴⁷ They then proceeded to R. Mattena who also was unable to supply it.⁴⁷ When they finally came to Rab Judah he told them), 'Thus said Samuel: A wife may prepare an 'erub without her husband's knowledge'.

An objection was raised: If women prepared an 'erub or arranged shittuf without their husbands' knowledge there is no validity either in their 'erub⁴⁸ or in their shittuf?⁴⁹ —

This is no difficulty, since one⁵⁰ deals with a person who imposes restrictions, while the other⁵¹ deals with one who does not impose restrictions.⁵² This explanation⁵³ may also be supported by a process of reasoning, since a contradiction would otherwise arise between two rulings of Samuel.⁵⁴ For Samuel ruled: 'If one of the residents of an alley, who usually joins the other residents in shittuf refused to join then, the residents may⁵⁵ enter his house and collect his contribution to the shittuf by force', [from which⁵⁶ it follows that this⁵⁷ applies only to] one who usually [joins his neighbors in the shittuf]⁵⁸ but not to one who did not.⁵⁹ This is conclusive. May it be suggested that the following provides support to his view:⁶⁰ A resident may be compelled to provide a side-post and a cross-beam for an alley? —

- (1) If they had not worshipped the tree as an Asherah they would not have abstained from eating of its fruit.
- (2) Though they eat its fruit.
- (3) A Persian house of worship, cf. A.Z., Sonc. ed., p. 239, n. 8.
- (4) Though the tree itself is not worshipped it is regarded as all Asherah by implication since its produce is devoted to idolatry.
- (5) Cur. edd. insert in parenthesis 'Amemar said'.
- (6) Against Rab Judah who laid down supra that the jar must be raised a handbreadth from the ground.
- (7) That of the man who prepares the Shittuf.
- (8) In the manner prescribed supra (v. our Mishnah and notes).
- (9) So that they may all have a share in it.
- (10) That their joint stock is to be used for shittuf. Since the 'erub of a man who 'is particular about his share in a joint 'erub' is invalid (supra 49a), all the residents must have an opportunity of expressing consent or disapproval. Unless they had such all opportunity the shittuf is invalid since it is possible that they would object to allow each other the full benefit of their respective shares.
- (11) A qualified person (cf. our Mishnah).
- (12) Emphasis on this word.
- (13) Cf. supra p. 555, n. 6 mut. mut. How then is this to be reconciled with Rab Judah's ruling that

the jar must be raised a full handbreadth from the ground?

(14) That transfer of possession is required in shittuf but not in all 'erub of Sabbath limits.

(15) Lit., 'here', in our Mishnah where it is laid down that in the case of shittuf HE MUST CONFER POSSESSION.

(16) Where the law of 'erub of Sabbath limits is enunciated (cf. infra 82a) no mention is made of transfer of possession.

(17) Which appears to be contrary to the rulings in the Mishnah.

(18) One of whom differs from the view in the Mishnah, and Rab follows his view.

(19) On the Sabbath eve.

(20) That was without the Sabbath limit of the town.

(21) Of Sabbath limits to enable her to return to town. (So Rashi. For a different interpretation v. Tosaf. a.l.)

(22) Cf. prev. n.

(23) R. Hiyya hailed from Babylon (cf. Suk. 20a).

(24) Lit., 'make easy'.

(25) By R. Hiyya.

(26) The mother-in-law.

(27) Her daughter-in-law.

(28) Thus it has been shown that the question of the necessity for the transfer of possession in the case of an 'erub of Sabbath limits is one in dispute between the Tannas R. Hiyya and R. Ishmael. Rab, by adopting the view of the former, may, therefore, maintain it though it is contrary to a Mishnah. As to his view on shittuf which is contrary to our Mishnah the explanation might be that Rab is regarded as a Tanna who may well differ from a Mishnah. V. Tosaf. a.l. for another interpretation.

(29) His father was unworthy to be named (Rashi).

(30) Lit., 'there'. The request was made in Babylon.

(31) Lit., 'make a circuit and go'.

(32) About the 'erub for R. Oshaia's daughter-in-law.

(33) In agreement with Rab's view.

(34) Cur. edd. insert erubs of courtyards'. The phrase is omitted with MS.M. and Bah.

(35) To those who are to benefit from it.

(36) Tabshilin, lit., 'cooked foodstuffs'. Such an 'erub is prepared when a festival occurs on a Friday to enable those in whose favor it is prepared to cook, light candles and perform all other necessary services for the Sabbath on the festival day. In the absence of such an 'erub no kind of preparatory work for the Sabbath is allowed on a festival day.

(37) Which shows that in the case of 'erubs of Sabbath limits he heard of Samuel's view but disregarded it. Is it not then possible that he did

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hear his view on that of 'erubs of dishes also but did not accept it?

(38) Lit., 'thus, now'.

(39) 'Erubs of Sabbath limits.

(40) That of 'erubs of dishes.

(41) Lit., 'is there one who differs?'

(42) Obviously not. Hence Abaye's conviction that he could not have heard it.

(43) Who was a heathen.

(44) To enable them to arrange Shittuf for their alley.

(45) Lit., 'they said to him: Let your domain to us. He did not let to them'.

(46) The heathen's.

(47) Lit., 'it was not in his hand'.

(48) Lit., 'their 'erub is no 'erub', etc.

(49) A contradiction to the ruling just cited by Rab Judah.

(50) The ruling that 'a wife may prepare an 'erub without her husband's knowledge'.

(51) That in the Baraitha.

(52) One, for instance, whose courtyard was situated between the alley under discussion and another alley and who was in the habit of using the latter and not the former. In such circumstances no restrictions are imposed on the alley in question.

(53) That Samuel agrees that a wife may not prepare an 'erub where her husband imposes no restrictions.

(54) Lit., 'for if so, a difficulty of Samuel (arises) on that of Samuel'.

(55) enable them to arrange a shittuf for their alley.

(56) Since the qualification 'who usually joins' was added.

(57) That shittuf may be arranged without a resident's knowledge or consent.

(58) Sc. one who imposed restrictions upon them.

(59) If, therefore, a distinction is drawn between a resident who imposes restrictions and one who does not, this ruling of Samuel may well be reconciled with the one cited in his name by Rab Judah. If, however, no such distinction is drawn and no emphasis is laid on 'usually joins', a contradiction would arise between the two rulings of Samuel himself.

(60) That coercion may be used in the matter of shittuf.

from an Asherah. He who permitted a crossbeam³ would, with much more reason, permit a side-post;⁴ but he who permitted a side-post⁴ would not permit a cross-beam, since its prescribed size⁵ is virtually⁶ crushed to dust.⁷

MISHNAH. IF THE FOOD WAS REDUCED⁸ [ONE OF THE RESIDENTS] MUST ADD TO IT⁹ AND AGAIN CONFER POSSESSION [UPON THE OTHERS] BUT¹⁰ THERE IS NO NEED TO INFORM THEM. IF THE NUMBER OF RESIDENTS HAS INCREASED,¹¹ HE MUST ADD FOOD⁹ AND CONFER POSSESSION [UPON THEM],¹² AND¹³ THEY MUST BE INFORMED OF THE FACTS.¹⁴ WHAT IS THE QUANTITY¹⁵ REQUIRED?¹⁶ WHEN THE RESIDENTS ARE MANY¹⁷ THERE SHOULD BE FOOD SUFFICIENT FOR TWO MEALS FOR ALL OF THEM¹⁸ AND WHEN THEY ARE FEW¹⁷ THERE SHOULD BE FOOD OF THE SIZE OF A DRIED FIG FOR EACH ONE. R. JOSE RULED: THIS¹⁹ APPLIES ONLY TO THE BEGINNINGS OF THE 'ERUB²⁰ BUT IN THE CASE OF THE REMNANTS OF ONE²¹ EVEN THE SMALLEST QUANTITY OF FOOD IS SUFFICIENT,²² THE SOLE REASON FOR THE INJUNCTION TO PROVIDE 'ERUBS FOR COURTYARDS²³ BEING THAT [THE LAW OF 'ERUB] SHALL NOT BE FORGOTTEN BY THE CHILDREN.²⁴

GEMARA. What are we dealing with?²⁵ If it be suggested: With the same kind,²⁶ what point was there in speaking of an 'erub that WAS REDUCED seeing that the same law²⁷ applies even if nothing of it remained? If the reference, however, is to two kinds,²⁸ the same law²⁹ should apply,³⁰ should it not, even if the food had only been reduced, since it was taught: If nothing of the food³¹ remained³² there is no need to inform, the residents if the new 'erub is prepared of the same kind,³³ but if it is of a different kind³⁴ it is necessary to inform them?³⁵ If you prefer I might reply: The reference³⁶ is to an addition of the same kind, and if you prefer I might reply: Of a different kind.³⁴ 'If you prefer I might reply: The reference is to an addition

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The case may be different there where no partitions are in existence.¹ Another reading: From the side is different.² It was stated: R. Hiyya b. Ashi ruled: A side-post may be made from an Asherah, but R. Simeon b. Lakish ruled: A crossbeam may be made

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of the same kind', and as to WAS REDUCED it means³⁷ it was reduced to atoms.³⁸ 'And if you prefer I might reply: Of a different kind'³⁹ since the case⁴⁰ where 'nothing of the food remained' is⁴¹ different [from that where the food was only reduced].⁴²

IF THE NUMBER OF RESIDENTS HAS INCREASED, HE MUST ADD FOOD AND CONFER POSSESSION [UPON THEM], etc. Said R. Shezbi in the name of R. Hisda: This⁴³ implies that R. Judah's colleagues⁴⁴ differ from him,⁴⁵ for we learned: R. Judah ruled: This⁴⁶ applies only to 'erubs of Sabbath limits⁴⁷ but in the case of 'erubs of courtyards one may be prepared for a person whether he is aware of it or not.⁴⁸ Is it not quite obvious that they differ?⁴⁹ — It might have been presumed that [our Mishnah]⁵⁰ refers to the case of a courtyard between two alleys⁵¹ but not to that of a courtyard in one alley;⁵² hence we were informed⁵³ [that it refers to the latter case also].

WHAT IS THE QUANTITY REQUIRED?, etc. What number of residents is regarded as MANY? — Rab Judah citing Samuel replied: Eighteen men. Only 'eighteen' and no more?⁵⁴ — Say: From eighteen and upwards. But why was just the number eighteen selected? R. Isaac son of Rab Judah replied: It was explained to me by my father that wherever the food for two meals, if divided between them,⁵⁵ would not suffice to provide⁵⁶ for each as much as the size of a dried fig,⁵⁷ the residents are regarded as⁵⁸ MANY and a quantity of food [for two meals only suffices,⁵⁹ otherwise⁶⁰ they are regarded as FEW;⁶¹ and that we were indirectly informed⁶² that food for two meals consists of a quantity that is equal to the size of eighteen dried figs.

MISHNAH. WITH ALL KINDS [OF FOOD] MAY 'ERUB OR SHITTUF BE EFFECTED EXCEPT WITH WATER OR SALT; SO R. ELIEZER. R. JOSHUA RULED: A WHOLE LOAF OF BREAD IS A VALID 'ERUB. EVEN A BAKING OF ONE SE'AH, IF IT IS A BROKEN

LOAF, MAY NOT BE USED FOR 'ERUB WHILE A LOAF OF THE SIZE OF AN ISSAR, PROVIDED IT IS WHOLE,⁶³ MAY BE USED FOR 'ERUB.

(1) In the absence of side-post or cross-beam the alley remains exposed to the public domain and all movement of objects within it is strictly forbidden. In order to liberate the residents from such serious inconvenience it may well have been ordered that they may coerce any recalcitrant neighbor. In the case of shittuf, however, the purpose of which is merely to provide the residents with the added convenience of carrying objects into the alley from their houses and courtyards, it may well be maintained that no one may be coerced to join if he refuses to do so. MS.M. and R. Tam. read: 'where there are partitions'. For the interpretation v. Tosaf. a.l.

(2) This is meaningless and is deleted by Bah. It is also wanting in MS.M. and several of the old ed. Some emendations have been suggested. Cf. Elijah Wilna glosses and Golds.

(3) Though its size must conform to a prescribed minimum.

(4) The size of whose width and thickness has not been prescribed.

(5) It must be a handbreadth wide and strong enough to carry the weight of an ariah or half a brick.

(6) As all object of idolatry that must be buried (cf. Deut. XII, 3).

(7) Being legally non-existent it cannot be used as a cross-beam.

(8) To less than the minimum prescribed infra.

(9) To bring it up to the required quantity.

(10) Since they once expressed their consent when they first joined in the 'erub.

(11) Lit., 'they were added to them'.

(12) If all the food was his.

(13) If the food belonged to all the residents where, for instance, they had a joint stock.

(14) So that they may have an opportunity of expressing approval or dissent.

(15) Of food.

(16) For the 'erub. Cur. edd. read 'their quantity'; MS.M. 'its quantity'.

(17) This is defined in the Gemara infra.

(18) It is not necessary for each one to have more than a fraction of the food.

(19) The prescribed minima.

(20) I.e., when it is first prepared.

(21) Sc. if the 'erub consisted originally of the prescribed quantity but was subsequently reduced.

(22) Contrary to the opinion of the first Tanna, R. Jose holds that the main institution of 'erub is that of Sabbath limits.

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- (23) After Shittuf had been arranged.
(24) The rising generation. As this is the sole reason of its institution its regulations are in every way to be relaxed.
(25) In the ruling that IF THE FOOD... WAS REDUCED... THERE IS NO NEED TO INFORM THEM, from which it follows that if nothing of the food remained the residents must be informed if a new 'erub is prepared on their behalf.
(26) Sc. that the addition to the 'erub is made from the same kind of food as that of the original.
(27) THERE IS NO NEED TO INFORM THEM.
(28) Sc. that the addition is made from a food that is different from the original.
(29) The implication (cf. supra p. 561, n. 18) that 'the residents must be informed'.
(30) Cur. edd., 'not' is wanting from MS.M.
(31) Of: an 'erub.
(32) And the same, it is now presumed, applies also where the food had only been reduced.
(33) As the original.
(34) Lit., 'from two kinds'.
(35) That the addition is made from a food that is different from the original.
(36) In our Mishnah.
(37) Lit., 'what'.
(38) נהמטט is understood as נהמטט.
(39) Hence the ruling in our Mishnah and its implication (cf. supra p. 561, n. 18).
(40) Dealt with in the Baraitha from which the objection was raised.
(41) Contrary to what had previously been assumed (cf. supra n. 7).
(42) While in the former case, if two kinds of food are involved, the residents, as laid down in the Baraitha, must be informed, in the latter case they, as stated in our Mishnah, need not be informed.
(43) The ruling, AND THEY MUST BE INFORMED.
(44) The authors of our Mishnah.
(45) R. Judah who holds that there is no need to inform the residents.
(46) That no 'erub may be prepared for a person except with his consent.
(47) Since the 'erub might be deposited in a direction away from that towards which the man for whom it is prepared desired to go, it is quite proper that his desire be ascertained before a step is taken that might be disadvantageous to him.
(48) I.e., even without his consent. This it has been shown that R. Judah and the authors of our Mishnah differ.
(49) What need then was there for R. Shezbi to point it out?
(50) In ruling, AND THEY MUST BE INFORMED.
(51) Unless the person is informed with which alley the 'erub is being prepared for him it cannot

be known whether he prefers to join with that alley or with the other. Hence the justification of the ruling.

(52) In which case, since the person has no alternative, it might have been presumed that the Rabbis of our Mishnah agree with R. Judah that the person need not be informed.

(53) By R. Shezbi's statement.

(54) But if the eighteen are 'many' should not a number greater than eighteen be so described?

(55) The residents.

(56) Lit., 'reach'.

(57) Sc. if the number of the residents is eighteen or more. The food for two meals is equal in size to that of eighteen dried figs and when it is actually broken up into eighteen portions each is naturally slightly less than the size of a fig.

(58) Lit., 'they, (even) they'.

(59) For all of them, however great' their number might be.

(60) Lit., 'and if not', sc. if the number of the residents was not as much as eighteen.

(61) And it is sufficient if each one contributes food of a size of a dried fig, though the total of the contributions this amounts to less than two meals.

(62) By Rab Judah who gave the number eighteen instead of the fuller explanation.

(63) And there are as many loaves of this size as would suffice to supply bread of the size of a dried fig for each of the residents.

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GEMARA. Have we not once learnt: With all kinds [of food] may 'erub and shittuf be effected, except water and salt?¹

Rabbah replied: [Our Mishnah was intended] to exclude the view of R. Joshua, who ruled that only a LOAF OF BREAD IS admissible² but no other foodstuff; hence we were informed³ [that 'erub and shittuf may be effected] WITH ALL [KINDS OF FOOD].⁴

Abaye raised an objection against him: With all [kinds of bread]⁵ may an 'erub of courtyards be prepared and with all [kinds of food]⁶ may a shittuf of 'alleys be effected, the ruling that an 'erub must be prepared with bread being applicable to that⁷ of a courtyard alone. Now who is it that was heard to rule that only bread is admissible⁸ but no other

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foodstuff? R. Joshua, of course; and yet was it not stated: 'With all'?⁹

Rather, said Rabbah b. Bar Hana the purpose of our Mishnah is to exclude the view of R. Joshua who ruled that only a **WHOLE LOAF** is admissible¹⁰ but not A **BROKEN PIECE**, hence we were informed [that an 'erub may be prepared] **WITH ALL [KINDS OF FOOD]**.¹¹ But why¹² should not a slice of a loaf be admissible? —

R. Jose b. Saul citing Rabbi replied: On account of possible ill-feeling.¹³

Said R. Aha son of Raba to R. Ashi: What then is the law, where all the residents contributed slices [of bread to their 'erub]? — He replied: There may be a recurrence of the trouble.¹⁴

R. Johanan¹⁵ b. Saul said: If no more than¹⁶ the prescribed quantity of the dough-offering¹⁷ or the portion to be removed from a mixture of terumah and unconsecrated produce¹⁸ was broken off a loaf,¹⁹ an 'erub may be prepared with it.²⁰ But was it not taught: If no more than the portion to be removed from a mixture of terumah and unconsecrated produce was broken off a loaf, all 'erub may be prepared with it,²⁰ but if the prescribed quantity of dough-offering had been removed from it no 'erub may be prepared with it? —

This is no contradiction, since the former relates to the dough-offering of a baker²¹ while the latter deals with the dough-offering of a private householder.²² For we learned: The prescribed measure for the dough-offering is one twenty-fourth of the dough; and whether one prepares it for himself or for his son's wedding-feast it must always be one twenty-fourth part. If a baker prepares it for sale in the market and so also if a woman prepares it for sale in the market it need only be one forty-eighth.²³

R. Hisda ruled: If parts of a loaf were joined together by means of a splinter, an 'erub may be prepared with it.²⁴ Was it not, however, taught that no 'erub may be prepared with it? —

This is no contradiction since the latter refers to one whose joints are recognizable while the former deals with one whose joints are unnoticeable.

R. Zera citing Samuel ruled: An 'erub may be prepared with rice bread or with millet bread. Mar Ukba observed: The Master Samuel explained to me that an 'erub may be prepared with rice bread but not with millet bread.

R. Hiyya b. Abin citing Rab ruled: An 'erub may be prepared with bread of lentils. But this, surely, cannot [be correct]?²⁵ For was not some bread of this kind prepared in the time of²⁶ Samuel²⁷ and he did not eat it but threw it to his dog? — That bread was prepared from a mixture of several²⁸ kinds,²⁹ for so³⁰ it is also written: Take thou also unto thee wheat, and barley, and beans, and lentils, and millet, and spelt, etc.³¹

R. Papa replied: That bread was baked with human dung, for it is written: And thou shalt bake it with dung that cometh out of man, in their sight.³² What [is the significance of 'barley' in the clause] And thou shalt eat it as barley cakes?³² —

R. Hisda explained: In rations.³³ R. Papa explained: Its preparation³⁴ shall be in the manner of barley bread and not in that of wheat bread.³⁵

MISHNAH. A MAN MAY GIVE A MA'AH TO A SHOPKEEPER³⁶ OR A BAKER³⁷ THAT HE MIGHT THEREBY ACQUIRE A SHARE IN THE 'ERUB;³⁸ SO R. ELIEZER. THE SAGES, HOWEVER, RULED: HIS MONEY ACQUIRES NO SHARE FOR HIM³⁹

(1) Mishnah supra 26b. Why then was the same statement repeated?

- (2) As 'erub. Lit., 'yes'.
- (3) By the repetition in our Mishnah.
- (4) Even with wine or fruit, for instance. This could not have been deduced from the earlier Mishnah which deals with 'erubs of Sabbath limits, where R. Joshua agrees that bread is not an essential, since his reason *infra* for his ruling on 'erubs of courtyards is inapplicable to 'erubs of Sabbath limits. For another reading and interpretation v. Rashi a.l.
- (5) Cf. the interpretation *infra*.
- (6) Even with fruit or wine.
- (7) Lit., 'and they did not say to make an 'erub with bread but'.
- (8) As 'erub. Lit., 'yes'.
- (9) Which shows that the expression 'with all' might imply all kinds of bread and not necessarily all kinds of foodstuffs. Now since our Mishnah might be interpreted so as to yield the same rulings as this Baraitha, what proof is there that WITH ALL bears the latter meaning and the ruling is contrary to the view of R. Joshua seeing that it might equally bear the former meaning and be in agreement with R. Joshua?
- (10) As 'erub. Lit., 'yes'.
- (11) Even with a slice of a loaf.
- (12) According to R. Joshua.
- (13) Were one neighbor to be allowed to contribute a slice of bread while another contributed a whole loaf disputes might arise and ill-feeling would be engendered.
- (14) Were slices to be allowed in such a case people might begin to contribute slices even where their neighbors contributed whole loaves and again ill-feeling would arise. Never, therefore, must a slice be contributed to an 'erub.
- (15) var. lec. Jonathan (MS.M. and Asheri).
- (16) Cf. Tosaf. a.l.
- (17) Hallah, v. Glos.
- (18) One hundredth part of the mixture.
- (19) Which, in the former case, was made of a dough from which the dough-offering had not been taken or which, in the latter case, consisted of a mixture of terumah and unconsecrated flour. Lit., 'taken from it'.
- (20) The broken loaf. The loss of a portion that (a) is comparatively small and (b) renders the entire loaf fit for use would create no resentment among the neighbors and no ill-feeling need be feared.
- (21) Which is small, and no one would mind such a small loss.
- (22) Which is much larger.
- (23) Hal. II, 7.
- (24) Since it has the appearance of a whole loaf.
- (25) Lit., 'I am not (of this opinion)'.
- (26) Lit., 'surely that it was in the years of'.
- (27) [As an experiment in connection with the study of the Divine order to Ezekiel IV, 9ff (v. Tosaf. a.l.)].

- (28) Lit., other'.
- (29) Hence it could not be regarded as proper bread.
- (30) That such a mixture of different kinds cannot be regarded as proper bread.
- (31) Ezek. IV, 9, dealing with a time of siege and famine when people eat anything they can get. In normal times no one would look upon such bread (cf. Tosaf a.l. Rashi has a different interpretation).
- (32) Ezek. IV, 12.
- (33) שיעורים (se'orim) 'barley' is read as שיעורים (shi'urim) 'fixed quantities', 'rations'; Ezekiel is asked to ration his food as is done during a siege,
- (34) Cf. MS.M., R. Han., Rashi and Emden.
- (35) Greater care is taken in the preparation of the latter which is more expensive and more nourishing.
- (36) I.e., a wine-seller, who lives with him in the same alley.
- (37) In the same courtyard.
- (38) When the other residents would come to buy wine for shittuf or bread for the 'erub of their courtyard.
- (39) Acquisition of an 'erub, like that of any other object, can be effected only by means of a definite act such, for instance, as meshikah, v. Glos. Even if the shopkeeper or baker subsequently conferred possession upon all the residents as a free gift this man does not acquire his share in it, since transfer of possession in the case of 'erub requires the consent of the beneficiary who, in this case, distinctly expressed his desire to acquire it as a purchase and not as a gift (cf. Tosaf. a.l.).

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(THOUGH THEY AGREE THAT IN THE CASE OF ALL OTHER MEN¹ HIS MONEY MAY ACQUIRE ONE) SINCE AN 'ERUB MAY BE PREPARED ONLY WITH ONE'S CONSENT.² R. JUDAH RULED: THIS³ APPLIES ONLY TO 'ERUBS OF SABBATH LIMITS⁴ BUT IN THE CASE OF 'ERUBS OF COURTYARDS⁵ ONE MAY BE PREPARED FOR A PERSON IRRESPECTIVE OF WHETHER HE IS AWARE OF IT OR NOT,⁶ SINCE A BENEFIT MAY BE CONFERRED ON A MAN IN HIS ABSENCE BUT NO DISABILITY MAY BE IMPOSED ON HIM IN HIS ABSENCE.

GEMARA. What is R. Eliezer's reason⁷ seeing that the man performed no meshikah? —

R. Nahman citing **Rabbah b. Abbuha** replied: **R. Eliezer**⁸ treated this case as that of the

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‘four seasons of the year’.⁹ For we learned: In the following four seasons¹⁰ a butcher is made to slaughter¹¹ [a beast] of his own. Even though his ox was worth a thousand denars and the buyer¹² had in it a share that was worth only one denar the butcher may be compelled to slaughter. Hence if it died¹³ the buyer must bear the loss.¹⁴ ‘The buyer must bear the loss!’ But why, seeing that he performed no meshikah?—

R. Huna¹⁵ replied: This is a case where he did perform meshikah. If so, read the final clause: During the other days of the year the law is not so.¹⁶ Hence if it died,¹³ the seller must bear the loss.¹⁷ But why, seeing that the buyer had performed meshikah? —

R. Samuel b. Isaac¹⁸ replied: The fact is that we are here dealing with a case where the buyer performed no meshikah but the seller transferred possession¹⁹ to him through a third party.²⁰ Hence it is that in these four seasons when it is beneficial to him²¹ the acquisition is valid since a benefit may be conferred on a man in his absence, but during the other days of the year when it is to his disadvantage²² the acquisition is ineffective, since a disability may be imposed on a man only in his presence; and R. Ela citing R. Johanan²³ replied: In the case of these four seasons the Sages have based their rule on the law of the Torah;²⁴ for R. Johanan said: According to the words of the Torah, money acquires possession for the buyer; and the Sages ruled that it is²⁵ meshikah that gives him possession as a precautionary measure against the possibility that²⁶ the seller might tell the buyer,²⁷ ‘Your wheat was burnt in the loft’.²⁸

THOUGH THEY AGREE THAT IN THE CASE OF ALL OTHER MEN, etc. Who is meant by ALL OTHER? —

Rab replied: A householder.²⁹

Samuel also replied: A householder.

For Samuel stated: This³⁰ was learnt only in respect of a baker but a householder²⁹ does acquire possession.

Samuel further stated: This³⁰ was learnt only in respect of a ma'ah but all object³¹ acquires possession.

Samuel further stated: This³² was learnt only in the case where the resident said to him, ‘Acquire for me’,³³ but where he said ‘Prepare an ‘erub for me’³⁴ he has thereby appointed him as his agent and³⁵ he acquires, therefore, [his share].³⁶

R. JUDAH RULED: THIS APPLIES ONLY, etc. Rab Judah citing Samuel stated: The halachah is in agreement with R. Judah and, furthermore, wherever R. Judah taught a law concerning ‘erubs the halachah is in agreement with him.

Said R. Hana of Bagdad to R. Judah: Did Samuel say this³⁷ even in respect of all alley whose cross-beam³⁸ or side-post³⁸ has been removed?³⁹ ‘Concerning ‘erubs’,⁴⁰ the other replied, did I tell you; but not concerning partitions.⁴¹ [Since,] said R. Aha son of Raba to R. Ashi, [it has been said,] ‘The halachah [is in agreement with R. Judah]’ it must be implied that [the Rabbis] are at variance on the point,⁴² but did not R. Joshua b. Levi in fact lay down that whenever R. Judah stated in⁴³ a Mishnah, ‘When’⁴⁴ or ‘This applies’,⁴⁵ his intention⁴⁶ was only to introduce an explanation of the words of the Sages?⁴⁷ —

But do they⁴⁸ not differ? Have we not in fact learnt: ‘If the number of residents his increased he must add food and confer possession upon them, and they must be informed of the fact’?⁴⁹ — There it is a case of a courtyard between two alleys.⁵⁰ But did not R. Shezbi state in the name of R. Hisda: ‘This implies that R. Judah's colleagues differ from him’?⁵¹ — The other replied:⁵²

(1) This is explained in the Gemara infra.

(2) Cf. supra n. 4, second clause.

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(3) That AN 'ERUB MAY BE PREPARED ONLY WITH ONES CONSENT.

(4) Which may in certain conditions prove disadvantageous to the man for whom it is prepared. If he, for instance, desired to walk a distance of two thousand cubits In an easterly direction from this town and the 'erub was deposited on its western side, though he is thereby enabled to walk a longer distance in the latter direction, he IS deprived of his right to the two thousand cubits in the easterly direction.

(5) Since these are always advantageous to the tenants.

(6) Sc. even without his consent.

(7) For his ruling in our Mishnah that the man who gave the ma'ah acquires his share in the 'erub.

(8) By ruling that possession may be acquired by means of money alone.

(9) Where a similar relaxation of the laws of acquisition was allowed.

(10) Enumerated in Hul. 83a.

(11) To provide meat.

(12) Who paid the butcher on the eve of the day in question (cf. prev. n.) one denar.

(13) Before it was ritually slain.

(14) Lit., 'it died for the buyer', sc. he cannot claim the refund of his denar.

(15) MS.M., 'Rab'.

(16) I.e., the butcher cannot be compelled to slay his beast in order to keep his contract with the buyer. He may instead return to him his denar.

(17) Sc. he must refund the denar to the buyer.

(18) MS. M., inserts 'R'.

(19) Of a part of the ox to the value of a denar.

(20) Whom the buyer did not appoint for the purpose.

(21) The buyer in the seasons mentioned, owing to the great demand for meat, is anxious to secure his supply.

(22) The demand for meat is not great and it is more advantageous for him to have his ready denar.

(23) Var. lec. Judah (Rashal).

(24) The Pentateuch.

(25) Lit., 'and wherefore did they say'.

(26) Were the sold goods, though still on the premises of the seller, to pass into legal possession of the buyer as soon as he paid the money.

(27) Should a fire, for instance, break out where the goods were kept.

(28) Sc. he would not take the trouble to save them from the fire or from any other accident. Hence the Rabbinic rule that it is meshikah that effects the transfer of possession. V. B.M. 47b. This it has been shown that in certain circumstances and for certain reasons the Sages adopted in practice the Pentateuchal law that money alone effects transfer of possession. Similarly in the case of 'erub, R.

Eliezer's ruling, it may be explained, is clue to similar considerations.

(29) Though he was given a ma'ah the act (since he himself deals neither in bread nor in wine) is not regarded as an order to purchase a share in the 'erub but as a mere indication to him to act as agent; and an agent may of course acquire possession for the man who appointed him.

(30) That a ma'ah acquires no possession in all 'erub.

(31) Given in symbolic acquisition.

(32) That a shopkeeper or a baker cannot acquire a share in an 'erub for a resident.

(33) A form of instruction which, when addressed to a trader, is regarded as an order to purchase.

(34) Sc. in any manner he might think fit.

(35) Since an agent may be relied upon to carry out his mission in the proper manner (cf. supra 32a).

(36) In the 'erub.

(37) That the halachah is in agreement with R. Judah. MS.M. inserts this clause in the text.

(38) Cur. edd. have the plural.

(39) On the Sabbath. R. Judah ruled (infra 94a) that the use of the alley remains permitted for that Sabbath.

(40) Sc. the laws relating to acquisition of an 'erub.

(41) The principle underlying the permissibility of the use of an alley by means of cross-beam or side-post.

(42) Had they held the same opinion there would have been no need to state that the halachah was in agreement with R. Judah.

(43) Lit., 'in our',

(44) Sc. 'when is this the case?'

(45) Lit., 'in what', sc. 'in what case does this apply?' 'This applies only'.

(46) In thus commenting on a ruling of the Rabbis.

(47) Sanh. 25a; and, since in our Mishnah he uses the expression 'THIS APPLIES ONLY', he is obviously of the same opinion as the Rabbis. What need then was there for Samuel to state that the halachah was in agreement with R. Judah?

(48) R. Judah and the Rabbis.

(49) Mishnah supra 80b; while according to R. Judah an 'erub of courtyards (cf. our Mishnah) may be prepared for a person even without his consent!

(50) Where, unless the person concerned is duly informed of the facts, it cannot be known for certain with which of the two courtyards he desires to be associated in the 'erub.

(51) Supra 80b.

(52) Lit., 'he said to him' (so with marg. glos. according to some ed.). Cur. edd., 'but'. The two readings are easily interchangeable in Heb. the former being represented by ל"ה and the latter by ל"ה.

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You are pointing out a contradiction between the views of two men!¹ One² may hold the opinion that they differ, while the other³ may maintain that they do not differ. [To turn to] the main text: ‘R. Joshua b. Levi laid down that wherever R. Judah stated in a Mishnah, "When" or "This applies", his intention was only to introduce an explanation of the words of the Sages’.

R. Johanan, however, held that ‘When’ introduces an explanation while ‘This applies’ indicates disagreement,⁴ But does ‘When’ introduce an explanation, seeing that we have learnt: ‘And these are ineligible [to act as witnesses or judges]: A gambler,⁵ a usurer, a pigeon-trainer⁶ and traders in produce of the Sabbatical year’,⁷ and ‘R. Judah stated: When is this so? When a person has no occupation other than that,’ but if he has any other occupation he is eligible’. And in connection with this it was taught in a Baraita, ‘And the Sages ruled: Whether he has no occupation other than that or whether he has another occupation, he is ineligible’?⁸ —

That⁹ is a view which R. Judah quoted in the name of R. Tarfon.¹⁰ For it was taught: R. Judah quoting R. Tarfon stated: ‘Neither of them¹¹ can possibly be regarded as a nazirite, since naziriteship is valid only when it is definite’.¹² It is thus obvious that when a person is in doubt as to whether he is or is not a nazirite he does not¹³ submit himself to the vow. So also here,¹⁴ since no one knows beforehand whether one would gain or lose, neither¹⁵ fully consents to transfer possession to the other.¹⁶

CHAPTER VIII

MISHNAH. HOW IS SHITTUF ARRANGED IN CONNECTION WITH SABBATH LIMITS?¹⁷ ONE SETS DOWN A JAR¹⁸ AND SAYS, BEHOLD THIS IS FOR ALL THE

INHABITANTS OF MY TOWN, FOR ANY ONE WHO MAY DESIRE TO GO TO A HOUSE OF MOURNING OR TO A HOUSE OF FEASTING’.¹⁹ ANY ONE²⁰ WHO ACCEPTED [TO RELY ON THE ‘ERUB] WHILE IT WAS YET DAY²¹ IS PERMITTED [TO ENJOY ITS BENEFITS] BUT IF ONE DID IT AFTER DUSK THIS IS FORBIDDEN, SINCE NO ‘ERUB MAY BE PREPARED AFTER DUSK.

GEMARA. R. Joseph ruled: All ‘erub²² may be prepared only for the purpose of enabling one to perform a religious act.²³ What does he teach us, seeing that we learned: FOR ANY ONE WHO MAY DESIRE TO GO TO A HOUSE OF MOURNING²⁴ OR TO A HOUSE OF FEASTING?²⁴ It might have been assumed that mention was made of that which is usual,²⁵ hence we were informed [of R. Joseph's ruling].

ANYONE WHO ACCEPTED [TO RELY ON THE ‘ERUB] WHILE IT WAS YET DAY. May it be inferred from this ruling that no retrospective selection is valid, for if retrospective selection were valid, why should it²⁶ not become known retrospectively that the man was pleased to accept the ‘erub when it was yet day? —

R. Ashi replied: The cases taught²⁷ are those where one was,²⁸ or was not informed.²⁹

R. Assi said: A child of the age of six may go out³⁰ by the ‘erub of his mother.³¹ An objection was raised: A child who is dependent upon his mother goes out by his mother's ‘erub but one who is not dependent upon his mother does not go out by her ‘erub;³² and³³ we also learned a similar ruling in respect of a sukkah:³⁴ ‘A child who is not dependent upon his mother is liable³⁵ to the obligations of sukkah’,³⁶ and when the point was raised as to what child may be regarded as independent of his mother it was explained at the school of R. Jannai: Any child who, when attending to his needs, does not require his mother's assistance.³⁷

R. Simeon b. Lakish explained: Any child who, when awaking, does not cry mother. 'Mother!' Is this³⁸ imaginable? Do not bigger children also cry mother? Rather say: Any child who, when he wakes, does not persistently cry mother.³⁹ And what [is the age of such a child]?⁴⁰ About four⁴¹ or five!⁴²—

- (1) Lit., 'man on man', Samuel against R. Joshua b. Levi.
- (2) Samuel.
- (3) R. Joshua b. Levi.
- (4) Lit., 'to divide', 'dispute'.
- (5) Lit., 'one who plays with dice'.
- (6) Lit., 'pigeon-fliers'.
- (7) Persons who make money out of one or other of these shady or dishonorable pursuits are regarded as virtual robbers who are disqualified from occupying any position of responsibility and trust. For fuller explanation cf. Sanh., Sonc. ed., p. 142f and notes.
- (8) Sanh. 25a. Now assuming that the Sages in the Baraitha last mentioned are the same as those whose view is represented in the first clause of the Mishnah cited, is it not evident that even where he differs from a view expressed R. Judah still used the introductory word 'when'? An objection thus arises against both R. Joshua R. Levi and R. Johanan.
- (9) The ruling in the last mentioned Baraitha.
- (10) Not that of the Rabbis in the Mishnah cited whose view R. Judah in fact explained, and between whom and himself no difference of opinion exists.
- (11) Of two men who had a bet, one of them undertaking to be a nazirite if a certain person who passed by was a nazirite and the other undertaking to be a nazirite if that person was not a nazirite.
- (12) Lit., 'distinctly uttered'. V. Sanh. 25a, Naz. 34a. As neither of the two had any knowledge as to whether the man who passed them was, or was not a nazirite, the vow of neither could be definite and neither, therefore, can be deemed valid.
- (13) According to R. Tarfon.
- (14) The Baraitha in which eligibility to act as witness or judge is denied to a gambler and the other, irrespective of whether they had, or had not any other occupation.
- (15) Of the gamblers or partners in the game or transaction.
- (16) The appropriation of such gain is, therefore, tantamount to robbery which disqualifies the recipient from occupying any position of trust.
- (17) To enable a number of people to walk beyond the prescribed Sabbath limit of two thousand cubits from their town.

- (18) Containing fruit or wine or similar foodstuffs.
- (19) Sc. a wedding feast (v. infra n. 8).
- (20) Of the townspeople.
- (21) Friday, the Sabbath eve.
- (22) Of Sabbath limits.
- (23) No one is otherwise allowed to make use of the institution of 'erub.
- (24) It is a religious duty to comfort the mourners and to assist in the festivities and entertainment of bride and bridegroom.
- (25) But that in fact the 'erub may be prepared even for secular purposes.
- (26) On the Sabbath when a townsman makes use of the 'erub.
- (27) In our Mishnah.
- (28) On the Sabbath eve'
- (29) That an 'erub has been prepared. By ACCEPTED the former case was intended, the 'erub being valid, on the principle of retrospective selection, even though the acceptance was not decided upon before dusk. By AFTER DISK the latter case was meant, the 'erub being invalid because no retrospective selection is possible where the man was not even aware of the 'erub's existence.
- (30) Beyond the Sabbath limits.
- (31) Even though she did not explicitly confer upon him the right of a share in it. A child of six is deemed to be entirely attached to, and dependent upon his mother and she is, therefore, tacitly assumed to have meant him to enjoy the same privileges of the 'erub as she herself. Cf. Keth., Sonc. ed., p. 397, n. 7.
- (32) Why then did R. Assi draw no such distinction?
- (33) Were you to reply that a child of the age of six is deemed to be 'dependent upon his mother'.
- (34) V. Glos.
- (35) Rabbinically, as a part of his religious training. Pentateuchally he is exempt.
- (36) Suk. 28a.
- (37) Lit., 'does not clear him'.
- (38) That impliedly a child that does cry mother must be regarded as dependent upon her.
- (39) Lit., 'mother, mother'.
- (40) Who may be regarded as independent of his mother.
- (41) If well developed.
- (42) If less developed. At any rate it follows that a child of the age of five at the latest is deemed to be independent of his mother. How then could R. Assi maintain that a child of six may go out by his mother's 'erub?

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R. Joshua Son of R. Idi replied: What R. Assi spoke of was¹ a case, for instance, where the

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child's father prepared an 'erub for him in the north² and his mother in the south,² since³ even a child of the age of six prefers his mother's company.

An objection was raised: A child who is dependent upon his mother may go out by his mother's 'erub until he is six years of age. Is not this⁴ an objection against R. Joshua son of R. Idi?⁵ — This is indeed an objection. Must it be admitted that this⁴ also presents all objection against the view of R. Assi?⁶ —

R. Assi can answer you: 'Until'⁷ means that 'until'⁸ is included.⁹ Must it be assumed that this⁴ presents a contradiction of the views of R. Jannai and Resh Lakish?¹⁰ This is really no contradiction since the former¹¹ refers to a child whose father is in town¹² while the latter¹³ refers to one whose father is not in town.¹⁴

Our Rabbis taught: A man may prepare all 'erub for his son or daughter, if they are minors, and for his Canaanite bondman or bondwoman, either with, or without their consent.¹⁵ He may not, however, prepare an 'erub for his Hebrew manservant or maidservant, nor for his grownup son or daughter, nor for his wife, except with their consent. Elsewhere it was taught: A man may not prepare an 'erub for his grownup son or daughter, nor¹⁶ for his Hebrew manservant or maidservant, nor for his wife, except with their consent, but he may prepare all 'erub for his Canaanite bondman or bondwoman and for his son or daughter, if they are minors, either with, or without their consent, because their hand is as his hand. If any of these¹⁷ prepared all 'erub¹⁸ and the¹⁹ master also prepared one²⁰ for him²¹ the limits of his¹⁹ movements are determined²² by that of his²³ master. A wife, however, is excluded since she is entitled to object.²⁴ But why should a wife be different?²⁵

Rabbah replied: [The meaning is] a wife and all who enjoy a similar status.

The Master said: 'A wife, however, is excluded since she is entitled to object'. The reason then²⁶ is that she actually objected but if she expressed no opinion her movements are determined²⁷ by the 'erub of her husband; was it not, however, taught in the first clause, 'Except with their consent' which means, does it not, that they must actually say: 'Yes'?²⁸ —

No; the meaning of²⁹ 'Except with their consent' is that they kept since, which excludes only the case where they said: 'No.'³⁰ But, surely, the case where 'any of these prepared all 'erub and the master also prepared one for him' where 'the limits of his movements are determined by that of his master' is one where no opinion had been expressed, and was it not nevertheless stated: 'A wife, however, is excluded' so that her movements are not determined by the 'erub of her husband?³¹ —

Raba replied: Since they had prepared an 'erub there can be no more significant form of objection.

MISHNAH. WHAT MUST BE ITS³² SIZE? FOOD FOR TWO MEALS FOR EACH, THE QUANTITY BEING THE FOOD ONE EATS ON WEEKDAYS AND NOT ON THE SABBATH; SO R. MEIR. R. JUDAH RULED: AS ON THE SABBATH AND NOT AS ON WEEKDAYS. AND BOTH INTENDED TO GIVE THE MORE LENIENT RULING.³³ R. JOHANAN B. BEROKA RULED:³⁴ NOT LESS THAN A LOAF THAT IS PURCHASED FOR A DUPONDIIUM WHEN THE PRICE OF CHEAT IS FOUR SE'AH FOR A SELA'.³⁵ R. SIMEON RULED:³⁴ TWO THIRDS OF A LOAF, THREE OF WHICH ARE MADE FROM A KAB.³⁶ HALF OF THIS LOAF³⁷ IS THE SIZE PRESCRIBED FOR A LEPROUS HOUSE,³⁸ AND THE HALF OF ITS HALF³⁹ IS THE SIZE THAT RENDERS ONE'S BODY⁴⁰ UNFIT.⁴¹

GEMARA. How much food⁴² is required for TWO MEALS? Rab Judah citing Rab replied: Two peasants'⁴³ loaves. R. Adda b.

Ahabah replied: Two Nehar Papa⁴⁴ loaves. Said R. Joseph to R. Joseph son of Raba:⁴⁵ 'With whose view⁴⁶ does your father's agree?'⁴⁷ — 'His view is in agreement with that of R. Meir'. 'I am also in agreement with the view of R. Meir, for if one were to agree with R. Judah there would arise the difficulty of the popular saying: There is always room for a spicy dish.'⁴⁸

R. JOHANAN B. BEROKA RULED. One taught: Their views⁴⁹ are almost identical.⁵⁰ But are they at all alike, seeing that the view of R. Johanan is that a kab provides four meals whereas that of R. Simeon is that a kab provides nine meals?⁵¹ R. Hisda replied: Deduct⁵² a third⁵³ for the profit of the shopkeeper.⁵⁴ But is not the number of meals⁵⁵ still nine according to the one Master and six according to the other? —

Explain rather on the lines of another statement of R. Hisda who said: Deduct a half for the profit of the shopkeeper.⁵⁶ But do not they⁵⁷ still amount⁵⁵ to nine according to the one Master and to eight according to the other?⁵⁸ This indeed is the reason why it was stated,⁵⁹ 'Their views are almost identical'.⁶⁰ Does not a contradiction, however, arise between the two statements of R. Hisda?⁶¹ — There is really no contradiction since one statement⁶² refers to a place where the buyer⁶³ supplies the wood⁶⁴ while the other refers to one where the buyer does not supply the wood.

HALF OF THIS LOAF IS THE SIZE PRESCRIBED FOR A LEPROUS HOUSE, AND THE HALF OF ITS HALF IS THE SIZE THAT RENDERS ONE'S BODY UNFIT.

- (1) Not of a child for whom no 'erub was specifically prepared. In such a case the child admittedly may not go out.
- (2) Of the town.
- (3) Sc. the reason why R. Assi ruled that the child 'may go out by the 'erub of his mother' and not by that of his father.
- (4) The ruling that a child up to the age of six may go out by his mother's 'erub even if she did not

prepare it especially for his benefit also. The previous explanation, that the ruling applied to a case where both his father and mother prepared 'erubs on his behalf cannot be given here, since the age limit indicated, viz., 'until he is six', obviously includes that of a baby of the tenderest age who is undoubtedly dependent on his mother and who is unquestionably permitted to go out on account of her 'erub.

(5) Who agreed supra that for a child of the age of five an 'erub must specifically be prepared.

(6) Who exempts a child of six whereas here a child of the age of six seems to be excluded by the expression 'until he is six years of age'.

(7) Cf. prev. n. ad fin.

(8) Sc. the age of six also.

(9) In the exemption.

(10) Supra 82a ad fin., according to which a child of the age of four or five is not dependent on his mother and, consequently, should not be allowed to go out by means of her 'erub, whereas here it is laid down that even a child of six may go out by his mother's 'erub.

(11) The ruling adopted by R. Jannai and Resh Lakish.

(12) And is looking after the child. In such a case the child is independent of his mother even before he is six years of age.

(13) The Baraitha cited which regards a child of six as dependent upon his mother.

(14) So that the child remains entirely dependent on his mother until he is much older.

(15) Bah adds, 'because their hand is as his hand'.

(16) Cf. Bah.

(17) Lit., 'and all of them'

(18) Depositing it in a certain direction.

(19) Lit., 'their'.

(20) In an opposite direction.

(21) Lit., 'them'.

(22) Lit., 'they go out'.

(23) Lit., 'their'.

(24) Against her husband's choice.

(25) From some of the others, one's grown-up sons or daughters, for instance, or one's Hebrew menservants or maidservants who are equally entitled to object.

(26) Why an 'erub for a wife is invalid.

(27) Lit., 'she goes out'.

(28) But if they kept silent their movements are not determined by the master's 'erub. Does not thus a contradiction arise between the two clauses of the Baraitha?

(29) Lit., 'what'.

(30) Only in that case is the master's 'erub disregarded; but if they kept silence their movements are determined, as was implied in the final clause, by the 'erub of the master.

(31) Lit., 'that they do not go out'.

(32) The loaf of bread for an 'erub of Sabbath limits.

(33) Sc. to reduce the prescribed size of the 'erub. R. Meir used to consume at a weekday meal less bread than at a Sabbath meal at which the richness of the Sabbath dishes tempted him to eat more bread. R. Judah, however, ate more bread on weekdays, when courses are few, than on the Sabbath when several satisfying dishes are served and when it is also one's duty to eat no less than three meals.

(34) In determining the quantity of bread required for TWO MEALS.

(35) Such a loaf, it is now assumed, weighs half a kab, since four Se'ah are equal to $4 \times 6 \text{ kab} = 24 \times 2 = \text{half-kab}$; and a sela' contains 4 denars = $4 \times 6 \text{ ma'ah} = 4 \times 6 \times 2 = 48 \text{ dupondia}$.

(36) Of wheat. This is a smaller size than the previous one. In the opinion of R. Simeon two ninths of a lab suffices for two meals. When three loaves are made from a kab of each loaf = $1/3 \times 2 = 2/9 \text{ kab}$.

(37) That had been prescribed for 'erub by R. Johanan and R. Simeon respectively.

(38) Cf. Lev. XIV, 33ff. If a person remains in such a house for a length of time sufficient for him to consume the quantity of bread mentioned his clothes become unclean and require ritual washing (cf. Neg. XIII, 9).

(39) If it is levitically unclean.

(40) Of a person that ate it.

(41) To eat terumah before performing ritual immersion. This, however, is only a Rabbinical prohibition (cf. Yoma 80b).

(42) According to R. MEIR AND K. JUDAH.

(43) Ikaryatha, 'farmers', 'peasants' 'shepherds' or 'cattle-drivers'. MS.M. ibaryatha, 'lamp-lighters'.

(44) Place name.

(45) MS.M., 'Rab son of R. Joseph to Raba'.

(46) That of R. Meir or R. Judah in our Mishnah.

(47) Sc. since in the case of 'erub the quantity of food required for two meals varies according to the capacity and the appetite of each individual, is one's appetite to be determined by one's weekday meals in agreement with R. Meir, or one's Sabbath meals in agreement with R. Judah?

(48) Sabbath dishes being richly spiced and seasoned tempt one to eat more bread whereas R. Judah maintains that at a Sabbath meal less bread is eaten than at a weekday meal.

(49) Those of R. Johanan b. Beroka and R. Simeon.

(50) Lit., near to be alike'.

(51) Cf. supra p. 576 nn. 4ff.

(52) According to R. Johanan.

(53) Of the half-kab that is bought for a dupondium.

(54) Though the shopkeeper buys at the rate of four se'ah for a sela', or half a kab for a dupondium (cf. supra p. 576, n. 5), he sells at a higher price, leaving for himself a profit of one third of the purchase price. For each dupondium, therefore, he sells only two thirds of half a kab. Now, since $2/3$ of half a kab, or $1/2 \times 2/3 = 1/3$ of a kab, provide two meals, a kab obviously provides not four, but six meals.

(55) Per kab.

(56) Cf. supra n. 13 mut. mut.

(57) The number of meals.

(58) Since according to R. Johanan the shopkeeper retains a profit of one half of his cost price, he would charge a dupondium not for half a kab (his cost price) but for a quarter of a kab (his selling price at a profit of fifty per cent); and since a quarter of a kab yields two meals a kab obviously yields $4 \times 2 = 8$ meals.

(59) In the Baraita under discussion.

(60) But not exactly identical. Lit., 'near to be alike'.

(61) In one statement he asserts that a shopkeeper makes a profit of one third and in the other he raises it to one half.

(62) The first cited.

(63) Lit., 'householder' as opposed to shopkeeper.

(64) For the baking of the bread. In such a case the profit of the shopkeeper is reduced to a third.

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One taught: And half of the half of its half¹ is the size susceptible to levitical uncleanness of food.² But why did not our Tanna mention³ the levitical uncleanness of food? — Because their prescribed sizes⁴ are not in exact proportions.⁵ For it was taught: How much is half a peras?⁶ The size of two⁷ eggs minus a fraction;⁸ so R. Judah. R. Jose ruled: Two large sized⁹ eggs. This was calculated by Rabbi¹⁰ to be the size of two eggs and a slight surplus.¹¹ How much was that surplus? —

A twentieth part of an egg.¹² In respect of the levitical uncleanness of food, however, it was taught: R. Nathan and R. Dosa explained that the size of the egg of which the Rabbis have spoken¹³ includes the egg itself and its shell,¹⁴ but the Sages explained: The egg only, exclusive of its shell.¹⁵

Rafram b. Papa citing R. Hisda stated: This¹⁶ is the ruling of R. Judah and R. Jose, but the

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Sages ruled: The size is one and a half large sized eggs. But who are the Sages? R. Johanan b. Beroka of course;¹⁷ is not this then obvious?¹⁸ — His purpose was¹⁹ to inform us that the eggs must be large sized.

When R. Dimi came²⁰ he related that Bonios once sent to Rabbi a modius²¹ of artichokes that came from Nausa,²² and Rabbi calculated its capacity to be two hundred and Seventeen eggs. What kind of se'ah,²³ however, was it? If it was the desert se'ah²⁴ it should have contained a hundred and forty-four eggs,²⁵ and if it was the Jerusalem se'al²⁶ it should have contained a hundred and seventy-three eggs,²⁷ and if again it was the one of Sepphoris²⁸ it should have contained two hundred and seven eggs.²⁹ It was in fact a Sepphoris measure but the quantity of the dough-offering was added to them.³⁰ But how much is the dough-offering? Nine³¹ eggs;³² would not then the number still be less?³³ — The fact is that the surpluses spoken of by Rabbi³⁴ were added to them.³⁵ If so, would not the number be greater?³⁶ — As it does not amount to the size of a whole egg³⁷ he does not reckon it.

Our Rabbis taught: The Jerusalem se'ah exceeds that of the desert one by a sixth,³⁸ and that of Sepphoris exceeds that of Jerusalem by a sixth.³⁸ Thus it follows that the measure of Sepphoris exceeds that of the desert by a third. A third of which? Would you suggest: A third of the desert measure? Observe then: How much is a third of the desert measure? Forty-eight eggs;³⁹ whereas the surplus amounts to sixty-three!⁴⁰ If again a third of the Jerusalem measure was meant, how much, [it could be retorted,] is a third of it? Fifty-eight minus one third;⁴¹ whereas the surplus is sixty-three! Is then the reference to the measure of Sepphoris? How much, [it may be asked,] is a third of it? Seventy minus one;⁴² whereas the surplus is sixty-three! —

Rather, explained R. Jeremiah it is this that was meant: It follows that the se'ah of Sepphoris exceeds that of the desert by

nearly a third of itself⁴³ and that a third of itself⁴⁴ is nearly equal to a half of the desert measure.⁴⁵

Rabina demurred: Was any mention at all made of approximation?⁴⁶ —

Rather, explained Rabina, it is this that was meant: It follows that a third of the Sepphoris measure together with the surpluses spoken of by Rabbi⁴⁷ exceeds the half of the desert measure⁴⁸ by a third of an egg.⁴⁹ Our Rabbis taught: Of the first of your dough⁵⁰

(1) Of the size of the loaf prescribed in our Mishnah by R. Johanan and R. Simeon respectively.

(2) According to R. Johanan the size is three quarters of an egg. For, since he defined the size of a whole loaf as a quarter of a lab, or six eggs, the 'half of the half of its half' must be equal to $6/2 \times 2 \times 2 = 3/4$ of an egg. According to R. Simeon, since a whole loaf is equal to $1/3$ of a kab, or $24/3 = 8$ eggs, the 'half of the half of its half' must be equal to $8/2 \times 2 \times 2 = 1$ egg.

(3) In our Mishnah.

(4) That for (a) the defilement of one's body and (b) the defilement of food.

(5) Sc. the size of the latter (cf. prev. n.) is not exactly a half of the former.

(6) Lit., 'a broken piece' Sc. of bread that, if levitically unclean, renders one's body unfit to eat terumah.

(7) Small sized (cf. infra).

(8) In agreement with R. Simeon's standard in our Mishnah.

(9) Lit., 'laughing'.

(10) On examining a Se'ah measure whose capacity is nominally that of six kab or $6 \times 24 = 144$ eggs, but whose actual capacity was greater than that number of eggs.

(11) Lit., 'and more'.

(12) In respect of each egg of capacity.

(13) As being susceptible to levitical uncleanness.

(14) Lit., 'like itself and like, etc. This size obviously is not exactly a half of any of the sizes prescribed by (a) R. Judah, (b) R. Jose or (c) Rabbi for the defilement of one's body according to whom it should have been either (a) an egg minus a fraction or (b) a large sized egg and its shell, or (c) in egg and a twentieth.

(15) A size which is smaller even than half of the one prescribed by R. Judah and much more so than those prescribed by the others.

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(16) The Baraitha prescribing the size of half a peras.

(17) Whose standard for 'erub, as explained Supra by R. Hisda, is that of a loaf of a quarter of a kab or six eggs, the half of the half of which is obviously $6/2 \times 2 = 1\frac{1}{2}$ eggs.

(18) Apparently it is. What need then was there for R. Hisda to repeat what he had once stated?

(19) Lit., 'he came'.

(20) From Palestine to Babylon.

(21) A Roman measure of the same capacity as a Se'ah,

(22) Or 'copied from the standard measure of Nausa' (Jast. q.v.).

(23) Cf. supra n. 9

(24) Sc. the se'ah measure used by the Israelites in the time of Moses in the wilderness.

(25) A Se'ah equals six kab = $6 \times 4 \log = 6 \times 4 \times 6 = 144$ eggs.

(26) Which exceeds that of the desert by a fifth.

(27) Since $144 + 144/5 = 144 + 28\frac{4}{5} = 172\frac{4}{5}$ or 173 eggs approx.

(28) Which exceeded that of Jerusalem by a fifth.

(29) $173 + 173/5 = 173 + 34\frac{3}{5} = 207\frac{3}{5}$ or 207 eggs approx.

(30) Lit., 'bring... throw upon them', sc. Rabbi's calculations which show a higher figure include also the quantity of the dough-offering that is due from a Se'ah or two hundred and seven eggs of dough.

(31) So with R. Han. as cited by Tosaf. a.l. Cur. edd., 'eight'.

(32) A twenty-fourth part of the dough (cf. supra 81a). $217/24 = 9\frac{1}{24}$ or 9 approx.

(33) Than two hundred and seventeen (cf. prev. n.).

(34) Not the quantity of the dough-offering.

(35) Sc. Rabbi's surpluses which amount to $1/20$ of an egg for each egg amount to $1/20 \times 207$ or $10\frac{7}{20}$ eggs for a se'ah of the size of 207 eggs (cf. p. 579, n. 17). $207 + 10\frac{7}{20} = 217\frac{7}{20}$ or 217 approx.

(36) Than the number 217, by $7/20$

(37) It amounts only to seven twentieths (Cf. nn. 4 and 5).

(38) Of the latter measure, sc. a fifth of the former.

(39) $144/3 = 48$.

(40) $207/3 = 69$.

(41) $173/3 = 57\frac{2}{3}$.

(42) $207/3 = 69$.

(43) Since $207 - 144 = 63$ and $207/3 = 69$. 63 is nearly equal to 69.

(44) 69.

(45) $144/2 = 72$. This figure is quite near to 69.

(46) Lit., 'near, near he taught'. How then could it be maintained by R. Jeremiah that 'nearly' a third, etc. was meant.

(47) Sc. $(207 + 207 \times 1/20) \times 1/3 = (207 + 10\frac{7}{20}) \times 1/3 = 217/3$ approx. = $72\frac{1}{3}$ approx.

(48) $144/2 = 72$.

(49) Since (cf. prev. two notes) $72\frac{1}{3} - 72 = 1/3$.

(50) Ye shall set apart a cake for a gift (sc. as a dough-offering); Num. XV, 20.

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only if it is of the size of your dough;¹ and what is the size of your dough? That of the dough of the wilderness. And what was the size of the dough of the wilderness? The one which is described: Now an omer is the tenth part of an ephah,² from which it has been deduced³ [that dough made of a quantity of] flour of seven quarters [of a kab]⁴ and a fraction⁵ is liable to the dough-offering. This [quantity] is equal to six Jerusalem kab or five of the Sepphoris kab. From this it has been inferred⁶ that if a person consumes such a quantity of food⁷ he is sound in body and happy in mind.⁸ He who consumes a greater quantity is a glutton and he who consumes less suffers from bad digestion.

MISHNAH. IF THE TENANTS OF A COURTYARD AND THE TENANTS ON ITS GALLERY⁹ FORGOT TO JOIN TOGETHER IN AN 'ERUB,¹⁰ ANY LEVEL¹¹ THAT IS HIGHER THAN TEN HANDBREADTHS BELONGS TO THE GALLERY,¹² AND ANY LOWER LEVEL¹³ BELONGS TO THE COURTYARD.¹⁴ THE BANK AROUND A CISTERN, OR A ROCK, THAT IS TEN HANDBREADTHS HIGH BELONGS TO THE GALLERY¹² BUT IF IT IS LOWER IT BELONGS TO THE COURTYARD.¹⁴ THIS, HOWEVER, APPLIES ONLY TO ONE THAT ADJOINS THE GALLERY, BUT ONE THAT IS REMOVED FROM IT, EVEN IF TEN HANDBREADTHS HIGH, BELONGS TO THE COURTYARD. AND WHAT OBJECT IS REGARDED AS ADJOINING? ONE THAT IS NOT FURTHER THAN FOUR HANDBREADTHS.

GEMARA. It is quite obvious that if an area is easily accessible to two courtyards¹⁵ the law is exactly the same as in the case of a window between two courtyards;¹⁶ that if it¹⁷ is accessible to either courtyard only through thrusting the law is exactly the same as in the

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case of a wall between two courtyards;¹⁸ that if it¹⁹ is accessible to either only by means of lowering their things the law is identical with that of a trench between two courtyards;²⁰ that if to the one it²¹ is easily accessible²² but to the other it is accessible only by means of thrusting, the law is identical with that which Rabbah son of R. Huna cited in the name of R. Nahman;²⁰ that if it²³ was easily accessible²² to the one while to the other it was accessible only by means of the lowering of objects, the law is identical with the one which R. Shezbi cited in the name of R. Nahman;²⁰ what, however, is the law where it²⁴ is accessible to one by means of lowering and to the other by means of thrusting?²⁵ —

Rab ruled: Both²⁶ are forbidden [access], but Samuel ruled: Access to it is granted to the tenants²⁷ that can use it by means of lowering things²⁸ since to them its use is comparatively easy while to others its use is comparatively difficult, and any area the use of which is convenient to one and difficult to another is to be assigned to the one to whom its use is convenient.

We learned: IF THE TENANTS OF A COURTYARD AND THE TENANTS ON ITS GALLERY FORGOT TO JOIN TOGETHER IN AN 'ERUB ANY LEVEL THAT IS HIGHER THAN TEN HANDBREADTHS BELONGS TO THE GALLERY AND ANY LOWER LEVEL BELONGS TO THE COURTYARD. Assuming that by²⁹ GALLERY

- (1) Need the dough-offering be set apart.
- (2) Ex. XVI, 36.
- (3) Since an 'omer is a tenth part of an ephah which (cf. Men. 77a) equals three se'ah, an 'omer = $\frac{3}{10}$ se'ah = $3 \times \frac{6}{10}$ kab = $3 \times 6 \times \frac{4}{10}$ log = $\frac{36}{5}$ = 7 $\frac{1}{5}$ log = (since a log = 6 eggs) 7 log and $\frac{1}{5}$ of an egg.
- (4) Corresponding to seven log.
- (5) Sc. 1 $\frac{1}{5}$ of an egg (cf. n. 4).
- (6) Since the quantity mentioned represents the usual size of dough consumed by a person in twenty-four hours (cf. Ex. VI, 16, 18ff).
- (7) In twenty-four hours (cf. prev. n.).
- (8) Lit., 'blessed'.

(9) Above it. Tenants whose house doors opened into galleries above courtyards had no direct access to the public domain except through the courtyard into which they gained entry by means of a ladder.

(10) But separate 'erubs were prepared for each group of tenants.

(11) Such as a mound or a pillar.

(12) The tenants of the gallery but not those of the courtyard may, therefore, use it.

(13) Lit., 'less than here'.

(14) Whose tenants may use it, but not those of the gallery.

(15) Each of which had a separate 'erub. Lit., '(accessible) to this by a door and to this by a door'.

(16) Enunciated supra 76a.

(17) Being on a higher level than the courtyard.

(18) Supra 76b, 78b.

(19) Being on a lower level.

(20) Supra 77a.

(21) Being on the same level as one courtyard but on a higher level than the other.

(22) Lit., 'by a door'.

(23) Being on a level with one courtyard and on a lower level than the other.

(24) Being lower than the one courtyard and higher than the other.

(25) Sc. do the tenants of the two courtyards respectively impose restrictions upon each other, because neither can conveniently use that area, or is a distinction drawn between the respective degrees of inconvenience?

(26) The tenants of the two courtyards.

(27) Lit., 'to this'.

(28) Sc. to those who occupy the higher courtyard.

(29) Lit., 'it went up on your mind: what is'.

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was meant the tenants of an upper storey¹ and that the reason why they are described as the² GALLERY IS because they ascend to their quarters by way of the gallery, does it not clearly follow³ that any area that is accessible to one⁴ by means of lowering and to the others⁵ by means of throwing up is assigned to the one who uses it by means of lowering? —

As R. Huna explains [below that the reference is] to those who dwelt on the gallery so [it may] also here [be explained that the reference is] to those who dwelt on the gallery.⁶ If so,⁷ read the final clause: AND ANY LOWER LEVEL BELONGS TO THE

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COURTYARD; but why,⁸ Seeing that it is easily accessible to both?⁹ —

The meaning of TO THE COURTYARD is to the courtyard also, and both¹⁰ are forbidden access to it. This¹¹ is also borne out by a process of reasoning, since in a subsequent clause It was stated: THIS, HOWEVER, APPLIES ONLY TO ONE THAT ADJOINS THE GALLERY, BUT ONE THAT IS REMOVED FROM IT, EVEN IF TEN HANDBREADTHS HIGH, BELONGS TO THE COURTYARD. For what could be the meaning of the phrase, TO THE COURTYARD?

If it be suggested that the meaning is: To the courtyard and that its use is permitted, [it could be objected:]. Why, seeing that it is a domain common to the two of them?¹² Consequently it must be admitted that¹³ TO THE COURTYARD means: To the courtyard also and that both¹² are forbidden access to it, so it should here also be explained that the meaning of the phrase, TO THE COURTYARD is: To the courtyard also and that both¹² are forbidden access to it. This is conclusive.

We have learnt: THE BANK AROUND A CISTERN, OR A ROCK, THAT IS TEN HANDBREADTHS HIGH BELONGS TO THE GALLERY, BUT IF IT IS LOWER IT BELONGS TO THE COURTYARD!¹⁴ —

R. Huna replied: [The meaning¹⁵ is], to those who dwelt on the gallery.¹⁶ This may be a satisfactory explanation in the case of the rock;¹⁷ what, however, can be said as regards¹⁸ A CISTERN?¹⁹ —

R. Isaac son of Rab Judah replied: We are here dealing with the case of a cistern that was full of water.²⁰ But is it not²¹ being diminished?²² — Since the use of the cistern is permitted²³ when full it is also permitted when some of the water is wanting. On the contrary! Since Its use would be forbidden when it is not full should it not also be

forbidden when full? Rather, explained Abaye, we are here dealing with a cistern that was full of fruit. Might not these also be diminished?²⁴ —

[It is a case] where they are tebel.²⁵ A textual deduction leads to the same conclusion: Since it has been put on a par²⁶ with ROCK.²⁷ This is conclusive. But²⁸ why should it be necessary to mention both CISTERN and ROCK?²⁹ — Both are required. For if we had been informed of the law in the case of the ROCK only, the ruling might have been presumed to apply to that alone, since no preventive measure in that case could be called for,³⁰ but that in the case of a cistern a preventive measure³¹ should be enacted, since it might sometimes be full of properly prepared fruit,³² hence both were required.

Come and hear: If the tenants of a courtyard and the tenants of the upper storey forgot to prepare a joint ‘erub,³³ the former may use³⁴ the lower ten handbreadths³⁵ and the latter may use the upper ten handbreadths.³⁶ In what circumstances? If a bracket³⁷ projected from the wall at a lower altitude than ten handbreadths it is assigned to the courtyard, but if it was higher than ten handbreadths³⁸ it is assigned to the upper storey. Thus it follows, does it not, that the space intervening³⁹ is forbidden?⁴⁰ —

R. Nahman replied: Here we are dealing with the case of a wall nineteen handbreadths high,⁴¹ from which a bracket projected. If [it projected] at a lower altitude than ten handbreadths,⁴² it is easily accessible to the one [group of tenants]⁴³ while to the other [group it is only accessible] by means of lowering their things,⁴⁴ but [if it projected] at a higher altitude [than ten handbreadths]⁴⁵ it is easily accessible to the latter⁴⁶ while to the former [it is accessible only] by means of thrusting.⁴⁷

(1) Whose quarters are on a higher level than the balcony and consequently are also higher than a mound of the height of ten handbreadths or any similar eminence in the courtyard.

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- (2) Lit., 'and why (cf. Bah) do they call it'.
- (3) Since the tenants of the upper storey may, and the tenants of the courtyard may not use the eminence.
- (4) As, in this case, the tenants of the upper storey.
- (5) In this case the tenants of the courtyard.
- (6) An eminence of the height of ten handbreadths in the courtyard would thus be either on a level with their quarters or slightly higher or lower, but always by no more than ten handbreadths (cf. infra n. 10).
- (7) That GALLERY designates the tenants who dwell on it.
- (8) Should it be assigned to the courtyard.
- (9) To the gallery (which is usually not higher than ten handbreadths) as well as to the courtyard. Since both groups of tenants can have easy access to it restrictions on its use should be mutually imposed.
- (10) The tenants of the courtyard as well as those of the gallery.
- (11) That TO THE COURTYARD means: Not only the tenants of the gallery but also those of the courtyard.
- (12) V. p. 583, n. 11.
- (13) Lit., 'but what'.
- (14) GALLERY is assumed to mean the tenants of the upper storey (for whom the gallery is a means of approach to their houses) who can use the RANK or the ROCK by lowering their things, while the tenants of the courtyard can use it only by thrusting their things up to it. Now since it is ruled that the former may use the BANK, etc. does not an objection arise against Rab who maintained (Supra 83b) that in such circumstances the two groups of tenants impose restrictions upon each other?
- (15) Of the phrase To THE GALLERY.
- (16) And not in the upper storey. Cf. supra p. 583, n. 7 mut. mut.
- (17) Which, being more or less on a level with the balcony and easily accessible to its tenants, may well be assigned for their use.
- (18) Lit., 'what is there to say'.
- (19) Whose bottom cannot be reached even by the tenants of the gallery except by lowering their buckets while the tenants of the courtyard can use it only by means of thrusting their buckets into it across its bank. Now since in this case of thrusting by the latter and of lowering by the former the use of the bank was granted to the former, the objection again arises against Rab who in such circumstances maintained that both groups of tenants are forbidden access.
- (20) The surface being more or less on a level with the gallery and therefore easily accessible to its tenants. Hence its assignment to the gallery.
- (21) By the using up of the water near the surface.

- (22) In consequence of which the tenants of the gallery would have to lower their buckets. Why then should the use of the cistern be permitted even in that case?
- (23) To the tenants of the gallery.
- (24) By the removal of some of the fruit.
- (25) Such may not be moved from their place on the Sabbath.
- (26) Lit., since it was taught similarly'.
- (27) Which cannot be reduced on the Sabbath by mere use. Both standing in juxtaposition they must be assumed to be on a par.
- (28) If it is to be assumed that the cistern was full of fruit that cannot be diminished on the Sabbath as a rock that cannot be diminished.
- (29) Seeing that one could easily be inferred from the other.
- (30) Lit., 'there is not (reason) to make a preventive measure
- (31) Forbidding its use.
- (32) Which may be handled on the Sabbath and which might, therefore, be removed during the Sabbath day.
- (33) But each group prepared one for itself.
- (34) Along the wall.
- (35) Since these are easily accessible to them, while to the tenants of the upper storey they are inaccessible except by the lowering of their objects into that level.
- (36) Cf. prev. n. mut. mut. In this case access is easy to the tenants of the upper storey while to those of the courtyard it is accessible only by thrusting.
- (37) Four handbreadths in width.
- (38) This is now assumed to mean that the bracket was higher than ten handbreadths measured from the upper storey downwards in the direction of the ground of the courtyard.
- (39) Between the ten handbreadths from the ground and ten handbreadths from the upper storey.
- (40) Because access to it is equally difficult to both groups of tenants. Those of the upper storey can use it only by lowering their things, while those of the courtyard can use it only by thrusting up their things. This ruling being in agreement with Rab's view, does not an objection arise against Samuel?
- (41) So that no space intervened between the lower ten and the upper ten handbreadths.
- (42) From the ground of the courtyard.
- (43) Lit., 'to this (as if) by a door', Sc. the tenants of the courtyard can easily use that space that is not higher than ten handbreadths.
- (44) Hence the ruling that the use of the bracket 'is assigned to the courtyard'.
- (45) From the ground of the courtyard.
- (46) Cf. supra n. 7 mut. mut.
- (47) Its use must consequently be granted to the tenants of the upper storey.

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Eruvin 84b

Come and hear: If two balconies were situated¹ [in positions] higher than each other² and a partition³ was made⁴ for the upper ones⁵ but not for the lower one restrictions are imposed on the use of both⁶ until all their tenants have joined in one ‘erub!⁷ —

R. Adda b. Ahabah replied: This is a case where the tenants of the lower balcony comes to fill their buckets by way of the upper one.⁹

Abaye replied: This is a case where the balconies were situated within ten handbreadths from each other,¹⁰ but¹¹ the ruling is to be understood to be in the form of ‘not only but’:¹² Not only where a partition was made for the lower one and none for the upper one are both forbidden, since, owing to the fact that they are situated with tell handbreadths from each other, their tenants impose restrictions upon each other, but even where the partition was made for the upper, and none was made for the lower,¹³ in which case it might have been assumed that, owing to the fact that its use is convenient for the former and difficult for the latter, it should be assigned to those to whom its use is convenient,¹⁴ hence we were informed that, since they are situated within ten handbreadths from, they also impose restrictions upon each other;¹⁵ as is the ruling in the case R. Nahman cited in the name of Samuel: If a roof¹⁶ adjoins a public domain¹⁷ a permanent ladder is required to render it permissible for use.¹⁸ Thus it is only a ‘permanent ladder’ that effects permissibility¹⁹ but not an occasional one;²⁰ but why?²¹ Obviously²² because on account of the fact that they²³ are situated within ten handbreadths from each other, the people in them impose restrictions upon each other.²⁴

R. Papa demurred: Is it not possible that this²⁵ applies Only to a roof on which many

people²⁶ are in the habit of putting down their skull-caps and turbans?²⁷

Rab Judah citing Samuel ruled:

- (1) On the same wall at the sea-shore above the water.
- (2) Being nevertheless drawn away from each other in a manner that left a space of less than four handbreadths between them and thus enabling persons on the lower balcony to draw their water by throwing a bucket into a hole (v. following n.) in the floor of the upper balcony.
- (3) Round a hole, four handbreadths wide, in the floor of the balcony through which water is to be drawn from the sea.
- (4) Jointly by the tenants of both balconies (cf. infra 88a).
- (5) A partition round such a hole, though in relation to the sea it is a suspended one, is deemed to extend downwards and penetrating to the bed of the sea (cf. Supra 12a) and forming a private domain through which the water of the sea may be taken up in buckets to the balcony. In the absence of such a device the movement of water or any other objects from the sea which has the status of a karmelith into the balcony which has that of a private domain is forbidden on the Sabbath.
- (6) Sc. neither the tenants of the upper balcony may draw water from the sea through the hole nor may those of the lower one throw their buckets into that hole to draw water through it.
- (7) Infra 87b. In the absence of a joint ‘erub the hole within the partition remains a mixed domain belonging to two different groups of tenants who impose restrictions upon each other and is, therefore, forbidden to both. Now here it is a case of use by lowering on the part of the tenants of the upper balcony and by thrusting on the part of those of the lower one, and yet it was ruled that both groups are forbidden; how then could Samuel maintain (supra 83b) that access is granted to ‘the tenants that can use it by means of lowering’?
- (8) By means of a ladder.
- (9) So that both groups of tenants use the hole in exactly the same manner both lowering and none thrusting their buckets.
- (10) Sc. the position of the upper balcony was by less than ten handbreadths higher than the lower, in consequence of which there can be no existence for a third domain between the two, the use of which should be allowed to the one or the other of these two adjacent domains. A third domain of such a character is possible only where the two adjacent domains were separated from each other by a trench, or a wall that was ten handbreadths deep or high or by a space of similar height.

(11) In reply to the possible objection: If the prohibition of the use of the hole is due to the proximity of the balconies and not to the manner in which use of it was made, why was the ruling limited to the case where 'a partition was made for the upper one seeing that the same ruling should apply even where it was made for the lower one?

(12) Lit., 'and he implied (the formula) it is not required'.

(13) So that the tenants of the former use it by lowering and the tenants of the latter use it by thrusting.

(14) In agreement with Samuel.

(15) Thus indicating that in such a case the manner of use is of no consequence.

(16) That was less than ten handbreadths high (cf. R. Tam in Tosaf. a.l. whose interpretation is here followed).

(17) On one of its sides, while on its other sides it adjoins a courtyard.

(18) By the tenants of the courtyard. Though a ladder cannot effect the permissibility of a karmelith (cf. Maharsha, a.l.) the roof which is a private domain within, and is consequently no proper karmelith, may well be rendered permissible by connecting it with a permanent ladder with the courtyard.

(19) Lit., 'yes'.

(20) Though even such an occasional ladder facilitates the use of the roof by the tenants of the courtyard to whom the roof is thereby much more easily accessible than to the people in the public domain who have not the use of even an occasional ladder.

(21) Sc. in view of the fact that even an occasional ladder facilitates the use of the roof by the courtyard tenants (cf. prev. n.) why should not the use of the roof be permitted to them?

(22) Lit., 'not?'

(23) The courtyard and the public domain.

(24) In agreement with Abaye's explanation.

(25) The ruling that an occasional ladder cannot effect permissibility.

(26) On weekdays.

(27) Sc. though they cannot conveniently put upon it any heavy loads, they can well use it for putting down light objects such as skull-caps which on a hot day people usually put down there while they rest and cool themselves. As the use of the roof is thus equally accessible to, and convenient for both the people in the public domain and those in the courtyard, a permanent ladder is justifiably required if the roof (an imperfect karmelith) is to be permanently connected with the courtyard and disconnected from the public domain. This ruling, therefore, cannot be adduced as a support for Abaye's submission. (For other interpretations of the passage cf. Rashi and Tosaf. a.l.).

Eruvin 85a

If a cistern¹ between two courtyards² was removed four handbreadths from the one wall³ and four handbreadths from the other wall,⁴ each owner may construct some slight projection from his walls⁵ and may then draw the water.⁶

Rab Judah on his own, however, ruled: Even a reed suffices.⁷

Said Abaye to R. Joseph, This ruling of Rab Judah⁸ must be Samuel's,⁹ for should it be contended that It is¹⁰ Rab's the difficulty would arise: Did he not rule that no man could impose restrictions upon another through the air?¹¹ From which ruling of Samuel, however, could this⁸ be derived?¹² If it be suggested: From the following which R. Nahman reported In the name of Samuel, viz., If a roof adjoins a public domain a permanent ladder is required to render it permissible for use,¹³ — [could it not be retorted]: that the reason there¹⁴ might be in agreement with the opinion of R. Papa?¹⁵ —

It is rather from this ruling:¹⁶ 'Each owner constructs some slight projection from his wall and he may then draw the water'.¹⁷ The reason then¹⁸ is that a projection was made,¹⁹ but if no projection had been made it would have been maintained that a man imposes restrictions upon another through the air.²⁰ From which ruling of Rab, however, was the view²¹ here attributed to him derived? If it be suggested from this: 'If two balconies were situated in positions one higher than the other, and a partition was made for the upper one but not for the lower one restrictions are imposed on the use of both until all their tenants have joined in one 'erub';²² in connection with which R. Huna stated in the name of Rab: 'This²³ was learnt only in respect of [a balcony] that is near²⁴ but where it was²⁵ four handbreadths away,²⁶ the use of the upper one is permitted and that of the lower one is forbidden',²⁷ could it not

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be retorted that the case here²⁸ comes under a different category²⁹ because, owing to the fact that access in the case of the one group³⁰ is by means of thrusting as well as by means of lowering³¹ while in that of the other³² it is by means of lowering only, the case is analogous to that where one gains access by means of thrusting³³ and the other by means of a door?³⁴ —

It is rather from this ruling: which R. Nahman cited in the name of Rabbah b. Abbuha who had it from Rab:³⁵ If there were three ruins³⁶ between two houses³⁷ each occupier may use³⁸ the ruin nearest to him³⁹ by means of thrusting⁴⁰

- (1) In an alley into which no courtyard or house doors opened.
- (2) Between which intervened the alley (cf. prev. n.) into which a window from each courtyard opened.
- (3) Of the one courtyard.
- (4) Of the courtyard opposite. If the distances between the cistern and courtyards were less than four handbreadths access to the cistern through the courtyard windows (cf. supra n. 2) would have been equally easy from both courtyards and the use of the cistern would, therefore, have been forbidden to the tenants of both on account (cf. infra 86a) of the restrictions they would impose upon one another.
- (5) Towards the cistern. Lit., 'this (one) brings out a projection of any size
- (6) Through his window. The two domains represented by the two courtyards, since they are four handbreadths distant from the cistern, cannot impose restrictions on its use, while the use of the alley itself cannot in any way be affected since neither house doors nor courtyard doors opened into it. The very requirement of the projection is in fact unnecessary for the purpose of bringing about the permissibility of the use of the cistern. It rather serves merely as a distinguishing mark to prevent people from the use of a domain in which more than one mall has a share, unless a joint 'erub had been duly prepared.
- (7) As a projection for the purpose mentioned.
- (8) That provision for some sort of a projection is necessary.
- (9) Not Rab's who also was his teacher.
- (10) Lit., 'for if'.
- (11) And not even a reed should have been required in this case where the bucket has to be thrust through a space of four handbreadths in the air. The ruling must consequently be Samuel's.

(12) It is now assumed that Abaye did not hear Rab Judah's ruling in conjunction with the one he specifically reported in the name of Samuel. Had he been assumed to have heard the two in the form recorded supra this question could never have arisen.

(13) Supra 84b q.v. notes; and in the absence of such a ladder the people in the public domain and the tenants of the courtyard impose restrictions upon one another in the use of the roof. Now since a roof is usually inaccessible from a public domain except by means of thrusting the only way by which a man in that domain could make use of the roof would be by thrusting some object or objects on it through the air. This being forbidden by Samuel it follows that in his opinion restrictions are imposed even through the air.

(14) For the prohibition in the absence of a permanent ladder.

(15) That the roof can be used from the public domain, by people who put upon it their skull-caps and turbans.

(16) That, in the opinion of Abaye, Rab Judah deduced Samuel's view on the necessity for some projection. Abaye, it is now concluded, did hear Rab Judah's ruling in the form in which it was recorded supra.

(17) Supra q.v. notes.

(18) Why the drawing of the water is permitted.

(19) Lit., 'that he brought out'.

(20) And since Samuel required only 'some slight projection' Rab Judah deduced that 'even a reed suffices'.

(21) That no man can impose restrictions upon another through the air.

(22) Supra 84b q.v. notes.

(23) That restrictions are imposed by the tenants of the lower balcony upon those of the upper one.

(24) Sc. though it was vertically ten handbreadths lower than the upper one it was horizontally within four handbreadths from it.

(25) Horizontally.

(26) So that its tenants cannot use the upper balcony except by thrusting their buckets through the air.

(27) Which shows that, according to Rab, no restrictions can be imposed through the air by the tenants of the one balcony upon those of the other.

(28) That of the two balconies.

(29) Lit., 'perhaps it is here different'.

(30) The people on the lower balcony.

(31) Thrusting their buckets to the upper balcony and then lowering it through the hole in the floor into the water.

(32) The tenants of the upper one.

(33) Difficult and inconvenient use.

(34) Sc. easy and convenient access; and, since the tenants of the lower balcony are in the position of the former while those of the upper one are in the

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position of the latter, Rab justifiably ruled that 'the use of the upper one is permitted and that of the lower one is forbidden'. What proof however, is there that Rab also maintains that no restrictions can be imposed through the air even where, as in the case of the cistern between the two courtyards, the tenants can use it in exactly the same manner?

(35) That Rab's view was deduced.

(36) Inhabited by none and their walls were broken down so that the interiors were fully exposed.

(37) Which had windows opening towards the ruins and the occupiers of which were the sole owners of the ruins.

(38) Through his windows.

(39) As he can never, even on a weekday, make proper use of that ruin into which no doors opened, and access to which can be gained only through a window, its exposure through the broken walls to the adjacent ruins does not deprive him of the right of using it.

(40) Throughout its area even far away from the window, or by lowering things immediately below it.

Eruvin 85b

while the use of the middle ruin is forbidden.¹ R. Berona, sitting at his studies, was enunciating this ruling² when R. Eleazar,³ a student at the college, asked him, 'Did Rab actually say this?'⁴ —

'Yes', the other replied. 'Will you', the first asked: 'show me his lodgings?' When the other showed them to him he approached Rab and asked him, 'Did the Master say this?'⁵ —

'Yes', the other replied. 'But', the first objected, 'did not the Master state: Where it is accessible to one by means of lowering things and to the other by means of thrusting both are forbidden access?'⁶ —

'You imagine', the other replied: 'that they stood in a straight line;⁸ but no, they stood in a triangle'.⁹

Said R. Papa to Raba: Must it be assumed that Samuel¹⁰ does not uphold the view of R. Dimi, seeing that when R. Dimi came¹¹ posed even through the air. How, then, he

wondered, could Rab allow each occupier to use the ruin adjacent to his house seeing that the occupier opposite should impose restrictions on its use through the air since he can use it by throwing his things into it? he stated in the name of R. Johanan: On a place¹² whose area is less than four handbreadths by four¹³ it is permissible both for the people of the public domain and for those of the private domain¹⁴ to re-arrange their burdens, provided they do not exchange them?¹⁵ — There¹⁶ it is a case of domains,¹⁷ access between which is Pentateuchally forbidden,¹⁸ while here¹⁹ it is a case of domains,²⁰ access between which is only Rabbinically forbidden, and the Sages have applied to their enactments, heavier restrictions than to those of the Torah.²¹

Said Rabina to Raba: Did Rab say this?²² Was it not in fact stated: If two houses²³ stood on the two sides respectively of a public domain it is forbidden, said Rabbah son of R. Huna In the name of Rab, to throw any object from one into the other,²⁴ and Samuel ruled: It is permitted to throw from one into the other?²⁵ — Have we not explained,²⁶ the other replied, that one²⁷ was higher and the other²⁸ lower so that²⁹ it may sometimes happen that the object might drop and roll away and one might in consequence be tempted to carry it.³⁰

MISHNAH. IF A MAN DEPOSITED HIS 'ERUB³¹ IN A GATE-HOUSE, AN EXEDRA OR A GALLERY IT IS NOT A VALID 'ERUB;³² AND NO ONE WHO DWELLS IN IT³² IMPOSES RESTRICTIONS.³³ AN 'ERUB³¹ DEPOSITED IN A STRAW-SHED, A CATTLE-SHED, A WOOD-SHED OR STOREHOUSE IS VALID;³⁴ AND ANYONE³⁵ WHO DWELLS IN IT IMPOSES RESTRICTIONS.³⁶ R. JUDAH RULED: IF THE HOUSEHOLDER HAS THERE³⁷ ANY HOLDING³⁸ THE TENANT IMPOSES NO RESTRICTIONS.³⁹

GEMARA. R. Judah son of R. Samuel b. Shilath stated: If concerning any place the Sages⁴⁰ ruled that 'No one who dwells in it

imposes restrictions' the 'erub that is deposited [in such a place] is no valid 'erub, the only exception being the gate-house of an individual owner;⁴¹ and if concerning any place the Sages ruled that 'no 'erub⁴² may be deposited in it', shittuf⁴³ may nevertheless be deposited in it,⁴⁴ the only exception being the air space of an alley. But what does he⁴⁵ teach us,⁴⁶ seeing that we learned: IF A MAN DEPOSITED HIS 'ERUB IN A GATE-HOUSE, AN EXEDRA ON A GALLERY IT IS NOT A VALID 'ERUB, from which it follows only that it is NOT A VALID 'ERUB but that it is nevertheless a valid shittuf. —

He⁴⁵ found it necessary to make his statement on account of the law relating to the 'gate-house of an individual owner'⁴¹ and to the 'air space of an alley' which we have not learnt in our Mishnah. So⁴⁷ it was also taught: 'If a man deposited his 'erub in a gate-house, an exedra, a gallery, a courtyard or an alley his 'erub is valid', but have we not learnt: IT IS NOT A VALID 'ERUB?⁴⁸

Read, therefore, 'the shittuf is valid.'⁴⁹ But can the food for shittuf be safely preserved in an alley?⁵⁰ —

Read: In a courtyard that is situated in the alley.⁵¹

Rab Judah citing Samuel⁵² ruled: If members of a party were dining when the sanctity of the Sabbath day overtook them, they may rely upon the bread on the table to serve the purpose of 'erub or, as others say, the purpose of shittuf.

Rabbah observed: There is really no divergence of opinion between them,⁵³ since the former refers to a party dining in a house⁵⁴ while the latter refer to one dining in a courtyard.⁵⁵

Said Abaye to Rabbah, It was taught in agreement with your view: 'Erubs of courtyards should be deposited in a courtyard and shittufs of alleys in an alley,'⁵⁶

and when the objection was raised: How could it be said that 'erubs of courtyards should be deposited in a courtyard' seeing that we learned, IF A MAN DEPOSITED HIS 'ERUB IN A GATE-HOUSE OR EXEDRA OR A GALLERY IT IS NOT A VALID 'ERUB?⁵⁷

[It was replied,] Read: 'Erubs of courtyards should be deposited in a house that was situated in the courtyard, and food for the shittuf of an alley should be deposited in a courtyard that was in the alley.⁵⁸

R. JUDAH RULED: IF... HAS THERE ANY HOLDING, etc. What is one to understand by a HOLDING? — One, for instance, like that in the courtyard of Bonyis.⁵⁹ The son of Bonyis once visited Rabbi. 'Make room', the latter called out,⁶⁰ 'for the owner of a hundred maneh'. Another person entered, when he called out,

(1) To the occupiers of either house. The reason is discussed infra. Now since the two ruins that were adjacent to the houses may be used by the respective occupiers, despite the use that each is able on weekdays to make of the ruin adjacent to his neighbor's house by thrusting objects into it through the air, it follows that in the opinion of Rab no restrictions can be imposed by one person upon another through his use of the air.

(2) Of Rab, just cited by R. Nahman in the name of Rabbah b. Abbuha.

(3) v. marg. glosses. Cur. edd. 'Eliezer.

(4) R. Eleazar's view was that Rab, who forbade the use of the middle ruin though neither of the occupiers of the house could use it except by throwing his things into it through the air, was of the opinion that restrictions are imposed.

(5) V. p. 591, n. 15.

(6) From which it follows that if the use of a place is not as convenient to one of the parties as in the case of access through an open door, though that party's use by lowering is easier than the other party's use by thrusting, restrictions are nevertheless imposed. How then, seeing that according to Rab restrictions are imposed through the air (cf. prev. n.), could the use of a ruin be permitted to the occupier of the house nearest to it in view of the fact that his access to it is only less difficult than that of the occupier of the opposite house but not really convenient?

(7) The three ruins.

(8) So that the air space of a ruin intervened between either house and the central ruin.

(9) Lit., 'like a tripod'. One ruin was adjacent to both houses and faced the other two that stood in a straight line and were respectively adjacent to one of the houses and separated from the other by the ruin adjacent to it. The use of the central ruin is forbidden to both occupiers, not for the reason assumed by R. Eleazar, but because both, who through their windows have equally direct, though inconvenient, access to it, impose restrictions upon each other. The use of the other two ruins too is permitted respectively to both because in the case of either ruin one of the occupiers has direct access and the other has only indirect access by means of thrusting his things into it through the air through which no restriction can be imposed.

(10) In laying down supra that a man may impose restrictions upon another through the air.

(11) From Palestine to Babylon.

(12) Situated between a public and a private domain.

(13) And is consequently too insignificant to constitute a domain of its own.

(14) Since in relation to either it loses its identity.

(15) If exchange also were permitted people might erroneously assume that it is permitted to carry objects from a private domain into a public one and vice versa. Now, a place having an area so small as the one described has no legal existence in respect of the Sabbath laws and is, therefore, analogous to mere air space and, since it was ruled that it may be freely used, and that no provision such e.g. as a projection is necessary, Samuel who did prescribe a projection in the case of use through the air cannot very well agree with it.

(16) R. Dimi's ruling.

(17) A public and a private one.

(18) As people are usually careful in the observance of Pentateuchal restrictions no special provision, such as that of a projection, was considered necessary.

(19) A cistern between two courtyards.

(20) Both Pentateuchally private.

(21) As a precaution against possible laxity in their observance.

(22) That each occupier may thrust things into the ruin nearest to his house because the occupier of the opposite house cannot impose restrictions through the air.

(23) Both belonging to the same owner.

(24) Though it passes the public domain at a higher level than ten handbreadths from the ground; the reason presumably being that the people of the public domain impose restrictions through the air of their domain through which the object must pass.

(25) Now since Rab presumably laid down here (cf. prev. n.) that restrictions may be imposed

through the air, how could he have ruled supra that restrictions through the air cannot be imposed?

(26) As a reason for the prohibition.

(27) Of the two houses under discussion.

(28) Of the two houses under discussion.

(29) Where an object is thrown from the lower to the upper house.

(30) From the public into the private domain which is Pentateuchally forbidden. Samuel's ruling here that 'it is permitted' to throw objects from one house into the other, it may be added, presents no contradiction against his ruling supra that restrictions are imposed through the air, since the former case relates to domains access between which is Pentateuchally forbidden while the latter relates to such as are only Rabbinically forbidden. Greater safeguards, as has been explained supra, were required in the case of a Rabbinical enactment than in that of a Pentateuchal one.

(31) Of courtyards.

(32) Since none of these is a proper dwelling-house.

(33) Upon the occupier (or occupiers) of the courtyard, even if that tenant did not make a contribution to the 'erub of the courtyard.

(34) Lit., 'behold this is 'erub'.

(35) To whom the householder has loaned its use.

(36) Upon the use of the courtyard, on account of its door that opened into that courtyard.

(37) In the straw-shed, etc. In his courtyard, which he loaned to the tenant.

(38) Lit., 'a holding (or grasping) of the hand (or place)', sc. if he is entitled to use a section of the place for his own storage.

(39) Because the entire courtyard with all its rooms and sheds are deemed to be the dwelling quarters of the householder while the tenant in question has no individual status but that of one of his household.

(40) Cf. Bah.

(41) Of the courtyard. Our Mishnah refers to the gate-house of a courtyard that was owned by several people.

(42) Of courtyards.

(43) Sc. the food prescribed for the purpose.

(44) The essence of an 'erub of courtyards is the legal fusion of all the houses and rooms in a courtyard into one common dwelling, that dwelling being the place in which the 'erub is deposited. As in its essence it must constitute a 'dwelling', only a place or structure that is used as a dwelling is suitable for the purpose. Shittuf however, which combines only courtyards, in which people do not actually dwell, has no connection with the principle of 'a dwelling' and the food for it may, therefore, be deposited even in a place that is not used for dwelling purposes.

(45) R. Judah.

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(46) By the statement he cited in the name of R. Samuel b. Shilath.

(47) That the food for Shittuf may be deposited even in those structures where no 'erub may be deposited.

(48) How then are the two rulings to be reconciled?

(49) This providing support for the ruling cited by R. Judah.

(50) Lit., 'shittuf in an alley is not preserved'.

(51) Sc. only one whose door opened into the alley.

(52) MS.M., 'Rab' (cf. the parallel passage supra 73b, where cur. edd. also read 'Rab').

(53) Those who read 'erub' and those who read 'shittuf'.

(54) Which is a suitable place for an 'erub.

(55) In which only the food for shittuf, but not that for 'erub, may be deposited.

(56) Suk. 3b.

(57) Because a proper dwelling house is an essential. How then could an open courtyard be used for the purpose?

(58) But neither can an 'erub be deposited in the courtyard itself nor a shittuf in the alley itself.

(59) A rich man who allowed people to occupy various rooms in his courtyard but reserved for himself the right to a holding in each room for the purpose of storing in it some of his own goods.

(60) Lit., 'said to them'.

Eruvin 86a

'Make room for the owner of two hundred maneh'. 'Master', said R. Ishmael son of R. Jose to him, 'the father of this man¹ owns a thousand ships on the sea and a corresponding number of towns on land'. 'When you meet² his father', the other replied: 'tell him not to³ send him to me in such clothes'.⁴

Rabbi showed respect to rich men, and R. Akiba also showed respect to rich men, in agreement with an exposition made by Raba⁵ b. Mari: May he be enthroned before God for ever, appoint mercy and truth that they may preserve him,⁶ when 'may he be enthroned before God for ever'?⁷ When he 'appoint mercy and truths that they may preserve him'.

Rabbah b. Bar Hana explained:⁹ The pill of the plow, for instance.¹⁰

R. Nahman stated: It was taught at the school of Samuel: If it¹¹ is an object that may be handled on the Sabbath¹² the tenant¹³ imposes restrictions,¹⁴ but if it is one that may not be handled on the Sabbath¹⁵ the tenant imposes no restrictions.¹⁶ So¹⁷ it was also taught: If he¹⁸ has tebel, bars of metal, or any other object that may not be moved on the Sabbath, the tenant¹⁹ imposes no restrictions.

MISHNAH. IF A MAN LEFT HIS HOUSE AND WENT TO SPEND THE SABBATH IN ANOTHER TOWN, WHETHER HE WAS A GENTILE OR AN ISRAELITE, HIS SHARE²⁰ IMPOSES RESTRICTIONS ON THE RESIDENTS OF THE COURTYARD;²¹ SO R. MEIR, R. JUDAH RULED: IT IMPOSES NO RESTRICTIONS.²² R. JOSE²³ RULED: THE SHARE OF A GENTILE²⁴ IMPOSES RESTRICTIONS; BUT THAT OF AN ISRAELITE²⁵ DOES NOT IMPOSE ANY RESTRICTIONS BECAUSE IT IS NOT USUAL FOR AN ISRAELITE TO RETURN ON THE SABBATH. R. SIMEON RULED: EVEN IF HE LEFT HIS HOUSE AND WENT TO SPEND THE SABBATH WITH HIS DAUGHTER IN THE SAME TOWN²⁶ HIS SHARE IMPOSES NO RESTRICTION, SINCE²⁷ HE HAD NO INTENTION WHATEVER OF RETURNING.²⁸

GEMARA. Rab stated: The halachah is in agreement with R. SIMEON. This, however, applies only [where the man went to spend the Sabbath with] his daughter but not [where he went to spend it with] his son; for it is a common saying: 'If a dog barks at you, go in; if a bitch barks at you go out'.²⁹

MISHNAH. FROM A CISTERN BETWEEN TWO COURTYARDS³⁰ NO WATER MAY BE DRAWN³¹ ON THE SABBATH³² UNLESS A PARTITION TEN HANDBREADTHS HIGH HAS BEEN MADE FOR IT³³ EITHER BELOW³⁴ OR WITHIN ITS RIM.³⁵ R. SIMEON B. GAMALIEL STATED, BETH SHAMMAI RULED: BELOW,³⁴ AND BETH HILLEL RULED: ABOVE.³⁴ R. JUDAH OBSERVED: THE PARTITION COULD NOT BE MORE

EFFECTIVE³⁶ THAN THE INTERVENING WALL.³⁷

GEMARA. R. Huna explained: BELOW³⁸ means actually below,³⁹ and ABOVE⁴⁰ means actually above,⁴¹ and in either case the partition must be⁴² within the cistern.⁴³ Rab Judah, however, explained: BELOW³⁸ means below the water,⁴⁴ and ABOVE⁴⁰ means above the water.⁴⁵

Said Rabbah son of R. Hanan to Abaye: With reference to Rab Judah's submission that⁴⁶ 'BELOW means below the water'⁴⁷ why⁴⁸ did he not explain, 'actually below'?⁴⁹ Apparently because the waters would be mixed;⁵⁰ but then, even if he explains, 'below the water',⁴⁷ is not the water mixed?⁵¹ —

The other replied: Have you not heard the statement which Rab Judah made in the name of Rab or, as others are inclined to assert, in the name of R. Hiyya: The tops of the reeds⁵² must be seen projecting one handbreadth above the surface of the water! Furthermore,⁵³ with reference to Rab Judah's submission that ABOVE⁴⁰ means above the water',⁵⁴ why⁴⁸ does he not explain, actually above'?⁴¹ Apparently because the water would be mixed;⁵⁰ but then, even if it is explained: 'above the water'⁵⁴ is not the water mixed?⁵⁰ —

The other replied: Have you not heard what Jacob of Karkhina has learnt: One must insert the ends of the reeds into the waters⁵⁵ to the depth of a handbreadth.⁵⁶ With reference, however, to Rab Judah's ruling that a crossbeam of the width of four handbreadths effects permissibility⁵⁷ in a ruin,⁵⁸ and to that of R. Nahman who, citing Rabbah b. Abbuha, ruled that

- (1) Bonyis.
- (2) Lit., 'when thou wilt reach at'.
- (3) Lit., 'do not'.
- (4) Which belie his wealth.
- (5) En Jacob, 'Rabbah'.
- (6) Ps. LXI, 8.
- (7) Sc. deserve honor and respect.

(8) Being rich one is able to exercise acts of mercy and truth. According to Rashi נָמַן (here rendered 'appoint') signifies 'food' (cf. 'manna' which is the equivalent of the Hebrew נַחֲמַן), the rich deserve respect because they exercise mercy and provide food for the poor.

(9) The meaning of a HOLDING.

(10) That the householder kept in the tenant's room.

(11) The object (cf. prev. n.).

(12) So that it is possible to remove it from the room during the day.

(13) Who may thus become the sole occupier.

(14) On the use of the courtyard, unless he made his contribution to the 'erub.

(15) In consequence of which it must remain in the tenant's room until the termination of the day.

(16) Since the householder's right to the holding in his room is secured for the whole Sabbath.

(17) That the question of restrictions is dependent on the nature of the object.

(18) The householder.

(19) Since the householder's right to the holding in his room is secured for the whole Sabbath.

(20) In the courtyard, as a householder.

(21) Lit., 'behold this (man) forbids'. Since he did not make a contribution to the 'erub. An empty house, in his opinion, has the same status in respect of 'erub as one that is occupied.

(22) An empty house, he maintains, cannot in respect of 'erub be regarded as a dwelling-house.

(23) Though, in agreement with R. Judah, he holds that an empty house is no valid dwelling-house (cf. prev. n.).

(24) Since he might return during the Sabbath to re-occupy his house.

(25) While his house remains unoccupied.

(26) So that he could return on the Sabbath if he were disposed to do so.

(27) At the time the Sabbath began.

(28) Lit., 'because he has already removed (the thought of returning) from his heart'.

(29) A quarrelsome son-in-law is not very dangerous and there is no reason to expect that his father-in-law might have to leave his daughter's house during the Sabbath. A quarrelsome daughter-in-law might drive her father-in-law from his sons's house before the day is over.

(30) Half of it being in the one and the other half in the other.

(31) If no joint 'erub between the courtyards has been prepared.

(32) Because each group of tenants would unlawfully be drawing water out of the other group's domain and carrying it into theirs.

(33) To divide the waters of the two domains from each other.

(34) This is explained in the Gemara infra.

(35) Though it does not touch the water. The partition is deemed to be extended downwards and to penetrate beneath the surface of the water to the ground. This is a special relaxation of the law in respect of water partitions.

(36) Lit., 'let not the partition be greater'.

(37) Between the two courtyards, and underneath which the cistern lies.

(38) In Beth Shammai's ruling.

(39) Below the mouth of the cistern, sc. near the water, though there is no need for the edge of the partition to touch the water.

(40) In the ruling of Beth Hillel.

(41) Near the rim. There is no need to extend it to the water.

(42) Lit., 'and this and this'.

(43) Sc. even Beth Hillel agree that the entire partition of ten handbreadths high must be within the rim and below it.

(44) Sc. the partition must be fixed in the floor of the cistern.

(45) The partition need not actually touch it but must not be removed from it as far as the rim (cf. Supra n. 2. 'Below' according to R. Huna, it will be noted, is identical with 'above' according to Rab Judah).

(46) Lit., 'that which Rab Judah said'.

(47) Sc. the partition must be fixed in the floor of the cistern.

(48) Lit., 'what is the difference'.

(49) Below the mouth of the cistern, sc. near the water, though there is no need for the edge of the partition to touch the water.

(50) Beneath the partition.

(51) Above the partition; since the water may be deeper than the height of the partition the prescribed size of which is only ten handbreadths.

(52) Of which the partition in the water is made.

(53) It was asked.

(54) V. supra n. 8.

(55) According to Beth Hillel.

(56) The difference between Beth Hillel and Beth Shammai being that while Beth Hillel regard the partition as a mere symbol of division, in consequence of which it is not necessary to insert it below the depth of one handbreadth of water, Beth Shammai regard it as a proper division, in consequence of which its lower end must be inserted into the bottom of the cistern so that it may completely divide between the waters of the two domains.

(57) Of the movement of objects under it.

(58) If it lay on its width and reached from one wall to the other on the opposite side.

a cross-beam of the width of four handbreadths¹ effects permissibility in the case of water,² does not the bucket swing to the other side³ and thus carry up the water from it? — The Rabbis have ascertained that a bucket does not swing beyond four handbreadths.⁴ But are not the waters mixed under the cross-beam at least? — The fact is that⁵ the Sages⁶ have relaxed the law in respect of water; as R. Tabla, when he enquired of Rab whether a suspended partition can convert a ruin⁷ into a permitted domain, was told: A suspended partition effects permissibility of use in the case of water alone⁸ since in the case of water did the Sages relax the law.

R. JUDAH OBSERVED: THE PARTITION COULD NOT BE. Rabbah b. Bar Hana citing R. Johanan explained: R. Judah⁹ made his submission on the lines of the view of R. Jose who holds: A suspended partition effects permissibility even on dry land.¹⁰ For we learned: If its walls were suspended¹¹ from above in a downward direction [the sukkah] is invalid, if they were removed¹² three handbreadths from the ground;¹³ but if they are raised¹⁴ in an upward direction¹⁵ the sukkah is valid if they were ten handbreadths high.¹⁶

R. Jose ruled: As walls of the height of ten handbreadths are valid if they rise from the ground upwards¹⁶ so are those that stretch from above downwards valid if their height is ten handbreadths.¹⁷ This,¹⁸ however, is not correct; neither does R. Judah hold the view of R. Jose nor does R. Jose hold that of R. Judah.

R. Judah does not hold the view of R. Jose, since the former maintained his view only¹⁹ in respect of 'erubs of courtyards which are merely a Rabbinical institution²⁰ but not in that of sukkah which is Pentateuchal.²¹ Nor does R. Jose hold the view of R. Judah, since the former maintained his view only in respect of sukkah which is merely a positive commandment²² but not in that of Sabbath

which involves a prohibition punishable by stoning.²¹ And should you ask,²³ 'In agreement with whose view was that incident²⁴ at Sepphoris²⁵ decided upon?'²⁶ It was not decided upon [it might be explained,] in agreement with the view of R. Jose²⁷ but with that of R. Ishmael son of R. Jose.²⁸

When²⁹ R. Dimi came³⁰ he related: The people once forgot to bring³¹ a scroll of the Torah on the Sabbath eve³² and on the following day they³³ spread a sheet upon the pillars,³⁴ brought the scroll of the Torah³¹ and read from it.³⁵ 'They spread!' But is this permitted³⁶ ab initio seeing that all³⁷ agree that not even a temporary tent may be put up on the Sabbath?³⁸ The fact is that they found sheets spread upon the pillars and so they brought the scroll of the Torah and read from it.

Rabbah observed: R. Judah and R. Hananya b. Akabya have said practically the same thing.³⁹ As to R. Judah there is the ruling just mentioned. As to R. Hananya b. Akabya, it was taught:⁴⁰ R. Hananya b. Akabya ruled: In a balcony⁴¹ that has an area of four cubits by four cubits⁴²

- (1) If it lay on its wide side across the mouth of a cistern between two courtyards.
- (2) Sc. the water may be used by the tenants of each courtyard as if a proper division had separated the water of their domain from that of the other.
- (3) Of the cross-beam, into the adjacent domain.
- (4) As the beam is four handbreadths wide the bucket cannot swing from its one side beyond its opposite side.
- (5) Contrary to the view of Rab Judah.
- (6) Beth Hillel who, according to the view of R. Huna, maintain that the top of the partition of ten handbreadths' height may be as far above the water as the rim of the cistern.
- (7) In respect of the movement of objects within it.
- (8) As in the case, for instance, of a cistern between two domains.
- (9) In allowing the wall between the courtyards, which, in relation to the water, is only a suspended partition, to form a valid division between the waters of the two domains.
- (10) Not only in water. Hence it is not necessary for the partition either to be within the cistern or even to be made expressly for the purpose.

- (11) Lit., 'he who lets down walls'.
- (12) Lit., 'in the time that they are high'.
- (13) Since kids are able to skip under them they are regarded as suspended partitions and are, therefore; invalid.
- (14) From the ground.
- (15) Lit., 'from below to above'.
- (16) Even though they do not reach to the roof'.
- (17) Shab. 97a, Suk. 16a. Though a space of three handbreadths intervenes between them and the ground.
- (18) R. Johanan's submission cited by Rabbah b. Bar Hana.
- (19) Lit., 'until here R. Judah only said'.
- (20) That need not be so meticulously observed as a Pentateuchal law.
- (21) Cf. prev. n. mut. mut. In this case, therefore, he would not allow a suspended partition.
- (22) The transgression of which involves no serious penalties.
- (23) Since R. Jose does not recognize the validity of a suspended partition in the case of the Sabbath laws.
- (24) Concerning a suspended partition recorded infra.
- (25) Which was subject to the jurisdiction of R. Jose (cf. Sanh. 32b).
- (26) Lit., 'by the mouth of whom was it done', when a suspended partition was recognized as valid.
- (27) In his lifetime when no decision against his views would have been proper.
- (28) After his father's death.
- (29) Lit., 'for when', introducing the incident just discussed.
- (30) From Palestine to Babylon.
- (31) To the Synagogue.
- (32) Lit., 'while it was yet day'.
- (33) In order to enable them to carry the scroll from the house where it was kept, through a courtyard in which no 'erub had been prepared, into the Synagogue.
- (34) That were on the way; and thus they formed a narrow passage between the house in which the scroll was kept and the Synagogue. Since no other door opened into the passage it was permissible to carry the scroll through it even in the absence of all 'erub.
- (35) Suk. 1 6b. As a sheet is a suspended partition it follows that at that time the validity of a suspended partition was duly recognized.
- (36) On the Sabbath.
- (37) Even those who allow a certain form of additions to an existing tent.
- (38) Shab. 125b.
- (39) Sc. both agree that the Sabbath laws in connection with partitions of water are invariably to be relaxed.

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(40) V. marg. glos. Cur. edd. in parenthesis, ‘for we learned’.

(41) Above the sea.

(42) Which are equal to twenty-four by twenty-four handbreadths.

Eruvin 87a

one cuts a hole of four handbreadths by four¹ and may draw water through it.² Said Abaye to him:³ Is it not possible that your observation is incorrect?⁴ R. Judah may have maintained his view there only⁵ because he holds the principle that a partition is deemed to extend downwards but not here where it must be deemed to be both bent and extended; and R. Hananya b. Akabya may have maintained his view there only, in the case of the sea of Tiberias,⁶ because it has embankments, towns and karpafs around it⁷ but not in that of other waters.

Abaye observed: According to the view of R. Hananya b. Akabya⁸ if the balcony was within three handbreadths from the wall⁹ it is necessary for its length to be four cubits and for its width to be eleven cubits and a fraction.¹⁰ If it was upright¹¹ it is necessary that its height¹² shall be ten handbreadths¹³ and its width six handbreadths and two fractions.¹⁴

R. Huna son of R. Joshua observed: If it¹⁵ was situated in a corner¹⁶ it is necessary for its height to be ten handbreadths¹⁷ and for its width to be two handbreadths and two fractions.¹⁸ With reference, however, to what was taught: R. Hananya b. Akabya ruled: ‘In a balcony that has an area of four cubits by four he cuts a hole of four handbreadths by four and may draw water through it’, in what circumstances could this¹⁹ be possible?²⁰ — Where it is constructed in the shape of a mortar.²¹

MISHNAH. FROM A WATER CHANNEL²² THAT PASSES THROUGH A COURTYARD NO WATER MAY BE DRAWN ON THE SABBATH²³ UNLESS IT WAS FURNISHED²⁴ WITH A PARTITION TEN HANDBREADTHS

HIGH AT ITS ENTRANCE²⁵ AND EXIT.²⁶ R. JUDAH RULED: THE WALL ABOVE IT²⁷ MAY BE REGARDED AS A PARTITION. R. JUDAH OBSERVED: IT ACTUALLY HAPPENED WITH THE WATER-CHANNEL OF ABEL²⁸ THAT WATER WAS DRAWN FROM IT ON THE SABBATH ON THE AUTHORITY OF THE ELDERS.²⁹ THEY³⁰ REPLIED: BECAUSE IT WAS NOT OF THE PRESCRIBED SIZE.³¹

GEMARA. Our Rabbis taught: if it³² was furnished³³ with a partition at its entrance²⁵ but not at its exit,³⁴ or if one was furnished at its exit and none at its entrance, no water may be drawn from it on the Sabbath³⁵ unless it was furnished with a partition ten handbreadths high both at its entrance and at its exit. —

R. Judah ruled: The wall above it²⁷ may be regarded as a partition. R. Judah observed: It actually happened with the water-channel which flowed from Abel to Sepphoris²⁸ that water was drawn from it on the Sabbath on the authority of the Elders.²⁹ They³⁰ replied: Is this³⁶ proof? [The water was used] because the channel was either less than³⁷ tell handbreadths deep or less than four handbreadths wide.

Elsewhere³⁸ It was taught: If a water-channel passed between windows,³⁹ it is permissible to lower a bucket to draw water from it⁴⁰ if it⁴¹ was less than three handbreadths wide, but if it was three handbreadths wide no bucket may be lowered to draw water from it.⁴⁰

R. Simeon b. Gamaliel ruled: If it⁴¹ was less than four handbreadths wide a bucket may be lowered into it and water may be drawn from it, but if it was four handbreadths wide no bucket may be lowered to draw water from it. Now what are we dealing with?⁴² If it be suggested: With the water-channel itself,⁴³ consider the following which⁴⁴ R. Dimi when he came,⁴⁵ cited in the name of R. Johanan: No domain can be regarded as a karmelith if it is less than four handbreadths. Did he⁴⁶ then make his statement in agreement only

with one of the Tannaitic opinions?⁴⁷ — No, we are rather dealing⁴⁸ with its⁴⁹ embankments⁵⁰ in respect of exchange.⁵¹ But did not R. Dimi when he came⁴⁵ state in the name of R. Johanan: On a place whose area is less than four handbreadths by four both the people in the public domain and those in the private domain may rearrange their loads, provided they do not exchange them?⁵² — There⁵³ it is a case of Pentateuchal domains⁵⁴

- (1) Thus leaving a margin of $24 - 4/2 = 10$ handbreadths around it.
- (2) Even though no partition had been put up round the hole. The margin round the hole is deemed to be bent downwards so as to be forming a suspended partition of the required height of ten handbreadths and extending downwards into the water, and thus constituting a private domain through which it is permitted to take up the water from the sea into the balcony.
- (3) Rabbah.
- (4) Lit., 'not it'.
- (5) Lit., 'until here R. Judah only said there', in the case of the wall above the cistern.
- (6) As is explained infra 87b.
- (7) And is thus distinguished from all ordinary karmelith.
- (8) Supra 86b ad fin.
- (9) Lit., 'it was near the wall by less than three handbreadths'.
- (10) All air space of less than three handbreadths is disregarded (according to the law of labud) and the balcony may, therefore, be deemed to be close to the wall.' By cutting a length of four handbreadths to a depth of one handbreadth and a fraction from the width of the balcony on the side adjacent to the wall so as to leave on either side of its length margins of ten handbreadths, the area of the hole would be four handbreadths by (three minus a fraction and one and a fraction is) four handbreadths, and it would be surrounded on three sides by a border of (eleven handbreadths and a fraction minus one handbreadth and a fraction on the side opposite the wall, and $(24 - 4)/2$ handbreadths on the two sides of the length of the balcony =) ten handbreadths and on the fourth side by the wall of the house. The border is regarded as bent and extended downwards and morning with the wall a private domain between the water and the balcony.
- (11) Standing on its width on a projection from the wall at a distance of four handbreadths with its length rising vertically upwards.
- (12) I.e., the length of the balcony (cf. prev..n.).

(13) The prescribed minimum height of a partition.

(14) So that by imagining one handbreadth and a fraction of the width on either side to be bent towards the wall there would still remain a width of four handbreadths facing that wall, while the air space of four handbreadths between the wall and the balcony would be reduced to $(4 - 1 \text{ and a fraction} =)$ less than three handbreadths which (by the law of labud) is disregarded, and the hole, four handbreadths by four, is now surrounded by the wall of the house on one side, a partition of four handbreadths wide on the opposite side, and two walls virtually four handbreadths wide on the other two sides. The three sides of the balcony, which are deemed to stretch downwards to the water, together with the wall of the house thus constitute a private domain through which the water from the sea may be carried up.

(15) A balcony.

(16) So that two of its sides are formed by the walls of the house.

(17) The prescribed minimum height of a partition.

(18) Placing the balcony, as in the previous case, in an upright position at a distance of four handbreadths from one of the walls with its side at a distance of less than three handbreadths from the adjacent wall it may be imagined to be bent from top to bottom in the middle towards the wall it was facing and thus closing up all air space of one handbreadth and a fraction and reducing the distance between it and the wall to less than three handbreadths. The space between either wall and the balcony now being less than three handbreadths is (by the law of labud) deemed to be non-existent and a hole of four handbreadths by four now remains surrounded on two adjacent sides by the house walls and on the opposite two sides by the imaginary corner piece which, by the law of labud, constitutes two valid partitions that stretch downwards to the water, all the four sides enclosing a private domain between the balcony and the water.

(19) That the balcony should be required to have an area of no less than twenty-four handbreadths by twenty-four.

(20) In view of the devices just described, whereby a private domain may be formed even where the balcony was smaller than the prescribed minimum (of ten handbreadths by four) for each of its four sides and (four handbreadths by four) for the hole.

(21) Sc. when it is self-contained being in the shape of a platform raised on poles above the water and having no wall near it. In such a case no private domain through which the water may be taken up to the platform can be formed unless the balcony is of the size prescribed by R. Hananya b. Akabya

which allows for a hole of four handbreadths by four in the center and for four sides of ten handbreadths by four on its four sides.

(22) Not less than ten handbreadths deep and four handbreadths wide.

(23) Because it has the status of a karmelith.

(24) Within its banks.

(25) To the courtyard.

(26) From it. The walls of the courtyard under which the channel runs, since they were not originally made for the cannot serve as partitions for it.

(27) The channel, sc. the walls at either end.

(28) A channel that passed through the courtyards of the town. Abel is in the neighborhood of Sepphoris.

(29) Which shows that courtyard walls may serve as partitions for a channel passing under them.

(30) The Rabbis who differed from his view.

(31) It was less than ten handbreadths deep or less than four handbreadths wide. Such a channel is regarded as part of the private domain through which it passes and requires no partitions at all. Where partitions, however, are required the courtyard walls cannot serve the purpose

(32) A water-channel passing through a courtyard.

(33) Within its banks.

(34) V. supra n. 2.

(35) Because it has the status of a karmelith.

(36) Lit., 'from there'.

(37) Lit., 'it was not'.

(38) Lit., 'another'.

(39) Of houses on either side.

(40) Lit., 'and fills'.

(41) This will be discussed presently.

(42) In the statements fixing the dimensions as three and four handbreadths respectively.

(43) Sc. that if its width was three handbreadths it was according to the first Tanna the status of a karmelith from which the water may not be carried into the private domain of the courtyard.

(44) Lit., 'and (what,) however, (about) that'.

(45) From Palestine to Babylon.

(46) R. Johanan.

(47) Lit., 'must we say: According to (one of the) Tannas he made his statement since according to the Rabbis a domain of three handbreadths may also be regarded as a karmelith. Is it likely, however, that R. Johanan would differ from the Rabbis, 'who are in the majority, and adopt the view of an individual authority'?

(48) In prescribing the dimensions. Lit., 'but'.

(49) The water-channel's.

(50) Not the channel itself.

(51) Sc. if all embankment is sufficiently high and less than three handbreadths wide it constitutes, according to the Rabbis, a free domain into which an empty bucket may be taken from the private

domain and one full of water from the karmelith and transferred respectively from it into the karmelith and into the private domain. If the embankment is three handbreadths wide it uses the status of a free domain and can no longer serve as a mere adjunct to the domains between which it is situated. This ruling is consequently quite independent of that of R. Johanan's.

(52) And thus unlawfully carry an object from the public into the private domain or vice versa. Now, since objects may be placed on it both front the public and from the private domain it must obviously have the status of a free domain, and yet it was forbidden to exchange these objects. How then can it be maintained that a bucket of water may be transferred from the private domain into the karmelith and vice versa by way of the embankments?

(53) R. Dimi's ruling.

(54) A private domain and a public one the movement of objects between which is Pentateuchally forbidden. Hence R. Dimi's restriction.

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while here we are dealing with Rabbinical domains.¹ But did not R. Johanan maintain his view² even in the case of Rabbinical domains? For we learned:³ — If between two courtyards there was a wall ten handbreadths high and four handbreadths thick, two 'erubs may be prepared but not one. If there was fruit on the top of it, the tenants on either side may climb up and eat there. If a breach to the extent of ten cubits was made in the wall, the tenants may prepare two 'erubs or, if they prefer, only one, because it is like a doorway. If the breach was bigger, only one 'erub and not two may be prepared'.⁴ And when the question was raised, What is the ruling where it was not four handbreadths wide?

Rab replied: 'The air of two domains prevails upon it and no object on it may be moved even as far as a hair's breadth'; whereas R. Johanan replied: 'The tenants on either side may carry up their food and eat it there',⁵ R. Johanan thus⁶ following his own view; since R. Dimi, when he came,⁷ stated in the name of R. Johanan: On a place whose area is less than four handbreadths by four both the

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people in the public domain and those in the private domain may re-arrange their loads provided they do not exchange their!⁸ — That⁹ was reported by Ze'iri.¹⁰ But does not this¹¹ present an objection against Ze'iri? —

Ze'iri explains it¹² to refer to the water-channel itself,¹³ while the ruling of R. Dimi¹⁴ is one in dispute between Tannas. But why should it¹⁵ not be regarded as the cavities of a karmelith?¹⁶ —

Both Abaye b. Abin and R. Hanina b. Abin replied: The law of cavities¹⁷ does not apply to a karmelith.¹⁸

R. Ashi replied: It may even be conceded that the law of cavities does apply to a karmelith, but this is the case only where the cavity is near¹⁹ whereas here it²⁰ is far removed²¹

Rabina replied: We are dealing²² in with a case, for instance, where outlets were made at its²³ ends,²⁴ the Rabbis²⁵ following their view,²⁶ while R. Simeon b. Gamaliel²⁷ follows his view.²⁸

MISHNAH. FROM A BALCONY THAT WAS SITUATED ABOVE A STRETCH OF WATER NO WATER MAY BE DRAWN²⁹ ON THE SABBATH³⁰ UNLESS IT WAS FURNISHED WITH A PARTITION³¹ TEN HANDBREADTHS HIGH EITHER ABOVE³² OR BELOW.³³ SO ALSO WHERE TWO BALCONIES WERE SITUATED IN POSITIONS ONE HIGHER THAN³⁴ THE OTHER,³⁵ AND A PARTITION WAS MADE FOR THE UPPER ONE BUT NOT FOR THE LOWER ONE, RESTRICTIONS³⁶ ARE IMPOSED ON THE USE OF BOTH³⁷ UNTIL THEY HAVE PREPARED A JOINT 'ERUB.³⁸

GEMARA. Is our Mishnah³⁹ in disagreement with the view of Hananya b. Akabya, since it was taught: Hananya b. Akabya ruled: In a balcony whose area is four cubits by four a hole of four handbreadths by four is cut⁴⁰ and water may be drawn through it?⁴¹ —

R. Johanan citing R. Jose b. Zimra replied: R. Hananya b. Akabya permitted it⁴² only in the case of the sea of Tiberias since it is surrounded by embankments, towns and karpafs,⁴³ but not in that of any other waters.⁴⁴

Our Rabbis taught: R. Hananya b. Akabya permitted the men of Tiberias three things: To draw water from a balcony⁴⁵ on the Sabbath, to store fruit in pea-stalks⁴⁶ and to dry themselves with a towel.⁴⁶ 'To draw water from a balcony on the Sabbath' as has just been stated; what, however, was the point of the permission 'to store fruit in pea-stalks'? —

That, as it was taught. If a man got up early in the morning⁴⁷ to fetch some refuse,⁴⁸ the Scriptural expression, 'if water be put upon the seed'⁴⁹ applies to it,⁵⁰ if he did so⁵¹ because the dew was upon it,⁵² but if he did so⁵¹ in order that he might not be disturbed from his usual work, the expression. If water be put upon the seeds does not apply to it;⁵³ and as a rule,

- (1) Sc. the movement of objects between a karmelith and a private domain is only Rabbinically forbidden. As Pentateuchally it is permitted to transfer directly from the one into the other the Rabbis have relaxed their ruling where the transfer is effected by way of a free domain. (As to the discrepancy between R. Dimi's minimum of four handbreadths and that of three handbreadths in the Baraitha cf. Rashi a.l.)
- (2) That no transfer from one domain into another is permitted even by way of a free domain.
- (3) V. marg. gl. Cur. edd. in parenthesis 'for it was taught'.
- (4) Supra 76b q.v. notes.
- (5) But may not transfer objects from one courtyard into the other across that wall. Supra 77a.
- (6) Cf. prev. n.
- (7) From Palestine to Babylon.
- (8) Now, since R. Johanan maintains his view even in the case of courtyards, the movement of objects between which is only Rabbinically forbidden, how could it be maintained that a distinction is drawn between Pentateuchal and Rabbinical domains?
- (9) R. Johanan's ruling concerning a wall between courtyards.

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(10) R. Dimi, however, maintains that R. Johanan's restriction does not apply to domains the movement of objects between which is only Rabbinically forbidden.

(11) The difficulty, raised supra 87a ad fin., on R. Dimi's report.

(12) The Baraitha (supra 87a) dealing with the dispute between R. Simeon b. Gamaliel and the first Tanna on the dimensions that do, or do not constitute a karmelith between which and the courtyard the movement of bucket and water is forbidden.

(13) According to the first Tanna a width of three handbreadths, and according to R. Simeon b. Gamaliel only one of four handbreadths imparts to it the status of a karmelith.

(14) Reported in the name of R. Johanan, according to which 'no domain can be regarded as a karmelith if less than four handbreadths'.

(15) A water-channel passing through a courtyard, whose dimensions are less than those of a karmelith.

(16) And the movement of any object, bucket or water, between it and the courtyard should be forbidden. As cavities in a wall adjoining a public domain are subject to the restrictions of the latter (v. Shab. 7b) so should the water-channel within the courtyard be subject to the restrictions of the wider channel without the town which is a karmelith and of which it forms a part.

(17) Though applicable to Pentateuchally forbidden domains.

(18) Being only a Rabbinically forbidden domain no additional restrictions were imposed upon its use.

(19) If, for instance, it was in a wall adjoining a karpaf that was bigger than two beth Se'ah.

(20) The channel within the courtyard.

(21) From the section of the channel without the town which was of the size of a karmelith.

(22) In the discussion between R. Simeon b. Gamaliel and the first Tanna.

(23) The water-channel's.

(24) Lit., 'at its mouth', Sc. the dimensions prescribed by the two opinions (cf. supra n. 11) are neither those of the channel nor those of its embankments (as has been previously suggested) but those of the outlets made in the partitions at its ends to enable the water to pass through them.

(25) Sc. the first Tanna who limits the width of the outlets to less than three handbreadths.

(26) Supra 9a, that the rule of labud is inapplicable to a gap that was three handbreadths wide.

(27) Who regards the channel as a karmelith only where the widths of the outlets was no less than four handbreadths.

(28) That the rule of labud applies to a gap that was not wider than four handbreadths.

(29) Through a hole in its floor.

(30) Since the stretch of water has the status of a karmelith while the balcony is a private domain.

(31) Round about all the balcony or at least round the hole.

(32) The balcony, in an upward direction.

(33) In a downward direction from the balcony towards the water. In either case the partition that is ten handbreadths is deemed to extend downwards and, by vertically joining balcony and water, to form a private domain through, and from which the water may be taken up.

(34) But not exactly above.

(35) Provided the one was removed from the other by less than four handbreadths.

(36) On the use of the hole in the upper balcony for the purpose of drawing water.

(37) Groups of tenants.

(38) The use of a hole in the lower balcony remains forbidden even after an 'erub had been prepared, since it was not furnished with any partition that could convert the karmelith of the water and the passage to the balcony into a private domain.

(39) Which requires a partition to be provided before one is allowed to draw water through the hole in the balcony.

(40) Though no partition had been provided.

(41) Supra 86b ad fin. q.v. notes.

(42) The use of a balcony of the dimensions given, though it had no partitions.

(43) And is thus distinguished from any other karmelith.

(44) Where, as stated in our Mishnah, a partition is essential.

(45) Of the area of four cubits by four (as stated Supra).

(46) This is explained presently.

(47) Before the dew in the fields had dried up.

(48) Such refuse as straw, stalks and the like, in which to store fruit.

(49) Lev. XI. 38.

(50) Lit., 'behold it is in if be put' and it becomes susceptible to levitical uncleanness.

(51) Rose early to gather the refuse.

(52) I.e., when the refuse was still damp and good for storing. Produce cannot become susceptible to levitical uncleanness unless (a) it first came in contact with dew or other prescribed liquids and (b) the owner of the produce was pleased with that contact.

(53) Tosef. Maksh. II; and it is not susceptible to levitical uncleanness.

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the men of Tiberias¹ are in the same category as the man whose object was that he might

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not be disturbed from his usual work. And what was the point in his permitting them to 'dry themselves with a towel'? — That, as it was taught. A man² may dry himself³ with a towel⁴ and put it on a window, but he may not hand it to the bathing attendants⁵ because they are suspected of doing that work.⁶ R. Simeon ruled: He may also carry it in his hand to his home.⁴

Rabbah son of R. Huna stated: This⁷ was learnt only in respect of drawing water, but pouring it down⁸ is forbidden.⁹ R. Shezbi demurred: Wherein does this case¹⁰ essentially differ from that of a trough?¹¹ — In the latter case the waters are absorbed [in the ground]¹² while in the former they are not absorbed.¹³ Others say that Rabbah son of R. Huna explained: Do not say: It is only permitted to draw water but that it is forbidden to pour water down; since in fact it is also permitted to pour it down. Is not this, R. Shezbi asked, obvious, seeing that it is essentially identical with the case of the trough?¹⁴ — It might have been assumed that they are unlike,¹⁵ for whereas in the latter case the waters are absorbed [in the ground],¹⁶ they are not absorbed in the former case,¹³ hence we were informed [that the same law is applicable to both cases].

SO ALSO WHEN TWO BALCONIES WERE SITUATED IN POSITIONS ONE HIGHER THAN, etc. R. Huna citing Rab explained: This was learnt only [in the case where the lower balcony] was near [to the upper one],¹⁷ but if it was removed from it,¹⁸ [the use of] the upper one¹⁹ is permitted, since Rab follows his principle, having laid down that no man imposes restrictions upon another through the air.²⁰

Rabbah stated in the name of R. Hiyya, and R. Joseph stated in the name of R. Oshaia: A robbery is valid in respect of a Sabbath domain²¹ and a ruin reverts to its owner.²² But is not this self contradictory? You said: 'A robbery is valid in respect of the Sabbath domain', from which it is clear that

possession is acquired;²³ and then you say: 'and a ruin reverts to its owner', from which it is evident that no possession is acquired?²³ — It is this that was meant: The law [of the return] of a robbery is valid in respect of a Sabbath domain,²⁴ since²⁵ a ruin reverts to its owner.²⁴

Said Rabbah: We raised an objection against this ruling of ours:²⁶ SO ALSO WHEN TWO BALCONIES WERE SITUATED IN POSITIONS ONE HIGHER THAN THE OTHER, etc. Now, if it is maintained that 'the law [of the return] of a robbery is valid in respect of a Sabbath domain' why should restrictions be imposed?²⁷ —

R. Shesheth replied: We are here dealing with a case, for instance, where they²⁸ made the partition²⁹ jointly.³⁰ But if so³¹ the same law³² should also apply where a partition was made³³ on the lower balcony?³⁴ Since they made a partition for the lower one they have thereby intimated to the tenants of the upper one that they had no desire to be associated with them.³⁵

MISHNAH. IF [THE AREA OF] A COURTYARD WAS LESS THAN FOUR CUBITS NO WATER MAY BE POURED OUT INTO IT ON THE SABBATH³⁶ UNLESS IT WAS PROVIDED WITH A TROUGH HOLDING TWO SE'AH³⁶ FROM ITS EDGE³⁷ DOWNWARDS,³⁸ IRRESPECTIVE OF WHETHER IT³⁹ WAS WITHOUT OR WITHIN,⁴⁰ EXCEPT THAT IF IT WAS WITHOUT⁴¹ IT IS NECESSARY TO COVER IT⁴² AND IF IT WAS WITHIN⁴⁰ IT IS NOT NECESSARY TO COVER IT. R. ELIEZER B. JACOB RULED: IF FOUR CUBITS OF A DRAIN⁴³ WERE COVERED OVER IN THE PUBLIC DOMAIN⁴² IT IS PERMITTED TO POUR WATER⁴⁴ INTO IT ON THE SABBATH,⁴⁵ BUT THE SAGES RULED: EVEN WHERE A ROOF OR A COURTYARD WAS A HUNDRED CUBITS IN AREA,⁴⁶ NO WATER MAY BE POURED DIRECTLY OVER THE MOUTH OF THE DRAIN,³⁶ BUT IT MAY BE POURED UPON THE ROOF FROM WHICH

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THE WATER FLOWS INTO THE DRAIN. THE COURTYARD AND THE EXEDRA MAY BE COMBINED TO MAKE UP THE PRESCRIBED FOUR CUBITS. SO ALSO IN THE CASE OF TWO UPPER STOREYS OPPOSITE EACH OTHER⁴⁷ THE TENANTS OF ONE OF WHICH⁴⁸ MADE A TROUGH⁴⁹ AND THOSE OF THE OTHER DID NOT, THOSE WHO MADE THE TROUGH ARE PERMITTED TO POUR DOWN THEIR WATER,⁵⁰ WHEREAS THOSE WHO DID NOT MAKE ANY TROUGH ARE FORBIDDEN.

GEMARA. What is the reason?⁵¹ — Rabbah⁵² replied: Because a man is in the habit of using up two se'ah of water daily, and in an area of four cubits⁵³ he is inclined to spray it⁵⁴

- (1) Who were mainly workers.
- (2) Who bathed in cold water.
- (3) On the Sabbath or on a festival day.
- (4) Sc. the act was not forbidden as a preventive measure against the possibility of his wringing it out which is forbidden.
- (5) Pl. of Olyar, olearius, Gr. **, the keeper of clothes in a bath house.
- (6) Wringing clothes. Lit., 'of that thing'.
- (7) That the Rabbis recognized the validity of a suspended partition on a balcony.
- (8) Through the hole.
- (9) Because the water is carried down the stream beyond the partitions.
- (10) The pouring down of water from a balcony into a stretch of water below.
- (11) In a courtyard that was smaller than four cubits (Mishnah infra) though, when the trough is full, the water runs over into the public domain.
- (12) As the tenants intend the water to remain in the private domain it is permitted to pour into the trough which, like the courtyard, is a private domain even though some of the water may ultimately flow over.
- (13) So that any drop of water poured into it would inevitably flow beyond the partitions.
- (14) V. supra n. 1.
- (15) And that in consequence it should be forbidden to pour water down the hole of the balcony into the stretch of water below.
- (16) V. supra n. 2.
- (17) Sc. the horizontal distance between them was less than four handbreadths.
- (18) Four handbreadths or more.
- (19) By those on it.
- (20) Supra 85a; and, since the tenants of the lower balcony are unable to reach the hole in the upper

one except through the intervening air space by thrusting their bucket into it, they cannot impose restrictions on the tenants of the upper one.

(21) This is now assumed to mean that a person is permitted to seize for the Sabbath another person's ruin which, being near his house and neglected by its owner, he uses on weekdays, and that this seizure is valid so that even on the Sabbath he may move objects from his house into it and vice versa as if it had been his own property.

(22) Sc. the restrictions of the Sabbath cause the ruin, though during the week it is deserted by its owner and used by a neighbor, to revert to the full possession of the former so that the latter may move no objects from, or into it.

(23) By the person who uses it during the week (cf. prev. two nn.).

(24) V. supra n. 12.

(25) Lit., 'how? Because'. [The text is not clear: R. Hananel reads: The law of robbery (whereby the robber acquires possession of the robbed object) applies on Sabbath. How is this? If the robber took the robbery into his own domain; but if he left it in the ruin of the robbed person, the ruin reverts it to its owner.]

(26) The one just discussed.

(27) Upon the tenants of the upper balcony, seeing that on the Sabbath, as in the case of the ruin just mentioned, it reverts to them alone despite its use by the tenants of the lower balcony during weekdays.

(28) The tenants of both balconies.

(29) On the upper balcony.

(30) So that the tenants of the lower balcony, unlike the man who uses a ruin upon which he has no claim whatever, are well entitled to the use of the upper one.

(31) That the tenants of the lower balcony have a share in the upper one, and that this is the reason why they impose restrictions upon the tenants of the latter.

(32) That they impose restrictions.

(33) By its tenants.

(34) Since in either case the share they have in the upper one should cause them to impose the same restrictions.

(35) Lit., 'that I am not pleased (to be associated) with you'.

(36) The reason is given in the Gemara infra.

(37) Lit., 'the hole'.

(38) I.e., the Interior of the trough.

(39) The trough.

(40) The courtyard.

(41) In the public domain near the courtyard.

(42) With boards, so as to impart to it the status of a free domain.

(43) Which carries water from a courtyard into the public domain.

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(44) From the courtyard.

(45) Because all the water that is likely to be poured into it during the Sabbath would, as a rule, be absorbed before it reached the public domain. If some of the water should, for any reason whatever, run into the public domain no transgression would be committed since the tenants' intention was that it shall be absorbed before it reached the public domain and no transgression is involved where one's intention was not fulfilled. Particularly is this the case here where Pentateuchally it is permitted ab initio to pour water into a private domain though one's intention was that it should ultimately find its way into the public domain.

(46) A stretch sufficient to absorb all the water that can possibly be poured out in one day.

(47) Between which there was a courtyard whose area was less than four cubits.

(48) Lit., 'some of them'.

(49) In the courtyard.

(50) Into the courtyard below.

(51) That IF THE AREA OF A COURTYARD WAS LESS THAN FOUR CUBITS NO WATER MAY BE POURED

OUT INTO IT and, inferentially, that if the area was four cubits or bigger water may be poured out into it.

(52) MS.M. Alfasi and Asheri read 'Raba'; Bomb. ed. 'Rab'.

(53) During the summer, the season to which this Mishnah refers (cf. infra), when courtyards are dusty.

(54) As his intention is not to have the water running into the public domain but to spray on the floor of the courtyard it is permitted to pour it out in that courtyard though sometimes it might eventually find its way into the public domain.

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but in one that is less than four cubits¹ he merely pours it out. Hence it is Only if he made a trough² that he is permitted to pour out the water but not otherwise.³

R. Zera replied: In an area of four cubits the water⁴ may be absorbed;⁵ but none that is less than four cubits they cannot be absorbed.⁶ What is the practical difference between them?⁷ —

Abaye replied: The practical difference between them is a courtyard that was long and narrow.⁸ We learned: THE COURTYARD AND THE EXEDRA⁹ MAY

BE COMBINED TO MAKE UP THE PRESCRIBED FOUR CUBITS. According to R. Zera this is quite acceptable;¹⁰ but, according to Rabbah,¹¹ does not a difficulty arise?¹² —

R. Zera, on the lines of Rabbah's ¹¹ view, explained: This refers to an exedra that ran along all the courtyard.¹³

Come and hear: If the area of a courtyard was less than four cubits by four cubits no water may be poured out into it on the Sabbath. Now according to Rabbah this ruling is quite satisfactory;¹⁴ but, according to R. Zera, does not a difficulty arise?¹⁵ —

R. Zera can answer you: This ruling represents the view of¹⁶ the Rabbis,¹⁷ whereas our Mishnah¹⁸ is that of R. Believer b. Jacob.¹⁹ What, however, was it that urged R. Zera to attribute our Mishnah²⁰ to R. Eliezer b. Jacob?²¹ —

Raba replied: Our Mishnah presented to him a difficulty: What was the object of stating, IF THE AREA OF A COURTYARD WAS less²² THAN FOUR CUBITS²³ seeing that it could have been stated:²⁴ 'If the area of a courtyard was less than four cubits²⁵ by four cubits'?²⁶ Consequently,²⁷ he concluded²⁸ it must represent the view of ²⁹ R. Eliezer b. Jacob.³⁰ This is inclusive. But since a succeeding clause³¹ represents the view of R. Eliezer b. Jacob ³² how could the first clause³³ also represent his view?³⁴ —

All the Mishnah represents the view of³⁵ R. Eliezer b. Jacob, but some words are wanting in it, the correct reading being as follows:³⁶ IF [THE AREA OF] A COURTYARD WAS LESS THAN OUR CUBITS NO WATER MAY BE POURED OUT INTO IT ON THE SABBATH' but if the area has four cubits water may be poured into it because R. ELIEZER B. JACOB RULED: IF FOUR CUBITS OF A DRAIN WERE COVERED OVER IN THE PUBLIC DOMAIN IT IS PERMITTED TO POUR WATER INTO IT

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ON THE SABBATH. R. ELIEZER B. JACOB RULED: IF FOUR CUBITS OF A DRAIN WERE COVERED OVER. Our Mishnah³⁷ cannot represent the opinion of Hananya,³⁸ for it was taught: Hananya ruled: Even if [the area of] a roof was a hundred cubits no water may be poured upon it since a roof is not made to absorb water but to cause it to run down. One taught: This³⁹ applies only to the hot season, but during the rainy season a person may pour his water again and again without any limit.⁴⁰ What is the reason? —

Raba replied: A person is quite satisfied⁴¹ that the water should be absorbed on the spot.⁴²

Said Abaye to him: Is there not the case of⁴³ waste water with the absorption of which on the spot a person is quite satisfied⁴¹ and yet it was ruled: **NO WATER MAY BE POURED?**⁴⁴ —

What, the other replied, is it that provision should be made against in that case?⁴⁵ If it be suggested: Against the man's objection to the spoiling of his courtyard,⁴⁶ surely, [it may be retorted,] it is in any case spoilt;⁴⁷ and if against the possibility of the assumption that So-and-so's gutter was spouting water,⁴⁸ all gutters, as a rule, spout water.⁴⁹

R. Nahman ruled: In the rainy season, if a trough⁵⁰ is capable of holding two se'ah it is permitted to pour two se'ah of water into it, and if it call hold one se'ah only one se'ah of water is permitted; in the hot season, however, if the trough can hold two se'ah one is allowed two se'ah but if it can hold one se'ah one is not allowed to pour into it any water at all. Why should it not be allowed in the hot season also to pour into it a se'ah if it can hold a se'ah? —

A preventive measure has been enacted against the possibility of one's pouring two se'ah into it. If so, why should not a preventive measure be enacted for the rainy

season also? What is it that provision should be made against in that case? If it be suggested: Against the man's objection to the spoiling of his courtyard,⁵¹ surely, [it could be retorted,] it is in any case spoilt;⁵² if against the assumption that So-and-so's gutter spouts water⁵³ all gutters, as a rule, spout water.⁵⁴ Hence,⁵⁵ said Abaye, even a kor,⁵⁶ even two kor are permitted.⁵⁷ **SO ALSO IN THE CASE OF TWO UPPER STOREYS OPPOSITE EACH OTHER.**

Raba ruled: Even though they prepared a joint 'erub. What, asked Abaye,⁵⁷ is the reason? If it be suggested: On account of the large quantity of the water,⁵⁸ was it not taught, [it may be objected,] 'The same law applies to a trough,⁵⁵ a damaged vessel,⁵⁹ a pond or a tub, viz. that, though they were filled with water on the Sabbath eve, waste water may be poured into them on the Sabbath?⁶⁰ Rather, if the statement was at all made it must have been made in the following terms:⁶¹ Raba ruled:

- (1) Which is hardly worth the trouble of spraying.
- (2) In which the water may be accumulated and gradually absorbed in the ground.
- (3) Lit., 'if not he is forbidden', since the water would be running almost directly into the public domain and his desire to pour it out would be fulfilled. Were this to be permitted people might form the erroneous conclusion that it is also permitted to throw anything directly from a private into a public domain.
- (4) Two Se'ah, which are usually used up in a day.
- (5) V. supra n. 5.
- (6) And, since the water inevitably flows into the public domain, his desire is fulfilled (cf. Supra n. 8 second clause).
- (7) R. Zera's and Rabbah's explanations.
- (8) Eight cubits by two, for instance. According to R. Zera's explanation it is permitted to pour water into it, since an area of $8 \times 2 = 4 \times 4$, and the water would be absorbed in the courtyard itself before any of it reached the public domain. According to Rabbah, however, this is forbidden, since a narrow courtyard is an unsuitable place for spraying.
- (9) It is now assumed that the exedra was situated in a corner of the courtyard so that the width of the latter was not increased by it.
- (10) Since the floor of the exedra, whatever its position, would add to the area of absorption.
- (11) Cf. supra p. 614, n. 3.

(12) As the exedra does not widen the courtyard the latter remains unsuitable for spraying, why then should it be permitted to pour water in it?

(13) If, for instance, the courtyard area was four cubits by two the exedra also was four by two, its length being parallel to that of the courtyard and thus extending the area of the latter to four cubits by four.

(14) Because a courtyard that was narrower than four cubits, though longer, is unsuitable for spraying.

(15) Since the capacity of a given area for absorption is not affected by the relative lengths of the sides.

(16) Lit., 'this is whose?'

(17) Sc. the SAGES who forbade the pouring of water into a drain even when the COURTYARD WAS A HUNDRED CUBITS IN AREA, thus rejecting the principle of capacity for absorption and upholding only that of suitability for spraying.

(18) Which forbade the pouring of water only where the area WAS LESS THAN FOUR CUBITS and, inferentially, permitted it where it was four cubits or bigger irrespective of the relative lengths of its sides.

(19) Who, in his ruling on the drain in our Mishnah, recognizes the principle of capacity for absorption.

(20) Which is anonymous and presumably represents the view of a majority.

(21) An individual. Sc. why could not R. Zera adopt Rabbah's explanation which would have enabled him to escape this difficulty?

(22) Cf. MS.M. The following three words are wanting in cur. edd.

(23) Which implies that if the total area was four cubits by four it matters little whether each side was four cubits long or whether the courtyard was long and narrow, two of its sides being shorter, and two longer than four cubits.

(24) Lit., 'let him teach'.

(25) Elijah Wilna inserts the following three words in parenthesis.

(26) An expression which would have indicated that even if only one of the sides of a courtyard is less than four cubits

in length (though the total area was four cubits by four) no water may be poured out into it.

(27) Since the former expression was used, from which it follows (cf. supra p. 615, n. 14) that it is not the shape but the actual area that matters or, in other words, that the determining factor is not suitability for spraying but capacity for absorption.

(28) Lit., 'but not; it may be inferred from it'.

(29) Lit., 'that it is'.

(30) Who in his ruling on the drain in our Mishnah recognizes the principle of capacity for absorption.

(31) Lit., 'the end', i.e., the second paragraph in our Mishnah.

(32) As was Specifically stated (v. our Mishnah).

(33) Which is recorded anonymously and immediately precedes the one given in his name.

(34) Lit., 'the first is not (that of) R. Eliezer b. Jacob'.

(35) Lit., 'all of it is'.

(36) Lit., 'and thus it taught'.

(37) Which attributes to the Sages the view that water MAY BE POURED UPON THE ROOF.

(38) Since he permitted this only in a courtyard but not on a roof The roofs spoken of were flat and had drains in the form of gutters into which rain water flowed and water was poured.

(39) That no water may be poured out in a small courtyard unless a trough was provided for the purpose (v. our Mishnah).

(40) Lit., 'pours and repeats and does not refrain himself'.

(41) Lit., 'willing', 'pleased'.

(42) Within the courtyard. As the place is in any case waterlogged and untidy he does not mind the addition of his waste water also.

(43) Lit., 'and behold'.

(44) EVEN WHERE A ROOF OR A COURTYARD WAS A HUNDRED CUBITS IN AREA, and fully capable of absorbing all the water before it reached the public domain.

(45) The pouring out of water during the rainy season.

(46) Sc. that the pouring out of the water should be forbidden as a preventive measure against the possibility of his desire to dispatch it without delay into the public domain for the reason given.

(47) By the rains.

(48) On the Sabbath: in consequence of which people might allow themselves to carry also directly from a private into a public domain.

(49) On a rainy day. People would assume the water to be rather the accumulated rain water than the lesser quantity of waste water. In the case of a drain in the dry season, however, people observing the flow from a private into a public domain and knowing full well that it was the result of human action, might well come to the conclusion that the carrying of objects from the one domain into the other is also permitted. Hence the preventive measure.

(50) In a courtyard, prepared for the reception of waste water.

(51) V. Supra p. 617, n. 7.

(52) By the rains.

(53) V. p. 617, n. 9.

(54) V. p. 617, n. 10.

(55) Cf. Supra p. 617, n. 11.

(56) Of water.

(57) 'To him' appears in cur. edd. in parenthesis and is deleted by Rashal.

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(58) Four Se'ah instead of the usual two.

(59) Gistera, a defective, mutilated, cracked or damaged object.

(60) Though it overflows into the public domain. Why then should the increased volume of water be a bar to the use of the trough by the tenants of both upper storeys?

(61) Lit., 'thus it was said'.

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This¹ was learnt only in the case where no joint 'erub was prepared, but if a joint 'erub was prepared they are permitted.² But why are they not permitted where they did not prepare a joint 'erub? —

R. Ashi replied: As a preventive measure against the possibility of their carrying out water³ in utensils from their houses to the trough.⁴

CHAPTER IX

MISHNAH. ALL THE ROOFS OF A TOWN⁵ CONSTITUTE⁶ A SINGLE DOMAIN,⁷ PROVIDED NO ROOF IS TEN HANDBREADTHS HIGHER OR LOWER THAN THE NEIGHBOURING ROOF;⁸ SO R. MEIR. THE SAGES, HOWEVER, RULED: EACH ONE IS A SEPARATE DOMAIN.⁹ R. SIMEON RULED: ROOFS, COURTYARDS AND KARPAFS¹⁰ ARE¹¹ EQUALLY REGARDED AS ONE DOMAIN¹² IN RESPECT OF CARRYING FROM ONE INTO THE OTHER OBJECTS THAT WERE KEPT WITHIN THEM WHEN THE SABBATH BEGAN, BUT NOT IN RESPECT OF OBJECTS THAT WERE IN THE HOUSE WHEN THE SABBATH BEGAN.¹³

GEMARA. Abaye b. Abin and R. Hanina¹⁴ b. Abin sat at their studies while Abaye was sitting beside them, and in the course of the session they remarked: One can well justify the view of the Rabbis¹⁵ since they may hold the view that as the tenants are divided below¹⁶ so are they divided above;¹⁷ but as to R. Meir, what could his view be? If he holds that the tenants are divided above¹⁸ as they are divided below,¹⁹ why should the roofs

CONSTITUTE A SINGLE DOMAIN? And if he holds that they are not divided above¹⁸ because all places above ten handbreadths²⁰ are regarded as a single domain, why²¹ should not this²² also apply to a roof that was TEN HAND BREADTHS HIGHER OR LOWER?

'You have not heard', Abaye said to them, 'the following statement made by R. Isaac b. Abdimi: R. Meir always maintained that wherever you find two domains of the same character²³ [one within the other] as, for instance, a column ten handbreadths high and four handbreadths wide²⁴ in a private domain,²⁵ it is forbidden²⁶ to re-arrange loads on the former,²⁷ as a preventive measure against a similar act in the case of a mound²⁸ in a public domain.²⁹ Here,³⁰ too, it may be explained, a preventive measure was enacted against a similar act³¹ in the case of a mound²⁸ in a public domain'. They understood him to imply that the same restriction³¹ applies also to a mortar or a tank,³² but Abaye said to them, 'Thus said the Master: R. Meir spoke only of a column and an enclosure of millstones, since their owner assigns for them a permanent Position,³³ But is there not the case of³⁴ a wall between two courtyards, which is a permanent fixture, and yet Rab Judah stated: 'A careful study would show that,³⁵ according to the view of R. Meir, roofs³⁶ are regarded as a separate domain,³⁷ courtyards as a separate domain,³⁸ and karpafs as a separate domain'³⁹ which⁴⁰ implies, does it not,⁴¹ that it is permissible to move objects across a wall?⁴² —

R. Huna b. Judah citing R. Shesheth replied: No, the implication⁴³ is that it is permitted to carry objects in and to carry them out by way of the doors.⁴⁴

THE SAGES, HOWEVER, RULED: EACH ONE IS A SEPARATE DOMAIN. It was stated: Rab ruled: Objects in it⁴⁵ may be moved only within four cubits,⁴⁶ and Samuel ruled: It is permitted to move objects

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throughout its area.⁴⁷ Where the partitions are distinguishable⁴⁸ there is no divergence of opinion;⁴⁹ the dispute is limited to the case of partitions that are indistinguishable.⁵⁰

Rab maintains that, 'Objects in it may be moved only within four cubits' because [in such circumstances]⁵⁰ he does not uphold the principle of the upward extension of the walls; while Samuel ruled: 'It is permitted to move objects throughout its area', because [even in such circumstances] he upholds the principle of the upward extension of the walls.

We learned: THE SAGES, HOWEVER, RULED: EACH ONE

- (1) The ruling in our Mishnah under discussion.
- (2) The unrestricted use of the trough.
- (3) Cf. MS.M., and Rashi a.l.
- (4) Lit., 'there'. An act which in the absence of a joint 'erub is forbidden.
- (5) Though the houses beneath are occupied by different tenants and constitute different domains.
- (6) Since they are only infrequently used.
- (7) And it is permitted to carry objects from one roof into another on the Sabbath.
- (8) Cf. MS.M. The last four words are wanting from cur. edd. If one roof was higher or lower than the one adjoining it no objects may be moved on the Sabbath from the one into the other.
- (9) Lit., 'before itself', so that where the tenants did not join in one 'erub the movement of objects from one roof to the other is forbidden.
- (10) If the area of the last mentioned was not bigger than two beth se'ah.
- (11) Since they are only irregularly and infrequently made use of.
- (12) Even though the owners did not join in one 'erub.
- (13) These, though they may be carried into the same courtyard, for instance, by virtue of an 'erub the tenants of that courtyard had jointly prepared, they may not be carried into a neighboring courtyard unless the two courtyards too had been joined in one 'erub.
- (14) MS. M. 'Hanania'.
- (15) The SAGES who ruled that EACH ONE IS A SEPARATE DOMAIN.
- (16) In their houses.
- (17) On their roofs.
- (18) On their roofs.
- (19) In their houses.
- (20) From the ground.

- (21) Since all roofs are no less than ten handbreadths higher than the ground level.
- (22) R. Meir's ruling.
- (23) Lit., 'and they are one domain'.
- (24) Which has the status of an independent private domain.
- (25) Of larger dimensions.
- (26) To the people in the private domain in which the column stood, though the former legally reaches up to the sky.
- (27) Lit., 'on it'.
- (28) Tell handbreadths high which has the status of a private domain.
- (29) Shah. 9a. If the use of the column in the private domain had been allowed people would also have used a similar column in a public domain for the same purpose.
- (30) The prohibition of movement in the case of a roof that was ten handbreadths higher or lower than all adjoining one.
- (31) Carrying objects from one domain into the other.
- (32) That was turned upside down and formed an elevation of ten handbreadths.
- (33) Lit., 'and a man fixes for them a place'.
- (34) Lit., 'and behold'.
- (35) Since he regards all roofs as one domain and yet forbids the movement of objects between two roofs one of which was ten handbreadths higher or lower than the other.
- (36) Of the Same altitude.
- (37) But not roofs and courtyards, for instance, since the former are more than ten handbreadths higher than the latter.
- (38) V. p. 620, n. 20.
- (39) Infra 90b; i.e., it is only permissible to move objects from place to place in the same class but it is forbidden to move objects from one of these classes into any of the other.
- (40) Since no restrictions are imposed on the movement of objects between any number of courtyards.
- (41) Lit., 'what, not?'
- (42) Between two courtyards. Now, since here no preventive measure was enacted against a similar act in the case of a mound in a public domain is it likely, as Abaye maintained, that the provision against such a possibility was R. Meir's reason for his ruling in our Mishnah.
- (43) That 'it is permissible to move objects' from courtyard to courtyard.
- (44) But not across a wall.
- (45) A roof adjoining another roof of the same level.
- (46) Each roof being A SEPARATE DOMAIN, fully exposed to the adjacent roof that is of a similar status, the two, since it is forbidden to move any objects between them, impose restrictions upon each other.

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(47) The walls of the houses, he maintains, are deemed to extend upwards and to form virtual partitions around the roofs.

(48) Sc. the houses are detached from each other so that their walls can be seen from the roofs.

(49) Lit., 'all the world does not dispute', that the walls are deemed to be extending upwards and to form partitions around the roofs in agreement with Samuel's view.

(50) I.e., where the roofs are joined to one another.

Eruvin 89b

IS A SEPARATE DOMAIN.¹ This ruling,² according to Samuel, is quite satisfactory, but does it not, according to Rab,³ present a difficulty?² — The school of Rab explained in the name of Rab:⁴ That one must not move an object along two cubits on one roof and along another two cubits on an adjacent roof.⁵ But, surely, R. Eleazar related, 'when we were in Babylon we used to teach as follows:⁶ The School of Rab in the name of Rab ruled: Objects on a roof⁷ may be moved only within four cubits, whereas those of the school of Samuel learned,⁸ Householders have only the use of their roofs'.⁹ Now what could be the meaning of the expression, 'have only the use of their roofs'? Is it not that they are permitted to move objects about throughout its area?¹⁰ —

Has this¹¹ then more force than our Mishnah? As we have explained this¹² to mean, 'that one must not move an object along two cubits on one roof and along another two cubits on an adjacent roof', so we might also explain this:¹¹ Two cubits on one roof and two cubits on the other.¹³

R. Joseph¹⁴ observed: I have not heard of this ruling.¹⁵

Said Abaye to him, 'You yourself told it to us, and it was in connection with the following that you told it to us: If a big roof was adjacent to a smaller one,¹⁶ the use of the bigger one¹⁷ is¹⁸ permitted,¹⁹ and the use of the smaller one is forbidden.²⁰ And it was in connection with this that you told us: Rab Judah in the name of Samuel stated: They

learned this²¹ only in the case where there were dwellers on the one as well as on the other²² so that the imaginary partition of the smaller roof²³ is one that is trodden upon,²⁴ but if there were no dwellers on the one as well as on the other the use of both roofs is permitted'.²⁵

'I', the other replied: 'told you this: They learned this²¹ only where there was a partition²⁶ on the one as well as on the other, since the use of the bigger roof is rendered permissible by the railings,²⁷ while [the use of the smaller one is forbidden since] it has a breach extending along its entire length, but if there was no partition either on the one or on the other, the use of both is forbidden'.²⁸ 'But did you not speak to us of dwellers?' —

'If I spoke to you of dwellers I must have said this: They learned this²¹ only where there was a partition that was suitable for a dwelling-place both on the one as well as on the other,²⁹ since the use of the bigger roof is rendered permissible by the railings³⁰ while [the smaller one is forbidden, since] it has a breach along its full side, but if there was a partition suitable for a dwelling-place on the bigger roof and none that was fit for a dwelling-place on the smaller one, even the use of the smaller one is permitted to the people of the bigger. What is the reason?

As they made no partition³¹ they have entirely withdrawn themselves from it, [the principle here being the same] as that enunciated by R. Nahman: If a person fixed a permanent ladder to his roof, he is permitted to use all the roofs'.³²

Abaye ruled: If a man built an upper storey on his house,³³ and constructed in front of it a small door of four handbreadths³⁴ he is thereby permitted to use all the roofs³⁵ Raba observed: The small door is sometimes a cause of restrictions³⁶ How is this to be imagined? When he made it to open towards his house garden,³⁷ since it might well be presumed

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- (1) This is now assumed to mean that each householder is allowed the free movement of objects throughout the area of his roof.
- (2) Cf. prev. n.
- (3) Who forbids movement beyond four cubits.
- (4) The meaning of the ruling of the Sages.
- (5) Within the same roof, however, it is permitted to move an object within four cubits, but no further.
- (6) Lit., 'we were saying'.
- (7) Lit., in it .
- (8) A Baraitha.
- (9) Lit., 'they have only their roof'.
- (10) How then is Rab's view to be reconciled with the implication of this Baraitha?
- (11) The Baraitha cited by the school of Samuel.
- (12) Our Mishnah.
- (13) Within the same roof, however, it is permitted to move an object within four cubits, but no further.
- (14) Who after a serious illness had lost his memory.
- (15) Of Samuel, that though the walls cannot be seen from the roof the principle of upward extension is nevertheless upheld.
- (16) The bigger roof projecting on both sides of the smaller.
- (17) For the movement of objects by the occupiers of the house below.
- (18) Even according to Rab's view.
- (19) Since three of its sides (cf. Supra n. 16) are detached and defined and the principle of upward extension may well be applied to them, while, on its fourth side, the part which is joined to the smaller roof may be regarded as a doorway and the two sections projecting on either side may be deemed to be extending upwards and forming a kind of railings or side-posts to the two sides of the doorway. The two roofs thus assume the character of two courtyards with a door between them where the smaller one imposes no restrictions on the bigger.
- (20) Being exposed to the extent of the entire length of one of its sides to the bigger roof that side cannot be regarded as a door but as a breach, on account of which the people of the bigger roof (as in the case of a similar breach between a bigger, and smaller courtyard) impose restrictions on its use.
- (21) That the movement of objects is forbidden on the smaller roof.
- (22) And these freely walked across from their own roof to that of their neighbors.
- (23) The presumed upward extension of the wall supporting it.
- (24) And is consequently invalid.
- (25) Because the walls, though indistinguishable to one standing on the roofs, are nevertheless deemed

to extend upwards which is in fact the ruling of Samuel Supra.

(26) All round the roofs except where they adjoin one another.

(27) Or 'side-posts', sc. the imaginary upward extensions of its projections on either side of the smaller roof (cf. Supra p. 622, n. 19).

(28) The imaginary railings or side-posts being of no avail where no partitions exist with which to form a doorway.

(29) So that both groups evidently intended to use their respective roofs as dwelling-places.

(30) Cf. supra p. 622, n. 19 mut. mut.

(31) And thus indicated that they have no intention of living on their roof.

(32) Even according to the SAGES. Since the other residents who fixed no ladders have evidently decided to make no use of their roofs the man who did fix one has all their roofs at his disposal and they are, therefore, deemed to form one single domain with his own roof.

(33) By surrounding all his roof with walls.

(34) That opened towards the other roofs (Rashi). Cf. however, Tosaf. a.l.

(35) Cf. supra n. 2 mut. mut.

(36) And the other roofs may not be used even according to R. Meir who holds that ALL THE ROOFS OF A TOWN CONSTITUTE A SINGLE DOMAIN.

(37) While the wall facing the roofs remained closed.

Eruvin 90a

that it was made for the purpose of facilitating the watch over his house garden.¹ Rami b. Hama² enquired: Is it permitted to move an object³ two cubits along a roof and two cubits along a column?⁴ —

'What an enquiry', Rabbah⁵ exclaimed: 'is this? He is asking about a karmelit⁶ and a private domain!' ⁷And Rami b. Hama?⁸ —

In⁹ his ingenuity he was not careful in putting the question. He, however, meant to put the question thus: Is it permitted to move an object¹⁰ two cubits along a roof¹¹ and two cubits along an exedra?¹² Do we say: Since neither the one nor the other¹³ is fit for a dwelling-place, both¹⁴ are regarded¹⁵ as a single domain;¹⁶ or is it possible that as the movement of objects from one roof ¹¹ to another¹¹ is forbidden¹⁷ so is also that between a roof¹¹ and an exedra¹² forbidden.¹⁸

R. Bebai b. Abaye enquired: Is it permissible to move an object two cubits on a roof and two cubits in a ruin?¹⁹ — Is not this enquiry, R. Kahana asked, identical with that of Rami b. Hama?²⁰ —

Would I', R. Bebai b. Abaye retorted: 'have come with the enquiry of another man merely to create difficulties? ²¹ An exedra is unfit as a dwelling whereas a ruin is fit'.²² But if it²³ is fit as a dwelling why did he²⁴ raise the question?²⁵ — His enquiry was in the nature of an alternative question:²⁶ If, [he said in effect,] you will find [some reason] for answering²⁷ that an exedra is unfit as a dwelling,²⁸ [will you agree that] a ruin is fit²⁹ for a dwelling,³⁰ or is it possible [that the latter is subject to the same law as the former, since] now at any rate it has no tenants? — This must remain undecided.³¹

Regarding a number of roofs on the same level, according to R. Meir,³² or a single roof,³³ according to the Rabbis,³⁴ Rab ruled: It is permissible to move objects through their ³⁵ r[as, and Samuel ruled: Objects may be moved only within four cubits.³⁶ As 'Rab ruled: It is permissible to move objects throughout their areas,³⁷ does not a contradiction arise between two rulings³⁸ of Rab?³⁹ There the walls are undistinguishable⁴⁰ but, here, the walls⁴¹ are distinguishable.⁴² But since 'Samuel ruled: Objects may be moved only within four cubitb',⁴³ does not a contradiction arise between two rulings of Samuel?⁴⁴ —

There⁴⁵ the area was not bigger than two beth se'ah⁴⁶ but here it⁴⁷ is bigger than two beth se'ah, and, since those walls⁴⁸ were made for dwelling purposes only below⁴⁹ but not on the roof' area above,⁵⁰ the latter is like a karpaf bigger than two beth se'ah, that was not surrounded by walls for dwelling purposes, and in any karpaf bigger than two beth se'ah that was not surrounded by walls for dwelling purposes, no objects may be moved except within four cubits.

It was stated: As regards a ship, Rab ruled: It is permissible⁵¹ to move objects about throughout its area, and Samuel ruled: Objects may be moved only within four cubits. 'Rab ruled: It is permissible to move objects about throughout its area'

- (1) And that he withdrew himself entirely from the use of the roofs.
- (2) Who held Rab's view that on a roof, according to the Sages, objects 'may be moved only within four cubits' (v. supra 89a ad fin.).
- (3) Lit., 'what (law) is it'.
- (4) Ten handbreadths high and four handbreadths wide that was standing in the public domain in close proximity to the roof.
- (5) MS.M. 'Raba'.
- (6) The roof.
- (7) The column; Sc. it is obvious that the answer is in the negative since the movement of objects between a karmelith and a private domain is definitely forbidden.
- (8) Why did he raise a question the answer to which is so obvious?
- (9) Lit., 'at the side of'.
- (10) Lit., 'what (law) is it'.
- (11) Of a dwelling-house.
- (12) Sc. the roof of an exedra, that did not belong to the owner of the adjoining roof and house, that was bigger than two beth se'ah, that had no partitions around it, that was in a sloping position and that had in consequence the status of a karmelith.
- (13) Sc. neither the roof of the dwelling-house nor that of the exedra.
- (14) Though belonging to different owners.
- (15) Since, unlike the roofs of two dwelling-houses which, on account of the different tenants beneath them, are regarded by the Sages as different domains, the exedra has no tenants either within it or on its roof.
- (16) Even according to the Sages.
- (17) Because, presumably, they belong to different tenants.
- (18) For the same reason (cf. prev. n.).
- (19) That belonged to a different owner, and that had the status of a karmelith because one of its sides was completely exposed to a public domain.
- (20) Who, instead of a ruin that was a karmelith (cf. prev. n.), spoke of an exedra which was also a karmelith.
- (21) Lit., 'did I come from another and quarreled'.
- (22) The position of the two, therefore, is not identical, and the one enquiry has no bearing on the other.
- (23) A ruin.
- (24) R. Bebai.

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(25) It should have been obvious to him that the answer was, as in the case of roofs of dwelling-houses, in the negative.

(26) Lit., 'He said: If you will find (some reason) for saying', sc. R. Bebai was neither certain that a ruin is to be regarded as a suitable dwelling-place nor that it was subject to the same law and status as all exedra, and his enquiry depended on one of the two possible alternative answers to Rami's enquiry.

(27) Rami's question.

(28) And that the movement of objects between its roof and the roof of a dwelling-house is, therefore, permitted.

(29) With some slight adjustments.

(30) And consequently it is forbidden to move objects between it and the roof of a dwelling-house.

(31) Teku, lit., 'let it stand'.

(32) Who ruled that ALL THE ROOFS OF A TOWN CONSTITUTE A SINGLE DOMAIN.

(33) I.e., one detached from the other roofs.

(34) The SAGES, whose rule that each roof IS A SEPARATE DOMAIN that imposes restrictions on the adjoining roofs, cannot obviously apply to an isolated roof.

(35) Lit., 'in all of it'.

(36) On the same roof according to the Rabbis or on two roofs (a portion of the four cubits on each) according to R. Meir.

(37) From which it follows that he adopts the principle of the upward extension of the walls under the roofs to form partitions around the roofs.

(38) Lit., 'a difficulty of that of rab on that'.

(39) The one just cited and the ruling. Supra 89a, that on roofs of the same level, according to the Rabbis, objects 'may be moved only within four cubits', from which it is obvious that he does not recognize the principle of the upward extension of walls.

(40) One standing on any of the roofs cannot see them since they are covered by the roofs. Hence it is that the principle of upward extensions cannot be applied and the roofs, according to the Rabbis, impose restrictions upon each other.

(41) Of (a) the detached house, according to the Rabbis, and (b) those of the outermost houses according to R. Meir.

(42) They can well be seen from (a) the roof or (b) the roofs. The principle of upward extension is, therefore, applicable.

(43) From which it follows that he does not hold the principle of upward extension.

(44) Cf. Supra n. 9 mut. mut.

(45) Where Samuel was dealing with the view of the Rabbis who regard each roof as a separate domain.

(46) Since the walls of each individual roof, which is smaller than two beth se'ah, are deemed to be extended upwards.

(47) The area of all the roofs according to R. Meir and that of the single roof according to the Rabbis.

(48) Of the houses.

(49) Within the houses themselves.

(50) Lit., 'above they are not made'.

(51) Even where it was bigger than two beth se'ah.

Eruvin 90b

because it has¹ walls;² 'and Samuel ruled: Objects may be moved only within four cubits', since the walls were put up for the purpose of keeping out³ the water.⁴ 'Is the law', R. Hiyya b. Joseph asked Samuel, 'in agreement with your view or is it in agreement with that of Rab?' —

'The law, the other replied: 'is in agreement with that of Rab'. 'Rab', explained R. Giddal in the name of R. Hiyya b. Joseph, 'agrees nevertheless that if it was turned upside down⁵ objects on its may be moved only within four cubits. For what purpose, however, was it inverted? If it be suggested: For the purpose of dwelling under it, why, it could be objected, should its law be different from that of a single roof?⁷ —

It was inverted rather for the purpose of being coated with pitch.⁸ R. Ashi reported⁹ this¹⁰ with reference to a ship; but R. Aha son of Raba¹¹ reported it with reference to an exedra. For it was stated: If an exedra was situated in a valley, it is, Rab ruled, permitted to move objects within all its interior; but Samuel ruled: Objects may be moved within four cubits only. Rab ruled that it was permitted to move objects in all its interior because we apply the principle: The edge of the ceiling descends and closes up. But Samuel ruled that objects may be moved within four cubits only because we do not apply the principle: The edge of the ceiling descends and closes up.¹² But according to Rab's interpretation of R. Meir's view,¹³ should it not¹⁴ be permitted to move objects from a roof into a courtyard?¹⁵ This is forbidden as a measure¹⁶ of which R. Isaac b.

Abdimi has spoken.¹⁷ And according to Samuel's interpretation of the view of the Rabbis,¹⁸ should it not be permissible to move objects¹⁹ from a roof to a karpaf?²⁰ —

Raba²¹ b. Ulla replied: The prohibition is due to a preventive measure against the possibility of a reduction in the area of the roof.²² But if so, it should also be forbidden to move an object²³ from karpaf to karpaf²⁴ since the area of one of them might happen to be reduced²⁵ and people would still be moving objects from one to the other? — If a reduction were to occur there²⁶ it would be noticeable²⁷ but if a reduction should take place here²⁸ it might not be noticed at all.²⁹

Rab Judah stated: A careful study would show that³⁰ according to the view of R. Meir roofs are regarded as a Separate domain, courtyards as a separate domain

- (1) Lit., 'there is'.
- (2) That were put up for dwelling purposes.
- (3) Lit., 'to cause to flee'.
- (4) Not for dwelling purposes.
- (5) Lit., 'on its mouth',
- (6) If it was higher than ten handbreadths.
- (7) Concerning which Rab ruled that even according to the Rabbis it is permissible to move objects throughout its area though it was bigger than two beth Se'ah. The sides of a ship that was inverted for the purpose of dwelling under it should be subject to the same laws as those of the walls of a dwelling-house.
- (8) As its sides no longer serve the purpose of walls of a dwelling place the ship's roof (or back) assumes the same character as that of the top of a mere column; and when these sides are imagined to be extended upwards they surround an area that is bigger than two beth se'ah whose walls were not put up for dwelling purposes and whose status, therefore, must be that of a karmelith where movement of objects beyond four cubits is forbidden.
- (9) Lit., 'taught'.
- (10) The discussion between Rab and Samuel. V., however, Rashi.
- (11) MS.M. 'Jacob'.
- (12) Supra 25a q.v. notes.
- (13) Viz., that it is permissible freely to move objects from roof to roof provided all the roofs were on the same level.
- (14) Since a roof (cf. prev. n.) is not subject to the restrictions of karmelith.

(15) Obviously it should. Why then did R. Meir rule (infra 90b, fiad n) that gardens, courtyards and karpafs are separate domains from any of which it is forbidden to move objects into the other?

(16) Against similar action in the case of a mound in a public domain.

(17) Supra 89a q.v. notes.

(18) That a detached roof that was bigger than two beth se'ah is subject to the restrictions of a karmelith.

(19) Within four cubits.

(20) Apparently it should. Why then did the Sages rule (infra 91a, ab init.) that, while roofs and courtyards form one domain, karpafs form a separate domain from which it is forbidden to move objects either into a courtyard or on to a roof.

(21) Var. lec. 'Rabbah' (marg. gl.).

(22) As well as that of the house under it to less than two beth se'ah, when it would assume the status of a private domain from which into a karpaf the movement of objects is forbidden.

(23) Even within four cubits.

(24) Each of which was bigger than two beth se'ah.

(25) And thus assume the status of a private domain.

(26) In the area of a karpaf.

(27) One could not fail to observe a reduction in all enclosed space.

(28) In a roof which is all unenclosed space since it had no walls around it.

(29) It is very difficult to recognize a small difference in an open area.

(30) Lit., 'when you will find to say'.

Eruvin 91a

and karpafs as a separate domain;¹ that, according to the view of the Sages,² roofs and courtyards form a single domain³ and karpaf⁴ form a domain of their own;⁵ and that according to the view of R. Simeon⁶ all these together⁷ constitute a single domain. It was taught in agreement with Rab⁸ and it was also taught in agreement with Rab Judah.⁹ 'It was taught in agreement with Rab': All the roofs of a town constitute a single domain, and it is forbidden to carry objects up or down from the courtyards on to the roofs or from the roofs into the courtyards respectively;¹⁰ but objects that were in a courtyard when the Sabbath began may be moved about within the courtyard, and if they were at that time on the roofs they

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may be so moved on the roofs, provided no roof was tell handbreadths higher or lower than all adjoining roof; so R. Meir.

The Sages, however, ruled: Each one is a separate domain and no object may be moved in it except within four cubits.¹¹ 'It was taught in agreement with Rab Judah':¹² Rabbi related, When we were studying the Torah at R. Simeon's at Tekoa¹³ we used to carry¹⁴ oil¹⁵ and a towel from roof to roof, from the roof to a courtyard, from the courtyard to another courtyard, from that courtyard to a karpaf and from that karpaf into another karpaf¹⁶ until we arrived at the well wherein we bathed.

R. Judah related: It once happened that during a time of danger¹⁷ we carried¹⁴ a scroll of the Law from a courtyard into a roof, from the roof into a courtyard, and from the courtyard into a karpaf in order to read in it.¹⁸ They,¹⁹ however, said to him: A time of danger can supply no proof.²⁰

R. SIMEON RULED: ROOFS, etc. Rab ruled: The halachah is in agreement with R. Simeon. This, however, applies only where no 'erub²¹ had been prepared,²² but not where one²³ had been prepared, since [in the latter case] a preventive measure must be enacted²⁴ against the possibility of carrying out objects from the houses [in one courtyard] into a [neighboring] courtyard.²⁵ Samuel, however, ruled: [The same law²⁶ applies] whether an 'erub had been prepared or not. So also said R. Johanan: 'Who whispered this²⁷ to you? [There is in fact no difference] whether an 'erub had been prepared or not'.²⁸

R. Hisda demurred: According to the view of Samuel and R. Johanan,²⁹ it might well be objected, 'Two objects in the same courtyard, and one may be moved³⁰ while the other may not!'³¹ —

R. Simeon follows his own principle that in such cases no preventive measure need be enacted. For we learned: 'R. Simeon

remarked: To what may this case be compared? To three courtyards that open one into the other and also into a public domain where, if the two outer ones made an 'erub with the middle one, It is permitted to have access to them and they are permitted access to it, but the two outer ones are forbidden access to one another'³² and no preventive measure against the possibility of carrying objects from the one courtyard into the other had been enacted; so also here no preventive measure has been enacted against the possibility of carrying objects from the houses of one courtyard into the next courtyard.

R. Shesheth raised an objection: R. SIMEON RULED: ROOFS, COURTYARDS AND KARPAFS ARE EQUALLY REGARDED AS ONE DOMAIN IN RESPECT OF CARRYING FROM ONE INTO THE OTHER OBJECTS THAT WERE KEPT WITH THEM WHEN THE SABBATH BEGAN, BUT NOT IN RESPECT OF OBJECTS THAT WERE IN THE HOUSE WHEN THE SABBATH BEGAN. Now if you grant that the ruling³³ applies also to cases where an erub had been prepared it is quite easy to see how objects from a house call be found in a courtyard,³⁴ but if you maintain that the ruling; applies only to cases where no 'erub had been prepared, how³⁵ is it possible for objects from a house to be found in a courtyard?³⁶ — He raised the objection and he also supplied the solution: [The objects] referred to might be skull-caps or turbans.³⁷

(1) Supra 89a q.v., notes.

(2) Who, unlike R. Meir, did not make provision against the possibility of using a mound in a public domain.

(3) It being permissible to move objects from one courtyard into another if both belonged to more than one person, or from a private roof (since it is only infrequently used) into such a courtyard. Between private roofs this is forbidden, since in the view of' the Rabbis, the domains on the roofs are as divided as the domains of the houses below.

(4) Since they are of the same character.

(5) Though they belonged to more than one owner.

(6) V. his ruling in our Mishnah.

(7) Not only each group.

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(8) Who laid down (supra 89a) that the principle of upward extension is inapplicable to indistinguishable walls, that adjoining roofs of the same level impose, therefore, restrictions upon each other, and that no object may be moved on either of them beyond four cubits.

(9) Whose view has just been cited.

(10) This, according to R. Meir, is a preventive measure against the possibility of a similar act in the case of a mound in a public domain.

(11) In agreement with Rab.

(12) In respect of his interpretation of R. Simeon's view.

(13) A place in Palestine famous for its oil.

(14) Lit., 'bring up'.

(15) For anointing their bodies after their bathing (v. infra).

(16) In agreement with Rab Judah.

(17) The religious persecutions after Bar Kochba's revolt.

(18) From this R. Judah sought to lay down the law for normal times.

(19) His colleagues at the college.

(20) As to what is permitted in normal times.

(21) By the tenants of each courtyard.

(22) For their respective courtyards. As in the absence of all 'erub they are forbidden to carry any objects from their houses into their courtyards there is no need to provide against the possibility of the carrying of an object from one of the houses into a neighboring courtyard.

(23) Each courtyard for itself but no two courtyards jointly.

(24) Forbidding the transfer of objects from one courtyard into another, even though these were all the time in the courtyard.

(25) Which even R. Simeon forbids. Cf. Supra n. 12 mut. mut.

(26) It. Simeon's.

(27) The distinction drawn by Rab (cf. Rabbenu Samuel in Tosaf a.l.). Rashi deletes 'who... you'. For another interpretation (cf. R. Tam. in Tosaf. loc. cit.).

(28) In either case freedom of movement is permitted.

(29) That, though objects that were in a courtyard when the Sabbath began may be moved into another courtyard, those that were at the time mentioned in a house in that courtyard may not be moved to an adjoining courtyard, even after they had been brought into their own courtyard by means of an 'erub.

(30) Into an adjoining courtyard (cf. prev. n.).

(31) As a result, people might take the liberty of carrying the two kinds of objects into the next courtyard. Why then was no preventive measure enacted against such a possibility?

(32) Supra 45b q.v. notes.

(33) R. Simeon's.

(34) And the limitation, 'BUT NOT IN RESPECT OF OBJECTS THAT WERE IN THE HOUSE' was consequently necessary.

(35) Since in the absence of all 'erub no object may be carried from any of the houses into the courtyard.

(36) This being apparently impossible, what need was there for (cf. supra p. 631, n. 6) the limitation?

(37) Which may well have been in the house when the Sabbath began but were carried into the courtyard on one's head as articles of dress.

Eruvin 91b

Come and hear: if the tenants of a courtyard and the tenants on its gallery forgot to join together in an erub,¹ any level that is higher than ten handbreadths² belongs to the gallery,³ and any lower level belongs also to the courtyard.⁴ This⁵ applies only where both the former as well as the latter were occupied by many tenants⁶ and each group prepared an 'erub for itself,⁷ or where they belonged to individuals⁸ who⁹ need not prepare an 'erub;¹⁰ but if they were occupied by many tenants¹¹ who forgot to prepare an erub,¹² roof, courtyard, exedra and gallery constitute together¹³ a single domain.¹⁴ The reason then¹⁵ is that no 'erub had been prepared,¹² but if an 'erub had been prepared this would not have been permitted, would it?¹⁶ —

This represents the view of¹⁷ the Rabbis.¹⁸ A deduction from the form of the expression also supports this view,¹⁹ since karpaf and alley were not mentioned.²⁰ This is conclusive.

Come and hear: If five courtyards were open one into the other and also into an alley and all their tenants forgot to prepare an erub, it is forbidden to carry in or to carry out from a courtyard into the alley²¹ or from the alley into a courtyard; objects, however, that were in a courtyard when the Sabbath began may be moved about within the courtyard, but in the alley this is forbidden;²² but R. Simeon permits this²³ for he used to say: Whenever they²⁴ belong to many people who forgot to prepare an erub,²⁵ a roof a courtyard, all exedra, a gallery, a karpaf and an alley are

jointly regarded as a single domain.²⁶ The reason then²⁷ is that no 'erub had been prepared²⁸ but if they had prepared one²⁹ this would not have been the case, would it?³⁰—

The meaning of 'no erub had been prepared' is that the tenants of the courtyards did not prepare an 'erub jointly, but the courtyard with its houses were joined by an 'erub.³¹ But was it not stated: 'No 'erub³² had been prepared'? —

The meaning of an 'erub had been prepared' is that there was no shittuf.³³ And if you prefer I might say: R. Simeon was speaking to the Rabbis in accordance with their view. 'According to my view', he said, in effect, 'there is no difference between a case where an erub had been prepared and one where it had not been prepared;³⁴ but according to your view, would you not agree with me that at least where no 'erub had been prepared³⁵ all³⁶ should be regarded as a single domain?' And the Rabbis replied: No, they³⁷ must be regarded as two domains.³⁸

The Master said: 'But in an alley this is forbidden'. May it be suggested that this provides support to a ruling R. Zera cited in the name of Rab, for R. Zera citing Rab ruled: In an alley wherein no shittuf had been arranged no objects may be moved about except within four cubits?³⁹ —

Read:⁴⁰ 'But into an alley it is forbidden'.⁴¹ But this⁴² is identical, is it not, with the first clause?⁴³ — The superfluous Mishnah⁴⁴ was required: As it might have been presumed that the Rabbis differed from R. Simeon only⁴⁵ where an erub had been prepared⁴⁶ but that where no 'erub had been prepared⁴⁷ they agreed with him,⁴⁸ we were informed⁴⁹ [that they differ in both cases].⁵⁰

Said Rabina to R. Ashi:

- (1) But each group prepared an 'erub for its courtyard and gallery respectively.
- (2) A column or a mound, fair instance.

(3) For the discussion and explanation of the ruling v. supra 84a.

(4) And since the tenants of the courtyard as well as those of the gallery have a right to it, its use is forbidden to both.

(5) The prohibition on both groups of tenants to use the same courtyard or gallery.

(6) Lit., 'that these belonged to many and those belonged to many'.

(7) So that the tenants in each group were permitted to carry their objects from their houses into their courtyard and gallery respectively. If objects that rested in the courtyard or the gallery had been permitted to be transferred from the one into the other, people might mistakenly transfer also objects from the house of the one into the other. Hence the prohibition (cf. supra n. 7).

(8) Sc. the courtyard belonged to one, and the gallery to another individual.

(9) Since there were no other tenants either in the one or in the other to impose restrictions.

(10) And may, therefore, carry their objects from their houses into their respective domains. Hence (cf. Supra n. 9) the prohibition.

(11) I.e., the gallery had a number of tenants and the courtyard also had a number of tenants.

(12) For their respective domains, so that no object could be moved from any of the no uses into the courtyard and gallery respectively into which that house opened.

(13) In respect of objects that rested in them at the time the Sabbath commenced.

(14) And it is consequently permitted to move these objects from one into the other.

(15) Why it is permitted to move objects from one into the other (cf. prev. n.).

(16) Obviously not, since a preventive measure against the possibility of carrying objects from the houses of the one into the other would have been necessary. Now since it is R. Simeon who regards roofs, courtyards, etc. as one domain this ruling which also regards them as one domain must be attributed to him, since it was Shown that if an 'erub had been prepared the movement of all objects between courtyard and gallery is forbidden, an objection arises against Samuel and R. Johanan.

(17) Lit., 'this is according to whom.?'

(18) Who agree that roofs and courtyards do constitute a single domain, and it is only they who did not permit the movement of objects as a preventive measure (as they did in the case supra 49a). R. Simeon, however, enacted no such preventive measures.

(19) That the ruling cited represents the view of the Rabbis.

(20) In agreement with their view. A ruling of R. Simeon would have included these also since he regards these as well as the others as one domain.

(21) The Rabbis, whose view is here represented, regarding an alley as a karpaf into which no objects may be carried.

(22) This is now assumed to mean that even objects that were in the alley itself at the time the Sabbath commenced may not be moved in it because, so long as no joint 'erub had been prepared, it is subject to the restrictions of a karmelith.

(23) Even the movement of an object from a courtyard into the alley.

(24) Courtyards or alleys.

(25) For themselves. This is now presumed to mean that tenants of each courtyard did not prepare an 'erub for their own courtyard.

(26) The movement of objects within which is permitted.

(27) Why according to R. Simeon it is permitted to carry objects from a courtyard into the alley.

(28) Cf. supra n. 9; so that no objects from the houses may be carried into the courtyard and no preventive measure

against the possibility of carrying them into the alley is called for.

(29) In reliance on which objects from the houses could be carried into the courtyard.

(30) Since a preventive measure against the possibility of carrying objects from the houses into the alley would have been necessary. A distinction is thus drawn between a case where 'erub has, and one where it has not been prepared. All objection against Samuel and . Johanan.

p31) R. Simeon's form of expression was not intended as a restriction but, on the contrary, as an extension of the privilege: Even though each courtyard was provided with a separate 'erub and objects from its houses were permitted to be carried into it, it is nevertheless permitted to move into the alley such objects as were in the courtyard when the Sabbath began and no preventive measure against the possibility of carrying also the objects from the houses was deemed necessary.

(32) Presumably none whatever.

(33) Between the courtyards in the alley. The question of 'erub between the houses of each courtyard is completely disregarded since the use of the alley is permitted irrespective of whether such an 'erub was or was not prepared in the courtyards.

(34) As Samuel and R. Johanan maintained.

(35) By each group of tenants for their own courtyard.

(36) Roof, courtyard, exedra, gallery and karpaf

(37) Karpaf and alley.

(38) Only roof, courtyard and gallery may be regarded as one domain.

(39) Shab. 130b.

(40) Instead of 'in'.

(41) Sc. to carry objects from a courtyard. Within the alley, however, objects may well be carried about.

(42) The ruling in the form now suggested.

(43) Which reads: 'it is forbidden to carry... from a courtyard into an alley'.

(44) Sc. the repetition of the same thing.

(45) Lit., 'when do the Rabbis differ from R. Simeon-these words'.

(46) For each courtyard separately; (the meaning of 'erub in the expression 'forgot to prepare an 'erub' being shittuf), and that the prohibition to move objects from a courtyard into the alley is due to a preventive measure against the possibility of moving objects from the house into the alley.

(47) In consequence of which no objects from a house could be carried into a courtyard.

(48) That, since no preventive measure is called for (cf. prev. n.), the movement of objects from the courtyard into the alley is permitted.

(49) By the apparently superfluous repetition of the same ruling.

(50) Since the repetition of the ruling can be explained only by applying each statement to a different case: One where

all 'erub for each courtyard had been prepared and one where none had been prepared.

Eruvin 92a

Could R. Johanan have made such a statement,¹ seeing that R. Johanan laid down that the halachah is in agreement with an anonymous Mishnah, and we learned:² If aīwalā between two courtyards was ten handbreadths high and four handbreadths thick, two 'eruvs may be prepared but not one. If there was fruit on the top of it, the tenants on either side may climb up and eat there, provided they do not carry it down?³ — The meaning of 'down' is⁴ 'down into the houses'.⁵ But did not R. Hiyya learn: Provided neither of the tenants⁶ stands in his place⁷ and eats?⁸ —

The other replied: Since⁹ Rabbi¹⁰ has not taught this ruling¹¹ whence could R. Hiyya¹² know it! It was stated: If there were two courtyards with a ruin¹³ between them and the tenants of the one prepared an 'erub¹⁴ and the tenants of the other did not prepare one,¹⁵ [the ruin] said R. Huna, is to be assigned¹⁶ that courtyard for which no 'erub

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had been prepared,¹⁷ but not to the one for which an 'erub had been prepared, since the tenants of the latter might be tempted to carry objects¹⁸ from their houses into the ruin.¹⁹

Hiyya b. Rab, however, said:²⁰ It²¹ is also assigned to the courtyard for which an 'erub had been prepared, and both, therefore,²² are²³ subject to restrictions.²⁴ For were you to suggest that both are exempt from restrictions,²⁵ why [I would ask,] is not²⁶ a courtyard for which no 'erub had been prepared assigned²⁷ to the courtyard for which one had been prepared?²⁸ —

[No].²⁹ In that case³⁰ since the objects from the houses are safe³¹ in the courtyard one might carry [many of them) thither];³² but here in the case of a ruin, since the objects from the houses are not safe in a ruin, no one would carry many of them thither.³³ Others read: Hiyya b. Rab said: It³⁴ is also assigned to the courtyard for which an 'erub had been prepared; and both, therefore,³⁵ are³⁶ free from restrictions. For should you insist that both are subject to restrictions³⁷ since³⁸ a courtyard for which no 'erub had been provided is not assigned to the one for which one had been provided,³⁹ [it can be retorted]: In that case,³⁰ since the objects from the houses are safe³¹ in the courtyard the Rabbis did not relax the restrictions because otherwise people might carry them out.⁴⁰ In a ruin, however, they are not safe.⁴¹

MISHNAH. IF A LARGE ROOF WAS CLOSE TO A SMALLER ROOF⁴² THE USE⁴³ OF THE LARGER ONE IS PERMITTED⁴⁴ BUT THAT OF THE LESSER ONE IS FORBIDDEN.⁴⁵ IF THE FULL WIDTH OF A WALL OF A SMALL⁴⁶ COURTYARD WAS BROKEN DOWN SO THAT THE YARD FULLY OPENED INTO A LARGE⁴⁷ COURTYARD, THE USE OF THE LARGER ONE⁴⁸ IS PERMITTED,⁴⁹ BUT THAT OF THE SMALLER ONE⁴⁸ IS FORBIDDEN, BECAUSE THE GAP IS REGARDED AS A DOORWAY TO THE FORMER.⁵⁰

GEMARA. What was the point⁵¹ in teachings⁵² the same principles twice?⁵³ According to Rab's view,⁵⁴ this⁵⁵ was intended to teach us that a ROOF is subject to the same limitations as a COURTYARD: As in a courtyard the walls are distinguishable⁵⁶ SO must the walls be distinguishable in the case of a roof also;⁵⁷ and according to Samuel's view⁵⁸ a no ROOF was meant to be compared to a COURTYARD: As a courtyard is a place upon which many people tread so must a roof⁵⁹ be one on which many people tread.⁶⁰

Rabbah and R. Zera and Rabbah son of R. Hanan⁶¹ were sitting at their studies, Abaye sitting beside them, and in the course of their session they argued as follows: From our Mishnah it may be inferred that the occupiers of the larger one influence the rights of those of the lesser but those of the latter do not influence those of the former. If, for instance,⁶² vines were planted in the larger one, it is forbidden to sow in the lesser one,⁶³ and if it was sown, the seeds are forbidden; and

(1) That the halachah was in agreement with R. Simeon that all courtyards are regarded as a single domain even where separate 'erub were prepared for each.

(2) Anonymously.

(3) Supra 76b q.v. notes. Since it is forbidden to carry' the fruit down into either courtyard, it is obvious that it is forbidden to carry any object from one courtyard into another; and this ruling, since it is contained in all anonymous Mishnah, must, according to R. Johanan, represent the halachah. Now, if it is granted, as Rab maintained Supra, that a distinction is drawn between courtyards for each of which a separate 'erub had been provided and courtyards for which none had been provided, the Mishnah cited can be explained to refer to courtyards of the former class; but if no distinction is drawn and R. Simeon, according to R. Johanan's interpretation, regards all courtyards as one domain in either case, how is this rule to be reconciled with the Mishnah?

(4) Lit., 'what is below'?

(5) Into the courtyards, however, this is permitted.

(6) Lit., 'that this shall not... and this, etc.'

(7) Sc. in his own courtyard or on the top of the wall, from which it is obvious that the movement of objects is forbidden not only into the houses but also from one courtyard into the other.

(8) [MS.M. reads: provided they do not carry it down but each one stands in his place].

(9) Lit., 'and when'.

(10) R. Judah I, the compiler of the Mishnah.

(11) He only spoke of the prohibition to carry it 'down', (cf. n. 4) meaning to take it into the houses.

(12) Who was Rabbi's disciple. R. Hiyya compiled Baraitas, and the authorship of the Tosefta is attributed to him.

(13) On none of whose side it was fully exposed to the public domain and that belonged either to the owners of the adjoining houses or to another person.

(14) For their courtyard alone, so that they were allowed to move objects from their houses into it.

(15) In consequence of which they are forbidden to carry into it any objects from their houses.

(16) Irrespective of whether it belonged to one of the house owners or to a stranger.

(17) I.e., the tenants of that courtyard are permitted to carry objects from their courtyard into the ruin.

(18) Which happened to be in their courtyard (cf. supra n. 10).

(19) No such precaution is necessary in the case of the other courtyard since no objects from the houses (cf. supra n. 11)

may be carried into it. R. Huna, a disciple of Rab, follows his master's principle (supra 91a).

(20) In the name of his father (v Rashi a.l.).

(21) The ruin.

(22) Since a preventive measure is necessary to prevent mistaken application of the rule for the courtyard for which no 'erub had been prepared to the one for which an 'erub had been prepared.

(23) In the opinion of Hiyya.

(24) Neither from the one nor from the other may objects be moved into the ruin.

(25) Sc. that Rab's (cf. supra p. 636, n. 16) ruling that the ruin 'is also assigned, etc.' implies a relaxation of the law and that even from the courtyard in which an 'erub had been prepared the moving of objects into the ruin is permitted.

(26) In the ruling of R. Simeon in our Mishnah which, according to Rab's interpretation (supra 91a) 'applies only where no 'erub had been prepared but not where one had been prepared'.

(27) As is the ruin, according to the suggestion.

(28) Sc. why should not the tenants of the latter be permitted to carry objects from their courtyard into the former.

(29) This is no argument against the suggestion that the meaning is that both are free from restrictions.

(30) Lit., 'there', the ruling of R. Simeon according to Rab's interpretation.

(31) Lit., 'are watched', 'protected'.

(32) Sc. so many objects are likely to be carried from the houses into the courtyard that they might easily be mixed up with those of the courtyard and carried like them to the next courtyard. Hence the restriction.

(33) Cf. prev. n. mut. mut. As objects from the houses are not likely to be mixed up with those of the courtyard no preventive measure was considered necessary. The case of the ruin, therefore, is no criterion for that spoken of by R. Simeon, and it may well be maintained, as suggested, that in the former case both are free from restrictions'.

(34) The ruin,

(35) Cf. supra n. 1.

(36) Presumably; in the opinion of Hiyya.

(37) Sc. that neither from the one nor from the other may objects be moved into the ruin.

(38) V. supra n. 2 and text.

(39) From which it is evident that a preventive measure had been enacted against the possibility of mixing up the objects from the houses with those from the courtyard and the carrying of the former like the latter into the next courtyard (cf. supra p. 636, n. 18).

(40) Into the courtyard (cf. supra p. 637, n. 8).

(41) V. supra p. 637, n. 9.

(42) The former projecting on both sides of the latter and the line of contact being no longer than ten cubits.

(43) I.e., the taking up of objects from the house below.

(44) The occupiers of the adjoining house impose no restrictions on its tenants since the projecting portion of the larger roof (cf. supra n. 3), by the rule of upward extension, forms side-posts to the middle section common to both roofs which, being no bigger than ten cubits (cf. loc. cit.), is regarded as a doorway of the larger roof.

(45) Cf. supra n. 4; since it is fully exposed to the larger roof, the occupiers of the larger house impose restrictions on its use.

(46) So Asheri, and cur. edd. supra 8a, 9b. Cur. edd. a.l. and Alfasi 'large'.

(47) Cf. prev. n.

(48) I.e., the movement of objects from its houses into it.

(49) If an 'erub had been prepared by its tenants. For the reason cf. supra n. 5; mut. mut.

(50) But not to the latter. Hence it is (cf. supra nn. 5f) that the use of the former is permitted while that of the latter is forbidden.

(51) Lit., 'wherefore to me'.

(52) In our Mishnah.

(53) Lit., 'two'; in case of (a) roofs and (b) courtyards.

(54) That walls must be distinguishable.

(55) The repetition of the same principle.

(56) Since it has proper walls.

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(57) I.e. the roof must not project beyond the walls. If it does the rule of upward extension cannot apply.

(58) That the rule of upward extension is applicable even where the walls are indistinguishable when viewed from the roof.

(59) If its use is to be forbidden.

(60) If many people do not tread upon it, the rule of upward extension is applied even where the walls are indistinguishable from above.

(61) MS.M., 'Abin'.

(62) Lit., 'how?'

(63) Because the latter is regarded as a part of the former in which it is forbidden to sow vines and corn together (v. Glos. s.v. kil'ayim).

Eruvin 92b

the vines are permitted;¹ if vines grew in the lesser one it is permitted² to sow in the larger one.³ If a woman was in the larger one, and her get⁴ was in the lesser one⁵ she is⁶ divorced thereby;⁷ but if the woman was in the lesser one and her get⁴ in the larger,⁵ she is not divorced.⁸ If a congregation was in the larger one and the Reader⁹ in the lesser one, they have dully performed their duty,¹⁰ but if the congregation was in the lesser one and the Reader in the larger one they have not performed their duty.¹¹ If nine men were in the larger courtyard and one was in the lesser one they may all be combined,¹² but if nine men were in the lesser one and one man in the larger one they may not be combined.¹³ If excrement was in the larger one it is forbidden to read the portions of the shema'¹⁴ in the lesser one,¹⁵ but if it was in the lesser one it is permitted to read the shema' in the larger one.¹⁶

Said Abaye to them, If so, do we not find here a case where a partition¹⁷ is a cause of prohibition, for in the absence of a partition¹⁸ one may sow at a distance of four cubits¹⁹ whereas now²⁰ this is forbidden?'²¹

But, retorted R. Zera to Abaye, do we not elsewhere also find a case where a partition is a cause of prohibition? Have we not in fact learnt: IF THE FULL WIDTH OF A WALL OF A SMALL.²² COURTYARD WAS

BROKEN DOWN SO THAT THE YARD FULLY OPENED INTO A LARGE²² COURTYARD, THE USE OF THE LARGER ONE IS PERMITTED, BUT THAT OF THE SMALLER ONE IS FORBIDDEN, BECAUSE THE GAP IS REGARDED AS A DOORWAY TO THE FORMER; but if its projections²³ had been straightened²⁴ the use of the large One also²⁵ would have been forbidden?²⁶ —

There,²⁷ the other replied, it is a case of the removal of partitions.²⁸ 'Do we not', retorted Raba to Abaye, 'find a partition to be the cause of a prohibition? Has it not in fact been stated:

(1) Since the lesser courtyard cannot influence the larger one which remains independent of it.

(2) Even ab initio.

(3) Cf. supra n. 6. The line of contact between the courtyards being regarded as a doorway to the larger one and, a doorway having the status of a partition, the corn may be sown even in close proximity to the vines (cf. B.B. 26a). In this case, since they were planed first, the vines also remain permitted (cf. Men. 15a).

(4) Which her husband threw to her.

(5) And she was the owner of both courtyards.

(6) Even according to the view (Git. 77b) that a woman cannot be divorced by the thrusting of a get into her domain unless she was herself present at the time within that domain.

(7) Since the lesser courtyard is regarded as a part of the larger one in which she was actually present.

(8) Because the larger courtyard forms no part of the lesser one, while the woman within the latter (who, as a rule, has no desire to acquire a get to be divorced) cannot be deemed to be transferred to the larger courtyard.

(9) Sheliah zibbur, lit., 'the messenger of the congregation', who reads the prayers for, and on behalf of those who are themselves unable to read them.

(10) Of prayer. The Reader in the lesser courtyard which is regarded as a part of the larger one is deemed to be in the same place as the congregation.

(11) since the Reader in the larger courtyard, which (as explained supra) is independent of the lesser one, cannot be regarded as present with them in the lesser one, while a whole congregation cannot be deemed to be transferred from their position and shifted towards the position of an individual.

(12) To form a quorum of ten, the minimum number required for a public religious service (cf. supra p. 639, n. 15 mut. mut.)

(13) Cf. supra n. 1 mut. mut.

(14) Keri'ath shema', lit., 'the reading of the shema', the passages from Deut. VI, 4-9 XI, 13-21, and Num. XV, 37-41 the first of which begins with the words 'Shema' Yisroel' ('Hear, O Israel'). The three passages form the central part of the morning and evening services.

(15) Which is deemed to be a part of the former.

(16) Which (as explained supra) is separated from the lesser one by a virtual doorway which has the status of a partition.

(17) Sc. the virtual doorway (formed, by the projection of the sections of the larger courtyard on both sides of the smaller one) which has the status of a partition.

(18) I.e., but for the projections on both sides of the smaller one which have the status of a partition.

(19) From the vines; lit., 'removes four cubits and sows'.

(20) On account of the imaginary partition.

(21) Since the entire area of the smaller courtyard is forbidden ground.

(22) Cf. relevant note on our Mishnah.

(23) The sections of the larger courtyard that projected on both sides of the smaller one.

(24) By building partitions that cut out these projections from the larger courtyard.

(25) Which, on account of the partitions d, is now fully exposed to the smaller one as the latter is exposed to it.

(26) Which is another case where a partition is the cause of a prohibition.

(27) The case just cited.

(28) The putting up of the new partitions removes the former partitions so that one cancels out the other. In the case cited by Abaye, however, there is only one set of partitions and these very partitions are the cause of the prohibition.

taught: If a house was half covered with a roof while its other half was uncovered, it is permissible to sow¹² in the uncovered part¹³ though vines grew in the covered part;¹⁴ but if all the house had been equally covered with a roof¹⁵ would not this have been forbidden?¹⁶ — There, the other replied: It is a case of the removal of partitions.¹⁷

Raba sent to Abaye by the hand of R. Shemaiah b. Ze'ira [the following message]: 'Do we not find a partition to be the cause of a prohibition? Was it not in fact taught: partitions in a vineyard may be either the cause of a relaxation of the law¹⁸ or one of a restriction of it. In what manner? If the plantation of a vineyard stretched to the 'very foundation of a fence one may sow from the very foundations of that¹⁹ fence and beyond it; whereas in the absence of a partition one may sow only at a distance of four cubits;²⁰ and this is an example of a partition in a vineyard that is the cause of a legal relaxation. In what manner are they a cause of legal restriction? If a vineyard was removed eleven cubits from a wall no seed may be sown in the intervening space;²¹ whereas in the absence of a wall one may sow at a distance of four cubits;²⁰ and this is an example of a partition in a vineyard that is the cause of a legal restriction?'¹⁶ —

'According to your view, however, the other replied: 'might you not raise an objection against me from a Mishnah, since we learned: A patch in a vineyard, Beth Shammai ruled, must measure no less than twenty-four cubits, and Beth Hillel ruled: Sixteen cubits; and the width of an uncultivated border of a vineyard, Beth Shammai ruled, must measure no less than sixteen cubits, and Beth Hillel ruled: Twelve cubits. And what is meant by a patch in a vineyard? The barren portion of the interior of the vineyard.²² If its sides do not measure sixteen cubits no seed may be sown there, but if they do measure sixteen cubits, sufficient space for the tillage of the vineyard is allowed and the remaining space may be sown. What

Eruvin 93a

If an exedra¹ that had side-posts² was covered with boughs,³ it⁴ is valid as a sukkah;⁵ but if its side-posts had been straightened,⁶ it would have been invalid, would it not?'⁷ 'According to my view, Abaye replied: 'it⁸ is still valid,⁹ while according to your view it is a case of the removal of' partitions'.¹⁰

Said Rabbah b. R. Hanan¹¹ to Abaye: Do we not find elsewhere that a partition may be the cause of a prohibition? Was it not in fact

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is meant by the uncultivated border of a vineyard?

The space between the actual vineyard and the surrounding fence. If the width is less than twelve cubits no seed may be sown there, but if it measures twelve cubits, sufficient space for the tillage of the vineyard is allowed and the remaining area may be sown?²³ Consequently²⁴ it must be assumed that the reason there²⁵ is²⁶ that all the space to the extent of four cubits that adjoins the vineyard is allotted for the tillage of the vineyard, and a similar space that adjoins the wall, since it cannot be sown,²⁷ is renounced²⁸ so that the area intervening,²⁹ if it measures four cubits,³⁰ is deemed to be of sufficient importance, but not otherwise.³¹

Rab Judah said: If three karpafs³² adjoined one another, and the two outer ones had projections³³ while the middle one had none³⁴ and one man occupied each,³⁵ the group³⁶ is treated as a caravan who are allowed as much space as they require.³⁷ If the middle one had projections³⁸ while the two outer ones had none³⁹ and one man occupied each, the three men together⁴⁰ are allowed no more space⁴¹ than six [beth se'ah].⁴² The question was raised: What is the ruling where one person occupied each of the outer karpafs and two occupied the middle one?⁴³ Is it held that if these⁴⁴ were to go⁴⁵ to the one karpaf⁴⁶ there would be in it three⁴⁷ and if they⁴⁴ were to go to the other karpaf⁴⁶ there would be in it three⁴⁷, or is it rather held that only one of them⁴⁸ is deemed to be going to each karpaf?⁴⁹

And were you to find Some ground for the assumption that only one of them⁵⁰ is deemed to be going to each karpaf,⁵¹ the question arises: What is the decision where two persons occupied each of the outer karpafs⁵² and only one occupied the middle one? Is it certain that the view is here: If he⁵³ were to go to the one karpaf⁵⁴ there would be in it three⁵⁵ and if he were to go to the other karpaf⁵⁴ there would be in it three,⁵⁵ or is the

view rather that it is doubtful in which direction he would go?⁵⁶ The law is that in these questions the more lenient rule is adopted.

R. Hisda said:

- (1) With two walls in the shape of an "L" (v. Tosaf. a.l. contra Rashi).
- (2) Of the width of a handbreadth, attached to the end of either wall.
- (3) Or similar materials suitable for a sukkah roof.
- (4) Since either post may be deemed to be extended horizontally and to form a third wall.
- (5) Suk. 18a.
- (6) By putting up walls that covered them (cf. diagram supra mut. mut.) so that only two walls remained.
- (7) Which is another case where a partition is the cause of a prohibition.
- (8) Even in the absence or concealment of the side-posts.
- (9) Because the edges of the beams that span the roof of the exedra are deemed to extend downwards and to form virtual walls (cf. infra 95a) so that the added walls do not affect any prohibition.
- (10) Cf. supra n. 5 mut. mut.
- (11) MS. M., Raba b. R. Hanin.
- (12) Immediately outside the covered section.
- (13) Lit., 'here'; because the edge of the roof is deemed to descend downwards and form a partition between the covered and uncovered sections of the house.
- (14) V. p. 641, n. 18.
- (15) Lit., 'he made his roof covering equal'.
- (16) Which is another case where a partition is the cause of a prohibition.
- (17) The extension of the roof removes the virtual partition formed (cf. supra n. 2) by the edge of the half of the roof.
- (18) Of kil'ayim.
- (19) On its other side.
- (20) From the vineyard. Lit., 'causes it to be four cubits far and sows'.
- (21) Lit., 'shall not bring seed there'.
- (22) Lit., 'a vineyard whose middle was destroyed'.
- (23) Kil. IV, 1; supra 3b q.v. notes. Now the ruling 'If the width (between the vineyard and the wall) is less than twelve cubits no seed may be sown there' proves that a partition may be the cause of a restriction. Why then did not Raba raise his objection on the basis of this ruling that has the authority of a Mishnah and is much superior to that of a Baraitha on which his objection is based?

(24) Since Raba did not cite this Mishnah in support of his objection.

(25) Why no seed may be sown if the distance between the vineyard and the wall is less than twelve cubits.

(26) Lit., 'but is not there this the reason'.

(27) The sowing of seed near a wall undermining its foundations (cf. B.B. 19a).

(28) By its owner, as useless for cultivation.

(29) Between the four cubits for tillage on the side of the vineyard and the four cubits waste on the side of the wall.

(30) The total distance between the vineyard and the wall would consequently be (cf. prev. n.) $4 + 4 + 4 = 12$ cubits.

(31) Lit., 'and if not they are not important'. As this Mishnah provides no basis for Raba's objection so does not the Baraitha which may be similarly explained.

(32) Whose enclosure consisted of no proper fence (plaited lengthwise and crosswise) but of ropes drawn horizontally or reeds fixed in the ground vertically.

(33) Sc. each one was wider than the middle karpaf and projected on both sides of the line of contact, so that the projections formed a sort of frame the space between which is regarded as a doorway to it.

(34) If they were situated, for instance, in the following formation.

(35) V. marg. glos.

(36) Of the three men, two of whom, on account of the bigger size of their karpafs, influence the rights of the third man in the middle one and who may, therefore, be deemed to be joint occupiers with him of that karpaf.

(37) 'Certainly' of cur. edd. is deleted with Bah.

(38) Cf. supra p. 643, n. 11. mut. mut.

(39) The karpafs having been situated with the largest in the middle and flanked on both of its sides by a smaller one.

(40) Since the man of the middle karpaf, which is bigger than those occupied by the other two men and which has virtual doorways opening towards them, now has the influence over the others, in consequence of which the latter cannot be treated as the occupiers of his karpaf to form with him a joint group of three (the minimum required to constitute a caravan), while he himself, despite his influence in the two can only be regarded as the occupier of the one or the other of the outer karpafs so that no more than two men (a number less than the minimum required for a caravan) ever occupy any one of the karpafs.

(41) Lit., 'they are only given'.

(42) Two beth se'ah for each. In either of the outer karpafs bigger than two beth se'ah the occupier of it is restricted but if the middle one is bigger than two beth se'ah the use of all the three karpafs is

restricted since each of the two side ones is now fully exposed on one of its sides to the restricted domain of the middle karpaf.

(43) Lit., 'one in this and one in this and two in the middle one', which was bigger than the others and which, owing to its projections on either side of each, is deemed to be provided with a doorway and to have influence over them.

(44) The two occupiers of the middle karpaf

(45) As they are well entitled to do on account of the size and position of their karpaf.

(46) Lit., 'to here', to one of the side karpafs that were each occupied by one man.

(47) Occupiers, in consequence of which they constitute a caravan and are, therefore, entitled to as much space as they require.

(48) Since, in order to avoid being in each other's way, the two are not likely to use the same karpaf at the same time.

(49) Lit., 'or perhaps one goes there' (repeat); and the restriction of the size to two beth se'ah, therefore, remains.

(50) v. p. 644, 11. 12.

(51) cf. prev. n

(52) cf. supra p. 644, n. 7.

(53) the occupant of the middle karpaf.

(54) cf. supra p. 644, n. 10.

(55) v. supra p. 644, n. 11_

(56) lit., 'I might say he would go towards here' (repeated); and since it is uncertain which karpaf he would use the size of both remains restricted to two beth se'ah.

Eruvin 93b

All embankment five handbreadths high and a partition on it five handbreadths high are not combined¹ since it is necessary² that the entire height³ shall be contained either in the embankment or in the partition.

An objection was raised: If there were two courtyards one higher than the other, and the upper one is ten handbreadths higher than the lower one, or has⁴ an embankment five handbreadths high and a partition five handbreadths high, two separate 'erubs may be prepared⁵ but not one.⁶ If it⁷ was lower, only a single 'erub⁶ may be prepared but not two 'erubs!⁸ —

Raba⁹ replied: R. Hisda agrees¹⁰ in the case of the lower courtyard, since its tenants can see a frontage of ten handbreadths.¹¹ If so, [should not the tenants of] the lower

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[courtyard]¹² prepare an ‘erub¹³ [as in the case of] two [separated courtyards] but not a single one,¹⁴ while those of the upper one¹⁵ should neither prepare a single one¹⁶ [for the two courtyards] nor¹⁷ one for themselves alone?¹⁸ —

Rabbah¹⁹ b. Ulla replied: [This²⁰ deals with a case,] for instance, where the upper courtyard had rims²¹ [that left a gap]²² not wider than ten cubits.²³ If so, read the final clause: ‘If it was lower,²⁴ only a single ‘erub may be prepared but not two should not the tenants be allowed to prepare one ‘erub if they wished²⁵ or, if they preferred it, two? —

Rabbah son of Raba replied: This²⁶ deals with a case, for instance, where the gap extended along a whole side of the lower courtyard.²⁷ If so should not the tenants of the lower one be allowed to prepare a single ‘erub [jointly]²⁸ but not one for themselves alone²⁹ while those of the upper one should be allowed, if they wished it, to prepare an ‘erub for themselves alone²⁹ or, if they preferred it, a single ‘erub jointly?³⁰ — This is so indeed, and the ruling,³¹ ‘If it was lower, only a single ‘erub may be prepared but not two’ applies to the tenants of the lower one.

Amemar made the following exposition: An embankment five handbreadths high and a partition on it five handbreadths high are combined.³²

When Rabina met R. Aha son of Raba he asked him, ‘Did the Master learn anything about a partition?’³³ the other replied: ‘No’; and the law is that an embankment five handbreadths high and a partition on it five handbreadths high are combined.³²

R. Hoshia³⁴ enquired: Do tenants who arrive³⁵ on the Sabbath³⁶ impose restrictions?—

R. Hisda³⁷ replied: Come and hear: IF THE FULL WIDTH OF A WALL OF A SMALL³⁸ COURTYARD WAS BROKEN

DOWN³⁹ SO THAT THE YARD FULLY OPENED INTO A LARGE³⁸ COURTYARD, THE USE OF THE LARGER ONE IS PERMITTED, BUT THAT OF THE SMALLER ONE IS FORBIDDEN BECAUSE THE GAP IS REGARDED AS A DOORWAY TO THE FORMER.⁴⁰ Is it not possible to assume’, Rabbah objected, ‘that the breach occurred while it was yet day?’⁴¹

Said Abaye to him, Do not say: Master, ‘It is possible to assume’ but rather, ‘It is ‘certain that the breach occurred while it was yet day’, for, surely, it was the Master himself who stated: ‘I enquired of R. Huna and also of Rab Judah as to what was the law where an ‘erub was laid in reliance on a certain door and that door was blocked up, or on a certain window and that window was stopped up? And each replied: Since permission for that Sabbath was once granted the permissibility continues until the conclusion of the day’.⁴² It was stated: If a wall between two courtyards⁴³ collapsed,⁴⁴ Rab ruled, it is permitted to move objects within four cubits only,⁴⁵ but Samuel ruled:

- (1) To constitute a single partition of the height of ten handbreadths which is the minimum height prescribed for an enclosure round a private domain.
- (2) Lit., ‘until’.
- (3) Of ten handbreadths.
- (4) On the side at which it adjoins the lower courtyard.
- (5) One for each courtyard.
- (6) For the two jointly,
- (7) The height of the upper courtyard or the joint height of the embankment and partition.
- (8) Cf. supra n. 12; which shows that an embankment and a partition are reckoned together as one unit of heights. How then could R. Hisda maintain that they are not combined?
- (9) V. marg. glos. Cur. edd. in parenthesis, ‘Rab’.
- (10) That the heights of the embankment and the partition may be combined into one unit of ten handbreadths.
- (11) The tenants of the upper courtyard, however, cannot see the full height; and it is on account of them that R. Hisda gave his ruling.
- (12) Who can see a valid partition between their courtyard and the upper one.
- (13) For themselves only.
- (14) For the two jointly.

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(15) Since the valid partition of the lower courtyard forms a division between the two courtyards.

(16) Jointly.

(17) Being exposed to the lower courtyard, having no valid partition on its side to separate it.

(18) Lit., '(one of) two'.

(19) MS. M., 'Raba'.

(20) The Baraitha cited.

(21) Rising on the embankment and forming a partition of ten handbreadths high round the upper courtyard.

(22) In the center of the partition.

(23) And it was in this gap, which may be regarded as a doorway, that the partition on the embankment was only five handbreadths high. The upper courtyard is thus separated from the lower one by both a valid partition and a doorway while the latter is separated from it completely by a valid partition. Hence the ruling that one imposes no restrictions on the other and that two separate erubs must be prepared. A joint 'erub, however, is not allowed on account of the valid partition of the lower one.

(24) This, according to the explanation of Rabbah b. 'Ulla who assumed the partition to be ten handbreadths high above the embankment, must obviously refer to the partition at the 'gap'.

(25) Since the gap represented a valid doorway between the two courtyards.

(26) The Baraitha cited.

(27) Lit., 'where the lower one was broken in its fullness into the upper one', the width of the upper one not exceeding ten cubits, so that the tenants of the latter, in the absence of a joint 'erub, impose restrictions on the tenants of the former.

(28) With those of the upper one (cf. prev. n.).

(29) Lit., '(one of) two'.

(30) With the tenants of the lower courtyard.

(31) Lit., 'and when it was taught'.

(32) To form a height of ten handbreadths, the minimum prescribed for an enclosure around a private domain.

(33) MS.M. and Bah have different readings.

(34) Var. lec., Oshaia (MS. M.).

(35) Lit., 'dwellers that come

(36) If, for instance, a wall between two courtyards collapsed and the tenants of one courtyard arrived so to speak at the other.

(37) Hanina (MS.M.), Hinena (Bah).

(38) V. relevant note on our Mishnah.

(39) This is now assumed to have occurred on the Sabbath.

(40) Which shows that restrictions are imposed.

(41) Of the Sabbath eve (cf. supra n. 10).

(42) Supra 17a q.v. notes.

(43) Which had no common door and the tenants of which did not join in a single 'erub for the two courtyards.

(44) on the Sabbath.

(45) Because the tenants of the courtyards impose restrictions upon another despite the fact that when the Sabbath began each group of tenants was allowed the use of its own courtyard.

Eruvin 94a

The tenants on either side¹ may move their objects² to the very foundation of the wall.³ The ruling of Rab, however, was not explicitly stated but was arrived at by implication.

For Rab and Samuel were once sitting in a certain courtyard when a parting wall⁴ collapsed.⁵ 'Take a cloak', said Samuel to the people, 'and spread it across,⁶ and Rab turned away his face.⁷ 'If Abbas objects', Samuel told them, 'take his girdle and the with it'.⁹ Now according to Samuel's view, what need was there for this,⁹ seeing that he ruled: 'The tenants on either side may move their objects to the very foundation of the wall'? —

Samuel did that merely for the sake of privacy. If Rab, however, held that this was forbidden,¹⁰ why did he not say so to him?¹¹ The place was under Samuel's jurisdiction. If so, why did he turn away his face? — In order that it might not be said that he held the same opinion as Samuel.¹²

MISHNAH. IF THERE WAS A BREACH IN A WALL BETWEEN A COURTYARD¹³ AND A PUBLIC DOMAIN, ANY MAN WHO BRINGS ANY OBJECT FROM THE LATTER INTO A PRIVATE DOMAIN OR FROM A PRIVATE DOMAIN INTO IT IS GUILTY OF AN OFFENCE;¹⁴ SO R. ELIEZER. THE SAGES, HOWEVER, RULED: WHETHER A MAN CARRIED AN OBJECT FROM IT INTO THE PUBLIC DOMAIN¹⁵ OR FROM THE PUBLIC DOMAIN INTO IT HE IS EXEMPT¹⁶ BECAUSE IT HAS THE SAME STATUS AS A KARMELITH.¹⁷

GEMARA. As to R. Eliezer, does it¹⁸ become a public domain because there was a breach

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between it and the public domain? Yes; R. Eliezer follows his view, it having been taught: R. Judah citing R. Eliezer said: If the public chose a path for themselves,¹⁹ that which they have chosen is theirs.²⁰ But this cannot be right,²¹ for did not R. Giddal citing Rab explain: This applies only to a case where their path had been lost²² in that field?²³ And Should you reply that here also²⁴ it is a case where their path²⁵ had been lost in that courtyard,²⁶ surely, [it could be retorted], did not R. Hanina state, ‘The dispute²⁷ referred to [all the courtyard] as far as the position of its walls’?²⁸ Read: The dispute concerned only the position of the wall.²⁹ And if you prefer I might reply: Their dispute²⁷ refers to the status of the sides of a public road, R. Eliezer holding that³⁰ the sides of a public road are like the public road while the Rabbis³¹ hold that the sides of a public road are not like the public road. Why then did they not express their difference of opinion in respect of the sides of public roads generally? —

If they had expressed their difference of view in respect of the sides of public roads generally it might have been assumed that the Rabbis; differed from R. Eliezer only³² where there were border-stones³³ but where there were no border-stones they agree with him,³⁴ hence we were informed³⁵ [that even in the latter case they also differ from him]. But did he not say: FROM IT?³⁶ —

As the Rabbis used the expression FROM IT he also used a similar expression. As to the Rabbis however, how is it that³⁷ R. Eliezer speaks of the sides of a public road and they retort to him FROM IT?³⁶ —

It is this that³⁸ the Rabbis said to R. Eliezer: You agree with us, do you not, that where a man moved an object from it into a public domain or from a public domain into it he is exempt because it is a karmelith, well the same law should apply to³⁹ the sides⁴⁰ also. And R. Eliezer?⁴¹ There⁴² not many people tread on the spot but here⁴³ they do.

MISHNAH. IF A BREACH WAS MADE⁴⁴ IN TWO SIDES OF A COURTYARD TOWARDS A PUBLIC DOMAIN, AND SO ALSO IF A BREACH WAS MADE IN TWO SIDES OF A HOUSE, OR IF THE CROSS-BEAM⁴⁵ OR SIDE-POST⁴⁵ OF AN ALLEY WAS REMOVED, THE OCCUPIERS ARE PERMITTED THEIR USE FOR THAT SABBATH BUT FORBIDDEN ON FUTURE SABBATHS; SO R. JUDAH. R. JOSE RULED: IF⁴⁶ THEY ARE PERMITTED THEIR USE ON THAT SABBATH THEY ARE ALSO PERMITTED ON FUTURE SABBATHS AND IF⁴⁶ THEY ARE FORBIDDEN (IN FUTURE SABBATHS THEY ARE ALSO FORBIDDEN ON THAT SABBATH.

GEMARA. With what kind of breach do we deal?⁴⁷ If it be suggested: With one that was not wider than ten cubits,⁴⁸ wherein, then, [it may be objected, does a breach] in one side differ [in such a case from breaches in two sides? Is it] that it⁴⁹ may be regarded as a doorway, [should not breaches]⁴⁹ in two sides also be regarded as doorways?⁵¹ If, however, the breach spoken of⁴⁷ was⁵² wider than ten cubits, [should not the same restriction⁵³ apply] even where it was only in one side? Rab replied: The fact is [that the breach spoken off was] not wider than ten cubits⁵⁴

(1) Lit., ‘this... and this’.

(2) Even such as were in the houses when the Sabbath began.

(3) Unlike Rab, he holds that once the movement of objects in a certain place has been permitted when the Sabbath began the permissibility remains in force until the conclusion of the day.

(4) Lit., ‘which (was) between between’.

(5) And the courtyard in which they sat was thus exposed to the adjoining courtyard.

(6) To form a partition at the gap, in order that the tenants of the adjoining courtyards shall not impose restrictions upon each other.

(7) As a mark of his displeasure. Presumably because in his opinion the collapse of the wall, which exposed the courtyards to one another, caused also the respective tenants to impose restrictions upon each other, in consequence of which it was forbidden to move the cloak from its place to the gap.

(8) This was Rab's proper name. ‘Rab’ (‘great’, ‘master’) was a title of distinction.

(9) The cloak, to secure the partition. This he said in disregard of Rab's disapproval.

(10) Cf. supra n. 10.

(11) To Samuel.

(12) Cur. edd. in parenthesis, 'and he withdrew from his ruling'. MS.M., 'and it was (done) with his approval'.

(13) Lit., a courtyard that was broken into'; the breach extending along the full length of the courtyard, or being no more than ten handbreadths wide.

(14) Because the breach changes the status of the courtyard from that of a private into that of a public domain. This will be further discussed in the Gemara infra.

(15) Or a private' domain.

(16) Ex post facto; ab initio, however, this is forbidden.

(17) Which is neither a public, nor a private domain.

(18) The courtyard spoken of in our Mishnah.

(19) Even though it ran through private property and the land-owner's consent had not been obtained.

(20) B.B. 100a, lit., 'chosen'; and the owner of the property may not close up the path. As the public here acquire the path so do they acquire the courtyard.

(21) Lit., 'I am not'.

(22) It being impossible to ascertain its exact position.

(23) B.B. 100a. While all individual in such a case cannot make the choice without the land-owner's consent or the authorization of a court, the public are entitled to make their own choice. This, however, does not prove that they can also appropriate a courtyard in which they have lost nothing.

(24) The courtyard spoken of in our Mishnah.

(25) Lit., 'a path to her'.

(26) Sc. the exact position of the former wall having been lost the men of the public domain claimed that their domain extended beyond the limits which the tenants of the courtyard claim as the original position of the wall, and it is this spot, not all the courtyard, that R. Eliezer regards as a public domain.

(27) Between R. Eliezer and the Sages in our Mishnah.

(28) Thus including the entire courtyard and not merely the original position of the broken wall.

(29) Instead of 'ad ('until', 'as far as') read 'at ('concerning').

(30) Though the position of the wall is known.

(31) THE SAGES.

(32) Lit., 'when do the Rabbis differ... these words'.

(33) Or 'stakes' that formed a division between the public domain proper and the wall. This space

being frequented by fewer people can only be regarded, as a karmelith.

(34) That the public domain extends to the very walls.

(35) By the form of the dispute in our Mishnah.

(36) Lit., 'from its midst', which obviously refers to the entire courtyard and not merely to the position of the former wall.

(37) According to the explanation here given.

(38) Lit., 'thus'.

(39) Lit., '(there should be) no difference'.

(40) Of the public road.

(41) How, in view of the objection, does he justify his view?

(42) Within the courtyard.

(43) On the side of public road.

(44) On the Sabbath.

(45) Sc, MS.M. and Rashi (cf. Tosaf. supra 17a and Rashi a.l.). Cur. edd. use the plural.

(46) This is explained in the Gemara infra.

(47) In our Mishnah where the BREACH is assumed to have been made IN TWO SIDES.

(48) Lit., 'within ten'.

(49) Being no wider than ten cubits.

(50) Lit., 'that one says'.

(51) Why then are restrictions imposed?

(52) Lit., 'but'.

(53) That are imposed when the breach was made in two sides.

(54) Lit., 'within ten'.

Eruvin 94b

but it was one, for instance, that occurred¹ in a corner² where people make no doors.³

AND SO ALSO IF A BREACH WAS MADE IN TWO SIDES OF A HOUSE. Wherein does a breach in one side⁴ differ [from breaches in two sides]?⁵ Is it in that it may be assumed⁶ that the edge of the ceiling is deemed to extend downward and to close the gap, why should it not be assumed in the case of breaches in two sides also that the edge of the beam extends and closes them up? —

At the school of Rab it was explained on the authority of Rab: This is a case of a house whose breaches, for instance, occurred in a corner⁷ and whose ceiling was lying in a slanting position so that it cannot be said that the edge of the ceiling extends downwards and closes them up.⁸

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Samuel, however, replied: The breach might have been even wider than ten cubits. If so, should not the same restrictions apply even where the breach was made in one side?¹⁰ —

[This¹¹ was not mentioned] on account of the house.¹² But does not the same difficulty arise in respect of a house: Wherein does a breach in one side differ [from breaches in two sides]? If it is in the assumption that the edge of the ceiling descends downward and closes the breach, why should not the same assumption, that the edge of the ceiling extends downwards and closes up the breaches, be made where these breaches occurred in two sides? Furthermore, it may be objected, does Samuel at all uphold the principle that the edge of a ceiling is deemed to descend downwards to close a gap,¹³ seeing that it was stated: ‘if an exedra was situated in a valley it is, Rab ruled, permitted to move objects within all its interior, but Samuel ruled: Objects may be moved within four cubits only’?¹⁴ —

This is no difficulty: He does not uphold the principle¹⁵ in respect of four walls¹⁶ only¹⁷ but in respect of three walls¹⁸ he does.¹⁹ Does not the first difficulty,²⁰ at any rate, remain?²¹ —

As at the school of Rab it was explained in the name of Rab, ‘This is a case of a house whose breaches, for instance, occurred in a corner and whose ceiling was in a slanting position’,²² so here also²³ it may be explained: This is a case of a house whose breaches, for instance, occurred in a corner and whose ceiling presented²⁴ a four sided breach.²⁵

Samuel does not give the same explanation as Rab²⁶ since it was not stated that the ceiling was slanting.²⁷ Rab, on the other hand, does not give the same explanation as Samuel,²⁸ for in that case²⁹ the house would in this respect have been in the same legal position as an exedra,³⁰ and Rab follows his view that³¹ it is permitted to move objects in all the interior of an exedra, for it was stated: If an

exedra, was situated in a valley, Rab ruled, it is permitted to move objects within all its interior; but Samuel ruled: Objects may be moved within four cubits only.

Rab ruled that it was permitted to move objects in all its interior because we apply the principle: The edge of the ceiling descends and closes up. But Samuel ruled that objects might be moved within four cubits only because we do not apply the principle: The edge of the ceiling descends and closes up.³² [Where a breach was not wider than] ten cubits³³ there is no divergence of opinion between them.³⁴ They only³⁵ differ where [the breach was] wider than ten cubits. Others read: Where it was wider than ten cubits there is no divergence of opinion between them,³⁶ and they only differ [where it was not wider than] ten cubits. With reference, however, to Rab Judah's ruling

- (1) Not in two walls that were opposite each other.
- (2) At which two adjacent walls meet.
- (3) Lit., ‘because people do not make a door in a corner’. As the breach cannot in consequence be treated as a door our Mishnah imposed the restrictions mentioned.
- (4) Where no restrictions have been imposed.
- (5) Where our Mishnah imposes restrictions.
- (6) Where only one side has a breach.
- (7) Where no doors are made and where the breaches cannot be treated as doorways.
- (8) Cf. supra 25b. V., however, Tosaf. a.l.
- (9) In the two sides of the courtyard spoken of in our Mishnah.
- (10) Why then did our Mishnah speak only of TWO SIDES.
- (11) A breach in one side of a courtyard.
- (12) That was dealt with in the same context. As in the latter case where a breach in one wall imposes no restrictions (on the principle of the downward extension of the beam which virtually closes up the breach) two sides had to be spoken of, two sides were spoken of in the first case also.
- (13) That was wider than ten cubits, as has just been explained to be the case according to Samuel, with the breach dealt with in our Mishnah.
- (14) . Supra 25a, which shows that the principle of the downward extension of a ceiling is not upheld by Samuel.
- (15) Of the downward extension of a ceiling.
- (16) Sc. where the ceiling has to supply the place of four walls, as is the case in an exedra that has only a roof resting on poles.

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(17) Lit., 'when does he not have? In four'.

(18) And much more so in that of two.

(19) Hence his view that where a house had a breach in one wall only the edge of its ceiling is deemed to close it.

(20) 'Why should not the principle of the downward extension of the ceiling be applied where a breach was made in two walls?'

(21) Rab's answer given supra, that the ceiling was slanting, cannot be given by Samuel, since the latter holds that the breach dealt with in our Mishnah 'might have been even wider than ten cubits', and such a wide gap which cannot be treated as a doorway would have caused the same restrictions even if it had occurred in one wall only.

(22) I.e., as Rab explained that the ceiling was different from ordinary ones though no specific mention of this fact was made in our Mishnah.

(23) According to Samuel's view.

(24) Though this is rather unusual (cf. supra n. 5).

(25) The breach having left a ceiling of this shape.

(26) That the breach referred to in our Mishnah was not wider than ten cubits and that the ceiling was in a slanting position.

(27) And ordinary ceilings are flat. Breaches, on the other hand, may well assume any shape.

(28) That the breach in the walls of the house might be wider than ten cubits and that the ceiling presented a four sided breach.

(29) That four walls had to be supplied on the principle of the downward extension of a ceiling.

(30) Where also four walls have to be supplied on the same principle.

(31) Lit., 'who said'.

(32) Supra 25a q.v. notes.

(33) Lit., 'within ten'.

(34) Rab and Samuel. Both agree that no restrictions are to be imposed, since the gap may be treated as a doorway and the question of the principle of the downward extension of the edge of the ceiling does not arise (Rashi. Cf., however, Tosaf. a.l.).

(35) Lit., 'when do they'.

(36) Cf. supra n. 3. Both agree that restrictions are imposed.

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that a cross-beam¹ of the width of four handbreadths² effects permissibility³ in a ruin⁴ and that of R. Nahman who, citing Rabbah b. Abbuha, ruled that a cross-beam of the width of four handbreadths⁵ effects permissibility⁶ in the case of water,⁷ whose view is represented there? According to the version which reads⁸ 'where [a breach was

not wider than] ten cubits there is no divergence of opinion' [these⁹ would be a case where the cross-beam was no longer than] ten cubits and would represent the unanimous opinion; while according to the version which reads,¹⁰ 'They only differ where it was not wider than ten cubits', these¹¹ would represent the view of Rab. Must it be assumed that Abaye and Raba¹² differ on the same principles as those on which Rab and Samuel differed?

For it was stated: If an exedra¹³ that had side-posts¹⁴ was covered with boughs,¹⁵ it¹⁶ is valid as a sukkah;¹⁶ but if it had no side-posts, Abaye ruled, it is still valid while Raba ruled¹⁷ It is invalid. Abaye ruled that it was valid because the edge of the ceiling is deemed to descend and to close up,¹⁷ while Raba ruled that it was invalid because he does not uphold the principle that the edge of the ceiling is deemed to descend and to close up.¹⁸ Now must it be assumed that Abaye is of the same view as Rab while Raba is²⁰ of the same view as Samuel? According to the view of Samuel there is no divergence of opinion between them.¹⁹ They differ only on the view of Rab. Abaye, of course, holds the same view as Rab, while Raba²⁰ maintains that Rab upheld his view only there²¹ because the walls²² were expressly made for the exedra, but not here where the walls²³ were not expressly made for the sukkah.²⁴

R. JOSE RULED: IF THEY ARE PERMITTED. The question was raised: Did R. Jose intend to add restrictions²⁵ or to relax them?²⁶ —

R. Shesheth replied: To add restrictions; and so too said R. Johanan: To add restrictions. So it was also taught: R. Jose ruled: As they are forbidden on future Sabbaths so are they forbidden on that Sabbath.

It was stated: R. Hiyya b. Joseph²⁷ ruled: The halachah is in agreement with R. Jose, but Samuel ruled: The halachah is in agreement with R. Judah. But could Samuel have given

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such a ruling seeing that we have learnt: ‘R. Judah ruled: This applies only to ‘erubs of Sabbath limits but in the case of ‘erubs of courtyards one may be prepared for a person irrespective of whether he is aware of it or not, since a benefit may be conferred on a man in his absence but no disability may be imposed on him in his absence’;²⁸ and in connection with this Rab Judah citing Samuel stated: ‘The halachah is in agreement with R. Judah; and, furthermore, wherever R. Judah taught a law concerning ‘erub the halachah is in agreement with him’;²⁹ and when R. Hana of Bagdad asked Rab Judah, ‘Did Samuel say this even in respect of an alley whose cross-beam or side-post has been taken away?’ he replied: ‘Concerning ‘erubs did I tell you, but not concerning partitions’?³⁰

R. Anan replied: It was explained to me by Samuel that one statement³¹ referred to a courtyard³² in which a breach was made towards a karmelith³³ while the other³⁴ referred to one in which a breach was made towards a public domain.³⁵

MISHNAH. IF ONE BUILDS AN UPPER ROOM ON THE TOP OF TWO HOUSES³⁶ AND IN THE CASE OF VIADUCTS³⁷ THE MOVEMENT OF OBJECTS UNDER THESE ON THE SABBATH IS PERMITTED;³⁸ SO R. JUDAH. BUT THE SAGES FORBID THIS. R. JUDAH MOREOVER RULED: AN ‘ERUB MAY BE PREPARED FOR AN ALLEY THAT IS A THOROUGHFARE;³⁹ BUT THE SAGES FORBID THIS.

GEMARA. Rabbah stated: Do not presume that R. Judah's reason⁴⁰ is⁴¹ that Pentateuchally two walls⁴² are sufficient but rather that⁴¹ the edge of ceiling⁴³ is deemed to descend downwards and to enclose the space below.

Abaye raised an objection against him: ‘A more lenient rule than this did R. Judah lay down: If a man had two houses on the two sides respectively of a public domain he may construct one side-post on one side of any of

the houses, and another on the other side, or one cross-beam on one side of any of the houses and another on the other side, and then he may move things about in the space between them; but they said to him: A public domain cannot be provided with an ‘erub in such a manner!⁴⁴ —

The other replied: Front that ruling⁴⁵ your contention is justified,⁴⁶ from this one,⁴⁷ however, you cannot derive it.

R. Ashi observed: A deduction from the wording of our Mishnah also justified [Rabbah's explanation], since it was stated: R. JUDAH MOREOVER RULED: AN ‘ERUB MAY BE PREPARED FOR AN ALLEY THAT IS A THOROUGHFARE; BUT THE SAGES FORBID THIS. Now if you grant his⁴⁸ reason⁴⁹ to be that the edge of the ceiling is deemed to descend and to enclose the space below, one can well see why the expression of MOREOVER⁵⁰ was used; but if you maintain that his reason⁴⁹ is⁵¹ that Pentateuchally two walls are sufficient, what⁵² is the justification for the expression MOREOVER?⁵³ This is conclusive.⁵⁴

CHAPTER X

MISHNAH. IF A MAN FINDS TEFILLIN⁵⁵ HE SHALL BRING THEM IN,⁵⁶ ONE PAIR AT A TIME.⁵⁷ R. GAMALIEL RULED: TWO PAIRS AT A TIME.⁵⁸ THIS APPLIES TO OLD ONES⁵⁹ BUT IN THE CASE OF NEW ONES⁶⁰ HE IS EXEMPT.⁶¹ IF HE FOUND THEM⁶² ARRANGED IN PACKETS⁶³ OR TIED UP IN BUNDLES⁶³ HE SHALL WAIT BY THEM UNTIL IT IS DARK AND THEN BRING THEM IN.

- (1) That was supported on two stakes, one at either end.
- (2) That lay on its wide side. If the width was less, the partitions enclosing it, since the space enclosed is less than four handbreadths, would have had no validity.
- (3) Of the movement of objects under it; because its four edges are deemed to descend and to form four walls.
- (4) Though fully exposed to a public domain.

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(5) That lay on its wide side across the mouth of a cistern between two courtyards.

(6) In the use of the water. The tenants of both courtyards may freely use the water as if a proper division had actually separated the water of the one courtyard from the water of the other.

(7) Supra 86a.

(8) Lit., 'which you stated'.

(9) The rulings of Rab Judah and R. Nahman.

(10) Lit., 'which you stated'.

(11) The rulings of Rab Judah and R. Nahman.

(12) In the dispute that follows.

(13) With only two walls that met each other in the shape of an L (v. Tosaf. supra 93a).

(14) Each attached to the end of either wall and less than three handbreadths but no less than one handbreadth wide.

(15) Or any material that was suitable for the roof of a sukkah.

(16) Since either side-post might be deemed to be extended horizontally and to form a third wall. A Sukkah that has three walls is valid.

(17) The side where there was no proper wall.

(18) Cf. supra 93a, Suk. 18b.

(19) Abaye and Raba; sc. even Abaye must admit that Samuel who did not accept, in the case of the Sabbath, the principle of the downward extension of the edges of an exedra (though these were expressly made for that structure) could not accept that principle in the case of a sukkah (where these were not originally intended to form a part of the sukkah).

(20) Whose view seems to differ from that of Rab.

(21) Lit., 'until here, Rab did not say there, but'.

(22) I.e., the beams that form the edges of the roof of the exedra and that are deemed to extend downwards to make up walls.

(23) Cf. prev. n.

(24) Although in the case of proper walls it is not necessary for them to be expressly made for the sukkah, imaginary ones whose legal existence depends on a principle which is in itself a relaxation of the law cannot be regarded as valid by allowing a further relaxation of the law.

(25) I.e., did he, by his comparison, intend to forbid the use of the courtyard on the same Sabbath as it would presumably be forbidden on future Sabbaths?

(26) To permit its use on future 'Sabbaths as it was presumably permitted on the same Sabbath?

(27) MS.M., 'Ashi. Bah inserts, 'in the name of' Rab'.

(28) Supra 46b, 81b, q.v. notes.

(29) Supra 81b.

(30) Loc. cit. q.v. notes. Now, since R. Judah in our Mishnah deals with a question concerning partitions, how, in view of the reply Rab Judah gave to R. Hana, could it be maintained that

Samuel pronounced the halachah here to be in agreement with R. Judah's ruling?

(31) That the halachah agrees with R. Judah.

(32) Lit., 'here'.

(33) The movement of objects from a karmelith into another domain or from the latter into the former is only Rabbinically forbidden. As no Pentateuchal law would be infringed, even if an object were carried from the courtyard into the karmelith or vice versa, Samuel adopted the lenient rule of R. Judah in a case where the courtyard was a permitted domain when the Sabbath began.

(34) That in the case of partitions the halachah is in agreement with R. Judah.

(35) Where (cf. supra n. 9) a Pentateuchal law might be infringed.

(36) Situated on opposite sides of a public domain the road passing under the floor of the upper room.

(37) Lit., 'bridges that have a thoroughfare (beneath them)'.

(38) Because the edges above are deemed to descend to form walls encasing the space below.

(39) Since it has walls on two sides and two walls are Pentateuchally sufficient, v. Gemara.

(40) For his ruling in the first clause of our Mishnah.

(41) Lit., 'because he holds the opinion'.

(42) The public domain and the viaduct have at least two walls on opposite sides.

(43) Sc. the floor of the upper room or the superstructure of the viaduct.

(44) Supra 6a q.v. notes. Now this distinctly proves that Pentateuchally two walls are sufficient. How then could Rabbah maintain that this must not be presumed to be R. Judah's reason?

(45) The one just cited.

(46) Lit., 'yes'.

(47) The ruling in the first clause of our Mishnah.

(48) R. Judah's.

(49) For his first ruling.

(50) I.e., even where there were no edges that could be deemed to descend (cf. Rashi's second interpretation).

(51) Lit., , 'because he holds the opinion'.

(52) Seeing that the ruling that follows is based on the same reason.

(53) None whatever. Hence the support for Rabbah's explanation.

(54) Lit., 'you hear from it'.

(55) On the Sabbath, in a held where they are exposed to dogs or to any other misuse.

(56) To town, into a safe place.

(57) One on his head and one on his arm in the same manner as they are worn on weekdays.

(58) One pair on the hand and one pair on the arm.

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(59) Sc. tefillin that show marks of wear or that have a proper knot, in which case there can be no doubt that they were proper tefillin.

(60) Which may be assumed to be mere amulets.

(61) Sc. he is under no obligation to pick them up and to carry them to a place of safety.

(62) Proper tefillin.

(63) This is explained in the Gemara infra.

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IN A TIME OF DANGER,¹ HOWEVER, HE SHALL COVER THEM AND PROCEED ON HIS WAY. R. SIMEON RULED: HE SHALL PASS THEM TO HIS FELLOW AND HIS FELLOW SHALL PASS THEM TO HIS FELLOW, AND SO ON,² UNTIL THE OUTERMOST COURTYARD³ IS REACHED. THE SAME PROCEDURE IS TO BE FOLLOWED IN THE CASE OF A CHILD OF HIS.⁴ HE PASSES HIM TO HIS FELLOW AND HIS FELLOW PASSES HIM TO HIS FELLOW, AND SO ON,⁵ EVEN THOUGH THEY ARE AS MANY AS A HUNDRED MEN. R. JUDAH RULED: A MAN MAY PASS A JAR TO HIS FELLOW AND HIS FELLOW MAY PASS IT TO HIS FELLOW EVEN BEYOND THE SABBATH LIMIT.⁵ THEY,⁶ HOWEVER, SAID TO HIM: THIS MUST NOT BE MOVED FURTHER THAN THE FEET OF ITS OWNER.⁷

GEMARA. Only ONE PAIR AT A TIME,⁸ but not more. Must it then be assumed that we learned here an anonymous Mishnah that is not in agreement with R. Meir? For if it were to be maintained that it was in agreement with R. Meir [the objection would arise:] Did he not rule that a man may⁹ put on all the clothes that he can put on and he may wrap himself in all things that he can wrap round himself? For we learned: And thither¹⁰ he may carry out all the utensils he is in the habit of using, and he may put on all the clothes that he is able to put on and he may wrap himself in all things that he can wrap round himself.' But whence the proof that that¹¹ anonymous Mishnah represents the view of R. Meir? —

Since in connection therewith it was stated: 'He may put on clothes and carry them out,

and there¹⁰ undress himself, and then he may again put on clothes and carry them out and undress himself, and so on, even all day long; so R. Meir'.

Raba replied: It¹² may be said to be in agreement even with R. Meir, for there¹³ the Rabbis have allowed a procedure¹⁴ similar to one's habit of dressing on a weekday and here¹⁵ also they have allowed a procedure similar to one's way of wearing tefillin on a weekday. There,¹³ where on a weekday a man can wear as many clothes as he desires the Rabbis have permitted him to do so also¹⁶ for the purpose of saving; but here,¹⁵ where even on a weekday a man may wear only one pair but no more he was for the purpose of saving also permitted one pair only but no more.

R. GAMALIEL RULED: TWO PAIRS AT A TIME. What is the view he upholds: If he holds that Sabbath is a time for wearing tefillin,¹⁷ a man should be permitted¹⁸ only one pair but no more; and if he holds that Sabbath is not a time for tefillin, but that for the purpose of saving them the Rabbis have permitted him to wear them in the manner of a raiment why¹⁹ should he not be permitted to wear even more than one pair? —

The fact is that he holds that Sabbath is not a time for the wearing of tefillin, but when the Rabbis have permitted to wear them²⁰ in the manner of a raiment for the purpose of saving they limited that to the spot²¹ prescribed for the position of the tefillin.²² If so,²³ should not one pair only²⁴ be allowed but not more?²⁵ —

R. Samuel son of R. Isaac replied: There is room enough on the head for laying two tefillin. This is a satisfactory explanation as regards those of the head; what explanations however, can be given in respect of those of the hand?²⁶ —

The same as that which R. Huna gave, for R. Huna explained: Sometimes a man comes from the field with his bundle on his head

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when²⁷ he removes them from his head²⁸ and binds them on his arm.²⁹ It might still be contended, that R. Huna only intended that they should not be treated with disrespect;²⁸ did he, however, say that it³⁰ was the proper [manner of wearing them] so.³¹ —

The explanation rather is this:³² As R. Samuel son of R. Isaac stated: 'There is room enough on the head for laying two tefillin' so we may here also submit: There is room enough on the hand for laying two tefillin. It was taught at the school of Manasseh: Upon thy hand,³³ refers to the biceps muscle: between thine eyes,³³ refers to the vertex. Where is this? —

At the school of R. Jannai it was stated: on the place where a child's brain pulsates.³⁴ Must it be assumed that they³⁵ differ on the principle of R. Samuel son of R. Isaac, the first Tanna disagreeing with the view³⁶ of R. Samuel son of R. Isaac³⁷ while R. Gamaliel³⁸ upholds it?

No, all may hold the view of R. Samuel son of R. Isaac, but the point at issue between them³⁹ is whether the Sabbath is a time for tefillin, the first Tanna maintaining that Sabbath is a time for tefillin⁴⁰ while R. Gamaliel maintains that Sabbath is no time for tefillin.⁴¹ And if you prefer I might reply that all agree that the Sabbath is a time for tefillin,⁴² but here the point at issue between them³⁹ is whether the performance of commandments requires intention, the first Tanna holding that in order to discharge the duty of a commandment, intention is not⁴³ necessary⁴⁴ while R. Gamaliel holds that intention is⁴⁵ necessary.⁴⁶

- (1) Sc. in a time of religious persecution when it is dangerous to be seen in the vicinity of ritual objects (v. infra 97a f).
- (2) Each person carrying the tefillin a lesser distance than four cubits.
- (3) Of the nearest town; sc. a place of safety.
- (4) Who was born on the Sabbath in an open field.
- (5) Cf. supra n. 11 mut. mut.
- (6) The Rabbis who, disagreed with him.
- (7) Sc. beyond his Sabbath limit.

- (8) May be carried in.
- (9) When saving from a fire on the Sabbath.
- (10) The nearest courtyard beyond the reach of the fire.
- (11) Shab. 120a.
- (12) Our Mishnah.
- (13) Where a man is engaged in saving clothes from a fire.
- (14) Lit., 'made it'.
- (15) The case of tefillin.
- (16) On the Sabbath.
- (17) Sc. the reason why the tefillin may be carried on the Sabbath into a place of safety is that in any case they can be worn on that day as on a weekday.
- (18) As the commandment of tefillin requires.
- (19) Since they are not worn in fulfillment of the commandment of tefillin.
- (20) On the Sabbath.
- (21) On the head between the eyes above the forehead and on the arm on the biceps muscle.
- (22) Many pairs of tefillin cannot obviously be accommodated thereon.
- (23) That the position is limited.
- (24) Lit., 'yes'. Cur. edd. 'also' is deleted by Bah.
- (25) Why then did R. Gamaliel allow two pairs at a time?
- (26) Not all the hand surely is a suitable place for the tefillin. Why then were two tefillin allowed?
- (27) As a mark of respect for the tefillin.
- (28) So that they be not crushed by the bundle.
- (29) As in this manner one would on a weekday wear two tefillin on his arm, a similar number was also allowed on the Sabbath for the purposes of saving.
- (30) I.e., the wearing of two tefillin on one's arm.
- (31) As he did not say this, the question arises again: Why did R. Gamaliel allow two tefillin on the arm?
- (32) Lit., 'but'.
- (33) Deut. VI, 8.
- (34) Or 'is soft'.
- (35) R. Gamaliel and the first Tanna in our Mishnah.
- (36) Lit., 'he has not'.
- (37) Hence he allows only one pair at a time.
- (38) Who allows two pairs.
- (39) R. Gamaliel and the first Tanna in our Mishnah.
- (40) Cf. Supra p. 660, n. 10. As the commandment is performed by the wearing of one pair, only one pair at a time may be worn.
- (41) And the permissibility of carrying them into a place of safety is based on their suitability as ornaments. Hence his ruling that as ornaments two pairs at a time may also be worn.
- (42) And also, that tefillin may be regarded as an ornament that may be worn on the Sabbath in a public domain.

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(43) This is the reading according to MS.M. and Rashi's second interpretation. Cur. edd. 'is necessary'.

(44) If, therefore, a man puts on tefillin he performs the commandment ipso facto. Consequently he may wear only one pair at a time. For, should he wear more than one pair, whatever his intention, he would be transgressing the prohibition against adding to the commandments (v. infra n. 13).

(45) So with MS.M. and Rashi's second interpretation. Cur. edd., 'is not'.

(46) Hence it is possible to wear two pairs of tefillin as ornaments (cf. Supra n. 8) without transgressing the prohibition against 'adding to the commandments' (cf. supra n. 10).

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And if you prefer I might reply that all agree that the discharge of the duty of a commandment requires no intention, but here it is the question of transgressing against the injunction of Thou shall not add,¹ that is at issue between them; the first Tanna holding that in order to commit a transgression against the injunction of Thou shall not add¹ no intention² is necessary while R. Gamaliel holds that in order to commit a transgression against the injunction of 'Thou shalt not add', intention is necessary.³ And if you prefer I might reply: If the view had been adopted that Sabbath is a time for tefillin all would have agreed that intention is unnecessary either in respect of transgression⁴ or in respect of discharging the duty,⁵ but the point at issue between them here is with reference to the transgression⁴ when a commandment is performed not at its proper time.

The first Tanna holds that no intention is required⁶ while R. Gamaliel holds that to commit a transgression⁴ when a commandment is performed not at its proper time intention⁷ is necessary.³ But if so, should not even one pair be forbidden⁸ according to R. Meir?⁹ Furthermore, should not a man¹⁰ who sleeps on the eighth day¹¹ be flogged?¹² It is perfectly clear, therefore,¹³ that the proper explanation is the one originally given.¹⁴ Who is it¹⁵ that was heard to hold

that Sabbath is a time for the wearing of tefillin? —

R. Akiba. For it was taught:¹⁶ Thou shalt, therefore, keep this ordinance in its season form year to year,¹⁷ the term 'days'¹⁸ excludes¹⁹ nights,²⁰ 'from the days'²¹ implies: But not all days; thus excluding Sabbaths and festivals;²² so R. Jose the Galilean.

R. Akiba said: The expression 'This ordinance' was meant to apply to the Passover [sacrifice] only.²³ With reference, however, to²⁴ what we have learnt: 'The Paschal [sacrifice] and circumcision are positive commandments',²⁵ must it be assumed that this²⁶ is not in agreement with the view of R. Akiba, for it were to be contended that it was in agreement with R. Akiba the objection would arise: Since he applied it²⁷ to the Passover [sacrifice] a negative precept also should be involved as R. Akiba laid down in the name of R. Ila'i for R. Abin citing R. Ila'i laid down: Wherever the expressions 'Take heed',²⁸ 'Lest' or 'Do not' is used a negative precept is invariably intended?²⁹ —

It³⁰ may be said to be in agreement even with the view of R. Akiba, for the expression 'Take heed' has the force of a negative precept only where it introduces a prohibitions but where it introduces a positive commandment³¹ it has the force of a positive commandment.³² But how could R. Akiba hold that the Sabbath is a time for wearing tefillin seeing that it was taught: R. Akiba stated: As it might have been presented that a man shall wear³³ tefillin on Sabbaths and festivals, it was explicitly said in Scripture: And it shall be for a sign unto thee upon thine hand,³⁴ which denotes: on those days only³⁵ that require a sign;³⁶ but these,³⁷ since they themselves are a sign,³⁸ are excluded?³⁹ —

It⁴⁰ represents rather the view of the following Tanna. For it was taught: If a man keeps awake at night,⁴¹ he may remove his

tefillin if he wishes or, if he prefers, he may put them on;⁴² so R. Nathan. Jonathan the Kitionite ruled: Tefillin may not be worn at night. Now, since according to the view of the first Tanna the night is a proper time for the wearing of tefillin,⁴³ Sabbath also must be a proper time for the wearing of tefillin. But is it not possible that he holds that the night is a proper time for tefillin⁴⁴ but that the Sabbath nevertheless is not a time for it, since we have in fact heard R. Akiba to state that the night is a time for the tefillin and that the Sabbath is not?⁴⁵ —

It⁴⁰ represents rather the opinion of the following Tanna. For it was taught: Michal the daughter of the Kushite⁴⁶ wore tefillin and the Sages did not attempt to prevent her, and the wife of Jonah⁴⁷ attended⁴⁸ the festival pilgrimage and the Sages did not prevent her. Now since the Sages did not prevent her it is clearly evident that they hold the view that it⁴⁹ is a positive precept the performance of which is not limited to a particular time.⁵⁰ But is it not possible that he⁵¹ holds the same view

- (1) All this word which I command you... thou shalt not add thereto (Deut. XIII, 1).
- (2) To perform the commandments.
- (3) V. supra p. 662, n. 12.
- (4) On the injunction against adding to the commandments. Lit., 'to transgress'.
- (5) Of the commandment of tefillin. Lit., 'and not to go out (from the obligation)'.
- (6) V. supra p. 662, n. 10.
- (7) To perform the commandment.
- (8) Lit., 'also not'; since by wearing tefillin on the Sabbath, which is an improper time for that commandment, one adds the performance of the precept on the Sabbath to that of the weekdays.
- (9) Sc. the first Tanna whose view, as mentioned Supra, is in agreement with that of R. Meir.
- (10) Since it is maintained that the performance of a commandment at an improper time is deemed to be a transgression against the prohibition of adding to the commandments even where the act of performance was not intended to be a fulfillment of the commandment.
- (11) Of the festival of Tabernacles. Pentateuchally the sukkah is to be used for seven days only.
- (12) According to the submission here he should. As in fact, however, it is not only allowed to sleep in the sukkah on the eighth day but also, in

accordance with a Rabbinical enactment, obligatory, how could the last reply be maintained?

- (13) Lit., 'but'.
- (14) That the point at issue is the question whether Sabbath is a time for the wearing of tefillin or not. (For an explanation of the use of the Sukkah, and the manner of using it on the eighth day of Tabernacles v. Rashi a.l.).
- (15) Among the Tannas, who might be presumed to be the first Tanna of our Mishnah.
- (16) Men. 36b.
- (17) Miyamim yamimah (Ex. XIII, 10). This verse forms a part of one of the four sections of the Pentateuch that are enclosed in the tefillin.
- (18) Yamim (here rendered 'year').
- (19) Lit., 'and not'.
- (20) Sc. that tefillin are to be worn only in the day time but not at night.
- (21) Miyamim (here rendered 'from year'), the 'mi' ('from') implying 'some of'.
- (22) On which tefillin may not be worn.
- (23) Spoken of earlier in the context (Ex. XIII. 6ff): not to the tefillin. Thus it has been shown that as regards the wearing of tefillin R. Akiba, unlike R. Jose the Galilean, excludes neither nights nor Sabbaths and festivals.
- (24) Lit., 'and but that'.
- (25) Ker. 2a.
- (26) The ruling that the Passover Sacrifice is only a positive commandment and the transgression of it does not, therefore, involve any of the penalties associated with a negative precept.
- (27) The text: 'Thou shalt, therefore, keep' (Ex. XIII, 10).
- (28) Hishshamer, of the same root as weshamarta ('And thou shalt, therefore, keep') which R. Akiba applied to the Passover.
- (29) Lit., 'it is only'.
- (30) The ruling that the Passover sacrifice is only a positive commandment and the transgression of it does not, therefore, involve any of the penalties associated with a negative precept.
- (31) As in Ex. XIII, 10.
- (32) Hence the ruling in the Mishnah of Ker. 2a. Lit., 'take heed of a "not" is not; take heed of a "do" is do'.
- (33) Lit., 'lay', sc. on the arm and head.
- (34) Ex. XIII, 9, emphasis on 'sign'.
- (35) Are tefillin to be worn.
- (36) To indicate Israel's adherence to the laws of God.
- (37) Sabbaths and festivals.
- (38) Cf. Ex. XXXI, 13: For it (sc. the Sabbath and so also either holy days) is a sign between me and you. The fact that Israel observes the holy days is in itself sufficient proof of their adherence to the divine commandments.

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(39) Men. 36b. How then could the ruling of the first Tanna in our Mishnah (which, as has been explained supra, assumed the Sabbath to be a time for the wearing of tefillin) be attributed to R. Akiba?

(40) The first ruling in our Mishnah.

(41) So that, unlike a man asleep, he is able to take proper care of his tefillin.

(42) He is not transgressing thereby the prohibition against adding to the commandments, since Pentateuchally the night also is a time for the wearing of tefillin. The Rabbinical enactment against wearing them at night is merely a precaution against possible disrespect to them during sleep.

(43) From which it is obvious that he does not apply Ex. XIII, 10 (which excludes the nights as well as Sabbaths and festivals) to the commandment of tefillin but to that of the Passover.

(44) Since he applies Ex. XIII, 10, to the Passover and not to tefillin.

(45) As was deduced supra from Ex. XIII, 9.

(46) Sc. Saul who was so described (cf. M.K. 16b).

(47) The son of Amittai, the prophet.

(48) Lit., 'was going up to'.

(49) Tefillin.

(50) But may be performed at all times including the nights. Sabbaths and festivals. Had its performance been limited to particular times women would have been exempt from the duty of keeping it and Michal who would be guilty of adding to the commandments would have been required by the Sages to abandon her practice.

(51) The author of this Baraitha.

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as R. Jose who ruled: It is optional for women to lay their hands upon an offering?¹ For were you not to say so,² how is it that Jonah's wife attended the festival pilgrimage and the Sages did not prevent her, seeing that there is no one who contends that the observance of³ a festival is not a positive precept the performance of which is limited to a particular time? You must consequently admit that he holds it⁴ to be optional;² could it not then here also⁵ be said to be optional?⁶—

It⁷ represents rather the view of the following Tanna. For it was taught: If tefillin are found⁸ they are to be brought in, one pair at a time, irrespective of whether the person who

brings them in is a man or a woman, and irrespective of whether the tefillin were new or old; so R. Meir.

R. Judah forbids this in the case of new ones⁹ but permits it in that of old ones. Now since their dispute is confined to the question of¹⁰ new and old while¹¹ in respect of the woman there is no divergence of opinion¹² it may be concluded that it⁵ is a positive precept the performance of which is not restricted to a particular time, women being subject to the obligations of such precepts. But is it not possible that he holds the same view as R. Jose who stated: It is optional for women to lay their hands upon an offering?¹³—

This cannot be entertained at all, once neither R. Meir holds the same view as R. Jose nor does R. Judah hold the same view as R. Jose. 'Neither R. Meir holds the same view as R. Jose', since we learned: 'Children¹⁴ are not to be prevented from blowing¹⁵ the shofar';¹⁶ from which it follows that women are to be prevented;¹⁷ and any anonymous Mishnah represents the view of R. Meir.¹⁸ 'Nor does R. Judah hold the same view as R. Jose', since it was taught: Speak unto the children of Israel ...¹⁹ and he shall lay,²⁰ only the sons of Israel 'shall lay' but not the daughters of Israel. R. Jose and R. Simeon ruled: It is optional for women to lay. Now who is the author of all anonymous statement in the Sifra?²¹ R. Judah.²²

R. Eleazar said: If a man found blue wool in the street, and it was in the shape of straps.²³ it is unfit²⁴ but if it was in the shape of threads it is fit. Wherein, however, do straps differ?²⁵ In that it may be assumed that they were dyed for the purpose of being used for the manufacture of a cloak? But then, might it not be assumed in the case of threads also that they were spun for the purpose of [weaving] a cloak [with them]?—

This is a case where they were twisted.²⁶ But even where they were twisted might it not be assumed that they were doubled for the

purpose of being inserted in the border of a cloak? — This is a case where they were cut,²⁷ since people would not take so much trouble²⁸ with them.

Raba observed:²⁹ Does anyone go to the trouble of making all amulet in the shape of tefillin? Yet³⁰ we have learnt: **THIS APPLIES TO OLD ONES BUT IN THE CASE OF NEW ONES**³¹ HE IS EXEMPT!³²

R. ZERA said to his son Ahabah, go out and teach them:³³ If a man found blue wool in the street, it is unfit³⁴ if it was in the shape of straps,³⁵ but if it was in the shape of cut threads it is fit³⁴ because no one would take unnecessary trouble.³⁶ ‘And’, retorted Raba, ‘because Ahabah the son of R. Zera taught it has he, forsooth, hung jewels³⁷ upon it?’³⁸ Have we not in fact learnt: **THIS APPLIES TO OLD ONES BUT IN THE CASE OF NEW ONES**³⁹ HE IS EXEMPT?’⁴⁰ The fact, however, is, explained Raba, that the question whether one does, or does not take unnecessary trouble is a point at issue between Tannas. For it was taught: If tefillin are found⁴¹ they are to be brought in, one pair at a time, irrespective of whether the person who brings them is a man or a woman

- (1) Cf. Lev. 1, 4; though the commandment was given to men only (cf. ibid. 2).
- (2) That women may perform. If they wish, the commandments that were addressed to the men.
- (3) Lit., ‘is there one who says (that)’.
- (4) Festival pilgrimage.
- (5) Tefillin.
- (6) And men too may wear them whenever they wish.
- (7) The first ruling in our Mishnah.
- (8) On the Sabbath.
- (9) Which might be mere amulets.
- (10) Lit., ‘until here they only differ in’.
- (11) Lit., ‘but’.
- (12) Both agreeing that she may wear them on the Sabbath and so bring them in.
- (13) Cf. n. 3. Being optional its performance does not involve a transgression against the prohibition of adding to the commandments, while the carrying of them on the Sabbath is permitted on the ground that they are ornaments.
- (14) Though they are exempt from the obligation of the blowing of the shofar.

- (15) On the New Year festival, as an exercise and training practice.
- (16) R.H. 33a.
- (17) In order that their act should not appear as an ‘addition to the commandments’.
- (18) It must be obvious, therefore, that R. Meir disagrees with R. Jose.
- (19) Lev. 1, 2.
- (20) Ibid. 4.
- (21) The source of the teaching first cited.
- (22) He too is thus in disagreement with R. Jose.
- (23) Combed and dyed; since it is possible that the dyeing was not done with the intention, and for the purpose of using the wool for zizith (v. Glos.). The threads for the zizith must be spun and dyed for the purpose of using them in the fulfillment of the commandment.
- (24) For zizith.
- (25) From threads.
- (26) Such threads are not used in the weaving of a cloak.
- (27) Into short lengths, which make them suitable for zizith but quite unfit for use in the border of a cloak.
- (28) To tie them together and then to use them for a border instead of one long thread.
- (29) An objection against the ruling under discussion.
- (30) Lit., ‘that’.
- (31) Since they may be presumed to be mere amulets.
- (32) Sc. he must not carry them on the Sabbath; Which shows that, where the infringement of a law is to be provided against, even a possibility that involves extra trouble is taken into consideration. Why then is the possibility of tying the threads together ruled out in the case of zizith?
- (33) The Rabbis who objected to R. Eleazar's ruling. What follows is a Baraita which is (a) more authoritative and (b) contains both the ruling and its reason.
- (34) For zizith.
- (35) V. supra p. 667, n. 10.
- (36) To tie them together and then to use them instead of one long thread.
- (37) Lit., ‘precious’ stones’.
- (38) Sc. his citation is open to the same objection as the ruling of R. Eleazar.
- (39) Since they may be presumed to be mere amulets.
- (40) V. supra n. 2.
- (41) On the Sabbath.

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or whether the tefillin were new¹ or old;² so R. Meir.

R. Judah forbids this in the case of new ones but permits it in that of old ones. It is quite clear, therefore, that one Master³ is of the opinion that a man does take unnecessary trouble,⁴ while the other Masters⁵ holds that he does not.

(Mnemonic: *Shizi 'azbi*.)⁶

Now, however, that the father of Samuel son of R. Isaac learned: 'Old ones are all those that have straps which are tied into a knot,⁷ while new ones are such as have straps that are not tied into a knot,⁷ all might be assumed to agree that no man would take unnecessary trouble.⁹ But why should not one fasten them¹⁰ with a loop?¹¹ —

R. Hisda replied: This proves that a loop is inadmissible¹² in tefillin. Abaye replied: R. Judah follows his view, expressed elsewhere,¹³ that a loop is like a proper knot.¹⁴ The reason then¹⁵ is that a loop is like a proper knot, but if that had not been so one would presumably have been allowed to fasten them with a loop. But, it may be objected, did not R. Judah son of R. Samuel b. Shilath rule in the name of Rab: The shape of the knot of the tefillin is a halachah that was given to Moses at Sinai, and R. Nahman explained: Their ornamentation¹⁶ must be turned outwards?¹⁷ — One could make the loop similar to the prescribed knot.¹⁸

R. Hisda citing Rab¹⁹ ruled: If a man buys a supply of²⁰ tefillin from a non-expert he must examine two tefillin of the hand and one of the head, or two of the head and one of the hand.²¹ But, whatever your explanation may be, a difficulty remains:²² If he bought them from one man,²³ why should he not examine either three of the hand or three of the head,²⁴ and if he bought them from two or three persons, should not each one require examination?²⁵ The fact is that he bought them from one man, but it is necessary that his reputation shall be established in respect

of those of the hand as well as those of the head. But can this be correct?

Surely Rabbah b. Samuel learned, 'In the case of tefillin one examines three of the hand and of the head', which means, does it not, either three of the hand or three of the head? — No, three, some of which must be of the hand and some of the head. But did not R. Kahana learn: In the case of tefillin one examines two of the hand and of the head?²⁶ — This²⁷ represents the view of²⁸ Rabbi who laid down that if something has happened twice presumption is established.²⁹ But if this²⁷ represents the view of Rabbi, read the final clause: 'The same procedure is followed²⁵ in the case of the second packet and also in that of the third packet';³⁰ but if this represents the view of Rabbi, would he require the examination of a third packet?³¹ —

Rabbi agrees³² in the case of packets since one usually buys them from two or three persons.³³ But if so,³⁴ should not even the fourth and even the fifth also require examination? — The law is so indeed,³⁵ and the reason why 'the third' is mentioned is merely to indicate that³⁶ no presumption is established.³⁷ In fact, however, even a fourth or a fifth must also be examined.

IF HE FOUND THEM ARRANGED IN PACKETS OR TIED UP IN BUNDLES, etc. What is meant by PACKETS³⁸ and what by BUNDLES?³⁹ —

Rab Judah citing Rab replied: Packets and bundles are practically the same thing but in packets the tefillin are packed in pairs while in bundles they are tied together promiscuously.⁴⁰

HE SHALL WAIT BY THEM UNTIL IT IS DARK AND THEN BRING THEM IN. But why?⁴¹ Might he not bring them in, one pair at a time? —

R. Isaac the son of R. Judah replied: It was

explained to me by my father that if by bringing them in, one pair at a time, the entire stock could be transferred⁴² before sunset, he is to take them in,⁴³ one pair at a time; otherwise HE SHALL WAIT BY THEM UNTIL IT IS DARK AND THEN BRING THEM IN. IN A TIME OF DANGER, HOWEVER, HE SHALL COVER THEM. AND PROCEED ON HIS WAY. But was it not taught: In a time of danger he carries them⁴⁴ in small stages each of less than four cubits?⁴⁵ —

Rab replied:⁴⁶ This is no difficulty since the former⁴⁷ refers to the danger of heathens⁴⁸ while the latter⁴⁹ refers to that of highwaymen.⁵⁰

- (1) Concerning which it might be contended that no one would take the trouble to make amulets in the shape of tefillin.
- (2) Which are obviously proper tefillin duly prepared and used for the purpose.
- (3) R. Meir.
- (4) To make amulets in the shape of tefillin proper.
- (5) R. Judah.
- (6) Consisting of key letters in the statements that follow and their respective authorities. V. Hyman, Toledoth, p. 19.
- (7) The knot in the shape of a letter of the alphabet (yod or dalet) prescribed for the tefillin
- (8) Since the reason why new ones may not be carried on the head and arm to a place of safety on the Sabbath is not because they might be mere amulets but because not having the prescribed knot they cannot be worn, since no permanent knot may be made on the Sabbath.
- (9) Hence there is no need to provide against such a possibility in the case of zizith either.
- (10) Instead of with a knot which is forbidden on the Sabbath.
- (11) Which is permitted and so render them fit for wear.
- (12) Or 'unfit'.
- (13) Lit., 'which he said'.
- (14) And like the latter, is forbidden to be made on the Sabbath (cf. Shah. 113a).
- (15) Why a loop is inadmissible on the Sabbath in the straps of the tefillin.
- (16) Sc. the right side of the letter.
- (17) Away from the person wearing them; all of which shows that the knot is all essential part of the tefillin. How then could it possibly be presumed that it could be replaced by a loop?

- (18) Lit., 'he makes a loop for them (the tefillin) similar to their knot' in the shape of the prescribed letter.
- (19) MS.M. omits the last two words.
- (20) For trading purposes.
- (21) If the three tefillin are found on examination to be properly written and prepared the seller is presumed to be all expert and the remainder of the supply may be regarded as valid tefillin.
- (22) Lit., 'what is your desire?'
- (23) Who has himself made them or bought them from the maker.
- (24) Instead of two of the one and one of the other.
- (25) Of course it should, since the validity of the goods of one seller is no proof of the validity of those of any other.
- (26) Why then is the number here increased to three?
- (27) R. Kahana's ruling.
- (28) Lit., 'whose (view) is this?'
- (29) Cf. Yeb. 64b.
- (30) This is assumed to mean that if he bought a number of packets each containing several pairs of tefillin, he need not examine more than three packets.
- (31) Lit., 'and if (this is the view of) Rabbi, has he (any need for examination of a) third?'
- (32) That the examination of two is not enough to establish presumption.
- (33) Cf. supra n. 1 mut. mut.
- (34) Since each bundle may have been bought from a different seller.
- (35) Lit., 'yes, thus also'.
- (36) In this particular case.
- (37) By two that have passed the test.
- (38) צבתיים.
- (39) כריכות.
- (40) Lit., 'when many are wrapped together'.
- (41) Should he wait until dusk.
- (42) Lit., 'and they' end'.
- (43) During 'he Sabbath.
- (44) The whole stock.
- (45) By resting at the end of each stage he avoids any continuous and uninterrupted carrying in the public domain along a distance of four cubits.
- (46) MS.M. omits the last two words.
- (47) Our Mishnah which, in a time of danger, exempts one from carrying the tefillin with him or, in the case of packets and bundles, from watching them until it gets dark.
- (48) Lit., 'stranger', 'foreigner sc. at a time of religious persecution when it is dangerous to be met by a heathen when in the act of wearing or protecting ritual appurtenances (cf. Rashi a.l. second interpretation).
- (49) The Baraitha which in the case of packets and bundles, instead of waiting and watching until it gets dark allows one to carry them, away by walking in small stages.

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(50) In which case it is dangerous to remain in the open field until it gets dark but quite safe to carry the packets or bundles to town in full daylight.

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Said Abaye:¹ How² did you explain our Mishnah? That it refers to danger from idolaters? Read them the final clause, R. SIMEON RULED: HE SHALL PASS THEM TO HIS FELLOW AND HIS FELLOW SHALL PASS THEM TO HIS FELLOW, would not this cause much greater publicity?³ A clause is wanting in our Mishnah, the proper reading being as follows: This applies to danger from idolaters but in the case of danger from highwaymen he carries them in small stages each of less than four cubits.

R. SIMEON RULED: HE SHALL PASS THEM TO HIS FELLOW, etc. On what principle do they⁴ differ? — One Master⁵ holds that it is preferable to carry them in stages of less than four cubits, for if you should say that he should pass them to his fellow and his fellow to his fellow, the desecration of the Sabbath would be given undue publicity; while the other Master⁶ holds that it is preferable to pass them to one's fellow, for should you say that he shall carry them in stages of less than four cubits it might sometimes happen that he would be absent-minded and would in consequence carry them four cubits in a public domain.

THE SAME PROCEDURE IS TO BE FOLLOWED IN THE CASE OF A SON OF HIS. How does his child come to be⁷ there? — The school of Manasseh taught: This is a case where his mother bore him in the field. And what is intended by the expression. EVEN THOUGH THEY ARE AS MANY AS A HUNDRED? — That, though the movement from hand to hand is rather a hardship to him, this procedure is nevertheless to be preferred.⁸

R. Judah RULED: A MAN MAY PASS A JAR. But does not R. Judah agree with what

we learned: Cattle and objects may move only as far as the feet of their owner?⁹ —

Resh Lakish citing Levi the elder replied: Here we are dealing with a case where he¹⁰ emptied the contents from one jar¹¹ into another,¹² R. Judah following his view, expressed elsewhere,¹³ that water¹⁴ is deemed to have no substance,¹⁵ for we learned:¹⁶ R. Judah exempts¹⁷ water¹⁸ because it has no substance.¹⁵ Then¹⁹ what could be the meaning²⁰ of THIS²¹ MUST NOT MOVE? —

That²² which is within THIS MUST NOT BE MOVED FURTHER THAN THE FEET OF ITS OWNER. Might it not be suggested that R. Judah was heard to hold his view²³ only where it²² was absorbed in dough;²⁴ was he, however, heard to hold the same view where²⁵ it had an independent existence? Surely.²⁶ if where water is mixed with the contents of a pot²⁷ R. Judah rules that it does not lose its existence, would it lose it where²⁵ it had an independent existence? For was it not taught:²⁸ R. Judah ruled: Water and salt lose their identity in dough but not in a pot²⁷ on account of its broth?²⁹ —

Rather, explained Raba, we are here dealing with the case of a jar that had acquired³⁰ a place for the Sabbath and that of water that had not acquired a place.³¹ so that the identity of the jar³² is lost In the water;³³ as we have learnt: If a man carries out³⁴ a living person in a bed he is exempt³⁵ even in respect of the bed,³⁶ since the bed³⁷ is of secondary importance;³⁸ if a man carries out³⁴ in a vessel food-stuffs less than the forbidden quantity he is exempt³⁵ even in respect of the vessel,³⁹ since the vessel⁴⁰ is only of secondary importance.⁴¹

R. Joseph raised an objection: R. Judah ruled: 'When in a caravan a man, may pass a jar to his fellow and his fellow to his fellow', which implies, does it not, that only when in a caravan⁴² is this permitted but not otherwise?⁴³ — The fact rather is, explained

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R. Joseph, that what⁴⁴ we learned in our Mishnah referred also to a caravan.

Abaye explained:⁴⁵ When in a caravan the device⁴⁶ is permitted even when both the jar and the water had acquired a place for the Sabbath, but when one is not in a caravan the device⁴⁶ is allowed only where the jar alone had acquired a place for the Sabbath but not the water.

R. Ashi explained:⁴⁵ Here we are dealing with a jar and water both of which were ownerless,⁴⁷ And whose [view is expressed in what] THEY SAID TO HIM? — That of R. Johanan b. Nuri who holds that ownerless objects acquire their place for the Sabbath.⁴⁸ And what⁴⁹ could be the meaning of THIS MUST NOT BE MOVED FURTHER THAN THE FEET OF ITS OWNER?— they must not be moved further than vessels that have an owner.⁵⁰

MISHNAH. IF A MAN WAS READING IN A SCROLL⁵¹ ON A THRESHOLD AND THE SCROLL ROLLED OUT OF HIS HAND,⁵² HE MAY ROLL IT BACK TO HIMSELF.⁵³ IF HE WAS READING IT ON THE TOP OF A ROOF AND THE SCROLL ROLLED OUT OF HIS HAND,⁵² HE MAY, BEFORE IT REACHED TEN HANDBREADTHS FROM THE GROUND, ROLL IT BACK TO HIMSELF.⁵⁴ BUT AFTER IT HAD REACHED THE TEN HANDBREADTHS⁵⁵ HE MUST TURN IT OVER WITH ITS WRITING DOWNWARDS.⁵⁶ R. JUDAH RULED: EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREAD'S⁵⁷ THICKNESS HE MAY ROLL IT BACK TO HIMSELF. R. SIMEON RULED: EVEN IF IT TOUCHED THE ACTUAL GROUND HE MAY ROLL IT BACK TO HIMSELF, SINCE NO PROHIBITION THAT IS DUE TO SHEBUTH⁵⁸ RETAINS ITS FORCE⁵⁹ IN THE PRESENCE OF THE HOLY WRITINGS.⁶⁰

GEMARA. What kind of THRESHOLD is one to imagine? If it be suggested that the threshold was a private domain,⁶¹ and that in

front of it was a public domain,⁶² and that no preventive measure⁶³ was enacted against the possibility that the entire scroll might fall down⁶⁴ and that one might then carry it in,⁶⁵

- (1) So MS.M. Cur. edd. add., 'to him
- (2) Lit., 'in what'.
- (3) And thus enhance the danger.
- (4) R Simeon and the first Tanna.
- (5) The first Tanna according to the emendation of the Mishnah just given.
- (6) R. Simeon
- (7) Lit., 'what does he want'.
- (8) Since the possible desecration of the Sabbath is thereby avoided.
- (9) Beza 37b, sc. even a person who borrowed them may not lead or carry them beyond the limits within which their owner may move.
- (10) Every one of the men to whom the jar is passed in turn.
- (11) Each person to whom the jar is passed in succession.
- (12) Of his own and that could, therefore, be carried as far as he himself may go.
- (13) Lit., 'that he said'.
- (14) Under certain conditions.
- (15) it is not restricted, therefore, to the limits of its owner's movements.
- (16) Beza 37a.
- (17) From being restricted, like spices and salt, to the limits of the movements of its original owner.
- (18) That was borrowed by one woman from another for her dough.
- (19) Since R. Judah agrees that the jar itself must not be moved beyond the limits allowed to its owner.
- (20) In the objection of the Rabbis.
- (21) Presumably the JAR.
- (22) I.e., the water.
- (23) That water is deemed to have no substance.
- (24) Where its independent existence is completely lost.
- (25) As in the case of the water in the jar under discussion.
- (26) Lit., 'now'.
- (27) I.e., where it is mixed with other food.
- (28) Beza 39a.
- (29) Which, like the water, is a liquid. Much less then in a jar in which the water alone is contained.
- (30) When the Sabbath began.
- (31) If, for instance, it was drawn on the Sabbath from a river. Such water (cf. supra 46a) may be carried by anyone as far as his own Sabbath limits.
- (32) Which is only of secondary importance serving as it does as a mere container for the water.

(33) Which is here of primary importance, and which may be carried by anyone (cf. supra n. 12) within his own limits.

(34) On the Sabbath.

(35) From the penalties for desecration of the Sabbath by carrying.

(36) i.e., not only in respect of the living person who is deemed to be carrying himself.

(37) Being used for the sake of the person in it only.

(38) To the person in it who is of primary importance. As no penalty is incurred for carrying out the man so is none incurred for carrying out the bed.

(39) Not only in respect of the foodstuffs which were less than the forbidden quantity.

(40) Whose entire use is due to the foodstuffs in it.

(41) To the food (cf. supra n. 19 mut. mut.). Similarly in the case of the jar and the water, since the latter is of primary, and the former is only of secondary importance, the former's identity is completely lost in that of the latter and may, therefore, be carried to the same limits.

(42) Sc. in abnormal conditions where water has to be carried long distances and where one has no other alternative.

(43) How then is this to be reconciled with R. Judah's ruling in our Mishnah?

(44) Lit., 'when'.

(45) The difficulty raised by R. Joseph.

(46) Of passing the jar from hand to hand.

(47) Hefker so that whosoever picks them up acquires them and may, therefore, carry them to the ends of his own Sabbath limits.

(48) Supra 45b.

(49) Since the jar and the water were ownerless.

(50) Two thousand cubits in all directions.

(51) Of Scripture.

(52) Into a public domain.

(53) If one of its ends remained in his hand (v. Gemara infra).

(54) Since it was still outside the public domain which extends only to a level of ten handbreadths above the ground.

(55) And one of its ends is thus within the public domain from which it is forbidden to transfer an object into any other domain.

(56) Lit., 'on the writing', to protect it as much as is possible from the sun, dust or rain.

(57) So T.J., Alfasi, MS.M. and cur. edd. infra 98a. Cur. edd. here 'needles'.

(58) A Rabbinical prohibition in connection with the Sabbath (v. Glos.), such as the rolling back of a scroll where one of its ends was still in the reader's hands. Pentateuchally this is permitted but as a preventive measure against the possibility of carrying back the scroll where it was wholly in the public domain, a Rabbinical prohibition was imposed.

(59) Lit., 'stands'.

(60) I.e., where their preservation or honor is at stake.

(61) One, for instance, that was no less than ten handbreadths high and four handbreadths wide.

(62) Into which one end of the scroll had rolled.

(63) Forbidding to roll it back to the reader in the private domain who was still holding its other end.

(64) On the ground of the public domain.

(65) Back into the private domain, and thus incur the obligation of a sin-offering.

Eruvin 98a

who then, [it may be asked,] is the author?¹ Obviously R. Simeon who ruled: NO PROHIBITION THAT IS DUE TO SHEBUTH RETAINS ITS FORCE IN THE PRESENCE OF THE HOLY WRITINGS;² but then read the final clause: R. JUDAH RULER, EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREAD'S THICKNESS HE MAY ROLL IT BACK TO HIMSELF. R. SIMEON RULED: EVEN IF IT TOUCHED THE ACTUAL GROUND, HE MAY ROLL IT BACK TO HIMSELF. Is it likely that the first and final clauses represent the view of R. Simeon while the middle one represents that of R. Judah? —

Rab Rabbah replied: Yes the first and final clauses may represent the view of R. Simeon while the middle one represents that of R. Judah: Rabbah replied: We deal here with a threshold that was trodden upon [by the public] and in order [to avert] disrespect to the holy writings³ the Rabbis⁴ have permitted [to roll it back].⁵

Abaye raised an objection against him:⁶ [If it rested] within four cubits⁸ one may roll it back to oneself, [but if it rested] without the four cubits one must turn it over with its writing downwards. Now if you maintain that we are dealing with a threshold that was trodden upon by the public⁹ what matters it whether the end of the roll rested within the four cubits or without the four cubits?¹⁰

Rather, explained Abaye, we are dealing here with a threshold that was a karmelith¹¹ in front of which passed a public domain.¹² [Hence it is that if the end of the scroll rested] within four cubits where, even if [all the scroll] had fallen down and one would have carried it back,¹³ no obligation of a sin-offering would be incurred,¹⁴ the Rabbis have permitted the man to roll it back;¹⁵ but where it rested without the four cubits in which case, if he had brought it back,¹⁶ he would have incurred the obligation of a sin-offering, the Rabbis did not permit it to him.¹⁷ But if so,¹⁸ why should not a preventive measure be enacted, even [where the end of the scroll rested] within the four cubits, lest one night come to carry [the scroll]¹⁹ from the public into a private domain?²⁰ And should you reply: Since a karmelith²¹ intervened this²² need not be provided against,²³ did not Raba, [it may be objected,] state:²⁴ if a man transferred an object from the beginning of four cubits²⁵ to the end of the four cubits, and the transfer was made above his head,²⁶ he is guilty of an offence?²⁷ —

Here we are dealing with all extensive²⁸ threshold²⁹ in crossing which³⁰ one is sure to recollect [to pause].³¹ If you prefer I might reply: The fact is that we are dealing here with a threshold that was not extensive, but one usually looks through the holy writings before putting them away.³² But why should not the possibility be taken into consideration that one might look through them³³ while in the public domain and then carry them³⁴ directly into the private domain?³⁵ —

The author of this ruling is³⁶ Ben ‘Azzai who laid down³⁷ that walking is like standing.³⁸ But is it not possible that he might throw³⁹ them,⁴⁰ R. Johanan having stated: ‘Ben ‘Azzai agrees in the case of throwing’?⁴¹ R. Aha⁴² b. Ahabah replied: This proves that holy writings may not be thrown.⁴³

IF HE WAS HEADING IT ON THE TOP OF A ROOF, etc. But is this⁴⁴ permitted. seeing that it was taught: The writers of the

scrolls of Scripture, tefillin or mezuzoth were not permitted to turn a skin⁴⁵ with the writing downwards,⁴⁶ but a cloth must be spread over it?⁴⁷ There⁴⁸ this⁴⁹ is possible whereas here⁵⁰ this is impossible; and if one were not to turn it over the holy writings would be exposed⁵¹ to much greater abuse. **HE MUST TURN IT OVER WITH ITS WRITING DOWNWARDS.** But, surely, it has not, has it, come to a rest?⁵² —

Raba replied: This is a case where the wall was slanting.⁵³ Said Abaye to him: You have explained our Mishnah as referring⁵⁴ to a slanting wall; read them the final clause: **R. JUDAH RULED, EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREAD'S THICKNESS, HE MAY ROLL IT BACK TO HIMSELF**, but, surely,⁵⁵ I may ask, has it not come to rest?⁵⁶ —

Some words are wanting, the proper readings⁵⁷ being as follows: This⁵⁸ applies only to a slanting wall, but in the case

- (1) Of this ruling of our Mishnah according to which no preventive measure was deemed necessary. It cannot be R. Judah, since he permits the rolling back only where the end of the scroll does not touch the ground, but where it does, the rolling back is forbidden as a preventive measure against the possibility of doing so when both ends dropped from the reader's hands.
- (2) V. relevant notes in our Mishnah.
- (3) By leaving it in a place where it might be trodden upon.
- (4) Even R. Judah.
- (5) Since only a shebuth is thereby affected. The threshold, however, cannot be compared to a roof where a preventive measure could well be enacted since in that case the scroll is not exposed to so much abuse.
- (6) Rabbah.
- (7) One of the ends of the scroll that one was reading on a threshold.
- (8) On the ground.
- (9) And that, in order to protect the sacred scroll from abuse, a shebuth was dispensed with.
- (10) Surely none; for just as a shebuth was dispensed with for the reason given, in the case of the threshold where one end of the scroll is transferred from a public into a private domain, so it should also be dispensed with for the same

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reason in the case of carrying the end of the scroll along a greater distance than four cubits in a public domain, since one of the ends is in his hand.

(11) One that was four handbreadths wide but less than ten handbreadths high.

(12) And behind which was, of course, a house which is a private domain.

(13) To the threshold.

(14) Since the prohibition to carry from a public domain into a karmelith is only a shebuth.

(15) i.e., where an end is retained in the reader's hand, a shebuth to safeguard a shebuth was not considered necessary.

(16) Where the whole of [the scroll had fallen down and he carried it along a distance of more than four cubits in a public domain.

(17) Even where one end remained in his hand and only a shebuth is involved. To safeguard a Pentateuchal prohibition a shebuth was justifiably instituted.

(18) That according to R. Judah a preventive measure was enacted, even in the case of holy writings, against the possibility of the infringement of a Pentateuchal law.

(19) I.e., where both ends dropped from the hands of the reader into the public domain.

(20) Sc. into the house behind the threshold.

(21) The threshold.

(22) The possibility of carrying across it from the one domain into the other.

(23) Lit., 'we have nothing against it

(24) Shah. 8b.

(25) In a public domain.

(26) Lit., 'the way above him', sc. he carried the object high in the air at a level above ten handbreadths from the ground, which is regarded as a free domain.

(27) Against the laws of carrying a greater distance than four cubits in a Public domain. This shows that an offence is not mitigated even though the object passed on its way through a free domain. Why then should the passing of the scroll across the threshold mitigate in any way the offence of carrying from a public into a private domain?

(28) Lit., 'log'.

(29) The crossing of which, on one's way from the public into the private domain, would take some time.

(30) Lit., 'in the meanwhile'.

(31) On it; and thus avoid the direct transfer from the public into the private domain. By making a pause on the karmelith the object is deemed to have been taken from the Public domain into it and from it into the private domain which is Pentateuchally permitted so that no sin-offering would be incurred even where the entire scroll had been carried in this manner.

(32) One would consequently pause for the purpose on the threshold and, by thus avoiding direct transfer from the public into the private domain, no obligation of a sin-offering would be incurred.

(33) The books of Scripture in the scroll.

(34) Even where the entire scroll had dropped into the public domain.

(35) Thus infringing a Pentateuchal prohibition.

(36) Lit., 'whose (ruling) is this?'

(37) In respect of the laws relating to carrying on the Sabbath.

(38) Lit., '(he who) walks is as (he who) stands', sc. since every step made represents a 'lifting up' of the foot from one spot and a 'putting down' of it in another spot, the very passing across the threshold constitutes a pausing on it; cf. Shab. 5b and Keth 31b (Sonc. ed., p. 172, n. 4).

(39) From the public domain directly into the house.

(40) The books of Scripture in the scroll.

(41) That it is not like standing (Shah. 6a). As in such a case a Pentateuchal law would be infringed where the entire scroll rolls out into the public domain, why was not a preventive measure enacted against this possibility even where only one end had rolled out?

(42) MS.M. and old ed. 'Adda'.

(43) Sof. III, 12.

(44) To turn a holy scroll WITH ITS WRITING DOWNWARDS.

(45) Lit., 'curtain', one of the sheets of parchment of which the large scroll is made up.

(46) Lit., 'on its face'; to protect it from dust.

(47) Sof. III, 14 and 16.

(48) In the scribe's house.

(49) To cover the writing with a cloth.

(50) In the open, and where the exposed part of the scroll is rather large.

(51) Lit. 'there is'.

(52) In the public domain. Why then should it be forbidden to roll it back into the private domain seeing that such an act would not infringe even a shebuth?

(53) So that the end of the scroll inevitably comes to rest on the slope.

(54) Lit., 'in what did you place our Mishnah?'

(55) Since the wall was slanting.

(56) It must have done. Why, then, did R. Judah permit it to be rolled back?

(57) In our Mishnah.

(58) The ruling that HE MUST TURN IT, etc.

Eruvin 98b

of a wall that was not slanting and it came to rest above three handbreadths [from the ground], he may roll it back to himself; but if

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below the three handbreadths,¹ HE MUST TURN IT OVER WITH ITS WRITING DOWNWARDS. R. JUDAH RULED: EVEN IF IT WAS REMOVED, FROM THE GROUND BY NO MORE THAN, etc. because it is essential² that the object shall come to rest on something.³ But then what of the statement of Raba that even if all object came within three handbreadths [from the ground] it is necessary² according to the Rabbis that it shall rest³ on something,⁴ must it be assumed⁵ that he based his teaching on what is a dispute between Tannas? —

The fact is that all this⁶ represents the view of R. Judah, but some words are missing, the correct reading being as follows: This applies only to a slanting wall, but in the case of a wall that was not slanting, even if it was below three handbreadths from the ground, he may roll it back because R. JUDAH RULED: EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREADS THICKNESS, HE MAY ROLL IT BACK TO HIMSELF. What is the reason? Because it is essential⁷ that the object shall come to rest on something.

MISHNAH. IF THERE WAS A LEDGE⁸ IN FRONT OF A WINDOW IT IS PERMITTED⁹ TO PUT OBJECTS UPON IT OR TO REMOVE OBJECTS FROM IT ON THE SABBATH.

GEMARA. Whither did the LEDGE project? If it be suggested that it projected on to a public domain, why should no provision be made against the possibility¹⁰ that an object might drop¹¹ and one would be tempted¹² to carry it?¹³ If, on the other hand, it be projected on to a private domain, is not this¹⁴ obvious?¹⁵ —

Abaye replied: The fact is that it projected on to a public domain, but the ruling, that IT IS PERMITTED TO PUT OBJECTS UPON IT, refers only to¹⁶ breakable objects.¹⁷ So it was also taught: If a ledge in front of a window

projected into a public domain it is permitted to put upon it dishes, cups, ladles or bottles;¹⁸ and [it is permitted] to use¹⁹ all the wall²⁰ as far as its lowest ten handbreadths.²¹ If there was a ledge below it²² one may use it,²³ while the upper one may be used only in front of one's window. Now what kind of ledge is one to imagine?²⁴ If its width was less than²⁵ four handbreadths, is it not a free domain which²⁶ one must not use²⁷ even in front of one's window?²⁸ If, on the other hand, its width was four handbreadths, why²⁹ should not one be allowed to use it along the entire length of the wall? —

Abaye replied: This is a case where the lower ledge was four handbreadths wide, while the upper one was not four handbreadths wide but the window-sill made it up to four handbreadths. [Consequently] One may use it³⁰ in front of the window since it is regarded as an extension³¹ of the window-sill but its section on the one side or on the other³² remains forbidden.

MISHNAH. A MAN MAY STAND³³ IN A PRIVATE DOMAIN AND MOVE OBJECTS IN A PUBLIC DOMAIN OR HE MAY STAND IN A PUBLIC DOMAIN AND³⁴ MOVE OBJECTS IN A PRIVATE DOMAIN, PROVIDED HE DOES NOT TAKE THEM BEYOND FOUR CUBITS.³⁵ A MAN MAY NOT STAND IN A PRIVATE DOMAIN AND MAKE WATER IN A PUBLIC DOMAIN OR IN A PUBLIC DOMAIN AND MAKE WATER IN A PRIVATE DOMAIN, AND THE SAME APPLIES TO SPITTING.³⁶ R. JUDAH RULED: EVEN WHERE A PERSON'S SPITTLE ACCUMULATED³⁷ IN HIS MOUTH, HE MUST NOT WALK FOUR CUBITS BEFORE HE SPAT OUT.³⁸

GEMARA. R. Hinen³⁹ b. Shelemya taught Hiyya b. Rab in the presence of Rab: A man may not stand in a private domain and move objects in a public domain.⁴⁰ 'Do you', he⁴¹ said to him, 'ignore⁴² the Rabbis⁴³ and act according to the view of R. Meir?'⁴⁴

(1) A level that is regarded as the actual ground.

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- (2) If it is to be deemed to have come to rest in a certain domain, and if the prescribed penalties are to be incurred.
- (3) It is not enough that it passed through the air of the domain however low the level.
- (4) Shah 80a, 100a.
- (5) Since the first Tanna in our Mishnah apparently differs from R. Judah's view.
- (6) All the anonymous part of our Mishnah including the ruling explicitly attributed to R. Judah.
- (7) V. p. 679, n. 9.
- (8) That was no less than four handbreadths wide and no less than ten handbreadths raised from the ground.
- (9) To persons in the house, since (cf. prev. n.) the ledge has the status of a private domain.
- (10) Lit., 'let it be apprehended'.
- (11) From the ledge into the public domain below.
- (12) Lit., 'and come'.
- (13) Back to the private domain and thus transgress a Pentateuchal law.
- (14) The ruling in our Mishnah.
- (15) Since the ledge is a private domain within a private domain.
- (16) Lit., 'and what... that he learned'.
- (17) If these were to drop from the ledge no one would be likely to carry the fragments back into the house. Hence no preventive measure was necessary.
- (18) All of which are fragile.
- (19) Lit., 'and uses'.
- (20) Sc. the holes and crevices in it (so Tosaf. a.l. contra Rashi).
- (21) But not lower, since a height that is less than ten handbreadths is counted as the public domain.
- (22) But above ten handbreadths from the ground.
- (23) Even if it extends along the entire length of the wall.
- (24) The upper one to be.
- (25) Lit., 'there is not in it'.
- (26) Though its occasional use is permitted to the people of both the public and the private domain
- (27) Regularly.
- (28) As its area is small, objects are certain to fall off, and the placing of such objects upon it assumes the appearance of direct throwing from a private into a public domain.
- (29) Since it is a private domain.
- (30) The upper ledge.
- (31) Lit., 'holes'.
- (32) Since it cannot be regarded as an extension of the window, and its own width is less than the minimum prescribed for a private domain.
- (33) On the Sabbath.
- (34) By bending forward.
- (35) From the place where he picked them up.
- (36) Lit., 'and so he shall not spit'.
- (37) Lit., 'plucked'.

(38) The spittle being regarded as a burden which one must not carry beyond four cubits in a public domain.

(39) MS.M., 'Hanania

(40) This being a preventive measure against the possibility of transferring the object from the public into the private domain.

(41) Rab.

(42) Lit., 'leave'.

(43) Sc. the anonymous view expressed in our Mishnah.

(44) Who adopted (infra 101a) a preventive measure of a similar character.

Eruvin 99a

He¹ thought that since the final clause² represented the view of R. Meir the first clause also must represent the view of R. Meir. In fact, however, this is not so. While the final clause represents the view of R. Meir the first represents the view of the Rabbis.

PROVIDED HE DOES NOT TAKE THEM BEYOND. Thus it follows that if he did take them beyond the four cubits³ he incurs the obligation of a sin-offering. May it then be suggested that this⁴ provides support for Raba who laid down that if a man transferred an object from the beginning of four cubits to the end of the four cubits, and the transfer was made above his head, he is guilty of an offence?⁵ Was it stated: 'If he took them beyond, he incurs the obligation of a sin-offering'?⁶ It is quite possible⁷ that if he took them beyond [the four cubits] he is exempt,⁸ but the act is [nevertheless] forbidden.⁹ Others read: Thus it follows⁷ that if he did take them out he is exempt though this is forbidden.

Must it be conceded that this presents an objection against Raba who laid down that if a man transferred an object from the beginning of four cubits to the end of four cubits, and the transfer was made above his head, he is guilty of an offence?⁵ Was it stated: 'if he took them out he is exempt though this is forbidden'? It is quite possible that if he took them beyond [the four cubits] he does incur the obligation of a sin-offering?

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A MAN MUST NOT STAND IN A PRIVATE DOMAIN, etc. R. Joseph ruled: If a man made water or spat¹⁰ he incurs the obligation of a sin-offering. But is it not necessary¹¹ that the lifting up¹² and the putting down¹² shall respectively be from, and upon a place that was four handbreadths wide, which is not the case here? —

His intention¹³ confers upon him the status of a proper place. For should you not concede this principle, how would you explain the following ruling of Raba:¹⁴ ‘If a man threw some object¹⁵ and it dropped¹⁶ into the mouth of a dog or into the mouth of a furnace¹⁷ he incurs the obligation of a sin-offering’, in view of the objection:¹⁸ Is it not necessary¹¹ that the putting down should be upon a place that was four handbreadths wide, which is not the case here? You must consequently admit that¹⁹ the man's intention²⁰ confers upon it²¹ the status of a proper place, so also here, it may well be explained, it is his intention that confers upon him the status of a valid place.

Raba enquired: What is the legal position where a man stood in a private domain and the orifice of the organ projected into a public domain? Are we guided by the source²² or by the point of exit? — This remains undecided.²³

AND THE SAME APPLIES TO SPITTING. R. JUDAH RULED, etc. Even though he did not turn it over?²⁴ Have we not, however, learnt: If a man was eating a pressed fig²⁵ with soiled hands²⁶ and he put his hand into his mouth to remove a small stone,²⁷ R. Meir declares the fig to be unclean²⁸ while R. Jose regards it as clean.²⁹

R. Judah ruled: If he turned it³⁰ over³¹ the fig is unclean²⁸ but if he did not turn it over²⁹ the fig remains clean?³² —

R. Johanan replied: Reverse the statement ,³³

Resh Lakish said: You have no need³⁴ to reverse the statement, for we are dealing here with phlegm.³⁵ But was it not taught: R. Judah ruled: ‘If his phlegm was detached’,³⁶ which implies also, does it not, ‘if his spittle was detached’?³⁷ —

No, only that if his phlegm was detached. But was it not taught: R. Judah ruled: Whether his phlegm was detached or his spittle was detached he must not walk four cubits before he spat it out? — Clearly the explanation is the one originally given.³⁸

Resh Lakish stated: One who coughs up phlegm in the presence of his master deserves an untimely death, for it is said in Scripture: All that hate me love death,³⁹ read not ‘that hate me’ but ‘those that cause me to be hated’.⁴⁰ But does not one merely act⁴¹ under an impulse?⁴² — The person meant is one who coughs up the phlegm and ejects it.⁴³

MISHNAH. A MAN MUST NOT⁴⁴ STAND IN A PRIVATE DOMAIN AND DRINK IN THE PUBLIC DOMAIN OR STAND IN A PUBLIC DOMAIN AND DRINK IN A PRIVATE DOMAIN UNLESS HE PUT HIS HEAD AND THE GREATER PART OF HIS BODY INTO THE DOMAIN IN WHICH HE DRINKS. AND A SIMILAR LAW⁴⁵ APPLIES TO A WINEPRESS.

GEMARA. Does then the first clause⁴⁶ represent the view of the Rabbis⁴⁷ while the final clause⁴⁸ represents that of R. Meir?⁴⁹ —

R. Joseph replied: The latter clause⁴⁸ deals with objects that are among one's necessities⁵⁰ and it⁴⁸ represents the general opinion.⁵¹ The question was raised: What is the ruling in respect of a karmelith?⁵² —

Abaye replied: The same law⁵³ applies.⁵⁴ Raba replied: The very law of karmelith⁵⁵ is but a preventive measure,⁵⁶ shall we then go as far as⁵⁷ to enact a preventive measure⁵⁸ in addition to another preventive measure!⁵⁹ Whence, observed Abaye, do I derive my view?⁶⁰ From the statement,⁶¹

- (1) R. Hinena.
- (2) i.e., the Mishnah infra 101a.
- (3) Even though his position was raised from the ground of the public domain and the objects were carried in the air above ten handbreadths from the ground which is a free domain.
- (4) The prohibition to carry an object even through a free domain on account of the 'lifting up' and the 'setting down' which take place in the public domain.
- (5) Supra 98a q.v. notes.
- (6) If that were so, support for Raba's view would indeed have been forthcoming.
- (7) Since no sin-offering was mentioned.
- (8) From a sin-offering.
- (9) By a Rabbinical enactment. In order to prevent one from carrying an object below the ten handbreadths level.
- (10) From the one domain into the other.
- (11) If a sin-offering is to be incurred.
- (12) Of the object moved.
- (13) To relieve himself.
- (14) Lit., 'that which Raba said'.
- (15) Along a distance of four cubits in a public domain.
- (16) Lit., 'and rested'.
- (17) Where it was instantly burnt out before it touched the floor of the furnace.
- (18) Lit., 'but surely'.
- (19) Lit., 'but'.
- (20) [That it should drop into the fire or into the dog's mouth, v. Tosaf s.v. זרק].
- (21) The dog's mouth or the flames of the furnace.
- (22) Which is in the private domain.
- (23) Teku.
- (24) In his mouth.
- (25) Of terumah.
- (26) Sc. 'unwashed'. These are subject to the second degree of levitical uncleanness and consequently carry the third degree of uncleanness to the terumah with which they came in contact.
- (27) And with his wet hand touched the fig.
- (28) Because the spittle is regarded as a liquid which, by moistening the fig, renders it susceptible to levitical uncleanness. Food that has never come in contact with a liquid is not susceptible to such uncleanness.
- (29) Spittle, while in one's mouth is deemed to be a part of the body and cannot, therefore, be regarded as a liquid that renders food susceptible to levitical uncleanness.
- (30) With the spittle in his mouth.
- (31) In his mouth.
- (32) Kel. VIII, 10. How then can it be maintained here that R. Judah regards spittle as detached from the body even if it was not turned over?
- (33) The view given in the name of R. Judah should be attributed to one of the others. Rashi: R. Judah is at variance with his own principle.
- (34) Lit., 'forever'.
- (35) Which is detached from the lungs by the time it reaches the mouth.
- (36) He must not walk beyond four cubits in the public domain.
- (37) The text is in disorder. Read (v. D.S.): 'R. Judah said, (the same applies to) his phlegm or spittle'; now does this not mean if his phlegm or spittle was detached? - No, only if his phlegm was detached (but as to spittle, there is no liability unless he turned it over)].
- (38) That the statement was to be reversed.
- (39) Prov. VIII, 36.
- (40) For the reading cf. Meg. 28a.
- (41) When coughing.
- (42) Of course he does; why then should he deserve death?
- (43) In his master's presence.
- (44) As a preventive measure against the possibility of drawing the drinking vessel towards the body from the one domain into the other.
- (45) In respect of tithe (v. Gemara infra).
- (46) Sc. the previous Mishnah (supra 98b) according to which 'a man may stand in a private domain and move objects in a public domain', etc.
- (47) Who did not enact a preventive measure against the possibility of drawing the object after the body.
- (48) Our Mishnah.
- (49) Who (cf. Mishnah infra 101a) upholds the principle of the necessity for such a preventive measure. But is it likely that two anonymous and consecutive rulings should represent the views of different authors?
- (50) Lit., 'that he requires', as water, for instance. Being in so much need of it, a man is most likely in a moment of absent-mindedness to draw it towards him into the domain in which he stands.
- (51) Since in such a case (cf. Prev. n.) all agree that a preventive measure is required.
- (52) Sc. may one standing in a karmelith drink in a public or private domain?
- (53) As that relating to the domains spoken of in our Mishnah.
- (54) Lit., 'it it'.
- (55) Since Pentateuchally there is no prohibition even against the actual transfer of objects from a karmelith into, private or public domain.
- (56) Against the possibility of carrying objects between a public and a private domain.
- (57) Lit., 'shall we rise up'.
- (58) The prohibition to drink from a public or private domain while standing in a karmelith as a preventive measure against possible transfer of the drinking vessel.

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(59) The very law of karmelith. As such a double precaution is obviously unreasonable, the restrictions our Mishnah imposes in connection with the domains mentioned cannot apply to the karmelith.

(60) Lit., 'do I say it'.

(61) Lit., 'since he learned'.

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AND A SIMILAR LAW APPLIES TO A WINEPRESS.¹ Raba, however, explained: The reference² is to³ tithe; and so explained R. Shesheth: AND A SIMILAR LAW APPLIES TO A WINEPRESS refers to³ tithe. For we learned: It is permitted⁴ to drink wine out of a winepress irrespective of whether it was mixed with hot water or cold water, and to be exempt from the tithe;⁵ so R. Meir.

R. Eliezer b. Zadok declared it⁶ to be liable to tithe,⁷ while the Sages ruled: In the case of hot wine⁸ one is liable to the tithe⁹ but in that of cold wine¹⁰ one is exempt since whatever remains¹¹ is poured back.¹²

MISHNAH. A MAN¹³ MAY INTERCEPT¹⁴ WATER FROM A GUTTER¹⁵ AT A LEVEL BELOW TEN HANDBREADTHS FROM THE GROUND,¹⁶ BUT FROM A WATER-SPOUT¹⁷ HE MAY DRINK IN ANY MANNER.¹⁸

GEMARA. He may only¹⁹ INTERCEPT the water²⁰ but may not press his lips to the gutter.²¹ What is the reason? — R. Nahman replied: We are here dealing with a gutter that was with²² three handbreadths from the roof, since any structure²³ that is within three handbreadths from the roof is regarded as being the same domain as the roof. So²⁴ it was also taught: A man standing in a private domain²⁵ may raise his hand above ten handbreadths²⁶ towards a gutter that was within less than three handbreadths from a roof²⁷ and intercept²⁰ the water,²⁸ provided he does not press his lips to it]. Elsewhere it was taught: A man standing in a private domain²⁵ may not raise his hand above ten handbreadths²⁶ towards a gutter 'that was within less than three handbreadths from a

roof and press it to it, but he may intercept [the water]²⁰ and then drink.

FROM A WATER-SPOUT HE MAY DRINK IN ANY MANNER. One taught: If the spout had an area of four handbreadths by four this²⁹ is forbidden³⁰ because this would be like taking from one domain³¹ into another.³²

MISHNAH. IF A CISTERN IN A PUBLIC DOMAIN HAD AN EMBANKMENT TEN HANDBREADTHS HIGH, IT IS PERMITTED TO DRAW WATER FROM IT ON THE SABBATH THROUGH A WINDOW ABOVE IT. IF A RUBBISH-HEAP IN A PUBLIC DOMAIN WAS TEN HANDBREADTHS HIGH, IT IS PERMITTED TO POUR WATER ON IT ON THE SABBATH FROM A WINDOW ABOVE IT.

GEMARA. What³³ are we dealing with here? If it be Suggested: With one that was near,³⁴ what need was there,³⁵ [it might be objected,] for³⁶ an embankment that was ten handbreadths high?³⁷ —

R. Huna replied: We are here dealing with a cistern that was removed four handbreadths from the wall. Hence it is only³⁸ where there was an embankment ten handbreadths high that the ruling³⁹ applies.⁴⁰ but where there was no embankment ten handbreadths high one would be moving an object⁴¹ from one private domain into another by way of a public domain.⁴²

R. Johanan, however, replied: It³⁹ may even be assumed to refer to a cistern that was near,³⁴ but⁴³ it is this that we were informed: That the depth of a cistern and the height of its embankment⁴⁴ may be combined⁴⁵ to the prescribed depth of ten handbreadths.

IF A RUBBISH-HEAP IN A PUBLIC DOMAIN, etc. There is no need then to provide against the possibility that the rubbish' heap might be removed;⁴⁶ but did not Rabin son of R. Adda state in the name of R. Isaac: It once occurred that one side of an

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alley terminated in the sea⁴⁷ and the other terminated in a rubbish heap.⁴⁸ and when the facts were submitted to Rabbi he neither permitted nor forbade the movement of objects⁴⁹ in that alley; he did not declare it to be permitted since the possibility had to be considered that the rubbish-heap might be removed⁵⁰ or the sea might throw up alluvium,⁵¹ and he did not declare it to be forbidden because⁵² partitions⁵³ in fact existed?⁵⁴ — This is no difficulty, since the latter refers to one⁵⁵ that belonged to an individual⁵⁶ whereas the former⁵⁷ refers to one that belonged to the public.⁵⁸

MISHNAH. WHERE A TREE OVERSHADOWS THE GROUND⁵⁹ IT IS PERMITTED TO MOVE OBJECTS UNDER IT IF THE TOPS OF ITS BRANCHES ARE NOT HIGHER THAN THREE HANDBREADTHS FROM THE GROUND.⁶⁰ IF ITS ROOTS ARE THREE HANDBREADTHS HIGH ABOVE THE GROUND⁶¹ ONE MAY NOT SIT ON THEM.⁶²

GEMARA. R. Huna the son of R. Joshua ruled: No objects may be moved⁶³ under it⁶⁴ where the area was greater than two beth se'ah.⁶⁵ What is the reason? —

- (1) Which must refer to one that was lower than ten handbreadths which consequently had the status of a karmelith. It cannot refer to one that had the status of a private domain since the law relating to the latter had already been dealt with.
- (2) In the mention of the winepress.
- (3) Lit., 'as regards'.
- (4) To any person who stands within the winepress.
- (5) Provided the wine had not been carried outside the winepress the drink is regarded as occasional and consequently not subject to tithe.
- (6) Since it was mixed with water.
- (7) The dilution in the water imparts to it the nature of a regular drink which is subject to the tithe.
- (8) Sc. wine mixed with hot water.
- (9) Once the wine is mixed with hot water it can no longer be returned to the press. If a person, therefore, has mixed it with such water his intention must have been to drink all of it and it consequently assumes the character of a regular drink which is subject to tithe.
- (10) Wine mixed with cold water.
- (11) Of the drink.

(12) To the winepress. The drink, therefore, is regarded as merely an occasional one that is exempt from the tithe. What our Mishnah teaches is that, according to R. Meir whose view the last clause represents, a man must not stand on the ground and drink from the winepress without first setting aside the required tithe unless, as in the case of the domains spoken of, he puts HIS HEAD AND THE GREATER PART OF HIS BODY into the winepress.

(13) Standing in a public domain.

(14) On the Sabbath.

(15) That runs along the side of a roof within three handbreadths from it (v. Gemara infra).

(16) Which is regarded as a part of the public domain; or even at a higher level which is a free domain. The intention on the level below ten is due to the ruling that follows, which cannot apply to a higher level.

(17) The mouth of which projected into the public domain at some distance from the roof and below ten handbreadth from the ground, in consequence of which it is regarded as a part of the public domain.

(18) Sc. he may even press his lips to the mouth of the spout and drink directly from it. This is not permitted in the case of a gutter which, being (as stated supra) within three handbreadths from the roof, is deemed to be part of the roof and to constitute like the roof itself a private domain from which it is forbidden to take the water into the public domain, even though it was lower than ten handbreadths from the ground.

(19) Lit., 'yes'.

(20) In mid air.

(21) To drink directly from it.

(22) Lit., 'less than'.

(23) Such as a gutter.

(24) That a gutter within three handbreadths from a roof is regarded as the same domain as the roof and that one drinking directly from such a gutter is deemed to be drinking from the roof itself.

(25) On a roof, for instance.

(26) From the floor of that domain.

(27) Above the one on which he stands.

(28) That flowed from that gutter upon his roof

(29) To drink directly from the mouth of the spout.

(30) Even if it was within ten handbreadths from the ground.

(31) A karmelith.

(32) A public domain.

(33) CISTERN.

(34) To the wall, within four handbreadths from it.

(35) For the purpose of permitting the use of the cistern from the window.

(36) Lit., 'wherefore to me'.

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(37) Even if there were no embankment the drawing up of water through the window would have been permitted, since a cistern, ten handbreadths deep, is itself a private domain and, being within four handbreadths from the wall, no material part of the public domain intervened between it and the wall.

(38) Lit., 'and the reason'.

(39) that IT IS PERMITTED TO DRAW WATER, etc.

(40) Since the bucket never enters the public domain.

(41) The bucket or the water.

(42) The strip of four handbreadths wide or more that intervened between the wall and the cistern.

(43) In reply to the objection What need was there for an embankment', etc.

(44) Though each is less than ten handbreadths in depth or in height.

(45) For the purpose of constituting a private domain.

(46) When its place would become a public domain and people might continue to use it from the window as if it were still a private domain.

(47) Whose embankments were ten handbreadths high.

(48) Also ten handbreadths high; while of the other two sides one adjoined a public domain and the other was closed up, houses and courtyards opening out from it.

(49) On the Sabbath.

(50) And its place would use the character of a private domain.

(51) Thus turning the place, when dried up, into a public domain, and the public would use it as a thoroughfare (cf. R. Han.).

(52) At the time at least.

(53) The side from which the doors had opened, the sea embankment and the rubbish-heap.

(54) Supra 8a. Now since provision against the possibility of the cleaning of the rubbish-heap was made in the case of the alley, why was no similar provision made in the case deal with in our Mishnah?

(55) Lit., 'that', the rubbish-heap at the side of the alley.

(56) Where the clearance of the comparatively small quantity of rubbish might well be expected.

(57) That referred to in our Mishnah.

(58) Which is unlikely to be removed.

(59) Sc. its branches hanging downwards all around.

(60) Their separation from the ground by less than three handbreadths is, wider the law of labud, completely disregarded and they are, therefore, deemed to be actually touching the ground; and, since at their other ends at which they are joined to the tree they are raised ten handbreadths from

the ground, they constitute a partition ten handbreadths high all round that tree.

(61) And much more so if they were higher.

(62) Such a height imparts to them the character of a tree which may not be made use of on the Sabbath.

(63) Beyond four cubits.

(64) The tree dealt with in our Mishnah.

(65) Even though the tree had been originally planted for the purpose of overshadowing the ground and serving as a shelter for watchmen.

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Because it is a dwelling-place that serves only the outside air,¹ and no movement of objects is permitted in a dwelling-place whose only function is that of serving the outside air, if its area was greater than two beth se'ah.

IF ITS ROOTS ARE HIGH ABOVE THE GROUND, etc. It was stated: If the roots of a tree descended from a level that was above three handbreadths into one that was lower than three handbreadths,² Rabbah ruled: It is permitted to use them, while R. Shesheth ruled: It is forbidden to use them.

'Rabbah ruled: It is permitted to use them', since all levels lower than three handbreadths from the ground are regarded as the ground itself.³ 'R. Shesheth ruled: It is forbidden to use them', because, owing to the fact that they derive from a forbidden source,⁴ they themselves are also forbidden. If they⁵ are in the shape of a rocky crag,⁶ those that grow upwards⁷ are forbidden,⁸ those that grow downwards⁹ are permitted,¹⁰ while as to those that grow sideways¹¹ a difference of opinion exists between Rabbah and R. Shesheth;¹² and the same¹³ applies to a dike¹⁴ and a corner.¹⁵

Abaye had¹⁶ a certain palm-tree that projected through the sky-light¹⁷ and when he came to R. Joseph¹⁸ the latter permitted it to him,¹⁹ R. Aha b. Tahlifa observed: In permitting its use to you he²⁰ acted in accordance with Rabbah's view.²¹ Is not this obvious? — It might have been presumed that even according to the view of R.

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Shesheth a house²² is regarded as full²³ and that one may, therefore, use a tree within less than three handbreadths from the roof, hence we were informed [that the decision was given only in accordance with the view of Rabbah].

We learned: IF ITS ROOTS ARE THREE HANDBREADTHS HIGH ABOVE THE GROUND ONE MAY NOT SIT ON THEM. Now how are we to imagine the circumstances? If they did not²⁴ subsequently bend downwards, is not this²⁵ obvious?²⁶ This must consequently be a case, must it not, where they subsequently bent downwards?²⁷—

No, the fact is that they did not subsequently bend downwards, but²⁸ it is this that we were informed: Even though [on] one of its²⁹ sides [they were] level with the ground.³⁰

Our Rabbis taught: If the roots of a tree were three handbreadths high above the ground, or if there was a hollow space of three handbreadths beneath them, one must not sit on them even though on one side of the tree they were level with the ground, because it is not permissible³¹ either to climb upon a tree or to suspend oneself from a tree or to recline on a tree; nor may one climb upon a tree while it is yet day³² to remain there all the Sabbath day, the law being the same in the case of a tree and in that of any cattle. In the case of a cistern, a ditch, a cave or a wall one may climb up or climb down even if they were a hundred cubits [deep or high].³³

One Baraitha teaches: If a man climbed, up³⁴ he may climb down. But does not another Baraitha teach that he is forbidden to climb down? — This is no difficulty since the former refers to one who climbed up³⁵ while it was yet day³² while the latter refers to one who did it after dusk.³⁶ If you prefer I might reply: Both refer to all ascent after dusk and yet there is no difficulty, since the one refers to an unwitting act while the other refers to an intentional one.³⁷ If you prefer I might

say: Both refer to an unwitting act, but the principle underlying their divergence of view is the question whether a penalty has been imposed in respect of an unwitting act as a precaution against the performance of an intentional act.

One Master³⁸ is of the opinion that such a penalty has been imposed while the other Master holds that no such penalty has been imposed.

R. Huna son of R. Joshua observed: This³⁹ is similar in principle to the dispute between the following Tannas: If the blood of sacrifices of which one sprinkling only is necessary⁴⁰ was confused with the blood of other sacrifices of which one sprinkling is necessary,⁴¹ each⁴² is to be sprinkled once. If blood of which four sprinklings are necessary was confused with other blood of which four sprinklings were necessary⁴³ each⁴² is to be sprinkled four times. If that which has to be sprinkled four times was confused with that which has to be sprinkled once, R. Eliezer ruled: Each⁴² must be sprinkled four times,⁴⁴ and R. Joshua ruled: Each⁴² must be sprinkled only once.⁴⁵ ‘Does he not’, said R. Eliezer to him, ‘thereby⁴⁶ transgress the law against diminishing from the precepts?’⁴⁷ ‘Does he not thereby’,⁴⁸ replied R. Joshua. ‘transgress the prohibition against adding to the precepts?’⁴⁹ ‘This’,⁵⁰ R. Eliezer retorted: ‘applies only⁵¹ where it is in all isolated condition’ is ‘The prohibition against diminishing from the precepts also’, said R. Joshua to him, ‘applies only when it is in all isolated condition’.⁵²

R. Joshua, furthermore, explained: If you sprinkle⁵³ you transgress the prohibition against adding to the precepts and you also perform the act with your own hand, but if you do not sprinkle you transgress indeed the prohibition against diminishing from the precepts but you do not perform any act with your own hand’.⁵⁴ Now, according to R. Eliezer who laid down there⁵⁴ that the performance of an uncertain precept⁵⁵ is

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preferable.⁵⁶ the man may here also⁵⁷ climb down,⁵⁸ while according to R. Joshua who held there⁵⁴ that the abstention from the performance of an uncertain precept⁵⁹ is preferable.⁶⁰ the man here also⁵⁷ may not climb down.⁶¹

This argument, however, might be fallacious,⁶² since R. Eliezer may have maintained his view, that the performance of an uncertain precept⁵⁵ is preferable.⁵⁶ Only there where a positive precept is thereby⁶³ performed. But here,⁵⁷ where⁶⁴ no positive precept is performed⁶⁵ he may also agree that the man must not climb down. Or else: R. Joshua may have maintained his view, that the abstention from the performance of an uncertain precept⁵⁹ is preferable.⁶⁰ only there⁵⁷

- (1) The watchmen use it only during the season when they are engaged in their duties in the fields and vineyards in the open air. No one uses the area under a tree as an ordinary habitation.
- (2) Sc. they began to bend downwards after they had grown to a high above three handbreadths from the ground.
- (3) As one may use the ground so may one use the roots within the three handbreadths level.
- (4) Those parts of the roots that were higher than three handbreadths.
- (5) The roots.
- (6) Meshunitha is derived by Rashi from the same root as shen in shen sela', sc. the roots grew upwards and then bent downwards in the shape of a sloping hill, smaller roots branching out of the bigger ones.
- (7) From a section of a root that was higher than three handbreadths from the ground.
- (8) Even according to the view of Rabbah, since here¹¹ roots and source are in a forbidden level.
- (9) From a root section below the level of three handbreadths.
- (10) Even by R. Shesheth, since roots as well as source are below three handbreadths from the ground.
- (11) Sc. they branch out from a root section that was above the three handbreadths level and bend downwards within that level.
- (12) According to the former, their use is permitted since they are bent downwards and reached the low level which is regarded as the ground itself; while according to the latter they are forbidden on account of their source which is within the forbidden level.

(13) Divergence of view.

(14) Or 'ditch', in which grew a tree, two of whose sides were embedded in the sides of the dike. According to Rabbah the use of the roots that were within three handbreadths from the top of the dike is permitted while according to R. Shesheth, since they grew from a level which is above three handbreadths from the bottom of the dike, they are forbidden.

(15) Formed by two walls that enclosed the three sides of a tree whose height reached to within three handbreadths above the walls. According to Rabbah the portion of the tree above the walls may be used since its lower section on those sides is covered by the walls and the part projecting above them is within three handbreadths from their tops. According to R. Shesheth, however, since their source in the exposed side of the tree is above three handbreadths from the ground, this is forbidden. In the case of a tree one of whose sides only adjoins a wall while its other sides remained exposed even Rabbah, it may be added, agrees that its use is forbidden.

(16) Within a house.

(17) But not above three handbreadths from the roof.

(18) To enquire whether its use was permissible on the Sabbath.

(19) Because none of the sides of the tree protected above three handbreadths from the roof of the house.

(20) R. Joseph.

(21) That the source is disregarded. According to R. Shesheth, since the use of the lower section of the tree within the house, which is obviously higher than three handbreadths from the floor, is forbidden, the use of the section above the roof which grows from it is equally forbidden.

(22) As in the case of a window (supra 76b).

(23) Sc. as if it were full of earth up to the ceiling.

(24) After rising to the height of three handbreadths.

(25) THAT ONE MAY NOT SIT ON THEM.

(26) Of course it is. Why then was it stated?

(27) And yet it is forbidden to sit on them. All objection against Rabbah.

(28) As to your objection. 'Is not this obvious?'

(29) The tree's.

(30) Rabbah maintains his view only where more than one side was on a level with, or within three handbreadths from the ground.

(31) On the Sabbath.

(32) Of the Sabbath eve.

(33) The prohibition to climb up or down a tree on the Sabbath is not title to the trouble or effort involved in the process but to a preventive measure against the possibility of intentional plucking of a growing plant, which is one of the acts of work forbidden on the Sabbath.

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- (34) Upon a tree.
(35) Lit., 'here'.
(36) In the former case, since his ascent involved no transgression, no penalty was imposed upon him.
(37) Cf. prev. n. mut. mut.
(38) The author of the latter Baraitha.
(39) The divergence of opinion between the authors of the Baraithas just discussed.
(40) On the altar. Lit., 'those that are given by one giving'.
(41) If a bowl of blood of a firstling, for instance, was confused with that of the tithe of cattle. (The interpretation here follows Bertinoro in Zeb. VIII, 10).
(42) Cf. Bertinoro l.c.
(43) As, for instance, the blood of a burnt-offering with that of a peace-offering (cf. prev. n.).
(44) The superfluous sprinklings in the case of the latter being regarded as those of mere water that can in no way affect the prescribed number.
(45) Any additional sprinklings would, in the case of the latter, constitute an infringement of the Pentateuchal prohibition against adding to the precepts (cf. Deut. XIII, 1).
(46) By sprinkling, in the case of the former, less than the prescribed number of times. Lit., 'behold he'.
(47) Cf. Deut. XIII, 1.
(48) By his sprinkling, in the case of the latter, more times than required.
(49) Cf. Supra n. 8.
(50) The prohibition to add to the precepts.
(51) Lit., 'the only said'.
(52) Lit., 'in itself', but not where it is confused with another kind.
(53) More than the prescribed number of times.
(54) Zeb. 80a.
(55) Lit., 'arise and do'.
(56) To its neglect.
(57) Where he was on the Sabbath on a tree.
(58) By doing this he escapes the prohibition against his continued use of the tree.
(59) Lit., 'sit and do not act'.
(60) To its performance.
(61) Since by remaining on the tree he performs no new act.
(62) Lit., 'perhaps it is not (so)'.
(63) By the sprinkling.
(64) By climbing down.
(65) One only avoids thereby the continued infringement of a negative precept against the use of a tree on the Sabbath.

Eruvin 100b

where no direct transgression is committed,¹
but here where a direct transgression is

committed² he may also agree that the man may climb down! One [Baraitha] taught, 'The same prohibition³ applies to a green tree and to a dry tree'; and another [Baraitha] taught: 'This prohibition³ applies only to a green tree whereas in the case of a dry one⁴ no prohibition exists'⁵ —

Rab Judah replied: This is no difficulty, since the former refers to a tree whose stump grows afresh whereas the latter refers to one whose stump does not grow afresh. But if its stump 'grows afresh', would you describe it as 'dry'? — Rather say: There is no difficulty since the latter refers to the hot season⁶ whereas the former refers to the rainy season.⁷ [You say] in the not season? Surely the fruits⁸ falls off?⁹ —

This is a case where it bore no fruit. But do not some chips¹⁰ fall off?⁹ —

This is a case where the tree was stripped.¹¹ But, surely, this cannot be right? For did not Rab once visit Afsatia¹² where he forbade the use of a stripped tree? —

Rab found an open field and put up a fence round it.¹³

Rami b. Hama,¹⁴ citing R. Assi, ruled: A man is forbidden to walk on grass on the Sabbath, because it is said in Scripture: And he that hasteth with his feet sinneth.¹⁵ One [Baraitha] taught: It is permitted to walk on grass on the Sabbath; and another [Baraitha] taught that this was forbidden! —

This is no difficulty. Since the latter refers to fresh grass whereas the former refers to dry grass.¹⁶

And if you prefer I might say: Both [Baraithas] refer to fresh grass, and yet there is no difficulty since the latter refers to the hot season¹⁷ whereas the former refers to the rainy season.

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And if you prefer I might reply: Both deal with the hot season, and yet there is no difficulty, since the former deals with a person who wears his shoes whereas the latter deals with one who is barefooted.¹⁸

And if you prefer I might reply: Both deal with a person who wears his shoes, but there is no difficulty since the latter refers to shoes that have nails¹⁹ whereas the former refers to such as have no nails.

And if you prefer I might reply: Both deal with shoes that have nails, but the latter refers to long and tangled grass²⁰ whereas the former refers to one that is not tangled.²¹ Nowadays, however, since we have it as an established rule that the law is in agreement with R. Simeon,²² it is permitted to walk on grass] in all the cases mentioned.²³

Rami b. Hama citing R. Assi further ruled: A man is forbidden to compel his wife to the [marital] obligation, since it is said in Scripture: And he that hasteth with his feet²⁴ sinneth.²⁵

R. Joshua b. Levi similarly stated: Whosoever compels his wife to the [marital] obligation will have unworthy children.

Said R. Ika b. Hinena: What is the Scriptural proof? 'Also without consent²⁶ the soul²⁷ is not good.'²⁵ So it was also taught: Also without consent²⁶ the soul is not good,²⁵ refers to a man who compels his wife to the [marital] obligation: And he that hasteth with his feet sinneth,²⁵ refers to the man who has intercourse twice in succession. But, surely, this cannot be right! For did not Raba state, 'He who desires all his children to be males should cohabit twice in succession'? —

This is no difficulty, since the latter deals with the woman's] consent; whereas the former, without her consent.

R. Samuel b. Nahmani citing R. Johanan²⁸ stated: A woman who solicits her husband to

the [marital] obligation will have children the like of whom did not exist even in the generation of Moses. For of the generation of Moses it is written: Get you from each one of your tribes, wise men and understanding, and full of knowledge,²⁹ and then it follows: So I took the heads of your tribes, wise men and full of knowledge.³⁰ while men of 'understanding' he could not find, whereas in the case of Leah it is written in Scripture, 'And Leah went out to meet him, and said: Thou must come unto me, for I have surely hired thee,'³¹ and subsequently it is written, 'And of the children of Issachar,³² men that had understanding³³ of the times, to know what Israel ought to do, the heads of them were two hundred, and all their brethren were at their commandment.'³⁴

But can that be right?³⁵ seeing that R. Isaac b. Abdimi stated: Eve was cursed with ten curses, since it is written: Unto the woman He said, and I will greatly multiply,³⁶ which refers to the two drops of blood, one being that of menstruation and the other that of virginity, 'thy pain'³⁶ refers to the pain of bringing up children, 'and thy travail'³⁶ refers to the pain of conceptions 'in pain thou shalt bring forth children'³⁶ is to be understood in its literal meaning, 'and thy desire shall be to thy husband'³⁶ teaches that a woman yearns for her husband when he is about to set out on a journey, 'and he shall rule over thee'³⁶ teaches that while the wife solicits with her heart the husband does so with his mouth, this being a fine trait of character among women?³⁷ — What was meant is³⁸ that she ingratiates herself with him.³⁹ But are not these⁴⁰ only seven?

When R. Dimi came⁴¹ he explained: She is wrapped up like a mourner,⁴² banished from the company of all men⁴³ and confined within a prison.⁴⁴ What is meant by 'banished from the company of all men'? If it be suggested: That she is forbidden to meet a man in privacy, is not the man also but could be retorted.] forbidden to meet a woman in privacy? —

The meaning rather is that she is forbidden to marry two men. In a Baraitha it was taught: She grows long hair like Lilith,⁴⁵ sits when making water like a beast, and serves as a bolster for her husband. And the other?⁴⁶ —

These, he holds, are rather complimentary to her, R. Hiyya having made the following statement: What is meant by the Scriptural text: Who teacheth us by⁴⁷ the beasts of the earth and maketh us wise by⁴⁸ the fowls of the heaven?⁴⁹ 'Who teacheth us by the beasts' refers to the mule which kneels when it makes water, 'and maketh us wise by the fowls of the heaven' refers to the cock which first coaxes and then mates.

R. Johanan observed: If the Torah had not been given we could have learnt modesty from the cat, honesty⁵⁰ from the ant, chastity⁵¹ from the dove, and good manners from the cock who first coaxes and then mates. And how⁵² does he coax his mate? —

Rab Judah citing Rab replied. He tells her this: 'I will buy you a cloak that win reach to your feet'.⁵³ After the event he tells her,⁵⁴ 'May the cat⁵⁵ tear off my⁵⁶ crest if I have⁵⁷ any money and do not buy you one'.

- (1) By the man. He only abstains from the performance of the precept of sprinkling and he is only indirectly diminishing from the precepts.
- (2) While the man remains on the tree he is transgressing the prohibition against its use on the Sabbath.
- (3) Against the use of a tree on the Sabbath.
- (4) Which no longer draws its nurture from the ground and which may, therefore, be regarded as detached from it.
- (5) Lit., 'is permitted'. How then are the two Baraithas to be reconciled?
- (6) When it is quite impossible to mistake a dry tree for a green one.
- (7) When the one might be mistaken for the other.
- (8) Of the previous year that remained on the dry tree.
- (9) When one climbs upon the tree. Why then was not the use of a dry tree forbidden as a preventive measure against the possibility of actual plucking?
- (10) From the dry twigs.

- (11) Of all its twigs and branches.
- (12) In the neighborhood of Sura.
- (13) Metaph. The people of that place were lax in their religious observance (morally exposed like an 'open field') and Rab imposed upon them additional restrictions in order to keep them away thereby from further transgressions.
- (14) So Asheri. Cur. edd. 'Abba'. Cf. marg. note.
- (15) Prov. XIX, 2, which proves that by mere walking a sin may be committed. Though the man does not intend to tear the grass he is forbidden to walk on it because he unintentionally tears it with his feet.
- (16) Which is regarded as detached since it no longer draws any nurture from the ground.
- (17) When the grass contains seeds that are dislodged by the walker's feet.
- (18) Who cannot help tearing out the grass that gets entangled in one's toes.
- (19) Or 'spurs'. Cf. prev. n. mut. mut.
- (20) Lit., 'when it has tangled length' or 'luxuriant growth'.
- (21) Cf. prev. n.
- (22) That it is permitted to perform an act though, as a result, an unintended forbidden one also is thereby performed.
- (23) Lit., 'all of them are permitted'. As the act of walking is permissible on the Sabbath it cannot be forbidden even where it results in the unintentional act of tearing up the grass which when intentional is forbidden on the Sabbath.
- (24) Allusion to marital intercourse.
- (25) Prov. XIX, 2.
- (26) Lit., 'knowledge', sc. the acquiescence of one's wife to the performance of her marital duty. This verse is the introduction to the second part, 'And he that hasteth with the feet', etc. quoted and expounded Supra.
- (27) Sc. each of the children born from such a union.
- (28) MS.M., 'Jonathan'.
- (29) Deut. I, 13.
- (30) Ibid. 15.
- (31) Gen. XXX, 16, a case of a wife's solicitation.
- (32) A son of Leah.
- (33) A type that could not be found in the days of Moses.
- (34) I Chron. XII, 33.
- (35) Lit., 'I am not (in agreement)'.
- (36) Gen. III, 16.
- (37) A.R.N., cf. Yeb. 62b; how then is this to be reconciled with the statement cited by R. Samuel b. Nahmani.
- (38) Lit., 'when we said'.
- (39) Not actual solicitation.
- (40) Curses enumerated.
- (41) From Palestine to Babylon.
- (42) A married woman is ashamed to appear in public with an uncovered head (cf. Rashi a.l.).

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- (43) This is explained presently.
(44) Cf. The king's daughter within (Ps. XLV, 14).
(45) A notorious female night demon.
(46) Why does he not include these curses among those he enumerated.
(47) E.V., 'more than'.
(48) E.V., 'wiser than'.
(49) Job XXXV, 11.
(50) Lit., '(objection to) robbery'.
(51) Lit., 'forbidden intercourse'.
(52) Lit., 'and what'.
(53) This is an interpretation of the spreading of his wings and the bending of their tips towards the ground.
(54) When he shakes his head jerking it downwards.
(55) So Bah. Wanting in cur. edd.
(56) Lit., 'of that cock'.
(57) Lit., 'he has'.

Eruvin 101a

MISHNAH. WITH THE DOOR¹ IN A REAR COURT, OR THE STOP-GAPS² IN A BREACH OR REED-MATS ONE MAY NOT CLOSE³ [AN OPENING]⁴ UNLESS THEY ARE RAISED⁵ FROM THE GROUND.⁶

GEMARA. Does not the following, however, present a contradiction:⁷ With a door, a reed-mat or a keg,⁸ that drag along the ground, it is permitted. whenever they are fastened and suspended, to close an opening on the Sabbath and much more so⁹ on a festival day?¹⁰ —

Abaye replied: The latter refers to such as have a hinge.¹¹

Raba replied: It refers to a case where they had a hinge.¹²

An objection was raised: With a door, a reed-mat or a keg,⁸ that drag along the ground, whenever they are fastened, suspended and raised¹³ from the ground even if only by a hair's breadth. It is permitted to close an opening; otherwise this is forbidden?¹⁴

Abaye explains¹⁵ in accordance with his view, and Raba explains¹⁵ in accordance with his view. 'Abaye explains in accordance with his

view': They must either have a hinge or be raised from the ground.

'Raba explains in accordance with his view': They must either have had a hinge or must be raised from the ground.

Our Rabbis taught: If boughs of thorn-bushes, or bundles of wood¹⁶ were prepared to serve as a stop-gap for a breach in a courtyard, whenever they are fastened and suspended, it is permitted to close with them on the Sabbath and much more so on⁹ a festival day.

R. Hiyya learned: With a widowed¹⁷ door that is dragged upon the ground it is not permitted to close [an opening]. What are we to understand by a 'widowed door'? — Some say: One made of a single board.¹⁸ Others Say: One that has no frame.¹⁹

Rab Judah ruled: A pile²⁰ may be laid out from the top downwards.²¹ but it is forbidden to build it up from the bottom upwards,²² and the same applies to an egg,²³ a pot,²⁴ a bed²⁵ and a cask.²⁶

A certain Sadducee once said to R. Joshua b. Hananiah. 'You are a brier, since of you it is written in Scripture: the best of them is as a brier'.²⁷ 'Foolish man', the other replied, 'look up the conclusion²⁸ of the text where it is written:²⁷ The upright man is a better [protection] than a tabernacle'.²⁹ 'What then was meant by The best of them is as a brier?' 'As briars protect a gap so do the best men among us protect us'. Another interpretation: The best of them is as a hedek³⁰ because they crush³¹ the wicked men in Gehenna; as it is said in Scripture: Arise and thresh, O daughter of Zion, for I will make thy horn iron, and I will make thy hoofs brass; and thou shalt beat in pieces³² many peoples, etc.³³

MISHNAH. A MAN MAY NOT STAND IN A PRIVATE DOMAIN AND OPEN³⁴ A DOOR IN THE PUBLIC DOMAIN,³⁵ OR IN THE PUBLIC

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DOMAIN AND³⁶ OPEN A DOOR IN A PRIVATE DOMAIN,³⁷ UNLESS³⁸ HE HAS MADE³⁹ A PARTITION TEN HANDBREADTHS HIGH.⁴⁰ SO R. MEIR. THEY⁴¹ SAID TO HIM: IT ONCE HAPPENED AT THE BUTCHERS'⁴² MARKET IN JERUSALEM THAT⁴³ THEY LOCKED THEIR SHOPS⁴⁴ AND LEFT THE KEY IN A WINDOW ABOVE A SHOP DOOR. R. JOSE SAID: IT WAS THE WOOL-DEALERS' MARKET.

GEMARA. As to the Rabbis,⁴¹ how is it that when R. Meir spoke of a PUBLIC DOMAIN⁴⁵ they retorted by citing a karmelith,⁴⁶ since Rabbah b. Bar Hana⁴⁷ stated in the name of R. Johanan: As for Jerusalem, were it not that its gates were closed at night, one would have incurred the guilt of carrying in it as a public domain?⁴⁸

R. Papa⁴⁹ replied: The latter statement⁵⁰ refers to the time before breaches were made in its wall whereas the former⁵¹ refers to the time after the breaches had been made.

Raba replied: The final clause⁵² deals with⁵³ the gates of a garden.⁵⁴ and it is this that was implied: IS A MAN MAY NOT STAND IN A PRIVATE DOMAIN AND⁵⁵ OPEN A DOOR IN A KARMELITH,⁵⁶ OR IN A KARMELITH AND⁵⁷ OPEN A DOOR⁵⁸ IN A PRIVATE DOMAIN.⁵⁹

(1) Which as a rule is not fixed to the wall but is movable, and leaned against the doorway only when it is desired to shut it.

(2) Or '(bundles of) thorns'.

(3) On the Sabbath.

(4) A doorway or breach.

(5) Lit., 'high'.

(6) If they reach the ground this is forbidden, since their erection resembles 'building'.

(7) To the ruling in our Mishnah.

(8) Aliter: A plow used as a bar.

(9) Lit., 'and there is no need to say'.

(10) How then is this Baraitha, which only insists on suspension, to be reconciled with our Mishnah which demands that THEY must be RAISED FROM THE GROUND?

(11) Which imparts to them the character of a proper door the closing of which cannot be mistaken for 'building'.

Suspension alone is, therefore, sufficient.

(12) Though they have none now. The mere mark of the hinge suffices to impart to them the character of a proper door (cf. prev. ii.)

(13) Lit., 'high'.

(14) Lit., '(they) may not close with them'. How then is this Baraitha, which requires both suspension and raising from the ground, to be reconciled with the previous Baraitha and with our Mishnah?

(15) The last cited Baraitha.

(16) So R. Han.

(17) This is explained anon.

(18) By inserting into a gap such a board which has no resemblance to a door, one appears to be actually building on the Sabbath.

(19) To bind it together (cf. Rashi) or against which to shut (cf. Jast.).

(20) For making a fire on a festival day.

(21) The upper logs or chips being held up in the air while the lower ones are inserted and arranged beneath them.

(22) Placing, for instance, two chips at the bottom and another two crosswise above them; since this has the appearance of building which is forbidden on a festival day as on the Sabbath.

(23) That is to be roasted. The egg must be held up while the wood is laid out under it (cf. prev. two notes).

(24) Supported on two casks. Cf. Bezah 32b.

(25) The center cloth must be held up while the frame is pushed under it (cf. prev. notes).

(26) If it is to be placed on two other casks.

(27) Micah VII, 4'

(28) Lit., 'lower (your eyes) to the end'.

(29) Cf. A.V. 'sharper than a thorn hedge' (R.V. and A.f.T. 'worse than').

(30) E.V., 'brier'.

(31) Mehadekin of the same rt. as hedek by interchange of (guttural) h with (aspirate) h.

(32) Or 'crush'.

(33) Micah IV, 13.

(34) With a key that he picks up in the public domain.

(35) Even though the key was picked up within four cubits from the door. This is a preventive measure against the possibility of transferring the key from the public into the private domain.

(36) By taking up a key from the roof of a shop that was no less than four handbreadths wide and above ten handbreadths from the ground.

(37) Though the key was picked up in a private domain. This is a preventive measure against the possible transfer of the key from the private into the public domain below ten handbreadths from the ground.

(38) In the latter case.

(39) Within the public domain.

(40) To separate his position from the public domain (cf. supra n. 18).

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- (41) The Rabbis who differed from him.
(42) Or: Crammers', or: Poulterers'.
(43) Standing in the public domain.
(44) The key being held above ten handbreadths from the ground.
(45) The movement of objects between which add a private domain is Pentateuchally forbidden.
(46) Which is subject to a Rabbinical restriction only.
(47) Var. lec.. R. Huna (Asheri).
(48) As the gates, however, were closed at night all the roads and streets of the city were only subject to the restrictions of a karmelith. Now since the preventive measure against the possibility of transferring the key from one domain into another was made by R. Meir only in the case of a public and a private domain (where a Pentateuchal law might be transgressed), what objection does the Jerusalem incident (which relates to a private domain and a karmelith where only a rabbinical law might possibly be transgressed) provide against R. Meir?
(49) Var. lec. Rabbah.
(50) Lit., 'here', that Jerusalem is subject to the restrictions of a karmelith only.
(51) Our Mishnah which regards Jerusalem as a public domain.
(52) In our Mishnah.
(53) Lit., 'comes to'.
(54) Which, being greater than two beth se'ah, and not having been enclosed for dwelling purposes, is subject to the laws of a karmelith.
(55) By pushing his hand through a hole in its walls into the garden.
(56) Sc. the garden, this being a preventive measure against the possibility of transferring the key from the karmelith into the private domain.
(57) Picking up a key from a spot four handbreadths wide and ten handbreadths high.
(58) At a height of ten handbreadths from the ground.
(59) Cf. supra n. 2. mut. mut.

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UNLESS¹ HE HAS MADE A PARTITION TEN HANDBREADTHS HIGH;² SO R. MEIR. THEY SAID TO HIM: IT ONCE HAPPENED AT THE BUTCHERS'³ MARKET IN JERUSALEM THAT THEY USED TO LOCK THEIR SHOPS AND LEFT THE KEY IN A WINDOW ABOVE A SHOP DOOR. R. JOSE SAID: IT WAS THE WOOL-DEALERS' MARKET.

Our Rabbis taught: The doors of garden⁴ gateways, whenever they have a gate-houses on their inner side, may be opened and closed from within;⁵ if they have it on their outer side;⁷ they may be opened and shut from without;⁸ if they have one on either side they may be opened and shut from either side;⁸ if they have none on either side they may be neither opened nor shut from either side.⁹ The same law applies also to shops that open into a public domain:¹⁰ Whenever the lock is below ten handbreadths from the ground¹¹ the key may be brought on the Sabbath eve and placed on the threshold,¹² and on the following day the door may be opened and duly closed when the key may again be placed on the threshold;¹³ and whenever the lock is above ten handbreadths from the ground.¹⁴ the key must be brought on the Sabbath eve and inserted in the lock, and on the following day It may be opened and shut and returned to its place;¹⁵ so R. Meir.

The Sages, however, ruled: Even when the lock is above ten handbreadths from the ground the key may be brought on the Sabbath eve and placed on the threshold, and on the following day the door may be opened and shut and the key may be returned to its place¹⁶ or it may be put on a window¹⁷ above the door. If the window, however, had an area of four handbreadths by four this is forbidden, since the transfer of the key would constitute a transfer from one domain into another.¹⁸

Since it was stated: 'And the same law applies also to shops It may be concluded that we are dealing with a threshold¹⁹ that had the status of a karmelith;²⁰ but, then, how are we to imagine the conditions of the lock? if it is one that was less than four handbreadths in width it would surely be a free domain;²¹ and if It was four handbreadths wide, would the Rabbis in such a case²² have ruled: 'Even when the lock is above ten handbreadths from the ground the key may be brought on the Sabbath eve and placed on the threshold and on the following day the door may be

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opened and shut and the key may be returned to its place²³ or it may be put on a window above the door', seeing that thereby one is moving an object from a karmelith into a private domain?²⁴ —

Abaye replied: The fact is that the lock was less than four handbreadths but there was sufficient space [in the door]²⁵ in which to cut and make it up to four handbreadths; and it is this principle on which they²⁶ differ: R. Meir holds the opinion that the door is regarded as virtually cut for the purpose of completing the prescribed width,²⁷ while the Rabbis maintain that it is not regarded as cut for the purpose of completing the prescribed width.²⁸

Said R. Bibi b. Abaye: From this Baraita you may deduce three things: You may deduce that virtual cutting for the purpose of completing a prescribed width may be assumed; you may deduce that R. Meir²⁹ withdrew from his view on the gates of a garden;³⁰ and from the ruling of the Rabbis³¹ you may also deduce that R. Dimi's view is tenable.³² For when R. Dimi came³³ he reported in the name of R. Johanan: In a place whose area is less than four handbreadths by four³⁴ it is permissible for both the people of the public domain and those of the private domain to re-arrange their burdens, provided only that they do not exchange them.³⁵

MISHNAH. IF A BOLT³⁶ HAD A KNOB AT ONE END,³⁷ R. ELIEZER FORBIDS IT³⁸ [TO BE MOVED]³⁹ BUT R. JOSE PERMITS IT.⁴⁰ SAID R. ELIEZER: IN A SYNAGOGUE AT TIBERIAS THE COMMON PRACTICE, IN FACT, WAS TO TREAT IT⁴¹ AS PERMITTED, UNTIL R. GAMALIEL AND THE ELDERS CAME AND FORBADE IT TO THEM. R. JOSE RETORTED: THEY TREATED IT AS FORBIDDEN, BUT R. GAMALIEL AND THE ELDERS CAME AND PERMITTED IT TO THEM.

GEMARA. Where it⁴² can be lifted up by the cord to which it was tied,⁴³ no one disputes

that it is permissible to move it].⁴⁴ They only differ

- (1) In the latter case.
- (2) To separate his position from the rest of the karmelith.
- (3) Cf. relevant notes on our Mishnah supra.
- (4) V. supra p. 701, n. 17.
- (5) Such a house having the status of a private domain.
- (6) Since the lock which is four handbreadths wide and ten handbreadths from the ground has the same status of a private domain as the gate house.
- (7) That faces the public domain.
- (8) V. supra n. 11.
- (9) Even though the key was within the lock. They may not be opened from within as a preventive measure against the possibility of taking the key from the private domain (the lock) into a karmelith (the garden) add they may not be opened from without as a preventive measure against the possibility of taking the key from the private domain into the public domain.
- (10) This is discussed infra.
- (11) So that it has the status of a karmelith.
- (12) Which is also a karmelith.
- (13) This is permitted, since the man, though standing in the public domain (cf. Bah a.I.) only moves the key from one karmelith into another.
- (14) In consequence of which, since it is also four handbreadths wide, it has the status of a private domain.
- (15) On the top of the lock which is also a private domain. It may not be placed on the threshold. Since its removal from the lock to it would be tantamount to a transfer from a private domain into a karmelith.
- (16) On the threshold. The reason is discussed infra.
- (17) Whose sin is less than four handbreadths wide and which is, therefore, regarded as a free domain though it is ten handbreadths high.
- (18) From the threshold which is a karmelith to the window which is a private domain. Such transfer is forbidden despite the intervening free domain of the lock through which the key had passed on its way between the other two domains.
- (19) Belonging to the shops.
- (20) If it had not been a karmelith hut a public domain it would have been forbidden to transfer the key from it into the lock.
- (21) And R. Meir would not have regarded it as a private domain even where it was above ten handbreadths from the ground.
- (22) The lock being a private domain.
- (23) So in the original Supra. Cur. edd. a.I. 'to the threshold'.
- (24) Of course not.
- (25) On a level with the top of the lock.

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(26) R. Meir and the Rabbis.

(27) Lit., 'cut to complete'; v. supra 11b and notes.

(28) The lock, therefore, has the status of a free domain.

(29) Who permitted a man standing on a threshold which was a karmelith to take a key from a level above ten handbreadths to a lock of a similar level; and did not provide against the possibility of the man's taking the key into the karmelith in which he stood.

(30) Supra 101a where, according to Raba's explanation, R. Meir forbade a man who stood in a karmelith to open a door in a private domain as a preventive measure against the possibility of his taking the key into the karmelith.

(31) According to which, if the window-sill had an area of four handbreadths by four, it is forbidden to take a key from the threshold (a karmelith) to the lock (a free domain) and from the lock to the window (a private domain) because the transfer from one domain to another is forbidden even via a free domain.

(32) Lit., 'there is'.

(33) From Palestine to Babylon.

(34) Sc. a free domain.

(35) Because it is forbidden to transfer an object from a public domain into a private one or vice versa even via a free domain (cf. supra n. 7).

(36) Used for securing a door.

(37) Lit., 'at whose head there was'.

(38) Though it can be used as a pestle for crushing spices.

(39) On the Sabbath; unless it was tied to a cord and suspended from the door (v. Gemara infra).

(40) Because (cf. supra n. 1) it may be treated as a vessel which may well be moved about on the Sabbath.

(41) The movement of the bolt with the knob.

(42) The BOLT.

(43) Lit., 'by its binding', sc. the cord by which it is fastened to the door is strong enough to hold it even when it is lifted by it.

(44) Since it is obvious to all that the bolt formed a part of the door's equipment and its insertion into its socket constitutes no 'building'.

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where it cannot be lifted up by the cord to which it was tied in which case one Master¹ holds that, since there was a knob at one end,² it has the status of a vessel,³ while the other Master⁴ holds that, since it cannot be lifted up by the cord to which it was tied,⁵ it may not [be moved].⁷

MISHNAH. WITH A BOLT⁸ THAT DRAGS ALONG THE GROUND⁹ IT¹⁰ IS PERMITTED TO SHUT UP [A DOOR] IN THE TEMPLE¹¹ BUT NOT IN THE COUNTRY;¹² BUT WITH ONE THAT RESTS ON THE GROUND¹³ THIS IS FORBIDDEN EVERYWHERE.¹⁴ R. JUDAH RULED: WITH ONE THAT RESTS ON THE GROUND¹⁵ THIS IS PERMITTED, IN THE TEMPLE¹⁶ BUT WITH ONE THAT DRAGS ON THE GROUND THIS IS ALSO PERMITTED, IN THE COUNTRY.¹⁷

GEMARA. Our Rabbis taught: What is the definition of 'a bolt that drags' wherewith it is permitted to shut up [a door] in the Temple but not in the country? One¹⁸ that is fastened¹⁹ and

suspended and whose one end touches the ground. R. Judah ruled: With such a bolt²⁰ it is permitted [to shut up a door] even in the country; but what kind of bolt is it wherewith it is permitted [to shut up] in the Temple and not in the country? One that is neither fastened¹⁹ nor suspended²¹ but which is removed²² and put away in a corner.

Rab Judah citing Samuel ruled: The halachah is in agreement with R. Judah²³ in the case of a bolt that drags along the ground.²⁴

Raba observed: This applies only where it is fastened²⁵ to the door.²⁶ But could this be right, seeing that R. Tabla, when he visited Mahuza, saw a bolt that was suspended from the side of a doorway and yet made no remark whatsoever on the matter? — That was one that could be lifted up by the cord to which it was tied.²⁷

R. Iwya once visited Nehardea and observed that a certain man was fastening a bolt²⁸ with a piece of reed grass. 'This', he remarked: 'must not shut up'.²⁹

R. Zera enquired: What is the ruling where the bolt was pressed into the ground?³⁰ — What question is this, retorted R. Joseph, has he not heard what was taught: 'If it³¹ was

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detached³² it is forbidden³³ but if it was pressed into the ground it is permitted; and R. Judah ruled: If it was pressed into the ground, even though it was not detached, it is forbidden', and in connection with this 'Rab Judah citing Samuel ruled: The halachah is in agreement with R. Judah in the case where it³¹ was pressed into the ground?³⁴ But what is the reason?³⁵ —

Abaye replied: Because it³⁶ has the appearance of building.

R. Nehumai b. Zechariah enquired of Abaye: What is the ruling where a handle was attached to the bolt?³⁷ — You, the other replied, speak now of a club.³⁸

It was stated: R. Nehumai b. Adda ruled: If a handle was attached to it the handling of the bolt] is permitted.³⁹

At the house of R. Pedath they had⁴⁰ a beam which ten men had to lift to fix it in position⁴¹ at the door, but he told them no word against this.⁴² It has,⁴³ he observed. the character of a vessel,⁴⁴

At the house of Mar Samuel they had⁴⁰ a mortar of the capacity of an artaba,⁴⁵ and Mar Samuel allowed it to be fixed behind the door.⁴⁶ It has,⁴³ he observed, the character of a vessel.

Rami b. Ezekiel sent to R. Amram the following message: 'Win the Master tell us some of those excellent sayings that you once told us in the name of R. Assi in respect of the arches of a boat'.⁴⁷ He sent word in reply: Thus said R. Assi, 'With reference to the arches of a boat, whenever they are a handbreadth⁴⁸ wide or, even when they are less than⁴⁹ a handbreadth in width, provided there was no space of three handbreadths intervening between the one and the other,⁵⁰ it is permissible to bring a that on the morrow⁵¹ and to Spread it over them —⁵² What is the reason? One is thereby merely

adding to an occasional tent⁵³ which is perfectly legitimate.⁵⁴

R. Huna possessed some rams that needed the shade in the daytime and the open air at night.⁵⁵ When he came to Rab⁵⁶ the latter told him, 'Go and roll up the reed mats⁵⁷ but leave one handbreadth rolled,⁵⁸ and on the morrow⁵¹ spread it all out and you will be merely adding to all occasional tent,⁵⁹ and that is perfectly legitimate.

Rab citing R. Hiyya ruled: It is permissible to draw, and to withdraw a certain on the Sabbath.⁶⁰ It is also permissible to take down or to put up a bridal⁶¹ canopy⁶² on the Sabbath.⁶³

Said R. Shesheth the son of R. Idi: This⁶⁴ applies only where the top was less than a handbreadth in width⁶⁵ but where the top was one handbreadth⁶⁶ wide this is forbidden;⁶⁷ and even when the top was less than one handbreadth wide this⁶⁴ is applicable only if its width⁶⁸ within⁶⁹ three handbreadths from the top⁶⁹ was less than⁷⁰ a handbreadth but if within⁶⁹ three handbreadths from the top it was one handbreadth wide this is forbidden;⁶⁷ and, even where it was less than⁷⁰ a handbreadth wide within three handbreadths from the top.⁶⁹ this applies only where

- (1) 1-. Jose.
- (2) So that it can be used as a pestle.
- (3) Which may be moved on the Sabbath.
- (4) R. Eliezer
- (5) In consequence of which it must be regarded as disconnected from the door.
- (6) Like a bolt that dragged along the ground (v. following Mishnah).
- (7) Since its insertion in the sockets has the appearance of 'building' of the Sabbath.
- (8) Which had no knob.
- (9) Sc. one that was not suspended from the door but was tied to a cord long enough to enable it to drag on the floor.
- (10) Since the prohibition to move it is only Rabbinical. Pentateuchally, as the cord forms a connecting link with the door, it is regarded as belonging to the door's equipment.
- (11) Where Rabbinical Sabbath restrictions do not apply.

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(12) Anywhere outside the Temple where Rabbinical restrictions are in force. A bolt that drags on the ground seems to have no connection with the door, and its insertion in the threshold sockets would have the appearance of 'building' on the Sabbath.

(13) Sc. one that is completely detached from the door.

(14) Lit., 'here and here', since its insertion in the sockets of the threshold may be regarded as actual 'building'.

(15) Since elsewhere, in his opinion, its insertion in the threshold socket is regarded as building according to Rabbinical law only.

(16) Where Rabbinical Sabbath restrictions do not apply.

(17) Because the cord by which it is fastened to the door provides sufficient indication that it forms part of the door's equipment and the question of building does not, therefore, arise.

(18) Lit., 'all'.

(19) To the door, by a cord.

(20) Since it is fastened to the door, though not actually suspended from it.

(21) From the door.

(22) From the sockets.

(23) That it is permitted to shut up a door even in the country.

(24) But not in the case of one that is completely detached from the door which R. Judah permitted to use in the Temple. The insertion of a detached bolt in the sockets is regarded as actual building which, however small in extent, is Pentateuchally forbidden.

(25) By a cord.

(26) Where the connection between the door and the bolt is evident; but not where it was only tied to a door-post.

(27) Lit., 'by its binding', sc. the cord was a strong one and the connection between the bolt and the door was unmistakable. The question of building did not, therefore, arise.

(28) To a door.

(29) On the Sabbath. As reed grass is too frail to sustain the weight of a bolt it is regarded as non-existent, and the bolt must be deemed to be completely detached from the door.

(30) Sc. it did not merely rest in a socket in the threshold but passed through it down into the ground under it. Is the insertion of the bolt in such a manner, it is asked, regarded as building?

(31) The door bolt.

(32) From the door, sc. if the cord whereby it was fastened to it was broken and the bolt, when not in use, now rests in a corner of the room.

(33) To secure the door with it.

(34) Anyone who heard of this could not, of course, have asked R. Zera's question which is here clearly solved.

(35) For Rab Judah's ruling.

(36) The Insertion of a bolt through a socket in a threshold right into the ground.

(37) Lit., 'he made for it a house of the hand', at one of its ends; so that it assumed the shape of a mallet or club and, therefore, the character of a vessel. May such a bolt, it is asked, be moved on the Sabbath even where it was completely detached from the door?

(38) Which, being suitable as a pestle for crushing grain and spices, has undoubtedly the character of a vessel which may well be handled on the Sabbath.

(39) Cf. prev. n.

(40) Lit., 'there was'.

(41) Lit., 'and they thrust it'.

(42) For fixing it in position on Sabbath.

(43) Despite its huge size.

(44) Since it can be used as a bench.

(45) A Persian and an Egyptian dry measure (Jast.) one containing fifteen se'ah (Rashi).

(46) On Sabbath.

(47) Which serve as a framework for the canvas or other material used as a shelter against the sun or rain.

(48) Or more. Such a width constitutes an occasional tent.

(49) Lit., 'or also, there is not in them'.

(50) So that the rule of labud may be applied.

(51) I.e., on the Sabbath.

(52) Though the canvas, or whatever the material, constitutes a tent the construction of which on the Sabbath is forbidden.

(53) The arches.

(54) Lit., 'it is considered well or right'.

(55) On a weekday this was easily arranged by spreading a mat on the top of the shed in the morning and by rolling it up in the evening; but on the Sabbath the question of tent building arose.

(56) To consult him on the procedure to be adopted on the Sabbath.

(57) Which was unrolled during the Sabbath eve as on all other weekdays.

(58) so that an occasional tent remains.

(59) Cf. prev. n.

(60) Such an act is regarded neither as the building nor as the demolishing of a 'tent', since the curtain does not serve the purpose of a permanent wall but merely that of a door which may well be opened and closed On the Sabbath.

(61) Lit., 'bridegrooms'.

(62) A sort of curtain hung up above the bed in a slanting position.

(63) The reason follows.

(64) The permissibility.

(65) In which case (cf. prev. n.) the canopy cannot be regarded as a tent.

(66) Or more.

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(67) Since it is regarded as a valid tent the construction and demolition of which on the Sabbath is forbidden.

(68) Sc. the horizontal distance between the slope of the curtain and its perpendicular height at the given point.

(69) Lit., 'within less than three near the roof.

(70) Lit., 'there is not'.

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the measurement of the slope¹ was less than a handbreadth,² but if it was a handbreadth this is forbidden, since the slopes of tents are regarded as tents.³

R. Shesheth⁴ son of R. Idi further stated: A felt cap⁵ is permitted to be worn on the sabbath.⁶ But was it not taught that this⁷ was forbidden? — There is no difficulty, since the latter deals with one whose peak⁸ was one handbreadth wide,⁹ whereas the former deals with one whose peak⁸ was less than a handbreadth wide. Now then,¹⁰ would it also be forbidden to let one's cloak hang down¹¹ to the extent of a handbreadth?¹² — Rather say:¹³ This is no difficulty since the former deals with one that was tight¹⁴ whereas the latter deals with one that was not tight.¹⁵

MISHNAH. A LOWER PIVOT¹⁶ MAY BE RE-INSERTED IN ITS SOCKET IN THE TEMPLE¹⁷ BUT NOT IN THE COUNTRY.¹⁸ THE RE-INSERTION OF THE UPPER ONE,¹⁹ HOWEVER, IS EVERYWHERE FORBIDDEN.²⁰ R. JUDAH RULED: THE UPPER ONE MAY BE RE-INSERTED IN THE TEMPLE²¹ AND THE LOWER ONE IN THE COUNTRY ALSO.

GEMARA. Our Rabbis taught: The pivot²² of the door of a box, a chest or a turret may be re-inserted into its socket in the Temple,²³ while in the country it may only be adjusted;²⁴ but the upper one²⁵ may not be re-inserted in either place;²⁶ the former prohibition²⁷ being a preventive measure against the possibility of one's driving it into its socket by force; and should one drive it in, the obligation of a sin-offering is incurred. The pivot of the door of a cistern, a cellar or an annexe²⁸ may not be re-inserted in the

socket,²⁹ and if one did re-insert it a sin-offering is incurred.

MISHNAH. IT IS PERMISSIBLE³⁰ TO REPLACE A PLASTER ON A WOUND³¹ IN THE TEMPLE³² BUT NOT IN THE COUNTRY.³³ FOR THE FIRST TIME, HOWEVER, THIS³⁴ IS FORBIDDEN EVERYWHERE.³⁵

GEMARA. Our Rabbis taught: A plaster that was detached from a wound may be replaced³⁶ on the Sabbath.³⁷

R. Judah ruled: Only if it slipped downwards may it be pushed back upwards or if it slipped upwards it may be pushed back downwards.³⁸ One may also uncover a part of the plaster and wipe the opening of the wound³⁹ and then another part of the plaster may be uncovered and the opening of the wound³⁹ be wiped, but the plaster itself may not be wiped off since such wiping is tantamount to spreading the salve;⁴⁰ and if one did spread the salve the obligation of a sin-offering is incurred.

Rab Judah citing Samuel ruled: The halachah is in agreement with R. Judah.

This,⁴¹ R. Hisda observed, was learnt only where it⁴² slipped off on to an object,⁴³ but if it slipped off on to the ground all agree that it is forbidden to replace it on the wound.

Mar son of R. Ashi stated: I was once standing in the presence of my father when his plaster slipped off⁴⁴ on to his pillow and he replaced it. 'Does not the Master accept', I asked him, 'the statement of R. Hisda that they⁴⁵ differed only where it⁴² slipped off on to an object⁴³ but that if it slipped off on to the ground all agree that replacement is forbidden; in connection with which Samuel stated: The halachah is in agreement with R. Judah'?⁴⁶ — 'I', he replied, 'did not hear of this, by which I mean:⁴⁷ I do not accept it'.

MISHNAH. A STRING⁴⁸ MAY⁴⁹ BE TIED UP IN THE TEMPLE⁵⁰ BUT NOT IN THE

COUNTRY.⁵¹ FOR THE FIRST TIME, HOWEVER,⁵² THIS IS FORBIDDEN EVERYWHERE.⁵³

GEMARA. Is not our Mishnah⁵⁴ in disagreement with the following: If the string of a harp was broken⁵⁵ one would not tie it up but secure it with a loop?⁵⁶ — This is no difficulty, since the latter represents the view of the Rabbis whereas the former represents that of R. Eliezer.

According to R. Eliezer who holds that the preliminary requirements of a precept⁵⁷ supersede the Sabbath one may tie the string;⁵⁸ while according to the Rabbis who ruled that they did not supersede it one may only secure it with a loop. But if this⁵⁹ represents the view of R. Eliezer should not tying be permitted also for the first time?⁶⁰ —

Rather say: This is no difficulty since the former⁵⁹ is the view of R. Judah⁶¹ whereas the latter is that of the Rabbis.⁶² According to whose view, however, did R. Judah⁶³ give his ruling?⁶⁴

- (1) From the top to its lowest point.
- (2) Sc. the slope was short and steep.
- (3) As the top must be less than one handbreadth wide so must be the measurement of the slope. To obtain such a slope, since no bed can possibly be narrower than two handbreadths and a fraction, the roof of the canopy would have to be made up of a number of short curtains spread over a number of poles respectively, each of which complied with the measurements prescribed. For the sides of the canopy separate curtains hanging down vertically would have to be provided.
- (4) So with MS. M. Cur. edd. 'Shisha'.
- (5) Saiyana, a kind of cap made of felt with a peak projecting above the wearer's forehead.
- (6) Though the peak has the shape or appearance of a 'tent'.
- (7) The wearing of a saiyana on the Sabbath.
- (8) Cf. supra n. 1.
- (9) Which is regarded as a tent.
- (10) Since the projection of a part of a cap to the extent of one handbreadth is treated as a 'tent' to cause the wearing of the cap to be forbidden.
- (11) In front of one's forehead by pulling the cloak above one's head.
- (12) Since the peak of the cap is regarded as a 'tent' the overhanging part of the cloak should

also be so regarded. As such a ruling, however, would be absurd why should it be applied in the case of the cap?

(13) in reply to the contradiction between the Baraitha and the ruling of R. Shesheth.

(14) On one's head.

(15) The prohibition against wearing it being due, not to the reason that the peak is regarded as a 'tent', but to the possibility that the cap might be blown off and the man on recovering it would carry it along a greater distance than four cubits in the public domain. Such a possibility need not, of course, be provided against in the case of a cloak or in the case of a cap that is set tight on one's head which cannot easily be blown off.

(16) Of the door of a cupboards a window or the like that open sideways.

(17) On the Sabbath. So long as the upper one remains in its socket it is easy for the lower one to be re-inserted and the act cannot, therefore, be regarded as 'building' which is forbidden.

(18) Where (as explained infra) a preventive measure has been enacted against the possibility of driving the pivot into the socket with the aid of a hammer or axe which is, of course, forbidden on the Sabbath.

(19) Which requires great exertion after the lower one had come out and the door was practically dragging on the ground.

(20) Lit., 'here and here'. This Tanna is of the opinion that the term 'building' is also applicable to articles and, since building is an activity Pentateuchally forbidden on the Sabbath, and since a Pentateuchal prohibition retains its force in the Temple also, the re-insertion of the upper pivot (cf. prev. n.) on the Sabbath is forbidden in the Temple as well as in the country.

(21) Though not in the country.

(22) Sc. the lower one (as is evident from what follows).

(23) V. supra p. 710, n. 12.

(24) Lit., '(they) press down'. If, however, it has completely come out of the socket it may not be re-inserted.

(25) Which requires great exertion after the lower one had come out and the door was practically dragging on the ground.

(26) V. p. 710, n. 15.

(27) That against the insertion of a lower pivot into its socket in the country (cf. Rashi).

(28) Since they are within, or attached to the ground.

(29) Any addition to such a structure (cf. prev. n.) is regarded as 'building'.

(30) on the Sabbath.

(31) If a priest had to remove it owing to the performance of a duty which required that there be no interception between his hand and the ritual object he handled.

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- (32) For the reason cf. Bezah 11b.
(33) This being a preventive measure against the spreading of the salve on the plaster, which is forbidden under the category of 'erasing' which is one of the main classes of work forbidden on the Sabbath.
(34) The application of a new plaster to a wound.
(35) Even in the Temple. While replacing a plaster that had been removed for the purpose of performing a Temple service has been allowed in order to prevent a priest from abstaining from his Temple duties on account of a plaster on his hand, the application of a plaster for the first time, which cannot affect the Temple service, could not be allowed since such an application would infringe (cf. Supra p. 711, n. 13) a Rabbinical enactment.
(36) Even in the country.
(37) As such accidents do not frequently happen the Rabbis enacted no preventive measure against them.
(38) But if it was completely detached it may not be replaced.
(39) On the exposed part.
(40) Which, as explained supra, is forbidden as a form of 'erasing'.
(41) That the Rabbis differ from it. Judah and allow a completely detached plaster to be replaced on a wound.
(42) The plaster.
(43) A cushion, for instance.
(44) Lit., 'it fell for him'.
(45) R. Judah and the Rabbis.
(46) Viz., that even where a plaster had only slipped off upon an object it is forbidden to replace it on a wound. Now, since this is the halachah, why did he disregard it?
(47) Lit., 'as if to say'.
(48) Of the musical instruments used by Levites in the Temple service.
(49) If it was broken on the Sabbath.
(50) The reason is given in the Gemara infra.
(51) The reason is given in the Gemara infra.
(52) I.e., to Insert a new string on the Sabbath.
(53) Lit., 'here and here', in the Temple as well as in the country; since such work could have been performed on the Sabbath eve.
(54) Which permits a broken string to BE TIED UP IN THE TEMPLE.
(55) In the Temple on the Sabbath.
(56) A tie, however, was forbidden (cf. Shah. 113a).
(57) Such as the chopping of wood and the burning of charcoal for the purpose of preparing a knife for the performance of the precept of circumcision (cf. Shab. 130a).
(58) Lit., , ties it since the repair of the string of a musical instrument in the Temple is a preliminary requisite of the precept of the sacrifices which

could not be offered in the absence of the Instrumental music of the Levites.

(59) Our Mishnah.

(60) As in the case of charcoal (cf. Supra n. 7).

(61) Who in respect of work on the Sabbath draws no distinction between a knot and a loop (Shab. 113a) and, since the preliminary requisites of a precept supersede the Sabbath, a knot is permitted as well as a loop.

(62) Who do not include the making of a loop among the main classes of work forbidden on the Sabbath, while a knot is included. As the string can be secured by a loop (which is a permitted act) the making of a knot (a forbidden act) was justly forbidden even in the case of the preliminary requisites of a precept.

(63) Who, as has just been explained, is the author of our Mishnah.

(64) According to which the making of a knot (which is one of the main classes of work forbidden on the Sabbath) is forbidden for the first time (even though it is a preliminary requisite of a precept) but permitted after the string had been broken.

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If he made It according to the view of R. Eliezer,¹ should not this be permitted also for the first time? —

Rather say: There is no difficulty since the latter represents the view of R. Simeon while the former represents that of the Rabbis. For it was taught: if a Levite had a break in the string of his harp² he may tie it up; R. Simeon ruled: He may only make a loop; R. Simeon b. Eleazar said: Neither the one nor the other³ would produce a tone; one⁴ should rather unwind the string from the lower pins and⁶ wind it⁷ round the upper one or unwind it from the upper pin⁶ and wind it⁷ round the lower one.⁸

And if you prefer I might reply: The former as well as the latter represents the view of the Rabbis,⁹ and yet there is no difficulty, since the former refers to a break in the middle¹⁰ while the latter refers to one at the end.¹¹

And if you prefer I might reply: Both refer to a break in the middle part, but the Master¹² holds that¹³ a preventive measure is

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enacted,¹⁴ while the Masters¹⁵ hold that no preventive measure is to be enacted.¹⁶

MISHNAH. A WEN¹⁷ MAY BE REMOVED¹⁸ IN THE TEMPLE¹⁹ BUT NOT IN THE COUNTRY.²⁰ IF [THE OPERATION, HOWEVER, MUST BE PERFORMED] WITH AN INSTRUMENT IT IS FORBIDDEN EVERYWHERE.²¹

GEMARA. Is not this²² inconsistent with the following: Carrying it,²³ bringing it from without the permitted Sabbath limit, and removing its wen do not supersede the Sabbath, and R. Eliezer ruled: They do supersede it?²⁴ —

R. Eleazar²⁵ and R. Jose son of R. Hanina²⁶ gave different explanations.

One Master explains that both rulings refer to a soft wen²⁷ and yet there is no difficulty, since the former deals with removal by the hand while the latter deals with removal by means of an instrument.²⁸ And the other Master explains that both rulings refer to removal with the hand, and yet there is no difficulty, since the latter refers to a soft wen²⁹ while the former refers to a dry one.³⁰ But according to him who explained that the former dealt with removal by the hand while the latter dealt with removal by means of an instrument, what was his reason for not explaining that the latter dealt with a soft wen and the former with a dry one? —

He can answer you: A dry one may be removed even by means of an instrument. What is the reason? Because It merely crumbles away. And according to him who explained that the latter referred to a soft wen while the former referred to a dry one, what was his reason for not explaining that the former referred to removal by hand and the latter to an operation by means of an instrument? —

He can answer you: Concerning an instrument we have explicitly³¹ learnt: IF

[THE OPERATION, HOWEVER, MUST BE PERFORMED] WITH AN INSTRUMENT IT IS FORBIDDEN EVERYWHERE.³² And the other?³³ — The reason why the ruling was taught there is because it was desired to indicate the divergence of opinion between R. Eliezer and the Rabbis.³⁴ And the other?³³ —

The ruling³⁵ must be similar to that³⁶ of ‘carrying it’ or ‘bringing it from without the permitted Sabbath limit’ which is only a Rabbinical restriction.³⁷ And the other?³³ —

As regards ‘carrying it’ he is not in agreement with R. Nathan who³⁸ holds that a living being carries its own self;³⁹ and as regards ‘bringing it from without the permitted Sabbath limit’, he is in agreement with R. Akiba who holds that the laws relating to Sabbath limits are Pentateuchal.⁴⁰

R. Joseph raised an objection: R. Eliezer argued,⁴¹ May not this⁴² be inferred a *minori ad majus*? If slaughtering which⁴³ is forbidden under the category of work⁴⁴ supersedes the Sabbath, how much more so should these,⁴⁵ which come only under the category of shebuth, supersede the Sabbath?⁴⁶ —

Rather, said R. Joseph, both⁴⁷ deal with removal⁴⁸ by hand⁴⁹ but⁵⁰ a shebuth⁵¹ relating to the Temple⁵² within the Temple⁵³ has been permitted whereas a shebuth⁵¹ relating to the Temple in the country⁵⁴ has not been permitted.

Abaye once sat at his studies and discoursed on this statement⁵⁵ when R. Safra pointed out to him the following objection: If a man was reading in a scroll on a threshold and the scroll rolled out of his hand, he may roll it back to himself.⁵⁶ Now is it not the case here⁵⁷ one of a shebuth relating to the Temple⁵⁸ in the country⁵⁹ and yet no preventive measure has been enacted⁶⁰ against the possibility that the scroll might

fall down completely⁶¹ and the man might then carry it?⁶² —

Have we not explained this case as dealing with ‘a threshold that was a karmelith in front of which passed a public domain’,⁶³ so that, since its rolled up section⁶⁴ was still in his hand, even the prohibition of shebuth does not exist.⁶⁵ He⁶⁶ raised a further objection against him:⁶⁷ The paschal lamb may be lowered into the oven at dusk.⁶⁸ Now is not the case here one of a shebuth relating to the Temple⁶⁹ in the country⁷⁰ and yet no preventive measure was enacted against the possibility that the man might stir up the coals?⁷¹ Thereupon he⁷² remained silent.

When he came to R. Joseph and told him ‘Thus said R. Safra to me, the latter asked him: Why did you not answer him, ‘The members of a [paschal lamb] party⁷³ are careful’?⁷⁴ —

And Abaye?⁷⁵ —

We only presume that priests⁷⁶ are careful, but we do not presume that the members of a [paschal lamb] party⁷⁷ are also careful.

Raba⁷⁸ explained: This⁷⁹ represents the view of R. Eliezer who⁸⁰ ruled that the preliminary requisites of a precept supersede the Sabbath,⁸¹ R. Eliezer however, agreeing that a change⁸² should be made as far as this is possible.⁸³

- (1) He could not do so according to the Rabbis who do not permit a knot in either case.
- (2) On the Sabbath.
- (3) Lit., ‘it also’, the loop like the knot.
- (4) Discarding the shorter section of the broken string.
- (5) Lit., ‘lowers from below’, sc. from the lower pin of the harp.
- (6) Having obtained sufficient length.
- (7) At the other end.
- (8) Thus obtaining a sound length of string free from knots or loops. As the lowering of the string is no more forbidden than tying it, the former, which enables the tone to be produced, is to be preferred. Our Mishnah thus represents the view of the Rabbis of the Baraitha who, agreeing with

R. Eliezer on one point, that preliminary requisites of a precept supersede the Sabbath, permit the tying up of the string on the Sabbath; but disagreeing with him that such an act is permitted for the first time, permit it only where the break occurred on the Sabbath.

(9) That preliminary requisites which could not be prepared before the Sabbath may be prepared on the Sabbath.

(10) Of the string, when a knot is essential. A loop would not be strong enough. Hence the ruling that A STRING MAY BE TIED UP.

(11) Lit., ‘at the side’, near the pin, where a loop suffices to hold the string in position.

(12) R. Simeon the author of the Baraitha.

(13) Though Pentateuchally permitted.

(14) Sc. were a knot to be permitted in the middle someone might make one at the ends also.

(15) The Rabbis, the authors of our Mishnah.

(16) Hence the ruling that only a loop may be made but not a knot.

(17) On an animal intended as a sacrifice. Cf. Lev. XXII, 22:... having a wen... ye shall not offer... unto the Lord.

(18) With the hand. Lit., ‘cut’.

(19) In order to enable the sacrifice to be offered. The removal of a wen with one's fingers on the Sabbath is only Rabbinically forbidden as a preventive measure and no such measures have been enacted in the case of the Temple.

(20) Where its removal would not facilitate the performance of any precept.

(21) Since all operation performed with aid Instrument Is one of the main classes of work which is forbidden on the Sabbath even in the Temple.

(22) The anonymous ruling that A WEN MAY BE SCRAPED OFF IN THE TEMPLE.

(23) Lit., ‘causing it to ride’, sc. carrying the paschal lamb on one's shoulder beyond four cubits in a public domain on the Sabbath when the Passover eve falls on that day.

(24) Pes. 65b. How then is the anonymous ruling here, which forbids the scraping of a wen on the Sabbath to be reconciled with the anonymous ruling in our Mishnah which permits it?

(25) Var. lec. ‘Eliezer’.

(26) So MS.M. and marg. glos. Cur.ed. omit the ‘R.’ before Hanina and insert ‘son’ in parenthesis.

(27) Lit., ‘that and that about a moist one’.

(28) While the latter is forbidden as work the former is permitted.

(29) The removal of which is deemed to be work forbidden on the Sabbath.

(30) Which crumbles away and its removal cannot, therefore, be regarded as forbidden work.

(31) Lit., ‘if with an instrument, we have surely’.

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(32) And there is, therefore, no need to repeat the same anonymous ruling in the Mishnah, cited from Pesahim.

(33) How can he maintain his explanation in view of this argument?

(34) I.e., that R. Eliezer allows the use of an instrument also.

(35) Concerning the removal of the wen in the Mishnah of Pes.

(36) Lit., 'similar to... he learned'.

(37) It could not, therefore, refer to an operation by means of an instrument which is Pentateuchally forbidden on the Sabbath.

(38) In maintaining that the carrying on the Sabbath of a living creature is only Rabbinically forbidden.

(39) Shab. 94a. Disagreeing with R. Nathan he maintains that such carrying is forbidden Pentateuchally.

(40) Sot. 27b. As the two rulings of 'carrying' and 'bringing' embody Pentateuchal prohibitions the third one, that relating to the wen, must also be Pentateuchal.

(41) Against the anonymous ruling in the Mishnah of Pesahim under discussion.

(42) His statement that the acts enumerated in the anonymous ruling do supersede the Sabbath.

(43) In the case of all ordinary beast.

(44) Sc. work forbidden on the Sabbath under pentateuchal law.

(45) The acts enumerated in the anonymous Mishnah, of Pes.

(46) Which shows that the prohibitions in the anonymous ruling, including that against the removal of the wen, are merely Rabbinical. How then could anyone maintain that the removal of a wen is a Pentateuchal prohibition?

(47) Our Mishnah as well as that cited from Pes. 65b.

(48) Of a soft wen (v. next n.).

(49) Our Mishnah, therefore, cannot refer to a dry wen since such may be removed even by means of an instrument.

(50) As to the apparent condition between the two Mishnahs.

(51) Such as the removal of a soft wen with one's hand.

(52) Sc. one relating to sacrifices.

(53) If a wen, for instance, was found on a regular daily offering which is examined within the Temple.

(54) The removal of a wen from the paschal lamb which, though the animal is ultimately brought into the Temple, is first examined at its owner's home.

(55) Of R. Joseph.

(56) Supra 97b q.v. notes.

(57) Since the scroll, as explained Supra, was one containing a holy Scriptural text.

(58) The Temple is holy and so also are the Scriptures.

(59) Sc. outside the Temple.

(60) Forbidding the rolling back of the scroll.

(61) Not even one of its ends remaining in the reader's hand.

(62) How then could R. Joseph maintain that a 'shebuth of the Temple' was not permitted in the country?

(63) Supra 98a.

(64) Lit., 'its knot', 'bunch'.

(65) Lit., 'even a shebuth also is not', since no Pentateuchal law would be transgressed even if the entire scroll were to fall down and the man were to carry it back into the private domain by way of the karmelith.

(66) R. Safrā.

(67) R. Joseph as cited by Abaye.

(68) On Friday eve to roast it (Shab. 19b); though, as a preventive measure or shebuth this is forbidden in the case of other foodstuffs.

(69) The paschal lamb being a sacrifice.

(70) Since the roasting is done at one's own home.

(71) After Sabbath had set in. An objection against R. Joseph.

(72) Abaye.

(73) Who joined to participate in the paschal lamb which, like other sacred food, required careful attention.

(74) And no preventive measures in their case are needed.

(75) How is it that he overlooked this distinction?

(76) Who from their youth are trained for the Temple service.

(77) Who are mere laymen.

(78) Maintaining that both Mishnahs deal with the case of removal by hand of a soft wen. The Mishnah of Pesahim cannot refer to removal by means of an instrument, on account of the objection raised supra that such a removal would be an act Pentateuchally forbidden; and our Mishnah cannot refer to a dry wen which may be removed even by means of an instrument since, in its final clause the use of an instrument is forbidden.

(79) The ruling in our Mishnah which permits the removal of a wen by hand, which is shebuth that could have been performed prior to the Sabbath.

(80) Besides differing from the Rabbis in the Mishnah of Pes. in the case of a shebuth.

(81) Even where one of the main classes of work that are Pentateuchally forbidden has to be performed, and much more so, as is the case in our Mishnah and in that of Pes., where only a shebuth is involved.

(82) In the manner of their performance or preparation.

(83) As it is possible to remove a wen by hand he ruled in the final clause of our Mishnah that the

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use of an instrument is forbidden. Where, however, no change is possible, even one of the mail classes of forbidden work supersedes the Sabbath.

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What is the proof?¹ — Since it was taught: If a wen appeared² on [the body of] a priest³ his fellow may bite it off for him with his teeth. Thus only ‘with his teeth’⁴ but not with an instrument; only ‘his fellow’⁵ but not he himself. Now whose view could this⁶ be? if it be suggested: That of the Rabbis,⁷ and [the permissibility is because it is in connection] with the Temple,⁸ the objection would arise: Since the Rabbis have elsewhere⁹ forbidden [such acts] Only as a shebuth, what matters it here¹⁰ whether he or his fellow does the biting? Consequently it⁶ must represent, must it not, the view of R. Eliezer who ruled elsewhere⁹ that [for such acts] a sin-offering is incurred but here, though the preliminary requirements of a precept supersede the Sabbath,¹¹ a change must be made as far as this is possible?¹² —

No, it¹³ may in fact represent the view of the Rabbis,¹⁴ and¹⁵ if the wen had grown on his belly¹⁶ the law would indeed have been so,¹⁷ but here we are dealing with one,¹⁸ for instance, that grew on his back or his elbows where he himself cannot remove it, if this, however represents the view of the Rabbis,¹⁹ why should he²⁰ not be allowed to remove it with his hand,²¹ and this²² you might²³ easily derive²⁴ the statement made by R. Eleazar, for R. Eleazar stated: They²⁵ only differ in the case of removal²⁶ with the hand but if it is done with an Instrument all²⁷ agree that guilt²⁸ is incurred?²⁹ —

And according to your line of reasoning³⁰ why should he³¹ not be permitted even in accordance with the view of R. Eliezer³² to remove it with his hand?³³ —

What an argument is this! If you grant that it represents the view of R. Eliezer³⁴ one can easily see why removal with the hand was

forbidden as a preventive measure against the use of an instrument,³⁵ but if you maintain that it represents the view of the Rabbis,³⁶ why should he not be allowed to remove it with his hand?³⁷ And nothing more need be said about the matter.³⁸

MISHNAH. A PRIEST WHO WAS WOUNDED IN HIS FINGER MAY³⁹ WRAP SOME REED-GRASS ROUND IT IN THE TEMPLE⁴⁰ BUT NOT IN THE COUNTRY.⁴¹ BUT IF⁴² IT WAS INTENDED TO FORCE OUT BLOOD IT IS FORBIDDEN IN BOTH CASES.⁴³

GEMARA. R.⁴⁴ Judah, son of R. Hiyya explained: They⁴⁵ learned this⁴⁶ only in respect of reed-grass, but a bandage⁴⁷ is regarded as an addition to the priestly garments.⁴⁸ R. Johanan, however, stated: They forbade⁴⁹ an addition to the priestly garments only on a part of the body where the garments are usually worn; but on a part where no garments are usually worn⁵⁰ the wearing of one is not deemed an addition to the priestly garments.⁵¹ But why should not these⁵² be excluded⁵³ on the ground of interposition?⁵⁴ This⁵⁵ refers to a wound on the left hand⁵⁶ or even to one on the right hand on a part that does not come in contact with the objects of the service.⁵⁷

This⁵⁸ is in disagreement with a ruling of Raba, for Raba, citing R. Hisda, ruled: On a part where clothes are usually worn even one thread⁵⁹ causes an interposition while on a part where clothes are not usually worn a piece of material that was three handbreadths by three⁶⁰ causes an interposition⁶¹ but one that was less than three handbreadths by three⁶² causes no interposition.⁶³ Now this⁶⁴ unquestionably differs from the view of R. Johanan;⁶⁵ but must it also be assumed that it⁶⁶ differs from that of R. Judah son of R. Hiyya?⁶⁷ —

A bandage is different⁶⁸ since it is significant.⁶⁹ Others have⁷⁰ a different reading: R. Judah son of R. Hiyya explained: They⁷¹ learned this⁷² only in respect of reed-

grass, but a bandage⁷³ is regarded as an interposition.⁷⁴ R. Johanan, however, stated: They forbade⁷⁵ interposition⁷⁶ where the material was less than three handbreadths by three only if it rested on a part of the body where clothes are usually worn; but on a part where no garments are usually worn

- (1) that R. Eliezer agrees that wherever possible a change should be made.
- (2) on the Sabbath so that there was no possibility of removing it on the previous day.
- (3) Lit., 'a priest on whom went up'.
- (4) An act which is a mere shebuth.
- (5) Who is unable to remove it completely and to perform a proper piece of work.
- (6) The ruling that the priest himself should not remove his wen even with his teeth while his friend may remove it only with his teeth but not with an instrument.
- (7) Who hold that the preliminary requirements of a precept may only override a Shebuth but not one of the main classes of forbidden work.
- (8) Sc. preliminary requirements of the precept of performing the Temple service. As the wen could not be removed on the Sabbath eve (cf. supra n.1) and as the removal is a preliminary requisite of the precept involving a shebuth only, it is permitted.
- (9) Cf. Shah. 94b (the case of the finger nails).
- (10) Since removal with the teeth, whether one's own or one's friend's, is only a shebuth.
- (11) Even where a Pentateuchal prohibition is involved; and the removal of the wen in any manner is in fact permitted.
- (12) Hence the ruling that the priest himself must not remove his wen and that his friend should do it with his teeth only, which proves does it not, that a change must be made wherever possible?
- (13) V. supra n. 5.
- (14) While R. Eliezer requires no change whatever and permits the removal of the wen even with an instrument by the priest himself
- (15) In explanation of the difficulty 'what matters it here whether he or his fellow' uses his teeth.
- (16) A spot accessible to one's own teeth.
- (17) that the priest himself may affect the removal.
- (18) Cf. MS.M. Cur. edd. insert 'a bite'.
- (19) Whose main aim is to avoid the transgression of a Pentateuchal prohibition and to restrict the act of removal to a shebuth.
- (20) The priest's fellow.
- (21) Since in the removal by hand as by the teeth only a shebuth is involved.
- (22) From the mention of hand instead of teeth.
- (23) In addition to what may be derived even now, viz., that the preliminary requisites of a precept

may override only a shebuth but not a Pentateuchal prohibition.

- (24) From the fact that the use of the bare hand only (a shebuth) and not that of an instrument (a Pentateuchal prohibition) has been allowed.
- (25) R. Eliezer and the Rabbis.
- (26) Of one's finger nails (Shah. 94b).
- (27) Not only R. Eliezer but the Rabbis also.
- (28) Sc. a sin-offering.
- (29) This submission, cannot be derived now that the use of the teeth only has been permitted. Should one argue that R. Eleazar's submission might be derived from the fact that the use of the teeth (a shebuth) was permitted 'and not that of an Instrument (a Pentateuchal prohibition), it could be retorted that this was no proof since the use of the hand also was not permitted though, unlike an instrument, it also involves a shebuth only.
- (30) That the ruling under discussion is R. Eliezer's.
- (31) The priest's friend who removes the wen.
- (32) Who, as suggested, requires a change to be made wherever possible.
- (33) Which is only a shebuth and a change from the usual mode of removal.
- (34) Who in the case of the preliminary requisites of a precept draws no distinction between a Pentateuchal prohibition and a shebuth and allows both to be superseded, requiring only a change from the usual procedure.
- (35) As a change is made from a Pentateuchal prohibition to a shebuth (though either might be equally superseded) so must a change be made from the major shebuth (removal with the hand) to the minor one (removal with a friend's teeth which is less usual than that with the hand).
- (36) The reason for whose ruling is not the desirability for a change but the view that only a Shebuth may be superseded but not a Pentateuchal prohibition.
- (37) Which is no less a Shebuth than removal with the teeth.
- (38) Since it is quite evident that the view represented is that of R. Eliezer.
- (39) On the Sabbath, since It is unseemly to perform the service with all exposed wound.
- (40) Though the grass helps indirectly to heal the wound (cf. foll. n.).
- (41) Where the reed-grass serves no religious purpose, while its application as a cure is forbidden on the Sabbath.
- (42) By making of the reed-grass a tight bandage.
- (43) Lit., 'here and here', sc. even in the Temple, since the tightening serves no ritual purpose and comes, moreover, under the category of wounding which is one of the principal classes of activity that are forbidden on the Sabbath and which even the Temple service cannot supersede.

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- (44) 'Rab'. Var. lec. 'Rabbi' throughout the passage (Emden).
(45) The Rabbis of our Mishnah.
(46) A PRIEST... MAY WRAP, etc.
(47) Lit., 'small belt'.
(48) Which is forbidden (cf. Zeb. 18a).
(49) Lit., 'they did not say... but'.
(50) As on a finger, for instance.
(51) Hence it is permitted to put a bandage round the finger.
(52) The reed-grass as well as the bandage.
(53) From use in the Temple. Lit., 'and let it go out for him'.
(54) Which is forbidden in the Temple services. No object may intervene between the priest's hands and the ritual object he handles.
(55) The wound spoken of in our Mishnah.
(56) With which it is forbidden to perform the Temple service and an interposition in that case does not in any way affect the service.
(57) One, for instance, on the back of the finger.
(58) R. Johanan's statement that, whatever its size, an additional garment on a part of the body where one is not usually worn constitutes no transgression.
(59) Though it cannot possibly be described as a garment.
(60) Which has the legal status of a garment.
(61) As well as a transgression against the prohibition of adding to the priestly garment (cf. Rashi a.l.).
(62) In consequence of which it cannot be regarded as a garment.
(63) Since it was located on a part of the body which does not come in contact with the objects of the service and when no garments are worn. As it has not the legal status of a garment, no transgression against the prohibition against adding to the priestly garments is committed either.
(64) Ruling of Raba.
(65) As has just been shown.
(66) The ruling to the effect that a piece of material that was less than three handbreadths by three causes no interposition on a part of the body on which garments are not usually worn.
(67) Who stated that a bandage, even one that was less than three handbreadths by three, is legally regarded as a garment whereby a transgression against adding to the priestly garments is committed.
(68) From a piece of material of similar size.
(69) Lit., 'important'. Hence its status as a garment which even Raba might acknowledge.
(70) Lit., 'say it'.
(71) The Rabbis of our Mishnah.
(72) A PRIEST... MAY "WRAP, etc.
(73) Lit., 'small belt'.

(74) Since it does not belong to the priest's garments.

(75) Lit., 'they did not say... but'.

(76) This expression is really the main point of difference between the first and second version. For an explanation why this expression was used v. Rash a.l.

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only a piece of material that was three handbreadths by three¹ causes an interposition² while one that is less than three handbreadths by three³ causes no interposition.⁴ This is in fact identical with the ruling which Raba cited in the name of R. Hisda. Must it be conceded that this⁵ differs from the view of R. Judah son of R. Hiyya?⁶ — A bandage is different⁷ since it is significant. But according to R. Johanan,⁸ instead of being informed⁹ about the reed-grass,¹⁰ why were we not informed about a bandage?¹¹ — We were taught⁹ indirectly that reed-grass heals.¹²

MISHNAH. SALT MAY BE SCATTERED¹³ ON THE ALTAR'S ASCENT¹⁴ THAT THE PRIESTS SHALL NOT SLIP. WATER ALSO MAY BE DRAWN ON THE SABBATH BY MEANS OF A WHEEL¹⁵ FROM THE CISTERN OF THE EXILES¹⁶ AND FROM THE GREAT CISTERN;¹⁷ AND ON A FESTIVAL DAY¹⁸ FROM THE HAKER WELL ALSO.¹⁹

GEMARA. R. Ika of Pashronia pointed out to Raba the following inconsistency. We learned, SALT MAY BE SCATTERED ON THE ALTAR'S ASCENT THAT THE PRIESTS SHALL NOT SLIP. Thus²⁰ only in the Temple is this permitted²¹ but not in the country. But is not this inconsistent with the following: If a courtyard floor was damaged by rainwater one may bring straw and level it?²² — Straw is different²³ since its owner does not renounce it.²⁴

Said R. Aha son of Raba to R. Ashi: How are we to understand the case of the SALT? if its owner has renounced it, would not the scattering constitute an addition to the structure?²⁵ And if he did not renounce it,

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would it not constitute an unlawful interposition?²⁶ — This is a case where the salt²⁷ was scattered when the limbs of sacrifices were carried up the ascent, an act which is not regarded as part of the Temple service.²⁸ But is it not indeed? Was it not in fact written in Scripture. And the priest shall offer the whole, and make it smoke upon the altar,²⁹ a text which, a Master explained,³⁰ refers to the carrying of the limbs up the ascent?³¹ — Rather say: This³² refers [to salt³³ scattered] when the wood is carried to the altar pile which is an act that is no part of the Temple service.³⁴

Raba discoursed: If a courtyard floor was damaged by rainwater one may bring straw and level³⁵ it.

Said R. Papa to Raba: Was It not taught. When he levels the ground he must not scatter the straw either with a small basket or with a large one³² but only with the bottom broken from a basket?³⁶

Raba thereupon appointed an amora³⁷ and delivered the following discourse: The statement I made to you³⁸ was an error on my part.³⁹ But it was this indeed that was reported in the name of R. Eliezer:⁴⁰ ‘And When he levels it he must not scatter the straw either with a small basket or with a large one but with the bottom broken from a basket.’

WATER ALSO MAY BE DRAWN... FROM THE CISTERN OF THE EXILES. Ulla once happened to visit R. Manasseh⁴¹ when a man came and knocked on the door. ‘Who’, he exclaimed ‘is this person? May his body be desecrated, for he⁴² desecrates the Sabbath’. ‘Only a musical sound’,⁴³ said Rabbah to him, ‘has been forbidden’.⁴⁴ Abaye pointed out an objection against him:⁴⁵ ‘Liquids may be drawn by means of a siphon,⁴⁶ and water may be allowed to drip from the arak,⁴⁷ for a sick person on the Sabbath’. Thus only ‘for a sick person’ is this allowed,⁴⁸ but not for a healthy one. Now, how are we to imagine the

circumstances? Would you not agree that this is a case where the sick man was asleep and it was desired⁴⁹ that he should wake up? May it not then⁵⁰ be inferred⁵¹ that⁵² the Production of any sound⁵³ is forbidden?⁵⁴ —

No; this is a case where he was awake and it is desired that he should fall asleep, so that the sound heard is one like a tingling noise.⁵⁵ He pointed out to him⁵⁶ a further objection: If a man guards his fruit against the birds or his gourds against wild beasts he may proceed on the Sabbath in his usual way, provided he does not clap his hand, beat his chest or stamp his feet as is usually done on weekdays. Now what could be the reason?⁵⁷ Is it not that the man produces sound and that the production of any sound⁵⁸ is forbidden?⁵⁴ —

R. Aha b. Jacob replied: This⁵⁷ is a preventive measure against the Possibility of his Picking up a pebble.⁵⁹ What, however, is the reason for the statement which Rab Judah citing Rab made that women who play with nuts commit a transgression? Is it not that this⁶⁰ produces sound and that the production of any sound⁵⁸ is forbidden?⁵⁴ —

No; the reason⁶¹ is that they might proceed to level the ground.⁶² For, were you not to concede this, how would you explain the ruling of Rab Judah that women who play⁶³ with apples commit a transgression? What sound could be produced there?⁶⁴ Consequently it must be conceded that the reason is that⁶⁵ they might proceed to level the ground.⁶⁶

We learned: WATER MAY BE DRAWN ON THE SABBATH BY MEANS OF A WHEEL FROM THE CISTERN OF THE EXILES AND FROM THE GREAT CISTERN. Thus only in the Temple is this permitted⁶⁷ but not in the country. But what could be the reason? Is it not that the revolution of the wheel produces a sound which is forbidden?⁶⁸ —

No; this is a preventive measure against the possibility of a man's drawing the water for his garden or his ruin.⁶⁹ Amemar allowed the drawing of water by means of a wheel at Mahuza; 'for', he said, 'on what ground did the Rabbis enact a preventive measure against such drawing? Only on the ground that a person might also draw water for his garden or his ruin. But in this place there is neither garden nor ruin'. When, however, he observed that they began to

- (1) Being regarded as a garment.
- (2) Since it does not belong to the priest's garments.
- (3) In consequence of which it cannot be regarded as a garment.
- (4) v. Supra p. 722, n. 7.
- (5) Rab's ruling which does not regard a piece of material that was less than three handbreadths by three as an unlawful addition to the priest's garments.
- (6) v. Supra p. 722, n. 11.
- (7) From a piece of material of similar size.
- (8) Who allows the use of a bandage as well as that of reed-grass.
- (9) By our Mishnah.
- (10) From which the permissibility of a bandage cannot be inferred.
- (11) And the permissibility of reed-grass, which is of less importance, could be deduced a minori ad majus.
- (12) And that, though it helps to heal the wound and its use on the Sabbath is elsewhere forbidden, it may be used in the Temple where its main purpose is to cover up a wound during the performance of the service.
- (13) On the Sabbath. Lit., '(they may) crush (lumps of) salt'.
- (14) Which had a smooth surface and after a rain was very slippery.
- (15) Though the use of a wheel for such a purpose on the Sabbath is elsewhere forbidden (v. Gemara infra).
- (16) 'Golah', collective noun. One of the cisterns in the Temple court said to have been dug by the exiles after the return from Babylon.
- (17) Another cistern in the Temple court.
- (18) But not on the Sabbath.
- (19) Explained in the Gemara.
- (20) Since the altar ascent only was mentioned.
- (21) Lit., 'yes'.
- (22) Or 'make a path in'. Which shows that even in the country it is permissible to scatter straw on the ground. How then is this to be reconciled with our Mishnah which allows salt to be scattered in the Temple court only?

- (23) From salt.
- (24) But intends to collect it later and to use it as fodder for cattle or to mix it in a mortar. The scattering of materials on the ground on the Sabbath is forbidden as 'leveling' which is a form of 'building', but since the straw is not to remain on the ground permanently the act of scattering cannot be regarded as 'building'. Salt, on the other hand, being useless after it has once been scattered on the ground, is presumed to have been renounced by its owner once it has been scattered. The act, therefore, is permitted in the Temple court only but not in the country.
- (25) Of course it would (cf. prev. n.); and this is forbidden even on a weekday since nothing may be added to the Temple structures. Cur. edd. insert in parenthesis, 'All this (do I give thee) in writing, as the Lord hath made me wise by his hand upon me' (I Chron. XXVIII, 19) from which words it is inferred (cf. Rashi a.l.) that all parts of the Temple, internal as well as external structures, were minutely described by God and nothing was to be added to them. MS.M. omits the Scriptural quotation.
- (26) Between the surface of the ascent and the priests' feet (cf. Zeb. 15b).
- (27) Which in fact was not renounced, since it could be collected and used for the salting of the skins of the sacrifices.
- (28) And an interposition does not matter.
- (29) Lev. I, 13.
- (30) Since it is the continuation of the text: But the inwards and the legs shall he wash with water (ibid.).
- (31) How then could it be said that the carrying forms no part of the service?
- (32) Which is the usual procedure on a weekday.
- (33) V. p. 724, n. 8.
- (34) And an interposition does not matter.
- (35) Or 'make a path in'.
- (36) An objection against Raba who permitted the scattering of straw in any manner.
- (37) Sc. an assistant who stood at his side during his discourse and expounded it in a louder voice and simpler language to the people assembled.
- (38) Lit., 'the words which I said before you'.
- (39) Lit., 'in my hand'.
- (40) Old ed., 'Eleazar'.
- (41) On a Sabbath.
- (42) By producing a sound with his knocking.
- (43) Not a mere knocking.
- (44) To be produced on the Sabbath other than with the mouth.
- (45) Rabbah.
- (46) 'Deyo-fi' lit., 'two mouths' (Rashi), 'a popular perversion' of deyobit, ** (Jast.).
- (47) A perforated vessel, a sort of clepsydra used in sick rooms (Jast.).
- (48) Lit., 'yes'.

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(49) By the production of the sound of the arak which is a mere noise without any musical quality whatever.

(50) As the answer is presumably in the affirmative.

(51) Since the instrument mentioned may be used for a sick man only but not for a healthy one.

(52) On a Sabbath.

(53) Even one that is unmusical.

(54) On the Sabbath; an objection against Rabbah.

(55) Which lulls the patient to sleep by its musical notes.

(56) Rabbah.

(57) Why clapping, beating and stamping are forbidden.

(58) Even one that is unmusical.

(59) To throw it at a bird, and he would thus transfer an object from a private domain into a public domain, which is forbidden.

(60) Playing with nuts.

(61) Why playing with nuts is forbidden on the Sabbath.

(62) For playing purposes. Lit., 'grooves'.

(63) On the Sabbath.

(64) Apparently none.

(65) Lit., 'but'.

(66) For the game.

(67) Lit., 'yes'.

(68) On the Sabbath; an objection against Rabbah.

(69) Sc. for secular purposes whereby no religious duty or observance is performed.

the exiles returned⁹ they encamped by it, and the prophets among them, permitted them to use it [on Festivals]; and not only the prophets among them did this but it was a practice of their forefathers that they upheld.¹⁰

MISHNAH. IF A [DEAD] CREEPING THING WAS FOUND IN THE TEMPLE,¹¹ A PRIEST SHOULD CARRY IT OUT¹¹ IN HIS GIRDLE¹² TO AVOID¹³ KEEPING THE UNCLEANNESS THERE ANY LONGER THAN IS NECESSARY; SO R. JOHANAN B. BEROKA. R. JUDAH RULED: [IT SHOULD BE REMOVED] WITH WOODEN TONGS¹⁴ IN ORDER THAT THE UNCLEANNESS SHALL NOT INCREASE.¹⁵ WHENCE MUST IT BE REMOVED?¹⁶ FROM THE HEKAL,¹⁷ FROM THE ULAM,¹⁸ AND FROM BETWEEN THE ULAM AND THE ALTAR;¹⁹ SO R. SIMEON B. NANUS. R. AKIBA RULED: FROM ANY PLACE WHERE KARETH IS INCURRED FOR ENTERING²⁰ PRESUMPTUOUSLY AND A SIN-OFFERING FOR ENTERING²⁰ IT IN ERROR²¹ IT MUST BE REMOVED.²² IN ANY OTHER PLACES,²³ HOWEVER A PSYKTER²⁴ IS TO BE PUT OVER IT.²⁵ R. SIMEON SAID:²⁶ WHEREVER THE SAGES HAVE PERMITTED YOU ANYTHING THEY HAVE ONLY GIVEN YOU WHAT IS REALLY YOURS, SINCE THEY HAVE ONLY PERMITTED YOU²⁷ THAT WHICH IS FORBIDDEN AS SHEBUTH.²⁸

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soak flax in it¹ he forbade it to them.

AND FROM THE HAKER WELL. What was the 'haker well'? — Samuel replied: A cistern concerning which arguments welled forth² and its use [on a Festival] was declared to be permitted.³

An objection was raised: Not all the haker cisterns but only this one, did they permit. Now if you explain it⁴ to mean that concerning it arguments welled forth, what could be the meaning of 'only this one'? —

Rather, said R. Nahman b. Isaac: A well of living water,⁶ as it is said in Scripture: As a cistern wellet⁷ with her water, etc.⁸ [To turn to] the main text. Not all the haker cisterns, but only this one, did they permit. And when

GEMARA. R. Tobi b. Kisna citing Samuel ruled: One who brings into the Temple all object that was defiled by a creeping thing incurs guilt,²⁹ but if one brings in the creeping thing itself one is exempt. What is the reason? —

Scripture said: Both male and female shall ye put out,³⁰ from which it is inferred that only that which may attain cleanness in a ritual bath³¹ is subject to the prohibition,³² a creeping thing, however, is excluded since it can never attain cleanness. May it be suggested that the following provides support for this view? Both male and female shall ye put out³⁰ excludes an earthen vessel;³³ so R.

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Jose the Galilean. Now what could be the reason?³⁴ Is it not because it³⁵ cannot attain cleanness through a ritual bath?³⁶ —

No; only that which may become a primary source of uncleanness is subject to the prohibition,³² an earthen vessel, however, is excluded since it can never become a primary source of uncleanness.³⁷ Must it be conceded that on this question³⁸ there is a divergence of opinion between the following Tannas: IF A CREEPING THING WAS FOUND IN THE TEMPLE A PRIEST SHOULD CARRY IT OUT IN HIS GIRDLE TO AVOID KEEPING THE UNCLEANNESS THERE ANY LONGER THAN IS NECESSARY; SO R. JOHANAN B. BEROKA. R. JUDAH RULED: IT SHOULD BE REMOVED WITH WOODEN TONGS IN ORDER THAT THE UNCLEANNESS SHALL NOT INCREASE. Now do they not differ on this point: That he who said: TO AVOID KEEPING, holds the opinion that one who takes a creeping thing into the Temple incurs guilt,³⁹ while he who said: IN ORDER THAT... SHALL NOT INCREASE holds the opinion that one who takes a creeping thing into the Temple is exempt? —

No, all may agree that guilt is incurred, but the point at Issue here is the following: One Master holds that it is preferable to keep an unclean object a little longer⁴⁰ while the other Master holds that it is preferable to increase the uncleanness.⁴¹ The point at issue⁴² is rather the same as that between the following Tannas. We learned: WHENCE MUST IT BE REMOVED, etc. Now do they not differ on this point: That he who ruled that from the Temple court it may not be removed⁴³ is of the opinion that one who takes a creeping thing into the Temple is exempt,⁴⁴ while he who holds that it must be removed from any part of the court is of the opinion that guilt is incurred? —

- (1) The water they drew on the Sabbath by means of the wheel.
- (2) Shehekeru, 'haker' being the Hif. of the rt. קרר
- (3) V. infra.

- (4) The haker well.
- (5) Since no arguments 'welled forth' in connection with any other cistern.
- (6) The same expression occurs in Gen. XXVI, 19.
- (7) 'Ke-haker'.
- (8) Jer. VI, 7.
- (9) Lit., 'went up'.
- (10) Lit., 'in their hands'.
- (11) On the Sabbath, when it is forbidden under the laws of shebuth to handle a dead creeping thing.
- (12) But not with his bare hand, in order to avoid direct contact with the creeping thing and the latter's consequent conveyance of levitical uncleanness to the priest's body. Carrying alone, in the absence of direct contact, does not cause uncleanness and the girdle, though it contracts a certain degree of uncleanness (first grade) from the creeping thing, cannot carry any uncleanness to the priest's body since no degree lower than that of primary uncleanness can affect the levitical cleanness of a human being.
- (13) This is a reason why the author of this ruling does not require its removal, as does R. Judah presently, to be effected by means of an instrument that is not susceptible to levitical uncleanness.
- (14) Which are unsuceptible to levitical uncleanness.
- (15) By its spread to the girdle. In R. Judah's view it is preferable to allow the offending object to remain in the Temple a little longer until wooden tongs can be obtained and thus to limit the extent of the uncleanness, rather than to remove it sooner and thereby cause the uncleanness to spread to another object.
- (16) On the Sabbath.
- (17) Or the 'Holy' which contained the candlestick, the table for the shewbread and the golden altar.
- (18) The Temple porch in front of the Hekal.
- (19) Sc. the brazen altar that stood in the Temple court in front of the Ulam. If the offending object was found in any other part of the Temple court it could not be removed on the Sabbath (until after nightfall) on account of the prohibition against moving objects from a private into a public domain.
- (20) In a state of levitical uncleanness.
- (21) Sc. the entire Temple court.
- (22) Forthwith, even on the Sabbath.
- (23) The side chambers (according to R. Akiba) or the part of the court beyond the space BETWEEN THE ULAM AND THE ALTAR (according to Ben Nanus).
- (24) Gr. ** (wine cooler), a large brass pot.
- (25) To keep it covered during the Sabbath. After dusk it is removed.
- (26) The point of this statement is discussed infra.
- (27) In the Temple.
- (28) But nothing that is Pentateuchally forbidden.

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(29) And must suffer the consequence (cf. Rashi a.l. and Elijah Wilna glosses).

(30) Num. V, 3 which is applied to the Temple precincts. Cf. In the midst whereof I dwell (ibid).

(31) As 'a male and female' may.

(32) Of entering the Temple.

(33) Sc. no guilt is incurred for bringing unclean earthenware into the Temple.

(34) For R. Jose's ruling.

(35) Any earthenware.

(36) Since it must be broken (cf. Lev. XI,33).

(37) The only primary source of uncleanness which a vessel can contract is that of Midras defilement (v. Glos.), to which all earthenware vessel is not susceptible, v. Shab. 84b. For bringing in a creeping thing, however, since it is a primary source of uncleanness, one does incur guilt, contrary to the view of Samuel.

(38) Whether guilt is incurred for taking a creeping thing into the Temple.

(39) Pentateuchally. Hence it is preferable to extend uncleanness to the girdle rather than to continue a transgression against a Pentateuchal prohibition.

(40) Rather than increase uncleanness by imparting it to the sacred girdle.

(41) Rather than keeping an unclean object in the Temple even only one minute longer than is absolutely necessary.

(42) Whether guilt is incurred for taking a creeping thing into the Temple.

(43) On the Sabbath.

(44) Pentateuchally. The Rabbis, therefore, enforced their Shebuth throughout the Temple, except in the case of the Hekal and Ulam and between the latter and the altar on account of their high degree of holiness.

attend¹³ the priests had to carry the uncleanness out, but where¹⁴ it could be done by the Levites the priests could no longer defile themselves.¹⁵

Our Rabbis taught: All may enter the Hekal to build, to repair or to take out uncleanness. It is a religious duty, however, that the priests should do it. If no priests are available¹⁶ Levites may enter. If no Levites are available Israelites may enter. But in all these cases¹⁷ only levitically clean persons may enter.¹⁸ Those who are levitically unclean may not.

R. Huna observed: R. Kahana lends his support to the priests,¹⁹ for R. Kahana learned: Since it was said: Only he shall not go in unto the veil,²⁰ it might have been assumed that priests who have a blemish must not enter between the Ulam and the altar to make the beaten plates.²¹ hence it was explicitly stated: 'Only' i.e., draw a distinction:²² Thus the commandment is that those who are without blemish are qualified, but if men without a blemish are unavailable those with blemishes may enter; the commandment is that those who are levitically clean may enter, but if no men who are levitically clean are available those who are levitically unclean may enter; but in all these cases²³ priests only may enter but no Israelites.²⁴

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R. Johanan retorted:¹ Both² expounded this same³ text: And the priests went in unto the inner part of the house of the Lord,⁴ to cleanse it, and brought out all the uncleanness that they found in the Temple of the Lord into the court of the house of the Lord. And the Levites took it⁵ to carry it out abroad to the brook Kidron.⁶ One Master⁷ holds that since in the court there was a change overs to the Levites⁹ there can be no prohibition against allowing uncleanness to remain for some time in the court,¹⁰ while the other Master¹¹ holds that up to the point¹² where it was impossible for the Levites to

The question was raised: In the case of one who is levitically unclean and another who has a blemish, who of these is to enter?²⁵ —

R. Hiyya b. Ashi citing Rab replied: The levitically unclean person shall enter, since he has been declared permitted to take part in the public Temple service.²⁶

R. Eleazar replied: The man who has the blemish shall enter, since he has been declared permitted to eat consecrated food.²⁷

R. SIMEON SAID, etc. What does R. Simeon refer to?²⁸ — He refers to a previous statement²⁹ where we learned: If a man was

overtaken by dusk even when only one cubit outside the Sabbath limit, he may not enter it. R. Simeon ruled: Even if he was fifteen cubits away he may enter, since the surveyors do not measure exactly on account of those who might err.³⁰ The first Tanna having thus ruled: 'he may not enter', R. Simeon said to him, 'He may enter'.³¹

SINCE THEY HAVE ONLY PERMITTED YOU THAT WHICH IS FORBIDDEN AS SHEBUTH. What does he refer to?³² — He refers to another Statement²⁹ where the first Tanna ruled that it³³ may be tied up,³⁴ in connection with which R. Simeon said to him:³⁵ He may Only secure it with a loop; Only a loop which cannot involve one in the obligation of a sin-offering did the Rabbis permit,³⁶ but a knot which might involve one in the obligation of a sin-offering the Rabbis did not permit.³⁷

- (1) So according to Rashi. Tosaf. (a.l.) regards R. Johanan's submission as an independent statement.
- (2) R. Simeon b. Nanus and R. Akiba who, in fact, agree that one who takes a creeping thing into the Temple incurs guilt, and Only differ on the question of taking it out when it was already within the Temple (cf. Rashi).
- (3) Lit., 'one'.
- (4) Sc. the Hekal.
- (5) From the 'court' into which the priests had carried it.
- (6) II Chron. XXIX, 16.
- (7) R. Simeon b. Nanus.
- (8) From the priests (who brought it from the Hekal).
- (9) And not to a relay of priests, though (if more helpers were required) it might have been expected that priests should complete the task their fellows had begun.
- (10) Lit., 'uncleanness In court there is not'. As in this case it was only from the 'inner parts that the priests had to remove the uncleanness while the removal from the court was relegated to the Levites, because the defilement of their bodies was not so grave a matter as that of the priests, so also in the case of the Sabbath, wherever the uncleanness is in the court, the degree of transgression must be reduced to a minimum and not even a shebuth may be abrogated.
- (11) R. Akiba.
- (12) Lit., 'until where'.
- (13) Sc. in the Hekal whither Levites are not allowed to enter.

- (14) Lit., 'now'.
- (15) No proof, therefore, can be adduced from here that uncleanness may be allowed to remain in the Temple court until dusk.
- (16) Lit., 'if there are no priests there'.
- (17) Lit., 'and these and those'.
- (18) Lit., 'yes'.
- (19) 'Kahane', a play upon the Aramaic equivalent of 'priests' and the name of R. 'Kahana'. In the following exposition R. Kahana gives precedence 'to unclean priests over clean Israelites.
- (20) Lev. XXI, 23, which deals with priests who are afflicted with a blemish.
- (21) Of gold; wherewith the interior of the Holy of Holies was overlaid.
- (22) The expression 'only' (ak or rub) in a Scriptural text always signifies some exclusion, viz., it is in this case only that entry for the purposes mentioned is not invariably forbidden.
- (23) Lit., 'and these and those'.
- (24) Which shows that R. Kahana gives preference to disfigured or levitically unclean priests over sound and clean Israelites.
- (25) If no other person for the work is obtainable.
- (26) When all the congregation is levitically unclean. As a priest who is afflicted with a blemish is not allowed to participate even then the former obviously takes precedence.
- (27) While all unclean priest is not (cf. prev. n. mut.mut.).
- (28) Lit., 'where does he stand'?
- (29) Lit., 'there he stands'.
- (30) Supra 52b, q.v. notes.
- (31) Since even when the man is fifteen cubits away from the Sabbath limit he is already within it. The Sages have thus merely given back what they had previously taken away.
- (32) He could not refer to the cited case of Sabbath limit since the question of shebuth does not come there into consideration.
- (33) The string of a levitical harp that was broken in the Temple on the Sabbath.
- (34) Supra 102b.
- (35) In his statement in the Baraitha.
- (36) Lit., 'which does not come to the hands of. . . him'.
- (37) R. Simeon says in effect, 'Though I relaxed the law in the case of the Sabbath limit I do not allow a knot to be made in a broken harp string, since only in the former case can the argument be advanced that the Sages have merely given back what they had previously taken away' (cf. Tosaf. and Rashi a.l.).