

Talmud - Mas. Eirubin 2a

CHAPTER I

MISHNAH. [A CROSS-BEAM SPANNING] THE ENTRANCE¹ [TO A BLIND ALLEY]² AT A HEIGHT OF MORE THAN TWENTY CUBITS SHOULD BE LOWERED.³ R. JUDAH RULED: THIS IS UNNECESSARY. AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS⁴ SHOULD BE REDUCED [IN WIDTH]; BUT IF IT HAS THE SHAPE OF A DOORWAY⁵ THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS.

GEMARA. Elsewhere we have learnt: A sukkah⁶ which [in its interior] is more than twenty cubits high is unfit, but R. Judah regards it as fit.⁷ Now wherein lies the difference [between the two cases that] in respect of the sukkah it was ruled: 'unfit', while in respect of the ENTRANCE [TO A BLIND ALLEY],¹ a remedy⁸ was indicated?⁹ — [In respect of a] sukkah, since it is a Pentateuchal ordinance,¹⁰ it [was proper categorically to] rule, 'unfit';¹¹ in respect of the ENTRANCE, however, since [the prohibition against moving objects about in the alley is only] Rabbinical,¹² a remedy could well be indicated.¹³ If you prefer I might reply: A remedy may properly be indicated in the case of a Pentateuchal law also, but as the ordinances of a sukkah are many it was briefly stated: 'unfit',¹⁴ [while in the case of] an ENTRANCE [TO A BLIND ALLEY], since the regulations governing it are not many, a remedy could be indicated.¹⁵

Rab Judah stated in the name of Rab: The Sages¹⁶ could have deduced it¹⁷ only from the [dimensions of] the entrance to the Hekal¹⁸ and R. Judah could only have deduced it¹⁷ from the [dimensions of] the entrance to the Ulam.¹⁹ For we have learnt: The entrance to the Hekal¹⁹ was twenty cubits high and ten cubits wide,²⁰ and that to the Ulam was forty cubits high and twenty cubits wide.²¹ And both based their expositions on the same text: And kill it at the entrance of the tent of meeting;²² the Rabbis²³ being of the opinion that the sanctity of the Hekal is distinct²⁴ [from that of the Ulam]²⁵ and that of the Ulam is distinct²⁴ from [that of the Hekal],²⁶ so that²⁷ the mention of²⁸ 'the entrance of the tent of meeting' must refer²⁹ to the Hekal only.³⁰ R. Judah, however, is of the opinion that the Hekal and the Ulam have the same degree of sanctity so that the mention²⁹ of 'the entrance of the tent of meeting'³¹ refers to both of them.³² If you prefer I might say: According to R. Judah's view also the sanctity of the Hekal is distinct from that of the Ulam,³³ but the reason for R. Judah's ruling here is because it is written: To the entrance of the Ulam of the house.³⁴ And the Rabbis?³⁵ If it has been written: 'To the entrance of the Ulam' [the implication would indeed have been] as you suggested; now, however, that the text reads, I 'To the entrance of the Ulam of the house',³⁴ [the meaning is the entrance of] the house³⁶ that opens into the Ulam. But is not this text³⁷ written in connection with the Tabernacle?³⁸ — We find that the Tabernacle was called Sanctuary and that the Sanctuary was called Tabernacle.³⁹ For, should you not concede this,⁴⁰ [consider] the statement which Rab Judah made in the name of Samuel: 'Peace-offerings that were slain prior to the opening⁴¹ of the doors of the Hekal are disqualified because it is said in Scripture: And kill it at the entrance⁴² of the tent of meeting⁴³ [which⁴² implies only] when it⁴⁴ is open but not when it is closed'.⁴⁵ Now surely [it might be objected] is not this Scriptural text written in connection with the Tabernacle?⁴⁶ The fact, then, [must be conceded that an analogy may be drawn between the two, since] we find that the Sanctuary was called Tabernacle and that the Tabernacle was called Sanctuary.

One may well agree that the Sanctuary was called Tabernacle since it is written in Scripture: And I will set my Tabernacle among you.⁴⁷ Whence, however, do we infer that the Tabernacle was called Sanctuary? If it be suggested: From the Scriptural text: And the Kohathites the bearers of the sanctuary set forward⁴⁸ that the tabernacle might be set up against their coming,⁴⁹

(1) מְבוֹי (rt. בּוֹא 'to come') signifying either (a) a way of entry or (b) an alley which forms the entry or gives access

to courtyards that open out into it.

(2) Having courtyards on three sides of it, the fourth side opening into a public domain (v. infra p. 2, n. 1).

(3) Lit., 'reduced', the cross-beam thereby forming a kind of gateway into the alley. In the absence of a cross-beam, or in case it is raised too high (for the reason explained in the Gemara), the alley, in accordance with Rabbinic law, cannot be regarded as a private domain and no object may be moved in it during the Sabbath.

(4) In consequence of which it cannot be regarded as a gateway but merely as a breach.

(5) **צורת הפתח**, the simplest form of which is all horizontal pole or rod supported at each end by a stake or vertically placed reed.

(6) **סוכה** or **סכה**, the festive booth (v. Lev. XXIII, 42f and cf. Neh. VIII, 17).

(7) Suk. 2a.

(8) 'SHOULD BE' LOWERED'.

(9) Lit., 'he taught'.

(10) Cf. supra N. 6.

(11) The suggestion of a remedy might have been misunderstood as being mere advice the neglect of which did not vitally affect the performance of the precept, and so it would be concluded that ex post facto the sukkah may be deemed fit. (So according to Tosaf. s.v. **סוכה** a.l. contra Rashi).

(12) Pentateuchally such a prohibition applies only to a public domain which is sixteen cubits in width (v. Shab. 6b and 99a) and open on at least two sides. The ALLEY spoken of in our Mishnah is less than sixteen cubits in width and is open on one side only (cf. Supra p. 1, n. 2).

(13) Cf. supra p. I, n. 9. There is no need for so much precaution in the case of a Rabbinical as in that of a Pentateuchal law.

(14) Thus presenting a succinct ruling covering all disqualifications. Were remedies for each disqualification to be indicated the ruling would have extended to undue lengths, contrary to the principle of brevity in teaching (v. Pes. 3b).

(15) Lit., 'he taught'.

(16) Sc. the first Tanna of our Mishnah.

(17) The ruling as to the proper measurements of an entrance.

(18) **היכל** or 'Holy', was situated between the Ulam, the hall leading to the interior of the Temple, and the Debir or the Holy of Holies, and contained the golden altar, the table for the shewbread and the candlestick.

(19) V. previous note.

(20) Mid. IV, I.

(21) Ibid. III, 7.

(22) Lev. III, 2. **אהל מועד** sc. the Hekal.

(23) Sc. the first Tanna of our Mishnah.

(24) Lit., 'alone'.

(25) That of the latter being of a minor degree.

(26) Cf. previous note mutatis mutandis.

(27) Since the services that may be performed within the more sacred place of the Hekal cannot be performed in the less sacred one of the Ulam.

(28) Lit., 'when it is written.'

(29) Lit., 'when it is written'.

(30) The dimensions of whose entrance were only 20 X 10 cubits.

(31) v. Supra p. 2, n. 11 mut. mut.

(32) To the Ulam also whose entrance was 40 X 20 cubits.

(33) Cf. Supra p. 2, nn. 13 and 14.

(34) No such verse has been preserved in M.T. Tosaf. (s.v. **דכתיב** a.l.) suggests that this quotation is a composite text based on Ezek. XL, 48, 'To the Ulam of the house and Ezek. XLVII, 1, 'The door of the house'.

(35) How, in view of the specific description of the entrance to the Ulam as 'an entrance', could they refuse to recognize similar measurements in the case of an entrance to an alley?

(36) Sc. the Hekal.

(37) 'The entrance of the tent of meeting' (v. Supra p. 2, n. 11).

(38) **משכן**, made by Moses in the wilderness the height of the door of which could not possibly be more than ten cubits since the height of its walls was only ten cubits (v. Ex. XXVI, 16). How then could our Mishnah allow a height of

twenty cubits?

(39) Hence the permissibility of drawing an analogy between the two. Cf. Shebu. 16b.

(40) Lit., 'say so'.

(41) In the morning.

(42) פתח, lit., 'the opening', emphasis on the last word.

(43) V. supra p. 2, n. 11.

(44) So MS.M. בזמן שהוא פתוח ולא בזמן שהוא נעול Cur. edd. have the plural, פתוחים and נעולים referring to the doors.

(45) Zeb. 55b, Yoma 29a, 62b.

(46) How then could it be applied to the Temple?

(47) Lev. XXVI, 11. As this was said after the Tabernacle in the wilderness has already been erected, 'tabernacle' in the text must obviously refer to the promised sanctuary or Hekal that would be built later in Jerusalem. For another interpretation cf. Rashi Shebu. 16b (Sonc. ed., p. 82, n. 5.)

(48) ונסעו. vilna and other edd. ונשא is obviously a printer's error.

(49) Num. X, 21.

Talmud - Mas. Eirubin 2b

that¹ [surely] was written in respect of the [holy] ark.² — Rather it is from the following text³ [that the inference was made:] And let them make Me a sanctuary,⁴ that I may dwell⁵ among them.⁶

Whether [according to the ruling] of the Rabbis or [according to that] of R. Judah might not the deduction⁷ be made from the entrance of the court [of the Tabernacle], since it is written in Scripture: The length of the court shall be a hundred cubits and the breadth fifty everywhere, and the height five cubits,⁸ and it is also written: The hangings for the one side [of the gate] shall be fifteen cubits,⁹ and again it is written: And so for the other side; on this hand and that hand by the gate of court were hangings of fifteen cubits,¹⁰ as there [the entrance was] five [cubits in height] by twenty cubits in width so here also¹¹ [the dimensions allowed should be no less¹² than] five [cubits in height but as many as] twenty cubits in width?¹³ [Such an entrance]¹⁴ may well be described¹⁵ as the entrance of the gate of the court; but it cannot be regarded¹⁵ as an ordinary ENTRANCE.¹⁶ If you prefer I might reply: The Scriptural instruction¹⁷ that the hangings for the one side shall be fifteen cubits¹⁸ applies¹⁹ to its height.²⁰ [You say], 'Its height'! Is it not in fact written: And the height five cubits?²¹ That [refers only to a part of their height] above the edge of the altar.²²

As to R. Judah, [how could it be said that] he inferred [the measurements of a gateway] 'from the door of the Ulam'²³ when in fact we have learnt: AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS SHOULD BE REDUCED, and R. Judah did not dispute [the ruling]?²⁴ — Abaye replied: He does dispute [this ruling] in the Baraitha. For it was taught: And [any entrance] that is wider than ten cubits should be reduced, but R. Judah ruled that is was not necessary to reduce it.²⁵ Then why does he not express his disagreement in our Mishnah? — He expressed it²⁶ in respect of the height of the gateway²⁷ and the same disagreement applies to the width.

Can it, however, still [be maintained that] R. Judah inferred [the measurements of a gateway] 'from the entrance of the Ulam'²⁸ when it was in fact taught: [A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered,²⁹ but R. Judah regards [the entrance] as a proper [gateway even if the beam is] as high as³⁰ forty or fifty³¹ cubits; and Bar Kappara taught:³² Even a hundred? [The high figure] of Bar Kappara might quite well [be regarded as] an hyperbole;³³ but in respect of [the figures] of R.³⁴ Judah,³⁵ what hyperbole [could be postulated]? [As regards that of] forty³⁶ one might well explain that he derives it from [the height of] the door of the Ulam;³⁷ whence, however, does he derive that of fifty? R. Hisda replied: The following Baraitha must have misled Rab.³⁸ For it was taught: [A cross-beam, spanning the] entrance [to a blind alley] at a height of more than twenty cubits, [and thus forming a gateway] higher than the

doorway of the Hekal, should be lowered.³⁹ He consequently thought: Since the Rabbis⁴⁰ derived [their figure] from [that of the height of] the doorway of the Hekal, R. Judah must have derived [his figure] from [that of the height of] the doorway of the Ulam. [In fact,] however, this is not [the case]; R. Judah derived his figure from [that of the height of] the doorways of kings.⁴¹ As to the Rabbis, however, if they derive their figure from [that of the height of] the doorway of the Hekal, should they not also require [a gateway⁴² to have] doors like the Hekal?⁴³ Why then did we learn: The rendering of an alley fit [for carrying objects within it,]⁴⁴ Beth Shammai ruled, requires a side-post and a beam,⁴⁵ and Beth Hillel ruled: Either a side-post or a beam?⁴⁶ The doors of the Hekal were made merely for the purpose of privacy.⁴⁷ If that is the case⁴⁸ THE SHAPE OF A DOORWAY should be of no avail,⁴⁹ since the [entrance to the] Hekal had the shape of a doorway and yet was only ten cubits wide; why then did we learn: IF IT HAS THE SHAPE OF A DOORWAY THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS? — Does not that reason⁵⁰ originate but from Rab?⁵¹ Well, when Rab Judah taught Hiyya b. Rab in the presence of Rab, ‘It is not necessary to reduce [its width]’, the latter told them, ‘Teach him: It is necessary to reduce it’.

[Still] if that is so⁵²

(1) ‘The Sanctuary’, **המקדש**.

(2) Which was the charge of the Kohathites and might well be described as sanctuary.

(3) Lit., ‘from here’.

(4) **מקדש**.

(5) **ושכנתי** of the same rt. as **משכן** (‘tabernacle’) Cf., however, infra n. 10.

(6) Ex. XXV, 8. In Shebu. 16b the following addition occurs: ‘And it is written in Scripture: According to all that I show thee, the patten, of the tabernacle’ (Ex. XXV,); sanctuary’ in v. 8 is thus described as tabernacle in v. 9.

(7) As to the maximum width of an entrance. The maximum height laid down above cannot be called in question by what follows, since evidence that an entrance of a lesser height is regarded as a proper doorway cannot alter the fact that one of a bigger size (as has been proved supra from that of the doors of the Hekal or Ulam) is also regarded as a proper entrance, or gateway (cf. Rashi s.v. **לילפו** and Tosaf. s.v. **בין**),

(8) Ex. XXVII, 18

(9) Ibid. v. 14.

(10) Ex. XXXVIII, 15. From the three texts it follows that the width of the court was fifty cubits (Ex. XXVII, 18) and that it had hangings of fifteen cubits in width at each end (ibid. 14 and XXXVIII, 15), thus leaving an opening of (50 — 2 X 15 =) 20 cubits for an entrance.

(11) In the case of an ENTRANCE TO A BLIND ALLEY.

(12) Cf. supra p. 4, n. 11.

(13) Cf. supra n. 1.

(14) One of twenty cubits in width.

(15) Lit., ‘called’.

(16) Hence the limit of TEN CUBITS indicated in our Mishnah.

(17) Lit., ‘when it is written’.

(18) Ex. XXVII, 14.

(19) Lit., ‘that (it is about) which it is written.’

(20) Sc. the height of all the hangings (not their width on either side of the gate) and consequently the height of each side of the court was fifteen cubits. The width of the gate cannot, therefore, be deduced from this text (cf. second interpretation; Rashi, s.v. **משפט**)

(21) Ex. XXVII, 18.

(22) Which was ten cubits high (cf. Zeb. 59b). By deducting this height from the height of the hangings, the figure five is obtained (15 — 10 = 5). The reading **משפת קלעים ולמטה** substituted by Bah for **משפת מזבה ולמעלה** occurs also in MS.M. but is rejected by Rashi (l.c. q.v.).

(23) Supra 2a.

(24) If the inference is made from the measurements of the door of the Ulam, a maximum width of twenty cubits should

be allowed.

(25) Cf. *infra* 10a.

(26) Lit., 'he differed or disputed'.

(27) Lit., 'its height'.

(28) *Supra* 2a.

(29) Cf. *supra* p. 1, n. 3.

(30) Lit., 'makes it fit until'.

(31) I.e., ten cubits higher than that of the *Ulam*.

(32) In explanation of R. Judah's ruling.

(33) But is not to be taken literally. It merely implies a figure much higher than that of twenty given by the Rabbis but not above that of forty.

(34) לרב is obviously to be read as רבי.

(35) Who mentions the lower figures of forty and fifty only.

(36) לרב יהודה of cur. edd. is to be deleted with MS.M. and Bah.

(37) Which was forty cubits high.

(38) In whose name Rab Judah made his statement, *supra* 2a, as to the source of the derivation of It. Judah's measurements.

(39) Tosef. 'Er. I.

(40) Sc. the *Tanna* just cited.

(41) Which are higher than twenty cubits.

(42) Such as the one spoken of in our *Mishnah*.

(43) Of course they should, since the comparison must be complete.

(44) On the Sabbath.

(45) At the entrance to the alley.

(46) *Infra* 11b; but no doors. How then could it be said that the Rabbis derived their measurements from the door of the *Hekal*?

(47) They were not essential to the structure of the entrance.

(48) Lit., 'but from now', sc. if it is still maintained that the inference is from the door of the *Hekal*.

(49) "Where the gateway IS WIDER THAN TEN CUBITS.

(50) That the measurements were derived from those of the door of the *Hekal*.

(51) Of course it does. V. *Supra* 2a.

(52) Cf. *Supra* n. 5 mut. mut.

Talmud - Mas. Eirubin 3a

a cornice¹ should be of no avail,² since [the entrance to the] *Hekal* had a cornice and yet was only twenty cubits high? For have we not learnt: Five cornices of oak³ were above it, one higher than the other? (What⁴ an objection, however, is this? Is it not possible that the statement about the cornices was made in respect of the *Ulam*?⁵ — And what difficulty is this! It is quite possible that the build of [the entrance to] the *Hekal* was like that of the *Ulam*). Then⁶ why did R. Il'a state in the name of Rab [that if a cross-beam was] four [handbreadths] wide [it constitutes a proper gateway] even though it is not strong enough,⁷ and if it had a cornice there is no need to lower it even if it was higher than twenty cubits? — R. Joseph replied: [The ruling about] the cornice is that of a *Baraita*.⁸ (Who learned it?⁹ — Abaye replied: Hama¹⁰ the son of Rabbah b. Abbuha learned it.) But even if [the ruling about] the cornice is a *Baraita*, does it¹¹ not present an objection against Rab?¹² — Rab can answer you: Even if I am removed from here,¹³ are not the two *Baraitas*¹⁴ mutually contradictory? All you can reply,¹⁵ [however, is that they represent the views of different] *Tannas*;¹⁶ so also [the reply to the contradiction] against me may be [that our respective statements are the views of different] *Tannas*.

R. Nahman b. Isaac said: In the absence of [the statement of] Rab¹⁷ there is no contradiction between the [two] *Baraitas*, since the reason of the Rabbis [for limiting the height of] the beam,

[may be] that there should be a distinguishing mark¹⁸ and that the use of the expression,¹⁹ 'higher than the doorway of the Hekal'²⁰ is a mere mnemonic.

As to R. Nahman b. Isaac, [his explanation may be accepted as] satisfactory if he does not adopt the view of Rabbah; but if he does adopt the view of Rabbah²¹ who stated: 'It is written in Scripture: That your generations may know that I made the children of Israel dwell in booths,²² [if the roof of the booth is] not higher than²³ twenty cubits, one knows that one is living in a booth but if it is higher than twenty cubits one would not know it, since [the roof] does not catch the eye',²⁴ from which it is clear that in respect of sukkah also they²⁵ differ on the question of distinction, why [it may be asked] should they²⁶ express the [same] difference²⁷ in two [rulings]?²⁸ — [Both are] required. For if we had been informed [of their dispute] in respect of sukkah only, it might have been assumed that only in this case does R. Judah maintain his view, [because a sukkah], since it is made for the purpose of sitting in, the eye would well observe²⁹ [the roof], but [that in the case of] an alley, since it is used for walking³⁰ he agrees with the Rabbis. And if we had been informed of the other³¹ [ruling only], it might have been assumed that only in this case did the Rabbis maintain their view, but that in the other case they agree with R. Judah. [Hence the] necessity [for both rulings].

What [is the meaning of] amaltera³² — R. Hama son of Rabbah b. Abbuha replied: Pigeon holes.³³ When R. Dimi came³⁴ he stated that in the West³⁵ it was explained as cedar poles.³⁶ He who said that cedar poles³⁶ [constitute a proper entrance would] with even more reason [admit that] pigeon holes [constitute a proper entrance].³⁷ He, however, who said that pigeon holes [constitute a proper entrance recognizes only these] but not cedar poles.³⁸ As to him, however, who recognized³⁹ cedar poles, is not his reason because their length is considerable?⁴⁰ But [if so, it may be objected]: Is not the extent [of the roof] of a sukkah considerable⁴¹ and the Rabbis nevertheless ruled that it is not [valid]!⁴² — The fact, however, is that since [they are] valuable people talk about them.⁴³

If part of [the thickness of] the cross-beam⁴⁴ was within twenty cubits⁴⁵ and part of it above twenty cubits,⁴⁵ or if part of [the depth of] the covering⁴⁶ [of a sukkah] was within twenty cubits⁴⁵ and part of it above twenty cubits, [such an altitude] said Rabbah, is admissible⁴⁷ in the case of an entrance but inadmissible⁴⁸ in that of a sukkah. Why is this⁴⁹ admissible in the case of an entrance? Obviously because we say, [Regard the beam as] planed;⁵⁰ but, then, [why should it not] be said in respect of a sukkah also, [Regard the roof as] thinned?⁵⁰ — If you [assume the roof to be] thinned, the sunshine in the sukkah [would have to be assumed to be] more than the shade.⁵¹ But here also,⁵² if you [regard it as] planed, would not the beam be like one that can be carried away by the wind?⁵³ Consequently you must [assume that beams in the conditions mentioned]⁵⁴ are regarded as metal spits;⁵⁵ [may it not then], here also [be said], that whatever the assumption⁵⁶ the extent of the shade is actually more than that of the sunshine?⁵⁷ — Raba of Parazika⁵⁸ replied: In the case of a sukkah, since [it is usually intended] for the use of an individual, one might not remember [the altitude of the roof].⁵⁹ In the case of an entrance however, since [it is made] for the use of many, [the people concerned] would remind one another.⁶⁰

Rabina replied⁶¹ The Rabbis made the law stricter in respect of a sukkah because [the commandment is] Pentateuchal, but in respect of an entrance [to an alley the prescribed construction of] which is only Rabbinical, the Rabbis did not impose such restrictions.

R. Adda b. Mattenah taught the statement of Rabbah just cited in the reverse order: Rabbah said: It is inadmissible in the case of an entrance but admissible in that of a sukkah. Why is this⁶² admissible in the case of a sukkah? Obviously because we say: [Regard the roof as] thinned out;⁶³ but, then, [why should it not] be said in respect of an entrance also: [Regard the beam as] planed?⁶³ — If you [regard it as] planed, the beam would be like one that can be carried away by a wind.⁶⁴ But here also⁶⁵ if you [regard the roof as] thinned out [would not also] the sunshine in the sukkah [have to be regarded as] larger in extent than its shade? Consequently you must maintain that whatever the

assumption,⁶⁶ the actual extent of the shadow is larger than that of the sunshine, [may it not then] here also [be said] that whatever the assumption [beams in the condition mentioned] are regarded as metal spits?⁶⁷ — Raba of Parazika replied: In the case of a sukkah, since [it is usually made] for one individual, that person realizes his responsibility⁶⁸ and makes a point of remembering [the conditions of the roof].⁶⁹ In the case of an entrance, however, since [it is made] for the use of many, [the people affected might] rely upon one another and so overlook⁷⁰ [any defects in the cross-beam]; for do not people say: ‘a pot in charge of two cooks⁷¹ is neither hot nor cold’. Rabina replied:⁷² [the law of] sukkah, since it is Pentateuchal, requires no buttressing⁷³ but that of an entrance, since it is only Rabbinical, does require buttressing.⁷⁴

What is the ultimate decision?⁷⁵ — Rabbah b. R. Ulla replied: The one as well as the other⁷⁶ is inadmissible. Raba replied: The one as well as the other⁷⁶ is admissible,

(1) **מלתרא** or **אמלתרא** cf. Gr. **.

(2) Where the gateway is higher than twenty cubits.

(3) **מילה** cf. Gr. ** quercus infectoria.

(4) The argument is interrupted by the discussion within the brackets and is then resumed.

(5) While the entrance to the Hekal may have had no cornice at all?

(6) Supra n. 13.

(7) To carry the weight of an ariah (a small brick hall’ the size of an ordinary one), v. infra 13b.

(8) Not that of Rab himself. Hence there is no contradiction between Rab's own statements.

(9) I.e., who reported (or recited) it?

(10) Delete **זהו** with MS.M. and Bah. Emden reads: ‘R. Hama’.

(11) This Baraitha from which it is obvious that the inference is not made from the door of the Hekal.

(12) Who stated (supra 2a) that the inference is made from the door of the Hekal; whereas from this Baraitha it is evident that such an inference is not drawn.

(13) Sc. even if his opinion had never been expressed.

(14) The one just cited and that quoted supra 2b where the inference from the door of the Hekal is specifically mentioned.

(15) Lit., ‘what have you to say’.

(16) The Tanna supra 2b infers from the Hekal and consequently limits the height of a gateway to twenty cubits irrespective of the presence or absence of a cornice, while the Tanna of the last cited Baraitha draws no such inference.

(17) Sc. if Rab had not suggested that the Rabbis in the first Baraitha derived their measurement from the door of the Hekal.

(18) Between the alley and the public domain into which it opens. At a height of more than twenty cubits the beam would not be noticed and people might mistake the alley for a public domain. As a cornice can be noticed even at a higher altitude the limit of twenty cubits, as stated in the second Baraitha, was in its case removed.

(19) Lit., ‘and that which he taught’.

(20) In the first Baraitha.

(21) V. Suk. 2a.

(22) Lev. XXIII, 43, emphasis on ‘know’.

(23) Lit., ‘until’.

(24) Lit., ‘the eye does not rule over it’. Suk. 2a’

(25) The Rabbis and R. Judah, who declare such a booth valid.

(26) For **י** (sing.) read with Bah **יהו** (plur.).

(27) The Rabbis insisting on, and R. Judah dispensing with the necessity for a distinction.

(28) Those of (a) sukkah and (b) the cross-beam of an alley.

(29) Cf. Supra n. 4.

(30) It is not usual to sit down in an open alley and in passing one would not see a beam lying too high.

(31) Lit., ‘of that’, the entrance to an alley.

(32) The Heb. for ‘cornice’, v. supra p. 7.

(33) **קיני** ‘nests’, sc. ornamental carvings in the shape of birds’ nests.

- (34) From Palestine to Babylon.
- (35) Palestine.
- (36) Fixed to the walls on the sides of the entrance.
- (37) Since the latter are more likely to be noticed by the public.
- (38) Which are not so striking and may, in consequence, remain unnoticed.
- (39) Lit., 'said', sc. regarded them as constituting a proper gateway even when higher than twenty cubits.
- (40) In consequence of which they would be easily observed even at a considerable height.
- (41) Cf. supra n. 2.
- (42) If it is more than twenty cubits high.
- (43) Lit., 'it has a voice', and the public are consequently aware of their existence, a reason which is inapplicable, of course, to a sukkah.
- (44) At the entrance of an alley.
- (45) From the ground.
- (46) **דַּבְּרָה**, consisting of branches, twigs or straw.
- (47) Lit., 'fit', 'proper', sc. the entrance to the alley is deemed to constitute a proper gateway.
- (48) Lit., 'unfit', cf. supra n. 9 mutatis mutandis.
- (49) A cross-beam of which only a portion is below the height of twenty cubits.
- (50) And only that portion remained that lay within the twenty cubits. **קָלוּשׁ**, particip. pass. of **קָלוּשׁ** 'to weaken', 'to thin out'.
- (51) And this would render the sukkah invalid. The roof of a proper Sukkah must be thick enough to enable the shadows in the interior to predominate over the sunshine.
- (52) In the case of a cross-beam over an entrance.
- (53) In consequence of which it could not be regarded as a proper beam conforming to the prescribed thickness and strength, V. Supra p. 7, n. 16.
- (54) In view of their general thickness and strength.
- (55) A thin one of which can carry as heavy a weight as a thicker one of wood.
- (56) Lit., 'against your will'.
- (57) Why then, it may again be asked, did Rabbah rule that a Sukkah in such a condition is invalid?
- (58) Farausag, a district near Bagdad (Obermeyer, p. 269), or Porsica, a town in Mesopotamia (v. Golds.).
- (59) Should, therefore, the section below the altitude of twenty cubits dry up or fall down it might never occur to the individual that his Sukkah, the roof of which was now completely higher than twenty cubits, was no longer valid. He would thus unconsciously live in an invalid Sukkah and so transgress a Pentateuchal precept.
- (60) Cf. Supra n. 4 mutatis mutandis.
- (61) v. Supra note 2.
- (62) A roof of a sukkah of which only a portion is below the height of twenty cubits.
- (63) v. Supra p. 10, n. 12.
- (64) v. Supra p. 10, n. 15.
- (65) In the case of the roof of a sukkah.
- (66) Lit., 'against your will'.
- (67) Cf. supra p. 10, n. 17. Why then did Rabbah rule that a cross-beam in such a condition is admissible?
- (68) Lit., 'throws upon himself'.
- (69) V. supra p. 11, n. 2.
- (70) Lit., 'and would not remember'.
- (71) Lit., 'of partners'.
- (72) V. supra p. 11, n. 2.
- (73) People would in any case be careful properly to observe it.
- (74) Otherwise it might be entirely disregarded.
- (75) Lit., 'what is (the decision) about it'.
- (76) Lit., 'this and this', the roof of a sukkah and a cross-beam if either is even only partially higher than twenty cubits from the ground.

Talmud - Mas. Eirubin 3b

for what we learned [in respect of height¹ refers to the] interior² of the sukkah and to the empty space² of the entrance.³

Said R. Papa to Raba: A Baraita was taught which provides support for your view: '[A cross-beam over] an entrance [to a blind alley] that is higher than twenty cubits [and is thus] higher than the entrance to the Hekal⁴ should be lowered'. Now in the Hekal itself⁵ the [height of the] hollow space of [the entrance thereto] was twenty cubits.

R. Shimi b. Ashi raised an objection against R. Papa: 'How does one construct [the prescribed entrance]? One places the cross-beam, below the limit of twenty [cubits of its altitude]'.⁶ Read: 'Above'.⁷ But surely it is stated: 'below'? — It was this that we are informed:⁸ That the lowest⁹ [permitted altitude is to be measured on the same principle] as the highest. As in the case of the highest [altitude permitted] the hollow space [of the entrance must not exceed] twenty cubits, so also in the case of the lowest [altitude permitted], the hollow space [of the entrance must not be lower than] ten cubits.¹⁰

Abaye stated in the name of R. Nahman: The cubit [applicable to the measurements] of a sukkah and that applicable to¹¹ an 'entrance' is one of five [handbreadths]. The cubit [applicable to the laws] of kil'ayim¹² is one of six [handbreadths].¹³ In respect of what legal [restriction has it been ruled that] the cubit [applicable to the measurements] of an entrance is [only] one of five?¹⁴ [If it be suggested] in respect of its height¹⁵ and [of the size of] a breach in the alley,¹⁶ surely [it could be retorted] is there [not also the law on] the depth of an alley, that¹⁷ [must be no less than] four cubits,¹⁸ in which case [the adoption of the smaller cubit results in] a relaxation [of the law]?¹⁹ — [He²⁰ holds the same view] as does he²¹ who limits the depth²² to four handbreadths.²³ If you prefer²⁴ I might reply [that the depth of an alley must indeed be] four cubits, but he²⁵ spoke of the majority of cubit measurements.²⁶ In respect of what legal [restriction has R. Nahman ruled that] the cubit [applicable to the measurements] of a sukkah is one of five?²⁷ [If it be suggested,] in respect of its height²⁸ and [the permitted size of] a crooked wall,²⁹ surely [it might be objected is there] [not also the law requiring] the area of the sukkah [to be four cubits] by four cubits, in which case [the adoption of the smaller cubit results in] a relaxation [of the law]?³⁰ For was it not taught: Rabbi³¹ said: 'I maintain that any sukkah which does not contain [an area of] four cubits by four cubits is legally unfit'³² [R. Nahman is of the same opinion] as the Rabbis who ruled [that a sukkah is valid] even if it accommodates no more than one's head, the greater part of one's body and a table.³³ And if you prefer I might reply: It³⁴ may, in fact, [be in agreement with the view of] Rabbi,³¹ but he³⁵ spoke of the majority of cubit measurements.³⁶

In respect of what legal [restrictions has R. Nahman ruled that] 'the cubit [applicable to the laws] of kil'ayim is one of six'? — In respect of a patch³⁷ in a vineyard and the [uncultivated] border³⁸ of a vineyard; for we have learnt: [Each side of] a patch³⁹ in a vineyard, Beth Shammai ruled, must measure no less than twenty-four cubits,⁴⁰ and Beth Hillel ruled: Sixteen cubits; and [the width of] an [uncultivated] border³⁸ of a vineyard, Beth Shammai ruled, [must] measure no less than sixteen cubits,⁴⁰ and Beth Hillel ruled: Twelve cubits. What is meant by a patch in a vineyard? The barren portion of the interior of the vineyard.⁴¹ [If its sides] do not measure⁴² sixteen cubits, no seed may be sown⁴³ there, but if they do measure⁴⁴ sixteen cubits, sufficient space for the tillage of the vineyard⁴⁵ is allowed and the remaining space may be sown. And what is meant by the border of a vineyard? [The space] between the [actual] vineyard⁴⁶ and the surrounding fence. [If the width] is less than⁴² twelve cubits no seed may be sown⁴³ there, but if it measures⁴⁴ twelve cubits, sufficient space for the tillage of the vineyard⁴⁵ is allowed and the remaining area may be sown.⁴⁷ But, surely, there is [the case of vines planted] closely within four cubits [distance from one another] where [the adoption of the higher standard⁴⁸ would result] in a relaxation [of the law]?⁴⁹ For have we not learnt:⁵⁰ A vineyard [the rows of which are] planted at [distances of] less than four cubits [from one another] is

not regarded, R. Simeon ruled, as a proper vineyard,⁵¹ and the Sages ruled, [It is regarded as] a proper vineyard, the intervening vines⁵² being treated as if they were non-existent?⁵³ — [R. Nahman is of the same opinion] as the Rabbis who ruled that [whatever the distances the plantation] constitutes a proper vineyard.⁵⁴ If you prefer I might reply: [He⁵⁵ may,] in fact, [hold the view of] R. Simeon, but⁵⁶ he was referring to the majority of cubit measurements.⁵⁷

Raba, however,⁵⁸ stated in the name of R. Nahman: All cubits [prescribed for legal measurements are] of⁵⁹ the size of six [handbreadths], but the latter⁶⁰ are expanded⁶¹ while the former⁶² are compact.⁶³

An objection was raised: All cubits of which the Sages spoke are of the standard⁶⁴ of six [handbreadths] except

-
- (1) Suk. 2a and supra 2a.
 - (2) Lit., 'hollow'.
 - (3) But does not include the roof of the former or the cross-beam of the latter.
 - (4) V. supra p. 2, n. 7.
 - (5) From which the law relating to the entrance to a blind alley is derived.
 - (6) Tosef. 'Er. 1; from which it follows, contrary to the view of R. Papa, that the prescribed altitude of twenty cubits for an entrance includes also the cross-beam.
 - (7) Instead of 'below', the cross-beam being excluded from the prescribed altitude.
 - (8) By the mention of 'below'.
 - (9) דַּלְמָטָה, lit., 'that which is below'.
 - (10) The expression דַּלְמָטָה ('below') in the Baraita does not at all refer to a crossbeam that lies over an entrance twenty cubits in height, but to one of ten cubits only, the entire passage being in the nature of an elliptical note.
 - (11) Lit., 'and the cubit of'.
 - (12) V. Glos.
 - (13) Adopting in each case the standard which makes for the more rigorous application of the law.
 - (14) And not six as is the case with that of kil'ayim.
 - (15) Sc. that the cross-beam must not be higher than twenty cubits of the lower standard on the side of rigor.
 - (16) If the breach in one of the walls of the alley is wider than ten cubits, the arrangements in connection with the Sabbath are invalid on the side of rigor; v. infra 5a.
 - (17) In order to render the Sabbath arrangements valid.
 - (18) V. infra 5a.
 - (19) Since a depth of four cubits of the lower standard would be sufficient to render the arrangements valid.
 - (20) R. Nahman in whose name Abaye laid down the respective standards of the cubit.
 - (21) R. Joseph (v. infra 5a).
 - (22) Lit., 'who said'.
 - (23) The question of the size of the respective cubits does not, therefore, arise.
 - (24) The answer just given is not very satisfactory since Abaye himself who reported R. Nahman's ruling differs from R. Joseph's view (cf. Supra n. 15).
 - (25) V. p. 13, n. 14.
 - (26) In connection with an 'entrance'. In respect of depth, however, he may well hold the size of the cubit to be six handbreadths.
 - (27) And not six as is the case with that of kil'ayim.
 - (28) That its interior must not be higher than twenty of the smaller cubits.
 - (29) דּוֹפֵן עֵקוּמָה; if a portion of the roof of a sukkah consists of materials that are legally unfit for the purpose, the sukkah may nevertheless be valid if that portion is adjacent to any of its walls and terminates within a distance of four cubits from that wall. That portion of the roof together with the wall it adjoins are regarded as one crooked wall; and the space under the remainder of the roof, consisting of suitable materials, may be used as a proper sukkah. (V. Suk. 17a). In both suggested cases, the cubit of the lower standard is on the side of rigor.
 - (30) Since even all area measured by the smaller cubit would render the sukkah valid.

- (31) R. Judah I, the Patriarch, compiler of the Mishnah.
- (32) Suk. 3a.
- (33) Cf. Supra p. 13, n. 17.
- (34) The ruling reported in R. Nahman's name.
- (35) R. Nahman in whose name Abaye laid down the respective standards of the cubit.
- (36) In connection with the sukkah, which belong to the lower standard. In the case of the area of a sukkah, however, he may well maintain, the cubit applicable is the one of the higher standard on the side of rigor.
- (37) קרחת., 'baldness'. This is further explained infra.
- (38) מחול (rt. חול 'to go round') a circle, circumference.
- (39) V. p. 14, n. 13.
- (40) If it is desired to grow in it wheat or other kinds of grain which under the laws of kil'ayim are forbidden to be grown among vines.
- (41) Lit., 'a vineyard the middle of which was destroyed'.
- (42) Lit., 'there is not there'.
- (43) Lit., 'he shall not bring'.
- (44) Lit., 'they were there'.
- (45) Four cubits on each side.
- (46) Sc. the vines.
- (47) Kil. IV, 1; infra 93a. These regulations — by adopting the cubit of the higher standard, are on the side of rigor.
- (48) Six handbreadths per cubit.
- (49) V. infra note 16, second clause.
- (50) Kil. V, 2.
- (51) And wheat or other corn may be sown there.
- (52) Those planted in the space of the four cubits that should intervene between each two rows.
- (53) So that the prescribed space between the remaining vines is obtained and the plantation constitutes a proper vineyard in which, in accordance with the laws of kil'ayim, no kind of grain may be sown. Now, since it is the existence of distances of four cubits between the rows of vines that determines whether a group of vines may be regarded as a vineyard in the legal sense, it follows that if the lower standard of the cubit is adopted distances of no more than (5 X 4) twenty handbreadths between the rows would subject the vineyard to the laws of kil'ayim, while if the higher standard is adopted, so that distances of (6 X 4 =) twenty-four handbreadths are required, the same plantation would constitute no proper vineyard and the plantation would thus be exempt from the laws of kil'ayim.
- (54) The standard of the cubit does not consequently affect the prohibition to sow any kinds of grain between the vines.
- (55) R. Nahman.
- (56) In adopting the higher standard of the cubit.
- (57) In connection with kil'ayim, while in respect of distances between vines he also adopts the lower standard, on the side of rigor.
- (58) Contrary to Abaye's statement supra.
- (59) Lit., 'by a cubit'.
- (60) Lit., 'those (relating to kil'ayim).'
- (61) שוחקות (rt. שחק 'to laugh'). In measuring the cubit in handbreadths, the fingers are kept apart as are the lips of a laughing person (Aruk); 'wide spread' (Jast.).
- (62) Those of sukkah and 'entrance'.
- (63) עצבות (rt. עצב 'to be sad'), the fingers are kept close to one another as are the lips of a man in sadness (Aruk); 'pressed together' (Jast.).
- (64) Lit., 'in a cubit'.

Talmud - Mas. Eirubin 4a

that [their measurements must] not be exactly alike.¹ Now according to Raba this² is intelligible [since the measuring must be done in such a manner] as to have [the handbreadths] in the latter case expanded and the former case compact; but according to Abaye³ [does not this⁴ present] a difficulty? — Abaye can answer you: 'The cubit [spoken of in respect] of kil'ayim is of the length of six

[handbreadths]’.⁵ But since it was stated in the final clause, ‘R. Simeon b. Gamaliel ruled: All cubits of which the Sages spoke in relation to kil’ayim are of the standard of six [handbreadths] except that these must not be compact’, does it not follow that the first Tanna⁶ referred to all cubits?⁷ — Abaye can answer you: Is there not R. Simeon b. Gamaliel who maintains the same standpoint as I!⁸ I uphold the same ruling as R. Simeon b. Gamaliel.

According to Abaye's view [the standard of the respective cubits] is undoubtedly [a question in dispute between] Tannas;⁹ must it, however, be said that according to Raba's view also [the standard of the cubit is a question in dispute between] Tannas?¹⁰ — Raba can tell you, ‘It is this that R. Simeon b. Gamaliel desired¹¹ to inform us: [That the handbreadths of] the cubit applicable to kil’ayim must not be compact’.¹²

[If that is the case]¹³ he should have said,¹⁴ ‘[The handbreadths of] the cubit applicable to kil’ayim must not be compact’; what, [however, could he have meant] to exclude [by his addition,] ‘of the standard of six [handbreadths]’? [Did he] not [obviously mean] to exclude the cubit of the sukkah and the cubit of the ‘entrance’?¹⁵ No; to exclude the cubit [by which the] base,¹⁶ and the one [by which the] surrounding ledge¹⁷ [of the altar were measured]¹⁸ for it is written in Scripture: And these are the measures of the altar by cubits — the cubit¹⁹ is a cubit and a handbreadth,²⁰ the bottom shall be a cubit, and the breadth a cubit, and the border thereof by the edge thereof round about a span,’ and this shall be the base of the altar;²¹ ‘The bottom shall be a cubit’²¹ refers to the foundation [of the altar];²¹ ‘And the breadth a cubit’²¹ refers to its surrounding ledge;¹⁷ ‘And the border thereof by the edge thereof round about a span refers to the horns;²² ‘And this shall be the base of the altar’ refers to the golden altar.²³

R. Hiyya b. Ashi stated in the name of Rab: [The laws relating to] standards,²⁴ interpositions²⁵ and partitions²⁶ [are a part of] the halachic code [that was entrusted] to Moses at Sinai. Are [not the laws relating to] standards²⁴ Pentateuchal, since it is written in Scripture: A land of wheat and barley etc.²⁷ and R. Hanan stated that all this verse was said [with reference to the laws] of standards? ‘Wheat’²⁷ [namely was mentioned] as [an allusion to what] we have learnt: ‘If a man entered a leprous²⁸ house, [carrying] his clothes upon his shoulders and his sandals and rings in his hand²⁹ both he and they become levitically unclean forthwith.³⁰ If, however, he was wearing his clothes, had his sandals on his feet and his rings on his fingers, he becomes unclean forthwith but they³¹ remain clean³² unless he stayed there³³ [as much time] as is required for the eating³⁴ of half a loaf³⁵ of wheaten bread, but not of barley bread,³⁶ while in a reclining posture³⁷ and eating with some condiment’.³⁸ ‘Barley’³⁹ [is an allusion to the following]. For we have learnt: ‘A bone of the size of a barley grain causes defilement by contact and carrying, but not by cover’.⁴⁰ ‘Vines’³⁹ [are an allusion to] the quantity of a quarter [of a log]⁴¹ of wine [the drinking of which constitutes an offence]⁴² of a nazirite.

(1) **מכוונות**, this is explained anon.

(2) The statement that the measurements must not be ‘exactly alike’.

(3) Who maintains that not all cubits consisted of six handbreadths.

(4) The ruling that ‘all cubits . . . are of the standard of six (handbreadths)’.

(5) **מכוונות** (v. Supra note 12) need not necessarily mean ‘exactly alike’. It may be rendered ‘pressed together’, ‘compact’. **שלא יהיו מכוונות** ‘that the handbreadths shall be expanded’.

(6) Whose ruling is quoted in the objection supra 3b ad fin.

(7) Not only, as suggested in the reply, to those relating to kil’ayim.

(8) Of course there is.

(9) R. Simeon b. Gamaliel and the Sages, since the latter who ruled that ‘all cubits ... are of the standard of six (handbreadths)’ obviously differ from Abaye who holds that only those of kil’ayim conformed to that standard.

(10) Sc. must R. Simeon b. Gamaliel, in his specific mention of the cubit of six handbreadths in connection with kil’ayim, (a) be assumed to exclude the cubit of sukkah and entrance which, according to his opinion, must measure no

more than five handbreadths, and his view consequently differs from that of the Sages; or (b) is his statement a commentary on the vague ruling of the Sages, that 'the measurements are not alike', its object being to explain that the cubit of six handbreadths of which they spoke must in the case of kil'ayim measure not six compact, but six expanded handbreadths, and thereby he only implied that the cubit of sukkah and entrance must be one of six compact ones, so that his views are in every way in complete agreement with that of the Sages?

(11) Lit., 'came'.

(12) V. Supra note 5b.

(13) That R. Simeon b. Gamaliel merely wished to explain the ruling of the Sages.

(14) Lit., 'and let him say'.

(15) Which in his opinion must be no longer than five handbreadths. How then could Raba maintain that no dispute existed between R. Simeon b. Gamaliel and the Sages?

(16) **יסוד**, lit., 'foundation'.

(17) **סובב** (rt. **סבב**, 'to go round').

(18) These cubits were of the standard of five handbreadths.

(19) Spoken of elsewhere, sc. the one measuring six handbreadths.

(20) Of those spoken of here.

(21) Ezek. XLIII, 13.

(22) **קרנות**, (cf. Ex. XXVII 2) projections of the altar.

(23) V. Ex. XXX, 1ff and Men. 97b.

(24) The minimum quantities, e.g., of forbidden foodstuffs the consumption of which constitutes the offence. V. infra for other examples.

(25) That cause, e.g., the invalidity of ritual bathing if they intervene between the body of the bather and the water of the bath.

(26) Required, e.g., in connection with the arrangements for carrying burdens on the Sabbath.

(27) Deut. VIII, 8.

(28) V. Lev. XIV, 34ff.

(29) Sc. if he did not wear them.

(30) Since the clothes, sandals and rings were only carried by the man but not worn they, like himself, come under the Pentateuchal law, of 'he that goeth into the house . . . shall be unclean' (Lev. XIV 46).

(31) Since they were worn in the usual manner.

(32) They are included in the category of 'clothes' which have only to be washed (cf. Lev. XIV, 47 and the definition of 'eateth' infra n. 4).

(33) Lit., 'until he will delay'.

(34) This is the definition of 'eateth' (v. Supra n. 2).

(35) **פרם**, lit., 'a half', the whole loaf being equal to the size of eight eggs (cf. infra 82b).

(36) The former is eaten much quicker than the latter which is not so tasteful.

(37) In such a position, one eats quicker than when walking about.

(38) Neg. XIII, 9, Hul. 71b; cf. Supra n. 7 mutatis mutandis.

(39) Deut. VIII, 8.

(40) Lit., 'in the tent'; only a backbone, a skull and the like cause the defilement of a person in the same tent or under the same roof or cover. V. Oh. II, 3.

(41) V. Glos.

(42) Punishable by flogging.

Talmud - Mas. Eirubin 4b

'Fig-trees' [allude to] the size of a dried fig in respect of carrying out [from one domain into another] on the Sabbath. 'Pomegranates' [are an allusion] as we learned: 'All [defiled wooden]¹ utensils of householders² [become clean if they contain holes] of the size of pomegranates.³ "A land of olive-trees" [is⁴ an allusion to the] land all the legal standards of which are of the size of olives'. [You say], 'All the legal standards of which [etc.]!' Is this conceivable? Surely there are those that have just been enumerated? Rather read: 'A land, most⁵ of the legal standards of which are of the

size of olives'. 'Honey' [is an allusion to the eating of food of] the size of a big date⁶ [that constitutes an offence]⁷ on the Day of Atonement!⁸ — Do you then imagine that the standards were actually prescribed [in the Pentateuch]? [The fact is that] they are but traditional⁹ laws for which the Rabbis have found allusions in¹⁰ Scripture. But [the laws relating to] interpositions are Pentateuchal. [For was it not taught:]¹¹ Since it is written in Scripture: Then he shall bathe all his flesh¹² [it follows] that there must be no interposition between his flesh and the water; In water¹³ implies, in water that is gathered together;¹⁴ all his flesh¹³ implies, water in which all his body can be immersed;¹⁵ and how much is this? [A volume of the size of] a cubit by a cubit by a height of three cubits; and the Sages accordingly estimated that the waters of a ritual bath¹⁶ must measure forty se'ah?¹⁷ — Where a traditional law is required¹⁸ [it is in respect of] one's hair; and [it is to be understood] in accordance with [a statement of] Rabbah son of R. Huna,¹⁹ for Rabbah son of R. Huna said: 'One knotted hair constitutes an interposition,²⁰ three [hairs] constitute no interposition,²¹ but I do not know [the ruling in the case of] two'.²² [But are not the laws relating to] one's hair also Pentateuchal? For was it not taught: Then shall he bathe all his flesh²³ [implies, even] that which is attached to his flesh, and by this was meant²⁴ hair?²⁵ — Where traditional law is required²⁶ [it is the case of hair], and it is for [the purpose of distinguishing²⁷ between an interposition] on its major, and one on its minor [portion] and between one to which the bather objects and one which he does not mind; this being understood on the lines of R. Isaac who said: [According to] traditional law²⁸ [an interposition on] its²⁹ major part to which a man objects constitutes an interposition but one which he does not mind constitutes no interposition;³⁰ the Rabbis, however, ruled that [an interposition on] its²⁹ greater part [shall constitute an interposition] even when the man does not mind it, as a preventive measure [against the possibility of allowing an interposition on] its major part to which the man does object, and that [an interposition on] its²⁹ minor portion to which a man objects [shall constitute an interposition] on account [of the possibility of allowing an interposition over] its²⁹ major portion to which a man objects.³¹ But [why should no prohibition be enacted] also [against an interposition over] its minor portion to which one does not object, as a preventive measure against [the possibility of allowing an interposition over] its minor portion to which one does object³² or its major portion to which one does not object?³³ This ruling³⁴ itself is merely a preventive measure, — shall we go as far³⁵ as to institute a preventive measure against another preventive measure?³⁶

But [the laws defining] partitions are Pentateuchal. For did not a Master state:³⁷ [The height of] the ark was nine [handbreadths]³⁸ and [the thickness of] the ark-cover was one handbreadth, so that we have here³⁹ [a total height of] ten [handbreadths]⁴⁰ — [The traditional law] is required [in respect of the views] of R. Judah who holds that the cubit used for the structure [of the Temple] was of the standard of six [handbreadths] while that for the furniture⁴¹ was only one of five handbreadths.⁴² According to R. Meir, however, who holds⁴³ that all cubit measurements⁴⁴ were of the medium size,⁴⁵ what can be said in reply?⁴⁶ — According to R. Meir [it may be replied] the traditional law refers⁴⁷ to [the legal fictions of] extension,⁴⁸ junction⁴⁹ and the crooked wall.⁵⁰

[If the cross-beam]⁵¹ was higher than twenty cubits and it is desired to reduce the height,⁵² how much is one to reduce it?⁵³ How much is one to reduce it, [you ask]? As much [obviously] as one requires!⁵⁴ But [it is this that is asked]: How much [must the raised ground⁵⁵ be in] width?⁵⁶ — R. Joseph replied: A handbreadth.⁵⁷ Abaye replied: Four [handbreadths].⁵⁸ May it be suggested that they⁵⁹ differ on the following principles — he⁶⁰ who said 'a handbreadth' being of the opinion that it is permissible to make use [of the floor space] under the beam⁶¹

(1) V. Tosaf. a.l. s.v. כֵּס

(2) As opposed to those of craftsmen.

(3) Sc. through which pomegranates would fall out. No householder would continue the use of utensils broken to such an extent. Losing the status of utensils the objects become levitically clean. In the case of a craftsman's utensils, even holes as small as the size of an olive, since they render the utensils unfit for sale, are sufficient to deprive them of the legal status of utensils, and they consequently become clean. V. Kel. XVII, 1.

- (4) **וּדְבַשׁ** ('and honey') in cur. edd. is enclosed within parentheses and is wanting from the parallel passages in Ber. 41b and Yalkut.
- (5) E.g., those applicable to the consumption of forbidden fat, blood or levitically unclean food.
- (6) Honey' in Scripture, unless otherwise stated, is assumed to be that of dates. Cf. Bik. I, 3.
- (7) Since the consumption of food is forbidden.
- (8) Thus it follows that the legal standards mentioned are Pentateuchal. How then could Rab maintain (supra 4a) that they formed part of the traditional code given orally to Moses at Sinai?
- (9) Variant, 'Rabbinical' (cf. Suk. 6a, Ber. 41b).
- (10) Lit., 'and supported them on'.
- (11) This is in fact the reading of some ed. but is wanting in MS.M. and cur. edd.
- (12) Lev. XV, 16. 'In water' appearing in cur. edd. in parenthesis is here omitted.
- (13) Ibid.
- (14) Sc. even if it is not spring water.
- (15) Lit., 'goes up in them'.
- (16) **מִקְוֵה**, lit., 'a gathering together'.
- (17) V. Glos. and Pes. 109a (Sonc. ed., p. 564, n. 7.)
- (18) Regarding the rule of 'interposition' in addition to the one just deduced from Scripture.
- (19) Who applies the law of interposition to hair.
- (20) Because it is possible to tie it so closely that no water could penetrate to all its parts.
- (21) Since it is impossible to tie them so tightly as to prevent the water from penetrating.
- (22) Suk. 6a, Nid. 6a.
- (23) Lev. XV, 16 emphasis on 'all'.
- (24) Lit., 'and this is'.
- (25) Suk. 6a. Old ed. read: 'to include his hair'.
- (26) So MS.M. Cur. edd., 'came'.
- (27) This is explained anon.
- (28) **דְּבַר תּוֹרָה**, lit., 'the word of the (oral) law'.
- (29) One's hair.
- (30) It is for the purpose of this distinction that the traditional law was required in addition to the Biblical law relating to interposition.
- (31) While traditional law restricts a disqualifying interposition to (a) its extension over the major part of the hair and (b) the man's objection to it, the Rabbis regard even (a) without (b) or (b) without (a) as a disqualifying interposition.
- (32) Since in both cases a 'minor portion' is involved.
- (33) The element of non objection being common to both.
- (34) Lit., 'it', the ruling that an interposition (a) over a minor portion to which one objects or (b) over a major portion to which one does not object.
- (35) Lit., 'shall we rise'.
- (36) Of course not. Hence the permissibility of an interposition over a minor portion which one does not mind.
- (37) Shab. 92a, Suk. 4a.
- (38) V. Ex. XXV, 10, 'A cubit and a half the height thereof', a cubit consisting of six handbreadths.
- (39) Lit., 'behold'.
- (40) This height of ten handbreadths from which God spoke to Moses (cf. Ex. XXV, 22, And I will speak with thee from above the ark-cover) is, according to R. Jose who stated (Suk. 5a) that the Deity never descended to a lower level than ten handbreadths from the earth, for 'the heavens are the heavens of the Lord but the earth hath he given to the children of men' (Ps. CXXV, 16), the boundary line or 'partition', so to speak, between heaven and earth. How then could it be said here that the laws defining partitions are only traditional?
- (41) **כֵּלִים**, lit., 'vessels'.
- (42) Kel. XII, 10. The total height of the ark and cover was consequently eight and a half handbreadths only, and R. Jose's boundary line between heaven and earth consequently receives no Pentateuchal support.
- (43) Kel. XVII, 10.
- (44) In the Temple.
- (45) Six handbreadths. (V. Pes. 86a).

(46) Lit., 'what is there to say', in reply to the difficulty pointed out (v. supra note 3).

(47) Lit., 'when it came'.

(48) גוד (rt. נגד 'to stretch'), a partition that does not reach (a) the ground or (b) the ceiling may in certain conditions be regarded as virtually touching the ground and the ceiling respectively.

(49) סבור (rt. כבד 'to join') a gap of less than three handbreadths between two partitions may be disregarded and the edges of the partitions are deemed to be joined into one complete partition.

(50) V. supra p. 14, n. 5.

(51) Spanning the entrance to a blind alley (v. our Mishnah).

(52) Lit., 'and he came to reduce it'.

(53) The term 'reducing' implies that the ground is raised to such a level as to reduce the distance between it and the beam, otherwise 'lowering' (sc. the beam) would be the more appropriate term.

(54) Sc. the ground must obviously be raised to such a level as would reduce the distance between it and the beam to twenty cubits.

(55) V. previous note.

(56) I.e., the width as extending into the alley. Lit., 'its width by how much'.

(57) Corresponding to the prescribed width of the cross-beam.

(58) This is discussed infra.

(59) Abaye and R. Joseph.

(60) R. Joseph.

(61) The outer edge of the beam being regarded as the end of the alley. Since people would consequently linger on the higher ground level the beam would well be noticed by them.

Talmud - Mas. Eirubin 5a

while he¹ who said 'four handbreadths', is of the opinion that it is forbidden to make use [of the floor space] under the beam?² — No; all may agree³ that it is permissible to make use [of floor space] under the cross-beam,⁴ but here they⁵ differ on the following principles: One Master holds the opinion that a cross-beam [is required] on account [of the necessity for] a distinguishing mark;⁶ while the other Master¹ holds that a cross-beam [is required] on account [of the necessity for] a partition.⁷ If you prefer I might reply that all agree³ that a cross-beam [is required] on account [of the necessity for] a distinguishing mark; but here they⁵ differ on [the question whether] the distinguishing mark below [must be of the same dimensions as] the one above. One Master is of the opinion that we say that a distinguishing mark below⁸ [is provided by the same width] as the one above,⁹ and the other Master¹⁰ holds that we do not say that a distinguishing mark below [is provided by the same dimensions] as the one above.¹¹ And if you prefer I might reply that all agree that a distinguishing mark below [is provided by the same width] as the one above,¹² but their¹³ point of difference here is [the question whether a wider space was ordered] as a preventive measure against the possibility of its being trodden down.¹⁴

[If an entrance to an alley] was less than ten handbreadths [in height] and it was desired to dig up the ground¹⁵ so as to bring up the altitude¹⁶ to ten [handbreadths] how much must one excavate? — [You ask], 'How much must one excavate'? As much [of course] as one requires!¹⁷ — Rather [this is the question:] To what extent in width¹⁸ [must one excavate]? — R. Joseph replied: To¹⁹ four [handbreadths]. Abaye replied: To four cubits. Might it be suggested that they²⁰ differ on the principle laid down by R. Ammi and R. Assi? For it was stated: If a breach was made in a side-wall of²¹ an alley close to its entrance,²² it was ruled in the name of R. Ammi and R. Assi, if a strip²³ of [the width of] four [handbreadths] was there²⁴ it is permissible²⁵ [to regard the alley as ritually fit],²⁶ provided the breach is not wider than²⁷ ten [cubits].²⁸ If, however, [there was] no [such strip²⁹ there] it is permissible [to regard the alley as ritually fit, if the breach was] less than three [handbreadths wide],³⁰ [but if it was] three [handbreadths wide]³¹ this is not permissible.³² [Might it then be suggested that] R. Joseph³³ adopts the principle of R. Ammi³⁴ and that Abaye³⁵ does not hold the principle of R. Ammi?³⁶ Abaye can answer you: There³⁷ [it is a question of] destroying the ritual

fitness³⁸ of an alley,³⁹ but here⁴⁰ [it is a case of] creating one.⁴¹ [Consequently] if the excavation extends⁴² [to a width of] four cubits [the entrance becomes] ritually fit,⁴³ but if not, it is not [fit]. Said Abaye: Whence do I derive my ruling?⁴⁴ From what was taught:⁴⁵ '[The movement of objects in] an alley cannot be permitted [on the Sabbath] by means of a sidepost⁴⁶ and a crossbeam⁴⁷ unless houses and courtyards open out into it'.⁴⁸ Now if [a strip of the width] of four [handbreadths were to constitute a proper alley wall) how could this⁴⁹ be possible?⁵⁰ And should you reply that the doors might open⁵¹ in the middle wall,⁵² the fact is [it could be retorted] that R. Nahman stated: We have a tradition that if [the movement of objects in] an alley is to be⁵³ permitted [on the Sabbath] by means of a side-post and a crossbeam, its length⁵⁴ must be⁵⁵ more than its width⁵⁶ and houses and courtyards must open out into it.⁵⁷ And R. Joseph?⁵⁸ — Each door might open⁵⁹ in a corner.⁶⁰ Abaye further⁶¹ stated: Whence do I derive my ruling? From what Rami b. Hama⁶² said in the name of R. Huna: If a projection from [the end of a side] wall of an alley⁶³ is less than four cubits [in width] it may be regarded as a side-post and no other post is required to effect the ritual fitness of the alley,⁶⁴ [but if it is] four cubits [wide] it is deemed to be [a part of the structure of the] alley, and another post is required to effect its ritual fitness.⁶⁴ And R. Joseph?⁶⁵ — To deprive [a projection] of its status as a post there must be⁶⁶ [a width of] four cubits but as regards constituting [a wall in] an alley, even [a width] of four handbreadths is also [enough] to constitute an alley.

[Reverting to] the above text, 'Rami b. Hama said in the name of R. Huna: If a projection from [the end of a side] wall of an alley

(1) Abaye.

(2) The inner edge of the beam forming the boundary line of the alley, while all the space under the beam itself is regarded as outside the alley. Since no one would consequently use that space no one would notice the beam which, from the level of the general floor of the alley, would be higher than twenty cubits. The raised ground must, therefore, be extended into the alley to form a substantial area; and the minimum of such an area is four handbreadths.

(3) Lit., 'for all the world hold the opinion'.

(4) Cf. Supra n. 7 first clause.

(5) Abaye and R. Joseph.

(6) That people might distinguish between the alley and the public domain into which it opens out, and would thus remember that what is permitted in the former is not permitted in the latter. A level of the width of one handbreadth which the residents must pass on their way from and into the alley is, therefore, quite sufficient for the purpose.

(7) Between the alley and the public domain. No partition is valid unless it is made for a floor space of no less than four handbreadths (v. infra 86b and cf. supra n. 9 final clause).

(8) Sc. the raised ground under the cross-beam.

(9) So that a raised level of only one handbreadth in width suffices.

(10) Abaye.

(11) Below a mark of wider width is required, viz., of four handbreadths.

(12) Only one handbreadth.

(13) Abaye's and R. Joseph's.

(14) Lit., 'he or it will diminish', sc. the raised ground, if it were to be allowed to consist of the minimum width of one handbreadth only, might in the course of time be worn down to less than a handbreadth. R. Joseph holds that this possibility was not provided against while Abaye holds that it was. Hence, according to Abaye, the necessity for a width of more than a handbreadth. And since a width above the minimum was required, it was fixed at four handbreadths. (cf. supra p. 23, n. 9 final clause).

(15) Lit., 'and he engraved in it'.

(16) Lit., 'to complete it'.

(17) To raise the altitude to ten handbreadths.

(18) Lit., 'its drawing (from the entrance into the interior) by how much'.

(19) Lit., 'in', 'by'.

(20) R. Joseph and Abaye.

(21) Lit., 'from its side'.

- (22) Lit., 'toward its head or top'.
- (23) Of wood, especially put up for the purpose, or a remnant of the original wall.
- (24) At the original termination of the wall, adjoining the cross-beam.
- (25) Lit., 'it (sc. the strip) permits'.
- (26) In respect of the movement of objects on the Sabbath. The breach is treated as an additional entrance to the alley and does not, therefore, affect its ritual fitness, while the validity of the main entrance is retained owing to the strip of wood or building structure which, complying with the prescribed size, serves the purpose of the original wall and, together with the wall opposite and the cross-beam above them, constitutes a valid alley to which the main entrance serves as doorway.
- (27) Lit., 'in the breach until'.
- (28) A gap wider than ten cubits cannot be regarded as a doorway and destroys, therefore, the Sabbatic ritual validity of the alley.
- (29) Sc. if it was either wanting altogether or of less than four handbreadths in width.
- (30) Such a narrow breach may be regarded as non-existent (v. Glos. s.v. labud) and the wall is deemed to be virtually intact.
- (31) And people are consequently likely to use the gap as a short cut thus neglecting the use of the main entrance.
- (32) Lit., 'it does not permit', since (v. previous note) the ritual validity of the main entrance has thereby been destroyed.
- (33) Who ruled *supra*, in the case of an excavation at the foot of an entrance, that a width of four handbreadths is sufficient.
- (34) Who regards a strip of four handbreadths in width to be sufficient to constitute a wall as a support for a cross-beam. MS.M. adds: 'and R. Assi'.
- (35) Who required for the excavation a width of four cubits.
- (36) MS.M. adds: 'and of R. Assi'. This is also the reading of Rashi.
- (37) The case dealt with by R. Ammi and R. Assi.
- (38) Lit., 'end'. Before the breach occurred the alley was in a condition that was ritually fit.
- (39) Hence it is sufficient for a width of four handbreadths to retain its ritual fitness.
- (40) In the matter of the excavation.
- (41) Lit., 'the beginning of an alley'. Owing to the low altitude of the entrance, the alley was never before ritually fit.
- (42) Lit., 'there is'.
- (43) Lit., 'yes'.
- (44) Lit., 'I say it'.
- (45) Shab. 130b, *infra* 73b.
- (46) 'lit., 'cheek', 'jaw'.
- (47) Cf. Mishnah *infra* 11b.
- (48) Sc. the houses open out into the courtyards and the latter into the alley (Rashi).
- (49) That 'courtyards' should open out into it'?
- (50) The prescribed minimum width of a door being four handbreadths, the doorway of one courtyard alone would cover the full width of the alley wall.
- (51) Lit., 'that he opens it'.
- (52) The back wall of the alley which is enclosed by the two side walls. While the latter might be as narrow as four handbreadths the former might be long enough to admit of more than one courtyard door.
- (53) Lit., 'which is an alley that is'.
- (54) Sc. the length of the side walls.
- (55) Lit., 'all of which its length is'.
- (56) The length of the middle, or back wall.
- (57) *Infra* 12b (cf. Shab. 131a). If courtyards (i.e., a minimum of two) were to open out from the middle wall, its width would be (cf. *supra* note 8) no less than eight handbreadths exclusive of the doorposts; and it would thus be twice as big as either of the side walls.
- (58) How, in view of Abaye's quotation and inference, could he maintain that four handbreadths are sufficient for the width of an alley wall?
- (59) Lit., 'that he opens it'.
- (60) Though the back wall is less than four handbreadths in length it is possible, where the side walls are four

handbreadths in length, to open a door that is four handbreadths wide in each corner where the two side walls respectively meet the back wall.

(61) So MS.M. reading **ואמר**.

(62) Var. lec., Abba (Asheri).

(63) Into the alley.

(64) Lit., 'to permit it'.

(65) Cf. supra p. 26, n. 16.

(66) Lit., 'until there is'.

Talmud - Mas. Eirubin 5b

is less than four cubits [in width] it may be regarded as a side-post¹ and no other post is required to effect the ritual fitness of the alley, [but if it is] four cubits [wide] it is deemed to be [a part of the structure of the] alley, and² another post is required to effect its ritual fitness'.³ Where, however, does one put up that '[other] post'? If it be attached to the projection,⁴ would not one be merely adding to it?⁵ — R. Papa replied: One puts it upon the other side.⁶ R. Huna son of R. Joshua said: It may even be maintained that it⁷ is attached to the projection⁴ but it is made bigger⁸ or smaller.⁹ R. Huna son of R. Joshua stated: This¹⁰ has been said only in respect of [an entrance to] an alley [that was no less than] eight [cubits in width],¹¹ but where [the entrance to] an alley is seven [cubits wide],¹² Sabbath ritual fitness is effected¹³ because¹⁴ the portion built-up¹⁵ is longer than the breach. [This ruling is inferred] a minori ad majus from [the law relating to] a courtyard: If a courtyard¹⁶ [the movement of objects in which on the Sabbath] cannot be rendered permissible¹⁷ by means of a side-post and a cross-beam¹⁸ is nevertheless deemed fit¹³ [for such movements] where its built-up portions¹⁵ are larger than its broken [parts],¹⁹ how much more then should an alley, where [such movements] may be rendered permissible by means of a side-post and a crossbeam,²⁰ be deemed fit¹³ when²¹ the built-up portion¹⁵ [across its entrance] is larger than its open [part]. But is not a courtyard, however, different²² [from an alley]²³ since a gap of ten cubits²⁴ [was also allowed in it]?²⁵ Then how can one apply²⁶ [the same ruling] to an alley where only a gap of four cubits²⁷ [was allowed]?²⁸ — R. Huna son of R. Joshua holds the opinion that in an alley also a gap of ten cubits is allowed.²⁴ But whose view has been under discussion?²⁹ [Obviously that] of R. Huna;³⁰ and R. Huna, surely, is of the opinion, [is he not,] that only a gap of four cubits [is allowed in an alley]?³¹ R. Huna son of R. Joshua only stated his own view.³²

R. Ashi said: It may be maintained that even [where the entrance to] an alley was eight [cubits wide] no side-post is required,³³ since, whatever your assumption [might be, the ritual fitness of the alley cannot be affected]. For if the built portion is bigger³⁴ [the movement of objects in the alley would] be permitted by [reason of the fact that] the built portion [across the entrance] is larger than the opening; and if the open section is bigger³⁵ [the projection]³⁶ might be regarded as a side-post.³⁷ What [other possible objection can] you submit? That both³⁸ might be exactly alike?³⁹ [But such an assumption] would amount to an uncertainty in respect of a Rabbinical enactment,⁴⁰ and in any uncertainty appertaining to a Rabbinical enactment the more lenient course is followed.⁴¹

R. Hanin b. Raba stated in the name of Rab: As to a breach that was made in an alley

(1) Even if originally it was put there for some other purpose.

(2) Unless that projection was especially constructed to serve as a side-post to the entrance.

(3) v. supra 5a for notes.

(4) Lit., 'put up with it'.

(5) Thus merely extending the projection further along the width of the alley and giving it a much greater resemblance to a proper wall.

(6) The side wall opposite.

(7) The side-post.

- (8) Longer or wider than the front of the projection, so that its nature cannot be mistaken and no one could regard it as an extension of the projection.
- (9) Shorter or narrower (cf. previous note).
- (10) The ruling of Rami b. Hama in the name of R. Huna, supra 5a ad fin.
- (11) In which case a projection of the width of four cubits would cover no more than half of its width.
- (12) So that a projection of the size mentioned (v. previous note) would cover its greater part.
- (13) Lit., 'is permitted'.
- (14) Though the projection cannot be regarded as a side-post.
- (15) Lit., '(which) stands'.
- (16) Sc. a square enclosure into which houses open out (v. Tosaf. s.v. , and cf. Rashi).
- (17) Where its wall that faced a public domain collapsed completely.
- (18) Though these means are effective in the case of an alley.
- (19) Even though the gaps are many and distributed among all its walls, the court remains ritually fit if the total length of the unbroken parts exceeds that of the gaps.
- (20) If placed at the entrance that faced a public domain (cf. supra n. 8).
- (21) In the absence of a side-post and cross-beam.
- (22) Lit., 'what of the courtyard'.
- (23) Sc. some of the laws relating to the former are much less restrictive than those of the latter.
- (24) Lit., 'its breach by ten'.
- (25) Of course it is; the freedom of movement in the courtyard is not affected by such a gap.
- (26) Lit., 'wilt thou say'.
- (27) Lit., 'whose breach by four'.
- (28) As in the case of an alley, the law was restricted in respect of the size of a gap so it might also have been restricted as regards permissibility of movement where the built portion is larger than the gap. How then (cf. supra note 14) could a law relating to an alley be inferred from one relating to a courtyard?
- (29) Lit., 'according to whom do we say', sc. to whose ruling was the argument, a *minori ad majus*, applied?
- (30) A disciple of Rab and teacher of R. Huna son of R. Joshua who (supra 5a) quoted his master.
- (31) *Infra*. How then could this view be reconciled with the inference of R. Huna son of R. Joshua?
- (32) Sc. while accepting R. Huna's ruling in the case of an entrance that was no less than eight cubits in width he disagreed with it on the strength of the argument he advanced in the case of one of the width of seven.
- (33) Where there was a projection of four cubits in width from one of the side walls across a part of the entrance.
- (34) I.e., if the measurement of the projection was on a generous scale so that the so-called 'four cubits' really represented a higher figure, and the remaining space was in fact less than four cubits in width.
- (35) Cf. previous note *mutatis mutandis*.
- (36) Since it is in reality less than four cubits.
- (37) And the movement of objects would again be permitted.
- (38) The width of the projection and that of the opening.
- (39) So that (a) the projection is four cubits wide and, therefore, unsuitable as a side-post and (b) the built section is not larger than the gap which is also four cubits wide.
- (40) The prohibition to move objects in an alley on the Sabbath day is not Pentateuchal but Rabbinical.
- (41) Consequently, 'no side-post is required'.

Talmud - Mas. Eirubin 6a

[if it was made] in a side [wall, a gap] of ten cubits is permissible,¹ [but if it was] in the front [wall,² only a gap] of four cubits is allowed.³ Wherein, however, does a side wall differ [from the front wall] that [in the case of the former] a gap of ten cubits is allowed?¹ [Presumably] because one can say⁴ [that the gap] is an entrance, [but then] could not one say also [when it is made] in the front wall that it is an entrance? R. Huna son of R. Joshua replied: [The ruling⁵ applies to a case,] for instance, where the breach was made in a corner, since people do not make an entrance in a corner. R. Huna, however, ruled: The one as well as the other⁶ [is subject to the limit] of four cubits. And so, in fact, did R. Huna say to R. Hanan b. Raba:⁷ 'Do not dispute with me, for Rab once happened to visit

Damharia⁸ and actually gave a decision in accordance with my view'.⁵ 'Rab', the other replied, 'found an open field and put a fence round it'.⁹

R. Nahman b. Isaac remarked: Reason is on the side of R. Huna.¹⁰ For it was stated: 'A crooked alley,¹¹ Rab ruled, is subject to the same law as one that is open on both sides,¹² but Samuel ruled: 'It is subject to the law of a closed one'.¹³ Now with what case are we dealing here? If it be suggested: with [one where the passage through the bend is] wider than ten cubits, would Samuel in such circumstances [it may be retorted] rule that 'it is subject to the law of a closed one'?¹⁴ Consequently¹⁵ [it must be conceded that the width of the communication passage is] within [the limit of] ten cubits, and yet Rab ruled that it 'is subject to the same laws as one that is open on both sides' — From which¹⁶ it definitely follows that [the permissibility of] a breach in a side [wall] of an alley is limited to four cubits.¹⁷ And R. Hamn¹⁸ b. Raba?¹⁹ — There²⁰ it is different,²¹ since many people make their way through it.²²

[This]²³ then implies that R. Huna²⁴ is of the opinion that even if not many people make their way through it²⁵ [a breach of no more than four cubits is allowed], but why should this be different from the ruling of R. Ammi and R. Assi?²⁶ — There [it is a case] where ridges [of the broken wall] remained,²⁷ but here, [it is one] where there were no ridges.²⁸ Our Rabbis taught: How is a road through a public domain²⁹ to be provided with an 'erub?³⁰ The shape of a doorway is made at one end,³¹ and a side-post and³² cross-beam, [are fixed] at the other.³¹ Hanania, however, stated: Beth Shammai ruled: A door is made at the one end³¹ as well as at the other³¹ and it must be locked as soon as one goes out or enters, and Beth Hillel ruled: A door is made at one end and a side-post and a cross-beam at the other.

May an 'erub, however, be lawfully provided for a public domain? Was it not in fact taught,³³ 'A more [lenient rule] than this³⁴ did R. Judah lay down:

-
- (1) Lit., 'from its side by ten'; if the gap is not wider, the Sabbath ritual fitness of the alley is not affected.
 - (2) Sc. the wall that was built across a portion of the entrance to reduce its original width to the permitted maximum of ten cubits.
 - (3) Lit., 'from its top by four'. Cf. supra n. 1.
 - (4) Lit., 'that he said'.
 - (5) That no larger gap than one of four cubits was allowed.
 - (6) In whatever wall the breach was made.
 - (7) Read Hanin b. Raba; cf. infra p. 31, n. 6.
 - (8) In the neighbourhood of Sura; Obermeyer, p. 298.
 - (9) Metaph. The people of Damharia were ignorant and careless in the observance of the Sabbath laws, and, in order to keep them away from further transgression, additional restrictions were imposed upon them. Elsewhere, however, even a breach of ten cubits might be allowed.
 - (10) V. supra nn. 5 and 6.
 - (11) One in the shape of an "L" each arm of which opens out into a public domain.
 - (12) Sc. as if both sides of each arm opened out into a public domain. Consequently, the side of each arm that actually opens out into the public domain must be furnished with side-posts or cross-beam while the opposite side terminating in the angle where the two arms meet must be furnished with a sort of framework that would give the passage of communication the shape of a doorway. (V. Rashi and cf. Tosaf. s.v. **ב**ר).
 - (13) The bend or angle of contact between the arms being regarded as the termination and closure of each and the side-posts or cross-beam at the two main entrances from the public domain are sufficient to effect the Sabbath ritual fitness of the alley.
 - (14) Obviously not. Such a wide passage of communication could not possibly be treated as a closing wall.
 - (15) Lit., 'but, not?'
 - (16) Since Rab regards an opening that is narrower than ten cubits as a breach that impairs the Sabbath ritual fitness of an alley, though that opening is not in a front wall adjoining a public domain.

- (17) In agreement with the view of R. Huna.
- (18) So Bomb. ed. and supra 5b ad fin. Cur. edd. 'Hanan'.
- (19) Var. lec. 'Abba' (MS.M. and Asheri). How, it is asked, could he, in view of R. Nahman b. Isaac's submission, maintain that in a side wall, a breach of ten cubits is permitted?
- (20) A communication passage between the two arms of a crooked alley.
- (21) From a breach in a side wall.
- (22) Hence the limit to a width of four cubits. Through a breach in a side wall, however, not many people pass and the limit of permissibility is, therefore, extended to ten cubits.
- (23) The reply just given on behalf of R. Hanin b. Raba. Since it was laid down that he limits the width of the communication passage in a crooked alley to four cubits only because many people pass through it, he presumably allows a breach of ten cubits where only few people pass.
- (24) Who differed from him.
- (25) If the gap opened out, for instance, to broken ground or an unsanitary area.
- (26) Who (supra 5a) do allow a breach of ten cubits.
- (27) The wall did not collapse completely and a height of three or four handbreadths of it remained, so that it is not very easy to use the breach as an entrance.
- (28) The passage through such a gap being easy, people would be likely to use it if it were wide enough. Hence the limit to four cubits.
- (29) Such a road must pass from one end of the town to the other and must be sixteen cubits in width, while the town through which it passes must have no surrounding wall and be inhabited by no less than six hundred thousand people.
- (30) V. Glos.
- (31) Lit., , 'from here'.
- (32) Var. lec. 'or' (Alfasi and Asheri).
- (33) Shab. 6a, 117a, infra 12a.
- (34) The one mentioned earlier in the context (v. previous note) where a covered space was under consideration.

Talmud - Mas. Eirubin 6b

If a man had two houses on the two sides [respectively] of a public domain he may¹ construct one side-post [on any of the houses] on one side and another on its other side or one cross-beam on the one side [of any of the houses] and another on its other side and then he may move things about² in the space between them;³ but they⁴ said to him: A public domain cannot be provided with an 'erub in such a manner'?⁵ And should you reply that it cannot be provided with an 'erub 'in such a manner',⁶ but that it may be provided with one by means of doors, surely, [it can be retorted,] did not Rabbah b. Bar Hana⁷ state in the name of R. Johanan that Jerusalem,⁸ were 'it not that its gates were closed at night,⁹ would have been subject to the restrictions¹⁰ of a public domain; and 'Ulla too has stated that the city gateways of Mahuza,¹¹ were it not for the fact that their doors were closed at night, would have been subject to the restriction of a public domain?¹² — Rab Judah replied: It is this that was meant: How is an 'erub to be provided for alleys that open out at both ends into a public domain? The shape of a doorway is made at one end and a side-post and¹³ cross-beam, at the other.

It was stated: Rab said: The halachah¹⁴ is in agreement with the first Tanna,¹⁵ and Samuel said: The halachah is in agreement with Hanania.¹⁶

The question was raised: According to Hanania's ruling in the name of Beth Hillel, is it necessary to lock [the single door of the alley] or not? — Come and hear what Rab Judah said in the name of Samuel: It is not necessary to lock it; and so also said R. Mattenah in the name of Samuel: It is not necessary to lock it.

Some there are who read: R. Mattenah stated: 'I myself was once concerned in such a case and Samuel told me that there was no need to lock [the door]'.¹⁷

R. 'Anan was asked: Is it necessary to lock [the door of an alley] or not?¹⁸ He replied: Come and see the [alley] gateways of Nehardea¹⁹ which are half buried in the ground²⁰ and Mar Samuel continually passes through²¹ [these gates] and yet never raised any objection.²² R. Kahana said: Those were [partially] closed.²³

When R. Nahman came²⁴ he ordered the earth to be removed.²⁵ Does this then imply that R. Nahman is of the opinion that [alley doors] must be locked?²⁶ — No; provided they are capable of being closed [Sabbatic ritual fitness is effected] even though they are not actually closed.

There was a certain crooked alley at Nehardea upon which were imposed the restriction of Rab and the restriction of Samuel, and doors were ordered²⁷ [to be fixed at its bends].²⁸ 'The restriction of Rab' who ruled that [a crooked alley] 'is subject to the same law as one that is open on both sides'; but [as] Rab in fact stated: 'The halachah is in agreement with the first Tanna'²⁹ [the second restriction was applied] in agreement with Samuel who stated: 'The halachah is in agreement with Hanania'. And [as] Samuel in fact ruled [that a crooked alley] 'is subject to the law of a closed one'³⁰ [the first restriction was applied] in agreement with Rab who ruled that '[a crooked alley] is subject to the same law as one that is open at both ends'.

Do we, however, adopt the restrictions of two³¹ [authorities who differ from one another]?³² Was it not in fact taught:³³ The halachah is always in agreement with Beth Hillel, but he who wishes to act in agreement with the ruling of Beth Shammai may do so, and he who wishes to act according to the view of Beth Hillel may do so; [he, however, who adopts] the more lenient rulings of Beth Shammai and the more lenient rulings of Beth Hillel is a wicked man, [while of the man who adopts] the restrictions of Beth Shammai and the restrictions of Beth Hillel Scripture said: But the fool walketh in darkness.³⁴ A man should rather act³⁵ either in agreement with Beth Shammai both in their lenient and their restrictive rulings or in agreement with Beth Hillel in both their lenient and their restrictive rulings?³⁶

(Now is not this³⁷ self-contradictory? You said: 'The halachah is always in agreement with Beth Hillel, and then you [proceed to] say: 'But he who wishes to act in agreement with the ruling of Beth Shammai may do so'! — This is no difficulty; the latter statement³⁸ [was made] before [the issue of] the bath kol³⁹ while the former³⁸ [was made] after [the issue of] the bath kol.³⁹ And if you prefer I might reply: Both the former and the latter statements⁴⁰ [were made] after [the issue of] the bath kol

(1) Since the area in question is already bordered by the two walls provided by the two opposite houses.

(2) As in a private domain.

(3) Lit., , 'in the middle'.

(4) The Rabbis.

(5) How then is this ruling of the Rabbis to be reconciled with the statement, 'How is a road etc.', (supra 6a ad fin.)?

(6) The one prescribed in the Baraita just cited.

(7) Var. lec., 'R. Huna' (Asheri).

(8) Its public road stretched from one end of the town to the other and it had all the other characteristics of a public domain (cf. supra note 1).

(9) So that it assumed the nature of a 'courtyard'.

(10) Lit., 'guilty concerning it'.

(11) A Jewish trading center. One of the 'neighbouring towns' or 'dependencies' of Babylon.

(12) Cf. supra p. 32, nn. 14f. How then could this be reconciled with the ruling of Beth Hillel that no closing of doors is necessary?

(13) Var. lec. 'or' (Alfasi and Asheri).

(14) So MS.M. הלכה Cur. edd. הלכות.

(15) V. supra 6a ad fin.

(16) Asheri adds: 'In accordance (with the ruling) of Beth Hillel' (v. supra 6a ad fin.).

- (17) Of the alley. Its Sabbatic ritual fitness is not affected even if the door always remains open.
- (18) Cf. previous note.
- (19) Nehardea was a town on the Euphrates, situated at its junction with the Royal Canal about seventy miles north of Sura, and famous for its great academy in the days of Samuel, which was rivalled only by that of Sura. Nehardea also had the characteristics of a public domain (v. supra p. 32, n. 14).
- (20) Lit., 'hidden unto their half in earth', and cannot possibly be moved from their open positions.
- (21) Lit., 'and goes in and goes out'. I.e., and saw that the gates were not closing, whilst the people were relying on them as providing an 'erub.
- (22) Lit., 'and he did not tell them anything'.
- (23) R. Anan's example, therefore, proves nothing.
- (24) To Nehardea.
- (25) Lit., 'he said: Remove their earth', the accumulated debris which prevented the closing of the gates.
- (26) Contrary to the general opinion expressed supra?
- (27) Lit., 'and they made it require'.
- (28) In addition to the side-posts or cross-beams fixed at the ends of the arms adjoining the public domain.
- (29) Who required no door at all, but only a sort of frame in the shape of a doorway.
- (30) Which required no contrivance.
- (31) Lit., 'do we do like two restrictions'.
- (32) I.e., where one relaxes the law and the other restricts it and vice versa.
- (33) Tosef. Suk. II, 'Ed. II, R.H. 14b.
- (34) Eccl. II, 14.
- (35) Lit., 'but'.
- (36) Why then were the restrictions of both Rab and Samuel imposed on the crooked alley of Nehardea?
- (37) The Baraitha just cited.
- (38) Lit., 'here'.
- (39) V. Glos. and cf. infra 13b. The bath kol announced that the halachah was always in agreement with Beth Hillel.
- (40) Lit., 'that and that'.

Talmud - Mas. Eirubin 7a

[but the latter] represents¹ [the view of] R. Joshua who does not recognize the authority² of a bath kol.³ And if you prefer I might reply: It is this that was meant:⁴ Whenever you come across⁵ two Tannas and two Amoras who differ from one another in the manner of the disputes between Beth Shammai and Beth Hillel, a man should not act either in accordance with the lenient ruling of the one Master and the lenient ruling of the other Master, nor in accordance with the restriction of the one and the restriction of the other, but either in accordance with the lenient and restrictive ruling of the other or in accordance with the lenient and restrictive ruling of the other.)

At all events, [however, does not the original] difficulty⁶ [remain]? — R. Nahman b. Isaac replied: All the restrictions were imposed in accordance with the views of Rab, for R. Huna stated in the name of Rab, 'The halachah [is in agreement with the first Hillel but no such ruling is given [in actual practice]'.⁷

According to R. Adda b. Ahabah, however, who, citing Rab, stated, 'The halachah [agrees with the first Tanna] and this is also the ruling to be followed in practice,' what can be said [in reply to the objection raised]?⁸ — R. Shezbi replied: We do not adopt the restrictions of two [authorities who differ from one another] only⁹ where [their views] are mutually contradictory¹⁰ as, for instance, in the case of the 'backbone and skull'; for we learned,¹¹ 'If the backbone or skull [of a corpse] were defective [it does not impart levitical uncleanness by overshadowing];¹² and how much [is deemed to be] a defect in a backbone? Beth Shammai ruled: Two vertebrae, and Beth Hillel ruled: One vertebra; and in the case of a skull, Beth Shammai ruled: [A hole] as large as that made by a drill,¹³ and Beth Hillel ruled: One that would cause a living person to die';¹⁴ and Rab Judah stated in the

name of Samuel, ‘And the respective rulings¹⁵ apply also¹⁶ in the case of trefah’;¹⁷ but where [the views] are not mutually contradictory¹⁸ we may well adopt¹⁹ [the restrictions or relaxations of two authorities].

[Against the contention that] where [the views of two authorities] are mutually contradictory we do not adopt [the restrictions of both], R. Mesharsheya raised [the following] objection. [Was it not taught:]²⁰ It once happened that R. Akiba gathered [the fruit of] an ethrog²¹ on the first of Shebat²² and subjected it to two tithes,²³ one²⁴ in accordance with the ruling of Beth Shammai²⁵ and the other²⁶ in accordance with the ruling of Beth Hillel?²⁷ — R. Akiba was uncertain of his tradition,²⁸ not knowing whether Beth Hillel said the first of Shebat or the fifteenth of Shebat and, therefore, he subjected himself to both restrictions.²⁹

R. Joseph sat before R. Huna and in the course of the session³⁰ he stated: Rab Judah laid down in the name of Rab that they³¹ differed only where [an alley opens out] into a camp³² on the one side and into a camp on the other,³³ or into a highway³⁴ on the one side and into a highway on the other,³³ but [where there was] a camp on one side and fields³⁵ on the other,³³ or fields on either side, the frame of a doorway is made at one end and a side-post and cross-beam at the other.³⁶ Now [that it has been said that ‘where there was] a camp on one side and fields on the other’ [it is sufficient if] ‘the frame of a doorway is made at one end and a side-post and cross-beam at the other’ [was it at all] necessary [to state the case of] ‘fields on either side’? — It is this that was meant: If there was a camp on one side and fields on the other it is the same³⁷ as [if there were] fields on either side. He³⁸ then concluded in the name of Rab Judah:³⁹ If the alley⁴⁰ terminated⁴¹ in a backyard,⁴² no [construction]⁴³ whatever is necessary.⁴⁴

Said Abaye to R. Joseph: That statement of Rab Judah⁴⁵ represents the view of Samuel;

(1) Lit., ‘it’.

(2) Lit., ‘looks’, ‘pays attention’.

(3) V. B.M. 59b.

(4) By the statement, ‘But he who wishes to act etc.’

(5) Lit., ‘you find’.

(6) Why were the restrictions of both Rab and Samuel simultaneously imposed in the case of the Nehardean alley.

(7) The rule in practice being in agreement with Hanania who ordained the construction of doors.

(8) V. p. 35, n. 13.

(9) Lit., ‘when do we not do etc.’?

(10) Sc. where the reason which impelled one authority to restrict a certain law inevitably led him to relax it in another case, while the authority that by another process of reasoning relaxed the law in the first case was led by the same process to restrict it in the latter. Anyone, therefore, who adopts either both lenient rulings or both restrictions takes up an untenable position, since the very reason for restriction in the one case is also a reason for relaxation in the other.

(11) Oh. II, 3; Bek. 37b.

(12) Ohel (v. Glos.). Only a complete backbone or skull impart uncleanness in this manner.

(13) Lit., ‘like the fullness of a drill’.

(14) Lit., ‘as much as would be taken from the living and he would die’.

(15) Of Beth Shammai and Beth Hillel.

(16) Lit., ‘and so’.

(17) V. Glos. A defect in the backbone or skull of an animal, discovered after it had been slaughtered, renders its flesh unfit for consumption. Beth Shammai's restriction in the former case (defilement unless two links are missing) results in a relaxation in the latter (fitness for human consumption) while Beth Hillel's relaxation of the law in the former case (no defilement even if one link is missing) results in a restriction (prohibition of consumption).

(18) As in the case of the restrictions of Rab and Samuel in respect of an alley, where the reason for the ruling of the one has no bearing on the reason for that of the other.

(19) Lit., ‘we do’.

- (20) Tosef. Sheb. III ad fin., R.H. 14a, Yeb. 15a.
- (21) V. Glos.
- (22) The eleventh month of the Hebrew calendar (corresponding to January / February) the first day of which is regarded by Beth Shammai as the New Year for Trees. The gathering took place at the end of the second year of the septennial cycle and the beginning of the third.
- (23) The 'second tithe' which is due in the second year of the septennial cycle, and the 'poor man's tithe' which is due in the third year of the cycle.
- (24) The 'poor man's tithe'.
- (25) According to whom, the first of Shebat being regarded as the beginning of the New Year for Trees, the third year of the cycle had already begun, and the tithe due was, therefore, that of the poor.
- (26) The 'second tithe'.
- (27) Who, maintaining that the New Year for Trees does not begin until the fifteenth of Shebat, regard the first day of the month as still belonging to the concluding year, i.e., the second of the cycle in which the 'second tithe' is due.
- (28) In respect of the view of Beth Hillel. He was not concerned at all with the view of Beth Shammai.
- (29) Lit., 'and he did here as a restriction and here etc.'
- (30) **וּתִיב**, wanting in MS.M.
- (31) Hanania and the first Tanna who are in dispute supra on the question of alleys that are open at both ends.
- (32) Or 'public road'. **אֶסְטְרַטִיָּא = סְרַטִיָּא** .
- (33) Lit., 'from here ... from here'.
- (34) **פְּלַטִיָּא** cf. Gr. **.
- (35) **בְּקַעָה**, lit., 'valley', a domain which, in respect of the Sabbath laws, is regarded as neither public nor private but as karmelith (v. Glos.).
- (36) No door, even according to Hanania, being required.
- (37) Lit., 'it is made'.
- (38) R. Joseph.
- (39) Not indicating the latter's authority for the ruling (cf. infra note 10).
- (40) That opened out into a public domain.
- (41) At the opposite end.
- (42) And that wall of the yard that adjoined a public domain was broken through, so that the alley was now open into a public domain on its two sides. **רְחֹבָה** an area at the back of a house enclosed by four walls.
- (43) Either of side-post or cross-beam.
- (44) At the breach, in the backyard wall. Only that end of the alley that opens out directly into the public domain requires the prescribed construction.
- (45) Just quoted by R. Joseph (cf. Supra note 4).

Talmud - Mas. Eirubin 7b

for if [it be maintained that it is] that of Rab, a twofold contradiction between Rab's statements would arise.¹ For R. Jeremiah b. Abba laid down on the authority of Rab that if an alley was broken along its full [width]² into a courtyard, and a breach³ was made in the courtyard [wall] over against it, the courtyard is ritually fit⁴ but the alley is forbidden. But why [should this be so]? Should it not rather be [subject to the same law] as that of an alley that terminated in a backyard?⁵ — The other replied: I do not know,⁶ but it once happened that at Dura di-ra'awatha⁷ an alley terminated in a backyard,⁸ and when I came⁹ to Rab Judah [to ask his opinion] he ruled that it required no contrivance whatsoever.¹⁰ If, therefore, a contradiction [arises if Rab Judah's statement] is ascribed to Rab, let it be [conceded to have been made] in the name of Samuel¹¹ and no difficulty whatever would arise.

Now, however, that R. Shesheth said to R. Samuel b. Abba or, as others say, to R. Joseph b. Abba: I may explain to you — [that Rab's ruling is dependent on whether] an 'erub has been prepared or not,¹² no contradiction between the two statements of Rab does now arise.¹³ For one refers to a case¹⁴ where the residents of the courtyard joined in an 'erub with those of the alley while the other

refers to one¹⁴ where they did not join them in an 'erub.¹⁵

(1) Lit., 'a difficulty of Rab upon Rab in two'.

(2) Sc. its entire back wall collapsed.

(3) Of less than ten cubits in width.

(4) Lit., 'permitted', as regards the movement of objects on the Sabbath. The breach is regarded as an entrance since portions of the courtyard wall remained on both sides. The ritual unfitness of the alley cannot affect the courtyard since the residents of the former have no right of passage through the latter.

(5) Rab's reason, it is now assumed, is that the alley, owing to the breach in the courtyard, is exposed on two sides to public domains. Now since Rab Judah spoke of a backyard (which, as it has no inhabitants to claim right of passage through the alley, cannot affect its ritual fitness) and not of a courtyard (which is inhabited), it follows that if an alley terminated in the latter, it becomes ritually unfit on account of the right of passage through it of the inhabitants of the courtyard. Rab, on the other hand, spoke of a courtyard and not of a backyard. And, since he does not mention the right of passage but the breach that was made, it follows that the exposure of the alley on two sides to public domains is the only reason for its unfitness, and that the right of passage of the inhabitants of the courtyard does not affect its fitness. The two principles then that were laid down by Rab Judah, viz. (a) that the opening out of an alley into a public domain through a backyard does not destroy its ritual fitness and (b) that the opening also of a courtyard into an alley does destroy its fitness, are thus opposed by those of Rab who maintains (a) that the opening out of an alley into a public domain through a courtyard or, for the same reason, through a backyard does destroy its ritual fitness and (b) that the opening of a courtyard into an alley does not destroy it.

(6) From whom Rab Judah received the ruling.

(7) Shephardville. V. Rashi and Jast. Aliter: Diridotis, a famous commercial town on the Tigris (Wiesner, Scholien).

(8) That had a breach in the wall that faced the alley.

(9) אָרְבֵּי, so MS.M. Cur. edd. אָרְבֵּי.

(10) Lit., 'and he did not cause it to require anything', at the backyard breach. The contrivance at the other end that abutted on the public domain was sufficient.

(11) Another teacher of Rab Judah.

(12) Lit., 'here that they mixed; there that they did not mix'. Where the residents of the courtyard joined the residents of the alley in the 'erub (v. Glos.), the latter is ritually fit, but if they did not join, the fitness of the latter is destroyed, not on account of the breach in the courtyard which exposed the alley to a public domain (as has been assumed supra), but on account of the absence of the joint 'erub. The fitness of the courtyard, however, is not affected since the breach between it and the alley, though extending over the full width of the latter, extends only over a portion of its own width and may, therefore, be regarded as a doorway.

(13) Lit., 'of Rab upon that of Rab also, there is no difficulty'.

(14) Lit., 'here'.

(15) Rab's ruling reported by R. Jeremiah b. Abba (supra 7b ab init.) would accordingly refer to a case where no joint 'erub was made; the incident at Dura di-ra'awatha would refer to one where such an 'erub was made; and Rab Judah's report in the name of Rab (supra 7a ad fin.) would be in agreement with Rab's view, even if no joint 'erub was made, since a backyard has no residents whose right of passage could affect the ritual fitness of the alley.

Talmud - Mas. Eirubin 8a

According to our previous assumption, however, that [Rab and Samuel] are in disagreement irrespective of whether a joint 'erub was made¹ or not,² on what principle do they differ where a joint 'erub was made³ and on what principle do they differ where no such 'erub was made?⁴ — Where no joint 'erub was made they differ [on the question whether a gap] that has the appearance [of a door] from without but is even [with the walls] within⁵ [may be regarded as a door];⁶ and where a joint 'erub has been made⁷ they differ on a principle that underlies a statement of R. Joseph. For R. Joseph stated: This⁸ has been taught only [in respect of all alley] that terminated in the middle of the backyard⁹ but if it terminated at the side of the backyard¹⁰ [all movement of objects in the alley on the Sabbath is forbidden.

Rabbah said: The statement¹¹ [that termination] at the middle of a backyard is permitted, applies only [where the gaps¹² were] not facing one another, but if they were facing one another [movement of objects in the alley on the Sabbath] is forbidden.

R. Mesharsheya said: The statement¹¹ [that where the gaps¹² were] not facing one another [the use of the alley] is permitted, applies only to¹³ a backyard that belonged to many people, but [not to] a backyard of an individual who might sometimes reconsider [his attitude] towards it and build houses in it¹⁴ and the alley would thus be one that terminated at the sides of a backyard [in which the movement of objects on the Sabbath] is forbidden.

Whence, however, is it inferred that a distinction is made between a backyard belonging to many people and one belonging to an individual? — From what Rabin b. R. Adda stated in the name of R. Isaac: It once occurred that one side of an alley terminated in the sea and the other terminated in a rubbish heap,¹⁵ and when the facts were submitted to Rabbi¹⁶ he neither permitted nor forbade [the movement of objects on the Sabbath] in that alley.¹⁷ [He did not declare it] forbidden because partitions¹⁸ in fact existed, [and he did not declare it] permitted since the possibility had to be considered that the rubbish heap might be removed or the sea might throw up alluvium.¹⁹ Now²⁰ is it necessary to take into consideration the possibility that a rubbish heap might be removed? Have we not in fact learnt:²¹ ‘If a rubbish heap in a public domain was ten handbreadths high,²² objects from a window above it may be thrown on to it on the Sabbath’?²³ Thus it clearly follows that a distinction is made between a public rubbish heap and a private one,²⁴ and so here also a distinction may be made between a backyard that belonged to many people and one that belonged to one person. And what [was the view of] the Rabbis²⁵ [on the question of the alley]? R. Joseph b. Abdimi replied: A Tanna taught that the Sages forbade it. R. Nahman stated: The halachah is in agreement with the ruling of the Sages.

Some there are who say: R. Joseph b. Abdimi stated: A Tanna taught that the Sages permitted it, and R. Nahman said: The halachah is not in agreement with the ruling of the Sages.

Meremar partitioned off Sura²⁶ by means of nets,²⁷ because, he said, the possibility must be considered that the sea might throw up alluvium.²⁸

A certain crooked alley²⁹ once existed at Sura [and the residents of one of its arms] folded up some matting and fixed it in its bend.³⁰ This [arrangement], said R. Hisda, is neither in agreement with the view of Rab nor with that of Samuel. According to Rab, who ruled that the law of such [an alley] is the same as that of one that is open at both ends, [a structure in] the shape of a doorway is required; and [even] according to Samuel who ruled that it is subject to the law of a closed one [it must be understood that] his ruling applied only where a proper side-post [had been fixed],³¹ but such [matting], since the wind blows on it and throws it about, is useless. If a pin, however, was inserted therein and it was thus fastened [to the wall] it may be regarded as a proper partition.³²

[Reverting to] the main text: ‘R. Jeremiah b. Abba laid down on the authority of Rab that if an alley was broken along its full [width] into a courtyard, and a breach was made in the courtyard [wall] over against it, the courtyard is ritually fit but the alley is forbidden.’³³ Said Rabbah b. ‘Ulla to R. Bebai b. Abaye, ‘Master, is not this ruling³⁴ [one that already appeared in] a Mishnah of ours:³⁵ [If the full width of a wall of] a small courtyard was broken down [so that the yard now fully opens out] into a large courtyard, [movement of objects on the Sabbath] is permitted in the large courtyard but forbidden in the small one because the gap is regarded as an entrance to the former’?³⁶ — The other replied: If [our information had been derived] from there³⁷ it might have been assumed that the ruling applied only where not many people tread,³⁸ but that where many people tread³⁹ even the courtyard also [is forbidden].⁴⁰ But did we not learn this⁴¹ also: A courtyard into which many people enter from one side and go out from the other [is deemed to be] a public domain in respect of

levitical defilement⁴² and a private domain in respect of the Sabbath?⁴³ — If [the ruling⁴⁴ were to be derived] from there it might have been assumed to apply only where the gaps were not facing one another⁴⁵

-
- (1) Between the residents of the alley and those of the courtyard.
 - (2) Sc. that (a) Rab forbids the movement of objects in the alley, even if a joint 'erub was made, on the ground of the exposure of the alley through the breach to a public domain; that (b) only the breach causes the prohibition but not the right of passage of the courtyard residents through the alley; that (c) Rab Judah's ruling (supra 7a ad fin.) represents the view of Samuel who, if a joint 'erub was made, permits the use of the alley despite the breach (as is evident from his decision in the case of a backyard which has no residents and which in respect of the laws under discussion has the same status as a courtyard that has residents who joined those of the alley in their 'erub) and that (d) where no joint 'erub was made between the residents of the courtyard and the alley Samuel forbids the use of the latter even where there was no breach (as follows from the fact that in his permission he mentioned a backyard, which has no residents, and not a courtyard which has residents).
 - (3) And the prohibition could be due to the breach only. Why does Rab regard the alley as exposed through that breach to the public domain and why does not Samuel regard it so?
 - (4) Why, since no breach was made, does Samuel rule that the residents of the courtyard cause, and why does Rab rule that they do not cause the prohibition of the use of the alley?
 - (5) Where, for instance, the courtyard is wider than the alley. The gap occasioned by the collapse of the complete wall of the latter appears as a doorway when viewed from the former.
 - (6) Rab is of the opinion that, since the gap has the appearance of a door when viewed from the courtyard and since it is not wider than ten cubits, it may well be regarded as a door for the residents of the alley also; while Samuel, owing to the fact that when viewed from the alley it has the appearance of a breach, does not recognize it as a door.
 - (7) And the question of permissibility arises on account of the gap in the wall of the courtyard.
 - (8) That no provision whatever is necessary in the case of an alley that terminated in a backyard (supra 7a ad fin.).
 - (9) So that the shape of a door remained at least on the side facing the backyard.
 - (10) In which case one side of the yard appears like a continuation of the side of the alley, and no shape of a door remains even when viewed from the yard.
 - (11) Lit., 'that which you said'.
 - (12) In (a) the wall between the alley and the yard and (b) in the yard wall that adjoined the public domain.
 - (13) Lit., 'he did not say them, but'.
 - (14) Against that portion of the wall which formed the side-post, and thus level the side of the yard with the side of the alley and give it the appearance of one extended wall.
 - (15) The third side was closed and the fourth was open on a public domain and duly furnished with a side-post and cross-beam.
 - (16) R. Judah I, compiler of the Mishnah.
 - (17) Lit., 'he did not say about it, either permission or prohibition.'
 - (18) The rubbish heap on the one side and the sea shore on the other, each of which was ten handbreadths high.
 - (19) I.e., it may recede, in consequence of which possibility either of the partitions might disappear. Infra 99b.
 - (20) This is the conclusion of the argument that a distinction is made between the property of several people and that of one individual.
 - (21) Infra 99b.
 - (22) And is consequently subject to the laws of a private domain.
 - (23) The possibility of a reduction in its height, which would turn it into a public domain, not being considered.
 - (24) The possibility of reduction being taken into consideration in respect of the latter (with which case Rabbi had to deal) but not in that of the former (spoken of infra 99b).
 - (25) Rabbi's contemporaries.
 - (26) From the river or canal (cf. B.B., Sonc. ed., p. 294, n. 5 and text) which ran along the backs of alleys that at their other ends opened out into a public domain.
 - (27) The river, or canal bank was not regarded by him as a proper partition.
 - (28) And people might not be aware of the difference and would continue to use the alleys on the Sabbath day as before.
 - (29) Cf. supra 6a.

- (30) While a side-post was fixed at their entrance, the residents of the other arm providing no such post to their entrance.
- (31) At the entrance to each arm (Rashi). The view of Rashi's teacher is that a third side-post also must be fixed at the bend.
- (32) Lit., 'he fastened it'.
- (33) Supra 7b ab init. q.v. notes, where it was explained that this was a case where no joint 'erub was made between the residents of the alley and those of the courtyard and that the prohibition of the use of the former was due to the right of passage through it of the residents of the latter.
- (34) Cf. previous note.
- (35) V. infra 92a.
- (36) Since the gap, when viewed from the large court, is flanked on either side by the remaining portions of the fallen wall, which may be viewed as side-posts. It cannot be treated as an entrance of the small courtyard because the side portions of the wall cannot be seen from its interior where the opening has the appearance of a wide gap extending from wall to wall. Now, since it is obvious that the conditions of the alley and courtyard spoken of by Rab are analogous to those of the large and small courtyards dealt with in the Mishnah quoted, what need was there for Rab to issue a ruling that was a mere repetition of a Mishnah?
- (37) The Mishnah quoted.
- (38) As in the case dealt with in the Mishnah where the breach occurred between two courtyards and the larger one remained closed on the side of the public domain.
- (39) The case spoken of by Rab, where the courtyard was broken both on the side of the alley and on that of the public domain. People in the public domain would naturally use the courtyard as a short cut and might thus turn it into a sort of public thoroughfare.
- (40) Hence the necessity for Rab's ruling.
- (41) That the use of a courtyard by the public does not affect its status as a private domain in respect of the Sabbath laws.
- (42) Sc. any uncertainty of defilement is to be regarded as clean.
- (43) Tosef. Toh. VII; cf. infra 22b.
- (44) V. supra note 7.
- (45) Lit., 'these words, when this is not opposite this'.

Talmud - Mas. Eirubin 8b

but not where they were facing each other.¹ According to Rabbah, however, who ruled [that a courtyard is] forbidden where the gaps were facing each other,² how would he explain Rab's ruling? [Obviously, that it referred to a case where the gaps were] not facing one another [but then the question arises again:] What need was there for³ two [rulings⁴ on the same subject]? — If [the rulings were derived] from there⁵ it might have been assumed to apply only to the throwing [of objects into it],⁶ but not to the moving [of them within it];⁷ hence we were informed [of Rab's ruling].⁸

It was stated:⁹ If an alley is constructed in the form of a centipede,¹⁰ the shape of a doorway, said Abaye, is made [at the entrance] of the major alley and all the others are rendered ritually fit by means of a side-post and cross-beam.¹¹ Said Raba to him: In agreement with whose view [is your ruling]? [If it is] in agreement with that of Samuel who ruled that [a crooked alley]¹² has the same law as one that is closed [at one end], why should it be necessary to have the shape of a doorway?¹³ And, furthermore, was there not once a crooked alley at Nehardea¹⁴ and [in providing for its ritual fitness] Rab's view also was taken into consideration?¹⁵ [The fact,] however, is, said Raba, that the shape of a doorway is made [at the entrance] of each minor alley¹⁶ on the one side¹⁷ while the other side¹⁸ [of each minor alley] is rendered ritually fit by means of a side-post and cross-beam.

Said R. Kahana b. Tahlifa in the name of R. Kahana b. Minyomi in the name of Rab Kahana b. Malkio who had it from R. Kahana the teacher of Rab [others say that R. Kahana b. Malkio is the same R. Kahana who was Rab's teacher]: If one side of an alley was long and the other short, [and the shortage is] less than four cubits, the cross-beam may be laid in a slanting position,¹⁹ [but if it is]

four cubits the cross-beam is laid only at right angles²⁰ to the shorter side. Raba said: In either case²¹ the beam must be laid only at right angles²⁰ to the shorter side; and I can give²² my reason and also²² theirs.²³ My reason is:²² [The erection of] a cross-beam was enacted²⁴ in order [to provide] a distinguishing mark,²⁵ and [a beam] in a slanting position provides no such mark.²⁶ Their²⁷ reason is:²⁸ [The object of] a cross-beam was to provide a partition,²⁹ and [a beam] in a slanting position is also a partition. R. Kahana remarked: As the ruling is reported in the name of Kahanas, I would say something about it. The rule³⁰ that the beam may be laid in a slanting position applies only where the slant was no longer than ten cubits, but if it was longer than ten cubits all agree that it is placed only at right angles to the shorter side.³¹

The question was asked: May the space under a cross-beam be used?³² Rab and R. Hiyya and R. Johanan replied: It is permitted to use the space under the beam; Samuel, R. Simeon b. Rabbi and R. Simeon b. Lakish replied: It is forbidden to use the space under the beam. May it be assumed that they³³ differ on the following principle? One Master³⁴ is of the opinion that a cross-beam serves the purpose of a distinguishing mark,³⁵ while the other Master³⁴ holds that the cross-beam serves the purpose of a partition?³⁶ — No; all may agree that a beam serves the purpose of a partition, but it is this principle on which they differ here. One Master³⁴ holds that the distinguishing mark [is to serve as such for those who are] from within,³⁷ and the other Master³⁴ holds that it is for those who are without.³⁸ And if you prefer I would reply: All agree that it serves the purpose of a partition, but it is this on which they differ here: One Master³⁴ holds that its inner edge [is deemed to] descend and close up [the entrance]³⁹ while the other Master³⁴ maintains that it is its outer edge [that is deemed to] descend and close it up.⁴⁰ R. Hisda stated: All agree that [the use of the space] between side-posts is forbidden.⁴¹

Rami b. Mama enquired of R. Hisda: What is the ruling where one Inserted two pins [respectively] in the two [extremities of the] walls of an alley on the outside⁴² and placed a beam on them?⁴³ The other replied: According to him who permits [elsewhere the use of the space under the cross-beam the use of the space here] is forbidden;⁴⁴ and according to him who forbids [the use elsewhere of such space,⁴⁵ the use of it here] is permitted.⁴⁶

Raba said: According to him also who forbids [the use of the space under the cross-beam the use of the alley here] is forbidden, since we require the beam to rest above the alley and this is not the case here.

R. Adda b. Mattena raised an objection against Raba:⁴⁷ If its⁴⁸ cross-beam

-
- (1) Rab, therefore, found it necessary to state that even where the gaps faced one another the courtyard is still regarded as a private domain.
 - (2) Supra 8a.
 - (3) Lit., 'wherefore to me'.
 - (4) Rab's and that of the Mishnah quoted.
 - (5) The Mishnah.
 - (6) Sc. that it is Pentateuchally regarded as a private domain and that consequently it is forbidden to throw any object from the public domain into it.
 - (7) Such movement being forbidden by an enactment of the Rabbis who imposed upon it the restrictions of a public domain.
 - (8) That the moving of objects within the courtyard is permitted.
 - (9) By Amoras.
 - (10) Sc. from a major alley that opens out into a public domain minor alleys branch out in the shape of the legs of a centipede, and these have two entrances each, one from the major alley and another from a public domain (Rashi), being built, however, in such a manner as to avoid the entrances of any two opposite alleys from facing one another (R. Tam). Should the entrances of two alleys be directly opposite each other they would be regarded as one long alley that opens

- out at both ends into public domains and would be subject to the more stringent laws that are applicable to such all alley. (V. Tosaf. s.v. **מַבְרֵי** a.l.)
- (11) Fixed at each of the entrances that open out into the public domains.
- (12) Each of the minor alleys may be regarded as an arm of a crooked alley the other arm of which is formed by the major alley.
- (13) At the entrance of the major alley. If the minor ones have the status of crooked alleys the major one also, for the same reason, should have the same status and be subject to the same laws.
- (14) V. supra 6b.
- (15) How then could Abaye rule that only the lenient ruling of Samuel was to be followed?
- (16) Lit., 'to all of them'.
- (17) That terminates in the major alley (Rashi).
- (18) Terminating in the public domain (Rashi). R. Han.: 'on one side etc.'; i.e., the shape of the doorway and the side-post and cross-beam may respectively be set up on either side. V. Also Marginal Gloss.
- (19) One end on the longer and the other on the shorter side, and the alley may be used as far as the beam, i.e., to the termination of each side.
- (20) Lit., 'opposite', 'corresponding'.
- (21) Whether the difference between the lengths of the two walls of an alley was four cubits or less.
- (22) Lit., 'and I say'.
- (23) That of the authorities just mentioned.
- (24) Lit., 'what is the reason?'
- (25) Supra 5a.
- (26) Lit., 'there is no recognition', because the space adjoining the part of the longer wall which protrudes beyond the shorter one, not being enclosed by any wall on its other side, might be mistaken for a continuation of the public domain.
- (27) That of the authorities just mentioned.
- (28) Lit., 'and I say'.
- (29) Between the alley and the public domain.
- (30) Lit., 'that which you said'.
- (31) Since an entrance may not be wider than ten cubits.
- (32) Sc. in the same manner as the interior of the alley. This is a general question relating to any alley.
- (33) The two groups of authorities just mentioned.
- (34) Sc. each of the group.
- (35) Between the alley and public domain. As the mark is there, it is permitted to use the space under it.
- (36) The space under the beam being virtually covered so to speak with the imaginary downward extension of the beam, no use can be made of it.
- (37) The residents of the alley. As they see only the inner side, no use may be made of the space beyond the inner edge.
- (38) I.e., the people in the public domain; so that the whole of the space under the beam belongs to the alley and consequently may be used by the residents of the alley.
- (39) The space under the beam, being in consequence outside the alley, must be regarded as belonging to the public domain and its use must, therefore, be forbidden.
- (40) Cf. previous note mutatis mutandis.
- (41) Where no cross-beam but only a side-post had been put up. The plural (**לְחַיִּים**) in the text applies to alleys in general, each single alley requiring no more than one side-post at its entrance (V. Rashi).
- (42) Sc. in the thicknesses of the walls, on either side of the entrance, that face the public domain.
- (43) So that the inner edge of the beam touches the walls of the alley while the rest of the beam lies outside. Is the alley, it is asked, rendered ritually fit for the Sabbath by such an arrangement?
- (44) Since the very reason for the permission to use the space under the beam, viz., that the outer edge of the beam is deemed to descend to the ground, is a reason here for the prohibition of the use of the entire interior of the alley. For if the outer edge is the limit of the partition, the thickness of the beam separates it from the alley and so invalidates it as a partition of it.
- (45) Because he maintains that it is the inner edge of the beam that constitutes the partition.
- (46) Since the inner edge does touch the walls of the alley and so forms a valid partition between the public domain and the alley.

(47) And also against R. Hisda (י"ן).

(48) Of an alley.

Talmud - Mas. Eirubin 9a

was drawn away¹ or suspended² [at a distance of] less than three handbreadths [from the walls of the alley] there is no need to provide another beam,³ [but if the distance was] three handbreadths another beam must be provided. R. Simeon b. Gamaliel ruled: [If the distance was] less than four handbreadths there is no need to provide another beam⁴ [but if it was] four handbreadths another beam must be provided.⁵ Does not 'drawn away' [mean that the beam was altogether] outside [the alley],⁶ and 'suspended' [that it was] within?⁷ No; both⁸ [refer to a beam] within the alley, but by 'drawn away [was meant that the beam was drawn away] from one side,⁹ and by 'suspended' [that it was drawn away] from both sides.¹⁰ [As] it might have been assumed [that the law of] labud¹¹ is applied¹² [only where the beam is removed] from one side but not¹³ [when it is removed] from the two sides, hence we were informed [that in the latter case also the law of labud¹¹ applies]. R. Ashi¹⁴ replied: [The meaning is that the beam was] drawn away [from the walls] and also suspended. And how is this to be imagined? [That a man], for instance, inserted on the tops of the two side-walls of an alley respectively two slanting pins¹⁵ whose height¹⁶ is less than¹⁷ three handbreadths¹⁸ and whose slant also¹⁹ is less than three handbreadths.²⁰ [Since] it might be assumed that we call apply either the law of labud²¹ or that of habut,²¹ but not that of both labud and habut, hence we were informed [that both may also be applied]. R. Zakkai recited in the presence of R. Johanan: [The space] between the side-posts and beneath the cross-beam is subject to the laws of a karmelith.²² 'Go out', the other told him, 'recite this outside'.²³ Said Abaye: It stands to reason that the view of R. Johanan²⁴ [applies to the space] under the beam²⁵ but [that] between the side-posts²⁶ is forbidden. Raba, however, said: [The space] between the side-posts²⁶ is also permitted. Said Rabbi: Why²⁷ do I say this? Because when R. Dimi came²⁸ he reported in the name of R. Johanan: In a place²⁹ whose area is less than³⁰ four by four [handbreadths]³¹ it is permissible³² for both the people of the public domain and those of the private domain to rearrange their burdens,³³ provided only that they do not exchange them.³⁴ And Abaye?³⁵ — There³⁶ [it is a case] where [the place] was three handbreadths in height.³⁷ Said Abaye: Why²⁷ do I say this?³⁸ Because R. Hama b. Goria said in the name of Rab: [The space] within a gateway³⁹ requires⁴⁰ a special⁴¹ side-post to render it permissible.⁴² And should you suggest that [this⁴³ is one] where the area is four handbreadths by four,⁴⁴ surely, [it can be retorted] R. Hanin⁴⁵ b. Raba⁴⁵ stated on the authority of Rab: [The space] within a gateway, though it is less than four handbreadths by four, requires a special⁴⁶ side-post to render its use permitted. And Raba?⁴⁷ — There [it is a case where the alley] opens out into a karmelith.⁴⁸ Is this,⁴⁹ however, permitted [where the alley opens out] into a public domain? The native [then would be] in the earth and the stranger in the highest heavens?⁵⁰ Yes, the like⁵¹ has found its like and is aroused.⁵²

Said R. Huna son of R. Joshua to Raba: Do you not uphold the view that [according to R. Johanan, the space] between side-posts is forbidden? Surely, Rabbah b. Bar Hana stated in the name of R. Johanan: If [a section of one side of] an alley was lined with side-posts⁵³ [fixed within distances of] less⁵⁴ than four [handbreadths⁵⁵ between one another, the question of its use] is dependent⁵⁶ on the dispute between R. Simeon b. Gamaliel and the Rabbis.⁵⁷ [Now this obviously means, does it not, that] according to R. Simeon b. Gamaliel, who ruled [that in respect of such distances the law of] labud is applied,⁵⁸ one is allowed to the [the alley from the interior thereof only] up to the inner edge of the innermost post⁵⁹ and that according to the Rabbis, who ruled [that in respect of a distance of more than three handbreadths, the law of] labud is not applied,⁶⁰ one is allowed to use [the alley] up to the inner edge of the outermost post,⁶¹ but [the use of the space] between side-posts is unanimously⁶² forbidden?⁶³ And Raba?⁶⁴ — There also [it is a case] where [the alley] opens out into a karmelith. Would this, however, be permitted [where the alley opened out] into a public domain? The native [then would be] in the earth and the stranger in the highest heavens? — Yes, the like has found its like and is aroused.⁶⁵

-
- (1) From the alley walls. If, for instance, it was resting on pins driven into the external extremities of the alley walls on either side of the entrance.
- (2) On a pole erected in the center of the entrance, the ends of the beam not reaching the walls, and hanging, so to speak, in the air.
- (3) The space between the beam and the walls being so small it is deemed to be non-existent (v. Glos. s.v. labud).
- (4) Cf. previous note. R. Simeon b. Gamaliel regards as labud (v. Glos.) any gap that is not wider than four handbreadths.
- (5) Cf. infra 14a, 16b, Suk. 22a.
- (6) Cf. supra p. 48, n. 9.
- (7) As explained supra p. 48, n. 10. An objection thus arises against Raba who ruled that the beam must rest within the alley walls.
- (8) The expressions 'drawn away' and 'suspended'.
- (9) Sc. it did not reach the wall of the alley on that side but its other end was supported on the opposite wall.
- (10) The beam resting on a pole fixed in the center of the entrance (cf supra p. 48, n. 10).
- (11) V. Glos.
- (12) Lit., 'we say'.
- (13) Lit., 'we do not say'.
- (14) Not being satisfied with the previous answer, since it was unnecessary to lay down a special law of labud for two sides when it could be easily inferred from that of one side where the very same principle is involved.
- (15) Sloping towards each other above the entrance of the alley.
- (16) From the top of the walls.
- (17) Lit., 'there is not in their height'.
- (18) According to the first Tanna.
- (19) Sc. the distance between the walls and the extremity of the pin.
- (20) And the beam was placed upon these projections so that it is removed from the walls both vertically and horizontally.
- (21) V. Glos. Labud ('junction') might apply to the horizontal, and habut ('beating down') to the vertical gap.
- (22) V. Glos. Consequently the free movement of objects in that space is forbidden on the Sabbath.
- (23) An expression of disapproval. R. Johanan holds the view that the space mentioned is regarded as a part of the alley in which the free movement of objects is permitted.
- (24) Cf. previous note.
- (25) Where no side-posts were erected at the entrance, his reason being that the outer edge of the beam constitutes the virtual partition between the alley and the public domain.
- (26) If no beam was put up.
- (27) Lit., 'whence'.
- (28) From Palestine to Babylon.
- (29) Situated between a public and a private domain.
- (30) Lit., 'in which there is not'.
- (31) Being so small it cannot be regarded as a separate domain and assumes, therefore, the legal status of a free area.
- (32) Since it is regarded as a free spot.
- (33) Lit., 'to put on the shoulder'.
- (34) And thus lead people erroneously to assume that it is permitted to carry from a public domain into a private domain or vice versa. (Shab. 8b, infra 77a). For a similar reason (v. supra n. 10) the space between the side-posts, not being of sufficient size to constitute a domain of its own, assumes the same status as the spot spoken of by R. Johanan.
- (35) How can he maintain his view against this principle of R. Johanan?
- (36) R. Johanan's ruling.
- (37) Being a clearly defined spot it may be regarded as a 'free area'. The space between side-posts, however, being comparatively small and level with the ground, is not in any way distinguishable from the domains adjoining it; and, if its use were permitted, people would erroneously assume that it is permitted to carry objects from a public domain into a private domain or vice versa. Hence the prohibition.
- (38) His explanation of R. Johanan's ruling supra.

- (39) Formed by the wide side-posts of an alley.
- (40) In addition to the side-posts mentioned which effect the ritual fitness of the alley itself.
- (41) Lit., 'another'.
- (42) Shab. 9a; from which it follows that where no special side-posts had been put up, the space within the gateway, formed by the side-posts, remains forbidden.
- (43) The case spoken of by R. Hama b. Gorias.
- (44) I.e., large enough to constitute an independent domain to be Rabbinically forbidden.
- (45) Var. lec., 'R. Hama b. Gorias' (Shab. 9a).
- (46) Lit., 'another'.
- (47) How can he maintain his ruling in view of Abaye's argument?
- (48) V. Glos., fields for instance; so that a side-post is necessary to separate the space within the entrance, which is Rabbinically forbidden from the karmelith which adjoins it and which is also Rabbinically forbidden.
- (49) To use the space within the entrance even if no side-post is provided.
- (50) A proverbial paradox. The reverse surely should be expected. If an opening to a karmelith which is only a Rabbinically forbidden domain, requires a side-post how much more so one that opens into a public domain which is Pentateuchally forbidden.
- (51) Lit., 'kind'.
- (52) Sc. the space within the entrance is in fact a karmelith, but as it is less than the prescribed size, it loses all its independent existence if it is situated between a private and a public domain, to neither of which it is akin and to neither of which it can be joined. If, however, it adjoins a karmelith on one side it is deemed to have regained its existence as a karmelith by being regarded as a part of the larger domain.
- (53) The first post being placed near the entrance, the second next to it, the third next to the second and so on.
- (54) Lit., 'less less'.
- (55) But more than three handbreadths.
- (56) Lit., 'we came'.
- (57) Supra.
- (58) Lit., 'we say labud' (v. Glos.).
- (59) Since all posts are deemed to be united into one single unit the space between this edge and the entrance of the alley is subject to the law of the 'space between the side-posts'.
- (60) So that each post is deemed to be a separate unit, and the alley's permissibility is consequently effected by means of the first post that is fixed nearest the entrance.
- (61) Cf. previous note.
- (62) Lit., 'that all the world', sc. R. Simeon b. Gamaliel and the Rabbis.
- (63) Had this been permitted, the dispute on labud could not have had any bearing on the use of the alley mentioned.
- (64) How can he still maintain his ruling in view of the objection just raised?
- (65) Cf. supra p. 51, nn. 8-11 mutatis mutandis.

Talmud - Mas. Eirubin 9b

R. Ashi replied: [This¹ may refer to a case] for instance where [one side of the alley] was lined with side-posts [placed at distances of] less than four handbreadths [from one another] along four cubits [of its length]. According to R. Simeon b. Gamaliel who ruled [that in respect of such distances the law of] labud is applied [the space bordered by the side-posts] is deemed to be [a proper] alley² which requires an additional side-post to render it permissible,³ and according to the Rabbis who ruled [that the law of] labud is not applied,⁴ no other side-post is required to render it permissible.⁵ But even according to R. Simeon b. Gamaliel⁶ [why] should [not this alley⁷ be permitted]⁸ as [one having a side-post that may be] seen from without⁹ though it appears even¹⁰ within?¹¹ — Is not this explanation¹² required only in respect of a statement of R. Johanan?¹³ But, surely, when Rabin came¹⁴ he reported in the name of R. Johanan [that a post that may be] seen from without but appears even from within cannot be regarded as a valid side-post.

It was stated: [A post that] is seen from within but appears even from without¹⁵ is regarded as a

valid side-post; but if it is seen from without and appears even from within¹⁶ [there is a difference of opinion between] R. Hiyya and R. Simeon b. Rabbi. One maintains that it is regarded as a valid side-post and the other maintains that it is not regarded as a valid side-post. You may conclude that it was R. Hiyya who maintained that 'it is regarded as a valid side-post'; for R. Hiyya taught:¹⁷ A wall of which one side recedes more than the other, whether [the recess can be] seen from without and appears even from within or whether it can be seen from within and appears even from without, may be regarded as [being provided with] a side-post.¹⁸ This is conclusive.

Did not R. Johanan, however, hear this?¹⁹ But [what you might contend is] that he did hear it and is not of the same opinion; [is it not then possible that] R. Hiyya also is not of the same opinion?²⁰ — What [a comparison is] this! It might well [be contended that] R. Johanan does not hold the same opinion [and that it was] for this reason that he did not teach it; but as regards R. Hiyya if it is a fact that he does not hold the same opinion, what need was there for him to teach it?²¹

Rabbah son of R. Huna said: [A post that is] seen from without though it appears even from within is regarded as a valid side-post.²² Said Rabbah: We, however, raised an objection against this traditional ruling: [If the full width of a wall of] a small courtyard was broken down [so that the yard now fully opens out] into a large courtyard, [movement of objects on the Sabbath] is permitted in the large one but forbidden in the small one because the gap is regarded as an entrance to the former.²³ Now, if this²⁴ is valid, should not the movement of objects in the small courtyard also be permitted on [the principle that the entrance may be] seen without²⁵ though it appears even from within? — R. Zera replied: [This is a case] where the walls of the small one project into the large one.²⁶ But why²⁷ should not the principle of labud²⁸ be applied so that the use of the smaller courtyard also might be²⁹ permitted?³⁰ And should you reply that [the walls]³¹ were too far apart,³² surely, [it may be retorted] did not R. Adda b. Abimi recite in the presence of R. Hanina:³³ [The ruling applies to a case where] the small courtyard was ten and the large one eleven cubits?³⁴ — Rabina replied: [This is a case] where [the projections] were removed by two handbreadths from one wall and by four from the other.³⁵ Then let labud be applied to one side and [thereby³⁶ the smaller courtyard would] be permitted?

(1) R. Johanan's statement that the question of the use of the alley under discussion is dependent on the dispute between R. Simeon b. Gamaliel and the Rabbis.

(2) Since a wall of four cubits in length (v. supra 5a) is sufficient to constitute an alley.

(3) The permissibility of the interior of the alley between the inner edge of the innermost post and the back wall is a matter on which Rashi and others differ.

(4) Where a distance or gap is more than three handbreadths.

(5) The outermost post forming, as in their opinion it does, a separate unit, serves as side-post for the entire alley including the four cubits length of space bordered by the other side-posts.

(6) Granted that the space bordered by the side-post constitutes an alley on its own.

(7) Sc. the space bordered by the side-posts (v. previous note).

(8) Without an extra side-post for itself.

(9) Since a side-post (and in the case under discussion, the first side-post) is usually drawn slightly forward to distinguish it from the wall to which it is attached.

(10) And cannot be distinguished from the alley wall.

(11) This ruling is enunciated presently.

(12) The one advanced by R. Ashi.

(13) Of course it is.

(14) From Palestine to Babylon.

(15) I.e., the outer edge of the post is even with the outer edge of the wall of the alley so that to those viewing it from without, the post appears to form a part of the thickness of the wall, while by those within, the thickness of the inner edge that protrudes from the wall can well be seen.

(16) Where the inner edge of the post touches the outer edge of the wall, and the inner width of the post is even with the

interior side of the wall, but receding from its outer side.

(17) Tosef. 'Er. I, 10, infra 15a.

(18) That side-post being provided by the thicker projection of the wall that is formed by the receding of the remainder of the wall between it and the back of the alley or by the thinner projection formed by the receding of the wall at that point.

(19) The Baraitha just cited in the name of R. Hiyya. How then could he maintain supra that such a post cannot be regarded as a valid side-post?

(20) How then could the Baraitha cited be adduced as proof that the ruling it lays down is also the one upheld by R. Hiyya?

(21) None whatever. Since, however, he did teach it, one may well conclude that he holds the same opinion.

(22) Cf. supra for notes.

(23) Supra 8a q.v. notes, infra 92a.

(24) The ruling of Rabbah b. R. Huna.

(25) Sc. from the larger courtyard.

(26) So that the remaining sections of the common wall on either side of the breach cannot possibly be regarded as side-posts of the entrance.

(27) If the ruling of Rabbah b. R. Huna is to be upheld.

(28) V. Glos.

(29) Lit., 'and let him say labud and it shall be'.

(30) On the ground of labud the projections of the walls of the smaller yard would be deemed joined to the walls of the larger one and thus form side-posts.

(31) Of the larger courtyard.

(32) From the projections. The principle of labud call only be applied to distances of less than three handbreadths.

(33) Var. lec. Hiyya Papi (MS.M); Hanina b. Papi (Bah). Marginal note inserts, 'and others say before R. Hanina b. Papa'.

(34) Sc. the common wall of the two courtyards was ten cubits in length and extended on either side, in the larger courtyard only, to a length of eleven cubits, so that the joint length of the remaining sections of this wall (cf. supra note 4) cannot be more than one cubit, or six handbreadths. This allows no more than about three handbreadths for each side, from which, again, allowance must be made for the thickness of the projections, leaving a space of less than three handbreadths, to which the principle of labud may well be applied.

(35) A total of one cubit only, but, as the gap on one side is more than the allowed maximum, labud on that side cannot be applied.

(36) By the formation of some sort of doorway.

Talmud - Mas. Eirubin 10a

— [This ruling¹ is in agreement with the view of] Rabbi² who laid down that two posts are required. For it was taught: A courtyard³ may be converted into a permitted domain by means of one post,⁴ but Rabbi ruled: [Only] by two posts.⁵ [But] what [an interpretation is] this! If you concede [that a side-post that can be] seen from without but appears even from within cannot be regarded as a valid side-post,⁶ and that Rabbi holds the same view as R. Jose,⁷ and [that the replies] of R. Zera and Rabina⁸ are not to be accepted, it will be quite intelligible why [the measurement of the] small courtyard [was given] as ten cubits and that of the large one as eleven, the reason being that he⁹ is of the same opinion as R. Jose.¹⁰ If, however, you contend [that a side-post that can be] seen from without though it appears even from within may be regarded as a valid side-post, and [that the replies] of R. Zera and Rabina are to be accepted,¹¹ and that Rabbi¹² is not of the same opinion as R. Jose,¹³ what [it may be asked] was the object [of giving the measurement of the] large courtyard as eleven cubits? For whatever the explanation advanced¹⁴ [a difficulty arises]. If [it be suggested] that the object¹⁵ was¹⁶ to [explain why] the large courtyard was¹⁷ permitted, [it could well be objected that a length of] ten cubits and two handbreadths would have been enough,¹⁸ and if the object was¹⁶ to [provide a reason¹⁹ for] the prohibition of the small courtyard,²⁰ why [it may equally be objected] did he not inform us [of a case] where [the walls] were much wider apart?²¹ Hence²² it must be

concluded [that a post that can be] seen from without but appears even from within²³ cannot be regarded as a valid side-post. This is conclusive.

R. Joseph remarked: I did not hear that reported ruling²⁴ [from my teachers].²⁵ Said Abaye to him:²⁶ You yourself told us that ruling, and it was in connection with the following that you told it to us. For Rami b. Abba said in the name of R. Huna that ‘a post which formed an extension of the wall of an alley,²⁷ [provided it was] less than four cubits [in length], may be regarded as a valid side-post and one may use [the alley] as far as its inner edge,²⁸ [but if it was] four cubits long it must be regarded as an alley and it is forbidden to make use²⁹ of any part of the alley’;³⁰ and you told us in connection with this, that three rulings may be inferred from this statement: ‘It may be inferred that the space between side-posts is a forbidden domain,³¹ and it may be inferred [that the minimum] length of an alley is four cubits,³² and it may also be inferred [that a post that can be] seen from without though it appears even from within may be regarded as a valid side-post’.³³ And the law is [that a post that is] visible from without though it appears even from within may be regarded as a valid side-post. A refutation and a law?³⁴ — Yes, because R. Hiyya taught in agreement with him.³⁵

AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS SHOULD BE REDUCED. Said Abaye, a Tanna taught: And [any entrance] that is wider than ten cubits should be reduced, but R. Judah ruled that it was not necessary to reduce it.³⁶ But up to what extent³⁷ [is reduction unnecessary]?³⁸ R. Ahi³⁹ [discoursing] before R. Joseph intended to reply: To the extent of thirteen cubits and a third, [this being deduced] a minori ad majus from [the law relating to] enclosures⁴⁰ round wells:⁴¹ If [in the case of] enclosures round wells, where [the use of the wells]⁴² is permitted even though the broken [portions of the enclosure] exceed the standing ones, no [break] wider than thirteen cubits and a third is permitted, how much more reason is there that no [opening] wider than thirteen cubits and a third should be permitted [in the case of] an alley [the use of] which is not permitted where its broken portions exceed the standing ones. But [in fact] this [very law]⁴³ provides [ground for all argument to the contrary]: [in the case of] enclosure of wells, where [the use of the wells] was permitted even if the broken [portions of an enclosure] exceeded the standing ones, no [gap] wider than thirteen cubits and a third could well be permitted,⁴⁴ [but in the case of] an alley, [the use of which] is not permitted where the broken portions [of its walls] exceeded their standing ones⁴⁵ [an opening] wider than thirteen cubits and a third may well be permitted. Or else, [the argument might run] in another direction: [As regards] enclosures of wells, since the law was relaxed in one respect,⁴⁶ it could also be relaxed in another,⁴⁷ [but as regards] an alley no [opening wider than ten cubits may have been allowed] at all.⁴⁸

Levi learned: If [an entrance to] all alley was twenty cubits wide a reed may be inserted in the center of it and this is sufficient.⁴⁹ He himself has learnt it and he himself said that the halachah is not in agreement with that teaching.⁵⁰

Some there are who read: Samuel laid down in the name of Levi that the halachah was not in agreement with that teaching.⁵⁰ How, then, does one proceed?⁵¹ — Samuel replied in the name of Levi:

(1) Of the Mishnah cited by Rabbah.

(2) R. Judah I, the Patriarch, compiler of the Mishnah.

(3) That had a breach not exceeding ten cubits in width in a wall that adjoined a public domain. A wider breach cannot be converted into a doorway by the means that follow.

(4) Sc. one strip of wall remaining on one side of the breach is sufficient to constitute a side-post and to convert the breach into a doorway.

(5) One on either side of the breach. *Infra* 12a.

(6) I.e., that this (as assumed *supra* by Rabbah) is the reason why the smaller courtyard in the Mishnah cited (*supra* 9b, *ad fin.*) is forbidden.

- (7) That the minimum width of a side-post must be three handbreadths (infra 14b) and much more so, that of a strip of courtyard wall.
- (8) Supra 9b ad fin.
- (9) Rabbi.
- (10) Cf. supra n. 9. The one cubit (sc. six handbreadths) by which the length of the wall of the larger courtyard exceeds that of the smaller one allows of two side-posts, each of the width of three handbreadths, one on either side of the breach, and thereby the permissibility of the use of the larger courtyard is effected. The object of the measurements given would thus be to indicate the grounds on which the permissibility of the use of the larger courtyard is based.
- (11) So that the reason for the prohibition of the use of the smaller courtyard is not the one given supra (cf. note 8) but that advanced by R. Zera or Rabina.
- (12) Who, in accordance with the explanation of R. Zera, permits the use of the larger courtyard even though one of the side-posts was only two handbreadths in width.
- (13) Cf. supra p. 56, n. 9.
- (14) Lit., 'from what your desire or opinion'.
- (15) Of mentioning the number eleven which allows for two valid side-posts, one on either side of the breach.
- (16) Lit., 'he came'.
- (17) By means of these posts (cf. supra n. 3).
- (18) To provide side-posts; since Rabbi does not adopt R. Jose's minimum of three handbreadths.
- (19) By allowing a distance of four handbreadths on one side (v. Rabina's reply, supra 9b ad fin.).
- (20) Thus indicating that, were it not for the impossibility of applying the principle of labud, the small courtyard would have been permitted on account of the side-posts (obtained by labud) which, though invisible from within, are visible from without.
- (21) From which it would have been much more obvious than from the less definite case mentioned that the only reason for the prohibition was the inapplicability, owing to the wide gap, of the principle of labud. From this the conclusion, that were it not for this inapplicability, the smaller courtyard also would have been permitted (cf. previous note), would inevitably have followed.
- (22) Lit., 'but, not?' Since a width of three handbreadths had to be allowed for each side-post on either side of the breach to enable the larger courtyard to be permitted and since the smaller one in such circumstances remains forbidden.
- (23) Analogous to the case under discussion (cf. previous note).
- (24) Of Rabbah b. R. Huna (supra 9b).
- (25) R. Huna the father of Rabbah (Rashi).
- (26) R. Joseph who, as a result of a severe illness, lost his memory. Abaye often recalled to his mind his own sayings and rulings.
- (27) Its edge touching the edge of the alley wall and one of its sides being even with the interior side of the wall, while its external side recedes from the external side of the alley wall.
- (28) The point (v. previous note) where the internal side of the alley wall meets the post.
- (29) Sc. to move objects on the Sabbath.
- (30) Lit., 'in all of it', since the alley is now without a valid side-post.
- (31) Since the use of the alley was allowed only as far as the inner edge of the side-post.
- (32) It having been laid down that if the post was four cubits long, the post itself must be regarded as an alley wall.
- (33) The post spoken of by R. Huna being of such a character.
- (34) Sc. is it likely that a ruling which has been conclusively proved by Rabbah to be refuted by a Mishnah (v. supra pp. 54-57) would be accepted as law?
- (35) R. Huna (Tosef. 'Er. I, supra 9b, infra 15a) in the case of an alley wall that had a recess on one side.
- (36) Supra 2b.
- (37) Lit., 'and until how much'.
- (38) According to R. Judah.
- (39) Bomb. ed. 'Athi'.
- (40) Lit., 'strips', 'boards'.
- (41) V. infra 17b.
- (42) on the Sabbath.
- (43) Of wells' enclosures.

- (44) Had this been permitted hardly any enclosure would have remained.
 (45) So that the greater part of the alley is adequately enclosed.
 (46) The broken portions may exceed the standing ones.
 (47) A gap up to thirteen cubits and a third was also allowed.
 (48) No deduction from the law of enclosures of wells may consequently be made.
 (49) To convert it into a valid entrance.
 (50) Because the empty space on both sides of the reed annuls the existence of the reed.
 (51) In reducing the width of an entrance.

Talmud - Mas. Eirubin 10b

A strip of boarding of the height of ten handbreadths by four cubits may be constructed, and this is placed [in the middle of the entrance] parallel to the length of the alley.¹ Or else [one may proceed] in accordance with the advice of Rab Judah, who laid down that where [an entrance to] an alley was fifteen cubits wide a strip of boarding of three cubits [in length] may be constructed at a distance of² two cubits [from one of the walls of the alley].³ But why?⁴ [Could not one] put up a strip [of the width] of one cubit and a half [adjoining the wall] and at a distance of⁵ two cubits [from it, another] strip [of the width] of one cubit and a half?⁶ May then one infer from this⁷ that standing [portions of a wall] on the two sides [of a breach in it, though jointly] exceeding [the width of] the breach,⁸ are not [to be regarded as valid] standing?⁹ — In fact it may be maintained [that standing portions separated by a breach] are elsewhere [regarded as] a valid wall¹⁰ but here [the law] is different, since the space on the one side [of the intermediate strip] and the space on its other side unite¹¹ to destroy its legal existence. Then [why should not one] put up [adjoining one of the walls] a strip one cubit wide, and, at a distance of¹² one cubit [from that strip, another] strip one cubit wide, and at a distance of one cubit [from the second strip, a third] strip one cubit wide? May then one infer from this¹³ [that where] the standing [portions of a wall are] equal [in size] to its breaches¹⁴ [the space it enclosed is] forbidden?¹⁵ — In fact it may be maintained that elsewhere this is permitted, but here [the law] is different, since the space on the one side [of the third strip]¹⁶ and the space on its other side¹⁷ unite to destroy¹⁸ its legal existence. [Why then could not] a strip of one cubit and a half in width be put up at a distance of one cubit [from one of the walls] and another strip of the width of one cubit and a half at a distance of one cubit [from the first strip]?¹⁹ — This could indeed be done,²⁰ but the Rabbis did not put a man to so much trouble. But should not the possibility be taken into consideration that one might neglect the bigger opening²¹ and enter by the smaller one?²² R. Adda b. Mattenah²³ replied: There is a legal presumption that no man would forsake a big opening and enter by a small one. But wherein does this case differ from that of R. Ammi and R. Assi?²⁴ — There one might use [the smaller opening]²⁵ as a short cut²⁶ but here²⁷ it cannot be used as a short cut. Elsewhere²⁸ it was taught:²⁹ The leather seat of a stool and its hole combine to [constitute the minimum of] a handbreadth.³⁰ What [is meant by] ‘the leather seat of a stool’? — Rabbah b. Bar Hana in the name of R. Johanan explained: The leather covering a privy stool. And how much [must the respective areas of the leather and the hole be]? — When R. Dimi came³¹ he stated: [An area of] two fingers [of leather] on the one side [of the hole] and [an area of] two fingers on the other side, and a hole³² [of the size of] two fingers in the center. When Rabin came³¹ he stated: [The area of] one finger and a half on one side and of one finger and a half on the other, and a hole [of the size of one] finger in the center.

Said Abaye to R. Dimi: Are you³³ in dispute? — No, the other replied, one of us referred to³⁴ the thumb³⁵ and the other³⁴ to the small finger, and there is no real difference of opinion between us.³⁶ Indeed, retorted the former, you do differ, and your difference emerges in [the case where] the standing [portions of a wall jointly] exceed its breach on both sides [of which they stand]. According to your view the standing [portions situated] on the two sides [of the breach] do combine; but according to Rabin's view they must be on one side only³⁷ [but if they are] on the two sides [of the breach] they cannot combine.³⁸ For, if it be imagined that you have no difference of opinion [on this

point], the statement of Rabin should have run thus: '[The area of] a finger and a third on one side [of the hole] and that of a finger and a third on its other side, and a hole of one finger and a third in the center'.³⁹ What then [do you suggest, said R. Dimi,] that we differ? [Should not in that case] my statement have run thus: '[The area of] a finger and two thirds on one side [of the hole] and that of a finger and two thirds on the other side, and a hole of the size of two fingers and two thirds in the center'?⁴⁰ If, however, it must be said⁴¹ that we differ, our difference would apply to the case where the breach is equal to [either of] the standing [portions].⁴²

BUT IF IT HAS THE SHAPE OF A DOORWAY THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS. Thus we find that the shape of a doorway is effective⁴³ in respect of the width [of an entrance]⁴⁴ and a cornice in respect of its height.⁴⁵

-
- (1) Since a length of four cubits constitutes an alley wall, the one wide entrance may be regarded as consisting of two narrower entrances, one serving a smaller alley and one serving a larger one.
 - (2) Lit., 'he removes'.
 - (3) Thus leaving an entrance of ten cubits in width between the boarding and the opposite wall of the alley. The space of two cubits between the boarding and the first mentioned wall is deemed to be closed and forming together with the boarding a virtual wall five cubits in length, the validity of such a wall being recognized on the ground that the standing portion of this wall (three cubits) is larger than its gap (two cubits). Likewise where the entrance is twenty cubits wide, a similar boarding is also set up near the other wall.
 - (4) Should it be necessary to have one strip of boarding of the full length of three cubits.
 - (5) Lit., 'and he shall remove'.
 - (6) Again leaving a gap no wider than two cubits on one side and reducing the width of the entrance to ten cubits.
 - (7) Since only one strip of the full length of three cubits was allowed.
 - (8) As in this case where the two boards would measure three cubits, whilst the gap between them only two.
 - (9) But this, surely, is hardly likely.
 - (10) Lit., 'standing', if they exceed the width of the breach.
 - (11) Lit., 'because it comes . . . and destroys'.
 - (12) Lit., 'and he shall remove'.
 - (13) Since such all arrangement is not permitted.
 - (14) As is the case here where each cubit width of space is flanked by a cubit width of boarding.
 - (15) For the movement of objects on the Sabbath. As this point is a question in dispute between R. Papa and R. Huna son of R. Joshua (infra 15b), may it be concluded that Rab Judah is of the same opinion as R. Huna?
 - (16) The one placed next to the entrance which is itself a gap of ten cubits.
 - (17) The one cubit gap.
 - (18) Lit., 'because it comes . . . and destroys'.
 - (19) In this case the gap of one cubit in width on the one side of the second strip, being smaller than the strip, cannot unite with the entrance on the other side to destroy the existence of that strip. This would be preferable to the first procedure which involves a gap of two cubits.
 - (20) Lit., 'yes, thus also'.
 - (21) Depriving it thereby of the status of an entrance.
 - (22) As this smaller opening is not provided with a side-post, and as the post fixed at the bigger opening which is now no longer used as an entrance (v. previous note) loses its status as a side-post, the alley would remain unprovided for by any valid side-post, and movement of objects in it on the Sabbath would be forbidden.
 - (23) Var. lec., Rab Judah (Asheri).
 - (24) Supra 5a where provision was made against the possibility of one using the smaller opening in preference to the bigger one.
 - (25) Since it opens out from a side wall.
 - (26) Lit., 'reduce walking'.
 - (27) As both openings are adjacent to one another and lead practically to the same spot.
 - (28) Tosef. Kelim. B.B. I, 4.
 - (29) Cur. edd. וְנִי is incorrect since the following does not occur in any Mishnah.

(30) As regards the laws of levitical defilement by overshadowing or ohel (v. Glos). Only where the ohel was not smaller than a handbreadth (six fingers) are utensils lying under it defiled by the prescribed minimum of a portion of a corpse lying under the same ohel (cf. Oh. III, 7; Suk. 18a).

(31) From Palestine to Babylon.

(32) Lit., 'space'.

(33) Sc. R. Dimi and Rabin.

(34) Lit., 'that'.

(35) Which equals in width that of a small finger and a half.

(36) Since four of the former, like six of the latter, constitute one handbreadth.

(37) Lit., 'from one side is a standing'.

(38) Lit., 'is not a standing', if the portion on each side is not bigger than the breach.

(39) In which case, as in that of R. Dimi, the leather would exceed the hole only if the two sides were combined. As Rabin, however, required the leather on each side singly to exceed the hole he must obviously differ from R. Dimi.

(40) From this it would have followed that, though the standing portions on either side are smaller than the breach, the two sides are combined. This law, however, cannot be derived from the actual wording used since all it implies is that only where each of the standing portions on either side is equal to the breach, the two sides may be combined, but not when either of them is smaller than the breach.

(41) Lit., 'there is to say'.

(42) Cf. supra n. 1.

(43) in converting the alley into a permitted domain.

(44) Sc. even though it is wider than ten cubits.

(45) Even if it is higher than twenty cubits, v. supra 3a.

Talmud - Mas. Eirubin 11a

What, [however, is the law where these are] reversed?¹ — Come and hear what was taught: ['A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered but if [the entrance] had the shape of a doorway there is no need to lower it'.² What [about the effectiveness of] a cornice in respect of its width? — Come and hear what was taught: ['A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered, and [an entrance] that is wider than ten cubits should be reduced [in width], but if it had the shape of a doorway, there is no need to reduce [the height of the beam] and if it 'has a cornice there is no need to reduce'. Does not this³ refer to the last clause?⁴ No; [it may refer] to the first clause.⁵ Rab Judah taught Hiyya b. Rab in the presence of Rab: It is not necessary to reduce [its width].⁶ Teach him, [Rab] said to him,⁷ 'It is necessary to reduce it'. Said R. Joseph: From the words of our Master⁸ we may infer that a courtyard the greatest part [of the walls] of which consists of doors and windows cannot be converted into a permitted domain⁹ by [the construction] of the shape of a doorway. What is the reason? Since [an entrance] wider than ten cubits causes the prohibition of an alley and a breach [in a wall] that is larger than its standing [portions] causes the prohibition of a courtyard [the two may be compared]: As [an opening that is] wider than ten cubits, which causes the prohibition of an alley cannot be ritually rectified by means of the shape of a doorway, so also a [wall] the breach in which is larger than its standing [portions], which causes the prohibition of a courtyard, cannot be ritually rectified by means of the shape of a doorway. — [This, however, is no proper analogy, for the shape of a doorway] may well [be ineffective in the case of an opening] wider than ten cubits, which causes the prohibition of an alley, since it¹⁰ cannot effect permissibility in the case of enclosures of wells, in accordance with the views of R. Meir;¹¹ but how could you apply [this restriction] to the case where a breach [in a wall] is larger than its standing portions, though it causes the prohibition of a courtyard, when this¹² was permitted in respect of enclosures of wells in accordance with the opinion of all?¹³

May it be suggested [that the following] provides support to his view?¹⁴ [It was taught: The space enclosed by] such walls as consist mostly of doors and windows is permitted,¹⁵ provided the

standing portions exceed the gaps?¹⁶ — [You say:] ‘As consist mostly’! Is this conceivable?¹⁷ — Rather read: ‘[The space] in which there were many¹⁸ doors and windows [is permitted] provided the standing portions exceed the gaps?’¹⁹ — Said R. Kahana: That²⁰ may have been taught in respect of Semitic²¹ doors.²² What is meant by ‘Semitic doors’? — R. Rehum²³ and R. Joseph differ on this point. One explains: [Doors] that have no [proper] side-posts, and the other explains: Such as have no lintel.²⁴

R. Johanan also holds the same view as Rab.²⁵ For Rabin son of R. Adda stated in the name of R. Isaac: It once happened that a man of the valley of Beth Hiwarta²⁶ drove four poles²⁷ in the four corners of his field and stretched across [each two of] them a rod,²⁸ and when the case was submitted to the Sages they allowed him [its use] in respect of kil'ayim.²⁹ And [in connection with this statement] Resh Lakish remarked: As they allowed him [its use] In respect of kil'ayim so have they allowed it to him in respect of the Sabbath,³⁰ but R. Johanan said: Only in respect of kil'ayim did they allow him [its use]; they did not allow it in respect of the Sabbath. Now [what is the form, of the construction] with which we are here dealing? If it be suggested [that it is one where the rods were attached] sideways,³¹ surely [it could be objected] did not R. Hisda rule that the shape of a doorway that was made [with the cross-reed attached] sideways is of no validity?³² Consequently [it must be a case where the reeds were placed] on top of the poles. Now, how³³ [far were the poles from one another]? If [it be suggested] less than ten cubits, [the difficulty arises] would R. Johanan in such a case have said that in respect of the Sabbath there is no validity [in such a door]?³⁴ Must it not [consequently be conceded that the distance was] greater than ten cubits?³⁵ — No; [the distance] in fact [might have been] within that of ten cubits, and [the reeds might have been attached] sideways, but the principle on which they³⁶ differ is that laid down by R. Hisda.³⁷

An incongruity, however, was pointed out between two rulings of R. Johanan³⁸ as well as between two rulings of Resh Lakish.³⁹ For Resh Lakish stated in the name of R. Judah son of R. Hanina:

-
- (1) i.e., would the shape of a doorway be effective where the height of the entrance is above twenty cubits or a cornice where the width is more than ten cubits?
 - (2) The beam.
 - (3) ‘But if it has a cornice . . . it’.
 - (4) ‘An entrance that is wider than ten cubits’. The answer presumably being in the affirmative, the question raised is clearly solved.
 - (5) Which deals with the height of an entrance.
 - (6) If the entrance was provided with the shape of a doorway.
 - (7) Rab Judah.
 - (8) Rab, who ruled that the shape of a doorway is of no avail where the entrance is wider than ten cubits.
 - (9) Even if the openings are less than ten cubits in width.
 - (10) The shape of a doorway.
 - (11) Cf. infra 17b. It is, therefore, quite logical that as it cannot effect permissibility in the case of the enclosures, so it cannot effect it in an alley the opening of which is wider than ten cubits.
 - (12) Breaches each of which is not wider than ten cubits though their total width is larger than that of the standing portions of the enclosure.
 - (13) Even according to R. Meir who does not allow a breach that was wider than ten cubits, and much more so according to R. Judah who allows a breach of thirteen cubits and a third.
 - (14) That the shape of a doorway does not effect permissibility where the standing portions are smaller than the breaches.
 - (15) For Sabbath use, in respect of the movement of objects.
 - (16) Infra 16b.
 - (17) Of course not. If the greater part of the walls is made up of doors and windows their ‘standing portions’ could not ‘exceed the gaps’.
 - (18) Lit., in which he increased’. שרובה בהן is similar in sound to the previously assumed reading, שרובן.

(19) Which proves that even where an opening has the shape of a doorway (as is the case with the 'doors and windows' spoken of) the space enclosed cannot be regarded as a permitted domain unless the total width of the standing portions exceeds that of the breaches, in agreement with the view of Rab.

(20) The ruling just cited.

(21) Sc. Palestinian. **שימאי** is derived from **שם** the second son of Noah whose descendants lived in Palestine (R. Han. in Tosaf. s.v. **פתחי** a.l.). Aliter. Desolate or incomplete (Rashi).

(22) A ruling which need not necessarily apply to ordinary, or proper doors.

(23) MS.M., Nehumi.

(24) Lit., 'ceiling'.

(25) That the shape of a doorway is of no avail where the entrance to an alley is wider than ten cubits.

(26) V. Ta'an., Sonc. ed., p. 7, n. 2.

(27) **קונדיסין** pl. of **קונדום** or **קונטום** Cf. Gr. **.

(28) To give them the shape of a doorway.

(29) V. Glos. They regarded the doorway shaped structures as valid partitions which enable the owner to grow vines on one side though corn was grown in close proximity on the other. In the absence of a partition it is necessary, in accordance with the laws of kil'ayim, to leave a distance of four cubits between a vineyard and a cornfield.

(30) Sc. to move objects within the space enclosed, the poles and rods being treated as valid doorways.

(31) I.e., they were not placed on the tops of the poles but were joined lower down to their sides.

(32) Lit., 'he has done nothing'. Such a construction then could not be regarded as valid in respect of kil'ayim?

(33) Lit., 'and in what?'

(34) Obviously not, since it is universally agreed that a maximum width of ten cubits is permitted.

(35) Apparently it must; which proves that R. Johanan, who stated: 'They did not allow it in respect of the Sabbath' holds the same view as Rab.

(36) R. Johanan and Resh Lakish.

(37) Resh Lakish does not adopt the principle; hence his opinion that, though the reeds were attached sideways, the shape of the doorway is a valid one in respect of the Sabbath as in that of kil'ayim. R. Johanan, however, upholds the principle in the case of the Sabbath since its sanctity is great, but not in that of kil'ayim which is of comparatively lesser importance and subject to lesser restrictions. Hence his view that the doorway under discussion is valid in respect of the latter but invalid in that of the former.

(38) Lit., 'of R, Johanan on R. Johanan'.

(39) Cf. previous note.

Talmud - Mas. Eirubin 11b

A plait [of rods trained on poles] is a valid partition¹ in respect of kil'ayim but not in respect of the Sabbath; and R. Johanan stated: As it has no [validity as regards] partitions in connection with the Sabbath, so it has no [validity in respect of] partitions in connection with kil'ayim. One might well concede that there is really no incongruity between the two rulings of Resh Lakish, since the former might be his own while the latter might be that of his Master;² but do not the two rulings of R. Johanan represent a contradiction? [Still] if you were to concede that there³ [the rods were placed] on the tops of the poles while here [the plait was trained] on the sides [all would be] well.⁴ If, however, you maintain that in both cases [the rods were attached] sideways, what can be said [in explanation]?⁵ — The fact is that it may be maintained that both cases refer [to rods attached] sideways, but there³ [the distance between the poles was] within that of ten cubits while here it exceeded that of ten cubits. But whence is it derived that we draw a distinction⁶ between [distances of] ten, and more than ten cubits? — [From the following] which R. Johanan said to Resh Lakish. 'Did it not so happen [the former said to the latter] that R. Joshua went to R. Johanan b. Nuri to study the Torah; and, though he was well versed in the laws of kil'ayim, on finding that [the Master] was sitting among the trees, he stretched a rod from one tree to another and said to him: Master, if vines were growing on one side of the rod⁷ would it be permitted⁸ to sow corn on the other?⁹ [And the Master] told him: [If the distance between the trees¹⁰ is] within that of ten cubits it is permitted but if it exceeds ten cubits it is forbidden?' Now, what was the case under discussion? If it be

suggested: [one where the rod was placed] on the tops of the trees, [why was it ruled, it could be objected, that] ‘if it exceeds ten cubits it is forbidden’ seeing that it was taught: If forked reeds were there and a plait was made above them it is permitted¹¹ even [if the distance between the reeds] exceeded that of ten cubits?¹² Must it not consequently [be one where the rod was attached] sideways?¹³ And yet he¹⁴ told him, ‘[If the distance between the trees is] within that of ten cubits it is permitted but if it exceeds ten cubits it is forbidden’ — This proves it.

[Reverting to] the [previous] text, R. Hisda ruled that the shape of a doorway that was made [with the cross-reed attached] sideways is of no validity. R. Hisda further ruled: The shape of the doorway of which they¹⁵ spoke must be sufficiently strong to support¹⁶ a door [made of the lightest material] even if only a door of straw.

Resh Lakish ruled in the name of R. Jannai: The shape of a doorway must have a mark for a hinge. What [is meant by] ‘a mark for a hinge’? R. Awia replied: A loop.¹⁷ R. Aha the son of R. Awia, met the students of R. Ashi. He asked them, ‘Did the master say anything in respect of the shape of a doorway?’ ‘He,’ they replied to him, ‘said nothing at all [about it]’.

It was taught: The shape of a doorway of which they¹⁵ spoke must have a reed on either side and one reed above. Must [the side-reeds] touch [the upper one] or not?¹⁸ — R. Nahman replied: They need not touch it, and R. Shesheth replied: They must touch it. R. Nahman proceeded to give a practical decision¹⁹ in the house of the Exilarch in agreement with his traditional ruling.²⁰ Said R. Shesheth to his attendant, R. Gadda,²¹ ‘Go pull them out and throw them away’. He accordingly went there, pulled them out and threw them away. He was found, however, by the people of the Exilarch's household and they incarcerated him. R. Shesheth thereupon followed him and, standing at the door [of his place of confinement], called out to him, ‘Gadda, come out’, and he safely came out.

R. Shesheth met Rabbah b. Samuel and asked him, ‘Has the Master learnt anything about the shape of a doorway?’ — ‘Yes’, the other replied, ‘we have learnt: An arched [doorway], said R. Meir, is subject to the obligation of a mezuzah²² but the Sages exempt it.²³ They agree, however,²⁴ that if its lower section²⁵ was ten handbreadths in height [the doorway] is subject to the obligation.²⁶ And Abaye²⁷ stated: All²⁸ agree that, if [an arched doorway] was ten handbreadths high but its lower section²⁹ was less than³⁰ three [handbreadths in height], or even if the lower section was three [handbreadths high] but its total height was less than ten handbreadths, the doorway is not valid at all.³¹ They only differ where [the height of] its lower section was three handbreadths, its total height³² was ten cubits and the width [of its arch] was less than four handbreadths, but [its sides are wide enough for the arch] to be cut to a width³³ of four handbreadths. R. Meir is of the opinion [that the sides are regarded as] cut for the purpose of completing [the prescribed width], while the Rabbis maintain [that they are not regarded as] cut for the purpose of completing [the prescribed width].³⁴ ‘If you meet the people of the Exilarch's house’, he³⁵ said to him, ‘tell them nothing whatever of the Baraitha about the arched doorway’.

MISHNAH. THE RENDERING OF AN ALLEY FIT [FOR THE MOVEMENT OF OBJECTS WITHIN IT ON THE SABBATH], BETH SHAMMAI RULED, REQUIRES A SIDE-POST AND A BEAM,³⁶ AND BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM. R. ELIEZER RULED: TWO SIDE-POSTS. A DISCIPLE IN THE NAME OF R. ISHMAEL, STATED IN THE PRESENCE OF R. AKIBA: BETH SHAMMAI AND BETH HILLEL DID NOT DIFFER ON [THE RULING THAT] AN ALLEY THAT WAS LESS THAN FOUR CUBITS [IN WIDTH]³⁷ MAY BE CONVERTED INTO A PERMITTED DOMAIN EITHER BY MEANS OF A SIDE-POST OR BY THAT OF A BEAM. THEY ONLY³⁸ DIFFER IN THE CASE OF ONE THAT WAS WIDER THAN FOUR, AND NARROWER THAN³⁹ TEN CUBITS, IN RESPECT OF WHICH BETH SHAMMAI RULED: BOTH A SIDE-POST AND A BEAM [ARE REQUIRED] WHILE BETH

HILLEL RULED: EITHER A SIDE-POST OR A BEAM. R. AKIBA MAINTAINED THAT THEY⁴⁰ DIFFERED IN BOTH CASES.⁴¹ GEMARA. In accordance with whose [view was our Mishnah⁴² taught]? Is it in agreement neither with the view of Hanania nor with that of the first Tanna?⁴³ — Rab Judah replied: It is this that was meant: How is a blind⁴⁴ ALLEY RENDERED FIT [FOR THE MOVEMENT OF OBJECTS WITHIN IT ON THE SABBATH]? BETH SHAMMAI RULED: [By the construction of] A SIDE-POST AND A BEAM AND BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM.

BETH SHAMMAI RULED: A SIDE-POST AND A BEAM. Does this⁴⁵ then imply that Beth Shammai hold the opinion that Pentateuchally⁴⁶ four partitions [and no less, constitute a private domain]? — No; as regards throwing⁴⁷ [into it from a public domain] one incurs guilt even if [the former had] only three walls,⁴⁸ [but in respect] of moving [objects within it] only⁴⁹ where there are four walls [is this permitted].⁵⁰

BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM. Does this⁵¹ imply that Beth Hillel hold the view that Pentateuchally three partitions [are required to constitute a private domain]? No; as regards throwing [from a public domain into it] one incurs guilt even if [the former had] only two walls,⁵² [but in respect] of moving [objects within it], only where there are three walls [is this permitted].⁵⁰

R. ELIEZER RULED: TWO SIDE-POSTS. A question was raised: Does R. Eliezer mean two side-posts and a beam or is it likely that he means two side-posts without a beam? — Come and hear: It once happened that R. Eliezer went to his disciple, R. Jose b. Perida,

(1) Lit., 'permitted'.

(2) Lit., 'that his own; that of his Master', R. Judah son of R. Hanina.

(3) The first case of kil'ayim cited supra 11a.

(4) Since it is the position of the rods or plait that determines the question of the validity of the partition in respect of kil'ayim. (The distance between the poles in both cases must, of course, be assumed to exceed that of ten cubits since in the case of a lesser distance, R. Johanan would have recognized the validity of the construction even in respect of the Sabbath).

(5) Of the contradiction between the two rulings of R. Johanan.

(6) In respect of kil'ayim, where a rod was attached to the sides of the poles.

(7) Lit., 'here'.

(8) Lit., 'what is it'.

(9) Lit., 'here'.

(10) On which the rod was stretched.

(11) To grow vines and corn on either side in close proximity.

(12) Tosef. Kil. IV, infra 16a.

(13) Of course it must.

(14) R. Johanan b. Nuri.

(15) The Rabbis who recognize the validity of such a construction.

(16) Lit., 'to cause to make (to fix) in it'.

(17) In which to insert the hook of the door (Rashi). Jast. regards אַבְקָתָא as a noun pl., 'loops', 'leather rings'.

(18) v. supra p. 48, n. 10.

(19) Lit., 'did a deed'.

(20) By fixing reeds at distances of more than ten cubits from one another and suspending one reed above each pair he constructed a number of doorways round an area and declared it to be a permitted domain though the cross-reeds did not touch the side-reeds.

(21) MS.M., Gaddal.

(22) v. Glos.

(23) A doorway is not subject to the obligation of a mezuzah unless it has a minimum width of four handbreadths while

an arch obviously narrows down at the top to less than that width.

(24) Lit., 'and equal'.

(25) Lit., 'in its feet', sc. the section of the side-posts between the extremities of the arch and the ground.

(26) Yoma 11b; provided it was four handbreadths wide. Since the lower section alone, independent of the arch, was ten handbreadths in height by four in width, it constitutes a valid doorway. V. infra p. 70, n. 2.

(27) So according to a reading quoted by Rashi s.v. "אב"י a.l. Cur. edd. omit 'and'. V. infra p. 70, n. 2.

(28) Sc. R. Meir and the Rabbis.

(29) V. supra note 4.

(30) Lit., 'and there is not'.

(31) Lit., 'and nothing', and therefore, no mezuzah is required. In the former case, because (a) side-posts that are lower than three handbreadths, though four handbreadths apart, are regarded as the mere thickness of the ground beneath and (b) the remaining portion consisting of an arch is less than four handbreadths wide, so that no valid doorway exists; and in the latter case because the minimum height of a doorway must be ten cubits.

(32) Sc. its lower section together with the arch.

(33) Lit., 'to complete it'.

(34) From this it follows that the detachment of a cross-reed from the side reeds (corresponding to the detachment of the ceiling from the side-posts by the altitude of the arch) does not affect the validity of the doorway. According to the reading of cur. edd. (v. supra p. 69, n. 6) this inference is derived from the cited Baraita independent of Abaye's interpretation (cf. Rashi s.v. חייבת a.l.).

(35) R. Shesheth.

(36) Spanning the entrance to the alley.

(37) At its entrance.

(38) Lit., 'concerning what'.

(39) Lit., 'and until'.

(40) Beth Shammai and Beth Hillel.

(41) Lit., 'concerning this and concerning this', whether the entrance was less or more than four cubits in width.

(42) Which is now presumed to deal with an alley that opened out on two sides to a public domain.

(43) Supra 6a.

(44) Lit., 'closed'.

(45) The requirement of a side-post as well as a cross-beam which jointly constitute a proper partition.

(46) Sc. by oral tradition from Moses, and not merely by Rabbinic law.

(47) On the Sabbath.

(48) Lit., , 'from three', sc. a space enclosed by three walls only is Pentateuchally regarded as a private domain.

(49) Lit., 'until'.

(50) Rabbinically.

(51) Since no proper partition is required for the closing of the entrance.

(52) Lit., 'from two'.

Talmud - Mas. Eirubin 12a

at Obelin, and found him dwelling in an alley that had only one side-post. He said to him, 'My son, put up another side-post'. 'Is it necessary for me', the other asked: 'to close it up?' — 'Let it be closed up', the first replied: 'what does it matter?' R. Simeon b. Gamaliel stated: Beth Shammai and Beth Hillel did not differ on [the ruling that] an alley that was less than four cubits [in width]¹ required no provision at all. They only² differed in the case of one that was wider than four, but narrower than³ ten cubits, in respect of which Beth Shammai ruled: Both a side-post and a beam, [are required] while Beth Hillel ruled: Either a side-post or a beam.⁴ At all events it was stated: 'Is it necessary for me to close it up' — Now, if you concede that both side-posts and a beam [are required]⁵ it is quite intelligible why he⁶ said: 'Is it necessary for me to close it up';⁷ but if you contend that side-posts without a beam [are sufficient], what [can be the meaning of] 'to close it up'? — It is this that he⁶ meant: Is it necessary for me to close it up with side-posts?

The Master said: 'R. Simeon b. Gamaliel stated: Beth Shammai and Beth Hillel did not differ on [the ruling that] an alley that was less than four cubits [in width] required no provision at all'. Did we not learn, however, 'A DISCIPLE IN THE NAME OF R. ISHMAEL STATED IN THE PRESENCE OF R. AKIBA: BETH SHAMMAI AND BETH HILLEL DID NOT DIFFER ON [THE RULING THAT] AN ALLEY THAT WAS LESS THAN FOUR CUBITS [IN WIDTH] MAY BE CONVERTED INTO A PRIVATE DOMAIN EITHER BY MEANS OF A SIDE-POST OR BY THAT OF A BEAM'? — R. Ashi replied: It is this that he⁸ meant: It⁹ required neither a side-post and a beam as Beth Shammai ruled¹⁰ nor two side-posts as R. Eliezer ruled,¹⁰ but either a side-post or a beam in agreement with the ruling of Beth Hillel.¹¹ And how much, [is the minimum]?¹² — R. Ahli, or it might be said R. Yehiel, replied: No less than¹³ four handbreadths.¹⁴

R. Shesheth, in the name of R. Jeremiah b. Abba, who had it from Rab stated: The Sages agree with R. Eliezer in the case of the side-posts of a courtyard.¹⁵ R. Nahman, however, stated:¹⁶ The halachah is in agreement with the ruling of R. Eliezer¹⁷ in respect of the side-posts of a courtyard.

Said R. Nahman b. Isaac: Who [are they that] 'agree'¹⁸ [with R. Eliezer]? Rabbi. [But since R. Nahman said,]¹⁹ 'The halachah is', it follows that some differ; who is it that differs from his view? — The Rabbis.²⁰ For it was taught: A courtyard may be converted into a permitted domain by means of one post, but Rabbi ruled: Only by two posts.²¹

R. Assi said in the name of R. Johanan: A courtyard requires two side-posts.²² Said R. Zera to R. Assi: Did R. Johanan give such a ruling? Did not you yourself state in the name of R. Johanan that the side-posts of a courtyard must have [a width of] four handbreadths?²³ And should you suggest [that the meaning is] four [handbreadths] on one side²⁴ and four on the other, surely [it may be retorted], did not R.²⁵ Adda b. Abimi recite in the presence of R. Hanina or, as some say, in the presence of R. Hanina b. Papi: [The ruling applies to a case where] the small courtyard was ten, and the large one eleven cubits?²⁶ — When R. Zera²⁷ returned from his sea travels,²⁸ he explained this [contradiction]: [A side-post] on one side [of an opening must have a width] of four handbreadths, [but side-posts] on the two sides [of an opening] need be no wider than a fraction each;²⁹ and that which R.³⁰ Adda b. Abimi recited is [the view of] Rabbi who holds the same view as R. Jose.³¹

R. Joseph laid down in the name of Rab Judah who had it from Samuel that a courtyard may be converted into a permitted domain by means of one side-post.³² Said Abaye to R. Joseph: Did Samuel lay down such a ruling? Did he not in fact say to R. Hananiah b. Shila, 'Do not you permit the use³³ [of a courtyard]³⁴ unless [there remained] either the greater part of the wall or two strips of it'³⁵ — The other replied: I³⁶ know only³⁷ of the following incident that occurred at Dura di-ra'awatha³⁸ where a wedge of the sea penetrated into a courtyard³⁹ and [when the question]⁴⁰ was submitted to⁴¹ Rab Judah, he required the gap⁴² [to be provided with] one strip of board only.⁴³ 'You', [Abaye] said to him, 'speak of a wedge of the sea; but in the case of water, the Sages have relaxed the law.⁴⁴ As [you may infer from the question] which R. Tabla asked of Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, because it is only in respect of water that the Sages have relaxed the law'.⁴⁵

Does not the difficulty⁴⁶ at any rate remain? — When R. Papa and R. Huna son of R. Joshua returned from the academy they explained it: [A side-post] on one side [of a gap] must be four [handbreadths wide but where there is one] on either side,⁴⁷ any width whatever is enough.⁴⁸

R. Papa said: If I had to point out a difficulty it would be this.⁴⁹ For Samuel said to R. Hananiah b. Shila, 'Do not you permit the use [of a courtyard] unless [there remained] either the greater part of the wall or two strips of it'.⁵⁰ Now what was the need for 'the greater part of the wall'? Is not a strip of four handbreadths [in width] enough? And should you reply that⁵¹ 'the greater part of the wall'

referred to a wall of seven [handbreadths in width] where four handbreadths constitute the greater part of the wall, [the objection might be raised,] why should it be necessary to have four handbreadths, when three and a fraction are enough, since R. Ahli, or it might be said R. Yehiel, ruled [that no provision was necessary where a gap is] less than⁵² four [handbreadths in width]? — If you wish I might reply: One ruling deals⁵³ with a courtyard and the other⁵³ with an alley.⁵⁴ And if you prefer I might reply: [The ruling] of R. Ahli himself [is a point in dispute between] Tannas.⁵⁵

Our Rabbis taught: From a wedge of the sea that ran into a courtyard⁵⁶ no water may be drawn⁵⁷ on the Sabbath unless it was provided⁵⁸ with a partition that was ten handbreadths high. This applies only where the breach was wider than ten cubits but [if it was only] ten [cubits wide] no provision whatever is necessary.⁵⁹ ‘No water may be drawn’ [you say]⁶⁰ but the movement of objects⁶¹ is inferentially permitted; [but why?] Has not the courtyard a gap that opens it out in full⁶² on to a forbidden domain?

(1) At the entrance thereof

(2) Lit., ‘concerning what’.

(3) Lit., ‘and until’.

(4) Tosef. ‘Er. I.

(5) According to R. Eliezer.

(6) His disciple R. Jose.

(7) Since side-posts and beam constitute a valid partition.

(8) R. Simeon b. Gamaliel.

(9) An entrance that was less than four cubits in width.

(10) In the first clause of our Mishnah.

(11) V. previous note. By ‘no provision at all’ (כלום) he only meant to exclude the provisions which were required by Beth Shammai and R. Eliezer in addition to those required by Beth Hillel.

(12) Under four cubits, that requires the provision of a side-post or a beam.

(13) Lit., ‘until’.

(14) An alley with a narrower entrance requires no provision whatsoever.

(15) Sc. if the courtyard was exposed to a public domain by a gap in one of its walls, it cannot be regarded as a permitted domain unless little5 strips of the wall remained on either side of the gap forming a sort of side-post and imparting to the gap the character of a doorway.

(16) Contrary to Rab who held that the Sages and R. Eliezer are of the same opinion.

(17) Though the Sages differ from him.

(18) According to Rab. MS.M. actually reads: ‘of which Rab spoke’.

(19) MS.M. ‘and what (is meant by) halachah of which R. Nahman spoke?’

(20) I.e., the first Tanna who disagrees with Rabbi in the cited Baraitha that follows.

(21) Supra 10a ab init.

(22) Cf. supra n. 3.

(23) The point of this objection is explained anon.

(24) Lit., ‘from here’.

(25) MS.M. omits ‘R’.

(26) supra 9b q.v. for notes. Since the wall on the side of the larger courtyard exceeds that of the smaller one by (11-10=) one cubit only, which equals to six handbreadths, a side-post of four handbreadths on one side would leave for the other side no more than (6-4=) two handbreadths, which cannot be regarded as a valid side-post. It consequently follows that, according to R. Johanan, one side-post of the width of four handbreadths is enough. How then could it be said by R. Assi that R. Johanan required two side-posts?

(27) Var. lec.: R. Abba (Aruk).

(28) בְּיַמֵּי Lit., ‘went up from the seas’. Aliter: ‘Jammi’, a place in Galilee, v. R.H., Sonc. ed., p. 172, n. 8.

(29) Lit., ‘anything towards here, and etc.’

(30) So Bah. Cur. edd. omit.

(31) Who requires the minimum width of a side-post to be three handbreadths; so that the width of a cubit or six

handbreadths (cf. supra p. 73, n. 14) is sufficient to allow for the required minimum width on either side of the gap. R. Johanan, however, upholds the view of the Rabbis who require a side-post on one side of an opening to have a minimum width of four handbreadths while in the case of a side-post on either side, any width is sufficient.

(32) Erected at one side of the opening.

(33) Lit., 'do not do a deed'.

(34) If one of its walls that was abutting on a public domain collapsed.

(35) One on either side of the gap. How then could R. Joseph attribute to Samuel the ruling that one side-post is enough?

(36) So MS.M. Cur. edd. 'and I'.

(37) Lit., 'do not know (but)'; or, 'I do not know from (whom he learned this)'; for the following incident, v. supra 7b.

(38) V. supra p. 39, n. 3.

(39) And caused the collapse of an entire wall.

(40) Of using the sheet of the water within the courtyard on the Sabbath.

(41) Lit., 'and it came before'.

(42) Lit., 'and did not require it'.

(43) The single strip converting the water that had the status of a karmelith (v. Glos.) into a private domain.

(44) They permitted its use even where only the slightest provision was made. The admissibility of one strip in the case of the wedge of water is, therefore, no proof that a single strip is also admissible in respect of the use of the courtyard itself.

(45) Shab. 101a, infra 16b.

(46) The apparent contradiction between the two quoted rulings of Samuel.

(47) Lit., 'from both sides'.

(48) Lit., anything towards here and etc.' Samuel's ruling cited by R. Joseph refers to a side-post that was four handbreadths wide while Samuel's instruction to R. Hananiah b. Shila referred to narrow strips.

(49) Lit., 'that is difficult to me

(50) Supra q.v. for notes.

(51) Lit., 'what?'

(52) Lit., 'until'.

(53) Lit., 'here'.

(54) A courtyard, sc. an enclosure whose width equals or exceeds its length, cannot be regarded as a permitted domain, even though the gap is narrower than four handbreadths, unless the greater part of the broken wall remained intact. Hence Samuel's instruction to R. Hananiah b. Shila. An alley, however, sc. one whose length exceeds its width, of which R. Ahli spoke, is treated as a permitted domain wherever the width of the gap is less than four handbreadths.

(55) Infra 13b ab init. As the decision is uncertain, Samuel preferred to restrict the use of a courtyard to cases where there remained 'either the greater part of the wall or two strips of it'.

(56) Through one of its walls that was partly broken down.

(57) Lit., 'filled'.

(58) At one side of the gap in the wall.

(59) Since strips of wall, as will be explained infra, remained on either side of the gap.

(60) Apparently because it is forbidden to carry from a karmelith (v. Glos.) into a private domain.

(61) Within the courtyard itself.

(62) Sc. it is wider than ten cubits.

Talmud - Mas. Eirubin 12b

— Here we are dealing [with a fallen wall] stumps of which remained.¹

Rab Judah ruled: In the case of an alley [the residents of which] did not join together [in the provision of an 'erub],² the man who throws anything into it³ incurs guilt if its ritual fitness was effected by means of a side-post,⁴ but if its fitness was effected by means of a cross-beam, no guilt is incurred by the man who throws anything into it.⁵ R. Shesheth demurred against this: The reason then⁶ is that [the residents of the alley] did not join together [in the provision of an 'erub],⁷ but had they joined together [for the purpose], guilt would have been incurred even if its ritual fitness had

been effected by a cross-beam only.⁸ Is it then this loaf⁹ that determines¹⁰ [whether it shall be] a private, or a public domain? Was it not in fact taught: In the case of common courtyards¹¹ and blind alleys,¹² whether the residents have joined together in the provision of an 'erub or whether they have not joined, guilt is incurred by anyone who throws anything into them [on the Sabbath from a public domain]?¹³ If the statement, however, was at all made, it must have been as follows: Rab Judah ruled: As to an alley that is unfit for a joint 'erub,¹⁴ guilt is incurred by the man who throws anything into it if its ritual fitness was effected by means of a side-post, but if its fitness was effected by a cross-beam no guilt is incurred by one who throws anything into it. Thus it is obvious that he is of the opinion that a side-post serves the purpose of a partition¹⁵ and a cross-beam that of a mere distinguishing mark. And so did Rabbah say: A side-post serves the purpose of a partition and a cross-beam that of a mere distinguishing mark. Raba, however, ruled: The one as well as the other¹⁶ only serves the purpose of a distinguishing mark.

R. Jacob b. Abba raised an objection against Raba: [Was it not taught:] A man who throws¹⁷ into an alley incurs guilt if it was provided with a side-post but is exempt if it had no side-post?¹⁸ — It is this that was meant: If it required only a side-post¹⁹ then the man who throws anything into it incurs guilt,²⁰ but if it required a side-post and something else,²¹ the man who throws anything into it is exempt.²²

He raised against him²³ a further objection: [Was it not taught:]²⁴ A more [lenient rule] than this did R. Judah lay down, [viz.] if a man had two houses on the two sides [respectively] of a public domain he may construct one side-post on the one side [of any of the houses] and another on the other side, or one cross-beam on the one side [of any of the houses] and another on its 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.²⁵ [The explanation]²⁶ there is that R. Judah maintains that Pentateuchally, two partitions²⁷ [constitute a private domain].²⁸ Rab Judah said in the name of Rab: An alley whose length is equal to its width cannot be turned into a permitted domain²⁹ by a mere fraction of a side-post.³⁰ R. Hiyya b. Ashi said in the name of Rab: An alley whose length equals its width cannot be turned into a permitted domain by a cross-beam, [of the width of one] handbreadth.³¹ R. Zera³² remarked: How exact³³ are the traditions of the elders: Since an alley's length is equal to its width, it has [the status of] a courtyard which cannot be converted into a permitted domain³⁴ by means of a side-post or a cross-beam but only by means of a strip [of material of the width of] four handbreadths. If, however, R. Zera continued, I have any difficulty, it is this:³⁵ Why should not that side-post³⁶ be regarded as a fraction of a strip and thus convert [the alley] into a permitted domain? — He overlooked the following ruling, which R. Assi had laid down in the name of R. Johanan, that the strips of a courtyard must consist of a width of four [handbreadths].

R. Nahman stated: 'We have a tradition that if [the movement of objects in] an alley is to be permitted [on the Sabbath] by means of a side-post and a cross-beam, its length must exceed its width and houses and courtyards must open out into it;³⁷ and what kind of courtyard is it that cannot be converted into a permitted domain by means of a side-post and cross-beam but only by means of a strip of the width of four handbreadths? One that is square shaped'. Only³⁸ 'one that is square shaped' but not one that is round?³⁹ — It is this that he⁴⁰ meant: If its length exceeds its width, it is regarded as an alley, in which case a side-post and a cross-beam is sufficient, otherwise⁴¹ it is regarded as a courtyard.⁴² And [by] how much [must its length exceed its width]?⁴³ — Samuel intended to rule: By no less than⁴⁴ twice its width;⁴⁵ but Rab said to him: Thus ruled my uncle⁴⁶ 'Even by one fraction'.

A DISCIPLE, IN THE NAME OF R. ISHMAEL, STATED ETC.

(1) Lit., 'which has stumps', rising to a height of ten handbreadths but covered by the sea. As the stumps are a valid partition, movement within the courtyard is permitted (v. Rashi). The interpretation not being free from difficulties, other

interpretations have been suggested (cf. Tosaf. s.v. **סכך**, a.l.).

(2) v. Glos.

(3) On the Sabbath, from a public domain.

(4) A side-post in the opinion of Rab Judah has the legal status of a partition and consequently converts the alley into a private domain.

(5) A cross-beam in his opinion is a mere distinguishing mark; and an alley cannot be regarded as a private domain unless, in accordance with the Pentateuchal law, it had four sides, or a valid partition at the entrance in addition to its three walls.

(6) Why no guilt is incurred by the man who throws anything from a public domain into an alley the entrance of which was provided with a cross-beam only.

(7) In consequence of which the alley cannot be regarded as a private domain.

(8) Sc. it would have assumed the character of a private domain the throwing into which from a public domain involves one in guilt.

(9) Of the 'erub. An 'erub is effected by means of a loaf of bread towards which all the residents contribute.

(10) Lit., 'makes it'.

(11) Lit., 'of many people', sc. into which a number of private houses open out. As each house is a strictly private domain while the courtyard, though also a private domain, is the common property of all the residents, it is forbidden to carry objects on the Sabbath from any of the houses into the courtyard as a preventive measure instituted by the Rabbis against the possible assumption that it is also permitted to carry from a private domain into a public domain. In the courtyard itself, however, the movement of objects is permitted. (Cf. Shab. 130b).

(12) Lit., 'that do not open out'.

(13) Which proves that the loaf of the 'erub alone does not determine the character of a domain.

(14) Sc. if it opened out into a public domain at either end.

(15) Hence it converts the alley into a private domain the throwing into which from a public domain involves one in guilt.

(16) Side-post as cross-beam.

(17) On the Sabbath, from a public domain.

(18) Since a side-post thus converts an alley into a private domain, it must obviously serve the purpose of a partition. How then could Raba maintain that it was merely a distinguishing mark?

(19) I.e., if it opened into a public domain on one side only.

(20) Even if not furnished with a side-post, since Pentateuchally a space enclosed by three walls is deemed to be a private domain.

(21) I.e., if it opened out into a public domain at its two ends and consequently required a side-post at one end and the shape of a doorway at the other.

(22) Though a side-post had been put up at one end, because a side-post serves merely as a distinguishing mark.

(23) R. Jacob b. Abba against Raba.

(24) V. supra 6a q.v. notes.

(25) V. loc. cit., infra 95a, Shab. 6a, 117a. Now since the Rabbis objected to the recognition of a side-post on the sole ground that a public domain cannot be so provided, it follows that in the case of an alley, even though it was open at both ends, a side-post is admissible as a valid partition. How then could Raba maintain supra that a side-post can only be regarded as a distinguishing mark, contrary to the unanimous opinion of R. Judah and the Rabbis?

(26) Why a side-post is recognized.

(27) Sc. the walls of two opposite houses, or rows of houses.

(28) So that the side-post only serves the purpose of a distinguishing mark. The Rabbis object even to such recognition of a side-post in the case of a public domain. Neither R. Judah nor the Rabbis, however, regard a side-post as a partition, in agreement with the view of Raba.

(29) As regards the movement of objects within it on the Sabbath.

(30) It must be furnished with one that is four handbreadths in width as is the case with a courtyard.

(31) Only in an alley whose length exceeds its width is such a beam admissible.

(32) In commenting on the rulings just reported in the name of Rab.

(33) Or 'well fitting with one another'.

(34) If it had a breach not exceeding ten cubits in the wall adjoining a public domain.

- (35) Lit., 'this is difficult to me'.
- (36) That was less than four handbreadths wide.
- (37) Two courtyards must open into the alley and one house into each courtyard. *Supra* 5a q.v. notes.
- (38) Lit., 'yes'.
- (39) This, surely, is unlikely, since the roundness of shape could be no reason for admitting a fraction of a side-post as a valid strip.
- (40) R. Nahman.
- (41) Lit., 'and if not', if its length does not exceed its width.
- (42) And a strip of material, four handbreadths in width, is required. The expression 'square shaped' was not intended to exclude a round shaped structure but one whose length exceeded its width.
- (43) In order to be regarded as an alley that, unlike a courtyard, may be converted into a permitted domain by a fraction of a side-post.
- (44) Lit., 'until'.
- (45) Since it is in reality a courtyard, it does not lose its status with lesser dimensions.
- (46) Or 'friend' 'Sc. R. Hiyya.

Talmud - Mas. Eirubin 13a

R. AKIBA MAINTAINED THAT THEY DIFFERED IN BOTH CASES etc. Is not R. Akiba expressing the very same view as the first Tanna?¹ — The difference between them is the ruling of R. Ahli or, as some said: R. Yehiel;² but it was not indicated [who maintained what].³

It was taught: R. Akiba said,⁴ 'It was not R. Ishmael who laid down this ruling but that disciple, and the halachah is in agreement with that disciple. 'Is not this self-contradictory? You first said: 'It was not R. Ishmael who laid down this ruling', from which⁵ it is obvious that the law is not in agreement with his⁶ view, and then you say: 'The halachah is in agreement with that disciple'? — Rab Judah replied in the name of Samuel: R. Akiba made that statement⁷ for the sole purpose of exercising the wits of the students.⁸ R. Nahman b. Isaac, however, replied: What was said⁹ was, '[His¹⁰ words] appear [quite logical].'¹¹

R. Joshua b. Levi stated: Wherever you find the expression, 'A disciple, in the name of R. Ishmael, stated in the presence of R. Akiba' [the reference is to] none other than R. Meir who attended¹² upon R. Ishmael and R. Akiba [successively]; for it was taught: R. Meir related, 'When I was with R. Ishmael I used to put vitriol¹³ into my ink¹⁴ and he told me nothing [against it], but when I subsequently came to R. Akiba, the latter forbade it to me.'

Is this, however, correct?¹⁵ Did not Rab Judah in fact state in the name of Samuel who had it from R. Meir: When I was studying under R. Akiba I used to put vitriol¹³ into my ink and he told me nothing [against it], but when I subsequently came to R. Ishmael the latter said to me, 'My son, what is your occupation?' I told him, 'I am a scribe', and he said to me, 'Be meticulous in your work, for your occupation is a sacred one;¹⁶ should you perchance omit or add one single letter, you would thereby¹⁷ destroy all the universe'.¹⁸ 'I have', I replied,¹⁹ 'a certain ingredient called vitriol, which I put into my ink'. — 'May vitriol', he asked me, 'be put into the ink? Has not the Torah in fact stated: "And he shall write",²⁰ "And he shall blot out"²⁰ [to indicate that] the writing [must be] such as can be blotted out?'²¹ (What [relation is there between] the question of the one²² and the reply of the other?²³ It is this that the latter meant: There is no need [for me to assure you] that I would make no mistakes in respect of words that are plene or defective, since I am familiar [with the subject], but [I have even taken precautions] against the possibility of a fly's perching on the crownlet of a dalet and, by blotting it out, turn it into a resh,²⁴ for I have a certain ingredient, called vitriol, which I put into the ink). Now, is there no contradiction in the sequence of the attendance²⁵ and in the authorship of the prohibition?²⁶ The contradiction in the sequence might well [be explained by the suggestion that] he first came to R. Akiba but, as he was unable to comprehend his teaching,²⁷ he went to R.

Ishmael where he studied the traditional teachings,²⁸ and then returned to R. Akiba and engaged in logical discussion and argument; but the authorship of the prohibitions, surely, presents a difficulty, does it not? — This is so indeed.

It was taught: R. Judah stated: R. Meir laid down that vitriol may be put into ink intended for any purpose²⁹ except [that of writing]³⁰ the Pentateuchal section³¹ dealing with a suspected wife.³² R. Jacob, however, stated in his name: Except [that of writing] the Pentateuchal section dealing with a suspected wife in the Sanctuary.³³ What is the point of their disagreement?³⁴ — R. Jeremiah replied: The point of their disagreement is [whether the writing may] be blotted out for her sake from [a Scroll of] the Law.³⁵ And these Tannas³⁶ differ on the same question as the following Tannas. For it was taught: The scroll [that was written] for one suspected woman³⁷ is not³⁸ to be used for³⁹ another suspected woman, and R. Ahi b. Josiah ruled: The scroll is fit to be used for³⁹ another suspected woman.⁴⁰ R. Papa remarked: It is possible, [surely, that the question in dispute]⁴¹ is not [the same]? For the first Tanna⁴² may have maintained his view there only because once [the Scroll] had been set aside⁴³ for Rachel⁴⁴ it cannot subsequently be set aside for Leah,⁴⁵ but in the case of a [Scroll] of the Law which is written for no particular person [the writing] may well⁴⁶ be blotted out [for any suspected wife]⁴⁷ R. Nahman b. Isaac remarked: It is possible [that the question in dispute] is not [the same]. For R. Ahi b. Josiah may have maintained his view there only because [the scroll] was written at least for one⁴⁸ suspected wife, but in the case of [a Scroll of] the Law, which is written for the purpose of study, he⁴⁹ also [might well admit] that [it may] not [be used for the purpose of] blotting out! But does not R. Ahi b. Josiah uphold the following ruling? For have we not learnt: If a man wrote a Get⁵⁰ to divorce his wife [therewith]

(1) Of our Mishnah, according to whom also no distinction is drawn in the dispute of Beth Shammai and Beth Hillel between a wider and a narrower alley.

(2) Supra 12a, the case of an alley that was less than four handbreadths wide. Either the first Tanna or R. Akiba maintains in this case that Beth Shammai and Beth Hillel agree that no provision whatever is needed, their dispute being restricted to the case of an alley that was no less than four handbreadths wide.

(3) Cf. '(the ruling) of R. Ahli himself (is a point in dispute between) Tannas' (supra 12a).

(4) In commenting on the ruling of the DISCIPLE IN THE NAME OF R. ISHMAEL.

(5) Since R. Akiba refused to attribute it to such a distinguished authority as R. Ishmael.

(6) The disciple's.

(7) That the halachah agrees with the disciple's view.

(8) Being struck by the contradiction, they would be stirred to a full and thorough discussion and investigation of the question.

(9) By R. Akiba.

(10) The disciple's.

(11) The halachah nevertheless is not in agreement with him.

(12) שמוש sc. studied not only the theory, but also the practice of Judaism.

(13) So Rashb. and Aruk (v. Tosaf. s.v. קנקנתום a.l.). Var. lec.: קלקנתום or קלקנתום, Gr. ** used as an ingredient in the preparation of ink and of shoe-black. Rashi renders atramentum (cf. Jast. and Golds.).

(14) For use in the writing of sacred texts, such as Scrolls of the Law.

(15) Lit., 'this is not'.

(16) Lit., 'work of heaven'.

(17) Lit., 'thou art found'.

(18) Sc. commit an act of blasphemy. By omitting e.g. , the א in אמת (truth), the word would be abbreviated to מת (dead), and by adding a ו to וידבר the verb would change from the sing. to the pl. When such terms are applied to the Deity, the scribe in the latter case is guilty of acknowledging polytheism while in the former he denies the Living God.

(19) The meaning of this reply is explained in the parenthesis infra.

(20) Num. V, 23.

(21) Sot. 20a.

(22) R. Ishmael. Lit., 'what did he say to him?'

- (23) R. Meir. Lit., 'and what did he reply to him?' The former spoke about plene and defective and the latter replied about the ingredients of his ink!
- (24) The difference between the form of the ך and the ך is only the crownlet or small projection on the right of the former. Should the dalet of ך (one), e.g., in the sentence 'the Lord is one' (Deut. VI, 4) be changed into a resh the reading ך (another) would imply the blasphemy that the Lord is 'another God'.
- (25) Lit., 'attendance on attendance'. According to the first version, R. Meir attended first on R. Ishmael and later on R. Akiba, while according to the second version he attended on them in the reverse order.
- (26) Lit., 'he forbade it on he forbade it'. In the first version it was R. Akiba, and in the second it was R. Ishmael who forbade the use of vitriol.
- (27) Which was too deep and complicated for him. R. Akiba was famous for his dialectic powers.
- (28) The Mishnahs which the Master received from his teachers.
- (29) Lit., 'for all'.
- (30) Whether in the Scroll of the Law or in the special scroll that is prepared for a sotah (v. Glos.).
- (31) Num. V, 11ff
- (32) Sotah; for the reason, stated supra, that 'the writing must be such as can be blotted out'. The expressions from which this ruling is derived occur in this section.
- (33) I.e., the scroll specially prepared [or the trial of a sotah, in which case the writing had to be blotted out (v. Num. V, 23). Hence the prohibition against the use of vitriol in the ink. In a Scroll of the Law, however, the writing in which is not intended for blotting out, this section also may be written with indelible ink.
- (34) Lit., 'what is between them'.
- (35) According to R. Judah this is permitted; hence his prohibition to use vitriol even in the writing of a Scroll of the Law. According to R. Jacob this is forbidden; hence his limitation of the restriction on the use of vitriol to the actual scroll that is written specifically for a particular wife when she is tried in the Sanctuary.
- (36) R. Judah and R. Jacob.
- (37) Lit., 'her scroll'.
- (38) If, e.g., it remained unused because the woman confessed her guilt before the writing was blotted out.
- (39) Lit., 'to cause to drink with it'.
- (40) R. Ahi, who permits the use of a scroll that was not specifically written for the woman, permits also, like R. Judah, the use for the same purpose of a Scroll of the Law. The first Tanna, however who requires the scroll to be written specifically for the woman in question forbids also, like R. Jacob, the use of a Scroll of the Law.
- (41) Between the first and the second pair of Tannas respectively.
- (42) Of the Baraita last cited.
- (43) Lit., 'torn away'.
- (44) Sc. the first woman for whom it was specifically written.
- (45) I.e., for any other woman.
- (46) Lit., 'thus also'.
- (47) This Tanna then, contrary to the previous statement, does not necessarily hold the same view as R. Jacob.
- (48) Lit., 'in the world'.
- (49) Lit., 'thus'.
- (50) v. Glos.

Talmud - Mas. Eirubin 13b

and then he changed his mind;¹ and a fellow townsman met him and [asked for the document] saying: 'Your name is the same as mine and your wife's name is the same as my wife's name',² [the document is] invalid for the purpose of divorcing therewith [the other man's wife]?³ — What a comparison!⁴ Concerning that case⁵ it is written in Scripture: And he shall write for her,⁶ hence it is required that the writing shall be expressly for her sake;⁷ but in this case⁸ it is written: And he shall execute upon her,⁹ hence it is required that the execution shall be expressly for her sake,⁷ and the execution in her case is the blotting out.

R. Aha b. Hanina said: It is revealed and known before Him Who spoke and the world came into

existence, that in the generation of R. Meir there was none equal to him; then why was not the halachah fixed in agreement with his views? Because his colleagues could not fathom the depths¹⁰ of his mind, for he would declare the ritually unclean to be clean and supply plausible proof,¹¹ and the ritually clean to be unclean and also supply plausible proof.¹¹

One taught: His name was not R. Meir but R. Nehorai. Then why was he called 'R. Meir'? Because he enlightened¹² the Sages in the halachah. His name in fact was not even Nehorai but R. Nehemiah or, as others say: R. Eleazar b. Arak. Then why was he called 'Nehorai'? Because he enlightened the Sages in the halachah.¹³

Rabbi¹⁴ declared: The only reason¹⁵ why I am keener than my colleagues is that I saw the back of R. Meir,¹⁶ but had I had a front view of him I would have been keener still, for it is written in Scripture: But thine eyes shall see thy teacher.¹⁷

R. Abbahu stated in the name of R. Johanan: R. Meir had a disciple of the name of Symmachus who, for every rule concerning ritual uncleanness, supplied forty-eight reasons in support of its uncleanness, and for every rule concerning ritual cleanness, forty-eight reasons in support of its cleanness.

One taught: There was an assiduous student at Jamnia¹⁸ who by a hundred and fifty reasons proved that a [dead] creeping thing was clean. Said Rabina: I also could by logical argument prove it to be clean. If a snake that kills [man and beast] and thus causes much uncleanness,¹⁹ is itself ritually clean,²⁰ how much more should a creeping thing, which does not kill [either man or beast] and consequently causes no uncleanness, be ritually clean. This, however, is no argument, since [the snake] is merely acting like a thorn.²¹

R. Abba stated in the name of Samuel: For three years there was a dispute between Beth Shammai and Beth Hillel, the former asserting, 'The halachah is in agreement with our views' and the latter contending, 'The halachah is in agreement with our views'. Then a bath kol²² issued announcing, '[The utterances of] both²³ are the words of the living God, but the halachah is in agreement with the rulings of Beth Hillel'. Since, however, both are the words of the living God' what was it that entitled Beth Hillel to have the halachah fixed in agreement with their rulings? Because they were kindly and modest, they studied their own rulings and those of Beth Shammai,²⁴ and were even so²⁵ [humble] as to mention the actions²⁶ of Beth Shammai before theirs, (as may be seen from²⁷ what we have learnt: If a man had his head and the greater part of his body within the sukkah²⁸ but his table in the house,²⁹ Beth Shammai ruled [that the booth was] invalid but Beth Hillel ruled that it was valid. Said Beth Hillel to Beth Shammai, 'Did it not so happen that the elders of Beth Shammai³⁰ and the elders of Beth Hillel went on a visit to R. Johanan b. Hahoranith and found him sitting with his head and greater part of his body within the sukkah while his table was in the house?' Beth Shammai replied: From³¹ their proof [may be adduced for our view for] they indeed told him, 'If you have always acted in this manner you have never fulfilled the commandment of sukkah'). This³² teaches you that him who humbles himself, the Holy One, blessed be He, raises up, and him who exalts himself, the Holy One, blessed be He, humbles; from him who seeks greatness, greatness flees, but him who flees from greatness, greatness follows; he who forces time³³ is forced back by time³⁴ but he who yields³⁵ to time³⁶ finds time standing at his side.³⁷

Our Rabbis taught: For two and a half years were Beth Shammai and Beth Hillel in dispute, the former asserting that it were better for man not to have been created than to have been created, and the latter maintaining that it is better for man to have been created than not to have been created. They finally took a vote and decided that it were better for man not to have been created than to have been created, but now that he has been created, let him investigate his past deeds³⁸ or, as others say, let him examine his future actions.³⁹

MISHNAH. THE CROSS-BEAM OF WHICH THEY [THE RABBIS] SPOKE MUST BE WIDE ENOUGH TO HOLD AN ARIAH⁴⁰ WHICH IS HALF OF A LEBENAH⁴¹ OF THREE HANDBREADTHS. IT IS SUFFICIENT FOR A BEAM TO BE ONE HANDBREADTH WIDE IN ORDER TO HOLD THE WIDTH OF AN ARIAH.⁴² [THE BEAM MUST BE] WIDE ENOUGH TO HOLD AN ARIAH BUT ALSO STRONG ENOUGH TO SUPPORT SUCH AN ARIAH.⁴³ R. JUDAH RULED: [THE BEAM IS VALID IF IT IS SUFFICIENTLY] WIDE, ALTHOUGH IT IS NOT STRONG. IF⁴⁴ IT WAS MADE OF STRAW OR REEDS IT IS LOOKED [UPON AS THOUGH IT HAD BEEN MADE OF METAL; [IF IT WAS] CURVED⁴⁵ IT IS LOOKED UPON AS THOUGH IT WERE STRAIGHT; [IF IT WAS] ROUND⁴⁵ IT IS LOOKED UPON AS THOUGH IT WERE SQUARE. WHATSOEVER HAS A CIRCUMFERENCE OF THREE HANDBREADTHS IS ONE HANDBREADTH IN DIAMETER.⁴⁶

-
- (1) Sc. he decided not to divorce her.
- (2) And, as the town in which the parties lived was also the same, he desired to use that Get for divorcing his own wife.
- (3) Sot. 20b, Git. 24a; from which it follows that a document cannot be used for a person for whom it was not originally intended. An objection against R. Ahi b. Josiah.
- (4) Lit., 'thus now'.
- (5) Lit., 'there', that of divorce.
- (6) Deut. XXIV, 1, emphasis on the last three words.
- (7) Lit., 'for her name'. The woman for whom it is to be used.
- (8) Lit., 'here', the case of a suspected wife.
- (9) Num. V, 30, emphasis on 'execute . . . her'.
- (10) Lit., 'to stand upon the end'.
- (11) Lit., 'show it a face'.
- (12) Lit., 'he makes the eyes of the Sages shine'. **מַאִיר** rt. **אֹר** Hif., 'to give light', 'to cause to shine'.
- (13) Cf. previous note, **נְהוֹרְאִי** of the rt. **נָהַר** 'to shine'.
- (14) MS.M. 'Rab'.
- (15) Lit., , 'that'.
- (16) Rashi: When I studied under him my seat at the academy was in the row which had a back view of R. Meir.
- (17) Isa. XXX, 20.
- (18) Or Jabneh. The religious center and seat of the Sanhedrin after the destruction of Jerusalem.
- (19) A corpse is unclean and imparts uncleanness to those who come in contact with it.
- (20) Since it was not included among the eight unclean reptiles enumerated in Lev. XI, 29f.
- (21) The uncleanness which it causes has consequently no bearing on its own status. No inference a minori can, therefore, be drawn between snake and creeping thing.
- (22) v. Glos.
- (23) Lit., 'these and these'.
- (24) Cf., e.g., Ber. 10b.
- (25) Lit., 'and no more but'.
- (26) Lit., 'words', 'things', hence 'actions' (cf. infra n. 7).
- (27) Lit., 'like that'.
- (28) V. Glos. ; in which every Israelite must live during the Festival of Tabernacles.
- (29) Sc. the booth was so small that it could not contain more than the parts of the body mentioned.
- (30) Here Beth Hillel mention the action of Beth Shammai before theirs.
- (31) Cur. edd. insert in parenthesis **יִשׁ** 'if' or 'indeed'.
- (32) The privilege conferred upon Beth Hillel.
- (33) Sc. is over anxious to succeed and embarks in consequence on hazardous or perilous adventures.
- (34) His efforts lead him into disaster.
- (35) Lit., 'is pushed back'.
- (36) Or 'circumstances', sc. he does not aim above his means and does not overstrain his mental or physical powers.
- (37) He will succeed in due course.

(38) And, if he find them at fault, make the necessary amends.

(39) Before committing them. The underlying difference between the two versions is the interchange of pe for mem. Both פשפש and משמש imply 'examination' but the former is more applicable to something actually done, the latter to something intended (cf. Rashi).

(40) A half-sized brick.

(41) A brick of full size.

(42) Of one and a half handbreadths. Lit., 'to its width'. Var. lec. 'to its length', sc. the length of the ariah running the length of the beam.

(43) In order that it may have the appearance of a firm structure on which it is possible to build.

(44) This is a continuation of R. Judah's ruling.

(45) So that no brick can rest upon it.

(46) Approximately. The circumference of a round cross-beam must consequently be no less than three handbreadths.

Talmud - Mas. Eirubin 14a

GEMARA. ONE HANDBREADTH! Is not a handbreadth and a half required?¹ — Since it is wide enough to hold [an ariah of the size of] one handbreadth one may provide a foundation² for the remaining half of the handbreadth by plastering [the beam] with clay, a little on one side³ and a little on the other,³ so [that the ariah can be] kept in position.

Rabbah son of R. Huna said: The cross-beam of which [the Rabbis] spoke must be strong enough to support an ariah;⁴ the supports⁵ of the beam, however, need not be so strong as to be capable of bearing the beam and the ariah.⁶ R. Hisda, however, ruled: They⁷ must be strong enough to support both the beam and the ariah.

R. Shesheth said: If one laid a beam across [an entrance to] an alley and spread a mat over it, raising [the lower end of the mat to a height of] three handbreadths from the ground, there is here neither valid cross-beam nor valid partition. There is here no valid cross-beam, since it is covered up; and no valid partition, since it is one through which kids can push their way.⁸

Our Rabbis taught: If a cross-beam projects from one wall and does not touch the wall opposite, and so also if two cross-beams one of which projects from one wall and the other from the wall opposite, do not touch one another, it is not necessary to provide⁹ another beam, [if the gap is] less than three handbreadths, [but if it was one of] three handbreadths it is necessary to provide another cross-beam. R. Simeon b. Gamaliel ruled: [if the gap was] less than four handbreadths it is not necessary to provide another cross-beam [and only where it was one of] four handbreadths it is necessary to provide another cross-beam. Similarly where there were two parallel cross-beams, neither of which was wide enough to hold an ariah, it is unnecessary to provide¹⁰ another cross-beam if the two together can hold the width of one handbreadth of an ariah, otherwise¹¹ it is necessary to provide another cross-beam. R. Simeon b. Gamaliel ruled: If they can hold an ariah of the length of three handbreadths it is unnecessary to provide¹⁰ another cross-beam, otherwise¹¹ it is necessary to provide another cross-beam. If they were [fixed] one higher than the other,¹² the higher one, said R. Jose son of R. Judah, is looked upon as if it lay lower¹³ or the lower one, as if it lay higher,¹³ provided only that the higher one was not higher than twenty cubits¹⁴ and the lower one [was not] lower than ten cubits.¹⁴

Abaye remarked: R. Jose son of R. Judah holds the same view as his father in one respect and differs from him in another. He 'holds the same view as his father in one respect' in that he also adopts the principle of 'IS LOOKED UPON'; 'and differs from him in another', for whereas R. Judah holds [that a cross-beam may be] higher than twenty cubits,¹⁴ R. Jose son of R. Judah holds [that it is valid] only within, but not above twenty cubits.

R. JUDAH RULED: [THE BEAM IS VALID IF IT IS SUFFICIENTLY] WIDE, ALTHOUGH IT IS NOT STRONG. Rab Judah taught Hiyya b. Rab in the presence of Rab, 'WIDE, ALTHOUGH IT IS NOT STRONG', when the latter said to him: Teach him, 'Wide and strong enough'. Did not, however, R. Ela'i state in the name of Rab, '[a cross-beam that is] four [handbreadths] wide [is valid] although it is not strong,'? — One that is four [handbreadths] wide is different [from one that is less than the prescribed width].

IF IT WAS MADE OF STRAW etc. What does he thereby teach us? That we adopt the principle of 'IS LOOKED UPON'?¹⁵ But, then, is not this exactly the same [principle as was already enunciated]?¹⁶ — It might have been assumed that [the principle] is applied only to one of its own kind¹⁷ but not to one of a different kind;¹⁸ hence we were taught [that any material is valid].

[IF IT WAS] CURVED IT IS LOOKED UPON AS THOUGH IT WERE STRAIGHT. Is not this obvious?¹⁹ — He taught us [thereby a ruling] like that of R. Zera, for R. Zera stated: If it²⁰ was within an alley and its curve without the alley, or if it was below twenty cubits²¹ and its curve above twenty, or if it was above ten cubits²¹ but its curve was below ten, attention must be paid [to this]:²² Whenever no [gap of] three handbreadths²³ would have remained if its curve had been removed, it is not necessary to provide another cross-beam; otherwise, another cross-beam must be provided. Is not this also obvious? — It was necessary [to enunciate the ruling in the case where the beam] was within the alley and its curve was without the alley. As it might have been presumed that the possibility must be taken into consideration that the residents might be guided by it;²⁴ hence we were informed [that no such possibility need be considered].

[IF IT WAS] ROUND IT IS LOOKED UPON AS THOUGH IT WERE SQUARE. What need again was there for this ruling?²⁵ It was necessary [on account of its] final clause: WHATSOEVER HAS A CIRCUMFERENCE OF THREE HANDBREADTHS IS ONE HANDBREADTH IN DIAMETER. Whence are these calculations²⁶ deduced? — R. Johanan replied: Scripture stated: And he made the 'molten sea of ten cubits from brim to brim, round in compass, and the height thereof was five cubits; and a line of thirty cubits did compass it round about.²⁷ But surely there was [the thickness of] its brim?²⁸ — R. Papa replied: Of its brim, it is written in Scripture [that it was as thin as] the flower of a lily;²⁹ for it is written: And it³⁰ was a handbreadth thick, and the brim thereof was wrought like the brim of a cup, like the flower of a lily; it held two thousand baths.³¹ But there was [still] a fraction at least?²⁸ — When [the measurement of the circumference]³² was computed³³ it was that of the inner circumference.³⁴

R. Hiyya taught:³⁵ The sea that Solomon made contained one hundred and fifty ritual baths.³⁶ But consider: How much is [the volume of] a ritual bath? Forty se'ah,³⁷ as it was taught: And he shall bathe . . .

(1) To support an ariah of that size.

(2) מַלְבִּין particip. denom. of לָבַן, lit., he makes it a brick (foundation)'.
מַלְבִּין

(3) To hold (a half of the half) a quarter of the handbreadth.

(4) For reason v. note in our Mishnah.

(5) Lit., 'that cause to stand', pegs for instance.

(6) It is sufficient if they can bear the weight of the beam alone, since in fact no ariah is ever put on the beam.

(7) Lit., 'the one as well as the other'.

(8) A suspended partition of such a character is invalid in an alley.

(9) Lit., 'to bring'.

(10) Lit., 'to bring'.

(11) Lit., 'and if not'.

(12) But are together wide enough to hold an ariah.

(13) In the same level as the other beam.

- (14) From the ground (cf. Mishnah supra 2a ab init.).
- (15) Cf. our Mishnah.
- (16) In the previous clause: (THE BEAM IS VALID) . . . ALTHOUGH IT IS NOT STRONG. One that 'WAS MADE OF STRAW' is obviously not strong.
- (17) Sc. a frail beam of wood may be regarded as a strong beam of the same material, since weak as well as strong beams can be made of it.
- (18) As straw, for instance, is a material from which no strong beam can ever be made, it might have been deemed to be totally unfit.
- (19) Since it involves the same principle as that of the previous ruling. Why then the unnecessary repetition?
- (20) A cross-beam.
- (21) From the ground.
- (22) Lit., '(we) see'.
- (23) Between the two parts of the beam at which the curve begins.
- (24) Lit., 'he might come to be drawn after it'; and so use a section of the public domain as if it had been a part of their alley.
- (25) v. supra note 3.
- (26) Lit., 'things'. [This is the only instance where a doubt is raised in the Talmud in connection with a mathematical statement. This, as Zuckermann points out (*Das Mathematische im Talmud*, p. 23) proves that the Rabbis were well aware of the more exact ratio between the diameter and circumference and that the ratio of 1:3 was accepted by them simply as a workable number for religious purposes. Hence the question, 'Whence are these calculations deduced?' V. Feldman, *Rabbinical Mathematics etc.*, p. 23].
- (27) I Kings VII, 23. As the molten sea which had a diameter of ten cubits was approximately thirty cubits in circumference, the ratio of a diameter to a circumference must consequently be $10:30 = 1:3$ approx.
- (28) Which increased the diameter to more than ten cubits: so that the ratio between diameter and circumference was greater than 1:3.
- (29) Its thickness, therefore, amounted to very little and might be disregarded.
- (30) The lower portion of the sea.
- (31) I Kings VII, 26.
- (32) Of the molten sea.
- (33) As thirty cubits.
- (34) The diameter of which was exactly ten cubits.
- (35) So Bomb. ed. Cur. edd., 'it was taught'.
- (36) Lit., 'a gathering together for purification'.
- (37) V. Glos.

Talmud - Mas. Eiruvin 14b

in water¹ implies, in water that is gathered together;² All his flesh³ implies, water in which all his body can be immersed;⁴ and how much is this? [A volume of water of the size of] a cubit by a cubit by a height of three cubits; and the Sages have accordingly estimated that the waters of a ritual bath must measure forty se'ah.⁵ Now how many [cubic units] were there [in the molten sea]? Five hundred [cubic] cubits.⁶ From three hundred [cubic cubits are obtained] a hundred [ritual baths],⁷ and from a hundred and fifty [cubic cubits] fifty [ritual baths are obtained]. [Would not then a volume] of four hundred and fifty [cubic cubits] be enough?⁸ — These calculations⁹ [apply only] to a square [shaped tank], while the sea that Solomon made was round.

But consider: By how much does [the area of] a square exceed that of a circle? By a quarter.¹⁰ Then of the four hundred [cubic cubits previously assumed]¹¹ one hundred [must be deducted], and of the hundred¹¹ [cubic cubits] twenty-five [must be deducted]. [Would not then¹² the number of ritual baths] be Only a hundred and twenty-five?¹² — Rami b. Ezekiel learned that the sea that Solomon made was square in its lower three cubits and round in its upper three.¹³

Granted that you cannot assume the reverse,¹⁴ since it is written in Scripture that its brim was round, [can you not] say, however, [that only] one [cubit of the height of the brim was round]?¹⁵ — This¹⁶ cannot be entertained at all, for it is written, it held two thousand baths;¹⁷ now how much is a bath? Three se'ah,; for it is written in Scripture: The tenth of the bath out of the kor [which is ten baths],¹⁸ so that the sea¹⁹ contained six thousand griva.²⁰ But Surely is it not written: It²¹ held three thousand baths?²² — This²³ [includes the addition] of the heap [in a dry measure].²⁴

Said Abaye: From this it may be inferred that the heap [of a measure]²⁵ is one third [of the entire quantity].²⁶ And so have we also learnt: A large box or chest, a cupboard, a large straw or reed basket,²⁷ and the tank of an Alexandrian ship, although they have flat bottoms and are capable of holding forty se'ah of liquid, which are [equal to] two kor of dry [commodities],²⁸ are levitically clean.²⁹

MISHNAH. THE SIDE-POSTS OF WHICH THEY [THE RABBIS] SPOKE [MUST BE NO LESS THAN] TEN HANDBREADTHS IN HEIGHT, BUT THEIR WIDTH AND THICKNESS MAY BE OF ANY SIZE WHATSOEVER. R. JOSE RULED: THEIR WIDTH [MUST BE NO LESS THAN] THREE HANDBREADTHS.

GEMARA. THE SIDE-POSTS OF WHICH THEY SPOKE etc. May it then³⁰ be asserted that we have here learnt an anonymous Mishnah in agreement with R. Eliezer who ruled that two side-posts are required?³¹ — No; the expression of³² SIDE-POSTS [refers to] side-posts in general.³³ If so,³⁴ should it not have been taught, in the case of the cross-beam also,³⁵ 'cross-beams', the plural referring to³⁶ cross-beams generally? — It is really this that was meant: The SIDE-POSTS concerning which R. Eliezer and the Sages are in dispute³⁷ [MUST BE NO LESS THAN] TEN HANDBREADTHS IN HEIGHT, BUT THEIR WIDTH AND THICKNESS MAY BE OF ANY SIZE WHATSOEVER.³⁸ And how much [was meant by] 'ANY SIZE WHATSOEVER'? — R. Hiyya taught: Even [if only] as that of the thread of a cloak.³⁹

A Tanna taught: If a man put up a side-post for a half of an alley⁴⁰ he may only use⁴¹ [the inner] half of the alley.⁴² Is not this⁴³ obvious?⁴⁴ — Rather read: He may use⁴⁵ a half of the alley.⁴⁶ Is not this,⁴⁷ however, also obvious?⁴⁸ — It might have been presumed that the possibility should be considered that⁴⁹ one might proceed to use all of it;⁵⁰ hence we were informed [that the inner half may be used].

Raba stated: If one constructed a side-post for an alley and raised it three handbreadths from the ground, or removed it three handbreadths from the wall, his act is invalid.⁵¹ Even R.⁵² Simeon b. Gamaliel, who holds [that in the case of gaps] we apply the rule of labud,⁵³ maintains his view⁵⁴ [only where the gap occurred] above,⁵⁵ but [where it was] below, since [the post] constitutes a partition through which kids can push their way, he did not uphold that view.

R. JOSE RULED: THEIR WIDTH [MUST BE NO LESS THAN] THREE HANDBREADTHS. R. Joseph stated in the name of Rab Judah who had it from Samuel: The halachah is not in agreement with R. Jose either in respect of 'brine'⁵⁶ or in that of 'SIDE-POSTS'. Said R. Huna b. Hinena to him: You told us this⁵⁷ concerning 'brine' but not concerning 'side-posts'. Now wherein does brine differ? Obviously because the Rabbis disagree with him; but do not they disagree with him in respect of side-posts also? — 'Side-posts', the other replied: 'are in a different category because Rabbi has taken up the same point of view.'⁵⁸

R. Rehumi taught thus: Rab Judah son of R. Samuel b. Shilath stated in the name of Rab: The halachah does not agree with R. Jose either in respect of 'brine'⁵⁶ or in that of 'SIDE-POSTS'. 'Did you say it?' they asked him. 'No', he replied. 'By God!' Raba exclaimed, 'he did say it, and I learned it from him,' — Why then did he change his view? — Because R. Jose has always good

reasons for his rulings.⁵⁹ Said Raba son of R. Hanan⁶⁰ to Abaye, 'What is the law?'⁶¹ — 'Go', the other told him, 'and see what is the usage of the people'.⁶²

There are some who teach this⁶³ in connection with the following: A man who drinks water on account of his thirst⁶⁴ must say⁶⁵ [the benediction], 'by whose word all things exist'.⁶⁶ R. Tarfon ruled [that the following benediction⁶⁵ must be said], 'who⁶⁶ createst many living beings with their wants, for all the means that thou has created'.⁶⁷ Said R. Hanan⁶⁸ to Abaye, 'What is the law?' — 'Go', the other told him, 'and see what is the usage of the people'.

(1) Lev. XV, 16. 'His flesh' is in cur. edd. enclosed in parenthesis. M.T. has 'all' before 'flesh'.

(2) Sc. it need not be spring water.

(3) Ibid.

(4) Lit., 'goes up in them'.

(5) V. supra 4b, notes.

(6) The calculation at the moment is based, for the sake of argument, on the imaginary assumption that the round sea like a square tank contained $10 \times 10 \times 5 = 500$ cubic cubits.

(7) Since each bath, as stated supra, contains $1 \times 1 \times 3 = 3$ cubic cubits.

(8) To make up a hundred and fifty ritual baths. An objection against R. Hiyya's statement.

(9) V. supra p. 91, n. 17.

(10) Since a diameter of one unit has a circumference of three units approx., and a square of one such unit has a perimeter of four such units.

(11) In the number of 'five hundred'. $500 - 400 = 100$.

(12) Since $400 - 100 = 300$, and $100 - 25 = 75$, the number of cubic cubits in the sea of Solomon was only 375. As each three cubic cubits produced one ritual bath, the sea could have contained no more than $375/3 = 125$ ritual baths. An objection again against R. Hiyya.

(13) The lower section contained $3 \times 10 \times 10 = 300$ cubic cubits. The upper section, being circular and by one quarter less than a square, contained $2 \times 10 \times 10 - 50 = 150$. The two sections together consequently contained $(300 + 150)/3 = 350$ ritual baths.

(14) That the upper section of the sea was square shaped and its lower one round.

(15) And the sea consequently contained more than a hundred and fifty ritual baths. On what ground then could R. Hiyya maintain that it contained only a hundred and fifty ritual baths?

(16) That the sea contained more than the number given by R. Hiyya.

(17) I Kings VII, 26.

(18) Ezek. XLV, 14. A kor which is ten baths also equals thirty se'ah. Ten baths consequently equal thirty se'ah and one bath equals three se'ah.

(19) Which held two thousand baths.

(20) A griva = one se'ah. Since one bath = three se'ah, two thousand baths = $3 \times 2000 = 6000$ se'ah = $6000/40 = 150$ ritual baths. Hence R. Hiyya's figure.

(21) Solomon's sea.

(22) II Chron. IV, 5.

(23) The higher figure.

(24) While liquids can only reach the level of the top of the measure, dry commodities can be raised to a certain height above that level. The difference between the dry and liquid commodities that the sea could contain, explains the difference between the figures in I Chron., and I Kings respectively. For an attempt to reconcile Rami b. Ezekiel's solution with the more exact value of 'pie' v. Zuckermann, op. cit., p. 29 and Feldman, op. cit., p. 51.

(25) Sc. the quantity above its level, if the ratio of its height to its length and width is the same as that of Solomon's sea.

(26) One thousand being a third of three thousand.

(27) Lit., 'receptacle', 'container'.

(28) Two kor = 60 se'ah. The difference between the dry and the liquid is thus $60 - 40 = 20$ se'ah, and twenty is one third of sixty. This Mishnah thus supports Abaye's calculation.

(29) Sc. are not susceptible to levitical uncleanness. Only vessels that are moved about both empty and full are so susceptible. Those mentioned here are large and not easily moved; hence they are not subject to the same susceptibility.

Shab. 35a; Kel. XV, 1; Oh. VIII, 1, 3.

(30) Since our Mishnah speaks of side-posts in the plural.

(31) Mishnah Supra 11b. Is it likely, however, that an anonymous Mishnah, which as a rule represents the halachah, would agree with an individual opinion contrary to that of the majority?

(32) Lit., 'what'.

(33) Each individual alley, however, may require no more than one side-post.

(34) That the plural was used to refer to side-posts in general.

(35) In the previous Mishnah (supra 13b).

(36) Lit., 'and what beams?'

(37) The former requiring two and the latter one.

(38) The use of the plural is consequently no proof that the halachah is in agreement with the ruling of R. Eliezer.

(39) סרבל cf. Gr. **.

(40) I.e., instead of fixing the side-post at a point facing the entrance, he put it up within the alley at a point facing the middle of it.

(41) Lit., 'he has not but'.

(42) Tosef. 'Er. I.

(43) That only the inner but not the outer half of the alley may be used.

(44) Of course it is, since the outer part was not provided with any side-post.

(45) Lit., 'he has'.

(46) While it is obvious that the outer half could not be used, it is not so obvious that the inner part may be used. Hence the necessity for the Tosef cited.

(47) That the inner half may be used.

(48) Since it was well provided with a side-post.

(49) Were the use of the inner half to be permitted.

(50) In consequence of which the use of the inner half also should be forbidden.

(51) Lit., 'he did nothing'.

(52) Lit., 'according to R.'

(53) v. Glos.

(54) Lit., 'these words'.

(55) As, for instance, when a cross-beam projecting from one wall does not reach the wall opposite.

(56) V. Shab. 108b.

(57) That the halachah is not in agreement with R. Jose.

(58) Supra 10a, 12a.

(59) Lit., 'his depth (of reasoning) is with him'. V. Rashi a.l. and cf. Rashi infra 51a s.v. נִימוּקוֹ.

(60) MS.M. Nahman.

(61) In respect of the size of the side-posts.

(62) They use side-posts of any size whatsoever (Rashi).

(63) The answer given by Abaye.

(64) Excluding one who drinks it, e.g., for a cure.

(65) Prior to his drinking (Rashi).

(66) The beginning of this benediction like that of all others is, 'Blessed art thou, O Lord our God, King of the universe' (cf. Singer's P.B., p. 290).

(67) The last eight words are wanting in MS.M. and are also absent from the Mishnah Ber. 44a.

(68) MS.M., Rabbah b. Hanin.

Talmud - Mas. Eirubin 15a

It was stated: A side-post put up accidentally,¹ Abaye ruled, is a valid side-post, but Raba ruled: It is no valid side-post. Where [the residents] did not rely on it from the previous day,² no one disputes that it is no valid side-post. They differ only where [the residents] did rely upon it on the previous day.³ Abaye ruled: 'It is a valid side-post', since the residents relied on it from the previous day. But Raba ruled: 'It is no valid side-post', because owing to the fact that originally it was not made for

that purpose,⁴ it cannot be regarded as a valid side-post.

It has been assumed⁵ that as they⁶ differed in the case of a side-post, so they differed in that of a partition.⁷ Come and hear:⁸ If a man made his sukkah⁹ among trees and the trees serve as its walls, it is ritually fit!¹⁰ Here we are dealing [with trees] that were originally planted for the purpose.¹¹ If so, is this¹² not obvious? — It might have been presumed that a preventive measure should be enacted as a precaution against the possibility of using the tree [for other purposes also],¹³ hence we were informed [that no such precaution was deemed necessary].

Come and hear: If there was present¹⁴ a tree or a wall or a fence of [growing] reeds it may be treated as a corner-piece!¹⁵ — Here also we are dealing with one that was originally intended for the purpose. If so, what need was there to tell us this? — We were told that a fence of reeds [is valid if the distance between] any two reeds was less than three handbreadths, as [was explained in] the enquiry that Abaye addressed to Raba.¹⁶

Come and hear: Where a tree overshadows the ground,¹⁷ it is permitted to move objects under it¹⁸ if [the top of] its branches is not higher than three handbreadths from the ground!¹⁹ — Here also we are dealing with one that was originally planted for the purpose. If so, it should be permissible to move objects under it in all cases; why then did R. Huna the son of R. Joshua state that movement of objects under it is permissible only [where its area was no larger than] two beth se'ah?²⁰ — Because it is a dwelling that serves the [outside] air²¹ and no movement of objects is permitted in a dwelling that serves the outside air unless [its area is no larger than] two beth se'ah.²²

Come and hear: If a man received the Sabbath²³ on a mound that was ten handbreadths high²⁴ and between four cubits and two beth se'ah in area, or²⁵ in the cleft [of a rock] that was ten handbreadths deep²⁶ and between four cubits and two beth se'ah in area, or reaped corn that was surrounded by [growing] ears,²⁷ he may walk in all the area,²⁸ and outside it for two thousand cubits!²⁹ And should you reply that there also it is a case where one had originally made them for the purpose, [your submission] might be quite agreeable as regards the corn;³⁰ what, however, could be said as regards the mound or the cleft?³¹ — The fact, however, is that in respect of partitions, no one³² disputes that [one put up accidentally] is a valid partition. They only differ in respect of a side-post — Abaye³³ follows his own point of view, for he has laid down that a side-post represents³⁴ a partition, and a partition set up accidentally is a valid partition. Raba, on the other hand, follows his own point of view, for he has laid down that a side-post serves³⁴ the purpose of a distinguishing mark,³⁵ and only where it is made for that purpose,³⁶ is it a distinguishing mark, otherwise³⁷ it is no distinguishing mark.

Come and hear: If stones³⁸ that project from a wall³⁹ are separated from each other by less than three handbreadths, no other side-post is required;⁴⁰ [if they are separated by] three handbreadths, another side-post is required!⁴¹ Here also it is a case where they were originally built for that purpose.⁴² If so, is not this⁴³ obvious?⁴⁴ — It might have been presumed that [projections] are made solely as building connections,⁴⁵ hence we were informed [that no other side-post is required].

Come and hear what R. Hiyya taught: A wall of which one side recedes more than the other, whether [the recess can be] seen from without and appears even from within or whether it can be seen from within and appears even from without, may be regarded as [being provided with] a side-post!⁴⁶ — Here also it is a case where it was originally constructed for the purpose. If so, what need was there to tell us [the obvious]? — It is this that we were informed: [If the recess can be] seen from without though it appears even from within, [the wall] may be regarded as [provided with] a side-post.

Come and hear [of the incident] where Rab was sitting in a certain alley and R. Huna sat before

him when he said to his attendant, 'Go, bring me a jar of water'. By the time the latter returned, the side-post fell down and he motioned to him with his hand to remain in his place.⁴⁷ Said R. Huna to him, 'Is not the Master of the opinion that one may rely upon the palm-tree?'⁴⁸ 'This young Rabbi', he replied: 'seems to think that people cannot explain a ruling they have heard! Did we rely upon it since yesterday?'⁴⁹ The reason then⁵⁰ is that no one had relied on it;⁵¹ but if they had relied on it,⁵¹ it would have been regarded as a valid side-post.⁵²

Might not one suggest that Abaye and Raba differed only where [the residents] did not rely on it,⁵³ but that where they did rely on it, it is regarded as a valid side-post?⁵⁴ — This cannot be entertained at all; for there was a certain piazza at the house of Bar Habu,⁵⁵ about which Abaye and Raba were always⁵⁶ in dispute.⁵⁷

MISHNAH. SIDE-POSTS MAY BE MADE OF ANYTHING, EVEN OF AN ANIMATE OBJECT, BUT R. MEIR⁵⁸ FORBIDS THIS. IT⁵⁹ ALSO CAUSES DEFILEMENT⁶⁰ AS THE COVERING OF A TOMB,⁶¹

-
- (1) Lit., 'that stands of itself', sc. it was not put up in connection with the Sabbath ritual.
 - (2) Lit., 'from yesterday', sc. Friday, the day before the Sabbath; if, for instance, a proper side-post provided fell down on the Sabbath day.
 - (3) And, in consequence, provided no other side-post.
 - (4) To serve as a side-post in compliance with the Sabbath laws.
 - (5) By the students at the schoolhouse.
 - (6) Abaye and Raba.
 - (7) Sc. if a wall was put up, not for the ritual purpose for which it was desired to use it Abaye considers it valid and Raba does not.
 - (8) All objection against Raba.
 - (9) V. Glos.
 - (10) Suk. 24b; which proves that a wall is valid even if it was not originally made for the purpose. V. supra note 10.
 - (11) To serve as walls for the sukkah.
 - (12) That they are ritually valid walls
 - (13) And people would thus even pluck its fruit on the festival when this is forbidden.
 - (14) In close proximity to a watering station.
 - (15) Infra 19b; which shows that a wall is ritually valid though it had not been specially made for the purpose, and presents an objection against Raba. **דְּיוֹמָד = דְּיוֹ עֲמוּד** 'two pillars'; cf. Gr. **, 'forked'. A deymad, or corner-piece consists of two boards, or the like, meeting at their ends at right angles to one another and forming an L shaped construction. Four deymads of the prescribed size, placed respectively at the four corners of a watering station, constitute a ritually valid partition within which it is permitted to carry on the Sabbath.
 - (16) Infra 19b ad fin.
 - (17) With its branches that grow from its trunk at a height of ten handbreadths.
 - (18) On the Sabbath.
 - (19) Infra 99b, Suk. 24b. An objection against Raba.
 - (20) V. Glos. Such a restriction is applicable to enclosures that are only partially valid (cf. infra 16b, 24a). Now if the tree in question had been planted for the purpose, its branches, surely, constitute a valid enclosure; why then should the restriction mentioned apply?
 - (21) I.e., to provide shelter for the watchmen of the surrounding fields. It is not one in which people usually live.
 - (22) As stated infra 22a.
 - (23) It is forbidden to walk on the Sabbath beyond two thousand cubits from one's home, the term being defined as the spot (four cubits by four), the house or the town where a person was at the time the Sabbath had set in. Within the four cubits, or within the house or town however big it may be, it is always permitted to walk.
 - (24) The minimum height of a private domain to which the rule of upward extension of its edges to form virtual walls is applied.
 - (25) Lit., 'and so'.

- (26) And thus provided with walls of the height required to form a private domain.
- (27) That were ten handbreadths high and formed a partition of the prescribed minimum height (cf. previous note).
- (28) Since all the mound, the cleft or the space enclosed by the growing ears of corn is regarded as his 'home'.
- (29) Suk. 25a; which proves that walls or partitions apparently not made for the purpose of satisfying the requirements of the Sabbath laws are nevertheless regarded as valid walls, and an objection thus again arises against Raba.
- (30) It being possible that the reaping of the field was so planned as to leave an enclosure of ears of corn round the particular spot.
- (31) Which are natural phenomena.
- (32) Lit., 'all the world'.
- (33) In declaring it valid.
- (34) Lit., 'because of'.
- (35) Supra 12b q.v. notes.
- (36) Lit., 'with the hands'.
- (37) Lit., 'and if not'.
- (38) Lit., 'stones of a wall'.
- (39) One above the other in a vertical line.
- (40) To convert an alley at whose entrance they are situated, into a private domain. The projecting stones alone satisfy the requirements of a side-post.
- (41) Thus it follows that the projecting stones, where the distance between them is less than three handbreadths, constitute a valid side-post though, apparently, they were not put there for that purpose. All objection against Raba.
- (42) To serve as a side-post for the alley.
- (43) That no other side-post is required.
- (44) What need then was there to state it?
- (45) To dovetail any new wall with the existing one; and consequently could not be regarded as a side-post even though they were so originally intended.
- (46) Supra 9b, q.v. notes. The recession being presumably accidental, does not the recognition of the validity of the side-post present an objection against Raba?
- (47) So according to MS.M. and R. Han. קום אדוכתיך 'remain in your place'. According to cur. edd., קם אדוכתיך 'he remained in his place', render, 'He motioned to him with his hand and (the latter) remained in his place'.
- (48) That grew at the side of the entrance to the alley.
- (49) They did not. Hence they could not treat the palm-tree as a valid side-post for the alley.
- (50) Why the palm-tree could not be regarded as a side-post.
- (51) Before the commencement of the Sabbath.
- (52) This then proves that the law is in agreement with Abaye.
- (53) A side-post of accidental origin.
- (54) So that Rab's ruling would be in agreement with the opinion of both Abaye and Raba.
- (55) And one of its supporting poles was situated at the entrance to an alley.
- (56) Lit., 'all their years'.
- (57) The former regarding it as a valid side-post and the latter denying its validity. From which it follows that the dispute between Abaye and Raba as to the validity of a side-post of accidental origin extends also to one upon which the residents had relied.
- (58) Separate ed. of the Mishnah read: 'R. Jose'.
- (59) Any object, even an animate one, that was used to close up a tomb.
- (60) Even after it had been removed from the grave.
- (61) גולגולת. Such a covering is subject to the same degree of levitical uncleanness as the corpse itself (cf. Hul. 72a).

Talmud - Mas. Eirubin 15b

BUT R. MEIR RULED THAT IT WAS NOT SUSCEPTIBLE TO DEFILEMENT.¹ WOMEN'S LETTERS OF DIVORCE TOO MAY BE WRITTEN ON IT, BUT R. JOSE THE GALILEAN DECLARED IT TO BE UNFIT.

GEMARA. It was taught: R. Meir ruled: No animate object may be used either as a wall for a sukkah,² or as a side-post for an alley, [or as one of the] partitions for watering stations or as a covering for a grave.³ In the name of R. Jose the Galilean it was laid down: Women's bills [of divorce] also may not be written on it.⁴ What is R. Jose the Galilean's reason? — Because it was taught: [From the Scriptural expression of] 'letter'⁵ one would only learn that⁶ a letter⁵ [may be used]; whence, however, [can it be deduced that] all other things are also included? [From] the explicit statement:⁷ That he writeth her⁸ [which implies:] On any object whatsoever.⁹ If so, why was the expression of 'letter' used? To tell you that as a letter is an inanimate object and does not eat, so must any other object [used for the purpose be] one that is inanimate and does not eat.¹⁰ And the Rabbis?¹¹ — Is it written: 'In a letter'?¹² Surely only 'letter'¹³ is written, and this refers¹⁴ merely to the recording¹⁵ of the words.¹⁶

As to the Rabbis, however, what exposition do they make of the expression: That he writeth her?¹⁷ — They require that text [for the deduction that a woman] may be divorced only by writing¹⁸ but not by money.¹⁹ For it might have been presumed that since divorce²⁰ was compared with betrothal,²¹ as betrothal [may be effected] by means of money²² so may divorce [also be effected] by means of money;²³ hence we were informed [that only by writing¹⁸ can divorce be effected]. And whence does R. Jose the Galilean derive this logical conclusion?²⁴ — He derives it from [the expression of] 'A letter of divorcement'²⁵ [which implies:]²⁶ The letter causes her divorcement but no other thing may cause it.²⁷ And the Rabbis? — They require the expression of²⁸ 'A letter of divorcement'²⁵ to [indicate that the divorce must be] one that completely separates the man from the woman;²⁹ as it was taught: [Should a husband say to his wife,] 'Here is your divorce on condition that you never drink any wine' or 'on condition that you never go to your father's house' [such a divorce] is no complete separation;³⁰ [if he said,] 'During³¹ thirty days'³² is it regarded as a complete separation.³³ And R. Jose the Galilean?³⁴ — He derives it from [the use of] kerituth³⁵ [instead of] kareth.³⁵ And the Rabbis? — They base no expositions [on the distinction between] kareth and kerituth.³⁶

MISHNAH. IF A CARAVAN CAMPED IN A VALLEY AND IT WAS SURROUNDED BY THE TRAPPINGS OF THE CATTLE IT IS PERMISSIBLE TO MOVE OBJECTS WITHIN IT, PROVIDED [THE TRAPPINGS] CONSTITUTE A FENCE TEN HAND BREADTHS IN HEIGHT AND THE GAPS³⁷ DO NOT EXCEED³⁸ THE BUILT-UP PARTS.³⁸ ANY GAP WHICH [IN ITS WIDTH DOES NOT EXCEED] TEN³⁹ CUBITS IS PERMITTED,⁴⁰ BECAUSE IT IS LIKE A DOORWAY. IF IT EXCEEDS THIS [MEASUREMENT] IT IS FORBIDDEN.⁴¹ GEMARA. It was stated: If the breaches [in an enclosure] are equal [in area to its] standing parts, the [movement of objects⁴² in the space within the enclosures], R. Papa ruled, is permitted, and R. Huna the son of R. Joshua ruled: It is forbidden. R. Papa ruled: 'It is permitted', because the All Merciful taught Moses⁴³ thus: 'Thou must not allow the greater part of a fence to consist of gaps'.⁴⁴ R. Huna the son of R. Joshua ruled, 'it is forbidden for it is this that the All Merciful taught Moses: 'Its greater part [must be] fence'.

We learned: AND THE GAPS DO NOT EXCEED THE BUILT-UP PARTS, but, [it follows, does it not, that if they were] equal to the built-up parts [movement of objects within the enclosure] is permitted?⁴⁵ — Do not infer: 'But [if they were] equal to the built-up parts [the movement of objects] is permitted', but infer: 'If the built-up parts exceed the gaps [the movement of objects] is permitted'. But [if the gaps are] equal to the built-up parts, what [is the law]? [Is the movement of objects]⁴² forbidden? If so, however, should not the reading have been, 'The gaps are not equal to the built-up parts'?⁴⁶ — This is indeed a difficulty.

Come and hear: If a man covered the roof⁴⁷ of his sukkah⁴⁸ with spits or with the long [sides] of a bed⁴⁹ [the sukkah is] valid if there is as much space between them as that of their own [width]!⁵⁰ Here we are dealing [with such] as can be easily moved in and out.⁵¹ Is it, however, possible⁵² to be

exact?⁵³ — R. Ammi replied: One might supply more [of the proper roofing].⁵⁴ Raba replied: If they⁵⁵ were placed crosswise, one puts the suitable material lengthwise, [and if they were placed] lengthwise, one puts it crosswise.⁵⁶

Come and hear: If a caravan camped in a valley and it was surrounded by camels, saddles,

- (1) For the reason, v. Suk. 24a.
- (2) V. Glos.
- (3) If it was used, the wall, the side-post or the partition is invalid and the covering remains unsusceptible to levitical uncleanness.
- (4) Suk. 23a.
- (5) Deut. XXIV, 1. **ספר** 'book', 'letter' or 'scroll'.
- (6) Lit., 'I have only'.
- (7) Lit., 'it is taught to say'.
- (8) Deut. XXIV, 1, emphasis on writeth.
- (9) Lit., 'from any place'.
- (10) Hence R. Jose's ruling that no letter of divorce may be written on an animate object.
- (11) How, in view of this deduction, can they allow the use of an animate object as a writing material for a letter of divorce?
- (12) **בספר** (with prefix) which would have implied that the noun referred to the material on which the divorce is written.
- (13) **ספר** without any prefix.
- (14) Lit., 'that it came'.
- (15) **ספירות**, lit., 'enumeration'.
- (16) **ספר** and **ספירות** being of the same rt. The kind of material, however, on which the wording must be recorded was not prescribed. Hence the permissibility to use any writing material or any other object.
- (17) From which it was deduced supra that a divorce may be written on any object. Since the expression **ספר** (**ספר**) has no bearing on the question of the writing material, it is obvious that any object is admissible for the purpose. What need then was there to use the expression of 'writeth' (Deut. XXIV, 1) when that of giveth (ibid.) viz., 'That he giveth her the letter of divorcement in her hand' etc., would have been sufficient?
- (18) A written letter of divorce.
- (19) By saying, on the analogy of the formula for betrothal, 'Be thou divorced from me by this money'.
- (20) Lit., 'departing' (**ויצאה**); 'and she departeth' (Deut. XXIV, 2).
- (21) Lit., 'becoming' (**הויה**); 'and becometh' (ibid.).
- (22) V. Kid. 2a'
- (23) V. supra note 16.
- (24) That a divorce cannot be effected except by means of a written document.
- (25) **ספר כריתות**, Deut. XXIV, I.
- (26) Since **ספר** ('letter') stands in close proximity to **כריתות** ('divorcement').
- (27) **כורתה** (rt. **כרת** 'to cut'), lit., 'cuts her off (from her husband)'.
- (28) Lit., 'that'.
- (29) Lit., 'that cuts (cf. supra n. 4) between him and her'.
- (30) Since the woman might at any time throughout her life break the condition and consequently annul the divorce.
- (31) Lit., 'all'.
- (32) Sc. he set a limit to the period during which the woman should drink no wine or keep away from her father's house.
- (33) From the moment the woman has received the document; because at the end of the specified period the divorce is free from all conditions and the separation between husband and wife is complete. Suk. 24b, Yoma 13a, Git. 21b, 83b.
- (34) Whence does he derive this ruling?
- (35) **כריתות**, in the opinion of R. Jose, is a longer or more forcible expression than **כרת**.
- (36) Cf. previous note.
- (37) Though each one is less than ten cubits.
- (38) In their total area.

- (39) So MS.M. Cur. edd. 'like ten'.
- (40) Provided the area of the built-up parts exceeds that of the gaps.
- (41) Though all the remainder of the fence is built up.
- (42) On the Sabbath.
- (43) When he imparted to him the laws concerning partitions (v. supra 4a).
- (44) Lit., 'thou shalt not break its greater part'.
- (45) An objection against R. Huna.
- (46) From which it would have been obvious that if they were equal to, and much more so if they exceeded the built-up parts, the movement of objects would be forbidden; and all ambiguity would thus be avoided.
- (47) Or 'laid the roof-beams'.
- (48) v. Glos.
- (49) Such objects, since they are proper 'instruments', are susceptible to levitical uncleanness and consequently unfit for the roof covering of a sukkah.
- (50) Suk. 15a; because the intervening spaces can be filled up with suitable and ritually fit roofing. This Mishnah then seems to show that where the measurement of the suitable and the unsuitable parts are equal, the structure is valid; and, since the same principle would obviously apply also to the validity of an enclosure, in respect of the Sabbath laws, where its built-up parts equal its gaps, does not an objection arise against R. Huna?
- (51) Lit., 'when it (freely) enters and goes out', sc. between the parts to be covered with the suitable roofing, so that the width of each spit or bed-side is inevitably less than that of each properly covered intervening space.
- (52) So R. Han. Cur. edd., 'surely it is possible', is a different reading (as pointed out by Tosaf. s.v. רשי גרים a.l.).
- (53) Sc. is it possible that by supplying a quantity of suitable material equal in width to that of the unsuitable one, the air spaces intervening between the two materials will be duly covered? The answer obviously being in the negative, the question arises: How, in view of the fact that the space of the proper material does not even equal that of the improper one plus the intervening air spaces, could the sukkah be valid? This raises an objection against R. Huna but also against R. Papa (cf. Tosaf. l.c.).
- (54) And thus cover up the intervening air spaces also.
- (55) The spits etc.
- (56) So that all the spaces between the improper material are fully covered with the proper one which, according to R. Papa, thus covers as much space as the improper one; and according to R. Huna, since the spits etc. can be easily moved in and out, the proper roofing covers the larger area.

Talmud - Mas. Eirubin 16a

saddle-cushions, saddlebags, reeds or stalks [it is permitted to] move objects within it, provided there is no more than the space of one camel between any two camels, that of one saddle between any two saddles, and that of one saddle-cushion between any two saddle-cushions!¹ — Here also [it is a case where each object can be easily] moved in and out.²

Come and hear: Thus³ you might say that there are three categories in the case of partitions. Wherever [in a reed fence the width of each reed is] less than three handbreadths, it is necessary⁴ that there shall be no [gap of] three handbreadths between any two reeds⁵ so that a kid could not leap headlong [through it].⁶ Wherever [the width of each reed is] three, or from three to four⁷ handbreadths, it is necessary⁸ that [the gap] between any two reeds⁹ shall not be as wide as the full width of a reed,¹⁰ in order that the gaps shall not be equal to the standing parts; and if the gaps exceeded the standing parts it is forbidden [to sow corn]¹¹ even over against the standing parts. Wherever [the width of each reed is] four handbreadths, or from four handbreadths to ten cubits,¹² it is necessary⁸ that [the gap] between any two reeds⁹ shall not be as wide as a reed,¹⁰ in order that the gaps shall not be equal to the standing parts; and if the gaps were equal to the standing parts it is permitted [to sow seed]¹¹ over against the standing parts and forbidden over against the gaps.¹³ If, however, the standing parts exceeded the gaps it is permitted¹⁴ [to sow seed] over against the gaps also. If there was a gap wider than ten cubits, [sowing]¹⁵ is forbidden. If forked reeds were there and a plait was made above them, [sowing] is permitted even [if the gaps between the reeds] exceeded

ten cubits.¹⁶ In the first clause at any rate it was taught that [the fence is valid if the width of each reed was] from three to four handbreadths provided the gap between any two reeds was not as wide as a reed. Is not this¹⁷ an objection against R. Papa?¹⁸ — R. Papa can answer you: By the expression of ‘as wide as’ was meant¹⁹ [the width of the space through which the reed can be easily] moved to and fro.²⁰ Logical deduction also leads to the same conclusion. For, since it was stated: ‘If the gaps exceeded the standing parts it is forbidden [to sow corn] even over against the standing parts’, it follows that if they were equal to the standing parts [the sowing] is permitted. This proves it.

Must it then be assumed that this²¹ presents an objection against R. Huna the son of R. Joshua?²² — He can answer you: According to your line of reasoning [how will you] explain the final clause, ‘If, however, the standing parts exceeded the gaps it is permitted [to sow seed] over against the gaps also’, from which it follows that if it was equal to the gaps, [sowing] is forbidden?²³ Now then, the final clause is a contradiction to the ruling of R. Papa and the first one to that of R. Huna son of R. Joshua? — The final clause is really no contradiction to the ruling of R. Papa for, since the Tanna used the expression, ‘If the gaps exceeded the standing parts [it is forbidden]’,²⁴ in the first clause, he used the expression, ‘If the standing parts exceeded the gaps [it is permitted]’ in the final clause.²⁵ The first clause presents no contradiction against R. Huna the son of R. Joshua for, as it was desired to state in the final clause, ‘If the standing parts exceeded the gaps [it is permitted]’,²⁶ it was also taught in the first clause²⁷ ‘If the gaps exceeded the standing parts [it is forbidden]’.²⁸

According to R. Papa²⁹ it is quite well, for this reason,³⁰ that the two cases³¹ were not included in one statement.³² According to R. Huna son of R. Joshua,³³ however, why should not the two cases be included in one statement thus:³⁴ Wherever [the width of a reed is] less than three, or [as much as] three, handbreadths it is necessary that [the gap] between any two reeds shall be less than three handbreadths? — Because the cause of the restriction³⁵ in the first clause is not like that in the second clause. The cause of the restriction in the first clause is that a kid shall not be able to leap headlong [through the gap]; while [the cause of] the restriction in the final clause is that the gaps shall not be equal to the standing parts.³⁶

Whose [view is expressed in the principle that the gap must be] less than three handbreadths? [Is it not] that of the Rabbis who laid down that [to a gap of] less than three handbreadths the law of labud³⁷ is applied but that to one of three handbreadths the law of labud is not applied?³⁸ Read, however, the final clause: ‘Where [the width of each reed is] three, or from three to four’.

(1) Which shows that where the gaps are equal to the built-up parts, the movement of objects is permitted. An objection against R. Huna.

(2) Cf. supra note 1 mutatis mutandis.

(3) Lit., ‘it is found’.

(4) if vines grow on one side of the fence and it is desired to sow corn in close proximity on the other side.

(5) Lit., ‘this to this’.

(6) The law of labud (v. Glos.) is applied in such a case even where the total area of the gaps exceeds that of the reeds. If a gap is wider than three handbreadths, a kid can leap headlong through it and the law of labud cannot consequently apply.

(7) But not actually four.

(8) V. p. 104, n. 10.

(9) Lit., ‘this to this’.

(10) Lit., ‘like its fullness’.

(11) If vines were planted on the other side of the fence in close proximity.

(12) Inclusive, but not wider.

(13) Thus we have three categories: (i) It is not necessary for each gap to be less in width than a reed where the reeds are less than three handbreadths in width; and even if a gap is as wide as or wider than a reed, provided it is not wider than three handbreadths, all the fence is valid. (ii) It is necessary for each gap to be less in width than a reed where the reeds

are three, or from three to four handbreadths in width. A gap of three or more handbreadths destroys the validity of the entire fence even that of its standing parts. (iii) Where the standing parts of a fence are considerable, their validity is not affected by the gaps, though it is forbidden to sow over against one side of the gaps if vines grow on the other.

(14) In any of three cases enumerated.

(15) V. supra note 5.

(16) Tosef. Kil. IV; because a gap in the shape of a doorway, even if it is wider than ten cubits, does not impair the validity of a fence.

(17) The ruling that the fence is valid only when the gaps are less than the standing parts.

(18) Who ruled supra that even if the breaches in an enclosure were equal to its standing parts, the movement of objects within it on the Sabbath is permitted or, in other words, the fence of the enclosure is valid.

(19) Lit., 'what its fullness?'

(20) Lit., 'enters and goes out', so that a gap equal to that width is really wider than the actual width of the reed. Where, however, the gaps are exactly equal to the standing parts, the fence is valid in agreement with the view of R. Papa.

(21) The Baraita just discussed which provides support for R. Papa's ruling.

(22) Who differed from R. Papa (supra 15b).

(23) In agreement with the ruling of R. Huna son of R. Joshua and contrary to that of R. Papa.

(24) An expression which was essential for the inference that if the gaps equalled the standing parts it is permitted to sow even over against the gaps.

(25) As an antithesis; although the ruling here was really unnecessary in view of the statement, 'The gaps shall not be equal to the standing parts', i.e., (as explained supra) the space through which the reeds can move freely to and fro, from which it follows that if the gaps and the standing parts are equal, and much more so if the latter exceed the former, this is permitted. As the final clause is this a mere antithesis, no inference from it may be drawn.

(26) A statement necessary for the purpose of the inference: But if they were equal to the gaps this is forbidden.

(27) As a mere antithesis.

(28) Though it was superfluous in view of the ruling that this is forbidden even where they were equal to the standing parts.

(29) Who recognizes the validity of a fence where gaps and standing parts are equal.

(30) V. previous note.

(31) Reeds of (i) less than three and (ii) of three handbreadths.

(32) Lit., 'he does not mix them and teach them', as, for instance, 'Wherever (the width of a reed is) three, or less than three, handbreadths it is necessary that the gap between any two reeds shall be less than three handbreadths'. Such a statement would be wrong since in the latter case (according to R. Papa) the gap may be three handbreadths wide.

(33) Who does not recognize the validity of a fence where its gaps and standing parts are equal.

(34) Lit., 'let him mix them and teach them'.

(35) Lit., 'disqualification', 'invalidity'.

(36) As the reasons are different the two rulings could not be joined into one statement.

(37) V. Glos.

(38) Apparently it is.

Talmud - Mas. Eirubin 16b

Does not this represent the view of¹ R. Simeon b. Gamaliel who laid down that the law of labud is applied [to a gap that is] less than four handbreadths?² For if [it represents the view of] the Rabbis [how could it be said], 'from three to four' where three and four are subject to the same law?³ Abaye replied: Since the first clause [is the view of] the Rabbis the final clause also [must be that of] the Rabbis, but⁴ the Rabbis admit that wherever [it is a question of] permitting [to sow corn] over against [a standing part], if it is four handbreadths wide it is deemed [a partition],⁵ but not otherwise. Raba replied: As the final clause is the view of R. Simeon b. Gamaliel the first clause also must be that of R. Simeon b. Gamaliel, but⁴ it is only to [a gap] above⁶ that he applied the rule of labud but in the case of one below it is like a fence which kids can break through [to which the rule of] labud is not applied.

Come and hear: [The space enclosed by] such walls as consist mostly of floors and windows is permitted, provided the standing parts exceed the gaps.⁷ Now, is it possible to imagine [that the reading was] ‘mostly’?⁸ [The reading] then [must obviously be] ‘[The space enclosed by walls] in which many⁹ doors and windows were made is permitted, provided the standing parts exceed the gaps’. Thus it follows [that if the standing parts] equal the gaps it is forbidden. [Is not this then] an objection against R. Papa? — This is indeed an objection. The law, however, is in agreement with R. Papa. ‘An objection’ and ‘the law’!¹⁰ — Yes. Because the inference from our Mishnah is in agreement with his view. For we learned: THE GAPS DO NOT EXCEED THE BUILT-UP PARTS, from which it follows [that if they are] equal to the built-up parts it is permitted.

MISHNAH. [A CARAVAN IN CAMP]¹¹ MAY¹² BE SURROUNDED BY THREE ROPES,¹³ THE ONE ABOVE THE OTHER, PROVIDED [THE SPACE] BETWEEN THE ONE ROPE AND THE OTHER¹⁴ IS LESS THAN THREE HANDBREADTHS.¹⁵ THE SIZE OF THE ROPES [MUST BE SUCH] THAT THEIR [TOTAL] THICKNESS SHALL BE MORE¹⁶ THAN A HANDBREADTH, SO THAT THE TOTAL HEIGHT¹⁷ SHALL BE TEN HANDBREADTHS. [THE CAMP]¹⁸ MAY ALSO BE SURROUNDED¹⁹ BY REEDS,²⁰ PROVIDED THERE IS NO [GAP OF] THREE HANDBREADTHS²¹ BETWEEN ANY TWO REEDS. [IN LAYING DOWN THESE RULINGS,²² THE RABBIS] SPOKE ONLY OF A CARAVAN.²³ THIS IS THE VIEW OF R. JUDAH; BUT THE SAGES MAINTAIN THAT THEY SPOKE OF A CARAVAN ONLY BECAUSE [IN ITS CASE THIS²⁴ IS] A USUAL OCCURRENCE.²⁵ ANY PARTITION THAT IS NOT [MADE UP OF] BOTH VERTICAL AND HORIZONTAL²⁶ [STAKES] IS NO VALID PARTITION;²⁷ SO R. JOSE SON OF R. JUDAH.²⁸ BUT THE SAGES RULED: ONE OF THE TWO²⁹ [IS ENOUGH]. GEMARA. Said R. Hamnuna in the name of Rab: Behold the Rabbis have laid down³⁰ that if the standing parts [of a partition made up] of vertical [stakes]³¹ exceed the gaps [the fence] is valid.³² What, however, asked R. Hamnuna, is the ruling in respect of horizontally [drawn ropes]?³³ — Abaye replied: Come and hear: THE SIZE OF THE ROPES [MUST BE SUCH] THAT THEIR TOTAL THICKNESS SHALL BE MORE THAN A HANDBREADTH, SO THAT THE TOTAL HEIGHT SHALL BE TEN HANDBREADTHS. Now if [such a barrier]³⁴ were valid³⁵ what need was there³⁶ [for the TOTAL THICKNESS to be] MORE THAN A HANDBREADTH seeing that one could leave³⁷ [a distance slightly] less than three handbreadths and [stretch] a rope of any [thickness, and again leave a distance slightly] less than three handbreadths, and [stretch] a rope of any [thickness, and then again leave a distance slightly] less than four handbreadths and [stretch] a rope of any thickness?³⁸ — But how do you understand this: Where could one leave³⁹ less than four [handbreadths of distance]? Were it to be left³⁹ below,⁴⁰ [the barrier] would be like a partition which kids can break through;⁴¹ were it to be left⁴² above,⁴³ the [unlimited] air space on the one side [of the rope]⁴⁴ and that on the other⁴⁵ would join⁴⁶ to annul its validity; and if one were to leave it in the middle,⁴⁷ the [virtually] standing parts⁴⁸ would be exceeding the gaps [only by combining the parts]⁴⁸ on its two sides;⁴⁹ or would you infer from this that where the standing parts [of a partition or barrier] exceed a gap in it [only by combining those] on its two sides they are nevertheless valid?⁵⁰ But⁵¹ it is this that R. Hamnuna asked: [What is the ruling where one] brought for instance a mat that measured seven handbreadths and a fraction, and cut out in it [a hole of] three handbreadths leaving [untouched the remaining] four handbreadths⁵² and fraction,⁵³ and put it up within [a distance of] less than three handbreadths [from the ground]?⁵⁴

R. Ashi said: His⁵⁵ enquiry related to a suspended partition,⁵⁶ as did that which R. Tabla addressed to Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility only in the case of water⁵⁷ because only in respect of water did the Sages relax the law.

[THE CAMP] MAY ALSO BE SURROUNDED BY REEDS etc. Only in the case of A CARAVAN but not in that of all individual? But was it not taught: R. Judah stated: All [defective] partitions⁵⁸ in connection with the Sabbath [laws] were not permitted to an individual [if the space

enclosed]⁵⁹ exceeded two beth se'ah?⁶⁰ — As R. Nahman (or [as] some say: R. Bibi b. Abaye) replied [elsewhere that the ruling] was only required [in respect] of allowing them all [the space] they required, [so may one] here also [explain that the statement⁶¹ referred to the permissibility] of allowing them all [the space] they required.⁶²

Where was [the reply] of R. Nahman (or [as] some say, [that of] R. Bibi b. Abaye) stated?- In connection with what we learned: ANY PARTITION THAT IS NOT [MADE UP OF] BOTH VERTICAL AND HORIZONTAL [STAKES] IS NO VALID PARTITION; SO R. JOSE SON OF R. JUDAH. Now [it was objected] could R. Jose son of R. Judah have given such a ruling seeing that it was taught: 'An individual and a caravan are subject to the same law as regards [a barrier] of ropes.⁶³ But [then] what is the difference [in this respect]⁶⁴ between an individual and a caravan? One individual is allowed two beth se'ah, so are two individuals also allowed two beth se'ah, but three become a caravan and are allowed six both se'ah,' so R. Jose son of R. Judah. But the Sages ruled: Both an individual and a caravan are allowed all [the space] they require provided no area of two beth se'ah remains unoccupied?'⁶⁵ [To this] R. Nahman (or some say: R. Bibi b. Abaye) replied: [This ruling]⁶⁶ was only required in respect of allowing them all [the space] they required.⁶⁷ R. Nahman in the name of our Master Samuel gave the following exposition: One individual is allowed two beth se'ah, two individuals are also allowed two beth se'ah, but three become a caravan and are allowed six beth se'ah. Do you leave the Rabbis⁶⁸ [he was asked] and act in agreement with R. Jose son of R. Judah? Thereupon R. Nahman appointed an Amora on the subject⁶⁹ and gave the following exposition: The statement I made to you was an error on my part; it is this indeed that the Rabbis have said: 'An individual is allowed two beth se'ah, two also are allowed two beth se'ah, but three become a caravan and are allowed all [the space] they require.

(1) Lit., 'we came to'.

(2) By making a distinction between four and less than four, in which latter case where the gap exceeds the standing part it is forbidden to sow even over against the standing part, whereas in the former it is permitted — the Mishnah presumably follows R. Simeon b. Gamaliel (Rashi).

(3) Lit., 'is one'.

(4) As to the objection raised.

(5) Against which corn may be sown.

(6) As in the case of a cross-beam,.

(7) Supra 11a.

(8) שְׂרוּבֵן, lit., 'most of which'; obviously not, since the standing parts of such walls cannot possibly exceed the gaps.

(9) שְׂרִיבָה, lit., 'that he made many'.

(10) Can the law be in agreement with the view of R. Papa when an objection has been raised against it?

(11) Cf. Mishnah supra 15b of which this is a continuation.

(12) In order that it may be permitted to move objects within it on the Sabbath.

(13) Attached to reeds, or any stakes.

(14) And between the lowest one and the ground.

(15) A gap of less than three handbreadths being regarded by the rule of labud (v. Glos.) as non-existent, the height of the rope barrier is thus virtually nine handbreadths minus three small fractions (v. following two notes and text).

(16) By the three fractions mentioned in the previous note ad fin.

(17) Of the rope barrier.

(18) V. supra note 1.

(19) V. supra note 2.

(20) Driven in the ground in a vertical position.

(21) So that the rule of labud can be applied.

(22) That a barrier of ropes drawn horizontally or a fence of reeds driven in the ground vertically is a valid enclosure in respect of the Sabbath laws.

(23) In whose case the Rabbis relaxed the law, but not of an individual whose barrier or fence must be provided with both horizontal and vertical (v. our Mishnah infra) stakes, reeds or ropes.

- (24) The putting up of a barrier round the camp.
- (25) But the same laws apply also to camps of individuals.
- (26) Lit., 'warp and woof'.
- (27) Even in the case of a caravan.
- (28) Who differs from his father's view supra.
- (29) Either vertical or horizontal stakes or poles and the like.
- (30) In the Mishnah supra 15b.
- (31) And the like. The trappings of cattle (v. previous note) are usually arranged in a vertical position.
- (32) Lit., 'a standing'.
- (33) Is such a barrier valid where it contains gaps wider than three handbreadths to which, unlike the rope barrier spoken of in our Mishnah, the rule of labud cannot be applied?
- (34) V. previous note.
- (35) Lit., 'there is'.
- (36) Lit., 'wherefore to me'.
- (37) Lit., 'let him make'.
- (38) Two of the gaps, each being less than three handbreadths, would by the law of labud be deemed closed and this would, together with the ropes, provide a 'standing part' of six handbreadths that exceeds the third gap of four handbreadths. As this, however, was not permitted it may be concluded that in the case of horizontally drawn ropes, the barrier is invalid even where the standing parts exceed the gaps.
- (39) Lit., 'set', 'place'.
- (40) Between the lowest rope and the ground.
- (41) Which, as a suspended partition, is invalid even if its properly standing parts are ten handbreadths high.
- (42) Lit., 'set', 'place'.
- (43) The other gaps; i.e., between the second rope from the ground and the topmost one.
- (44) Its upper side.
- (45) The space between this rope and the middle one.
- (46) Lit., 'come'.
- (47) Above the lowest, and under the middle rope.
- (48) Sc. the spaces of three handbreadths each below it and above it to which the rule of labud is applied.
- (49) Which, is not admissible.
- (50) Lit., 'is a standing', but this is contrary to the law.
- (51) The question in the present form being untenable.
- (52) On one side of the gap.
- (53) On its other side.
- (54) With the fractional section below the gap in the mat and the four handbreadths one above it. In such a case the lowest gap (the distance between the ground and the fractional section of the mat) is regarded as labud (v. Glos.) while the three handbreadths gap in the mat is exceeded by the remaining four handbreadths of the mat all of which are on one side of the gap. The air spaces on the two sides of this section cannot annul its validity since it exceeds at least the air space on the one side below it.
- (55) R. Hamnuna's.
- (56) A mat measuring ten handbreadths, for instance, that was suspended at a distance of more than three, and less than ten handbreadths from the ground. Does the 'standing part' (the mat), R. Hamnuna asked, annul the distance between it and the ground because it exceeds it or not?
- (57) I.e., as regards the permissibility of drawing water from a river or a lake on the Sabbath (cf. infra 87b).
- (58) That were with difficulty allowed where a number of people were concerned.
- (59) Though the enclosure was put up for the purpose of using its interior as a dwelling.
- (60) V. Glos., but if it did not exceed this measurement such defective partitions were permitted to an individual also. How then is R. Judah's statement in the Baraita to be reconciled with his statement in our Mishnah.
- (61) Of R. Judah, that the Rabbis in our Mishnah SPOKE ONLY OF CARAVAN.
- (62) Though it exceeded two beth se'ah. Where, however, such an area is not exceeded the same privilege is extended to an individual also.
- (63) It is permissible in either case though no vertical stakes were put up.

- (64) Where a barrier is defective as in this case (v. previous note).
- (65) Sc. exceeded actual requirements. Now since R. Jose distinctly recognized here the validity of a barrier made of ropes without stakes how could he rule in our Mishnah to the contrary?
- (66) Of R. Jose in our Mishnah, according to which a barrier of ropes is not admissible.
- (67) The respective areas specified in the Baraitha however, are allowed even where the barrier was made only of horizontally drawn ropes.
- (68) Who represent a majority.
- (69) To expound to the public R. Nahman's discourse.

Talmud - Mas. Eirubin 17a

Is then the first clause¹ [in agreement with] R. Jose² and the final clause [only in agreement with the] Rabbis?³ — Yes, because his father⁴ adopts⁵ the same line.⁶

R. Giddal stated in the name of Rab: Three [persons are sometimes] forbidden⁷ in five [beth se'ah, and sometimes] permitted⁷ [even] in an area of seven. 'Did Rab', they asked him, 'really say so?' — '[By] the Law, the Prophets and the Writings, [I can answer]', he said to them, 'that Rab did say, so'. Said R. Ashi: But what is the difficulty?⁸ It is possible that he meant this: If they required six beth se'ah and they surrounded⁹ an area of seven they are permitted¹⁰ even in all the seven;¹¹ and if they required only one of five¹² beth se'ah but surrounded⁹ one of seven¹³ they are forbidden¹⁴ even the five beth se'ah. But then what of what was taught: 'Provided there be no two beth se'ah unoccupied', does not this mean: Unoccupied by human beings?¹⁵ — No; unoccupied by objects.¹⁶

It was stated: [On the question of the extent of the area permitted¹⁷ where there were]¹⁸ three persons and one of them died,¹⁹ or two¹⁸ and their number was increased,¹⁹ R. Huna and R. Isaac [are in dispute]. One maintains that Sabbath is the determining factor²⁰ and the other maintains that the determining factor is [the number of actual] tenants.²¹ You may conclude that it is R. Huna who held that the determining factor was the Sabbath. For Rabbah stated: 'I enquired of R. Huna (and also of Rab Judah) as to what [was the law where] an 'erub²² was laid in reliance on²³ a certain door²⁴ and that door was²⁵ blocked up, or on a certain window²⁴ and that window was²⁵ stopped up,²⁶ and he replied: Since permission for the Sabbath was once granted the permissibility continues²⁷ [until the day is concluded]'.²⁸ This is conclusive.

Must it be assumed that R. Huna and R. Isaac differ on the same principle as that on which R. Jose and R. Judah differed? For we learned: If a breach was made²⁹ in two sides of a courtyard³⁰ and so also if a breach was made in two sides of a house, or if the cross-beam³¹ or side-post³¹ of an alley was removed²⁹ [the tenants] are permitted [their use] for that Sabbath³² but forbidden on future [Sabbaths]; so R. Judah. R. Jose ruled: Whatever³³ they are permitted for that Sabbath they are permitted for future [Sabbaths], and whatever³³ they are forbidden for future [Sabbaths] they are also forbidden for that Sabbath.³⁴ Must it then be assumed that R. Huna is of the same opinion as R. Judah while R. Isaac is of that of R. Jose?³⁵ — R. Huna can tell you, 'I can maintain my view even in accordance with that of R. Jose; for R. Jose maintained his view there only because there were no partitions, but here there are partitions'. And R. Isaac can tell you, 'I can maintain my view even in agreement with R. Judah; for R. Judah upheld his view there only because the tenants were in existence, but here there was not a [sufficient number of] tenants'.

AND THE SAGES RULED: ONE OF THE TWO [IS ENOUGH]. Is not this ruling precisely the same as that of the first Tanna?³⁶ — The practical difference between them is the case of an individual in an inhabited area.³⁷ MISHNAH. [OF] FOUR OBLIGATIONS WAS EXEMPTION GRANTED [TO WARRIORS] IN A CAMP: THEY MAY BRING WOOD FROM ANYWHERE, THEY ARE EXEMPT FROM THE WASHING OF THE HANDS,³⁸ FROM [THE RESTRICTIONS OF] DEMAI³⁹ AND FROM THE DUTY OF PREPARING AN 'ERUB.⁴⁰

GEMARA. Our Rabbis learned: An army that goes out to an optional war⁴¹ are permitted to commandeer dry⁴² wood. R. Judah b. Tema ruled: They may also encamp in any place, and are to be buried where they are killed.⁴³

'Are permitted to commandeer dry wood'. Was not this, however, an enactment of Joshua,⁴⁴ for a Master stated that Joshua laid down ten stipulations [which included the following:] That [people] shall be allowed to feed their cattle in the woods⁴⁵ and to gather wood from their⁴⁵ fields?⁴⁶ — [The enactment] there related to thorns and shrubs [while the ruling] here refers to other kinds of wood.

Or else: There⁴⁷ [it is a case of trees] that are attached [to the ground,⁴⁸ while the ruling] here [refers to such] as were [already] detached.⁴⁹ Or else: There⁴⁷ [it is a case] of fresh, and here [it is one] of dry [wood].

‘R. Judah b. Tema ruled: They may also encamp in any place, and are to be buried where they are killed’. Is not this⁵⁰ obvious, since [a killed warrior is] a meth mizwah³⁹ and a meth mizwah acquires [the right to be buried on] the spot where it is found?⁵¹ — [This ruling was] required only [for the following case:] Although

-
- (1) The ruling accepted by R. Nahman in his exposition.
 - (2) Who allows an individual no more than two beth se'ah. According to the Rabbis he should be allowed all the space he requires.
 - (3) Since R. Jose allows only an area of six beth se'ah. Now, would R. Nahman agree with an individual opinion when it differs from that of the majority?
 - (4) R. Judah.
 - (5) Lit., ‘stands’.
 - (6) He also allows an individual no more than two beth se'ah where a partition is made of vertical or horizontal stakes or ropes only.
 - (7) The carrying of objects on the Sabbath.
 - (8) That caused them to doubt that Rab had made the statement.
 - (9) With stakes only, i.e., with the vertical, and not with the horizontal parts of an enclosure.
 - (10) The carrying of objects on the Sabbath.
 - (11) Since the unoccupied area is less than two beth se'ah.
 - (12) For a variant reading, v. Elijah Wilna's glosses.
 - (13) So that two beth se'ah remained unoccupied, and the barrier was consequently invalid.
 - (14) The carrying of objects on the Sabbath.
 - (15) Three persons, e.g., each being entitled to an area of two beth se'ah only, would not jointly be allowed the use of $(3 \times 2 + 2 =)$ eight beth se'ah, since, after allowing the $(3 \times 2 =)$ six to which they are jointly entitled there still remain two beth se'ah without an occupier; but if the area measured only seven beth se'ah all of it is permitted to them since only $(7 - 3 \times 2 =)$ one beth se'ah remains unoccupied. How then is Rab's statement that ‘three persons are sometimes forbidden in five’, to be explained?
 - (16) Even several persons are not entitled to use an area of twice as many beth se'ah as their number (cf. previous note) but only as many beth se'ah as they actually require plus an area less than two beth se'ah.
 - (17) In the case of a defective enclosure.
 - (18) When the Sabbath began.
 - (19) On the Sabbath.
 - (20) The extent of the area permitted is dependent on the number of persons alive at the moment Sabbath began. If at that time the three were alive the survivors may continue to use the full area throughout the Sabbath even according to R. Judah. If, however, two persons only were present when the Sabbath began and they enclosed an area larger than two beth se'ah they are, according to R. Judah, forbidden its use even if their number had been augmented during the Sabbath.
 - (21) If an area larger than two beth se'ah had been enclosed its use is permitted if the number of tenants was three, though when the Sabbath began it was only two, and forbidden if the number was two though it was three when the Sabbath began.
 - (22) V. Glos.
 - (23) Lit., ‘by the way of’.
 - (24) That communicated between two courtyards inhabited by different tenants.
 - (25) Owing to the collapse of some structure on the Sabbath.
 - (26) Is it permissible to carry objects through any other window that, measuring less than four handbreadths (v. infra 76a), could not be used for the purpose of an ‘erub?
 - (27) Lit., ‘is permitted’.
 - (28) Infra 93b.

- (29) During the Sabbath.
- (30) This is explained infra 94b.
- (31) Sing. So Rashi's MS. supported by Tosaf. s.v. קורותיו a.l. Cur. edd. use the pl.
- (32) On which the accident occurred. Since these were permitted when the Sabbath began their permissibility continues until its conclusion.
- (33) Lit., 'if' (v. next note).
- (34) Infra 94a, i.e., (as explained infra 5a) as they are forbidden for future Sabbaths so are they forbidden for that one also though they were permitted when the Sabbath began.
- (35) Is it likely, however, that Amoras would be merely repeating a dispute of Tannas?
- (36) The Rabbis, who, earlier in the Mishnah, stated THEY SPOKE OF A CARAVAN ONLY BECAUSE . . . A USUAL OCCURRENCE, so that the same relaxation of the law applied also to an individual.
- (37) According to the first Tanna a defective partition is permitted to an individual only where he, like a CARAVAN, finds himself underways where he cannot procure the materials for a proper one. According to the Sages, however, who objected to the ruling of R. Jose son of R. Judah, according to whom a defective partition is invalid both for a caravan and an individual, underways and in an inhabited area, such a partition is valid both for a caravan and an individual, underways and in an inhabited area.
- (38) Before a meal.
- (39) V. Glos.
- (40) If a door communicated between two enclosures in the camp and it was desired to carry objects from one into the other.
- (41) Sc. any war other than those against the peoples of Canaan in the days of Joshua.
- (42) And much more so fresh.
- (43) Tosef. 'Er. II.
- (44) When he entered Canaan.
- (45) Of other people.
- (46) B.K. 80bf.
- (47) The enactment of Joshua.
- (48) Such trees are permitted to all.
- (49) The owner having cut them for fuel. Such wood is permitted to an army only.
- (50) The second ruling of R. Judah b. Tema.
- (51) Lit., 'its place'. This is another of the ten enactments of Joshua. Sot. 45b, B.K. 81a, Sanh. 47b.

Talmud - Mas. Eirubin 17b

he¹ has friends who would bury [him he is to be buried where he was killed]. For it was taught: Who is deemed a meth mizwah? Any person who has no one² to bury him. Were he, however, to call [for help] and others answer him, he is not [to be regarded as] a meth mizwah.³

But does a meth mizwah acquire [the right to be buried on] the spot where it is found? Was it not in fact taught: If a man found a corpse lying in the road, he may remove it to the right of the road or to the left of the road: [if on the one side there was] an uncultivated, and [on the other] a fallow field, he should remove it to the uncultivated field;⁴ a fallow field and a field with seeds, he should remove it to the fallow field;⁴ if both fields were fallow, sown, or uncultivated he may remove it to whichever side he wishes?⁵ — R. Bibi replied: Here we are dealing with a corpse that lay across a narrow path,⁶ and since permission was granted to remove it from the path⁷ one may also move it to whichever side one pleases.

THEY ARE EXEMPT FROM THE WASHING OF THE HANDS. Abaye stated: This was taught only in respect of the washing before a meal,⁸ but the washing after a meal⁹ is obligatory. R.¹⁰ Hiyya b. Ashi stated: Why did the Rabbis rule that washing after a meal⁹ is obligatory? Because there exists a certain Sodomitic salt that causes blindness.¹¹ And, said Abaye, it is found in the proportion of one grain to a kor¹² [in any kind of salt]. Said R. Aha son of Raba to R. Ashi: What [is your ruling

where] one has measured out any salt?¹³ This,¹⁴ the other replied, is perfectly obvious.¹⁵

FROM [THE RESTRICTIONS OF] DEMAI, for we learned: Poor men and billeted troops¹⁶ may be fed with demai.¹⁷ R. Huna stated: One taught: Beth Shammai ruled: Poor men and billeted troops may not be fed with demai, and Beth Hillel ruled: Poor men and billeted troops may be fed with demai.

AND FROM THE DUTY OF PREPARING AN 'ERUB. It was stated at the schoolhouse of R. Jannai: [This ruling] was taught only in regard to an 'erub¹⁸ of courtyards but their obligation to an 'erub of boundaries remains unaffected, since R. Hiyya taught: For [transgressing the laws of] 'erub of boundaries flogging is incurred [in accordance with] Pentateuchal Law.¹⁹ R. Jonathan demurred: Is flogging incurred on account of a prohibition²⁰ implied in AI?²¹ R. Aha b. Jacob demurred:²² Now then,²³ since it is written in Scripture: Turn ye not²⁴ unto them that have familiar spirits, nor unto the wizards,²⁵ should no flogging be incurred in that case also?²⁶ — It was this difficulty that R. Jonathan felt: [Is not this]²⁷ a prohibition that was given to [authorize] a warning of death at the hands of Beth din²⁸ and for any prohibition given to [authorize] a warning of death no flogging is incurred?²⁹ — R. Ashi replied: Is it written in Scripture, 'Let no man carry out ?³⁰ It is [in fact] written: Let no man go out.³¹ CHAPTER II

MISHNAH. WELLS³² MAY BE PROVIDED³³ WITH STRIPS OF WOOD³⁴ [BY FIXING] FOUR CORNER-PIECES³⁵ THAT HAVE THE APPEARANCE OF EIGHT [SINGLE STRIPS];³⁶ SO R. JUDAH. R. MEIR RULED: EIGHT [STRIPS THAT] HAVE THE APPEARANCE OF TWELVE [MUST BE SET UP], FOUR BEING CORNER-PIECES AND FOUR SINGLE [STRIPS].³⁷ THEIR HEIGHT [MUST BE] TEN HANDBREADTHS, THEIR WIDTH SIX, AND THEIR THICKNESS [MAY BE] OF ANY SIZE WHATSOEVER. BETWEEN THEM [THERE MAY BE] AS MUCH³⁸ [SPACE AS TO ADMIT] TWO TEAMS OF THREE OXEN EACH; SO R. MEIR; BUT R. JUDAH SAID: OF FOUR [OXEN EACH, THESE TEAMS BEING] TIED TOGETHER AND NOT APART³⁹ [BUT THERE MAY BE SPACE ENOUGH FOR] ONE⁴⁰ TO ENTER WHILE THE OTHER GOES OUT.⁴¹

IT IS PERMITTED TO BRING [THE STRIPS] CLOSE TO THE WELL, PROVIDED A COW CAN BE WITHIN [THE ENCLOSURE WITH] ITS HEAD AND THE GREATER PART OF ITS BODY WHEN DRINKING.⁴² IT IS PERMITTED

(1) The warrior.

(2) Rashi: Heirs.

(3) Yeb. 89b, Naz. 43b.

(4) In order to avoid or reduce any possible damage to the crops.

(5) B.K. 81b. Now if a meth mizwah must be buried on the spot in which it is found, why was his removal allowed in this Baraita?

(6) Blocking it entirely so that it is impossible to pass through without stepping over the corpse.

(7) So as to enable priests and others who observe levitical purity to use the path without contracting defilement.

(8) Lit., 'first water'.

(9) Lit., 'last water'.

(10) MS.M., 'for R. Judah son of R. Hiyya'. Cf. also Tosaf. Hul. 105a, s.v. מים.

(11) And the washing after the meal removes it from the fingers that may have touched it (cf. Ber. 40a).

(12) V. Glos.

(13) Sc. handled it for some purpose other than that of eating it. Is the washing of the hands obligatory in such a case also?

(14) That washing is required.

(15) Lit., 'it is not (to be) asked'. At the present time it is no longer customary to wash the hands after a meal because Sodomitic salt is uncommon or because no one now dips his fingers in salt after a meal (Tosaf. s.v. מים a.l.).

- (16) Even if they are Jews.
- (17) Dem. III, 1; Ber. 47a; Shab. 127b; infra 31a. The laws of demai, being only Rabbinical, have been relaxed in these cases.
- (18) V. Glos,
- (19) Cf. infra 51a.
- (20) לֹא lit., 'not'.
- (21) לֹא. This negative, it is now assumed, does not express emphatic prohibition as the negative particle .
- (22) Against R. Jonathan's demur.
- (23) If no flogging is to be incurred for a prohibition expressed by al.
- (24) לֹא.
- (25) Lev. XIX, 31.
- (26) But the fact is that flogging is in that case incurred.
- (27) The injunction, 'Let no man go out' (Ex. XVI, 29) from which the prohibitions of both (a) walking beyond the Sabbath limits and (b) carrying from one Sabbath domain into another are inferred (v. Tosaf. s.v. לֹא a.l.).
- (28) For the carrying of objects from one Sabbath domain into another the penalty is not flogging but death (cf. Shab. 96b).
- (29) Even where the penalty of death is not inflicted as, for instance, where the witnesses gave their warning in respect of flogging. How then could it be ruled by R. Hiyya that 'for transgressing the laws of 'erub of boundaries', which are derived from the same text (cf. supra p. 118 n. 15), 'flogging is incurred'?
- (30) Which would explicitly have referred to the carrying of objects. Had this been the case, and as walking beyond the Sabbath limits is inferred from the same text, as no flogging is incurred for the carrying of objects so could none be incurred for walking beyond the Sabbath limits.
- (31) Ex. XVI, 29. Since the expression used is actually that of going out, flogging is rightly incurred for acting against this prohibition (cf. Tosaf. loc. cit. Rashi has a different interpretation).
- (32) That are situated in a public domain and are no less than ten handbreadths deep and four handbreadths wide and, in consequence, subject to the status of a private domain.
- (33) In order that water may be drawn from them on the Sabbath.
- (34) No proper enclosure being necessary (v. infra).
- (35) Or deyomads (cf. note supra 15a), each consisting of two upright boards of the prescribed measurements (v. infra) with their ends joined at right angles to each other.
- (36) So that each of the four sides of the well is screened at each of its two ends by a strip of wood of the prescribed size, and the space around it within the enclosure is thus converted into a private domain into which water from the well may be drawn (cf. supra n. 2).
- (37) One between each two corner-pieces (cf. previous note).
- (38) Lit., 'like the fullness of'.
- (39) This is a restriction: The space must not be wider than that.
- (40) Team (v. infra 19a ad fin.)
- (41) A relaxation of the law: They need not be brought so closely together as to leave no room for them to move freely.
- (42) If the space is smaller, the drawing of water is forbidden on the Sabbath, since the cow might back out of the enclosure and one might carry the bucket after her and thus be guilty of carrying from a private, into a public domain.

Talmud - Mas. Eirubin 18a

TO REMOVE [THE STRIPS]¹ TO ANY [DISTANCE]² PROVIDED ONE INCREASES THE STRIPS.³ R. JUDAH SAID: [THE ENCLOSURE MAY BE ONLY] AS LARGE AS⁴ TWO BETH SE'AH,⁵ BUT THEY⁶ SAID TO HIM: [THE LIMIT OF] TWO BETH SE'AH WAS PRESCRIBED FOR A GARDEN OR A KARPAP⁷ ONLY,⁸ BUT IF [THE ENCLOSURE] WAS A CATTLEPEN,⁹ A FOLD,¹⁰ A BACKYARD OR A COURTYARD¹¹ IT MAY BE [AS BIG AS] FIVE OR TEN BETH KOR.⁵ AND¹² [FOR THIS REASON] IT IS PERMITTED TO REMOVE [THE STRIPS FROM THE WELL TO] ANY DISTANCE PROVIDED ONE INCREASES THE NUMBER OF THE STRIPS.¹³

GEMARA. Must one assume that our Mishnah is not in agreement [with a ruling of] Hanania; for it was taught: Strips of wood may be put up round a cistern¹⁴ and ropes¹⁵ around a caravan,¹⁶ but Hanania ruled: Ropes [may be put up] round a cistern but not strips of wood?¹⁷ — It may be said [to agree] even [with the ruling of] Hanania for a cistern and a well belong to two different categories.¹⁸ There are [others] who read: Since it was not stated¹⁹ Hanania ruled: ‘Ropes must be put up round a cistern and strips of board [may be put up] round a well’, it may be inferred that [according] to the view] of Hanania both in the case of a cistern and in that of²⁰ a well, only ropes are permitted but not strips of wood; must one then assume that our Mishnah²¹ is not in agreement [with the ruling of] Hanania? — It may be said [to agree] even [with the ruling of] Hanania, for he²² only replied to that²³ of which the first Tanna had spoken.²⁴

Must it be assumed that our Mishnah is at variance with [a ruling of] R. Akiba; for we learned: ‘Strips of wood may be provided²⁵ for a public well, a public cistern as well as²⁶ for a private well, but for a private cistern a screen ten handbreadths high must be provided; so R. Akiba’,²⁷ whereas here it was stated [that such strips of wood may be provided] for WELLS. [Does it not then follow:] only²⁸ for WELLS but not for cisterns?²⁹ — It may be said [to be in agreement] even with R. Akiba, for it only taught of a well of living water because [the law in its case is] definite, there being no difference whether it was public or private, but it did not teach concerning a cistern containing collected [water] since [the law in its case] is not definite.³⁰

Need it be suggested that our Mishnah is at variance with a ruling of R. Judah b. Baba; for we learned, ‘R. Judah b. Baba ruled: Strips of wood may be set up round a public well only’,²⁷ whereas here it was stated [that such strips may be set up] for WELLS, implying³¹ that there is no difference whether they were public or private? — It may be said to agree even with R. Judah b. Baba, for by WELLS were meant [public] wells in general.³² What is the meaning of deyomadin?³³ R. Jeremiah b. Eleazar replied: Deyo ‘amudin.³⁴

(Mnemonic:³⁵ Two, under a ban, praise, dove, house, two,³⁶ was cursed, by a relationship three.)

We learned elsewhere: R. Judah ruled: All wild figs³⁷ are exempt [from the restrictions of demai]³⁸ excepting those of deyufra.³⁹ What [is the meaning of] ‘deyufra’? — Ulla replied: A tree that bears fruit twice a year.⁴⁰

R. Jeremiah b. Eleazar said: The first man⁴¹ had two full faces, for it is said in Scripture: Thou hast shaped me⁴² behind and before.⁴³

It is written: And the Lord God builded the side⁴⁴ etc.⁴⁵ Rab and Samuel [differ on the meaning of ‘side’]. One explains: A full face⁴⁶ and the other explains: A tail.⁴⁶ According to him who explained: ‘a full face’, it was quite proper for Scripture to state: Thou hast shaped me behind and before;⁴⁷ but according to him who explained: ‘A tail’, what [could be the meaning of] Thou hast shaped me behind and before?⁴⁷ — As R. Ammi explained, for R. Ammi said: [Adam was] behind [last] in the work of the creation⁴⁸ and before [the others] for retribution. One may well concede that he was ‘behind in the work of the creation’, since he was not created before the Sabbath eve;⁴⁹ what means, however, ‘Before [the others] for retribution’? Shall I say [it refers] to the curse,⁵⁰ surely, [it could be objected] was not the serpent cursed first,⁵¹ Eve afterwards⁵² and Adam last?⁵⁰ — But [it refers] to the flood; for it is written in Scripture: And He blotted out every living substance which was upon the face of the ground, both man and cattle etc.⁵³ According to him who explained: ‘a full face’ it is easy to see why And He formed [wa-yizer]⁵⁴ was written in Scripture⁵⁵ with two yods;⁵⁶ according to him, however, who explained: ‘A tail’ what [could be the significance of] ‘And he formed’?⁵⁷ — [It may be explained] in agreement with R. Simeon b. Pazzi, for R. Simeon b. Pazzi said,⁵⁸ ‘Woe to me on account of my evil inclination;⁵⁹ woe to me on account of my creator’,⁶⁰ According to him who explained: ‘A full face’ it was quite correct for Scripture⁶¹ to write: Male and female created He

them;⁶² but according to him who explained: ‘A tail’, what [could be the interpretation of] ‘Male and female created He them’? - [The text was required] for [an explanation] like that of R. Abbahu. For R. Abbahu pointed out an incongruity: It is written in Scripture: Male and female created He them.⁶² Previously it is written: In the image of God created He him,⁶³ [and he explained:] At first it was the intention that two⁶⁴ should be created but ultimately only one was created.⁶⁵ According to him who explained: ‘A full face’, the expression of ‘And closed up the place with flesh instead thereof’,⁶⁶ is quite intelligible; but according to him who explained: ‘A tail’, what [could be the meaning of] ‘And closed up the place with flesh instead thereof’? — R. Zebid (or as some say: R. Nahman b. Isaac) replied: The text refers only⁶⁷ to the place of the cut.

According to him who explained: ‘A tail’ it was quite proper for Scripture to write: And He builded,⁶⁸ but according to him who explained: ‘A full face’, what [could be the significance of] ‘And He builded’?⁶⁹ — In agreement with that which has been stated by R. Simeon b. Menassia. For R. Simeon b. Menassia made the following exposition: ‘And the Lord God builded the side’⁷⁰ teaches that the Holy One, blessed be He, plaited Eve's hair⁷¹ and then brought her to Adam,⁷² for in the sea-towns a plait⁷³ is called ‘building’.⁷⁴ Another interpretation of ‘And the Lord God builded’:⁷⁰ R. Hisda stated [or, as others say, it was taught in a Baraitha]: This⁷⁵ teaches that the Holy One, blessed be He, built Eve in the shape⁷⁶

(1) From the well.

(2) And thus extend the space enclosed.

(3) So that no gap in the enclosure is wider than ten cubits according to R. Meir, or thirteen and a third cubits according to R. Judah. V. Gemara.

(4) Lit., ‘until’.

(5) V. Glos.

(6) The Rabbis.

(7) **קרפף**, an enclosure for the storage of wood or the like outside a settlement.

(8) Since these are not made to serve as habitations.

(9) Which is shifted from place to place in the fields, its main purpose being the collection of sufficient manure for the respective spots on which it is set up.

(10) For town cattle.

(11) Which may be regarded as an enclosure for human habitation.

(12) Since the water of a well may be used for human beings as for cattle, and the enclosure around it assumes, in consequence, the nature of a human habitation.

(13) V. supra note 2.

(14) Cf. notes on our Mishnah ab init. It is not necessary to provide a proper enclosure. (The reason is given infra).

(15) But not strips of wood (cf. previous note).

(16) Cf. supra 16b notes.

(17) Now, since a cistern and a well are equally private domains, does not our Mishnah, which allows strips of wood for the latter, obviously differ from the ruling of Hanania which does not allow them for the former?

(18) Lit., ‘a cistern alone and a well alone’. In the case of a cistern, unlike that of a well, it is possible for the water to be completely used or dried up, and for an empty pit, an enclosure of strips of wood with gaps between them is invalid.

(19) In the Baraitha just cited.

(20) Lit., ‘there is no difference’.

(21) Which allows boards for the latter.

(22) Hanania in his ruling.

(23) A cistern.

(24) The question of a well not having arisen, there was no need for him to mention it.

(25) V. supra p. 121, n. 13.

(26) Lit., ‘(it is all) one’.

(27) Infra 22b.

(28) Lit., ‘yes’.

- (29) Even if they were public; contrary to R. Akiba who does permit such boards for public cisterns.
- (30) There being in agreement with R. Akiba, a difference between a public, and a private one.
- (31) By the use of the plural.
- (32) Private ones, however, are, in agreement with R. Judah b. Baba, excluded.
- (33) **דְּיוֹמוֹדִין** rendered supra 'CORNER-PIECES'.
- (34) **דְּיוֹמוֹדִין** 'two pillars'. Cf. the Greek parallel, **, and note supra 15a.
- (35) Containing striking words or phrases of each of the following sayings of R. Jeremiah b. Eleazar.
- (36) The last three terms are the reading of Elijah Wilna in place of one unintelligible term in cur. edd.
- (37) Since they are cheap and an 'am ha-ares does not mind the small loss he incurs in tithing them.
- (38) V. Glos.
- (39) Because they are expensive (cf. prev. note). **דְּיוֹפְרָא** cf. Gr. **, Dem. I, 1.
- (40) A play upon the word: **דְּיוֹ** = 'two', **פְּרָא** = **פְּרִי** 'fruit'.
- (41) Or 'Adam (who was) the first (man)'.
- (42) **צַר צִרְתָּנִי**. **צַר** is compared with **צוּרָה** 'shape (of the face)'. E.V., beset me; A.J.T. 'hemmed me in'.
- (43) Ps. CXXXIX, 5.
- (44) E.V., rib.
- (45) Gen. II, 22.
- (46) From which Eve was formed.
- (47) Cf. supra notes 10 and 11
- (48) Lit., 'beginning'.
- (49) Lit., 'the entering of the Sabbath', when all else was already created (cf. Gen. I).
- (50) Gen. III, 17ff
- (51) Ibid. 14ff.
- (52) Ibid. 16.
- (53) Gen. VII, 23; in the destruction, man was mentioned before cattle.
- (54) **וַיִּצַר**.
- (55) Gen. II, 7.
- (56) The two yods in the verb of the rt. **צוּר** signifying 'formation' or 'shaping' of a face (**צוּרָה**) and alluding to the two faces.
- (57) Cf. supra nn. 2-4.
- (58) Ber. 61a.
- (59) **וַיִּצַר** of the same rt. as **וַיִּצַר**.
- (60) **וַיִּצַר**, cf. prev. note. Hence the two yods. There is woe in either case. If he followed the one he incurred the wrath or annoyance of the other.
- (61) Since, from the very beginning, one face was that of a man and the other that of a woman. The face is presumed to have been part of a complete body that formed Adam's back.
- (62) Gen. V, 2.
- (63) Ibid. I, 27, emphasis on him (sing.).
- (64) Male and female; hence Gen. V, 2.
- (65) Hence Gen. I, 27. Keth. 8a, Ber. 61a.
- (66) Gen. II, 21.
- (67) Lit., 'it was only required'.
- (68) Gen. II, 22. A tail well requires 'building' before it is converted into the shape of a woman.
- (69) Cf. supra p. 124, n. 9.
- (70) Gen. II, 22.
- (71) 'Dressed Eve' (Jast.).
- (72) Lit., 'the first man'.
- (73) Or 'network'.
- (74) Ber. 61a, Nid. 45b, Shab. 95a. **בְּנִיתָא** rt. **בָּנִי** 'to build'.
- (75) The expression 'builded'.
- (76) **כְּבִנְיָן** 'like a building'.

Talmud - Mas. Eirubin 18b

of a storehouse. As a storehouse is [made] wide below and narrow above so that it may contain the produce,¹ so was [the womb of] a woman [made] wide below and narrow above so that it may contain the embryo.

‘And brought her to Adam’ teaches that the Holy One, blessed be He, acted as groomsman² for the first man. From here [you may infer] that a great man should act as groomsman for a minor person and feel no regrets about it.

With reference to the view of him who explained: ‘A full face’³ which of them⁴ walked first? — R. Nahman b. Isaac replied: It is reasonable to assume that the male walked first; for it was taught: No man should walk on a road behind a woman, even if she is his own wife. If she happened [to be in front of] him on a bridge he should leave her on one side;⁵ and whosoever crosses a river behind a [married]⁶ woman has no share in the world to come.⁷

Our Rabbis taught: A man who counts out money for a woman from his hand into hers or from her hand into his, in order that he might look at her, will not be free from the judgment of Gehenna even if he is [in other respects] like our Master Moses who received the law at Mount Sinai; and concerning him Scripture said: Hand to hand,⁸ he will not be free from evil⁹ [which means,] he will not be free from the judgment of Gehenna.

R. Nahman said: Manoah was an ignorant man,¹⁰ since it is said: And Manoah arose, and went after his wife.¹¹ R. Nahman b. Isaac demurred: Now then, since in the case of Elkanah it is written ‘And Elkanah went after his wife’,¹² was he¹³ also [an ignorant man]?¹⁴ Or in the case of Elisha, since it is written in Scripture: And he arose, and followed her,¹⁵ was he¹³ also an ignorant man?¹⁶ But [the meaning is] ‘after her words and her counsel’ so here also¹⁷ [could it not be explained:] ‘After her words and her counsel’?¹⁸

Said R. Ashi: On R. Nahman's assumption that¹⁹ Manoah was an ignorant man,²⁰ he did not attend even a school for Scripture, for it is written: And Rebekah arose, and her damsels, and they rode upon the camels, and followed the man,²¹ but they did not precede the man.

R. Johanan remarked: [Let one walk] behind a lion but not behind a [married] woman; behind a [married] woman but not behind an idol,²² behind an idol but not behind a synagogue at the time the congregation²³ is praying.²⁴

R. Jeremiah b. Eleazar further stated: In all those years²⁵ during which Adam²⁶ was under the ban he begot ghosts and male demons and female demons,²⁷ for it is said in Scripture: And Adam lived a hundred and thirty years and begot a son in his own likeness, after his own image,²⁸ from which it follows that until that time he did not beget after his own image. An objection was raised: R. Meir said: Adam was a great saint. When he saw that through him death was ordained as a punishment he spent a hundred and thirty years in fasting, severed connection with his wife for a hundred and thirty years, and wore clothes of fig [leaves] on his body for a hundred and thirty years.²⁹ — That statement³⁰ was made in reference to the semen which he emitted accidentally.

R. Jeremiah b. Eleazar further stated: Only a part of a man's praise may be said in his presence, but all of it in his absence. ‘Only a part of a man's praise . . . in his presence’, for it is written in Scripture: For thee have I seen righteous before Me in this generation;³¹ ‘but all of it in his absence’, for it is written in Scripture: Noah was in his generations a man righteous and wholehearted.³²

R. Jeremiah b. Eleazar further stated: What [was signified] when it was written: And lo in her

mouth an olive-leaf freshly plucked?³³ The dove said to the Holy One, blessed be He, 'May my food be as bitter as the olive but entrusted to your hand rather than sweet as honey and dependent on a mortal';³⁴ for here³³ it is written 'freshly plucked'³⁵ and elsewhere it is written: Feed me³⁶ with mine allotted bread.³⁷

R. Jeremiah b. Eleazar further stated: Any house in which the words of the Torah are heard at night³⁸ will never be destroyed; for it is said in Scripture: But none saith: 'Where is God my Maker³⁹ who⁴⁰ giveth songs⁴¹ in the night'.⁴²

R. Jeremiah b. Eleazar further stated: Since the Sanctuary was destroyed⁴³ it is enough for the world⁴⁴ to use⁴⁵ only two letters⁴⁶ [of the Tetragrammaton],⁴⁷ for it is said in Scripture: Let every thing⁴⁸ that hath breath praise the Lord,⁴⁶ praise ye the Lord.⁴⁹

R. Jeremiah b. Eleazar further stated: When Babylon was cursed, her neighbours also were cursed,⁵⁰ but when Samaria was cursed her neighbours were blessed.⁵⁰ 'When Babylon was cursed her neighbours also were cursed', for it is written: I will also make it a possession for the bittern, and pools of water;⁵¹ 'but when Samaria was cursed her neighbours were blessed', for it is written: Therefore I will make Samaria a heap in the field,

(1) Were its shape to be reversed the heavy weight of the stored produce would weigh down the walls.

(2) שושבינות, cf. B.B., Sonc. ed., p. 618, n. 10.

(3) Supra 18a.

(4) The male or female.

(5) And pass her (Rashi).

(6) So Rashi.

(7) He is guilty of immorality.

(8) Sc. one who counts money from his hand into a woman's hand or vice versa, even if he is as great as Moses who received the Law in his hand from God's hand.

(9) Prov. XI, 21. E.V. give different renderings.

(10) 'Am ha-arez. (v. Glos.).

(11) Judg. XIII, 11. Had he been learned, he would have known that it was improper to walk behind a woman.

(12) This text is found nowhere in M.T. (cf. Tosaf. Ber. 61a, s.v. נשס).

(13) Lit., 'thus'.

(14) But the fact is that he was a prophet (as stated in Seder 'Olam) who could not possibly be an ignorant man.

(15) II Kings IV, 30.

(16) Cf. supra n. 7.

(17) The case of Manoah,

(18) Of course it could. An objection against R. Nahman.

(19) Lit., 'and to what R. Nahman said'.

(20) Taking 'after' in its literal sense.

(21) Gen. XXIV, 61.

(22) The risk of idolatry is greater.

(23) So Bah. Absent from cur. edd.

(24) If at such a time a man fails to join in prayer and passes on his way behind the place of worship he publicly declares himself cut off from the congregation of Israel.

(25) Hundred and thirty years after his expulsion from the Garden of Eden (v. infra).

(26) Lit., 'the first man'.

(27) Or 'night demons'.

(28) Gen. V, 3.

(29) How in view of this statement could R. Jeremiah b. Eleazar maintain his?

(30) Of R. Jeremiah.

(31) Gen. VII, 1. In speaking to Noah, God describes him as 'righteous' only.

(32) Ibid. VI, 9. In his absence he is described as both 'righteous and wholehearted'.

(33) Ibid. VIII, 11.

(34) Noah. Lit., 'flesh and blood'.

(35) טרף.

(36) הטרפני, of the same rt. as טרף supra.

(37) Prov. XXX, 8.

(38) When the voice is carried far.

(39) Sc. he has no need to complain of God's neglect of him.

(40) I.e., 'the man who'.

(41) The words of the Torah.

(42) Job XXXV, 10.

(43) And the priests discontinued the use of the Tetragrammaton (cf. Hag. 16a).

(44) MS.M., man.

(45) In extolling the Deity or in greeting a fellow-man.

(46) יה'.

(47) יהוה'.

(48) Emphasis on 'everything', sc. all the world or all man.

(49) Ps. CL, 6.

(50) As a consequence of its curse.

(51) Isa. XIV, 23; such a curse is also a bane to the neighbourhood.

Talmud - Mas. Eirubin 19a

a place for planting of vineyards.¹

R. Jeremiah b. Eleazar further stated: Come and see that human² relationship is not like that with the Holy One, blessed be He. In human² relationship when a man is sentenced to death for [an offence against] a government, a hook must be placed in his mouth in order that he shall not [be able to] curse the king, but in the relationship with the Holy One, blessed be He, when a man incurs [the penalty of] death for [an offence against] the Omnipresent he keeps silence, as it is said: Towards Thee silence³ is praise;⁴ and he, furthermore, offers praise, for it is stated: 'praise'; and not only that but he also regards it⁵ as if he offered a sacrifice, for it is said⁶ in Scripture: And unto Thee the vow is performed.⁷ This⁸ is exactly in line with what R. Joshua b. Levi has said: What [is the meaning of] what is written: Passing through the valley of Baca they make it a place of springs; yea, the early rain clotheth it with blessings,⁹ 'passing' is an allusion to¹⁰ men who transgress¹¹ the will of the Holy One, blessed be He; 'valley' [is an allusion to these men] for whom Gehenna is made deep;¹² 'of Baca' [signifies] that they weep and shed tears;¹³ 'they make it a place of springs',¹⁴ like the constant flow¹⁵ of the altar drains;¹⁶ 'Yea, the early rain clotheth it with blessings', they acknowledge the justice¹⁷ of their punishment and declare before Him, 'Lord of the universe,¹⁸ Thou hast judged well, Thou hast condemned well, and well provided Gehenna for the wicked and Paradise for the righteous'.

But this¹⁹ is not [so]? For did not R. Simeon b. Lakish state: The wicked do not repent even at the gate of Gehenna, for it is said: And they shall go forth and look upon the carcasses of the men, that rebel²⁰ against me etc.;²¹ it was not said: 'that have rebelled',²² but 'that rebel'²⁰ [implying] that they go on rebelling forever?²³ This is no contradiction, since the former²⁴ refer to transgressors in Israel and the latter²⁵ to transgressors among idol worshippers. Logical argument also leads to this conclusion, since otherwise²⁶ a contradiction would arise between two statements of Resh Lakish. For Resh Lakish stated: The fire of Gehenna has no power over the transgressors in Israel, as may be inferred a minori ad majus from the golden altar: If the golden altar [the layer] on which was only of the thickness of a denar lasted for many years and the fire had no power over it, how much more would that be the case with the transgressors in Israel who are as full of good deeds as a

pomegranate [with seed], as it is said in Scripture: Thy temples are like a pomegranate,²⁷ and R. Simeon b. Lakish remarked, 'Read not, "Thy temples"²⁸ but "Thy empty ones"²⁹ [signifying] that even the worthless³⁰ among you are as full of good deeds as a pomegranate [with seed]'.³¹

What, however, about what is written: Passing through the valley of Baca?³² — That [refers to the fact] that [the wicked] are at that time under sentence to suffer in Gehenna,³³ but our father Abraham comes, brings them up, and receives them, except such an Israelite as had immoral intercourse with the daughter of an idolater, since his foreskin is drawn and so he cannot be discovered.³⁴ R. Kahana demurred: Now that you laid down that [the Scriptural expression,] 'That rebel'³⁵ implies 'that they go on rebelling'³⁵ would you also maintain³⁶ that where it is written in Scripture: That brings out³⁷ or That brings up,³⁸ [the meaning is] 'that always brings up' or 'that always brings out'?³⁹ You must consequently admit⁴⁰ that [the meaning is] 'That brought up' or 'That brought out' so [may one render here] also, 'who rebelled'.⁴¹

R. Jeremiah b. Eleazar further stated: Gehenna has three gates; one in the wilderness, one in the sea and one in Jerusalem. 'In the wilderness', since it is written in Scripture: So they, and all that appertaineth to them, went down alive into the pit.⁴² 'In the sea', since it is written in Scripture: Out of the belly of the nether world cried I, and Thou heardest my voice.⁴³ 'In Jerusalem', since it is written in Scripture: Saith the Lord, whose fire is in Zion, and his furnace in Jerusalem,⁴⁴ and the school of R. Ishmael taught: 'Whose fire is in Zion' refers to Gehenna, 'And His furnace in Jerusalem' refers to the gate of Gehenna.

Are there, however, no more [gates]?⁴⁵ Has not R. Meryon in fact stated in the name of R. Joshua b. Levi (or, as others say: Rabbah b. Meryon learned [in a Baraita of the compilation] of the school of R. Johanan b. Zakkai):⁴⁶ There are two palm-trees in the Valley of Ben Hinnom and between them smoke rises, and it is [in connection with] this [spot] that we have learnt: 'The stone-palms of the iron mountain are fit',⁴⁷ and this is the gate of Gehenna? — It is possible that [this gate] is the same as the one in Jerusalem'.⁴⁸

R. Joshua b. Levi stated: Gehenna has seven names, and they are: Nether-world,⁴⁹ Destruction, Pit,⁵⁰ Tumultuous Pit, Miry Clay, Shadow of Death and the Underworld. 'Nether-world', since it is written in Scripture: Out of the belly of the nether-world cried I, and Thou heardest my voice;⁵¹ 'Destruction', for it is written in Scripture: Shall Thy Mercy be declared in the grave? Or thy faithfulness in destruction;⁵² 'Pit',⁵⁰ for it is written in Scripture: For Thou wilt not abandon thy soul to the nether-world; neither wilt Thou suffer Thy godly one to see the pit;⁵³ 'Tumultuous Pit' and 'Miry Clay', for it is written in Scripture: He brought me up also out of the tumultuous pit, out of the miry clay;⁵⁴ 'Shadow of Death', for it is written in Scripture: Such as sat in darkness and in the shadow of death;⁵⁵ and the [name of] 'Nether-world' is a tradition.

But are there no more [names]?⁵⁶ Is there not in fact that of Gehenna? — [This means,] a valley that is as deep as the valley of Hinnom⁵⁷ and into which all go down for gratuitous⁵⁸ acts.⁵⁹ Is there not also the name of Hearth, since it is written in Scripture: For a hearth is ordered of old?⁶⁰ — That [means] that whosoever is enticed⁶¹ by his evil inclination will fall therein.

[As to] Paradise, Resh Lakish said: If it is in the Land of Israel its gate is Beth Shean;⁶² if it is in Arabia⁶³ its gate is Beth Gerem,⁶⁴ and if it is between the rivers⁶⁵ its gate is Dumaskanin.⁶⁶

In Babylon, Abaye praised the fruit of Eber Yamina⁶⁷ and Raba praised the fruit of Harpania.⁶⁸

BETWEEN THEM [THERE MAY BE] AS MUCH [SPACE AS TO ADMIT TWO etc. Is not this⁶⁹ obvious, for, since it was stated that they are to be TIED TOGETHER, do we not know that they would not be APART? — It might have been presumed that TIED TOGETHER implies: 'As if

they were TIED TOGETHER' but not actually so, hence we were told: AND NOT APART.

ONE TO ENTER WHILE THE OTHER GOES OUT. A Tanna taught: One team⁷⁰ to enter while the other team goes out.

Our Rabbis taught: How much [is the total length of] the head and the greater part [of the body] of a cow?⁷¹ Two cubits. And what is the extent of a cow's thickness? A cubit and two-thirds of a cubit

-
- (1) Micah I, 6; plantations of vineyards are a boon to neighbours.
 - (2) Lit., 'the measure (character) of flesh and blood'.
 - (3) Emphasis on 'silence'.
 - (4) Ps. LXXV, 2. E.V. have different renderings.
 - (5) The affliction of the penalty.
 - (6) In the conclusion of the text cited.
 - (7) Ps. LXXV, 2.
 - (8) The statement on the resignation of the wicked to, and their acknowledgment of the justice of the divine judgment.
 - (9) Ps. LXXXIV, 7.
 - (10) Lit., 'these are'.
 - (11) **שעוברין** of the rt. **עבר** 'to pass'.
 - (12) **שמעמיקין** rt. **עמק** the same as that of 'valley' (**עמק**).
 - (13) 'Baca' **בכא** is compared with **בכה** 'to weep' by interchange of **א** and **ה**.
 - (14) So MS.M. Cur. edd. omit.
 - (15) Lit., 'spring'.
 - (16) In which the libations of wine were poured all through the year (cf. Suk. 4a). **שיתין** 'altar drains' is of the same rt. as **ישיתוהו** 'they make it'.
 - (17) This is implied in the expression 'blessings'.
 - (18) **מורה**, ('the early rain',) is also the term for 'master'.
 - (19) The statement just made (v. supra p. 128, n. 17).
 - (20) **הפושעים**, pr. particip. E.V., have rebelled.
 - (21) Isa. LXXVI, 24.
 - (22) **שפשו** perfect.
 - (23) Which is contrary to the statement of R. Joshua b. Levi and R. Jeremiah b. Eleazar supra that the wicked acknowledge the justice of the divine judgment.
 - (24) The statements of R. Joshua b. Levi and R. Jeremiah b. Eleazar.
 - (25) That of Resh Lakish.
 - (26) Lit., 'for if so', if Resh Lakish also speaks of transgressors in Israel.
 - (27) Cant. VI, 7.
 - (28) **רקתך**
 - (29) **ריקתך** (from **ריק** 'empty').
 - (30) Lit., 'empty'.
 - (31) Hag. 27a.
 - (32) Ps. LXXXIV, 7, from which it was deduced supra that the wicked in Israel do suffer in Gehenna. How is this statement to be reconciled with the last cited one of Resh Lakish?
 - (33) Hence the 'passing through' it, and 'the weeping'. MS.M.: 'are sentenced to be in Gehenna for one hour, but etc.'
 - (34) By Abraham who mistakes him for a heathen.
 - (35) supra q.v. notes.
 - (36) Lit., 'but from now'.
 - (37) **המוציא** pr. particip. Cf. Lev. XXII, 33.
 - (38) **המעלה** also pr. particip. Ibid. XI, 45.
 - (39) Which is absurd.
 - (40) Lit., 'but'.
 - (41) Supra q.v. notes.

- (42) Num. XVI, 33, and this happened in the wilderness.
- (43) Jonah II, 3, and this was said under the sea.
- (44) Isa. XXXI, 9.
- (45) To Gehenna.
- (46) V. Rashi.
- (47) For the lulab (v. Glos.).
- (48) The valley of Ben Hinnom lies immediately behind the wall of Jerusalem.
- (49) Or 'Sheol'.
- (50) Or, 'pit of destruction'.
- (51) Jonah II, 3.
- (52) Ps. LXXXVIII, 12.
- (53) Ibid. XVI, 10.
- (54) Ibid. XL, 3.
- (55) Ibid. CVII, 10.
- (56) To Gehenna.
- (57) **גיהנם = גי הנם** 'Gehenna'.
- (58) **הנם** the same rt. as **הנם** by interchange of **ה** and **ה**.
- (59) Incest.
- (60) Isa. XXX, 33.
- (61) **המתפתה** rt. **פתה**, the same that of **תפתה** 'hearth'.
- (62) A town in an exceedingly fertile district to the south of Tiberias in the Jordan plain. V. Keth., Sonc. ed., p. 725 n. 11. 'Its fruits are the sweetest in all Palestine' (Rashi).
- (63) Prob. Arabia Petraea on the eastern side of the Jordan (v. S. Horowitz, Palestine, p. 130).
- (64) Possibly Wadi Girm Al-Moz, a richly fertile valley facing Beth Shean on the other side of the Jordan and irrigated by an enormous fountain formed by the confluence of nineteen springs flowing south of Fahl and terminating in the Jordan (v. loc. cit.).
- (65) Perhaps Amanah and Pharpar (cf. II Kings V, 12).
- (66) Damascus.
- (67) Or 'the right hand side', sc. the south side of the Euphrates (v. Rashi).
- (68) A rich industrial and agricultural town in the Mesene district, South Babylon.
- (69) That the cows must not be apart (v. our Mishnah).
- (70) The numeral referring to the teams and not to the individual cows which must be so tied together as not to admit any space between them.
- (71) Referred to in our Mishnah.

Talmud - Mas. Eirubin 19b

so that the extent¹ [of all the cows is] about ten cubits;² so R. Meir, but R. Judah said: About thirteen or about fourteen cubits.³ 'About ten' [you say], but are they not in fact ten exactly?⁴ As it was desired to state 'about thirteen' in the final clause 'about ten' was stated in the first clause also.⁵ 'About thirteen' [you said] but are there not more? — ['About' was used] because it was desired to state 'about fourteen'. But there are not really 'about fourteen', [are there]?⁶ — R. Papa replied: [The meaning is:] More than thirteen but less than⁷ fourteen.

R. Papa stated: In respect of a cistern that is eight [cubits wide]⁸ no one disputes the ruling⁹ that no single boards are required.¹⁰ In respect of a cistern that is twelve [cubits wide]¹¹ no one disputes the ruling¹² that single boards also are required.¹³ They only differ [in the case of a cistern that was] from eight to twelve [cubits in width]. According to R. Meir single boards are required¹⁴ and according to R. Judah no single boards are required. What [new principle], however, does R. Papa teach us? Did we not learn [what he said] in our Mishnah?¹⁵ R. Papa did not hear of the Baraitha¹⁶ and he told us¹⁷ [the same measurements] as the Baraitha.¹⁸

(Mnemonic:¹⁹ Extended more in a mound fence of a courtyard that dried up)

Abaye enquired of Rabbah: What is the ruling according to R. Meir where one extended the corner-piece [so that the excess of their width²⁰ was] equal to the required width of the single boards?²¹ — The other replied: You have learnt this: PROVIDED ONE INCREASES THE STRIPS OF WOOD, [which means,] does it not, that one extends [the width of] the corner-pieces? — No; [it might mean] that one provides more single boards. If so, instead of²² 'Provided one increases the strips'²³ [should not the reading] have been, 'Provided²⁴ one increases the number of the strips'? — Read:²⁵ PROVIDED²⁶ ONE INCREASES THE NUMBER OF STRIPS.

There are others who read: The other replied: You have learnt it: PROVIDED ONE INCREASES THE STRIPS [which means,] does it not, that one must provide more single boards? — No; that one extends [the width of] the corner-pieces. By deduction also one arrives at the same conclusion, since it was stated: 'PROVIDED ONE INCREASES THE STRIPS'.²³ This is decisive.

Abaye enquired of Rabbah: What is the ruling according to R. Judah²⁷ where [the distance between the corner-pieces was] more than thirteen and a third cubits? [Is it necessary] to provide [additional] single boards²⁸ or must one rather extend [the width of] the corner-pieces?²⁹ — The other replied: You have learnt it: How near³⁰ may they³¹ be? As the length of the head and the greater part of the body of a cow. And how far may they be? Even [as far as to enclose an area in which] a kor³² and even two kors [of seed may be sown]. R. Judah ruled: [An area of] two beth se'ah³² is permitted but one that exceeds two beth se'ah is forbidden. Do you not admit, the Rabbis said to R. Judah, that if [the enclosure] was a cattle-pen or a cattle-fold, a rear-court or a courtyard it may be [as big as] five or even ten [beth] kor?³² This,³³ he — replied, is [one that has a complete] partition³⁴ but those³⁵ are [isolated] boards.³⁶ Now, if that were so³⁷ should they [not have objected:] The one as well as the other³⁸ is a proper partition?³⁹ — It is this that he⁴⁰ meant: The one⁴¹ is subject to the law of a partition, and gaps in it [must not be wider] than ten cubits,⁴² but those⁴³ are subject to the law of strips of wood and gaps of thirteen and a third cubits between them, [are allowed].⁴⁴

Abaye enquired of Rabbah: Is a mound that rises to a height of⁴⁵ ten [handbreadths] within an area of⁴⁶ four [cubits]⁴⁷ treated as a corner-piece⁴⁸ or not? — The other replied: You have learnt it: R. Simeon b. Eleazar ruled: If a four sided stone was present⁴⁹ we must consider this: If on being cut⁵⁰ there would remain a cubit length for either side⁵¹ it may be regarded as a valid corner-piece, otherwise it cannot be so regarded. R. Ishmael son of R. Johanan b. Beroka ruled: If a round stone was present⁴⁹ we consider this: If on being chiselled⁵² and cut⁵⁰ there would remain a cubit length for either side⁵¹ it may be regarded as a valid corner-piece, otherwise it cannot be so treated.⁵³ On what principle do they differ? — One Master⁵⁴ is of the opinion that one imaginary act⁵⁵ may be assumed⁵⁶ [as having been effected] but not two,⁵⁷ and the other Master⁵⁸ is of the opinion that two imaginary acts may also be assumed [to have been effected].⁵⁹

Abaye enquired of Rabbah: Is a fence of reeds⁶⁰ [in which the distance between] any two reeds was less than three handbreadths regarded as a valid corner-piece or not? — The other replied: You have learnt this: If there was present a tree or a wall or a fence of [growing] reeds it may be treated as a corner-piece.⁶¹ Does not [this refer to a fence in which the distance between] any two reeds was less than three handbreadths? — No; [it may refer to] a hedge of reeds.⁶² If so, is it not exactly [of the same nature as] a tree?⁶³ — What then [would you suggest? That it referred to a fence in which the distance between] any two reeds was less than three handbreadths? Is not this [one could well retort] exactly [of the same nature as] a wall?⁶³ What then could you reply?⁶⁴ [That there are] two kinds of wall? [Well then] in this case also [one might reply that there are] two kinds of tree.⁶⁵ There are [others] who say that he⁶⁶ enquired concerning a hedge of reeds⁶⁷ What [he asked, is the ruling in respect of] a hedge of reeds?⁶⁸ — The other replied: You have learnt this: If there was present a

tree or a wall or a fence of [growing] reeds it may be treated as a corner-piece. Does not this refer to a hedge of reeds? — No; [it may refer to a fence in which the distance between] any two reeds was less than three handbreadths. If so, is it not exactly [of the same nature as] a wall?⁶⁹ — What then [would you suggest? That it refers to] a hedge of reeds? Is not this exactly [of the same nature as] a tree?⁶⁹ What then could you say in reply

(1) Lit., 'which are'.

(2) The extent of the thickness of one cow being in cubits that of two teams of three cows each amounts to $(1 \frac{2}{3} \times 2 \times 3 =)$ ten cubits. The expression 'about' is discussed infra.

(3) According to R. Judah each team may consist of four cows so that the total extent of their thicknesses amounts to $(1 \frac{2}{3} \times 2 \times 4 =)$ thirteen and a third cubits.

(4) Cf. supra n. 10.

(5) So Bah. Cur. edd. omit 'about ten was stated . . . also'.

(6) Obviously not. As the number thirteen and a third was said to be 'about thirteen' because it exceeded the latter by one third only, was it proper to describe it also in the same context, as 'about fourteen' which exceeds it by two thirds?

(7) Lit., 'and they do not reach'.

(8) In which case the length of each side of the space enclosed by the corner-pieces is twelve cubits: Eight cubits (the width of the cistern) plus twice two cubits (the length of the head and the greater part of a cow's body on each side of the cistern).

(9) Lit., 'that all the world do not differ', sc. even R. Meir agrees.

(10) Since the gaps between the corner-pieces that screen the space of one cubit at the extremity of each side do not exceed $(12 - 2 =)$ ten cubits, and may in consequence be regarded as doorways, even according to R. Meir.

(11) So that each side of the enclosure is sixteen cubits wide: Twelve cubits (the width of the cistern) plus twice two (as supra n. 3).

(12) Even R. Judah admits.

(13) Because the distances between the corner-pieces are $(16 - 2 =)$ fourteen cubits and represent gaps which even R. Judah does not allow.

(14) In addition to the corner-pieces.

(15) Sc. in accordance with the measurements laid down in the Baraitha just discussed, his statement follows naturally from the respective rulings of R. Meir and R. Judah in our Mishnah. For as the former allows a space for six oxen, corresponding to a distance of $(6 \times 1 \frac{2}{3} =)$ ten cubits, and the latter allows one for eight oxen, corresponding to a distance of $(8 \times 1 \frac{2}{3} =)$ thirteen and a third cubits, it is obvious that R. Meir does not require single boards in the case of a cistern that is eight cubits wide where the gaps in the enclosure are not wider than ten cubits and that R. Judah does require such boards where a cistern is twelve cubits wide and the gaps in the enclosure are bigger than thirteen and a third cubits.

(16) Just discussed, which lays down the measurements of the length and thickness of a cow.

(17) Independently of the Baraitha, by his own exposition of our Mishnah.

(18) These measurements being derived from his exposition.

(19) Embodying striking words or phrases in Abaye's enquiries of Rabbah that follow.

(20) Above that of one cubit in extent at the extremities of each side of the well enclosure.

(21) Is the reduction of the gaps to ten cubits in this manner effective, or is it necessary, once a gap was wider than the permitted ten cubits, to reduce it by the fixing of two special boards on each side of the enclosure and at the same distance from each corner-piece so that the additional single boards might be distinguishable?

(22) Lit., 'that'.

(23) This is the literal meaning of the original **בפסי** in our Mishnah, 'in the strips', sc. the corner-pieces themselves.

(24) Lit., 'until'.

(25) As actually rendered.

(26) So with marginal note. Cur. edd. 'until'.

(27) Who, unlike R. Meir, did not mention single boards at all.

(28) At a slight distance from the corner-pieces so as to make a proper display of the means whereby the gaps are reduced.

(29) The erection of additional single boards being inadmissible on account of the gaps on either side of them that would

virtually annul their existence.

- (30) To the well.
- (31) The boards forming the enclosures round it.
- (32) V. Glos.
- (33) Any of the enclosures specified.
- (34) Hence the permissibility of an unlimited area.
- (35) The boards in a well enclosure.
- (36) With gaps between them. Tosef. 'Er. I.
- (37) That the corner-pieces may be extended and no single boards are required.
- (38) Lit., 'this ... this'.
- (39) Extended corner-pieces, surely, are as good a partition as any of the others.
- (40) R. Judah in his reply to the Rabbis.
- (41) V. supra n. 5.
- (42) Lit., 'within (the limit of) ten'.
- (43) The boards in a well enclosure.
- (44) As such a partition is obviously much inferior than the others, only a limited area of two beth se'ah was allowed.
- (45) Lit., 'that collects itself'.
- (46) Lit., 'from the midst of'.
- (47) Where the area is larger, and a height of ten handbreadths is in consequence not well pronounced (v. next note), the question does not arise, because a mound of such dimensions is regarded as a piece of solid ground forming a part of the domain in which it is situated.
- (48) Since such a mound, owing to its pronounced proportional height, has, in respect of the Sabbath laws, the status of a private domain (cf. Shab. 100a).
- (49) At one of the corners of a well enclosure.
- (50) Lit., 'divided', sc. shaped into a corner-piece.
- (51) Lit., 'and there is in it a cubit towards here' etc.
- (52) To alter its circular shape into a square.
- (53) Tosef. 'Er. I.
- (54) R. Simeon b. Eleazar.
- (55) The cutting of the stone.
- (56) Lit., 'one (assumption of) "we see" we say'.
- (57) Chiselling and cutting.
- (58) R. Ishmael son of R. Johanan b. Beroka.
- (59) The mound under discussion being circular in shape has the same status as a round stone and its admissibility as a corner-piece depends, therefore, on the respective opinions of R. Simeon and R. Ishmael.
- (60) Growing on the two sides of the corner of a well enclosure.
- (61) Supra 15a q.v. notes.
- (62) All growing from the same stem.
- (63) Which was already mentioned in the same context.
- (64) To this objection.
- (65) No answer, therefore, may be derived from these rulings to Abaye's enquiry.
- (66) Abaye.
- (67) All growing from the same stem.
- (68) Is it a valid corner-piece?
- (69) V. supra p. 136, n. 15.

Talmud - Mas. Eirubin 20a

that there are two kinds of trees? [Well then] in this case also [one might submit that there are] two kinds of wall.

Abaye enquired of Rabbah: If a courtyard opened out on one side¹ into [an area] between the

strips of wood [around a well], is it [permitted] to move objects from its interior into that between the strips and from between the strips to its interior? The other replied: This is permitted.² ‘What if two [courtyards opened out³ in a similar manner]?’ — ‘It is forbidden’,⁴ the other replied. Said R. Huna: [In the case of] two [courtyards the movement of objects is] forbidden even [where the tenants]⁵ have prepared an ‘erub,⁶ this being a preventive measure against the possible assumption⁷ that an ‘erub is effective in the case of a space enclosed by strips of wood.⁸ Raba said: If [the tenants]⁹ prepared¹⁰ an ‘erub¹¹ [the movement of objects¹² is] permitted.¹³

Said Abaye to Raba: ‘[A ruling] was taught which provides support to your view: If a courtyard opens out on one side¹⁴ into [an area] between the strips of wood [around a well] it is permitted to move objects from its interior into that between the strips and from between the strips to the interior, but if two [courtyards opened out in this manner the movement of objects¹² is] forbidden. This, however, applies only where [the tenants] prepared no ‘erub but where they¹⁰ did prepare an ‘erub’ they are allowed [to move their objects]’.¹² Must it be said that this¹⁵ presents an objection against R. Huna? — R. Huna can answer you: There¹⁵ [it is a case] where [a breach]¹⁶ also combined them.¹⁷

Abaye enquired of Raba: What [is the ruling¹⁸ where] the water dried up on the Sabbath?¹⁹ The other replied: [The enclosure] was recognized²⁰ [as a valid] partition only on account of the water, [and since] no water is here available, there is here no [validity] in the partition either.

Rabin enquired: What [is the ruling¹⁸ where] the water dried up on the Sabbath and on [the same] Sabbath [other water] appeared?²¹ — Abaye replied: Where they were dried up on the Sabbath you have no need to ask, for I have already asked [this question] from the Master²² and he made it plain to me that it²³ was forbidden. [As regards water that] appeared [on the Sabbath] you have also no need to enquire, for [the enclosure] would thus be a partition made on the Sabbath, concerning which it was taught: Any partition that was put up on the Sabbath is valid whether [this was done] unwittingly, intentionally, under compulsion or willingly.²⁴ But has it not been stated in connection with this ruling that R. Nahman said: This²⁵ applied only²⁶ to throwing²⁷ but not to moving?²⁸ R. Nahman's statement was made only in respect of [a partition that was put up]²⁹ intentionally.³⁰

R. Eleazar said: One who throws [any object]³¹ into [the area] between strips [of wood] around wells is liable.³² [Is³³ not this] obvious, for if [the strips had] not [Pentateuchally constituted a valid] partition how could it have been permitted to draw water?³⁴ — [The ruling]³⁵ was necessary only [for this purpose:] That [a man] who put up, in a public domain, [an enclosure]³⁶ similar to that of strips of wood around wells, and threw an object into it, is liable.³² But is not this also obvious, [for if such an imperfect enclosure] would not [have been regarded as a valid] partition elsewhere,³⁷ how could one be permitted to move any objects [within such an imperfect enclosure] in the case of a cistern? — [The ruling]³⁸ was rather necessary [for this purpose:] Although many people cross the enclosure [it is regarded as a private domain].³⁹ What [principle,] however, does he thereby teach us? That even [the passage of] many people does not destroy [the validity of] a partition? But [this, it may be contended, was already] once said [by] R. Eleazar. For have we not learnt: R. Judah ruled: If a public road cuts through then,⁴⁰ it should be diverted to [one of the] sides,⁴¹ and the Sages ruled: This was not necessary;⁴² and both R. Johanan and R. Eleazar remarked: Here they⁴³ informed you of the unassailable validity⁴⁴ of partitions?⁴⁵ — If [the principle had to be derived] from there⁴⁶ it might have been presumed that only ‘Here [etc.]’,⁴⁷ but that he himself is not of the same opinion; hence we were told⁴⁸ [that not only] ‘Here [etc.]’, but he himself also is of the same opinion. Then why did he not state this ruling and there would have been no need for the other?⁴⁹ — The one was derived from the other.

IT IS PERMITTED TO BRING [THE STRIPS] CLOSE TO THE WELL etc. Elsewhere we learned: A man must not stand in a public domain and drink in a private domain, or in a private one

and drink in a public one, unless he puts his head and the greater part of his body into the domain in which he drinks,

-
- (1) Lit., 'whose head enters'.
 - (2) Since both are private domains and the enclosure around the well has no tenants who might affect the 'erub of the tenants of the courtyard.
 - (3) Side by side, there being a partition between them.
 - (4) To move objects from these yards into the well enclosure.
 - (5) By relying on a door that communicated between the two yards.
 - (6) Whereby their domains were united into one.
 - (7) On the part of people who were unaware that a door communicated between the two courtyards.
 - (8) Into which two courtyards opened, even where there was no door between the yards. Such an 'erub is ineffective because courtyards can be combined in this manner only where there was a door between them or where they opened out into a proper alley whose length exceeds its width. A well enclosure was not given the status of an alley because it is rectangular and open on its four sides.
 - (9) Of the two courtyards.
 - (10) V. supra p. 137, n. 9.
 - (11) Whereby their domains were united into one.
 - (12) From these yards into the well enclosure and vice versa.
 - (13) No preventive measure having been enacted against the possibility assumed by R. Huna.
 - (14) Lit., 'whose head enters'.
 - (15) The Baraita cited by Abaye.
 - (16) In the walls of the courtyards on the sides that were opposite those adjoining the well enclosure.
 - (17) The breach makes it manifest that the two yards are combined into one domain.
 - (18) As regards moving objects on the Sabbath within a well enclosure.
 - (19) Is movement permitted because the enclosure was a private domain when the Sabbath began, or is it forbidden because the permissibility of the imperfect enclosure was solely due to the existence of the water in the well which is now no longer available?
 - (20) Lit., 'made'.
 - (21) Is the original permissibility restored?
 - (22) Rabbah, who was his teacher and guardian.
 - (23) V. p. 138, n. 9.
 - (24) Shab. 101b, infra 25a.
 - (25) That the enclosed area is a private domain.
 - (26) Lit., 'they only learned'.
 - (27) Sc. it is forbidden to throw any object into it from a public domain, since the partition which is Pentateuchally valid causes it to become a private domain.
 - (28) Because the moving of objects within it is forbidden Rabbinically. How then could Abaye maintain that the partition is in all respects valid?
 - (29) On the Sabbath.
 - (30) The prohibition of the moving of objects being a penalty imposed in Rabbinic law for one's wilful transgression. As this penalty does not apply to an unwitting act it cannot obviously apply to a partition of which Abaye spoke, which came into existence automatically.
 - (31) From a public domain.
 - (32) To bring a sin-offering; because the area is regarded as a properly constituted private domain.
 - (33) 'He said to him' is In cur. edd. enclosed in parenthesis.
 - (34) Lit., 'to fill' (Sc. the cattle troughs or buckets) from the well which is a private domain. By so doing one would be guilty of carrying from a private domain into a public domain since an enclosed area that is not a private domain even Pentateuchally must assume the status of the public domain in which it is situated. MS.M. reads: 'how could the Rabbis permit the movement (of objects)'.
 - (35) Of R. Eleazar.
 - (36) In which there was no well.

(37) Cf. previous note.

(38) Of R. Eleazar.

(39) And the man who throws any object into it on the Sabbath is liable to a sin-offering.

(40) The boards around a well.

(41) Since, otherwise, the validity of the enclosure as a private domain would be destroyed on account of the public road.

(42) Shab. 6b, infra 22a.

(43) So MS.M. and Rashi. Cur. edd. 'he etc.'

(44) Lit., 'their strength'.

(45) Infra 22a; which even the crossing by many people does not affect. Why then should R. Eleazar repeat the same principle?

(46) The statement attributed to R. Johanan and R. Eleazar.

(47) Sc. that R. Eleazar was merely pointing out the implication of the view of the Sages.

(48) By his ruling here.

(49) 'Here etc.'

Talmud - Mas. Eirubin 20b

and the same [ruling applies to one drinking from, or] in a wine-press.¹ Now in the case of a human being it has been laid down that it is necessary for his head and the greater part of his body [to be in the domain from which he drinks], is it necessary in the case of a cow also² that its head and the greater part of its body [shall be in the domain from which it drinks] or not? Wherever [the keeper] holds the vessel³ and does not hold the animal there can be no question that it is necessary for its head and the greater part of its body to be within [the private domain].⁴ The question only arises where he holds the vessel and also the animal. Now what is the ruling? — The other replied: You have learnt it: PROVIDED A COW CAN BE WITHIN [THE ENCLOSURE WITH] ITS HEAD AND THE GREATER PART OF ITS BODY WHEN DRINKING. [This refers,] does it not, to a case where [the keeper] holds both the cow and the vessel? — No, [it may refer to one] who holds the vessel but not the cow. But is it at all permitted⁵ [to give drink to a cow on the Sabbath] where one holds the vessel and not the animal? Was it not in fact taught: A man must not⁶ fill [a vessel with] water and hold it⁷ before his beast⁸ on the Sabbath but he fills [his bucket] and pours it out [into a trough] and the cow drinks of its own accord?⁹ — Surely, in connection with this ruling¹⁰ it was stated: Abaye explained: Here [we are dealing] with a manger that stands in a public domain, that is ten handbreadths high and four handbreadths wide¹¹ and one of whose sides projects into [the area] between the strips of wood,¹² a preventive measure¹³ having been enacted against the possibility that the man might observe that the manger was damaged¹⁴ and, proceeding to repair it, would carry the bucket with him¹⁵ and thus carry an object from a private into a public domain.¹⁶ But does one incur guilt¹⁷ in such circumstances?¹⁸ Has not R. Safra in the name of R. Ammi who had it from R. Johanan in fact said: If a man was removing his things¹⁹ from one corner into another²⁰ and then changed his mind and carried them out [into a public domain] he is exempt, since the lifting up [of the objects] was not originally intended for this purpose?²¹ — Rather [this is the explanation:]²² Sometimes he might, after he repaired the manger, carry [the bucket] back again²³ and thus he would carry from the public into a private domain.²⁴

Some there are who say:²⁵ In the case of a human being it had definitely been laid down that it was enough if his head and the greater part of his body [were in the domain from which he drinks]. Is it enough, however, in the case of a cow, that its head and the greater part of its body [should be in the domain from which it drinks] or not? Wherever [the keeper] holds the vessel and also the cow, there can be no question that it is enough for its head and the greater part of its body to be [within the private domain].²⁶ The question only arises where he holds the vessel but not the cow.²⁷ Now what is the ruling? — The other replied: You have learnt it: PROVIDED A COW CAN BE WITHIN [THE ENCLOSURE WITH] ITS HEAD AND THE GREATER PART OF ITS BODY WHEN DRINKING. [This refers,] does it not, to a case where [the keeper] holds the vessel but not the cow?

— No, [it may refer to one] who holds both the vessel and the cow. And this may also be justified logically; for if he held the vessel only and not the cow, would [the supply of the water have been] permitted seeing that it was in fact taught: A man must not fill [a vessel with] water to hold it before his beast [on the Sabbath],²⁸ but he fills [his bucket] and pours it out [into a trough] and the cow drinks of its own accord? Surely, in connection with this ruling it was stated: Abaye explained: Here [we are dealing] with a manger that stands in a public domain, that is ten handbreadths high and four handbreadths wide, and one of whose sides projects into [an area] between the strips of wood [where it is possible] that the man might sometimes observe that the manger was damaged and, proceeding to repair it, would carry the bucket with him and thus carry an object from a private into a public domain. Does one, however, incur guilt in such circumstances? Has not R. Safra in the name of R. Ammi who had it from R. Johanan in fact said: If a man was removing his things from one corner into another and then changed his mind and carried them out [into a public domain] he is exempt, since the lifting up [of the objects] was not originally intended for this purpose? — Rather, [this is the explanation:] Sometimes he might, after he had repaired the manger, carry [the bucket] back again, and would thus carry from the public into a private domain.

Come and hear: A camel whose head and the greater part of its body is within [a private domain] may be crammed within [that domain]. Now is not the act of cramming, the same as holding the bucket and the animal,²⁹ and yet it is required that its head and the greater part of its body [shall be within the private domain].³⁰ R. Aha son of R. Huna replied in the name of R. Shesheth: A camel is different since its neck is long.³¹

Come and hear: A beast whose head and the greater part of its body is within [a private domain] may be crammed within [that domain]. Is not cramming the same as holding the bucket and the animal,²⁹ and yet it was required that its head and the greater part of its body [shall be within the private domain].³⁰ [It may be objected] that by the expression of ‘beast’, also³² a camel [was meant]. Were not, however, both camel and beast separately mentioned?³³ — Were they mentioned in juxtaposition?³⁴ So³⁵ it was also taught: R. Eleazar forbids this³⁶ in the case of a camel, because its neck is long.

R. Isaac b. Adda³⁷ stated: Strips [of wood] around wells were permitted to festival pilgrims³⁸ only. But was it not taught: Strips [of wood] around wells were permitted for cattle only? — By³⁹ cattle [was meant] the cattle of the festival pilgrims, but a human being⁴⁰

(1) Shab. 11a, infra 99a; where wine may be drunk before it is tithed.

(2) Where it stands in a public domain and its keeper in a private domain.

(3) From which the cow drinks.

(4) Since otherwise it might pull its head sideways or backwards and thus drag the vessel with the man into the public domain.

(5) In the case of enclosures around wells, even where the animal's head and the greater part of its body were within the enclosure.

(6) In an enclosure round a well.

(7) Lit., ‘and give’.

(8) While it drinks, even (since the Baraita bears on our Mishnah) where its head and the greater part of its body were within the enclosure. It must also refer to a case where the animal was not held by its keeper; for, if the prohibition extended to the case where the animal was held, there could be no point in ever requiring its head and the greater part of its body to be within the enclosure when one is always forbidden to hold the vessel for it. Our Mishnah, on the other hand, which permits the drinking refers to a case where the cow is held by its keeper.

(9) Infra 21a.

(10) Of the Baraita cited.

(11) So that it has the status of a private domain.

(12) The cow eating from it at its other end in the public domain.

- (13) Not to hold the bucket of water over the top of the manger within the enclosure.
- (14) In the section within the public domain.
- (15) Forgetting, in his anxiety to repair the damage, that he carried it.
- (16) The prohibition to hold the bucket for the cow is consequently not due to the reason previously assumed; and the ruling in our Mishnah that the cow is allowed to drink if its head and the greater part of its body were within the enclosure might, therefore, apply to a case where the man did not hold the animal. (Cf. Rashi and Tosaf s.v. **וְכִי וְהִתְנִיחַ** a.l.).
- (17) According to Pentateuchal law.
- (18) Where one lifted up an object with the intention of putting it down in another part of the same private domain and forgetfully carried it out into a public domain.
- (19) On the Sabbath.
- (20) Within a private domain.
- (21) A sin-offering is incurred only where a man intended to do a certain work but forgot that the day was Sabbath or that such work was forbidden on the Sabbath. In the case of the bucket under discussion, therefore, since the keeper when he lifted it up, had no intention of carrying it out into the public domain, no sin-offering would be incurred even if he eventually did carry it out. Why then, should a preventive measure be enacted against a possible act which even if committed would involve no Pentateuchal obligation?
- (22) Why the keeper may not hold a bucket of water for the animal to drink.
- (23) Into the enclosure.
- (24) Which might involve him in the Pentateuchal obligation of a sin-offering, since the bucket was lifted up with the intention of carrying it from the public into the private domain.
- (25) Cf. supra p. 141, n. 1 and text.
- (26) Since this case must have been referred to by our Mishnah: For if he did not hold the bucket, what need was there for the head etc. of the cow to be within the enclosure?
- (27) It being uncertain whether our Mishnah refers to a case where the cow was or was not held by its keeper.
- (28) So MS.M.
- (29) Since it is impossible to cram unless one holds the animal's neck.
- (30) Would not this then provide a reply to the first enquiry in the first version?
- (31) If the greater part of its body were to remain in the public domain it might, by a turn of its neck, drag its keeper after it and thus cause him to carry the bucket from the private into the public domain. In the case of any other animal, however, whose neck is not so long this need not be provided against and a keeper might well be permitted to hold its bucket though the greater part of its body remained outside the private domain.
- (32) Lit., 'what (is the meaning of) beast that was taught'.
- (33) Lit., 'but it was taught beast' etc.
- (34) They were not. The author of the one Baraita did not teach the other, and what the one described as camel the other described by the general term of beast.
- (35) That a camel is subject to a law different from that of other beasts.
- (36) Holding a bucket of water to an animal's mouth in a private domain while its body remains without.
- (37) Var. lec.: Ammi (Asheri).
- (38) **עוֹלֵי רִגְלִים**, lit., 'those who go up (to the Temple) to (celebrate) the major festivals'.
- (39) Lit., 'what'.
- (40) Who desires to drink from a well on the Sabbath.

Talmud - Mas. Eirubin 21a

must climb up¹ or climb down.² But this is not [so]? Did not R. Isaac³ in the name of Rab Judah who had it from, Samuel actually state: Strips [of wood] around wells were permitted only where a well is one of spring water;⁴ now if [strips of wood were permitted] for cattle only, what difference is there whether [the water was] springing or collected? — It is required that the water should be fit for human consumption.

[To turn to] the main text.⁵ Strips [of wood] around wells were permitted for cattle only, but a

human being must climb up or climb down. If, however, they [the wells] were wide⁶ they are permitted for a human being also. No man may fill [a bucket with] water to hold it before his cattle, but one may fill [a bucket with water] and pour [it into a trough] before cattle which drink of their own accord.

R. Anan demurred: If so,⁷ what was the use of strips [of wood] around wells? — ‘What was the use’ [you ask, surely] to [enable people to] draw water from the wells!⁸ — This rather [is the question:] Of what use is it that the head and the greater part of the body of the cow [is within the enclosure]? Abaye replied: Here we are dealing with a manger that stood in a public domain, that was ten handbreadths high and four handbreadths wide, and one of whose sides projected into [an area] between strips [of wood] etc.⁹

R. Jeremiah b. Abba laid down, in the name of Rab: [The law of] isolated huts¹⁰ is not [applicable] to Babylon nor [that of] strips [of wood] around wells to [any country]¹¹ outside the Land of Israel. ‘[The law of] isolated huts is not [applicable] to Babylon’ because there the bursting of dams is common;¹² ‘nor [that of] strips of wood around wells to [any country] outside the Land of Israel’ because there colleges are rare.¹³ The reverse, however, is applicable.¹⁴

Others say that R. Jeremiah b. Abba laid this down in the name of Rab: [The laws of] isolated huts and strips [of wood] around wells are not [applicable] either to Babylon or to other countries outside the Land of Israel. [The law of] isolated huts [is inapplicable] to Babylon because the bursting of dams is of frequent occurrence. In other countries outside the Land of Israel also it is not [applicable] because there thieves¹⁵ are common. [The law of] strips [of wood] around wells is not [applicable] to Babylon because it has water in abundance.¹⁶ In [other countries] outside the Land of Israel also it is not [applicable] because there colleges are rare.¹³

Said R. Hisda to Mari son of R. Huna the son of R. Jeremiah b. Abba: People say that you walk on the Sabbath from Barnish to Daniel's Synagogue¹⁷ which is [a distance of] three parasangs; what do you rely upon?¹⁸ On the isolated huts? But did not the father of your father lay down in the name of Rab [that the law of] isolated huts is not [applicable] to Babylon? — The other, thereupon, went out [with him and] showed him certain [ruined] settlements that were contained within the radius of seventy cubits and a fraction¹⁹ [from the town].

R. Hisda stated: Mari b. Mar made the following exposition: It is written,²⁰ I have seen an end to every purpose; but Thy commandment is exceeding broad.²¹ This statement²² was made by David but he did not explain it;²³ Job made a similar statement²⁴ and did not explain it;²³ Ezekiel also made a similar statement²⁴ and did not explain it,²³ [and the exact magnitude remained unknown] until Zechariah the son of Iddo came and explained it. ‘It was made by David but he did not explain it’ for it is written in Scripture: I have seen an end to every purpose; but Thy commandment is exceeding broad.²¹ ‘Job made a similar statement and did not explain it,’ for it is written in Scripture: The measure thereof is longer than the earth, and broader than the sea.²⁵ ‘Ezekiel also made a similar statement and did not explain it’, for it is written in Scripture: And he spread it²⁶ before me, and it was written within and without; and there was written therein lamentations, and meditation of joy²⁷ and woe;²⁸ ‘lamentation’ refers to the retribution of the just in this world, for so²⁹ it is said: This is the lamentation wherewith they shall lament;³⁰ ‘and meditation of joy’ refers to the reward of the righteous in the hereafter for so it is said: With the joy³¹ of solemn sound upon the harp;³² ‘and woe’³³ refers to the retribution of the wicked in the hereafter for so it is said: Calamity³⁴ shall come upon calamity;³⁵ ‘until Zechariah the son of Iddo came and explained it,’ for it is written: And he said unto me: ‘What seest thou?’ And I answered: ‘I see a folded³⁶ roll; the length thereof is twenty cubits, and the breadth thereof ten cubits’,³⁷ and, when you unfolded it, [its extent] is twenty by twenty [cubits], and since it is written: ‘It was written within and without’,³⁸ what will be [its size] when you split it?³⁹ Forty by twenty cubits.⁴⁰ But, as it is written: Who hath measured the waters in

the hollow of his hand, and meted out heaven with the span⁴¹ etc., it follows⁴² that the entire universe is [equal to] a three thousand and two hundredths part of the Torah.⁴³

R. Hisda further stated: Mari b. Mar made this exposition: What [is the significance] of the Scriptural text: And behold two baskets of figs set before the temple of the Lord;⁴⁴ one basket had very good figs, like the figs

(1) The walls of the well.

(2) He is not allowed, however, to draw the water in a bucket from the well to carry it into the imperfect enclosure made up of the strips of wood.

(3) MS.M., 'Joseph'. Cf. infra 23a ab init. and Bah a.l.

(4) Infra 23a.

(5) To which reference was made supra 20b q.v. notes.

(6) And one is unable to climb them (Rashi).

(7) That a bucket of water must not be held before cattle.

(8) Lit., 'to fill from them'.

(9) V. supra 20b.

(10) בורגנין, sing. בורגין Cf. Gr. **, 'isolated dwelling'. If such units are situated within a radius of seventy and two thirds cubits from a town they are regarded as its suburbs and the Sabbath limit of two thousand cubits begins from the end of the last hut (cf. infra 55b).

(11) Other than Babylon.

(12) And the hut may at any moment be swept away by the floods.

(13) And no students, therefore, pass from town to town in pursuit of their studies. As the relaxation of the laws of a private domain in respect of enclosures around wells is entirely due to considerations of the needs of festival pilgrims and other wayfarers who are similarly engaged in the performance of pious acts, it could not be extended in the interests of ordinary travellers.

(14) Lit., 'we do'; the law of isolated huts may be applied to countries other than Palestine and that of strips of wood around wells to Babylon.

(15) Who steal the huts.

(16) And there is no need, as in the case of Palestine where water is scarce, to make provision for the use of the limited number of scattered wells or cisterns.

(17) Cf. Daniel VI, 10, 11. This synagogue was situated in Sura, v. Obermeyer, p. 302.

(18) In walking a distance more than two thousand cubits from the town (the permitted Sabbath limit).

(19) Lit., 'and remnants', Sc. two thirds of a cubit (cf. infra 57a). Ruins in the neighbourhood of a town within the limit mentioned are regarded as an extension of the town (cf. infra 55b).

(20) Lit., 'what (is the significance of that) which is written'.

(21) Ps. CXIX, 96.

(22) On the magnitude of God's commandment, sc. the Torah.

(23) Sc. the exact measurements.

(24) Lit., 'said it'.

(25) Job XI, 9.

(26) A scroll of the Oral Law.

(27) So homiletically. E.V. moaning.

(28) Ezek. 11, 10.

(29) That 'lamentation' is an allusion to retribution.

(30) Ezek. XXXII, 16.

(31) Homiletical rendering.

(32) Ps. XCII, 4.

(33) וְהָיָה.

(34) וְהָיָה, of the same rt. as וְהָיָה.

(35) Ezek. VII, 26.

(36) So homiletically. E.V., flying.

(37) Zech. V, 2.

(38) Ezek. 11,10.

(39) And place the written surfaces face upwards side by side.

(40) Which equal $40 \times 20 \times 4 = 3200$ quarter sq. cubits or sq. spans (v. infra n. 5).

(41) Isa. XL, 12.

(42) As a span equals half a cubit and as a sq. span consequently equals a quarter of sq. cubit, and since the size of the entire universe is only one span sq.

(43) Cf. supra n. 3.

(44) Jer. XXIV, 1.

Talmud - Mas. Eirubin 21b

that are first-ripe, and the other basket had very bad figs, which could not be eaten, they were so bad?¹ 'Good figs' are an allusion to those who are righteous in every respect; 'bad figs' are an allusion to those who are wicked in every respect. But in case you should imagine that their hope is lost and their prospect is frustrated, it was explicitly stated: The baskets² give forth fragrance,³ both⁴ will in time to come give forth fragrance.

Raba made the following exposition: The Scriptural text:⁵ The mandrakes give forth fragrance³ is an allusion to the young men of Israel who never felt the taste of sin; and at our doors are all manner of precious fruits³ is an allusion to the daughters of Israel who tell their husbands about their doors.⁶ Another reading: Who close⁷ their doors for their husbands.⁸ New and old, which I have laid up for thee, O my beloved;³ the congregation of Israel said to the Holy One, blessed be He, 'Lord of the universe: I have imposed upon myself more restrictions than Thou hast imposed upon me, and I have observed them.'

R. Hisda asked one of the young Rabbis who was reciting aggadoth in his presence in a certain order: 'Did you hear what [was the purport of the expression,] 'New and old'?⁹ — 'The former'¹⁰ the other replied: 'are the minor, and the latter¹⁰ are the major commandments'. 'Was then the Torah,' the former asked: 'given on two different occasions?'¹¹ But the latter¹² [are those derived] from the words of the Torah while the former are those derived from the words of the Scribes.'

Raba made the following exposition: What is the purport of the Scriptural text: And, furthermore my son, be admonished: Of making many books etc.¹³ My son, be more careful¹⁴ in [the observance of] the words of the Scribes than in the words of the Torah, for in the laws of the Torah there are positive and negative precepts;¹⁵ but, as to the laws of the Scribes, whoever transgresses any of the enactments of the Scribes incurs the penalty of death. In case you should object: If they are of real value why were they not recorded [in the Torah]? Scripture stated: 'Of making many books there is no end'.¹³

And much study is a weariness of flesh.¹³ R. Papa son of R. Aha b. Adda stated in the name of R. Aha b. Ulla: This¹⁶ teaches that he who scoffs at the words of the Sages will be condemned to boiling excrements. Raba demurred: Is it written: 'scoffing'? The expression is 'study'!¹⁷ Rather this is the exposition: He who studies them feels the taste of meat.¹⁸

Our Rabbis taught: R. Akiba was once confined in a prison-house and R. Joshua the grits-maker¹⁹ was attending on him. Every day, a certain quantity of water was brought in to him. On one occasion he²⁰ was met by the prison keeper who said to him, 'Your water to-day is rather much; do you perhaps require it for undermining the prison?' He poured out a half of it and handed to him the other half. When he²¹ came to R. Akiba the latter said to him, 'Joshua, do you not know that I am an old man and my life depends on yours?'²² When the latter told him all that had happened [R. Akiba] said to him, 'Give me some water to wash my hands'. 'It will not suffice for drinking', the other

complained, 'will it suffice for washing your hands?' 'What can I do', the former replied: 'when for [neglecting] the words of the Rabbis²³ one deserves death? It is better that I myself should die than that I should transgress against the opinion of my colleagues'.²⁴ It was related that he tasted nothing until the other had brought him water wherewith to wash his hands. When the Sages heard of this incident they remarked: 'If he was so [scrupulous] in his old age how much more must he have been so in his youth; and if he so [behaved] in a prison-house how much more [must he have behaved in such a manner] when not in a prison-house'.

Rab Judah stated in the name of Samuel: When Solomon ordained the laws of 'erub²⁵ and the washing of the hands a bath kol²⁶ issued and proclaimed: My son, if thy heart be wise, my heart will be glad, even mine;²⁷ and, furthermore, it is said in Scripture: My son, be wise, and make my heart glad, that I may answer him that taunteth me.²⁸

Raba made the following exposition: What [are the allusions] in the Scriptural text: Come, my beloved, let us go forth into the field; let us lodge in the villages, let its get up early to the vineyards; let us see whether the vine hath budded, whether the vine-blossom be opened and the pomegranates be in flower; there will I give thee my love?²⁹ 'Come, my beloved, let its go forth in to the field'; the congregation of Israel spoke before the Holy One, blessed be He: Lord of the universe, do not judge me as [thou wouldst] those who reside in large towns who indulge in robbery, in adultery, and in vain and false oaths; 'let us go forth into the field', come, and I will show Thee scholars who study the Torah in poverty; 'let us lodge in the villages' read not, 'in the villages'³⁰ but 'among the disbelievers',³¹ come and I will show Thee those upon whom Thou hast bestowed much bounty and they disbelieve in Thee; 'let us get up early in the vineyards' is an allusion to the synagogues and schoolhouses; 'let us see whether the vine hath budded' is an allusion to the students of Scripture; 'whether the vine-blossom be opened' alludes to the students of the Mishnah; 'and the pomegranates be in flower' alludes to the students of the Gemara; 'there will I give thee my love', I will show Thee my glory and my greatness, the praise of my sons and my daughters.

R. Hamnuna said: What [are the allusions in what was written in Scripture: And he spoke three thousand proverbs; and his songs were a thousand and five?³² This teaches that Solomon uttered three thousand proverbs for every single word of the Torah and one thousand and five reasons for every single word of the Scribes.

Raba made this exposition: What [are the implications of] what was written in Scripture: And besides that Koheleth was wise, he also taught the people knowledge; yea, he pondered, and sought out, and set in order many proverbs?³³ 'He [also] taught the people knowledge implies that he taught it with notes of accentuation and illustrated it by simile;³⁴ 'Yea, he pondered, and sought out, and set in order many proverbs' [alludes to the fact], said Ulla in the name of R. Eleazar,³⁵ that the Torah was at first like a basket which had no handles, and when³⁶ Solomon came he affixed handles³⁷ to it.

His locks are curled.³⁸ This, said R. Hisda in the name of Mar 'Ukba, teaches that it is possible to pile up mounds of expositions on every single stroke [of the letters of the Torah];³⁹ and black as a raven:³⁸ With whom do you find these? With him

(1) Ibid. 2.

(2) **אִשְׁתֵּי מַנְדְּרָקִים** an allusion to the 'baskets' **אִשְׁתֵּי** supra. E.V., mandrakes.

(3) Cant. VII, 14.

(4) Lit., 'these and these', the wicked as well as the righteous.

(5) Lit., 'what is (the significance of) what is written'.

(6) Euphemism. They are thus enabled to abstain during the woman's menstrual periods.

(7) Lit., 'bind'.

(8) Chastity. They are ever faithful.

- (9) Cant. VII, 14.
- (10) Lit., 'these'.
- (11) Lit., 'twice, twice', first the major (old) and then the minor (new) commandments?
- (12) Lit., 'those', the 'old'.
- (13) Eccl. XII, 12.
- (14) **הזוהר**, the identical word used for 'be admonished'.
- (15) And the penalties vary.
- (16) The expression **לטהג** ('study') which is similar to that of **לעג** ('scoffing').
- (17) **לטהג** not **לעג**.
- (18) **יגיעת** (in **יגיעת בשר** 'weariness of the flesh') contains the letters **ע**ת which, by transposition and interchange suggests **טעם** 'taste'.
- (19) Or 'dealer'. Aliter: Of a place called Geres (Rashi).
- (20) R. Joshua.
- (21) R. Joshua.
- (22) No one else was allowed, or able to bring him any food or drink.
- (23) Lit., 'them'.
- (24) Who ordained the washing of the hands before meals.
- (25) For courtyards.
- (26) V. Glos.
- (27) Prov. XXIII, 15.
- (28) Ibid. XXVII, II.
- (29) Cant. VII, 12f.
- (30) **בכפרים**.
- (31) **כופרים בכופרים** is of the same rt. as **כפרים**.
- (32) I Kings V, 12.
- (33) Eccl. XII, 9.
- (34) V. Jast.
- (35) So MS.M. Cur. edd. Eliezer.
- (36) Lit., 'until'.
- (37) **אזנים** sing. **אזן**, 'ear' or 'handle'. The Heb. for 'he pondered' **אזן** is regarded as a denominative of **אזן** 'he made handles', i.e., added restrictions. Cf. Yeb., Sonc. ed., p. 123, n. 13.
- (38) Cant. V, 11.
- (39) The word for 'his locks', **קווצותיו**, is regarded as coming from the same rt. as that of 'stroke' **קויץ** (lit., 'thorn') and that of 'curled', **תלתלים** as being identical with that of 'mound' **תל**, and the reduplication. **תלתלים** is rendered, 'many mounds or piles'.

Talmud - Mas. Eirubin 22a

who for their sake rises early [to go] to, and remains late in the evening [before returning home from] the schoolhouse.¹ Rabbah explained: [You find these only] with him who for their sake blackens his face like a raven.² Raba explained: With him who can bring himself to be cruel to his children and household like a raven,³ as was the case with⁴ R. Adda b. Mattenah. He was about to go away to a schoolhouse when his wife said to him, 'What shall I do with your children?' — 'Are there', he retorted: 'no more⁵ herbs⁶ in the marsh?'

And repayeth them that hate Him to His face, to destroy him.⁷ R. Joshua b. Levi remarked: Were it not for the written text one could not possibly have said it. Like a man, as it were, who carries a burden on his face⁸ and wants to throw it off. He will not be slack to him that hateth Him.⁹ R. Il'a explained: He will not be slack to those that hate Him, but He will be slack to those who are just in all respects; and this is in line with that which R. Joshua b. Levi stated: What [is the implication of] what was written: Which I command thee this day to do them?¹⁰ 'This day [you are] to do them' but you cannot postpone doing them for tomorrow;¹¹ 'this day [you are in a position] to do them' and

tomorrow¹¹ [is reserved] for receiving reward for [doing] them.

R. Hagga¹² (or as some say: R. Samuel b. Nahmani) stated: What [was the purpose] when Scripture wrote: Long-suffering¹³ [in the dual form]¹⁴ where the singular¹⁵ might well have been used? But [this is the purport:]¹⁶ Long-suffering towards the righteous and long-suffering also towards the wicked. R. JUDAH SAID: [THE ENCLOSURE MAY BE ONLY] AS LARGE AS TWO BETH SE'AH etc. The question was raised: Does he¹⁷ mean the [area of the] cistern together with [that between] the strips [of wood]¹⁸ or does he mean the cistern alone exclusive of the [area between] the strips?¹⁹ Does a man regard²⁰ his cistern [as the permitted area]²¹ and, consequently,²² it is not necessary to restrict [the permitted area] as a preventive measure against the possibility of one's moving of objects in a karpaf²³ that is larger than two both se'ah, or does a man rather regard²⁴ his partition and, consequently, it was necessary to restrict [the permitted area]²⁵ as a preventive measure against the possibility of assuming²⁶ [that an area of] more than two beth se'ah [is permitted] in the case of a karpaf²³ also? — Come and hear: How near²⁷ may [the strips of wood] be? As near as [to admit] the head and the greater part of the body of a cow. And how far may they be? Even [so far as to enclose a beth] kor or even two beth kor. R. Judah ruled: [An area of] two beth se'ah is permitted but one larger than two beth se'ah is forbidden. 'Do you not admit', they said to R. Judah, 'that in the case of a cattle-pen or cattle-fold, a rearcourt or a courtyard even [an area as large as] five or ten beth kor is permitted?' He replied: This²⁸ is [a proper] partition but those are mere strips [of wood]. R. Simeon b. Eleazar said: A cistern [the area of which is] two beth se'ah by two beth se'ah is permitted, and [the Rabbis] permitted²⁹ to remove [the strips of wood from, it] only so far [as to admit] the head and the greater part of the body of a cow. Now, since R. Simeon b. Eleazar spoke of the cistern exclusive of the strips [of wood] it follows, does it not, that R. Judah spoke of the cistern together with the strips? — [In fact,] however, this is not [correct]. R. Judah spoke of the cistern exclusive of the [area between it and] the strips. If so, [is not his ruling] exactly the same as that of R. Simeon b. Eleazar? — The practical difference between them is [an enclosure that is] long and narrow.³⁰

R. Simeon b. Eleazar laid down a general rule: Any [enclosed] space³¹ used as a dwelling as, for instance, a cattle-pen or cattle-fold, a rearcourt or a courtyard is permitted even if it is as large as five or even ten beth kor, and any dwelling that is used for [service in] the air [outside] as, for instance, field huts³² is permitted [only if its area is] two beth se'ah but if it is more than two beth se'ah it is forbidden.

MISHNAH. R. JUDAH RULED: IF A PUBLIC ROAD CUTS THROUGH THEM³³ IT SHOULD BE DIVERTED TO ONE SIDE;³⁴ BUT THE SAGES RULED: THIS IS NOT NECESSARY.

GEMARA. Both R. Johanan and R. Eleazar stated: Here they³⁵ informed you of the unassailable validity of partitions.³⁶ 'Here [etc.]' [seems to imply that] he³⁷ is of the same opinion; but did not Rabbah b. Bar Hana state in the name of R. Johanan: Jerusalem,³⁸ were it not that its gates were closed at night,³⁹ would have been subject to the restrictions of a public domain?⁴⁰ — Rather: 'Here [etc.]', but he himself is not of the same opinion.

An incongruity, however, was pointed out between two rulings of R. Judah and between two rulings of the Rabbis. For it was taught: A more [lenient rule] than this did R. Judah lay down: If a man had two houses on two sides [respectively] of a public domain he may⁴¹ construct one side-post on one side [of any of the houses] and another on the other side, or one cross-beam on the one side and another on its other side and then he may move things about⁴² in the space between them;⁴³ but they said to him: A public domain cannot be provided with an 'erub in such a manner.⁴⁴ Now does not this present a contradiction between one ruling of R. Judah and another ruling of his⁴⁵ and between one ruling of the Rabbis and another ruling of theirs?⁴⁶ — There is really no contradiction

between the two rulings of R. Judah. There⁴⁷ [it is a case] where two proper walls are available, but here⁴⁸ two proper walls are not available. There is no contradiction between the two rulings of the Rabbis either, since here⁴⁸ the name of four partitions at least is available,⁴⁹ but there⁵⁰ even the name of four partitions does not exist.

R. Isaac b. Joseph stated in the name of R. Johanan: In the Land of Israel no guilt is incurred on account of [moving objects in] a public domain. R. Dimi sitting at his studies recited this traditional ruling. Said Abaye to R. Dimi. What is the reason?

- (1) The Heb. for 'black' שחורות is similar to that for 'early' שחרית and that for 'raven' עורב to that for 'evening' ערבית.
- (2) Suffers deprivation and hunger for the sake of his studies. Cf. previous note.
- (3) On the raven's neglect of its brood; v. Keth. 49b and B.B. 8a.
- (4) Lit., 'like that of'.
- (5) Lit., 'are they finished'.
- (6) קורמי (MS.M. קירמי). Aliter: A plant, the core of which can be ground and its flour used for the making of bread. Aliter: A water plant bearing a fruit, the kernels of which may, by first cooking them, be made fit for human consumption.
- (7) Deut., VII, 10. E.V., And repayeth . . . to their face, to destroy them.
- (8) 'His (sc. the divine) face'.
- (9) Deut. VII, 10.
- (10) Ibid. II.
- (11) After death.
- (12) MS.M., Haga.
- (13) Ex. XXXIV, 6.
- (14) ארך אפים.
- (15) ארך אף.
- (16) Of the dual form אפים, lit., 'two faces'.
- (17) By limiting the permitted area to two beth se'ah.
- (18) Which are two cubits distant from the cistern.
- (19) So that the full area of the enclosure may be two beth se'ah in addition to the two cubits on each side of cistern.
- (20) Lit., 'puts his eye'.
- (21) And ignores the space enclosed around it.
- (22) Since the cistern is not wider than two both se'ah.
- (23) V. Glos.
- (24) Lit., 'puts his eye'.
- (25) By allowing only two beth se'ah for the full enclosure inclusive of the area of the cistern and the space around it.
- (26) Lit., 'to change'.
- (27) To the well or cistern.
- (28) The wall or screen round any of the last mentioned enclosures.
- (29) Lit., 'said'.
- (30) According to R. Judah this is permitted while according to R. Simeon b. Eleazar the area must be square shaped.
- (31) Even if it has no roof.
- (32) Which watchmen use for shelter only while their services are needed in the fields around.
- (33) The boards forming an enclosure round a well.
- (34) Otherwise the validity of the enclosure as a private domain is impaired.
- (35) THE SAGES. So Bomb. ed. This is also the reading of MS.M. in the parallel passage supra 20a. Cur. edd. הודיעך ('he informed you').
- (36) That even a public road cannot affect it.
- (37) R. Johanan.
- (38) Whose public roads extended from one end of the town to the other and had all the other characteristics of a public domain.

- (39) In consequence of which it assumed the status of a courtyard.
- (40) Supra 6b q.v. notes. This shows that the passage of the public does invalidate a private domain.
- (41) Since the two houses provide walls on two sides.
- (42) Lit., 'and carries and gives', as if it had been a private domain.
- (43) Lit., 'in the middle'.
- (44) Shab. 6a, supra 6a.
- (45) According to his ruling in our Mishnah a public road impairs the validity of a private domain, and according to his ruling in the Baraitha cited it does not.
- (46) Cf. previous note mutatis mutandis.
- (47) The Baraitha cited.
- (48) Our Mishnah.
- (49) Since the extremity of each side is screened by a board that is one cubit wide.
- (50) The Baraitha cited.

Talmud - Mas. Eirubin 22b

If it be suggested: Because the Ladder of Tyre¹ surrounds it on one side and the declivity of Geder² on the other side,³ Babylon too [it could be retorted] is surrounded by the Euphrates on one side and the Tigris on the other side; the whole world, in fact, is surrounded by the ocean.⁴ Perhaps you mean the ascents and descents [of Palestine].⁵ 'Genius',⁶ the other replied: 'I saw your chief⁷ between the pillars⁸ when R. Johanan discoursed on this traditional ruling'. So it was also stated: When Rabin came⁹ he stated in the name of R. Johanan (others say: R. Abbahu stated in the name of R. Johanan): No guilt is incurred for [the carrying of objects in] a public domain [in the case of] the ascents and descents of the Land of Israel, because they are not [as accessible] as [the domain on which] the standards¹⁰ in the wilderness [marched].¹¹

Rehaba enquired of Raba: In the case of a mound that rises to a height of¹² ten handbreadths on a base of¹³ four cubits, across which many people make their way, does one incur the guilt of [carrying in] a public domain or is no guilt incurred? This question does not arise according to the view of the Rabbis,¹⁴ for¹⁵ if there,¹⁶ where the use [of the road] is quite easy, the Rabbis ruled that the public do not impair the validity of the enclosure, how much more is that the case here¹⁷ where the use [of the road] is not easy. The question arises only according to R. Judah. Does he¹⁸ [maintain his view only] there¹⁶ because the use [of the road] is easy, but here, where its use is not easy, the public [he maintains] do not impair the validity of the [legal] partition,¹⁹ or is there perhaps no difference? — The other replied: Guilt is incurred. 'Even' [the first asked,] 'if people ascend by means of a rope?' — 'Yes', the other replied. ['Is this the ruling', the first asked,] 'even in respect of the ascents of Beth Maron?'²⁰ — 'Yes', the other replied.

He raised an objection against him: A courtyard into which many people enter²¹ from one side and go out²¹ from the other [is regarded as] a public domain in respect of levitical defilement and as a private domain in respect of the Sabbath.²² Now whose [view is here expressed]? If it be suggested: [That of the] Rabbis; it might be objected:²³ If there,²⁴ where the use [of the road] is easy, the Rabbis²⁵ ruled that the public cannot come and impair the validity of the partition, how much more is that the case here²⁶ where its use is not easy.²⁷ Consequently²⁸ it [must be, must it not, the view of] R. Judah?²⁹ — No; it may in fact [represent the view of] the Rabbis, but³⁰ the statement was required [on account of the ruling], 'And a public domain in respect of levitical defilement'.³¹

Come and hear: Alleys that open out in cisterns, ditches or caves [have the status of] a private domain in respect of Sabbath and that of a Public one in respect of levitical defilement.³² Now can you imagine [a reading] 'in cisterns'?³³ [The reading must] consequently be, 'towards³⁴ cisterns'³⁵ [and about such alleys it was ruled that they have the status of] 'a private domain in respect of Sabbath and that of a public one in respect of levitical defilement'. Now, whose [view is here

expressed]? If it be suggested: That of the Rabbis; it could be objected:³⁶ If there,³⁷ where the use [of the road] is easy, they ruled that the public cannot come and annul its validity, how much more should this be the case here where its use is not easy. Consequently [it must be, must it not, the view of] R. Judah?³⁸ — No; it may in fact [be the view of] the Rabbis,³⁹ but⁴⁰ the statement was required [on account of the ruling,] ‘And a public domain in respect of levitical defilement’.⁴¹

Come and hear: The paths of Beth Gilgul⁴² and such as are similar to them [have the status of] a private domain in respect of the Sabbath and that of a public domain in respect of levitical defilement. And what [paths may be described as] the ‘paths of Beth Gilgul’? At the school of R. Jannai it was laid down: Any [path along] which a slave carrying a se'ah of wheat is unable to run before an officer.⁴³ Now, whose view [is this]? If it be suggested [that it is that of] the Rabbis, it might be objected: If there, where the use [of the road] is easy, the Rabbis ruled that the public cannot come and impair the validity of the partition, how much more would that be the case here where the use [of the paths] is not easy. Consequently [it must be, must it not, the view of] R. Judah?³⁸ — The other replied: You speak of the paths of Beth Gilgul [which have a status of their own, for] Joshua, being a friend of Israel, undertook the task of providing⁴⁴ for them roads and highways,⁴⁵ and those⁴⁶ that were easy of access⁴⁷ he assigned for public use and those that were not easily accessible he assigned for private use.⁴⁸ MISHNAH. STRIPS [OF WOOD] MAY BE PROVIDED FOR A PUBLIC CISTERN,⁴⁹ A PUBLIC WELL⁴⁹ AS WELL AS A PRIVATE WELL, BUT FOR A PRIVATE CISTERN⁵⁰ A PARTITION TEN HANDBREADTHS HIGH MUST BE PROVIDED; SO R. AKIBA. R. JUDAH B. BABA RULED: STRIPS [OF WOOD] MAY BE SET UP ROUND A PUBLIC WELL ONLY⁵¹ WHILE FOR THE OTHERS⁵² A [ROPE] BELT TEN HANDBREADTHS IN HEIGHT MUST BE PROVIDED.

(1) Scala Tyriorum, on the south of Tyre in the north of Palestine.

(2) Possibly Geder of Josh. XII, 13, or Gedar of I Chron. IV, 39-41 in the south of the country. Cf. Horowitz, Palestine, s.v. גְּדוֹר II and גְּדָר n. 1.

(3) The promontory and the declivity being no less than ten handbreadths high and low respectively constituting legally valid walls.

(4) And yet is not regarded as a private domain. Why then should Palestine be so regarded?

(5) Not being easily traversed, and being infrequently used, they might well be treated as private domains.

(6) קַרְקַנָּא (from קַרְקַנָּה ‘head’). Aliter: Distinguished man.

(7) Rabbah, who was Abaye's teacher (v. Tosaf. s.v. קַרְקַנָּא a.l.).

(8) Of R. Johanan's schoolhouse.

(9) From Palestine to Babylon.

(10) Sc. the divisions of the tribes of Israel arranged under different standards.

(11) The latter was level and suitable for public use while the ascents and descents of Palestine, as explained supra, are not easily accessible and are consequently unsuitable as public thoroughfares.

(12) Lit., ‘that gathers itself’.

(13) Lit., ‘from the midst of’.

(14) The SAGES.

(15) Lit., ‘now’.

(16) Enclosures around the wells spoken of in our Mishnah.

(17) In the case of a mound.

(18) Lit., ‘what’.

(19) Which the mound constituted.

(20) Which were very steep and the paths across them so narrow that two persons could not walk abreast. Cf. R.H. 18a.

(21) Through doors or breaches.

(22) Tosef. Toh. VII, supra 8a q.v. notes.

(23) Lit., ‘now’.

(24) V. p. 156, n. 13.

(25) The SAGES.

- (26) A courtyard.
- (27) On account of the narrow door passages or breaches and the raised thresholds or rugged remnants of fallen walls. What need then was there to state what was so obvious?
- (28) Lit., 'but not?'
- (29) Who thus admits that the passage of the public does not impair the status of a private domain where access is not easy. An objection against Raba.
- (30) In reply to the objection, what need was there for them to state that which was obvious.
- (31) And the other ruling was mentioned merely as an antithesis.
- (32) Toh. VI, 6, where, however, 'paths' is substituted for 'alleys'.
- (33) Obviously not. An alley would not be made to terminate in a cistern.
- (34) The difference between this reading and that of 'in cisterns' is represented in the original by the slight change of beth (ב) to lamed (ל).
- (35) Sc. a cistern is situated at one end of the alley, access to which is gained by walking on a narrow ledge on one side of the cistern.
- (36) Lit., 'now'.
- (37) Enclosures around wells spoken of in our Mishnah.
- (38) V. supra p. 157, n. 10.
- (39) The SAGES.
- (40) V. supra p. 157, n. 11.
- (41) And the other ruling was mentioned merely as an antithesis.
- (42) The modern village of Gilgilyah on the left of the road between Jerusalem and Shechem, twenty-eight km. north of the former. The paths of Beth Gilgul were steep and narrow and difficult to traverse and consequently were avoided by the general public. Cf. Horowitz, op. cit. s.v. גלגל III.
- (43) Toh. VI, 6. סרדיט cf. Gr. **, a Greek or Roman officer.
- (44) Lit., 'he stood up and prepared'. After his conquests in Canaan.
- (45) Aliter: Stations. Read with MS.M. the pl. אסטרטיות. Cur. edd. סרטיא.
- (46) Lit., 'wherever'.
- (47) Lit., 'use'.
- (48) Hence the status of the paths of Beth Gilgul which are among the difficult paths of Palestine and similarly with all other ascents and descents in the Land of Israel. This, therefore, provides no proof for difficult roads in other countries which did not come under Joshua's enactments.
- (49) Supra 18a where the order, however, is reversed.
- (50) Since the water might be used up and the fact might escape the individual's attention, who would thus continue to use the enclosure as a private domain though it had lost the status on account of the disappearance of the water. In the case of a well no provision was necessary against the remote possibility of its drying up, while in the case of a public cistern the people would remind one another of the absence of the water should it ever all be used up.
- (51) Because (a) its flow is constant and (b) should it ever dry up the people would remind one another of its change of status.
- (52) Where only either (a) or (b) is applicable; v. previous note.

Talmud - Mas. Eirubin 23a

GEMARA. R. Joseph stated in the name of Rab Judah who had it from Samuel: The halachah is in agreement with R. Judah b. Baba. R. Joseph further stated in the name of R. Judah who had it from Samuel: Strips [of wood] around wells were permitted only in the case of a well of living water. And [both these statements were] required. For if we had only been told, 'The halachah is in agreement with R. Judah b. Baba' it might have been assumed that [in the case] of public [water he allows strips of wood] even [where the water is] collected, and that the reason why he mentioned A PUBLIC WELL was to express disagreement¹ with the view of R. Akiba,² hence we were told that 'strips of wood around wells were permitted only in the case of a well of living water'.³ And if only 'a well of living water' had been mentioned [it might have been assumed that] there is no difference between a public and a private one,⁴ hence we were told 'the halachah is in agreement with R. Judah b. Baba'.⁵

MISHNAH. R. JUDAH B. BABA FURTHER RULED: IT IS PERMITTED TO MOVE OBJECTS⁶ IN A GARDEN OR A KARPAF⁷ WHOSE [AREA DOES NOT EXCEED] SEVENTY CUBITS AND A FRACTION⁸ BY SEVENTY CUBITS AND A FRACTION AND WHICH ARE SURROUNDED BY A WALL TEN HANDBREADTHS HIGH, PROVIDED THERE IS IN IT A WATCHMAN'S HUT OR A DWELLING PLACE⁹ OR IT IS NEAR TO A TOWN.¹⁰ R. JUDAH RULED: EVEN IF IT CONTAINED ONLY A CISTERN, A DITCH OR A CAVE IT IS PERMITTED TO MOVE OBJECTS¹¹ WITHIN IT. R. AKIBA RULED: EVEN IF IT CONTAINED NONE OF THESE IT IS PERMITTED TO MOVE OBJECTS¹¹ WITHIN IT, PROVIDED ITS AREA [DOES NOT EXCEED] SEVENTY CUBITS AND A FRACTION¹² BY SEVENTY CUBITS AND A FRACTION. R. ELIEZER RULED: IF ITS LENGTH EXCEEDED ITS BREADTH EVEN BY A SINGLE CUBIT IT IS NOT PERMITTED TO MOVE ANY OBJECTS WITHIN IT.¹³ R. JOSE RULED: EVEN IF ITS LENGTH IS TWICE ITS BREADTH IT IS PERMITTED TO MOVE EFFECTS WITHIN IT. R. ILA'I STATED: I HEARD FROM R. ELIEZER,¹⁴ EVEN IF IT IS AS LARGE AS A BETH KOR. I LIKewise HEARD FROM HIM THAT IF ONE OF THE TENANTS OF A COURTYARD FORGOT TO JOIN IN THE 'ERUB,¹⁵ HIS HOUSE IS FORBIDDEN TO HIM FOR THE TAKING IN OR THE TAKING OUT OF ANY OBJECT¹⁶ BUT IS PERMITTED TO THEM.¹⁷ I HAVE LIKewise HEARD FROM HIM THAT PEOPLE MAY FULFIL THEIR DUTY¹⁸ AT PASSOVER BY EATING HART'S-TONGUE.¹⁹ WHEN, HOWEVER, I WENT ROUND AMONG ALL HIS DISCIPLES SEEKING A FELLOW STUDENT²⁰ I FOUND NONE.²¹

GEMARA. What did he²² already teach that, in consequence, he²³ used the expression of FURTHER? If it be suggested: Because he taught one restrictive ruling²⁴ and then he taught the other²⁵ he therefore used the expression of FURTHER, surely [it could be retorted] did not R. Judah²⁶ teach one restrictive ruling²⁷ and then he taught another one²⁸ and yet he²⁹ did not use the expression 'further'? — There³⁰ the Rabbis interrupted him³¹ but here the Rabbis did not interrupt him.³² [Is it then suggested] that wherever the Rabbis interrupted one's statements the expression of 'further'³³ not used? Surely, [it may be objected] was not R. Eliezer, in the case of a law about sukkah, interrupted by the Rabbis and the expression 'further' was nevertheless used?³⁴ There³⁵ they interrupted him with [a ruling on] his own subject but here they made the interruption with another subject.³⁶ R. AKIBA RULED: EVEN IF IT CONTAINED NONE OF THESE IT IS PERMITTED TO MOVE OBJECTS WITHIN IT.

(1) Lit., 'to bring out'.

(2) Who permitted strips of wood in the case of a PRIVATE WELL; R. Judah b. Baba being mainly concerned to lay down that the water, whether springing or collected, must not be private but public if strips of wood around it are to be permitted.

(3) But not collected water.

(4) Sc. even a private well may be permitted with strips of wood.

(5) Who lays down two restrictions viz. (a) PUBLIC, and (b) WELL.

(6) On the Sabbath.

(7) V. Glos.

(8) Lit., 'and a remnant', viz. two thirds of a cubit.

(9) Lit., 'house', so that the enclosure round the garden or karpaf may be regarded as put up for dwelling purposes.

(10) In which the owner lives. Being near to his residence he would frequently use it and consequently it may be regarded as a dwelling place.

(11) On the Sabbath.

(12) Lit., 'and a remnant', viz. two thirds of a cubit.

(13) Though the area does not exceed the prescribed seventy and two third cubits square. Only a square space was permitted where the enclosure around it was not made for dwelling purposes.

(14) So MS.M. Cur. edd. Eleazar.

- (15) And on the Sabbath he renounced his share to the other tenants.
- (16) By way of the common courtyard.
- (17) They may carry their utensils to and from his house.
- (18) Of eating bitter herbs (v. Ex. XII, 8).
- (19) Or 'palm-ivy'.
- (20) Who might corroborate the three statements he made in the name of their master.
- (21) They disagreed with him, maintaining that the master gave different rulings.
- (22) R. Judah b. Baba.
- (23) The Tanna of our Mishnah.
- (24) In the preceding Mishnah, that only a public well may be provided with strips of wood (supra 22b).
- (25) The first ruling in our Mishnah which restricts the permitted space within an enclosure, though set up for dwelling purposes, to seventy and two-thirds cubits square.
- (26) Sc. R. Judah b. Il'a.
- (27) That only an area of two beth se'ah is permitted (supra 18a ab init.).
- (28) That a public road through an enclosure round a well must be diverted to one of the sides (supra 22a).
- (29) The Tanna of the Mishnah, supra 22a.
- (30) The rulings of R. Judah b. Il'a.
- (31) Their statement (supra 18a ab init.) intervenes between R. Judah's two rulings.
- (32) R. Judah b. Baba's rulings immediately follow one another in the Mishnah (cf. supra 22b ad fin. and the first clause of our Mishnah).
- (33) Though the two statements have a logical connection.
- (34) V. Suk. 27a.
- (35) The rulings of R. Eliezer about sukkah.
- (36) R. Judah spoke of wells' enclosures and they spoke of a garden, a karpaf and the like. After such an interruption the expression of 'further' is obviously unsuitable.

Talmud - Mas. Eirubin 23b

Is not R. Akiba [laying down] the same ruling as the first Tanna?¹ The difference between them is a small area.² For it was taught: R. Judah stated, [two beth se'ah] exceed seventy cubits and a fraction [square] by a very small margin but the Sages did not indicate its exact dimensions.

And what [is the area of] the size of two beth se'ah? — One like that of the courtyard of the Tabernacle.³ Whence is this⁴ deduced? — Rab Judah replied: From Scripture which said: The length of the court shall be a hundred cubits, and the breadth fifty everywhere,⁵ the Torah⁶ having thus ordained, 'Take away fifty⁷ and surround [with them the other] fifty'.⁸ What, however, is⁹ the ordinary meaning of the text?¹⁰ — Abaye replied: Put up the Tabernacle at the edge of fifty cubits so that there might be [a space of] fifty cubits¹¹ in front of it and one of twenty cubits on every side.¹²

R. ELIEZER RULED: IF ITS LENGTH EXCEEDED etc. Was it not taught, however, that R. Eliezer ruled: If its length was more than twice its breadth, even if only by one cubit, it is forbidden to move objects within it? — R. Bebai b. Abaye replied: What we learned in our Mishnah we learned [in respect of an enclosure whose length] was more than twice its width. If so, is not this ruling exactly the same as that of R. Jose?¹³ — The difference between them is the squared area which the Rabbis have prescribed.¹⁴

R. JOSE RULED etc. It was stated:¹⁵ R. Joseph laid down in the name of Rab Judah who had it from Samuel: The halachah is in agreement with R. Jose;¹⁶ and R. Bebai laid down in the name of Rab Judah¹⁷ who had it from Samuel: The halachah is in agreement with R. Akiba.¹⁸ And both [these rulings] are on the side of leniency; and [both were] required. For if we had only been told, 'The halachah is in agreement with R. Jose' it might have been assumed [that the permissibility was dependent] on the existence of¹⁹ a watchman's hut or a dwelling place,²⁰ hence we were informed

that 'the halachah is in agreement with R. Akiba'.²¹ And if we had been told, 'The halachah is in agreement with R. Akiba' it might have been assumed that [an enclosed area that was] long and narrow is not [permitted],²² hence we were also informed that 'the halachah is in agreement with R. Jose'.²³

If a karpaf²⁴ bigger than two beth se'ah,²⁴ is fenced round for dwelling purposes, then if the greater part of it is sown [with seed] it is regarded as a garden²⁵ and it is forbidden [to carry any objects within it],²⁶ but if the greater part of it is planted [with trees]²⁷ it is regarded as a courtyard [and the movement of objects within it] is permitted.

'If the greater part of it is sown [etc.]'. Said R. Huna son of R. Joshua: This applies only [where the area sown was] bigger than two beth se'ah²⁸ but one of two beth se'ah²⁹ is permitted.³⁰ In agreement with whose view? Is it in agreement with that of R. Simeon; for we learned: R. Simeon ruled: Roofs, courtyards and karpafs³¹ are equally regarded as one domain in respect of [carrying from one into another] objects that were kept within them when Sabbath began, but not in respect of objects that were in the house when the Sabbath began?³² But [it may be objected] even according to R. Simeon, since the major part of it was sown [with seed] would not the minor part

-
- (1) The Rabbis, who (supra 18a ab init.) contended that it is permissible to move objects in a garden and the like (which were not enclosed for dwelling purposes) if the area is not more than two beth se'ah i.e., about seventy and two-thirds cubits square (Rashi).
- (2) By which area of two beth se'ah exceeds that of seventy and two-thirds cubits square (cf. infra n. 8). According to the first Tanna the area may be as large as two beth se'ah while according to R. Akiba it must not exceed that of 70 2/3 cubits square.
- (3) Which Moses made in the wilderness, sc. 100 X 50 cubits (Ex. XXVII, 18).
- (4) That the dimensions of the court of the Tabernacle are to be squared to fix the area in connection with the moving of objects on Sabbath.
- (5) Ex. XXVII, 18; lit., 'fifty by fifty'.
- (6) By the addition of the apparently superfluous 'by fifty' (cf. prev. note) to the dimensions of a hundred by fifty.
- (7) The excess of the length (hundred cubits) over the breadth (fifty cubits), thus leaving a square area of fifty by fifty cubits.
- (8) Sc. the square (cf. previous note). Rashi: Surrounding the square with equal strips cut from the remaining area of 50 X 50 cubits, a larger square area is the result. The area of two beth se'ah is consequently equal to 100 X 50 square cubits which (since a cubit 6 = handbreadths) equals 100 X 50 X 6 X 6 = 180,000 sq. handbreadths. An area of (70 and 2/3) squared cubits = (70 X 6 + 4) squared = 424 squared = 179,776 sq. handbreadths. The difference between the first Tanna and R. Akiba is thus the small area of 180,000 — 179,776 = 224 sq. handbreadths (or 224/36 = 6 and 2/9 sq. cubits) which if split up into small strips to surround with them the perimeter of (70 and 2/3) squared cubits would be small indeed. [For a full mathematical discussion of this passage v. Feldman, op. cit. pp. 54ff].
- (9) Lit., 'about what is it written'.
- (10) Which speaks of the Tabernacle. What point was there in adding 'by fifty' to the dimension of length and breadth already given?
- (11) Sc. fifty by fifty (v. next note).
- (12) The Tabernacle was thirty cubits long and ten cubits wide. Dividing the length of the court (hundred cubits) in two sections and setting up the Tabernacle in one of these, its eastern front touching the dividing line, and its southern side removed twenty cubits from the south wall of the court there would remain (since the width of the court was fifty cubits) the following distance between the Tabernacle and the walls of the court. (100 — 50) X 50 = 50 X 50 cubits in front of it, 50 — 30 = 20 at its back, and (50 — 10)/2 = 20 cubits on its sides.
- (13) Who also ruled: EVEN IF ITS LENGTH IS TWICE ITS BREADTH.
- (14) Lit., 'made square'. R. Eliezer maintains that the authorized length is twice the breadth and no longer, but a squared area is also permitted; while R. Jose holds that the authorized area is a square although one whose length equals twice its breadth is also permitted. (V. Rashi. Cf., however, R. Han. in Tosaf. s.v. **שׁוֹמֵר** a.l.).
- (15) By Amoras.

- (16) That a non-squared area is also permitted.
- (17) Var. lec. Nahman (Alfasi and Asheri).
- (18) That it is not necessary for an enclosure to be put up especially for dwelling purposes.
- (19) Lit., 'until there is', sc. in the enclosure.
- (20) So that the enclosure may be regarded as put up for dwelling purposes.
- (21) V. 163, n. 9.
- (22) Since R. Akiba required a squared area.
- (23) That a non-squared area is also permitted.
- (24) V. Glos.
- (25) Which people do not use as a dwelling place.
- (26) Even in the part that was not sown; because its status is merged in that of the greater part.
- (27) Among which people can, and do shelter.
- (28) Such a large area, not having been fenced round for dwelling purposes, has the status of a karmelith (v. Glos.) while the unsown part has the status of a courtyard whose one complete side is fully open into a karmelith and both sections are consequently forbidden domains for the movement of objects on the Sabbath.
- (29) Though the sown part is subject to the restrictions of a karpaf and the unsown one to those of a courtyard that fully opens out into a karpaf (cf. previous note).
- (30) Since both belong to the same owner.
- (31) Even if they belonged to different owners.
- (32) In relation to a house, these are regarded as different domains even if they belong to one man, and any object taken out on Sabbath from the house to the courtyard must not be moved thence to the karpaf or roof (Rashi).

Talmud - Mas. Eirubin 24a

lose its own status to the major part and [the entire area¹ would thus] become a karpaf that is bigger than two beth se'ah² [the movement of objects in which] is forbidden?³ — The fact, however, is that if the statement has at all been made it must have been in the following terms: But⁴ [it follows that] if its lesser part [only was sown, the movement of objects within it] is permitted. Said R. Huna son of R. Joshua, this applies only [where the sown area was] less than two beth se'ah⁵ but [if it was] two beth se'ah [the movement of objects within the entire area] is forbidden.⁶ In agreement with whose view?⁷ — In agreement with that of the Rabbis.⁸

R. Jeremiah of Difti, however, taught it⁹ on the side of leniency:¹⁰ But¹¹ [it follows that] if its lesser part [only was sown the movement of objects within it] is permitted. Said R. Huna son of R. Joshua: This applies only [where the sown area was no more than] two beth se'ah but if it was more than two beth se'ah¹² [the movement of objects within it] is forbidden. In agreement with whose view?¹³ — In agreement with that of R. Simeon.¹⁴ 'But if the greater part of it was planted [with trees] it is regarded as a courtyard and [the movement of objects within it] is permitted'. Said Rab Judah in the name of Abimi: This [is the case only] where they are arranged in colonnade formation;¹⁵ but R. Nahman said: Even if they were not arranged as a colonnade.

Mar Judah once happened to visit R. Huna b. Judah's when he observed certain [trees] that were not arranged as a colonnade¹⁶ and people were moving objects between them. 'Does not the Master', he asked: 'uphold the view of Abimi?'¹⁷ — 'I', the other replied: 'hold the same view as R. Nahman'.

R. Nahman laid down in the name of Samuel: If a karpaf that was bigger than two beth se'ah was not originally enclosed for dwelling purposes,¹⁸ how is one to proceed?¹⁹ A breach wider than ten [cubits] is made in the surrounding fence,²⁰ and this is fenced up so as to reduce it to²¹ ten cubits²² and [then the movement of objects]²³ is permitted.²⁴ The question was raised: What is the ruling where one cubit [width of fence] was broken down and the same cubit [of breach] was fenced up and [then the next] cubit [width of fence] was broken down and was equally fenced up [and so on] until

[the breaking down and the re-fencing] of more than ten [cubits width of the fence] was completed?²⁵ — [This case], came the reply,²⁶ is²⁷ exactly [the same in principle as the one about] which we learned: All [levitically defiled wooden] utensils of householders [become clean if they contain holes] of the size of pomegranates;²⁸ and when Hezekiah asked: ‘What is the ruling where one made a hole of the size of²⁹ an olive and stopped it up and then made another hole of the size of an olive and stopped it up [and so on] until one completed [a hole] of the size of²⁹ a pomegranate?’³⁰ R. Johanan replied: Master, you have taught us [the case of] a sandal, for we learned:³¹ ‘A sandal³² one of the straps of which was torn off and repaired retains its midras³³ defilement.³⁴ If the second strap was torn off and repaired [the sandal] becomes free from the midras³³ defilement³⁵ but³⁶ is unclean³⁷ [on account of its] contact with midras’.³⁸ And you asked in connection with this, ‘Why is it³⁹ [that the absence of the] first [strap does not affect the status of the sandal? Obviously] because the second strap was then available [but then the absence of the] second strap also [should not affect the status of the sandal] since the first⁴⁰ was then available?’ And then you explained this to us [that ‘in the latter case] the object had assumed a new appearance;⁴¹ well, in this case⁴² also [it may be explained that] the object had assumed a new appearance; [and Hezekiah] made concerning him⁴³ the following remark: ‘This [scholar] is no [ordinary] man’⁴⁴ [or as] some say: ‘Such [a scholar] is [the true type of] man’.

R. Kahana ruled: In an open area⁴⁵ that [is situated] at the back of houses⁴⁶ objects may be moved⁴⁷ within a distance of four cubits only.⁴⁸ In connection with this R. Nahman ruled: If a [house] door was opened out into it, the movement of objects is permitted throughout the entire area, [since] the door causes it to be a permitted domain.⁴⁹ This,⁵⁰ however, applies only⁵¹ where the door was made first⁵² and [the area] was enclosed subsequently, but not where it was first enclosed and the door was made afterwards. ‘Where the door was made first and [the area] was enclosed subsequently’, [is it not] obvious [that the movement of objects in the area is permitted]? — [This ruling was] required only in the case where it⁵³ contained a threshing floor.⁵⁴ As it might have been assumed that [the door] was made in order to give access⁵⁵ to the threshing floor,⁵⁶ we were therefore informed [that no such assumption is made].

Where a karpaf [whose area] exceeded two beth se'ah was originally enclosed for dwelling purposes but was subsequently filled with water, the Rabbis intended to rule [that water is subject to the same law] as seed⁵⁷ and [that movement of objects in the enclosure] is, therefore, forbidden, but R. Abba⁵⁸ the brother⁵⁹ of Rab⁶⁰ son of R. Mesharsheya said: Thus we rule in the name of Raba: Water [is subject to the same law] as plants,⁶¹ and [the movement of objects within the enclosure] is consequently permitted.

-
- (1) The sown part that was less than two beth se'ah and the unsown part that may be bigger than two beth se'ah.
 - (2) Which is subject to the restrictions of a garden.
 - (3) Even where it was enclosed for dwelling purposes, and even if all of it belonged to one owner.
 - (4) Since the prohibition was laid down in connection with a karpaf, the greater part of which was sown.
 - (5) So that it was not of sufficient importance to be given a status of its own.
 - (6) Because the sown portion has the status of a karpaf that was not enclosed for dwelling purposes. Such a karpaf, provided it is not bigger than two beth se'ah, is a permitted domain only where it is not abutting on any other domain; but here, since it opens out into a kind of courtyard, one side of which is fully exposed to it, the two domains are a mutual cause of prohibition, and no object may be carried from the one into the other.
 - (7) Was R. Huna's statement made.
 - (8) Who hold that two domains, though they are the property of one man and though none is inhabited, may be a mutual cause of prohibition (cf. infra 8).
 - (9) R. Huna's statement just discussed.
 - (10) Sc. that even if the area of the lesser part was two beth se'ah, it is regarded as a permitted domain as if it had not opened out at all into a broken yard.
 - (11) V. supra note 4.

- (12) Since the enclosure was not put up for dwelling purposes.
- (13) Was R. Huna's statement made.
- (14) Sc. even R. Simeon agrees in such a case.
- (15) So that one can rest there in comfort.
- (16) The area which was larger than two beth se'ah, was originally enclosed for dwelling purposes and later planted with trees.
- (17) That unless the trees are arranged in colonnade formation the movement of objects between them is forbidden.
- (18) And a house was subsequently built with a door opening into it.
- (19) If it is desired to move objects from the karpaf to the house and vice versa.
- (20) Lit., 'in it'. Thereby the validity of the fence is annulled.
- (21) Lit., 'and he makes it stand on'.
- (22) Thereby turning the breach into a doorway of the permitted legal size.
- (23) V. supra n. 5.
- (24) Since the reconstruction of the fence took place after the house was built, the entire karpaf may be regarded as having been enclosed for dwelling purposes.
- (25) Is the karpaf regarded as enclosed for dwelling purposes on account of the new section of fence that was put up after the house had been built or must the prescribed breach of more than ten cubits be made in the fence before any part of it is re-built?
- (26) [Lit., 'he said'. It is difficult to say to whom 'he' refers, and these words are best omitted with MS.M.]
- (27) Lit., 'not'?
- (28) Kel. XVII, 1. With such big holes the object loses the status of utensil and assumes that of a broken one which is not susceptible to levitical defilement.
- (29) Lit., 'like one that brings out'.
- (30) Is the utensil regarded as a broken one because the total space of the small holes was of the size required, or must a utensil contain such a hole at one and the same time before it can be regarded as a broken object that is unsusceptible to levitical defilement?
- (31) So Bah. Absent from cur. edd.
- (32) That was levitically defiled.
- (33) מדרם (rt. דרם 'to tread') defilement imparted through treading on an object by any of those enumerated in Lev. XII, 2; XV, 2, 25. The object thus defiled communicates defilement to human beings and vessels.
- (34) Because the sandal can still be used for its original purpose as footwear.
- (35) Since it is no longer fit for its original use as a sandal.
- (36) Since it may still be used for other purposes.
- (37) In a minor degree, communicating defilement to foodstuffs and liquids only, but not to human beings and vessels.
- (38) Sc. with the sandal as it was before the strap was torn off when it was an object of midras defilement. At the moment the strap was severed, the damaged sandal was in contact with the undamaged one.
- (39) Lit., 'what is the difference?'
- (40) Having been repaired.
- (41) Lit., 'new face came here', the present repaired straps are not the original ones. As the original ones were torn off, the former defilement ceased, and as no new midras or 'treading' occurred after the new ones were attached, the repaired sandal remains free from the midras defilement.
- (42) Where a number of small holes that equal in their totality, the prescribed large one have been individually stopped up.
- (43) R. Johanan.
- (44) His genius is supernatural.
- (45) That was bigger than two beth se'ah and surrounded by a fence.
- (46) But no house door opened out into it.
- (47) On the Sabbath.
- (48) From the place where they rested.
- (49) The last clause is absent from MS.M.
- (50) The permissibility of movement where a house door opens out into the area mentioned.
- (51) Lit., 'and he did not say them but'.

- (52) Lit., 'when he opened'.
 (53) The area in question.
 (54) Between the house and the enclosure round the open area.
 (55) Lit., 'with the intention of'.
 (56) And not in connection with the enclosed area at the back.
 (57) Cf. supra 23b ad fin.
 (58) MS.M. 'the father of R. Mesharsheya son of Rab'.
 (59) So marg. note. Cur. edd. enclose in parenthesis 'father'.
 (60) Var. lec. 'Raba' (Emden).
 (61) Trees. Cf. supra 23b.

Talmud - Mas. Eirubin 24b

Amemar ruled: This¹ [applies only to such water] as is fit for use² but not [to such as are] unfit for use. R. Ashi ruled: Even³ where it is fit for use the ruling applies only where the layer of water⁴ does not extend⁵ over more than two beth se'ah but if it does extend to more than two beth se'ah [the movement of objects within it] is forbidden. But this is not correct,⁶ since [water] is in the same category as a heap of fruit.⁷

There was at Pum Nahara⁸ a certain open area⁹ whose one side opened into [an alley in] the town and the other side opened into a path between vineyards¹⁰ that terminated at the river bank. How, said Abaye, are we to proceed?¹¹ Should we put up for it¹² a [reed] fence on the river bank,¹³ one partition upon another partition,¹⁴ surely, cannot [in such a case, usefully] be put up.¹⁵ And should the shape of a doorway be constructed for it at the entrance to the path between the vineyards,¹⁶ the camels coming [that way]¹⁷ would throw it down. [The only procedure,] therefore,¹⁸ said Abaye, [is this:] Let a side-post be put up at the entrance to the path of the vineyards¹⁹ so that [this construction], since²⁰ it is effective in respect of the path of the vineyards,²¹ is also effective in respect of the open area.²²

Said Raba to him:²³ Would not people²⁴ infer that a side-post is effective in the case of any²⁵ path among vineyards.²⁶ Rather, said Raba, a side-post should be put up at the entrance to the alley,²⁷ and since²⁸ the side-post is effective in respect of the alley²⁹ it is also effective in respect of the open area. Hence it is permitted to move objects within the alley itself.²⁹ It is also permitted to move objects within the open area itself.³⁰ [But as regards] the moving of objects from the alley into the open space or from the open space into the alley, R. Aha and Rabina are at variance. One forbids this and the other permits it.

-
- (1) That water in a karpaf is subject to the same law as a plantation of trees.
 (2) Sc. for drinking, so that it supplies one of the requirements of a dwelling place.
 (3) Lit., 'also'.
 (4) That was ten handbreadths deep.
 (5) Lit., 'that there is not in its depth'. A depth of ten handbreadths of water is subject in this respect to the laws of seed. On the question whether the greater, or lesser part of the layer of water was ten handbreadths in depth v. Tosaf. s.v. **לא אמרן** a.l.
 (6) Lit., 'the thing'.
 (7) Aliter: 'A pit full of fruit'. **כריא** bears both meanings. A pile of fruit ten handbreadths high, however large its extent, does not deprive the enclosure in which it is kept of its status as a dwelling, and from a pit of fruit, however large or deep, it is freely permitted to take out the fruit on the Sabbath.
 (8) **פום נהרא** lit., 'river mouth', a town on the Tigris.
 (9) That was larger than two beth se'ah and was not enclosed for dwelling purposes.
 (10) That was inhabited.
 (11) To enable the tenants to carry their things on the Sabbath despite the open area (v. supra n. 10) that had the status of

a karmelith in which such movement is forbidden and which affects also the permissibility of movement in the alley and the vineyard path that adjoined it.

(12) For the open area which had around it a stone wall that could not easily be broken down and rebuilt to satisfy the requirements supra where an enclosure was not originally put up for dwelling purposes.

(13) Thus treating the area and the path as one domain so that the new fence which is put up for dwelling purposes might serve as a part of the enclosure and, being of the prescribed size, effect the desired permissibility.

(14) The river bank being ten handbreadths high is itself regarded as a fence.

(15) If it is desired to render a lower fence valid. Any fence round an area that was not originally enclosed for dwelling purposes cannot be rendered valid by merely raising its height. It must first be broken down to the prescribed size and then rebuilt.

(16) Such a contrivance, since it effects permissibility of movement in a path that runs into a public domain, would obviously effect it here where the path runs only into a karmelith, and, consequently, might also serve as a sort of fence for the open area; and, as it is built for dwelling purposes, might equally effect the validity of the enclosure around the area.

(17) From the town, to drink from the river, and proceeding through the alley across the open area.

(18) Lit., 'but'.

(19) Having its lower end fixed in the ground and consisting of the thinnest of posts, it would not be affected by the passing camels.

(20) Heb.: Miggo.

(21) Which, owing to the contrivance, is no longer regarded as having a gap opening into a karmelith and the movement of objects within it is, therefore, permitted.

(22) In accordance with the rule of miggo, the virtual fence at the entrance to the path represented by the side-post is also regarded as a fence put up for dwelling purposes in connection with the open area. If the side-post, however, had not been the cause of the permissibility of movement in the path, the rule of miggo could not apply; and, as the entrance to the path was not wider than ten cubits, the virtual fence, being smaller than the required size, could not effect the permissibility of movement in the area either.

(23) Abaye.

(24) Relying on Abaye's ruling.

(25) Lit., 'in the world', 'elsewhere'.

(26) Even one that does not rundown to a river bank but to a public domain. Such an alley, however, cannot as a matter of fact be permitted by one side-post at one end.

(27) On the side that adjoins the open area. Lit., 'town' of which the alley forms a part.

(28) Miggo.

(29) Sc. it is permitted thereby to move objects in the alley if the shape of a doorway was put up at its other end, that is abutting on the public domain (cf. supra 7a).

(30) By the rule of miggo: Since the side-post is effective for the alley it is also effective for the open area.

Talmud - Mas. Eirubin 25a

One¹ permits it because [in the open area] there are no tenants;² and the other¹ forbids this, because sometimes [it may happen] that there would be tenants in it³ and they⁴ would still be moving objects [from the one into the other].

If a karpaf was larger than two beth se'ah and was not enclosed for dwelling purposes, and it is desired to reduce the size thereof,⁵ then if it was effected by means of trees⁶ the reduction is invalid. If a column, ten handbreadths in height and four handbreadths in width, was built up⁷ it is a valid reduction. If [the column was] less than three [handbreadths wide] it constitutes no valid reduction. [If it is] between three and four [handbreadths wide] it is, said Rabbah, a valid reduction; but Raba maintained: It is no valid reduction. Rabbah said that it was a valid reduction, since [such a size] is excluded from the law of labud.⁸ Raba maintained that it was not a valid reduction, because so long as it does not cover a space of four [handbreadths in width] it is of no importance.⁹ If at a distance of four handbreadths from the wall¹⁰ a partition¹¹ was put up the act is legally effective,¹² [but if the

distance was] less than three [handbreadths¹³ the partition] is ineffective.¹⁴ [If the distance was] between three, and four [handbreadths, the partition is], said Rabbah, effective, but Raba maintained: It is ineffective. Rabbah said that it was effective since [such a distance] is excluded from the law of labud.¹⁵ Raba maintained that it was ineffective because so long as it does not extend over four handbreadths it is of no importance.¹⁶

R. Shimi taught [that the discussion¹⁷ related] to [the more] lenient [procedure].¹⁸

If the fence¹⁹ was smeared with plaster and [the layer is so thick that it] can stand by itself it constitutes a reduction; where it cannot stand by itself it [nevertheless], said Rabbah, constitutes a reduction, but Raba maintained: It does not constitute a reduction. Rabbah said that it constituted a reduction because now at any rate it stands. Raba maintained that it constituted no reduction because in view of the fact that it cannot, stand by itself²⁰ it possesses no validity whatsoever.²¹

If at a distance of four handbreadths from a mound²² a partition was put up²³ it is effective.²⁴ [If, however, it was put up at a distance of] less than three [handbreadths] [from it] or [was actually put up] on the edge of the mound [there is a difference of opinion between] R. Hisda and R. Hamnuna. One holds that this is effective and the other maintains that it is ineffective.²⁵ You may conclude that it was R. Hisda who held that [the partition] is effective; for it was stated: If one partition was put up upon another, it is, R. Hisda ruled, effective as regards [the laws of] the Sabbath but no possession of the property of a proselyte²⁶ [may thereby] be acquired;²⁷ and R. Shesheth ruled it is ineffective even in [respect of the laws of] the Sabbath. This is conclusive.

R. Hisda stated: R. Shesheth, however, agrees with me that if a man put up a fence on the mound²⁸ it is effective.²⁹ What is the reason? — Because the man dwells in the space between the upper fences.³⁰

Rabbah b. Bar Hana enquired:³¹ What if the lower fences were sunk in the ground³² and the upper ones remained standing? In what [respect does this matter]? If [it be suggested] in respect [of acquiring possession]³³ of the estate of a proselyte,³⁴ [is not the principle here involved, it may be retorted,] exactly the same [as that underlying a ruling] of Jeremiah³⁵ Bira'ah who ruled in the name of Rab Judah: If a man threw vegetable seeds into a crevice³⁶ of a proselyte's³⁴ land and then another Israelite came and hoed a little,³⁷ the latter does, and the former does not acquire possession, because³⁸ at the time the former threw [the vegetable seed] he did not improve [the ground] and any eventual improvement³⁹ came automatically?⁴⁰ If, on the other hand,⁴¹ [it be suggested that the question arises] in respect of [the laws of] the Sabbath,⁴² [such a partition, surely, it could be retorted, is] one that was put up on the Sabbath⁴³ concerning which it was taught: Any partition that is put up on the Sabbath, whether unwittingly or presumptuously, is regarded as a valid⁴⁴ partition?⁴⁵ — Has it not, however, been stated in connection with this ruling that R. Nahman ruled: This was taught only in respect of throwing,⁴⁶ but the moving [of objects within it] is forbidden?⁴⁷ — When R. Nahman's statement was made it was in respect of one who acted presumptuously.⁴⁸

A certain woman once put up a fence on the top of another fence in the estate of a proselyte,⁴⁹ when a man came and hoed [the ground] a little. [The latter then] appeared before R. Nahman who confirmed it in his possession. The woman thereupon came to him and cried. 'What can I do for you', he said to her, 'Seeing that you did not take possession in the proper way?'⁵⁰ If a karpaf [was of the size of] three beth se'ah and one beth se'ah was provided with a roof, its covered space, ruled Rabbah,⁵¹ causes it still to be deemed bigger [than two beth se'ah],⁵² but R. Zera ruled: Its covered space does not cause it to be deemed bigger.⁵³ Must it be assumed that Rabbah⁵¹ and R. Zera differ on the same principle as that on which Rab and Samuel differed? For was it not stated: If an exedra⁵⁴ 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.⁵⁵ 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?⁵⁶

(1) Lit., 'he who'.

(2) To claim a share in it. Hence it may be regarded as the domain of the tenants of the alley. The occupants of the path need not be considered in this respect since the path and the open space stand in the same relationship respectively as a small courtyard and a large one that open into one another where the movement of objects is permitted in the latter though forbidden in the former.

(3) And the movement of objects from the one into the other would consequently be forbidden.

(4) The tenants of the path as well as those of the open area being unaware of the difference of status.

(5) Lit., 'and he came to reduce it'.

(6) Since trees usually grow in a karpaf the new plantation does not produce any change in the character of the spot (cf. Rashi s.v. **באילנות** and Bah a.l.).

(7) Anywhere in the area.

(8) V. Glos. only to a space that is smaller than three handbreadths is the law applied. One of three is considered important and cannot, therefore, be disregarded.

(9) And is deemed to be non-existent.

(10) Of a karpaf

(11) For dwelling purposes.

(12) Sc. the partition is regarded as valid and the karpaf is deemed to have been enclosed for dwelling purposes, provided a house door was made to open into it before the partition was put up.

(13) So that it may be regarded as joined to the fence of the karpaf and forming with it one thick fence.

(14) Since a new and independent partition of the prescribed size must be put up after a house door was opened into the karpaf (cf. supra p. 171, n. 13).

(15) V. supra p. 171, n. 9.

(16) And is deemed to be nonexistent.

(17) Between Rabbah and Raba.

(18) I.e., where the width of the column or the distance of the partition from the wall was less than three handbreadths. Where, however, it was between three and four handbreadths, he maintains, both Rabbah and Raba agree that, as the rule of labud does not apply, the pillar constitutes a proper reduction and the partition is deemed valid and put up for dwelling purposes.

(19) Lit., 'on it', the fence across the karpaf under discussion.

(20) Sc. without the support of the fence to which it is attached.

(21) Lit., 'it is nothing'.

(22) That was situated in a karpaf and that was more than two beth se'ah removed from the fence around it.

(23) For dwelling purposes; and the distance between the new partition and the original fence exceeds two beth se'ah.

(24) It is regarded as a valid wall and, since it was put up for dwelling purposes, effects the permissibility of the entire karpaf.

(25) A mound has the status of a partition; and it is the view of the former that one partition on the top of another is valid while the other maintains that it is invalid.

(26) Who died, leaving no Jewish heirs, and whose estate may accordingly be seized by any member of the public.

(27) Should one person put up a fence on the top of another in the deceased proselyte's estate and a second person subsequently performs another act of valid kinyan (v. Glos.) the latter would, and the former would not gain the possession of the estate.

(28) Where the mound was bigger than two beth se'ah.

(29) As far as the mound itself is concerned. It is permitted to move objects on the mound though in the karpaf in which it is situated this is forbidden.

(30) The lower fences around the karpaf may, therefore, be completely disregarded.

(31) According to the view that one partition on the top of another is invalid.

(32) Lit., 'were swallowed'.

(33) By putting up a fence on the top of another, the latter subsequently sinking in the ground and the former remaining.

- (34) V. Supra n. 2.
- (35) The reading in the parallel passage in B.B. 53b and Git. 34a is 'R. Jeremiah'.
- (36) Which he himself had not dug. Digging would have constituted kinyan and no further act would have been necessary.
- (37) This being a form of kinyan.
- (38) Lit., 'what is the reason?'
- (39) When the seeds produced a crop.
- (40) It is not the direct action of the man; while kinyan (v. Glos.) can be effected by a direct act only (v. B.B. 42a). Similarly in the case of the fence: Since the upper one came into the proper position through the accidental sinking of the lower one and not through any direct act of the person it cannot obviously be deemed the direct result of his act and cannot consequently be regarded as a valid kinyan.
- (41) Lit., 'and but'.
- (42) Whether a karpaf may be turned into a permitted domain by the upper fences (that were built for dwelling purposes) after the lower ones have sunk.
- (43) When the lower ones sank. Before this happened the upper fence was legally non-existent.
- (44) Lit., 'its name (is)'.
- (45) Shab. 101b, supra 20a.
- (46) Sc. it is forbidden to throw an object from a public domain into such an enclosure.
- (47) How then could this ruling be adduced as proof that the fence under discussion is deemed valid in respect of permitting the movement of objects within the area that it encloses?
- (48) The fence under discussion, however, came into position through an accident. Hence it is valid in all respects even according to R. Nahman.
- (49) With the object of acquiring possession (cf. supra p. 173, n. 2).
- (50) Lit., 'as men take possession'.
- (51) V. marg. note. Cur. edd., 'Raba'.
- (52) I.e., the covered area is still regarded as a part of the open karpaf.
- (53) The edge of the roof is said to descend and close up the covered area and thus reduce the open karpaf to the permitted size.
- (54) V. Glos. It is provided with a roof but is open at its sides.
- (55) So that the exedra is virtually provided with walls.
- (56) Infra 90a, 94b, Suk. 18b. Is Rabbah then of the same opinion as Samuel and R. Zera of the same opinion as Rab (cf. supra n. 3)?

Talmud - Mas. Eirubin 25b

— If [the roof¹ over the beth se'ah] were made like an exedra² [the ruling would] indeed have been the same,³ but here we are dealing with one that was made in the shape of a hammock.⁴

R. Zera stated: I admit, however, that where a karpaf⁵ has a gap across its entire width⁶ towards a courtyard [the movement of objects within it] is forbidden. What is the reason? Because the space of the courtyard increases its extent.⁷ R. Joseph demurred: Does a space⁸ [from] which⁹ it is permitted [to move objects] into it cause its prohibition? — Said Abaye to him: In accordance with whose view [do you demur]? Apparently in accordance with that of R. Simeon;¹⁰ but according to R. Simeon also there is in fact the space of the position of the walls.¹¹ For R. Hisda ruled: If a gap across the full width of a karpaf was opened towards a courtyard [movement of objects] is permitted in the latter and forbidden in the former. Now why [is this permitted in] the courtyard? [Is it on account of the fact] that it has ridges?¹² Does it not, however, sometimes happen¹³ that the reverse is the case?¹⁴ Consequently¹⁵ [it must be admitted that] the reason is¹⁶ that as regards the karpaf¹⁷ the space of the walls increases its extent¹⁸ while in that of the courtyard¹⁷ the space of the walls does not increase it.¹⁹

A certain orchard adjoined the wall of a mansion.²⁰ When the outer wall of the mansion²¹

collapsed it was R. Bibi's intention to rule that one might rely²² upon the inner walls,²³ but R. Papi said to him, 'Because you are yourselves frail beings you speak frail words.²⁴ Those walls were made for the interior [of the mansion]; they were not made for [the orchard] outside'.²⁵

The exilarch had a kind of banqueting hall in his orchard.²⁶ 'Will the Master', he said to R. Huna b. Hinena, 'make some provision whereby we might be enabled to dine there tomorrow'.²⁷ The latter accordingly proceeded [to construct a passage²⁸ by putting up a reed-fence]²⁹ fixing each reed [within a distance of] less than three [handbreadths from the other].³⁰ Raba, however, went there

-
- (1) V. Rashi. Aliter: The walls in the covered area (v. Tosaf. s.v. **וְשָׁרְיָא** a.l.).
 - (2) I.e., level and not slanting (Rashi). Aliter: Open on two sides only (v. Tosaf. l.c.).
 - (3) Sc. even Rabbah would adopt the ruling of Rab.
 - (4) Attached to the trees. Since the roof is slanting it has no edges that might be said to descend and form the virtual walls (v. Rashi). Aliter: Being open on four sides it cannot be given the status of a walled structure (v. Tosaf. s.v. **שְׂרָיָא** a.l.).
 - (5) That was bigger than two beth se'ah.
 - (6) Lit., 'in its fullness'.
 - (7) Above the permitted size, the principle, 'The edge of the ceiling etc.' being inapplicable in this case.
 - (8) Sc. the courtyard.
 - (9) According to R. Simeon.
 - (10) Supra 23b (v. prev. note) where R. Simeon has laid down that it is permitted to move objects from a courtyard into a karpaf.
 - (11) By which the area of the karpaf that was exactly two beth se'ah is increased to more than the permitted size.
 - (12) The remnants of the fallen wall, which, being situated on both sides of the gap that is not wider than ten cubits, form, according to the Rabbis, a kind of doorway.
 - (13) When the karpaf is wider than the courtyard.
 - (14) That it is the karpaf that has the ridges and that the courtyard has them not. If then the view of the Rabbis is followed why this distinction between karpaf and courtyard?
 - (15) Since the karpaf only has been singled out for prohibition.
 - (16) Not as has been assumed before in agreement with the view of the Rabbis.
 - (17) Lit., 'this'.
 - (18) In agreement with R. Simeon who, otherwise, permits the movement of objects from the courtyard into it.
 - (19) Hence its permissibility. As the only reason for the prohibition is the increased area of the karpaf the prohibition cannot apply to a courtyard which was originally enclosed for dwelling purposes. The question of the ridges does not arise since in the absence of ridges also R. Simeon permits the movement of objects from the courtyard to the karpaf. And should it happen that the ridges were on the side of the karpaf the courtyard would still be permitted in agreement with R. Simeon (cf. supra n. 9) while the karpaf also would be permitted since the space previously occupied by the fallen walls cannot be regarded as an increase of its area on account of the ridges. Thus, at any rate, it follows that even according to R. Simeon the space previously occupied by the fallen walls is regarded as an addition to a karpaf.
 - (20) The orchard was bigger than two beth se'ah and enclosed by a wall that was put up after a door from the mansion was opened to it, so that it was enclosed for dwelling purposes.
 - (21) The wall that divided the mansion from the orchard and which had a door that communicated between the two.
 - (22) In permitting the movement of objects in the orchard.
 - (23) Which might also be regarded as walls of the orchard.
 - (24) **וְשָׁרְיָא** = 'because you'. Aliter: 'Because you are descendants of short-lived people'. Bibi who was the son of Abaye was a descendant of the house of Eli (cf. R.H. 18a) who were condemned to die young (v. I Sam. II, 32). Cf. B.B., Sonc. ed., p. 582, n. 6.
 - (25) The orchard, being bigger than two beth se'ah, cannot consequently be regarded as having been enclosed for dwelling purposes.
 - (26) That was bigger than two beth se'ah.
 - (27) On the Sabbath day. As the hall was built after the enclosure round the orchard had been put up, the area enclosed was subject to the restriction of a place that was first enclosed for no dwelling purpose and that was only subsequently

inhabited. It was, therefore, (v. previous note) forbidden to move any objects, including the foodstuffs and utensils required for the meal, from the house to the banqueting hall through the orchard. Hence the exilarch's request.

(28) From the house to the hall across the orchard.

(29) On either side of the passage.

(30) So that according to the rule of labud (v. Glos.) the fence was deemed to be legally compact and valid, and the passage consequently assumed the status of a domain in which it was permitted to move objects on the Sabbath.

Talmud - Mas. Eirubin 26a

and pulled them out¹ and R. Papa and R. Huna son of R. Joshua followed him and picked them up.² On the following day, however, Rabina raised an objection against Raba: [The Sabbath limits of] a new town are measured from its inhabited quarter³ and of all old one from its town wall. What is meant by a 'new [town]' and what by an 'old one'? A new [town is one] that was first surrounded [by a wall] and subsequently settled, and an old [town is one that was first] settled and subsequently surrounded [by a wall]. Now is not this [orchard] also⁴ like [a town that was first] surrounded [by a wall] and subsequently settled?⁵ R. Papa also said to Raba: Did not R. Assi rule that the screens used by master builders⁶ are not valid⁷ ones, from which it is obvious that as it is put up for the sake of privacy only, it is no valid partition? Now in this case⁸ also, since [the hall] was put up for the sake of privacy only,⁹ [its walls] cannot be regarded as valid partitions.¹⁰ R. Huna son of R. Joshua also said to Raba: Did not R. Huna rule that a partition that was intended to [protect objects] put [beside it] is no valid one?¹¹ For, as a matter of fact, Rabbah b. Abbuha provided a separate 'erub for each row of alleys throughout all Mahuza,¹² on account of the cattle ditches¹³ [that separated one row from another]. Now [have not the screens protecting] the cattle ditches the same status as a partition intended to [protect objects] put [beside it]?¹⁴ The exilarch, thereupon, applied to them the Scriptural text: They are wise to do evil,¹⁵ but to do good they have no knowledge.¹⁶

R. ILAI STATED: I HEARD FROM R. ELIEZER, EVEN IF IT IS AS LARGE AS A BETH KOR. Our Mishnah cannot be in agreement with the view of Hanania, for it was taught: Hanania ruled: Even if it was [as large as] forty beth se'ah [as big] as a royal rearcourt.¹⁷ And both,¹⁸ said R. Johanan, based their expositions on the same Scriptural text, for it is said: And it came to pass, before Isaiah was gone out of the inner court;¹⁹ [since] it was written 'the city'²⁰ and we read 'court'²¹ it may be inferred²² that royal rearcourts were [as big] as moderately sized cities. On what principle do they¹⁸ differ? One Master is of the opinion that [the extent of] moderately sized cities is one beth kor, while the other Master holds that [their size] is that of forty se'ah.

What, however, did Isaiah want there?²³ — Rabbah b. Bar Hana replied in the name of R. Johanan: This²⁴ teaches that Hezekiah was stricken with illness and Isaiah proceeded to hold a college at his door.²⁵ From this [it may be inferred] that when a scholar falls ill a college is to be held at his door. This, however, is not [always the proper] course,²⁶ since Satan might thereby be provoked.

I LIKewise HEARD FROM HIM THAT IF ONE OF THE TENANTS OF A COURTYARD FORGOT TO JOIN IN THE 'ERUB, HIS HOUSE IS FORBIDDEN. Did we not, however, learn: His house is forbidden both to him and to them for the taking in or for the taking out of any object?²⁷ — R. Huna son of R. Joshua replied in the name of R. Shesheth: This is no difficulty;

(1) In his opinion it was not necessary at all to make any provision for the moving of objects in the orchard. He regarded the entire area on account of the banqueting hall it contained, as a courtyard that was put up for dwelling purposes.

(2) To prevent R. Huna b. Hinena from putting them up again.

(3) The area between the inhabited quarter and the town walls is regarded in this respect as being outside the town.

(4) Since the banqueting hall was built after the orchard had been enclosed.

(5) How then could Raba permit the moving of objects on the Sabbath in the orchard?

- (6) To protect them from the sun.
- (7) Lit., 'its name is not partition'.
- (8) The banqueting hall in the orchard.
- (9) It was not intended as a dwelling place.
- (10) The hall cannot consequently have the status of a dwelling and the movement of objects in the orchard around it should, therefore, be forbidden. An objection against Raba (v. supra n. 2).
- (11) Lit., 'its name is not partition'.
- (12) A comparatively small town without a wall around it situated on the Tigris, south of Bagdad.
- (13) These contained offal of dates on which the cattle fed, and partitions extending from one end of the town to the other were provided at the extremities of the alleys for the protection of the cattle ditches.
- (14) Of course they have; and this is the reason why they were invalid though they were permanent fixtures. Similarly in the case of the hall in the orchard, since it was put up for the purpose of protecting objects deposited within it and not as a dwelling, the movement of objects in the orchard enclosure around it should consequently be forbidden. Again an objection against Raba (v. Supra p. 178, n. 2). The interpretation of the passage here adopted follows the lines of **תשובת הגאונים להרע** (v. Rashi s.v. **להרע** 26a). Cf. Rashi's interpretation and Tosaf. s.v. **ההוא** 25b.
- (15) Allusion to their destruction of R. Huna b. Hinena's work, which deprived the exilarch and his party from the use of the banqueting hall on that day.
- (16) Jer. IV, 22.
- (17) Behind the palace (v. Rashi).
- (18) R. Ila'i and Hanania in arriving at their respective rulings.
- (19) II Kings XX, 4.
- (20) The kethib is **העיר**.
- (21) The kre is **הצר**.
- (22) Lit., 'from here'.
- (23) In the king's inner court which is not a place for visitors.
- (24) The mention of Isaiah's presence in the inner court.
- (25) The study of the Torah banishes disease.
- (26) Lit., 'the thing'.
- (27) Infra 69b, contrary to our Mishnah which restricts the prohibition 'TO HIM' only.

Talmud - Mas. Eirubin 26b

one is the ruling of¹ R. Eliezer² and the other is that of the Rabbis. And on careful consideration of their statements you will find that, according to the view of R. Eliezer, he who renounces his rights to his courtyard³ renounces ipso facto his rights to his house also, and that according to the Rabbis he who renounces his rights to his courtyards does not ipso facto renounce them in respect of his house. Is not this⁴ obvious?⁵ — Rehabah⁶ replied: I and R. Huna b. Hinena explained that it⁴ was necessary only in respect of five persons who lived in one courtyard and one of them forgot to join in the 'erub.⁷ According to the ruling of R. Eliezer⁸ this man, when he renounces his right,⁹ need not renounce it [specifically] in favour of every one of the tenants,¹⁰ but according to the Rabbis¹¹ the man who renounces his rights must do so [specifically] in favour of every one of the tenants.¹²

In accordance with whose view is¹³ that which was taught: If five persons live in one courtyard and one of them forgot to join in the 'erub [with the others] he, when renouncing his right,¹⁴ need not do it [specifically] in favour of everyone of the tenants individually?¹⁵ — 'In accordance with whose [view], you ask? In accordance, of course, with that of R. Eliezer. R. Kahana taught in the manner just stated.¹⁶ R. Tabyomi taught as follows:¹⁷ In accordance with whose view is¹⁸ that which was taught: If five persons live in one courtyard and one of them forgot to join in the 'erub [with the others] he, when renouncing his rights,¹⁹ need not do it [specifically] in favour of every one individually?²⁰ In accordance with whose [view, I ask, is this ruling]? — Said R. Huna b. Judah in the name of R. Shesheth: 'In accordance with whose [view] you ask? In accordance with that of R. Eliezer.

Said R. Papa to Abaye: What is the ruling according to R. Eliezer,²¹ if a tenant²² explicitly stated: 'I do not renounce my right [in my house]',²³ and, according to the Rabbis,²⁴ if he explicitly stated: 'I renounce my right [in my house]'?²⁵ Is R. Eliezer's reason²⁶ based on the view that any tenant who renounces his right in his courtyard renounces ipso facto his right to his house [and the ruling, consequently, would not apply here] since that man [explicitly] stated: 'I do not renounce my right'; or is it possible that R. Eliezer's reason²⁶ is that people do not live in a house without a courtyard²⁷ and, consequently, even where a man²⁸ states: 'I do not renounce my right in my house', his declaration may be disregarded,²⁹ so that though he said: 'I would live [in the house alone]', his statement is null and void?³⁰ And what is the ruling, according to the Rabbis, if he [explicitly] stated: 'I renounce my right'? Is the Rabbis' reason³¹ the view that a man who renounces his right in his courtyard does not ipso facto renounce his right to his house [and their ruling consequently would not apply here] since this man [specifically] declared: 'I renounce my right'; or is it possible that the Rabbis' reason³¹ is that it is not usual for a man to give up completely his house and his courtyard and thus become a mere stranger as far as these are concerned [and their ruling would, therefore, apply here also, because] though this man stated: 'I renounce my right' his declaration is to be disregarded? — The other replied: Both according to the Rabbis and according to R. Eliezer since the man declared his wishes they must be respected.³²

I HAVE LIKEWISE HEARD FROM HIM THAT PEOPLE MAY FULFIL THEIR DUTY AT PASSOVER BY EATING 'ARKABLIN.³³ What [is the meaning of] 'ARKABLIN? — Resh Lakish replied: Prickly creepers.³⁴ CHAPTER III

MISHNAH. WITH ALL [KINDS OF FOOD] MAY 'ERUB³⁵ AND SHITTUF³⁶ BE EFFECTED, EXCEPT WATER AND SALT,³⁷ AND SO ALSO MAY ALL [KINDS OF FOODSTUFFS] BE PURCHASED WITH MONEY OF THE SECOND TITHE³⁸ EXCEPT WATER AND SALT.³⁹ IF A MAN VOWED TO ABSTAIN FROM FOOD HE IS ALLOWED [TO CONSUME] BOTH WATER AND SALT.

AN 'ERUE⁴⁰ MAY BE PREPARED FOR THE NAZIRITE WITH WINE⁴¹ AND FOR AN ISRAELITE WITH TERUMAH,⁴² BUT SYMMACHUS RULED: WITH UNCONSECRATED PRODUCE ONLY.⁴³

[AN⁴⁴ 'ERUB MAY BE PREPARED] FOR A PRIEST IN A BETH PERAS,⁴⁵ AND R. JUDAH RULED: EVEN IN A GRAVEYARD,⁴⁶ [

(1) Lit., 'that', the ruling in our Mishnah.

(2) Whom R. Ila'i was reporting (v. our Mishnah).

(3) Which is a prerequisite for the validity of the 'erub under discussion.

(4) The inference just pointed out by R. Shesheth.

(5) Of course it is. What then was the object in pointing it out?

(6) Var. lec.: Raba.

(7) Which the others prepared.

(8) That a man's renunciation of his rights in a courtyard implies also his renunciation of his rights to his house, from which it follows that R. Eliezer assumes every man to be acting generously and wholeheartedly in the interests of his neighbour.

(9) To the courtyard.

(10) His renunciation in favour of one particular neighbour is assumed to be generous and wholehearted in favour of all the neighbours.

(11) Who do not regard a man's renunciation of his rights in a courtyard as an indication of his renunciation of his rights to his house, from which it follows that they do not regard every person to be of a generous disposition.

(12) Otherwise, the 'erub is null and void.

- (13) Lit., 'like whom goes'.
- (14) To his share.
- (15) A general renunciation is enough.
- (16) Lit., 'thus', sc. that R. Shesheth drew an inference from our Mishnah and that Rehabah and R. Huna applied it to the Baraitha of the five tenants (cf. next note).
- (17) Sc. that R. Shesheth himself applied the inference from our Mishnah to the Baraitha cited (cf. previous note).
- (18) Lit., 'like whom goes'.
- (19) To his share.
- (20) A renunciation in favour of one is enough.
- (21) Who holds that a man who renounced his right in a courtyard is ipso facto assumed to have renounced his right to his house.
- (22) Who forgot to join in the 'erub with his neighbour in the courtyard.
- (23) Are the other tenants permitted in these circumstances to carry objects into, or from that tenant's house or not?
- (24) Who maintain that a man's renunciation of his right in a courtyard is not regarded as a renunciation of his right in his house also.
- (25) Cf. supra n. 8.
- (26) For his ruling.
- (27) When, therefore, a man renounces his right to his courtyard he may be assumed to have renounced his right to his house also.
- (28) Who renounced his right in his courtyard.
- (29) As he has now no courtyard he cannot be deemed to have a house either; **לאו כל כמיניה** lit., 'not as if all is from him'.
- (30) Lit., 'he said nothing', and R. Eliezer's ruling would still apply. The last clause, 'so that . . . void' **קאמר ... אע"ג** which seems to be a repetition or an alternative to the preceding one is absent from MS.M.
- (31) For their ruling.
- (32) Lit., 'since he has revealed his mind he has revealed (it)'.
- (33) Rendered supra 23a hart's-tongue or palm-ivy.
- (34) Aruk. adds **דדיקלא**, 'of the palm-tree' (cf. Jast. and previous note).
- (35) V. Glos. The term is here applied to 'erub of courtyards and 'erub of Sabbath limits (Rashi). Tosaf. (s.v. **בכ"ל** a.l.) points out that for an 'erub of courtyards only bread may be used (cf. infra 71b) and restricts the term of 'erub here to one of courtyards only.
- (36) Applicable to an association of courtyard in the same alley for the purpose of enabling their residents to move objects on the Sabbath from the courtyards into the alley and vice versa. V. Glos.
- (37) Since these cannot provide a satisfying meal. The essential element in an 'erub is its food value which imparts to it the status of a dining center for all who participate in it.
- (38) The tithe given in the first, second, fourth and fifth year of the septennial cycle, which is to be spent in Jerusalem' (v. Deut. Xlv, 22ff).
- (39) The reason is given in the Gemara infra.
- (40) Of Sabbath limits.
- (41) Though he himself is forbidden to drink it (v. Num. VI 2ff) it 'is permitted to other people and may, therefore, be regarded as a suitable food.
- (42) Since (cf. previous note) it is a suitable food for a priest.
- (43) The 'erub must consist of food which the person for whom it is prepared is himself able to eat.
- (44) This is an anonymous ruling. It is not a continuation of Symmachus's statement.
- (45) V. Glos., because under certain restrictions it is possible for a priest to enter such an area and so gain access to the 'erub.
- (46) So MS. M. Cur. edd., 'between the graves'; even in such a place, whose uncleanness is more defined than that of a beth peras, may an 'erub for a priest be deposited.

Talmud - Mas. Eirubin 27a

BECAUSE HE CAN PUT UP A SCREEN¹ AND THUS ENTER [THE AREA] AND EAT [HIS

‘ERUB].

GEMARA. R. Johanan ruled: No inference may be drawn from general rulings, even where an exception was actually specified.² Since he³ uses the expression, ‘even where an exception was actually specified’ it follows that he did not refer to our Mishnah;⁴ now what did he refer to?⁵ — He referred to the following:⁶ All positive precepts [the observance Of] which is dependent on the time [of the day Or the year] are incumbent upon men only, and women are free, but those which are not dependent on the time [of the day or of the year] are incumbent upon both men and women.⁷ Now is it a general rule that all precepts the observance of which depends on a certain time are not incumbent upon women? Behold [the precepts of] unleavened bread,⁸ rejoicing [on the festival]⁹ and Assembly¹⁰ each of which is a positive precept [the observance of] which is dependent on a certain specified time and are nevertheless incumbent upon women! Furthermore, are women liable to perform every positive precept the performance of which is not dependent on a specified time? Are there not in fact [the precepts of] the study of the Torah,¹¹ propagation of the race¹² and redemption of the son¹³ each of which is a positive precept the observance of which is not dependent on any specified time and women are nevertheless exempt [from their observance]? The fact, however, is, explained It. Johanan, that no inference may be drawn from general rulings, even where an exception was actually specified.

Abaye (or, as some say: R. Jeremiah) remarked: We also learned a Mishnah to the same effect: They, furthermore, land down another general rule [viz.,] all that is borne above a zab¹⁴ is levitically unclean,¹⁵ but all on which a zab is borne is clean except that which is suitable for lying, or sitting upon,¹⁶ and a human being.¹⁷ Now, is there no [other exception]? Is there not in fact [that which is suitable for] riding upon? (What is one to understand by that which is ‘suitable for riding upon’? If [it is that on] which [the zab] sat, then [it may be retorted] is it not exactly in the same category as a seat?¹⁸ — It is this that we mean: Is there not the upper part of a saddle¹⁹ concerning which it was taught A saddle²⁰ is levitically Unclean as a seat and its handle²¹ is unclean as a riding means?). Consequently²² it may be deduced²³ that no inference may be drawn from general rulings even where an exception has been actually specified.

Rabina (or, as some say: R. Nahman) remarked: We also learned to the same effect: WITH ALL [KINDS OF FOOD] MAY ‘ERUB OR SHITTUF BE EFFECTED EXCEPT WATER AND SALT. Now is there no [other exception]? Is there not in fact that of morels and truffles?²⁴ Consequently it may be deduced ‘ that no inference may be drawn from general rulings, even where an exception was actually specified.

SO ALSO MAY ALL [KINDS OF FOODSTUFFS] BE PURCHASED WITH MONEY OF THE SECOND TITHE etc. R. Elieser²⁵ and R. Jose b. Hanina [differ].²⁶ One applied [the following limitation]²⁷ to ‘erub and the other applied it to the [second] tithe. ‘One applied [the following limitation] to ‘erub’ [thus: The ruling that] no ‘erub may be prepared [from water and salt] was taught only in respect of water by itself or salt by itself; but from water and salt [that were mingled together,] an ‘erub may well be prepared.²⁸ ‘And the other applied it to the [second] tithe’, [thus: The ruling that] no [water or salt] may be purchased [with money of the second tithe] was taught only in respect of water by itself or salt by itself; but water and salt [that were mingled together] may well be purchased with money of the [second] tithe.’ He who applied [the limitation]²⁹ to tithe [applies it] with more reason to ‘erub.³⁰ He, however, who applied it to ‘erub does not apply it³¹ to tithe. What is the reason? — Because³² [a kind of] produce is required.³³

When R. Isaac came³⁴ he applied the limitation²⁹ to tithe.

An objection was raised: It. Judah b. Gadish³⁵ testified before R. Eliezer, ‘My father's household used to buy brine with money of the [second] tithe’, when the other asked him, ‘Is it not possible that

you heard this in that case only where it was mixed up with entrails of fish?’³⁶ And, furthermore, did not even R. Judah b. Gadish himself maintain his view in the case of brine only, since it [contains some] fat of produce³⁷ but not [in that of pure] water and salt?³⁸ — It. Joseph replied:

- (1) Between himself and the graves, by riding into the cemetery in a litter for Instance.
- (2) Because there might also be other exceptions that were not specified.
- (3) R. Johanan.
- (4) Lit., ‘that he does not stand here’, since In our Mishnah exceptions were in fact enumerated.
- (5) Lit., ‘where does he stand?’
- (6) Lit., ‘there he stands’.
- (7) Kid. 34a.
- (8) It is an obligation upon women (as deduced by analogy in Pes. 43a) as well as men to eat unleavened bread on the first night of the Passover (v. Ex. XII, 18). During the remaining days of the festival one is forbidden to eat leavened bread but is under no obligation to eat unleavened bread. One might well live on meat or fruit.
- (9) שְׂמֵחָה. V. Deut. XVI, II, 14, where women are specifically mentioned.
- (10) הִקְהֵל, lit., ‘assemble’, i.e., the precept, ‘assemble the people, the men and the women’ (Deut. XXXI, 12) on the feast of Tabernacles in the Sabbatical year, ‘that they may hear, and that they may learn and fear the Lord your God’ etc. (ibid). Cf. Sot. 41a.
- (11) That women are exempt is deduced from Deut. XI, 19, ‘And ye shall teach them your sons’ but not your daughters.
- (12) Cf. Yeb. 65b.
- (13) V. Ex. XII[, 13 and Kid. 29a.
- (14) V. Glos.
- (15) Cf. Nid. 33a.
- (16) Anything unsuitable for these purposes is clean (cf. Hag. 23b).
- (17) Zab. V, 2.
- (18) Which was specifically excluded.
- (19) Which the rider uses as a handle.
- (20) On which a zab sat.
- (21) V. supra n. 6.
- (22) Since we find another exception that was not enumerated among the others.
- (23) Lit., ‘but hear from it’.
- (24) Which may not be used for an ‘erub.
- (25) Marginal note, ‘Eleazar’.
- (26) On the application of the following limitation.
- (27) ‘Was taught only in respect’ etc.
- (28) Salt water is regarded as a food.
- (29) ‘Was taught only in respect’ etc.
- (30) The restrictions on the kinds of food permitted are more stringent in respect of the second tithe than in that of ‘erub; and, since salt water is permitted in the case of the former, there can be no question that it is permitted in that on the latter. V. Tosaf. s.v. מֵיִן a.l.
- (31) Lit., ‘but . . . not’.
- (32) In the latter case.
- (33) V. infra.
- (34) From Palestine to Babylon.
- (35) Var. lec., Gadush, Garish, Garush.
- (36) Lit., ‘mixed up with them’. From which it follows that R. Eliezer does not permit the purchase of pure salt water with money of the second tithe. An objection against Rt. Isaac and one of the Rabbis who expressed a similar view supra.
- (37) Of the fish.
- (38) Which contain no ‘produce’ whatsoever. How then could R. Isaac etc. (cf. supra n. 9) maintain their view?

Talmud - Mas. Eirubin 27b

That¹ refers only to a case² where oil was mixed with³ them.⁴ Said Abaye to him: [In that case]⁵ might not the ruling⁶ be obvious⁷ on account of the oil?⁸ The ruling⁶ was necessary in that case only where one covered the cost of the water and the salt by paying an inclusive price⁹ [for the oil].¹⁰ But is this permissible by paying an inclusive price? — Yes; and so it was in fact taught: Ben Bag-Bag ruled: ‘For oxen’¹¹ teaches¹² that an ox may be purchased¹³ together with¹⁴ its skin;¹⁵ ‘or for sheep’¹¹ teaches¹² that a sheep may be bought¹³ together with¹⁴ its wool;¹⁶ ‘or for wine’¹¹ teaches¹² that wine may be bought¹³ together with¹⁴ its jar;¹⁷ ‘or for strong drink’¹¹ teaches¹² that tamad¹⁸ may be purchased¹⁹ after its fermentation.²⁰

Said R. Johanan: Should any person explain to me [the necessity for the expression of] ‘for oxen’¹¹ in accordance with the view of Ben Bag-Bag⁵ would carry his clothes after him into the bath house.²¹ What is the reason? — Because all [the other expressions]¹¹ were required with the exception of ‘for oxen,’ which is quite unnecessary. What [is the purpose for which the others] were required? — If²² the All Merciful had written only ‘for oxen’ it might have been assumed that only²³ an ox may be purchased together with²⁴ its skin, because it is [a part of] its body, but not a sheep together with] its wool which is not [a part of] its body.²⁵ And if the All Merciful had only written: ‘for sheep’²⁶ [to teach us that] a sheep may be bought together with its wool it might have been assumed [that this only is permitted] because [the wool] clings to its body but not [the purchase of] wine together with its cask. And had the All Merciful written ‘for wine’ it might have been assumed [that the purchase of its jar only is permitted] because It is in this way only that it can be preserved but not tamad after its fermentation, which is a mere [liquid] acid. And²⁷ if the All Merciful had written ‘for strong drink,’²⁶ Sit might have been assumed that by²⁸ ‘strong drink’ [was meant the purchase of] the pressed fig cakes of Keilah²⁹ which are a fruit but not wine with its jar. And if the All Merciful had written ‘wine’ [to indicate that it may be purchased] together with its jar it might have been assumed [that the purchase of its jar only is permitted] since in this way only it can be preserved but not a sheep together with its wool; hence did the All Merciful write ‘sheep’²⁶ [to indicate] that [it may be bought] even together with its wool. What however, was the need for the expression of³⁰ ‘for oxen’?²⁶ And should you reply that if the All Merciful had not written ‘for oxen’ it might have been assumed that a sheep may be bought together with its skin but not together with its wool [and that] the All Merciful has therefore written ‘for oxen’ to include its skin so that ‘sheep’ remained superfluous in order to include its wool [it could be retorted that even] if the All Merciful had not written ‘oxen’ no one would have suggested that a sheep may be bought only³¹ together with its skin but not together with its wool, for if that were so³² the All Merciful should have written ‘oxen’ so that ‘sheep’ would for this reason have remained superfluous; now, since the All Merciful did write ‘sheep’ [to indicate obviously] that [it may be purchased] even together with its wool [the question arises again:] What need was there for the expression of³³ ‘for oxen’?³⁴ If [it may be argued] a sheep may be bought together with its wool³⁵ was there any need [to state that] an ox may be bought together with its skin?³⁶ It is this [line of reasoning that was followed] when R. Johanan said, ‘Should any person explain to me [the necessity for the expression of] ‘for oxen’ in accordance with the view of Ben Bagbag I would carry his clothes after him into the bath house’.

On what principle do R. Judah b. Gadish³⁷ and R. Eliezer³⁸ and the following Tannas³⁹ differ? — R. Judah b. Gadish and R. Eliezer base their expositions on [the hermeneutic rules of] amplification, and limitation⁴⁰ while those Tannas base their expositions on [the hermeneutic rules of] general statements and specific details.⁴¹ ‘R. Judah b. Gadish and R. Eliezer base their expositions on [the hermeneutic rules of] amplification and limitation’ [thus:] ‘And thou shalt bestow the money for whatsoever thy soul desireth’³⁴ is an amplification,⁴² ‘for oxen, or for sheep, or for wine, or for strong drink,’³⁴ is a limitation,⁴³ ‘or for whatsoever thy soul asketh of thee’³⁴ is again an amplification. [Now since Scripture] has amplified, limited and amplified again it has [thereby] included all. What has it included? It included all things. And what has it excluded? According to R. Eliezer it excluded brine; according to R. Judah b. Gadish it excluded water and salt. ‘While those

Tannas base their expositions [on the hermeneutic rules of] general statements and specific details' for it was taught: 'And thou, shalt bestow the money for whatsoever thy soul desireth' is a general statement, 'for oxen, or for sheep, or for wine, or for strong drink' is a specification, 'or for whatsoever thy soul asketh of thee' is again a general statement. [Now where] a general statement, a specification and a general statement [follow each other in succession] you may include⁴⁴ only such things as are similar to those in the specification; as the specification explicitly mentions [things that are] the produce of produce⁴⁵ that derive their nourishment from⁴⁶ the earth so [you may include] all [other things that are] the produce of produce that derive their nourishment from] the earth.⁴⁷ Another [Baraita], however, taught: As the specification mentions explicitly [things that are] produce⁴⁸ of the products of the earth⁴⁹ so [you may include] all produce that was of the products of the earth. What is the practical difference between these?⁵⁰ — Abaye replied: The practical difference between them is [the question of including] fish. According to him who holds [that the things included must be] 'the produce of produce that derive their nourishment from] the earth' fish [also may be included since] they derive their nourishment from the earth. According to him, however, who maintains [that the things included must be] 'produce of the produce of the earth'⁴⁹ fish [are excluded since they] were created from the water,⁵¹ But could Abaye maintain that fish derive their nourishment from] the earth seeing that he ruled:

(1) R. Isaac's ruling that salt water may be purchased with money of the second tithe.

(2) Lit., 'it was not required, but'.

(3) Lit., 'that he put into'.

(4) The water and the salt. Oil is a produce.

(5) That oil was contained in the mixture.

(6) V. p. 186, n. 12.

(7) Lit., 'and let it go out to (or 'be inferred by') him'.

(8) What need then was there to state it?

(9) **בהבלעה** lit., 'by absorption' (rt. **בלע** 'to absorb').

(10) R. Isaac thus taught us that money of the second tithe, though it may not be spent on water, salt or salt-water, may well be spent on the purchase of them where they are mixed with oil and a higher and inclusive price is paid for the latter.

(11) Deut. XIV, 26.

(12) Since otherwise this detail would be superfluous after the general statement, 'And thou shalt bestow the money for whatsoever thy soul desireth'. (ibid.).

(13) With money of the second tithe.

(14) Lit., 'upon the back', 'at the side of'.

(15) Sc. though the skin is not a foodstuff it may be bought together with the animal at an inclusive price and it nevertheless remains unconsecrated. There is no need to re-sell the skin in order to buy foodstuffs with its proceeds.

(16) Though both the skin (as in the case of the ox supra) and the wool are no foodstuffs (v. previous note) and both remain unconsecrated.

(17) Cf. supra n. II mutatis mutandis.

(18) An inferior kind of wine made of the stalks of pressed grapes and husks.

(19) with money of the second tithe.

(20) Now, since the skin, the wool and the jar are not articles of food and may nevertheless be bought with second tithe money by paying an inclusive price for the animals and the wine respectively, it follows that it is permitted to buy with second tithe money any commodity provided its value is not paid for separately but is included in the price paid for the suitable article.

(21) Sc. he would be willing to act as the attendant of such a genius if such a one could be found.

(22) Lit., 'because if'.

(23) Lit., 'it'.

(24) Lit., 'upon the back', 'at the side of'.

(25) Hence it was necessary to have the expression of 'for sheep'.

(26) In Deut. XIV, 26.

- (27) So MS. M. Cur. edd. insert, 'the All Merciful wrote strong drink'.
- (28) Lit., 'what'.
- (29) A town in the lowland district of Judea.
- (30) Lit., 'wherefore to me'.
- (31) Lit., 'yes'.
- (32) That the expression of 'sheep' was not intended to include the animal with its wool.
- (33) Lit., 'wherefore to me'.
- (34) In Deut. XIV, 26.
- (35) Which is not a vital Part of the animal.
- (36) Which is a vital part of its body.
- (37) On the variant readings of the name v. supra 27a.
- (38) Who agree that fish may be bought but are at variance on the question whether the purchase of brine is also permitted. (On the reading of 'R. Eliezer' v. marg. note supra 27a).
- (39) Who forbid the purchase of fish and much more so that of brine.
- (40) רבויי (rt. רבה 'to increase') ומעוטי (rt. מעט 'to decrease').
- (41) כללי ופרטי. V. Sheb., Sonc. ed., p. 12, n. 3.
- (42) 'Whatsoever . . . desireth', i.e., anything.
- (43) Only these things may be bought but no others.
- (44) Lit., 'judge'.
- (45) An animal is born from an animal and grapes are produced from the seed of the grape.
- (46) Lit., 'growth of'.
- (47) B.K. 54b, 63a, Naz. 35b.
- (48) Lit., 'child'.
- (49) At the creation (v. Gen. I, 24ff).
- (50) The two cited Baraitas.
- (51) V. Gen. I. 20f.

Talmud - Mas. Eirubin 28a

'If a man ate an eel¹ he [technically] incurs² flogging³ on four counts;⁴ if an ant, on five counts;⁵ if a hornet, on six⁶ counts.⁷ Now if that statement is authentic⁸ [should not one eating] an eel also be flogged on account of [the prohibition against] a creeping thing that creepeth upon the earth?⁹ — Rather, replied Rabina, the practical difference between them¹⁰ is [the question of including] birds.¹¹ According to him who holds [that the things included¹¹ must be] 'the produce of produce that derive their nourishment from the earth' [birds are included since] they also derive their nourishment from the earth. According to him, however, who maintains [that the things included must be] 'produce of the produce of the earth' birds [are excluded since they] were created from the alluvial mud.¹²

On what ground does the one include¹¹ birds¹³ and on what ground does the other exclude them? — He who includes birds' is of the opinion that the second¹⁴ generalization¹⁵ is for principal [consideration]; hence [the proposition]¹⁶ is in [the form of] 'a specification and a generalization' [in which case] the generalization is regarded as an addition to the specification so that all things are thereby included,¹⁷ while the first generalization¹⁸ has the effect¹⁹ of excluding all things that are not similar to it²⁰ in two respects.²¹ He, however, who excludes birds is of the opinion that a first generalization is for principal [consideration] hence [the proposition] is in the form of 'a generalization and a specification' [in which case] the generalization does not cover more than what was enumerated in the specification.¹⁷ Consequently it is only these²² that are included²³ but no other things, while the second generalization²⁴ has the effect of including²⁵ all things that are similar to it²⁶ in three respects.²⁷

Rab Judah ruled in the name Of R. Samuel b. Shilath who had it from Rab: An 'erub may be prepared with cress,²⁸ purslane and melilot²⁹ but not with lichen³⁰ Or unripe dates.³¹ Is it, however,

permitted to prepare an 'erub with melilot seeing that it was taught: Those who have many children may eat melilot but those who have no children³² must not eat it; and if it was hardened into seed even those who have many children should not eat it?³³ Explain it³⁴ to [refer to melilot] that was not hardened into seed and [that is used for people who] have many children. And if you prefer I might say: It³⁴ may in fact refer to [people who] have no children [the use of the plant nevertheless being permitted] because it is fit [for consumption] by those who have many children; for have we not learnt: 'An 'erub may be prepared for a nazirite with wine and for an Israelite with terumah',³⁵ from which it is evident that [certain foodstuffs may be used for an 'erub because] through they are unsuitable for one person they are suitable for another? So also here [it may be held that] though [the melilot] is not suitable for one it is suitable for another. And if you prefer I might reply: When Rab made his statement [he referred] to the Median melilot.³⁶

But is it not [permitted to prepare an 'erub] from lichen? Has not Rab Judah in fact stated in the name of Rab: An 'erub may be prepared from cuscuta or lichen and the benediction of '[Blessed art Thou . . .] Who createth the fruit of the ground' is to be Pronounced over them? _ This is no difficulty. The one ruling was made³⁷ before Rab came to Babylon while the other — was made after he came to Babylon.³⁸ Is Babylon, however, the greater part of the world?³⁹ Was it not in fact taught: If a man sowed beans, barley or fenugreek to [use as a] herb,⁴⁰ his wish is disregarded in view of the general practice;⁴¹ hence it is its seed that is subject to tithe but its herb⁴⁰ is exempt. Pepperwort⁴² or gardenrocket⁴³ that was sown [with the intention of using it] as a herb must be tithed as herb and as seed.⁴⁴ If it was sown to [be used as] seed it must be tithed as seed and as herb?⁴⁵ — Rab spoke Only

-
- (1) פּוּטִיָּא; 'young eel', v. Mak., Sonc. ed., P. 116, n. 8; it is a water insect smaller in size than an olive (Rashi a.l.).
- (2) Despite its small size (v. previous note).
- (3) Because it is a 'creature'.
- (4) It is (i) a water insect, (ii) without fins and scales, (iii) forbidden by Lev. XI, 10-11 and (iv) ibid. 43.
- (5) It (i) creepeth upon the earth (Lev. XI 41), (ii) hath many feet (ibid. 42), (iii) is a creeping thing (ibid. 44) and (iv and v) was twice forbidden as food (ibid. 43).
- (6) In addition to the above (v. previous note) there is the prohibition against 'all winged swarming things' (Deut. XIV, 19).
- (7) Mak. 16b, Pes. 24a.
- (8) Lit., 'there is', that, according to Abaye, fish and so also all water creatures derive their nourishment from the earth.
- (9) Lev. XI, 4 i.
- (10) The two cited Baraitas.
- (11) Among the things that may be bought with the money of the second tithe.
- (12) This concludes the argument proving that the Tannas of the cited Baraitas base their expositions on the rules of 'general statements and specific details' and consequently exclude fish, and much more so brine.
- (13) Lit., 'he who includes birds, what is the reason?'
- (14) Lit., 'last'.
- (15) In a law that is given in the form of a generalization, specification and generalization.
- (16) Of the generalization, specification and generalization.
- (17) V. P.B., p. 13.
- (18) Though it loses its full force on account of the priority of the second one.
- (19) Owing to the specification that follows it.
- (20) The specification.
- (21) In (a) being produce of produce and (b) deriving their nourishment from the earth. Fish, therefore, are excluded while birds are included.
- (22) Those actually specified.
- (23) Lit., 'these yes'.
- (24) Cf. supra p. 191, nn. 11 and 12 mutatis mutandis.
- (25) Among the things that may be bought with the money of the second tithe.

- (26) The specification.
- (27) Being (a) produce of produce, (b) nourished from the earth and (c) of the Products of the earth. Since birds are Similar in two respects only they are excluded.
- (28) 'Gartenkraut', possibly Gr. ** (v. Golds.), prob. Gr. ** a kind of cress (Jast.).
- (29) A species of clover.
- (30) *Lecanora esculenta*.
- (31) Berries in their early stage.
- (32) Lit., 'deprived of children'.
- (33) It being injurious to health. How then could Rab rule that it may be used in the Preparation of an 'erub for which suitable food is required.
- (34) Rab's ruling.
- (35) *Supra* 26b.
- (36) Which is a wholesome food.
- (37) Lit., 'that', that lichen may not be used in an 'erub.
- (38) Where the plant was used as food. V. Cit., *Sonc. ed.*, p. 17, n. 3.
- (39) That a general ruling should be laid down on the basis of its Practice?
- (40) Sc. before it has ripened, while it was still green.
- (41) Lit., 'his mind is annulled at the side of all men'. Most people do not eat any of these in their unripe state.
- (42) *Lepidium sativum*.
- (43) *Eruca*.
- (44) Since it is used as food in either condition.
- (45) *Tosef Sheb. II*, which shows that individuals' eccentricities are disregarded. Why then did Rab lay down a ruling on the basis of the usage of one locality?

Talmud - Mas. Eirubin 28b

of those that grow in house gardens.¹ What is garden-rocket suitable for? — R. Johanan replied: The ancients,² who had no pepper, crushed it and dipped in it their roasted meat.

R. Zera, when he felt fatigued³ from study, used to go and sit down at the door [of the school] of R. Judah b. Ammi saying: 'As the Rabbis go in and out I shall rise up before them and so receive reward for [honouring] them.' [On one occasion] a young school child came out. 'What,' he asked him, 'did your Master teach you?' — '[That the benediction for] *cuscuta*', the other replied: 'is "[Blessed . . .] Who createst the fruit of the ground"⁴ [and that for] lichen, is "[Blessed . . .] by Whose word all things were made".⁴ 'On the contrary', he said to him, 'logically [the benedictions] should be reversed since the latter derives its nourishment from the earth while the former derives it from the air. The law, however, is in agreement with the school child. What is the reason? — The former is the ripened fruit while the latter is not the ripened fruit. And, as to your objection that 'the latter derives its nourishment from the earth while the former derives it from the air' [the fact is that in reality this] is not [the case]. *Cuscuta* also derives its nourishment from the earth; for we may observe that when the shrub⁵ is cut off the *cuscuta* dies.⁶

But is it not permissible to prepare an 'erub from unripe dates? Was it not in fact taught: The white heart of a palm may be purchased with [second] tithe money⁷ but is not susceptible⁸ to food defilement.⁹ Unripe dates, however, may be purchased with [second] tithe money and they are also susceptible to food defilement. R. Judah ruled: The white heart of a palm is treated as wood in all respects, except that it may be purchased with [second] tithe money,¹⁰ while unripe dates are treated as fruit in all respects except that they are exempt from the [second] tithe?¹¹ — There¹² [the reference is] to stunted dates.¹³ If so,¹⁴ would R. Judah in this case rule, 'they are exempt from second tithe'? Was it not in fact taught: R. Judah said: The [stunted] figs of Bethania were mentioned only in connection with [second] tithe alone; the [stunted] figs of Bethania and the unripe dates of Tobina¹⁵ are subject to the obligation of the second tithe?¹⁶ — The fact, however, is [that

the Baraita cited¹⁷ does] not refer¹⁸ to stunted dates, but¹⁹ [the law] in respect of food defilement is different [from other laws]. As It. Johanan explained [elsewhere], 'Because one can make them sweet by [keeping them near] the fire' so here also [it may be explained,]²⁰ Because one can make them sweet by [keeping them near] the fire.²¹

And where was the statement of R. Johanan made? — In connection with the following. For it was taught: Bitter almonds when small are subject [to the second tithe,²² and when [big are exempt,²³ but sweet [almonds] are subject [to the second tithe when] big and exempt when small.²⁴ R. Simeon²⁵ son of R. Jose ruled in the name of his father, 'Both²⁶ are exempt'²⁷ or, as others read: 'Both²⁶ are subject [to the second tithe]'. Said R. Il'a:²⁸ R. Hanina gave a decision at Sepphoris in agreement with him who ruled: 'Both are exempt'. According to him, however, who ruled: 'Both are subject [to the second tithe]', what [it may be asked] are they suitable for?²⁹ [To this] It. Johanan replied: [They may be regarded as proper food] because they can³⁰ be rendered sweet by [keeping them, near] the fire.

The Master said: 'R. Judah ruled: The white heart of a palm is treated as wood in all respects, except that it may be purchased with [second] tithe money'. [Is not this ruling] exactly the same [as that of] the first Tanna?³¹ — Abaye replied: The practical difference between them³² is the case where one boiled or fried it.³³

Raba demurred: Is there at all any authority who maintains that [such a commodity], even when boiled or fried does not [assume the character of food]? Was it not in fact taught: A skin and a placenta are not susceptible to the defilement of food, but a skin that was boiled and a placenta that one intended [to boil] are susceptible to food defilement?³⁴ — Rather, said Raba, the practical difference between them' is [the form of] the benediction.³⁵ For it was stated,³⁶ [The benediction for] the white heart of the palm is, R. Judah ruled: 'Who createst the fruit of the ground', and Samuel ruled: 'By Whose word all things were made'. 'R. Judah ruled: "Who createst the fruit of the ground"' because it is a foodstuff; 'and Samuel ruled: "By Whose word all things were made"' because in consideration of the fact that it would eventually be hardened the benediction of 'Who createst the fruit of the ground' cannot be pronounced over it.

Said Samuel to R. Judah: Shinena,³⁷ logical reasoning is on your side³⁸ for there is the case of radish which is eventually hardened and yet the benediction of, 'Who createst the fruit of the ground' is pronounced over it. This argument, however, is not conclusive,³⁹ since people plant radish with the intention of eating it while soft⁴⁰ but no palm-tree is planted with the intention [of eating its] white heart. And, consequently, although Samuel complimented R. Judah, the law is in agreement with Samuel.⁴¹

[To turn to the] main text: R. Judah stated in the name of Rab: An 'erub may be prepared from cuscuta or lichen, and the benediction of '[Blessed art Thou . . .] Who createst the fruit of the ground' is to be pronounced over them. With what quantity of cuscuta?⁴² — As R. Yehiel said [infra], 'a handful'⁴³ so is it here also a handful.⁴⁴ With what quantity of lichen?' — Rabbah b. Tobiah replied in the name of R. Isaac who had it from Rab: As much as the contents of⁴⁵ farmers' bundles.⁴⁶

R. Hilkiyah b. Tobiah ruled: An 'erub may be prepared from kalia.⁴⁷ 'From kalia'! Could [such a notion] be entertained?⁴⁸ [Say] rather with the herb from, which kalia is obtained. And what must be the quantity? — R. Yehiel replied: A handful.⁴⁹

R. Jeremiah once went [on a tour] to the country towns⁵⁰ when he was asked whether it was permissible to prepare an 'erub with green⁵¹ beans, but he did not know [what the answer was].⁵² When he later came to the schoolhouse he was told: Thus ruled R. Jannai: It is permitted to prepare

an 'erub from green⁵¹ beans. And what must be its quantity? — R. Yehiel replied: A handful.⁴⁹

R. Hammuna ruled: An 'erub may be prepared from raw beet.⁵³ But this is not so, seeing that R. Hisda in fact stated: Raw⁵⁴ beet kills a healthy⁵⁴ man?⁵⁵

-
- (1) Which are in general use as food.
 - (2) Lit., 'for so the first'.
 - (3) Lit., 'weak'.
 - (4) Cf. P.B., p. 290.
 - (5) On which the cuscuta grows as a parasite.
 - (6) Which proves that its nourishment is ultimately derived from the earth.
 - (7) Since it is the produce of produce and draws its nourishment from the earth.
 - (8) Even though its owner intended to use it for food.
 - (9) Because it is no article of food in the proper sense.
 - (10) The difference between this ruling of R. Judah and that of the first Tanna is discussed infra.
 - (11) Since they are still in an unripe state. Tosef. M. Sh. I. Now since the Baraitha speaks of 'food defilement' in connection with the unripe dates it is obvious that they are regarded as a food; why then were they not allowed to be used in the preparation of an 'erub?
 - (12) In the Baraitha which subjects the unripe dates to the law of defilement.
 - (13) **נִסְחָנִי**, lit., 'given up' (rt. **נִסָּח** 'to be removed'). Var. lec., **נִסְנִי** 'that ripen in Nisan'. Such dates, since they would grow no bigger, are regarded as the completed fruit and are consequently subject to the laws of a proper food. Rab's ruling, on the other hand, refers to dates that would in due course reach the full and final ripening stage.
 - (14) That the Baraitha deals with a special kind of stunted dates,
 - (15) Which are stunted like the dates spoken of in the previous Baraitha.
 - (16) Tosef. Sheb. VII, v. Pes., Sonc. ed., p. 257 notes.
 - (17) From M.Sh. I.
 - (18) As has previously been assumed.
 - (19) In reply to the objection why should ordinary unripened dates that are no proper food be subject to the laws of food defilement.
 - (20) As a reason for their susceptibility to food defilement.
 - (21) In the case of 'erub, however, it is necessary that the food should be fit for immediate consumption. They are also exempt from the second tithe since they have not yet completed their ripening stage.
 - (22) They are regarded as ripe since at a later stage of development they would turn bitter.
 - (23) Being bitter they cannot be regarded as a proper food.
 - (24) Cf. previous notes mutatis mutandis.
 - (25) MS.M., 'Ishmael'.
 - (26) Lit., 'this and this', the bitter almonds whether big or small.
 - (27) From the second tithe.
 - (28) Bah adds: 'in the name of R. Judah'. MS.M. reads: 'Il'a sand in the name of R. Haggai'.
 - (29) As they are apparently unsuitable as a foodstuff why should they be subject to the second tithe?
 - (30) Lit., 'and suitable'.
 - (31) In the Baraitha cited supra from M.Sh. I.
 - (32) R. Judah and the first Tanna.
 - (33) The white Heart. According to the first Tanna it assumes the character of food while according to R. Judah who regards it as wood in all respects' it always retains that character and is, therefore, never susceptible to food defilement.
 - (34) Hul. 77b. Now, if boiling is effective in the case of a skin which is much less of a food than the heart of a palm, how could it be maintained that the process is ineffective in the latter case?
 - (35) The first Tanna ordains that for the fruit of the ground while R. Judah requires, 'by Whose word etc.' V. infra.
 - (36) By Amoras.
 - (37) **שִׁינָא** 'keen witted' (rt. **שָׁנָה** 'to sharpen'), 'long toothed' (**שֵׁן**, 'tooth') or 'man of iron'.
 - (38) Lit., 'like you'.
 - (39) Lit., 'and it is not'.

- (40) פוגלא, the young tuber of the radish, which is soft.
- (41) That the benediction is 'By Whose word all things were made'.
- (42) May In 'erub be prepared.
- (43) Lit., 'as the fullness of the hand'.
- (44) Such a quantity suffices for the prescribed two meals (v. infra 80b).
- (45) Lit., 'as the fullness'.
- (46) אוזילתא (rt. אזל 'to weave'). Bundles are kept together by the winding of some flexible substance around them.
- (47) The ashes of an alkaline plant.
- (48) Can ashes be regarded as food?
- (49) Cf. supra n. 2.
- (50) Or villages, to Inspect his fields (Rashi a.I.) Cf., however, Rashi, s.v. לקרייתו B.M. 85a.
- (51) Lit., 'moist'
- (52) Lit., 'It was not in his hand'.
- (53) תרדום, 'bletum'. Aliter: Tomatoes.
- (54) חייה, 'living' also signifies 'raw' or 'healthy'.
- (55) Unwholesome food, surely, would not be allowed to be used for an 'erub.

Talmud - Mas. Eirubin 29a

— That¹ [refers to beet] that was only partially cooked.²

There are [others] who read: R. Hammuna ruled: No "erub may be prepared from raw beet, for R. Hisda stated: 'Raw beet kills a healthy man'.³ Do we not see, however, that people do eat [such beet] and yet do not die? — There⁴ [it is 'case of beet] that was only partly cooked.² R. Hisda stated: A dish of beet is beneficial for the heart and good for the eyes and even more so for the bowels. Abaye added: This applies only [to such beet] that remained⁵ on the stove until it was thoroughly cooked.⁶

Raba [once] said: 'I am [to-day] in the condition of Ben Azzai in the markets of Tiberias'.⁷ Sand one of the younger Rabbis to him, 'With what quantity of apples [may an 'erub be prepared]?' — 'Is it permissible', the other replied: 'to prepare an erub from apples?' — 'Is it not [permitted]? Have we not in fact learnt: All kinds of food⁸ may be combined⁹ [to make up the prescribed quantity] of half of a half loaf¹⁰ in respect of rendering the body¹¹ unfit,¹² or [to make up the quantity of] food for two meals required for an 'erub, or the size of an egg in respect of imparting food defilement?'¹³ — Rut what objection is this? If it be contended: Because it was stated: 'all kinds of food' and these¹⁴ also are eatable, surely [it could be retorted] did not R. Johanan lay down that no inference may be drawn from general rulings even where an exception was been specified?¹⁵ — [The objection] rather is because it was stated: 'or [to make up the quantity of] food for two meals required for an 'erub or the size of an egg in respect of imparting food defilement',¹⁶ and these¹⁴ also are subject to food defilement.¹⁷ Now with what quantity?¹⁸ — R. Nahman replied: In the case of apples it must be a kab.¹⁹ An objection was raised: R. Simeon b. Eliezer ruled: [The poor man's tithe²⁰ must be²¹ of no less a quantity than] an 'ukla²² of spices, a pound of vegetables, ten nuts, five peaches, two pomegranates or one ethrog;²³ and Gursak b. Dari stated in the name of R. Menashia b. Shegobli who had it from Rab that [the same quantities were] also [applicable] to an 'erub.²⁴ Why then should not apples²⁵ also be compared to peaches?²⁶ — The others²⁵ are valuable but these are not so valuable.²⁷

'May the Lord', exclaimed R. Joseph, 'pardon R. Menashia b. Shegobli [this oversight; for] I made that statement²⁸ in connection with a Mishnah and he²⁹ applied it to a Baraita! For we learned: Any poor man [applying] at the threshing floor [must be given]³⁰ no less than half a kab of wheat, a kab of barley (R. Meir said: Half a kab of barley), a kab and a half of spelt, a kab of dried figs or a maneh³¹ of pressed figs (R. Akiba said: A half),³² half a log of wine (R. Akiba said: One

quarter)³³ or a quarter³³ of oil (R. Akiba said: One eighth),³³ and [in respect of] all other kinds of produce, Abba Saul ruled, [The quantities given must consist] of so much [food] as [would enable the recipient to] sell them and buy with their proceeds³⁴ food for two meals.³⁵ And [it was in connection with this Mishnah that] Rab stated that ‘[the same quantities were] also [applicable in the case] of an ‘erub’. On what ground, however, is preference given³⁶ to the one rather than to the other?³⁷ If it be suggested: Because in the Baraita³⁸ spices were mentioned, and spices are not eatables,³⁹ [it might be retorted:] Are not wheat and barley mentioned in the Mishnah⁴⁰ though they also⁴¹ are not eatables?⁴² — [The ground]⁴³ rather is this:⁴⁴ Because [in the Mishnah] ‘half a log of wine was mentioned and Rab has laid down that an ‘erub may be prepared with two quarters [of a log] of wine’⁴⁵ it may be concluded⁴⁶ that when Rab said: ‘And the same quantities were also applicable to an ‘erub’ he must have been referring to this Mishnah. This is conclusive.

The Master said: ‘Or [to make up the quantity of] food for two meals required for an ‘erub’. R. Joseph intended to lay down that [no ‘erub may be prepared] unless there is sufficient food of each kind to provide for a complete meal,⁴⁷ but Rabbah said to him: Even [if each kind of food consisted only] of a half, a third or a quarter [of a meal].⁴⁸

[To revert to] the main text: ‘Rab has laid down that an ‘erub may be prepared with two quarters [of a log] of wine’. But do we require so much? Was it not in fact taught: R. Simeon b. Eleazar ruled: Wine [for an ‘erub must] suffice for soaking in it the bread,⁴⁹ vinegar must suffice to dip in it [the meat], and olives and onions must suffice to provide a relish for the bread for two meals?⁵⁰ — There⁵¹ [the reference is] to boiled wine.⁵²

The Master said: ‘Vinegar must suffice to dip in it [the meat]’. Sand R. Giddal in the name of Rab, [It must] suffice to dip in it the food of two meals of vegetables.⁵³ Others read: R. Giddal said in the name of Rab, [It must suffice to dip in it a quantity of) vegetables consumed in the course of two meals.⁵⁴

The Master said: ‘Olives and onions must suffice to provide a relish for bread for two meals’. Is it, however, permitted to prepare all erub from onions? Was it not in fact taught: R. Simeon b. Eleazar stated: R. Meir once spent the Sabbath⁵⁵ a’ Ardaska⁵⁶ when a certain man appeared before him and said to him, ‘Master, I have prepared an ‘erub’ from onions [to enable me to walk] to Tibe’in’,⁵⁷ and R. Meir ordered him to remain within his four cubits?⁵⁸ — This is no difficulty, since one ruling deals⁵⁹ with the leaves while the other refers to the bulbs.⁶⁰ For it was taught: ‘If a man ate an onion and [was found] dead early [on the following morning] there is no need to ask what was the cause of his death’, and in connection with this Samuel stated: This was taught in respect of the leaves only but against [the eating of] the bulbs there can be no objection;⁶¹ and even regarding the leaves this has been said only

(1) R. Hisda's disparagement of the beet or tomatoes.

(2) Lit., ‘when cooked and not cooked’.

(3) V. supra nn. 12ff.

(4) R. Hamnuna's ruling according to the second version.

(5) Lit., ‘that sat’.

(6) Lit., ‘and makes tuk tuk’; onomatopoeia, the noise that ensues from a boiling dish.

(7) Ben Azzai was the most prominent dialectician of his day and his discourses were usually delivered in the market place of Tiberias (cf. Bek. 58a). Raba felt so elated on the day this remark was made that he was prepared to accept any dialectical challenge.

(8) That were levitically unclean.

(9) Though each one by itself is less than the prescribed quantity.

(10) **הצי פרם**. The peras is equal to the size of four eggs (cf. Rashi a.l.).

(11) Of a priest.

- (12) To eat terumah, although, since no foodstuffs can impart uncleanness to a human being by means of touch, he does not thereby become unclean.
- (13) Me'il IV, 5, Ker. 13a.
- (14) Apples.
- (15) Supra 27a, Kid. 34a.
- (16) Since 'erub' and 'food defilement' appear in juxtaposition they are apparently to be compared to one another so that any foodstuffs that are fit for the one are also suitable for the other.
- (17) And consequently (v. previous note) must also be suitable for an 'erub.
- (18) May an 'erub of apples be prepared.
- (19) A measure of capacity, v. Glos.
- (20) Distributed in the threshing floor.
- (21) For each applicant.
- (22) A measure of capacity, v. Glos.
- (23) A species of citron used on Tabernacles with the festive wreath,.
- (24) Because for both 'erub and the poor man's tithe a quantity of two meals has been prescribed.
- (25) Lit., 'these'.
- (26) And five of them should be enough for an 'erub. An objection against It. Nahman who prescribed a kab.
- (27) The more valuable an article of food the less the quantity consumed in the course of a meal. The food prescribed for two meals was not meant to imply so much food as would provide two fully satisfying meals but only the quantity of any particular kind of food that is usually consumed in the course of two meals. While of peaches which are expensive no more than five would be consumed in the course of two meals, as much as a kab of apples would be consumed in the course of two such meals.
- (28) In the name of Rab; that 'the same quantities were also applicable to an 'erub' (supra).
- (29) When teaching it to Gursak b. Dari.
- (30) Of the poor man's tithe.
- (31) V. Glos.
- (32) Of a maneh.
- (33) Of a log.
- (34) Lit., 'with them'.
- (35) Pe'ah VIII, 5.
- (36) Lit., 'and what is its strength'.
- (37) I.e., since the Baraita contains no law that is contradictory to the Mishnah, is it not possible that Rab's statement applied to the former as much as to the latter?
- (38) Lit., 'in that'.
- (39) Hence they are unsuitable for an 'erub, and the statement, 'the same quantities were also applicable to an 'erub' could not, therefore, be applied to them.
- (40) Lit., 'here'.
- (41) In their natural state.
- (42) And since Rab's statement is applicable to these, why not also to spices?
- (43) For R. Joseph's assertion.
- (44) Lit., 'but'.
- (45) I.e., half a log. V. Bah a.l. cur. edd. add, since we require so much'.
- (46) Since no known ruling' of Rab is embodied in the Baraita.
- (47) Lit., 'until there is a meal from this and a meal from this', sc. that only two kinds of food may be used so that each kind suffices for One full meal of the two meals prescribed. Were more than two kinds of food to be allowed, each would represent less than the quantity required for one full meal.
- (48) May an 'erub be prepared.
- (49) V. Rashi. Lit., 'to eat with it'.
- (50) The quantity of wine prescribed here is much less than two quarters of a log. How then could Rab prescribe the latter quantity?
- (51) In the Baraita cited.
- (52) In which bread is usually dipped. A smaller quantity is, therefore, sufficient. Of ordinary wine, however, which is

used as a drink only, no less than two quarters of a log are required.

(53) The entire meal consisting of vegetables only.

(54) in addition to the bread.

(55) Var. lec., 'We were sitting before R. Meir'.

(56) MS.M., Ardaskis. Artaxata the capital '1 Armenia (Wiesner), Damascus (Kohat and Jast.).

(57) Tibe'in was within two thousand cubits (the prescribed Sabbath limit) from the spot where the man's erub was laid down, and Ardaska was on the way between the 'erub and Tibe'in.

(58) Tosef.. 'Er. VI; from which, however, the phrase 'to Tibe'in' is absent. Now since R. Meir did not allow the man to move beyond his four cubits (cf. infra 41a) it is obvious that he regarded, an 'erub of onions as ineffective. An objection against R. Simeon R. Eleazar.

(59) Lit., 'that', R. Meir's.

(60) 'while the former are unfit for human consumption the latter are quite fit and consequently admissible as an 'erub.

(61) Lit., 'we have not (any objection) against it',

Talmud - Mas. Eirubin 29b

where the onion has not grown [to the length of] a span but where it has grown to that length there can be no objection.¹ R. Papa said: This has been said only where one drank no beer [with them] but where one did drink some beer² there can be no danger.¹

Our Rabbis taught: No one should eat onion on account of the poisonous fluid³ it contains; and it once happened that R. Hanina ate half an onion and half of its poisonous fluid and became so ill that he was on the point of dying. His colleagues, however, begged for heavenly mercy, and he recovered because his contemporaries needed him.⁴

R. Zera laid down in the name of Samuel: From beer an 'erub may be prepared and [if it consists of a quantity] of three log⁵ it renders a ritual bath⁶ ineffectual.⁷ R. Kahana demurred: Is not this⁸ obvious? For what [difference is there in this respect] between it and dye-water concerning which we learned: R. Jose ruled: Dye-water of a quantity of three log renders a ritual bath ineffectual?⁹ -It may be replied: There⁹ [the liquid] is called dye-water¹⁰ but here it is called beer.¹¹ And with what quantity [of beer] may an erub be prepared? — R. Aha son of R. Joseph proposed to say before R. Joseph: With two quarters¹² of beer, as we learned, 'If a man carries out¹³ wine [he incurs guilt if its quantity was] sufficient for mixing the cup',¹⁴ and in connection with this it was taught: '[It must be] sufficient for mixing a handsome cup . What [is meant by] 'a handsome cup'? The cup of benediction. And R. Nahman stated in the name of Rabbah b. Abbuha, 'The cup of benediction must contain a quarter of a quarter,¹⁵ so that when one dilutes it¹⁶ it consists of a quarter;' this being in agreement with Raba who laid down that 'any wine which cannot stand [an admixture of] three [parts of] water to one [of wine] is no proper wine'. And in the final clause¹⁷ it was stated: And in the case of any other liquids [the prescribed quantity]¹⁸ is a quarter' and in that of any liquid refuse' it is also a quarter'. Now since there¹⁹ [the quantities prescribed are] four²⁰ to one²¹ so here²² also [the quantity prescribed should be] four²⁰ to one.²³ [The ruling,] however, is not so. There¹⁹ the reason²⁴ is that less than that quantity is of no importance, but here²² [this does] not [apply, for] it is usual for people to drink one cup²⁵ in the morning and another²⁵ in the evening and to rely upon these [as their meals].²⁶

With how much dates [may an 'erub be prepared]? — R. Joseph replied: With one kab. Sand R. Joseph: Whence do I derive this? From what was taught: 'If a man²⁷ consumed [unwittingly] dried figs²⁸ and paid for them with dates, may a blessing come upon him.'²⁹ How [is this repayment to] be understood? If it be suggested [to be one] corresponding to the value³⁰ [of the figs, viz.,] that he ate of the priest's figs³¹ the value of one zuz³² and repays him for it [dates] for a zuz,³² why [it may be asked] should a blessing come upon him, seeing that he consumed the value of a zuz and repays only the value of a zuz? Must it not then [be concluded that this repayment] corresponded in quantity,

[viz.], that he ate a grivah³³ of the priest's³⁴ dried figs that was worth one zuz and repaid him a grivah³³ of dates that was worth four zuz, and [because of this] it was stated: 'May a blessing come upon him'. Thus it clearly follows that dates are more valuable.³⁵ Said Abaye to him:³⁶ As a matter of fact the man may have consumed the priest's³⁴ figs for a zuz and repaid him [dates] for a it and [in reply to your objection,] 'why should a blessing come upon him?' Because he consumed from the priest³⁴ something which is not much in demand³⁷ and repaid him with something for which there is a big demand.³⁸

[What quantity is required³⁹ in the case of] shattitha?⁴⁰ — R. Aha b. Phinehas replied: Two ladlesfull. Of roasted ears?- Abaye replied: Two Pumbedithan handfuls.

Abaye stated: Nurse⁴¹ told me that roasted ears are beneficial to the heart and they banish morbid thought.

Abaye further stated: Nurse told me: If a man suffers from weakness of the heart let him fetch the flesh of the right flank of a male beast and⁴² excrements of cattle⁴³ [cast in the month] of Nisan, and if excrements of cattle are not available let him fetch some willow twigs, and let him roast it,⁴⁴ eat it, and after that drink some diluted wine.⁴⁵

Rab Judah stated in the name of Samuel: Any relish⁴⁶ [must consist of a quantity that is] sufficient to eat with it [a quantity of bread for two meals] but any [foodstuff] that is no relish [must consist of a quantity] sufficient in itself for two meals.⁴⁷ Raw meat [also must consist of a quantity] sufficient for two meals.' As to roasted meat, Rabbah ruled [that it must be] sufficient to eat with it [a quantity of bread required for two meals], and R. Joseph ruled, [It must be] sufficient in itself for two meals.⁴⁷ 'Whence said R. Joseph, 'do I derive this?⁴⁸ [From the practice] of the Persians who eat chunks of roasted meat without bread'. Said Abaye to him: Are the Persians a majority of the world?⁴⁹ Was it not in fact taught,⁵⁰ The webs of the poor⁵¹ [are susceptible to uncleanness in the case] of the poor and the webs of the rich⁵² [are susceptible to uncleanness even in the case] of the rich

(1) Lit., 'we have not (any objection) against it'

(2) שִׁכְרָא, a drink made of dates or barley.

(3) נחש lit., 'serpent' (v. Rashi). Aliter: The stalk in the center of the onion (R. Han., Tosaf. s.v. מַפְנֵי a.l.).

(4) Lit., 'the hour (time) required him'.

(5) V. Glos.

(6) Into which it was poured.

(7) A ritual bath must contain naturally gathered water. It may not be filled with 'drawn' water that was carried into it by means of a vessel, and beer of course comes under the category of 'drawn'.

(8) That the prescribed quantity of beer renders a ritual bath ineffectual.

(9) Mik. VII, 3, Mak. 3b.

(10) It still bears the name of 'water' though it is dyed.

(11) Had not R. Zera land down his ruling it might well have been assumed that the law of beer is different from that of water.

(12) Of a kab. One kab = four log.

(13) On the Sabbath from a private into a public domain.

(14) Shab. VIII, I, sc. if the cup of benediction (v. infra) can be filled with the wine, after the quantity of water, that is required for its dilution before it can be drunk, has been added.

(15) Of a kab. One kab = four log.

(16) By adding to it three parts of water (v. infra).

(17) Of the Mishnah Shab. VIII, 1 cited.

(18) For which guilt is incurred by one carrying them on the Sabbath from a private into a public domain.

(19) In respect of carrying on the Sabbath.

(20) Of other liquids.

- (21) Of wine; since in the case of the former a quarter of a kab was prescribed and in that of wine only a quarter of a quarter.
- (22) 'Erub.
- (23) Since in the case of wine Rab prescribed two quarters of a log, in that of beer (2 X 4=) eight quarters of a log two log two quarters of a lab should be the quantity prescribed.
- (24) Why two quarters of a to,] are prescribed.
- (25) Containing a quarter of a log of beer.
- (26) Such a quantity is consequently sufficient for the purposes of an 'erub.
- (27) A non-priest.
- (28) Of terumah which is forbidden to him.
- (29) Pes. 32a.
- (30) Lit., 'money'.
- (31) Lit., 'from him'.
- (32) V. Glos.
- (33) V. Glos.
- (34) Lit., 'from him'.
- (35) Than dried figs. Now since in the case of dried figs one kab (as stated supra by Rab) is sufficient for an 'erub how much more so in the case of dates. Hence R. Joseph's ruling.
- (36) It. Joseph.
- (37) Lit., 'on which a buyer does not jump'.
- (38) Dates are cheaper but more in demand than dried figs. Hence, contrary to R. Joseph's ruling, more than a kab of the former might be required for an erub.
- (39) For all 'erub'.
- (40) A dish made of the Hour of roasted ears of corn mixed with honey
- (41) His mother having died in his childhood, he was brought up by , nurse Whose popular sayings, remedies and superstitions he often quoted.
- (42) Lit., 'and let him bring'.
- (43) Lit., 'of the shepherd'.
- (44) The flesh on the fire of the willow twigs.
- (45) Rashi; 'clear' (R. Han.).
- (46) If it is desired to use it for an 'erub.
- (47) Lit., 'to eat from it'.
- (48) His ruling.
- (49) Whom all the others must follow.
- (50) והתניא, so MS.M. and marg. note. Cur. edd. והתני.
- (51) Sc. strips of cloth of the size of three fingers by three fingers.
- (52) Pieces of cloth of the size of three by three handbreadths.

Talmud - Mas. Eirubin 30a

but [it is not necessary, is it, in the case] of the poor that the webs [shall be of the size of those] of the rich?¹ And should you reply that in, both cases the more restrictive rulings were adopted,² was it not in fact taught, [it could be retorted], R. Simeon b. Eleazar ruled: An 'erub may be prepared for a sick, or an old man [with a quantity] of food that is sufficient for him?³ [for two meals]⁴ and for a glutton with [food for two meals, each being] a moderate meal for the average man?⁵ — This is a difficulty.

But could R. Simeon b. Eleazar have given such rulings?⁶ Was it not in fact taught: R. Simeon b. Eleazar ruled: A door for⁷ Og King of Bashan,⁸ [must⁹ be as big] as his full size?¹⁰ And Abaye?¹¹ — What could one do there?¹² Should it¹³ be cut to pieces and carried out that way?¹⁴

The question was raised: Do the Rabbis differ from R. Simeon b. Eleazar¹² or not? — Come and

hear what Rabbah b. Bar Hana stated in the name of R. Johanan: The door of' Og King of Bashan,¹⁵ is to be four [handbreadths] wide.¹⁶ [This, however, is no conclusive proof since] there¹⁷ [it may be a case] where there were many small doors¹⁸ and Only one of them was four [handbreadths] wide so that it is certain that when widening¹⁹ would take place it would be in that door.²⁰ R. Hiyya b. R. Ashi ruled in the name of Rab: An 'erub may be prepared from raw meat. R. Shimi b. Hiyya ruled: An 'erub may be prepared from raw eggs. With how many? — R. Nahman b. Isaac replied:²¹ The well-read scholar²² ruled [the number to be] two.

IF A MAN VOWED TO ABSTAIN FROM FOOD HE IS ALLOWED [To CONSUME] BOTH WATER etc. [Apparently]²³ it is only Salt and water that are not described as proper food' but all other things [consumed] are described as proper food.²⁴ Must it then be assumed that this presents an objection against Rab and Samuel both of whom had ruled that the benediction of'. . . Who createst various kinds of food'²⁵ is to be pronounced over the five kinds of grain²⁶ alone?²⁷ — But were not their rulings already once refuted?²⁸ — [The question is:] Must it be said that they stand refuted from this Mishnah also? — R. Huna replied: [Our Mishnah may deal with the case of a man] who said, 'All that nourishes²⁹ [shall be forbidden by a vow] upon me'. But is it only water and salt that do not nourish and all other foodstuffs do nourish? Did not Rabbah b. Bar Hana relate: When we³⁰ followed R. Johanan to partake of the fruit of Gennesar³¹ we used each to take ten fruits [for him] when we were a party of a hundred and when we were a party of ten we each used to take a hundred for him, and every hundred of these fruit could³² be contained in a basket of the capacity of three se'ah,³³ and yet after he had eaten all of them he would exclaim. '[I could take] an oath that I have not felt the taste of nourishment?'³⁴ — Read, 'Food'.²⁴ R. Huna laid down in the name of Rab: [If a man said,] 'I swear that I will not eat this loaf' an 'erub may nevertheless be prepared for him from it;³⁵ [but if he said,] 'This loaf [shall be forbidden] to me',³⁶ no 'erub from it may be prepared for him.

An objection was raised: 'If a man vowed to have no benefit from a loaf an 'erub from it may nevertheless be prepared for him'. Does not this [refer to a case] where he said: '[This loaf shall be forbidden] to me'?³⁷ — No, where he said: '[f swear that I would not eat] this [loaf]'. This assumption³⁸ also stands to reason; for in the final clause it was stated: 'This applies³⁹ only when he said: [I take] an oath that I will not taste it'⁴⁰ What, [however, is the ruling where] he said: '[The loaf shall be forbidden] to me'?³⁶ Could⁴¹ no 'erub for him be prepared from it? But, if so, instead of stating,⁴² '[If he said,] "This loaf shall be consecrated" no 'erub from it may be prepared for him because no 'erub may be prepared from consecrated food', let a distinction be pointed out⁴³ in this very case⁴⁴ [thus:] 'This⁴⁵ applies only where he said: "[I swear that I will not eat] this [loaf]" but if he said: "[This loaf shall be forbidden] to me, no 'erub from it may be prepared for him'? — R. Huna can answer you: What then [would you suggest? That] whenever a man said: '[This loaf shall be forbidden] to me' an erub from it may be prepared for him?⁴⁶ — [would not then] a difficulty [arise from] the first clause?⁴⁷ — A clause is missing⁴² and this is the correct reading: If a man vowed to have no benefit from a loaf an 'erub from it may be prepared for him,⁴⁸ and even if he said: '[This loaf shall be forbidden] to me' it is the same as if he had said: '[I take] an oath that I shall not taste it'.

At all events does not the contradiction, against R. Huna remain?⁴⁹ — He upholds the same view as R. Eliezer. For it was taught: R. Eliezer ruled, [If a man said: 'I take] all oath that I would not eat this loaf' an 'erub from it may be prepared for him, [but if he said], 'This loaf [shall be forbidden] to me' no 'erub from it may be prepared for him. But could R. Eliezer have given such a ruling? Was it not in fact taught: 'This is the general rule: If a man imposed upon himself the prohibition of [a certain food] an erub from it may be prepared for him,⁵⁰ but if a certain food was forbidden to a man,⁵¹ no 'erub from it may be prepared for him. R. Eliezer ruled: [If the man said,] "This loaf [shall be forbidden] to me", an 'erub from it may be prepared for him, but if he said: "This loaf shall be consecrated" no 'erub from it may be prepared for him, because no erub may be prepared from

consecrated food'?'⁵² — [The two rulings represent the views of] two Tannas who differ as to what was the view⁵³ of R. Eliezer.

AN 'ERUB MAY BE PREPARED FOR A NAZIRITE WITH WINE etc. Our Mishnah does not represent the view of Beth Shammai. For it was taught: Beth Shammai ruled: No 'erub may be prepared for a nazirite with wine⁵⁴ or for an Israelite with terumah⁵⁴ and Beth Hillel ruled: An 'erub may be prepared for a nazirite with wine or for an Israelite with terumah.⁵⁵ Sand Beth Hillel to Beth Shammai, 'Do you not admit

(1) Because the poor use smaller pieces of web. Now since the law of uncleanness for the poor is not influenced by the practice of the rich, why should the law of 'erub for the greater part of the world, who use roasted meat as a relish only, be influenced by the practice of the comparatively small number of Persians?

(2) Lit., 'here for a restriction' (bis).

(3) Lit., 'his food'.

(4) Though an average man requires more.

(5) Though the glutton requires more than a moderate meal. From this it follows that in the case of 'erub the less restrictive rulings are followed. Why then should the more restrictive ones be followed in the case of roasted meat?

(6) Relaxing the law in respect of the quantity of food required for an 'erub in favour of (a) the sick and the old because they eat little, though the average person eats more than they, and (b) the glutton, though he consumes much, because the average person consumes less.

(7) Lit., 'his door'.

(8) Sc. any big sized corpse. Og was one of the famous giants (cf. Deut. 111, II) and is synonymous in the Talmudic literature with 'man of huge size'.

(9) If the other doors and cavities in the house in which the corpse lies are to remain levitically clean (v. next note).

(10) So that his body might be carried through it without widening it. In that case that door only is levitically unclean while all other doors through which the corpse would not be carried remain levitically clean. Where the door, however, is not wide enough for the passage of the corpse, so that it is uncertain which of the doors of the house would be widened and used for such passage, all doors and wall cavities of the size of a human fist become levitically unclean (v. Bez. 37b). R. Simeon b. Eleazar in thus declaring all doors and cavities unclean on account of the inadequacy of the door for the passage of the big corpse, though it is adequate enough for the passage of one of average size, obviously adopts the restrictive view. How then could it be said that in respect of 'erub he adopts the lenient one?

(11) Who implied supra that the law for the minority is determined by the conditions governing the majority, how could he reconcile his principle with the ruling of R. Simeon b. Eleazar (v. previous note) just cited?

(12) In the case of a big corpse in a house of small doors.

(13) The corpse.

(14) This is obviously absurd. Hence the ruling that unless one door was wide enough for the passage of the corpse all doors are involved in levitical uncleanness.

(15) Cf. supra nn. 2ff.

(16) It need not be big enough for the passage of the corpse to protect the other doors against defilement. Their view thus apparently differs from that of R. Simeon b. Eleazar.

(17) The particular case dealt with by R. Simeon b. Eleazar.

(18) Each smaller than four handbreadths.

(19) Of a door.

(20) And the corpse would consequently be carried through that door. Hence it is that all the other doors remain levitically clean. Where, however, all doors are of equal size, whether big or small, and none of them is big enough for the passage of the corpse, all become unclean since it is uncertain which of them would eventually be widened.

(21) Cur. edd. in parenthesis, 'one'.

(22) סִינִי, sc. R. Joseph (v. Hor. 14a, Sonc. ed., p. 105, n. 3).

(23) Since our Mishnah excludes only WATER AND SALT.

(24) מִזֶּן a foodstuff that both nourishes and sustains (v. Rashi s.v. בְּאִמֶּר a.l.).

(25) מִזֻּנֹת pl. of מִזֶּן.

(26) Wheat, barley, rye, oats and spelt.

- (27) But over no other foodstuffs, contrary to our Mishnah which regards them as mazon (v. supra n. 4).
- (28) V. Ber. 35b.
- (29) **לֶחֶם**, rt. **לֶחֶם** 'to nourish'. He did not use the noun mazon which would have applied to the five kinds of grain only which both nourish and satisfy one's hunger (v. supra n. 4).
- (30) So MS.M. Cur. edd., 'T'.
- (31) **גִּינוֹסָר** Gennesareth, Heb. **כִּנְרֵת**, Kinnereth, a district in 'Galilee adjoining the lake of the same name.
- (32) Cur. edd. in parenthesis, 'not'.
- (33) V. Glos.
- (34) Which proves that fruit is not even a 'nourishment'. An objection against R. Huna's reply.
- (35) Since this oath was limited to eating only. An 'erub, provided somebody is able to eat it, is valid even if the person for whom it was prepared is unable to eat it.
- (36) **עָלַי**, lit., 'upon me', an expression which implies the prohibition of all benefit.
- (37) How then could Rab maintain, against this Baraitha, that when such an expression was used no 'erub may be prepared from the loaf.
- (38) Lit., 'thus'.
- (39) Lit., 'when'.
- (40) Which does not imply the prohibition of all other benefits.
- (41) Lit., 'thus also'.
- (42) In the Baraitha cited.
- (43) Lit., 'let him divide and teach'.
- (44) A loaf that was not consecrated.
- (45) That "erub for him may be prepared.
- (46) Because it would be contended that this expression also implies the prohibition of eating only?
- (47) I.e., the final clause of the first clause ('This applies only when he said: "that I will not taste it') from which it was been inferred supra that if a man used such an expression no 'erub for him may be prepared from the forbidden loaf.
- (48) As the main purpose of a loaf is the eating of it, 'benefit' in respect of it can apply to eating only.
- (49) How could he, contrary to the ruling of the Baraitha, maintain that where a man 'forbade' a loaf to himself no 'erub from it may be prepared for him?
- (50) The prohibition being limited to the man's action only, while the preparation of an 'erub is a mere benefit that involves no actual action on his part.
- (51) So that the prohibition was not limited to the man's action but was imposed on the very object itself, including whatsoever benefit One may derive therefrom.
- (52) The first clause of R. Eliezer's ruling in this Baraitha is thus in direct contradiction to his ruling in the previous Baraitha. How then could it be maintained that he land down both rulings?
- (53) Lit., 'and according'.
- (54) Because he is forbidden to consume it.
- (55) Cf. notes on our Mishnah supra.

Talmud - Mas. Eirubin 30b

that an 'erub may be prepared for an adult in connection with the Day of Atonement'?¹ 'Indeed [we do]', the others replied. 'As', the former said to them, 'an 'erub may be prepared for an adult in connection with the Day of Atonement, so may an 'erub be prepared for a nazirite with wine or for an Israelite with terumah'.² And Beth Shammai?³ — There⁴ a meal is available that is fit [for consumption] while it is yet day⁵ but here⁶ no meal is available that is fit [for consumption] while it is yet day.⁷

In agreement with whom?⁸ — Not in agreement with Hananiah. For it was taught: Hananiah stated: Beth Shammai did not admit the very principle⁹ of 'erub unless the man takes out thither'¹⁰ his bed and all the objects he uses.

Whose view is followed by the Baraitha in¹¹ which it was taught: If a man prepared an 'erub¹²

[while he was dressed] in black¹³ he must not go out¹⁴ in white;¹³ [if he was then¹⁵ dressed] in white he must not go out¹⁴ in black? Whose [view, it is asked, is this]? — R. Nahman b. Isaac replied: It is [that of] Hananiah in accordance with the view of Beth Shammai.¹⁶ According to Hananiah, however, is it only in black that he must not go out but may go out in white? Did he not in fact rule [that an ‘erub is invalid] ‘unless the man takes out thither his bed and all the objects he uses’? — It is this that was meant: If he prepared an ‘erub [while he was dressed] in white and then required black he must not go out even in white. In agreement with whom [is this ruling]? R. Nahman b. Isaac replied: It is in agreement with that of Hananiah in accordance with the view of Beth Shammai.

SYMMACHUS RULED: WITH UNCONSECRATED PRODUCE. But [against the ruling that AN ‘ERUB MAY BE PREPARED] FOR A NAZIRITE WITH WINE he does not contend. What is the reason? [Is it] because it is possible that he might ask to be released from, his naziritship?¹⁷ But, if so, is it not equally possible for him to ask for the release of the terumah?¹⁸ — Were he to ask for its release it would return to its state of tebel.¹⁹ But he could [still] set aside²⁰ [the priestly dues] for it²¹ from some other produce?²² — Fellows²³ are not suspected of setting aside terumah from [produce] that is not in close proximity [to the produce for which it is set aside]. But he can [still] Set aside the terumah for it from [the very ‘erub] itself? — [This is a case] where it²⁴ would not contain the prescribed quantity. But why this certainty?²⁵ This rather [is the reply:]²⁶ Symmachus holds the same opinion as the Rabbis who had land down that every kind of Occupation that may be classed as shebuth²⁷ has, as a preventive measure,²⁸ been forbidden [on the Sabbath Eve] at twilight.²⁹ Whose view is followed in³⁰ what we learned: There are [some measures] which the Rabbis have prescribed in accordance with each individual. [E.g.,] ‘his handful’ of the meal-offering,³¹ ‘his handful’ of incense,³² the drinking of a mouthful on the Day of Atonement,³³ and [the requirement] of food [sufficient for] two meals in the case of an ‘erub?³⁴ in agreement with whose view, [it is asked, is this Mishnah]?³⁴ — R. Zera replied: It [is in agreement with that of] Symmachus who had land down that [the food for an ‘erub] must be such as is fit for the person [for whom it is prepared].³⁵

Must it be assumed [that this Mishnah]³⁶ differs from the view of R. Simeon b. Eleazar,³⁷ it having been taught: R. Simeon b. Eleazar ruled: An ‘erub for a sick, or for an old man is to consist of food sufficient for him [for two meals], and for a glutton, [each of the two meals is to consist] of a moderate meal for an average man?³⁸ — The explanation [is that the Mishnah]³⁶ refers] to a sick, and an old man,³⁹ but [not to] a glutton whose habit is disregarded in the view of the average man.⁴⁰

[AN ‘ERUB] MAY BE PREPARED] FOR A PRIEST IN A BETH PERAS; for Rab Judah stated in the name of Samuel: A man may : blow away [the earth of] a beth peras⁴¹ and continue on his way.⁴² R. Judah b. Ammi ruled in the name of Rab Judah: A trodden beth peras is levitically clean.⁴³

R. JUDAH RULED: EVEN IN A GRAVEYARD. A Tanna taught:⁴⁴ Because a man can put up a screen⁴⁵ and pass [through it] in a chest, box or portable turret. He is of the opinion that a movable⁴⁶ tent has the status of⁴⁷ a [fixed] tent.⁴⁸

And [they⁴⁹ differ on a principle which is the subject of] dispute among the following Tannas. For it was taught: If a man enters a heathen country⁵⁰ [riding] in a chest, box or portable turret he is, Rabbi ruled, levitically unclean, but R. Jose son of R. Judah declares him to be clean. On what principle do they differ? One Master is of the opinion that a movable⁴⁶ tent has not the status of a valid tent⁵¹ and the other Master maintains that even a movable⁴⁶ tent⁵² has the status of a valid tent.⁵³

It was taught:⁵⁴ ‘R. Judah ruled,

(1) Though the adult is forbidden to consume any food on that day the ‘erub is valid because a minor who is free from the observance of the commandments, could well eat it even on that day.

- (2) While the nazirite and the Israelite respectively are forbidden to consume such 'erubs, non-nazirites and priests respectively are not forbidden and may well consume them.
- (3) How can they maintain their view against this argument?
- (4) All 'erub for the Day of Atonement.
- (5) The Eve of the Day of Atonement, when the 'erub is prepared.
- (6) The cases of wine for a nazirite or terumah for an Israelite.
- (7) At no time is a nazirite permitted to drink wine or an Israelite to eat terumah.
- (8) Is this Baraita which attributes to Beth Shammai the view that an 'erub of food alone is effective.
- (9) Lit., 'all themselves'.
- (10) To the spot where the 'erub is deposited.
- (11) Lit., 'like whom goes that'.
- (12) Of Sabbath limits at a distance of two thousand cubits from his abode.
- (13) Garments.
- (14) On the Sabbath, if after he deposited the 'erub on the Eve of the Sabbath, he returned to his permanent home.
- (15) When he deposited the 'erub.
- (16) Supra.
- (17) And a competent authority, provided there is valid ground for it, could release him from his vow and thus enable him again to drink wine.
- (18) Which on returning to its former state of unconsecration would be permitted to an Israelite also.
- (19) **טבל**, produce before the priestly dues have been separated from it. Such produce may not be eaten.
- (20) At twilight on Friday just before Sabbath begins, after having prepared the 'erub.
- (21) The 'erub.
- (22) Lit., 'place'; from produce which he has at home, and thus render the 'erub fit for consumption.
- (23) **חבירים**, 'fellow scholars' or members of a fraternity meticulously observing the laws of tithes and levitical uncleanness.
- (24) The 'erub after terumah would have been separated from it.
- (25) That the Tanna deals only with an 'erub that was so small in quantity. As a general ruling one would rather expect it to apply to all cases.
- (26) To the question, raised supra, why Symmachus differed only in respect of UNCONSECRATED PRODUCE and not in respect of WINE.
- (27) **שבות** (rt. **שבת** 'to rest') an act that is only Rabbinically forbidden to be performed on the Sabbath.
- (28) That one might not perform the same work on the Sabbath when it is forbidden Pentateuchally.
- (29) The setting aside of terumah is such an act. Hence the untenability of the suggestions supra on the methods of converting terumah into unconsecrated produce.
- (30) Lit., 'like whom goes that'.
- (31) Lev. II, 2.
- (32) Ibid. VI, 12.
- (33) V. Yoma VIII, 2.
- (34) Kel. XVII, 11.
- (35) Lit., 'for him'.
- (36) From Kelim, just cited, according to which certain measurements are determined by the nature of the individual concerned (Ritba).
- (37) Who, as the following Baraita shows, determines the food required for the 'erub of a glutton by the requirements of the average man.
- (38) Tosef. 'Er. VI, where, however, the reading 'or for an old man' is replaced by 'fastidious person or minor.
- (39) In agreement with the ruling of R. Simeon b. Eleazar.
- (40) Lit., his mind is abolished by the side of all man'.
- (41) A man walking through an area in which a grave has been ploughed, any portion of the soil of which is in consequence a possible repository of a human bone which conveys levitical uncleanness to the man who moves it with his foot, is subject to the laws of doubtful uncleanness. If the earth, however, is blown or moved away in front of him step by step he remains levitically clean since all covered bones are thus exposed and easily avoided.
- (42) In this manner a priest, who is forbidden to defile himself for the dead, can make his way to his 'erub even in such

an area.

(43) All bones in its soil are assumed to have been thoroughly crushed by the feet that have trodden on them; and bones that are smaller than the size of a barley grain convey no levitical defilement; v. Pes. 92b.

(44) A reason for R. Judah's ruling.

(45) Between his body and the graveyard.

(46) Lit., 'thrown.

(47) Lit., 'its name is'.

(48) And constitutes a valid screen or partition between the man and a levitically unclean object.

(49) R. Judah and the first Tanna.

(50) Which conveys levitical defilement to any man that enters it. [It is suggested that the uncleanness of the land of the Gentiles was decreed in the days of Alcimus, in order to stem the tide of emigration that had set in as a result of his persecutions, v. Weiss, Dor. I, 105.]

(51) Hence it cannot constitute a screen between the man and the unclean territory.

(52) Provided its dimensions are of the prescribed size.

(53) And constitutes a valid screen. The first Tanna is thus in agreement with Rabbi's view while R. Judah is of the same opinion as R. Jose son of R. Judah.

(54) So MS.M. and Rashal. Cur. edd., 'but that which was taught'.

Talmud - Mas. Eirubin 31a

An 'erub for a levitically clean priest may be prepared from levitically clean terumah¹ [and deposited] on a grave.' How does he² get there? — In a chest, box or portable turret. But since [the 'erub] was put down [on the grave] it became levitically unclean?³ — [This is a case] where [the 'erub] was not rendered susceptible to levitical uncleanness⁴ or one kneaded in fruit juice.⁵ But how does he get it?⁶ — By means of flat wooden pieces which are unsusceptible to levitical uncleanness.⁷ But does not [a wooden piece] constitute a tent?⁸ — One might carry it edgeways.⁹ If so, what could be the reason of the Rabbis?¹⁰ — They are of the opinion that a home¹¹ must not be acquired with things the benefit of which is forbidden.¹² Thus [it follows] that R. Judah is of the opinion that this is permitted; for he upholds the view that the commandments were not given [to men] to derive [personal] benefit from them.¹³ With reference, however, to what Raba stated: 'Commandments were not given [to men] to derive benefit from them',¹⁴ must it be said¹⁵ that he made his traditional statement in agreement with [one of the] Tannas only? — Raba can answer you: Had they¹⁶ been of the opinion that an 'erub may be provided in connection with a religious duty only¹⁷ all [would have been unanimous,¹⁸ since] commandments were not given [to man] to derive benefit from them. Here, however, they¹⁹ differ on the following principle. The Master is of the opinion that an 'erub may be prepared in connection with a religious duty only and the Masters are of the opinion that an 'erub may be prepared even in connection with a secular matter.²⁰

In respect, however, of what R. Joseph ruled: 'An 'erub may be prepared only in connection with a religious duty',²¹ must it be said that he land down his traditional ruling in accordance with [the view of one of the] Tannas?²² — R. Joseph call answer you: All [agree that] an 'erub may be prepared in connection with a religious duty only, and all [may also agree that] the commandments were not given [to men] to derive benefit from them, but It is this principle on which they differ. The Master²² is of the opinion that once a man has acquired the 'erub²³ it is no satisfaction to him that it is preserved,²⁴ and the Masters²⁵ are of the opinion that a man does derive satisfaction if his 'erub is preserved; for [in that case] he can eat it whenever he needs it.²⁶

MISHNAH. AN 'ERUB MAY BE PREPARED WITH DEMAI,²⁷ WITH FIRST TITHE FROM WHICH ITS TERUMAH²⁷ HAD BEEN TAKEN AND WITH SECOND TITHE AND CONSECRATED [FOOD] THAT HAVE BEEN REDEEMED; AND PRIESTS [MAY PREPARE THEIR 'ERUB] WITH HALLAH.²⁸ [IT MAY] NOT [BE PREPARED], HOWEVER, WITH TEBEL,²⁷ NOR WITH FIRST TITHE THE TERUMAH FROM WHICH HAS NOT BEEN

TAKEN, NOR WITH SECOND TITHE OR CONSECRATED [FOOD] THAT HAVE NOT BEEN REDEEMED.

GEMARA. DEMAI, surely is not fit for him!²⁹ — Since he³⁰ could, if he wished, declare his estate to be hefker,³¹ and thereby become a poor man when it would be fit for him, it is now also deemed to be fit for him. For we learned: It is permitted to feed poor men

- (1) And much more so from unconsecrated food.
- (2) Being forbidden to enter an unclean area.
- (3) Granted the priest remains levitically clean the food is levitically unclean and is in consequence forbidden to him.
- (4) One for instance that was never in contact with water.
- (5) Which, unlike water, does not render foodstuffs with which it comes in contact susceptible to levitical uncleanness.
- (6) The 'erub on the grave when he wishes to eat it. An 'erub according to R. Judah, is not effective, unless the man for whom it is prepared is able to eat (v. Rashi s.v. **הַיְכָל** a.l.).
- (7) Vessels which are susceptible to levitical uncleanness must not be used since such vessels would attract uncleanness from the dead body and convey it to the man who would in consequence be forbidden to consume his 'erub which consists of levitically clean terumah.
- (8) if it is a handbreadth, in circumference. Such a tent (ohel) in accordance with a Rabbinical enactment (v. Shah. 17a) conveys uncleanness to the man who carries it and he thus becomes unfit to eat clean terumah of which, his 'erub was prepared.
- (9) **אַחֲרָיו** MS.M. and marg. note on Rashi a.l. (Cur. edd. **אַחֲרָיו**, 'behind him'). Where the edges measure less than a handbreadth, and the piece of wood is carried in a vertical position, no 'tent' is constituted.
- (10) Who do not allow the deposit of an 'erub even on an isolated grave. Granted that a movable 'tent' is no valid partition in a graveyard, why should not a priest standing at the side of an isolated grave be allowed in this manner to remove his 'erub from it and eat it?
- (11) The place where an 'erub is deposited is deemed to be the 'home' of the man for whom it was prepared.
- (12) It is forbidden to have any benefit from a grave, a shroud or any of the requirements of a corpse (v. Sanh. 47b). Hence the Rabbis' prohibition of the use of a grave for an 'erub not only in the case of a priest but also in that of an Israelite. The mention of a priest merely indicates the extent of R. Judah's leniency: Not only is an Israelite permitted but also a priest.
- (13) V. R.H. 28a. In his opinion no 'erub may be prepared unless it is for the purpose of enabling a person to perform a commandment, as in the case where he desires to go to a house of mourning or to a wedding feast (v. infra).
- (14) R.H. 28a.
- (15) Since the Rabbis differ from R. Judah.
- (16) The Rabbis.
- (17) Cf. supra p. 214, n. 9.
- (18) In permitting the use of a grave for an 'erub.
- (19) R. Judah and the Rabbis.
- (20) From which one derives personal benefit. Hence their prohibition.
- (21) Infra 82a.
- (22) R. Judah.
- (23) At twilight on the Sabbath eve.
- (24) Since the main object for which the 'erub was prepared has already been achieved. Its preservation of the grave is therefore of no benefit to him.
- (25) The Rabbis.
- (26) The preservation of the 'erub on the grave is consequently a benefit to him and is, therefore, forbidden.
- (27) V. Glos.
- (28) V. Glos. MS.M. adds: 'and terumah'.
- (29) Sc. for the man for whom it is prepared. And since our Mishnah allows it nevertheless to be used for an 'erub, does not an objection arise against Symmachus (cf. Tosaf. s.v. **דְּמַי** a.l.) who laid down that an 'erub must consist of food which the man for whom it is prepared is able to eat?
- (30) Any man for whom it is prepared.

Talmud - Mas. Eirubin 31b

and billeted troops¹ with demai.² R. Huna stated: One taught: Beth Shammai ruled: Poor men may not be fed with demai, and Beth Hillel ruled: Poor men may be fed with demai.³

AND WITH FIRST TITHE FROM WHICH [ITS TERUMAH] HAD BEEN TAKEN etc. Is not this obvious? — [The ruling was] required in the case only where [the Levite]⁴ forestalled the priest⁵ whilst [the grain was still] in the ears and from⁶ [his first tithe] was taken terumah of the tithe⁷ but no terumah gedolah,⁸ and this⁹ is in agreement with a ruling made by R. Abbahu in the name of Resh Lakish. For R. Abbahu stated in the name of Resh Lakish: First tithe that was set apart, before [the other dues, while the grain was still] in the ears, is exempt from terumah gedolah, for it is said in Scripture: Then ye shall set apart of it a gift¹⁰ for — the Lord, even, tithe of the tithe;¹¹ I only told you [to set apart] ‘a tithe of the tithe’ but not terumah gedolah and the tithe of the tithe from the tithe. Said R. Papa to Abaye: If so, [the same rule should apply] also where [the Levite] forestalled the priest¹² [while the grain was already] in a pile?¹³ — Against you, the other replied, Scripture stated: Thus ye shall set apart in gift¹⁴ unto the lord of all your tithes.¹⁵ And what [reason] do you see [for this distinction]?¹⁶ — The one has become corn¹⁷ but the other¹⁸ has not.¹⁹

AND WITH SECOND TITHE AND CONSECRATED [FOOD] THAT HAVE BEEN REDEEMED. Is not this obvious? — [The ruling was] required in the case only where the principal was paid but not the fifth;²⁰ and this teaches us that [the omission to pay] the fifth does not invalidate the redemption.²¹

[IT MAY] NOT [BE PREPARED,] HOWEVER, WITH TEBEL. Is not this obvious? — [The ruling was] necessary in such a case only as Rabbinical tebel as, for Instance, when [produce] was sown²² in an unperforated pot.²³

NOR WITH FIRST TITHE THE TERUMAH FROM WHICH HAS NOT BEEN TAKEN. Is not this²⁴ obvious? — This²⁴ was necessary in such, a case only where [the Levite] forestalled the priest²⁵ [in taking his due²⁶ when the grain was already] in the pile,²⁷ and terumah of the tithe was taken from it,²⁸ while terumah gedolah was not taken from it. It might consequently have been assumed [that the ruling is] as R. Papa submitted to Abaye,²⁹ hence we were informed [that the ruling is] in agreement with the latter's reply.³⁰

NOR WITH SECOND TITHE AND CONSECRATED [FOOD] THAT HAVE NOT BEEN REDEEMED. Is not this obvious? — [The ruling was] required in that case only where they were redeemed but their redemption was not performed in the prescribed manner;³¹ where the TITHE [for instance] was redeemed with a piece of uncoined metal³² whereas the All Merciful ordained, ‘And thou shalt bind up³³ the money,’³⁴ [implying that] the metal must be coined;³⁵ and where the CONSECRATED [FOOD] was exchanged for a plot of land, whereas the All Merciful ordained, ‘And he shall give the money...’³⁶ and it should be assured for him’.³⁷

MISHNAH. IF A MAN SENDS HIS ‘ERUB³⁸ BY THE HAND OF A DEAF-MUTE,³⁹ AN IMBECILE OR A MINOR, OR BY THE HAND OF ONE WHO DOES NOT ADMIT [THE PRINCIPLE OF] ‘ERUB,⁴⁰ THE ‘ERUB IS NOT VALID. IF, HOWEVER, HE INSTRUCTED ANOTHER PERSON TO RECEIVE IT FROM HIM,⁴¹ THE ‘ERUB IS VALID.

GEMARA. IS NOT A MINOR [qualified to prepare an ‘erub]? Did not R. Huna in fact rule: A minor may collect⁴² [the foodstuffs for] the ‘erub?⁴³ — This is no difficulty since the former⁴⁴ refers to an ‘erub of boundaries while the latter deals with an ‘erub of courtyards.⁴⁵

OR BY THE HAND OF ONE WHO DOES NOT ADMIT [THE PRINCIPLE OF] 'ERUB. Who?
— R. Hisda replied: A Samaritan.

IF, HOWEVER, HE INSTRUCTED ANOTHER PERSON TO RECEIVE IT FROM HIM, THE 'ERUB IS VALID. But is there no need to provide against the possibility that [the minor] might not carry it to him? — As R. Hisda explained elsewhere, 'Where [the sender] stands and watches him',⁴⁶ here also [it may be explained:] Where he stands and watches him.⁴⁶ But is there no need to provide against the possibility that [the agent] would not accept it from him?⁴⁷ — As R. Yehiel explained elsewhere, 'It is a legal presumption that an agent carries out his mission, so here also [it may be explained:] It is a legal presumption that an agent carries out his mission.

Where were the Statements of R. Hisda and R. Yehiel made? — In connection with the following. For it was taught: If he gave it⁴⁸ to [a trained] elephant who carried it,⁴⁹ or to [a trained] ape who carried it,⁴⁹ the 'erub is invalid; but if he instructed someone⁵⁰ to receive it from the animal,⁵¹ behold the 'erub is valid — Now is it not possible that it would not carry it?⁵² — R. Hisda replied: [This is a case] where [the sender] stands and watches it.⁵³ But is it not possible that [the agent] would not accept it from [the animal]?⁵¹ — R. Yehiel replied: It is a legal presumption that all agent carries out his mission. R. Nahman ruled: In [respect of a law] of the Torah, there is no legal presumption that all agent carries out his mission;

(1) Who, being away from their homes, are regarded as poor.

(2) Dem. III, 1, supra 17b.

(3) Cf. supra 17b where 'and billeted troops' follows 'poor man' in the rulings of Beth Shammai and Beth Hillel.

(4) Whose due, the second tithe, follows that of terumah 'gedolah (v. Glos.) for the priest.

(5) Lit., 'him', i.e., received his first tithe before the priest received his terumah gedolah.

(6) Lit., 'from it'.

(7) Which is due from the Levite to the priest —

(8) Which should have been taken from it before it was given to him, and which is now contained in it.

(9) That such first tithe is permitted to the Levite despite the terumah gedolah which it contains.

(10) תְּרוּמַת const. of terumah (v. Glos.).

(11) Num. XVIII, 26.

(12) V. supra p. 216, n. 8.

(13) Sc. after it had been threshed.

(14) V. p. 216, n. 13.

(15) Num. XVIII, 28. כֹּל before תְּרוּמַת in cur. edd. is absent from M.T. and is also omitted here.

(16) Between first tithe that was set apart while the grain was in its ears and between one set apart after it had been threshed. Why should the former only be exempt from terumah gedolah?

(17) אֵידָגֶן denom. of דָּגָן 'corn'. Only corn is subject to the priestly dues (v. Deut. XVIII, 4).

(18) Grain in the ears.

(19) So that when the Levite received his first tithe the grain was not yet subject to terumah gedolah, while at the time it was threshed it had already the status of first tithe which is exempt in accordance with Num. XVIII, 26.

(20) V. Lev. XXVII, 31.

(21) Lit., 'prevents', 'hinders'.

(22) Lit., 'when he sowed it'.

(23) only produce that grows in the ground or at least, in a perforated Pot, and thus draws its nourishment from the earth is Pentateuchally subject to the priestly and levitical dues.

(24) That first tithe produce from which terumah of the tithe had not been taken is unfit for consumption, and consequently unsuitable for 'erub.

(25) Lit., 'him'.

(26) First tithe.

(27) Sc. after it had been threshed.

- (28) Not as has previously been assumed that it was not.
- (29) Supra, that even such produce should not be subject to terumah gedolah.
- (30) Lit., 'as he answered him', that, since at the time the Levite received his due, the produce was already subject to terumah gedolah, it remains unfit for use until such terumah had been set apart for it.
- (31) Lit., 'according to their law'.
- (32) אַסִּימוֹן, Gr. **
- (33) וְצֵרֶת v. infra n. 7.
- (34) Deut. XIV, 25.
- (35) Lit., 'silver which has on it a figure'. צוֹרֶה 'figure' is analogous in form to וְצֵרֶת (v. supra n. 5).
- (36) But not land.
- (37) The italicized words occur in Lev. XXVII, 19. For 'and he shall give' M.T. reads: 'then he shall add the fifth of', v. B.M., Sonc. ed., p. 321, n. 1.
- (38) To the spot which he desires to establish as his abode for the Sabbath.
- (39) This is the usual signification of הָרֵשׁ (deaf) in the Talmud.
- (40) This is explained infra.
- (41) And to deposit it in the prescribed manner.
- (42) From the tenants of a courtyard.
- (43) And prepare it for them.
- (44) Lit., 'here', our Mishnah.
- (45) In the latter case the mere contribution of the tenants to a common 'erub constitutes the fusion of their private domains. In the former case, however, acquisition of the abode is necessary but no minor is legally competent to effect acquisition.
- (46) Thus making sure that the 'erub is 'duly carried to the competent agent.
- (47) And, despite his appointment as agent, would neglect the preparation of' the 'erub.
- (48) His 'erub of boundaries.
- (49) Towards the required spot.
- (50) Lit., 'to another'.
- (51) Lit., 'from it'.
- (52) To the agent.
- (53) Thus making sure that the 'erub is duly carried to the competent agent.

Talmud - Mas. Eirubin 32a

in [respect of a law] of the Scribes there is a legal presumption that an agent carries out his mission. R. Shesheth, however, ruled: In respect of the one as in that of the other there is a legal presumption that an agent carries out his mission.

Whence, said R. Shesheth, do I derive this?¹ From what we learned: As soon as the omer² had been offered the new produce³ is forthwith permitted; and those who [live] at a distance⁴ bare permitted [its use] from mid-day onwards.⁵ [Now, the prohibition against the consumption of] new produce is Pentateuchal, and yet it was stated that ‘those who [live] at a distance are permitted [its use] from mid-day onwards’. Is not this due to the legal presumption that an agent carries out his mission?⁶ And R. Nahman?⁷ — There [the presumption is justified] for the reason stated:⁸ Because it is known that Beth din would not shirk their duty.⁹

Others there are who read: R. Nahman said: Whence do I derive this?¹⁰ since the reason stated¹¹ was, ‘Because it is known that Beth din would not shirk their duty’, [it follows that] it is only Beth din who do not shirk their duty but that an ordinary agent might. And R. Shesheth?¹² — He can answer you: Beth din [are presumed to have carried out their duty] by mid-day, while an ordinary agent [is presumed to have done his before] all the day [has passed]. Said R. Shesheth: Whence do I derive this?¹³ From what was taught: A woman who is under the obligation¹⁴ [of bringing an offering in connection with] a birth¹⁵ or gonorrhoea¹⁶ brings [the required sum of]¹⁷ money which she puts into the collecting box,¹⁸ performs ritual immersion and is permitted to eat consecrated: food in the evening.¹⁹ Now what is the reason?²⁰ Is it not because we hold that it is a legal presumption that an agent²¹ carries out his mission?²² And R. Nahman?²³ — There [the presumption may be justified] in agreement with the view of R. Shemaiah. For R. Shemaiah laid down: There is a legal presumption that no Beth din of priest who would rise from their session²⁴ before all the money in the collecting box²⁵ had been spent.²⁶

R. Shesheth again said: Whence do I derive this?²⁷ From what was taught: If a man said to another, ‘Go out and gather for yourself some figs²⁸ from my fig tree’, the latter may make²⁹ of them an irregular meal³⁰ or³¹ he must tithe them [as produce that is] known³² [to be untithed].³³ [If however, the owner said to him,] ‘Fill yourself this basket³⁴ with figs from my tree’ [the latter] may eat them as an irregular meal³⁵ or³⁶ must tithe them as demai.³⁷ This³⁸ applies only to [an owner who was] an am ha-arez,³⁹ but if he was a Fellow⁴⁰ [the latter] may eat [the fruit]⁴¹ and need not tithe them;⁴² so Rabbi: R. Simeon b. Gamaliel, however, ruled: This⁴³ applies only to [an owner] an am ha-arez, but if he was a Fellow⁴⁰ [the latter] must not eat [the figs]⁴⁴ before he has tithed them, because Fellows are not suspected of giving terumah from [produce] that is not in close proximity [to the produce for which it is given].⁴⁵ My view, remarked Rabbi, seems [to be more acceptable] than that of my father,⁴⁶ since it is preferable that Fellows should be suspected of giving terumah from [produce] that is not in close proximity [with that for which it is given] than that they should give ‘amme ha-arez⁴⁷ to eat all sorts of tebel.⁴⁸ Now, their⁴⁹ dispute extends only so far⁵⁰ that while one Master maintains that they are not suspected,⁵¹ but both⁵² [agree⁵³ that there is] legal presumption that an agent⁵⁴ carries out his mission.⁵⁵ And R. Nahman?⁵⁶ — There [the presumption is justified] in agreement [with the principle] of R. Hanina Hoza'ah. For R. Hanina Hoza'ah⁵⁷ laid down: It is a legal presumption that a Fellow would not allow any unprepared thing⁵⁸ to pass out of his hand.⁵⁹

The Master said: ‘This applies only to [an owner who was] an am ha-arez, but if he was a Fellow [the latter] may eat [the fruit] and need not tithe them; so Rabbi’. To whom could this ‘am ha-arez⁶⁰ have been speaking? If it be suggested that he was speaking to an ‘am ha-arez like himself⁶¹ [what sense is there in the ruling,] ‘Must tithe them, as demai’? Would he obey it?⁶² Consequently it in must be a case⁶³ where an ‘am ha-arez was speaking to a Fellow. Now, then, read the final clause: ‘My view seems [to be more acceptable] than that of my father, since it is preferable that Fellows

should be suspected of giving terumah from [produce] that is not in close proximity [with that for which it is given] than that they should give ‘amme ha-arez to eat all sorts of tebel’; how⁶⁴ does the question of ‘amme ha-arez at all arise?⁶⁵ — Rabina replied: The first clause deals with an ‘am ha-arez who was speaking to a Fellow, and the final clause deals with a Fellow who was speaking to all am ha-arez while another Fellow was listening to the conversation.⁶⁶ Rabbi

-
- (1) That even in respect of a Pentateuchal law it may be presumed that an agent carries out his mission.
 - (2) עומר (lit., ‘sheaf’ or ‘a measure containing the tenth part of an ephah’) the offering of barley of the firstfruits of the harvest on the sixteenth day of Nisan (cf. Lev. XXIII, 10).
 - (3) The consumption of which is forbidden before the ‘omer is offered.
 - (4) From Jerusalem; who in consequence are unable to ascertain the time the ‘omer was offered.
 - (5) Men. 68a (v. next note).
 - (6) Obviously it is. The priests being the agents of the people are presumed to have attended to their duty and to have done it before half of the day had passed.
 - (7) How, in view of the ruling cited, can he maintain that in respect of a Pentateuchal law there is no legal presumption that all agent carries out his mission?
 - (8) Lit., ‘as it was taught’.
 - (9) Lit., ‘be lazy about it’. This, therefore, is no proof that legal presumption is justified in the case of an ordinary agent.
 - (10) That in respect of a Pentateuchal law there is no legal presumption that an agent carries out his mission.
 - (11) For the ruling in the Mishnah of Men. cited.
 - (12) How could he maintain his ruling in view of this argument?
 - (13) that even in respect of a Pentateuchal law may be presumed that an agent carries out his mission.
 - (14) Lit., there is upon her’.
 - (15) V. Lev. XII, 6ff.
 - (16) V. ibid. XV, 29.
 - (17) The price of two turtles (v. Lev. XII, 8, and XV, 29).
 - (18) שופר lit., horn’, a box so shaped in which those under an obligation to bring sacrifices put in amount corresponding to the cost of their respective sacrifices which were subsequently purchased for them by the priests (cf. Shek. VI, 6).
 - (19) Men. 27a
 - (20) Why the woman may eat consecrated food though she had not herself witnessed the offering of her sacrifice.
 - (21) In this case the priests whose duty it is to purchase the necessary sacrifices on behalf of the donors.
 - (22) Obviously we do, it being presumed that before the day is over the priests will have purchased the sacrifice and offered it up. This proves that even in respect of a Pentateuchal law such a presumption is justified.
 - (23) How could he maintain his ruling in view of this argument.
 - (24) Lit., from there’.
 - (25) V. supra n. 6.
 - (26) On the purchase of the necessary sacrifices. Pes. 90b. The ruling in this case is consequently no proof that a similar presumption is justified where the mission is entrusted to an ordinary agent.
 - (27) V. supra n. 1.
 - (28) Sc. take an unspecified quantity’.
 - (29) Lit., ‘eat’.
 - (30) And he is under no obligation to set apart the priestly and levitical dues. An occasional meal is exempt from such dues.
 - (31) If he desires to make of them a regular meal.
 - (32) Lit., ‘certain’.
 - (33) He must set apart all the prescribed dues; because the owner who does not know how much was gathered could not possibly have set aside any dues for the figs in question.
 - (34) Sc. ‘take a specified quantity’.
 - (35) V. supra p. 221, n. 18.
 - (36) If he desires to make of them a regular meal.
 - (37) V. Glos., it being doubtful whether the owner, who knew the quantity of fruit to be gathered, had, or had not set

apart for it the required dues from some other produce.

(38) That the figs must be tithed at least as demai.

(39) V. Glos.

(40) Haber, v. Glos.

(41) Even as a regular meal.

(42) Since no haber would allow his produce to be eaten by anyone before he had himself duly set apart for it all the prescribed dues.

(43) That it is sufficient to tithe the figs as demai.

(44) As a regular meal.

(45) The figs, therefor, must be regarded as produced for which none of the prescribed dues were set apart.

(46) R. Simeon b. Gamaliel.

(47) עמי הארץ pl. of am ha-arez (v. Glos.).

(48) טבליים pl. of tebel (v. Glos.). This is explained soon.

(49) Rabbi and his father.

(50) Lit., 'until here'.

(51) Of setting apart terumah from produce that is not in close proximity with that for which it is set apart.

(52) Lit., 'all the world'.

(53) As R. Shesheth ruled.

(54) In this case the owner of the fig tree whose duty it is to provide for the proper separation of the prescribed dues.

(55) Since, even according to R. Simeon b. Gamaliel, had it not been for the consideration that produce and dues must be in close proximity, the owner would have been presumed to have set apart all the prescribed dues.

(56) How could he maintain his ruling in view of this argument?

(57) Of Hozae (Khuzistan).

(58) I.e., produce for which the prescribed dues have not been given.

(59) Pes. 9a. This presumption, however, does not apply to an ordinary agent who might sometimes fail to carry out his mission.

(60) The owner spoken of.

(61) Lit., 'his friend'.

(62) Certainly not. The one 'am ha-arez would rather rely on the other.

(63) Lit., 'but'.

(64) Since the person addressed was a Fellow.

(65) Lit., 'what do they want there?'

(66) Lit., 'heard him'.

Talmud - Mas. Eirubin 32b

is of the opinion that that Fellow may eat [the fruit] and need not tithe it because it is certain that the first Fellow had duly given the tithe for it, while R. Simeon b. Gamaliel ruled that he must not eat [the fruit] before he tithed it because Fellows are not suspected of giving terumah from [produce] that is not in close proximity [to that for which it is given]. Thereupon Rabbi said to him, 'It is preferable that Fellows should be suspected of giving terumah from [produce] that is not in close proximity [with that for which it is given] than that they should give amme ha-arez to eat all sorts of tebel'. On what principle do they¹ differ? — Rabbi holds that a Fellow is satisfied to commit a minor ritual offence² in order that an 'am ha-arez should not commit a major one,³ while R. Simeon b. Gamaliel holds that a Fellow prefers the 'am ha-arez to commit a major ritual offence rather than that he should commit even a minor one.⁴

MISHNAH. IF HE DEPOSITED I⁵ ON A TREE ABOVE [A HEIGHT] OF TEN HANDBREADTHS,⁶ HIS 'ERUB IS INEFFECTIVE; [IF HE DEPOSITED IT AT AN ALTITUDE] BELOW TEN HANDBREADTHS HIS 'ERUB IS EFFECTIVE. IF HE DEPOSITED IT IN A CISTERN,⁶ EVEN IF IT IS A HUNDRED CUBITS DEEP, HIS ERUB IS EFFECTIVE.

GEMARA. R. Hiyya b. Abba and R. Assi and Raba b. Nathan sat at their studies while R. Nahman was sitting beside them, and in the course of their session they discussed the following. Where could that tree have been standing? If it be suggested that it stood in a private domain, what matters⁷ it [it may be objected] whether it was ABOVE [A HEIGHT] OF TEN HANDBREADTHS or BELOW it, seeing that a private domain rises up to the sky? If, however, [it be suggested] that it stood in a public domain [the question arises] where did the man intend to make his Sabbath abode?⁸ If it be suggested that he intended to make it on, [the tree] above, are not then he and his ‘erub in the same domain?⁹ — [The fact,] however, [is that] he intended to make his Sabbath abode below.¹⁰ But is he not¹¹ making use of the tree?¹² — It may still be maintained that [the tree] stood in a public domain and that the man's intention was to acquire his Sabbath abode below, but¹³ [this Mishnah] represents the view of Rabbi who land down: Any act that is forbidden¹⁴ by a Rabbinical measure¹⁵ is not subject to that prohibition during twilight.¹⁶ ‘Well spoken!’¹⁷ said R. Nahman to them, ‘and so also did Samuel say’. ‘Do you¹⁸ explain with it’, they said to him, ‘so much?’ (But did not they themselves explain [their difficulty] thereby? — In fact it was this that they said to him: ‘Did you embody it in the Gemara?’)¹⁹ — ‘Yes’, he answered them — So it was also stated:²⁰ R. Nahman reporting Samuel said: Here we are dealing with a tree that stood in a public domain, that was ten handbreadths high and four handbreadths wide, and the man had the intention to acquire his Sabbath abode below. This, furthermore, is the view of Rabbi who land down: Any act that is forbidden by a Rabbinical measure¹⁵ is not subject to that prohibition during twilight.²¹

Raba stated: This²² was taught only in respect of a tree that stood beyond the outskirts²³ of the town, but where a tree stood within the outskirts of the town²⁴ an ‘erub is effective even [if it was deposited] above [a height] of ten handbreadths,²⁵ since a town is deemed to be full.²⁶ If so,²⁷ the same [law should apply to an erub on a tree] beyond the outskirts of a town, for since Raba ruled: ‘A man who deposited his ‘erub [in any spot] acquires [an abode of] four cubits,’²⁸ that spot is a private domain which rises up to the sky?²⁹ — R. Isaac the son of R. Mesharsheya replied: Here we are dealing with a tree whose branches bent over beyond the four cubits

(1) Rabbi and his father.

(2) Giving the dues from produce that is not in close proximity with that for which it is given.

(3) Eating tebel.

(4) V. supra n. 2.

(5) The ‘erub.

(6) This is explained in the Gemara infra.

(7) Lit., ‘what (difference is it) to me’.

(8) Lit., ‘to rest’.

(9) And the ‘erub should be effective even if it was deposited above a height of ten handbreadths.

(10) At the root of the tree in the public domain. If the ‘erub is above ten handbreadths it is ineffective because the tree on which it lay, being presumably no less than four handbreadths in width has, above a height often handbreadths, the status of a private domain, and carrying from a private domain into the public one, where the man had acquired his abode, is forbidden.

(11) When he takes down the ‘erub.

(12) Even where the height was less than ten handbreadths. Such use being forbidden on the Sabbath (cf. Bezah 36b) how could the ‘erub be deemed valid?

(13) In reply to the objection raised (v. previous note).

(14) On the Sabbath.

(15) Shebuth.

(16) Of the Sabbath Eve; because it is doubtful whether that time is regarded as Sabbath proper or as ‘the conclusion of the weekday. As the acquisition of a Sabbath abode by ‘erub must take effect at twilight, and since at that time the use of the tree was permitted, the ‘erub in the circumstances mentioned may well be deemed effective.

(17) Aliter: Perfectly correct. Alter: Thanks. The reading is **ישר** lit., ‘upright’ or **ישר** with **כהך** or **כחכם** ‘thy or your strength’ implied, ‘may thy (or your) strength be firm’.

(18) 'Who seem so pleased with the answer —

(19) [I.e., have you included this as a fixed element in the Talmud? This is one of the few passages which throw light on the first stages of the redaction of the Talmud, v. J.E. XII, p. 15.]

(20) [A confirmatory amoraic tradition that this explanation has been included as a fixed element in the Talmud.]

(21) Supra q.v. notes.

(22) The ruling in our Mishnah.

(23) עִבּוּרָה (rt. עָבַר 'to pass'), houses situated within seventy and two-thirds cubits from the town (v. infra 57a).

(24) A tree in such a locality of a town is likely to be used as a repository for an 'erub by a person living in a neighbouring town, within two thousand cubits distance from this one, who is desirous of going two thousand cubits beyond the outskirts of the latter (Rashi).

(25) And the person intended to acquire his Sabbath abode below.

(26) Sc. with earth; even the space above the ground, since it is surrounded by houses, assumes some of the characteristics of a private domain, as if the ground itself were raised into the space above. Though movement of objects from the tree to the public domain remains forbidden the person's 'abode' in respect of the 'erub is deemed to be level with it, and the 'erub is consequently valid.

(27) If the ground, in respect of 'erub, is deemed to be raised to the level of the 'erub.

(28) Infra 35a.

(29) So that the 'erub and the person are virtually in the same domain, however high the 'erub lay (cf. supra n. 2).

Talmud - Mas. Eirubin 33a

while the man intended to acquire his Sabbath abode at its root;¹ and what [is the explanation for the use of the expressions,] 'above' and 'below'?² That [the branch]³ rises again into a vertical position. But could not the man,⁴ if he so wished, bring [the 'erub]⁵ by way of the upper part of the tree?⁶ — [This is a case] where many people adjust their burdens⁷ on it,⁸ and [this ruling⁹ is] in agreement with that of Ulla who laid down: If a column, nine handbreadths high,¹⁰ was situated in a public domain and many people were adjusting their burdens on it, any man who throws¹¹ an object that comes to rest upon It is guilty.¹²

What is the source of the dispute between,¹³ Rabbi and the Rabbis?¹⁴ — It was taught: If he deposited it on a tree above [a height] of ten handbreadths, his 'erub is ineffective;¹⁵ [if he deposited it at an altitude] below ten handbreadths his 'erub is effective, but he must not move it.¹⁶ [If the 'erub was deposited]¹⁷ within three [handbreadths from the ground] it is permitted to move it.¹⁸ If he put it in a basket and hung it upon the tree his 'erub is effective even if it was above [a height] of ten handbreadths;¹⁹ Rabbi. But the Sages ruled: Wherever it is forbidden to move it the 'erub is ineffective. Now to what [does the statement,] 'But the Sages ruled' refer? If it be suggested: To the final clause,²⁰ [the difficulty would arise:] Does this imply that the Rabbis hold the opinion that [the use of the] sides²¹ [is also] forbidden?²² Consequently [it must refer] to the first clause.²³ But then, what [size of] tree is done to imagine? If [it is one] which is less than four [handbreadths in width,] then, surely, it is a spot of exemption;²⁴ and if it was four [handbreadths wide,]²⁵ what is [the use, it may be asked,] that the 'erub was put in a basket?²⁶ — Rabina replied: The first clause [is a case] where [the tree] had [a width] of four [handbreadths,²⁷ while] the final clause [deals with one] whose width was less than four [handbreadths]²⁸ but the basket supplemented it to four

(1) The branches outside the four cubits are obviously in the public domain. If, therefore, the 'erub lay below the height of ten cubits it is possible to carry it in small stages of less than four cubits to the root of the tree which is a private domain only as regards 'erub but not in respect of forbidding the movement of objects into it from the public domain. If, however, the 'erub was deposited above the height of ten cubits (so that it rested in a private domain proper) it would not be permitted to carry it to the root of the tree (another private domain) via the public domain. Hence its invalidity.

(2) לְמַעַלָּה and לְמַטָּה. Such terms are applicable to an 'erub on a tree that stands upright but not to one on a branch, projecting horizontally. In the latter case the expressions, 'high' and 'low' would be expected.

(3) At first projecting horizontally at an altitude below ten handbreadths.

- (4) Even where the 'erub lay at a height of ten handbreadths, and beyond four cubits of the root where he intended to acquire the Sabbath abode.
- (5) From the branch to the root of the tree.
- (6) I.e., by climbing to the upper part of the tree, which, being above an attitude of ten handbreadths, is a private domain through which it is permitted to carry from the private domain in which the 'erub lay to the root of the tree which also is a private domain.
- (7) מכתפין denom. pi'el of כתף 'to shoulder'.
- (8) The branch that was beyond the four cubits was lower than ten handbreadths; which, in consequence, assumes the status of a public domain. It is impossible, therefore, to carry the 'erub from the upright portion of the branch which is a private domain to the root of the tree which is also a private domain, since the only way possible, viz. the horizontal portion of the branch, constitutes a public domain of all the space above it, and it is forbidden to carry from one private into another private domain via a public domain (cf. Shab. 96a).
- (9) That the branch has the status of a public domain.
- (10) Only of that height; for if it was lower than three handbreadths it is regarded as a mere projection and as a part of the ground; from three to nine handbreadths in height, since it is too low for adjusting burdens, it is not deemed a public domain but it has the status of a karmelith (v. Glos.); and one of ten handbreadths in height is deemed to be a private domain.
- (11) Across a distance of four cubits from the column
- (12) Shab. 3a; of the offence of desecrating the Sabbath, because the column has the status of a public domain. Where, however, the public do not adjust their burdens upon the column it is not deemed a public domain and no guilt is incurred by the man who threw the object because, though he lifted it up in a public domain, it did not come to rest in a public domain, and no guilt for throwing a distance of four cubits in a public domain is incurred unless both the lifting and the resting of the object took place in a public domain.
- (13) Lit., 'what . . . and what'.
- (14) Referred to supra 32b.
- (15) If, as was explained supra, the man's intention was to make his abode at the root of the tree whose branches extended horizontally across the public domain to a distance of four cubits and then turned upwards into a vertical position.
- (16) On the Sabbath, from its place on the tree to his 'abode' at the root of that tree; because the use of a tree is forbidden on the Sabbath. The 'erub is nevertheless effective since at twilight on Friday, when the 'abode' is acquired, the use of the tree, which is only Rabbinically forbidden on the Sabbath, is then permitted and the 'erub, therefore, could then be moved.
- (17) On the tree.
- (18) On the Sabbath; because a height of less than three handbreadths is regarded as the ground itself.
- (19) Provided, as explained infra, the tree is less than four handbreadths in width.
- (20) Rabbi having ruled that an 'erub in a basket suspended from a tree is effective, the Sages objected that, since on the Sabbath the 'erub' may not be moved, on account of the Rabbinical prohibition against the use of a tree, it must not be moved, as a preventive measure, even at twilight of the Sabbath Eve when the 'erub should come into force, and the 'erub is consequently ineffective.
- (21) As is the case here where the basket does not rest on the tree but is suspended from its sides.
- (22) But this question in fact forms the subject of a dispute in Shab. 154b.
- (23) Where Rabbi stated that an 'erub on a tree below the height of ten handbreadths is effective though it may not be moved on the Sabbath. To this the Sages objected that, though the abode and the 'erub were in the public domain, since the 'erub may not be moved on the Sabbath, on account of the prohibition against the use of the tree, it may not be moved at twilight either, and the 'erub is, therefore, invalid.
- (24) I.e., a spot the identity of which is merged into the domain in which it is situated (v. Shab. 6a), so that it is permitted, even in Rabbinic law, to move objects from the former into the latter and vice versa. As the tree in question is situated in a public domain it is permitted to move the 'erub from the one into the other. Why then should the 'erub be ineffective even where it lay at a height above ten handbreadths?
- (25) So that the prohibition in the first clause is due to the fact that the tree constituted a private domain from which it is forbidden to carry into the public domain.
- (26) Seeing that neither the 'erub alone nor the 'erub with the basket may be moved from one domain into another.

(27) As the tree thus constituted a private domain the 'erub on it could not be carried to the 'abode' in the public domain. Hence the invalidity of the 'erub.

(28) In consequence of which it cannot be regarded as a private domain.

Talmud - Mas. Eirubin 33b

and Rabbi adopts the same view as that of R. Meir and also the same as that of R. Judah. He adopts the same view as that of R. Meir who ruled: 'Excavation may be imagined so that [the prescribed measurements] may be obtained',¹ and he also adopts the same view as that of R. Judah who ruled: It is necessary that the 'erub [shall rest] on a spot that is four [handbreadths wide]', which is not the case here.²

What [is the source of the ruling of] R. Judah? — It was taught: R. Judah ruled: If a man inserted a pole in [the ground of] a public domain and deposited his 'erub on it, his 'erub is effective [if the pole was] ten [handbreadths] high and four [handbreadths] wide;³ otherwise⁴ his 'erub is ineffective. On the contrary! Are not he and his 'erub [in the latter case]⁵ in the same domain?⁶ It is this rather that he⁷ meant: [If the pole⁸ was] ten [handbreadths] high it is necessary⁹ that at its top it shall be four [handbreadths wide],¹⁰ but if it was not ten [handbreadths] high it is not necessary for its top to be four [handbreadths wide].¹¹

In agreement with whose view?¹² — [It is apparently] not in agreement with that of R. Jose son of R. Judah, seeing that it was taught: R. Jose son of R. Judah ruled: If a man inserted a reed in [the ground of] a public domain and on the top of it he fixed a basket,¹³ any one who threw¹⁴ something which came to a rest on the top of it incurs guilt?¹⁵ — It¹⁶ may be said [to be in agreement] even [with that of] R. Jose son of R. Judah, for there¹⁷ the sides¹⁸ surround [the reed],¹⁹ but here²⁰ the sides¹⁸ do not surround [the tree].²¹ R. Jeremiah²² replied:²³ A basket is different²⁴ since one might incline it and so²⁵ lower it within ten [handbreadths from the ground].²⁶ R. Papa sitting at his studies was discoursing on this traditional teaching,²⁷ when Rab b. Shaba pointed out to him the following objection: [We learned, he said]: How is one²⁸ to proceed?²⁹ He arranges [for the 'erub'] to be carried [by a deputy³⁰ to the required spot] on the first day,³¹ and, having remained there with it until dusk,³² he takes it [with him]³³ and goes away.³⁴ On the second day³⁵ he [again] comes [with it] and keeps it there until dusk³² when he may consume it³⁶ and go away.³⁷

(1) Lit., 'to complete', v. supra 11b. Hence it is permissible to add the width of the basket to that of the tree to impart to the latter the status of a private domain. It is not regarded, however, as a private domain in all respects since the prescribed width does not extend below the basket where the width of the tree is less than four handbreadths.

(2) Lit., 'and there is not', unless the width of the basket is added.

(3) Because the area of four cubits in the public domain which he had acquired by making his abode for the Sabbath at the base of the pole, is in respect of the 'erub regarded as a private domain which extends from the earth to the sky and in consequence of which he may move his 'erub' from the top of the pole, which is a private domain, to its base at the side of which he made his abode.

(4) Lit., 'and if not'. This is now assumed to mean: If the width was less than four handbreadths or the height was less than ten handbreadths.

(5) ,Where the pole (v. previous note) was less than ten handbreadths high.

(6) Since the pole does not constitute a private domain. Why then is the 'erub ineffective?

(7) R. Judah.

(8) On the top of which the 'erub was placed.

(9) If the 'erub is to be effective.

(10) Such a width constitutes a private domain and, as explained supra n. 5, the 'erub is effective. If the width, however, is less than four handbreadths the 'erub, resting in no 'domain' and being suspended, so to speak, in the air, must be ineffective.

(11) Sc. even if it is less than four handbreadths wide the 'erub is effective, since an object suspended within ten

handbreadths from the ground is deemed to be resting on the ground itself.

(12) Did Rabina (spurn 33a ad fin.) lay down that, though the width of the basket brings up a portion of a tree to the prescribed size of four handbreadths, the status of a private domain cannot be imparted to that portion unless the full height of the tree from the ground to that Spot was four handbreadths wide.

(13) Four hand breadths wide.

(14) From the public domain.

(15) Shah. 5a, 101a; because the basket has the status of a private domain though the reed below it is less than the prescribed width. Is it likely, however, that Rabina's view is in disagreement with that of R. Jose son of R. Judah?

(16) Rabina's view.

(17) The case of the basket on top of the reed.

(18) Of the basket.

(19) And the rule of 'gud ahith' by which the sides are assumed to descend to the ground may well be applied. The top of the reed may, therefore, be regarded as a private domain.

(20) A basket attached to the side of a tree.

(21) If the spot on which the 'erub rested were to be regarded as a private domain two processes would have to be postulated, that (a) the tree is imagined to be cut away so as to make up with the basket the prescribed area of four handbreadths and (b) that the sides of the basket descended to the ground. The assumption of two such processes, however, is inadmissible even according to R. Jose son of R. Judah. (For another interpretation v. Rash s.v., **ואית דמפרשי** a.l.).

(22) Maintaining that the first as well as the second clause of the Baraita (supra 33a) refers to a spot that was four hand breadths wide.

(23) To the objection (loc. cit. ad fin.): What is the use that the 'erub was put in a basket?

(24) From a fixed tree or pole.

(25) Without detaching it from the tree.

(26) And so obtain his 'erub without carrying it from one domain into another. Hence the validity of the 'erub even if one did not actually incline the basket.

(27) Of R. Jeremiah.

(28) Who wishes to prepare an 'erub for a festival, that occurred on a Friday, and for the Sabbath day following it.

(29) Were the 'erub to be deposited on the festival eve only, it might sometimes be lost during the day before the Sabbath commenced and the man, though provided for during the festival at the commencement of which the 'erub was in existence, would remain unprovided for during the Sabbath day.

(30) Cf Rashi s.v. **מתלב** and Tosaf. s.v. **מוליכו** a.l.

(31) Sc. on the festival eve.

(32) When, the 'abode' is acquired.

(33) For fear it gets lost.

(34) Lit., 'and comes for himself'.

(35) Friday, which is the Sabbath eve.

(36) Since the 'erub already served its purpose. He cannot again carry it away with him, as he did on the evening of the festival, since carrying in a public domain is forbidden on the Sabbath.

(37) Infra 3a.

Talmud - Mas. Eirubin 34a

Now, why [should this¹ at all be necessary]? Let it rather be land down:² Since one could carry it³ if one wished, [the 'erub], though one had not actually carried it, is deemed to have been carried? — R. Zera replied: This¹ is a preventive measure against the possibility of [not carrying it³ even when] a festival occurred on a Sunday.⁴

He pointed out to him [another] objection: If a man, intending to acquire his Sabbath abode in a public domain, deposited his 'erub in a wall⁵ lower than ten handbreadths [from the ground], his 'erub is effective,⁶ [but if he deposited it] above [a height of] ten handbreadths [from the ground]⁷ his 'erub is ineffective.⁸ If he intended to make his abode on the top of a dove-cote, or on the top of a

turret, his 'erub is valid [if it lay⁹ at a height] above ten handbreadths [from the ground;¹⁰ but if it lay at a level] below ten handbreadths [from the ground]¹¹ his 'erub is ineffective.¹² but why?¹³ Could it not be said here also¹⁴ [that the 'erub is effective] 'since one could incline [the dove-cote or the turret] and so lower it to a level of less than¹⁵ ten [handbreadths from the ground]?'¹⁶ — R. Jeremiah replied: Here we are dealing with a turret¹⁷ that was nailed [to the wall].¹⁸ Raba replied: It¹⁹ may be said to refer even to a turret¹⁷ that was not nailed [to a wall], for we might be dealing with a high turret²⁰ which, were one to incline it a little,²¹ it would project²² beyond [the original area of] four cubits.²³ But how is one to imagine [the circumstance]? If [the turret] had a window, and a cord [also was available, why should not the 'erub] be taken up through the window by means of the cord?²⁴ — This is a case where there was neither window nor cord.

IF HE DEPOSITED IT IN A CISTERN EVEN IF IT IS A HUNDRED CUBITS DEEP etc. Where was this CISTERN situated? If it be suggested that it was situated in a private domain,

- (1) The carrying of an 'erub to the place one wishes to acquire as his Sabbath abode.
- (2) As was done in the case of the basket, that, since one might incline it etc., it is the same as if one actually did it.
- (3) To the required spot.
- (4) Lit., '(the day) after the Sabbath'. In such a case the 'erub, if it is to be effective for the festival, must be carried to the required spot on the Sabbath eve. It cannot be taken there on the Sabbath when the carrying of objects is forbidden. Consequently, had it not been instituted that an 'erub must always be carried to the required spot, one might erroneously have formed the opinion that even in the case postulated the carrying of the 'erub to the required spot is unnecessary; and this would have had the result that the 'erub could be ineffective, since in this case carrying on the Sabbath being forbidden, the principle, 'Since it might be carried etc.' is obviously inapplicable.
- (5) That was more than four cubits distant from the 'abode'. If it was within the four cubits the 'erub is valid in both the following cases as explained supra in the case of a tree.
- (6) Since it is possible to carry it from the wall to the 'abode' in small stages of less than four cubits. Such a mode of carrying is forbidden on the Sabbath proper by a Rabbinical measure only; and, as the twilight of the Sabbath eve is regarded as Sabbath proper also by a Rabbinical measure only and as one Rabbinical measure cannot be imposed upon another, the carrying in small stages has not been forbidden at twilight when the acquisition of the 'abode' takes place.
- (7) So that the erub rested in a private domain.
- (8) Since it is forbidden even at twilight to convey from a private domain (v. previous note) into a public domain (where the man would be standing when taking down the 'erub from the wall).
- (9) In the dove-cote or turret.
- (10) Though the man could not carry the 'erub from its place to his abode, on account of the public domain which intervened between his private domain and that in which the 'erub lay (cf. Shab. 96a) he could well descend to the level where the 'erub was deposited and consume it there, since in respect of 'erub and 'abode' all space above ten handbreadths from the ground is regarded as one and the same domain.
- (11) If the cote or turret, for instance, had several compartments one above the other, and the 'erub lay in one of the lower ones.
- (12) Since such a place has the status of a karmelith from which it is forbidden to carry the 'erub to the top of the cote or turret on account of the public domain that intervened between them. Should the man descend to the level of the 'erub to consume it there, he would be leaving the domain of his abode for another domain which is contrary to the requirement that the 'erub must be in a position from which it can be taken to the abode and eaten there.
- (13) Should an 'erub below a level of ten handbreadths be ineffective.
- (14) As was said by R. Jeremiah (supra 33b ad fin.) regarding the basket.
- (15) Lit., 'to bend it and bring it to within'.
- (16) By lowering it to that altitude the 'abode' would be situated in a public domain into which, as explained supra, that two Rabbinical measures are not imposed upon one another, it is permitted at twilight of the Sabbath eve to carry from a karmelith. This Baraita obviously represents the view of Rabbi (v. Supra 32b) since its first clause recognizes the validity of an 'erub that was deposited in a wall below ten handbreadths from the ground though in such circumstances the man's abode is in a public domain while his 'erub is in a karmelith.
- (17) Or dove-cote.

(18) So that it cannot be moved from its position.

(19) The Baraitha under discussion.

(20) One higher than four cubits.

(21) To lower its top to an altitude of less than ten handbreadths.

(22) On account of its size.

(23) In which it was originally situated and which constituted the man's abode. An 'erub cannot be effective unless it call be consumed within four cubits of the original position of the abode.

(24) Pulling with a cord in such circumstances is only a Rabbinical prohibition which, as explained Supra, does not apply to the twilight if Sabbath eve when the Sabbath abode is acquired. (This note follows Rashi's second, while the previous notes on the passage are based on Rashi's first explanation.)

Talmud - Mas. Eirubin 34b

is [not this ruling, it may be objected,] obvious, seeing that a private domain rises up to the sky, and as it rises upwards so it descends downwards?¹ If, on the other hand, it be suggested that it was situated in a public domain, where [it may again be objected] did the man intend to have his Sabbath abode? If above,² he would be in one domain and his 'erub in another;³ and if below,⁴ [is not the ruling again] obvious seeing that he and his 'erub are in the same place?¹ - [This ruling was] required only in a case where [the cistern] was situated in a karmelith⁵ and the man intended to make his abode above;⁶ [and this ruling]⁷ represents the view of Rabbi who laid down: Any act that is forbidden by a Rabbinical measure⁸ is not subject to that prohibition during twilight [on the Sabbath eve].⁹

MISHNAH. IF IT¹⁰ WAS PUT ON THE TOP OF A REED OR ON THE TOP OF A POLE, PROVIDED¹¹ IT HAD BEEN UPROOTED AND THEN INSERTED [IN THE GROUND, EVEN THOUGH IT WAS A HUNDRED CUBITS HIGH, THE ERUB IS EFFECTIVE.¹²

GEMARA. R. Adda b. Mattena pointed out to Raba the following incongruity: [From our Mishnah it appears that] only¹³ if IT HAD BEEN UPROOTED AND THEN INSERTED [IN THE GROUND is the 'erub effective, but if it was] not first uprooted and then inserted [in the ground the 'erub would] not [have been effective].¹⁴ Now whose [view is this? Obviously] that of the Rabbis who ruled: Any act that is forbidden by a Rabbinical measure¹⁵ is also forbidden at twilight [on the Sabbath eve].¹⁶ But you also said that the first clause¹⁷ [represents the view of] Rabbi. [Would then] the first clause [represent the view of] Rabbi and the final clause [that of the] Rabbis? — The other replied: Rami b. Hama has already pointed out this incongruity to R. Hisda who answered him that the first clause was indeed the view of Rabbi while the final one was that of the Rabbis. Rabina said: Both clauses¹⁸ represent the view of Rabbi but [the restriction in] the final clause is a preventive measure against the possibility of nipping [the frail reed].¹⁹

An army once came to Nehardea²⁰ and R. Nahman told his disciples, 'Go out into the marsh and prepare an embankment [from the growing reeds]²¹ so that to-morrow we might go there and sit on them'. Rami b. Hama raised the following objection against R. Nahman or, as others say: R. 'Ukba b. Abba raised the objection against R. Nahman: [Have we not learnt] that only²² if IT HAD BEEN UPROOTED AND THEN INSERTED [IN THE GROUND is the 'erub effective, [from which it follows, if it was] not first uprooted and then inserted [in the ground the 'erub is] not [effective]?²³ — The other replied: There²⁴ [it is a case] of hardened reeds.²⁵ And whence is it derived that we draw a distinction between hardened, and unhardened reeds? — From what was taught: Reeds, thorns and thistles belong to the species of trees and are not subject to the prohibition of kil'ayim²⁶ in the vineyard;²⁷ and another- [Baraitha] taught: Reeds, cassia and bulrushes are a species of herb and subject to the prohibition of kil'ayim in the vineyard. [Now are not the two Baraithas] contradictory to each other?²⁸ It must consequently be inferred that the former deals with²⁹ hardened reeds while the latter deals with²⁹ such as are not hardened. This is conclusive. But is cassia a species of herb?

Have we not in fact learnt: Rue³⁰ must not be grafted on white cassia because [this act would constitute the mingling of] a herb with a tree?³¹ — R. Papa replied: Cassia and white cassia are two different species.³²

MISHNAH. IF IT WAS PUT IN A CUPBOARD³³ AND THE KEY WAS LOST THE 'ERUB IS NEVERTHELESS EFFECTIVE.³⁴ R. ELIEZER RULED: IF IT IS NOT KNOWN³⁵ THAT THE KEY IS IN ITS PROPER PLACE THE 'ERUB IS INEFFECTIVE.

GEMARA. But why?³⁶ Is not this a case where he³⁷ is in one place and his 'erub is in another?³⁸ — Both Rab and Samuel explained: We are dealing here with a CUPBOARD of bricks³⁹ and this ruling represents the view of R. Meir who maintains that it is permitted at the outset⁴⁰ to make a breach⁴¹ [in a structure] in order to take [something out of it]. For we learned: If a house that was filled with fruit was closed up but a breach accidentally appeared,⁴² it is permitted to take [the fruit out] through the breach;⁴³ and R. Meir ruled: It is permitted at the outset to make a breach⁴¹ in order to take [the fruit out].⁴⁴ But did not R. Nahman b. Adda state in the name of Samuel [that the reference there⁴⁴ is] to a pile of bricks?⁴⁵ — Here⁴⁶ also [the reference is] to a pile of bricks. But did not R. Zera maintain that [the Rabbis]⁴⁷ spoke only of a festival but not of a Sabbath?⁴⁸ — Here⁴⁹ also [the 'erub is one that was prepared] for a festival. If that were so,⁵⁰ would it have been justified to state⁵¹ in reference to this [Mishnah that] 'R. Eliezer⁵² ruled: If [the key] was lost in town the 'erub is effective⁵³ but if it was lost in a field⁵⁴ it is not effective'.⁵⁵ Now if it was on a festival⁵⁶ there is no difference in this respect between a town and a field?⁵⁷

-
- (1) Why then should the obvious be stated?
 - (2) Outside the cistern in the public domain.
 - (3) In which case the 'erub should be ineffective, while according to our Mishnah it is effective.
 - (4) In the cistern.
 - (5) For instance, in a stretch of fields.
 - (6) So that his abode was in a karmelith while his 'erub lay in a private domain.
 - (7) Which assumes the permissibility of movement of objects between a karmelith and a private domain at twilight on the Sabbath eve.
 - (8) As is that of carrying the 'erub from the private domain into the karmelith.
 - (9) When the acquisition of the abode takes place.
 - (10) An 'erub.
 - (11) Lit., 'at the time'.
 - (12) If it rested on a platform of no less than four handbreadths by four, that was attached to the top of the reed or the pole.' Such a platform, though it conforms to the size of a private domain, cannot be regarded as a private domain proper on account of the base on which it rests which is narrower than the prescribed size of four handbreadths.
 - (13) Lit., 'yes'.
 - (14) Obviously because the 'erub could not be removed from its place on account of the prohibition of making use of a growing plant.
 - (15) Such as the use of a tree on the Sabbath.
 - (16) Supra 30b.
 - (17) The preceding Mishnah supra 32b.
 - (18) Lit., 'all of it'.
 - (19) When removing the 'erub from it. The nipping of a piece of reed is Pentateuchally forbidden and hence prohibited also at twilight. Such possibility need not be provided for in [the case of a tree which is hard and strong.
 - (20) And apparently took up the quarters that were used by R. Nahman and his disciples for their studies.
 - (21) I.e., by bending growing reeds over each other.
 - (22) Lit., 'yes'.
 - (23) Obviously because it is forbidden to use a growing reed. How then could R. Nahman permit the use of an embankment made of growing reeds?
 - (24) The ruling in our Mishnah.

- (25) Which are regarded as trees the use of which on the Sabbath is forbidden. Soft reeds, however, which come under the category of herb, may, therefore, be used.
- (26) V. Glos.
- (27) Tosef. Kil.III.
- (28) In the former Baraitha reeds are classed as a species of tree and in the latter as a species of herb.
- (29) Lit., 'here
- (30) Pigam, Gr. **.
- (31) Kil. I, 8.
- (32) Lit., 'Cassia alone and white cassia alone'.
- (33) Or TURRET. Var. lec. 'and it was locked up' (J.T. MS.M. and Asheri).
- (34) The Gemara infra explains under what circumstances.
- (35) So MS. M. Cur. edd., 'if he does not know'.
- (36) Is the 'erub NEVERTHELESS EFFECTIVE.
- (37) The man for whom the 'erub was prepared.
- (38) Since the man cannot get at the 'erub without a key.
- (39) Which can easily be broken into (as will be explained infra).
- (40) Even on a day when mukzeh (v. Glos.) is forbidden.
- (41) Lit., 'to diminish', 'to hollow out'.
- (42) Even if this happened on the very festival.
- (43) And the fruit nevertheless is not regarded as mukzeh (v. Glos.).
- (44) Bezah 31b.
- (45) Loosely put together with no cement or mortar between them. What proof then is there that a breach may also be made at the outset in a cupboard, the bricks in whose walls are presumably firmly built up?
- (46) In our Mishnah.
- (47) In the Mishnah quoted from Bezah.
- (48) Whereas the 'erub in our Mishnah is presumably applicable to Sabbaths as well as festivals.
- (49) In our Mishnah.
- (50) That our Mishnah deals with an 'erub for a festival only.
- (51) Lit., 'that is it which he taught?'
- (52) var. lec. 'Eleazar'.
- (53) Because it is possible to carry the key to the cupboard by way of courtyards, roofs and similar places all of which belong to the same class of domain.
- (54) From which it is forbidden to carry it to the cupboard.
- (55) Tosef. 'Er. 11.
- (56) When the carrying of objects is permitted.
- (57) Lit., 'what to me etc.' At this stage it may be explained. three different views have been recorded: (i) That of the first Tanna of our Mishnah who rules the 'erub to be effective whether the key of the cupboard was lost in town or in a field, since in his view it is permitted to break into the cupboard to get to the 'erub; (ii) That of R. Eliezer of our Mishnah who rules that the 'erub is not effective irrespective of whether the key was lost in town or in a field, since in his opinion the cupboard may not be broken into (contrary to the view of R. Meir) nor may the key be carried by way of courtyards, roofs and the like because these (contrary to the view of R. Simeon) are not regarded as one domain; and (iii) that of R. Eliezer of the Baraitha who agrees with R. Simeon. Aliter: R. Eliezer of our Mishnah refers to a key lost in a field and thus upholds the view of R. Eliezer of the Baraitha (Rashi).

Talmud - Mas. Eirubin 35a

— [Some words] indeed are missing [from the Baraitha] and this is the proper reading: If it was put in a cupboard and locked up and the key was lost the 'erub is effective. This ruling, however, applies only to a festival but on a Sabbath¹ the 'erub is ineffective. [Even] if the key was found,² whether in town or in a field, the 'erub is ineffective.³ R. Eliezer ruled: [If it was found] in town the 'erub is effective; if in a field it is ineffective. 'In town the 'erub is effective' in agreement with R. Simeon who laid down that roofs, courtyards as well as karpafs⁴ have the status of the same domain in

respect of objects that rested in them.⁵ In a field it is ineffective in agreement with the Rabbis.⁶

Both Rabbah and R. Joseph explained:⁷ We are dealing here with a wooden CUPBOARD, one Master⁸ being of the opinion that it [has the status of] a vessel to which the prohibition of building or demolition does not apply,⁹ while the other Master¹⁰ is of the opinion that it [has the status of] a tent.¹¹ And do they¹² then differ on the same principle as the following Tannas? For we learned: [If a Zab]¹³ beat [his fist]¹⁴ upon a chest, a box or a cupboard¹⁵ they¹⁶ become levitically unclean,¹⁷ but R. Nehemiah and R. Simeon declare them clean.¹⁸ Now, do not these differ on the following principle: One Master¹⁹ is of the opinion that it²⁰ [is regarded as] a vessel²¹ while the other Masters²² are of the opinion that it [is regarded as] a tent?²³ — Said Abaye: And how do you understand it?²⁴ Was it not in fact taught: ‘If it was a tent²⁵ that can be shaken²⁶ it is unclean; if it is a vessel²⁷ that cannot be shaken²⁸ it is clean’?²⁹ And, furthermore, in the final clause³⁰ it was taught: ‘But if they were shifted²⁸ they become unclean; this being the general rule: [If the object] is shifted from its place as a direct result of the zab's strength,³¹ it becomes unclean, [but if it moved from its place] on account of the vibration [of an object on which it rested]³² it remains clean’?³³ Rather, said Abaye, all agree [that an object that] moved from its place as a direct result of the zab's strength is unclean³⁴ [but if it moved as] a result of the shaking [of another object on which it rested] it is clean;³⁵ but here³⁶ we are dealing [with an object], the vibration of which was the direct result of the zab's strength.³⁷ And it is this principle on which they differ. The Master³⁸ is of the opinion [that such vibration] is regarded as a shifting [of the object from its place],³⁹ and the Masters⁴⁰ are of the opinion that it is not so regarded.⁴¹ How then is our Mishnah⁴² to be explained?⁴³ — Both Abaye and Raba replied: We are dealing with a lock that⁴⁴ was tied with a cord for the cutting of which a knife is required.⁴⁵ The first Tanna holds the same view as R. Jose who laid down: All instruments may be moved on the Sabbath except a large saw⁴⁶ and the pin of a plough,⁴⁷ while R. Eliezer holds the same view as R. Nehemiah who laid down: Even a cloak and even a spoon may not be moved⁴⁸ except for the purpose for which they were made.⁴⁹

MISHNAH. [IF THE ‘ERUB] ROLLED AWAY BEYOND THE [SABBATH] LIMIT,⁵⁰ OR IF A HEAP FELL ON IT,⁵¹ OR IF IT WAS BURNT, [OR IF IT CONSISTED OF] TERUMAH THAT BECAME UNCLEAN,⁵² [IF ANY OF THESE ACCIDENTS OCCURRED] WHILE IT WAS YET DAY,⁵³ IT IS INEFFECTIVE, [BUT IF IT OCCURRED] AFTER DUSK⁵⁴ THE ‘ERUB IS EFFECTIVE.⁵⁵ IF THIS IS DOUBTFUL⁵⁶ THE MAN,⁵⁷ SAID R. MEIR AND R. JUDAH, [IS IN THE POSITION OF BOTH] AN ASS-DRIVER AND A CAMEL-DRIVER.⁵⁸ R. JOSE AND R. SIMEON RULED: AN ‘ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE. R. JOSE STATED: ABTOLEMOS TESTIFIED ON THE AUTHORITY OF FIVE ELDERS THAT AN ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE.

GEMARA. [IF AN ‘ERUB] ROLLED AWAY BEYOND THE [SABBATH] LIMIT. Raba stated: This was taught only where it rolled away beyond [a distance] of four cubits, but [if it rested] within the four cubits [it is effective, since a person] who deposits his ‘erub [in any spot] acquires⁵⁹ [an area of] four cubits.⁶⁰

OR IF A HEAP FELL ON IT etc. Having been presumed that, if desired, [the ‘erub] could be taken out,⁶¹ must it be assumed⁶² that our Mishnah is not in agreement with Rabbi, for if [it were suggested to be] in agreement with Rabbi [the difficulty would arise]: Did he not lay down that any work that was only Rabbinically prohibited was not forbidden as a preventive measure [on the Sabbath eve] at twilight?⁶³ — It⁶⁴ may be said to be in agreement even with Rabbi, since it may apply to a case⁶⁵ where a hoe or a pick-axe is required.⁶⁶ And [both rulings⁶⁷ were] required. For if [only the one relating to an ‘erub that] ‘ROLLED AWAY’ had been taught it might have been presumed [that the ‘erub was ineffective] because it was not near the man for whom it had been provided,⁶⁸ but that where a heap fell on it, since it is near that man,⁶⁸ the ‘erub is effective. And if [only the ruling] ‘IF A HEAP FELL ON IT’ had been taught it might have been presumed [that the

‘erub was ineffective] because it was covered,⁶⁹ but that where it rolled away, since a wind might sometimes rise and carry it [back to its place], the ‘erub might be said to be effective. [Hence both rulings were] required.

OR IF IT WAS BURNT, [OR IF IT CONSISTED OF] TERUMAH THAT BECAME UNCLEAN. What need⁷⁰ [was there for both these rulings]?- ‘IT WAS BURNT’ was taught

-
- (1) When it is forbidden to break into the cupboard and the ‘erub is consequently inaccessible.
 - (2) On the Sabbath.
 - (3) This Tanna being in disagreement with R. Simeon who (infra 89a) permits the carrying of a key by way of courtyards and roofs.
 - (4) Pl. of karpaf (v. Glos.).
 - (5) When the Sabbath began with the twilight of Friday eve. Hence it is possible for the key to be carried to the cupboard in the way described and thus to obtain the ‘erub.
 - (6) [Who differ from R. Simeon infra 95b and forbid the carrying of an object in relays from a field to a town (R. Han.).] The last sentence is rightly omitted by Bah., On the difficulties it presents cf. Strashun.
 - (7) The difficulty supra 34b: ‘Is not he in one place etc.’
 - (8) The first Tanna of our Mishnah.
 - (9) Lit., ‘and there is no building in vessels and no demolition in vessels’. Since the cupboard, therefore, may be broken open the ‘erub is accessible and effective.
 - (10) R. Eliezer.
 - (11) To which the prohibitions mentioned do apply’. The ‘erub, therefore, is inaccessible and ineffective.
 - (12) R. Eliezer in our Mishnah and the first Tanna.
 - (13) V. Glos.
 - (14) That was covered, for instance, with a glove which prevented it from coming in direct contact with the object struck and from imparting uncleanness to it by ‘touch’.
 - (15) Or turret.
 - (16) If the blow caused them to move, however slightly, from their position.
 - (17) In accordance with the law of hesset (v. Glos.).
 - (18) Zab. Iv, 3.
 - (19) The first Tanna of the Mishnah just cited.
 - (20) The cupboard or any of the other mentioned objects.
 - (21) Which is subject to the laws of uncleanness through hesset.
 - (22) R. Nehemiah and R. Simeon.
 - (23) To which the uncleanness mentioned does not apply. It thus follows that the Tannas in the Mishnah of Zabim differ on the same principle as that on which the Tannas in our Mishnah differ.
 - (24) The Mishnah from Zabim just cited.
 - (25) Not having been firmly fixed.
 - (26) By the indirect touch of a zab.
 - (27) That was firmly fixed or exceedingly heavy.
 - (28) By the indirect touch of a zab.
 - (29) Because its shaking by the zab does not shift it from its place. This obviously proves that the determining factor in the conveyance of uncleanness by shaking is the shifting of the object from its place and that the question of ‘tent’ or ‘vessel’ does not at all arise.
 - (30) Of the Baraita corresponding to the Mishnah from Zabim.
 - (31) As, for instance, by his beating on it with his gloved fist or a piece of wood.
 - (32) If the zab, for instance, stamped upon the ground and the shaking of the floor caused the object to shift from its place, so that the movement is the result of the vibration of the floor and only the indirect result of the zab's strength.
 - (33) Which again proves that the determining factor is the movement of the object from its place by the direct strength of the zab, and that the question of its status as a tent or a vessel does not come at all under consideration. It cannot therefore be suggested that the Tannas in the Mishnah of Zabim differ on the question of the status of the cupboard as a vessel or tent.

- (34) Even though it was a tent.
- (35) Though it was a vessel.
- (36) In the Mishnah from Zabim under discussion.
- (37) If, for instance, he struck the object with his gloved fist or a piece of wood (so that there was no direct 'touch') and the object only vibrated but did not move from its place.
- (38) The first Tanna.
- (39) Hence his ruling that the object becomes unclean.
- (40) R. Nehemiah and R. Simeon.
- (41) Lit., 'it is not a shifting (from its place)'.
- (42) Dealing with the 'erub that was locked in a cupboard.
- (43) If the cupboard was big, all would agree that it is subject to the law of 'tent'; how then could the first Tanna maintain that the 'erub is effective? If, however, it was a small one, of a capacity of less than forty se'ah of liquids, all would agree that it has the status of a 'vessel'; how then could R. Eliezer maintain that the 'erub is ineffective?
- (44) So MS.M. Cur. edd., 'and'.
- (45) It being too strong to be broken by the bare hands. Had this been possible even R. Eliezer would have permitted the breaking if the cord (cf. Bezah 31b); and, since the cupboard could be opened, the 'erub which would in consequence be accessible, would be effective. Though the breaking of a cord on the Sabbath was permitted in connection with 'vessels' only, and not with structures (such as a tent or a cupboard) that are fixed to the ground, the 'erub here would nevertheless be effective because at the twilight of Friday when the 'erub comes into force, the breaking of the cord, which on the Sabbath itself is forbidden as a Rabbinical measure only, is not even Rabbinically forbidden.
- (46) Used for the cutting of wood.
- (47) Shab. 123b. Hence he allows the use of a knife for the cutting of the cord, and this results in the accessibility and effectiveness of the 'erub.
- (48) On the Sabbath.
- (49) As a knife was not originally made for the purpose of cutting cords it may not be moved on the Sabbath. The 'erub, being in consequence inaccessible, is, therefore, ineffective. In town, however, the 'erub is effective since it is possible to carry the key to the cupboard by way of courtyards, roofs etc. as indicated supra.
- (50) So that more than the permitted distance of two thousand cubits intervened between the 'erub and the man's home and in consequence of which the 'erub was inaccessible to him.
- (51) This is explained infra in the Gemara.
- (52) And, therefore, unfit even for a priest.
- (53) Sc. Friday (the Sabbath eve) before twilight; because at the time the Sabbath began the 'erub was either non-existent or inaccessible.
- (54) On Friday (cf. previous note).
- (55) Because an 'erub comes into force at twilight on the Sabbath eve and, since at that time the 'erub in question was both in existence and accessible, its subsequent loss or inaccessibility cannot in any way affect the rights it had conferred upon the man in connection with the Sabbath in question.
- (56) Sc. it is uncertain whether the accident occurred before, or after dusk.
- (57) Lit., 'behold this (man)'.
- (58) Who is unable to make any progress. A camel can be led only by pulling its rein and an ass can be driven only from behind. A man who is in charge of both animals can neither lead the two on account of the ass nor can he drive the two on account of the camel. So with the man the validity of whose 'erub is in doubt. If the 'erub is valid he can walk from the place of its deposit two thousand cubits in all directions including two thousand cubits in the direction of his home but not beyond it. If it is invalid he can walk from his home two thousand cubits in all directions including two thousand cubits in the direction of the 'erub but not beyond it. As the validity of the 'erub is in doubt he can only walk two thousand cubits distance between his home and the 'erub but is forbidden to go beyond the 'erub in the one direction and beyond his home in the other direction.
- (59) In addition to the right of walking two thousand cubits in all directions.
- (60) Which is regarded as his abode. As his 'erub did not roll beyond his acquired abode it must be regarded as effective.
- (61) Without the use of implements entailing work that is Pentateuchally forbidden on the Sabbath.
- (62) Since the 'erub is deemed ineffective on account, apparently, of the Rabbinical prohibition involved in the removal of the stones that covered it.

(63) And since the validity of an 'erub, as explained Supra, is dependent on its efficacy at twilight, when the removal of stones (being only Rabbinically forbidden on the Sabbath) is according to Rabbi permitted, the 'erub spoken of in our Mishnah would have been effective.

(64) The ruling in our Mishnah.

(65) Lit., 'it is not required (but)'.

(66) For the clearance of the heap before access to the 'erub could be obtained. Such work, being Pentateuchally forbidden, may not be performed even at twilight.

(67) That of an 'erub (a) that ROLLED AWAY and (b) on which A HEAP FELL.

(68) Lit., 'at or with him'.

(69) And access to it is impossible without desecrating the Sabbath.

(70) Lit., 'wherefore to me

Talmud - Mas. Eirubin 35b

to inform you of the power of R. Jose.¹ and 'TERUMAH THAT BECAME UNCLEAN' was taught to inform you of the power of R. Meir.² But is R. Meir of the opinion that in a doubtful case³ the more restrictive course is to be followed?⁴ Have we not in fact learnt: If an unclean person went down to perform ritual immersion and it is doubtful whether he performed the immersion or not,⁵ or even if he did perform the immersion but it is doubtful whether it was done in forty se'ah⁶ [of water]⁷ or in less;⁸ and, similarly, if he performed his immersion in one of two ritual baths, one of which contained forty se'ah [of water] and the other contained less,⁹ and he does not know in which one he performed his immersion he, being in a state of doubt, is unclean.¹⁰ This applies only to a major uncleanness¹¹ but in the case of a minor uncleanness¹² as, for instance, where one ate unclean foods or drank unclean liquids or where a man immersed¹³ his head and the greater part of his body in drawn water, or three log of drawn water were poured upon his head and the greater part of his body¹⁴ and he then went down to perform immersion and it is doubtful whether he did or did not perform it, and even if he did perform it there is doubt whether the immersion was performed in forty se'ah [of water] or less, and, similarly, if he performed the immersion in one of two ritual baths one of which contained forty se'ah, [of water] and the other contained less, and he does not know in which of the two he performed his immersion he, being in a state of doubt, is clean; so R. Meir;¹⁵ and R. Jose declared him to be unclean?¹⁶ — R. Meir is of the opinion [that the laws of the Sabbath] limits¹⁷ are Pentateuchal.¹⁸ But does R. Meir uphold the view that [the laws of Sabbath] limits are Pentateuchal? Have we not in fact learnt: If he is unable to span it¹⁹ — in connection with this R. Dostai b. Jannai stated in the name of R. Meir: 'I have heard that hills are [treated as though they were] pierced',²⁰ Now if the idea could be entertained [that the laws of the Sabbath] limits are Pentateuchal [the difficulty would arise:] Is [the method of] piercing allowed [in such a case] seeing that R. Nahman has in fact stated in the name of Rabbah b. Abbuha [that the method of] piercing must not [be adopted] in the case of [the measurements around] the cities of refuge,²¹ nor in that of the broken-necked heifer²² because they are [ordinances] of the Torah?²³ — This is no difficulty; one ruling was²⁴ his own while the other²⁵ was his master's.²⁶ A careful examination [of the wording] also [leads to this conclusion]. For it was taught: In connection with this R. Dostai b. Jannai stated in the name of R. Meir, 'I have heard that hills are [treated as though they were] pierced'.²⁷ This proves it.

A contradiction, however, was pointed out between two rulings of R. Meir in respect of Pentateuchal laws.²⁸ For have we not learnt: If a man who touched a body at night was unaware whether it was alive or dead but when rising on the following morning he found it to be dead, R. Meir regards him as clean;²⁹ and the Sages regard him as unclean because [questions in respect of] all unclean objects [are determined] in accordance with their condition at the time they were discovered?³⁰ — R. Jeremiah replied: Our Mishnah [refers to terumah] on which a [dead] creeping thing lay throughout the twilight.³¹ But if so, would R. Jose have ruled: AN 'ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE?³² — Both Rabbah and R. Joseph replied: We are here

dealing with two groups of witnesses, one of which testifies that the uncleanness occurred while it was yet day, while the other testifies [that it occurred] after dusk.³³ [

- (1) Who ruled the 'erub to be effective even if it ceased to exist.
- (2) Who does not regard the terumah, about which there was doubt whether uncleanness was conveyed to it before or after twilight, as clean. The ruling shows that though the terumah was in existence and there is also the presumption in its favour that at twilight it was clean as it was before the uncleanness had been conveyed to it, R. Meir nevertheless does not regard it as levitically clean.
- (3) As is the case in our Mishnah where it is uncertain whether the terumah became unclean before or after twilight.
- (4) Since he did not regard the terumah as having become unclean after twilight.
- (5) Lit., 'did not immerse himself'.
- (6) V. Glos.
- (7) The prescribed minimum for a ritual bath.
- (8) Lit., he did not immerse himself in forty Se'ah'.
- (9) Cf. previous note.
- (10) Mik. II, 1.
- (11) Sc. one that is Pentateuchal (Rashi).
- (12) One that is only Rabbinically so.
- (13) Lit., 'and he came'.
- (14) Thus rendered unclean by Rabbinic law; v. Shab. 14a.
- (15) This is the reading of Bomb. ed. Cur. edd. omit the last three words, the author of every anonymous Mishnah being known to be R. Meir.
- (16) Mik. II, 2; from which it follows that in a doubtful case It. Meir adopts the less restrictive ruling. How then is this to be reconciled with our Mishnah where he adopts the more restrictive one?
- (17) Of which our Mishnah speaks.
- (18) In a Pentateuchally doubtful prohibition the more restrictive ruling is followed. Hence R. Meir's ruling here. In the case of uncleanness, spoken of in the quoted Mishnahs, since it is only Rabbinical, the less restrictive ruling is adopted.
- (19) Lit., 'to cause it to be swallowed'. This term (v. infra 58a, f) is applied to a wall, a hill or similar elevation or depression whose horizontal distance can be measured by a rope of the length of fifty cubits held at either end by one man. If the horizontal distance is more than fifty cubits and a rope of the length mentioned cannot span it, a different method of measuring, described anon, must be adopted.
- (20) Infra 8a. Sc. the measuring of a hill or any elevation or depression in the way of the surveyors (cf. previous note) is carried out by a method which produces its horizontal distance, the measuring rope, manipulated in a certain manner (described infra 58b) being regarded as piercing it in a straight line and emerging on its other side.
- (21) Cf. Num. XXXV, 11ff. Not only the cities themselves but also a limited area within a prescribed distance from each city affords the privilege of protection (cf. Mak. 11b).
- (22) Cf. Deut. XXI, 1ff. To ascertain which city was the nearest it was necessary to 'measure unto the cities in which are round about him that is slain' (ibid. 2).
- (23) The method of 'piercing' produces longer distances than the ordinary methods, omitting as it does to take count of the extent of the slopes. While such latitude in favour of the persons concerned was allowed in the case of Rabbinical ordinances, it was not allowed in that of Pentateuchal ones in connection with which the stricter method, which takes count of the slopes also, must be adopted. Now, since R. Meir allows the method of 'piercing' in the case of Sabbath limits, how could it be maintained that in his view these laws are Pentateuchal?
- (24) Lit., 'that', the ruling of R. Meir in our Mishnah which implies that in his opinion the laws of the Sabbath limits are Pentateuchal since the more restrictive course is followed in cases of doubt.
- (25) That the method of 'piercing' may be adopted in determining the Sabbath limits.
- (26) Referring to R. Meir himself.
- (27) Emphasis on 'heard', sc. but he himself (R. Meir) does not share that view.
- (28) Lit., 'of the Law on the Law according to R. Meir'.
- (29) Because, as it is obvious that the body was alive until the moment of death approached, it is also presumed to have been alive at the time it was touched.
- (30) Toh. V, 7. As at the time of discovery the body was dead it must also be presumed to have been dead when it was

touched. R. Meir, at any rate, adopts here, though the laws of uncleanness are Pentateuchal, the lenient view. Why then did he adopt the stricter view in our Mishnah? As the body here is presumed to have been alive at the time it was touched so should the terumah (in the Mishnah) have been presumed to have been clean at the time the Sabbath began.

(31) Of the Sabbath eve. The uncleanness of the terumah must consequently have set in prior to the commencement of the Sabbath.

(32) Obviously not, since this is not a case of doubt but one of certainty where (v. our Mishnah) all agree that the 'erub is ineffective.

(33) In the opinion of R. Jose the two groups of witnesses cancel each other out and the terumah is, therefore, presumed to have been, at the time the Sabbath began, in its former state of presumptive cleanness. R. Meir, however, maintains that, since the presumptive cleanness of the terumah has been denied by one group of witnesses, its cleanness becomes a matter of doubt when, being a Pentateuchal law, the more restrictive course must be followed. In the case of a body (cited from Toh. V, 7) its presumptive life at the time it was touched has not been contradicted by any witnesses.

Talmud - Mas. Eirubin 36a

Raba replied:¹ In that case² there are two presumptive grounds for a relaxation of the law³ while here⁴ there is only one.⁵

Does not then a contradiction arise between two rulings of R. Jose?⁶ — R. Huna b. Hinena replied: [The laws of] uncleanness are different, since their origin is Pentateuchal.⁷ [But are not the laws of] Sabbath limits also Pentateuchal? — R. Jose is of the opinion [that the laws of the Sabbath] limits are Rabbinical.⁸ And if you prefer I might reply:⁹ One ruling¹⁰ was his own while the other¹¹ was his Master's.¹² A careful examination [of his statement] also [leads to this conclusion], for it reads,¹³ R. JOSE STATED: ABTOLEMOS TESTIFIED ON THE AUTHORITY OF FIVE ELDERS THAT AN 'ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE. This proves it. Raba replied:¹⁴ The reason there¹⁵ is that R. Jose [maintains]: 'Take the unclean to be in his presumptive condition [of uncleanness] and suggest, therefore, that he may not have performed the ritual immersion'.¹⁶ On the contrary! Take the ritual bath to be in its presumptive condition [of ritual fitness] and suggest, therefore, that it was not short [of the required volume]?- [This is a case] of a ritual bath [the water in] which had not been measured.¹⁷

It was taught: In what circumstances did R. Jose rule that an erub [whose validity is] in doubt is effective? If a man made an erub with tertmah¹⁸ and it is doubtful whether it contracted uncleanness when it was yet day or after dusk, and so also in the case of fruits¹⁹ concerning which there arose a doubt whether they²⁰ were prepared [for use]²¹ while it was yet day or after dusk — in any such case²² the 'erub [is deemed to be one whose validity is in] doubt [and is consequently] effective;²³ but if a man prepared an erub of terumah about which there is doubt whether it was clean or unclean,²⁴ and so also in the case of fruit concerning which there arose a doubt whether they were prepared [for use] or not²⁵ — in any such case²² the 'erub is not [deemed to be one whose validity is in] doubt [and which is consequently] effective.²⁶ Wherein, however, does terumah²⁷ differ?²⁸ In that it may be said: 'Regard the terumah as being in its presumptive condition [of cleanness] and suggest that it is still clean'. But as regards the fruit also [why should it not be said], 'Regard the tebel²⁹ as being in its presumptive condition [of unfitness for use] and suggest that it was not yet prepared?³⁰ — Do not read: 'There arose a doubt whether they were prepared [for use] while it was yet day'³¹ but read: 'There arose a doubt whether they were mixed up [with tebel]³² while it was yet day or after dusk.³³

R. Samuel son of R. Isaac enquired of R. Huna: What is the legal position where a man had before him two loaves³⁴ one of which was clean and the other unclean and he gave instructions, 'Prepare for me an 'erub with the clean [loaf] wherever it may happen to be' ?³⁵ This question may be asked in connection with the view of R. Meir and it may also be asked in connection with that of R. Jose. It 'may be asked in connection with the view of R. Meir', since [it may be argued that] it is only

there³⁶ that R. Meir gave his restrictive ruling³⁷ because there was no [definite] clean [terumah]³⁸ but here, surely, there was [at least one loaf that was] clean;³⁹ or is it possible that even R. Jose laid down his ruling there³⁶ only because if it is assumed that [the terumah] was clean the man knows [where to look for] it,⁴⁰ but here,⁴¹ surely, he does not know [even where to look for] it?⁴² — The other replied: Both according to R. Jose as well as according to R. Meir it is essential to have a meal that is suitable [for the person for whom the ‘erub is prepared] while it is yet day,⁴³ which is not [the case here].⁴⁴

Raba enquired of R. Nahman: What is the ruling [where a man said],⁴⁵ ‘This loaf shall be unconsecrated to-day and consecrated to-morrow’ and then he said: ‘Prepare for me an erub with this [loaf]’?⁴⁶ — The other replied: His ‘erub is effective.⁴⁷ What, [he was asked if the man said], ‘To-day it shall be consecrated and tomorrow unconsecrated’⁴⁸ and then he said: ‘Prepare for me an ‘erub with it’?⁴⁹ — ‘His ‘erub’, he replied: ‘is ineffective’. ‘What [the former asked] is the difference [between the two cases]?’ — When’, he replied: ‘you will measure out for me a kor of salt [you will get the answer]. [Where a man said,] ‘Today it shall be unconsecrated and tomorrow consecrated’, the sanctity cannot on account of the doubt⁵⁰ descend on the object⁵¹ [but where he said], ‘Today it shall be consecrated and tomorrow it shall be unconsecrated’ the object cannot on account of the doubt be deprived of its sanctity.⁵²

We learned elsewhere: If a man filled a lugin⁵³ that was a tebul yom⁵⁴ [with liquids] from a cask of tebel of the [first] tithe⁵⁵ and said, Behold this⁵⁶ shall be terumah of the tithe⁵⁷ after dusk’ ‘⁵⁸ his statement is valid,⁵⁹ but if he said: ‘Prepare with this⁵⁶ an ‘erub for me’ his statement is null and void.⁶⁰ Raba remarked: This⁶¹ proves that the validity of an ‘erub takes effect at the end of the day;⁶²

(1) In explanation of the difficulty just dealt with by Rabbah and R. Joseph.

(2) Lit., ‘there’, the case of the body that was touched.

(3) The presumptive life of the body and the presumptive cleanness of the man who touched it. Hence, even where two groups of witnesses were contradicting each other as to whether the body was dead before or after it had been touched, it. Meir would still regard the man as clean. For by allowing the contradictory evidence of the two groups to cancel each other two presumptions remain in favour of the man's cleanness.

(4) The terumah in our Mishnah, the uncleanness of which is a matter of doubt.

(5) The presumptive cleanness of the terumah.

(6) In the Mishnah cited from Mik. II, I he adopts the restrictive rule of declaring the man unclean, even in a case of doubt, though the uncleanness spoken of is only Rabbinical, while in our Mishnah he adopted the lenient rule of declaring an ‘erub whose validity is in doubt to be effective.

(7) As certain cases of uncleanness are Pentateuchal, and consequently subject in case _ of doubt to the more restrictive rulings, a similarly restrictive course had to be adopted in the case of Rabbinical uncleanness, since otherwise the former might erroneously be mistaken for the latter and treated with similar laxity.

(8) There is no need in this case to provide against the possibility of mistaking the Pentateuchal laws relating to work on the Sabbath for the Rabbinical ones of the Sabbath limit, as was done in the case of uncleanness (cf. previous note), since unlike the forms of uncleanness which are similar to one another, work and walking are two different processes which could not possibly be mistaken for one another (Rashi).

(9) Bah inserts, ‘this is no difficulty’.

(10) Lit., ‘that’, the one in the Mishnah cited where a restrictive view is followed in the case of doubt even in respect of a Rabbinical law.

(11) The ruling in our Mishnah which follows the lenient view.

(12) Abtolemos.

(13) Lit., ‘for it taught’.

(14) In explaining the apparent contradiction between the two rulings of R. Jose.

(15) In the Mishnah cited from Mik. where the man is deemed to be unclean even in a case of doubt.

(16) Since no ground whatsoever exists for a contrary suggestion. Hence the restrictive ruling. In the case of the ‘erub in our Mishnah, however, against the presumption that the man's abode is his permanent home there is the presumptive

cleanness of the terumah; and, since 'erub is a Rabbinical institution, the less restrictive course is followed.

(17) The argument of presumptive condition of ritual fitness is consequently inapplicable.

(18) That was known to be clean.

(19) Of tebel (v. Glos.).

(20) After they have been deposited as an 'erub in the appointed place.

(21) By setting aside for them the prescribed priestly and levitical dues.

(22) Lit., 'this'.

(23) It being assumed that the terumah was clean and that the fruit was duly prepared during twilight which is the crucial moment for the validity of an 'erub.

(24) So that the argument of presumptive cleanness is inapplicable.

(25) Cf. previous note mutatis mutandis.

(26) Tosef. 'Er. II.

(27) In the first clause where R. Jose rules the 'erub to be effective if it is doubtful whether it contracted uncleanness or was prepared for use before or after twilight.

(28) From fruit of tebel in the first clause.

(29) Cf. previous note.

(30) Why then did n. Jose rule the 'erub of the fruit also to be effective?

(31) Sc. there was no question at all of tebel. The fruit was known to have been properly prepared by the setting aside for it of the priestly and levitical dues.

(32) So that it cannot be used even by a priest. V. Rashi (second interpretation).

(33) As the fruit was thus in the presumptive condition of fitness for use, as was the terumah, the 'erub that had been prepared with it is equally effective.

(34) Of terumah. The question of levitical uncleanness does not apply to unconsecrated produce which may well be consumed even when it is levitically unclean. Only the very scrupulous abstain from eating such unconsecrated produce.

(35) And both loaves were used in the preparation of his 'erub at the appointed place, and he does not know which is the clean one.

(36) In our Mishnah.

(37) Lit., 'said'.

(38) It being possible that the uncleanness was constituted before twilight.

(39) And the 'erub in this case is consequently effective.

(40) And is able, therefore, to eat; the question of its possible uncleanness being disregarded owing to its presumptive cleanness.

(41) Since it is not known which of the loaves was the clean one.

(42) In consequence of which he could not eat either of the loaves. The 'erub, since it could not be eaten must, therefore, be ineffective.

(43) The doubt spoken of in our Mishnah arose only after the 'erub had been prepared so that there was at least a certain period during which it could be properly eaten.

(44) Since, owing to the interchange of the loaves, neither could be eaten from the first moment the 'erub was prepared. Hence the ineffectiveness of 'erub according to both R. Meir and R. Jose.

(45) On Friday, [the Sabbath eve].

(46) And his instruction was carried out. An 'erub prepared from consecrated food is invalid and the question arises whether at the twilight of the Sabbath eve the validity of the 'erub or the sanctity of the food of which it consists had taken effect first.

(47) The reason is explained presently.

(48) Sc. 'it shall be redeemed by the necessary sum of money which I have at home'. Consecrated objects may in this manner be converted for secular use.

(49) Cf. supra n. 5 mutatis mutandis.

(50) I.e., the doubt that arises at twilight, v. n. 5.

(51) Lit., 'to it'. The 'erub, therefore, retains its status of unconsecrated food.

(52) Cf. previous note mutatis mutandis.

(53) **לַגֵּיץ**, a small can.

(54) **טַבּוּל יוֹם**, v. Glos. A vessel in such a condition imparts levitical uncleanness to terumah but not to tebel of

unconsecrated produce or of tithe.

(55) The Levite to whom first tithe is due must give a portion of it to the priest as *terumah gedolah*. Before this is done the tithe is *tebel* and is forbidden to be eaten even by priests.

(56) The contents of the *lugin*.

(57) For all that remained in the cask.

(58) When the *lugin* will be levitically clean.

(59) The contents become *terumah* since the uncleanness of the *lugin* that terminated at dusk can have no effect upon it.

(60) *Tebul Yom*. IV, 4. Lit., 'he did not say anything' because at twilight when the 'erub should assume its validity it was still *tebel* which (as stated *supra*) is unfit for 'erub.

(61) The ruling that an 'erub prepared with the contents of the *lugin* is ineffective.

(62) Of the Sabbath eve, sc. at the beginning of twilight. Lit., 'the end of the day acquires the 'erub'.

Talmud - Mas. Eirubin 36b

for if you should entertain the view that the validity takes effect at the beginning of the [Sabbath] day¹ [the difficulty would arise:] Why 'if he said: "Prepare with this an 'erub for me" is his statement null and void'?² — R. Papa retorted: It may still be maintained³ that the validity of an 'erub takes effect at the beginning of the [Sabbath] day, yet [the contents of the *lugin* are unfit as an 'erub since] it is essential to have a meal that is suitable for consumption while it is yet day,⁴ which is not the case here.⁵

MISHNAH. A MAN MAY ATTACH A CONDITION TO HIS ERUB AND⁶ SAY, 'IF FOREIGNERS⁷ CAME FROM THE EAST MY 'ERUB [SHALL BE THAT] OF THE WEST;⁸ [IF THEY CAME] FROM THE WEST MY ERUB [SHALL BE THAT] OF THE EAST;⁹ IF THEY CAME FROM BOTH DIRECTIONS¹⁰ I WILL GO IN WHATEVER DIRECTION I DESIRE, AND IF THEY CAME FROM NEITHER DIRECTION I WILL BE LIKE THE PEOPLE OF MY TOWN'.¹¹ [HE MAY LIKEWISE SAY,] 'IF THE SAGE¹² CAME FROM THE EAST LET MY 'ERUB [BE THE ONE] OF THE EAST;¹³ IF FROM THE WEST LET MY 'ERUB [BE THE ONE] OF THE WEST; [IF A SAGE] CAME FROM EITHER DIRECTION I WILL GO IN WHATEVER DIRECTION I DESIRE, AND IF NO ONE CAME FROM EITHER DIRECTION I WILL BE LIKE THE PEOPLE OF MY TOWN'.¹¹ R. JUDAH RULED: IF ONE OF THEM¹⁴ WAS HIS TEACHER HE MAY GO ONLY TO HIS TEACHER,¹⁵ BUT IF BOTH WERE HIS TEACHERS HE MAY GO IN WHATEVER DIRECTION HE PREFERS.

GEMARA. When R. Isaac came¹⁶ he learned all our Mishnah in the reverse order.¹⁷ Does not then a contradiction arise between the two statements on the FOREIGNERS¹⁸ and between the two concerning the SAGE?¹⁹ — There is really no contradiction between the two statements on foreigners since one refers²⁰ to tax collectors²¹ while the other refers to the landlords of the town.²² There is also no contradiction between the two statements concerning the sage since one refers²³ to a scholar who delivers public²⁴ discourses²⁵ while the other refers to a teacher of young children.²⁶

R. JUDAH RULED: IF ONE OF THEM WAS etc. And the Rabbis?²⁷ — Sometimes [it may happen] that a man is more pleased to meet²⁸ his colleague than his teacher.

Rab stated: [The ruling] of our Mishnah²⁹ is not [to be upheld] by reason of what Ayo learned. For Ayo learned: R. Judah ruled: 'A man cannot make simultaneous conditions in connection with two possible events.³⁰ He can only³¹ [make this condition:] "If the sage came [from the direction] of the east my³² 'erub [shall be that] of the east and if the sage came [from the direction] of the west my³² 'erub [shall be that] of the west,"³³ but not "[If one came] from each direction "³⁴ Why is it [that the 'erub is] ineffective [where the condition was 'If one came] from each direction'? Obviously because the rule of *bererah* is not upheld,³⁵ [but, then, where the condition was, 'If the sage came from the direction] of the east' [or 'from that] of the west' it should also [be said that] the rule of *bererah*

cannot [be upheld]?³⁶ — R. Johanan replied: [Our Mishnah refers to a case] where the sage already arrived.³⁷ On the contrary, [let it be said that] Ayo's version³⁸ cannot [be upheld] by reason of what was taught in our Mishnah?³⁹ This⁴⁰ cannot be entertained at all, since we heard of R. Judah that he does not adopt the rule of bererah. For it was taught:⁴¹ If a man buys wine from among the Cutheans⁴²

-
- (1) I.e., at the end of twilight of Sabbath eve.
 - (2) At the time the Sabbath begins the lugin is no longer unclean and, since its contents are proper and clean terumah, it should provide an effective 'erub. As the ruling, however, is that the 'erub is ineffective it must be concluded that the validity takes effect at the conclusion of the Sabbath eve, i.e., as explained supra, at the beginning of twilight, at which time the contents of the lugin were still tebel of the first tithing and unfit for consumption and consequently unsuitable as an 'erub.
 - (3) Lit., 'you may even say'.
 - (4) I.e., at the beginning of twilight.
 - (5) Because at that time the contents of the lugin were still tebel.
 - (6) Depositing two 'erubs, one at a distance of two thousand cubits from the east side of his house and another in the opposite direction at a distance of two thousand cubits from the west of his house.
 - (7) From whom he must flee.
 - (8) And he is in consequence able to go in a westerly direction a distance of four thousand cubits from his house. Though the foreigners would not come before the following day the condition has the force of determining retrospectively which 'erub shall become effective at twilight of the Sabbath eve.
 - (9) Cf. previous note mutatis mutandis.
 - (10) Lit., 'to here and to here'. J.T. and Mishnah ed., 'from here and from here'.
 - (11) Able to go a distance of two thousand cubits from the town in any direction, both 'erubs being null and void.
 - (12) Whose discourses he desires to hear.
 - (13) Cf. supra n. 1 mutatis mutandis.
 - (14) Of the two Sages that came from opposite directions.
 - (15) The presumption being that when making the condition he meant that 'erub to be effective which would enable him to go to his teacher.
 - (16) From Palestine to Babylon.
 - (17) The SAGE in the first clause and FOREIGNERS in the second, so that the 'erubs were laid for the purpose of fleeing from the sage and advancing in the direction of the foreigners.
 - (18) Lit., 'foreigners on foreigners'.
 - (19) Cf. previous note.
 - (20) Lit., 'that', our Mishnah.
 - (21) From whom people try to escape.
 - (22) Or 'town officers', whom the townspeople are anxious to meet in order to submit to them their grievances or to solicit favours.
 - (23) Lit., 'that', our Mishnah.
 - (24) Lit., 'causes (the public) to sit'.
 - (25) People are anxious to run to hear such a sage.
 - (26) Or 'a teacher of the daily ritual'. Lit., 'those who cause to read the Shema', sc. שְׁמוֹעַ יִשְׂרָאֵל 'Hear O Israel etc.' (cf. P.B. 40ff.). The shema' is one of the principal elements in the daily prayers and is here synonymous with prayer in general (cf. Rashi) which even school children must be taught. The condition in the Mishnah according to R. Isaac's version may be explained as due to a desire on the part of the man to dispense with meeting the school teacher in order to be able to attend the discourses of the public speaker. If the former would come from the east and the latter from the west he would wish his 'erub in the latter direction to be effective and vice versa. If both proved to be school teachers or public speakers he would wish to go in whatever direction he preferred (Rashi). [Aliter: those who read the shema', a precentor, v. R. Hananel.]
 - (27) Why do they allow the man a choice even where one of the sages was his teacher?
 - (28) Lit., 'with'.
 - (29) According to which R. Judah ruled that where BOTH WERE HIS TEACHERS, HE MAY GO IN WHATEVER

DIRECTION HE PREFERS, thus recognizing the effectiveness of an 'erub though its validity which must take effect where the Sabbath begins depends on the man's choice that would he made subsequently; R. Judah thus upholding the principle of retrospective selection or bererah (v. Glos.).

(30) As is the case where the condition is made about two sages coming from different directions.

(31) Lit., 'but if'.

(32) Lit., 'his'.

(33) Since only one possible event is involved.

(34) Bez. 37b, Hul. 14b. As R. Judah definitely rejects here the rule of bererah the ruling attributed to him in our Mishnah (cf. supra n. 7) cannot be authentic.

(35) It being held that the choice the man made between the two sages on the following day may not have been his choice at twilight on the previous day when the validity of the 'erub must take effect.

(36) And the 'erub should be ineffective, since at twilight on the Sabbath eve the sage was presumably still uncertain whether he would at all come within the area permitted by that man's 'erub, and his subsequent coming could only be regarded, as far as the validity of the 'erub is concerned, as bererah i.e., retrospective designation or selection, a principle which R. Judah does not recognize.

(37) Sc. at twilight of the Sabbath eve he was already within the permitted Sabbath limit of that man's town though the latter was unaware of the fact. As the validity of the 'erub was made dependent on an event that, though unknown to the speaker, had actually taken place before twilight of the Sabbath eve there can be no question as to the 'erub's effectiveness. It is not the speaker's subsequent knowledge of the fact that renders the 'erub valid retrospectively, but the presence of the sage at the crucial moment. The question of bererah, therefore, does not at all arise.

(38) Which is a mere Baraitha.

(39) A Baraitha, surely, is less authoritative than a Mishnah.

(40) That R. Judah upholds the rule of bererah.

(41) Cf. Tosaf. s.v. **וְנִי** a.l. Cur. edd., 'we learned'.

(42) Before the prohibition against their wines had been decreed. As the Cutheans (Samaritans) were suspected of neglecting the laws of terumah and tithe the buyer must himself set these aside before he can be permitted to drink any of the wine.

Talmud - Mas. Eirubin 37a

he may¹ say: 'Two log² which I am about to set aside³ are terumah, ten⁴ are first tithe and nine⁴ are second tithe', and this⁵ he redeems⁶ and may drink [the wine] forthwith;⁷ so R. Meir,⁸ but R. Judah, R. Jose and R. Simeon forbid [this procedure].⁹ 'Ulla said: Ayo's version is not to be upheld by reason of what was stated in our Mishnah.¹⁰ What, however, about the statement, 'R. Judah, R. Jose and R. Simeon forbid [this procedure]'?¹¹ — Ulla read [the names of the authors] in pairs [thus:] 'So R. Meir and R. Judah, but R. Jose and R. Simeon forbid [this procedure]'.

But is R. Jose of the opinion that the rule of bererah is not to be upheld? Have we not in fact learnt: R. Jose ruled: If two women bought their bird sacrifices¹² jointly, or gave the price of¹³ their bird sacrifices to the priest, the latter may offer whichever he wishes as a burnt-offering and whichever he wishes as a sin-offering?¹⁴ — Rabbah replied: There¹⁵ [it is a case] where [the women originally] made this condition.¹⁶ But if that is the case¹⁷ what [need was there] to state [such an obvious ruling]?- We were thereby informed [that the law is] in agreement with R. Hisda.¹⁸ For R. Hisda ruled: Bird sacrifices¹⁹ cannot be designated²⁰

(1) If the purchase took place on the Sabbath eve immediately before dusk (when there is no time to remove these priestly and levitical dues from the wine) and he requires the wine for the Sabbath. It is prohibited to separate priestly or levitical dues on the Sabbath, v. Bez. 36b.

(2) A log (v. Glos.) is c. 549 cubic centimeters.

(3) For the hundred log contained in the cask he bought.

(4) 'Log which I am about to set aside'.

(5) The second tithe.

- (6) With money (cf. Deut. XIV, 25) that he has at home or anywhere else.
- (7) And after the Sabbath he separates the terumah and the first tithe, and the wine so separated is regarded as the very wine he originally intended for the purpose.
- (8) Who upholds the rule of bererah so that the selection that takes place after the Sabbath becomes effective retrospectively as if it had taken place on the Sabbath eve.
- (9) Tosef. Dem. VII, 4, Suk. 23b, B.K. 69b; because, so it is at present assumed, they do not accept the rule of bererah. As no retrospective selection is recognized, the wine throughout the Sabbath cannot in their opinion be regarded as properly prepared for use and its consumption is consequently forbidden.
- (10) Cf. notes on Rab's statement (supra 36b mutatis mutandis).
- (11) From which it is apparent that R. Judah does not uphold bererah.
- (12) Lit., 'nests', sc. a pair of birds as offerings after childbirth; cf. Lev. XII, 8.
- (13) **וְנָדָו**, so MS.M. and the ed. of the Mishnah. Cur. edd. omit the word.
- (14) Kin. I, 4. Now, since a burnt-offering is unacceptable unless it is offered in the name of the person for whom it was originally intended (cf. Pes. 60b and Zeb. 2a) while a sin-offering of a certain person is completely disqualified if it is offered for a different person or as a different kind of sacrifice, and since R. Jose nevertheless allows the priest to offer up any of the birds either as a sin-offering or as a burnt-offering for either of the women, it obviously follows that he upholds the rule of bererah, so that when the priest offers up any of the four birds it is assumed that this particular bird was retrospectively selected by the particular woman for the particular sacrifice for whom and for which it is now offered. How then could it be maintained that R. Jose does not uphold bererah?
- (15) In the Mishnah cited from Kin.
- (16) That the choice be left to the priest. The question of bererah does not, therefore, arise.
- (17) Cf. previous note.
- (18) That, where a bird was not specifically designated by the buyer for any particular sacrifice at the time of its purchase, though he did so subsequently, the priest may offer it as any sacrifice he wishes.
- (19) Of those who bring them as an atonement.
- (20) As burnt, or sin-offerings.

Talmud - Mas. Eirubin 37b

except at the time they are purchased by their owner¹ or when the priest prepares them [for the altar].²

Is it then still [maintained that] R. Jose is of the opinion that the rule of bererah is not to be upheld? Was it not in fact taught: If an 'Am ha-arez³ said to a haber,³ 'Buy for me a bundle of vegetables' or 'a loaf',⁴ [the latter]⁵ need not tithe it,⁶ so R. Jose, but the Sages ruled: He must tithe it?⁷ Reverse [the rulings].⁸

Come and hear: If a man said: 'let the [second] tithe which I have in my house be redeemed with the sela' that would happen to come from my purse into my hand' it is, said R. Jose, redeemed?⁹ — Reverse [the rulings and] read: 'R. Jose said: It is not redeemed'. What reason, however, do you see for reversing two statements¹⁰ for the sake of one,¹¹ [why not] reverse the one¹¹ for the sake of the two?¹⁰ — The last cited Baraita was at all events¹² taught in a reversed form; since in its final clause it was stated: R. Jose, however, admits that where a man said: 'The [second] tithe which I have in my house shall be redeemed with the new sela'¹³ that would happen to come¹⁴ from my purse into my hand', the tithe is redeemed.¹⁵ Now since he¹⁶ ruled here that it 'is redeemed' it follows that in the previous¹⁷ case [his ruling was that] it is not redeemed.¹⁸

What, however, is to be understood [by the case of] the new sela'? If there are two or three [other new sela's in his purse] so that selection is possible¹⁹ then this case is exactly identical with the first one.²⁰ If, however, there was only one, what [sense is there in the expression,] 'That would happen to come'²¹ — As in the first clause it was taught: 'That would happen to come', it was taught in the final clause also, 'That would happen to come'.²²

Raba asked R. Nahman: Who is that Tanna who does not uphold the rule of bererah even in the case of a Rabbinical enactment? For It was taught: 'If a man said to five persons, "Behold I am preparing an 'erub for one of you whom I may choose²³ [in due course] so that if I wish it he would be allowed to go²⁴ and if I would not wish it he would not go", the 'erub is effective if he made up his mind²⁵ while it was yet day,²⁶ [but if he did it] after dusk the 'erub is not effective'?²⁷ The other remained silent and gave him no answer whatever. But why could he not tell him that the Tanna was one of the school of Ayo?²⁸ — He did not hear [of. Ayo's ruling].²⁹

R. Joseph said:³⁰ Do you wish to remove Tannas from the world?³¹ [The fact is that the question³² is one] on which Tannas differ. For it was taught: [If a man³³ said,] 'Behold I am preparing an erub for all the Sabbaths of the years so that whenever I should wish it I would go³⁴ and whenever I should not wish it I would not go',³⁵ his 'erub is effective if he made up his mind³⁶ while it was yet day;³⁷ [but if he decided] after dusk, R. Simeon ruled: His 'erub is effective³⁸ while the Sages ruled: His 'erub is not effective.³⁹ But surely, we heard of R. Simeon⁴⁰ that he does not uphold bererah, so that a contradiction arise between two rulings of R. Simeon? — The fact is [that the views⁴¹ are to be] reversed.⁴² But what difficulty [is this]? Is it not possible that R. Simeon does not uphold bererah only in a Pentateuchal law⁴⁰ but in respect of a Rabbinical law⁴³ he may well uphold it? — He⁴⁴ is of the opinion that he who upholds bererah does so in all cases⁴⁵ making no distinction between a Pentateuchal and a Rabbinical law, while he who does not uphold bererah does not do it In any case irrespective of whether a law is Pentateuchal or Rabbinical.

Rabbah replied: There⁴⁰ [the case is altogether] different,⁴⁶ [the reason⁴⁷ being] that it is essential [for the priestly and levitical dues] to be⁴⁸ firstfruit,⁴⁹ so that whatever remains shall be distinguishable [from it].⁵⁰ Said Abaye to him:⁵¹ Now then,⁵² if a man who had before him two pomegranates of tebel⁵³ said: 'If rain will fall to-day the one shall be terumah⁵³ for the other and if no rain will fall to-day the other shall be terumah for the first', would his assertion here also, whether there was rain that day or not, be will and void?⁵⁴ And should you reply [that the law is] so indeed [it can be retorted:] Have we not in fact learnt: '[If a man said,] "The terumah of this heap⁵⁵ and its tithes shall be in the middle thereof" or "The terumah of this [first] tithes⁵⁶ shall be In the middle thereof", R. Simeon ruled: He has thereby given it a valid name?'⁵⁷ — There⁵⁸ [the law] is different⁵⁹ because⁶⁰ [the remainder of the produce]' is round about the dues.⁶¹ And if you prefer I might reply⁶² in accordance with the reason elsewhere indicated:⁶³ They said to R. Meir, 'Do you not agree that the skin⁶⁴ might burst⁶⁵ and the man would thus have been drinking liquids of tebel?'⁶⁶ And he replied: 'When it will have burst [there would be time for the question to be considered]'.⁶⁷

On the previous assumption, however, that it is essential [for the priestly and levitical dues] to be 'firstfruit' so that whatever remains shall be distinguishable from it,⁶⁸ what could they have meant?⁶⁹ It is this that they meant: 'According to our view [the reason for the prohibition is that] it is essential [for the priestly and levitical dues] to be "firstfruit" so that whatever remains shall be distinguishable [from it],⁷⁰ but even according to your view,

(1) Who must then specifically declare the specific purpose for which each bird is to be used.

(2) Ker. 28a, Yoma 41a; but if when the birds were bought none of them was designated as a burnt, or as a sin-offering, the priest is at liberty (cf. supra 11. 1) to choose either bird for either sacrifice.

(3) V. Glos.

(4) אַרְבֵּי חֵטִי, one made of a certain brand of white flour.

(5) Though he bought his own vegetables or loaf together with those of the 'am ha-arez without specifying which was for himself and which was for the other and though the seller also was an 'am ha-arez whose produce the haber tithes as demai.

(6) He need only tithe that which he bought for himself.

- (7) Dem. VI ad fin. Since no mention was made at the time of purchase as to which bundle or loaf was for the haber and which for the 'am ha-arez every part of the purchase is regarded as that of the haber, and that part of it which he subsequently gives to the 'and ha-arez is regarded as a partial sale of his own purchase. As a haber must not sell to an 'am ha-arez any demai he must tithe it before he gives it to him. Now since R. Jose ruled that the haber need not tithe it he is obviously of the opinion that the rule of bererah holds, so that when the 'am ha-arez selects, or the haber selects for him his part of the purchase the selection is deemed to be retrospective. How then could it be maintained that R. Jose does not uphold bererah?
- (8) That attributed to the Sages is really that of R. Jose and vice versa.
- (9) Tosef. M.Sh. IV; even before the sela' actually came into his hand. Now, since in the absence of the rule of bererah it could not be asserted that the sela' which was taken out later was the very coin which the man originally intended for the redemption, it follows that R. Jose upholds bererah. How then could it be maintained supra that the rule of bererah is not upheld by R. Jose?
- (10) Just cited: The purchase by a haber (Dem. VI) and the redemption of second tithe (M.Sh. IV).
- (11) Wine bought from Cutheans (cited from Tosef. Rem. VII, 4, supra 36b ad fin.)
- (12) Lit., 'that certainly'.
- (13) It being the only one in his purse.
- (14) This is discussed presently.
- (15) Since there was only one new sela' there can be no doubt as to what particular coin the man had in mind.
- (16) R. Jose.
- (17) Lit., 'there'.
- (18) The ruling in the first clause must consequently be changed from the positive to the negative.
- (19) The last five words are omitted from Bomb. ed.
- (20) Where an ordinary sela' was spoken of. As R. Jose ruled in the first case (according to the reversed version) that the tithe is not redeemed because it is impossible to ascertain which particular sela' the man had originally in his mind, so he should have ruled in the latter case also where it is equally impossible to ascertain which of the two or three new coins the man had originally in mind.
- (21) None other, surely, could possibly come.
- (22) For the sake of parallelism.
- (23) Lit., 'that I shall desire.
- (24) The prescribed Sabbath limit from the place of the 'erub.
- (25) Lit., 'if he wished'.
- (26) Of the Sabbath eve.
- (27) Since at twilight, when the validity of an 'erub must be determined, he may have intended his 'erub for a different person and his subsequent selection cannot be made retrospective. Now, since 'erub is a Rabbinical enactment, it follows that bererah is inapplicable even to Rabbinical enactments, and the question is who is that Tanna?
- (28) Who ruled (supra 36b) that, according to R. Judah, bererah is not applied to 'erub though it is only a Rabbinical enactment.
- (29) While the rulings of the other Tannas quoted supra who upheld bererah refer to Pentateuchal laws only.
- (30) With reference to Raba's enquiry.
- (31) I.e., are you unable to find any Tannaitic authority who holds this view?
- (32) Whether bererah applies to a Rabbinical enactment,
- (33) Having deposited his 'erub at a distance of two thousand cubits from his home town.
- (34) The permitted distance from the 'erub in all directions including the two thousand cubits distance away from it in the opposite direction from the town, making a total of four thousand cubits from the latter.
- (35) V. previous note, but would instead enjoy the rights of the other people of the town who may go two thousand cubits in all directions from the town including the two thousand cubits distance from it in the opposite direction of the 'erub, making a total of four thousand cubits from that 'erub.
- (36) Lit., 'if he wished'.
- (37) Of the Sabbath eve. Because by the time Sabbath begins his mind was already made up and the validity of the 'erub is established.
- (38) Though his mind was not made up when the Sabbath began, his subsequent choice on the principle of bererah, which R. Simeon upholds, is regarded as retrospective.

- (39) Because (cf. previous notes) they do not uphold the principle of bererah. This we have a Tannaitic authority that does not uphold bererah even in a Rabbinic enactment.
- (40) In respect of wine bought from Cutheans (supra 36b, f).
- (41) In the last cited Baraitha.
- (42) It is R. Simeon who ruled that the 'erub is not effective.
- (43) As is the case with 'erub with which the last cited Baraitha deals.
- (44) Who pointed out the contradiction. 'R. Joseph' of cur. edd. is deleted by Bah and is wanting in MS.M.
- (45) Lit., 'there is to him'.
- (46) Bererah which R. Simeon well upholds having no bearing at all upon it:
- (47) Why the procedure permitted there by R. Meir is forbidden by R. Simeon.
- (48) Lit., 'that we require'.
- (49) Cf. Deut. XVIII, 4: The firstfruit . . . of thy wine . . . shalt thou give him (Sc. the priest).
- (50) As the 'dues' are mixed with the 'remainder' they are obviously indistinguishable from one another. Hence R. Simeon's prohibition.
- (51) Raba.
- (52) If, as has just been suggested, it is essential that at the time the dues are named the remainder shall be distinguishable from it.
- (53) V. Glos,
- (54) For the same reason (v. previous note) that at the time the terumah was named the one pomegranate which was to be terumah was indistinguishable from the other which was to be the remainder?
- (55) Of tebel.
- (56) Which is given to the Levite who sets aside a portion of it for the priest as terumah.
- (57) Ter. III, 5; and all the produce in the heap spoken of in the first case is forbidden to an Israelite as terumah; it must not, as second tithe, be eaten outside Jerusalem; and if contracted uncleanness, the guilt of eating unclean terumah is incurred by the man who eats it. In the second case the entire heap is subject to the restrictions of terumah of the tithe. Now, the dues and the remainder of the heap are obviously indistinguishable from one another, and yet, according to R. Simeon, the nailing of the dues is valid; but if Raba's submission in the case of the pomegranates is to be accepted the difficulty would arise why is the naming valid?
- (58) The case of the heap cited.
- (59) From that governing the case of the pomegranates.
- (60) Since the man restricted the dues to the 'middle' of the heap.
- (61) Lit., 'round it', so that the dues and the remainder are to a very large extent quite distinguishable from each other.
- (62) In explanation of the difficulty, if R. Simeon upholds bererah why does he forbid the procedure permitted by R. Meir in the case of the wine (supra 36b, f).
- (63) Lit., 'as he taught the reason'.
- (64) In which the wine is contained.
- (65) Before the priestly or levitical dues have been taken from it.
- (66) Since the priest would never receive his due of terumah,
- (67) Tosef. Rem. VII, Yoma 56b; but while the skill is whole and the priest is sure of his due the remainder may well be used by adopting the procedure described. Thus it follows that the question of bererah, which R. Simeon well upholds, does not arise here at all, the sole reason of the prohibition being the possible bursting of the skill.
- (68) Raba's explanation supra.
- (69) If R. Meir's reason was that submitted by Raba, what sense was there in speaking to him of the bursting of the skin?
- (70) 'Hence our prohibition'.

Talmud - Mas. Eirubin 38a

do you not agree that the skin might burst and the man would thus have been drinking liquids of tebel?' And he replied: 'When it will have burst [there would be time for the question to be considered]'.

MISHNAH. R. ELIEZER RULED: IF A FESTIVAL DAY IMMEDIATELY PRECEDES OR

FOLLOWS¹ THE SABBATH A MAN² MAY PREPARE TWO 'ERUBS³ AND MAKE THE FOLLOWING DECLARATION: MY 'ERUB FOR THE FIRST [DAY SHALL BE THAT] OF THE EAST⁴ AND THE ONE FOR THE SECOND DAY THAT OF THE WEST';⁵ 'THE ONE FOR THE FIRST DAY [SHALL BE THAT] OF THE WEST AND THE ONE FOR THE SECOND DAY THAT OF THE EAST; 'MY 'ERUB [SHALL BE EFFECTIVE] FOR THE FIRST DAY, AND FOR THE SECOND DAY [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN',⁶ OR 'MY 'ERUB [SHALL BE EFFECTIVE] FOR THE SECOND DAY, AND FOR THE FIRST DAY [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN — THE SAGES, HOWEVER, RULED: HE EITHER PREPARES AN ERUB FOR ONE DIRECTION⁷ OR⁸ NONE AT ALL;⁹ HE EITHER PREPARES ONE 'ERUB FOR THE TWO DAYS¹⁰ OR NONE AT ALL. HOW IS ONE TO ACT?¹¹ HE ARRANGES [FOR THE 'ERUB] TO BE CARRIED [TO THE REQUIRED SPOT] ON THE FIRST DAY [BY A DEPUTY]¹² WHO, HAVING REMAINED THERE WITH IT UNTIL DUSK',¹³ TAKES IT UP AND GOES AWAY.¹⁴ ON THE SECOND [DAY THE 'ERUB IS AGAIN CARRIED THERE AND] KEPT UNTIL DUSK WHEN [THE DEPUTY] EATS IT¹⁵ AND GOES AWAY. HE¹⁶ THUS BENEFITS BOTH IN HIS MOVEMENTS¹⁷ AND IN HIS 'ERUB.¹⁸ IF THE ERUB WAS EATEN UP ON THE FIRST DAY IT REMAINS EFFECTIVE FOR THE FIRST DAY¹⁹ BUT NOT FOR THE SECOND. SAID R. ELIEZER TO THEM: YOU DO THEN AGREE WITH ME THAT THEY²⁰ ARE TWO DISTINCT ENTITIES OF HOLINESS.²¹

GEMARA. What is [the purport of the expression] FOR ONE DIRECTION? Obviously FOR THE TWO DAYS.²² And what is [the purport of the expression,] FOR TWO DAYS? Obviously FOR ONE DIRECTION.²³ [Is not then the latter clause] identical with the first one?²⁴ — It is this that the Rabbis²⁵ meant to say to R. Eliezer: 'Do you not agree that no 'erub may be prepared for one half of a day for a northern direction and for the other half of the same day for a southern direction?' 'Indeed [I do]', he replied. 'As', they continued, 'no 'erub may be prepared for one half of a day for a southern direction and for the other half of the same day for a northern direction so may no 'erub be prepared for one of two days in an easterly direction and for the other in a westerly direction' — And R. Eliezer?²⁶ — The one day²⁷ is a single entity of holiness, but the two days²⁸ are two distinct entities of holiness. Said R. Eliezer to them:²⁵ 'Do you not agree that if a man²⁹ prepared an 'erub with his feet³⁰ for the first day he must³¹ also prepare an 'erub with his feet for the second day,³² or that if his 'erub³³ was eaten up on the first day³⁴ he may not go out³⁵ [in reliance] on it on the second day?' 'Indeed', they replied. 'Surely, then',³⁶ [he retorted: 'the two days must be] two entities of holiness'. And the Rabbis?³⁷ — They were rather uncertain³⁸ and have, therefore, adopted the more restrictive course in both cases.³⁹ 'Do you not agree', they again said to R. Eliezer, 'that It is forbidden to prepare an 'erub for the Sabbath on a festival day⁴⁰ for the first time?'⁴¹ 'Indeed [I do]', he replied. 'Surely, then',⁴² [they retorted: 'the two days must be] one entity of holiness'. And R. Eliezer?⁴³ — [The restriction] there is due [to the prohibition] of preparing [for the Sabbath on a festival day].⁴⁴

Our Rabbis taught: If a man⁴⁵ prepared an 'erub with his feet on the first day he must also prepare an 'erub with his feet on the second day; if his 'erub was eaten up on the first day he may not go out [in reliance] on it on the second day; so Rabbi. R. Judah said:

(1) Lit., 'that is near whether before it or after it'.

(2) Who desires on the two days respectively to go in two different directions.

(3) Which he deposits at distances of two thousand cubits from the town in the two desired directions.

(4) 'EAST' and 'WEST' stand for any two opposite directions.

(5) The two days in question, in the view of R. Eliezer, are regarded as two distinct entities of holiness. One 'erub may consequently take effect at twilight of the eve of the first day and the other at twilight of the following day, each 'erub serving for the day for which it is prepared.

(6) Sc. instead of the right to a radius of two thousand cubits from the 'erub, which prevents him from going outside the

- town in the opposite direction of that 'erub, he would be entitled to a radius of two thousand cubits from the town in all directions.
- (7) For both days.
- (8) If he wishes to be entitled on one of the two days to the privileges of the townspeople.
- (9) The reason is explained in the Gemara infra.
- (10) This is dealt with in the Gemara anon.
- (11) When a festival immediately preceded the Sabbath.
- (12) If the man himself goes to the required spot no 'erub is necessary since his presence at twilight at that spot acquires it for him as his abode for that Sabbath or festival.
- (13) When the 'erub effects [the acquisition of the spot (cf. previous note)].
- (14) He should not leave it there since it might be lost and the man for whom it was prepared would thus be without an 'erub for the second day.
- (15) He may not carry it away with him on account of the Sabbath on which the carrying of objects in a public domain or in a karmelith is forbidden.
- (16) By taking the 'erub with him on the first day and so preserving it from possible loss.
- (17) Lit., 'his waking'.
- (18) He is able (a) to walk not only on the first, but also on the second day in the directions he desires and (b) he can also enjoy the eating of the two meals of which the 'erub consists. Had he not preserved the 'erub he might have lost both benefits. Should the festival be preceded by the Sabbath when the carrying of objects is forbidden (cf. supra n. 6) there is no alternative but to leave the 'erub in its position until the termination of the Sabbath. It must be examined at twilight just before the festival begins and, if it is found intact, it must be allowed to remain in position until dusk when it may be carried away or eaten on the spot,
- (19) Lit., 'his 'erub is for the first'.
- (20) The two days.
- (21) Had the two days been one entity the 'erub that was effective at twilight on the eve of the first day should have retained its effectiveness until the conclusion of the second day. 'Now since you concede this point', R. Eliezer says in effect, 'You must also concede that two 'erubs may be prepared respectively for the two days for two different directions'.
- (22) Sc. it is only permitted to prepare one 'erub for one direction for the two days.
- (23) V. p. 261, n. 13.
- (24) Indeed it is. Then why should the same ruling be repeated?
- (25) The Sages.
- (26) How does he meet this argument.
- (27) Lit., 'there'.
- (28) Lit., 'here'.
- (29) Who had no food to send to the required spot through a deputy.
- (30) Sc. walked to the spot and, by his presence there at twilight, acquired it as his abode for the next twenty-four hours of the day.
- (31) If he returned to his permanent home.
- (32) I.e., must again walk to the required spot just before the conclusion of the first day and remain there during twilight as he did on the eve of the first day (cf. supra n. 8) since his first acquisition has no effect whatever on his movements on the second day.
- (33) Where one was prepared with food.
- (34) Even after it had taken effect.
- (35) Beyond the limits permitted to the people of the town.
- (36) **י"ט** MS.M. **י"ט** not?
- (37) How can they maintain their ruling in view of this objection?
- (38) Whether a Sabbath and a festival day that immediately succeed one another are to be regarded as two distinct entities of holiness or as one only.
- (39) Lit., 'here for a restriction and etc.' They (a) forbade 'erubs in two different directions in case the two days are one entity of holiness and also (b) required an 'erub for each day in particular in case the two days are distinct entities of holiness.

(40) That immediately precedes it.

(41) I.e., if no 'erub was prepared on the festival eve,

(42) V. p. 262, n. 14.

(43) V. p. 262, n. 4.

(44) V. infra b. It provides, therefore, no proof that the two days are regarded as one entity.

(45) Cf. supra p. 262, nn. 7ff.

Talmud - Mas. Eirubin 38b

Behold this [man represents a combination of] an ass-driver and a camel-driver.¹ R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka said: If he prepared an 'erub with his feet on the first day he need not prepare one with his feet for the second day² and if his 'erub was eaten on the first day he may go out [in reliance] on it on the second day.³

Rab stated: The halachah is in agreement with the⁴ four elders who follow the view of R. Eliezer who maintained [that the two days are regarded as] two entities of holiness. And these are the four elders: R. Simeon b. Gamaliel, R. Ishmael son of R. Johanan b. Beroka, R. Eleazar⁵ son of R. Simeon and R. Jose b. Judah [reported] anonymously⁶ or, as others say, one of these is R. Eleazar⁷ while R. Jose b. Judah [reported] anonymously is to be 'excluded. But were not R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka heard to express the contrary view?⁸ — Reverse it.⁹ But if so,¹⁰ is not their view identical with that of Rabbi?¹¹ — Read, 'And so also ruled R. Simeon b. Gamaliel etc.'¹² But why was not Rabbi¹³ also enumerated?¹⁴ — Rabbi only learnt the ruling¹⁵ but he himself did not adopt it. [Is it not possible that] the Rabbis¹⁶ also only learned it but did not adopt it?¹⁷ Rab received the statement¹⁸ as a definite tradition.

When R. Huna's soul departed to its eternal rest R. Hisda entering [the academy] pointed out a contradiction between two statements of Rab:¹⁹ Could Rab have said: 'The halachah is in agreement with the four elders who follow the view of R. Eliezer who maintained [that the two days are regarded as] two entities of holiness', seeing that it was actually²⁰ stated: 'If the Sabbath and a festival day [follow one another in close succession]. Rab ruled that [an egg] that was laid on the first of these days²¹ is forbidden on the other'?²² — Rabbah replied: [The restriction] there is due to [the prohibition against] preparing [from one day for the other]; for it was taught: And it shall come to pass on the sixth day²³ that they shall prepare²⁴ [implies that one may] prepare [on] a weekday for the Sabbath or for a festival but that no preparations may be made [on] a festival or the Sabbath nor may preparations be made [on] the Sabbath for a festival.²⁵ Said Abaye to him:²⁶ [What,] however, [could be your explanation of] what we learned: HOW IS ONE TO ACT? HE ARRANGES FOR THE ERUB TO BE CARRIED [TO THE REQUIRED SPOT] ON THE FIRST DAY [BY A DEPUTY] WHO, HAVING REMAINED THERE WITH IT UNTIL DUSK, TAKES IT UP AND GOES AWAY. ON THE SECOND [DAY THE 'ERUB IS AGAIN CARRIED THERE AND] KEPT UNTIL DUSK WHEN [THE DEPUTY] EATS IT AND GOES AWAY? Is he not thereby preparing on a festival day for the Sabbath? — Rabbah replied: Do you imagine that it is at the conclusion of the day²⁷ that an 'erub acquires its validity? It is at the beginning of the day²⁸ that its validity is acquired, and on the Sabbath one may well make preparations for the Sabbath itself. Now then,²⁹ why should not people be allowed to prepare an 'erub with a 'lagin'?³⁰ — Because it is necessary [that an erub should consist of] a meal that is suitable [for consumption] while it is yet day,³¹ which is not the case there.'³² [What,] however, [is your explanation of] what we learned: R. ELIEZER RULED: IF A FESTIVAL DAY IMMEDIATELY PRECEDES OR FOLLOWS THE SABBATH A MAN MAY PREPARE TWO 'ERUBS'?³³ Is it not necessary [that the 'erub should consist of] a meal suitable [for consumption] while it is yet day,³¹ which is not the case here?³⁴ — Do you think that one 'erub was laid at the termination of two thousand cubits in one direction³⁵ and [the other was laid] at the termination of two thousand cubits in the opposite direction?³⁶ No; one 'erub was laid at the termination of one thousand cubits in one direction and [the other also was

similarly laid at] the termination of one thousand cubits in the opposite direction.³⁷ [What,] however, [could be said in explanation of] that which Rab Judah ruled: If a man prepared an 'erub for the first day with his feet he must also prepare it for the second day with his feet and if he prepared the 'erub for the first day with bread he must also prepare it for the second day with bread? Is he not³⁸ preparing on a festival day for the Sabbath?³⁹ — The other replied: Do you think that he must go [to the required spot] and pronounce some formula? In fact he only goes there and sits down in silence. In agreement with whose view?⁴⁰ Is it in agreement only with that of R. Johanan b. Nuri who holds that objects of hefker⁴¹ acquire⁴² the spot on which they rested?⁴³ — It may be said to be in agreement even with the view of the Rabbis, for they differ from R. Johanan b. Nuri only in respect of a person asleep, who cannot possibly pronounce the formula, but where a person is awake and could, if he wished, pronounce it he is deemed to have pronounced it even though he has not actually done so. Said Rabbah b. R. Hanin to Abaye: If the Master⁴⁴ had heard that⁴⁵ it was taught: 'A man shall not walk [on the Sabbath] to the end of his field to ascertain what it required.'⁴⁶ Similarly

(1) Cf. relevant note on the Mishnah supra 35a. It is uncertain whether the two days are to be regarded as one entity of holiness or two entities. In the former case the 'erub for the first day is also effective for the second one and the man is consequently forbidden to walk the two thousand cubits from the town in the opposite direction of the 'erub though he would be allowed four thousand cubits from the town in the direction of the 'erub (which is his 'abode' for the day and from which point he is entitled to walk two thousand cubits in all directions). In the latter case the 'erub for the first day is not effective for the second, and the man is consequently forbidden on that day to walk more than two thousand cubits from the town in the direction of the 'erub though (since the town is his abode) he would be permitted to walk the two thousand cubits from the town in the opposite direction of the 'erub. Owing to the uncertainty both restrictions are imposed and the man may walk only the two thousand cubits between the town and his 'erub.

(2) Both days being regarded as one entity of holiness or as one long day.

(3) V. previous note. Tosef. 'Er. IV.

(4) So MS.M. Cur. edd. read ׀׀׀׀ though omitting in infra in R. Hisda's quotation.

(5) Var. lec. 'Eliezer'.

(6) Sc. whose rulings have been anonymously recorded by the compilers of the mishnah.

(7) R. Eleazar b. Shamua.

(8) Supra.

(9) 'The view they previously expressed; the correct version being the one in agreement with R. Eliezer given here.

(10) V. previous note.

(11) Supra 38a and fin. An identical ruling should not have been mentioned in a form which implies a divergence of opinion.

(12) And the wording of their ruling also is to be altered accordingly.

(13) Who is of the same opinion as R. Eliezer (supra 38a ad fin.).

(14) Among the other four elders,

(15) Lit., 'it', the ruling in agreement with R. Eliezer.

(16) R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka.

(17) How then could Rab include them among the four elders?

(18) That the four elders held the view of R. Eliezer.

(19) Lit., 'of Rab on Rab'.

(20) Lit., 'and surely'.

(21) Lit., 'on this'.

(22) Beza 4a; apparently because he regards both days as one entity.

(23) I.e., Friday, the 'sixth' of the weekdays.

(24) Ex.XVI, 5.

(25) Beza 2b.

(26) Rabbah.

(27) The festival that precedes the Sabbath for which the 'erub is prepared.

(28) For which the 'erub is required, i.e., [the Sabbath].

(29) If, as just stated, an 'erub takes effect at the beginning, sc. at twilight of the eve of the day for which it is prepared.

(30) 'That was a tebul yom' (supra 36a). The reason for the invalidity of the 'erub given there was that before the Sabbath begins it consisted of tebel. But if an 'erub does not take effect (cf. previous note) before the Sabbath actually begins the 'erub in the lagan, since the moment Sabbath begins it is no longer tebel, should be valid.

(31) Friday.

(32) Lit., 'and there is not', because at that time it was still tebel.

(33) It is now assumed that one 'erub is laid at a distance of two thousand cubits from the town in one direction and the other at an equal distance in the opposite direction.

(34) Since the effectiveness of the 'erub for the first day prevents the man for whom it was prepared from walking one single step in the opposite direction of the town (cf. previous note) in consequence of which he is unable, while it is yet day, to gain access to his second 'erub.

(35) Lit., 'towards here'.

(36) Cf. Supra p. 265, n. 9.

(37) So that either 'erub is within two thousand cubits distance from the other, and the man is consequently able to gain access to the 'erub he requires.

(38) When preparing the 'erub with his feet.

(39) Granted that in the case of an 'erub with bread, since validity takes effect at the beginning of the day for which it is prepared, there is, as has been explained supra, no preparation from the festival for the Sabbath' in the case of an 'erub prepared with one's feet, however, since the man cannot exactly determine the moment at which the Sabbath begins, he would obviously pronounce the formula, whereby he acquires the spot as his abode, while it is yet day and thus he would be guilty of preparing on a festival for the Sabbath.

(40) Is this ruling that no formula is necessary for acquiring a spot as one's 'abode' for a Sabbath or festival.

(41) V. Glos. though they are ownerless and no one acquires the place for them.

(42) Like a sleeping person (cf. infra 45a).

(43) At the moment the Sabbath or festival began.

(44) Rabbah, who tacitly assumed that a man may take a walk on a holy day though his motive is to facilitate thereby some work which is forbidden on that day'.

(45) Lit., 'that which'.

(46) Though his intention is to attend to the work after the conclusion of the Sabbath.

Talmud - Mas. Eirubin 39a

no man shall¹ walk about² the gate of a province in order that he might enter a bath house³ as soon [as the holy day terminates],⁴ he would have changed his view.⁴ This however is not correct. He did in fact hear of this ruling but did not change his view, since there⁵ the motive is obvious⁶ while here it is not at all obvious. For if the person is a scholar people would assume that he might have been absorbed⁷ in his studies,⁸ and if he is an 'am ha-arez,⁹ it would be said that he might have lost his ass.¹⁰

[To turn to] the main text: Rab Judah ruled: If a man prepared an 'erub for the first day with his feet he must also prepare it for the second day with his feet and if he prepared the 'erub for the first day with bread he must also prepare it for the second day with bread; if he prepared his 'erub for the first day with bread [and it was lost] he may prepare it for the second day with his feet, but if he prepared it for the first day with his feet he may not prepare it for the second day with bread because It is not allowed [on a festival day] to prepare for the first time an 'erub [for the Sabbath] with bread.¹¹

'If he prepared the 'erub for the first day with bread he must also prepare it for the second day with bread'. Samuel explained: But only with the same bread. R. Ashi remarked: Logical deduction from our Mishnah also [leads to the same conclusion].¹² For it was stated: HOW DOES HE ACT? HE ARRANGES [FOR THE 'ERUB] TO BE CARRIED [TO THE REQUIRED SPOT] ON THE FIRST DAY [BY A DEPUTY] WHO, HAVING REMAINED THERE WITH IT UNTIL, DUSK, TAKES IT UP AND GOES AWAY. ON THE SECOND [DAY THE 'ERUB IS AGAIN CARRIED

THERE AND] KEPT UNTIL DUSK WHEN [THE DEPUTY] EATS IT AND GOES AWAY. And the Rabbis?¹³ — There¹⁴ we might merely have been given a piece of good advice.¹⁵

MISHNAH. R JUDAH RULED: [IF ON THE EVE OF THE] NEW YEAR A MAN¹⁶ FEARS THAT [THE PRECEDING MONTH OF ELUL.] MIGHT BE INTERCALATED,¹⁷ HE¹⁸ MAY PREPARE TWO ‘ERUBS¹⁹ AND MAKE THIS DECLARATION:²⁰ ‘MY ‘ERUB²¹ FOR THE FIRST [DAY SHALL BE] TO THE EAST AND THE ONE FOR THE SECOND DAY TO THE WEST’; ‘THE ONE FOR THE FIRST DAY TO THE WEST AND THE ONE FOR THE SECOND DAY TO THE EAST’; ‘MY ‘ERUB [SHALL BE EFFECTIVE] FOR THE FIRST DAY, AND FOR THE SECOND [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN’ OR ‘MY ‘ERUB [SHALL BE EFFECTIVE] FOR THE SECOND DAY, AND) FOR THE FIRST [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN. THE SAGES, HOWEVER, DID NOT AGREE WITH HIM.²¹

R. JUDAH FURTHER RULED: A MAN MAY CONDITIONALLY²² [SET ASIDE TERUMAH]²³ FOR A BASKET [OF PRODUCE] ON THE FIRST FESTIVAL DAY [OF NEW YEAR] AND MAY THEN EAT IT ON THE SECOND DAY, AND SO ALSO IF AN EGG WAS LAID ON THE FIRST [FESTIVAL] DAY IT MAY BE EATEN ON THE SECOND; BUT THE SAGES DID NOT AGREE WITH HIM.²⁴

R. DOSA B. HARKINAS RULED: THE PERSON WHO ACTS AS CONGREGATIONAL READER²⁵ ON [THE FIRST DAY OF] THE FESTIVAL OF THE NEW YEAR SAYS: ‘FORTIFY US, O LORD OUR GOD, ON THIS FIRST DAY OF THE MONTH, WHETHER IT BE TODAY OR TOMORROW’; AND ON THE FOLLOWING DAY HE SAYS: ‘[FORTIFY US ETC.] WHETHER IT BE TODAY OR YESTERDAY’. THE SAGES, HOWEVER, DID NOT AGREE WITH HIM.²⁶

GEMARA. Who [is it that] DID NOT AGREE WITH HIM? Rab replied: It is R. Jose; for it was taught: The Sages agree with R. Eliezer²⁷ that if on [the eve of] the New Year²⁸ a man fears that [the preceding month of Elul] might be intercalated,²⁹ he may prepare two ‘erubs and make this declaration: ‘My ‘erub for the first [day shall be] to the east and the one on the second day to the west’, ‘The one for the first day to the west and the one for the second day to the east’, ‘My ‘erub [shall be effective] for the first day, and for the second [I shall retain the same rights] as the people of my town’, or ‘My ‘erub [shall be effective] for the second day, and for the first [I shall retain the same rights] as the people of my town’; but R. Jose forbids this.³⁰ Said R. Jose to them:³¹ Do you not agree that, if witnesses³² came after the [offering of the] minhah³³ both that day and the day following are observed³⁴ as holy [days]?³⁵

(1) On the Sabbath or a festival.

(2) Aliter: ‘Shall take a walk to’ (cf. Rashi and Gold.).

(3) That is nearby.

(4) Because, from this Baraitha it is obvious that, on a holy day’ even a walk is forbidden if the purpose is to facilitate some forbidden act. Similarly in the case of ‘erub, if the utterance of the formula would constitute an infringement of the law of preparation the silent occupation of the required spot for the same purpose would equally constitute an infringement.

(5) The walks in the Baraitha cited.

(6) No one would ordinarily walk on a holy day to the end of his field or to the gate of a province unless he intended, in the former case, to carry’ out some work in the field or, in the latter case, to enter a bath house as soon as the day ended.

(7) Lit., ‘it drew him’.

(8) And absentmindedly walked on to the Sabbath limit.

(9) V. Glos., who does not engage in study.

(10) And he went to make enquiries about it. Such enquiries as well as the return of the animal to its stable are permitted

even on a holy day.

(11) Since the 'erub would have to be Named on the festival day the prohibition against performing an act on a festival for the Sabbath would be infringed.

(12) That only bread that was on the eve of a festival named as 'erub may be used for the Sabbath 'erub but no new bread that would have to be named as 'erub on the festival day.

(13) Abaye and Rabbah b. Hanin who argued supra against Rabbah's ruling which forbids the naming of an 'erub on a festival for the Sabbath. How could they maintain their views against the deduction from our Mishnah?

(14) In our Mishnah.

(15) Which does not preclude the naming of new bread as 'erub if the man is inclined to do so.

(16) Living in the diaspora, too far from Jerusalem (the seat of the Sanhedrin or supreme court) to ascertain in time which day was fixed as the New Year. The day beginning [the new year, as well as the respective days beginning the months of the year, was determined and announced in Jerusalem after the authorities heard, and were satisfied with the necessary evidence on the time the new moon appeared in the respective month.

(17) I.e., declared to consist of thirty, instead of twenty-nine days. If the witnesses were in time only the day following the twenty-ninth of Elul was announced as New Year's day, but if they were late, that day' was added to Elul and the New Year festival was announced for both that day (the thirtieth of Elul) and the day following it (the first of Tishri), though in fact the latter only was the holy day.

(18) If he wishes to go on the two days respectively in two opposite directions of the town (as in the case in the Mishnah supra 38a).

(19) Depositing them in the two opposite directions of the town respectively at distances of two thousand cubits.

(20) For further notes v. Mishnah supra 38a.

(21) They regard both days as one entity of holiness.

(22) This is explained infra 39b.

(23) Though the setting aside of the priestly dues is forbidden on a day that is definitely known to be a holy day.

(24) Cf. supra n. 3.

(25) Lit., 'he who passes before the (reading) chest'.

(26) The point at issue between the Sages and R. Dosa is explained infra in the Gemara.

(27) Though they disagree with him where one of the two days in question was a Sabbath and the other a festival since both days are holy beyond doubt.

(28) Since only one of the day's, viz., the actual first day of the year, whichever of the two it may be, is holy while the other is definitely not holy. The two day's are kept as a festival for the sole reason that it is impossible to ascertain which of the two is actually the first day of the year.

(29) For notes on the passage cf. the notes on our Mishnah.

(30) His reason emerges from the argument he advances presently.

(31) The Sages.

(32) Who saw the appearance of the new moon.

(33) Lit., 'from the minhah and onward', מִנְחָה denoting the continual daily evening sacrifice which was offered as a rule from the sixth and half hours after sunrise (the day being divided into twelve hours).

(34) Lit., 'that they lead', 'behave'.

(35) Tosef. 'Er. IV. So that the reason why the New Year festival is kept in the diaspora for two days is not only on account of doubt as to which of these days was declared to be the first day of the New Year but also on account of the possibility that both were actually kept in Jerusalem as holy days.

Talmud - Mas. Eirubin 39b

And the Rabbis?¹ — There [the reason for the observance]² is³ that people shall not treat it with disrespect.⁴ R. JUDAH FURTHER RULED etc. And [the mention of the three cases⁵ was] necessary.⁶ For if we had been informed of the NEW YEAR⁷ only it might have been presumed that R. Judah maintained his view⁸ only in that case because the man does nothing,⁹ but that in the case of the BASKET, where it might appear that he prepares tebel,⁹ R. Judah agrees with the Rabbis. And even if we had been taught both, those cases¹⁰ it might have been presumed [that R. Judah maintained his view¹¹ in these only] because there is no prohibition On account of which these

should be forbidden as a preventive measure, but that in the case of the EGG, where there is reason to forbid it as a preventive measure as fallen fruit¹² or as liquids that excluded,¹² he agrees with the Rabbis. [Hence it is that the three cases were] required.

It was taught: In what manner did R. Judah mean his ruling, that ‘a man may conditionally [set aside terumah] for a basket [of produce] on the first festival day [of New Year] and may then eat it on the second day’, [to be carried out]? If, for Instance, he had before him two baskets of produce of tebel he makes this declaration: ‘If today is an ordinary weekday and tomorrow will be a holy day let this [basket of produce]¹³ be terumah for the other, and if today is a holy day and tomorrow is a weekday let my declaration be void’. He thus names it [conditionally] and puts It away. On the following day he says:¹⁴ ‘If today is a weekday let this [basket of produce] be terumah for the other, and if today is a holy day let my declaration be void’, and he thus names It¹⁵ and may then eat [the other]. R. Jose forbids this. And so also did R. Jose forbid [such a procedure] on the two festival days of the diaspora.¹⁶

A stag that was caught¹⁷ on the first day of a diaspora festival and slain on the second day of the festival was presented at the Exilarch's table. R. Nahman and R. Hisda ate it,¹⁸ but R. Shesheth did not eat It.¹⁹ ‘What’, said R. Nahman, ‘can I do with R. Shesheth who does not eat the meat of a stag?’ — ‘How could I eat it’, retorted R. Shesheth, ‘in view of what Assi²⁰ learned (or, as others say: Issi²¹ learned): And so also did R. Jose forbid [such a procedure] on the two festival days of the diaspora’. ‘What, however’, objected Raba, ‘is the difficulty? Is it not possible that he²² meant this: And so also did R. Jose forbid [such a procedure] on the two festival days of the New Year²³ in the diaspora?’²⁴ — If so [instead of the expression,] ‘of²⁵ the diaspora’ it should have read: ‘In the diaspora’ — ‘What difficulty, however,’ objected R. Assi, ‘is this? Is it not possible that he²² meant this: And so also did R. Jose treat the prohibition of [such a procedure] on any of the two festival days of the diaspora²⁶ as did the Rabbis on the two festival days of the New Year²⁷ on which they permit [a similar procedure]?²⁸ R. Shesheth subsequently met Rabbah b. Samuel and asked him, ‘Has the Master learnt anything on the question of festival sanctities?’²⁹ — ‘I have learnt’, the other replied, ‘that R. Jose agreed in the case of the two festival days of the diaspora’.³⁰ If you happen to meet them³¹ [R. Shesheth requested] mention to them nothing whatever about the matter.³² R. Ashi stated: Amemar told me personally that the stag was not at all caught³³

(1) How could they maintain their view in face of R. Jose's argument (cf. previous note)?

(2) Of the first day also, where the witnesses came in the afternoon.

(3) Not because it is actually holy and forms together with the day following it one entity of holiness.

(4) It is in fact not holy; but if, where witnesses came in the afternoon, that day (the 30th of Elul) had not been treated to the end as a holy day, the public might on the next occasion come to regard the entire day with equal disrespect and would, in consequence, permit themselves to carry on their usual occupations and work all that day as if it had been one of the ordinary working days. Such laxity, however, would result in the actual desecration of a holy day where the witnesses happened to come before noon and that day (the one following the 29th of Elul) had been declared as the one and only day of the New Year festival. In order, therefore, to avoid such possible desecration It was ordained that the day following the 29th of Elul shall always be treated as a holy day irrespective of the time of day at which the witnesses appeared. Where, however, the witnesses did come in the afternoon, though that day is continued to be observed as a holy day for the reason stated, it is in fact an ordinary weekday, the second day only being actually holy and the New Year day.

(5) The ‘ERUBS, the BASKET and the EGG.

(6) For the realization of the full extent of R. Judah's view.

(7) Bah reads: the first clause. Sc. the ruling about the ‘ERUBS on the eve of the New Year.

(8) That the two days are regarded as two entities of holiness.

(9) on the festival day.

(10) Those of the ‘ERUBS and the BASKET.

(11) That the two days are regarded as two entities of holiness.

(12) On a holy day it is forbidden to eat fruit that dropped from the tree on that day, as a preventive measure against one's climbing the tree and plucking them (cf. Bezah 2b); and it is similarly forbidden to drink the juice of fruit that exuded on that day, as a preventive measure against one's squeezing of the fruit (cf. op. cit, 3a). An egg might have been assumed to come under the former or latter category.

(13) Which he points out.

(14) Pointing to the basket he had set aside for the same purpose on the previous day.

(15) The basket for terumah.

(16) **ימים טובים של גליות**. Name denoting the three major festivals, as distinct from the New Year festival, of which two days were sometimes observed also in Palestine. Instead of the one day festivals that were Pentateuchally ordained for the fifteenth and twenty-first of Nisan (Passover), sixth of Sivan (Pentecost) and the fifteenth and twenty-second of Tishri (Tabernacles and the Eighth Day of Solemn Assembly) the diaspora, or rather those localities that were too far from Jerusalem for the official communications of the Sanhedrin and supreme court to reach them in time before the date of the respective festival, kept two days. Those whom the communications could reach in time knew exactly the day that was declared as the new moon and could calculate therefrom the day of the respective festivals. All others could not be sure whether the new moon of the month in question followed the twenty-ninth or the thirtieth of the preceding month. As in the former case Passover, for instance, would be fifteen days after the twenty-ninth of Adar and in the latter case sixteen days after that date both the fifteenth and the sixteenth were kept as holy days. This was the case with the three major festivals mentioned. And though, unlike the New Year festival which was sometimes kept in Jerusalem itself (as explained supra 39a) on two days, one of each of these pairs of days was invariably a weekday, R. Jose imposes upon both days the same restrictions as those of the New Year day's.

(17) By non-Jews.

(18) Because the two festival days of the diaspora are in their opinion regarded as two entities, the one holy and the other not holy, so that if the first was not the holy day the stag was caught on an ordinary weekday and may well be eaten on the holy day that followed it; and if the first day was holy the stag may well be eaten after the day ended provided only that there was time enough since the conclusion of the holy day for the stag to be caught.

(19) Both days (v. previous note) are regarded by him as one entity of holiness.

(20) So MS.M. Cur. edd. 'Issi'.

(21) The difference between this reading and the previous one, according to cur.ed. is taken to consist in the mode of its intonation: 'Did not Issi learn?' Cf. Rashi.

(22) Assi or Issi.

(23) But not on those of the other festivals.

(24) R. Jose's point being that, in the diaspora, the two days are always one entity as they are sometimes in Jerusalem.

(25) Which implies: Festivals that are kept on two days in the diaspora only but not in Palestine.

(26) Sc. relaxed it and permitted the procedure.

(27) Supra 39a: 'The Sages agree with R. Eliezer that if on [the eve of] the New Year etc.

(28) This is rather a forced interpretation but is preferable to the difficulty of allowing a senseless ruling to stand in the name of R. Jose who is invariably known for his reasoned statements and arguments.

(29) I.e., whether the two days of a diaspora festival are regarded as two entities of holiness or as one only.

(30) That they are regarded as two entities.

(31) R. Nahman and R. Hisda.

(32) Lit., 'do not tell them and nothing'. R. Shesheth realized his mistake and desired to avoid his colleague's taunts.

(33) On the first day when it was brought to the Exilarch's house. If that had been the case R. Shesheth would undoubtedly have shared the view of his colleagues.

Talmud - Mas. Eirubin 40a

but it arrived¹ from without the permitted festival limit. He who ate it was of the opinion that if anything arrived² for one Israelite it is permitted to another Israelite,³ and he who did not eat it held that all foodstuffs that arrived at the Exilarch's house were intended for all the Rabbis.⁴ but did not R. Shesheth meet Rabbah b. Samuel and ask him [a question on sanctities]?⁵ — That in fact never happened.⁶

A load of⁷ turnips once arrived at Mahuza [on a festival day]. Raba went out and observed that they were withered. He therefore permitted the people to buy them, saying: 'These turnips were undoubtedly pulled out from the ground yesterday. What other objection could be raised?⁸ That they arrived from without the permitted festival limit? But anything that arrives for one Israelite is permitted to another Israelite to eat, and much more so are these [turnips permitted] since they were intended for gentiles'. When, however, he observed that [the gentile vendors] were bringing in additional supplies of these turnips he forbade all further buying.⁹

Certain gardeners once cut¹⁰ myrtles on the second day of the festival and Rabina permitted people to smell their odour in the evening immediately [after the termination of the festival]. Said Raba b. Tahlifa to Rabina, 'The Master should really forbid this to them since they are not learned men'.¹¹ To this R. Shemaiah demurred: 'Is the reason then¹² that they are not learned men, but if they had been learned men this would have been permitted? But, surely, is it not necessary [to allow time] enough¹³ for their preparation?'¹⁴ They, therefore, proceeded to ask this question of Raba, and he told them; that it was necessary [to allow time] enough¹³ for their preparation.¹⁵

R. DOSA¹⁶ RULED: THE PERSON WHO ACTS AS CONGREGATIONAL READER etc. Rabbah stated: When we were at R. Huna's we raised the following question: 'Is it necessary to mention the New Moon in [the prayers of] the New Year?¹⁷ Is it necessary to mention it because different additional offerings were ordained for the two celebrations¹⁸ or is rather one mention of "memorial"¹⁹ sufficient for both?'²⁰ And he told us, 'You have learnt It: R. DOSA RULED: THE PERSON WHO ACTS AS CONGREGATIONAL READER etc. Does not [this disagreement²¹ apply] to the mention [of the New Moon]?'²² — No; [it may refer] to the conditional form of the prayer.²³ Logical reasoning also Supports this. For in a Baraita it was taught: 'And so²⁴ did R. Dosa proceed on the New Moons²⁵ throughout the year but they²⁶ did not agree with him'. Now if you admit [that their objection was] to his conditional form of prayer one can well understand why they did not agree with him;²⁷ but if you maintain [that their objection was] to the mention of the New Moon why [it may be asked] did they not agree with him?²⁸ — What then [would you suggest? That their objection was] to his conditional form of prayer? But what purpose [it could be retorted] was served by expressing disagreement In the two cases?²⁹ — [Both were] necessary. For if we had been informed [of their disagreement In the case of] the New Year Only it might have been presumed that only in this case did the Rabbis maintain that no [conditional form of prayer should be introduced] because³⁰ people might come to regard the day with disrespect,³¹ but that in the case of the New Moons throughout the year³² they, it might have been presumed — agree with R. Dosa. And if [their disagreement with R. Dosa] had been expressed in the latter case Only,³³ it might have been presumed that R. Dosa maintained his view only in that case³² but that in the other case he agrees with the Rabbis.³⁴ [Hence it is that both cases were] necessary.

An objection was raised: If the New Year festival fell on a Sabbath, Beth Shammai ruled: One shall recite ten benedictions,³⁵ and Beth Hillel ruled: One only recites nine.³⁶ Now if that were so³⁷ should it not have been necessary according to Beth Shammai³⁸ [to order] eleven benedictions?

(1) On the second day when it was served at the Exilarch's table.

(2) On a festival day from without the permitted limit.

(3) As the stag was brought for the Exilarch it was only forbidden to him but permitted to the Rabbis.

(4) Who usually dined with him. They were, therefore, in the same position as the Exilarch himself.

(5) What possible bearing could such a question have had on that of the stag that was served as a dish on the very day on which it arrived from without the permitted limit?

(6) Lit., 'the things never were'.

(7) Lit., 'that'.

(8) Against eating them on the festival.

(9) Lit., 'to them', since it was evident that the new supplies were definitely intended for the Jewish public.

- (10) Lit., 'who cut'.
- (11) And might, as a result of the permission, allow themselves further relaxations in the observance of the sanctity of the second festival day.
- (12) Why they should have been forbidden the smelling of the myrtles.
- (13) After the conclusion of the festival.
- (14) Sc. the cutting of the myrtles. Before such a period of time has passed the smelling remains forbidden but Rabina, surely, permitted it as soon as the festival concluded.
- (15) Cf. previous note.
- (16) Our Mishnah (supra 39a) insert B. HARKINAS.
- (17) Sc. is it necessary to say 'this day of the New Moon' in addition to 'this Day of Memorial'?
- (18) Lit., 'they are divided in their additional offerings'. Besides the sacrifices that were ordered for the New Year festival (cf. Num. XXIX, 2ff) the sacrifices of the New Moon (which, of course, always coincided with the first day of the New Year) had also to be offered on that day (ibid. 6).
- (19) Since both the New Year festival and the New Moon were associated in Scripture with memorial or remembrance before God (cf. Lev. XXIII, 24 and Num. X, 10).
- (20) Lit., 'goes up towards here and towards here',
- (21) Of the Rabbis with R. Dosa spoken of in our Mishnah.
- (22) Cf. our Mishnah, their opinion being that the New Moon need not be mentioned in the prayer of the New Year's day.
- (23) Which R. Dosa had laid down. In their opinion the expression 'WHETHER IT BE TODAY etc.' should be omitted, but the mention of the New Moon must be included.
- (24) Sc. with a conditional form of prayer.
- (25) Whenever it was uncertain whether the day following the twenty-ninth or the thirtieth of the preceding month was declared as the New Moon.
- (26) The Rabbis.
- (27) Since they might well object to introduce conditional forms in a prayer.
- (28) The New Moon, surely, should be mentioned in the prayers for the ordinary New Moon's day.
- (29) Those of the New Year and the New Moon. Their disagreement on the conditional form of prayer in the one case should, surely, be sufficient indication of their disagreement in the other.
- (30) Observing that the day is specifically described in the prayers as of doubtful holiness.
- (31) And thus desecrate both days of the festival.
- (32) Where the question of desecration does not arise since work is permitted on the New Moon.
- (33) I.e., and the case of the New Year had not been mentioned at all.
- (34) In order, as explained supra, to obviate any possible desecration of the festival.
- (35) The first three (cf. P.B. p. 44f) and the last three (ibid. p. 50ff) that are recited three times every day; one for the Sabbath, one dealing with the sanctity of the New Year and the divine sovereignty of the universe, and two dealing respectively with aspects of God's remembrances and the blowing of the shofar (ibid. pp. 247ff).
- (36) Tosef. Ber. III and Tosef. R.H. II ad fin. The mention of the Sabbath and the sanctity of the New Year are included in one benediction which concludes with 'Who sanctifies the Sabbath and Israel and the Day of Memorial'. (cf. P.B. p. 249).
- (37) That the New Moon must also be mentioned in the New Year prayers.
- (38) Who ordered specific benedictions for every subject.

Talmud - Mas. Eirubin 40b

— R. Zera replied: The New Moon is different [from a festival] —¹ Since [its mention] is included [in the benediction on the sanctity of the day] in the morning and evening prayers² it is also included in that of the additional prayer.³ But do Beth Shammai uphold [the view that the mention of the New Moon⁴ is] to be included?⁵ Was it not in fact taught: If a New Moon falls on a Sabbath, Beth Shammai ruled: One recites in his [additional] prayer eight benedictions and Beth Hillel ruled: Seven?⁶ — [This is indeed] a difficulty.⁷

On the very question of inclusion⁸ Tannas differ. For it was taught: If the Sabbath falls on a New Moon or on one of the intermediate days⁹ of a festival, one reads the seven benedictions in the evening, morning and afternoon prayers in the usual way, inserting the formula appropriate for the occasion¹⁰ in the benediction on the Temple service; R. Eliezer ruled: [The insertion is made] in the benediction of thanksgiving; and if it was not inserted one is made to repeat [all the benedictions]. In the additional prayers one must begin and conclude with the mention of the Sabbath¹¹ inserting the mention of the sanctity of the day in the middle [of the benediction only].¹² R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka ruled: Wherever one is under an obligation to recite seven benedictions¹³ it is necessary to begin and conclude with the mention of the Sabbath¹¹ and to insert the reference to the sanctity of the day in the middle¹⁴ [of the benediction].¹⁵

Now what is the result of the discussion:¹⁶ — R. Hisda replied: [The mention of] one ‘memorial’¹⁷ suffices for both.¹⁸ So also ruled Rabbah: [The mention of] one ‘memorial’ is sufficient for both.¹⁸

Rabbah further stated: When we were at R. Huna's we raised the question whether the benediction on the season¹⁹ is to be recited on the New Year festival and on the Day of Atonement. Must it be recited [we argued] since [these solemn days] occur only periodically or is it possible that it is not to be said since they are not described in Scripture as ‘festivals’? He was unable to give an answer.²⁰ When I later arrived at Rab Judah's he stated: ‘I recite the benediction on the season²¹ even over a new pumpkin.²² ‘I do not ask’, I told him, ‘whether it is permitted [to recite this benediction].²¹ What I ask is whether its recital is obligatory’ ‘Both Rab and Samuel’, he replied: ‘ruled: The benediction on the season²¹ is recited only on the occasion of the three major festivals.’²³

An objection was raised: Give a portion unto seven, yea, even unto eight.²⁴ R. Eliezer explained: ‘Seven’ alludes to the seven days of the creation²⁵ and ‘eight’ alludes to the eight days of circumcision.²⁶ R. Joshua explained: ‘Seven’ alludes to the seven days of the Passover and ‘eight’ alludes to the eight days of the festival of Tabernacles: and since Scripture says: ‘Yea, even’, Pentecost, New Year's day and the Day of Atonement are also included. Now does not this inclusion refer to the benediction on the season?²⁷ — No; [the reference is] to the benediction [on the sanctity of the day].²⁸ This²⁹ may also be logically supported. For if it were to be assumed³⁰ [that the reference is] to the benediction on the season [the objection could be advanced:] Is [the benediction on] the season recited³¹ all the seven [days of the festival]?³² — This is really no objection, since a person who did not recite the benediction on the proper day³³ must do so on the following or any subsequent day [of the festival].³⁴ At all events, however, [it may be objected] is not a cup of wine³⁵ required?³⁶ May it [thus] be suggested that this³⁷ provides support for R. Nahman who laid down: One may recite the benediction on the season even in the market-place?³⁸ — This³⁹ is no difficulty [at all, since the benediction on the season could be said] when one happens to have a cup of wine.⁴⁰ This explanation⁴¹ is quite satisfactory as regards Pentecost and the New Year festival; but⁴² how could one proceed on the Day of Atonement?⁴³ If [it be suggested that] one is to recite the benediction over the wine and drink it [the objection might be advanced:] Since the man recited the benediction on the season he has thereby accepted the obligation of the day⁴³ and caused the wine to be forbidden to him;⁴⁴ for did not R. Jeremiah b. Abba once say to Rab,⁴⁵ ‘Have you ceased from work?’ And the latter replied: ‘Yes, I have ceased’.⁴⁶ [And if it be suggested that] one might recite the benediction over the wine and put it aside [it might be objected:] He who recites the benediction [over any food or drink] must taste it. [Should it be suggested that] one might⁴⁷ give it to a child,⁴⁸ [it could be retorted:] The law is not in agreement with R. Aha b. Jacob,⁴⁹ since [the child] possibly might get used to it.⁵⁰ Now what is [the decision] on this question?⁵¹ — The Rabbis sent R. Yemar⁵² the Elder to R. Hisda on the eve of the New Year. ‘Go,’ they said to him, ‘observe how he acts in practice and come and tell us’. When [R. Hisda] saw him he remarked: ‘He who picks up a moist log⁵³ desires to have a press on the spot’.⁵⁴ Thereupon a cup of wine was brought to him [over which] he recited the kiddush⁵⁵ and also the benediction on the season. And the law is that the

benediction on the season is to be recited both on the New Year festival and the Day of Atonement. And the law, furthermore, is that the benediction on the season may be said even in the street.

Rabbah further stated: When we were at Huna's we raised the question whether a student who kept a fast on the eve of the Sabbath must also complete it?⁵⁶ He hath no ruling on the subject.⁵⁷ I appeared before Rab Judah and he also hath no ruling on the subject. 'Let us', said Rabbah,⁵⁸ 'consider the matter ourselves. It was in fact taught: If the Ninth of Ab⁵⁹ fell on a Sabbath

(1) A special benediction is required for the latter but not for the former, though the mention thereof is to be included in the prayers.

(2) If the New Moon falls, for instance, on a Sabbath the benediction concludes with 'Who sanctifies the Sabbath and Israel and the New Moons'.

(3) Even on the New Year; the conclusion of the prayer being 'Who sanctifies Israel and the Day of Memorial and the New Moons'. The total number of benedictions is, therefore, no more than ten.

(4) In the additional prayer when the New Moon and the Sabbath fall on the same day.

(5) In that of the benediction on the sanctity of the Sabbath.

(6) Now since Beth Shammai give the number as eight it is obvious that a special one was instituted for the New Moon. Does not this then present an objection against R. Zera and thus the first objection (Supra 40a ad fin.) arises again?

(7) It follows, since Beth Shammai require a special benediction for the New Moon on an ordinary Sabbath and yet do not require one for the New Year, that no mention whatsoever of the New Moon is made in the prayers for the New Year, the term 'memorial' in 'the Day of Memorial', used in reference to the New Year, covering also the New Moon which, as pointed out supra, is referred to in Scripture by a similar expression (Rashi).

(8) In the morning and evening prayers of a reference to the New Moon in the benediction on the sanctity of the Sabbath when both happen to be on the same day.

(9) Lit., 'the week or profane (days).'

(10) Lit., 'of the nature of the event', sc. according to the formula suitable for the New Moon or any of the particular festivals that happens to fall in that season.

(11) Beginning 'And Thou hast given us this day of rest' and concluding with 'Who sanctifies the Sabbath'.

(12) Thus only in the case of the additional prayers is the mention of the New Moon included at least in the middle of the benediction on the sanctity of the day. In the case of the morning and evening prayers, however, it is not mentioned even in the middle but, as on a weekday, the mention of the New Moon is restricted to the special New Moon prayer beginning, 'Our God . . . may our remembrance rise' ('עלה ויבא') which is inserted in the benediction on the Temple service (cf. P.B. p. 50).

(13) I.e., even in the evening and morning prayers when a New Moon or a festival falls on a Sabbath.

(14) Mentioning first the Sabbath, 'This day of rest', and adding 'and this day of the New Moon', 'and this day of the festival of . . .', according to the particular occasion.

(15) Cf. Tosef. Ber. III and Bezah 17a. Thus it has been shown (cf. supra p. 277, n. 10) that one Tanna (v. supra n. 3) maintains, contrary to the view of the others, that the mention of the New Moon is not to be inserted even in the middle of the benediction on the sanctity of the day.

(16) Lit., 'what is (the decision) about it', i.e., is the New Moon to be mentioned in the New Year prayers?

(17) יום הזכרון, 'the Day of Memorial'.

(18) Cf. supra p. 275, nn. 8f.

(19) 'Blessed art Thou.. Who hast kept us in life, and hast preserved us and hast enabled us to reach this season' (cf. P.B. p. 292).

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

(21) V. p. 278, n. 10.

(22) Sc. when he sees it for the first time in the season (Rashi).

(23) Passover, Pentecost and Tabernacles.

(24) Eccl. XI, 2; E.V., 'Divide a portion into' etc.

(25) Lit., 'beginning'. The Sabbath day was the chosen portion from all the seven.

(26) The eighth of which was the selected one (cf. Gen. XVII, 12).

(27) If it does, an objection arises against both Rab and Samuel.

- (28) Concluding with 'Who sanctifies Israel and the season'. This benediction must be recited on all the days enumerated.
- (29) That the New Year was included in respect of the benediction on the sanctity of the day and not in that on the season.
- (30) Lit., 'went up your mind',
- (31) Lit., 'there is'.
- (32) Of course not. The reference of 'seven', therefore, cannot be to that benediction.
- (33) Lit., 'at present', 'today'.
- (34) Hence it was quite proper to include all the seven days in the reference to the benediction on the season.
- (35) The proper occasion for the recital of the benediction on the season is the time when the festival is ushered in, when it follows that on the sanctity of the day, which is pronounced over a cup of wine after the benediction for the wine has been said.
- (36) As it is not possible for everyone to have a cup of wine every day, the recital of the benediction under discussion must obviously be restricted to the first day of the festival. How then could it be maintained that the reference supra is to all the seven days?
- (37) Since it was assumed that the benediction on the season may be recited on any day of the festival.
- (38) Sc. no cup of wine is required for the purpose. Suk. 47b. Is it likely, however, that R. Nahman who is in the minority would receive support from an anonymous Baraitha?
- (39) The dilemma between (a) supporting R. Nahman or (b) assuming that the benediction is that of the sanctity of the day.
- (40) The reference to all the seven days could, therefore, well be justified even if the benediction meant was that for the season.
- (41) Which deprives R. Nahman's view of the support of the Baraitha.
- (42) If R. Nahman's view is not to be adopted.
- (43) When both eating and drinking is forbidden.
- (44) How then could he drink the wine.
- (45) Who, on a cloudy day, believing the sun to have set, read the Sabbath evening prayer before Friday's actual sunset.
- (46) Ber. 27b. From which it follows that the reading of the Sabbath evening prayers imposes upon one the obligations and the restrictions of the day, and similarly the recital of the benediction on the season, (cf. supra n. 11).
- (47) After the recital of the benediction
- (48) As the reason why the wine must be tasted is that the benediction should not appear to have been recited in vain, it could not in fact matter with tastes it.
- (49) So MS.M. and Bah. Cur. edd., omit the last two words. R. Aha b. Jacob permitted a child to drink in the circumstance mentioned (cf. R. Han. a.l. and Tosaf. s.v. לֵיט a.l.).
- (50) Lit., 'to be dragged'; and he would out of habit drink the wine even when he grows up
- (51) Is the benediction on the season the said on the New Year Festival and the Day of Atonement?
- (52) Var. lec. 'Yebe' (v. Rashi s.v. כַּד and She'iltoth, Berakah).
- (53) Which is useless for burning.
- (54) Proverb. No one acts without a motive. The man who picks up a useless log must be in need of the spot on which it rests. R. Yemar, he surmised, must have come or a purpose. Jast. (following a different reading): 'Carry the green date, I have a press on the spot, i.e., you come to find out my opinion, you will soon have an opportunity to learn it'.
- (55) V. Glos.
- (56) As he must when a fast falls on all ordinary day.
- (57) Lit., 'it was not in his hand.'
- (58) MS.M. Cur. edd. 'Raba'.
- (59) One of the statutory fast days.

Talmud - Mas. Eirubin 41a

and, similarly, if the eve of the Ninth of Ab¹ fell on a Sabbath a man may eat and drink as much as he requires and lay on his table a meal as big as that of Solomon in his time. If the Ninth of Ab fell on the Sabbath eve [food] of the size of an egg must be brought and eaten [before the conclusion of

the day] so that one does not approach the Sabbath in a state of affliction'.²

It was taught:³ R. Judah stated: We were once sitting in the presence of R. Akiba, and the day was a Ninth of Ab that occurred on a Sabbath eve, when a lightly roasted egg was brought to him and he sipped it without any salt. And [this he did] not because he had any appetite for it but in order to show the students what the halachah was.⁴ R. Jose, however, ruled: The fast must be fully concluded.⁵ 'Do you not agree with the', said R. Jose to them, 'that when the Ninth of Ab falls on a Sunday one must break off⁶ while it is yet day?'⁷ — 'Indeed [it is so]', they replied. 'What', he said to them, 'is the difference between⁸ beginning the Sabbath⁹ when one is in a state of affliction¹⁰ and between letting it out¹¹ when one is in such a state?'¹² 'If you allowed a person',¹³ they replied: 'to let it out¹¹ [when in such a state] because he has eaten and drunk throughout the day, would you also allow a person¹⁴ to begin it⁹ when in a state of affliction, though he has not eaten or drunk all day?' And in connection with this Ulla ruled: The halachah agrees with R. Jose.¹⁵

But do we act in agreement with the view of R. Jose seeing that such action would be contradictory to the following rulings: No fast day may be imposed upon the public on New Moons, Hanukkah¹⁶ or Purim,¹⁶ but if they began [the period of fasting prior to these days] there is no need to interrupt it;¹⁷ so R. Gamaliel. Said R. Meir: Although R. Gamaliel laid down that 'there is no need to interrupt it', he agrees nevertheless that [the fasts on these days] must not be concluded,¹⁸ and the same ruling applies to the Ninth of Ab that falls on a Sabbath eve.¹⁹ And it was further taught: After the death of R. Gamaliel,²⁰ R. Joshua entered [the academy] to abrogate his ruling,²¹ when R. Johanan b. Nuri stood up²² and exclaimed: 'I submit²³ that "the body must follow the head";²⁴ throughout the lifetime²⁵ of R. Gamaliel we laid down the halachah in agreement with his view and now you wish to abrogate it? Joshua, we shall not listen to you, since the halachah has once been fixed in agreement with R. Gamaliel!' And there was not a single person who raised any objection whatever to this statement.²⁶ — In the time²⁷ of R. Gamaliel the people acted in agreement with the views of R. Gamaliel but in the time²⁷ of R. Jose²⁸ they acted in agreement with the views of R. Jose. But [could it be maintained] that 'in the time of R. Gamaliel the people acted in agreement with the view of R. Gamaliel'? Was it not in fact taught: R. Eleazar son of R. Zadok²⁹ stated: 'I am one of the descendants of Seneab of the tribe of Benjamin. Once it happened that the Ninth of Ab fell on a Sabbath and we postponed it to the following Sunday³⁰ when we fasted but did not complete the fast because that day was our festival.'³¹ The reason [then³² was] that [the day had been their] festival, but on the eve of [their] festival³³ they did complete the fast, did they not?³⁴ Rabina replied: A festival of Rabbinic origin³⁵ is different [from a Sabbath]. Since it is permitted to fast for a number of hours on the former³⁶ it is also permitted to complete a fast on its eves;³⁷ [but as regards] the Sabbath, since it is forbidden to fast on it even for a few hours, it is also forbidden to complete a fast on its eves.³⁸

'I have never heard', said R. Joseph, 'that tradition',³⁹ Said Abaye to him, 'You yourself have told it to us⁴⁰ and you said it in connection with the following: "No fast may be imposed upon the public on New Moons etc." and it was in connection with this that you told us, "Rab Judah said in the name of Rab: This is the view of R. Meir⁴¹ who laid it down in the name of R. Gamaliel; but the Sages ruled: One must complete the fast". Now does not this⁴² refer to all the days mentioned?⁴³ — No; only to Hanukkah and Purim. This may also be supported by a process of reasoning

(1) The eve of the fast, if it falls on an ordinary day, is also subject to certain restrictions. At the last meal of the day it is forbidden to eat more than one cooked dish nor is it permitted to drink wine or eat meat on that day.

(2) Ta'an 29b.

(3) Wanting in MS.M. Ban reads 'and it was taught'.

(4) That a fast on the Sabbath eve must be broken before the Sabbath begins.

(5) Cf. previous note and supra p. 281, n. 10.

(6) His meal on the eve of the Fast.

- (7) Though it is the Sabbath day he must cease eating before the day comes to an end.
- (8) Lit., 'what to me'.
- (9) Lit., 'to enter it'.
- (10) I.e., to be fasting all the Sabbath eve until the Sabbath actually commenced.
- (11) Lit., 'to go out from it'.
- (12) I.e., to begin on the Sabbath the fast that fell on a Sunday. If the latter is permitted, why not also the former?
- (13) Lit., 'you said'.
- (14) Lit., 'will you say'.
- (15) A contrary ruling to the one given previously on the enquiry made at R. Huna's.
- (16) V. Glos.
- (17) It may be continued even on the days mentioned.
- (18) But must be broken on every one of these days before they respectively draw to a close.
- (19) Ta'an 15b. Cf. previous note.
- (20) Reading of marg. note. Cur. edd. in parenthesis, 'R. Simeon b. Gamaliel'.
- (21) Sc. to lay down that the fast may be concluded even on a Sabbath eve in agreement with R. Jose.
- (22) Lit., 'stood on his feet'.
- (23) Lit., 'see (good reason for the statement)'.
- (24) Proverb. Cf. 'follow the leader'.
- (25) Lit., 'all his days'.
- (26) A fast on the Sabbath eve accordingly must not be concluded. How then could this be reconciled with the practice in agreement with the view of R. Jose?
- (27) Lit., 'in his generation'.
- (28) Who flourished after R. Gamaliel.
- (29) This is the reading according to marg. glos. Cur. edd. insert 'son of' in parenthesis and omit the 'R.' before Zadok. MS.M. Eliezer', omitting his father's name.
- (30) Lit., 'to after the Sabbath'.
- (31) Ta'an. 12a. The tenth of Ab was allotted to them as the day on which they were entitled to bring the offering of wood for the Temple altar. The families that were entitled to such a privilege kept the respective days allotted to them as a family festival. (V. Rashi a.l. and cf. Ta'an. 26a, 28a).
- (32) Why they did not complete the postponed fast.
- (33) Sc. the usual date of the Ninth of Ab which is the proper fast day and which always occurred on the eve of their festival.
- (34) Which proves, since R. Eleazar son of R. Zadok was a contemporary of R. Gamaliel (cf. Bezah 22a), that on the eve of a festival a fast was completed even in the days of R. Gamaliel,
- (35) Lit., 'their words'.
- (36) As was stated supra, 'When we fasted etc.'
- (37) The completion of the fast does not involve even a full hour. If one may fast on a Rabbinic festival one should certainly be allowed on it a fast lasting only a portion of an hour.
- (38) Where the fast is to be completed its termination would encroach upon the Sabbath and one would incur the guilt of fasting on a Sabbath, however short the duration of that fasting might be.
- (39) Ulla's (supra) that the halachah is in agreement with R. Jose.
- (40) R. Joseph lost his memory as a result of a serious illness and his students often reminded him of traditions and rulings he had imparted to them in his earlier days.
- (41) Who stated supra that the fast is not to be completed, and the same applies to the fast of the Ninth of Ab that fell on a Sabbath eve.
- (42) The ruling of the Sages.
- (43) Lit., 'on all of them', i.e., that even on a Sabbath eve the fast must be completed. Now since Rab described R. Jose by the plural noun of 'Sages' it is obvious that he intended the halachah to be in agreement with his view.

Talmud - Mas. Eirubin 41b

for if it could have been presumed that the reference is to all the days mentioned [the objection

would arise:] Did not Rabbah ask [a question¹ on the subject] from Rab Judah and the latter did not answer him?² — But according to your view³ [would not the following objection arise:] In view of⁴ Mar Zutra's exposition in the name of R. Huna⁵ that the halachah is that one fasting [on a Sabbath eve] must complete the fast, why, when⁴ Rabbah asked [a question on the subject]¹ from R. Huna did not the latter⁶ answer him? But [you would no doubt reply:] That question was asked⁴ before [R. Huna] heard the ruling⁷ while his statement⁸ was made⁴ after he had heard it;⁷ so also here [one might explain] that the question was asked⁴ before [Rab Judah] heard it⁷ while his statement⁹ was made after he heard it',⁷ Mar Zutra made the following exposition in the name of R. Huna: The halachah is [that those] fasting [on a Sabbath eve] must complete the fast.

CHAPTER IV

MISHNAH. HE WHOM GENTILES¹⁰ OR AN EVIL SPIRIT,¹¹ HAVE TAKEN OUT [BEYOND THE PERMITTED SABBATH LIMIT] HAS NO MORE THAN FOUR CUBITS [IN WHICH TO MOVE].¹² IF HE WAS BROUGHT BACK¹³ [HE IS REGARDED] AS IF HE HAD NEVER GONE OUT.¹⁴ IF HE WAS TAKEN TO ANOTHER TOWN,¹⁵ OR IF HE WAS PUT IN A CATTLE-PEN OR IN A CATTLE-FOLD,¹⁶ HE MAY, RULED R. GAMALIEL AND R. ELEAZAR B. AZARIAH, MOVE THROUGH THE WHOLE OF ITS AREA;¹⁷ BUT R. JOSHUA AND R. AKIBA RULED: HE HAS ONLY FOUR CUBITS [IN WHICH TO MOVE].

IT ONCE HAPPENED THAT THEY¹⁸ WERE COMING FROM BRINDISI¹⁹ AND WHILE THEIR SHIP WAS SAILING²⁰ ON THE SEA,²¹ R. GAMALIEL AND R. ELEAZAR B. AZARIAH WALKED ABOUT THROUGHOUT ITS AREA,²² BUT R. JOSHUA AND R. AKIBA DID NOT MOVE BEYOND FOUR CUBITS BECAUSE THEY DESIRED TO IMPOSE A RESTRICTION UPON THEMSELVES.²³

ONCE [ON A SABBATH EVE] THEY DID NOT ENTER THE HARBOUR UNTIL DUSK.²⁴ 'MAY WE DISEMBARK?'²⁵ THEY ASKED R. GAMALIEL. YOU MAY', HE TOLD THEM, 'FOR I²⁶ HAVE CAREFULLY OBSERVED [THE DISTANCE FROM THE SHORE AND HAVE ASCERTAINED] THAT BEFORE DUSK WE WERE ALREADY WITHIN THE SABBATH LIMIT'.²⁷

GEMARA. Our Rabbis learned: Three things deprive²⁸ a man of his senses and of a knowledge of his creator,²⁹ viz.,³⁰ idolaters, an evil spirit and oppressive poverty. In what respect could this³¹ matter? — In respect of invoking heavenly mercy to be delivered from them.³² Three kinds of person do not see the face of Gehenna, viz.,³⁰ [one who suffers from] oppressive poverty, one who is afflicted with bowel diseases, and [one who is in the hands of] the [Roman] government;³³ and some say: Also he who has a bad wife. And the other?³⁴ — It is a duty to divorce a bad wife.³⁵ And the other?³⁶ — It may sometimes happen that her kethubah³⁷ amounts to a large sum,³⁸ or else, that he has children from her and is, therefore, unable to divorce her. In what practical respect does this³⁹ matter? — In respect of receiving [these afflictions] lovingly.⁴⁰ Three [classes of person] die even while they are conversing,⁴¹ viz.,³⁰ one who suffers from bowel diseases, a woman in confinement, and one afflicted with dropsy. In what respect can this information matter? — In that of making arrangements for their shrouds to be ready.

R. Nahman stated in the name of Samuel: If a man went out deliberately [beyond his Sabbath limit] he has only four cubits [in which to move]. Is not this obvious? If one whom gentiles have taken out⁴² has only four cubits [in which to move], is there any necessity [to mention that one who] went out deliberately [is subject to the same restriction]? — Rather read: If he⁴³ returned deliberately⁴⁴ he has only four cubits [in which to move]. Have we not, however, learnt this also: 'IF HE WAS BROUGHT BACK by gentiles ['HE IS REGARDED] AS IF HE HAD NEVER GONE OUT'; [from which it follows] that only if he was brought back he [is regarded] as if he had never

gone out, but that if gentiles took him out and he returned of his own accord he has only four cubits? — Rather, read: If he went out of his own free will and was brought back by gentiles he has only four cubits [in which to move]. But have we not learnt this also: WHOM . . . HAVE TAKEN OUT and HE WAS BROUGHT BACK [HE IS REGARDED] AS IF HE HAD NEVER GONE OUT, [from which it is evident] that only he whom gentiles have taken out and also brought back [is regarded] as if he had never gone out, but that a man who went out of his own free will is not [so regarded]?⁴⁵ — It might have been assumed that our Mishnah deals with two disconnected instances: [i] HE WHOM THE GENTILES . . . HAVE TAKEN OUT and he has returned on his own HAS NO MORE THAN FOUR CUBITS; but [ii] if he went out on his own and WAS BROUGHT BACK by gentiles [HE IS REGARDED] AS IF HE HAD NEVER GONE OUT. Hence we were informed⁴⁶ [that the second clause is the conclusion of the first]. An enquiry was addressed to Rabbah: What is the ruling where a man⁴⁷ had to attend to his needs? — Human dignity,⁴⁸ he replied, is so important that it supersedes a negative precept of the Torah.⁴⁹ The Nehardeans remarked: If he⁵⁰ is intelligent he enters into his original Sabbath limit and, once he has entered it, he may remain there.⁵¹

R. Papa said: Fruits that were carried⁵² beyond the Sabbath limit⁵³ and were returned [on the same day], even if this was done intentionally, do not lose their original place.⁵⁴ What is the reason? — They were carried under compulsion.⁵⁵

R. Joseph b. Shemaiah raised an objection against R. Papa: R. Nehemiah and R. Eliezer b. Jacob ruled, [The fruits]⁵⁶ are always forbidden⁵⁷ unless they are unintentionally returned to their original place; [from which it follows, does it not, that only if they are returned] unintentionally is this law applicable,⁵⁸ but not [if they are returned] deliberately?⁵⁹ — On this question Tannas differ. For it was taught: Fruits that were carried⁵² beyond the Sabbath limit unwittingly may be eaten,⁶⁰ [if they were carried] wittingly they may not be eaten;

-
- (1) Whether a fast on a Sabbath eve must be completed.
 - (2) Supra 40b ad fin. If the Sabbath eve is included among the days on which a fast must be completed Rab Judah who reported the ruling in the name of Rab (v. loc. cit.) would, surely, have been able to give Rabbah an answer.
 - (3) That the Sabbath eve is excluded from the ruling reported by Rab Judah in the name of Rab.
 - (4) Lit., 'that'.
 - (5) Infra.
 - (6) Despite his specific ruling.
 - (7) From Rab.
 - (8) Quoted by Mar Zutra.
 - (9) In the name of Rab supra 41a ad fin.
 - (10) Who, unlike Israelites, are permitted to walk any distance on the Sabbath.
 - (11) An attack of insanity (cf. Rashi).
 - (12) During the Sabbath, from the spot where (in the first case) he was placed by the gentiles or where (in the case of the insane man) he recovered.
 - (13) Within his original permitted limit.
 - (14) He may move about throughout the town and to a distance of two thousand cubits beyond it in every direction.
 - (15) Which was surrounded by walls.
 - (16) Sc. large enclosed areas.
 - (17) An enclosed area, however extensive, is regarded in respect of one's movements on the Sabbath as one of four cubits.
 - (18) The scholars just mentioned.
 - (19) Cf. J.E. v. 560 and Danby's Mishnah p. 126, n. 1.
 - (20) On the Sabbath.
 - (21) And so carried its passengers beyond their permitted Sabbath limit.
 - (22) They regarded the ship, in respect of movement in it on the Sabbath' as a cattle-pen or a cattle-fold within which as stated supra, one may freely move.

- (23) This is explained infra in the Gemara.
- (24) When the Sabbath had already set in.
- (25) Lit., 'what (about) us to go down'. Having been carried during the Sabbath beyond their original Sabbath limit they were not sure whether they may or may not move beyond four cubits.
- (26) By means of a certain instrument (v. Gemara infra). (According to J. 'Er. IV, 2, he knew the heights of certain towers along the coast, and by directing his instrument to the tops of them he was able to calculate the distance).
- (27) Of the harbour.
- (28) Lit., 'cause to pass'.
- (29) Lit., 'his possessor'.
- (30) Lit., 'these are they'.
- (31) The statement of the Rabbis.
- (32) Lit., 'about them'.
- (33) Cf. Aboth 11, 3 and Tosaf. s.v. **הרשות** a.l. Aliter: (In the hands of) creditors (Rashi).
- (34) Sc. why is not a bad wife mentioned in the first version?
- (35) Consequently one would not be suffering very long from such a woman.
- (36) The second version. Why, in view of the explanation just given, was a bad wife included?
- (37) V. Glos.
- (38) Which the man cannot afford to pay. He cannot divorce her unless he is in a position to meet his obligation.
- (39) The information that the sufferers mentioned would not see Gehenna.
- (40) The knowledge that they atone for his sins and shortcomings will tend to make him content with his lot.
- (41) Death comes upon them unexpectedly while they are apparently comfortable and able to carry on a conversation.
- (42) Against his will.
- (43) The man who was carried beyond the Sabbath limit against his will by gentiles.
- (44) To within his original Sabbath limit.
- (45) And has consequently no more than four cubits in which to move. What need then was there for R. Nahman's ruling?
- (46) By R. Nahman in the name of Samuel.
- (47) Who, having been taken beyond his Sabbath limit, is restricted in his movements to an area of four cubits.
- (48) Lit., 'the honour of creatures'.
- (49) Sc. the negative precept, 'Thou shalt not turn aside from the sentence which they shall declare unto thee' (Deut. XVII, 11), 'sentence' or 'the word' **הדבר** being applied to any enactment of the Rabbis. As the laws of the Sabbath limits which are only Rabbinical derive their force from this precept they also may be superseded wherever their absence would involve any loss of human dignity (Rashi); v. Ber. 19b.
- (50) The man who in the circumstances mentioned was allowed to move beyond the four cubits.
- (51) Lit., 'he entered', and may again move through the town and to distances of two thousand cubits away from it in all directions.
- (52) Lit., 'that went out', on a holy day.
- (53) Of their original place.
- (54) And may consequently be carried throughout the town and beyond it (cf. supra n. 5) and, on the Sabbath, may be eaten on the spot where they were deposited.
- (55) Inanimate objects are always in the position of a man acting under compulsion.
- (56) That were carried away beyond their Sabbath limit.
- (57) To be moved outside four cubits or to be eaten even if they were returned to their original place.
- (58) Lit., 'yes', that they are permitted.
- (59) How then could R. Papa maintain that fruits in such circumstances do not lose their original place even if they were carried back deliberately?
- (60) On the spot where they were deposited by any person within whose Sabbath limit that spot may be.

Talmud - Mas. Eirubin 42a

while R. Nehemiah ruled: If they are in their original place¹ they may be eaten but if they are not in their original place² they may not be eaten. Now what [are the circumstances under which they came

to be] in their original place?³ If it be suggested that they were in their original place through some intentional act, surely [it could be retorted] was it not specifically taught: ‘R. Nehemiah and R. Eliezer b. Jacob ruled, [the fruits] are always forbidden unless they are unintentionally returned to their original place’,⁴ from which it follows, does it not, that only if they are returned] unintentionally is this law applicable but not [if they are returned] intentionally?⁵ Must we not then admit that they [came to be] in their original place through some unintentional act, and that some words are missing, the correct reading being as follows: Fruits that were carried outside the Sabbath limit unwittingly may be eaten, but if they were carried wittingly they may not be eaten. This applies only where they are not in their original place but if they were in their original place they may be eaten even if they were carried intentionally. And in connection with this R. Nehemiah came to lay down that even when they are in their original place the law applies only where they were carried unwittingly but not when it was done wittingly?⁶ — No; if they are in their original place through an intentional act no one⁷ disputes the ruling that they are forbidden, but the difference of opinion here⁸ is [one regarding fruits] that are not in their original place through an unintentional act. The first Tanna is of the opinion that if they are not in their original place through an unintentional act they are permitted while R. Nehemiah maintains that even [if they were carried] unintentionally they are permitted only⁹ in their original place but not where they are not in their original place.¹⁰ Since, however, it was stated in the final clause, ‘R. Nehemiah and R. Eliezer b. Jacob ruled, [The fruits] are always¹¹ forbidden unless they are unintentionally returned to their original place’ [from which it follows that only if they’ are returned [unintentionally is this law applicable¹² but not [if they are returned] intentionally, it may be concluded that the first Tanna is of the opinion that [the fruits] are permitted even [if they are returned] intentionally.¹³ This is conclusive.

R. Nahman stated in the name of Samuel: If a man was walking and did not know where the Sabbath limit ended he may walk a distance of two thousand moderate paces;¹⁴ and this constitutes for him the Sabbath limit.

R. Nahman further stated in the name of Samuel: If a man took up his Sabbath abode in a valley¹⁵ around which gentiles put up a fence¹⁶ on the Sabbath, he may only walk a two thousand cubits distance in all directions¹⁷ but may move objects throughout all the valley¹⁸ by throwing them,¹⁹ but R. Huna ruled: He may walk the two thousand cubits but may move objects within four cubits only.²⁰ But why²¹ should he not²² be allowed to move objects throughout all its area by throwing them? — He²³ might be drawn after his object.²⁴ Then why should he not be allowed to move²⁵ objects in the usual way within the two thousand cubits?²⁶ Because the [area in which he is permitted to walk]²⁷ is like a partition along the full width of which a breach was made towards a place²⁸ into which it is forbidden²⁹ to carry anything from it.³⁰

Hiyya b. Rab ruled: He may walk the two thousand cubits and may also move objects³¹ within these two thousand cubits.³² In agreement with whose view?³³ Is it neither in agreement with that of Rab nor with that of R. Huna?³⁴ — Read: He may move objects within four cubits. If so, is not his ruling identical with that of R. Huna?³⁵ — Read: And so ruled Hiyya b. Rab. Said R. Nahman to R. Huna: Do not dispute the view of Samuel³⁶ since in a Baraita it was taught in agreement with his view. For it was taught:

(1) Sc. if they were brought back.

(2) I.e., if they remained outside their original Sabbath limit.

(3) Of which R. Nehemiah spoke.

(4) Supra 41b ad fin.

(5) Loc. cit. q.v. notes.

(6) It may thus be shown that R. Papa's ruling forms a question in dispute between R. Nehemiah and the first Tanna and that the latter who ruled that ‘if they were in their original place they may be eaten even if they were carried intentionally’ upholds the same view as R. Papa.

- (7) Not even the first Tanna.
- (8) Between the first Tanna and R. Nehemiah.
- (9) Lit., 'yes', that they are permitted.
- (10) If, however, this interpretation is adopted the objection would arise: How could R. Papa whose view cannot be traced to any Tanna differ from the rulings of both the Tannas mentioned?
- (11) Emphasis on 'always'.
- (12) Lit., 'yes', that they are permitted.
- (13) To their original place. Had he agreed with R. Nehemiah that intentional carriage renders the fruits forbidden even where they are thereby returned to their original place, and had he differed from him and R. Eliezer b. Jacob on one point only (that of unintentional carriage where the fruits are not in their original place), there would have been no point in the expression of 'always' in the latter's statement of disagreement. Hence the conclusion that the first Tanna differed from the others on two points, (a) on unintentional carriage even when the fruits are not in their original place and (b) intentional carriage where they are in their original place, his view being that the fruits are permitted even where there is only one point in favour of their permissibility, viz., either (a) unintentional carriage or (b) return to their original place. R. Nehemiah and his colleague who maintain that permissibility is invariably dependent on both (a) and (b) were, therefore, justified, when expressing their disagreement, in emphasizing that the fruits are forbidden always sc. in the absence of either (a) or (b). The objection against R. Papa whose view it has now been shown coincides with that of the first Tanna, is consequently removed.
- (14) A moderate pace is equal to one cubit.
- (15) A man is allowed a distance of two thousand cubits in all directions from any spot he had occupied when the Sabbath had set in.
- (16) For dwelling purposes. If it was not put up for any such purpose there are additional restrictions.
- (17) Cf. supra p. 291 n. 6. He may not, however, walk as far as the fence if the distance is more than two thousand cubits. An enclosure is regarded as an area of four cubits (throughout which one may move freely) only (a) where the man was within it at the time the Sabbath began or (b) where he was forcibly put into it at any time, but not where a fence was put up during the Sabbath after he had willingly taken up his Sabbath abode in the place.
- (18) Even beyond two thousand cubits where he is not allowed to go.
- (19) From any point to which he may walk. Within the two thousand cubits limit he may move objects in the ordinary way since the fence is valid irrespective of the time during which it was put up (cf. supra 20a).
- (20) As if there were no fence around it. Beyond the four cubits he must neither carry nor throw. The distinction between throwing and carrying applies only when one is permitted to carry but not to walk. As the carrying is permitted and the walking is forbidden, throwing was allowed. When, however, carrying is forbidden throwing also is equally forbidden.
- (21) According to R. Huna.
- (22) Since a fence that was put up on the Sabbath (cf. supra 20a) is valid.
- (23) If throwing were to be allowed.
- (24) Beyond the permitted two thousand cubits limit. Hence the prohibition of throwing.
- (25) And much more to throw.
- (26) Within which he is permitted to walk.
- (27) Sc. the distance of two thousand cubits in all directions, which is not separated from the rest of the valley by any partition whatsoever.
- (28) In this case the remainder of the valley beyond the two thousand cubits.
- (29) For the reason given supra that 'he might be drawn after his object'.
- (30) In the case of such a wide breach the movement of objects is forbidden even in the area where, in the absence of that breach, the movement of objects would have been permitted.
- (31) Even in the usual way.
- (32) But beyond these he may not even throw them.
- (33) Is that of Hiyya b. Rab.
- (34) But if so, on what ground could his ruling be justified? If he adopts R. Huna's reason and forbids throwing of objects on the ground that 'he might be drawn after his object', he should also follow R. Huna's reasoning in forbidding the movement of objects within two thousand cubits because they open out to a forbidden place; and if, like R. Nahman, he does not provide against the possibility that 'he might be drawn after his object', throwing beyond the two thousand cubits also should be permitted.

(35) Why then was it put down in a form which suggests something new?

(36) That there is no need to provide against the possibility that 'he might be drawn after his object', just reported in his name by R. Nahman.

Talmud - Mas. Eirubin 42b

If a man was measuring [the distance from his 'erub] and advancing [towards another town], and his measuring [of the permitted two thousand cubits] terminated in the middle of the town, he is allowed to move objects throughout the town¹ provided only that he does not pass his Sabbath limit.² Now, in what manner could he move the objects?³ Obviously⁴ by throwing.⁵ And⁶ R. Huna?⁷ — He can answer you: No; by pulling.⁸

R. Huna ruled: If a man was measuring [the distance from his 'erub] and his measuring [of the permitted two thousand cubits] terminated in the middle of a courtyard he has only a half of the courtyard [in which to move]. Is not this obvious?⁹ — Read: He has a half of the courtyard [in which to move].¹⁰ Is not this also obvious?¹¹ — It might have been presumed that¹² there was cause to fear that one might carry objects about all the courtyard,¹³ hence we were informed [that no such possibility need be considered].

R. Nahman stated: Huna¹⁴ agrees with me that if a man was measuring [the distance from his 'erub] and was thus advancing [towards another town], and his measurement [of the two thousand cubits] terminated at [a line corresponding to] the edge of a roof¹⁵ he is allowed to move objects¹⁶ in any part of the house. What is the reason? Because [the projection of] the roof of the house would strike him.¹⁷

R. Huna son of R. Nathan said: [The divergence of opinion here¹⁸ is] like that between the following Tannas: IF HE WAS TAKEN TO ANOTHER TOWN, OR IF HE WAS PUT IN A CATTLEPEN OR IN A CATTLE-FOLD, HE MAY, RULED R. GAMALIEL AND R. ELEAZAR B. AZARIAH, MOVE THROUGH THE WHOLE OF ITS AREA; BUT R. JOSHUA AND R. AKIBA RULED: HE HAS ONLY FOUR CUBITS. Now did not R. Gamaliel and R. Eleazar b. Azariah rule that the man may MOVE THROUGH THE WHOLE OF ITS AREA, because they do not forbid walking in a cattle-pen Or in a cattle-fold¹⁹ as a preventive measure against the possibility of walking in a valley,²⁰ and since evidently they have not forbidden walking [in the former] as a preventive measure against walking [in the latter] they, likewise, did not forbid the moving of objects [by throwing them beyond the Sabbath limit] as a preventive measure against the possibility of walking²¹ [beyond that limit]; while R. Joshua and R. Akiba ruled: HE HAS ONLY FOUR CUBITS because they forbid walking in a cattle-pen or in a cattle-fold as a preventive measure against walking in a valley; and since evidently they have forbidden walking [in the former] as a preventive measure against walking [in the latter] they also forbid the moving of objects [by throwing them beyond the Sabbath limit] as a preventive measure against the possibility of walking [beyond that limit]²² — Whence [could this²³ be proved]? It is in fact possible that R. Gamaliel and R. Eleazar b. Azariah did not forbid walking in a cattle-pen or in a cattle-fold as a preventive measure against the possibility of walking in a valley for the sole reason that²⁴ two different places are there involved,²⁵ but [as regards forbidding the] movement of objects [as a preventive measure] against the possibility of walking which involves one and the same place they may well have enacted a prohibition as a preventive measure against the possibility of being drawn after one's object. As to R. Joshua and R. Akiba also, whence [could it be proved that they restricted the walking²⁶ to four cubits] because they have enacted a preventive measure?²⁷ — It is in fact possible that [the reason for their restriction is] that they hold the view that all the house is regarded as four cubits only while a man occupied a place within its walls while it was yet day²⁸ but not where he did not occupy the place while it was yet day.²⁹

Rab laid down: The law is in agreement with R. Gamaliel in respect of a cattle-pen, a cattle-fold and a ship; and Samuel laid down: The law is in agreement with R. Gamaliel in respect of a ship but not in respect of a cattle-pen or a cattle-fold. Both³⁰ at any rate agree that the law is in agreement with R. Gamaliel in respect of a ship; what is the reason? — Rabbah replied: Because the man has occupied a place within its walls while it was yet day.³¹ R. Zera replied: Because the ship³² continually takes him from the beginning of four cubits and puts him down at the end of the four cubits.³³ What is the practical difference between them?³⁴ — The practical difference between them is the case where the sides of the ship were broken down,³⁵ or where one leaps from one ship into another.³⁶ But why does not R. Zera give the same reason as Rabbah? — He can answer you: The sides³⁷

-
- (1) On a Sabbath if the town was provided with an 'erub (v. Glos.); or on a festival, when carrying is permitted.
 - (2) Sc. the distance of two thousand cubits from his 'erub. Only for a man who has been in a town at the time the Sabbath commenced is its entire area regarded as four cubits.
 - (3) In that part of the town whither he is not allowed to go.
 - (4) Lit., 'not?'
 - (5) Which confirms Samuel's view (cf. supra n. 3).
 - (6) MS.M. Rashi and Bah. Cur. edd., 'Said R. Huna'.
 - (7) How could he differ from a Baraitha?
 - (8) From without the Sabbath limit into it. In such a case the possibility of being drawn after the object does not arise.
 - (9) A man, surely, may not walk beyond the two thousand cubits limit.
 - (10) The point of the ruling is not that the half of the courtyard outside the two thousand cubits may not, but that any point which lies within them may be used.
 - (11) Since that part lies within the permitted limit.
 - (12) Were half the yard within the Sabbath limit permitted.
 - (13) And that in order to provide against this infringement of the law the use of all the yard should be forbidden.
 - (14) Though he provides against the possibility that 'he might be drawn after his object'.
 - (15) Of a house, that stood just outside the two thousand cubits, whose wall on that side was broken down, and that thus opened out into a courtyard in which the carrying of objects was permitted.
 - (16) By means of throwing.
 - (17) Lit., '(is deemed to) press down', cf. supra 9a. One could not mistake the area of the house beyond the edge of the roof to be permitted and thus to be drawn after one's object as might be the case where no such distinguishing mark existed.
 - (18) On the question of whether provision was made against the possibility that a man might be drawn after his object.
 - (19) That are enclosed by fences and into which gentiles had carried the man against his wish.
 - (20) Which had no fence around it and in which, as stated in the first clause of our Mishnah, one HAS NO MORE THAN FOUR CUBITS.
 - (21) By being drawn after the objects.
 - (22) As the answer is apparently in the affirmative it follows that the Tannas in our Mishnah differ on the same question as the Amoras here (cf. supra p. 294, n. 8).
 - (23) Cf. previous note.
 - (24) Lit., 'these words'.
 - (25) And a person is not likely to mistake the one for the other.
 - (26) In a cattle-pen or in a cattle-fold.
 - (27) Against the possibility of walking in a valley.
 - (28) Of the Sabbath eve.
 - (29) As the man was not in the cattle-pen or cattle-fold before the Sabbath commenced he cannot be allowed to walk beyond four cubits. Throwing, however, may well be permitted throughout the pen or the fold, since the possibility of the man's being drawn after his object is disregarded.
 - (30) Lit., 'that all the world', sc. Rab and Samuel.
 - (31) Of the Sabbath eve. In consequence of which, as stated supra, all the ship is regarded as four cubits.
 - (32) Which was in constant motion since the man was taken beyond his Sabbath limit.

(33) So that he did not rest for one moment in any particular spot. Not having acquired any four cubits as his Sabbath abode, all the ship is regarded as his home. Aliter: Whenever the man lifts up his foot the ship carries him a distance of four cubits before he can put it down, and he is, therefore, in the position of a man whom gentiles have forcibly taken out from his four cubits and put in another four cubits and who is always entitled to the last four cubits in which he finds himself (cf. Rashi s.v. נוטלתו a.l.).

(34) Rabbah and R. Zera.

(35) Rabbah's reason does not apply while R. Zera's does.

(36) On the Sabbath. Since the man did not occupy a place in the latter ship while it was yet day he is not allowed, according to Rabbah, more than four cubits. According to R. Zera he may walk all through the ship.

(37) Of a ship.

Talmud - Mas. Eirubin 43a

are made only to keep the water out.¹ Then why does not Rabbah give the same reason as R. Zera? — He can answer you:² Where the ship moves no one³ disputes [that it is permitted to walk through it];⁴ they only differ in the case where it stopped.⁵

Said R. Nahman b. Isaac: From our Mishnah also it may be inferred that they⁶ do not differ in the case of a ship that was on the move. Whence? From the statement: IT ONCE HAPPENED THAT THEY WERE COMING FROM BRINDISI AND, WHILE THEIR SHIP WAS SAILING IN THE SEA, R. GAMALIEL AND R. ELEAZAR B. AZARIAH WALKED ABOUT THROUGHOUT ITS AREA BUT R. JOSHUA AND R. AKIBA DID NOT MOVE BEYOND FOUR CUBITS BECAUSE THEY DESIRED TO IMPOSE A RESTRICTION UPON THEMSELVES. Now if it be granted that there is no difference of Opinion between them⁷ in the case where a ship is on the move⁸ it was perfectly correct to state, 'THEY DESIRED', since the ship might have stopped;⁹ but if it be maintained that they⁷ differ [even in such a case],¹⁰ what is the sense in saying,¹¹ 'THEY DESIRED, TO IMPOSE A RESTRICTION' [seeing that in their view walking beyond four cubits] is a prohibition?¹² R. Ashi said: The inference from our Mishnah also proves [that the dispute between the Tannas mentioned relates to a stationary ship]. For SHIP was mentioned in the same way as A CATTLE-PEN and A CATTLE-FOLD; as a cattle-pen and a cattle-fold are stationary, so is the ship mentioned, one that was stationary.

R. Aha the son of Raba said to R. Ashi: The law is in agreement with R. Gamaliel in the case of a ship. 'The law' [you say]; does this then imply that the others differ from him?¹³ — Yes;¹⁴ and so it was also taught: Hanania¹⁵ stated: All that day¹⁶ they sat and discussed the question of the halachah and in the evening my father's brother¹⁷ decided that the halachah was in agreement with R. Gamaliel in the case of a ship and the halachah was [in agreement] with R. Akiba in that of a cattle-pen and a cattle-fold.

R. Hanania enquired: Is the law of Sabbath limits applicable at a height above ten handbreadths from the ground or not? There can be no question¹⁸ in respect of a column that was ten handbreadths high and four handbreadths wide,¹⁹ since it is regarded as solid ground.²⁰ The question, however, arises in respect of a column that was ten handbreadths high but less than²¹ four handbreadths in width,²² or where one moves²³ by means of a miraculous leap (another version: In a ship).²⁴ Now what is the law? — R. Hoshaiia replied: Come and hear: IT ONCE HAPPENED THAT THEY WERE COMING FROM BRINDISI AND, WHILE THEIR SHIP WAS SAILING IN THE SEA etc. Now, if it be granted that the law of Sabbath limits is applicable²⁵ one can well see the reason why they 'DESIRED'²⁶ but if it is contended that the law of the Sabbath limits is inapplicable,²⁵ why [it may be asked]²⁷ did they desire?²⁶ — As Raba explained below that the reference was to a ship that sailed in shallow waters²⁸ so it may here also be explained that the reference is to a ship that sailed in shallow water.²⁹

Come and hear: ONCE [ON A SABBATH] THEY DID NOT ENTER THE HARBOUR UNTIL DUSK etc. Now, if it be granted that the law of Sabbath limits is applicable²⁵ [their action]³⁰ was perfectly correct; but if it be contended that the law of Sabbath limits is inapplicable,²⁵ what [it may be asked]²⁷ could it have mattered if [they had] not [been assured:] WE WERE ALREADY WITHIN THE SABBATH LIMIT? — Raba replied: That was a case where the ship sailed in shallow waters.³¹

Come and hear: Who was it that delivered the seven traditional rulings on a Sabbath morning to R. Hisda at Sura and on the same Sabbath evening to Rabbah at Pumbeditha?³² Was it not Elijah³³ who delivered them, which proves, does it not, that the law of Sabbath limits is inapplicable above ten handbreadths from the ground? — It is possible that the demon Joseph³⁴ delivered them.

Come and hear: [If a man said,] ‘Let me be a nazirite on the day on which the son of David³⁵ comes’, he may drink wine on Sabbaths and festival days,³⁶

(1) Lit., ‘to cause to flee’; hence they cannot be regarded as proper walls.

(2) So MS.M. wanting in cur. edd.

(3) Not even R. Akiba.

(4) For the reason given by R. Zera.

(5) And the man consequently remained for a space of time in one spot. R. Zera allows him in consequence no more than four cubits; while Rabbah, since the ship has sides, still permits him to walk throughout the ship.

(6) The Tannas mentioned.

(7) The Tannas mentioned.

(8) I.e., that in such a case even R. Joshua and R. Akiba admit that it is permitted to walk throughout the ship.

(9) Unexpectedly; and they desired to provide against such a possibility.

(10) R. Joshua and R. Akiba holding that even when a ship is moving one is forbidden to walk in it more than four cubits.

(11) Lit., ‘that’.

(12) Not merely a restriction. Consequently it may be inferred that all the Tannas in our Mishnah agree that while a ship is moving it is permitted to walk throughout all its area.

(13) But how could this be maintained in view of the statement that the others only desired to impose ‘A RESTRICTION UPON THEMSELVES but not an actual prohibition?’

(14) Sc. the dispute applies to a stationary ship, while the statement, THEY DESIRED TO IMPOSE A RESTRICTION UPON THEMSELVES, refers to a ship that was in motion.

(15) So MS.M. and Bah. Cur. edd. in parenthesis son of the brother of R. Joshua’.

(16) The Sabbath on which they were on board the ship.

(17) R. Joshua.

(18) That the law of Sabbath limits is applicable.

(19) And one section of it was within while the other was without the Sabbath limit.

(20) It is consequently forbidden to walk from the part within the Sabbath limit to the part without.

(21) Lit., ‘and not’.

(22) So that the top is not quite convenient for walking.

(23) Through the air.

(24) Sailing in a ship, which is usually raised more than ten handbreadths from the ground and in constant motion, is similar in this respect to a leap through the air.

(25) At a height above ten handbreadths from the ground.

(26) TO IMPOSE A RESTRICTION UPON THEMSELVES.

(27) Since there can be no possible infringement of the law.

(28) Aliter: Moves in diluvial water (Jast.).

(29) Within ten handbreadths from the ground.

(30) In remaining on board the ship until they had received R. Gamaliel's assurance (v. our Mishnah).

(31) Cf. supra p. 298, nn. 11f.

- (32) Places that were too far from one another for a man to walk on the Sabbath from the former to the latter even by means of 'erub.
- (33) The immortal prophet who could fly through the air and thus move above ten handbreadths from the ground.
- (34) Who would break the Sabbath laws with impunity, v. Pes. 110b.
- (35) The Messiah.
- (36) Since the Messiah would not come on such days.

Talmud - Mas. Eirubin 43b

but is forbidden to drink wine on any of the weekdays.¹ Now, if it is granted that the law of Sabbath limits is applicable,² it is quite intelligible why the man is permitted [to drink wine] on Sabbaths and festival days; but if it be contended that the law of Sabbath limits is inapplicable² why [it may be asked]³ is it permitted [for the man to drink wine] on Sabbaths and festival days? — There⁴ the case is different since Scripture said: Behold I will send you Elijah the prophet etc.⁵ and Elijah,⁶ surely, did not come on the previous day. If so, even in the case of weekdays, [the drinking of wine] should be permitted on any day since Elijah did not come on the previous day? But the fact is that⁷ we assume that he appeared before the high court,⁸ then why should we not here also assume that he appeared before the high court? — Israel has long ago been assured that Elijah would not come either on Sabbath eves or on festival eves owing to the people's pre-occupation.⁹

Assuming¹⁰ that as Elijah would not come¹¹ the Messiah also would not come,¹¹ why should not [the drinking of wine] be permitted on a Sabbath eve? — Elijah would not, but the Messiah might come because the moment the Messiah comes all will be anxious to serve¹² Israel.¹³ [But why¹⁴ should not the drinking of wine] be permissible on a Sunday? May it then be derived from this¹⁵ that the law of Sabbath limits is inapplicable¹⁶ for had it been applicable¹⁶ [the drinking of wine] should have been permissible on a Sunday since Elijah did not arrive on the preceding Sabbath?¹⁷ — That Tanna was really in doubt as to whether the law of Sabbath limits was or was not applicable,¹⁶ and his ruling¹⁵ is just a restriction.¹⁸ On what day, however, did the man make his vow?¹⁹ If it be suggested that he did it on a weekday [the difficulty would arise:] Since the naziriteship had once taken effect²⁰ how could the Sabbath subsequently annul it?²¹ — The fact is that the man is assumed to have made his vow on a Sabbath²² or on a festival day, and it is on that day only that he is permitted [to drink wine].²³ Subsequently however, this is forbidden to him.²⁴

ONCE [ON A SABBATH] THEY DID NOT ENTER THE HARBOUR etc. A Tanna taught: R. Gamaliel had a tube through which he could see at a distance of two thousand cubits across the land and a corresponding distance across the sea. If a man desires to ascertain the depth of a ravine let him use²⁵ a tube and by looking through it be in a position to ascertain the depth of the ravine,²⁶ and if he wishes to ascertain the height of a palm-tree let him measure his own height and the length of his shadow as well as that of the shadow of the tree,²⁷ and he will thus ascertain the height of the palm-tree.²⁸ If a man desires to prevent wild beasts from sheltering in the shadow of a grave [mound]²⁹ let him insert a rod³⁰ [in the ground] during the fourth hour of the day³¹ and observe in which direction its shadow inclines and then make [the mound] slope [from the ground] upwards³² and [from its top] downwards.³³

Nehemiah son of R. Hanilai was [once on a Sabbath day] absorbed in³⁴ an oral study and walked out beyond the Sabbath limit.³⁵ 'Your disciple Nehemiah', said R. Hisda to R. Nahman, 'is in distress'. 'Draw up for him', the other replied: 'a wall of human beings and let him re-enter'.³⁶ R. Nahman b. Isaac was sitting behind Raba while the latter sat before R. Nahman when R. Nahman b. Isaac said to Raba: What exactly was the point that R. Hisda raised?³⁷ If it be suggested that we are dealing [here with a case where the distance could be] fully lined with men³⁸ and that the point he raised was whether the halachah was in agreement with R. Gamaliel³⁹

- (1) on any of which the Messiah might come.
- (2) At a height above ten handbreadths from the ground.
- (3) Since the Messiah could come even on these days.
- (4) The coming of the Messiah.
- (5) Mal. 111, 23.
- (6) The precursor of Messiah.
- (7) The reason why the nazirite is forbidden to drink wine on any weekday.
- (8) Or the 'supreme Beth din' in Jerusalem. Without the man who made the vow necessarily being aware of his appearance.
- (9) With their preparations for the following Sabbath or festival which must be completed before the holy day begins. His arrival and the subsequent bustle and welcome would interfere with these preparations.
- (10) Lit., 'it went up upon your mind'.
- (11) On the eve of a holy day.
- (12) Lit., 'slaves'.
- (13) And the preparations For the holy day could be left in the hands of these.
- (14) If Elijah would not come on the Sabbath day and the Messiah could not appear before Elijah had announced his arrival.
- (15) The ruling that the nazirite may not drink wine on a Sunday.
- (16) To the air above ten handbreadths from the ground.
- (17) Cf. supra n. 6.
- (18) In case the law of Sabbath limits is not applicable (cf. supra n. 8) and Elijah should come on a Sabbath.
- (19) Lit., 'that he stands when that he vowed', to be a nazirite.
- (20) Lit., 'rested upon him', on account of the possibility that the Messiah appeared that day before the high court.
- (21) Lit., 'come . . . and bring it out'. The same possibility, surely, still remains.
- (22) Lit., 'that he stands on a Sabbath and vows'.
- (23) Since the Messiah would not come on a Sabbath or festival day.
- (24) Owing to the possibility that the Messiah might appear before the high court in Jerusalem on the preceding Friday.
- (25) Lit., 'brings'.
- (26) Having ascertained beforehand the distance his tube commands he takes up a position from which he can just see the bottom of the ravine, and by subtracting the distance between the brink of the ravine and his position from the distance the tube commands he obtains the dept of the ravine (Rashi).
- (27) Lit., 'its height'.
- (28) The ratio of the height of the tree to the length of its shadow is in proportion to the ratio of the man's height to the length of his shadow.
- (29) For fear lest the beast, by smelling the corpse, would disturb it (Rashi).
- (30) [This is probably the gnomon used by ancients to make astronomical measurements, v. Feldman W. M., op. cit., pp. 83 and 87].
- (31) When it is hot in the sun and cool in the shade and beasts seek shelter from the former in the latter.
- (32) Towards the sun, so that the top of the mound could cast no shadow on that side at that time of day (cf. previous note).
- (33) In the opposite direction from which the sun shines, where again the mound could cast no shadow, since the entire slope on that side is exposed to the rays of the sun. Though the mound, at a later hour of the day, when the sun will be shining in the opposite direction, would be casting a shadow on the other side no wild beast is likely to seek shelter there at that late hour, because (a) the ground then is almost as hot in the shade as in the sun and (b) the beast who began to look for a shelter at the early fourth hour of the day would by that time have found one, so that in either case it would not return to the grave.
- (34) Lit., 'drew him'.
- (35) And was in consequence unable to return to town before the exit of the Sabbath.
- (36) Within the Sabbath limit. He would thus be in a position to return to town and to move about as freely as its other inhabitants.
- (37) When he addressed R. Nahman on Nehemiah's embarrassment.
- (38) Sc. a sufficient number of people had prepared their 'erubs that enabled them to walk to the spot where Nehemiah

was stranded and to form two human walls, stretching from there to the Sabbath limit, between which Nehemiah could pass.

(39) That a man may (cf. our Mishnah on a CATTLE-PEN etc.) walk any distance within an enclosed area though he was not within its walls at the time the Sabbath began.

Talmud - Mas. Eirubin 44a

or whether the halachah was not in agreement with R. Gamaliel or do we deal [here with a case where the distance could] not be fully lined with men,¹ and the point he raised was whether the halachah is in agreement with R. Eliezer² or not? — It is obvious that we are dealing with [a case where the distance could] not be fully lined with men, for were it to be imagined that we are dealing with one where it could be fully lined with men what was there for him³ to ask seeing that Rab has actually laid down, 'The halachah is in agreement with R. Gamaliel in respect of a cattle-pen, a cattle-fold and a ship'? We must consequently be dealing with [a case where the distance could] not be fully lined with men and the point he³ raised was in connection with the ruling of R. Eliezer. This⁴ is also borne out by an inference. For he⁵ said to him,⁶ 'Let him re-enter'; but what [was the need for saying] 'Let him re-enter'?⁷ Does not this imply re-entry in the absence of a complete wall?⁸ R. Nahman b. Isaac pointed Out the following objection to Raba: If its wall⁹ collapsed it is not permitted to replace it by a human being, a beast or vessels, nor may one put up¹⁰ the bed¹¹ to spread over it a sheet because even a temporary tent may not for the first time be built on a festival day, and there is no need to state [that this is forbidden] on a Sabbath day.¹² 'You,' the other replied: 'quote to me from this statement; I can quote to you from the following: A man may put up his fellow as a wall¹³ in order that he may thereby be enabled to eat, to drink and to sleep,¹⁴ and he may put up the bed and spread over it a sheet to prevent the sun rays from falling upon a corpse or upon foodstuffs'.¹⁵ Are then the two rulings¹⁶ mutually contradictory? There is really no contradiction, since one represents the view of R. Eliezer and the other that of the Rabbis. For we learned: in the case of the stopper of a sky-light, R. Eliezer says that if it was tied and suspended one may close the sky-light with it; otherwise it may not be so used;¹⁷ but the Sages ruled: In either case¹⁸ one may close the sky-light with it.¹⁹ Has it not, however, been stated in connection with this ruling: Rabbah b. Bar Hana said in the name of R. Johanan: All²⁰ agree that not even a temporary tent²¹ may for the first time be made on a festival day, and there is no need to say that this may not be done on a Sabbath day; but they differ on the question of adding to a structure,²² since R. Eliezer holds that no such structural addition may be made on a festival day, and there is no need to say that this may not be done on a Sabbath day, while the Sages maintain that such structural additions' may be made on a Sabbath, and there is no need to say that this may be done on a festival day?²³ — The fact is that there is really no contradiction, since one Baraita represents the view of R. Meir and the other that of R. Judah. For it was taught: If a man used a beast as a wall for a sukkah, R. Meir ruled it to be invalid²⁴ while R. Judah ruled it to be valid.²⁵ Now, R. Meir who ruled the wall there to be invalid, from which it is evident that he does not regard it²⁶ as a proper wall, would here permit the putting up of a similar wall,²⁷ since²⁸ thereby nothing improper is done, while R. Judah who regards the wall there as valid, from which it is evident that he regards it as a proper wall, would here forbid a similar wall.²⁹

Do you regard this as sound reasoning? Might it not be suggested that R. Meir was heard [to rule the wall to be invalid only in the case of] a beast,²⁴ was he, however, heard [to give the same ruling in respect of] a human being³⁰ and vessels?³¹ Furthermore,³² in agreement with whose view could that of R. Meir³³ be? If it be suggested: In agreement with that of R. Eliezer one could object that the latter forbade even the addition to a Structure.³⁴ Consequently it must be in agreement with that of the Rabbis; but could it not be objected: The Rabbis may only have permitted the addition to a structure,³⁵ did this, however, make it permissible to put up a full wall at the outset? — The fact is that both³⁶ are in agreement with the view of the Rabbis; yet there is no contradiction between the rulings regarding vessels,³⁷ since the former relates to a third wall³⁸ and the latter to a fourth one.³⁹

The inference from the wording⁴⁰ leads to the same conclusion;⁴¹ for it was stated: 'If its wall collapsed'.⁴² This is conclusive.

- (1) I.e., the human walls did not reach the Sabbath limit, and a gap of two cubits intervened between them and the limit.
- (2) Who (cf. Mishnah infra 52b) permits the return of a person who walked two cubits beyond the Sabbath limit.
- (3) R. Hisda.
- (4) That the distance was not fully covered by the human walls and that a gap of two cubits remained.
- (5) R. Nahman.
- (6) R. Hisda.
- (7) After he had already told him to arrange for human walls, was it not obvious that Nehemiah could re-enter by passing through them?
- (8) Lit., 'without a wall'. Cf. supra n. 8. Had the walls reached as far as the Sabbath limit there would have been no need to add the last clause (cf. supra p. 302, n. 11). Its addition, therefore, must imply re-entry despite the gap of the two cubits, in agreement with R. Eliezer.
- (9) One of the walls of a sukkah (v. Glos.).
- (10) In place of the fallen wall.
- (11) Which was already in the sukkah and the mere shifting of which from one place to another would not appear as the direct construction of a wall.
- (12) How then was it permitted supra to draw up walls of human beings on a Sabbath day.
- (13) For a sukkah.
- (14) These are the principal purposes for which a sukkah serves.
- (15) Which proves that a human being may constitute a wall.
- (16) Quoted by R. Nahman b. Isaac and Raba respectively.
- (17) Because the closing up of the skylight, though only of a temporary character, has the appearance of a structural alteration which is forbidden on the Sabbath. This view is in agreement with that cited by R. Nahman b. Isaac.
- (18) Whether it was tied and suspended or not.
- (19) Shab. 125b, 137b, Suk. 27b; in agreement with the view cited by Raba.
- (20) Even the Sages.
- (21) Or 'roof'.
- (22) As is the case when the stopper is inserted in the sky-light and the gap in the roof is closed up.
- (23) Shab. 125b. As the Baraitha quoted by Raba permits the putting up of a complete wall, and not merely an addition to an existing one, it cannot be in agreement even with the view of the Sages. The difficulty as to the contradiction between the two quoted Baraithas arises again.
- (24) Since the beast might at any moment escape (cf. Suk. 21a).
- (25) Suk. 23b.
- (26) Because it consisted of an animate being.
- (27) A human being or a beast in agreement with the Baraitha quoted supra by R. Nahman b. Isaac.
- (28) The wall being deemed to be non-existent as far as the sukkah is concerned.
- (29) In agreement with the Baraitha quoted by Raba.
- (30) Who has the sense to remain in his place.
- (31) Which cannot even move.
- (32) Though it be granted that the sukkah, despite the added wall, remains invalid.
- (33) That which permits the putting up of the wall on account of its invalidity.
- (34) How then could he permit the addition of the wall?
- (35) As is the case with the structure of the window.
- (36) The apparently contradictory Baraithas
- (37) In the two cited Baraithas, the second of which does, and the first of which does not permit the putting up of a bed as a wall for a sukkah.
- (38) Two walls constitute no hut and the putting up of a third one completes the structure. The Rabbis agree that not even a temporary hut may for the first time be put up on the Sabbath.
- (39) As three walls constitute a hut the putting up of a fourth one is a mere addition to an already existing structure which the Rabbis permit.

(40) Of the first cited Baraita.

(41) That the prohibition refers to a third wall.

(42) Emphasis on 'its wall', sc. the third wall whereby the sukkah becomes valid. A fourth one does not in any way affect the sukkah's validity (cf. Suk. 2a).

Talmud - Mas. Eirubin 44b

But does not a contradiction still remain between the two rulings regarding a human being?¹ There is really no contradiction between the two rulings regarding a human being, since the former refers to a man used as a wall with his knowledge² while the latter refers to a man so used without his knowledge.³ Was not, however, the arrangement for Nehemiah son of R. Hanilai, made with [the men's] knowledge? No, without their knowledge.⁴ R. Hisda⁵ at any rate must have known? R. Hisda was not one of the number.⁶ Certain gardeners once brought water⁷ through human walls⁸ and Samuel had them flogged. He said: If the Rabbis permitted human walls where the men composing them were unaware of the purpose they served would they also permit such walls where the men were aware of the purpose?⁹

A number of skin bottles were once lying in the manor¹⁰ of Mahuza and, while Raba was coming from his discourse,¹¹ [his attendant]¹² carried¹³ them in.¹⁴ On a subsequent Sabbath he desired to carry them in again,¹⁴ but he¹⁵ forbade it to them because in the second case the human walls must be regarded as having been put up with the men's knowledge, which is forbidden.

For Levi straw was brought in;¹⁶ for Ze'iri cattle fodder,¹⁶ and for R. Shimi b. Hiyya water.¹⁶

MISHNAH. IF A MAN WHO WAS PERMITTED TO DO SO¹⁷ WENT OUT BEYOND THE SABBATH LIMIT AND WAS THEN TOLD THAT THE ACT¹⁸ HAD ALREADY BEEN PERFORMED, HE IS ENTITLED TO MOVE WITHIN TWO THOUSAND CUBITS¹⁹ IN ANY DIRECTION. IF HE WAS WITHIN THE SABBATH LIMIT HE IS REGARDED AS IF HE HAD NOT GONE OUT.²⁰ ALL²¹ WHO GO OUT TO SAVE LIFE MAY RETURN TO THEIR ORIGINAL PLACES.²⁰

GEMARA. What [need was there for the ruling], IF HE WAS WITHIN THE SABBATH LIMIT HE IS REGARDED AS IF HE HAD NOT GONE OUT?²² — Rabbah replied: It is this that was meant: IF HE WAS WITHIN his SABBATH LIMIT²³ HE IS REGARDED AS IF HE HAD NOT GONE OUT of his house.²⁴ Is not this Obvious?²⁵ — It might have been presumed that as he tore [himself away from his original abode]²⁶ he has thereby detached [himself completely from it],²⁷ hence we were informed [that IF HE WAS WITHIN his SABBATH LIMIT HE IS REGARDED AS IF HE HAD NOT GONE OUT OF HIS HOUSE]. R. Shimi b. Hiyya replied: It is this that was meant: If the Sabbath limits which the Rabbis have allowed him²⁸ overlapped with his original Sabbath limit²⁹ HE³⁰ IS REGARDED AS IF HE HAD NOT GONE OUT of his original Sabbath limit. On what principle do they³¹ differ? — The one Master³² is of the opinion that the overlapping of Sabbath limits is of significance³³ while the other Master³⁴ maintains that it is of no consequence.³⁵

Said Abaye to Rabbah: Are you not of the opinion that the overlapping of Sabbath limits is of significance? What if a man spent the Sabbath in a cavern³⁶ the length of the floor of whose interior was four thousand cubits³⁷ and that of its roof was less than four thousand cubits?³⁷ Would he not be able to move all along its roof and two thousand cubits beyond it?³⁸ — The other replied: Do you make no distinction between a case where³⁹ the man began to spend the Sabbath within the walls of his abode, while it was yet day⁴⁰ and one⁴¹ where he did not begin to spend the Sabbath between the walls⁴² while it was yet day?⁴³ — [You say] that where a man did not begin to spend the Sabbath [within the walls of an abode common to both limits overlapping of the limits is of] no consequence,

-
- (1) In the former Baraita a Human being is forbidden to be used as a wall while in the latter he is permitted. The answer given in connection with vessels, that the latter deals with a fourth wall, is inapplicable since the Baraita specifically speaks of that wall as enabling other 'to eat, to drink and to sleep'. Only the third wall but not a fourth one does that.
- (2) As he agrees to constitute a proper wall he must not be used for the purpose on Sabbaths or Festivals.
- (3) This is permitted since no hut is constructed in such a manner and on no account, in consequence, can the man in such circumstances be regarded as a valid wall.
- (4) They did not know for what purpose they were told to line up.
- (5) Who presumably took his place in the lines arranged for Nehemiah.
- (6) Of those who made up the lines.
- (7) On a Sabbath day, from a public, into a private domain.
- (8) The men forming them having been aware of the purpose they were to serve.
- (9) Obviously not. Hence the culpability of the gardeners.
- (10) Which was, of course, a public domain. [On the manor of Mahuza, Rostaka di Mahuza, v. Obermeyer, p. 172].
- (11) The crowds following him.
- (12) So Rashi.
- (13) Through the crowds that formed so to speak human walls on either side of the carriers.
- (14) Into a private domain (cf. previous note).
- (15) Raba.
- (16) Through human walls, on a Sabbath, from a public domain into a private one.
- (17) If his journey, for instance, had for its purpose the saving of life or the tendering of evidence on the appearance of a new moon, which involves the religious observance of a festival.
- (18) Which he intended to do.
- (19) From the spot where the report was brought to him.
- (20) This is explained in the Gemara infra.
- (21) Mishnah ed., 'because all'; MS.M., 'and all'.
- (22) Is not this obvious?
- (23) When he received the report.
- (24) Sc. he may move within two thousand cubits from his house in any direction, AS IF HE HAD NOT GONE OUT from it and not, as would have been the case if he had heard the report without his Sabbath limit, from the spot where he heard it.
- (25) So long as a man has not gone beyond his Sabbath limit he is, of course, entitled to his original rights of movement.
- (26) By deciding, under Rabbinic sanction, to go beyond his original Sabbath limit.
- (27) For the rest of the Sabbath day; his new abode being the spot where the report spoken of in our Mishnah reached him, irrespective of whether this happened beyond, or within his original Sabbath limit.
- (28) The man who went beyond is original Sabbath limit.
- (29) Sc. if the distance between the spot where the report had reached him and his own home was less than four thousand cubits.
- (30) Since the new limit to which he is entitled enables him to come within two thousand cubits distance from his home.
- (31) Rabbah and R. Shimi b. Hiyya.
- (32) The last mentioned.
- (33) Hence it is permissible to move within the two Sabbath limits as if they had constituted one single limit.
- (34) Rabbah.
- (35) The man's movements are consequently restricted to one Sabbath limit even though that limit overlapped with his original one. Hence Rabbah's recourse to a different answer from that of R. Shimi. (For another interpretation v. Rashi s.v. **ת"י** a.l.).
- (36) Two of whose opposite walls were sloping upwards towards one another and thereby reducing the length of the roof in which there were two doors, one at the side of either wall.
- (37) Cf. previous note.
- (38) In either direction, from either door. If one door, for instance, was on the east side of the cavern and the other on its west side, the former would enable the man to move a distance of two thousand cubits from the east side of that door and another two thousand cubits from its west side, while the latter door would similarly enable him to move along equal

distances from both its sides. But since the western limit of the eastern door overlaps along the roof with the eastern limit of the western door, the man is in consequence permitted to move along a distance of more than four thousand cubits, beginning in the east at a point two thousand cubits from the eastern door and extended along the roof to a point in the west two thousand cubits distant from the western door. If the two Sabbath limits, however, had not overlapped along the roof as would be the case where the roof of the cavern, like its floor, was four thousand cubits long, the man on leaving the eastern door would have been allowed to move to a limit of two thousand cubits in either direction but no further and a similar distance and no further if he left by the western door. How then could Rabbah maintain that overlapping is of no consequence?

(39) As in that of the cavern.

(40) The Sabbath eve.

(41) The case spoken of in our Mishnah.

(42) Of his second 'abode', the spot where the report was brought to him.

(43) Such a distinction must, of course, be drawn. In the former case the two Sabbath limits are acquired simultaneously through the man's stay at the same time within the same cavern; hence the significance and value of the overlapping of the limits. In the latter case, however, when the man was within his original home he had no right whatever to his new Sabbath limit, and when he entered his new 'abode' and acquired the right to the new limit he had already quitted his original home. If, therefore, he is entitled to the latter he must, despite the overlapping, lose his right to the former and Vice versa.

Talmud - Mas. Eirubin 45a

but, surely, we learned: R. Eliezer ruled: If a man walked two cubits beyond his Sabbath limit he may re-enter,¹ and if he walked three cubits he may not re-enter;² [from which it is evident] is it not, that R. Eliezer follows his principle on the basis of which he ruled: 'The man³ is deemed to be in their center',⁴ so that the four cubits which the Rabbis have allowed him³ are regarded as overlapping [with that man's former Sabbath limit],⁵ and [it is because of this overlapping]⁶ that he ruled: 'He may re-enter'. Does not this then clearly prove that the overlapping of Sabbath limits is of significance? — Said Rabbah b. Bar Hana⁷ to Abaye: Do you raise an objection against the Master⁸ from a ruling of R. Eliezer?⁹ 'Yes', the other replied: 'because I heard from the Master himself⁸ that the Rabbis differed from R. Eliezer only in respect of a secular errand¹⁰ but that in respect of a religious one they agree with him'.¹¹

AND¹² ALL WHO GO OUT TO SAVE LIFE MAY RETURN TO THEIR ORIGINAL PLACES. Even apparently where the distance was more [than four thousand cubits]. But was it not stated in the first clause,¹³ TWO THOUSAND CUBITS, and presumably no more? — Rab Judah replied in the name of Rab: The meaning is that they MAY RETURN TO THEIR ORIGINAL PLACES¹⁴ with their weapons.¹⁵ But what [indeed] was the difficulty¹⁶ seeing that it is possible that the case of those who go to save lives¹⁷ is different?¹⁸ If a difficulty did at all exist it must have been the following. We learned: At first they¹⁹ did not stir from there²⁰ all day²¹ but R. Gamaliel the Elder enacted that they shall be entitled to move within two thousand cubits in any direction. The enactment, moreover, was not applied to these¹⁹ only, but even a midwife who came to assist at a childbirth, or a man who came to rescue from an invading gang, from a river, from a ruin or from a fire is to be regarded as one of the people of the town²² and is entitled to move within two thousand cubits in any direction.²³ Now [this evidently implies:] No more;²⁴ but has it not been said: ALL WHO GO OUT TO SAVE LIFE MAY RETURN TO THE ORIGINAL PLACES even impliedly a larger distance?²⁴ — Rab Judah replied in the name of Rab:²⁵ The meaning is that they MAY RETURN TO THEIR ORIGINAL PLACES²⁶ with their weapons;²⁷ as it was taught: At first they²⁸ used to leave their weapons²⁹ in a house that was nearest to the town wall. Once it happened that the enemies recognized them³⁰ and pursued them, and as these entered the house to take up their weapons the enemies followed them. There was a stampede and the men who killed one another were more than those whom the enemies killed. At that time it was ordained that men in such circumstances shall return to their places with their weapons.³¹

R. Nahman b. Isaac replied: There is really no contradiction:³² The latter³³ deals with a case where the Israelites overpowered the heathens³⁴ while the former³⁵ deals with one where the heathens overpowered themselves.³⁶

Rab Judah stated in the name of Rab: If foreigners besieged Israelite towns it is not permitted to sally forth against them or to desecrate the Sabbath in any other way on their account. So it was also taught: If foreigners besieged etc. This, however, applies only where they came for the sake of money matters, but if they came with the intention of taking lives the people are permitted to sally forth against them with their weapons and to desecrate the Sabbath on their account. Where the attack, however, was made on a town that was close to a frontier,³⁷ even though they did not come with any intention of taking lives but merely to plunder straw or stubble, the people are permitted to sally forth against them with their weapons and to desecrate the Sabbath on their account.³⁸

Said R. Joseph b. Manyumi in the name of R. Nahman: Babylon is regarded as a frontier town and by this³⁹ he meant Nehardea.⁴⁰

R. Dostai of Biri⁴¹ made the following exposition: What is the significance of the Scriptural text: And they told David saying: 'Behold the Philistines are fighting against Keilah, and they rob the threshing-floors'?'⁴² A Tanna taught: Keilah was a frontier town and they only came for the sake of plundering straw or stubble, for it is written: 'And they rob the threshingfloors' and yet it is written: Therefore David enquired of the Lord, saying: 'Shall I go and smite these Philistines?' And the Lord said unto David: 'Go and smite the Philistines, and save Keilah'.⁴³ What was it that he inquired about? If it be suggested: 'Whether⁴⁴ it was permitted or forbidden to repulse the attack', surely, it could be retorted, the Beth din of Samuel the Ramathite was then in existence.⁴⁵ Rather, he inquired whether he would be successful or not.⁴⁶ The inference from the wording of the text also supports this view. For it says: 'Go and smite the Philistines, and save Keilah'.⁴⁷ This is conclusive.

MISHNAH. IF A MAN SAT DOWN⁴⁸ BY THE WAY⁴⁹ AND WHEN HE ROSE UP⁵⁰ HE OBSERVER THAT HE WAS NEAR A TOWN⁵¹ HE MAY NOT ENTER IT,⁵² SINCE IT HAD NOT BEEN HIS INTENTION⁵³ TO DO SO,⁵⁴ SO R. MEIR. R. JUDAH RULED: HE MAY ENTER IT.⁵⁵ SAID R. JUDAH, IT ONCE ACTUALLY HAPPENED THAT R. TARFON ENTERED A TOWN⁵⁶ THOUGH⁵⁷ THIS WAS NOT HIS INTENTION [WHEN THE SABBATH HAD BEGUN].

GEMARA. It was taught: R. Judah related: It once happened that R. Tarfon was on a journey when dusk fell and he spent the night on the outskirts of a town. In the morning he was discovered by some herdsmen who said to him, 'Master, behold the town is just in front of you; come in. He, thereupon, entered and sat down in the house of study, and delivered discourses all that day. Said R. Akiba⁵⁸ to him:⁵⁹ Is that incident any proof?⁶⁰ Is it not possible that he⁵³ had the town in his mind⁶¹ or that the house of study was actually⁶² within his Sabbath limit?⁶³

MISHNAH. IF A MAN SLEPT BY THE WAY⁶⁴ AND WAS UNAWARE THAT NIGHT HAD FALLEN,⁶⁵ HE IS ENTITLED TO MOVE WITHIN TWO THOUSAND CUBITS IN ANY DIRECTION; SO R. JOHANAN B. NURI. THE SAGES, HOWEVER, RULED: HE⁶⁶ HAS ONLY FOUR CUBITS WITHIN WHICH TO MOVE. R. ELIEZER RULED: AND THE MAN IS DEEMED TO BE IN THEIR CENTER.⁶⁷ R. JUDAH RULED: HE MAY MOVE⁶⁸ IN ANY DIRECTION HE DESIRES. R. JUDAH, HOWEVER, AGREES THAT IF HE HAS ONCE CHOSEN HIS DIRECTION HE MAY NOT GO BACK ON IT.⁶⁹

IF THERE WERE TWO MEN AND A PART OF THE PRESCRIBED NUMBER OF CUBITS OF THE ONE OVERLAPPED WITH THAT OF THE OTHER,⁷⁰ THEY MAY BRING THEIR

MEALS AND EAT THEM IN THE MIDDLE,⁷¹

- (1) His original limit.
- (2) *Infra* 52b.
- (3) Who walked out of his Sabbath limit and who was allowed a distance of four cubits in which to move.
- (4) I.e., he is regarded as standing in the middle point of a circle four cubits in diameter and is allowed no more than two cubits in the various directions.
- (5) Since no more than two of them intervene between his new position and former limit.
- (6) Since in the case of a distance of three cubits, where there is no overlapping, R. Eliezer forbids, and in that of two cubits, where there is some overlapping, he permits the man to re-enter his former limit.
- (7) Var. lec. Hanin (marg. n.); Raba b. R. Hanin (MS.M.).
- (8) Rabbah.
- (9) Who represents an individual opinion from which the Rabbis differ (cf. Mishnah *infra* 52b).
- (10) Only in such a case do they forbid a man to re-enter his former Sabbath limit even if he walked no further than one cubit beyond it.
- (11) That overlapping is of significance, As our Mishnah deals with a man who was permitted to go beyond his Sabbath limit, that is, on a religious errand, the Rabbis, like R. Eliezer, would permit him to re-enter his former limit if his new one overlapped with it.
- (12) For this reading cf. the relevant note in our Mishnah.
- (13) In the case where the limits did not overlap.
- (14) Only within the permitted distance. Not, as has been assumed, a distance of more than two thousand cubits.
- (15) Though the carrying of weapons is forbidden on the Sabbath the law (as will be explained *infra*) has been relaxed in favour of those WHO GO OUT TO SAVE LIFE.
- (16) In reply to which Rab Judah found it necessary to offer a radical change in the obvious meaning of our Mishnah.
- (17) From an attacking gang.
- (18) From that of those previously mentioned in our Mishnah. The former might refer to one who went to render evidence on the appearance of a new moon or to summon a midwife. A person in such circumstance may well be forbidden to return home if the distance was more than two thousand cubits. Those, however, who went out to save lives from the violence of an attacking gang might well, as a safeguard of their own lives against possible attack, have been permitted to return to their homes even where the distances were greater.
- (19) Witnesses to the appearance of a new moon who went beyond their original Sabbath limit.
- (20) The court where the witnesses assembled (cf. R.H. 23b).
- (21) As any other person who had gone beyond his Sabbath limit and whose movements are in consequence restricted to four cubits.
- (22) Where his rescue work was carried out.
- (23) R.H. 23b.
- (24) Than two thousand cubits.
- (25) Var. lec., Rab replied.
- (26) V. *supra* p. 310, n. 2.
- (27) V. loc. cit. n. 3.
- (28) Men who went beyond their Sabbath limits to repulse an invading gang which was threatening the destruction of life.
- (29) When they returned to their homes.
- (30) Later in the day when they happened to be outside the town.
- (31) Tosef. 'Er. 111,
- (32) Between our Mishnah and the Mishnah cited from R.H. 23b.
- (33) The Mishnah cited (v. previous note) according to which men who returned from the rescue of human lives may not go beyond two thousand cubits.
- (34) As they were victorious there is no likelihood that the enemy would seek another engagement with them on the same day.
- (35) Our Mishnah which allows the men's return to their homes however great the distance might be.
- (36) Euphemism. Since the enemy was victorious he might attack again; and it is, therefore, safer for the men's own sake

to seek the shelter of their own town.

(37) The loss of which would constitute a strategic danger to the other parts of the country.

(38) Tosef. 'Er. III.

(39) The term 'Babylon'.

(40) Which was situated on the border between the Jewish and heathen settlements in Babylonia. Cf. B.K. 83a, (Sonc. ed. P 471).

(41) In Galilee.

(42) I Sam. XXIII, 1.

(43) Ibid. 2.

(44) The day having been the Sabbath.

(45) And the legal inquiry could have been addressed to that court.

(46) [I.e., whether the plundering of straw and stubble warranted the entry upon a deadly combat, v. Tosaf.]

(47) If the inquiry had been merely regarding the legal permissibility of the engagement on Sabbath there would have been no point in adding the last three words. [The encouragement which he received to wage war indicates the importance of the issue for which, consequently, the Sabbath may be desecrated, v. Tosaf].

(48) Var. lec. 'slept' (She'iltot).

(49) On the Sabbath eve before dusk.

(50) After dusk when the Sabbath had already begun.

(51) I.e., the town was within his Sabbath limit.

(52) Sc. he is not allowed to move freely about the town as the people who were in it at the hour the Sabbath had commenced.

(53) At the time the Sabbath had set in.

(54) He is in consequence entitled to move from the spot where he sits down in any direction, including that of the town, within two thousand cubits distance, measured by moderate steps; but not further, though his Sabbath limit in the direction of the town terminated in the heart of the town.

(55) Cf. supra p. 312, n. 15 mutatis mutandis.

(56) Within the Sabbath limit of which he happened to be at the hour the Sabbath had begun.

(57) Having been unaware of the fact that the town was so near.

(58) So She'iltot, Beshalah, XLVIII; MS.M., 'Jacob'; cur. edd., in parenthesis, 'They said'.

(59) R. Judah.

(60) That R. Tarfon acted in agreement with R. Judah's ruling.

(61) He may have been aware of the fact that it was within his Sabbath limit and intended to enter it in the morning.

(62) Lit., 'swallowed'.

(63) This is undoubtedly possible and the incident cannot, therefore, be adduced as proof of R. Tarfon's agreement with R. Judah.

(64) On a Sabbath eve.

(65) Sc. that the Sabbath had set in,

(66) Since in his sleep he could not intend to acquire the spot on which he lay as his Sabbath 'abode'.

(67) I.e., he is deemed to be standing in the center of a circle four cubits in diameter and he is entitled to move within two (not four) cubits in any direction.

(68) A distance of four cubits.

(69) He may not subsequently return to his original position to walk any distance in the opposite direction.

(70) If the distance between their respective positions was, for instance, six cubits, so that the two middle cubits were common to both men.

(71) Within the two cubits common to both.

Talmud - Mas. Eirubin 45b

PROVIDED THE ONE DOES NOT CARRY OUT ANYTHING¹ FROM HIS LIMIT INTO THAT OF THE OTHER.² IF THERE WERE THREE MEN AND THE PRESCRIBED LIMIT OF THE MIDDLE ONE OVERLAPPED WITH THE RESPECTIVE LIMITS OF THE OTHERS,³ HE IS PERMITTED TO EAT WITH EITHER OF THEM⁴ AND EITHER OF THEM IS PERMITTED TO

EAT WITH HIM,⁴ BUT THE TWO OUTER PERSONS ARE FORBIDDEN TO EAT WITH ONE ANOTHER.⁵ 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,⁶ WHERE, IF THE TWO OUTER ONES MADE AN 'ERUB WITH THE MIDDLE ONE,⁷ IT⁸ IS PERMITTED TO HAVE ACCESS TO THEM AND THEY ARE PERMITTED ACCESS TO IT, BUT THE TWO OUTER ONES⁹ ARE FORBIDDEN ACCESS TO ONE ANOTHER.

GEMARA. Raba enquired: What is R. Johanan b. Nuri's view? Does he¹⁰ hold that ownerless objects¹¹ do acquire their place in respect of the Sabbath,¹² and consequently, it would have been proper that he should express his disagreement [with the Sages] in respect of inanimate objects¹³ and the only reason why [he and the Sages] expressed their dispute in connection with a human being was to inform you how far the view of the Rabbis extends, viz., that although¹⁴ it might be argued, 'Since a man who is awake acquires his place a man asleep should also acquire his place', hence we were informed that no [such argument is admissible];¹⁵ or is it likely that R. Johanan b. Nuri holds that elsewhere ownerless objects do not acquire their place in respect of the Sabbath and the reason for his ruling¹⁰ here is this: Since a man awake acquires his place so does also a man asleep? — R. Joseph replied: Come and hear: If rain fell on the eve of a festival the water¹⁶ may be carried within a radius of two thousand cubits in any direction,¹⁷ but if it fell on a festival day¹⁸ the water is on a par with the feet of every man.¹⁹ Now if you grant that R. Johanan b. Nuri is of the opinion that ownerless objects acquire their place in respect of the Sabbath this ruling,²⁰ you may say, represents the view of R. Johanan;²¹ but if you contend that²² ownerless objects do not acquire their place in respect of the Sabbath, whose view, [it may be asked], is here²⁰ represented? Is it neither that of R. Johanan nor that of the Rabbis?

Abaye sat at his studies and discoursed on this subject²³ when R. Safra said to him: Is it not possible that we are dealing²⁴ here with a case where the rain fell near a town and the townspeople relied on that rain?²⁵ — This,²⁶ the other replied, cannot be entertained at all.²⁷ For we learned: A cistern belonging to an individual person is on a par with that individual's feet,²⁸ and one belonging to a town is on a par with the feet of the people of that town,²⁹ and one used by the Babylonian pilgrims³⁰ is³¹ on a par with the feet of any man who draws the water.³² Now it was also taught: 'The water of a cistern Used by the tribes³³ may be moved within a radius of two thousand cubits in any direction'.³⁴ Are not [then] the two rulings mutually contradictory?³⁵ Consequently³⁶ it must be conceded that the latter represents the view of R. Johanan while the former represents that of the Rabbis.

When he³⁷ came to R. Joseph and told him such and such a thing said R. Safra and such and such did I reply, the other remarked: 'Why did you not argue with him from that very statement:³⁸ If it could be entertained that we were dealing with a case where the rain fell near a town then, instead of ruling that the water may be moved within a distance of two thousand cubits in any direction,³⁹ should it not have been ruled that it was on a par with the feet of the people of that town?'⁴⁰

The Master said: 'If [it fell] on a festival day the water is on a par with the feet of every man'. But why? Should not the rain water acquire its place for the Sabbath in the ocean?⁴¹ Must it then be assumed⁴² that this ruling is not in agreement with the view of R. Eliezer? For if it were in agreement with R. Eliezer [the objection would arise:] Did he not state that all the world drinks from the water of the ocean? — R. Isaac replied: Here we are dealing with a case where the clouds were formed on the eve of the festival.⁴³ But is it not possible that those⁴⁴ moved away and these⁴⁵ are others?⁴⁶ — It is a case where one can recognize them by some identification mark. And if you prefer I might reply: This⁴⁷ is a matter of doubt in respect of a Rabbinical law and in any such doubt a lenient ruling is adopted.⁴⁸ But why should not the water acquire its place for the Sabbath in the clouds?⁴⁹ May it then be derived from this⁵⁰ that the law of the Sabbath limits does not apply to the

air above a height often handbreadths, for if the law of Sabbath limits were at that height applicable the water should have acquired its place for the Sabbath in the clouds? — I may in fact maintain that the law of Sabbath limits is applicable [even at the height mentioned] but the water is absorbed in clouds.⁵¹

-
- (1) Even with his hand, though his body remains within his own limit.
 - (2) Sc. the parts of the respective limits which do not overlap. A person's cattle or inanimate objects may not be moved on the Sabbath beyond the limit within which he himself is permitted to move (cf. Bezah 37a).
 - (3) While the limits of the latter did not overlap each other; where, for instance, the distance between the positions of the two men at the extremities was eight cubits and that between either of them and the middle one was six cubits.
 - (4) In the overlapping spaces that are respectively common to him and to them.
 - (5) Since they have no ground in common.
 - (6) So that each is self contained. Courtyards that open into one another and have no direct exit into a public domain, being interdependent, are forbidden domains as regards movement on the Sabbath except where the residents joined in a common 'erub.
 - (7) Through their communicating doors respectively.
 - (8) The middle courtyard.
 - (9) Having no direct communication with each other.
 - (10) In laying down in the first clause of our Mishnah that the man is ENTITLED TO MOVE WITHIN TWO THOUSAND CUBITS.
 - (11) Whose radius of movement cannot obviously be determined, as in the case of owned property, by the intentions of an owner.
 - (12) Sc. that no one even with an 'erub may move them from that position beyond a distance of two thousand cubits.
 - (13) Lit., 'vessels', that are ownerless. A man asleep being unable to think, is, in respect of intention to spend the Sabbath in a particular spot, like ownerless objects that have no owner by whose intention their place for the Sabbath could be determined.
 - (14) In the case of a human being.
 - (15) And the Sages still maintain that a man asleep does not acquire his place for the Sabbath.
 - (16) Since at the time the festival began it was already on the ground.
 - (17) From the spot where it fell; because it acquired, so to speak, its place when the Sabbath had begun (cf. prev. note).
 - (18) So that it could not acquire any place on the ground at the time the festival began.
 - (19) I.e., it may be carried in a radius within which any man who uses it may himself move.
 - (20) That if rain fell on the eve of a festival the water may be carried only within a radius of two thousand cubits from the spot on which it fell.
 - (21) According to which rain water, like ownerless objects, acquires its place in respect of the Sabbath.
 - (22) In the opinion of R. Johanan.
 - (23) The authorship of the Baraitha just cited and discussed.
 - (24) Cf. supra n. 1.
 - (25) For their water supply. As it was the townspeople's intention to use the water the latter rightly acquires the place on which it fell. The Baraitha, therefore, could provide no proof that objects having no owner can also acquire their place for the Sabbath.
 - (26) R. Safra's suggestion.
 - (27) Because on account of the following apparently contradictory rulings one is driven to the conclusion that R. Johanan must be of the opinion that ownerless objects do acquire this place.
 - (28) Should another person draw the water on a Sabbath or a festival day he may not carry it beyond the radius within which the owner of the cistern may move.
 - (29) A radius of two thousand cubits in any direction from the town.
 - (30) On their way to Jerusalem.
 - (31) Since it was at the disposal of anyone who cared to use it and had the status of ownerless property.
 - (32) Because ownerless objects are acquired by the man who first lifts them up. Should the man who first drew the water subsequently give it to another person its movements would nevertheless be restricted to the radius within which the first man may move. Thus it follows that ownerless objects do not acquire their place for the Sabbath.

- (33) I.e., the pilgrims on their way to the Holy City.
- (34) From its place. Which proves that ownerless objects do acquire their place for the Sabbath.
- (35) Cf. supra p. 316, n. 13 and prev. note.
- (36) In order to remove the apparent contradiction.
- (37) Abaye.
- (38) Which R. Joseph cited supra.
- (39) From the spot on which it fell.
- (40) Of course it should. The ruling consequently proves that R. Safra's suggestion is unacceptable.
- (41) Where it was at the time the festival began before it was converted into cloud. As it was carried on the festival in the form of cloud beyond its Sabbath limit its movements should be restricted to a radius of four cubits only.
- (42) Since the water may be moved within a radius of two thousand cubits.
- (43) So that the water had left the ocean before the festival began.
- (44) The clouds that were seen on the festival eve.
- (45) That released the rain on the festival.
- (46) That were formed after the festival had begun from the water that was still in the ocean at the time the festival had set in (cf. supra n. 7).
- (47) Whether the clouds on the festival day are identical with those that were on the horizon on the eve of the festival or not.
- (48) It may in consequence be properly assumed that the clouds were the same on both days.
- (49) Where it presumably was at the time the festival began. The movement of the water should consequently be restricted to a radius of four cubits.
- (50) Since it was ruled that the water was on a par with the feet of every man.
- (51) As it is not exposed it is regarded as non-existent and cannot consequently acquire its place for the Sabbath before it reaches the ground in the form of water.

Talmud - Mas. Eirubin 46a

But should it not then¹ be forbidden all the more² because it was produced on the festival?³ — The fact, however, is that the water in the clouds is in constant motion.⁴ Now you have arrived at this explanation⁵ you can raise no difficulty about the ocean either,⁶ since the water in the ocean is also in constant motion, and it was taught: Running rivers and gushing springs⁷ are⁸ on a par with the feet of all men.⁹

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The halachah is in agreement with R. Johanan b. Nuri. Said R. Zera to R. Jacob b. Idi: 'Did you hear it explicitly¹⁰ or did you understand it by implication?'¹¹ — 'I', the other replied: 'have heard it explicitly' — What was that general statement?¹² — [The one in] which R. Joshua b. Levi has laid down: The halachah is in agreement with the authority that maintains the less restrictive ruling in respect of the laws of 'erub.¹³ What need then was there for the two statements?¹⁴ — R. Zera replied: Both were required. For if we had been informed only that 'the halachah is in agreement with R. Johanan b. Nuri', it might have been assumed [that this applies in all cases] whether the halachah leads to a relaxation¹⁵ or to a restriction;¹⁶ hence we were informed that 'the halachah is in agreement with the authority that maintains the less restrictive ruling in respect of the laws of 'erub.'¹⁷ Then let him state, 'The halachah is in agreement with the authority that maintains the less restrictive ruling in respect of 'erub'; for what purpose was it necessary to state also that 'the halachah is in agreement with R. Johanan b. Nuri'? — It was required because¹⁸ it might have been presumed that the statement¹⁹ applied only to an individual authority who differs from another²⁰ individual authority or to several authorities who differ from several other authorities, but not to an individual authority²¹ who differed from several authorities.²²

Said Raba to Abaye: Consider! The laws of 'erub are Rabbinical, [of course]. Why then should it matter whether an individual differs from another individual or whether an individual authority

differs from several other authorities? — Said R. Papa to Raba: Is there no difference in the case of a Rabbinical law between a dispute of two individuals and one between an individual authority and several other authorities? Have we not in fact learnt: R. Eliezer²³ ruled: For any woman who had passed²⁴ three menstrual periods²⁵ [without observing any discharge of blood] it is sufficient [to regard herself as menstrually unclean from] the time when she [observed a re-appearance of such a discharge].²⁶ And it was taught: It once happened that Rabbi gave a practical decision in agreement with the ruling of R. Eliezer,²⁷ and after he had recollected²⁸ he remarked: R. Eliezer²³ deserves to be relied upon in a time of need.²⁹ Now what is meant by the expression ‘after he recollected’? If it be suggested: After he recollected that the halachah was not in agreement with R. Eliezer but with the Rabbis [the difficulty would arise:] How could he act in agreement with his view³⁰ even in a time of need? It must consequently be conceded that the law was laid down neither in agreement with R. Eliezer nor in agreement with the Rabbis, and that it was after he had recollected that not one individual but several authorities differed from him that he remarked: ‘R. Eliezer deserves to be relied upon in a time of need’.³¹

Said R. Mesharsheya to Raba (or, as others say. R. Nahman b. Isaac said to Raba): Is there no difference in the case of a Rabbinical law between a dispute of two individuals and one between an individual authority and several authorities? Was it not in fact taught: [On receiving] an early³² report [of the death of a near relative both] the seven and the thirty days of mourning must be observed³³ [but on receiving] a belated³⁴ one only one day of mourning is to be observed. And what is meant by ‘early’ and ‘belated’? [A report received] within thirty [days of the death is said to be] ‘early’ [and one received] after thirty [days from the death is said to be] ‘belated’; so R. Akiba. The Sages, however, ruled: Whether a report is early or belated both the seven and the thirty days of mourning must be observed.³⁵ And in connection with this Rabbah b. Bar Hana stated in the name of R. Johanan: Wherever you come across a law which an individual authority relaxes and several authorities restrict, the halachah is in agreement with the majority who restrict it, except in this case where the halachah is in agreement with R. Akiba,³⁶ though he relaxes the law and the Sages restrict it. In this respect he is of the same opinion as Samuel who laid down: The halachah is in agreement with the authority that relaxes the law in the case of a mourner.³⁷ Thus³⁸ it follows that it is only in the case of mourning that the Rabbis³⁹ have relaxed the law but that elsewhere,⁴⁰ even in respect of a Rabbinical law⁴¹ a difference is to be made between a dispute of two individuals and a dispute of an individual authority against a number of authorities!

-
- (1) Since it is regarded as non-existent while in cloud form.
 - (2) Even to be moved from its place.
 - (3) Nolad (v. Glos.) may be neither used nor moved either on a Sabbath or on a festival.
 - (4) An object in motion cannot acquire a place for a Sabbath or for a festival.
 - (5) Cf. prev. note.
 - (6) The difficulty pointed out supra 45b: ‘Does not the rain water acquire its place . . . in the ocean?’
 - (7) Even if they are the property of an individual.
 - (8) On account of their perpetual motion.
 - (9) Any man that draws any of their waters is allowed to carry it in the same radius within which he himself is permitted to move.
 - (10) From R. Joshua b. Levi.
 - (11) Lit., ‘from a general rule’, i.e., inferred it from a general statement that R. Joshua b. Levi had made.
 - (12) To which R. Zera (cf. prev. n.) referred.
 - (13) In which the laws of Sabbath limits are of course included.
 - (14) The one just cited and the one quoted by R. Jacob b. Idi. Is not the latter superfluous in view of the former?
 - (15) As in the case of a man asleep spoken of in the first clause of our Mishnah. By adopting the ruling of R. Johanan b. Nuri the man is enabled to move not only within his four cubits but also to a distance of two thousand cubits in all directions.
 - (16) In the case of ownerless objects for instance. Adopting the ruling of R. Johanan b. Nuri the movement of the objects

is restricted to a radius of two thousand cubits from their place so that the man who found them is unable to carry them to the end of his own limit.

(17) Thus indicating that only in respect of a person asleep is the ruling of R. Joshua b. Nuri adopted but not in respect of ownerless objects.

(18) In its absence.

(19) That 'the halachah is in agreement with . . . the less restrictive ruling'.

(20) Lit., 'in the place of'.

(21) Like R. Johanan b. Nuri.

(22) The Sages.

(23) So Rashi, Bah and MS.M. throughout the page. Cur. edd., 'Eleazar'.

(24) Lit., 'passed upon her',

(25) Of thirty days each.

(26) Nid. 7b. If less than three menstrual periods have passed without a discharge the woman must be regarded as having been menstrually unclean twenty-four hours retrospectively whenever a discharge reappears (cf. Nid. 3a).

(27) In the case of a young woman, though the Rabbis differed from him in maintaining that an interval of three menstrual periods reduces the period of uncleanness only in the case of a woman approaching old age but not in that of a young woman.

(28) That his decision was based on the view of an individual (cf. infra).

(29) Nid. 6a, 9b. The incident occurred in a time of dearth when the destruction of any food on account of a restriction in the laws of levitical uncleanness would have entailed severe hardship (v. Rash Cf. however, Tosaf. s.v. **לסמוך** a.l.).

(30) Against the established halachah.

(31) From which it is evident that in normal times the opinion of the majority is to be followed even in the case of a Rabbinical law as is that of the twenty-four hours retrospective uncleanness in the case under discussion.

(32) Lit., 'near'.

(33) During the former period the mourner is subjected to greater restrictions than in the latter. Bathing and washing of clothes, for instance, which are forbidden during the seven, are permitted during the thirty days.

(34) Lit., 'distant'.

(35) M.K, 20a.

(36) An individual authority.

(37) M.K. 18a, Bek. 49a.

(38) Since the reason given for deciding the halachah in agreement with R. Akiba was not that in Rabbinical laws (such as the laws of mourning spoken of here) the opinion of a majority is of no consequence.

(39) For the reason given.

(40) Where the reason is inapplicable.

(41) Cf. supra n. 7.

Talmud - Mas. Eirubin 46b

R.¹ Papa replied: It² was required:³ Since it might have been presumed that this⁴ applied Only to 'erubs of courtyards but not to 'erubs of Sabbath limits,⁵ hence it was necessary [to make that statement⁶ also]. Whence however, is it derived that a distinction is made between 'erubs of courtyards and 'erubs of Sabbath limits? — From what we learned: R. Judah ruled: This⁷ applies Only to 'erubs of Sabbath limits⁸ but in the case of 'erubs of courtyards⁹ an 'erub may be prepared for a person whether he is aware of it or not, since a privilege¹⁰ may be conferred upon a man in his absence but no disadvantage¹¹ may be imposed upon him except in his presence.¹²

R. Ashi replied: It¹³ was required:¹⁴ Since it might have been assumed that this¹⁵ applied only to the remnants of an 'erub¹⁶ but not to the beginnings of one.¹⁷ Whence, however, is it derived that a distinction is made between the remnants of an 'erub and the beginnings of one? — From what we learned: R. Jose ruled: This¹⁸ applies only to the beginnings of the 'erub but in the case of the remnants of one even the smallest quantity of food¹⁹ is sufficient, the sole reason for the injunction to provide 'erubs for courtyards being that the law of 'erub shall not be forgotten by the children.²⁰

R. Jacob and R. Zerika said: The halachah is always in agreement with R. Akiba when he differs from a colleague of his; with R. Jose even when he differs from several of his colleagues, and with Rabbi when he differs from a colleague of his.²¹ To what [extent were these²² meant to influence] the law in practice? — R. Assi replied: [To the extent of adopting them for] general practice,²³ R. Hiyya b. Abba replied. [To the extent of being] inclined [in their favour],²⁴ and R. Jose son of R. Hanina replied: [To the extent only of viewing them merely as] apparently acceptable.²⁵ In the same sense²⁶ did R. Jacob b. Idi rule in the name of R. Johanan: In a dispute between R. Meir and R. Judah the halachah is in agreement with R. Judah, in one between R. Judah and R. Jose the halachah is in agreement with R. Jose; and there is no need to state that in a dispute between R. Meir and R. Jose the halachah is in agreement with R. Jose, for, since²⁷ [it has been laid down that the opinion of the former is] of no consequence where it is opposed by that of²⁸ R. Judah,²⁹ can there be any question [as to its inconsequence] where it is opposed by that of²⁸ R. Jose?³⁰

R. Assi said: I also learn that in a dispute between R. Jose and R. Simeon the halachah is in agreement with R. Jose; for R. Abba has laid down on the authority of R. Johanan that in a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah — Now [since the latter's opinion is] of no consequence where it is opposed by³¹ R. Judah³² can there be any question [as to its inconsequence] where it is opposed by that of³¹ R. Jose?³³

The question was raised: What [is the law where a ruling is a matter of dispute between] R. Meir and R. Simeon? — This is undecided.³⁴

R. Mesharsheya stated: Those rules³⁵ are to be disregarded.³⁶ Whence does R. Mesharsheya derive this view? If it be suggested: From the following where 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; in connection with which R. Hama b. Goria stated in the name of Rab, 'The halachah is in agreement with R. Simeon',³⁷ and who is it that differs from him?³⁸ Evidently R. Judah;³⁹ and since [this⁴⁰ cannot be reconciled with what] has been laid down that 'In a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah' it must consequently follow⁴¹ that those rules are to be disregarded?⁴² But is this really a difficulty? Is it not possible that the rules⁴³ are disregarded only where a ruling to the contrary had been stated,⁴⁴ but that where no such ruling is stated the rules⁴⁵ remain in force?⁴⁶ — [R. Mesharsheya's view] is rather derived from the following where we learned: 'If a town that belonged to an individual was converted into one belonging to many, one 'erub may be provided for all the town; but if a town belonged to many and was converted into one belonging to an individual no single 'erub may he provided for all the town unless a section of it of the size of the town of Hadashah in Judea, which contains fifty residents, is excluded; so R. Judah. R. Simeon ruled:

(1) So MS.M. and Ban. Cur. edd. begin with 'and'. Now in view of this established difference the question (supra p. 319) remains: Wherefore were the two statements required?

(2) The statement of R. Jacob b. Idi in the name of R. Johanan that 'the halachah is in agreement with R. Johanan b. Nuri' (supra 46a).

(3) Though R. Joshua b. Levi also laid down the general rule that 'the halachah is in agreement with the authority that maintains the less restrictive ruling in respect of the laws of 'erub' (loc. cit.).

(4) R. Joshua b. Levi's rule (v. prev. n.).

(5) Of which R. Johanan b. Nuri spoke (v. our Mishnah).

(6) V. p. 321, n. 12.

(7) That no 'erub may be prepared for a person except with his consent.

- (8) Where an 'erub without the man's consent might sometimes be disadvantageous to him (v. infra). If he, for instance, desired to walk in the eastern direction of the town, the 'erub that was laid on his behalf on its western side would prevent him from moving in the former direction.
- (9) Since these confer nothing but benefits and involve no possible disadvantages.
- (10) Cf. prev. n.
- (11) Cf. supra n. 5.
- (12) Infra 81b.
- (13) V. supra p. 321, n. 12.
- (14) V. p. 321, n. 13.
- (15) That the law is in agreement with the authority that relaxes the law in respect of 'erubs of courtyards.
- (16) Sc. if an 'erub containing the prescribed quantity of food for two meals was duly prepared and deposited in a proper place but in the course of several weeks the quantity was gradually reduced so that less than the required minimum remained. In such a case only, it might have been presumed, was the law relaxed to permit the continuance of the validity of the remnants.
- (17) I.e., where the 'erub has never been valid, which is a case similar to that of which R. Johanan b. Nuri spoke.
- (18) That an 'erub of courtyards must consist of a quantity of food that is sufficient for (a) two meals or (b) to provide the size of a dried fig for every resident of the courtyard.
- (19) In respect of each resident.
- (20) Sc. the rising generation; the main institution of 'erub being that of the Sabbath limits. Infra 80b.
- (21) Cf. Keth. 21a, 51a, 84b, Pes. 27a, B.B. 124b.
- (22) The rules of procedure laid down by R. Jacob and R. Zerika.
- (23) הלכה sc. a court must base its decision on the rulings of R. Akiba or Rabbi respectively whenever they are opposed by no more than one contemporary, and on that of R. Jose even if several contemporaries are opposed to it.
- (24) מטיין (rt. נטה 'to incline' in Hif'il) i.e., the rulings of the authorities mentioned have not the force of an halachah or a decision for general practice but a court is nevertheless expected in individual cases to follow them rather than the rulings of the single opponents of R. Akiba or Rabbi or even the joint ruling of several of R. Jose's opponents.
- (25) נראין (rt. ראה 'to see' in Nif'al) lit., 'they appear'.
- (26) Lit., 'as this language' or 'expression', i.e., in the sense of the interpretations offered by R. Assi, R. Hiyya b. Abba and R. Jose b. Hanina respectively on the term halachah in the ruling of R. Jacob and R. Zerika.
- (27) Lit., 'now'.
- (28) Lit., 'in the place of'.
- (29) Whose view is disregarded where it is opposed by that of R. Jose.
- (30) Of course not. If R. Jose's view is preferred to that of R. Judah (cf. prev. n.) it is self-evident that it is to be preferred to that of R. Meir.
- (31) Lit., 'in the place of'.
- (32) Whose view is disregarded where it is opposed by that of R. Jose.
- (33) Cf. p. 323, n. 11.
- (34) Teku (v. Glos.).
- (35) On the halachah, in the case of a dispute between the respective authorities mentioned.
- (36) Lit., 'they are not'.
- (37) Infra 49b.
- (38) R. Simeon.
- (39) Whose view is generally recorded in anonymous opposition to his. Aliter: Since he was named earlier in our Mishnah and it is, consequently, he with whom R. Simeon argued on the question of THREE COURTYARDS (infra 48a) and who is referred to (infra 49a) as the 'Rabbis' who differed from R. Simeon.
- (40) Rab's ruling.
- (41) Lit., 'but infer from it'.
- (42) Lit., 'they are not'.
- (43) V. supra n. 5.
- (44) As in the case just cited where it was explicitly indicated that the halachah was in agreement with R. Simeon.
- (45) V. supra p. 324, n. 5.
- (46) Lit., 'where it was stated, (well) it was stated; where it was not stated, (well) it was not stated'.

Talmud - Mas. Eirubin 47a

Three courtyards each of which contained two houses';¹ in connection with which R. Hama b. Goria stated in the name of Rab, 'The halachah is in agreement with R. Simeon'.² For who is it that differed from him?³ R. Judah⁴ of course; but has it not been laid down that 'In a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah'?⁵ — What, however, is really the difficulty? Is it not possible that here also [we may reply that] these rules are disregarded only where a ruling to the contrary had been stated, but that where no such ruling is stated the rules remain in force?⁶ — [The view of R. Mesharsheya is] rather derived from the following where we learned: 'If a man left his house and went to spend the Sabbath in another town, whether he was a gentile or an Israelite, [his share]⁷ imposes restrictions⁸ on the residents of the courtyard;⁹ R. Meir. R. Judah ruled: It imposes no restrictions.¹⁰ R. Jose ruled: [The share of] a gentile imposes restrictions,¹¹ but that of an Israelite does not impose any restrictions because it is not usual for an Israelite to return on a Sabbath.¹² R. Simeon ruled: Even if he left his house¹³ and went to spend the Sabbath with his daughter in the same town [his share]¹⁴ imposes no restrictions since he had no intention to return',¹⁵ in connection with which R. Hama b. Goria stated in the name of Rab, 'The halachah is in agreement with R. Simeon'.¹⁶ For who is it that differed from him?¹⁷ R. Judah of course;¹⁸ but has it not been laid down that 'In a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah'?¹⁹ — And what difficulty really is this? Is it not possible that here also [the reply is that] these rules²⁰ are disregarded only where a ruling to the contrary had been stated, but that where no such ruling is stated the rules remain in force?²¹ — [The view of R. Mesharsheya] then is derived from the following where we learned: 'And it is this of which the Rabbis have said: A poor man may make his 'erub with his feet.²² R. Meir said: We can apply this law²³ to²⁴ a poor man only.²⁵ R. Judah said: [It²³ applies] to both rich and poor, the Rabbis' enactment that an 'erub is to be prepared with bread having had the only purpose of making it easier for the rich man so that²⁶ he shall not be compelled to go out himself to make the 'erub with his feet';²⁷ and when R. Hiyya b. Ashi taught Hiyya b. Rab in the presence of Rab [that the law²⁸ applied] to both rich and poor,²⁹ Rab said to him: Conclude³⁰ this also with the statement, 'The halachah is in agreement with R. Judah'.³¹ For what need was there for a second statement³² seeing that it had already been laid down that 'in a dispute between R. Meir and R. Judah the halachah is in agreement with R. Judah'?³³ — But what difficulty is this? Is it not possible that Rab does not accept³⁴ those rules?³⁵ — [R. Mesharsheya's statement] then was derived from the following where we learned: 'The deceased brother's wife³⁶ shall³⁷ neither perform the halizah nor contract levirate marriage before three months have passed.³⁸ Similarly all other women³⁹ shall be neither married nor betrothed before three months have passed,⁴⁰ whether they were virgins or non-virgins, whether widows or divorcees,⁴¹ whether betrothed or married.⁴¹ R. Judah ruled: Those who were married may be betrothed [forthwith] and those who were betrothed may even be married [forthwith], with the exception of a betrothed woman in Judea, because there the bridegroom was too intimate⁴² with her. R. Jose said: All [married] women³⁹ may be betrothed [forthwith] excepting the widow⁴³ owing to her mourning';⁴⁴ and in connection with this it was related: R. Eleazar⁴⁵ did not go one day to the Beth Hamidrash. On meeting R. Assi who was standing [in his way] he asked him, 'What was discussed at the Beth Hamidrash?' The other replied: 'Thus said R. Johanan: The halachah is in agreement with R. Jose'. 'Does this then imply [it was asked] that only an individual opinion⁴⁶ is against him?'⁴⁷ [And the reply was] 'Yes; and so it was taught: A [married woman] who was always anxious⁴⁸ to spend her time⁴⁹ at her Paternal home,⁵⁰ or who had some angry quarrel with her husband,⁵¹ or whose husband was old or infirm,⁵¹ or one who was herself infirm,⁵² barren, old, a minor, congenitally incapable of conception or in any other way incapacitated from procreation, or one whose husband was in prison,⁵¹ or one who had miscarried after the death of her husband, [each of] these must⁵³ wait three months;⁵⁴ so R. Meir, but R. Jose permits immediate betrothal and marriage'.⁵⁵ Now what need was there⁵⁶ [to state this]⁵⁷ seeing that it had already been laid down that 'in a dispute between R. Meir and R. Jose the halachah is in agreement with R. Jose'?⁵⁸ — But what is really the difficulty? Is it not possible [that R. Johanan⁵⁹ intended] to indicate that the law was not in agreement with R. Nahman who in the name of Samuel

had laid down: 'The halachah is in agreement with R. Meir in his restrictive measures'⁶⁰ — [R. Mesharsheya's statement] then is derived from the following where it was taught: 'One may attend a fair of idolaters and buy of them cattle, menservants, maidservants, houses, fields and vineyards; one may write [the necessary documents] and present them even in their courts⁶¹ because thereby one merely wrests his property for their hands.⁶² If he is a priest⁶³ he may incur [the risk of] defilement by going outside the Land⁶⁴ to litigate with them and to contest the claims. And just as he may risk defilement without the Land so may he defile himself by entering a graveyard. ("A graveyard"! How could this be imagined? Is not this a defilement Pentateuchally forbidden? — A grave area⁶⁵ rather which is only Rabbinically forbidden is to be understood). One may also incur the risk of defilement for the sake of taking a wife or studying the Torah. R. Judah said: This applies only where a man cannot find [in the home country] a place in which to study but when he can find there a place for study he may not risk his defilement. R. Jose said: Even when he can find there a place where to study he may also risk defilement since

(1) Infra 59a q.v. notes.

(2) Infra 49b.

(3) R. Simeon.

(4) Who was explicitly named.

(5) Of course it has. Hence R. Mesharsheya's conclusion that the rules as to the halachah are to be disregarded.

(6) V. supra n. 3.

(7) In the courtyard, as one of the residents.

(8) In connection with the movement of objects on the Sabbath.

(9) Because in his absence the man could not join the other residents in their preparation of the required 'erub.

(10) The share of an absent resident is in his view to be disregarded.

(11) Since he might return on the Sabbath and thus assert his rights to the use of the courtyard.

(12) As he is not likely to return before the termination of the day his house may be regarded as ownerless and the courtyard thus remains at the entire disposal of the other residents.

(13) On Friday before the Sabbath had begun.

(14) In the courtyard, as one of the residents.

(15) Infra 86a. Lit., 'he has removed his mind'. His house may consequently be regarded as ownerless (cf. supra n. 1).

(16) Infra 86a.

(17) R. Simeon.

(18) Since R. Judah ruled that only the share of a man who is out of town imposes no restriction while R. Simeon ruled that even that of a man in town imposes no restrictions.

(19) V. supra p. 325, n. 8.

(20) V. supra p. 324, n. 5.

(21) V. supra p. 323, n. 11.

(22) Sc. he may walk to the required place, and remain there until the Sabbath begins, thereby acquiring it as his Sabbath abode though he deposited no food there.

(23) That an 'erub may be made with one's feet and that no food is in that case necessary.

(24) Lit., 'we have none'.

(25) Sc. a person who cannot afford, or is unable to obtain (as for instance on a desert journey) the required quantity of food. A 'rich man' however, i.e., one who can afford or obtain it must provide his 'erub with food only.

(26) By being enabled to send an 'erub of food through an agent.

(27) Infra 49b.

(28) V. supra p. 326, n. 12.

(29) I.e., he taught him R. Judah's ruling in the Mishnah just cited.

(30) Or 'mark'. מ"ק may bear both meanings.

(31) Infra 51b.

(32) That 'the halachah is in agreement with R. Judah', that Rab desired R. Hiyya b. Ashi to add. Lit., 'two'.

(33) Obviously there was none. But, since Rab did desire this statement to be added, it follows, as R. Mesharsheya stated, that the rules on the halachah were to be disregarded.

- (34) Lit., 'has not'.
- (35) And this may have been the reason for his request to his son's teacher. This being possible, the question arises again: Whence did R. Mesharsheya infer that rues sponsored by R. Johanan (supra 46b) who was a higher authority than Rab, and whose decisions are the accepted halachah, were to be disregarded?
- (36) Whose husband died without issue, and who became subject to the levirate obligations.
- (37) In order to make sure that she is not pregnant.
- (38) From the date of her husband's death. The reasons are fully discussed in Yeb. 41a (Sonc. ed., p. 268f)
- (39) Whose husbands have died.
- (40) Cf. supra n. 12 mutatis mutandis and Yeb. 42b.
- (41) The distinctions between these classes are discussed in Yeb. 42a (Sonc. ed., p. 275.)
- (42) Lit., 'his heart is bold', and cohabitation might be suspected.
- (43) Who must allow a period of thirty days to pass.
- (44) Yeb. 41a; which terminates on the thirtieth day.
- (45) So marg. note, MS.M. and parallel passage in Yeb. Cur. edd. in parenthesis 'Eliezer'.
- (46) I.e., the view recorded anonymously in the cited teaching is that of an individual.
- (47) Since otherwise the halachah would be in agreement with the view of the majority.
- (48) רדופה partic. pass of רדף 'to pursue', 'be anxious'.
- (49) Lit., 'to go'.
- (50) And she was there at the time her husband died.
- (51) At the time of his death.
- (52) When her husband's death took place.
- (53) Though none of these women could possibly be suspected of pregnancy.
- (54) Before marriage or betrothal; as a precaution against such marriage or betrothal on the part of a woman in normal circumstances whose pregnancy might well be expected.
- (55) Yeb. 42b; which shows that only an individual opinion, that of R. Meir, is opposed to that of R. Jose.
- (56) For R. Johanan who himself sponsored the rules on the halachah, supra 46b.
- (57) That 'the halachah is in agreement with R. Jose'.
- (58) None whatever. Since R. Johanan, however, found it necessary in this particular instance to state specifically that the halachah agreed with R. Jose it follows that the general rules on the halachah (supra 46b) are spurious and, as R. Mesharsheya stated, were to be disregarded.
- (59) In his specific ruling in the case under discussion.
- (60) Since in this case R. Meir upholds the restrictive ruling it might have been assumed that, despite the general rule that the halachah agrees with R. Jose, the halachah here, in accordance with R. Nahman's rule, is to be in agreement with R. Meir, hence it was necessary for R. Johanan specifically to lay down that the halachah in this else also was in agreement with R. Jose.
- (61) Though this recognition of the idolaters' courts might have the appearance of belief in, or regard for idolatry.
- (62) In the absence of their court's endorsement, the seller might dispute the validity of the purchase.
- (63) Though forbidden to come in contact with levitical uncleanness.
- (64) Of Israel, sc. palestine. All countries outside Palestine are suspected of levitical uncleanness (cf. Shab. 15a).
- (65) Beth ha-Peras, a field in which a grave has been ploughed and every part of which becomes in consequence the possible repository of a fraction of a human bone which conveys defilement, v. supra 26b.

Talmud - Mas. Eirubin 47b

no person is so meritorious as to be able to learn from any teacher. And R. Jose related: It once happened that Joseph the Priest went to his Master at Zidon¹ to study Torah'; and in connection with this R. Johanan said: 'The halachah is in agreement with R. Jose';² but what need was there [for this specific statement] seeing that it has already been laid down that 'in a dispute between R. Judah and R. Jose the halachah is in agreement with R. Jose'?³ — Abaye replied: This⁴ was necessary. Since it might — have been presumed that [the general rules]⁵ applied only to a Mishnah but not to a Baraita hence we were informed [here⁶ of R. Johanan's statement].⁷ [R. Mesharsheya],⁸ however, meant this: Those rules were not unanimously approved, since Rab⁹ in fact did not accept them.

Rab Judah laid down in the name of Samuel: Objects belonging to a gentile do not acquire their place for the Sabbath.¹⁰ In accordance with whose view has this ruling been laid down? If it be suggested: According to that of the Rabbis [the objection would arise:] Is not this obvious? Since objects of hefker,¹¹ though they have no owner,¹² do not acquire their place for the Sabbath was it necessary to state that the same law applies to a gentile's objects, which have an owner?¹³ — The fact is that the ruling¹⁴ has been laid down in accordance with the view of R. Johanan b. Nuri, and it is this that we were informed: That R. Johanan b. Nuri's ruling that¹⁵ objects acquire their place for the Sabbath applied only to objects of hefker, since they have no owner, but not to a gentile's objects which have an owner.

An objection was raised: R. Simeon b. Eleazar ruled: If an Israelite borrowed an object from a gentile¹⁶ on a festival day, and so also if an Israelite lent an object to a gentile on the eve of a festival¹⁷ and the latter returned it to him on the festival, and so also any utensils and stores¹⁸ that were kept¹⁹ within the Sabbath limit of the town, may be carried within a radius of two thousand cubits in every direction.²⁰ If a gentile has brought fruit to an Israelite from a place beyond his Sabbath limit, the latter²¹ may not move them from their position.²² Now if you grant that R. Johanan b. Nuri holds that a gentile's objects do acquire their place for the Sabbath, it might well be explained that this ruling²³ is in agreement with the view of R. Johanan b. Nuri. If, however, you contend that R. Johanan b. Nuri holds that a gentile's objects do not acquire their place for the Sabbath [the objection would arise:] Whose view does it represent seeing that it is neither that of R. Johanan b. Nuri nor that of the Rabbis?²⁴ — R. Johanan b. Nuri may in fact maintain that a gentile's objects do acquire their place for the Sabbath, but Samuel laid down his ruling in agreement with the Rabbis. And as to your objection,²⁵ 'According to that of the Rabbis . . . is not this obvious?' [it may be replied:] Since one might have presumed that a restriction was imposed in the case of a gentile owner as a preventive measure against an infringement of the law in the case of an Israelite owner, hence we were informed [that no such restriction was deemed necessary]. R. Hiyya b. Abin, however, laid down in the name of R. Johanan: The objects of a gentile acquire their place for the Sabbath, a restriction having been imposed upon those of a gentile owner as a preventive measure against the infringement of the law in the case of those of an Israelite owner.

Some rams once arrived at Mabrakt²⁶ and Raba permitted the inhabitants of Mahuza²⁷ to purchase them.²⁸ Said Rabina to Raba: What [authority is it that you have in] your mind?²⁹ That of Rab Judah who laid down in the name of Samuel that a gentile's objects do not acquire their place for the Sabbath?³⁰ Surely, in a dispute between Samuel and R. Johanan the halachah is in agreement with R. Johanan, and R. Hiyya b. Abin has laid down in the name of R. Johanan: The objects of a gentile acquire their place for the Sabbath, a restriction having been imposed upon those of a gentile owner as a preventive measure against the infringement of the law in the case of those of an Israelite owner? Raba thereupon ruled: Let them³¹ be sold to the people of Mabrakta since in their case all Mabrakta is deemed to be only four cubits in extent.³²

R. Hiyya taught: A fish-pond between two Sabbath limits³³ requires

(1) A town on the north coast of Syria without the borders of Palestine and excluded, therefore, from the levitical cleanness of Palestine.

(2) A.Z. 13a.

(3) V. supra p. 328, n. 15.

(4) R. Johanan's specific statement in this particular case.

(5) On the halachah (supra 46b).

(6) In the case of a Baraitha.

(7) Thus indicating that the rules are general and are applicable to the Baraitha as well as to the Mishnah.

(8) Against whom the objection now remains: Whence did he derive his statement that the rules on the halachah (supra

46b) were to be disregarded.

(9) As shown supra 47a.

(10) Any person may carry them within his own Sabbath limit.

(11) V. Glos.

(12) In consequence of which it might have been presumed that they should acquire their own place.

(13) The Sabbath limit of owned objects being determined by that of their owner, the objects of a gentile, who himself does not acquire his place for the Sabbath, could not obviously acquire any such place for themselves.

(14) Of Samuel.

(15) Cf. MS.M. Cur. edd. 'And we are informed: Say, that R. Johanan b. Nuri ruled'.

(16) Who lived in the same town.

(17) And having been with the gentile in the same town at the time the festival began the object acquired its place within the Sabbath limit of the town.

(18) Of hefker.

(19) Lit., 'rested'.

(20) But no further. In the case of the object that the gentile returned on the festival, though its Israelite owner has prepared an 'erub which enables him to walk beyond two thousand cubits from the town, he may not carry with him that object beyond a distance of two thousand cubits from the town.

(21) Since the fruit have acquired their place without the Sabbath limit of the town, and having been carried into the town they are now outside their permitted limit.

(22) Beyond a distance of four cubits.

(23) Of R. Simeon b. Eleazar.

(24) Consequently it must be conceded that according to R. Johanan b. Nuri a gentile's objects do acquire their place for the Sabbath. How then could it be said supra that Samuel's ruling to the contrary was in agreement with that of R. Johanan b. Nuri?

(25) Supra p. 330.

(26) A village within four thousand cubits from Mahuza.

(27) Who by means of an 'erub were enabled to walk from their town to the village.

(28) And to take their purchases with them to Mahuza though the gentile sellers had brought them from a place beyond them from a place beyond the Sabbath limit of that town. [This occurred on a festival, when it is permissible to obtain on credit purchases of food, v. R. Hananel].

(29) In permitting the rams (cf. prev. n.) to be taken beyond their original Sabbath limit.

(30) In consequence of which the rams could be taken within the Sabbath limits of their Israelite purchasers.

(31) The rams.

(32) As laid down by R. Gamaliel (Mishnah Supra 41b in the case of a cattle-pen, a cattle-fold or a ship) whose ruling, as Rab testified (supra 42b), is the accepted halachah and applies also to a town that has walls around it.

(33) Of two towns between which it is situated.

Talmud - Mas. Eirubin 48a

an iron wall¹ to divide it [into two independent sections].² R. Jose son of R. Hanina laughed at him. Why did he laugh? If it be suggested: Because the latter taught this in agreement with R. Johanan b. Nuri³ [that the law is] to be restricted,⁴ while he is of the same opinion as the Rabbis⁵ [that the law is] to be relaxed,⁶ [is it likely, it may be asked,] that because he is of the opinion that the law is to be relaxed he would laugh at any one⁷ who learned that it was to be restricted? — Rather say: Because it was taught: Running rivers and gushing springs⁸ are on a par with the feet of all men.⁹ But is it not possible that he¹⁰ spoke of collected water?¹¹ — Rather say: Because he¹⁰ taught: 'Requires an iron wall to divide it'. For why should not reeds be admissible?¹² Obviously because the water would pass through them; but then, in the case of an iron wall too, the water might pass.¹³ But is it not possible that he¹⁰ meant: 'Requires . . .' hence there is no remedy?¹⁴ — Rather say: Because the Sages have in fact relaxed the law in respect of water;¹⁵ as R. Tabla [was informed]. For R. Tabla enquired of Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, since it is

only in the case of water that the Sages have relaxed the law.¹⁶

THE SAGES, HOWEVER, RULED: HE HAS ONLY FOUR etc. Is not R. Judah¹⁷ repeating the very view of the first Tanna?¹⁸ Raba replied: There is a difference between them, [for the first Tanna allows an area of] eight cubits by eight.¹⁹ So it was also taught: He has [the right to walk within an area of] eight cubits by eight; so R. Meir.

Raba further stated: They²⁰ differ only on the question of walking, but regarding the movement of objects both agree that it is permitted²¹ [along a distance of] four cubits but no more.

Where in Scripture are these four cubits²² recorded? — As it was taught: Abide ye every man in his place,²³ which implies within an area equal to 'his place'. And what is the area of 'his place'? Three cubits for his body and one cubit for stretching out his hands and feet; so R. Meir. R. Judah said: Three cubits for his body and one cubit to enable²⁴ him to take up an object at his feet and put it down at his head. What is the practical difference between them?²⁵ The practical difference between them is [that according to R. Judah the measurements of] the four cubits are to be exact.²⁶

R. Mesharsheya requested his son: When you visit R. Papa, ask him whether the four cubits of which the Rabbis have spoken²⁷ are measured²⁸ by the arm²⁹ of each individual concerned or by the standard cubit³⁰ used for sacred objects. If he tells you that the measurement is to be made by the cubit used for sacred objects, [ask him:] What should be done in the case of³¹ Og the king of Bashan,³² and if he tells you that the measurement is to be made by the arm of each individual concerned, ask him: Why was not this measurement³³ taught among those which the Rabbis have prescribed in accordance with each individual?³⁴ When he came to R. Papa the latter told him: 'If we had been so punctilious we would not have learnt anything.'³⁵ The fact is that the measurement is calculated by the arm of each individual concerned, and as to your objection, "Why was not this measurement taught among those which the Rabbis have prescribed in accordance with each individual", [it may be explained] that the ruling could not be regarded as definite since [even a normal person] may have stumped limbs'.³⁶

IF THERE WERE TWO MEN AND A PART OF THE PRESCRIBED NUMBER OF CUBITS OF THE ONE etc. What need was there for him³⁷ to make the remark, TO WHAT MAY THIS CASE BE COMPARED? — It is this that R. Simeon meant to say to the Rabbis: 'Consider! TO WHAT MAY THIS CASE BE COMPARED? TO THREE COURTYARDS THAT ARE OPENING ONE INTO THE OTHER AND ALSO INTO A PUBLIC DOMAIN,³⁸ why then do you differ there³⁹ and not here?'⁴⁰ And the Rabbis?⁴¹ There⁴² the residents are many⁴³ but here⁴⁴ they are few.⁴⁵

BUT THE TWO OUTER ONES etc. But why?⁴⁶ Do not the outer ones, since they have joined in an 'erub with the middle one,⁴⁷ constitute one permitted domain?⁴⁸ — Rab Judah replied: This is a case, for instance, where the middle one deposited its one 'erub in one courtyard and its other 'erub in the other courtyard.⁴⁹ R. Shesheth, however, replied: It may even be assumed that they⁵⁰ deposited their erubs in the middle one, [but this is a case, for instance,] where they had deposited it

(1) Running across the pond from one side to the other, on the boundary line between the two Sabbath limits.

(2) So that the water of the one section shall not be mingled with that of the other. The water of the pond does not acquire its own place but is deemed to be on a par with the feet of the people of that town within whose Sabbath limit it happens to be. As each section of the pond lies at the very end of the Sabbath limit of the town nearest to it the water of that section must not be carried beyond four cubits from the boundary line in the direction of the other town; and it is only an iron wall that in the opinion of R. Hiyya can prevent the water in the respective sections from mingling with one another. In the absence of such a wall the mingling of the waters of the two sections would on a Sabbath or a festival day prevent the inhabitants of either town from carrying them to their homes.

- (3) Who holds that objects of hefker acquire their place for the Sabbath within the town limit.
- (4) In consequence of which he ruled that the water of the pond that was hefker may not be carried beyond the Sabbath limit of the respective towns.
- (5) Who maintain that objects of hefker do not acquire their place for the Sabbath but are on a par with the feet of all men.
- (6) The water in consequence may be carried within the Sabbath limit of any man who wishes to use it.
- (7) Lit., 'on it'.
- (8) In which class a fish-pond is included.
- (9) Supra 46a (q.v. notes) and cf. supra n. 4.
- (10) R. Hiyya.
- (11) Which is not included in the classes of water spoken of in the Baraita cited.
- (12) As a partition between the two Sections of the pond.
- (13) Beneath it.
- (14) Sc. only a wall which, like solid iron could not possibly be penetrated could enable the townspeople to use the water in the pond; and since such a wall is an impossibility none of them may use it.
- (15) Allowing the use of any sort of partition, that is ten handbreadths high, however frail and penetrable it might be.
- (16) As a suspended partition though it cannot prevent the water from passing beneath it, is effective, so should a partition of reeds be. Thus R. Hiyya's demand for all iron wall caused R. Jose b. Hanina's laughter.
- (17) Who permits a distance of four cubits in any direction.
- (18) THE SAGES, who earlier in the Mishnah RULED: HE HAS ONLY FOUR CUBITS.
- (19) Four cubits in every two opposite directions. R. Judah, however, allows either four cubits in one direction or two cubits in two opposite directions.
- (20) R. Meir and R. Judah.
- (21) Lit., 'yes'.
- (22) Within which every man is entitled to move on a Sabbath or a festival day.
- (23) Ex. XVI, 29, dealing with movement on the Sabbath.
- (24) Lit., 'as is sufficient'.
- (25) R. Meir and R. Judah.
- (26) According to R. Meir, however, the measurements must be generous, more than one cubit being required for the stretching out of one's hands and feet.
- (27) In connection with Sabbath movements (cf supra n. 7).
- (28) Lit., 'we give him'.
- (29) אַרְמוֹת signifies both 'cubit' and 'arm', the standard cubit for the Sanctuary having been based on the length of Moses' arm (cf. Pes. 86a).
- (30) Which was equal to six handbreadths.
- (31) Lit., 'what shall be about him'.
- (32) A Biblical giant (cf. Deut, 111, 11).
- (33) V. supra p. 334 n. 12.
- (34) Kel. XVII, 11, cf. supra 30b.
- (35) All their time would have been spent in hair splitting.
- (36) Lit., 'there is a dwarf in his limbs', that are out of proportion to his body. In such a case the standard cubit would obviously have to be applied. [The order of the argument is reversed in R. Hananel's text: Why was this measurement not taught among . . . individuals. And should you argue that it is because there may be one who has stumped limbs, then it should have stated, except one who has stumped limbs? Thereupon R. Papa replied: 'If we had been so punctilious' etc. This reading removes the obvious difficulty involved in our text].
- (37) R. Simeon.
- (38) Ct: relevant note Supra in our Mishnah.
- (39) By forbidding the movement of objects from any one courtyard into any other (cf. infra 49a).
- (40) In the case of three men spoken of in our Mishnah.
- (41) How, in view of this argument, can they maintain their apparently contradictory views?
- (42) The case of the three courtyards.
- (43) Were the residents of the outer courtyards permitted to have access to the middle one and vice versa, some of them

might erroneously assume that the former may also have free access to one another and would this infringe the laws of 'erub.

(44) In the case of the three men spoken of in our Mishnah.

(45) And such an erroneous assumption (cf. prev. n.) on their part is unlikely.

(46) Are the two outer courtyards FORBIDDEN ACCESS TO ONE ANOTHER?

(47) It is now assumed that the 'erub in which the residents of both the outer courtyards have participated had been deposited in one of the houses of the middle one.

(48) In which all are partners who may freely move their objects within it.

(49) While the residents of the two outer courtyards deposited no 'erubs in the middle one. The residents of the latter, by virtue of their 'erubs, are regarded as residents of the outer courtyards as well as of their own, while the residents of the outer courtyards, having no 'erubs in the middle courtyard, cannot be regarded as its residents; and since these have in consequence no domain in common, they cannot be permitted access to one another.

(50) The residents of the two outer courtyards.

Talmud - Mas. Eirubin 48b

in two houses.¹ In agreement with whose view?² Is it in agreement with that of Beth Shammai since it was taught: If five residents³ collected their 'erub⁴ and deposited it in two receptacles,⁵ their 'erub, Beth Shammai ruled, is invalid⁶ and Beth Hillel ruled: Their 'erub is valid?⁷ — It⁸ may be said to be in agreement even with the view of Beth Hillel, since Beth Hillel might have maintained their view Only there⁹ where the 'erub, though kept in two receptacles, was in one and the same house, but not here¹⁰ where¹¹ it was kept in two houses.¹²

Said R. Aha son of R. Iwia to R. Ashi: A difficulty presents itself on the interpretation of Rab Judah as well as on that of R. Shesheth. On Rab Judah's interpretation the following difficulty arises: As he explained that 'This was a case, for instance, where the middle one deposited its 'erub in the one courtyard and its other 'erub in the other courtyard', and since the middle one, having first joined in an 'erub with one of the outer ones, constituted with it one domain, does it not, when it subsequently joins in an 'erub with the other,¹³ act on behalf of the former also?¹⁴ On the interpretation of R. Shesheth also a difficulty arises: Why should not this case¹⁵ be subject to the same law as that of five men who resided in one courtyard and one of whom had forgotten to contribute his share to their 'erub, where these men impose upon one another the prescribed restrictions in the use of that courtyard?¹⁶ — R. Ashi replied: There is really no difficulty either on the view of Rab Judah or on that of R. Shesheth. On that of Rab Judah there is no difficulty because, since the residents of the middle courtyard joined in an 'erub with those of each of the outer ones while the latter did not join one another in a common 'erub, they have thereby intimated that they were satisfied with the former association¹⁷ but not with the latter.¹⁸ On the view of R. Shesheth too there is really no difficulty. For would the Rabbis who regarded [the people of the outer courtyards as] residents [of the middle one] in order to relax the law¹⁹ also treat them as its residents²⁰ to impose additional restrictions?²¹

Rab Judah stated in the name of Rab: 'This²² is the view of R. Simeon. The Sages, however, ruled: The one domain²³ may be used by the residents of the two²⁴ but the two²⁴ domains may not be used by the residents of the one.²⁵ When I recited this in the presence of Samuel²⁶ he said to me:

(1) So that, though the residents of each one of the outer courtyards and those of the middle one, on account of the 'erubs in which they respectively joined, are respectively permitted access to one another, no access can be permitted between the two former who had no 'erub in common.

(2) Is the interpretation of R. Shesheth made.

(3) Of the same courtyard.

(4) Each of them contributing his share.

(5) In the same house.

- (6) An 'erub, they maintain, must be deposited in one utensil only.
- (7) Infra 49b. As Beth Hillel regard the 'erub is valid though it was deposited in two receptacles so, it is assumed, would they regard the 'erubs of the outer courtyards as valid though they were deposited in two houses; while Beth Shammai who rule the 'erub to be in valid in the former case would equally do so in the latter case. Is it likely, however, that our Mishnah would agree with Beth Shammai in opposition to the generally accepted view of Beth Hillel?
- (8) Our Mishnah.
- (9) In the Baraitha cited.
- (10) Our Mishnah.
- (11) According to R. Shesheth.
- (12) Our Mishnah, therefore, may, even according to R. Shesheth's interpretation, well agree with the view of Beth Hillel also.
- (13) The outer courtyard on its other side.
- (14) With whom it is now mingled into one domain. Why then, according to R. Judah, are the outer courtyards forbidden access to one another?
- (15) That of the three courtyards in our Mishnah where the middle one, by joining in 'erubs with each of the outer ones, has become the common domain of all the three.
- (16) Though the four of them had duly joined in the preparation of all 'erub. In the case of the three courtyards, since all their residents are now (cf. prev. n.) virtual residents in the middle courtyard, those of the outer ones who (by failing to deposit their 'erubs in one house) are forbidden access to one another are obviously in relation to each other and to the middle one in the same position as the one man (who forgot to join in the 'erub) to the four (who did prepare one). Consequently they should impose upon one another (like the one and the four) all the prescribed restrictions; and the use of the middle courtyard (as is the case with the courtyard of the five) should as a result be forbidden to all residents including even its own.
- (17) Lit., 'in that', the association between the middle courtyard and either of the outer ones.
- (18) Sc. an association between all the three courtyards as would render them the virtual residents of one common domain. This case, therefore, cannot be compared to that of the five men all of whom are actual residents in the same courtyard.
- (19) To enable them to have access to the middle one.
- (20) Despite the fact that they did not actually reside in it.
- (21) That the very residents of the middle courtyard, in whose favour the law had been relaxed, should, as result of this very relaxation, be forbidden to use their own courtyard? — Of course not.
- (22) That the outer courtyards are permitted access to the middle one and the latter is equally permitted access to the former.
- (23) The middle courtyard.
- (24) The outer ones.
- (25) Irrespective of whether the middle one deposited an 'erub in each of the outer ones or whether the latter deposited their respective 'erubs in the former. In either case it is permitted to move objects from the outer ones into the middle one, since each of the former represents a properly united domain. It is Forbidden, however, to move objects From the middle one into either of the former since two opposing domains that have nothing in common dominate it simultaneously and the force of the one domain prevents any object from being moved from its position into the other domain. Only where the three courtyards have united in one common 'erub can they be regarded as one domain in which the movement of objects from any one courtyard into any other is freely permitted.
- (26) Whose academy he joined for some time after the death of Rab.

Talmud - Mas. Eirubin 49a

This also¹ is the view of R. Simeon.² The Sages, however, ruled: The three courtyards are forbidden access to one another'.

It was taught in agreement with the view which Rab Judah had from Samuel.³ R. Simeon remarked: To what may this⁴ 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, the residents

of each of the two may bring food from their houses [into the middle one] and eat it there and then they may carry back any remnants to their houses;⁵ but the Sages ruled: The three courtyards are forbidden access to one another.⁶

Samuel⁷ in fact follows a view he expressed elsewhere.⁸ For Samuel laid down: In the case of a courtyard between two alleys⁹ the residents of the former, though they made an 'erub with the residents of both alleys, are nevertheless forbidden access to either. If they made no 'erub with either, they¹⁰ cause¹¹ the movement of objects to be forbidden in both alleys.¹² If they were in the habit of using one of the alleys but were not in the habit of using the other¹³ the movement of objects is forbidden in the one which they were in the habit of using¹⁴ but¹⁵ permitted in the one which they were not in the habit of using.¹⁶

Rabbah son of R. Huna ruled: If [the middle courtyard] made an erub with the alley which it was not in the habit of using, the one which it was in the habit of using¹⁷ is permitted to make an 'erub on its own.

Rabbah son of R. Huna further stated in the name of Samuel: If [the alley] which it¹⁸ was in the habit of using made an 'erub on its own while the one which it was not in the habit of using made no 'erub on its own, and [the middle courtyard] itself made no 'erub with either, its is referred to the one which it was not in the habit of using;¹⁹ for in such circumstances²⁰ one may be compelled not to act after the manner of Sodom.²¹

Rab Judah laid down in the name of Samuel: If a man is particular about his [share in an] 'erub,²² his 'erub is invalid; for what is its name? 'Amalgamation'.²³ R. Hanina ruled: His 'erub is valid though he himself might be called, 'One of the men of Wardina.'²⁴

Rab Judah further ruled in the name of Samuel: If one divides his 'erub,²⁵ it is invalid.²⁶ In agreement with whose view?²⁷ Is it in agreement with that of Beth Shammai, since it was taught: If five residents collected their 'erub and deposited it in two receptacles, their 'erub, Beth Shammai ruled, is invalid and Beth Hillel ruled: Their 'erub is valid?²⁸ — It²⁹ may be said to agree even with the view of Beth Hillel, for it is only there that Beth Hillel maintained their view,³⁰ where the receptacle was filled to capacity and something³¹ remained without,³² but not here where it was originally divided in two parts.³³ But what need was there for the two rulings?³⁴ — Both were required. For if we had been informed of the former ruling only³⁵ it might have been assumed [that only there is the 'erub invalid] since the man is particular,³⁶ but not here.³⁷ And if we had been informed of the latter ruling only,³⁸ it might have been assumed [that only here is the 'erub invalid] since it was intentionally divided,³⁹ but not there.⁴⁰ Hence both were required.

R. Abba addressed the following question to Rab Judah at the schoolhouse⁴¹ of R. Zakkai: Could Samuel have said: 'If a man divides his 'erub, it is invalid', seeing that he has laid down, 'The house in which an 'erub is deposited need not contribute its share to the bread'?⁴² Now what is the reason [for this ruling]? Is it not because he maintains that since there is bread lying in the basket⁴³ it is regarded as lying in the place appointed for the 'erub?⁴⁴ Then⁴⁵ why should it not be said in this case also, 'So long as there is bread lying in the basket⁴⁶ it is regarded as lying in the place appointed for the 'erub'?⁴⁷ — The other replied: There⁴⁸ the 'erub is valid even if there was no other bread in the house.⁴⁹ What is the reason? — Because all the residents of the courtyard⁵⁰ virtually live there.⁵¹

Samuel stated: The efficacy of an 'erub is due to the principle of kinyan.⁵² And should you ask: 'Why then⁵³ should not the kinyan be effected by means of a ma'ah?⁵⁴ [it could be replied:] Because it is not easily obtainable on Sabbath eves. But why should not a ma'ah effect acquisition at least where the residents did use it for an 'erub? — Its use is forbidden as a preventive measure against the possibility of assuming that a ma'ah was essential, as a result of which, when sometimes a ma'ah

would be unobtainable, no one would prepare an 'erub with bread, and the institution of 'erub would in consequence deteriorate. Rabbah stated: The efficacy of an 'erub is due to the principle of habitation.⁵⁵ What is the practical difference between them?⁵⁶ — The difference between them is the case of an 'erub that was prepared with an object of apparel,⁵⁷ with food that was worth less than a perutah⁵⁸

- (1) That 'the one domain may be used by the residents of the two but the two domains may not be used by the residents of the one' (cf. Rashi s.v. עֶרֶב a.l. second version).
- (2) Though generally his ruling is more lenient than that of the Rabbis.
- (3) That even R. Simeon only permitted access from the outer courtyards to the inner one and not vice versa.
- (4) The case of three men where the prescribed limit of the middle one overlapped with the limits of the others (v. our Mishnah).
- (5) Lit., 'this brings from her house and eats etc. and this returns her remainder to her house' etc.
- (6) Now, since R. Simeon here only permits the residents of the outer courtyards to use the middle one and not vice versa, this Baraita is obviously in agreement with Samuel's view.
- (7) In the view submitted here in his name (cf. supra n. 4).
- (8) Lit., 'his reason' or 'taste'.
- (9) Into each of which it has a door.
- (10) If they were in the habit of using the two alleys during the weekdays.
- (11) By their right of entry which disturbs any association that the residents of either alley may have formed.
- (12) I.e., in either alley it is forbidden to carry any object from its courtyards into the open alley.
- (13) And they made no 'erub with either.
- (14) Cf. supra p. 339, n. 12.
- (15) Since they have no right of entry to it.
- (16) Now since Samuel, who ruled here that 'In the case of a courtyard between two alleys the residents of the former, though they made an 'erub with the residents of both alleys, are nevertheless forbidden access to either', also laid down that in respect of 'erub the halachah is to be decided in agreement with that authority that relaxed the law, it follows that even R. Simeon upholds this ruling. For had R. Simeon relaxed it, Samuel, in accordance with his own principle, would have relaxed it too.
- (17) Since by its 'erub with the other alley the middle courtyard had intimated its intention not to use it on that Sabbath.
- (18) The middle courtyard.
- (19) Which, having prepared no 'erub, loses thereby nothing; while the other alley which did prepare its 'erub gains the advantage of being undisturbed by the middle courtyard's intrusion.
- (20) Where one gains an advantage from another who loses nothing thereby.
- (21) Who were traditionally known to have adopted a dog-in-the-manger attitude (cf. B.B. 12b, 59a, 16 and Aboth V, 10).
- (22) Sc. he would not allow it to be eaten by any of the others who contributed to that 'erub .
- (23) Or 'combination' (עֵירוּב rt. עֶרֶב 'to mix'). All the contributors must be united in a friendly and pleasant association in which one does not mind the consumption of his share by any of the outer associates.
- (24) Wardina (Barada) on the eastern bank of the Tigris, two hours distance north of Bagdad, whose inhabitants were notorious for their stinginess, v. Obermeyer p. 270.
- (25) Sc. deposits it in two utensils.
- (26) 'Erub' implying 'combination' (cf. supra p. 340, n. 10), it must all be in one place.
- (27) Did Samuel give this ruling.
- (28) Supra 48b q.v. notes. Now, is it likely that Samuel would rule in agreement with Beth Shammai contrary to the ruling of Beth Hillel which is the accepted halachah?
- (29) Samuel's ruling under discussion.
- (30) That the 'erub is invalid.
- (31) Of the 'erub .
- (32) So that the 'erub that was intended to be wholly deposited in one and the same receptacle became broken and incomplete.
- (33) And its division is part of the original scheme.

- (34) Of Samuel. Both being based on the signification of the term ‘erub’, could not one be deduced from the other?
- (35) Lit., ‘there’, the case of the man who is particular about his share in the ‘erub.
- (36) In consequence of which the amalgamation (cf. supra p. 340, n. 10) is incomplete.
- (37) Where the ‘erub was deposited in two receptacles, and the friendly association between the residents is in no way affected.
- (38) Lit., ‘here’, the case of an ‘erub deposited in two receptacles.
- (39) A divided ‘erub (‘combination’) being a contradiction in terms.
- (40) Where (cf. supra n. 11) the reason given (cf. prev. n.) is inapplicable.
- (41) ‘Aliter: Press-room.
- (42) Of which the ‘erub is made up.
- (43) Anywhere in the house where the ‘erub is deposited, for the consumption of the members of that household.
- (44) Lit., ‘here’.
- (45) The answer being apparently in the affirmative.
- (46) Sc. in one of the two receptacles in the same house.
- (47) I.e., as if the two parts were deposited in one and the same receptacle.
- (48) In the case of the last mentioned ruling of Samuel.
- (49) Though in such circumstances the principle, ‘So long as there is bread lying in the basket’ etc. is inapplicable.
- (50) By virtue of their contributions to the ‘erub .
- (51) And this is the reason why the people who actually live in the house where the ‘erub was deposited need not contribute any share of bread to it.
- (52) V. Glos. The owner of the house in which the ‘erub is deposited transfers the possession of his house to all the contributors who thereby become joint owners of the house as they were and are the joint owners of the courtyard. The house and courtyard thus assume the status of the same domain throughout which all the residents may freely move their objects as in a private domain.
- (53) Since the basis of ‘erub is kinyan or acquisition.
- (54) Certain coin (v. Glos.). Instead of bread each resident could have contributed a ma'ah and thereby acquired a share in the house.
- (55) A man's life being dependent on his food all the residents are deemed to live in that house where their food is deposited. As the courtyard in consequence has virtually no more than one house it belongs to that house in its entirety (cf. supra n. 10 mutatis mutandis).
- (56) Samuel and Rabbah.
- (57) A scarf for instance. As kinyan may be effected by means of such an object the ‘erub is valid according to Samuel. As, unlike bread, man's life is not dependent on it the house in which it is kept cannot be regarded as the common home of the residents and the ‘erub, according to Rabbah, is consequently invalid.
- (58) V. Glos. As kinyan cannot be effected by means of anything whose value is less than a perutah, the ‘erub prepared with food worth less than a perutah, however much its quantity, is invalid according to Samuel. As the principle of habitation, however, not being dependent on price but on quantity, is applicable, the ‘erub is valid according to Rabbah.

Talmud - Mas. Eirubin 49b

or by a minor.¹

Said Abaye to Rabbah: An objection can be raised both against your view and against that of Samuel. For was it not taught: ‘If five residents who collected their ‘erub² desired to transfer it to another place,³ one may take it there on behalf of all of them,’⁴ [from which it follows that it is] that man alone that performs the kinyan⁵ and no other, and that it is he alone who acquires the habitation and no other.⁶ — The other replied: This is no objection either against my view or against that of Samuel, since the man acts on behalf of all of them.⁷ Rabbah stated in the name of R. Hama b. Gorias who had it from Rab: The halachah, is in agreement with R. Simeon.⁸

MISHNAH. IF A MAN WHO WAS ON A JOURNEY [HOMEWARD]⁹ WAS OVERTAKEN BY DUSK,¹⁰ AND HE KNEW OF A TREE OR A WALL¹¹ AND SAID, ‘LET MY SABBATH

BASE BE UNDER IT',¹² HIS STATEMENT IS OF NO AVAIL.¹³ IF, HOWEVER, HE SAID, LET MY SABBATH BASE BE AT ITS ROOT',¹⁴ HE MAY WALK FROM THE PLACE WHERE HE STANDS TO ITS ROOT A DISTANCE OF TWO THOUSAND CUBITS, AND FROM ITS ROOT TO HIS HOUSE ANOTHER TWO THOUSAND CUBITS. THUS HE CAN WALK FOUR THOUSAND CUBITS AFTER DUSK.

IF HE DOES NOT KNOW OF ANY TREE OR WALL, OR IF¹⁵ HE IS NOT FAMILIAR WITH THE HALACHAH,¹⁶ AND SAID, LET MY PRESENT POSITION BE MY SABBATH BASE', HIS POSITION ACQUIRES FOR HIM THE RIGHT OF MOVEMENT WITHIN A RADIUS¹⁷ OF TWO THOUSAND CUBITS IN ANY DIRECTION; SO R. HANINA B. ANTIGONUS. THE SAGES, HOWEVER, RULED: THE DISTANCES¹⁸ ARE TO BE SQUARED IN THE SHAPE OF A SQUARE TABLET, SO THAT HE MAY GAIN THE AREA OF THE CORNERS.

THIS¹⁹ IT IS OF WHICH [THE RABBIS] HAVE SAID: A POOR MAN MAY MAKE HIS ERUB WITH HIS FEET.²⁰ R. MEIR SAID: WE CAN APPLY THIS LAW²¹ TO²² A POOR MAN ONLY.²³ R. JUDAH SAID: IT²¹ APPLIES TO BOTH RICH AND POOR, THE RABBIS ENACTMENT THAT AN ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER FOR THE RICH MAN, SO THAT²⁴ HE SHALL NOT BE COMPELLED TO GO OUT HIMSELF AND MAKE THE ERUB WITH HIS FEET.

GEMARA. What exactly is the meaning of 'HIS STATEMENT IS OF NO AVAIL'? — Rab explained: HIS STATEMENT IS OF NO AVAIL whatsoever, so that he may not proceed even to the space under the tree.²⁵ Samuel, however, explained: HIS STATEMENT IS OF NO AVAIL as regards proceeding to his house; he may, however, proceed as far as the space under the tree.²⁶ The space under the tree, however, is to be measured²⁷ [as if one were acting both as an] ass-driver and a camel-driver.²⁸ If, for instance, the man desired to measure²⁹ from the northern side of the tree³⁰ he is told to begin his measuring from its southern side,³¹ and if he desired to measure from its southern side³² he is told to begin his measuring from the northern side.³³

(1) Who collected the 'erub from the residents and deposited it in one of the houses. A minor cannot act as agent in a kinyan, hence the invalidity of the 'erub according to Samuel. As the food, however, which he collected constitutes a common habitation for the residents, that is independent of his personality and rights, the 'erub is valid according to Rabbah.

(2) In connection with the courtyard in which they resided.

(3) Sc. they wish to join in an 'erub with the residents of another courtyard.

(4) I.e., it is sufficient even that it is his bread alone that is taken by him to that other place. V. infra 72b.

(5) An objection against Samuel.

(6) Which is an objection against Rabbah.

(7) The residents who originally joined him in the 'erub.

(8) That in the case of THREE COURTYARDS THAT OPEN ONE INTO THE OTHER the middle one IS PERMITTED TO HAVE ACCESS TO THEM AND THEY ARE PERMITTED ACCESS TO IT.

(9) On a Sabbath eve.

(10) J.T. and MS.M. read: 'and he feared that dusk might overtake him'.

(11) Within a Sabbath limit From his position in one direction and within a Sabbath limit from his home in the other direction.

(12) In order that he might thereby be enabled to walk to his home after the Sabbath had set in. His home being almost two Sabbath limits distant from his position he could not otherwise have reached it during the Sabbath.

(13) Lit., 'he did not say anything'. The reason is explained in the Gemara infra.

(14) I.e., he specified a particular spot of the size of four cubits under the tree.

(15) Knowing one.

(16) Which permits him to proceed in the manner just described.

(17) Lit., 'round'.

- (18) OF two thousand cubits from his position in the four directions.
- (19) A case like that of the man under way who, like a poor man, is unable to obtain bread For his 'erub.
- (20) Sc. food is not an essential for an 'erub, but by standing in the required spot at the time the Sabbath begins a poor man (cf. previous n.) may acquire it as his place for the Sabbath.
- (21) Cf. prev. n.
- (22) Lit., 'we have none'.
- (23) V. supra n. 11.
- (24) By having the choice of sending his 'erub to the required spot through an agent.
- (25) He must not move from his position until the conclusion of the Sabbath, since he has acquired no place for his Sabbath rest from which he could be enabled to walk within the permitted Sabbath limit. His right to the place on which he stood when the Sabbath had set in he expressly renounced by choosing another one, while the area under the tree could not be acquired by him since he had not specified which particular four cubits of that space he chose (cf. infra).
- (26) This will be discussed infra.
- (27) Lit., 'and is made'.
- (28) חזר גמול, cf. note on the Mishnah supra 35a; sc. the man concerned, as is explained anon, is forbidden to move far in either direction.
- (29) The two thousand cubits distance from the tree to his house.
- (30) So that he might be enabled to reach his house which was just within that required distance from that side of the tree.
- (31) Since, in appointing the tree as his Sabbath base, he did not specify which particular four cubits of space under that tree he desired to acquire, any four cubits space within the circumference of the tree and its branches may be assumed to be the appointed spot. In measuring the distances, therefore, a course must be adopted which under all circumstances could not possibly lead to all infringement of any of the restrictions involved. If the diameter of the circumference of the tree and its branches measured, for instance, twenty cubits, and the distance from its northern point to the man's house was exactly two thousand cubits, the measuring must not begin from that point but from the southern point of the diameter which is two thousand and twenty cubits distant from that house. And, since it is forbidden to proceed beyond two thousand cubits, the man's Sabbath limit would terminate at a point twenty cubits away from his house which, in consequence, he would not be able to enter during the Sabbath.
- (32) So as to be able to walk (cf. prev. n.) a distance of twenty cubits from the position he occupied when the Sabbath began.
- (33) In consequence of which he must not move one step in the southern direction from that position.

Talmud - Mas. Eirubin 50a

Rabbah stated: What is Rab's reason?¹ Because the man did not specify the exact spot.² Others read: Rabbah stated: What is Rab's reason? Because he is of the opinion that what cannot be acquired in succession³ cannot be acquired even simultaneously.⁴ What is the practical difference between them?⁵ The practical difference between them is the case where⁶ a man said: 'Let me acquire an area of four cubits out of the eight'. According to him who read: 'Because the man did not specify the exact spot' [such a statement is invalid, for here], surely, he did not specify the exact spot; but according to him who read: 'What cannot be acquired in succession cannot be acquired even simultaneously' such [a statement is valid] as [if an area of] four cubits [had been indicated] for here the man spoke of acquiring [no more than] four cubits.

[Turning to] the main text: Rabbah stated: 'What cannot be acquired in succession cannot be acquired even simultaneously'. Abaye raised all objection against Rabbah: If a man gives excessive tithes, his produce is well prepared⁷ but his tithes are spoilt.⁸ But⁹ why?¹⁰ Should it not be said: 'What cannot be acquired in succession¹¹ cannot be acquired even simultaneously'?¹² — Tithe is different,¹³ since it is applicable to fractions;¹⁴ for if a man said: 'Let a half of every wheat grain be consecrated'¹⁵ it becomes consecrated.¹⁶ But is not the tithe of cattle inapplicable to fractions¹⁷ and ineffective in succession¹⁸ and yet Raba¹⁹ ruled: If²⁰ two abreast came out tenth, and they were both designated as tithe, the tenth and the eleventh are a mixture of holy and profane?²¹ — The tithing of

cattle is different, since in a case of error²² it is applicable in succession,²³ for we have learnt: If the ninth was named tenth, and tenth ninth, and the eleventh tenth, all the three are consecrated.²⁴ But is not a thanksgiving offering invalid in a case of error²⁵ as well as in one of succession,²⁶ and yet it was stated: If the slaying of a sacrifice of thanksgiving²⁷ was accompanied by all offering of eighty loaves,²⁸ Hezekiah ruled: Forty out of these eighty are consecrated, and R. Johanan ruled: Forty out of eighty cannot be consecrated?²⁹ — Surely, in connection with this it was stated: R. Joshua b. Levi³⁰ explained: All³¹ agree that [forty of the loaves] are consecrated where the donor said: ‘Let forty out of the eighty be consecrated’; and no one³² disputes the ruling that none of the loaves is consecrated where he said: ‘The forty shall not be consecrated unless all the eighty are consecrated’; they only differ where the donor made no stipulation whatever, in which case one Master³³ is of the opinion that his intention³⁴ was to assure [the safety of the prescribed number] and that he brought the additional loaves conditionally only;³⁵

-
- (1) Samuel's reason one can well understand as explained supra p. 345, n. 8. But why should Rab deprive the man even of approach to a tree which he expressly appointed as his Sabbath base?
- (2) Cf. supra p. 345, n. 2. In appointing a Sabbath base a specified area of four cubits must be indicated.
- (3) An area of four cubits on the northern side of the tree, for instance, cannot be acquired after such an area had been acquired on its southern side, and vice versa.
- (4) The man's appointment of the entire area under the tree which included both its northern and southern sides, is, therefore, null and void.
- (5) The two versions of Rabbah's explanation.
- (6) The area under the tree being eight cubits.
- (7) For general use.
- (8) Tosef. Dem. VIII. Tithe must consist of a portion of the produce that is neither less nor more than a tenth of it. If, therefore, a person gives more than a tenth of his produce, say, a fifth, the portion that he named as tithe would actually contain no more than fifty per cent of tithe, while the other half, since no tithe was given for it, is *tebel* (v. Glos.) which may not be eaten either by priest or by layman.
- (9) If Rabbah's ruling is the accepted law.
- (10) Why is his produce well prepared?
- (11) If, for instance, tithe had once been taken from produce none of the remainder could acquire the sanctity of tithe even if that name had been given to it.
- (12) When, therefore, the proper share of tithe was given simultaneously with the improper addition, not even the former should acquire the name and Sanctity of tithe.
- (13) Sc. the acquisition of the name of tithe is unlike other forms of acquisitions.
- (14) Lit., ‘to halves’.
- (15) As tithe.
- (16) In the case of excessive tithe every grain in that quantity of produce assumed the sanctity of tithe in proportion to the percentage of actual tithe which that quantity contained, and the question of simultaneous acquisition does not arise. Such a consideration cannot apply to ‘*erub*, where the four cubits must be of one continuous stretch.
- (17) Half a living beast cannot be consecrated as tithe.
- (18) So MS.M. and Bah. Cur. edd. omit ‘and is . . . succession’. If, for instance, after the tenth beast in a line of cattle had been designated as tithe the eleventh was similarly designated, the latter acquires neither the name nor the sanctity.
- (19) This is the reading of the parallel passages in Kid. and Bek. Cur. edd. in parenthesis ‘Rabbah’.
- (20) When the tithing of cattle takes place. In giving such tithe the herd or flock is made to pass in single file under the rod (cf. Lev. XXVII, 32), and every tenth beast is declared to be holy (v. *ibid.*).
- (21) Bek. 60b. Because one of them is proper tithe and the other is unconsecrated and it is impossible to ascertain which is which. Thus it follows that the tithing of cattle though inapplicable in succession is applicable simultaneously. An objection against Rabbah.
- (22) Where, for instance, the tenth was counted as the ninth and the eleventh as the tenth.
- (23) The tenth becoming sacred as tithe and the eleventh as a peace-offering.
- (24) Bek. 60b. Cf. prev. n. *mutatis mutandis*.
- (25) If, for instance, after setting aside the forty loaves required for the offering (cf. Men. 77a) the donor mistakenly

forgot and set aside another forty loaves, the latter, since consecration in error is invalid (cf. Naz. 31a), remain unconsecrated.

(26) Should a donor for instance, after he had once brought the forty loaves for the offering and after these had become consecrated by the offering of the sacrifice, bring another forty loaves for the same offering, the second set of loaves would be regarded as ordinary unconsecrated bread.

(27) The actual consecration of the loaves is effected when the sacrifice is slain (cf. Men. 78b).

(28) Instead of the prescribed forty.

(29) Men. 78b, Kid. 51a; which shows that, according to Hezekiah, simultaneous consecration is effective. Would then Rabbah differ From Hezekiah?

(30) This is the reading in Kid. Cur. edd. in parenthesis, 'Zera'.

(31) Even R. Johanan.

(32) Not even Hezekiah.

(33) Hezekiah.

(34) In bringing more loaves than was required.

(35) Sc. if as many as forty of the loaves should happen to be lost the remaining ones should replace them. Having brought the loaves with this intention only, the donor may be regarded as having expressly declared: 'Let only forty out of the eighty be consecrated', in which case his declaration is valid.

Talmud - Mas. Eirubin 50b

while the other Master¹ holds the view that the donor's intention was to provide a generous offering.² Abaye stated: This³ was learnt only in respect of a tree the diameter underneath which was [no less than] twelve cubits⁴ but in the case of a tree the diameter underneath which was less than twelve cubits, behold a part at least of the man's house⁵ is well marked out.⁶

R. Huna son of R. Joshua demurred: Whence is it proved that he has at all intended⁷ the middle four cubits? Is it not possible that he intended either the four cubits on the one side or the four on the other side?⁸ Rather, said R. Huna son of R. Joshua: This⁹ was learnt only in respect of a tree the diameter underneath which was [no less than] eight cubits,¹⁰ but in the case of a tree the diameter underneath which was only seven cubits, behold a part at least of his house is well marked out.¹¹

It was taught in agreement with Rab and it was also taught in agreement with Samuel. 'It was taught in agreement with Rab': If a man who was on a journey [homeward] was overtaken by dusk, and he knew of a tree or a wall and said: 'Let my Sabbath base be under it', his statement is of no avail, but if he said: 'Let my Sabbath base be in such and such a place'¹² he may continue his journey until he arrives at that place. Having arrived there he may walk throughout its interior and along a distance of two thousand cubits beyond it. This,¹³ however, applies only to a well defined spot as, for instance, a mound¹⁴ that was ten handbreadths high¹⁵ and from four cubits to two beth se'ah¹⁶ in area, or¹⁷ a valley that was ten handbreadths deep¹⁸ and from four cubits to two beth se'ah¹⁶ in area, but where the place is not well defined¹⁹ he is not allowed to move²⁰ more than four cubits. If two were [travelling together] and one of them knows [of a well defined place] and the other does not know of it, the latter transfers his right to choose a place²¹ to the former who then declares, 'My Sabbath base shall be in such and such a place'.²² This²³ only applies where the man had indicated the four cubits he selected by a mark,²⁴ but if he did not indicate the four cubits he had selected by any mark he must not stir²⁵ from his place.²⁶

Must it be said that this²⁷ presents an objection against Samuel?²⁸ Samuel can answer you: Here²⁹ we are dealing with a case where from the place on which the man stood to the root of the tree there were two thousand³⁰ and four³¹ cubits, so that if you were to put him on the further side of the tree³² he would be standing³³ outside his permitted limit;³⁴ hence, if he indicated four cubits [on the near side of the tree] he may proceed thither, otherwise he may not.³⁵

'It was taught in agreement with Samuel': If a man made a mistake and prepared 'erubs in two opposite directions, believing that it is permitted to provide 'erubs in two opposite directions, or if he said to his servants, 'Go and prepare an 'erub for me' and one prepared for him an 'erub in a northerly direction and the other prepared one for him in a southerly direction, he may proceed northwards as far as the limit of his southern 'erub and southwards as far as the limit of his northern 'erub.³⁶ But if they measured each limit exactly³⁷ he³⁸ may not stir from his place.³⁹ Must it be said that this⁴⁰ presents an objection against Rab?⁴¹ — No; Rab is a Tanna⁴² and is privileged to differ.⁴³

IF, HOWEVER, HE SAID LET MY SABBATH BASE BE AT ITS ROOT', HE MAY WALK FROM THE PLACE WHERE HE STANDS TO ITS ROOT A DISTANCE OF TWO THOUSAND CUBITS, AND FROM ITS ROOT TO HIS HOUSE ANOTHER TWO THOUSAND CUBITS. THUS HE CAN WALK FOUR THOUSAND CUBITS AFTER DUSK.

(1) R. Johanan.

(2) Which of course, is not permissible; hence R. Johanan's ruling that none of the loaves are consecrated. Thus it has been shown that only where the donor's expression, explicit or implicit, was 'forty out of eighty' does Hezekiah maintain that the prescribed forty are consecrated. This, therefore, in no way contradicts Rabbah's ruling, since in the case of 'erub also a man may acquire his Sabbath base under a tree if he used the expression, 'Let me acquire an area of four cubits out of the eight' (supra 50a ab init.).

(3) The ruling in our Mishnah according to Rab's interpretation that 'HIS STATEMENT is OF NO AVAIL, whatsoever'.

(4) The length thus comprising no less than three sections of four cubits each, it is impossible to ascertain whether it was the middle section or one of the outer ones that the man desired to acquire as his Sabbath base.

(5) Sc. his base for that Sabbath under the tree in question.

(6) If the diameter, for instance, was only eleven cubits, each four cubits at either of the extremities must inevitably overlap half a cubit with the middle four cubits. If then the man chose the middle section, all his Sabbath base is obviously well defined; but even if he intended one of the outer sections to be his Sabbath base each of them is at least partially defined in that part where it overlaps with the middle sections. His base may, therefore, be regarded as located in full or in part in that section.

(7) Lit., 'marked'.

(8) And none in the middle. As the two outer sections do not overlap at any point, how could the man's 'house' be said to be 'well marked out'?

(9) V. supra n. 1.

(10) Where it is uncertain which section was intended.

(11) In the middle cubit which must inevitably form a part of any section of four cubits that the man may have intended.

(12) The limits of which (as presently explained) were properly defined.

(13) That the man is permitted to walk two thousand cubits beyond the place in addition to his freedom of movement throughout its interior.

(14) Lit., 'that he rested (sc. appointed as his place for the Sabbath) in a mound'.

(15) The sides forming a kind of wall around it.

(16) V. Glos.

(17) Lit., 'and so'.

(18) The sides thus forming a kind of wall around it.

(19) If, e.g., it had no walls or was bigger than two beth se'ah.

(20) In its interior, in addition to the two thousand cubits he is allowed in all directions.

(21) Lit., 'his (intended place of) rest'.

(22) And both are thereby entitled to free movement throughout its interior and along a distance of two thousand cubits beyond.

(23) That in an undefined place one acquires at least the right of movement within an area of four cubits and along two thousand cubits in all its directions.

(24) Such as a tree or a stone.

(25) Beyond the permitted four cubits.

(26) Because he cannot acquire the place he had selected on account of his omission to indicate any mark in it; and he

cannot acquire the place on which he stands on account of his declaration that he desired to acquire another one. This ruling being in complete agreement with that of Rab (v. supra 49b and notes) the Baraitha may well be cited in his support.

(27) The Baraitha just cited in support of Rab (cf. prev. n.).

(28) Who (v. supra 49b) allows the man to walk to the tree though he did not indicate which four cubits under that tree he had selected.

(29) In ruling that 'he must not stir from his place'.

(30) The permitted Sabbath limit.

(31) The area allowed as one's resting place for the Sabbath.

(32) Sc. if the man's Sabbath base were said to be on that side, which is outside the two thousand and four cubits within which he is permitted to walk.

(33) At the time the Sabbath began.

(34) Cf. supra note 1.

(35) The tree spoken of in our Mishnah, however, proceeding to which is according to Samuel permitted, is one whose root and branches were within the two thousand and four cubits from the place where the man stood when the Sabbath had set in.

(36) If the two 'erubs, for instance, were deposited respectively at distances of a thousand cubits from the man's home, the northern one alone should have enabled him to proceed two thousand cubits in all directions including two thousand cubits in the direction of his home terminating at a distance of a thousand cubits from its southern side. The southern 'erub alone should have entitled him to similar privileges including two thousand in a northerly direction terminating at a distance of a thousand from the northern side of his house. As it is uncertain which of his 'erubs is more effective than the other the restriction resulting from both are imposed upon him and he may not move beyond a thousand cubits from his house either in a northerly or in a southerly direction.

(37) Sc. if each 'erub was deposited at the very end of the Sabbath limits in both the mentioned directions i.e., at distances of two thousand cubits from his home.

(38) Having lost his right to his home as his abode for that Sabbath, on account of the 'erubs whereby he intimated his desire to acquire other abodes for that day.

(39) Since the northern 'erub prevents him from moving even one step to the south of his house while the southern one similarly prevents him from moving a single step to the north of his house. Now this Baraitha shows that in a case of uncertainty in connection with two 'erubs the restrictions of both are imposed but the man is nevertheless free to move within the permitted margin though he did not indicate which of the two 'erubs he preferred. This is in agreement with the view of Samuel (v. supra 49b and notes) who also imposed double restrictions but allowed the man to move within the permitted margin between the tree and his house though it was uncertain which particular four cubits under the tree he selected.

(40) The ruling that within a certain permitted margin the man may move despite the uncertainty.

(41) Who, on account of uncertainty, forbids the man to stir from his place.

(42) He was of the last generation of the Tannas and of the first of the Amoras.

(43) From a Baraitha. Only an Amora is denied this right.

Talmud - Mas. Eirubin 51a

Raba¹ explained: This² applies only where by running towards the root³ he can reach it [before the Sabbath began].⁴ Said Abaye to him: Was it not in fact stated: 'WAS OVERTAKEN BY DUSK'?⁵ — [The meaning is that] he was overtaken by dusk as far as his house was concerned;⁶ the root of the tree, however, he could⁷ well reach before dusk. Others say: Raba¹ replied: [The meaning is that] he would be overtaken by dusk if he walked slowly but by running he could well reach the root.

Rabbah and R. Joseph were once under way⁸ when the former said to the latter, 'Let our Sabbath base be under the palm-tree that is supporting another tree,'⁹ or, as others read: 'under the palm-tree that releases its owner¹⁰ from the burden of taxes'.¹¹ 'I do not know it', the other replied. 'Rely then on me', the first said: 'for it was taught: R. Jose ruled: If two were [travelling together] one of whom knew [of a well defined place] and the other did not know of it, the latter transfers his right to a

choice of place to the former who then declares, 'Let our Sabbath base be in such and such a place'.¹² This,¹³ however, was not exactly correct. He attributed the teaching to¹⁴ R. Jose with the sole object that the latter should accept it from him since R. Jose was known to have sound reasons for his rulings.¹⁵

IF HE DOES NOT KNOW OF ANY TREE OR WALL, OR IF HE IS NOT FAMILIAR etc. Where in Scripture are these TWO THOUSAND CUBITS prescribed? — It was taught: Abide ye every man in its place¹⁶ refers to the four cubits;¹⁷ let no man go out of his place¹⁶ refers to the two thousand cubits.¹⁸ Whence¹⁹ do we derive this? — R. Hisda replied: We deduce place²⁰ from place,²¹ place²¹ from flight,²² flight²² from flight,²³ flight²³ from border,²⁴ border²⁴ from border,²⁵ border²⁵ from without²⁶ and without²⁶ from without, since it is written: And ye shall measure without the city for the east side two thousand cubits etc.²⁷ But why should we not deduce it²⁸ from the verse: From the wall of the city and outward²⁹ a thousand cubits?³⁰ The expression, 'without' is deduced from 'without' but not from 'outward'. What material difference, however, is there between the two expressions? Did not the School of R. Ishmael in fact teach: [With reference to the expressions,] The priest shall return³¹ and The priest shall come,³² 'returning' and 'coming' mean the same thing?³³ — Such a comparison³⁴ is made only³⁵ where no like expression³⁶ is available, but where one exactly like it is available deduction is made only from the one which is exactly like it.

A RADIUS OF TWO THOUSAND CUBITS. As to R. HANINA B. ANTIGONUS what possible justification is there for his view?³⁷ If he upholds the word analogy³⁸ [the objection could be raised:] Does not Scripture³⁹ speak of 'sides'?⁴⁰ If, however, he does not uphold the word analogy³⁸ [the difficulty would arise:] Whence does he [deduce that a Sabbath limit is] two thousand cubits? — He does in fact uphold the word analogy, but⁴¹ here⁴² the case is different⁴³ since Scripture said: This shall be to them the open land about the cities⁴⁴ which implies: In this case only⁴⁵ sides must be allowed⁴⁶ but not in that of those who observe the Sabbath rest.⁴⁷ And the Rabbis?⁴⁸ — They uphold⁴⁹ the interpretation which R. Hanina advanced: Like this measurement⁵⁰ shall be that of all who observe the Sabbath rest.⁵¹

R. Aha b. Jacob ruled: A man who carries an object⁵² along four cubits in a public domain incurs no guilt unless he carries it a distance equal to the diagonal of their square.⁵³

R. Papa related: Raba tested us [with the following question] 'With regard to a pillar in a public domain ten handbreadths high and four handbreadths wide, is it necessary⁵⁴ that its width shall be equal to the diagonal of four cubits square, or is this unnecessary'? And we replied: 'Is not this case identical with that of R. Hanina who learned:⁵⁵ Like this measurement⁵⁶ shall be that of all who observe the Sabbath rest'.⁵⁷

THIS IT IS OF WHICH THE RABBIS HAVE SAID: A POOR MAN MAY MAKE HIS 'ERUB WITH HIS FEET. R. MEIR SAID: WE CAN APPLY THIS LAW TO A POOR MAN ONLY etc. R. Nahman said: They⁵⁸ differ only where [the expression used was] 'In my place',⁵⁹ since R. Meir holds that the essence of an 'erub is bread

(1) MS.M., Rabbah,

(2) The ruling that if the man had specified a particular spot of four cubits he acquires it as his Sabbath base and may in a leisurely walk during the Sabbath proceed thither and along another two thousand cubits beyond it to his home.

(3) Sc. the spot he appointed as his Sabbath base.

(4) If, however, he cannot reach it even by running, he cannot acquire it.

(5) Presumably at the time he appointed the place from a distance. How then could he possibly reach it before dusk?

(6) I.e., he could not reach his house before dusk, even by running.

(7) Were he to run.

(8) On the Sabbath eve near dusk.

- (9) Lit., 'her brother'.
- (10) By the abundance of its fruit and the proceeds derived from their sale.
- (11) Cur. edd. insert in parentheses, 'Does the Master know it?'
- (12) Tosef. 'Er. III. Cf. supra 50b and notes.
- (13) Rabbah's statement that the ruling he cited was R. Jose's.
- (14) Lit., 'he taught to him as'.
- (15) Lit., 'his depth is with him'. In the Tosef., however, as we have it, the ruling is explicitly attributed to R. Jose.
- (16) Ex. XVI, 29.
- (17) Which every man is allowed as his resting place for the Sabbath.
- (18) Allowed in all directions from a man's resting place.
- (19) Since the text explicitly mentions neither four, nor two thousand cubits.
- (20) That was mentioned in connection with the Sabbath (Ex. XVI, 29).
- (21) Mentioned in Ex. XXI, 13: I will appoint thee a place whither he may flee.
- (22) 'He may flee' occurring in the same verse (cf. prev. n.).
- (23) 'Fleeth' in the verse: Beyond the border of his city of refuge, whither he fleeth (Num. XXXV, 26).
- (24) In the same verse just cited.
- (25) Without the border (ibid. 27).
- (26) The first word in the last citation (v. prev. n.).
- (27) Num. XXXV, 5. As the last cited verse which explicitly mentions 'two thousand cubits' contains the expression 'without', it is compared with the expression of 'without' in Num. XXXV, 27 and since that 'without' occurs in the same verse as 'border' the two also are compared. 'Border' again is compared with 'border' in Num. XXXV, 26 which in turn is compared with 'flight' (fleeth) that occurs in the same verse. This last expression is compared with 'fight' (flee) in Ex. XXI, 13 which is compared with 'place' that occurs in the same verse. 'Place' having been compared with 'place' in the precept of the Sabbath the limit of 'two thousand cubits' mentioned at the other end of the chain of comparisons is applied to the first end also.
- (28) The permitted distance.
- (29) חוצה similar in meaning and form to חוץ ('without').
- (30) And the permitted distance should accordingly be no more than one thousand cubits.
- (31) Lev. XIV, 39.
- (32) Ibid. 44.
- (33) For purposes of inference, v. Hor., Sonc. ed., p. 57, n. 11. Now if a comparison may be drawn between expressions that resemble each other in their general significance alone, why should not a comparison also be drawn between expressions that differ from each other so slightly as those of חוץ and חוצה?
- (34) Between a word the meaning of which is to be deduced and one from which deduction is made.
- (35) Lit., 'these words'.
- (36) Exactly like the one that is to be deduced.
- (37) Lit., 'whatever is your desire'.
- (38) Between the expressions in the various texts cited supra in support of the prescribed two thousand cubits for the Sabbath limit.
- (39) In Num. XXXV, 5.
- (40) Lit., 'sides are written'. A 'side' could not apply to a circle.
- (41) In reply to the objection from the expression of 'sides' (cf. prev. n.).
- (42) In measuring a Sabbath limit.
- (43) From other cases where 'side' is used.
- (44) Num. XXXV, 5.
- (45) That of the open land for the Levites.
- (46) Sc. they must be given the benefit of the corners also.
- (47) The latter are allowed only a radius of the prescribed distances.
- (48) How, in view of this explanation, can they maintain that THE DISTANCES ARE TO BE SQUARED?
- (49) Cf. the reading of MS.M. Cur. edd. 'one learned R. Hanania said'.
- (50) The one for the land of the Levites (Num. XXXV, 5).
- (51) As the former had the benefit of the corners so must the latter.

(52) On the Sabbath.

(53) Lit., 'they and their diagonal', i.e., the man is given the benefit of the corners, in agreement with the view of the Rabbis as explained by R. Hanina.

(54) In order that it may be regarded as a private domain, v. supra 33b.

(55) So MS.M. Cur. edd. 'Hanania, because it was taught: R. Hanania said'.

(56) The one for the land of the Levites (Num. XXXV, 5).

(57) on the various interpretations of this ruling cf. Tosaf. s.v. כִּזְהָ a.l.

(58) R. Meir and R. Judah.

(59) Sc. if the man appointed as his Sabbath base the place where he stood at the time. Only in such a case does R. Judah allow a rich man the same privilege as to a poor man.

Talmud - Mas. Eirubin 51b

[and that, therefore, it is only for] a poor man¹ that the Rabbis have relaxed the law,² but not for a rich man; while R. Judah holds that the essence of an 'erub is [the position of] one's feet, Irrespective of whether one is poor or rich; but where the expression used was 'In such and such a place'³ all⁴ agree that⁵ Only a poor man⁶ is allowed such an 'erub but not a rich man.⁷ And who was it that learned, 'THIS IT IS OF WHICH [THE RABBIS] HAVE SAID [etc.]?'⁸ — R. Meir.⁹ And what does he refer to? — To the case of one WHO DOES NOT KNOW OF ANY TREE OR WALL OR ONE WHO IS NOT FAMILIAR WITH THE HALACHAH.¹⁰ And who was it that learned, 'THE RABBIS' ENACTMENT THAT AN 'ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER'?'¹¹ — R. Judah.

R. Hisda, however, said: They¹² differ only where the expression used was, 'In such and such a place',¹³ R. Meir being of the opinion that the law was relaxed for the poor only¹⁴ but not for the rich, while R. Judah holds that it was relaxed for both poor and rich; but where the expression used was 'In my place' all¹⁵ agree that the law was relaxed for both poor and rich, since the essence of 'erub is [the position of] one's feet [at the spot appointed].¹⁶ And who was it that learned, 'THIS IT IS OF WHICH [THE RABBIS] HAVE SAID'?'¹⁷ — R. Meir.¹⁸ And what does he refer to? — To the following: IF A MAN WHO WAS ON A JOURNEY HOMEWARD WAS OVERTAKEN BY DUSK.¹⁹ And who was it that learned, 'THE RABBIS' ENACTMENT THAT AN 'ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER'?'²⁰ — Both.²¹

It was taught in agreement with R. Nahman:²² Both poor and rich must prepare their 'erub with bread. A rich man, furthermore, must not proceed beyond the Sabbath limit²³ and make the declaration, 'Let my Sabbath base be where I stand now because it is only for the benefit of one who was under way when it became dusk²⁴ that the Rabbis have enacted that an 'erub may be prepared with one's feet; so R. Meir.²⁵ R. Judah ruled: Both poor and rich must prepare their 'erub with their feet. A rich man should, therefore,²⁶ proceed beyond the Sabbath limit and make the declaration, 'Let my Sabbath base be where I stand now and this is the essence of an 'erub;²⁷ the Sages, however, allowed a householder to send his 'erub by the hand of his servant or by the hand of his son or by the hand of any other agent in order to make it easier for him. R. Judah related: It once happened that the Memel and Gorion families at Aroma²⁸ distributed dried figs and dried grapes to the poor in a time of dearth, and the poor men of Kefar Shihin and Kefar Hinaniah²⁹ used to come and wait³⁰ at their Sabbath limit³¹ until dusk³² and on the following day³³ got up early and proceeded to their destination.³⁴

R. Ashi said: An inference from the wording of a Mishnah also supports this view,³⁵ for it was stated: If a man left [his home]³⁶ to proceed to a town³⁷ with which [his home town desired to be] connected by an 'erub,³⁸ but a friend of his induced him to return home,³⁹ he himself is allowed to proceed⁴⁰ to the other town⁴¹ but all the other townspeople are forbidden;⁴² so R. Judah.⁴² And in

discussing the point, 'In what respect does he differ from them?'⁴³ R. Huna replied: We are here dealing with the case of a man who had, for instance, two houses⁴⁴ between which two Sabbath limits intervened.⁴⁵ As far as he is concerned, since he had set out on his journey,⁴⁶ he has the status of a poor man.⁴⁷ They,⁴⁸ however, have the status of rich men.⁴⁹ Thus it is perfectly clear that only a poor man but not a rich man is allowed to prepare an 'erub by the declaration, 'Let my Sabbath base be at such and such a place'. This is conclusive.

R. Hiyya b. Ashi taught Hiyya b. Rab in the presence of Rab [that the law⁵⁰ applied] to both poor and rich. Said Rab to him: Conclude this also with the Statement, 'The halachah is in agreement with R. Judah'. Rabbah b. R. Hanan was in the habit of going⁵¹ from Artibana to Pumbeditha⁵²

-
- (1) I.e., one who was on a journey and had no bread with him.
 - (2) In permitting him to acquire the place on which he stood as his Sabbath base though he deposited no bread there.
 - (3) I.e., the man appointed as his Sabbath base some specified spot in the distance.
 - (4) Even R. Judah.
 - (5) Since the man himself does not occupy at the time the place he appointed.
 - (6) V. p. 355, n. 13.
 - (7) Who is able and, therefore, must use the prescribed quantity of bread.
 - (8) When implies that the original enactment was more rigid but that the Rabbis have relaxed it in favour of the poor.
 - (9) Who holds that the essence of an 'erub is the bread.
 - (10) Who appointed, therefore, the spot on which he stood as his Sabbath base.
 - (11) Implying that the original enactment was that the man must personally occupy the spot which he appoints as his base for the Sabbath.
 - (12) R. Meir and R. Judah.
 - (13) In which case neither the man himself nor his bread was at the place appointed.
 - (14) Lit., 'yes'.
 - (15) Even R. Meir.
 - (16) And the man himself, in this case, was present at the place.
 - (17) V. supra n. 6.
 - (18) Who allows the privilege to the poor only. It cannot be the statement of R. Judah since he draws no distinction between rich and poor.
 - (19) AND HE KNEW OF A TREE . . . AND SAID, LET MY SABBATH BASE BE AT ITS ROOT' concerning which it was ruled that the man acquires that place though he was not at the time standing on it. According to R. Meir this applies to a poor man only, while according to R. Judah it applies to a rich man also, though an 'erub ab initio requires the person's presence at the place he appoints.
 - (20) V. supra p. 356, n. 9..
 - (21) Lit., 'all', R. Meir as well as R. Judah, the former also agreeing that the essence of 'erub is that the person concerned shall be on the spot which he appoints as is Sabbath base.
 - (22) That the dispute between R. Meir and R. Judah bears on that case only where the man who made the 'erub was on the spot that he appointed as his Sabbath base; that, according to R. Meir, only to a poor man (i.e., one who has no bread) is such all 'erub permitted, while according to R. Judah this is permitted even where bread is obtainable, and that if the person was not present at the appointed spot even R. Judah restricts the privilege to the poor or the man who has no bread.
 - (23) Sc. within four cubits from that limit. Beyond that distance no 'erub can be effective at all.
 - (24) In consequence of which he is unable to obtain bread.
 - (25) Which shows, in agreement with R. Nahman, that, according to R. Meir, even where a person is on the very spot which he appointed as his Sabbath base, an 'erub without bread is permitted to him only if he is poor.
 - (26) If this is not inconvenient to him.
 - (27) This shows, again in agreement with R. Nahman, that, according to R. Judah, a rich man is not ab initio permitted to prepare an 'erub without bread unless he is present at the spot he appointed.
 - (28) [Or, Ruma, identified with Chirbet Rume south of the El-Batuff valley. West of Ruma, at about four thousand cubits distance lies Asochis (Kefar Shihin). Kefar Hananiah (Kefar 'Anan) is situated much further north, on the boundary

between Lower and Upper Galilee and hardly fits into the context, and is in fact omitted in the parallel passage in J.T., v. Klein, Beitrage pp. 67ff].

(29) Villages that were just within four thousand cubits from Aroma and that could, therefore, be joined to it by an 'erub prepared on the boundary between the two Sabbath limits that intervened between them.

(30) On the Sabbath eve.

(31) Sc. at the boundary line where their Sabbath limit met the Sabbath limit of Aroma.

(32) Thus acquiring a Sabbath base within both limits.

(33) Which was the Sabbath.

(34) Now the poor men in question, having come from their own homes, were presumably in possession of some bread that sufficed for the two meals prescribed for an 'erub. They were, in consequence, subject, as far as the preparation of an 'erub is concerned, to the same restrictions as those imposed upon a 'rich man'. Yet it was not by a deposit of bread but by their personal attendance at the place they desired to appoint as their Sabbath base that their 'erub was effected. Thus it follows that the ruling in practice is in agreement with R. Nahman's interpretation of R. Judah's view, viz. that a person's presence at the very spot he wishes to acquire as his Sabbath base is the essence of an 'erub.

(35) R. Nahman's, viz. that R. Judah does not allow a rich man to acquire a Sabbath base without an 'erub of bread if he is not personally in attendance at that base, and that his disagreement with R. Meir is restricted to such a case only where the person concerned was in attendance at the place he desired to acquire.

(36) On a Sabbath eve.

(37) That was just two Sabbath limits distant from his own home.

(38) And he was instructed to deposit one at the boundary line at which the two limits (v. prev. n.) met. Had he carried out his mission, the place where the 'erub would have been deposited would have served as a Sabbath base for all the townspeople who would have been allowed thereby to walk distances of two thousand cubits from that base in all directions and consequently to move freely between their own town and the other.

(39) Before he deposited the 'erub.

(40) On the Sabbath.

(41) The reason follows.

(42) Infra 52a.

(43) That he should be allowed to proceed to the other town while they are not.

(44) One in each of the two towns.

(45) And his intention when setting out was not to acquire a Sabbath base between the two limits but to proceed to his own house in the other town.

(46) Along which food was not obtainable.

(47) Who has no bread and who is privileged to acquire a Sabbath base, though he was not present at that place and though he made no explicit declaration of his desire to acquire that base.

(48) The townspeople who remained at home and who were presumably in the possession of the prescribed quantity of food for an 'erub.

(49) Who are able to provide the required quantity of bread and who cannot, therefore, acquire a Sabbath base except by proceeding to the spot in person or by sending thither the prescribed quantity of food.

(50) That an 'erub may be effected by proceeding in person to the spot one desired to acquire as a Sabbath base.

(51) On the Sabbath.

(52) Towns that were just two Sabbath limits distant from one another and that could in consequence be combined by an 'erub on the boundary line between the two limits.

Talmud - Mas. Eirubin 52a

by declaring,¹ 'Let my Sabbath base be at Zinatha'.² Said Abaye to him, 'What do you think?'³ That in a dispute between R. Meir and R. Judah the halachah is in agreement with R. Judah,⁴ and that R. Hisda submitted that they⁵ differed only where the expression used was, 'In such and such a place'?⁶ Surely [it may be objected: Does not] R. Nahman [differ from R. Hisda], and it was taught in agreement with him?⁷ — 'I withdraw', the other replied.

Rami b. Hama enquired: Behold, it has been laid down that if a man acquired a Sabbath base in

person⁸ he is entitled to move within four cubits,⁹ is one who deposits his 'erub¹⁰ also entitled to move within four cubits or not? — Raba replied: Come and hear: THE RABBIS' ENACTMENT THAT AN 'ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER FOR THE RICH MAN SO THAT HE SHALL NOT BE COMPELLED TO GO OUT HIMSELF AND MAKE THE ERUB WITH HIS FEET. Now if you were to contend that he¹¹ is not entitled to the four cubits, [how can it state its purpose to be] 'OF MAKING IT EASIER'? Surely [it results in the imposition] of a restriction!¹² — One is nevertheless pleased with the enactment since thereby one avoids the trouble of going out.¹³

MISHNAH.¹⁴ IF A MAN LEFT HIS HOME TO PROCEED TO A TOWN WITH WHICH [HIS HOME TOWN DESIRED TO BE] CONNECTED BY AN 'ERUB, BUT A FRIEND OF HIS INDUCED HIM TO RETURN HOME, HE HIMSELF IS ALLOWED TO PROCEED TO THE OTHER TOWN BUT ALL THE OTHER TOWNSPEOPLE ARE FORBIDDEN; SO R. JUDAH. R. MEIR RULED: WHOSOEVER IS ABLE TO PREPARE AN 'ERUB¹⁵ AND NEGLECTED TO DO IT¹⁶ IS IN THE POSITION OF AN ASS-DRIVER AND A CAMEL-DRIVER.¹⁷

GEMARA. In¹⁸ what respect does he differ from them? — R. Huna replied: We are here dealing with the case of a man who had, for instance, two houses between which two Sabbath limits intervened. As far as he is concerned, since he had set out on his journey he has the status of a poor man. They, however, have the status of rich men.

So¹⁹ it was also taught: If a man had two houses,²⁰ and two Sabbath limits intervened between them, he acquires his 'erub²¹ as soon as he had set out on his journey,²² so R. Judah. Relaxing the law still more,²³ R. Jose son of R. Judah ruled: Even if²⁴ a friend of his met him and said: 'Spend the night here, as the weather is rather²⁵ hot' or 'rather cold', he may set out on his journey on the following day as early as he likes. Rabbah submitted: All agree²⁶ that it is necessary²⁷ to make²⁸ [the prescribed declaration],²⁹ the Only point at issue between them [being whether it is essential for the man] to have actually set out on his journey.³⁰ R. Joseph, however, submitted: That it is essential for the man to have set out on his journey is disputed by none,³¹ the Only point at issue between them being whether it is necessary for him to make [the prescribed declaration].³²

Whose view is followed in the ruling of Ulla that³³ if a man set out on a journey and a friend of his induced him to return, behold he is regarded as having returned and as having set out? (But if he is regarded as 'having returned'³⁴ why is he described as 'having set out'?³⁵ And if he is regarded as 'having set out'³⁵ why is he described as 'having returned'?³⁴ — It is this that was meant: Although he has actually returned he is regarded as one who had set out). Now in agreement with whose view has this statement³⁶ been made? — In agreement with that of R. Joseph according to R. Jose son of R. Judah.³⁷

R. Judah b. Ishtatha once³⁸ brought a basket of fruit to R. Nathan b. Oshaia. When the former was departing³⁹ the latter allowed him to descend the stairs⁴⁰ and then called after him, 'Spend the night here'. On the following day he got up early and departed.⁴¹

(1) On the Sabbath eve while he was still in his own house.

(2) A place between the two Sabbath limits intervening between the two towns.

(3) In preparing an 'erub like a poor man though, being able to provide the necessary food, he had the status of a rich man.

(4) That poor and rich are subject to the same law.

(5) R. Judah and R. Meir.

(6) Supra 51b q.v. notes.

(7) R. Nahman, that R. Judah allowed a rich man to make an 'erub without bread only where he personally attended at the spot, which he desired to acquire as his Sabbath base. Now, since Rabbah b. R. Hanan made his declaration at his

own house he should not be entitled to acquire Zinatha as his Sabbath base even according to R. Judah.

(8) Sc. by remaining in that spot at the time the Sabbath began.

(9) In addition to the two thousand cubits distance along which he is allowed to move in all directions.

(10) Sc. sent the prescribed quantity of food to the desired place by the hand of an agent.

(11) A rich man who deposited an 'erub of food through an agent.

(12) Of course it does, since in the absence of the enactment he would have been entitled to the four cubits and as a result of it he forfeits that right.

(13) To the appointed place. This benefit outweighs the loss of the four cubits. Hence it was quite proper to say that the enactment had the PURPOSE or MAKING IT EASIER FOR THE RICH MAN.

(14) Cited from IF to R. JUDAH supra 51b ad fin. q.v. notes.

(15) As the man here spoken of was.

(16) Sc. omitted to make a declaration that he wished to acquire the place in question as his Sabbath base.

(17) **חומר גמל** (v. n. supra 35a). Since it is uncertain whether he intended to acquire his Sabbath base (a) on the boundary line between the two Sabbath limits that separate the one town from the other or (b) in his own house where he remained when the Sabbath began, he must be restricted in his movements to the two thousand cubits between the house in which he stayed and the termination of the Sabbath limit of that town. He must not proceed beyond the Sabbath limit of the town in the direction of the other town since it is possible that he acquired his Sabbath base at (b), and he must not move outside the town in the opposite direction, since it is possible that his Sabbath base had been acquired at (a).

(18) This to the end of the paragraph is cited supra 51b q.v. notes.

(19) That we are dealing here with the case of a man who had two houses between which two Sabbath limits intervened.

(20) One in each of two towns.

(21) On the boundary line between the two Sabbath limits.

(22) Though he did not make any explicit declaration that he desired to acquire a Sabbath base between the limits, and though he returned home before he reached that spot.

(23) Lit., 'more than so'.

(24) Before he had set out on his journey.

(25) Lit., 'a time of'.

(26) Lit., 'all the world (sc. R. Judah and R. Jose son of R. Judah) do not differ'.

(27) The rendering and notes that follow are based on Rashi's own interpretation. The two other interpretations cited and rejected by Rashi are here disregarded.

(28) Lit., 'to say'.

(29) Viz., 'Let my Sabbath base be at the boundary line between the two Sabbath limits', analogous to the declaration in the Mishnah supra 49b: 'let my Sabbath base be at its root'.

(30) Lit., 'to take hold'; R. Judah maintaining that this is essential, since, otherwise, as a person at home who is able to obtain the required quantity of bread, he cannot be regarded as a poor man; while R. Jose holds that once a man has decided to set out on a journey, though his plan has been changed and he remains at home, he is regarded as a poor man.

(31) He cannot be regarded as a poor man if he has not left his house.

(32) In the opinion of R. Judah this is necessary as was implied in the Mishnah supra 49b (cf. supra n.); while R. Jose holds that the setting out on a journey is alone sufficient as an indication of the man's intention and no explicit declaration is therefore necessary. R. Meir's ruling restricting the man's movements as if he were 'AN ASS-DRIVER AND A CAMEL-DRIVER', despite his explicit declaration, may be explained as based on the principle that a man cannot be regarded as poor unless he is actually under way. A man, like the one in question who has only started on his journey is, in R. Meir's opinion, still regarded as a rich man who must use bread for his 'erub ; and since this man did not "SC bread he cannot by his declaration alone acquire a base between the Sabbath limits, while his base at home he loses through his explicit declaration that he wished to acquire one elsewhere.

(33) Lit., 'like whom goes that which 'Ulla said'.

(34) Which implies that he has not acquired the Sabbath base at the desired point.

(35) Implying that he did acquire that base.

(36) Of Ulla who, as is apparent From in his ruling, recognizes the acquisition of a Sabbath base even where the man made no explicit declaration that he wished to acquire it.

(37) Who holds that the setting out alone is a sufficient indication of the man's desire and intention (cf. supra p. 362, n. 7.),

(38) On a Sabbath eve.

(39) To return to his home which was within four thousand cubits.

(40) Thus enabling him to assume the status of one who had set out on his journey.

(41) Aliter: 'Stay here overnight and go to-morrow', reading **וַי** for **וַיָּוִי** (cf. Golds.).

Talmud - Mas. Eirubin 52b

In agreement with whose view did he act?¹ Was it in agreement with that of R. Joseph according to R. Jose son of R. Judah?² No;³ in agreement with Rabbah according to R. Judah.⁴

R. MEIR RULED: WHOSOEVER IS ABLE TO PREPARE AN 'ERUB etc. Have we not already learnt this⁵ once: If this is doubtful, the man, said R. Meir and R. Judah, [is in the position of both] an ass-driver and a camel-driver?⁶ — R. Shesheth replied: Do not say that R. Meir's view is that only where it is doubtful whether a man had a valid 'erub or not is he in the position of an ass-driver and a camel-driver and that where it is certain that he prepared no 'erub he is not in such a position; but rather even where it is certain that he prepared no 'erub he is in the position of an ass-driver and camel-driver; for here, surely, it is a case where It is certain that the man had prepared no 'erub and yet he is put in the position of an ass-driver and a camel-driver.

MISHNAH. HE WHO WENT OUT BEYOND HIS SABBATH LIMIT⁷ EVEN ONLY A DISTANCE OF ONE CUBIT MUST NOT RE-ENTER. R. ELIEZER RULED: [IF A MAN WALKED] TWO CUBITS BEYOND HIS SABBATH LIMIT HE MAY RE-ENTER,⁸ [AND IF HE WALKED] THREE CUBITS HE MAY NOT RE-ENTER.⁹

GEMARA. R. Hanina ruled: If a man had one foot within his Sabbath limit and his other foot without that Sabbath limit, he may not re-enter, for it is written in Scripture: If thou turn away thy foot from the sabbath,¹⁰ the written form being 'thy foot'.¹¹ But was It not taught: If a man had one foot within his Sabbath limit and his other foot without, he may re-enter? — This represents the view of 'Others'.¹² For it was taught: Others maintain that a man is deemed to be¹³ where the greater part of his body is.¹⁴

Some there are who read: R. Hanina ruled: If a man had one foot within his Sabbath limit and his other foot without, he may re-enter, for it is written in Scripture: If thou turn away thy foot from Sabbath¹⁵ which is read as 'thy feet'.¹⁶ But was it not taught: He may not re-enter? — He¹⁷ maintains the same view as 'Others', it having been taught: A man is deemed to be where the greater part of his body is.

R. ELIEZER RULED: [IF A MAN WALKED]) TWO CUBITS BEYOND HIS SABBATH LIMIT HE MAY RE-ENTER [AND IF HE WALKED] THREE CUBITS HE MAY NOT RE-ENTER. But was it not taught: R. Eliezer ruled: If he walked one cubit beyond his Sabbath limit he may re-enter and if two cubits he may not reenter? — This is no difficulty, since the former¹⁸ refers to a person who left the first cubit but was still within the second,¹⁹ while the latter refers to one who left the second and was within the third.²⁰ But was it not taught: R — Eliezer ruled: Even if he was one cubit beyond his Sabbath limit he may not re-enter? — This was taught concerning a measurer,²¹ for we have in fact learnt: And to the measurer of whom the Rabbis have spoken a distance of two thousand cubits only is allowed²² even if the end of his permitted measure terminated within a cave.²³

MISHNAH. IF A MAN²⁴ WAS OVERTAKEN BY DUSK WHEN ONLY ONE CUBIT OUTSIDE THE SABBATH LIMIT,²⁵ HE MAY NOT ENTER IT. R. SIMEON RULED: EVEN IF HE WAS FIFTEEN CUBITS AWAY²⁶ HE MAY ENTER SINCE THE SURVEYORS²⁷ DO NOT MEASURE EXACTLY²⁸ ON ACCOUNT OF THOSE WHO ERR.²⁹

GEMARA. It was taught:³⁰ On account of those who err in their measures.³¹

CHAPTER V

MISHNAH. HOW³² ARE THE SABBATH BOUNDARIES TO TOWNS EXTENDED?³³ IF³⁴ ONE HOUSE³⁵ RECEDES³⁶ AND ANOTHER PROJECTS,³⁶ IF³⁷ ONE TURRET [OF THE WALL] RECEDES AND ANOTHER PROJECTS, IF THERE WERE³⁵ RUINS TEN HANDBREADTHS HIGH,³⁸

(1) When, by walking the distance of four thousand cubits to his home, he recognized the validity of the acquisition of a Sabbath base between the two Sabbath limits on the sole ground that he had set out on the journey, though he made no explicit declaration.

(2) Cf. Supra n. 2; but is it likely that he would act on a ruling of R. Joseph contrary to that of Rabbah whose rulings against those of R. Joseph are (with only three exceptions) the accepted law?

(3) In addition to having started on his journey he also made an explicit declaration of his desire to acquire the Sabbath base in question.

(4) Who requires both a declaration and the setting out on the journey. This, of course, is also in agreement with R. Joseph according to R. Judah, but Rabbah is mentioned in preference (cf. prev. n.).

(5) That where an uncertainty exists as to which place had been acquired as his Sabbath base, the man concerned is, in the opinion of R. Meir, in the position of an ass-driver and a camel-driver.

(6) Mishnah, supra 35a q.v. notes, from which it is evident that on account of an uncertainty the man, in the view of R. Meir, is to be placed in the position of an ass-driver and a camel-driver. Is not then the ruling in our Mishnah, which could have been deduced from the Mishnah, superfluous?

(7) Intentionally and on no religious errand.

(8) R. Eliezer being of the opinion (cf. supra 45a ad fill.) that the Four cubits allowed each person for his Sabbath base are to be measured with 'him in the middle', i.e., two cubits only in either direction.

(9) Since (cf. prev. n.) he is cut off from his Sabbath limit by the intervening space of one cubit which he must not enter.

(10) Isa. LVIII, 13.

(11) Sing. רגל

(12) Sc. R. Meir who is frequently referred to by this name (cf. Hor. 13b).

(13) Lit., 'is tossed'.

(14) As the man had only one foot without the limit the greater part of his body would usually still be without the limit. Hence the ruling that he may re-enter.

(15) Isa. LVIII, 13.

(16) רגל dual. The pausal form רגל (from רגל) may have suggested the dual idea. M.T. draws no distinction between the kere and the kethib of this word but some MSS. actually have רגל as the kethib.

(17) R. Hanina.

(18) Our Mishnah in which R. Eliezer arrived re-entry from the second cubit.

(19) 'TWO CUBITS' implying that the man walked to within two cubits which he has not completely traversed.

(20) 'Two cubits' in the Baraitha having the meaning that the man walked across the two cubits and was thus already within the third one.

(21) Sc. a person who, having been overtaken by dusk on the Sabbath eve, declared the place where he stood to be his Sabbath base, and who in consequence is entitled to measure with his foot two thousand moderate steps in the direction he desires to proceed. Should the two thousand steps, plus the four cubits to which every person is entitled as his Sabbath base, terminate even a single cubit distance from his town he may not enter it.

(22) In addition to the four cubits he is allowed as his Sabbath base.

(23) Which is a confined place; and much more so if it terminated in an open area.

(24) On his journey home on a Sabbath eve.

(25) Of his home town,

(26) From the Sabbath limit,

(27) Of Sabbath limits around towns.

(28) But allow a margin of some fifteen cubits within the two thousand.

(29) Sc. people who might overlook the boundary mark and, in the absence of the margin, would trespass on forbidden ground. Aliter: The surveyors themselves err in their measurements, because what they reckon as two thousand cubits is really only one thousand nine hundred and eighty-five. This is arrived at as follows: Since Sabbath limits are measured by a rope that was fifty cubits in length (cf. infra 59b) a Sabbath limit would equal in length $2000/50 = 40$ ropes. As the rope was held by two men, one at either end covering in his grip a portion of the rope to the extent of one hand breadth and half a finger, each rope length actually represented 50-2 handbreadths and one finger. In 40 rope lengths the deficit amounted to $2 \times 40 = 80$ handbreadths plus $40 \times 1 = 40$ fingers. Four fingers being equal to one handbreadth and six handbreadths to one cubit, the total deficit amounted to $80 + 40/4 = 90$ handbreadths $90/60 = 15$ cubits (Rashi).

(30) In explanation of the statement ON ACCOUNT OF THOSE WHO ERR.

(31) Cf. supra n. 5.

(32) In computing Sabbath limits.

(33) מעבריין, the term is discussed infra.

(34) In a town that had no wall around it.

(35) On the confines of the town.

(36) From the row of houses in which it is situated.

(37) Where a town is surrounded by a wall.

(38) One of a lesser height is regarded as part of the ground and is not taken into consideration.

Talmud - Mas. Eirubin 53a

OR BRIDGES, OR SEPULCHRAL MONUMENTS THAT CONTAINED DWELLING CHAMBERS, THE BOUNDARY OF THE TOWN IS EXTENDED¹ TO INCLUDE THEM.² SABBATH LIMITS,³ FURTHERMORE, ARE TO BE SHAPED⁴ LIKE A SQUARE TABLET⁵ IN ORDER THAT THE USE OF THE CORNERS⁶ MIGHT BE GAINED.⁷

GEMARA. Rab and Samuel are at variance. One learned,⁸ me'aberin⁹ and the other learned, me'aberin.¹⁰ He who learned 'me'aberin'¹⁰ explains it as 'adding a wing,'¹¹ and he who learned, 'me'aberin' explains it in the same sense as that of 'a pregnant woman'.⁹

The¹² cave of Machpelah.¹³ Rab and Samuel differ as to its meaning. One holds that the cave consisted of two chambers one within the other; and the other holds that it consisted of a lower and upper chamber. According to him who holds that the chambers were one above the other the term machpelah¹³ is well justified but according to him who holds that it consisted of two chambers one within the other, what could be the meaning of machpelah? That it had multiples¹⁴ of couples.¹⁵

Mamreh the city of Arba.¹⁶ R. Isaac explained: The city of the four¹⁷ couples:¹⁵ Adam and Eve, Abraham and Sarah, Isaac and Rebekah, Jacob and Leah.

And it came to pass in the days of Amraphel.¹⁸ Rab and Samuel are at variance. One holds that his name was Nimrod;¹⁹ and why was he called Amraphel? Because he ordered our father Abraham to be cast²⁰ into a burning furnace.²¹ But the other holds that his name was Amraphel; and why was he called Nimrod? Because in his reign he led all the world in rebellion²² against himself.²³

Now there arose a new king over Egypt.²⁴ Rab and Samuel differ. One explains: Actually a new king, and the other explains: He²⁵ issued new decrees.²⁶ He who explained: 'actually a new king', did so because it is written 'new',²⁷ while he who explained: 'he issued new decrees', did so because it was not stated: 'And the former king died and a new king reigned'. But, according to him who explained: 'He issued new decrees', may it not be objected that it was written: Who knew not Joseph?²⁸ — What is the meaning of 'Who knew not Joseph'? Who²⁹ appeared as if he never knew Joseph.

(Mnemonic:³⁰ Eighteen, and twelve, we learned, in his generation, their heart).³¹ R. Johanan stated: I spent eighteen days at R. Oshaia Beribi³² and learned from him only one word in our Mishnah, viz., that 'HOW ARE THE SABBATH BOUNDARIES OF TOWNS EXTENDED' is to be read as me'aberin³³ with an aleph. But, surely, this is not correct. For did not R. Johanan state, 'R. Oshaia Beribi had twelve disciples and I spent eighteen days among them and gained a knowledge of every one's intellectual powers³⁴ and of every one's wisdom? Now, is It likely that he gained a knowledge of every one's intellectual powers and of every one's wisdom and yet did not learn any Gemara?³⁵ — If you like I may reply: He may have learnt much from them, but from him he did not learn [more than the one word]. And if you prefer I might reply: He meant to say that in our Mishnah he learned only one word.³⁶

R. Johanan further stated: When we were studying Torah at R. Oshaia's eight of us used to sit in the space of one cubit.³⁷ Rabbi stated: When we were studying Torah at R. Eleazar b. Shammua a six of us used to sit in one cubit.³⁷ R. Johanan further stated: R. Oshaia Beribi in his generation was like R. Meir in his generation. As was the case with R. Meir in his generation that his colleagues could not fathom the depth of his knowledge³⁸ so was it with R. Oshaia that his colleagues could not fathom the depth of his knowledge.

R. Johanan further stated: The hearts³⁹ of the ancients were like the door of the Ulam,⁴⁰ but that of the last generations was like the door of the Hekal,⁴⁰ but ours is like the eye of a fine needle. R. Akiba is classed among the ancients; R. Eleazar b. Shammua among the last generations. Others say: R. Eleazar b. Shammua is classed among the ancients and R. Oshaia Beribi among the last generations — 'But ours is like the eye of a fine needle' — And we, said Abaye, are like a peg in a wall in respect of Gemara.⁴¹ And we, said Raba, are like a finger in wax as regards logical argument.⁴² We, said R. Ashi, are like a finger in a pit⁴³ as regards forgetfulness.⁴⁴

Rab Judah stated in the name of Rab: The Judeans who cared for [the beauty of] their language retained their learning,⁴⁵ but the Galileans who did not care for [the beauty of] their language⁴⁶ did not retain their learning. But does this⁴⁷ depend on whether one cares [for linguistic beauty]? — Rather say: The Judeans who were exact in their language,⁴⁸ and who laid down mnemonics for their aid, retained their learning; but the Galileans who were not exact in their language,⁴⁹ and who laid down no mnemonic as an aid, did not retain their learning. The⁵⁰ Judeans who learned from one Master retained their learning, but the Galileans who did not learn from one Master did not retain their learning.

Rabina said: The Judeans who made their studies accessible to the public⁵¹ retained their learning, but the Galileans who did not make their studies accessible to the public did not retain their learning. David made his studies accessible⁵² and Saul did not make his studies accessible. Of David who made his studies accessible it is written in Scripture: They that fear Thee shall see me and be glad,⁵³ but of Saul who did not make his studies accessible to the public it is written: And whithersoever he turned himself

(1) Lit., 'the measure is brought out'.

(2) Lit., 'over against them', the houses, turrets etc. that projected. If a projection, for instance, was at one point, the boundary line is drawn along the outer side of that projection in a straight perpendicular line, to both extremities of that side of the town.

(3) That are drawn at a distance of two thousand cubits from the said boundaries of the town.

(4) Lit., 'and they make them' (Rashi and Bah). Cur. edd., 'it', i.e., the area of the town.

(5) Where the boundary line of the town had the shape of a square. If it had that of a parallelogram the Sabbath limits, drawn parallel to it at the prescribed distances of two thousand cubits, assume also a similar shape. By 'SQUARE' the circular shape only is intended to be excluded (cf. following note).

(6) That would have been excluded and lost had the Sabbath limits been drawn at distances of two thousand cubits from

the sides of the square or parallelogram in which the Sabbath boundaries of the town were shaped.

(7) For the movements of the people of the town.

(8) In our Mishnah.

(9) מעברין from rt. עבר in pi'el 'to be pregnant'.

(10) מאברין from rt. אבר in pi'el, 'to make a wing'.

(11) Sc. another projection is assumed to have been added to the one already existing so that the entire side may represent a straight and continuous boundary line.

(12) The following discussions on the interpretations of certain Biblical words are cited apropos the present and similar discussions on the interpretation of a word in our Mishnah.

(13) מכפלה (rt. כפל 'to double') Gen. XXIII, 9.

(14) The rt. כפל signifies multiplication as well as doubling.

(15) It was the burial place of four couples (cf. Gen. XLIX, 31 and the following paragraph).

(16) ארבע Gen. XXXV, 27.

(17) ארבע 'four'.

(18) אמרפל Gen. XIV, 1.

(19) Cf. Gen, X, 8ff.

(20) אמרפל is read as אמר פל (rt. נפל 'cast').

(21) Lit., 'furnace of fire'.

(22) Nimrod נמרוד from the rt. מרד 'to rebel'.

(23) Euphemism for God.

(24) Ex. I, 8.

(25) The former king.

(26) חדש 'new', read as a verb in pi'el 'to make new'.

(27) Ex. I, 8.

(28) Ex. I, 8. Is it possible that the former king did not know him?

(29) In his persecution of Joseph's people.

(30) An aid to the recollection of some of the following statements of R. Johanan.

(31) For the last two phrases cf. marg. n. Cur. edd., 'in David, and he built'.

(32) בריבי, a scholar of Rabbi or R. Judah I ha-Nasi. Aliter: A great man (Rashi). V. Nazir, Sonc. ed. p. 64, n. 1.

(33) מאברין

(34) Lit., 'heart'.

(35) Except the one word in our Mishnah. On Gemara v. Glos.

(36) In other Mishnahs and Baraitas he may have learnt many things.

(37) So anxious were the students to learn that they crowded into a small space in order to be near to the Master.

(38) Cf. supra 13b.

(39) Sc. their intellectual powers.

(40) The Ulam and the Hekal (v. supra 2a) were two of the chambers which together with the Debir constituted the Temple. The door of the Ulam was twenty cubits wide while that of the Hekal was only ten.

(41) It was as difficult for them to master their studies as it is difficult to force a peg into a wall.

(42) A finger cannot penetrate through hard wax. It only depresses it very slightly.

(43) בירא var. lec. ברזא, bung-hole].

(44) As it is easy to insert a finger into the mouth of a pit [or bung-hole], so easy was it for them to forget what they learned.

(45) Lit., 'their Torah was confirmed in their hand'.

(46) V. infra.

(47) Lit., 'the thing', learning.

(48) Carefully reproducing the traditions they received from their masters.

(49) Cf. prev. n. mut. mut.

(50) Var. lec. 'And if you prefer I might say: The' (v. marg. n.).

(51) Lit., 'they revealed the text (they studied)'.

(52) Cf. Ber. 4a, and M.K. 16a.

(53) Ps. CXIX, 74.

Talmud - Mas. Eirubin 53b

he acted wrongly.¹

R. Johanan further stated: Whence is it deduced that the Holy One, blessed be He, pardoned him² for that sin?³ From [Scripture] where it says: Tomorrow shalt thou, and thy sons be with me,⁴ 'with me'⁵ implies: In my [celestial] division.

R. Abba requested: 'Is there anyone who would enquire of the Judeans who are exact in their language whether we learned⁶ me'aberin or me'aberin and whether we learned⁷ akuzo or 'akuzo,⁸ for they would know [the correct spelling]'. When they were asked they replied: Some authorities learn me'aberin while others learn me'aberin, some learn akuzo while others learn 'akuzo.

'The Judeans were exact in their language'. For instance?⁹ — A Judean once announced that he had a cloak to sell. 'What', he was asked: 'is the colour of your cloak?' 'Like that of beet¹⁰ on the ground', he replied.

'The Galileans who were not exact in their language'. For instance?⁹ — A¹¹ certain Galilean once went about enquiring, 'who has amar?'¹² 'Foolish Galilean', they said to him, 'do you mean an "ass" for riding, "wine" to drink, "wool" for clothing or a "lamb" for killing?' A woman¹³ once wished to say to her friend, 'Come, I would give you some fat to eat' but that what she actually said to her was, 'My cast-away,¹⁴ may a lioness devour you'.¹⁵ A certain woman' once appeared before a judge and addressed him as follows: 'My master slave,¹⁶ I had a child¹⁷ and they stole you from me,¹⁸ and it is of such a size that if they had hanged you upon it, your feet would not have reached to the ground'.¹⁹

When Rabbi's²⁰ maid indulged in enigmatic speech she used to say this: 'The ladle strikes against the jar,²¹ let the eagles fly to their nests';²² and when she wished them to remain at table she used to tell them, 'The crown²³ of her friend²⁴ shall be removed and the ladle will float in the jar like a ship that sails in the sea'.

R. Jose b. Asiyān, when speaking enigmatically, used to say: 'Prepare for me a bull in judgment²⁵ on a poor mountain';²⁶ and when he enquired about an inn-keeper he spoke thus: 'The man of this raw mouth²⁷ — what comforts does he provide?'²⁸

R. Abbahu, when indulging in enigmatic speech, used to say this: 'Make the coals ethrog like,²⁹ flatten out the golden cobbles,³⁰ and prepare for me two tellers in the dark'.³¹ Others read: 'And let them prepare for me on them two tellers in the dark'.

The Rabbis said to R. Abbahu: 'Show us' where R. Elai is hiding.³² He replied: He amused himself with an Aaronide girl, his last keen companion, and she kept him awake'.³³ Some say that this referred to a woman³⁴ and others say that it referred to a tractate.³⁵

They said to R. Elai: Show us³² where R. Abbahu is hiding.³² He replied: He consulted the crown-maker³⁶ and betook himself to Mephibosheth³⁷ in the South.³⁸

R. Joshua b. Hananiah remarked: No one has ever had the better of me except a woman, a little boy and a little girl. What was the incident with the woman? I was once staying at an inn where the hostess served³⁹ me with beans. On the first day I ate all of them leaving nothing. On the second day too I left nothing. On the third day she over seasoned them⁴⁰ with salt, and, as soon as I tasted them, I withdrew my hand. 'My Master', she said to me, 'why do you not eat?' — 'I have already eaten', I replied: 'earlier in the⁴¹ day'. 'You should then', she said to lie, 'have withdrawn your hand from the

bread'. 'My Master', she continued, 'is it possible that you left⁴² [the dish to-day] as compensation⁴³ for the former⁴² meals, for have not the Sages laid down: Nothing⁴³ is to be left⁴⁴ in the pot⁴⁵ but something must be left⁴⁶ in the plate?'⁴⁷ What was the incident with the little girl? I was once on a journey and, observing⁴⁸ a path across a field, I made my way through it, when a little girl called out to me, 'Master! Is not this part of the field?' — 'No', I replied: 'this is a trodden path' — 'Robbers like yourself', she retorted: 'have trodden it down' — What was the incident with the little boy? I was once on a journey when I noticed a little boy sitting at a cross-road. 'By what road', I asked him, 'do we go to the town?' — 'This one', he replied: 'is short but long and that one is long but short'. I proceeded along the 'short but long' road. When I approached the town I discovered that it was hedged in by gardens and orchards. Turning back I said to him, 'My son, did you not tell me that this road was short?' — 'And', he replied: 'did I not also tell you: But long?' I kissed him upon his head and said to him, 'Happy are you, O Israel, all of you are wise, both young and old'.

R. Jose the Galilean was once on a journey when he met Beruriah.⁴⁹ 'By what road', he asked her, 'do we go to Lydda?' — 'Foolish Galilean', she replied: 'did not the Sages say this: Engage not in much talk with women?'⁵⁰ You should have asked: By which to Lydda?

Beruriah once discovered a student who was learning in an undertone.

-
- (1) I Sam. XIV, 47. E.V. 'put them to worse'.
 - (2) Saul.
 - (3) The execution of the priests of Nob (I Sam. XXII, 18ff).
 - (4) I Sam. XXVIII, 19.
 - (5) Sc. with Samuel who addressed this message to Saul when he consulted him through the woman of En-dor (I Sam. XXVIII, 7ff).
 - (6) In our Mishnah.
 - (7) In the Mishnah Bek. 40a.
 - (8) Euphemism for the buttocks or testicles.
 - (9) Lit., 'what is it'?
 - (10) Or 'tomatoes'.
 - (11) Cur. edd. in parenthesis, 'for it was taught'.
 - (12) As he spoke indistinctly it was not clear whether he meant 'amar (עמר 'wool'), 'imar (אימר 'a lamb') hamor (חמר 'an ass') or hamar (חמר 'wine')'.
 - (13) A Galilean whose speech was indistinct.
 - (14) 'שלוכתי' sounded like 'שלוכתי' (rt. שלך) 'my cast away'.
 - (15) 'דאוכליך הלבא' 'that I may give you some fat to eat' sounded like 'תאכליך לביא' 'may a lioness etc.'
 - (16) 'כירי' Gr. ** What she wanted to say was 'קירי' Gr. ** 'lord'.
 - (17) Or 'log', 'beam', 'תפלא'. She meant 'טבלא' 'a board'.
 - (18) 'גנבוך מן'. What she had in mind was 'גנבוה מזמני' 'they stole it (Sc. the board) from me'.
 - (19) What she wished to say was that the board was so big that if it had been suspended from the judge it would have reached to the ground.
 - (20) So MS.M. Cur. edd. 'of the house of Rabbi'.
 - (21) All the wine in the jar has been used up.
 - (22) The students may now leave the dining room for their lodgings.
 - (23) The bung. 'כתר' (v. Maharsha). Cur. edd., 'בתר'.
 - (24) The adjoining jar.
 - (25) 'תרדין' 'beet' or 'tomatoes'. The word is composed of 'תר' (תור 'bull') and 'דין' (judgment);
 - (26) With 'חרדל' 'mustard'. The word is made up of 'חר' (הר 'mountain') and 'דל' ('poor').
 - (27) 'אושפיזכנא' ('inn-keeper') is made up of 'אוש' (איש 'man'), 'פי' (פה 'mouth') ז (זה 'this') and 'נא' ('raw'). (V. R. Han., Tosaf. s.v. 'גבר a.l.).
 - (28) Lit., 'what is this good that there is?'
 - (29) V. Glos.; red hot like the colour of the fruit.

- (30) The coals that are glowing like gold (Rashi). Aliter (Jast.): 'Make the gold (glowing coals) sky-blue (fan them so as to give blue flames)'.
- (31) Cocks who crow at night.
- (32) **הצפיננו** (from rt. **צפה** Hif. 'to look') and **צפון** (rt. **צפן** Kal 'to hide'). A play upon the similarity of the sounds.
- (33) A play upon the words, **אהרונית, אחרונית, עירנית והנעירתו**.
- (34) He married a second wife ('last') who was of the tribe of Aaron ('Aaronide') and of a charmingly keen disposition.
- (35) He was engaged all night in the study of his 'last' chosen tractate dealing with priestly ('Aaronide') laws and bristling with 'keen' dialectical arguments.
- (36) The nasi (v. Glos.) who ordained the Rabbis and crowned them so to speak as religious leaders.
- (37) Synonymous with 'noted scholar' (cf. Ber. 4a).
- (38) The Scholars in the South.
- (39) Lit., 'made'.
- (40) **קדח** Hif, 'to cause to burn', 'to spoil'.
- (41) Lit., 'While it was yet'.
- (42) So Elijah Wilna's glosses. Cur. edd. 'you did not leave...in the first'.
- (43) Lit., 'side'; the portion of food that must be left for the waiter.
- (44) By the waiter.
- (45) From which the contents is ladled into the plates.
- (46) By the guest.
- (47) Cf. the reading quoted by Tosaf. s.v. **בשיירין** a.l. [According to Derek Erez. VI the reading is that one is to leave something of pastry but not of a boiled dish].
- (48) Lit., 'and there was'.
- (49) The wife of R. Meir, a woman who was famous for her sagacity, learning and character.
- (50) Aboth I, 5.

Talmud - Mas. Eirubin 54a

Rebuking him¹ she exclaimed: 'Is it not written: Ordered in all things, and sure:² If it³ is 'ordered' in your two hundred and forty-eight limbs it will be 'sure', otherwise⁴ it will not be sure?'

One taught: R. Eliezer⁵ had a disciple who learned in a low voice. After three years he forgot his learning. One taught: R. Eliezer had a student who deserved burning [for an offence] against the Omnipresent — 'Leave him alone', the Rabbis pleaded, 'he attended on a great man'.

Samuel said to Rab Judah, 'Shinena,⁶ open your mouth and read the Scriptures, open your mouth and learn the Talmud, that your studies may be retained and that you may live long, since it is said: For they⁷ are life unto those that find them, and a healing to all their flesh;⁸ read not 'To those that find them'⁹ but 'To him who utters them¹⁰ with his mouth'.

Samuel further said to Rab Judah, 'Shinena, hurry on and eat, hurry on and drink,¹¹ since the world from which we must depart is like a wedding feast'.¹²

Rab said to R. Hamnuna, 'My son, according to thy ability¹³ do good to thyself, for there is no enjoyment in she'ol nor will death be long in coming. And shouldst thou say: "I would leave a portion for my children" — who will tell thee in the grave?¹⁴ The children of man are like the grasses of the field, some blossom and some fade'.¹⁵

R. Joshua b. Levi stated: If a man is on a journey and has no company¹⁶ let him, occupy himself with the study of the Torah, since it is said in Scripture: For they¹⁷ shall be a chaplet¹⁸ of grace.¹⁹ If he feels pains in his head, let him engage in the study of the Torah, since it is said: For they¹⁷ shall be a chaplet of grace unto thy head.¹⁹ If he feels pains in his throat let him engage in the study of the

Torah, since it is said: And chains about thy neck.¹⁹ If he feels pains in his bowels, let him engage in the study of the Torah, since it is said: It²⁰ shall be a healing to thy navel.²¹ If he feels pain in his bones, let him engage in the study of the Torah, since it is said: And marrow to thy bones.²¹ If he feels pain in all his body, let him engage in the study of the Torah, since it is said: And healing to all his flesh.²²

R. Judah son of R. Hiyya remarked: Come and see how the dispensation²³ of mortals²⁴ is not like that of the Holy One, blessed be He. In the dispensation of mortals, when a man administers a drug to a fellow it may be beneficial to one limb but injurious to another, but with the Holy One, blessed be He, it is not so. He gave a Torah to Israel and it is a drug of life for all his body, as it is said: And healing to all his flesh.²⁵

R. Ammi said: What is the exposition of the Scriptural text: For it is a pleasant thing if thou keep them within thee; let them be established altogether upon thy lips?²⁶ When are the words of the Torah 'pleasant'? 'When thou keepest them within thee'. And when wilt thou keep them within thee? When they will 'be established altogether upon thy lips.'²⁷ R. Zera said, [This²⁸ may be derived] from the following: A man hath joy in the answer of his mouth; and a word in due season, how good is it!²⁹ When 'hath a man joy'? When he has an 'answer in his mouth'.²⁸ Another version: 'When hath a man joy in the answer of his mouth'? When the 'word is in due season; O, how good is this'! R. Isaac said: This²⁸ may be derived from the following: But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it;³⁰ when 'is it very nigh unto thee'? When it is 'in thy mouth and in thy heart to do it'.²⁸ Raba said: It²⁸ may be derived from the following: Thou hast given him his heart's desire, and the utterance³¹ of his lips Thou hast not withholden. Selah.³² When 'hast Thou given him his heart's desire'? At the time when 'Thou hast not withholden the utterance of his lips'.²⁸ Selah'.³²

Raba pointed out an incongruity: It is written: Thou hast given him his heart's³³ desire;³⁴ and it is also written: And the utterance of his lips³⁵ Thou hast not withholden. Selah?³⁶ If he is worthy, 'Thou hast given him his heart's desire,'³⁴ but if he is unworthy, 'The utterance of his lips Thou hast not withholden. Selah'.³⁶

It was taught at the school of R. Eliezer b. Jacob: Wherever [in Scripture] the expression of nezah, selah or wa'ed³⁷ occurs the process to which it refers never ceases — 'Nezah'? Since it is written For I will not contend for ever, neither will I be always³⁸ wroth.³⁹ 'Selah'. Since it is written: As we have heard, so have we seen in the city of the Lord of hosts, in the city of our God — God establish it for ever. Selah.⁴⁰ 'Wa'ed? Since it is written: The Lord shall reign for ever and ever.⁴¹

(Mnemonic:⁴² Chains, his cheeks, tables graven.) R. Eleazar⁴³ said; What is the purport of the Scriptural text: And chains about thy neck?⁴⁴ If a man trains himself to be like a chain that hangs loosely upon the neck,⁴⁵ and is sometimes exposed and sometimes concealed,⁴⁶ his learning will be preserved by him, otherwise it will not.

R. Eleazar further stated: What is the purport of the Scriptural text: His cheeks are as a bed of slices?⁴⁷ If a man allows himself to be treated as a bed upon which everybody treads,⁴⁸ and as spices with which everybody perfumes himself,⁴⁹ his learning will be preserved, but otherwise it will not.

R. Eleazar⁵⁰ further stated: What is the purport of the Scriptural text: Tables of stone?⁵¹ If a man regards his cheeks⁵² as stone that is not easily worn away,⁵³ his learning will be preserved by him, but otherwise it will not.

R. Eleazar⁵⁰ further stated: What is the purport of the Scriptural text: Graven upon the tables?⁵⁴ If the first tables had not been broken the Torah would never have been forgotten in Israel.⁵⁵ R. Aha b.

Jacob said: No nation or tongue would have had any power over them;⁵⁶ for it says: ‘Graven’⁵⁴ read not ‘graven’⁵⁷ but ‘freedom’.⁵⁸

R. Mattana expounded: What is the purport of the Scriptural text: And from the wilderness to Mattanah?⁵⁹ If a man allows himself to be treated as a wilderness on which everybody treads, his study will be retained⁶⁰ by him, otherwise it will not.

R. Joseph had a grievance against Raba son of R. Joseph b. Hama. When the eve of the Day of Atonement approached the latter thought, ‘I shall go and pacify him’ — Proceeding to R. Joseph’s house he found his attendant engaged in mixing for him a cup of wine.⁶¹ ‘Give it to me’, Raba⁶² said to him, ‘and I will mix it’. He gave it to him and the latter duly mixed it. As he⁶³ tasted it, he remarked: ‘This mixing is like that of Raba son of R. Joseph b. Hama’.⁶² ‘I am here’ the other answered. ‘Do not sit down upon your legs’,⁶⁴ R. Joseph said to him, ‘before you have explained to me these verses. What is the purport of the Scriptural text: And from the wilderness to Mattanah, and front Mattanah to Nahaliel, and from Nahaliel to Bamoth, and front Bamoth to the valley?’⁶⁵ — ‘If’, the other replied: ‘a man allows himself to be treated as the wilderness upon which everybody treads, the Torah will be given to him as a gift;⁶⁶ and so soon as it is given to him as a gift, he will be the inheritance of God⁶⁷ as it says: And from Mattanah⁶⁶ to Nahaliel;⁶⁰ and as soon as he is the inheritance of God, he rises to greatness,⁶⁸ since it says: And from Nahaliel⁶⁷ to Bamoth.⁶⁸ But if he is haughty, the Holy One, blessed be He, humbles him, as it says: And from Bamoth⁶⁸ to the valley.⁶⁹ If, however, he repents, the Holy One, blessed be He, raises him, as it says: Every valley⁶⁹ shall be lifted up.⁷⁰

R. Huna said: What is the purport of the Scriptural text: Thy flock settled therein; Thou preparest in Thy goodness for the poor, O God?⁷¹ If a man behaves like an animal that treads upon its prey and eats it⁷² or, as others say, that drags it and eats it,⁷³ his learning will be preserved by him, otherwise it will not — If, however, he does behave in this manner the Holy One, blessed be He, will himself prepare a banquet for him, as it says in Scripture. Thou, didst prepare in Thy goodness for the poor, O Lord.⁷⁴

R. Hiyya b. Abba in the name of R. Johanan expounded: With reference to the Scriptural text: Whoso keepeth the fig tree shall eat the fruit thereof,⁷⁵ why were the words of the Torah compared to the ‘fig tree’? As with the fig tree⁷⁶

(1) Lit., ‘she kicked him’.

(2) II Sam. XXIII, 5.

(3) The Torah, learning.

(4) Lit., ‘and if not’, if some of the ‘limbs’, in this case the organs of speech, are not used.

(5) Var. lec. ‘E. b. Jacob’.

(6) **שיננא** ‘keen-witted’ (rt. **שנן** ‘to sharpen’), ‘man of iron endurance’, (cf. **שן סלע** ‘rocky crag’), or ‘long toothed’ (cf. **שן** ‘tooth’). V. B.B., Sonc. ed. vol. II, p. 561, n. 14.

(7) The words of the Torah which includes both the written and the oral law.

(8) Prov. IV, 22.

(9) **למצאיהם** (rt. **מצא** in Kal ‘to find’).

(10) **למוציאיהם** (rt. **צא** in Hif. ‘to bring out’, ‘utter’).

(11) Sc. do not postpone any enjoyments or pleasures.

(12) Which comes all too soon to an abrupt end. Cf. ‘make hay while the sun shines’ (Eng. prov.).

(13) Lit., ‘if thou hast’.

(14) Whether it is being put to good use.

(15) Cf. Eccl. XIV, 11f, 15f, 18.

(16) **לוייה**

(17) V. supra n. 1.

- (18) **לוית** const. of **לויה** (v. prev. n. but one).
- (19) Prov. I, 9.
- (20) The Torah.
- (21) Prov. III, 8.
- (22) Ibid. IV, 22.
- (23) Lit., 'measure.'
- (24) Lit., 'flesh and blood'.
- (25) Prov. IV, 22.
- (26) Ibid. XXII, 18.
- (27) By being uttered clearly and methodically.
- (28) Cf. prev. n. and text.
- (29) Ibid. XV, 23.
- (30) Deut. XXX, 14.
- (31) E.V. 'request'.
- (32) Ps. XXI, 3.
- (33) Emphasis on 'heart'.
- (34) I.e., as soon as he would desire it, it would be given him.
- (35) Emphasis on 'lips'.
- (36) I.e., his desire would not be granted unless he actually asked for it.
- (37) **ועד, סלה, נצח**.
- (38) **לנצח**.
- (39) Isa. LVII, 16.
- (40) **סלה**, Ps. XLVIII, 9.
- (41) **ועד**, Ex. XV, 18.
- (42) Containing the Biblical expressions R. Eleazar is about to expound.
- (43) So MS.M. and marg. note. Cur. edd. in parenthesis 'Eliezer'.
- (44) Prov. I, 9.
- (45) Sc. he is pleasant and conciliatory.
- (46) He is not always in the public eye.
- (47) Cant. V, 13.
- (48) Humility.
- (49) Benefiting others.
- (50) V. supra n. 6.
- (51) Ex. XXXI, 18.
- (52) **לוחות** 'tables', is Midrashically interpreted as **לחיים** 'cheeks'.
- (53) He incessantly aid repeatedly teaches the Torah to others and disregards the constant strain upon his facial muscles.
- (54) Ex. XXXII, 16.
- (55) It would have remained 'graven' forever.
- (56) Israel.
- (57) **חרות**.
- (58) **הירות**. For the sake of the tables Israel would have ever been free.
- (59) Num. XXI, 18.
- (60) Mattanah **מתנה** 'gift' from rt. **נתן** 'to give'. The Torah will be given to him as a gift and he will never forge' it.
- (61) On account of its strength their wine had to be diluted in a certain proportion of water before it could be served.
- (62) Who was an expert in the art of mixing.
- (63) R. Joseph who was blind and unaware of Raba's presence.
- (64) The Eastern custom of sitting with legs folded under the body.
- (65) Num. XXI, 18ff.
- (66) V. supra n. 1.
- (67) Nahaliel **נחליאל** is read as **נחלו אל**.
- (68) Bamoth **במות** signifying 'heights'.
- (69) Symbolic of a humble position.

(70) Isa. XL, 4.

(71) Ps. LXVIII, 11.

(72) Sc. as the animal proceeds to eat its prey as soon as it has trampled it on the ground so does the student proceed to revise his lessons as soon as he has them from his master.

(73) I.e., as the animal consumes its prey despite the unpleasantness of taste that it contracts in the course of being trailed in the dust or mud, so does the student persist in his studies, despite the unpleasantness he experiences in understanding or memorizing them.

(74) Ps. LXVIII, 11.

(75) Prov. XXVII, 18.

(76) Since all its fruit does ripen at the same time.

Talmud - Mas. Eirubin 54b

the more one¹ searches it the more figs one finds in it so it is with the words of the Torah; the more one¹ studies them the more relish he finds in them.

R. Samuel b. Nahmani expounded: With reference to the Scriptural text: Loving hind and a graceful roe etc.,² why were the words of the Torah compared to a 'hind'? To tell you that as the hind has a narrow womb and is loved by its mate at all times as at the first hour of their meeting, so it is with the words of the Torah — They are loved by those who study them at all times as at the hour when they first made their acquaintance. 'And in graceful roe'? Because the Torah bestows grace upon those who study it. Her breasts will satisfy thee at all times.² Why were the words of the Torah compared to a breast? As with a breast, however often the child sucks³ it so often does he find milk in it, so it is with the words of the Torah. As often a man studies them so often does he find relish in them — With her love wilt thou be ravished always,² as was the case with R. Eleazar⁴ b. Pedath, for instance. It was said of K. Eleazar⁴ that he sat and studied Torah in the lower market of Sepphoris while his linen cloak lay in the upper market of the town.⁵ R.⁶ Isaac b. Eleazar related: A man once came to take it and found a venomous serpent in it.⁷

It was taught at the school of R. Anan: What is the exposition of the scriptural text, ye that ride on white asses, ye that sit on rich cloths, and ye that walk by the way, tell of it?⁸ 'Ye that ride on asses' refers to the learned men⁹ who travel from town to town and from province to province to study¹⁰ the Torah. 'White'¹¹ means that they clarify it like noonday.¹² 'That sit on rich cloths'¹³ means that they give true judgment for the sake of the truth.¹⁴ 'That walk' refers to the students of Scripture; 'by the way' refers to the students of the Mishnah; 'tell of it' refers to the students of the Talmud all of whose talk consists of the words of the Torah.

R. Shezbi stated in the name of R. Eleazar b. Azariah: What is the exposition of the text: The slothful man shall not hunt his prey?¹⁵ The cunning hunter¹⁶ will not live long.¹⁷ R. Shesheth expounded: The cunning hunter¹⁸ will roast.¹⁹ When R. Dimi came²⁰ he said: This²¹ may be likened to a fowler who hunts birds. If he breaks he wings of each bird as he shoots it down²² his catch is secure, otherwise it is not.

Raba²³ expounded in the name of R. Sehora who had it from R. Huna: What is the purport of the text: Wealth gotten by vanity shall be diminished, but he that gathereth little by little shall increase?²⁴ If a man studies much at a time²⁵ his learning decreases,²⁶ and if he does not do so but 'gathereth little by little' he 'shall increase'.²⁷ Raba²³ remarked: The Rabbis are well aware of this advice²⁸ and yet disregard it.²⁹ R. Nahman b. Isaac said: I acted on this advice and my study remained with me.

Our Rabbis learned: What was the procedure of the instruction in the oral law? Moses learned from the mouth of the Omnipotent. Then Aaron entered and Moses taught him his lesson. Aaron then

moved aside and sat down on Moses' left. Thereupon Aaron's sons entered and Moses taught them their lesson. His sons then moved aside, Eleazar taking his seat on Moses' right and Ithamar on Aaron's left. R. Judah stated: Aaron was always on Moses right. Thereupon the elders entered and Moses taught them their lesson, and when the elders moved aside all the people entered and Moses taught them their lesson. It thus followed that Aaron heard the lesson³⁰ four times, his sons heard it three times, the elders twice and all the people once. At this stage Moses departed and Aaron taught them his lesson. Then Aaron departed and his sons taught them their lesson. His sons then departed and the elders taught them their lesson. It thus followed that everybody heard the lesson four times. From here R. Eliezer inferred: It is a man's duty to teach his pupil [his lesson] four times. For this is arrived at a *minori ad majus*: Aaron who learned from Moses who had it from the Omnipotent had to learn his lesson four times³¹ how much more so an ordinary pupil who learns from an ordinary teacher.

R. Akiba stated: Whence is it deduced that a man must go on teaching his pupil until he has mastered the subject? From Scripture where it says: And teach thou it to the children of Israel.³² And whence is it deduced that it must be taught until the students are well versed in it?³³ From Scripture where it says. Put it in their mouths.³⁴ And whence is it inferred that it is also his duty to explain to him the reasons?³⁵ It has been said: Now these are the ordinances which thou shalt put before them.³⁶

But why did they not all learn³⁷ direct from Moses?³⁸ — In order to give a share of the honour³⁹ to Aaron, his sons, and the elders. Then⁴⁰ [why was not this procedure⁴¹ adopted:] Aaron might enter and learn from Moses,⁴² his sons might then enter and learn from Aaron,⁴² then the elders might enter and learn from his sons⁴² and these finally might teach all Israel?⁴² — As Moses learned from the mouth of the Omnipotent his own teaching was of greater value.⁴³

The Master said: 'R. Judah stated: Aaron was always on Moses' right'. Whose view is represented in the following where it was taught: If three men were going the same way, the Master is to be in the middle, the more important of the other two⁴⁴ on his right and the less important⁴⁵ on his left?⁴⁶ Must it be held that it represents the view of R. Judah and not that of the Rabbis?⁴⁷ — It⁴⁸ may be said to agree even with the view of the Rabbis, since Aaron's trouble had to be taken into consideration.⁴⁹

R. Pereda had a pupil whom he taught his lesson four hundred times before the latter could master it. On a certain day having been requested to attend to a religious matter he taught him as usual but the pupil could not master the subject. 'What', the Master asked: 'is the matter⁵⁰ to-day?' — 'From the moment', the other replied. 'the Master was told that there was a religious matter to be attended to I could not concentrate my thoughts,⁵¹ for at every moment I imagined, now the Master will get up or now the Master will get up'. 'Give me your attention', the Master said, 'and I will teach you again', and so he taught him another four hundred times. A bath kol issued forth asking him,⁵² 'Do you prefer that four hundred years shall be added to your life or that you and your generation shall be privileged to have a share in the world to come?' — 'That', he replied. 'I and my generation shall be privileged to have a share in the world to come'. 'Give him both', said the Holy One, blessed be He.

R. Hisda stated: The Torah can only be acquired with [the aid of] mnemonic signs, for it is said: Put it in their mouths;⁵³ read not, 'put it'⁵⁴ but 'its mnemonic sign'.⁵⁵ R. Tahlifa of the West⁵⁶ heard this and proceeding to R. Abbahu told it to him. 'You', the other said to him, 'deduce this⁵⁷ from that text;⁵³ we deduce it from this one: Set thee up waymarks, make thee' etc.;⁵⁸ devise [mnemonic] signs⁵⁹ for the Torah. What proof, however, is there that the expression of *ziyyun*⁶⁰ means a sign? — Since it is written, And any seeth a man's bone, then shall be set up a sign⁶¹ by it.⁶² R. Eleazar said: The deduction⁶³ is made from this text: Say unto wisdom, 'Thou art my sister', and call understanding thy kinswoman,⁶⁴ devise [mnemonic] signs⁶⁵ for the Torah — Raba expounded:

Appoint fixed times⁶⁶ for the study of the Torah.

- (1) Lit., 'all the time that a man'.
- (2) Prov. V, 19.
- (3) Lit., 'feels', 'searches'.
- (4) So marg. n. and Bomb. ed. Cur. edd. in parenthesis 'Eliezer'.
- (5) So absorbed was he in his studies that he forgot to take his cloak with him (cf. R. Han.) Rashi explains **תשגה** (here rendered 'thou wilt be ravished') as 'thou wilt make a fool of thyself' (rt. **שגה** 'to err', 'be confused') by neglecting one's work or trade and engaging in study. R. Eleazar presumably left his cloak with his wares in the upper market while, absorbed in his studies, he went down to the lower one oblivious of both his cloak and his wares.
- (6) Cur. edd. in parenthesis. 'It was taught'.
- (7) Providential protection of the property of the just.
- (8) Judg. V, 10.
- (9) Lit., 'disciples of the wise' (v. Glos. s.v. Talmid Hakam).
- (10) Cur. edd. in parenthesis insert 'in it'.
- (11) **צחורות** (rt. **צחר**).
- (12) **צהרים** (rt. **צהר**) interchange of **ח** and **ה**.
- (13) **מדין** (**דין** = judgment)..
- (14) [Lit., 'true to its own truth'; an absolutely true verdict arrived at by the judge in his endeavour to find out the truth himself without relying solely on the evidence, v. Tosaf. B.B. 8b, s.v. **דין**].
- (15) Prov. XII, 27.
- (16) **רמיה** ('slothful'), is expounded by a play upon the words as **רמאי** 'cunning' and **צידו** ('his prey') as **ציד** 'hunter'. The reference is to one who possesses no knowledge and pretends to be a scholar.
- (17) **לא יהיה ולא יאריך ימים**, lit., 'shall not live nor have length of days', a play upon the words **לא יהרץ** ('shall not hunt').
- (18) Cf. supra n. 12. R. Shesheth, however, gives the appellation of 'cunning hunter' to the fowler who proceeds in the manner R. Dimi is about to describe.
- (19) The birds lie caught. **יהרץ** (rt. **הרץ** 'to roast'). His exposition of the verse is as follows: 'Shall not the cunning hunter roast his prey?' 'Of course he shall' being the implied reply. 'Cunning hunter' thus refers to the student who learns section by section, thoroughly revising and consolidating each before proceeding to the next (cf. R. Dimi's parable that follows).
- (20) From Palestine to Babylon.
- (21) The manner of study just referred to (cf. supra p. 380, n. 15, final clause).
- (22) Lit., 'first, first'.
- (23) So marg. n. Cur. edd. in parentheses, 'Rabbah'.
- (24) Prov. XII. 11.
- (25) Lit., 'makes his Torah bundles, bundles', a play upon the word for 'by vanity' **מהבל** reading **הבל** as **חבל** (**חבילה** 'bundle').
- (26) An overburdened memory can retain but little.
- (27) His store of knowledge.
- (28) Lit., 'thing'.
- (29) Lit., 'transgress it'.
- (30) Lit., 'they were found in the hand of'.
- (31) Lit., 'thus'.
- (32) Deut. XXXI, 19; emphasis on 'teach'.
- (33) Lit., 'arranged in order in their mouth'.
- (34) Deut. XXXI, 19; emphasis on 'put . . . mouth'.
- (35) Lit., 'to show the face' . . . that it is not enough to teach dogmatically.
- (36) Ex. XXI. 1, emphasis on 'put before' (cf. Rashi). **להראות לו פנים** 'to show him the face' may be a play upon the word **לפניהם**, 'before them'.
- (37) MS. M. 'Let the elders enter and learn'. Bah, 'Let them all enter' etc.
- (38) The four times required.

- (39) Of instructing the people.
- (40) If it was desired to honour Aaron, his sons and the elders.
- (41) Which would have conferred greater distinction on each individual or group as compared with the group that followed.
- (42) The four times required.
- (43) Lit., 'the thing is supported'.
- (44) Lit., 'and the great'.
- (45) Lit., 'and the small'.
- (46) V. Yoma 37a.
- (47) Who hold that Aaron took his seat on Moses' left. Is it likely, however, that an anonymous ruling would agree with an individual contrary to the view of the majority?
- (48) The Baraitha cited.
- (49) As he had to sit on the left of Moses when the two were alone, he was allowed to remain in the same position, even after the others had entered, in order to save him the trouble of moving from one place to another.
- (50) Lit., 'what is the difference'.
- (51) Lit., 'I removed my mind'.
- (52) R. Pereda.
- (53) Deut. XXXI, 19.
- (54) שימה.
- (55) סימנה (cf. prev. n.) a play upon the similarity of the two expressions.
- (56) Palestine which lay to the west of Babylon where the statement was made.
- (57) The need for mnemotechnical aids.
- (58) Jer. XXXI, 21.
- (59) ציונים, the same term as that used in the text for 'waymarks'.
- (60) ציון, sing. of ציונים (v. prev. n.).
- (61) V. p. 383, n. 13.
- (62) Ezek. XXXIX, 15.
- (63) V. p. 383, n. 10.
- (64) Prov. VII, 4.
- (65) מודעים, pl. of מודע, the term used in the text for 'kinswoman'.
- (66) מועדים sing. מועד 'an appointed time,' obtained by transposition of the letters in מועד (cf. prev. n.).

Talmud - Mas. Eirubin 55a

This¹ is in harmony with the following statement of R.² Abdimi b. Hama b. Dosa:³ What is the significance of the text: It is not in heaven, [that thou shouldst say: 'who shall go up for us to heaven, and bring it unto us'],⁴ neither is it beyond the sea [that thou shouldst say, 'Who shall go over the sea for us, and bring it unto us']?⁵ 'It is not in heaven', for if it were in heaven you should have gone up after it; and if it were 'beyond the sea', you should have gone over the sea after it.

Raba⁶ expounded, 'It is not in heaven',⁴ it⁷ is not to be found with him who, because he possesses some knowledge of it, towers in his pride as high⁸ as the heavens, '[neither is it beyond the sea]' it is not found with him who, because of some knowledge of it, is as expansive in his self-esteem⁹ as the sea.

R. Johanan¹⁰ expounded: 'It is not in heaven', it¹¹ is not to be found among the arrogant;¹² 'neither is it beyond the sea', it is not to be found among merchants or dealers.¹³

Our Rabbis taught: How are the sabbath boundaries of towns extended? [If a town is] long the sabbath limits are measured from its normal boundaries.¹⁴ If it is round corners are added to it.¹⁵ If it is square no corners are added to it.¹⁶ If it was wide on one side and narrow on the other¹⁷ it is regarded as if both its sides were equal.¹⁸ If one house projected¹⁹ like a turret, or if two houses

projected²⁰ like two turrets, they are to be treated as if a thread had been drawn beside them in a straight line, and the two thousand cubits are measured from that line outwards.²¹ If the town was shaped like a bow²² or like a gamma,²³ it is to be regarded as if it had been full of houses and courtyards, and the two thousand cubits are measured from the imaginary boundaries outwards.²⁴ The Master said: '[If a town is] long the Sabbath limits are measured from its normal boundaries'. But is this not obvious? — The ruling is required in a case where it was long but narrow. Since it might have been presumed that the width should be regarded as equal to its length.²⁵ we were informed [that the law was not so].

'If it is square shaped no corners are added to it'. Is not this obvious? — This was only required in a case where it is square shaped but the sides of the square are not parallel with the four directions of the world. As it might have been presumed that it should be deemed to be enclosed in an imaginary square whose sides are parallel with the four directions of the world, we were informed [that this is not permitted].

'If one house projected like a turret, or if two houses projected like two turrets'. Now that you said that the law applied to one house, was it also necessary to mention two houses? — The ruling was necessary in that case only where the two houses were respectively on two sides of the town. As it might have been presumed that we apply the law only where a projecting house was on one side but not when houses were projecting on two sides, we were informed [that the law is applied to the latter case also].

'If the town was shaped like a bow or like a gamma, it is to be regarded as if it had been full of houses and courtyards, and the two thousand cubits are measured from its imaginary boundaries'. R. Huna laid down: If a town is shaped like a bow, then, if the distance between its two ends²⁶ is less than four thousand cubits,²⁷ the Sabbath limits are measured from the bow-string,²⁸ otherwise measuring must begin from the arch.²⁹ But could R. Huna have laid down such a ruling?³⁰ Did not R. Huna in fact rule: If a breach was made in a town wall,³¹ [the houses on both sides of the breach are regarded as belonging to the same town if the distance between them is] no more than a hundred and forty-one and a third cubits?³² — Rabbah b. 'Ulla replied: This is no difficulty, since the former³³ deals with a case where the gap was only on one side³⁴ while the latter deals with one that had breaches on two sides.³⁵ Then what does he³⁶ inform us? That a karpaf³⁷ is allowed for each section.³⁸ But did not R. Huna once lay down such a ruling, as we learned:

(1) The deduction that it is necessary to resort to special efforts, such as the device of mnemotechnical symbols and the like, in order to acquire a knowledge of the Torah.

(2) So Bah, wanting in cur. edd.

(3) MS.M. R. Dimi b. Hisda.

(4) Deut. XXX, 12.

(5) Ibid. 13.

(6) Var. lec. R. Johanan (She'iltot, Toledoth, XIX).

(7) The Torah.

(8) Lit., 'who lifts up his mind because of it'.

(9) Lit., 'who widens his mind because of it'.

(10) Var. lec. Raba (She'iltot, ibid.).

(11) The Torah.

(12) Cf. notes on previous exposition by Raba.

(13) The 'sea' representing maritime trade.

(14) Lit., as it is — This is further explained infra.

(15) Sc. the circumference of the town is deemed to be enclosed in an imaginary square and the Sabbath limits are measured from the sides of that square, the townspeople thus gaining the benefit of longer distances through the angles of the square:

- (16) This is explained *infra*.
- (17) If its northern side, for instance, was wider than its southern side.
- (18) The southern boundary is deemed to be extended in both directions to the same length as the northern one, and the extremities of this imaginary line are deemed to be joined to the extremities of the northern boundary.
- (19) From the town wall.
- (20) It is now assumed that both houses were on the same side of the town.
- (21) If the projecting house, for instance, was in a corner on the northern side of the town, an imaginary line, parallel to the town in wall, is drawn across the northern side of the house towards the western side of the town, and this line is deemed to represent the boundary of the town for the purpose of measuring the Sabbath limits. The respective positions of the 'two houses projected' is discussed presently.
- (22) No houses having been built on the side corresponding to the bow-string.
- (23) Gr. **. Cf. *prev. n. mut. mut.*
- (24) Tosef. 'Er. IV. Every townsman man, irrespective of the position of his house, is entitled to walk two thousand cubits distance from the imaginary, as well as from the actual boundaries.
- (25) I.e., as if the a town were square-shaped and its shorter sides were equal to its longer ones.
- (26) I.e., the side corresponding to the bow string.
- (27) So that the Sabbath limit from the one end overlaps with the Sabbath limit from the opposite end.
- (28) Outwards; and the whole town, as far as its inhabitants are concerned, is regarded as no bigger than four cubits within which they may freely move on the Sabbath in addition to the two thousand cubits distance beyond the town in all directions.
- (29) Every inhabitant may move no further than two thousand cubits from his own house in any direction.
- (30) That two sections of a town are regarded as one where the distance between them is less than four thousand cubits.
- (31) Sc. a breach that completely severed the town in two distinct sections, no houses intervening.
- (32) A distance representing the length of two karpafs of seventy and two thirds cubits each (which each town is allowed in addition to the Sabbath limit of two thousand cubits). But if the distance was greater, the two sections are regarded as two different towns. How then could it be said that R. Huna permitted any distance within four thousand cubits?
- (33) A bow shaped town.
- (34) V. *supra* p. 385, n. 9.
- (35) V. *supra* n. 6.
- (36) R. Huna in the last ruling cited.
- (37) Of a length of seventy and two thirds cubits.
- (38) In the same manner as one is allowed for each of two adjacent towns which are thereby combined to form one town for the purposes of Sabbath movements.

Talmud - Mas. Eirubin 55b

A karpaf is allowed for every town;¹ so R. Meir, but the Sages ruled: A karpaf was allowed only² between two towns,³ and in connect ion with this it was stated: R. Huna laid down: A karpaf is allowed for each town, while R. Hiyya b. Rab held: Only one karpaf is allowed for both towns?⁴ — Both rulings were required. For if we had been informed only of the ruling here,⁵ it might have been presumed [to apply to this case only] because originally⁶ all the town was a permitted domain,⁷ but not to the case there.⁸ And if we had been informed of the ruling there only, it might have been presumed [to apply to that case alone] because [one karpaf is] too cramped for the use of two towns, but not here⁹ where the space of one karpaf would not be too cramped.¹⁰ Hence both rulings were required.

And¹¹ what perpendicular distance is allowed between the [middle of the imaginary] bow-string and the arch?-Rabbah son of R. Huna¹² replied: One of two thousand cubits.¹³ Raba the son of Rabbah son of R. Huna replied: Even one greater than two thousand cubits. Said Abaye: Logical reasoning is in agreement with Raba the son of Rabbah son of R. Huna, since¹⁴ any person can, if he wishes, go around¹⁵ by way of the houses.¹⁶

IF THERE WERE RUINS TEN HANDBREADTHS HIGH etc. What is meant by RUINS? — Rab Judah replied: Three walls without a roof on them.¹⁷ The question was raised: What is the ruling in the case of two walls upon which there was a roof? Come and hear: The following are included in the Sabbath boundary of a town. A sepulchral monument of the size of four cubits by four,¹⁸ a bridge or a cemetery that contains a dwelling chamber, a synagogue that has a dwelling-house for the hazan,¹⁹ a heathen temple that contains a dwelling-house for its priests,²⁰ horse-stalls or storehouses in open fields, to which dwelling-chambers are attached, watchmen's huts in a field, and a house on a sea island.²¹ All these are included in the Sabbath boundary of a town. The following, however, are not included in it: A sepulchral monument that was broken on two sides, the gap extending from one end to the other, a bridge or a cemetery that contains no dwelling-chamber, a synagogue that had no dwelling-house for the hazan, a heathen temple that contained no dwelling-house for its priests,²⁰ horse-stalls or storehouses in open fields, to which dwelling chambers are not attached, a pit, a ditch, a cave, a wall or a dove-cote in a field, and a house in a ship.²² All these are not included in the Sabbath boundary of a town.²³ At all events It was here taught: 'A sepulchral monument that was broken on two sides, the gap extending from one end to the other'. Does not this refer to a case where there was a roof on top?²⁴ — No, it may be a case where there was no roof on top.

Of what use is a 'house on a sea island'? — R. Papa replied: The reference here is to a house into which a ship's tackle is moved.

But is not a 'cave' included in the Sabbath boundary of a town? Did not R. Hiyya in fact teach: A cave is included in the Sabbath boundary of a town? — Abaye replied: He referred to a cave at the entrance of which was a built structure. Might not then its inclusion be inferred solely on the ground of the structure? — The ruling²⁵ was required only in a case where the cave supplemented the prescribed size.²⁶

R. Huna ruled: For those who dwell in huts²⁷ the Sabbath limits are measured from the very doors of their huts.²⁸ R. Hisda raised an objection: And they pitched by the Jordan, from Beth-yeshimoth,²⁹ in connection with which Rabbah b. Bar Hana³⁰ stated: 'I myself saw the place and it measured three parasangs by three'.³¹ Now was it not taught: When they attended to their needs they turned neither front nor sideways but backwards?³² — Raba answered him: You speak of the divisions in the wilderness! Since about them it is written: At the commandment of the Lord they encamped and at the commandment of the Lord they journeyed,³³ they could well be regarded as constituting a permanent settlement.³⁴ R. Hinena b. R. Kahana ruled in the name of R. Ashi: If among the huts there are three courtyards of two houses³⁵ each, all the encampment assumes the characteristics of a permanent settlement.³⁶

Rab Judah citing Rab remarked: Dwellers in huts and travelers in the desert lead a miserable life,³⁷ and their wives and children are not really their own. So it was also taught: Eliezer of Biria³⁸ remarked: Those who dwell in huts are like those who dwell in graves, and concerning their daughters Scripture says: Cursed be he that lieth with any manner of beast.³⁹ What is the reason? Ulla explained: Because they have no bath houses;⁴⁰ and R. Johanan explained: Because they [allow each other to] perceive the times of their ritual immersion.⁴¹ What is the practical difference between them?⁴² — The case where a river is near the house.⁴³

R. Huna said: No scholar⁴⁴ should dwell in a town where vegetables are unobtainable. This then implies that vegetables are wholesome, but was it not taught: Three kinds of food increase One's excrements, bend one's stature and take away a five hundredth part of the human eyesight, viz.

(1) Its Sabbath limit being measured from the outward boundary of that karpaf.

(2) Lit., 'they (sc. the Rabbis who originally instituted the law of karpaf) said only'.

(3) That were adjacent to one another and that, on account of the karpafs, joined to form one town (cf. supra, p. 387, n.

13 and the discussion *infra* 57bf).

(4) As two sections of one town could not in this respect be subject to greater restrictions than two independent towns that are adjacent to one another, what need was there for R. Huna's ruling in respect of one town that was only severed in two on account of a breach?

(5) A town severed by a breach in two.

(6) Before the breach was made.

(7) Lit., 'it had a side of permissibility'.

(8) That of two towns that were never before combined to form one permitted domain.

(9) A town severed by a breach in two.

(10) Since originally, when the area of the gap was occupied by houses, the inhabitants in either section did not have the use of even one *karpaf*.

(11) Where the distance between the two ends of the bow is less than four thousand cubits, in which case it was laid down *supra* that the Sabbath limit is measured from an imaginary line joining the two ends.

(12) Bomb. ed. omits 'Rabbah b.'

(13) There must be no more than a Sabbath limit between any of the houses in the arch and the imaginary bow-string.

(14) However great the perpendicular distance between the imaginary bow-string and the arch.

(15) To the ends of the arch.

(16) Without touching the empty space between the cord and the arch. As in this manner it is possible for any townsman to pass from one end of the bow-shaped town to the other end and then to proceed also along the imaginary cord that joins these ends, the entire area enclosed by the arc and cord is deemed to be occupied by houses and courtyards.

(17) If there was a roof on them they would be regarded as a house and would in any case be included in the town boundary in accordance with a previous ruling in our Mishnah.

(18) Such a monument is usually provided with a dwelling-chamber for its watchman. It has, therefore, the status of a dwelling-house even though no one lives in it.

(19) **הוֹזֵן** 'beadle', 'sexton', 'superintendent'. In modern Hebrew, 'synagogue reader', 'precentor'.

(20) Or 'attendants', **כוֹמְרִים**.

(21) Within seventy and two thirds cubits from the town.

(22) That was not stationary, but moved sometimes within and sometimes without seventy and two thirds cubits from the town.

(23) Tosef. 'Er. IV.

(24) Which allows that two walls with a roof on top are not regarded as a 'ruin' that is included in the Sabbath boundary of a town.

(25) Of R. Hiyya.

(26) Of four cubits by four. In the absence of such a ruling it might have been presumed that, as the structure was less than the minimum size prescribed, neither it nor the cave may be included in the Sabbath boundary of the town.

(27) **צְרִיפֵין**, frail cone-shaped structures of reeds or branches of trees.

(28) Sc. even if a camp consisted of hundreds of such frail huts it does not assume the character of a town the residents of which may freely move within it (however large its area) and two thousand cubits beyond it in all directions. Each hut is regarded as a single unit.

(29) Num. XXXIII, 49, referring to the Israelites' camp in the wilderness.

(30) Cur. edd. in parenthesis 'in the name of R. Johanan'.

(31) Which establishes the fact that the Israelites' camp in the wilderness occupied an area of three parasangs by three.

(32) Sc. behind the rear of the camp. An Israelite occupying a hut or a tent in the front lines of the camp had consequently to walk for the purpose a distance of three parasangs. How since this long walk, far exceeding a Sabbath limit, was permitted, it follows that an encampment consisting of huts also assumes the character of a town. An objection against R. Huna.

(33) Hum. IX, 18. The order in M.T. is reversed: At the commandment . . . journeyed . . . encamped.

(34) In consequence of which they were well entitled to the privileges of a town.

(35) Of stone or wood.

(36) Cf. *infra* 59b.

(37) Lit., 'their life is no life'.

(38) [Probably identical with Bertotha in Upper Galilee, v. Aboth, Sonc. ed., p. 31 n. 4 and Horowitz, op. cit. p. 175].

(39) Deut. XXVII, 21.

(40) When the men leave their homes to bathe in a distant place the women remaining behind are exposed to the temptations of the unscrupulous.

(41) Depraved men are thus in a position to follow the women when they leave the camp for their ritual bathing.

(42) Ulla and R. Johanan.

(43) Ritual immersion can well be performed in the river and the women are under no necessity to go far from their homes. The men, however, would still be leaving their homes in quest of a warm bath. Ulla's reason is, therefore, applicable in such a case also while that of R. Johanan does not apply.

(44) Talmid hakham, v. Glos.

Talmud - Mas. Eirubin 56a

black bread,¹ new beer and vegetables?² — This is no difficulty, one [statement referring] to garlic and leek while the other [refers] to other vegetables; as it was taught: Garlic is a vegetable, leek is a semi-vegetable;³ if radish appears a life-giving drug has appeared. Was it not, however, taught: If radish appears a drug of death has appeared? — This is no contradiction, the latter might deal with the leaves while the former with the roots, or the latter might refer to the summer while the former might refer to the winter.

Rab Judah citing Rab said: In a town which abounds with ascents and descents men and beasts die in the prime of their lives.⁴ 'Die'! Can one really think so? — Rather say: They age in the prime of life.

R. Huna son of R. Joshua remarked: The crags between Be Bari and Be Narash have made me old.⁵

Our Rabbis taught: If a town is to be squared⁶ the sides of the square must be made to correspond to the four directions of the world: Its northern side, [for instance,] must correspond⁷ to the North, and its southern side to the South; and your guiding marks⁸ are the Great Rear⁹ in the North and the Scorpion in the South.

R. Jose said: If one¹⁰ does not know how to square a town so as to make it correspond with the directions of the world, one may square it in accordance with the circuit of the sun. How? — The direction in which on a long day the sun rises¹¹ and sets¹² is the northern direction.¹³ The direction in which on a short day the sun rises¹¹ and sets¹² is the southern direction.¹⁴ At the vernal and autumnal equinoxes¹⁵ the sun rises in the middle point of the East and sets in the middle point of the West,¹⁶ as it is said in Scripture: It goeth along¹⁷ the south, and turneth about the¹⁸ north;¹⁹ 'It goeth along the south' during the day 'and turneth about the north'²⁰ during the night. The wind turneth, turneth about moveth²¹ refers to the eastern horizon and the western horizon along which the sun sometimes moves²² and sometimes turns about.²⁰

R. Mesharsheya stated: These rules²³ should be disregarded for it was taught: The sun has never exactly risen in the North East and set in the North West, nor has it ever risen precisely in the South East and set in the South West.

Samuel stated: The vernal equinox occurs only at the beginning of one of the four quarters of the day²⁴ viz., either at the beginning of the day or at the beginning of the night or at midday or at midnight.²⁵ The summer solstice only occurs either at the end of one and a half, or at the end of seven and a half hours of the day or the night.²⁶ The autumnal equinox only occurs at the end of three, or nine hours of the day or the night,²⁷ and the winter solstice only occurs at the end of four and a half, or ten and a half hours of the day or the night.²⁸ The duration of a season of the year²⁹ is no longer than ninety-one days and seven and a half hours; and the beginning of one season is

removed from that of the other by no more than one half of a planetary hour.³⁰ Samuel further stated: The vernal equinox never begins under Jupiter³¹ but it breaks the trees, nor does the winter solstice begin under Jupiter but it dries up the seed. This, however, is the case only when the new moon occurred in the moon-hour or in the Jupiter-hour.³¹

(1) פת קיבר panis cibarius.

(2) Pes. 42a.

(3) Which proves that garlic and leek may be described as vegetables.

(4) Lit., 'in the half of their days'.

(5) [Town south of Sura situated on a mountain slope on the east bank of the Euphrates, v. Obermeyer p. 308].

(6) Sc. if for the purpose of measuring its Sabbath limits its irregular boundary lines are extended to form an imaginary square (cf. supra 55a).

(7) Lit., 'gives'.

(8) In ascertaining the directions.

(9) עגלה, lit., 'wagon'.

(10) Being unable to identify either of the two constellations.

(11) At one end.

(12) At the other end.

(13) Lit., 'face of the North'.

(14) At the summer solstice the sun appears to rise in N.E. to move along E., S., and W. and to set N.W., thus rising and setting in the North. As the days shorten and the nights lengthen the circuit of the sun appears steadily to diminish and the points of sunrise and sunset appear to move day after day from N.E. to E. and from N.W. to W. respectively (the autumnal equinox, when days and nights are equal) and then to S.E. and S.W. respectively (the winter solstice when the days are shortest and the nights longest). On the shortest day, therefore, the sun appears to rise in S.E., to move only along S., and to set in S.W., thus rising and setting in the South.

(15) Lit., 'the circuit of Nisan (v. Glos.) and the circuit of Tishri (v. Glos.).

(16) As shown supra p. 392, n. 12.

(17) E.V. 'towards'.

(18) E.V. 'unto the'.

(19) Eccl. I, 6.

(20) Sc. hidden from view as if it turned about behind the North.

(21) Ibid. E.V., 'whirlth about continually'.

(22) Sc. is seen moving in the day time.

(23) On the points of sunrise and sunset.

(24) Sc. the solar day of twenty-four hours, which includes both day and night.

(25) The year consists of three hundred and sixty-five days and six hours approx., representing fifty-two weeks and one and a quarter solar day's. The first vernal equinox which, according to tradition, occurred on the first of Nisan, which was then a Wednesday at the beginning of the first quarter of the solar day, i.e., at the 'beginning of the night' (solar days in the Heb. calendar beginning with nightfall) was consequently followed in the second year by a vernal equinox that began at the beginning of a second quarter of the solar day which was the 'midnight' of Thursday (the solar day again beginning as stated supra at nightfall). In the third year the equinox began at the beginning of a third quarter of the solar day, which was the 'beginning of the day' of Friday. In the fourth year it began at the beginning of the fourth quarter of the solar day which was 'midday' of Saturday. The vernal equinox thus begins at a different quarter of the solar day in the course of every four years.

(26) The period intervening between an equinox and the following solstice and between a solstice and the following equinox is, as stated infra, ninety-one days and seven and a half hours approx., representing thirteen weeks and seven and a half hours. When the first vernal equinox occurred at the beginning of a Wednesday (cf. prev. n.) the following summer solstice must have occurred thirteen weeks later at the end of seven and a half hours after the beginning of the night belonging to that Wednesday. When the second vernal equinox occurred at the midnight of Thursday the summer solstice must have occurred thirteen weeks later at the end of one and a half hours after the beginning of the day also a Thursday. Since the third vernal equinox occurred on a Friday at the beginning of the day the following solstice must have occurred thirteen weeks later at the end of seven and a half hours of the day also a Friday. Finally when the fourth

vernal equinox occurred at midday on Saturday, the following solstice must have occurred at the end of one and a half hours of the night of the Sunday thirteen weeks later.

(27) This is obtained by dropping the thirteen complete weeks (cf. prev. n.) which do not affect the weekday or the hour, and by adding the seven and a half hours to the respective summer solstices (cf. prev. nn.).

(28) These calculations are arrived at by dropping the weeks and adding the hours (cf. prev. n.) to the respective times of the autumnal equinoxes, the same process as in the previous cases being repeated every four years.

(29) I.e., the lapse of time between an equinox and a solstice that follows it, and between a solstice and an equinox that follows it.

(30) Every hour of the day is assumed to be governed by the sun, the moon or one of the undermentioned planets in the following order: Mercury, Moon, Saturn, Jupiter, Mars, Sun and Venus. It follows that every eighth hour is under the influence of the same heavenly body. Since, for instance, Mercury is in ascendancy in the first hour of the first day of the week, it is also in ascendancy in the eighth, the fifteenth and the twenty-second hour and so on ad infinitum. Similarly Venus who is in ascendancy in the seventh hour of the first day of the week is also in ascendancy in the fourteenth and the twenty-first hour etc. Now since the beginning of one season is removed from that of the next season (as stated supra) by thirteen weeks and seven and a half hours and since in every week (consisting of 7×24 hours) the same relative order and succession of the heavenly bodies is invariably repeated, the weeks may be entirely disregarded in the calculations that determine what heavenly body would exercise its influence at the beginning of a season. The seven and a half hours only having to be taken into consideration, and the number of heavenly bodies concerned being seven, it follows that the same heavenly body that was in ascendancy at the beginning of a season is again in ascendancy during the last half hour of that season and during the first half hour of the season that follows. Every season thus begins 'one half of a planetary hour' later than the preceding one.

(31) Sc. the hour under the influence of this planet (cf. prev. n.).

Talmud - Mas. Eirubin 56b

Our Rabbis taught: If [a circular] town is to be [circumscribed by a] square¹ [the sides must be] drawn in the shape of a square tablet. The Sabbath limits also are then drawn in the shape of a square tablet.² When the measurements¹ are taken one should not measure the two thousand cubits³ from the middle point of the town corner,⁴ because, thereby, one loses the corners.⁵ One should rather imagine⁶ that a square tablet of the size of two thousand cubits by two thousand cubits is applied to each corner diagonally,⁷ so that the town gains thereby four hundred cubits in each corner,⁸ the Sabbath limits gain eight hundred cubits in each corner,⁹ while the town and the Sabbath limits together gain twelve hundred cubits¹⁰ in each corner.¹¹ This¹² is possible, Abaye explained. in a town of the size of two thousand by two thousand cubits.¹³

It was taught: R. Eliezer son of R. Jose stated: The limit of the allotted land beyond the confines of the levitical cities¹⁴ was two thousand cubits.¹⁵ Deducting from these¹⁶ an open space of one thousand cubits,¹⁷ such open space would represent a quarter of the entire area¹⁸ the remainder of which consisted of fields and vineyards.¹⁹ Whence is this²⁰ deduced? — Raba replied: From Scripture which says. [And the open land,..] from the wall of the city and outward a thousand cubits round about,²¹ the Torah has thus enjoined, 'Surround the city by an open space of one thousand cubits'. 'Such an open space [it was said] would represent a quarter of the entire area' — 'A quarter'! Is it not in fact one [in the neighbourhood] of a half?²² — Raba replied: The surveyor Bar Adda²³ explained this to me. Such a proportion is possible in the case of a town whose area is two thousand by two thousand cubits. For what is the area of its limits?²⁴ Sixteen [million square cubits].²⁵ What is the area of the corners?²⁶ Also sixteen [million square cubits].²⁷ Deducting [for the open spaces] eight [million square cubits]²⁸ from the limits, and four [million square cubits]²⁹ from the corners, to what area would this space amount? To one of twelve [million square cubits].³⁰ Would then 'such an open space represent a quarter'? Is it not in fact more than a third of the entire area?³¹ — Take the four [million square cubits] of the town area itself and add to them.³² Does not this, however, still amount to a third?³³ — Do you imagine that a quadrilateral town was spoken off? No, a circular town was meant. For by how much does the area of a square exceed that of a circle?

By one quarter [approximately] — Deduct a quarter from the measurements given and there would remain nine [million square cubits];³⁴ and nine [million] represents one quarter of thirty six [million].³⁵

Abaye said: This³⁶ is also possible in the case of a town that has an area of a thousand by a thousand cubits For what are its limits?³⁷ Eight [million square cubits].³⁸ What is the area of the corners? Sixteen [million square cubits].³⁹

-
- (1) In connection with the calculations of the permitted Sabbath limits around it.
 - (2) This is explained infra.
 - (3) The permitted distance in all directions from the imaginary square round the town.
 - (4) I.e., extending the diagonals of the imaginary square to the length of two thousand cubits and joining them so as to form a larger square.
 - (5) As will be shown presently.
 - (6) Lit., 'bring'.
 - (7) One extremity of the diagonal of the imaginary tablet touching in turn each of the four corners of the imaginary square, the diagonal of the latter forming a straight line with that of the former.
 - (8) Lit., 'towards here and . . . towards here'. The town spoken of here (as stated by Abaye infra) is one that is circular in shape and the diameter of which is two thousand cubits. By enclosing it in an imaginary square the diagonal of which (on the rule that the diagonal of a square exceeds its side by two fifths approx.) the town is extended in each of its four corners by $((2000 \times 2/5)/2) = 4000/10 = 400$ cubits (cf. foll. n.).
 - (9) A line of two thousand cubits is by two fifths (cf. prev. n.), less than the diagonal of a two thousand cubits square. 'A square tablet of the size of two thousand cubits by two thousand cubits applied to each corner diagonally' would consequently add to each corner two thousand cubits plus $(2000 \times 2)/5 = 800$ cubits.
 - (10) I.e., the total of 400 and 800 cubits in each of the inner and outer corners respectively.
 - (11) Tosef. 'Er. IV.
 - (12) The various measurements and gains just described.
 - (13) Cf. preceding notes.
 - (14) In addition to the cities themselves the Levites were allowed stretches of land around them for use as open spaces, fields and vineyards as will be specified below.
 - (15) In an outward direction round each city.
 - (16) The 2000 cubits mentioned.
 - (17) Immediately behind and around each city.
 - (18) This will be explained presently.
 - (19) Tosaf. 'Ar. ad fin., Sotah 27b.
 - (20) That a strip of one thousand cubits around each levitical city must be reserved as an open space.
 - (21) Num. XXXV, 4, dealing with the cities of the Levites.
 - (22) One thousand cubits of open space in every two thousand cubits allowed: $1000/2000 = 1/2$. The actual area of the open space on the present assumption would, of course, be less than a half of the total area, since an inner belt of the width of a thousand cubits is smaller in area than one of equal width around it.
 - (23) Aliter: The son of the surveyor Adda'. Aliter: 'Raba b. Adda replied: A surveyor.'
 - (24) Sc. the stretch of land two thousand cubits in width around it.
 - (25) 2000 by 2000 cubits on each of its four sides: $2000 \times 2000 \times 4 = 16,000,000$ square cubits.
 - (26) The corner spaces between the limits just described.
 - (27) The area of each corner being 2000×2000 square cubits the total area of the four corners is $2000 \times 2000 \times 4 = 16,000,000$ square cubits.
 - (28) Since the Torah enjoined to surround the whole city with a strip of one thousand cubits wide, one 1000 by 2000 cubits on each of the four sides $2,000,000 \times 4 = 8,000,000$ sq. cubits.
 - (29) One 1000 by 1000 cubits in each of the four corners = $1,000,000 \times 4 = 4,000,000$ sq. cubits.
 - (30) 8,000,000 sq. cubits and 4,000,000 sq. cubits (cf. prev. two nn.) amount to 12,000,000 sq. cubits.
 - (31) 12,000,000/32,000,000 being equal to 3/8.
 - (32) To the 32,000,000. This brings the total up to 36,000,000.

(33) $12,000,000/36,000,000 = 1/3$. Why then was it described as 'a quarter'?

(34) The city that was originally assumed to have an area of $2,000 \times 2,000 = 4,000,000$ sq. cubits, being circular in shape has only an area of $4,000,000 \times 3/4 = 3,000,000$ sq. cubits approx. The belt of open spaces around it, which was originally assumed to have an area of $12,000,000$ sq. cubits would similarly amount to $4,000$ (city, $2,000$, and open spaces on two of its sides $2,000$) by $4,000 \times 3/4$ (difference between area of sq. and circle) $3,000,000$ approx. (area of circular city). $4,000 \times 4,000 \times 3/4 = 3,000,000 = 12,000,000 - 3,000,000 = 9,000,000$ sq. cubits.

(35) The latter figure represents the total area in sq. cubits of the city and the entire stretch of open spaces, fields and vineyards allowed to each levitical city. The shape of the city does not affect this outer area which always extends to a perpendicular distance of $2,000$ cubits from it in all directions of the city.

(36) That the open space shall represent a quarter of the area of the land allowed around each city of the Levites.

(37) The stretch of land allowed around it.

(38) Area of $1,000$ by $2,000$ cubits on each of its four sides equal to $2,000,000 \times 4 = 8,000,000$ sq. cubits.

(39) Each corner having an area of $2,000$ by $2,000$ sq. cubits the area of the four corners amounts to $2,000 \times 2,000 \times 4 = 16,000,000$ sq. cubits.

Talmud - Mas. Eirubin 57a

Deducting [for the open space] four [million square cubits]¹ from the limits and four [million square cubits] from the corners,² to what area would this space amount? To one of eight million square cubits. But is not such an open space a third of the area?³ — Do you think that the reference is to a square town? No, a circular town was spoken of. For by how much does the area of a square exceed that of a circle? By one quarter approximately. Deduct a quarter from the measurements given⁴ and there would remain six [million square cubits];⁵ and six [million] represent a quarter of twenty-four [million].⁶

Rabina explained: What is meant by 'a quarter'? A quarter of the area of the limits.⁷ R. Ashi explained: What is meant by 'a quarter'? A quarter of the area of the corners.⁸ Said Rabina to R. Ashi: Is it not written in Scripture: 'round about'?⁹ — By 'round about' the corners were meant — For, if you were not to admit this, would you also contend that the expression. And¹⁰ dash the blood round about against the altar,¹¹ written in connection with a burnt-offering, also meant round about the very altar?¹² Consequently you must admit that by 'round about' was meant round about the corners; well then, here also by 'round about' was meant round about the corners. Said R. Habibi¹³ of Hoza'ah¹⁴ to R. Ashi: Are there not, however, the projections of the corners?¹⁵ — The reference is to a circular city.¹⁶ Was it not, however, made square?¹⁷ — You might contend that it was said that we imagine it to be a square¹⁸ but can you contend that it was actually made square?¹⁹ Said R. Hanilai²⁰ of Hoza'ah to R. Ashi: Consider! By how much does the area of a square exceed that of a circle? By a quarter approximately. Are not then the so called 'eight hundred'²¹ only six hundred and sixty-seven minus a third?²² — The other replied: This²³ applies only to a circle inscribed within a square, but in the case of the diagonal — of a square²⁴ more must be added; for a Master stated: Every cubit in the side of a square corresponds to one and two fifths of a cubit in its diagonal.²⁵

MISHNAH. A KARPAF²⁶ IS ALLOWED FOR EVERY TOWN;²⁷ SO R. MEIR, BUT THE SAGES RULED: [THE LAW OF] KARPAF²⁷ WAS INSTITUTED ONLY BETWEEN TWO TOWNS²⁸ SO THAT BY ADDING TO EACH ONE²⁹ A STRETCH OF LAND OF SEVENTY AND A FRACTION³⁰ THE KARPAF COMBINES THE TWO TOWNS INTO ONE.²⁸

SO ALSO WHERE THREE VILLAGES ARE ARRANGED IN THE SHAPE OF A TRIANGLE,²⁸ IF BETWEEN THE TWO OUTER ONES THERE WAS A DISTANCE OF A HUNDRED AND FORTY-ONE AND A THIRD CUBITS, THE MIDDLE ONE CAUSES ALL THE THREE OF THEM TO BE REGARDED AS ONE.²⁸

GEMARA. Whence is this³¹ inferred? — Raba replied: From Scripture which says: From the wall

of the city and outward,³² the Torah having thereby enjoined: Allow an outward area,³³ and then begin your measuring.³⁴

BUT THE SAGES RULED . . . WAS INSTITUTED ONLY etc. It was stated: R. Huna laid down: A karpaf is allowed for each town. Hiyya b. Rab laid down: Only one karpaf is allowed for both towns.

We learned: BUT THE SAGES RULED: [THE LAW OF] KARPAF WAS INSTITUTED ONLY BETWEEN TWO TOWNS. Is not this³⁵ an objection against R. Huna? — R. Huna can answer you: What is meant by ‘KARPAF’?³⁵ The law of karpaf, but in fact a karpaf is allowed for each town. This may also be supported by reason, since in the final clause it was stated: SO THAT BY ADDING TO EACH ONE A STRETCH OF LAND OF SEVENTY AND A FRACTION CUBITS THE KARPAF COMBINES THE TWO TOWNS INTO ONE. This is conclusive.

Must it be said that this³⁶ presents an objection against Hiyya b. Rab?³⁷ — Hiyya b. Rab can answer you:

(1) One thousand by one thousand sq. cubits on each of the four sides of the city amount to four million sq. cubits, cf. supra p. 398, n. 2.

(2) Cf. loc. cit. n. 3.

(3) Which, as has just been shown, amounted to $8,000,000 + 16,000,000 = 24,000,000$ sq. cubits; $8,000,000/24,000,000 = 1/3$.

(4) Sc. from the strip of open space around the town which, if square shaped, contains an area of eight million sq. cubits.

(5) The area of the city (1,000 X 1,000 sq. cubits) plus the area of the open space (a strip of a thousand cubits in width on the four sides of the town) amounts to $3,000 \times 3,000 = 9,000,000$ sq. cubits, when the city, and the open space around it are square shaped. When they are circular the total of their area amounts to $9,000,000 \times 1/4$ sq. cubits. The area of the open space alone amounts, therefore, to $9,000,000 \times 3/4 = 1,000,000 \times 3/4$ (area of circular city) = $3/4 (9,000,000 - 1,000,000) = 3/4 \times 8,000,000 = 6,000,000$ sq. cubits.

(6) The latter figure representing the total area of the limits of the land and the corners (v. supra 56b ad fin) which, unlike the open space, are not affected by the shape of the city.

(7) According to Rabina the reference is, as was first assumed (cf. supra text and notes), to a city whose area was 2,000 by 2,000 sq. cubits, and the area of whose limits, (i.e., the strips of 2,000 cubits perpendicular distance from its confines) plus the area of the corners between them, is $2,000 \times 2,000 \times 8 = 32,000,000$ sq. cubits, while the area of its open spaces along the limits, amounts to $2,000 \times 1,000 \times 4 = 8,000,000$ sq. cubits, $8,000,000/32,000,000 = 1/4$ which is the ‘quarter’ spoken of. Rabina is of the opinion that no land for the purpose of open space was set aside in the corners. V. Tosaf. s.v. **מאי**.

(8) No open space being allowed along the limits. Cf. previous note, the Tosaf. cited and Rashi s.v. **א"ל** a.l. The area of each corner being 4,000,000 sq. cubits and the area of the open space in each corner being 1,000,000 sq. cubits the latter area equals $(1,000,000/4,000,000 =) 1/4$ ‘a quarter’ of that of the former in each corner. The total area of the corners equals $4 \times 4,000,000$ while the total area of open spaces in these corners equals $4 \times 1,000,000$ the proportion of the latter to the former is, therefore, $4 \times 1,000,000/4 \times 4,000,000 = 1/4$ which is also ‘a quarter’.

(9) Num. XXXV, 4. How then could it be maintained that the open spaces were restricted (cf. prev. n.) to the corners only?

(10) ‘The sons of Aaron’ is enclosed in cur. edd. in parenthesis.

(11) Lev. I. 5.

(12) But this, surely, is contrary to the adopted practice of sprinkling the blood round the corners of the altar only.

(13) MS.M ‘Aha’; Rashi (s.v. **חב"ב** a.l.) ‘Habiba’.

(14) The modern Khuzistan.

(15) Which reduce the area of the open spaces which, in consequence, would represent less than a quarter of the corners.

(16) A circle has no projecting corners.

(17) As stated supra.

- (18) For the purpose of extending its Sabbath limits or the land around it in favour of the Levites.
- (19) Obviously not. An imaginary square causes no actual reduction.
- (20) MS.M., Habi; Bomb. ed. Hinai.
- (21) Supra 56b; 'The Sabbath limits gain eight hundred cubits' by the application to the corners of the diagonal of the tablet of two thousand cubits in length.
- (22) If the difference between a square and a circle is a quarter of the former it is also (since the proportion of the two figures is 3:4) a third of the latter. The difference consequently between a line of two thousand cubits (which may be regarded as the diameter of a circle) and the diagonal of a square whose sides measure two thousand cubits should be a third of two thousand $2000/3 = 666 \frac{2}{3}$ or $667 - \frac{1}{3}$.
- (23) That the approximate difference between the area of a square and that of a circle is a quarter of the former or a third of the latter.
- (24) In relation to any of its sides.
- (25) A side of the square spoken of being equal to 2,000 cubits, the diagonal of such a square must be equal to $2,000 \times \frac{7}{5}$ cubits. The gain, therefore, is $2,000 \times \frac{7}{5} - 2,000 = 2,000 \times \frac{2}{5} = 400 \times 2,000$ cubits.
- (26) V. Glos., a stretch of land extending to seventy and two thirds cubits away from the town.
- (27) Sc. the Sabbath limits begin at such a distance from the town and not from the town boundary.
- (28) This is explained in the Gemara infra.
- (29) Or 'EITHER' (v. Gemara infra). Lit., 'if there is to this . . . and if etc.'
- (30) I.e., two thirds of a cubit.
- (31) That a karpaf is allowed for every town.
- (32) Num. XXXV, 4, emphasis on 'outward' **הוֹצֵה**.
- (33) **הוֹצֵה**, Sc. KARPAF.
- (34) Of the Sabbath limit.
- (35) The use of KARPAF in the sing.
- (36) The final clause just cited, according to which a karpaf is allowed to each town.
- (37) Who allows only one karpaf for both towns.

Talmud - Mas. Eirubin 57b

This¹ is the view of² R. Meir.³ But if this is the view of R. Meir [the objection arises:] Was it not already enunciated in the first clause: A KARPAF IS ALLOWED FOR EVERY TOWN; SO R. MEIR? — [Both were] required. For if [the law were to be derived] from the former only it might have been presumed that one karpaf is allowed for one town and one is also allowed for two towns,⁴ hence we were informed⁵ that for two towns two karpafs are allowed. And if we had been informed of the latter only it might have been assumed [that R. Meir's view⁶ applied to such a case only] because [one karpaf is too] cramped for the use of two towns, but not in the former case⁷ where the space is not too cramped.⁸ [Hence both were] required.

We learned: SO ALSO WHERE THREE VILLAGES ARE ARRANGED IN THE SHAPE OF A TRIANGLE, IF BETWEEN THE TWO OUTER ONES THERE WAS A DISTANCE OF A HUNDRED AND FORTY-ONE AND A THIRD CUBITS, THE MIDDLE ONE CAUSES ALL THE THREE OF THEM TO BE REGARDED AS ONE. The reason then⁹ is because there was one in the middle, but if there had been none in the middle the outer two villages would not have been combined. Is not this¹⁰ an objection against R. Huna?¹¹ — R. Huna can answer you: Surely, in connection with this ruling it was stated: Rabbah¹² in the name of R. Idi who had it from R. Hanina explained: There is no need for the villages to be arranged in the shape of an equilateral¹³ triangle¹⁴ but that if on observation it is found that with the middle one placed between the other two they would form a triangle, and there would be between the one and the other¹⁵ a distance of no more than a hundred and forty-one and a third cubits¹⁶ the middle one causes all the three of them, to be regarded as one.¹⁷

Said Raba to Abaye: What [maximum distance] is allowed between an outer village and the

middle one?¹⁸ — ‘Two thousand cubits’,¹⁹ the other replied. ‘But did you not say’, the former asked: ‘that logical reasoning is in agreement with Raba the son of Rabbah son of R. Huna who ruled that a perpendicular distance of more than two thousand cubits was allowed?’²⁰ ‘What a comparison!’²¹ There, houses are in existence,²² but here there are no houses’.²³

Raba further asked Abaye: What [maximum distance] is allowed between the two outer ones? — ‘What [distance] is allowed’! What difference does this make in view of the ruling that ‘if . . . with the middle one placed between the other two’ there remains between them²⁴ ‘a distance of no more than a hundred and forty-one and a third cubits’ they are all regarded as one?²⁵ — Even if they²⁶ are four thousand cubits distant from one another? — ‘Yes’, the other replied. ‘But did not R. Huna lay down: If a town is shaped like a bow then if the distance between its two ends is less than four thousand cubits the Sabbath limits are measured from the bow string, otherwise measuring must begin from the arch?’²⁷ — ‘There’, the other replied. ‘you cannot say that the distance²⁸ is filled up²⁹ but here you can well say so’.³⁰

Said R. Safra to Raba: Behold the people of Ktesifon for whom we measure the Sabbath limits from the further side of Ardashir and the people of Ardashir for whom we measure the Sabbath limit from the further side of Ktesifon;³¹ does not the Tigris³² in fact cut between them a gap wider than a hundred and forty-one and a third cubits?³³ — The other thereupon went out and showed him the flanks of a wall that projected seventy and two thirds³⁴ cubits across the Tigris.³⁵

MISHNAH. SABBATH LIMITS MAY BE MEASURED ONLY WITH A ROPE OF THE LENGTH OF FIFTY CUBITS NEITHER LESS NOR MORE;³⁶ AND A MAN MAY MEASURE ONLY WHILE HOLDING THE END OF THE ROPE ON A LEVEL WITH HIS HEART.³⁷ IF IN THE COURSE OF MEASURING THE SURVEYOR REACHED A GLEN OR A FALLEN WALL³⁸ HE SPANS IT³⁹ AND RESUMES⁴⁰ HIS MEASURING; IF HE REACHED A HILL HE SPANS IT AND RESUMES HIS MEASURING;

(1) The final clause just cited.

(2) Lit., ‘this according to whom?’

(3) It is not the conclusion of the ruling of the Sages, but a continuation of R. Meir’s ruling with which our Mishnah began.

(4) The purpose of the ruling being that every town shall have a karpaf but not one exclusively for itself.

(5) By the final clause.

(6) That karpafs are at all allowed.

(7) One town surrounded by open country.

(8) In such a case, it might have been assumed, R. Meir allows no karpaf at all.

(9) Why the two outer villages may be regarded as one despite the distance of a hundred and forty-one and a third cubits intervening.

(10) The requirement of a third village between the other two.

(11) Who allowed a karpaf for every town (or village) and according to whom the two outer villages would have been combined into one, even in the absence of the third village, owing to the fact that no more than the space of two karpafs ($2 \times 70 \frac{2}{3} = 141 \frac{1}{3}$ cubits) intervened between them.

(12) Var. lec. ‘Raba’, ‘It. Adda’.

(13) Lit., ‘actually’.

(14) Sc. that ‘the distance between any two of them shall be no greater than a hundred and forty-one and a third cubits.

(15) I.e., ‘the middle village and any of the other two.

(16) A distance that is equal to that of two karpafs on either side of the middle village.

(17) Even though the distance between the two outer ones is much greater than a hundred and forty-one and a third cubits.

(18) If it is desired that the middle one shall cause ALL THE THREE OF THEM TO BE REGARDED AS ONE.

(19) A Sabbath limit. Since it is permitted to walk without an ‘erub between the middle one and either of the others it is

also permitted to regard the former as placed between the latter.

(20) Between the middle point of the bow-string and the arch, in the case of a town that was built in the shape of a bow (supra 55b).

(21) Lit., 'thus now'.

(22) Throughout the area of the arch to either end of the imaginary string, so that it is possible to reach the 'string' via the bow.

(23) Between the middle village and the others, and all the distance between them must be traversed across open country.

(24) I.e., , the confines on either side of the middle one and each of the others.

(25) Which shows that the distance between the outer ones subject to this reservation is of no consequence.

(26) The outer ones.

(27) Supra 55a q.v. notes.

(28) Lit., 'there is no (reason) to say: Fill', between the houses at the two ends of the bow.

(29) Since there is nothing wherewith to fill it.

(30) Lit., 'there is (reason) to say: Fill', by regarding the third village as breaking up the distance and reducing it on either side.

(31) [Two neighbouring places, the former on the eastern and the latter on the western bank of the Tigris, v. Obermeyer pp. 164ff.] Thus assuming that the two towns are combined into one.

(32) In its course between the two towns.

(33) How then could the two towns be regarded as one?

(34) Lit., 'remnants.

(35) And thus reduced the gap between the buildings of the two towns to less than a hundred and forty one and a third cubits.

(36) The reason follows in the Gemara.

(37) Sc. each of the two surveyors must hold his end of the measuring rope at a level with his heart, in order to ensure correctness and in the process of measuring. Correctness is impossible where one end of the rope is held at one level and the other end at a higher or lower level, since the distance measured would in this case be less than the full length of the rope.

(38) That collapsed in a heap and across which people pass.

(39) [I.e., he takes into consideration only the horizontal span provided it is not more than fifty cubits]. Sc. one man stands on its near side while another stands on its far side, each of them holding one end of the rope which is thus stretched across the glen or the collapsed wall. By this method of measuring one gains for the Sabbath limit the distances taken up by the slopes.

(40) This refers to a glen, for instance, that was wider than fifty cubits (cf. n. 7) in a part that faced the town and narrower than fifty cubits in another part that was removed from the town sideways. The surveyor, when reaching the edge of the glen, is in such circumstances allowed to make a detour to the narrower section of the glen, to span it there with the rope, and to continue his measuring until the rope is perpendicular to the line drawn from the point furthest from the town on the far side of the glen. He then RESUMES his measuring from that point to the end of the Sabbath limit.

Talmud - Mas. Eirubin 58a

PROVIDED HE DOES NOT GO BEYOND THE SABBATH LIMIT. IF HE IS UNABLE TO SPAN IT — IN CONNECTION WITH THIS R. DOSTAI B. JANNAI STATED IN THE NAME OF R. MEIR, I HAVE HEARD THAT HILLS ARE TREATED AS THOUGH THEY WERE PIERCED'.¹

GEMARA. Whence is this² deduced? — Rab Judah citing Rab replied: From Scripture which says. The length of the court shall be a hundred cubits, and the breadth fifty by fifty,³ the Torah having thus⁴ enjoined: Measure with a rope of the length of fifty cubits. But is not this text required for the ordinance to take away fifty and to surround with them the other fifty?⁵ — If for that purpose only,⁶ Scripture might have said 'fifty, fifty' why then did it say 'fifty by fifty'? Hence both may be deduced.⁷ NEITHER LESS NOR MORE. One taught: Neither less because the measurements are

increased,⁸ nor more because they are reduced.⁹

R. Assi¹⁰ ruled: One must measure only with a rope of apeskima.¹¹ What is the meaning of apeskima? — R. Abba replied: Nargila. What is Nargila? — R. Jacob replied: A palm-tree which has only one bast. Others read: What is the meaning of apeskima? — R. Abba replied: Nargila; R. Jacob replied: A palm-tree which has only one bast.

It was taught: R. Joshua b. Hananiah said: 'You have nothing more suitable for measuring than iron chains, but what can we do in face of what the Torah¹² said: With a measuring line in his hand.¹³ Is it not, however, written: And in the man's hand was a measuring rod?¹⁴ — That was used for measuring the gates.

R. Joseph learned: There are three kinds of rope. Those made of megeg,¹⁵ of wicker and of flax. The megeg rope¹⁶ was used for the heifer;¹⁷ for we learned: They bound it with a rope of megeg and put it on its pile.¹⁸ The wicker rope was used in connection with the test of a faithless wife;¹⁹ for we learned: And after that he brings a wicker rope²⁰ and binds it above her breasts.²¹ The flax rope was used for measuring purposes.

IF IN THE COURSE OF MEASURING THE SURVEYOR REACHED. Since it was stated: RESUMES HIS MEASURING it may be inferred that if he is unable to span it²² he proceeds to a position²³ from where²⁴ he is able to do so and, after spanning it, he makes the necessary observations²⁵ [whereby he is enabled to locate the point on the far side]²⁶ that is in a straight line with his original line of measuring²⁷ and then he resumes [his measurements in a straight line] — Thus we have here learnt what the Rabbis have taught elsewhere: If in the course of measuring the measuring rope reached a glen, the surveyor may span it if he can do so with a rope of fifty cubits, but if not, he proceeds to a position²³ from where²⁴ he is able to span it and, having spanned it, he makes the necessary observations²⁵ [whereby he is enabled to locate the point on the far sides that is in a straight line with his original line of measuring] and then he resumes his measuring. If the glen was a crooked one²⁸ it is pierced in an upward, as well as in a downward direction.²⁹ If it³⁰ reached a wall we do not say: 'Let the wall be bored through';³¹ its thickness rather is estimated and the measuring continues.³² Have we not, however, learnt: HE SPANS IT AND RESUMES HIS MEASURING?³³ — There³⁴ it is a case of one that can be conveniently used³⁵ but here it is a case of one that cannot conveniently be used.³⁶

Rab Judah citing Samuel stated: This³⁷ was learned only in the case where a plumb line³⁸ does not descend in a straight line³⁹

(1) Supra 35b q.v. notes.

(2) That in measuring Sabbath limits only A ROPE OF THE LENGTH OF FIFTY CUBITS may be used.

(3) Ex. XXVII, 18. E.V. 'everywhere'.

(4) By the phrase 'by fifty'.

(5) Supra 23b q.v. notes.

(6) Lit., 'if so'.

(7) The deduction supra (v. prev. n.) as well as the ruling in our Mishnah.

(8) A shorter rope is likely to be stretched and each unit of rope would consequently cover more cubits of ground than the standard number it represents. The Sabbath limits would in consequence be greater than the permitted distance.

(9) A longer rope cannot be so well stretched and each unit of it would cover less ground than the standard number it represents. This would result in a loss in the Sabbath limits.

(10) Aruk, 'Ammi'.

(11) One (as explained presently) made of the fibers of a particular kind of palm-tree.

(12) The term is here used in its wider signification which includes also the Prophetic writings.

(13) Zech. II. 5.

- (14) Ezek. XL, 5.
- (15) A certain kind of reed. Aliter: Bast.
- (16) Because it is not susceptible to levitical uncleanness.
- (17) The red heifer (cf. Num. XIX, 2ff) which had to be prepared under conditions of strict levitical cleanness.
- (18) Parah III, 9.
- (19) A sotah (v. Glos. and cf. Num. V, 12ff).
- (20) Hebel ha-mizri, lit, 'an Egyptian rope'. Aliter: A common cord. Aliter: A rope of rushes.
- (21) Sotah 7b. Cf. Sonc. ed., p. 31, n. 1f.
- (22) The GLEN, the WALL or the HILL where, for instance, the section that along the town is wider than fifty cubits.
- (23) Away from the town.
- (24) The width across being less than fifty cubits.
- (25) Lit., , 'and looks'.
- (26) Of the obstruction that could not be spanned.
- (27) Cf. relevant notes on our Mishnah and first diagram *ibid.* Lit., 'corresponding to his measure'.
- (28) I.e., its narrow section (not exceeding fifty cubits) that could be spanned was not on that side of the town from which the sabbath limit was being measured (v. Rashi).
- (29) The method of piercing is described *infra* 58b.
- (30) The measuring line.
- (31) Sc. that poles towering above it shall be held up on both its sides and the rope stretched from one to the other (Tosaf. s.v. **וְיָסֵד** a.l.).
- (32) Tosef. 'Er. IV.
- (33) Why then is a mere estimate allowed in this case?
- (34) In our Mishnah.
- (35) One for instance that rises gently to a height of ten handbreadths in all area of four cubits. Hence it must either be spanned or pierced.
- (36) A wall, for instance, that rose sharply in a perpendicular direction. As its sides are of no use for walking purposes they may be disregarded and only the estimated thickness of the wall need be included in the measurements.
- (37) That the method of piercing is admissible.
- (38) Suspended from the edge of the glen and reaching the bed.
- (39) Lit., 'corresponding to it'. This is defined *infra* 58b.

Talmud - Mas. Eirubin 58b

but if it does descend in a straight line¹ the bottom of the glen is measured by the ordinary method.²

What may be the depth of a glen?³ — R. Joseph replied: Two thousand cubits. Abaye raised an objection against him: [If a glen was] a hundred cubits deep and fifty cubits wide one may span it, otherwise one may not! — He holds the view of 'Others',⁴ it having been taught: Others rule: Even though a glen was two thousand cubits deep but only fifty cubits wide one may span it.

Some there are who read: R. Joseph replied: Even if it was deeper than two thousand cubits. In agreement with whose view is this ruling? Is it neither in agreement with that of the first Tanna⁵ nor with that of the 'Others'?⁶ — There⁷ it is a case where the plumb line does not descend in a straight line⁸ but here it is one where it does descend in a straight line.⁹

Where the plumb line does not descend in a straight line how much [deviation]¹⁰ is allowed? — Abimi replied: Up to four cubits; and so learned Rami b. Ezekiel: Up to four cubits.

IF HE REACHED A HILL HE SPANS IT AND RESUMES HIS MEASURING. Raba explained: This¹¹ was learnt only in respect of a hill that has a rise of ten handbreadths to a gradient of four cubits,¹² but a hill that has a rise of ten handbreadths to five cubits must be measured in the usual manner.¹³ R. Huna son of R. Nathan taught this¹⁴ in the direction of leniency: Raba explained. This¹⁵

was learnt only in respect of a hill that has a rise often handbreadths to a gradient of five cubits,¹⁶ but a hill that has a rise of ten handbreadths to a gradient of four cubits¹⁷ one need only estimate its base and proceed with his measuring.

PROVIDED HE DOES NOT GO BEYOND THE SABBATH LIMIT.¹⁸ What is the reason? — R. Kahana replied: This was ordained as a preventive measure against the possible assumption that the Sabbath limit reached to that point.¹⁹

IF HE IS UNABLE TO SPAN IT. Our Rabbis taught: How is the method of piercing carried out? The man on the lower level holds his end of the rope on a level with his heart while the man on the higher level holds his end on a level with his feet. Abaye stated: We have it as a tradition that piercing may be effected only with a rope of the length of four cubits.

R. Nahman citing Rabbah b. Abbuha stated:²⁰ The method of piercing must not be employed in measurements in connection with the broken-necked heifer²¹ nor in those around the cities of refuge.²¹ because these are ordinances of the Torah.²²

MISHNAH. [THE SABBATH LIMIT OF A TOWN] IS MEASURED ONLY ALONG THE BEATEN TRACK.²³ IF ONE EXTENDED THE LIMIT AT ONE POINT MORE THAN AT ANOTHER,²⁴ THE EXTENDED LIMIT IS OBSERVED.²⁵ IF THERE WAS A GREATER DISTANCE FOR ONE AND A LESSER DISTANCE FOR ANOTHER,²⁶ THE GREATER DISTANCE IS OBSERVED. FURTHERMORE, EVEN A BONDMAN AND EVEN A BONDWOMAN ARE BELIEVED WHEN THEY SAY, 'THUS FAR IS THE SABBATH LIMIT', SINCE THE SAGES DID NOT ENACT THE LAW²⁷ IN ORDER TO ADD RESTRICTIONS BUT IN ORDER TO RELAX THEM.

(1) I.e., if the sides of the glen are practically perpendicular (as will be defined infra) so that they cannot be used at all for walking purposes.

(2) Lit., 'a proper measurement'.

(3) That is spanned if it is not wider than fifty cubits.

(4) With a capital O, sc. R. Meir (cf. Hor. 13b).

(5) Who limits the depth to one hundred cubits.

(6) R. Meir who allows a depth of two thousand cubits but no more.

(7) The case in dispute between the first Tanna and others.

(8) As the slopes of the glen, to a limited extent at least, can be used for walking on, its depth was restricted.

(9) The sides of the glen being absolutely unsuitable for walking, its depth, however great, is of no consequence.

(10) At the bed of the glen in relation to the edge thereof.

(11) That the method of spanning or piercing is allowed.

(12) V. Rashi a.I.

(13) Such a gentle slope is deemed to be on a par with level ground which may not be measured either by spanning or by piercing.

(14) Raba's view just enunciated.

(15) That the method of spanning or piercing is allowed.

(16) Since it is not level ground one of the methods of spanning or piercing may be adopted.

(17) Being too steep and hardly suitable for walking.

(18) Cf. relevant notes in our Mishnah, and diagram *ibid*.

(19) Beyond the permitted limit. In the absence of the preventive measure people might desecrate the Sabbath by walking as far as that point, believing it to be within the Sabbath limit of their town.

(20) Cur. edd. in parenthesis, 'we have a tradition'.

(21) *Supra* 35b q.v. notes.

(22) Which require exact measurements. No estimates or approximate calculations being allowed, slopes of hills or dales must be carefully measured cubit by cubit as level ground.

(23) Reading **מִן הַמוֹמָחָה**, the noun being derived from rt. **מָחָה** 'to strike' (R. Han. Cf. Tosaf. s.v. **אֵין** a.l.). Var. lec. **מוֹמָחָה** 'expert', 'skilled surveyor' (cf. Rashi s.v. **ג"ה** a.l.).

(24) Lit., 'and reduced towards another place'.

(25) Lit., 'hear', sc. the lesser limit is extended to the length of the greater one. As the measuring rope must be stretched to its utmost capacity so as to cover the maximum length possible it is assumed that the deficiency in the lesser limit is due to all insufficient stretching of the rope.

(26) This is explained in the Gemara infra.

(27) Of Sabbath limits.

Talmud - Mas. Eirubin 59a

GEMARA. Is¹ THE EXTENDED LIMIT only observed² but not the reduced limit?³ — Read: Even as far as the extended limit.⁴

IF THERE WAS A GREATER DISTANCE FOR ONE AND A LESSER DISTANCE FOR ANOTHER etc. What need again was there for this rule? Is it not practically identical with the previous one?⁵ — It is this that was meant: If one surveyor extended the limit and another reduced it, the one whose limit is the greater is to be obeyed. Abaye added: Provided the extended limit⁶ does not exceed the lesser one by more than the difference between the diagonal and a side of the town.⁷

SINCE THE SAGES DID NOT ENACT THE LAW IN ORDER TO ADD RESTRICTIONS BUT IN ORDER TO RELAX THEM. But was it not taught: The Sages did not enact the law in order to relax restrictions but in order to impose them? — Rabina replied. The meaning⁸ is: Not to relax restrictions in connection with Pentateuchal laws but to add restrictions to them; the laws of the Sabbath limits, however, are only Rabbinical.⁹

MISHNAH. IF A TOWN THAT BELONGED TO AN INDIVIDUAL WAS CONVERTED INTO ONE BELONGING TO MANY,¹⁰ ONE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN;¹¹ BUT IF A TOWN BELONGED TO MANY AND WAS CONVERTED INTO ONE BELONGING TO AN INDIVIDUAL, NO SINGLE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN¹² UNLESS A SECTION OF IT OF THE SIZE OF THE TOWN OF HADASHAH¹³ IN JUDEA, WHICH CONTAINS FIFTY RESIDENTS, IS EXCLUDED;¹⁴ SO R. JUDAH. R. SIMEON RULED: THREE COURTYARDS EACH OF WHICH CONTAINED TWO HOUSES.

GEMARA. How is one to imagine A TOWN THAT BELONGED TO AN INDIVIDUAL AND WAS CONVERTED INTO ONE BELONGING TO MANY?- Rab Judah replied: The residential district,¹⁵ for instance, of the Exilarch. Said R. Nahman to him: What is your reason?¹⁶ If it be suggested: Because many people meet at the seat of authority¹⁷ they would remind each other,¹⁸ are not all Israel [it may be objected] assembled together on a Sabbath morning also?¹⁹ — Rather said R. Nahman: The private town, for instance, of Nitzwoi.²⁰

Our Rabbis taught: If a town belonging to an individual was converted into one belonging to many, and a public domain²¹ passed through it, how is an 'erub to be provided for it? A side post or a cross-beam, is fixed on either side²² and thereby one is enabled to move things about in the space between them.²³ No erub, however, may be provided for a half of it,²⁴ but either one erub for all of it or one 'erub for each alley separately.²⁵ If a town did, and still does belong to many

(1) Since the Mishnah ruled: 'THE EXTENDED LIMIT IS OBSERVED'.

(2) Lit., , 'yes'.

(3) Is this likely? If it is permitted to walk the greater distance is it possible that the lesser one should be forbidden?

(4) Sc. the lesser limit (cf. nn. on our Mishnah) is extended to that of the greater one.

(5) IF ONE EXTENDED THE LIMIT AT ONE POINT MORE THAN AT ANOTHER.

- (6) Where it exceeded the difference between the measurements by a taut and a sagging rope.
- (7) In such a case it is possible to assume that one surveyor erroneously measured the perpendicular from the side while the other properly measured diagonally (v. supra 58b); cf. Rashi s.v. שלש and cf. Tosaf. s.v. למקום a.l.
- (8) Of the Baraita just cited.
- (9) Which may well be relaxed (cf. supra 36a. Sotah 30b). Hence the statement in our Mishnah.
- (10) I.e., belonging to one individual from which all the inhabitants hold their houses in tenancy. The whole town is, therefore, treated like one huge courtyard.
- (11) As was the case before it has changed its character. The entire town is treated as one large courtyard, no independent provision being required for its alleys. This, as will be explained infra, applies to a town that has no public domain sixteen cubits in width.
- (12) Though before it changed its character one 'erub served for the whole town.
- (13) V. Josh. XV, 37.
- (14) From the benefits of the general 'erub, and a separate 'erub is provided for it. This exclusion serves as a reminder of the former public character of the town and provides the necessary precaution in case the town is re-converted into one belonging to many when separate provision would have to be made for each individual alley.
- (15) [Daskarta from the Persian "das" = district, and Aramaic 'Katha' = city; v. Obermeyer p. 146.]
- (16) For instancing just the Exilarch's town.
- (17) Harmana, metaph. for the Exilarch's office.
- (18) Of the real character of the town and would not be likely, in consequence, to mistake the difference between a public town and a private one.
- (19) For public worship or study.
- (20) MS.M., 'Nishwor', a certain individual who owned a town; and the same law applies to any town in private ownership that was converted into one belonging to many.
- (21) A road sixteen cubits wide.
- (22) Of the public domain.
- (23) This applies only to a town that had no wall round it so that the two ends of the public domain terminated in the open country. Hence it is only in the case of a town that was originally in private ownership that the contrivances mentioned are sufficient. In the case of one that always belonged to the public such contrivances are invalid, all the town's alleys being subject to restrictions similar to those of the public domain.
- (24) Since originally it constituted one domain it cannot now be broken up into two independent domains. The inhabitants of the one half (like the residents in one of the courtyards of an alley who failed to participate in the 'erub of the other courtyards that cause the entire alley to be forbidden to all) cause the entire town to be forbidden to all.
- (25) The objection will be raised infra as to why (cf. prev. n.) the alleys do not cause one another to be forbidden to all.

Talmud - Mas. Eirubin 59b

but¹ had only one gate,² a single 'erub suffices for all of it. Who is it that learned that a public domain may thus be provided with an 'erub? — R. Huna son of R. Joshua replied: It is R. Judah; for it was taught: '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 the one side of any of the houses and another on its 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'.³

The Master said: 'No 'erub, furthermore, may be provided for a half of it'. R. Papa explained: This was said only [in the case where the division was] longitudinal⁴ but if it was crosswise⁵ an 'erub may be provided for each half separately. In agreement with whose view has this⁶ been laid down? It is contrary to that of R. Akiba, for if it were suggested that it was in agreement with his view [the objection would arise:] Did he not rule: A man⁷ who is permitted freedom of movement in his own place⁸ causes the restriction of free movement on others⁹ in¹⁰ a place that is not his?¹¹ — It⁶ may be said to be in agreement even with the view of R. Akiba, since he maintained his view only there where it was a case of two courtyards one of which was behind¹² the other so that the inner one

had no other door,¹³ but not here where the inhabitants in the one half could gain egress through one gate while those in the other half could gain egress through the other.

Some there are who read: R. Papa explained: It must not be assumed [that only where the division was] longitudinal¹⁴ may no 'erub be prepared¹⁵ but that where it was crosswise¹⁶ an 'erub may be prepared.¹⁵ The fact is that even where the division was crosswise no 'erub may be prepared.¹⁵ In agreement with whose view is this¹⁷ laid down? Is it only in agreement with that of R. Akiba?¹⁸ — It¹⁷ may be said to be in agreement even with the view of the Rabbis, since they maintained their view¹⁹ there only where it is a case of two courtyards one behind²⁰ the other so that the inner one can well lock its gate and use [its own area only].²¹ but can the public domain here be shifted from its place?²²

The Master said: 'Either one 'erub for all of it or one 'erub for each alley separately'. Now why is no separate 'erub allowed for either half? Obviously because they would cause one another to be forbidden;²³ but then would not the various alleys also²⁴ cause one another to be forbidden?²⁵ — Here we are dealing with a case where a barrier was provided,²⁶ and this ruling is in harmony with the following one that was laid down by R. Idi b. Abin in the name of R. Hisda: Any of the residents of an alley who had made a barrier to his courtyard entrance²⁷ can no longer²⁸ impose any restrictions on the freedom of movement of the other residents of the alley.

BUT IF A TOWN BELONGED TO MANY AND WAS CONVERTED etc. R. Zera provided an 'erub for R. Hiyya's town²⁹ and left no section out [of its provision]. Said Abaye to him, 'Why did the Master act in this manner?'³⁰ 'Its elders', the other replied: 'told me that R. Hiyya b. Assi used to provide one 'erub for all the town and I have, therefore, concluded that it must have been a town that once belonged to a single owner and was later converted into one belonging to many'.³¹ 'The same elders', the first retorted, told me: "It formerly had a rubbish heap on one side";³² but now that the rubbish heap has been removed the town must be regarded as possessing two gates in which [the preparation of a single 'erub only] is forbidden'. 'I', the other admitted, 'was not aware of this'.

R.³³ Ammi b. Adda of Harpania enquired of Rabbah,³⁴ 'What is the ruling where a town had a ladder³⁵ on one side and a gate on the other?'³⁶ — 'Thus', the other replied, said Rab, 'A ladder has the legal status of a door'. 'Do not pay heed to him', exclaimed R. Nahman, 'thus ruled R. Adda b. Ahabah³⁷ in the name of Rab:³⁸ "A ladder has sometimes the status of a door and sometimes that of a wall". It has the status of a wall³⁹ as has just been laid down;⁴⁰ and it has the status of a door where a ladder⁴¹ is put up between two courtyards⁴² in which case the residents, if they wish, may⁴³ provide only one 'erub,⁴⁴ and if they prefer, they may provide two separate 'erubs'.⁴⁵

Could R. Nahman, however, have made such a statement?⁴⁶ Did not R. Nahman in fact lay down in the name of Samuel: If the residents of a courtyard and those of a balcony⁴⁷ above it forgot

(1) Being enclosed on all sides.

(2) Thus being short of the requirements of a public domain which must be wide open at both its ends.

(3) Supra 6af q.v. notes.

(4) Sc. if the division was made along the public domain which ran through the entire length of the town, from gate to gate, and divided it into two longitudinal halves. As the public domain is used by the inhabitants on both sides it forms a link between the two halves of the town and combines them into one inseparable unit.

(5) Sc. it cut the town into two halves across the middle of the public domain and left for either half of the town a half of the public domain with the gate at its end, so that it was possible for the inhabitants of either half to use their own gate as entrance and exit and to avoid entirely the use of the public domain in the other half of the town.

(6) R. Papa's ruling.

(7) Lit., 'foot', hence a man's right of passage.

(8) Sc. in his own courtyard where a valid 'erub had been prepared.

- (9) Even though they also prepared the prescribed 'erub.
- (10) Cur. edd. insert 'even' which is deleted by Rashi and others.
- (11) Infra 75a. Sc. in an outer courtyard in which he did not reside but in which he was entitled to the right of passage by virtue of his residence in an inner courtyard whose one and only door opened out into it. Now, since according to R. Akiba the residents of the inner courtyard, on account of their right of passage through the outer one, impose restrictions on the free movement of its residents, the inhabitants of the two halves of the town under discussion should likewise, according to R. Akiba, impose upon one another the restrictions of free movement, since each of them is also entitled to a right of passage through the public domain that passed through the other half of the town in which he did not reside. As no such restrictions, however, are imposed, must R. Papa's ruling be said to be contrary to R. Akiba's view?
- (12) Lit., 'within'.
- (13) But the one that opened into the outer courtyard. As no other door was available to them, the residents of the inner courtyard must perforce use the outer courtyard as their only passage to the street and, by this right of entry, must restrict the freedom of movement of its residents.
- (14) V. supra p. 414, n. 2.
- (15) By the inhabitants of each half town separately.
- (16) V. supra p. 414, n. 3.
- (17) R. Papa's ruling.
- (18) Cf. prev. nn. Is it likely, however, that R. Papa would lay down a ruling that was contrary to the opinion of the majority of the Rabbis who differed from R. Akiba?
- (19) That where each courtyard had prepared a separate 'erub the residents of the inner one, despite their right of passage through the outer one, do not restrict the freedom of movement of its residents.
- (20) Lit., , 'within'.
- (21) In the interests of the residents of the outer courtyard the inner ones might well be expected to forego their right of passage for that one day.
- (22) Of course not. As it must remain where it is and there is no gate, fence or any other distinguishing mark to separate the one half of the town from the other, the two halves must be regarded as one unit and, therefore, no separate 'erubs can be permitted.
- (23) As was explained supra.
- (24) Since originally when the town belonged to one owner they were allowed free movement between each other.
- (25) Despite the side-posts or cross-beams.
- (26) For the entrance to each alley, the residents thereby indicating that they desired to sever all connection between their previously united alleys.
- (27) Thus indicating his desire to be dissociated from his neighbours.
- (28) By failing to join them in their 'erub.
- (29) Which belonged to many.
- (30) Sc. why did he not exclude at least a section OF THE SIZE OF THE TOWN OF HADASHAH?
- (31) In which case ONE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN.
- (32) As the heap blocked up one of the gates all the town, which was thus left with one gate only, could well be provided (as laid down supra) with a single 'erub.
- (33) Wanting in MS.M.
- (34) MS.M. adds: 'b. Abbuha'.
- (35) Whereby the town wall could be scaled.
- (36) Is the town to be treated as having two gates?
- (37) So Bah. Cur. edd. omit the last two words.
- (38) MS.M. omits, 'in the ... Rab'.
- (39) I.e., it is not regarded as a door.
- (40) By R. Nahman, where the ladder was used as a means of entrance into, and exit from the town.
- (41) Four handbreadths wide.
- (42) Which had no door between them.
- (43) As in the case of two courtyards between which a door communicated (cf. infra 76a).
- (44) For both courtyards; and all the residents are, thereby, permitted to use both courtyards by way of the trip of the wall or through any holes or cracks in the wall.

(45) One for each courtyard, and the residents of the one do not in any way affect the freedom of movement of the other, each courtyard being regarded as a separate domain.

(46) That a ladder has the status of a wall where such status leads to a relaxation of the law.

(47) Marpeseth, a balcony or gallery to which the doors of the dwellings of an upper storey open and which communicates with the courtyard below by means of a ladder.

Talmud - Mas. Eirubin 60a

to prepare an 'erub¹ the latter does not restrict freedom of movement in the former if a barrier, four handbreadths in height, intervened between them,² otherwise it does impose a restriction?³ — Here we are dealing with a case where the balcony was less than ten handbreadths high.⁴ But if the balcony was less than ten handbreadths high⁵ what is the use of making a barrier?⁶ — This is a case where it was enclosed [all along its length] up to ten cubits,⁷ so that if it was provided with a barrier they may be deemed to be entirely removed from there.⁸

Rab Judah citing Samuel ruled: If a wall⁹ was lined with ladders,¹⁰ even though they extended to a greater length than ten cubits, it nevertheless retains the status of a wall.¹¹ R. Berona pointed out to Rab Judah the following incongruity at the schoolhouse¹² of R. Hanina:¹³ Could Samuel have ruled that 'it nevertheless retains the status of a wall',¹⁴ seeing that R. Nahman citing Samuel ruled: If the residents of a balcony and those of a courtyard¹⁵ forgot to prepare a joint 'erub they do not impose any restrictions upon one another if there was a barrier of four handbreadths between them, otherwise they do impose restrictions upon one another?¹⁶ — Here we are dealing with a case where the balcony was less than ten handbreadths high.¹⁷ But if the balcony is 'less than ten handbreadths high' what is the use of making a barrier? This is a case where it was enclosed [all along its length] up to ten cubits, so that if a barrier is provided they may be deemed to be completely removed from that place.¹⁸

Some of the men of Kekunai¹⁹ once came to R. Joseph and said to him, 'Send with us a man who might prepare an 'erub for our town'.²⁰ 'Go', he said to Abaye, 'and prepare the 'erub for them but see that there is no outcry against it at the schoolhouse'.²¹ Proceeding thither he observed that certain houses opened on to the river.²² 'These',²³ he said: 'might serve as the excluded section²⁴ of the town'. Changing his mind he said: 'We learned: NO SINGLE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN, from which it follows that if it were desired,²⁵ they could all join in one 'erub'.²⁶ I would, however, provide for them, windows,²⁷ so that if desired they could be joined in the general 'erub" of the town through those windows'.²⁸ Then he said: 'This²⁹ is not necessary, since Rabbah b. Abbuha in fact provided separate erubs for each row of alleys throughout all Mahuza on account of the cattle ditches that intervened between the rows,³⁰ where³¹ each row served as the statutory excluded section for the other³² though these could not join one another in a common 'erub even if they had wished to do so'.³³ Then again he said: 'The two cases³⁴ are really' unlike, since there³⁵ one could if desired prepare the 'erub by way of roofs³⁶ while these³⁷ could not possibly join in one general 'erub: consequently let us provide for them windows'. Finally, however, he said: 'Windows are not necessary either, for Mar b. Pupidetha of Pumbeditha had a store of straw which³⁸ he set aside for Pumbeditha as the statutory section that was to be excluded'.³⁹ 'It is on account of this [group of houses]'. Abaye remarked: 'that the Master warned me: See that there is no outcry against it at the schoolhouse'.⁴⁰

UNLESS A SECTION OF IT OF THE SIZE OF THE TOWN OF HADASHAH . . . IS EXCLUDED. It was taught: R. Judah related, 'There was a town in Judea whose name was Hadashah which had fifty inhabitants, men, women and children, by means of which the Sages determined [the statutory size of the sections to be excluded];⁴¹ and this town itself served as the excluded section [of a larger town].⁴²

The question was raised: What was the procedure in Hadashah itself?⁴³ — Since Hadashah served as the excluded section of the large town⁴² the latter also obviously served as the excluded section of the smaller town; the question rather is: What is the procedure⁴⁴ in a town that is similar in size to Hadashah?⁴⁵ — R. Huna and Rab Judah differ on this point — One holds that a section of it must be excluded while the other maintains that none need be excluded.

R. SIMEON RULED: THREE COURTYARDS etc. R. Hama b. Goria citing Rab stated: The halachah is in agreement with R. Simeon. R. Isaac ruled: Even one house and one courtyard [are sufficient].⁴⁶ ‘One courtyard’! Is this conceivable?⁴⁷ — Rather say: One house in one courtyard. Said Abaye to R. Joseph: ‘Is that ruling of R. Isaac a tradition or a logical deduction?’ — ‘What’, the other retorted: ‘does this matter to us?’ — ‘Is then’, the first replied. ‘the study of Gemara to be a mere sing-song?’⁴⁸

MISHNAH. IF A MAN WHO WAS⁴⁹ IN THE EAST⁵⁰ INSTRUCTED HIS SON,⁵¹ ‘PREPARE FOR ME AN ‘ERUB⁵¹ IN THE WEST’,⁵² OR IF HE WAS IN THE WEST⁵² AND HE INSTRUCTED HIS SON⁵¹ ‘PREPARE FOR ME AN ‘ERUB⁵¹ IN THE EAST’,⁵² IF THE DISTANCE BETWEEN HIM AND HIS HOUSE WAS NO MORE THAN TWO THOUSAND CUBITS⁵³ AND THAT BETWEEN HIM AND HIS ‘ERUB WAS MORE THAN THIS, HE IS PERMITTED TO PROCEED TO HIS HOUSE⁵⁴ BUT FORBIDDEN TO PROCEED TO HIS ‘ERUB.⁵⁵ IF THE DISTANCE TO HIS ‘ERUB WAS NO MORE THAN TWO THOUSAND CUBITS AND THAT TO HIS HOUSE MORE THAN THIS, HE IS FORBIDDEN TO PROCEED TO HIS HOUSE⁵⁶ BUT PERMITTED TO PROCEED TO HIS ‘ERUB.⁵⁷ IF A MAN DEPOSITS HIS ‘ERUB WITHIN THE [SABBATIC] EXTENSION OF A TOWN,⁵⁸ HIS ACT IS OF NO CONSEQUENCE.⁵⁹ IF HE DEPOSITED IT EVEN ONE CUBIT ONLY BEYOND THE Limit⁶⁰

-
- (1) Jointly for the balcony and the courtyard, but each was provided with a separate ‘erub.
 - (2) Lit., ‘before them’, sc. at the foot of the ladder. The door forms a partition between the two courtyards so that the residents of the one can in no way affect those of the other.
 - (3) As if the ladder were a proper door communicating between the balcony above and the courtyards below. From this it follows that, according to R. Nahman, a ladder has the status of a door where such status leads to a restriction of the law; how then could it be said supra that he held a ladder to have the status of a wall where the law is thereby relaxed?
 - (4) It is in such a case only that a ladder cannot be regarded as a wall whereby the law might be relaxed.
 - (5) And consequently fully open to the courtyard.
 - (6) Balcony and courtyard, being so close to each other, would be like two courtyards between which no wall intervened which cannot be separated from each other in their ‘erub arrangements.
 - (7) I.e., leaving only a gap not exceeding ten cubits as a doorway.
 - (8) I.e., the residents of the balcony and courtyard respectively may be deemed as having withdrawn themselves from the use of each other's domain. In the absence of such a barrier, however, the balcony, owing to its close proximity to the courtyard below, and its two cubits doorway, must inevitably be regarded as forming one domain with that courtyard even though the law must be restricted as a consequence.
 - (9) Between two courtyards.
 - (10) Sc. a number of ladders were placed against the wall, one next to the other.
 - (11) The ladders, though they afford access from one courtyard into the other, are not necessarily regarded as a breach of more than ten cubits that causes the two courtyards to be regarded as one requiring a joint ‘erub, but can also be treated, if it is so desired, as a wall separating the two domains necessitating an ‘erub for each domain (Rashi).
 - (12) Aliter: press-room.
 - (13) Var. lec. ‘Sata’ (MS.M.) ‘bar Senina’ (Bomb. ed.).
 - (14) Sc, that the law is not restricted to deprive a wall of its status on account of a ladder that was placed against it.
 - (15) Situated in close proximity below the former.
 - (16) Since the height of the balcony was not stated the ruling presumably applies also to one that was ten handbreadths high and that had the status of a wall; which shows that a ladder (the usual means of communication between balcony and courtyard) does deprive a wall of its status and imparts to it the character of one that has a door in it.

- (17) So that even in the absence of the ladder it could not be regarded as a valid wall.
- (18) V. supra p. 418, nn. 1-2.
- (19) Or 'Korkunia'; identified with Kirkesium or Circesium on the Euphrates.
- (20) Which belonged originally to one man and was now the possession of many.
- (21) On account of the requirement for a certain section to be excluded from the provisions of the general 'erub of the town (cf. our Mishnah).
- (22) That flowed behind the town, the houses having possessed no other doors opening towards the town.
- (23) Which, owing to the position of the doors, could not in any case be included in the general 'erub of the town.
- (24) Lit., 'remainder'.
- (25) To include those that were once excluded, and to exclude instead other houses.
- (26) As the houses by the river, however, could not in any case be included (cf. supra n. 6) in the town's 'erub they could not obviously be set aside as the statutory section to be excluded.
- (27) That will face the town, and the size of each of which would be four handbreadths by four.
- (28) And consequently night well serve also as the statutory section to be excluded.
- (29) The provision of windows.
- (30) Supra, 26a q.v. diagram and notes.
- (31) Since many alleys in each row were allowed to join in one erub despite the fact that the town that belonged to one man belonged once to many.
- (32) For if that had not been the case each alley would have required a separate 'erub to itself and a side-post air cross-beam.
- (33) On account of intervening cattle ditches which cut off the approaches between the various rows. Similarly in the case of the houses by the river, though they could not be included in the provision of the general 'erub of the town, they might well serve as the statutory section to be excluded.
- (34) The houses by the river and the rows of alleys that were separated by the cattle ditches.
- (35) The last mentioned (v. prev. n.).
- (36) Connected by balconies with one another.
- (37) In the absence of the windows mentioned.
- (38) Since (as laid down infra) the halachah is in agreement with R. Simeon that it is not necessary to exclude fifty tenants.
- (39) As the exclusion of this store-house satisfied the statutory requirements so should the houses by the river.
- (40) [Had he insisted on the people providing this group of houses with windows unnecessarily, he would have raised an outcry; v. Tosaf. **היינו**].
- (41) Cf. our Mishnah.
- (42) In its vicinity.
- (43) Sc. could all the inhabitants of Hadashah join in one 'erub?
- (44) Cf. prev. n. mut. mut.
- (45) But which, unlike Hadashah, was not near to a large town.
- (46) To constitute the statutory section.
- (47) A courtyard without a house, surely, could not be regarded as a dwelling.
- (48) A monotonous droning where no one is interested in sources or origins.
- (49) At the time the Sabbath had set in.
- (50) Sc. in the open country in an easterly direction from his house or HIS SON (v. Gemara infra).
- (51) Prior to the commencement of the Sabbath.
- (52) Cf. supra n. 5.
- (53) The permitted Sabbath limit.
- (54) Sc. his house, with whose Sabbath limit he was when the Sabbath had begun is regarded as the place of his Sabbath rest from where he is entitled to walk distances of two thousand cubits in all directions.
- (55) Because at the time the Sabbath had begun he was more than a Sabbath limit away from it (cf. prev. n. mut. mut.). The place of an 'erub which one is unable to reach during the Sabbath between this be regarded as one's place of Sabbath rest. (On the distinction between this else and the one supra 50b, v. Rashi a.l.).
- (56) Cf. prev. n. mut. mut.
- (57) Cf. supra n. 9, mut. mut.

(58) I.e., within the area of seventy and two thirds cubits around the town from which the two thousand cubits of the Sabbath limit are measured.

(59) Lit., 'he has not done anything', since in the absence of the 'erub also he (cf. prev. n.) is permitted to move within that area as well as a Sabbath limit of two thousand cubits beyond it in all directions on any side of the town; while all the town itself is in this respect regarded as an area of no more than four cubits by four within which its inhabitants may freely move in addition to the limits mentioned.

(60) I.e., (cf. Gemara infra) beyond the Sabbatic extension of seventy and two thirds cubits around the town.

Talmud - Mas. Eirubin 60b

HE LOSES¹ WHAT HE GAINS.²

GEMARA. Assuming that EAST³ means the east side of his house and that WEST³ means the west of his house,⁴ one can well understand how it is possible that THE DISTANCE BETWEEN HIM AND HIS HOUSE WAS NO MORE THAN TWO THOUSAND CUBITS AND THAT BETWEEN HIM AND HIS ERUB WAS MORE THAN THIS, since he would reach his house before he could⁵ reach his 'erub, but how is it possible that THE DISTANCE between him and HIS 'ERUB should be NO MORE THAN TWO THOUSAND CUBITS AND THAT TO HIS HOUSE MORE THAN THIS? — R. Isaac replied: Do you think that EAST³ means east of his house and WEST³ the west of his house? The meaning in fact is not so; EAST denotes the east of the position of HIS SON and WEST denotes the west position of HIS SON.⁶ Raba son of R. Shila⁷ replied: One may even explain EAST as the east of his house and WEST as the west of his house where, for instance, his house stood in a diagonal direction.⁸

IF A MAN DEPOSITS HIS 'ERUB WITHIN THE [SABBATIC] EXTENSION etc. How can you possibly assume that an 'erub would be deposited BEYOND THE LIMIT?⁹ — Rather read: Outside the Sabbatic extension.¹⁰

HE LOSES WHAT HE GAINS. Only WHAT HE GAINS and no more? Was it not in fact taught: If a man deposits his 'erub within the [Sabbatic] extension of a town, his act is of no consequence. If he deposited it even one cubit only beyond the [Sabbatic] extension of the town, he gains that cubit¹¹ and loses all the town¹² because the extent of the town is included in the extent of the Sabbath limit?¹³ — This is no difficulty, since the latter refers to a case where his measure¹⁴ terminated within the town,¹⁵ while the former deals with one where his measure terminated at the far end of the town;¹⁶ this being in agreement with a ruling of R. Idi who laid down in the name of R. Joshua b. Levi: If a man¹⁷ was measuring [the two thousand cubits distance from his acquired Sabbath abode] and advancing towards a town, and his measure¹⁸ terminated in the middle of the town he is allowed to proceed no further than half the town, but if his measure terminated at the far end of the town,¹⁹ all the town, as far as he is concerned, is regarded as four cubits and the remainder of the Sabbath limit²⁰ may be made up for him.²¹ These,²² exclaimed R. Idi, are nought but prophetic utterances;²³ for what is the difference whether the measure terminated in the middle of the town or at the end?²⁴ — Said Raba: We have learnt²⁵ both these cases: The people of a large town may walk through the whole of a small town,²⁶

(1) In one direction of the town.

(2) In the other direction. If the 'erub, for instance, was deposited at a distance of one thousand cubits in an easterly direction of the town the man, since the 'erub entitles him to walk distances of two thousand cubits from it in all directions, is entitled to walk a total distance of (1000 + 2000 =) 3000 cubits from the town in an easterly direction but only one thousand cubits in the westerly direction. The entire area of the town itself, as mentioned supra is, in this respect regarded as no bigger than four cubits by four and, in consequence, is not to be deducted from the extent of the permitted limits.

(3) So MS.M. (agreeing with the reading in our Mishnah). Cur. edd. here add lamed, 'to the'.

- (4) The house being situated between him on the one side of it and his son on the opposite side.
- (5) Lit., 'and not'.
- (6) The position of his house, however, may well have been much further away than that of his 'erub.
- (7) MS.M., 'Rabbah b. Shila'.
- (8) In relation to him and his 'erub.
- (9) Such an 'erub, which is unapproachable on the Sabbath, would surely be useless.
- (10) Of seventy and two thirds cubits around the town. Cf. relevant note on our Mishnah.
- (11) On the side of the town where the 'erub was deposited.
- (12) When the Sabbath limit from the 'erub across the town in the opposite direction (cf. prev. n.) is measured, [the town is included in the extent of the Sabbath limit].
- (13) And deducted from it. How then is this to be reconciled with our Mishnah?
- (14) Of the two thousand cubits prescribed for a Sabbath limit.
- (15) Either because the town was very big or because the 'erub lay at a considerable distance from it. In such a case only is the town included in the extent of the Sabbath limit and the man is forbidden to move beyond the far side of the town.
- (16) In this case all the town is regarded as being no bigger than four cubits by four, and the Sabbath limit is extended beyond the town to a distance of two thousand cubits minus the distance between the 'erub and the side of the town near it.
- (17) Who was overtaken by dusk underway and, being unaware of the proximity of a town, had acquired his Sabbath abode at the spot where he happened to be at the time the Sabbath had set in (cf. supra 45a); (and the same law applies to a man who deposited an 'erub outside his own town).
- (18) V. p. 423, n. 7.
- (19) Sc. the end opposite the one that was near his 'erub.
- (20) The difference between two thousand cubits and the distance of the 'erub from the side of the town nearest to it.
- (21) By extending the Sabbath limit beyond the far side of the town (cf. supra n. 3).
- (22) n. Joshua b. Levi's rulings.
- (23) Sheer imagination. V. however, Rash and Tosaf.
- (24) Apparently none.
- (25) Infra 61a.
- (26) That was situated within its Sabbath limit. Now this must imply that the whole of the small town is regarded as no bigger than four cubits and that the remainder of the Sabbath limit may be made up by extending the limit beyond the far side of the small town, in agreement with R. Joshua b. Levi's second ruling.

Talmud - Mas. Eirubin 61a

but the people of the small town may not walk through the whole of a large town.¹ Now what is the reason?² Obviously³ because the measure of the latter terminated in the middle of the former town,⁴ while that of the former terminated at the end of the latter town.⁴ And R. Idi?⁵ — He read in both cases⁶ 'The people may'⁷ and expounded [the Mishnah cited] as referring to an 'erub that one⁸ deposited;⁹ but of the case of one who was measuring,¹⁰ we have there learnt nothing.¹¹ Have we not indeed? Did we not as a matter of fact learn: And to the measure¹² of whom the Rabbis have spoken a distance of two thousand cubits only is allowed even if the end of his permitted measure terminated within a cave?¹³ — His¹⁴ ruling was required in respect of a Sabbath limit that terminated at the far end of a town, a case of which we did not learn.¹⁵

R. Nahman stated: He who learns¹⁶ 'The people may'¹⁷ is not in error, and he who learns 'the people may not'¹⁷ not in error. 'He who learns "the people may" is not in error since he might explain it to refer to an 'erub that one¹⁸ had deposited;¹⁹ while 'he who learns "the people may not is not in error' since he might explain that it refers to a case where the Sabbath limit was being measured,¹⁸ and that a clause is missing [from the Mishnah] which should properly read thus: The people of a large town may walk through the whole of a small town¹⁹ but the people of the small town may not walk through the whole of the large town.²⁰ This, however, applies only to a case where the Sabbath limit was being measured, but if a man stayed in a larger town and deposited his

‘erub in a smaller town²¹ or if he stayed in a small town and deposited his ‘erub in a large town²¹ he may walk through the whole of the town²² and a distance of two thousand cubits beyond it.

R. Joseph citing Rami b. Abba who had it from R. Huna ruled: If a town was situated on the edge of a ravine, and²³ there was a barrier four cubits²⁴ in height in front of it, its Sabbath limit is measured from the edge of the ravine,²⁵ otherwise²⁶ measuring²⁷ must begin from the door of every inhabitant's house.²⁸ Said Abaye to him:²⁹ You told us in connection with this that the barrier must be four cubits in height; but why should this one be different from all other barriers whose prescribed height is only four handbreadths?³⁰ — There,³¹ the other²⁹ replied, the use of the place involves no fear, but the use of the place here³² does involve fear.³³

Said R. Joseph, whence do I derive this ruling? From what was taught: Rabbi permitted the inhabitants of Gader to go down³⁴ to Hamethan but did not allow the inhabitants of Hamethan to go up to Gader.³⁵ Now what could have been the reason? Obviously, that the former³⁶ did put lip a barrier³⁷ while the latter³⁸ did not put up a barrier.³⁹

When R. Dimi came⁴⁰ he explained: The people of Gader used to molest the people of Hamethan, and ‘permitted’⁴¹ meant ordained’.⁴² Then⁴³ why should Sabbath be different from other days? — Because intoxication is not uncommon on such a day. Would they⁴⁴ not molest them⁴⁵ when they come there?⁴⁶ — No; a dog in a strange town does not bark for seven years.⁴⁷ Now then,⁴⁸ might not the people of Hamethan molest those of Gader? — No; they⁴⁹ were not so submissive as all that.⁵⁰

R. Safra explained: Gader⁵¹ was a town that was built in the shape of a bow.⁵² R. Dimi b. Hinena explained: The former⁵³ were the inhabitants of a large town while the latter were inhabitants of a small town.⁵⁴

Thus⁵⁵ taught R. Kahana. R. Tabyomi, however, taught as follows: R. Safra and R. Dimi b. Hinena differ, one explaining that Gader⁵⁶ was a town built in the shape of a bow⁵⁷ while the other explains that the latter⁵⁸ were the inhabitants of a small town while the former were inhabitants of a large town.

MISHNAH. THE PEOPLE OF A LARGE TOWN MAY WALK⁵⁹ THROUGH THE WHOLE OF A SMALL TOWN,⁶⁰ AND THE PEOPLE OF A SMALL TOWN MAY⁶¹ WALK⁶² THROUGH THE WHOLE OF A LARGE TOWN.⁶⁰ HOW IS THIS [TO BE UNDERSTOOD]? IF A MAN STAYED IN A LARGE TOWN AND DEPOSITED HIS ‘ERUB IN A SMALL TOWN⁶⁰ OR IF HE STAYED IN A SMALL TOWN AND DEPOSITED HIS ‘ERUB IN A LARGE TOWN,⁶⁰ HE MAY WALK THROUGH ALL THE TOWN AND TWO THOUSAND CUBITS BEYOND IT. R. AKIBA RULED: HE IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS ‘ERUB. SAID R. AKIBA TO THEM:⁶³ DO YOU NOT AGREE WITH ME THAT IF A MAN DEPOSITED HIS ‘ERUB IN A CAVE HE MAY WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS ‘ERUB? THEY⁶³ REPLIED: WHEN IS THIS THE CASE? ONLY WHERE NO PEOPLE DWELL THEREIN BUT WHERE PEOPLE DWELL THEREIN ONE MAY WALK THROUGH THE WHOLE OF IT AND TWO THOUSAND CUBITS BEYOND IT. THUS IT FOLLOWS THAT [WHERE AN ‘ERUB IS DEPOSITED] WITHIN IT THE LAW IS MORE LENIENT THAN [WHERE ONE IS DEPOSITED] ON THE TOP OF IT. AND TO THE MEASURER,⁶⁴ OF WHOM [THE RABBIS] HAVE SPOKEN A DISTANCE OF TWO THOUSAND CUBITS IS ALLOWED⁶⁵ EVEN IF THE END OF HIS [PERMITTED] MEASURE⁶⁶ TERMINATED WITHIN A CAVE.⁶⁷

(1) As if it were no bigger than four cubits. They may walk so far only as the termination of their Sabbath limit in whatever part of the town that may happen to be, in agreement with the first ruling of R. Joshua b. Levi.

(2) For the difference between the rights of the inhabitants of the large and those of the smaller town respectively.

- (3) Lit., 'not?'
- (4) In agreement with the rulings of R. Joshua b. Levi (cf. supra nn. 10f).
- (5) How, in view of the rulings in the Mishnah just cited, could he maintain that R. Joshua b. Levi's rulings are sheer imagination.
- (6) The first and second clause of the Mishnah cited.
- (7) Lit., 'people, people', sc. instead of reading 'The people of the large town may . . . but the people of the small town may not' etc. he reads: 'The people . . . may' in both clauses.
- (8) Of the inhabitants of the large town.
- (9) In the small town. As the man's 'erub lay within the town the whole of it, as far as he is concerned, is rightly regarded as no bigger than four cubits.
- (10) That spoken of by R. Joshua b. Levi.
- (11) Hence R. Idi's exclamation.
- (12) A man who measures the two thousand cubits distance from the place which he acquired as his Sabbath abode or in which he deposited his 'erub.
- (13) Supra 52b, Mishnah infra ad fin. The interior of a cave being presumably subject to the same law as the interior of a town, R. Joshua b. Levi's ruling in respect of the latter is obviously covered by the one relating to the former. An objection against R. Idi. Aliter: Why should R. Joshua R. Levi merely repeat a Mishnah?
- (14) R. Joshua b. Levis.
- (15) In the Mishnah. Hence also the justification of R. Idi's exclamation. (Cf. supra n. 8 ad fin).
- (16) In the final clause of the Mishnah just discussed.
- (17) Cf. supra n. 2.
- (18) Sc. where no 'erub had been deposited within either town, where in consequence the whole town cannot be regarded as four cubits in respect of the Sabbath limit, and where, as a result actual distances must be measured.
- (19) Where the latter was situated entirely within the Sabbath limit of the former. If, for instance, the distance between the two towns was one thousand cubits and the smaller did not cover more than one thousand cubits the people of the larger town may walk through the whole of the smaller (which being within their Sabbath limit, is regarded as no bigger than four cubits) and another thousand cubits or more beyond it to complete their two thousand cubits Sabbath limit.
- (20) Since the larger town (cf. prev. n.) is not entirely situated within their Sabbath limit. They may, therefore, walk the distance of a thousand cubits between the two towns and another thousand cubits, to complete their Sabbath limit, within the larger town itself, but no further.
- (21) That was situated within the Sabbath limit of his own town.
- (22) In which his 'erub had been deposited.
- (23) Lit., 'if'.
- (24) So MS.M. Cur. edd. omit 'cubits'.
- (25) Which is regarded as the boundary of the town.
- (26) Lit., 'and if not', i.e., if no such partition was provided.
- (27) Of the Sabbath limit of the town.
- (28) All the town, in the absence of the partition, being regarded, for the reason to be given presently, as an occasional and irregular settlement which, in respect of Sabbath limits, cannot be treated as one unit of four cubits. Every house must be considered as a separate unit and the Sabbath limit of its tenants begins from that house.
- (29) R. Joseph.
- (30) V. supra 60b.
- (31) In cases where a height of four handbreadths is enough.
- (32) Owing to the steepness of the ravine.
- (33) A higher barrier is consequently required.
- (34) On the Sabbath.
- (35) Tosef. 'Er. IV.
- (36) Being situated on the slope higher than Hamethan.
- (37) Which connected all their houses into one town and thus enabled them to begin their Sabbath limit from the town boundary.
- (38) Having been situated on a lower part of the slope.
- (39) At the base of their slope, in consequence of which (cf. supra p. 426, n. 9) only the tenants of the few houses that

were within the Sabbath limit of Gader could be permitted to go up to that town, but the tenants of all the other houses that were without that limit could not.

(40) From Palestine to Babylon.

(41) 'Rabbi permitted' etc. v. supra.

(42) Sc. It was an ordinance laid down by Rabbi that, while the people of Gader were allowed to visit Hamethan, the people of the latter town, for their own safety, shall not visit the former.

(43) If the ordinance had no bearing on the laws of Sabbath limits.

(44) The people of Gader.

(45) The Hamethan people.

(46) To Hamethan.

(47) Proverb. As visitors the Gaderites would not venture on a quarrel.

(48) If the Gaderites were at a disadvantage when at Hamethan.

(49) The people of Gader.

(50) Though the Gaderites, as visitors, would seek no quarrels at Hamethan, they would nevertheless defend themselves if attacked.

(51) So with R. Han., contra Rashi (cf. Tosaf. s.v. עיר a.l.).

(52) Whose ends were four thousand cubits apart. In such a case (cf. supra 55a) the Sabbath limit is measured from the imaginary chord of the bow. The limit of Gader consequently included Hamethan which was no more than two thousand cubits distant from the chord. The position of the latter town, however, whose limit terminated at the Gader chord which was more than two thousand cubits distant from the center of its arc, prevented its inhabitants from walking to Gader which thus lay beyond their Sabbath limit.

(53) The people of Gader.

(54) The Sabbath limit of Gader terminated at the far end of Hamethan (the smaller town) while the Sabbath limit of Hamethan terminated in the middle of the large town of Gader. As all Hamethan lay within the Sabbath limit of Gader the people of the latter town were permitted to traverse its whole area (as if all the town were no bigger than four cubits) and distances completing the permitted two thousand cubits beyond it. As part of Gader, on the other hand, was without the Sabbath limit of Hamethan the people of the latter town could walk only to the end of their Sabbath limit.

(55) Specifying the authorship of each of the two last mentioned explanations.

(56) V. p. 427, n. 18.

(57) V. p. 427, n. 19.

(58) The people of Hamethan.

(59) In addition to the distances of two thousand cubits in all directions.

(60) That was situated within its Sabbath limit.

(61) J.T., Alfasi and cur. edd. supra 60b read: 'but the people . . . may not'. Cf. also R. Nahman's justification of the alternative readings of our Mishnah.

(62) In addition to the distances of two thousand cubits in all directions.

(63) The Rabbis who differed from his view.

(64) Sc. a person who did not deposit his 'erub in the town in question but was measuring his way and advancing towards it from his home town or from a place where he had deposited his 'erub.

(65) But no more.

(66) Of two thousand cubits.

(67) And even if that cave was inhabited. Only in the previous case where the 'erub lay within the town or within the cave did the Rabbis regard the entire area of the town and cave respectively as no bigger than four cubits.

Talmud - Mas. Eirubin 61b

GEMARA. Rab Judah laid down in the name of Samuel: If a man spent the Sabbath in a deserted¹ town,² he may, according to the Rabbis, walk through the whole of it³ and two thousand cubits beyond it.⁴ If, however, he deposited his 'erub in a deserted town⁵ he is allowed no more than a distance of two thousand cubits from the place of his 'erub.⁶ R. Eleazar laid down: Whether a man spent the Sabbath in a town or deposited in it his 'erub he is permitted⁷ to walk through the whole of it and two thousand cubits beyond.

An objection was raised: SAID R. AKIBA TO THEM, DO YOU NOT AGREE WITH ME THAT IF A MAN DEPOSITED HIS 'ERUB IN A CAVE HE MAY WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS 'ERUB? THEY REPLIED: WHEN IS THIS THE CASE? ONLY WHEN NO PEOPLE DWELL THEREIN from which it is obvious, is it not, that where NO PEOPLE DWELL THEREIN they agree with him?⁸ — By the expression.⁹ NO PEOPLE DWELL THEREIN a place was meant that was unsuitable for dwelling.¹⁰

Come and hear: If a man spent the Sabbath in a town, even though it was as big as Antioch, [or if he spent the Sabbath] in a cave, though it was like the cave of Zedekiah the king of Judah.¹¹ he may walk through the whole of it and two thousand cubits beyond. Now¹² the town mentioned must be one that is in a condition similar to that of the 'cave', so that as the cave is one that is deserted¹³ so must the town also be one that is deserted and yet¹⁴ it was stated that only if a man spent the Sabbath in it is the law¹⁵ applicable¹⁶ but not where he only deposited his 'erub in it. Now whose view could this¹⁷ represent? If it be suggested: It is that of R. Akiba, the difficulty would arise: What was the point in speaking of a deserted town when the same ruling applies also to one that is inhabited.¹⁸ Consequently¹⁹ it must be said to represent the view of the Rabbis.²⁰ Now is not the reason for the ruling²¹ that the man spent the Sabbath in it,²² but if he had only deposited his 'erub in it this ruling²¹ would not have applied?²³ — Do not say that the 'town' mentioned must be one that is in a condition similar to that of the 'cave' but rather, the 'cave must be one that is in a condition similar to that of the town; so that as the town is inhabited the cave also must be one that is inhabited; and this ruling²⁴ is that of R. Akiba who laid down: HE²⁵ IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS 'ERUB, while in the case of one who had spent the Sabbath within the town he²⁶ agrees with the Rabbis.²⁷ But was it not stated: 'Like the cave of Zedekiah'²⁸ — Like the cave of Zedekiah [in one respect] but unlike the cave of Zedekiah [in another]. 'Like the cave of Zedekiah' in respect of its huge size,²⁹ 'but unlike the cave of Zedekiah' for whereas the latter³⁰ was deserted, the one referred to was³¹ inhabited.

Mar Judah once came across the people of Mabrakta who were depositing their 'erubs at the Be Agobar Synagogue.³² 'Penetrate'³³ he said to them, 'further into its interior,³⁴ that you may be allowed to walk a greater distance'.³⁵ 'Contentious man', said Raba³⁶ to him, 'in respect of the laws of 'erub no one takes any notice of the ruling of R. Akiba'.³⁷

CHAPTER VI

MISHNAH. IF A MAN LIVES IN A COURTYARD WITH A HEATHEN OR WITH ONE WHO DOES NOT ACKNOWLEDGE THE PRINCIPLE OF ERUB,³⁸ EITHER OF THEM³⁹ CAUSES HIM TO BE RESTRICTED IN THE USE OF THE COURTYARD.⁴⁰ R.⁴¹ ELIEZER B. JACOB RULED: NEITHER⁴² CAN RESTRICT HIM⁴³ UNLESS THERE ARE⁴⁴ TWO ISRAELITES⁴⁵ WHO⁴⁶ IMPOSE RESTRICTIONS UPON EACH OTHER.⁴⁷

R. GAMALIEL⁴⁸ RELATED: A SADDUCEE ONCE LIVED WITH US IN THE SAME ALLEY IN JERUSALEM AND FATHER TOLD US:⁴⁹ 'HASTEN AND CARRY OUT⁵⁰ ALL NECESSARY ARTICLES INTO THE ALLEY⁵¹ BEFORE HE CARRIES OUT HIS⁵² AND THEREBY IMPOSES RESTRICTIONS UPON YOU'.⁵³ R. JUDAH RELATED, [THE INSTRUCTION⁵⁴ WAS GIVEN] IN A DIFFERENT FORM:⁵⁵ HASTEN AND ATTEND⁵⁶ TO YOUR REQUIREMENTS IN THE ALLEY⁵⁷ BEFORE HE CARRIES OUT HIS ARTICLES AND THEREBY IMPOSES RESTRICTIONS UPON YOU'.⁵⁸

(1) Lit., 'ruined', 'desolate'.

(2) No people lived in it but its wall was intact.

(3) . Since (cf. prev. n.) it was surrounded by a wall.

- (4) This ruling is also applicable according to the view of R. Akiba, but the limitation 'according to the Rabbis', is due to the ruling that follows.
- (5) But did not himself spend the Sabbath in it.
- (6) Because, in the case of the deposit of an 'erub, as explained supra, the Rabbis draw a distinction between all inhabited town and a deserted one. Only in the former case is the entire area of the town regarded as no bigger than four cubits. R. Akiba, however, (cf. supra n. 9) differs from their view and regards even an inhabited town as they do a deserted one.
- (7) According to the Rabbis.
- (8) That Only two thousand cubits are allowed. How then could R. Eleazar maintain that the Rabbis conferred the same rights whether an 'erub was put in an inhabited or in a deserted place?
- (9) Lit., 'what'.
- (10) Sc. one that had no walls around it.
- (11) Through which he attempted his escape (cf. Jer. LII, 7) and which is said to extend from Jerusalem to the plain of Jericho.
- (12) Since 'town' and 'cave' were mentioned in the same context.
- (13) No people presumably living in such a huge subterranean cave. Aliter: No people would be allowed to live in a royal cave (cf. Rashi s.v. ך״ס׳ a.l.).
- (14) Despite its possession of walls. In the absence of walls no one would have allowed the man to walk through the whole of its area in addition to the two thousand cubits beyond it.
- (15) That in addition to the permitted Sabbath limit of two thousand cubits one may also walk through the whole of its area.
- (16) Lit., 'yes'.
- (17) That the privilege (cf. supra n. 9) is restricted to the case of actual Stay in the town and does not extend to that of an 'erub deposited in it.
- (18) R. Akiba having ruled that even where a man deposited his 'erub in an inhabited town he may walk no further than two thousand cubits.
- (19) Since a distinction is made between a deserted, and an inhabited town.
- (20) Who accordingly agree that if an 'erub was deposited in a deserted town the privilege (cf. supra p. 430, n. 9) does not apply.
- (21) V. p. 430, n. 9.
- (22) Lit., 'yes'.
- (23) How then could R. Eleazar maintain that according to the Rabbis no distinction is made between an inhabited town and a deserted one?
- (24) V. Supra p. 430, n. 11.
- (25) The man who deposited his 'erub in a certain town wherein he did not spend the Sabbath.
- (26) R. Akiba.
- (27) V. loc. cit. n. 9.
- (28) V. p. 430, n. 7.
- (29) Lit., 'big'.
- (30) Lit., 'there'.
- (31) Lit., 'and here'.
- (32) A large building situated within the Sabbath limit of Mabrakta. The people of the town, relying on the ruling of the Rabbis, who allowed two thousand cubits in addition to the whole area with the walls surrounding the place of the 'erub, put their 'erub anywhere within the building. [On the Abe Gobar synagogue, v. Ta'an., Sonc. ed., p. 6a. It was in the neighbourhood of Mahuza.]
- (33) With the 'erubs.
- (34) Sc. the 'erubs should be placed as far away from the town as possible.
- (35) As the Sabbath limit of the town. This advice was given in accordance with R. Akiba's ruling that a man IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE and not from the walls surrounding the place, OF HIS 'ERUB.
- (36) A similar expression against Mar Judah was used by Rabbah (cf. Kid. 58a).
- (37) Since in the case of the 'erub laws the halachah always rests with the author adopting the more lenient view.

(38) A Samaritan. Cf. Mishnah supra 31b.

(39) Lit., 'behold this'.

(40) As he is not the only possessor of the courtyard he is forbidden to carry objects from his house into the courtyard or vice versa unless he has, before the commencement of the Sabbath, rented from his neighbour, for the duration of the Sabbath, the right the latter has in their common courtyard.

(41) In some of the separate editions of the Mishnah this is preceded by 'So R. Meir.'

(42) Lit., 'for ever'.

(43) In the use of the common courtyard.

(44) Besides the heathen or the Samaritan (v. n. 1).

(45) Living in houses in the same courtyard and thus having a share in it.

(46) Unless they properly joined together in the preparation of one 'erub.

(47) Only in such circumstances does the right of a third tenant of the type mentioned, wherever that right has not been duly rented from him, restrict their use of the common courtyard. He cannot, however, impose any restrictions upon an Israelite if the latter and he are the only tenants. The reason is explained in the Gemara infra.

(48) On the identity of the bearer of this name v. Tosaf. s.v. **אמר** a.l.

(49) On a certain occasion when the Sadducee renounced his right to his share in the alley.

(50) Just before the Sabbath begins.

(51) In order to acquire by that act the Sadducee's share.

(52) And thereby acquires again the right he at first renounced.

(53) A Sadducee, according to this view, is not regarded as a heathen, whose right in a courtyard or an alley must be rented, but as a heretic Israelite who may renounce his right by a mere declaration, no renting of it being necessary. Since the Sadducee in question had received no rent it was within his power to withdraw his concession at any moment provided the other tenants had not acquired possession of the alley by carrying their articles into it. Hence the instruction to HASTEN the acquisition BEFORE the Sadducee had time to change his mind.

(54) Just quoted by R. Gamaliel.

(55) Lit., 'in another language'.

(56) Before the Sabbath begins.

(57) I.e., 'carry out all the objects in your house that you require to have in the alley during the Sabbath'.

(58) According to R. Judah, a Sadducee who renounced his right to his share without receiving any payment for it may withdraw his concession at any time even after the other tenants had, by the performance of some act, acquired possession of his share. As he might change his mind at any moment the other tenants (cf. prev. n.) had to carry out all they needed prior to the commencement of the Sabbath.

Talmud - Mas. Eirubin 62a

GEMARA. Abaye b. Abin and R. Hinena b. Abin sat at their studies while Abaye was sitting with them, and in the course of their session they dealt with the following argument: It is quite possible to understand the view of R. Meir¹ since he may hold the opinion that a heathen's dwelling is legally a valid dwelling² and that no difference is to be made between one [Israelite tenant]³ and two [Israelite tenants].⁴ What, however, could be the view of R. ELIEZER B. JACOB? If he is of the opinion that a heathen's dwelling is legally a valid dwelling,² restrictions⁵ should be imposed even in the case of one Israelite tenant; and if he holds that it is legally no valid dwelling, no restrictions should be imposed⁵ even in the case of two Israelite tenants!⁶ — Said Abaye to them: But does R. Meir hold that a heathen's dwelling is legally a valid dwelling? Was it not in fact taught: A heathen's courtyard⁷ has the same status as a cattle-pen?⁸ Rather say: All agree that a heathen's dwelling is legally no valid dwelling, but the point at issue between them⁹ here is the question whether a law¹⁰ had been instituted as a preventive measure against the possibility of an Israelite's learning to imitate his¹¹ deeds. R. Eliezer b. Jacob holds that, since a heathen is suspected of bloodshed,¹² a preventive measure has been enacted by the Rabbis in the case of two Israelites, who quite frequently live together with a heathen, but not in that of one Israelite who as a rule does not live together with a heathen,¹³ while R. Meir holds that, since it may sometimes happen that one Israelite also should live with a heathen, the Rabbis have laid down: No 'erub is effective where a heathen lives in the same courtyard, nor is the renunciation of one's right¹⁴ effective where a heathen is concerned¹⁵ unless that right has been let; but a heathen would not let his right.¹⁶ What is the reason?¹⁷ If it be suggested: Because he considers it possible that the other might take permanent possession of his share, the explanation would be satisfactory according to him who holds that the lease must be of a sound character;¹⁸ what, however, could be said in explanation according to him who holds that only an imperfect lease is required?¹⁹ For it was stated: R. Hisda ruled: The lease must be of a sound character and R. Shesheth ruled: It may be of an imperfect character only. What is meant by 'imperfect' and what is meant by 'sound'? If it be suggested that 'sound' denotes a rental of a perutah²⁰ and 'imperfect' a rental that was less than a Perutah, the objection would arise: Is there any authority who upholds the View that [acquisition] from a heathen cannot be effected with less than a Perutah? Did not, as a matter of fact, R. Isaac son of R. Jacob b. Giyori send the following message in the name of R. Johanan, 'Be it known to you that one can lease from a heathen even with less than a perutah', and R. Hiyya b. Abba ruled in the name of R. Johanan, 'A Noahide²¹ would rather be killed than spend so much as a perutah²² which is not returnable'?²³ — The fact is that 'sound' denotes a lease confirmed by legal documents and attested by officers,²⁴ and 'imperfect' denotes one that was neither confirmed by legal documents nor attested by officers. [Now,²⁵ I again submit:] 'The explanation would be satisfactory according to him who holds that the lease must be of a sound character: what, however, could be said in explanation according to him who holds that only an imperfect lease is required'?²⁶ Even in such a case²⁷ he²⁸ fears witchcraft²⁹ and does not let his share in the courtyard.

[To revert to] the main text,³⁰ A heathen's courtyard has the same status as a cattle-pen' and it is, therefore, permitted³¹ to carry things in and out, both from the courtyard into the houses and from the houses into the courtyard. But if only one Israelite³² was a tenant there, he³³ does impose restrictions;³⁴ so R. Meir.³⁵ R. Eliezer b. Jacob ruled: No restrictions are ever imposed³⁶ unless there are also two Israelite tenants³⁷ who impose restrictions upon one another.³⁸

(1) Sc. the author of the first ruling of our Mishnah.

(2) With reference to Sabbath, hence his right to a share in the courtyard.

(3) Living in the courtyard with the heathen.

(4) v. prev. n. Hence his ruling that a heathen invariably restricts the use of a common courtyard irrespective of whether he has many Israelite neighbours or only one.

(5) In the use of the common courtyard.

- (6) Since in either case, as far as Sabbath laws are concerned, he has no share in the courtyard; while the Israelites' shares are merged into one common domain by means of their 'erub.
- (7) In certain circumstances, as will be explained infra.
- (8) Tosef. 'Er. V. I.e., the tenancy by a heathen of a house that opens into a common courtyard is like a cattle-pen, and consequently does not restrict the movement of objects on the Sabbath from the houses into the courtyard, v. infra. Now since this ruling, as will be shown infra, represents the view of R. Meir, how could a contrary view be attributed to him here.
- (9) R. Meir and R. Eliezer b. Jacob.
- (10) Subjecting an Israelite to the necessity of renting the heathen's share every Sabbath eve.
- (11) The heathen's.
- (12) Cf. A.Z. 22a.
- (13) Against something unusual no enactment was deemed necessary. Hence R. Eliezer b. Jacob's ruling that the restrictions applied to a courtyard in which no less than two Israelites were the heathen's neighbours.
- (14) To a share.
- (15) Lit., 'in the place of', i.e., a heathen's renunciation of his right to his share in the common courtyard has no validity.
- (16) As the Israelite would in consequence be subjected every Sabbath to much inconvenience he would naturally move out of that courtyard at the earliest possible opportunity and, indirectly, he would thereby be saved from the evil influence of the heathen's questionable mode of life.
- (17) That a heathen refuses to let his share.
- (18) This will be explained presently.
- (19) What possible objection could the heathen have to such a defective lease?
- (20) V. Glos.
- (21) Lit., 'a son of Noah', sc. any heathen.
- (22) The smallest coin (v. Glos.). Lit., 'for less than the value of a perutah.'
- (23) Yeb. 47b, A.Z. 71a; which shows that in respect of a heathen a transaction involving less than a Perutah has the same validity as one involving a Perutah. How then is 'imperfect' and 'sound' to be understood?
- (24) Aliter: A lease is sound if made legal by sureties and (countersigned) by officers (Jast.). Aliter: A lease of a courtyard is sound if connected with the privilege of placing in the yard chairs and seats (cf. Rashi a.l. and Jast.).
- (25) Having disposed of the definition of 'sound' and 'imperfect'.
- (26) What possible objection could the heathen have to such a defective lease?
- (27) Where the lease was legally imperfect.
- (28) The heathen, when requested to let his share.
- (29) Not understanding the religious motive of the request he suspects some underhand work.
- (30) Quoted by Abaye supra q.v. notes.
- (31) To an Israelite who was not one of the tenants of that courtyard but happened to visit any of the houses in it.
- (32) Who, by virtue of his tenancy of a house, is entitled to the use of the courtyard.
- (33) Since the courtyard (cf. prev. n.) is deemed to be his domain.
- (34) On the carrying of objects by other Israelites from the houses into the courtyard and vice versa.
- (35) The last three words are absent from the Tosef.
- (36) On account of the heathen's tenancy.
- (37) Occupying two houses in that courtyard.
- (38) Tosef. 'Er. V. As the heathen's share is distinct from theirs (a heathen's tenancy, as explained supra, having been given validity in such circumstances) they, by virtue of their shares in the courtyard, impose restrictions on the movements of objects from the heathen's house into the courtyard while he, by virtue of his share, despite the 'erub in which the two Israelites may have joined, imposes restrictions on the movements of objects from their houses into the courtyard.

Talmud - Mas. Eirubin 62b

The Master said: 'A heathen's courtyard has the same status as a cattle-pen'.¹ Did we not, however, learn: IF A MAN LIVES IN A COURTYARD WITH A HEATHEN. . . EITHER OF THEM CAUSES HIM TO BE RESTRICTED?² — This is no difficulty, since the latter² deals with the case

of a heathen who was at home³ while the former¹ deals with one who was not at home.³ But what principle does he⁴ adopt? If he is of the opinion that a dwelling house without an occupier is legally a valid dwelling, should not even a heathen⁵ impose restrictions;⁶ and if he is of the opinion that a dwelling house without an occupier is legally no valid dwelling should not an Israelite⁷ also impose no restrictions? He,⁸ in fact, holds the view that a dwelling house without an occupier is legally no valid dwelling; but⁹ in the case of an Israelite, who imposes restrictions when he is at home,¹⁰ the Rabbis¹¹ have enacted a preventive measure where he is away; while in the case of a heathen who, even when at home, imposes restrictions merely as a preventive measure lest the Israelite learn to imitate his deeds¹² it was enacted that he imposes restrictions only when he is at home but not in his absence.

But does he¹³ not impose restrictions when he is absent? Have we not in fact learnt: If a man left his house and went to spend the Sabbath in another town, whether he was a gentile or an Israelite, his share imposes restrictions;¹⁴ so R. Meir?¹⁵ — There¹⁵ it is a case where he returns on the same day.¹⁶

Rab Judah stated in the name of Samuel: The halachah¹⁷ is in agreement with R. Eliezer b. Jacob; R. Huna stated: The custom¹⁸ is in agreement with the ruling of R. Eliezer b. Jacob; while R. Johanan stated: The public act¹⁹ in agreement with the ruling of R. Eliezer b. Jacob.

Said Abaye to R. Joseph: We have a tradition, that ‘the teaching of R. Eliezer b. Jacob is small in quantity²⁰ but well sifted’;²¹ and Rab Judah also laid down in the name of Samuel, ‘The halachah is in agreement with R. Eliezer b. Jacob;²² is it then permitted²³ to a disciple²⁴ to give a ruling accordingly²⁵ in a district that is under the jurisdiction of his Master? — ‘Even’, the other replied, on the question of the permissibility of eating an egg²⁶ with kutha,²⁷ which I²⁸ have been asking him²⁹ throughout the lifetime of R. Huna,³⁰ R. Hisda gave me³¹ no decision’.³²

R. Jacob b. Abba asked Abaye: Is it permitted to a disciple in a district under his Master's jurisdiction to give a ruling that was as authoritative as those contained in the Scroll of Fast-Days,³³ which is a written and generally accepted document?³⁴ — Thus, the other replied, said R. Joseph: Even on the question of the permissibility of eating an egg²⁶ with kutha,²⁷ which I²⁸ have been asking him²⁹ throughout the lifetime of R. Huna,³⁰ R. Hisda gave me³⁰ no decision.

R. Hisda decided legal questions at Kafri³⁵ in the lifetime of R. Huna.³⁶

(1) From which it follows that a heathen can impose no restrictions upon an individual Israelite if the latter is the only other tenant in their Joint courtyard. Only an Israelite imposes restrictions on other Israelites in connection with the movement of objects from and into the heathen's house.

(2) Which shows, contrary to the ruling in the Baraitha cited (cf. prev. n.), that a heathen imposes restrictions upon an Israelite even where the latter is the only other tenant in their joint courtyard. How then are the two rulings to be reconciled?

(3) During the Sabbath in question.

(4) The author of the Baraitha.

(5) Though away from home.

(6) Of course he should, since his absence does not in any way affect the validity of his tenancy.

(7) If away from his home; since the validity of his tenancy is impaired by his absence.

(8) The author of the Baraitha.

(9) In reply to the objection raised (cf. prev. n.).

(10) On account of the legal validity of his tenancy.

(11) In order to prevent an infringement of the law when he is at home.

(12) Cf. supra 62a.

(13) A heathen tenant.

- (14) On the other tenants of the courtyard.
- (15) Supra 47a, infra 86a.
- (16) Where, for instance, during the first part of the Sabbath he was not far away from his home. If no restrictions upon his fellow tenants had been imposed, even in his absence, they might, after his return, unconsciously have continued the unrestricted use of their courtyard which they enjoyed since the day began. Where, however, the heathen is unable to return on the same day no such precaution is necessary and consequently no restrictions were imposed.
- (17) Halachah, sc. the ruling may be promulgated in a public discourse. V. following nn.
- (18) Minhag, i.e., the ruling may not publicly be announced (cf. prev. n.) but is to be communicated privately to anyone seeking the information.
- (19) Nahagu (cf. prev. two notes), i.e., the ruling may not be communicated even in private, but if any person acted in agreement with it no objection may be raised against him.
- (20) Kab (v. Glos.), i.e., his rulings in the Mishnah are only few.
- (21) Lit., 'clear', i.e., the halachah is always in agreement with his rulings.
- (22) Supra.
- (23) Since the ruling is so unquestionably authoritative.
- (24) Who in ordinary cases must not venture to give a decision in a locality that is under his Master's jurisdiction.
- (25) In agreement with R. Eliezer b. Jacob (v. our Mishnah).
- (26) A perfectly developed egg found in a slaughtered fowl (so Tosaf. s.v. אפילו a.l.). The question whether a properly laid egg may be eaten with milk (cf. following n.) could, of course, never arise (v. however, Rashi).
- (27) A preserve containing milk.
- (28) So MS.M. and Bah. Cur. edd. 'they'.
- (29) To test his loyalty to his Master.
- (30) Whose colleague and disciple he was (cf. Tosaf s.v. רב a.l.).
- (31) Reading of MS.M. and Bah. Cur. edd. omit.
- (32) Though the answer was quite simple and obvious (cf. Bezah 6b) and could be supplied by a mere tiro.
- (33) Megillath Ta'anith, a scroll (the only halachic collection which the Rabbis of the Talmud had in a written form) containing a record of the days of the year on which fasting and mourning were forbidden; v. Ta'an., Sonc. ed., p. 70f.
- (34) Lit., 'that is written and lying'.
- (35) A place in Babylon that was not subject to the direct jurisdiction of R. Huna (v. following note).
- (36) Who resided in another part of Babylon at Pumbeditha (Rashi). [Obermeyer p. 317: Sura, south of which lay Kafri.]

Talmud - Mas. Eirubin 63a

R. Hamnuna decided legal points at Harta¹ di Argiz² during the lifetime of R. Hisda.³ Rabina examined the slaughterer's knife⁴ in Babylon.⁵ Said R. Ashi to him, 'Why does the Master act in this manner?' 'Did not,' the other replied: 'R. Hamnuna decide legal points at Harta di Argiz during the lifetime of R. Hisda?'⁶ — 'It was stated', the first retorted: 'that he did not decide legal points'. 'The fact is', the other replied: 'that one statement was made that he did decide legal points while another was that he did not do so, and the explanation is that only during the lifetime of his Master R. Huna did he decide no legal points but during the lifetime of R. Hisda, who was both his colleague and disciple, he did decide legal points, and I too am the Master's colleague as well as disciple'.

Raba said: A young scholar may examine his own knife.⁷ Rabina once visited Mahuza when his host brought to him a slaughtering knife for examination. 'Go', he⁸ said to him, 'take it to Raba'.⁹ 'Does not the Master', the other asked: 'uphold the ruling laid down by Raba that a young scholar may examine his own knife?' — 'I', he⁸ replied, am only buying the meat'.¹⁰ (Mnemonic:¹¹ Zila of¹² Hania¹³ changes¹⁴ Ika¹⁵ and Jacob.¹⁶)

R. Eleazar of Hagronia¹⁷ and R. Abba b. Tahlifa once visited R. Aha son of R. Ika's house in the district that was subject to the jurisdiction of R. Aha b. Jacob. R. Aha son of R. Ika, desiring to prepare for them a third-grown¹⁸ calf, presented to them the slaughtering knife for examination. 'Should no consideration be shown for the old man?'¹⁹ R. Aha b. Tahlifa asked. 'Thus', R. Eleazar

of Hagronia replied: 'said Raba: A young scholar may examine his own knife'. R. Eleazar of Hagronia²⁰ thereupon examined the knife and was providentially punished for his disrespect. But did not Raba lay down, 'A young scholar 'lay examine his own knife'? — There the case was different since they began to discuss the question of his¹⁹ dignity. And if you prefer I might reply: R. Aha b. Jacob was different from other local authorities since he was a man of great distinction.

Raba ruled: When it is a question of preventing one from committing a transgression it is quite proper [for a disciple to give a legal decision] even in his Master's presence.

Rabina once sat in the presence of R. Ashi when he observed that a certain person was tying his ass to a palm-tree on the Sabbath day.²¹ He called out to him but the other took no notice. 'Let this man' he called out, 'be placed under the ban'. 'Does such an act as mine',²² he²³ then asked [R. Ashi], 'appear as an impertinence?' — There is no wisdom for understanding nor counsel against the Lord,²⁴ wherever the divine name is being profaned no respect is to be shown to one's Master.²⁵

Raba ruled: In the presence of one's Master it is forbidden [to give a legal decision]²⁶ under the penalty of death;²⁷ in his absence this is forbidden but the penalty of death is not incurred. Is then no penalty of death incurred in his absence? Was it not in fact taught: R. Eliezer b. Jacob²⁸ stated: The sons of Aaron died²⁹ only because they gave a legal decision in the presence of their Master Moses. What was the exposition they made? And the sons of Aaron the priest shall put fire upon the altar,³⁰ although, they said, fire came down from heaven³¹ it is nevertheless a religious duty to bring also some ordinary fire. R. Eliezer, furthermore, had a disciple who once gave a legal decision in his presence. 'I wonder', remarked R. Eliezer to his wife, Imma Shalom, 'whether this man will live through the year'; and he actually did not live through the year. 'Are you', she asked him, 'a prophet?' 'I', he replied: 'am neither a prophet for the son of a prophet, but I have this tradition: Whosoever gives a legal decision in the presence of his Master incurs the penalty of death'.) Now, in connection with this incident Rabbah b. Bar Hana related in the name of R. Johanan: That disciple's name was Judah b. Gorias and he was three parasangs distant from his Master?³² — He was in his presence.³³ But was it not stated that 'he was three parasangs distant'?³⁴ — And according to your conception what need was there for the mention of his name and the name of his father? But the fact is that all the details were given in order that it be not said that the whole story was a fable.

R. Hiyya b. Abba stated in the name of R. Johanan: Whoever gives a legal decision in the presence of his Master deserves to be bitten by a snake, for it is said: And Elihu the son of Barachel the Buzite answered and said: I am young, etc. wherefore I held back,³⁵ and elsewhere³⁶ it is written: With the venom of crawling things³⁷ of the dust.³⁸ Ze'iri stated in the name of R. Hanina: He is called a sinner, for it is said: Thy word have I laid up in my heart,³⁹ that I might not sin against Thee.⁴⁰

R. Hamnuna pointed out an incongruity: It is written: Thy word have I laid up³⁹ in my heart,⁴⁰ and it is also written: I preached righteousness in a great congregation.⁴¹ — This is really no contradiction, the former relating to the time when Ira the Jairite⁴² was still alive while the latter relates to the time when Ira the Jairite was no longer alive.

R. Abba b. Zabda⁴³ stated: Whoever gives⁴⁴ his priestly gifts to one priest [only] brings famine into the world. For it is said in Scripture: Ira the Jairite was priest to David.⁴⁵ Now was he priest to David alone and not to all the world?⁴⁶ But the meaning is that David sent to him⁴⁷ his priestly gifts; and this is followed by the text: And there was a famine in the days of David.⁴⁸

R. Eliezer⁴⁹ said: He⁵⁰ is deprived of his greatness — For it is said: And Eleazar the priest said unto the men of war . . . This is the statute of the law which the Lord hath commanded Moses;⁵¹ although he thus said to them, 'He commanded my father's brother⁵² and not me'⁵³ he was

nevertheless punished,⁵⁴ as it is written: And he⁵⁵ shall stand before Eleazar the priest⁵⁶ and yet we do not find that Joshua ever needed his guidance.

R. Levi stated: He who answers a word⁵⁷ in the presence of his Master goes down to Sheol childless; for it says in Scripture: And Joshua the son of Nun, the minister of Moses from his youth up, answered and said: 'My lord Moses, shall them in'⁵⁸

(1) MS.M.: Hadeta'.

(2) Harta of Argiz, the name of the person who built the town of Harta. Rashi: in the name of תשובת הגאונים.

(3) Whose colleague and disciple he was (cf. Tosaf. s.v. רב a.l.). [R. Hisda was at that time head of the School at Sura which comprised within its jurisdiction Harta di Argiz, Obermeyer, loc. cit.].

(4) Used in the ritual slaughter of clean beasts and fowls. Such a knife, in order to reduce the pain of the animal to the lowest minimum, must be carefully ground until a very fine edge is obtained, and before use must also be submitted to the highest local religious authority for examination.

(5) Though his Master, R. Ashi, was the supreme religious authority at Matha Mehasia, a place near Sura. [The town Babylon was in the neighbourhood of Sura, v. Obermeyer p. 304].

(6) As R. Hamnuna, though a disciple of R. Hisda, was allowed to give legal decisions in a Babylonian town because R. Hisda, the supreme religious chief, resided in another part of Babylon so, Rabina submitted, was he also allowed to occupy the position of local religious authority in respect of the examination of the slaughtering knife in a town in which R. Ashi himself did not reside.

(7) Cf. supra n. 1. He need not submit it for examination to the supreme local religious authority if he is using it himself for his own beast.

(8) Rabina.

(9) Who was the religious head of the locality.

(10) From the innkeeper, sc. as the beast was not being killed exclusively for his own use the examination of the knife does not come under the ruling cited.

(11) An aid to the recollection of the names that follow.

(12) So Bah. Cur. edd. 'to Hania'.

(13) R. Eleazar of Hagronia.

(14) R. Abba b. Tahlifa (rt. תלף 'change').

(15) R. Aha son of R. Ika.

(16) R. Aha b. Jacob.

(17) Near Nehardea.

(18) Aliter: Third-born. Aliter: In its third year.

(19) R. Aha b. Jacob who was the supreme religious head of the place and whose prerogative it was to examine the instrument.

(20) Or 'he', omitting the name with MS.M.

(21) The use of a growing tree on the Sabbath is Rabbinically forbidden.

(22) Acting in the presence of the religious head of the place.

(23) Rabina.

(24) Prov. XXI, 30.

(25) Wisdom etc. of one's Master are regarded as of no consequence when an act is committed against the Lord.

(26) Except, as stated supra, where the profanation of the divine name is at stake.

(27) At the hands of Heaven.

(28) So Bah. Cur. edd. omit the last two words.

(29) Cf. Lev. X, 1f.

(30) Ibid. I, 7.

(31) V. ibid. IX, 24.

(32) When he gave the legal decision mentioned; which shows that the penalty of death is incurred even where a decision is given in the Master's absence. An objection against Raba's last cited statement.

(33) At the time he gave the legal decision. The distance of three parasangs mentioned referred only to that of the disciple's usual place of residence from the residence of his Master.

- (34) If the distance had no connection with the place where the decision was given what was the point in mentioning it at all?
- (35) זָהָלָתִי rt. זָהָל Job. XXXII, 6.
- (36) Cf. Bah.
- (37) זָהָלִי rt. זָהָל.
- (38) I.e., snakes. Deut. XXXII, 24.
- (39) He refrained from giving legal decisions in the presence of his Masters.
- (40) Ps. CXIX, 11.
- (41) Ibid. XL, 10.
- (42) David's teacher (cf. II Sam. XX, 26).
- (43) En Jacob and Asheri read: 'R. Abba b. Kahana'; MS.M., 'R. Kahana'.
- (44) Var. lec. 'sends' (MS.M. Ct Jacob and Asheri).
- (45) II Sam. XX, 26.
- (46) Of course not. A priest obviously enjoys that dignity before all 'Ben.
- (47) And to no other priest.
- (48) Ibid. XXI, 1.
- (49) Var. lec. 'Eleazar'.
- (50) Who gives a legal decision in the presence of his Master.
- (51) Num. XXXI, 21.
- (52) Moses.
- (53) Thus acknowledging that the statute he was teaching them was taught to him by his Master Moses.
- (54) For promulgating it in the presence of the Master.
- (55) Joshua.
- (56) Num. XXVII, 21, i.e., Joshua will have to submit his doubts and difficulties to Eleazar.
- (57) To a question submitted.
- (58) Nun. XI, 28. 'Kela'em', an answer in one word.

Talmud - Mas. Eirubin 63b

and elsewhere it is written: Nun his son, Joshua his son.¹ This exposition, however, differs from that of R. Abba b. Papa, for R. Abba b. Papa² stated: Joshua was punished³ for no other sin than that of preventing Israel or one night from the duty of propagation; for it is said in Scripture: And it came to pass, when Joshua was by Jericho, that he lifted up his eyes and looked etc.⁴ and this is followed by the text: And he said: 'Nay,⁵ but I am captain of the host of the Lord,' I am now come'.⁶ 'Last evening',⁷ he said to him [in effect]. 'you omitted to offer up the continual evening sacrifice⁸ and now you are neglecting the study of the Torah'.⁹ 'On account of which offence', the other asked,¹⁰ 'did you come'? — 'Now',¹¹ he replied. 'am I come'. Joshua, we read forthwith, went that night into the midst of the vale,¹² a text which, R. Johanan explained, teaches that he entered into the profundities of the halachah.¹³ And we have a tradition that so long as the Ark and the Shechinah are not settled in their appointed place¹⁴ connubial intercourse is forbidden.¹⁵

R. Samuel b. Inia¹⁶ stated in the name of Rab: The study of the Torah is more important than the offering of the daily continual sacrifices,¹⁷ since he said to him,¹⁸ 'now am I come'.¹⁹

R. Berona stated in the name of Rab: Concerning the man who sleeps in a room²⁰ in which husband and wife rest Scripture says: The women of My people ye cast out from their pleasant houses.²¹ This, R. Joseph said, applies even to the time when one's wife is menstruant. Raba said: If one's wife is menstruant may a blessing come upon him.²² This,²³ however, is not very logical, for who watched him²⁴ until that time?²⁵

There was a certain alley in which Lahman²⁶ b. Ristak²⁷ lived. 'Will you let us²⁸ your domain?²⁹ said the other residents to him; but he would not let it to them. So they went to Abaye and reported

the matter to him. 'Renounce', he advised them, 'your respective domains³⁰ in favour of one resident so that he would be in the position of one individual living in the same place with a heathen, and wherever one individual lives in the same place with a heathen the latter imposes no restrictions upon the former'.³¹ 'Is not the only reason',³² he was asked,³³ 'that it is not usual for one Israelite and one heathen to live together? And is it not a fact that these did live together?' — 'The renunciation of' private domains in favour of one resident', he replied: 'is an unusual occurrence, and the Rabbis enacted no prohibitory measures against any occurrence that is unusual'.³⁴ R. Huna son of R. Joshua proceeded to report this ruling³⁵ to Raba when the latter remarked:³⁶

-
- (1) I Chron. VII, 27, no son of Joshua being mentioned.
- (2) MS.M. 'that of R. Hanina, for R. Hanina b. Papa'.
- (3) Having to die childless.
- (4) Josh. V, 13.
- (5) ס"ט. Cur. edd. in Parenthesis, ט"ו 'to him'.
- (6) Ibid. 14.
- (7) The one preceding the night of the meeting.
- (8) Cf. Num. XXVIII, 1ff.
- (9) Joshua, engaging in incessant warfare both by day and night, was unable to allow time either for the daily evening sacrifice or for the study of the Torah which the people were expected to pursue in the evening when they were free from their labours. The critical attitude of the 'captain' is inferred (v. Rashi) from his appearance with his sword drawn' (Josh. V. 13); and the emphasis he laid on 'now' (v. infra n. 12) implies that previously also some offence had been committed.
- (10) Cf. MS.M. and Bah.
- (11) For the last mentioned offence.
- (12) Josh. VIII, 13.
- (13) 'Went' (rt. יָשָׁב) and 'vale' (rt. עֵמֶק) are expounded as 'entered' and 'profundities' which are respectively derived from the same Heb. roots. For other readings of the passage v. Bah a.l. and Sanh., Sonc. ed., p. 289, n. 12.
- (14) Which was the case when a battle was in progress.
- (15) Joshua, having been the cause, suffered in consequence the disability mentioned.
- (16) Var. lec. 'Iwya' (En Jacob).
- (17) Cf. Num. XXVIII, 1f.
- (18) The 'captain' to Joshua.
- (19) Josh. V, 14. He was more concerned with the latter offence than with the former.
- (20) Lit., 'curtain', a curtained enclosure'.
- (21) Micah II, 9.
- (22) The man who by his presence provides a moral safeguard.
- (23) Raba's view.
- (24) The husband.
- (25) No one, of course, besides himself and his wife. If the husband and wife are thus trusted by the Torah to be fully competent to look after their moral Interests, there could not be much advantage in having an occasional intruder.
- (26) Var. lec. 'Haman' (R. Han. cf. MS.M.).
- (27) A heathen.
- (28) For the Sabbath.
- (29) His right to the use of the alley.
- (30) Cf. prev. n. mut. mut.
- (31) As a result of the arrangement the residents would be enabled to move (a) within the alley any objects that rested in it at the time the Sabbath had set in and (b) objects from the house of the individual, in favour of whom they had renounced their rights, into the alley and from the alley into his house. In the absence of the arrangement they would have been deprived even of these limited privileges (cf. Shah. 130b). The prohibition, however, to move objects from their own houses into the alley and vice versa would still remain in force (cf. infra 69b).
- (32) Why a heathen imposes no restrictions on an individual Israelite that lives with him in the same courtyard or alley.
- (33) By one of the scholars. Cur. edd., 'they said to him', is wanting from MS.M.
- (34) Hence the effectiveness of the suggested arrangement.

(35) Of Abaye.

(36) Lit., 'said to him'.

Talmud - Mas. Eirubin 64a

'If so,¹ are you not abolishing the law of 'erub in that alley?' — 'They might prepare an 'erub'.² 'Would It not then be said that an 'erub is effective even where a heathen is a resident in the place?' — 'An announcement might be made'.³ 'An announcement for the children?'⁴ — 'Rather', said Raba, 'let one of them⁵ persuade him⁶ and borrow a place from him on which he shall put down something, so that⁷ he assumes the status of his hired labourer or retainer concerning whom Rab Judah laid down in the name of Samuel: Even his⁸ hired labourer and even his retainer⁹ may contribute his share to the 'erub¹⁰ and this alone is sufficient.¹¹

Abaye asked R. Joseph: What is the ruling in there were¹² five hired labourers¹³ or live retainers?¹⁴ — The other replied: If the Rabbis have laid down that one's hired labourer or retainer is regarded as a householder in order that the law might be relaxed,¹⁵ would they also maintain that a hired labourer or retainer has a similar status in order that the law might be restricted?¹⁶

[Reverting to] the main text: 'Rab Judah laid down in the name of Samuel: Even his hired labourer and even his retainer may contribute his share to the 'erub, and this alone is sufficient R. Nahman observed: How excellent a ruling is this.

Rab Judah stated in the name of Samuel: He who has drunk a quarter of a log¹⁷ of wine must not give a legal decision. This ruling' observed R. Nahman, 'is not a very fine one, because in my own case, before I drink a quarter of a log of wine my mind is not clear'.

Said Raba to him:¹⁸ Why did the Master speak in such a manner?¹⁹ Did not R. Aha b. Hanina in fact state, 'What is the exposition of the Scriptural text: But he that keepeth company with harlots loses his substance?²⁰ Whosoever says: "This ruling is a fine one²¹ or "That ruling is not a fine one" loses the substance of the Torah'? — 'I withdraw', the other replied.

Rabbah son of R. Huna ruled: One who is under the influence of drink must not pray, but if he did pray his prayer is regarded as a proper one. An intoxicated man must not pray, and if he did pray his prayer is an abomination. How are we to understand the expression of 'One who is under the influence of drink', and how that of 'an intoxicated man'? — As follows. When R.²² Abba²³ b. Shumani²⁴ and R. Menashya b. Jeremiah of Difti²⁵ were taking leave from each other at the ford of the river Yopati they suggested, 'Let each one of us say something that the other has never heard before, for Mari son of R. Huna²⁶ laid down: The best form of taking leave of a friend is to tell him²⁷ a point of the halachah, because he would remember him for it'. 'What is to be understood', one of them began, 'by "one who is under the influence of drink" and what by "an intoxicated man"? The former is one who is able to speak in the presence of a king,²⁸ the latter is one who is unable to speak in the presence of a king'. 'What', the other began, 'should he who took possession of the property of a proselyte²⁹ do that he shall be worthy of retaining it? Let him purchase with it³⁰ a scroll of the Law'.³¹ R. Shesheth said: Even

(1) That renunciation alone is deemed to be sufficient to enable the residents to enjoy the privileges mentioned.

(2) Although it would bring them no material benefit.

(3) That the 'erub is ineffective, that with the exception of the one resident, in whose favour the others had renounced their rights, all are forbidden to carry any objects from their houses into the alley and vice versa, and that only within the alley, which on account of the renunciation assumed the status of a private domain, is the movement of objects permitted.

(4) Sc. what is the use of an announcement of which the rising generation would be unaware. The new generation,

ignorant of the terms of the announcement, would naturally assume that an 'erub is effective even where a heathen is one of the residents.

(5) Of the residents.

(6) The heathen resident in the alley.

(7) By becoming a tenant to the heathen's courtyard.

(8) A heathen's.

(9) If he is an Israelite.

(10) For the alley.

(11) To enable all the residents to move objects from their houses into the alley and vice versa.

(12) In a heathen's house.

(13) Cf. MS.M.

(14) Each one of whom occupied a room or a garret in it, and one of whom had forgotten to contribute his share to the 'erub for the alley. Since, it is asked, in respect of enabling the house in which he lives to be joined with the others in one 'erub he is regarded as its householder, is he equally regarded as a householder the absence of whose share from an 'erub restricts the use of the entire alley?

(15) I.e., that the 'erub shall be effective.

(16) Of course not. As all doubtful questions in the laws of 'erub are decided in favour of the more lenient view, a hired labourer or retainer cannot be regarded as a householder wherever he failed to contribute to the 'erub of the alley.

(17) v. Glos.

(18) R. Nahman.

(19) Criticizing traditional rulings.

(20) Prov. XXIX, 3.

(21) זונות 'harlots' is read as זן נאה 'this is fine'.

(22) Lit., 'like that of R.'

(23) Var. lec. 'Rabbah' (En Jacob).

(24) Var. lec. 'Rabbah b. Shimi (MS.M.).

(25) V. marg. glos., cur. edd., 'Gifty'. MS.M. omits the word.

(26) Var. lec., 'Mari son of R. Huna son of R. Jeremiah b. Abba (cf. Ber. 31a).

(27) Lit., 'a man shall not depart from his friend except from the midst of'.

(28) Sc. is able to collect his thoughts if suddenly confronted by a high personage whom he fears or reveres.

(29) Who died without any Jewish issue and thus had no legal heirs.

(30) With the proceeds of a portion of the property.

(31) The pious act will protect him from loss.

Talmud - Mas. Eirubin 64b

a husband [should act in a similar manner] with his wife's estate. Raba said: Even a man who engaged in trade and made a large profit should act in a similar manner. R. Papa said: Even he who has found something [should act in the same manner]. R. Nahman b. Isaac said: Even if he had only arranged for the writing of one pair of¹ tefillin.² In connection with this R. Hanin [or, as some say: R. Hanina] stated: What is the Scriptural proof?³ It is written: And Israel vowed a vow etc.⁴

Rami b. Abba⁵ stated: A mil's walk or a little sleep removes the effects of wine. Said R. Nahman in the name of Rabbah b. Abbuha: This applies only to one who has drunk one⁶ quarter of a log, but if one has drunk more than a quarter, a walk would only cause him more fatigue, and sleep would produce more intoxication. But does a mil's walk remove the effects of wine? Was it not in fact taught: It once happened that R. Gamaliel was riding on an ass when traveling from Akko to Chezib while R. Ila'i was following behind him. Finding a gluskin⁷ on the road he⁸ said to him, 'Ila'i, pick up the gluskin from the road'. Later he met a heathen. 'Mabgai',⁹ he said to him, 'take away that loaf from Ila'i'. R. Ila'i thereupon approached him,¹⁰ and asked 'where are you from?' 'I am', the other replied: 'from the station keepers'¹¹ settlements'. 'And what is your name?' 'My name is Mabgai'. 'Did R. Gamaliel ever know you?' 'No', the other replied. At that moment we discovered that R.

Gamaliel divined by the holy spirit and, at the same time, we learned three things: We learned that¹² eatables¹³ may not be passed by,¹⁴ that¹⁵ the majority of travellers must be followed;¹⁶ and that¹⁷ it is permitted to derive benefit¹⁸ from a heathen's leavened bread after the Passover.¹⁹ When he²⁰ arrived at Chezib a man approached him and asked for his vow to be absolved. 'Have we', he' asked the person who accompanied him,²¹ 'perchance drunk a quarter of a log of Italian wine?' 'Yes', the other replied. 'In that case', he said: 'let him walk behind us until the effect of our wine is removed'. The man walked behind them for three mils until he²⁰ reached the Ladder of Tyre.²² Having arrived at the Ladder of Tyre, R. Gamaliel alighted from his ass, wrapped himself in his cloak, sat down and disallowed his vow. At that time we learned many things: We learned that a quarter of a log of Italian wine causes intoxication; that an intoxicated man may not decide legal questions; that a journey causes the effects of wine to be removed, and that absolution from vows may not be granted while riding, walking, or standing, but must be done sitting. At all events, were not 'Three mils' mentioned here?²³ — Italian wine is different²⁴ since its powers of intoxication are greater.²⁵ But did not R. Nahman state in the name of Rabbah b. Abbuha, 'This applies only to one who has drunk one quarter of a log, but if one has drunk more than a quarter, a walk would only cause him more fatigue, and sleep would produce more intoxication'?²⁶ — A rider is in a different position.²⁷ Now that you have arrived at this,²⁸ no objection²⁹ can be raised against Rami b. Abba³⁰ either, since a rider is in a different position.³¹ But [the law,]³² surely, is not so; for did not R. Nahman say: Absolution from vows may be granted while walking, standing or riding?³³ — This is a point at issue between Tannas, one³⁴ holding that³⁵ an opening for regret must be discovered³⁶ while the other³⁷ holds that no opening for regret is required;³⁸ for³⁹ Rabbah b. Bar Hana related in the name of R. Johanan: what opening did R. Gamaliel suggest to that man? There is that speaketh like the piercings of a sword, but the tongue of the wise is health,⁴⁰ he 'that speaketh' a vow deserves to be pierced by the sword,⁴¹ 'but the tongue of the wise⁴² is health'.⁴³ The Master said that 'eatables may not be passed by'. R. Johanan laid down in the name of R. Simeon b. Yohai: This applies only to the earlier generations when the daughters of Israel did not freely indulge⁴⁴ in witchcraft, but in the later generations when the daughters of Israel freely indulged in witchcraft one may pass them by. A Tanna taught: Whole loaves⁴⁵ may be passed by but not crumbs. Said R. Assi to R. Ashi: But do they not practise witchcraft with crumbs? Is it not in fact written in Scripture: And ye have profaned Me⁴⁶ among My People for handfuls of barley and for crumbs of bread?⁴⁷ — These⁴⁸ they received as a fee.⁴⁹

R. Shesheth citing R. Eleazar b. Azariah observed:

-
- (1) Lit., 'he wrote with them', sc. paid for, out of the wealth or property he had acquired.
 - (2) V. Glos.
 - (3) That the performance of a pious deed has a favourable effect on one's fortunes.
 - (4) Num. XXI, 2, the conclusion of the text showing that as a result of the vow Israel expected to be victorious in their struggle against the Canaanites.
 - (5) Var. lec. R. Aha (cf. Sanh. 22b).
 - (6) So MS.M. omitting גדי 'the contents'. This is also the reading in the quotation infra.
 - (7) An expensive loaf made of a certain kind of white flour.
 - (8) R. Gamaliel.
 - (9) A Samaritan proper name common among heathens (cf. Mak. 11a).
 - (10) The heathen.
 - (11) Burgonin, pl. of burgoni, keeper or tenant of a station for travelers.
 - (12) Since R. Ila'i was requested to pick up the loaf.
 - (13) Lying on the ground.
 - (14) But must be picked up.
 - (15) Since the loaf was given away to a heathen.
 - (16) The majority having been heathens the loaf must be assumed to have been dropped by one of them and, therefore, forbidden to an Israelite.

- (17) This incident occurred after the Passover; and the loaf was nevertheless presented to a heathen.
- (18) The recipient of the loaf would naturally be grateful for the gift and likely to repay it by some other act of kindness.
- (19) Which is forbidden in the case of an Israelite's leavened bread.
- (20) R. Gamaliel.
- (21) R. Ila'i.
- (22) Scala Tyriorum, a promontory south of Tyre.
- (23) How then could Rami b. Abba maintain that a one mil's walk is enough?
- (24) From other wines.
- (25) Hence a longer journey is necessary.
- (26) And since Italian wine is stronger than others one quarter of a log of it would have the same effect as a larger quantity of the others.
- (27) From that of a pedestrian. The injurious consequences of a walk would not affect him.
- (28) To the drawing of a distinction between riding and walking.
- (29) From the statement that three mils are necessary to remove the influence of drink.
- (30) Who spoke of one mil only.
- (31) While for a pedestrian one mil is sufficient, a rider, whose exertion is less, requires three mils.
- (32) With reference to the absolution of vows.
- (33) Ned. 77b.
- (34) With whom R. Gamaliel is in agreement.
- (35) Before a Sage may absolve one from a vow.
- (36) Sc. a valid ground must be found to make the man regret his vow from the very outset. In order to discover such a ground careful thinking is necessary and this is only possible when one is comfortably seated.
- (37) Who allows the granting of absolution in any position.
- (38) Absolution may be granted to any person who applies for it irrespective of whether he regrets ever having made the vow or not.
- (39) As proof that R. Gamaliel holds the same view as the former Tanna.
- (40) Prov. Xli, 18.
- (41) Because he might not be able to fulfil his obligations.
- (42) That of the Sage who grants absolution.
- (43) He restores the sinner to a healthy moral condition. With this exposition R. Gamaliel was able to convince the man of his folly and to make him express his sincere regrets for ever having made his vow.
- (44) Lit., 'broken through'.
- (45) Since witchcraft may be suspected.
- (46) By the practice of witchcraft (v. Rashi).
- (47) Ezek. XIII, 19.
- (48) The 'crumbs' mentioned by Ezekiel.
- (49) For their services in the art of witchcraft. With these crumbs, however, no witchcraft was performed.

Talmud - Mas. Eirubin 65a

I could justify the exemption from judgment of all the [Israelite] world since the day of the destruction of the Temple until the present time, for it is said in Scripture: Therefore hear now this, thou afflicted and drunken but not with wine.¹

An objection was raised: The sale or purchase of an intoxicated person is valid. If he committed a transgression involving the penalty of death he is to be executed, and if he committed one involving flogging he is to be flogged; the general rule being that he is regarded as a sober man in all respects except that he is exempt from prayer.² [Does not this³ contradict the view of R. Shesheth]? By the expression,⁴ 'I could justify the exemption' that he used he also meant exemption from judgment [for the lack] of [devotion⁵ in] prayer.

R. Hanina said: This³ applies only to one who did not reach the stage of Lot's drunkenness,⁶ but

one who did reach such a stage is exempt from all responsibilities.

R. Hanina observed: Against him who passes by⁷ the 'Shield'⁸ in the time of haughtiness⁹ troubles will be closed and sealed about him, for it is said in Scripture: His scales¹⁰ are his pride, shut up together as with a close¹¹ seal.¹² What proof is there that *afek*¹³ signifies 'passing by'? — Since it is written in Scripture: My brethren have dealt deceitfully as a brook, as the channel¹³ of brooks that pass by.¹⁴ R. Johanan said: The statement¹⁵ was 'Against him who does not utter'.¹⁶ What is the proof that *mapik*¹⁷ signifies manifestation?¹⁸ — Since it is written in Scripture: And the channels¹⁹ of waters appeared, and the foundations of the world were laid bare.²⁰ Observe! The Scriptural texts provide equal proof for the one Master as well as for the other Master; wherein then lies the difference between them?²¹ — The difference between them is [the propriety of the practice] of R. Shesheth; for R. Shesheth entrusted [the task of waking him from] his sleep to his attendant. One Master²² upholds the view of R. Shesheth while the other Master²³ does not.²⁴

R. Hiyya b. Ashi citing Rab ruled: A person whose mind is not at ease must not pray, since it is said: 'He who is in distress shall give no decisions'.²⁵ R. Hanina did not pray on a day when he was agitated. It is written, he said: 'He who is in distress shall give no decisions'.²⁶

Mar Ukba did not attend²⁷ court on a *shutha*²⁸ day.

R. Nahman b. Isaac observed: Legal study²⁹ requires as much clearness³⁰ as a north wind day.³¹ Abaye remarked: If my [foster] mother³² had told me: 'Bring me the *kutha*',³³ I would not have been able to study.³⁴ If, remarked Raba,³⁵ a louse bit me I could not study.³⁴

Seven garments for the seven days of the week³⁶ were prepared for Mar son of Rabina by his mother.

Rab Judah observed: Night was created for naught but sleep. R. Simeon b. Lakish observed: The moon³⁷ was created only to facilitate study. When R. Zera was told, 'You are exceedingly well versed in your studies', he replied: 'They are the result of day work'.

A daughter³⁸ of R. Hisda once asked R. Hisda,³⁹ 'Would not the Master like to sleep a little?' 'There will soon come', he replied: 'days that are long and short⁴⁰ and we shall have time to sleep long'. R. Nahman b. Isaac remarked: 'we are day workers'. R. Aha b. Jacob borrowed⁴¹ and repaid.⁴²

R. Eliezer ruled: A man who returns from a journey⁴³ must not pray for three days, for it is said in Scripture: And I gathered them together to the river that turneth to Ahava;⁴⁴ and there we encamped three days, and I viewed⁴⁵ the people.⁴⁶

On returning from a journey Samuel's father refrained from prayer for three days. Samuel did not pray in a house that contained alcoholic drink.⁴⁷ R. Papa did not pray in a house that contained fish-hash.⁴⁷

R. Hanina observed: He who allows himself to be pacified when lie is taking wine possesses some of the characteristics of his Creator, for it is said in Scripture: And the Lord smelled the sweet savour;⁴⁸ and . . . said . . . 'I will not again curse the ground any more for man's sake'.⁴⁹

R. Hiyya observed: He who retains a clear mind under the influence of wine possesses the characteristics of the seventy elders; for the numerical value of 'yayin'⁵⁰ is seventy⁵¹ and so is also the numerical value of 'sod',⁵² so that when wine goes in counsel departs.⁵³

R. Hanin⁵⁴ observed: Wine was created for the sole purpose of comforting mourners and rewarding the wicked;⁵⁵ for it is said: Give strong drink unto him that is ready to perish,⁵⁶ and wine unto the bitter in soul.⁵⁷

R. Hanin⁵⁸ b. Papa stated: A person in whose house wine is not poured like water has not attained the state of blessedness; for it is said: And He will bless thy bread and thy water,⁵⁹ as the 'bread' spoken of is a food that may be bought with the money of the Second Tithe so is the 'water'⁶⁰ a liquid that may be bought with the money of the Second Tithe. Now such a liquid is' of course,⁶¹ wine,⁶² and yet it is called 'water'.

-
- (1) Isa. LI, 21. Having been described as 'drunken' prior to the destruction of the Temple, Israel, still bearing the stigma, cannot be held responsible for their actions.
 - (2) Tosef. Ter. III.
 - (3) The ruling that, with the exception of the duty of prayer, all intoxicated man is in all respects regarded as a sober man.
 - (4) Lit., 'what'.
 - (5) Cf Rashi.
 - (6) A state of complete unconsciousness (cf. Gen. XIX, 30ff).
 - (7) **מפיק** rt. **נפק**.
 - (8) I.e., omits to read the 'Amidah benedictions (cf. P.B. pp. 44ff) the first of which concludes with 'the Shield of Abraham'.
 - (9) When in a state of intoxication.
 - (10) **אפיקי מגנים** rendered as 'passing by' (cf. supra n. 2) the benediction concluding with 'Shield', (**מגן אברהם**).
 - (11) **צר** interpreted as **צרה** 'trouble'.
 - (12) Job XLI, 7,
 - (13) **אפיק**, rt. **נפק**.
 - (14) E.V., overflow, Job VI, 15.
 - (15) Reported by R. Hanina.
 - (16) The benedictions mentioned.
 - (17) **מפיק** rt. **נפק**.
 - (18) Sc. the utterance of the benedictions.
 - (19) **אפיקי** rt. **נפק**.
 - (20) Ps. XVIII, 16.
 - (21) Seeing that according to both views the law in practice is exactly the same, what matters it whether the rt. **נפק** is used as a positive in the sense of 'passing by' or as a negative, 'dos not utter'?
 - (22) R. Johanan.
 - (23) R. Hanina who uses the expression of 'passing by'.
 - (24) In his opinion a man's mind must be absolutely tranquil and clear during his prayers. A man who does not awake on his own cannot have a clear mind and is consequently unfit for prayer. (For another interpretation of the passage v. R. Han. and cf. Tosaf. s.v. **מסר** a.l.).
 - (25) M.T. has no such verse. R. Tam. (Tosaf. s.v. **בצר** a.l.) attempts to trace it to Job XXXVI, 19, rendering **שועך** as 'thy prayer' and **בצר** as here interpreted 'in distress'.
 - (26) V. prev. note.
 - (27) Lit., 'go out to'.
 - (28) 'Severe south wind' (Rashi), east wind' (Ar.), 'cloudy' (R. Han.).
 - (29) Or 'a legal decision'.
 - (30) Of mind. Aliter (cf. prev. n.); 'Must be as clear'.
 - (31) Istana. Cf. B.B., Sonc. ed. p. 568, n. 9 and Yeb. 72a.
 - (32) V. Kid. 31b.
 - (33) A dish of bread-crusts, sour milk and salt.
 - (34) Sc. the slightest disturbance of his studies would have distracted his mind and prevented him from concentrating on

the work in hand.

(35) Var. lec. 'Rabina' (En Jacob).

(36) Thus providing for his cleanliness and comfort and facilitating his study.

(37) Or 'moonlight'.

(38) MS.M., En Jacob and others read: 'the daughters'.

(39) Who spent his nights in prayer and study.

(40) The days in the grave are long in quantity but short in quality. In the grave one cannot continue his studies or perform any of the other good deeds.

(41) From the day-time.

(42) In the night. Sc. if for some reason he had to curtail his studies during the day he made up the deficiency in the night.

(43) Which usually involves danger, fatigue and distraction of the mind.

(44) Cur. edd., 'Ahava'.

(45) Lit., 'and I understood'.

(46) Ezra VIII, 15; he was unable to 'view' or 'understand' them before on account of the fatigue and distractions caused by the journey.

(47) He could not stand its pungent odour which disturbed his devotions.

(48) Smell and taste are regarded as being on a par.

(49) Gen. VIII, 21, which shows that the Creator allowed himself to be pacified when enjoying, so to speak, a 'sweet savour' (cf. prev. n.).

(50) יין 'wine'.

(51) It is composed of the letters י 10, + י 10, + ך 50, = 70. Lit., 'wine was given in seventy letters'. MS.M. omits 'letters'.

(52) ך ך 'counsel', consists of the letters ך, 60 + ך, 6 + ך 4 = 70.

(53) Sc. the man who drinks wine loses the ability for clear thinking. Any man, therefore, who is able to retain the clarity of his mind in such circumstances is regarded as being on a par with the seventy elders, the Sanhedrin, the source of clear thought and counsel.

(54) MS.M. 'Johanah'.

(55) For the little good they may do in this world.

(56) Sc. the wicked.

(57) The mourner; Prov. XXXI, 6.

(58) MS.M. 'Hanina'.

(59) Ex. XXIII, 25.

(60) Since it was mentioned in the same context as the 'bread'.

(61) Lit., 'and what is it?'

(62) Since water like salt (cf. supra 26b) may not be bought with the money of the Second Tithe.

Talmud - Mas. Eirubin 65b

If, therefore, it is poured in one's house like water that house has attained to the state of¹ blessedness, otherwise it has not.²

R. Ila'i³ said: By three things may a person's character be determined: By his cup,⁴ by his purse⁵ and by his anger; and some say: By his laughter also.

Rab Judah stated in the name of Rab: An Israelite and a heathen once lived in the inner of two courtyards and one Israelite lived in the outer one,⁶ and when the case⁷ came up for discussion before Rabbi he forbade the use of the latter,⁸ and when it was submitted to R. Hiyya he also forbade its use.⁸ Rabbah and R. Joseph were once sitting at the end [of a discourse] of R. Shesheth's session⁹ when the latter on sitting down suggested that¹⁰ Rab explained his traditional ruling to be in agreement with the view of R. Meir;¹¹ and Rabbah nodded his head.¹² 'That two great men',¹³ exclaimed R. Joseph,¹⁴ 'should make a mistake in such a simple thing! If the ruling is in agreement

with R. Meir why was it required that all Israelite shall live in the outer courtyard?¹⁵ And should you reply that the case just happened to be of such a nature, was not Rab asked, [it could be pointed out,] whether the inner Israelite tenant could use his own place¹⁶ and he replied that he was permitted?¹⁷ — In agreement with whose view then?¹⁸ Is it suggested to be in agreement with that of R. Eliezer b. Jacob?¹⁹ Did he not, [it may be retorted,] rule:²⁰ UNLESS THERE ARE TWO ISRAELITES WHO IMPOSE RESTRICTIONS UPON EACH OTHER?²¹ — Is it²² then in agreement with R. Akiba who ruled: A man who is permitted freedom of movement in his own place²³ causes the restriction of free movement on others in a place that is not his?²⁴ What need was there,²⁵ [it may be asked,] to have a heathen,²⁶ seeing that even one Israelite alone would have imposed the restrictions? — R. Huna son of R. Joshua replied: The ruling²² in fact is in agreement with R. Eliezer b. Jacob²⁷ and R. Akiba,²⁸ but²⁹ here we are dealing with a case where [the two Israelites] joined in an ‘erub. Hence the reason of the prohibition that there was a heathen³⁰ who imposed the restrictions, but where there was no heathen there is none to impose restrictions upon them.

R. Eleazar³¹ enquired of Rab: What is your ruling where all Israelite and a heathen lived in the outer courtyard and one Israelite lived in the inner one? [Is the enactment³² applicable only] there,³³ for the reason that it is usual³⁴ [for an Israelite] to live [with a heathen] since [the former knows] that the heathen would be afraid [to use violence against him] as he expects the other Israelite³⁵ to come and demand,³⁶ ‘Where is that Israelite that lived with you?’³⁷ but [not] here where the heathen could well reply,³⁸ ‘He went out and disappeared’;³⁹ or is it likely [that the enactment extended also to such a case since] here also [the heathen would be] afraid [to, use violence against his neighbour] as he imagines that the Israelite⁴⁰ might at any moment pass⁴¹ and detect him in the act?⁴² — The other replied: Give to a wise man, and he will be yet wiser.⁴³

Resh Lakish and the students of R. Hanina once happened to be in a certain inn⁴⁴ while its tenant was away but its landlord was present. ‘Is it proper’,⁴⁵ they discussed, ‘to rent from him⁴⁶ [the heathen's share in the courtyard]?’⁴⁷ Wherever the landlord is not entitled to terminate the lease⁴⁸ there could be no question that we must not rent it; the question arises only where he is entitled to terminate it.⁴⁸ May we rent it because he has the power to terminate the lease or is it possible that, since at present at any rate he did not yet terminate it, we may not rent it?’ — Resh Lakish said to them: ‘Let us⁴⁹ rent it⁵⁰ and when we arrive at our Masters in the South we might submit the question to them’. On submitting the question⁵¹ to R. Afes he replied: ‘You have acted well in renting it’.

R. Hanina⁵² b. Joseph, R. Hiyya b. Abba and K. Assi once happened to come to a certain inn whither⁵³ a heathen, the owner of the inn, had returned on the Sabbath.⁵⁴ ‘Is it permissible’,⁵⁵ they discoursed, ‘to rent from him his share? Is the law of renting like that of the preparation of an ‘erub,⁵⁶ so that as an ‘erub must be prepared while it is yet day,⁵⁷ must renting take place while it is yet day;⁵⁷ or is the law of renting like that of the renunciation of one's domain, so that as the right to one's domain may be renounced even on the Sabbath⁵⁸ so may renting also take place on the Sabbath?’⁵⁹ R. Hanina b. Joseph said: ‘Let us rent it’, while R. Assi said: ‘Let us not rent it’. ‘Let us’, said R. Hiyya b. Abba to them, ‘rely on the words of the old man and rent it’. When they subsequently came to R. Johanan and submitted the question to him he told them:

(1) Lit., ‘there is’.

(2) Lit., ‘and if not, not

(3) MS.M., ‘Ela’.

(4) Sc. by the effect of drink on his mind, or by the amount he consumes.

(5) The sums of money he spends on charitable causes or the manner of his dealing in money matters.

(6) Through which the tenants of the former had a right of passage.

(7) Of the permissibility of the movement of objects on the Sabbath in the outer courtyard.

(8) Sc. the movement of objects in it is forbidden on the Sabbath unless in addition to a joint ‘erub by the two Israelites

the heathen has also let his share in it to its tenant.

(9) **שְׁלֵהי פְּרָקִיָּה**; the phrase seems to be a technical phrase denoting a special session at the end of a series of lectures devoted to the reviewing of the conclusions reached during the course, v. Kaplan J., *The Redaction of the Babylonian Talmud*, p. 257.].

(10) Lit., 'like whom?'

(11) The author of the ruling in the first clause of our Mishnah which restricts the use of a courtyard in which a heathen lived even if no more than one Israelite lived in it with him.

(12) In consent.

(13) So MS.M. Cur. edd. add., 'like our Rabbis'.

(14) MS. M. 'Abaye'.

(15) To bring up the number of Israelites to two. According to R. Meir (cf. supra p. 455, n. 14) the heathen would have imposed the restrictions even in there had been only the one Israelite in his courtyard.

(16) In the inner courtyard, sc. may he move objects from his house into that courtyard and vice versa?

(17) Which shows that the prohibition is restricted to that courtyard alone in which no less than two Israelites have a share. How then could it be suggested that the ruling was in agreement with R. Meir.

(18) Did Rab explain his reported ruling.

(19) The author of the ruling in the second clause of our Mishnah.

(20) That a heathen causes no restrictions.

(21) As the two Israelites do not live in the same courtyard, and as the inner tenant is permitted to use his own courtyard, the latter could impose no restrictions upon the former. Why then was the use of the outer courtyard forbidden?

(22) Rab's reported ruling under discussion.

(23) As is the Israelite in the inner courtyard.

(24) Supra 59b, q.v. notes; and since the two Israelites thus impose restrictions upon each other the heathen also imposes restrictions upon them.

(25) For the imposition of restrictions,

(26) In the inner courtyard.

(27) That only where two Israelites impose restrictions upon each other does a heathen's tenancy affect their rights to the use of their courtyard. Hence it is well permitted to the only Israelite in the inner court freely to use that courtyard in which he lives.

(28) According to whose view the inner Israelite tenant, though he may freely use his own courtyard, imposes restrictions on the use of the outer courtyard.

(29) The reason why the tenancy of a heathen is required if restrictions are to be imposed.

(30) Who impairs the validity of the 'erub of the Israelites.

(31) V. marg. glos. Cur. edd., 'Eliezer'.

(32) That a heathen tenant imposes restrictions on his Israelite neighbours.

(33) In the previous case where an Israelite and a heathen lived in the inner courtyard and one Israelite lived in the outer one.

(34) In the circumstances described (cf. prev. n.).

(35) Who lived in the outer courtyard.

(36) Lit., 'now the Israelite would come and say to me'.

(37) He could not shake since his way out could only be through the outer courtyard where its tenant would have seen him.

(38) Lit., 'I would say to him',

(39) As no Israelite would in such circumstances venture to live with a heathen in the same courtyard no enactment (cf. supra n. 3) was deemed necessary.

(40) The tenant of the inner courtyard.

(41) Through the outer courtyard on his way out.

(42) Lit., 'come and see me'.

(43) Prov. IX, 9; Sc. the enactment applied to the latter, as well as to the former case.

(44) In the courtyard of which lived two Israelites and one heathen who rented his house from a fellow heathen.

(45) Lit., 'what is it?'

(46) The landlord.

- (47) In order that the movement of objects in it shall be permitted on the Sabbath even if the leaseholder returned before the termination of the Sabbath.
- (48) Before the clay of its expiration. Lit., 'remove him'.
- (49) Since doubtful points in respect of the laws of 'erub are to be decided in favour of the more lenient view.
- (50) And thus be entitled to the unrestricted use of the courtyard.
- (51) Lit., 'they came, asked'.
- (52) MS.M. 'Rabbah'.
- (53) After they had duly prepared their 'erub on the Sabbath eve.
- (54) No question would have arisen if he had not returned since a heathen's right in a courtyard is disregarded in his absence in the case of 'erub. (Cf. R. Judah's ruling supra 86a).
- (55) Lit., 'what is it?'
- (56) Lit., 'is one who rents like one who prepares an 'erub'.
- (57) Of the Sabbath eve.
- (58) Cf. supra 69b.
- (59) And consequently one of them at least in whose favour all the others would renounce their rights could rent the heathen's share and thus be entitled to the unrestricted use of the courtyard. [This is not treated as a commercial transaction but as the presentation of a mere gift, since its sole object is to permit the movement of objects; Tosaf. 66a, s.v. עֵרֻב].

Talmud - Mas. Eirubin 66a

'You have acted well in renting the place'. The Nehardeans were astonished at this decision.¹ Could R. Johanan, [they argued,] have given such a decision, seeing that R. Johanan laid down that renting is subject to the same law as that of the preparation of an 'erub, which means, does it not, that as the preparation of an 'erub must take place while it is yet day so must renting also take place while it is yet day?² — No;³ the meaning is that as an 'erub may be prepared even with food that is worth less than a perutah⁴ so may renting also be effected even with less than a perutah,⁴ and as an 'erub for a heathen's share is valid even if effected through his hired labourer or retainer⁵ so may his share be rented even from his hired labourer or his retainer,⁶ and as in the case of 'erub, if five tenants lived in one courtyard,⁷ one of them may join in an 'erub⁸ for all of them⁹ so also in the case of renting, if five tenants¹⁰ lived in one courtyard,¹¹ one of them may rent the heathen's share on behalf of all of them.

R. Eleazar was astonished at it.¹² 'What', R. Zera asked: 'could have been the cause of R. Eleazar's astonishment?' That such a great man as R. Zera, exclaimed R. Shesheth, should not know why R. Eleazar was astonished! His difficulty, [of course] was a ruling of his Master Samuel who laid down: Wherever tenants¹³ impose restrictions upon one another but may¹⁴ join together in an 'erub they may¹⁵ renounce their rights to their shares in favour of one of them;¹⁶ where they may¹⁴ join in an 'erub but¹⁷ do not impose restrictions upon one another, or when they do¹⁸ impose restrictions upon one another but may not¹⁹ join in an 'erub, they may not renounce their rights in favour of one of them. 'Wherever tenants impose restrictions upon one another but may join together in an 'erub they may renounce their rights to their shares in favour of one of them' as, for instance, in the case of two courtyards, one within the other.²⁰ 'Where they may join in an 'erub but do not impose restrictions upon one another . . . they may not renounce their rights in favour of one of them' as, for instance, in the case of two courtyards²¹ that have a common door between them.²² Now what case was intended to be included in the statement, 'Where they do impose restrictions upon one another but may not join in an 'erub they may not renounce their rights in favour of one of them'? Was not this meant to include the case of the heathen?²³ Now,²⁴ if the heathen had come home on the Sabbath eve,²⁵ could not his share have been hired prior to the Sabbath?²⁶

(1) Just attributed to R. Johanan.

(2) How then could it be asserted that R. Johanan approved of the renting of the heathen's share on the Sabbath?

- (3) Sc. the comparison was not intended, as suggested, to restrict the laws of 'erub, but rather, since in all questions of 'erub the lenient course is followed, to relax them.
- (4) V. Glos.
- (5) If he was an Israelite (cf. supra 64a).
- (6) Who was not an Israelite.
- (7) Whose door opened into another courtyard.
- (8) With the tenants of the other courtyard.
- (9) Cf. infra 72b.
- (10) Israelites.
- (11) Where a heathen tenant also lived.
- (12) At the decision supra to rent the heathen's share on the Sabbath and to renounce the individual Israelites' rights in favour of one of them.
- (13) In the absence of an 'erub.
- (14) If they wish.
- (15) Where they have failed to prepare their 'erub on the Sabbath eve.
- (16) Thereby constituting the entire courtyard as the domain of that one tenant and they in consequence are enabled to move objects from place to place within the courtyard as well as from that tenant's house into the courtyard and vice versa; the movement of objects from their own houses into the courtyard and vice versa would, of course, remain forbidden.
- (17) Even in the absence of an 'erub.
- (18) In the absence of an 'erub.
- (19) Even if they desire it.
- (20) The tenants of the inner courtyard, if they do not join in an 'erub for their courtyard, restrict the use of the outer courtyard by its tenants, on account of the former's right of passage through it. They may join in an 'erub with the outer tenants if they desire to do so, by preparing one on the Sabbath eve. They may, therefore, should they even happen to have failed to prepare the 'erub on the Sabbath eve, renounce their right of passage through the outer courtyard in favour of its tenants and thus remove the latter's restrictions upon its use.
- (21) Each of which has a door of its own to an alley or a public domain.
- (22) In addition to their other doors. The tenants of these two courtyards may join in an 'erub if they wish but, since each courtyard is self-contained, they do not impose restrictions upon one another even in the absence of an 'erub. As renunciation of rights in a courtyard was permitted only where the tenants impose restrictions upon one another no renunciation is here allowed.
- (23) Who lived in a courtyard with two Israelites. In such a case the two Israelites would impose restrictions upon one another but could not join in an 'erub on account of the heathen tenant.
- (24) Since this case was apparently intended.
- (25) Lit., 'and if he came since yesterday'.
- (26) Lit., 'from yesterday'. Of course it could. Why then, since all 'erub could well be prepared after the heathen's share had been hired, is this case described as one where the tenants 'impose restrictions' but 'may not join in an 'erub'?

Talmud - Mas. Eirubin 66b

Consequently¹ it must refer to a case where the heathen came home on the Sabbath, and in connection with this it was stated that 'where they do impose restrictions upon one another but may not join in an 'erub they may not renounce their rights in favour of one of them'.² This is conclusive.

I, observed R. Joseph, have never before heard this reported ruling.³ Said Abaye to him: You yourself have taught it to us⁴ and you said it in connection with the following. For Samuel said that 'no domain may be renounced where two courtyards are involved⁵ nor may it be renounced in the case of a ruin',⁶ and you told us in connection with it that when Samuel said that 'no domain may be renounced where two courtyards are involved' he meant it to apply only to two courtyards that⁷ had one door in common,⁸ but where one courtyard was within the other,⁹ since the tenants impose restrictions upon one another,¹⁰ they¹¹ may also renounce their rights.¹² Could I, the former

questioned, have reported such a ruling in the name of Samuel? Did not Samuel in fact state: 'In the laws of 'erub we can only be guided¹³ by the wording of our Mishnah',¹⁴ [viz.,] 'the tenants of one courtyard',¹⁵ but not those of two courtyards?¹⁶ — When you told us, the other explained, that 'In the laws of 'erub we can only be guided by the wording of our Mishnah' you said It in connection with the following: Since an alley to its courtyards is as a courtyard to its houses.¹⁷

[To turn to] the main text: Samuel ruled that no domain may be renounced where two courtyards are involved nor may it be renounced in the case of a ruin.¹⁸ R. Johanan, however, ruled: A domain may be renounced even where two courtyards are involved and it may also be renounced in the case of a ruin. And both¹⁹ had to be mentioned. For if the two courtyards only had been mentioned it might have been assumed that only in this case did Samuel maintain his view, since the use of one is quite independent of that of the other,²⁰ but that in the case of a ruin, the use of which is common to the two tenants,²¹ he agrees with R. Johanan.²² And if the latter²³ only had been stated it might have been presumed that in this case only did R. Johanan²⁴ mention his view, but that in the former case²⁵ he agrees with Samuel. Hence both were required.

Abaye stated: Samuel's ruling that²⁶ 'no domain may be renounced where two courtyards are involved'²⁷ applies only²⁸ to two courtyards that had one door in common but where two courtyards were one within the other, since the tenants impose restrictions upon one another, they may also renounce their rights.²⁹ Raba stated: Even in the case of two courtyards one of which was within the other the tenants may sometimes renounce their rights and sometimes³⁰ they may not renounce them. How IS this [possible]? If the tenants³¹ deposited their 'erub in the outer courtyard and one tenant, whether of the inner courtyard or of the outer courtyard, forgot to participate in the 'erub, the use of both courtyards is restricted,³² If they deposited their 'erub in the inner courtyard and one tenant of the inner courtyard forgot to participate in the 'erub, the use of both courtyards is restricted.³² If, however, a tenant of the outer courtyard forgot to participate in the 'erub, the use of the inner courtyard is unrestricted³³ while that of the outer one is restricted.³⁴ 'If the tenants deposited their 'erub in the outer courtyard and one tenant, whether of the inner courtyard or of the outer courtyard, forgot to participate in the 'erub, the use of both courtyards is restricted'. For in whose favour could this tenant of the inner courtyard³⁵ renounce his right? Should he renounce it³⁶ in favour of the tenants of the inner courtyard?³⁷ But their 'erub, surely, is not with them!³⁸ Should he³⁹ renounce his right⁴⁰ in favour of the tenants of the outer courtyard also?⁴¹ Surely no domain may be renounced where two courtyards are involved!⁴² As to the tenant of the outer courtyard⁴³ too in whose favour could he renounce his right? Should he renounce it³⁶ in favour of the tenants of the outer courtyard? There would still remain the tenants of the inner courtyard⁴⁴ who⁴⁵ would impose the restrictions upon them! Should he renounce it in favour of the tenants of the inner courtyard also?⁴⁶ Surely no domain may be renounced where two courtyards are involved!⁴² 'If they deposited their 'erub in the inner courtyard and one tenant of the inner courtyard forgot to participate in the 'erub, the use of both courtyards is restricted'. For in whose favour could this tenant of the inner courtyard⁴⁷ renounce his right? Should he renounce it⁴⁸ in favour of the tenants of the inner courtyard? There would still remain the tenants of the outer courtyard who⁴⁹ would impose restrictions upon them! Should he⁵⁰ renounce his right⁵¹ in favour of the tenants of the outer courtyard also?⁵² Surely no domain may be renounced where two courtyards are involved!⁵³

(1) Since it is a case where they may not join in an 'erub'.

(2) Which proves that renunciation of individual shares in favour of one of the tenants is permissible only where the tenants were allowed to prepare an 'erub on the Sabbath eve. Hence R. Eleazar's astonishment (supra 66a).

(3) Of Samuel, that in the case of two courtyards the tenants of the inner one may renounce their right of passage through the outer one in favour of the tenants of the latter.

(4) R. Joseph, as the result of a serious illness, lost his memory and Abaye who was a disciple of his often reminded him of his own teachings. Cf. supra 10a notes.

(5) Lit., 'from courtyard to courtyard'. This is explained presently.

- (6) That intervened between two houses whose doors opened into it. Only in the case of houses that opened into a courtyard, which is a recognized place for the use of tenants, was renunciation of one's right to one's share in that courtyard permitted in order to enable (a) the tenant in whose favour the renunciation was made to move objects from his house to the courtyard and vice versa, and (b) the other tenant or tenants to move objects from place to place within the courtyard. As a ruin, however, is not usually a place which tenants would use no renunciation of one's domain was permitted and no objects, therefore, may be moved either from the houses into it or from it into the houses unless a proper 'erub has been duly prepared.
- (7) In addition to the door each had towards an alley or a public domain.
- (8) Lit., 'between them'. Since each of the two groups of tenants, by closing the communicating door, is well able freely to use its own courtyard, irrespective of any action on the part of the other group, the Rabbis did not consider it necessary to relax the law in their favour and to allow renunciation.
- (9) And the inner tenants cannot possibly gain access to the alley or public domain except through the outer courtyard.
- (10) On account of the right of way.
- (11) The inner tenants, if they prepared no 'erub even among themselves.
- (12) Of passage, to which they are entitled in the outer courtyard, and the tenants of the latter are thereby enabled to use their courtyard.
- (13) Sc. no further relaxation of the law is permitted.
- (14) The Mishnah infra 69b of which Samuel presumably spoke.
- (15) May, if one of them forgot to join in their 'erub, renounce their rights in their courtyard in favour of that man.
- (16) How then could this be reconciled with the ruling of Samuel that the law of renunciation applies only to two courtyards?
- (17) Mishnah infra 73b. Cf. the discussion infra 74a.
- (18) Supra q.v. notes.
- (19) Courtyards and ruin.
- (20) Lit., 'its use is alone', the one courtyard is not used by the tenants of the other. As the tenants are independent of, and consequently impose no restrictions upon one another it was quite proper that the law of renunciation should not be extended to them.
- (21) Lit., 'one use for both of them', the two tenants who lived on either side of the ruin, who do impose restrictions upon each other.
- (22) That renunciation is permitted.
- (23) A ruin.
- (24) For the reason given supra n. 2.
- (25) To which the reason stated supra n. 1 is applicable.
- (26) Lit., 'that which Samuel said'.
- (27) Supra q.v. notes.
- (28) Lit., 'he did not say them, but'.
- (29) Cf. supra p. 462, nn. 2ff.
- (30) Though they impose restrictions upon one another.
- (31) Of both courtyards.
- (32) Sc. renunciation is of no avail; as will be explained anon.
- (33) Because the tenants of the outer courtyard, whose 'erub was deposited in it and who in consequence were regarded as its tenants, are permitted to renounce their rights in favour of the inner tenants whose use they would otherwise have restricted on account of the restrictions in their own courtyard occasioned by the outer tenant who failed to participate with them in their 'erub.
- (34) As explained in the prev. n. ad fin.
- (35) Who failed to participate in the 'erub.
- (36) The right to his share in his courtyard.
- (37) So that they might thereby be permitted to the unrestricted use of their courtyard though the tenants of the outer courtyard, on account of his right of way, would not be allowed the unrestricted use of their own courtyard.
- (38) Since it was not deposited in their own courtyard but in the outer one; and should they be severed from it they would remain with no 'erub at all and, in consequence, would be subject to all the restrictions that tenants impose upon one another.

- (39) The inner tenant who did not participate in the 'erub.
- (40) Of way in the outer courtyard.
- (41) And by eliminating himself in this manner from both courtyards enable both groups of tenants to have the unrestricted use of the courtyards.
- (42) Lit., 'from courtyard to courtyard', sc. according to Samuel no tenant of one courtyard may renounce his right to his share in favour of a tenant of another courtyard even though, in the absence of such renunciation, he imposes restrictions upon him.
- (43) Who failed to participate in the 'erub.
- (44) Whose 'erub has been invalidated on account of this tenant's forgetfulness.
- (45) Since they are restricted in the use of their own courtyard.
- (46) V. supra n. 7.
- (47) Who failed to participate in the 'erub.
- (48) The right to his share in his courtyard.
- (49) On account of their participation in the 'erub that was deposited in the inner courtyard, which has conferred upon them the status of tenants.
- (50) The inner tenant who did not participate in the 'erub.
- (51) Of way in the outer courtyard.
- (52) V. supra p. 464, n. 7.
- (53) V. supra p. 464, n. 8.

Talmud - Mas. Eirubin 67a

'If, however, a tenant of the outer courtyard forgot to participate in the 'erub the use of the inner courtyard¹ is' certainly 'unrestricted',² since its tenants³ might close its door⁴ and so enjoy its use, 'while that of the outer one is restricted'.⁵

Said R. Huna son of R. Joshua to Raba: But why should the use of both courtyards be restricted where a tenant of the inner one forgot to join in the 'erub.? Could not the tenant of the inner courtyard renounce his right in favour of the tenants of the inner courtyard and the tenants of the outer one could then come and enjoy unrestricted use together with them? — In agreement with whose view, [retorted Raba, is this objection raised? Apparently] in agreement with that of R. Eliezer who ruled that 'it is not necessary to renounce one's right in favour of every individual tenant',⁶ but I spoke in accordance with the view of the Rabbis who ruled⁶ that 'it is necessary to renounce one's right in favour of every individual tenant'.⁷ Whenever R. Hisda and R. Shesheth met each other, the lips of the former trembled at the latter's extensive knowledge of Mishnahs,⁸ while the latter trembled all over his body at the former's keen dialectics.⁹ R. Hisda once asked R. Shesheth: 'What is your ruling where two houses were situated on the two sides of a public domain and gentiles came and put up a fence before their doors¹⁰ on the Sabbath?¹¹ According to him who holds that no renunciation of a domain is valid where two courtyards are involved¹² the question does not arise. For¹³ if no renunciation is permitted where two courtyards are involved even where an 'erub could, if desired, have been prepared on the previous day¹⁴ how much less could renunciation be permitted here¹⁵ where¹⁶ no 'erub could have been prepared on the previous day even if desired. The question arises only on the view of him, who ruled,¹² "A domain may be renounced even where two courtyards are involved".¹⁷ Do we say that only there where they could, if desired, have prepared an 'erub on the previous¹⁸ day is one also allowed to renounce one's domain, but here¹⁹ where they could not prepare an 'erub on the previous day²⁰ one is not allowed to renounce one's domain either; or is it possible that there is no difference between the two cases?'²¹ — 'No renunciation is permitted', the other replied.²² 'What is your ruling', the former again asked: 'where the gentile²³ died on the Sabbath?²⁴ According to him who ruled that it was permitted to rent,²⁵ the question does not arise. For if two acts²⁶ are permitted is there any need to question whether one act only²⁷ is permitted?²⁸ The question, however, arises according to him who ruled that it was not permitted to rent.²⁹ Are only two acts³⁰ forbidden³¹ but not one,²⁷ or is it possible that no

difference is to be made between the two cases?' — 'I maintain', the other replied: 'that renunciation is permitted'.³² Hamnuna, however, ruled: renunciation³³ is not permitted.³⁴

Rab Judah laid down in the name of Samuel: If a gentile has a door of the minimum size of four handbreadths by four that opened³⁵ into a valley, even though he leads camels and wagons in and out all day through an alley,³⁶ he does not restrict its use for the residents of that alley. What is the reason? — That door which he keeps exclusively for himself is the one he prefers.³⁷ The question was asked: What is the ruling where it³⁸ opened into a karpaf?³⁹ R. Nahman⁴⁰ b. Ammi citing a tradition replied:

-
- (1) By its tenants.
 - (2) Even according to Samuel,
 - (3) In whose favour those of the outer one may well renounce the right in their courtyard which they have acquired solely through their 'erub (cf. Rashi).
 - (4) That leads to the outer courtyard.
 - (5) Cf. supra p. 463, n. 14, ad fin. The renunciation on the part of the outer tenants, it may be added, is necessary only in accordance with the ruling of R. Akiba. According to the view of the Rabbis no renunciation is required v. infra 75b (Rashi and Tosaf. a.l.).
 - (6) Cf. supra 26b.
 - (7) Since a tenant of one courtyard cannot renounce his right in favour of a tenant of another courtyard (as stated supra) the inner tell, [It cannot renounce his right in favour of any of the outer tenants and, consequently, his renunciation in favour of his own neighbours alone cannot in any way help towards the removal of the restrictions.
 - (8) Many of which appear to be contradictory to each other and so offered R. Shesheth, who could easily marshal them, an opportunity of embarrassing R. Hisda by inviting him to reconcile them.
 - (9) With which he could easily bewilder R. Shesheth.
 - (10) Lit., 'and surrounded them', sc. fences were erected on both sides of the doors of the houses across the public domain so as to form an enclosure into which both doors opened.
 - (11) Is one of the tenants permitted to move objects from his house into the enclosure (cf. supra 20a) if the other has renounced in his favour the share he has in it?
 - (12) Supra 66b, q.v. notes.
 - (13) Lit., 'now that'.
 - (14) Sc. on the Sabbath eve. From which it follows (as explained supra) that where residents impose no restrictions upon each other they are not permitted to exercise the right of renunciation even where they had the right to join in an 'erub.
 - (15) The case under consideration.
 - (16) In addition to the residents' inability to impose restrictions upon each other.
 - (17) From which it follows that renunciation is permitted even where the residents concerned do not impose restrictions upon each other.
 - (18) So that they enjoyed at least one privilege, that of the right to the preparation of an 'erub.
 - (19) The case under consideration.
 - (20) And are thus deprived even of the one privilege (cf. supra n. 11).
 - (21) As renunciation is permitted even where the residents impose no restrictions upon each other so is it also permitted where no 'erub could be prepared by them on the Sabbath eve.
 - (22) Renunciation is admissible only where the residents concerned (a) impose restrictions upon one another or (b) could, if they desired, have prepared an 'erub at the proper time.
 - (23) Who lived in a courtyard with two Israelites who neither rented his share in it nor prepared an 'erub on the Sabbath eve.
 - (24) May the Israelites renounce their rights to each other on the Sabbath?
 - (25) On the Sabbath, from a gentile who returned home on that day; and that renunciation is subsequently permitted (v. supra 65b).
 - (26) Renting and renunciation.
 - (27) Renunciation.
 - (28) Obviously not.

(29) Cf. supra n. 5, mut. mut.

(30) Renting and renunciation.

(31) Lit., 'two it is that we do not do'.

(32) Since in this case, unlike the one cited, the residents could have rented the gentile's share before the Sabbath when a valid 'erub could well have been prepared.

(33) Which is admissible only where an 'erub could have been prepared.

(34) Since in this case also no 'erub could have been prepared because the gentile's share in the courtyard had in fact not been rented.

(35) From his courtyard.

(36) In which Israelites live and into which his courtyard also has a door.

(37) He is consequently presumed to have renounced his right to his share in the alley, and if he does use it he is regarded as a mere passer-by whose passage can in no way affect the rights of the residents (cf. R. Han.).

(38) The door of the heathen's courtyard that had also a door opening towards an alley (cf. supra p. 467, n. 16).

(39) Is a karpaf in this respect regarded as a valley?

(40) Var. lec., 'Hanan' (Bomb. ed.).

Talmud - Mas. Eirubin 67b

Even if it opened to a karpaf.¹ Both Rabbah and R. Joseph ruled: A gentile² causes restrictions³ [if his karpaf was no bigger than] two beth se'ah,⁴ but if it was bigger⁵ he causes no restrictions,⁶ an Israelite,⁷ however, causes no restrictions⁸ [if his karpaf was no bigger than] two beth se'ah,⁹ but if it was bigger¹⁰ he¹¹ does cause restrictions.⁶

Raba b. Haklai¹² asked R. Huna: What is the ruling¹³ where [the door of a gentile's courtyard]¹⁴ opened into a karpaf¹⁵ The other replied: Behold it has been said: 'Causes restrictions if [his karpaf was no bigger than] two beth se'ah, but if it was bigger he causes no restrictions'.¹⁶

Ulla laid down in the name of R. Johanan: If a man threw an object¹⁷ into a karpaf that was bigger than two beth se'ah and that was not enclosed for dwelling purposes he incurs guilt¹⁸ even if it was of the size of a kor or even as big as two kors. What is the reason?¹⁹ — It is a proper enclosure²⁰ which only lacks tenants.²¹

R. Huna b. Hinena²² raised all objection: If a rock in the sea²³ was ten handbreadths high and four handbreadths wide it is forbidden to move objects from it into the sea and from the sea into it;²⁴ but if it was lower²⁵ this is permitted.²⁶ To what extent?²⁷ To two beth se'ah.²⁸ Now what do these²⁹ refer to? If it be suggested: To the final clause,³⁰ the objection would arise: Seeing that one would only be moving from a karmelith to a karmelith,³¹ why only two beth se'ah, and no more? Consequently it must refer³² to the first clause, and what was implied was this: 'If a rock in the sea was ten handbreadths high and four handbreadths wide it is forbidden to move objects from it into the sea and from the sea into it', and 'To what extent?³³ To two beth se'ah', from which it follows that if it was bigger than two beth se'ah the movement of objects is permitted.³⁴ It is thus obvious that a rock of such dimensions has³⁵ the status of a karmelith. Does not this³⁶ then present an objection against R. Johanan?³⁷ — Raba retorted: only he who does not know how to explain Baraithas raises such an objection against R. Johanan. [The limitation]³⁸ as a matter of fact refers to the first clause,³⁹ and it is this that was meant: Within it,⁴⁰ however,⁴¹ it is permitted to move objects; and 'To what extent?⁴² To two beth se'ah'.⁴³ R. Ashi replied: [The limitation⁴⁴ applies] indeed to the first clause,⁴⁵ for the Rabbis have laid down the one ruling⁴⁶ and they themselves have also laid down the other ruling:⁴⁷ They have laid down the ruling that in a karpaf that was bigger than two beth se'ah and that was not enclosed for dwelling purposes the movement of objects is permitted Only within four cubits,⁴⁸ and they themselves have also laid down the ruling that no objects may be moved from a private domain into a karmelith.⁴⁹ [In the case, therefore, of a rock that was no bigger than] two beth se'ah, throughout the area of which the movement of objects is

permitted, the Rabbis have forbidden the movement of objects from the sea into it as well as from it into the sea.⁵⁰ What is the reason?⁵¹ Because it⁵² is a private domain in all respects.⁵³ [If, however, It was] bigger than two beth se'ah, throughout the area of which the movement of objects is forbidden,⁵⁴ the Rabbis permitted the movement of objects from it into the sea and from the sea into it.⁵⁵ What is the reason?⁵⁶ Because, otherwise,⁵⁷ people might assume it to be a private domain in all respects and, in consequence, would also move objects throughout its area.⁵⁸ But wherein does the one differ from the other?⁵⁹ — It is usual to move objects within the area of the rock itself⁶⁰ but it is unusual to move objects from it into the sea or from the sea into it.⁶¹ There was once a child whose warm water⁶² was spilled.⁶³ 'Let some warm water', said Rabbah 'be brought for him from my house'.⁶⁴ 'But', observed Abaye, 'We have prepared no 'erub'.⁶⁵ 'Let us then rely', the other replied. 'on the shittuf'.⁶⁶ 'But', Abaye told him, 'we had no shittuf either'.⁶⁶ 'Then', the other said: 'let a gentile be instructed to bring it for him' — 'I wished', Abaye later remarked: 'to point out an objection against the Master'⁶⁷ but R. Joseph prevented me, because he told me in the name of R. Kahana, "When we were at Rab Judah's he used to tell us that in a Pentateuchal matter⁶⁸ any objection⁶⁹ must be raised before the Master's ruling is acted upon.⁷⁰ but in a Rabbinical matter⁷¹ we must first⁷² act on the ruling of the Master and then point out the objection".⁷³ After that he⁷⁴ said to him,⁷⁵ 'What objection was it that you wished to raise against the Master?' 'It was taught', the other replied, 'that "sprinkling"⁷⁶ on the Sabbath is only Rabbinically forbidden.⁷⁷ Now, instructing a gentile to do work⁷⁸ on the Sabbath⁷⁹ is also Rabbinically forbidden,

-
- (1) Does not the heathen in any way restrict the use of the alley for its residents.
 - (2) Whose courtyard had one door opening into an alley in which courtyard doors of Israelites also opened, and another door opening into a karpaf.
 - (3) On the use of the alley by his Israelite neighbours.
 - (4) Since the area of the karpaf is not big enough to induce him to give up his use of the alley.
 - (5) In consequence of which he prefers to use the karpaf and the door that leads to it, and dispenses entirely with his right to the use of the alley.
 - (6) On the use of the alley by his Israelite neighbours.
 - (7) V. supra n. 5.
 - (8) Even if he did not join in the 'erub of the other residents.
 - (9) As he is permitted to use a karpaf of such a size on the Sabbath, and since its area fully suffices for all his possible Sabbath requirements and is also more convenient for his use than the comparatively smaller space of the alley, he is presumed to have dispensed with his right to the use of the alley which may, therefore, be provided by its other residents with a valid 'erub even if he does not participate in it.
 - (10) So that it has the status of a karmelith (v. Glos.) into which he is forbidden to move any objects from his courtyard on the Sabbath.
 - (11) Being inevitably driven to the use of the alley.
 - (12) MS.M., 'Hakuka'.
 - (13) According to Rab Judah who spoke (supra 67a ad fin.) of a door that opened into a valley.
 - (14) That had also a door to an alley in which Israelites resided.
 - (15) Sc. has a karpaf the same status as a valley?
 - (16) Supra q.v. notes.
 - (17) From a public domain, on the Sabbath when it is forbidden to move objects from a public domain into a private one and vice versa.
 - (18) Sc. he is liable to bring a sin-offering as if he had thrown the object into a private domain.
 - (19) I.e., since a karpaf of the size mentioned is subject to the law of a karmelith, within which the movement of objects beyond the distance of four cubits is forbidden, why should it here be regarded as a private domain?
 - (20) Hence it has Pentateuchally the same status as a private domain, and guilt is therefore incurred for throwing any objects from a public domain into it.
 - (21) In consequence of which it was Rabbinically subjected to the restrictions of a karmelith also.
 - (22) MS. M., 'Hanina'.
 - (23) A sea is subject to the restrictions of a karmelith.

- (24) Even within four cubits; because a rock of the dimensions given has the status of a private domain into which from a karmelith and into a karmelith from which it is forbidden to move objects on the Sabbath.
- (25) Lit., 'less than here (stated)'.
- (26) Lit., '(they may) move (objects)', from the sea into it and from it into the sea, within four cubits, since such a low rock has the status of a karmelith like the sea which surrounds it.
- (27) In the area of the rock. It will be explained presently what the question and the following answer refer to.
- (28) But not to a bigger area.
- (29) The last question and answer.
- (30) Which deals with a rock that was lower than ten handbreadths.
- (31) Since, whatever its area, a rock that is lower than ten handbreadths has the status of a karmelith.
- (32) Lit., 'but not?'
- (33) Of area of rock.
- (34) Cf. supra n. 9 mut. mut.
- (35) On account of its big area, despite its height.
- (36) The relaxation of the law in turning a private domain into a karmelith on account of the extent of its area.
- (37) Who laid down supra that though a karpaf was bigger than two beth se'ah it is still subject to the restrictions of a private domain and that a person who threw an object from a public domain into it incurs guilt.
- (38) To 'two beth se'ah', in the Baraitha cited by R. Huna b. Hinena.
- (39) Which deals with a rock that was lower than ten handbreadths.
- (40) Sc. on the surface of the rock itself.
- (41) Since the first clause only stated that 'it is forbidden to move objects from it into the sea and from the sea into it' and did not forbid the movement of objects on the surface of the rock from one part of it to another.
- (42) Of area of rock is the movement of objects on the rock itself permitted.
- (43) But if it is bigger it loses, on account of its wide extent and the absence of inhabitants, the status of a private domain in respect of the movement of objects within it, and assumes that of a karmelith. Had it not been subjected to these restrictions people might erroneously have treated a public domain also with the same laxity. On account of its height, however, it retains, in relation to the sea, the status of a private domain the movement of objects from which into the sea and vice versa remains forbidden.
- (44) To 'two beth se'ah', in the Baraitha cited by R. Huna b. Hinena.
- (45) But not, as Raba explained, to an inference from that clause.
- (46) That relating to a karpaf as enunciated by R. Johanan.
- (47) The one in the first clause of the Baraitha cited by R. Huna b. Hinena as defined by the limitation at its conclusion. Since both rulings are merely Rabbinical and not Pentateuchal the Rabbis could well abrogate one in favour of the other wherever the general requirements of the Sabbath laws demanded such a course; as will be explained anon.
- (48) Sc. that it has been given the status of a karmelith as a restriction and safeguard against mistaking it for a public domain and applying its relaxation to the latter also. It is nevertheless forbidden to move airy objects from it into a public domain or vice versa since, as R. Johanan stated, it is Pentateuchally regarded as a private domain proper.
- (49) As a precaution against the moving of objects from a private into a public domain.
- (50) Since the prohibition only strengthens the Sabbath laws and can in no way lead, as in the case that follows, to their infringement.
- (51) For the imposition of the restrictions.
- (52) The rock whose area was less than two beth se'ah.
- (53) And no infringement of the law (cf. infra n. 10) need be provided against.
- (54) It having been given the status of a karmelith.
- (55) Within four cubits.
- (56) Sc. why were not the restriction had been imposed and the movement of this case also?
- (57) If the restrictions had been imposed and the movement of objects from it into the sea or vice versa had been forbidden even within four cubits.
- (58) Even beyond four cubits. As this, however, "would entail an infringement of the Rabbinical law which imposed on such an area the restrictions of a karmelith, it was considered preferable to abrogate in this case the law forbidding the movement of objects between a karmelith and a private domain.
- (59) I.e., why should the law against moving objects between a karmelith and a private domain be abrogated rather than

the one forbidding the movement of objects beyond four cubits in a private domain that was bigger than two beth se'ah?

(60) Hence it was necessary to enact a preventive measure.

(61) Against that which is unusual no preventive measures were enacted. Only in the case of a private domain and a karmelith on land, the movement of objects between which is not infrequent, has such a preventive measure been deemed necessary.

(62) That was prepared for him prior to the Sabbath, in connection with his circumcision due on the Sabbath day, and kept warm for the purpose.

(63) On the Sabbath.

(64) Which was in the same courtyard.

(65) Sc. an 'erub of courtyards' which enables the tenants of different houses in the same courtyard to move objects from house to house through the courtyard area.

(66) V. Glos. Shittuf in an alley in relation to its courtyards and the houses in their courtyards serves the same purpose as that of 'erub in a courtyard in relation to its houses (cf. infra 73a).

(67) Rabbah

(68) Concerning which a Master gives a decision.

(69) Which a student wishes to raise against it.

(70) Since very great care must be exercised in any action that might possibly infringe a Pentateuchal law.

(71) Concerning which a Master gives a decision.

(72) out of respect for the Master, and on the assumption that he would be able to give a suitable answer to the students' objection.

(73) As the law of 'erub of courtyards is only Rabbinical Abaye had no alternative but to act on Rabbah's ruling.

(74) R. Joseph.

(75) Abaye.

(76) On an unclean person, of the water of purification containing the ashes of the red heifer (cf. Num. XIX, 2ff).

(77) Shebuth v. Glos.

(78) for an Israelite.

(79) If that work is forbidden on the Sabbath to an Israelite.

Talmud - Mas. Eirubin 68a

why then should it not be said: As "sprinkling" on the Sabbath which is a Rabbinical prohibition does not supersede the Sabbath¹ so should not an instruction to a gentile to do work on the Sabbath which is also Rabbinically forbidden supersede the Sabbath?'² — 'Do you', the first retorted: 'draw no distinction between a Rabbinical prohibition that involves a manual cat³ and one⁴ that involves no such act?'⁵

'How is it, Rabbah son of R. Hanan) asked Abaye, 'that in an alley in which two great men like you⁶ reside there should be neither 'erub nor shittuf?' — 'What', the other replied. 'can we do? For the Master⁷ [to collect the tenants' contribution].⁸ would not be becoming,⁹ I am busy with my studies, and the other tenants do not care. And were I¹⁰ to transfer to them the possession of a share of the bread in my basket¹¹ the shittuf, Since If they had asked me for the bread I could not give it to them,¹² would be invalid; for it was taught: If one of the residents of an alley¹³ asked for some of the wine or the oil¹⁴ and they refused to give it to them the shittuf is thereby rendered null and void'. 'Why then', the first asked: 'should not the Master transfer to them the possession of a quarter of a log of vinegar¹⁵ a cask?'¹⁶ — 'It was taught: [Commodities kept] in store¹⁷ may not be used for shittuf'.¹⁸ 'But was It not taught that they¹⁹ may be used for shittuf?' — This, R. Oshaia replied, is no contradiction, since one view is that of Beth Shammai and the other is that of Beth Hillel. For we learned: If a corpse lay in a house that had many doors²⁰ all the doorways²¹ are unclean.²² If one of them was opened, that doorway is unclean while all the others are clean.²³ If it was intended to take out the corpse through one of them, or through a window that measured four handbreadths by four, this protects all the doors.²⁴ Beth Shammai ruled: This²⁵ applies only where the intention was formed before the person in question was dead,²⁶ but Beth Hillel ruled: Even if it was formed after

he was dead.²⁷

There was once a certain child²⁸ whose warm water²⁹ was spilled out.³⁰ Said Raba: 'Let us ask his mother [and] if she requires any, a gentile³¹ might warm some for him indirectly through his mother'. 'His mother', R. Mesharsheya told Raba, 'is already eating dates'.³² 'It is quite possible', the other replied, 'that it was merely a stupor that had seized her'.³³

There was once a child³⁴ whose warm water³⁵ was spilled out.³⁶ 'Remove my things', ordered Raba,³⁷ 'from the men's quarters³⁸ to the women's quarters³⁹ and I will go and sit there⁴⁰ so that⁴¹ I may renounce in favour of the tenants of the child's courtyard⁴² the right I have in this one'.⁴³ 'But', said Rabina to Raba, 'did not Samuel lay down: No renunciation of one's right in a courtyard is permitted where two courtyards are involved?'⁴⁴ — 'I', the other replied, 'hold the same view as R. Johanan who laid down: It is permitted to renounce one's right in a courtyard even where two courtyards are involved'. 'But', the first asked: 'if the Master does not hold the same view as Samuel

-
- (1) Even where the performance of a Pentateuchal commandment, such, e.g., as that if the Paschal lamb, must in consequence be postponed (cf. Pes. 65b).
 - (2) Why then did Rabbah permit an instruction to be given to a gentile to bring the warm water for the child?
 - (3) Sprinkling, for instance.
 - (4) Such as a mere verbal instruction.
 - (5) The answer, of course, must be in the affirmative. While a manual act remains forbidden even where a commandment must thereby be superseded a verbal may well be permitted where it is essential for the observance of a commandment such as circumcision with which Rabbah had to deal. The insertion in cur. edd., 'for the master, surely, did not tell the gentile: Go and warm (it)', is deleted by Bah.
 - (6) Lit., 'like our Rabbis', Rabbah and Abaye.
 - (7) Rabbah.
 - (8) To the 'erub'.
 - (9) Lit., 'not his way'.
 - (10) Instead of making a collection.
 - (11) Which could be designated as 'erub; and thus give all the tenants a share in it.
 - (12) He could not well afford to give away every Sabbath a portion of his bread to any of his neighbours who might care to assert his claim.
 - (13) Who contributed his share to the shittuf.
 - (14) That has been contributed.
 - (15) There could be no great loss in giving some vinegar to any of the tenants who might ask for it.
 - (16) Which might be kept in his courtyard throughout the year and thus enable all the tenants to have free intercourse between the courtyards and the houses.
 - (17) Sc. a store of fruit or a cask of vinegar, for instance, from which small quantities at a time are being consumed.
 - (18) In the case of a cask of vinegar, for instance, no portion of it may be designated for the purpose, because no one could possibly distinguish between the quantity that had been so designated and the general contents of the cask; and any quantity that one may happen to use at any time might be assumed to be the quantity that had been designated for the shittuf which in consequence would cease to exist.
 - (19) Commodities in store (v. previous n.).
 - (20) That were closed.
 - (21) Lit., 'all of them', since no decision had been made through which of the doors the corpse shall be carried out.
 - (22) Sc. any object that happens to be within the space enclosed by the door posts, lintel and threshold, though it was not within the room, is levitically unclean.
 - (23) Because it is assumed that the corpse would be taken out through the opened door.
 - (24) Cf. prev.n.
 - (25) That intention is effective.
 - (26) Since in that case the uncleanness has never descended on the other doors. If, however, no intention had been formed before the person was dead, and all the doors had been affected by the uncleanness, any subsequent intention

cannot retrospectively, cause a differentiation between the one door and the others.

(27) Ohal. VII, 3. Intention, in their opinion, is effective retrospectively. Similarly in the case of *shittuf* with a non-identified quantity: According to Beth Hillel the *shittuf* is valid, since any quantity of the contents that remain in the cask may be retrospectively regarded as the original quantity assigned for the *shittuf*: while according to Beth Shammai it cannot be so regarded and the *shittuf* is consequently invalid.

(28) Who was to be circumcised on the Sabbath.

(29) That had been prepared before the Sabbath and kept warm for the operation.

(30) On the Sabbath.

(31) An Israelite may desecrate the Sabbath for the sake of a woman in childbirth during the first seven days only. After the first seven days (circumcision cannot take place before the eighth day) an Israelite, though himself forbidden to do for her sake any work that is forbidden on the Sabbath, may request a gentile to do it.

(32) Sc. cold foodstuffs. As she is able to eat cold food it is obvious that her life cannot be dependent on the warm water which, consequently, must not be prepared for her on the Sabbath.

(33) I.e., she may have been unconscious that she was eating anything at all. Hence, if she expressed a desire for warm water it is permitted to request a gentile to warm some for her and so, indirectly, for the child also.

(34) Who was to be circumcised on the Sabbath.

(35) V. p.474, n. 12.

(36) On the Sabbath.

(37) Who had a supply of warm water in his own courtyard which was adjacent to that in which the child was kept. No joint *erub* for the two courtyards had been prepared but they had a common door between them. Cur.ed., 'to them', is omitted with MS.M.

(38) In which he usually lived and which communicated directly with his courtyard.

(39) Which, for the sake of privacy, were behind the men's apartments and consequently inaccessible from the courtyard except by way of the men's quarters.

(40) During the Sabbath.

(41) By being deprived of direct access to the courtyard.

(42) Lit., to them'.

(43) Sc. his own courtyard. On renouncing his right in their favour they would acquire possession of his courtyard and therewith also the right to carry objects from one courtyard into the other through the common door. Thus they would be placed in a position enabling them to carry the required warm water to the child's apartment. Raba, on the other hand, who, as a result of his renunciation, would be deprived of the use of his courtyard, would be protected against the possible use of it through forgetfulness by his removal to the inner apartments from which he could gain no access to it except through the men's quarters involving a long walk and sufficient time in which to recollect his self-imposed restrictions.

(44) Supra 66b. Lit., 'from courtyard to courtyard'. How then could Raba renounce his right in favour of the tenants of the child's courtyard?

Talmud - Mas. Eirubin 68b

let him remain¹ in his usual quarters² and renounce his right in his courtyard in their³ favour and then⁴ let them renounce their right⁵ in the Master's favour,⁶ for did not Rab rule: Renunciation⁷ may be followed⁸ by renunciation?⁹ — 'On this point I am of the same opinion as Samuel who ruled: Renunciation⁷ may not be followed⁸ by renunciation'.¹⁰ 'But are not both rulings¹¹ based on the same principle, since why indeed should not renunciation⁷ be allowed to follow⁸ renunciation?⁹ Is it not because a person, as soon as he renounces his right.¹² completely eliminates himself from that place and assumes the status of a tenant of a different courtyard and no renunciation is valid between two courtyards? How then¹³ could the Master¹⁴ renounce his right?¹⁵ — 'There¹⁶ the reason is this:¹⁷ That a Rabbinical enactment¹⁸ shall not assume¹⁹ the character of a mockery and jest.

[To turn to] the main text: Rab ruled: Renunciation may be followed by renunciation, and Samuel ruled: Renunciation may not be followed by renunciation.²⁰ Must it be assumed that Rab and Samuel differ on the same principle as that on which the Rabbis and R. Eliezer differed,²¹ Rab holding the

same opinion as the Rabbis²² while Samuel holds the same opinion as R. Eliezer?²³ Rab can answer you: I may uphold my ruling even in accordance with the view of R. Eliezer; for it was only there that R. Eliezer maintained his ruling that the man who renounces his right to his courtyard renounces ipso facto his right to his house also, because people do not live in a house that has no courtyard, but did he²⁴ express any opinion as regards complete elimination?²⁵ Samuel also can answer you: I may uphold my ruling even according to the view of the Rabbis; for it was only there that the Rabbis maintained their ruling,²⁶ since only that which a man actually renounced can be deemed to have been renounced while that which he did not actually renounce cannot be so regarded, but from that at least which a man does renounce he is eliminated completely.²⁷ R. Aha b. Hana²⁸ citing R. Shesheth stated: Their views²⁹ [differ on the same principles] as those of the following Tannas: If a tenant³⁰ presented³¹ his shares³² and then he carried out something,³² whether he acted unwittingly or intentionally, he imposes restrictions;³³ so R. Meir. R. Judah ruled: If he acted³⁴ with intention he imposes restrictions,³³ but if unwittingly he does not.³⁵ Now, do they³⁶ not differ on the following principles: One Master³⁷ holding that renunciation³⁸ may be followed by renunciation, while the other Master³⁹ maintains that renunciation⁴⁰ may not be followed by renunciation?⁴¹ — R. Aha b. Tahlifa replied in the name of Raba: No; all⁴² hold the view that renunciation may not be followed by renunciation but⁴³ the point at Issue between them⁴⁴ is whether a penalty has been imposed in the case of one who acted unwittingly on account of one who acted intentionally. One Master⁴⁵ holds the view that in the case of one who acted unwittingly a penalty has been imposed on account of one who acted with intention,⁴⁶ while the other Master⁴⁷ holds that in the case of one who acted unwittingly no penalty has been imposed on account of one who may act with intention.⁴⁸

R. Ashi said: Rab and Samuel differed on the same point of issue as the one between, R. Eliezer and the Rabbis.

R. GAMALIEL RELATED: A SADDUCEE ONCE LIVED WITH US. Who ever spoke of A SADDUCEE?⁴⁹ — A clause is missing, and this is the correct reading:⁵⁰ A Sadducee has the same status as a gentile,⁵¹ but R. Gamaliel ruled: A Sadducee has not the status of a gentile. AND R. GAMALIEL RELATED: A SADDUCEE ONCE LIVED WITH US IN THE SAME ALLEY IN JERUSALEM. AND FATHER TOLD US: ‘HASTEN AND CARRY OUT⁵² ALL THE NECESSARY ARTICLES INTO THE ALLEY⁵³ BEFORE HE CARRIES OUT HIS⁵⁴ AND THEREBY IMPOSES RESTRICTIONS UPON YOU’. And so⁵⁵ it was also taught: If a man lives [in the same alley] with a gentile, a Sadducee or a Boethusian, these impose restrictions upon him;⁵⁶ and it once happened that a Sadducee lived with R. Gamaliel in the same alley in Jerusalem, and R. Gamaliel said to his sons, ‘Hasten my sons and carry⁵² Out what you desire to carry Out⁵⁷ or⁵⁸ take in⁵² what you desire to take in,⁵⁷ before this abomination carries out his articles and thereby imposes restrictions upon you, since [at that moment] he renounced his share in your favour’; So R. Meir. R. Judah related, [The instruction was given] in a different form: ‘Hasten and attend to your requirements in the alley before nightfall when he would impose restrictions upon you’.⁵⁹

The Master said, ‘Carry out what you desire to carry out or bring in what you desire to bring in, before this abomination imposes restrictions upon you’. This then implies that⁶⁰ if they carried out their objects first and then he carried out his he imposes no restrictions upon them’.

-
- (1) Instead of moving into the women's quarters.
 - (2) Lit., ‘in his place’.
 - (3) The tenants of the child's courtyard.
 - (4) After they had taken the water to the child.
 - (5) In Raba's courtyard.
 - (6) Who, in consequence, would again be allowed the free use of his courtyard.
 - (7) By one person in favour of another.
 - (8) On the same Sabbath.

- (9) On the part of the latter in favour of the former. Cf. *infra* 69b.
- (10) Cf. *prev. n.* and *infra* 79b.
- (11) That (a) after a person renounced his right in a courtyard in favor of another the latter may not on the same Sabbath renounce it in favour of the former and (b) no tenant of one courtyard may renounce his right in it in favour of a tenant of another courtyard.
- (12) To his share in a courtyard.
- (13) Since on adopting one ruling the adoption of the other is inevitable.
- (14) *Lit.*, 'the Master also should not'.
- (15) In favour of the tenants of the child's courtyard.
- (16) The ruling of Samuel that 'renunciation may not be followed by renunciation'.
- (17) Not the one suggested by the questioner.
- (18) The prohibition to move objects from one courtyard into another without 'erub.
- (19) By repeated renunciations and the consequent freedom in the moving of objects between courtyards without any further legal preliminaries.
- (20) *Supra q.v.* notes.
- (21) Cf. *supra* 26b.
- (22) Who laid down (*v. Mishnah infra* 69b and its explanation in the Gemara following it) that if one of the tenants forgot to contribute his share to the 'erub of his neighbour's in a courtyard, but on the Sabbath renounced his right to share in the courtyard in their favour, it is forbidden both to him and to them to carry any objects from his house into the courtyard or from the courtyard into his house; from which it is evident that, though a man renounced his right in a courtyard, he is not ipso facto assumed to have renounced his right to his house also. Thus it follows that a tenant's renunciation is not regarded as his complete elimination; that he is still a legitimate tenant of the same courtyard; and that, in agreement with Rab, the other tenants may renounce in his favour the rights he previously renounced in their favour.
- (23) Who ruled (*cf. supra* 26b) that he who renounces his rights to his courtyard renounces ipso facto his rights to his house also; from which it follows that a tenant's renunciation is regarded as his complete elimination from his courtyard, that he assumes in consequence the status of a tenant of a different courtyard; and that, in agreement with the view of Samuel, the other tenants may not renounce in his favour the rights he previously conceded to them.
- (24) R. Eliezer.
- (25) I.e., that the man in question Should be regarded as the tenant of a different courtyard in whose favour consequently his neighbours should not be allowed to renounce their rights? No such opinion having been expressed, R. Eliezer may well be assumed to share the view advanced by Rab that renunciation may be followed by renunciation'.
- (26) That the renunciation of a tenant's Share in a courtyard does not imply his renunciation to his rights in his house.
- (27) As the tenant in question renounced his right to the courtyard he must be regarded as a tenant of a different courtyard in whose favour no right in the former courtyard may subsequently be renounced.
- (28) *MS.M.*, 'Rabbah b. Bar Hana'.
- (29) Those of Rab and Samuel on the question of a renunciation that followed a renunciation.
- (30) Who forgot to join in the 'erub of his neighbours in a courtyard.
- (31) On the Sabbath, to his neighbours.
- (32) In the courtyard into which their houses opened.
- (33) On the "use of the courtyard by all the tenants. His carrying of the object into the courtyard is regarded as an act of re-acquisition of the share he had previously renounced in favour of the other tenants.
- (34) When carrying out an object.
- (35) *infra* 69b.
- (36) R. Meir and R. Judah.
- (37) R. Meir who ruled that restrictions are imposed even where an object had been carried out unwittingly, from which it follows that the renunciation is not regarded as the tenant's complete elimination.
- (38) Since elimination is incomplete (*cf. prev. n.*) and the tenant in question is still denied to be living in the same courtyard.
- (39) R. Judah who ruled that if an object was carried out unwittingly no restrictions are imposed, from which it follows that a renunciation results in so complete an elimination that only an intentional act can revoke it.
- (40) Resulting as it does in the tenant's complete elimination (*et prev. n.*).

- (41) Apparently they do. Must it then be assumed that both Rab and Samuel differ from one or other of the Tannas mentioned?
- (42) Even R. Meir.
- (43) In reply to the objection: Why does R. Meir impose restrictions even where the tenant acted unwittingly?
- (44) It. Meir and R. Judah.
- (45) R. Meir.
- (46) Had the law been relaxed in the case of the former it might erroneously have been relaxed in that of the latter also.
- (47) R. Judah.
- (48) In the case, however, of an intentional carrying out of all object since a renunciation cannot have the legal force of a sale, all agree that the act cancels the renunciation; provided only that the act preceded the tenants' acquisition of the renounced share.
- (49) None; the Mishnah having dealt with a heathen oily. Why then does It. Gamaliel introduce the Sadducee as if some one had given a different ruling concerning him?
- (50) Of our Mishnah.
- (51) He cannot renounce his right to his share in a courtyard by a mere declaration.
- (52) As soon as the Sabbath begins.
- (53) Thus acquiring possession of it.
- (54) And re-acquires his right to his share.
- (55) That, as has just been explained, the Rabbis differ from R. Gamaliel in the case of a Sadducee.
- (56) In his use of the alley on the Sabbath. Cur. edd. in parenthesis, 'R. Gamaliel ruled: A Sadducee and a Boethusian impose no restrictions'.
- (57) During the Sabbath.
- (58) So Tosaf. s.v. **וְהוֹצִיאוֹ** a.l.
- (59) In his opinion R. Gamaliel regards a Sadducee as a gentile and no renunciation of his is valid.
- (60) According to R. Meir.

Talmud - Mas. Eirubin 69a

But have we not learnt: If a tenant¹ presented his share² and then he carried out something,³ whether he acted unwittingly or intentionally, he imposes restrictions;⁴ so R. Meir?⁵ — R. Joseph replied. Read:⁶ He imposes no restrictions. Abaye replied: There is no contradiction,⁷ the former dealing with a case⁸ where the residents of the alley had taken possession of the alley⁹ while the latter deals with one⁸ where the residents of the alley had not taken possession of the alley; and so it was also taught: If he¹⁰ carried out an object¹¹ before he had renounced his share,¹² whether he acted¹³ unwittingly or intentionally, he¹⁴ is entitled to renounce his right;¹⁵ so R. Meir. R. Judah ruled: If he acted¹³ unwittingly he is entitled to renounce his right¹⁵ but if he acted with intention he is no longer entitled to renounce his right.¹⁶ He who presented his share¹² and then carried out an object.¹¹ whether he acted¹³ unwittingly or with intention, he imposes restrictions;¹⁷ so R. Meir. R. Judah ruled: If he acted¹⁸ with intention he imposes restrictions but if unwittingly he does not. This,¹⁹ however, applies only where the residents of the alley did not take possession of the alley.²⁰ but where they did take possession of it²⁰ he imposes no restrictions upon them irrespective of whether he acted¹⁸ unwittingly or intentionally.

The Master said: 'R. Judah related, [The instruction was given] in a different form: "Hasten and attend to your requirements in the alley before nightfall when he would impose restrictions in you".' From this²¹ it is evident that he is regarded as a gentile; but have we not learnt.²² BEFORE HE CARRIES OUT?²³ — Read: Before the conclusion of the day.²⁴ And if you prefer I might say: There is really no contradiction since the former²⁵ might refer to one who is a mumar²⁶ in respect of desecrating the Sabbath in privacy only, while the latter²⁷ might deal with one who desecrates the Sabbath in public.

Whose view is followed in what was taught: 'A mumar²⁶ or a barefaced sinner is not entitled to

renounce his share'? — But is a barefaced sinner on a par with a mumar?²⁸ — Rather read: 'A barefaced mumar²⁹ is not entitled to renounce his share'. Now in agreement with whose [view has this been laid down]? — In agreement, of course, with that of R. Judah.³⁰

A certain man once went out³¹ with a jewelled charm³² but when he observed R. Judah Nesi'ah he covered it up. 'A person of this type',³³ [the Master said.] 'is in accordance with the view of R. Judah entitled to renounce his share'.

R. Huna stated: Who is regarded as an Israelite in mumar?³⁴ He who desecrates the Sabbath in public. Said R. Nahman to him: In agreement with whose view?³⁵ If [it be suggested that it is] in agreement with that of R. Meir who holds that a person who is suspected of disregarding one matter [of law] is held suspect in regard to all the Torah,³⁶ the statement should also apply to any of the other prohibitions of the Torah;³⁷ and if [it is suggested that it is] in agreement with the view of the Rabbis,³⁸ did they not rule, it may be objected, that one who is suspected of disregarding one law is not held suspected in regard to all the Torah

-
- (1) Who, owing to forgetfulness, failed to contribute his share to the 'erub of his neighbours.
 - (2) To his neighbours, on the Sabbath.
 - (3) Into their alley.
 - (4) On the use of the alley by all its residents.
 - (5) Infra 69b. How then are the two rulings of R. Meir (v. supra n. 2) to be reconciled?
 - (6) In the Mishnah just cited.
 - (7) Cf. supra n. 7.
 - (8) lit., 'here'.
 - (9) Before the man who presented them with, or renounced in their favour his share had carried out his objects.
 - (10) A tenant who, forgetting to join in the common 'erub, presented his share to his neighbours.
 - (11) Into the alley towards which his courtyard as well as the courtyards of the others opened.
 - (12) In the alley, in favour of his neighbours.
 - (13) When he carried out the objects.
 - (14) Though accused of a desecration of the Sabbath.
 - (15) In favour of the other residents.
 - (16) Cf. prev. n., R. Judah holding the opinion that a person who intentionally desecrates the sabbath is denied the privilege of renunciation.
 - (17) On the use of the alley by its residents. His intentional use of it after he had presented his share to his neighbours is regarded as the re-acquisition of his share; and in the case of an unwitting use of it the restrictions are imposed on account of the possibility of intentional use.
 - (18) When he carried out the objects.
 - (19) That if an Israelite tenant presented his share to his neighbours and then used the alley, there is a difference of opinion between R. Meir and R. Judah, the latter holding that restrictions are imposed only where the use was intentional while the former maintains that they are imposed even where the use was unintentional (cf. Rashi s.v. **במה** ad fin. a.l.).
 - (20) Before the tenant in question had carried out his object.
 - (21) The statement of R. Judah according to which a Sadducee is not entitled to renounce his right to his share.
 - (22) In R. Judah's ruling in our Mishnah.
 - (23) Which shows that until that time at least his renunciation is valid. If, however, he has the status of a gentile how could his renunciation ever be valid?
 - (24) **יציא היום** (cf. Bah. Cur. edd. **יציא**), an expression which conveys the same meaning as that of 'before nightfall' in R. Judah's statement cited in the Baraitha. Instead of **יציא** (Hif. of **יציא**) which bears the meaning of 'carrying' (**יציא כליו**) 'he will carry out his things'), the reading is **יציא** (Kal. of **יציא**) which bears the meaning of 'going out', 'departing'.
 - (25) Lit., 'here' our Mishnah which allows a Sadducee to renounce his right.
 - (26) Lit., 'changed', 'converted', an apostate, a person who does not conform to the Jewish law.
 - (27) The Baraitha which regards the Sadducee as a gentile.

- (28) Barefacedness, surely, is not so great an offence as the denial of the laws of the Sabbath.
- (29) Sc. one who desecrates the Sabbath in public.
- (30) As has just been explained. It cannot be in agreement with the views of R. Meir since he allows even a mumar who desecrates the Sabbath in public to renounce his share. —
- (31) On the Sabbath when the carrying of objects in a public domain is forbidden.
- (32) Humarta di-medusha, a 'charm', 'ball' or 'bead' containing a 'jewel for sealing'; or 'a small bundle of spices' (cf. Rashi a.l. anti Jast.). Such an object, not being regarded as a personal ornament, may not be carried on the Sabbath in a public domain even on one's person.
- (33) I.e., who is ashamed to carry the forbidden object in the presence of a noted personality.
- (34) This is now assumed to mean a mumar or apostate in all respects.
- (35) Is this statement made.
- (36) Bek. 30b.
- (37) Not only to that against the desecration of the Sabbath.
- (38) Who differ from R. Meir (v. Bek. 30b).

Talmud - Mas. Eirubin 69b

unless he is a mumar in respect of idolatry?¹ — R. Nahman b. Isaac replied: Only in respect of presenting or renouncing his right to his share,² this being in agreement with what was taught: An Israelite mumar who observes the Sabbath in public³ may renounce his share, but one who does not observe the Sabbath in public may not renounce his share, because the Rabbis have laid down: An Israelite may renounce or present his share, whereas with a gentile transfer is possible only through the letting of his share. How is this⁴ done? He⁵ says to him,⁶ 'My share is acquired by you' or 'my share is renounced in your favour', [and the latter thereby] acquires possession and there is no need for him to perform a formal act of acquisition.⁷

R. Ashi replied:⁸ To this Tanna⁹ the desecration of the Sabbath is an offence as grave as idol worship;¹⁰ as it was taught: Of you¹¹ implies:¹² But not all of you, thus excluding a mumar;¹³ 'of you'¹⁴ only among you did I make distinctions¹⁵ but not among the other nations;¹⁶ 'of the cattle'¹⁷ includes men who resemble cattle.¹⁸ From here it has been inferred that sacrifices may be accepted from transgressors in Israel,¹⁹ in order that they might return in repentance, all except from a mumar, from one who offers libations of wine to idols and from one who publicly desecrates the Sabbath.²⁰ Now is not this statement self contradictory: First you said: 'Of you implies: But not all of you, thus excluding a mumar', and then you state, 'Sacrifices may be accepted from transgressors in Israel'?²¹ This, however, is no contradiction since the first clause might deal with a person who is a mumar in respect of all the Torah, while the intervening clause might refer to one who is a mumar in respect of one precept only. But [then] read the final clause: 'Except from a mumar and from one who offers libations of wine to idols'. What, pray, is one to understand by this type of mumar? If he is a mumar in respect of all the Torah he is obviously identical with the one in the first clause;²² and if he is a mumar in respect of one precept only, does not a contradiction arise from the middle clause?²³ Must it not consequently be conceded that it is this that was meant:²⁴ Except from one who is a mumar in respect of offering libations of wine to idols or the desecration of the Sabbath in public?²⁵ It is thus evident that idolatry and the desecration of the Sabbath are offences of equal gravity.²⁶ This is conclusive.

MISHNAH. IF ONE OF THE TENANTS OF A COURTYARD FORGOT TO JOIN IN THE 'ERUB,²⁷ HIS HOUSE IS FORBIDDEN BOTH TO HIM AND TO THEM FOR THE TAKING IN OR FOR THE TAKING OUT OF ANY OBJECT.²⁸ BUT THEIR HOUSES ARE PERMITTED BOTH TO HIM AND TO THEM.²⁹ IF THEY PRESENTED THEIR SHARES³⁰ TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN.³¹ IF THERE WERE TWO [WHO FORGOT TO JOIN IN THE 'ERUB], THEY³² IMPOSE RESTRICTIONS UPON ONE ANOTHER, BECAUSE ONE TENANT MAY PRESENT

HIS SHARE³³ AND ALSO ACQUIRE THE SHARES OF OTHERS³⁴ WHILE TWO TENANTS MAY PRESENT THEIR SHARES BUT MAY NOT ACQUIRE ANY.³⁵

WHEN MUST ONE'S SHARE BE PRESENTED?³⁶ BETH SHAMMAI RULED: WHILE IT IS YET DAY,³⁷ AND BETH HILLEL RULED: AFTER DUSK. IF A TENANT PRESENTED HIS SHARE³³ AND THEN CARRIED OUT ANY OBJECT, WHETHER UNWITTINGLY OR INTENTIONALLY, LIE IMPOSES RESTRICTIONS;³⁸ SO R. MEIR. R. JUDAH RULED: IF HE ACTED WITH INTENTION HE IMPOSES RESTRICTIONS, BUT IF UNWITTINGLY HE IMPOSES NO RESTRICTIONS.

GEMARA. Apparently it is only HIS HOUSE that IS FORBIDDEN but his share in the courtyard³⁹ is permitted;⁴⁰ but how is one to understand the circumstances? If he has renounced his rights,⁴¹ why should his house⁴² be forbidden? And if he has not renounced his rights why should his courtyard be permitted? Here we are dealing with the case of a tenant who renounced his right to his courtyard but not his right to his house, the Rabbis⁴³ being of the opinion that a tenant who renounces his right to his courtyard does not ipso facto renounce his right to his house, since a person might well live in a house that has no courtyard. BUT THEIR HOUSES ARE PERMITTED BOTH TO HIM AND TO THEM. What is the reason? — Because he⁴⁴ is regarded as their guest.

IF THEY PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN. Why should not they be regarded as his guests? — One man may be regarded as the guest of five⁴⁵ men; five men cannot be regarded as the guests of one. Does this⁴⁶ then imply that renunciation⁴⁷ may be followed by renunciation?⁴⁸ — No; it is this that was meant: IF THEY originally⁴⁹ PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN.

IF THERE WERE TWO WHO FORGOT TO JOIN IN THE 'ERUB THEY IMPOSE RESTRICTIONS UPON ONE ANOTHER. Is not this obvious?⁵⁰ — This ruling was necessary only in a case where one of them has subsequently⁵¹ renounced his share⁵² in favour of the other. As it might have been assumed that the latter should be permitted [the full use of the courtyard].⁵³ hence we were informed that [this is not so], because the former, at the time he renounced his share, was not himself permitted the unrestricted use of that courtyard.⁵⁴ BECAUSE ONE TENANT MAY PRESENT HIS SHARE. What need again was there for this ruling? If that he MAY PRESENT, did we not learn this before?⁵⁵ If that he MAY ACQUIRE, did we not already learn this also?⁵⁶ — It was necessary on account of the final clause: TWO TENANTS MAY PRESENT THEIR SHARES. Is not this also obvious?⁵⁷ — It might have been presumed

(1) But not in respect of the Sabbath.

(2) Is an Israelite who desecrates the Sabbath regarded as a mumar.

(3) Lit., 'in the market place', though he desecrates it in private.

(4) An Israelite's renunciation or presentation.

(5) The one who is renouncing or presenting.

(6) The other in whose favour the renunciation or presentation is made.

(7) Such as, for instance, symbolic acquisition. Cf. A.Z. 64b, Hul. 6a.

(8) To the objection raised by R. Nahman against R. Huna.

(9) Whose view R. Huna was presumably reporting.

(10) Sc. as one guilty of idolatry is regarded as a mumar in respect of all the Torah so also is one who is guilty of the desecration of the Sabbath.

(11) Lev. 1, 2, dealing with sacrifices.

(12) Emphasis on 'of'.

(13) Sc. that no sacrifices may be accepted from a mumar.

- (14) Emphasis on 'you'.
- (15) Between a mumar and a confessing Israelite.
- (16) Sacrifices from these must be accepted without regard to the religious views they hold (cf. Hul. 13b).
- (17) Lev. 1, 2, dealing with sacrifices. Emphasis on 'cattle'.
- (18) Wicked men who, like cattle, are unconscious of their duties to God and man.
- (19) Who in their ignorance or carelessness might have strayed from the right path.
- (20) Hul. 5a.
- (21) 'Transgressors' presumably including the mumar also.
- (22) Then why the repetition?
- (23) Which does allow sacrifices to be accepted from a person who is a mumar in respect of one precept only.
- (24) In the final clause.
- (25) Of course it must.
- (26) And this is the view held by R. Huna. Hence there is no necessity to resort to the reply of R. Nahman b. Isaac according to which a man who publicly desecrates the Sabbath is regarded as a mumar only in respect of his disability to present and renounce his share in connection with the laws of 'erub. Such a man, as has originally been assumed, is in fact regarded as a mumar in all respects.
- (27) In which his neighbours have joined.
- (28) The circumstances in which this law applies are discussed in the Gemara infra.
- (29) I.e., it is permitted to move objects from their houses into the courtyard and from the courtyard into their houses, since both their houses and courtyard have been converted into one common domain.
- (30) In their courtyard.
- (31) The movement of objects even from his house into the courtyard; as will be explained infra.
- (32) Though the other tenants renounced their shares in their favour.
- (33) To his neighbours.
- (34) Which they presented to him.
- (35) Because, while the courtyard is their common domain, their houses are their individual property and it is forbidden to carry objects from a private house into a courtyard which belongs to another tenant as well as to its owner.
- (36) To one's neighbour, so that the use of the courtyard shall be unrestricted.
- (37) Of the Sabbath eve.
- (38) On the use of the courtyard by his neighbours. His act is regarded as one of re-acquisition of the share he has previously presented to them.
- (39) Since only HIS HOUSE was mentioned.
- (40) To the other tenants who are allowed to carry objects from their houses into the courtyard and from the courtyard into their houses.
- (41) In their favour.
- (42) Which he renounced simultaneously with his share in the courtyard.
- (43) The anonymous author of this part of our Mishnah who differs from R. Eliezer's ruling (supra 26b) that a tenant's renunciation of his share in a courtyard implies ipso facto his renunciation of his right to his house.
- (44) By abstaining from taking out any object from his house into the courtyard or vice versa and by using the courtyard in connection with the other tenants' houses only.
- (45) Fictitious number, sc. any number of people more than one.
- (46) The ruling that 'IF THEY PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED etc. though the first 'renounced his right' in their favour in consequence of which (as was explained supra) it was laid down in the first clause that 'THEIR HOUSES ARE PERMITTED'.
- (47) Spoken of in the first clause of our Mishnah (cf. prev. n.).
- (48) I.e., the presentation of 'THEIR HOUSES TO HIM' in the clause under discussion.
- (49) Not, as has been assumed, after he has renounced his right in their favour. This clause, in other words, is entirely independent of the first one.
- (50) Since even in the absence of the other tenants the two would have imposed restrictions upon each other.
- (51) After the other tenants had renounced the shares in favour of the two.
- (52) Which now presumably included his shares that the other tenants had renounced in his favour.
- (53) As in the case where all the tenants presented their shares to one of them.

(54) On account of the other tenant who was imposing restrictions upon him. Owing to these restrictions the presentation of the other tenants' shares was useless and, therefore, invalid. As he could not acquire their shares he could not obviously renounce them in favour of anyone else.

(55) 'BUT THEIR HOUSES ARE PERMITTED' because, as was explained in the Gemara supra, he 'renounced his right' in their favour.

(56) 'IF THEY PRESENTED THEIR SHARES TO HIM' etc.

(57) From a previous ruling in our Mishnah according to which any number of tenants, which obviously includes two, may present their shares to one of their number.

Talmud - Mas. Eirubin 70a

that this¹ should be forbidden, as a preventive measure against the possible assumption that one may also renounce his share in favour of two,² hence we were informed that no such possibility need be considered.

BUT MAY NOT ACQUIRE ANY. What need was there for this ruling?³ — It⁴ was required only for this case: Even where they⁵ said to him,⁶ 'Acquire our shares on the condition that you transfer them'.⁷

Abaye enquired of Rabbah: If five tenants live in the same courtyard and one of them forgot to join in the 'erub, is it necessary, when he renounces his right to his share,⁸ to renounce it in favour of every individual tenant or not? — He must, the other replied. renounce it in favour of every individual tenant.

He⁹ pointed out to him¹⁰ the following objection: A tenant who did not join in an 'erub¹¹ may present his share¹² to one of those who joined in the 'erub;¹³ two tenants who joined in an 'erub¹⁴ may present their shares¹⁵ to the one who did not join in their 'erub; and two tenants who did not join in an 'erub¹⁶ may present their shares¹⁵ to the two of their neighbours who joined in an 'erub or to one neighbour¹⁷ who¹⁸ did not prepare an 'erub. One, however, who joined in an 'erub¹⁹ may not present his share to one²⁰ who did not join with them²¹ nor may two who joined in an 'erub present their shares to the two who did not join,²² nor may the two who did not join in an 'erub present their shares to the other two who also did not join.²² At all events it was stated in the first clause, 'A tenant who did not join in an 'erub may present his share to one of those who joined in an 'erub'. Now, how is one to understand the circumstances? If there was no other tenant with him,²³ with whom could he have joined in an 'erub? It is consequently obvious that there must have been another tenant with him, and yet it was stated: 'To one of those who joined in the 'erub'!²⁴ — And Rabbah?²⁴ — Here²⁵ we are dealing with a case where there was one²⁶ who died.²⁷ But if one²⁶ was there and died, how will you explain the final clause: 'One, however, who joined in an 'erub may not present his share to one who did not join with them'? If one²⁶ was there only before and is now dead why should not this be permitted?²⁸ It is consequently obvious that he²⁶ was still there and, since the final clause is a case where he was there, must not the first clause also deal with one who was still alive?²⁹ — What an argument! Each clause may deal with a different case.³⁰ You may have proof that this is so,³¹ for in the final section of the first clause it was stated, 'And two tenants who did not join in an 'erub may present their shares to the two of their neighbours who joined in an 'erub', from which it follows: To two only³² but not merely to one.³³

Abaye, however, explained: What is meant by 'To two'? To one of the two. If so, why³⁴ was it not stated:³⁵ To one who joined in the 'erub³⁶ or to one who did not?³⁷ — This is a difficulty.

'A³⁸ tenant who did not join in an 'erub may present his share to one of those who joined in the 'erub' refers according to Abaye to a case where the other tenant³⁹ was also alive; and by this we are informed that it is not necessary to renounce one's share in favour of each individual tenant.

According to Rabbah this refers to a case where the other tenant³⁹ was first⁴⁰ alive and then⁴¹ died; and the point in the ruling⁴² is that no preventive measure had been enacted against the possibility that sometimes the one³⁹ may happen to be alive [and the same procedure⁴³ might be followed].

And⁴⁴ ‘two tenants who joined in an ‘erub may present their shares to the one who did not join in their ‘erub’. Is not this obvious?⁴⁵ — It might have been presumed⁴⁶ that the tenant, since he did not join in the ‘erub, should be penalized,⁴⁷ hence we were informed [that no such penalization had been enacted].

‘Anc⁴⁸ two tenants who did not join in an ‘erub may present their shares to the two of their neighbours who joined in an ‘erub’. According to Rabbah this final clause⁴⁹ was taught in order to explain the sense of the first clause.⁵⁰ According to Abaye⁵¹ this⁵² was required on account of the ruling relating to ‘two tenants who did not join in an erub’. Since it might have been presumed that renunciation on their part should be forbidden as a preventive measure against the possibility of a renunciation in their favour,⁵³ hence we were informed [that no such measure was deemed necessary].

‘Or to one neighbour who did not prepare an ‘erub’. What need was there for this ruling?⁵⁴ — It might have been presumed that those rulings⁵⁵ applied only where some of the tenants joined in an ‘erub and only some did not, but that where all the tenants failed to join in an ‘erub they should be penalized⁵⁶ in order that the law of ‘erub shall not be forgotten.⁵⁷ hence we were informed [that no penalization was imposed]. ‘One, however, who joined in an ‘erub may not present his share to one who did not join with them’. According to Abaye this final clause⁵⁸ was taught in order to indicate the meaning of the first clause.⁵⁹ According to Rabbah the final clause was taught on account of the first one.⁶⁰

‘Nor may two who joined in an ‘erub present their shares to the two who did not join’. What need again was there for this ruling?⁶¹ — It was required in that case only where one of them⁶² renounced his share in favour of the other.⁶² As it might have been presumed that the, latter should be permitted the unrestricted use of this courtyard.⁶³ hence we were informed that the law was not so, because the former, at the time he made his renunciation, was not himself permitted the unrestricted use of that courtyard.

‘Nor may the two who did not join in an ‘erub present their shares to the other two who also did not join’. What again was the need for this ruling?⁶¹ —⁵⁸ t⁶⁴ was necessary only for this case: Even⁶⁵ where they⁶⁶ said to him,⁶⁷ ‘acquire our shares on the condition that you transfer them’.⁶⁸

Raba inquired of R. Nahman: May all heir⁶⁹ renounce his share?’⁷⁰ [

-
- (1) The presentation of their shares by two tenants to one.
 - (2) Lit., ‘he might come to renounce for them’.
 - (3) Which is virtually a repetition of the previous ruling. ‘TWO ... IMPOSE RESTRICTIONS UPON ONE ANOTHER’.
 - (4) The apparently superfluous repetition of the restriction.
 - (5) The tenants who presented their shares.
 - (6) One of the two who forgot to contribute to the ‘erub.
 - (7) To the other tenant. Though in a case like this the one tenant might well be presumed to be acting as their agent to the other tenant, yet for the reason given (cf. supra p. 436, n. 11 and text), he MAY NOT ACQUIRE their shares.
 - (8) In the courtyard in favour of his neighbours.
 - (9) Abaye.
 - (10) Rabbah.
 - (11) With his two neighbours who prepared one between themselves.

- (12) In their courtyard.
- (13) And, since this one is associated in the 'erub with the other, both of them are thereby permitted the unrestricted use of the courtyard.
- (14) In a courtyard in which they lived with a third tenant.
- (15) In their courtyard.
- (16) With the two other tenants who lived in the same courtyard.
- (17) If he is the only other neighbour.
- (18) Like themselves.
- (19) With one of his two neighbours.
- (20) The other of his two neighbours (cf. prev. n.).
- (21) His presentation is of no avail on account of the share of the neighbours who did not present his.
- (22) Since TWO TENANTS MAY ... NOT ACQUIRE ANY.
- (23) With the tenant who prepared the 'erub.
- (24) How then could Rabbah maintain that the renunciation must be made in favour of every individual tenant?
- (25) In the Baraitha cited by Abaye.
- (26) A tenant with whom an 'erub was prepared.
- (27) By the time the third tenant presented his share. As at that time only two tenants occupied the courtyard one may well renounce his share in favour of the other. On the question of the heirs of the deceased who might be expected to inherit his share and thus impose the same restrictions as he himself, v. Rash and Tosaf. a.I.
- (28) Why should not the survivor be allowed to renounce his share.
- (29) The objection against Rabbah thus arises again.
- (30) Lit., 'that as it is, and that' etc.
- (31) That the first clause deals with a case where one of the two tenants who joined in the 'erub died.
- (32) Lit., 'yes'. i.e., the presentation must be made to each of the two.
- (33) Of the two.
- (34) Instead of 'two'.
- (35) As was the case in the first clause.
- (36) Since One tenant cannot join in an 'erub with himself it would be obvious that the reference was to one of two tenants.
- (37) Cf. prev. n.
- (38) The Gemara now proceeds to discuss the Baraitha cited, clause by clause.
- (39) Who joined in the 'erub with the one mentioned.
- (40) When the 'erub was prepared.
- (41) When the renunciation was made.
- (42) Which seems superfluous In view of the rule that even two tenants may renounce their shares in favour of one, and much more so one in favour of one.
- (43) Of renouncing in favour of one of the two only.
- (44) Cf. supra n. 10.
- (45) Since the latter may well renounce his share in their favour, on account of the 'erub in which they have joined. no preventive measures against the possibility that one tenant might renounce his share in favour of two, could have been required. Now, since It was already stated in the first clause that one tenant may renounce, what need was there to mention also two?
- (46) Since the first clause deals with a renunciation in favour of those who did join in an 'erub.
- (47) And no renunciation in his favour should be permissible.
- (48) V. p. 489, n. 10.
- (49) Which specifies that renunciation must be made in favour of each of the two tenants.
- (50) Sc. that it deals with a case where one of the two tenants who joined in an 'erub died before the renunciation was made. Had he not died the renunciation would have had to be made (cf. prev. n.) in favour of each of the two.
- (51) Who explained supra that 'to the two' meant 'to one of the two'.
- (52) The clause under discussion which, since no difference could be made between one who makes a renunciation and two who make a renunciation, seems superfluous in view of the first clause which allows one tenant to make a renunciation in favour of one of another two tenants.

- (53) Which, as stated supra, is forbidden.
- (54) Which is implied in the previous ones.
- (55) Enumerated previously, according to which such renunciation is permitted.
- (56) By depriving them of the right to renunciation.
- (57) Were renunciation allowed, no 'erub would ever be prepared and the younger generation would in consequence remain ignorant of the institution of 'erub'.
- (58) Which is apparently superfluous since in view of the fact that one tenant did not renounce his share the renunciation of the other alone cannot be effective.
- (59) So that it refers to a case where both tenants who had joined in the 'erub were alive.
- (60) As the first clause taught that 'a tenant who did not join in an erub may present his share to one of those who joined' the final clause taught that if the case was reversed presentation is forbidden. The first clause, however, deals with a case where one of the two tenants who joined in the 'erub was dead while the final one deals with a case where both tenants were alive'.
- (61) Which is implied in the preceding rulings.
- (62) Of those who did not join in the 'erub.
- (63) As is the case where all tenants presented their shares to one of their own number.
- (64) The superfluous repetition.
- (65) Cf. Bah.
- (66) The tenants who presented their shares.
- (67) The one of the two who did not join in their 'erub.
- (68) To the other of the two tenants who did not join in the 'erub (cf. supra p. 487, n. 10).
- (69) Whose father, from whom he inherited his estate, had forgotten to contribute to the 'erub of his courtyard and died on the Sabbath.
- (70) Which he inherited (cf. prev. n.) on that day and which his father had not renounced in favour of his neighbours.

Talmud - Mas. Eirubin 70b

Is it only in the case where [a tenant can], if he wishes, join in the 'erub on the previous day¹ that he can also renounce his share,² but this [heir], since he could not join in the 'erub on the previous day even if he wished,³ may not renounce his share, or is it possible that an heir steps into his father's place?⁴ — 'I', the other replied, 'hold that he may renounce his share, but those [scholars] of the school of Samuel learned that he may not do so'.

He⁵ thereupon pointed out the following objection against him:⁶ This is the general rule: Whatever is permitted during a part of the Sabbath remains permitted throughout the Sabbath and whatever is forbidden during a part of the Sabbath remains forbidden throughout the Sabbath, the only exception being the case of the man who renounced his share.⁷ 'Whatever is permitted during a part of the Sabbath remains permitted throughout the Sabbath', as is, for instance, the case of an 'erub⁸ that was prepared for the purpose of carrying objects through a certain door⁹ and that door was closed up.¹⁰ or one that was prepared for the purpose of carrying objects through a certain window⁹ and that window was closed up.¹⁰ 'This is the general rule'¹¹ includes the case of an alley whose cross-beam¹² or side-post¹² had been removed.¹³ 'Whatever is forbidden during a part of the Sabbath remains forbidden throughout the Sabbath', as, for instance, in the case of two houses, that were respectively situated on the two sides of a public domain which gentiles surrounded with a wall during the Sabbath.¹⁴ What does the expression¹⁵ 'This is the general rule',¹⁶ include? It includes the case of a gentile¹⁷ who died on the Sabbath.¹⁸ Now here it was stated: 'The only exception being the case of the man who renounced his share',¹⁹ from which²⁰ it follows, does it not, that only he²¹ may do so but not his heir?²² — Read, 'The only exception being the law of renunciation'.²³

He²⁴ raised another objection against him:²⁵ If one of the tenants of a courtyard²⁶ died, having left his share to a man in the street,²⁷ the latter²⁸ imposes restrictions,²⁹ if this occurred while it was yet day,³⁰ but if it occurred after dusk³¹ he imposes no restrictions. If, however, a man in the street³²

died, having left his share to one of the tenants of the courtyard, he imposes no restrictions, if this occurred while it was yet day,³³ but if it occurred after dusk,³⁴ he imposes restrictions. Now why should he impose restrictions?³⁵ Let him renounce his share!³⁶ — The ruling that he imposes restrictions applies only so long as he did not renounce³⁷ his share.

Come and hear: If an Israelite and a proselyte lived in one dwelling³⁸ and the proselyte died³⁹ while it was yet day⁴⁰

(1) Lit., 'yesterday', i.e., the Sabbath eve.

(2) On the Sabbath.

(3) Since at that time he had not yet had any share in the courtyard.

(4) Lit., 'is his father's leg', and is consequently entitled to all his rights.

(5) Raba.

(6) R. Nahman.

(7) This is explained presently.

(8) Between two courtyards.

(9) That communicated between the two courtyards.

(10) By some obstructions that happened to fall into it during the Sabbath. As it was permissible to carry objects from one courtyard into the other through the door (or the window) during a part of the Sabbath, the permissibility remains in force even after the door (or the window) was closed up. It is, for instance, permissible to throw objects from one courtyard into the other across the obstruction or through minor communication holes (cf. infra 76a).

(11) Which implies that there must be some other cases also but they were not here specified.

(12) So MS.M. and Rashi. Cur.ed. have the plural form.

(13) During the Sabbath. Although the use of an alley that was not provided with cross-beam or side-post is else' where restricted. the removal of either in this case, since the alley was well provided with the one or the other during a part of the Sabbath, does not affect the tenants' right to its continued and unrestricted use. This ruling is not covered by the one specified, since in the latter case the walls remained intact while in the former they were absent (cf. supra 17b).

(14) As in the absence of the wall no 'erub was admissible on the Sabbath eve, it is forbidden to move objects from any of the houses into the newly enclosed area, even if one of the householders renounced his right in that area in favour of his neighbour.

(15) In the introduction to the first clause, which presumably refers also to the final clause.

(16) V. supra p. 492, n. 11.

(17) Who lived in the same courtyard with Israelites and whose right in the courtyard precluded his neighbours from joining in an 'erub unless they previously hired his share from him.

(18) Since no 'erub was allowed on the Sabbath eve and no renunciation of rights was permissible during the first part of the Sabbath while he was alive, no renunciation is permitted even after his death. This ruling also could not be inferred from the one specified, since in the latter case no erub could possibly have been provided on the Sabbath eve while in that of the former it could well have been prepared if (cf. prev. n.) the gentile's share had been hired.

(19) Sc. only in the case of such a renunciation during the Sabbath are the restrictions, which on account of the absence of 'erub were previously in force, removed for the rest of the day.

(20) Since only 'the man who renounced his share', not his heir, was mentioned.

(21) The original householder.

(22) Lit., 'he, yes; heir, not'. How then could R. Nahman maintain that an heir may also renounce his share?

(23) Either by the original owner or by his heir.

(24) Raba.

(25) R. Nahman.

(26) Who joined in 'erub with his neighbours (cf. Tosaf. a.l.).

(27) Sc. a Stranger, one who did not live in the same courtyard.

(28) Since he did not join in the 'erub.

(29) On the use of the courtyard by its tenants. As the new owner of the house he imposes restrictions though he does not himself live in it, his case being similar to that of the owner of a storehouse for straw or of a cattle-pen (cf. infra 72b).

- (30) Of the Sabbath eve, when the 'erub was not yet effective.
- (31) When the 'erub was already in force and the tenants were in consequence allowed the unrestricted use of their courtyard during a part of the Sabbath.
- (32) Sc. one who did not live in that courtyard but was the owner of a house in it.
- (33) Since he has sufficient time before the Sabbath to join in the 'erub in respect of that house.
- (34) When no 'erub may any longer be prepared.
- (35) In agreement with R. Nahman that an heir is entitled to renounce the share he inherited.
- (36) And thus enable the tenants to enjoy the unrestricted use of their courtyard.
- (37) Lit., 'what also (is meant by) he imposes restrictions that he learned? Until he would renounce'.
- (38) Or 'barn', the doors of their compartments or huts opening into one court.
- (39) Leaving no heirs.
- (40) Of the Sabbath eve.

Talmud - Mas. Eirubin 71a

even though¹ another Israelite² had taken possession of his estate, [the latter] imposes restrictions;³ [but if he died] after dusk⁴ no restrictions are imposed even though no other Israelite took Possession of his estate. Now is not this statement self-contradictory? You first stated: 'While it was yet day, even though another Israelite had taken possession [the latter] imposes restrictions' and,⁵ much more so⁶ if one did not take possession of it; [but is not the law just] the reverse, viz., that where no one took possession no restrictions are imposed?⁷ — R. Papa replied. Read: 'Although he had not taken possession'. But was it not stated: 'Though he had taken possession'? — It is this that was meant: Though he did not take possession while it was yet day and did so only after dusk⁸ he imposes restrictions, since⁹ he could have taken possession while it was yet day.¹⁰ 'After dusk, no restrictions are imposed even though no other Israelite took possession of his estate'. You Say, 'Even though no other Israelite took possession of his estate' and¹¹ much less so¹² if one did take possession; but is not the law just the reverse, viz., that where one did take possession restrictions are imposed?¹³ — R. Papa replied: Read: 'Though he did take possession'.¹⁴ but was it not stated: 'Even, though he did not take possession'? — It is this that was meant: Though he took possession¹⁵ after dusk he imposes no restrictions, since he could not take possession while it was yet day.¹⁶ At all events it was stated in the first clause that 'restrictions are imposed'. But why should restrictions be imposed? Let him¹⁷ renounce his share? — The ruling that he imposes restrictions¹⁸ applies only so long as he does not make his renunciation.

R. Johanan replied: The Baraitas¹⁹ represent the view of Beth Shammai who ruled that no renunciation is allowed on the Sabbath.²⁰ For we learned: WHEN MUST ONE'S SHARE BE PRESENTED? BETH SHAMMAI RULED: WHILE IT IS YET DAY AND BETH HILLEL RULED: AFTER DUSK. Said Ulla: What is Beth Hillel's reason?²¹ The case of renunciation is on a par with that of saying,²² 'You should have gone to the better kind'.²³ What, objected Abaye, is the comparison with the case of saying. 'You should have gone to the better kind', where the gentile died on the Sabbath?²⁴ Rather it is this principle on which they are here at variance: Beth Shammai are of the opinion that the renunciation of a domain²⁵ is like conferring acquisition²⁶ of a domain [to another], but conferring acquisition of a domain on the Sabbath is forbidden;²⁷ while Beth Hillel are of the opinion that renunciation is merely the giving up of one's domain, and the giving up of a domain on the Sabbath is perfectly permissible.

MISHNAH. IF A HOUSEHOLDER WAS IN PARTNERSHIP WITH HIS NEIGHBOURS,²⁸ WITH THE ONE IN WINE AND WITH THE OTHER IN WINE,²⁹ THEY NEED NOT PREPARE AN ERUB;³⁰ BUT IF HIS PARTNERSHIP WAS WITH THE ONE IN WINE AND WITH THE OTHER IN OIL,³¹ IT IS NECESSARY FOR THEM TO JOIN IN AN 'ERUB.³² R. SIMEON RULED: NEITHER IN THE ONE CASE NOR IN THE OTHER NEED THEY JOIN IN AN ERUB. GEMARA. Rab explained:³³ Only [if the wine³⁴ was kept] in one container.³⁵ Said Raba: A

deduction also supports this view. For it was stated: WITH THE ONE IN WINE AND WITH THE OTHER IN OIL, IT IS NECESSARY FOR THEM TO JOIN IN AN 'ERUB; now if you grant that the first clause deals with one container and the final clause with two containers both rulings are quite correct,³⁶ but if you contend that the first clause deals with two containers and the final clause deals with two containers, why. [it might be objected,] should a difference be made between wine and wine and between wine and oil?³⁷ — Wine and wine,³⁸ Abaye retorted, can properly be mixed,³⁹ but wine and oil cannot properly be mixed.⁴⁰

R. SIMEON RULED: NEITHER IN THE ONE CASE NOR IN THE OTHER NEED THEY JOIN IN AN 'ERUB. Even if the partnership was with the one in wine and with the other in oil?⁴¹ — Rabbah replied: Here we are dealing with a courtyard that was situated between two alleys,⁴² R. Simeon following his own View.⁴³ 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 other ones are forbidden access to one another.⁴⁴ Said Abaye to him:⁴⁵ Are the two cases at all alike, seeing that there⁴⁶ it was stated: 'The two outer ones are forbidden,' while here It was stated that THEY NEED NOT JOIN IN AN 'ERUB at all?⁴⁷ — The ruling that⁴⁸ THEY NEED NOT JOIN IN AN 'ERUB applies only to one between the neighbours and the householder, but the neighbours among themselves must certainly join in an 'erub.

-
- (1) This will be discussed presently.
 - (2) The estate of a proselyte, who has no legal heirs, may be appropriated by the first person who takes possession of it.
 - (3) As the new owner did not join in the 'erub he imposes restrictions on the use of the court by the surviving Israelite.
 - (4) V. supra n. 2.
 - (5) Since the clause is introduced by 'even though'.
 - (6) Lit., 'and it is not required (to state)'.
 - (7) There being no one to impose them.
 - (8) The purport of the expression being, 'even though . . . had taken possession after dusk, so that during a part of the Sabbath the place was free from restrictions.
 - (9) The proselyte having died before dusk.
 - (10) As the proselyte's share was in a state of suspended ownership even when the Sabbath had set in the entire place could not be regarded as a permitted domain even during a part of the Sabbath.
 - (11) Since the clause is introduced by 'even though'.
 - (12) Lit., 'and it is not required (to state)'.
 - (13) On account of that persons share.
 - (14) He nevertheless imposes no restrictions, since during a part of the Sabbath, prior to his acquisition of the estate, the place was free from all restrictions.
 - (15) 'Even though' qualifying this implied clause.
 - (16) When the proselyte was still alive (cf. supra n. 7).
 - (17) The Israelite taking legal possession of the estate of the deceased proselyte being in a position of an heir.
 - (18) Lit., 'what (is the meaning of he) imposes restrictions, that has been taught'.
 - (19) According to which an heir imposes restrictions and from which objection was raised against R. Nahman.
 - (20) Hence no means are available to an heir for the removal of the restrictions that begin with the incidence of the Sabbath. R. Nahman, however, may disagree with their view, following that of Beth Hillel.
 - (21) For allowing renunciation on the Sabbath.
 - (22) Lit., 'it is made as (if he) says' to a person whom he found in his field setting aside terumah from a certain kind of produce on his behalf without his previous consent.
 - (23) B.M. 22a. The terumah is valid if there was a better kind in the field; because the owner, by his present consent, is assumed retrospectively to have appointed the person as his agent. Similarly in the case of renunciation: The tenant's present act of renunciation is taken as an indication of his retrospective desire to join with the other tenants in their 'erub and that his failing to do so was due to mere forgetfulness.
 - (24) In the latter case, surely, retrospective intention could not possibly be assumed.

- (25) I.e., one's share in a court.
- (26) [Reading מִקְנֵי instead of מִיְקְנֵי of cur. edd. v. Tosaf. s.v. מִקְנֵי].
- (27) Because it is on a par with a commercial transaction. Hence their prohibition of renunciation on the Sabbath.
- (28) In an alley.
- (29) Sc. they were all joint holders in one edible commodity that (as will be explained infra) was kept in one container.
- (30) Their partnership in the commodity serves also the purpose of 'erub.
- (31) Sc. two different commodities that must be kept in separate containers.
- (32) Since only a commodity in joint ownership that is kept in one container may be regarded as 'erub.
- (33) The first clause of our Mishnah.
- (34) Which they possessed in common.
- (35) NEED THEY NOT PREPARE AN 'ERUB (cf. supra p. 496, n. 12).
- (36) As the wine spoken of in the first clause was kept in one container no other 'erub was consequently required, while in the case of the wine and the oil spoken of in the final clause, since they were kept in two containers, a special 'erub was rightly required.
- (37) Sc. why should an 'erub be necessary in the latter case if it is not required in the former?
- (38) Though kept in two containers.
- (39) Hence it may serve as an 'erub even if it has not yet been mixed.
- (40) As they must always be kept apart they cannot be regarded as 'erub if they have not been expressly set aside for that purpose. Hence, contrary to the submission of Raba, the first clause also may be dealing with two containers.
- (41) But how could such a ruling be justified in view of the fact that the two commodities cannot properly be mixed?
- (42) The tenants of which had a stock of wine in common with the residents of the one alley and a stock of oil in common with those of the other, so that the wine and the oil do not serve the purpose of one 'erub but that of two 'erubs, one for each alley.
- (43) That the residents of one courtyard may join in two 'erubs with the residents of two alleys respectively even though the latter, not having been joined to each other by an 'erub, are forbidden access from one to the other.
- (44) Supra 45b, q.v. notes. Similarly (cf. prev. n.) in the case of the wine and oil, though the two alleys (cf. supra p. 497, n. 10) were not joined to one another, and access between them is forbidden, the courtyard may be joined to both of them and access between it and the alleys is permitted.
- (45) Rabbah.
- (46) In the Mishnah cited.
- (47) Implying full permissibility of access.
- (48) Lit., 'what'.

Talmud - Mas. Eirubin 71b

R. Joseph.¹ however, replied:² R. Simeon and the Rabbis differ on the same principle as that on which R. Johanan b. Nuri and the Rabbis differ.³ For we learned: If some oil⁴ floated on wine⁴ and a tebul yom⁵ touched the oil, he⁶ causes the oil only to be unfit;⁷ but R. Johanan b. Nuri ruled: They both form a connection with each other.⁸ The Rabbis⁹ may hold the same view as the Rabbis¹⁰ while R. Simeon⁹ may hold the same view as R. Johanan b. Nuri.¹¹

It was taught: R. Eleazar¹² b. Taddai ruled: In either case¹³ it is necessary for them to join in an erub. Even if the partnership was with the one in wine and with the other also in wine?¹⁴ Rabbah explained: Where this [householder] comes with his lugin¹⁵ [of wine] and pours [it into the common cask] and the other comes with his lugin and pours it in, no one disputes the ruling that¹⁶ this alone is a valid 'erub.¹⁷ They only differ where the householders bought a cask of wine in partnership.¹⁸ R. Eleazar b. Taddai is of the opinion that there is no such rule as bererah¹⁹ while the Rabbis maintain that the rule of bererah holds good.²⁰

R. Joseph explained: R. Eleazar b. Taddai and the Rabbis differ on the question whether it is permissible to rely upon shittuf¹⁵ where an 'erub is required.²¹ the one Master²² holding that It is not permissible to rely on it²³ while the Masters²⁴ maintain that it is permissible to rely on it.²⁵

Said R. Joseph: Whence do I derive this?²⁶ [From the following:] Since Rab Judah stated in the name of Rab, 'The halachah is in agreement with R. Meir'²⁷ and R. Berona stated in the name of Rab, 'The halachah is in agreement with R. Eleazar b. Taddai'.²⁸ Now what is the reason?²⁹ Obviously³⁰ because both rulings are based on the same principle.²⁷ Said Abaye to him: If the principle is the same what need was there to lay down the halachah, twice?³¹ — It is of this that we are informed: That in matters of³² 'erub we [sometimes] adopt³³ two restrictive rulings.³⁴

What is the ruling of R. Meir and what is that of the Rabbis?³⁵ [Those about which] it was taught: An 'erub of courtyards must be prepared with bread; but wine, even if preferred, may not be Used for 'erub,³⁶ Shittuf of an alley may be done even³⁷ with wine;³⁸ but bread, if preferred, may [obviously]³⁹ be used for the shittuf. An 'erub must be prepared for courtyards⁴⁰ even where shittuf is arranged for the alleys⁴¹ in order that the law of 'erub may not be forgotten by the children who might believe that their fathers⁴² had been preparing no 'erub; so R. Meir. The Sages, however, ruled: Either 'erub or shittuf [is enough]. R. Nehumi⁴³ and Rabbah⁴⁴ differ on the interpretation of this statement. One maintains that in the case of bread⁴⁵ no one disputes the ruling that one⁴⁶ is enough⁴⁷ and that they only differ in the case of wine,⁴⁸

-
- (1) Maintaining, contrary to the view of Rabbah, that R. Simeon in our Mishnah was referring to courtyards in the same alley.
 - (2) To the objection raised supra as to how could R. Simeon regard two commodities like wine and oil as one valid 'erub.
 - (3) It. Simeon, as will be shown presently, holding the same view as the former.
 - (4) Of terumah.
 - (5) V. Glos.
 - (6) On account of his levitical uncleanness.
 - (7) For consumption.
 - (8) T.Y. II, 5; the touching of the one is, therefore, regarded as the touching of both.
 - (9) Of our Mishnah.
 - (10) In the Mishnah cited, who regard wine and oil as separate and distinct commodities.
 - (11) Who holds that oil and wine can be treated as the component parts of one liquid.
 - (12) So MS.M.
 - (13) This is discussed anon.
 - (14) But why should an 'erub be necessary in such a case?
 - (15) V. Glos.
 - (16) Even where the wine was not originally mixed for the purpose of 'erub.
 - (17) Since every householder has contributed Its individual share to the common stock.
 - (18) So that the individual contributions were never distinguishable from one another.
 - (19) V. Glos. In consequence none of the householders has any distinguishable share in the wine.
 - (20) So that every householder may be regarded as having contributed a definite and distinguishable share to the common contents of the cask.
 - (21) I.e., whether the amalgamation of the courtyards of an alley by shittuf, for the purpose of facilitating movement in it, exempts the tenants of the courtyards from 'erub for the purpose of carrying objects from one courtyard into the other.
 - (22) R. Eleazar b. Taddai.
 - (23) Hence his ruling that 'in either case' an 'erub must be prepared.
 - (24) The Rabbis.
 - (25) No 'erub, therefore, is required. Since the residents are united by shittuf in their alley they are also deemed to be united in their courtyards; and they are consequently permitted to convey objects from one courtyard into another through doors that open from one into the other.
 - (26) That the point at issue between R. Eleazar b. Taddai and the Rabbis is the Question whether shittuf can also serve the purpose of 'erub.
 - (27) That it is not permissible to rely upon shittuf where an 'erub is required.

- (28) That 'in either case' an erub must be prepared.
- (29) That Rab pronounced the halachah to be in agreement with both R. Meir and R. Eleazar b. Taddai.
- (30) Lit., 'not'?
- (31) It was admittedly necessary for Rab to state that the halachah is in agreement with R. Meir, since otherwise the principle underlying R. Eleazar b. Taddai's ruling would have been unascertainable, and erroneous conclusions affecting the laws of 'erub might have been arrived at (cf. Rashi); but why, it is asked, was it also necessary for Rab to state that the halachah is in agreement with R. Eleazar b. Taddai?
- (32) As in this particular case (cf. Tosaf.).
- (33) This is the reading of R. Han. Cur. edd. 'we do not adopt' (cf. Rashi); v. Tosaf. s.v. נִשְׁתָּי.
- (34) Laid down by the same authority, though one of them is opposed by other authorities. In this case the halachah is in agreement with R. Meir that where an 'erub is required, shittuf may not be relied upon irrespective of whether it was done with (a) wine concerning which the Rabbis agree with him or (b) bread about which the Rabbis differ.
- (35) To which reference has just been made.
- (36) An 'erub essentially serves the purpose of constituting a dwelling or habitation (cf. supra 49a) and bread alone of all commodities is regarded as important enough to constitute one.
- (37) Cf. Rashi. According to Tosaf. the rendering might be, 'should preferably be done'.
- (38) Since the purpose of shittuf is not the association of the house but that of the courtyards which are not regarded as 'dwellings' (cf. supra n. 5).
- (39) Cf. Rashi, or (according to Tosaf.) 'also'.
- (40) Either for each one separately, in the interests of its own tenants, or, if doors open from one courtyard into another, for several courtyards together, to enable their tenants to have access to each other through their courtyard doors.
- (41) To enable the tenants to carry objects from one courtyard into another through the alley. In the absence of shittuf this is forbidden, though the right of carrying through the communicating doors remains unaffected. In the case of shittuf it is permitted to carry objects between the courtyards either through the alley or through their communicating doors even where each courtyard had prepared a separate 'erub for its own tenants only.
- (42) Lit., 'who would say: Our fathers'.
- (43) Var. lec. 'Rehumi' (MS.M. and Bah).
- (44) Var. lec. 'Rabbah b. Joseph' (Bah).
- (45) Since it is suitable for both 'erub and shittuf.
- (46) Either shittuf or 'erub.
- (47) Since one may also serve the purpose of the other.
- (48) Where it was used for "shittuf. According to R. Meir this alone is not enough since wine is inadmissible for 'erub; while according to the Rabbis once wine has become effective in shittuf it is ipso facto effective for 'erub, since shittuf may be relied upon where an 'erub is required.

Talmud - Mas. Eirubin 72a

while the other maintains that in the case of wine¹ no one disputes the ruling that the two² are necessary³ and that they only differ in the case of bread.⁴

An objection was raised: 'The Sages, however, ruled: Either 'erub or shittuf is enough'. Does not this mean that it is permissible to prepare an 'erub in a courtyard with bread or arrange shittuf in an alley with wine?⁵ — R. Giddal citing Rab replied: It is this that was meant: Either an 'erub for the courtyards⁶ is prepared with bread, and unrestricted movement is permitted in both the alley and the courtyards;⁷ or shittuf for the alley is made with bread, and unrestricted movement is again permitted in both.⁷

Rab Judah citing Rab stated: The halachah⁸ is in agreement with R. Meir; R. Huna, however, stated: The customary practice is in agreement with R. Meir, while R. Johanan stated: The people are in the habit of acting in agreement with R. Meir.

MISHNAH. IF FIVE COMPANIES SPENT THE SABBATH IN ONE HAL⁹ EACH

COMPANY, BETH SHAMMAI RULED, MUST¹⁰ CONTRIBUTE SEPARATELY TO THE ERUB;¹¹ BUT BETH HILLEL RULED: ALL OF THEM¹² CONTRIBUTE TO THE 'ERUB ONLY ONE SHARE.¹³ THEY¹⁴ AGREE, HOWEVER, THAT WHERE SOME OF THEM OCCUPY ROOMS¹⁵ OR UPPER CHAMBERS¹⁶ A SEPARATE CONTRIBUTION TO THE 'ERUB MUST BE MADE FOR EACH COMPANY.

GEMARA. R. Nahman stated: The dispute¹⁷ relates only to partitions of stakes¹⁸ but where the partitions¹⁹ were ten handbreadths high all²⁰ agree that a separate contribution to the 'erub must be made for each company. Others read: R. Nahman stated: The dispute¹⁷ relates also to partitions of stakes.²¹

R. Hiyya and R. Simeon son of Rabbi differ on the interpretation of our Mishnah.²² One holds that the dispute²³ relates only to partitions that reach to the ceiling, but where they do not reach it²⁴ all²⁵ agree that only one contribution to the 'erub need be made for all of them; while the other holds that the dispute²³ relates Only to partitions that do not reach the ceiling but where they do reach it all²⁰ agree that a separate contribution to the 'erub is necessary for each company.

-
- (1) Since it is unsuitable for shittuf purposes.
 - (2) Both Shittuf and 'erub.
 - (3) Even the Rabbis agree that wine cannot become effective for 'erub even by way of shittuf for which alone it may be used.
 - (4) That was used either for 'erub or for shittuf, R. Meir maintaining that even in this case one cannot do service for the other.
 - (5) And either presumably suffices for both alley and courtyards. How then is this to be reconciled with the second view that 'in the case of wine no one disputes the ruling that the two are necessary'?
 - (6) So MS. M. Cur. edd. have the sing. 'courtyard'.
 - (7) Lit., 'here and here'.
 - (8) V. supra p. 438, nn. 11-13.
 - (9) Traklin, triclinium, 'dining-room'. The reference is to a large room that was subdivided by partitions into separate compartments each being occupied by one of the companies and having a separate door to the courtyard into which doors of other houses also open.
 - (10) Since each is deemed to occupy a separate domain.
 - (11) That is prepared either for all the tenants of the courtyard or for the occupants of the hall alone.
 - (12) Being regarded as living in one and the same domain (cf. Gemara infra).
 - (13) If they join the tenants of the courtyard. Among themselves (cf. prev. n.) they need no 'erub at all.
 - (14) Beth Hillel.
 - (15) On the ground floor.
 - (16) All of which are completely separated from one another and from the hall, and have direct access to the courtyard.
 - (17) In our Mishnah.
 - (18) Mesifas, a low partition of stakes or pegs. Only in such a case do Beth Hillel regard the entire hall as One domain.
 - (19) Separating the quarters of one company from another.
 - (20) Even Beth Hillel.
 - (21) I.e., Beth Shammai maintain their view not only where the partitions were ten handbreadths high but even where they were low.
 - (22) Lit., 'on it'.
 - (23) Between Beth Shammai and Beth Hillel.
 - (24) Although they are ten handbreadths high.
 - (25) Even Beth Shammai.

Talmud - Mas. Eirubin 72b

An objection was raised: R. Judah ha-Sabba¹ stated, Beth Shammai and Beth Hillel do not dispute

the ruling that where partitions² reach the ceiling a separate contribution to the erub is required on the part of each company; they only differ³ where the partitions do not reach the ceiling in which case Beth Shammai maintain that a separate contribution to the 'erub must be made for each company, while Beth Hillel maintain that one contribution to the 'erub suffices for all of them. Now, against him who stated that the dispute⁴ related only to partitions that reached the ceiling this⁵ presents an objection; in favour of him who stated that their dispute⁴ related only to partitions that did not reach the ceiling this⁶ provides support; while against that version according to which R. Nahman stated 'the dispute relates only to partitions of stakes'⁷ this⁸ presents an objection. Does this,⁶ however, present an objection also against that version according to which R. Nahman stated: 'The dispute relates also to partitions of stakes'⁹ — R. Nahman can answer you: They differ in the case of partitions¹⁰ and this applies also to partitions of stakes, and the only reason why their difference of view was expressed in the case of partitions is in order to inform you to what extent Beth Hillel venture to apply their principle.¹¹ But why did they not express their difference of view in the case of partitions of stakes in order to inform you of the extent to which Beth Shammai, venture to apply their principle?¹² — Information on the extent of a permitted course¹³ is preferable.¹⁴

R. Nahman citing Rab stated: The halachah is in agreement with R. Judah ha-Sabbar.¹⁵ Said R. Nahman b. Isaac: All inference from the wording of our Mishnah also leads to the same conclusion. For it was stated: THEY AGREE, HOWEVER, THAT WHERE SOME OF THEM OCCUPY ROOMS OR UPPER CHAMBERS A SEPARATE CONTRIBUTION TO THE FRUIT MUST BE MADE FOR EACH COMPANY; now what was meant by ROOMS and what by UPPER CHAMBERS? If it be suggested that by the term ROOMS proper¹⁶ rooms,¹⁷ and by the term 'UPPER CHAMBERS' proper¹⁶ upper chambers¹⁷ were meant, is not the ruling¹⁸ obvious?¹⁹ The terms must consequently mean²⁰ compartments like rooms or upper chambers, namely,²¹ compartments the partitions of which reach the Ceiling. This is conclusive.

A Tanna taught: This²² applies only where their 'erub is carried into a place other [than the hall].²³ but if their 'erub is remaining²⁴ with them²⁵ all²⁶ agree that one contribution to the 'erub suffices for all of them.²⁷ Whose view is followed in what was taught:²⁸ If five residents who collected their 'erub desired to transfer it to another place.²⁹ one 'erub suffices for all of them?³⁰ — Whose view? That of Beth Hillel.³¹

Others read: This³² applies only where the 'erub remained³³ with them,³⁴ but if they carried their 'erub to a place other [than their hall]³⁵ all³⁶ agree that a separate contribution to the 'erub is required for each company.³⁷ Whose view is followed in which was taught: If five residents who collected their contributions to an 'erub desired to transfer it³⁸ to another place³⁹ one 'erub suffices for all of them?⁴⁰ — Whose view? No one's.⁴¹

MISHNAH. BROTHERS⁴² WHO WERE EATING AT THEIR FATHER'S TABLE BUT SLEPT IN THEIR OWN HOUSE⁴³ MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB.⁴⁴ HENCE, IF ANY ONE OF THEM FORGOT TO CONTRIBUTE TO THE 'ERUB HE MUST⁴⁵ RENOUNCE HIS RIGHT TO HIS SHARE IN THE COURTYARD. WHEN DOES THIS APPLY?⁴⁶ WHEN THEY CARRY THEIR 'ERUB INTO SOME OTHER PLACE⁴⁷ BUT IF THEIR 'ERUB IS DEPOSITED⁴⁸ WITH THEM⁴⁹ OR IF THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD THEY NEED NOT PREPARE ANY 'ERUB.

GEMARA. Does this⁵⁰ then imply that the night's lodgingplace⁵¹ is the cause of the obligation of 'erub?⁵² — Rab Judah citing flab replied: This was learnt only in respect of such as receive a maintenance allowance.⁵³

Our Rabbis taught: A man who has in his neighbour's courtyard a gate-house, an exedra⁵⁴ or a

balcony imposes no restrictions upon him.⁵⁵ [One, however, who has in it] a straw-magazine, a cattle-pen, a room for wood or a storehouse does impose restrictions upon him. R. Judah ruled: Only a dwelling-house imposes restrictions. It once happened, R. Judah related, that Ben Nappaha⁵⁶ had five courtyards at Usha, and when the matter was submitted to the Sages they ruled: Only a dwelling-house imposes restrictions. 'A dwelling-house'! Is such a ruling imaginable? Rather say: A dwelling-place. What is meant by a 'dwelling-place'? — Rab explained:

- (1) 'The reasoner' or 'interpreter'. R. Han. and Alfasi read: 'ha-Sabbak', 'the net-weaver'. Others 'ha-Saddar', 'who arranges (Mishnahs) in order'.
- (2) Which subdivide a large hall into small compartments.
- (3) Lit., 'concerning what are they divided?'
- (4) Between Beth Shammai and Beth Hillel.
- (5) R. Judah's statement that they 'do not dispute . . . where partitions reach the ceiling'.
- (6) The statement of R. Judah that 'they only differ where the partitions do not reach the ceiling'.
- (7) But that 'where the partitions were ten handbreadths high' Beth Hillel agree that a 'separate contribution. . . must be made'.
- (8) R. Judah's assertion (cf. supra n. 5) according to which Beth Hillel require no separate contributions where the partitions, though ten handbreadths high, do not reach the ceiling.
- (9) I.e., that Beth Shammai require separate contributions even where the partitions were so frail and low. Does R. Judah, it is asked (cf. supra n. 5), imply that Beth Shammai maintain this view, even where the partitions are so low, in agreement with this view of R. Nahman, or, do they limit their view to partitions that are of some considerable height though not as high as to reach the ceiling?
- (10) Even where they do not reach the ceiling.
- (11) I.e., they require no separate contributions from each company even where the partitions are of some considerable height.
- (12) That even in the case of partitions of stakes Beth Shammai require each company to make a separate contribution.
- (13) Lit., 'the power of permissibility', since it indicates conviction and certainty of opinion.
- (14) The prohibition of a certain course may be an easy way out of a legal difficulty and the result of mere lack of knowledge or conviction as to whether it could or could not be permitted.
- (15) That 'where partitions reach the ceiling' even Beth Hillel agree that 'a separate contribution is required'.
- (16) Or 'actual'.
- (17) I.e., such as have never formed parts of the large hall.
- (18) That for each room a separate contribution must be made.
- (19) What need then was there to state the obvious?
- (20) Lit., 'but, not?'
- (21) Lit., 'and what are they?'
- (22) That Beth Shammai require each company to make a separate contribution to the 'erub (v. our Mishnah).
- (23) Sc. if it is deposited in one of the other houses of the courtyard.
- (24) Lit., 'was coming'.
- (25) I.e., if the other tenants brought their contributions to the hall where the 'erub is deposited.
- (26) Even Beth Shammai.
- (27) The point at issue between Beth Shammai and Beth Hillel being not that of the nature of the partitions but the question whether (a) one of a group who joined in an 'erub may take that 'erub with him to another group on behalf of all his associates or whether (b) each individual of the group must separately contribute his share. The hall in question, both according to Beth Shammai and Beth Hillel, combines the separate sections of each company into one domain and no 'erub among themselves alone is necessary irrespective of whether the partitions were high or low, but Beth Shammai maintain that one of them cannot represent them all in the 'erub of the courtyard and each must consequently contribute his individual share, while Beth Hillel hold that one of them may well represent all the group and, therefore, only one contrition on behalf of all of them is sufficient.
- (28) Lit., 'like whom goes that which was taught'.
- (29) I.e., to another courtyard, desiring to join in 'erub with the residents of that courtyard.
- (30) I.e., one of the group may take their 'erub (or the prescribed quantity of bread of his own on behalf of all the group)

to the place into which they desired their 'erub to be transferred. Cf. supra 49b.

(31) Cf. supra p. 504, n. 16.

(32) That Beth Hillel hold that one contribution suffices for all the companies (v. our Mishnah).

(33) Lit., 'was coming'.

(34) V. supra p. 504, n. 14.

(35) Sc. if it is deposited in one of the other houses of the courtyard.

(36) Even Beth Hillel.

(37) The point at issue being whether the several companies in the one hall, who are in the same position as that of a number of tenants who joined in one 'erub, must contribute individually to the 'erub even where it is deposited in their hall, Beth Shammai maintaining that they must while Beth Hillel hold that they need not.

(38) Lit., 'when they carry their 'erub'.

(39) V. supra n. 2.

(40) V. supra n. 3.

(41) Neither that of Beth Shammai nor that of Beth Hillel, since both agree that separate contributions are in this case required.

(42) The insertion in some ed., 'who were partners' is rejected by Rashi.

(43) Within the same courtyard as that of their father's house.

(44) If they wish to join with the other tenants in the 'erub of that courtyard.

(45) If the movement of objects in the courtyard is to be unrestricted.

(46) Sc. that they must each contribute to the 'erub.

(47) Sc. to a house of one of the other tenants. The reason is given in the Gemara.

(48) Lit., 'was coming

(49) In their father's house.

(50) The ruling in our Mishnah that where the brothers SLEPT IN THEIR OWN HOUSES they are under the obligation to make separate contributions to the 'erub, from which it is evident that if they slept in their father's house it is only he who must make a contribution to the 'erub (if it is deposited in some other house) while they are exempt.

(51) And not the place where they have their meals.

(52) Apparently it does; how then could Rab maintain infra that one's obligation to a separate contribution to an 'erub is dependent on one's dining-place?

(53) From their father. They did not actually have their meals at his house.

(54) V. Glos.

(55) In respect of the movement of objects in his courtyard on the Sabbath.

(56) Or 'a locksmith'.

Talmud - Mas. Eirubin 73a

One's dining-place.¹ and Samuel explained: One's night's lodging place. An objection was raised: Shepherds, summer fruit attendants,² station house-keepers and fruit watchmen have³ the same status as the townspeople⁴ if they are in the habit of taking their night's rest in the town,⁵ but if they are in the habit of spending the night in the fields⁶ they are only entitled to walk a distance of two thousand cubits in all directions?⁷ — In that case⁸ we are witnesses that they would have been more pleased if bread had been brought to them there.⁹

Said R. Joseph, 'I have never heard this tradition'.¹⁰ 'You yourself', Abaye reminded him, 'have told it to us, and you said it in connection with the following: BROTHERS WHO WERE EATING AT THEIR FATHER'S TABLE BUT SLEPT IN THEIR OWN HOUSES MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB, concerning which we asked you: Does this then imply that the night's lodging-place is the cause of the obligation of 'erub? And you, in reply to this question, told us: Rab Judah citing Rab replied: This was learnt only in respect of such as receive a maintenance allowance'.¹¹

Our Rabbis taught: Where a man has five wives who are in receipt of a maintenance allowance

from their husband¹² or five slaves who are in receipt of a maintenance allowance from their Master,¹² R. Judah b. Bathyra permits [unrestricted movement]¹³ in the case of the wives¹⁴ but forbids it in the case of the slaves,¹⁵ while R. Judah b. Baba permits this in the case of slaves but forbids it in the case of the wives. Said Rab, what is R. Judah b. Baba's reason? The fact that it is written in Scripture: But Daniel was in the gate of the king.¹⁶

It is obvious that a son in relation to his father is subject to the ruling here enunciated.¹⁷ [The Status of] a wife in relation to her husband and a slave in relation to his master is a point at issue between R. Judah b. Bathyra and R. Judah b. Baba.¹⁸ What, however, [is the status of] a student in relation to his master?¹⁹ — Come and hear what Rab when at the school of R. Hiyya²⁰ stated: 'We need not prepare an 'erub since we virtually dine²¹ at R. Hiyya's table'; and R. Hiyya, when he was at the school of Rabbi, stated: 'We need not prepare an 'erub since we virtually dine²¹ at Rabbi's table.'

Abaye enquired of Rabbah: If five residents²² collected their contributions to their 'erub²³ and desired to transfer it²⁴ to another place,²⁵ does one 'erub contribution suffice for all of them²⁶ or is it necessary for each one to make a separate contribution to the 'erub?²⁷ — He replied: One 'erub contribution suffices for all of them. But, surely, BROTHERS²⁸ are like residents who collected their contributions²⁹ and yet was it not stated: MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB?³⁰ — Here³¹ we are dealing with a case where other tenants, for instance, lived with them,³² so that [it may be said:] Since these³³ impose restrictions³⁴ those³⁵ also impose them.³⁶ This may also be supported by a process of reasoning. For it was stated: WHEN DOES THIS APPLY? WHEN THEY CARRY THEIR 'ERUB INTO SOME OTHER PLACE BUT IF THEIR 'ERUB IS DEPOSITED WITH THEM OR IF THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD³⁷ THEY NEED NOT PREPARE ANY 'ERUB. This is conclusive.

R. Hiyya b. Abin enquired of R. Shesheth: in the case of students who have their meals³⁸ in the country, but come to spend their nights at the schoolhouse³⁹ do we measure their Sabbath limit from the Schoolhouse⁴⁰ or from their country quarters?⁴¹ He replied: We measure it from the schoolhouse.⁴⁰ Behold, [the first objected], the case of the man who deposits his 'erub within two thousand cubits⁴² and comes to take his night's rest at his house whose Sabbath limit is measured from his 'erub!⁴³ — In that case,⁴⁴ [the other replied,] we are witnesses, and in this case⁴⁵ also we are witnesses. In that case⁴⁴ we are witnesses' that if he could live there⁴⁶ he⁴⁷ would have preferred it,⁴⁸ and 'in this case⁴⁵ also we are witnesses that if their meals⁴⁹ had been brought to them at the schoolhouse they would have much preferred it.⁵⁰

Rami b. Hama enquired of R. Hisda: Are a father and his son or a master and his disciple regarded⁵¹ as many⁵² or as one individual?⁵³ Do they⁵⁴ require an 'erub or not? Can the use of their alley⁵⁵ be permitted by means of a side-post or cross-beam⁵⁶ or not?⁵⁷ — He replied: You have learnt it: A father and his son or a master and his disciple, if no other tenants live with them,⁵⁸ are regarded as one individual,⁵⁹ they require no 'erub, and the use of their alley⁵⁵ may be rendered permissible by means of a side-post or cross-beam.⁵⁶

MISHNAH. IF FIVE COURTYARDS OPENED INTO EACH OTHER AND INTO AN ALLEY,⁶⁰ AND AN 'ERUB WAS PREPARED FOR THE COURTYARDS BUT NO SHITTUF WAS MADE FOR THE ALLEY, THE TENANTS ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY.⁶¹

(1) Lit., 'place of bread'.

(2) Or 'fruit pickers', 'watchmen for drying figs'.

(3) Though they were in the field when the Sabbath began.

(4) In whose vicinity they carry on their occupations. They, like the people of the town, are allowed to move in any part

of the town and along distances of two thousand cubits in any of its directions.

(5) Where they have their Sabbath meal.

(6) Though they dine in town.

(7) From their lodging-places. How then could Rab maintain that the meaning of 'dwelling-place' is 'one's dining-place'?

(8) Spoken of in the Baraita just cited.

(9) Into the field where they are spending the night. It is for this reason only that their dining-place in the town is disregarded.

(10) Of Rab. R. Joseph having lost his memory after a serious illness was often making this remark.

(11) Cf. supra p. 506, nn. 6ff.

(12) And each one lives in a separate house in his courtyard.

(13) Even if no 'erub had been prepared.

(14) Since each one is deemed to be intimately associated with her husband's house.

(15) Who are not so intimately connected with their master.

(16) Dan. II, 49; implying that wherever Daniel (the king's servant) was he was regarded as being 'in the gate of the king' i.e., at the king's house; and the same applies to slaves in relation to their master,

(17) Lit., 'as it has been said', cf. our Mishnah.

(18) As has just been stated.

(19) Where the former is in receipt of a maintenance grant from the latter and lives with him in the same courtyard but in a separate house.

(20) From whom he was receiving a maintenance grant.

(21) Lit., 'rely'. 'are supported'.

(22) Of the same courtyard.

(23) For the courtyard in which they lived.

(24) Lit., 'when they carry their 'erub'.

(25) I.e., to another courtyard with whose residents they wish to join in 'erub.

(26) Sc. may one of them carry that 'erub (to which they had all contributed) or the prescribed quantity of food of his own (on behalf of all of them) to the courtyard with the tenants of which they desire to join?

(27) Abaye must never have heard of the Baraita, supra 72b which deals with this very question; or, if he was acquainted with it, was desirous of ascertaining whether it represented the halachah, since, as was stated supra, it either agreed with none or only with Beth Hillel.

(28) Who 'NEED NOT PREPARE ANY 'ERUB' where 'THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD'.

(29) Who also need not prepare any other 'erub.

(30) If they desired to join in 'erub with other tenants. How then could Rabbah maintain that one 'erub contribution, which only places the tenants in the same position as the brothers, is sufficient?

(31) The ruling in our Mishnah concerning the brothers.

(32) In the same courtyard.

(33) The tenants in the same courtyard.

(34) Unless an 'erub is prepared.

(35) In the other courtyard with whom they now desire to join.

(36) Unless each brother makes an independent contribution to the new 'erub. In the case, however, of two courtyards for each of which an independent 'erub had been prepared by its tenants, or in that of two courtyards in one of which live a father and sons (who require no 'erub) and in the other an 'erub had been prepared by its tenants, so that the residents of each courtyard independently are permitted unrestricted movement within it, the principle of 'since these impose . . . those also impose' is obviously inapplicable (since no one imposes restrictions upon the others), and consequently one 'erub taken by one of the tenants to the other courtyard suffices for all the tenants of his own courtyard.

(37) To impose restrictions upon them.

(38) Lit., 'who eat bread'.

(39) Which is in town, the distance between which and their dining quarters is not greater than two thousand cubits.

(40) Because it is the place where their nights are spent, in agreement with the view of Samuel supra.

- (41) Where they have their meals, in agreement with Rab.
- (42) From his town.
- (43) And not from the place where his night is spent. How then could it be maintained that the students' Sabbath limit is measured from their schoolhouse because they spend their nights there?
- (44) That of the man who deposits his 'erub outside the town and spends the night within it.
- (45) Of the students under discussion.
- (46) Where his 'erub is deposited.
- (47) Since it is his intention to go on the Sabbath in that direction of the town.
- (48) In order that he might be nearer to his goal when he starts on his walk on the Sabbath day.
- (49) Lit., 'bread'.
- (50) Hence the ruling that their Sabbath limit is measured from the schoolhouse.
- (51) In the case of two courtyards one within the other where the tenants of the inner one have a right of way through the outer one.
- (52) So that if they resided in the inner one they impose restrictions on the use of the outer one even though the latter had prepared an 'erub among themselves (cf. infra 75a).
- (53) Who (cf. prev. n.) imposes no restrictions on the use of the outer courtyard.
- (54) If they are the only tenants.
- (55) Where one of them resided in one courtyard and the other in another courtyard in the same alley.
- (56) As if two courtyards opened out into it. No side-post or cross-bram is effective in an alley unless 'houses and courtyards' open into it.
- (57) The courtyards of a father and his son or a master and disciple being regarded as a single courtyard (cf. "prev. n. second clause).
- (58) In the same courtyard.
- (59) V. supra n. 10.
- (60) I.e., each had two doors one of which led to the other courtyards and the other opened directly into the alley.
- (61) Because an 'erub cannot serve the purposes of both 'erub and shittuf.

Talmud - Mas. Eirubin 73b

IF, HOWEVER, SHITTUF WAS MADE FOR THE ALLEY, THEY ARE PERMITTED THE UNRESTRICTED USE OF BOTH.¹ IF AN 'ERUB WAS PREPARED FOR THE COURTYARDS AND SHITTUF WAS MADE FOR THE ALLEY, THOUGH ONE OF THE TENANTS OF A COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB,² THEY ARE NEVERTHELESS PERMITTED THE UNRESTRICTED USE OF BOTH.³ IF, HOWEVER, ONE OF THE RESIDENTS OF THE ALLEY FORGOT⁴ TO CONTRIBUTE TO THE SHITTUF, THEY ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY, SINCE AN ALLEY TO ITS COURTYARDS⁵ IS AS A COURTYARD TO ITS HOUSES.⁶

GEMARA. Whose view is this?⁷ Apparently that of R. Meir who laid down that it is necessary to have both 'erub and shittuf. Read, however, the middle clause: IF, HOWEVER, SHITTUF WAS MADE FOR THE ALLEY, THEY ARE PERMITTED THE UNRESTRICTED USE OF BOTH, which represents, does it not, the view of the Rabbis who laid down that one of these⁸ is sufficient?⁹ — This is no difficulty. It¹⁰ means: IF, HOWEVER, SHITTUF ALSO WAS MADE.¹¹ But read, then, the next clause: IF AN 'ERUB WAS PREPARED FOR THE COURTYARDS AND SHITTUF WAS MADE FOR THE ALLEY, THOUGH ONE OF THE TENANTS OF A COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB, THEY ARE NEVERTHELESS PERMITTED THE UNRESTRICTED USE OF BOTH. Now how is one to understand this ruling? If [the tenant]¹² did not renounce his share,¹³ why¹⁴ should the others be permitted?¹⁵ It is obvious then that he did renounce it. Now read the final clause: IF, HOWEVER, ONE OF THE RESIDENTS OF THE ALLEY FORGOT TO CONTRIBUTE TO THE SHITTUF, THEY ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY; now if this is a case where he¹⁶ renounced his share,¹⁷ why are they forbidden the unrestricted use of the alley? And should you reply that R. Meir is of the opinion that the law of renunciation of one's share is not applicable to an alley, surely it can be retorted, was it not taught: 'Since . . . he¹⁸ renounced his share¹⁷ in your favour . . . so R. Meir'?¹⁹ It is consequently obvious that [the tenant] did not renounce his share. And since the final clause deals with one who made no renunciation in the earlier clause²⁰ also must deal with one who made no renunciation.²¹ Would then the first²² and the

last²³ clauses represent the view of R. Meir²⁴ and the middle one²⁵ that of the Rabbis?²⁶ — All our Mishnah²⁷ represents the view of R. Meir; for the only reason why²⁸ R. Meir ruled that both ‘erub and shittuf were required is that the law of ‘erub should not be forgotten by the children, but in this case,²⁹ since most of the tenants did contribute to the ‘erub,³⁰ it would not be forgotten.³¹

Rab Judah stated: Rab did not learn, OPENED INTO EACH OTHER,³² and so stated R. Kahana: Rab did not learn, OPENED INTO EACH OTHER. Others say: R. Kahana himself did not learn, OPENED INTO EACH OTHER.

Abaye asked R. Joseph: What is the reason of him who does not learn, OPENED INTO EACH OTHER? — He is of the opinion that a shittuf contribution that is not carried in and out³³ through the doors that opened into the alley³⁴ can not be regarded as valid shittuf.³⁵

He raised an objection against him: If a householder was in partnership with his neighbours, with the one in wine and with the other in wine, they need not prepare an ‘erub?³⁶ — There it is a case where he carried it³⁷ in and out.³⁸ He raised another objection:³⁹ How is shittuf in an alley effected etc.?⁴⁰ — There also It is a case where it⁴¹ was carried in and out.⁴²

Rabbah⁴³ b. Hanan⁴⁴ demurred: Now then,⁴⁵ would shittuf be equally invalid if one resident transferred to another the possession of some bread in his basket?⁴⁶ And should you reply that [the law] is so indeed, [it could be retorted:] Did not Rab Judah, in fact, state in the name of Rab: If numbers of a party were dining⁴⁷ when the sanctity of the Sabbath day overtook them,⁴⁸ they may rely upon the bread on the table to serve the purpose of ‘erub or, as others say, that of shittuf; and in connection with this Rabbah observed that there is really no difference of opinion between them,⁴⁹ since the former refers to a party dining⁴⁷ in a house⁵⁰ and the latter to one dining in a courtyard?⁵¹ — The fact is that Rab's reason⁵² this:⁵³ he is of the opinion that unrestricted movement in an alley cannot be rendered permissible by means of a side-post or cross-beam unless houses and courtyards opened into it.⁵⁴ [To turn to] the main text: Rab laid down: Unrestricted movement in an alley cannot be rendered permissible by means of a side-post or cross-beam

(1) Lit., ‘here and here’, the courtyards as well as the alley. This is discussed in the Gemara infra.

(2) But contributed to the shittuf

(3) V. supra n. 2.

(4) Cf. MS.M. and marg. n. Wanting from cur. edd.

(5) Although both possess characteristics of a public domain.

(6) Though the latter are distinctly private domains while the former (cf. prev. n.) possess characteristics of a public domain. As it is forbidden to convey any objects from the houses to the courtyard unless an ‘erub had been prepared so it is forbidden to carry objects from the courtyards into the alley unless shittuf had been made.

(7) The first clause of our Mishnah.

(8) Either ‘erub or shittuf.

(9) Is it likely, however, that two adjacent clauses should represent two opposing views?

(10) The middle clause.

(11) In addition to ‘erub, in agreement with R. Meir.

(12) Who forgot to contribute to the ‘erub of his courtyard.

(13) In his courtyard, in favour of its other tenants.

(14) Since R. Meir does not recognize shittuf as a substitute for ‘erub.

(15) The unrestricted use of that courtyard.

(16) The occupant of a courtyard.

(17) In the alley.

(18) The Sadducee who occupied one of the courtyards in an alley in which Israelites lived.

(19) Supra 68b.

(20) Dealing with the case of a tenant who forgot to contribute to the ‘erub of his courtyard.

(21) In agreement with the Rabbis who recognize shittuf as valid for the purpose of ‘erub also.

(22) According to which an ‘erub for the courtyards is of no value for the use of the alley unless shittuf also was effected.

- (23) Which forbids the unrestricted use of the alley, if one of the residents failed to contribute to the shittuf, though 'erub had been prepared.
- (24) Who requires both 'erub and shittuf.
- (25) Where the unrestricted use of both the courtyards and the alley is permitted although one of the tenants of a courtyard forgot to contribute to the 'erub.
- (26) Is it conceivable, however, that the view of the Rabbis would be inserted anonymously between the views of R. Meir?
- (27) Lit., 'all of it'.
- (28) Lit., 'and what is the reason?'
- (29) V. p. 512, n. 14.
- (30) Only one of them having failed to contribute his share.
- (31) Hence the validity of shittuf as a substitute for 'erub even according to R. Meir.
- (32) Sc. the 'erub spoken of in our Mishnah is not one that was prepared for the purpose of amalgamating a number of courtyards but for that of enabling tenants to have the unrestricted use of their own courtyard only.
- (33) Into the alley from each of the courtyards and out of it into the courtyard where it is to be deposited.
- (34) But through the other courtyards.
- (35) Because the direct connection between courtyards and alley must be clearly shown. As in the case of courtyards that open into each other as well as into the alley it may happen that the shittuf contributions should be carried from a courtyard into the alley indirectly through the other courtyards, shittuf was entirely forbidden (cf. Rashi and Tosaf. a.l.). Since our Mishnah allows shittuf it must refer to courtyards that did not open into each other. Hence Rab's omission.
- (36) Supra 71a. The wine in joint ownership is obviously kept in one of the courtyards and may never have passed the door of any other courtyard. How then could it be maintained that for shittuf to be valid the contributions must pass 'in and out through the doors that opened into the alley'?
- (37) The cask containing the joint stock of wine.
- (38) It was duly carried from each courtyard direct into the alley and finally taken into the courtyard in which it was deposited. This is a forced explanation contrary to the accepted law (cf. Rashi) and is later superseded by a more satisfactory explanation.
- (39) This is deleted by Rashal and appears in parenthesis in cur. edd.
- (40) Infra 79b where it is laid down that one of the residents may assign to each of his neighbours a share in his wine, and the shittuf is as valid as if each one had actually contributed a share. Now, though this wine has never passed the door of any of the other courtyards, the shittuf is valid. How then could it be maintained that contributions to shittuf must pass 'in and out etc.'?
- (41) V. p. 513, n. 10.
- (42) V. p. 513, n. 11
- (43) MS.M., 'Raba'.
- (44) MS.M., 'R. Hanan'; Bah, 'R. Hanan'.
- (45) Lit., 'but from now', since it is maintained that shittuf contributions must be carried 'in and out'.
- (46) For the purpose of shittuf.
- (47) Lit., 'reclining'.
- (48) Sc. the Sabbath began while they were still at table and unable, therefore, to collect the necessary contributions for 'erub or shittuf.
- (49) Those who react 'erub and those who read shittuf.
- (50) An 'erub is deposited in a house (cf. infra 85b).
- (51) Where a shittuf, but no 'erub may be deposited (infra I.e.). This shows that there is no necessity for the contributions to shittuf to pass 'in and out through the doors etc.' How then could it be maintained that shittuf must pass 'in and out' through the doors of the courtyards that opened directly into the alley?
- (52) For omitting the phrase OPENED INTO EACH OTHER.
- (53) Not the one previously suggested according to which shittuf must pass in and out etc.
- (54) Sc. no less than two courtyards must open into the alley and no less than two houses must open into each courtyard. As a number of courtyards that opened into each other are regarded as one courtyard, the unrestricted use of the alley spoken of in our Mishnah could not have been effected if the courtyards that opened into each other.

Talmud - Mas. Eirubin 74a

unless houses and courtyards opened into it;¹ but Samuel ruled: Even one house² and one courtyard³ suffices; while R. Johanan maintained: Even a ruin⁴ is sufficient.

Said Abaye to R. Joseph: Did R. Johanan maintain his view even in the case of a path between vineyards?⁵ — R. Johanan, the other replied, only spoke of a ruin since it may be used as a dwelling, but not of a path between vineyards which cannot be used as a dwelling.

Said R. Huna b. Hinena: R. Johanan⁶ here follows a principle of his. For we learned: R. Simeon ruled: Roofs, karpafs and courtyards⁷ are equally regarded as one domain 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;⁸ and Rab stated: The halachah is in agreement with R. Simeon,⁹ provided no 'erub¹⁰ had been prepared,¹¹ but where an 'erub¹⁰ had been prepared¹² a preventive measure had been enacted against the possibility of carrying objects from the houses of one courtyard into some other courtyard; but Samuel stated: Whether and 'erub¹³ had, or had not been prepared;¹⁴ and so also said R. Johanan: The halachah is in agreement with R. Simeon irrespective of whether all 'erub' had, or had not been prepared. Thus it is evident that¹⁵ no preventive measure had been instituted against the possibility of carrying objects from the houses of one courtyard into some other courtyard, and so also here¹⁶ no preventive measure had been instituted against the possibility of carrying objects from the courtyard¹⁷ into the ruin.¹⁸

R. Berona was sitting at his studies and reporting this ruling¹⁹ when R. Eleazar, a student of the college, asked him: 'Did Samuel say this?' — 'Yes', the other replied. 'Will you', the first asked, 'show me his lodgings?' When the other showed it to him he approached Samuel and asked him, 'Did the Master say this?' — 'Yes', the other replied. 'But', he objected, 'did not the Master state, in the laws of 'erub we can only be guided by the wording of our Mishnah, viz., 'that an alley to its courtyards²⁰ is as a courtyard to its houses?'²⁰ Whereupon the other remained silent.

Did he,²¹ or did he not accept it from him?²² — Come and hear of the case of a certain alley in which Eibuth b. Ihi lived and, when he furnished it with a side-post, Samuel allowed him its unrestricted use.

(1) Cf. prev. n.

(2) Without a courtyard (cf., however, Tosaf. a.l. and Rashi supra 12b).

(3) With a house in it.

(4) On one side of the alley on the other side of which was a courtyard with one house in it.

(5) That terminated on one side of the alley which had on the other side of it (cf. prev. in.) a courtyard with a house.

(6) In allowing the use of an alley to become unrestricted by means of a side-post or cross-beam if there was a ruin in that alley instead of a second courtyard with a house.

(7) Which cannot be regarded as dwellings and, consequently, require no 'erub.

(8) Such objects may not be moved from the houses to the courtyard or vice versa, or from one courtyard into another, unless an 'erub had been duly prepared.

(9) That it is permitted to carry objects from one courtyard into another even where the courtyards did not join in 'erub.

(10) For each courtyard.

(11) In such a case, since its tenants are forbidden to carry any objects from their houses into their courtyard, no objects that were in the houses which the Sabbath commenced could be found in the courtyard. Hence there is no need to provide against the possibility that the tenants might forgetfully carry any such objects into some other courtyard.

(12) So that the tenants of each courtyard were thereby allowed freely to carry objects into their courtyards from their houses.

(13) For each courtyard.

(14) The halachah is in either case in agreement with R. Simeon.

- (15) In the opinion of R. Johanan.
 (16) Where the alley contained a ruin.
 (17) Through the alley.
 (18) Though, belonging to some owner, the ruin constitutes a domain of its own into which no objects from the alley may be carried. (A ruin, since excluded from the category of dwelling-places, does not affect the use of an alley by the tenants of its courtyards and does not join in its shittuf).
 (19) Of Samuel, supra, 'even one house and one courtyard suffices'.
 (20) Emphasis on the plural form of the noun. How then could Samuel rule, 'even one . . . suffices'?'
 (21) Samuel.
 (22) Sc. did Samuel eventually adopt Rab's view?

Talmud - Mas. Eirubin 74b

R. Anan subsequently¹ came and threw it² down³ when he⁴ exclaimed: I have been living undisturbed⁵ in this alley⁶ on the authority⁷ of Samuel, why should R. Anan b. Rab now come and throw its side-post down!⁸ May it not then be deduced from this that he⁹ did not accept it from him?¹⁰ — As a matter of fact it may still be maintained that he⁹ did accept it from him,¹¹ but¹² in this case¹³ a Synagogue superintendent who was having his meals¹⁴ in his own home¹⁵ came¹⁶ to spend his nights at the Synagogue.¹⁷ Eibuth b. Ihi [however] thought that one's dining place is the cause [of shittuf],¹⁸ while Samuel [in reality] was merely acting on his own principle he having laid down that one's night's lodging¹⁹ — place is the cause.²⁰

Rab Judah citing Rab ruled: For an alley whose one side²¹ occupied by all idolater and its other side by an Israelite no 'erub may be prepared²² through windows²³ render the movement of objects²⁴ permissible by way of the door²⁵ into the alley. Said Abaye to R. Joseph: Did Rab give the same ruling even in respect of a courtyard?²⁶ — Yes,²⁷ the other replied, for if he had not given it²⁸ I might²⁹ have presumed that Rab's reason for his ruling³⁰ was his opinion that the use of an alley cannot be rendered permissible by means of a side-post or cross-beam unless houses and courtyards opened into it,³¹ and [as to the objection:] What need was there³² for two [rulings³³ it could be replied that both were] necessary: For if all our information had to be derived from the former ruling³⁴

-
- (1) After Samuel's death.
 (2) The side-post.
 (3) Because the alley, beside the Synagogue (v. infra) contained only one courtyard and one house.
 (4) Eibuth b. Ihi.
 (5) Lit., 'and coming'.
 (6) Sc. was permitted its unrestricted use on account of the side-post.
 (7) Lit., 'from the name'. MS.M., 'since the time'.
 (8) Lit., 'should throw it down from'; MS.M. 'from it'.
 (9) Samuel.
 (10) Apparently it may; for if he had accepted it he would not leave permitted the unrestricted use of the alley (cf. supra p. 516, n. 13).
 (11) Samuel having eventually come round to the view of Rab.
 (12) As to the objection why Samuel allowed the unrestricted use of the alley.
 (13) Of the alley of Eibuth b. Ihi.
 (14) Lit., 'eating bread'.
 (15) Which was outside the alley in question.
 (16) During Samuel's lifetime.
 (17) Whose door opened into that alley. He was, therefore, regarded by Samuel as a resident. After Samuel's death, however, the superintendent discontinued that practice and the Synagogue was entirely unoccupied at night. Hence R. Anan's action.

(18) As the Synagogue superintendent only spent the night in the alley but dined elsewhere he could not, in the opinion of Eibuth b. Ihi, be regarded as one of its occupants. He, therefore, gained the impression that Samuel acknowledged the validity of his side-post on the ground that one house and one courtyard suffice to constitute an alley. Hence his remonstrance with R. Anan.

(19) Not dining.

(20) Of the obligation of shittuf. The Synagogue, since its superintendent lodged in it at night, could, therefore, be regarded as an inhabited courtyard, so that together with the courtyard of Eibuth b. Ihi the alley actually had two courtyards and its use could be made to be unrestricted by means of a side-post even according to Rab.

(21) Sc. the courtyard and house on that side.

(22) By the Israelite and his neighbours whose house doors open into a public domain.

(23) Or any other forms of opening that connected his and their houses.

(24) From the Israelites' houses into the alley.

(25) Of the Israelite who lived in the alley into whose house the objects could be brought by way of the windows.

(26) The house on one side of which was occupied by an idolater and the one on the other by an Israelite whose houses was connected by some form of opening with the houses of other Israelites.

(27) I.e., Rab forbade the preparation of 'erub in the case of the courtyard as in that of the alley.

(28) In the case of a courtyard.

(29) Lit., 'what would I'.

(30) In the case of the alley.

(31) Supra 73b. While in the case under discussion (an idolater's houses not being regarded as a valid dwelling) there was only one valid courtyard in the alley.

(32) Since both are based on the same principle.

(33) The one here and the one supra 73b (cf. n. 9).

(34) Lit., 'from that' the ruling supra 73 b.

Talmud - Mas. Eirubin 75a

I might have presumed that¹ an idolater's dwelling is regarded as a valid dwelling;² hence we were informed³ that an idolater's dwelling is no valid dwelling. And if all our knowledge had to be derived from the latter ruling,⁴ one would not have known the number of houses required;⁵ hence we were informed⁶ that there must be no less than two houses. Now, however, that Rab also stated that his ruling⁷ applied even to a courtyard⁸ [it follows that] Rab's reason is his opinion that one is forbidden to live alone with⁹ an idolater.¹⁰ If so,¹¹ observed R. Joseph, I can well understand¹² why I heard R. Tabla¹³ mentioning 'idolater' twice¹⁴ though at the time I did not understand what he meant.

MISHNAH. IF TWO COURTYARDS WERE ONE WITHIN THE OTHER¹⁵ AND THE TENANTS OF THE INNER ONE PREPARED AN 'ERUB¹⁶ 'WHILE THOSE OF THE OTHER ONE DID NOT PREPARE ONE, THE UNRESTRICTED USE OF THE INNER ONE IS PERMITTED¹⁷ BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.¹⁸ IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES, THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS.¹⁹ R. AKIBA FORBIDS THE UNRESTRICTED USE OF THE OUTER ONE BECAUSE THE RIGHT OF WAY²⁰ IMPOSES RESTRICTIONS.²¹ THE SAGES, HOWEVER, MAINTAIN THAT THE RIGHT OF WAY²² IMPOSES NO RESTRICTIONS UPON IT.²³

IF ONE OF THE TENANTS OF THE OUTER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB.²⁴ THE UNRESTRICTED USE OF THE INNER COURTYARD IS PERMITTED BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.²⁵

IF THEY²⁶ DEPOSITED THEIR 'ERUB IN THE SAME PLACE²⁷ AND ONE TENANT, WHETHER OF THE INNER COURTYARD OR OF THE OUTER COURTYARD, FORGOT TO CONTRIBUTE TO THE ERUB, THE USE OF BOTH COURTYARDS IS FORBIDDEN.²³ IF THE COURTYARDS. HOWEVER, BELONGED TO SEPARATE INDIVIDUALS THESE NEED NOT PREPARE ANY 'ERUB.²⁸

GEMARA. When R. Dimi came²⁹ he stated in the name of R. Jannai: This³⁰ is the opinion of R. Akiba who ruled: Even a foot³¹ that is permitted³² in its own place³³ imposes restrictions in a place to which it does not belong, but the Sages maintain: As a permitted foot³² does not impose restrictions³⁴ so does not³⁴ a forbidden foot either.³⁵

We learned: IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.³⁶ Now whose ruling is this? If it be suggested: That of R. Akiba, the difficulty would arise: What was the point in speaking of a forbidden foot seeing that³⁷ the same restrictions would also apply to a permitted one? Must it not then be a ruling of the Rabbis?³⁸ — It³⁹ may in fact be the ruling of R. Akiba,⁴⁰ but⁴¹ the arrangement, it may be explained, is in the form of a climax.⁴²

We learned: IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES, THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS. The reason then⁴³ is because it⁴⁴ PREPARED AN 'ERUB,⁴⁵ but if it had not prepared one,⁴⁶ the unrestricted use of both courtyards would have been forbidden.⁴⁷ This Tanna then holds that a permitted foot⁴⁸ imposes no restrictions⁴⁹ and that only a forbidden foot imposes restrictions.⁴⁹ Now who is it? if it be suggested that it is R. Akiba, the objection could be raised, did he not lay down that even a permitted foot imposes restrictions?⁵⁰ Must it not then be the Rabbis?⁵¹ Furthermore: Since the clause following is the ruling of R. Akiba⁵² is it not obvious that the earlier clause⁵³ does not represent the view of R. Akiba?⁵⁴ — All the Mishnah represents the views of R. Akiba but⁵⁵ a clause is wanting⁵⁶ the correct reading being the following:⁵⁷ IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES. THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS. This, however, applies only where it⁵⁸ made a barrier,⁵⁹ but if it made no such barrier the unrestricted use of the outer courtyard is forbidden; so R. Akiba, for R. AKIBA FORBIDS THE UNRESTRICTED USE OF THE OUTER ONE BECAUSE THE RIGHT OF WAY IMPOSES RESTRICTIONS. THE SAGES, HOWEVER,⁶⁰ MAINTAIN THAT THE RIGHT OF WAY IMPOSES NO RESTRICTIONS.

R. Bebai b. Abaye raised an objection: IF THE COURTYARDS, HOWEVER, BELONGED TO SEPARATE INDIVIDUALS THESE NEED NOT PREPARE ANY 'ERUB; from which it follows that if they belonged to several persons an 'erub must be prepared. Is it not thus obvious that a foot permitted in its own place imposes no restrictions and that a foot forbidden imposes restrictions?⁶¹ Rabina, furthermore, raised the following objections: IF ONE OF THE TENANTS OF THE OUTER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB THE UNRESTRICTED USE OF THE INNER COURTYARD IS PERMITTED BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN. The reason⁶² accordingly is that a tenant⁶³ forgot, but if he had not forgotten, the use of both courtyards would have been unrestricted. Is it not thus obvious that a foot permitted imposes no restrictions and one forbidden does?⁶⁴ — The fact is, Rabin when he came⁶⁵ stated in the name of R. Jannai that three different views have been expressed on this question: The first Tanna holds that a permitted foot imposes no restrictions and a forbidden one does; R. Akiba holds that even a permitted foot imposes restrictions; while the latter Rabbis⁶⁶ hold that as a permitted foot does not impose restrictions so does not one that is forbidden.

IF THEY DEPOSITED THEIR 'ERUB IN THE SAME PLACE AND ONE TENANT, WHETHER OF THE INNER COURTYARD . . . FORGOT etc. What is meant by THE SAME PLACE?⁶⁷ — Rab Judah citing Rab explained: The other courtyard.⁶⁸ But why is it described as 'THE SAME⁶⁹ PLACE?' Because it is a place designated⁷⁰ for the use of the tenants of both courtyards.⁷¹

-
- (1) Since the house of an idolater was not at all mentioned.
 - (2) V. supra 62a.
 - (3) In the ruling here.
 - (4) Lit., 'from here', the ruling supra 74b.
 - (5) Lit., 'I would have said: I do not know how many houses' constitute a courtyard. The number of courtyards required to constitute an alley might have been inferred from the statement that no 'erub may be prepared where one of the two courtyards in the alley was occupied by an idolater, from which it follows that if it was occupied by an Israelite, so that the alley had two valid courtyards, the alley also is valid.
 - (6) In Rab's first ruling (supra 73a) where 'houses' (in the plural) were mentioned.
 - (7) Concerning the alley.
 - (8) Thereby showing that all possible restrictions have been imposed upon an Israelite who, either in the same alley or in the same courtyard, lives alone with an idolater.
 - (9) Lit., 'it is forbidden to act (carry on as) an individual in the place of'.
 - (10) From whom one might learn undesirable habits and beliefs.
 - (11) That (a) Rab's reason is the one just given, or (b) that Rab gave two rulings one concerning an alley and the other concerning a courtyard.
 - (12) Lit., 'that is it'.
 - (13) When he was discoursing on Rab's rulings.
 - (14) He (cf. supra n. 4) must have been giving Rab's ruling as well as his reason: (a) 'For an alley whose one side is occupied by an idolater . . . no 'erub may be prepared . . . because one is forbidden to live alone with an idolater'; or (b) was referring first to an alley and then to a courtyard.
 - (15) The inner one opening into the outer which opened into public domain and through which the tenants of the inner one had right of way.
 - (16) For themselves alone, to enable them to have the unrestricted use of their own courtyard.
 - (17) To its tenants.
 - (18) The reason is discussed infra.
 - (19) Lit., 'for itself'.
 - (20) Lit., 'the treading of the foot', of each of the tenants of the inner courtyard through the outer one in the 'erub of which he had not joined.
 - (21) Despite the fact that each of the inner tenants is permitted the unrestricted use of his own courtyard.
 - (22) V. p. 519, n. 13.
 - (23) The reason is discussed infra.
 - (24) Of his courtyard.
 - (25) As the tenants of the inner courtyard are forbidden the unrestricted use of their own courtyard they impose restrictions on the use of the outer one on account of their right of way.
 - (26) The tenants of the two courtyards who joined in one 'erub.
 - (27) Sc. (as will be explained infra) in the outer courtyard.
 - (28) Since the single owner of the inner courtyard is permitted its unrestricted use he, in agreement with the view of the Rabbis, cannot impose restrictions in the use of the outer one though he has a right of way through it.
 - (29) From Palestine to Babylon.
 - (30) The first clauses of our Mishnah.
 - (31) Synecdoche for 'person' or 'persons'.
 - (32) Sc. (cf. prev. n.) who is (or are) permitted the unrestricted use.
 - (33) The courtyard in which the person (or persons) lives.
 - (34) In a courtyard in which that tenant (or tenants) does not live, though he has a right of way through it.

- (35) Though it is (a) forbidden in its own courtyard and (b) has a right of way through the other courtyard.
- (36) From which it follows that if the tenants of the inner one also prepared an 'erub the unrestricted use of both courtyards is permitted; obviously because 'a foot that is permitted in its own place' imposes no restrictions 'in a place to which it does not belong'.
- (37) According to R. Akiba's specific ruling in our Mishnah.
- (38) An objection against R. Dimi.
- (39) The first clauses of our Mishnah.
- (40) Who maintains that a 'permitted foot' also imposes restrictions, and the inference supra n. 1 cannot consequently be drawn.
- (41) In answer to the objection; If no inference is to be drawn from it, what need was there to state a ruling which may be deduced from R. Akiba's specifically expressed ruling that followed it.
- (42) Lit., 'and not this but also that was taught', i.e., R. Akiba first laid down the ruling under discussion ('forbidden foot') and then he added in effect: Not only does a 'forbidden foot' (IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE) impose restrictions on the use of the outer courtyard but even a 'permitted foot' (IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB) also imposes the same restrictions.
- (43) Why THE UNRESTRICTED USE OF EACH IS PERMITTED.
- (44) 'The inner courtyard.
- (45) In consequences of which its tenants have the status of a 'permitted foot'.
- (46) So that its tenants would have had the status of a 'forbidden foot'.
- (47) Apparently because a 'forbidden foot' imposes restrictions in the place through which it has right of way.
- (48) In its own place.
- (49) In a place through which it has right of way.
- (50) Of course he did, as has been pointed out supra.
- (51) Apparently it must.
- (52) His name being expressly mentioned (v. our Mishnah).
- (53) Which R. Akiba in fact opposes.
- (54) Of course it does not. How then could R. Dimi maintain his view?
- (55) As to the difficulties raised.
- (56) From our Mishnah.
- (57) Lit., 'and thus he learned'.
- (58) The inner courtyard.
- (59) Which shut it off from the outer courtyard and thus deprived itself of its right of way through the outer courtyard.
- (60) Differing from R. Akiba both in the case where THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES as well as where THE TENANTS OF THE OTHER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE.
- (61) An objection against R. Dimi.
- (62) Why the unrestricted use of both courtyards is forbidden.
- (63) Of the inner courtyard.
- (64) Of course it is. Now this cannot be a ruling of R. Akiba since he explicitly restricts the use of the outer courtyard even where both courtyards had prepared 'erubs. It must consequently be that of the Rabbis who accordingly impose restrictions where A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB. How then could R. Dimi maintain that according to the Rabbis even a forbidden foot imposes no restrictions?
- (65) From Palestine to Babylon.
- (66) To whom R. Dimi referred.
- (67) The following mnemonic is here entered in brackets: The external itself in a lonely house, Rabina who does not forget within. It embodies striking words or ideas contained in the previous discussion on our Mishnah occasioned by R. Dimi's tradition supra.
- (68) The use of the inner one is in such a case forbidden (even where only one of the outer tenants failed to join in the 'erub) since its tenants, on account of their 'erub that lay in the outer courtyard, cannot shut up their door and separate themselves from the latter; and the use of the outer one is equally forbidden (even where only an inner tenant failed to join in 'erub) on account of the 'forbidden foot' of the inner one that imposes restrictions on it. Where, however, the

'erub was deposited in the inner courtyard it is only the forgetfulness of one of its own tenants that causes the restriction of the outer one on account of its 'forbidden foot'. The forgetfulness of all outer tenant, however, imposes no restrictions on the tenants of the inner one since they can well shut up their door and, by separating themselves from the outer one, have the free use of their own courtyard.

(69) **תתס**.

(70) **מיווה** rt. **תת** which is analogous to that of **תתס**.

(71) The inner one having a right of way through it.

Talmud - Mas. Eirubin 75b

So¹ it was also taught: If they deposited their 'erub in the outer courtyard and one tenant, whether of the outer, or of the inner courtyard, forgot to contribute to the 'erub, the unrestricted use of both courtyards is forbidden. If they deposited their 'erub in the inner one and a tenant of the inner one forgot to contribute to the 'erub, the unrestricted use of both courtyards is forbidden. If a tenant of the outer courtyard forgot to contribute to the 'erub the unrestricted use of both courtyards is forbidden. This is the view of R. Akiba. The Sages, however, ruled: In this case² the unrestricted use of the inner one is permitted³ through that of the outer one is forbidden.¹

Said Rabbah b. Hanan to Abaye: Why did the Rabbis make a distinction⁴ when they laid down that⁵ the unrestricted use of the inner courtyard is permitted? Obviously because its tenants can shut its door and so use it. Why then should they not shut its door, according to R. Akiba also, and so use it? — The other replied: The 'erub⁶ causes them to be associated. Does not the 'erub cause them to be so associated according to the Rabbis also? — The tenants⁷ call say: 'We have associated with you in order to improve our position but not to make it worse'. Why could they not, according to R. Akiba, also say: 'We have associated with you in order to improve our position but not to make it worse'? — Because the others⁸ can reply: 'We will renounce our rights of entry⁹ in your favour'.¹⁰ And the Rabbis?¹¹ — The tenants of one courtyard cannot renounce their rights in favour of those of another.¹²

Must it be assumed that Samuel and R. Johanan¹³ differ on the same principle¹⁴ as that on which the Rabbis and R. Akiba differ, Samuel holding the same view as the Rabbis and R. Johanan holding that of R. Akiba?¹⁵ — Samuel can answer you: I may maintain my view even according to R. Akiba, for it is only here,¹⁶ where two courtyards, one within the other, impose¹⁷ restrictions upon each other, that R. Akiba upheld his view,¹⁸ but not there where¹⁹ they do not²⁰ impose restrictions upon each other.²¹ Johanan also can answer you: I may maintain my view even according to the Rabbis,²² for it is only here that the Rabbis maintain their view, since the tenants of the inner courtyard can say to those of the outer one, 'Until you make renunciation in our favour you are imposing restrictions upon us'²³ but not there where¹⁹ one courtyard does not impose restrictions upon the other.²⁴

IF THE COURTYARDS, HOWEVER, BELONGED, TO SEPARATE INDIVIDUALS etc. R. Joseph stated: Rabbi learned: If they²⁵ were three they are forbidden.²⁶ Said R. Bebai to them: 'Do not listen to him.²⁷ It was I who first reported it,²⁸ and I did so in the name of R. Adda b. Ahabah,²⁹ giving the following as a reason: Since I might describe them³⁰ as many residents³¹ in the outer courtyard'.³² 'God of Abraham', exclaimed R. Joseph. 'I must have mistaken³³ Rabbin³¹ for Rabbi'.³⁴ Samuel, however, ruled: The unrestricted use of both courtyards is always permitted except where two persons occupied the inner courtyard and one person the outer one.

R. Eleazar ruled: A gentile³⁵ is regarded³⁶ as many Israelites.³⁷ But wherein does an Israelite,³⁵ who imposes no restrictions,³⁸ essentially differ in this respect?³⁹ Obviously in this: That he who knows⁴⁰ is fully aware of the circumstances,⁴¹ and he who does not know⁴⁰ presumes that an 'erub had been duly prepared.⁴² Why then should it not be said in the case of a gentile also: He who knows⁴³ is fully aware of the circumstances⁴⁴ and he who does not know⁴³ presumes that the gentile

has duly let his right of way? — The average gentile, if ever he lets his right,⁴⁵ makes a noise about it.⁴⁶

Rab Judah citing Samuel ruled: If there were ten houses one within the other,⁴⁷ the innermost one⁴⁸ contributes the 'erub,⁴⁹ and this is sufficient.⁵⁰ R. Johanan, however, ruled: Even the outer one must contribute to it. 'The outer one'⁵¹ Is it not like a gate-house?⁵² — The outer house of the innermost one⁵³ was meant. On what principle do they⁵⁴ differ? — One Master⁵⁵ holds the view that the gate-house of one individual⁵⁶ is regarded as a proper gate-house⁵⁷ while the other Master⁵⁸ holds the view that⁵⁹ it is not regarded as a proper gate-house.⁶⁰ R. Nahman citing Rabbah b. Abbuha who had it front Rab ruled: If there were two courtyards between which there were three houses,⁶¹ one tenant⁶² may come through the one outer house⁶³ and deposit his 'erub in the middle one, and another tenant⁶⁴ may come through the outer house⁶³ and deposit his 'erub in the middle one.

-
- (1) In agreement with Rab Judah that by the 'SAME PLACE' the outer courtyard was meant.
 - (2) The last mentioned case where an outer tenant forgot to join in the 'erub.
 - (3) Since, as explained supra, it can shut up its door etc.
 - (4) Between an 'erub deposited in the inner, and one deposited in the outer courtyard.
 - (5) In the former case.
 - (6) In which both courtyards joined.
 - (7) Of the inner courtyard.
 - (8) The tenants of the outer courtyard.
 - (9) 'Into the inner courtyard to which we are entitled by virtue of our joint 'erub'.
 - (10) 'So that our association in the 'erub would involve you in no disadvantage'. R. Akiba's prohibition of the unrestricted use of the inner courtyard is limited to the period prior to such renunciation.
 - (11) If by renunciation the tenants of the inner courtyard regain their full rights, how could they object to their association with the other on the ground mentioned?
 - (12) Lit., 'there is no renunciation of rights from one courtyard to another'. As those of the outer courtyard cannot consequently renounce this right in the inner one in favour of its tenants the latter might well plead against the disadvantage resulting from their join 'erub', 'We have associated with you in order to improve etc.'
 - (13) Who offered (supra 66b, 68a) on the permissibility of renunciation by the tenants of one courtyard in favour of those of another, where a door led from one courtyard into the other.
 - (14) As has just been explained.
 - (15) But if the principle is the same, why should it be discussed twice?
 - (16) Lit., 'until here'.
 - (17) If they joined in an 'erub.
 - (18) As restrictions are imposed renunciation also was permitted.
 - (19) Not having joined in a common 'erub.
 - (20) Lit., 'do they'.
 - (21) Cf. supra n. 7. mut. mut.
 - (22) Who in fact do allow renunciation where two courtyards are involved.
 - (23) Since by accepting the advantage of the one they must also accept the disadvantage of the other they might well decline to accept either. Hence the Rabbis' prohibition of renunciation.
 - (24) As in that case renunciation is purely advantageous, involving no disability whatever, the Rabbis may well have allowed it.
 - (25) The occupiers of the two courtyards.
 - (26) The unrestricted use of the courtyards, unless they prepared an 'erub. For if two persons occupied the inner courtyard they impose restrictions upon each other and, as a 'forbidden foot' and on account of their right of way, on the occupiers of the other courtyard also; and if one person only occupied the inner courtyard he also imposes the same restrictions as a preventive measure against the possible relaxation of the law where two occupied it.
 - (27) Sc. R. Joseph's statement that the ruling he cited had the authority of a Mishnah taught by Rabbi was incorrect.
 - (28) The ruling cited by R. Joseph.

- (29) Not in the name of Rabbi or R. Judah I.
- (30) The three occupiers all of whom have a right of way through the outer courtyard.
- (31) 'Rabbim', a word which a listener might mistake for 'Rabbi'.
- (32) Though the inner courtyard is occupied by one person only the same restrictions apply, as a preventive measure (cf. supra n. 1). The rendering and interpretation here follow partly the exposition of R. Han.
- (33) Lit., 'exchanged'.
- (34) R. Joseph, as a result of a serious illness, lost his memory; and faintly recollecting the word 'rabbit' ('many') assumed it to represent the name of 'Rabbi'.
- (35) Who occupied the inner courtyards
- (36) According to Samuel's ruling (cf. Rashi).
- (37) Sc. he imposes the same restrictions on the occupiers of the outer courtyard unless his right of way had been rented from him.
- (38) On the occupiers of the outer courtyard.
- (39) From a gentile.
- (40) That the Israelite is the only occupant, and that a 'permitted foot' imposes no restrictions.
- (41) Lit., 'knows' why no restrictions are imposed. Hence no preventive measure was called for.
- (42) By the occupants of the inner courtyard if their number was two or more.
- (43) That the occupant of the inner courtyard was a gentile.
- (44) v. p. 526, n. 16.
- (45) In connection with Sabbath.
- (46) It is possible, therefore, for a person who was unaware that the inner courtyard was occupied by one gentile only to assume that it was occupied by more than one, and that the reason why they imposed no restrictions was not because they let their right of way to the Israelite (for had they done so they would have made a noise about it) but because (a) right of way imposes no restrictions or because (b) an 'erub prepared by the Israelite tenants of the two courtyards is effective even though the gentile tenant did not let them his right of way. Hence the necessity for R. Eleazar's preventive measure.
- (47) Only the door of the outermost house opening into a courtyard into which doors of the houses of other tenants also opened.
- (48) Since its tenant has the right of way through all the other nine houses each of which is in consequence regarded as his 'gate-house' (cf. supra 72b, infra 85b).
- (49) For the other tenants (cf. supra n. 5) of the courtyard.
- (50) None of the other nine tenants need make any contribution to the 'erub.
- (51) This is at present presumed to refer to the outermost house that opens directly into the courtyard.
- (52) For all the nine tenants whose only way to the courtyard lies through it.
- (53) Sc. the last house but one, or the ninth from the courtyard, which is used as a passage by the innermost tenant only. All the other houses, however, since they are used as thoroughfares for two or more tenants definitely assume the status of gate-houses which do not contribute to the 'erub of the courtyard.
- (54) Samuel and R. Johanan.
- (55) Samuel.
- (56) As is the ninth house which serves as a gate-house for the single occupier of the tenth house only.
- (57) Hence his ruling that none of the nine houses need contribute to the 'erub.
- (58) R. Johanan.
- (59) Since only one man uses it as his thoroughfare.
- (60) Its occupier must, therefore, contribute to the 'erub as does the occupier of the house within it.
- (61) The two outer ones opening into the two courtyards respectively and the middle house having a door leading into each of the two houses.
- (62) Lit., 'this', a tenant of the one courtyard other than those who respectively occupied the three houses.
- (63) That has a door into his courtyard.
- (64) Of the other courtyard, who is not one of those occupying one of the three houses.

Talmud - Mas. Eirubin 76a

The one [outer house] thereby becomes¹ a gate-house to the one [courtyard]² and the other [outer house] becomes¹ a gate-house to the other [courtyard]² while the middle house, being the house in which the 'erub is deposited, need not contribute any bread to the 'erub.

Rehaba tested the Rabbis: If there were two courtyards and between them two houses³ and a tenant⁴ of the one [courtyard] came through the one [house] and deposited his 'erub in the other⁵ while a tenant⁶ of the other [courtyard] came through the latter [house] and deposited his 'erub in the former, do they⁷ thereby acquire the privileges of 'erub⁸ or not? Do we regard each house in relation to the one [courtyard]⁹ as a house and in relation to the other [courtyard]¹⁰ as a gate-house?¹¹ — Both,¹² they replied, do not acquire the privileges of 'erub. For, whatever you assume, [this must be the result]. If you regard either house as a gate-house, 'an 'erub deposited in a gate-house, exedra or balcony is not a valid 'erub';¹³ and if you regard either as a proper house, the tenants would be carrying objects into a house which was not covered by their 'erub.¹⁴ But why should this ruling be different from that of Raba,¹⁵ who laid down: If two persons said to a third party, 'Go and prepare an 'erub on our behalf' and, after he had prepared an 'erub for the one while it was yet day¹⁶ and for the other at twilight,¹⁶ the 'erub of the man for whom it was prepared while it was yet day was eaten up at twilight while the 'erub of the man for whom it was prepared at twilight was eaten up after dusk, both¹⁷ acquire the privileges¹⁸ of 'erub?¹⁹ — What a comparison!²⁰ There²¹ it is doubtful whether twilight is day-time or night-time, a point that cannot be definitely determined;²² but, in this case, if a house is to be regarded as a proper house in relation to the former it must be so regarded in relation to the latter also, and if it is regarded in relation to the latter as a gate-house it must also be so regarded in relation to the former.²³

CHAPTER VII

MISHNAH. IF BETWEEN TWO COURTYARDS²⁴ THERE WAS A WINDOW OF FOUR HANDBREADTHS BY FOUR, WITHIN TEN HANDBREADTHS FROM THE GROUND, THE TENANTS MAY PREPARE TWO 'ERUBS²⁵ OR, IF THEY PREFER, THEY MAY PREPARE ONE.²⁶ IF [THE SIZE OF THE WINDOW WAS] LESS THAN FOUR HANDBREADTHS BY FOUR²⁷ OR HIGHER THAN TEN HANDBREADTHS FROM THE GROUND,²⁸ TWO 'ERUBS MAY BE PREPARED²⁵ BUT NOT ONE.²⁹

GEMARA. Must it be assumed that we have here learnt³⁰ an anonymous Mishnah in a agreement with R. Simeon b. Gamaliel who ruled³¹ that wherever a gap is less than four handbreadths it is regarded as labud?³² — It may be said to agree even with the Rabbis; for the Rabbis differed from R. Simeon b. Gamaliel only in regard to the laws of labud. As regards an opening, however, even they may agree that only if its size is four handbreadths by four is it regarded as a valid opening but otherwise it cannot be so regarded.

LESS THAN FOUR etc. Is not this obvious? For, since it was said that the window must be³³ FOUR HANDBREADTHS BY FOUR, WITHIN TEN HANDBREADTHS, would I not naturally understand that if it was less than four and higher than ten It is not valid opening? — It is this that we were informed:³⁴ The reason³⁵ is because all of it was higher than ten handbreadths from the ground, but if a part of it was within ten handbreadths from the ground, THE TENANTS MAY PREPARE TWO 'ERUBS OR, IF THEY PREFER, THEY MAY PREPARE ONE.³⁶ Thus we have learnt in a Mishnah what the Rabbis taught elsewhere: 'If [almost] all the window was higher than ten handbreadths from the ground but a part of it was within ten handbreadths from it, or if [almost] all of it was within ten handbreadths and a part of it was higher than ten handbreadths, the tenants may prepare two 'erubs or, if they prefer, they may prepare one'. Now then, where '[almost] all the window was higher than ten handbreadths from the ground but a part of it was within ten handbreadths' you ruled that 'the tenants may prepare two 'erubs or, if they prefer, they may prepare one was it also necessary to mention the case where '[almost] all of it was within ten handbreadths

and a part of it was higher than ten handbreadths'?³⁷ — This is a case of anticlimax: This,³⁸ and there is no need to say that.³⁹

R. Johanan ruled: A round window³³ must have a circumference of twenty-four handbreadths, two and a fraction of which⁴⁰ must be within ten handbreadths from the ground, so that, when it⁴¹ is squared,⁴² a fraction remains within the ten handbreadths from the ground.⁴³ Consider: Any object that has a circumference of three handbreadths is approximately one handbreadth in diameter: should not then twelve handbreadths⁴⁴ suffice?⁴⁵

(1) In relation to the middle one.

(2) Into which that house has a door. As a gate-house is exempt from 'erub neither of the outer houses need contribute to the 'erub of either courtyard.

(3) Cf. supra n. 1 mut. mut.

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

(5) That opened into the other courtyard.

(6) Cf. supra n. 4.

(7) The tenants of the respective courtyards who have no desire that their courtyards should be joined by one 'erub.

(8) Each group of tenants in its own courtyard.

(9) Into which it had no door and from which it is separated by the other house.

(10) Into which its door opens.

(11) And both 'erubs are consequently valid. If both houses had been regarded as gate-houses neither 'erub (cf. infra 85b) would have been valid, and even if both houses had been regarded as proper houses neither 'erub would have been valid since in the case of each house the other that was lot covered by the 'erub intervened between it and the courtyard for which the 'erub had been prepared.

(12) The tenants of both courtyards.

(13) Infra 85b; consequently neither 'erub is valid.

(14) Since a house cannot be regarded as both a gate-house and a proper house at the same time both 'erubs must be deemed invalid.

(15) MS.M. and Asheri, 'Rabbah'.

(16) Of the Sabbath eve.

(17) Since it is uncertain whether twilight is to be regarded as day or as night.

(18) In the former case it is assumed that twilight is night and, since the 'erub was in existence before twilight when the Sabbath commenced, the 'erub is valid. In the latter case it is assumed that twilight is still day and, since the 'erub was prepared before twilight and was still in existence when the Sabbath commenced, the 'erub is valid. Now why, it is asked, if twilight is here assumed to be day for one individual and night for another could not a house also be assumed to be a gate-house for one and a proper house for another?

(19) Shab. 34a.

(20) Lit., 'thus now'.

(21) The case dealt with by Raba.

(22) As 'erub is only a Rabbinical institution the more lenient course may be followed in favour of each individual.

(23) Were the same house at the same time to be regarded as both a gate-house and a proper house the whole law of 'erub would become a farce.

(24) In the wall that divided one from the other.

(25) One for each courtyard, to enable the respective tenants to have the unrestricted use of their courtyard. The movement of objects from one courtyard into the other, however, remains forbidden.

(26) Jointly. The tenants of one courtyard deposit their 'erub in the other and, by thus joining together, both groups of tenants are permitted the unrestricted use of both courtyards.

(27) A size that cannot be regarded as a valid opening.

(28) So that a portion of the dividing wall to a height of ten handbreadths contained no valid opening through which the tenants could gain access from one courtyard into the other.

(29) Since the wall (cf. prev. n.) constitutes a solid partition between the courtyards. It is consequently forbidden to move objects between the courtyards either over the wall or through any small apertures or cracks in it.

- (30) In the ruling that if A WINDOW WAS LESS THAN FOUR HANDBREADTHS square it is deemed to be nonexistent (v. our Mishnah).
- (31) Supra 9a.
- (32) v. Glos. Is it likely, however, that an anonymous Mishnah, which usually represents the accepted halachah, would agree with an individual opinion against that of the majority?
- (33) If it is to be regarded as a valid opening that enables the tenants of both courtyards to join in a single 'erub.
- (34) By the apparently superfluous ruling.
- (35) Why the window is regarded as an invalid opening.
- (36) This could not have been inferred from the first clause of our Mishnah which might have been taken to imply that the entire window must be within ten handbreadths from the ground; and since 'HIGHER THAN TEN HANDBREADTHS' has to be stated, it incidentally states also 'LESS THAN FOUR, etc.'
- (37) Apparently not, since the latter may be deduced from the former a minori ad majus.
- (38) The first case where a window was only partly within ten handbreadths from the ground.
- (39) The second case where almost all of it was within the ten handbreadths.
- (40) Measured from the lowest point of the circumference along the diameter joining this point to the highest one opposite (cf. Tosaf.).
- (41) The window whose diameter (being approx. a third of its circumference) is equal to $(24/3 =)$ eight handbreadths approx.
- (42) And thus reduced on each side of the square by two handbreadths, leaving a square window of the size of $8 - (2 + 2) = 4 \times 4$ handbreadths. He assumed that the area of a square constructed within a circle is half the area of the circle itself, v. infra.
- (43) This fraction being the only part of the square window within the prescribed distance from the ground.
- (44) A third of twelve being four.
- (45) For the purpose of obtaining a square of four handbreadths by four within the circumference. Why then did R. Johanan require a minimum circumference of twenty-four?

Talmud - Mas. Eirubin 76b

— This¹ applies only to a circle, but where a square² is to be inscribed within it a greater circumference is required.³ But observe: By how much does the perimeter of a square exceed that of a circle? By a quarter approximately; should not then a circumference of sixteen handbreadths⁴ suffice?⁵ — This⁶ applies only to a circle that is inscribed within⁷ the square, but where a square is to be inscribed within a circle it is necessary [for the circumference of the latter] to be much bigger.⁸ What is the reason? In order [to allow⁹ space for] the projections of the corners.¹⁰ Consider, however, this: Every cubit in [the side of] a square [corresponds to], one and two fifths cubits in its diagonal; [should not then¹¹ a circumference] of sixteen and four fifths handbreadths¹² suffice?¹³ — R. Johanan holds the same view as the judges of Caesarea or, as others say, as that of the Rabbis of Caesarea who maintain [that the area of] a circle that is inscribed within a square is [less than the latter by] a quarter¹⁴ [while that of] the square that is inscribed within that circle¹⁵ [is less than the outer square by] a half.¹⁶

IF THE SIZE OF THE WINDOW WAS LESS THAN FOUR HANDBREADTHS BY FOUR etc. R. Nahman explained: This¹⁷ was learnt only in respect of a window between two courtyards but in the case of a window between two houses, even though it was higher than ten handbreadths from the ground, the residents may, if they wish, prepare one 'erub jointly. What is the reason? — A house is regarded as filled.¹⁸ Raba raised an objection against R. Nahman: A window, irrespective of whether¹⁹ it was between two courtyards, between two houses, between two upper rooms, between two roofs,²⁰ or between two rooms, must be of the size of²¹ four handbreadths by four within ten handbreadths from the ground? — The interpretation is [that the limitation²² applies] to the courtyards.²³ But was it not stated: 'irrespective of whether'?²⁴ — The interpretation is that this refers to the prescribed four handbreadths by four'.

R. Abba²⁵ enquired of R. Nahman: If an aperture²⁶ led from a room to an upper room,²⁷ is a permanent ladder²⁸ necessary for the purpose of allowing the movement of objects²⁹ or not? Do we apply the principle, that 'a house is regarded as filled' only when the aperture³⁰ is at the side but not when it is in the middle³¹ or is it possible that there is no difference? — The other replied: It is not necessary. He³² understood him³³ to mean that only a permanent ladder is not necessary but that a temporary one is necessary. It was, however, stated: R. Joseph³⁴ b. Minyomi citing R. Nahman laid down: Neither a permanent, nor a temporary ladder is necessary.

MISHNAH. IF A WAIL BETWEEN TWO COURTYARDS WAS TEN HANDBREADTHS HIGH AND FOUR HANDBREADTHS THICK, TWO 'ERUBS MAY BE PREPARED³⁵ BUT NOT ONE.³⁶ IF THERE WAS FRUIT ON THE TOP OF IT,³⁷ THE TENANTS ON EITHER SIDE MAY CLIMB UP AND EAT THEM PROVIDED³⁸ THEY DO NOT CARRY THEM DOWN. IF A BREACH TO THE EXTENT OF TEN CUBITS WAS MADE IN THE WALL, THE TENANTS MAY PREPARE TWO 'ERUBS³⁵ OR, IF THEY PREFER, ONLY ONE,³⁹ BECAUSE IT⁴⁰ IS LIKE A DOORWAY. IF THE BREACH WAS BIGGER, ONLY ONE 'ERUB AND NOT TWO MAY BE PREPARED.⁴¹

GEMARA. What is the ruling where it⁴² was not FOUR HANDBREADTHS wide? — Rab replied: The air of two domains⁴³ prevails upon it and⁴⁴ no object on it may be moved even as far as a hair's breadth.

- (1) That a figure with a perimeter of twelve handbreadths has a diameter of four handbreadths approx.
- (2) Of given dimension, as in this case one of four handbreadths by four.
- (3) As the window under discussion must be four handbreadths square the diameter of the circle in which such a square can be inscribed must have, as laid down by R. Johanan, a minimum circumference of twenty-four hand breadths.
- (4) Since sixteen exceeds twelve by a quarter of the former figure.
- (5) For the window under discussion.
- (6) That the perimeter of a square exceeds the circumference of a circle by one quarter.
- (7) Lit., 'that goes out from'.
- (8) Than three quarters of the given square. Hence R. Johanan's requirement that the circumference of the window must be no less than twenty-four handbreadths.
- (9) Within the circle.
- (10) Of the square. A circular window with a circumference that is less than twenty-four handbreadths would not contain the area that is required.
- (11) Since the diameter of the circle forms the diagonal of the inscribed square.
- (12) Which has a diameter of $(16 \frac{4}{5})/3 = 84/(3 \times 5) = 28/5$ handbreadths approximately and in which a square each side of which is equal to $(5/7$ of its diagonal or $28/5 \times 5/7 =$) four handbreadths, may be inscribed.
- (13) Why then did R. Johanan require a circumference of twenty-four handbreadths?
- (14) Of that square.
- (15) That was inscribed in the other square.
- (16) Cf. Rashi, Tosaf., R. Han. and Rashal one or other of whom the interpretation here partly follows. While the rule laid down in Caesarea seems to bear on the area of the circle and the squares, R. Johanan applied it also to the circumference of the circle and thus required a much bigger circumference than is actually necessary for an inscribed square of four handbreadths by four.
- (17) That the window must not be higher than TEN HANDBREADTHS from the ground.
- (18) The window is consequently within the prescribed ten handbreadths.
- (19) Lit., 'one to me'.
- (20) According to the Rabbis who ruled that as the residents are divided in their domains below so are they divided on their roofs above and, consequently, no movement of objects from one person's roof to that of another is permitted unless a proper 'erub is prepared.
- (21) Lit., 'all of them'.
- (22) 'Within ten handbreadths'.

- (23) Not to the houses.
- (24) Which implies that houses are subject to the same restrictions as the courtyards mentioned in the same context.
- (25) MS.M. 'Raba'.
- (26) In the roof of a lower room which is the floor of the upper one.
- (27) Jast., 'a small room opening (leading) from the ground floor to the upper room', the two rooms having been occupied by two residents respectively.
- (28) Leading from the lower to the upper room through the aperture.
- (29) Between the two rooms.
- (30) As in the case of the window spoken of by R. Nahman.
- (31) Hence no 'erub is valid unless a ladder (cf. supra 59b) joined the lower and the upper rooms.
- (32) R. Abba.
- (33) R. Nahman.
- (34) Var. lec., 'Rab Judah in the name of R. Joseph' (Asheri).
- (35) Separate ones for each courtyard.
- (36) Sc. the two courtyards are not allowed to prepare a joint 'erub on account of the wall that intervened between them. The prescribed thickness of four handbreadths, which has no bearing on this restriction since it applies to all walls whatever their thickness, was mentioned on account of the ruling that follows which is applicable only where the thickness of the wall was no less than four handbreadths. A lesser thickness does not constitute a separate domain.
- (37) The wall of the prescribed thickness (cf. prev. n.).
- (38) Since it is forbidden to carry from one domain into another (cf. prev. two notes).
- (39) Jointly.
- (40) A gap that is not bigger than ten cubits.
- (41) A gap so great converts the two courtyards into one; and the tenants, like those of the same courtyard, may not break up into two parties for 'erub. If they do they impose restrictions of movement upon each other.
- (42) The WALL.
- (43) That of the two courtyards between which it is situated.
- (44) Since it constitutes no independent domain and every fraction of its space is dominated (cf. prev. n.) by two domains.

Talmud - Mas. Eirubin 77a

R. Johanan, however, ruled: The tenants on either side may carry up their food and eat it there.¹ We learned, THE TENANTS ON EITHER SIDE MAY CLIMB UP AND EAT THERE. Does not this imply that they may only CLIMB UP but not 'carry up'?² — It is this that was meant: If the top consists of an area of four handbreadths by four they MAY CLIMB UP but may not carry up, and if it consists of less than four by four they may also carry up. R. Johanan³ follows a principle of his.⁴ For when R. Dimi came⁵ he stated in the name of R. Johanan: On a place⁶ whose area is less than four handbreadths by four⁷ it is permissible both for the people of the public domain and for those of the private domain to rearrange their burdens,⁸ provided they do not exchange them.⁹ Does not Rab,¹⁰ however, uphold the tradition of R. Dimi?¹¹ — If it were a case of Pentateuchal domains¹² the law would have been so indeed,¹³ but here we are dealing with Rabbinical domains,¹⁴ and the Sages¹⁵ have applied to their enactments¹⁶ higher restrictions than to those of the Torah.¹⁷

Rabbah son of R. Huna¹⁸ citing¹⁹ R. Nahman ruled: A wall between two courtyards, one of whose sides was ten handbreadths high²⁰ and the other one of which was on a level with the ground,²¹ is assigned to that courtyard with the floor of which it is level,²² because the use of it is convenient to the latter but inconvenient to the former, and any place the use of which is convenient to one and inconvenient to another, is to be assigned to the one to whom its use is convenient.

R. Shezbi laid down in the name of R. Nahman: A trench between two courtyards, whose one side was ten handbreadths deep²³ and whose other side was on a level with²⁴ the floor,²⁵ is assigned to that courtyard with whose floor it is on a level,²⁶ because its use is convenient to the latter but inconvenient to the former etc.²⁷

And [the enunciation of] both cases²⁸ was required. For if we had been informed only of the law of the wall²⁹ it might have been assumed to apply to it alone, because people make use of a raised structure, but not to a trench, since people do not make use of a depression in the ground.³⁰ And if we had been informed of the law of the trench only³¹ it might have been assumed to apply to it alone, because its use involves no anxiety³² but not to a wall the use of which involves anxiety.³³ Hence the enunciation of both²⁸ was necessary.

If the height of the wall was reduced,³⁴ it is permitted to use all the wall if the reduction extended³⁵ to four handbreadths;³⁶ otherwise, one may use only that part³⁷ that was parallel to the reduction. What, however, is your view?³⁸ If it is that the reduction is effective,³⁹ one should be permitted to have the use of all the wall, and if it is not effective,⁴⁰ even the use of the part that was parallel to the reduction should not be permitted!⁴¹ — Rabina replied: This is a case, for instance,⁴² where a section of its⁴³ top has been pulled down.⁴⁴

R. Yehiel ruled: If a bowl is inverted⁴⁵ a valid reduction is thereby effected.⁴⁶ But why? Is not the bowl an object that may be moved away on the Sabbath and that as such⁴⁷ causes no reduction?⁴⁸ — This⁴⁹ is was required only in a case where the bowl was attached to the ground.⁵⁰ But what matters it even if it was attached to the ground, seeing that it was taught: An unripe fruit that had been put into straw⁵¹ or a cake that had been put among coals⁵² may be taken out on the Sabbath if a part of it remained uncovered?⁵³ — Here⁴⁹ we are dealing with a case, for instance, where the bowl had rims.⁵⁴ But what matters it even if it had rims, seeing that we learned: If a man buried⁵⁵ turnips or radishes under a vine, leaving⁵⁶

(1) And similarly they may also carry it down. The top of the wall is in his opinion a 'free' domain and may, therefore, be regarded as merged with the one courtyard or the other to suit the convenience of the respective tenants.

(2) How then could R. Johanan maintain that it is also permissible to 'carry up'?

(3) In the ruling he gave here, according to which the top of the wall is regarded as a 'free' domain.

- (4) Enunciated elsewhere.
- (5) From Palestine into Babylon.
- (6) Situated between a private and a public domain.
- (7) Though it is raised three handbreadths from the ground and, had its area been no less than four handbreadths by four, would have constituted a karmelith from which it is forbidden to move objects either into a public or into a private domain.
- (8) Although by so doing they are moving them from the public or the private domain into that place.
- (9) And thus carry indirectly from a private domain into a public one, or vice versa, which is a form of transfer that is Rabbinically forbidden. Pentateuchally only direct transfer from one into the other of the domains mentioned is forbidden, since there must be 'lifting' from the one and direct 'putting down' in the other while in the case under discussion before the object was finally put down it was temporarily put down in, and lifted up from the free domain (v. supra go). At any rate it follows that it Johanan, by permitting the people of either domain 'to rearrange their burdens' on a place having the area he mentioned, upholds the principle of the existence of a free domain.
- (10) Whose view differs from that of R. Johanan (supra 76b ad fin.).
- (11) Which is in fact based on a principle in a Mishnah (Shab. 6a) which Rab could not very well oppose.
- (12) Sc. a proper public or private domain.
- (13) As R. Dimi reported in the name of R. Johanan.
- (14) Courtyards which are Pentateuchally private domains but were Rabbinically subjected to some of the restrictions of a public domain.
- (15) Sc. the Rabbis.
- (16) As a safeguard against laxity.
- (17) Which, being universally respected, required no such safeguards.
- (18) V. Marginal gloss. Cur. edd. read in parenthesis, 'Raba said that R. Huna said',
- (19) MS.M., 'Rabbah b. Bar Hana in the name of'.
- (20) Above the floor level of the courtyard adjacent to it.
- (21) Of the other courtyard whose floor was on a higher level than that of the former, and was within ten handbreadths from the top of the wall. By 'level with the ground' a height of less than ten handbreadths is to be understood.
- (22) Sc. only the tenants of that courtyard are allowed to carry their objects up to, and down from, the top of the wall. To the tenants of the other courtyard this is forbidden.
- (23) I.e., the level of the floor of the courtyard adjacent to it was ten handbreadths higher than the level of the bed of the trench.
- (24) Sc. 'not lower than ten handbreadths from',
- (25) Of the courtyard adjacent to it whose level was lower than that of the former.
- (26) Cf. supra n. 2. mut. mut.
- (27) To be concluded as in the previous discussion of the wall.
- (28) Those of 'wall' and 'trench'.
- (29) Permitting the use of the top of the wall.
- (30) And its use is, therefore, despite its comparatively low altitude, forbidden to the tenants of both courtyards.
- (31) Cf. supra n. 9 mut. mut.
- (32) Since any object put into it remains safely in its position.
- (33) The objects might fall off
- (34) Lit., 'if he came to reduce it'. This, it is now assumed, implies the raising of the floor level of the courtyard by means of a mound or a bench close to the wall and within ten handbreadths from the top of it.
- (35) Along the base of the wall.
- (36) An eminence of such dimensions is regarded as a kind of doorway to the top of the wall since it facilitates approach between the top and the courtyard.
- (37) Of the top.
- (38) Lit., 'what is your desire', sc. whatever the assumption a difficulty arises.
- (39) I.e., that it is regarded as a valid doorway.
- (40) So that it represents no doorway at all.
- (41) Lit., 'also not'.
- (42) Not as has been previously assumed that the floor of the courtyard had been raised.

(43) The wall's.

(44) If the gap resulting was four handbreadths wide it may well be regarded as a valid doorway through which all the top of the wall may be freely used. If, however, it was smaller it cannot be regarded as a doorway to the wall but the space in the gap may be freely used since the wall below it is within ten handbreadths from the courtyard floor level and cannot be regarded as a separate domain.

(45) And placed at the side of a wall that intervened between two courtyards.

(46) If the wall rises to less than ten handbreadths above the back of the inverted bowl.

(47) Lit., 'and a thing that may be taken on the Sabbath'.

(48) An objection against R. Yehiel.

(49) R. Yehiel's ruling.

(50) in which case it may not be moved from its place throughout the Sabbath.

(51) To ripen. Straw that had been set aside for the manufacture of bricks or similar purpose may not be moved from its place on the Sabbath on account mukzeh v. Glos.

(52) That were aglow when the Sabbath began but were extinguished now. Such coals may not be moved on the Sabbath. Burning coals are subject to greater restrictions (cf. Ker. 20a).

(53) Shab. 123a. As a part of the bowl also remains uncovered by the ground its removal on the Sabbath is equally permitted. How then could R. Yehiel regard a bowl in such a condition as an effective reduction.

(54) That were buried in the ground. A bowl in such a condition may not be removed from its place on the Sabbath, since its removal would inevitably disturb the earth under which its rim is buried, and the person removing it would be guilty of performing an act that resembled the forbidden work of digging.

(55) For storage purposes.

(56) Lit., 'in the time'.

Talmud - Mas. Eirubin 77b

some of the leaves uncovered,¹ he² need not fear the possible transgression of the laws of kil'ayim³ or of tithe or of the Sabbatical year,⁴ and they may be removed on the Sabbath?⁵ — This⁶ was required in that case only where a hoe or pickaxe is necessary.⁷

An Egyptian ladder⁸ effects no reduction⁹ but a Tyrian ladder¹⁰ does. What is to be understood by an 'Egyptian ladder'? — At the school of R. Jannai it was explained: One that has less than four rungs.

R. Aha son of Raba asked R. Ashi: What is the reason why an Egyptian ladder⁸ effects no reduction? — Did you not hear, the other replied, what R. Aha b. Adda stated in the name of R. Hammuna who had it from Rab: Because it is an object that may be moved about on the Sabbath and which, like all such objects,¹¹ causes no reduction? — If so, should not the same ruling apply to a Tyrian ladder also?¹² — In the latter case¹³ it is its weight that imparts to it a permanency of position.¹⁴

Abaye ruled: If a wall between two courtyards was ten handbreadths high, and one ladder four handbreadths wide was placed on the one side¹⁵ and another of the same width was placed on the other side,¹⁶ and there is less than a distance of three handbreadths between them,¹⁷ a valid reduction is effected,¹⁸ but if there was a distance of three handbreadths between them,¹⁹ no valid reduction is effected. This, however, applies only where the wall was less than four handbreadths thick but if it was four handbreadths thick²⁰ the reduction is valid²¹ even if the ladders were far removed from one another.²²

R. Bebai b. Abaye ruled: If²³ one balcony was built²⁴ above another balcony a valid reduction is thereby effected if either the lower one had an area²⁵ of four handbreadths [by four handbreadths]²⁶ or, where it was smaller,²⁷ if the upper one had an area of four handbreadths and there was no space of three handbreadths between them.²⁸ Similarly²⁹ R. Nahman citing Rabbah b. Abbuha ruled: A

step-ladder³⁰ effects³¹ a reduction if the length of the lower rung was four handbreadths or, where it was shorter, if the upper one was four handbreadths long and there was no space of three handbreadths between them.

R. Nahman further stated in the name of Rabbah b. Abbuha:

- (1) If they had been covered the vegetables would not have been allowed to be moved on the Sabbath (cf. infra).
- (2) Since the vegetables did not take root in the ground.
- (3) V. Glos., if they were buried in a vineyard.
- (4) If this happened in the course of such a year.
- (5) Kil. 1, 9: Shab. 50a. Now, as the vegetables mentioned may be removed on the Sabbath, though they were buried in the ground, so would the bowl spoken of by R. Yehiel be allowed to be removed on the Sabbath. How then could the bowl be regarded as an effective reduction.
- (6) R. Yehiel's ruling.
- (7) For the removal of the bowl. As removal in such circumstances would involve work that is definitely forbidden on the Sabbath the bowl would have to remain in its position throughout the Sabbath day, and consequently may also be regarded as 'a valid reduction'.
- (8) Which is very small. Aliter: 'A ladder of rushes or twigs'.
- (9) On account of the smallness of its size or the frailty of its structure which makes it easily portable.
- (10) Which is heavier and not easily movable.
- (11) Lit., 'and anything that may be taken on the Sabbath'.
- (12) Since the latter too may be moved on the Sabbath.
- (13) Lit., 'there'.
- (14) Though it is permitted to be moved it may be expected to remain in position throughout the Sabbath on account of its weight.
- (15) Of the wall, in one of the courtyards. Lit., 'from here'.
- (16) In the other courtyard.
- (17) Lit., 'and (there was) not between this and that'.
- (18) Since, despite the fact that the ladders are not exactly facing each other, it is fairly easy to ascend to the top of the wall by means of the one ladder, to stride over the top and to descend into the next courtyard by means of the other ladder. The two ladders may, therefore, be regarded as a valid opening between the courtyards.
- (19) Sc. that it would not be very easy to gain access from one courtyard into the other.
- (20) In consequence of which it is quite convenient to walk along the top of the wall.
- (21) Since it is possible to ascend to the top of the wall by means of the one ladder and to walk along the thickness of the wall to the other ladder.
- (22) Lit., 'separated more'.
- (23) In order to reduce the length of a wall between two courtyards.
- (24) Into the side of the wall.
- (25) So according to Tosaf. Aliter: A length along the wall (Rashi).
- (26) And was built within three handbreadths from the ground and within ten handbreadths from the top of the wall. In this case the upper balcony may be completely disregarded.
- (27) Lit., 'also there is lot in the lower one four'.
- (28) So that the two may be regarded as supplementary to each other and as a single unit effect the required reduction. If a greater distance than three handbreadths, however, separated them from each other they cannot be regarded as one unit and the reduction is invalid.
- (29) Lit., 'and'.
- (30) Lit., 'a ladder whose rungs fly', opposite to the steps of a staircase that are solidly built upon one another.
- (31) For notes on this paragraph cf. notes on the case of balconies in the prev. one mut. mut.

Talmud - Mas. Eirubin 78a

If on a moulding of an area of four handbreadths by four handbreadths that projected from a wall¹ a

ladder of the smallest size² was rested³ a valid reduction is thereby effected.⁴ This, however, applies only where the ladder was resting on it,⁵ but if it was placed at the side⁶ of its the latter is thereby merely extended.⁷

R. Nahman further stated in the name of Rabbah b. Abbuha: A wal⁸ that was nineteen handbreadths high requires only one projection⁹ to enable it to be used as a means of access,¹⁰ but a wall⁸ twenty handbreadths high requires for the purpose two projections.¹¹ R. Hisda observed: This,¹² however, applies only where they are not situated exactly one above the other.¹³ R. Huna ruled: If in a public domain there was a post ten handbreadths high and four handbreadths wide¹⁴ and a peg of the smallest size had been inserted on it,¹⁵ a valid reduction is thereby effected.¹⁶ R. Adda b. Ahabah observed: Provided the peg was three handbreadths high.¹⁷ Both Abaye and Raba, however, maintain: Even if it¹⁸ was not three handbreadths high. What is their reason? — Because it¹⁹ is no longer suitable for use.²⁰ R. Ashi ruled:²¹ Even if it¹⁸ was three handbreadths high. What is the reason? — It is possible to suspend some object from it.²² R. Aha son of Raba asked R. Ashi, ‘What is the ruling where it¹⁹ was completely covered with pegs?’²³ — ‘Did you not hear’, the other replied: ‘the following ruling of R. Johanan:²⁴ A pit and the bank around it²⁵ combine to constitute a depth of ten handbreadths?’²⁶ Now seeing that [the bank] cannot be used²⁷ why [should it be regarded as a private domain]? What then can you say in reply? That some object²⁸ might be placed over it and thereby it is made available for use. Well then, here also²⁹ some object³⁰ might be placed [over them]³¹ and thereby it is made available for use’.³²

Rab Judah citing Samuel ruled: A wal³³ ten handbreadths high requires a ladder of fourteen handbreadths in length³⁴ to render it permissible for use³⁵ R. Joseph ruled: Even [a ladder] of thirteen handbreadths³⁶ and a fraction [is sufficient].³⁷ Abaye ruled: Even one of eleven handbreadths³⁸ and a fraction suffices.³⁹ R. Huna son of R. Joshua ruled: Even one of seven handbreadths and a fraction suffices.⁴⁰ Rab stated: That a ladder in a vertical position effects a reduction is a tradition but I do not know the reason for it.⁴¹ ‘Does not Abba’,⁴² Samuel said to him,⁴³ ‘know the reason for this ruling? The case is in fact similar to that of a balcony above a balcony’.⁴⁴

Rabbah citing R. Hiyya said: The palm-trees of Babylon⁴⁵ need not be fixed to the ground.⁴⁶ What is the reason? Their heaviness imparts permanency of position to them.⁴⁷ R. Joseph, however, citing R. Oshaia, ruled: The ladders in Babylon⁴⁸ need not be fixed in position.⁴⁶ What is the reason? Their heaviness imparts permanency of position to them. He⁴⁹ who spoke of ladders would a fortiori apply the same ruling to palm-trees.⁵⁰ He,⁵¹ however, who spoke of palm-trees does not apply the same ruling to ladders.⁵²

R. Joseph enquired of Rabbah: What is the ruling where two ladders⁵³ were held together by straw links between them?⁵⁴ The sole of the foot, the other replied, cannot ascend upon them.⁵⁵ What is your ruling if the ladder⁵⁶ was in the middle and the straw links were on each side?⁵⁷ — Behold, the other replied, the sole of the foot does ascend upon them.⁵⁸

(1) Between two courtyards.

(2) Sc. even one whose width was less than four handbreadths, but whose rungs were fixed within three handbreadths from one another, and the lowest one was within three handbreadths from t^e ground.

(3) So that the moulding formed a kind of platform which the ladder resting on it joined with the courtyard floor below.

(4) Because the platform above is of the prescribed size and, together with the ladder, constitutes a valid means of access between the courtyards.

(5) The moulding.

(6) The top of the ladder resting on the wall itself’.

(7) But as the ladder now forms no connection between it and the ground it is, on account of the distance of the latter from it, no valid reduction.

- (8) Between two courtyards.
- (9) In the middle of its height on which the top of a ladder may be supported.
- (10) Between the courtyards. Lit., 'to make it permitted'. A projection in the middle point of a height of nineteen handbreadths leaves a distance of less than ten handbreadths both below and above it.
- (11) One below the lower ten handbreadths of the height of the wall and the other within ten handbreadths from the top.
- (12) That the two projections form, valid reduction.
- (13) So that it is possible to connect the two to each other by means of a second ladder.
- (14) Sc. four by four. A post of such dimensions constitutes a private domain from which into the public domain and from the public domain into which the movement of objects on the Sabbath is forbidden.
- (15) In its surface on the top so that uppermost area was reduced to one of less than four handbreadths.
- (16) The post loses the status of a private domain.
- (17) if it was smaller it is regarded as part of the surface of the top of the post.
- (18) The peg.
- (19) The top of the post.
- (20) Since the peg, however low it may be, breaks up the top's surface.
- (21) The post is still regarded as a private domain.
- (22) And since the post can still be used as a private domain for this purpose, the peg cannot effect any valid reduction in the surface of its top which, consequently, remains a private domain.
- (23) In consequence of which it cannot be use' at all. Is its size in this case deemed to be reduced and the post, therefore, loses its status as a private domain or is the law in the case of many pegs the same as in that of one peg?
- (24) Lit., 'that which . . . said'.
- (25) Lit., 'and its segment', Sc. a segment of the earth excavated from the pit and placed around its rim.
- (26) The prescribed minimum of depth constituting a private domain. The thickness of the bank similarly combines with the hole of the pit to constitute the prescribed minimum of four handbreadths by four (cf. Shab, 99a).
- (27) Since a part of the prescribed minimum is the hole (cf. prev. n.).
- (28) A board or a flat stone.
- (29) Where the top of a post is covered with pegs.
- (30) Having a surface of four handbreadths by four.
- (31) Over the Pegs.
- (32) The post the top of which is completely covered with pegs is, therefore, regarded as a private domain.
- (33) Between two courtyards.
- (34) Placed in a slanting position at a distance of ten handbreadths from the wall with its top resting on the top edge of the wall (v. foll. n.).
- (35) Sc. to allow free movement of objects between the courtyards. As the ladder, the wall, and the part of the courtyard floor between the latter and the foot of the former represent respectively the hypotenuse and the two sides of an isosceles right-angled triangle, and since the wall is ten handbreadths high and the distance between the foot of the ladder and the wall is also (cf. prev. n.) ten handbreadths, the length, or height of the ladder must be $(10 + 10 \times \frac{2}{5} \text{ approx.} = 10 + 4 =) 14$ handbreadths approx. (cf. Tosaf. a.l.).
- (36) A handbreadth less than the length required by Rab Judah.
- (37) In his opinion it is either not necessary (cf. Supra n. 5) to remove the foot of the ladder as much as ten handbreadths from the wall, or it suffices if its top reaches only to within one handbreadth from the top of the wall (cf. R. Han.).
- (38) Three handbreadths less than the length required by Rab Judah.
- (39) Since a distance of three handbreadths may be disregarded in accordance with the principle of labud, it suffices for the ladder to reach the wall at a height of seven handbreadths and a fraction (cf. supra n. 7 mut. mut.).
- (40) He maintains that a ladder in a vertical position effects the same permissibility as one in a slanting position. By putting the ladder close to the wall in a vertical position its top reaching a point within three handbreadths from the top of the wall, on the principle of labud (cf. prev. n.) this point may be regarded as the top of the wall.
- (41) Sc. why should a ladder in such a position, in which one can hardly climb upon it, effect a reduction?
- (42) Sc. Rab. His proper name was Abba while Rab ('Master') was a title of distinction he earned as the foremost Master of his time.
- (43) Samuel was merely explaining the tradition. He himself, as stated supra by Rab Judah, requires a standing ladder of fourteen handbreadths.

- (44) Supra 77b, where reduction is effected though the balconies are exactly one above the other and one can hardly climb from the one into the other.
- (45) If their cut trunks were placed beside a wall that intervened between two courtyards.
- (46) Sc. they effect reduction, though, being suitable as seats, they have the status of articles that may be moved from their places on the Sabbath.
- (47) Since no one would be likely to shift them from their place during the Sabbath.
- (48) Cf. Supra n. 2 mut. mut.
- (49) R. Oshaia.
- (50) If ladders that are not so heavy as the palm-trees effect reduction how much more so the latter.
- (51) R. Hiyya.
- (52) Cf. supra n. 7 mut. mut.
- (53) Each less than two handbreadths wide.
- (54) That formed rungs similar to those of the ladders and supplemented their width to the prescribed minimum of four handbreadths. Lit., 'a ladder from here and a ladder from here and straws in the middle'.
- (55) The straw links. Since it is the middle of the ladder, on which one's foot is usually put when ascending, and since that middle part consists of straw links that are unsuitable for the purpose, the ladder cannot effect any reduction.
- (56) Whose width was less than the prescribed minimum of four handbreadths.
- (57) Lit., 'straws from here and straws from here and a ladder in the middle'.
- (58) The rungs of the ladder. When ascending on these which are in the middle, one uses the straw links on either side as supports for one's hands. The entire structure may, therefore, be regarded as a unit of the prescribed size and reduction may thereby be effected.

Talmud - Mas. Eirubin 78b

If grooves¹ to supplement the width of the ladder,² were cut in the wall,³ up to what height must this be carried?⁴ — To ten handbreadths,⁵ the other replied. If, he again asked him, all the ladder was cut⁶ in the wall,⁷ up to what height must this be carried? — Up to its⁸ full height, the other replied. Wherein, however, lies the difference?⁹ In the former case¹⁰ the other replied, one can easily ascend¹¹ [to the top of the wall], while in the latter case¹² this cannot be done.¹³

R. Joseph enquired of Rabbah: What is the ruling if a tree was set aside as a ladder?¹⁴ The enquiry is made with reference to the view of Rabbi¹⁵ and it is also made with reference to that of the Rabbis.¹⁶ It is made with reference to the view of Rabbi' since It is possible that Rabbi applied the principle that 'any act that is forbidden as shebuth¹⁷ is not subject to that prohibition during twilight'¹⁸ only there¹⁹ where the crucial moment²⁰ is at twilight,²¹ but [not where]²² the entire day [is involved];²³ or is it possible that even according to the Rabbis the tree may have the status of a doorway,²⁴ except that it is one at the side of which a lion crouches?²⁵ What again²⁶ is the ruling where an Asherah²⁷ was set aside to serve as a ladder? The enquiry is made with reference to the view of R. Judah²⁸ and it is also made with reference to that of the Rabbis.²⁹ It 'is made with reference to the view of R. Judah' since it is possible that R. Judah applied the principle that a house may be bought with objects the benefit from which is forbidden, only there,³⁰ because after the 'erub had enabled hint to acquire³¹ the place³² its owner derives no further satisfaction³³ from its preservation;³⁴ or is it possible that even according to the Rabbis an Asherah³⁵ has the status of a doorway,³⁶ except that a lion crouches at its side?³⁷ — A tree, the other replied, is permitted³⁸ but an Asherah is forbidden.³⁹ R. Hisda demurred: On the contrary! A tree the restriction on the use of which is due to the incidence of the Sabbath should⁴⁰ be forbidden, while an Asherah the restrictions on which are due to an external⁴¹ cause should not be forbidden. So⁴² it was also stated:⁴³ When Rabin came⁴⁴ he reported in the name of R. Eleazar or, as others say: R. Abbahu reported in the name of R. Johanan: Any object the restriction of the use of which is clue to the incidence of the Sabbath is forbidden, while in object the restriction on which is due to an external⁴¹ cause is permitted.⁴⁵ R. Nahman b. Isaac taught thus: [The permissibility of] a tree is a question at issue between Rabbi and the Rabbis and that of an Asherah is a question at issue between R. Judah and the

Rabbis.

MISHNAH. IF A TRENCH⁴⁶ BETWEEN TWO COURTYARDS WAS TEN HANDBREADTHS DEEP AND FOUR HANDBREADTHS WIDE, TWO 'ERUBS⁴⁷ MAY BE PREPARED BUT NOT ONE,⁴⁸ EVEN IF IT WAS FULL OF STUBBLE OR STRAW.⁴⁹ IF, HOWEVER, IT WAS FULL OF EARTH OR GRAVEL,⁵⁰ ONLY ONE 'ERUB MAY BE PREPARED, BUT NOT TWO.⁵¹

IF A BOARD FOUR HANDBREADTHS WIDE WAS PLACED⁵² ACROSS IT,⁵³ AND SO ALSO WHERE TWO BALCONIES⁵⁴ WERE OPPOSITE ONE ANOTHER,⁵⁵ THE TENANTS MAY PREPARE TWO 'ERUBS⁵⁶ OR, IF THEY PREFER, ONLY ONE. IF THE BOARD WAS OF A LESSER WIDTH TWO 'ERUBS⁵⁶ MAY BE PREPARED, BUT NOT ONE.

GEMARA. But does not straw constitute a proper filling seeing that we have learnt: If a heap of straw between two courtyards was ten handbreadths high two 'erubs may be prepared⁵⁶ but not one?⁵⁷ — Abaye replied: As regards the formation of a partition no one disputes the ruling that straw is regarded as a valid partition,⁵⁸ with regard, however, to its serving as a valid filling⁵⁹ it is only in the case where one completely abandoned it⁶⁰ that it constitutes a valid filling, but not otherwise.

IF, HOWEVER, IT WAS FULL OF EARTH. This⁶¹ then applies⁶² even where one's intention⁶³ was not known. But have we not learnt: If a house was filled with straw or gravel and the owner announced his intention to abandon it,⁶⁴ it is duly abandoned,⁶⁵ from which it follows, does it not, that only if the owner expressly abandoned it is it regarded as abandoned⁶⁶

-
- (1) On either side of the rungs of the ladder.
 - (2) To the prescribed minimum of four handbreadths.
 - (3) Between two court yards, on which the ladder was leaning.
 - (4) Lit., 'he cut to supplement in a wall, by how much'.
 - (5) From the ground. Whatever the height of the wall, valid steps on a width of four handbreadths and a height often handbreadths are regarded as a valid doorway between the courtyards (Rashi). Aliter: The grooves must be cut to a height within ten handbreadths from the top of the wall (R. Tam.).
 - (6) Lit., 'he cut it all'.
 - (7) Sc. instead of a movable ladder, grooves were cut in the wall on a width of four handbreadths.
 - (8) The wall's.
 - (9) Between the last two cases. Sc. why is a height of ten handbreadths sufficient in the former case while in the latter the grooves are required to reach to the very top of the wall?
 - (10) Where the ladder reached the top of the wall and the grooves were only supplementary to its width.
 - (11) By means of the ladder itself. As ascent is easy it is sufficient for the supplementary grooves to reach to a height of ten handbreadths only.
 - (12) Where there was no ladder at all.
 - (13) Unless grooves are cut to the full height of the wall.
 - (14) For a wall that intervened between two courtyards whose tenants desired to have free access to each other.
 - (15) Who laid down (supra 32b) that an 'erub of Sabbath limits deposited in a tree is valid.
 - (16) Who regard such an 'erub as invalid.
 - (17) V. Glos.
 - (18) So MS.M.
 - (19) The case of 'erub of Sabbath limits.
 - (20) The time the 'erub must take effect.
 - (21) Provided an 'erub of Sabbath limits was valid and effective at that moment its subsequent consumption or loss does not in any way deprive its owner of any of the privileges the 'erub had conferred upon him. Since the prohibition against the use of a tree is only Rabbinical, and since such a prohibition may be suspended at twilight, Rabbi may well have maintained that the 'erub was valid.
 - (22) As in the case of 'erub of courtyards under discussion.

(23) Since access through a closed door is obviously impossible the doorway between the two courtyards must remain open and be available for use throughout the day if the 'erub is to retain its validity until the termination of the Sabbath. Now since the use of a tree is forbidden on the Sabbath the tree appointed cannot possibly serve as a virtual 'doorway' even according to Rabbi.

(24) And if one is appointed to serve as a ladder access between the courtyards is thereby permitted.

(25) Metaphor. The tree may be a valid 'doorway' that cannot be used on account of a Rabbinical prohibition as an ordinary open door that cannot be used on account of a lion that crouched beside it. As in the latter case, though debarred from the use of the doorway itself, the tenants are nevertheless permitted access to one another through any holes or crevices in the intervening wall so are they permitted in the former case even according to the Rabbis.

(26) If in the last case the ruling is that a tree may be regarded as a proper ladder and valid 'doorway'.

(27) A tree or grove devoted to idol worship from which no benefit may be derived.

(28) Who laid down (supra 31a) that an 'erub deposited on a grove is valid though one may derive no benefit from a grove.

(29) Who, contrary to the view of R. Judah, consider an 'erub on a grove as invalid.

(30) In the case of 'erub of Sabbath limits whose validity is determined at the moment the Sabbath begins.

(31) As his Sabbath abode.

(32) In which it was deposited.

(33) Throughout the Sabbath.

(34) He derives, therefore, no benefit from the grove. The benefit he may seem to derive at twilight, when the 'erub acquires validity, is in fact no benefit in the material sense, since an erub of Sabbath limits is allowed only for the purpose of enabling one to perform a religious act the benefit from which is purely spiritual. In the case of an 'erub of courtyards, however, which does serve the tenants' material benefits, and a doorway between courtyards the benefit of which is enjoyed throughout the Sabbath, R. Judah may well agree that an Asherah as a 'doorway' is invalid.

(35) Since the tenants do not use the Sabbath itself.

(36) By means of which the tenants of both courtyards are enabled to merge their two domains into one.

(37) Cf. supra p. 546, n. 4 mut. mut.

(38) To be assigned as a ladder and to assume the status of a valid doorway.

(39) Cf. prev. n. mut. mut.

(40) Since it is desired to use it for the purpose of relaxing a Sabbath law.

(41) Lit., 'another', one not connected with the Sabbath but with idolatry.

(42) In agreement with R. Hisda's submission.

(43) By Amoras.

(44) From Palestine to Babylon.

(45) To be assigned as a ladder and to assume the status of a valid doorway.

(46) Separating them completely from each other.

(47) On for each courtyard.

(48) Jointly for the two courtyards. A trench of such dimensions is regarded as a complete separation between the two courtyards. One that was narrower than four handbreadths, since it is easy to step across it, is disregarded and the tenants of the two courtyards may join in one 'erub.

(49) Since these were not intended to remain there permanently.

(50) So that there was no substantial break between the courtyards.

(51) Because, by so doing, the tenants of the one courtyard would impose restrictions on those of the other who (cf. prev. n.) 'virtually occupied the same courtyard.

(52) To form a sort of bridge between the courtyards.

(53) The trench.

(54) Belonging to two different owners.

(55) And a board of the width mentioned connected them. [According to Rashi, the two balconies, it appears, were on the same side of the street, v. Strashun, a.l.].

(56) One for each courtyard.

(57) Infra 79a; which proves that straw, though not intended to remain permanently in its position, constitutes nevertheless a valid partition. Why then does it not equally constitute a valid filling?

(58) So long as it remains in its place; as is the case with other movable objects which (cf. supra 15b) constitute a valid

partition.

(59) Sc. to be treated as a part of the ground.

(60) By announcing his intention to leave it permanently in the trench.

(61) The ruling that ONLY ONE 'ERUB MAY BE PREPARED because, obviously, the two courtyards are regarded as one.

(62) Since no qualifying conditions were specified.

(63) To keep the gravel permanently in the trench.

(64) The straw or the gravel,

(65) And the house is regarded as filled in respect of the laws of ohel. (Cf. Ohal. XV, 7 the contents of which is here quoted in a summarized form).

(66) Lit., 'yes'.

Talmud - Mas. Eirubin 79a

but not if he did not expressly do so?¹ — R. Huna replied: Who is it that taught Ohaloth? R. Jose.² But how could it be the view of³ R. Jose seeing that he was heard to give a reverse ruling, for it was taught: R. Jose ruled, straw⁴ that was not likely to be removed⁵ is on a par with ordinary earth⁶ and is deemed to be abandoned; earth⁴ that is likely to be removed is on a par with ordinary stubble⁶ and is not deemed to be abandoned?⁷ — Rather, said R. Assi, who is it that taught 'Erubin'?⁸ It is R. Jose.⁹ R. Huna son of R. Joshua replied:¹⁰ You are pointing out an incongruity between a law concerning levitical uncleanness and one concerning Sabbath; leave alone the restrictions of the Sabbath since on it a person abandons even his purse.¹¹

R. Ashi replied:¹⁰ You are pointing out an incongruity between a ruling concerning a house and one concerning a trench; a trench might well be expected to be filled up,¹² but is a house also expected¹³ to be filled up?¹⁴

IF A BOARD FOUR HANDBREADTHS WIDE WAS PLACED ACROSS IT. Raba explained: This¹⁵ was taught only in the case where it was laid across the width of it¹⁶ but if it was laid lengthwise¹⁷ even a board of the minutest width¹⁸ also suffices,¹⁹ since the width of the trench is thereby reduced to less than four handbreadths.²⁰

AND SO ALSO WHERE TWO BALCONIES WERE OPPOSITE ONE ANOTHER. Raba explained: With reference to what we learned,²¹ AND²² SO ALSO WHERE TWO BALCONIES etc. the ruling²³ applies only to such as are²⁴ opposite each other but not to such as are not opposite each other or to such as are above each other: and even in the case of such as are above each other the ruling²⁵ applies only where there was a distance of three handbreadths between them²⁶ but if there was no such distance between them they may both be regarded as one crooked balcony.

MISHNAH. IF A HEAP OF STRAW BETWEEN TWO COURTYARDS YARDS WAS TEN HANDBREADTHS HIGH,²⁷ TWO 'ERUBS²⁸ MAY BE PREPARED BUT NOT ONE.²⁹ THE TENANTS OF THE ONE COURTYARD MAY FEED THEIR CATTLE AT THEIR SIDE³⁰ AND THOSE OF THE OTHER COURTYARD MAY FEED THEIRS ON THE OTHER SIDE.³¹ IF THE HEIGHT OF THE STRAW HEAP WAS REDUCED³² TO LESS THAN TEN HANDBREADTHS, ONE 'ERUB MAY BE PREPARED³³ BUT NOT TWO.²⁸

GEMARA. R. Huna observed:³⁴ Provided no tenant puts any straw³⁵ into his basket and feeds his cattle.³⁶ It is then permitted to put cattle³⁷ there;³⁸ but did not R. Huna lay down in the name of R. Hanina: A man may put his beast on a stretch of grass³⁹ on the Sabbath day⁴⁰ but not upon mukzeh?⁴¹ — He only stands⁴² near the beast⁴³ which itself goes and eats.⁴⁴

'Provided no tenant puts any straw into his basket'. But was it not taught: If a house⁴⁵ was

between two courtyards and was filled with straw, two 'erubs may be prepared⁴⁶ but not one,⁴⁷ and each tenant may put some straw⁴⁸ into his basket and feed his cattle therewith. If the height of the straw was reduced to less than ten handbreadths, both⁴⁹ are forbidden.⁵⁰ How is one to proceed?⁵¹ One of the tenants locks his house⁵² and renounces his right to his share, and thereby he⁵³ remains under restrictions⁵⁴ but his friend is permitted.⁵⁵ And the same law⁵⁶ applies to a pit⁵⁷ of straw between two Sabbath limits.⁵⁸ At any rate, was it not here stated: 'each' tenant may put some straw into his basket and feed his cattle therewith'?⁵⁹ — I might reply: In the case of a house, since it has⁶⁰ a ceiling, the reduction in the straw is quite noticeable,⁶¹ but here⁶² the diminution is not noticeable.⁶³ 'If the height of the straw was reduced to less than ten handbreadths both are forbidden'. But, it follows, if it was ten handbreadths high this is permitted even though the ceiling was much higher. May it not then be inferred that partitions that do not reach the ceiling are regarded as valid ones?⁶⁴ — Abaye replied: We are here dealing with the case of a house that was thirteen handbreadths minus a fraction in height and that of the straw was ten handbreadths in height.⁶⁵ R. Huna son of R. Joshua, however, replied: It may even refer to a house that was ten handbreadths high

-
- (1) How then is this to be reconciled with the implication of our Mishnah according to which even where a person's intention was not known his gravel is deemed to be abandoned?
 - (2) Whose view differs from that of our Mishnah.
 - (3) Lit., 'if'.
 - (4) With which a house was filled.
 - (5) concerning which it is known that its owner does not require it though he himself made no announcement to this effect.
 - (6) About which its owner's intention is not known at all.
 - (7) Tosef. Ohal. XV; which shows that, according to R. Jose, earth is deemed to be abandoned even if no declaration to this effect has been made by its owner. How then could R. Huna maintain that the Mishnah of Ohal. cited represents R. Jose's view?
 - (8) Sc. the law of 'erub in our Mishnah from which it follows that earth is deemed to be abandoned even where its owner did not declare his intention to leave it in its place.
 - (9) Whose view here is in full agreement with the view he expressed in the last Baraitha cited.
 - (10) To the apparent contradiction between our Mishnah and that of Ohal. (v. supra 78b ad fin.).
 - (11) Because he is forbidden to handle it on that day. For the same reason one is assumed to abandon earth which also may not be moved on that day. Hence the lenient view in our Mishnah in the case of earth and gravel in a trench. As straw and stubble, however, may be handled on the Sabbath, since they are used for feeding the cattle, they cannot be regarded as abandoned unless the owner had explicitly indicated his intention to do so. In the case of levitical uncleanness, however, where the prohibition against the removal of either straw or gravel does not apply, neither can be regarded as abandoned unless the owner has made a definite announcement to that effect.
 - (12) Any earth or gravel in it might consequently be regarded as abandoned even where the owner's intention was not known.
 - (13) Lit., 'stands'.
 - (14) Of course not. Earth or gravel in a house cannot, therefore, be regarded as abandoned unless the owner had specifically expressed his intention to leave it there.
 - (15) That the board must be four handbreadths wide.
 - (16) The trench.
 - (17) He fixed the length of the board to one side of the trench in the form of a ledge so that the length of the board and of the trench run parallel to each other, the length of the former being no less than four handbreadths, the prescribed minimum for the width of a 'doorway'.
 - (18) Provided it was wide enough to reduce the width of the trench on a length of four handbreadths (cf. prev. n.) to less than four handbreadths.
 - (19) To eliminate the trench.
 - (20) And only a trench that is four handbreadths wide (cf. our Mishnah) constitutes a break between two courtyards.
 - (21) So Bah. Cur. edd., 'which thou saidest'.

- (22) The reading that follows is an emendation by Bah. of the reading of cur. edd. Cf. also MS.M.
- (23) That the tenants of the two balconies may join in a single 'erub.
- (24) Lit., 'yes'.
- (25) That the two balconies may not prepare an 'erub jointly.
- (26) The two balconies.
- (27) And running all the length of the junction between the courtyards.
- (28) One for each courtyard.
- (29) For both courtyards, since the heap of straw forms a separation between the one courtyard and the other.
- (30) Lit., 'these may feed from here'.
- (31) Though the straw is thereby diminished and might conceivably be reduced to a height of less than ten handbreadths when the two courtyards would virtually become one and, in consequence of which, the tenants of the one courtyard would impose restrictions upon those of the other. As only a reduction in height that extended along more than ten cubits of the junction would cause the courtyards to be merged into one (since a lesser width might be regarded as a doorway) and as cattle are not likely to eat so much in one day, the possibility mentioned need not be provided against.
- (32) Along all, or ten cubits of the junction.
- (33) For both courtyards, if the reduction took place on a week-day.
- (34) With reference to the ruling that THE TENANTS . . . MAY FEED THEIR CATTLE.
- (35) Which, forming as it does the partition between the . . . courtyards, is mukzeh (v. Glos.).
- (36) The cattle must eat direct from the heap.
- (37) Cf. prev. n.
- (38) Though the straw is mukzeh and there is the possibility of forgetting and picking it up with the hands which is forbidden.
- (39) Lit., 'grasses'.
- (40) And, since a man is careful in the observance of Sabbath prohibitions, there is no need to provide against the possibility of his plucking the grass forgetfully on the Sabbath.
- (41) Shab. 122a. Since the law of mukzeh, being only Rabbinical, is one of a minor character the man might lightly forget it and so pick the mukzeh up with his own hands on the Sabbath, an act which is forbidden. Now since R. Huna forbids the putting of a beast upon mukzeh, how could he, according to his interpretation of our Mishnah, allow a beast to be put immediately in front of the straw heap which is definitely mukzeh?
- (42) In the case spoken of in our Mishnah.
- (43) To prevent it from straying.
- (44) As the man does not stand at the side of his beast no provision was deemed necessary against the possibility of his handling of the mukzeh.
- (45) Into which a house from each courtyard opened.
- (46) One by the tenants of each courtyard, since the straw forms a separation between them.
- (47) For the two courtyards jointly.
- (48) From his side of the straw.
- (49) The tenants of either courtyard.
- (50) To move any objects from their respective houses into their respective courtyards.
- (51) If it is desired to enable at least one of the tenants to use his courtyard.
- (52) That opened into the house between the courtyards.
- (53) Since he renounced his right and his courtyard is no more his.
- (54) He may not move any objects from his house to his courtyard and vice versa.
- (55) Cf. prev. n. mut. mut.
- (56) That (on a festival day) the residents on one side may use the straw from their side and those on the other side may use from the other side.
- (57) Or 'bundles'.
- (58) Of two towns, where half of the pit was within the Sabbath limit of the one town and the other half was within that of the other. The people on either side may use the straw on their side, no preventive measure having been instituted against the possibility of their using the straw from the other side.
- (59) How then could R. Huna maintain that no tenant may put any straw into his basket?
- (60) Cur. edd. in parenthesis, 'walls and'.

(61) Since the lower the straw the bigger the space between it and the ceiling. As its diminution to a height of less than ten handbreadths would be clearly noticeable the use of the straw would cease as soon as that height was reached. Above that height the straw does not serve the purpose of a wall and is not, therefore, subject to the restrictions of mukzeh.

(62) Where the heap is in the open.

(63) And one might erroneously continue to use the straw even after it had been reduced in height to less than ten handbreadths when the restrictions of mukzeh prevent its use. Hence R. Huna's ruling that no straw may be put into a tenant's basket for feeding his cattle.

(64) But is not this contradictory to a ruling (supra 72a) in respect of five companies who kept the Sabbath in the same room.

(65) On the principle of labud the walls are deemed to reach to the ceiling.

Talmud - Mas. Eirubin 79b

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 GROWN-UP 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.
- (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 neighbours 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 favour.
- (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 favour 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.

Talmud - Mas. Eirubin 80a

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 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 neighbourhood 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 neighbourhood 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 neighbours 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 Tanna 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 favour 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 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 Baraita.
- (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.

Talmud - Mas. Eirubin 80b

— 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 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 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 neighbour. 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.
- (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) נתמעט is understood as נתמטמט
- (39) Hence the ruling in our Mishnah and its implication (cf. supra p. 561, n. 18).
- (40) Dealt with in the Baraita 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 Baraita, 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.

Talmud - Mas. Eirubin 81a

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 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 Baraita, 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 neighbour 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 neighbours 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 neighbours 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) שְׂעוּרִים (se'orim) 'barley' is read as שִׁיעוּרִים (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.).

Talmud - Mas. Eirubin 81b

(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 reason?⁷ seeing that the man performed no meshikah? — R. Nahman citing Rabbah b. Abbuha replied: R. Eliezer⁸ treated this case as that of the '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.

(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 ש"ס and the latter by ס"ס.

Talmud - Mas. Eirubin 82a

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?

Talmud - Mas. Eirubin 82b

— R. Joshua Son of R. Idi replied: What R. Assi spoke of was¹ a case, for instance, where the 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 Baraita 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 Baraita?
- (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 = $\frac{1}{3} \times \frac{2}{3} = \frac{2}{9} \text{ kab}$.
- (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 $\frac{2}{3}$ of half a kab, or $\frac{1}{2} \times \frac{2}{3} = \frac{1}{3}$ 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.

Talmud - Mas. Eirubin 83a

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 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.

(16) The Baraita 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.

Talmud - Mas. Eirubin 83b

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 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 = $3/10$ se'ah = $3 \times 6/10$ kab = $3 \times 6 \times 4/10$ log = $36/5 = 7 \frac{1}{5}$ log = (since a log = 6 eggs) $7 \frac{1}{5}$ log and $1 \frac{1}{5}$ of an egg.

- (4) Corresponding to seven log.
- (5) Sc. 1 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'.

Talmud - Mas. Eirubin 84a

was meant the tenants of an upper storey¹ and that the reason why they are described as the 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 other⁵ 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 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.
 - (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.

Talmud - Mas. Eirubin 84b

Come and hear: If two balconies were situated¹ [in positions] higher than each other² and a partition³ was made⁴ for the upper one⁵ 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 come⁸ 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 ten 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.).

Talmud - Mas. Eirubin 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 wall⁵ 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 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 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.

Talmud - Mas. Eirubin 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 they⁷ 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 neighbour'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.

- (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'.

Talmud - Mas. Eirubin 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 truth⁸ that they may preserve him'.

Rabbah b. Bar Hana explained:⁹ The pill of the plough, 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 Karhina has learnt: One must insert the ends of the reeds into the water⁵⁵ 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 honour and respect.
 - (8) Being rich one is able to exercise acts of mercy and truth. According to Rashi **יב** (here rendered 'appoint') signifies 'food' (cf. 'manna' which is the equivalent of the Hebrew **נ**), 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.

Talmud - Mas. Eirubin 86b

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.
- (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.

Talmud - Mas. Eirubin 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 ten 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 furrounded 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 forming 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 neighbourhood 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.

Talmud - Mas. Eirubin 87b

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 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.

(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.

Talmud - Mas. Eirubin 88a

the men of Tiberias¹ are in the same category as the man whose object was that he might 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 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 neighbour, 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.
- (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.

Talmud - Mas. Eirubin 88b

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 in one 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's¹¹ 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. Eliezer 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 of²⁹ R. Eliezer b. Jacob.³⁰ This is conclusive. But since a succeeding clause³¹ represents the view of R. Eliezer y. Jacob³² 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: 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 is as 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 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 spoiled;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 can 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 spoiled;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.
- (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'.

Talmud - Mas. Eirubin 89a

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 It. 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 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 neighbouring 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) Ten 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

ground 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.

(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.

Talmud - Mas. Eirubin 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

-
- (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 neighbours.
- (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.

Talmud - Mas. Eirubin 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 karmelith⁶ and a private domain!’⁷ And 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 roof¹¹ 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. Abale 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] new 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 area,³⁵ 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 cubits’,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 quarrelled'.
- (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.
- (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.

Talmud - Mas. Eirubin 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 it⁶ 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'.

Talmud - Mas. Eirubin 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 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 [neighbouring] 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 another³² 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.

(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 neighbouring 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.

Talmud - Mas. Eirubin 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-t
ese words'.

(46) For each courtyard separately; (the meaning of 'erub in the expression 'for{ot 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 houses 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. p. 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.

Talmud - Mas. Eirubin 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 a wall between two courtyards was 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, 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 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 teaching⁵² 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 Rabbis disciple. R. Hiyya compiled Baraithas, 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.

(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).

Talmud - Mas. Eirubin 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 fully 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 SMALL²² 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.

Talmud - Mas. Eirubin 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 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 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 effect 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 on 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 case the outer karpafs is bigger than two beth se'ah the occupier's field 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

(4f) 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 **קדמו**

(50) **ק"י 12 ק"י 11 ת"פ 644 ק"י זיה**

(51) **מ ק"ה קרפ ק"כ**

(52) **ק"י 7 ק"י 644 ת"פ שרפוד ק"כ**

(53) **ק"י 10 ק"י 644 ת"פ שרפוד ק"כ**

(54) **ק"י 11 ק"י 644 ת"פ שר וד ק"ה**

(55) **ק"י 11 ק"י 644 ת"פ שר וד ק"ה**

(56) **מזד גמש (גקאשקפקר) קרקי דגרש,אם גדום, קי טשד איעוצ ו תיאוד**
קר דמושצקר יאסנ כם זנד קיא קדו גדום, קי כשפרשל יבוי, מ שארקבמו דן ון קב
ייש'קד יאקנ,אם א גקאבזראד

Talmud - Mas. Eirubin 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.

b 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 [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. Hoshai³⁴ 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.
 - (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.

Talmud - Mas. Eirubin 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 Abba⁸ 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 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 a⁵⁰ 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 restrictioss⁵³ 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'.

Talmud - Mas. Eirubin 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

Samuel, however, replied: The breach⁹ 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.

(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.

Talmud - Mas. Eirubin 95a

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 is¹⁹ 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 Ra+ 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 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.

(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.
- (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.

Talmud - Mas. Eirubin 95b

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 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 fulfilment 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.
- (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).

Talmud - Mas. Eirubin 96a

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 from 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.
- (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.

Talmud - Mas. Eirubin 96b

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, Öince 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 ONES³¹ 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 ONES³⁹ 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 fulfilment 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 Baraitha 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.

Talmud - Mas. Eirubin 97a

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 Master⁵ 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 agree⁸ 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 of tefillin²⁰ 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? purely 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 [he 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) צבתים.
- (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 Baraita 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.
- (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.

Talmud - Mas. Eirubin 97b

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 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) Bezah 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) Bezah 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) Bezah 39a.
 - (29) Which, like the water, is a liquid. Much less than 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 honour 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.

Talmud - Mas. Eirubin 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 it⁷ 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 might 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 reading⁵⁷ 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 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 [he 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.

Talmud - Mas. Eirubin 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 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. Hinena³⁹ 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.
 - (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.

Talmud - Mas. Eirubin 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?

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 impulsion?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.

(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'.

Talmud - Mas. Eirubin 99b

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 withn²² 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 this 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 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'.
- (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 dealt 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.

Talmud - Mas. Eirubin 100a

— 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. 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 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 came 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 both 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.
- (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.

Talmud - Mas. Eirubin 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 fruit⁸ 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. 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 hot 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. Johanan:²⁸ 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 will 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 neighbourhood 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.).
- (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'.

Talmud - Mas. Eirubin 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 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 plough 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).
- (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.

Talmud - Mas. Eirubin 101b

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-house⁵ on their inner side, may be opened and closed from within;⁶ 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 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) and 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.l. 'to the threshold'.
 - (24) Of course not.
 - (25) On a level with the top of the lock.
 - (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'.

Talmud - Mas. Eirubin 102a

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 it⁶ 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 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 mat⁵⁷ 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) I-. 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.

(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.
- (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'.

Talmud - Mas. Eirubin 102b

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 Baraita 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.
- (32) For the reason cf. Beza 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 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.

Talmud - Mas. Eirubin 103a

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 pin⁵ 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 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.

Rab⁷⁸ 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'.
- (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 hack 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. Safra.
- (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 use of an instrument is forbidden. Where, however, no change is possible, even one of the main classes of forbidden work supersedes the Sabbath.

Talmud - Mas. Eiruvim 103b

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 effect 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 he 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.
- (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.

Talmud - Mas. Eirubin 104a

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, 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 him:⁵⁶ 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 'levelling' 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'.
- (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.

Talmud - Mas. Eirubin 104b

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, what⁵ 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 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 UNCLEANNESSTHERE ANY LONGER THAN IS NECESSARY; SO R. JOHANAN B. BEROKA. R. JUDAH RULED: [IT SHOULD BE REMOVED] WITH WOODEN TONGS¹⁴ IN ORDER THAT THE UNCLEANNESSTHALL 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

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. 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 unsusceptible 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.
- (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.

Talmud - Mas. Eirubin 105a

— 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 over⁸ 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 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

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.).