

The Soncino Babylonian Talmud



ERUVIN

Book II

Folios 27a-52b

TRANSLATED INTO ENGLISH
WITH NOTES
CHAPTERS III - IV

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Eruvin 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

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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) שמחה. V. Deut. XVI, II, 14, where women are specifically mentioned.
- (10) הקהל, 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. תאכל א.ל.
- (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?

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That¹ refers only to a case² where oil was mixed with³ them.⁴ Said Abaye to him: [In that case]⁵ might not the rulings⁶ be obvious⁷ on account of the oil?⁸ The rulings⁶ was necessary in that case only where one covered the cost of the water and the salt by paying

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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

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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.

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- (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 Baraithas.
(51) V. Gen. I. 20f.

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'If a man ate an eel¹ he [technically] incurs² floggings³ 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

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[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) פּוּשְׁתִּיָּה; ‘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.

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(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?

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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 [honoring] 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 susceptible 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

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are exempt²⁷ 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 then, 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 greens⁵¹ 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 greens⁵¹ beans. And what must be its quantity? —

R. Yehiel replied: A handful.⁴⁹

R. Hamnuna ruled: An ‘erub may be prepared from raw beet.⁵³ But this is not so,

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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) *ניסוקי*, lit., 'given up' (rt. *נסק* 'to be removed'). Var. lec., *ניסני* '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 said 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) *שינוא* 'keen witted' (rt. *שנן* 'to sharpen'), 'long toothed' (*שן*, '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) *אזילתא* (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. *לקריית* B.M. 85a.
- (51) Lit., 'moist'
- (52) Lit., 'It was not in his hand'.
- (53) *תרדום*, 'bletum'. Aliter: Tomatoes.
- (54) *חייא*, 'living' also signifies 'raw' or 'healthy'.
- (55) Unwholesome food, surely, would not be allowed to be used for an 'erub.

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That¹ [refers to beet] that was only partially cooked.² There are [others] who read: R. Hamnuna ruled: No 'erub may be prepared from raw beet, for R. Hisda stated: 'Raw beet

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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 Said 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 foods⁸ 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 — But 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

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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]’. Said 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) **הזני פרס**. 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.

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- (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 Baraitha 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 tab'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 Baraitha.
(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 Baraitha 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',

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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 logs 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 .

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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. Said 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 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 ladlesful. 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

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susceptible to uncleanness even in the case] of the rich

- (1) Lit., 'we have not (any objection) against it'
- (2) שיכרא, 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. מפני 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 and erub.

(39) For all 'erub'.

(40) A dish made of the Hour of roasted cars 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) וזהוהניא, so MS.M. and marg. note. Cur. edd. והתגן.

(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.

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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 him³ [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

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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 create 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: '[I 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

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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

Said 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 favor 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

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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) מוֹזוֹן, sc. R. Joseph (v. Hor. 14a, Sonc. ed., p. 105, n. 3).

(23) Since our Mishnah excludes only WATER AND SALT.

(24) מוֹזוֹן a foodstuff that both nourishes and sustains (v. Rashi s.v. בְּאוֹמֵר a.l.).

(25) מוֹזוֹן pl. of מוֹזוֹן.

(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) הֵזִין, rt. זִין '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., 'I'.

(31) גִּינְסָרֵת Gennesareth, Heb. כְּנֶרֶת, 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.

Eruvin 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 principles⁹ of 'erub unless the man takes out thither¹⁰ 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

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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 naziriteship?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 Mishnah³⁶ 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,

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- (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 Baraitha 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) חביריים, '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 Baraitha 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 plowed, 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

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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'.

Eruvin 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 edgewise.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 can 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.

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(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. **דִּיכִי** 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) **אחוריה** MS.M. and marg. note on Rashi a.l. (Cur. edd. **אחוריה**, '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. **לִמְאִי** 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.

(31) V. Glos.

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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]

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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

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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, ire 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) תרומת 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. כל before תרומת 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 threshold. Why should the former only be exempt from terumah gedolah?

(17) אידגן denom. of דגן '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 threshold 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) אטימון, Gr. **

(33) וצרת v. infra n. 7.

(34) Deut. XIV, 25.

(35) Lit., 'silver which has on it a figure'. צורה 'figure' is analogous in form to וצרת (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 חרש (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.

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Eruvin 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 gonorroea¹⁶ 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

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not allow any unprepared things⁵⁸ 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) עמר (lit., ‘sheaf’ or ‘a measure containing the tenth part of an ephah’) the offering of barley of the first fruits 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,

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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, therefore, 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) טבליה 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’.

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 IT⁵ 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

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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

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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 of ten 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 כחך 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) עיבורה (rt. עבר '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 neighboring 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

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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).

Eruvin 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) למעלה and למטה. 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 attitude 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).

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(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.

Eruvin 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

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this rather that he⁷ meant: [If the poles was ten [handbreadths] high it is necessary⁹ that at its top it shall be four [handbreadths wide],¹⁰ but if it was not tell [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 anyone 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.).

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(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. מתיב 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.

Eruvin 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.

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(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 Baraitha 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 can 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.)

Eruvin 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 measure 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

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[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- [Baraita] 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 Baraitas] 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

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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 Baraita 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)

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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).

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[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 plow,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

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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.

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(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 Baraitha 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.

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(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

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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

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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 favor 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 favor 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

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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.

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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 tertmah²⁷ 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

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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 tomorrow' 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], 'Today 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 favor 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.

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- (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) לגין, a small can.
- (54) טבול יום, 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.

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(62) Of the Sabbath eve, sc. at the beginning of twilight. Lit., ‘the end of the day acquires the ‘erub’.

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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 lagan 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 PREFERENCES.

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 lagan 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

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twilight, at which time the contents of the lag in were still tebel of the first tithe 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 lagin 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 favors.
- (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. שמע ישראל '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.

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(41) Cf. Tosaf. s.v. **הנה** 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 tithing the buyer must himself set these aside before he can be permitted to drink any of the wine.

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he may¹ say: ‘Two log² which I am about to set aside³ are terumah, ten⁴ are first tithing and nine⁴ are second tithing’, 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 tithing.

(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 tithing, 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) **הנה**, 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.

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except at the time they are purchased by their owner¹ or when the priest prepares

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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-arez 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 Baraitha 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

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assertion here also, whether there was rain that day or not, be null 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 'first fruit' 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 "first fruit" 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) גלוסקא, 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

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‘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 first fruit... 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 it 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.

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(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'.

Eruvin 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

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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) MS.M. לא לא? 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,

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(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.

Eruvin 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 'lugin'?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

ERUVIN – 27a-52b

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 הללו 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) Bezah 4a; apparently because he regards both days as one entity.

(23) I.e., Friday, the 'sixth' of the weekdays.

(24) Ex.XVI, 5.

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(25) Bezah 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.

Eruvin 39a

no man shall¹ walk about² the gate of a province in order that he might enter a bath houses³ 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

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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?

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(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', מנחה 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.

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And the Rabbis?¹ — There [the reason for the observance]² is 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

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[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 גלויות. 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

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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 days.

(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.

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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 odor 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

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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 Baraitha 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

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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.

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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 inclusions 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

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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.

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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' (יעלה 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

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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. לית a.l.).

(50) Lit, 'to he 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. 'Yeba' (v. Rashi s.v. ָבָה and She'iltot, 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.

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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

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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)'.

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- (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.

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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. Hunas 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 statements⁸ 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 statements⁹ 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 GENTILES,¹⁰ 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

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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 persons 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 limits⁵³

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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 harbor.

(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 honor 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

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word' דבר 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.

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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 here 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

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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 Baraitha 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 favor 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.

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(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.

Eruvin 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

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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 Baraita?
- (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.

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(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.

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 move 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

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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

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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. Hoshai 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

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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.

Eruvin 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

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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 depth 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.

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(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.

Eruvin 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 walls 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 Baraitha 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.

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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 Baraitha.
- (41) That the prohibition refers to a third wall.

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(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).

Eruvin 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,

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- (1) In the former Baraitha 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 Baraitha 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. וראית 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.

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(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.

Eruvin 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 Masters⁸ 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

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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 threshing floors’ 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 herdsman 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.

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(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 favor 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.

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(53) At the time the Sabbath had set in.

(54) He is in consequence entitled to move from the spot where he sit 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.

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

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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

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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

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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.

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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 —

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‘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

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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. ed., '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. לטמון 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.

Eruvin 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

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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 favor],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.

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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 be 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) נטין (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.

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(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’.

Eruvin 47a

Three courtyards each of which contained two houses’;¹ in connection with which R. Hama b. Gorias 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. Gorias 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

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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 mourning⁴⁴; 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.

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- (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'. מַסֵּךְ 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 rules 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) רָדַף partic. pass of רָדַף '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 case 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).

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(65) Beth ha-Peras, a field in which a grave has been plowed and every part of which becomes in consequence the possible repository of a fraction of a human bone which conveys defilement, v. supra 26b.

Eruvin 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 Baraitha 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 Mabrakta²⁶ and Raba permitted the inhabitants of Mahuza²⁷ to purchase them.²⁸ Said Rabina to Raba: What

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[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.

Eruvin 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,]

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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

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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 Baraitha 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) **אמה** 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

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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.

Eruvin 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 — Its 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

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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 favor 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.

Eruvin 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

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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

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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. פא 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 Baraitha 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 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' (ערוב rt. ערב '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.

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(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.

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. Goria 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

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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) קמר גמל, 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

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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.

Eruvin 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 where 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.

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(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.

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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 houses⁵ 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

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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.

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(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 with, 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

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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.

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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 way 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

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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 ‘flight’ (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) חוץ 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.

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(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. הרי"א 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.

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[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

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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 limits³¹ 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;⁴¹ 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 dear 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 favor 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

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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.

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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 persons he is entitled to move within

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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

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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) חמור גמול (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 tomorrow', reading וְאִיזֵל for וְאִיזֵל (cf. Golds.).

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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

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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. רגליך

(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) רגליך dual. The pausal form רגלך (from רגליך) 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 רגליך 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 Baraita 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) מַעְבְּרִין, 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.

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- (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.