

JUDAISM

The Talmud

Eruvin

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Chapter 1

¹ MISHNA: If an alleyway is enclosed on three sides with courtyards opening into it from three sides, and the fourth side opens into a public domain, it is prohibited by rabbinic law to carry objects in it on Shabbat. However, carrying in an alleyway under those circumstances is permitted if a cross beam is placed horizontally over the entrance to the alleyway. The mishna teaches that if the cross beam spans the entrance to an alleyway at a height above twenty cubits, one must diminish the height of the cross beam so that it is less than twenty cubits. Rabbi Yehuda says: He need not diminish it, since the cross beam enables one to carry in the alleyway even at that height.

² If the entrance to the alleyway is wider than ten cubits, one must diminish its width. However, if the entrance to the alleyway has the form of a doorway, i.e., two vertical posts on the two sides, and a horizontal beam spanning the space between them, even if it is wider than ten cubits, he need not diminish it, as it is then regarded as an entrance, rather than a breach, even if it is very wide.

³ GEMARA: We learned in a mishna there, in tractate Sukka: A sukka that is more than twenty cubits high is unfit, and Rabbi Yehuda deems it fit. The halakhot are similar in substance but differ in formulation, and accordingly the Gemara asks: What is the difference that with regard to a sukka the mishna teaches that it is unfit, whereas with regard to an alleyway, it teaches the method of rectification, that one must diminish the height of the cross beam?

⁴ The Gemara answers: With regard to sukka, since it is a mitzva by Torah law, the mishna teaches that it is unfit, as if it is not constructed in the proper manner, no mitzva is fulfilled. Whereas with regard to an alleyway, where the entire prohibition of carrying is only by rabbinic law, the mishna teaches the method of rectification, as the cross beam comes only to rectify a rabbinic prohibition, but does not involve a mitzva by Torah law.

⁵ The Gemara suggests an alternative explanation: And if you wish, say instead that even with regard to matters prohibited by Torah law, it would have been appropriate for the mishna to teach a method of rectification. However, with regard to sukka, whose matters are numerous, it categorically teaches that it is unfit. Merely diminishing the height of a sukka is insufficient to render it fit; it must also satisfy requirements governing its size, its walls, and its roofing. Teaching the remedy for each disqualification would have required lengthy elaboration. With regard to an alleyway, however, whose matters are not numerous, the mishna teaches the method of rectification. Once the height is diminished, it is permitted to carry in the alleyway.

⁶ Rav Yehuda said that Rav said: The Rabbis only derived this halakha, that an opening more than twenty cubits high is not considered an entrance, from the doorway of the Sanctuary, the inner sanctum of the Temple. And Rabbi Yehuda only derived his opinion, that even an opening more than twenty cubits high is considered an entrance, from the doorway of the Entrance Hall leading into the Sanctuary.

⁷ As we learned in a mishna: The doorway of the Sanctuary is twenty cubits high and ten cubits wide, and that of the Entrance Hall is forty cubits high and twenty cubits wide.

⁸ The Gemara explains the basis of this tannaitic dispute. Both of them, the Rabbis and Rabbi Yehuda, interpreted the same verse homiletically: “And he shall lay his hand upon the head of his offering and slaughter it at the doorway of the Tent of Meeting, and Aaron’s sons, the priests, shall sprinkle the blood on the altar round about” (Leviticus 3:2). As the Rabbis hold that the sanctity of the Sanctuary is discrete and the sanctity of the Entrance Hall is discrete, i.e., the Sanctuary and the Entrance Hall have distinct levels of sanctity. And since the essence of the Temple is the Sanctuary and not the Entrance Hall, and since the Sanctuary in the Temple parallels the Tent of Meeting in the Tabernacle, when the verse speaks of the doorway of the Tent of Meeting, it is referring to the doorway of the Sanctuary. Therefore, the term doorway applies to an opening similar to the doorway of the Sanctuary, which is twenty cubits high. There is no source indicating that an opening with larger dimensions is also considered a doorway.

⁹ And Rabbi Yehuda holds that the Sanctuary and the Entrance Hall are one, equal, sanctity, and therefore, when it is written: “The doorway of the Tent of Meeting,” it is referring to both of them, and accordingly, the term doorway applies to a larger entrance as well.

¹⁰ The Gemara suggests an alternative understanding of the dispute. And if you wish, say instead that even according to Rabbi Yehuda, the sanctity of the Sanctuary is discrete and the sanctity of the Entrance Hall is discrete. And here, this is the reasoning of Rabbi Yehuda: By fusing together language from different verses, the result is as it is written: To the doorway of the Entrance Hall of the House. Therefore, even the doorway of the Entrance Hall is referred to in the Torah as a doorway, and the same is true of any opening with comparable dimensions.

¹¹ And the Rabbis say: Had the verse written: “To the doorway of the Entrance Hall,” it would be interpreted as you said. However, now that it is written: “To the doorway of the Entrance Hall of the House,” it is to be understood: To the doorway of the House that opens into the Entrance Hall, i.e., the Sanctuary, and consequently, the definition of doorway is derived from the dimensions of the doorway of the Sanctuary.

¹² The Gemara raises a difficulty with the very basis of this explanation: But when this is written: “The doorway of the Tent of Meeting,” isn’t it written with regard to the Tabernacle in the wilderness? How can the status in the permanent Sanctuary, i.e., the Temple in Jerusalem, be derived from matters stated with regard to the Tabernacle?

¹³ The Gemara answers: We find that the Tabernacle is called Temple, and that the Temple is called Tabernacle; therefore, the halakhot that govern one can be derived from the other. As if you do not say so, that the Tabernacle and the Temple are one with regard to their halakhot, that which Rav Yehuda said that Shmuel said: Peace-offerings that were slaughtered in the Temple prior to the opening of the doors of the Sanctuary in the morning are disqualified would be difficult. That halakha is derived as it is stated: “And he shall slaughter it at the doorway [petah] of the Tent of Meeting,” from which it is derived: When the doors to the Tent of Meeting are open [petuhin], and not when they are closed. But when this is written: The doorway of the Tent of Meeting, isn’t it written with regard to the Tabernacle? Rather, for halakhic purposes, we find the Temple called Tabernacle, and the Tabernacle called Temple.

¹⁴ The Gemara questions its previous conclusion: Granted, the Temple is called Tabernacle, as it is written: “And I will set My Tabernacle among you” (Leviticus 26:11), and the reference is to the permanent Sanctuary, i.e., the Temple, as the verse is referring to that which will transpire after the Jewish people settle in their land. However, the fact that the Tabernacle is called Temple, from where do we derive it? The Gemara answers: If you say that it is derived from that which is written: “And the Kehatites, the bearers of the Temple, set forward, that they may set up the Tabernacle before they came” (Numbers 10:21),

¹⁵ that instance of the term Temple is not written with regard to the Tabernacle; rather, it is written with regard to the ark and the other sacred objects in the Tabernacle, as the sons of Kehat carried only the sacred vessels and not the Tabernacle itself. Rather, it is derived from here: “And let them make Me a Temple that I may dwell among them” (Exodus 25:8), where the reference is to the Tabernacle.

¹⁶ The Gemara asks: Both according to the opinion of the Rabbis and according to the opinion of Rabbi Yehuda, let them derive the maximum width of a doorway from the doorway of the gate of the courtyard of the Tabernacle. As it is written: “The length of the courtyard shall be one hundred cubits and the breadth fifty everywhere, and the height five cubits” (Exodus 27:18). And it is written: “The hangings on one side of the gate shall be fifteen cubits; their pillars three and their sockets three” (Exodus 27:14). And it is written: “And for the other side of the court gate, on this hand and on that hand, were hangings of fifteen cubits; their pillars three and their sockets three” (Exodus 38:15). If the hangings on both sides of the gate covered thirty of the courtyard’s total width of fifty cubits, apparently, the gate of the courtyard was twenty cubits wide and five cubits high. Therefore, just as there, with regard to the Tabernacle, an entrance five cubits high by twenty cubits wide is considered a doorway, so too here, with regard to the halakhot of eiruv, an entrance five cubits high by twenty cubits wide should be considered a doorway.

¹⁷ The Gemara rejects this assertion: There is no proof from there, as that entrance is called the doorway of the gate of the courtyard, but it is not called a doorway, unmodified. Consequently, the dimensions of a doorway mentioned without qualification cannot be derived from that doorway.

¹⁸ The Gemara offers an alternative answer: And if you wish, say instead that when it is written: “The hangings on one side of the gate shall be fifteen cubits,” it is referring to the height of the hangings. The width of the hangings, however, is not specified in the Torah at all, and therefore the width of the doorway of the gate of the courtyard is unknown.

¹⁹ The Gemara raises an objection: Could it be that the height of the hangings was fifteen cubits? Isn’t it written explicitly in the verse: “And the height five cubits”? The Gemara answers: The verse is stating that the height of the hangings was five cubits, measured from the edge of the altar and above. The altar itself was ten cubits high, while the hangings of the courtyard were fifteen cubits high, five cubits higher than the altar.

²⁰ The Gemara asks: Did Rabbi Yehuda actually derive his opinion from the doorway of the Entrance Hall? But didn’t we learn in the mishna that if the entrance to an alleyway is wider than ten cubits, one must diminish its width? And Rabbi Yehuda does not dispute this ruling. Wasn’t the doorway of the Entrance Hall wider than ten cubits?

²¹ Abaye said: In fact, Rabbi Yehuda disagrees with the unattributed opinion of the first tanna in a baraita. As it was taught in a baraita: If the entrance to an alleyway is wider than ten cubits, he must diminish its width; Rabbi Yehuda disagrees and says: He need not diminish it.

²² The Gemara asks further: If so, let him disagree in the mishna. Why is Rabbi Yehuda's dispute cited only in the baraita, and not in the mishna? The Gemara answers: Rabbi Yehuda disagrees in the mishna with regard to an entrance's height, but the same applies to its width. His statement: He need not reduce it, is referring both to the entrance's height and to its width.

²³ The Gemara poses a question: And still, is it possible that Rabbi Yehuda derived his opinion from the doorway of the Entrance Hall? Wasn't it taught in a baraita: With regard to a cross beam spanning the entrance to an alleyway that is higher than twenty cubits, one must diminish its height; and Rabbi Yehuda deems it fit up to forty and fifty cubits. And in a different baraita, bar Kappara taught the opinion of Rabbi Yehuda: It is fit up to a hundred cubits.

²⁴ The Gemara clarifies its question: Granted, according to bar Kappara, the phrase: Up to a hundred, can be understood as an exaggeration, not as an exact number. All that Rabbi Yehuda meant to say is that it is permitted to carry in the alleyway even if the cross beam is significantly higher than twenty cubits. However, according to the opinion of Rav Yehuda in the name of Rav, what exaggeration is there? He certainly meant precisely what he said. Granted, with regard to forty cubits, Rabbi Yehuda derived it from the doorway of the Entrance Hall. However, with regard to fifty cubits, from where does he derive it? Apparently, Rabbi Yehuda did not derive the dimensions of an entrance from the doorway of the Entrance Hall. He derived them from a different source.

²⁵ Rav Ḥisda said: It was this baraita that misled Rav and led him to explain that Rabbi Yehuda derived the measurements of an entrance from the doorway of the Entrance Hall. As it was taught in a baraita: With regard to a cross beam spanning the entrance to an alleyway that is higher than twenty cubits, higher than the doorway of the Sanctuary, one must diminish its height. Rav maintains: From the fact that the Rabbis derived the dimensions of an entrance from the doorway of the Sanctuary, Rabbi Yehuda must have derived those dimensions from the doorway of the Entrance Hall. But that is not so. Rather, Rabbi Yehuda derived the dimensions of an entrance from the entrance of kings, whose regular practice was to erect their entrances exceedingly high and wide.

²⁶ The Gemara asks: And, according to the Rabbis, if they derived their opinion from the doorway of the Sanctuary, let them require doors in order to render an alleyway fit for one to carry within it, just as there were doors in the Sanctuary. Why then did we learn in the mishna: With regard to the method of rendering an alleyway fit for carrying within it, Beit Shammai say: Both a side post placed adjacent to one of the sides of the alleyway's entrance and a cross beam over the entrance to the alleyway are required. And Beit Hillel say: Either a side post or a cross beam is sufficient. However, not even according to the more stringent opinion of Beit Shammai are doors required.

²⁷ The Gemara answers: The Sanctuary doors were made solely for the purpose of privacy, but served no practical function. The doorway of the Sanctuary did not require doors to be considered an entrance. It was a full-fledged entrance even without them.

²⁸ The Gemara raises another question: But if so, that the Rabbis derive their opinion from the entrance to the Sanctuary, the form of a doorway, i.e., two vertical posts on the two sides, with a horizontal cross beam spanning the space between them, should not be effective if the alleyway is more than ten cubits wide, as the Sanctuary had the form of a doorway, and even so, it was no more

than ten cubits wide. Why then did we learn in the mishna: If the entrance has the form of a doorway, then even if it is wider than ten cubits, he need not diminish its width?

²⁹ The Gemara answers: As that is the reason only according to Rav, who holds that the Rabbis derive their opinion from the doorway of the Sanctuary. Didn't Rav Yehuda teach this mishna to Ḥiyya bar Rav before Rav, saying that if the entrance had the form of a doorway he need not diminish it, and Rav said to him to teach a different version: He must diminish it. Apparently, according to Rav himself, the form of a doorway does not render it permitted to carry within the alleyway if its entrance is wider than the doorway of the Sanctuary, and therefore the question about the form of a doorway poses no difficulty to his opinion.

³⁰ The Gemara raises an additional difficulty: However, if that is so,

³¹ a molded or protruding cornice [amaltera] crowning the entrance should not be effective in rendering an alleyway fit to carry within it if it is higher than twenty cubits, as the Sanctuary had a cornice, and even so it was twenty cubits high, and no more. As we learned in a mishna: Over it were five oak cornices, one protruding above the other.

³² The Gemara attempts to dismiss this difficulty: And, with regard to that mishna, what is the refutation? Perhaps when that mishna with regard to cornices was taught, it was taught with regard to the Entrance Hall, whose height was forty cubits, and not with regard to the Sanctuary.

³³ The Gemara responds: And what is the difficulty with that? Perhaps the design of the Sanctuary was like the design of the Entrance Hall. Just as there were cornices in one doorway, there were cornices in the other.

³⁴ The Gemara returns to its question with regard to a cornice: Why then did Rabbi Ile'a say that Rav himself said: If the width of a cross beam is four handbreadths, even if it is not sturdy, it renders the alleyway fit for carrying within it. And if it has a cornice, even if it is higher than twenty cubits, one need not diminish its height.

³⁵ Rav Yosef said: This halakha with regard to a cornice was not actually stated by Rav, but rather it is a baraita. Who, in fact, teaches that baraita? Perhaps it is not an authoritative baraita, and Rav does not have to accept what it says.

³⁶ Abaye said: Isn't it Ḥama, son of Rabba bar Avuh, who teaches it? And therefore, even if the halakha with regard to a cornice will be a baraita, it nevertheless poses a difficulty to Rav.

³⁷ Rav could have said to you: Even if you eliminate me and my explanation from the discussion here, don't the two baraitot themselves, the baraita that states that the Rabbis derive the dimensions of an entrance from the doorway of the Sanctuary and the baraita that states that in the case of a cornice, even if it is higher than twenty cubits, it need not be lowered, contradict each other? Rather, what have you to say to reconcile the contradiction? The matter is the subject of a dispute between tanna'im; so too, according to my opinion, it is the subject of a dispute between tanna'im.

³⁸ Rav Naḥman bar Yitzḥak said: Without Rav, the baraitot do not contradict each other, as according to the Rabbis, what is the reason that a cross beam renders an alleyway fit for carrying? Because it serves as a conspicuous marker between the alleyway and the public domain. Ordinarily a cross beam more than twenty cubits high is not noticeable; however, a cornice attracts attention even at that height. And that which is taught in the other baraita with regard to the height of a beam at the

entrance to an alleyway: Greater than the entrance of the Sanctuary, is merely a mnemonic device. No actual halakhot are derived from the entrance of the Sanctuary.

³⁹ The Gemara notes: And that the explanation of Rav Naḥman bar Yitzḥak works out well if he does not hold this opinion of Rabba; however, if he holds this opinion of Rabba, it is difficult. As Rabba said with regard to the fitness of a sukka whose roofing is higher than twenty cubits that it is written: “In order that your generations should know that I made the children of Israel dwell in booths when I brought them out of the land of Egypt; I am the Lord your God” (Leviticus 23:43). When the roofing of a sukka is up to twenty cubits high, a person is aware that he is dwelling in a sukka; however, when the roofing of the sukka is above twenty cubits, a person is not aware that he is dwelling in a sukka, because the eye does not discern the sukka roofing. One does not usually raise his head to look that high, and consequently, he sees the walls and does not notice the defining feature of the sukka, its roofing.

⁴⁰ The Gemara explains the difficulty: Apparently, with regard to sukka as well, the Rabbis and Rabbi Yehuda disagree whether or not an item more than twenty cubits high is conspicuous. According to Rav Naḥman bar Yitzḥak, why do I need them to disagree about the same point in two cases, that of sukka and that of an alleyway? That the dispute between the Rabbis and Rabbi Yehuda with regard to sukka revolves around this issue indicates that their dispute with regard to an alleyway revolves around a different point, as asserted by Rav.

⁴¹ The Gemara answers: It is necessary to teach both disputes, as had the mishna taught us only with regard to sukka, one might have thought that only in this case does Rabbi Yehuda say that an object is conspicuous even above twenty cubits; since a sukka is designed for extended dwelling, the eye undoubtedly discerns the roofing at some point. However, in the case of an alleyway, which is designed for walking, say that he concedes to the Rabbis that a person walking in an alleyway does not notice objects at so significant a height. And had the mishna taught us only with regard to that case of an alleyway, one might have thought that only in that case do the Rabbis say that people do not notice objects at so significant a height; however, in that case of sukka, say that they concede to Rabbi Yehuda, for the above-stated reason. Therefore, it is necessary to teach both disputes.

⁴² The Gemara seeks to arrive at a precise definition of *amaltera*, translated above as cornice. What is an *amaltera*? Rav Ḥama, son of Rabba bar Avuh, said: It refers to decorative wood carvings in the shape of birds’ nests. When Rav Dimi came from Eretz Yisrael to Babylonia, he said that they say in the West, Eretz Yisrael, it is referring to cedar poles.

⁴³ The Gemara explains: The one who said that *amaltera* refers to cedar poles would all the more so permit use of carvings of birds’ nests, as a cross beam engraved with images attracts attention and is noticeable even at a great height. However, the one who said that *amaltera* refers to carvings of birds’ nests would say that the halakha with regard to a cornice applies only to them, but not to cedar poles.

⁴⁴ The Gemara clarifies the opinion of the one who said cedar poles. What is the reason for his opinion? He holds that since its length is great, a cedar pole attracts attention. But isn’t the length of a sukka great as well, and nevertheless, the Rabbis say that a sukka higher than twenty cubits is not fit?

⁴⁵ Rather, the reason is as follows: Since a cedar pole is of significant value, it generates publicity. People passing through an alleyway stop and stare at a cross beam of that kind, even when it is higher than twenty cubits, leading others to do so as well.

⁴⁶ The Gemara raises a question: If part of the cross beam of an alleyway is within twenty cubits of the ground, and part of the cross beam is above twenty cubits, and similarly, if part of the roofing of a sukka is within twenty cubits, and part of the roofing is above twenty cubits, what is its legal status? Rabba said: In the case of an alleyway, it is fit; in the case of a sukka, it is unfit.

⁴⁷ The Gemara asks: What is different in the case of an alleyway that the ruling is that it is fit? It is because we say: Thin the part of the cross beam that is beyond twenty cubits, i.e., consider it as if it were not there. If so, in the case of sukka too, say: Thin the roofing that is beyond twenty cubits.

⁴⁸ The Gemara answers: If you thin the roofing beyond twenty cubits, it will result in a sukka whose sun is more than its shade. Were the section of the roofing above twenty cubits removed, the roofing that remained would not provide sufficient shade for the sukka.

⁴⁹ The Gemara rejects this argument: Here too, in the case of a cross beam, if you thin the section above twenty cubits, it would become a weak and unstable cross beam that is removed by the wind, which does not render the alleyway fit for carrying within it. Rather, perforce, the status of the remaining parts of those cross beams becomes like that of metal skewers [shefudin], which, although they are thin, are not removed by the wind. Here too, in the case of a sukka, perforce, even after the upper roofing is removed, the status of the sukka becomes like that of a sukka whose shade is more than its sun.

⁵⁰ The Gemara explains Rabba's distinction differently. Rava from Parzakya said: A sukka, which is generally erected for an individual, if the portion of the roofing below twenty were removed and only the portion above twenty remained, he would not be reminded to lower the remaining roofing and would dwell in a sukka that is unfit. An alleyway, in contrast, which is used by many people, if the section of the cross beam below twenty cubits were removed, they would remind each other to remedy the situation.

⁵¹ Ravina said a different explanation: With regard to a sukka, since its mitzva is by Torah law, the Sages were stringent. However, with regard to an alleyway, since the entire requirement to place a cross beam across the entrance in order to permit carrying in an alleyway is only by rabbinic law, the Sages were not stringent.

⁵² The Gemara cites a different version of Rabba's distinction: Rav Adda bar Mattana taught this halakha of Rabba in the opposite manner. Rabba said: In the case of an alleyway, it is unfit; in the case of a sukka, it is fit. As a result, all the previous explanations must be reversed.

⁵³ The Gemara asks: What is different in the case of a sukka that it is fit? Because we say: Thin the roofing that is beyond twenty cubits. If so, then in the case of a cross beam as well, let us say: Thin the part of the cross beam that is beyond twenty cubits.

⁵⁴ The Gemara answers: If you thin the part beyond twenty cubits, it will become a weak and unstable cross beam that moves in the wind. The Gemara rejects this argument: Here too, in the case of a sukka, if you thin the upper section of the roofing, it would become a sukka whose sun is more than its shade. Rather, perforce, even after the upper roofing is removed, the status of the sukka becomes like that of a sukka whose shade is more than its sun; here too, in the case of an alleyway, perforce, the status of the remaining parts of those cross beams becomes like that of metal skewers, which, although they are thin, do not move in the wind.

⁵⁵ The Gemara offers a different explanation of Rabba's distinction: Rava from Parzakya said: In the case of a sukka, which is generally erected for an individual, he casts responsibility upon himself and is reminded to make certain that the roofing is fit. In the case of an alleyway, which is used by many people, they are likely to rely upon each other and are not reminded to check the height of the cross beam. As people say: A pot belonging to partners is neither hot nor cold. When responsibility falls upon more than one person, each relies on the other, and ultimately the task is not completed.

⁵⁶ Ravina offered a different explanation and said: The mitzva of sukka, which is by Torah law, does not require reinforcement by the Sages, and consequently, they were lenient in that case. However, since the entire requirement to place a cross beam across the entrance to an alleyway is by rabbinic law, it requires reinforcement, and therefore the Sages were stringent.

⁵⁷ Since there are two contradictory versions of Rabba's statement, the Gemara inquires: What practical conclusion was reached about this problem, if part of the roofing of the sukka or the cross beam was above twenty cubits? Rabba bar Rav Ulla said: In that case, both this, an alleyway, and that, a sukka, are unfit. Rava said: Both this and that are fit,

⁵⁸ as that which we learned in the mishna, with regard to the unfitness of a sukka higher than twenty cubits, is referring to the interior space of the sukka; and that which we learned in the mishna, that a cross beam spanning an alleyway that is more than twenty cubits must be lowered, is referring to the space at the entrance of the alleyway beneath the cross beam.

⁵⁹ Rav Pappa said to Rava: A baraita was taught that supports your opinion: If the cross beam spanning the entrance of an alleyway is higher than twenty cubits off the ground, greater than the entrance of the Sanctuary, one must diminish its height. And the space of the entrance of the Sanctuary itself was twenty cubits high, and its roof was higher than twenty cubits. Apparently, the twenty cubits mentioned with regard to a sukka and an alleyway refers to the space beneath the roofing and the cross beam.

⁶⁰ Rav Shimi bar Rav Ashi raised an objection to Rav Pappa from the Tosefta: How precisely would he do it? He places the cross beam from the edge of twenty cubits and below. Apparently, the entire cross beam must be within twenty cubits of the ground, and if any part of it rises above twenty it is unfit.

⁶¹ Rav Pappa replied: Emend the Tosefta and say: From the edge of twenty cubits and above. Rav Shimi retorted: But isn't it taught: And below? What justification is there to completely reverse the meaning of the Tosefta?

⁶² Rava explained that there is no need to emend the language of the baraita, but merely to reinterpret it. The baraita is teaching us the following: The halakha below is like the halakha above. Just as above, with regard to the maximum height of the cross beam, it is the space beneath the cross beam that may not be more than twenty cubits, so too below, with regard to the minimum height of the cross beam, it is the space beneath the cross beam that may not be less than ten handbreadths. However, a cross beam placed within ten handbreadths of the ground is unfit and does not render it permitted to carry within the alleyway.

⁶³ The Gemara considers the measure of the cubit mentioned in the mishna and elsewhere. Abaye said in the name of Rav Nahman: The cubit mentioned with regard to the halakhot of sukka and the cubit mentioned in connection with the halakhot of an alleyway is a small cubit consisting of five

handbreadths. In contrast, the cubit of a forbidden mixture of diverse kinds of seeds is a large cubit consisting of six handbreadths. Apparently, Rav Naḥman rules stringently in all cases.

⁶⁴ The Gemara elaborates: The cubit of an alleyway is a cubit consisting of five handbreadths. With regard to what halakha does this ruling apply? It applies to the issue of the height of the cross beam spanning an alleyway that may not be more than twenty cubits high, and to the breach of an alleyway that may not be more than ten cubits wide.

⁶⁵ The Gemara poses a question: But isn't there also the issue of the minimal length of an alleyway? For carrying in an alleyway to be rendered permissible by means of a side post or a cross beam, it must be at least four cubits long. In that case, measuring the alleyway with small cubits will lead to a leniency.

⁶⁶ The Gemara resolves this difficulty: Rav Naḥman holds in accordance with the one who said that the length of an alleyway need only be four handbreadths. However, a cubit mentioned in the context of an alleyway is always a small cubit, which is a stringency.

⁶⁷ The Gemara proposes an alternative solution: And if you wish, say instead that actually Rav Naḥman holds in accordance with the opinion that the length of an alleyway must be four cubits, and in that case, the alleyway is measured with large cubits of six handbreadths as a stringency. When he is saying that the cubit of an alleyway is a cubit of five handbreadths, he is speaking of most, but not all, cubits mentioned in the context of an alleyway.

⁶⁸ Rav Naḥman said that the cubit of a sukka is a small cubit consisting of five handbreadths. The Gemara asks: With regard to what halakha does this ruling apply? It applies to the halakha governing its height, i.e., that a sukka may not be more than twenty cubits high, and to the halakha of a curved wall. A sukka is considered valid if there are up to four cubits of invalid roofing, provided that this roofing is adjacent to one of the walls of the sukka. In that case, the invalid roofing is considered an extension of the wall, i.e., the wall is considered to be curved, and consequently, the entire sukka is valid. With regard to both halakhot, the ruling is stringent and distance is measured with small cubits.

⁶⁹ The Gemara asks: But isn't there also the halakha of the minimal length of a sukka, which must be at least four cubits long? If it is measured with small cubits, that will lead to a leniency. As it was taught in a baraita: Rabbi Yehuda HaNasi says: I say, any sukka that does not have in it an area of at least four cubits by four cubits is invalid.

⁷⁰ The Gemara resolves this difficulty: Rav Naḥman holds in accordance with the opinion of the Rabbis, who say: A sukka is valid even if it holds only one's head, most of his body, and his table.

⁷¹ The Gemara suggests another solution: And if you wish, say instead: Actually, Rav Naḥman's statement holds true even if it is in accordance with the opinion of Rabbi Yehuda HaNasi that a sukka must be at least four cubits long. Indeed, the sukka is measured with large cubits consisting of six handbreadths, which is a stringency. And when he says that the cubit of a sukka is a cubit of five handbreadths, he is speaking of most, but not all, cubits mentioned with regard to sukka.

⁷² The Gemara continues: As stated above, Rav Naḥman said that the cubit of a forbidden mixture of diverse kinds of seeds is a cubit consisting of six handbreadths. The Gemara asks: With regard to what halakha does this ruling apply? It applies to the halakha of a clearing in a vineyard and to the halakha of the perimeter of a vineyard.

⁷³ As we learned in a mishna in tractate Kilayim: With regard to a clearing in a vineyard, Beit Shammai say: Its measure is twenty-four cubits, and Beit Hillel say: Sixteen cubits. With regard to the perimeter of a vineyard, Beit Shammai say: Sixteen cubits, and Beit Hillel say: Twelve cubits.

⁷⁴ The mishna explains: What is a clearing in a vineyard? It is referring to a vineyard whose middle section was laid bare of vines. If there are not sixteen cubits across in the clearing, one may not bring foreign seeds and sow them there, due to the Torah prohibition against sowing other crops in a vineyard (Deuteronomy 22:9). If there were sixteen cubits across in the clearing, one provides the vineyard with its requisite work area, i.e., four cubits along either side of the vines are left unsown to facilitate cultivation of the vines, and he sows the rest of the cleared area with foreign crops.

⁷⁵ The mishna continues: What is the perimeter of a vineyard? It is the vacant area between the vineyard and the fence surrounding it. If there are not twelve cubits in that area, one may not bring foreign seeds and sow them there. If there were twelve cubits in that area, he provides the vineyard, with its requisite work area, four cubits, and he sows the rest.

⁷⁶ The Gemara raises a difficulty: But isn't there also the halakha of vines that planted consecutively, within four cubits of each other, with regard to which measuring the distance with large cubits would lead to a leniency? As we learned in a mishna: With regard to a vineyard that was planted in consecutive rows with less than four cubits between them, Rabbi Shimon says: Since the rows are planted so closely together, it is not considered a vineyard, and if one plants other crops there he is not liable. And the Rabbis say: It is a vineyard, and one regards the middle vines, those planted between two appropriately spaced rows, as if they are not there. One who plants other crops there is indeed liable. According to Rabbi Shimon's opinion, measuring the distance between the rows with large cubits leads to leniency.

⁷⁷ The Gemara resolves the difficulty: Rav Naḥman made his statement in accordance with the opinion of the Rabbis, who say that a densely planted vineyard is a vineyard. And if you wish, say instead: Actually, Rav Naḥman's statement holds true even if it is in accordance with the opinion of Rabbi Shimon, that a densely planted vineyard is not a vineyard, and the distance between the rows is measured with small cubits consisting of five handbreadths as a stringency. When he says that the cubit of diverse kinds of seeds is a cubit consisting of six handbreadths, he is speaking of most, but not all, cubits mentioned with regard to a forbidden mixture of diverse kinds of seeds.

⁷⁸ The above was based on the ruling of Rav Naḥman according to Abaye. But Rava said in the name of Rav Naḥman: All cubits mentioned in measurements by the Sages consisted of a large cubit of six handbreadths. However, these, the cubits mentioned with regard to diverse kinds of seeds, are measured with expansive handbreadths, with the fingers spread apart, whereas those, the cubits mentioned with regard to an alleyway and a sukka, are measured with compressed handbreadths, with the fingers held together.

⁷⁹ The Gemara raises an objection from a baraita: All cubits that were mentioned by the Sages are cubits of six handbreadths, provided

⁸⁰ that they are not precisely a cubit. Granted, according to Rava, the baraita means: So that these, the cubits of diverse kinds of seeds, should be measured with expansive handbreadths, and those, the cubits of sukka, should be measured with depressed handbreadths. However, according to Abaye, it is difficult.

⁸¹ The Gemara answers: Abaye could have said to you: Emend the baraita and say: The cubit of diverse kinds of seeds mentioned by the Sages is measured with a cubit of six handbreadths, not the other cubits.

⁸² The Gemara raises a difficulty. However, from the fact that it is taught in the latter clause of the baraita that Rabban Shimon ben Gamliel says: All the cubits that the Sages mentioned with regard to diverse kinds of seeds are measured with cubits of six handbreadths, provided that they are not measured with exact handbreadths? This proves by inference that the anonymous first tanna is speaking of all cubits, and not only those in the case of diverse kinds of seeds.

⁸³ The Gemara answers that Abaye could have said to you: Isn't there Rabban Shimon ben Gamliel, who holds in accordance with my opinion? I stated my opinion in accordance with the opinion of Rabban Shimon ben Gamliel.

⁸⁴ The Gemara comments: According to Abaye, the issue of large and small cubits is certainly subject to a dispute between tanna'im, as his ruling can only be in accordance with the opinion of Rabban Shimon ben Gamliel. According to Rava, however, must it be said that this is subject to a dispute between tanna'im?

⁸⁵ The Gemara answers: This is not necessarily the case, as Rava could have said to you: Rabban Shimon ben Gamliel does not dispute the basic teaching of the anonymous first tanna that all the cubits mentioned by the Sages are cubits of six handbreadths. Rather, he came to teach us this: One should not reduce the cubit of diverse kinds of seeds, i.e., one should not measure it with depressed handbreadths.

⁸⁶ The Gemara raises an objection. And if that is the case, let him say: One must not reduce the cubit of diverse kinds of seeds. What does the phrase: A cubit consisting of six handbreadths come to exclude? Does it not come to exclude the cubit of a sukka and the cubit of an alleyway, which are measured with cubits of five handbreadths?

⁸⁷ The Gemara rejects this argument. No, Rabban Shimon ben Gamliel's formulation comes to exclude the cubit of the base of the altar, which is the bottom level of the altar, one cubit high with a ledge one cubit wide, and the cubit of the surrounding ledge of the altar, which is five cubits above the base, six cubits above the ground, and one cubit wide. Everyone agrees that those cubits are small cubits of five handbreadths.

⁸⁸ As it is written: "And these are the measures of the altar by cubits; the cubit is a cubit and a handbreadth, the bottom shall be a cubit, and the breadth a cubit, and its border by its edge round about shall be a span: And this shall be the higher part of the altar" (Ezekiel 43:13). And the Sages explained this verse as follows: "The bottom shall be a cubit," this is the base of the altar; "and the breadth a cubit," this is the surrounding ledge of the altar; "and its border by its edge round about," these are the horns of the altar, i.e., extensions of the corners of the altar; "and this shall be the higher part of the altar," this refers to the golden altar that stood inside the Sanctuary and was also measured by small cubits.

⁸⁹ Since the Gemara discussed measurements, it proceeds to cite that which Rabbi Hiyya bar Ashi said that Rav said: The measures relating to mitzvot in the Torah, and the halakhot governing interpositions that invalidate ritual immersions, and the halakhot of partitions are all halakhot

transmitted to Moses from Sinai. These halakhot have no basis in the Written Torah, but according to tradition they were orally transmitted by God to Moses together with the Written Torah.

⁹⁰ The Gemara questions this assertion: Are measures a halakha transmitted to Moses from Sinai? They are written in the Torah, as it is written: “A land of wheat, and barley, and vines, and figs, and pomegranates, a land of olive oil and honey” (Deuteronomy 8:8), and Rav Ḥanan said: This entire verse was stated for the purpose of teaching measures with regard to different halakhot in the Torah.

⁹¹ Wheat was mentioned as the basis for calculating the time required for one to become ritually impure when entering a house afflicted with leprosy, as that which we learned in a mishna: One who enters a house afflicted with leprosy of the house (see Leviticus 14), and his clothes are draped over his shoulders, and his sandals and his rings are in his hands, both he and they, the clothes, sandals, and rings, immediately become ritually impure. However, if he was dressed in his clothes, and his sandals were on his feet, and his rings were on his fingers, he immediately becomes ritually impure, but they, the clothes, sandals, and rings, remain pure until he stays in the house long enough to eat half a loaf of bread. This calculation is based on wheat bread, which takes less time to eat, and not on barley bread, and it relates to one who is reclining and eating it together with relish, which hastens the eating. This is a Torah measurement connected specifically to wheat.

⁹² Barley is also used as a basis for measurements, as we learned in a mishna: A bone from a corpse the size of a grain of barley imparts ritual impurity through contact and by being carried, but it does not impart impurity by means of a tent, i.e., if the bone was inside a house, it does not render all the articles in the house ritually impure.

⁹³ The halakhic measure determined by a vine is the quantity of a quarter-log of wine for a nazirite. A nazirite, who is prohibited to drink wine, is liable to be flogged if he drinks that measure.

⁹⁴ Fig alludes to the measure of a dried fig-bulk with regard to the halakhot of carrying out on Shabbat. One is liable for carrying food fit for human consumption on Shabbat, provided that he carries a dried fig-bulk of that food.

⁹⁵ Pomegranate teaches the measure, as that which we learned in a mishna: All ritually impure wooden vessels belonging to ordinary homeowners become pure through being broken, as broken vessels cannot contract or maintain ritual impurity, and they are considered broken if they have holes the size of pomegranates.

⁹⁶ The Sages interpreted: A land of olive oil and honey, as: A land, all of whose measures are olive-bulks. The Gemara poses a question: Does it enter your mind that it is a land all of whose measures are olives-bulks? Yet aren't there those measures that we just mentioned above, which are not olive-bulks? Rather, say: A land, most of whose measures are olive-bulks, as most measures, e.g., those relating to forbidden foods and to impurity imparted by a corpse in a tent and by contact with an animal carcass, are olive-bulks.

⁹⁷ Honey, i.e., dates from which date honey is extracted, also determines a measure, as with regard to eating on Yom Kippur, one is liable only if he eats a large date-bulk of food. Clearly, the measurements pertaining to mitzvot are explicitly written in the Torah and were not transmitted to Moses from Sinai.

⁹⁸ The Gemara refutes this argument: And can you hold that all these measures are explicitly written in the Torah with regard to each of the halakhot mentioned above? Rather, they are halakhot that were transmitted to Moses from Sinai, and the Sages based them on verses in the Torah.

⁹⁹ Rabbi Ḥiyya bar Ashi said above that Rav said that the laws governing interpositions that invalidate ritual immersion are halakhot transmitted to Moses from Sinai. The Gemara challenges this assertion: These, too, are written in the Torah, as it is written: “And he shall bathe all his flesh in the water” (Leviticus 15:16), and the Sages derived that nothing should intervene between his flesh and the water. The definite article in the phrase “in the water” indicates that this bathing is performed in water mentioned elsewhere, i.e., specifically in the water of a ritual bath, and not in just any water. And the phrase “all his flesh” indicates that it must be in water into which all of his body can enter, i.e., in which a person can immerse his entire body at once. And how much water is that? It is a cubit by a cubit by the height of three cubits. And the Sages calculated the volume of a ritual bath of this size and determined that the waters of a ritual bath measure forty se’a. As this is derived from the Written Torah, what need is there for a halakha transmitted to Moses from Sinai?

¹⁰⁰ The Gemara answers: The halakha transmitted to Moses from Sinai is needed with regard to his hair, that it too must be accessible to the water without interposition. And this is in accordance with the opinion of Rabba bar Rav Huna, as Rabba bar Rav Huna said: A single hair tied in a knot constitutes an interposition and invalidates the immersion. Three hairs tied together in a knot do not constitute an interposition, because three hairs cannot be tied so tightly that water cannot penetrate them. With regard to two hairs tied together in a knot, I do not know the halakha. This halakha with regard to hair is a halakha transmitted to Moses from Sinai.

¹⁰¹ The Gemara raises a difficulty: The halakha with regard to his hair is also written in the Torah, as it was taught in a baraita: And he shall bathe all [et kol] his flesh. The superfluous word et comes to amplify and include that which is subordinate to his flesh, and that is hair.

¹⁰² The Gemara answers: The halakha transmitted to Moses from Sinai comes to teach the details of interpositions on the body with regard to its majority and its minority, and with regard to one who is particular and one who is not particular, in accordance with the opinion of Rabbi Yitzḥak.

¹⁰³ As Rabbi Yitzḥak said: By Torah law, if there is an interposition between a person and the water, and it covers the majority of his body, and he is particular and wants the interposing substance removed, only then is it considered an interposition that invalidates immersion in a ritual bath. However, if he is not particular about that substance, it is not considered an interposition. The Sages, however, issued a decree prohibiting substances covering the majority of one’s body with regard to which he is not particular, due to substances covering the majority of one’s body with regard to which he is particular. And, they issued a decree prohibiting substances covering the minority of his body with regard to which one is particular, due to substances covering the majority of his body with regard to which one is particular.

¹⁰⁴ The Gemara raises a question: Then let us also issue a decree deeming substances covering the minority of one’s body with regard to which he is not particular an interposition due to substances covering the minority of his body with regard to which one is particular, or alternatively, due to substances covering the majority of his body with regard to which he is not particular.

¹⁰⁵ The Gemara answers: We do not issue that decree, because the halakha that deems both an interposition covering the minority of his body about which one is particular and an interposition

covering the majority of his body about which one is not particular an interposition is itself a decree. Shall we then rise up and issue one decree to prevent violation of another decree? In any case, these details with regard to interpositions are neither written nor alluded to in the Torah; rather, they are halakhot transmitted to Moses from Sinai.

¹⁰⁶ Rabbi Ḥiyya bar Ashi said that Rav said that the halakhot of partitions were transmitted to Moses from Sinai. The Gemara challenges this assertion as well: They are written in the Torah, as the fundamental principle that a partition ten handbreadths high establishes a separate domain is derived from the Torah.

¹⁰⁷ As the Master said: The Holy Ark in the Tabernacle was nine handbreadths high, as the verse states that its height was a cubit and a half. A cubit contains six handbreadths, so its height totaled nine handbreadths. And the cover atop the Ark was one handbreadth, which total ten. There is a tradition that the Divine Presence does not descend into the domain of this world, which is derived from the verse that states that the Divine Presence would reveal itself from above the cover of the Ark. Apparently, a partition of ten handbreadths creates a separate domain.

¹⁰⁸ The Gemara answers: The halakha transmitted to Moses from Sinai is necessary only according to the opinion of Rabbi Yehuda, who said: The cubit mentioned with regard to the building of the Tabernacle and the Temple was a large cubit of six handbreadths, whereas the cubit mentioned with regard to the sacred vessels was a cubit of five handbreadths. According to this opinion, the Ark, which was a cubit and a half, and its cover, which was a handbreadth, measured eight and a half handbreadths. Therefore, nothing can be derived with regard to a partition of ten handbreadths.

¹⁰⁹ The Gemara poses a question. And according to the opinion of Rabbi Meir, who said: All the cubits were medium ones, regular cubits of six handbreadths; what can be said? Apparently, according to his opinion, the laws governing partitions are explicitly stated in the Torah.

¹¹⁰ The Gemara answers: According to the opinion of Rabbi Meir, the halakha with regard to a partition of ten handbreadths is indeed written in the Torah. However, the halakha transmitted to Moses from Sinai comes to teach other halakhot concerning partitions, e.g., the halakhot of extending [gode], according to which an existing partition is extended upward or downward to complete the requisite measure; and the halakhot of joining [lavud], according to which two solid surfaces are joined if they are separated by a gap of less than three handbreadths; and the halakhot of the curved wall of a sukka. A sukka is valid even if there are up to four cubits of invalid roofing, provided that this roofing is adjacent to one of the walls of the sukka. In that case, the invalid roofing is considered a bent extension of the wall. These concepts are certainly not written in the Torah.

¹¹¹ The Gemara returns to the laws of alleyways: If the cross beam spanning the entrance to an alleyway was higher than twenty cubits from the ground and one comes to diminish its height, how much must he diminish it? The Gemara is surprised by the question: How much must he diminish it? The amount that he needs in order to render its height less than twenty cubits.

¹¹² Rather, the space between the cross beam and the ground must, of course, be reduced to twenty cubits. However, when one raises the alleyway, how much must the width of the raised section be in order to render the alleyway fit for carrying within it? Rav Yosef said: One handbreadth. Abaye said: Four handbreadths.

¹¹³ The Gemara suggests: Let us say that these amora'im disagree about this: The one who said one handbreadth holds that one is permitted to utilize the area beneath the cross beam spanning the entrance to the alleyway, as he maintains that the cross beam serves as a partition, and the alleyway is considered as if it were sealed by a partition descending from the outer edge of the cross beam that faces the public domain. Since the area beneath the cross beam is part of the alleyway and is less than twenty cubits, there is a conspicuous demarcation for one standing in the alleyway.

¹¹⁴ And the one who said four handbreadths holds that the alleyway is considered as if it were sealed from the inside edge of the cross beam, and consequently it is prohibited to utilize the area beneath the cross beam. As the area beneath the cross beam is not part of the alleyway, a significant demarcation, i.e., one of four handbreadths, is required within the alleyway itself.

¹¹⁵ The Gemara rejects this explanation: No, everyone agrees that it is permitted to utilize the area beneath the cross beam, and they disagree with regard to this: This Master, Rav Yosef, holds that a cross beam functions in an alleyway as a conspicuous marker that demarcates the alleyway from the public domain, and consequently a mere handbreadth is sufficient, as even a handbreadth is sufficiently conspicuous. And this Master, Abaye, holds that a cross beam serves as a partition, and a partition is not effective for an area of less than four handbreadths. The principle that an outer edge descends and seals the alleyway does not apply if the beam is higher than twenty cubits. In order for it to be considered a partition, there must be at least four handbreadths that are less than twenty cubits beneath the cross beam.

¹¹⁶ The Gemara proposes an alternative explanation: And if you wish, say instead that everyone agrees that a cross beam serves as a conspicuous marker, and here they disagree with regard to the relationship between a conspicuous marker below, i.e., the raised area of the alleyway, and a conspicuous marker above, i.e., the cross beam. This Master, Rav Yosef, holds that we say that the halakha that governs the conspicuous marker below is like the halakha that applies to the conspicuous marker above, and one handbreadth suffices. And this Master, Abaye, holds that we do not say that the halakha that governs the conspicuous marker below is like the halakha that applies to the conspicuous marker above. The lower sign must be more prominent and extend four handbreadths.

¹¹⁷ The Gemara proposes yet another explanation of the amoraic dispute: And if you wish, say instead that everyone agrees that we say that fundamentally, the halakha that governs the conspicuous marker below is like the halakha that applies to the conspicuous marker above, and even a handbreadth should suffice. But here they disagree whether the Sages decreed that four handbreadths are necessary, lest people treading upon it will erode and diminish the raised area. Rav Yosef is not concerned that it will be diminished and therefore holds that a raised area of a handbreadth is sufficient, whereas Abaye is concerned that the raised area of a handbreadth will erode to less than a handbreadth, rendering it inconspicuous, and the alleyway will come to be utilized in a prohibited manner.

¹¹⁸ The Gemara considers a new case: If the cross beam spanning the entrance to an alleyway was less than ten handbreadths above the ground, and one hollowed out the ground under the cross beam in order to complete the distance from the ground to the cross beam to ten, how much must he hollow out? The Gemara is surprised by the question: How much must he hollow out? However much is necessary for it to increase the height to at least ten handbreadths. Rather, the question is as follows:

How far must the hollowed-out area extend into the alleyway in order to render it permitted to carry throughout the alleyway? Rav Yosef said: Four handbreadths. Abaye said: Four cubits.

¹¹⁹ The Gemara suggests: Let us say that these amora'im disagree with regard to the ruling of Rabbi Ami and Rabbi Asi. As it was stated with regard to the following question: If the side wall of an alleyway was breached toward its entrance, i.e., close to where the alleyway opens into the public domain, what is the halakha? It was stated in the name of Rabbi Ami and Rabbi Asi: If an upright board four handbreadths wide remains of the original wall or is set up where the original wall had ended, the cross beam or side post at the entrance to the alleyway renders it permitted to carry in the alleyway even if there is a breach of up to ten cubits wide.

¹²⁰ And if there is no upright board there, the following distinction applies: If the breach is less than three handbreadths, the cross beam or side post renders it permitted to carry in the alleyway, based on the principle of lavud. If the breach is three or more handbreadths, the cross beam or side post does not render it permitted to carry. The Gemara proposes that Rav Yosef, who says that the hollowed-out area need only extend four handbreadths, adopts the opinion of Rabbi Ami, whereas Abaye, who requires a hollowed-out area of four cubits, does not adopt the opinion of Rabbi Ami.

¹²¹ The Gemara rejects this argument: Abaye could have said to you that the two cases are not comparable: There, in Rav Ami's case, we are dealing with the final stage of an alleyway, i.e., an alleyway that had at first been properly structured, and only later did it become breached. Here, we are dealing with the initial stage of an alleyway, i.e., an alleyway that from the very outset did not fulfill the necessary conditions. In this case: If there are four cubits in the hollowed-out area, yes, it is considered an alleyway, and if not, no, it is not considered an alleyway.

¹²² Abaye said: From where do I say that a length of at least four cubits is required? As it was taught in a baraita: An alleyway is permitted by means of a side post or cross beam only if it has both houses opening into courtyards and courtyards opening into it, as only in that case can it be called an alleyway.

¹²³ And if the entire length of the alleyway is only four handbreadths, as is indicated by Rav Yosef's opinion, how can you find this case? Under what circumstances is it possible for such a short alleyway to have courtyards opening into it? Even if there are only two such courtyards, the entrance to each is at least four handbreadths wide.

¹²⁴ And if you say that the alleyway opens into the courtyards through its middle wall, i.e., the alleyway is only four handbreadths long but is wide enough to have two entrances opening into two courtyards, this is difficult. Didn't Rav Nahman say that we hold on the authority of tradition: Which is an alleyway that is permitted by a side post or a cross beam? Any alleyway whose length is greater than its width and has houses and courtyards opening into it. Accordingly, if the alleyway is only four handbreadths long, its width must be even less than that. Consequently, argues Abaye, a length of at least four cubits is required.

¹²⁵ And Rav Yosef, how would he respond to this? Rav Yosef explains that the baraita is dealing with a case where the courtyards open into the alleyway at its corners. In this way it is possible to have two openings, each of which is at least four handbreadths wide, although the length of the alleyway itself is no greater than four handbreadths, as the four handbreadths of the openings to the courtyards are divided between the width and the length of the alleyway.

¹²⁶ Abaye further said: From where do I say that a length of at least four cubits is required? As Rami bar Ḥama said that Rav Huna said: With regard to a side post that protrudes from the wall on the side of an alleyway into the opening of the alleyway, if its protrusion was less than four cubits, it is deemed a side post that renders it permitted to carry in the alleyway, and no other side post is required to render it permitted to carry in it. However, if it protruded four cubits, that section is deemed an alleyway, as though there were an additional alleyway within an alleyway, and another side post is required to render it permitted to carry there. This shows that anything less than four cubits does not have the status of an alleyway, which supports the position of Abaye.

¹²⁷ The Gemara asks: And Rav Yosef, how would he respond to this? Rav Yosef distinguishes between the cases: With regard to removing its status as a side post, this status remains until there are four cubits in the length of the side post. However, in order to be deemed an independent alleyway, even with a wall of four handbreadths it is also considered an alleyway.

¹²⁸ The Gemara examines Rami bar Ḥama's statement cited in the course of the previous discussion. As to the matter itself: Rami bar Ḥama said that Rav Huna said: With regard to a side post that protrudes from the wall on the side of an alleyway into the entrance of the alleyway,

¹²⁹ if its protrusion is less than four cubits, it is deemed a side post that renders it permitted to carry in the alleyway, and no other side post is required to render it permitted. However, if it protrudes four cubits, that section is deemed an alleyway, and another side post is required to render it permitted to carry in it.

¹³⁰ The Gemara poses a question: That side post, which is added in order to permit carrying within the alleyway that was formed by the four-cubit side post, where does one position it such that one may carry within the alleyway? The Gemara clarifies its difficulty: If one positions it alongside the first side post as an addition to it, it looks as if he is merely extending the original side post, and it is not noticeable that an extra side post is present.

¹³¹ Rav Pappa said: He should position it, the extra side post, on the other side of the alleyway, near the opposite wall. Rav Huna, son of Rav Yehoshua, said: Even if you say that he positions it alongside the first side post, it is valid, so long as he adds to it or diminishes from it in thickness or height, so that it will be noticeable that it is a side post of its own.

¹³² The Gemara limits the application of Rami bar Ḥama's ruling: Rav Huna, son of Rav Yehoshua, said: We stated this halakha with regard to a side post protruding four cubits into the alleyway only in the case of an alleyway that is at least eight cubits wide. However, in the case of an alleyway that is only seven cubits wide, it is permitted to carry within the alleyway without an additional side post, not because the original side post functions as a side post but rather because it sufficiently seals off the entrance to the alleyway such that the standing segment is greater than the breached segment. The alleyway is now closed off from all four sides, and the remaining opening to the public domain is regarded as an entrance, as most of that side is closed and only a small part of it is open.

¹³³ And this is derived by means of an a fortiori inference from a courtyard: Just as in a courtyard, which is not rendered a permitted domain by means of a side post or a cross beam, but actual partitions are required, it is nevertheless rendered a permitted domain even if there are gaps in the partitions, as long as the standing segment is greater than the breached segment in an alleyway, with regard to which the Sages were lenient, as it is rendered a permitted domain by means of a side post

or a cross beam, is it not right that it is rendered a permitted domain when the standing segment of the partition is greater than the breached segment?

¹³⁴ The Gemara refutes this a fortiori inference that was based on the fact that the legal status of a courtyard is more lenient than that of an alleyway, as it is in fact more stringent than that of an alleyway in at least one respect. With regard to what is true of a courtyard, that as long as its breach is less than ten cubits it remains a permitted domain, can you say the same of an alleyway, which is more stringent, as in a case where its breach is only four handbreadths it is not permitted to carry in the alleyway? Therefore, the halakha of an alleyway cannot be derived from the halakha of a courtyard.

¹³⁵ The Gemara answers: Rav Huna, son of Rav Yehoshua, holds that the breach of an alleyway is also ten cubits. The Gemara raises a difficulty: But in accordance with whose opinion did we state this a fortiori inference? It is in accordance with the opinion of Rav Huna. But doesn't Rav Huna himself hold that the breach of an alleyway is four handbreadths.

¹³⁶ The Gemara answers: Rav Huna, son of Rav Yehoshua, did not come to explain Rav Huna's position. Rather, he stated his own view, and he does not accept Rav Huna's opinion with regard to the law of a breach in an alleyway.

¹³⁷ Rav Ashi went further than Rav Huna, son of Rav Yehoshua, and said: Even if you say that the law with regard to a side post protruding four cubits into the alleyway applies in the case of an alleyway that is exactly eight cubits wide, in that it too does not require an additional side post. Whichever way you look at it, you are forced to arrive at this conclusion: If you say that the standing segment is greater, then the alleyway is permitted, because its standing segment is greater than the breached segment; and if you say that the breached segment is greater, then the protrusion is deemed a side post, as its width must be less than four cubits.

¹³⁸ What might you say that would require an additional side post? Would you suggest that there is yet another possibility, that the two are exactly equal, the standing portion and the breach? This is an uncertainty with regard to rabbinic law, as carrying in an alleyway is forbidden only by rabbinic law, and the principle is that where there is an uncertainty with regard to a rabbinic law, one may assume the lenient position, as opposed to an uncertainty arising with respect to a Torah law, where one assumes the stringent position.

¹³⁹ The Gemara considers a new case: Rav Ḥanin bar Rava said that Rav said: With regard to an alleyway that was breached,

¹⁴⁰ if it was breached from its side, the side wall of the alleyway, carrying within the alleyway is prohibited if the breach is ten cubits wide. But if it was breached from its front, the wall that faces the public domain, carrying within the alleyway is prohibited even if the breach is only four handbreadths wide.

¹⁴¹ The Gemara poses a question: What is the difference such that carrying is prohibited due to a breach from the side only if the breach is ten cubits? This is because you say that up to ten cubits it is deemed an entrance. If the breach is in the front, let us also say it is an entrance, and carrying should be permitted if the breach is less than ten cubits.

¹⁴² Rav Huna, son of Rav Yehoshua, said: We are dealing with a case where the breach is in a corner. Since people do not make an entrance in a corner, a breach of this kind cannot be viewed as an entrance, and if the breach is larger than four handbreadths it must be sealed.

¹⁴³ Rav Huna disagreed with Rav Ḥanan bar Rava and said: There is no distinction between the side and the front, for in both this case and that, a breach of up to four handbreadths is allowed. And so Rav Huna said to Rav Ḥanan bar Rava: Do not dispute me, as Rav himself arrived at a place called Damḥarya and performed an action, i.e., issued a practical ruling, in accordance with my opinion. Rav Ḥanan bar Rava said in response to him: No proof can be brought from that incident, for in that case Rav found an unguarded valley and fenced it in, i.e., Rav saw the need to add a safeguard and was therefore stringent in this case. His ruling, however, was not generally applied.

¹⁴⁴ Rav Naḥman bar Yitzḥak said: Rav Huna's opinion stands to reason, as it was stated that the amora'im disagree about the following issue: With regard to a crooked, L-shaped alleyway that opens onto the public domain at both ends, Rav said: Its law is like that of an alleyway that is open on two opposite sides, and it must be treated in a manner suitable for such an alleyway, i.e., an opening in the form of a doorway must be constructed at both ends, or else such an opening must be constructed at the point where the two arms of the alleyway meet and a side post or a cross beam must be placed at each end. And Shmuel said: Its law is like that of an alleyway that is closed on one side, and all that is necessary is a side post or a cross beam at each end.

¹⁴⁵ The Gemara clarifies the particular circumstances of the case: With what are we dealing? If you say that the width of the alleyway at the point of the turn is more than ten cubits wide, in this case, would Shmuel say that its law is like that of an alleyway that is closed on one side? With an opening of that size, it must be considered like an alleyway that is open on both ends.

¹⁴⁶ Rather, are we not dealing with a case where the width of the alleyway at the point of the turn is ten cubits or less, and Rav nonetheless said that the law of such an alleyway is like that of an alleyway that is open on both ends. Apparently, a breach in the side wall of an alleyway renders it prohibited to carry even if it is only four handbreadths wide, in accordance with the opinion of Rav Huna.

¹⁴⁷ And Rav Ḥanan bar Rava argues that the cases cannot be compared: It is different there, in the case of the L-shaped alleyway, for many people cross through the opening from one arm to the other. Since in practice the alleyway is open to regular traffic, the ruling is stringent even with regard to a small breach.

¹⁴⁸ The Gemara asks: Can it be inferred from this that Rav Huna holds that even if many people do not cross through the opening, a breach of four handbreadths still prohibits carrying? What is the difference between this case and the case of the ruling of Rabbi Ami and Rabbi Asi cited earlier, that an upright board of four handbreadths suffices in order to allow a breach of up to ten cubits?

¹⁴⁹ The Gemara answers: There, there are remnants of a wall that render it difficult to pass through the breach, and therefore that breach does not annul the partitions. However, here, there are no remnants of a wall.

¹⁵⁰ The Sages taught in a baraita: How does one render a public thoroughfare fit for carrying by means of an eiruv? He constructs an opening in the form of a doorway from here, on one side of the thoroughfare, and a side post or a cross beam from here, on the other side. Ḥanania disagrees and

says: This is the subject of an early dispute between tanna'im, for Beit Shammai say: He constructs a door from here, on one side, and a door from here, on the other side, and when he exits and enters, he must lock the door. It is not sufficient to construct a symbolic door; rather, there must be a door that actually closes. And Beit Hillel say: He constructs a door from here, on one side, and a side post or a cross beam from here, on the other side.

¹⁵¹ The Gemara raises a fundamental question: Can a public domain be rendered fit for carrying by means of an eiruv? Wasn't it taught in a baraita: Furthermore, Rabbi Yehuda said:

¹⁵² One who has two houses opposite each other on the two sides of the public domain, and he wishes to carry from one house to the other on Shabbat via the public domain, he may place a side post from here, on one side of one of the houses, and an additional side post from here, on the other side. Alternatively, he may place a cross beam from here, from one end of one house, and an additional cross beam from here, from the other side of the house, and then he may carry objects and place them in the area between them, for in this manner he turns the middle area into a private domain. The Rabbis said to him: One cannot render a public domain fit for carrying by means of an eiruv in this manner. Apparently, there is no way to establish an absolute public domain fit for carrying by means of an eiruv.

¹⁵³ The Gemara questions its previous conclusion: And if you say that it is only in this manner, by way of a side post or a cross beam, that a public domain cannot be rendered fit for carrying, but by means of doors it can be rendered fit for carrying. But this is not true, as didn't Rabba bar bar Ḥana say that Rabbi Yoḥanan said: With regard to Jerusalem, were it not for the fact that its doors are locked at night, one would be liable for carrying in it on Shabbat, because its thoroughfares are regarded as a public domain? This shows that the presence of a door is not sufficient to render it permitted to carry in a public domain; rather, the door must actually be locked.

¹⁵⁴ And similarly, Ulla stated: With regard to the city entrances [abbulei] of Meḥoza, which meet the criteria for a public domain, were it not for the fact that their doors are locked, one would be liable for carrying in them, because they are regarded as a public domain. Apparently, without the actual locking of doors it is impossible to establish a public domain fit for carrying by means of the symbolic partitions of a side post or a cross beam. If so, how can the Sages in the baraita argue about how to establish a public domain fit for carrying?

¹⁵⁵ Rather, Rav Yehuda said: The wording of the baraita must be emended so that this is what it says: How does one render alleyways that are not themselves public domains but are open on two opposite sides into the public domain fit for carrying by means of an eiruv? He constructs an opening in the form of a doorway from here, on one side of the alleyway, and a side post or a cross beam from here, on the other side.

¹⁵⁶ It was stated that the amora'im differed on how the halakha is to be decided with regard to this issue. Rav said: The halakha is in accordance with the opinion of the anonymous first tanna of the baraita, and it is sufficient to have the form of a doorway on one side and a side post or cross beam on the other side in order to render it permitted to carry in an alleyway that is open on two opposite sides to the public domain. And Shmuel says: The halakha is in accordance with the opinion of Ḥananya, following the position of Beit Hillel, who also require a door on one side.

¹⁵⁷ A dilemma was raised before the Sages concerning the position of Beit Hillel: According to Ḥananya, in accordance with the opinion of Beit Hillel, must this door be locked or need it not be

locked? Come and hear a proof from that which Rav Yehuda said that Shmuel said, who, as mentioned earlier, rules in accordance with Beit Hillel: The door need not be locked. And similarly, Rav Mattana said that Shmuel said: The door need not be locked. Some say that Rav Mattana said: A case involving this very issue happened to me, and Shmuel said to me: The door need not be locked.

¹⁵⁸ They raised a dilemma before Rav Anan with regard to this issue: Need the door be locked or need it not be locked? He said to them: Come and see these city entrances of Neharde'a that open on two opposite sides into the public domain, the gateways of which were filled up halfway with earth, so that the doors themselves could not possibly be locked. Mar Shmuel regularly goes in and out through them, but has never said anything to the people of Neharde'a about them. This shows that it is not necessary for the doors to be locked.

¹⁵⁹ Rav Kahana rejected this proof and said: Those doors in Neharde'a were partially blocked, and therefore there was no need to lock them, but in general, the door of an alleyway that opens on both sides into the public domain must be locked.

¹⁶⁰ The Gemara relates that when Rav Nahman came to Neharde'a, he said: Clear away the earth, so that the doors can be locked. The Gemara attempts to understand Rav Nahman's instruction: Let us say that Rav Nahman holds that the door of an alleyway that is open on two opposite sides must be locked. The Gemara explains: No, this is not proof. In order for carrying to be permitted in such an alleyway, it is enough that the doors be fit to be locked, even if they are not actually locked.

¹⁶¹ The Gemara describes a certain crooked, L-shaped alleyway that was in Neharde'a, upon which they imposed the stringency of Rav and the stringency of Shmuel, and required it to have doors. The Gemara attempts to understand this ruling: The stringency of Rav, namely, that which he said, that an L-shaped alleyway is regarded like an alleyway that is open on two opposite sides. But this is difficult, for didn't Rav say that the law follows the anonymous first tanna of the baraita, who says that even an open alleyway itself does not require doors, and that an opening in the form of a doorway suffices?

¹⁶² The Gemara answers: They required doors in accordance with the opinion of Shmuel, who said that the halakha is in accordance with the opinion of Ḥananya. But this too is difficult, for if the doors were required in accordance with Shmuel's opinion, didn't Shmuel say that an L-shaped alleyway is regarded like an alleyway that is closed on one side, which does not need any doors at all? The Gemara explains: The doors were required in accordance with the opinion of Rav, who said that an L-shaped alleyway is regarded like an alleyway that is open on two opposite sides. Therefore, they adopted the stringencies of both Rav and Shmuel: Rav's stringency that an L-shaped alleyway is deemed an open alleyway, and Shmuel's stringency that an open alleyway requires a door.

¹⁶³ The Gemara poses a question: But do we adopt the respective stringencies of two authorities who disagree on a series of issues? Wasn't it taught in a baraita: The halakha is always in accordance with the opinion of Beit Hillel, but one who wishes to act in accordance with the opinion of Beit Shammai may do so, and one who wishes to act in accordance with the opinion of Beit Hillel may do so. If he wishes to adopt both the leniencies of Beit Shammai and also the leniencies of Beit Hillel, he is a wicked person. And if he wishes to adopt both the stringencies of Beit Shammai and also the stringencies of Beit Hillel, with regard to him the verse states: "The fool walks in darkness" (Ecclesiastes 2:14). Rather, he should act either in accordance with Beit Shammai, following both

their leniencies and their stringencies, or in accordance with Beit Hillel, following both their leniencies and their stringencies.

¹⁶⁴ The Gemara first raises a problem concerning the wording of the baraita: The baraita is itself difficult to understand, because it contains an internal contradiction between its clauses: You first said that the halakha is always in accordance with the opinion of Beit Hillel, and then you reversed that and said that one who wishes to act in accordance with the view of Beit Shammai may do so.

¹⁶⁵ The Gemara answers: This is not difficult. Here, the baraita's statement that a person may act as he wishes was made before the Divine Voice emerged and announced that the halakha is always in accordance with Beit Hillel; and here, the statement that the halakha is always in accordance with Beit Hillel was made after the Divine Voice issued this ruling.

¹⁶⁶ And if you wish, say a different answer: Both this statement and that statement were made after the Divine Voice announced that the halakha is in accordance with Beit Hillel,

¹⁶⁷ and the latter statement is in accordance with the opinion of Rabbi Yehoshua, who does not pay attention to a Divine Voice that attempts to intervene in matters of halakha, for according to him, the dispute between Beit Shammai and Beit Hillel has not yet been decided.

¹⁶⁸ The Gemara suggests yet another resolution: And if you wish, say instead that this is what the baraita is saying: Wherever you find two tanna'im or two amora'im who disagree with each other in the manner of the disputes between Beit Shammai and Beit Hillel, one should not act either in accordance with the leniency of the one Master and in accordance with the leniency of the other Master, nor should one act in accordance with the stringency of the one Master and in accordance with the stringency of the other Master. Rather, one should act either in accordance with both the leniencies and the stringencies of the one Master, or in accordance with both the leniencies and the stringencies of the other Master.

¹⁶⁹ All of this is suggested to explain the wording of the baraita. In any case, it is difficult to explain the law with regard to the alleyway in Neharde'a, concerning which they simultaneously adopted the stringencies of both Rav and Shmuel.

¹⁷⁰ Rav Naḥman bar Yitzḥak said: In fact, they acted entirely in accordance with the opinion of Rav, and the reason that they required doors and did not rely on the opening in the form of a doorway alone is due to that which Rav Huna said that Rav said: This is the halakha; however, a public ruling is not issued to that effect *ab initio*. Although Rav maintains that an opening in the form of a doorway is sufficient in an open alleyway, a public ruling is not issued to that effect; rather, the ruling is stringent, in accordance with Ḥananya's position, and requires doors.

¹⁷¹ The Gemara asks: And according to the statement of Rav Adda bar Ahava that Rav said, as Rav Adda bar Ahava said that Rav said with regard to the same issue: This is the halakha and a public ruling is issued to that effect, what can be said? Why did the residents of Neharde'a adopt the stringencies of the two authorities?

¹⁷² Rav Sheizvi said: The principle of dictating when we do not act in accordance with the stringencies of two authorities applies only in a case where the two stringencies contradict one another. In these types of cases, following both stringencies would result in an internal contradiction.

¹⁷³ The Gemara illustrates this principle with an example from the laws governing the spine and skull. As we learned in a mishna: The spine and the skull of a corpse that are incomplete do not

impart ritual impurity via a tent as a corpse would; rather, they impart impurity only through contact or if they are carried as individual bones. This basic law was unanimously accepted, but the details were the subject of dispute: How much is considered a deficiency in the spine for this purpose? Beit Shammai say: If it is missing two vertebrae, and Beit Hillel say: Even if it is missing only one vertebra. And similarly, they argued over the deficiency in the skull: Beit Shammai say: It must be missing piece the size of a drill hole, and Beit Hillel say: It must be missing an amount that, when removed from a living person, would cause him to die, which is a larger amount.

¹⁷⁴ And Rav Yehuda said that Shmuel said: Beit Shammai and Beit Hillel argued likewise with respect to a tereifa, a kosher animal suffering from a wound or illness that will cause it to die within twelve months, and which is prohibited to be eaten even after the required ritual slaughter. Beit Shammai say that an animal is regarded as a tereifa if it is missing two vertebrae, while Beit Hillel hold that it is a tereifa if it lacks even one. In such a situation, a person must not be stringent with regard to the halakhot of tereifa in accordance with the view of Beit Hillel, and at the same time be stringent with regard to the halakhot of ritual impurity of a corpse in accordance with the view of Beit Shammai, for the two disputes relate to the same issue, and one must not act in accordance with two contradictory opinions.

¹⁷⁵ Rav Sheizvi continues: However, in a case where the two stringencies do not contradict one another, we may indeed act in accordance with the stringencies of two authorities. Therefore, the stringencies adopted in the case of the alleyway in Neharde'a were legitimate, for the two stringencies related to two separate issues: Rav's stringency was that an L-shaped alleyway is regarded like an open alleyway, and Shmuel's stringency was that an open alleyway requires a door.

¹⁷⁶ The Gemara challenges Rav Sheizvi's assertion: Is it true that we do not act in accordance with the stringencies of two authorities in a case where the two stringencies contradict one another? Rav Mesharshiya raised an objection from a baraita: There was an incident involving Rabbi Akiva, who gathered the fruit of a citron tree on the first of the month of Shevat and applied the laws of two tithes to it. After teruma and the first tithe have been separated, an additional tithe is separated from what is left. During the first, second, fourth, and fifth years of the Sabbatical cycle, second tithe is set aside to be taken to Jerusalem and eaten there by its owner, while during the third and sixth years, poor man's tithe is set aside to be distributed to the needy. When tithing the fruit picked on the first of Shevat, Rabbi Akiva set aside both additional tithes, second tithe and poor man's tithe: He set aside one in accordance with the statement of Beit Shammai, who say that the new year for trees begins on the first of Shevat, and as that day belongs to the new year, a tithe must be set aside in accordance with the law of that year; and he set aside one in accordance with the statement of Beit Hillel, that the new year for trees is the fifteenth of Shevat, and any fruit picked prior to that date must be tithed in accordance with the law of the previous year. Apparently, Rabbi Akiva adopted for himself two contradictory stringencies.

¹⁷⁷ The Gemara answers: Rabbi Akiva did not act in this way in order to be stringent in accordance with both opinions, but because he was in doubt with regard to his tradition and did not know whether Beit Hillel said the New Year for trees falls on the first of Shevat or on the fifteenth of Shevat, and therefore he acted stringently here and stringently there.

¹⁷⁸ The Gemara resumes its discussion of alleyways that are open on two opposite sides. Rav Yosef sat before Rav Huna, and he sat and said: Rav Yehuda said that Rav said: The dispute between the

anonymous first tanna of the baraita and Ḥananya refers to a case where there is a main street [seratya] from here, on one side of the alleyway, and a main street from here, on the other side. Alternatively, it refers to a case where there is a plaza [pelatya] from here, on one side of the alleyway, and a plaza from here, on the other side.

¹⁷⁹ But if there is a main street from here, on one side, and a valley from here, on the other side, a valley being a karmelit, which is neither a public domain nor a private domain, in which carrying is prohibited on Shabbat by rabbinic decree, or if there is a valley from here, on one side, and a valley from here, on the other side, one constructs an opening in the form of a doorway from here, on one side of the alleyway, and places a side post or a cross beam from here, on the other side. One is thereby permitted to carry in the alleyway even according to the opinion of Ḥananya.

¹⁸⁰ The Gemara raises a question about this ruling: Now, if you say that where there is a main street from here, on one side of the alleyway, and a valley from here, on the other side, it is sufficient to construct an opening in the form of a doorway from here, on one side, and a side post or a cross beam from here, on the other side, was it necessary to state that these are sufficient if there is a valley from here, on one side of the alleyway, and a valley from here, on the other side?

¹⁸¹ The Gemara answers: This is what he intended to say: If there is a main street from here, on one side, and a valley from here, on the other side, it is considered as if there were a valley from here, on one side, and a valley from here, on the other side.

¹⁸² The Gemara continues: And when Rav Yosef reported this ruling, he concluded with a statement in the name of Rav Yehuda himself, without attributing it to one of Rav Yehuda's teachers: If the alleyway terminated in a backyard, i.e., a closed-off area behind a group of houses, then even if there is a breach in the wall between the yard and the public domain beyond it, nothing is needed on this side of the alleyway, as it is considered closed.

¹⁸³ Abaye said to Rav Yosef: This ruling of Rav Yehuda is a ruling of his teacher Shmuel, and not of his other teacher, Rav.

¹⁸⁴ For if it is a ruling of Rav, the apparent contradiction between one statement of Rav and another statement of Rav poses a difficulty in two ways. The first is with regard to the fact that this alleyway opens into the public domain on two opposite sides, and the second is based on that which Rav Yirmeya bar Abba said that Rav said: If an alleyway was breached along the entire length of its back wall into a courtyard, and likewise the courtyard was breached opposite it into the public domain, it is permitted to carry in the courtyard, and it is prohibited to carry in the alleyway, since this alleyway is now open on two opposite sides to the public domain. Why should this be the ruling? In this case, let it be like an alleyway that terminates in a backyard, where Rav Yehuda ruled that nothing further is needed to permit carrying.

¹⁸⁵ Rav Yosef said to Abaye: I do not know in accordance with which of his teachers Rav Yehuda issued this ruling. All I know is that there was an incident in a shepherds' village where an alleyway terminated in a backyard, and the matter came before Rav Yehuda for a ruling, and he did not require anything to render it permitted to carry in the alleyway. And if, as you say, it is difficult if we say that he issued his ruling in the name of Rav, let it be suggested that he issued it in the name of his other teacher, Shmuel, and then there will be no difficulty.

¹⁸⁶ The Gemara comments: Now that Rav Sheshet said to Rav Shmuel bar Abba, and some say that he said to Rav Yosef bar Abba: I will explain to you Rav's statement with regard to an alleyway that was breached along the entire length of its back wall into a courtyard. One must make a distinction based on the nature of the case: Here it is referring to a case where the residents of the courtyard established an eiruv together. In that case, Rav permits carrying in the alleyway and is not concerned with the breach into the courtyard, as the courtyard and the alleyway are treated as a single domain. There it is referring to a case where the residents did not establish an eiruv together. In that case, Rav prohibits carrying in the alleyway, because the alleyway now has new residents, i.e., the residents of the courtyard, who did not participate in the eiruv, and they prevent the residents of the alleyway from carrying.

¹⁸⁷ Consequently, it can be said that Rav Yehuda's statement with regard to an alleyway that terminates in a backyard is in accordance with the opinion of Rav, as the apparent contradiction between one statement of Rav and another statement of Rav also poses no difficulty. Here, where Rav Yehuda permits carrying in an alleyway that terminates in a backyard, he is referring to a case where the residents of the courtyard and the residents of the alleyway established a joint eiruv, whereas here, where Rav prohibits carrying in an alleyway that was breached along the entire length of its back wall into a courtyard, he is referring to a case where the residents of the courtyard and the residents of the alleyway did not establish a joint eiruv.

¹⁸⁸ And with regard to what first entered our minds, that Rav and Shmuel disagree both in the case where the residents of the alleyway and the residents of the yard established an eiruv together, as well as in the case where they did not establish an eiruv together, explanation is necessary. The Gemara seeks to explicate on what point they disagree in the case where they established a joint eiruv, and on what point they disagree in the case where they did not establish a joint eiruv. That is to say, what is the crux of the argument in these two cases?

¹⁸⁹ The Gemara explains: In the case where they did not establish a joint eiruv, Rav and Shmuel disagree concerning the halakha governing an alleyway that appears closed from the outside. Outside the alleyway there is a wider courtyard, so that from the perspective of those standing in the courtyard, the breach at the end of the alleyway seems like an entrance, and the alleyway appears to be closed, but appears to be even from the inside. From the perspective of those inside the alleyway, the breach is even with the walls of the alleyway, so that the breach does not look like an entrance, and the alleyway appears to be open. The dispute revolves around the question of whether an alleyway of this kind is considered open or closed. According to the authority who says that it is considered a closed alleyway, one is permitted to carry within an alleyway that terminates in a backyard in this manner.

¹⁹⁰ And in the case where they established a joint eiruv, they disagree about the principle stated by Rav Yosef. For Rav Yosef said: The allowance to carry in an alleyway that terminates in a backyard was only taught in a case where the alleyway terminates in the middle of the backyard, so that when viewed from the yard, the alleyway appears to be closed. But if it terminates on one of the sides of the backyard, so that the alleyway and yard appear continuous, carrying in the alleyway is prohibited.

¹⁹¹ Rabba took the discussion one step further and said: That which you say: Where the alleyway terminates in the middle of the backyard, carrying is permitted, this was only stated with regard to a case where the breach in the back wall of the alleyway into the yard and the breach in the facing wall

of the yard into the public domain are not opposite one another. But if the two breaches are opposite one another, carrying within the alleyway is prohibited.

¹⁹² Rav Mesharshiya continued this line of thought and said: That which you say: If the two breaches are not opposite one another, carrying within the alleyway is permitted, this was only stated with regard to the case where the backyard belongs to many people. But if the yard belongs to a single individual, he might sometime change his mind about it and build houses in that part of the yard that is wider than the alleyway, and then the alleyway will become like an alleyway that terminates on one of the sides of the backyard, which is prohibited. If the owner of the yard closes off one side of the yard with houses, the alleyway will no longer terminate in the middle of the yard, but on one of its sides, in which case carrying will be forbidden. Consequently, although the houses have not yet been built, adjustments must be made in the alleyway to permit carrying, so that no problems should arise in the future.

¹⁹³ Rav Mesharshiya adds: And from where do you say that we distinguish between a backyard that belongs to many people and a backyard that belongs to a single individual? As Ravin bar Rav Adda said that Rabbi Yitzhak said: There was an incident involving a certain alleyway, where one of its sides terminated in the sea and one of its sides terminated in a refuse heap, resulting in an alleyway closed on both sides. And the incident came before Rabbi Yehuda HaNasi, so that he may rule on whether these partitions are sufficient or whether some additional construction is necessary, and he did not say anything about it, neither permission nor prohibition.

¹⁹⁴ The Gemara clarifies: Rabbi Yehuda HaNasi did not state a ruling indicating a prohibition to carry in the alleyway, for partitions, i.e., the sea and the refuse heap, indeed stand, and the alleyway is closed off on both sides. However, he also did not state a ruling granting permission to carry in the alleyway, for we are concerned that perhaps the refuse heap will be removed from its present spot, leaving one side of the alleyway open. And, alternatively, perhaps the sea will raise up sand, and the sandbank will intervene between the end of the alleyway and the sea, so that the sea can no longer be considered a partition for the alleyway.

¹⁹⁵ The Gemara continues: Are we really concerned that perhaps the refuse heap will be removed? But didn't we learn in a mishna: A refuse heap in the public domain that is ten handbreadths high, so that it has the status of a private domain, and there is a window above the pile of refuse, i.e., the window is in a house adjacent to the refuse heap, we may throw refuse from the window onto the heap on Shabbat. Carrying on Shabbat from one private domain, i.e., the house, to another, i.e., the refuse heap, is permitted. We are not concerned that someone might remove some of the refuse, thus lowering the heap until it is no longer a private domain, such that throwing refuse upon it is prohibited. This seems to present a contradiction, for in some cases we are concerned that the refuse heap might be removed, but in other cases we are not.

¹⁹⁶ Apparently, we distinguish between a public refuse heap and a private refuse heap, such that in the case of a private refuse heap we cannot assume that it will remain in place permanently, as it is likely to be emptied at some point.

¹⁹⁷ Here, too, we distinguish between a backyard belonging to many people, where buildings are not likely to be added, and a backyard belonging to a single individual, where he might consider making changes and add buildings.

¹⁹⁸ The case involving an alleyway opening on one side to the sea and on the other side to a refuse heap was brought before Rabbi Yehuda HaNasi, who did not rule on the matter. The Gemara inquires: And the Rabbis of Rabbi Yehuda HaNasi's generation, what was their opinion with regard to this case? The fact that we are told that Rabbi Yehuda HaNasi did not want to issue a ruling indicates that his colleagues disagreed with him.

¹⁹⁹ Rav Yosef bar Avdimi said: It was taught in a baraita: And the Rabbis prohibit carrying in such an alleyway. Rav Nahman said: The halakha is in accordance with the statement of the Rabbis. There are some who state a different version of the previous statements as follows: Rav Yosef bar Avdimi said: It was taught in a baraita: And the Rabbis permit carrying in such an alleyway. Rav Nahman said: The halakha is not in accordance with the opinion of the Rabbis.

²⁰⁰ The Gemara relates: Mareimar would block off the ends of the alleyways of Sura, which opened to a river, with nets to serve as partitions. He said: Just as we are concerned that perhaps the sea will raise up sand, so too, we are concerned that the river will raise up sand, and hence we cannot rely on its banks to serve as partitions.

²⁰¹ The Gemara further relates: With regard to a certain crooked L-shaped alleyway that was in Sura, the residents of the place rolled up a mat and placed it at the turn to serve as a side post to permit carrying within it. Rav H̥isda said: This was done neither in accordance with the opinion of Rav nor in accordance with that of Shmuel. The Gemara explains: According to Rav, who said that the halakha of a crooked L-shaped alleyway is like that of an alleyway that is open on two opposite sides, it requires an opening in the form of a doorway. And even according to Shmuel, who said that its halakha is like that of an alleyway that is closed at one side, so that carrying is permitted by means of a side post, this applies only to a case where a proper side post was erected. But with regard to this mat, once the wind blows upon it, it throws it over; it is regarded as nothing and is totally ineffective.

²⁰² The Gemara comments: But if a peg was inserted into the mat, and thus the mat was properly attached to the wall, it is considered attached and serves as an effective side post.

²⁰³ The Gemara examines Rav Yirmeya bar Abba's statement cited in the course of the previous discussion. As to the matter itself, Rav Yirmeya bar Abba said that Rav said: An alleyway that was breached along the entire length of its back wall into a courtyard, and likewise the courtyard was breached on its opposite side into the public domain, the courtyard is permitted for carrying, and the alleyway is prohibited for carrying.

²⁰⁴ Rabba bar Ulla said to Rav Beivai bar Abaye: My Master, is this case not the same as our Mishna? A smaller courtyard that was breached along the entire length of one of its walls into a larger courtyard, the larger one is permitted for carrying, and the smaller one is prohibited, because the breach is regarded as the entrance to the larger courtyard. With regard to the larger courtyard, the breach running the entire length of the smaller courtyard is considered like an entrance in one of its walls, for the breach is surrounded on both sides by the remaining portions of the wall of the larger courtyard, and therefore carrying is permitted. With regard to the smaller courtyard, however, one wall is missing in its entirety, and therefore carrying is forbidden. This seems to be exactly the same as the case of an alleyway that was breached along the entire length of its back wall into a courtyard.

²⁰⁵ He, Rav Beivai bar Abaye, said to him, Rabba bar Ulla: If this was learned from there alone, I would have said that we must distinguish between the cases: The Mishna's ruling only applies in a place where many people do not tread. The breach between the smaller and larger courtyard will not

cause more people to pass through the larger courtyard, and therefore it remains a unit of its own. But in a place where many people tread, i.e., in the case where a courtyard is breached on one side into an alleyway and on the other side into the public domain, you might say that carrying is prohibited even in the courtyard as well, owing to the people passing through it from the alleyway to the public domain.

²⁰⁶ The Gemara raises a difficulty: But didn't we already learn this as well, that the mere fact that many people tread through a courtyard does not forbid carrying, for we learned in the Tosefta: A courtyard that was properly surrounded by partitions, into which many people enter on this side and exit on that side, is considered a public domain with regard to the halakhot of ritual impurity, so that in cases of doubt, we say that the person or article is pure, but it is still a private domain with regard to the halakhot of Shabbat. Therefore, we see that with regard to Shabbat, the sole criterion is the existence of partitions, and the fact that many people pass through the courtyard does not impair its status as a private domain.

²⁰⁷ The Gemara refutes this argument: If this was derived there alone, I would have said that this only applies in a case where the two breaches are not opposite one another,

²⁰⁸ but if the two breaches are opposite one another, you might say that it is not considered a private domain even with regard to Shabbat. Rav therefore teaches us that even if the breaches of the courtyard line up with each other, carrying is nonetheless permitted therein.

²⁰⁹ The Gemara raises a difficulty: And according to Rabba, who said that where the alleyway terminates in a backyard and the breaches are one opposite another, carrying is prohibited, how does he construe Rav's case? Rav's ruling must refer to a case where the breaches are not one opposite another, and if so, why do I need two rulings? The essence of this halakha, that the yard is deemed a private domain with regard to Shabbat, was already stated in the Tosefta, so why did Rav need to teach another halakha with regard to the very same issue?

²¹⁰ The Gemara explains that there is a novelty in Rav's teaching: If one learned the halakha from there, the Tosefta, alone, I would have said that this ruling that the courtyard is a private domain with regard to Shabbat only applies to the issue of throwing, i.e., that one who throws from the public domain into this courtyard is liable, since it is considered a private domain according to Torah law. But to allow carrying in it like a proper private domain, you might say no, that the Sages forbade carrying in it, owing to the many people passing through it. Rav therefore teaches us that we are not concerned about this, and that carrying in the yard is permitted, even by rabbinic law.

²¹¹ It was stated that the amora'im disagree about the following matter: With regard to an alleyway that is shaped like a centipede, i.e., a long alleyway that opens to the public domain but with a series of small alleyways branching off of it on both of its sides, all of which also open to the public domain, Abaye said: An opening in the form of a doorway is made for the large alleyway, and all the small alleyways are permitted by means of a side post or a cross beam.

²¹² Rava said to him: According to whom do you state this halakha? Apparently according to the opinion of Shmuel, who said that the halakha of a crooked L-shaped alleyway is like that of an alleyway that is closed at one side. For in this case of an alleyway that is shaped like a centipede, when each of the smaller alleyways connects to the larger alleyway, it forms a crooked L-shaped alleyway. However, if the halakha is indeed in accordance with the opinion of Shmuel, why is the form of a doorway needed for it? According to Shmuel, an alleyway of this kind only requires a side

post or a cross beam at each end in order to permit carrying within it. And furthermore, with regard to the crooked, L-shaped alleyway in Neharde'a, which was Shmuel's place of residence, didn't they take into consideration the position of Rav? This indicates that the halakha in practice follows Rav as opposed to Shmuel.

²¹³ Rather, Rava said: An alleyway made like a centipede can be rendered fit for one to carry within it as follows: An opening in the form of a doorway is made for all of the small alleyways on this one of their sides, and the other side is permitted by means of a side post or a cross beam.

²¹⁴ The Gemara considers a new case: Rav Kahana bar Taḥalisa said in the name of Rav Kahana bar Minyumi, who said in the name of Rav Kahana bar Malkiyu, who said in the name of Rav Kahana, the teacher of Rav; and some say that Rav Kahana bar Malkiyu is Rav Kahana, the teacher of Rav: With regard to an alleyway that opens into the public domain, its one side being long and its other side being short, i.e., one side juts out into the public domain more than the other, the halakha is as follows: If the difference in length between the two sides is less than four cubits, the cross beam is placed diagonally across the opening between the ends of the two walls of the alleyway. If, however, the difference is four cubits or more, the cross beam is placed straight across the alleyway at the end of the short side, i.e., at the end of the short side straight across toward the corresponding spot on the longer wall such that the beam is perpendicular to both walls, and no use may be made of the portion of the alleyway that lies beyond the cross beam. Rava disagreed and said: In both this case and in that case, the cross beam is placed straight across the alleyway at the end of the short side.

²¹⁵ Rava added: I will state my reason, and I will state their reason. I will state my reason: What is the reason for a cross beam? To function as a conspicuous marker that separates the alleyway from the public domain, so that the residents of the alleyway should know the boundary within which carrying is permitted, and when placed diagonally, the cross beam is not sufficiently conspicuous. Those who see people carrying in the section extending past the short side will think that one is generally permitted to carry in a public domain.

²¹⁶ I will state their reason as well: What is the reason for a cross beam? To function as a partition, that is to say, the cross beam is considered as though it descended to the ground, creating a fourth wall for the alleyway. Hence, even when placed diagonally, it is considered a partition.

²¹⁷ Rav Kahana said: Since this involves halakhot of Sages named Kahana, I too will say something with regard to it: That which you said, that the cross beam is placed diagonally across the alleyway, this was only said in a case where the diagonal is no more than ten cubits. But if the diagonal is more than ten cubits, then even if the width of the alleyway itself is less than ten cubits, all agree that the cross beam must be placed straight across the alleyway at the end of the short side, for an entrance wider than ten cubits cannot be permitted by a cross beam, and here the entire length under the cross beam is considered an entrance.

²¹⁸ A dilemma was raised before the Sages: What is the halakha with regard to utilizing and carrying in the area beneath the cross beam spanning the opening of an alleyway, which the beam permits carrying? Opinions differ on the matter. Rav, Rabbi Ḥiyya, and Rabbi Yoḥanan said: It is permitted to utilize the area beneath the cross beam. Shmuel, Rabbi Shimon bar Rabbi, and Rabbi Shimon ben Lakish said: It is prohibited to utilize the area beneath the cross beam.

²¹⁹ The Gemara suggests a way to understand this dispute: Shall we say that these amora'im argue over the following issue, that Master, representing those who permit it, holds: A cross beam serves in

an alleyway as a conspicuous marker that separates it from the public domain, and Master, representing those who prohibit it, holds: A cross beam serves as a partition.

²²⁰ The Gemara rejects this argument: No, everyone might agree that a cross beam serves as a conspicuous marker, but here they argue over the following: Master, representing those who forbid it, holds that the conspicuous marker is intended for those situated inside the alleyway, and hence the area outside the inner edge of the cross beam may not be used; and Master, representing those who permit it, holds that the conspicuous marker is intended for those outside in the public domain, and it is therefore permitted to carry up to the outer edge of the cross beam.

²²¹ The Gemara proposes an alternative explanation: And if you wish, you can say that everyone agrees that a cross beam permits carrying as a partition, and here they argue over the following issue: As one Sage holds that the inner edge of the cross beam descends to the ground and seals off the alleyway, and therefore under the cross beam is not within the closed-off area; and the other Sage holds that the cross beam's outer edge descends to the ground and seals off the alleyway, and therefore it is permitted to carry even in the area beneath the cross beam. Consequently, there is no need to connect the dispute with regard to utilizing the area beneath the cross beam to the dispute with regard to the nature of the cross beam.

²²² Rav Ḥisda said: All concede that utilizing the area between the side posts placed at the entrance to an alleyway to permit carrying is prohibited, for a side post functions as a partition, and therefore one may only use the space up to its inner edge, but no further.

²²³ Rami bar Ḥama raised a dilemma before Rav Ḥisda: What is the halakha in a case where a person inserted two pegs in the two alleyway walls, one in each wall, on the outside of the entrance facing the public domain, and he placed a cross beam on top of the pegs, such that the beam is attached to the front of the alleyway walls instead of on top of them? Does this cross beam permit carrying within the alleyway?

²²⁴ Rav Ḥisda said to him: According to the statement of the one who permits utilizing the area beneath the cross beam, carrying within the alleyway is prohibited, for he holds that the cross beam's outer edge is the critical one, and here this outer edge is positioned outside the alleyway and therefore cannot permit it. Whereas according to the statement of the authority who prohibits utilizing the area beneath the cross beam, carrying in the alleyway is permitted, for the cross beam's inner edge is attached to the entrance of the alleyway.

²²⁵ Rava, however, disagreed and said: Even according to the opinion of the one who prohibits utilizing the area beneath the cross beam, carrying in the alleyway is prohibited, for we require that the cross beam that permits the alleyway be placed on top of the walls of the alleyway, and it is not. A cross beam that merely touches the alleyway from the outside does not permit it.

²²⁶ Rav Adda bar Mattana raised an objection to Rava from a baraita: If the cross beam being used to render an alleyway permitted for carrying is

²²⁷ drawn away from the alleyway walls or suspended in the air, the following distinction applies: If the cross beam is less than three handbreadths from the walls, one is not required to bring a different cross beam, for it is considered attached to the walls based on the principle of *lavud*, which views two solid surfaces as connected if the gap between them is less than three handbreadths wide. However, if the distance is three or more handbreadths from the walls, he is required to bring a

different cross beam in order to permit carrying in the alleyway. Rabban Shimon ben Gamliel, who holds that the principle of lavud applies to a gap of up to four handbreadths wide, says: If the cross beam is less than four handbreadths from the wall, one is not required to bring a different cross beam; but if the distance is four handbreadths from the wall, he is required to bring a different cross beam.

²²⁸ The Gemara wishes to clarify the baraita: What, is it not that when the baraita speaks of a cross beam that is drawn away from the alleyway walls, it is referring to a cross beam that is distanced from the alleyway walls and situated on the outside in the public domain, similar to the case of the cross beam resting on pegs mentioned above? And when it speaks of a cross beam that is suspended, isn't it referring to a cross beam that is distanced from the alleyway walls and placed on the inside in the alleyway? This interpretation contradicts Rava's statement above that disqualifies such a cross beam.

²²⁹ The Gemara rejects this interpretation: No, both this, the cross beam that is drawn away, and that, the crossbeam that is suspended, are located on the inside of the alleyway. The difference between them is that the cross beam that is drawn away is distanced from the wall from one direction, while a suspended cross beam does not lie on the alleyway walls at all, but is distanced from them from both directions.

²³⁰ Lest you say that if the cross beam is distanced from the wall from one direction, we say that the principle of lavud applies, and it is as if the cross beam is joined to the wall; but if it is distanced from the wall from two directions, we do not say that the principle of lavud applies. The baraita, therefore, comes and teaches us that there is no difference in this regard.

²³¹ Rav Ashi said: The baraita refers to a cross beam that is drawn away from the walls and also suspended in the air. And what are the circumstances where this would be the case? For example, where he inserted two bent pegs on the tops of the two alleyway walls, and the height of the pegs from the top of the walls is less than three handbreadths, and their bend inward is less than three handbreadths, and a cross beam rests on top of them. Lest you say that we either say lavud, i.e., we consider the cross beam to be virtually extended and thus connected to the wall, or we say ḥavut, pressed down, that we consider the cross beam to be pressed down vertically; but we do not say both lavud and ḥavut. The baraita therefore teaches us that even in that case we say that any item adjacent to another with a gap of less than three handbreadths between them is considered connected to it, whether to the side or below, and even in both directions at once.

²³² Rabbi Zakkai taught the following baraita before Rabbi Yoḥanan: The area between the side posts and beneath the cross beam has the legal status of a karmelit, and it is forbidden to carry in it. Rabbi Yoḥanan said to him: Exit and teach this halakha outside, i.e., this baraita is not in accordance with the accepted halakha, and therefore it should not be made part of the regular learning in the study hall.

²³³ The Gemara records a dispute with regard to the scope of Rabbi Yoḥanan's statement: Abaye said: Rabbi Yoḥanan's statement is reasonable with regard to the area beneath the cross beam, as only the area beneath the cross beam should be considered a private domain, but between the side posts, carrying is indeed prohibited, in accordance with the opinion of Rabbi Zakkai. And Rava said: The entire statement of Rabbi Zakkai is to be rejected, as Rabbi Yoḥanan asserted, and even in the area between the side posts carrying is permitted.

²³⁴ Rava said: From where do I know to say this, that carrying is permitted even between the side posts? For when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: A place that has an area of less than four by four handbreadths and is located between a public and private domain but belongs to neither has the status of an exempt domain with regard to carrying on Shabbat. Therefore, it is permitted for both the people in the public domain as well as the people in the private domain to use it for loading their burdens onto their shoulders, so long as they do not exchange objects with one another. Therefore, a place having an area of less than four handbreadths is not considered a karmelit, but rather an exempt domain, where carrying is permitted. Consequently, the area between the side posts should likewise be considered an exempt domain, and carrying should be permitted within it.

²³⁵ And Abaye said that this offers no proof, as there, with regard to Rav Dimi's statement, the area being discussed is at least three handbreadths high, setting it apart from the other domains. It is therefore considered a domain in its own right, and has the halakha of an exempt domain.

²³⁶ The Gemara considers the position of Abaye: Abaye said: From where do I know to say this, that the area between the side posts has the halakha of a karmelit? For Rav Ḥama bar Guria said that Rav said: The area within the opening, i.e., the doorway between two entrance posts that serve as side posts to permit carrying in the alleyway, requires another side post in order to permit carrying there, for the entrance posts alone do not suffice. This demonstrates that it is forbidden to carry in the space between the side posts without another side post.

²³⁷ And if you say that this is a case where the doorway has an area four by four handbreadths, and therefore an additional side post is required to permit carrying there, this is not a valid argument. For didn't Rav Ḥanin bar Rava say that Rav said: The area within the opening itself, even if it does not have an area of four by four handbreadths, requires an additional side post in order to permit carrying within it. This indicates that the area between the side posts is not to be used.

²³⁸ And Rava replies that a distinction must be made between the cases: There, the case of Rav's ruling refers to a scenario where the alleyway's entrance opens to a karmelit, and thus the space between the entrance posts is also viewed as a karmelit, and an additional side post is required.

²³⁹ The Gemara poses a question: But if the entrance opens to a public domain, what would be the halakha? Would it be permitted to carry there even without an additional side post? If so, it follows that the halakha of a karmelit is more stringent than that of a public domain. However, this seems untenable, for carrying in a karmelit is prohibited only by rabbinic decree, owing to the similarity between a karmelit and the public domain. This is similar to a situation where a permanent resident is down on the ground, while a stranger is raised up to the highest heaven, the very opposite of the appropriate state of affairs.

²⁴⁰ The Gemara comments: Yes, it is possible that this is the ruling, for we can say that it has found its own type and been awakened. In other words, as the area within the entranceway is not a defined domain, it doesn't have the status of an independent domain. Therefore, when it opens into a karmelit, to which it is similar, its status is negated, and it joins with the karmelit to form a single unit. However, when it opens into a public domain, it cannot join with it because it is not similar to a public domain, which has a totally different set of laws; and therefore it is considered part of the alleyway, and it is permitted to carry within it.

²⁴¹ Rav Huna, the son of Rav Yehoshua, said to Rava: And you do not hold that in the area between the side posts carrying is prohibited? But didn't Rabba bar bar Hana say that Rabbi Yoḥanan said: If an alleyway was lined with side posts, each one set more than three but less than four handbreadths apart from its neighbor, we have arrived in this matter at the dispute between Rabban Shimon ben Gamliel and the Rabbis with regard to the measure of lavud.

²⁴² How so? According to Rabban Shimon ben Gamliel, who said that if the gap between two items is less than four handbreadths, we say that the principle of lavud applies; all the side posts are considered a single side post. He may therefore only utilize the alleyway up to the inner edge of the innermost side post, but no more. However, according to the Rabbis, who say that we do not say the principle of lavud applies unless the gap is less than three handbreadths, he may utilize the alleyway up to the inner edge of the outermost side post. This discussion demonstrates that the argument revolves around the question as to which side post establishes the permitted area. But with regard to the area between the side posts, all agree that carrying is prohibited.

²⁴³ And Rava answers that there too, it refers to a case where the alleyway's entrance opens to a karmelit.

²⁴⁴ The Gemara raises a difficulty: But if the entrance opens to a public domain, what is its legal status – would carrying be permitted? If so, the halakha of a karmelit is more severe than that of a public domain. Once again, this can be likened to a situation where a permanent resident is down on the ground, while a stranger is raised up to the highest heaven. The Gemara answers: Yes, indeed, this is the ruling, but one should not be perplexed, as we have explained: it has found its own type and been awakened.

²⁴⁵ The Gemara provides an alternative explanation of Rabbi Yoḥanan's statement. Rav Ashi said: According to Rabbi Yoḥanan, carrying in the area between the side posts is actually permitted. The dispute between Rabban Shimon ben Gamliel and the Rabbis concerning the principle of lavud is in a case where there was an alleyway that one lined with side posts, each positioned less than four handbreadths from the next, and the side posts extend for a length of four cubits.

²⁴⁶ According to Rabban Shimon ben Gamliel, who said that for a gap of up to four handbreadths we say that the principle of lavud applies, all the side posts are considered a single side post, and since the side post in that case is four cubits long, it is considered a separate alleyway; therefore, it requires an additional side post to permit carrying in it. And according to the Rabbis, who say that we do not say that the principle of lavud applies unless the gap is less than three handbreadths, this area does not require an additional side post to permit carrying within it.

²⁴⁷ The Gemara asks: And even according to the opinion of Rabban Shimon ben Gamliel, why is another side post required? Let it have the same legal status as a side post that is visible from the outside, protruding from the wall of the alleyway, but appears to be even with the wall from the inside. Since it is evident from the outside that it is a side post and not part of the building, carrying is permitted there.

²⁴⁸ The Gemara answers: As Rav Ashi's reason is only according to the opinion of Rabbi Yoḥanan, when Ravin came from Eretz Yisrael to Babylonia, didn't he say that Rabbi Yoḥanan said: If a side post is visible from the outside, protruding from the wall of the alleyway, but it appears to be even with the wall from the inside, it is not considered to have the legal status of a side post?

²⁴⁹ An amoraic dispute was stated: If a side post is visible from the inside, protruding from the wall of the alleyway, but it appears to be even with the wall from the outside, it is considered a side post. However, if a side post is visible from the outside protruding from the wall, but it appears to be even with the wall from the inside, there is a disagreement between Rabbi Ḥiyya and Rabbi Shimon, son of Rabbi Yehuda HaNasi, with regard to its status. One said: It is considered to have the legal status of a side post. And the other one said: It is not considered to have the legal status of a side post.

²⁵⁰ The Gemara clarifies: Conclude that Rabbi Ḥiyya is the one who said that it is considered to have the legal status of a side post, as Rabbi Ḥiyya taught: In the case of a wall at the entrance to an alleyway whose one side is more recessed than the other, whether the recess is visible from outside the alleyway but appears to be even from the inside, or the recess is visible from the inside but appears to be even from the outside, it is considered to have the legal status of a side post. The Gemara states: Indeed, conclude that Rabbi Ḥiyya is the one who said it has the legal status of a side post.

²⁵¹ The Gemara rejects this conclusion: And Rabbi Yoḥanan, who explicitly said that a side post of that kind is not considered a side post, did he not hear this halakha? The Tosefta was widely known. Rather, he heard it, but he does not hold in accordance with it. Perhaps, then, Rabbi Ḥiyya also does not hold in accordance with it.

²⁵² The Gemara answers: What is this comparison? Granted, Rabbi Yoḥanan does not hold in accordance with that halakha. That is why he did not teach it. But Rabbi Ḥiyya, if it is true that he does not hold in accordance with it, why would he teach it?

²⁵³ Rabba bar Rav Huna said: If a side post is visible from the outside, protruding from the wall of the alleyway, but appears to be even with the wall from the inside, it is considered to have the legal status of a side post. Rabba said: And we raise an objection to our own halakha from a mishna: With regard to a small courtyard that was breached along the entire length of one of its walls so that it opens into a large courtyard, in the large one it is permitted to carry and in the small one it is prohibited to carry. This is because the breach is considered an entrance of the large courtyard. The wall of the smaller courtyard was breached along its entire length, therefore there is no visible partition from inside the smaller courtyard. However, the partition is noticeable from the outside, i.e., in the large courtyard, since the breach is flanked on both sides by the remaining segments of the wall of the large courtyard. And if it is so, that a partition that is visible from the outside is considered a partition, carrying in the small courtyard should also be permitted in this case, as the wall is visible from the outside but appears to be even from the inside.

²⁵⁴ Rabbi Zeira said: This mishna is referring to a case where the walls of the small courtyard protrude into the large one, i.e., the breached wall of the small courtyard is not in line with the wall of the large one. Therefore, even when viewed from the outside there are no walls visible, and that is why carrying is prohibited there.

²⁵⁵ The Gemara asks: And let us say that the principle of lavud applies, and then carrying will be permitted even in the small courtyard. The ends of the breached wall should be considered attached to the side walls of the large courtyard, rendering the wall of the large courtyard visible. Then it will be permitted to carry in the small courtyard based on the principle governing side posts visible from the outside.

²⁵⁶ And if you say that the walls of the smaller courtyard are too separate from the walls of the larger courtyard, such that the distance between the walls is too great for the principle of lavud to apply, didn't Rav Adda bar Avimi teach before Rabbi Ḥanina: The small courtyard of which they speak is referring even to one ten cubits wide; the large one is referring even to one eleven cubits wide? Apparently, this halakha applies even when the difference in width between the courtyards is a single cubit, which is six handbreadths. Assuming the small courtyard is located equidistant from the ends of the large courtyard, only three handbreadths separate it on each side from the wall of the large one. Therefore, the principle of lavud applies.

²⁵⁷ Ravina said: It is a case where the walls of the smaller courtyard are separated from this wall of the larger courtyard by two handbreadths and from this wall of the larger courtyard on the other side by four handbreadths. Since there is a distance of more than three handbreadths, the principle of lavud does not apply.

²⁵⁸ The Gemara asks: And let us say that the principle of lavud applies from one direction, then carrying will be permitted even in the small courtyard.

²⁵⁹ The Gemara answers: This mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, who said that in order to permit carrying in a courtyard that was breached, we require two upright boards, one on either side of the breach. As it was taught in a baraita: If a courtyard was breached and opens into the public domain, and the width of the breach does not exceed ten cubits, it becomes permitted to carry there, even with only one upright board remaining on one side of the breach. Rabbi Yehuda HaNasi says: It is permitted only with two upright boards remaining, one on each side of the breach.

²⁶⁰ The Gemara rejects this entire explanation: What is this comparison? Granted, if you say that the legal status of a side post that is visible from the outside but appears to be even with the wall from the inside is not considered like that of a side post; and that Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Yosei that a side post or an upright board in a courtyard must be at least three handbreadths wide; and that the explanations of the mishna offered earlier by Rabbi Zeira and Ravina are not accepted; that is why there is significance to the fact that the small courtyard is ten cubits wide and the large one is eleven cubits wide. It is due to the fact that Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Yosei. Since Rabbi Yosei holds that a side post must be three handbreadths wide, we require that the two upright boards together measure six handbreadths, i.e., one cubit, which is the minimal difference in size between the two courtyards.

²⁶¹ However, if you say that the legal status of a side post that is visible from the outside but appears to be even with the wall from the inside is considered like that of a side post; and that Rabbi Zeira's and Ravina's explanations are accepted as halakha; and that Rabbi Yehuda HaNasi does not hold in accordance with the opinion Rabbi Yosei, why do I need to explain that the large courtyard measures eleven cubits?

²⁶² Whichever way you look at it, there is a difficulty: If the baraita is coming to permit one to carry in the large courtyard, then a width of ten cubits and two handbreadths suffices. These two handbreadths can be considered the upright boards that render the courtyard fit for one to carry within it. And if it is coming to teach a novel halakha according to Rabbi Yehuda HaNasi and prohibit one to carry in the small courtyard, it should teach us a case where the walls of the two

courtyards are much farther removed from each other, rather than a case where they are only one cubit apart. Therefore, the second explanation cannot be accepted.

²⁶³ Rather, can we not conclude from the baraita that a side post that is visible from the outside but appears to be even with the wall from the inside is not considered to have the legal status of a side post? The Gemara concludes: Indeed, conclude from this.

²⁶⁴ Rav Yosef said: I did not hear this halakha of Rabba bar Rav Huna from my teachers. Rav Yosef had become ill and forgotten his learning, which is why he could not recall the halakha that a side post that is visible from the outside is considered to have the legal status of a side post.

²⁶⁵ His student Abaye said to him: You yourself told us this halakha, and it was with regard to this that you told it to us. As Rami bar Abba said that Rav Huna said: With regard to a side post that extends along the wall of an alleyway and beyond, in which case it appears from the inside to be a continuation of the wall but due to its narrow width it is clearly visible as a side post from the outside, if that side post is less than four cubits long it is considered to have the legal status of a side post. And one may use the alleyway up to the inner edge of the side post. However, if the side post itself extends four cubits, the alleyway has no side post and it is considered to have the legal status of an alleyway, and it is prohibited to utilize the entire alleyway.

²⁶⁶ And you said to us about this: Learn from this statement three halakhot with regard to eiruv. Learn from it that in the area between the side posts it is prohibited to carry, as Rav Huna rules that one may use the alleyway only up to the inner edge of the side post. And learn from it that the minimal length of an alleyway is four cubits. And learn from it that a side post that is visible from the outside but appears to be even with the wall of the alleyway from the inside is considered to have the legal status of a side post.

²⁶⁷ The Gemara concludes: The halakha is that a side post that is visible from the outside but appears to be even with the wall from the inside is considered to have the legal status of a side post. The Gemara asks: It is possible that there is a conclusive refutation of this opinion, and it is also the halakha? This opinion was refuted earlier. Can the halakha then be decided in accordance with it?

²⁶⁸ The Gemara answers: Yes, it can because Rabbi Ḥiyya taught a baraita in accordance with it. Although the deductive analysis of the statements of other tanna'im led to different conclusions, the halakha relies on Rabbi Ḥiyya's explicit statement.

²⁶⁹ The opening mishna states: If the entrance to an alleyway is wider than ten cubits, one must diminish its width. Abaye said that a Sage taught in the Tosefta: If the entrance to an alleyway is wider than ten cubits, one must diminish its width. Rabbi Yehuda says: He need not diminish it. The question arises: Until what width does Rabbi Yehuda still permit carrying in the alleyway?

²⁷⁰ Initially, Rav Aḥai thought to say before Rav Yosef: Up to thirteen and a third cubits. And he derived this figure through an a fortiori argument from upright boards surrounding a well. Rabbi Yehuda maintains that if one placed upright boards up to thirteen and a third cubits apart from one another, he may consider the partitioned area around the well as a private domain and therefore carry within it.

²⁷¹ Rav Aḥai explains: Just as in the case of upright boards surrounding a well, where you permitted carrying, even though the boards form a partition where the breached segment is greater than the standing segment, you did not permit carrying within them if the gap between the boards is more

than thirteen and a third cubits wide; in the case of an alleyway, where you did not permit carrying if the breached segment of its walls is greater than the standing segment, is it not right that you will not permit carrying within it if there is a gap more than thirteen and a third cubits wide?

²⁷² But that reasoning provides support for a contrary conclusion as well. Just as in the case of upright boards surrounding a well, where you permitted carrying within them, even though the boards form a partition where the breached segment is greater than the standing segment, you will not extend the leniency and permit carrying within them, when the gap between the boards is more than thirteen and a third cubits; in an alleyway, where you were stringent and did not permit carrying when the breached segment is greater than the standing segment, in a case where most of the walls are standing, you will certainly permit carrying, even when the gap is more than thirteen and a third cubits.

²⁷³ Alternatively, one may argue to the contrary. One should be more stringent in the case of an alleyway. In the case of upright boards surrounding a well, with regard to which you were lenient and issued one leniency, be lenient and issue another leniency and maintain that a gap of up to thirteen and a third cubits still be considered an entrance. However, in the case of an alleyway, you should not be lenient at all. Therefore, there is no way to determine Rabbi Yehuda's opinion with regard to the width of an alleyway entrance.

²⁷⁴ Levi taught a baraita with regard to reducing the width of an alleyway in order to render it fit for one to carry within it. If an alleyway is twenty cubits wide, one may stick a reed in the center of its entrance and that is sufficient to create two separate alleyways, each ten cubits wide. He taught this baraita, and he said about it that the halakha is not in accordance with that teaching, as the insertion of a reed is not effective in reducing the width. Some say that Shmuel said in the name of Levi: The halakha is not in accordance with that teaching.

²⁷⁵ The Gemara asks: Rather, how should one act in order to render an alleyway of that sort fit for one to carry within it? Shmuel said in the name of Levi:

²⁷⁶ One prepares a board ten handbreadths high with a length of four cubits and stands it lengthwise down the middle of the alleyway, and thereby forms two small alleyways at the entrance to the alleyway, neither of which is more than ten cubits wide.

²⁷⁷ Alternatively, one can act in accordance with the opinion of Rav Yehuda, as Rav Yehuda said: If an alleyway is fifteen cubits wide, how does one reduce its width? He distances himself two cubits from one of the walls of the alleyway and prepares a board three cubits wide, thereby leaving an opening of only ten cubits.

²⁷⁸ The Gemara asks: And why must one reduce the width in this manner? One could also prepare a board a cubit and a half wide, and distance himself two cubits, and then prepare another board a cubit and a half wide, leaving the alleyway with an opening of only ten cubits. Apparently, one may conclude from the fact that Rav Yehuda did not suggest this possibility that if the standing segment of a wall is greater than the breached segment only when one combines the standing segments from two directions, i.e., both sides of the breach, it is not considered as though the standing segment were greater.

²⁷⁹ The Gemara rejects this: Actually, I would say to you that ordinarily it is considered as standing even when one must combine the standing segments on the two sides of the breach. However, it is

different here, as the air, i.e., the two cubit opening, of this one side of the far board and the air, i.e., the ten cubit opening, of this other side of the board come together and negate it. Therefore, in this case, the board that is farther from the wall cannot serve to close off the alleyway.

²⁸⁰ The Gemara suggests: And one could instead prepare a board one cubit wide and distance himself one cubit, and prepare another board of a cubit and distance himself one cubit, and prepare a third board of one cubit, thus ensuring that the open space is not greater than the standing segment on both sides. Apparently, since Rav Yehuda did not suggest this possibility, one may conclude from this that if the standing segment of a wall is equal to the breached segment, carrying in the alleyway is prohibited.

²⁸¹ The Gemara rejects this assumption: Actually, I would say to you that ordinarily carrying is permitted in that case. But here it is different, since the air, the opening, on this side of the board and the air, the opening, on that side of the board come together and negate the effectiveness of the board.

²⁸² The Gemara suggests: And one could distance himself one cubit from the wall, and prepare a board of a cubit and a half, and distance himself another cubit, and prepare another board of a cubit and a half. In this manner, one could diminish the width of the entrance of the alleyway to ten cubits.

²⁸³ The Gemara answers: Yes, it is indeed so; this would work equally as well. But the Sages did not burden him this much, requiring him to prepare two boards where one suffices.

²⁸⁴ The Gemara raises a new issue: But let us be concerned lest one abandon use of the larger entrance, which is ten cubits wide, and begin to enter the alleyway through the smaller entrance, which has a width of two cubits. This would negate the larger opening's status as an entrance and render the alleyway unfit for one to carry within it, as it would no longer have an entrance with a side post. Rav Adda bar Mattana said: The presumption is that a person does not abandon a larger entrance and enter instead through a smaller entrance.

²⁸⁵ The Gemara raises a difficulty: And in what way is this different from the opinion of Rabbi Ami and Rabbi Asi, who maintain that in the case of an alleyway that is breached on its side wall close to its entrance, if the breach is large enough for one to enter through it, carrying in the alleyway is prohibited? There, too, such a breach should not be problematic, as a person does not abandon a larger entrance to enter through a smaller one.

²⁸⁶ The Gemara answers: There, in the case of Rabbi Ami and Rabbi Asi, the smaller entrance reduces his walking distance. If one approaches the alleyway from the side, the smaller entrance provides a shortcut, and therefore one might enter through it as well. However, here, in the case of the two entrances one two cubits and one ten cubits, it does not reduce his walking distance, as both openings are situated at the front of the alleyway.

²⁸⁷ The Gemara returns to the issue of the standing segment that is greater than the breached segment. We learned in the Tosefta there, in tractate Kelim: The leather covering of a stool [asla] and its hole join together to complete a handbreadth with regard to ritual impurity imparted by a tent over a corpse. Any person, vessel, or food that is beneath a covering that is at least a handbreadth in size together with a portion of a corpse of at least an olive-bulk becomes ritually impure with impurity imparted by a corpse. The baraita teaches that the leather covering of a stool and its hole combine to complete the measure of a handbreadth.

²⁸⁸ The Gemara asks: What is the leather covering of a stool referred to in the Tosefta? Rabba bar bar Hana said that Rav Yoḥanan said: The leather covering of a bathroom.

²⁸⁹ The Gemara asks: And how large can the hole be and still combine with the leather covering to complete the handbreadth? When Rav Dimi came from Eretz Yisrael to Babylonia, he said: Two fingers of leather from here, on one side, and two fingers of leather from here, on the other side, and a space of two fingers for the hole in the middle. However, when Ravin came from Eretz Yisrael to Babylonia, he said: A finger and a half of leather from here, and a finger and a half on the leather from here, and a space of a single finger for the hole in the middle.

²⁹⁰ Abaye said to Rav Dimi: Do the two of you, yourself and Ravin, disagree in principle? Rav Dimi said to him: No, rather this, Ravin's statement, is referring to the large finger, i.e., the thumb, and this, my own statement, is referring to the small finger, the pinkie, and we do not disagree. Both were describing one handbreadth, which equals the width of four thumbs or six pinkies.

²⁹¹ Abaye said to him: This is not so [la'ei]. You disagree, and you disagree with regard to the halakha in a case where the standing segment of a wall is greater than the breached segment only when one combines the standing segments from two directions, i.e., both sides of the breached segment. According to you, this wall is considered as standing, even when one must combine the standing segments from two directions. According to Ravin, if the standing segment on one side of the breach is greater, the wall is considered as standing; however, if the standing segment is greater only after combining the standing segments from the two directions, it is not considered as standing.

²⁹² Abaye continues: For if it should enter your mind to say that you do not disagree, but simply refer to the same measures by different names, to express his opinion, Ravin should have said as follows: A finger and a third of leather from here, and a finger and a third of leather from here, and a space of a finger and a third for the hole in the middle. In this case, there would still be a handbreadth in total, but each side of leather alone would not be larger than the space in the middle. The fact that Ravin presented a case where the hole in the middle is smaller than the width of the leather on either side indicates that his dispute with Rav Dimi is a fundamental one.

²⁹³ Rav Dimi responds: Rather, what do you wish to say, that we disagree? If so, to express the opinion attributed to me, I should have said as follows: A finger and two thirds of leather from here, and a finger and two thirds of leather from here, and a space of two fingers and two thirds in the middle. This would provide a more striking case where, despite the fact that the breach is much greater than the standing segments on either of its sides, the two standing segments combine together so that the standing segments are considered greater than the breached segment.

²⁹⁴ Rather, if there is room to say that we disagree, our dispute relates to a different point, and we argue in the case where the breached segment is exactly equal to the standing segment on each side. According to Ravin, it is considered breached; while according to Rav Dimi, it is considered standing.

²⁹⁵ The Gemara returns to the mishna: If the entrance to the alleyway has an opening in the form of a doorway, then, even if it is wider than ten cubits, one need not diminish its width. The Gemara comments: We find that an opening in the form of a doorway is effective to permit carrying in an alleyway with regard to its width, i.e., when its entrance is more than ten cubits wide, and that a cornice is effective with regard to its height, i.e., when it is more than twenty cubits high.

²⁹⁶ The Gemara asks: What is the halakha in the opposite situation? Does an opening in the form of a doorway also serve to permit carrying in an alleyway that is more than twenty cubits high?

²⁹⁷ The Gemara answers: Come and hear the answer to this question, as it was taught in a baraita: If the cross beam placed over the entrance to an alleyway is higher than twenty cubits, one must diminish its height, but if the entrance has an opening in the form of a doorway, he need not diminish it.

²⁹⁸ The Gemara asks: What is the effect of a cornice with regard to the need to diminish the alleyway's width? Does the cornice render the alleyway fit for one to carry within it, even if the entrance is more than ten cubits wide? The Gemara answers: Come and hear an answer as it was taught in a baraita: If the cross beam placed over the entrance to an alleyway is higher than twenty cubits, one must diminish its height, and if the alleyway is wider than ten cubits, one must diminish its width. However, if the entrance to the alleyway has an opening in the form of a doorway, he need not diminish it, and, similarly, if it has a cornice, he need not diminish it.

²⁹⁹ The Gemara explains the proof it wishes to adduce from this baraita: What, is this statement with regard to the cornice not referring to the latter clause, i.e., the case of an alleyway that is wider than ten cubits, proving that a cornice can render an alleyway otherwise too wide fit for one to carry within it? The Gemara refutes this argument: No, this statement is referring to the first clause of the baraita, that a cornice is effective for an alleyway more than twenty cubits high, but it tells us nothing about one that is more than ten cubits wide.

³⁰⁰ With regard to the same issue, Rav Yehuda would teach the baraita to Ḥiyya bar Rav before Rav as follows: If the entrance to an alleyway that is wider than ten cubits has an opening in the form of a doorway, he need not diminish its width. Rav said to him: Teach him that the correct version of the baraita is: He must diminish its width.

³⁰¹ Rav Yosef said: From the statement of our teacher, Rav, who said that the entrance to an alleyway must be diminished even if it has an opening in the form of a doorway, we will learn that with regard to a courtyard, the walls of which are mostly entrances and windows, it is not permitted to carry within it even by having an opening in the form of a doorway. Even if the entrances have an opening in the form of a doorway, this does not render a mostly breached courtyard wall into a closed wall.

³⁰² What is the reason? Since an opening of more than ten cubits renders it prohibited for one to carry in an alleyway, and likewise when the breached segment of a wall that is greater than its standing segment renders it prohibited for one to carry in a courtyard, the following claim can be made: Just as, according to Rav, in the case of an opening more than ten cubits wide that renders it prohibited for one to carry in an alleyway, carrying in the alleyway is not permitted by the form of a doorway in the opening, so too a case where breached segment of a wall is greater than its standing segment that renders it prohibited for one to carry in a courtyard, carrying in the courtyard is not permitted by the form of a doorway in the opening.

³⁰³ The Gemara rejects this argument: What is the basis for comparison to an opening that is more than ten cubits wide that renders it prohibited for one to carry in an alleyway? It is not permitted by having an opening in the form of a doorway because you did not permit an opening of that size with regard to the case of upright boards surrounding a well, in accordance with the opinion of Rabbi Meir. Can you say the same in a case where the breached segment of a wall is greater than the standing segment that renders it prohibited for one to carry in a courtyard, that carrying in the

courtyard will not be permitted by the form of a doorway? That situation is clearly not as severe a problem, as you permitted carrying with regard to upright boards surrounding a well according to everyone. Consequently, no comparison can be made between the case of an opening wider than ten cubits in an alleyway and a partition in which the breached segment is greater than the standing segment in a courtyard.

³⁰⁴ The Gemara suggests: Let us say that the following baraita supports this opinion that the form of a doorway is ineffective in a case where the breached segments of a wall are greater than its standing segments: With regard to the area enclosed by these walls that most of them consist of entrances and windows, it is permitted to carry on Shabbat therein, provided that the standing segments are greater than the breached segments.

³⁰⁵ The Gemara first analyzes the wording of the baraita: The Gemara analyzes the formulation of the baraita: Can it enter your mind that the baraita is referring to a case where most of the walls are entrances and windows? If so, the standing segments are not greater than the breached segments. Rather, emend the baraita: Carrying in the area enclosed by these walls to which he added many entrances and windows is permitted, provided that the standing segments are greater than the breached segments. Apparently, if the breached segments are greater than the standing segments, carrying is not permitted even if the breaches are in the form of doorways.

³⁰⁶ Rav Kahana said that his is not an absolute proof: When this baraita was taught, it was taught with regard to broken entrances [pitḥei shima'ei] that lack the proper form of doorways.

³⁰⁷ The Gemara asks: What are broken entrances? Rav Reḥumei and Rav Yosef disagreed on the matter. One said that they do not have proper doorposts, and the other one said that they do not have lintels above the openings.

³⁰⁸ The Gemara comments: And even Rabbi Yoḥanan holds that opinion of Rav, that an opening in the form of a doorway does not permit carrying if the opening is more than ten cubits wide. As Ravin bar Rav Adda said that Rabbi Yitzḥak said: There was an incident involving a person from the valley of Beit Ḥortan who stuck four poles [kunddeisin] into the ground in the four corners of his field, and stretched a vine over them, creating the form of a doorway on each side. He intended to seal the area so that he would be permitted to plant a vineyard in close proximity without creating a forbidden mixture of diverse kinds in a vineyard. And the case came before the Sages, and they permitted him to consider it sealed with regard to diverse kinds.

³⁰⁹ And Reish Lakish said: Just as they permitted him to consider it sealed with regard to diverse kinds, so too they permitted him to consider it sealed with regard to Shabbat, i.e., they permitted carrying within this area. Rabbi Yoḥanan said: With regard to diverse kinds, they permitted him to consider it sealed, however, with regard to Shabbat, they did not permit him to do so.

³¹⁰ The Gemara clarifies: With what case are we dealing here? If you say that he draped the vines on the posts from the side, rather than on top of them, didn't Rav Ḥisda say with regard to Shabbat: If one constructed an opening in the form of a doorway from the side, he has done nothing?

³¹¹ Rather, it must be that he set the vines on top of the posts. And in what circumstances did Rabbi Yoḥanan and Reish Lakish disagree? If you say that the posts were set at a distance of ten cubits from each other, would Rabbi Yoḥanan say in that case that with regard to Shabbat, they did not permit

him to consider the area sealed? Everyone agrees that the form of a doorway is effective for an entrance that is only ten cubits wide.

³¹² Rather, isn't it referring to a case where the posts were more than ten cubits apart? Apparently, Rabbi Yoḥanan agrees with Rav, that an opening in the form of a doorway does not permit carrying if the original opening is wider than ten cubits.

³¹³ The Gemara refutes this proof: No, actually it is referring to a case where the posts were ten cubits apart, and the person attached the vines to the posts from the side. And Reish Lakish and Rabbi Yoḥanan disagree with regard to the opinion of Rav Ḥisda. Reish Lakish maintains that the form of a doorway is effective even when the horizontal cross beam is attached to the vertical posts from the side, and Rabbi Yoḥanan agrees with Rav Ḥisda that a form of a doorway is ineffective for the purpose of carrying on Shabbat when constructed in such a manner.

³¹⁴ The Gemara comments: But it is possible to raise a contradiction between this statement of Rabbi Yoḥanan and another statement of Rabbi Yoḥanan; and it is possible to raise a contradiction between this statement of Reish Lakish and another statement of Reish Lakish. As Reish Lakish said in the name of Rabbi Yehuda, son of Rabbi Ḥanina:

³¹⁵ A braid of vines plaited around poles to form a partition is permitted with regard to diverse kinds, i.e., it is considered a partition that renders planting grapevines in close proximity to other crops permitted, but not with regard to Shabbat. And Rabbi Yoḥanan said: Just as such a braid is not considered a partition with regard to Shabbat, so too it is not considered a partition with regard to diverse kinds. Their opinions in the dispute here apparently contradict their opinions in the dispute cited above.

³¹⁶ Granted, the apparent contradiction between one statement of Reish Lakish and the other statement of Reish Lakish poses no difficulty, as this statement, according to which such a braid of vines is an effective partition even with regard to Shabbat, reflects his own opinion; that statement, according to which it is an effective partition only with regard to diverse kinds, reflects the opinion of his teacher, Rabbi Yehuda, son of Rabbi Ḥanina. However, the apparent contradiction between one statement of Rabbi Yoḥanan and the other statement of Rabbi Yoḥanan, poses a difficulty.

³¹⁷ Granted, if you say that there, where Rabbi Yoḥanan ruled that a braid of vines is an effective partition with regard to diverse kinds, it is referring to a case where the vines were placed on top of the posts, while here, where he rules that it is ineffective even with regard to diverse kinds, it is referring to a case where they were attached to the posts from the side, it works out well. However, if you say that both this and that are cases where the vines were attached from the side, what is there to say?

³¹⁸ The Gemara answers: Actually, both this and that are cases where the vines were attached to the side posts from the side. There, where Rabbi Yoḥanan ruled that the braid is an effective partition with regard to diverse kinds, it is referring to a case where the poles were only ten cubits apart; here, where he rules that it is ineffective even with regard to diverse kinds, it is referring to a case where the poles were more than ten cubits apart.

³¹⁹ And from where do you say that we distinguish between an opening of ten cubits and an opening of more than ten cubits? As Rabbi Yoḥanan said to Reish Lakish: That is not the way that the incident transpired. As Rabbi Yehoshua went to Rabbi Yoḥanan ben Nuri to study Torah, even though Rabbi

Yehoshua himself was an expert in the halakhot of diverse kinds and found him sitting among the trees, and Rabbi Yehoshua stretched a vine from one tree to another and said to him: Rabbi, if there are grapevines here, in the enclosed area, what is the halakha with regard to sowing diverse kinds of seeds here, on the other side of the partition? Rabbi Yoḥanan ben Nuri said to him: In a case where the trees are only ten cubits apart, it is permitted; however, where they are more than ten cubits apart, it is prohibited.

³²⁰ The Gemara clarifies the case: With what are we dealing here? If you say that the vines were placed on top of the trees, when they are more than ten cubits apart is it prohibited? But wasn't it taught in a baraita with regard to diverse kinds: If there were forked reeds there and he plaited a braid of vines above them, then even if the reeds were set more than ten cubits apart, it is permitted? With regard to diverse kinds, the form of a doorway when properly constructed is certainly effective.

³²¹ Rather, is it not referring to a case where he attached the vines to the trees from the side, and he is saying to him: In a case where the trees are only ten cubits apart, it is permitted; however, in a case where the trees are more than ten cubits apart, it is prohibited? The Gemara concludes: Indeed, learn from it that there is a distinction between poles that are ten cubits apart and poles that are more than ten cubits apart, and that this distinction resolves the contradiction between the two statements of Rabbi Yoḥanan.

³²² The Gemara now examines the matter itself with regard to Rav Ḥisda's statement cited above. Rav Ḥisda said: If one prepared an opening in the form of a doorway from the side, placing the horizontal cross beam to the sides, rather than on top, of the vertical posts, he has not done anything.

³²³ And Rav Ḥisda also said: The opening in the form of a doorway of which the Sages spoke must be strong enough to mount a door in it, and even if it is merely a flimsy door of straw.

³²⁴ Reish Lakish said in the name of Rabbi Yannai: The opening in the form of a doorway requires a mark in the doorpost for hinges. The Gemara asks: What is a mark for hinges? Rav Avya said: Loops [avkata] into which the hinge is inserted, so that it will be possible to mount a door in the doorway.

³²⁵ The Gemara relates that Rav Aḥa, the son of Rav Avya, once found the students of Rav Ashi and said to them: Did the Master, Rav Ashi, say anything with regard to an opening in the form of a doorway? They said to him: He said nothing, implying that an indication for hinges is unnecessary.

³²⁶ A Sage taught a baraita: The form of a doorway of which they spoke consists of a reed from here, on one side, and a reed from there, on the opposite side, and a reed on top of them. The Gemara asks: Need the lower reeds reach high enough to touch the upper reed, or do they not need to touch it? Rav Naḥman said: They do not need to touch it; and Rav Sheshet said: They need to touch it.

³²⁷ The Gemara relates that Rav Naḥman went ahead and performed an action in the house of the Exilarch in accordance with his own opinion. He constructed an opening in the form of a doorway such that the upper reed was not in contact with the lower reeds. Rav Sheshet said to his attendant, Rav Gadda: Go, remove those reeds and throw them away. The attendant went, removed the reeds, and threw them away. Members of the Exilarch's court found him and imprisoned him for destroying the form of a doorway that permitted them to carry. Rav Sheshet went and stood at the door of the prison, and called out to him: Gadda, go out and come to me. The Exilarch's men released him, and he went out and came to Rav Sheshet.

³²⁸ The Gemara relates that Rav Sheshet once found Rabba bar Shmuel and said to him: Did the Master teach anything with regard to the halakhot of the form of a doorway? He said to him: Yes, we learned in a baraita: With regard to an arched gateway, Rabbi Meir deems the owner obligated to affix a mezuzah, and the Rabbis deem him exempt. However, they both agree that if its supports, the vertical sides of the gate before it arches, are ten handbreadths high, that the gate requires a mezuzah.

³²⁹ In order to explain the dispute, Abaye said: Everyone agrees that if the entire arch is ten handbreadths high, but its supports are less than three handbreadths high, or, alternatively, if its supports are three handbreadths high but the entire arch is less than ten handbreadths high, the arch requires no mezuzah at all. Both of these gateways lack the requisite parameters of the form of a doorway to require a mezuzah.

³³⁰ Where they disagree is in a case where the supports are three handbreadths high and the entire arch is ten handbreadths high, and at the height of ten handbreadths the arch is less than four handbreadths wide; however, there is room to carve out the area to complete it to four handbreadths, so that the opening of the arch measures four handbreadths wide and ten handbreadths high.

³³¹ Abaye explains the dispute: Rabbi Meir holds that one carves out the area to complete the four handbreadths, i.e., the arch is considered as though it has already been carved out, and the opening has the necessary dimensions. And the Rabbis hold that one does not carve out the arch to complete the four handbreadths. Since the opening is not actually four handbreadths wide at a height of ten handbreadths, no mezuzah need be affixed. Rabba bar Shmuel indicates that everyone agrees that the lintel need not touch the doorposts of the entrance; if the arch's opening were four handbreadths wide at a height of ten handbreadths, it would require a mezuzah even though the ceiling is separated by the arch and does not touch the doorposts directly. So too, with regard to the form of a doorway, the upper reed need not touch the lower reeds, contrary to the opinion of Rav Sheshet.

³³² Rav Sheshet said to Rabba bar Shmuel: If you find them, do not say to the members of the Exilarch's household anything with regard to this baraita of an arched gateway, as it is proof against my opinion.

³³³ MISHNA: There is a basic dispute with regard to the method of rendering an alleyway fit for one to carry within it on Shabbat. Beit Shammai say: Both a side post and a cross beam are required. Beit Hillel say: Either a side post or a cross beam. Rabbi Eliezer says: Two side posts are required, one on each side of the alleyway.

³³⁴ In the name of Rabbi Yishmael, one student said before Rabbi Akiva: Beit Shammai and Beit Hillel did not disagree about an alleyway that is less than four cubits wide, as they both agree that carrying is rendered permitted by either a side post or a cross beam. With regard to what did they disagree? It is with regard to an alleyway that is wider than four cubits, and up to ten cubits wide; as Beit Shammai say: It requires both a side post and a cross beam. And Beit Hillel say: It requires either a side post or a cross beam. Rabbi Akiva said to the disciple: It is not so, as they disagree both about this case, i.e., an alleyway that is less than four cubits wide, and about that case, i.e., an alleyway that is between four and ten cubits wide.

³³⁵ GEMARA: Before clarifying the various opinions in the mishna, the Gemara seeks to determine: In accordance with whose opinion was this mishna taught? Apparently, it is neither in accordance with the opinion of Ḥananya, nor in accordance with the unattributed opinion of the first tanna of the baraita, who disagree about an alleyway that is open to a public domain on two opposite sides. The

dispute is whether the form of a doorway on one end and a side post and a cross beam on the other end suffice to render it permitted for one to carry within it, or whether actual doors are required, at least on one end. However, they both agree that a side post and a cross beam alone are not effective. Since at this point the Gemara assumes that the dispute in the mishna between Beit Shammai and Beit Hillel applies to all alleyways, whether closed on one side or open on two opposite sides to the public domain, these opinions reflect an entirely different position.

³³⁶ Rav Yehuda said that this is what the mishna is saying: How is a closed alleyway rendered fit for one to carry within it on Shabbat? Beit Shammai say: It requires both a side post and a cross beam. And Beit Hillel say: Either a side post or a cross beam.

³³⁷ The Gemara discusses the basis of each opinion. Beit Shammai say: It requires both a side post and a cross beam. Is that to say that Beit Shammai hold that in order for an area to be considered a private domain, four partitions are required by Torah law? Since a side post with a cross beam qualifies as a partition, the fact that they do not permit carrying within an alleyway without a side post indicates that they maintain that a private domain requires four partitions.

³³⁸ The Gemara rejects this argument: No, there is no proof, as one cannot conclude the parameters for a private domain based on the number of walls required to permit carrying. As with regard to the Torah prohibition to throw an object into a private domain from the public domain, once an enclosed area has three partitions, one is liable by Torah law. However, to permit one to carry an object within a private domain, the Rabbis decreed that it is not permitted until there are partitions on all four sides.

³³⁹ The Gemara attempts to draw an inference from that which Beit Hillel say: Either a side post or a cross beam is required. Is that to say that Beit Hillel hold that at least three partitions are required by Torah law, and that an area with fewer is not considered a private domain?

³⁴⁰ The Gemara rejects this argument as well: No proof can be cited from here. With regard to the Torah prohibition to throw an object into a private domain from the public domain, once an enclosed area has merely two partitions, one is liable by Torah law. However, to permit one to carry an object within a private domain, the Rabbis decreed that it is not permitted until there are partitions on three sides. A cross beam and a side post do not function as partitions but merely as conspicuous markers, so that one does not mistakenly carry outside the alleyway.

³⁴¹ We learned in the mishna that Rabbi Eliezer says: Two side posts are required. A dilemma was raised before the Sages: Did Rabbi Eliezer intend to say that two side posts and a cross beam are required, adding a stringency to Beit Shammai's opinion, that in addition to the cross beam not one, but two side posts are required? Or perhaps he intended to say that two side posts without a cross beam are required.

³⁴² Come and hear a resolution to this dilemma from that which was related in the Tosefta. There was an incident involving Rabbi Eliezer, who went to Rabbi Yosei ben Perida, his disciple,

³⁴³ at the town of Ovelin, and found him dwelling in an alleyway that had only one side post. He said to him: My son, set up another side post. Rabbi Yosei said to him: Am I required to close it up? Rabbi Eliezer said to him: Let it be closed up; what does it matter?

³⁴⁴ We learned in that same Tosefta: Rabban Shimon ben Gamliel said: Beit Shammai and Beit Hillel did not disagree about an alleyway whose width is less than four cubits, as they both agree that this alleyway does not require anything to render it permitted for one to carry within it. About what did

they disagree? About an alleyway that is wider than four cubits, and up to ten cubits; as Beit Shammai say: It is permitted to carry within it only if there is both a side post and a cross beam, and Beit Hillel say: It requires either a side post or a cross beam.

³⁴⁵ The Gemara explains the proof from this Tosefta. In any case, it teaches: Rabbi Yosei ben Perida said to Rabbi Eliezer: Am I required to seal it? Granted, if you say that Rabbi Eliezer requires two side posts and a cross beam, for that reason the disciple said: Am I required to seal it? However, if you say that he requires side posts without a cross beam, what is the meaning of to seal it? The entrance to the alleyway remains open from above.

³⁴⁶ The Gemara rejects this argument: No absolute proof can be cited from here, as perhaps this is what he is saying: Am I required to seal it with side posts?

³⁴⁷ The Master said in the Tosefta: Rabban Shimon ben Gamliel said that Beit Shammai and Beit Hillel do not disagree about an alleyway whose width is less than four cubits, as they both agree that it does not require anything to render it permitted to carry within it. But didn't we learn in the mishna: A certain disciple said before Rabbi Akiva in the name of Rabbi Yishmael: Beit Shammai and Beit Hillel did not disagree about an alleyway whose width is less than four cubits, as they both agree that carrying in an alleyway of that sort is permitted by either a side post or a cross beam. How could Rabban Shimon ben Gamliel have said that according to Beit Shammai and Beit Hillel even that minimal action is unnecessary?

³⁴⁸ Rav Ashi said: This is what Rabban Shimon ben Gamliel is saying. It neither requires both a side post and a cross beam, in accordance with the opinion of Beit Shammai, nor does it require two side posts, in accordance with the opinion of Rabbi Eliezer; rather, it requires either a side post or a cross beam, in accordance with the statement of Beit Hillel with regard to a large alleyway. When it said that Rabban Shimon ben Gamliel does not require anything, it meant anything more than that required by Beit Hillel.

³⁴⁹ The Gemara asks: And how narrow must an alleyway be so that it would not require even a side post, according to all opinions? Rav Ahlei said, and some say it was Rav Yehiel who said: Up to a width of four handbreadths, the alleyway requires nothing in order to render it permitted for one to carry within it.

³⁵⁰ Rav Sheshet said that Rav Yirmeya bar Abba said that Rav said: The Rabbis concede to Rabbi Eliezer with regard to the upright boards of a courtyard. That is to say, the Rabbis disagree with Rabbi Eliezer only about the number of side posts needed to permit carrying within an alleyway. However, they agree that if a courtyard was breached into the public domain, it can be considered closed only if upright boards of wall, similar to side posts, remain on both sides of the breach. But Rav Nahman said: The halakha is in accordance with the opinion of Rabbi Eliezer with regard to the upright boards of wall that are required in a courtyard.

³⁵¹ Rav Nahman bar Yitzhak said: Who are the Rabbis to whom Rav referred when he stated that they concede to Rabbi Eliezer? He was referring to Rabbi Yehuda HaNasi. Furthermore, as Rav Nahman said that the halakha is in accordance with the opinion of Rabbi Eliezer, one can learn by inference that the Sages dispute this issue as well. Who are the ones who disagree with Rabbi Yehuda HaNasi? It is the Rabbis, as it was taught in a baraita: In a courtyard that was breached into the public domain, with the width of the breach not exceeding ten cubits, it is permitted to carry if one

upright board remains on one side of the breach. Rabbi Yehuda HaNasi says: It is permitted only if there remain two upright boards, one on each side of the breach.

³⁵² Rabbi Asi said that Rabbi Yoḥanan said: A courtyard that was breached requires two upright boards of wall on either side of the breach, in accordance with the opinion of Rabbi Yehuda HaNasi. Rabbi Zeira said to Rabbi Asi: Did Rabbi Yoḥanan really say that? But weren't you the one who said in the name of Rabbi Yoḥanan: The upright boards in a courtyard must be four handbreadths wide? This indicates that only one board is necessary. And if you say that Rabbi Yoḥanan requires one upright four handbreadths board from here, one side of the breach, and one upright four handbreadths board from there, the other side of the breach, this is difficult.

³⁵³ But didn't Rav Adda bar Avimi teach the following baraita before Rabbi Ḥanina, and some say it was before Rabbi Ḥanina bar Pappi, with regard to the halakha governing a small courtyard that was breached along its entire length into a large courtyard. The baraita teaches that the residents of the large courtyard may use their courtyard even if the small courtyard has a width of ten cubits, and the large one has a width of eleven cubits. In this case, the difference between the length of the smaller courtyard and that of the larger courtyard is only one cubit, i.e., six handbreadths. Therefore, there cannot be upright boards of four handbreadths on each side, as together they would amount to more than a cubit.

³⁵⁴ The Gemara resolves this difficulty: When Rabbi Zeira ascended from his sea travels, he explained the contradiction between the statements of Rav Yoḥanan in the following manner: If there is a upright board in only one direction, it must be four handbreadths, however, if there are upright boards from two directions, it suffices if there is any amount here, on one side, and any amount there, on the other side.

³⁵⁵ And that which Adda bar Avimi taught with regard to the difference in size between the two courtyards is not universally accepted, as according to Rabbi Zeira it is sufficient if one courtyard is four handbreadths larger than the other. Rather, it is in accordance with the view of Rabbi Yehuda HaNasi, who requires two upright boards of wall in a breached courtyard. And furthermore, Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Yosei, who says that a side post must be at least three handbreadths wide. Consequently, the two upright boards together must be at least six handbreadths, which is why the minimum difference between the smaller and the larger courtyards is a cubit.

³⁵⁶ Rav Yosef said that Rav Yehuda said that Shmuel said: A breached courtyard is permitted if one upright board of wall remains on one side of the breach. Abaye said to Rav Yosef: Did Shmuel really say this? But didn't Shmuel say to Rav Ḥananya bar Sheila: You must not perform an action, i.e., issue a ruling to permit carrying in a breached courtyard, unless there remains standing either the majority of the wall or two upright boards on either side of the breach.

³⁵⁷ Rav Yosef said to Abaye: I do not know how to resolve this contradiction. All I know is that there was an incident in a shepherds' village with regard to a narrow inlet of the sea that penetrated a courtyard, breaching one of its walls in its entirety, and the matter came before Rav Yehuda, and he required only one upright board of wall to remain in order to permit it.

³⁵⁸ Abaye said to Rav Yosef: You speak of a narrow inlet of the sea, but an inlet is different and nothing can be derived from that case, for we know that this is a leniency in which the Sages

lessened the requirements in cases involving water. In these cases, the Sages did not require properly constructed partitions, but were satisfied with inferior ones.

³⁵⁹ The Gemara supports the assertion that the Sages were more lax with regard to water from the following dilemma that Rabbi Tavra raised before Rav: Does a suspended partition permit carrying in a ruin? Do we say that the remnants of the walls that are suspended in the air are considered as if they descend to the ground, closing off the area so that it is regarded as a private domain? Rav said to him: A suspended partition of this kind permits carrying only in the case of water; this is a leniency in which the Sages lessened the requirements in cases involving water.

³⁶⁰ The Gemara continues: In any case, it is difficult. The contradiction between the conflicting statements of Shmuel remains unresolved.

³⁶¹ The Gemara resolves the difficulty: When Rav Pappa and Rav Huna, son of Rav Yehoshua, came from the house of their teacher, they explained the contradiction in the following manner: If there is an upright board from only one direction, it must be of four handbreadths; but if there are upright boards from two directions, i.e., both sides of the breach, it suffices if there is a bit here, on one side, and bit here, on the other side.

³⁶² Rav Pappa said: If this issue is difficult for me to understand, this is my difficulty: For Shmuel said to Rav Ḥananya bar Sheila: You must not perform an action, i.e., issue a ruling to permit carrying in a breached courtyard, unless there remains standing either most of the wall or two upright boards on either side of the breach.

³⁶³ The Gemara asks: Why do I need most of the wall? An upright board of four handbreadths should suffice. The Gemara further explains the difficulty: And if you say, what is the meaning of most of the wall mentioned here? It is referring to the special case where the wall is seven handbreadths wide, so that four handbreadths constitutes most of the wall, this too is difficult. Even if the wall is seven handbreadths wide, why do I require an upright board of four handbreadths to seal? Three handbreadths and any amount should suffice, as Rav Aḥlei, and some say it was Rav Yeḥiel who said: A narrow alleyway up to four handbreadths wide requires nothing at all. Here too, after sealing up slightly more than three handbreadths, the remaining gap that remains is less than four handbreadths, so nothing further should be required.

³⁶⁴ The Gemara answers: If you wish, say that here, the statement of Shmuel is referring to a courtyard, where even a breach of less than four handbreadths requires action. There, the statement of Rav Aḥlei, is referring to an alleyway. And if you wish, say that the statement of Rav Aḥlei is itself subject to a dispute between the tanna'im.

³⁶⁵ The Sages taught the following baraita: With regard to a narrow inlet of the sea that enters into a courtyard, partially breaching one of its walls, one may not fill water from it on Shabbat. The inlet is a karmelit, from which it is prohibited to carry into a private domain, e.g. a courtyard. This is the halakha unless there is a partition ten handbreadths high at one side of the wall's breach, which would incorporate the inlet as part of the courtyard. In what case is this statement said? Where the breach through which the water enters is more than ten cubits wide; but if it is only ten cubits wide, nothing is required."

³⁶⁶ The Gemara asks: The baraita indicates that one may not fill water from the inlet because that would involve carrying from a karmelit into a private domain, but in the courtyard itself one may

indeed carry. But isn't the courtyard breached along its entirety, i.e., more than ten cubits, into a place that is prohibited to it? Since it is prohibited to carry to or from the inlet, it should also be prohibited to carry within the courtyard itself.

³⁶⁷ The Gemara answers: With what are we dealing here in this baraita? It is a case where the wall has not been fully breached, but rather remnants of the wall remain on each side (Rabbeinu Ḥananel; Rif).

³⁶⁸ Rav Yehuda said: If several courtyards open onto a common alleyway, the residents of the houses in the courtyards are prohibited to carry in the alleyway, unless the alleyway is rendered fit for one to carry within it by placing a side post or a cross beam at its entrance, and by the inhabitants of each courtyard placing food in a common area for the duration of Shabbat, symbolically converting the entire alleyway into a single household. It is prohibited to carry in an alleyway that the residents did not merge. Nevertheless, if the alleyway was rendered fit by means of a side post placed at its entrance, one who throws an object into it from the public domain is liable; the side post functions as a partition, and the alleyway is deemed a full-fledged private domain. If, however, the alleyway was rendered fit by means of a cross beam, one who throws an object into it from the public domain is exempt; the cross beam functions only as a conspicuous marker. It is not considered a partition that renders the alleyway a private domain.

³⁶⁹ Rav Sheshet strongly objects to this due to the following: The reason that one is exempt in the latter case is due to the fact the residents of the alleyway did not merge. By inference, if they did in fact merge, one would be liable even if the alleyway was rendered fit by way of a cross beam. This, however, is difficult. One can ask: Does this loaf, through which the residents joined together to form a single household, render the alleyway a private domain or a public domain?

³⁷⁰ But wasn't it taught in a baraita: Courtyards shared by many and alleyways that are not open on two opposite sides, whether the residents established an eiruv or did not establish an eiruv, one who throws an object into them from the public domain is liable. This seems to contrary to Rav Yehuda's statement.

³⁷¹ Rather, if it was stated, it was stated as follows. Rav Yehuda said: In the case of an alleyway that is not fit for merging, i.e., an alleyway that is open on two opposite sides, if the alleyway was rendered fit for one to carry within it by means of a side post, one who throws an object into it from the public domain is liable. In that case, the side post is considered a third partition, and since the alleyway is closed on three sides it is deemed a private domain. If, however, the alleyway was rendered fit for one to carry within in by means of a cross beam, one who throws an object into it is exempt.

³⁷² Apparently, Rav Yehuda holds that a side post functions as a partition, whereas a cross beam functions as a conspicuous marker but is not considered a partition. And, so too, Rabba said: A side post functions as a partition, whereas a cross beam functions as a conspicuous marker. But Rava said: Both this, the side post, and that, the cross beam, function as a conspicuous marker.

³⁷³ Rabbi Ya'akov bar Abba raised an objection to Rava from the following baraita: One who throws an object from the public domain into an alleyway, if the alleyway has a side post, he is liable; if it does not have a side post he is exempt. This shows that a side post is considered a proper partition.

³⁷⁴ Rava replied: This is what the baraita is saying: If the alleyway is closed on one side such that it requires only a side post in order to permit carrying within in, one who throws an object into it from the public domain is liable because the alleyway already has three partitions and is therefore a proper private domain according to Torah law. However, if the alleyway requires a side post and something else in order to permit carrying within it, one who throws an object into it from the public domain is exempt because the alleyway has only two partitions and is therefore not considered a private domain.

³⁷⁵ He raised an additional objection to Rava from the following baraita. Furthermore, Rabbi Yehuda said: The halakha is as follows with regard to one who has two houses opposite each other on two sides of the public domain, if he chooses, he may create a private domain for himself in the area of the public domain. He may place a ten-handbreadth high side post from here, perpendicular to the public domain. This creates a symbolic wall which, in the halakhot of alleyways, has the legal status of a wall. And, he may place an additional post from here, on the other side, and that has the same legal status as if he closed the public domain on all of its sides. Or, he can implement a different solution appropriate for alleyways by placing a beam extending from here, from one end of one house, to the end of the house opposite it. This creates a symbolic partition across the width of the street. And, he may place a beam extending from here, from the other side of the house. According to Rabbi Yehuda, in that way, one is permitted to carry objects and place them in the area between the symbolic partitions, as he would in a private domain.

³⁷⁶ The Rabbis said to him: One may not place an eiruv in the public domain in that way. One who seeks to transform a public domain into a private domain must place actual partitions. Apparently, according to Rabbi Yehuda, the side posts function as partitions in the public domain, creating a private domain between the two houses. It follows from this that a side post is in fact deemed a proper partition, contrary to Rava's statement.

³⁷⁷ The Gemara answers: This is not the reason behind Rabbi Yehuda's statement. Rather, there Rabbi Yehuda holds that by Torah law two partitions suffice to constitute a private domain, and he requires side posts only as a conspicuous marker. Therefore, Rava's position cannot be disproved from this source either.

³⁷⁸ Rav Yehuda said that Rav said: Unlike other alleyways, carrying within an alleyway whose length is equal to its width is not permitted by means of a side post of minimal width. Like a courtyard, carrying within it is permitted only by means of an upright board four handbreadths wide. Rav Ḥiyya bar Ashi said in the name of Rav: Carrying within an alleyway whose length is equal to its width is not permitted by a cross beam with the width of a handbreadth.

³⁷⁹ Rabbi Zeira said: How precise are the traditions of the Elders. He explains: Since the length of the alleyway is equal to its width, it is regarded like a courtyard, and carrying within a courtyard is not permitted by means of a side post or a cross beam, but only by means of an upright board of four handbreadths.

³⁸⁰ Rabbi Zeira said: Nonetheless, if this issue is difficult for me to understand, this is my difficulty: Let this side post be considered like an upright board of minimal width and permit carrying within the alleyway, just as an upright board permits carrying in a breached courtyard.

³⁸¹ The Gemara explains that this is incorrect, as that which Rabbi Asi said that Rabbi Yoḥanan said escaped Rabbi Zeira's attention: The upright boards of a courtyard must be four handbreadths wide, whereas a side post may be of minimal size.

³⁸² Rav Naḥman said: We have a tradition that states: What is the type of alleyway in which carrying is permitted by means of a side post or a cross beam? Any alleyway whose length is greater than its width and has houses and courtyards opening into it. And what is the type of courtyard in which carrying is not permitted by means of a side post or a cross beam, but by an upright board of four handbreadths? Any courtyard that is square.

³⁸³ The Gemara wonders: If it is square, then yes, is it considered a courtyard? If it is round, no, is it not considered a courtyard? The Gemara makes a correction: This is what it is saying: If its length is greater than its width, it is considered an alleyway, and for an alleyway a side post or a cross beam suffices; but if its length is not greater than its width, i.e., it is square, it is considered a courtyard.

³⁸⁴ The Gemara asks: And by how much must its length exceed its width so that it can be considered an alleyway? Shmuel thought at first to say: It is not considered an alleyway unless its length is double its width, until Rav said to him: My uncle [ḥavivi], Rav Ḥiyya, said this: Even if its length is greater than its width by only a minimal amount, the halakhot of an alleyway apply to it.

³⁸⁵ We learned in the mishna: A certain disciple said before Rabbi Akiva in the name of Rabbi Yishmael, etc.

³⁸⁶ The mishna relates that a student recited a halakha before Rabbi Akiva, and he did not accept the student's version of the dispute between Beit Shammai and Beit Hillel, as Rabbi Akiva said: They disagree about this, an alleyway less than four cubits wide, and about that, an alleyway more than four cubits wide.

³⁸⁷ The Gemara asks: In that case, the opinion of Rabbi Akiva is identical with the opinion first tanna of the mishna, as he too holds that Beit Shammai and Beit Hillel disagree in all cases, irrespective of the width of the alleyway. The Gemara answers: There is a practical difference between them with regard to the halakha stated by Rav Aḥlai, and some say it was Rav Yeḥiel, that an alleyway less than four handbreadths wide requires no corrective action. However, their respective opinions are not defined; which tanna accepts the view of Rav Aḥlai and which tanna rejects it cannot be determined.

³⁸⁸ It was taught in a baraita that Rabbi Akiva said: Rabbi Yishmael did not state this matter, as it is unlikely that Rabbi Yishmael would err in this manner; rather, it was that disciple who stated that matter on his own, and the halakha is in accordance with the opinion of that disciple.

³⁸⁹ With regard to that baraita the Gemara asks: This baraita itself is difficult. You stated initially that Rabbi Yishmael did not state this matter; apparently the halakha is not in accordance with the opinion of the disciple. And then you said: The halakha is in accordance with the opinion of that disciple.

³⁹⁰ Rav Yehuda said that Shmuel said: Rabbi Akiva said that the halakha is in accordance with that disciple only to sharpen the minds of his students with his statement. Seeking to encourage his students to suggest novel opinions, he praised that disciple before them but did not actually rule in accordance with the disciple's opinion.

³⁹¹ And Rav Naḥman bar Yitzḥak said, in another attempt to resolve the contradiction: The statement of the disciple appears to be reasonable was stated. Although Rabbi Yishmael himself did not make that statement, the statement of the disciple is reasonable.

³⁹² Rabbi Yehoshua ben Levi said: Anywhere that you find a statement introduced with: A certain disciple said before Rabbi Akiva in the name of Rabbi Yishmael, it is none other than Rabbi Meir, who was the student who served both Rabbi Yishmael and Rabbi Akiva.

³⁹³ As it was taught in a baraita that Rabbi Meir said: When I was a student with Rabbi Yishmael, I used to put iron sulfate [kankantom] into the ink with which I wrote Torah scrolls, and he did not say anything to me. When I came to study with Rabbi Akiva, he prohibited me from doing so.

³⁹⁴ The Gemara challenges this statement: Is that so? Didn't Rav Yehuda say that Shmuel said in the name of Rabbi Meir: When I studied with Rabbi Akiva as his disciple, I used to put iron sulfate into the ink, and he did not say anything to me. But when I came to study with Rabbi Yishmael, he said to me: My son, what is your vocation? I replied: I am a scribe [lavlar] who writes Torah scrolls. He said to me: My son, be careful in your vocation, as your vocation is heavenly service, and care must be taken lest you omit a single letter or add a single letter out of place, and you will end up destroying the whole world in its entirety. Addition or omission of a single letter can change the meaning from truth [emet] to death [met].

³⁹⁵ I said to him: I have one substance called iron sulfate, which I place into the ink, and therefore I am not concerned. He said to me: May one place iron sulfate into the ink? Didn't the Torah state with regard to sota: "And the priest shall write these curses in a book, and he shall blot them out into the water of bitterness" (Numbers 5:23)? The Torah requires writing that can be blotted out.

³⁹⁶ The Gemara clarifies elements of the conversation: What is Rabbi Yishmael saying to Rabbi Meir, and what is he answering him? Rabbi Meir's response with regard to iron sulfate does not seem to address Rabbi Yishmael's comments with regard to omissions and additions.

³⁹⁷ The Gemara explains that this is what Rabbi Meir is saying to Rabbi Yishmael: There is no need to mention defective and plene words, as I am an expert; however, even with regard to the concern that a fly might come and land on the crown of the letter dalet and blot it out and render it a reish, thereby changing the meaning of the word, I am not concerned, as I have a substance called iron sulfate that I place into the ink so that it will not be erased.

³⁹⁸ Nevertheless, there is a difficulty between service and service, as one source states that Rabbi Meir initially served Rabbi Akiva, whereas the other source states that he served Rabbi Yishmael first. There is a difficulty between the words he prohibited it in the baraita, which is referring to Rabbi Akiva, and he prohibited it in the statement of Rav Yehuda, which is referring to Rabbi Yishmael.

³⁹⁹ The Gemara comments: Granted, there is no difficulty between the accounts in the two sources with regard to service and service, as it can be suggested as follows: Rabbi Meir initially came to study before Rabbi Akiva, and since he was unable to comprehend the teachings in accordance with his opinion, he came before Rabbi Yishmael and studied the tradition, and again came before Rabbi Akiva and studied logical analysis. After studying the basic principles from Rabbi Yishmael, he was able to understand the more complex teachings of Rabbi Akiva.

⁴⁰⁰ Having reconciled the first difficulty, the Gemara continues: However, the difficulty with regard to whether Rabbi Akiva prohibited iron sulfate or Rabbi Yishmael prohibited it remains difficult. The Gemara notes: It indeed remains difficult; no answer was found.

⁴⁰¹ The Gemara continues the discussion of iron sulfate. It was taught in a baraita: Rabbi Yehuda says that Rabbi Meir would say: One may place iron sulfate into the ink that is to be used for all sacred writings, except for the writing of the Torah passage with regard to a sota, as it must be possible to erase that writing. Rabbi Ya'akov says in his name: Except for the writing of the Torah passage with regard to a sota used in the Temple in the ordeal to determine the guilt or innocence of the wife suspected of adultery.

⁴⁰² The Gemara asks: What is the difference between their opinions, i.e., what is their point of dispute? The Gemara answers: Rav Yirmeya said: The difference between their opinions is whether it is permissible to erase the passage of a sota from a Torah scroll. The tanna'im of the baraita disagree whether or not a section taken from a Torah scroll may be used for this purpose, or whether a special scroll must be written for use in the ordeal of the sota.

⁴⁰³ And those tanna'im disagree in the same dispute as these tanna'im, as it was taught in a baraita: A scroll that was written for one woman suspected of infidelity but was not used, her scroll is not fit to prepare the water to give to another sota to drink. However, Rabbi Aḥai bar Yoshiya said: Her scroll is fit to be used to prepare the water to give another sota to drink. The legal status of a Torah scroll, which is not written for a particular sota, should be the same.

⁴⁰⁴ Rav Pappa said: Perhaps that is not the case, as the two circumstances are not comparable. The first tanna of the baraita stated his opinion that one woman's scroll may not be used for another woman only there; since it had originally been designated in the name of one woman, e.g., Rachel, it cannot then be designated in the name of another woman, e.g., Leah. However, in the case of a Torah scroll, which is written with no particular person in mind, he too may say that we may erase it to be used for another woman, and it is not disqualified because it was not written in her name.

⁴⁰⁵ Furthermore, Rav Naḥman bar Yitzḥak said in another attempt to resolve the matter: Perhaps it is not so, as an additional distinction exists between the two cases: Rabbi Aḥai bar Yoshiya stated his opinion that the first woman's scroll may be used for another woman only there because at least, in that case, it was written for a particular sota in the world. However, in the case of a Torah scroll, which was written for study, he too would agree that we do not erase it.

⁴⁰⁶ The Gemara asks: And does Rabbi Aḥai bar Yoshiya not hold in accordance with that which we learned in a mishna: If one wrote a bill of divorce to divorce his wife,

⁴⁰⁷ but later reconsidered and did not divorce her, and a resident of his city found him and said: Your name is the same as my name, and your wife's name is the same as my wife's name, and we reside in the same town; give me the bill of divorce, and I will use it to divorce my wife, then this document is invalid to divorce with it? Apparently, a man may not divorce his wife with a bill of divorce written for another woman, and the same should apply to the scroll of a sota.

⁴⁰⁸ The Gemara rejects this argument: How can you compare the two cases? There, with regard to a bill of divorce, it is written: "And he shall write for her" (Deuteronomy 24:1), and therefore we require writing it in her name, specifically for her; whereas here, with regard to a sota, it is written: "And he shall perform with her all this ritual" (Numbers 5:30), and therefore we require performance in her name. In her case, the performance is erasure; however, writing of the scroll need not be performed specifically for her.

⁴⁰⁹ On the topic of Rabbi Meir and his Torah study, the Gemara cites an additional statement. Rabbi Aḥa bar Ḥanina said: It is revealed and known before the One Who spoke and the world came into being that in the generation of Rabbi Meir there was no one of the Sages who is his equal. Why then didn't the Sages establish the halakha in accordance with his opinion? It is because his colleagues were unable to ascertain the profundity of his opinion. He was so brilliant that he could present a cogent argument for any position, even if it was not consistent with the prevalent halakha. As he would state with regard to a ritually impure item that it is pure, and display justification for that ruling, and likewise he would state with regard to a ritually pure item that it is impure, and display justification for that ruling. The Sages were unable to distinguish between the statements that were halakha and those that were not.

⁴¹⁰ It was taught in a baraita: Rabbi Meir was not his name; rather, Rabbi Nehorai was his name. And why was he called by the name Rabbi Meir? It was because he illuminates [meir] the eyes of the Sages in matters of the halakha. And Rabbi Nehorai was not the name of the tanna known by that name; rather, Rabbi Nehemya was his name, and some say: Rabbi Elazar ben Arakh was his name. And why was he called by the name Rabbi Nehorai? It is because he enlightens [manhir] the eyes of the Sages in matters of the halakha.

⁴¹¹ The Gemara relates that Rabbi Yehuda HaNasi said: The fact that I am more incisive than my colleagues is due to the fact that I saw Rabbi Meir from behind, i.e., I sat behind him when I was his student. Had I seen him from the front, I would be even more incisive, as it is written: "And your eyes shall see your teacher" (Isaiah 30:20). Seeing the face of one's teacher increases one's understanding and sharpens one's mind.

⁴¹² And the Gemara stated that Rabbi Abbahu said that Rabbi Yoḥanan said: Rabbi Meir had a disciple, and his name was Sumakhus, who would state with regard to each and every matter of ritual impurity forty-eight reasons in support of the ruling of impurity, and with regard to each and every matter of ritual purity forty-eight reasons in support of the ruling of purity.

⁴¹³ It was taught in a baraita: There was a distinguished disciple at Yavne who could with his incisive intellect purify the creeping animal, explicitly deemed ritually impure by the Torah, adducing one hundred and fifty reasons in support of his argument.

⁴¹⁴ Ravina said: I too will deliberate and purify it employing the following reasoning: And just as a snake that kills people and animals and thereby increases ritual impurity in the world, as a corpse imparts impurity through contact, through being carried, and by means of a tent, is ritually pure and transmits no impurity, a creeping animal that does not kill and does not increase impurity in the world, all the more so should it be pure.

⁴¹⁵ The Gemara rejects this: And it is not so; that is not a valid a fortiori argument, as it can be refuted. A snake is performing a mere act of a thorn. A thorn causes injury and even death; nevertheless, it is not ritually impure. The same applies to a snake, and therefore this a fortiori argument is rejected.

⁴¹⁶ Rabbi Abba said that Shmuel said: For three years Beit Shammai and Beit Hillel disagreed. These said: The halakha is in accordance with our opinion, and these said: The halakha is in accordance with our opinion. Ultimately, a Divine Voice emerged and proclaimed: Both these and those are the words of the living God. However, the halakha is in accordance with the opinion of Beit Hillel.

⁴¹⁷ The Gemara asks: Since both these and those are the words of the living God, why were Beit Hillel privileged to have the halakha established in accordance with their opinion? The reason is that they were agreeable and forbearing, showing restraint when affronted, and when they taught the halakha they would teach both their own statements and the statements of Beit Shammai. Moreover, when they formulated their teachings and cited a dispute, they prioritized the statements of Beit Shammai to their own statements, in deference to Beit Shammai.

⁴¹⁸ As in the mishna that we learned: In the case of one whose head and most of his body were in the sukka, but his table was in the house, Beit Shammai deem this sukka invalid; and Beit Hillel deem it valid. Beit Hillel said to Beit Shammai: Wasn't there an incident in which the Elders of Beit Shammai and the Elders of Beit Hillel went to visit Rabbi Yoḥanan ben HaḤorani, and they found him sitting with his head and most of his body in the sukka, but his table was in the house? Beit Shammai said to them: From there do you seek to adduce a proof? Those visitors, too, said to him: If that was the manner in which you were accustomed to perform the mitzva, you have never fulfilled the mitzva of sukka in all your days. It is apparent from the phrasing of the mishna that when the Sages of Beit Hillel related that the Elders of Beit Shammai and the Elders of Beit Hillel visited Rabbi Yoḥanan ben HaḤorani, they mentioned the Elders of Beit Shammai before their own Elders.

⁴¹⁹ This is to teach you that anyone who humbles himself, the Holy One, Blessed be He, exalts him, and anyone who exalts himself, the Holy One, Blessed be He, humbles him. Anyone who seeks greatness, greatness flees from him, and, conversely, anyone who flees from greatness, greatness seeks him. And anyone who attempts to force the moment and expends great effort to achieve an objective precisely when he desires to do so, the moment forces him too, and he is unsuccessful. And conversely, anyone who is patient and yields to the moment, the moment stands by his side, and he will ultimately be successful.

⁴²⁰ The Sages taught the following baraita: For two and a half years, Beit Shammai and Beit Hillel disagreed. These say: It would have been preferable had man not been created than to have been created. And those said: It is preferable for man to have been created than had he not been created. Ultimately, they were counted and concluded: It would have been preferable had man not been created than to have been created. However, now that he has been created, he should examine his actions that he has performed and seek to correct them. And some say: He should scrutinize his planned actions and evaluate whether or not and in what manner those actions should be performed, so that he will not sin.

⁴²¹ MISHNA: The cross beam, which the Sages stated may be used to render an alleyway fit for one to carry within it, must be wide enough to receive and hold a small brick. And this small brick is half a large brick, which measures three handbreadths, i.e., a handbreadth and a half. It is sufficient that the cross beam will be a handbreadth in width, not a handbreadth and a half, enough to hold a small brick across its width.

⁴²² And the cross beam must be wide enough to hold a small brick and also sturdy enough to hold a small brick and not collapse. Rabbi Yehuda says: If it is wide enough to hold the brick, even though it is not sturdy enough to actually support it, it is sufficient. Therefore, even if the cross beam is made of straw or reeds, one considers it as though it were made of metal.

⁴²³ If the cross beam is curved, so that a small brick cannot rest on it, one considers it as though it were straight; if it is round, one considers it as though it were square. The following principle was

stated with regard to a round cross beam: Any beam with a circumference of three handbreadths is a handbreadth in width, i.e., in diameter.

⁴²⁴ GEMARA: The Gemara questions the statement in the mishna with regard to the minimum width of the cross beam: A handbreadth? A handbreadth and a half is required, as a small brick is a handbreadth and a half wide.

⁴²⁵ The Gemara answers: Since the cross beam is wide enough to receive and hold a handbreadth, one can affix the remaining half handbreadth with plaster, a small amount on this side and a small amount on that side, and the brick will stand in place.

⁴²⁶ Rabba bar Rav Huna said: The cross beam of which the Sages spoke must be sturdy enough to receive and hold a small brick; however, the supports of the cross beam need not be sturdy enough to receive and hold a cross beam and a small brick. Criteria were established for the cross beam itself, which renders the alleyway fit for one to carry within it; criteria were not established for its supports. Rav H̥isda disagreed and said: Both this, the beam, and that, its supports, must be sturdy enough to hold a cross beam and a small brick.

⁴²⁷ Rav Sheshet said: If one placed a cross beam over the entrance of an alleyway, and draped a mat over it, and raised the lower end of the mat three handbreadths from the ground, there is neither a cross beam here, nor is there a partition here to render the alleyway fit for one to carry within it. There is neither a cross beam here, as it is obscured and therefore inconspicuous. Nor is there a partition here, as it is a partition that is more than three handbreadths off the ground through which goats can pass, and therefore it does not have the legal status of a partition.

⁴²⁸ Our Sages taught in the Tosefta: If a cross beam projects from this wall of an alleyway but does not touch that wall opposite, and similarly, if there are two cross beams, one projecting from this wall and one projecting from that wall opposite, and they do not touch one another, if there is a gap of less than three handbreadths between the beam and the wall, or between the two beams respectively, one need not bring another cross beam to render the alleyway fit for one to carry within it, as they are considered joined based on the principle of lavud. However, if there is a gap of three handbreadths, one must bring another cross beam.

⁴²⁹ Rabban Shimon ben Gamliel says: If the gap is less than four handbreadths, one need not bring another cross beam. However, if it is four handbreadths, he must bring another cross beam, as in his opinion the principle of lavud applies to a gap up to four handbreadths wide.

⁴³⁰ And similarly, if two matching, extremely narrow cross beams are placed alongside each other, even though there is not sufficient width in this beam to receive a small brick, and there is not sufficient width in that beam, if the two beams together can receive a small brick along its handbreadth width, one need not bring another cross beam to render the alleyway fit for one to carry within it; but if not, one is required to bring another cross beam.

⁴³¹ Rabban Shimon ben Gamliel says: If the two cross beams can receive a small brick along its length, which is three handbreadths, one need not bring another cross beam, but if not, one must bring another cross beam.

⁴³² If these two narrow cross beams are placed one above and one below, Rabbi Yosei, son of Rabbi Yehuda, says: One considers the upper one as though it were below, and the lower one as though it were above, i.e., close together. If the two together are fit to hold a small brick, they render the

alleyway fit for one to carry within it, although they are not actually close to each other, provided that the upper cross beam is not above twenty cubits and the lower one is not below ten handbreadths, between which a cross beam renders an alleyway fit for one to carry within it.

⁴³³ Abaye said: Rabbi Yosei, son of Rabbi Yehuda, holds in accordance with the opinion of his father with regard to one matter, and disagrees with his opinion with regard to one matter. He holds in accordance with the opinion of his father in one matter, as he is of the opinion that the principle: One considers, applies. Just as Rabbi Yehuda stated in the mishna that the cross beam is considered as though it were sturdy even though it is not, his son, Rabbi Yosei, holds that one considers two cross beams placed apart as though they were adjacent.

⁴³⁴ And Rabbi Yosei disagrees with his father's opinion with regard to one matter. While Rabbi Yehuda holds that a cross beam renders an alleyway fit for one to carry within it even if it is higher than twenty cubits, Rabbi Yosei, son of Rabbi Yehuda, holds: Within twenty cubits, yes, it renders the alleyway fit for one to carry within it; above twenty, it does not.

⁴³⁵ It was stated in the mishna that Rabbi Yehuda says: It suffices if the cross beam is wide enough to hold a small brick, even though it is not sturdy enough to actually support it. Rav Yehuda taught this clause of the mishna to Ḥiyya bar Rav in the presence of Rav: It suffices if the cross beam is wide enough to hold a small brick, even though it is not sturdy enough to actually support it. Rav said to him: Teach it to him as follows: Wide enough and sturdy enough to hold a small brick.

⁴³⁶ The Gemara challenges this statement: Didn't Rabbi Elai say that Rav said: A cross beam that is four handbreadths wide renders an alleyway fit for one to carry within it even if it is not sturdy enough to hold a small brick? The Gemara answers: A cross beam that is four handbreadths wide is different, as a beam of that width is considered a roof and not a beam. It is considered as though the edge of the roof descended and constituted an actual partition, not merely a conspicuous distinction.

⁴³⁷ It was stated in the mishna: Even if the cross beam is made of straw or reeds, one considers it as though it were made of metal. The Gemara asks: What is the mishna teaching us? If it is teaching that we say one considers the cross beam as though it were fit to bear a brick, then this clause is the same as the previous clause in the mishna: Wide enough even though it is not sturdy enough.

⁴³⁸ The Gemara answers: There is a novel point here, lest you say that with regard to a cross beam made of material that other beams of its own kind are sturdy, e.g., wood, we say that even the flimsiest of cross beams is considered sturdy. However, with regard to a cross beam made of material that only beams not of its own kind are sturdy, e.g., straw, which can never support a brick, we do not say that one considers the cross beam as if it were made of metal. Therefore, the mishna teaches us that there is no difference between the cases.

⁴³⁹ It was taught in the mishna: If the cross beam is curved, one considers it as though it were straight. The Gemara challenges: That is obvious. The Gemara answers that this is in accordance with the opinion of Rabbi Zeira, as Rabbi Zeira said: If the cross beam is inside the alleyway, and its curved section is outside the alleyway; or it is within twenty cubits of the ground, and its curved section is above twenty cubits; or it is above ten handbreadths, and its curved section is below ten handbreadths, meaning that the curved part of the beam is outside the area where a cross beam is effective, one considers the situation: In any case where, were the curved section outside the area where a cross beam is effective removed, there would not be a gap of three handbreadths between

this effective part of the cross beam and that effective part of the cross beam, one need not bring another cross beam. And if not, if the gap would be greater, he must bring another cross beam.

⁴⁴⁰ The Gemara comments: That too is obvious, as the curved portion of the cross beam is considered as though it were straight. The Gemara explains: In a case where the cross beam is inside the alleyway and its curved portion is outside the alleyway, it was necessary for him to teach the halakha. Lest you say: Let us be concerned that he will come to be drawn after it and carry in the area where the curvature extends beyond the alleyway, Rabbi Zeira teaches us that this is not a concern.

⁴⁴¹ The mishna continues: If the cross beam is round, one considers it as though it were square. The Gemara asks: Why do I need this clause as well? Similar cases were already taught in the mishna. The Gemara answers: It was necessary to teach the last clause of this section, i.e., the principle that any circle with a circumference of three handbreadths is a handbreadth in diameter.

⁴⁴² The Gemara asks: From where are these matters, this ratio between circumference and diameter, derived? Rabbi Yoḥanan said that the verse said with regard to King Solomon: “And he made a molten sea, ten cubits from the one brim to the other: It was round all about, and its height was five cubits; and a line of thirty cubits did circle it round about” (I Kings 7:23).

⁴⁴³ The Gemara asks: But isn’t there its brim that must be taken into account? The diameter of the sea was measured from the inside, and if its circumference was measured from the outside, this ratio is no longer accurate.

⁴⁴⁴ Rav Pappa said: With regard to its brim, it is written that the brim is as the petals of a lily, as stated in the verse: “And it was a handbreadth thick; and its brim was wrought as the brim of a cup, as the petals of a lily; it contained two thousand bat” (I Kings 7:26). The brim was very thin.

⁴⁴⁵ The Gemara asks: But nevertheless, isn’t there the minimal amount of the thickness of the brim? The Gemara answers: When one calculates the circumference, he calculates from the inside.

⁴⁴⁶ Rabbi Ḥiyya taught in a baraita: The sea that Solomon fashioned contained a volume of one hundred and fifty baths of ritual purification. The Gemara asks: After all, with regard to a ritual bath, how much is its volume? It is forty se’a, as it was taught in a baraita: And he shall bathe his flesh

⁴⁴⁷ in water; specifically in the water of a ritual bath. The expression “all his flesh” (Leviticus 15:16) teaches that one must immerse in water that his whole body can enter at once. And how much is that? A cubit by a cubit by the height of three cubits. And the Sages calculated that the volume of water necessary for a ritual bath of this size is forty se’a.

⁴⁴⁸ The Gemara now calculates how many ritual baths should have been contained in Solomon’s Sea. The volume of the sea was five hundred cubic cubits, as it was ten cubits in length, ten cubits in width, and five cubits in height. The minimum volume of a ritual bath is three cubic cubits. Therefore, three hundred cubic cubits is the volume of a hundred ritual baths, and one hundred and fifty cubic cubits is the volume of another fifty ritual baths. Consequently, four hundred and fifty cubic cubits are enough to contain a hundred and fifty ritual baths; but the volume of the sea was five hundred.

⁴⁴⁹ The Gemara answers that there is an error in the calculation: These calculations with regard to the volume of the sea would apply to a square, but the sea fashioned by Solomon was round, and its volume was therefore smaller.

⁴⁵⁰ The Gemara continues to ask: Now, how much larger is a square of ten-by-ten cubits than a circle with a diameter of ten cubits? A quarter. Consequently, four hundred cubic cubits of our original calculation must be reduced to three hundred, which is the volume of one hundred ritual baths; and the remaining hundred cubits must be reduced to seventy-five, which is the volume of twenty-five ritual baths. According to this calculation, Solomon's Sea was the size of only one hundred and twenty-five ritual baths, not one hundred and fifty as stated above.

⁴⁵¹ In answer to this question, Rami bar Yehezkel taught as follows: In the sea that Solomon fashioned, the three lower cubits were square and the upper two were round. Consequently, the three lower cubits of the sea contained the volume of a hundred ritual baths, and its upper two cubits contained the volume of fifty ritual baths, for a total of one hundred and fifty ritual baths.

⁴⁵² The Gemara comments: Although you cannot say the opposite, that the bottom of the sea was round, as it is written in the verse that its brim was round; you can, however, say that only one cubit on top was round.

⁴⁵³ The Gemara rejects this possibility: This cannot enter your mind, as it is written with regard to the sea: "And it was a handbreadth thick, and its brim was wrought like the brim of a cup, like the petals of a lily; it contained two thousand bat" (i Kings 7:26). How much is the measure of a bat? Three se'a, as the verse states: "Concerning the ordinance of oil, the bat of oil, you shall offer the tenth part of a bat out of the kor, which is a homer of ten bat, for ten bat are a homer" (Ezekiel 45:14). This proves that the bat is a tenth of a kor, or three se'a, as a kor is thirty se'a. Consequently, the sea, which contained two thousand bat, contained six thousand se'a, the volume of exactly one hundred and fifty ritual baths.

⁴⁵⁴ The Gemara asks: Isn't it written elsewhere with regard to Solomon's Sea: "It received and held three thousand bat" (ii Chronicles 4:5)? The Gemara answers: That is referring to the heaped measure of dry goods that the sea could hold, as dry goods can be heaped above the brim.

⁴⁵⁵ Abaye said: Learn from it that the surplus of dry goods in a vessel relative to liquids is one-third of the contents of the vessel. We also learned the same thing in the following mishna: A carriage, a box, and a cupboard, a round straw barrel, and a round barrel made of reeds, and the cistern of an Alexandrian ship, which is a large vessel placed on a boat and filled with potable water, although these vessels have bottoms, i.e., they are receptacles, since they have a capacity of forty se'a of liquid, which is the equivalent of two kor of dry goods, they are ritually pure. Even if they come into contact with a source of ritual impurity, they do not become impure. Beyond a certain size, containers are no longer considered vessels and, consequently, cannot become ritually impure. This mishna states clearly that a vessel that holds forty se'a of liquids can hold two kor, or sixty se'a, of dry goods.

⁴⁵⁶ MISHNA: The side posts the Sages spoke of with regard to rendering an alleyway fit for one to carry within it, their height must be at least ten handbreadths, and their width and thickness may be any amount. Rabbi Yosei says: Their width must be at least three handbreadths.

⁴⁵⁷ GEMARA: We learned in the mishna: The side posts the Sages spoke of, etc. The Gemara asks: Shall we say the mishna taught an unattributed ruling in accordance with the opinion of Rabbi Eliezer, who said that in order to permit carrying in an alleyway, we require two side posts?

⁴⁵⁸ The Gemara responds: No; what is meant by the plural term side posts? Side posts in general, and not those required by a single alleyway. The Gemara asks: If so, let the previous mishna also teach the halakha of a cross beam with the plural term cross beams, and we would say: What is meant by the plural term cross beams? Cross beams in general.

⁴⁵⁹ The Gemara answers that this is what the mishna is saying: Those side posts that Rabbi Eliezer and the Sages disagreed about, of which Rabbi Eliezer required two and the Sages sufficed with one, their height must be at least ten handbreadths, and their width and thickness may be any amount. The Gemara asks: And how much is any amount? Rabbi Ḥiyya taught: Even as small as the string used to tie a coat.

⁴⁶⁰ It was taught in a Tosefta: With regard to one who erected a side post for half an alleyway, i.e., he put it up halfway down the alleyway rather than at its entrance, he has the right to carry only in the inner half of the alleyway, but not in the outer half. The Gemara asks: That is obvious; what novel element was introduced here? Rather, say: He may carry in the inner half of the alleyway even though there is no side post at the entrance to the alleyway. The Gemara asks: That too is obvious. The Gemara explains that nonetheless there is a novelty here: Lest you say that we should be concerned that if it is permitted to carry in the inner half one might come to use the entire alleyway, the Tosefta teaches that carrying in the inner half is permitted.

⁴⁶¹ Rava said: With regard to one who erected a side post in an alleyway and raised it three handbreadths from the ground, or distanced it three handbreadths from the wall, he has not done anything, as it is not a valid side post. Even according to the opinion of Rabban Shimon ben Gamliel, who said: We say that objects separated by a gap of up to four handbreadths are considered connected, that applies only above, e.g., to a cross beam that does not reach the wall of the alleyway; but below, since it is a partition through which goats can pass, as a goat can pass through an opening three handbreadths high, even he did not say that they are considered connected.

⁴⁶² We learned in the mishna that Rabbi Yosei says: The width of the side posts must be at least three handbreadths. Rav Yosef said that Rav Yehuda said that Shmuel said: The halakha is not in accordance with the opinion of Rabbi Yosei, not with regard to preparing salt brine [hilmei] on Shabbat, and not with regard to side posts.

⁴⁶³ Rav Huna bar Ḥinana said to him: With regard to brine you told us that the halakha is not in accordance with the opinion of Rabbi Yosei, but with regard to side posts you did not tell us this; perhaps you have forgotten that the halakha is in accordance with his view in that case. Rav Yosef asked: What is different about brine, with regard to which the Sages disagree with Rabbi Yosei? In the case of side posts also the Sages disagree with him, and therefore the halakha should not be in accordance with his view in either case. Rav Huna bar Ḥinana said to him: Side posts are different, as Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Yosei, and therefore the halakha may be decided in accordance with their jointly held position.

⁴⁶⁴ The Gemara reports that Rav Raḥumei taught this version of the previous discussion: Rav Yehuda, the son of Rav Shmuel bar Sheilat, said in the name of Rav: The halakha is not in accordance with the opinion of Rabbi Yosei, not with regard to brine and not with regard to side posts. At some later point, someone said to him: Did you really say this? He said to them: No. Rava said, reinforcing his words with an oath: By God! He did in fact say this, and I learned it from him, but he later retracted this ruling. And what is the reason he retracted it? Due to the well-known

principle that Rabbi Yosei's reasoning [nimmuko] is with him, and the halakha follows his opinion even against the majority view.

⁴⁶⁵ Rava bar Rav Ḥanan said to Abaye: What is the accepted halakha with regard to the width of a side post? He said to him: Go out and observe what the people are doing; it is common practice to rely on a side post of minimal width.

⁴⁶⁶ The Gemara notes that there are those who taught that this answer was given with regard to this discussion: One who drinks water to quench his thirst recites the following blessing prior to drinking: By Whose word all things came to be. Rabbi Tarfon disagrees and says he recites the blessing: Who creates the many forms of life and their needs, for all that You have created. Rav Ḥanan said to Abaye: What is the halakha? He said to him: Go out and observe what the people are doing; the customary practice is to say: By Whose word all things came to be.

⁴⁶⁷ It was stated that the amora'im disagreed about a side post that stands by itself, i.e., a side post at the entrance to an alleyway that was not put there for the express purpose of permitting one to carry on Shabbat. Abaye said: It is a valid side post. Rava said: It is not a valid side post.

⁴⁶⁸ The Gemara first narrows the scope of the dispute: In a place where the inhabitants of the alleyway did not rely on it from yesterday, e.g., the alleyway had another side post that fell down on Shabbat, all agree that it is not a valid side post. Where they disagree is in a case where they relied on it from yesterday. Abaye said: It is a valid side post, as they relied on it from yesterday. Rava said: It is not a valid side post; since it was not originally erected for this purpose, it is not considered a valid side post.

⁴⁶⁹ The Gemara comments: It might enter your mind to say that just as they disagree with regard to a side post, they also disagree with regard to whether a partition that was not erected to serve that function is considered a valid partition.

⁴⁷⁰ Come and hear a proof based upon what we learned in the following mishna: With regard to one who makes his sukka among the trees, and the trees serve as its walls, it is a valid sukka. This proves that the trees function as partitions even though they were not erected for this purpose. The Gemara responds: With what are we dealing here, in this mishna? To a case where he planted the trees from the outset for this purpose. The Gemara asks: If so, it is obvious that the trees constitute valid walls. The Gemara answers: Lest you say the Sages should issue a decree to prohibit using a sukka with trees as its walls, due to a concern that perhaps one will come to use the tree on the Festival and detach a branch or leaf in the process, the mishna therefore teaches us that no such decree was made and the sukka is permitted.

⁴⁷¹ The Gemara tries to present another proof. Come and hear a proof from a baraita: If there was a tree there, or a fence, or a barrier of reeds that are interconnected and form a hedge, it is judged to be a valid double post, i.e., it qualifies as a partition suitable to enclose a public well, as will be explained below. This indicates that a partition not constructed to serve as a partition is nonetheless valid.

⁴⁷² The Gemara rejects this proof: Here, too, with what are we dealing? With a case where one constructed them from the outset for this purpose. The Gemara asks: If so, what does it teach us; is it not obvious that it is a valid double post? The Gemara answers: It teaches us that a barrier of reeds is

a valid partition if the distance between one reed and the next is less than three handbreadths, as Abaye raised this dilemma to Rabba, and the baraita teaches that it is valid.

⁴⁷³ The Gemara suggests another proof. Come and hear a proof from the following mishna: With regard to a tree whose branches hang over from a height of greater than ten handbreadths and reach almost to the ground, if the ends of its branches are not higher than three handbreadths from the ground, one may carry under it; the branches constitute partitions all around, and it is therefore permissible to carry in the enclosed area. The Gemara responds: Here, too, with what are we dealing? With a case where he planted the tree from the outset for this purpose.

⁴⁷⁴ The Gemara asks: If so, it should be permitted to carry in all of it no matter how large the area. Why, then, did Rav Huna, the son of Rav Yehoshua, say: One may only carry under the tree if its branches enclose an area no larger than two beit se'a, i.e., five thousand square cubits? If the area is larger, it is not considered a courtyard, and carrying there is prohibited. This indicates that the branches are not considered full-fledged partitions.

⁴⁷⁵ The Gemara answers: The reason that carrying is permitted only if the enclosed area is less than this size is because it is a dwelling whose use is for the open air beyond it, i.e., it is used by guards who are watching the fields beyond it, rather than as an independent dwelling place, and the halakha with regard to any dwelling whose use is for the open air beyond it is that one may carry in it only if its area is no larger than two beit se'a.

⁴⁷⁶ The Gemara suggests another proof. Come and hear that which was taught in the following baraita: With regard to one who established his Shabbat abode on a mound that was ten handbreadths high and its area was anywhere from four cubits to the two beit se'a; and similarly, one who established his Shabbat abode in a natural cavity of a rock that is ten handbreadths deep and its area was anywhere from four cubits to two beit se'a; and similarly, one who established his Shabbat abode in a field of reaped grain, and rows of stalks ten handbreadths high that have not been reaped surround it, serving as a partition enclosing the reaped area, he may walk in the entire enclosed area, and outside it an additional two thousand cubits. This indicates that a partition not specifically constructed to serve as a partition is nonetheless valid.

⁴⁷⁷ And if you say that here, too, it is a case where he made it from the outset for this purpose, there is a difficulty. Granted, in the case of the grain, this answer is all right; but with regard to a mound and a cavity, what can be said? They were there from time immemorial and were not constructed to serve as partitions.

⁴⁷⁸ Rather, the Gemara rejects its previous argument and explains: With regard to partitions, all agree that a partition that stands by itself is a partition, despite the fact that it was not erected for that purpose. Where they disagree is with regard to a side post. Abaye follows his usual line of reasoning, as he said that a side post serves as a partition, and a partition that stands by itself is a valid partition. And Rava follows his usual line of reasoning, as he said that a side post serves as a conspicuous marker. Therefore, if it was made with a person's hands for that purpose, it is considered a conspicuous marker; and if not, it is not considered a conspicuous marker.

⁴⁷⁹ The Gemara now attempts to prove which side is correct according to this version of the dispute. Come and hear a proof from the Tosefta: With regard to stones of a wall that protrude from the wall and are separated from each other by less than three handbreadths, there is no need for another side post in order to permit carrying in the alleyway; the protruding stones join together to form a side

post. However, if they are separated by three handbreadths, there is a need for another side post. This indicates that a side post is valid even if it was not erected for that purpose.

⁴⁸⁰ The Gemara rejects this proof: Here, too, we are dealing with a case where one built them from the outset for this purpose. The Gemara comments: If so, it is obvious that the side post is valid. The Gemara explains: Lest you say that it was only in order to connect the building to another building that he built the wall with protruding stones, it teaches us that it is a valid side post. We are not concerned that onlookers might assume that the wall was not originally built as a side post.

⁴⁸¹ The Gemara suggests another proof: Come and hear the following Tosefta taught by Rabbi Hiyya: A wall, one side of which is more recessed than the other, whether the indentation is visible from the outside and the wall looks even from the inside, or it is visible from the inside and the wall looks even from the outside, it is considered a side post. This indicates that a side post is valid even if it was not erected for that purpose.

⁴⁸² The Gemara answers: Here, too, it is a case where one fashioned it from the outset for this purpose, to serve as a side post. The Gemara asks: If so, what does it teach us? The Gemara answers: This teaches us that a side post that is visible from the outside and looks even with the wall from the inside is considered a side post, although this view is not universally accepted.

⁴⁸³ The Gemara suggests another proof: Come and hear the following story: Rav was sitting in a certain alleyway, and Rav Huna was sitting before him. He said to his attendant: Go, bring me a small pitcher of water. By the time he came back with the water, the side post at the entrance to the alleyway had fallen. Rav signaled to him with his hand that he should stop, and the attendant stood in his place. Rav Huna said to Rav: Doesn't the Master hold that it is permissible to rely on the palm tree located at the entrance to this alleyway as a side post? Rav said: This scholar, Rav Huna, is comparable to one who does not know the teachings of the Sages. Did we rely on the palm tree from yesterday? Since we did not, carrying in the alleyway is not permitted.

⁴⁸⁴ Based on Rav's response, the Gemara argues as follows: The reason that the palm tree could not serve as a side post is because we did not rely on the palm tree from yesterday. This indicates that had we relied on it, it would be a valid side post, thus proving that a side post that was not erected for that purpose is nonetheless valid, in accordance with the opinion of Abaye.

⁴⁸⁵ The Gemara suggests: Shall we say that Abaye and Rava disagree only in a case where they did not rely on it before Shabbat, but in a case where they did rely on it, all agree it is a valid side post? The Gemara answers: This should not enter your mind, as there was a certain balcony [barka] that was in the house of Bar Ḥavu that Abaye and Rava disagreed about their entire lives. The residents of the alleyway began relying on a pillar upon which the balcony rested as their side post. Since Abaye and Rava disagreed about this case, it is clear that their disagreement applies even when the residents had relied on the item as a side post from before Shabbat.

⁴⁸⁶ MISHNA: One may construct side posts from anything, even a living creature, provided that it was properly attached to the entrance of the alleyway, and Rabbi Meir prohibits using a living creature as a side post. The mishna continues with a similar dispute: Even a living creature imparts ritual impurity if it used as the covering of a grave.

⁴⁸⁷ But Rabbi Meir deems it pure. Likewise, one may write women's bills of divorce on anything, even a living creature. But Rabbi Yosei HaGelili invalidates a bill of divorce written on a living creature.

⁴⁸⁸ GEMARA: It was taught in a baraita that Rabbi Meir says: An animate object may neither be used as a wall for a sukka, nor as a side post for an alleyway, nor as one of the upright boards surrounding a well, nor as the covering of a grave. They said in the name of Rabbi Yosei HaGelili: Nor may one write women's bills of divorce on it.

⁴⁸⁹ The Gemara asks: What is the reason for Rabbi Yosei HaGelili's opinion? As it was taught in a baraita with regard to the verse: "When a man takes a wife, and marries her, then it comes to pass if she finds no favor in his eyes, because he has found some unseemly thing in her; that he write her a scroll of severance and give it in her hand, and send her out of his house" (Deuteronomy 24:1): From the word scroll, I have derived that only a scroll is valid. From where is it derived to include all objects as valid materials upon which a bill of divorce may be written? The Torah states: "That he write her," in any case, i.e., any surface upon which the formula can be written. If so, why does the verse state "scroll"? To tell you that a bill of divorce must be written on a surface like a scroll: Just as a scroll is neither alive nor food, so too, a bill of divorce may be written on any object that is neither alive nor food. That is why Rabbi Yosei HaGelili invalidates a bill of divorce written on a living being.

⁴⁹⁰ The Gemara asks: And how do the Rabbis, who disagree and say that a bill of divorce may be written even on a living creature or on food, interpret the verse? They contend: Is the verse written: "Let him write for her in the scroll [basefer]," indicating the only type of surface on which the bill of divorce may be written? No, scroll [sefer] is written, which comes to teach that a mere account of the matters [sefirot devarim] is required. In other words, sefer is referring not to the surface on which a bill of divorce must be written, but rather to the essence of the bill of divorce. The verse teaches that the bill of divorce must contain particular content.

⁴⁹¹ The Gemara continues: And what do the Rabbis derive from the phrase "that he write her"? The Gemara answers: That phrase is required to teach the principle that a woman is divorced only by means of writing, i.e., a bill of divorce, and she is not divorced by means of money. It might have entered your mind to say: Since in the verse, leaving marriage, i.e., divorce, is juxtaposed to becoming married, i.e., betrothal, then, just as becoming married is effected with money, so too, leaving marriage may be effected with money. Therefore, the Torah teaches us: "That he write for her"; divorce can be effected only with a written bill of divorce.

⁴⁹² The Gemara asks: And Rabbi Yosei HaGelili, from where does he derive this reasoning, that a woman cannot be divorced with money? The Gemara answers: He derives it from the phrase: A scroll of severance, which teaches that a scroll, i.e., a written document, severs her from her husband and nothing else severs her from him.

⁴⁹³ The Gemara continues: And the Rabbis explain that this phrase: A scroll of severance, is required to teach that a bill of divorce must be a matter that severs all connection between him and her. As it was taught in a baraita: If a man says to his wife: This is your bill of divorce, on condition that you will never drink wine, or on condition that you will never go to your father's house, that is not severance; the bill of divorce is not valid. If a bill of divorce imposes a condition upon the woman that permanently binds her to her husband, her relationship with her husband has not been completely

severed, which is a prerequisite for divorce. If, however, he imposes a condition for the duration of thirty days, or any other limited period of time, that is severance, and the bill of divorce is valid, as the relationship will be completely terminated at the end of the thirty-day period.

⁴⁹⁴ And Rabbi Yosei HaGelili derives that a condition without a termination point invalidates the divorce from the fact that instead of using the term *karet*, the verse uses the more expanded term *keritut*. Inasmuch as both terms denote severance, using the longer term teaches us two things: Divorce can be effected only by means of writing and not through money, and divorce requires total severance.

⁴⁹⁵ And as for the Rabbis, they do not derive anything from the expansion of *karet* to *keritut*.

⁴⁹⁶ MISHNA: If a caravan camped in a valley, i.e., an open space not enclosed by walls, and the travelers enclosed their camp with partitions made of the animals' equipment, e.g., saddles and the like, one may carry inside the enclosed area, provided that the resultant partition will be a fence ten handbreadths high, and that there will not be breaches in the partition greater than the built segment.

⁴⁹⁷ Any breach that is approximately ten cubits wide is permitted and does not invalidate the partition because it is considered like an entrance. However, if one of the breaches is greater than ten cubits, it is prohibited to carry anywhere in the enclosed area.

⁴⁹⁸ GEMARA: It is stated that the amora'im disagree about the case where the breached segment of the partition equals the standing portion. Rav Pappa said: It is permitted to carry within that enclosure. Rav Huna, son of Rav Yehoshua, said: It is prohibited.

⁴⁹⁹ The Gemara explains: Rav Pappa said: It is permitted. This is what the Merciful One taught Moses: Do not breach the majority of the partition; as long as the greater part is not breached, it is considered a partition. Rav Huna, son of Rav Yehoshua, said: It is prohibited. This is what the Merciful One taught Moses: Circumscribe the greater part; if the greater part is not enclosed, it is not a partition.

⁵⁰⁰ We learned in the mishna: And there will not be breaches in the partition greater than the built segment. Only then would carrying be permitted in the enclosed area. By inference, if the breaches equal the built segment, it is permitted. This presents a difficulty for Rav Huna, son of Rav Yehoshua.

⁵⁰¹ The Gemara responds: Do not say: By inference if they equal the built segment, it is permitted; rather, say: If the built segment is greater than the breach, it is permitted to carry in the enclosed area.

⁵⁰² The Gemara continues: However, according to that way of understanding the mishna, if the breach equals the built segment, what is the halakha? Is carrying prohibited? If so, let the mishna teach that carrying is permitted, provided that the breaches do not equal the built segment. It can be inferred from this that if the breaches are greater than the built segment, it is certainly prohibited. The Gemara concludes: Indeed, this poses a difficulty to the opinion of Rav Huna, son of Rav Yehoshua.

⁵⁰³ The Gemara cites a proof to support Rav Pappa's opinion. Come and hear that which the mishna taught about the halakhot of *sukka*: With regard to one who roofed his *sukka* with metal skewers or with bed posts, both of which are unfit for *sukka* roofing because they are susceptible to ritual impurity, if there is space between them, equal to their width, filled with materials valid for *sukka* roofing, the *sukka* is valid. Apparently, with regard to roofing, if the valid materials equal the invalid, the *sukka* is valid. Similarly, if the built segment of an enclosure equals the breached segment, it is a

valid enclosure for the purpose of carrying on Shabbat. This supports Rav Pappa's opinion against that of Rav Huna, son of Rav Yehoshua.

⁵⁰⁴ The Gemara contests this conclusion. With what are we dealing here? It is with a case where the skewers can be inserted and extracted easily. In other words, the case of the mishna in Sukka is not one where there are equal amounts of valid and invalid roofing. It is referring to a case where there is additional space between the skewers, which allows for their easy insertion and removal. Consequently, the space filled by the valid roofing is greater than that filled by the skewers.

⁵⁰⁵ The Gemara asks: Isn't it possible to be precise? Couldn't the mishna in Sukka be understood as describing a case where the gaps between the skewers equal the width of the skewers? That understanding supports the opinion of Rav Pappa, who maintains that when the valid segment precisely equals the invalid segment, the whole is valid.

⁵⁰⁶ Rabbi Ami said: This mishna is referring to a case where one adds roofing, so that the area of the valid roofing is greater than that of the skewers.

⁵⁰⁷ Rava said: This is referring to a case where if the skewers were placed crosswise to the sukka, he should place the valid roofing lengthwise, and similarly, if the skewers were placed lengthwise, he should place the valid roofing crosswise, ensuring that there is more valid than invalid roofing.

⁵⁰⁸ The Gemara seeks to adduce a proof in support of the opinion of Rav Huna, son of Rav Yehoshua: Come and hear that which was taught in a baraita: If a caravan camped in a field, and the travelers surrounded their camp with camels that were made to crouch down, or with their saddles,

⁵⁰⁹ or with saddle cushions [avitin], or with wheat sheaves, or with boards, or with stalks [kolaḥot], one may carry within the enclosed area, provided that there is no camel-length gap between one camel and another, or a saddle-length gap between one saddle and another, or a cushion-length gap between one cushion and another. Apparently, from this baraita it can be understood that if the breach is equal to the standing segment, it is not a valid enclosure.

⁵¹⁰ The Gemara rejects this conclusion. Here, too, it is referring to gaps through which the various objects can easily be inserted and extracted, so that the breached segment is in fact slightly greater than that of the standing segment.

⁵¹¹ The Gemara cites yet another proof: Come and hear that which was taught in the Tosefta in tractate Kilayim: Ultimately, you say that there are three measures for partitions. These partitions form a barrier that demarcates between vines and seeds. They are needed to render permitted the sowing of a field with diverse kinds of seeds. In the case of any partition consisting of boards that are each less than three handbreadths wide, it is necessary that there will not be a gap of three handbreadths between this board and that, so that a goat would not be able to leap headlong through it unimpeded. If the gap is wider than three handbreadths, i.e., wide enough that a goat can leap through it, the boards are not considered joined and it is not considered a partition.

⁵¹² In the case of any partition that consists of boards that are three handbreadths wide, as well as boards from three to four handbreadths wide, the gap between the boards may be greater than three handbreadths. Nonetheless, it is necessary that there will not be a gap equal to the full width of a board between one board and the next, so that the breached segment will not equal the standing segment. And if the breached segment is greater than the standing segment, it is prohibited to sow

another species, even in the area opposite the standing segment, as the breached segment invalidates the entire partition.

⁵¹³ With regard to any partition that consists of boards that are four handbreadths wide, as well as boards from four handbreadths to ten cubits wide, it is necessary that there not be a gap the full width of a board between one board and the next, so that the breached segment will not equal the standing segment. And if the breached segment equals the standing segment, then in the area opposite the standing segment, it is permitted to sow other species, as there is a partition there; however, in the area facing the breached segment it is prohibited. And if the sum of the standing segments is greater than the sum of the breached segments, sowing other species is permitted, even in the area opposite the breached part.

⁵¹⁴ However, if, the partition was breached more than ten cubits, sowing diverse kinds is prohibited, as a breach of more than ten cubits invalidates the entire partition. But if there were pronged stakes stuck in the ground there, and one made them a braid [pe'a] of straw above them in the form of a doorway, even if the stakes were set more than ten cubits apart, sowing is permitted. The form of a doorway renders the partition valid, even if there is a breach wider than ten cubits.

⁵¹⁵ The Gemara explains how the passage from the Tosefta of tractate Kilayim supports the opinion of Rav Huna, son of Rav Yehoshua, contrary to that of Rav Pappa. In any case, the first clause of the Tosefta teaches that if each of the boards that make up the partition is from three to four handbreadths wide, sowing other species is permitted, provided that there is not a gap the full width of a board between one board and the next. This is a conclusive refutation of the opinion of Rav Pappa, who permits carrying when the breach equals the standing segment of the partition.

⁵¹⁶ Rav Pappa could have said to you: What does the baraita mean by a gap the full width of a board? It means a gap through which the board could easily be inserted and extracted, which is a gap slightly wider than the board itself.

⁵¹⁷ The Gemara comments: So too, it stands to reason, from the fact that the Tosefta teaches later: If the breached segment is greater than the standing segment, it is prohibited to sow another species, even in the area opposite the standing portion. By inference, if the breached segment equals the standing segment, sowing other species is in fact permitted. The Gemara concludes: Indeed, learn from here proof for the opinion of Rav Pappa.

⁵¹⁸ The Gemara asks: Let us say that this conclusion is a conclusive refutation of the opinion of Rav Huna, son of Rav Yehoshua. The Gemara rejects this: Rav Huna, son of Rav Yehoshua, could have said to you: And according to your reasoning, say the latter clause of the Tosefta as follows: If the sum of the standing segment is greater than the sum of the breached segment, sowing other species is permitted even in the area opposite the breached segment. This clause indicates that if the breached segment equals the standing segment, sowing other species is prohibited.

⁵¹⁹ The Gemara points out that that analysis of the baraita leads to the conclusion that the latter clause poses a difficulty for Rav Pappa's opinion; the first clause poses a difficulty for the opinion of Rav Huna, son of Rav Yehoshua.

⁵²⁰ The Gemara answers: The latter clause poses no difficulty to Rav Pappa. Since the first clause taught the expression: If the sum of the breached segment is greater than the sum of the standing segment, the latter clause of the baraita taught the parallel expression: If the sum of the standing

segment is greater than the sum of the breached segment, even though the latter formulation is imprecise, as the same halakha applies even if the two are equal.

⁵²¹ Similarly, the Gemara explains that the first clause does not pose a difficulty to Rav Huna, son of Rav Yehoshua. Since the baraita sought to teach the expression in the latter clause: If the sum of the standing segments is greater than the sum of the breached segments, in the first clause taught the parallel expression: If the sum of the breached segments is greater than the sum of the standing segments, even though this formulation is imprecise, as the same halakha applies even if the two are equal.

⁵²² The Gemara continues: Granted, according to Rav Pappa, who permits carrying in the case where the breaches equal the standing segments, the baraita makes sense, as for that reason the tanna did not combine the case of boards less than three handbreadths wide with the case of boards three handbreadths wide and teach them in a single clause. According to Rav Pappa, there is a significant difference between the two situations. In a case where the boards are less than three handbreadths wide, the partition is invalid if there is a gap of three handbreadths between one bar and the next. However, if the boards are precisely three handbreadths wide, the partition is valid unless there is a gap of more than three handbreadths between them.

⁵²³ However, according to Rav Huna, son of Rav Yehoshua, who considers a partition invalid when its breached segments are equal to its standing segments, the baraita should have combined the case of boards less than three handbreadths wide with the case of boards exactly three handbreadths wide and taught them in the following single clause: Any partition made of boards less than three handbreadths wide or exactly three handbreadths wide, it is necessary that there not be a gap of three handbreadths between one board and another. According to Rav Huna, son of Rav Yehoshua, if a partition with boards three handbreadths wide is to be valid, the gap must be less than three handbreadths.

⁵²⁴ The Gemara explains why the two cases were not combined according to Rav Huna, son of Rav Yehoshua. It is because the disqualification in the first clause is not similar to the disqualification in the latter clause. The reason for the disqualification in the first clause is because a valid partition must be constructed so that a goat would not be able to jump through the gap in one leap; the reason for the disqualification in the latter clause, where the boards are three handbreadths wide, is so that the breached segments will equal the combined standing segments. In practice, just as in the case of boards less than three handbreadths wide, the gap must be less than three handbreadths, so too, in the case of boards three handbreadths wide, the gap must also be less than three handbreadths. However, in terms of underlying reasoning, the case of boards three handbreadths wide must be categorized in the second grouping in the Tosefta, not the first. Therefore, no proof can be cited from here, neither in support of the opinion of Rav Pappa nor in support of the opinion of Rav Huna, son of Rav Yehoshua.

⁵²⁵ The Gemara briefly discusses the ruling cited in the Tosefta that a breach of less than three handbreadths does not invalidate a partition. In accordance with whose opinion is that ruling? It is in accordance with the opinion of the Rabbis, who say: In the case of a gap less than three handbreadths, we say, i.e., we apply, the principle of lavud, and the partitions are considered joined; however, if the gap is three handbreadths, we do not say lavud.

⁵²⁶ Say the latter clause with regard to a partition of boards as follows: In the case of any partition whose boards are three handbreadths wide, and any partition whose boards are from three to four handbreadths wide,

⁵²⁷ we have arrived at the opinion of Rabban Shimon ben Gamliel, who said: Concerning any gap less than four handbreadths wide, the principle of lavud is applied. As had it been taught in accordance with the opinion of the Rabbis, why does the baraita list from three to four handbreadths as a separate category? In the case of both three and four handbreadths, the halakha is one and the same: The principle of lavud does not apply from three handbreadths upward.

⁵²⁸ Abaye said: From the fact that the first clause is in accordance with the opinion of the Rabbis, the latter clause must also be in accordance with the opinion of the Rabbis. And the Rabbis concede that with regard to any case where the halakha permits sowing other species in the area opposite the standing portion, if there is an area of four handbreadths, it is considered a significant partition, which permits sowing; and if not, it is not considered a significant partition and does not permit sowing. Accordingly, there is a difference between a fence of three handbreadths and one of four handbreadths, as even the Rabbis concede that a fence of four handbreadths is more significant.

⁵²⁹ Rava said: From the fact that the latter clause is in accordance with the opinion of Rabban Shimon ben Gamliel, the first clause must also be in accordance with the opinion of Rabban Shimon ben Gamliel. And when Rabban Shimon ben Gamliel said that we say the principle of lavud in the case of a gap up to four handbreadths wide, this applies above, off the ground, e.g., in the case of a cross beam suspended at a distance from the wall. However, below, near the ground, it is like a partition through which goats can pass, and therefore he too agrees that we do not say the principle of lavud in that case.

⁵³⁰ The Gemara returns to the dispute with regard to a breach equal to the standing segments of a partition and cites another proof. Come and hear that which was taught in the following baraita: With regard to an area enclosed by these walls, in a case where most of them consist of entrance and windows, it is permitted to carry on Shabbat within the area, provided that the standing segments are greater than the breached segments.

⁵³¹ The Gemara analyzes the formulation of the baraita: Can it enter your mind that the baraita is referring to a case where most of the walls are entrances and windows? If so, the standing segments are certainly not greater than the breached segments. Rather, emend the baraita as follows: Carrying in the area enclosed by these walls, to which one added many entrances and windows, is permitted, provided that the standing segments are greater than the breached segments.

⁵³² The Gemara draws an inference: If the standing segments equal the breached segments, carrying is prohibited in that enclosure. This is a conclusive refutation of the opinion of Rav Pappa. The Gemara concludes: Indeed, it is a conclusive refutation. Nevertheless, the halakha is in accordance with the opinion of Rav Pappa.

⁵³³ The Gemara wonders: A conclusive refutation and the halakha? The Gemara answers: Yes, that is the case, because the precise reading of the mishna is in accordance with the opinion of Rav Pappa. As we learned in the mishna the following phrase: Provided...there will not be breaches in the partition greater than the built segment. This is clearly indicating that if the breached segments are equal to the built segments, carrying is permitted, as maintained by Rav Pappa.

⁵³⁴ MISHNA: If a caravan is camped in a field, and the travelers seek to construct partitions to render the area fit for one to carry within it on Shabbat, one surrounds the area with three ropes, one above another, and a third one above the other two. One is permitted to carry within the circumscribed area provided that there will not be a gap of three handbreadths between one rope and the next.

⁵³⁵ The measure of the ropes and their combined thickness must be greater than a handbreadth, so that the entire partition, consisting of three ropes and the empty spaces between them, will be ten handbreadths high.

⁵³⁶ Alternatively, one may surround the area with boards that stand upright, provided that there will not be a gap of three handbreadths between one board and the next.

⁵³⁷ When the Sages issued this ruling, they spoke exclusively of a caravan; this is the statement of Rabbi Yehuda, who maintains that a partition of this kind, which consists of only horizontal or vertical elements, is permitted exclusively in exigent circumstances. Otherwise, full-fledged partitions are required. However, the Rabbis say: They spoke of a caravan in the mishna only because they spoke in the present, citing the most typical case. Those traveling in caravans were typically unable to erect full-fledged partitions, so they would surround their camps with ropes or boards. However, the halakha in the mishna applies in all cases.

⁵³⁸ The mishna cites an additional dispute: Any partition that is not constructed of both warp and woof, i.e., vertical and horizontal elements, is not a partition; this is the statement of Rabbi Yosei, son of Rabbi Yehuda. He holds that the vertical boards and the horizontal ropes are not considered a partition, even in the exigent circumstances of a caravan. However, the Rabbis say: One of the two elements, either vertical or horizontal, is sufficient.

⁵³⁹ GEMARA: Rav Hamnuna said that Rav said: It was concluded in the previous mishna that the Rabbis said that in the case of a partition that consists only of warp, i.e., vertical, elements, if the standing segment of the partition is greater than the breached segment, the fence is considered standing. Rav Hamnuna raised a dilemma: What is the halakha in the case of a partition that consists only of woof, i.e., horizontal, elements? Is it also considered standing if the standing segment is greater than the breached segment, or not?

⁵⁴⁰ Abaye said: Come and hear a resolution to this dilemma from the mishna: The measure of the ropes and their combined thickness must be greater than a handbreadth, so that the entire partition will be ten handbreadths high. And if it is so that, in a case where the standing segment is greater than the breached segment, the partition is considered standing even in the case of a fence that consists of horizontal elements, why do I need ropes with a combined thickness of greater than a handbreadth?

⁵⁴¹ Instead, let one leave a space slightly less than three handbreadths, and place a rope of any size, leave another space slightly less than three handbreadths, and place another rope of any size, leave a third space slightly less than four handbreadths, and place a third rope of any size. The ropes between which there is a space less than three handbreadths should be considered joined, based on the principle of lavud. The entire partition should be considered standing because the standing segment, measuring six handbreadths, is greater than the breached segment, which measures four handbreadths.

⁵⁴² The Gemara presents a difficulty: And how can you understand that this would be effective? Where does he position the space of slightly less than four handbreadths? If he positions it at the bottom, its legal status is like that of a partition through which goats pass, which is not a valid partition.

⁵⁴³ If he positions it at the top, then the air on this side, above the uppermost rope, and on that side, below that rope, come and negate it. As there are more than three handbreadths between them the upper and lower ropes, they are not joined together based on the principle of lavud. The four handbreadths below the uppermost rope and the airspace above it combine to negate the connection.

⁵⁴⁴ If he positions it in the middle, then the standing segment of the partition is greater than the breached segment, provided that the standing portions on the two sides of the breach are combined. However, if each side is considered separately, the breach is greater than the standing portion. If it is nevertheless deemed a partition, conclude from it that even if the standing segment is greater than the breached segment only when the standing segments on the two sides of the breach are combined, the partition is considered standing. However, that circumstance was raised as a dilemma and remained unresolved.

⁵⁴⁵ Rather, Rav Hamnuna raised the following dilemma: What is the halakha in a case where one brought a mat that is seven handbreadths and any additional amount, and carved in it a hole three handbreadths wide, and left four handbreadths above the hole and any additional amount below it, and positioned the mat less than three handbreadths off the ground?

⁵⁴⁶ Rav Ashi said: The dilemma he raised is with regard to the legal status of a ten-handbreadth partition suspended off the ground. That dilemma is similar to that which Rabbi Tavlā raised as a dilemma before Rav: Does a suspended partition act as if it were a partition that reaches the ground and render it permitted for one to carry in a ruin? Rav said to him: A suspended partition renders it permitted for one to carry only when it is suspended over water, as there is a leniency introduced by the Sages with regard to water.

⁵⁴⁷ We learned in the mishna: One may surround the area with boards that stand upright, provided there will not be a gap of three handbreadths between one board and the next. Rabbi Yehuda said that this leniency, which allows the establishment of a partition consisting exclusively of horizontal or vertical elements, was stated only with regard to a caravan. The Gemara infers: With regard to a caravan, yes, it is permitted; with regard to an individual, no, it is not permitted. Wasn't it taught in a baraita: Rabbi Yehuda says: With regard to all unsteady partitions of Shabbat, e.g., those consisting exclusively of horizontal or vertical elements, the Sages did not permit their use for an individual if the space that they enclose is greater than two beit se'a? This indicates that, for an area of up to two beit se'a, Rabbi Yehuda permits these partitions even for an individual.

⁵⁴⁸ The Gemara answers: Rabbi Yehuda's statement in the mishna can be understood in accordance with that which Rav Naḥman, and some say it was Rav Beivai bar Abaye, said with regard to a different statement: This halakha was necessary only in order to provide those traveling in the caravan with space to satisfy all their needs. Here, too, in the mishna, Rabbi Yehuda's statement can be understood as coming to provide those traveling in the caravan with space to satisfy all their needs. In other words, Rabbi Yehuda does not dispute the fundamental effectiveness of a partition of this kind, even for an individual. When he says that the halakha applies solely to a caravan, he means that it applies only in the case of a caravan, regardless of the size of the area in question. However, in

the case of an individual, a partition of that kind is effective only if it encloses an area up to two beit se'a.

⁵⁴⁹ The Gemara asks: Where was this statement of Rav Naḥman, and some say of Rav Beivai bar Abaye, stated? It was stated with regard to this ruling at the end of the mishna: Any partition that is not made of both vertical and horizontal elements is not a partition; this is the statement of Rabbi Yosei, son of Rabbi Yehuda.

⁵⁵⁰ The Gemara asks: Did Rabbi Yosei, son of Rabbi Yehuda, actually say this? Wasn't it taught in a baraita: For both an individual and a caravan, partitions made of ropes are effective? And what, then, is the difference between an individual and a caravan? With regard to an individual, the halakha provides him with an area of two beit se'a, in which he may carry by virtue of partitions of this kind. With regard to two individuals as well, the halakha provides them with an area of two beit se'a. Three individuals assume the legal status of a caravan, and the halakha provides each of them with an area of two beit se'a, for a total of six beit se'a. This is the statement of Rabbi Yosei, son of Rabbi Yehuda.

⁵⁵¹ And the Rabbis say: With regard to both an individual and those traveling in a caravan, one provides them with space to satisfy all their needs, provided that there will not be an unoccupied space of two beit se'a. They may not enclose an area that is two beit se'a larger than the space that they require. Apparently, Rabbi Yosei, son of Rabbi Yehuda, relies on the ruling that ropes render an area fit for one to carry within it, even for an individual.

⁵⁵² Rav Naḥman, and some say it was Rav Beivai bar Abaye, said: The opinion of Rabbi Yosei, son of Rabbi Yehuda, in the mishna was necessary only to provide them with the space to satisfy all their needs in the case of a properly constructed partition consisting of both horizontal and vertical elements. A partition consisting of exclusively horizontal or vertical elements renders an area of six beit se'a fit for one to carry within it, only in the case of a caravan.

⁵⁵³ Rav Naḥman taught in the name of Rabbeinu Shmuel: With regard to an individual, the halakha provides him with an area of two beit se'a. With regard to two individuals, the halakha provides them with an area of two beit se'a as well. Three individuals assume the legal status of a caravan, and the halakha provides each of them with an area of two beit se'a, for a total of six beit se'a.

⁵⁵⁴ Rav Naḥman was asked: Did you abandon the majority opinion of the Rabbis and act in accordance with the individual opinion of Rabbi Yosei, son of Rabbi Yehuda?

⁵⁵⁵ Rav Naḥman then placed a speaker standing over him, and taught: The matters that I stated before you are an error on my part. Indeed, this is what the Rabbis said: With regard to an individual, the halakha provides him with an area of two beit se'a. With regard to two individuals, the halakha provides them with an area of two beit se'a as well. Three individuals assume the legal status of a caravan, and the halakha provides them with space to satisfy all their needs.

⁵⁵⁶ The Gemara asks: Is that to say that the first clause of Rav Naḥman's ruling is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, and the latter clause is in accordance with the opinion of the Rabbis?

⁵⁵⁷ The Gemara answers: Yes, because his father, Rabbi Yehuda, holds in accordance with his opinion with regard to areas enclosed for the sake of an individual. This being the case, their opinion on this matter is that of the many.

⁵⁵⁸ Rav Giddel said that Rav said: At times, for three people it is prohibited to carry even in an area of five beit se'a; at times, it is permitted for them to carry even in an area of seven beit se'a. These statements appear irreconcilable, and his colleagues said to him: Did Rav actually say that? He said to them: I swear by the Torah, the Prophets, and the Writings, that Rav said so.

⁵⁵⁹ Rav Ashi said: What is the difficulty here? Perhaps this is what he is saying: If they needed six beit se'a, and they enclosed seven, they are permitted to carry even in all seven, as one empty beit se'a does not render it prohibited for one to carry in the rest of the area. If, however, they needed only five beit se'a, and they enclosed seven, carrying even in five is prohibited, as there is an unoccupied space of two beit se'a.

⁵⁶⁰ The Gemara asks: However, with regard to that which the baraita is teaching, that the partition renders the area fit for one to carry within it provided that there will not be an unoccupied space of two beit se'a, what, is it not in fact referring to space unoccupied by people? In other words, isn't the baraita teaching that the enclosed area may not be two beit se'a larger than a measure of two beit se'a per person? Accordingly, if three people enclosed an area of seven beit se'a, it should always be permitted for them to carry there, as they are entitled to six beit se'a and only one beit se'a is unoccupied. The Gemara answers: No, it means unoccupied by utensils. Although they would be entitled to six beit se'a if needed, since they need only five in practice and a space of two beit se'a remains unoccupied, the effectiveness of the partitions is negated and carrying therein is prohibited.

⁵⁶¹ It is stated: If there were three people in a caravan and one of them died on Shabbat, or if there were two people, and others were added to them on Shabbat, Rav Huna and Rabbi Yitzḥak disagree with regard to the area in which they are permitted to carry on Shabbat. One said: Shabbat determines the status of the area. The halakha is determined in accordance with the prevailing situation at the onset of Shabbat. And one said that the residents, i.e., the actual number of people present at any given moment, determine the status.

⁵⁶² The Gemara comments: Conclude that it is Rav Huna who said that Shabbat determines the status, as Rabba said: I raised a dilemma before Rav Huna, and I raised a dilemma before Rav Yehuda with regard to the following case: If one established an eiruv to join one courtyard to another via a certain opening and that opening was sealed on Shabbat, or if one established an eiruv via a certain window and that window was sealed on Shabbat, what is the halakha? Can one continue to rely on this eiruv and carry from one courtyard to the other via other entrances? And he said to me: Since it was permitted to carry from courtyard to courtyard at the onset of Shabbat, it was permitted and remains so until Shabbat's conclusion. The Gemara comments: Indeed, conclude that it is Rav Huna who maintains the determining factor is Shabbat, not the residents.

⁵⁶³ The Gemara asks: Let us say that Rav Huna and Rabbi Yitzḥak are disagreeing in the earlier dispute of the tanna'im Rabbi Yosei and Rabbi Yehuda. As we learned in a mishna: If during Shabbat a courtyard was breached from two of its sides, or if a house was breached from two of its sides, or if an alleyway's cross beams or side posts were removed, it is permitted to carry within them on that Shabbat, but it is prohibited to do so in the future; this is the statement of Rabbi Yehuda.

⁵⁶⁴ Rabbi Yosei says: If it is permitted to carry there on that Shabbat, it is also permitted to do so in the future. However, if it is prohibited to carry there in the future, it is also prohibited to do so on that Shabbat. Since it is prohibited to carry there in the future, it is also prohibited to carry there on that

Shabbat. This opinion disputes the principle that since it is permitted at the onset of Shabbat it remains permitted.

⁵⁶⁵ Let us say that it is Rav Huna who stated his opinion in accordance with the opinion of Rabbi Yehuda, and he held that the situation at the onset of Shabbat determines the halakhic status. And it is Rabbi Yitzhak who stated his opinion in accordance with the opinion of Rabbi Yosei.

⁵⁶⁶ The Gemara rejects this explanation. Rav Huna could have said to you: It is I who stated my opinion even in accordance with the opinion of Rabbi Yosei. Rabbi Yosei stated his opinion only there, in a case where there are no longer partitions intact; however, here there are partitions intact. Since the status of the area is dependent upon the existence of partitions, he would also agree that carrying is permitted in this case.

⁵⁶⁷ And Rabbi Yitzhak could have said to you: It is I who stated my opinion even in accordance with the opinion of Rabbi Yehuda. Rabbi Yehuda stated his opinion only there, in a case where there are residents. However, here, there are no remaining residents that are alive, so he too would prohibit carrying.

⁵⁶⁸ We learned in the mishna: However, the Rabbis say: One of the two elements, either vertical or horizontal, is sufficient. The Gemara asks: This is identical to the opinion of the first tanna of the mishna. What did the Rabbis add?

⁵⁶⁹ The Gemara answers: There is a practical halakhic difference between them with regard to an individual in a settlement. The first tanna does not allow one to rely on a partition of this type *ab initio*, whereas the Rabbis permit doing so in all cases.

⁵⁷⁰ MISHNA: The Sages exempted a soldier in a military camp in four matters: One may bring wood for kindling from any place with no concern that he is stealing wood from its owners; and one is exempt from ritual washing of the hands before eating; and one is exempt from the separation of tithes from doubtfully tithed produce [*demai*], i.e., produce purchased from an *am ha'aretz*, one who is not diligent in separating tithes; and one is exempt from establishing an *eiruv*.

⁵⁷¹ GEMARA: The Sages taught in a Tosefta: With regard to a military camp that goes out to wage an optional war, it is permitted for the soldiers to steal dry wood. Rabbi Yehuda ben Teima says: They may also encamp in any location, even if they damage the field in which they are encamped. And in the place where they were killed, there they are buried and the owner of the site cannot object, as moving the corpse for burial elsewhere dishonors the dead.

⁵⁷² The Gemara analyzes this Tosefta. What is the novelty in the following statement: They are permitted to steal dry wood? This was an ordinance enacted by Joshua, as the Master said in a baraita: There is a tradition that Joshua stipulated ten conditions with the Jewish people as they entered Eretz Yisrael, among them that one may graze his animals in woods belonging to others without objection, and one may gather wood for his own use from their fields.

⁵⁷³ The Gemara answers: There, Joshua's ordinance permitted gathering various types of shrubs [*hizmei*] and thorns [*higei*], with regard to which people are not particular; here, the ordinance in the mishna pertaining to a military camp is referring to other types of wood.

⁵⁷⁴ Alternatively: There, Joshua's ordinance referred to gathering thorns still attached to the ground, as removing those thorns benefits the field's owner. Here, however, the mishna is referring to gathering thorns that are already detached.

⁵⁷⁵ Alternatively: There, Joshua's ordinance referred to gathering moist thorns. Owners are not particular about them because they are not immediately suitable for kindling. Here, the mishna is referring even to dry thorns.

⁵⁷⁶ It was taught in the Tosefta that Rabbi Yehuda ben Teima says: They may also encamp in any place, and in the place where they were killed, there they are buried. The Gemara raises a difficulty: This is obvious, as a body of a dead soldier is considered to be a corpse with no one to bury it [met mitzva], and the principle is that a met mitzva acquires its place. In other words, the body must be interred where it is found, and the owner of the field cannot prevent burial.

⁵⁷⁷ The Gemara answers: No, this ostensibly obvious statement is indeed necessary to teach that this principle applies in the case of a military camp, even though

⁵⁷⁸ there are people available to bury it. As it was taught in a baraita: Which is the corpse that is considered a met mitzva? Any corpse that has no one available to bury it. If, however, the deceased has friends or relatives to tend to his burial, his corpse is not considered a met mitzva. Likewise, if the body is in a place where if one calls out, others can answer him, this is not a met mitzva. The Tosefta teaches a novel ruling applicable to the case of a military camp: A soldier is buried where he was killed, even if the conditions for met mitzva are not met there.

⁵⁷⁹ With regard to the halakha itself, the Gemara asks: And does a met mitzva actually acquire its place? Wasn't it taught in a baraita: One who finds a corpse laid out on a main street evacuates it for burial either to the right of the street or to the left of the street, but it may not be buried under the main street itself?

⁵⁸⁰ If one can move the corpse either to an uncultivated field or to a plowed field, he evacuates it to the uncultivated field. If the choice is between a plowed field and a sown field, he evacuates it to the plowed field. If both fields are plowed, or if both are sown, or if both are uncultivated, he evacuates it to any side that he wishes to move it. Apparently, a met mitzva is not necessarily buried where it is found. It may be moved elsewhere.

⁵⁸¹ Rav Beivai said: Here we are dealing with a corpse laid out across on the side of a public path, and it stretches across the path and reaches the other side. Were the corpse buried there, it would prohibit passage by priests. Since permission was already granted to evacuate it from the side of a public path, one may evacuate it to any side he wishes. If, however, the corpse was in a field, moving it would be prohibited.

⁵⁸² We learned in the mishna that in a military camp one is exempt from ritual washing of the hands. Abaye said: They taught this exemption only with regard to first waters, i.e., hand-washing before eating. However, final waters, i.e., hand-washing after eating and before reciting Grace after Meals, is an obligation even in a military camp.

⁵⁸³ Rav Ḥiyya bar Ashi said: For what reason did the Sages say that the final waters are an obligation? It is due to the fact that there is the presence of Sodomite salt, which blinds the eyes even in a small amount. Since Sodomite salt could remain on one's hands, one must wash them after eating. This obligation is binding even in a camp because soldiers are also obligated to maintain their health.

⁵⁸⁴ Abaye said: And this type of dangerous salt is present in the proportion of a single grain [korta] in an entire kor of innocuous salt. Rav Aḥa, son of Rava, said to Rav Ashi: If one measured salt and

came into contact with Sodomite salt not during mealtime, what is the halakha? Is there an obligation to wash his hands afterward? He said to him: It was unnecessary to say this, as he is certainly obligated to do so.

⁵⁸⁵ The mishna continues: And in a military camp, one is exempt from the separation of tithes from doubtfully tithed produce [demai]. As we learned in a mishna: One may feed the poor demai, and one may also feed quartered soldiers [akhsanya] demai. Rav Huna said: A tanna taught in a baraita: Beit Shammai say that one may neither feed the poor demai, nor may one feed quartered soldiers demai. And Beit Hillel say that one may feed the poor demai, and one may also feed quartered soldiers demai.

⁵⁸⁶ We learned in the mishna: And in a military camp, one is exempt from establishing an eiruv. The Sages of the school of Rabbi Yannai said: They taught that this exemption applies only with regard to the joining of houses in courtyards. However, even those in a military encampment are obligated to establish an eiruv if they desire to effect a joining of Shabbat boundaries, whereby one extends the Shabbat limits beyond which one may not walk on Shabbat.

⁵⁸⁷ As Rabbi Ḥiyya taught a baraita: One is flogged by Torah law for going beyond the Shabbat limit if there is no joining of Shabbat boundaries. The Torah states: “No man shall go out [al yetze] of his place on the seventh day” (Exodus 16:29). Since this is a Torah prohibition, leniency is possible only in life-threatening circumstances.

⁵⁸⁸ Rabbi Yonatan strongly objects: Is one flogged for violating a prohibition that is expressed in the Torah with the negative al, rather than the negative lo? Rav Aḥa bar Ya’akov strongly objects to the question: If what you say is so, with regard to that which is written: “Turn you not [al] unto the ghosts, nor unto familiar spirits” (Leviticus 19:31), is the halakha there too that one is not flogged?

⁵⁸⁹ Rather, this is the difficulty for Rabbi Yonatan: The prohibition against overstepping the Shabbat limits is a prohibition that was given primarily as a warning of court-imposed capital punishment, i.e., a prohibition which, under certain conditions, is punishable by the death and not merely by lashes, as is the case with most prohibitions. In fact, the prohibition against carrying objects out to the public domain is derived from that same verse, and one who violates that prohibition is liable for execution by the court. And this principle applies: Any prohibition that was given primarily as a warning of court-imposed capital punishment one is not flogged, even if the death penalty does not apply in that particular case.

⁵⁹⁰ Rav Ashi said: Is it written in the Torah: No man shall carry out [yotzi], indicating a prohibition against carrying objects from one domain to another on Shabbat? “No man shall go out [yetze]” is written. Indeed, according to its plain meaning, the verse deals exclusively with the prohibition of going beyond the Shabbat limits and not with the prohibition of carrying out. Everyone agrees that there is no death penalty administered by the court in overstepping the Shabbat limit.

Chapter 2

¹ MISHNA: One may arrange upright boards [passin] around a well in the public domain in order to permit drawing water from the well on Shabbat. A well is usually at least four handbreadths wide and ten handbreadths deep. Therefore, it is considered a private domain, and it is prohibited to draw

water from it on Shabbat, as that would constitute a violation of the prohibition to carry from a private domain into a public one. The Sages therefore instituted that a virtual partition may be built in the area surrounding the well, so that the enclosed area could be considered a private domain, thus permitting use of the well and carrying of the water within the partitioned area.

² In this specific instance, the Sages demonstrated special leniency and did not require a proper partition to enclose the entire area. For this purpose, it suffices if there are four double posts [deyomadin] that look like eight single posts, i.e., four corner pieces, each comprised of two posts joined together at right angles; this is the statement of Rabbi Yehuda. Rabbi Meir says: There must be eight posts that look like twelve. How so? There must be four double posts, one in each corner, with four plain posts, one between each pair of double posts.

³ The height of the double posts must be at least ten handbreadths, their width must be six handbreadths, and their thickness may be even a minimal amount. And between them, i.e., between the posts, there may be a gap the size of two teams [revakot] of three oxen each; this is the statement of Rabbi Meir.

⁴ Rabbi Yehuda disagrees and says: There may be a slightly larger gap, the size of two teams of four oxen each, and this gap is measured with the cows being tied together and not untied, and with the minimal space necessary for one team to be entering while the other one is leaving.

⁵ It is permitted to bring the posts closer to the well, provided that the enclosed area is large enough for a cow to stand with its head and the majority of its body inside the partitioned space while it drinks.

⁶ It is permitted

⁷ to distance the boards from the well and expand the enclosed area by any amount, i.e., as much as one wishes, provided that he increases the number of upright boards between the double posts. Rabbi Yehuda says: The partitioned area may be expanded up to an area of two beit se'a, which is an area of five thousand square cubits.

⁸ The Rabbis said to him: They only spoke of an area of two beit se'a with regard to a garden or an enclosure used for storing wood, scrap, and the like [karpef]. But if it was a pen [dir], or a stable [sahar], or a backyard, or a courtyard in front of the house, even if it had an area of five beit kor or even ten beit kor, it is permitted. And it is permitted to distance the boards and expand the enclosed area by any amount, provided that one increases the upright boards between the double posts.

⁹ GEMARA: The Gemara suggests: Let us say that the mishna is not in accordance with the opinion of Ḥananya, as it was taught in a baraita: One may arrange upright boards around a water cistern and ropes around a caravan. Ḥananya disagrees and says: One may set up ropes for a cistern, but not upright boards.

¹⁰ The Gemara rejects this suggestion: Even if you say that the mishna was taught in accordance with the opinion of Ḥananya, a cistern of collected rain water has a discrete law, as the water will eventually be consumed and the upright boards will become unnecessary; and a well of spring water has a discrete law, as the water is constantly renewed and the upright boards will remain useful.

¹¹ Some say a different version of the previous passage: From the fact that the baraita does not teach: Ḥananya says: One may set up ropes around a water cistern and boards around a well, by inference, according to the opinion of Ḥananya, there is no difference between a cistern and a well. In both

cases, ropes are indeed permitted, whereas upright boards are not. Let us say the mishna is not in accordance with the opinion of Ḥananya.

¹² The Gemara rejects this argument: Even if you say that the mishna was taught in accordance with the opinion of Ḥananya, he was only replying to that which the first tanna had said; since the first tanna had spoken only of a cistern, there was no need for Ḥananya to fully clarify his own position and distinguish between a cistern and a well.

¹³ The Gemara further suggests: Let us say the mishna is not in accordance with the opinion of Rabbi Akiva. As we learned in a mishna: In each of the cases of a public well, a public cistern, and a private well, one may arrange upright boards for them, but in the case of a private cistern, one must establish a proper partition for it ten handbreadths high; this is the statement of Rabbi Akiva.

¹⁴ Whereas here in the mishna it teaches: One may arrange upright boards for a well, from which one may infer that for a well, yes, it is permitted to use posts, but for a cistern, no, it is not permitted. This is opposed to Rabbi Akiva's opinion, which maintains that posts may be arranged for a public cistern.

¹⁵ The Gemara rejects this argument as well: Even if you say that the mishna is in accordance with the opinion of Rabbi Akiva, the tanna of the mishna teaches the case of a well of spring water, which he can teach in a distinct manner because there is no difference whether it belongs to the public and there is no difference whether it belongs to an individual, as it is always permitted. However, he did not teach the case of a cistern containing collected rain water, which he could not teach in a distinct manner because there is a difference between a public cistern and a private one. However, it cannot be proven from here that he disagrees with Rabbi Akiva.

¹⁶ The Gemara further suggests: Let us say the mishna is not in accordance with the opinion of Rabbi Yehuda ben Bava, as we learned in a mishna: Rabbi Yehuda ben Bava says: One may only arrange upright boards for a public well, whereas here the mishna states: For wells. The plural term implies that there is no difference if the well belongs to the public, and there is no difference if the well belongs to an individual.

¹⁷ The Gemara also rejects this line of reasoning: Even if you say that the mishna is in accordance with Rabbi Yehuda ben Bava, to what is the mishna referring when it says wells? It is referring to wells in general, but the tanna means to include only public wells.

¹⁸ The mishna had mentioned double posts [deyomadin]: The Gemara asks: What are deyomadin? Rabbi Yirmeya ben Elazar said: Two [deyo] posts [amudin], which are put together to create a single corner piece.

¹⁹ Having cited Rabbi Yirmeya ben Elazar's statement with reference to the prefix deyo, the Gemara cites other statements of his. Two, to one who was ostracized, praise, nourishment, ruin, attribute, three, are mnemonics for the following statements by Rabbi Yirmeya ben Elazar.

²⁰ We learned there in a mishna: Rabbi Yehuda says: All inferior figs are exempt from being tithed, even if they are of doubtfully tithed produce [demai], as even if the seller is an am ha'aretz, he must certainly have already separated tithes from them, since the loss incurred by tithing is negligible, except for deyufra. The Gemara asks: What is deyufra? Ulla said: A tree that yields two [deyo] harvests of fruit [peirot] each year.

²¹ Rabbi Yirmeya ben Elazar also said: Adam was first created with two [deyo] faces, one male and the other female. As it is stated: "You have formed me behind and before, and laid Your hand upon

me” (Psalms 139:5). Similarly, it is written: “And the tzela, which the Lord, God, had taken from the man, He made a woman, and brought her unto the man” (Genesis 2:22). Rav and Shmuel disagree over the meaning of the word tzela: One said: It means a female face, from which God created Eve; and one said: Adam was created with a tail [zanav], which God removed from him and from which He created Eve.

²² The Gemara asks: Granted, according to the one who says that tzela means face; it is understandable that it is written: “You have formed me [tzartani] behind and before.” However, according to the one who says that tzela means tail, what is meant by the verse: “You have formed me [tzartani] behind and before”?

²³ The Gemara answers that this verse is to be understood as bearing a moral message, in accordance with the opinion of Rabbi Ami, as Rabbi Ami said: Behind means Adam was created at the end of the act of creation; and before means that he was first for punishment.

²⁴ The Gemara asks: Granted, it is understandable that Adam was behind, or last, in the act of creation, meaning that he was not created until the sixth day, Shabbat eve. However, before, or first, for punishment, what does this mean? If you say that he was punished first because of the curse pronounced in the wake of the sin involving the Tree of Knowledge, there is a difficulty. Wasn’t the snake was cursed first, and afterward Eve was cursed, and only at the end was Adam cursed?

²⁵ Rather, this refers to the punishment of the Flood, as it is written: “And He blotted out every living substance which was upon the face of the ground, both man and cattle, creeping things and fowl of the heaven” (Genesis 7:23). This indicates that the punishment began with man.

²⁶ The Gemara asks: Granted, according to the one who said that Eve was originally a face or side of Adam; it is understandable that it is written: “Then the Lord God formed [vayyitzer] man” (Genesis 2:7). Vayyitzer is written with a double yod, one for Adam and one for Eve. However, according to the one who said that Eve was created from a tail, what is conveyed by spelling vayyitzer with a double yod?

²⁷ The Gemara responds: This is interpreted homiletically, in accordance with the opinion of Rabbi Shimon ben Pazi, as Rabbi Shimon ben Pazi said: This comes to emphasize that which one says to himself in every circumstance: Woe unto me from my evil inclination [yetzer] if I perform the will of my Maker, and woe to me from my Maker [Yotzri] if I perform the will of my inclination.

²⁸ The Gemara asks: Granted, according to the one who said that Eve was a face, it is understandable that it is written: “Male and female, He created them, and blessed them, and called their name Man in the day when they were created” (Genesis 5:2), which indicates that from the very beginning of their creation, He fashioned two faces, one for the male and the other for the female. However, according to the one who said that Eve was created from a tail, what is the meaning of the verse: “Male and female, He created them”?

²⁹ The Gemara answers: It can be explained in accordance with the opinion of Rabbi Abbahu, as Rabbi Abbahu raised a contradiction between the verses: On the one hand it is written: “Male and female, He created them,” in the plural, and on the other hand it is written: “So God created man in His own image, for in the image of God He created him” (Genesis 1:27), in the singular. At first, the thought entered God’s mind to create two, and ultimately, only one was actually created.

³⁰ The Gemara asks: Granted, according to the one who said that Eve was a face, it is understandable that it is written: “And He took one of his sides and closed up the flesh in its place” (Genesis 2:21). However, according to the one who said that Eve was created from a tail, what is meant by the verse: “And He closed up the flesh in its place”?

³¹ Rav Zevid said, and some say it was Rabbi Yirmeya, and some say it was Rav Naḥman bar Yitzḥak: It was necessary to say that the fleshed closed up only with regard to the place of the incision.

³² The Gemara challenges the other opinion: Granted, according to the one who said that Eve was created from a tail; it is understandable that it is written: “And the Lord God built the tzela” (Genesis 2:22), as it was a completely new building. However, according to the one who said that Eve was a complete face or side, what is the meaning of: “And He built”? What needed to be built?

³³ The Gemara responds: This must be interpreted homiletically, in accordance with the opinion of Rabbi Shimon ben Menasya, as Rabbi Shimon ben Menasya interpreted homiletically the verse: “And the Lord God built the tzela.” This verse teaches that the Holy One, Blessed be He, braided for Eve her hair, and then brought her to Adam, as in the coastal towns, they call braiding hair building.

³⁴ Alternatively, the verse: “And the Lord God built,” can be understood as a description of Eve’s basic shape, as Rav Ḥisda said, and some say it is taught in a baraita: This verse teaches that the Holy One, Blessed be He, built Eve like the structure

³⁵ of a storehouse. Just as a storehouse is built wide on the bottom and narrow on top, in order to hold produce without collapsing, so too a woman is created wide on the bottom and narrow on top, in order to hold the fetus.

³⁶ The Gemara cites an exposition of the end of the previously cited verse: “And brought her unto the man” (Genesis 2:22). This verse teaches that the Holy One, Blessed be He, was Adam the first man’s best man, attending to all his wedding needs and bringing his wife to him. From here we learn that a greater individual should serve as a best man for a lesser individual and should not feel bad about it as something beneath his dignity.

³⁷ The Gemara asks: And according to the one who says that Eve was a face or side of Adam, which one of them walked in front? Rav Naḥman bar Yitzḥak said: It is reasonable to say that the male walked in front, as this is proper behavior, as it was taught in a baraita: A man should not walk behind a woman on a path, even if she is his wife. If she happens upon him on a bridge, he should walk quickly in order to catch up to her and consequently move her to his side, so that she will not walk before him. And anyone who walks behind a woman in a river, where she has to lift up her skirt in order to cross, has no share in the World-to-Come.

³⁸ The Sages taught: With regard to one who counts out money for a woman from his hand into her hand or from her hand into his hand, in order to look upon her, even if in other matters he is like Moses our teacher, who received the Torah from Mount Sinai, he will not be absolved from the punishment of Gehenna. The verse says about him: “Hand to hand, the evil man shall not go unpunished” (Proverbs 11:21). One who hands money from his hand to her hand, even if he received the Torah from God’s hand to his own, like Moses, he will not be absolved from the punishment of Gehenna, which is called evil.

³⁹ Rav Naḥman said: From the following verse, it is known that Samson's father, Manoah, was an ignoramus, as it is stated: "And Manoah arose, and went after his wife" (Judges 13:11), which shows that he was unfamiliar with the principle that one must not walk behind a woman.

⁴⁰ Rav Naḥman bar Yitzḥak strongly objects to this: If that is so, if the verse relating to Manoah is understood literally, what will one say about the verse with regard to Elkana, the father of the prophet Samuel, as it is written: "And Elkana walked after his wife." Does this verse mean that Elkana was also an ignorant person? And what of the verse with regard to the prophet Elisha, as it is written: "And the mother of the child said: As the Lord lives, and as your soul lives, I will not leave you; and he arose and followed her" (ii Kings 4:30). Does this verse mean that Elisha was also an uneducated person?

⁴¹ Rather, certainly each of these verses means that he followed her words and advice. If so, here too, the verse concerning Manoah may be similarly interpreted. He did not literally walk behind his wife, but rather he followed her words and advice.

⁴² Rav Ashi said: And according to what Rav Naḥman said, that Manoah was an ignoramus, he did not even read the basic Torah stories that children learn in school. As it is written: "Rebecca arose, and her damsels, and they rode upon the camels, and followed the man" (Genesis 24:61); they followed him and did not walk before the man.

⁴³ On this topic, Rabbi Yoḥanan said: It is preferable to walk behind a lion, and not behind a woman. And it is preferable to walk behind a woman and not behind idolatry. When a procession honoring idolatry is passing in the street, it is better to walk behind a woman than appear to be accompanying the idolatry. It is preferable to walk behind idolatry and not behind a synagogue at a time of prayer. By walking behind a synagogue at a time of prayer and not entering, one appears as though he were denying the God to Whom the congregation is directing its prayers.

⁴⁴ Having cited an aggadic statement of Rabbi Yirmeya ben Elazar, the Gemara cites other statements of his: Rabbi Yirmeya ben Elazar said: All those years during which Adam was ostracized for the sin involving the Tree of Knowledge, he bore spirits, demons, and female demons, as it is stated: "And Adam lived a hundred and thirty years, and begot a son in his own likeness, after his image, and called his name Seth" (Genesis 5:3). By inference, until now, the age of one hundred thirty, he did not bear after his image, but rather bore other creatures.

⁴⁵ The Gemara raises an objection from a baraita: Rabbi Meir would say: Adam the first man was very pious. When he saw that death was imposed as a punishment because of him, he observed a fast for a hundred thirty years, and he separated from his wife for a hundred thirty years, and wore belts [zarzei] of fig leaves on his body as his only garment for a hundred thirty years. If so, how did he father demons into the world?

⁴⁶ The Gemara answers: When Rabbi Yirmeya made his statement, he meant that those destructive creatures were formed from the semen that Adam accidentally emitted, which brought the destructive creatures into being.

⁴⁷ And Rabbi Yirmeya ben Elazar further said: Only some of a person's praise should be said in his presence, and all of it may be said not in his presence. Only some of his praise should be said in his presence, as it is written: "And the Lord said to Noah, come, you and all your house into the ark, for you have I seen righteous before Me in this generation" (Genesis 7:1).

⁴⁸ And all of it may be said not in his presence, as it is written: “These are the generations of Noah; Noah was a righteous man, and perfect in his generations, and Noah walked with God” (Genesis 6:9). When not referring to him in his presence, God refers to Noah as a righteous and perfect man.

⁴⁹ And Rabbi Yirmeya ben Elazar also said: What is the meaning of that which is written: “And the dove came in to him in the evening, and lo, in her mouth was an olive leaf, plucked off [taraf]; so Noah knew that the waters were abated from off the earth” (Genesis 8:11)? The dove said before the Holy One, Blessed be He: Master of the Universe, let my food be bitter as an olive but given into Your hand, and let it not be sweet as honey but dependent upon flesh and blood. He adds this explanation: Here it is written: Taraf. And there it is written: “Remove far from me falsehood and lies; give me neither poverty nor riches; feed me [hatrifeni] my allotted portion” (Proverbs 30:8).

⁵⁰ And Rabbi Yirmeya ben Elazar also said: Any house in which the words of Torah are heard at night will never be destroyed, as it is stated: “But none says: Where is God my Maker, Who gives songs in the night” (Job 35:10). The verse implies that one who sings songs of Torah in his house at night will not need to lament the destruction of his home.

⁵¹ And Rabbi Yirmeya ben Elazar further said: From the day that the Temple was destroyed, it is enough for the world to use in its praise of God, or in greeting one another with the name of God, only two letters of the Tetragrammaton, namely yod and heh, as it is stated: “Let everything that has breath praise the Lord [Yah]. Halleluya” (Psalms 150:6), without mentioning the full name of God, comprised of four letters.

⁵² And Rabbi Yirmeya ben Elazar also said: When Babylonia was cursed, its neighbors were cursed along with it. When Samaria was cursed, its neighbors were blessed. He explains: When Babylonia was cursed, its neighbors were cursed, as it is written: “I will also make it a possession for wild birds, and pools of water” (Isaiah 14:23), and the arrival of predatory animals brings harm to the surrounding neighbors as well. When Samaria was cursed, its neighbors were blessed, as it is written: “Therefore I will turn Samaria into a heap of rubble in the field

⁵³ for planting vines” (Micah 1:6), which benefits all the surrounding inhabitants.

⁵⁴ And Rabbi Yirmeya ben Elazar also said: Come and see that the attribute of flesh and blood is unlike the attribute of the Holy One, Blessed be He. For the attribute of flesh and blood is to place an iron or wooden hook in the mouth of a person who was sentenced to death by the government, so that he should not be able to curse the king when he is taken away for execution.

⁵⁵ But the attribute of the Holy One, Blessed be He is that one is willingly silent when he is sentenced to death by the Omnipresent, as it is stated: “For You silence is praise, O God in Zion, and to You shall the vow be performed” (Psalms 65:2). And what is more, he praises God for his sufferings, as it is stated: “Praise.” And what is more, it appears to him as though he were offering a sacrifice in atonement for his sin, as it is stated: “And to You shall the vow be performed.”

⁵⁶ And this is what Rabbi Yehoshua ben Levi said: What is the meaning of that which is written: “Those who pass through the valley of weeping turn it into a water spring; moreover, the early rain covers it with blessings” (Psalms 84:7)?

⁵⁷ “Those who pass through [overei],” these are people who transgress [overin] the will of the Holy One, Blessed be He. “Valley [emek]” indicates that their punishment is that Gehenna is deepened [ma’amikin] for them. “Of weeping [bakha]” and “turn it into a water spring [ma’ayan yeshituhu],”

indicates that they weep [bokhin] and make tears flow like a spring [ma'ayan] of the foundations [shitin], meaning like a spring that descends to the foundations of the earth. "Moreover, the early rain covers it with blessings," indicates that they accept the justice of God's judgment, and say before Him: Master of the Universe, You have judged properly, You have acquitted properly, You have condemned properly, and it is befitting that You have prepared Gehenna for the wicked and the Garden of Eden for the righteous.

⁵⁸ The Gemara raises a difficulty: Is that so? Didn't Rabbi Shimon ben Lakish say: The wicked do not repent, even at the entrance to Gehenna, as it is stated: "And they shall go forth, and look upon the carcasses of the men who rebel against Me; for their worm shall not die, neither shall their fire be quenched; and they shall be an abhorrence to all flesh" (Isaiah 66:24)? The verse does not say: Who rebelled, but rather: "Who rebel," in the present tense, meaning they continue rebelling forever.

⁵⁹ The Gemara answers: This is not difficult; here, i.e., where it is said that they accept God's judgment, it is referring to the sinners of the Jewish people; there, i.e., where it is said that they do not recant, it is referring to the rebels among the nations of the world.

⁶⁰ So too, it is reasonable to say this, for if you do not say so, there would be a contradiction between one statement of Reish Lakish and another statement of Reish Lakish. As Reish Lakish said: With regard to the sinners of the Jewish people, the fire of Gehenna has no power over them, as may be learned by a fortiori reasoning from the golden altar.

⁶¹ If the golden altar in the Temple, which was only covered by gold the thickness of a golden dinar, stood for many years and the fire did not burn it, for its gold did not melt, so too the sinners of the Jewish people, who are filled with good deeds like a pomegranate, as it is stated: "Your temples [rakatekh] are like a split pomegranate behind your veil" (Song of Songs 6:7), will not be affected by the fire of Gehenna. And Rabbi Shimon ben Lakish said about this: Do not read: Your temples [rakatekh], but rather: Your empty ones [reikateikh], meaning that even the sinners among you are full of mitzvot like a pomegranate; how much more so should the fire of Gehenna have no power over them.

⁶² However, that which is written: "Those who pass through the valley of weeping" (Psalms 84:7), which implies that the sinners nonetheless descend to Gehenna, should be explained as follows: There it speaks of those who are liable at that time for punishment in Gehenna, but our father Abraham comes and raises them up and receives them. He does not leave the circumcised behind and allow them to enter Gehenna, except for a Jew who had relations with a gentile woman, in punishment for which his foreskin is drawn, and our father Abraham does not recognize him as one of his descendants.

⁶³ Rav Kahana strongly objected to this: Now that you have said that the words those who rebel are referring to those who go on rebelling, if so, in those verses in which it is written of Him: "He Who brings out" (see Exodus 6:7) and "He Who raises up" Israel from Egypt (see Leviticus 11:45), do these expressions mean: He Who is currently raising them up and bringing them out? Rather, you must understand these terms to mean: He Who already raised them up and brought them out; here too then, the phrase those who rebel means those who already rebelled.

⁶⁴ And Rabbi Yirmeya ben Elazar also said: There are three entrances to Gehenna, one in the wilderness, one in the sea, and one in Jerusalem. There is one entrance in the wilderness, as it is written with regard to Korah and his company: "And they, and all that appertained to them, went

down alive into the pit [She'ol], and the earth closed upon them, and they perished from among the congregation" (Numbers 16:33).

⁶⁵ In the sea there is a second entrance to Gehenna, as it is written about Jonah in the fish's belly: "Out of the belly of the netherworld [She'ol] I cried, and You did hear my voice" (Jonah 2:3).

⁶⁶ And there is a third entrance to Gehenna in Jerusalem, as it is written: "Says the Lord, Whose fire is in Zion, and Whose furnace is in Jerusalem" (Isaiah 31:9). And it was taught in the school of Rabbi Yishmael: "Whose fire is in Zion," this is Gehenna; and "Whose furnace is in Jerusalem," this is an entrance to Gehenna.

⁶⁷ The Gemara asks: Are there no more entrances? Didn't Rabbi Maryon say in the name of Rabbi Yehoshua ben Levi, and some say it was Rabba bar Maryon who taught in the name of the school of Rabbi Yoḥanan ben Zakkai: There are two date trees in the valley of ben Hinnom, and smoke rises from between them, and with regard to this statement about date trees that differ from other palms we learned: The palms of Har HaBarzel are fit for the mitzva of palm branches [lulav], and this is the entrance to Gehenna. The Gemara answers: This is not difficult, for perhaps this is the entrance in Jerusalem.

⁶⁸ Rabbi Yehoshua ben Levi said: Gehenna has seven names, and they are as follows: She'ol, Avadon, Be'er Shaḥat, Bor Shaon, Tit HaYaven, Tzalmavet, and Eretz HaTaḥtit.

⁶⁹ She'ol, as it is written: "Out of the belly of the netherworld [she'ol] I cried and You did hear my voice" (Jonah 2:3). Avadon, as it is written: "Shall Your steadfast love be reported in the grave or Your faithfulness in destruction [avadon]?" (Psalms 88:12). Be'er Shaḥat, as it is written: "For You will not abandon my soul to the netherworld; nor will You suffer Your pious one to see the pit [shaḥat]" (Psalms 16:10). And Bor Shaon and Tit HaYaven, as it is written: "He brought me up also out of the gruesome pit [bor shaon], out of the miry clay [tit hayaven]" (Psalms 40:3). And Tzalmavet, as it is written: "Such as sat in darkness and in the shadow of death [tzalmavet], bound in affliction and iron" (Psalms 107:10). And with regard to Eretz Taḥtit, i.e., the underworld, it is known by tradition that this is its name.

⁷⁰ The Gemara poses a question: Are there no more names? Isn't there the name Gehenna? The Gemara answers that this is not a name rather a description: A valley that is as deep as the valley [gei] of ben Hinnom. An alternative explanation is: Into which all descend for vain [hinnam] and wasteful acts, understanding the word hinnam as if it were written ḥinnam, meaning for naught.

⁷¹ The Gemara asks: Isn't there also the name Tofte, as it is written: "For its hearth [tofte] is ordained of old" (Isaiah 30:33). The Gemara answers: That name too is a description, meaning that anyone who allows himself to be seduced [mitpateh] by his evil inclination will fall there.

⁷² Having discussed the entrances to Gehenna, the Gemara also mentions the entrance to the Garden of Eden. Reish Lakish said: If it is in Eretz Yisrael, its entrance is Beit She'an, and if it is in Arabia, its entrance is Beit Garem, and if it is between the rivers of Babylonia, its entrance is Dumsekanin, for all these places feature a great abundance of vegetation and fertile land. The Gemara relates that Abaye would praise the fruits of the right bank of the Euphrates River, and Rava would praise the fruits of Harpanya.

⁷³ The Gemara goes back to the mishna in which we learned: And between them, i.e., between the upright boards and the double posts, there may be a gap the size of two teams of four oxen each, as

measured when tied together and not when they are untied. The Gemara asks: This is obvious; since the tanna taught that they are tied, we know that they are not untied.

⁷⁴ The Gemara answers: This is specified, lest you say that tied means similar to tied, i.e., close to each other, but not necessarily that they are actually tied. Therefore, the mishna teaches us that it is not enough that they be close; rather, they must be actually tied and not untied.

⁷⁵ The mishna continued: There must be sufficient space left so that one can enter and another can leave. A Tosefta was taught that explains the mishna: Enough space so that one team can enter and another team can leave. Our Sages taught in a baraita: How much is the length of the head and most of the body of a cow? Two cubits. And how much is the thickness of a cow? A cubit and two-thirds of a cubit,

⁷⁶ so that the total width of six oxen is approximately ten cubits; this is the statement of Rabbi Meir. Rabbi Yehuda said the following, in accordance with his own opinion that the gap may be the size of two teams of four oxen each: The total width is approximately thirteen cubits or approximately fourteen cubits.

⁷⁷ The Gemara asks: Why does the tanna of the baraita say: Approximately ten cubits in Rabbi Meir's statement? Isn't it exactly ten cubits? The Gemara answers: Since he wanted to teach: Approximately thirteen, in the last clause, i.e., Rabbi Yehuda's statement, he therefore also taught: Approximately ten, in the first clause.

⁷⁸ The Gemara asks: But how could he say: Approximately thirteen, when it is more? The Gemara answers: Since he wanted to teach: Approximately fourteen, he therefore also teaches: Approximately thirteen. The Gemara continues this line of questioning: But they are not approximately fourteen, but rather are less. Rav Pappa said: It is a third of a cubit more than thirteen cubits, and it does not reach fourteen cubits.

⁷⁹ Rav Pappa said: With regard to a water cistern whose own width is eight cubits, everyone agrees, both Rabbi Yehuda and Rabbi Meir, that there is no need to position upright boards between the double posts. In such a case, the width of the enclosed area, which is the width of the cistern together with the space required for the cows, i.e., two cubits on each side, is twelve cubits. Since the width of each double post is one cubit, the gap between the double posts is ten cubits, and a gap of this size is permitted even according to Rabbi Meir.

⁸⁰ With regard to a cistern whose width is twelve cubits, everyone agrees that there is a need for upright posts. In this case, even if only two cubits are added on each side for the cows, the enclosed area will be sixteen cubits, and the gap between the double posts will be fourteen cubits, which must be closed off even according to Rabbi Yehuda.

⁸¹ Where they disagree is in the case of a cistern whose width is between eight and twelve cubits. According to the opinion of Rabbi Meir, one must add upright posts, whereas according to the opinion of Rabbi Yehuda, one need not add upright posts.

⁸² The Gemara asks: And what is Rav Pappa teaching us? We already learned in the baraita that according to Rabbi Meir the gap may not be more than ten cubits, whereas according to Rabbi Yehuda it may be up to thirteen and a third cubits.

⁸³ The Gemara answers: Indeed, for us nothing new is being taught here; however, Rav Pappa did not hear this baraita, and he taught us on his own as was taught in the baraita.

⁸⁴ Extended, more, in a mound, a barrier of, a courtyard, that dried up; this is a mnemonic containing key words in a series of issues raised by Abaye before Rabba. Abaye raised a dilemma before Rabba: If the gaps between the double posts were more than ten cubits, and one extended the double posts, that is, he widened each arm of the corner pieces, adding the measure of an upright board, i.e., another cubit, on each side, so that the gaps were no longer more than ten cubits, what is the law according to the opinion of Rabbi Meir? Do we say that this suffices and it is no longer necessary to arrange upright boards between the two double posts, or must upright boards be positioned in the gaps?

⁸⁵ Rabba said to him: We already learned it in the mishna: Provided that he increases the boards. Does this not mean that he extends the double posts, increasing them in width? Abaye refutes this: No, perhaps it means that he makes more upright boards, increasing them in number.

⁸⁶ Rabba said to him: If so, this wording: Provided that he increases the boards, is imprecise, for it implies that one increases the boards themselves, and instead it should have stated: Provided that he increases the number of upright boards. Abaye answered: There is no need to be particular about this. Teach: Provided that he increases the number of upright boards.

⁸⁷ The Gemara cites an alternative version of the previous discussion: There are some who say that Rabba said to Abaye as follows: We already learned it: Provided that he increases the boards. Does this not mean that he makes more upright boards, increasing them in number? Abaye refutes this: No, perhaps it means that he extends the double posts, increasing them in width.

⁸⁸ The Gemara comments: So too, it is reasonable to say this, from the fact that the mishna teaches: Provided that he increases the upright boards, which implies that he extends the width of the boards themselves, in accordance with the second version. The Gemara concludes: Indeed, learn from this that this is the correct understanding.

⁸⁹ Abaye raised another dilemma before Rabba: If the gaps are more than thirteen and a third cubits, what is the law according to the opinion of Rabbi Yehuda? Does he bring upright boards and position them between the double posts, or does he extend the double posts, increasing them in width?

⁹⁰ Rabba said to him: We already learned the law in a similar case, for it was taught in a baraita: How close may the double posts be to the well? They can be as close as the length of the head and most of the body of a cow. And how far may they be from the well? If one wishes, the enclosed area may be expanded even to the area of a kor and even to two kor, provided that one increases the number of upright boards adequately to keep the gaps under the allowable limit.

⁹¹ The baraita continues: Rabbi Yehuda says: Up to an area of two beit se'a, it is permitted to enclose the area in this manner; but expanding the enclosed area so it is more than an area of two beit se'a is prohibited. The other Rabbis said to Rabbi Yehuda: Do you not agree with regard to a pen, and stable, and a backyard, and a courtyard that even an area of five beit kor and even of ten beit kor is permitted for use?

⁹² The baraita continues: Rabbi Yehuda said to them: There is a significant difference between these cases, for this one, i.e., the wall surrounding the courtyard and the like, is a proper partition, whereas these are merely upright boards.

⁹³ The Gemara asks with regard to Rabba's statement: And if it is so that one extend the double posts, this means that he makes a proper partition of increasingly wider double posts in the area

surrounding the well, this is equivalent to the partitions of a courtyard, he, Rabbi Yehuda, should have said: This is a partition and that is a partition.

⁹⁴ The Gemara answers: No proof can be brought from here, for Rabbi Yehuda is saying as follows: This one, the walls of a courtyard, are governed by the laws of a partition, and therefore its breaches must not be more than ten cubits. Whereas these, which surround the well, are governed by the laws of upright boards, and their breaches may be up to thirteen and a third cubits. Consequently, only an area of two beit se'a can be enclosed in this manner. Therefore, no proof can be brought from this baraita to Abaye's dilemma.

⁹⁵ Abaye raised another dilemma before Rabba: Can a mound that rises to a height of ten handbreadths within an area of four cubits serve as a double post or can it not serve as a double post?

⁹⁶ Rabba said to him: We already learned this in the following baraita: Rabbi Shimon ben Elazar says: If a square stone was present, we see the stone as if it were altered: Wherever it can be divided in such a way that there would remain a cubit here in one direction and a cubit there at a right angle to it, it can serve as a double post; but if not, it cannot serve as a double post.

⁹⁷ Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says: If a round stone was present, we see the stone as if it were altered: Wherever it could be chiseled down into a square, and then divided in such a way that there would remain a cubit here in one direction and a cubit there at a right angle to it, it can serve as a double post; but if not, it cannot serve as a double post. In any case, it is learned from these two statements that anything can serve as a double post if it is of the requisite size and shape.

⁹⁸ With regard to the baraita itself, the Gemara asks: With regard to what do these two tanna'im disagree? The Gemara explains that one Sage, Rabbi Shimon ben Elazar, holds that we say: We see, once. However, we do not say: We see, twice. That is to say, while the stone can be considered as if it were divided, it cannot also be considered as though it were chiseled down into a square. And the other Sage, Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, holds that we even say: We see, twice. Since a mound is similar to a round stone, it can therefore serve as a double post.

⁹⁹ Abaye raised another dilemma before Rabba: With regard to a barrier of reeds in the shape of a double post, where each reed is less than three handbreadths apart from the next, so that they are considered connected by the principle of lavud, can it serve as a double post or not?

¹⁰⁰ Rabba said to him: We already learned this law in a baraita that states: If a tree, or a fence, or a barrier of reeds was present, it serves as a double post. Does this not refer to a barrier of reeds where each reed is less than three handbreadths from the next?

¹⁰¹ The Gemara refutes this: No, it may perhaps refer to a thicket of reeds planted close together, forming a kind of post. The Gemara raises a difficulty: If so, it is equivalent to a tree, and the tanna would not repeat the same case twice.

¹⁰² The Gemara rejects this argument: What, then? Would you say that the baraita is referring to a barrier of reeds where each reed is less than three handbreadths apart? If so, it is a fence. Rather, what must you say is that the baraita teaches two types of fence; here too, then, you can say that it teaches two types of tree, and therefore no proof can be brought from this baraita.

¹⁰³ The Gemara cites an alternative version of the previous discussion: There are some who say that the question was posed differently, and the dilemma Abaye raised before Rabba was about whether or not a dense thicket of reeds can serve as a double post. Rabba said to him: We already learned this

law in the following baraita: If a tree, or a fence, or a barrier of reeds was present, it can serve as a double post. Does this not refer to a thicket of reeds?

¹⁰⁴ The Gemara refutes this: No, it may perhaps refer to a barrier of reeds where each reed is less than three handbreadths apart from the next. The Gemara raises a difficulty: If so, it is exactly a fence.

¹⁰⁵ The Gemara rejects this argument: What, then? Would you say that the baraita refers to a thicket of reeds? If so, this is a tree. Rather, what must you say is

¹⁰⁶ that the baraita teaches two types of tree; here too, then, you can say that it teaches two types of fence, and therefore no proof can be brought from this baraita.

¹⁰⁷ And Abaye further inquired of Rabba: With regard to a courtyard, the open end of which interposed between the boards surrounding a well, what is the law with regard to carrying from inside the courtyard to the area between the upright boards, and from the area between the boards into the courtyard? Rabba said to him: It is permitted.

¹⁰⁸ Abaye then asked him: And if two adjacent courtyards interposed between the boards surrounding a well, what is the law? Is it permitted to carry from inside them to the area between the boards, and vice versa? Rabba said to him in response: It is prohibited.

¹⁰⁹ Rav Huna said: In the case of two courtyards, it is prohibited to carry, even if the residents of the two courtyards made an eiruv together. This is because of a decree lest they come to say that an eiruv is effective for the area between the upright boards. Rava, however, disagreed and said: If they made an eiruv together, it is permitted to carry between the courtyards and the area between the boards, and vice versa; with the preparation of the eiruv, the two courtyards are regarded as one.

¹¹⁰ Abaye said to Rava: What was taught in a baraita supports your opinion, for the baraita states: In the case of a courtyard, one end of which interposes between the upright boards surrounding a well, it is permitted to carry from inside the courtyard to the area between the upright boards, and from the area between the upright boards into the courtyard, but if there were two adjacent courtyards, this is prohibited. With regard to which case was this statement made? The statement applies where the residents of the two courtyards did not make an eiruv together; but if they made an eiruv together, it is permitted to carry between the courtyards and the area between the boards, and vice versa.

¹¹¹ The Gemara asks: Shall we say that this is a refutation of the opinion of Rav Huna, for the baraita explicitly contradicts his opinion? The Gemara rejects this argument: Rav Huna could have said to you: There, the baraita is dealing with a case where the two courtyards later became joined by means of the wall that separated them being breached, and it is clear to all that it is a single courtyard, so that there is no concern that people will say that an eiruv is effective for the area between the boards.

¹¹² Abaye asked Rabba yet another question: If the water in the cistern dried up on Shabbat, what is the law? Is it still permitted to carry between the boards? Rabba said to him: The boards are considered a valid partition only on account of the water; since there is no longer any water here, there is also no longer a valid partition here.

¹¹³ Ravin raised a dilemma: If the water in the well dried up on Shabbat, and then on the same Shabbat it rained and other water came in its place, what is the law? Is the original allowance to carry restored? Abaye said to him: The case where the water dried up on Shabbat should not be a dilemma

for you, for I already raised this dilemma before my Master, Rabba, and he resolved for me that it is prohibited to carry in the enclosed area.

¹¹⁴ The case where other water came on Shabbat should also not be a dilemma for you, for this is a case of a partition erected on Shabbat, and it was already taught in a baraita: Any partition erected on Shabbat, whether it was erected unwittingly, or whether intentionally, whether by unavoidable accident, or whether willingly, it is called a valid partition. The fact that it was erected in a prohibited manner, in violation of prohibitions related to building, does not negate its effectiveness.

¹¹⁵ Ravin raised a difficulty: Was it not stated with regard to this halakha that Rav Naḥman said: They only taught that such a partition is called a partition as a stringency; it is prohibited by Torah law to throw objects from an area enclosed by such a partition into the public domain and vice versa, but to carry in it as a full-fledged private domain is not permitted by the Sages?

¹¹⁶ The Gemara refutes this objection: Rav Naḥman's statement applies only in a case where the partition was erected intentionally. Since the partition was erected intentionally on Shabbat, the Sages imposed a penalty that it is prohibited to carry within the enclosed area. However, in the case of a partition that was erected unwittingly or that arose by itself, no such penalty was imposed, and it is permitted to carry there.

¹¹⁷ Rabbi Elazar said: One who throws an object from the public domain into the area between the upright boards surrounding a well is liable. The Gemara asks: This is obvious, for were it not a valid partition, how could he be permitted to draw water from the well? This shows that it is a full-fledged private domain.

¹¹⁸ The Gemara answers: Rabbi Elazar's ruling is only necessary to teach that in the case where one arrange an enclosure similar to the upright boards surrounding a well in the public domain, in a place where there was no well, and threw an object into it from the public domain, he is liable.

¹¹⁹ The Gemara raises a difficulty: Isn't this obvious as well? As, were it not regarded as a partition in general, how could he be permitted to carry in the case of a cistern? The Gemara explains: It is only necessary to teach you that even though such a partition does not bar entry and many people pass through it, it is nonetheless considered a partition in regard to Shabbat.

¹²⁰ The Gemara asks: And what is he teaching us by this statement, that the passage of many people does not come and negate the effectiveness of a partition? But Rabbi Elazar stated this idea once before.

¹²¹ As we learned in a mishna: Rabbi Yehuda says the following with regard to the upright boards surrounding a well: If the path of the public domain passes through the area of the wells and the posts and obstructs them, he must divert it to the sides, or else the partition is invalid. And the Rabbis say: He need not divert the path of the public domain, for even if many people pass through there, the partition is valid. With regard to this mishna, Rabbi Yoḥanan and Rabbi Elazar both said: Here, the Rabbis informed you of the strength of partitions. Therefore, we see that Rabbi Elazar already expressed his opinion that the validity of a partition is not canceled by the passage of many people through it.

¹²² The Gemara answers: If it was derived from there alone, I would have said that what Rabbi Elazar meant is that here the Rabbis informed you of the strength of partitions, but he, Rabbi Elazar,

does not agree with them. He therefore teaches us in his present ruling that what he meant is that here they informed you of this law and he agrees with them.

¹²³ The Gemara asks: If so, let Rabbi Elazar say this ruling that one who throws an object into the area enclosed by upright boards is liable, and he would not have need to make his other comment that here the Rabbis informed you of the strength of partitions. The Gemara answers: Rabbi Elazar did not in fact make two statements, but rather one was stated by inference from the other. He only made one of these statements explicitly; the other was reported by his students in his name based on an inference from what he had said.

¹²⁴ We learned in the mishna: It is permitted to bring the upright boards closer to the well, provided that the enclosed area is large enough for a cow to stand in and drink, with its head and most of its body inside the partitioned space. Similarly, we learned there in a mishna: A person may not stand in a public domain and drink in the private domain, and likewise he may not stand in the private domain and drink in a public domain, unless he brings his head and most of his body into the place where he is drinking.

¹²⁵ And the law is likewise in a winepress with respect to tithes. As long as one's head and most of his body is in the winepress, he may drink from the wine without first separating tithes because drinking wine in a winepress is considered incidental drinking, which does not require tithing. The activity of harvesting and ingathering grapes is not considered completed as long as the grapes are in the winepress, since the grapes are still intended for making wine. Consequently, at this stage one may consume the produce in a casual, incidental manner. Once the work has been completed, however, one must tithe the produce before consuming any of it.

¹²⁶ The Gemara clarifies several laws related to this issue: With regard to a person, it was said in connection to these laws that it is necessary that his head and most of his body be inside the domain from which he is drinking. However, a question may be raised with regard to a cow standing in a public domain and drinking from a private domain, or vice versa: Is it necessary that its head and most of its body be inside the domain from which it is drinking, or not?

¹²⁷ The Gemara clarifies: Wherever one holds the bucket from which the cow is drinking but does not hold the animal, there should not be a dilemma for you, for it is certainly necessary for its head and most of its body to be inside, as the cow might move backward and pull the bucket with it, causing him to carry it from one domain to the other. Where there should be a dilemma for you is where he holds the bucket and also holds the animal. What is the law in such a case?

¹²⁸ He said to him: We already learned a resolution to this dilemma, for we have learned in the mishna: It is permitted to bring the upright boards closer to the well, provided that the enclosed area is large enough for a cow to stand in, with its head and most of its body inside the partitioned space and drink. Does this not refer even to a case where one holds the cow and also holds the bucket? The Gemara rejects this argument: No, this may refer exclusively to the case where he holds the bucket but does not hold the animal.

¹²⁹ The Gemara raises a difficulty: And where he holds the bucket but does not hold the animal, is it permitted to give his animal to drink in such a fashion? Wasn't it taught in the following baraita: A person may not fill a bucket with water and hold it before his animal on Shabbat; but he may fill it and pour it out into a trough, and it, i.e., the animal, drinks of its own accord? Consequently, we see that it is prohibited to give an animal to drink from a bucket if he does not hold the animal.

¹³⁰ The Gemara refutes this: Wasn't it stated with regard to this baraita that Abaye said: Here we are dealing with a cow standing inside a house with windows open to the public domain, eating from a manger or trough that stands in the public domain that is ten handbreadths high and four handbreadths wide, i.e., it constitutes a private domain, and one end of this manger interposes into the area between the upright boards surrounding a well?

¹³¹ In such a case, it is prohibited to fill a bucket with water in the area enclosed by the upright boards and hold it before his animal, unless the animal is within the enclosed area. This is a rabbinical decree, lest one see that the manger was damaged on the side in the public domain and go to fix it, and he might take the bucket with him, thereby carrying it from the private domain to the public domain. Rather, he must pour out the water into the manger, so that it reaches the animal on its own.

¹³² The Gemara asks: Even if he carried the bucket into the public domain, would he be liable in such a case? Didn't Rav Safra say that Rabbi Ami said that Rabbi Yoḥanan said: With regard to one who transfers objects from corner to corner in a house, and changed his mind about them while carrying them and carried them out to the public domain, he is exempt because the lifting at the first moment was not for that purpose of carrying out to a different domain; when he picked them up, he intended merely to move them around his house. Here too, then, one should not be liable, since when he picked up the bucket he did not intend from the outset to carry it into the public domain; accordingly, there is no room for such a decree.

¹³³ Rather, say that the decree is due to a different concern, that at times one would fix the manger and then bring the bucket back in again, thereby carrying from the public domain into the private domain. In this case one picks up the bucket from the outset with the intention of carrying it from a public domain into a private domain.

¹³⁴ Some say a different version of the previous discussion. With regard to a person, we said that it is sufficient if his head and most of his body are inside the domain from which he is drinking. But a question may be raised with regard to a cow standing in a public domain and drinking from a private domain, or vice versa: Is it sufficient if its head and most of its body are inside the domain from which it is drinking, or not? Perhaps all of the cow must be in that domain.

¹³⁵ The Gemara clarifies the question. The case where one holds the bucket from which the cow is drinking and also holds the animal should not be a dilemma for you, as it is certainly enough if its head and most of its body are in the domain. Rather, the case where there should be a dilemma for you is where he holds the bucket but does not hold the animal. What is the halakha in such a case?

¹³⁶ He said to him: We already learned a resolution to this dilemma in the mishna: It is permitted to bring the upright boards closer to the well, provided that the enclosed area is large enough for a cow to stand in, with its head and most of its body inside the partitioned space, and drink. Doesn't this refer even to a case where one holds the bucket but does not hold the animal? The Gemara rejects this argument: No, this may refer only to the case where he holds the bucket and also holds the animal.

¹³⁷ The Gemara comments: So too, it is reasonable to say this, for if one holds the bucket but does not hold the animal, is it in fact permitted to give his animal to drink in such a fashion? Wasn't it taught in a baraita: A person may not fill a bucket with water and hold it before his animal on Shabbat. But he may fill it and pour it out into a trough, and the animal drinks of its own accord.

¹³⁸ The Gemara refutes this argument: Wasn't it stated with regard to this baraita that Abaye said: Here, we are dealing with a manger that stands in the public domain, and it is ten handbreadths high and four handbreadths wide, i.e., it constitutes a private domain, and one end of the manger interposes into the area between the upright boards surrounding a well, and the animal is standing at the other end in the public domain. In such a case, it is prohibited to fill a bucket with water in the area enclosed by the boards and hold it before his animal, unless the animal is within the enclosed area. This is a rabbinical decree, lest at times one see that the manger was damaged on the side in the public domain and go to fix it and take the bucket with him, thereby carrying it from the private domain into the public domain.

¹³⁹ The Gemara asks: But would he be liable in such a case? Didn't Rav Safra say that Rabbi Ami said that Rabbi Yoḥanan said: With regard to one who transfers objects from corner to corner in a house, and changed his mind about them while carrying them and took them out to the public domain, he is exempt because the lifting at the first moment was not for that purpose of carrying out to a different domain; when he picked them up, he intended merely to move them around his house. Here too, then, he should not be liable, since when he picked up the bucket he did not intend from the outset to carry it into the public domain; accordingly, there is no room for such a decree.

¹⁴⁰ Rather, we must say that the decree is due to a different concern, that at times one would fix the manger and then bring the bucket back in again, carrying from the public domain into the private domain. In this case, he picks up the bucket with the intention of carrying it from a public domain into a private domain. In any case, no proof can be brought from this source.

¹⁴¹ The Gemara cites a different proof. Come and hear the following baraita: A camel whose head and most of its body are inside a private domain may be force-fed from inside the private domain. Now, force-feeding is like the case where he holds the bucket and also holds the animal, as one cannot force-feed an animal without holding it by its neck, and nonetheless we require that its head and most of its body be inside the domain where it is eating.

¹⁴² Rav Aḥa bar Rav Huna said that Rav Sheshet said: A camel is different, as since its neck is long, its head and most of its body must be inside; otherwise it could stretch its neck into the public domain, and the one feeding it might come to carry the bucket from the private domain into the public domain. In the case of other animals, however, there is no reason for such stringency.

¹⁴³ The Gemara attempts to cite yet another proof. Come and hear the following baraita: An animal whose head and most of its body were inside a private domain may be force-fed from inside the private domain. Now, as stated above, force-feeding is like the case where he holds the bucket and also holds the animal, and nonetheless we require that its head and most of its body be inside the domain where it is eating. The Gemara refutes this argument: What is this animal that is taught in this baraita? It is also a camel.

¹⁴⁴ The Gemara objects: Wasn't it taught as animal in one baraita, and wasn't it taught as camel in the other baraita? The implication is that this law applies not only to camels, but to other animals as well.

¹⁴⁵ The Gemara answers: Were these two baraitot taught next to each other? Had both of these baraitot been taught together, we would indeed expect the tanna not to teach the same law using different formulations. However, since these two baraitot come from different sources, it is possible that one of the tanna'im referred to a camel with the generic term animal, and hence no proof can be

brought from here. This same idea that a camel is different was also taught in another baraita: Rabbi Eliezer prohibits this in the case of a camel, since its neck is long.

¹⁴⁶ Rabbi Yitzḥak bar Adda said: Upright boards surrounding wells were only permitted to Festival pilgrims. The Gemara raises a difficulty: Wasn't it taught in a baraita that boards surrounding wells were permitted only for cattle? The Gemara answers: What is the cattle mentioned here? It means the cattle of festival pilgrims. However, a person

¹⁴⁷ must climb up and climb down into the well, and drink there.

¹⁴⁸ The Gemara raises a difficulty: Is that so? Is the allowance of upright boards for animals alone? Didn't Rav Yitzḥak say that Rav Yehuda said that Shmuel said: Upright boards surrounding wells were permitted only where the wells contain potable, running spring water? If the allowance is only for animals, what is the difference to me if it is spring water and what is the difference to me if it is collected water? Granted, collected water is inferior to spring water, but it is still suitable for animals to drink. The Gemara answers: We require something that is fit for humans.

¹⁴⁹ The Gemara examines the baraita cited in the course of the previous discussion. Returning to the matter itself, the statement quoted above: Upright boards surrounding wells were permitted only for cattle, but a person must climb up and climb down into the well and drink there. But if the wells were too wide for him to climb, they are permitted for a person as well. A person may not fill a bucket with water and hold it before his animal on Shabbat, but he may fill it and pour it out before the animal into a trough, and the animal drinks of its own accord.

¹⁵⁰ Rav Anan strongly objects to this explanation: If so, what purpose do the boards surrounding a well serve? The Gemara immediately expresses its surprise: How can he ask what purpose do they serve? They allow people to draw water from the wells, which would otherwise be prohibited.

¹⁵¹ Rather, Rav Anan's question should be understood as follows: What purpose is served in requiring that the enclosed area be large enough for the cow's head and most of its body, if in any case the cow may not be given to drink straight from the bucket?

¹⁵² Abaye said: In fact, it is permitted to give the animal to drink in any manner in the area enclosed by the boards surrounding the well. With what are we dealing here? We are dealing with a special case, with a manger or trough that stands in the public domain, and is ten handbreadths high and four handbreadths wide, i.e., it constitutes a private domain, and one end of it interposes into the area between the upright boards surrounding a well. In such a case, the Sages prohibited one to fill a bucket with water in the area enclosed by the upright boards and hold it before his animal; they were concerned that the manger might become damaged, and one might come to carry the bucket from the private domain into the public domain or vice versa while fixing the damaged manger.

¹⁵³ It is prohibited to walk more than two thousand cubits from a city on Shabbat. However, if there are small watchmen's huts [burganin] outside the city that are relatively close together, they are considered part of the city, and consequently the two thousand cubit limit is measured from the last such hut. Rav Yirmeya bar Abba said that Rav said: The law with regard to these huts [burganin] does not apply in Babylonia, nor does the allowance with regard to upright boards surrounding a well apply outside of Eretz Yisrael.

¹⁵⁴ The Gemara explains: The law with regard to huts does not apply in Babylonia because floods are common there; and since the huts are liable to be swept away by the floodwaters, they are not

regarded as dwellings. The allowance with regard to upright boards surrounding a well does not apply outside of Eretz Yisrael, because yeshivot are not common there, and the allowance was only granted to those traveling for the sake of a mitzva such as Torah study. But we do say the opposite, i.e., we apply the law of huts outside of Eretz Yisrael and we apply the allowance of upright boards surrounding a well in Babylonia.

¹⁵⁵ The Gemara cites an alternative version of the previous discussion. Some say that Rav Yirmeya bar Abba said that Rav said: The laws with regard to huts and upright boards surrounding a well apply neither in Babylonia specifically, nor outside of Eretz Yisrael generally. The Gemara explains: The law with regard to huts does not apply in Babylonia, because floods are common there. It also does not apply outside of Eretz Yisrael, because thieves who steal from such huts are common there; therefore, people do not regard the huts as dwellings.

¹⁵⁶ The allowance with regard to upright boards surrounding a well does not apply in Babylonia, because water is common there. Babylonia has many rivers and canals, and therefore wells are not essential there. Outside of Eretz Yisrael in general it also does not apply, because yeshivot are not common there.

¹⁵⁷ Rav Ḥisda said to Marei, son of Rav Huna, son of Rav Yirmeya bar Abba: People say that you walk from the city of Barnish to Daniel's synagogue, which is a distance of three parasangs [parsei], on Shabbat. Upon what do you rely? Do you rely on the huts located at the city's outskirts that extend the Shabbat boundary toward the synagogue? Didn't your father's father say in the name of Rav: The law of huts does not apply in Babylonia?

¹⁵⁸ Marei then went out and showed Rav Ḥisda certain ruins of towns that were subsumed within a distance of seventy cubits and a remainder, two-thirds of a cubit, of each other. He relied upon the ruins, rather than upon the huts, to be permitted to walk the entire distance from Barnish to Daniel's synagogue.

¹⁵⁹ Rav Ḥisda said: Mari bar Mar interpreted homiletically: What is the meaning of that which is written: "I have seen a limit to every purpose; but Your commandment is exceedingly broad" (Psalms 119:96)? This idea with regard to the breadth of the Torah was stated by David, but he did not explain it; it was stated by Job, but he too did not explain it; it was stated by Ezekiel, but he also did not explain it, until Zechariah, son of Berechiah, son of Iddo, came and explained it.

¹⁶⁰ Rav Ḥisda explains: This idea was stated by David, but he did not explain it, as it is written: "I have seen a limit to every purpose; but Your commandment is exceedingly broad," i.e., he stated that the Torah is exceedingly broad, but he did not explain how broad. And likewise this idea was stated by Job, but he too did not explain it, as it is written: "Its measure is longer than the earth and broader than the sea" (Job 11:9).

¹⁶¹ And similarly, it was stated by Ezekiel, but he also did not explain it, as it is written: "And He spread it," the scroll, "before me, and it was written inside and outside; and in it was written lamentations, and melody [hegeh], and woe [vahi]" (Ezekiel 2:10).

¹⁶² The Gemara explains: "Lamentations," this refers to the punishment of the righteous in this world, and so it is stated: "It is a lamentation and they shall make lament with it" (Ezekiel 32:16). "And melody [hegeh]," this refers to the reward of the righteous in the World-to-Come, and the proof that this word is an expression of joy is the verse that states: "Upon an instrument of ten strings, and

upon the harp, to the melody [higayon] of a lyre” (Psalms 92:4). And “woe [vahi],” this is the punishment of the wicked in the World-to-Come, and so it states: “Calamity [hova] shall follow upon calamity” (Ezekiel 7:26).

¹⁶³ But nonetheless, Ezekiel did not explain the extent of the Torah, until Zechariah, son of Berechiah, son of Iddo, came and explained it, as it is written: “And he said to me: What do you see? And I said: I see a flying [afa] scroll; the length of it is twenty cubits, and the breadth of it is ten cubits” (Zechariah 5:2). Since the scroll was flying, the implication is that it had two equal sides, so that when you open it, it is twenty by twenty cubits. And it is written: “And it was written inside and outside,” i.e., on both sides. And when you peel them apart and separate the two sides, how much is it? Its entire area amounts to forty by twenty cubits, or eight hundred of God’s cubits.

¹⁶⁴ In order to determine the measure of God’s cubit, the Gemara cites a verse that describes the size of the span between God’s thumb and little finger, in a manner of speaking. And it is written: “Who has measured the waters in the hollow of His hand, and meted out heaven with the span, and comprehended the dust of the earth in a measure” (Isaiah 40:12). If the entire world measures one square span, which is a quarter of one square cubit, we find according to this calculation that the entire world is one part in three thousand and two hundred of the Torah.

¹⁶⁵ And Rav H̥isda further said: Mari bar Mar interpreted homiletically: What is the meaning of that which is written: “The Lord showed me, and behold two baskets of figs were set before the temple of the Lord, after Nebuchadrezzar king of Babylon had carried away captive Jeconiah, son of Jehoiakim, the king of Judah, and the princes of Judah with the craftsmen and the smiths, from Jerusalem, and had brought them to Babylon. One basket [dud] had very good figs, like the figs ¹⁶⁶ that are first ripe, and the other basket [dud] had very bad figs, so bad they could not be eaten” (Jeremiah 24:1–2).

¹⁶⁷ Good figs, these are the full-fledged righteous people; bad figs, these are the full-fledged wicked people. And lest you say that the hope of the wicked is lost and their prospect is void, the verse states, interpreting the word *duda’im* homiletically: “The baskets [*duda’im*] yield a fragrance” (Song of Songs 7:14), meaning that both of them, the righteous and the wicked, will eventually yield a fragrance.

¹⁶⁸ Rava interpreted the verse cited above homiletically as follows: What is the meaning of that which is written: “The mandrakes [*duda’im*] yield a fragrance, and at our doors are all manner of choice fruits, new and old, which I have laid up for you, O my beloved” (Song of Songs 7:14)? “The mandrakes [*duda’im*] yield a fragrance,” these are the young men of Israel who have never tasted the taste of sin.

¹⁶⁹ “And at our doors [*petaḥeinu*] are all manner of choice fruits [*megadim*],” these are the daughters of Israel who inform [*maggidot*] their husbands about their passageway [*pit’ḥeihen*], i.e., they tell them when they are menstruating. Another version of this interpretation is: They bind [*ogedot*] their passageway and save it for their husbands, and do not have relations with others.

¹⁷⁰ “New and old, which I have laid up for you, O my beloved,” the Congregation of Israel said before the Holy One, Blessed be He, and continued: Master of the Universe, I have decreed many decrees upon myself through the enactments and ordinances of the Sages, more than what You

decreed upon me in the Torah, and I have fulfilled them. These are the new laws which were added to the old ones stated in the Torah.

¹⁷¹ It was related that Rav Ḥisda said to one of the Sages who would arrange the traditions of the aggada before him: Did you hear what the meaning of: New and old is? He said to him: These, the new, are the more lenient mitzvot, and these, the old, are the more stringent mitzvot.

¹⁷² Rav Ḥisda said to him: This cannot be so, for was the Torah given on two separate occasions, i.e., were the more lenient and more stringent mitzvot given separately? Rather, these, the old, are mitzvot from the Torah, and these, the new, are from the Sages.

¹⁷³ Rava expounded another verse in similar fashion: What is the meaning of that which is written: “And more than these, my son, be careful: of making many books [sefarim] there is no end; and much study is a weariness of the flesh” (Ecclesiastes 12:12)? My son, be careful to fulfill the words of the Sages [soferim] even more than the words of the Torah. For the words of the Torah include positive and negative commandments, and even with regard to the negative commandments, the violation of many of them is punishable only by lashes. Whereas with respect to the words of the Sages, anyone who transgresses the words of the Sages is liable to receive the death penalty, as it is stated: “And whoever breaches through a hedge, a snake shall bite him” (Ecclesiastes 10:8), taking hedges to refer metaphorically to decrees.

¹⁷⁴ Lest you say: If the words of the Sages are of substance and have such great importance, why were they not written in the Torah, therefore, the verse states: “Of making many books there is no end,” meaning that it is impossible to fully commit the Oral Torah to writing, as it is boundless.

¹⁷⁵ What is the meaning of the words: “And much study [lahag] is a weariness of the flesh”? Rav Pappa, son of Rav Aḥa bar Adda, said in the name of Rav Aḥa bar Ulla: This teaches that whoever mocks [malig] the words of the Sages will be sentenced to boiling excrement, which results from the weariness of the flesh of man.

¹⁷⁶ Rava strongly objects to this explanation: Is it written: Mock [la’ag]? “Lahag” is the word that is written. Rather, the verse must be understood in the opposite manner: Whoever meditates [hogeḥ] upon them, the words of the Sages, experiences enjoyment as if it had the taste of meat.

¹⁷⁷ Concerning the significance of observing the words of the Sages, the Gemara relates: The Sages taught in a baraita: It once happened that Rabbi Akiva was incarcerated in a prison, and Rabbi Yehoshua HaGarsi would come to the prison to attend to his needs. Every day his disciples would bring him water in a measured quantity. One day the prison guard met Rabbi Yehoshua HaGarsi and said to him: The amount of your water today is more than usual; perhaps you need it in order to soften the walls and thus undermine the prison. He then poured out half the water, and gave him the other half to take in to Rabbi Akiva.

¹⁷⁸ When Rabbi Yehoshua came to Rabbi Akiva, and the latter saw the small amount of water he had brought, he said to him: Yehoshua, do you not know that I am old, and my life depends on your life? No one else brings me water, so if you bring me less than I need, my life is endangered.

¹⁷⁹ After Rabbi Yehoshua related to him the entire incident, Rabbi Akiva said to him: Give me water so that I may wash my hands. Rabbi Yehoshua said to him: The water that I brought will not suffice for drinking; how will it suffice for washing your hands? He said to him: What can I do; for transgressing the words of the Sages and eating without first washing hands one is liable to receive

the death penalty. And if so, it is better that I should die my own death by thirst, rather than transgress the opinion of my colleagues who enacted that one must wash hands before eating.

¹⁸⁰ They said that he would not taste anything until Rabbi Yehoshua brought him water and he washed his hands. When the Sages heard about this, they said: If in his old age and weakened state he is still so meticulous in his observance of the mitzvot, how much more so must he have been in his youth. And if in prison he is so scrupulous in his behavior, how much more so must he have been when not in prison.

¹⁸¹ Rav Yehuda said that Shmuel said: At the time that King Solomon instituted the ordinances of eiruv of courtyards and of washing hands to purify them from their impurity, which are added safeguards to the words of the Torah, a Divine Voice emerged and said in his praise: “My son, if your heart is wise, My heart will be glad, even Mine” (Proverbs 23:15). And it states with regard to him: “My son, be wise and make My heart glad, that I may respond to he who taunts Me” (Proverbs 27:11).

¹⁸² The Gemara cites additional teachings that Rava interpreted homiletically: What is the meaning of that which is written: “Come, my beloved, let us go forth into the field; let us lodge in the villages. Let us get up early to the vineyards; let us see if the vine has flowered, if the grape blossoms have opened, if the pomegranates are in flower; there will I give you my loves” (Song of Songs 7:12–13)?

¹⁸³ With regard to the words: “Come, my beloved, let us go forth into the field,” the Congregation of Israel said before the Holy One, Blessed be He: Master of the Universe, do not judge me like those who reside in large cities where there is robbery and licentiousness, and vain oaths and false oaths, but rather: “Let us go forth into the field,” come and I will show You Torah scholars who work the land but nonetheless engage in Torah study, in poverty and in distress.

¹⁸⁴ With regard to the words, “Let us lodge in the villages,” do not read the phrase as: In the villages [bakefarim], but rather as: By the deniers [bakoferim], meaning, come and I will show You the nations of the world, whom You showered with good, but yet they have denied You.

¹⁸⁵ “Let us get up early to the vineyards,” these are the synagogues and houses of study. “Let us see if the vine has flowered,” these are the masters of Bible, who are proficient in the first stage of Torah study. “If the grape blossoms have opened,” these are the masters of Mishna. “If the pomegranates are in flower,” these are the masters of Gemara. “There will I give you my loves,” means I will show You my glory and my greatness, the praise of my sons and daughters, how they adhere to sanctity.

¹⁸⁶ The Gemara expounds further concerning King Solomon. Rav Hamnuna said: What is the meaning of that which is written: “And he spoke three thousand proverbs, and his poems were a thousand and five” (1 Kings 5:12)? This teaches that Solomon pronounced three thousand proverbs for each and every word of the Torah, and one thousand and five reasons for each and every word of the Scribes.

¹⁸⁷ Rava also taught: What is the meaning of that which is written: “And besides being wise, Koheleth also taught the people knowledge; and he weighed, and sought out, and set in order many proverbs” (Ecclesiastes 12:9). Rava interpreted homiletically: He taught the people knowledge, meaning he taught it with the accentuation marks in the Torah, and he explained each matter by means of something similar to it.

¹⁸⁸ With regard to: “And he weighed [izzen], and sought out, and set in order many proverbs,” Ulla said that Rabbi Eliezer said: At first the Torah was like a basket without handles [oznayim], until Solomon came and made handles for it. By means of his explanations and proverbs he enabled each person to understand and take hold of the Torah, fulfill its mitzvot, and distance himself from transgressions.

¹⁸⁹ With regard to the verse, “His head is as the most fine gold, his locks [kevutzotav] are wavy [taltalim], and black as a raven” (Song of Songs 5:11), Rav H̥isda said that Mar Ukva said: This teaches that it is possible to expound from each and every stroke [kotz] of the letters in the Torah mounds upon mounds [tilei tilim] of laws.

¹⁹⁰ Black [sheḥorot] as a raven [orev] means: In whom do you find the words of Torah? In him

¹⁹¹ who, for the Torah’s sake, gets up early in the morning [shaḥar] and stays late in the evening [erev] in the study hall. Rabba said: In him who, for the Torah’s sake, blackens his face like a raven, i.e., who fasts and deprives himself for the sake of Torah study.

¹⁹² Rava said: In him who makes himself cruel to his sons and other members of his household like a raven for the sake of Torah. This was the case with Rav Adda bar Mattana, who was about to go to the study hall to learn Torah, and his wife said to him: What shall I do for your children? How shall I feed them in your absence? He said to her: Are all the rushes [kurmei] in the marsh already gone? If there is no other bread, let them eat food prepared from rushes.

¹⁹³ The Gemara proceeds to interpret a different verse homiletically: “And He repays them that hate Him to His face to destroy them; He will not be slack to him that hates Him, He will repay him to his face” (Deuteronomy 7:10). Rabbi Yehoshua ben Levi said: Were the verse not written in this manner, it would be impossible to utter it, in deference to God, for it could be understood, as it were, like a person who bears a burden on his face, and wishes to throw it off. Written slightly differently, the verse could have been understood as implying that God is unable, as it were, to bear the situation, but must punish the wicked immediately.

¹⁹⁴ With regard to the words “He shall not be slack to him that hates Him,” Rabbi Ila said: He will not be slack in bringing punishment to him that hates Him, but He will be slack in rewarding those who are absolutely righteous, as the reward of the righteous does not arrive immediately, but only in the World-to-Come.

¹⁹⁵ And that is what Rabbi Yehoshua ben Levi said: What is the meaning of that which is written: “And you shall keep the commandments, and the statutes, and the judgments which I command you today to do them” (Deuteronomy 7:11)? It means: Today is the time to do them, in this world, and tomorrow is not the time to do them, as there is no obligation or opportunity to fulfill mitzvot in the World-to-Come. Furthermore, it means: Today is the time to do them, but only tomorrow, in the ultimate future, is the time to receive reward for doing them.

¹⁹⁶ In a similar vein, Rabbi Ḥaggai said, and some say it was Rabbi Shmuel bar Naḥmani: What is the meaning of that which is written: “And the Lord passed by before him, and proclaimed: The Lord, the Lord, merciful and gracious, long-suffering [erekh appayim], and abundant in love and truth” (Exodus 34:6)? Why does it say “erekh appayim,” using a plural form? It should have said erekh af, using the singular form.

¹⁹⁷ What this means is that God is long-suffering in two ways: He is long-suffering toward the righteous, i.e., He delays payment of their reward; and He is also long-suffering toward the wicked, i.e., He does not punish them immediately.

¹⁹⁸ The mishna stated that Rabbi Yehuda says: The area may be expanded up to an area of two beit se'a, an area of five thousand square cubits. A dilemma was raised before the Sages in clarification of this statement: Did he speak of the area of the cistern itself and that enclosed by the upright boards, that the total area enclosed by the upright boards may be expanded up to, but may not exceed, an area of two beit se'a? Or perhaps he spoke of the area of the cistern without that enclosed by the upright boards, that the cistern itself may be expanded up to an area of two beit se'a? In that case, the total area enclosed by the boards could exceed an area of two beit se'a.

¹⁹⁹ The underlying rationale of each side of this dilemma is as follows: Does one fix his eyes on his cistern, keeping in mind that the partition is made because of it, and therefore, since the area of the cistern is not greater than an area of two beit se'a, we do not decree lest he come to carry also in an enclosure [karpef], an enclosed storage space behind the house that was not originally surrounded by a fence for the purpose of residence, even when it is more than an area of two beit se'a?

²⁰⁰ Or perhaps a person fixes his eyes on his partition, and does not pay attention to the cistern, but only to the area enclosed by the partition. And in this case we do decree, lest he come to confuse this case with that of a karpef that is larger than an area of two beit se'a, and come to carry there, because of the similarity between them.

²⁰¹ In order to resolve this question, the Gemara cites a proof: Come and hear what was taught in a baraita: How close may the boards be to the well? They may be as close as the length of the head and most of the body of a cow. And how far may they be from the well? The enclosed area may be expanded even to the area of a beit kor and even two beit kor, provided that one adds more upright boards or increases their size so as to reduce the size of the gaps between them. Rabbi Yehuda says: Up to an area of two beit se'a, it is permitted to enclose the area in this manner; more than an area of two beit se'a, it is prohibited.

²⁰² The other Rabbis said to Rabbi Yehuda: Do you not concede with regard to a pen, a stable, a backyard, and a courtyard, that even one the size of five beit kor and even of ten beit kor is permitted for use?

²⁰³ Rabbi Yehuda said to them: A distinction can be made between the cases, for this, the wall surrounding the pen, the stable or the yard, is a proper partition, and hence it is permitted to carry in them even if they are more than an area of two beit se'a. However, these are only upright boards, and they only allow one to carry if the area they enclose is not more than an area of two beit se'a.

²⁰⁴ Rabbi Shimon ben Elazar says: A cistern the length of two beit se'a by the width of two beit se'a is permitted, and they only said to distance the upright boards from the cistern as much as the length of the head and most of the body of a cow.

²⁰⁵ The Gemara tries to draw an inference from this baraita: From the fact that Rabbi Shimon ben Elazar spoke only of the cistern itself and not of the upright boards, we can infer that Rabbi Yehuda spoke of both the cistern itself and the area enclosed by the upright boards. The Gemara rejects this argument: It is not so. When Rabbi Yehuda said that the area may be expanded up to an area of two

beit se'a, he was, in fact, speaking of the area of the cistern without that which is enclosed by the upright boards.

²⁰⁶ The Gemara asks: If so, that is exactly what Rabbi Shimon ben Elazar said. The Gemara answers: There is a practical halakhic difference between them in a case where the enclosed area is long and narrow. Rabbi Yehuda permits using it, whereas Rabbi Shimon ben Elazar requires that the area be square.

²⁰⁷ The Gemara adds: Rabbi Shimon ben Elazar stated a principle: With regard to any enclosed space that is used as a dwelling, such as a pen, a stable, a backyard, or a courtyard, even if it lacks a roof and even if the structure has the area of five beit kor and even ten beit kor, it is permitted to carry in it.

²⁰⁸ And with regard to any dwelling that is used for the space outside it, i.e., whose partitions were arranged not so that it could be lived in, but for the sake of the field or yard outside, such as field huts, if its area was two beit se'a, it is permitted to carry in it; but if its area was more than two beit se'a, it is prohibited to do so.

²⁰⁹ MISHNA: Rabbi Yehuda says: If the path of the public domain passes through the area of the upright boards surrounding a well and obstructs it, one must divert the path to the sides, so that the public will circumvent the enclosed area; otherwise, the partition is invalid and the enclosed area cannot be regarded as a private domain. And the Rabbis say: One need not divert the path of the public domain, for the partition is valid even if many people pass through it.

²¹⁰ GEMARA: Rabbi Yoḥanan and Rabbi Elazar both said: Here, the Rabbis informed you of the strength of partitions; although a path of the public domain passes through the partitions and the partitions do not constitute effective barriers, they are still strong enough to allow one to carry.

²¹¹ The Gemara wishes to clarify the meaning of Rabbi Yoḥanan's statement: Did he mean here that the Rabbis expressed this idea, and he agrees with them that a public thoroughfare does not invalidate a partition? Didn't Rabba bar bar Ḥana say that Rabbi Yoḥanan said: With regard to Jerusalem, even though it is walled, were it not for the fact that its doors are locked at night, one would be liable for carrying in it on Shabbat because its thoroughfares are regarded as the public domain? Apparently, Rabbi Yoḥanan maintains that a partition is not strong enough to overcome the passage of many people.

²¹² Rather, Rabbi Yoḥanan's statement must be understood as follows: Here, the Rabbis expressed this idea, although he does not agree with them.

²¹³ The Gemara raised a contradiction between this statement of Rabbi Yehuda and another statement of Rabbi Yehuda, and raised a contradiction between this statement of the Rabbis and another statement of the Rabbis.

²¹⁴ The other statements are as it was taught in the Tosefta: Furthermore, Rabbi Yehuda said: If one had two houses on the two sides of the public domain, and he wishes to carry from one house to the other on Shabbat via the public domain, he may place a side post from here, perpendicular to the public domain, and an additional side post from here, on the other side of the public domain, or he may place a cross beam from here, from one end of one house to the end of the house opposite it, and another cross beam from here, from the other side of the house, and carry objects and place them in the area between them because the two added partitions turn the area in the middle into a private

domain. The Rabbis said to him: One cannot make the public domain fit for carrying by means of an eiruv in this manner, i.e., by means of a side post alone, when many people continue to walk through the public thoroughfare in the middle.

²¹⁵ Consequently, there is a contradiction between one statement of Rabbi Yehuda and the other statement of Rabbi Yehuda, and there is also a contradiction between one statement of the Rabbis and the other statement of the Rabbis.

²¹⁶ The Gemara answers: Between one statement of Rabbi Yehuda and the other statement of Rabbi Yehuda there is no contradiction, because one can differentiate between them. There, in the case of the two houses, there are two proper partitions, for the houses are real partitions, and two partitions suffice to establish a separate domain. However, here, in the case of the upright boards, there are not two proper partitions, for the upright boards are not real partitions.

²¹⁷ Between one statement of the Rabbis and the other statement of the Rabbis there is also no contradiction, as here, with regard to the upright boards, there is a nominal set of four partitions; on all four sides side there are at least two cubits of some form of partition, so the cistern is regarded as enclosed by four partitions. However, there, with regard to the two houses, there is not a nominal set of four partitions.

²¹⁸ Rabbi Yitzḥak bar Yosef said that Rabbi Yoḥanan said: In Eretz Yisrael one is not liable for carrying in the public domain. Rav Dimi sat and recited this halakha. Abaye said to Rav Dimi: What is the reason underlying this ruling?

²¹⁹ If you say this law because Eretz Yisrael is surrounded by the Ladder of Tyre on one side and the slope of Gader on the other side, each formation being over ten handbreadths high and constituting a valid partition, then Babylonia, which is also surrounded by the Euphrates River on one side and the Tigris River on the other side, should not be considered a public domain either. Moreover, the entire world is also surrounded by the ocean, and therefore there should be no public domain anywhere in the world. Rather, perhaps you spoke of the ascents and descents of Eretz Yisrael, which are not easy to traverse and hence should not have the status of a public domain?

²²⁰ Rav Dimi said to him: Man of great skull, i.e., man of distinction, I saw your head between the pillars of the study hall when Rabbi Yoḥanan taught this halakha, meaning you grasped the meaning as though you actually were present in the study hall and heard the statement from Rabbi Yoḥanan himself.

²²¹ It was also stated that when Ravin came from Eretz Yisrael he said that Rabbi Yoḥanan said, and some say it was Rabbi Abbahu who said that Rabbi Yoḥanan said: In the case of the ascents and descents of Eretz Yisrael, one is not liable for carrying in the public domain, because they are not like the banners in the desert. To be regarded as a public domain, a place must be similar to the area in which the banners of the tribes of Israel passed in the desert, i.e., it must be level and suitable for the passage of large numbers of people.

²²² Raḥava raised a dilemma before Rava: In the case of a mound that rises to a height of ten handbreadths within four cubits, thereby fulfilling the conditions that create a private domain, but many people traverse it, is one liable for carrying in the public domain or is one not liable?

²²³ The Gemara explains: According to the opinion of the Rabbis, this should not be a dilemma for you. Just as there, with regard to the upright boards surrounding a well, where the use of the public

domain is convenient, the Rabbis say that the public does not come and invalidate the partition; here, where its use is inconvenient due to the slope, all the more so should the mound be considered partitioned off as a private domain, and the passage of the public should not invalidate it.

²²⁴ Where there should be a dilemma for you is according to the opinion of Rabbi Yehuda. What is the halakha? Does he maintain his position only there, because the use of the public domain is convenient, whereas here, where its use is inconvenient, he too would agree that the public does not come and invalidate the partition? Or perhaps there is no difference? Rava said to Raḥava: In such a case, one is liable for carrying in a public domain.

²²⁵ Raḥava asked him: And do you issue this ruling even in the case of a slope that is so steep that in order to climb it one must ascend it by means of a rope? He said to him: Yes. He asked him further: And even in the case of the ascents of Beit Meron, which are exceedingly steep? He said to him: Yes.

²²⁶ Raḥava raised an objection to Rava's opinion from the Tosefta: A courtyard that was properly surrounded by partitions, into which many people enter on this side and exit on that other side, is treated like the public domain with regard to ritual impurity, so that in cases of doubt, the person is considered ritually pure, as uncertainty concerning ritual impurity only renders a person impure in an area defined as a private domain; however, it is still treated like the private domain with regard to Shabbat.

²²⁷ He proceeds to clarify the Tosefta: Who is the author of this statement? If you say it was the Rabbis, there is a difficulty: Just as there, with regard to the upright boards surrounding a well, where the use of the public domain is convenient, the Rabbis say that the public does not come and invalidate the partition; here, in the case of the courtyard, where its use as a path for a public domain is inconvenient, all the more so should they say that the passage of many people does not invalidate the partition and therefore there would be no need to discuss this case.

²²⁸ Rather, is it not in accordance with the opinion of Rabbi Yehuda? This indicates that even Rabbi Yehuda differentiates between different paths in the public domain.

²²⁹ Rava replied: No; actually, you can explain that this Tosefta was taught in accordance with the opinion of the Rabbis. As to the question raised with regard to the novelty of this case according to their approach, it was necessary for them to teach us that such a courtyard is treated like the public domain with regard to ritual impurity, even though it is considered a private domain with respect to Shabbat.

²³⁰ Raḥava attempts to cite a proof again, this time from a mishna: Come and hear the following teaching: Alleyways that open in cisterns, ditches or caves constitute the private domain with regard to Shabbat and the public domain with regard to ritual impurity.

²³¹ The Gemara first clarifies the wording of the mishna: Should it enter your mind to say that the correct reading is in cisterns [baborot]; is it possible to speak of alleyways that open inside cisterns? Rather, it should be corrected as follows: Alleyways that open out into cisterns [laborot] constitute the private domain with regard to Shabbat and the public domain with regard to ritual impurity.

²³² Raḥava proceeds to clarify the matter: Who is the author of this mishna? Now, if you say it is the Rabbis, there is a difficulty: Just as there, with regard to the upright boards surrounding a well, where the use of the public thoroughfare is convenient, the Rabbis say that the public does not come and invalidate the partition; here, in the case of an alleyway, where its use as a public thoroughfare is

inconvenient, all the more so should they say that the passage of many people does not invalidate the partition, and so there was no need to discuss this case. Rather, isn't it in accordance with the opinion of Rabbi Yehuda?

²³³ Rava refutes this argument: No; actually, you can explain that this mishna was taught in accordance with the opinion of the Rabbis. It does present a novel teaching, as it was necessary for them to teach us that such an alleyway has the status of the public domain with regard to ritual impurity. Although it is not a convenient place to cross, it is considered a public domain with respect to impurity, since many people are found there.

²³⁴ Once again Raḥava attempts to cite a proof from a mishna: Come and hear the following teaching: The paths of Beit Gilgul, which are difficult to traverse, and similar ones have the status of the private domain with regard to Shabbat, and that of the public domain with regard to ritual impurity.

²³⁵ The Gemara asks: And what paths are like the paths of Beit Gilgul? The school of Rabbi Yannai say: This is any path in which a slave [eved] is unable to take up a se'a of wheat by hand and run before an officer [sardeyot], despite his fear of him.

²³⁶ Raḥava proceeds to clarify the issue: Who is the author of this mishna? Now, if you say it is the Rabbis, there is a difficulty: Just as there, with regard to the upright boards surrounding a well, where the use of the public thoroughfare is convenient, the Rabbis say that the public does not come and invalidate the partition; here, in the case of the paths of Beit Gilgul, where their use as a public pathway is inconvenient, all the more so should they say that the passage of many people does not invalidate the partitions. Rather, is it not in accordance with the opinion of Rabbi Yehuda?

²³⁷ Rava said to him: Did you say the paths of Beit Gilgul? Joshua, who conquered the land and divided it among the tribes, was a lover of Israel. He rose up and established roads and highways for them; any place that was convenient to use he handed over to the public, and any place that was inconvenient to use he handed over to an individual. Therefore, the roads of Eretz Yisrael, which like the paths of Beit Gilgul are not easy to use, have the status of a private domain. However, there is no general rule in other places that roads that are difficult to traverse do not have the status of a public domain.

²³⁸ MISHNA: In the case of a public cistern containing collected water, as well as a public well containing spring water, and even a private well, one may arrange upright boards around them in order to allow one to carry in the enclosed area, as delineated above.

²³⁹ But in the case of a private cistern, there are two deficiencies: It belongs to an individual, and it does not contain spring water. Consequently, it is impossible to permit drawing from it on Shabbat by means of boards set up in the corners; rather, one must construct for it a proper partition ten handbreadths high; this is the statement of Rabbi Akiva.

²⁴⁰ Rabbi Yehuda ben Bava says: One may arrange upright boards only for a public well. But for the others, that is, a public cistern or a private well, one must set up a belt, i.e., a partition consisting of ropes, ten handbreadths high. Such an arrangement creates a proper partition based on the principle of lavud, namely, that solid surfaces with gaps between them smaller than three handbreadths are considered joined.

²⁴¹ GEMARA: Rav Yosef said that Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda ben Bava. And Rav Yosef also said that Rav Yehuda said that Shmuel said: Upright boards surrounding a well were permitted only in the case of a well containing potable, running spring water.

²⁴² The Gemara comments: And it was necessary to cite both of these statements, even though their content appears to be the same. As had he taught us only that the halakha is in accordance with the opinion of Rabbi Yehuda ben Bava that upright boards may only be set arranged for a well, I would have said that with regard to water belonging to the public, upright boards are permitted not only in the case of spring water, but even in the case of water collected in a cistern.

²⁴³ And that which was taught: One may only arrange boards for a public well, that was to exclude the opinion of Rabbi Akiva that upright boards may be arranged even for a private well, but not to allow us to infer that boards may not be arranged for a public cistern filled with collected water. Therefore, Shmuel teaches us that boards surrounding a well were permitted only in the case of a well of spring water.

²⁴⁴ And in the opposite direction, had he taught us that upright boards may only be arranged for a well containing potable, running spring water, I would have said that there is no difference whether it is a public well and there is no difference whether it is a private well. Shmuel therefore teaches us that the halakha is in accordance with the opinion of Rabbi Yehuda ben Bava, who says that upright boards may be arranged only for a public well, but not for one that belongs to an individual.

²⁴⁵ MISHNA: And furthermore, Rabbi Yehuda ben Bava said: With regard to a garden or a karpef, an enclosed courtyard used for storage, that is not more than seventy cubits and a remainder, a little more, as will be explained below, by seventy cubits and a remainder, and is surrounded by a wall ten handbreadths high, one may carry inside it, as it constitutes a proper private domain. This is provided that it contains a watchman's booth or a dwelling place, or it is near the town in which its owner lives, so that he uses it and it is treated like a dwelling.

²⁴⁶ Rabbi Yehuda says: This is not necessary, for even if it contains only a water cistern, an elongated water ditch, or a cave, i.e., a covered pit containing water, one may carry inside it, as the water bestows upon it the status of a dwelling. Rabbi Akiva says: Even if it has none of these one may carry inside it, provided that it measures not more than seventy cubits and a remainder by seventy cubits and a remainder.

²⁴⁷ Rabbi Eliezer says: If its length is greater than its breadth, even by one cubit, one may not carry inside it, even though its total area does not exceed an area of two beit se'a, because in an area that was enclosed not for the purpose of residence, carrying is only permitted if the area is perfectly square. Rabbi Yosei says: Even if its length is double its breadth, one may carry inside it, and there is no need to be particular about a square shape.

²⁴⁸ Rabbi Elai said: I heard from Rabbi Eliezer that one is permitted to carry in a garden or karpef, even if the garden is an area of a beit kor, i.e., thirty times larger than the area of a beit se'a.

²⁴⁹ Incidentally, he adds: And I also heard from him another halakha: If one of the residents of a courtyard forgot and did not join in an eiruv with the other residents when they established an eiruv, and on Shabbat he ceded ownership of his part in the courtyard to the other residents, then it is prohibited for him, the one who forgot to establish an eiruv, to bring in objects or take them out from

his house to the courtyard; however, it is permitted to them, the other residents, to bring objects from their houses to that person's house via the courtyard, and vice versa. We do not say that the failure of one resident to join in the eiruv nullifies the validity of the eiruv for the entire courtyard.

²⁵⁰ And I also heard from him another halakha, that one may fulfill his obligation to eat bitter herbs on Passover with arkablin, a certain bitter herb. With regard to all three rulings, I circulated among all of Rabbi Eliezer's disciples, seeking a colleague who had also heard these matters from him, but I could not find one.

²⁵¹ GEMARA: The Gemara first analyzes the wording of this mishna: What was taught previously, that the tanna teaches in this mishna: And furthermore Rabbi Yehuda ben Bava said, which implies a continuation of the previous mishna?

²⁵² If you say that because he first taught one stringency concerning the upright boards surrounding a well, and then he teaches another stringency about an enclosure, and for that reason the tanna of the mishna teaches: And furthermore, then there is a difficulty. Didn't Rabbi Yehuda also teach one stringency and then teach another stringency, and yet the tanna of the mishna does not teach: And furthermore Rabbi Yehuda said?

²⁵³ The Gemara answers that the cases are different: There, the Rabbis interrupted Rabbi Yehuda's statements in order to disagree with him, and hence it is not possible to say: And furthermore Rabbi Yehuda said. Here, however, the Rabbis did not interrupt him, as the two statements of Rabbi Yehuda ben Bava immediately follow one another.

²⁵⁴ The Gemara raises a difficulty: Does this mean that wherever the disputing Rabbis interrupt their colleague, the tanna does not teach: And furthermore? But with regard to Rabbi Eliezer in a mishna in tractate Sukka (27a), where the Rabbis interrupted his statements, nonetheless the tanna teaches: And furthermore.

²⁵⁵ The Gemara answers: It is not the same; there, they interrupted Rabbi Eliezer with a ruling with regard to his own topic; here, however, they interrupted Rabbi Yehuda with a ruling with regard to an altogether different matter. Consequently, his first statement had already been forgotten, and it is not the Mishna's style to join together statements where the sequential link between them has already been severed.

²⁵⁶ We learned in the mishna: Rabbi Akiva said: Even if the courtyard has none of these elements that indicate dwelling stipulated by the other Rabbis, one may carry inside it, provided that it measures no more than seventy cubits and a remainder by seventy cubits and a remainder.

²⁵⁷ The Gemara asks: But the view of Rabbi Akiva is the same as that of the first tanna, i.e., Rabbi Yehuda ben Bava, who maintains that in the case of a garden that was not enclosed for the purpose of residence, one is only permitted to carry if the area of the enclosed area is no more than two beit se'a. Rabbi Akiva disagrees only about whether we require a watchman's booth or a dwelling place as well, but the two agree with regard to the size of the garden. Therefore, Rabbi Akiva's stipulation: Provided that it measures not more than seventy cubits and a remainder by seventy cubits and a remainder, is superfluous.

²⁵⁸ The Gemara answers: There is a practical difference between them with regard to a tiny amount. And what is this tiny amount? It is as it was taught in a baraita: Rabbi Yehuda says: It is by a tiny amount that one of the sides of a square measuring two beit se'a exceeds seventy cubits and a

remainder, but the Sages did not give its exact measurement, owing to its small size and because it is impossible to be absolutely precise about the matter.

²⁵⁹ And what is the measure of the area of two beit se'a? It is as large as the courtyard of the Tabernacle, which was fifty cubits by one hundred cubits. The first tanna and Rabbi Akiva dispute this issue: The first tanna maintains that the garden may have an area as large as two beit se'a, whereas Rabbi Akiva says that it must not exceed seventy and two-thirds cubits squared.

²⁶⁰ The Gemara asks: From where are these matters derived? The matters referred to are that we must square the courtyard of the Tabernacle in order to reach the size of garden or similar enclosure in which one is permitted to carry on Shabbat.

²⁶¹ The Gemara answers: Rav Yehuda said: This is learned from the verse that stated: "The length of the courtyard shall be a hundred cubits, and the breadth fifty by fifty, and the height, five cubits of fine twined linen, and their sockets of brass" (Exodus 27:18). The Torah said: Take a square of fifty cubits by fifty cubits, and surround it with the remaining fifty cubits until they form a square, each side of which measures seventy cubits and a remainder.

²⁶² The Gemara asks: But to what does the plain meaning of the verse refer? The plain sense of the text cannot be coming to teach us the laws of carrying. Abaye said that it means as follows: The Tabernacle was thirty cubits long and ten cubits wide. The courtyard was a hundred cubits long and fifty cubits wide. Position the Tabernacle in the middle of the courtyard at the edge of fifty cubits, so that there is a space of fifty cubits in front of it, and a space of twenty cubits in every direction, on each of the two sides and behind it.

²⁶³ We learned in the mishna that Rabbi Eliezer says: If its length is greater than its breadth, even by one cubit, one may not carry inside it. The Gemara asks: Wasn't it taught in a baraita that Rabbi Eliezer says: If its length is more than double its breadth, even by one cubit, one may not carry inside it?

²⁶⁴ Rav Beivai bar Abaye said: When we learned this in the mishna, we also learned that it refers to a case where the length of the enclosure is more than double its breadth. The Gemara raises a difficulty: If so, this is the same as the opinion of Rabbi Yosei, who stated that one is permitted to carry in the garden or karpes even if its length is double its width.

²⁶⁵ The Gemara answers: There is a difference between them with regard to the square that the Sages squared it, because the Sages calculated squares with the diagonal. According to the opinion of Rabbi Eliezer, if the diagonal is more than double the breadth, even though the length may not be more than double the breadth, it is prohibited to carry within the enclosure. According to Rabbi Yosei, however, it is permitted (Rabbeinu Ḥananel).

²⁶⁶ We learned in the mishna that Rabbi Yosei says: Even if its length is double its breadth, one may carry inside it. It was stated that the amora'im disagreed on the following matter: Rav Yosef said that Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yosei. And Rav Beivai said that Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Akiva.

²⁶⁷ The Gemara explains that both rulings are stated leniently, and that both were necessary. As had the Gemara taught only that the halakha is in accordance with the opinion of Rabbi Yosei, I would have said that one is not permitted to carry unless the place contains a watchman's booth or a

dwelling place, for Rabbi Yosei did not specify that these are not required. Therefore, the Gemara teaches us that the halakha is in accordance with Rabbi Akiva, who is particular only about the courtyard's size, but not that it be enclosed for the purpose of residence.

²⁶⁸ And, on the other hand, had the Gemara taught only that the halakha is in accordance with the opinion of Rabbi Akiva, I would have said that if the courtyard is long and narrow, one is not permitted to carry. Therefore, the Gemara teaches that the halakha is in accordance with the opinion of Rabbi Yosei, who clearly states that the courtyard need not be square.

²⁶⁹ The Sages taught: Within a karpef that is greater than two beit se'a, but which was enclosed from the outset for the purpose of residence, carrying is permitted regardless of its size; however, if subsequently the greater part of it was sown with seed crops, it is considered like a garden, which is not a place of dwelling, and it is prohibited to carry anything within it.

²⁷⁰ However, if the greater part of it was planted with trees, it is considered like a courtyard, which is a place of dwelling, and one is permitted to carry. The reason for this distinction is that the presence of trees does not nullify the status of the karpef as a place of residence, because people normally plant trees even in their courtyards. However, people ordinarily plant seed crops only in gardens at some distance from their houses, in places they do not use for dwelling; therefore, the presence of seed crops does nullify the residential status of the karpef.

²⁷¹ It was stated above that if the greater part of the karpef was sown with seed crops, it is prohibited to carry in it. Rav Huna, son of Rav Yehoshua, said: We only said this in a case where the sown section is greater than two beit se'a, but if it is no more than two beit se'a, it is permitted.

²⁷² The Gemara comments: In accordance with whose opinion was this stated? It was stated in accordance with the opinion of Rabbi Shimon, as we learned in a mishna: Rabbi Shimon says: Roofs, courtyards, and karpeifot are all one domain with regard to utensils that began Shabbat in them, even if the utensils belong to different people. Since these are not proper dwelling places, setting an eiruv is unnecessary, and objects may be carried from place to place within them. But they are not one domain with regard to utensils that began Shabbat in the house and that were later taken outside. This shows that the unsown part of a karpef and the sown part, which has the status of a garden, are considered a single domain, in which one is permitted to carry, as the garden section does not prohibit the karpef section.

²⁷³ The Gemara rejects this argument: Even according to the opinion of Rabbi Shimon, since the greater part of the karpef is sown, the minor part

²⁷⁴ is nullified relative to the greater part, and it is as though the karpef were entirely sown. And therefore, it is regarded as a karpef greater than two beit se'a, in which it is prohibited to carry.

²⁷⁵ Rather, if this was stated, this is what was stated by Rav Huna, son of Rav Yehoshua: If the greater part of the karpef was sown, it is prohibited to carry within it. It follows that if only a minor part of the karpef was sown, it is permitted to carry within it. Rav Huna, son of Rav Yehoshua, said: We said that it is permitted to carry only if the sown section is not as large as two beit se'a, however, if it is at least two beit se'a, it is prohibited to carry anywhere in the karpef, even though most of it is not sown.

²⁷⁶ The Gemara asks: According to whose opinion was this stated? It is according to the opinion of the Rabbis, who disagree with Rabbi Shimon and say that a karpef and a courtyard are regarded as separate domains, so that it is prohibited to carry from one to the other.

²⁷⁷ And Rav Yirmeya from Difti would teach this matter as a leniency, as follows: It was stated that if the greater part of the karpef was sown, it is prohibited to carry within it. From here it follows that if only a minor part was sown, it is permitted to carry within it. Rav Huna, son of Rav Yehoshua said: We only said that it is permitted to carry if the sown section is not more than two beit se'a, but if it is more than two beit se'a, it is prohibited to carry. According to whose opinion was this stated? It was according to the opinion of Rabbi Shimon.

²⁷⁸ It was stated earlier that if the greater part of the karpef was planted with trees, it is considered like a courtyard, and it is permitted to carry. Rav Yehuda said that Avimi said: This is only if the trees were planted in rows [itztablaot], the customary manner of planting ornamental trees in a courtyard. But if they were arranged differently it is considered an orchard, which is not made for dwelling, and where it is prohibited to carry. But Rav Nahman said: This applies even if they were not planted in rows, as people commonly plant trees in any arrangement in the courtyards of their houses.

²⁷⁹ Mar Yehuda happened to come to the house of Rav Huna bar Yehuda, where he saw certain trees that were not planted in rows, and people were nevertheless carrying among them. Mar Yehuda said to Rav Huna: Doesn't the Master hold in accordance with this opinion of Avimi? Rav Huna said to him: I hold like the opinion of Rav Nahman, that it is permitted to carry even if the trees are not planted in rows.

²⁸⁰ Rav Nahman said that Shmuel said: With regard to a karpef that is greater than two beit se'a, and which was not enclosed from the outset for the purpose of residence, what should one do if he wishes to carry within it? He should make a breach in the fence larger than ten cubits, which nullifies the partition, and then fence it off and reduce the opening to only ten cubits, which thereby creates an entrance. He is then permitted to carry in the karpef, because it is now regarded as having been enclosed for the purpose of residence.

²⁸¹ The Gemara raises a dilemma: If he did not make the breach at once, but rather he breached one cubit and fenced off that same cubit, and then breached another cubit and fenced it off, until he completed the breaching and fencing off of more than ten cubits, what is the law?

²⁸² He said to him: Is this not as we learned in a mishna: All ritually impure wooden utensils belonging to ordinary homeowners become ritually pure through breaking the utensil, if they have holes the size of pomegranates.

²⁸³ And Hizkiya raised a dilemma: If a utensil was perforated with a hole large enough for an olive to emerge, and he sealed it, and then it was perforated again with a hole large enough for an olive to emerge, and he sealed it again, and this went on until the holes together completed a space large enough for a pomegranate to emerge, what is the halakha? In other words, is the ruling that because the sum of all the holes is the size of a pomegranate the utensil is pure, or is the ruling that it remains ritually impure because each hole was filled before the next hole was formed?

²⁸⁴ Rabbi Yoḥanan his student said to him: Master, you taught us that with regard to a sandal that became ritually impure by impurity imparted by the treading of a zav, and one of its ears, i.e., straps, broke and he repaired it, it remains ritually impure with impurity imparted by treading [midras] and

can still render people and utensils ritually impure. If one of a sandal's straps is torn, it can still be used as a sandal, and therefore it does not lose its status as a utensil.

²⁸⁵ If the second ear broke and he repaired it, it is ritually pure in the sense that it no longer renders other objects ritually impure as would a vessel that became a primary source of ritual impurity by means of impurity imparted by treading. However, the sandal itself is ritually impure due to contact with an object that became ritually impure with impurity imparted by treading, i.e., the sandal before its second strap ripped. Therefore, it can transmit ritual impurity to food and liquids.

²⁸⁶ And you said about this halakha: What is different in a case where the first ear breaks, that the sandal remains impure? It is because the second one is intact. However, when the second ear breaks, the first ear is intact; so how does the sandal lose its utensil status?

²⁸⁷ And then you said to us with regard to this that the reason it is no longer a utensil is because a new entity has arrived here. The legal status of the sandal with the two repaired ears is not that of the original sandal; it is a new sandal. Here, too, with regard to a utensil that was perforated several times, where the sum of all the holes adds up to the size of a pomegranate, let us say that a new entity has arrived here, as the entire area of the hole is completely new, and the utensil is no longer the same utensil that had been ritually impure.

²⁸⁸ Hizkiya was so impressed by Rabbi Yoḥanan's comment that he exclaimed about him: This is not a human being; rather, he is an angel, as he is capable of resolving a problem that I struggle with, from something that I myself taught. Some say that he said: This is an ideal human being. This parallel analysis teaches that if one breached one cubit and fenced it off, breached another cubit and fenced it off, and continued this way until he breached and fenced off more than ten cubits, then this is effective, and he need not breach more than ten meters at once.

²⁸⁹ Rav Kahana said: A fenced-in yard located behind a group of houses, which is used to store objects not in regular use and which measures more than two beit se'a, is not treated as a full-fledged private domain. Therefore, inside it, one may carry objects a distance of only four cubits.

²⁹⁰ Rav Naḥman said: If one opened an entrance to it from the house, it is permitted to carry throughout the entire area, because the entrance permits it, allowing it to be considered as part of the house. And we stated this allowance only where he opened the entrance and afterward fenced in the area; but if he first fenced it in and only afterward opened the entrance, he may not carry throughout the yard.

²⁹¹ The Gemara raises a difficulty: If he first opened the entrance and afterward fenced in the area, it is obvious that it is permitted to carry throughout the yard, because it is clear that the area was enclosed for the entrance, i.e., in order to use it from the house. The Gemara answers: This ruling is necessary only in the case where there is a threshing floor in the yard. This is because you might have said that he made the entrance with the threshing floor in mind, and not so that he would be able to use the entire yard. He therefore comes and teaches us that the entrance renders it permitted to carry in the yard in all cases.

²⁹² The Gemara considers a new case: With regard to a karpef measuring more than two beit se'a, which had been enclosed for the purpose of residence but became filled with water, by floods or any other cause, the Rabbis thought to say that the water is considered like seeds. This means that the karpef is regarded as if it were sown with seeds, so that it is prohibited to carry. It is no longer

considered as having been enclosed for the purpose of dwelling, since it is not normal to live in a place filled with water.

²⁹³ Rav Abba, father of Rav, son of Rav Mesharshiya, said: We say in the name of Rava as follows: Water is considered like planted trees, so that one is permitted to carry. A courtyard filled with water is still suitable for dwelling, since the water benefits the residents of the courtyard.

²⁹⁴ Ameimar said: This ruling applies only if the water is fit for its regular use, i.e., for drinking, because in that case it provides for the needs of residence. However, if the water is not fit for use, then it is not considered like planted trees. Therefore, the karpef is no longer considered enclosed for the purpose of residence, and it is prohibited to carry in the karpef.

²⁹⁵ Rav Ashi said: And even where the water is fit for use, this ruling applies only if the water is not ten handbreadths deep over an area greater than two beit se'a; but if the water is ten handbreadths deep over an area greater than two beit se'a, it is prohibited to carry in it, as in such a case the karpef is no longer considered enclosed for the sake of dwelling.

²⁹⁶ The Gemara comments: And it is not so, just as it is in the case of a pile of fruit, as even if the pile of fruit is very large, the karpef does not lose its status as having been enclosed for the purpose of residence.

²⁹⁷ The Gemara relates: There was a certain yard in the town of Pum Nahara that was larger than two beit se'a and that had not been enclosed for the purpose of residence. One of its sides opened to an alleyway in the town, and the other opened to a walled path between the vineyards, and that vineyard path led to the bank of a river ten handbreadths high, which is considered a partition.

²⁹⁸ Abaye said: What shall we do to permit carrying in the yard, which is a karmelit, without having to make a breach in one of its walls wider than ten cubits and then fence it up again? Shall we construct a partition for it on the river bank, so that the vineyard path is surrounded by partitions on all sides? This is not a viable solution, as one cannot construct an effective partition on top of another partition that already exists, and the river bank is considered a partition relative to the river.

²⁹⁹ Shall we arrange a doorframe at the mouth of the vineyard path? That is also not an effective solution in this case, for the camels that walk down this path in order to drink water from the river will come and knock it over.

³⁰⁰ Rather, Abaye said: We should arrange a side post at the opening of the vineyard path to the yard, since as it is effective for the vineyard path, to allow one to carry on the path, as it is no longer breached into a karmelit, it is also effective for the yard, and the side post will be considered an additional partition that renders it permitted to carry in the yard.

³⁰¹ Rava said to him: If so, people will say that a side post is effective in permitting one to carry in a vineyard path generally, and this will cause the public to err, as vineyard paths are usually open at both ends and do not lead to a river or the like.

³⁰² Rather, Rava said: They should arrange a side post at the opening of the yard to the town, as since the side post is effective and is considered a partition for the town, it is also effective for the yard, to permit one to carry within it.

³⁰³ Therefore, in summary, it is permitted to carry within the town itself and to carry within the yard itself. However, with regard to carrying from the town to the yard or from the yard to the town, Rav Aḥa and Ravina disagree: One prohibits doing so and the other permits it.

³⁰⁴ The Sage who permits doing so holds that it is permitted since in the yard itself there are no residents, and a place without residents cannot prohibit carrying in another, adjacent domain. And the Sage who prohibits doing so holds that it is prohibited because sometimes there are residents in it who can prohibit carrying in the other domain, and people might unwittingly come to carry from the yard to the town in their usual manner, even though it is prohibited.

³⁰⁵ With regard to a karpef that measures more than two beit se'a and that had not been fenced in from the outset for the purpose of residence, and one came to reduce its size, if he reduced it by planting trees in a section of the space, it is not a valid reduction, because trees are commonly found in a karpef designed for dwelling; therefore, they are not considered something out of the ordinary that would reduce its size.

³⁰⁶ But if he built up a column ten handbreadths high and four handbreadths wide, it is an effective reduction, i.e., if the karpef is thereby reduced to the area of two beit se'a, one is permitted to carry within it. However, if the column is less than three handbreadths wide, it is not an effective reduction. And if it is between three to four handbreadths wide, there is a dispute between amora'im. Rabba said: It constitutes an effective reduction, and Rava said: It does not constitute an effective reduction.

³⁰⁷ The Gemara explains the two opinions. Rabba said that it constitutes an effective reduction because it is large enough to be excluded from the principle of lavud, namely, that solid surfaces with gaps between them less than three handbreadths are considered joined. Since the column stands independently, it reduces the size of the karpef. Rava said that it does not constitute a valid reduction because as it is not a place of at least four handbreadths, it is not significant. An area of less than four handbreadths is not considered independent.

³⁰⁸ It was further stated: If one distanced himself four handbreadths from the wall of the karpef and erected an additional partition for the sake of dwelling, it is effective in permitting one to carry in the fenced-off inner area. But if the distance is less than three handbreadths, it is not effective, as the new wall is considered attached to the first by means of the principle of lavud, and it is like one partition built on top of another. And if the distance is between three to four handbreadths, that is the topic of the dispute among the amora'im, in which Rabba said: It is effective, and Rava said: It is not effective.

³⁰⁹ The Gemara explains the two opinions. Rabba said: It is effective, as it is far enough away to be removed from the principle of lavud. Rava disagreed and said: It is not effective, because as it is not a place of at least four handbreadths, it is not significant.

³¹⁰ Rav Simi would teach a more lenient version of the dispute between Rabba and Rava. If one plastered the walls of a karpef larger than two beit se'a with plaster, and the plaster can stand on its own, all agree that it is an effective reduction, as it is considered as if he has made a new partition. But if the plaster cannot stand on its own, and it only stays in place because it is attached to the existing wall, there is an amoraic dispute in which Rabba said: It is an effective reduction, and Rava said: It is not an effective reduction.

³¹¹ The Gemara explains the two opinions. Rabba says: It is an effective reduction, because for now, in any case, it stands. Rava says: It is not an effective reduction, because as it cannot stand on its own, it is nothing, i.e., it is insignificant.

³¹² If one distanced himself four handbreadths from a mound ten handbreadths high that stands in a karpef larger than two beit se'a, and he erected a partition for the sake of dwelling, it is effective to permit one to carry.

³¹³ But if he erected the partition less than three handbreadths from the mound or on the edge of the mound itself, so that it is like a partition built on top of another partition, this is a dispute between Rav Ḥisda and Rav Hamnuna. One of them said: It is effective, and the other one said: It is not effective.

³¹⁴ The Gemara seeks to clarify which of the Sages held which opinion. Conclude that it was Rav Ḥisda who said it is effective, for it was stated that the amora'im disagreed about the following: If one erected a partition on top of an existing partition, Rav Ḥisda said: With regard to the halakhot of Shabbat, e.g., if the first partition was not erected for the purpose of residence, the second partition is effective.

³¹⁵ However, with regard to the property of a convert, he does not acquire it. The property of a convert who dies without heirs is regarded as ownerless unless he had transferred it to someone as a gift during his lifetime. Whoever first implements a valid mode of acquisition upon such property acquires it. For example, one may acquire property by performing an act of taking possession, such as construction of a partition around it. But if one erects a partition around the property of a deceased convert on top of an existing partition, he does not acquire the property in this manner.

³¹⁶ And Rav Sheshet said: Even with regard to Shabbat it is not effective. The Gemara comments: Indeed, conclude that it is Rav Ḥisda who maintains that one partition built on top of another is effective for Shabbat.

³¹⁷ Rav Ḥisda said: Rav Sheshet agrees with me that if one erected a partition on the mound, rather than merely adjacent to it, that it is effective to permit one to carry on the mound itself, even though, according to him, it is prohibited to carry in the rest of the karpef.

³¹⁸ What is the reason for this? Since he dwells in the space between the upper partitions, he utilizes these new partitions and they serve a function. Although in relation to one positioned below the mound these are partitions built on top of the pre-existing partitions of the mound, and therefore they do not allow him to carry in the karpef, they are nonetheless effective in allowing him to carry on the mound itself.

³¹⁹ Rabba bar bar Ḥana raised a dilemma: If the lower partitions were swallowed up, e.g., if they sank in boggy ground, and the upper partitions that he had erected still stand, what is the law?

³²⁰ The Gemara asks: With regard to what issue was this dilemma raised? If it was raised with regard to acquiring the property of a convert, this is precisely the same as the ruling cited by Yirmeya Bira'a, as Yirmeya Bira'a said that Rav Yehuda said: If one sowed turnip seeds in cracks which he found in land that had belonged to a convert, and another Jew came and plowed the ground a little, the latter one, the one who plowed, acquires the property, and the first one does not acquire it.

³²¹ What is the reason that the first one who sowed the seeds does not acquire the property? At the time that he sowed, the land was not improved by his sowing. When it did improve, with the growth of the turnips, it improved on its own. That is to say, the act of sowing alone is not a sufficiently noticeable action that changes and improves the property at the time. Although the sowing later

proves to have been beneficial, this is seen as an improvement of the land that comes on its own. Therefore, an action that will only provide benefit in the future cannot serve as an act of acquisition.

³²² Rather, you must say that the dilemma was raised with respect to Shabbat, in which case it is a partition that was made on Shabbat; beforehand it was not a valid partition, and the upper ones acquired the status of a partition only after the lower partitions sank into the ground.

³²³ And it was already taught in a baraita: Any partition made on Shabbat, whether unwittingly or intentionally, is called a valid partition. Consequently, the upper partitions should be regarded as valid partitions that allow one to carry in the *karpef*.

³²⁴ The Gemara raises a difficulty: Wasn't it stated about this law that Rav Nahman said: They taught that such a partition is called a partition only as a stringency, in that it is prohibited to throw from an area enclosed by such a partition into the public domain and vice versa; but to carry within it as a full-fledged private domain is prohibited. This implies that these are not proper partitions.

³²⁵ The Gemara refutes this objection: When that statement of Rav Nahman was stated, it was stated with regard to a case where one erected the partition intentionally. Since one intentionally violated Shabbat when he erected the partition, the Sages imposed a penalty that he is prohibited to carry within the enclosed area. But if the partition was made unwittingly or came about by itself, no such penalty was imposed, and one is permitted to carry.

³²⁶ The Gemara cites a related incident: A certain woman erected a partition on top of another partition in the property of a deceased convert. A certain man then came and plowed the ground a little. The man came before Rav Nahman, who established the property in his possession. The woman then came and cried out before Rav Nahman. He said to her: What can I do for you, as you did not take possession of the property in the manner that people take possession.

³²⁷ With regard to a *karpef* the size of three *beit se'a*, and one roofed one *beit se'a* of it, the amora'im disputed whether or not the area of *karpef* is two *beit se'a*, in which case it is permitted to carry there, or three *beit se'a*, in which case it would be prohibited. Rava said: Its roofed space renders it in excess of two *beit se'a*, meaning that the roofed area is not considered separate from the rest, and so it is prohibited to carry in the *karpef*. And Rabbi Zeira said: Its roofed space does not render it in excess of two *beit se'a*, and it is permitted to carry there.

³²⁸ The Gemara comments: Let us say that Rava and Rabbi Zeira dispute the same point that was the subject of dispute between Rav and Shmuel. These amora'im disagreed about the following, as it was stated: With regard to an enclosed veranda [*akhsadra*], which is a roofed structure without walls or with incomplete walls, in a field that has the status of a *karmelit*, Rav said: One is permitted to carry in the entire enclosed veranda, as it is considered a private domain. And Shmuel said: One may carry only a distance of four cubits.

³²⁹ The Gemara explains the two opinions: Rav said: One is permitted to carry in the entire enclosed veranda, since we say that the edge of the roof descends to the ground and closes up the enclosed veranda on all sides; consequently, it is considered a separate private domain. And Shmuel said: One may carry only a distance of four cubits, as we do not say that the edge of the roof descends and closes up the enclosed veranda.

³³⁰ The Gemara rejects this argument: If the roof in the covered section of the *karpef* were made like an enclosed veranda whose roof is level, indeed, both Rava and Rabbi Zeira would agree that the

edge of the roof descends to the ground and closes up the area. With what are we dealing here? We are dealing with a case where the roof is made like a hammock, i.e., slanted, and therefore one cannot say that the edge of the roof descends to the ground and encloses the area.

³³¹ Rabbi Zeira said: I agree with Rava with regard to a karpef that is fully breached into a courtyard, meaning the entire wall between them is breached, that it is prohibited to carry in it. What is the reason for this? Because the additional space of the courtyard joins to the karpef and renders it in excess of two beit se'a. Consequently, it is prohibited to carry in it.

³³² Rav Yosef strongly objects to this explanation: Does a space in which it is permitted to carry, the courtyard, render the karpef, prohibited? Given that it had been permitted beforehand to carry from the courtyard to the karpef, why say that now that the partition between them is breached, the additional space, which was itself permitted, should render it prohibited to carry in the karpef?

³³³ Abaye said to him: In accordance with whose opinion do you say this? Apparently, it is in accordance with the opinion of Rabbi Shimon, who holds that one is permitted to carry from a courtyard to a karpef. But even according to Rabbi Shimon, there is the space where the walls that are now breached had once stood. This space had not been fit for carrying from the outset, even according to Rabbi Shimon; therefore, if the karpef had been at first exactly the area of two beit se'a, it would be prohibited to carry in the entire karpef due to the additional space of the fallen walls.

³³⁴ This is as Rav H̥isda said with regard to a karpef that is fully breached into a courtyard: In the courtyard one is permitted to carry and in the karpef he is prohibited to carry.

³³⁵ The Gemara asks: As for the courtyard, what is the reason that this is permitted? Is it because it has the remnants of the original walls on either side of the breach, which allow the breach to be treated like an entrance? But at times you find just the opposite; if the courtyard was narrower than the karpef and the partition between them was fully breached, it is the karpef that retains the remnants of the original walls on either side of the breach, while the courtyard is breached in its entirety.

³³⁶ Rather, it is because we say that with regard to this one, the karpef, which was not enclosed for the purpose of residence and where one is permitted to carry only if it is no more than two beit se'a, the space of the fallen walls renders it in excess of two beit se'a. However, with regard to that one, the courtyard, which was enclosed for the purpose of residence and where there is no size limit above which it is prohibited to carry, the space of the fallen walls does not render it in excess of any limit.

³³⁷ The Gemara cites a related incident: A certain orchard [bustana] was adjacent to the wall of a mansion [apadna]. The orchard was larger than two beit se'a and was enclosed for the purpose of residence by a wall, part of which was the wall of the mansion. One day the outer wall of the mansion, which also served as a wall for the orchard, collapsed. Rav Beivai thought to say that we can rely upon one of the mansion's inner walls to serve as a partition for the orchard and thereby permit one to carry there in the future as well.

³³⁸ Rav Pappi said to him: Because you come from truncated [mula'ei] people, as Rav Beivai's family traced their lineage to the house of Eli, all of whose descendants were destined to be short-lived (see i Samuel 2:31), you speak truncated [mulayata] matters, as the inner wall cannot be relied upon at all. That is because these walls were made for the inside of the mansion, and they were not

made for the outside; that is, they were not designed from the outset to serve as partitions for the orchard.

³³⁹ The Gemara relates: The Exilarch had a banqueting pavilion [abvarneka] in his orchard that was larger than two beit se'a and that had not been enclosed from the outset for the purpose of residence. The Exilarch said to Rav Huna bar Hinnana: Let the Master make some arrangement so that tomorrow, on Shabbat, we may eat bread there, i.e., so that we may be permitted to carry food and utensils from the house to the pavilion via the orchard.

³⁴⁰ Rav Huna bar Hinnana went and erected a fence of reeds, each reed separated from the next by less than three handbreadths. That is to say, he erected two such partitions between the house and the pavilion with a passageway between them, through which the Exilarch and his men could carry whatever they needed, as the partitions were constructed in the proper manner for the purpose of residence. Rava, however, went

³⁴¹ and removed the reeds, as he maintained that they were unnecessary; he regarded the entire orchard as having been enclosed for the purpose of residence, owing to the banqueting pavilion. Rav Pappa and Rav Huna, son of Rav Yehoshua, went after him and collected the reeds, so as to prevent Rav Huna bar Hinnana from restoring the partitions, as they were Rava's students and wanted to enforce his ruling.

³⁴² On the following day, on Shabbat, Ravina raised an objection to Rava's opinion from a baraita which states: In the case of a new town, we measure the Shabbat limit from its settled area, from where it is actually inhabited; and in the case of an old town, we measure the Shabbat limit from its wall, even if it is not inhabited up to its wall.

³⁴³ What is a new town, and what is an old town? A new town is one that was first surrounded by a wall, and only afterward settled, meaning that the town's residents arrived after the wall had already been erected; an old town is one that was first settled, and only afterward surrounded by a wall. Ravina raised his objection: And this orchard should also be considered like a town that was first surrounded by a wall and only afterward settled, as it had not been enclosed from the outset for the purpose of residence. Even if a dwelling was later erected there, this should not turn it into a place that had been enclosed for the purpose of residence.

³⁴⁴ Seeing that an additional objection could be raised against his teacher's position, Rav Pappa said to Rava: Didn't Rav Asi say that the temporary screens erected by architects to serve as protection against the sun and the like are not deemed valid partitions? Apparently, since it was erected only for privacy, and not for the purpose of permanent dwelling, it is not considered a valid partition. Here too, then, with regard to the fence around the orchard, since it was erected only for privacy, it should not be considered a valid partition.

³⁴⁵ And Rav Huna, son of Rav Yehoshua, said to Rava: Didn't Rav Huna say that a partition made for resting objects alongside it and thereby providing them with protection is not considered a valid partition?

³⁴⁶ This is as Rabba bar Avuh did, when he constructed an eiruv separately for each row of houses in the whole town of Mehoza, due to the ditches from which the cattle would feed that separated the rows of houses from one another. Shouldn't such cattle ditches be considered like a partition made for resting objects alongside it? Such a partition is invalid. All these proofs indicate that Rava was

wrong to remove the reed fences erected by Rav Huna bar Hinnana, for those fences were indeed necessary.

³⁴⁷ With regard to the resolution of this incident, the Exilarch recited the following verse about these Rabbis: “They are wise to do evil, but to do good they have no knowledge” (Jeremiah 4:22), as on Friday they ruined the arrangement that Rav Huna bar Hinnana had made to permit carrying from the house to the pavilion, and the next day all they could do was prove that they had acted improperly the day before and that it was prohibited to carry in the orchard.

³⁴⁸ We learned in the mishna: Rabbi Elai said: I heard from Rabbi Eliezer that one is permitted to carry in a garden or karpef, even if the garden is the size of a beit kor, thirty times larger than a beit se’a. The Gemara notes that all agree that what the mishna taught was not in accordance with the opinion of Hānanya, as it was taught in a baraita that Hānanya says: One is permitted to carry even if it is the size of forty beit se’a, like the court of a king.

³⁴⁹ Rabbi Yoḥanan said: Both Rabbi Elai and Hānanya derived their opinion from the same verse, as it is stated: “And it came to pass, before Isaiah was gone out into the middle courtyard, that the word of the Lord came to him, saying” (ii Kings 20:4). In the biblical text, it is written: “The city [ha’ir],” and we read it as: “The middle courtyard [ḥatzer],” as there is a difference in this verse between the written word and how it is spoken. From here it is derived that royal courts were as large as intermediate-sized cities. Consequently, there is no contradiction, as the central courtyard of the royal palace was itself like a small town.

³⁵⁰ The Gemara explains: With regard to what principle do Rabbi Elai and Hānanya disagree? One Sage, Rabbi Elai, maintains: Intermediate-sized towns are the size of a field that had an area of a beit kor; and one Sage, Hānanya, maintains: They are the size of forty se’a.

³⁵¹ The Gemara asks about the Biblical narrative cited above: What did Isaiah need to do there in the middle court, i.e., why was he there? The Gemara answers: Rabba bar bar Hana said that Rabbi Yoḥanan said: This teaches that Hezekiah took ill, and Isaiah went and established a Torah academy at his door, so that Torah scholars would sit and occupy themselves with Torah outside his room, the merit of which would help Hezekiah survive.

³⁵² Based on this, it is derived, with regard to a Torah scholar who took ill, that one establishes an academy at the entrance to his home. The Gemara comments: This, however, is not a proper course of action, as perhaps they will come to provoke Satan against him. Challenging Satan might worsen the health of a sick person rather than improve it.

³⁵³ The mishna cites another statement made by Rabbi Elai in the name of Rabbi Eliezer: And I also heard from him another halakha: If one of the residents of a courtyard forgot and did not join in an eiruv with the other residents, and on Shabbat he ceded ownership of his share in the courtyard to the other residents, it is prohibited for him, the one who forgot to establish an eiruv, to bring in objects or take them out from his house to the courtyard; but it is permitted to the other residents to bring objects from their houses to that other person’s house via the courtyard, and vice versa.

³⁵⁴ The Gemara raises an objection: Didn’t we learn in a mishna: It is prohibited for the one who forgot to establish an eiruv to bring in objects or take them out from his house to the courtyard, and for the other residents who did make an eiruv, to take out objects from the house to the courtyard or to bring them into the house from the courtyard.

³⁵⁵ Rav Huna, son of Rav Yehoshua, said that Rav Sheshet said: This is not difficult.

³⁵⁶ This, the mishna here, is in accordance with the opinion of Rabbi Eliezer, while that, the other mishna, is in accordance with the opinion of the Rabbis.

³⁵⁷ Rav Sheshet adds: When you examine the matter closely, you will find that according to the statement of Rabbi Eliezer, one who renounces his authority over his share in the courtyard to the other residents of the courtyard also renounces his authority over his own house. However, according to the opinion of the Rabbis, one who renounces his authority over his share in the courtyard to the other residents does not renounce his authority over his own house to them.

³⁵⁸ The Gemara expresses surprise at this comment: But it is obvious that this is the point over which the tanna'im disagree.

³⁵⁹ The Gemara answers: Raḥava said: Both Rav Huna bar Hinnana and I explained: Rav Sheshet's explanation was necessary only with regard to the case of five people who lived in the same courtyard, one of whom forgot to join in an eiruv with the others.

³⁶⁰ According to the statement of Rabbi Eliezer, when he renounces his authority, he need not renounce it to each and every one of the residents, as we already know that Rabbi Eliezer holds that one who renounces authority does so in a generous manner, renouncing authority not only of his share in the courtyard, but also of his own house. Consequently, if he is required to renounce authority to many people, we assume that he does so even if this is not explicitly stated.

³⁶¹ In contrast, according to the opinion of the Rabbis, when he renounces his authority, it does not suffice that he renounces it in favor of one person; rather, he must explicitly renounce it to each and every one, as we cannot presume that he renounces authority in a generous manner.

³⁶² The Gemara continues: In accordance with which tanna is the ruling that was taught in the following baraita? If five people lived in the same courtyard, and one of them forgot and did not join in an eiruv with the other residents, when he renounces his authority, he need not renounce his authority to each and every one of the residents. The Gemara asks: In accordance with whose opinion is it? It is in accordance with Rabbi Eliezer, as explained above.

³⁶³ Rav Kahana taught the passage this way, as cited above, that it was Raḥava and Rav Huna bar Hinnana who applied Rav Sheshet's explanation to the case of the five people living in the same courtyard. Rav Tavyomei, on the other hand, taught it as follows, that it was Rav Sheshet himself who applied it to that case: In accordance with which tanna is the ruling that was taught in the following baraita? If five people lived in the same courtyard, and one of them forgot and did not join in an eiruv with the other residents, when he renounces his authority, he need not renounce his authority to each and every one of the residents. This statement is in accordance with whose opinion? Rav Huna bar Yehuda said that Rav Sheshet said: In accordance with whom? In accordance with Rabbi Eliezer.

³⁶⁴ Rav Pappa said to Abaye: According to the opinion of Rabbi Eliezer, which presumes that one renounces his authority over his house as well, if one who forgot to join in an eiruv with the other residents of the courtyard explicitly stated: I am not renouncing authority of my house, and likewise, according to the opinion of the Rabbis, if he explicitly stated: I am renouncing authority of my house, what is the halakha in such cases?

³⁶⁵ The Gemara clarifies: Is Rabbi Eliezer's reason because he maintains in general that one who renounces authority over his share in a courtyard to the other residents presumably also renounces to them authority over his own house, but that since this person explicitly stated: I am not renouncing authority of my house, he therefore maintains his authority?

³⁶⁶ Or perhaps Rabbi Eliezer's reason is because people do not generally live in a house without a courtyard, and therefore anyone who renounces authority over his share in a courtyard automatically renounces authority over his own house regardless of what he says. Therefore, when he says: I am not renouncing authority over my house, it is not in his power to do so, as even though he says: I will continue to live in and retain authority over my house, he has said nothing.

³⁶⁷ And the question likewise arises according to the opinion of the Rabbis. If one explicitly stated: I am renouncing authority of my house as well, what is the halakha? Is the reason for the opinion of the Rabbis because they maintain that one who renounces authority over his share in a courtyard to the other residents presumably does not renounce authority over his own house to them, but since this person explicitly stated: I am renouncing authority over my house, the other residents should be permitted to carry?

³⁶⁸ Or perhaps the reason for the opinion of the Rabbis is because one does not usually remove himself entirely from a house and courtyard, making himself like a guest among his neighbors. And therefore, when he states: I am renouncing authority over my house, it is not in his power to do so, and his statement is disregarded.

³⁶⁹ Abaye said to Rav Pappa in answer to his question: Both according to the Rabbis and according to Rabbi Eliezer, once one has revealed his wishes, he has revealed them, and everything follows his express wishes.

³⁷⁰ The mishna records yet another teaching handed down by Rabbi Elai: And I also heard from Rabbi Eliezer another halakha, that one may fulfill his obligation to eat bitter herbs on Passover with arkablin, a certain bitter herb. The Gemara asks: What is arkablin? Reish Lakish said: It is Atzvata haruziyata, a type of fiber that wraps itself around a date palm.

Chapter 3

¹ MISHNA: One may establish a joining of houses in courtyards [eiruv ḥatzerot] in order to permit carrying on Shabbat in a courtyard shared by two or more houses, and one may establish a joining of Shabbat borders [eiruv teḥumin] in order to extend the distance one is permitted to walk on Shabbat; and similarly, one may merge courtyards in order to permit carrying in an alleyway shared by two or more courtyards. This may be done with all kinds of food except for water and salt, as they are not considered foods and therefore may not be used for these purposes.

² The mishna continues with two similar principles: All types of food may be bought with second-tithe money, which must be taken to Jerusalem and used to purchase food (Deuteronomy 14:26), except for water and salt. Similarly, one who vows that nourishment is prohibited to him is permitted to eat water and salt, as they are not considered sources of nourishment.

³ It was further stated with regard to the laws of joining courtyards that one may establish an eiruv teḥumin for a nazirite with wine, even though he is prohibited to drink it, because it is permitted to

others. And similarly, one may establish an eiruv tehumin for an Israelite with teruma, even though he may not eat it, because it is permitted to a priest. The food used for an eiruv tehumin must be fit for human consumption, but it is not essential that it be fit for the consumption of the one for whom it is being used. Summakhos, however, says: One may only establish an eiruv tehumin for an Israelite with unconsecrated food.

⁴ It was additionally stated that one may establish an eiruv tehumin for a priest in a beit haperas, a field containing a grave that was plowed over. There is doubt as to the location of bone fragments in the entire area. A priest is prohibited to come into contact with a corpse, and therefore may not enter a beit haperas. Rabbi Yehuda says: An eiruv tehumin may be established for a priest even between the graves in a graveyard, an area which the priest may not enter by Torah law,

⁵ since he can interpose between himself and the graves and go and eat the food that comprises the eiruv without contracting ritual impurity.

⁶ GEMARA: Rabbi Yoḥanan said: One may not learn from general statements, i.e., when a general statement is made in a mishna using the word all, it is not to be understood as an all-inclusive, general statement without exceptions. This is true even in a place where it says the word except. Even in that case, there may be other exceptions to the rule that are not listed.

⁷ The Gemara notes: From the fact that Rabbi Yoḥanan said: Even in a place where it says except, this proves by inference that he was not relating to the general statement made here in the mishna, which uses the word except. To which mishna, then, was he relating when he formulated his principle?

⁸ The Gemara answers: He was relating to a mishna found there: With regard to all time-bound, positive commandments, i.e., mitzvot that can only be performed at a certain time of the day, or during the day rather than at night, or on certain days of the year, men are obligated to perform them and women are exempt. But positive commandments that are not time-bound, both women and men are obligated to perform.

⁹ Is it a general principle that women are exempt from all time-bound, positive commandments without exception? But there is the commandment to eat matza on Passover, the commandment of rejoicing on a Festival, and the commandment of assembly in the Temple courtyard once every seven years during the festival of Sukkot following the Sabbatical Year, all of which are time-bound, positive commandments, and nevertheless, women are obligated to perform them.

¹⁰ Similarly, are women obligated in all positive commandments that are not time-bound? But there is the commandment of Torah study, the commandment to be fruitful and multiply, and the commandment of redemption of the firstborn, all of which are positive commandments that are not time-bound, and nevertheless, women are exempt from them. Rather, Rabbi Yoḥanan said: One may not learn from general statements, even in a place where it says except, because it is always possible that there other exceptions to the rule.

¹¹ Abaye said, and some say it was Rabbi Yirmeya who said: We, too, have also learned a proof for Rabbi Yoḥanan's principle from a mishna: They stated yet another general principle: Anything that is carried upon a zav is ritually impure. And anything on which a zav is carried is ritually pure, except for an object suitable for lying or sitting upon and a human being, which become defiled if a zav is

borne on them. The following objection may be raised: And is there nothing else? But there is an object upon which a person rides that becomes impure, as explained in the Torah itself.

¹² The Gemara first asks: What are the circumstances of an object upon which one rides? If he sat upon it, it is a seat. If not, how does it become defiled? What is there that is suitable for riding upon but does not fall into the category of something upon which one lies or sits? The Gemara answers: We say as follows: There is the upper part of a saddle, which becomes ritually impure as a riding accessory and not as a regular seat. As it was taught in the Tosefta: A saddle upon which a zav sat is impure as a seat of a zav, and the pommel, which is attached to the front of the saddle and used by the rider to maintain his position or to assist in mounting, is impure as a riding accessory. Therefore, we see that the general statement found in the mishna omits that which is suitable for riding upon. Rather, conclude from this that one may not learn from general statements, even in a place where it says except.

¹³ Ravina said, and some say it was Rav Naḥman who said: We, too, have also learned a proof for Rabbi Yoḥanan's principle from the mishna, which states: One may establish an eiruv and merge alleyways with all kinds of food, except for water and salt. And is there nothing else? But there are truffles and mushrooms, which also may not be used for an eiruv because they are not regarded as food. Rather, conclude from this that one may not learn from general statements, even in a place where it says except.

¹⁴ We learned in the mishna: All types of food may be bought with second-tithe money, except for water and salt. Rabbi Eliezer and Rabbi Yosei bar Ḥanina both had the same tradition, but one teaches it with regard to eiruv, and one teaches it with regard to the second tithe.

¹⁵ The Gemara elaborates: One teaches this halakha with regard to the issue of eiruv, as follows: They only taught that one may not establish an eiruv with water or salt in the case of water by itself or salt by itself. But with water and salt together, one may indeed establish an eiruv.

¹⁶ And the other one teaches this halakha with regard to the issue of the second tithe: They only taught that water or salt may not be bought with second-tithe money in the case of water by itself or salt by itself. But water and salt mixed together may indeed be bought with second-tithe money.

¹⁷ The Gemara comments: The one who teaches this law with regard to the second tithe, all the more so would he apply it to an eiruv, i.e., he would certainly maintain that water and salt together are suitable to be used for an eiruv. However, according to the one who teaches this law with regard to an eiruv, it applies only to an eiruv; but with regard to the second tithe, no, it does not apply. What is the reason for this distinction? For the second tithe, we require produce, as stated in the Torah, and even when water and salt are mixed together they do not have the status of produce.

¹⁸ When Rabbi Yitzḥak came from Eretz Yisrael to Babylonia, he taught this law with regard to the second tithe. The Gemara raises an objection from the following baraita: Rabbi Yehuda ben Gadish testified before Rabbi Eliezer: In Father's house they would buy fish brine with second-tithe money. He said to him: Perhaps you only heard this in a case where the fish's innards were mixed with the brine. Since this mixture contains a small portion of the fish, the brine becomes significant enough to be purchased with second-tithe money. And even Rabbi Yehuda ben Gadish only said his statement with regard to brine, which is the fat of produce, i.e., because a certain amount of fish fat, which itself may be purchased with second-tithe money, is mixed in with the brine; but a mixture of water and salt alone may not be bought with it.

¹⁹ In response to this difficulty, Rav Yosef said:

²⁰ Rabbi Yitzḥak's ruling that water and salt mixed together may be bought with second-tithe money was only necessary in a case where one added oil to them. But a mixture of water and salt alone may not be purchased with second-tithe money.

²¹ Abaye said to Rav Yosef: If so, let him derive that the mixture may be bought with second-tithe money because of the oil alone. The Gemara refutes this argument: No, it was necessary for a case in which one paid the value of the water and salt by including it in the payment for the oil. Although ostensibly the money that he paid was for the oil, he added to the price of the oil in order to include payment for the water and salt that were mixed with it.

²² The Gemara asks: But if something may not be bought with second-tithe money, is one permitted to buy it by including it in the payment for something which may be bought with second-tithe money? The Gemara answers: Yes, and so it was taught in the following baraita: Ben Bag Bag says in exposition of the verse: "And you shall bestow that money on all that your heart desires, on oxen, on sheep, on wine, on strong drink, on whatever your soul requests" (Deuteronomy 14:26): "On oxen" teaches that one may buy an ox and include in its price payment for its hide. Although the hide cannot be eaten, it may be bought together with the ox, and it does not acquire the sanctity of the second tithe. "On sheep" teaches that one may buy a sheep and include in its price payment for its fleece, which is used for purposes other than eating. "On wine" teaches that one may buy wine and include in its price payment for its jug. "On strong drink" teaches that one is permitted to buy not only actual wine, but one may buy even mead, water in which grape seeds are soaked, once it has fermented and acquired the flavor of wine.

²³ Having cited ben Bag Bag's exposition of the verse, the Gemara continues: Rabbi Yoḥanan said: Whoever interprets the words "on oxen" for me in accordance with the opinion of ben Bag Bag, I will carry his clothes after him into the bathhouse, i.e., I will honor him to such an extent that I will be prepared to treat him as a servant treats his master.

²⁴ What is the reason for Rabbi Yoḥanan's difficulty? All parts of the verse cited above are necessary, except for the expression "on oxen," which is not necessary. The Gemara clarifies: For what purpose are all the other words necessary? As, if the Torah had written only "on oxen," I might have said that it is only an ox that may be bought together with its hide with second-tithe money because the hide is an inseparable part of its body, and therefore it is not considered an independent entity from its flesh. But as for buying a sheep together with its fleece, which is not an inseparable part of its body because the fleece can be removed from the sheep while it is alive, you might say no, second-tithe money may not be spent in this manner. It was therefore necessary to state "on sheep."

²⁵ And if the Torah had also written "on sheep," teaching that one may buy even a sheep with second-tithe money together with its fleece, I might have said that it is only a sheep that may be bought together with its fleece because the fleece is attached to it, and therefore it is considered part of the animal. But as for buying wine together with its jug, you might say no, second-tithe money may not be spent this way. It was therefore necessary to state "on wine."

²⁶ And if the Torah had also written "on wine," indicating that one may even buy wine together with its jug with second-tithe money, I might still have said that this is because the jug is needed for the wine's preservation, as there is no way to carry wine without some sort of container. But as for mead

that has fermented, which is mere acidity, you might say no, it should not be included among the items that may be bought with second-tithe money. Therefore, the Torah wrote: “On strong drink.”

²⁷ The necessity of each word much be proven in the opposite order as well. And if the Torah had only written “on strong drink,” I might have said: What is meant by strong drink? Dried figs from the town of Ke’ila, which are choice and juicy figs that can have an intoxicating effect. They are therefore considered produce and not merely mead. But as for buying wine together with its jug, you might say no, this may not be done with second-tithe money, and therefore it was necessary to state “on wine.”

²⁸ And if the Torah had also written “on wine,” indicating that one may buy even wine together with its jug with second-tithe money, I might have said that this is because the jug is needed for the wine’s preservation. But as for buying a sheep together with its fleece, you might say no, this may not be done with second-tithe money. Therefore, the Torah stated “on sheep,” to teach that a sheep may be bought with second-tithe money even together with its fleece.

²⁹ If so, why do I need the words “on oxen”? If one may purchase a sheep together with its fleece with second-tithe money, it should certainly be permitted to buy an ox together with its hide. And if you say that if the Torah had not written “on oxen,” I might have said that a sheep together with its hide, yes, it may be bought with second-tithe money, but together with its fleece, no, it may not be bought; therefore, the Torah wrote “on oxen,” to include its hide, and so “on sheep” remains available for interpretation to include its fleece, i.e., that a sheep may be bought even together with its fleece. Therefore, the words “on oxen” are necessary, for without them I would have understood “on sheep” differently.

³⁰ This argument can, however, be refuted: Even if the Torah had not written “on oxen,” I would not have said that a sheep together with its hide, yes, it may be bought with second-tithe money, but together with its fleece, no, it may not. For if it were so, the Torah should have written “on oxen,” in which case the words “on sheep” would remain available for interpretation. “On sheep” can be explained in two ways, both in reference to its hide as well as in reference to its fleece. Had the Torah wanted to teach only that an animal may be bought together with its hide but not with its fleece, it would have written “on oxen” only, which would have left no room for error, as oxen do not have fleece.

³¹ And since the Torah writes “on sheep,” teaching that a sheep may be bought with second-tithe money even together with its fleece, why do I need the words “on oxen”? These words are now entirely superfluous. If a sheep may be bought together with its fleece, is it necessary to state that an ox may be bought together with its hide? This is what Rabbi Yoḥanan meant when he said: Whoever interprets the words “on oxen” for me in accordance with the opinion of ben Bag Bag, I will carry his clothes after him into the bathhouse.

³² The Gemara now returns to the tannaitic disagreement pertaining to buying fish brine with second-tithe money: With regard to what principle do Rabbi Yehuda ben Gadish, and Rabbi Eliezer, and these tanna’im whose views will be cited below, disagree? The Gemara explains: Rabbi Yehuda ben Gadish and Rabbi Eliezer expound the verse based on the principle of amplifications and restrictions, and these tanna’im expound it based on the principle of generalizations and details, which is a different approach to biblical exegesis.

³³ Rabbi Yehuda ben Gadish and Rabbi Eliezer expound the verse based on the principle of amplifications and restrictions. When the verse states: “And you shall bestow the money on all that your heart desires” (Deuteronomy 14:26), it has amplified. When it then states: “On oxen, on sheep, on wine, and on strong drink,” it has restricted its discussion to certain specific items. When it concludes with the phrase: “On whatever your soul requests,” it has once again amplified. According to this exegetical approach, we conclude that since it amplified and restricted and once again amplified, it has amplified the general category to include everything. What has it amplified the category to include? It has amplified the category to include everything. And what has it restricted from inclusion in the category? Only one thing: According to Rabbi Eliezer, it restricted brine from inclusion because brine is not at all similar to the items listed in the verse; according to Rabbi Yehuda ben Gadish, it restricted water and salt.

³⁴ And these other tanna'im expound the verse according to the principle of generalizations and details, as it was taught in a baraita: The phrase: “And you shall bestow the money on all that your heart desires” is a generalization, as no particular type of food is specified. The phrase: “On cattle, on sheep, on wine, and on strong drink” is a detail, as specific types of food are mentioned. When the verse concludes: “On whatever your soul requests,” it has generalized again, as no specific type of food is mentioned. Since the verse is formulated as a generalization, and a detail, and a generalization, you may deduce that the verse is referring only to items similar to the detail. Just as the items mentioned in the detail are clearly defined as the produce of produce, i.e., not only the produce itself but also things that come from it, such as the calf that comes from a cow or grapes from a seed, and they are also things grown from the ground, as all of these items grow from the ground or receive their main sustenance from it, so it includes all things that are the produce of produce and are grown from the ground.

³⁵ And it was taught in another baraita: Just as the items mentioned in the detail are clearly defined as the offspring of the offspring of the earth, i.e., things that come from items that came from the ground, so it includes all things that are the offspring of the offspring of the earth.

³⁶ The Gemara asks: What is the practical difference between these two baraitot? Abaye said: There is a practical difference between them with regard to fish. According to the one who said that we apply the law to that which is the produce of produce and grown from the ground, fish are regarded as having grown from the ground. However, according to the one who said we apply it to that which is the offspring of the offspring of the earth, fish were created from water. Therefore, they are not of the offspring of the earth, and consequently they are not included among the items that may be purchased with second-tithe money.

³⁷ The Gemara asks: Did Abaye say that fish are regarded as having been grown from the ground? Didn't Abaye say the following?

³⁸ If one ate a putita, a certain water insect, he is given four sets of lashes, as he has transgressed four separate negative Torah commandments, two that relate to creeping animals in general and two that relate to water insects in particular. If he ate an ant, he is given five sets of lashes for violating the two general prohibitions and another three negative commandments stated with regard to insects that creep upon the earth. If he ate a hornet, he is given six sets of lashes, for in addition to the prohibitions applying to an ant, he has transgressed a prohibition stated with regard to flying insects. And if it is correct that something that lives in water is considered as growing from the ground, one

who eats a putita should also be given lashes for violating the following prohibition: “And every creeping thing that creeps upon the earth is a detestable thing; it shall not be eaten” (Leviticus 11:41). Rather, fish must certainly not be considered as growing from the ground, and therefore this explanation is to be rejected.

³⁹ Rather, Ravina said: There is a practical difference between the two baraitot with regard to fowl. According to the one who said that one may use second-tithe money only to purchase food which is the produce of produce and grown from the ground, these fowl are also regarded as having grown from the ground. However, according to the one who said that we apply it to that which is the offspring of the offspring of the earth, these fowl were created from mud and not from the ground, and consequently they are not included among the items that may be bought with second-tithe money.

⁴⁰ These two distinct opinions are both based upon the exegetical principle of a generalization and a detail. The Gemara now asks: What is the reason of the one who includes fowl, and what is the reason of the one who excludes fowl?

⁴¹ The Gemara explains: The one who includes fowl holds that when there is a generalization, a detail, and another generalization, the latter generalization is primary. Therefore, the rule is similar to that governing a detail followed by a generalization, which maintains that the generalization is considered an addition to the detail, and all other items are included. However, the first generalization is effective in excluding anything that is not similar to it in two respects, as it is nonetheless a case of a generalization, a detail, and a generalization. Therefore, he excludes anything that does not grow from the ground and is not the produce of produce.

⁴² And the one who excludes fowl holds that the first generalization is primary. Therefore, a generalization, detail, and generalization is similar to a single generalization that is followed by a detail, with regard to which we maintain that the generalization only includes that which is spelled out in the detail. Therefore, with regard to these items mentioned in the verse, yes, one may purchase them with second-tithe money. With regard to something else, no, one may not. However, the latter generalization is effective to include anything that is similar to it in three respects, namely, it is the produce of produce, grows from the ground, and is offspring of the offspring of the earth, to the exclusion of fowl.

⁴³ Rav Yehuda said in the name of Rav Shmuel bar Sheilat, who said in the name of Rav: One may establish an eiruv with cheap and unimportant produce such as cress, purslane, and sweet clover, but one may not establish an eiruv with green grain or with unripe dates.

⁴⁴ The Gemara asks: But may one establish an eiruv with sweet clover? Wasn't it taught in a baraita with regard to sweet clover that those who have many children may eat it, but those without children may not eat it, as it is harmful to one's reproductive capacity; and if it was hardened into seed, i.e., if it became very hard and already fit to be planted, even those who have many children may not eat it? Therefore, we see that it is prohibited to eat sweet clover. How can it possibly be used to establish an eiruv?

⁴⁵ The Gemara answers: Interpret Rav's statement as referring to sweet clover that was not yet hardened into seed, and its use for establishing an eiruv is limited to those who have many children and are therefore permitted to eat it.

⁴⁶ And if you wish, you can say instead that actually, sweet clover is fit for an eiruv even for those without children because it is fit to be eaten by those who have many children. The food used for an eiruv must be edible, but it does not need to be edible for the particular person using it as his eiruv. Didn't we learn in the mishna: One may establish an eiruv for a nazirite with wine, and for an Israelite with teruma? Apparently, these items may be used as an eiruv even though they are not fit for this person, because they are fit for that other person. Here too, even though the sweet clover is not fit for this person, it may be used because it is fit for that other person.

⁴⁷ And if you wish, you can say instead: When Rav said that sweet clover may be used for an eiruv, he was referring to Median clover, which is of superior quality and is not harmful.

⁴⁸ The Gemara considers the continuation of Rav's statement: And may one not establish an eiruv with green grain? Didn't Rav Yehuda say that Rav said: In the case of dodder and green grain, one may establish an eiruv with them; and when eating them one recites the blessing: Who creates the fruit of the ground?

⁴⁹ The Gemara answers: This is not difficult. This first statement, according to which green grain may not be used for an eiruv, was made before Rav came to Babylonia. That second statement was made after Rav came to Babylonia and saw that people there ate green grain, at which point he ruled that it is fit to be used for an eiruv.

⁵⁰ The Gemara asks: Is Babylonia the majority of the world? Laws are established according to the custom prevalent in most of the world. Wasn't it taught in a baraita: In the case of beans, barley, and fenugreek that one planted in order to use as an herb, e.g., as animal fodder, his opinion is rendered irrelevant by the opinions of all other people? Since most people do not act this way, we do not consider this particular person's intention to be significant. Therefore, one is obligated to tithe their seeds, and their herbs are exempt. When one harvests these plants in their green state, before their seeds have matured, they are regarded as not having fully ripened. However, in the case of cress and arugula, which are commonly eaten both in their green state and as seeds, if one planted them in order to use them as herbs, they are tithed both as herbs and as seeds; if one planted them for their seeds, they are tithed as seeds and as herbs, no matter how they are eaten. In any case, the first part of the baraita teaches that the law is determined in accordance with the common custom of most of the world and not with the practice in one particular place.

⁵¹ The Gemara answers: When Rav said that green grain may be used for an eiruv,

⁵² he was referring to the garden variety, which is commonly eaten.

⁵³ Having mentioned arugula seeds, the Gemara asks: For what are they suitable? Generally, only the plant's leaves are eaten. Rabbi Yoḥanan said: The earlier generations, who had no pepper, would crush these seeds and dip their roasted meat in them. Therefore, arugula seeds are also eaten, even though this is not their typical use.

⁵⁴ The Gemara relates that when Rabbi Zeira was exhausted from his studies, he would go and sit at the entrance to the academy of Rav Yehuda bar Ami, and say: When the Sages go in and out, I shall stand up before them and receive reward for honoring them, as it is a mitzva to honor Torah scholars. Too tired to engage in actual Torah study, he sought a way to rest while fulfilling a different mitzva at the same time.

⁵⁵ Once, a young school child was leaving the study hall. Rabbi Zeira said to him: What did your teacher teach you today? He said to him: The proper blessing for dodder is: Who creates the fruit of the ground; the proper blessing for green grain is: By Whose word all things came to be. Rabbi Zeira said to him: On the contrary, the opposite is more reasonable, as this, the green grain, derives nourishment from the ground, whereas that, the dodder, derives nourishment from the air, and it is fitting to recite a blessing over each item in accordance with its source of nourishment.

⁵⁶ The Gemara concludes: The halakha is in accordance with the young school child. What is the reason for this? This, the dodder, is fully ripened produce, and that, green grain, is not fully ripened produce. If produce is not fully ripened one can only recite the blessing: By Whose word all things came to be. And that which you said: This, the green grain, derives nourishment from the ground, whereas that, the dodder, derives nourishment from the air, this is not so. Dodder also derives nourishment from the ground, for we see that when the prickly shrub is cut off, the dodder attached to it dies. This shows that dodder also derives its nourishment from the ground, albeit indirectly.

⁵⁷ The Gemara now considers the next part of Rav's statement: And is it correct that one may not establish an eiruv with unripe dates? Wasn't it taught in a baraita: Heart of palm, the soft, edible inner core of a palm tree, may be bought with second-tithe money; but it does not contract the ritual impurity of foods, as it is not actually a food, but rather a part of the tree itself. And unripe dates may be bought with second-tithe money, and they even contract the ritual impurity of foods.

⁵⁸ Rabbi Yehuda says this somewhat differently: Heart of palm is like a tree in all its legal aspects, except that it may be bought with second-tithe money, as it is edible. And unripe dates are like fruit in all regards, as they are actual fruit, except with respect to one characteristic, which is that they are exempt from tithes because they are not yet fully ripened.

⁵⁹ The Gemara answers: There, the baraita is referring to the fruit of palms that never fully ripen. They are therefore regarded as full-fledged fruit even in their unripe state. Rav, however, was referring to the fruit of palms, which eventually ripen. Their unripe state is merely a transitional stage in their development.

⁶⁰ The Gemara asks: If so, would Rabbi Yehuda say with regard to this that they are exempt from tithes? Wasn't it taught in a baraita that Rabbi Yehuda said: The unripe figs of the place called Beityoni were only mentioned with regard to tithes, as it was stated: In the case of the unripe figs of Beityoni, and the unripe dates of the place called Tuvina, one is obligated to tithe them even though they never ripen, since they are considered full-fledged fruit in all respects?

⁶¹ Rather, say as follows: Actually, the baraita is not referring to the fruit of palms that never fully ripen, but rather to the fruit of palms that eventually ripen. However, the halakha pertaining to the ritual impurity of foods is different, and an item's status as a food with regard to the impurity of foods cannot be brought as proof of its status as a food with regard to an eiruv. As Rabbi Yoḥanan said elsewhere: Since they are fit to be sweetened through cooking with fire, they are regarded as food for the purpose of tithes; here too, we can say: Since they are fit to be sweetened through cooking with fire, unripe dates are fit to contract the impurity of foods. However, with regard to an eiruv, we require food that is ready for consumption, and something that can be prepared to become food is not sufficient.

⁶² The Gemara asks: Where was this comment of Rabbi Yoḥanan originally stated? The Gemara answers: It was stated on this ruling, which was taught in a baraita: One is obligated to tithe bitter

almonds while they are still small and green, as they are fit to be eaten while still undeveloped. When they are large, however, one is exempt from tithing them, as they are no longer edible. One is obligated to tithe sweet, large almonds, whereas one is exempt from tithing small ones, as they have not yet fully ripened. Rabbi Shimon, son of Rabbi Yosei, said in the name of his father: One is exempt from tithing both this and that, large and small bitter almonds. And some say that he said in the name of his father: One is obligated to tithe both this and that. Rabbi Ila said: Rabbi Ḥanina ruled in Tzipori in accordance with the one who said: One is exempt from tithing both this and that.

⁶³ The Gemara asks: According to the view of the one who said one is obligated to tithe both this and that, for what are large, bitter almonds suitable? Rabbi Yoḥanan said: Since these almonds are fit to be sweetened and made edible through cooking with fire, they are regarded as food for the purpose of tithes.

⁶⁴ The Gemara further examines the baraita cited earlier. The Master said that Rabbi Yehuda says: Heart of palm is like a tree in all its legal aspects, except that it may be bought with second-tithe money. The Gemara asks: Rabbi Yehuda's opinion is identical to that of the first tanna.

⁶⁵ Abaye said: There is a practical difference between them in a case where one boiled or fried the heart of palm. According to Rabbi Yehuda, it does not contract the ritual impurity of foods even if it was boiled or fried, whereas the first tanna holds that in that case it does contract impurity.

⁶⁶ Rava strongly objects to this: Is there really anyone who said that even if one boiled or fried it, it does not contract the ritual impurity of foods? Wasn't it taught in a baraita: The hide and the placenta of an animal, which people do not typically eat, do not contract the ritual impurity of foods; however, a hide that one boiled until it became edible and a placenta that one intended to eat do contract the impurity of foods? This indicates that even something not originally fit to be eaten contracts the impurity of foods once it has been boiled or fried, and the same should apply to heart of palm according to all opinions.

⁶⁷ Rather, Rava said: There is a practical difference between them with regard to the blessing that must be recited prior to eating, for it was stated that the amora'im disagreed about the blessing recited over heart of palm: Rav Yehuda said the appropriate blessing is: Who creates the fruit of the ground. And Shmuel said the appropriate blessing is: By Whose word all things came to be.

⁶⁸ The Gemara explains the two opinions: Rav Yehuda said the appropriate blessing is: Who creates the fruit of the ground, as it is food. Since heart of palm is edible it is called a fruit, and we recite a blessing over it in the manner of all fruits. And Shmuel said the appropriate blessing is: By Whose word all things came to be. Since it will eventually harden and become like an inedible tree, we do not recite over it the blessing: Who creates the fruit of the ground, as it will eventually lose the status of a fruit.

⁶⁹ Shmuel said to Rav Yehuda: Shinnana, your opinion is reasonable, as a radish will eventually harden, and yet we recite over it the blessing: Who creates the fruit of the ground.

⁷⁰ The Gemara comments: But it is not so, because people plant radish with the intention of eating it while it is soft; but people do not plant palm trees with the intention of eating heart of palm. Therefore, heart of palm is not considered the fruit of the palm, but rather food extracted from it, over which only the following blessing should be recited: By Whose word all things came to be. And

the Gemara concludes: Even though Shmuel praised Rav Yehuda, the halakha is in accordance with the opinion of Shmuel.

⁷¹ The Gemara now examines the matter itself cited in the previous discussion in the name of Rav. Rav Yehuda said that Rav said with regard to dodder and green grain: One may establish an eiruv with them, and when eating them one recites the blessing: Who creates the fruit of the ground. The Gemara asks: How much dodder must be used to establish an eiruv? The Gemara answers: As Rav Yehiel said with regard to a similar issue: A handful. Here, too, the measure is a handful.

⁷² Similarly, how much green grain is needed to establish an eiruv? Rabba bar Toviya bar Yitzhak said that Rav said: A full farmers' bundle.

⁷³ Rav Hilkia bar Toviya said: One may establish an eiruv with glasswort. The Gemara expresses astonishment: Does it enter your mind that one may establish an eiruv with glasswort? People do not eat glasswort. Rather, one may establish an eiruv with the herb from whose ashes glasswort is prepared, as it is fit for human consumption before it is burnt. And how much of it is needed to establish an eiruv? Rav Yehiel said: A handful.

⁷⁴ The Gemara relates that Rabbi Yirmeya once went out to visit certain villages, and the villagers asked him: What is the halakha with regard to establishing an eiruv with moist beans? He did not have an answer for them. When he came to the study hall, they said to him: This is what Rabbi Yannai said: One may establish an eiruv with moist beans. And how much is needed for that purpose? Rav Yehiel said: A handful.

⁷⁵ Rav Hamnuna said: One may also establish an eiruv with raw beets. The Gemara raises a difficulty: Is that so? Didn't Rav Hisha say: Raw beet kills a healthy person, which indicates that beets are unhealthy and should therefore be unfit for establishing an eiruv?

⁷⁶ The Gemara answers: That is referring to a beet that was only partially cooked, which is dangerous.

⁷⁷ There are some who say that Rav Hamnuna said: One may not establish an eiruv with raw beets, as Rav Hisha said: Raw beet kills a healthy person. The Gemara asks: Don't we see people eating it and they do not die? The Gemara answers: There, it is referring to a beet that was only partially cooked, which is dangerous.

⁷⁸ Rav Hisha said: A cooked dish of beets is beneficial for the heart, good for the eyes, and all the more so beneficial for the intestines. Abaye said: That is specifically when the dish sits on the stove and makes a tukh tukh sound, i.e., it is cooked thoroughly enough to produce a boiling sound.

⁷⁹ Rava once said when he was in an especially good mood: Behold, I am like the intellectually sharp ben Azzai, who would regularly expound in the markets of Tiberias. I, too, am ready to answer any question posed to me. One of the Sages said to Rava: How many apples are needed to establish an eiruv? Rava said to him: Does one establish an eiruv with apples?

⁸⁰ The other Sage responded: And is it not permissible to establish an eiruv with them? Didn't we learn in a mishna: All foods combine to disqualify the body of a priest who eats half of a half-loaf of ritually impure food, and to complete the measure of food required for two meals for the purpose of an eiruv, and to complete the measure of an egg-bulk required for a food to be able to contract the ritual impurity of foods? An apple is a kind of food, so it should be included in the items that may be used to establish an eiruv.

⁸¹ The Gemara asks: And what is the refutation? If you say it is because it was taught using the term all foods, and these apples are fit for eating, how can an objection be raised from such a general term? Didn't Rabbi Yoḥanan already say: One may not learn from general statements using the word all, even in a place where it says except, since no rule exhausts all cases?

⁸² Rather, it is because it taught: And all foods combine to complete the measure of food required for two meals for the purpose of an eiruv, and to complete the measure of an egg-bulk to contract the ritual impurity of foods; and these apples are also susceptible to the ritual impurity of foods. Therefore, there is clear proof that the mishna is referring to apples as well.

⁸³ Having established that an eiruv may be established with apples, the Gemara returns to the question raised above: How many apples are needed to establish an eiruv? Rav Naḥman said: The minimum measure of apples that must be used for an eiruv is a kav.

⁸⁴ The Gemara raises an objection from a baraita: Rabbi Shimon ben Elazar says: When distributing poor man's tithe, one must give each individual poor person at least an ukla, an eighth of a log, of spices, a liter of vegetables, ten nuts, five peaches, two pomegranates, or one citron, as these are worthy amounts for distribution. And Gursak bar Darei said in the name of Rav Menashya bar Sheguvlei, who said in the name of Rav: And similarly, this is the halakha with regard to an eiruv. Now, it can be asked: These apples should also be like peaches, as they are similar in size, and it should be enough to use five apples for an eiruv.

⁸⁵ The Gemara answers that there is a distinction between them: These peaches are important, and therefore five of them are a significant amount, but these apples are not important, and therefore one must use the larger measure of a kav.

⁸⁶ Rav Yosef said: May his Master, God, forgive Rav Menashya bar Sheguvlei, for he erred and caused others to err. I stated before him a ruling in the name of Rav concerning a mishna, and he stated it concerning the baraita, which led to the error. As we learned in a mishna: One may not give a pauper receiving poor man's tithe at the threshing floor less than half a kav of wheat or less than a kav of barley. Rabbi Meir says: He must be given at least half a kav of barley. Similarly, he must be given no less than a kav and a half of spelt, a kav of dried figs, or a maneh of pressed figs. Rabbi Akiva says: Not a maneh, but half a maneh. He must be given at least half a log of wine. Rabbi Akiva says: Half that amount, a quarter log. And similarly, he must be given a quarter log of oil. Rabbi Akiva says: Half that amount, an eighth of a log. And with regard to all other fruit, Abba Shaul said: He must be given enough to sell them and buy food that suffices for two meals with the proceeds of their sale. And with regard to this mishna, Rav said: And similarly, this is the halakha with regard to an eiruv.

⁸⁷ The Gemara poses a question with regard to Rav Yosef's harsh reaction to Rav Menashya bar Sheguvlei's statement: What is the strength of this over that? The mishna and baraita seem to share the same content, so why should Rav's ruling be more applicable to one than the other? If you say it is because the halakha with regard to spices was also taught in this baraita, and spices are not fit for eating on their own but only when added as a flavoring to other foods, and therefore Rav could not have been referring to the baraita when he said that the same law applies to an eiruv; wasn't the halakha with regard to wheat and barley taught here in the mishna, and they too are not immediately fit for eating until they are processed further.

⁸⁸ Rather, it is because it was taught in the mishna that one must give half a log of wine. And Rav said: One may establish an eiruv with two-quarters of a log of wine, which is equal to half a log. Since we require so much wine, learn from here that when Rav said: And similarly, this is the halakha with regard to an eiruv, he said it about this mishna and the measures mentioned therein. The Gemara concludes: Indeed, conclude from this that this is the proper understanding of Rav's statement.

⁸⁹ The Gemara further examines the mishna cited earlier. The Master said: And all foods combine to complete the measure of food required for two meals for the purpose of an eiruv. Rav Yosef thought to say that an eiruv may not be established unless there is a complete meal of this kind of food and a complete meal of that kind of food, meaning that an eiruv may only be established if each meal consists of a single type of food. Rabba said to him: An eiruv may be established with the amount of food required for two meals even if each type of food made up only half, a third, or a quarter of a meal.

⁹⁰ The Gemara now examines Rav's statement itself, which was cited in the course of the previous discussion. Rav said: One may establish an eiruv with two-quarters of a log of wine. The following question may be raised: Do we really need so much? Wasn't it taught in a baraita that Rabbi Shimon ben Elazar says: The minimal amount of wine required for an eiruv is enough to eat bread with it, i.e., enough to soak the bread in to enable one to eat it? Additionally, the minimal amount of vinegar that may be used to establish an eiruv is enough to dip the food in it, and the minimal amount of olives and onions is enough to eat them together with the bread. All of these quantities are calculated on the basis of two meals. This baraita clearly indicates that an eiruv may be established with much less than two-quarters of a log of wine.

⁹¹ The Gemara answers: There, the baraita is referring to cooked wine, which is very strong, and therefore even a small amount suffices.

⁹² The Master said in the baraita that the minimal amount of vinegar that may be used for an eiruv is enough to dip food in it. Rav Giddel said that Rav said: Enough to dip in it the food of two meals consisting of vegetables. Some say that Rav Giddel said that Rav said: Enough to dip in it the vegetables that are eaten in two ordinary meals, which is less than the amount consumed in two meals consisting entirely of vegetables.

⁹³ The Master also said that the minimum measure of olives and onions that may be used for an eiruv is enough to eat them with the food of two meals. The Gemara asks: May one establish an eiruv with onions? Wasn't it taught in a baraita that Rabbi Shimon ben Elazar said: Rabbi Meir once spent Shabbat in the town of Ardiska, and a certain person came before him and said to him: Rabbi, I made an eiruv of Shabbat borders [eiruv tehumin] with onions, so that I might walk to the town of Tiv'in. Ardiska was located between the man's eiruv and his destination of Tiv'in, which was beyond his Shabbat limit as measured from his hometown. And Rabbi Meir made him remain within his four cubits. He forbade him to leave his four cubits, as he held that an eiruv made with onions is not an eiruv, and therefore the person had left his Shabbat limit without an eiruv tehumin.

⁹⁴ The Gemara answers: This is not difficult. This ruling, which states that onions may not be used for an eiruv, is referring to onion leaves, which are harmful; whereas that ruling, which states that onions may be used for an eiruv, is referring to onion bulbs, which are edible. As it was taught in a baraita: If one ate an onion and died early the next morning, we need not ask from what he died, as

his death was certainly caused by the onion. And Shmuel said: They only taught this with regard to the leaves; but with regard to onion bulbs, we have no problem with it. And even with regard to the leaves, we only stated this concern

⁹⁵ in a case where the bulb has not grown to the size of a span, the distance between the thumb and the little finger of a hand that is spread apart, because at that stage the leaves are very toxic; however, if it has grown to the size of a span, we have no problem with it.

⁹⁶ Rav Pappa said: We only stated this concern about eating onion leaves in a case where one did not drink beer afterward; however, if he drank beer afterward, we have no problem with it.

⁹⁷ The Sages taught in a baraita: A person should not eat onion because of the toxins in it. There was an incident with Rabbi Ḥanina, who ate half an onion and half of its toxins, and he fell deathly ill, and his colleagues prayed for mercy for him, and he survived. He was rescued only because the time needed him, as his generation was in need of his teaching, but otherwise he would not have recovered.

⁹⁸ Rabbi Zeira said that Shmuel said: One may establish an eiruv with beer, and it invalidates a ritual bath with a measure of three log, similar to drawn water. Rav Kahana strongly objects to this: This is obvious, for what is the difference between this and dye-water? As we learned in a mishna that Rabbi Yosei says: Dye-water invalidates a ritual bath with a measure of three log, like regular drawn water. They said: There is a difference between the two cases, as there, the liquid is called dye-water; here, it is called beer. Therefore, it might have been possible to argue that beer is not considered like water at all, in which case it would only invalidate a ritual bath if it changed the color of the water, and so Shmuel's novel teaching was necessary.

⁹⁹ The Gemara asks: And how much beer is needed to establish an eiruv? Rav Aḥa, son of Rav Yosef, thought to say before Rav Yosef as follows: Two-quarters of a log of beer. Rav Aḥa's reasoning is now spelled out in detail. As we learned in a mishna: If one carries out wine on Shabbat from a private domain to a public domain, he is liable if he carries out enough wine for diluting a cup, i.e., enough undiluted wine to fill a cup after it has been diluted with water. And a baraita was taught about this mishna: Enough wine for diluting a fine cup. They inquired: What is meant by a fine cup? They answered: A cup of blessing. And Rav Naḥman said that Rabba bar Avuh said: A cup of blessing must contain a quarter of a quarter-log of wine, so that after one dilutes the wine with water, it amounts to a full quarter-log. And this measure is in accordance with the statement of Rava with regard to the strength of wine, as Rava said: Any wine that is not strong enough to require that it be diluted with three parts water to one part wine is not proper wine.

¹⁰⁰ And we learned in the latter clause of the aforementioned mishna: And one is liable for carrying out all other liquids, and similarly all waste water, in the measure of a quarter-log. Now, Rav Aḥa argues as follows: Since there, with respect to liability for carrying on Shabbat, the ratio is one to four, as one is liable for carrying out a quarter of a quarter-log of wine, and one is only liable for carrying out other liquids if one carries out a quarter-log; here, too, with respect to making an eiruv, the ratio of one to four should be maintained. Therefore, since Rav said that two-quarters of a log of wine are required for an eiruv, the minimum amount of beer one may use should be two full log.

¹⁰¹ The Gemara rejects this argument: And this is not so. There, with regard to carrying on Shabbat, we require four times as much beer as wine because less than that amount, i.e., less than a quarter-log of beer, is insignificant. However, here, with regard to establishing an eiruv, this is not relevant, as it

is common for people to drink a cup of beer in the morning and a cup of beer in the evening, and they rely on them as their meals, as beer is satisfying even in such quantities. Therefore, we should require only two-quarters of a log of beer for an eiruv.

¹⁰² The Gemara asks: How many dates are needed to establish an eiruv? Rav Yosef said: The minimal amount of dates one may use is a kav. Rav Yosef said: From where do I say this halakha? As it was taught in a baraita: If one inadvertently ate dried figs of teruma, and paid dates in compensation, may a blessing come upon him.

¹⁰³ The Gemara proceeds to clarify this ruling: What are the circumstances of this case? If you say that one paid according to the value of the figs he ate, e.g., he ate a zuz worth of figs and he paid a zuz worth of dates, what is the reason it says: May a blessing come upon him? He ate a zuz and paid a zuz. Rather, is it not that he paid in accordance with the measure of the figs eaten, e.g., that he ate a se'a of dried figs worth one zuz, and he paid a se'a of dates worth four zuz. And it says: May a blessing come upon him. Apparently, dates are superior to dried figs. Accordingly, since we learned above that one may establish an eiruv with a kav of dried figs, a kav of dates should certainly suffice for the purpose of an eiruv.

¹⁰⁴ Abaye said to Rav Yosef: No proof can be brought from here. It can be argued that he actually ate a zuz worth of figs and he paid a zuz worth of dates. And what is the reason it says: May a blessing come upon him? For he ate something that buyers are not eager to buy, and he paid him something that buyers are eager to buy. Even though they are equal in value, the priest benefits, for it is easier for him to sell dates than to sell dried figs.

¹⁰⁵ With regard to shetita, a dish made of roasted flour and honey, Rav Aḥa bar Pineḥas said: Two large spoonfuls are needed for an eiruv. With regard to kisanei, a type of roasted grain, Abaye said: Two Pumbeditan bunei, the name of a particular of measurement.

¹⁰⁶ Having mentioned roasted grain, the Gemara tangentially relates that Abaye said: Mother, actually his foster mother, told me: These roasted grains are good for the heart and drive away worrisome thoughts.

¹⁰⁷ And Abaye said: Mother told me about another remedy. One who suffers from weakness of the heart should go and bring the meat of the right thigh of a ram, and also bring the dung of grazing cattle from the month of Nisan, and if there is no cattle dung he should bring willow twigs, and then roast the meat on a fire made with the dung or twigs, and eat it, and drink afterward some diluted wine. This will improve his condition.

¹⁰⁸ Returning to the matter of quantities of food required for an eiruv, Rav Yehuda said that Shmuel said: The minimum quantity for anything that serves as a relish is enough to eat two meals with it, i.e., enough to serve as a relish for the bread eaten in two meals. And with regard to anything that is not a relish, but rather is a food in its own right, one must use enough to eat two meals of it. The minimum quantity of raw meat is enough to eat two meals of it. Roasted meat is the subject of a dispute: Rabba said: Enough to eat the bread of two meals with it. That is to say, roasted meat is not a food in itself, but rather it serves as relish for other foods. And Rav Yosef said: Enough to eat two meals of it, as it is a food in its own right.

¹⁰⁹ Rav Yosef said: From where do I say this halakha? For these Persians eat pieces of roasted meat [tabahakki] without bread, which shows that meat itself is a food. Abaye said to him: But are the

Persians a majority of the world? The halakha follows the customary practice of most of the world and not that of particular locales. Didn't we learn the following in a baraita? Clothing of the poor, i.e., pieces of cloth measuring three by three fingerbreadths, contracts impurity when in the possession of any poor people because poor people attach importance even to scraps of cloth of such small size. Clothing of the wealthy measuring at least three by three handbreadths contracts impurity in all cases, whether or not it is owned by the wealthy.

¹¹⁰ But the clothing of the wealthy does not need to be three by three handbreadths in order to become ritually impure for the poor because even smaller pieces of cloth are significant for the poor. Therefore, the law with regard to the poor is not determined by the customary practice of the rich. So too, the law of eiruv pertaining to the rest of the world should not be determined by the customary practice of the Persians to eat roasted meat as a food in itself.

¹¹¹ And if you say: Both here the ruling is stringent, and there the ruling is stringent, i.e., with regard to ritual impurity the halakha is stringent with respect to the poor and declares scraps of cloth that are only three by three fingerbreadths impure, but with regard to eiruv the halakha requires enough roasted meat to suffice for two meals as a food in its own right, in accordance with the practice of the Persians, then there is a difficulty: Wasn't it taught in a baraita that Rabbi Shimon ben Elazar says: One may establish an eiruv for an ill or elderly person with an amount of food that is enough for him for two meals, and if he eats less than the average person due to his sickness or age, a smaller amount of food is required in order to establish an eiruv on his behalf; however, for a glutton, we do not require food in an amount that would satisfy him but merely enough food for two meals measured according to an average meal for the typical person? This indicates that the halakha with respect to an eiruv is lenient and not stringent. The Gemara concludes: Indeed, this is difficult.

¹¹² The Gemara raises a difficulty with the aforementioned baraita: Did Rabbi Shimon ben Elazar really say this? Wasn't it taught in another baraita pertaining to the laws of ritual impurity that Rabbi Shimon ben Elazar says: Og, king of the Bashan, or any similar giant, requires an opening as big as his full size? If a person dies in a house and it is not clear how his corpse will be removed, all of the openings in the house are considered ritually impure, as the corpse might be carried out through any one of them. If the corpse can fit through some of the openings but not through others, only the larger openings are ritually impure. Rabbi Shimon ben Elazar says that in the case of a giant the size of Og, king of the Bashan, one opening can only prevent the others from contracting impurity if it is large enough for Og's corpse to fit through. This indicates that the law is determined by the measure of each particular person and not by some general measure.

¹¹³ The Gemara asks: And what does Abaye say? How does he reconcile his position with regard to an eiruv, which maintains that we follow the customary practice of most of the world and not that of particular locales, with Rabbi Shimon ben Elazar's ruling with regard to the corpse of a giant? The Gemara answers: There, in the case of a giant, what should we do? Should we cut the corpse into pieces and carry it out? We have no choice but to carry it out through an opening large enough for the corpse to pass through. However, in the case of the food for the two meals of an eiruv, there is no such logistical constraint, and the law should be determined in accordance with the usual practice.

¹¹⁴ A dilemma was raised before the Sages: Do the Rabbis disagree with Rabbi Shimon ben Elazar, or not? Come and hear a proof from that which Rabba bar bar Ḥana said that Rabbi Yoḥanan said: Og, king of the Bashan, requires an opening of four handbreadths in order to save the other openings

in the house from becoming ritually impure. This indicates that the Rabbis disagree with Rabbi Shimon ben Elazar.

¹¹⁵ The Gemara rejects this proof: There, we are dealing with a case where there are many small openings, and there is only one that is four handbreadths wide. Therefore, it may be assumed with certainty that when one widens one of the openings in order to remove the corpse from the house, he will widen that opening. Consequently, that opening is ritually impure while the others are not. However, if all the openings in the house are equal in size, they are all ritually impure, as we cannot know through which opening the corpse will be carried out.

¹¹⁶ Returning to the laws of eiruv, Rav Ḥiyya bar Rav Ashi said that Rav said: One may establish an eiruv with raw meat because it can be eaten when necessary, even though it is not ordinarily regarded as food. Rav Shimi bar Ḥiyya said: One may also establish an eiruv with raw eggs. The Gemara asks: How many eggs are required for an eiruv? Rav Naḥman bar Yitzḥak said: One. Sinai, a nickname of Rav Yosef, said: Two.

¹¹⁷ We learned in the mishna: One who vows that nourishment is prohibited to him is permitted to eat water and salt. The Gemara infers from this: It is only salt and water that are not considered nourishment, but all other food items are considered nourishment. Let us say that this is a refutation of the position of Rav and Shmuel. As it was Rav and Shmuel who both said: One only recites the blessing: Who creates the various kinds of nourishment, over the five species of grain alone, but not over other types of food.

¹¹⁸ The Gemara asks a question: Did we not already refute their position on one occasion from a different source? The Gemara answers: Indeed, we already refuted their view, but let us say that there is a refutation of their position from here as well.

¹¹⁹ Rav Huna said: We can resolve the difficulty from the mishna by saying that it is referring to someone who vows and says: Anything that nourishes is prohibited to me. In that case, it is water and salt that are permitted to him, as they do not nourish, but all other food items are prohibited, as they do nourish. This inclusive formulation includes anything that provides even a small degree of nourishment; but the particular term *mazon*, nourishment or sustenance, used in the blessing over food, is reserved only for the five species of grain.

¹²⁰ The Gemara asks: Didn't Rabba bar bar Ḥana say: When we were following Rabbi Yoḥanan to eat of the fruits of Genosar, very sweet fruits that grow in the region of the Sea of Galilee, when we were a group of a hundred people, each and every person would take ten fruits; and when we were a group of ten, each and every person would take a hundred fruits for him. And each hundred of these fruits could not fit into a three-se'a basket. And Rabbi Yoḥanan would eat them all and then say: I swear that I have not yet tasted something that nourishes. Didn't we say that only water and salt are excluded from the category of things that nourish? The Gemara corrects the rendition of the story: Say that he said as follows: I have not tasted sustaining food, but fruit is certainly considered something that nourishes.

¹²¹ Rav Huna said that Rav said: If one said: I swear that I shall not eat this loaf, one may nonetheless establish an eiruv for him with it because the food used for an eiruv does not have to be edible for the particular individual the eiruv services. However, if one said: This loaf shall be forbidden to me, one may not establish an eiruv for him with it, as this formulation indicates that he is prohibiting himself to use or benefit from the loaf in any manner.

¹²² The Gemara raises an objection based upon the following baraita: With regard to one who vows not to benefit from a loaf, one may nonetheless establish an eiruv for him with it. What, is it not referring to one who said: This loaf shall be forbidden to me? The Gemara answers: No, the baraita is only referring to a case where he said: I swear that I shall not eat this loaf.

¹²³ The Gemara comments: So too, it is reasonable to understand the baraita in this fashion, as it was taught in the latter clause: When do we apply this halakha? Only when one said: I swear that I shall not taste it.

¹²⁴ The Gemara asks: But if he said: This loaf shall be forbidden to me, what is the halakha? So too, one may not establish an eiruv for him with it. But if so, there is a difficulty. Instead of teaching in the continuation of the baraita that if one said: This loaf is consecrated property, one may not establish an eiruv for him with it, as one may not establish an eiruv with consecrated objects, let him make an internal distinction in the case of a non-sacred loaf itself and state: In what case is this statement said? Only where one said: I swear that I shall not eat this loaf. But if one said: This loaf shall be forbidden to me, one may not establish an eiruv for him with it. This indicates that Rav Huna's understanding of the baraita is incorrect.

¹²⁵ Rav Huna could have said to you: Rather, what would you say, that wherever one said: This loaf shall be forbidden to me, one may establish an eiruv for him with it? If so, there is a difficulty from the first clause of the baraita, which states: When do we say this? Only when one said: I swear that I shall not taste it. That indicates that if one said: This loaf shall be forbidden to me, one may not establish an eiruv for him with it.

¹²⁶ The Gemara answers that the baraita is incomplete, and it teaches the following: With regard to one who vows not to benefit from a loaf, one may nonetheless establish an eiruv for him with it. And even if one said: This loaf shall be forbidden to me, it is as though he said: I swear that I shall not taste it. Therefore, the loaf itself is only forbidden to him as food, but he can use it for the purpose of an eiruv.

¹²⁷ The Gemara comments: Nevertheless, the difficulty remains according to the opinion of Rav Huna. The Gemara answers: He stated his view in accordance with the opinion of Rabbi Eliezer; as it was taught in a baraita that Rabbi Eliezer says: If one said: I swear that I shall not eat this loaf, one may establish an eiruv for him with it; but if he said: This loaf shall be forbidden to me, one may not establish an eiruv for him with it.

¹²⁸ The Gemara asks: Did Rabbi Eliezer really say this? Wasn't it taught in a baraita: This is the principle: With regard to a person who prohibits himself from eating a particular food, e.g., if one said: I swear that I shall not eat this loaf, one may establish an eiruv for him with that loaf. However, if the food was prohibited to a person, e.g., if he said: This loaf shall be forbidden to me, one may not establish an eiruv for him with it. Rabbi Eliezer says: If he said: This loaf shall be forbidden to me, one may establish an eiruv for him with it. However, if he said: This loaf is consecrated property, one may not establish an eiruv for him with it, as one may not establish an eiruv for him with consecrated objects. Therefore, Rabbi Eliezer does not distinguish between the two differently worded types of vows, but between a vow and consecration.

¹²⁹ The Gemara answers: It must be explained that these are two tanna'im who both held according to Rabbi Eliezer. Two later tanna'im disagreed with each other in reporting Rabbi Eliezer's opinion.

¹³⁰ We learned in the mishna: One may establish an eiruv for a nazirite with wine and for an Israelite with teruma, even though they themselves may not partake of these foods. The Gemara comments: The mishna was not taught in accordance with the opinion of Beit Shammai, as it was taught in a baraita that Beit Shammai say: One may not establish an eiruv for a nazirite with wine and for an Israelite with teruma. Beit Hillel disagree and say: One may establish an eiruv for a nazirite with wine and for an Israelite with teruma. Beit Hillel said to Beit Shammai: Do you not concede

¹³¹ that one may establish an eiruv for an adult even on Yom Kippur, despite the fact that he may not eat on Yom Kippur? It must be because eating is permitted to a minor.

¹³² Beit Shammai said to them: Indeed [aval], it is so. Beit Hillel said to them: Just as one may establish an eiruv for an adult on Yom Kippur, so too, one may establish an eiruv for a nazirite with wine and for an Israelite with teruma.

¹³³ And how do Beit Shammai explain the difference between these cases? The Gemara explains: There, with regard to Yom Kippur, there is at least a meal that was fit to be eaten by that person while it was still day, on the eve of Yom Kippur. Here, in the cases of wine for a nazirite and teruma for an Israelite, there is no meal that was fit to be eaten by them while it was still day, on Friday.

¹³⁴ The Gemara asks: In accordance with whose opinion was that entire baraita stated? It was not taught in accordance with the opinion of Ḥananya, as it was taught in another baraita that Ḥananya says: The whole view of Beit Shammai, i.e., their fundamental position, was that they did not concede to the very possibility of joining Shabbat borders [eiruv teḥumin] by simply placing food in a particular location. Rather, they hold that one's Shabbat residence remains the same until he literally moves his residence, such as if he carries out his bed and his utensils to there, to a new location.

¹³⁵ The Gemara asks: In accordance with whose opinion is the ruling that was taught in the following baraita: If one established an eiruv in black clothing, and Shabbat commenced while he was still dressed those clothes, he may not go out in white clothing. If one established the eiruv while dressed in white, he may not go out in black. According to whose opinion is this halakha? Rav Naḥman bar Yitzḥak said: It is the opinion of Ḥananya, and it is in accordance with the opinion of Beit Shammai.

¹³⁶ The Gemara asks: And according to the opinion of Ḥananya, is it with black clothing that he may not go out, but in white clothing he may go out? Didn't Ḥananya say that according to Beit Shammai an eiruv is not effective at all until one carries out his bed and his utensils to the place he wishes to establish as his residence? The Gemara answers: The wording of the baraita must be emended and this is what it said: If one established an eiruv while dressed in white clothing, and he needed black clothing but did not have it with him, he may not go out even in white clothing. In accordance with whose opinion was this baraita taught? Rav Naḥman bar Yitzḥak said: It is the opinion of Ḥananya, and it is in accordance with the opinion of Beit Shammai.

¹³⁷ We learned in the mishna: Summakhos disagrees and says: One may not establish an eiruv for an Israelite with teruma, but only with regular, non-sacred food items. The Gemara notes: But with regard to the mishna's ruling that an eiruv may be established for a nazirite with wine, Summakhos does not appear to disagree. What is the reason for the distinction? The Gemara explains: A nazirite can ask a Sage to annul his vow and release him from his nazirite status, and then he himself will be able to drink the wine.

¹³⁸ The Gemara asks: If so, in the case of teruma as well, one can ask a Sage to annul its status. Teruma is consecrated through a verbal declaration by the one separating it, and that declaration, like other consecrations and vows, can be nullified by a Sage. The Gemara answers: Such a course of action would not help. If one asks a Sage to annul his declaration that turned the produce into teruma, the produce will return to its status as tevel, produce from which the requisite dues and tithes were not separated, and he will still be prohibited to consume it.

¹³⁹ The Gemara asks: Let him separate teruma for that produce from produce located somewhere else and thus permit it to be eaten. The Gemara answers: *Haverim*, members of a group dedicated to the precise observance of mitzvot, are not suspected of separating teruma from produce that is not situated near the produce it comes to exempt, as this is prohibited *ab initio*.

¹⁴⁰ The Gemara asks: Let him separate teruma from the produce used for the *eiruv* itself and consequently permit the rest of the produce to be eaten. The Gemara answers: We are dealing with a case where, after removing teruma, it would not contain the amount required for an *eiruv*, i.e., one would be left with less than the quantity of food sufficient for two meals.

¹⁴¹ The Gemara asks: What makes it necessary to say that the mishna is referring to this very unique case? Rather, we must retract all that was stated above and say as follows: *Summakhos* agrees with the opinion of the Rabbis, who say: Anything that is prohibited on Shabbat due to a rabbinic decree [*shevut*], the Sages issued the decree to apply even during twilight. Even though this period is of questionable status with regard to whether it is day or night, the Shabbat restrictions instituted by the Sages apply then as they do on Shabbat itself. Consequently, since it is prohibited to separate teruma on Shabbat, it is prohibited during the twilight period as well. Therefore, during twilight, when the *eiruv* would go into effect, it is impossible to cause it to become permitted to an Israelite.

¹⁴² The Gemara now asks: In accordance with whose opinion is the ruling that we learned in the following mishna: There are halakhot with regard to which they stated that measures are all in accordance with the particular person involved, e.g., the handful of flour that a priest scoops out from a meal-offering, and the handfuls of incense the High Priest would offer on Yom Kippur, and one who drinks a cheekful on Yom Kippur, and with regard to the measure of two meals' worth of nourishment for an *eiruv*. All these measures are determined by the particular individual involved. In accordance with whose opinion is this halakha? Rabbi Zeira said: It is in accordance with the opinion of *Summakhos*, who said: We require that which is fit for him, the particular individual, and we do not follow a standard measure.

¹⁴³ The Gemara suggests: Let us say that the aforementioned mishna disagrees with the opinion of Rabbi Shimon ben Elazar. As it was taught in a baraita: Rabbi Shimon ben Elazar says: One may establish an *eiruv* for an ill or elderly person with an amount of food that is enough for him for two meals; and if he eats less than the average amount due to his sickness or age, a smaller amount of food is sufficient. But for a glutton we do not require food in an amount that would satisfy him; we measure on the basis of an average meal for the typical person.

¹⁴⁴ The Gemara answers: When the mishna says that the measure of food for two meals is determined by the particular person involved, interpret that as referring to an ill or elderly person. But with regard to a glutton, we do not determine the measure of food by his standard for a different reason, namely because his opinion is rendered irrelevant by the opinions of all other people.

Therefore, there is no reason to be stringent with him and determine the measure according to his particular needs.

¹⁴⁵ We learned in the mishna: One may establish an eiruv for a priest in a beit haperas, an area in which there is doubt concerning the location of a grave or a corpse. The Gemara explains that the reason for this is as Rav Yehuda said that Shmuel said: In a time of need a person may blow on the dust in a beit haperas before taking each step, so that if there is a bone beneath the dust he will expose it and avoid it, and he may thus walk across the area. Similarly, Rabbi Yehuda bar Ami said in the name of Rav Yehuda: A beit haperas that has been trodden underfoot, creating a path, is pure, as we assume that it no longer contains any bones as large as a kernel of barley. Both of these statements indicate that the ritual impurity of a beit haperas is a stringency decreed by the Sages. Therefore, since there is a way to avoid becoming ritually impure there, even a priest may place his eiruv in a beit haperas.

¹⁴⁶ We learned in the mishna that Rabbi Yehuda says: An eiruv may be established for a priest even in a cemetery, an area which the priest may not enter by Torah law. It was taught: This is permitted because the priest can interpose and walk between the graves inside a carriage, a crate, or a cupboard. These containers do not contract impurity because of their large size, and anything found inside of them remains pure. From here we see that he holds the following: A moving tent is called a tent, and therefore the carriage, box, or cupboard are also considered tents. They shield a person carried in them from the impurity imparted by the graves in a cemetery.

¹⁴⁷ The Gemara notes that this matter is the subject of a dispute between the following tanna'im, as it was taught in a baraita: With regard to one who enters the land of the nations, i.e., any territory outside Eretz Yisrael, not on foot, but in a carriage, a crate, or a cupboard, Rabbi Yehuda HaNasi renders him ritually impure. Rabbi Yosei, son of Rabbi Yehuda, renders him pure.

¹⁴⁸ The Gemara explains: With regard to what do they disagree? One Sage, Rabbi Yehuda HaNasi, holds that a moving tent is not called a tent. The principle is that only something fixed can shield against ritual impurity, but if one is situated inside a portable vessel, the vessel contracts impurity and he becomes impure along with it. And the other Sage, Rabbi Yosei, son of Rabbi Yehuda, holds that a moving tent is called a tent, and it shields the person inside from contracting ritual impurity.

¹⁴⁹ And with regard to that which was taught in a baraita: Rabbi Yehuda says:

¹⁵⁰ One may establish an eiruv for a priest who is ritually pure with teruma that is ritually pure and resting on a grave, even though the location is impure and he cannot reach it. How does he go there? In a carriage, crate, or cupboard, which shield him from the ritual impurity.

¹⁵¹ The Gemara asks: Isn't it true that once the eiruv was placed directly on the grave, the teruma became defiled, and ritually impure teruma is not fit to be eaten by anyone? The Gemara answers: We are dealing here with a case where the teruma had not yet been rendered susceptible to ritual impurity, as it had not yet come into contact with a liquid. Produce that has yet to come into contact with a liquid does not contract impurity. Or we are dealing with bread that was kneaded with fruit juice, which is not one of the seven liquids that render a food susceptible to ritual impurity.

¹⁵² The Gemara now asks: How can he bring it from where it is resting on the grave in order to eat it? The Gemara answers: With flat wooden utensils that are not shaped as receptacles and therefore do not contract ritual impurity.

¹⁵³ The Gemara asks: Doesn't the utensil cover the grave? The Sages decreed that anyone who holds a utensil that is a handbreadth wide over a corpse or grave is ritually impure. The Gemara answers: He may bring it on the edge of the utensil while holding the utensil sideways so that it does not form a cover that is a handbreadth wide over the grave.

¹⁵⁴ The Gemara asks: If that is so, and there is a way for the teruma to remain ritually pure and for the priest to access it, what is the reason the Sages disagreed with Rabbi Yehuda and did not allow an eiruv to be established for a priest on a grave? The Gemara answers: They hold that it is prohibited to acquire a home with items from which benefit is prohibited. It is prohibited to derive benefit from a grave. Since one acquires a place of residence for Shabbat by means of the eiruv, it would be as if the priest acquired a home for himself with something from which he may not derive benefit.

¹⁵⁵ The Gemara asks: If so, does this prove by inference that Rabbi Yehuda holds that it is permitted to acquire a home with items from which benefit is prohibited? The Gemara answers: Rabbi Yehuda holds that mitzvot were not given for benefit. The fulfillment of a mitzva is not in itself considered a benefit. Since the acquisition of a place of residence by means of an eiruv is a mitzva, as one may establish an eiruv tēhumin only for the sake of a mitzva, it is even permitted to establish one's eiruv in a place from which it is prohibited to benefit.

¹⁵⁶ The Gemara suggests: But if so, with regard to that which Rava said: Mitzvot were not given for benefit, let us say that he stated his halakha only in accordance with the opinion of one side in a dispute between tanna'im. The Gemara answers that Rava could have said to you: If they hold that one may establish an eiruv only for the sake of a mitzva, all would agree that the eiruv may be placed on a grave because mitzvot were not given for benefit. However, the dispute between Rabbi Yehuda and the Sages centers on a different aspect of the issue. Here, they disagree with regard to this: One Sage, Rabbi Yehuda, holds: One may establish an eiruv only for the sake of a mitzva. Since mitzvot do not constitute forbidden benefit, it is therefore permitted to make use of the grave. And one Sage, i.e., the Rabbis, holds: One may establish an eiruv even for a voluntary matter. Establishing a Shabbat residence on the site of a grave by means of an eiruv made for a voluntary matter is regarded as forbidden benefit, and therefore it is prohibited.

¹⁵⁷ The Gemara suggests: But if so, with regard to that which Rav Yosef said as a general principle: One may establish an eiruv only for the sake of a mitzva, let us say that he stated his halakha in accordance with one side in a dispute between the tanna'im.

¹⁵⁸ The Gemara answers: Rav Yosef could have said to you: In fact, all agree that one may establish an eiruv only for the sake of a mitzva, and all agree that mitzvot were not given for benefit, and they disagree with regard to this: One Sage, Rabbi Yehuda, holds: Once he acquired his Shabbat residence at twilight by means of the eiruv, he is indifferent to its safeguarding, as his main goal has already been achieved. He has no further need for the food used for the eiruv, and therefore, he receives no benefit from its placement on the grave. And one Sage, i.e., the Rabbis, holds: It is pleasing to him that the eiruv is safeguarded, for if he needs it the next day, he can eat it. According to this opinion, he would be making prohibited use of the grave to preserve his meal for the following day, and therefore the Sages prohibited placing an eiruv on a grave.

¹⁵⁹ MISHNA: One may establish an eiruv with demai, produce purchased from one who may not have separated the required tithes, and similarly, one may establish an eiruv with the first tithe whose teruma has been taken in order to be given to a priest, and with the second tithe and consecrated

articles that have been redeemed; and priests may establish an eiruv with ḥalla, the portion of dough that must be given to a priest.

¹⁶⁰ However, one may not establish an eiruv with tevel, produce from which the priestly dues [teruma] and other tithes have not been separated, nor with first tithe whose teruma, which must be given to a priest, has not been taken, nor with the second tithe or consecrated articles that have not been redeemed.

¹⁶¹ GEMARA: The Gemara asks: How can one establish an eiruv with demai? Isn't it unfit for him? Since it is prohibited to eat demai, how can it be used as an eiruv? The Gemara answers: Since if he wants, he could declare his property ownerless, and he would be a poor person, and the demai would then be fit for him, as a poor person is permitted to eat demai, now too, even though he has not renounced ownership of his property, it is considered fit for him to use as an eiruv. As we learned in a mishna: One may feed the poor demai,

¹⁶² and one may also feed soldiers demai.

¹⁶³ Rav Huna said: It was taught that Beit Shammai say: One may not feed the impoverished demai. And Beit Hillel say: One may feed the impoverished demai. The halakha is in accordance with the opinion of Beit Hillel.

¹⁶⁴ We learned in the mishna: One may establish an eiruv with first tithe whose teruma has been taken. The Gemara expresses surprise: It is obvious that if the teruma was already taken there is no problem. Why is it necessary to state it may be used for an eiruv? The Gemara answers: It is only necessary to teach this halakha in a case where the Levite preceded the priest while the grain was still on the stalks, i.e., the Levite took his tithe before the grain was threshed and before the priest took the teruma; and the teruma of the tithes was taken from it but teruma gedola was not taken from it. Therefore, since the teruma is generally separated first, a portion of the first tithe that the Levite took should have been separated as teruma.

¹⁶⁵ And this is in accordance with the opinion that Rabbi Abbahu said that Reish Lakish said, as Rabbi Abbahu said that Reish Lakish said: First tithe, in a case where the Levite preceded the priest while the grain was still on the stalks, is exempt from teruma gedola, as it is stated: "And you shall set apart from it a gift for the Lord, even a tenth part of the tithe" (Numbers 18:26), from which the following inference is made: A tenth part of the tithe, i.e., the teruma of the tithe, I told you, the Levite, to separate. And I did not tell you to separate teruma gedola and the teruma of the tithe.

¹⁶⁶ With regard to this matter, Rav Pappa said to Abaye: If so, even if the Levite preceded the priest after the kernels of grain were removed from the stalks and placed in a pile, the Levite should still not have to separate teruma gedola. Abaye said to him: With regard to your claim, the verse states: "From all that is given to you, you shall set apart that which is the Lord's teruma" (Numbers 18:29). The inclusive phrase "from all" indicates that teruma gedola must be separated even from the first tithe in the case where the Levite precedes the priest after the grain has been collected in a pile.

¹⁶⁷ Rav Pappa asks: And what did you see that led you to expound one verse as exempting the Levite from separating teruma gedola from first tithe that has been separated while the grain was on the stalks, and to expound another verse as requiring teruma gedola to be separated when the Levite took his first tithe after the grain was collected in a pile? Abaye answers: This produce, which has been threshed and placed into piles, is completely processed and has become grain, and that produce,

which remained on the stalks, did not yet become grain. The wording of the biblical verses indicates that the requirement to separate teruma applies only to grain, whereas the produce is not considered grain until it has been threshed.

¹⁶⁸ The mishna also stated that one may establish an eiruv with the second tithe and consecrated food that have been redeemed. The Gemara asks: It is obvious that these foods may be used to establish an eiruv. The Gemara answers: This ruling was only needed for a case where one redeemed the second tithe or consecrated food and paid the principle but did not pay the additional fifth of their value, which must be paid when they are redeemed. And the mishna teaches us that the failure to pay the additional fifth does not invalidate the redemption. Once the principle is paid, even if payment of the additional fifth is still outstanding, the article is regarded as redeemed and may be used for mundane purposes.

¹⁶⁹ The mishna further states: But one may not establish an eiruv with tevel, produce from which the priestly dues and other tithes have not been separated. The Gemara asks: This too is obvious, as it is prohibited to eat or derive any benefit from tevel. The Gemara answers: This ruling is only needed with regard to tevel that is considered tevel by rabbinic decree. What is included in this category? For example, if one planted seeds in an imperforated container, one is exempt by Torah law from separating teruma and tithes from the resulting produce because Torah law does not consider produce grown in such a container to have grown from the ground.

¹⁷⁰ The mishna stated that one may not establish an eiruv with first tithe whose teruma has not been taken. The Gemara asks: It is obvious, as such produce is tevel. The Gemara answers: This ruling is only needed for a case where the Levite preceded the priest and took first tithe from the pile, and only teruma of the tithe was taken from it, but teruma gedola was not taken from it, and the produce is therefore still tevel.

¹⁷¹ Lest you say the halakha in that case is as Rav Pappa said to Abaye, and the Levite is exempt from separating teruma gedola, and therefore the food may be used for an eiruv, the mishna teaches us as Abaye responded to Rav Pappa: If the Levite takes grain after it had been gathered in a pile, he must separate teruma gedola. Until he does so the produce may not be eaten.

¹⁷² We also learned in the mishna that one may not establish an eiruv with the second tithe or consecrated food that have not been redeemed. The Gemara asks: It is obvious that these items may not be used.

¹⁷³ The Gemara answers: This ruling is only needed for a case where he redeemed them, but did not redeem them properly, e.g., in the case of second tithe that was redeemed with an unminted coin [asimon]. And the Torah says with regard to the redemption of the second tithe: And bind up [vetzarta] the money in your hand” (Deuteronomy 14:25). This is expounded to mean that the second tithe may only be redeemed with money that has a form [tzura] engraved upon it; however, unminted coins are not considered money for the purpose of redeeming the second tithe.

¹⁷⁴ With regard to consecrated property, the reference is to a case where one redeemed it by exchanging it for land instead of money, as the Torah states: “He will give the money and it shall become his.” Since the verse speaks of giving money, it may be inferred that consecrated property cannot be redeemed by giving the Temple treasury land of equivalent value.

¹⁷⁵ MISHNA: If one sends his eiruv in the hands of a deaf-mute, an imbecile, or a minor, all of whom are regarded as legally incompetent, or in the hands of one who does not accept the principle of eiruv, it is not a valid eiruv. But if one told another person to receive it from him at a specific location and set it down in that spot, it is a valid eiruv. The critical point in the establishment of an eiruv is that it must be deposited in the proper location by a competent person; but it is immaterial how the eiruv arrives there.

¹⁷⁶ GEMARA: The Gemara asks: Is a minor not fit to set down an eiruv? Didn't Rav Huna say: A minor may collect the food for an eiruv from the residents of a courtyard and establish an eiruv on their behalf even ab initio? The Gemara answers: This is not difficult, as here, where the mishna invalidates an eiruv placed by a minor, it is referring to an eiruv of Shabbat borders. These laws are relatively stringent, as they require that one establish a new place of residence, which a minor cannot do. There, where Rav Huna said that a minor may collect the food for an eiruv, he was referring to an eiruv of courtyards. This type of eiruv is more lenient and may be established even by a minor, as all that is necessary is to join together domains that already exist.

¹⁷⁷ We learned in the mishna: Or if one sends his eiruv in the hands of one who does not accept the principle of eiruv. The Gemara asks: Who is this? Rav Ḥisda said: A Samaritan [Kuti], who does not accept the laws of the Sages with regard to eiruv.

¹⁷⁸ The mishna also states: And if he told another person to receive the eiruv from him, it is a valid eiruv. The Gemara challenges this statement: Let us be concerned that perhaps the minor or other incompetent person will not bring the eiruv to the other person. The Gemara responds: This may be answered as Rav Ḥisda said with regard to a different statement, that it was referring to a case where he stands and watches him. Here, too, the mishna is referring to a case where the person sending the eiruv stands and watches him from afar until the eiruv reaches the person designated to receive it.

¹⁷⁹ The Gemara asks: But nonetheless, let us be concerned that perhaps the other person will not take the eiruv from the deaf-mute, imbecile, or minor and deposit it in the designated place. From a distance, one cannot see exactly what is happening. He only saw that the messenger arrived at his destination. The Gemara answers this question as follows: Rav Yeḥiel said in a different context that there is a legal presumption that an agent fulfills his agency. Here, too, there is a legal presumption that the agent appointed to accept the eiruv fulfills his agency.

¹⁸⁰ The Gemara asks: Where were these principles of Rav Ḥisda and Rav Yeḥiel stated? The Gemara answers: They were stated with regard to the following, as it was taught in a baraita: If one gave the eiruv to a trained elephant, and it brought it to the place where he wanted the eiruv deposited, or if he gave it to a monkey, and it brought it to the proper location, it is not a valid eiruv. But if he told another person to receive it from the animal, it is a valid eiruv. The Gemara asks: But perhaps the animal will not bring the eiruv to the person appointed to receive it? Rav Ḥisda said: The baraita is referring to a case where the person sending the eiruv stands and watches it from afar until it reaches the person designated to receive the eiruv. The Gemara asks further: But perhaps the person appointed to receive the eiruv will not accept it from the elephant or monkey. Rav Yeḥiel said: There is a legal presumption that an agent fulfills his agency.

¹⁸¹ Rav Naḥman said: With regard to Torah laws, we do not rely on the presumption that an agent fulfills his agency; rather, one must actually see the agent performing his mission.

¹⁸² However, with regard to rabbinic laws, we do rely on the presumption that an agent fulfills his agency. And Rav Sheshet disagreed and said: With regard to both this, Torah law, and that, rabbinic law, we rely on the presumption that an agent fulfills his agency.

¹⁸³ Rav Sheshet said: From where do I say this? As we learned in a mishna: Once the omer has been offered, the grain from the new crop is immediately permitted. The Torah prohibits eating from the new crop of grain until the omer sacrifice is offered on the second day of Passover (Leviticus 23:14); once the omer is offered, it is immediately permitted to partake of the new grain.

¹⁸⁴ And those far from Jerusalem, who do not know whether or not the omer has already been offered, are permitted to eat from the new crop from midday and on, as the omer must surely have been offered by this time. Isn't the prohibition to eat from the new crop a Torah law? And nevertheless, it was taught: And those far from Jerusalem are permitted to eat from the new crop from midday and on. Is this not because we may rely on the presumption that an agent fulfills his agency? The priests in the Temple serve as the agents of the entire Jewish people, and it may be assumed that they have performed the mission entrusted to them.

¹⁸⁵ The Gemara asks: And how does Rav Nahman, who holds that with respect to Torah laws we may not rely on the presumption that an agent fulfills his agency, refute this proof? He can respond as follows: There, the agents may be trusted for the reason that was explicitly taught: Because we know that the court will not be indolent in offering the omer sacrifice; however, the same cannot be said of ordinary agents.

¹⁸⁶ And some say a different version of this response: Rav Nahman said: From where do I say this principle? As it was taught that the reason is because we know that the court will not be indolent in offering the omer past midday. From this we may infer: It is the court that will not be indolent with regard to missions entrusted to it, but an ordinary agent may indeed be indolent with regard to his mission. Therefore, we cannot rely upon an ordinary agent.

¹⁸⁷ And Rav Sheshet could have said to you that this is not the correct inference; rather, we should infer as follows: It is only the court that is presumed to have executed its mission by midday, even though the mitzva to bring the omer offering lasts all day. However, an ordinary agent, who is not as diligent, is only presumed to have completed his mission by the end of the entire day.

¹⁸⁸ Rav Sheshet said: From where do I say my opinion? As it was taught in a baraita: A woman who is responsible to offer sacrifices following childbirth or after experiencing ziva (Leviticus 12, 15) brings money and puts it in the appropriate collection box in the Temple, immerses in a ritual bath, and she may then eat sacrificial food at nightfall. What is the reason that she is permitted to eat immediately at nightfall? Is it not because we say that there is a presumption that an agent fulfills his agency, and the priests certainly purchased the appropriate sacrifices with her money and offered them during the day?

¹⁸⁹ The Gemara asks: And how does Rav Nahman counter this proof? There, in the case of a woman who put money in the box, the reason she may rely on agency is in accordance with the statement of Rav Shemaya, as Rav Shemaya said: There is a legal presumption that the court of priests would not leave the Temple until all the money in the collection box has been spent on the purchase of sacrifices. We may rely only on the special court appointed to carry out this task, as it can be trusted. However, no proof may be brought from here with regard to an ordinary agent.

¹⁹⁰ Rav Sheshet said another proof: From where do I say this? As it was taught in a baraita: One who says to another person: Go and gather for yourself figs from my fig tree, if he does not specify the amount that he should take, the gatherer may eat casually from them even without separating tithes. However, if one wishes to eat the figs as a regular, set meal, he must first tithe them as fruit that is known with certainty not to previously be tithed. In this case, it may be assumed that the owner of the fig tree did not separate tithes to exempt these figs, as he did not know how many the gatherer would take. However, if the owner of the fig tree said to him: Fill this basket for yourself with figs from my fig tree, he may eat from them casually without tithing, and before eating them as a regular meal, he must tithe them as demai, produce with regard to which we are unsure if the appropriate tithes have been separated. Since the owner of the tree knows how many figs the gatherer will take, it is possible that he has already separated tithes for these figs.

¹⁹¹ In what case is this statement said? Where the owner of the fig tree is an am ha'aretz. But if he is a ḥaver, the gatherer may eat the figs, and he need not tithe them even as demai, as the owner certainly separated tithes for them from other produce; this is the statement of Rabbi Yehuda HaNasi. His father, Rabban Shimon ben Gamliel, says the opposite: In what case is this statement said? Where the owner of the fig tree is an am ha'aretz. But if he is a ḥaver, the gatherer may not eat the fruit until he tithes them because ḥaverim, who are meticulous in their observance of halakha, are not suspected of separating teruma and tithes from produce that is not adjacent to the produce they seek to exempt. Since the figs that have been picked are not adjacent to the owner's other figs, he has certainly not separated teruma and tithes on their account.

¹⁹² Rabbi Yehuda HaNasi said: My statement appears to be more correct than Father's statement: It is better that ḥaverim should be suspected of separating teruma and tithes from produce that is not adjacent to the produce they seek to exempt, and they should not feed amei ha'aretz produce that is tevel.

¹⁹³ The Gemara infers: The tanna'im disagreed only with regard to the following point: That one Sage, Rabbi Yehuda HaNasi, holds that ḥaverim are suspected of tithing with produce that is not adjacent to the produce it comes to exempt, and one Sage, Rabban Shimon ben Gamliel, holds that they are not suspected of that. But all agree that we may rely on the presumption that an agent fulfills his agency, i.e., that the owner, who is regarded as an agent to tithe his produce so that no one will eat tevel on his account, can be relied upon to separate the tithes.

¹⁹⁴ And Rav Naḥman can respond as follows: There, the owner can be trusted, in accordance with the statement of Rav Ḥanina Ḥoza'a, as Rav Ḥanina Ḥoza'a said: There is a legal presumption with regard to a ḥaver that he does not release anything that is not tithed from his possession. Therefore, we are not relying on a general presumption with regard to agents but on a presumption with regard to ḥaverim.

¹⁹⁵ The previous baraita contained several puzzling elements. Now that the Gemara has completed its primary discussion, namely the presumption that an agent carries out his mission, it turns to a discussion of the baraita itself. The Master said: If one said to his fellow: Go and gather for yourself figs, in what case is this statement said? It is in a case where the owner of the fig tree is an am ha'aretz. However, if he is a ḥaver, the gatherer may eat the figs, and he need not tithe them; this is the statement of Rabbi Yehuda HaNasi.

¹⁹⁶ The Gemara asks: This am ha'aretz, who addressed his fellow man, to whom did he speak? If you say that he spoke to his fellow am ha'aretz, if so, how are we to understand the statement that follows: He must tithe them as demai? Would an am ha'aretz comply with the admonition of the Sages to suspect that the produce of his fellow am ha'aretz may not have been tithed? Rather, this must be referring to an am ha'aretz who told a ḥaver to gather figs from his fig tree, and the ḥaver will certainly tithe them. However, say that the latter clause of this baraita: My statement appears to be more correct than Father's statement, means the following: It is better that ḥaverim should be suspected of separating teruma and tithes from produce that is not adjacent to the produce they seek to exempt, and they should not feed amei ha'aretz produce that is tevel. What is the relevance of amei ha'aretz there? According to that explanation, the situation is the opposite. The person eating the figs is a ḥaver, and the owner of the fig tree is an am ha'aretz.

¹⁹⁷ Ravina said: The first clause is referring to an am ha'aretz who spoke to a ḥaver, while the latter clause is referring to a ḥaver who spoke to an am ha'aretz, and a different ḥaver heard him speak, and the discussion relates not to the one gathering the figs but to whether the second ḥaver may partake of the figs if they are offered to him. The Gemara explains the disagreement according to this understanding: Rabbi Yehuda HaNasi

¹⁹⁸ holds: That ḥaver, who heard the first ḥaver speaking to the am ha'aretz, may immediately eat from the basket, and he is not required to tithe the produce, as the first ḥaver certainly separated tithes for the person who picked the figs, as he would not have caused an am ha'aretz to eat tevel. And Rabban Shimon ben Gamliel disagrees and says: That ḥaver may not eat of the fruit until he has tithed them, for ḥaverim are not suspected of separating teruma and tithes from produce that is not adjacent to the produce they seek to exempt. And Rabbi Yehuda HaNasi said to him: It is better that ḥaverim should be suspected of separating teruma and tithes from produce that is not adjacent to the produce they seek to exempt, and they should not feed amei ha'aretz produce that is tevel.

¹⁹⁹ The Gemara asks: With regard to what principle do they disagree? The Gemara answers: Rabbi Yehuda HaNasi holds: It is preferable to a ḥaver that he commit a minor transgression, namely separating tithes from produce that is not adjacent to the produce they seek to exempt, so that an am ha'aretz will not commit the major transgression of eating tevel on his account. And Rabban Shimon ben Gamliel holds: It is preferable to a ḥaver that an am ha'aretz commit a major transgression, and that he himself not commit even a minor transgression.

²⁰⁰ MISHNA: If one placed his eiruv in a tree above ten handbreadths from the ground, his eiruv is not a valid eiruv; if it is below ten handbreadths, his eiruv is a valid eiruv. If he placed the eiruv in a pit, even if it was a hundred cubits deep, his eiruv is a valid eiruv.

²⁰¹ GEMARA: Rabbi Ḥiyya bar Abba sat, and with him sat Rabbi Asi and Rava bar Natan, and Rav Naḥman sat beside them, and they sat and said: This tree mentioned in the mishna, where does it stand? If you say it stands in the private domain, what is the difference to me whether the eiruv is placed above ten handbreadths or below ten handbreadths? The private domain ascends to the sky, and there is no difference whether an object is above or below ten handbreadths.

²⁰² Rather, say that the tree stands in the public domain; but in that case the question arises: Where did the person intend to establish his Shabbat residence? If you say that he intended to establish his Shabbat residence in the tree above, he and his eiruv are in one place. Consequently, the eiruv should be valid, even if it is at a height of more than ten handbreadths. Rather, say that he intended to establish

his Shabbat residence on the ground below; but isn't he making use of the tree if he accesses his eiruv? It is prohibited to make use of a tree on Shabbat, and therefore his eiruv should be invalid even if it is less than ten handbreadths above the ground because it is inaccessible to him.

²⁰³ The Gemara answers: Actually, we can accept the latter assumption that the tree stands in the public domain, and that he intended to establish his Shabbat residence on the ground below, in the public domain. And with regard to the prohibition against making use of a tree, this mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, who said: Anything that is prohibited on Shabbat not by Torah law, but rather due to a rabbinic decree [shevut], the Sages did not issue the decree to apply during twilight, which is neither definitively day nor definitively night. Since using a tree is only prohibited due to a shevut, it is permitted to make use of the tree and remove one's eiruv from it during the twilight period, which is when the eiruv establishes the person's Shabbat residence. Therefore, the eiruv is valid, provided that it is below ten handbreadths. If, however, the eiruv is above ten handbreadths, it is invalid. At that height, removing the eiruv from the tree entails violation of the Torah prohibition of carrying from a private domain to a public domain, which is prohibited even during twilight.

²⁰⁴ Rav Nahman said to them: Well said, and Shmuel said similarly with regard to this issue. They said to him: Have you, the Sages of Babylonia, gone so far in your explanation of the mishna? The Gemara asks: Why were the Sages of Eretz Yisrael so surprised? They, too, explained the mishna in this manner. Rather, this is what they said to Rav Nahman: Have you established this explanation as part of your regular study of the mishna? He said to them: Yes. Indeed, it was also explicitly stated that Rav Nahman said that Shmuel said: Here, we are dealing with a tree standing in the public domain, and the tree is ten handbreadths high and four handbreadths wide. It thereby constitutes a private domain, and one intended to establish his Shabbat residence below in the public domain. And the mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, who said: Anything that is prohibited on Shabbat not by Torah law, but rather due to a rabbinic decree, the Sages did not issue the decree to apply during twilight.

²⁰⁵ Rava said in continuation of this discussion: They only taught this law with regard to a tree that stands beyond the outskirts of the city, i.e., outside a radius of seventy and two-thirds cubits around the city. However, with regard to a tree that stands within the outskirts of the city, even if the eiruv was placed above ten handbreadths, it is a valid eiruv, as the city is considered as though it were filled in with earth, so that anything located at any height within the town itself or its outskirts is regarded as being in the same domain. Even though the person intended to establish his Shabbat residence below the tree in the public domain, we view the ground as raised to the height of the eiruv, and his eiruv is therefore valid even though he cannot actually remove it from the tree during the twilight period.

²⁰⁶ The Gemara asks: If so, if the tree stood beyond the outskirts of the town, there should also be no difference whether the eiruv is above or below the height of ten handbreadths. Since Rava himself said: One who places his eiruv in a particular location has four cubits surrounding him that are considered as a private domain, here too, the area should be considered a private domain; and a private domain rises to the sky. Since the tree stands within this area, all parts of the tree should be regarded as a private domain regardless of their height.

²⁰⁷ Rav Yitzḥak, son of Rav Mesharshiya, said: Here, we are dealing with a tree that leans out horizontally beyond four cubits from its trunk, and one placed the eiruv on a section that is beyond four cubits,

²⁰⁸ and he intended to establish his Shabbat residence at its base. And what is the meaning of the terms above and below, as we said that this tree extends horizontally to the side, which indicates that it remains at a uniform height? After the tree leans horizontally beyond four cubits from the place of its roots, it rises once again in an upright position, and therefore the terms above and below are applicable.

²⁰⁹ The Gemara asks: Isn't it true that even if the eiruv is above ten handbreadths, if one wants, he can remove it from where it was deposited and bring it by way of the tree's leaves, i.e., its branches that are above ten handbreadths, to within four cubits of the place where he intended to establish his Shabbat residence? Therefore, the eiruv should be valid even though it is above ten handbreadths.

²¹⁰ The Gemara answers: We are dealing with a unique situation where the horizontal section of the tree is used by the masses to shoulder their burdens on it, i.e., to temporarily rest their loads on it, so that they can adjust them and easily lift them up again; and the halakha in that case is in accordance with the opinion of Ulla, as Ulla said: With regard to a pillar that is nine handbreadths high and situated in the public domain, and the masses use it to shoulder their loads upon it, and someone threw an object from a private domain and it came to rest upon it, he is liable, as this pillar has the status of a public domain. Consequently, in the case of the tree, one may not bring the eiruv by way of the tree's branches, as the horizontal section of the tree has the status of a public domain, and one may not carry from one private domain to another via a public domain.

²¹¹ The Gemara previously cited the opinion of Rabbi Yehuda HaNasi that anything that is prohibited on Shabbat due to rabbinic decree is not prohibited during the twilight period. The Gemara now attempts to clarify the matter: What is the source that originally cites Rabbi Yehuda HaNasi's opinion, and what is the source which cites the opinion of the Rabbis?

²¹² The Gemara cites the source of the disagreement: As it was taught in the Tosefta: If one placed his eiruv in a tree above ten handbreadths from the ground, his eiruv is not a valid eiruv. If he placed it below ten handbreadths, his eiruv is a valid eiruv, but he is prohibited to take it on Shabbat in order to eat it because it is prohibited to use the tree on Shabbat. However, if the eiruv is within three handbreadths of the ground, he is permitted to take it because it is considered as though it were on the ground and not in a tree. If one placed the eiruv in a basket and hung it on a tree, even above ten handbreadths, his eiruv is a valid eiruv; this is the statement of Rabbi Yehuda HaNasi. And the Rabbis disagree and say: In any situation in which the eiruv was placed in a location where it is prohibited to take it, his eiruv is not a valid eiruv.

²¹³ The Gemara clarifies: With regard to which statement did the Rabbis state their opinion? If you say they were referring to the latter clause with respect to the basket hanging from the tree, let us say that the Rabbis hold that using even the sides of a tree is prohibited, as making use of the basket is considered using the sides of a tree. Rather, the Rabbis' statement must refer to the first clause, in which Rabbi Yehuda HaNasi says that if one put the eiruv below ten handbreadths, his eiruv is valid, but he is prohibited to move it.

²¹⁴ The Gemara clarifies further: This tree, what are its circumstances? If it is not four by four handbreadths wide, it is an exempt domain, i.e., a neutral place with respect to the laws of carrying

on Shabbat, from which an object may be carried into any other Shabbat domain. In that case, the eiruv should be valid even if it was placed higher than ten handbreadths in the tree. And if it is four by four handbreadths wide, when one places it in a basket, what of it? What difference does it make? In any event it is in a private domain.

²¹⁵ Ravina said: The first clause is referring to a case where the tree is four by four handbreadths wide. The eiruv is not valid if it was placed above ten handbreadths because the tree at that height constitutes a private domain, and the eiruv cannot be brought to the public domain below, where one wishes to establish his Shabbat residence. The latter clause, however, is referring to a case where the tree is not four by four handbreadths wide, and the basket completes the width of the tree at that spot to four.

²¹⁶ And Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Meir, and he also holds in accordance with the opinion of Rabbi Yehuda.

²¹⁷ The Gemara clarifies: He holds in accordance with the opinion of Rabbi Meir, who said the following in the case of an arched gateway in which the lower, straight-walled section is three handbreadths high, and the entire arch is ten handbreadths high: Even if, at the height of ten handbreadths, the arch is less than four handbreadths wide, one considers it as if he carves out the space to complete it, i.e., the arch has the legal status as though it were actually enlarged to a width of four handbreadths. Similarly, in our case the basket is taken into account and enlarges the tree to a width of four handbreadths.

²¹⁸ And he also holds in accordance with the opinion of Rabbi Yehuda, who said: We require that the eiruv rest on a place that is four by four handbreadths wide, and here there is not a width of four handbreadths without taking the basket into account.

²¹⁹ The Gemara now asks: What is the source of the ruling of Rabbi Yehuda? As it was taught in a baraita that Rabbi Yehuda says: If one stuck a cross beam into the ground in the public domain and placed his eiruv upon it, if the cross beam is ten handbreadths high and four handbreadths wide, so that it has the status of a private domain, his eiruv is a valid eiruv; but if not, his eiruv is not a valid eiruv.

²²⁰ The Gemara expresses surprise: On the contrary, if the cross beam is not ten handbreadths high, why shouldn't his eiruv be valid? He and his eiruv are in the same place, i.e., in the public domain. Rather, this is what he said: If the cross beam is ten handbreadths high, it is necessary that its top be four handbreadths wide, so that it can be considered its own domain; but if it is not ten handbreadths high, it is not necessary that its top be four handbreadths wide because it is considered part of the public domain.

²²¹ The Gemara poses a question: In accordance with whose opinion did Ravina offer his explanation, which maintains that we are dealing with a basket that completes the dimension of the tree to four handbreadths and yet it is not treated as a private domain? It is not in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, as it was taught in a baraita that Rabbi Yosei, son of Rabbi Yehuda, says: If one stuck a reed into the ground in the public domain, and placed a basket [teraskal] four by four handbreadths wide on top of it, and threw an object from the public domain, and it landed upon it, he is liable for carrying from a public domain to a private domain. According to Rabbi Yosei, son of Rabbi Yehuda, if a surface of four by four handbreadths rests at a height of ten

handbreadths from the ground, this is sufficient for it to be considered a private domain. Ravina's explanation of Rabbi Yehuda HaNasi's position, however, does not appear to accept this assumption.

²²² The Gemara refutes this and claims that this proof is not conclusive: Even if you say that Ravina's explanation is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, a distinction can be made: There, in the case of the basket resting on a reed, the sides of the basket constitute partitions that surround the reed on all sides, and we can invoke the principle of: Lower the partition, according to which the partitions are viewed as extending down to the ground. Consequently, a kind of private domain is created within the public domain. Here, in the case of the basket hanging from the tree, the partitions of the basket do not surround the tree, and so they do not suffice to create a private domain.

²²³ Rabbi Yirmeya said that the opinion of Rabbi Yehuda HaNasi in the Tosefta can be explained in an entirely different manner: A basket is different, since one can tilt it and in that way bring it to within ten handbreadths of the ground. Without moving the entire basket, one can tilt it and thereby remove the eiruv in order to eat it, without carrying it from one domain to another.

²²⁴ Rav Pappa sat and recited this halakha. Rav bar Shabba raised an objection to Rav Pappa from the following mishna: What does one do if a Festival occurs on Friday, and he wishes to establish an eiruv that will be valid for both the Festival and Shabbat? He brings the eiruv to the location that he wishes to establish as his residence on the eve of the first day, i.e., the eve of the Festival, and stays there with it until nightfall, the time when the eiruv establishes that location as his residence, and then he takes it with him and goes away, so that it does not become lost before Shabbat begins, in which case he would not have an eiruv for Shabbat. On the eve of the second day, i.e., on Friday afternoon, he takes it back to the same place as the day before, and stays there with it until nightfall, thereby establishing his Shabbat residence; and then he may then eat the eiruv and go away, if he so desires.

²²⁵ Why must one actually bring the eiruv to the place where he wishes to establish his residence? Let us say: Since if he wished to bring the eiruv there he could bring it, even though he did not bring it, it is considered as though he did bring it there. This follows the same reasoning proposed by Rav Yirmeya in the case of the basket: Since one can tilt it. The fact that this reasoning is not employed here indicates that the potential to do something is insufficient; rather, the deed must actually be done.

²²⁶ Rabbi Zeira said: The fact that one must bring his eiruv the day before to the spot that he wishes to establish as his place of residence, and the potential to bring it there does not suffice, is a decree due to a Festival that occurs after Shabbat. In that case, the eiruv is valid for the Festival only if it was brought there before Shabbat, for it cannot be carried there on Shabbat. Since one cannot actually bring the eiruv there, it cannot be said: It is considered as though he did bring it there because had he wished to bring the eiruv he could have. Consequently, the Sages decreed that in all cases, the eiruv is only valid if it was actually brought to the designated spot, lest one come to think that even on a Festival that occurs after Shabbat it need not be brought there.

²²⁷ Rav bar Shabba raised another objection from a different baraita: With regard to one who intended to establish his Shabbat residence in the public domain and placed his eiruv in a wall that is more than four cubits away from that location; if he placed the eiruv below a height of ten handbreadths above the ground, his eiruv is a valid eiruv; but if he placed it above ten handbreadths,

his eiruv is not a valid eiruv because he is in a public domain while his eiruv is in a private domain. If one intended to establish his Shabbat residence on top of a dovecote or on top of a large cupboard, if he placed the eiruv in the dovecote or cupboard above ten handbreadths from the ground, his eiruv is a valid eiruv because both he and his eiruv are in a private domain; but if he placed it below ten handbreadths, the area in which he placed his eiruv is considered a karmelit, and his eiruv is not a valid eiruv because he cannot transport his eiruv from there to his own domain on Shabbat.

²²⁸ Why should this be so? Here too, let us say that his eiruv should be valid even if it was placed below ten handbreadths, since one can tilt the cupboard and bring it to within ten handbreadths from the ground, in which case he and his eiruv would be in the same domain. Rabbi Yirmeya said: Here, we are dealing with a cupboard that is nailed to the wall so that it cannot be tilted.

²²⁹ Rava said: Even if you say that it is referring to a cupboard that is not nailed to the wall, here, we are dealing with a very tall cupboard, such that were one to tilt it a little in order to bring the top of the cupboard within ten handbreadths from the ground, the top of the cupboard would project beyond the four cubits that constitute one's Shabbat residence.

²³⁰ The Gemara asks: What, exactly, are the circumstances? If it is referring to a case where the cupboard has a window, and one has a rope at hand, let him bring it by means of the window and rope. In other words, let him lower the rope through the cupboard's window and bring the eiruv with it, and he will not have to move the entire cupboard. The Gemara answers: Here we are dealing with a case where it does not have a window, and he does not have a rope at hand.

²³¹ We learned in the mishna: If one placed the eiruv in a pit, even if it is a hundred cubits deep, his eiruv is a valid eiruv. The Gemara asks: This pit, where is it situated? If you say that it is situated in the private domain,

²³² it is obvious, for the private domain ascends to the sky, and just as it ascends upward, so too, it descends downward to the bottom of the pit, even if it is more than ten handbreadths deep. Rather, we must say that the pit is situated in the public domain.

²³³ The Gemara now clarifies: Where did one intend to establish his Shabbat residence? If he intended to establish his residence above the pit in the public domain, this is a case where he is in one place and his eiruv is in another place, i.e., in a private domain, and therefore his eiruv is not valid. Alternatively, if one intended to establish his Shabbat residence below, in the pit, it is also obvious, as he and his eiruv are in one place.

²³⁴ The Gemara answers: This ruling is necessary only in a case where the pit is situated in a karmelit, and he intended to establish his Shabbat residence above the pit in the karmelit. And with regard to the question of how this eiruv can be valid, as one cannot bring the eiruv from the pit to the karmelit, the answer is that the mishna was taught in accordance with the opinion of Rabbi Yehuda HaNasi, who said: With regard to anything that is prohibited on Shabbat due to rabbinic decree [shevut], they did not issue the decree to apply during twilight. Since carrying from the pit to the karmelit is only prohibited as a shevut, a person may carry from the pit to the karmelit during twilight, the time when the eiruv establishes one's Shabbat residence.

²³⁵ MISHNA: If one placed his eiruv on top of a reed or on top of a pole [kundas], when the reed or pole is detached from its original place and stuck into the ground, even if it is a hundred cubits high, it is a valid eiruv, as one can remove the reed or pole from the ground and take his eiruv.

²³⁶ GEMARA: Rav Adda bar Mattana raised a contradiction before Rava concerning two tannaitic rulings: The mishna states that if the reed was detached from its place of growth and then stuck into the ground, yes, the eiruv is valid. That indicates that if it was not detached and then stuck back into the ground, no, the eiruv is not valid. In accordance with whose opinion is this mishna? It is in accordance with the opinion of the Rabbis, who say: Anything that is prohibited on Shabbat due to rabbinic decree [shevut], such as using a tree on Shabbat, they issued the decree to apply even during twilight. Therefore, if the eiruv was on top of a reed that was still attached to the ground in its original place of growth, since it is prohibited by rabbinic decree to make use of trees on Shabbat, one cannot remove the eiruv from its place at the time that he must establish his Shabbat residence, and therefore his eiruv is invalid. But didn't you say that the first clause, i.e., the previous mishna, is in accordance with the opinion of Rabbi Yehuda HaNasi? How can you say that the first clause is in accordance with the opinion of Rabbi Yehuda HaNasi and the latter clause is in accordance with the opinion of the Rabbis?

²³⁷ Rava said to Rav Adda: Rami bar Hama already raised this contradiction before Rav Hisha, and Rav Hisha answered him: Indeed, the first clause is in accordance with the opinion of Rabbi Yehuda HaNasi, and the latter clause is in accordance with the opinion of the Rabbis.

²³⁸ Ravina said: You can, in fact, say that it is all Rabbi Yehuda HaNasi, and the latter clause, i.e., the mishna that insists that the reed be detached and inserted, is not based upon the prohibition of utilizing trees on Shabbat. Rather, in that case there is a unique decree lest he break it off from the ground if the reed is relatively soft. Therefore, the mishna requires one to use something that has already been detached from the ground and reinserted. However, the previous mishna is referring to someone who placed his eiruv in a tree, where this concern is not relevant.

²³⁹ The Gemara relates that a certain army [pulmosa] once came to Neharde'a and took quarters in the study hall, so that there was not enough room for the students. Rav Nahman said to the students: Go out and create seats by compressing reeds in the marshes, and tomorrow, on Shabbat, we will go and sit on them and study there.

²⁴⁰ Rami bar Hama raised an objection to Rav Nahman, and some say that it was Rav Ukva bar Abba who raised the objection to Rav Nahman, from the mishna that states that if the reed was detached and then stuck into the ground, yes; but if it was not detached and not stuck into the ground, no. This shows that it is not enough to compress the reeds, and they must actually be detached from the ground before they may be used on Shabbat.

²⁴¹ Rav Nahman said to him: There, in the mishna, we are dealing with hard reeds, which may not be bent and used on Shabbat, unlike soft reeds. He adds: And from where do you say that we distinguish between hard reeds and reeds that are not hard? As it was taught in a baraita: Reeds, boxthorn, and thistles are species of trees, and therefore they are not included in the prohibition of food crops in a vineyard, which applies only to herbs planted among vines. And it was taught in another baraita: Reeds, cassia, and bulrushes are species of herbs, and therefore they are included in the prohibition of food crops in a vineyard. These two baraitot contradict one another, as one states that reeds are trees, while the other says that they are considered herbs.

²⁴² Rather, conclude from this that we must distinguish between them as follows: Here, in the first baraita, it is referring to hard reeds, which are like trees; whereas there, in the second baraita, it is

referring to reeds that are not hard. The Gemara concludes: Indeed, conclude from this that our resolution of the contradiction is correct.

²⁴³ The Gemara raises a question with regard to the previously cited baraita: Is cassia a type of herb? Didn't we learn in a mishna: One may not graft rue to white cassia, as this involves the grafting of herbs to a tree? This proves that white cassia is a tree. Rav Pappa said: There is no difficulty, as cassia is distinct and is considered a type of herb, and white cassia is distinct and is considered a type of tree.

²⁴⁴ MISHNA: If one put the eiruv in a cupboard and locked it, and the key was lost, so that he is now unable to open the cupboard and access the eiruv, it is nonetheless a valid eiruv. Rabbi Eliezer says: If he does not know that the key is in its place, it is not a valid eiruv.

²⁴⁵ GEMARA: The Gemara asks: And why should the eiruv be valid if the key was lost? He is in one place and his eiruv is in a different place, since he cannot access the eiruv.

²⁴⁶ It was Rav and Shmuel who both said: Here, we are dealing with a cupboard made of bricks, and the mishna is in accordance with the opinion of Rabbi Meir, who said: One may create a breach in a brick wall on Shabbat ab initio, and take produce from the other side. As we learned in a mishna: If a house filled with produce had been sealed and was then breached, one may take out produce from the place of the breach. Rabbi Meir disagrees and says: One may even create a breach in the wall of the house and take produce ab initio. Consequently, according to Rabbi Meir it is permissible to make a hole in the cupboard in order to remove the produce found inside.

²⁴⁷ The Gemara asks: Didn't Rav Nahman bar Adda say that Shmuel said that that very mishna cited as a proof is referring to a structure built from layers of bricks piled one atop the other without cement or mortar between them, in which case making a hole cannot be considered dismantling a bona side structure? The Gemara answers: Here too, we are dealing with a cupboard made from layers of bricks.

²⁴⁸ The Gemara raises another difficulty: Didn't Rabbi Zeira say: The Sages in the aforementioned mishna, who discussed the breaching of a wall, spoke only with regard to a Festival, but not with regard to Shabbat? Therefore, it cannot be derived from that mishna that it is permitted to breach the cupboard on Shabbat in order to access the food inside. The Gemara answers: Here too, the mishna is referring to a case where the person needed an eiruv for a Festival but not for Shabbat.

²⁴⁹ The Gemara asks: If it is so that the mishna is referring only to a Festival, there is a difficulty with that which was taught about it in the following Tosefta: Rabbi Eliezer says: If the key was lost in a city, his eiruv is a valid eiruv; and if it was lost in a field, his eiruv is not a valid eiruv, for within a city it is possible to carry the key by way of courtyards that have joined together in an eiruv or the like, but in a field it is impossible to carry it, as the field has the status of a karmelit. And if the mishna is referring to a Festival, what is the difference to me whether the key was lost in a city or a field? On a Festival there is no prohibition against carrying from a private to a public domain, and therefore if the key was lost even in a field, the eiruv should still be valid.

²⁵⁰ The Gemara answers: The mishna is incomplete and it teaches the following: If one placed the eiruv in a cupboard and locked it, and the key is lost, it is nonetheless a valid eiruv. In what case is this statement said? On a Festival; however, on Shabbat, his eiruv is not a valid eiruv. If the key is found, whether in a city or in a field, his eiruv is not a valid eiruv. Rabbi Eliezer disagrees and says:

If it is found in a city, his eiruv is a valid eiruv; but if it is found in a field, his eiruv is not a valid eiruv.

²⁵¹ The Gemara now explains the difference: If the key is found in a city, his eiruv is a valid eiruv in accordance with the opinion of Rabbi Shimon, who said: Roofs, courtyards, and enclosed fields [karpeifot] are all one domain with regard to utensils that began Shabbat in them. Accordingly, a utensil that was left on a roof at the beginning of Shabbat may be carried into a courtyard or a karpef. It is possible to transfer anything located in a city from one place to another in a similar manner. If, however, the key is found in a field, his eiruv is not a valid eiruv, in accordance with the opinion of the Rabbis, due to the prohibition to carry in a karmelit. Although carrying there is merely a shevut, the eiruv is not valid.

²⁵² The discussion above constitutes one understanding of the mishna. Rabba and Rav Yosef, however, both said: Here, we are dealing with a wooden cupboard, and the tanna'im disagree with regard to the following point: The first, anonymous Sage, who rules that the eiruv is valid, holds that the cupboard is a utensil, and that there is no prohibited labor of building utensils, and similarly, there is no dismantling of utensils. Since dismantling a utensil is not included in the prohibited labor of dismantling, one may make a hole in the cupboard in order to access the food used for the eiruv. And the other Sage, Rabbi Eliezer, who invalidates the eiruv, holds that the cupboard is a tent. A wooden implement of such a large size is no longer classified as a utensil; rather, it is considered a building, and therefore it is subject to the prohibitions against building and dismantling on Shabbat.

²⁵³ And their dispute is parallel to the dispute between these tanna'im, as we learned in a mishna with regard to the ritual impurity of a zav: One of the unique laws of a zav is that he imparts impurity to an object simply by moving it, even if he does not touch it directly. If a zav knocked on a carriage, crate, or cupboard, even if he did not actually come into direct contact with them, they are nonetheless ritually impure because he caused them to move when he struck them. Rabbi Neḥemya and Rabbi Shimon disagree and render them pure.

²⁵⁴ What, are they not disagreeing about this point: The first Sage holds that a carriage, crate, or cupboard is categorized as a utensil, and therefore it contracts ritual impurity when a zav causes it to move; and the other Sage, Rabbi Neḥemya and Rabbi Shimon, holds that it is a tent, and a building does not contract ritual impurity in any way from a zav?

²⁵⁵ Abaye said in refutation of this proof: And do you think that this is a reasonable explanation of the mishna? Wasn't it taught in a baraita: If a zav shook a real tent, and it moved, it is ritually impure; and if he shook a utensil and it did not move, it is ritually pure? This indicates that the critical factor is not whether the article is classified as a tent or as a utensil but whether or not it actually moves when shaken. Furthermore, it was taught in the latter clause of that baraita: And if they moved, they are ritually impure, and this is the principle: If a utensil or a tent moved due to the direct force of the zav, it is ritually impure. But if it moved due to vibrations, e.g., if the zav knocked on the floor or on the platform upon which the object is located, and the vibrations of the floor or the platform caused the object to move, it is ritually pure, as it was not moved by the direct force of the zav. Once again, the determining factor is not the object's classification as a tent or a utensil but whether it was actually moved by the zav.

²⁵⁶ Rather, Abaye said that the dispute between the first tanna and Rabbi Neḥemya and Rabbi Shimon should be understood as follows: All agree that movement due to the direct force of the zav

causes the object to become ritually impure, whether it is a tent or a utensil. Conversely, if the movement was due to vibrations of the floor or base, it is ritually pure. And here, we are dealing with a case where the object vibrated because of the direct force of the zav, i.e., where he banged upon the object itself, causing it to vibrate but not to move. And the tanna'im disagree with regard to the following point: The first Sage holds that this, too, is considered movement; and the other Sage, Rabbi Neḥemya and Rabbi Shimon, holds that vibration is not considered movement. Therefore, Abaye rejects Rabba and Rav Yosef's proof for their explanation of the mishna.

²⁵⁷ The Gemara therefore proceeds to ask: If so, how is the mishna with regard to eiruv to be interpreted? The Gemara answers: Abaye and Rava both said: We are dealing here with a lock that is tied with a leather strap, and a knife is required to cut it if there is no key.

²⁵⁸ The anonymous first tanna holds in accordance with the opinion of Rabbi Yosei, who said: All utensils may be moved on Shabbat, except for a large saw and the blade of a plow. Consequently, one may take a knife, cut the strap, and remove his eiruv from the cupboard.

²⁵⁹ And Rabbi Eliezer holds in accordance with the opinion of Rabbi Neḥemya, who said: Even a cloak, and even a spoon, which are certainly used only for activities permitted on Shabbat, may be moved on Shabbat only for the purpose of their ordinary use. The same applies to a knife, which may be moved only in order to cut food, but not for any other purpose. Consequently, one cannot cut the strap around the lock of the cupboard, and therefore his eiruv is invalid unless the key is located in town and he can transport it via courtyards.

²⁶⁰ MISHNA: If one's eiruv rolled beyond the Shabbat limit, and he no longer has access to his eiruv since he may not go beyond his limit, or if a pile of stones fell on it, or if it was burnt, or if the eiruv was teruma and it became ritually impure; if any of these occurrences took place while it was still day, prior to the onset of Shabbat, it is not a valid eiruv, since one did not have an eiruv at twilight, which is the time one's Shabbat residence is established. However, if any of these occurred after dark, when it was already Shabbat, it is a valid eiruv, as it was intact and accessible at the time one's Shabbat residence is determined.

²⁶¹ If the matter is in doubt, i.e., if he does not know when one of the aforementioned incidents occurred, Rabbi Meir and Rabbi Yehuda say: This person is in the position of both a donkey driver, who must prod the animal from behind, and a camel driver, who must lead the animal from the front, i.e., he is a person who is pulled in two opposite directions. Due to the uncertainty concerning his Shabbat border, he must act stringently, as though his resting place were both in his town and at the location where he placed the eiruv. He must restrict his Shabbat movement to those areas that are within two thousand cubits of both locations.

²⁶² Rabbi Yosei and Rabbi Shimon disagree and say: An eiruv whose validity is in doubt is nevertheless valid. Rav Yosei said: The Sage Avtolemos testified in the name of five Elders that an eiruv whose validity is in doubt is valid.

²⁶³ GEMARA: We learned in the mishna: If one's eiruv rolled beyond the Shabbat limit prior to the onset of Shabbat, it is not a valid eiruv. Rava said: They only taught this in a case where one established his eiruv at the edge of his town's Shabbat limit and the eiruv rolled more than four cubits outside that limit; however, if it remained within four cubits of the Shabbat limit, it is a valid eiruv. The principle is that one who places his eiruv in a particular location has four cubits around it, since he has established his Shabbat residence there.

²⁶⁴ The mishna continues: If a pile of stones fell on the eiruv prior to the onset of Shabbat, it is not a valid eiruv. It might enter your mind to say that the mishna is referring to a case where if one wanted he could take the eiruv, i.e., where it is physically possible to clear the stones and remove the eiruv from underneath them. The only reason he cannot do so is because of the rabbinic prohibition to handle items that are set-aside, such as stones, on Shabbat.

²⁶⁵ If so, let us say that the mishna is not in accordance with the opinion of Rabbi Yehuda HaNasi. As, if you say that it is in accordance with the opinion of Rabbi Yehuda HaNasi, there is a difficulty: Didn't he say that with regard to anything prohibited due to rabbinic decree, they did not issue the decree to apply during twilight? The prohibition to handle items that are set-aside is also a rabbinic decree, and therefore, according to Rabbi Yehuda HaNasi, since the eiruv was accessible at twilight, it should be valid.

²⁶⁶ The Gemara rejects this argument: Even if you say that the mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, we can say that this ruling was necessary only in a case where a hoe or a spade would be required in order to remove the eiruv from under the stones, i.e., one would have to dig, which is a Shabbat labor prohibited by Torah law, not only by rabbinic decree.

²⁶⁷ The Gemara comments: And both rulings, the ruling concerning an eiruv that rolled beyond the Shabbat limit and the ruling concerning an eiruv that became buried under a pile of rocks, are necessary. As, if the mishna had only taught the case of the eiruv that rolled away, we might have said that the eiruv is invalid because it is not near him, but if a pile of rocks fell on the eiruv, since it is near him, you might say that it should be a valid eiruv, as one does not actually have to eat the eiruv.

²⁶⁸ And conversely, if the mishna had only taught the case where a pile of rocks fell on the eiruv, we might have said that the eiruv is invalid because it is covered, but in the case where it rolled away, since sometimes a wind comes and brings it back, you might say that it should be a valid eiruv. Therefore, it was necessary to teach both cases.

²⁶⁹ The mishna further states: Or if the eiruv was burnt, or if the eiruv was teruma that became ritually impure before Shabbat, it is not a valid eiruv. The Gemara asks: Why do I need to teach these two cases? The essential point of both cases is the same: The eiruv is no longer fit to be eaten. The Gemara answers: The mishna taught the case where the eiruv was burnt

²⁷⁰ to convey the far-reaching nature of Rabbi Yosei's statement, as he is lenient in a case of uncertainty whether the eiruv was burnt the previous day or only after nightfall, even though the eiruv is now entirely destroyed. Additionally, the mishna taught the case of teruma that became ritually impure to convey the far-reaching nature of Rabbi Meir's statement, as he is stringent even though the teruma itself is still present, and there is only an uncertainty about when it became impure.

²⁷¹ The Gemara questions the mishna's ruling itself: Does Rabbi Meir really hold that in cases of doubt one must be stringent? Didn't we learn the following in a mishna: If a ritually impure person descended to immerse in a ritual bath, and there is doubt whether he actually immersed or he did not immerse; and even if he certainly immersed, there is doubt whether he immersed in a ritual bath containing forty se'a of water, the minimal amount of water necessary for the ritual bath to be valid, or he did not immerse in forty se'a; and similarly, if there are two adjacent ritual baths, one of which has forty se'a of water in it and is therefore valid, and one of which does not have forty se'a of water

in it, and he immersed in one of them, but he does not know in which of them he immersed; in each of these cases, owing to one's doubt, he remains ritually impure?

²⁷² In what case is this statement, which maintains that in cases of doubt one is considered impure, said? It is said with regard to severe forms of ritual impurity, i.e., those imparted by a primary source of ritual impurity.

²⁷³ However, with regard to lenient forms of ritual impurity imposed only by rabbinic decree, such as one who ate half a half-loaf of impure foods; and similarly, one who drank impure liquids; and one whose head and most of his body came under drawn water, as opposed to spring water or rainwater, in which case the Sages decreed that person to be ritually impure; or if three log of drawn water fell on one's head and most of his body, in which case the Sages also decreed that person to be impure; and if in any of these cases one descended to immerse himself in a ritual bath to purify himself of the rabbinically decreed impurity, and there is doubt whether he actually immersed or he did not immerse; and even if he certainly immersed, there is doubt whether he immersed in forty se'a of water or he did not immerse in forty se'a; and similarly, if there were two ritual baths, one of which has forty se'a of water in it and one of which does not have forty se'a of water in it, and he immersed in one of them, but he does not know in which of them he immersed; in all of these cases, owing to his doubt, he is ritually pure.

²⁷⁴ Rabbi Yosei disagrees and renders him ritually impure. In any event, it is clear that, according to the unattributed mishna, which is generally presumed to reflect the opinion of Rabbi Meir, the halakha is lenient in cases of doubt relating to ritual impurity that is due to rabbinic decree. Why, then, doesn't Rabbi Meir agree that we should be lenient in cases of doubt relating to an eiruv, which is also of rabbinic origin?

²⁷⁵ The Gemara answers: Rabbi Meir holds that the prohibitions relating to Shabbat limits are prohibited by Torah law, and therefore the uncertainties in the mishna involve a Torah prohibition, with regard to which one may not be lenient.

²⁷⁶ The Gemara asks: Does Rabbi Meir really hold that the prohibitions of Shabbat limits are prohibited by Torah law? Didn't we learn in a mishna: When taking measurements related to Shabbat boundaries, if a fifty-cubit rope is held at either end by two people, the distance between them is deemed to be fifty cubits, even if the distance on the ground is greater, owing to inclines and depressions? If there is a hill or incline between them that cannot be swallowed by the fifty-cubit measuring rope, so that the usual mode of measurement cannot be used, in this situation, Rabbi Dostai said in the name of Rabbi Meir: I heard that we pierce mountains, i.e., we measure the distance as if there were a hole from one side of the hill to the other, so that in effect we measure only the horizontal distance and ignore the differences in elevation.

²⁷⁷ And if it should enter your mind to say that the prohibitions relating to Shabbat limits are prohibited by Torah law, would it be permitted to pierce the mountains? Didn't Rav Nahman say that Rabba bar Avuh said: We may not pierce mountains when measuring the boundaries of cities of refuge nor when measuring which city is closest to a corpse and is therefore obligated to perform the rite of the heifer whose neck is broken, because those laws are from the Torah; therefore, a more stringent policy is used to measure the distances precisely?

²⁷⁸ The Gemara answers: This is not difficult, as there is no contradiction between the two statements. This statement, according to which Shabbat limits are by Torah law, is his; that statement,

in which he is lenient, is his teacher's. The language of the mishna is also precise according to this explanation, as we learned: In this case, Rabbi Dostai bar Yannai said in the name of Rabbi Meir: I have heard that we pierce mountains. This formulation indicates that Rabbi Meir did not state his own opinion. Rather, he transmitted a ruling that he had heard from his teacher, even though he did not agree with it himself. The Gemara concludes: Indeed, conclude from this that this resolution is correct.

²⁷⁹ The Gemara continues: There is still room to raise a contradiction between one ruling with regard to Torah law and another ruling with regard to Torah law, according to the opinion of Rabbi Meir.

²⁸⁰ As we learned in a mishna: If one touched one other person at night, and he does not know whether the person he touched was alive or dead, and the following day he arose and found him dead, and he is in doubt as to whether or not he contracted ritual impurity as a result of having come into contact with a corpse, Rabbi Meir renders him ritually pure. It is assumed that the deceased was still alive until the point that it is known with certainty that he is dead. And the Rabbis render him ritually impure because it is assumed that all ritually impure items had already been in the same state as they were at the time they were discovered. Just as the deceased was found dead in the morning, so too, it may be presumed that he was dead when he was touched in the middle of the night. Therefore, Rabbi Meir is lenient even with respect to an uncertainty relating to a Torah law, and he holds that a person is presumed to be alive until it is known with certainty that he died. Why, then, is he stringent concerning doubt as to whether the eiruv had already become impure on the previous day or only after nightfall? Here too, one should assume that the eiruv is ritually pure until he knows with certainty that it became defiled, and so the eiruv should be valid, even if Shabbat limits are considered Torah law.

²⁸¹ The Gemara answers: Rabbi Yirmeya said: The mishna is referring to a case where a creeping animal that imparts ritual impurity was on the teruma that was used to establish the eiruv for the entire twilight period. The Gemara asks: If so, in that case, would Rabbi Yosei say that an eiruv whose validity is in doubt is valid? There is no uncertainty in this case.

²⁸² It was Rabba and Rav Yosef who both said: The doubt here does not result from the facts of the case themselves, but from conflicting testimonies and an inability to decide between them. Here, we are dealing with two sets of witnesses, one of which says: The teruma became impure while it was still day, before the onset of Shabbat; and one of which says: The teruma became impure only after nightfall.

²⁸³ Rava said: That is not the way to resolve the apparent contradiction between the two rulings; rather, there is a difference between the cases with regard to the ritual impurity itself: There, with regard to touching a person who was later found dead, there are two presumptions supporting leniency, whereas here, with respect to the teruma being used for an eiruv, there is only one presumption supporting leniency. How so? With regard to one who touched another person who was later found to be dead, there are two presumptions of purity: Firstly, the person who was found dead was previously alive, and the presumption is that he remained in that state until we know with certainty that he was dead. Secondly, the one who touched that person was previously pure, and he remains in that presumptive state until we know with certainty that he became impure. Therefore, Rabbi Meir had adequate reason to be lenient. However, with regard to teruma, only one presumption

exists, that the teruma was previously pure and presumably remained in that state until proven otherwise. Since there is no additional presumption, Rabbi Meir ruled stringently.

²⁸⁴ All the difficulties raised above are based on the seemingly conflicting statements of Rabbi Meir. Yet it would appear that there is also a contradiction between one statement of Rabbi Yosei and another statement of Rabbi Yosei, for he was stringent with regard to the doubts involving ritual baths but lenient with regard to doubts involving eiruv.

²⁸⁵ Rav Huna bar Hinnana said: The law with regard to ritual impurity is different, since it has a basis in the Torah. Therefore, Rabbi Yosei was stringent even with respect to immersion performed in order to remove impurity that is only of rabbinic origin. The Gemara asks: The prohibitions of Shabbat limits are also prohibited by Torah law; why isn't Rabbi Yosei stringent about them as well? The Gemara answers: Rabbi Yosei holds: The laws of Shabbat limits are by rabbinic law, not by Torah law.

²⁸⁶ And if you wish, say instead: This stringent ruling is his; that lenient ruling with regard to an eiruv is his teacher's. The Gemara comments: The language of the mishna is also precise according to this explanation, as we learned in the mishna that Rabbi Yosei said: The Sage Avtolemos testified in the name of five Elders that an eiruv whose validity is in doubt is valid. This formulation indicates that Rabbi Yosei was merely reporting a ruling that he had heard from his teacher, although he may not have accepted it. The Gemara concludes: Indeed, conclude from this that this resolution of the contradiction is correct.

²⁸⁷ Rava said that a different resolution of the contradiction may be suggested: There, with regard to ritual baths, this is the reason for Rabbi Yosei's opinion: Keep the impure person in his presumptive state of ritual impurity, and say that he did not properly immerse himself.

²⁸⁸ The Gemara responds: On the contrary, keep the ritual bath in its presumptive state of validity and say that the ritual bath was not lacking the requisite measure of water. The Gemara answers: We are dealing here with a ritual bath that had not been previously measured to determine whether it contained forty se'a, and therefore it had no prior presumption of validity.

²⁸⁹ It was taught in the Tosefta: In what case did Rabbi Yosei say that an eiruv whose validity is in doubt is nevertheless valid? For example, if one established an eiruv with teruma that had been ritually pure but later became impure, and there is doubt whether it became impure while it was still day, before the onset of Shabbat, or whether it became impure only after nightfall, and similarly, if one made an eiruv with untithed produce that was later tithed and thereby became permissible for eating, and there is doubt whether it was rendered fit while it was still day, before the onset of Shabbat, or whether it was rendered fit only after nightfall, this is an eiruv whose validity is in doubt which Rabbi Yosei said is valid.

²⁹⁰ However, if one established an eiruv with teruma about which there was doubt whether it was ritually pure or ritually impure from the outset; and similarly, if one established an eiruv with produce about which there was doubt from the outset whether it had been tithed and thereby rendered fit or whether it had not been tithed and thereby rendered fit, this is not a case of an eiruv whose validity is in doubt that Rabbi Yosei said is valid.

²⁹¹ The Gemara raises a question in order to clarify the Tosefta: What is different about teruma, with regard to which we say: Keep the teruma in its presumptive state of ritual purity, and say that it was

still pure at the onset of Shabbat, since it had been previously pure and it is not known when it became impure? According to that reasoning, with regard to untithed produce [tevel] it should also be said: Keep the untithed produce in its presumptive state, as the produce had certainly been untithed originally, and say that it was not tithed and thereby rendered fit prior to the onset of Shabbat.

²⁹² Rather, emend the wording of the Tosefta: Do not say: There is doubt whether it was rendered fit while it was still day, before the onset of Shabbat. Rather, say: There is doubt whether regular produce became mixed with untithed produce while it was still day, or whether it became mixed only after nightfall. In other words, one used regular food to establish his eiruv, but then tevel was mixed with that food, prohibiting the entire mixture from being consumed until tithes are separated for the tevel. However, there is doubt whether the produce became mixed with the tevel while it was still day, in which case the eiruv is invalid, or whether it became mixed only after nightfall, in which case the eiruv is valid. In that case, we say: Keep the produce in its presumptive state and say that it was not mixed with tevel during the day, and therefore the eiruv is valid.

²⁹³ Rav Shmuel bar Rav Yitzḥak raised a dilemma to Rav Huna: If there were two loaves of teruma before someone, one that was ritually impure and one that was ritually pure, and he did not know which one was pure; and he said: Establish an eiruv teḥumin for me with the pure loaf, wherever it is, i.e., even though I do not know which it is, I wish to establish my Shabbat residence at the location of the pure loaf, and those present placed both loaves in the same place, what is the halakha? Is this a valid eiruv or not?

²⁹⁴ The Gemara clarifies: The question may be asked according to the stringent opinion of Rabbi Meir, and it may be asked according to the lenient opinion of Rabbi Yosei. The question may be asked according to the opinion of Rabbi Meir in the following manner: Perhaps Rabbi Meir only stated his stringent opinion with regard to a questionable eiruv there, where there is no teruma that is definitely pure present, but only teruma whose purity is in doubt. Here, however, there definitely is a pure loaf, and therefore even Rabbi Meir may agree to rule leniently. Or perhaps it may be argued that even according to the opinion of Rabbi Yosei, he only said that we are lenient with regard to an eiruv whose validity is in doubt in the case dealt with there, where, if indeed the teruma is pure, he knows where it is; but here, he does not know how to identify it.

²⁹⁵ Rav Huna said to Rav Shmuel bar Rav Yitzḥak: According to both the opinion of Rabbi Yosei and the opinion of Rabbi Meir, we require that an eiruv consist of a meal that is fit to be eaten while it is still day, prior to the onset of Shabbat, and in this case there is none. Due to the uncertainty as to which loaf is pure and which is impure, neither of the two loaves may be eaten, and an eiruv made with food that may not be eaten while it is still day is not a valid eiruv.

²⁹⁶ Rava raised another dilemma to Rav Naḥman: If one said: This loaf shall remain unconsecrated today, and tomorrow it shall be consecrated, and he then said: Establish an eiruv for me with this loaf, what is the halakha? Do we say that since the twilight period's status as part of the previous day or part of the day that follows is questionable, the consecration of the loaf may take effect before the eiruv establishes one's Shabbat residence, and since an eiruv cannot be made with a consecrated object, the eiruv is not valid? Rav Naḥman said to Rava: In that case, his eiruv is a valid eiruv.

²⁹⁷ Rava then asked about one who made the opposite statement: This loaf shall be consecrated today, and tomorrow it shall be unconsecrated, i.e., it shall be redeemed with money that I have in my house, and he then said: Establish an eiruv for me with this loaf, what is the halakha? Rav

Nahman said to him: His eiruv is not a valid eiruv. Rava asked him: What is different between the two cases? If we are lenient with regard to the twilight period, we should be lenient in both cases.

²⁹⁸ Rav Nahman said to Rava in jest: After you eat a kor of salt over it, and analyze the matter at length, you will be able to understand the difference. The difference is obvious: When one says that today the loaf shall remain unconsecrated, and tomorrow it shall be consecrated, we do not assume out of doubt that sanctity has descended upon the loaf. Therefore, the loaf remains in its presumptive state of being unconsecrated during the twilight period, and the eiruv is valid. With regard to the opposite case, however, when one says that today the loaf shall be consecrated, and tomorrow it shall be unconsecrated, we do not assume out of doubt that the loaf's sanctity has departed from it. The loaf remains in its presumptive state of consecration for the duration of the twilight period, and therefore the eiruv is invalid.

²⁹⁹ We learned in a mishna there: If one filled a flask that was immersed during the day [tevel yom] but does not become fully ritually pure until night from a barrel of tithe that was still tevel, meaning that the produce inside was first tithe from which teruma of the tithe had not yet been separated, and he said: Let the contents of this flask be teruma of the tithe for the contents of the barrel when night falls, his statement takes effect. If he were to say that the designated portion should immediately become teruma of the tithe, the teruma of the tithe would be defiled by the flask that is still a tevel yom. Once night falls, however, the flask is absolutely pure, and if the designation of the flask's contents as teruma of the tithe takes effect at that time, the produce remains pure. The mishna teaches that teruma of the tithe can be separated in this manner.

³⁰⁰ The mishna continues: And if he said: Establish an eiruv for me with the contents of this flask, he has not said anything, as the contents of the flask are still tevel. Rava said: That is to say that the end of the day is when the eiruv acquires one's Shabbat residence. The critical time with respect to an eiruv is the last moment of Shabbat eve, rather than the first moment of Shabbat.

³⁰¹ As, if it should enter your mind that an eiruv acquires one's Shabbat residence at the beginning of the day of Shabbat, then if he said: Establish an eiruv for me with the produce in this flask, why hasn't he said anything? After nightfall, when Shabbat begins, the flask is already pure, and therefore the teruma of the tithe inside it is also pure and is suitable for an eiruv.

³⁰² Rav Pappa said: This is no proof; even if you say that an eiruv acquires one's Shabbat residence at the beginning of the day of Shabbat, nonetheless, we require a meal that is fit to be eaten while it is still day, prior to the onset of Shabbat, in order for the eiruv to be valid, and there is none in this case. While it was still day, it was certainly prohibited to consume the contents of the flask, which were still tevel, and therefore it could not be used as an eiruv.

³⁰³ MISHNA: A person may make a condition with regard to his eiruv of Shabbat borders. In other words, he need not decide in advance in which direction his eiruv should take effect. For example, he may deposit an eiruv on each of two opposite sides of his town, and say: If gentiles come from the east, my eiruv is in the west, so that I can escape in that direction; and if they come from the west, my eiruv is in the east. If they come from here and from there, i.e., from both directions, I will go wherever I wish, and my eiruv will retroactively take effect in that direction; and if they do not come at all, neither from here nor from there, I will be like the rest of the inhabitants of my town and give up both eiruvim that I deposited, leaving me with two thousand cubits in all directions from the town.

³⁰⁴ Similarly, one may say: If a Sage comes from the east and he is spending Shabbat beyond the boundaries of my town, my eiruv is in the east, so that I may go out to greet him there; and if he comes from the west, my eiruv is in the west. If one Sage comes from here, and another Sage comes from there, I will go wherever I wish; and if no Sage comes, neither from here nor from there, I will be like the rest of the inhabitants of my town. Rabbi Yehuda says: If one of the Sages coming from opposite directions was his teacher, he may go only to his teacher, as it is assumed that was his original intention. And if they were both his teachers, so that there is no reason to suppose that he preferred one over the other, he may go wherever he wishes.

³⁰⁵ GEMARA: The Gemara relates that when Rabbi Yitzḥak came from Eretz Yisrael to Babylonia, he taught all of the laws in the mishna in the opposite manner. That is to say, according to him, if the gentiles came from the east, his eiruv would be to the east, and, conversely, if the Sage came from the east, his eiruv would be to the west. This is difficult because if this is correct, there is a contradiction between the ruling concerning gentiles in the mishna and the ruling concerning gentiles in the baraita, and similarly there is a contradiction between the ruling concerning a Sage in the mishna and the ruling concerning a Sage in the baraita.

³⁰⁶ The Gemara answers: The apparent contradiction between the ruling concerning gentiles in the mishna and the ruling concerning gentiles in the baraita is not difficult: This case in the mishna is referring to a tax collector [parhagabena], from whom one wishes to flee; whereas that case in the baraita is referring to the lord of the town, with whom he wishes to speak. Therefore, there are times that one wants to go out toward the gentile, while at other times one wants to flee from him.

³⁰⁷ Similarly, the apparent contradiction between the ruling concerning a Sage in the mishna and the ruling concerning a Sage in the baraita is not difficult: This case in the mishna is referring to a scholar who sits and delivers public Torah lectures, and one wishes to come and learn Torah from him; whereas that case in the baraita is referring to one who teaches children how to recite the Shema, i.e., one who teaches young children how to pray, of whom he has no need. The baraita teaches that if a scholar came from one direction to deliver a public lecture and the school teacher came from the opposite direction, his eiruv is in the direction of the scholar.

³⁰⁸ We learned in the mishna that Rabbi Yehuda says: If one of the Sages was his teacher, he may go only to his teacher, as we can assume that this was his original intention. The Gemara asks: And what is the reason that the Rabbis do not accept this straightforward argument? The Gemara answers: The Rabbis maintain that sometimes one prefers to meet the Sage who is his colleague rather than the Sage who is his teacher, as sometimes one learns more from his peers than from his teachers.

³⁰⁹ Rav said: This version of the mishna should not be accepted because of what the Sage Ayo taught to the opposite effect, as Ayo taught the following baraita: Rabbi Yehuda says: A person cannot make conditions about two things at once, i.e., he cannot say that if one Sage comes from one direction and another Sage comes from the other direction, he will go wherever he wishes. Rather, he may say that if a Sage came from the east, his eiruv is in the east, and if a Sage came from the west, his eiruv is in the west. But he may not say that if one Sage came from here, and another Sage came from there, he will go wherever he wishes.

³¹⁰ The Gemara asks: What is different about a case in which one stipulated that if Sages came from here and from there he may go to whichever side he chooses, such that his eiruv is not effective? Apparently, this is due to the principle that there is no retroactive designation, meaning that a

doubtful state of affairs cannot be clarified retroactively. However, according to this principle, when one established an eiruv to the east and to the west in order to be able to travel in the direction of one Sage who comes toward the town in a case where one does not know in advance from which direction he will come, we should also invoke the principle that there is no retroactive designation. Therefore, even if one deposited an eiruv at both ends of his town for the sake of one Sage who might come from either side, he should not be able to rely on what becomes clarified afterward and decide retroactively which eiruv he is interested in.

³¹¹ Rabbi Yoḥanan said: This is not a true case of retroactive designation, as the Sage had already come by twilight but the person who established the eiruv did not yet know which side of the town the Sage had come toward. Therefore, at the time the eiruv establishes his Shabbat residence it is clear which eiruv the person wants, even though he himself will only become aware of that later.

³¹² The Gemara poses a question with regard to Rav's statement cited above: Why should we reject the mishna because of the baraita? On the contrary, let us say that the ruling of Ayo should not be accepted because of the mishna.

³¹³ The Gemara answers: It should not enter your mind to uphold the mishna's ruling because it contradicts other sources, as we have already heard that Rabbi Yehuda does not accept the principle of retroactive designation. As it was taught in the Tosefta: One who buys wine from among the Samaritans [Kutim], who do not tithe their produce properly,

³¹⁴ may say: Two log of the hundred log present here, which I will separate in the future, when I have finished drinking, shall be the great teruma given to a priest; ten log shall be first tithe; and nine log, which are a tenth of the remaining ninety log, shall be second tithe. He then redeems the second-tithe with money because in its sanctified state second tithe may only be consumed in Jerusalem, and he may then immediately drink the wine, and the wine remaining at the end will be teruma and tithes. One may rely on the principle of retroactive designation and say that when he is finished drinking, the wine that is left becomes retroactively designated as teruma and tithes, such that the wine he drank was permitted for consumption. This is the statement of Rabbi Meir. However, Rabbi Yehuda, Rabbi Yosei, and Rabbi Shimon prohibit drinking the wine in this manner. Therefore, it would appear that Rabbi Yehuda rejects the principle of retroactive designation, contrary to the ruling of the mishna and in accordance with the opinion of Ayo.

³¹⁵ Ulla also took note of this contradiction between the statements of Rabbi Yehuda, but he said the opposite: The statement of Ayo should not be accepted because it contradicts what is stated in the mishna. The Gemara raises a difficulty: But that which was taught in the Tosefta: Rabbi Yehuda, Rabbi Yosei, and Rabbi Shimon prohibit drinking the wine in this manner, indicates, as was demonstrated above, that Rabbi Yehuda rejects the principle of retroactive designation.

³¹⁶ Ulla taught the names of the authorities mentioned in the Tosefta dealing with wine in pairs, as follows: The allowance mentioned in the Tosefta is according to the statement of Rabbi Meir and Rabbi Yehuda, whereas Rabbi Yosei and Rabbi Shimon prohibit drinking the wine in this manner. Therefore, Rabbi Yehuda agrees with Rabbi Meir and accepts the principle of retroactive designation, in accordance with the mishna.

³¹⁷ To this point, it has been accepted that Rabbi Yosei clearly prohibits the procedure described in the Tosefta. Therefore, he apparently rejects the principle of retroactive designation. With regard to this point, the Gemara asks: Does Rabbi Yosei really hold that there is no retroactive designation?

Didn't we learn in a mishna elsewhere that Rabbi Yosei says: If two women took their birds' nests, pairs of turtledoves or pigeons as purification offerings following childbirth, jointly and without specifying which pair of birds was for which woman, or if they gave their birds' nests to a priest but did not inform him which birds were consecrated as sin-offerings and which as burnt-offerings, whichever the priest wishes he may offer as a burnt-offering, and whichever he wishes he may offer as a sin-offering. Therefore, Rabbi Yosei must accept the principle of retroactive designation, such that when the priest offers any of the birds as a sacrifice, it is retroactively clarified that the bird had been selected for that woman and as that sacrifice.

³¹⁸ Rabba said: There is no proof from there, with regard to retroactive designation, as the mishna there deals with a special case, where the women stipulated from the outset that the priest would decide which bird would be offered for which woman and as what sacrifice.

³¹⁹ The Gemara asks: If so, what need was there for the mishna to say anything? If they made an explicit stipulation to that effect, then the priest certainly has the power to fulfill their condition. The Gemara answers: The mishna nonetheless teaches us that the law is in accordance with the opinion of Rav Ḥisda, as Rav Ḥisda said: Birds' nests become designated as burnt-offerings or sin-offerings only

³²⁰ when they are purchased by their owner, if the owner explicitly consecrated it as a burnt-offering or sin-offering when he purchased it, or through the actions of the priest when he offers the birds as sacrifices. Therefore, even if the women did not verbalize their intentions, it is considered as if they had made a stipulation from the outset. Therefore, this case is not an instance of retroactive designation.

³²¹ And still the question may be raised: Does Rabbi Yosei really hold that there is no retroactive designation? Wasn't it taught in a baraita: If an am ha'aretz, who is not known to be scrupulous in separating tithes, said to a ḥaver, one known to be meticulous in his observance of halakha and especially the laws of teruma and tithes, before the ḥaver went to the market to buy himself vegetables from another am ha'aretz: Buy for me as well a bundle of vegetables or a cake [geluska], the ḥaver does not need to tithe the food that he gives to the am ha'aretz. The only reason the food needs to be tithed is because it is demai, and an am ha'aretz is not particular about that issue. This is the statement of Rabbi Yosei. It can be deduced from this ruling that Rabbi Yosei accepts the principle of retroactive designation, as the ḥaver purchased bundles of vegetables without specifying which was for himself and which was for the am ha'aretz, and when he gave one to the am ha'aretz, it became retroactively clear that he had purchased that bundle for the am ha'aretz from the start, and therefore he does not need to separate tithes from it as demai.

³²² And the Rabbis say: He must tithe it. Since we do not accept the principle of retroactive designation, everything that the ḥaver bought was bought for himself, and the fact that he later gave part of it to the am ha'aretz does not exempt him from his original obligation to separate tithes from the demai. In any case, it seems that Rabbi Yosei's opinion in this baraita contradicts his opinion in the Tosefta cited above with regard to wine. The Gemara answers: Reverse the opinions in the baraita and say that according to Rabbi Yosei he must tithe the produce he gives to the am ha'aretz, while the Rabbis permit him to proceed without tithing.

³²³ The Gemara attempts to bring another proof. Come and hear a proof from a different Tosefta: In the case of one who says: The second tithe that I have in my house shall be redeemed upon the sela

coin that will happen to come up in my hand when I remove it from the pouch, i.e., he did not have a particular coin in mind, Rabbi Yosei says: The second tithe is redeemed. When the coin is removed from the pouch, it is retroactively clarified that this is the coin that he had in his mind from the outset. This indicates that Rabbi Yosei accepts the principle of retroactive designation.

³²⁴ The Gemara answers again: Reverse the attributions, and say that Rabbi Yosei says: He has not redeemed the second tithe. The Gemara raises a difficulty: What did you see that you reversed two sources because of one, and made the two baraitot conform to the mishna, which indicates that Rabbi Yosei holds that there is no retroactive designation? Perhaps I should reverse one source, i.e., the mishna, because of the two baraitot and say that in fact Rabbi Yosei accepts the principle of retroactive designation, and it is the lone source that indicates otherwise that must be revised.

³²⁵ The Gemara answers: This Tosefta was certainly taught in reverse, as the latter clause states: And Rabbi Yosei concedes with regard to one who says: The second tithe that I have in my house shall be redeemed with the new sela coin that will happen to come up in my hand when I remove it from the pouch, that he has redeemed the second tithe. The Gemara makes the following inference: From the fact that it said here that he has redeemed the second tithe, it can be proven by inference that there, in the first clause of the Tosefta, he did not redeem the second tithe. Therefore, the wording found in the earlier part of the baraita is clearly incorrect and must be reversed.

³²⁶ The Gemara raises a question with regard to the halakha cited in the Tosefta: This new sela, what are its circumstances? If it is referring to a situation where there are two or three coins in his pouch, so that it is not clear which coin he is referring to, and there is the possibility of retroactive designation, this is exactly the same as the first case. Why does he rule here, as opposed to the earlier case, that there is retroactive designation? Rather, it must refer to a situation where he has only one coin in his pouch. But if so, what is the meaning of the expression: Will happen to come up?

³²⁷ The Gemara answers: In fact, it is referring to a case where one has only one coin in his pouch, and the wording of the latter clause is imprecise. Since the first clause taught the halakha using this expression: Will happen to come up, the latter clause also taught the halakha using this same expression: Will happen to come up, even though he was referring to the only new coin that he has in his pouch.

³²⁸ Rava said to Rav Nahman: Who is this tanna who does not accept the principle of retroactive designation even concerning rabbinic decrees? As it was taught in a baraita: If one person said to five people: I am hereby establishing an eiruv for whichever one of you I will choose, so that the person I have chosen will be able to walk two thousand cubits from the spot of the eiruv, whereas whomever I have not chosen will not be able to walk two thousand cubits from the location of the eiruv, the following distinction applies: If he chose the person for whom he was making the eiruv before Shabbat, while it was still day, his eiruv is a valid eiruv; but if he only chose him after nightfall, his eiruv is not a valid eiruv. The tanna of this baraita apparently rejects the principle of retroactive designation, even with regard to rabbinic enactments, as if that were not the case, the eiruv should be valid even if he only chose the person for whom he was making the eiruv after nightfall.

³²⁹ Rav Nahman was silent and did not say anything to Rava. The Gemara asks: And let Rav Nahman say to him that the baraita is the opinion of a Sage of the school of Ayo, in accordance with the opinion of Rabbi Yehuda, which maintains that even with regard to an eiruv there is no

retroactive designation. The Gemara answers: He did not accept Ayo's version of Rabbi Yehuda's opinion and considered it incorrect.

³³⁰ Rav Yosef said, in his unique style: Have you removed the tanna'im from the world? Is there no tanna who holds this position? The possibility of retroactive designation with regard to rabbinic enactments is a dispute among tanna'im, as it was taught in a baraita: One said: I am hereby establishing an eiruv for the Shabbatot of the entire year, so that if I want to make use of it, I will be able to walk two thousand cubits from the eiruv, and if I do not want to do so, I will not walk. If he wanted to make use of the eiruv for a particular Shabbat while it was still day, his eiruv is a valid eiruv for that Shabbat. However, if he only decided after nightfall that he wanted the eiruv to be in effect, the tanna'im disagree: Rabbi Shimon says: His eiruv is a valid eiruv; and the Rabbis say: His eiruv is not a valid eiruv. This indicates that according to the Rabbis there is no retroactive designation, even with regard to eiruvin, while Rabbi Shimon holds that his eiruv is in effect because of the principle of retroactive designation.

³³¹ The Gemara asks: Didn't we hear that Rabbi Shimon does not accept the principle of retroactive designation in the case of wine from Kutim? The contradiction between one ruling of Rabbi Shimon and another ruling of Rabbi Shimon himself is difficult. The Gemara answers: Rather, reverse the opinions and say that it is Rabbi Shimon who holds that his eiruv is not valid, and therefore he can be identified as the tanna who holds that there is no retroactive designation at all, even with regard to rabbinic decrees.

³³² The Gemara asks: What is the difficulty here? Perhaps it is with regard to Torah law that Rabbi Shimon does not accept the principle of retroactive designation, but with regard to rabbinic decrees, he does accept the principle of retroactive designation. Therefore, it is not necessary to reverse the opinions.

³³³ The Gemara answers: Rav Yosef holds that one who accepts the principle of retroactive designation accepts it in all cases; there is no difference between Torah law and rabbinic decrees. And one who does not accept the principle of retroactive designation does not accept it at all; there is no difference between Torah law and rabbinic decrees.

³³⁴ Rava said: The distinction between the case of the wine and the other cases is not related to the principle of retroactive designation. Rather, there, the case of the wine of a Kuti, is different, as we require that the teruma be the first of your produce, whose remnants are recognizable. Since teruma is called the first, if it is not clear which portion was separated and which portion is left over, the designation of part of the wine as teruma is not effective, despite the fact that Rabbi Shimon accepts the principle of retroactive designation.

³³⁵ Abaye said to him: Do you really think that this ruling is correct? But if that is so, if there were two pomegranates that were tevel before him, and he said: If rain falls today, this pomegranate shall be teruma for that other pomegranate, and if rain does not fall today, that second pomegranate shall be teruma for this first one, so too, whether rain fell or did not fall, there is no significance to his statement because the remnants that are not teruma are not immediately recognizable.

³³⁶ And if you say that indeed, it is so, there is a difficulty. Didn't we learn in a mishna that if one says: The teruma of this pile of produce and its tithes shall be inside it, without specifying the location of the produce that he is designating for these purposes, and similarly, if one says about a pile of first-tithe produce: The teruma of this tithe shall be inside it, without specifying the location,

Rabbi Shimon says: He has given it a name, i.e., the designation of the teruma and tithes take effect, even though it is impossible to distinguish between them and the permitted portion of the produce? Therefore, it is not necessary for the remnants of the act of separation to be recognizable.

³³⁷ Rava refutes this argument: There, with regard to a pile of produce, it is different because there are recognizable remnants around it. He specified that the teruma should be inside the heap, which indicates that it is in the middle of the pile, and therefore the produce on the perimeter of the pile is certainly not teruma, and some of the remnants of the act of separation are recognizable.

³³⁸ And if you wish, you can reconcile the difference between the case of separating teruma from wine and the other cases and say in accordance with the reason that was taught in the case of the wine: The Rabbis said to Rabbi Meir: Don't you concede that perhaps the leather flask will burst before he manages to separate the teruma, and retroactively this person would have been drinking tevel? Since he never ended up separating teruma, the wine remained tevel all along. Rabbi Meir said to them: When it bursts, I will consider the matter, but presently I am not concerned that the bottle might burst. Therefore, we see that these tanna'im do not disagree about the principle of retroactive designation but over the likelihood that the flask will burst.

³³⁹ The Gemara now asks: And according to what initially entered our minds, which is that we require teruma that is the first, whose remnants are recognizable what did the Rabbis say to Rabbi Meir about that? That is the objection they should have raised against him.

³⁴⁰ The Gemara answers: This is what they said to him: According to our own opinion, we require teruma that is the first, whose remnants are recognizable; according to your opinion,

³⁴¹ don't you at least concede that we must be concerned that perhaps the leather flask will burst, and retroactively this person would have been drinking tevel? Rabbi Meir said to them: When it bursts, I will consider the matter, but now I am not concerned about this possibility.

³⁴² MISHNA: Rabbi Eliezer says: With regard to a Festival adjacent to Shabbat, whether before it, on a Friday, or after it, on a Sunday, a person may establish two eiruvim of Shabbat borders [teḥumin] and say as follows: My eiruv on the first day shall be to the east, and on the second day to the west. Alternatively, one may say: On the first day it shall be to the west and on the second day to the east. Similarly, one may say: My eiruv shall apply on the first day, but on the second day I shall be like the rest of the inhabitants of my town, or: My eiruv shall apply on the second day, but on the first day I shall be like the rest of the inhabitants of my town.

³⁴³ And the Rabbis disagree and say that such a split is impossible. Rather, he either establishes an eiruv in one direction for both days, or he establishes no eiruv at all; either he establishes an eiruv for the two days, or he establishes no eiruv at all.

³⁴⁴ What does one do to establish an eiruv that will be valid for both the Festival and Shabbat? He or his agent brings the eiruv to the location that he wishes to establish as his residence on the eve of the first day, and he stays there with it until nightfall, the time when the eiruv establishes that location as his residence for the Festival, and then he takes it with him and goes away, so that it will not become lost before the following evening, in which case he would not have an eiruv for the second day. On the eve of the second day, he takes it back to the same place as the day before, and he stays there with it until nightfall, thereby establishing his residence for Shabbat, and then he may eat the eiruv and go

away, if he so desires. Consequently, he benefits in that he is permitted to walk in the direction that he desires, and he benefits in that he is permitted to eat his eiruv.

³⁴⁵ However, if the eiruv was eaten on the first day, his eiruv is effective for the first day, and his eiruv is not effective for the second day.

³⁴⁶ Rabbi Eliezer said to them: If so, you agree with me that Shabbat and a Festival constitute two distinct sanctities, as if not, the eiruv that went into effect during the twilight period on the eve of the first day should have remained in effect for both days, even if it was eaten during the first day. This being the case, you should also agree with me that one can make two separate eiruvim for the two days in two different directions.

³⁴⁷ GEMARA: The Gemara raises a difficulty with regard to the wording employed by the Rabbis: First, the Rabbis state that one may establish an eiruv in one direction. What does this mean? He must establish an eiruv in that direction for two days. Then they state that he may establish an eiruv for two days. What does this mean? He must establish an eiruv for the two days in one direction. If so, this is exactly the same as the first clause.

³⁴⁸ The Gemara explains: This is what the Rabbis said to Rabbi Eliezer: Don't you concede that in the case of one day, one may not establish an eiruv for half the day to the north and for half of it to the south? Rabbi Eliezer said to them: Indeed, I agree. They then said to him: Just as one may not establish an eiruv for one day, half the day to the north and half the day to the south, so too, one may not establish an eiruv for two consecutive days of sanctity, one day to the east and one day to the west.

³⁴⁹ And how does Rabbi Eliezer respond? He holds as follows: There, one day constitutes one sanctity, and it is impossible to divide the day such that the eiruv applies to one direction for one half of the day and to another direction for the other half of the day. Here, where Shabbat and a Festival fall out on consecutive days, they are two separate sanctities, and therefore one can establish separate eiruvim for the two days.

³⁵⁰ Rabbi Eliezer said to the Rabbis: Don't you concede that if one established an eiruv with his feet by actually going to the place where he desires to establish an eiruv on the eve of the first day and remaining there during the twilight period, as opposed to depositing food there beforehand, he nonetheless must establish another eiruv with his feet on the eve of the second day, and one eiruv does not suffice; similarly, if his eiruv was eaten on the first day, he may not rely on it and go out beyond the limit permitted to the rest of the inhabitants of his town on the second day?

³⁵¹ The Rabbis said to him: Indeed, that is correct. Rabbi Eliezer then said to them: Then isn't it correct that they are two distinct sanctities, and therefore one should be permitted to establish two separate eiruvim for the two days? And how do the Rabbis respond? They are in doubt about this issue, and therefore their ruling here is stringent and prohibits establishing separate eiruvim for the two days in different directions, in case the two days are considered a single sanctity; and their ruling here is stringent and they require a separate eiruv for each day, in case the two days are considered distinct sanctities.

³⁵² The Rabbis said to Rabbi Eliezer: Don't you concede that one may not establish an eiruv initially on a Festival for Shabbat, i.e., if a Festival occurs on a Friday and one forgot to establish an eiruv on the eve of the Festival, he may not establish an eiruv for Shabbat on the Festival itself? Rabbi Eliezer

said to them: Indeed, that is correct. They said to him: Then isn't it correct that the two days constitute one sanctity?

³⁵³ The Gemara responds that Rabbi Eliezer holds that there, the halakha is so not because the two days constitute a single sanctity, but due to the prohibition of preparation on a Festival for Shabbat, which includes establishing an eiruv.

³⁵⁴ The Sages taught in a baraita: If one established an eiruv with his feet by going to the place he wished to establish as his residence on the eve of the first day and remaining there during the twilight period, he must nevertheless establish another eiruv with his feet on the eve of the second day. Similarly, if he had established an eiruv by depositing food in the place he wished to establish as his residence, and his eiruv was eaten on the first day, he may not rely on it and go out beyond the limit permitted to the rest of the inhabitants of the town on the second day. This is the statement of Rabbi Yehuda HaNasi.

³⁵⁵ Rabbi Yehuda says:

³⁵⁶ This person is in the position of both a donkey driver, who must prod the animal from behind, and a camel driver, who must lead the animal from the front, i.e., he is pulled in two opposing directions. Since we are unsure whether the two days constitute one sanctity or two, he must act stringently as though the eiruv established for the first day is both effective and not effective for the second day, i.e., he must restrict his Shabbat movement to those areas where he would be permitted to go in both cases.

³⁵⁷ Rabban Shimon ben Gamliel and Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, say: If he established an eiruv with his feet on the eve of the first day, he need not establish an eiruv with his feet on the eve of the second day, as his eiruv remains effective for the second day as well. Similarly, if he had made an eiruv by depositing food in the place where he wished to establish his residence, and his eiruv was eaten on the first day, he may still rely on it and go out beyond the limit permitted to the rest of the inhabitants of the town on the second day, as the two days constitute one sanctity; from the outset, the eiruv acquired his place of rest for both days.

³⁵⁸ Rav said: The halakha is in accordance with the opinion of these four Elders and in accordance with the opinion of Rabbi Eliezer, who said: When Shabbat and a Festival occur on consecutive days, they constitute two distinct sanctities. And these are the four Elders: Rabban Shimon ben Gamliel; Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka; Rabbi Eliezer, son of Rabbi Shimon; and Rabbi Yosei bar Yehuda, the one whose opinions were often recorded as unattributed mishnayot. And there are those who say: One of them is Rabbi Elazar, and remove from the list Rabbi Yosei bar Yehuda, the one whose statements were often recorded as unattributed mishnayot.

³⁵⁹ The Gemara raises a difficulty: Didn't we hear that Rabban Shimon ben Gamliel and Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, maintain the opposite opinion in the baraita cited above, namely that the two days constitute a single sanctity? The Gemara answers: Reverse the attributions in the baraita.

³⁶⁰ The Gemara asks: If so, this is exactly what Rabbi Yehuda HaNasi said. What is their dispute? The Gemara answers: Say that there is no disagreement between them, and the baraita should read as follows: And so too, Rabban Shimon ben Gamliel said that he agrees with what was stated above.

³⁶¹ The Gemara now asks: Let us also count Rabbi Yehuda HaNasi among these Elders, as he too holds that the two days are distinct sanctities. The Gemara answers: Rabbi Yehuda HaNasi taught this opinion, and he himself did not hold it to be correct. He transmitted a ruling that he received from his teachers, but his own opinion was otherwise.

³⁶² The Gemara raises a difficulty: If so, let us also say that the Rabbis, Rabban Shimon ben Gamliel, and Rabbi Yishmael also taught this law, and they themselves did not hold it to be correct. What proof is there that this represents their own opinions? The Gemara answers: Rav did not rely on the wording of these sources; rather, he learned by way of a definite tradition that these four Elders maintained this position.

³⁶³ The Gemara relates that when Rav Huna, Rav's preeminent student, passed away, Rav H̥isda entered the study hall to raise a contradiction between one statement of Rav and another statement of Rav: Did Rav actually say: The halakha is in accordance with the opinion of the four Elders and in accordance with the opinion of Rabbi Eliezer, who said that when Shabbat and a Festival fall out on consecutive days, they constitute two distinct sanctities?

³⁶⁴ Wasn't it stated that with regard to a case where Shabbat and a Festival occur on consecutive days, Rav said: An egg that was laid on one is prohibited on the other, just as an egg that was laid on a Festival day is prohibited on that same day? This statement indicates that the two days constitute a single sanctity. How, then, can he say here that the halakha is in accordance with the opinion that they are two distinct sanctities?

³⁶⁵ Rabba said that a distinction may be drawn between the cases: There, the egg is prohibited on the second day not because the two days constitute a single sanctity but because of the prohibition against preparation, i.e., because it is prohibited to prepare things on a Festival for Shabbat or on Shabbat for a Festival.

³⁶⁶ As it was taught in a baraita: The verse that states: "And it shall come to pass, on the sixth day, when they shall prepare that which they bring in" (Exodus 16:5), indicates as follows: On an ordinary weekday one may prepare what is needed for Shabbat, and similarly, on an ordinary weekday one may prepare what is needed for a Festival. However, on a Festival one may not prepare for Shabbat, and on Shabbat one may not prepare for a Festival. Therefore, an egg that was laid on a Festival is prohibited on Shabbat not because they constitute a single sanctity, but because it is prohibited to prepare on one sanctified day for another.

³⁶⁷ Abaye said to him: But what about that which we learned in the mishna: What does he do if a Festival occurs on Friday, and he wishes to establish an eiruv that will be valid for the Festival and Shabbat? He or his agent takes the eiruv to the spot that he wishes to establish as his residence on the eve of the first day, and he stays there with it until nightfall, and then he takes it with him and goes away. On the eve of the second day, i.e., on Friday afternoon, he or his agent takes the eiruv back to the same place and stays there with it until nightfall, and then he may eat the eiruv and go away, if he so desires. Isn't he preparing on a Festival for Shabbat? According to Rabba, this should be considered a prohibited act of preparation.

³⁶⁸ Rabba said to him: Do you think that the eiruv acquires one's residence at the end of the day, i.e., at the last moment of Shabbat eve, which in this case is a Festival, so that this would involve prohibited preparation? The eiruv acquires his residence at the beginning of the day, i.e., at the first

moment of Shabbat, which means that no preparations were made for Shabbat on the Festival, and on Shabbat one may prepare for Shabbat itself.

³⁶⁹ Abaye asked: But if that is so, one should be able to establish an eiruv with flasks of wine that were filled from a barrel of first-tithe that was still tevel with respect to teruma of the tithe, and with regard to which one said: Let this wine in the flask be teruma of the tithe for the wine in the barrel only after nightfall. If you say that an eiruv acquires one's residence at the beginning of the day, why was it determined that one may not establish an eiruv with such wine?

³⁷⁰ The Gemara answers: In that case the eiruv is not valid for a different reason: We require a meal that is fit to be eaten while it is still day, and there is none, as the wine in the flask remains tevel and therefore unfit for drinking until nightfall.

³⁷¹ Abaye asked further: But what about that which we learned in a mishna: Rabbi Eliezer says: If a Festival is adjacent to Shabbat, whether before it or after it, a person may establish two eiruvim. Why are these eiruvim valid? Don't we require a meal that is fit to be eaten while it is still day, and there is none? Since one established his eiruv in one direction for the first day, he can only travel within a two-thousand-cubit radius of that location. Therefore, if he established his eiruv for the second day in the opposite direction, he cannot access that eiruv during the first day.

³⁷² The Gemara responds: Do you think that we are dealing with a case where he placed one eiruv in the furthest possible spot at the end of two thousand cubits in this direction, and he placed the other eiruv in the furthest possible spot at the end of two thousand cubits in that direction, and he is therefore unable to go from one to the other on one day? No, the case is that he placed one eiruv at the end of one thousand cubits in this direction, and he placed the other eiruv at the end of one thousand cubits in that direction, so that even after acquiring his residence on one side of the town by means of the first eiruv, he can still go to the spot where he left the other eiruv for the second day.

³⁷³ Abaye raised yet another difficulty: But what about that which Rav Yehuda said: If one established an eiruv with his feet for the first day, he may establish an eiruv with his feet for the second day; and if he established an eiruv with bread on the first day, he may establish an eiruv with bread on the second day? Isn't he preparing from a Festival to Shabbat?

³⁷⁴ Rabba said to him: Do you think that one must go and say something at the site of the eiruv, therefore performing an act of preparation? He goes, and is silent, and sits there, and he automatically acquires his residence without having to say or do anything. This does not fall into the category of prohibited preparation.

³⁷⁵ Abaye asked: In accordance with whose opinion do you say that nothing must be said when establishing an eiruv teḥumin? It is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, who said: A sleeping person acquires a Shabbat residence in the spot where he is sleeping. Even though he is comparable to ownerless property, ownerless property itself acquires a Shabbat residence and has its own Shabbat boundary, and there is no need for a person to establish a residence for it in a particular spot.

³⁷⁶ Rabba replied: Even if you say that my statement is in accordance with the opinion of the Rabbis, the Rabbis disagree with Rabbi Yoḥanan ben Nuri only with regard to a sleeping person, who cannot say anything, as he is asleep. Consequently, he cannot acquire a Shabbat residence. However, with

regard to one who is awake, since if he wanted to speak he could speak, even though he did not say that he is acquiring his Shabbat residence, he is considered as one who did say that statement.

³⁷⁷ Rabba bar Rav Ḥanin said to Abaye: If the Master, Rabba, had heard that which was taught in the following baraita: A person may not walk to the end of his field on Shabbat to determine what work and repair it requires, which will be done after Shabbat. Similarly,

³⁷⁸ a person may not stroll at the entrance to the city toward the end of Shabbat or a Festival in order to enter a bathhouse immediately upon the conclusion of Shabbat, then Rabba would have retracted his statement with regard to an eiruv. This baraita indicates that even walking on Shabbat for something one needs after Shabbat falls into the category of prohibited preparation.

³⁷⁹ The Gemara rejects this argument: And this is not correct. Rabba heard this baraita but did not retract his ruling, as a distinction can be drawn between the cases. There, in the baraita pertaining to one who walks to the end of his field, or one who strolls at the entrance to the city, it is clear to all observers that he is doing so in order to determine what work the field needs after Shabbat, or to enter the bathhouse immediately after Shabbat, respectively. Whereas here, with regard to an eiruv, it is not clear to others that one's actions are for the purpose of establishing an eiruv.

³⁸⁰ The Gemara explains: If he is a Torah scholar [tzurva merabbanan], we, the observers, would say: Perhaps his study pulled him, i.e., he was engrossed in his study and was not paying attention to where he was going. And if he is an ignoramus, we would say: Perhaps he lost his donkey and went to look for it. His actions give no indication that he is going to establish an eiruv for the following day, as establishing an eiruv does not require any recognizable action.

³⁸¹ The Gemara now examines Rav Yehuda's statement itself, which was cited in the course of the previous discussion. Rav Yehuda said: If one established an eiruv with his feet on the eve of the first day, he may establish an eiruv with his feet on the eve of the second day as well. If he established an eiruv with bread that he deposited in the place where he wishes to acquire his place of rest on the eve of the first day, he may establish an eiruv with bread on the eve of the second day as well.

³⁸² If he established an eiruv with bread on the eve of the first day, and his eiruv was eaten, he may change and establish an eiruv with his feet on the eve of the second day. However, if he established an eiruv with his feet on the eve of the first day, he may not establish an eiruv with bread on the eve of the second day, as one may not initially establish an eiruv with bread on a Festival for the sake of Shabbat because it is prohibited to prepare on a Festival for Shabbat.

³⁸³ With regard to the statement: If he established an eiruv with bread on the eve of the first day, he may establish an eiruv with bread on the eve of the second day, Shmuel said: Only with the same bread. Rav Ashi said: The wording of the mishna is also precise according to this understanding, as we learned: What does he do if a Festival occurs on Friday, and he wishes to establish an eiruv that will be valid for both the Festival and Shabbat? He brings the eiruv to the spot that he wishes to establish as his residence on the eve of the first day, and he stays there with it until nightfall, and then he takes it with him and goes away. On the eve of the second day, he takes the eiruv back to the same place as the day before, and stays there with it until nightfall, and then he may eat the eiruv and go away. The wording of the mishna indicates that he must establish his eiruv for the second day with the same bread that he used for the first day, as argued by Shmuel.

³⁸⁴ The Gemara adds: And the Rabbis, who do not accept the opinion of Shmuel, argue that this is no proof, as perhaps there, the mishna is merely teaching us good advice as to how one can rely on a single eiruv and avoid having to prepare an additional eiruv for the second day.

³⁸⁵ MISHNA: During the time period when the Jewish calendar was established by the court according to the testimony of witnesses who had seen the new moon, Rosh HaShana would be observed for only one day if witnesses arrived on that day, and for two days if witnesses failed to arrive and the month of Elul was declared to be an extended, thirty-day month. Rabbi Yehuda says: With regard to Rosh HaShana, if one feared that the month of Elul might be extended, and he wanted to travel in two different directions on the two days that could be Rosh HaShana, this person may establish two eiruvim and say: My eiruv on the first day shall be to the east and on the second day to the west, or alternatively: On the first day it shall be to the west, and on the second day to the east. Similarly, he may say: My eiruv shall apply on the first day, but on the second day I shall be like the rest of the inhabitants of my town, or alternatively: My eiruv shall apply on the second day, but on the first day I shall be like the rest of the inhabitants of my town. And the Rabbis did not agree with him that the two days of Rosh HaShana can be divided in such a manner.

³⁸⁶ And Rabbi Yehuda said further, with regard to the two days of Rosh HaShana that one observes because he does not know which is the real day of the Festival: A person may make a condition with regard to a basket of tevel produce on the first day of the Festival and say as follows: If today is the Festival and tomorrow is an ordinary weekday I will separate the teruma and tithes tomorrow, and I have performed nothing today; if today is an ordinary weekday, I hereby separate the appropriate teruma and tithes now. He may then eat the produce on the second day of the Festival, since one of his two acts of tithing was certainly performed on an ordinary weekday.

³⁸⁷ And similarly, an egg that was laid on the first day of the Festival may be eaten on the second day, since one of the days is certainly an ordinary weekday. And the Rabbis did not agree with him even with regard to these two days.

³⁸⁸ Rabbi Dosa ben Harekinas says: One who passes before the ark in the synagogue and leads the congregation in prayer on the first day of the festival of Rosh HaShana says: Strengthen us, O Lord our God, on this day of the New Moon, whether it is today or tomorrow. And similarly, on the following day he says: Whether Rosh HaShana is today or yesterday. And the Rabbis did not agree with him that one should formulate his prayer in this conditional manner.

³⁸⁹ GEMARA: Who are the Sages who did not agree with Rabbi Yehuda? Rav said: It is those who follow the opinion of Rabbi Yosei, as it was taught in the Tosefta: Even though the Rabbis disagree with him about a Festival and Shabbat that occur on consecutive days and say that one cannot make two separate eiruvim for the two days, they concede to Rabbi Eliezer with regard to Rosh HaShana that if a person feared that the month of Elul might be extended, he may establish two eiruvim and say: My eiruv on the first day shall be to the east, and on the second day to the west, or: On the first day it shall be to the west, and on the second day to the east, or: My eiruv shall apply on the first day, but on the second day I shall be like the rest of the inhabitants of my town, or: My eiruv shall apply on the second day, but on the first day I shall be like the rest of the inhabitants of my town. But Rabbi Yosei prohibits it.

³⁹⁰ Rabbi Yosei said to the Rabbis: Don't you concede that if witnesses came from the time of minḥa and onwards on the first day of Rosh HaShana and testified that they had seen the new moon, we do

not rely on their testimony to sanctify that day as Rosh HaShana; rather, since their testimony was not given on time, we observe that day as sanctified and also the following day as sanctified? This indicates that the two days of Rosh HaShana are not observed out of doubt as to which is the proper day; rather, it is as though the two days are one long day that are imbued with one unified sanctity. Therefore, it should not be possible to divide them.

³⁹¹ And the Rabbis hold that there, the first day is not observed as a Festival by Torah law but due to rabbinic decree, so that people will not demean the day in future years and end up desecrating the Festival should the witnesses come on time. However, by Torah law it is an ordinary weekday, and therefore one can establish two separate eiruvim for the two days.

³⁹² We learned in the mishna that in addition to his ruling with regard to eiruvim for the two days of Rosh HaShana, Rabbi Yehuda said further that the two days can be split with regard to a basket of tevel produce and an egg laid on the first day of the Festival.

³⁹³ The Gemara comments: And it was necessary to teach us all three laws, as they could not have been derived from one another. As, if he had only taught us the halakha with regard to establishing an eiruv for the two days of Rosh HaShana, one might have said that only in this case does Rabbi Yehuda say his ruling because in this case one does not actually do anything on the Festival itself. But in the case of a basket, where it appears as though one is rendering tevel fit on a Festival, say that Rabbi Yehuda concedes to the Rabbis that it is decreed prohibited.

³⁹⁴ And had he taught us only these two halakhot, we might have said that Rabbi Yehuda is lenient because there is no reason to issue a decree prohibiting them, as the potential prohibitions involved are not so severe. But in the case of an egg that was laid on the first day of a Festival, where there is reason to issue a decree prohibiting it, as explained in tractate Beitza, because of fruit that fall from a tree or due to liquids that oozed from fruit on a Festival, both of which the Sages prohibited as a safeguard against violating Torah prohibitions, say that Rabbi Yehuda concedes to the opinion of the Rabbis, which maintains that this egg may not be eaten even on the second day of the Festival. It was therefore necessary to teach us all three cases.

³⁹⁵ It was taught in a baraita: How is one to carry out what Rabbi Yehuda said, that a person may make a condition with regard to a basket of tevel produce on the first day of the Festival and then eat the produce on the second day? If there were two baskets of tevel produce before him, he says as follows: If today is an ordinary weekday and tomorrow is sanctified, let this basket be teruma for that basket; and if today is sanctified and tomorrow is an ordinary weekday, my statement has no significance. And he bestows upon the basket the name of teruma, and sets it aside.

³⁹⁶ And on the next day he says as follows: If today is an ordinary weekday, let this basket be teruma for that basket; and if today is sanctified, my statement has no significance. And He bestows upon the basket the name of teruma, and he may then eat the produce in the other basket, as teruma has definitely been separated on a weekday. Rabbi Yosei prohibits this. And, so too, Rabbi Yosei would prohibit this procedure even on the two Festival days of the Diaspora, even though the second day is only observed because of a doubt as to the proper day on which to observe the Festival.

³⁹⁷ The Gemara relates that a particular young deer was brought to the house of the Exilarch. The deer was trapped by a gentile on the first day of a Festival observed in the Diaspora and slaughtered on the second day of the Festival. The question arose whether it was permitted to eat it, based on the fact that one of these two days was certainly an ordinary weekday.

³⁹⁸ Rav Naḥman and Rav Ḥisda ate from it, but Rav Sheshet did not eat from it. Rav Naḥman said in a jesting manner: What can I do for Rav Sheshet, who does not eat deer meat? Rav Sheshet said to him: How can I eat it, as Isi taught, and some say that this should be read as a question: Didn't Isi teach: And, so too, Rabbi Yosei would prohibit this procedure even on the two Festival days of the Diaspora?

³⁹⁹ Rava said: What is the difficulty? Perhaps this is what he said: And, so too, Rabbi Yosei would prohibit this procedure even on the two Festival days of Rosh HaShana in the Diaspora, but with regard to the two days of other Festivals observed in the Diaspora, he too would agree with Rabbi Yehuda and permit it. They said to him: If so, the phrase of the Diaspora is inappropriate. It should have said in the Diaspora.

⁴⁰⁰ Rav Asi said: What is the difficulty? Perhaps this is what he said: And so too, Rabbi Yosei would treat the prohibition of such a procedure on the two Festival days of the Diaspora as on the two Festival days of Rosh HaShana, according to the opinion of the Rabbis, who permit it. In any case, the proof from this baraita is inconclusive.

⁴⁰¹ The Gemara further relates that afterward Rav Sheshet met Rabba bar Shmuel and said to him: Has the Master learned anything with regard to the two sanctities of a Festival and the like? Rabba bar Shmuel said to him: We have learned that Rabbi Yosei concedes with regard to the two Festival days of the Diaspora. Rav Sheshet said to him: If you happen to meet Rav Naḥman and Rav Ḥisda, who disagreed with me and ate the deer in the Exilarch's house, do not tell them anything of what you just told me, lest they use this tannaitic source to embarrass me about my refusal to eat.

⁴⁰² Rav Ashi said: Ameimar told me that the deer was not trapped on the Festival;

⁴⁰³ rather, it had already been caught beforehand, but it came to the Exilarch's house on the Festival from outside the Shabbat limit and was slaughtered on that day. The one who ate from it, namely, Rav Naḥman and Rav Ḥisda, holds: Something that comes from outside the Shabbat limit for one Jew is permitted to another Jew. Since the deer was brought for the Exilarch, the Sages at his table were permitted to eat from it, and we do not prohibit them to derive benefit from something that a gentile did for another Jew.

⁴⁰⁴ And the one who did not eat from it, Rav Sheshet, holds: Anything that comes to the house of the Exilarch comes with all the Sages in mind, as it is known that the Exilarch invites them to dine with him on Festivals. Therefore, just as it was prohibited to the Exilarch himself, as it was brought from outside the Shabbat limit, so too, it was prohibited to all his guests.

⁴⁰⁵ The Gemara asks: Didn't Rav Sheshet meet Rabba bar Shmuel and say to him what he said, indicating that the issue is related to the question of whether the two days are considered distinct sanctities? The Gemara answers: According to Ameimar's version of the story, that encounter never happened.

⁴⁰⁶ The Gemara relates that a delivery of turnip was once brought to the town of Meḥoza by gentile merchants from outside the Shabbat limit on a Festival in the Diaspora. Rava went out to the market and saw that the turnips were withered, and therefore he permitted people to buy them immediately without having to wait the amount of time needed to bring similar items from outside the limit after the Festival. He said: These turnips were certainly uprooted from the ground yesterday, and no prohibited labor was performed with them today.

⁴⁰⁷ What might you say; that they came from outside the Shabbat limit and should therefore be prohibited? The accepted principle is: Something that comes for one Jew is permitted to be eaten by another Jew, and all the more so with regard to this delivery of turnip, which came with gentiles in mind, i.e., for their sake rather than for the sake of Jews. Therefore, if they are purchased by Jews, no prohibition is violated.

⁴⁰⁸ The Gemara adds: Once Rava saw that the gentile merchants started to bring increased quantities of turnips on Festival days for the sake of their Jewish customers, he prohibited the inhabitants of Mehoza to buy them, for it was evident that they were now being brought for Jews.

⁴⁰⁹ The Gemara relates that certain canopy makers, who would braid myrtle branches into their canopies, once cut myrtles on the second day of a Festival, and in the evening Ravina permitted people to smell them immediately at the conclusion of the Festival. Rava bar Tahalisa said to Ravina: The Master should prohibit them to do this, as they are not knowledgeable in Torah, and therefore we should be stringent with them lest they come to treat the sanctity of the second Festival day lightly.

⁴¹⁰ Rav Shemaya strongly objects to this: The reason given here is that they are not knowledgeable in Torah; but if they were knowledgeable in Torah, would it be permitted? Don't we require them to wait the time needed for the myrtle's preparation, i.e., the time it takes to cut them? They went and asked Rava. He said to them: We require them to wait the time needed for the myrtle's preparation.

⁴¹¹ The mishna cited Rabbi Dosa's version of the Rosh HaShana prayer: Rabbi Dosa says: He who passes before the ark and leads the congregation in prayer on the first day of the festival of Rosh HaShana says: Strengthen us, O Lord our God, on this day of the New Moon, whether it is today or tomorrow.

⁴¹² Rabba said: When we were in the house of study of Rav Huna, we raised the following dilemma: What is the halakha with regard to whether it is proper to mention the New Moon during prayer on Rosh HaShana? The Gemara explains the two sides of the dilemma: Do we say that since they have separate additional offerings, as one additional offering is brought for the New Moon and another for Rosh HaShana, we mention them separately in prayer as well? Or perhaps one remembrance counts for both this and that? The Torah is referring to both Rosh HaShana and the New Moon as times of remembrance, and therefore perhaps simply mentioning that it is a Day of Remembrance should suffice.

⁴¹³ Rav Huna said to us: You have already learned the answer to this question in the mishna, which states that Rabbi Dosa says: He who passes before the ark and leads the congregation in prayer on the first day and on the second day of Rosh HaShana mentions the New Moon in a conditional manner: On this day of the New Moon, whether it is today or tomorrow. But the Rabbis did not agree with him. What, is it not that the Rabbis disagree with Rabbi Dosa about the need to mention the New Moon during prayer on Rosh HaShana?

⁴¹⁴ The Gemara refutes this proof: No, they disagree about whether to make a condition. The novelty in Rabbi Dosa's teaching was not that mention must be made of the New Moon, but that a condition must be made due to the day's uncertain status. The Rabbis disagree about that.

⁴¹⁵ The Gemara comments: So too, it is reasonable to say that the dispute between Rabbi Dosa and the Rabbis relates to the condition and not to the very mention of the New Moon. This can be ascertained from the fact that it was taught in a baraita: And so too, Rabbi Dosa would do this on all

the New Moons for which two days are kept out of doubt the entire year; and the Rabbis did not agree with him.

⁴¹⁶ Granted, if you say that the disagreement was about whether to make a condition, that is why they did not agree with him with regard to the New Moon throughout the year, as they did not accept the whole idea of a conditional prayer. But if you say the main point of contention was whether to mention the New Moon at all, why didn't they agree with him that the New Moon should be mentioned during prayer the rest of the year?

⁴¹⁷ The Gemara asks: Rather, what is the disagreement about, whether or not to make a condition? Why do I need them to disagree in two cases? The issue is the same on Rosh HaShana as on any other New Moon. The Gemara answers: It was necessary to teach both cases, as, if he had only taught us the halakha with regard to Rosh HaShana, I might have said that only in this case did the Rabbis say that one should not mention the New Moon in a conditional manner because people might come to demean the day and perform prohibited labor. But in the case of an ordinary New Moon throughout the year, I might say that perhaps they agree with Rabbi Dosa, since labor is not prohibited on the New Moon, and therefore there is no reason for concern lest people come to treat it lightly.

⁴¹⁸ And if the disagreement had only been stated in this case, in the case of an ordinary New Moon, one might say that only in this case did Rabbi Dosa say that a condition may be made. But in that other case of Rosh HaShana, I might say that he agrees with the Rabbis, due to concern lest people will come to treat the Festival lightly. It was therefore necessary to state the disagreement in both cases.

⁴¹⁹ The Gemara raises an objection based on the Tosefta that states that in the case of Rosh HaShana that occurs on Shabbat, Beit Shammai say: One prays an Amida that contains ten blessings, including the nine blessings ordinarily recited on Rosh HaShana and an additional blessing in which Shabbat is mentioned. And Beit Hillel say: One prays an Amida that contains nine blessings, as Shabbat and the Festival are mentioned in the same blessing. And if there were an opinion that held that the New Moon must be separately mentioned in the Rosh HaShana prayer, then it should say that according to Beit Shammai, one must recite eleven blessings, i.e., nine for Rosh HaShana, one for Shabbat, and one for the New Moon.

⁴²⁰ Rabbi Zeira said: The New Moon is different, for while it must indeed be mentioned according to Beit Shammai, it does not require a separate blessing. Since the New Moon is included in the regular morning and evening prayers without a separate blessing, it is included in the additional prayer as well without a separate blessing.

⁴²¹ The Gemara asks: And do Beit Shammai accept the view that one should include the New Moon in the regular prayer? Wasn't it taught in a baraita that with regard to a New Moon that occurs on Shabbat, Beit Shammai say: One must pray an Amida that includes eight blessings in the additional prayer, including a separate blessing for the New Moon; and Beit Hillel say: One must pray an Amida that includes seven blessings, as Shabbat and the New Moon are mentioned in the same blessing? Therefore, according to Beit Shammai, we do not include the New Moon and other days in the same blessing, and the fact that the New Moon does not have its own blessing on Rosh HaShana is because one mention of remembrance counts for both Rosh HaShana and New Moon. The Gemara comments: Indeed, this is difficult.

⁴²² The Gemara comments: The issue of whether or not one should include the mention of the New Moon in the blessing pertaining to the sanctity of the day of Shabbat is itself the subject of a dispute between the tanna'im, as it was taught in a baraita with regard to a Shabbat that occurs on a New Moon or on one of the intermediate days of a Festival: For the evening, morning, and afternoon prayers, one prays in his usual manner and recites seven blessings, and says a passage pertaining to the event of the day, i.e. May there rise and come [ya'aleh veyavo], during the blessing of Temple service. Rabbi Eliezer disagrees and says that this passage is said during the blessing of thanksgiving. And if he did not recite it, we require him to return to the beginning of the prayer and repeat it.

⁴²³ And in the additional prayer, one begins the fourth blessing, the special blessing for the additional service, with Shabbat, and concludes it with Shabbat, and says a passage referring to the sanctity of the day of the New Moon or the Festival in the middle. Therefore, only in the additional prayer is the New Moon included in the blessing for the sanctity of the day.

⁴²⁴ On the other hand, Rabban Shimon ben Gamliel and Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, say: Wherever one is obligated to recite seven blessings, including the evening, morning, and afternoon prayers, he begins the fourth blessing with Shabbat and concludes it with Shabbat, and he says a passage referring to the sanctity of the day of the New Moon or the Festival in the middle. In their opinion, the New Moon is included in the blessing of the sanctity of the day in all the prayers of the day.

⁴²⁵ Returning to the fundamental question of whether the New Moon must be mentioned separately on Rosh HaShana, the Gemara asks: What conclusion was reached about this issue? Rav Ḥisda said: One mention of remembrance counts for both this and that. And so too, Rabba said: One mention of remembrance counts for both this and that.

⁴²⁶ Having discussed the Rosh HaShana prayers, the Gemara addresses related issues. Rabba said: When I was in the house of study of Rav Huna, we raised the following dilemma: What is the halakha with regard to saying the blessing for time, i.e., Who has given us life [sheheḥeyanu], on Rosh HaShana and Yom Kippur? The two sides of the dilemma are as follows: Do we say that since these Festivals come at fixed times of the year, we recite the blessing: Who has given us life, just as we would for any other joyous event that occurs at fixed intervals? Or do we say, perhaps, that since these Festivals are not called pilgrim Festivals [regalim], we do not recite: Who has given us life, as the joy that they bring is insufficient? Rav Huna did not have an answer at hand.

⁴²⁷ When I came to the house of study of Rav Yehuda, he said: I recite the blessing for time even on a new gourd, and I certainly recite the blessing on Rosh HaShana and Yom Kippur. I said to him: I have no dilemma about the fact that one has the option of reciting the blessing for time; the dilemma I have is about whether there is an obligation to recite the blessing. What is the halakha in this regard? Rav Yehuda said to me that it was Rav and Shmuel who both said: One recites the blessing for time only on the three pilgrim Festivals.

⁴²⁸ The Gemara raises an objection based upon the following baraita: The verse states: "Give a portion to seven, and also to eight" (Ecclesiastes 11:2). Rabbi Eliezer says: "Seven," these are the seven days of Creation; "eight," these are the eight days until circumcision. Rabbi Yehoshua says: "Seven," these are the seven days of Passover; "eight," these are the eight days of the festival of

Sukkot. And when it says: “And also,” like every other instance of the word “also” in the Torah, this comes to include; what it includes is Shavuot, and Rosh HaShana, and Yom Kippur.

⁴²⁹ What, is this exposition not coming to teach us that on these days one is obligated to recite the blessing for time? The Gemara responds: No, it is referring to the blessing recited over the special sanctity of the day.

⁴³⁰ The Gemara comments: So too, it is reasonable to explain, as if it would enter your mind to say that it is referring to the blessing for time, is there a blessing for time that is recited all seven days of the Festival? It is recited only on the first day. The Gemara refutes this argument: This is not difficult, as it means that if he does not recite the blessing for time now, he recites the blessing tomorrow or the following day, as all seven days are part of the pilgrim Festival.

⁴³¹ The Gemara asks: In any case, we require that this blessing be recited over a cup of wine, and most people do not have cups of wine for the intermediate days of a Festival. Let us say that this supports Rav Nahman, as Rav Nahman said: The blessing for time may be recited even in the market, without a cup of wine. The Gemara responds: This is not difficult, as the case is that he happened to have a cup; but without a cup of wine, the blessing may not be recited.

⁴³² The Gemara asks: Granted, one can recite the blessing over a cup of wine on Shavuot and Rosh HaShana; but what does one do on Yom Kippur? If you say that he should recite the blessing over a cup of wine before the actual commencement of Yom Kippur and drink it, there is a difficulty: Since he recited the blessing for time, he accepted the sanctity of the day upon himself, and therefore caused the wine to be prohibited to himself by the laws of Yom Kippur.

⁴³³ As didn't Rav Yirmeya bar Abba say the following to Rav, upon observing him recite kiddush before the actual commencement of Shabbat: Have you therefore accepted the obligation to abstain from labor from this point on? And he said to him: Yes, I have accepted the obligation to abstain from labor. This indicates that once one recites kiddush and accepts upon himself the sanctity of the day, all the laws of the day apply to him. Accordingly, if one recited the blessing for time for Yom Kippur, he may no longer eat or drink.

⁴³⁴ And if you say that he should recite the blessing over a cup of wine and leave it and drink it only after the conclusion of Yom Kippur, this too is difficult, as the principle is that one who recites a blessing over a cup of wine must taste from it. If you say that he should give it to a child, who is not obligated to fast, this too is not feasible because the halakha is not in accordance with the opinion of Rav Aḥa, who made a similar suggestion with regard to a different matter, due to a concern that perhaps the child will come to be drawn after it. The child might come to drink wine on Yom Kippur even in future years after he comes of age, and we do not institute a practice that might turn into a stumbling block.

⁴³⁵ The Gemara asks: What conclusion was reached about this matter? Must one recite the blessing: Who has given us life, on Rosh HaShana and Yom Kippur? The Sages sent Rav Yeimar the Elder before Rav Ḥisda on the eve of Rosh HaShana. They said to him: Go, see how he acts in this regard and then come and tell us. When Rav Ḥisda saw Rav Yeimar, he said to him in the words of a folk saying: One who picks up a moist log, which is not fit for firewood, must want to do something on the spot. In other words, you certainly have come to me with some purpose in mind, and not just for a visit. They brought him a cup of wine, and he recited kiddush and the blessing for time.

⁴³⁶ The Gemara concludes: The halakha is that one recites the blessing for time on Rosh HaShana and on Yom Kippur, and the halakha is that one may recite the blessing for time even in the market, as it does not require a cup of wine.

⁴³⁷ Having discussed a question that was raised during Rabba's student years, the Gemara now records another such question. And Rabba also said: When we were in the house of study of Rav Huna, we raised the following dilemma: A student in his master's house who is fasting on Shabbat eve, what is the halakha with regard to whether he has to complete the fast until the end of the day? Do we perhaps say that he must stop fasting before Shabbat, so as not to enter Shabbat weary from his fast? Rav Huna did not have an answer at hand. I subsequently came before Rav Yehuda, and he too did not have an answer at hand.

⁴³⁸ Rava said: Let us look ourselves for an answer from the sources. As it was taught in a baraita in the case of the Ninth of Av that occurs on Shabbat,

⁴³⁹ and so too, on the eve of the Ninth of Av that occurs on Shabbat, one need not reduce the amount of food he eats; rather, he may eat and drink as much as he requires and bring to his table a meal even like that of King Solomon in his time. If the Ninth of Av occurs on Shabbat eve, we bring him an egg-bulk of food toward end of the day, and he eats it, so that he not enter Shabbat in a state of affliction.

⁴⁴⁰ It was taught in a baraita that Rabbi Yehuda said: We were once sitting before Rabbi Akiva, and it was the Ninth of Av that occurs on Shabbat eve, and they brought him a slightly cooked egg, and he swallowed it without salt. And it was not that he desired it so much that he ate it; rather, he did so to show the students the halakha that one need not complete the fast when the Ninth of Av occurs on Shabbat eve, so as not enter Shabbat in a state of affliction.

⁴⁴¹ And Rabbi Yosei says: He must fast and complete the fast. Rabbi Yosei said to the other Sages: Don't you agree with me with regard to the Ninth of Av that occurs on Sunday, that one must stop eating on Shabbat while it is still day? They said to him: Indeed, we agree. Rabbi Yosei said to them: What is the difference to me between entering Shabbat in a state of affliction and leaving it in a state of affliction? If one stops eating before Shabbat is over, he is spending part of Shabbat fasting, and yet even the Sages concede that one must do so.

⁴⁴² They said to him: There is a difference. If you said that one may leave Shabbat in a state of affliction, that is because he ate and drank the entire day and will not suffer if he fasts a few minutes at the end of the day. Can you say that it is the same to enter Shabbat in a state of affliction, when he has not eaten or drunk anything the entire day?

⁴⁴³ And Ulla said: The halakha is in accordance with the opinion of Rabbi Yosei, and on the Ninth of Av that occurs on Shabbat eve one must complete the fast. The Gemara poses a question: Do we really act in accordance with the opinion of Rabbi Yosei? And the Gemara raises a contradiction based upon the following mishna: We do not initially decree a fast upon the public on the New Moon, Hanukkah, or Purim, and if the community had already begun a cycle of fasts and one of them fell out on one of these days, they do not interrupt the series; this is the statement of Rabban Gamliel. Rabbi Meir said: Even though Rabban Gamliel said that they do not interrupt the series, he conceded that they do not complete the fast on one of these days, and so too, the fast on the Ninth of Av that occurs on Shabbat eve is not completed.

⁴⁴⁴ And it was taught in a related baraita: Following the death of Rabban Gamliel, Rabbi Yehoshua entered the study hall to annul Rabban Gamliel's statement with regard to fasts. Rabbi Yoḥanan ben Nuri stood on his feet and said: I see that the appropriate policy is that the body must follow the head, i.e., we must follow the statements of the earlier authorities and not deviate from established halakha. All of Rabban Gamliel's life we established the halakha in accordance with his opinion, and now you seek to annul his statement? Yehoshua, we do not listen to you, as the halakha has already been established in accordance with the opinion of Rabban Gamliel. And there was no one who disputed this statement in any way. Therefore, this baraita demonstrates that when the Ninth of Av occurs on Shabbat eve, one must observe the fast but not complete it, and this was the accepted practice.

⁴⁴⁵ The Gemara resolves the difficulty, arguing that this proof is not conclusive: Indeed, in the generation of Rabban Gamliel they acted in accordance with the opinion of Rabban Gamliel, but in the generation of Rabbi Yosei they acted in accordance with the opinion of Rabbi Yosei, and from then on, the halakha follows his view.

⁴⁴⁶ The Gemara asks: And is it correct that in the generation of Rabban Gamliel they acted in accordance with the opinion of Rabban Gamliel? Wasn't it taught in a baraita that Rabbi Elazar ben Tzadok, a contemporary of Rabban Gamliel, said: I am a descendant of Sena'av ben Binyamin, who observed a family festival on the tenth of Av. One time, the Ninth of Av occurred on Shabbat, and we postponed it until after Shabbat, as we do not observe the fast on Shabbat, and we fasted on Sunday but did not complete the fast because that day was our Festival. This indicates that the reason they did not complete the fast is that the day itself was a Festival for them, but on the eve of a Festival, they would indeed complete it. This proves that even in the generation of Rabban Gamliel, they did complete fasts on the eve of Shabbat and Festivals.

⁴⁴⁷ Ravina said that this story poses no difficulty: A rabbinic Festival is different, as they are not as stringent as Shabbat or Festivals stated in the Torah, and the festival of the family of Sena'av was not a Festival from the Torah, but one established by the Sages. Since one may fast on such a Festival for a number of hours, i.e., one may fast on it for part of the day, one also completes a fast observed on the eve of such a Festival until the evening. With regard to Shabbat, however, since one may not fast on it even for several hours, one does not complete a fast observed on Shabbat eve.

⁴⁴⁸ Rav Yosef said: I did not hear this ruling that the halakha is in accordance with the opinion of Rabbi Yosei. Rav Yosef had fallen ill and forgotten his learning and so was unable to remember that such a ruling had been issued. His student, Abaye, said to him: You yourself told us this halakha, and it was with regard to this point that you told it to us, as we learned in a mishna: We do not initially decree a fast upon the public on the New Moon, on Hanukkah, or on Purim. Rabbi Meir said: Even though Rabban Gamliel said that if the community had already begun a cycle of fasts, they do not interrupt the series, he conceded that they do not complete the fast on one of these days, and similarly, the fast of the Ninth of Av that occurs on Shabbat eve is not completed. And we said with regard to this mishna that Rav Yehuda said that Rav said: This is the statement that Rabbi Meir said in the name of Rabban Gamliel. But the Rabbis say: One must fast and complete the fast.

⁴⁴⁹ What? Does the Rabbis' ruling that one must complete the fast not refer to all the cases mentioned in the mishna, including that of the Ninth of Av that occurs on Shabbat eve? No, it was stated only with regard to Hanukkah and Purim, but one would not complete a fast on Shabbat eve.

⁴⁵⁰ The Gemara comments: So too, it is reasonable to explain that this ruling does not apply to Shabbat eve,

⁴⁵¹ as, if it should enter your mind to say that Rav Yehuda said that the halakha is in accordance with the opinion of the Rabbis with regard to all the cases in the mishna, including that of the Ninth of Av that occurs on Shabbat eve, there is a difficulty: Didn't Rabba raise a dilemma before Rav Yehuda with regard to this issue, and he did not answer him? This demonstrates that he did not have a decisive ruling on this subject.

⁴⁵² The Gemara responds: And according to your opinion, that the issue had not been resolved, there is a difficulty with that which Mar Zutra expounded in the name of Rav Huna: The halakha is that one fasts and completes the fast on Shabbat eve. Didn't Rabba also raise this dilemma before Rav Huna, and he too did not answer him? How could Mar Zutra have reported this halakhic ruling in the name of Rav Huna?

⁴⁵³ Rather, you must say that this dilemma that Rabba raised to Rav Huna was before Rav Huna heard Rav's ruling on the subject; whereas this, i.e., Rav Huna's statement as cited by Mar Zutra, was made after he heard Rav's ruling on the matter, and the problem was resolved for him. Here, too, with regard to Rav Yehuda, we can say that this dilemma that Rabba raised before Rav Yehuda was before Rav Yehuda heard Rav's ruling on the topic, and therefore he did not know how to answer Rabba; whereas this, i.e., Rav Yehuda's statement in the name of Rav, was made after he heard it.

⁴⁵⁴ The Gemara repeats the statement cited above in passing: Mar Zutra expounded in the name of Rav Huna: The halakha is that one fasts and completes the fast on the eves of Shabbat and Festivals.

Chapter 4

¹ MISHNA: With regard to one whom gentiles forcibly took him out beyond the Shabbat limit, or if an evil spirit took him out, i.e., he was temporarily insane, and found himself outside the Shabbat limit, he has only four cubits that he may walk from where he is standing.

² If the gentiles returned him, or if he came back while still under the influence of the evil spirit, it is as though he had never left his Shabbat limit, and he may move about within his original limit as before.

³ If the gentiles brought him to a different city that was surrounded by walls, or if they put him into a pen or a stable, i.e., animal enclosures, the Sages disagree. Rabban Gamliel and Rabbi Elazar ben Azarya say: He may walk about the entire city, as the whole city is considered like four cubits. Rabbi Yehoshua and Rabbi Akiva say: He has only four cubits from where he was placed.

⁴ The mishna relates: There was an incident where all of these Sages were coming from Pelandarsin, an overseas location, and their boat set sail on the sea on Shabbat, taking them beyond their Shabbat limit. Rabban Gamliel and Rabbi Elazar ben Azarya walked about the entire boat, as they hold that the entire boat is considered like four cubits, while Rabbi Yehoshua and Rabbi Akiva did not move beyond four cubits, as they sought to be stringent with themselves.

⁵ The mishna further relates that on one occasion, they did not enter the port [name] until after nightfall on Shabbat eve. The others said to Rabban Gamliel: What is the halakha with regard to

alighting from the boat at this time? In other words, were we already within the city's limit before Shabbat commenced?

⁶ He said to them: You are permitted to alight, as I was watching, and I observed that we were already within the city's limit before nightfall. We acquired our resting place in the city during the twilight period. Therefore, it is permitted to walk throughout the city even after nightfall.

⁷ GEMARA: Since the Gemara discussed one who stepped beyond the Shabbat limit due to an evil spirit, the Gemara cites a related baraita, in which the Sages taught: Three matters cause a person to act against his own will and the will of his Maker, and they are: Gentiles, and an evil spirit, and the depths of extreme poverty.

⁸ The Gemara asks: What is the practical halakhic difference that emerges from this statement? The Gemara answers: It is significant as it teaches one to request mercy for people who suffer from those problems.

⁹ The Gemara cites a related teaching: Three classes of people do not see the face of Gehenna, because the suffering that they bear in this world atones for their sins, and they are: Those suffering the depths of extreme poverty, those afflicted with intestinal disease, and those oppressed by creditors. And some say: Even one who has an evil wife who constantly harasses him.

¹⁰ The Gemara asks: And why don't the other Sages include one with an evil wife among those who will not be punished in Gehenna? The Gemara answers: They maintain that it is a mitzva to divorce an evil wife. Therefore, that source of distress can be remedied.

¹¹ And why do the other Sages include an evil wife? The Gemara answers: Sometimes payment of her marriage contract is very large, and consequently he cannot divorce her since he cannot afford to pay it. Alternatively, he has children from her, and he cannot raise them himself, and therefore he cannot divorce her.

¹² The Gemara asks: What is the practical halakhic difference that emerges from this statement? The Gemara answers: It is significant as it teaches one to accept those afflictions with love, knowing that they will exempt him from the punishment of Gehenna.

¹³ It was similarly taught: Three classes of people are liable to die while conversing with others, i.e., to die suddenly, although they appear to be in good health and are capable of engaging in conversation, and they are: Those afflicted with intestinal sickness, and a woman in childbirth, and one who is sick with edema [hidrokan].

¹⁴ Once again the Gemara asks: What is the practical halakhic difference that emerges from this statement? The Gemara answers: It is significant as it teaches one to prepare shrouds for them, in case they need them suddenly.

¹⁵ The Gemara proceeds to analyze the mishna: Rav Naḥman said that Shmuel said: If one knowingly went out beyond the Shabbat limit, he has only four cubits that he may walk. The Gemara asks: This is obvious. Now, if with regard to one whom gentiles forcibly took out beyond the Shabbat limit, he has only four cubits, with regard to one who knowingly went out, is it necessary to teach that he has no more than four cubits within which he may walk?

¹⁶ Rather, say that Rav Naḥman's statement means: If he returned knowingly to within the Shabbat limit after having been taken out by gentiles, he has only four cubits within which he may walk, but no more.

¹⁷ The Gemara asks: This, too, we learned from a precise reading of the mishna: If the gentiles returned him to within the Shabbat limit it is as though he had never left the Shabbat limit, and he may move about as before. By inference, it is specifically when the gentiles themselves returned him that it is as though he never left his Shabbat limit. However, if gentiles took him out, and then he returned knowingly to his Shabbat limit, it is as though he left knowingly, and he has only four cubits within which he may walk.

¹⁸ Rather, say Rav Naḥman's statement as follows: If he knowingly went out beyond the Shabbat limit, and was later forcibly returned by gentiles to within his limit, he has only four cubits that he may walk, although he was restored to within his limit against his will.

¹⁹ The Gemara raises a difficulty: This, too, we learned from a precise reading of the mishna: If gentiles forcibly took him out and later returned him, it is as though he never left. By inference, it is specifically when the gentiles themselves forcibly took him out and then themselves returned him that it is as though he never left the Shabbat limit. However, if he knowingly went out, no, that is not the halakha, even if he was later forcibly returned by gentiles.

²⁰ The Gemara answers: Rav Naḥman's statement is necessary lest you say that perhaps the mishna is not referring to one specific case, but rather it is teaching disjunctively, i.e., referring to two separate cases, as follows: One who was forcibly taken out beyond the Shabbat limit by gentiles and later returned knowingly has only four cubits within which to walk. But if he knowingly went out beyond the Shabbat limit and was later forcibly returned by gentiles, it is as though he had never left, and he may move within his original limit as before. Therefore, Rav Naḥman teaches us that if he willingly went out beyond the Shabbat limit and was later forcibly returned by gentiles, it is considered as though he had returned knowingly, so that he has only four cubits within which to walk.

²¹ They raised a dilemma before Rabba: If a person who is restricted to an area of four cubits needed to relieve himself and no secluded spot is available, what is the halakha? He said to them: The Sages established a principle that great is human dignity, which even supersedes a negative precept of the Torah, and therefore a person is permitted to overstep the Shabbat limit fixed by the Sages in order to relieve himself modestly.

²² The Sages of Neharde'a said: If this person is clever, he will enter into his original Shabbat limit, and since he was permitted to enter it, he entered, and may remain there.

²³ Rav Pappa said: With regard to produce that was taken out beyond the Shabbat limit and was later returned, even if this was done intentionally, the produce has not lost its place; rather, it may still be carried within the entire limit. What is the reason for this halakha? It is that the produce did not go out willingly, but was taken due to circumstances beyond its control.

²⁴ Rav Yosef bar Shemaya raised an objection to the opinion of Rav Pappa from a baraita: Rabbi Nehemya and Rabbi Eliezer ben Ya'akov say: It is actually prohibited to carry the produce beyond four cubits, unless it was returned to its place unwittingly. By inference, if it was returned unwittingly, yes, it is permitted, but if it was returned intentionally, it is not.

²⁵ The Gemara answers: This is subject to a dispute between the tanna'im, as it was taught in a baraita: With regard to produce that was taken out beyond the Shabbat limit, if it was taken out unwittingly, it may be eaten; but if it was taken out intentionally, it may not be eaten.

²⁶ Rabbi Neḥemya says: If the produce was returned and is now in its original place, it may be eaten; but if it is not in its original place, i.e., if it is still beyond the Shabbat limit, it may not be eaten.

²⁷ The Gemara clarifies: What is meant by: In its place? If you say that the produce was returned to its place intentionally, there is a difficulty, as it was explicitly taught in a baraita: Rabbi Neḥemya and Rabbi Eliezer ben Ya'akov say: It is actually prohibited to carry the produce beyond four cubits, unless it was returned to its place unwittingly. By inference, only if it was returned unwittingly is it indeed permitted, but if it was returned intentionally, it is not permitted.

²⁸ Rather, does it not mean that the produce was returned to its place unwittingly, and the baraita is incomplete and it teaches the following: With regard to produce that was taken out beyond the Shabbat limit, if it was taken out unwittingly, it may be eaten; but if it was taken out intentionally, it may not be eaten.

²⁹ In what case is this statement said? In a case where the produce is not in its original place, i.e., it is still beyond the Shabbat limit. But if it was returned and is now in its original place, even if it was returned intentionally, it may be eaten. And Rabbi Neḥemya came to say: Even if the produce was returned and is now in its original place, a distinction applies. If it was returned unwittingly, yes, it is permitted; but if it was returned intentionally, it is not.

³⁰ The Gemara rejects this explanation: No, this is not necessarily the case, as the baraita can also be explained as follows: If the produce was returned intentionally to its place, everyone agrees, i.e., both the first tanna and Rabbi Neḥemya, that it is forbidden. However, here they disagree with regard to produce that was unwittingly taken out beyond the Shabbat limit and was not returned, so that it is not in its original place. The first tanna holds that if the produce was taken out unwittingly, it is permitted to be eaten, even if it is not in its original place. However, Rabbi Neḥemya holds that even if the produce was taken out unwittingly, if it was returned to its original place, it is permitted; but if it was not returned to its original place, it is not permitted.

³¹ The Gemara objects to this reading: However, since the latter clause of this baraita teaches that Rabbi Neḥemya and Rabbi Eliezer ben Ya'akov say: Actually, carrying the produce beyond four cubits is prohibited, unless it was returned to its place unwittingly, and by inference, only if it was unwittingly returned is it indeed permitted; however, if it was returned intentionally, it is not permitted. And since Rabbi Neḥemya maintains that produce that was intentionally returned to its place is forbidden, by inference, the first tanna holds that even if it was returned intentionally, it is also permitted. If so, the preceding explanation cannot be accepted, and the Gemara concludes: Indeed, learn from here that Rav Pappa's opinion is supported by the opinion of the first tanna.

³² Rav Naḥman said that Shmuel said: If one was walking in a certain place and does not know where the Shabbat limit lies, he may take two thousand medium strides in each direction from the spot he acquired as his place of residence, and this is the Shabbat limit, for a medium stride is approximately a cubit.

³³ And Rav Naḥman also said that Shmuel said: If one established residence in a valley, and gentiles surrounded the entire area with a partition for the purpose of residence on Shabbat, he may walk only two thousand cubits in each direction, as he cannot rely on partitions that were not present when he acquired his place of residence. However, he may carry in the entire partitioned area, as in any other private domain, even in the part that is beyond his two thousand cubits, but only by means of throwing, as he himself cannot accompany the object past two thousand cubits.

³⁴ Rav Huna said: He may walk two thousand cubits; however, even within this area he may carry objects only a distance of four cubits, as in a karmelit. The Gemara asks: And let him be permitted to carry in the entire partitioned area by means of throwing. Although he himself is limited in where he may walk, the partitions render it a private domain, and he should be permitted to carry in the entire area.

³⁵ The Gemara answers: The Sages prohibited this as a preventive measure, lest he be drawn after his object. It is prohibited for him to leave the two thousand cubit limit, but were he permitted to carry by means of throwing, he might follow his object and go out beyond his permitted limit.

³⁶ The Gemara asks: Within two thousand cubits, at any rate, let him carry the object in his usual manner. Since he may traverse this area, there should be no concern that he might come to be drawn after the object.

³⁷ The Gemara answers that this is prohibited due to another aspect of the laws of eiruv, namely because this is similar to the case of a partition that is breached in its entirety, leaving the space open to a place into which it is prohibited to carry. Since he may not carry more than two thousand cubits, and the enclosed area is larger than two thousand cubits, the area that is permitted to him is breached in its entirety, left open to an area that is prohibited to him. Consequently, carrying is prohibited in the entire area, even by means of throwing.

³⁸ However, Ḥiyya bar Rav said: In that case, he may walk two thousand cubits, and he may also carry objects within these two thousand cubits. The Gemara poses a question: In accordance with whose opinion did Ḥiyya bar Rav issue his ruling? It is neither in accordance with the opinion of Rav Naḥman, nor in accordance with the opinion of Rav Huna, while this dispute would appear to leave no place for a third opinion.

³⁹ The Gemara answers: Read Ḥiyya bar Rav's ruling as follows: He may carry objects only a distance of four cubits. The Gemara asks: If so, this is the same as the opinion of Rav Huna. The Gemara answers: Read it then as follows: And similarly, Rabbi Ḥiyya bar Rav said.

⁴⁰ Rav Naḥman said to Rav Huna: Do not argue with the opinion of Shmuel as cited by Rav Naḥman with regard to a field surrounded by a partition on Shabbat, as it was taught in a baraita in accordance with his opinion. As it was taught in a baraita:

⁴¹ If a person was measuring the two thousand cubits of his Shabbat limit from the spot where he deposited his eiruv, and his measuring ended in the middle of the city, he is permitted to carry throughout the city, provided that he does not overstep the limit by foot, i.e., that he does not walk beyond his permitted limit in the middle of the city. If he cannot walk about on foot, how can he carry throughout the city? Is it not by means of throwing? This presents a difficulty for Rav Huna, who prohibits carrying by means of throwing in a place where it is prohibited to walk.

⁴² Rav Huna said: No, it means that he may carry in the city by means of pulling, i.e., he is permitted to pull objects from the other side of the city to the side where he is permitted to walk, for in this manner there is no concern that he might be drawn after the object, since he is bringing the object to him.

⁴³ Similarly, Rav Huna said: If a person was measuring the two thousand cubits of his Shabbat limit from the spot where he deposited his eiruv, and his measuring ended in the middle of a courtyard, he has only half the courtyard in which to walk.

⁴⁴ The Gemara raises a difficulty: It is obvious that he is not permitted to walk beyond his Shabbat limit. The Gemara answers: Read Rav Huna's statement as follows: He has half a courtyard, i.e., Rav Huna addresses a different aspect of the issue; namely, he permits carrying in half the courtyard.

⁴⁵ The Gemara asks: However, this too is obvious, for why should it be prohibited for him to carry in a private domain where he is permitted to walk? The Gemara answers: Lest you say that we should be concerned that if he is permitted to carry in half the courtyard, he might come to carry in the entire courtyard. Consequently, Rav Huna teaches us that this concern is not taken into account.

⁴⁶ Rav Naḥman said: Rav Huna agrees with me that carrying is not prohibited in a comparable case, out of concern that the person be drawn after the object he is carrying: If a person was measuring the two thousand cubits of his Shabbat limit from the spot where he deposited his eiruv, and his measuring ended at the edge of the roof of a house, most of which stood outside his Shabbat limit, he is permitted to carry throughout the house by means of throwing.

⁴⁷ What is the reason that Rav Huna agrees in this case? Because the edge of the roof of the house is regarded as if it presses down vertically at the end of his Shabbat limit, thus creating a partition, and so there is no concern that he might pass beyond this partition and be drawn after his object.

⁴⁸ Rav Huna, son of Rav Natan, said: The dispute between Shmuel and Rav Huna is parallel to a dispute between tanna'im recorded in the mishna: If the gentiles brought him to a different city beyond his Shabbat limit, or if they put him in a pen or a stable, the Sages disagree. Rabban Gamliel and Rabbi Elazar ben Azarya say: He may walk about the entire stable or pen. Since they are enclosed by a partition, their entire area is considered like only four cubits. Rabbi Yehoshua and Rabbi Akiva say: He has only four cubits from where he was deposited.

⁴⁹ Is it not the case that Rabban Gamliel and Rabbi Elazar ben Azarya, who said: He may walk about the entire area, do not prohibit walking in a pen or a stable due to walking in a field where one is limited to four cubits? Rather, they say that since the stable is surrounded by partitions, it is not similar to a field, in which a person may not leave his four cubits.

⁵⁰ And since they did not prohibit walking in a pen or a stable due to the limits imposed on walking in a field, they would certainly not prohibit carrying in a pen due to the limits imposed on walking in a field. Rather, they would permit a person to carry in a field that had been enclosed on Shabbat by gentiles, and even to throw into the part lying beyond his two thousand cubits, parallel to the opinion of Shmuel who did not decree against this.

⁵¹ And is it not the case that Rabbi Yehoshua and Rabbi Akiva, who say that he has only four cubits, prohibit walking in a pen or a stable due to the limits imposed on walking in a field? And since they prohibit walking in a pen or a stable due to the limits imposed on walking in a field, they would also prohibit carrying past the two thousand cubit limit by means of throwing due to the limits imposed on walking past there, in accordance with Rav Huna's opinion.

⁵² The Gemara rejects this comparison: From what do you infer that this is the case? Perhaps Rabban Gamliel and Rabbi Elazar ben Azarya did not prohibit walking in a pen or a stable due to the limits imposed on walking in a field, but this applies only there, because they are two distinct places. In other words, the pen and stable are enclosed by partitions, while the field is not, and there is no reason to prohibit walking in one place out of concern that one might come to act improperly in a different place.

⁵³ However, as for the prohibition of carrying due to the limits imposed on walking, where it is all one place, might we also say that even Rabban Gamliel and Rabbi Elazar ben Azarya would decree against carrying as a preventive measure, lest the person be drawn after his object and come to walk in a place prohibited to him.

⁵⁴ The comparison can also be rejected from another angle: And with regard to Rabbi Yehoshua and Rabbi Akiva too, from what can it be inferred that they prohibit walking beyond four cubits due to a decree? Perhaps it is because they hold that when we say that the entire house is considered like four cubits, this applies only where one acquired his place of residence within the airspace of the partitions of the house while it was still day, i.e., prior to the onset of Shabbat.

⁵⁵ However, where he did not acquire his place of residence within the airspace of the partitions of the house while it was still day, the house, and all the more so the stable or pen, is not considered as four cubits; rather, it is measured based on the actual number of cubits it contains. Based on this explanation, this ruling indicates nothing with regard to the issue of throwing beyond the two-thousand cubit limit. Consequently, the Gemara rejects the link between the dispute of the tanna'im in the mishna and that of Rav Nahman and Rav Huna.

⁵⁶ Rav said: The halakha is in accordance with the opinion of Rabban Gamliel with regard to a pen, a stable, and a boat. And Shmuel said: The halakha is in accordance with the opinion of Rabban Gamliel with regard to a boat, but not with regard to a stable or a pen.

⁵⁷ The Gemara poses a question: At any rate, all agree, i.e., both Rav and Shmuel, that the halakha is in accordance with the opinion of Rabban Gamliel with regard to a boat. What is the reason that the halakha is different in this case than in the other cases?

⁵⁸ Rabba said: This is since he acquired his place of residence within the partitions of the boat while it was still day, in which case it is reasonable to say that the entire boat is considered as if it is only four cubits.

⁵⁹ Rabbi Zeira said: This is since the boat constantly moves the person out of his four cubits, lifting him from the beginning of four cubits and placing him at the end of four cubits. Since in any case he cannot restrict himself to any particular four cubits, even if he wished to do so, it is reasonable to say that he is permitted to walk about the entire boat.

⁶⁰ The Gemara asks: What is the practical difference between these two explanations? The Gemara answers: There is a practical difference between them with regard to a case where the walls of the boat were breached, so that the person is no longer located between its partitions. Alternatively, there is a difference with regard to a case where the person jumped from one boat to another, so that he is no longer on the boat where he had acquired his place of residence. In both of these cases, Rabba's reason no longer applies, but Rabbi Zeira's reason does.

⁶¹ The Gemara asks: As for Rabbi Zeira, what is the reason that he did not state his opinion in accordance with the opinion of Rabba, whose explanation is more straightforward? The Gemara answers: He could have said to you: The sides of a boat are not regarded as proper partitions,

⁶² for they are only made to keep the water out; that is to say, a boat's walls are not designed to turn it into a place of residence, but to protect it from the water. Therefore, they do not have the status of partitions made for the purpose of residence.

⁶³ The Gemara asks: As for Rabba, what is the reason he did not state his opinion in accordance with the opinion of Rabbi Zeira? The Gemara answers: With regard to a boat that is moving, all agree, i.e., even Rabbi Yehoshua and Rabbi Akiva, that one is permitted to walk about the entire boat. They disagree only with regard to a boat that is stationary. Rabban Gamliel holds that the boat's walls constitute effective partitions, whereas Rabbi Yehoshua disagrees.

⁶⁴ Rav Naḥman bar Yitzḥak said: The mishna is also precise in its implication that the tanna'im do not disagree with regard to a moving boat. The Gemara asks: From where is this implied? From that which is taught: There was an incident where all of these Sages were coming from Pelandarsin, and their boat set sail on the sea on Shabbat, taking them out beyond their Shabbat limit. Rabban Gamliel and Rabbi Elazar ben Azarya walked about the entire boat, while Rabbi Yehoshua and Rabbi Akiva did not move beyond four cubits, as they sought to be stringent with themselves.

⁶⁵ Rav Naḥman bar Yitzḥak explains: Granted, if you say that they do not disagree with regard to a moving boat, that is why it is taught that they sought to be stringent with themselves, i.e., they wished to practice stringency although they were under no obligation to do so, as they were concerned that perhaps the boat will stand, i.e., come to a stop.

⁶⁶ But if you say that they disagree even in the case of a boat that is moving, this phrase: Sought to be stringent, is problematic, for the mishna should not refer to a desire to be stringent, as according to their opinion it is an outright prohibition.

⁶⁷ With regard to the previous issue, Rav Ashi said: The mishna is also precise, implying this point in another manner as well, for it teaches the law governing a boat parallel to the law governing a pen and a stable. Just as a pen and a stable are fixed in their place, so too, the mishna discusses a boat that is fixed in its place.

⁶⁸ Rav Aḥa, son of Rava, said to Rav Ashi: Rav and Shmuel both said that the halakha is in accordance with Rabban Gamliel with regard to a boat, and if they had to decide the halakha, then this proves by inference that the tanna'im disagreed about the issue. This is difficult, as the words: They wished to be stringent upon themselves, imply that there was no fundamental dispute at all.

⁶⁹ Rav Ashi replied: Yes, the tanna'im do in fact disagree about a boat that is standing. When the mishna says that Rabbi Yehoshua and Rabbi Akiva wished to be stringent upon themselves, implying that there is no real dispute, it is referring to a boat that is stationary. And it was taught in a baraita: Ḥanania, son of Rabbi Yehoshua's brother, says: All that day they spent on the boat, they sat and discussed the matter of halakha; and come evening my father's brother, i.e., Rabbi Yehoshua, determined: The halakha is in accordance with the opinion of Rabban Gamliel with regard to a moving boat, i.e., one is permitted to walk about all of it. And the halakha is in accordance with the opinion of Rabbi Akiva with regard to a pen and a stable, i.e., one may only walk four cubits in them, and the same applies to a stationary boat.

⁷⁰ Rav Ḥanania raised a dilemma: Does the prohibition of Shabbat limits apply above ten handbreadths from the ground, or perhaps does the prohibition of Shabbat limits not apply above ten handbreadths? In other words, does the Shabbat limit apply only close to the ground, in which case walking more than ten handbreadths above the ground, would be permitted?

⁷¹ The Gemara clarifies the case in which this dilemma arises: With regard to a post ten handbreadths high and four handbreadths wide, partly within the limit and partly outside of it, this

case should not be a dilemma for you. Such a stable post is like solid ground, although it differs from the surrounding area in height; therefore, it is prohibited to walk from the part within the limit to the part outside of it.

⁷² The case where there should be a dilemma for you is that of a post ten handbreadths high but not four handbreadths wide, or the like. Alternatively, the case is one where he advances by way of a leap in the air above ten handbreadths from the ground.

⁷³ The Gemara presents another version of the previous dilemma: What is the halakha with regard to a boat sailing on the surface of the water more than ten handbreadths from the sea or river bed? Does the prohibition of Shabbat limits apply or not?

⁷⁴ Rav Hoshaya said: Come and hear a resolution to this dilemma from what was taught in the mishna: It once happened that all of these Sages were coming from Pelandarsin, and their boat set sail on the sea, etc. Granted, if you say that the prohibition of Shabbat limits applies above ten handbreadths, this is why Rabbi Yehoshua and Rabbi Akiva sought to be stringent. However, if you say that the prohibition of Shabbat limits does not apply above ten handbreadths, why did they seek to be stringent?

⁷⁵ The Gemara answers: It may be suggested as Rava said with regard to a parallel case, establishing that case as one where the boat was moving through shallow, swampy water; here, too, we are dealing with a case where the boat was moving through shallow, swampy water, within ten handbreadths of the sea's bed, so that the prohibition of Shabbat limits certainly applies.

⁷⁶ The Gemara cites another proof. Come and hear a resolution from the mishna: On one occasion on a Shabbat eve, they did not enter the port until after nightfall, etc. Granted, if you say that the prohibition of Shabbat limits applies above ten handbreadths, it was well that they asked whether or not they may disembark. However, if you say that the prohibition of Shabbat limits does not apply above ten handbreadths, even if Rabban Gamliel had told them: We were not within the city's limit before nightfall, what difference would it have made? They could have alighted from the boat, for the boat was above ten handbreadths, where the prohibition of Shabbat limits does not apply.

⁷⁷ The Gemara answers that Rava said: The mishna refers to a case where the boat was moving through shallow, swampy water within ten handbreadths of the sea's bed.

⁷⁸ The Gemara cites another proof: Come and hear a resolution from the incident involving the seven teachings that were first said on Shabbat morning before Rav H̥isda in Sura and then repeated toward the conclusion of that Shabbat before Rava in Pumbedita, despite the fact that the distance between them is too great for someone to have traversed it on Shabbat.

⁷⁹ Who said those teachings, and delivered them from one place to the other? Was it not Elijah the Prophet, who traveled from Sura to Pumbedita by way of a miraculous leap through the air above ten handbreadths from the ground, who said them? Apparently, the prohibition of Shabbat limits does not apply above ten handbreadths, for Elijah would not have transgressed this prohibition. The Gemara rejects this argument: This is no proof; perhaps Yosef the demon, who does not observe Shabbat, reported these teachings and brought them from Sura to Pumbedita.

⁸⁰ The Gemara attempts to bring a different proof: Come and hear that which was taught in a baraita: With regard to one who said: I will be a nazirite on the day that the son of David comes, i.e., upon

the arrival of the Messiah, he is permitted to drink wine on Shabbat and Festivals, for the Messiah will not arrive on one of those days.

⁸¹ However, he is prohibited to drink wine on all weekdays, in case the Messiah has come and he has not yet been informed.

⁸² The Gemara clarifies: Granted, if you say that the prohibition of Shabbat limits applies above ten handbreadths, that is why on Shabbat and Festivals he is permitted to drink wine, for the Messiah will certainly not arrive from outside the Shabbat limit on those days. But if you say that the prohibition of Shabbat limits does not apply above ten handbreadths, why is he permitted to drink wine on Shabbat and Festivals?

⁸³ The Gemara answers: It is different there, as the verse stated: “Behold I will send you Elijah the prophet, before the coming of the great and dreadful day of the Lord; and he shall turn the heart of the fathers to the children, and the heart of the children to their fathers” (Malachi 3:23–24). This verse teaches that Elijah will arrive the day before the coming of the Messiah. Since Elijah did not come the previous day, the Messiah will not come today, and therefore he may drink.

⁸⁴ The Gemara rejects this argument: If so, on weekdays, too, he should be permitted to drink wine each and every day, as Elijah did not arrive the previous day. Rather, the reason for the prohibition on weekdays must be that we say that Elijah may already have arrived at the Great Court, but it has not yet become a matter of public knowledge. Likewise, here too we should say that Elijah already arrived the previous day at the Great Court, on the eve of Shabbat or a Festival.

⁸⁵ The Gemara answers: It has already been promised to the Jewish people that Elijah will not come either on the eve of Shabbat or on the eve of a Festival, due to the trouble, lest people go out to greet him and not have time to complete all their preparations for the sacred day.

⁸⁶ The Gemara comments: It might enter your mind to say that since Elijah will not come on Shabbat eve due to the trouble involved, the Messiah will also not come then, and if so, on Shabbat eve he should also be permitted to drink wine. However, this reasoning is rejected: It is only Elijah who will not arrive on Shabbat eve, but the Messiah himself may arrive, for once the Messiah comes, all the nations will be subservient to the Jewish people, and they will help them prepare whatever is needed for Shabbat.

⁸⁷ The Gemara raises a difficulty: He should be permitted to drink wine on a Sunday, for if Elijah cannot come on Shabbat, the Messiah will not come on a Sunday. Let us resolve from here that the prohibition of Shabbat limits does not apply above ten handbreadths, as if the prohibition of Shabbat limits applies above ten handbreadths, on Sunday he should be permitted to drink wine, as Elijah cannot come on Shabbat.

⁸⁸ The Gemara answers: This tanna was uncertain whether there is a prohibition of Shabbat limits above ten handbreadths or there is no prohibition of Shabbat limits. Therefore, he ruled stringently in this regard concerning Sunday.

⁸⁹ The Gemara poses a question: When did the person who took the vow of naziriteship arise and take his vow? If you say he arose and took his vow on a weekday, since the vow of naziriteship already took effect, how can Shabbat come and annul it? Naziriteship cannot take effect one day and be annulled on the next; rather, once it applies, it remains in effect for the entire period of his vow.

⁹⁰ Rather, it must be that he arose on Shabbat and took his vow, or else he arose on a Festival and took his vow, and it is only on that day that he is permitted to drink wine, as the Messiah will not come; but from that day on he is prohibited to drink wine, for once the naziriteship takes effect on a weekday, it remains in effect from that point onwards, even on Shabbat and Festivals.

⁹¹ It was taught in the mishna: On one occasion, they did not enter the port until after nightfall on Shabbat eve, and they asked Rabban Gamliel whether they were permitted to alight from the boat. He told them that they were permitted to alight, for he had been watching, and he knew that they had entered within the city's limit before nightfall, and therefore they may walk throughout the city.

⁹² In order to clarify this issue, the Gemara cites that which was taught in a baraita: Rabban Gamliel had a special tube through which he would look and see a distance of two thousand cubits on land, and also determine a corresponding distance of two thousand cubits at sea.

⁹³ In general, one who wishes to know the depth of a valley can bring such a tube and look through it, and he will know the depth of the valley.

⁹⁴ The Gemara cites another statement with regard to measurements: One who wishes to know the height of a palm tree, but does not want to actually climb the tree to measure it, can measure his own height, and the length of his own shadow, and the length of the shadow of the height of the palm tree, and calculate the proportions, and he will know the height of the palm tree.

⁹⁵ The Gemara cites related advice: If, out of honor for the dead, one wishes that a wild beast should not rest in the shade of a grave, he should insert a reed into the ground at the end of the fourth hour of the day, roughly ten o'clock in the morning, when it is hot in the sun and cooler in the shade, and beasts begin to seek shelter in the shade. And he should observe in which direction the shadow of the reed inclines, and then slant the gravestone upwards and downwards until he finds an angle at which it casts no shadow at that hour, and the beasts will not come to rest at the grave during the heat of the day.

⁹⁶ The Gemara relates that Neḥemya, son of Rav Ḥanilai, was once so engrossed in his learning that he did not notice that he was going out beyond his Shabbat limit. Rav Ḥisda said to Rav Naḥman: Your student Neḥemya is in distress, as he is outside the Shabbat limit and cannot enter. What can we do for him?

⁹⁷ Rav Naḥman said to him: Establish a human partition for him, i.e., people who are permitted to go out there should line up and form human walls, through which he is permitted to walk and thereby reenter the Shabbat limit.

⁹⁸ Rav Naḥman bar Yitzḥak sat behind Rava, and Rava sat in the first row before Rav Naḥman. Rav Naḥman bar Yitzḥak said to Rava: What precisely was Rav Ḥisda's dilemma that he addressed to Rav Naḥman with regard to Neḥemya's distress?

⁹⁹ The Gemara explains: If you say that we are dealing with a case where the space between Neḥemya and the Shabbat limit could be filled with people who had established an eiruv and were permitted to go out beyond the Shabbat limit and establish a human partition for Neḥemya, and then it can be argued that the dilemma that he raised was: Is the halakha in accordance with the opinion of Rabban Gamliel that a person may walk throughout an enclosed area, although he had not established residence there before Shabbat while it was still day, and the same applies to a human partition of this kind;

¹⁰⁰ or is the halakha not in accordance with the opinion of Rabban Gamliel? Or perhaps we are dealing with a case where the space between Neḥemya and the Shabbat limit could not be filled with people who had established an eiruv and were permitted to establish a human partition for Neḥemya. In that case, there were enough people to establish partitions from where Neḥemya was standing to within two cubits from the limit, and the dilemma that Rav Ḥisda raised was: Is the halakha in accordance with the opinion of Rabbi Eliezer, who says that someone who went two cubits outside of his Shabbat limit may reenter it, or is the halakha not in accordance with the opinion of Rabbi Eliezer?

¹⁰¹ The Gemara answers: This is obvious that we are dealing with a case where the space between Neḥemya and the Shabbat limit could not be filled with people, as if it should enter your mind that we are dealing with a case where the space between Neḥemya and the Shabbat limit could be fully filled with people, what is Rav Ḥisda's dilemma? Didn't Rav say: The halakha is in accordance with the opinion of Rabban Gamliel with regard to a pen, a stable, and a boat? Rather, we must be dealing with a case where the space between Neḥemya and the Shabbat limit could not be filled with people, and the dilemma that he raised was about the ruling of Rabbi Eliezer.

¹⁰² The Gemara comments: This interpretation is also precise and implicit in Rav Naḥman's answer, for Rav Naḥman said to Rav Ḥisda: Establish a human partition for him, and let him reenter his Shabbat limit. Doesn't the statement: Let him reenter, mean that he may reenter even without a partition along those two additional two cubits, i.e., that after he passes through the human partitions, he would still need to cross the remaining two cubits on his own without the benefit of a partition?

¹⁰³ Rav Naḥman bar Yitzḥak raised an objection to the opinion of Rava with regard to the principle of making a human partition on Shabbat, from a baraita: If the wall of a sukka fell on a Festival or on Shabbat, thus rendering the sukka unfit for the mitzva, one may not position people, animals or utensils there in its place in order to form a wall, nor may one turn a bed upright in order to spread a sheet over it, which will thereby serve as a partition, because one may not make a temporary tent for the first time on a Festival, and, needless to say, this is prohibited on Shabbat. This indicates that a human partition may not be erected on Shabbat.

¹⁰⁴ Rava said to him: You state to me that this is prohibited from this baraita, but I can state to you that it is permitted from this other baraita: A person may position his fellow as a wall, so that he may eat, drink, and sleep in a sukka, and he is likewise permitted to turn a bed upright in order to spread a sheet over it, so that the sun should not beat down on a corpse, or on food.

¹⁰⁵ The Gemara comments: If so, these two baraitot contradict one another. The Gemara answers: This is not difficult; this baraita that teaches that it is prohibited reflects the opinion of Rabbi Eliezer, whereas this other baraita that teaches that it is permitted reflects the opinion of the Rabbis. As we learned in a mishna: With regard to a window shutter that is not fixed to the wall with hinges, Rabbi Eliezer says: If it is tied to the wall and hangs from the window, one may shut the window with it; but if not, one may not shut the window with it, since one may not erect a tent, even a temporary one, on Shabbat. But the Rabbis say: In either case, one may shut the window with it. This indicates that the Rabbis permit constructing a temporary wall of this sort on Shabbat, and they also permit the construction of a temporary wall in the case of a sukka.

¹⁰⁶ The Gemara raises a difficulty: But wasn't it stated with regard to this dispute: Rabba bar bar Ḥana said that Rabbi Yoḥanan said: All agree that one may not make a temporary tent for the first

time on a Festival, and, needless to say, this is prohibited on Shabbat. The Rabbis and Rabbi Eliezer disagree only with regard to adding a temporary tent to a permanent structure, as in the case of a window shutter. As Rabbi Eliezer says: One may not add a temporary tent to a permanent structure even on a Festival; and, needless to say, this is prohibited on Shabbat. And the Rabbis say: One may add a temporary tent to a permanent structure on Shabbat, and needless to say, this is permitted on a Festival. This indicates that there is no opinion that grants license to construct a temporary wall for the first time.

¹⁰⁷ Rather, the Gemara resolves the contradiction differently: This is not difficult, as this baraita that permits the positioning of an animal or a person as a wall was taught in accordance with the opinion of Rabbi Meir, and this baraita that prohibits it was taught in accordance with the opinion of Rabbi Yehuda. As it was taught in a baraita: With regard to one who positions an animal to serve as the wall of a sukka, Rabbi Meir deems it unfit, out of concern that the animal might leave, whereas Rabbi Yehuda deems it fit.

¹⁰⁸ Rabbi Meir, who deems the wall unfit there, with regard to a sukka, apparently holds that a partition established from a living creature is not a partition and he would here, in the case of Shabbat, rule that it is permitted to construct such a wall, as he is not doing anything, since it is not considered actual construction.

¹⁰⁹ However, Rabbi Yehuda, who deems the wall to be fit there, with regard to a sukka, apparently holds that it is a proper partition; and he would here, in the case of Shabbat, prohibit the construction of such a partition.

¹¹⁰ The Gemara raises a difficulty: And how can you understand it in that manner? Say that you heard that Rabbi Meir deemed the sukka to be unfit in the case where an animal was used to serve as a partition, but did you hear that he deemed the sukka to be similarly unfit if a person or utensils were used as walls? The reason that an animal may not be used as a partition, according to his opinion, is because it might leave. This concern does not apply to people or utensils, since a person is under his own control and can remain standing, and utensils do not move themselves. Since the baraita validates partitions established with people and utensils as well as animals, it cannot be based on the opinion of Rabbi Meir.

¹¹¹ And furthermore, even if you do not differentiate as above, and instead assume that the consideration that the animal might leave is pertinent, according to whose opinion does Rabbi Meir state his opinion with regard to constructing a temporary tent on Shabbat? If it is according to the opinion of his teacher Rabbi Eliezer, this is difficult, as he even prohibited adding a window shutter, i.e., a temporary tent, to a permanent structure.

¹¹² Rather, you must say that he stated his opinion in accordance with the opinion of the Rabbis. However, even according to their opinion, say that the Rabbis only said that one is permitted to add a temporary tent to a permanent structure; but did they say that it is permitted to construct a partition or a tent for the first time?

¹¹³ Rather, say that both this baraita and that baraita follow the opinion of the Rabbis, and this is the resolution of the various contradictions: With regard to the contradiction between the one ruling concerning utensils and the other ruling concerning utensils, this is not difficult, as this ruling that prohibits the construction of an additional wall refers to the third wall of a sukka, which renders it fit

for the mitzva; whereas this other ruling that permits the construction of an additional wall refers to the fourth wall of a sukka, which is insignificant, as a sukka need not have four walls.

¹¹⁴ This interpretation is also precise in the wording of the baraita, as the baraita that prohibits the construction of an additional wall uses the following phrase: If its wall fell. This indicates a wall that is significant, i.e., a wall that renders it fit for use, rather than any wall, as stated in the baraita that permits it. The Gemara concludes: Learn from this that the correct resolution is to differentiate between the third and fourth wall of a sukka.

¹¹⁵ However, with regard to the contradiction between the one ruling concerning a person and the other ruling concerning a person, it is difficult, for one baraita states that one may not use a person as the wall of a sukka, while the other says that one may use a person as a wall and even states explicitly that he may do this: So that he may eat, drink and sleep in the sukka. That implies that this is permitted even if it is the third wall that is missing.

¹¹⁶ The Gemara answers: With regard to the contradiction between the one ruling concerning a person and the other ruling concerning a person, it is also not difficult. Here, where it is prohibited, the baraita refers to a case where that person knowingly served as a partition; whereas here, where it is permitted, it refers to a case where that person unknowingly served as a partition, which is not the usual manner of building. This is not the case with regard to utilizing a utensil as a partition. Since the utensil lacks knowledge, it is considered a partition regardless of how it is placed, and it is prohibited in all cases.

¹¹⁷ The Gemara raises a difficulty: However, the case involving Rabbi Neḥemya, son of Rabbi Ḥanilai, was a case where people knowingly served as a partition, as the people were instructed to go out and serve as a human partition. The Gemara answers: In fact, that was a case where people unknowingly served as a partition, i.e., they were unaware why they were called, and were made into a partition without their knowledge.

¹¹⁸ The Gemara asks: However, Rav Ḥisda, who gathered the people to that spot, was in any case present knowingly. The Gemara answers: While Rav Ḥisda was there knowingly, he was not among the designated people who served as a partition.

¹¹⁹ The Gemara relates that there were these members of a wedding party who engaged the many people present to bring water in on Shabbat from a public domain to a private domain through walls comprised of people who knew that they were being used as partitions for that purpose. Shmuel instructed that they should be flogged. He said with regard to this matter: If the Sages said that a partition is effective when the people act unknowingly, does this mean that they would also say that this is permitted ab initio when they knowingly serve as a partition?

¹²⁰ The Gemara relates that there were once these flasks lying in the market [ristaka] of Meḥoza on Shabbat and could not be moved. When Rava was coming from his discourse accompanied by a throng of people, his attendants brought the flasks into his house, as the crowd of people created human partitions, upon which the attendants capitalized for this purpose. On another Shabbat they wanted to bring them in again, but Rava prohibited them from doing so, reasoning: This is like the case where the people knowingly served as partitions, for presumably the people now knew that they were being used for this purpose, and it is therefore prohibited.

¹²¹ The Gemara further relates that Levi was brought straw through human partitions comprised of people who were unknowingly used for this purpose, and in the same manner Ze'eiri was brought fodder [aspasta], and Rav Shimi bar Ḥiyya was brought water.

¹²² MISHNA: With regard to one who was permitted to leave his Shabbat limit, i.e., he went out to testify that he had seen the new moon or for some life-saving purpose, and they said to him along the way: The action has already been performed, and there is no need for you to travel for that purpose, he has two thousand cubits in each direction from the location where he was standing when this was told to him.

¹²³ If he was within his original limit, it is considered as if he had not left his limit, and he may return to his original location. The Sages formulated a principle: All who go out to battle and save lives may return to their original locations on Shabbat.

¹²⁴ GEMARA: The Gemara asks: What is the meaning of the statement: If he was within his original limit, it is considered as if he had never left? Given that he has not left his original boundary, it is clear that he remains within his original limit. Rabba said: The mishna is saying as follows: If he was within his original limit, it is considered as if he had never left his house. He is allowed to walk two thousand cubits in each direction from his house.

¹²⁵ The Gemara asks: It is obvious that if he remained within his limit, he is considered as if he were in his house. Why is this statement necessary? The Gemara answers: Lest you say that, since he moved from his place with intention to leave his limit and go elsewhere, he moved and nullified his original place of residence. If so, his original place of residence would no longer determine his Shabbat limit, and instead he would have two thousand cubits in each direction from the location where he was standing when he was told that he need not travel. Therefore, the mishna teaches us that it is nonetheless considered as if he had never left his house.

¹²⁶ Rav Shimi bar Ḥiyya said that the mishna is saying as follows: If he left his original Shabbat limit, but the new limit of two thousand cubits in each direction that the Sages granted him is subsumed within his original limit, so that if he walks those two thousand cubits, he can return to within his original limit, then it is as if he had never left his original limit, and he may return to his house.

¹²⁷ The Gemara comments: With regard to what principle do Rabba and Rav Shimi bar Ḥiyya disagree? One Sage, Rav Shimi, holds that the subsuming of Shabbat limits, i.e., if one's original limit is subsumed within the new limit, one may pass from one to the other, is something significant and may be relied upon, whereas this Sage, Rabba, holds that it is nothing significant and cannot be relied upon.

¹²⁸ Abaye said to Rabba: Do you not hold that the subsuming of Shabbat limits is something significant? And what if he established residence in a cave that has entrances at its two ends, which on the inside of the cave is four thousand cubits across, but atop its roof it is less than four thousand cubits across? Is it not the case that he may walk the entire length of the roof and two thousand cubits outside it in either direction? The entire interior of the cave is considered as if it were four cubits, and he is permitted to walk another two thousand cubits in each direction from each of its entrances. Consequently, he is permitted to walk along the roof, two thousand cubits from the eastern entrance in the direction of the western entrance and vice versa. However, since the distance across the roof is less than four thousand cubits, these two limits are subsumed within one another, and he is permitted

to walk the entire length of the roof, given that when two limits are subsumed within one another, one may pass from one to the other.

¹²⁹ Rabba said to Abaye: Do you not distinguish between a case where the person established residence within the airspace of partitions before Shabbat while it was still day, as in the case of the cave, and a case where he did not establish residence within the airspace of partitions before Shabbat while it was still day, as in the case of the mishna? The principle governing the Shabbat limits being subsumed in one another only applies in the former case, where both of the Shabbat limits were established before Shabbat, but not in the latter case, where the two limits were established at different times, one before Shabbat and one on Shabbat.

¹³⁰ Abaye raised a difficulty: And in a case where he did not acquire his place of residence within those partitions before Shabbat, does the principle governing the subsuming of limits not apply?

¹³¹ Didn't we learn in a mishna that Rabbi Eliezer says: If a person left his Shabbat limit by walking two cubits beyond it, he may reenter his original limit; but if he left his Shabbat limit by walking three cubits beyond it, he may not reenter. What, is it not that Rabbi Eliezer follows his standard line of reasoning, in that he said with regard to the four cubits a person is allotted wherever he is, he is set in the middle of them, i.e., he may walk two cubits in each direction?

¹³² The Gemara explains that the four cubits that the Sages gave a person are regarded here as being subsumed within his original limit, and it is for this reason that he said: He may reenter his original limit. Apparently he is of the opinion that the subsuming of one Shabbat limit within another is something significant.

¹³³ Rabba bar bar Hana said to Abaye: Do you raise an objection against our Master, Rabba, from the statement of Rabbi Eliezer? But isn't the halakha in accordance with the opinion of Rabbi Eliezer? Abaye said to him: Yes, as I heard from our Master himself that the Rabbis disagree with Rabbi Eliezer only with regard to one who went beyond his limit for a voluntary matter, but with regard to one who went out for a mitzva matter, they agree with him about the subsuming of limits, i.e., that if one limit is subsumed in another, it is permitted to pass between them. This demonstrates that the halakha recognizes the principle of the subsuming of limits.

¹³⁴ The mishna teaches: All who go out to save lives may return to their original locations on Shabbat. The Gemara asks: Does this mean that he may return to his original place even if he went out more than two thousand cubits beyond his limit? Didn't the first clause say that a person who was permitted to travel beyond his Shabbat limit is allotted two thousand cubits, and no more?

¹³⁵ Rav Yehuda said that Rav said: What this means is that they may return with their weapons to their original locations, provided they are within two thousand cubits. The Gemara asks: What is the difficulty with returning home in this situation? Perhaps in the case where people went out to fight and save lives the law is different, and they are allowed to go home even if they went more than two thousand cubits beyond the limit.

¹³⁶ Rather, if there is a difficulty, this is the difficulty: As we learned in a mishna in tractate Rosh HaShana, at first they would take the witnesses who had come to Jerusalem from a distant place on Shabbat to testify that they had seen the new moon, and bring them into a special courtyard, and they would not move from there the entire day. This was in accordance with the law governing one who

was permitted to go out beyond his limit, as once he fulfilled his mission, he was no longer permitted to move beyond four cubits.

¹³⁷ However, Rabban Gamliel the Elder instituted that they should have two thousand cubits in each direction, so that witnesses not refrain from coming to testify. And it is not only these whom the Sages said are given two thousand cubits in the place that they have reached, but even a midwife who comes to deliver a child, and one who comes to rescue Jews from an invasion of gentile troops or from a river or a collapsed building or a fire; they are like the inhabitants of the town at which they arrive, and they have two thousand cubits in each direction.

¹³⁸ The question may be raised: Are they given no more than two thousand cubits? Didn't it say in the mishna: All who go out to save lives may return to their original locations on Shabbat, which indicates that they may walk even more than two thousand cubits?

¹³⁹ In response, Rav Yehuda said that Rav said: We must not infer from the mishna that they may go home even if they went out more than two thousand cubits from their limit, but rather that they may return with their weapons to their original locations, provided that they are within two thousand cubits. As it was taught in the Tosefta: At first those returning from a rescue mission would place their weapons in the first house that they encountered upon their return, i.e., the house nearest the wall, to avoid carrying on Shabbat any more than necessary.

¹⁴⁰ Once, their enemies noticed that they were no longer carrying their weapons, and they chased after them; and the defenders entered the house to take up their weapons and fight, and their enemies entered after them, causing great confusion. In the chaos, the defenders began to push one another, and they killed more of each other than their enemies killed of them. At that time the Sages instituted that they should return to their locations, i.e., their destinations, with their weapons.

¹⁴¹ The Gemara cites an alternate resolution that Rav Nahman bar Yitzhak said: This is not difficult. Here, in the mishna in Rosh HaShana where they only permitted two thousand cubits, it is referring to a situation where the Jews defeated the nations of the world, i.e., the gentiles, in battle; in such a case there is no concern and they need not return to their original locations. Whereas here, in the mishna which indicates that the Sages permitted even more than two thousand cubits, it is referring to a situation where the nations of the world defeated themselves, i.e., the Jews, whom the Gemara refers to euphemistically as themselves; in such a case the Sages allowed the defeated soldiers to return to their original locations.

¹⁴² Since the Gemara discussed war on Shabbat, the Gemara cites Rav Yehuda, who said that Rav said: With regard to gentiles who besieged Jewish towns, they may not go out to fight against them with their weapons, nor may they desecrate Shabbat in any other way due to them, but rather they must wait until after Shabbat.

¹⁴³ That was also taught in a baraita, with a caveat: With regard to gentiles who besieged, etc. In what case is this said? It is said in a case where the gentiles came and besieged the town with regard to monetary matters, i.e., banditry. However, if they came with regard to lives, i.e., there is concern that the gentiles will attack, they may go out against them with their weapons, and they may desecrate Shabbat due to them.

¹⁴⁴ And with regard to a town that is located near the border, even if the gentiles did not come with regard to lives, but rather with regard to matters of hay and straw, i.e., to raid and spoil the town, they

may go out against them with their weapons, and they may desecrate Shabbat due to them, as the border must be carefully guarded, in order to prevent enemies from gaining a foothold there.

¹⁴⁵ Rav Yosef bar Manyumi said that Rav Nahman said: And Babylonia is considered like a town located near the border, and war may be waged there on Shabbat even if the gentiles came for financial gain. And this means the city of Neharde'a, which was located near the border.

¹⁴⁶ Rabbi Dostai of the town of Biri expounded: What is the meaning of that which is written: "And they told David, saying: Behold, the Philistines are fighting against Ke'ila, and they rob the threshing floors" (i Samuel 23:1), after which David asked God how he should respond.

¹⁴⁷ It was taught in a baraita: Ke'ila was a town located near the border, and the Philistines came only with regard to matters of hay and straw, as it is written: "And they rob the threshing floors." And in the next verse it is written: "Therefore David inquired of the Lord, saying: Shall I go and smite these Philistines? And the Lord said to David: Go and smite the Philistines, and save Ke'ila" (i Samuel 23:2), which indicates that war may be waged in a border town on Shabbat, even with regard to monetary matters.

¹⁴⁸ The Gemara refutes this proof by asking: What is David's dilemma? If you say that he had a halakhic question and was in doubt whether it was permitted or prohibited to fight the Philistines on Shabbat, it is possible to respond: But the court of Samuel from Rama was then in existence, and rather than inquire by way of the Urim VeTummim he should have inquired of the Great Sanhedrin.

¹⁴⁹ Rather, he asked: Will he succeed or will he not succeed in his war? The Gemara comments: This is also precise in the language of the verse, as it is written in the response to David's query: "Go and smite the Philistines, and save Ke'ila." Learn from this, from the assurance that God gave David of his victory, that this was the subject of his inquiry.

¹⁵⁰ MISHNA: With regard to a person who was sitting along the road on Shabbat eve toward nightfall, unaware that he was within the city's Shabbat limit, and when he stood up after Shabbat had already commenced, he saw that he was near the town, i.e., within its limit, since he had not intended to acquire his place of residence in the town, he may not enter it, but rather he measures two thousand cubits from his place; this is the statement of Rabbi Meir.

¹⁵¹ Rabbi Yehuda says: He may enter the town. Rabbi Yehuda said: It once happened that Rabbi Tarfon entered a town on Shabbat without intention from the beginning of Shabbat to establish residence in the city.

¹⁵² GEMARA: It was taught in a baraita that Rabbi Yehuda said: It once happened that Rabbi Tarfon was walking along the way on Shabbat eve, and night fell upon him, and he spent the night outside the town. In the morning, cowherds who came to graze their cattle outside the town found him and said to him: Master, the town is before you; enter. He entered and sat in the study hall and taught the entire day. This indicates that one is permitted to enter.

¹⁵³ The other Rabbis said to Rabbi Yehuda: Do you bring proof from there? Perhaps he had it in mind the day before to acquire residence in the city, or perhaps the study hall was subsumed within his Shabbat limit. If the study hall was within two thousand cubits of the spot where he established residence, all agree that he may enter there.

¹⁵⁴ MISHNA: With regard to one who was sleeping along the road on Shabbat eve and did not know that night had fallen, he has two thousand cubits in each direction; this is the statement of Rabbi

Yoḥanan ben Nuri, who maintains that knowledge and awareness are not necessary for one to acquire residence, but rather, a person's presence in a given location establishes residence there.

¹⁵⁵ But the Rabbis say: He has only four cubits, as since he did not knowingly acquire residence, he did not establish a Shabbat limit. Rabbi Eliezer says: He has only four cubits total and he is in the middle of them, i.e., he has two cubits in each direction.

¹⁵⁶ Rabbi Yehuda says: He may walk four cubits in any direction he wishes. But Rabbi Yehuda agrees that if he selected for himself the direction in which he wants to walk those four cubits, he cannot retract and walk four cubits in a different direction.

¹⁵⁷ With regard to a case where there were two people in this situation, positioned in such a way that part of the four cubits of one were subsumed within the four cubits of the other, they may each bring food and eat together in the shared area in the middle,

¹⁵⁸ provided that the one does not carry anything from his four-cubit limit into that of his fellow.

¹⁵⁹ With regard to a case where there were three people in this situation, and certain parts of the four cubits of the middle one were subsumed within the respective limits of each of the others, so that he shared a certain area with each of them, he is permitted to eat with either of them, and they are both permitted to eat with him; but the two outer ones are forbidden to eat with each other, since they share no common area.

¹⁶⁰ Rabbi Shimon said: To what is this comparable? It is like three courtyards that open into one another, and also open into a public domain. If the two outer courtyards established an eiruv with the middle one, the middle one is permitted to carry to the two outer ones, and they are permitted to carry to it, but the two outer courtyards are prohibited to carry from one to the other, as they did not establish an eiruv with one another.

¹⁶¹ GEMARA: Rava raised a dilemma: What does Rabbi Yoḥanan ben Nuri hold? Does he hold that ownerless objects acquire residence for Shabbat, i.e., even an article that does not belong to anyone acquires residence at the onset of Shabbat and can therefore be carried two thousand cubits in each direction?

¹⁶² And according to this understanding, Rabbi Yoḥanan ben Nuri should by right have disagreed with the Rabbis even about utensils that were left in the field, i.e., that according to the opinion of Rabbi Yoḥanan ben Nuri, ownerless utensils can be moved two thousand cubits in each direction. And the reason that they disagreed about a person is to convey the far-reaching nature of the stringent ruling of the Rabbis, that although there is room to say: Since a person who is awake acquires for himself two thousand cubits, he also acquires them if he is sleeping, the mishna nonetheless teaches us that the Rabbis did not accept this argument, and this is why the dispute is taught specifically with respect to a person.

¹⁶³ Or perhaps we should understand his position differently, that in general Rabbi Yoḥanan ben Nuri holds that ownerless objects do not acquire residence of their own. But here, with regard to a person, the reason is as follows: Since a person who is awake acquires for himself two thousand cubits, he also acquires them if he is sleeping.

¹⁶⁴ Rav Yosef said: Come and hear a solution to this dilemma from the following baraita: Rain that fell on the eve of a Festival has two thousand cubits in each direction, meaning that one is permitted to carry the rainwater within a radius of two thousand cubits. But if the rain fell on the Festival itself,

it is like the feet of all people, as it did not acquire residence, and consequently one is permitted to carry this water wherever he is permitted to walk.

¹⁶⁵ Granted, it is understandable if you say that Rabbi Yoḥanan ben Nuri holds that ownerless objects acquire residence; in accordance with whose opinion is this baraita? It is that of Rabbi Yoḥanan ben Nuri, and consequently the rain that fell on the eve of the Festival acquired residence in the spot where it fell.

¹⁶⁶ However, if you say that he maintains that ownerless objects do not acquire residence, in accordance with whose opinion is this baraita? Neither that of Rabbi Yoḥanan ben Nuri, nor that of the Rabbis, as it clearly indicates that rain acquires a place of residence even though it has no owner. Rather, we must say that Rabbi Yoḥanan ben Nuri is of the opinion that ownerless objects acquire residence, and this baraita is in accordance with his opinion.

¹⁶⁷ Abaye sat and recited this tradition. Rav Safra said to Abaye: Perhaps we are dealing with rain that fell near a city, and the inhabitants of that city had it in mind, and that is why it acquires two thousand cubits in each direction.

¹⁶⁸ Abaye said to him: It should not enter your mind that such an understanding is correct, as we learned in a mishna: A cistern that belongs to an individual, its water is like the feet of that individual, the owner of the cistern, in that it may be carried wherever he is permitted to walk. And a cistern that belongs to a particular city, its water is like the feet of the people of that city, in that it may be carried wherever the inhabitants of that city may walk, i.e., two thousand cubits in each direction from the city. And a cistern that belongs to pilgrims from Babylonia on the way to Eretz Yisrael, meaning that it belongs to all Jews and has no particular owner, its water is like the feet of the one who draws the water, in that it may be carried wherever he is permitted to walk.

¹⁶⁹ And it was taught in a baraita: A cistern that belongs to one of the tribes and has no particular owner, its water has two thousand cubits in each direction. If so, these two sources contradict each other, as the mishna teaches that water that belongs to the entire community does not establish residence, whereas the tanna of the baraita holds that it may be carried two thousand cubits from its place.

¹⁷⁰ Rather, in order to resolve the contradiction, learn from here: This source, which states that the water may be carried two thousand cubits, was taught in accordance with the opinion of Rabbi Yoḥanan ben Nuri, who says that even ownerless objects acquire residence; that source, which states that water that does not belong to any particular person is like the feet of the one who draws it, was taught in accordance with the opinion of the Rabbis, who say that ownerless objects do not acquire residence.

¹⁷¹ The Gemara relates that when Abaye came before Rav Yosef, he said to him: This is what Rav Safra said, and this is what I answered him. Rav Yosef said to him: And why did you not answer him from the baraita itself? If it should enter your mind that we are dealing with rain that fell near a city, how can you understand the statement that the rainwater has two thousand cubits in each direction?

¹⁷² According to your understanding, that the rainwater may be carried two thousand cubits because the inhabitants of the town had it in mind, the baraita should have said: The rainwater is like the feet of the inhabitants of that city. Rather, you must say that the inhabitants of the city did not acquire the water and that it may be carried within a radius of two thousand cubits, because the baraita was

taught in accordance with the opinion of Rabbi Yoḥanan ben Nuri, that ownerless objects acquire residence.

¹⁷³ The Gemara further examines the baraita cited earlier. The Master said: If rain fell on the Festival itself, it is like the feet of all people. The Gemara raises a difficulty: And why should this be? The water should have acquired residence in the ocean [okeyanos], where it was when the Festival began. And since the water went out on the Festival beyond its limit after it evaporated and formed into clouds, moving the water more than four cubits should be prohibited.

¹⁷⁴ Let us say that this baraita was taught not in accordance with the opinion of Rabbi Eliezer. Because if it is in accordance with the opinion of Rabbi Eliezer, he said: The entire world drinks from the waters of the ocean; that is to say, evaporated ocean water is the source of rain.

¹⁷⁵ Rabbi Yitzḥak said: Here we are dealing with clouds that were already formed on the eve of the Festival. Since these clouds were already formed before the Festival, the water did not acquire residence in the ocean or travel beyond its limit on the Festival.

¹⁷⁶ The Gemara asks: But perhaps those clouds that had already been formed on the eve of the Festival went away, and these clouds, from which the rain fell, are others that did acquire residence in the ocean? The Gemara answers: We are dealing here with a case where there is an identifying sign that these are the same clouds and not others.

¹⁷⁷ And if you wish, say that there is another reason we are not concerned that these might be other clouds: This matter of whether or not they are the same clouds pertains to an uncertainty with respect to a rabbinic law, and the principle is that with regard to an uncertainty concerning a rabbinic law, one may follow the lenient understanding.

¹⁷⁸ The Gemara asks: Let the water acquire residence in the clouds, where it was when the Festival began, and its limit should be measured from there. Since the baraita taught that the water is like the feet of all people, if so, resolve from here another dilemma, and say that there is no prohibition of Shabbat limits above ten handbreadths, and one is permitted to travel more than two thousand cubits above this height. For if there is a prohibition of Shabbat limits above ten handbreadths, let the water acquire residence in the clouds.

¹⁷⁹ The Gemara rejects this argument: Actually, I can say to you: There is a prohibition of Shabbat limits even above ten handbreadths, and the water does not acquire residence in the clouds because it is absorbed in the clouds. Since water does not exist in its usual state within the clouds, but rather takes on a different form, it does not acquire residence there.

¹⁸⁰ The Gemara raises a difficulty: If the water was previously not in its current state, all the more so should it be considered as something that came into being [nolad] on the Festival, and consequently it is prohibited to carry it. Something that came into being or assumed its present form on Shabbat or Festivals is considered set-aside [muktze] and may not be handled on Shabbat or Festivals.

¹⁸¹ Rather, we should say: The water in clouds is in constant motion and therefore does not acquire residence there. The Gemara comments: Now that you have arrived at this answer, the ocean should also not be difficult for you, as the water in the ocean is also in constant motion. And it was taught in a baraita: Flowing rivers and streaming springs are like the feet of all people, as their waters do not acquire residence in any particular place. The same law also applies to clouds and seas.

¹⁸² Rabbi Ya'akov bar Idi said that Rabbi Yehoshua ben Levi said: The halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, that one who was asleep at the beginning of Shabbat may travel two thousand cubits in every direction. Rabbi Zeira said to Rabbi Ya'akov bar Idi: Did you hear this halakha explicitly from Rabbi Yehoshua ben Levi, or did you understand it by inference from some other ruling that he issued? Rabbi Ya'akov bar Idi said to him: I heard it explicitly from him.

¹⁸³ The Gemara asks: From what other teaching could this ruling be inferred? The Gemara explains: From that which Rabbi Yehoshua ben Levi said: The halakha is in accordance with the lenient opinion with regard to an eiruv.

¹⁸⁴ The Gemara asks: Why do I need both? Why was it necessary for Rabbi Yehoshua ben Levi to state both the general ruling that the halakha is in accordance with the lenient opinion with regard to an eiruv, and also the specific ruling that the halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri on this issue?

¹⁸⁵ Rabbi Zeira said: Both rulings were necessary, as had he informed us only that the halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, I would have said that the halakha is in accordance with him whether this is a leniency, i.e., that a sleeping person acquires residence and may walk two thousand cubits in every direction, or whether it is a stringency, i.e., that ownerless utensils acquire residence and can be carried only two thousand cubits from that place. Consequently, he teaches us that the halakha is in accordance with the lenient opinion with regard to an eiruv, so that we rule in accordance with Rabbi Yoḥanan ben Nuri only when it entails a leniency.

¹⁸⁶ The Gemara asks: Let him state only that the halakha is in accordance with the lenient opinion with regard to an eiruv. Why do I need the statement that the halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri?

¹⁸⁷ The Gemara answers: This ruling was necessary as well, for had he informed us only that the halakha is in accordance with the lenient opinion with regard to an eiruv, it might have entered your mind to say that this statement applies only to disputes in which a single authority disagrees with another single authority, or several authorities disagree with several other authorities. But when a single authority maintains a lenient opinion against several authorities who maintain a more stringent position, you might have said that we do not rule in his favor. Hence, it was necessary to state that the halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri although he disputes the Rabbis.

¹⁸⁸ Rava said to Abaye: Now, since the laws of eiruv are rabbinic in origin, what reason is there for me to differentiate between a disagreement of a single authority with a single authority and a disagreement of a single authority with several authorities?

¹⁸⁹ Rav Pappa said to Rava: Is there no difference with regard to rabbinic laws between a disagreement of a single authority with a single authority, and a disagreement of a single authority with several authorities?

¹⁹⁰ Didn't we learn in a mishna that Rabbi Elazar says: Any woman who passed three expected menstrual cycles without experiencing bleeding is presumed not to be menstruating. If afterward she sees blood, it is enough that she be regarded as ritually impure due to menstruation from the time that she examined herself and saw that she had a discharge, rather than retroactively for up to twenty-four

hours. The Rabbis, however, maintain that this halakha applies only to an older woman or to a woman after childbirth, for whom it is natural to stop menstruating, but not to a normal young woman for whom three periods have passed without bleeding.

¹⁹¹ And it was taught in a baraita: It once happened that Rabbi Yehuda HaNasi ruled that the halakha is in accordance with the opinion of Rabbi Elazar. After he remembered that Rabbi Elazar's colleagues disagree with him on this matter and that he had apparently ruled incorrectly, he nonetheless said: Rabbi Elazar is worthy to rely upon in exigent circumstances.

¹⁹² The Gemara comments: What is the meaning of: After he remembered? If you say that it means after he remembered that the halakha is not in accordance with the opinion of Rabbi Elazar but rather in accordance with the opinion of the Rabbis, then how could he rule in accordance with him even in exigent circumstances, given that the halakha had been decided against him?

¹⁹³ Rather, it must be that the halakha had not been stated on this matter, neither in accordance with the opinion of Rabbi Elazar, nor in accordance with the opinion of the Rabbis. And after he remembered that it was not a single authority who disagreed with Rabbi Elazar, but rather several authorities who disagreed with him, he nonetheless said: Rabbi Elazar is worthy to rely upon in exigent circumstances. This demonstrates that even with a dispute that involves a rabbinic decree, such as whether a woman is declared ritually impure retroactively, there is room to distinguish between a disagreement of a single authority and a single authority, and a disagreement of a single authority and several authorities.

¹⁹⁴ Rav Mesharshiya said to Rava, and some say it was Rav Nahman bar Yitzhak who said to Rava: Is there no difference with regard to rabbinic laws between a disagreement of a single authority with a single authority, and a disagreement of a single authority with several authorities?

¹⁹⁵ Wasn't it was taught in a baraita: If a person receives a proximate report that one of his close relatives has died, he practices all the customs of the intense seven day mourning period as well as the customs of the thirty day mourning period. But if he receives a distant report, he practices only one day of mourning.

¹⁹⁶ What is considered a proximate report, and what is considered a distant report? If the report arrives within thirty days of the close relative's passing, it is regarded as proximate, and if it arrives after thirty days it is considered distant; this is the statement of Rabbi Akiva. But the Rabbis say: Both in the case of a proximate report and in the case of a distant report, the grieving relative practices the seven-day mourning period and the thirty-day mourning period.

¹⁹⁷ And Rabba bar bar Hana said that Rabbi Yoḥanan said: Wherever you find that a single authority is lenient with regard to a certain halakha and several other authorities are stringent, the halakha is in accordance with the words of the stringent authorities, who constitute the majority, except for here, where despite the fact that the opinion of Rabbi Akiva is lenient and the opinion of the Rabbis is more stringent, the halakha is in accordance with the opinion of Rabbi Akiva.

¹⁹⁸ And Rabbi Yoḥanan holds like Shmuel, as Shmuel said: The halakha is in accordance with the lenient opinion with regard to mourning practices, i.e., wherever there is a dispute with regard to mourning customs, the halakha is in accordance with the lenient opinion.

¹⁹⁹ From here the Gemara infers: It is only with regard to mourning practices that the Sages were lenient, but in general, with regard to other areas of halakha, even in the case of rabbinic laws there is

a difference between a disagreement of a single authority with a single authority and a disagreement of a single authority with several authorities. This being the case, Rabbi Yehoshua ben Levi did well to rule explicitly that the halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, even though he is a single authority who ruled leniently in dispute with the Rabbis.

²⁰⁰ Rav Pappa said a different explanation for the fact that Rabbi Yehoshua ben Levi made both statements: It was necessary for Rabbi Yehoshua ben Levi to inform us that the halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, because had he said only that the halakha follows the lenient opinion with regard to an eiruv, it could have entered your mind to say that this statement applies only with regard to the laws governing the eiruv of courtyards, which are entirely rabbinic in origin. But with regard to the more stringent laws governing the eiruv of Shabbat limits, you would have said that we should not rule leniently, and therefore it was necessary to make both statements.

²⁰¹ The Gemara asks: And from where do you say that we distinguish between an eiruv of courtyards and an eiruv of Shabbat limits? As we learned in a mishna that Rabbi Yehuda said: In what case is this statement said, that an eiruv may be established for another person only with his knowledge? It was said with regard to an eiruv of Shabbat limits, but with regard to an eiruv of courtyards, an eiruv may be established for another person whether with his knowledge or without his knowledge, as one may act in a person's interest in his absence; however, one may not act to a person's disadvantage in his absence. One may act unilaterally on someone else's behalf when the action is to that other person's benefit; however, when it is to the other person's detriment, or when there are both advantages and disadvantages to him, one may act on the other person's behalf only if one has been explicitly appointed as an agent. Since an eiruv of courtyards is always to a person's benefit, it can be established even without his knowledge. However, with regard to an eiruv of Shabbat limits, while it enables one to walk in one direction, it disallows him from walking in the opposite direction. Therefore, it can be established only with his knowledge.

²⁰² Rav Ashi said that Rabbi Yehoshua ben Levi's need to issue two rulings can be explained in another manner: It is necessary for Rabbi Yehoshua ben Levi to inform us that the halakha is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, as if he had said only that the halakha is in accordance with the lenient opinion with regard to an eiruv, it could have entered your mind to say that this statement applies only with regard to the remnants of an eiruv, i.e., an eiruv that had been properly established, where the concern is that it might subsequently have become invalid. But with regard to an initial eiruv, i.e., an eiruv that is just being established and has not yet taken effect, you might have said that we should not rule leniently, and therefore it was necessary to issue both rulings.

²⁰³ The Gemara asks: And from where do you say that we distinguish between the remnants of an eiruv and an initial eiruv? As we learned in a mishna: Rabbi Yosei said: In what case is this statement said, that the Sages stipulated that a fixed quantity of food is necessary for establishing an eiruv? It is said with regard to an initial eiruv, i.e., when setting up an eiruv for the first time; however, with regard to the remnants of an eiruv, i.e., on a subsequent Shabbat when the measure may have become diminished, even a minimal amount suffices.

²⁰⁴ And they said to establish an eiruv for courtyards only after all the inhabitants of the city merge their alleyways and become like the inhabitants of a single courtyard, so that the law of eiruv should

not be forgotten by the children, who may not be aware of the arrangement that has been made with regard to the alleyways.

²⁰⁵ Since the Gemara discussed the principles cited with regard to halakhic decision-making, it cites additional principles. Rabbi Ya'akov and Rabbi Zerika said: The halakha is in accordance with the opinion of Rabbi Akiva in disputes with any individual Sage, and the halakha is in accordance with the opinion of Rabbi Yosei even in disputes with other Sages, and the halakha is in accordance with the opinion of Rabbi Yehuda HaNasi in disputes with any individual Sage.

²⁰⁶ The Gemara asks: With regard to what halakha do these principles apply, meaning, to what degree are they binding? Rabbi Asi said: This is considered binding halakha. And Rabbi Ḥiyya bar Abba said: One is inclined toward such a ruling in cases where an individual asks, but does not issue it as a public ruling in all cases. And Rabbi Yosei, son of Rabbi Ḥanina, said: It appears that one should rule this way, but it is not an established halakha that is considered binding with regard to issuing rulings.

²⁰⁷ Rabbi Ya'akov bar Idi said that Rabbi Yoḥanan said: In the case of a dispute between Rabbi Meir and Rabbi Yehuda, the halakha is in accordance with the opinion of Rabbi Yehuda; in the case of a dispute between Rabbi Yehuda and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei; and, needless to say, in the case of a dispute between Rabbi Meir and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei. As now, if in disputes with Rabbi Yehuda, the opinion of Rabbi Meir is not accepted as law, need it be stated that in disputes with Rabbi Yosei, Rabbi Meir's opinion is rejected? Rabbi Yehuda's opinion is not accepted in disputes with Rabbi Yosei.

²⁰⁸ Rav Asi said: I also learn based on the same principle that in a dispute between Rabbi Yosei and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yosei. As Rabbi Abba said that Rabbi Yoḥanan said: In cases of dispute between Rabbi Yehuda and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yehuda. Now, if where it is opposed by Rabbi Yehuda the opinion of Rabbi Shimon is not accepted as law, where it is opposed by the opinion of Rabbi Yosei, with whom the halakha is in accordance against Rabbi Yehuda, is it necessary to say that the halakha is in accordance with the opinion of Rabbi Yosei?

²⁰⁹ The Gemara raises a dilemma: In a dispute between Rabbi Meir and Rabbi Shimon, what is the halakha? No sources were found to resolve this dilemma, and it stands unresolved.

²¹⁰ Rav Mesharshiya said: These principles of halakhic decision-making are not to be relied upon. The Gemara asks: From where does Rav Mesharshiya derive this statement?

²¹¹ If you say that he derived it from that which we learned in the mishna that Rabbi Shimon said: To what is this comparable? It is like three courtyards that open into one another, and also open into a public domain. If the two outer courtyards established an eiruv with the middle one, the residents of the middle one are permitted to carry to the two outer ones, and they are permitted to carry to it, but the residents of the two outer courtyards are prohibited to carry from one to the other, as they did not establish an eiruv with one another.

²¹² And Rav Ḥama bar Gurya said that Rav said: The halakha is in accordance with the opinion of Rabbi Shimon; and who disagrees with Rabbi Shimon on this matter? It is Rabbi Yehuda. Didn't you say: In disputes between Rabbi Yehuda and Rabbi Shimon, the halakha is in accordance with the

opinion of Rabbi Yehuda? Rather, can we not conclude from this mishna that these principles should not be relied upon?

²¹³ The Gemara rejects this argument: What is the difficulty posed by this ruling? Perhaps where it is stated explicitly to the contrary, it is stated, but where it is not stated explicitly to the contrary, it is not stated, and these principles apply.

²¹⁴ Rather, the proof is from that which we learned elsewhere in a mishna: If a city that belongs to a single individual subsequently becomes one that belongs to many people, one may establish an eiruv of courtyards for all of it. But if the city belongs to many people, and it falls into the possession of a single individual, one may not establish an eiruv for all of it, unless he excludes from the eiruv an area the size of the town of Ḥadasha in Judea, which contains fifty residents; this is the statement of Rabbi Yehuda.

²¹⁵ Rabbi Shimon says:

²¹⁶ The excluded area need not be so large; rather, three courtyards each containing two houses are sufficient for this purpose. And Rav Ḥama bar Gurya said that Rav said: The halakha is in accordance with the opinion of Rabbi Shimon; and who disagrees with Rabbi Shimon on this matter? It is Rabbi Yehuda. Didn't you say: In a case where Rabbi Yehuda and Rabbi Shimon disagree, the halakha is in accordance with the opinion of Rabbi Yehuda? This teaches that one should not rely on these principles.

²¹⁷ The Gemara rejects this argument as well: What is the difficulty here? Perhaps here, too, where it is stated explicitly that the halakha is in accordance with Rabbi Shimon, it is stated, but where it is not stated explicitly, it is not stated, and the principle that the halakha is in accordance with the opinion of Rabbi Yehuda applies.

²¹⁸ Rather, the proof is from that which we learned elsewhere in a mishna: With regard to one who left his house without making an eiruv of courtyards, and established residence for Shabbat in a different town, whether he was a gentile or a Jew, his lack of participation prohibits the other residents of the courtyards in which he has a share to carry objects from their houses to the courtyard, because he did not establish an eiruv with them, and failure to include a house in the eiruv imposes restrictions upon all the residents of the courtyard. This is the statement of Rabbi Meir.

²¹⁹ Rabbi Yehuda says: His lack of participation does not prohibit the others to carry, since he is not present there. Rabbi Yosei says: Lack of participation in an eiruv by a gentile who is away prohibits the others to carry, because he might return on Shabbat; but lack of participation by a Jew who is not present does not prohibit the others to carry, as it is not the way of a Jew to return on Shabbat once he has already established his residence elsewhere. Rabbi Shimon says: Even if he left his house and established residence for Shabbat with his daughter in the same town, his lack of participation does not prohibit the residents of his courtyard to carry, even though he is permitted to return home, because he has already removed it, i.e., returning, from his mind.

²²⁰ And Rav Ḥama bar Gurya said that Rav said: The halakha is in accordance with the opinion of Rabbi Shimon. And who disagrees with him? It is Rabbi Yehuda. Didn't you say: When there is a dispute between Rabbi Yehuda and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yehuda? This teaches that one cannot rely upon these principles.

²²¹ The Gemara rejects this argument again: What is the difficulty here? Perhaps here, too, where it is explicitly stated that the halakha is in accordance with the opinion of Rabbi Shimon, it is stated; but where such a ruling is not stated, it is not stated, and the principle that the halakha is in accordance with the opinion of Rabbi Yehuda is relied upon.

²²² Rather, the proof is from that which we learned in the mishna. And that is what the Sages meant when they said: A pauper can establish an eiruv with his feet; that is to say, he may walk to a place within his Shabbat limit and declare: Here shall be my place of residence, and then his Shabbat limit is measured from that spot. Rabbi Meir says: We apply this law only to a pauper, who does not have food for two meals; only such a person is permitted to establish his eiruv by walking to the spot that he wishes to acquire as his place of residence.

²²³ Rabbi Yehuda says: This allowance applies both to a pauper and to a wealthy person. Indeed, they said that one can establish an eiruv with bread only in order to make placing an eiruv easier for a wealthy person, so that he need not trouble himself and go out and establish an eiruv with his feet, but the basic eiruv is established by walking to the spot one will acquire as his place of residence.

²²⁴ And Rav Ḥiyya bar Ashi once taught this law to Ḥiyya bar Rav in the presence of Rav, saying: This allowance applies both to a pauper and to a wealthy person, and Rav said to him: When you teach this law, conclude also with this ruling: The halakha is in accordance with the opinion of Rabbi Yehuda.

²²⁵ The Gemara asks: Why do I need a second ruling? Didn't you already say: When there is a dispute between Rabbi Meir and Rabbi Yehuda, the halakha is in accordance with the opinion of Rabbi Yehuda? The fact that Rav needed to specify that the halakha is in accordance with the opinion of Rabbi Yehuda on this matter indicates that he does not accept the general principle that when there is a dispute between Rabbi Meir and Rabbi Yehuda, the halakha is in accordance with the opinion of Rabbi Yehuda.

²²⁶ The Gemara rejects this reasoning: What is the difficulty here? Perhaps Rav does not accept these principles, but the other Sages accept them.

²²⁷ Rather, the Gemara brings a proof from that which we learned in another mishna with regard to a woman waiting for her brother-in-law, i.e., a woman whose husband died without children but who is survived by a brother. The brother-in-law is obligated by Torah law either to perform levirate marriage with his deceased brother's widow, or to free her to marry others by participating in ḥalitza. The woman waiting for her brother-in-law may neither participate in ḥalitza nor undergo levirate marriage until three months have passed following her husband's death, due to concern that she may be pregnant from him, in which case she is exempt from levirate marriage and ḥalitza. After the three-month waiting period it will become clear whether she is pregnant from her husband.

²²⁸ And similarly, all other women may not be married or even betrothed until three months have passed following their divorce or the death of their husbands, whether they are virgins or non-virgins, whether they are widows or divorcees, and whether they became widowed or divorced when they were betrothed or married. In all cases, the woman may not marry for three months. Otherwise, if she is within the first three months of her pregnancy from her first husband, and she gives birth six months later, a doubt would arise as to the identity of the father. The Sages did not differentiate between cases where this concern is applicable and where it is not; rather, they fixed a principle that applies universally.

²²⁹ Rabbi Yehuda says: A woman who had been married when she became widowed or divorced may be betrothed immediately, as couples do not have relations during the period of their betrothal. However, she may not marry until three months have passed, in order to differentiate between any possible offspring from the first and second husband.

²³⁰ A woman who had only been betrothed when she became widowed or divorced may be married immediately, as it may be assumed that the couple did not have relations during the period of their betrothal. This is except for a betrothed woman in Judea, because there the bridegroom's heart is bold, as it was customary for couples to be alone together during the period of betrothal, and consequently there is a suspicion that they might have had relations, in which case she might be carrying his child. However, no similar concern applies in other places.

²³¹ Rabbi Yosei says: All the women listed above may be betrothed immediately, because the decree applies only with regard to marriage; this is except for a widow, who must wait for a different reason, because of the mourning for her deceased husband.

²³² And we said with regard to this: It once happened that Rabbi Eliezer did not come to the study hall. He met Rabbi Asi, who was standing, and said to him: What did they say today in the study hall? He said to him that Rabbi Yoḥanan said as follows: The halakha is in accordance with the opinion of Rabbi Yosei. Rabbi Eliezer asked: By inference, can it be inferred from the fact that the halakha is in accordance with his opinion that only a single authority disagrees with him?

²³³ Rabbi Asi answered: Yes, and so it was taught in the following baraita: If a woman was eager to go to her father's house and did not remain with her husband during his final days, or if she was angry with her husband and they separated, or if her husband was elderly or sick and could not father children, or if she was sick, or barren, or an elderly woman, or a minor, or a sexually underdeveloped woman who is incapable of bearing children, or a woman who was unfit to give birth for any other reason, or if her husband was imprisoned in jail, or if she had miscarried after the death of her husband, so that there is no longer any concern that she might be pregnant from him, all these women must wait three months before remarrying or even becoming betrothed; this is the statement of Rabbi Meir, who maintains that this decree applies to all women, even when the particular situation renders it unnecessary. In all these cases Rabbi Yosei permits the woman to be betrothed and to marry immediately.

²³⁴ The Gemara resumes its question: Why do I need Rabbi Yoḥanan to state that the halakha is in accordance with Rabbi Yosei? Didn't you say: In a dispute between Rabbi Meir and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei, and therefore the halakha should be in accordance with him here as well? This implies that the principle is not to be relied upon.

²³⁵ The Gemara rejects this argument: What is the difficulty here? Perhaps this ruling comes to exclude what Rav Naḥman said that Shmuel said: Although there are many cases in which the halakha is not in accordance with the opinion of Rabbi Meir, nonetheless, the halakha is in accordance with Rabbi Meir with respect to his decrees, i.e., in those cases where he imposed a restriction in a particular case due to its similarity to another case. For this reason Rabbi Yoḥanan had to say that the halakha here is in accordance with the opinion of Rabbi Yosei, notwithstanding its opposition to Rabbi Meir's decree.

²³⁶ Rather, the proof that these principles do not apply is from that which was taught in the following baraita: One may go to a fair of idolatrous gentiles and buy animals, slaves, and maidservants from

them, as the purchase raises them to a more sanctified state; and he may buy houses, fields, and vineyards from them, due to the mitzva to settle Eretz Yisrael; and he may write the necessary deeds and confirm them in their gentile courts with an official seal, even though this involves an acknowledgement of their authority, because it is as though he were rescuing his property from their hands, as the court's confirmation and stamp of approval prevents the sellers from appealing the sale and retracting it.

²³⁷ And if he is a priest, he may become ritually impure by going outside Eretz Yisrael, where the earth and air are impure, in order to litigate with them and to contest their claims. And just as a priest may become ritually impure by going outside Eretz Yisrael, so may he become ritually impure for this purpose by entering into a cemetery.

²³⁸ The Gemara interrupts its presentation of the baraita to express surprise at this last ruling: Can it enter your mind to say that a priest may enter a cemetery? This would make him ritually impure by Torah law. How could the Sages permit a priest to become ritually impure by Torah law?

²³⁹ Rather, the baraita is referring to an area where there is uncertainty with regard to the location of a grave or a corpse [beit haperas], owing to the fact that a grave had been unwittingly plowed over, and the bones may have become scattered throughout the field. Such a field imparts ritual impurity only by rabbinic law.

²⁴⁰ The baraita continues: And a priest may likewise become ritually impure and leave Eretz Yisrael in order to marry a woman or to study Torah there. Rabbi Yehuda said: When does this allowance apply? When he cannot find a place to study in Eretz Yisrael. But if the priest can find a place to study in Eretz Yisrael, he may not become ritually impure by leaving the country.

²⁴¹ Rabbi Yosei says: Even when he can find a place to study Torah in Eretz Yisrael, he may also leave the country and become ritually impure, because

²⁴² a person does not merit to learn from everyone, and it is possible that the only suitable teacher for him lives outside of Eretz Yisrael. And Rabbi Yosei reported in support of his position: It once happened that Yosef the priest went to his teacher in Tzeidan, outside Eretz Yisrael, to learn Torah, although the preeminent Sage of his generation, Rabban Yoḥanan ben Zakkai, lived in Eretz Yisrael.

²⁴³ And Rabbi Yoḥanan said about this: The halakha is in accordance with the opinion of Rabbi Yosei. The Gemara asks: Why was it necessary for Rabbi Yoḥanan to issue this ruling? Didn't you say: In disputes between Rabbi Yehuda and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei, and so it should be obvious that this halakha is in accordance with his opinion? Apparently, this principle is not accepted.

²⁴⁴ Abaye said: It was nonetheless necessary to issue this ruling, it could have entered your mind to say that this principle applies only with regard to disputes in the Mishna. But with regard to disputes in a baraita, say no, the principle does not apply. Therefore, Rabbi Yoḥanan is teaching us that the halakha is in accordance with the opinion of Rabbi Yosei in this case as well.

²⁴⁵ Since no proof has been found to support Rav Mesharshiya's statement that there are no principles for issuing halakhic rulings, the Gemara emends his statement. Rather, this is what Rav Mesharshiya is saying: These principles were not accepted by all authorities, as in fact Rav did not accept these principles, as demonstrated above.

²⁴⁶ The Gemara returns to addressing acquisition of residence. Rav Yehuda said that Shmuel said: Objects belonging to a gentile do not acquire residence and do not have a Shabbat limit, either on their own account or due to the ownership of the gentile. Accordingly, if they were brought into a town from outside its limits, a Jew may carry them two thousand cubits in each direction.

²⁴⁷ The Gemara asks: In accordance with whose opinion was this statement made? If you say that it was made in accordance with the opinion of the Rabbis, it is obvious. Now, if unclaimed objects, which do not have owners, do not acquire residence, is it necessary to say that a gentile's objects, which have an owner, do not acquire residence?

²⁴⁸ Rather, this statement must have been made in accordance with the opinion of Rabbi Yoḥanan ben Nuri, and Shmuel is teaching us that when we say that Rabbi Yoḥanan ben Nuri said that objects acquire residence, this applies only to unclaimed objects, which have no owners; but it does not apply to objects belonging to a gentile, which have owners.

²⁴⁹ The Gemara raises an objection from a baraita. Rabbi Shimon ben Elazar says: With regard to a Jew who borrowed a utensil from a gentile on a Festival, and similarly with regard to a Jew who lent a utensil to a gentile on the eve of a Festival and the gentile returned it to him on the Festival, and likewise utensils or bins that acquired residence within the city's Shabbat limit, in all these cases the utensils have, i.e., can be moved, two thousand cubits in each direction. But if a gentile brought the Jew produce from outside the Shabbat limit, the Jew may not move it from its place.

²⁵⁰ Granted if you say that Rabbi Yoḥanan ben Nuri holds that objects that belong to a gentile acquire residence, one can say that this baraita is in accordance with whose opinion? It is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, that even a gentile's objects acquire residence.

²⁵¹ However, if you say that Rabbi Yoḥanan ben Nuri holds that objects belonging to a gentile do not acquire residence, in accordance with whose opinion is this baraita? It is neither in accordance with that of Rabbi Yoḥanan ben Nuri nor that of the Rabbis.

²⁵² The Gemara answers: Actually, say that Rabbi Yoḥanan ben Nuri holds that a gentile's objects acquire residence, and that Shmuel, who said that they do not acquire residence, spoke in accordance with the opinion of the Rabbis. And with regard to that which you said, that according to the opinion of the Rabbis, it is obvious that a gentile's objects do not acquire residence, so this ruling need not have been stated at all. The Gemara answers: That is incorrect, as you might have said that the Sages should issue a decree in the case of gentile owners that his objects acquire residence in his location and that they may not be carried beyond two thousand cubits from that spot, lest people carry objects belonging to a Jewish owners beyond their two-thousand-cubit limit. Therefore, it is teaching us that no decree was issued.

²⁵³ Rav Ḥiyya bar Avin, however, said that Rabbi Yoḥanan said: Objects that belong to a gentile indeed acquire residence, due to the aforementioned decree issued in the case of gentile owners due to the case of Jewish owners.

²⁵⁴ The Gemara relates that certain rams were brought to the town of Mavrakhta on Shabbat. Rava permitted the residents of Meḥoza to purchase them and take them home, although Mavrakhta was outside the Shabbat limit of Meḥoza and could be reached by the residents of Meḥoza only by way of an eiruv of Shabbat limits.

²⁵⁵ Ravina said to Rava: What is your reasoning in permitting these rams? You must rely upon that which Rav Yehuda said that Shmuel said: Objects belonging to a gentile do not acquire residence, and so they are permitted even if they were brought to Meḥoza from outside the Shabbat limit.

²⁵⁶ Isn't the principle, in disputes between Shmuel and Rabbi Yoḥanan, that the halakha is in accordance with the opinion of Rabbi Yoḥanan? And Rav Ḥiyya bar Avin already said that Rabbi Yoḥanan said: Objects that belong to a gentile acquire residence, based on a decree in the case of a gentile owner, due to the case of a Jewish owner. The halakha is in accordance with his opinion.

²⁵⁷ Rava reconsidered and said: Let the rams be sold only to the residents of Mavrakhta. Although the rams acquired residence, and may be moved only four cubits as they were taken beyond their Shabbat limit, the legal status of all Mavrakhta is like four cubits for them. However, they may not be sold to the residents of Meḥoza, as the halakha is in accordance with the opinion of Rabbi Yoḥanan.

²⁵⁸ Rabbi Ḥiyya taught a baraita: A water-filled ditch [ḥerem] that lies between two Shabbat limits requires

²⁵⁹ an iron partition to divide it into two separate areas, so that the residents of both places may draw water from it. Rabbi Yosei, son of Rabbi Ḥanina, would laugh at this teaching, as he deemed it unnecessary.

²⁶⁰ The Gemara asks: Why did Rabbi Yosei, son of Rabbi Ḥanina, laugh? If you say that it is because Rabbi Ḥiyya taught the baraita stringently, in accordance with the opinion of Rabbi Yoḥanan ben Nuri, saying that ownerless objects acquire a place of residence, and Rabbi Yosei, son of Rabbi Ḥanina holds leniently, in accordance with the opinion of the Rabbis and says that those objects do not acquire residence, this is difficult. Just because he holds leniently, does he laugh at one who teaches stringently?

²⁶¹ Rather, he must have laughed for a different reason, as it was taught in a baraita: Flowing rivers and streaming springs are like the feet of all people, as the water did not acquire residence in any particular spot. Consequently, one who draws water from rivers and springs may carry it wherever he is permitted to walk, even if it had previously been located outside his Shabbat limit. According to Rabbi Yosei, son of Rabbi Ḥanina, the same halakha should apply to the water in the ditch.

²⁶² The Gemara rejects this argument: No proof can be brought from this ruling concerning rivers and springs, as perhaps we are dealing here with a ditch of still, collected water that belongs exclusively to the residents of that particular place.

²⁶³ Rather, Rabbi Yosei, son of Rabbi Ḥanina, must have laughed for a different reason, because Rabbi Ḥiyya taught in his baraita that the ditch requires an iron partition to divide it into two separate sections. Rabbi Yosei, son of Rabbi Ḥanina, argued: Why is a partition of reeds different, that we should say it is not effective in that case? Apparently, it is because water enters it and passes from one limit to the other. But this is difficult, as even in the case of a partition of iron, water enters it and passes from one limit to another, as it cannot be hermetically sealed. If so, what does the iron accomplish that the reeds do not accomplish?

²⁶⁴ The Gemara raises a difficulty: Perhaps the baraita is saying as follows: A water-filled ditch that lies between two Shabbat limits requires an iron partition to divide it into two separate sections. But there is no remedy, because it is impossible to hermetically seal a partition of that kind, and therefore its water may not be used.

²⁶⁵ Rather, you must say that Rabbi Yosei, son of Rabbi Ḥanina, laughed at Rabbi Ḥiyya's teaching for a different reason, because the Sages were lenient with regard to water. The Rabbis said that a minimal partition suffices in the case of water. Consequently, there should be no need for an iron partition.

²⁶⁶ This is similar to the case involving Rabbi Tavla, as Rabbi Tavla asked of Rav: Does a suspended partition, i.e., a partition that is suspended and does not reach the ground, permit carrying in a ruin? Do we say that the remnants of the walls that are suspended in the air are considered as though they descend to the ground and close off the area, so that it is regarded as a private domain?

²⁶⁷ Rav said to him: A suspended partition of this kind permits carrying only in the case of water, as the Sages were lenient with regard to water. Just as the Sages were lenient about water with respect to a suspended partition, so too they should be lenient here and not require an iron partition; rather, a minimal partition should suffice, even one made of reeds.

²⁶⁸ The mishna taught: And the Rabbis say that if a person is sleeping at the onset of Shabbat and has no intention of acquiring residence in his location, he has only four cubits, whereas Rabbi Yehuda says he can walk four cubits in any direction he chooses. The Gemara asks: What is the dispute? The opinion of Rabbi Yehuda is the same as that of the first tanna, i.e., the Rabbis.

²⁶⁹ Rava said: There is a practical difference between them, as the Rabbis permit him to carry in an area of eight by eight cubits. Rabbi Yehuda maintains that he has only four cubits, in the direction of his choosing, whereas according to the Rabbis he has four cubits in every direction, which totals an area of eight by eight cubits. That was also taught explicitly in a baraita: He has eight by eight cubits; this is the statement of Rabbi Meir, which is the opinion of the Rabbis of the mishna.

²⁷⁰ And Rava further stated: This dispute between Rabbi Meir and Rabbi Yehuda relates only to walking, but as for carrying objects, all agree that to carry them four cubits is indeed permitted; but to carry them more than that is not.

²⁷¹ The Gemara inquires about the basis of this law: These four cubits within which a person is always permitted to walk on Shabbat, where are they written in the Torah?

²⁷² The Gemara answers: As it was taught in a baraita: The verse "Remain every man in his place; let no man go out of his place on the seventh day" (Exodus 16:29), means one must restrict his movement to an area equal to his place. And how much is the area of his place? A person's body typically measures three cubits, and an additional cubit is needed in order to allow him to spread out his hands and feet, this is the statement of Rabbi Meir. Rabbi Yehuda says: A person's body measures three cubits, and an additional cubit is needed in order to allow him to pick up an object from under his feet and place it under his head, meaning, to give him room to maneuver.

²⁷³ The Gemara asks: What is the practical difference between them? The Gemara answers: There is a practical difference between them in that Rabbi Yehuda provides him with exactly four cubits but no more; whereas Rabbi Meir maintains that we do not restrict him in this manner, but rather he is provided with expansive cubits, i.e., enough room to spread out his hands and feet, which measures slightly more than four cubits.

²⁷⁴ Rav Mesharshiya said to his son: When you come before Rav Pappa, inquire of him as follows: The four cubits [ammot] mentioned here, do we grant them to each person measured according to his own forearm [amma], i.e., the distance from his elbow to the tip of his index finger, or do we grant

them measured according to the cubit [amma] used for consecrated property, i.e., a standard cubit of six medium handbreadths for everyone?

²⁷⁵ If he said to you that we provide him four cubits measured according to the standard cubit used for consecrated property, what will be with regard to Og, king of the Bashan, who is much larger than this? And if he said to you that we provide him four cubits measured according to his own forearm, say to him: Why was this halakha not taught together with the other matters whose measures are determined by the specific measure of the person involved, in the mishna that teaches: These are matters with regard to which they stated measures all in accordance with the specific measure of the person involved. This means that the measures are not fixed, but rather change in accordance with the person in question. If the four cubits are measured according to each person's forearm, this law should have been included in the mishna.

²⁷⁶ When Rav Mesharshiya's son came before Rav Pappa, the latter said to him: Were we to be so precise, we would not be able to learn anything at all, as we would be too busy answering such questions.

²⁷⁷ In fact, we grant him four cubits measured according to his own forearm. And as for that which was difficult for you, why was this law not taught in the mishna that teaches: These are matters with regard to which they stated measures all in accordance with the specific measure of the person involved? It is because this law is not absolutely clear-cut. It occasionally must be adjusted, since there may be a person whose limbs are small in relation to his body. With regard to such a person, we do not measure four cubits according to the size of his own forearm, but rather by the standard cubits used for consecrated property.

²⁷⁸ The mishna taught: If there were two people positioned in a way that part of the four cubits of the one were subsumed within the four cubits of the other, they each may bring food and eat together in the shared area in the middle. Rabbi Shimon likened this case to that of three courtyards that open one into another, where the two outer courtyards established an eiruv with the middle one. The Gemara asks: Why does Rabbi Shimon need to offer an analogy and say: To what may this be likened, and thus connect our case to a different issue?

²⁷⁹ The Gemara explains: This is what Rabbi Shimon said to the Rabbis: After all, to what is this similar? To three courtyards that open into one another, and that also open into a public domain. What is different there that you disagree with me and say that it is prohibited to carry from any one courtyard to any other, and what is different here that you do not disagree with me?

²⁸⁰ And how do the Rabbis reply? There the residents of the courtyards are numerous, and some might come to carry objects in a place where it is prohibited to do so; whereas here the residents are not numerous, and a mere three people can warn each other against Shabbat desecration.

²⁸¹ The mishna taught: If the residents of the two outer courtyards established an eiruv with the middle one, it is permitted to carry from the middle one to the two outer ones, and it is permitted to carry from the two outer ones to the middle one. And it is prohibited to carry from one of the two outer courtyards to the other, as they did not establish a joint eiruv. The Gemara asks: Why is it prohibited? Since the residents of the outer courtyards established an eiruv with the middle one, they are as one, and consequently, they should all be permitted with one another.

²⁸² Rav Yehuda said: The mishna is referring to a case where the two outer courtyards did not place their eiruv in the middle courtyard; rather, to a case where the residents of the middle courtyard placed its first eiruv in this courtyard and its second eiruv in that courtyard, so that the eiruv of each of the other courtyards is not in the middle courtyard.

²⁸³ And Rav Sheshet said: Even if you say that the residents of each of the outer courtyards placed their eiruv in the middle courtyard, they are still not considered a single courtyard, as we are dealing with a case where they placed each eiruv

²⁸⁴ in two separate houses, and consequently the two outer courtyards do not join together and become as one.

²⁸⁵ The Gemara asks: In accordance with whose opinion did Rav Sheshet state that an eiruv placed in two houses, even within the same courtyard, does not join the houses together? He must have said this in accordance with the opinion of Beit Shammai, as it was taught in a baraita: With regard to five people who collected their eiruv and placed it in two separate utensils, even in a single house, Beit Shammai say: Their eiruv is not a valid eiruv, as the two parts of the eiruv have not been deposited in the same place, and Beit Hillel say: Their eiruv is a valid eiruv as long as the entire eiruv was deposited in a single domain.

²⁸⁶ The Gemara rejects this argument: Even if you say that this is in accordance with the opinion of Beit Hillel, Beit Hillel may have stated their opinion only there, with regard to two utensils that are located in one house and consequently, they join together. However, if the two utensils are located in two separate houses, even Beit Hillel agree that the eiruv is not valid.

²⁸⁷ Rav Aḥa, son of Rav Avya, said to Rav Ashi: The explanation of Rav Yehuda is difficult and the explanation of Rav Sheshet is difficult. The explanation of Rav Yehuda is difficult, as he said that it is speaking about a case where the middle courtyard put its first eiruv in the one courtyard and its second eiruv in the other courtyard. However, once the middle courtyard establishes an eiruv with one of the outer ones, they are regarded as one, so that when it later establishes an eiruv with the other outer courtyard, it acts also on behalf of the first outer courtyard, as both of them are treated like a single courtyard.

²⁸⁸ And the explanation of Rav Sheshet is difficult. Since the two outer courtyards placed their respective eiruv in the middle courtyard, all are regarded as residents of the middle courtyard. And since each of the outer courtyards placed its eiruv in a different house, the case should be treated like that of five people who lived in the same courtyard, one of whom forgot and did not join the eiruv, where they all prohibit one another to carry in the courtyard. Similarly in this case, all should be prohibited to carry in the middle courtyard, the residents of the middle courtyard as well as the residents of the outer courtyards.

²⁸⁹ Rav Ashi said to him: It is not difficult according to the explanation of Rav Yehuda and it is not difficult according to the explanation of Rav Sheshet. It is not difficult according to the explanation of Rav Yehuda, since the residents of the middle courtyard established an eiruv with each of the two outer courtyards, and the residents of the two outer courtyards did not establish an eiruv with one another. The residents of each of the outer courtyards indicated that it desired to join with the middle courtyard, but did not desire to join with the other outer courtyard. Since the residents of the outer courtyards demonstrated that that they did not want to join together and form a common eiruv, they cannot be forced to do so.

²⁹⁰ And it is not difficult according to the explanation of Rav Sheshet. If they said that the people living in the outer courtyards are considered as residents of the middle courtyard as a leniency, so that they should be permitted to carry in the middle courtyard, does this mean that they will say that they are considered residents of the middle courtyard also as a stringency, so that they should be prohibited from carrying in the middle courtyard as if they live there?

²⁹¹ Rav Yehuda said that Rav said: This statement in the mishna, that objects may be carried from either of the outer courtyards into the middle courtyard and also from the middle courtyard into either of the outer courtyards, is the statement of, i.e., in accordance with the opinion of, Rabbi Shimon. But the Rabbis say: One domain serves two domains. That is to say, it is permitted to carry objects from either of the outer courtyards into the inner one, as no prohibition is imposed upon the outer courtyards, given that both established an eiruv with the middle courtyard. But two domains do not serve one domain, meaning that it is prohibited to carry objects from the middle courtyard into either of the two outer courtyards. The utensils of the middle courtyard are drawn after the other two, meaning that were he to bring them into one of the outer courtyards, he would be regarded as having removed them from the other.

²⁹² Rav Yehuda relates: When I recited this teaching before Shmuel, he said to me:

²⁹³ This teaching, that carrying objects from either of the outer courtyards into the middle courtyard is permitted, is also the statement of, i.e., in accordance with, the opinion of Rabbi Shimon. But the Rabbis say: All three courtyards are prohibited, that is to say, carrying is prohibited from any of the courtyards to any of the others.

²⁹⁴ It was taught in a baraita in accordance with the opinion of Rav Yehuda, in accordance with the opinion of Shmuel. Rabbi Shimon said: To what is this comparable? It is comparable to three courtyards that open into one another, and that also open into a public domain. If the two outer courtyards established an eiruv with the middle one, a resident of one of the outer courtyards may bring food from a house in that courtyard and eat it in the middle courtyard, and likewise a resident of the other courtyard may bring food from a house in that courtyard and eat it in the middle courtyard. And similarly, this resident may bring leftovers from the house where he ate back into the house in that courtyard, and that resident may bring leftovers from the house where he ate back into the house in this courtyard.

²⁹⁵ However, the Rabbis say: All three courtyards are prohibited. Since the residents of the outer courtyards are prohibited to carry from one outer courtyard to the other, this results in a place where carrying is prohibited, and such a place prohibits carrying in all three courtyards.

²⁹⁶ The Gemara notes that Shmuel follows his line of reasoning that he used elsewhere, as Shmuel said: With regard to a courtyard that is between two alleyways, if that courtyard established an eiruv with both alleyways, it is prohibited with both of them. Since the residents of the two alleyways are prohibited to carry from one to the other and the eiruv enables the residents of the two alleyways to carry in the courtyard, it is prohibited to carry from the courtyard into the alleyways, so that the residents of the alleyways do not transfer objects from one alleyway to the other via the courtyard.

²⁹⁷ If the courtyard did not establish an eiruv with either alleyway, it prohibits one to carry in both of them. Since the residents of the courtyard were accustomed to utilizing both alleyways and did not establish an eiruv with either alleyway, the result is that each alleyway has a courtyard that did not establish an eiruv, which prohibits carrying from the courtyard into either alleyway.

²⁹⁸ If, however, the residents of the courtyard were accustomed to utilizing only one alleyway, while they are not accustomed to utilizing one alleyway, then with regard to the alleyway which they are accustomed to utilizing, it is prohibited to carry there, as the residents of the courtyard did not establish an eiruv with it. But with regard to the alleyway which they are not accustomed to utilizing, it is permitted to carry there, as the residents of the courtyard are not considered residents of that alleyway.

²⁹⁹ Rabba bar Rav Huna said: With regard to residents of a courtyard who established an eiruv with the alleyway which they were not accustomed to utilizing, the alleyway which they were accustomed to utilizing is permitted to establish an eiruv on its own without the courtyard. The residents of the courtyard have demonstrated their intention to use the other alleyway, despite their not being accustomed to doing so.

³⁰⁰ And Rabba bar Rav Huna said that Shmuel said: If the alleyway which the residents of the courtyard were accustomed to utilizing established an eiruv on its own without the courtyard, while the alleyway which they were not accustomed to utilizing did not establish an eiruv, and also the courtyard itself did not establish an eiruv with either alleyway, we divert the residents of the courtyard to use the alleyway which they are not accustomed to utilizing. This is because there is one alleyway in which it is prohibited to carry due to the lack of an eiruv, and a second alleyway in which it is permitted to carry; while it is prohibited for the residents of the courtyard to carry. As explained above, were they to utilize the alleyway which they are accustomed to utilizing, the other residents of the alleyway would also be prohibited to carry from their courtyards into the alleyway, despite having established an eiruv for their own alleyway. However, if they use the other alleyway, the residents of that alleyway will not lose anything; since they did not establish an eiruv, it is prohibited for them to carry in that alleyway regardless.

³⁰¹ In a case such as this, one compels another to refrain from behavior characteristic of Sodom. We force a person to waive his legal rights in order to prevent him from acting in a manner characteristic of the wicked city of Sodom. If one denies another use of his possessions, even though he would incur no loss or damage by granting use of his property, his conduct is considered to be characteristic of Sodom. The courts may sometimes compel such a person to waive his legal rights.

³⁰² Rav Yehuda said that Shmuel said: With regard to one who is particular about his eiruv, i.e., that the other people should not eat of the food he contributed, his eiruv is not a valid eiruv. After all, what is its name? Joining [eiruv] is its name, indicating that it must be jointly owned [me'urav] by all the participants in the eiruv. If one person does not allow the other participants to eat of it, it does not belong to all of them and cannot be called an eiruv.

³⁰³ Rabbi Ḥanina said: Even in that case, his eiruv is a valid eiruv, however, that person is called one of the men of Vardina. The men of Vardina were renowned misers, meaning that he is considered to be like them.

³⁰⁴ Rav Yehuda also said that Shmuel said: With regard to one who divides his eiruv into two parts, his eiruv is not a valid eiruv. This is for the aforementioned reason that, by definition, an eiruv needs to be indicative of joining, and this eiruv is separated into different parts.

³⁰⁵ The Gemara asks: In accordance with whose opinion did Shmuel state this teaching? Could it be in accordance with the opinion of Beit Shammai, as it was taught in a baraita: With regard to five people who collected their eiruv and placed it in two separate utensils, Beit Shammai say: This is not

a valid eiruv, whereas Beit Hillel say: This is an eiruv. It does not stand to reason that Shmuel would follow Beit Shammai, whose opinion is not accepted as normative law.

³⁰⁶ The Gemara answers: Even if you say that Shmuel stated his opinion in accordance with the opinion of Beit Hillel, Beit Hillel stated their opinion only there, where the first utensil was filled and there was still some food left over, and therefore, some of the leftover food had to be placed in a second utensil. But where they divided it from the outset, even Beit Hillel agree that the eiruv is not valid.

³⁰⁷ The Gemara asks: Why do I need two rulings that are based on the same principle, i.e., that an eiruv must demonstrate joining? The Gemara answers: Both rulings were necessary. As, had the Gemara taught us the ruling only there, with regard to one who is particular about his eiruv, one might have said that the eiruv is not valid because the person is particular and expressly does not desire that his eiruv be eaten by others. However here, with regard to one who divides the eiruv into different parts, one might say that his portion should not be considered as separated from the rest.

³⁰⁸ And had the Gemara taught us the ruling only here, with regard to one who divides his eiruv, one might have said that the eiruv is not valid because he divided it up, thereby physically separating himself from the others. However there, with regard to one who is particular about his eiruv, one might say that his portion should not be considered as separated from the rest, since no act of separation was performed. Consequently, both rulings were necessary.

³⁰⁹ Rabbi Abba said to Rav Yehuda in the olive press in Rav Zakkai's house: Did Shmuel actually say that in the case of one who divides his eiruv, it is not a valid eiruv? Didn't Shmuel say elsewhere: The house in which the eiruv is placed need not contribute bread for the eiruv. The Gemara asks: What is the reason for this ruling? Is it not because Shmuel maintains that since there is bread lying in a basket somewhere in the house, it is regarded as if it were placed here with the rest of the eiruv? Here too, one should say that since the bread is placed in a basket, i.e., in one of the two utensils containing the eiruv, it is regarded as if it were placed here with the rest of the eiruv.

³¹⁰ Rav Yehuda said to him: There Shmuel validates the eiruv although there is no bread in the house in which the eiruv is deposited. And what is the reason for his ruling? It is because by placing food in a particular house, all the residents of the courtyard are regarded as living here. Therefore, those living in that house need not contribute bread for the eiruv, as they are certainly residents of the house.

³¹¹ Shmuel said: An eiruv that is deposited in a house is effective due to the principle of acquisition, as each person who contributes a portion of food acquires the right to a certain use of the residence and is considered one of its residents.

³¹² And if you say: Why then can one not acquire this right through payment of a coin such as a ma'a, but rather only through bread? It is because a ma'a is not always available on Shabbat eve, as many people spend all of their available money for the necessities of Shabbat, and it is difficult to find money available at that hour.

³¹³ The Gemara asks: If so, according to Shmuel's opinion, in a case where he established an eiruv with money, it should nonetheless acquire, i.e., be valid. According to his opinion, there is no fundamental reason to invalidate the acquisition of rights in the residence through the payment of money, yet there is no indication that this position is valid.

³¹⁴ The Gemara answers: Even Shmuel did not permit one to establish an eiruv with money, due to a decree lest people say that a ma'a is essential, and sometimes a ma'a will not be available, and they will not come to prepare an eiruv with bread, and the halakhic category of eiruv will be forgotten.

³¹⁵ Rabba disagreed with Shmuel and said: An eiruv is effective due to the principle of residence. Each person who contributes a portion of food is considered as if he resides, for that Shabbat, in the residence in which the food is deposited.

³¹⁶ The Gemara asks: What is the practical, halakhic difference between these two understandings? The Gemara answers: There is a practical difference between them with regard to the question of whether an eiruv may be established with a utensil. If an eiruv is effective based on the principle of acquisition, in accordance with the opinion of Shmuel, then one should be able to establish an eiruv with a utensil; whereas, this would not constitute a valid eiruv, according to the opinion of Rabba.

³¹⁷ And another practical difference between them is with regard to whether an eiruv may be established with food that is less than the value of a peruta. According to Shmuel's opinion, this would not be a valid eiruv, as there is no acquisition with something less than the value of a peruta; whereas according to Rabba's opinion, since an eiruv is effective by establishing a person's residence, this can be done even with an amount of food worth less than a peruta.

³¹⁸ And there is another practical difference between them with regard to the question whether a minor may collect the eiruv from the residents of the courtyard and deposit it in one of the houses. According to Shmuel's opinion, this would not be a valid eiruv, for a minor cannot serve as an agent to effect acquisition, whereas according to Rabba's opinion, the eiruv is valid, as the food itself establishes the common residence for all the residents.

³¹⁹ Abaye said to Rabba: It is difficult according to your opinion that an eiruv is effective based on the principle of residence, and it is difficult according to the opinion of Shmuel that it is effective based on the principle of acquisition. As it was taught in a baraita: With regard to five people who collected their eiruv, when they take their eiruv elsewhere, in order to establish an eiruv together with another courtyard, one person may take it there for all of them. This indicates that it is only that person who acquires rights, and nobody else, and it is only that person who gains residence, and nobody else. In that case, how can the others rely on this eiruv?

³²⁰ Rabba said to him: It is neither difficult according to my opinion, nor is it difficult according to the opinion of Shmuel, as, the person who takes the eiruv acts as an agent, effecting acquisition or determining residence on behalf of all of them.

³²¹ With regard to the case of the three courtyards addressed above, Rabba said that Rav Hama bar Gurya said that Rav said: The halakha is in accordance with the opinion of Rabbi Shimon that it is permitted to carry from the middle courtyard into either of the two outer ones; and vice versa, however, it is prohibited to carry from one outer courtyard to the other.

³²² MISHNA: With regard to one who was coming along the way on Shabbat eve, and it grew dark while he was traveling, and he was familiar with a tree or a fence located two thousand cubits from his current location, and two thousand cubits from his house, and he said: My residence is beneath that tree, rather than in his present location, he has not said anything, as he did not establish a fixed location as his residence.

³²³ If, however, he said: My residence is at the tree's trunk, he acquired residence there, and he may therefore walk from the place he is standing to the trunk of the tree two thousand cubits away, and from the trunk of the tree to his house, an additional two thousand cubits. Consequently, he walks after nightfall a total of four thousand cubits.

³²⁴ If one is not familiar with a tree or any other noticeable landmark, or if he is not an expert in the halakha, unaware that residence can be established from a distance, and he said: My residence is at my current location, then his presence at his current location acquires for him the right to walk two thousand cubits in each direction.

³²⁵ The manner in which the two thousand cubits are measured is the subject of a tannaitic dispute. These cubits are measured circularly, i.e., as a circle with a radius of two thousand cubits; this is the statement of Rabbi Ḥanina ben Antigonus. And the Rabbis say: These are measured squarely, i.e., as a square tablet, with each side measuring four thousand cubits, so that he gains the corners. He is permitted to walk from the middle to the corners of the square as well, a distance of approximately 2,800 cubits.

³²⁶ And this is the meaning of that which the Sages said: The pauper establishes an eiruv with his feet, i.e., one who does not have the bread required to establish an eiruv may walk anywhere within his Shabbat limit and declare: This is my residence, and his Shabbat limit is measured from that location. Rabbi Meir said: We have this leniency in effect only for a pauper, who does not have food for two meals. However, one who has bread may only establish residence with bread. Rabbi Yehuda says: This leniency is in effect for both a pauper and a wealthy person. The Sages said that one establishes an eiruv with bread only in order to be lenient with the wealthy person, so that he need not exert himself and go out and establish an eiruv with his feet. Instead, he can appoint an agent to place bread for him in that location. This, however, does not negate the option of personally going to that location in order to establish residence without bread.

³²⁷ GEMARA: We learned in the mishna that one who declares his intention to establish residence beneath a tree, without specifying the precise location, has not said anything. The Gemara asks: What is the precise meaning of he has not said anything?

³²⁸ Rav said: He has not said anything at all, and has failed to establish residence anywhere, and he may not even go to the place beneath that tree. His failure to specify a particular location prevents him from establishing residence beneath the tree. The fact that he sought to establish residence someplace other than his present location prevents him from establishing residence at his present location. Accordingly, he may walk no more than four cubits from the place that he is standing.

³²⁹ And Shmuel said: He has not said anything with regard to going to his home, if it is two thousand cubits past the tree; however, with regard to the area beneath the tree, if its bough is entirely within two thousand cubits of his present location he may indeed go there.

³³⁰ And when we learned in the mishna that he did not establish residence, it means that the legal status of the area beneath the tree becomes comparable to both a donkey driver, who walks behind the animal and prods it, and a camel driver, who walks before the animal and leads it in the sense that the tree is pulling him in both directions. Since he did not specify a particular location as his residence, any part of the area beneath the tree could be the place where he established residence.

³³¹ Therefore, if he comes to measure two thousand cubits from the north of the tree in order to ascertain whether or not he may go to his home, because of the uncertainty with regard to the precise location where he established residence, one measures the distance for him stringently from the south. And likewise, if he comes to measure the distance to his home from the south, one measures the distance for him from the north.

³³² Rabba said: What is the reason for Rav's statement that one who declares his intention to establish residence beneath a tree has said nothing at all? It is because the place he designated is not precisely defined. Since he did not establish his residence in one particular location, he did not establish it at all.

³³³ And some say an alternative version of Rabba's statement. Rabba said: What is the reason for the statement of Rav? It is Because he maintains: Anything that cannot be accomplished sequentially, due to halakhic or practical considerations, even simultaneously, cannot be accomplished, as one negates the other. In this case, since one cannot establish residence in an area of four cubits on one side of a tree and proceed to establish residence in an area of four cubits on the other side of the tree, neither can he simultaneously establish residence beneath a tree greater than four cubits.

³³⁴ The Gemara asks: What is the practical difference between these two versions of Rabba's statement? The Gemara answers: There is a practical difference between them with regard to a case where he said: Let residence be acquired for me in four cubits of the eight or more cubits beneath that tree.

³³⁵ According to the one who said that it is because the place he designated is not precisely defined, here too, the place he designated is not precisely defined, as he failed to specify the precise location of the four cubits in which to establish his residence.

³³⁶ And according to the one who said it is because anything that cannot be accomplished sequentially even simultaneously it cannot be accomplished, this is considered as if he established his residence in four cubits, as here he stated that he is designated only four cubits as his place of residence.

³³⁷ The Gemara proceeds to analyze the matter of Rabba's statement itself. Rabba said: Anything that cannot be accomplished sequentially even simultaneously it cannot be accomplished. Abaye raised an objection to the opinion of Rabba based on the Tosefta: One who increases tithes, i.e., he tithes two-tenths instead of one-tenth, the remainder of his produce is rendered fit for consumption, as he properly tithed it; however, his tithes are ruined, as the additional tenth is neither a tithe nor is it tithed produce. It is not a tithe because tithe status applies only to one tenth, and neither is it tithed produce as it was not tithed. Since it is unclear which of the two-tenths is the actual tithe and which is not, this produce may neither be treated as a tithe nor as tithed produce.

³³⁸ According to Rabba's opinion, the question arises: Why should the produce be rendered fit for consumption? Let us say and apply his principle: Anything that cannot be accomplished sequentially; even simultaneously it cannot be accomplished. Since one may not designate two tenths sequentially, one tenth followed by a second tenth, likewise, he should be precluded from simultaneously designating two tenths of his produce as a tithe. Accordingly, it should be considered as though he had not designated any tithe at all, and therefore his produce should not be regarded as tithed.

³³⁹ Gemara answers: The case of a tithe is different, as tithe status takes effect partially, i.e., on less than a unit of produce. As if one said: Let half of each grain of wheat be designated as tithed, it is designated. Just as one can designate an entire grain of wheat as a tithe, he can likewise designate half a grain. In this case too, when one tithes two tenths of the produce, the ruling is not that one tenth is actual tithe and the other tenth is untithed produce mixed with the tithe. Instead, half of each grain of the set-aside portion is designated as a tithe, while the other half of each grain is not. Accordingly, the remainder of the produce is tithed, as one tenth of the total has been designated as first tithe. However, the portion designated as the tithe is ruined, because it is impossible to identify which part of each grain is designated.

³⁴⁰ Another objection was raised against Rabba's opinion: Yet there is the case of the animal tithe, which does take effect partially, as one cannot consecrate half an animal for his tithe. Three times a year, the owner of a herd of kosher animals would gather all the animals born during the preceding period into an enclosure and let them out one by one. Every tenth animal would be marked with red paint to indicate that it was sacred. Only an entire animal could be consecrated as animal tithe, not a part of an animal.

³⁴¹ And Rabba said: If two animals emerged from the enclosure together as the tenth, and he designated them both as the tenth, the tenth and eleventh animals are intermingled with each other. One is sacred with the sanctity of the animal tithe, while the other remains a peace-offering, but there is no way to determine which is which. The question arises: If the principle that anything which cannot be accomplished sequentially; even simultaneously it cannot be accomplished applies, neither animal is consecrated, as one cannot designate both the tenth and the eleventh animals as the animal tithe, one after the other.

³⁴² The Gemara answers: The animal tithe is different, as two animals can indeed be designated as animal tithe one after the other in the case of an error. Although one cannot designate the tenth and eleventh animals as the animal tithe *ab initio*, if he did so in error they are both consecrated.

³⁴³ As we learned in a mishna: If one erred and designated the ninth animal as the tenth, and erred again and designated the tenth as the ninth and the eleventh as the tenth, all three animals are consecrated. The first is consecrated because it was designated as the tenth, the second because it actually is the tenth, while the third is also consecrated because it was designated as the tenth. Apparently, more than one animal can be consecrated as the animal tithe, if designated in error. Here too, a modicum of sanctity applies to the two animals that emerged together and were together designated as the tenth.

³⁴⁴ The Gemara raises another objection to Rabba's principle. But there is the case of the forty loaves that accompany a thanks-offering, which are not consecrated if they were designated in error, and likewise are not consecrated if two sets of loaves were designated for the same offering one after the other. And yet it is stated that amora'im disagreed with regard to a thanks-offering that was slaughtered accompanied by eighty loaves, twice the required amount. Hizkiya said: Forty of the eighty loaves are consecrated, even though their identity cannot be determined; Rabbi Yoḥanan said: Not even forty of the eighty loaves are consecrated. It would appear that these amora'im disagree whether or not sanctity that cannot take effect in sequence can take effect simultaneously.

³⁴⁵ The Gemara rejects this contention. Wasn't it stated with regard to this dispute that Rabbi Zeira said: Everyone, both Hizkiya and Rabbi Yoḥanan, concedes that in a case where the donor said: Let

forty of the eighty loaves be consecrated, that the forty are consecrated; and in a case where he said: Let forty loaves only be consecrated if all eighty are consecrated, everyone agrees that they are not consecrated. This is in accordance with Rabba's opinion.

³⁴⁶ When Hizkiya and Rabbi Yoḥanan disagree is with regard a case where the donor designated eighty loaves without stipulation how many he wants consecrated. One Sage, Hizkiya, maintains: Although he designated eighty loaves, he seeks to consecrate only forty, and when he sets aside eighty loaves, he merely intends to ensure that he will have forty, and he therefore brought the extra loaves on condition that if the first forty loaves are lost or become ritually impure, the second forty will be consecrated in their place. Consequently, the first forty loaves are consecrated.

³⁴⁷ And the other Sage, Rabbi Yoḥanan, maintains: He intends to bring a large offering of eighty loaves, and therefore none of the loaves are consecrated.

³⁴⁸ Abaye said: They only taught Rav's ruling that one cannot establish residence beneath a tree without precisely defining a particular location, with regard to a tree beneath which there are at least twelve cubits. However, with regard to a tree beneath which there are not twelve cubits, he can establish residence there, as at least part of his residence is conspicuous. In that case, there is a partial overlap between the middle four cubits beneath the tree and the four cubits nearest him and the four cubits farthest from him, and consequently each necessarily contains at least part of his residence.

³⁴⁹ Rav Huna, son of Rav Yehoshua, strongly objects to this: From where is it ascertained that he designates his residence in the four middle cubits, so that there is a partial overlap with both the nearest and the farthest cubits; perhaps he designates it in the four cubits on this side or in the four cubits on the other side? Since he does not know which location he designated as his residence, he did not establish residence anywhere beneath the tree.

³⁵⁰ Rather, Rav Huna, son of Rav Yehoshua, said: Abaye's statement must be emended. They taught this only with regard to a tree that has at least eight cubits beneath it. However, with regard to a tree that has only seven cubits beneath it, even if one did not establish a particular location, he acquires residence, as at least part of his residence is conspicuous, as any four cubits must include at least one cubit of his residence.

³⁵¹ With regard to the dispute between Rav and Shmuel, the Gemara notes that one baraita was taught in accordance with the opinion of Rav and another baraita was taught in accordance with the opinion of Shmuel.

³⁵² The Gemara elaborates. A baraita was taught in accordance with the opinion of Rav: With regard to one who was coming along the way on Shabbat eve, and it grew dark while he was traveling, and he was familiar with a tree or a fence within two thousand cubits of his current location, and he said: My residence is beneath that tree, he has not said anything of legal consequence. However, if he said: My residence is in such-and-such place, he walks until he reaches that place. Once he reached that place that he established as his residence, he walks through all of it and another two thousand cubits beyond it.

³⁵³ In what case are these matters, that he establishes four cubits as his residence, and another two thousand cubits in each direction, stated? In a case where he selected a well-defined, clearly demarcated place, i.e., a case where he established residence on a mound ten handbreadths high, and its area ranges from a minimum of four cubits to a maximum of two beit se'a.

³⁵⁴ And, likewise, that is the halakha when he establishes residence on a plain ten handbreadths deeper than the surrounding area, and its area ranges from a minimum of four cubits to a maximum of two beit se'a. However, if he selected a place that is not defined, e.g., in the middle of a plain, he does not establish residence, and accordingly he has only four cubits in which to move.

³⁵⁵ If two people were walking together, one of whom is familiar with a particular location in the distance, and one of whom is not familiar with it, the one who is not familiar with it entrusts his right to designate his residence to the one who is familiar with it, and the one who is familiar with it says: My residence is in such-and-such place.

³⁵⁶ In what case are these matters, that he acquires four cubits as his residence and another two thousand cubits in each direction, stated? In a case where he defined the four cubits that he seeks to establish as his residence. However, if he did not define the four cubits that he seeks to establish as his residence, he may not move from his current place, as neither did he seek to establish residence there, nor did he acquire it in the location he sought to establish residence. This baraita is in accordance with the opinion of Rav that one who fails to designate the four cubits he seeks to establish as residence has no residence at all.

³⁵⁷ Gemara poses a question: Let us say that this baraita is a conclusive refutation of the opinion of Shmuel? The Gemara answers: There is no difficulty, as Shmuel could have said to you: With what are we dealing here? We are dealing with a special case, where from the place he is standing to the trunk of the tree there is a distance of two thousand and four cubits, so that if you were to establish residence on the other side of the tree, it would be situated outside his Shabbat limit.

³⁵⁸ Consequently, if he designated his four cubits on the near side of the tree he may go there; and if not, he may not go from the place he is standing. In other words, since he did not establish residence in a particular location, the concern is that he sought to establish it beyond his two thousand cubit limit.

³⁵⁹ A baraita was taught in accordance with the opinion of Shmuel. If one erred and established an eiruv in two directions at once, for example, if in his ignorance he imagined that it is permitted to establish an eiruv in two directions, that he may extend the distance that he may walk on Shabbat in two opposite directions, or if he said to his servants: Go out and establish an eiruv for me, without specifying the direction, and one established an eiruv for him to the north, and one established an eiruv for him to the south, he may walk to the north as far as he is permitted go based on his eiruv to the south, and he may walk to the south as far as he is permitted go based on his eiruv to the north. In other words, the assumption is that he established residence in both directions based on the eiruv in each direction, and he must therefore take both into consideration before moving.

³⁶⁰ And consequently, if each eiruv was placed two thousand cubits in opposite directions placing him in the middle of the limit, he may not move from his current location, as it is prohibited to venture beyond either limit. Apparently, even if one did not establish residence in a particular location, as in this case he has acquired residence in both places, nonetheless, the halakha is that residence has been established in his current location, in accordance with the opinion of Shmuel.

³⁶¹ The Gemara poses a question: Let us say that this baraita is a conclusive refutation of the opinion of Rav? The Gemara answers: This baraita indeed differs with Rav's ruling. Nevertheless, his opinion is not disqualified, as Rav himself had tanna status and therefore, unlike later amora'im, could disagree with opinions of tanna'im.

³⁶² We learned in the mishna that if, however, he said: My residence is at the trunk of the tree, he established residence there, and he may walk from the place that he is standing to the trunk of the tree, up to two thousand cubits, and from the trunk of the tree to his house another two thousand cubits. Ultimately, he may walk after nightfall a total distance of four thousand cubits.

³⁶³ Rava said: This halakha applies only in a case where, were he to run to the trunk of the tree he could reach it before the onset of Shabbat. Abaye said to him: But doesn't the mishna state: And it grew dark while he was traveling, indicating that he is farther away than that?

³⁶⁴ The Gemara answers: The mishna means that it grew dark while he was traveling so that he can no longer return to his house before nightfall; however, he is able to go to the trunk of the tree before Shabbat. Some state a different version of the previous statement. Rava said: The mishna means that it grew dark while he was traveling, so that were he to walk very slowly he could not reach his house; however, if he runs, he can still arrive before Shabbat.

³⁶⁵ Rabba and Rav Yosef were going together along the way. Rabba said to Rav Yosef: Our residence will be beneath the palm that carries its brother, the one with another palm tree leaning on it. And some say he said to him: Our residence will be beneath the palm that spared its owner from the land tax [karga], the palm which yielded enough dates for its owner to pay his entire land tax.

³⁶⁶ Rabba asked: Does the Master know of that tree? Rav Yosef said to him: No, I do not know of it. He said to him: Then rely on me, as it was taught in a baraita that Rabbi Yosei says: If two people were walking together, one of whom is familiar with a particular location in the distance, and one is not familiar with it, the one who is not familiar with it entrusts his right to designate his residence to the one who is familiar with it, and the one who is familiar with it says: My residence is in such-and-such place.

³⁶⁷ The Gemara comments: But it is not so; that is not the opinion of Rabbi Yosei. Rabba only taught it as if it is in accordance with the opinion of Rabbi Yosei so that Rav Yosef would accept it from him, due to the fact that Rabbi Yosei's reasoning accompanies his rulings. Since the halakha is usually in accordance with Rav Yosei's opinion, Rav Yosef would be less likely to raise doubts with regard to the ruling.

³⁶⁸ We learned in the mishna: If one is not familiar with a tree or any other noticeable landmark, or if he is not an expert in the halakha, unaware that residence can be established from a distance, and he said: My residence is at my current location, his presence at his current location acquires for him the right to walk two thousand cubits in each direction.

³⁶⁹ The Gemara raises a fundamental question: These two thousand cubits, where are they written in the Torah? The Gemara answers that it is as it was taught in a baraita: "Remain every man in his place" (Exodus 16:29); these are the four cubits, which constitute the minimum Shabbat limit, e.g., for one who ventured beyond his prescribed limit. "Let no man go out of his place" (Exodus 16:29); these are the two thousand cubits of the Shabbat limit for one who remains in his place. Unless otherwise specified, the measure of one's place is two thousand cubits.

³⁷⁰ The Gemara asks: From where do we derive that this is the measure of one's place? Rav H̥isda said: We derive this by means of a verbal analogy between the term place written here: "Let no man go out of his place," and from the term place written with regard to an unwitting murderer: "Then I will appoint you a place to where he shall flee" (Exodus 21:13). This last verse mentions both place

and fleeing, and the term place is derived from the term fleeing. And the term fleeing is derived from the term fleeing, written in a different verse with regard to the unwitting murderer: “But if the slayer shall at any time come outside the border of the city of his refuge, whither he has fled” (Numbers 35:26). And the term fleeing is derived from the term border, which appears in the same verse. And the term border is derived from the term border, as it states there: “And the avenger of blood find him outside [miḥutz] the borders of the city of his refuge” (Numbers 35:27). Since this verse mentions both the term border and the term outside, the term border is derived from the term outside. And the term outside is derived from the term outside, as it is written with regard to the Levite cities, which also served as cities of refuge: “And you shall measure from outside [miḥutz] the city on the east side two thousand cubits, and on the south side two thousand cubits, and on the west side two thousand cubits, and on the north side two thousand cubits” (Numbers 35:5). From this chain of identical terms, the meaning of the term place stated in connection with Shabbat is derived from the two thousand cubits mentioned with regard to the Levite cities.

³⁷¹ The Gemara asks: But let us derive instead by means of a verbal analogy between the term outside in the verse: “Outside the borders of the city of refuge,” and the term outside in the verse: “From the wall of the city outward [vaḥutza] a thousand cubits” (Numbers 35:4), that the Shabbat limit measures only a thousand cubits. The Gemara answers: One derives the meaning of the term outside [ḥutz] by means of a verbal analogy from another instance of the term outside [ḥutz], but one does not derive the meaning of the term outside from the term outward [ḥutza].

³⁷² The Gemara raises a difficulty: What is significant about the difference between the two terms? Didn’t the school of Rabbi Yishmael teach a verbal analogy with regard to leprosy of houses between the verse: “And the priest shall return [veshav]” (Leviticus 14:39) and the verse: “And the priest shall come [uva]” (Leviticus 14:44), from which it is derived that this is the halakha with regard to returning, i.e., it is after seven days; this is the same halakha with regard to coming; it is after seven days. Obviously, the less pronounced difference of one letter between ḥutz and ḥutza, should not prevent the teaching of a verbal analogy.

³⁷³ Gemara rejects this argument: This applies only when there are no terms that are identical to it however, where there are terms that are identical to it, we derive the verbal analogy from terms identical to it, rather than from the terms that are not precisely identical.

³⁷⁴ The tanna’im of the mishna disagree whether the two-thousand-cubit limit granted to a person in every direction is measured as a circle or as a square tablet. The Gemara poses a question: With regard to the opinion of Rabbi Ḥanina ben Antigenos that the limit is measured as a circle, no matter what you say, it is difficult. If he is of the opinion that there is a verbal analogy from the verse written with regard to the Levite cities it is difficult, because sides is the term written, indicating squared boundaries. And if he is not of the opinion that there is a verbal analogy, from where does he derive that the Shabbat limit is two thousand cubits?

³⁷⁵ The Gemara answers: Actually, he is of the opinion that there is a verbal analogy, but here, with regard to the Levite cities, it is different, as the verse says: “This shall be to them the open space of the cities” (Numbers 35:5), from which it is inferred: To this, the open space of the city, you should provide sides and square it, but you do not provide sides to those resting on Shabbat. Instead, those who establish Shabbat residence are provided with a circular, two-thousand-cubit limit.

³⁷⁶ The Gemara asks: And how do the Rabbis understand the emphasis placed on the word this in the verse? The Gemara answers: As it was taught in a baraita that Rav Ḥananya says: Like this measure shall be the calculations of measures for all those who rest on Shabbat, i.e., square.

³⁷⁷ Rav Aḥa bar Ya'akov said: One who carries an object four cubits in the public domain is only liable if he carries it four cubits with their diagonal. The four cubits mentioned in many places is only the basic measure by which the distance beyond which it is prohibited to carry is calculated. However, in practice, a person is liable only if he carries the object the length of the diagonal of a square with four-cubit sides.

³⁷⁸ Rav Pappa said that Rava once tested us by asking: With regard to a pillar in the public domain, ten handbreadths high and four handbreadths wide, must the width be four handbreadths with their diagonal in order to be regarded a private domain, or not? And we said to him: Is this not that which was taught by Rav Ḥananya? As it was taught in a baraita: Rav Ḥananya says: Like this measure shall be that of all those who rest on Shabbat, indicating that the diagonal is the determining measure for the halakhot of rest on Shabbat.

³⁷⁹ We learned in the mishna: And this is the meaning of that which the Sages said: A pauper can establish an eiruv with his feet, i.e., one who does not have the bread required to establish an eiruv may walk anywhere within his Shabbat limit and acquire residence. We have this leniency in effect only for a pauper, who does not have food for two meals. However, one who has bread may only establish residence with bread. Rabbi Yehuda says: This leniency is in effect for both a pauper and a wealthy person.

³⁸⁰ Rav Naḥman said: This dispute between Rabbi Meir and Rabbi Yehuda is with regard to a case where the person said: My residence is in my current location. As Rabbi Meir maintains: The primary ordinance and establishment of eiruv is with bread.

³⁸¹ Therefore, it is only with regard to a pauper, who does not have food for two meals, that the Sages were lenient and permitted him to establish residence merely by saying: My residence is in my current location. However, with regard to a wealthy person in his own house who has bread, no, they did not permit him to do so.

³⁸² And Rabbi Yehuda maintains: The primary ordinance of eiruv is by foot, i.e., by going and stating that he is establishing his residence in that location, and therefore it applies to both a pauper and a wealthy person. However, with regard a case when the person said: My residence is in such-and-such place, and he is not there, everyone, both Rabbi Meir and Rabbi Yehuda, agrees that for a pauper on the road on a Shabbat eve, yes, an eiruv may be established in that manner; however, for a wealthy person, no, an eiruv may not be established in that manner.

³⁸³ And as for the mishna's statement: And this is what the Sages meant when they said that a pauper can establish an eiruv with his feet, who, which Sage, is teaching it? It is Rabbi Meir. And to which clause of the mishna is it referring? It refers to the previous statement: If he is not familiar with a tree or any other noticeable landmark, or if he is not an expert in the halakha, and therefore is unaware that a residence can be established from a distance, and said: My residence is in my current location, he acquires two thousand cubits in each direction. And as for the statement in the continuation of the mishna: The Sages said that one establishes an eiruv with bread only to be lenient with the wealthy person, who, which Sage, is teaching it? It is Rabbi Yehuda, who maintains that the option of establishing an eiruv by foot is available to the wealthy as well.

³⁸⁴ Rav Ḥisda, however, disagreed with Rav Naḥman and said: The dispute between Rabbi Meir and Rabbi Yehuda in the mishna is with regard to a person who said: My residence is in such-and-such place, in which case his residence is neither acquired by foot nor with bread. As Rabbi Meir maintains: A pauper, yes, he establishes residence with an eiruv in that manner; however, a wealthy person, no, he does not. And Rabbi Yehuda maintains: Both a pauper and a wealthy person may establish an eiruv in that manner. However, in a case where one said: My residence is in my present location, everyone, both Rabbi Meir and Rabbi Yehuda, agrees that an eiruv of this kind is effective both for a pauper and for a wealthy person, as everyone agrees agree that the primary ordinance of eiruv is by foot.

³⁸⁵ And as for the mishna's statement: And this is what the Sages meant when they said that a pauper can establish an eiruv by foot, who is teaching it? It is Rabbi Meir. And to which clause of the mishna is it referring? It is referring to this clause: One who was coming along the way on Shabbat eve, and it grew dark while he was traveling. According to Rabbi Yehuda, he could have established an eiruv even if he was in his house. And as for the statement in the continuation of the mishna: The Sages said that one establishes an eiruv with bread only in order to be lenient with the wealthy person, who is teaching it? Everyone agrees with this halakha, and it is taught according to both opinions.

³⁸⁶ The Gemara comments: A baraita was taught in accordance with the opinion of Rav Naḥman, who said that the dispute between Rabbi Meir and Rabbi Yehuda is with regard to one who said: My residence is in my present location. It was stated in the baraita: Both a pauper and a wealthy person establish an eiruv with bread; however a wealthy person may not go out beyond the Shabbat limit and say: My residence is in my present location, because the Sages said that one can establish an eiruv by foot only in the case of a person who was coming along the way and it grew dark while he was traveling. This is the statement of Rabbi Meir.

³⁸⁷ Rabbi Yehuda says: Both a pauper and a wealthy person establish an eiruv by foot. And a wealthy person will go out beyond the Shabbat limit and say: My residence is in my present location. And this is the primary ordinance of eiruv. However, the Sages permitted a homeowner to send his eiruv in the hand of his servant, or in the hand of his son, or in the hand of his agent, in order to be lenient with him, so that he need not exert himself and go out and establish an eiruv by foot. This baraita presents the dispute between Rabbi Meir and Rabbi Yehuda as it was delineated by Rav Naḥman.

³⁸⁸ The baraita continues. Rabbi Yehuda said: There was an incident involving the members of the household of the Memel family and members of the household of Guryon family in the village of Aroma, who were distributing dried figs and raisins to the paupers in years of famine, and the paupers of the village of Siḥin and the paupers of the village of Ḥananya would come to the edge of the Shabbat limit at nightfall, which was also within the Shabbat limit of Aroma, and then go home. The following day they would rise early and go to receive their figs and raisins. Apparently, one can establish an eiruv by foot, if he says: My residence is in my present location.

³⁸⁹ Rav Ashi said: The formulation of the mishna is also precise, in accordance with Rav Naḥman's explanation, as it teaches: If on a Shabbat eve one set out to go to a city for which an eiruv is established enabling him to go there on Shabbat, and another person caused him to return home, he himself is permitted to go to that city on Shabbat, and for all the other residents of the town it is prohibited to go there. This is the statement of Rabbi Yehuda.

³⁹⁰ And we discussed this mishna and raised a difficulty: What is different about him and what is different about them? Why is he permitted to proceed to the other town while it is prohibited for the other residents to do so? And Rav Huna said: We are dealing here with a case where he has two houses, one in each city, and there is the distance of two Shabbat limits, four thousand cubits, between them.

³⁹¹ With regard to him, since he set out on his way, his legal status is that of a pauper, as he did not intend to return to his first house, but to continue to his other house. Therefore, he can establish residence at the end of his Shabbat limit by verbal means alone.

³⁹² And the legal status of these other inhabitants of his city, is that of wealthy people, as they are in their houses and have food. Consequently, they can only establish residence at the end of their Shabbat limit by depositing food there prior the onset of Shabbat. Apparently, everything stated with regard to one who says: My residence is in such-and-such place; to a pauper, yes, it applies to a wealthy person, no, it does not apply. The Gemara concludes: Indeed, learn from this that this is the case.

³⁹³ Rav Ḥiyya bar Ashi was teaching the mishna to Ḥiyya bar Rav before Rav. He stated that this leniency applies both to a pauper and to a wealthy person. Rav said to him: Conclude your statement also: The halakha is in accordance with the opinion of Rabbi Yehuda.

³⁹⁴ The Gemara relates: Rabba bar Rav Ḥanan was in the habit of coming from his home in Artibbena to Pumbedita on Shabbat.

³⁹⁵ He would declare on Shabbat eve: My residence is in Tzinta, a settlement located between the Shabbat limits of the two places. Abaye said to him: What is your opinion that led you to act in that manner? Is it because in a dispute between Rabbi Meir and Rabbi Yehuda, the halakha is in accordance with the opinion of Rabbi Yehuda, and Rav Ḥisda said: The dispute between these two Sages is in a case where the person said: My residence is in such-and-such place, and you rely on Rabbi Yehuda and establish residence at a place between the two cities even though you are still at home?

³⁹⁶ But didn't Rav Naḥman explain the dispute between Rabbi Meir and Rabbi Yehuda differently, and furthermore, a baraita was taught in accordance with his opinion. Rabba bar Rav Ḥanan said to him: I retract my opinion and will no longer do so.

³⁹⁷ Rami bar Ḥama said: The Sages have said that one who establishes residence by foot has four cubits at that location, and another two thousand cubits beyond. However, with regard to one who deposits his eiruv in a certain place, there is a dilemma whether he has four cubits from the site of his eiruv, or not.

³⁹⁸ Rava said: Come and hear a resolution from the mishna: The Sages said that one establishes an eiruv with bread only to be lenient with the wealthy person, so that he need not exert himself and go out and establish an eiruv with his feet. And if you say that one who establishes an eiruv with bread does not have four cubits, is this really a leniency? It is a stringency. Based on the mishna, apparently, all leniencies that apply to one who establishes an eiruv by foot must also apply to one who establishes an eiruv with bread.

³⁹⁹ The Gemara rejects this argument: No proof can be cited from there, as even if he without the four cubits, this is preferable to him, so that he need not exert himself and go out and establish an

eiruv by foot. Therefore, it can be said that establishing an eiruv with bread constitutes a leniency even if it entails the loss of four cubits.

⁴⁰⁰ MISHNA: If a person set out to go on a Shabbat eve to a town for which an eiruv is established in order to go there on Shabbat, and another person caused him to return home, he himself is permitted to go to that city on Shabbat, and for all the other residents of the town it is prohibited to go there. This is the statement of Rabbi Yehuda.

⁴⁰¹ Rabbi Meir says: Anyone who can establish an eiruv, and negated his residence in his original place, and did not establish an eiruv, i.e., he did not at least state that he seeks to establish residence somewhere else, is likened to both a donkey driver, who walks behind the animal and prods it, and a camel driver, who walks before the animal and leads it, in the sense that he is pulled in two opposite directions. Due to the uncertainty with regard to the location of his Shabbat limit, his movement is restricted as though his residence was established in both his city and at a location along the way to the other city. He may not venture beyond two thousand cubits from either location.

⁴⁰² GEMARA: With regard to the mishna's statement that according to Rabbi Yehuda, he himself is permitted to go to the other city, while for all the rest of the residents of his city it is prohibited to do so, the Gemara asks: What is different about him and what is different about them? Why is he permitted to proceed to the other city, while they are not? Rav Huna said: We are dealing here with a case where that person has two houses, one in each town, with the distance of two Shabbat limits, four thousand cubits, between them.

⁴⁰³ With regard to him, since he set out on his way, his legal status is that of a pauper, as he did not intend to return to his first house but to continue to his other house, and he can therefore establish residence at the end of his Shabbat limit simply by declaring that he wishes to acquire residence in such-and-such place. And the legal status of these other inhabitants of his city, is that of wealthy people, as they are in their houses and have food. Consequently, they can only establish residence at the end of their Shabbat limit by depositing food there prior the onset of Shabbat.

⁴⁰⁴ That was also taught in a baraita: With regard to one who has two houses, with the distance of two Shabbat limits between them, once he set out on the way, clearly demonstrating his intention to leave, although he did not explicitly say: My residence is at the end of my Shabbat limit, he acquired an eiruv there. This is the statement of Rabbi Yehuda.

⁴⁰⁵ Furthermore, Rabbi Yosei, son of Rabbi Yehuda said: Even if another found him before he left, and said to him: Spend the night here, it is a hot period, or it is a cold period and inadvisable to set out now, on the following day he may rise early and go to the other town, as his intention to walk is sufficient.

⁴⁰⁶ Rabba said: With regard to saying that he is establishing residence at the end of his Shabbat limit, everyone agrees that this is necessary, as otherwise it could be understood that he is returning to his house because he changed his mind about establishing residence elsewhere. When they disagree is with regard to whether or not it is necessary for him actually to set out on his way. Rabbi Yehuda maintains that he must have set out on his way, whereas Rabbi Yosei, son of Rabbi Yehuda, maintains that he need not even set out on his way, as his intention to leave is sufficient.

⁴⁰⁷ And Rav Yosef said: With regard to actually setting out on his way, everyone agrees that this is necessary. Where they disagree is with regard to whether or not it is necessary for him to say that he is establishing his residence at the end of his Shabbat limit.

⁴⁰⁸ The Gemara asks: In accordance with whose opinion is this halakha that Ulla stated? If a person set out on his way, and another persuaded him to return home, he is considered returned and is considered set out on his way.

⁴⁰⁹ The Gemara analyzes Ulla's statement itself: If he is considered returned, with the same legal status as the rest of the residents of his city and has not established residence elsewhere, why is he described as set out on his way? And if he is considered set out on his way, indicating that he established residence at the end of his Shabbat limit, why is he described as returned?

⁴¹⁰ The Gemara answers: Emend Ulla's statement and explain that this is what he is saying: Although he was returned to his original place, he is nonetheless regarded as having set out on his way. In accordance with whose opinion did he state this ruling? According to the opinion of Rav Yosef, that everyone agrees he must set out on his way, and in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, that he need not declare he is establishing his residence at the end of his Shabbat limit.

⁴¹¹ The Gemara relates that Rav Yehuda bar Ishtata once brought a basket of fruit to Rav Natan bar Oshaya in a nearby town, four thousand cubits away, on Shabbat eve. When he was going, Rav Natan left him until he descended one step, and then said to him: Lodge here tonight. He allowed him start his journey so that he would be considered as having set out on his way. On the following day Rav Yehuda bar Ishtata rose early and went home.

⁴¹² The Gemara comments: In accordance with whose opinion did Rav Natan bar Oshaya act? Apparently, it was in accordance with the opinion of Rav Yosef that everyone agrees that he must set out on his way, and in accordance with the opinion of Rabbi Yosei bar Yehuda that he need not declare that he is establishing his residence at the end of his Shabbat limit.

⁴¹³ The Gemara rejects this suggestion: No, that is not necessarily so, as it is possible to say that he acted according to the opinion of Rabba, and in accordance with the opinion of Rabbi Yehuda, and Rav Yehuda bar Ishtata declared that he establishes his residence at the end of his Shabbat limit.

⁴¹⁴ We learned in the mishna that Rabbi Meir says: Anyone who can establish an eiruv, and negated his residence in his original place, and did not establish an eiruv, is likened to both a donkey driver and a camel driver. The Gemara asks: Didn't we have already learned it once before in another mishna: In a case of uncertainty, Rabbi Meir and Rabbi Yehuda say: This person is likened to both a donkey driver and a camel driver. Here too, it is obvious that the same applies, as that is Rabbi Meir's opinion with regard to all uncertain cases.

⁴¹⁵ Rav Sheshet said: It is necessary to state this ruling here as well, so that you will not say the reason for Rabbi Meir's statement only applies in a case where there is uncertainty whether one established an eiruv or did not establish an eiruv, and in that case he is likened to both a donkey driver and a camel driver. However, in a case where there is certainty that he did not establish an eiruv he is not likened to both a donkey driver and a camel driver, but his Shabbat limit is the same as the rest of the residents of his city.

⁴¹⁶ Rather, say that even in a case where there is certainty that he did not establish an eiruv he is sometimes likened to both a donkey driver and a camel driver, as here he certainly did not establish an eiruv, and yet he is likened to both a donkey driver and a camel driver. It was therefore necessary to state that even in that case, where there is no uncertainty whether or not he established the eiruv, but only with regard to the location of his residence, he nonetheless has the status of both a donkey driver and a camel driver.

⁴¹⁷ MISHNA: One who intentionally, not for the purpose of performing a mitzva, went out beyond his Shabbat limit, even if only one cubit, may not reenter. Rabbi Eliezer says: If he went out two cubits he may reenter; however, if he went out three cubits he may not reenter.

⁴¹⁸ GEMARA: Rabbi Ḥanina said: If one of his feet was within the Shabbat limit, and his other foot was beyond the Shabbat limit, he may not reenter, as it is written: “If you turn away your feet [raglekha] due to Shabbat” (Isaiah 58:13). The word raglekha is written in defective form without the letter yod, and can therefore be read as your foot in the singular, indicating that Shabbat can be desecrated by the reentry of even a single foot.

⁴¹⁹ The Gemara raises a difficulty: But wasn’t the opposite taught in a baraita? If one of his feet was within the Shabbat limit, and his other foot was beyond the Shabbat limit, he may reenter. The Gemara answers: In accordance with whose opinion is this taught? It is in accordance with the opinion of Aḥerim, as it was taught in a baraita: Aḥerim say: He is attributed to the place where the majority of his body lies, and therefore, it is permitted for him to enter, as he stepped out with only one foot.

⁴²⁰ The Gemara cites a different version of the previous discussion. Some say that Rabbi Ḥanina said: If one of his feet was within the Shabbat limit, and his other foot was beyond the Shabbat limit, he may reenter, as it is written: “If you turn away your feet due to Shabbat” (Isaiah 58:13). We read the word raglekha as your feet, in the plural, indicating that the entry of a single foot is permitted.

⁴²¹ The Gemara raises a difficulty. But wasn’t the opposite taught in a baraita: He may not reenter? The Gemara answers: Rabbi Ḥanina stated his opinion in accordance with the opinion of Aḥerim, as it was taught in a baraita: He is attributed to the place where the majority of his body is located, and it is therefore permitted to enter, as most of his body remains within the Shabbat limit.

⁴²² We learned in the mishna that Rabbi Eliezer says: If he went out two cubits he may reenter; however, if he went out three cubits he may not reenter. The Gemara asks: But wasn’t it taught otherwise in a baraita? Rabbi Eliezer says: If he went out one cubit he may reenter; however, if he went out two cubits he may not reenter. The Gemara answers: That is not a difficulty. This, the mishna, is referring to a case where he moved from the first cubit and is now standing two cubits out, and therefore it is permitted for him to reenter; however, that, the baraita, is referring to a case where he moved from the second cubit and is now standing three cubits out. Consequently, it is prohibited for him to reenter.

⁴²³ The Gemara raises another difficulty. But wasn’t it taught in a different baraita that Rabbi Eliezer says: Even if he went one cubit out, he may not enter. The Gemara answers: When that baraita was taught it was with regard to one measuring his limit by counting two thousand steps. As we learned in a mishna: And for one established residence in a particular place, and is now measuring his limit by counting out steps, with regard to whom the Sages said one provides him with two thousand

cubits, even if his measurement ended in a cave he may not walk even one cubit beyond his measurement.

⁴²⁴ MISHNA: With regard to one for whom it grew dark while he was traveling outside the Shabbat limit of the town where he was heading, even if he was only one cubit outside the limit he may not enter the town. Rabbi Shimon says: Even if he was fifteen cubits beyond the limit he may enter the town, because the surveyors do not precisely demarcate the measures; rather, they mark the Shabbat limit within the two thousand cubits, due to those who err.

⁴²⁵ GEMARA: With regard to the mishna's statement: Due to those who err, it is taught in a baraita: Due to those who err in their measurement. In other words, because the surveyors are concerned that they might have erred in their measurements, they are stringent and do not position the mark at the edge of the limit, but move it several cubits within the limit.

Chapter 5

¹ MISHNA: How does one extend the boundaries of cities in order to ensure that all its protrusions are included within the borders of the city? He extends a straight line across the edge of the city, and if a house is recessed and another house protrudes, or a turret [pagum] is recessed and another turret protrudes from that line, and similarly, if there were remnants of walls ten handbreadths high,

² and bridges and monuments over graves in which there is a residence, one extends the measure of that side of the city as though there were other structures opposite them in the adjacent corner of the city. And prior to measuring the Shabbat limit, one renders the city like a square tablet so that it gains the corners, although there are actually no houses in those corners.

³ GEMARA: The Gemara cites a dispute with regard to the mishna's terminology. Rav and Shmuel disagreed: One taught that the term in the mishna is me'abberin, with the letter ayin, and one taught that the term in the mishna is me'abberin, with the letter ales.

⁴ The Gemara explains: The one who taught me'abberin with an ales explained the term in the sense of limb [ever] by limb. Determination of the city's borders involves the addition of limbs to the core section of the city. And the one who taught me'abberin with an ayin explained the term in the sense of a pregnant woman [ubbera] whose belly protrudes. In similar fashion, all the city's protrusions are incorporated in its Shabbat limit.

⁵ Apropos this dispute, the Gemara cites similar disputes between Rav and Shmuel. With regard to the Machpelah Cave, in which the Patriarchs and Matriarchs are buried, Rav and Shmuel disagreed. One said: The cave consists of two rooms, one farther in than the other. And one said: It consists of a room and a second story above it.

⁶ The Gemara asks: Granted, this is understandable according to the one who said the cave consists of one room above the other, as that is the meaning of Machpelah, double. However, according to the one who said it consists of two rooms, one farther in than the other, in what sense is it Machpelah? Even ordinary houses contain two rooms.

⁷ Rather, it is called Machpelah in the sense that it is doubled with the Patriarchs and Matriarchs, who are buried there in pairs. This is similar to the homiletic interpretation of the alternative name for Hebron mentioned in the Torah: "Mamre of Kiryat Ha'Arba, which is Hebron" (Genesis 35:27).

Rabbi Yitzḥak said: The city is called Kiryat Ha'Arba, the city of four, because it is the city of the four couples buried there: Adam and Eve, Abraham and Sarah, Isaac and Rebecca, and Jacob and Leah.

⁸ They disagreed about this verse as well: “And it came to pass in the days of Amraphel” (Genesis 14:1). Rav and Shmuel both identified Amraphel with Nimrod. However, one said: Nimrod was his name. And why was his name called Amraphel? It is a contraction of two Hebrew words: As he said [amar] the command and cast [hippil] our father Abraham into the fiery furnace, when Abraham rebelled against and challenged his proclaimed divinity. And one said: Amraphel was his name. And why was his name called Nimrod? Because he caused the entire world to rebel [himrid] against God during his reign.

⁹ They also disagreed about this verse: “There arose a new king over Egypt, who knew not Joseph” (Exodus 1:8). Rav and Shmuel disagreed. One said: He was actually a new king, and one said: He was in fact the old king, but his decrees were new.

¹⁰ The Gemara explains. The one who said he was actually a new king based his opinion on the fact that it is written in the verse that he was new. And the one who said that his decrees were new derived his opinion from the fact that it is not written: And the king died, and his successor reigned, as it is written, for example, with regard to the kings of Edom (Genesis 36).

¹¹ The Gemara asks: And according to the one who said that his decrees were new, isn't it written: “Who knew not Joseph”? If it were the same king, how could he not know Joseph? The Gemara explains: What is the meaning of the phrase: “Who knew not Joseph”? It means that he conducted himself like one who did not know Joseph at all.

¹² The Gemara cites a mnemonic of key words from a series of traditions cited below: Eighteen and twelve we studied, with regard to David, and he will understand.

¹³ Rabbi Yoḥanan said: I spent eighteen days with Rabbi Oshaya the Distinguished [Beribbi], and I learned from him only one matter in our Mishna. In the phrase: How does one extend cities, the word me'abberin is spelled with an alef.

¹⁴ The Gemara asks: Is this so? Didn't Rabbi Yoḥanan say: Rabbi Oshaya the Distinguished had twelve students, and I spent eighteen days among them, and I learned the heart of each and every one, i.e., the nature and character of each student, and the extent of the wisdom of each and every one? How could Rabbi Yoḥanan say that he learned only one matter?

¹⁵ The Gemara answers: It is possible that he learned the heart of each and every one and the wisdom of each and every one, but he did not learn substantive tradition. And if you wish, say instead: From the students themselves he learned many things; from Rabbi Oshaya himself he did not learn anything beyond that one matter. And if you wish, say instead: Rabbi Yoḥanan meant to say that he learned only one matter in our Mishna from Rabbi Oshaya, but he learned other matters from him based on baraitot and other sources.

¹⁶ And Rabbi Yoḥanan said about that period: When we were studying Torah with Rabbi Oshaya, it was so crowded with students that we would sit four in each square cubit. Similarly, Rabbi Yehuda HaNasi said: When we were studying Torah with Rabbi Elazar ben Shamua, we would sit six in each square cubit.

¹⁷ Rabbi Yoḥanan said about his teacher: Rabbi Oshaya the Distinguished was as great in his generation as Rabbi Meir was in his generation: Just as with regard to Rabbi Meir, in his generation his colleagues were unable to fully grasp the profundity of his thinking due to the subtlety of his great mind, so it was with Rabbi Oshaya; his colleagues were unable to fully grasp the profundity of his thinking.

¹⁸ Similarly, Rabbi Yoḥanan said: The hearts, i.e., the wisdom, of the early Sages were like the doorway to the Entrance Hall of the Temple, which was twenty by forty cubits, and the hearts of the later Sages were like the doorway to the Sanctuary, which was ten by twenty cubits. And we, i.e., our hearts, are like the eye of a fine needle.

¹⁹ He explains: The term early Sages is referring to Rabbi Akiva, and the term later Sages is referring to his student, Rabbi Elazar ben Shamua. Some say that the term early Sages refers to Rabbi Elazar ben Shamua and that the term the later Sages refers to Rabbi Oshaya the Distinguished. And we are like the eye of a fine needle.

²⁰ On the topic of the steady decline of the generations, Abaye said: And we, as far as our capabilities are concerned, are like a peg in the wall with regard to Torah study. Just as a peg enters a wall with difficulty, our studies penetrate our minds only with difficulty. Rava said: And we are like a finger in wax [kira] with regard to logical reasoning. A finger is not easily pushed into wax, and it extracts nothing from the wax. Rav Ashi said: We are like a finger in a pit with regard to forgetfulness. Just as a finger easily enters a large pit, similarly, we quickly forget our studies.

²¹ The Gemara continues the discussion relating to study and comprehension, and cites that which Rav Yehuda said that Rav said: With regard to the people of Judea, who were particular in their speech and always made certain that it was both precise and refined, their Torah knowledge endured for them; with regard to the people of the Galilee, who were not particular in their speech, their Torah knowledge did not endure for them.

²² The Gemara asks: Is this matter at all dependent on being particular with one's language? Rather, with regard to the people of Judea, who were precise in their language and who would formulate mnemonics for their studies, their Torah knowledge endured for them; with regard to the people of the Galilee, who were not precise in their language and who would not formulate mnemonics, their Torah knowledge did not endure for them.

²³ Furthermore, with regard to the people of Judea, who studied from one teacher, their Torah knowledge endured for them, as their teacher provided them with a consistent approach; however, with regard to the people of the Galilee, who did not study from one teacher, but rather from several teachers, their Torah knowledge did not endure for them, as it was a combination of the approaches and opinions of a variety of Sages.

²⁴ Ravina said: With regard to the people of Judea, who would publicly disclose the tractate to be studied in the coming term so that everyone could prepare and study it in advance (ge'onim), their Torah knowledge endured for them; with regard to the people of the Galilee, who would not disclose the tractate to be studied in the coming term, their Torah knowledge did not endure for them.

²⁵ The Gemara relates that King David would disclose the tractate to be studied in advance, whereas Saul would not disclose the tractate to be studied. With regard to David, who would disclose the tractate, it is written: "Those who fear You will see me and be glad" (Psalms 119:74), since all were

prepared and could enjoy his Torah. With regard to Saul, who would not disclose the tractate to be studied, it is written: “And wherever he turned himself

²⁶ he did them mischief” (i Samuel 14:47).

²⁷ The Gemara concludes the mention of Saul on a positive note. And Rabbi Yoḥanan said: From where is it derived that the Holy One, Blessed be He, forgave him for that sin, the massacre of Nov, the city of priests? As it is stated that the spirit of Samuel said to him: “And the Lord will also deliver Israel with you into the hand of the Philistines, and tomorrow shall you and your sons be with me” (i Samuel 28:19); the phrase “with me” means within my partition together with me in heaven, i.e., on the same level as the righteous prophet Samuel.

²⁸ The Gemara returns to the earlier question with regard to the correct reading of the word me’abberin. Rabbi Abba said: If there is anyone who can ask the people of Judea, who are precise in their language, whether the term in the mishna that we learned is me’abberin with an ales or me’abberin with an ayin, he should ask them. Similarly, with regard to the blemishes of a firstborn animal, was the term meaning its hindquarters that we learned in the mishna akkuzo with an ales, or did we learn akkuzo with an ayin? They would know.

²⁹ The Gemara answers: One asked the people of Judea, and they said to him: Some teach me’abberin with an ales, and some teach me’abberin with an ayin. Some teach akkuzo with an ales, and some teach akkuzo with an ayin. Both versions are well founded and neither one is erroneous.

³⁰ Having mentioned that the people of Judea are precise in their speech, the Gemara asks: What is the meaning of this? The Gemara answers with an example: As in the case of a certain person from Judea who said to those within earshot: I have a cloak to sell. They said to him: What color is your cloak? He said to them: Like beets on the ground, providing an exceedingly precise description of the exact shade of the cloak, the green tint of beet greens when they first sprout.

³¹ The Gemara returns to the people of the Galilee, who are not precise in their speech. What is the meaning of this? The Gemara cites examples: As it was taught in a baraita that there was a certain person from the Galilee who would walk and say to people: Who has amar? Who has amar? They said to him: Foolish Galilean, what do you mean? Galileans did not pronounce the guttural letters properly, so it was unclear whether he sought a donkey [ḥamor] to ride, or wine [ḥamar] to drink, wool [amar] to wear, or a lamb [imar] to slaughter. This is an example of the lack of precision in the Galileans’ speech.

³² The Gemara cites another example of the lack of linguistic precision of the Galileans: There was a certain woman who wanted to say to her friend: My neighbor, come and I will feed you milk [ta’i de’okhlikh ḥelba]; however, due to the imprecise articulation of her words, she said to her: My neighbor, may a lioness eat you [tokhlikh lavya].

³³ The Gemara cites another example of the ignorance and incivility of the Galileans: There was a certain woman who came before a judge intending to say: Master, sir [Mari kiri, spelled with a kuf], I had a board, and they stole it from me [tavla havet li ugenavuha mimeni]. But instead she said to him: Master, servant [Mari kiri, spelled with a kaf], I had a beam and they stole you from me [tafla havet li ugenavukh min]. And it was so large, that when they would hang you upon it, your feet would not reach the ground.

³⁴ In contrast to the speech of the Galileans, which indicates ignorance and loudness, the Gemara cites examples of the clever phraseology of the inhabitants of Judea and the Sages: The maidservant in the house of Rabbi Yehuda HaNasi, when she would speak enigmatically, employing euphemistic terminology or in riddles, she would say as follows: The ladle used for drawing wine from the jug is already knocking against the bottom of the jug, i.e., the wine jug is almost empty. Let the eagles fly to their nests, i.e., let the students return home, as there is nothing left for them to drink.

³⁵ And when Rabbi Yehuda HaNasi wanted them to sit, she would say to them: Let us remove the stopper from another jug, and let the ladle float in the jug like a ship sailing in the sea.

³⁶ The Gemara also relates that when Rabbi Yosei bar Asyan would speak enigmatically, he would say: Prepare for me an ox in judgment on a poor mountain. His method was to construct words by combining words from Aramaic translations of Hebrew words or Hebrew translations of Aramaic words. Ox is tor in Aramaic; judgment is din. Combined they form teradin, beets. Mountain in Hebrew is har, which they pronounced ḥar; poor is dal. Together it spells ḥardal, mustard. Thus, Rabbi Yosei bar Asyan was requesting beets in mustard.

³⁷ And when he would inquire about an inn, he would say as follows: This man here is raw; what is this good that there is? The phrase “this man here is raw” is used in a similar syllable-by-syllable translation: man in Hebrew is ish; here is po; this is zeh; and raw is na. All together, they sound like ushpazikhna, i.e., an innkeeper (Rabbeinu Ḥananel). In other words, Rabbi Yosei bar Asyan was asking after the innkeeper.

³⁸ When Rabbi Abbahu would speak enigmatically, he would say as follows: Make the coals the color of an etrog; beat the golden ones, i.e., spread out the coals, which redden like gold when they glow; and make me two speakers-in-the-dark, i.e., roosters, which announce the dawn when it is still dark. Some say a slightly different version: And they shall make me in them, on the coals, i.e., roast for me on top of the coals, two speakers-in-the-dark.

³⁹ In a similarly clever manner, the Sages said to Rabbi Abbahu: Show us [hatzpinenu] where Rabbi Elai is hiding [tzafun], as we do not know his whereabouts. He said to them: He rejoiced with the latter [aḥaronit] Aharonic [Aharonit] girl; she is lively [eiranit] and kept him awake [vehiniratu].

⁴⁰ There are two ways to understand this cryptic statement: Some say it refers to a woman, i.e., he married a young girl from a priestly family [Aharonic], who is his second [latter] wife, from a village [eiranit], and he is sleeping now because she kept him awake during the night.

⁴¹ And some say it refers to a tractate. The term girl refers to the tractate; Aharonic indicates that it is a tractate from the order of Kodashim, which deals with the priestly service. The phrase the latter means that it is his latest course of study, and lively alludes to the challenging nature of the subject matter. Since he was awake all night studying, he is presently sleeping.

⁴² The Gemara continues: They said to Rabbi Elai: Show us where Rabbi Abbahu is hiding, as we do not know where he is. He said to them: He has taken counsel with the one who crowns, i.e., the Nasi, who appoints the Sages, and has gone south [hingiv] to Mephibosheth, i.e., he has headed to the Sages of the south, referred to here as Mephibosheth, who was King Saul’s grandson and a great Sage of his time.

⁴³ Having discussed the clever speech of various Sages, the Gemara relates that Rabbi Yehoshua ben Ḥananya said as follows: In all my days, no person defeated me in a verbal encounter except for a

woman, a young boy, and a young girl. What is the encounter in which a woman got the better of me? One time I was staying at a certain inn and the hostess prepared me beans. On the first day I ate them and left nothing over, although proper etiquette dictates that one should leave over something on his plate. On the second day I again ate and left nothing over. On the third day she over-salted them so that they were inedible. As soon as I tasted them, I withdrew my hands from them.

⁴⁴ She said to me: My Rabbi, why aren't you eating beans as on the previous days? Not wishing to offend her, I said to her: I have already eaten during the daytime. She said to me: You should have withdrawn your hand from bread and left room for some beans.

⁴⁵ She then said to me: My Rabbi, perhaps you did not leave a remainder of food on your plate on the first days, which is why you are leaving over food today. Isn't this what the Sages said: One need not leave a remainder in the pot [ilpas], but one must leave a remainder on the plate as an expression of etiquette (Tosafot). This is the incident in which a woman got the better of Rabbi Yehoshua ben Ḥananya.

⁴⁶ What is the incident with a young girl? One time I was walking along the path, and the path passed through a field, and I was walking on it. A certain young girl said to me: My Rabbi, isn't this a field? One should not walk through a field, so as not to damage the crops growing there. I said to her: Isn't it a well-trodden path in the field, across which one is permitted to walk? She said to me: Robbers like you have trodden it. In other words, it previously had been prohibited to walk through this field, and it is only due to people such as you, who paid no attention to the prohibition, that a path has been cut across it. Thus, the young girl defeated Rabbi Yehoshua ben Ḥananya in a debate.

⁴⁷ What is the incident with a young boy? One time I was walking along the path, and I saw a young boy sitting at the crossroads. And I said to him: On which path shall we walk in order to get to the city? He said to me: This path is short and long, and that path is long and short. I walked on the path that was short and long. When I approached the city I found that gardens and orchards surrounded it, and I did not know the trails leading through them to the city.

⁴⁸ I went back and met the young boy again and said to him: My son, didn't you tell me that this way is short? He said to me: And didn't I tell you that it is also long? I kissed him on his head and said to him: Happy are you, O Israel, for you are all exceedingly wise, from your old to your young.

⁴⁹ Having discussed wise speech and the wisdom of Jewish women, the Gemara cites the following story: Rabbi Yosei HaGelili was walking along the way, and met Berurya. He said to her: On which path shall we walk in order to get to Lod? She said to him: Foolish Galilean, didn't the Sages say: Do not talk much with women? You should have said your question more succinctly: Which way to Lod?

⁵⁰ The Gemara relates more of Berurya's wisdom: Berurya came across a certain student who was whispering his studies rather than raising his voice.

⁵¹ She kicked him and said to him: Isn't it written as follows: "Ordered in all things and secure" (ii Samuel 23:5), which indicates that if the Torah is ordered in your 248 limbs, i.e., if you exert your entire body in studying it, it will be secure, and if not, it will not be secure. The Gemara relates that it was similarly taught in a baraita: Rabbi Eliezer had a student who would study quietly, and after three years he forgot his studies.

⁵² Incidental to the story cited above involving a student of Rabbi Eliezer, the Gemara cites the following episode: It was taught in a baraita: Rabbi Eliezer had a student who was liable for the punishment of death by burning, for his sins against God, but the Rabbis said: Let him alone and do not punish him as he deserves, because he served a great person.

⁵³ The Gemara cites instructions issued by Shmuel that are similar to those of Berurya. Shmuel said to Rav Yehuda: Keen scholar [shinnana], open your mouth and read from the Torah, open your mouth and study the Talmud, in order that your studies should endure in you and that you should live a long life, as it is stated: “For they are life to those who find them, and health to all their flesh” (Proverbs 4:22). Do not read: “To those who find them [lemotzeihem],” but rather “to those who express them [lemotzi’eihem],” with their mouth.

⁵⁴ The Gemara cites additional instructions issued by Shmuel: Shmuel said to Rav Yehuda, his beloved student: Keen scholar, grab and eat, grab and drink, as the world from which we are departing is like a wedding feast, whose joy is only temporary, and one who does not take pleasure in it now will not be able to do so in the future.

⁵⁵ Similarly, Rav said to Rav Hamnuna: My son, if you have money, do well for yourself. There is no point waiting, as there is no pleasure in the netherworld, and death does not tarry. And if you say: I will save up in order to leave for my children, who told you the law of the netherworld, i.e., how do you know which of you will die first (Arukh)? People are similar to grass of the field, in that these blossom, i.e., grow, and their actions are blessed, and these wither and die.

⁵⁶ Having expounded the verse “For they are life to those who find them” as referring to the Torah, the Gemara cites another teaching related to this verse that praises the Torah. Rabbi Yehoshua ben Levi said: One who is walking along the way without a companion and is afraid should engage in Torah study, as it is stated with regard to the words of Torah: “For they shall be a graceful wreath [livyat ḥen] for your head, and chains about your neck” (Proverbs 1:9). The word livyat is understood here as a reference to levaya, accompaniment, so that the verse is interpreted to mean that Torah is a graceful accompaniment to one who is traveling.

⁵⁷ One who feels pain in his head should engage in Torah study, as it is stated: “For they shall be a graceful wreath for your head.” One who feels pain in his throat should engage in Torah study, as it is stated: “And chains about your neck.” One who feels pain in his intestines should engage in Torah study, as it is stated: “It shall be health to your navel” (Proverbs 3:8). One who feels pain in his bones should engage in Torah study, as it is stated: “And marrow to your bones” (Proverbs 3:8). One who feels pain in his entire body should engage in Torah study, as it is stated: “And health to all their flesh” (Proverbs 4:22).

⁵⁸ Rav Yehuda, son of Rabbi Ḥiyya, said: Come and see that the attribute of flesh and blood is unlike the attribute of the Holy One, Blessed be He. The attribute of flesh and blood is that when a person gives a drug to his fellow, it is good for this part of his body and it is harmful to that other part of his body. But the attribute of the Holy One, Blessed be He, is not so; He gave the Torah to the Jewish people, and it is a drug of life for one’s entire body, as it is stated: “And health to all their flesh.”

⁵⁹ The Gemara continues with praise for Torah study and knowledge. Rav Ami said: What is the meaning of that which is written: “For it is a pleasant thing if you keep them within you; let them be firmly attached together to your lips” (Proverbs 22:18)? When are words of Torah pleasant? When

you keep them within you and know them. And when will you keep them within you? When they will be attached together to your lips, i.e., when you articulate them audibly and expound them.

⁶⁰ Rabbi Zeira said that this idea is derived from here: “A man has joy in the answer of his mouth; and a word in due season, how good it is” (Proverbs 15:23). When does a man have joy? When an answer related to Torah study is in his mouth. Another version: When does a man have joy in the answer of his mouth? When he experiences the fulfillment of: A word in due season, how good it is, i.e., when he knows when and how to address each issue.

⁶¹ Rabbi Yitzhak said that this idea is derived from here: “But the matter is very near to you, in your mouth and in your heart, that you may do it” (Deuteronomy 30:14). When is it very near to you? When it is in your mouth and in your heart, that you may do it, i.e., when you articulate your Torah study.

⁶² Rava said that this idea is actually derived from here: “You have given him his heart’s desire, and have not withheld the request of his lips, Selah” (Psalms 21:3). When have You given him his heart’s desire? When You have not withheld the request of his lips, Selah, i.e., when he converses in words of Torah.

⁶³ Rava raised an internal contradiction in that very verse: In the beginning of the verse it is written: “You have given him his heart’s desire,” implying that it is enough for one to request in his heart, whereas in the end of the verse it is written: “And You have not withheld the request of his lips, Selah,” indicating that one must express his prayers verbally. Rava himself resolved the contradiction: If one is fortunate, “You have given him his heart’s desire,” even if he does not give verbal expression to his wants. But if he is not fortunate, at least “You have not withheld the request of his lips, Selah.”

⁶⁴ With regard to the end of this verse, a Sage of the school of Rabbi Eliezer ben Ya’akov taught the following baraita: Wherever it states *netzah*, Selah, or *va’ed*, the matter will never cease. *Netzah*, as it is written: “For I will not contend forever; neither will I be eternally [lanetzah] angry” (Isaiah 57:16), which demonstrates that *netzah* bears a similar meaning to forever.

⁶⁵ Selah, as it is written: “As we have heard, so have we seen in the city of the Lord of Hosts, in the city of our God; may God establish it forever, Selah” (Psalms 48:9), which demonstrates that Selah means forever. *Va’ed*, as it is written: “The Lord shall reign forever and ever [va’ed]” (Exodus 15:18).

⁶⁶ In light of the previous discussion, the Gemara cites several expositions of verses proposed by Rabbi Eliezer, while first providing them with a mnemonic: Chains, cheeks, tablets, engraved. Rabbi Eliezer said: What is the meaning of that which is written: “And chains about your neck” (Proverbs 1:9)? If a person makes himself like a chain that hangs loosely on the neck, i.e., if a scholar is not pushy and disruptive to others, and he is also seen but not seen, i.e., just as a chain is covered by clothes and hair, so too, the scholar does not let himself be seen, his Torah study will endure. But if not, if he acts in a rude and arrogant manner, his Torah study will not endure.

⁶⁷ And Rabbi Eliezer also said: What is the meaning of that which is written: “His cheeks are like a bed of spices” (Song of Songs 5:13)? If a person makes himself humble like this garden bed upon which everyone treads, and like this spice with which everyone perfumes himself, i.e., which benefits

not only the one who wears it, his Torah study will endure. But if not, his Torah study will not endure.

⁶⁸ And Rabbi Eliezer further said: What is the meaning of that which is written: “Tablets [luḥot] of stone” (Exodus 31:18)? If a person makes his cheeks [leḥayav] like this stone that does not wear away, his Torah study will endure. But if not, i.e., if he is not diligent in his studies, his Torah study will not endure.

⁶⁹ And, lastly, Rabbi Eliezer said: What is the meaning of that which is written: “And the tablets were the work of God, and the writing was the writing of God, engraved upon the tablets” (Exodus 32:16)? This teaches that had the first tablets, the subject of this verse, not been broken, the Torah would never have been forgotten from the Jewish people, as the Torah would have been engraved upon their hearts.

⁷⁰ Rav Aḥa bar Ya’akov said: Had the tablets not been broken, no nation or tongue would ever have ruled over them, as it is stated: “Engraved”; do not read it engraved [ḥarut] but rather freedom [ḥeirut].

⁷¹ Similarly, Rav Mattana said: What is the meaning of that which is written: “The well that the princes dug out, that the nobles of the people delved, with the scepter, with their staves. And from the wilderness they went to Mattanah” (Numbers 21:18)? If a person makes himself humble like this wilderness, which is open to all and upon which everyone treads, his Torah study will endure and be given to him as a gift [mattana]. And if not, his Torah study will not endure.

⁷² The Gemara relates that Rav Yosef had a grievance against Rava, son of Rav Yosef bar Ḥama, who is usually referred to in the Gemara simply as Rava, and as a result of the grievance the two would never meet. When the eve of Yom Kippur arrived, Rava said: I will go and appease him. He went and found Rav Yosef’s attendant mixing him a cup of wine. He said to the attendant: Give it to me, and I will mix it. He gave it to Rava, and Rava mixed it. Rav Yosef was blind and could not see his visitor, but when he tasted the wine he said: This mixture is similar to the mixture of Rava, son of Rav Yosef bar Ḥama, who would add extra water to the wine. Rava said to him: It is I.

⁷³ Rav Yosef said to him: Do not sit on your knees until you have explained these verses to me: What is the meaning of that which is written: “And from the wilderness to Mattanah; and from Mattanah to Nahaliel; and from Nahaliel to Bamoth; and from Bamoth to the valley in the field of Moab, to the top of Pisgah, which looks out toward the desert” (Numbers 21:19–20)?

⁷⁴ Rava said to him: If a person makes himself humble like this wilderness, which is open to all and upon which everyone treads, the Torah will be given to him as a gift [mattana]. And once it is given to him as a gift, he inherits it [neḥalo] and God [El] makes it His inheritance, as it is stated: “And from Mattanah to Nahaliel.” And once God has made it His inheritance, he rises to greatness, as it is stated: “And from Nahaliel to Bamoth,” which means heights.

⁷⁵ And if he becomes haughty, the Holy One, Blessed be He, lowers him, as it is stated: “And from Bamoth to the valley.” And if he repents, the Holy One, Blessed be He, raises him back up, as it is stated: “Every valley shall be exalted” (Isaiah 40:4).

⁷⁶ Rav Huna said: What is the meaning of that which is written: “Your flock found a dwelling in it; You, O God, prepare of Your goodness for the poor” (Psalms 68:11)? If a person makes himself like an animal that tramples its prey and eats it immediately, without being particular about its food, i.e.,

if a scholar immediately reviews what he has heard from his teacher; and some say, like an animal that soils and eats, i.e., if a scholar is not particular about maintaining his honor during his Torah study, just as an animal is not particular about the quality of its food, his Torah study will endure. And if not, his Torah study will not endure. And if he does so, the Holy One, Blessed be He, will Himself prepare him a feast, as it is stated: “You, O God, prepare of Your goodness for the poor,” indicating that God in His goodness will Himself prepare a feast for that pauper.

⁷⁷ Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: What is the meaning of that which is written: “He who guards the fig tree shall eat its fruit” (Proverbs 27:18)? Why were matters of Torah compared to a fig tree? Just as this fig tree,

⁷⁸ whenever a person searches it for figs to eat, he finds figs in it, as the figs on a tree do not ripen all at once, so that one can always find a recently ripened fig, so too, with matters of Torah. Whenever a person meditates upon them, he finds in them new meaning.

⁷⁹ Rabbi Shmuel bar Naḥmani said: What is the meaning of that which is written: “A loving hind and a graceful roe, let her breasts satisfy you at all times, and be you ravished always with her love” (Proverbs 5:19)? Why were matters of Torah compared to a hind? To tell you that just as with a hind, its womb is narrow and it is cherished by its mate each and every hour like the first hour, so too, matters of Torah are cherished by those who study them each and every hour like the first hour.

⁸⁰ “And a graceful roe” is expounded as follows: That the Torah bestows grace upon those who study it. “Let her breasts satisfy you at all times”; why were matters of Torah compared to a breast? Just as with a breast, whenever a baby searches it for milk to suckle, he finds milk in it, so too, with matters of Torah. Whenever a person meditates upon them, he finds new meaning in them.

⁸¹ “And be you ravished always with her love”; your love for Torah should always distract you from worldly matters, as was the case with Rabbi Elazar ben Pedat. They said of him, of Rabbi Elazar, that he would sit and engage in Torah study in the lower marketplace of Tzipori, and his cloak was lying in the upper marketplace of Tzipori. His mind was so focused on Torah study that he would act in this unusual manner. In this regard, the Gemara relates that it was taught in a baraita that Rabbi Yitzḥak ben Elazar said: One time a person came to take this cloak for himself and found a serpent on it guarding it.

⁸² In further praise of the Torah and those who study it, a Sage of the school of Rav Anan taught: What is the meaning of that which is written: “You that ride on white donkeys, you that sit on rich cloths, and you that walk by the way, tell of it” (Judges 5:10)? “You that ride on white donkeys”; these are Torah scholars, who travel from city to city and from province to province to study Torah. “White [tzeḥorot]” are those who make it clear as noon [tzahorayim], i.e., who make the Torah comprehensible. “You that sit on couches [midin]” refers to those who judge [danin] an absolutely true judgment. “And you that walk”; these are the masters of Bible, who are the least important of the scholars. “By the way”; these are the more important masters of Mishna. “Tell of it”; these are the masters of Talmud, the most important of all, as all their conversation is about matters of Torah.

⁸³ The Gemara continues with this topic: Rav Sheizvi said in the name of Rabbi Elazar ben Azarya: What is the meaning of that which is written: “The slothful man [remiyya] will not roast [yaḥarokh] his catch” (Proverbs 12:27)? The deceitful [rammai] hunter will not live [yihyeh] a long life [ya’arikh]. A deceitful hunter continues to hunt more and more animals without holding on to the

animals he has already caught. Similarly, someone who continues to study new material without reviewing what he has already learned will not be successful.

⁸⁴ Rav Sheshet said: Will a deceitful hunter have something to roast? One who acts in this way is a fool, but it is hard to describe him as deceitful.

⁸⁵ When Rav Dimi came from Eretz Yisrael to Babylonia, he said: This is comparable to a hunter who is hunting birds; if he breaks the wings of the birds one by one as he captures them so that they will be unable to fly off again, his prey will be secured, and if not, they will not be secured. According to this explanation, the word *rammai* is interpreted as cunning rather than deceitful. A cunning hunter secures his prey; similarly, a cunning student reviews each lesson and thereby retains that which he learns.

⁸⁶ Similarly, Rabba said that Rav Sehora said that Rav Huna said: What is the meaning of that which is written: “Wealth gotten through vanity [hevel] shall be diminished; but he that gathers little by little shall increase” (Proverbs 13:11)? If a person turns his Torah into bundles [*havilot*, derived from the word *hevel* by replacing the *heh* with a *het*], studying large amounts at the same time, his Torah will diminish. And if not, i.e., if he learns little by little and reviews what he has learned, he that gathers little by little shall increase.

⁸⁷ Rabba said: The Sages know this, but nevertheless transgress it, i.e., they fail to heed this advice. Rav Nahman bar Yitzhak said: I did this, learning little by little and regularly reviewing what I had learned, and my learning has indeed endured.

⁸⁸ The Gemara continues to discuss methods of Torah study. The Sages taught the following baraita: What was the order of teaching the Oral Law? How was the Oral Law first taught? Moses learned directly from the mouth of the Almighty. Aaron entered and sat before him, and Moses taught him his lesson as he had learned it from God. Aaron moved aside and sat to the left of Moses. Aaron’s sons entered, and Moses taught them their lesson while Aaron listened. Aaron’s sons moved aside; Elazar sat to the right of Moses and Itamar sat to the left of Aaron. Rabbi Yehuda disagreed with the first tanna with regard to the seating arrangements and said: Actually, Aaron would return to sit to the right of Moses. The elders entered and Moses taught them their lesson. The elders moved aside, and the entire nation entered and Moses taught them their lesson. Therefore, Aaron had heard the lesson four times, his sons heard it three times, the elders heard it twice, and the entire nation heard it once.

⁸⁹ Moses then departed to his tent, and Aaron taught the others his lesson as he had learned it from Moses. Aaron then departed and his sons taught the others their lesson. His sons then departed and the elders taught the rest of the people their lesson. Hence everyone, Aaron, his sons, the elders and all the people, heard the lesson taught by God four times.

⁹⁰ From here Rabbi Eliezer said: A person is obligated to teach his student his lesson four times. And it follows by way of an a fortiori inference: If Aaron, who learned from Moses himself, and Moses had received the Torah directly from the mouth of the Almighty, needed this regimen; an ordinary student learning from the mouth of an ordinary teacher, how much more so must he review his studies four times.

⁹¹ Rabbi Akiva says: From where do we derive that a person is obligated to teach his student until he learns the material and understands it? As it is stated: “Now therefore write this song for you, and teach it to the children of Israel; put it in their mouths, that this song may be a witness for me against

the children of Israel” (Deuteronomy 31:19). This verse indicates that one must teach Torah to others. And from where do we derive that one must teach his students until the material is organized in their mouths? As it is stated: “Put it in their mouths,” so that they should be capable of teaching it to others.

⁹² And from where do we derive that a teacher must show his students the reasons for the teachings? As it is stated: “Now these are the judgments which you shall set before them” (Exodus 21:1), which indicates that the lesson must be set out in logical fashion for the students.

⁹³ With regard to the manner in which the Oral Law was taught, the Gemara asks: They should all have studied from Moses himself four times. The Gemara answers: The teaching was divided in this manner in order to give honor to Aaron and his sons, and also to give honor to the elders.

⁹⁴ The Gemara asks why a different method was not adopted, one which would have involved less trouble for Moses: Aaron should have entered and studied from Moses; his sons should then have entered and studied from Aaron; the elders should then have entered and studied from Aaron’s sons; and then they should have gone out and taught all of the Jewish people. The Gemara answers: Since Moses had studied directly from the mouth of the Almighty, it would be more effective for everyone to hear the Torah at least once from Moses himself.

⁹⁵ The Master said in the baraita that Rabbi Yehuda says: Actually, Aaron would return to sit to the right of Moses, i.e., no matter how many people were present Aaron always sat to Moses’ right. The Gemara asks: In accordance with whose opinion was it taught in a baraita dealing with the rules of etiquette: If three people were walking along the way, the teacher should walk in the middle and the greater of the two students should be to his right and the lesser one should be to his left? Shall we say that it is the opinion of Rabbi Yehuda and not that of the Sages? According to the Sages, the greater of the two students should be positioned to the left of the teacher so that the student’s right side faces his teacher.

⁹⁶ The Gemara answers: You can even say that this baraita was taught in accordance with the opinion of the Sages, and the reason they said that Aaron remained to Moses’ left even after the others entered is due to the trouble to Aaron if he would have to stand up and sit down again.

⁹⁷ Having discussed the importance of reviewing one’s Torah study, the Gemara relates that Rabbi Perida had a certain student whom he would have to teach four hundred times, and only then would he learn the material, as he was incapable of understanding it otherwise. One day they requested Rabbi Perida’s presence for a mitzva matter after the lesson. Rabbi Perida taught his student four hundred times as usual, but this time the student did not successfully learn the material.

⁹⁸ Rabbi Perida said to him: What is different now that you are unable to grasp the lesson? He said to him: From the time that they said to the Master that there is a mitzva matter for which he is needed, my mind was distracted from the lesson and every moment I said: Now the Master will get up, now the Master will get up to go and perform the mitzva and he will not complete the lesson. Rabbi Perida said to him: Pay attention this time and I will teach you, and know that I will not leave until you have fully mastered the lesson. He taught him again an additional four hundred times.

⁹⁹ Due to the merit of Rabbi Perida’s great devotion to his students, a Divine Voice emerged and said to him: Is it preferable to you that four hundred years be added to your life, or that you and the rest of your generation will merit the World-to-Come? He said: I prefer that I and my generation merit the

World-to-Come. The Holy One, Blessed be He, said to the angels: Give him both; he shall live a very long life and he and the rest of his generation will merit the World-to-Come.

¹⁰⁰ The Gemara continues its discussion with regard to methods of Torah study: Rav H̥isda said: The Torah can be acquired only with mnemonic signs that aid the memory, as it is stated: “Put it in their mouths.” Do not read the phrase as: Put it [simah], but rather as: Its sign [simanah], thus indicating that mnemonic signs aid in memorizing the material.

¹⁰¹ Rav Taḥalisa of the West, i.e., from Eretz Yisrael, heard this statement and went and said it before Rabbi Abbahu, who said: You learn this idea from there; we learn it from here, as the verse states: “Set up signposts [tziyyunim] for yourself; establish you markers” (Jeremiah 31:20), which is understood to mean: Establish mnemonic signs for the Torah. And from where may it be inferred that this term tziyyun denotes a sign? As it is written in a different verse: “And when they that pass through shall pass through the land, and any sees a human bone, he shall set up a sign [tziyyun] by it” (Ezekiel 39:15), i.e., a sign that there is a source of ritual impurity at that spot.

¹⁰² Rabbi Eliezer said that we learn this same idea from here: “Say to wisdom, you are my sister, and call understanding, your kinswoman [moda]” (Proverbs 7:4), which means: Establish signs [moda'im] that convey knowledge of the Torah. Rava said with regard to this verse: Set appointed times [mo'adim] for Torah study.

¹⁰³ And this idea, that one must exert great effort to retain one's Torah knowledge, is in accordance with what Avdimi bar Ḥama bar Dosa said: What is the meaning of that which is written: “It is not in heaven...nor is it beyond the sea” (Deuteronomy 30:12–13)? “It is not in heaven” indicates that if it were in heaven, you would have to ascend after it, and if it were beyond the sea, you would have to cross after it, as one must expend whatever effort is necessary in order to study Torah.

¹⁰⁴ Expounding the verse differently, Rava said: “It is not in heaven” means that Torah is not to be found in someone who raises his mind over it, like the heavens, i.e., he thinks his mind is above the Torah and he does not need a teacher; nor is it to be found in someone who expands his mind over it, like the sea, i.e., he thinks he knows everything there is to know about the topic he has learned.

¹⁰⁵ Rabbi Yoḥanan said: “It is not in heaven” means that Torah is not to be found in the haughty, those who raise their self-image as though they were in heaven. “Nor is it beyond the sea” means that it is not to be found among merchants or traders who are constantly traveling and do not have the time to study Torah properly.

¹⁰⁶ After the lengthy aggadic digression, the Gemara returns to the topic of the mishna, extending the outskirts of a city. The Sages taught in the Tosefta: How does one extend the boundaries of cities? If the city is long, in the shape of a rectangle, the Shabbat limit is measured from the boundary as it is. If the city is round, one creates simulated corners for it, rendering it square, and the Shabbat limit is measured from there. If it is square, one does not create additional corners for it. If the city was wide on one side and narrow on the other side, one regards it as though the two sides were of equal length, adding to the narrow side to form a square.

¹⁰⁷ If one house in a row of dwellings was protruding like a turret, or if two houses were protruding like two turrets, one regards them as though a cord is stretched over their outer edge along the length of the city, and one measures two thousand cubits beginning from there. If the city was shaped like a

bow or like the Greek letter gamma, one regards it as though the interior space were full of houses and courtyards, and one measures two thousand cubits beginning from there.

¹⁰⁸ The Gemara proceeds to analyze the Tosefta. The Master said: If the city is long, the Shabbat limit is measured from the boundary as it is. The Gemara expresses surprise: That is obvious. The Gemara explains: It was necessary to teach this halakha only with regard to a case where the city is long and narrow. Lest you say: Let us give its breadth the dimension of its length and regard the city as if it were square, it teaches us that we do not do so.

¹⁰⁹ The Tosefta stated: If the city is square, one does not create additional corners for it. Once again the Gemara asks: That is obvious. The Gemara answers: It was necessary to teach this halakha only with regard to a case where the shape of the city is square but that square is not aligned with the four directions of the world, i.e., north, south, east, and west. Lest you say: Let us align the square with the four directions of the world, it teaches us that this is not done.

¹¹⁰ The Tosefta also stated: If one house in a row of dwellings was protruding like a turret, or if two houses were protruding like two turrets, one regards them as though a cord is stretched over their outer edge along the length of the city, and one measures two thousand cubits beginning from there. The Gemara asks: Now, if with regard to one house, you said to extend the city's boundaries, with regard to two houses, is it necessary to say so?

¹¹¹ The Gemara answers: It was necessary to teach this halakha only with regard to a case where the two houses were protruding on two different sides of the city. Lest you say: When a house protrudes from one side, we say that the city is extended even due to a single house, but if houses protrude from two sides we do not say so; therefore, it teaches us to regard the city as though it is extended on both sides.

¹¹² The Tosefta stated: If the city was shaped like a bow or like the Greek letter gamma, one regards it as if the interior space were full of houses and courtyards, and one measures two thousand cubits beginning from there. Rav Huna said: With regard to a city that is shaped like a bow, the following distinction applies: If there are less than four thousand cubits between the two ends of the bow, so that the Shabbat limits measured from the two ends of the city overlap, the interior space of the bow is regarded as if it were filled with houses, and one measures the Shabbat limit of the city from the imaginary bowstring stretched between the two ends of the bow. But if that is not the case, and the distance between the two ends of the bow is four thousand cubits or more, one measures the Shabbat limit from the bow itself.

¹¹³ The Gemara asks: Did Rav Huna actually say that the distance between two sections of a single city that renders them separate entities is four thousand cubits? Didn't Rav Huna say: With regard to the wall of a city that was breached, even if there is a gap between two sections of the city, the city is still considered a single entity if the breach is no more than $141\frac{1}{3}$ cubits? However, if the breach is wider, the two sections are considered separate entities. Apparently, a distance of $141\frac{1}{3}$ cubits suffices to separate between two sections of a city and to render them separate entities.

¹¹⁴ Rabba bar Ulla said: That is not difficult. Here, where Rav Huna speaks of four thousand cubits, he is referring to a case where the gap is on only one side, as the other side, the bow, is inhabited; but there, where he speaks of $141\frac{1}{3}$ cubits, he is referring to a case where the breach is from two sides, which truly renders the city two separate entities.

¹¹⁵ The Gemara asks: If so, what is Rav Huna teaching us in the case of the breached city wall, that one allocates a karpef, an area measuring slightly more than seventy cubits, to this section of the city and a karpef to that section of the city? Didn't Rav Huna already say this on one occasion? As we learned in a mishna:

¹¹⁶ One allocates a karpef to every city, i.e., an area of slightly more than seventy cubits is added to the boundary of a city and the Shabbat limit is measured from there; this is the statement of Rabbi Meir. And the Sages say: They spoke of the measure of a karpef only with regard to the space between two adjacent cities, i.e., if adjacent cities are separated by a shorter distance than that, they are considered one city.

¹¹⁷ And it was stated that the amora'im disputed this issue. Rav Huna said: A karpef is added to this city and another karpef is added to that city, so that as long as the cities are not separated by a distance of slightly more than 141 cubits, they are considered one entity. And Ḥiyya bar Rav said: One allocates only one karpef to the two of them. Accordingly, Rav Huna has already stated that the measure of a karpef is added to both cities in determining whether they are close enough to be considered a single entity.

¹¹⁸ The Gemara answers: It is necessary for Rav Huna to state this halakha in both instances, as, had he taught it to us only here, in the case of the breached wall, one might have said that a karpef is allocated to each city only in that case because it had an aspect of permissibility from the outset, namely, the two sections originally formed one city. But there, with regard to the two cities, say that this is not the case and the two cities are only considered as one if they are separated by less than the measure of a single karpef.

¹¹⁹ And had he taught it to us only there, with regard to the two cities, one might have said that only in that case is a karpef allocated to each city because one karpef would be too cramped for the use of both cities. But here, in the case of the breached wall, where one karpef would not be too cramped for the use of both sections, as the vacant space is inside the city, in an area that had not been used in this fashion before the wall was breached, say that this is not the case and a single karpef is sufficient. Therefore, it was necessary to state this halakha in both cases.

¹²⁰ The Gemara asks: And how much distance may there be between the imaginary bowstring and the center of the bow in a city that is shaped like a bow? Rabba bar Rav Huna said: Two thousand cubits. Rava, son of Rabba bar Rav Huna, said: Even more than two thousand cubits.

¹²¹ Abaye said: It stands to reason in accordance with the opinion of Rava, son of Rabba bar Rav Huna, as if one wants, he can return and go anywhere within the bow by way of the houses. Since one can always walk to the end of the city, and from there he is permitted to walk down the line of the imaginary bowstring, he should also be permitted to walk from the middle of the bow to the bowstring, even if the distance is more than two thousand cubits.

¹²² We learned in the mishna: If there were remnants of walls ten handbreadths high on the outskirts of a city, they are considered part of the city, and the Shabbat limit is measured from them. The Gemara asks: What are these remnants? Rav Yehuda said: Three partitions that do not have a roof over them, which are considered part of the city despite the fact that they do not comprise a proper house.

¹²³ The dilemma was raised before the Sages: In the case of two partitions that have a roof over them, what is the halakha? Is this structure also treated like a house? Come and hear a proof from the Tosefta: These are the structures that are included in the city's extension: A monument [nefesh] over a grave that is four cubits by four cubits; and a bridge or a grave in which there is a residence; and a synagogue in which there is a residence for the sexton or synagogue attendant, and which is used not only for prayer services at specific times; and an idolatrous temple in which there is a residence for the priests; and similarly, horse stables and storehouses in the fields in which there is a residence; and small watchtowers in the fields; and similarly, a house on an island in the sea or lake, which is located within seventy cubits of the city; all of these structures are included in the city's boundaries.

¹²⁴ And these structures are not included in the boundaries of a city: A tomb that was breached on both sides, from here to there, i.e., from one side all the way to the other; and similarly, a bridge and a grave that do not have a residence; and a synagogue that does not have a residence for the sexton; and an idolatrous temple that does not have a residence for the priests; and similarly, stables and storehouses in fields that do not have a residence, and therefore are not used for human habitation; and a cistern, and an elongated water ditch, and a cave, i.e., a covered cistern, and a wall, and a dovecote in the field; and similarly, a house on a boat that is not permanently located within seventy cubits of the city; all of these structures are not included in the city's boundaries.

¹²⁵ In any case, it was taught that a tomb that was breached on both sides, from here to there, is not included in the city's boundaries. What, is this not referring to a case where there is a roof on the tomb, and the two remaining walls are not included in the city's boundaries even though they have a roof? The Gemara answers: No, the Tosefta is referring to a case where there is no roof on the tomb.

¹²⁶ The Gemara asks: A house on an island in the sea, what is it suitable for if it is not actually part of the inhabited area? Rav Pappa said: It is referring to a house used to move a ship's utensils into it for storage.

¹²⁷ The Gemara raises another question with regard to the Tosefta: And is a cave on the outskirts of a city really not included in its extension? Didn't Rabbi Ḥiyya teach in a baraita: A cave is included in its extension? Abaye said: That statement applies when there is a structure built at its entrance, which is treated like a house on the outskirts of the city.

¹²⁸ The Gemara asks: If there is a structure at the entrance to the cave, why is the cave mentioned? Let him derive the halakha that it is treated like a house because of the structure itself. The Gemara answers: No, it is necessary only in a case where the cave serves to complete the structure, i.e., where the area of the structure and cave combined are only four by four cubits, which is the minimum size of a house.

¹²⁹ The discussion with regard to measuring Shabbat limits has been referring to a properly built city. Rav Huna said: Those who dwell in huts, i.e., in thatched hovels of straw and willow branches, are not considered inhabitants of a city. Therefore, one measures the Shabbat limit for them only from the entrance to their homes; the huts are not combined together and considered a city.

¹³⁰ Rav Ḥisda raised an objection: The Torah states with regard to the Jewish people in the desert: "And they pitched by the Jordan, from Beit-HaYeshimot to Avel-Shittim in the plains of Moab" (Numbers 33:49), and Rabba bar bar Ḥana said that Rabbi Yoḥanan said: I myself saw that place, and it is three parasangs [parsa], the equivalent of twelve mil, by three parasangs.

¹³¹ And it was taught in a baraita: When they would defecate in the wilderness, they would not defecate in front of themselves, i.e., in front of the camp, and not to their sides, due to respect for the Divine Presence; rather, they would do so behind the camp. This indicates that even on Shabbat, when people needed to defecate, they would walk the entire length of the camp, which was considerably longer than two thousand cubits, which equals one mil. It is apparent that the encampment of the Jewish people was considered to be a city despite the fact that it was composed of tents alone. How, then, did Rav Huna say that those who live in huts are not considered city dwellers?

¹³² Rava said to him: The banners of the desert, you say? Are you citing a proof from the practice of the Jewish people as they traveled through the desert according to their tribal banners? Since it is written with regard to them: “According to the commandment of the Lord they remained encamped, and according to the commandment of the Lord they journeyed” (Numbers 9:20), it was considered as though it were a permanent residence for them. A camp that is established in accordance with the word of God is regarded as a permanent settlement.

¹³³ Rav Hinnana bar Rav Kahana said that Rav Ashi said: If there are three courtyards of two properly built houses among a settlement of huts, they have been established as a permanent settlement, and the Shabbat limit is measured from the edge of the settlement.

¹³⁴ On the topic of people who dwell in huts, Rav Yehuda said that Rav said: Those who dwell in huts, such as shepherds who pass from one place to another and stay in a single location for only a brief period, and desert travelers, their lives are not lives, i.e., they lead extremely difficult lives, and their wives and children are not always their own, as will be explained below.

¹³⁵ That was also taught in the following baraita: Eliezer of Biriyya says: Those who dwell in huts are like those who dwell in graves. And with regard to one who marries their daughters, the verse says: “Cursed be he who sleeps with any manner of beast” (Deuteronomy 27:21).

¹³⁶ The Gemara asks: What is the reason for this harsh statement with regard to the daughters of those who dwell in huts or travel in deserts? Ulla said: They do not have bathhouses, and therefore the men have to walk a significant distance in order to bathe. There is concern that while they are away their wives commit adultery, and that consequently their children are not really their own. And Rabbi Yoḥanan said: Because they sense when one another immerses. Similarly to the men, the women must walk a significant distance in order to immerse in a ritual bath. Since the settlement is very small and everyone knows when the women go to immerse, it is possible for an unscrupulous man to use this information to engage in adulterous relations with them by following them and taking advantage of the fact that they are alone.

¹³⁷ The Gemara asks: What is the practical difference between the explanations of Ulla and Rabbi Yoḥanan? The Gemara explains: There is a practical difference between them in a case where there is a river that is adjacent to the house, and it is suitable for immersion but not for bathing. Consequently, the women would not have to go far to immerse themselves, but the men would still have to walk a significant distance in order to bathe.

¹³⁸ Having mentioned various places of residence, the Gemara cites what Rav Huna said: Any city that does not have vegetables, a Torah scholar is not permitted to dwell there for health reasons. The Gemara asks: Is that to say that vegetables are beneficial to a person’s health? Wasn’t it taught in a

baraita: Three things increase one's waste, bend his stature, and remove one five-hundredth of the light of a person's eyes; and they are

¹³⁹ coarse bread, made from coarse flour that has not been thoroughly sifted, new beer, and vegetables. This indicates that vegetables are harmful to one's well-being. The Gemara answers: This is not difficult. This statement of Rav Huna is referring to garlic and leeks, which are beneficial; that baraita is referring to other vegetables, which are harmful. As it was taught in a baraita: Garlic is a healthy vegetable; leeks are a half-vegetable, meaning they are half as healthful. If radish has been seen, an elixir of life has been seen, as it is very beneficial to the body.

¹⁴⁰ The Gemara asks: Wasn't it taught in a different baraita: If radish has been seen, a lethal drug has been seen? The Gemara answers: This is not difficult. Here, in the baraita that deprecates radish, it is referring to its leaves; there, in the baraita that praises radish, it is referring to the roots. Alternatively, here it is referring to the summer, when radish is beneficial; there, it is referring to the winter, when it is harmful.

¹⁴¹ On the topic of the attributes of different locations, Rav Yehuda also said that Rav said: In any city that has many ascents and descents, which can be taxing to the body, people and animals die at half their days, meaning half of their life expectancy. The Gemara expresses surprise: Can it enter your mind that Rav really meant to say that they die prematurely? Even in such cities they are known to have a regular life expectancy. Rather, say: They grow old at half their days, i.e., they age prematurely due to the strain of climbing up and down the inclines. Similarly, Rav Huna, son of Rav Yehoshua, said: The ascents and descents between Beit Biri and Beit Neresh, my place of residence, made me grow old prematurely.

¹⁴² With regard to the measurements of a city's boundaries, the Sages taught the following baraita: If, in order to measure the Shabbat limit, one comes to square a city, i.e., to extend the city's boundaries to include all of its protrusions within an imaginary square, he squares it so that the sides of the square align with the four directions of the world. He sets the northern side of the square to align with the north of the world, and its southern side to align with the south of the world. And your sign by which you can recognize the directions of the world is as follows: The constellation of Ursa Major is in the north and Scorpio is in the south. The directions of the city are determined by these constellations.

¹⁴³ Rabbi Yosei says: If one does not know how to square the city in alignment with the four directions of the world based upon the constellations, he should square it based upon the seasons, although this is less precise. How so? Where the sun rises and sets on the longest day of the year, the summer solstice, this route of the sun is the face of the north. The sun rises in the northeast and sets in the northwest, and thus travels from east to west across the north side of the world. Conversely, where the sun rises and sets on the shortest day of the year, the winter solstice, this route of the sun is the face of the south. Whereas at the vernal equinox and the autumnal equinox, when day and night are equal in length, the sun rises in the middle of the east and sets in the middle of the west.

¹⁴⁴ As it is stated: "One generation passes away and another generation comes; but the earth abides forever. The sun also rises and the sun goes down, and hastens to its place, where it rises again. It goes toward the south, and turns about to the north; round and round goes the wind, and on its circuits the wind returns" (Ecclesiastes 1:4–6). The verse is understood as describing the sun's movements, as follows: "It goes toward the south" during the day; "and turns about to the north," on

the other side of the earth, at night. “Round and round goes the wind [ruah];” the word ruah can also mean direction or side. Rabbi Yosei explains that these are the face of the east and the face of the west; sometimes the sun traverses them visibly, and sometimes it turns about them without being seen.

¹⁴⁵ Rav Mesharshiya said: There is no validity to these rules established by Rabbi Yosei, as it was taught in a baraita: The sun has never risen, even during the summer, at the northeastern corner of the sky and set in the northwestern corner, nor has the sun ever risen, even during the winter, at the southeastern corner and set in the southwestern corner. Therefore, one can establish the directions of the world according to the sun’s path only during the autumn and spring.

¹⁴⁶ On the topic of the previous discussion with regard to calculating the directions of the world based upon the seasons, Shmuel said: The vernal equinox occurs only at the beginning of one of the four quarters of a day: Either precisely at the beginning of the day, or precisely at the beginning of the night, or at midday, or at midnight.

¹⁴⁷ Similarly, the summer solstice occurs only at certain times of the day: Either at the conclusion of one and a half hours or seven and a half hours of the day or night. And the autumnal equinox occurs only at certain times: Either at the conclusion of three hours or nine hours of the day or night. And the winter solstice occurs only at certain times: Either at the conclusion of four and a half hours or ten and a half hours of the day or night.

¹⁴⁸ And all this is based on the principle that there are only ninety-one days and seven and a half hours between the beginning of one season and the next, as he assumed that a year is exactly 365¼ days. And similarly, each season begins precisely one-half planetary hour past the beginning of the previous season. There are seven heavenly bodies that are each ascendant for an hour at a time in a constant rotation: Mercury, Moon, Saturn, Jupiter, Mars, the Sun, and Venus. Each season begins half an hour later in this rotation than the previous season.

¹⁴⁹ And Shmuel said: There is no instance when the vernal equinox occurs in the planetary hour of Jupiter and it does not break the trees with its strong winds; and there is no instance when the winter solstice occurs in the planetary hour of Jupiter and it does not dry up the seeds. And this applies only where the new moon appeared either at the hour of the Moon or at the hour of Jupiter.

¹⁵⁰ The Sages taught: One who squares a city in order to determine its Shabbat limit renders it like a square tablet, and then he also squares the Shabbat boundaries and renders them like a square tablet. Consequently, after squaring the city, he adds additional squares of two thousand cubits to each of its sides.

¹⁵¹ And when he measures the Shabbat limit, he should not measure the two thousand cubits diagonally from the middle of each corner of the city, because if he were to do so, he would lose the corners, i.e., the limit would extend only two thousand cubits on the diagonal from each of the corners. Rather, he measures the boundary as though he brought a square tablet that is two thousand cubits by two thousand cubits, and places it at each corner at its diagonal.

¹⁵² As a result, it will be found that the city gains four hundred cubits in this corner and another four hundred cubits in the opposite corner. Assuming that the city itself is round and has a diameter of two thousand cubits, as will be explained below, when the borders of the city are squared, approximately four hundred cubits are added to the city at each corner. When one then squares the Shabbat

boundaries, it is found that the Shabbat boundaries gain eight hundred cubits in this corner and eight hundred cubits in the opposite corner. Consequently, by squaring both the city itself and its Shabbat boundaries, it is found that the city and the Shabbat boundaries together gain 1,200 cubits in this corner and 1,200 cubits in the opposite corner.

¹⁵³ Abaye said: And you find this projection of the additions to the city's borders and Shabbat boundaries to be correct in the case of a round city that is two thousand cubits by two thousand cubits.

¹⁵⁴ The Gemara cites a similar discussion with regard to the Levite cities, the forty-eight cities given to the Levites in Eretz Yisrael instead of a tribal inheritance. It was taught in a baraita that Rabbi Eliezer, son of Rabbi Yosei, said: The boundary of the cities of the Levites extends two thousand cubits in each direction beyond the inhabited section of the city. Remove from them a thousand cubits of open space just beyond the inhabited area, which must be left vacant. Consequently, the open space is one quarter of the extended area, and the rest is fields and vineyards.

¹⁵⁵ The Gemara asks: From where are these matters? From where is it derived that the open space surrounding the cities of the Levites measured a thousand cubits? Rava said: As the verse states: "And the open spaces of the cities, that you shall give to the Levites, shall be from the wall of the city and outward a thousand cubits round about" (Numbers 35:4). The Torah states: Surround the city with a thousand cubits on all sides to serve as an open space. Consequently, the open space is one quarter of the area.

¹⁵⁶ The Gemara asks: Is it one quarter? It is one half. One thousand cubits is exactly half of the two thousand cubits incorporated into the boundary of the cities of the Levites. Rava said: Bar Adda the surveyor explained the calculation to me: You will find this in a city that is two thousand cubits by two thousand cubits. How many cubits is the extended boundary of the city itself, without the corners? Sixteen million square cubits. Squares measuring two thousand by two thousand cubits are appended to each of the four sides of the city. The area of each of these squares is four million square cubits, and the total area of all the additional squares is sixteen million square cubits. How many cubits are the corners? Sixteen million square cubits, as additional squares of two thousand by two thousand cubits are appended to the corners of the outer boundaries of the cities. Subtract eight million square cubits from the area of the extended boundary for the open space around the city; the first thousand cubits beyond the inhabited part of the city must be left as open space, which amounts to areas measuring one thousand by two thousand cubits on each of the four sides of the city, for a total of eight million square cubits. And subtract another four million square cubits from the corners, as sections of the corners are parallel to the open spaces. How much is the sum total of the area of the open spaces? Twelve million square cubits.

¹⁵⁷ The Gemara asks: According to this calculation, how is the open space found to be one quarter of the area? It is more than one-third. The entire area of the extended boundary is thirty-two million square cubits and the open space occupies twelve million square cubits, which is more than one-third of the total area of the extended boundary.

¹⁵⁸ The Gemara explains: Bring the four million square cubits of the city itself and add them to the area of the limit, and you will arrive at the correct ratio. The Gemara asks: The open space is still one-third, as the total area of the city and its extended boundary is thirty-six million square cubits, and the area of the open space is twelve million square cubits.

¹⁵⁹ The Gemara answers: Do you think that this halakha was stated with regard to a square city? It was in fact stated with regard to a round city. The open space beyond the city is also round; however, the total extended boundary is squared, so that the total area of a round city with a diameter of two thousand cubits and its extended boundary is thirty-six million square cubits.

¹⁶⁰ The Gemara explains the calculation: How much larger is the area of a square than the area of the circle? One quarter. Subtract one quarter from the twelve million square cubits of open space, and nine million square cubits are left; and nine is precisely one quarter of thirty-six.

¹⁶¹ Abaye said: You will also find that the open space is one quarter of the total area in a city that is a thousand cubits by a thousand cubits. How many cubits is the extended boundary of the city without the corners? It is eight million square cubits. Additional areas are appended along each side of the city and extending two thousand cubits beyond the city itself. Each of these areas is two thousand cubits by one thousand cubits, for a total area of two million square cubits. Since there are four of these zones, their total area is eight million square cubits. How many cubits are the corners? They are sixteen million square cubits, as squares of two thousand cubits by two thousand cubits are added to each of the four corners.

¹⁶² Subtract four million square cubits of the extended boundary for the area of the open space, which is a thousand cubits by a thousand cubits on each side, and an additional four million square cubits from the corners, a thousand cubits by a thousand cubits in each corner, which are connected to the open space. How much is the sum total? It is eight million square cubits.

¹⁶³ The Gemara asks: According to this calculation, the eight million square cubits of open space are one-third of the total area of the extended boundary, which is twenty-four million square cubits. The Gemara answers as it answered above: Do you think that this halakha was stated with regard to a square city? It was stated with regard to a round city. How much larger is the area of a square than the area of a circle? It is one quarter of the area of the circle. Subtract one quarter from the eight million square cubits of open space, and six million square cubits are left; and six is precisely one quarter of twenty-four.

¹⁶⁴ Ravina said: What is the meaning of the statement that the open space is one quarter? It is one quarter of the boundary. This halakha was indeed stated with regard to a square city. However, there is open space only along the sides of the city but not at its corners. Accordingly, a city that is two thousand cubits by two thousand cubits has a total extended boundary of thirty-two million square cubits, of which eight million square cubits, two thousand cubits by one thousand cubits on each side, is open space. The open space is thus one quarter of the total.

¹⁶⁵ Rav Ashi said the opposite: What is the meaning of the statement that the open space is one quarter of the total extended boundary? One quarter of the corners. Open space is granted only in the corners, and not along the sides. Accordingly, the open space is one thousand cubits by a thousand cubits in each corner, for a total of four million square cubits. The total extended boundary in each corner is two thousand cubits by two thousand cubits, or four million square cubits per corner, which equals a grand total of sixteen million square cubits. Consequently, the open space is one quarter of the total extended boundary.

¹⁶⁶ Ravina said to Rav Ashi: Isn't it written in the verse: "And the open spaces of the cities, that you shall give to the Levites, shall be from the wall of the city and outward one thousand cubits around"

(Numbers 35:4)? The verse indicates that the city is provided with open space on all sides and not merely at its corners

¹⁶⁷ Rav Ashi responded: What is the meaning of around? Around at the corners, i.e., an open space of this size is provided at each corner. As, if you do not say so, that the area of the corners is also called around, with regard to the burnt-offering, as it is written: “And they shall sprinkle the blood around upon the altar” (Leviticus 1:5), here, too, will you say that the blood must be sprinkled literally “around” the altar on all sides? The blood is sprinkled only upon the corners of the altar. Rather, what is the meaning of around? Around the corners, i.e., the mitzva is to sprinkle the blood at the corners, and this is considered sprinkling blood “around upon the altar.” Here too, with regard to the open space of the cities of the Levites, what is the meaning of around? Around the corners.

¹⁶⁸ The Gemara returns to its previous statement that the open space around a city of the Levites is one quarter of the total extended boundary when the city is round. It questions this statement based upon the mishna’s ruling that the boundaries of a city are always delineated as a square. Rav Ḥavivi from Meḥoza said to Rav Ashi: But aren’t there the protrusions of the corners? How can there be a thousand cubits of open space on each side; when the city is squared, the corners of the square protrude into the open space, thus reducing its area?

¹⁶⁹ Rav Ashi replied: We are dealing with a circular city. Rav Ḥavivi responded: But haven’t they squared the city? Rav Ashi responded: Say that we say the following: We view the city as if it were squared. Do we actually add houses and square it? Although for the purpose of calculating the extended boundary we view the city as a square, in actuality the uninhabited sections are part of the open space.

¹⁷⁰ Rav Ḥanilai from Meḥoza said to Rav Ashi: Now, how much larger is the area of a square than the area of a circle? One quarter. Therefore, if we calculate how much area a circular city with a diameter of two thousand cubits gains when it is squared, does it add up to these eight hundred cubits mentioned above? The extra area added is only 667 minus one-third cubits.

¹⁷¹ Rav Ashi said to him: This statement applies only to a circle enclosed within a square, as the area of a circle is three-quarters the area of the square around it. However, with regard to the additional diagonal [alakhsona] space added in the corners of the square, more is required. As the Master said: Every cubit in the side of a square is one and two-fifths cubits in its diagonal. Based on this rule, the calculation is exact.

¹⁷² MISHNA: One allocates a karpef to every city, i.e., the measure of a karpef, which is slightly more than seventy cubits, is added to every city, and the two thousand cubits of the Shabbat limit are measured from there; this is the statement of Rabbi Meir. And the Rabbis say: They spoke of the addition of a karpef only with regard to the space between two adjacent cities. How so? If this city has seventy cubits and a remainder vacant on one side, and that city has seventy cubits and a remainder vacant on the adjacent side, and the two areas of seventy-plus cubits overlap, the karpef combines the two cities into one.

¹⁷³ And likewise, in the case of three villages that are arranged as a triangle, if there are only $141\frac{1}{3}$ cubits separating between the two outer villages, the middle village combines the three villages into one.

¹⁷⁴ GEMARA: The Gemara asks: From where are these matters, that a karpef is added to a city, derived? Rava said: As the verse states: “And the open spaces of the cities, that you shall give to the Levites, shall be from the wall of the city and outward a thousand cubits around. And you shall measure from outside the city on the east side two thousand cubits” (Numbers 35:4–5). The Torah says: Provide a certain vacant space outside the city, and only afterward measure the two thousand cubits.

¹⁷⁵ We learned in the mishna: And the Rabbis say: They spoke of the addition of a karpef only with regard to the space between two adjacent cities. It was stated that the amora'im disagreed with regard to this issue. Rav Huna said: One allocates a karpef to this city and a karpef to that city, so that the two cities together are granted a total of slightly more than 141 cubits. Ḥiyya bar Rav said: One allocates only one common karpef to the two of them.

¹⁷⁶ The Gemara raises possible proofs for each opinion. We learned in the mishna: And the Rabbis say: They spoke of the addition of a karpef only with regard to the space between two adjacent cities. This appears to be a conclusive refutation of the opinion of Rav Huna, as it states that one karpef is allocated rather than two.

¹⁷⁷ The Gemara answers that Rav Huna could have said to you in response to this difficulty: What is meant here by a karpef? It means the principle of a karpef. In actuality, one allocates a karpef to this city and a karpef to that city.

¹⁷⁸ The Gemara comments: So, too, it is reasonable to explain the mishna in the following manner: From the fact that it teaches in the latter clause: If this city has seventy cubits and a remainder vacant on one side, and that city has seventy cubits and a remainder vacant on the adjacent side, and the two areas of seventy-plus cubits overlap, the karpef combines the two cities into one. This indicates that an area of seventy cubits and a remainder is added to each city. The Gemara concludes: Indeed, learn from this that this is the correct understanding of the mishna.

¹⁷⁹ The Gemara asks: Let us say that this mishna is a conclusive refutation of the opinion of Ḥiyya bar Rav, that two adjacent cities are granted only one karpef. The Gemara answers that Ḥiyya bar Rav could have said to you:

¹⁸⁰ In accordance with whose opinion is this clause of the mishna? It is the opinion of Rabbi Meir, who maintains that one allocates a karpef to each city.

¹⁸¹ The Gemara continues to ask: If it is in accordance with the opinion of Rabbi Meir, didn't we already learn in the first clause: One allocates a karpef to each city; this is the statement of Rabbi Meir? What need is there to mention Rabbi Meir's opinion again?

¹⁸² The Gemara answers: It was necessary to mention his opinion again, as, if we had learned his opinion only from that first clause, I might have said that one allocates one karpef for one city and also one karpef for two cities. Therefore, the mishna teaches us that for two cities, one allocates two karpef areas.

¹⁸³ And conversely, if the mishna had taught us this law only here, with regard to two cities, one might have said that only in that case is each city granted a separate karpef, because a smaller space between the two adjacent cities would be too crowded for the use of both cities. But there, with regard to one city, where the area of the city itself is not too crowded for the use of its residents, one

might say that it is not given any karpef whatsoever. Therefore, it was necessary for the mishna to teach both clauses.

¹⁸⁴ The Gemara tries again to adduce proof from the mishna, in which we learned: And likewise, in the case of three villages that are aligned in a row, if there is only $141\frac{1}{3}$ cubits separating between the two outer ones, the middle village combines the three villages into one. At this point the Gemara understands that the mishna here is dealing with three villages arranged in a straight line. Therefore, it makes the following inference: The reason that the three villages are considered as one is only because there is a middle village, but were there no middle village, they would not be considered as one. This appears to be a conclusive refutation of the opinion of Rav Huna. According to Rav Huna, the two villages should be considered as one even without the middle village, due to the double karpef.

¹⁸⁵ The Gemara rejects this argument: Rav Huna could have said to you: Wasn't it stated with regard to that mishna that Rabba said that Rav Idi said that Rabbi Ḥanina said: It does not mean that the villages are actually aligned in a row of three villages in a straight line. Rather, even if the middle village is off to one side and the outer villages are more than two karpef lengths apart, we see their spacing and make the following assessment: Any case where, if the middle village were placed between the other two so that they were three villages aligned in a row, there would be only a distance of $141\frac{1}{3}$ cubits between one and the other, then the middle village turns the three villages into one. According to this explanation, the mishna can be understood even as a support for the opinion of Rav Huna.

¹⁸⁶ With regard to this case, Rava said to Abaye: How much distance can there be between an outer village and the middle one, if the latter is still to combine the three villages into one? Abaye said to him: Two thousand cubits.

¹⁸⁷ Rava replied: Wasn't it you yourself who said: It is reasonable to rule in accordance with the opinion of Rava, son of Rabba bar Rav Huna, who said: The Shabbat limit of a bow-shaped city is measured from the imaginary bowstring stretched between the two ends of the city, even if the distance between the center of the string and the center of the bow is more than two thousand cubits. Why shouldn't the three villages in this case be considered a single village also, even if they are separated by more than two thousand cubits?

¹⁸⁸ Abaye rejected the comparison: How can you compare? There, in the case of the bow-shaped city, there are houses that combine the city into a single unit, whereas here, there are no houses linking the outer villages. Therefore, if two villages are separated by more than two thousand cubits, the measure of the Shabbat limit, they cannot be considered a single entity.

¹⁸⁹ And Rava said to Abaye: How much distance can there be between one outer village and the other outer village? Abaye expressed surprise at this question: How much distance can there be between them? What is the practical difference to you? Any case where, if the middle village were placed between them, there would be only a distance of $141\frac{1}{3}$ cubits between one and the other, the middle village turns the three villages into one. Therefore, the critical detail is not the distance between the outer villages but the size of the middle village.

¹⁹⁰ Rava continued his line of questioning: Is this true even if the distance between the two outer villages is four thousand cubits? Abaye said to him: Yes. Rava asked: Didn't Rav Huna say the following with regard to a city shaped like a bow: If the distance between its two ends is less than

four thousand cubits, one measures the Shabbat limit from the imaginary bowstring stretched between the two ends of the bow; and if not, one measures the Shabbat limit from the bow itself? This indicates that even if there is an uninterrupted string of houses linking the two ends of the city, if the two ends are separated by more than four thousand cubits, the distance is too great for it to be considered a single city.

¹⁹¹ Abaye said to him: There, in the case of the bow-shaped city, there is no room to say: Fill it in, as there is nothing with which to fill in the empty space between the two ends of the city. However, here, in the case of the villages, there is room to say: Fill it in, as the middle village is seen as though it were projected between the two outer villages, and therefore all three combine into a single village.

¹⁹² Rav Safra said to Rava: With regard to the people of the city of Akistefon, for whom we measure the Shabbat limit from the far end of the city of Ardeshir, and the people of Ardeshir, for whom we measure the Shabbat limit from the far end of Akistefon, as though the two settlements were a single city; isn't there the Tigris River, which separates them by more than 141½ cubits? How can two cities that are separated by more than two karpef-lengths be considered a single entity?

¹⁹³ Rava went out and showed Rav Safra the foundations of a wall of one of the cities, which were submerged in the Tigris River at a distance of seventy cubits and a remainder from the other city. In other words, the two cities were in fact linked through the remnants of a wall submerged in the river.

¹⁹⁴ MISHNA: One may measure a Shabbat limit only with a rope fifty cubits long, no less and no more, as will be explained in the Gemara. And one may measure the limit only at the level of one's heart, i.e., whoever comes to measure the limit must hold the rope next to his chest.

¹⁹⁵ If one was measuring the limit and he reached a canyon or a fence, the height of the fence and the depth of the canyon are not counted toward the two thousand cubits; rather, he spans it and then resumes his measurement. Two people hold the two ends of the rope straight across the canyon or the fence, and the distance is measured as though the area were completely flat. If one reached a hill, he does not measure its height; rather, he spans the hill as if it were not there and then resumes his measurement,

¹⁹⁶ provided he does not thereby go out beyond the city's Shabbat limit, as those watching the surveyor might mistakenly think the limit extends to that point.

¹⁹⁷ If, due to the width of the canyon or hill, he cannot span it, with regard to this situation Rabbi Dostai bar Yannai said in the name of Rabbi Meir: I heard that one may pierce hills. In other words, one measures the distance as if there were a hole from one side of the hill to the other, so that in effect, he measures only the horizontal distance and ignores the differences in elevation.

¹⁹⁸ GEMARA: The Gemara asks: From where are these matters, that the Shabbat limit must be measured with a rope fifty cubits long, derived? Rav Yehuda said that Rav said: They are derived from that which the verse states: "The length of the courtyard shall be one hundred cubits, and the breadth fifty by fifty" (Exodus 27:18). The Torah states: Measure with a rope of fifty cubits, i.e., the length and breadth of the courtyard must be measured "by fifty," with a rope fifty cubits long.

¹⁹⁹ The Gemara asks: This repetitive usage of the word fifty is necessary to teach us something else, namely, that the area of a courtyard is equivalent to a square the size of the Tabernacle's courtyard. To this end, the Torah states: Take a square of fifty cubits by fifty cubits, and surround it with the remaining fifty cubits in order to form a square, each side of which is just over seventy cubits long.

²⁰⁰ The Gemara answers: If so, let the verse state: Fifty, fifty, which would have sufficed to teach us the size and shape of a courtyard. What is the significance of the phrase: Fifty by fifty? Conclude from this that the verse comes to teach two things, both the matter of the square courtyard and that the length of the rope used to measure the Shabbat limit should be fifty cubits long.

²⁰¹ We learned in the mishna: One may measure a Shabbat limit only with a rope fifty cubits long, not less and not more. It was taught in the Tosefta: No less, because a shorter rope improperly increases the Shabbat limit, as the rope is likely to be stretched. And no more, because a longer rope reduces the limit, as the rope is likely to sag due to its weight.

²⁰² Rabbi Asi said: One may measure only with a rope of afsakima. The Gemara asks: What is afsakima? Rabbi Abba said: It is the nargila plant. This name was also not widely known, and therefore the Gemara asks: What is nargila? Rabbi Ya'akov said: A palm tree that has only one fibrous vine wrapped around it. Some say a different version of the previous discussion, according to which the Gemara asked: What is afsakima? Rabbi Abba said: It is the nargila plant. Rabbi Ya'akov disagreed and said: It is a palm tree with one fibrous vine.

²⁰³ It was taught in a baraita that Rabbi Yehoshua ben Ḥanania said: You have nothing better for measuring than iron chains, as they do not stretch. But what shall we do, as the Torah states: "I lifted up my eyes again and looked, and behold a man with a measuring rope in his hand" (Zechariah 2:5), from which it is derived that measurements must be made with a rope.

²⁰⁴ The Gemara asks: Isn't it also written: "And in the man's hand a measuring reed of six cubits long, of one cubit and a handbreadth each" (Ezekiel 40:5), which indicates that reeds may also be used for measuring? The Gemara answers: That is used for measuring gates, which are too narrow to be measured with lengthy ropes.

²⁰⁵ Rav Yosef taught that there are three kinds of rope, each required by halakha for a different purpose: A rope of magag, a kind of bulrush reed; a rope of netzer, made from fibrous palm vines; and a rope of flax.

²⁰⁶ They are used for the following purposes: A rope of magag is utilized for the burning of the red heifer, as we learned in a mishna: They would bind the heifer with a rope of magag and place it on its woodpile, where it would be burned after it was slaughtered. A rope of netzer was required for a sota, a woman suspected of adultery, as we learned in a mishna: Before the sota is compelled to drink the bitter waters, her clothes are torn. And after that a priest brings a mitzri rope, i.e., a rope made of reeds [netzirim], and binds it above her breasts, so that her garments will not fall. A rope of flax is used for measuring.

²⁰⁷ It was stated in the mishna: If he was measuring the limit and he reached a canyon or a fence, he spans the area as if it were completely flat and then resumes his measurement. The Gemara comments: From the fact that it taught that he resumes his measurement, it may be derived by inference that if he cannot span it because it is too wide, he goes to a place where it is narrower so that he can span it. And he spans it, and he then looks for the spot at the same distance that is aligned with his original measurement, and he resumes his measurement from there.

²⁰⁸ The Gemara comments that we have indeed learned this, as the Sages taught the following baraita: In the case of one who was measuring the Shabbat limit and the measurement reached a canyon, if he can span the canyon with a rope of fifty cubits, i.e., if the canyon is less than fifty cubits

wide, he spans it. And if not, i.e., if the valley is more than fifty cubits wide, he goes to a place where it is narrower so that he can span it, and he spans it, and he then looks for the spot at the same distance that aligns with his original measurement, and he resumes his measurement from there.

²⁰⁹ The baraita continues: If the canyon was curved so that it surrounds the city on more than one side, and it cannot be spanned on the side where he wishes to measure the limit, he pierces and ascends, pierces and descends, thereby measuring the canyon's width bit by bit. If he reached a wall, we do not say that he should pierce the wall so that it can be precisely measured; rather, he estimates its width and then leaves and continues on.

²¹⁰ The Gemara asks: Didn't we learn in the mishna: If he reached a canyon or fence, he spans it and then resumes his measurement? Why is a precise measurement required there, whereas in the case of a wall, an estimate is sufficient? The Gemara explains: There, in the mishna, we are dealing with a place whose use is convenient, i.e., where the slope is relatively gentle so that the area can be crossed. Therefore, the area must actually be measured. However, here, in the baraita, the wall's use is not convenient. Since one cannot walk through the wall, an estimate of its width is sufficient.

²¹¹ Rav Yehuda said that Shmuel said: They taught the method of piercing only where a plumb line does not drop straight down, i.e., where the canyon has a slope.

²¹² However, if a plumb line drops straight down, i.e., if the canyon wall is very steep, he measures the width of the canyon properly at the bottom of the canyon, without taking its walls into account.

²¹³ The Gemara asks: And what is the depth of a canyon that may be spanned if it is not more than fifty cubits wide? Rav Yosef said: Up to two thousand cubits; but if it is deeper than that, the slope must be measured as well.

²¹⁴ Abaye raised an objection from the following baraita: If a canyon is up to one hundred cubits deep and up to fifty cubits wide, one may span it; and if not, one may not span it. How could Rav Yosef say that the canyon may be spanned if its depth is less than two thousand cubits? The Gemara answers: He stated his opinion in accordance with the opinion of Aḥerim; as it was taught in a baraita: Aḥerim say: Even if the canyon is two thousand cubits deep and fifty cubits wide, one may span it.

²¹⁵ The Gemara cites an alternate version of the previous discussion. Some say that Rav Yosef said: Even if the canyon is more than two thousand cubits deep, it may be spanned. The Gemara asks: In accordance with whose opinion did Rav Yosef say this? It is not in accordance with the opinion of the first tanna, and it is not in accordance with the opinion of the Aḥerim.

²¹⁶ The Gemara answers: There, where the tanna'im disagree about the depth of a canyon that may be spanned, they refer to a case where a plumb line does not drop straight down and therefore there is reason to measure the slope. Here, however, where Rav Yosef says that the canyon may be spanned even if it is more than two thousand cubits deep, he is referring to a case where a plumb line drops straight down.

²¹⁷ The Gemara asks: And where a plumb line does not drop straight down, how much must it extend from the top of the canyon in order for the wall of the canyon to be considered a slope rather than a vertical wall? Avimi said: Four cubits. If the bed of the canyon lies four cubits beyond the top edge of the canyon, the wall is sloped and must be included in the measurement. And similarly, Rami bar Ezekiel taught, based upon a baraita, that the maximum run is four cubits.

²¹⁸ We learned in the mishna: If he reached a hill, he does not measure its height, but rather he spans the hill as if it were not there and then resumes his measurement. Rava said: They taught this halakha only with regard to a hill that has an incline of ten handbreadths within a run of four cubits. However, with regard to a gentler hill, e.g., one that has an incline of ten handbreadths within five cubits, one must measure the hill properly, i.e., he must include the slope itself in his measurement.

²¹⁹ The Gemara notes that Rav Huna, son of Rav Natan, teaches a lenient formulation of this halakha: Rava said that they only taught this halakha with regard to a hill that has an incline of ten handbreadths within a run of five cubits. However, with regard to a steeper hill that has an incline of ten handbreadths within four cubits, one need not take any precise measurements; instead, he estimates the length of the hill, and then leaves and continues measuring from the other side.

²²⁰ We learned in the mishna that one may measure a canyon or hill located within the Shabbat limit, provided that one does not go out beyond the limit. The Gemara asks: What is the reason for this restriction? Rav Kahana said: It is a decree, lest people say: The measurement of the Shabbat limit comes to here. Since people know that he set out to measure the Shabbat limit, if they see him measuring in a certain spot they will assume that the area is included in the Shabbat limit.

²²¹ We learned in the mishna: If, due to the width of the canyon or hill, one cannot span it, he may pierce it. The Sages taught a baraita which explains this procedure: How does one figuratively pierce a hill? Two people hold the two ends of a measuring rope. The one who is lower down on the hill holds the rope at the level of his heart while the one who is higher holds it at the level of his feet, and they proceed to measure in this fashion. Abaye said: Based on tradition, we hold that one may pierce only with a rope of four cubits.

²²² Rav Nahman said that Rabba bar Avuh said: Based on tradition, we hold that one may not pierce when measuring distances for the rite of the beheaded heifer. This rite is practiced when a murder victim is found, and it is not known who killed him. Judges measure the distance from the location of the corpse to the nearest town, in order to determine which town must perform the rite (Deuteronomy 21). Similarly, one may not pierce when measuring distances with regard to cities of refuge, in order to determine the boundaries within which an accidental murderer is protected from the blood redeemer (Numbers 32). Because these measurements are from the Torah, indirect methods of measurement are insufficient. The area must be measured as though it were flat.

²²³ MISHNA: One may measure the Shabbat limit only with an expert surveyor. If it is discovered that the surveyor extended the limit in one place and reduced it in another place, so that the line marking the Shabbat limit is not straight, one accepts the measurement of the place where he extended the limit and straightens the limit accordingly. Similarly, if the surveyor extended the limit for one and reduced it for another, one accepts the extended measurement.

²²⁴ And furthermore, even a gentile slave and even a gentile maidservant, whose testimonies are generally considered unreliable, are trustworthy to say: The Shabbat limit extended until here; as the Sages did not state the matter, the laws of Shabbat limits, to be stringent, but rather to be lenient. The prohibition to walk more than two thousand cubits is rabbinic in origin and is therefore interpreted leniently.

²²⁵ GEMARA: The Gemara asks: Does this mean that in a place where he extended the limit, yes, the surveyor's measurements are accepted, but in a place where he reduced the limit, no, his measurements are not accepted? If his extended measurement is accepted, his shortened

measurement should certainly be accepted as well. The Gemara answers: Say that the mishna means that the surveyor's measurements are accepted even in a place where he extended the limit, without concern that he might have erred (Tosafot), and that the surveyor's measurements are certainly accepted in places where he reduced the Shabbat limit.

²²⁶ We learned in the mishna: If the surveyor extended the limit for one and reduced it for another, one accepts the extended measurement. The Gemara asks: Why do I need this as well? This clause is the same as that previous clause in the mishna. The Gemara answers that this is what the mishna said: If two surveyors measured the Shabbat limit and one extended the Shabbat limit and one reduced it, one accepts the measurements of the surveyor who extended it.

²²⁷ Abaye said: The measurements of the surveyor who extended the limit are accepted only as long as he does not extend the limit more than the difference between the measure of the Shabbat limit of the city calculated as a diagonal line from the corner of the city and as calculated as a straight line from the side of the city. If, however, the difference in measurements exceeds that amount, the Shabbat limit must be measured again.

²²⁸ We learned in the mishna: As the Sages did not state the matter, the laws of Shabbat limits, to be stringent, but rather to be lenient. The Gemara asks: Wasn't the opposite taught in a baraita: The Sages did not state the matter, the laws of Shabbat limits, to be lenient but rather to be stringent?

²²⁹ Ravina said that there is no contradiction between these two statements: The very institution of Shabbat limits was enacted not to be more lenient than Torah law, but rather to be stringent beyond Torah law. Nonetheless, since Shabbat limits are rabbinic law, the Sages permitted certain leniencies with regard to how the Shabbat limits are measured.

²³⁰ MISHNA: Although this chapter as a whole deals with halakhot governing the joining of Shabbat boundaries, this mishna returns to the halakhot governing a joining of courtyards. If a private city, which does not have many residents, grows and becomes a heavily populated public city, one may establish a joining of the courtyards for all of it, as long as it does not include a public domain as defined by Torah law.

²³¹ And if a public city loses residents over time and becomes a private city, one may not establish an eiruv for all of it unless one maintains an area outside the eiruv that is like the size of the city of Hadasa in Judea, which has fifty residents. Carrying within the eiruv is permitted, but it remains prohibited to carry in the area excluded from the eiruv. The reason for this requirement is to ensure that the laws of eiruv will not be forgotten. This is the statement of Rabbi Yehuda. Rabbi Shimon says: The excluded area need not be so large; rather, it is sufficient to exclude three courtyards with two houses each.

²³² GEMARA: The Gemara asks: What are the circumstances of a private city that becomes a public city? Rav Yehuda said: For example, the Exilarch's village [de'iskarta] was a small village set aside for the Exilarch's family and attendants; since it was frequented by many people, it turned into a public city.

²³³ Rav Nahman said to him: What is the reason for bringing this example? If you say that because large numbers of people are to be found at the residence of the governor [harmana] in order to request licenses and authorizations, and they remind each other of the reason it is permissible to establish an eiruv there, and consequently they will not arrive at mistaken conclusions with regard to

other places, then every city should have the same status, as the entire Jewish people are also found together on Shabbat morning when they come to pray. Rather, Rav Nahman said: For example, the village of Natzu'i was a private city belonging to a single individual before a large influx of residents turned it into a public city.

²³⁴ The Sages taught in a baraita: If a private city becomes public, and a bona fide public domain passes through it, how does one establish an eiruv for it? He places a side post from here, one side of the public domain, and side post from there, the other side; or, he places a cross beam from here, one side of the public domain, and another cross beam from there, the other side. He may then carry items and place them between these symbolic partitions, as the public domain is now considered like one of the courtyards of the city. And one may not establish an eiruv for half the city; rather, one may establish either one eiruv for all of it or separate ones for each alleyway separately without including the other sections of the city.

²³⁵ The baraita continues: If it was originally a public city, and it remains a public city,

²³⁶ and it has only one entrance, as it is surrounded by a wall or enclosed by houses on all sides, one may establish an eiruv for all of it.

²³⁷ The Gemara raises a question concerning this baraita: Who is the tanna who holds that an eiruv may be established for a public domain in this manner? Rav Huna, son of Rav Yehoshua, said: It is Rabbi Yehuda, as it was taught in a baraita: Furthermore, Rabbi Yehuda said: One who has two houses opposite each other on two sides of the public domain, if he chooses, he may create a private domain for himself in the public domain. He may place a ten-handbreadth high post from here, on one side, and an additional post from there, the other side. This creates symbolic walls that provide the public domain with the legal status of a private domain. Or, one may place a beam extending from here, one end of the house, and a beam from there, the other end of the house, thereby creating symbolic partitions across the width of the street. In that way, one is permitted to carry objects and place them in the area between the symbolic partitions, as he would in a private domain. The Rabbis said to him: One may not establish an eiruv in the public domain in that way.

²³⁸ The Master said in the baraita quoted above: And one may not establish an eiruv for half the city. Rav Pappa said: They said this only in a case where one wishes to divide the city according to its length. Generally, a city had a public domain that ran straight across it, from the entrance on one side of the city to the entrance on its other side. The baraita rules that it is prohibited to establish an eiruv separately for the residents of each side of the public domain. But if one wants to divide the city according to its width, he may establish an eiruv for half the city. This distinction is made because in the first case the public domain that runs between the two halves is used by the residents of both halves, and therefore it joins the two into a single unit; in the second case, the residents of each half use only the half of the public domain located on their side and not the half of the public domain located on the other side.

²³⁹ The Gemara asks: In accordance with whose opinion is this halakha? It is not in accordance with the opinion of Rabbi Akiva. As, if it were in accordance with the opinion of Rabbi Akiva, didn't he say that a foot that is permitted in its own place prohibits carrying even in a place that is not its own? Rabbi Akiva holds the following in the case of outer and inner courtyards, in which the residents of each courtyard established their own, independent eiruv: Since the residents of the inner courtyard, who are permitted to carry in their own courtyard, may not carry in the outer courtyard despite the

fact that they have rights of passage there, it is prohibited even for the residents of the outer courtyard to carry there. By the same logic, since the residents of each half of the city are prohibited to carry in the public domain of the city's other half, despite the fact that they may travel there, it should be prohibited for everyone to carry there, and the eiruv should not be functional.

²⁴⁰ The Gemara rejects this argument: Even if you say it is in accordance with the opinion of Rabbi Akiva, Rabbi Akiva stated his opinion there only in a case of two courtyards, one farther inside than the other, as the inner courtyard has no other entrance. Since the residents of the inner courtyard have no choice but to pass through the outer courtyard, the residents of the outer courtyard deny the residents of the inner courtyard exclusive use of their own courtyard; therefore, they can impose restrictions upon them. But here, in the case of two halves of the city, these may go out through this part of the public domain on their side of the city, leading to one entrance to the city, and these may go out through this other part of the public domain, leading to the other entrance to the city. Since the residents of each half do not have to use the portion of the public domain located in the other half, they do not impose any restrictions on the residents of the other half, even if they do in fact use it.

²⁴¹ Some say a different version of the previous discussion. Rav Pappa said: Do not say that it is only if the city is divided according to its length that one may not establish an eiruv for half the city, but if the city is divided according to its width, one may establish a separate eiruv for each half. Rather, even if the city is divided according to its width, one may not establish an eiruv for half the city.

²⁴² The Gemara asks: In accordance with whose opinion is this halakha? It is in accordance with the opinion of Rabbi Akiva. The Gemara rejects this argument: Even if you say it is in accordance with the opinion of the Rabbis, it is possible that the Rabbis stated their opinion there only in the case of two courtyards, one inside the other, as the residents of the inner courtyard can close the door to the outer courtyard and use only their own courtyard. In doing so, they impose no restrictions on the residents of the outer courtyard. But here, with regard to the division of a city, are they able to move the public domain from here? Since the residents of each half cannot be prevented from using the public domain located in the other half, even the Rabbis would agree that the eiruv is ineffective.

²⁴³ The Master said in the previously cited baraita that an eiruv must either be established for all of it or for each alleyway separately. The Gemara asks: What is different about an eiruv for half the city, which is not permissible? The residents of each half prohibit residents of the other from carrying, due to the fact that all the residents may use both halves. Similarly, even if they establish a separate eiruv for each alleyway, the residents should still prohibit residents of the other from carrying, as residents of one alleyway commonly enter other alleyways as well.

²⁴⁴ The Gemara answers: With what are we dealing here? We are dealing with a case where the residents erected a partition at the entrance to the alleyway as an indication that they do not want to be connected to the other alleyways. And it is like that which Rav Idi bar Avin said that Rav Ḥisda said: One of the residents of an alleyway, who made a partition for his entrance to the alleyway as a sign that he does not intend to carry from his house to the alleyway, does not prohibit the other residents of the alleyway from carrying there if he does not join in their eiruv. The reason for this is that this resident has demonstrated his desire to renounce his share of the alleyway.

²⁴⁵ It was taught in the baraita: If it was originally a public city and it is still a public city, and it has only one entrance to the public domain, one may establish an eiruv for the entire city. The Gemara relates: Rabbi Zeira established an eiruv for Rabbi Ḥiyya's city and did not leave any section of the

city out of the eiruv. Abaye said to him: What is the reason that the Master acted in this manner? Why didn't you exclude a section of the city from the eiruv, as required in a public city?

²⁴⁶ Rabbi Zeira said to Abaye: The city Elders told me that Rav Ḥiyya bar Asi used to establish an eiruv for the entire city without excluding any section of it, and I said to myself: If he would establish an eiruv for the whole city, I can learn from this that it was originally a private city and later becomes a public one. Therefore, it is permitted to establish an eiruv for the entire city.

²⁴⁷ Abaye said to him: Those same Elders told me that the reason was different: There was a particular garbage dump on one side of the public domain, which blocked one of the entrances, leaving only one entrance to the public domain. However, now that the garbage dump has been cleared away, it has two entrances, and it is therefore prohibited to establish an eiruv for the whole city without excluding a section from the eiruv. Rabbi Zeira said to him: It was not on my mind, i.e., I was unaware that this was the situation.

²⁴⁸ Rav Ami bar Adda from Harpanya raised a dilemma before Rabba: If a public domain has a ladder on one side, to allow people to scale the wall that blocks it, and an entrance on the other side, what is the halakha? Is it considered a public domain that is open on both sides? Rabba said to him that Rav said as follows: A ladder has the status of an entrance, and therefore the public domain is considered open on both sides.

²⁴⁹ Rav Naḥman said to them: Do not listen to him. Rav Adda said that Rav said as follows: A ladder has the status of an entrance in certain cases, and it has the status of a partition in other cases. It has the status of a partition in the case that we mentioned, where there is a ladder at the end of a public domain. In this case, the ladder is not considered an entrance and therefore the public domain is considered closed at that end. It has the status of an entrance in the case of a ladder between two courtyards. If the residents of the courtyards wish, they may join the two courtyards by means of the ladder and establish one eiruv; if they wish, the two courtyards may each establish a separate eiruv.

²⁵⁰ The Gemara asks: Did Rav Naḥman actually say this? Didn't Rav Naḥman say that Shmuel said: With regard to residents of the ground floor of a courtyard and residents of a balcony, i.e., the floor above the ground floor, who forgot

²⁵¹ and did not establish a joint eiruv, if there is a partition four handbreadths wide in front of the entrance to the balcony, the balcony does not prohibit the residents of the courtyard from carrying, as each area is considered to be independent. And if not, the balcony prohibits the residents of the courtyard from carrying in the courtyard. This indicates that a ladder between two courtyards is always considered an entrance, even when that policy leads to a stringent ruling, unless the two areas are separated by a partition.

²⁵² The Gemara answers: With what are we dealing here? With a case where the balcony is not ten handbreadths high from the ground. Consequently, it does not constitute a domain in its own right, and it is part of the courtyard.

²⁵³ The Gemara asks: If the balcony is not ten handbreadths high and is therefore part of the courtyard, when one places a partition, what of it? The balcony should nevertheless be considered part of the courtyard. The Gemara answers: We are dealing here with a balcony that is entirely fenced off except for a section up to ten cubits wide, which serves as an entrance. In that case, since the

residents of the balcony place a partition at this entrance, they thereby remove themselves entirely from the courtyard.

²⁵⁴ Rav Yehuda said that Shmuel said: With regard to a wall that one lined with ladders, even along a length of more than ten cubits, it still retains the status of a partition. The ladders do not constitute an opening that is more than ten cubits wide, which would cause the wall to be regarded as breached and would invalidate the wall as a partition.

²⁵⁵ Rav Beruna raised a contradiction to Rav Yehuda in the winepress at Rav Ḥanina's house: Did Shmuel actually say that such a wall has the status of a partition? Didn't Rav Naḥman say that Shmuel said: With regard to the residents of a balcony and the residents of a courtyard who forgot and did not establish a joint eiruv, if there is a partition four handbreadths wide in front of the entrance to the balcony, the balcony does not prohibit the residents of the courtyard to carry; and if not, it prohibits the residents of the courtyard from carrying? This indicates that a ladder is considered an entrance, as the courtyard and the balcony are considered connected.

²⁵⁶ Rav Yehuda replied in the same manner as above: With what are we dealing here? We are dealing with a case where the balcony is not ten handbreadths high, and that is why it is regarded as connected to the courtyard. The Gemara asks: If the balcony is not ten handbreadths high, when he places a partition, what of it? The balcony should nevertheless be considered part of the courtyard. The Gemara answers: We are dealing here with a balcony that is entirely fenced off except for a section up to ten cubits wide, which serves as an entrance. In that case, since the residents of the balcony place a partition at this entrance, they thereby remove themselves entirely from the courtyard.

²⁵⁷ The Gemara relates that certain residents of the city of Kakunya came before Rav Yosef and said to him: Provide us with someone who will establish an eiruv for our city. The city had originally been a public city and had turned into a private one, requiring that part of the city be excluded from the eiruv. Rav Yosef said to Abaye: Go, establish an eiruv for them, and see to it that there is no outcry against it in the study hall, i.e., make sure the eiruv is valid beyond any doubt. He went and saw that certain houses opened to the river and not to the city. He said: Let these houses serve as the section excluded from the eiruv for the city.

²⁵⁸ Abaye subsequently retracted and said: This cannot be done, as we learned in the mishna: One may not establish an eiruv for all of it; by inference, if they wanted to establish an eiruv for the entire city, they would have been able to establish such an eiruv, if not for the requirement to exclude a section of the city from the eiruv. However, these houses, which do not open to the city, could not have joined in an eiruv with the rest of the city in any case, and therefore they cannot serve as the excluded section. Rather, I will create windows for them between the courtyards of their houses and the rest of the city, so that if they want to establish an eiruv with the rest of the city by way of the windows, they can establish such an eiruv, and then these houses will be fit to serve as the excluded section.

²⁵⁹ He subsequently retracted again and said: This is not necessary, as Rabba bar Avuh established an eiruv for the entire city of Meḥoza, which was a public city that had become a private one, neighborhood by neighborhood, due to the fact that the neighborhoods were separated by ditches from which the cattle would feed. In other words, Rabba bar Avuh established a separate eiruv for each neighborhood without excluding any of them, as he maintained that each one was an excluded

section for the other. And although the neighborhoods would not have been able to establish an eiruv together even if they wanted to, due to the ditches separating them, the neighborhoods were still able to serve as excluded areas for each other.

²⁶⁰ He subsequently retracted once again and said: The two cases are not really comparable. There, in Mehoza, if they wanted, they could have established a single eiruv by way of the roofs; but these houses cannot establish an eiruv with the other houses of the city, and therefore we must create windows for them.

²⁶¹ He subsequently retracted yet again and said: Windows are also not necessary. As, that storehouse of straw which belonged to Mar bar Pofidata from Pumbedita was designated as the section excluded from the eiruv arranged for the city of Pumbedita, which proves that it is not necessary for the excluded section to be one that could have been included in an eiruv with the rest of the city.

²⁶² Abaye said to himself: This is what the Master meant when he said to me: See to it that there is no outcry against it in the study hall. Abaye now understood the many factors that had to be considered and how wary one must be of reaching a hasty conclusion.

²⁶³ The mishna stated that if a public city becomes a private city, one may not establish an eiruv for all of it unless he maintains an area outside the eiruv which is like the size of the city of Hadasa in Judea. It was taught in a baraita that Rabbi Yehuda said: There was a certain city in Judea and its name was Hadasa, and it had fifty residents including men, women, and children. And the Sages would use it to measure the size of the section that must be excluded from an eiruv, and it itself was the excluded section of the eiruv of a larger city that was adjacent to it.

²⁶⁴ A dilemma was raised before the Sages: As for Hadasa, what is the halakha? Is it permissible to establish an eiruv for Hadasa itself without excluding a section of the city from the eiruv? The Gemara answers: With regard to Hadasa, just as it was the excluded section of the larger city, the larger city was also the excluded section of the smaller city.

²⁶⁵ Rather, the question pertains to a small city like Hadasa that stands by itself, not in proximity to a larger city: What is the halakha? Does a small city require an excluded section or not? Rav Huna and Rav Yehuda disagreed about this issue. One said: It requires an excluded section; and one said: It does not require an excluded section.

²⁶⁶ It is stated in the mishna that Rabbi Shimon says: The excluded area must be large enough to include at least three courtyards with two houses each. Rav Hama bar Gurya said that Rav said: The halakha is in accordance with the opinion of Rabbi Shimon. However, Rabbi Yitzhak said: Even one house and one courtyard suffice. The Gemara expresses surprise at the wording of this statement: Can it enter your mind that one courtyard even without a house is sufficient? Rather, correct it and say as follows: One house in one courtyard.

²⁶⁷ Abaye said to Rav Yosef: Is that ruling of Rabbi Yitzhak based on oral tradition or his own logic? Rav Yosef said to him: What practical difference does Rabbi Yitzhak's source make to us? Abaye said to him, quoting a well-known adage: When you study Talmud is it merely a song?; Is the material you study like the lyrics of a song that you do not understand? It is proper to investigate all aspects of the statements of the Sages, regardless of the practical ramifications.

²⁶⁸ MISHNA: One who was to the east of his home when Shabbat began, and he had said to his son before Shabbat: Establish an eiruv for me to the west; or, if he was to the west of his home and he

had said to his son: Establish an eiruv for me to the east, the halakha is as follows: If there is a distance of two thousand cubits from his current location to his house, and the distance to his eiruv is greater than this, he is permitted to walk to his house, and from there he may walk two thousand cubits in every direction, but it is prohibited for him to walk to the spot where his son had deposited his eiruv.

²⁶⁹ If the distance from one's current location to his eiruv is two thousand cubits, and the distance to his house is greater than this, he is prohibited from walking to his house, and he is permitted to walk to the spot of his eiruv, and from there he may walk two thousand cubits in every direction. In other words, with regard to the Shabbat limit, one's place of residence for Shabbat cannot be more than two thousand cubits from his physical location when Shabbat begins.

²⁷⁰ One who places his eiruv in the outskirts of the city, i.e., within an area of slightly more than seventy cubits surrounding the city, it is as though he has not done anything. The two thousand cubits of one's Shabbat limit are measured from the edge of the outskirts of the city even if there is no eiruv, and one therefore gains nothing from placing an eiruv within this area.

²⁷¹ If, however, he placed his eiruv outside the city's boundary, even if he placed it only one cubit beyond the city,

²⁷² what he gains in distance through his eiruv on one side of the city he loses on the other side.

²⁷³ GEMARA: It might enter your mind to say that when the mishna states that one was standing to the east, it means that he was standing to the east of his house and that he had instructed his son to establish an eiruv to the west of his house. Similarly, when it states that he was standing to the west, it means that he was positioned to the west of his house and that he had instructed his son to establish an eiruv to the east of his house. In such a case, the person's house is located between him and his eiruv.

²⁷⁴ If so, the question arises: Granted, the mishna's case where there is a distance of two thousand cubits from his current location to his house, and the distance to his eiruv is greater than this, you can find, as it is possible that he can reach his house without traveling two thousand cubits and he cannot reach his eiruv. But where do you find a case where there is a distance of two thousand cubits between him and his eiruv, and the distance to his house is greater than this? The person's house is located between him and his eiruv.

²⁷⁵ Rabbi Yitzḥak said: Do you think that to the east means that he was standing to the east of his house, and to the west means that he was standing to the west of his house? No, to the east means to the east of his son, who is depositing his eiruv for him, and to the west means to the west of his son.

²⁷⁶ Rava bar Rav Sheila said: Even if you say that to the east means to the east of his house and to the west means to the west of his house, the mishna can be understood as referring to a case where his house stood along a diagonal line in relation to the person and his eiruv. In that case, although he is to the west of his house and the eiruv is located to its east, he can still be closer to his eiruv than he is to his house.

²⁷⁷ We learned in the mishna: One who places his eiruv within the outskirts of the city has not accomplished anything. However, if he places it outside the city limits, it is effective. The Gemara expresses surprise: Can it enter your mind that the mishna is dealing with a case where one placed his eiruv outside the Shabbat limit? If the eiruv is outside the Shabbat limit as measured from his

physical location at the onset of Shabbat, he cannot access it on Shabbat; it is therefore ineffective in establishing his Shabbat residence. Rather, correct it and say as follows: If one placed his eiruv outside the city's outskirts, i.e., beyond the area of slightly more than seventy cubits surrounding the city, the eiruv is effective in establishing his Shabbat residence at that location.

²⁷⁸ We learned in the next clause of the mishna concerning one who places his eiruv even one cubit beyond the city's boundary: That which he gains on one side of the city he loses on the other. The Gemara expresses surprise: Does that mean that only that which he gains on one side he loses on the other, and no more? Wasn't it taught in a baraita: With regard to one who places his eiruv within the outskirts of the city, he has not done anything; if, however, he placed it outside the outskirts of the city, even one cubit outside, he gains that cubit and loses the entire city because the measure of the city is included in the measure of his Shabbat limit? If one's Shabbat residence had been in the city, the two thousand cubits of his Shabbat limit would have been measured from the edge of the city's outskirts; now that he has established his Shabbat residence outside the city, the city itself is included in the two thousand cubits, and he may lose far more on that side than he will gain on the other side.

²⁷⁹ The Gemara answers: This is not difficult. Here the baraita is referring to a case where his measure of two thousand cubits terminated in the middle of the city; whereas there the mishna is referring to a case where his measure terminated at the far end of the city.

²⁸⁰ And this is in accordance with the opinion stated by Rabbi Idi, as Rabbi Idi said that Rabbi Yehoshua ben Levi said: If one was measuring the two thousand cubits of his Shabbat limit from the location of his Shabbat residence outside the city, and his measure terminated in the middle of the city, he has only half the city, i.e., he may walk only to the end of his two thousand cubits. If, however, his measure terminated at the far end of the city, the entire city is regarded as four cubits, and he completes the rest of the Shabbat limit on the other side of the city.

²⁸¹ Rabbi Idi said: These are nothing more than words of prophecy, i.e., I do not see the logic behind this statement. What difference is it to me if the measure terminated in the middle of the city, or if it terminated at the far end of the city?

²⁸² Rava said: They are not words of prophecy, as both cases were taught in the following mishna: The residents of a large city may walk through an entire small city that is fully included within its Shabbat limit; the small city is considered as though it were four cubits, and the rest of the Shabbat limit is measured from the other side of the city.

²⁸³ And the residents of a small city may not walk through an entire large city.

²⁸⁴ What is the reason for this difference? Is it not because these, the residents of the small city, their measure of two thousand cubits terminated in the middle of the large city, and therefore they may walk only to the end of their two thousand cubits; and these, the residents of the large city, their measure of two thousand cubits terminated at the far end of the small city, allowing them to walk through the entire city as though it were four cubits and complete the two thousand cubit measure of their Shabbat limit on the other side of the city?

²⁸⁵ And Rabbi Idi, who said that Rabbi Yehoshua ben Levi's statement has no source, may hold that the mishna teaches the two cases with the same formulation. Just as it states: The residents of a large city may walk through an entire small city, it similarly states: The residents of a small city may walk through an entire large city. His version of the mishna did not state that the residents of a small city

may not walk through an entire large city. And he establishes the mishna as referring to one who placed his eiruv inside the other city. Consequently, that city becomes his Shabbat residence, and he may walk anywhere in that city and an additional two thousand cubits beyond it. But we did not learn anything about one who was measuring two thousand cubits from his Shabbat residence outside the city, in which case it makes a difference whether the entire city is within his two thousand cubits or whether only part of it is within this limit.

²⁸⁶ The Gemara asks: And did we not learn in the mishna about one who was measuring? Didn't we learn in the mishna: And as for one who is measuring his Shabbat limit, with regard to whom the Sages said that one gives him two thousand cubits, that applies even if the end of his measurement terminates in the middle of a cave? Although a cave has the status of a private domain, he may enter only the part of the cave that is within his two thousand cubits. This case is directly parallel to the case of one whose two thousand cubits end in the middle of a city.

²⁸⁷ The Gemara answers: Although there is a source for the case of one whose limit ends in the middle of a city, it was nevertheless necessary for Rabbi Yehoshua ben Levi to teach the case where one's measure ends at the far end of the city, in which case the entire city is regarded as four cubits and the rest of the Shabbat limit is completed on the other side of the city, as we did not learn anything about such a case.

²⁸⁸ With regard to the mishna cited above, Rav Naḥman said: One who teaches the following in the second clause: The residents of a small city may walk through an entire large city, does not err in his rendering of the mishna. And one who teaches: The residents of a small city may not walk through an entire large city, also does not err. Both renderings are plausible.

²⁸⁹ Rav Naḥman explains: One who teaches: The residents of a small city may walk through an entire large city, does not err, as he establishes the mishna as referring to one who places his eiruv inside the other city. And one who teaches: The residents of a small city may not walk through an entire large city also does not err, as he establishes the mishna as referring to one who measures his Shabbat limit and arrives at the city from the outside.

²⁹⁰ And the mishna is incomplete and it teaches the following: The residents of a large city may walk through an entire small city, but the residents of a small city may not walk through an entire large city. In what case is this statement said? It was said with regard to one who was measuring his two thousand cubits from his Shabbat residence. But one who was in the large city and placed his eiruv in the small city, and similarly one who was in the small city and placed his eiruv in the large city, he may walk through the entire city in which he placed his eiruv and beyond it two thousand cubits.

²⁹¹ Rav Yosef said that Rami bar Abba said that Rav Huna said: With regard to a city located on the edge of a ravine, if there is a barrier four cubits high in front of it, one measures its Shabbat limit from the edge of the ravine, as it is considered the border of the city. And if there is not a barrier four cubits high in front of it, the Shabbat limit is measured from the entrance of each person's house, as the city is not considered a permanent settlement.

²⁹² Abaye said to him: You told us with regard to this case that a barrier four cubits high is required. What is different about this case that it requires a barrier that is higher than all other barriers, which must reach a height of only four handbreadths?

²⁹³ He said to him: There, use of the place is not frightening; here, use of the place is frightening. Generally, partitions serve a symbolic function, and therefore it is sufficient for the partition to be four handbreadths high. In this case, however, it is frightening to stand along the edge of the ravine without a protective barrier, and therefore a barrier four cubits high must be constructed for the safety of the residents.

²⁹⁴ Rav Yosef said: From where do I derive to say this halakha? As it was taught in a baraita: Rabbi Yehuda HaNasi permitted the residents of Geder, situated at the top of a slope, to descend on Shabbat to Ḥamtan, situated at the bottom of the slope, but the residents of Ḥamtan may not ascend to Geder. What is the reason? Is it not because these, the inhabitants of Geder, constructed a barrier at the lower edge of their city, and these, the members of Ḥamtan, did not construct a barrier at the upper edge of their city? Consequently, the residents of Geder measured their Shabbat limit from their barrier, and Ḥamtan was included in their two thousand cubits. The residents of Ḥamtan had to measure their Shabbat limits from their homes, and therefore Geder was not within their two thousand cubit limit.

²⁹⁵ The Gemara relates that when Rav Dimi came from Eretz Yisrael to Babylonia, he said: This ruling was issued not due to their respective Shabbat limits, but rather because the residents of Geder would assault [metatreg] the residents of Ḥamtan. And what does it mean that Rabbi Yehuda HaNasi permitted the residents of Geder to descend to Ḥamtan, but not vice versa? He instituted this. In other words, this was not a halakhic ruling, but rather an ordinance instituted to protect the public welfare and prevent fighting.

²⁹⁶ The Gemara asks: What is different about Shabbat that Rabbi Yehuda HaNasi instituted this ordinance only for Shabbat and not for the rest of the week? The Gemara answers: Drunkenness is common on Shabbat, when people eat to their heart's content. Therefore, there is a greater chance of violent behavior.

²⁹⁷ The Gemara asks: When the residents of Geder go to Ḥamtan, they will assault the residents there; of what use, then, is this ordinance? The Gemara answers, citing a popular saying: A dog that is not in its place will not bark for seven years. On its own turf, a dog barks readily, but it becomes scared in unfamiliar surroundings and remains silent. Similarly, the people of Geder are not nearly as bold when they visit Ḥamtan as they are in their own town.

²⁹⁸ The Gemara asks: If so, we should be concerned about the reverse scenario, that now too, the residents of Ḥamtan, in their home territory, will take revenge and assault the residents of Geder. The Gemara answers: The people of Geder would not be submissive to such an extent. While visiting Ḥamtan, they would not initiate fights, but they would certainly fight back if they were attacked. Consequently, the people of Ḥamtan would not dare initiate hostilities with them. Therefore, there is no concern about the safety of either group.

²⁹⁹ Rav Safra said: Geder was a city shaped like a bow, whose two ends were separated by less than four thousand cubits. The empty space of the bow was viewed as though it were filled with houses, and its Shabbat limit was measured from the imaginary bowstring stretched between the two ends of the bow. Consequently, Ḥamtan was included in its Shabbat limit, and the residents of Geder were permitted to go there on Shabbat. With regard to the inhabitants of Ḥamtan, however, that same area between the ends of Geder was viewed as empty space, and therefore the houses of Geder along the arc of the bow were beyond their Shabbat limit.

³⁰⁰ Rav Dimi bar Ḥinana said: The people of Geder were residents of a large city, and the people of Ḥamtan were residents of a small city. Consequently, the residents of the large city, Geder, could walk through all of Ḥamtan, the small city; but the residents of Ḥamtan could walk only through part of Geder, as explained previously.

³⁰¹ Rav Kahana taught it that way, as stated previously; whereas Rav Tavyomi taught it more concisely, in this way: Rav Safra and Rav Dimi bar Ḥinana disagreed about the matter. One of them said: Geder was a city shaped like a bow; and one of them said: The people of Ḥamtan were residents of a small city and the people of Geder were residents of a large city.

³⁰² MISHNA: The residents of a large city may walk through an entire small city, and the residents of a small city may walk through an entire large city, even if part of it is located more than two thousand cubits from their city. How so? One who was in a large city and placed his eiruv in a small city, or one who was in a small city and placed his eiruv in a large city, may walk through the entire city in which he placed his eiruv and another two thousand cubits beyond it, as the entire city is considered as though it were only four cubits.

³⁰³ Rabbi Akiva says: He has only two thousand cubits from the place of his eiruv, as the actual area of the city is included in the calculation. Rabbi Akiva said to the Rabbis: Do you not concede to me that one who places his eiruv in a cave has only two thousand cubits from the place of his eiruv, and that consequently the entire cave is not considered as merely four cubits?

³⁰⁴ The Rabbis said to him: When does this apply? When the cave has no residents. But if it has residents, it is considered as though it were only four cubits, and one may walk through all of it and another two thousand cubits beyond it. Consequently, the halakha with regard to an eiruv placed inside a cave is sometimes more lenient than the halakha governing an eiruv placed in the area above the cave. If one places his eiruv inside a cave that has residents, he has two thousand cubits beyond the cave; if he places it above the cave, where there are no residents, he has only two thousand cubits from the place of his eiruv.

³⁰⁵ And as for one who is measuring his Shabbat limit, with regard to whom the Sages said that one gives him two thousand cubits, that measurement applies even if the end of his measurement terminates in the middle of a cave. He may not walk further into the cave, even if the cave is inhabited.

³⁰⁶ GEMARA: Rav Yehuda said that Shmuel said: If one established his Shabbat residence in a desolate city whose walls are still standing, according to the Rabbis he may walk through all of it as though it were four cubits, and he may walk an additional two thousand cubits beyond it. If, however, he merely placed his eiruv in a desolate city, he has only two thousand cubits from the place of his eiruv. The Rabbis distinguish between one who establishes his Shabbat residence by actually being present in that location at the onset of Shabbat and one who does so by placing his eiruv there before Shabbat. Rabbi Elazar says: Whether he established his Shabbat residence through his physical presence or he merely placed his eiruv there, he may walk through all of it and another two thousand cubits beyond it.

³⁰⁷ The Gemara raises an objection based upon the mishna. Rabbi Akiva said to the Rabbis: Do you not concede to me that one who places his eiruv in a cave has only two thousand cubits from the place of his eiruv? They said to him: When does this apply? When the cave has no residents. Consequently, when it has no residents the Rabbis concede to Rabbi Akiva that one has only two

thousand cubits from the place of his eiruv. This contradicts Rabbi Elazar's assertion that, according to the Rabbis, even if one places his eiruv in the abandoned city, he may walk through all of it and another two thousand cubits beyond it.

³⁰⁸ The Gemara responds: What is the meaning of the qualification that it has no residents? It means that the place is not fit for residence. If, however, the city is suitable for habitation, it is considered like four cubits even if it is currently uninhabited.

³⁰⁹ Come and hear another difficulty from the following baraita: If one established his Shabbat residence through his physical presence in a city, even if it is as large as Antioch, or in a cave, even if it is particularly large, like the Cave of Zedekiah, king of Judah, he may walk through all of it and another two thousand cubits beyond it. The baraita teaches the case of a city that is similar to that of a cave: Just as a cave is presumably desolate, i.e., uninhabited, so too the city must be one that is desolate. And only in the case where he established his Shabbat residence through his physical presence would yes, this halakha apply; but if he merely placed his eiruv there, no, he may not measure his two thousand cubits from the edge of the city.

³¹⁰ The Gemara continues clarifying the baraita: In accordance with whose opinion is this baraita? If you say it is in accordance with the opinion of Rabbi Akiva, why did the baraita specifically teach the case of a desolate city? Even if it was inhabited, the same halakha should also apply, as Rabbi Akiva holds that even if one placed his eiruv in an inhabited city, he has only two thousand cubits from the place of his eiruv. Rather, is it not in accordance with the opinion of the Rabbis? And nonetheless, the reason is that one established his Shabbat residence through his physical presence. In such a case, yes, one may walk through the entire city and another two thousand cubits beyond it. But if one merely placed his eiruv there, he would not be permitted to walk more than two thousand cubits from his eiruv, which would contradict the opinion of Rabbi Elazar.

³¹¹ The Gemara rejects this argument and argues that the initial inference was incorrect. Do not say that the baraita is referring to a city that is similar to a cave. Rather, say that it is referring to a cave that is similar to a city: Just as the city is presumably inhabited, so too the cave must be one that is inhabited. The baraita is then in accordance with the opinion of Rabbi Akiva, who said that if one merely places his eiruv in the cave, he has only two thousand cubits from the place of his eiruv. However, if one established his Shabbat residence there through his physical presence, even Rabbi Akiva concedes that the entire cave is considered as though it were four cubits, and he may walk two thousand cubits beyond the cave.

³¹² The Gemara asks: Doesn't the baraita teach that this halakha applies even to a cave like the Cave of Zedekiah, which was uninhabited? The Gemara answers: The baraita is referring to a cave that is like the Cave of Zedekiah in one respect and not like the Cave of Zedekiah in other respects. It is like the Cave of Zedekiah in that the cave is as large as that one. And it is not exactly like the Cave of Zedekiah, as there, with regard to Zedekiah's cave, it was desolate, and here the baraita is referring to a cave that is inhabited.

³¹³ The Gemara relates that Mar Yehuda once found the residents of Mavrakhta placing their eiruv in the synagogue of Beit Agovar. He said to them: Place your eiruv farther into the synagogue, so that more will be permitted to you, as the Shabbat limit is measured from the spot where the eiruv is deposited. Mar Yehuda holds that even when an eiruv is placed in an inhabited city, the two thousand cubits are measured from the location of the eiruv rather than from the edge of the city.

³¹⁴ Rava said to him: Argumentative one! With regard to the halakhot of eiruv, nobody is concerned about this opinion of Rabbi Akiva, as the halakha is in accordance with the opinion of the Rabbis. Consequently, no matter where one places his eiruv in a city, the entire city is considered as though it were four cubits, and he is permitted to walk two thousand cubits beyond the edge of the city.

Chapter 6

¹ MISHNA: One who resides with a gentile in the same courtyard, or one who lives in the same courtyard with one who does not accept the principle of eiruv, even though he is not a gentile, such as a Samaritan [Kuti], this person renders it prohibited for him to carry from his own house into the courtyard or from the courtyard into his house, unless he rents this person's rights in the courtyard, as will be explained below.

² Rabbi Eliezer ben Ya'akov says: Actually, the gentile does not render it prohibited for one to carry, unless there are two Jews living in the same courtyard who themselves would prohibit one another from carrying if there were no eiruv. In such a case, the presence of the gentile renders the eiruv ineffective. However, if only one Jew lives there, the gentile does not render it prohibited for him to carry in the courtyard.

³ Rabban Gamliel said: There was an incident involving a certain Sadducee who lived with us in the same alleyway in Jerusalem, who renounced his rights to the alleyway before Shabbat. And Father said to us: Hurry and take out your utensils to the alleyway to establish possession of it, before he changes his mind and takes out his own utensils so as to reclaim his rights, in which case he would render it prohibited for you to use the entire alleyway.

⁴ Rabbi Yehuda says: Rabban Gamliel's father spoke to them with a different formulation, saying: Hurry and do whatever you must do in the alleyway prior to Shabbat, before he takes out his utensils and renders it prohibited for you to use the alleyway. In other words, you may not bring out utensils to the alleyway at all on Shabbat, as the institution of an eiruv cannot be used in the neighborhood of a Sadducee. This is because, even if he renounced his rights to the alleyway, he can always retract and reclaim them.

⁵ GEMARA: Abaye bar Avin and Rav H̄inana bar Avin were sitting, and Abaye was sitting beside them, and they sat and said: Granted, the opinion of Rabbi Meir, the author of the unattributed mishna, is clear, as he holds that the residence of a gentile is considered a significant residence. In other words, the gentile living in the courtyard is considered a resident who has a share in the courtyard. Since he cannot join in an eiruv with the Jew, he renders it prohibited for the Jew to carry from his house to the courtyard or from the courtyard to his house. Consequently, the case of one Jew living in the courtyard is no different from the case of two Jews living there. In both cases, the gentile renders it prohibited for carrying.

⁶ But Rabbi Eliezer ben Ya'akov, what does he hold? If you say he holds that the residence of a gentile is considered a significant residence, he should prohibit carrying even when there is only one Jew living in the courtyard. And if it is not considered a significant residence, he should not prohibit carrying even when there are two Jews living there.

⁷ Abaye said to them: Your basic premise is based on a faulty assumption. Does Rabbi Meir actually hold that the residence of a gentile is considered a significant residence? Wasn't it taught in the Tosefta: The courtyard of a gentile is like the pen of an animal, i.e., just as an animal pen does not render it prohibited to carry in a courtyard, so too, the gentile's residence in itself does not impose restrictions on a Jew.

⁸ Rather, this explanation must be rejected, and the dispute in the mishna should be understood differently: Everyone agrees that the residence of gentile is not considered a significant residence, and here they disagree about a decree that was issued lest the Jew learn from the gentile's ways. The disagreement is with regard to whether this decree is applicable only when there are two Jews living in the courtyard, or even when there is only one Jew living there.

⁹ The disagreement should be understood as follows: Rabbi Eliezer ben Ya'akov holds that since a gentile is suspected of bloodshed, it is unusual for a single Jew to share a courtyard with a gentile. However, it is not unusual for two or more Jews to do so, as they will protect each other. Therefore, in the case of two Jews, who commonly live together with a gentile in the same courtyard, the Sages issued a decree to the effect that the gentile renders it prohibited for them to carry. This would cause great inconvenience to Jews living with gentiles and would thereby motivate the Jews to distance themselves from gentiles. In this manner, the Sages sought to prevent the Jews from learning from the gentiles' ways. However, in the case of one Jew, for whom it is not common to live together with a gentile in the same courtyard, the Sages did not issue a decree that the gentile renders it prohibited for him to carry, as the Sages do not issue decrees for uncommon situations.

¹⁰ On the other hand, Rabbi Meir holds that sometimes it happens that a single Jew lives together with a gentile in the same courtyard, and hence it is appropriate to issue the decree in such a case as well. Therefore, the Sages said: An eiruv is not effective in a place where a gentile is living, nor is the renunciation of rights to a courtyard in favor of the other residents effective in a place where a gentile is living. Therefore, carrying is prohibited in a courtyard in which a gentile resides, unless the gentile rents out his property to one of the Jews for the purpose of an eiruv regardless of the number of Jews living there. And as a gentile would not be willing to rent out his property for this purpose, the living conditions will become too strained, prompting the Jew to move.

¹¹ The Gemara poses a question: What is the reason that a gentile will not rent out his property for the purpose of an eiruv? If you say it is because the gentile thinks that perhaps they will later come to take possession of his property based on this rental, this works out well according to the one who said that we require a full-fledged rental, i.e., that rental for the purpose of an eiruv must be proper and valid according to all the halakhot of renting.

¹² However, according to the one who said that we require only a flawed, symbolic rental, i.e., all that is needed is a token gesture that has the appearance of renting, what is there to say? The gentile would understand that it is not a real rental, and therefore he would not be wary of renting out his residence. As it was stated that the amora'im disputed this issue as follows: Rav H̥isda said that we require a full-fledged rental, and Rav Sheshet said: A flawed, symbolic rental is sufficient.

¹³ Having mentioned this dispute, the Gemara now clarifies its particulars: What is a flawed rental, and what is a full-fledged one? If you say that a full-fledged rental refers to a case where one gives another person a peruta as rent, whereas in a flawed rental he provides him with less than the value of a peruta, this poses a difficulty. Is there anyone who said that renting from a gentile for less than the

value of a peruta is not valid? Didn't Rabbi Yitzhak, son of Rabbi Ya'akov bar Giyorei, send in the name of Rabbi Yoḥanan: You should know that one may rent from a gentile even for less than the value of a peruta?

¹⁴ And Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: A Noahide, i.e., a gentile who stole is executed for his crime, according to the laws applying to Noahides, even if he stole less than the value of a peruta. A Noahide is particular about his property and unwilling to waive his rights to it, even if it is of minimal value; therefore, the prohibition against stealing applies to items of any value whatsoever. And in the case of Noahides, the stolen item is not returnable, as the possibility of rectification by returning a stolen object was granted only to Jews. The principle that less than the value of a peruta is not considered money applies to Jews alone. With regard to gentiles, it has monetary value, and therefore one may rent from a gentile with this amount.

¹⁵ Rather, the distinction between a full-fledged rental and a flawed rental should be explained as follows: A full-fledged rental refers to one that is confirmed by legal documents [moharkei] and guaranteed by officials [aburganei]; and a flawed rental means one that is not confirmed by legal documents and guaranteed by officials, an agreement that is unenforceable in court. Based on this explanation, the Gemara reiterates what was stated earlier with regard to the gentile's concern about renting: This works out well according to the one who said that we require a full-fledged rental, as it is clear why the gentile would refuse to rent out his property.

¹⁶ But according to the one who said that we require only a flawed rental, what is there to say in this regard? Why shouldn't the gentile want to rent out his residence? The Gemara answers: Even so, the gentile is concerned about witchcraft, i.e., that the procedure is used to cast a spell on him, and therefore he does not rent out his residence.

¹⁷ The Gemara examines the ruling in the Tosefta cited in the previous discussion. Returning to the matter itself: The courtyard of a gentile is like the pen of an animal, and it is permitted to carry in and carry out from the courtyard to the houses and from the houses to the courtyard, as the halakhot of eiruv do not apply to the residences of gentiles.

¹⁸ But if there is one Jew living there in the same courtyard as the gentile, the gentile renders it prohibited for the Jew to carry from his house to the courtyard or vice versa. The Jew may carry there only if he rents the gentile's property for the duration of Shabbat. This is the statement of Rabbi Meir.

¹⁹ Rabbi Eliezer ben Ya'akov says: Actually, the gentile does not render it prohibited for the Jew to carry unless there are two Jews living in the same courtyard who themselves would prohibit one another from carrying if there were no eiruv, and the presence of the gentile renders the eiruv ineffective.

²⁰ The Gemara proceeds to analyze the Tosefta: The Master said above: The courtyard of a gentile is like the pen of an animal, which implies that the residence of a gentile is not considered a significant residence. But didn't we learn otherwise in the mishna: One who resides with a gentile in the same courtyard this person prohibits him from carrying? This implies that a gentile's residence is in fact of significance.

²¹ The Gemara answers: That is not difficult. This halakha in the mishna is referring to a situation where the gentile is present, and therefore carrying is prohibited, whereas that halakha in the Tosefta refers to a situation where he is not present, and therefore carrying is permitted.

²² The Gemara poses a question: What does Rabbi Meir hold? If he holds that a residence without its owners is still considered a residence, and it is prohibited to carry in the courtyard even when the owner is away, then even a gentile in absentia should likewise render it prohibited for carrying. And if he holds that a residence without its owners is not considered a residence, then even a Jew who is away should also not render it prohibited for carrying.

²³ The Gemara answers: Actually, he holds that a residence without its owners is not considered a residence, but nevertheless, he draws a distinction between a Jew and a gentile. In the case of a Jew, who renders it prohibited to carry for those who dwell in the same courtyard when he is present in his residence, the Sages decreed with regard to him that even when he is not present, his residence renders it prohibited for them to carry as though he were present.

²⁴ However, with regard to a gentile, who even when he is present does not fundamentally render it prohibited to carry, but only due to a rabbinic decree that was issued lest the Jew learn from the gentile's ways, no further decree was necessary. Thus, when he is present, the gentile renders it prohibited to carry; but when he is not present, he does not render it prohibited to carry.

²⁵ The Gemara asks: And when the gentile is not present, does he really not render it prohibited for carrying? Didn't we learn elsewhere in a mishna: With regard to one who left his house without establishing an eiruv and went to spend Shabbat in a different town, whether he was a gentile or a Jew, he renders it prohibited for the other residents of his courtyard to carry objects from their houses to the courtyard and vice versa. This is the statement of Rabbi Meir. This indicates that according to Rabbi Meir, a gentile renders it prohibited to carry in the courtyard even if he is not present.

²⁶ The Gemara answers: There, it is referring to a situation where the person who left his house without establishing an eiruv intends to return on that same day, on Shabbat. Since upon his return he will render it prohibited for others to carry in the courtyard, the decree is applied even before he returns home. However, if he left his house intending to return after the conclusion of Shabbat, he does not render it prohibited to carry, in absentia.

²⁷ Rav Yehuda said that Shmuel said: The halakha in this dispute is in accordance with the opinion of Rabbi Eliezer ben Ya'akov. And Rav Huna said: This is not an established halakha to be issued publicly; rather, the custom is in accordance with the opinion of Rabbi Eliezer ben Ya'akov, i.e., a Sage would rule according to his opinion for those who come to ask. And Rabbi Yoḥanan said: The people are accustomed to conduct themselves in accordance with the opinion of Rabbi Eliezer ben Ya'akov. Accordingly, a Sage would not issue such a ruling even to those who inquire, but if someone acts leniently in accordance with his opinion, he would not object.

²⁸ Abaye said to Rav Yosef, his teacher: We maintain that the teaching of Rabbi Eliezer ben Ya'akov measures a kav, but is clean, meaning that it is small in quantity but clear and complete, and that the halakha is in accordance with his opinion in all instances. Moreover, with regard to our issue, Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Eliezer ben Ya'akov, and therefore there is no doubt about the matter.

²⁹ However, what is the halakha with regard to whether a disciple may issue a ruling according to the opinion of Rabbi Eliezer ben Ya'akov in his teacher's place of jurisdiction, i.e., in a place where he is the recognized authority? Although it is usually prohibited to do so, perhaps such an evident and well-known principle such as this does not fall into the category of rulings that a disciple may not issue in his teacher's territory.

³⁰ Rav Yosef said to Abaye: Even when Rav Ḥisda was asked about the permissibility of cooking an egg in kutaḥ, a dairy dish, throughout the years of Rav Huna's life, he refused to issue a ruling. Rav Ḥisda was a disciple of Rav Huna, and a disciple may not issue a ruling in his teacher's place of jurisdiction about even the simplest of matters.

³¹ Rabbi Ya'akov bar Abba said to Abaye: With regard to matters such as those detailed in Megillat Ta'anit, which is written and laid on the shelf for all to access and offers a list of the days on which fasting is prohibited, what is the halakha concerning whether or not a disciple may rule about these matters in his teacher's place of jurisdiction? Abaye said to him: Rav Yosef said as follows: Even when Rav Ḥisda was asked about the permissibility of cooking an egg in kutaḥ throughout the years of Rav Huna's life, he refused to issue a ruling.

³² The Gemara relates that Rav Ḥisda nonetheless issued halakhic rulings in the town of Kafri during the years of Rav Huna's life, as he was not actually in his teacher's place.

³³ Rav Hamnuna issued halakhic rulings in the town of Ḥarta De'argez during the years of Rav Ḥisda's life, even though Rav Ḥisda was his teacher.

³⁴ The Gemara relates that Ravina once examined a slaughterer's knife in Babylonia to check if it was fit for slaughtering, during the lifetime of his teacher, Rav Ashi, who also lived in Babylonia. Rav Ashi said to him: What is the reason that the Master acted in this manner? Isn't it prohibited for a disciple to issue rulings while his teacher is still alive?

³⁵ Ravina said to him: Didn't Rav Hamnuna issue halakhic rulings in Ḥarta De'argez during the years of Rav Ḥisda's life, as they were not in the same town, even though they were both located in Babylonia? Since I do not live in the same town as you, it stands to reason that I would be permitted to issue rulings as well. Rav Ashi said to Ravina: It was actually stated that Rav Hamnuna did not issue halakhic rulings during Rav Ḥisda's lifetime, and that is the correct tradition.

³⁶ Ravina said to Rav Ashi: In fact, it was stated that Rav Hamnuna issued rulings, and it was also stated that he did not issue rulings, and both traditions are correct. During the years of the life of Rav Huna, Rav Hamnuna's principal teacher, Rav Hamnuna did not issue rulings at all, but he did issue rulings during the years of Rav Ḥisda's life, for Rav Hamnuna was Rav Ḥisda's disciple-colleague. And since I, too, am the Master's disciple and colleague, I should also be permitted to examine a slaughterer's knife when I am not in the same town.

³⁷ Rava said: A Torah scholar may examine a knife for himself and use it for slaughtering, without having to show it to the local Sage. The Gemara relates that Ravina happened to come to Meḥoza, the home town of Rava. His host brought out a knife for slaughtering and showed it to him. He said to him: Go, bring it to Rava, the town Sage, for examination.

³⁸ The host said to him: Doesn't the Master hold in accordance with that which Rava said: A Torah scholar may examine a slaughtering knife for himself? In this case I am using the knife to slaughter on your behalf. Ravina said to him: Since I am only buying the meat from you, it is not considered as though I am slaughtering for myself. Rava's principle does not apply to such a case.

³⁹ The Gemara cites a mnemonic for the names of the Sages mentioned in the following discussion: Zila Lehanya: Rabbi Elazar from Hagronya; Maḥlif: Rav Abba bar Taḥalisa; Ika: Rav Aḥa bar Ika; and Ya'akov: Rav Aḥa bar Ya'akov.

⁴⁰ The Gemara now relates that Rabbi Elazar from Hagronya and Rav Abba bar Taḥalisa happened to come to the house of Rav Aḥa, son of Rav Ika, in the place of jurisdiction of Rav Aḥa bar Ya'akov. Rav Aḥa, son of Rav Ika, wanted to prepare for them a third-born calf, whose meat was considered a delicacy. He brought out a slaughtering knife and showed it to them.

⁴¹ Rav Aḥa bar Taḥalisa said to them: Should we not be concerned with the respect of the Elder, Rav Aḥa bar Ya'akov, and present the knife to him for inspection, as this is his town? Rabbi Elazar from Hagronya said to them: That is unnecessary, since Rava said as follows: A Torah scholar may examine a knife for himself. Rabbi Elazar from Hagronya then inspected the knife, but he was later punished at the hand of Heaven for disregarding the honor of the senior rabbi.

⁴² The Gemara expresses surprise: What was Rabbi Elazar from Hagronya's mistake? Didn't Rava say: A Torah scholar may examine a slaughtering knife for himself? The Gemara answers: It was different there, as they had already begun to discuss the issue of the honor of Rav Aḥa bar Ya'akov. Had the name of Rav Aḥa bar Ya'akov never arisen, they would have been permitted to examine the knife themselves. Once his name had been mentioned, however, they should have approached him with the knife. Their failure to do so is considered a display of disrespect.

⁴³ And if you wish, say instead: Rav Aḥa bar Ya'akov is different, as he was illustrious in age and wisdom, and thus deserved more honor than a regular Sage.

⁴⁴ Rava said: Even though it is ordinarily prohibited for a disciple to issue a halakhic ruling in his teacher's place, if he does so in order to separate another person from a prohibition he is committing, even in his teacher's presence it seems well, i.e., it is permitted. The Gemara relates that Ravina was once sitting before Rav Ashi when he saw a certain man tying his donkey to a palm tree on Shabbat, in violation of the decree of the Sages against utilizing trees on Shabbat. He raised his voice to him in protest, but the man paid him no attention. Ravina then said to Rav Ashi: Let this man be in excommunication for transgressing the words of the Sages and ignoring a scholar's rebuke.

⁴⁵ Afterward, Ravina said to Rav Ashi: Behavior such as this, the way I acted in your presence just now, does it appear like irreverent behavior? Rav Ashi said to him: With regard to this it is stated: "There is no wisdom or understanding or council against the Lord" (Proverbs 21:30). The Sages expounded this verse as follows: Wherever a desecration of God's name is involved, no respect is paid even to a teacher, i.e., in such a situation one should disregard the respect due to his teacher's wisdom and understanding and object to the inappropriate behavior.

⁴⁶ Rava said: With regard to one who issues a halakhic ruling in his teacher's location without the intention of preventing someone from violating a prohibition, the following distinction applies: In the teacher's actual presence, the disciple is prohibited to issue such a ruling, and if he does so, he is liable to receive the death penalty at the hand of Heaven. However, when he is not in his actual presence, the disciple is still prohibited to issue the ruling, but he is not liable to receive the death penalty.

⁴⁷ The Gemara asks: Is the disciple not liable to receive the death penalty if he issues his ruling not in the teacher's presence? But wasn't it taught otherwise in a baraita: Rabbi Eliezer says: The sons of Aaron died only because they issued a halakhic ruling before Moses, their teacher? What did they expound in support of their conclusion that they must bring fire inside as opposed to waiting for fire to come down from the heavens? It is stated in the Torah: "And the sons of Aaron the priest shall put fire on the altar, and lay the wood in order on the fire" (Leviticus 1:7), which led them to say:

Although fire descends from Heaven, it is nonetheless a mitzva to bring ordinary fire. Although they derived this from the verses, they were punished for ruling in the presence of their teacher.

⁴⁸ It was further related that Rabbi Eliezer had a certain disciple who issued a halakhic ruling in his presence. Rabbi Eliezer said to his wife, Imma Shalom: I will be surprised if this one completes his year, i.e., if he lives until the end of the year. And so it was, he did not complete his year.

⁴⁹ His wife said to him: Are you a prophet? He said to her: I am not a prophet, nor the son of a prophet, but I have received the following tradition: Anyone who issues a halakhic ruling in his teacher's presence is liable to receive the death penalty.

⁵⁰ And Rabba bar bar Ḥana said that Rabbi Yoḥanan said: That disciple was named Yehuda ben Gurya, and he was three parasangs away from Rabbi Eliezer. Apparently, one is liable for the death penalty even if he did not issue his ruling in his teacher's presence.

⁵¹ The Gemara answers: In fact, the incident took place in the actual presence of the teacher, which is why the disciple was punished. The distance mentioned refers to the distance between the student's usual place and the teacher. The Gemara expresses surprise: But didn't Rabba bar bar Ḥana say that he was three parasangs away from his teacher? That implies that this was his distance from his teacher at the time of the ruling. The Gemara answers: And, according to your reasoning, that the details of the story must relate to the time of the ruling, why mention his name and his father's name? Rather, the details were given so that you should not say it was a parable. That is also the reason why he provided the details concerning the student's usual place. This does not contradict the fact that Yehuda ben Gurya issued his ruling in the actual presence of his teacher.

⁵² The Gemara continues to discuss the same topic. Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: Whoever issues a halakhic ruling in his teacher's presence is deserving of being bitten by a snake, as it is stated: "And Elihu, son of Barachel the Buzite answered and said, I am young, and you are very old; therefore I held back [zaḥalti] and I was afraid, and did not declare my opinion to you" (Job 32:6), and it is written: "With the venom of the crawling things of [zoḥalei] the dust" (Deuteronomy 32:24), which refers to snakes. Elihu's statement is understood as follows: I must apologize for speaking in my teacher's presence, for one who does so is liable to be punished with the bite of a snake.

⁵³ Ze'eiri said that Rabbi Ḥanina said: Whoever issues a halakhic ruling in his teacher's presence is called a sinner, as it is stated: "Your word have I hidden in my heart, that I might not sin against You" (Psalms 119:11). In what case would speaking one's word entail a sin? In a case where one rules on a matter of halakha in the presence of his teacher.

⁵⁴ Rav Hamnuna raised a contradiction between the verse previously mentioned and another verse: It is written: "Your word have I hidden in my heart," implying that David did not want to reveal the words of Torah, whereas in a second verse it is written: "I have preached righteousness in the great congregation" (Psalms 40:10). He answered: This is not difficult. Here, in the verse in which David remained silent, it is referring to the period when Ira HaYa'iri, David's teacher, was alive; there, in the verse where he publicized his words, it is referring to the period when Ira HaYa'iri was no longer alive.

⁵⁵ Having mentioned Ira HaYa'iri, the Gemara now cites a related teaching. Rabbi Abba bar Zavda said: Whoever gives all his priestly gifts to one priest has acted improperly and brings famine into

the world as punishment. As it is stated: “And also Ira HaYa’iri was a priest for David” (II Samuel 20:26), which invites the question: Was he a priest for David alone, and not for anyone else? Rather, it means that David would send all his priestly gifts to him alone, i.e., he was the only priest to enjoy David’s gifts. And it is written afterward: “And there was a famine in the days of David, three years, year after year” (II Samuel 21:1).

⁵⁶ Rabbi Eliezer says: Anyone who rules in his teacher’s presence is lowered from his position of greatness, as it is stated: “And Elazar the priest said to the men of war who went to battle: This is the statute of the Torah which the Lord commanded Moses” (Numbers 31:21). Although Elazar said to the soldiers: God commanded this statute to my father’s brother, while to me He did not command it, even so he was punished for speaking in this manner in the presence of his teacher, Moses.

⁵⁷ What was his punishment? As it is written that God had told Moses with regard to Joshua: “And he shall stand before Elazar the priest, who shall inquire for him by the judgment of the Urim before the Lord: at his word shall they go out, and at his word they shall come in, both he, and all the children of Israel with him, even all the congregation” (Numbers 27:21). Elazar was originally awarded a place of great honor. But we do not find in the Bible that Joshua ever had need of him. It is never stated that Joshua made use of the Urim through Elazar, which shows that Elazar never achieved the greatness promised him.

⁵⁸ With regard to this same issue, Rabbi Levi said: Whoever answers a word in the presence of his teacher will go down to the netherworld childless, as it is stated: “And Joshua bin Nun, the minister of Moses from his youth, answered and said: My lord Moses, shut them in” (Numbers 11:28). Since he spoke to his teacher out of turn, he was punished by remaining childless.

⁵⁹ And it is written at the end of the list of the descendants of Ephraim: “Non his son, Joshua his son” (i Chronicles 7:27), which implies that Joshua himself had no children.

⁶⁰ And this tradition differs from the following statement of Rabbi Abba bar Pappa, for Rabbi Abba bar Pappa said: Joshua was punished to remain childless only because he had prevented the Jewish people from fulfilling the commandment of being fruitful and multiplying for one night. Therefore, he was punished measure-for-measure by not having children himself.

⁶¹ As it is stated: “And it came to pass when Joshua was by Jericho that he lifted up his eyes and looked, and, behold, a man stood over against him with his sword drawn in his hand” (Joshua 5:13), and it is written further: “And he said: No, but I am captain of the host of the Lord, I am now come” (Joshua 5:14). The man, an angel, came to demand something of Joshua and to rebuke him.

⁶² The angel said to him: Last night, due to your preparations for war, you neglected the daily evening offering, and now, tonight, you are neglecting Torah study. Joshua asked him: For which of these sins have you come specially to reprove me? He said to him: “I am now come,” i.e., the fact that I did not come last night, but waited until now, shows that the sin of neglecting Torah study is the more severe one.

⁶³ Joshua immediately acted to rectify the matter by deciding that he must devote more time to learning Torah, as it is stated: “And Joshua walked that night in the midst of the valley [ha’emek]” (Joshua 8:13). And Rabbi Yoḥanan said: This teaches that he walked all night in the depth [be’omka] of halakha, thereby atoning for his previous neglect of Torah study.

⁶⁴ And they learned as a tradition that any time that the Ark and the Divine Presence are not resting in their proper places, the entire Jewish people are prohibited from engaging in marital relations. Owing to the nation's preoccupation with war, the Ark was not restored to its rightful place in the Tabernacle. Since Joshua did not attend to this state of affairs, he was responsible for the people's neglect of the commandment to be fruitful and multiply, for which he was punished by remaining childless.

⁶⁵ The Gemara now cites a further teaching in this regard: Rabbi Shmuel bar Inya said in the name of Rav: Torah study is greater than the offering of daily sacrifices, as the angel said to Joshua: "I am now come," i.e., on account of the second sin, demonstrating that neglect of Torah study is a more serious offense than neglect of the daily offerings.

⁶⁶ With regard to the neglect of the commandment of procreation, Rav Beruna said that Rav said: Whoever sleeps in a chamber in which a husband and wife are resting, thus thwarting their intimacy, the verse says about him: "The women of my people you cast out from their pleasant houses" (Micah 2:9), and his punishment is detailed in that chapter.

⁶⁷ And Rav Yosef said: This applies not only to a woman who is ritually pure and permitted to her husband, but even in the case of a man whose wife is menstruating, for even then, although she is prohibited to him, they are more comfortable being alone together.

⁶⁸ Rava said: If his wife is menstruating, may a blessing come upon the person sleeping in the room, for he protects the couple from the possibility of sin. The Gemara rejects this: But that is not so, i.e., this argument is invalid, for who protected the husband until now? In other words, there is no need for concern in this case, and hence one must refrain from behavior that causes distress to the couple.

⁶⁹ The Gemara returns to the issue of renting out domains for the purpose of an eiruv. The Gemara relates that there was a certain alleyway in which the gentile, Laḥman bar Ristak, lived. His Jewish neighbors said to him: Rent us your domain, i.e., your right to use the alleyway, so that it will not render it prohibited for us to carry. He would not rent it to them, and therefore they could not carry in the alleyway on Shabbat.

⁷⁰ The Jewish neighbors came and spoke to Abaye, asking him how they might proceed. He said to them: Go, all of you, and renounce your domains, i.e., your rights to use the alleyway, in favor of one person, who will be permitted to carry in it. In this manner it is a case of one individual living in the same place as a gentile. And the halakha has already been established that in the case of one individual living in the same place as a gentile, the gentile does not render it prohibited for him to carry. Consequently, one person at least will be able to make use of the alleyway.

⁷¹ They said to him: But isn't the reason that no restrictions are imposed when one person lives together with a gentile in the same courtyard only that it is not common for people to live with a gentile in that fashion? But here, many people are in fact living in the same alleyway as the gentile. In this more common situation, the Sages did impose restrictions.

⁷² Abaye said to them: Any renunciation of the domains of many people in favor of a single individual is an uncommon occurrence. The principle is that in the case of an uncommon occurrence, the Sages did not issue a decree as a preventive measure. In pressing circumstances such as these, one may rely on this allowance.

⁷³ Rav Huna, son of Rav Yehoshua, went and reported this halakha before Rava, who said to him:

⁷⁴ If so, you have abolished the halakhic category of eiruv from that alleyway. Since from a halakhic perspective it is considered as though only one person lives in that alleyway, there is no need for an eiruv. Consequently, when the residents carry in it without an eiruv, observers will mistakenly think that it is permitted to carry in an alleyway even without an eiruv.

⁷⁵ Rav Huna, son of Rav Yehoshua, replied: It is required that they establish an eiruv anyway, as a reminder of the laws of eiruv, even though it serves no halakhic purpose. Rava retorted that this in turn results in a different problem: Observers will then say that an eiruv is effective even in the place of a gentile, even if he does not rent out his domain, which is against the halakha. He replied: We make an announcement to the effect that they are not carrying because of the eiruv, and that it only serves as a reminder.

⁷⁶ Rava rejected this option as well: Can we make an announcement for the children? Even if it is assured that all adults present will hear the announcement, how will the children, who do not hear or understand the announcement, know the halakha later in life? Recalling that their fathers established an eiruv in this alleyway, they will think that an eiruv is effective even in the place of a gentile. Therefore, one cannot rely on Abaye's solution.

⁷⁷ Rather, Rava said that the gentile's Jewish neighbors should proceed as follows: Let one of them go and become friendly with the gentile, and ask him for permission to make use of a place in his domain, and set something down there, thus becoming like the gentile's hired laborer or harvester. And Rav Yehuda said that Shmuel said: Not only can the gentile himself rent out his domain for the purpose of an eiruv, but even his hired laborer, and even his harvester, if he is a Jew, may rent out the space and contribute to the eiruv on his behalf, and this is enough.

⁷⁸ Abaye said to Rav Yosef: If there were five hired laborers or five harvesters there, what is the halakha? Does the presence of more than one of these, if they are all Jews, entail a stringency, such that they are all required to join in the eiruv or that they are all required to rent out his domain? Rav Yosef said to him: If the Sages said that the gentile's hired laborer or harvester stands in his place as a leniency, would they say that his hired laborer or harvester stands in his place as a stringency? This law was stated only as a leniency with regard to the laws of renting for the purpose of an eiruv, not in order to introduce more stringencies.

⁷⁹ The Gemara proceeds to examine the ruling cited in the course of the previous discussion. Returning to the matter itself, Rav Yehuda said that Shmuel said: Even the gentile's hired laborer, and even his harvester, may contribute to the eiruv in his stead, and this is enough. Rav Naḥman said: How excellent is this halakha. Even Rav Naḥman agreed with this statement, and viewed it as correct and substantiated.

⁸⁰ However, Rav Naḥman did not give his approval to all of Rav Yehuda's rulings, as Rav Yehuda said that Shmuel said: If one drank a quarter-log of wine, he may not issue a halakhic ruling, as the wine is liable to confuse his thinking. With regard to this second statement, Rav Naḥman said: This halakha is not excellent, as concerning myself, as long as I have not drunk a quarter-log of wine, my mind is not clear. It is only after drinking wine that I can issue appropriate rulings.

⁸¹ Rava said to Rav Naḥman: What is the reason that the Master said this, making a statement that praises one halakha and disparages another? Didn't Rabbi Aḥa bar Ḥanina say: What is the meaning of that which is written: "But he who keeps company with prostitutes [zonot] wastes his fortune" (Proverbs 29:3)? It alludes to the following: Anyone who says: This teaching is pleasant [zo na'a] but

this is not pleasant, loses the fortune of Torah. It is not in keeping with the honor of Torah to make such evaluations. Rav Naḥman said to him: I retract, and I will no longer make such comments concerning words of Torah.

⁸² On the topic of drinking wine, Rabba bar Rav Huna said: One who has drunk wine must not pray, but if he nonetheless prayed, his prayer is a prayer, i.e., he has fulfilled his obligation. On the other hand, one who is intoxicated with wine must not pray, and if he prayed, his prayer is an abomination.

⁸³ The Gemara poses a question: What are the circumstances in which a person is considered one who has drunk wine; and what are the circumstances in which a person is considered one who is intoxicated with wine? The Gemara answers that one can learn this from the following event: As Rabbi Abba bar Shummi and Rav Menashya bar Yirmeya from Gifti were taking leave of each other at the ford of the Yofti River, they said: Let each one of us say something that his fellow scholar has not yet heard, for Mari bar Rav Huna said: A person must take leave of his fellow only in the midst of a discussion of a matter of halakha, as due to this he will remember him.

⁸⁴ One of them opened the discussion and said: What are the circumstances where a person is considered one who has drunk wine, and what are the circumstances where a person is considered one who is intoxicated with wine? One who has drunk wine refers to anyone who has drunk wine but whose mind remains clear enough that he is able to talk in the presence of a king. One who is intoxicated refers to anyone who is so disoriented by the wine he has drunk that he is not able to talk in the presence of a king.

⁸⁵ The other one then opened a different discussion and said: With regard to one who took possession of a convert's property, what should he do so that it remains in his hands? The property of a convert who died without children is regarded as ownerless, and is acquired by the first person to perform a valid act of acquisition upon it. Since in this case the one who took possession of the property did not acquire it through his own labor, his ownership is tenuous, and he is liable to lose it unless he uses it for the purpose of a mitzva. One in this situation should buy a Torah scroll with part of the revenue, and by the merit of this act, he will retain the rest. Rav Sheshet said: Even

⁸⁶ a husband who acquired rights to his wife's property that she had brought into the marriage as her dowry should use part of the profits for the acquisition of a Torah scroll.

⁸⁷ Rava said: Even if he entered into a business venture and made a large profit, he should act in a similar manner. Rav Pappa said: Even if he found a lost article, he should do the same. Rav Naḥman bar Yitzḥak said: He need not use the money to commission the writing of a Torah scroll, as even if he wrote a set of phylacteries with it, this, too, is a mitzva whose merit will enable him to retain the rest of the money.

⁸⁸ Rav Ḥanin said, and some say it was Rabbi Ḥanina who said: What is the verse that alludes to this? As it is written: "And Israel vowed a vow to the Lord and said: If You will indeed deliver this people into my hand, then I will consecrate their cities" (Numbers 21:2), which shows that one who wishes to succeed should sanctify a portion of his earnings for Heaven.

⁸⁹ The Gemara now cites additional teachings relating to the drinking of wine. Rami bar Abba said: Walking a path of a mil, and similarly, sleeping even a minimal amount, will dispel the effect of wine that one has drunk. Rav Naḥman said that Rabba bar Avuh said: They only taught this with regard to one who has drunk a quarter-log of wine, but with regard to one who has drunk more than a quarter-

log, this advice is not useful. In that case, walking a path of such a distance will preoccupy and exhaust him all the more, and a small amount of sleep will further intoxicate him.

⁹⁰ The Gemara poses a question: Does walking a path of only a mil dispel the effects of wine? Wasn't it taught in a baraita: There was an incident involving Rabban Gamliel, who was riding a donkey and traveling from Akko to Keziv, and his student Rabbi Elai was walking behind him. Rabban Gamliel found some fine loaves of bread on the road, and he said to his student: Elai, take the loaves from the road. Further along the way, Rabban Gamliel encountered a certain gentile and said to him: Mavgai, take these loaves from Elai.

⁹¹ Elai joined the gentile and said to him: Where are you from? He said to him: From the nearby towns of guardsmen. He asked: And what is your name? The gentile replied: My name is Mavgai. He then inquired: Has Rabban Gamliel ever met you before, seeing as he knows your name? He said to him: No.

⁹² The Gemara interrupts the story in order to comment: At that time we learned that Rabban Gamliel divined the gentile's name by way of divine inspiration that rested upon him. And at that time we also learned three matters of halakha from Rabban Gamliel's behavior: We learned that one may not pass by food, i.e., if a person sees food lying on the ground, he must stop and pick it up.

⁹³ We also learned that we follow the majority of travelers. Since the area was populated mostly by gentiles, Rabban Gamliel assumed that the loaf belonged to a gentile, and was consequently prohibited to be eaten by a Jew. Therefore, he ordered that it be given to a gentile. And we further learned that with regard to leavened bread belonging to a gentile, it is permitted to benefit from this food after Passover. The incident recounted above occurred not long after the festival of Passover. By giving the loaf to the gentile instead of burning it in accordance with the halakhot of leavened bread that remains after Passover, Rabban Gamliel gained a certain benefit from it in the form of the gentile's gratitude. This benefit is regarded as having monetary value.

⁹⁴ The Gemara resumes the narrative: When Rabban Gamliel arrived in Keziv, a person came before him to request that he dissolve his vow. Rabban Gamliel said to the one who was with him, i.e., Rabbi Elai: Did we drink a quarter-log of Italian wine earlier? He said to him: Yes. Rabban Gamliel replied: If so, let him journey after us until the effect of our wine is dispelled, after which we may consider his issue.

⁹⁵ And that person journeyed after them for three mil, until Rabban Gamliel arrived at the Ladder of Tyre. When he arrived at the Ladder of Tyre, Rabban Gamliel alighted from his donkey and wrapped himself in his shawl in the customary manner of a judge, who wraps himself in a shawl in order to sit in awe at the time of judgment, and he sat and dissolved his vow.

⁹⁶ The Gemara continues: At that time we learned many matters of halakha from Rabban Gamliel's conduct. We learned that a quarter-log of Italian wine intoxicates, and we learned that one who is intoxicated may not issue a halakhic ruling, and we learned that walking on a path dispels the effect of wine, and lastly we learned that one may not annul vows when he is either mounted on an animal, or walking, or even standing, but only when he is sitting.

⁹⁷ In any event, the baraita is teaching that Rabban Gamliel found it necessary to walk three mil in order to become sober after drinking wine. The Gemara resolves the contradiction. Italian wine is

different in that it is more intoxicating, therefore more extended activity is required in order to dispel its effects.

⁹⁸ The Gemara poses a question: But didn't Rav Naḥman say that Rabba bar Avuh said: They taught this only with regard to one who has drunk a quarter-log of wine, but with regard to one who has drunk more than a quarter-log, walking that distance will preoccupy and exhaust him all the more, and a small amount of sleep will further intoxicate him? If Italian wine is more intoxicating than other wine, shouldn't a quarter-log be considered like a larger quantity of other wine?

⁹⁹ The Gemara answers: Being mounted on an animal is different from walking; since he is not on foot it is not such a tiring activity. Accordingly, riding three mil will not exhaust him; rather, it will dispel the effect of the wine. The Gemara adds: Now that you have arrived at this conclusion, according to Rami bar Abba, who says that walking one mil is sufficient, it is also not difficult, as he too can say that riding is different from walking. Since one is not on foot, the effects of the wine are not dispelled as quickly. Therefore, three mil is necessary.

¹⁰⁰ The Gemara poses a question with regard to one of the details of the story: Is that so, that Rabban Gamliel was required to alight from his donkey in order to annul the vow? But didn't Rav Naḥman say: One may annul vows walking, standing, or mounted? Why, then, did Rabban Gamliel dismount his donkey?

¹⁰¹ The Gemara answers: This is a dispute between tanna'im, as there is an authority who says that one may open the possibility for dissolution of a vow by means of regret alone. In other words, there is no need to search for a special reason in order to dissolve a person's vow; it is enough to ascertain that he regrets making it. This can be done easily, even while walking, standing, or riding.

¹⁰² And there is another authority who says that one may not open the possibility for dissolution of a vow by means of regret alone. Rather, one must find an opening, i.e., a particular reason to dissolve the vow in question, which requires a thorough analysis of the circumstances of the vow. This task must be performed free of distractions, which means one must be seated (Tosafot).

¹⁰³ As Rabba bar bar Ḥana said that Rabbi Yoḥanan said: With what did Rabban Gamliel open the possibility for dissolving his vow for that man, i.e., what opening did he find for him? Rabban Gamliel cited the verse: "There is one who utters like the piercings of a sword; but the tongue of the wise is health" (Proverbs 12:18) and explained it as follows: Whoever utters a vow deserves to be pierced by a sword, as he might fail to fulfill it. Therefore, one should not vow at all. Had you known that whoever vows is liable to be executed, would you have vowed? Rather, it is the tongue of the wise that heals, as when a Sage dissolves a vow, he dissolves it retroactively, and it is as though one had never taken the vow.

¹⁰⁴ The Gemara continues with its analysis of the baraita. The Master said previously: One of the halakhot learned from the incident involving Rabban Gamliel was that one may not pass by food; rather, one must treat the food with respect and pick it up. Rabbi Yoḥanan said in the name of Rabbi Shimon bar Yoḥai: They taught this ruling only in the early generations, when Jewish women were not accustomed to using witchcraft. However, in the later generations, when Jewish women are accustomed to using witchcraft, one may pass by food, as a spell might have been cast on the bread, and one must not put himself in unnecessary danger.

¹⁰⁵ A Sage taught: If the loaves are whole, one may pass them by, as they might have been placed there for the purposes of witchcraft; however, if they are in pieces, one may not pass them by, because bread in pieces is not used for witchcraft. Rav Asi said to Rav Ashi: Do they not perform magic with pieces of bread? Isn't it written in the verse that deals with witchcraft: "And you have profaned Me among My people for handfuls of barley and for pieces of bread" (Ezekiel 13:19)? The Gemara answers: The verse does not mean that they used pieces of bread in their witchcraft, but rather that they took such pieces as their wages.

¹⁰⁶ Rav Sheshet said in the name of Rabbi Elazar ben Azarya:

¹⁰⁷ I can make an argument that exempts the entire world from judgment, from the day that the Temple was destroyed until now. As it is stated: "Therefore, hear now this, you afflicted and drunken, but not from wine" (Isaiah 51:21), which teaches that in the wake of the destruction of the Temple, all Jews are considered intoxicated and are not responsible for any sins they commit.

¹⁰⁸ The Gemara raises an objection to this argument from the following baraita: With regard to one who is intoxicated, his acquisition is a binding acquisition; that is, he cannot retract the transaction when he is sober, and similarly, his sale is a binding sale. Moreover, if he committed a transgression for which he is liable to receive the death penalty, he is executed; and if the offense is punishable by lashes, he is flogged. The principle is that he is like a sober person in all matters, except that he is exempt from prayer. Therefore, even if the people of Israel are considered drunk, they are nonetheless responsible for their actions.

¹⁰⁹ The Gemara answers that even Rabbi Elazar ben Azarya did not mean that they should be exempt from liability for all their sins. Rather, what is the meaning of his statement: I can exempt? He, too, meant that he could exempt them from the judgment of prayer, i.e., Jews cannot be held liable for praying without the proper intentions.

¹¹⁰ Rabbi Ḥanina said: They taught that an intoxicated person is responsible for all his actions only in a case where he did not reach the state of intoxication of Lot; however, if he reached the state of intoxication of Lot, so that he is altogether unaware of his actions, he is exempt from all liability.

¹¹¹ Rabbi Ḥanina said: Whoever passes a shield over himself at a time of arrogance, i.e., whoever suppresses his evil inclination as though it were covered with a shield when he is arrogant, e.g., when he is intoxicated or the like (Rabbeinu Ḥananel), troubles will be closed and sealed from him, as it is stated: "The channels of [afikei] his scales are his pride, closed together as with a tight [tzar] seal" (Job 41:7). The verse is interpreted homiletically: When at a time of arrogance a person passes a shield [mapik] over his evil inclination, his troubles [tzarot] will be closed and sealed before him.

¹¹² The Gemara poses a question: From where may it be inferred that the meaning of this word afik is a formulation denoting passing [aborei]? The Gemara answers: As it is written: "My brothers have dealt deceitfully like a wadi, like the channel [afik] of brooks that pass by [ya'avoru]" (Job 6:15). This implies that the term afik is synonymous with the verb ya'avoru, which refers to something that travels and passes by.

¹¹³ Rabbi Yoḥanan said: This is not the correct interpretation; rather, it was stated that whoever does not cover, but draws out [mapik] a shield at a time of arrogance, troubles will be closed and sealed from him. In other words, a person must draw his weapons and shield in order to fight his evil inclination when it tries to overpower him (Rabbeinu Ḥananel).

¹¹⁴ The Gemara poses a question: From where may it be inferred that this word mapik is a formulation denoting revealing? The Gemara answers: As it is written: “The channels of [afikei] waters were seen, and the foundations of the world were laid bare” (Psalms 18:16).

¹¹⁵ The Gemara asks: Now, since the verses may be interpreted both in accordance with the opinion of this Master and in accordance with the opinion of the other Master, what is the practical difference between them? The Gemara answers: The practical difference between them is with regard to the following practice of Rav Sheshet, as Rav Sheshet gave the responsibility for monitoring his sleep to his attendant, instructing the attendant to wake him when the time for prayer arrived. One Sage, Rabbi Ḥanina, is of the opinion that the practice of Rav Sheshet is correct, as Rabbi Ḥanina maintains that if one is in great need of sleep, it is better to nap for a while and then wake up with renewed vigor. And one Sage, Rabbi Yoḥanan, is not of the opinion that the practice of Rav Sheshet is correct. He holds that a person must marshal his strength and pray, rather than succumb to the need for sleep.

¹¹⁶ Rav Ḥiyya bar Ashi said that Rav said: Anyone whose mind is unsettled should not pray, as it is stated: When distressed, one should not issue decisions. The Gemara relates that Rabbi Ḥanina, on a day that he was angry, would not pray, as he said that it is written: When distressed, one should not issue decisions. The Gemara similarly relates that Mar Ukva, on a day of a south wind, would not venture out to the court, for this hot and harsh wind would disturb his usual clarity of mind.

¹¹⁷ Rav Naḥman bar Yitzḥak said: The study of halakha requires clarity, as on a day when a north wind blows and clears the skies. Abaye said similarly that if my stepmother says to me: Bring me a dish of kutaḥ, I can no longer study Torah in my usual fashion, as even a simple task such as this troubles me and distracts me from my Torah study.

¹¹⁸ Similarly, Rava said: If I am bitten by a louse, I can no longer learn in my usual manner. The Gemara relates that the mother of Mar, son of Ravina, would prepare seven garments for him for the seven days of the week, so that he would not be bitten by the lice found in old clothes (Rabbeinu Ḥananel).

¹¹⁹ Rav Yehuda said: Night was created only for sleep. Rabbi Shimon ben Lakish said: The moon was created only for Torah study by its light. When people said to Rabbi Zeira: Your teachings are exceedingly sharp, he said to them: They were formulated during the daytime hours. This teaches that Torah study during the day is most beneficial to clarity of the mind.

¹²⁰ Rav Ḥisda’s daughter said to her father, Rav Ḥisda, who would spend his nights in study: Doesn’t the Master wish to sleep a little? He said to her: Days that are long in quantity but short in the opportunity to study Torah and perform mitzvot will soon arrive, and we will sleep a lot. After I die, there will be more than enough time for sleep.

¹²¹ Rav Naḥman bar Yitzḥak said: We, Torah scholars, are day workers, as our study is performed primarily during the day. The Gemara relates that Rav Aḥa bar Ya’akov would borrow and repay, i.e., if for some reason he neglected to study during the day, he would use the night hours to compensate for the missed time.

¹²² Rabbi Elazar said: One who returns home from a journey should not pray for three days while recovering from the hardship of being on the road, as it is stated: “And I gathered them together at the river that runs to Aḥava, and we encamped there for three days, and I inspected the people” (Ezra

8:15), after which it is stated: “Then I proclaimed a fast there, at the river of Aḥava, that we might afflict ourselves before our God, to seek of Him a safe journey for us” (Ezra 8:21), which teaches that they rested three days before praying.

¹²³ The Gemara relates that Shmuel’s father, when he would return home from his journey, would not pray for three days, as he would have to rest from his journey. Shmuel himself would not pray in a house that contained an alcoholic beverage, as the scent of the alcohol would disturb his concentration during prayer. Similarly, Rav Pappa would not pray in a house that contained small fried fish, due to their smell.

¹²⁴ Rabbi Ḥanina said: Whoever is appeased by his wine, i.e., whoever becomes more relaxed after drinking, has in him an element of the mind-set of his Creator, who acted in a similar fashion, as it is stated: “And the Lord smelled the sweet savor, and the Lord said in His heart, I will not again curse the ground any more for man’s sake” (Genesis 8:21). As it were, God acted more favorably toward His creatures after He was appeased with the smell of the burnt offerings. Smell can be as potent as drinking or eating itself.

¹²⁵ Rabbi Ḥiyya said: Anyone who remains settled of mind after drinking wine, and does not become intoxicated, has an element of the mind-set of seventy Elders. The allusion is: Wine [yayin spelled yod, yod, nun] was given in seventy letters, as the numerological value of the letters comprising the word is seventy, as yod equals ten and nun equals fifty. Similarly, the word secret [sod spelled samekh, vav, dalet] was given in seventy letters, as samekh equals sixty, vav equals six, and dalet equals four. Typically, when wine entered the body, a secret emerged. Whoever does not reveal secrets when he drinks is clearly blessed with a firm mind, like that of seventy Elders.

¹²⁶ Rabbi Ḥanin said: Wine was created only in order to comfort mourners in their distress, and to reward the wicked in this world so they will have no reward left in the World-to-Come, as it is stated: “Give strong drink to him that is ready to perish, and wine to the bitter of soul. Let him drink, and forget his poverty, and remember his misery no more” (Proverbs 31:6). “Him that is ready to perish” refers to the wicked, who will perish from the world, while “the bitter of soul” denotes mourners.

¹²⁷ Rabbi Ḥanin bar Pappa said: Anyone in whose house wine does not flow like water is not yet included in the Torah’s blessing, as it is stated: “And He shall bless your bread and your water” (Exodus 23:25). The water mentioned in this verse actually refers to wine, as learned in the following manner: Just as bread is something that may be purchased with second-tithe money, i.e., one is permitted to buy bread with money used to redeem second-tithe, so too the word water in the verse is referring to a liquid that may be purchased with second-tithe money. And what is that? It is wine, as one may buy wine with second-tithe money, but one may not buy water; and nevertheless, the verse calls it “water.”

¹²⁸ This teaches that if wine flows in a person’s house like water, there is a blessing, but if not, there is no blessing.

¹²⁹ Rabbi Elai said: In three matters a person’s true character is ascertained; in his cup, i.e., his behavior when he drinks; in his pocket, i.e., his conduct in his financial dealings with other people; and in his anger. And some say: A person also reveals his real nature in his laughter.

¹³⁰ The Gemara returns to the topic of eiruv: Rav Yehuda said that Rav said: It once happened that there were two courtyards, one within the other, with a Jew and a gentile living in the inner

courtyard, while a single Jew lived in the outer one. The case came before Rabbi Yehuda HaNasi for a decision as to whether carrying in the outer courtyard could be permitted without renting from the gentile, and he prohibited it. The case then came before Rabbi Hiyya, and he too prohibited it.

¹³¹ Rabba and Rav Yosef were sitting at the end of Rav Sheshet's lecture, and Rav Sheshet sat and said: In accordance with whose opinion did Rav say this ruling of his, with regard to the residents of two courtyards? It was in accordance with the opinion of Rabbi Meir, who maintains that a gentile renders it prohibited for even a single Jew who resides with him to carry in the courtyard, and therefore it is necessary for the Jew to rent from him. Rabba nodded his head in agreement with this explanation.

¹³² Rav Yosef said: Would two great men like these Sages, Rabba and Rav Sheshet, err in such a matter? If this ruling is in accordance with the opinion of Rabbi Meir, why do I need to state that there is a Jew in the outer courtyard? According to Rabbi Meir, even a single Jew who resides with a gentile may not carry in his courtyard, whether or not another Jew is present.

¹³³ And even if you say that indeed this is the halakha, that the Jew in the outer courtyard is of no consequence, and that he is only mentioned because the incident that took place, took place in this way, and those who came to ask the question provided all the details without knowing whether they were relevant, this is still difficult. Wasn't a dilemma raised before Rav himself with regard to this very issue: What is the halakha governing a Jew living in the inner courtyard with regard to his own place? Can he carry in the inner courtyard? And he said to them: It is permitted for him to carry there. Therefore, according to Rav, a gentile does not render it prohibited for a single Jew to carry, which is actually contrary to Rabbi Meir's opinion.

¹³⁴ The Gemara raises a difficulty: Rather, what else can you say? Can you say that he ruled in accordance with the opinion of Rabbi Eliezer ben Ya'akov? Didn't Rabbi Eliezer ben Ya'akov say: The gentile does not render it prohibited to carry unless there are two Jews living in the same courtyard who themselves render it prohibited for one another to carry without an eiruv? In this case they do not render it prohibited for each other to carry without an eiruv, as they do not live in the same courtyard.

¹³⁵ Rather, you might say that he ruled in accordance with the opinion of Rabbi Akiva, who said: The foot of one who is permitted in his own place nonetheless renders it prohibited not in its own place. The Jew in the inner courtyard is permitted to carry in his own courtyard. However, in order to leave his courtyard, he passes through the outer one, in which it is prohibited for him to carry. Therefore, he renders it prohibited for the resident of the outer courtyard as well.

¹³⁶ But if that is the case, the following difficulty arises: According to this opinion, why do I need a gentile in the inner courtyard? The single Jew living in the inner courtyard would also suffice to render it prohibited for the resident of the outer courtyard to carry in his own courtyard, even if no gentiles were present at all.

¹³⁷ Rav Huna, son of Rav Yehoshua, said that Rav's ruling should be understood as follows: Actually, Rav ruled in accordance with the opinion of Rabbi Eliezer ben Ya'akov with regard to a gentile, and in accordance with the opinion of Rabbi Akiva with regard to a foot that renders it prohibited to carry. And with what we are dealing here? This is a case where the two Jews established an eiruv with one another. And the reason that Rav prohibited carrying in the outer courtyard is that

there is a gentile who renders it prohibited to carry, but if there is no gentile, it is not prohibited, as the Jews established an eiruv with one another, and therefore they are permitted to carry.

¹³⁸ The Gemara relates that Rabbi Eliezer raised a dilemma before Rav as follows: If a Jew and a gentile live together in the outer courtyard, and a Jew lives alone in the inner one, what is the halakha? May they carry in the outer courtyard without renting from the gentile? One could argue as follows: There, in the case where the Jew and the gentile share the inner courtyard, the reason the Sages prohibited carrying is because it is common for a Jew and a gentile to live together in such a fashion. Ordinarily a single Jew would not live together in the same courtyard as a gentile, for fear that the gentile might kill him. However, here, the Jew living in the inner courtyard believes that the gentile would be afraid to kill him, as the gentile thinks to himself: Now, were I to kill my neighbor, the Jew living in the outer courtyard might come and say to me: The Jew who used to live by you, where is he? The gentile would not be able to offer as an excuse that the Jew left, for the other Jew from the outer courtyard would know whether or not he passed through his courtyard. Therefore, since that living arrangement is common, the decree applies, and the gentile's residence in the courtyard renders it prohibited to carry there.

¹³⁹ However, here, where the gentile lives in the outer courtyard, he is not afraid of killing his Jewish neighbor, as he says to himself: If the other Jew comes to question me, I will say to him: He went out and went on his way; I do not know where he went. In this case, the gentile would not be concerned that the Jew from the inner courtyard might question his story. Since it is uncommon for a Jew and a gentile to live together in such a fashion, the Sages did not issue a decree that the gentile's residence renders the courtyard prohibited for carrying.

¹⁴⁰ Or perhaps one would say that here, too, the gentile would be afraid to kill his Jewish neighbor, as he thinks to himself: Now, were I to kill my neighbor, the Jew living in the inner courtyard might come at any moment and see me in the act of killing his friend. Since the gentile does not know when the resident of the inner courtyard will pass through the outer courtyard, there is a chance his crime might be witnessed. In that case, it would not be uncommon for a Jew and a gentile to live together in such a fashion, and the Sages' decree that the gentile's residence renders carrying prohibited would apply.

¹⁴¹ Rav said to Rabbi Eliezer the following verse: "Give to a wise man, and he will be yet wiser" (Proverbs 9:9), i.e., it is proper to be stringent even in such a case. Consequently, carrying is prohibited in the outer courtyard unless the Jews rent from the gentile.

¹⁴² The Gemara relates that Reish Lakish and the students of Rabbi Ḥanina happened to come on Shabbat to a certain inn that had at least three permanent residents, two Jews and a gentile who rented their quarters from the gentile innkeeper. Although the gentile tenant was not present on that Shabbat, the gentile landlord was present. Concerned that the gentile tenant might return during Shabbat and render it prohibited for them to carry, Rabbi Ḥanina's students wondered whether the gentile landlord can rent out the gentile's room again for the purpose of an eiruv.

¹⁴³ They said: What is the halakha with regard to renting from him? The Gemara clarifies: Anywhere that the landlord cannot remove the tenant, you need not raise the dilemma, for they clearly cannot rent it from him. If the landlord is unable to expel the tenant, the residence temporarily belongs completely to the tenant, and only he can rent it out. Where you need to raise the dilemma is with regard to a situation where he can remove him.

¹⁴⁴ What is the halakha? Does one say that since the landlord can remove the tenant, they can rent the residence from him, as the landlord retains a measure of control over it, and therefore he can rent it out again for the purpose of an eiruv? Or perhaps now, in any case he has not actually removed him, which means the residence is still entirely under the tenant's jurisdiction?

¹⁴⁵ Reish Lakish said to them: Let us rent it now, as the principle is that one may act leniently in a case of doubt involving a rabbinic prohibition, and when we arrive at our Sages in the South we shall ask them whether we acted properly. Later they came and asked Rabbi Afes, who said to them: You acted well when you rented it from the landlord.

¹⁴⁶ The Gemara relates a similar incident: Rabbi Ḥanina bar Yosef and Rabbi Ḥiyya bar Abba and Rabbi Asi happened to come to a certain inn, and the gentile innkeeper, who was absent when Shabbat began, came on Shabbat. They said: What is the halakha with regard to renting from him now? The Gemara explains the two sides of the question: Is renting from a gentile like making an eiruv? If so, just as one who establishes an eiruv may do so only while it is still day, so too, one who rents a gentile's property must do so while it is still day.

¹⁴⁷ Or perhaps one who rents from a gentile is like one who renounces rights to his domain; just as one who renounces rights to his domain may do so even on Shabbat itself, so too, one who rents a gentile's property may do so even on Shabbat. In that case, they would be able to rent from the gentile in exchange for something of value, even on Shabbat itself.

¹⁴⁸ Rabbi Ḥanina bar Yosef said: Let us rent, while Rabbi Asi said: Let us not rent. Rabbi Ḥiyya bar Abba said to them: Let us rely now on the words of the Elder, Rabbi Ḥanina bar Yosef, and rent. Later they came and asked Rabbi Yoḥanan about the matter, and he said to them:

¹⁴⁹ You acted well when you rented. The Sages of Neharde'a wondered at this teaching: Did Rabbi Yoḥanan actually say this? Didn't Rabbi Yoḥanan say just the opposite: Renting from a gentile is like establishing an eiruv? What, is he not to be understood as imposing a stringency: Just as one who establishes an eiruv may do so only while it is still day, so too, one who rents a gentile's property must do so while it is still day?

¹⁵⁰ The Gemara rejects this argument: No, his statement was intended as a leniency: Just as one who establishes an eiruv may do so even with less than the value of a peruta, so too, one who rents a gentile's property may rent it for less than the value of a peruta. And just as the one who establishes an eiruv need not be the owner himself, but even his hired laborer or harvester may do so, so too, one who rents a gentile's property need not rent from the landlord himself, but may rent even from his hired laborer or harvester who are acting on his behalf.

¹⁵¹ And similarly, just as with regard to one who establishes an eiruv, the halakha is that if five people live in the same courtyard, one of them may establish an eiruv with the residents of a different courtyard on behalf of them all, so too, with regard to one who rents a gentile's property; if five people live in the same courtyard together with a gentile, one of them may rent the gentile's property on behalf of them all.

¹⁵² Rabbi Elazar wondered at Rabbi Yoḥanan's ruling that the Sages had acted well when they rented the gentile's property on Shabbat and then they renounced their rights to that one, so that at least it would be permitted to use the courtyard. Rabbi Zeira said: What was the reason for Rabbi Elazar's

wonder? Rav Sheshet said: Can it be that such a great person as Rabbi Zeira did not know what was the source of Rabbi Elazar's wonder? He had difficulty with a statement of his teacher, Shmuel.

¹⁵³ As Shmuel said: With regard to any place where the residents render it prohibited for each other to carry but where they may establish a joint eiruv if they so desire, in order to permit carrying, each may renounce his property rights for the other if they failed to establish an eiruv before Shabbat. However, in a place where the residents may establish an eiruv together but they do not render it prohibited for each other for carrying, or where they render it prohibited for each other for carrying but they may not establish an eiruv together, in such situations they may not renounce their property rights for each other.

¹⁵⁴ The Gemara clarifies the above teaching: With regard to any place where the residents render it prohibited for each other to carry but where they may establish an eiruv, they may renounce their rights for each other, such as in the case of two courtyards, one within the other. The residents of the two courtyards render each other prohibited to carry between the courtyards, but they may establish a joint eiruv in order to permit carrying. In such a case, the residents may renounce their property rights for each other if they failed to establish an eiruv before Shabbat.

¹⁵⁵ In a place where the residents may establish an eiruv together but they do not render each other prohibited to carry, they may not renounce their property rights for each other, in a case where two courtyards both opening to an alleyway that have a single opening between them. Even though the two courtyards may establish a joint eiruv and be considered a single courtyard, they do not render it prohibited for each other to carry if they did not do so, because neither needs to make use of the other. Consequently, there is no option of renouncing rights in favor of the other courtyard.

¹⁵⁶ In a place where they render each other prohibited from carrying but they may not establish an eiruv together, what does this come to include? In reference to which case did Shmuel make this statement? Wasn't it meant to include a gentile who shares a courtyard with two Jews? The Jewish residents of the courtyard render each other prohibited from carrying in such a case, but they may not establish an eiruv due to the presence of the gentile.

¹⁵⁷ The Gemara further analyzes the case: Now, if it is referring to a situation where the gentile arrived on the previous day, i.e., before Shabbat, let him rent the property from the gentile on the previous day. Before Shabbat, both options were available: They could have either established an eiruv or one Jew could have renounced his rights in favor of the other. Therefore, it would not have been considered a situation in which they render each other prohibited to carry but cannot establish an eiruv.

¹⁵⁸ Rather, is it not referring to a case where the gentile arrived on Shabbat, and Shmuel is teaching: In a place where they render each other prohibited from carrying but they may not establish an eiruv together, in such a situation they may not renounce their rights for each other. Therefore, you can learn from this that if the gentile arrived on Shabbat, they cannot rent his property and then renounce their rights to one of them. This explains Rabbi Elazar's surprise at Rabbi Yohanan's ruling, as it appears to contradict this teaching of Shmuel, his first teacher.

¹⁵⁹ Rav Yosef said: I have not heard this halakha of Shmuel's with regard to two courtyards situated one within the other, that the residents of the inner courtyard may renounce their rights to the outer courtyard in favor of the residents of that courtyard. Abaye said to him: You yourself told it to us. Rav Yosef forgot his studies due to illness, so his student Abaye would remind him of his own

teachings. Abaye continued: And it was with regard to this that you told it to us. As Shmuel said: There is no renunciation of rights from one courtyard to another. In other words, while one may renounce his rights to his own courtyard for the other residents of that courtyard, he may not renounce his rights to another courtyard for the residents of that courtyard.

¹⁶⁰ Likewise, there is no renunciation of property rights in a ruin. If a ruin was shared by two houses, neither can renounce its rights to the ruin in favor of the other. The Sages instituted renunciation of rights only with regard to a courtyard, as that is the typical case.

¹⁶¹ And you said to us with regard to this matter: When Shmuel said that there is no renouncing of rights from one courtyard to another, we said this only with regard to a case of two courtyards, one alongside the other and each opening into an alleyway, that have a single opening between them. However, if the two courtyards were situated one within the other, since the residents of the courtyards render each other prohibited from carrying, they may also renounce their rights in favor of each other.

¹⁶² Rav Yosef said to Abaye in surprise: I said that in the name of Shmuel? Didn't Shmuel say: We may be lenient with regard to the laws of eiruv in only in accordance with the wording of the mishna, which states that the residents of a courtyard, in the singular, may renounce their rights, but not the residents of courtyards in the plural. Therefore, the option of renouncing rights does not apply to two courtyards.

¹⁶³ Abaye said to him: When you told us this ruling of Shmuel's that we may be lenient with regard to the laws of eiruv in only in accordance with the wording of the mishna, you said it to us with regard to the following mishna, which states: That an alleyway in relation to its courtyards is like a courtyard in relation to its houses. Shmuel inferred from this that there must be at least two courtyards with two houses each that open into an alleyway in order to permit carrying there by means of a side post or a cross beam.

¹⁶⁴ The Gemara examines the ruling of Shmuel that was cited in the previous discussion. Returning to the matter itself, Shmuel said: There is no renunciation of rights from one courtyard to another, and there is no renunciation of rights in a ruin. But Rabbi Yoḥanan disagreed and said: There is renunciation of rights from one courtyard to another, and there is renunciation of rights in a ruin.

¹⁶⁵ The Gemara comments: It is necessary to explain that Shmuel and Rabbi Yoḥanan disagreed with regard to both cases, as neither case could have been learned from the other. As, if it had taught only that there is no renunciation of rights from one courtyard to another, one could have said that it is only with regard to this case that Shmuel said that there is no renunciation of rights, because the use of the one courtyard stands alone and the use of the other courtyard stands alone. Each courtyard is not used by the residents of the other courtyard, and therefore there is no renunciation of rights from one courtyard to the other. However, with regard to a ruin, where there is one common use for both neighbors, as the residents of both houses use it, I would say that he concedes to Rabbi Yoḥanan.

¹⁶⁶ And conversely, if it was stated only with regard to the case of a ruin, one could have said that it is only with regard to this case that Rabbi Yoḥanan stated his position, but with regard to the other case, renouncing rights from one courtyard to another, perhaps he concedes to Shmuel. Therefore, it is necessary to teach both cases.

¹⁶⁷ Abaye said: With regard to that which Shmuel said, that there is no renunciation of rights from one courtyard to another, we said this only with regard to two courtyards, one alongside the other and each opening into an alleyway, that have a single opening between them. However, if there were two courtyards, one within the other, since the residents render each other prohibited to carry, they may also renounce their rights in favor of each other.

¹⁶⁸ Rava said: Even in the case of two courtyards, one within the other, sometimes the residents may renounce their rights in favor of each other, and sometimes they may not renounce them. How so? If the residents of the two courtyards placed their eiruv in the outer courtyard, and one person forgot to do so, whether he was a resident of the inner courtyard or of the outer courtyard, and he therefore did not establish an eiruv with the others, then it is prohibited to carry in both courtyards. The person who neglected to establish an eiruv renders it prohibited for the residents of both courtyards to carry, because the eiruv for both courtyards is located in the outer one, and it is prohibited to carry there without an eiruv due to the right of passage of the residents of the inner courtyard through the outer courtyard. Therefore, there is no effective eiruv at all, not even for the residents of the inner courtyard.

¹⁶⁹ However, if the residents of the two courtyards placed their eiruv in the inner courtyard, the following distinction applies: If a resident of the inner courtyard forgot and did not establish an eiruv, both courtyards are prohibited. In that case, it is prohibited to carry in the inner courtyard itself, due to the one who did not join in the eiruv. Since the inner courtyard is prohibited, it also renders the outer one prohibited, as the residents of the inner courtyard must pass through it.

¹⁷⁰ On the other hand, if a resident of the outer courtyard forgot and did not establish an eiruv, it is permitted to carry in the inner courtyard and it is prohibited to carry in the outer courtyard. The residents of the inner courtyard have an eiruv, as they established an eiruv together, and therefore they may carry in their courtyard. The residents of the outer courtyard do not render it prohibited for them to carry, as they do not have the right to pass through the inner courtyard, and the inhabitants of the latter could bar their entrance to the inner courtyard by locking their doors.

¹⁷¹ The Gemara explains why the residents of these courtyards cannot avail themselves of the option of renunciation: If the residents of the two courtyards placed their eiruv in the outer courtyard, and one person forgot to do so, whether he was a resident of the inner courtyard or of the outer courtyard, and he therefore did not establish an eiruv with the others, then it is prohibited to carry in both courtyards, and the person who forgot to join in the eiruv cannot renounce his rights to the courtyard. The reason for this is as follows: That resident of the inner courtyard who forgot to place his eiruv, in favor of whom can he renounce his rights? Let him renounce them in favor of the residents of the inner courtyard, yet that is ineffective, as their eiruv is not with them but in the outer courtyard. Consequently, they would remain without an eiruv, which means they would render it prohibited to carry in the outer courtyard. Let him renounce them in favor of the residents of the outer courtyard, but that too is ineffective, as Shmuel ruled that there is no renunciation of rights from one courtyard to another.

¹⁷² Similarly, that resident of the outer courtyard who forgot to place his eiruv, in favor of whom can he renounce his rights? Let him renounce them in favor of the residents of the outer courtyard, but there is still the inner courtyard that renders them prohibited from carrying. Let him renounce them in favor of the residents of the inner courtyard, but there is no renunciation of rights from one

courtyard to another. Therefore, the mechanism of permitting carrying by means of renunciation cannot be applied in these cases.

¹⁷³ Likewise, if the residents of the two courtyards placed their eiruv in the inner courtyard, and a resident of the inner courtyard forgot to do so and did not establish an eiruv, it is prohibited to carry in both courtyards. The reason is as follows: That resident of the inner courtyard who forgot to place his eiruv, in favor of whom can he renounce his rights? Let him renounce them in favor of the residents of the inner courtyard, yet there is still the outer courtyard that renders them prohibited from carrying, as the eiruv shared by the courtyards is in essence a valid eiruv, which gives the residents of the outer courtyard the right to enter the inner one. Let him renounce them in favor of the residents of the outer courtyard, but that is ineffective, as Shmuel maintains that there is no renunciation of rights from one courtyard to another. In that case, since the inner courtyard is prohibited, it renders it prohibited to carry in the outer one as well.

¹⁷⁴ But if a resident of the outer courtyard forgot and did not establish an eiruv, it is certainly permitted to carry in the inner courtyard, as its residents can close the door between the two courtyards, thereby preventing the residents of the outer courtyard from entering, and they can then use their courtyard on their own. However, it is still prohibited to carry in the outer courtyard.

¹⁷⁵ Rav Huna, son of Rav Yehoshua, said to Rava: And if a resident of the inner courtyard forgot and did not establish an eiruv, why is it prohibited to carry in both courtyards? Let the resident of the inner courtyard who forgot to establish an eiruv renounce his rights in favor of the other residents of the inner courtyard, and then let the residents of the outer courtyard, who had established an eiruv with the inner one, come and be permitted to carry together with them.

¹⁷⁶ Rava replied: In accordance with whose opinion do you make this suggestion? It is in accordance with the opinion of Rabbi Eliezer, who said: It is not necessary to renounce one's rights in favor of each and every resident. Rather, it is enough for a person to renounce his rights in favor of a single person, as once he no longer has any rights in the courtyard, he can no longer render it prohibited to carry there. According to this approach, a resident of the inner courtyard may indeed renounce his rights in favor of the other residents of his courtyard. The outer courtyard would then be rendered permitted together with the inner courtyard. However, when I spoke, it was in accordance with the opinion of the Rabbis, who say: It is necessary to renounce one's rights in favor of each and every resident. Therefore, in order to render the outer courtyard permitted, it would be necessary for the person who forgot to establish the eiruv to renounce his rights in favor of the residents of the outer courtyard as well. However, he may not do so, as one may not renounce rights from one courtyard to another. Therefore, the outer courtyard may not be rendered permitted in this manner.

¹⁷⁷ The Gemara relates that when Rav Ḥisda and Rav Sheshet would meet each other, Rav Ḥisda's lips would tremble from the teachings of Rav Sheshet. Rav Sheshet's fluency and expertise were such that Rav Ḥisda would be filled with awe in his presence. For his part, Rav Sheshet's entire body would shake from Rav Ḥisda's sharpness, i.e., from his brilliant, analytical mind.

¹⁷⁸ Rav Ḥisda raised a dilemma before Rav Sheshet: If there were two unconnected houses on two sides of a public domain, and gentiles came and enclosed them in a partition on Shabbat, what is the halakha? By erecting the fence, the gentiles nullified the public domain between the two houses, turning it into a private domain. Consequently, carrying from one house to the other is permitted by Torah law. The question is: Is it possible to render it permitted to carry even by rabbinic law? Can

one resident renounce his rights to the area between the houses and thereby allow the other to carry there?

¹⁷⁹ The Gemara clarifies the question: In accordance with the opinion of the one who said that there is no renouncing of rights from one courtyard to another, you have no dilemma, as carrying is certainly prohibited. Now, if in a case where had they wanted to establish an eiruv yesterday they could have established an eiruv, e.g., in a case of two adjacent courtyards with an entranceway between them, you say that there is no renouncing of rights from one courtyard to another, then here, in a case of two houses situated on opposite sides of a public domain, where had they wanted to establish an eiruv yesterday they could not have established an eiruv, because of the public domain between the houses, all the more so is it not clear that there is no renouncing of rights?

¹⁸⁰ Where you have a dilemma is in accordance with the opinion of the one who said that there is renouncing of rights from one courtyard to another, and the two sides of the question are as follows: Perhaps there, where had they wanted to establish an eiruv yesterday they could have established an eiruv then, they can also renounce rights now. But here, where they could not have established an eiruv yesterday even had they wanted to, one may not renounce rights now either.

¹⁸¹ Or perhaps there is no difference between the two cases. Since renunciation of rights is possible under the current circumstances, yesterday's situation is not taken into account. Rav Sheshet said to Rav Ḥisda: In such a case, one may not renounce his rights.

¹⁸² Rav Ḥisda posed a similar question: If two Jews and a gentile shared a courtyard, and no steps had been taken prior to Shabbat to render it permitted to carry in the courtyard, and the gentile died on Shabbat, what is the halakha? Since the gentile died, he no longer imposes restrictions on carrying in the courtyard. May one Jew now renounce his rights in favor of the other and thereby render it permitted for him to carry in the courtyard?

¹⁸³ The Gemara clarifies the question: In accordance with the opinion of the one who said that one may rent from a gentile who arrives on Shabbat, you have no dilemma. Now that we may perform two actions, both rent and renounce rights, as the Jewish neighbors may rent from the gentile and subsequently each could renounce his rights in favor of the other, is it necessary to state that we may perform one action? Each Jew may certainly renounce his rights in favor of the other.

¹⁸⁴ Rather, there is a dilemma in accordance with the opinion of the one who said that they may not rent from the gentile in such a case. The two sides of the question are as follows: Perhaps it is two actions that we may not perform, rent and renounce; however, one action alone we may perform; or perhaps there is no difference between one action and two. Rav Sheshet said to Rav Ḥisda: I say that in such a case one may renounce his rights, while Rav Hamnuna said that one may not renounce his rights.

¹⁸⁵ Rav Yehuda said that Shmuel said: With regard to a gentile who lives in a courtyard that opens into an alleyway in which many Jews reside, and he has another entrance on the other side of the courtyard, even one that is only four by four handbreadths in size, that opens into a valley, then in such a case, even if all day long he brings camels and wagons in and out of his courtyard by way of the alleyway, so that it is evident that he uses the alleyway, he nonetheless does not render it prohibited for the residents of the alleyway to carry. He is not considered a resident of the alleyway alongside them, as the entrance from the field is viewed as the true entrance to his courtyard.

¹⁸⁶ What is the reason that his small entrance from the field is considered his main entrance?

Because the entrance that is exclusively his is preferable to him. Despite its small size, the gentile views the entrance from the field as his main entrance, while he uses the one that opens into the alleyway only when it is convenient.

¹⁸⁷ Based on this assumption, a dilemma was raised before the Sages: If the gentile's courtyard opens into an alleyway in which Jews reside, and it also has an entrance that opens into an enclosure rather than into a valley, what is the halakha? Which entrance is considered his primary entrance? Rav Naḥman bar Ami said, citing a tradition [mishmei de'ulpana] he received from his teachers:

¹⁸⁸ Even if it opens into an enclosure, this is considered its main entrance, rather than the one that opens into the alleyway.

¹⁸⁹ It is Rabba and Rav Yosef who both say: The halakha in such a case depends on the identity of the owner of the courtyard. With regard to a courtyard owned by a gentile, if the enclosure behind his courtyard is the size of two beit se'a or less, he renders it prohibited for the Jewish residents of the alleyway to carry. An enclosure of this size is not large enough for all the gentile's needs, and therefore his main entrance is the one that opens into the alleyway. However, if the enclosure is greater than the size of two beit se'a, he does not render it prohibited for the residents of the alleyway to carry, as such an enclosure is sufficient for all his needs.

¹⁹⁰ On the other hand, with regard to a courtyard owned by a Jew, if the enclosure is the size of two beit se'a or less, he does not render it prohibited for the other residents of the alleyway to carry, even if he did not join in an eiruv with them. Because he has the option of carrying in such an enclosure on Shabbat, he would not carry in the alleyway, as it is more convenient for him to carry in a place that belongs exclusively to him.

¹⁹¹ However, if the enclosure is greater than the size of two beit se'a, in which case it is prohibited to carry there, the Jew would carry only by way of the alleyway. Therefore, he renders it prohibited for his fellow residents of the alleyway to carry unless he establishes an eiruv with them.

¹⁹² With regard to this issue, Rava bar Ḥaklai raised a dilemma before Rav Huna: If the gentile's courtyard opens into an alleyway, and it also has an entrance that opens into an enclosure, what is the halakha? He said to him: They have already said that if the enclosure is the size of two beit se'a or less, the gentile renders it prohibited for the Jewish residents of the alleyway to carry; however, if it is more than two beit se'a, he does not render it prohibited for them to carry.

¹⁹³ Ulla said that Rabbi Yoḥanan said: With regard to an enclosure greater than the size of two beit se'a that was not originally surrounded by a fence for the purpose of residence, even if it is as large as a field that produces a crop of one kor, and even two kor, one who inadvertently throws an object into it from the public domain is liable to bring a sin-offering, like one who throws into a private domain. What is the reason for this? It is because the partition of an enclosure is a valid partition. Consequently, the enclosure is considered a private domain by Torah law, except that it is lacking residents, and therefore the Sages did not permit one to carry inside it as in a proper private domain.

¹⁹⁴ Rav Huna bar Ḥinnana raised an objection from the following baraita: With regard to a rock protruding from the sea that is ten handbreadths high and four handbreadths wide, one may not carry from it to the sea or from the sea to it on Shabbat. The rock has the status of a private domain, while the sea is a karmelit, and it is prohibited to carry from a private domain into a karmelit or vice versa

on Shabbat. If the rock is smaller than this, either in height or width, so that it is no longer considered a private domain, one may carry to or from it. How large may the rock be? It may be up to the size of two beit se'a.

¹⁹⁵ The Gemara attempts to clarify the meaning of this baraita: To which part of the baraita is the clause: Up to the size of two beit se'a, referring? If you say it is referring to the latter clause, can it be that with regard to a rock that is less than ten handbreadths high, the halakha is that carrying is permitted if the rock is up to the size of two beit se'a, but no more than that? Wouldn't he be carrying from one karmelit to another, which is certainly permitted?

¹⁹⁶ Rather, is it not referring to the first clause of the baraita, and this is what it is saying: With regard to a rock protruding from the sea that is ten handbreadths high and four handbreadths wide, one may not carry from it to the sea or from the sea to it, as it has the status of a private domain. And how large may it be for this prohibition to apply? Up to the size of two beit se'a. But if the rock is greater than the size of two beit se'a, one may carry. Apparently, it is a karmelit in all respects, and not just as a stringency. This appears to be a conclusive refutation of the opinion of Rabbi Yoḥanan.

¹⁹⁷ Rava said: Only one who does not know how to explain mishnayot raises such refutations against Rabbi Yoḥanan, one of the greatest Sages of his generation. Rather, the baraita is to be understood as follows: Actually, the final words of the baraita refer to the first clause, and this is what it is saying: With regard to a rock protruding from the sea that is ten handbreadths high and four handbreadths wide, one may not carry from it to the sea or from the sea to it, but within it, on the rock itself, one may carry, as it is considered a private domain. And how large may the rock be and remain permitted? Up to two beit se'a.

¹⁹⁸ Rav Ashi said that the baraita may be explained differently, yet still in a manner that does not refute the words of Rabbi Yoḥanan: Actually, the final words of the baraita refer to the first clause, as stated by Rav Huna bar Ḥanina. However, one may not infer from them a principle with regard to enclosures, as they said that the halakha is stringent in one case, and they said that the halakha should be lenient in a different case, i.e., the same Sages who were stringent in one case were lenient in another.

¹⁹⁹ How so? They said that in the case of an enclosure greater than the size of two beit se'a that was not originally enclosed with a fence for the purpose of residence, one may carry only a distance of four cubits, as it has the status of a karmelit in this regard. And they also said that one may not carry from a private domain to a karmelit. Both of these halakhot are decrees of the Sages.

²⁰⁰ Therefore, the Sages developed the following principles: With regard to a rock that is no larger than two beit se'a, so that it is permitted to carry on all of it, the Sages prohibited carrying from the sea to it and from it to the sea. What is the reason for this? It is that the rock is a full-fledged private domain, and they did not permit one to carry from a private domain to a karmelit or vice versa.

²⁰¹ However, if it is larger than the size of two beit se'a, so that it is prohibited to carry on all of it by rabbinic decree, the Sages permitted carrying from the sea to it and from it to the sea. What is the reason for this? It is because the Sages were concerned that perhaps people would say that it is a proper private domain, and they would come to carry on all of it. Were the Sages to prohibit carrying from the rock to the sea, people would think that it is a full-fledged private domain, and they would carry on it. Since all these decrees are rabbinic in nature, the Sages permitted carrying from a private domain to a karmelit in this case in order to prevent people from violating a different rabbinic decree,

which prohibits carrying in an enclosure that is greater than the size of two beit se'a. However, no general conclusion may be inferred from this that an enclosure larger than two beit se'a is not a private domain by Torah law.

²⁰² The Gemara asks: And what is the difference between the decrees that caused the Sages to choose to uphold the one decree and not the other? The Gemara answers: The difference is that carrying within the rock is common, whereas carrying from it to the sea and from the sea to it is not common. The Sages permitted carrying in the less likely scenario in order to reinforce the decree against carrying within the rock, the more common situation.

²⁰³ The Gemara now relates that there was once a certain baby whose warm water, which had been prepared for his Shabbat circumcision, spilled. Rabba said to them: Let them bring warm water for him from my house. Abaye said to him: But we did not establish an eiruv in the courtyard, so it is prohibited to carry the water.

²⁰⁴ Rabba said to him: Let us rely on the merging of alleyways, which may serve in place of a joining of courtyards in pressing circumstances such as these. Abaye said to him: But we did not establish a merging of alleyways either. Rabba replied: If so, let them instruct a gentile to bring the warm water for him, even though it is generally prohibited to instruct a gentile to perform labor for a Jew that involves a desecration of Shabbat.

²⁰⁵ Abaye said: I wanted to raise an objection against the Master, Rabba, but Rav Yosef would not let me do so, as Rav Yosef said that Rav Kahana said: When we were in Rav Yehuda's house, he would say to us when we were presented with a halakhic difficulty: With regard to a Torah law, we first raise objections and then we perform an act, i.e., if someone has an objection to a proposed action, we must first clarify the matter and only then may we proceed. However, with regard to rabbinic laws, we first perform an act and then we raise objections.

²⁰⁶ Afterward, when they had brought the water, Rav Yosef said to Abaye: What objection did you wish to raise against the Master, Rabba? He said to him: As it was taught in a baraita: Sprinkling the water of purification on an impure person on Shabbat is not prohibited by Torah law; rather, it is only a rabbinic decree to enhance the character of Shabbat as a day of rest. And telling a gentile to perform a Shabbat labor on behalf of a Jew is likewise only a rabbinic decree.

²⁰⁷ Just as sprinkling the water of purification is prohibited by rabbinic decree and does not override Shabbat, even for the purpose of a mitzva, so too, telling a gentile to perform a prohibited labor Shabbat is prohibited by rabbinic decree and does not override Shabbat. How, then, could Rabba suggest that they instruct a gentile and thus transgress a rabbinic decree?

²⁰⁸ Rav Yosef said to him: But do you not differentiate between a rabbinic decree that involves an action and a rabbinic decree that does not involve an action? As the Master, Rabba, did not say to the gentile: Go and heat water on Shabbat, but only told him to transfer something from one domain to another, which does not involve an action and is therefore less severe.

²⁰⁹ Upon hearing of this incident and the ensuing discussion, Rabba bar Rav Ḥanan said to Abaye: In an alleyway that contains two such great people as the Sages Rabba and Abaye, is it possible that there could be neither an eiruv nor a merging of alleyways? Abaye said to him: What should we do? As for the Master, Rabba, it is not his manner to go and collect for the eiruv from all the residents of

the alleyway. As for myself, I am busy with my studies and do not have time to take care of this issue. And they, the other residents of the alleyway, do not attend to such matters.

²¹⁰ And if I were to transfer to the residents of the alleyway a share of the bread in my basket, so as to allow them to join a merging of alleyways, since if they would want to take it from me it would be impossible for me to give it to them because I am poor and need the small amount of bread that I can afford for myself, the merging of alleyways would therefore be invalid.

²¹¹ As it was taught in a baraita: If one of the residents of an alleyway requested wine or oil from the merging of alleyways, and they did not give him any, the merging of alleyways is invalid. This is because it has become evident that he is not considered a true partner in it.

²¹² Rabba bar Rav Ḥanin further asked: But let the Master transfer to them a quarter-log of vinegar in one of his barrels; certainly even Abaye could afford to provide such a small amount of vinegar for the rest of the residents. Abaye replied: It was taught in a baraita: One may not use food in a storeroom for a merging of alleyways, as it is not clear which specific portion of the food is being set aside for that purpose. The same halakha would apply to an unspecified quarter-log of vinegar in a barrel.

²¹³ Rabba bar Rav Ḥanin raised a difficulty. Wasn't it taught in a different baraita: One may use stored food for a merging of alleyways? Rav Oshaya said: This is not difficult. This source, the baraita that states that one may not use stored food for a merging of alleyways, is in accordance with the opinion of Beit Shammai. And that source, the baraita that states that it is permitted to do so, is in accordance with the opinion of Beit Hillel. Beit Shammai and Beit Hillel disagree about whether or not to apply the principle of retroactive clarification.

²¹⁴ As we learned in a mishna: If a corpse is in a house, and the house has many entrances, they are all ritually impure. It is currently unknown through which entrance the corpse will be removed from the house, and any of the entrances might be used for this purpose. Therefore, they all contract impurity imparted by a corpse in a tent as though the corpse had already passed through each of them.

²¹⁵ However, if only one of them was open, that particular entrance is ritually impure, as the corpse will certainly be removed through it, while all of the others are ritually pure. If one decided from the outset to remove the corpse through one of the entrances, or through a window that is four by four handbreadths in size, it saves all of the other entrances from contracting impurity.

²¹⁶ Beit Shammai say: This applies only if he had decided on an entrance before the person died, so that the entrance through which his body would be removed was already determined at the time of death. But Beit Hillel say: This applies even if he decided the matter only after the person had died, as the principle of retroactive selection is invoked and the entrance through which the deceased will be removed has been retroactively established. The same dispute applies to a merging of alleyways with an unspecified portion of stored food, and it revolves around whether it can be retroactively established that a specific portion had been set aside for the merging of alleyways.

²¹⁷ The Gemara relates another story about a certain baby whose warm water, which had been prepared for his Shabbat circumcision, spilled. Rava said to those who had brought the matter to his attention: Let us ask the baby's mother. If the warm water is necessary for her health, let a gentile

heat water for the baby indirectly, through his mother. In other words, the water may be heated for the mother, as a woman after childbirth is regarded as being in a life-threatening situation.

²¹⁸ Rav Mesharshiya said to Rava: The baby's mother is healthy enough that she is eating dates. Certainly her condition is not precarious enough to necessitate the heating of water. Rava said to him: It is possible to say that it was merely a ravenous hunger that had seized her, and she is unaware of what she is eating, but in fact she is still dangerously ill.

²¹⁹ The Gemara relates yet another similar incident: There was once a certain baby whose warm water, which had been prepared for his Shabbat circumcision, spilled. Rava, who had water in his courtyard but had not established a joint eiruv with the adjacent courtyard where the baby was located, said to those who asked him about the matter: Clear away my belongings from the men's chamber, which opens directly into my courtyard, to the inner women's chamber, which does not. Rava was concerned that he would come to carry his belongings into the courtyard, which would be prohibited once he had renounced his rights to it. And I will go and sit there, in the women's chamber, and I will renounce my rights to this courtyard in favor of the residents of the baby's courtyard, so that they will be able to transfer the warm water from one courtyard to the other.

²²⁰ Ravina said to Rava: Didn't Shmuel say: There is no renunciation of rights from one courtyard to another. How, then, can you renounce your rights to your courtyard in this manner? Rava said to him: I hold in accordance with the opinion of Rabbi Yoḥanan, who said: There is renouncing of rights from one courtyard to another.

²²¹ Ravina then asked Rava: But if the Master does not hold in accordance with the opinion of Shmuel,

²²² let the Master remain in his place, i.e., in the men's chamber, and renounce his rights to his courtyard in favor of the residents of the baby's courtyard, so that they may transfer the water from one courtyard to the other. And then, after the water has been moved, let them renounce their rights in favor of the Master, so that he may once again carry in his courtyard. As Rav said: If two people who live in the same courtyard forgot to establish an eiruv, one person may renounce his rights in favor of the other when he needs it, and the second person may then renounce his rights in favor of the first when he needs it.

²²³ Rava replied: In this regard, I hold in accordance with the opinion of Shmuel, who said: One person may not renounce his rights in favor of the other and then subsequently have the second person renounce his rights in favor of the first.

²²⁴ Ravina raised a difficulty: Isn't the reason for both halakhot one and the same? What is the reason that one may not renounce his rights in favor of the other and then subsequently have the other renounce his rights in favor of the first? Is it not because it is assumed that since he renounced his rights to the courtyard, it is as if he has completely removed himself from here, and he is now considered like the resident of a different courtyard, and Shmuel holds that there is no renouncing of rights from one courtyard to another? If so, the Master should likewise not renounce his rights to his courtyard. If you accept Shmuel's opinion with regard to subsequent renouncing, you should likewise accept his opinion with regard to renunciation of rights from one courtyard to another.

²²⁵ Rava responded: That is not Shmuel's reason for prohibiting subsequent renunciations. There, this is the rationale for his opinion: So that the words of the Sages should not be a subject of laughter

and mockery. If it is permitted for one person to renounce his rights in favor of another and then for the second person to renounce his rights in favor of the first, the Sages' enactment will lose all meaning.

²²⁶ The Gemara proceeds to examine in greater detail the issue raised in the previous discussion. Returning to the matter itself, Rav said: If two people who live in the same courtyard forgot to establish an eiruv, one may renounce his rights in favor of the other, and then the second person may renounce his rights in favor of the first. And Shmuel said: One may not renounce his rights in favor of the other and then subsequently have the second person renounce his rights in favor of the first.

²²⁷ The Gemara suggests: Let us say that Rav and Shmuel disagree about the same point of dispute as the Rabbis and Rabbi Eliezer. Elsewhere it is taught that Rabbi Eliezer and the Rabbis disagree with regard to the halakha in a case where one of the residents of a courtyard forgot to join in the eiruv, but subsequently renounced his rights to the courtyard on Shabbat. The dispute revolves around the status of this resident's house. Rabbi Eliezer holds that it is prohibited for him to carry in and out of his house, while the other residents of the courtyard are permitted to do so. However, the Rabbis hold that the other residents are prohibited from carrying in and out of his house as well.

²²⁸ The suggestion is that Rav stated his ruling in accordance with the opinion of the Rabbis, who hold that even one who renounces his rights to his courtyard does not renounce his rights to his house. As he has not completely removed himself from the courtyard, the other residents may later go back and renounce their rights in his favor. And Shmuel stated his ruling in accordance with the opinion of Rabbi Eliezer. He maintains that this resident has completely removed himself from the courtyard. Therefore, there is no possibility of others subsequently renouncing their rights in his favor, as he is no longer considered a resident of the courtyard.

²²⁹ The Gemara rejects this comparison: Rav could have said to you: What I said is even in accordance with the opinion of Rabbi Eliezer. Rabbi Eliezer stated his opinion there, that one who renounces his rights to his courtyard also renounces his rights to his house, only because people do not live in a house without a courtyard, and therefore it is evident that he has renounced his rights to his house as well. However, with regard to whether or not the person himself is considered entirely removed from the courtyard to the extent that the others would be unable to then renounce their rights in his favor, did he state this? According to this explanation, it is possible that Rav's opinion concurs with Rabbi Eliezer's statement.

²³⁰ And Shmuel could have said: What I said is even in accordance with the opinion of the Rabbis. The Rabbis stated their opinion only there, where they ruled: That which he has renounced, i.e., his rights to his courtyard, is renounced; and that which he has not renounced, i.e., his rights in his house, is not renounced. However, from that which he has renounced, he has removed himself completely. Consequently, all agree that one who renounces his rights to his courtyard is no longer considered a resident of that place.

²³¹ Rav Aḥa bar Ḥana said that Rav Sheshet said: This dispute between Rav and Shmuel is like an earlier dispute between tanna'im. We learned elsewhere in a mishna: If one gave away his rights to his share of the courtyard to the other residents of the courtyard by renouncing them after having forgotten to establish an eiruv with the other residents on the previous day, and then he carried something out from his house into the courtyard, whether he did so unwittingly, forgetting that he had renounced his rights, or intentionally, he once again renders carrying prohibited for all the

residents of the courtyard, as his action cancels his renunciation. This is the statement of Rabbi Meir. Rabbi Yehuda says: If he did so intentionally, he renders carrying prohibited for the other residents; but if he did it unwittingly, he does not render carrying prohibited for them.

²³² What, is it not that they disagree with regard to this: One Sage, Rabbi Meir, holds that a person who renounces his rights does not remove himself completely from his domain, and therefore one person may renounce his rights in favor of another, and the second person may then renounce his rights in favor of the first. As a result, even an inadvertent act of carrying serves to cancel the renunciation. And one Sage, Rabbi Yehuda, holds that one who renounces his rights removes himself completely from his domain, and therefore one person may not renounce his rights in favor of another and then subsequently have the second person renounce his rights in favor of the first. In that case, only an intentional act of carrying can cancel the renunciation.

²³³ Rav Aḥa bar Taḥalisa said in the name of Rava: No, everyone agrees that a person who renounces his rights removes himself completely from his domain, and therefore one person may not renounce his rights in favor of another and then subsequently have the second person renounce his rights in favor of the first. And here, they disagree with regard to the question: Did the Sages penalize an unwitting offender due to an intentional offender? One Sage, Rabbi Meir, who states that the resident always renders carrying prohibited for the others, holds that they penalized an unwitting offender due to an intentional offender. And one Sage, Rabbi Yehuda, who states that the resident renders carrying prohibited for the others only if he acted intentionally, holds that they did not penalize an unwitting offender due to an intentional offender.

²³⁴ Rav Ashi, disagreeing with the Gemara's refutation, said: Rav and Shmuel disagree in the same dispute as do Rabbi Eliezer and the Rabbis.

²³⁵ It was stated in the mishna that Rabban Gamliel said: There was an incident involving a certain Sadducee who lived with us in the same alleyway in Jerusalem, who renounced his rights in the alleyway before Shabbat. The mishna then continues with a discussion about how and whether the alleyway may be used on Shabbat. The Gemara first poses a question: A Sadducee; who mentioned his name? The mishna had thus far spoken only of a gentile, so why does Rabban Gamliel invoke an incident involving a Sadducee?

²³⁶ The Gemara answers: The mishna is incomplete. It is missing an important element, and this is what it is teaching: The legal status of a Sadducee is like that of a gentile, and Rabban Gamliel says: The legal status of a Sadducee is not like that of a gentile. And Rabban Gamliel further said: There was an incident involving a certain Sadducee who lived with us in the same alleyway in Jerusalem, who renounced his rights in the alleyway before Shabbat, and Father said to us: Hurry and take out your utensils to the alleyway to establish possession of it before he changes his mind and takes out his utensils, in which case he would render it prohibited for you to use the entire alleyway.

²³⁷ And similarly, wasn't it taught in a baraita that the status of a Sadducee is a matter of dispute between tanna'im: If one lives with a gentile, a Sadducee, or a Boethusian in the same alleyway, they render carrying prohibited for him. Rabban Gamliel says: A Sadducee or a Boethusian do not prohibit one from carrying. There was an incident involving a certain Sadducee who lived with Rabban Gamliel in the same alleyway in Jerusalem, and he renounced his rights to the alleyway before Shabbat. Rabban Gamliel said to his sons: Hurry and take out those utensils that you wish to take out, and bring in those utensils that you wish to bring in, before that loathsome person retracts his

renunciation and takes out his utensils and prohibits you from using the alleyway, as he renounced his rights in your favor; this is the statement of Rabbi Meir.

²³⁸ Rabbi Yehuda says: Rabban Gamliel spoke to them with a different formulation, saying: Hurry and do whatever you must do in the alleyway prior to Shabbat, before night falls and he prohibits you from using the alleyway.

²³⁹ The Gemara proceeds to analyze this baraita. The Master said previously: Take out those utensils that you wish to take out, and bring in those utensils that you wish to bring in, before that loathsome person takes out his utensils and prohibits you from using the alleyway. The Gemara poses a question: Is that to say that, according to Rabbi Meir, if they took out their utensils and then afterward the gentile or Sadducee took out his utensils on Shabbat, he does not render carrying prohibited for them?

²⁴⁰ But didn't we learn elsewhere in the mishna: If one gave away his rights in his courtyard to the other residents of the courtyard, renouncing them after having forgotten to establish an eiruv with them the previous day, and then he carried something out from his house into the courtyard, whether unwittingly or intentionally, he again renders it prohibited for all the residents of the courtyard to carry; this is the statement of Rabbi Meir. This indicates that according to Rabbi Meir, even if the resident carried something into the courtyard on Shabbat itself, he cancels his renunciation, contrary to Rabbi Meir's own statement in the mishna with regard to a Sadducee.

²⁴¹ Rav Yosef said: Say that Rabbi Meir's statement should read instead: He does not render it prohibited. Abaye said: It is not difficult, as the contradiction between the two teachings of Rabbi Meir can be resolved as follows: Here, where the Sadducee cannot cancel his renunciation, it refers to a case where the residents of the alleyway had already taken possession of the alleyway before he brought out his vessels; whereas here, where the Jew cancels his renunciation, it refers to a case where the residents of the alleyway had not taken possession of the alleyway prior to his act of carrying.

²⁴² And similarly, it was taught in a baraita: With regard to one who failed to join in an eiruv with the other residents of his alleyway, if he carried something from his house into the alleyway before he gave away, i.e., renounced, his rights in the alleyway, whether unwittingly or intentionally, he can still renounce his rights; this is the statement of Rabbi Meir. Rabbi Yehuda says: If he unwittingly carried from his house into the alleyway, he can still renounce his rights, but if he did so intentionally, he cannot renounce them, for one who publicly transgresses the words of the Sages and intentionally desecrates Shabbat has the status of a gentile.

²⁴³ However, if one already gave away, i.e., renounced, his rights in the alleyway, and then he carried something from his house into the alleyway, whether unwittingly or intentionally, he renders prohibited all the residents' use of the alleyway, for his action cancels his renunciation; these are the words of Rabbi Meir. Rabbi Yehuda says: If he did it intentionally, he renders carrying prohibited; but if he carried inadvertently, he does not render carrying prohibited. In what case is this statement said? In a case where the residents of the alleyway had not already taken possession of the alleyway. But if the residents of the alleyway had already taken possession of the alleyway before he carried something into the alleyway, all agree that whether he did it unwittingly or intentionally, he does not render prohibited their use of the alleyway.

²⁴⁴ The Master said above in the baraita: Rabbi Yehuda says: Rabban Gamliel spoke to them with a different formulation, saying: Hurry, and do whatever you must do in the alleyway prior to Shabbat, before night falls, and he will render prohibited your use of the alleyway. It is apparent from this statement that a Sadducee is considered a gentile, whose renunciation of his rights in an alleyway is ineffective. But didn't we learn in the mishna that according to Rabbi Yehuda, he said: Hurry, and do whatever you have to do before he takes out [yotzi] his vessels and renders prohibited your use of the alleyway, which implies that until then they may in fact use the alleyway; that is, his renunciation is effective?

²⁴⁵ The Gemara answers: Say that the mishna should read as follows: Hurry, and do whatever you have to do before the day goes out [yotzi hayom], i.e., before the end of Friday. And if you wish, say: It is not difficult. Here, where the mishna implies that a Sadducee may renounce his rights in an alleyway, it refers to an apostate of the kind who desecrates Shabbat in private; here, where the baraita implies that a Sadducee may not renounce his rights in an alleyway, it refers to an apostate who desecrates Shabbat in public [befarhesya]. Such a person is likened to a gentile in all regards, and therefore he may not renounce his rights in the alleyway.

²⁴⁶ The Gemara comments: In accordance with which tanna is the ruling that was taught in the following baraita: An apostate or a brazen-faced person may not renounce his rights in favor of his neighbors. Before discussing the halakha itself, the Gemara wonders at the phrase brazen-faced person. It would appear to mean an impudent person who acts against the Torah in a brazen manner, but is not such a one an apostate? Why then are the two listed separately?

²⁴⁷ Rather, read the baraita as follows: A brazen-faced apostate, i.e., one who publicly displays his deviation from Torah, may not renounce his rights in favor of his neighbors. In accordance with whose opinion was this stated? It is in accordance with the opinion of Rabbi Yehuda.

²⁴⁸ The Gemara now relates that a certain person went out with a coral ring into the public domain, and it is prohibited to do so on Shabbat. When he saw Rabbi Yehuda Nesia approaching, he quickly covered it. Although he was desecrating the Shabbat, he did not want the Sage to see it. Rabbi Yehuda Nesia said: A person such as this, who is careful not to desecrate Shabbat in public, may renounce his rights in his courtyard according to the opinion of Rabbi Yehuda.

²⁴⁹ In connection with the preceding discussion with regard to one who does not conform to Torah law, Rav Huna said: Who is an apostate Jew? This is one who desecrates Shabbat in public. Rav Nahman said to him: In accordance with whose opinion did you say this? If he said this in accordance with the opinion of Rabbi Meir, who said: One who is suspected of transgressing one matter, i.e., someone who is known to have committed one transgression, is suspected of transgressing the entire Torah, he should be considered an apostate even if he transgresses one of all the other prohibitions of the Torah as well, and not necessarily one as severe as Shabbat desecration.

²⁵⁰ If he said this in accordance with the opinion of the Rabbis, it is difficult. Didn't they say: One who is suspected of transgressing one matter is not suspected of transgressing the entire Torah,

²⁵¹ unless he is an apostate with regard to idolatry. As long as he has not worshipped idols, his transgression of a single prohibition does not put him under suspicion of transgressing the rest of the Torah.

²⁵² Rav Nahman bar Yitzhak said: Rav Huna was not attempting to offer a broad definition of an apostate, but was rather referring to the specific issue of giving away rights or renouncing rights in a domain with regard to the halakhot of eiruv. And as it was taught in the following Tosefta: An apostate Jew, if he observes his Shabbat in the marketplace, i.e., in public, he may renounce his rights in a domain like a regular Jew, but if he does not observe his Shabbat in the marketplace, he may not renounce his rights in a domain, as he is no longer considered a Jew in this regard.

²⁵³ This distinction is significant due to the fact that the Sages said: A Jew may receive rights and give away rights in a domain through a mere statement of renunciation, but with regard to a gentile it is not so, as he may not transfer his rights to others or renounce them in a domain unless he actually rents it out. How so? A Jew may say to his fellow: May my rights in this domain be acquired by you, or May my rights in this domain be renounced to you, and his fellow thereby acquires those rights, and it is not necessary that he take possession of it through a formal mode of acquisition.

²⁵⁴ Rav Ashi said: Rav Huna's statement that a Jew who desecrates Shabbat in public is an apostate is indeed a general statement, as he is no longer considered a Jew in any sense. In accordance with the opinion of which tanna did he make that statement? It is in accordance with the opinion of this tanna, for whom Shabbat is as severe as idolatry, and therefore one who desecrates Shabbat is treated like an idol worshipper.

²⁵⁵ As it was taught in a baraita with regard to the verse: "Speak to the children of Israel and say to them: When any man of you brings an offering to the Lord, you shall bring your offering of the cattle, of the herd, or of the flock" (Leviticus 1:2). The baraita expounds: "Of you," i.e., some of you, but not all of you may bring an offering – to the exclusion of an apostate. "Of you" additionally serves to emphasize that among you, the children of Israel, I distinguish between those who observe the Torah and are fit to bring an offering, and those who are not fit, but not among the nations, i.e., in regard to the other nations, even those who do not fulfill the precepts binding upon them may offer their sacrifices.

²⁵⁶ "Of the cattle" is expounded as follows: To include people who are similar to animals in their disdain for the proper behavior of man, i.e., that the wicked too may offer sacrifices. From here the Sages stated: We accept voluntary sacrifices from Jewish transgressors, in order to enable them to repent, apart from the apostate, one who pours wine libations as part of idol worship, and one who desecrates Shabbat in public, from whom we do not accept sacrifices without their complete repentance.

²⁵⁷ The Gemara expresses surprise: This baraita itself is difficult, i.e., it contains an internal contradiction: You first said: "Of you," but not all of you, to the exclusion of an apostate; and then you taught: We accept sacrifices from Jewish transgressors. The Gemara answers: This is not difficult, as it can be explained as follows: The first clause refers to an apostate with regard to the entire Torah, whose sacrifices are not accepted, whereas the middle clause speaks of an apostate with regard to one matter alone, whose sacrifices are indeed accepted.

²⁵⁸ The Gemara raises a difficulty: If so, say an explanation of the last clause of the mishna: Apart from the apostate and one who pours wine libations to idolatry, and one who desecrates Shabbat in public. This apostate, what are the circumstances indicating his status? If it refers to an apostate with regard to the entire Torah, this is the same as the first clause. And if it refers to an apostate with

regard to only one thing, the middle clause of the baraita is difficult, for it states that we accept sacrifices from such an apostate.

²⁵⁹ Rather, is it not true that this is what it is saying: Apart from the apostate with regard to pouring wine libations to idolatry and desecrating Shabbat in public? Although they transgress only one matter, this transgression is so serious that they are considered apostates with regard to the entire Torah. It is apparent from here that idolatry and Shabbat are equivalent, which indicates that there is a tanna who considers public Shabbat desecration as severe a transgression as idolatry. The Gemara concludes: Indeed, learn from this that it is so.

²⁶⁰ MISHNA: If one of the residents of a courtyard forgot and did not participate in an eiruv with the other residents before Shabbat, and on Shabbat he renounced his rights in the courtyard to the other residents, his house is prohibited both to him, who forgot to establish an eiruv, and to them, the other residents, to bring in objects from the courtyard to his house or to take them out from his house into the courtyard. But their houses are permitted both to him and to them, for taking objects out into the courtyard and for bringing them in. If they gave away their rights in the courtyard to him, i.e., if they renounced their rights in his favor, he is permitted to carry from his house into the courtyard, but they are prohibited from doing so.

²⁶¹ If two residents of the courtyard forgot to establish an eiruv, and the others renounced their rights in the courtyard in their favor, they prohibit one another. In this scenario, the courtyard would belong to both of them, but each individual house remains the domain of its owner. It would therefore be prohibited for each of these residents to carry into the courtyard. For one resident may give away and receive rights in a domain, whereas two residents may only give away rights in a domain, but they may not receive rights in a domain. Since they did not establish an eiruv, it is unreasonable for the other residents of the courtyard to give away their rights in the domain, as the two who are prohibited because they did not participate in the eiruv render it prohibited for each other to carry.

²⁶² The mishna poses a general question: When may one give away rights in a domain? Beit Shammai say: While it is still day, i.e., before the onset of Shabbat; and Beit Hillel say: Even after nightfall, when it is already Shabbat. The mishna cites another dispute: If one gave away his rights in his courtyard to the other residents of the courtyard, renouncing them after having forgotten to establish an eiruv with them the previous day, and then he carried something out from his house into the courtyard – whether unwittingly, forgetting that he had renounced his rights, or intentionally, he renders carrying prohibited for all the residents of the courtyard, for his action cancels his renunciation; this is the statement of Rabbi Meir. Rabbi Yehuda says: If he acted intentionally, he renders carrying prohibited; but if he acted unwittingly, he does not render carrying prohibited.

²⁶³ GEMARA: The Gemara first analyzes the language of the mishna. It states: It is prohibited to bring in objects from the courtyard to his house and to take them out from his house into the courtyard. It can be inferred from this that it is carrying to and from his house that is prohibited, but carrying to and from his share of the courtyard is permitted to the other residents of the courtyard.

²⁶⁴ The Gemara asks: What are the circumstances where this ruling applies? If the resident who forgot to establish an eiruv renounced his rights, why is his house rendered prohibited? And if he did not renounce his rights, why is his courtyard permitted? The Gemara explains: With what are we dealing here? We are dealing with a special case, where he renounced his rights in his courtyard to the others but did not renounce his rights in his house to them. And the Rabbis hold that one who

renounces his rights in his courtyard has not renounced his rights in his house, as it is common for people to reside in a house without a courtyard.

²⁶⁵ The Gemara proceeds in its analysis of the mishna: It states that carrying in and out of their houses is permitted for him and for them. The Gemara poses a question: What is the reason that their houses are permitted to him? The Gemara answers: For he is regarded like a guest of theirs, i.e., he is subordinate to them and may carry wherever they may do so.

²⁶⁶ We learned in the mishna: If the other residents gave away their rights in the courtyard to him, he is permitted to carry from his house into the courtyard, but they are prohibited from doing so. The Gemara asks: But let them, the ones who renounced their rights in the courtyard, be regarded as guests of his, which would enable them to carry as well. The Gemara answers: One vis-à-vis five is considered a guest, whereas five or more vis-à-vis one are not ordinarily viewed as guests.

²⁶⁷ The Gemara attempts to draw another inference from the wording of the mishna: Shall we not learn from this, from the order of events in the mishna, that one may renounce his rights in favor of another when he needs it, and then the latter may renounce his rights in favor of the former when he needs it? For the mishna first describes a case in which the one who forgot to establish an eiruv renounces his rights in favor of the others, at which stage they may use the courtyard, and then afterward recounts that the other residents renounce their rights in favor of the one who forgot to establish an eiruv, leaving it permitted for him and prohibited for them.

²⁶⁸ The Gemara answers: No proof can be brought from here, for this is what the mishna is saying: If they gave away their rights in the courtyard to him at the outset, it is permitted for him and it is prohibited for them. In other words, this is not a continuation of the previous clause, but a separate case.

²⁶⁹ We learned in the mishna: If two residents of a courtyard forgot to establish an eiruv, and the others renounced their rights in the courtyard in their favor, they render one another prohibited from carrying. The Gemara raises a difficulty: Isn't this obvious? What novel teaching is stated here? The Gemara answers: No, this ruling is necessary in a case where the others renounced their rights in the courtyard in favor of the pair, and one of them then renounced his rights in favor of the other. Lest you say let it now be permitted for him to carry, the mishna teaches us that since at the time of his renunciation it was not permitted for him to carry in that courtyard, he may not renounce his rights either. Therefore, his renunciation is ineffective, and they are both prohibited from carrying.

²⁷⁰ The mishna explains: For one resident may give away and receive rights in a domain. The Gemara poses a question: Why do I need this further explanation? This ruling can be deduced from the previous cases: If the mishna wishes to teach the halakha with regard to giving away rights, we already learned that one person may give away his rights in a domain, and if it wishes to teach the halakha with regard to receiving rights, we already learned it as well, so why the repetition?

²⁷¹ The Gemara answers: He needed it due to the ruling in the latter clause, which includes the novel teaching that two residents may give away rights in a domain. The Gemara again wonders: But this halakha as well, that even multiple residents may give away their rights in a domain, is obvious. The Gemara answers: This was stated lest you say:

²⁷² Let us issue a decree that two residents may not give away their rights in a domain, lest people come to renounce their rights in favor of two residents as well. People might assume that just as two

may give away their rights to one, so too may one give away his rights to two. The mishna therefore teaches us that we do not issue such a decree.

²⁷³ We learned in the mishna: But two may not receive rights in a domain. The Gemara poses a question: Why do I need to say this? Isn't it superfluous? The Gemara answers: No, it is necessary to teach that rights may not be acquired even if the other residents of the courtyard say to one of the two who did not establish an eiruv: Acquire our rights in the courtyard on condition that you transfer them in turn to your friend, the other one who did not establish an eiruv. The mishna teaches that he does not become their agent and cannot transfer the rights to the other person, as he himself cannot receive such rights under these circumstances.

²⁷⁴ Abaye raised a dilemma before Rabba: If five people live in the same courtyard, and one of them forgot to join in an eiruv, when he renounces his rights in the courtyard, must he renounce them in favor of each and every one of the others or not? Rabba said to him: He must renounce his rights in favor of each and every one.

²⁷⁵ Abaye raised an objection from the following baraita: One resident of a courtyard who did not establish an eiruv may renounce his rights in the courtyard in favor of one who did establish an eiruv. Two courtyard residents who established an eiruv may also renounce their rights in the courtyard in favor of one who did not establish an eiruv. And similarly, two courtyard residents who did not establish an eiruv may renounce their rights in the courtyard in favor of two residents who did establish an eiruv or in favor of one resident who did not establish an eiruv.

²⁷⁶ But one courtyard resident who did establish an eiruv may not renounce his rights in the courtyard in favor of one resident who did not establish an eiruv, nor may two residents who established an eiruv renounce their rights in the courtyard in favor of two other residents who did not establish an eiruv, nor may two residents who did not establish an eiruv renounce their rights in the courtyard in favor of two residents who did not establish an eiruv.

²⁷⁷ In any event the first clause is teaching: One resident of a courtyard who did not establish an eiruv may renounce his rights in the courtyard in favor of one who did establish an eiruv. What are the circumstances surrounding this case? If there is no other resident with him, i.e., if there were only two people living in the courtyard, with whom did he, the other resident, establish an eiruv? He could not have established an eiruv on his own.

²⁷⁸ Rather, it is obvious that there is another resident with him, apart from the one who failed to establish an eiruv, and yet it states: He may renounce his rights in the courtyard in favor of one who did establish an eiruv, which implies that it is enough for him to renounce his rights in favor of one of the residents. He does not have to renounce his rights in favor of all of them.

²⁷⁹ The Gemara now asks: And how does Rabba understand this teaching? The Gemara answers: Rabba can say as follows: With what are we dealing here? This is a special case, where there was another person in the courtyard with whom he established the eiruv, but that person died in the meantime, leaving only one who established an eiruv, to whom the one who did not establish an eiruv may renounce his rights.

²⁸⁰ The Gemara raises a difficulty: If it indeed refers to a case where there was another person, but he died, say an explanation for the latter clause of the baraita: But one courtyard resident who did establish an eiruv may not renounce his rights in favor of one who did not establish an eiruv. Now if

it refers to a case where there was at first another person but he died, why may the one courtyard resident not renounce his rights in the courtyard? Now there is only one other person present in the courtyard.

²⁸¹ Rather, it is obvious that there is another person present, with whom the eiruv was established. And since the latter clause of the baraita deals with a case where there is another person present, the first clause of the baraita must also be dealing with a case where there is another person present.

²⁸² The Gemara rejects this proof: Is this necessarily the designation in both cases? Must the two clauses necessarily be dealing with the same case? This case as it is, and this case as it is, i.e., each clause deals with a unique set of circumstances, which need not accord with each other.

²⁸³ The Gemara adds: Know that this baraita does not only deal with one state of affairs, for the last part of the first clause teaches: And two courtyard residents who did not establish an eiruv may renounce their rights in the courtyard in favor of two residents who did establish an eiruv. It can be inferred from this that in favor of two residents, yes, they may renounce their rights, but in favor of one, no, they may not. This clearly indicates that they must renounce their rights in the courtyard in favor of both of them.

²⁸⁴ And Abaye can say: What is the meaning of in favor of two? In favor of one of the two, for this is as effective as renouncing their rights in favor of both of them. The Gemara raises a difficulty: If so, let it teach that the two courtyard residents who did not establish an eiruv may renounce their rights in the courtyard in favor of one resident who established an eiruv or in favor of one resident who did not establish an eiruv, from which one would understand that there are two present, for otherwise there could be no eiruv. The Gemara concludes: This is indeed difficult according to Abaye's opinion, although it does not completely refute his opinion.

²⁸⁵ The Gemara now explains the need for each clause of the baraita. The baraita opens: One resident of a courtyard who did not establish an eiruv may renounce his rights in favor of one who did establish an eiruv. According to Abaye, this refers to a case where there is another person present, and it teaches us that he need not renounce his rights in the courtyard in favor of each and every one of the others. According to Rabba, this refers to a case where there was another person in the courtyard, with whom he established the eiruv, but that person died in the meantime, and the novel teaching is that the Sages did not issue a decree due to the concern that sometimes that other person is still present.

²⁸⁶ The baraita continues: Two courtyard residents who established an eiruv may renounce their rights in the courtyard in favor of one who did not establish an eiruv. The Gemara poses a question: Isn't this obvious? What new halakha is being taught here? The Gemara answers: Lest you say that since he did not establish an eiruv, we should penalize him by insisting that he renounce his rights in their favor and not the reverse, therefore the baraita teaches us that it is permitted even for the ones who established an eiruv to renounce their rights in his favor.

²⁸⁷ It was further taught in the baraita: And similarly, two courtyard residents who did not establish an eiruv may renounce their rights in the courtyard in favor of two residents who established an eiruv. According to Rabba, the baraita taught the latter clause to shed light on the first clause. As the latter clause teaches that one must renounce rights to every resident in the courtyard, the first clause must refer to the case where the additional resident passed away, for otherwise, he would not be able to renounce his rights to only one of the residents of the courtyard. According to Abaye, it was

necessary for the mishna to teach the halakha in the case of two who did not establish an eiruv. For it could enter your mind to say that we should issue a decree determining that the two residents who did not establish an eiruv may not renounce their rights in favor of the two residents who established an eiruv, lest the two who established an eiruv come to renounce their rights in favor of the two who did not. The baraita, therefore, teaches us that we do not issue such a decree.

²⁸⁸ The baraita continues: Or they may renounce their rights in favor of one who did not establish an eiruv. The Gemara poses a question: Why do I need this addition? The Gemara explains: Lest you say that these permissive rulings with regard to renunciation apply only in a case where some of the residents established an eiruv and some of them did not establish an eiruv. But in a case where none of the residents established an eiruv, we should penalize them by not allowing renunciation, so that the halakhic category of eiruv should not be forgotten by those who come after them. The baraita, therefore, teaches us that we are not concerned about this.

²⁸⁹ We further learned in the baraita: But one courtyard resident who did establish an eiruv may not renounce his rights in the courtyard in favor of one who did not establish an eiruv. According to Abaye, the baraita taught the latter clause to shed light on the first clause, for Abaye proves from here that a person may renounce his rights to one of the two courtyard residents, and need not renounce his rights to both of them. According to Rabba, since the baraita taught the first clause in a certain style, it also taught the latter clause in that same style, but no halakhic conclusion can be garnered from here.

²⁹⁰ The baraita further states: Nor may two residents who established an eiruv renounce their rights in the courtyard in favor of two other residents who did not establish an eiruv. The Gemara raises a difficulty: Why do I need this further matter? Isn't this statement superfluous? The Gemara answers: No, it is necessary for the case where one of the two who did not establish an eiruv subsequently renounced his rights in favor of his fellow resident. Lest you say that it should now be permitted to carry, as there is only one person left who has any rights in the courtyard and failed to establish an eiruv, therefore it teaches us that since at the time of his renunciation he was not permitted in that courtyard, he may not renounce his rights in it, and therefore carrying is prohibited for both.

²⁹¹ The baraita concludes: Nor may two residents who did not establish an eiruv renounce their rights in the courtyard in favor of two residents who did not establish an eiruv. The Gemara poses the question: Why do I need this additional matter? Isn't it superfluous? The Gemara answers: No, it is necessary for the case where the other courtyard residents said to one of the first two who did not establish an eiruv: Acquire our rights in the courtyard on condition that you transfer them in turn to your friend, the other one who did not establish an eiruv. They attempted to appoint one of them as an agent to transfer the collective rights to the other. The baraita teaches us that this method is ineffective.

²⁹² Rava raised a dilemma before Rav Nahman: With regard to an heir, what is the halakha regarding whether he may renounce rights in a courtyard? If a person who had forgotten to establish an eiruv died on Shabbat, may his heir renounce his rights in his stead?

²⁹³ The Gemara explains the two sides of the question: On the one hand, perhaps only in a case where, if the person wanted to establish an eiruv on the previous day he could have established an eiruv, he can also renounce his rights on Shabbat. But this heir, since, if he wanted to establish an

eiruv the previous day he could not have established an eiruv, as he was not then a resident of the courtyard, therefore, today he cannot renounce his rights either.

²⁹⁴ Or perhaps an heir is like his father's foot, i.e., he is considered an extension of his father and substitutes for him in all regards, which means that just as his father could have renounced his rights, so can he.

²⁹⁵ Rav Naḥman said to him: I myself say that an heir can indeed renounce rights in a courtyard, while those scholars of the school of Shmuel taught: He cannot renounce rights in a courtyard. Rava raised an objection to Rav Naḥman from the following baraita: This is the principle: Anything that is permitted for part of Shabbat is permitted for all of Shabbat, and anything that is prohibited for part of Shabbat is prohibited for all of Shabbat, apart from one who renounces his rights in a courtyard, for renunciation can provide an allowance halfway through Shabbat.

²⁹⁶ The Gemara now explains each element of the baraita: Anything that is permitted for part of Shabbat is permitted for all of Shabbat. For example, if an eiruv was established between two adjacent courtyards that are connected via an opening between them, and that opening was closed up on Shabbat, the eiruv is valid. Alternately, if an eiruv was established between the two courtyards that are connected via a window opening from one to the other, and that window was closed up on Shabbat, the eiruv is valid. As carrying from one courtyard to another was permitted at the beginning of Shabbat, it is permitted throughout Shabbat.

²⁹⁷ The Gemara comments: The words this is the principle come to include the case of an alleyway whose cross beams or side posts were removed on Shabbat, teaching that one may nonetheless use the alleyway, as it had been permitted at the outset of Shabbat.

²⁹⁸ The Gemara continues its explanation of the baraita: Anything that is prohibited for part of Shabbat is prohibited for all of Shabbat. For example, if there were two houses on two sides of a public domain, which gentiles enclosed with a wall on Shabbat, the enclosed area remains prohibited. Even though a partition of this kind is considered a proper one with regard to Shabbat domains, it is prohibited to carry objects from either house into the enclosed area, even if the owner of the first house renounces his rights in the area in favor of the owner of the second house, as they could not have established an eiruv between them before Shabbat.

²⁹⁹ The Gemara asks: What do the words this is the principle come to include in this part of the baraita? The Gemara answers: It comes to include the case of a gentile resident of the courtyard who died on Shabbat without having rented out his domain to a Jew for the purpose of an eiruv. In this case, the Jewish neighbors are prohibited from carrying in the courtyard. Because it was prohibited to establish an eiruv the previous day, carrying in the courtyard continues to be prohibited on Shabbat, even though the gentile is now deceased.

³⁰⁰ And the baraita teaches: Apart from one who renounces his rights in a courtyard, which teaches that a person may renounce his rights in a courtyard even on Shabbat, despite the fact that the courtyard was prohibited prior to his renunciation. The Gemara infers: He himself, i.e., the original owner, yes, he may renounce his rights even on Shabbat, but with regard to his heir, no, he may not renounce his rights on Shabbat, which contradicts Rav Naḥman's opinion.

³⁰¹ Rav Naḥman replied: Say that the baraita must be understood as follows: Apart from anyone who falls into the halakhic category of one who renounces his rights in a domain. In other words, the

baraita is not referring to a particular person who renounces his rights, but rather to the category of renunciation in general, which includes an heir.

³⁰² Rava raised a further objection to the opinion of Rav Naḥman from a different baraita: If a resident of a courtyard died and left his domain, the use of his house, to one from the marketplace, i.e., a non-resident of the courtyard, the following distinction applies: If he died while it was still day, i.e., before Shabbat, the one from the marketplace renders carrying prohibited, for it is assumed that he received his portion before the onset of Shabbat and should have joined in an eiruv with the others. Since he failed to establish an eiruv with the other residents of the courtyard, he renders carrying prohibited in the entire courtyard. If, however, he died after nightfall, he does not render carrying prohibited, for so long as it was permitted to carry for part of Shabbat it remains permitted for the entirety of Shabbat.

³⁰³ And alternatively, if one from the marketplace who owned a residence in the courtyard but did not dwell there died and left his domain to a resident of the courtyard who does live there and usually joins in an eiruv with his neighbors, the following distinction applies: If the person from the marketplace died while it was still day, i.e., before Shabbat, the courtyard resident does not render carrying prohibited, as when he establishes his eiruv it includes his new residence as well. If, however, the person from the marketplace died after nightfall without having established an eiruv, the deceased renders carrying prohibited. As this residence was prohibited at the beginning of Shabbat, it can no longer be permitted on that Shabbat.

³⁰⁴ Rava's question is based on the first case discussed in the baraita: According to Rav Naḥman, why does the heir render carrying prohibited in this case? Let him renounce his rights in the courtyard to the other residents, as Rav Naḥman maintains that an heir may renounce rights. Rav Naḥman replied: What is the meaning of the word prohibits that the baraita teaches here? It means he renders carrying prohibited until he renounces his rights, i.e., although there is no way of rectifying the situation by means of an eiruv, it can be corrected by way of renunciation.

³⁰⁵ Come and hear a different proof challenging Rav Naḥman's opinion, from the following baraita: If a Jew and a convert were living in a single residency comprised of several rooms, and the convert died childless while it was still day, such a convert has no heirs, and therefore the first to take possession of his property acquires it.

³⁰⁶ In such a case, even though a different Jew took possession of the convert's property, the one who acquires it renders carrying prohibited. If, however, he died after nightfall, even though a different Jew did not take possession of his property, it, i.e., carrying, is not prohibited, for carrying had already been permitted on that Shabbat.

³⁰⁷ The Gemara raises a difficulty: The baraita itself is difficult. You first said: If the convert died while it was still day, even though a different Jew took possession of his property, the latter renders carrying prohibited, which implies that it is not necessary to say so where another Jew did not take possession of the property, for in such a case it is certainly prohibited. But this is incorrect. On the contrary, in a case where a different person did not take possession of the property, it is certainly not prohibited, for in such a case the convert's property is ownerless and there is nobody to render carrying in the courtyard prohibited.

³⁰⁸ Rav Pappa said: Say that the baraita should read as follows: Even though a different Jew did not take possession of it. The Gemara raises a difficulty: How can it be corrected in this manner? But doesn't it teach: Even though he took possession of it?

³⁰⁹ The Gemara answers: This is what the baraita is saying: If the convert died while it was still day, then even though a different Jew did not take possession of the property while it was still day but only after nightfall, since he had the possibility of taking possession of it while it was still day, the person who acquires it renders carrying prohibited. If, however, the convert died after nightfall, even though a different Jew did not take possession of his property, it does not render it prohibited to carry.

³¹⁰ The Gemara now considers the next clause of the baraita, which states: If the convert died after nightfall, even though a different Jew did not take possession of his property, carrying is not prohibited. This implies that it is not necessary to say so where another Jew did take possession of the property, for in such a case it is certainly not prohibited. But, on the contrary, where a different person takes possession of the property, he renders carrying prohibited.

³¹¹ Rav Pappa said: Say that the baraita should read as follows: Even though a different Jew took possession of it. The Gemara raises a difficulty: But didn't the baraita teach: Even though he did not take possession of it? The Gemara explains: This is what the baraita is saying: If the convert died after nightfall, even though a different Jew took possession of his property after nightfall, since he did not have the possibility of taking possession of it while it was still day, he does not render carrying prohibited.

³¹² After explaining the baraita, the Gemara proceeds to clarify the issue at hand: In any event, the first clause is teaching that the person who acquires the convert's property renders carrying prohibited; but why does he render carrying prohibited? Let him renounce his rights in the domain like an heir. The implication then is that he does not have the option of renunciation, in contrast to the opinion of Rav Nahman.

³¹³ Rav Nahman replied: What is the meaning of the word prohibits that it teaches here? It means he renders carrying prohibited until he renounces his rights, but renunciation is effective.

³¹⁴ Rabbi Yoḥanan said: Who is the tanna of the problematic baraitot that imply that an heir cannot renounce rights, and from which objections were brought against Rav Nahman? It is Beit Shammai, who say that there is no renunciation of rights on Shabbat at all, even for the owner of the property. As we learned in the mishna: When may one give away rights in a domain? Beit Shammai say: While it is still day. And Beit Hillel say: Even after nightfall.

³¹⁵ With regard to this dispute itself, Ulla said: What is the reason of Beit Hillel that one may renounce rights even after nightfall? This should be considered an act of acquisition, which is prohibited on Shabbat. He explains: It is comparable to one who says: Turn toward the high-quality ones. If a person sets aside teruma from another person's produce without the latter's knowledge, and when the owner finds out he says: Why did you set aside this produce? Turn toward the high-quality ones, i.e., you should have gone to find better produce to use as teruma, then the teruma that was separated is considered teruma, provided there was indeed quality produce in that place. The reason is that the owner has demonstrated his retroactive acquiescence to the other person's setting aside of teruma. Therefore, the latter is considered his agent for this purpose. The same applies to our issue. If a person intended to permit both himself and others to carry in a courtyard by means of establishing

an eiruv but forgot to do so, by renouncing his rights after nightfall, he retroactively makes plain his desire that his domain should be mingled with that of his neighbors. What he then does on Shabbat is not a complete action, but merely a demonstration of his intentions.

³¹⁶ Abaye said: This explanation is unsatisfactory, as when a gentile dies on Shabbat, what connection is there to the concept: Turn toward the high-quality ones? When a gentile dies on Shabbat, his Jewish neighbors may renounce their rights in the courtyard to each other and thus render carrying in the courtyard permitted, even though such renunciation would have been ineffective prior to his passing. Consequently, it cannot be said that it works retroactively.

³¹⁷ Rather, the Gemara rejects Ulla's explanation and states that here they disagree over the following: Beit Shammai hold that renunciation of a domain is equivalent to acquisition of a domain, and acquisition of a domain is prohibited on Shabbat. And Beit Hillel hold that it is merely withdrawal from a domain, and withdrawal from a domain seems well on Shabbat, i.e., it is permitted. As such, there is no reason to prohibit renunciation as a form of acquisition, which is prohibited as a part of a decree against conducting commerce on Shabbat.

³¹⁸ MISHNA: If a homeowner was in partnership with his neighbors, with this one in wine and with that one in wine, they need not establish an eiruv, for due to their authentic partnership they are considered to be one household, and no further partnership is required.

³¹⁹ If, however, he was in partnership with this one in wine and with that one in oil, they must establish an eiruv. As they are not partners in the same item, they are not all considered one partnership. Rabbi Shimon says: In both this case and that case, i.e., even if he partners with his neighbors in different items, they need not establish an eiruv.

³²⁰ GEMARA: Rav said: The halakha that one who is in partnership in wine with both his neighbors need not establish an eiruv applies only if their wine is in one vessel. Rava said: The language of the mishna is also precise, as it teaches: If he was in partnership with this one in wine and with the other one in oil, they must establish an eiruv. Granted, if you say that the first clause of the mishna deals with one vessel, and the latter clause deals with two vessels, one of wine and one of oil, it is well. But, if you say that the first clause of the mishna speaks of two vessels, and the latter clause also speaks of two vessels, what difference is it to me if it is wine and wine or wine and oil? The halakha should be the same in both cases.

³²¹ Abaye said to him: This is no proof, and the first clause can be referring to a case where the wine was in separate vessels as well. The difference is that wine and wine is suitable for mixing together, and therefore can be considered a single unit even if divided into two containers. Wine and oil, however, are not suitable for mixing.

³²² We learned in the mishna: Rabbi Shimon says: In both this case, where they are partners in wine alone, and that case, where the partnerships are in wine and oil, they need not establish an eiruv. The Gemara poses a question: Did he say this even if the partnership is with this one in wine and with the other one in oil? But these are not suitable for mixing. Rabba said: With what are we dealing here? We are dealing with a courtyard positioned between two alleyways, and Rabbi Shimon follows his usual line of reasoning.

³²³ As we learned in a mishna: Rabbi Shimon said: To what is this matter comparable? It is comparable to the case of three courtyards that open into one another and also open into a public

domain. If the two outer courtyards each established an eiruv with the middle one, it is permitted for residents of the middle one to carry with the two outer ones, and it is permitted for residents of the two outer ones to carry with the middle one. However, it is prohibited for the residents of the two outer courtyards to carry with each other, as they did not establish an eiruv with each other. This teaches that the residents of one courtyard can establish an eiruv with a courtyard on each side, and need not choose between them. Here too, the residents of the courtyard can participate in an eiruv with both alleyways, one by means of wine and the other by means of oil.

³²⁴ Abaye said to him: Are the cases really comparable? There it teaches: It is prohibited for the residents of the two outer courtyards to carry with each other, whereas here it teaches: They need not establish an eiruv, indicating that it is permitted for residents of all three domains to carry with each other.

³²⁵ The Gemara explains: What is the subject of the phrase they need not establish an eiruv? It refers to the neighbors together with the homeowner, i.e., the residents of the courtyards that open into each of the alleyways with the resident of the courtyard in the middle. But with regard to the neighbors with each other, i.e., if the residents of the two alleyways wish to be permitted to carry with each other, they must establish an eiruv and place it in the middle courtyard.

³²⁶ And Rav Yosef said: In fact we are dealing here with a single alleyway, and Rabbi Shimon and the Rabbis disagree about the same point of dispute between Rabbi Yoḥanan ben Nuri and the Rabbis. As we learned in a mishna: If teruma oil was floating on the surface of wine, and one who immersed during the day, touched the oil, he disqualified only the oil alone. However, he did not disqualify the wine, because it is considered separate from the oil. Only the oil is disqualified, and it does not render other items ritually impure. And Rabbi Yoḥanan ben Nuri says: They are both connected to each other and are considered as one, so the wine is also ritually impure.

³²⁷ The Gemara explains: The opinion of the Rabbis in our mishna is in accordance with the opinion of the Rabbis in the other mishna, who maintain that wine and oil are not connected and therefore cannot be used together in an eiruv, and the opinion of Rabbi Shimon is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, who holds that wine and oil are connected, and may be used together in an eiruv.

³²⁸ It was taught in a baraita: Rabbi Eliezer ben Taddai says: In both this case, of wine and wine, and that case, of wine and oil, they must establish an eiruv. The Gemara expresses wonder: Did he say this even if the partnership is with this one in wine and also with the other one in wine? Why should these partnerships not be sufficient to consider the items merged?

³²⁹ Rabba said: If they partnered in the following manner, such that this one came with his wine-filled jug and poured its contents into a barrel, and the other one came with his jug and poured his wine into that same barrel, everyone agrees that it is a valid eiruv, even if they did not act specifically for that purpose.

³³⁰ Where they disagree is in the case where they bought a barrel of wine in partnership. Rabbi Eliezer ben Taddai holds: There is no principle of retroactive clarification, i.e., there is no halakhic assumption that the undetermined halakhic status of items can be retroactively clarified. Consequently, after the wine is consumed, it is not possible to clarify retroactively which portion of the wine belonged to each person. Therefore, they cannot each be said to own a particular part of the

wine, which renders it unfit for an eiruv. But the Rabbis hold that there is retroactive clarification, and therefore they may rely on this partnership to establish an eiruv.

³³¹ Rav Yosef said that this dispute should be understood differently, as Rabbi Eliezer ben Taddai and the Rabbis disagree about whether one may rely on a merging of an alleyway instead of an eiruv, i.e., whether the merging of an alleyway to permit carrying in the alleyway, exempts the courtyards that open into the alleyway from having to establish an eiruv for the purpose of carrying from one courtyard to the other.

³³² As one Sage, Rabbi Eliezer ben Taddai, holds that one may not rely on it in that case, as carrying in the courtyards requires specifically an eiruv, and the merging of alleyways is insufficient. And one Sage, i.e., the Rabbis, maintains that one may rely on and use the merging of alleyways to permit carrying between the courtyards as well.

³³³ Rav Yosef said: From where do I say this, that this is the subject of their dispute? As Rav Yehuda said that Rav said: The halakha is in accordance with the opinion of Rabbi Meir, which will be detailed later, that one may not rely on a merging of alleyways instead of an eiruv. And Rav Beruna said that Rav said: The halakha is in accordance with the opinion of Rabbi Eliezer ben Taddai, that in both cases they must establish an eiruv. What is the reason he ruled in this manner? Is it not because the rationale for both rulings is one and the same?

³³⁴ Abaye said to him: But if it is one reason, why do I need two rulings? On the contrary, it would be enough to rule in one case, from which we could infer the other as well. Rav Yosef replied: There is nevertheless a reason for both rulings, as this comes to teach us that we do not act in accordance with two stringencies of one tanna in matters of eiruv. Had Rav ruled only in accordance with Rabbi Meir, we would have known only that the halakha is in accordance with his opinion with regard to one specific detail of the case. He therefore ruled in accordance with two Sages: Rabbi Eliezer ben Taddai with regard to a merging of alleyways with wine, and Rabbi Meir with regard to a merging of alleyways with bread. Each is stringent with regard to a different detail of the case.

³³⁵ Having mentioned Rabbi Meir, the Gemara now asks: What is the statement of Rabbi Meir, and what is the statement of the Rabbis? As it was taught in the following baraita: One may establish an eiruv with bread between courtyards that open to one another, but if one wanted to establish an eiruv with wine, one may not establish an eiruv in that manner. One may merge the courtyards that open into an alleyway with wine, and if one wanted to establish a merging of alleyways with bread, one may merge the courtyards of alleyways in this manner.

³³⁶ Why does one establish an eiruv between courtyards and also merge the courtyards that open into an alleyway? It is so as not to cause the halakhic category of eiruv to be forgotten by the children, as if a merging of alleyways alone were used, the children would later say: Our fathers never established an eiruv. Therefore, an eiruv is established for educational purposes; this is the statement of Rabbi Meir. And the Rabbis say: One may either establish an eiruv or merge alleyways.

³³⁷ Rabbi Naḥumi and Rabba disagreed about this issue. One of them said: In the case of bread, which may be used both for an eiruv and for a merging of alleyways, everyone agrees that one, either an eiruv or a merging of alleyways, is enough. When they disagree in the case of wine, which may be used only for a merging of alleyways but not for an eiruv, Rabbi Meir maintains that an eiruv is also necessary, while the Rabbis maintain that it is not required.

³³⁸ And one said: In the case of wine, everyone agrees that two are required, both a merging of alleyways and a joining of courtyards. When they disagree is in a case where an eiruv was established with bread: Rabbi Meir maintains that both a merging of alleyways and a joining of courtyards are required, whereas the Rabbis say that one is sufficient.

³³⁹ The Gemara raises an objection from the baraita itself. And the Rabbis say: One may either establish an eiruv or a merging of alleyways. What, does it not mean that one either establishes an eiruv in the courtyard with bread or a merging in the alleyway with wine, which indicates that they also disagreed in a case where a merging of alleyways was established with wine?

³⁴⁰ Rav Giddel said that Rav said that the Rabbis were saying as follows: One may either establish an eiruv in the courtyard with bread, and it would be rendered permitted to carry both here, in the courtyard, and there, in the alleyway, or one may establish a merging of alleyways in the alleyway with bread, and it would be rendered permitted to carry both here, in the courtyard, and there, in the alleyway.

³⁴¹ Rav Yehuda said that Rav said: The halakha is in accordance with the opinion of Rabbi Meir. And Rav Huna said: No clear halakhic ruling was issued in his favor, but the custom is in accordance with the opinion of Rabbi Meir. Therefore, if someone asks, he should be instructed to act accordingly. And Rabbi Yoḥanan said: It is not even a custom established by the Sages. Rather, the people were accustomed to act in accordance with the opinion of Rabbi Meir, and we do not tell them they have acted inappropriately.

³⁴² MISHNA: With regard to five groups of people who spent Shabbat in one hall [teraklin] that was subdivided by partitions into separate rooms, each of which had a separate entrance to a courtyard that was shared with other houses, Beit Shammai say: An eiruv is required for each and every group, i.e., each group must contribute separately to the eiruv of the courtyard, as each is considered a different house. And Beit Hillel say: One eiruv suffices for all of them, as the partitions do not render the different sections separate houses.

³⁴³ And Beit Hillel concede that when some of them occupy separate rooms or upper stories, they require a separate eiruv for each and every group, and the fact that they are in the same building does not render them one unified group.

³⁴⁴ GEMARA: Rav Naḥman said: The dispute applies only where they divided the hall with a partition of pegs [mesifas]. However, if they divided it with a sturdy partition ten handbreadths high, all agree that a separate contribution to the eiruv is required for each and every group, as this certainly divides the hall into separate living quarters. Some say a different version of the previous passage, according to which Rav Naḥman said as follows: Even where they merely divided the room with a partition of pegs, there is a dispute about whether this is considered a full-fledged partition.

³⁴⁵ The Gemara relates that Rabbi Ḥiyya and Rabbi Shimon, son of Rabbi Yehuda HaNasi, disagreed about this issue. One of them said: This dispute is with regard to partitions that reach the ceiling, but with regard to partitions that do not reach the ceiling, all agree that one eiruv suffices for all of them, as the partitions do not turn the compartments into separate houses. And one said: This dispute is with regard to partitions that do not reach the ceiling, but with regard to partitions that reach the ceiling, all agree that the compartments are considered separate living quarters, and they require a separate contribution to the eiruv for each and every group.

³⁴⁶ The Gemara raises an objection based on the following baraita: Rabbi Yehuda the Keen [hasabbar], who was known by this name due to his sharp mind, said: Beit Shammai and Beit Hillel did not disagree about partitions that reach the ceiling, as all agree that they require a separate contribution to the eiruv for each and every group. With regard to what did they disagree? With regard to partitions that do not reach the ceiling, as Beit Shammai say: A separate contribution to the eiruv is required for each and every group, and Beit Hillel say: One contribution to the eiruv suffices for all of them.

³⁴⁷ According to the one who said that it was with regard to partitions that reach the ceiling that there was a dispute, this baraita offers a conclusive refutation. And according to the one who said that it was with regard to partitions that do not reach the ceiling that there was a dispute, the baraita offers support. With regard to that version which holds that Rav Nahman said: The dispute applies only where they divided the hall with a mesifas, this baraita is a conclusive refutation.

³⁴⁸ However, the following issue needs further clarification: With regard to that version which holds that Rav Nahman said: The dispute applies even where the hall was divided with a mesifas, shall we say that Rabbi Yehuda the Keen's statement is a conclusive refutation? That is to say, does it imply that all agree that in the case of a mesifas, one eiruv suffices for them all?

³⁴⁹ Rav Nahman could have said to you: They explicitly disagreed about a partition, and the same is true of a partition of pegs. And the fact that they disagree with regard to a partition rather than a partition of pegs is to convey to you the far-reaching nature of the opinion of Beit Hillel. Even where the compartments are divided by full-fledged partitions, Beit Hillel remain of the opinion that one contribution to the eiruv suffices for all of them, as the partitions do not turn them into separate residences.

³⁵⁰ The Gemara asks: If they disagreed in both cases, let them disagree in the baraita about a mesifas, and thereby inform you of the strength of Beit Shammai. They are stringent and require a separate contribution to the eiruv for each and every group, even in the case of a mesifas. The Gemara answers: It is preferable for the tanna to teach us the strength of a permissive ruling. If a tanna can formulate a dispute in a manner that emphasizes the strength of the more lenient position, he will do so.

³⁵¹ Rav Nahman said that Rav said: The halakha is in accordance with the statement of Rabbi Yehuda the Keen, that all agree that where the partitions reach the ceiling, a separate contribution to the eiruv is required for each group, and that they disagree only about partitions that do not reach the ceiling.

³⁵² Rav Nahman bar Yitzhak said: The mishna is also precise according to this view, as it teaches: And Beit Hillel concede that when some of them occupy separate rooms or upper stories, they require a separate eiruv for each and every group. What is the meaning of the word rooms, and what is the meaning of the term upper stories? If you say that the word rooms refers to actual rooms and the term upper stories refers to actual upper stories, i.e., they were separate from the beginning and are not subdivisions of a larger room, it is obvious, as this is the halakha governing the case of many people residing in the same courtyard. Rather, doesn't it mean that they are similar to rooms and similar to upper stories? And what are these partitions? They are partitions that reach the ceiling; and even though they are not actual rooms or upper stories, they are considered like rooms and upper stories. The Gemara concludes: Indeed, learn from this that this is the case.

³⁵³ It was taught in a baraita: In what case is this statement, that Beit Shammai require a separate contribution to the eiruv from each group, said? It is in a case where the groups in the hall bring their eiruv elsewhere in the courtyard, i.e., to a different house. But if their eiruv was coming to them, i.e., if the other members of the courtyard brought their contributions and established the eiruv in that hall, all agree that one contribution to the eiruv suffices for all of them. The fact that the eiruv is placed in this house renders all of its residents members of a single unit.

³⁵⁴ The Gemara comments: In accordance with whose opinion is the ruling that was taught in the following baraita: With regard to five people who live in the same courtyard and collected their eiruv, when they take their eiruv elsewhere in the courtyard, one contribution to the eiruv suffices for all of them. In accordance with whose opinion is this ruling? In accordance with the opinion of Beit Hillel.

³⁵⁵ And some say a different version of the previous passage: In what case is this statement, that Beit Hillel require only one contribution for all the groups together, said? It is in a case where the eiruv was coming to them. But if the groups in the hall were bringing their eiruv elsewhere in the courtyard, all agree that a separate contribution to the eiruv is required for each and every one of them.

³⁵⁶ If so, in accordance with whose opinion is the ruling that was taught in the baraita: With regard to five people who live in the same courtyard and collected their eiruv, when they take their eiruv elsewhere in the courtyard, one contribution to the eiruv suffices for all of them. In accordance with whose opinion is this ruling? It is not in accordance with either one of them.

³⁵⁷ MISHNA: In the case of brothers who were eating at their father's table and sleeping in their own houses in the same courtyard, a separate contribution to the eiruv is required for each and every one of them. Therefore, if one of them forgot and did not contribute to the eiruv, he must renounce his rights in the courtyard in order to render carrying in the courtyard permitted to the rest of the courtyard's residents.

³⁵⁸ When do they state this halakha? They state it when they take their eiruv elsewhere in the courtyard, i.e., to the house of one of the other residents. But if the eiruv was coming to them, i.e., if it was placed in their father's house, or if there are no other residents with the brothers and their father in the courtyard, they are not required to establish an eiruv, as they are considered like a single individual living in a courtyard.

³⁵⁹ GEMARA: The Gemara comments on the statement in the mishna that a separate contribution to the eiruv must be made by each of the brothers if they sleep in their own houses: Learn from it that one's place of sleep determines the location of his residence. The Gemara rejects this conclusion. Rav Yehuda said that Rav said: They taught this mishna with regard to brothers who receive a portion from their father. The mishna is not referring to brothers who actually eat at their father's table, but rather to brothers whose father supplies them with food that they eat in their own homes.

³⁶⁰ The Sages taught in a baraita: One who has a gatehouse, porch, or balcony in his friend's courtyard does not render the owner of the courtyard prohibited from carrying there without an eiruv, as these locations are not considered residences. However, if he has a storeroom of straw, a cattle shed, a woodshed, or a storehouse in his friend's courtyard, he renders it prohibited for his friend to carry there without an eiruv. Rabbi Yehuda says: Only a place of actual dwelling renders carrying prohibited, but a building that is not designated for residence does not render carrying without an eiruv prohibited for another resident of the courtyard.

³⁶¹ Rabbi Yehuda said: There was an incident with ben Nappaḥa, who had houses in five courtyards in Usha, only one of which served as his own residence. And the case came before the Sages to decide whether an eiruv must be made for all of them, and they said: Only a house of residence renders carrying prohibited.

³⁶² The Gemara expresses surprise at the wording of the baraita: Does it enter your mind that the correct reading is a house of residence? He has a house in each of the five courtyards. Rather, say: A place of residence, i.e., it is prohibited to carry in the place where he actually lives, but nowhere else.

³⁶³ The Gemara asks: What is considered one's place of residence? Rav said:

³⁶⁴ The place where he eats his bread, and Shmuel said: His place of sleep.

³⁶⁵ The Gemara raises an objection to Rav's opinion from a baraita: With regard to shepherds; fig watchmen, who guard figs spread out in the field; guardsmen who sit in small guardhouses; and produce watchmen; when they customarily sleep in the city in addition to eating there, they are like the residents of the city with regard to their Shabbat limit, even though they were in the field when Shabbat began. However, when they customarily sleep in the field, even though they eat in the town, they have only two thousand cubits in each direction from the places where they sleep. This seems to contradict the opinion of Rav, who maintains that a person's place of dwelling is determined by where he eats, not by where he sleeps.

³⁶⁶ The Gemara answers: There, in the case of the people in the field, we are witnesses, i.e., it is clearly evident, that if people would bring them bread there, to the place where they sleep, it would be more convenient for them. Fundamentally, however, a person's dwelling place is determined by where he eats, rather than where he sleeps.

³⁶⁷ Rav Yosef said: I have not heard this halakha stated by Rav. An illness had caused Rav Yosef to forget his studies. His student, Abaye, said to him: You yourself said it to us, and it was with regard to this that you said it to us: With regard to brothers who were eating at their father's table and sleeping in their own houses in the same courtyard, a separate contribution to the eiruv is required for each and every one of them. And we said to you: Can one learn from here that a person's place of sleep determines the location of his Shabbat residence? And you said to us in this regard that Rav Yehuda said that Rav said: They taught this mishna with regard to brothers who receive a portion from their father and are therefore considered as though they eat at his table, whereas in actual fact they eat their meals in their own homes.

³⁶⁸ The Sages taught in a baraita: With regard to one who has five wives who receive a portion from their husband while each living in her own quarters in the courtyard, and five slaves who receive a portion from their master while living in their own lodgings in the courtyard, Rabbi Yehuda ben Beteira permits in the case of the wives, i.e., they do not each have to contribute separately to the eiruv, as they are all considered to be residing with their husband. And he prohibits in the case of the slaves, meaning that he holds that as they live in separate houses, each is considered as residing on his own.

³⁶⁹ Rabbi Yehuda ben Bava permits in the case of the slaves, as a slave necessarily follows his master, and he prohibits in the case of the wives, as each woman is significant in her own right, and is not totally dependent on her husband.

³⁷⁰ Rav said: What is the rationale for the opinion of Rabbi Yehuda ben Bava? As it is written: “But Daniel was in the gate of the king” (Daniel 2:49). The verse refers to Daniel’s function rather than to an actual location, indicating that wherever Daniel went, it was as though he was in the king’s gate. The same applies to any slave vis-à-vis his master.

³⁷¹ The Gemara proceeds to clarify various aspects of this issue, starting with a summary of what has already been stated. The halakha is obvious in the case of a son with his father, as we stated it above the mishna. A wife with her husband and a slave with his master are subject to the dispute between Rabbi Yehuda ben Beteira and Rabbi Yehuda ben Bava. With regard to a student who lives with his master in the same courtyard and receives his sustenance from him, what is his status with regard to eiruv?

³⁷² Come and hear a resolution to this question: As Rav, when he was in the school of Rabbi Ḥiyya, said: We do not need to establish an eiruv, as we are dependent upon the table of Rabbi Ḥiyya. And similarly, Rabbi Ḥiyya himself, when he was in the school of Rabbi Yehuda HaNasi, said: We do not need to establish an eiruv, as we are dependent upon the table of Rabbi Yehuda HaNasi.

³⁷³ Abaye raised a dilemma before Rabba: With regard to five people who live in the same courtyard and collected their eiruv, when they take their eiruv elsewhere in order to merge their courtyard with a different one, is one contribution to the eiruv sufficient for all of them, or do they need a separate contribution to the eiruv for each and every one of them? Rabba said to him: One contribution to the eiruv suffices for all of them.

³⁷⁴ Abaye asked: But in the case of brothers, who are comparable to people who collected their eiruv, the mishna nonetheless teaches: They require a separate eiruv for each and every one of them. Rabba responded: With what are we dealing here? We are dealing with a case where there are other residents, in addition to the father and his sons, living with them. In that case, since these additional residents render carrying in the same courtyard prohibited unless they join in an eiruv, those brothers also render it prohibited for one another to carry in the other courtyard unless each of them contributes to the eiruv.

³⁷⁵ The Gemara comments: So too, it is reasonable to understand, as the mishna teaches: When do they state this halakha? When they bring their eiruv elsewhere in the courtyard. But if their eiruv was coming to them, or if there are no other residents with them in the courtyard, they do not need to establish an eiruv, as they are considered like a single individual living in a courtyard. Learn from this that the preceding ruling refers to a situation where they shared the courtyard with other residents.

³⁷⁶ The Gemara addresses a similar issue with regard to a joining of Shabbat boundaries: Rav Ḥiyya bar Avin raised a dilemma before Rav Sheshet: With regard to students in their master’s house who eat their bread in their houses in the field [baga] and then come and sleep in their master’s house, when we measure their Shabbat limit for them, do we measure it for them from their master’s house, where they sleep, or do we measure it for them from the field, where they eat? He said to him: We measure it from their master’s house.

³⁷⁷ Rav Ḥiyya bar Avin asked: But in the case of one who deposits his eiruv, which establishes the location of his meal, within two thousand cubits, and then goes back and sleeps in his house, we measure his Shabbat limit from his eiruv. This implies that the determining factor is where he eats, rather than where he sleeps.

³⁷⁸ The Gemara answers: In that case we are witnesses, and in this case we are witnesses, i.e., in both cases the person's intentions regarding his place of residence are clearly evident. In that case, where the person deposits his eiruv, we are witnesses that if he could reside there, at the site of his eiruv, it would be better for him, i.e., if he could spend the night there he would do so, since he wishes to continue from that place onward on the following day. And in this case of the students in their master's house, we are witnesses that if people would bring them bread in their master's house, enabling them to eat there, it would be better for them. Consequently, it is considered their place of residence.

³⁷⁹ Rami bar Hama raised a dilemma before Rav H̥isda: With regard to a father and his son, or a master and his student, are they considered as many people or as individuals? The practical import of the question is as follows: If they lived together in a courtyard that was within another courtyard, are they considered as many people, who require an eiruv in order to render it permitted to carry in the outer courtyard, or do they not require an eiruv, as they are treated as an individual, who does not render carrying in the outer courtyard prohibited? Is their alleyway rendered permitted for carrying through a side post and a cross beam, like one that has multiple residents, or is it not rendered permitted for carrying through a side post and a cross beam?

³⁸⁰ Rav H̥isda said to him: You have already learned this in the following baraita: With regard to a father and his son or a master and his student, when there are no other residents with them, they are considered like individuals, and they do not need to establish an eiruv, and their alleyway becomes permitted for carrying through a side post and a cross beam without a merging of alleyways.

³⁸¹ MISHNA: If five courtyards open into one another and also open into an alleyway, the following distinctions apply: If the residents of the courtyard established an eiruv in the courtyards and did not merge the courtyards that open into the alleyway, they are permitted to carry in the courtyards and they are prohibited to carry in the alleyway. The eiruv they established cannot also serve as a merging of the courtyards that open into the alleyway.

³⁸² And if they merged the courtyards of the alleyway, they are permitted to carry both here, in the alleyway, and there, in the courtyards.

³⁸³ If they established an eiruv in the courtyards and also merged the courtyards of the alleyway, and one of the residents of the courtyard forgot and did not contribute to the eiruv in his courtyard, but did participate in the merging of the courtyards in the alleyway, they are permitted both here and there, as the merging of courtyards in the alleyway serves as an effective eiruv for the courtyards as well.

³⁸⁴ However, if one of the residents of the alleyway forgot and did not participate in the merging of courtyards that open into the alleyway, they are permitted to carry in the courtyards and prohibited from carrying in the alleyway, as the principle is: An alleyway is to its courtyards as a courtyard is to its houses.

³⁸⁵ GEMARA: The Gemara asks: In accordance with whose opinion is this mishna? The Gemara answers: It is in accordance with the opinion of Rabbi Meir, who said: We require an eiruv and we also require a merging of the courtyards in an alleyway, and one is not sufficient without the other.

³⁸⁶ The Gemara asks: If so, say the middle clause of the mishna: And if they merged the courtyards in the alleyway, they are permitted to carry both here and there. We have arrived at the opinion of the Rabbis, who say that one is enough, and one does not need both an eiruv and a merging of alleyways.

³⁸⁷ The Gemara responds: That is not difficult, as the mishna stated as follows: And if they also merged the courtyards in the alleyway, they are permitted to carry in the courtyards and in the alleyway.

³⁸⁸ The Gemara asks: Say the latter clause of the mishna: If they established an eiruv in the courtyards and also merged the courtyards in the alleyway, and one of the residents of the courtyard forgot and did not contribute to the eiruv in his courtyard but did participate in the merging of the alleyway, they are permitted to carry both here and there. What are the circumstances? If the person who forgot did not renounce his rights to the courtyard in favor of the others, why are they permitted to carry? Rather, it is obvious that he did renounce those rights. But if so, say the last clause of the mishna: If one of the members of the alleyway forgot and did not participate in the merging of the alleyway, they are permitted to carry in the courtyards and prohibited from carrying in the alleyway. But if he renounced his rights, why are they prohibited from carrying in the alleyway?

³⁸⁹ And if you say that Rabbi Meir holds that renunciation of rights is not effective in an alleyway, that answer is insufficient. Wasn't it taught in a baraita with regard to an alleyway: As he renounced his rights in your favor; this is the statement of Rabbi Meir? This indicates that Rabbi Meir accepts the principle of renunciation of rights in an alleyway.

³⁹⁰ Rather, it is obvious that the person who forgot to participate in the merging of alleyways did not renounce his rights. And from the fact that the last clause of the mishna is referring to a case where he did not renounce his rights, it can be inferred that the first clause is also referring to a case where he did not renounce his rights. This would indicate that if they carried out a merging of alleyways, it also serves as an eiruv, even when one of them forgot to contribute to the eiruv and also failed to renounce his rights in the courtyard. This is in accordance with the opinion of the Rabbis, which leads to the puzzling conclusion that the first and last clauses of the mishna are in accordance with the opinion of Rabbi Meir, while the middle clause is in accordance with the opinion of the Rabbis.

³⁹¹ The Gemara answers: In fact, it is all in accordance with the opinion of Rabbi Meir. And what is the reason that Rabbi Meir said we require an eiruv and we also require a merging of alleyways? It was only so as not to cause the halakhic category of eiruv to be forgotten by the children. If people would only merge courtyards, the halakha of establishing an eiruv for a courtyard would gradually be forgotten. And here, where only one person forgot to contribute to the eiruv, since most of them established an eiruv for the courtyards, the halakha of an eiruv will not be forgotten. Therefore, there is room to be lenient after the fact and to permit carrying in both places.

³⁹² Rav Yehuda said: Rav did not teach the mishna as stating that the five courtyards open into one another, but rather that each courtyard opens into the alleyway, and each established its own eiruv. And so too, Rav Kahana said: Rav did not teach the mishna as stating that the courtyards open into one another. Some say that Rav Kahana himself did not teach the mishna as stating that the courtyards open into one another.

³⁹³ Abaye said to Rav Yosef: What is the reason he did not teach the mishna as stating that the five courtyards open into one another? Rav Yosef replied: Because he holds that any merging of alleyways that is not brought in and taken out by way of the entrances that open into the alleyway,

i.e., which is not brought from each courtyard into the alleyway and then taken from the alleyway into the courtyard where it will be deposited, is not considered a valid merging of the alleyway. If the food used for the merging of alleyways is transferred directly from one courtyard to another, it seems as though it is being used to establish an eiruv. It is therefore ineffective as a merging of alleyways. Here too, if the courtyards open into one another, the merging of alleyways is invalid, due to a concern that the residents of the courtyard will transfer the food directly from one courtyard to another.

³⁹⁴ He raised an objection to him based upon the following mishna: A homeowner who was a partner of his neighbors, with this one in wine and with that one in wine, they do not need to establish an eiruv. This indicates that it is not actually necessary to transfer the food used for the merging of alleyways from one place to another. For example, it is sufficient to have a jointly owned barrel of wine in one courtyard even if it did not pass through the alleyway. The Gemara rejects this proof and explains the mishna as follows: There, it is referring to a case where they took the wine out into the alleyway and subsequently brought it in to the courtyard where it was to be kept.

³⁹⁵ He raised another objection to him from a different mishna: How does one merge courtyards that open into alleyways? The mishna continues and says that it is sufficient for one person to acquire the food used for the merging on behalf of all the other residents of the alleyway. This indicates that the food does not need to pass through all the courtyards in the alleyway. The Gemara rejects this proof as well: There too, it is referring to a case where they first took the food out from each of the courtyards into the alleyway and from there brought it into the courtyard where it was to be deposited.

³⁹⁶ Rabba bar Ḥanan strongly objects to this: However, if that is so, if he transferred ownership of bread in his basket to another person, so too, it would not be considered a valid merging. And if you say that this is indeed so, didn't Rav Yehuda say that Rav said: With regard to members of a group who were dining together on Shabbat eve, and the day became sanctified for them, i.e., Shabbat began while they were eating, they may rely upon the bread on the table as an eiruv for the courtyard, and some say, as a merging of the alleyway.

³⁹⁷ And Rabba said: The two versions do not disagree with each other regarding whether the bread counts as an eiruv or as a merging of the alleyway. Here, where they can use it as an eiruv, it is referring to a case where they were dining in a house, since food deposited inside a house can serve as an eiruv for the courtyard. There, it is referring to a case where they were dining in a courtyard, and therefore they may rely on the bread as a merging of the alleyway. This proves that even Rav agrees that it is not necessary to take the food used to merge an alleyway into the alleyway itself and then bring it back to the courtyard.

³⁹⁸ Rather, we must retract the previous explanation and say that the reason Rav did not teach the mishna as stating that the courtyards opened into one another is that he holds that an alleyway cannot be rendered permitted for carrying through a side post and a cross beam unless there are houses and courtyards opening into it. If, however, the courtyards open into one another, they are considered like a single courtyard, in which case they cannot be rendered permitted for carrying through a side post or a cross beam, and the merging of the alleyway is ineffective.

³⁹⁹ The Gemara now examines the matter itself cited in the previous discussion. Rav said: An alleyway cannot become permitted for carrying through a side post and a cross beam,

⁴⁰⁰ unless there are houses and courtyards opening into it. This formulation implies that there must be at least two courtyards, each of which contains at least two houses. In the absence of these conditions, however, it is not considered an alleyway that can be permitted by means of a side post or a cross beam. And Shmuel said: Even one house without a courtyard and one courtyard with just one house is enough. And Rabbi Yoḥanan said: Even a ruin and a courtyard with a house suffice for a side post or a cross beam to render carrying in an alleyway permitted.

⁴⁰¹ Abaye said to Rav Yosef: Did Rabbi Yoḥanan say that even a vineyard path and a courtyard with a house suffice to allow a side post or a cross beam to render carrying in the alleyway permitted? He said to him: Rabbi Yoḥanan said his ruling only in the case of a ruin, which is fit to serve as a residence. However, a vineyard path, which is not fit to serve as a residence, is not sufficient.

⁴⁰² Rav Huna bar Ḥinnana said: And Rabbi Yoḥanan followed his regular line of reasoning in this regard, as we learned in a mishna that Rabbi Shimon said: Roofs, enclosures, and courtyards are all considered one domain with regard to vessels that rested inside them at the beginning of Shabbat. Therefore, it is permitted to carry vessels that were in one of these areas at the beginning of Shabbat to any of the other areas. However, they are not considered the same domain with regard to vessels that rested inside the house at the beginning of Shabbat. If the homeowners did not join the courtyard by means of an eiruv, it is prohibited to carry vessels from their houses to the roof, enclosure, or courtyard.

⁴⁰³ And Rav said: The halakha is in accordance with the opinion of Rabbi Shimon. And this is only in a case where the residents of the courtyards did not establish an eiruv for each courtyard, so that they may only carry the vessels left in the courtyards, but they may not take out vessels from their houses into their courtyards. However, if they established an eiruv for each courtyard, we decree against carrying even vessels that were in the courtyard when Shabbat began, lest they come to take out objects from their houses to the courtyard. This would lead to the mistake of carrying those objects from one courtyard to another, which is prohibited.

⁴⁰⁴ And Shmuel said: The halakha is in accordance with the opinion of Rabbi Shimon, whether the residents of the courtyards established an eiruv for each courtyard or whether they did not establish an eiruv for each courtyard. And so too, Rabbi Yoḥanan said: The halakha is in accordance with the opinion of Rabbi Shimon, whether they established an eiruv for each courtyard or whether they did not establish an eiruv for each courtyard. Apparently, Rabbi Yoḥanan maintains that we do not decree against carrying vessels that began Shabbat in the courtyard lest they come to take out objects from their houses to the courtyard. Here too, with regard to an alleyway that contains a ruin, we do not decree against carrying in the alleyway lest they come to take out objects from the courtyard to the ruin by carrying it through the alleyway. Although the ruin is not included in the eiruv, as it has no residents, and one may not carry objects into it, Rabbi Yoḥanan is not concerned that one might come to carry in this prohibited manner.

⁴⁰⁵ Rav Beruna sat and recited this halakha stated by Shmuel, that an alleyway containing one house and one courtyard can be rendered permitted for carrying by means of a side post or a cross beam. Rabbi Elazar, a student of a Torah academy, said to him: Did Shmuel really say this? Rav Beruna said to him: Yes, he did. He said to him: Show me his lodging and I will go and ask him myself, and he showed him. Rabbi Elazar came before Shmuel and said to him: Did the Master actually say this? Shmuel said to him: Yes, I did.

⁴⁰⁶ Rabbi Elazar raised the following objection: Wasn't it the Master himself who said concerning a different issue: With regard to the halakhot of eiruv, we have only the wording of our mishna. The mishna states that an alleyway is to its courtyards like a courtyard is to its houses, which indicates that an alleyway must have at least two courtyards in order to be considered an alleyway and be rendered permitted for carrying through a side post or cross beam. Shmuel was silent and did not answer him.

⁴⁰⁷ The Gemara asks: Did Shmuel's silence indicate that he accepted Rabbi Elazar's objection and retracted his statement, or did he not accept it from him? The Gemara attempts to bring a proof from the following incident. Come and hear: There was a certain alleyway that Ivut bar Ihi lived in, which contained only one house and one courtyard. He erected a side post for it, and Shmuel permitted him to carry in it.

⁴⁰⁸ Following Shmuel's death, Rav Anan came and threw the side post down, thus indicating to Ivut bar Ihi that it is prohibited to carry in the alleyway, as a side post is effective only for an alleyway that has at least two courtyards containing at least two houses each. Ivut bar Ihi said with resentment: The alleyway in which I have been living and walking based on a ruling in the name of Master Shmuel, shall Rav Anan bar Rav come now and throw its side post away from me? The Gemara comments: Learn from the fact that this side post remained intact throughout Shmuel's lifetime that he did not accept Rabbi Elazar's objection.

⁴⁰⁹ The Gemara rejects this proof. Actually, you can say that Shmuel accepted Rabbi Elazar's objection and retracted his opinion, and here there was a synagogue attendant [ḥazzana] who would eat bread in his own house that was located elsewhere, but would come and sleep in the synagogue, which was open to the alleyway.

⁴¹⁰ And Ivut bar Ihi holds that the place where a person eats his bread determines his place of residence. Therefore, he did not consider the synagogue a residence, as the attendant would eat elsewhere, and Ivut bar Ihi thought that Shmuel had permitted him to set up a side post for his alleyway even though he lived there by himself. In fact, however, this was not the case, as Shmuel followed his regular line of reasoning, as he said: The place where a person sleeps determines his place of residence. Since the attendant would sleep in the synagogue, it was considered a residence. Consequently, the alleyway contained two houses and courtyards, and could be made permitted for carrying by means of a side post or a cross beam.

⁴¹¹ Rav Yehuda said that Rav said: With regard to an alleyway, one side of which was occupied by a gentile and one side of which was occupied by a Jew, and the house of the Jew was connected to the houses of other Jews via windows but not via doors, and those other houses open directly into the public domain, the residents of the houses on the side of the alleyway where the Jews live may not establish an eiruv through the windows in order to render it permitted for the residents of the other houses to carry through the doors of the house leading to the alleyway.

⁴¹² Abaye said to Rav Yosef: Did Rav say this even with regard to a courtyard, one side of which was occupied by a gentile and the other side of which was occupied by a Jew whose house was connected through windows to the houses of other Jews? He said to him: Yes, as even if he did not say so, what would be the difference? It is the exact same principle.

⁴¹³ Abaye responded: I would have said that the rationale for the opinion of Rav is because he holds that an alleyway cannot be rendered permitted for carrying within it with a side post and a cross beam unless there are houses and courtyards opening into it.

⁴¹⁴ Rav Yosef said: If that were the reason, why would I need two rulings regarding the same issue? Rav already stated that an alleyway can be rendered permitted for carrying within it only if it has houses and courtyards opening into it. Abaye explained that both rulings are necessary. As, if Rav had taught this halakha only from that general ruling,

⁴¹⁵ I would have said that the residence of a gentile is considered a residence with regard to defining an area as an alleyway. Therefore, he teaches us that the legal status of the residence of a gentile is not considered a full-fledged residence in this regard. And if Rav had taught this halakha only from the ruling here, with regard to gentiles, I would have said that I do not know how many houses there are. Therefore, he teaches us that there must be at least two houses and two courtyards.

⁴¹⁶ Now that Rav has said that this halakha applies even to a courtyard, this implies that the reason for the opinion of Rav is that he holds: It is prohibited for an individual to establish his home in the place where a gentile resides. Consequently, he is prohibited from establishing an eiruv, so that the difficulties of living there will force him to move.

⁴¹⁷ Rav Yosef said: If so, this is why I heard Rabbi Tavra say: A gentile, a gentile, two times while teaching this subject, even though I did not understand then what he meant to say. Now I realize that he was speaking about both an alleyway and a courtyard.

⁴¹⁸ MISHNA: With regard to two courtyards, one of which was within the other, and the outer one opened into the public domain, the following distinctions apply: If the inner courtyard established an eiruv for itself and the outer one did not establish an eiruv, carrying in the inner one is permitted and carrying in the outer one is prohibited.

⁴¹⁹ If the outer courtyard established an eiruv and the inner one did not, carrying in both is prohibited, as the residents of the inner courtyard pass through the outer one, and are considered to a certain extent as residents of the courtyard who did not participate in the eiruv. If this courtyard established an eiruv for itself, and that courtyard also established an eiruv for itself, but they did not establish a joint eiruv with one another, this one is permitted by itself, and that one is permitted by itself, but they may not carry from one to the other.

⁴²⁰ Rabbi Akiva prohibits carrying in the outer one even in such a case, as the right of entry to the outer courtyard enjoyed by the residents of the inner courtyard renders it prohibited. And the Rabbis disagree and say: The right of entry enjoyed by the residents of the inner courtyard does not render it prohibited. Since the residents of the inner courtyard do not use the outer one other than to pass through it, and they are permitted to carry in their own courtyard, they do not render it prohibited to carry in the outer courtyard.

⁴²¹ If one resident of the outer courtyard forgot and did not contribute to the eiruv, carrying in the inner courtyard is permitted and in the outer one is prohibited. If one resident of the inner courtyard forgot and did not contribute to the eiruv, they are both prohibited, as the right of way enjoyed by the members of the inner courtyard through the outer courtyard renders the outer one prohibited as well.

⁴²² If the residents of both courtyards put their eiruv in one place, and one person, whether he was from the inner courtyard or from the outer one, forgot and did not contribute to the eiruv, they are

both prohibited for carrying within them, as the two courtyards are treated as one. And if the courtyards belonged to individuals, i.e., if only one person lived in each courtyard, they are not required to establish an eiruv, as this requirement applies only to a courtyard occupied by multiple residents.

⁴²³ GEMARA: When Rav Dimi came from Eretz Yisrael to Babylonia he said in the name of Rabbi Yannai: This mishna, which states that if the residents of the outer courtyard established an eiruv but the residents of the inner one did not, they are both prohibited from carrying, is the statement of Rabbi Akiva, who said: Even the foot of one who is permitted in its own place, i.e., even someone from a courtyard in which he is permitted to carry, renders it prohibited when he is not in its own place. If he enjoys the right of entry to another courtyard he is considered like a resident of that courtyard as well, and if he does not participate in the eiruv, no one in that courtyard may carry. However, the Rabbis say: Just as the foot of one who is permitted in its own place does not render it prohibited to carry in another courtyard, so too, the foot of one who is prohibited in his place does not render it prohibited to carry in another courtyard. Consequently, if only the residents of the outer courtyard established an eiruv, the residents of the inner one do not render it prohibited to carry in the outer courtyard.

⁴²⁴ We learned in the mishna: If the residents of the outer courtyard established an eiruv and the residents of the inner courtyard did not, they are both prohibited. Whose opinion is this? If you say it is that of Rabbi Akiva, why discuss particularly the case of a foot that is prohibited, i.e., a case where the inner courtyard did not establish an eiruv? According to Rabbi Akiva, even a foot that is permitted also renders it prohibited to carry. Therefore, even if the residents of the inner courtyard had established an eiruv, they would still render it prohibited to carry in the outer courtyard. Rather, is it not in accordance with the opinion of the Rabbis? This would indicate that the Rabbis agree that one who may not carry in his own courtyard does, in fact, render it prohibited to carry in a different courtyard through which he has right of entry, contrary to Rabbi Yannai's claim.

⁴²⁵ The Gemara rejects this argument: Actually, this part of the mishna is in accordance with the opinion of Rabbi Akiva, and he teaches the mishna employing the style: Not only this but also that. In other words, he begins by teaching the halakha in a relatively straightforward case and then proceeds to a more complicated example. Consequently, the mishna should be understood as follows: Not only is it prohibited to carry in both courtyards if the residents of the outer courtyard established an eiruv and the residents of the inner one did not, but even if the residents of both courtyards established separate eiruvim, it remains prohibited to carry in the outer one.

⁴²⁶ The Gemara continues: We learned in the mishna: If this courtyard established an eiruv for itself, and that courtyard also established an eiruv for itself, but the two courtyards did not establish a joint eiruv with one another, this one is permitted by itself, and that one is permitted by itself, but it is prohibited to carry from one courtyard to the other. The reason both courtyards are permitted by themselves is that the residents of the inner courtyard established an eiruv. By inference, if they did not establish an eiruv carrying in both would be prohibited.

⁴²⁷ But this tanna, who said that the foot of one who is permitted in his own place does not render it prohibited to carry, while the foot of one who is prohibited in his own place does render it prohibited to carry, who is this tanna? If you say it is Rabbi Akiva, there is a difficulty, as he holds that even the foot of one who is permitted in his own place also renders it prohibited to carry in a different place.

Rather, is it not the opinion of the Rabbis, which indicates that the Rabbis agree that the foot of one who is prohibited in its own place does, in fact, render it prohibited to carry in a different place, in contrast to the statement of Rabbi Yannai? And furthermore, from the fact that the latter clause that follows immediately states the opinion of Rabbi Akiva, it is clear that the first clause, with which Rabbi Akiva disagrees, is not in accordance with the opinion of Rabbi Akiva.

⁴²⁸ The Gemara responds: The entire mishna in accordance with the opinion of Rabbi Akiva, and it is incomplete and teaches the following: If this courtyard established an eiruv for itself, and that courtyard also established an eiruv for itself, but they did not establish a joint eiruv with one another, this one is permitted by itself, and that one is permitted by itself, but they may not carry from one to the other. In what case is this statement said? In a case where the inner courtyard constructed a small partition at its entrance. However, if it did not construct a partition, the outer courtyard is prohibited. This is the statement of Rabbi Akiva, as Rabbi Akiva prohibits carrying in the outer courtyard because the right of entry enjoyed by the members of the inner courtyard renders it prohibited to carry. And the Rabbis say: The right of entry enjoyed by the members of the inner courtyard does not render it prohibited to carry.

⁴²⁹ Rav Beivai bar Abaye raised an objection based upon the final clause of the mishna: And if the courtyards belonged to individuals, i.e., if only one person lived in each courtyard, they are not required to establish an eiruv. Doesn't this indicate that if they belong to many people jointly, they need to establish an eiruv? Apparently, the foot of one who is permitted in his own place does not render it prohibited, but the foot of one who is prohibited in his own place does render it prohibited. This contradicts Rabbi Yannai's understanding of Rabbi Akiva's opinion.

⁴³⁰ And Ravina raised a further objection from the mishna: If one resident of the outer courtyard forgot and did not contribute to the eiruv, the inner courtyard is permitted for carrying and the outer one is prohibited. If one resident of the inner courtyard forgot and did not contribute to the eiruv, both courtyards are prohibited, as the right of way enjoyed by the members of the inner courtyard through the outer courtyard renders the outer one prohibited as well. The reason is that one of the residents forgot to contribute to the eiruv. But if he did not forget, and each courtyard established its own valid eiruv, both of them would be permitted. Apparently, the foot of one who is permitted in his own place does not render it prohibited to carry, but the foot of one who is prohibited in his own place does render it prohibited to carry. This cannot be in accordance with the opinion of Rabbi Akiva, as he holds that even the foot of one who is permitted in his own place renders it prohibited to carry elsewhere. Rather, it must be the opinion of the Rabbis, which proves that even they agree that the foot of one who is prohibited in his own place does render a different courtyard prohibited.

⁴³¹ Rather, this version must be rejected, and when Ravin came from Eretz Yisrael to Babylonia he cited a different version. Rabbi Yannai said: There are three disputes with regard to this matter. The first tanna holds that the foot of one who is permitted in his own place does not render it prohibited to carry elsewhere, but the foot of one who is prohibited in his own place does render it prohibited to carry. Rabbi Akiva holds that even the foot of one who is permitted in his own place renders it prohibited to carry in a different place. And the latter Rabbis hold that just as the foot of one who is permitted in his own place does not render it prohibited to carry, so too, the foot of one who is prohibited does not render it prohibited to carry. This explanation resolves all of the difficulties posed earlier.

⁴³² It was stated in the mishna: If the residents of both courtyards put their eiruv in one place, and one person, whether he was from the inner courtyard or from the outer one, forgot and did not contribute to the eiruv, it is prohibited to carry in both courtyards. The Gemara asks: What is the meaning of one place? Is the halakha different if the two courtyards established their eiruv in one place or in different places?

⁴³³ Before continuing, the Gemara provides a mnemonic for the ensuing discussion: Outer; for itself; in the house of an individual; Ravina; where the inner one did not forget.

⁴³⁴ Rav Yehuda said that Rav said: The mishna is referring to a case when the residents of both courtyards established their eiruv in the outer courtyard. And why did they call it one [eḥad] place? Because it is a place that is designated [meyuḥad] for the residents of both courtyards, as the members of the inner one also pass through the outer courtyard. Therefore, if a member of the outer courtyard forgot to contribute to the eiruv, the inner courtyard is also prohibited. Since the eiruv of the inner courtyard is located in the outer courtyard, the residents of the inner courtyard cannot separate themselves from the outer one. However, if the eiruv was deposited in the inner courtyard and a member of the outer courtyard forgot to contribute to the eiruv, carrying in the inner courtyard is permitted, because in that situation they can separate themselves from the outer courtyard.

⁴³⁵ That was also taught in a baraita: If they placed their eiruv in the outer courtyard, and one person forgot to contribute to the eiruv, whether he is a resident of the outer courtyard or of the inner one, they are both prohibited. If they put their eiruv in the inner courtyard, and one resident of the inner courtyard forgot to contribute to the eiruv, they are both prohibited. Similarly, if one of the residents of the outer courtyard did not contribute to the eiruv, they are both prohibited. This is the statement of Rabbi Akiva. And the Rabbis disagree and say: In this case, where the eiruv was deposited in the inner courtyard and the person who forgot to contribute to the eiruv was a resident of the outer one, the inner courtyard is permitted and the outer one is prohibited.

⁴³⁶ Rabba bar Ḥanan said to Abaye: What is different according to the Rabbis, who say that the inner courtyard is permitted? It is because the residents of the inner courtyard can shut the door of their courtyard to the members of the outer one and use the inner courtyard on their own. But if so, according to Rabbi Akiva as well, let the residents of the inner courtyard shut the door of their courtyard to the members of the outer one and use their courtyard on their own. Abaye said to him: If the eiruv of the outer courtyard was not placed in the inner courtyard, your argument would be valid. But the fact that the eiruv is deposited in the inner courtyard accustoms the residents of the outer courtyard to enter it.

⁴³⁷ The Gemara asks: If so, according to the Rabbis as well we should say that the placement of the eiruv in the inner courtyard accustoms the residents of the outer courtyard to enter it. The Gemara answers: The reasoning of the Rabbis is that the members of the inner courtyard can say to the members of the outer one: We joined with you in a single eiruv to our benefit, and not to our detriment. Since one of your residents forgot to contribute to the eiruv, we no longer acquiesce to this partnership.

⁴³⁸ The Gemara asks: According to Rabbi Akiva as well, let the residents of the inner courtyard say to the residents of the outer courtyard: We joined with you to our benefit and not to our detriment. The Gemara answers that according to Rabbi Akiva, the case is that the residents of the outer courtyard said to the residents of the inner courtyard: We renounce our rights in your favor, in which

case the inhabitants of the inner courtyard are permitted to carry in their own courtyard. Consequently, his ruling that the inner courtyard is also prohibited applies only before the residents of the outer courtyard renounce their rights. And the Rabbis hold that there is no renunciation of rights from courtyard to courtyard.

⁴³⁹ The Gemara asks: Let us say that Shmuel and Rabbi Yoḥanan, who disagree about whether there is renunciation of rights from one courtyard to another, disagree about the same point that was the subject of a disagreement between the Rabbis and Rabbi Akiva. As Shmuel said that there is no renunciation of rights from one courtyard to another, in accordance with the opinion of the Rabbis, and Rabbi Yoḥanan said that such renunciation is valid, in accordance with the opinion of Rabbi Akiva.

⁴⁴⁰ The Gemara responds: Shmuel could have said to you: What I said is even in accordance with the opinion of Rabbi Akiva. Rabbi Akiva stated his opinion that there is renunciation of rights from one courtyard to another only here, with regard to two courtyards, one within the other, which render each other prohibited. However, there, where they disagree about two adjacent courtyards, do the courtyards render each other prohibited? Consequently, even Rabbi Akiva would agree that there is no renunciation of rights from one courtyard to another.

⁴⁴¹ And Rabbi Yoḥanan could have said: What I said is even in accordance with the opinion of the Rabbis. The Rabbis stated their opinion that there is no renunciation of rights from one courtyard to another only in the case here, as the residents of the inner courtyard said to the residents of the outer courtyard: Until you renounce your rights in our favor, you render it prohibited for us to carry, and therefore, we will have no connection with you and forgo both the renunciation and the prohibition. But there, does one courtyard prohibit the other? Since it does not, even the Rabbis would agree that there is renunciation from one courtyard to another.

⁴⁴² We learned in the mishna: And if the courtyards belonged to individuals, i.e., if only one person lived in each courtyard, they are not required to establish an eiruv. Rav Yosef said: Rabbi Yehuda HaNasi teaches that if there were three people living in the two courtyards, whether two people lived in the outer courtyard and one person in the inner one, or two people lived in the inner courtyard and one person lived in the outer one, they are prohibited from carrying without an eiruv.

⁴⁴³ Rav Beivai said to the Sages: Do not listen to him, as he is mistaken. I told it to him, and I told it to him in the name of Rav Adda bar Ahava, not Rabbi Yehuda HaNasi, but due to his illness Rav Yosef forgot this detail. And the reason that the residents of both courtyards are prohibited from carrying if two people are living in the outer courtyard is that since I call them many in the outer courtyard, the Sages issued a decree prohibiting carrying, due to a case in which there are two people living in the inner courtyard. When he heard this, Rav Yosef said in astonishment: Master of Abraham! I mistook the word Rabbi for the word many [rabbim]. He now realized that he had mistakenly understood this ruling as attributed to Rabbi Yehuda HaNasi rather than a halakha regarding many, an error that led to his inaccurate version of the teaching.

⁴⁴⁴ And Shmuel said: Actually, they are permitted, unless there are two people living in the inner courtyard and one in the outer one.

⁴⁴⁵ Rabbi Elazar said: And a gentile is considered like many, i.e., if a gentile lives in the inner courtyard, the gentile's right of way in the outer courtyard renders it prohibited to carry there. The Gemara asks: What is different about an individual Jew living in the inner courtyard, that he does not

prohibit the resident of the outer courtyard? Because one who knows that only one person lives there knows this fact, and one who does not know this thinks that an eiruv has been established. If so, in the case of a gentile also, we should say that one who knows that only one person lives there knows, and one who does not know this thinks that the Jew must have rented the domain from the gentile.

⁴⁴⁶ The Gemara answers: This is not so, as a typical gentile, if he had rented out his domain, he would chatter about it, and everyone would know. If he has not talked about it, everyone will assume that he did not rent out his domain.

⁴⁴⁷ Rav Yehuda said that Shmuel said: If there are ten houses, one within the other, so that the person living in the innermost house must pass through all the rest in order to reach the courtyard, the innermost one alone contributes to the eiruv for the courtyard, and it is enough. The residents of the other houses are considered as living in the gatehouse and corridor of the innermost one, and therefore they do not have to contribute to the eiruv.

⁴⁴⁸ And Rabbi Yoḥanan said: Even the outer one must contribute to the eiruv. The Gemara asks: The outer residence is a gatehouse in relation to the inner ones, so why should it have to contribute to the eiruv? The Gemara answers that Rabbi Yoḥanan was referring to the outer house of the innermost one. In other words, even the second-to-last house, the outer one only in relation to the innermost house, must contribute to the eiruv, as it is not viewed as a gatehouse.

⁴⁴⁹ The Gemara explains: With regard to what principle do they disagree? One Sage, Shmuel, holds that the gatehouse of an individual is considered a gatehouse, and therefore the ninth house, i.e., the second innermost is also a gatehouse, as it serves as a passageway for the individual living in the innermost house, and one Sage, Rabbi Yoḥanan, holds that the gatehouse of an individual is not considered a gatehouse, and therefore the ninth house must also contribute to the eiruv.

⁴⁵⁰ Rav Naḥman said that Rabba bar Avuh said that Rav said: With regard to two courtyards that have three houses between them, and a resident of this courtyard comes through this house that opens to his courtyard and places his eiruv in that middle house, and a resident of this other courtyard comes through this house that opens to his courtyard and places his eiruv in that middle house,

⁴⁵¹ this outer house becomes a gatehouse to this courtyard, and that outer house becomes a gatehouse to that courtyard, and therefore the residents of the outer houses need not contribute to the eiruv. The middle house between them is the house in which the eiruv is placed, and therefore its residents need not contribute bread for the eiruv.

⁴⁵² The Sage Raḥava tested the other Sages: If there were two courtyards and two houses between them, and a resident of this courtyard came through this house that opens to his courtyard and placed his eiruv in that house farther from his courtyard, and a resident of this other courtyard came through this house that opens to his courtyard and placed his eiruv in that house that opens to the other courtyard, did they acquire the eiruv or not, i.e., are the two eiruvim valid? Do you render it a house with regard to this courtyard, whose eiruv was placed there, and a gatehouse with regard to that one who passed through it in order to place his eiruv in the other house? And similarly, do you render the other house a gatehouse with regard to this one and a house with regard to that one?

⁴⁵³ The Sages said to Raḥava: Neither of them has acquired his eiruv. Whichever way you look at it, it is difficult: If you consider either house a gatehouse, the halakha with regard to one who places his eiruv in a gatehouse, a porch, or a balcony, is that it is not a valid eiruv. And if you consider either

one a house, he would be carrying into a house for which he is not establishing an eiruv. Since the assumption that benefits one of them harms the other, and there is no way to establish firmly the status of these houses, the residents of both courtyards fail to acquire their eiruv.

⁴⁵⁴ Raḥava asked: What makes this case different from the ruling of Rava? As Rava said: In the case of two people who said to one person: Go and establish an eiruv of Shabbat limits for each of us, and he established an eiruv for one of them while it was still day, and he established an eiruv for the other one during twilight, and the eiruv of the one for whom he established an eiruv while it was still day was eaten during twilight, and the eiruv of the one for whom he established an eiruv during twilight was eaten after nightfall, both of them have acquired their eiruv. Twilight is of doubtful status as to whether it is considered day or night. If it is night, any eiruv established at that time is invalid, and if it is day, any eiruv eaten at that time is invalid. Rava nonetheless ruled leniently, despite the fact that two contradictory assumptions are involved, in keeping with the principle that in cases of doubt relating to an eiruv, the halakha is lenient. Consequently, with regard to the one whose eiruv was eaten during twilight, it is considered as though it was already night, and therefore his eiruv had already taken effect while it was still day before it was eaten. Conversely, with regard to the one whose eiruv was established during twilight, that period of time is viewed as day, and therefore his eiruv is valid as well.

⁴⁵⁵ The Sages respond: How can these cases be compared? There, where there is uncertainty whether it is day and uncertainty whether it is night, the matter is not noticeable, as no one sees exactly when each eiruv was established. But here, where the houses are clearly distinguishable, if with regard to this one, who placed his eiruv there, it is a house, then with regard to that one, who passed through it, it should also be regarded as a house. And if, with regard to this one, who passed through it, it is a gatehouse, then with regard to that one, who placed his eiruv there, it should also be considered a gatehouse. Therefore, neither of them acquires his eiruv.

Chapter 7

¹ MISHNA: If there is a window in a wall that separates between two courtyards, and the window measures four by four handbreadths and is within ten handbreadths of the ground, the inhabitants of the courtyards establish two eiruvim, one for each courtyard. And if they desire, they may establish one eiruv, thereby merging the two courtyards, as they may be considered as one due to the window.

² However, if the window measures less than four by four handbreadths, or if it is above ten handbreadths from the ground, it is no longer considered a valid opening, and the two courtyards cannot be considered a single courtyard. Therefore, the residents establish two eiruvim, but they may not establish one eiruv.

³ GEMARA: With regard to the mishna's determination that the size of the window must be four by four handbreadths, the Gemara asks: Let us say that we learned an unattributed mishna in accordance with the previously cited opinion of Rabban Shimon ben Gamliel, who said: Any gap less than four handbreadths is considered lavud, i.e., two objects are considered connected if the space between them is less than four handbreadths. That would explain why the window must be four handbreadths in size, as otherwise it would be considered as though it were sealed, based on the principle of lavud.

⁴ The Gemara rejects this suggestion: Even if you say that the mishna is in accordance with the opinion of the Rabbis that only gaps of less than three handbreadths are included in the principle of lavud, the Rabbis disagreed with Rabban Shimon ben Gamliel only with regard to the halakhot of lavud, i.e., what is considered connected. But with regard to an opening, even the Rabbis agree that if there is an opening of four by four handbreadths, it is significant, and if not, it is not significant.

⁵ It was taught in the mishna: If the window is less than four by four handbreadths, or above ten handbreadths from the ground, the residents of each courtyard must establish a separate eiruv. The Gemara objects: This is obvious. Since the mishna stated in the previous clause that if the window is four by four handbreadths and within ten handbreadths from the ground, they establish one eiruv, from this halakha itself I know that if the window is less than four by four handbreadths or above ten handbreadths, they may not establish one eiruv. Why was it necessary to teach this in the mishna?

⁶ The Gemara answers: It teaches us this matter: The reason is specifically that the entire window is above ten handbreadths; however, if part of it is within ten handbreadths of the ground, they establish two eiruvim, and if they desire, they may establish one eiruv.

⁷ The Gemara comments: According to this explanation, we already learned in the mishna that which the Sages taught in a baraita: If nearly all of the window is above ten handbreadths and only a small part of it is within ten handbreadths, or if nearly all of it is within ten handbreadths and only a small part of it is above ten handbreadths, they establish two eiruvim, and if they desire, they may establish one eiruv.

⁸ The essential meaning of this baraita is clear, but the Gemara raises a question with regard to its formulation: Now, if nearly all of it is above ten handbreadths and only a small part of it is within ten handbreadths, you said that they establish two eiruvim, and if they desire, they may establish one eiruv, i.e., the window has the status of an opening and therefore the two courtyards may establish a joint eiruv, then is it necessary to state the halakha governing the case where almost all of it is within ten and only a small part of it is above ten?

⁹ The Gemara answers that indeed, this baraita teaches employing the style: This, and it is unnecessary to say that, moving from the more difficult and novel case to the easier, more straightforward one.

¹⁰ Rabbi Yoḥanan said: A circular window must have a circumference of twenty-four handbreadths, with two and a bit of them within ten handbreadths of the ground, so that when he squares the window, i.e., if he forms the shape of a square inside it, it measures four by four handbreadths, and a bit of it is then within ten handbreadths of the ground.

¹¹ The Gemara poses a question with regard to this calculation: Now, since there is a general principle that any circle with a circumference of three handbreadths is one handbreadth in diameter, then according to this formula, a window with a circumference of twelve handbreadths, meaning that it has a diameter of four handbreadths, should be sufficient to create a window of four by four.

¹² This measurement applies only to a circle and the ratio between its circumference and diameter, but with regard to a square that must fit entirely within that circle, we require a circle with a larger circumference. In order for a square of four by four handbreadths to be entirely contained within a circle, the circumference of the circle must measure more than twelve handbreadths

¹³ The Gemara asks: Now, how much larger is a square than a circle? It is larger by one quarter. If so, a circle with a circumference of sixteen handbreadths at most should suffice.

¹⁴ The Gemara answers: This statement that a square is larger than a circle by a quarter applies only to a circle circumscribed by a square, but with regard to a square circumscribed by a circle, we require more, and the difference between the square and the circle is greater. What is the reason for this? It is due to the projection of the corners of the square, as the distance from the center of the square to its corners is greater than the distance from the center to its sides.

¹⁵ The Gemara further objects: Since every cubit in the side of a square is a cubit and two-fifths in the diagonal, a square of four by four handbreadths has a diagonal of five and three-fifths handbreadths. And since the diameter of a circle equals the diagonal of the square that it encompasses, the circle circumscribing a square of four by four handbreadths has a diameter of five and three-fifths handbreadths. If that measure is multiplied by three to arrive at the circumference of that circle, the result is that a circle with a circumference of seventeen handbreadths minus a fifth is sufficient to circumscribe a square of four by four handbreadths. Why, then, does Rabbi Yoḥanan say that a circular window must have a circumference of twenty-four handbreadths?

¹⁶ The Gemara answers: Rabbi Yoḥanan spoke in accordance with the opinion of the judges of Caesarea, and some say in accordance with the opinion of the Sages of Caesarea, who say: A circle that is circumscribed within a square is smaller than it by one quarter; with regard to a square that is circumscribed within a circle, the difference between them is equal to half the square. According to this explanation, Rabbi Yoḥanan calculated as follows: Since a square of four by four handbreadths has a perimeter of sixteen handbreadths, the circumference of the circle that encompasses it must be fifty percent larger, or twenty-four handbreadths.

¹⁷ It was taught in the mishna: If a window is less than four by four handbreadths, or if it is above ten handbreadths from the ground, the residents of the two courtyards may not establish one joint eiruv but must instead establish two independent ones. Rav Naḥman said: They taught this halakha of a window within ten handbreadths of the ground only with regard to a window between two courtyards. But with regard to a window between two houses, even if it is above ten handbreadths as well, if they wish to establish an eiruv, they establish one eiruv. What is the reason for this halakha? It is that a house is considered as though it were filled, and therefore there is no difference between below and above ten handbreadths with regard to a window in a house.

¹⁸ Rava raised an objection to the opinion of Rav Naḥman from that which was taught in a baraita: A window between two courtyards, and a window between two houses, and a window between two attics, and a window between two roofs, and a window between two rooms are all one and the same to me; they all must be four by four handbreadths and within ten handbreadths from the ground. This directly contradicts Rav Naḥman's opinion.

¹⁹ The Gemara answers: Explain that this halakha of ten handbreadths mentioned in the baraita is referring only to courtyards. The Gemara objects: Doesn't the baraita teach: Are all one and the same to me, indicating that they are all equal in this regard? Rather, explain that they are all equal in that the window must be the size of four by four handbreadths, but not that all must be within ten handbreadths of the ground.

²⁰ Rabbi Abba raised a dilemma before Rav Naḥman: With regard to an aperture that opens from the ceiling of a house occupied by one person to an attic occupied by another, must a permanent ladder

be positioned in the opening to render carrying from one level to the other permitted by turning the two into a single residence? Or, is a permanent ladder not necessary to render it permitted?

²¹ The Gemara clarifies the two sides of the question: When we say that a house is considered as though it were filled, does this apply only to a window positioned on the side, but not to a window in the middle? In that case, the opening would not be viewed as near the full part of the house, and a permanent ladder would be required. Or perhaps there is no difference, and since the house is considered filled, no ladder is necessary.

²² Rav Naḥman said to him: It is not necessary. The Sages understood from this response that he meant that a permanent ladder is not required, but a temporary ladder is required. However, it is stated in this regard: Rav Yosef bar Manyumi said that Rav Naḥman said: Neither a permanent ladder nor a temporary ladder is required, as the fact that the opening is located within the house is sufficient to render it permitted to carry from the house to the attic.

²³ MISHNA: If a wall between two courtyards is ten handbreadths high and four handbreadths wide, the residents of the courtyard establish two eiruv, a separate one for each courtyard, but they may not establish one eiruv.

²⁴ If there was produce on top of the wall, these residents of one courtyard may ascend from this side and eat from it, and those residents of the other courtyard may ascend from that side and eat from it, provided that they do not lower the produce down from on top of the wall to one of the courtyards.

²⁵ If the wall was breached, the following distinction applies: If the breach was up to ten cubits wide, they establish two eiruv, and if they desire, they may establish one eiruv, as it is similar to an entrance, like any opening less than ten cubits wide. If the breach was more than this, they establish one eiruv, and they may not establish two, as a breach of this size nullifies the partition and joins the two courtyards into a single domain.

²⁶ GEMARA: The Gemara asks: If this wall is not four handbreadths in width, what is the halakha? Rav said: In this case, the air of two domains controls it. Since the wall is not broad enough to be regarded a domain of its own, the top of the wall is seen as belonging to both courtyards and is then prohibited to both of them. Accordingly, one may not move anything on top of the wall, even as much as a hair's breadth.

²⁷ And Rabbi Yoḥanan said: These residents of one courtyard may raise food from their courtyard to the top of the wall and eat it there, and they may lower the food from the wall to the courtyard; and those residents of the other courtyard may raise food from their courtyard and eat it there, and they may lower the food from the wall to the courtyard. This is because the wall is considered nonexistent, and its domain is viewed as part of the two courtyards.

²⁸ We learned in the mishna: If there was produce on top of the wall, these residents of one courtyard may ascend from this side and eat from it, and those residents of the other courtyard may ascend from that side and eat from it. The Gemara infers from this: To ascend, yes, it is permitted, but to raise food from the courtyard to the top of the wall, no, it is not permitted. This presents a challenge to Rabbi Yoḥanan's opinion.

²⁹ The Gemara answers that this is what the mishna is saying: If the top of the wall between the two courtyards is four by four handbreadths, then to ascend, yes, it is permitted. However, to raise food, no, it is prohibited, because in that case the top of the wall is considered a domain in its own right.

But if it is not four by four handbreadths, it is an exempt domain, and therefore they may raise their food onto the wall as well.

³⁰ And Rabbi Yoḥanan followed his line of reasoning in this regard, as when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: With regard to a place that does not have an area of four by four handbreadths and is situated between a public and a private domain, it is permissible for both the people in the public domain and for the people in the private domain to adjust the burden on their shoulders upon it, provided they do not exchange objects between them from one domain to the other domain. This demonstrates that in the case of an exempt domain, Rabbi Yoḥanan was not concerned that one might carry from one domain to another, and permitted members of both domains to use it.

³¹ The Gemara asks: And does Rav, who prohibits carrying in that case even as much as a hair's breadth, not accept the opinion of Rav Dimi in this matter? The Gemara answers: If this referred to an exempt domain situated between two domains by Torah law, i.e., between a public and a private domain, so too, Rav would agree that the members of both domains may adjust their burdens there.

³² However, with what are we dealing here, in the case of the wall? We are dealing with domains by rabbinic law, and the Sages reinforced their statements even more than those of the Torah. Due to their severity, Torah laws are generally observed. Therefore, there is no need to impose decrees and enactments in order to preserve them. The same is not true of rabbinic decrees; if people ignore the preventive measures, they might come to violate the entire enactment.

³³ Rabba said that Rav Huna said that Rav Naḥman said: With regard to a wall that is between two courtyards, and one side facing one courtyard is ten handbreadths high, and the other side is level with the ground of the second courtyard, i.e., the second courtyard is built on a higher plane, so that the wall is less than ten handbreadths above its floor, in this case the Sages grant the use of the top of the wall on Shabbat only to the courtyard in which the wall is level with the ground.

³⁴ The reason is because the use of the wall is convenient for one side, i.e., the higher courtyard, but difficult for the other side. The wall can be used more conveniently by the residents of the higher courtyard. And the principle is that in any case with regard to Shabbat where an action is convenient for one party and difficult for another, the Sages grant it to the one for whom its use is convenient.

³⁵ Similarly, Rav Sheizvi said that Rav Naḥman said: In the case of a ditch between two courtyards, one side of which is ten handbreadths deep, and the other side of which is level with the ground of the second courtyard, i.e., is less than ten handbreadths below it, the Sages grant the use of the ditch to the courtyard in which the ditch is level with the ground. This is because it is a case in which the use of the ditch is convenient for one side, where it is close to level with the ground, and difficult for the other, where the ditch is ten handbreadths deep, and whenever use of an item is convenient for one party and inconvenient for another, it is granted to the one for whom it is convenient.

³⁶ The Gemara comments: And it was necessary to cite both of these cases, as it would not have been possible to learn one from the other, since, had Rav Naḥman taught us only the case with regard to a wall, one could have said that the halakha applies only in that case, because people use an elevated surface. Even for the residents of the lower courtyard, it is relatively easy to use this wall. However, with regard to a ditch, people do not use a deep surface, as it is troublesome to bend down and place an item in a ditch. In that case, one might say that it may not be used by the residents of either courtyard.

³⁷ And likewise, had he taught us only the case with regard to a ditch, one could have said that the halakha applies only in that case, because its use does not cause worry, as anything placed in the ditch is protected. However, with regard to a wall, the use of which causes worry that the objects placed there are liable to fall, one might say that it may not be used by the residents of either courtyard. Therefore, it was necessary to state both of these rulings.

³⁸ With regard to a wall between two courtyards, the Gemara states: If one comes to diminish the height of the wall by placing a stone next to it, or by building a platform in order to permit its use or to utilize it as a passageway to another courtyard, the following distinction applies: If the diminished section is at least four handbreadths wide, it is permitted to use the entire wall. This area has the status of an entrance and the two courtyards are considered one, which renders the entire wall permitted. However, if the diminished section is not at least four handbreadths wide, one may use only the area of the wall opposite the diminished section, but no more.

³⁹ The Gemara challenges this ruling: Whichever way you look at it, this ruling is difficult. If the diminishing was effective, although it extends less than four handbreadths, let him use the entire wall; and if the diminishing was not effective, even the area corresponding to the diminished section should also not be permitted for use, as this section is insignificant. Ravina said: Here, it refers to a case where one removed a segment of stone from the top of the wall. Since the wall is actually less than ten handbreadths high along that section, it is fit for use as is an opening in the wall.

⁴⁰ Rav Yeḥiel said: If one overturned a basin and placed it next to a wall, such that the wall is no longer ten handbreadths high, it effectively diminishes the height of the wall.

⁴¹ The Gemara asks: And why should this be so? Isn't this basin an item that may be moved on Shabbat, i.e., something that one is permitted to handle? And the principle is that an item that may be moved on Shabbat does not diminish a wall. Since it can be removed at any moment on Shabbat, such an object cannot be viewed as a permanent part of the wall. The Gemara answers: No, it is necessary; this basin can be considered a permanent part of the wall in a case where he attached the basin to the ground by covering it with soil. The basin may then not be moved on Shabbat due to the prohibition of handling soil.

⁴² The Gemara challenges this explanation: And if one attached the basin to the ground, what of it? Wasn't it taught in a baraita: With regard to an unripe fig that one buried in straw intended for kindling, so that it would ripen, or a cake that one buried in coals before Shabbat, and the coals were extinguished, if part of either one is visible, it may be moved on Shabbat. This is not prohibited, although as a result one will move the straw or the coals, which are set aside.

⁴³ The Gemara explains: With what are we dealing here? We are dealing with a case where the top of the basin has a rim that is fully buried in the ground, so that removing the basin will dislodge the earth under which it is buried in a manner similar to digging, which is prohibited on Shabbat.

⁴⁴ The Gemara further challenges this explanation: And if the basin has a rim, what of it? Didn't we learn in a mishna: With regard to one who buries a turnip or a radish in the ground beneath a vine for safekeeping, when

⁴⁵ some of the leaves of the turnip or radish are showing, he need not be concerned due to diverse kinds, i.e., that he violated the prohibition of planting food crops in a vineyard, as he did not intend to commit an act of planting; nor due to tithes, i.e., there is no concern lest the turnip or radish grew

further, in which case he would be obligated to tithe it; nor due to the prohibition against working the land during the Sabbatical Year, and similarly, he need not be concerned that they grew further and that the additional growth is prohibited as produce that grew during the Sabbatical Year. And therefore, the turnip or radish may be taken from the ground on Shabbat. Even if most of the turnip or radish is underground, it is permitted to pull it from the ground on Shabbat. If so, in the case described in the mishna here, even if the basin buried in the ground has a rim, it should nevertheless be permitted to move it.

⁴⁶ The Gemara answers: No, Rabbi Yehiel's ruling is necessary in a case where the basin was so firmly attached to the ground that one would need a hoe [mara] or a spade to remove it, as this action would certainly involve digging, which is prohibited on Shabbat. Therefore, since the basin cannot be removed on Shabbat, it is considered fixed in its place and effectively diminishes the height of the wall.

⁴⁷ It was taught in a baraita: An Egyptian ladder, which is small, does not diminish the height of a wall, whereas a larger, Tyrian ladder effectively diminishes its height. The Gemara asks: What are the circumstances of an Egyptian ladder; i.e., what characterizes it? The scholars of the school of Rabbi Yannai said: Any ladder that does not have four rungs.

⁴⁸ Rav Aḥa, son of Rava, said to Rav Ashi: What is the reason that an Egyptian ladder does not diminish the height of a wall? He said to him: Did you not hear that which Rav Aḥa bar Adda said that Rav Hamnuna said that Rav said: It is because it is an object that may be moved on Shabbat, i.e., it is not set-aside [muktze], and the principle is that any object that may be moved on Shabbat does not diminish the height of a wall, as it cannot be considered a permanent part of the wall.

⁴⁹ The Gemara objects: If so, this should apply even to a Tyrian ladder as well, as a large ladder is also not set-aside and may be handled on Shabbat. The Gemara answers: There, in the case of a Tyrian ladder, its heaviness establishes it as part of the wall. Even though one is permitted to move it, since due to its weight it is not moved easily, it effectively diminishes the height of the wall.

⁵⁰ Abaye said: If a wall between two courtyards is ten handbreadths high, and one placed a ladder four handbreadths wide against the wall on one side, in one courtyard, and another ladder four handbreadths wide on the other side, in the other courtyard, and there are less than three handbreadths between them, i.e., the two ladders on the opposite sides of the wall are within three handbreadths of each other, even if they are not directly opposite each other, this diminishes the height of the wall. The pair of ladders is regarded as a valid passageway between the two courtyards. However, if the gap between the two ladders is three handbreadths or more, this does not diminish the height of the wall.

⁵¹ And we only said this qualification if the wall was less than four handbreadths wide. However, if the wall was at least four handbreadths wide, then even if one ladder was greatly distanced from the other, this likewise renders it permitted. Since it is possible to walk along the thickness of the wall, the pair of ladders constitutes a passageway between the two courtyards.

⁵² Rav Beivai bar Abaye said: If one built a wooden platform next to the wall above another platform, then if the lower platform is four handbreadths wide, it diminishes the height of the wall to below ten handbreadths. Alternatively, if the lower one is not four handbreadths wide, but the upper one is four handbreadths wide, and there is a gap of less than three handbreadths between them, it diminishes the height of the wall, as the two platforms are considered as one.

⁵³ And Rav Nahman said that Rabba bar Avuh said: In the case of a ladder whose rungs are disconnected, if the bottom rung is four handbreadths wide, it diminishes the height of the wall. Alternatively, if the bottom rung is not four handbreadths wide, but the upper rung is four handbreadths wide, and there is a gap of less than three handbreadths between them, it diminishes the height of the wall, because the principle of lavud joins the two rungs together.

⁵⁴ And Rav Nahman said that Rabba bar Avuh said:

⁵⁵ If a projection four by four handbreadths in area extends from a wall, and one placed a ladder of any width against it, if the rungs of the ladder are less than three handbreadths apart, he has diminished the height of the wall by means of this ladder and projection.

⁵⁶ The Gemara qualifies this statement: And we said this only in a case where one placed the ladder directly against the projection, so that the ladder serves as a passage to it. However, if he placed it adjacent to the projection, he has merely widened the projection, while the ladder remains separate from it. Consequently, the projection does not have any connection to the ground, and a projection that is not within three handbreadths of the ground does not diminish the height of a wall.

⁵⁷ And Rav Nahman said that Rabba bar Avuh said: If a wall between two courtyards is nineteen handbreadths high, it requires one projection to render the use of the wall permitted. If there is a single projection in the middle of the wall, with a ladder of any width resting against it, it is considered a passageway between the courtyards, as the projection is within ten handbreadths of the top of the wall.

⁵⁸ However, if the wall is twenty handbreadths high, it requires two projections to render the use of the wall permitted, one within ten handbreadths of the ground, and the other within ten handbreadths of the top of the wall. Rav Hisda said: And this applies only where he positioned the projections not directly one above the other, so that it is possible to use a ladder to climb from one projection to the other.

⁵⁹ Rav Huna said: If a pillar in the public domain is ten handbreadths high and four handbreadths wide, so that it is considered a private domain, and one drove a stake of any size into the top of it, he has diminished its area. The usable area is now less than four handbreadths, and therefore the pillar is no longer considered a private domain.

⁶⁰ Rav Adda bar Ahava said: This applies only if the stake is at least three handbreadths high. If it is less than three handbreadths high, it is considered part of the top of the pillar, based on the principle of lavud. This is in contrast to Abaye and Rava, who both say: Even if the stake is not three handbreadths high, the pillar is no longer considered a private domain.

⁶¹ What is the reason for the opinion of Abaye and Rava? It is that the pillar is no longer fit to be used, as a surface of four by four handbreadths is suitable for use only when it is level. If it has even a small projection, it is no longer usable.

⁶² Rav Ashi said: Even a stake three handbreadths high does not diminish the area of the pillar. What is the reason for this? It is that it is possible to hang an item on it. Although it is no longer possible to rest objects on top of the pillar, it is still useful in some way.

⁶³ Rav Aha, son of Rava, said to Rav Ashi: According to your opinion, if he filled it entirely with stakes, i.e., if he drove so many stakes into the top of the post that it was completely filled, what is the halakha?

⁶⁴ Rav Ashi said to him: Did you not hear that which Rabbi Yoḥanan said? He said that a pit and its embankment of stone around the edge join together to complete the measure of ten handbreadths. Similarly, the width of the embankment joins with the diameter of the pit to complete the measure of four by four handbreadths necessary to define the pit as a private domain.

⁶⁵ There, too, one can raise the question: But why? He cannot use the embankment, as most of the area is the empty space of the pit. Rather, what have you to say, i.e., how can you solve this problem? The solution is that he places an item, e.g., a board, over the mouth of the pit, and then he can make use of it. Here, too, he places an item over the stakes and can make use of the pillar.

⁶⁶ Rav Yehuda said that Shmuel said: If a wall is ten handbreadths high, it requires a ladder fourteen handbreadths high, so that one can place the ladder at a diagonal against the wall. The ladder then functions as a passageway and thereby renders the use of the wall permitted. Rav Yosef said: Even a ladder with a height of thirteen handbreadths and a bit is enough, as it is sufficient if the ladder reaches within one handbreadth of the top of the wall.

⁶⁷ Abaye said: Even a ladder that is only eleven handbreadths and a bit suffices, as the ladder will still reach a height of over seven handbreadths, i.e., within three handbreadths of the top of the wall.

⁶⁸ Rav Huna, son of Rav Yehoshua, said: Even if the ladder is only seven handbreadths and a bit it is sufficient, as he can stand the ladder upright against the wall. Since it will reach within three handbreadths of the top of the wall, the principle of *lavud* applies. Therefore, even a ladder placed in this manner is considered a valid passageway between the two courtyards.

⁶⁹ Similarly, Rav said: An upright ladder effectively diminishes the height of a wall, as it creates a passageway. I received this teaching as a tradition, but I do not know what the reason is, as people do not generally climb ladders positioned in this manner.

⁷⁰ Shmuel said: Does Abba, i.e., Rav, actually not know the reason for this matter? The reason here is just as it is in the case of a platform above another platform. Even though it is not easy to climb, since it provides steps that can be climbed, albeit with difficulty, it is considered a valid passageway.

⁷¹ Rabba said that Rabbi Ḥiyya said: The trunks of palm trees in Babylonia that were placed next to a wall between two courtyards so that people could climb on them and pass from one courtyard to another do not need to be established permanently and attached to the ground; rather, they serve to diminish the wall as they are. What is the reason for this? It is that their heaviness establishes them as connected to the ground. Although it is permitted to handle them, nevertheless, since their weight makes them difficult to move, they are considered fixed in place.

⁷² And similarly, Rav Yosef said that Rabbi Oshaya said: Ladders in Babylonia do not need to be established and fixed permanently in place. What is the reason for this? It is that their heaviness establishes them, as the ladders in Babylonia were typically large and heavy.

⁷³ The Gemara comments: With regard to the one who said that Babylonian ladders do not need to be fixed in place, all the more so would he agree that the trunks of palm trees, which are placed there from the outset for this purpose, are considered fixed, as both are extremely heavy and also designed to remain in place. On the other hand, the one who said that the trunks of palm trees need not be fixed permanently in the ground, spoke only with regard to palm trees. However, as for ladders, no, they are not considered fixed in place. A ladder, even a heavy one, is designed to be moved from place to place.

⁷⁴ Rav Yosef raised a dilemma before Rabba: If there is a narrow ladder measuring less than two handbreadths wide on one side, and a similarly narrow ladder on the other side, and there are rungs of woven straw in the middle between them which would not support a person's weight, what is the halakha? Are the two ladders considered a single unit, forming a ladder four handbreadths wide, which serves to diminish the height of a wall?

⁷⁵ Rabba said to him: The sole of the foot cannot climb upon them. A person usually places his foot in the middle of a ladder. Since the middle of this ladder is made of straw, then although it appears to be four handbreadths wide, it is not fit for use and does not diminish the height of the wall.

⁷⁶ Rav Yosef continued to ask: And what if there were rungs of straw on one side and rungs of straw on the other side, and a narrow ladder less than four handbreadths wide in the middle, and their combined width is four handbreadths? What is the halakha in this case? Rabba said to him: The sole of the foot can climb upon them, and the ladder appears to be four handbreadths wide. Therefore, it serves to diminish the height of the wall.

⁷⁷ Rav Yosef further asked: If the ladder resting against the wall was less than four handbreadths wide, and one dug out grooves in the wall as extensions of the rungs of the ladder to complete the measure, how high must this hollowed-out section be to consider the ladder a valid passageway between the two courtyards? Rabba said to him: If it is ten handbreadths high and four handbreadths wide, it is considered a passageway.

⁷⁸ Rav Yosef said to him: If there was no ladder, and one dug out the entire ladder in the wall, so that all the steps are grooves in the wall, how much must he hollow out? Rabba said to him: Those steps must reach the full height of the wall. Rav Yosef asked: And what is the difference in this case? Why must the steps reach higher in this case than in the case where the hollowed-out section was merely an extension of an existing ladder? Rabba said to him: There, where there is a ladder, it is easy to climb to the top of the wall; however, here, where there are only grooves in the wall, it is not easy to climb. If one cannot reach the top of the wall, the steps are not considered a passageway between the courtyards.

⁷⁹ Rav Yosef raised a dilemma before Rabba: If one designated a tree as a ladder, what is the halakha? Given that it is prohibited to climb a tree on Shabbat, if a tree stands next to a wall and it is easy to climb, is it considered with regard to the halakhot of Shabbat as an opening in the wall that can serve as a passageway between the two courtyards?

⁸⁰ Let the dilemma be raised according to the opinion of Rabbi Yehuda HaNasi, who maintains that a joining of Shabbat boundaries [eiruv tehumin] placed in a tree is valid; and let the dilemma be raised according to the opinion of the Rabbis, who disagree.

⁸¹ The Gemara elaborates: Let the dilemma be raised according to the previously stated opinion of Rabbi Yehuda HaNasi. Rabbi Yehuda HaNasi only stated there that with regard to anything that is prohibited on Shabbat due to a rabbinic decree [shevut], the Sages did not prohibit it during twilight. Therefore, in Rabbi Yehuda HaNasi's opinion, it is permitted to use an eiruv that was deposited in a tree, as the use of a tree is prohibited on Shabbat by rabbinic decree. However, this applies only in that case, as the eiruv takes effect during the twilight period. Since there is doubt with regard to whether that period is considered day or night, the decree is not in force, and the eiruv is therefore valid. However, in this case, where the opening must be valid for the entire day, Rabbi Yehuda

HaNasi would not rule that the decree does not apply. Since it is prohibited by rabbinic decree to climb a tree on Shabbat, a tree cannot be considered a valid passageway.

⁸² Or perhaps it may be argued that even according to the opinion of the Rabbis, this tree is considered an opening. They may have said that a joining of Shabbat boundaries placed in a tree is not valid only because the eiruv must actually be accessible during twilight, and in that case it is not, due to the rabbinic decree. However, in this case, where it is not necessary to make actual use of the tree, they would agree that a tree that serves as a ladder is a valid entrance, but a lion crouches upon it. Just as a lion crouching at an opening does not thereby nullify its status as an entrance, although in practice no one can pass through it, so too, in the case of the tree, the prohibition against climbing it does not nullify its status as a passageway.

⁸³ Rav Yosef further inquired: If one designated a tree worshipped as part of idolatrous rites [asheira], from which it is forbidden to derive benefit, as a ladder, what is the halakha? Is it considered a valid passageway in the wall with regard to the halakhot of Shabbat? Here, too, let the dilemma be raised according to the opinion of Rabbi Yehuda, and let the dilemma be raised according to the opinion of the Rabbis.

⁸⁴ The Gemara elaborates: Let the dilemma be raised according to the previously stated opinion of Rabbi Yehuda. Rabbi Yehuda only stated there that it is permitted to acquire, i.e., make use of, a house for the purposes of establishing an eiruv even if it is among the items from which it is prohibited to derive benefit, such as a grave. This statement applies only there, with regard to acquiring an eiruv in that location, since after the eiruv has acquired a place of residence for him, it is not important to him that it is guarded. He requires the grave only for the moment of the acquisition of the eiruv, and what happens to it afterward is of no consequence to him. However, here, since one desires the continued presence of the ladder, it is possible that even Rabbi Yehuda would agree that one may not rely on an asheira, as one may not climb and make use of it, since it is prohibited to derive benefit from it.

⁸⁵ Or perhaps it may be argued that even though according to the opinion of the Rabbis it is prohibited to use a grave to acquire an eiruv, here they would agree that the asheira is an opening, but a lion crouches upon it, and this does not nullify its status as an opening.

⁸⁶ Rabba said to him: A tree is permitted for use as a ladder, but an asheira is prohibited. Rav Ḥisda strongly objects to this: On the contrary, a tree, with regard to which a Shabbat prohibition causes it to be prohibited, should be prohibited, so that it will not be said that a Shabbat prohibition has been disregarded in a case involving the halakhot of Shabbat.

⁸⁷ And the converse is also true: An asheira, with regard to which something else, a halakha unrelated to the halakhot of Shabbat, causes it to be prohibited, should not be prohibited. Rather, it should be considered an opening with regard to Shabbat.

⁸⁸ Indeed, it was also stated: When Ravin came from Eretz Yisrael to Babylonia, he said that Rabbi Elazar said, and some say that Rabbi Abbahu said that Rabbi Yoḥanan said: Anything with regard to which a prohibition of Shabbat causes it to be prohibited is prohibited; and conversely, anything with regard to which something else causes it to be prohibited is permitted.

⁸⁹ However, in contrast to Rav Yosef, Rav Naḥman bar Yitzḥak taught as follows: These questions are indeed dependent on the known disputes. Whether a tree serving as a ladder constitutes a valid

opening is the subject of a dispute between Rabbi Yehuda HaNasi and the Rabbis; Rabbi Yehuda HaNasi permits it and the Rabbis prohibit it. The debate with regard to whether or not an asheira is considered an opening is the subject of a dispute between Rabbi Yehuda, who permits using items from which it is prohibited to derive benefit for the sake of an eiruv, and the Rabbis, who prohibit making an eiruv with such items.

⁹⁰ MISHNA: With regard to a ditch between two courtyards that is ten handbreadths deep and four handbreadths wide, it is considered a full-fledged partition, and the residents of the courtyard establish two eiruvim, one for each courtyard, but they may not establish one eiruv. Even if the ditch is filled with straw or hay, it is not regarded as sealed and is therefore not nullified. However, if the ditch is filled with dirt or pebbles, the residents establish one eiruv, but they may not establish two eiruvim, as the ditch is nullified and considered nonexistent.

⁹¹ If one placed a board four handbreadths wide across the ditch so that he could cross it, and similarly, if two balconies [gezuztraot] in two different courtyards are opposite one another, and one placed a board four handbreadths wide between them, the residents of the courtyards or balconies establish two eiruvim, and if they desire, they may establish one, as the board serves as an opening and a passageway between them. If the width of the plank is less than four handbreadths, the residents establish two eiruvim, but they may not establish one eiruv.

⁹² GEMARA: The Gemara wonders: Does hay not constitute a proper filling to seal the ditch? Didn't we learn in the following mishna: With regard to a haystack ten handbreadths high that stands between two courtyards, the residents of the two courtyards establish two eiruvim, but they may not establish one eiruv. This indicates that hay can create a valid partition.

⁹³ Abaye said that the matter should be understood as follows: With regard to a partition, everyone agrees that hay is a partition and that it divides between the courtyards as long as it is placed there. But with regard to filling the ditch so that it is considered sealed, one must distinguish between two cases: If one explicitly nullified the hay and decided to leave it there, it fills and seals the ditch; however, if he did not nullify it but intends to remove the hay from the ditch, it does not fill it, and the ditch is not considered sealed.

⁹⁴ It is written in the mishna: If the ditch is filled with dirt or pebbles, it is considered sealed. The Gemara asks: Does this apply even if one did not specify his intention to leave it there? Didn't we learn in a mishna with regard to the ritual impurity of a corpse: If there is a house that one filled with hay or pebbles, and he nullified the hay or pebbles and decided to leave them in the house, then the house (Rambam) is nullified and is no longer considered a house with partitions? Generally, a house containing a corpse is ritually impure on the inside but does not impart impurity to the surrounding area. However, in this case, the house is considered an enclosed grave that imparts ritual impurity to its surroundings.

⁹⁵ And one can infer from the mishna: If he nullified the hay or pebbles, yes, the house is nullified and considered sealed.

⁹⁶ However, if he did not nullify it, no, the house retains the status of a house, although it is filled with hay. Rav Huna said: Who is the tanna who taught tractate Oholot? It is Rabbi Yosei, and the tanna of the mishna does not accept his opinion.

⁹⁷ The Gemara asks: If that mishna is in accordance with the opinion of Rabbi Yosei, there is a difficulty, since we heard him say the opposite, as it was taught in the Tosefta that Rabbi Yosei says: In a case where there is a house full of hay and the owner does not intend to remove, it is considered as though it were filled with indeterminate dirt, and it is therefore nullified. However, if the house was full of dirt that he intends to remove, it is considered as though it were filled with indeterminate hay, and it is therefore not nullified. Apparently, the decisive factor for Rabbi Yosei is not the specific material in the house, but whether or not the owner intends to remove it.

⁹⁸ Rather, Rav Asi said: Who is the tanna who taught tractate Eiruvין? It is Rabbi Yosei, who does not accept the opinion of the tanna of tractate Oholot.

⁹⁹ Rav Huna, son of Rav Yehoshua, said: Are you raising a contradiction between the halakhot of ritual impurity and the halakhot of Shabbat? These two areas of halakha cannot be compared. Leave aside the prohibition of Shabbat. With regard to Shabbat, a person nullifies even a pouch full of money. The pouch may not be moved on Shabbat and is therefore considered fixed in place. However, hay, which may be moved even on Shabbat, is not considered to be fixed in the ditch. With regard to ritual impurity, by contrast, the nullification must be permanent.

¹⁰⁰ Rav Ashi said: And are you raising a contradiction between the halakha that governs a house and that which governs a ditch? Granted in the case of a ditch, it typically stands to be permanently filled. As there is no doubt that one's intention is to fill the ditch, the assumption is that anything placed inside a ditch will remain there. However, does a house stand to be permanently filled? Of course it does not. Presumably, the hay and dirt will be removed. Consequently, additional proof is necessary in order to conclude that the owner of the house intends to seal it permanently.

¹⁰¹ The mishna states: If one placed a plank that is four handbreadths wide across a ditch that separates two courtyards, the plank is considered an entrance. Rava said: They taught this halakha only in a case where one placed the plank along the width of the ditch. But if one positioned a plank along its length, even if the plank is of minimum width, it is also considered an entrance and reduces the ditch, as he reduced the opening to less than four handbreadths. The ditch was originally only four handbreadths wide. Therefore, if one places a plank of any width along its length, it becomes less than four handbreadths wide and no longer constitutes a partition.

¹⁰² The mishna continues: And similarly, if two balconies are opposite each other, and one placed a plank four handbreadths wide between them, the residents of the two courtyards may establish a single eiruv, as the plank is considered an entrance from one courtyard to the other. Rava said: That which you said: If the two balconies are opposite each other, yes, carrying between them is permitted by means of a plank; by inference, if they are not opposite each other, no, carrying is not permitted in this manner, and in a case where one balcony is above the other as well, it is prohibited, as it is not an entrance because it is too dangerous to walk from one to the other by means of the plank. We said the prohibition in these cases only where there is a disparity of at least three handbreadths between this balcony and that balcony. However, if there is a difference of less than three handbreadths between this balcony and that balcony, it is considered a single crooked balcony. Two balconies separated by a gap of less than three handbreadths are considered joined, based on the principle of lavud.

¹⁰³ MISHNA: With regard to a haystack that is positioned between two courtyards and is ten handbreadths high, it has the status of a partition, and therefore the residents of the courtyards may establish two eiruvim, and they may not establish one eiruv. These, the inhabitants of one courtyard,

may feed their animals from here, from one side of the haystack, and those, the inhabitants of the other courtyard, may feed their animals from there, from the other side of the haystack. There is no concern that the haystack might become too small to serve as a partition. If the height of the hay was reduced to less than ten handbreadths across its entire length, its legal status is no longer that of a partition. Consequently, the residents of both courtyards establish one eiruv, and they do not establish two eiruvim.

¹⁰⁴ GEMARA: With regard to the mishna's statement that the inhabitants of the two courtyards are permitted to place their animals next to the haystack and feed them, Rav Huna said: And this is the halakha provided that one does not actually put hay into his basket and feed his animals. In that case, there is concern that one might inadvertently reduce the height of the partition to less than ten handbreadths, which would constitute a breach between the courtyards and invalidate both eiruvim.

¹⁰⁵ The Gemara asks: And if the actual handling of the hay is prohibited, is it permitted to stand one's animal next to the haystack and let it eat? Didn't Rav Huna say that Rabbi Ḥanina said: A person may stand his animal on a patch of grass on Shabbat, as he will certainly be careful not to pull out grass for the animal, due to the severity of the Torah prohibition involved. However, a person may not stand his animal on set-aside items on Shabbat. As the prohibition of set-aside is rabbinic in origin, he might forget and move the set-aside objects himself. The same reasoning should apply in the case of the haystack. If it is prohibited by rabbinic decree to remove hay from the stack manually, it should likewise be prohibited to position one's animal alongside the stack.

¹⁰⁶ The Gemara answers: The mishna is not referring to a case where one directly brings the animal and places it alongside the haystack. Rather, it is dealing with a situation where one stands in front of the animal so that it cannot go elsewhere, and it goes and eats from the haystack of its own accord. In that case, the rabbinic decree does not apply.

¹⁰⁷ The Gemara asks a question with regard to Rav Huna's statement itself: And may one not put hay into his basket and feed his animal? Wasn't it taught in a baraita: In the case of a house that is positioned between two courtyards and the residents filled it with hay, they establish two eiruvim, but they do not establish one eiruv, as the hay is considered a partition that divides the house. The resident of this courtyard puts hay into his basket and feeds his animal, and the resident of that courtyard puts hay into his basket and feeds his animal. If the hay was reduced to a height less than ten handbreadths, it is prohibited for residents of both to carry in their respective courtyards.

¹⁰⁸ How, then, does the resident of one of the courtyards act if he seeks to permit use of the other courtyard to its resident? He locks his house and renounces his right to carry in the courtyard in favor of the other person. Consequently, it is prohibited for him to carry from his house into the courtyard, and it is permitted for the other resident to do so.

¹⁰⁹ And you say likewise with regard to a pit [gov] of hay that is positioned between two Shabbat limits. The residents of each area may feed their animals from the common hay, as there is no concern lest the animals go beyond the limit. In any case, the baraita teaches: The resident of this courtyard puts hay into his basket and feeds his animal, and the resident of that courtyard puts hay into his basket and feeds his animal. This halakha poses a difficulty to Rav Huna's opinion.

¹¹⁰ The Gemara answers: We can say that in the case of a house, since it has walls and a ceiling, when the height of the haystack is reduced the matter is conspicuous. The height disparity between the haystack and the ceiling is obvious. Consequently, when the haystack is reduced to less than ten

handbreadths, people will stop carrying in the courtyard. Here, however, with regard to the hay in the pit, the difference in height is not conspicuous. The height of the hay in the pit could become diminished to the extent that the partition is nullified without anyone noticing.

¹¹¹ It is stated in the baraita: If the height of the hay was reduced to less than ten handbreadths it is prohibited to carry in both courtyards. The Gemara infers from the phrasing of the baraita: If the hay was at least ten handbreadths high, it is permitted to carry there, even though the ceiling is much higher than the hay. Conclude from it that the legal status of ten-handbreadth partitions that do not reach the ceiling is that of standard partitions, which was the subject of a dispute elsewhere. Apparently, this baraita proves that they have the status of partitions in all respects.

¹¹² Abaye said: Here, we are dealing with the case of a house that is slightly less than thirteen handbreadths high and the hay is ten handbreadths high. The haystack is less than three handbreadths from the ceiling, and based on the principle of lavud, they are considered joined as though the partitions reach the ceiling.

¹¹³ And Rav Huna, son of Rav Yehoshua, said: Even if you say that the baraita is dealing with a house ten handbreadths high,

¹¹⁴ and the hay in the house is slightly more than seven handbreadths high it is considered a full-fledged partition that reaches the ceiling, as objects separated by any gap of less than three handbreadths are considered joined, based on the principle of lavud.

¹¹⁵ The Gemara comments. Granted, according to the opinion of Abaye, that is why the baraita teaches: If the height of the haystack was reduced to less than ten handbreadths. However, according to Rav Huna, son of Rav Yehoshua, what is the meaning of: Less than ten? Even at the outset it was never as high as ten handbreadths.

¹¹⁶ The Gemara answers: It means that it was reduced to less than the law of ten handbreadths. As long as the hay is slightly more than seven handbreadths high, it is regarded as ten handbreadths high, in accordance with the principle of lavud. Once its height is reduced to less than seven handbreadths, the halakha of a partition ten handbreadths high is no longer in effect.

¹¹⁷ The same baraita taught that if the height of the hay was reduced to less than ten handbreadths, it is prohibited to carry in both. The Gemara comments: Should we learn from this that residents who arrive on Shabbat prohibit the other residents from carrying? At the onset of Shabbat, both sets of residents were permitted to use the hay and the house, but once the hay was reduced on Shabbat it is as though new residents had been added to each of the courtyards, and it is prohibited for all of them to carry. Why not say that since at the beginning of Shabbat it was permitted to carry in the domain, they are permitted to do so for its duration?

¹¹⁸ The Gemara rejects this contention: Perhaps the baraita is referring to a case where the hay was already reduced on the previous day, before Shabbat began. In that case, it was never permitted to carry at all.

¹¹⁹ The baraita continues: How, then, does the resident of one of the courtyards act if he seeks to permit use of the other courtyard to its resident? He locks his house and renounces his right to carry in the courtyard in favor of the other person. The Gemara is surprised by this ruling: Does he require these two steps? One should suffice. The Gemara answers: This is what the tanna of the baraita is saying: Either he locks his house or he renounces his right to the courtyard.

¹²⁰ And if you wish, say a different explanation instead. Actually, both actions are required in this case, even though one of them would ordinarily suffice. The reason is: Since he is accustomed to using the courtyard, he will come to carry. Consequently, the Sages were stringent with a person in this position and obligated him to implement an additional change so that he will not forget and come to carry when it is prohibited.

¹²¹ It was taught in the baraita: If one locks his house and renounces his rights to the courtyard, it is prohibited for him to carry, and it is permitted for the other person to carry. The Gemara raises a difficulty: Isn't this obvious? Why was it necessary to state this halakha? The Gemara answers: It was necessary only in a case where the other person then renounced his right in favor of the first person. And the baraita teaches us that one may not renounce his rights in favor of the other, and then have the latter renounce his own rights in favor of the former.

¹²² It was further taught in the baraita: And you can say likewise with regard to a pit of hay that is situated between two Shabbat limits. The inhabitants of each area may feed their animals from the common hay. The Gemara raises a difficulty: Isn't this obvious? The same principle that is in effect with regard to a haystack between courtyards should apply here as well. The Gemara answers: It was necessary to state this halakha only according to the opinion of Rabbi Akiva, who said that the principle of Shabbat boundaries is by Torah law. Lest you say that let us issue a decree and prohibit it, lest people come to exchange objects from one boundary to another, which would violate a Torah prohibition; therefore, the baraita teaches us that no distinction is made between the cases, and no decree of this kind is issued.

¹²³ MISHNA: How does one merge the courtyards that open into the alleyway, if a person wishes to act on behalf of all the residents of the alleyway? He places a barrel filled with his own food and says: This is for all the residents of the alleyway. For this gift to be acquired by the others, someone must accept it on their behalf, and the tanna therefore teaches that he may confer possession to them even by means of his adult son or daughter, and likewise by means of his Hebrew slave or maidservant, whom he does not own, and by means of his wife. These people may acquire the eiruv on behalf of all the residents of the alleyway.

¹²⁴ However, he may not confer possession by means of his minor son or daughter, nor by means of his Canaanite slave or maidservant, because they cannot effect acquisition, as ownership of objects that come into their possession is as if those objects came into his possession. Consequently, the master or father cannot confer possession to the slave or minor respectively on behalf of others as their acquisition is ineffective and the object remains in his own possession.

¹²⁵ GEMARA: Rav Yehuda said: With regard to a barrel for the merging of alleyways, the one acquiring it on behalf of the alleyway's residents must raise it a handbreadth from the ground, as he must perform a valid act of acquisition on their behalf.

¹²⁶ Rava said: The elders of Pumbedita, Rav Yehuda and his students, stated these two matters. One was this mentioned above with regard to lifting the barrel; and the other was: With regard to one who recites kiddush over wine on Shabbat or a Festival, if he tasted a mouthful of wine, he fulfilled his obligation; however, if he did not taste a mouthful, he did not fulfill his obligation.

¹²⁷ Rav Ḥaviva said: In addition to the aforementioned pair of teachings, the elders of Pumbedita stated this too, as Rav Yehuda said that Shmuel said: One builds a fire for a woman in childbirth on Shabbat.

¹²⁸ The Gemara comments that the Sages thought to infer from here: For a woman in childbirth, yes, one builds a fire, due to her highly precarious state; for a sick person, no, one does not build a fire. Likewise, in the rainy season, when the danger of catching cold is ever present, yes, one builds a fire; in the summer, no, one may not.

¹²⁹ The Gemara adds that which was stated: Rav Ḥiyya bar Avin said that Shmuel said: With regard to one who let blood and caught cold, one builds a fire for him on Shabbat, even during the season of Tammuz, i.e., the summer. Clearly, Rav Yehuda's ruling is limited neither to a woman in childbirth nor to the rainy season.

¹³⁰ Ameimar said: This too was stated by the elders of Pumbedita, as it was stated that the amora'im disagreed with regard to which tree is presumed to be a tree designated for idolatry [asheira], even though no one actually saw it worshipped.

¹³¹ Rav said: It is any tree that idolatrous priests guard.

¹³² and whose fruit they do not taste. This tree is evidently consecrated to the cult.

¹³³ And Shmuel said: For example, if they say: These dates are for the beer of the temple of Nitzrefei, which they drink on the day of their festival, then this is enough to establish the tree as an asheira. Ameimar said: And the elders of Pumbedita said to me with regard to this issue: The halakha is in accordance with the opinion of Shmuel.

¹³⁴ The Gemara returns to Rav Yehuda's ruling that the barrel used for merging the alleyway must be raised a handbreadth from the ground. The Gemara raises an objection from a baraita: How does one merge an alleyway? One brings a barrel of wine, or oil, or dates, or dried figs, or any other type of produce for merging the alleyway.

¹³⁵ If one contributed a barrel of his own, he must confer possession to all the other residents by means of another person who acquires it on their behalf. And if the barrel is theirs, he must at least inform them that he is merging the alleyway. And the one acquiring it on behalf of the others raises the barrel a minimal amount from the ground. Apparently, the barrel need not be raised a handbreadth. The Gemara answers: Here too, what is this minimal amount of which the tanna of the baraita spoke? This expression means a handbreadth, but no less.

¹³⁶ It is stated that the amora'im disagreed with regard to the acquisition of a merging of alleyways. Rav said: It is not necessary to confer possession of the food used in merging the alleyway to all the residents of the alleyway; and Shmuel said: It is necessary to confer possession to them. They likewise disagreed with regard to a joining of Shabbat boundaries, but the opinions are reversed. Rav said: It is necessary to confer possession of the food to all those who wish to be included in the eiruv, and Shmuel said: It is not necessary to confer possession to them.

¹³⁷ The Gemara raises a difficulty: Granted, according to the opinion of Shmuel, his reasoning is clear, as here, with regard to a merging of the alleyways, we learned in the mishna that he must confer possession, whereas there, with regard to a joining of Shabbat boundaries, we did not learn that this is the halakha. However, according to Rav, what is the reason that he differentiates between the cases in this manner?

¹³⁸ The Gemara answers: This is the subject of a dispute between the tanna'im, as Rav Yehuda said that Rav said: There was an incident involving the daughter-in-law of Rabbi Oshaya, who went before Shabbat to the bathhouse, which was located beyond the Shabbat boundary, and it grew dark

before she was able to return, and her mother-in-law established a joining of Shabbat boundaries for her so that she could return home.

¹³⁹ And the incident came before Rabbi Ḥiyya for a ruling as to whether the eiruv is valid, and he ruled that it was not valid and prohibited her return. Rabbi Yishmael, son of Rabbi Yosei, said to him: Babylonian, are you so stringent with regard to an eiruv? This is what my father said: Any case where you have the ability to be lenient with regard to an eiruv, be lenient.

¹⁴⁰ And a dilemma was raised before the Sages: Did the mother-in-law establish the eiruv for her daughter-in-law with the mother-in-law's food, and Rabbi Ḥiyya prohibited it because she did not confer possession to her, i.e., she merely prepared the eiruv but did not confer possession of the food, and an eiruv of this kind is not effective? Or perhaps she established the eiruv for her with the daughter-in-law's own food, but the eiruv was invalid because it was prepared without her knowledge?

¹⁴¹ One of the Sages, named Rabbi Ya'akov, said to them: It was personally explained to me by Rabbi Yoḥanan that the mother-in-law established the eiruv for her with the mother-in-law's food, and Rabbi Ḥiyya prohibited it because she did not confer possession of the food to her.

¹⁴² Rabbi Zeira said to Rabbi Ya'akov, son of the daughter of Ya'akov: When you go there, to Eretz Yisrael, take a roundabout route, i.e., do not travel by the shortest path, and go to the Ladder of Tyre and raise this dilemma before Rav Ya'akov bar Idi.

¹⁴³ Rabbi Ya'akov did so and raised a dilemma before him: With regard to that incident, did the mother-in-law establish the eiruv for her daughter-in-law from the mother-in-law's food, and Rabbi Ḥiyya prohibited it because she did not confer possession of the food to her? Or perhaps she established the eiruv for her with the daughter-in-law's own food, but the eiruv was invalidated because it was prepared without her knowledge?

¹⁴⁴ Rav Ya'akov bar Idi said to him: The mother-in-law established the eiruv for her with the mother-in-law's food, and Rabbi Ḥiyya prohibited it because she did not confer possession of the food to her. Like his master and uncle, Rabbi Ḥiyya, Rav also maintains that possession of the food must be conferred upon those who wish to be included in a joining of Shabbat boundaries.

¹⁴⁵ Rav Naḥman said: We hold based on tradition that with regard to all of them, joining of Shabbat boundaries, joining of courtyards, and merging of alleyways, it is necessary to confer possession. After issuing this statement, Rav Naḥman raised a dilemma concerning an issue that was not sufficiently clear to him: With regard to a joining of cooked foods [eiruv tavshilin], which must be prepared in order to permit cooking for Shabbat on a Festival that occurs on a Friday, is it necessary to confer possession, or is it not necessary to confer possession?

¹⁴⁶ Rav Yosef said: What is his dilemma? Did he not hear that which Rav Naḥman bar Rav Adda said that Shmuel said: With regard to a joining of cooked foods, it is necessary to confer possession? Abaye said to Rav Yosef: It is obvious that he did not hear that ruling, as had he heard it, why would he have raised this dilemma?

¹⁴⁷ Rav Yosef said to him: Didn't Shmuel say, with regard to a joining of Shabbat boundaries, that it is not necessary to confer possession, and Rav Naḥman nonetheless said that it is necessary to confer possession? Perhaps here too Rav Naḥman did not accept Shmuel's ruling.

¹⁴⁸ Abaye replied: How can you compare the two cases? Granted, there, with regard to a merging of alleyways and a joining of Shabbat boundaries, Rav and Shmuel disagree, and Rav Nahman teaches us that the halakha is in accordance with the stringency of this master and the stringency of that master, i.e., his ruling is based on both opinions. However, here, with regard to a joining of cooked foods, if it is so, if he actually heard Shmuel's ruling, is there anyone who disputes it? If one of his teachers issued an uncontested ruling, it is presumably an established halakha.

¹⁴⁹ A certain gentile superintendent [turzina] lived in Rabbi Zeira's neighborhood. The neighbors said to him: Rent your domain to us so that we may carry on Shabbat. However, he would not rent it to them. They came before Rabbi Zeira and asked him: What is the halakha if we seek to rent the domain from his wife without her husband's knowledge?

¹⁵⁰ Rabbi Zeira said to them: Reish Lakish said as follows in the name of a great man, and who is this great man? It is Rabbi H̄anina. He stated: A man's wife may establish an eiruv without his knowledge. According to this principle, the superintendent's wife could indeed rent out the domain without his knowledge.

¹⁵¹ The Gemara relates a similar incident: A certain superintendent lived in the neighborhood of Rav Yehuda bar Oshaya. The neighbors said to him: Rent your domain to us so that we may establish an eiruv and carry on Shabbat, but he would not rent it to them. They came before Rav Yehuda bar Oshaya and said to him: What is the halakha if we seek to rent it from his wife? He did not have a ready answer at hand. They subsequently came before Rav Mattana, and he too did not have an answer at hand. They came before Rav Yehuda, who said to them that Shmuel said as follows: A man's wife may establish an eiruv without his knowledge, and the same applies to renting out his property.

¹⁵² The Gemara raises an objection from a baraita: Women who joined the courtyards or merged the alleyways without the knowledge of their husbands, their eiruv is not a valid eiruv, and their merging of alleyways is not a valid merging. How can Shmuel rule against an explicit baraita?

¹⁵³ The Gemara answers: This is not difficult. In this case, where Shmuel said that a wife may establish an eiruv without her husband's knowledge, he was referring to a situation where the husband would prohibit his neighbors from carrying if he did not join their eiruv, and the halakha is therefore lenient, as a wife may establish an eiruv on his behalf. However, in that case, the baraita, which states that his wife may not establish an eiruv without his knowledge, is referring to a situation where he would not prohibit his neighbors from carrying.

¹⁵⁴ The Gemara adds: So too, it is reasonable that this is the correct interpretation, as if you do not say this, there is a contradiction between this ruling of Shmuel and another ruling of Shmuel. As Shmuel said: With regard to one of the residents of an alleyway who was accustomed to join in a merging of alleyways with the other residents of the alleyway, but one Shabbat he did not join in a merging of alleyways with them, the other residents of the alleyway may enter his house and take his contribution to their merging of alleyways from him even against his will.

¹⁵⁵ The Gemara infers: If he was accustomed to join in their merging of the alleyway, yes, they may enter his house to collect his contribution, but if he was not accustomed to do so, no, they may not do so. Clearly, it is not possible in all cases to compel a person to participate in a merging of alleyways against his will. The Gemara concludes: Indeed, conclude from it that it is so.

¹⁵⁶ The Gemara suggests: Let us say that the following baraita supports him. The residents of an alleyway may compel anyone who lives in the alleyway to erect a side post and a cross beam for the alleyway. This teaching indicates that with regard to these Shabbat enactments, a person's wishes are not taken into account; rather, others may act on his behalf even against his will.

¹⁵⁷ The Gemara answers: It is different there, as there are no partitions. That alley is breached, and it is therefore fitting to compel its residents to establish some sort of partition, if only for the sake of protection. However, if there are partitions, one is not obligated to join in a merging of alleyways.

¹⁵⁸ Another version of this explanation: From the side it is different, i.e., the preparation of an eiruv does not involve an adjustment to the alleyway itself, but rather it is a side issue. Consequently, an individual cannot be forced to participate in its preparation (Meir Netiv).

¹⁵⁹ It is stated that the amora'im disputed this issue. Rav Ḥiyya bar Ashi said: One may build a side post from the wood of an asheira. Although it is prohibited to benefit from the tree and it must be burned, setting up a side post is a mitzva, and mitzvot were not given for benefit, i.e., the fulfillment of a mitzva is not in itself considered a benefit. And Rabbi Shimon ben Lakish said: One may build a cross beam from the wood of an asheira.

¹⁶⁰ The Gemara clarifies their opinions: With regard to the one who said that one may build a cross beam from the wood of an asheira, Rabbi Shimon ben Lakish, all the more so he would permit a side post to be prepared from an asheira. And the one who said that one may build a side post from an asheira, Rav Ḥiyya bar Ashi, spoke only of a side post; but as for a cross beam, no, he did not permit one to build it from an asheira. The reason is that an asheira must be burned, and it is therefore as though its size has already been crushed. Consequently, a cross beam, which must be at least a handbreadth in size, may not be prepared from an asheira. With regard to a side post, by contrast, a minimum width suffices, which means that even wood from an asheira is fit, despite the fact that it is viewed as burned.

¹⁶¹ MISHNA: If the food in the barrel for the merging of the alleyway diminished and was less than the requisite measure, one may add a little of his own and confer possession to the others, and he need not inform them of his addition. However, if new residents were added to the residents of the alleyway, he may add food on behalf of those residents and confer possession to them, and he must inform the new residents of their inclusion in the merging of alleyways.

¹⁶² What is the measure of food required for a merging of the alleyways? When the residents of the alley are numerous, food for two meals is sufficient for all of them; when they are few, less than a certain number, a dried fig-bulk for each and every one of them is enough.

¹⁶³ Rabbi Yosei said: In what case is this statement said? It is said with regard to the beginning of an eiruv, when it is initially established. However, with regard to the remnants of an eiruv, e.g., if the eiruv decreased in size on Shabbat, it remains valid if even any amount remains.

¹⁶⁴ And in general they said that it is necessary to join the courtyards, even though a merging of the alleyways was already in place, only so that the halakhic category of eiruv will not be forgotten by the children, i.e., so that the next generation should be aware that an eiruv can be established for a courtyard, for otherwise they would be entirely unaware of this halakhic category.

¹⁶⁵ GEMARA: The mishna stated: If the food in the barrel for the merging of the alleyway diminished and was less than the requisite measure, one may add to it without informing the others.

The Gemara poses a question: With what case are we dealing here? If you say that he added the same type of food that had initially been used for the merging of the alleyway, why specify this particular case where the food decreased in measure? Even if the food was entirely finished, he should likewise not be obligated to inform them.

¹⁶⁶ Rather, perhaps it is referring to two types of food, i.e., one added a different kind of food that had not been used beforehand. If so, even if it only decreased in measure, no, he should also not be permitted to add to the merging of the alleyway without informing them. As it was taught in a baraita: If the food of a merging of the alleyway was entirely finished, and he added the same type of food to it, he need not inform the other residents; however, if the amount he added was from two types of food, i.e., if the added food was different from the original, he must inform them. The Gemara assumes that the same halakha is in effect even if the food of the merging of the alleyway only decreased in measure.

¹⁶⁷ The Gemara answers: If you wish, say that the mishna is referring to a case where his addition was from the same kind of food, and if you wish, say instead that it was from two kinds. The Gemara clarifies the previous statement: If you wish, say that it is referring to a case where his addition was from the same kind of food, and what is the meaning of decreased? It means that the food entirely crumbled away, so that nothing at all remained.

¹⁶⁸ And if you wish, say instead that the mishna is referring to a case where his addition was from two kinds of food, for if the eiruv was entirely finished, the halakha is different. That is to say, the halakha of the baraita that he must inform the others is in effect only if the food was entirely finished, but if any of it remains there is no need to inform them of his addition, and he may confer possession of even a different kind of food.

¹⁶⁹ We learned in the mishna: If other residents were added to the residents of the alleyway, he may add food for those residents and confer possession to them, but he must inform the new residents of their inclusion in the merging of the alleyway. Rav Sheizvi said that Rav Ḥisda said: That is to say, i.e., we can infer from the mishna, that Rabbi Yehuda's colleagues disagree with him.

¹⁷⁰ As we learned in a mishna that Rabbi Yehuda said: In what case is this statement, that an eiruv may be established for a person only with his knowledge, said? It is said with regard to a joining of Shabbat boundaries; however, with regard to a joining of courtyards, one may establish an eiruv for another person either with his knowledge or without his knowledge. Rabbi Yehuda's opinion conflicts with that of the tanna of the mishna, who does not permit a person to be included in a joining of courtyards without his knowledge. The Gemara is surprised at this statement: It is obvious that they disagree; why did Rav Ḥisda find it necessary to teach us something so evident?

¹⁷¹ The Gemara answers: It was nonetheless necessary, lest you say that this ruling, i.e., that he must inform them, applies only to a courtyard that is situated between two alleyways, in which case the residents of the courtyard may join in a merging of alleyways with whichever alleyway they prefer. Consequently, he must inform them with which alleyway he prepared the merging, in case they preferred to join the other alleyway. However, with regard to a courtyard that opens into only one alleyway, the merging of the alleyway only benefits them and does not harm them in any way, and you might therefore say no, that even the tanna of the mishna concedes that it is not necessary to inform them. Rav Ḥisda therefore teaches us that the tanna of the mishna maintains that he must inform them in all cases, contrary to the opinion of Rabbi Yehuda.

¹⁷² The mishna continues: What is the measure of food required for a merging of the alleyways? It then specifies different amounts when the residents of the alley are numerous and when they are few. The Gemara asks: How many are numerous, and how many are considered few? Rav Yehuda said that Shmuel said: Eighteen people are considered numerous. The Gemara registers surprise: Eighteen and no more? The Gemara answers: Say: From eighteen upward.

¹⁷³ The Gemara asks: And what is the significance of the number eighteen that he cited? Why this figure in particular? The Gemara answers that Rav Yitzhak, son of Rav Yehuda, said: It was explained to me personally by my father, Rav Yehuda: Any case where, if one were to divide the food of two meals between them and it does not amount to the measure of a dried fig for each and every one of them, these are the very ones the tanna called numerous, and in this case food for two meals suffices for all of them. And if not, these are the very ones the tanna termed few, which means food in the measure of a dried fig is required for each of them.

¹⁷⁴ And Rav Yehuda incidentally teaches us that food for two meals consists of a measure equal to eighteen dried figs. Consequently, if there were numerous residents in the alley, then eighteen dried figs, which is food sufficient for two meals, is enough for them.

¹⁷⁵ MISHNA: One may join courtyards and merge alleyways with all types of food, except for water and salt, as they are not considered foods. This is the statement of Rabbi Eliezer. Rabbi Yehoshua says that a different limitation applies: A whole loaf may be used for an eiruv. With regard to a baked product even the size of a se'a, if it consists of pieces, one may not join courtyards with it. However, with regard to a loaf, even one the size of an issar, if it is whole, one may join courtyards with it.

¹⁷⁶ GEMARA: With regard to the mishna's ruling concerning the foods which may or may not be used for an eiruv and to merge alleyways, the Gemara poses a question: This ruling is apparently superfluous, as we have already learned it once before in another mishna: One may establish an eiruv and a merging of alleyways with all kinds of food, except for water and salt.

¹⁷⁷ Rabba said: This addition comes to exclude the opinion of Rabbi Yehoshua in the mishna, who said that a loaf, yes, it may be used for an eiruv; but anything else, no, other foods may not be used. Therefore, the mishna teaches us that an eiruv may be established with all kinds of food, not only bread.

¹⁷⁸ Abaye raised an objection from a baraita: One may establish a joining of courtyards with all kinds of food, and likewise one may establish a merging of alleyways with all kinds of food. They said that one must establish an eiruv with bread only with regard to an eiruv of a courtyard. Who did you hear that said that bread, yes, it may be used for an eiruv, but anything else, no, it may not be used? It was Rabbi Yehoshua, and yet the baraita teaches: With all kinds of food. This proves that the phrase: One may establish an eiruv with all kinds of food, does not necessarily exclude Rabbi Yehoshua's opinion.

¹⁷⁹ Rather, Rabba bar bar Hana said: It comes to exclude a different aspect of the opinion of Rabbi Yehoshua, as Rabbi Yehoshua said: A whole loaf, yes, it is fit to be used as an eiruv, but a broken loaf, no, it is not suitable for this purpose. The mishna therefore teaches us that one may prepare an eiruv with all kinds of bread, even a broken loaf.

¹⁸⁰ The Gemara analyzes Rabbi Yehoshua's position itself: And with regard to a broken loaf of bread, what is the reason that it may not be used for an eiruv? Rabbi Yosei ben Shaul said that Rabbi

Yehuda HaNasi said: The reason is due to potential enmity between neighbors. To avoid a situation where one person says to the other: You contributed a mere slice of bread, while I donated an entire loaf, the Sages instituted that each person should provide a whole loaf.

¹⁸¹ Rav Aḥa, son of Rava, said to Rav Ashi: If they all established the eiruv with broken loaves of bread, what is the halakha? In this case there is no cause for enmity. Rav Ashi said to him: There is nonetheless a concern lest the problem recur, as one of them might give an entire loaf and proceed to complain about his neighbor who donated only a partial loaf.

¹⁸² A portion of dough, known as ḥalla, must be set aside and given to the priests. If ḥalla was not set aside from the dough, it must be separated from the baked bread. Moreover, if one part teruma fell into a hundred parts non-sacred produce, a proportionate amount must be removed from the mixture and given to a priest, after which the remainder may be eaten. Rabbi Yoḥanan ben Shaul said: If one removed from the loaf as much as must be set aside for its ḥalla, or as much as must be separated from a mixture of teruma and non-sacred produce, he may establish an eiruv with that loaf. The reason is that in this case people would not complain that he did not give a whole loaf, as they would assume the loaf had a small part missing because ḥalla had been separated from it, or because teruma had fallen into the dough, which necessitated the separation of a certain portion. However, if more than this amount was missing, people would suspect him of eating from the eiruv.

¹⁸³ The Gemara raises a difficulty: Wasn't it was taught otherwise in a baraita: If a loaf was missing as much as must be removed from a mixture of teruma and non-sacred produce, one may establish an eiruv with it, but if it was missing as much as must be removed for its ḥalla, one may not establish an eiruv with it?

¹⁸⁴ The Gemara answers: This is not difficult, as the two sources are not dealing with the same amounts. In this case, where the tanna permitted a loaf that was missing the amount that must be removed for ḥalla, he is referring to a baker's ḥalla, which is a smaller amount and is therefore not considered a significant reduction of the loaf. However, in that case, where the tanna did not permit a loaf that was lacking the amount that must be removed for ḥalla, it is referring to an ordinary homeowner's ḥalla. This ḥalla portion is larger in size, and consequently the loaf may not be used for an eiruv if it is missing such a large amount.

¹⁸⁵ The Gemara explains that this is as we learned in a mishna: The measure of ḥalla fixed by the Sages is one twenty-fourth of the dough. Consequently, one who prepares dough for himself or dough for his son's wedding feast, the measure for ḥalla is one twenty-fourth. However, a baker who prepares dough for sale in the market, and likewise a woman who prepares dough for sale in the market, is required to separate only one forty-eighth of the dough, as the Sages were lenient with those who sell their wares so that they should not suffer loss.

¹⁸⁶ Rav Ḥisda said: With regard to one who connected the two portions of a broken loaf with a wood chip, one may establish an eiruv with it, as it looks whole. The Gemara raises a difficulty: But wasn't it taught in a baraita with regard to a case of this kind that one may not establish an eiruv with it? The Gemara answers: This is not difficult, as in this case, where it may not be used for an eiruv, we are dealing with a situation where the seam is conspicuous; however, in that case, where it may be used for an eiruv, the reference is to a situation where the seam is not conspicuous.

¹⁸⁷ Rabbi Zeira said that Shmuel said: One may establish an eiruv even with rice bread or with millet bread. Mar Ukva said: This ruling was explained to me by Mar Shmuel himself. With rice bread one

may establish an eiruv, but with millet bread one may not establish an eiruv, as it is difficult to bake edible bread out of millet.

¹⁸⁸ Rav Ḥiyya bar Avin said that Rav said: One may establish an eiruv with lentil bread. The Gemara raises a difficulty: Is that so? Is such bread edible? But there was that lentil bread in the days of Mar Shmuel, which he threw to his dog, and even it would not eat it. Clearly, lentil bread is not fit for human consumption.

¹⁸⁹ The Gemara answers: That bread which the dog refused to eat was a mixture of various types of grain. It was baked in order to discover the taste of a bread of mixed ingredients and was similar to that which the prophet Ezekiel was commanded to eat, as it is written: “Take you for yourself wheat, and barley, and beans, and lentils, and millet, and spelt, and put them in one vessel, and make them for yourself into bread” (Ezekiel 4:9). This bread is unfit for human consumption, as even a dog at times will not eat it. However, bread prepared from lentils alone is edible.

¹⁹⁰ Rav Pappa said: That bread of Ezekiel’s was roasted in human excrement, as it is written: “And you shall eat it as barley cakes, and you shall bake it with human excrement, in their sight” (Ezekiel 4:12).

¹⁹¹ Having mentioned this verse, the Gemara asks a related question: What is the meaning of: “And you shall eat it as barley [seorim] cakes”? Rav Ḥisda said: The verse means that he should eat it in small measures [leshiurim], not as a satisfying meal. Rav Pappa said: Its preparation must be like the preparation of barley bread, coarse bread with regard to which one invests little effort, and not like the preparation of wheat bread.

¹⁹² MISHNA: A person may give a ma’a coin to a grocer or a baker, if they live in the same alleyway or courtyard, so that the grocer or baker will confer upon him possession of wine or bread for a merging of the alleyway or an eiruv, if other residents come to them to purchase these products for that purpose. This is the statement of Rabbi Eliezer.

¹⁹³ And the Rabbis say: His money did not confer possession on him, as the transfer of money alone is not a valid mode of acquisition and cannot confer possession. One must perform a valid mode of acquisition, e.g., pulling an article into one’s possession, to transfer ownership.

¹⁹⁴ And the Rabbis concede with regard to all other people, apart from grocers and bakers, that if one gave them money for the food of an eiruv, his money confers possession upon him, as one may establish an eiruv for a person only with his knowledge and at his bidding. With regard to a grocer or baker, the person giving the money does not intend to appoint the grocer or the baker as his agent and the money itself does not effect an acquisition, and consequently, he did not accomplish anything. With regard to anyone else, however, there is no doubt that he must have intended to appoint him his agent, and his act is effective.

¹⁹⁵ Rabbi Yehuda said: In what case is this statement said? It is said with regard to a joining of Shabbat boundaries, but with regard to a joining of courtyards, one may establish an eiruv for a person either with his knowledge or without his knowledge. The reason is because one may act for a person’s benefit in his absence, but one may not act to a person’s disadvantage in his absence. As a participant in a joining of courtyards benefits from his inclusion in the eiruv, his consent is not required. However, with regard to a joining of Shabbat boundaries, although it enables one to go farther in one direction, he loses the option of traveling in the opposite direction. When an action is

to a person's disadvantage, or if it entails both benefits and disadvantages, one may act on that person's behalf only if he has been explicitly appointed his agent.

¹⁹⁶ GEMARA: The Gemara poses a question: What is the reason for Rabbi Eliezer's opinion that one who gave money to a grocer or a baker has acquired possession of the food for the eiruv? This ruling is difficult, as he did not perform a transaction by pulling the food into his possession, and one can acquire an object only by performing a valid act of acquisition.

¹⁹⁷ Rav Naḥman said that Rabba bar Abbahu said: Rabbi Eliezer established this acquisition so that it should be like the four times during the year that the payment of money effects acquisition, as we learned in a mishna: On these four times every year, on the eves of Passover, Shavuot, Rosh HaShana, and the Eighth Day of Assembly, one who paid for meat may force the butcher to slaughter an animal against his will. Even if his ox was worth a thousand dinar, and the customer has paid for only one dinar's worth of meat, the customer may force the butcher to slaughter it, so that the buyer can receive his meat. The reason is that on these four occasions everyone buys meat, and therefore the butcher who promised to supply the customer with meat must give it to him, even if this causes the butcher a considerable loss.

¹⁹⁸ Therefore, if the ox died, it died at the buyer's expense. That is to say, he must bear the loss and is not entitled to get his dinar back. The Gemara asks: Why is this so? The customer did not pull the ox into his possession. As he did not perform an act of acquisition, he has not acquired any part of the ox, and his dinar should therefore be restored to him. Rav Huna said: We are dealing here with a case where he did pull the ox into his possession.

¹⁹⁹ The Gemara raises a difficulty: If so, say the latter clause of that mishna as follows: With regard to the rest of the days of the year, it is not so. Therefore, if the animal died, it died at the seller's expense. If, as Rav Huna claims, the mishna is referring to a case where the purchaser had already pulled the animal into his possession, why must the seller suffer the loss? Since the customer pulled it into his possession and has acquired it, the ox died in his possession.

²⁰⁰ Rabbi Shmuel bar Yitzḥak said: Actually, the mishna is referring to a case where the customer did not pull the animal into his possession. With what are we dealing here? We are dealing with a case where the butcher conferred possession upon his customer by means of another person, i.e., the butcher conferred possession upon the customer by instructing another person to acquire a dinar's worth of the ox's meat on his behalf, without having obtained his consent.

²⁰¹ Consequently, at these four times, when it is for his benefit, as everyone wishes to buy meat on these days, one may act for his benefit in his absence, and the acquisition is valid. With regard to the rest of the days of the year, when it is to his disadvantage, as it obligates him in payment and he might have no interest in this purchase, one may act to his disadvantage only in his presence.

²⁰² And Rav Ila said that Rabbi Yoḥanan said: At these four times, the Sages based their statement on Torah law, i.e., they ruled in accordance with Torah law. As Rabbi Yoḥanan said: By Torah law, the payment of money is an effective act of acquisition, which acquires movable property. Merchandise that is purchased with money is immediately transferred to the ownership of the buyer.

²⁰³ And why, then, did the Sages say that the mode of acquisition of pulling, not monetary payment, acquires movable goods? It is a decree issued by the Sages, lest the seller say to a buyer who has already paid for his merchandise: Your wheat was burned in the upper story of my house, and you

have lost everything. According to Torah law, once the buyer pays, he owns the merchandise wherever it is located. As this state of affairs can lead to fraud, the Sages instituted that only an act of physical transfer of the item purchased can finalize the sale. On these four occasions, however, the Sages ordained that Torah law remains in effect. Rabbi Eliezer maintains that this enactment applies to an eiruv as well.

²⁰⁴ The mishna stated: The Rabbis concede with regard to all other people that if he gave them money for food for an eiruv, his money confers possession upon him. The Gemara asks: Who is included among all other people? Rav said: The reference is to an ordinary homeowner, not a merchant, who was asked by someone to receive possession of food for an eiruv on his behalf, by means of the money that he provided.

²⁰⁵ And likewise, Shmuel said: The reference is to an ordinary homeowner. As Shmuel said: They taught this halakha only with regard to a baker, but an ordinary homeowner may acquire the food on behalf of another person. And Shmuel also said: They taught this halakha only in a case where he gave him a ma'a, but if he gave him a utensil, he acquires the food for the eiruv by the mode of acquisition known as exchange. By handing over the utensil in exchange for the food of the eiruv, he acquires that food wherever it is located. However, one cannot perform the mode of acquisition of exchange with money.

²⁰⁶ And Shmuel further said: They taught this halakha only in a case where he said to the grocer or baker: Confer possession upon me; but if he said to him: Establish an eiruv on my behalf, he clearly intended to appoint him his agent to establish an eiruv on his behalf, and therefore the eiruv is acquired by means of his agency.

²⁰⁷ We learned in the mishna: Rabbi Yehuda said: In what case is this statement, that one may establish an eiruv only with a person's knowledge, said? This halakha applies to a joining of Shabbat boundaries, but not a joining of courtyards. Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda in this regard, and not only that, but any place where Rabbi Yehuda taught a halakha with regard to eiruv, the halakha is in accordance with his opinion.

²⁰⁸ Rav Ḥana from Baghdad said to Rav Yehuda: Did Shmuel state this ruling even with regard to an alleyway whose cross beam or side post was removed during Shabbat? Rabbi Yehuda maintains that it is permitted to carry in this alleyway on that same Shabbat.

²⁰⁹ He said to him: I spoke to you with regard to the acquisition of eiruv, and not with regard to partitions. The halakhot of partitions are not considered part of the halakhot of eiruv, as they touch upon several areas of halakha, only one of which is the issue of an eiruv. With regard to partitions, the halakha is not in accordance with Rabbi Yehuda.

²¹⁰ Rav Aḥa, son of Rava, said to Rav Ashi: As it is stated that the halakha is in accordance with Rabbi Yehuda, this proves by inference that there is a dispute concerning this issue. But didn't Rabbi Yehoshua ben Levi say: Any place where Rabbi Yehuda says when, or in what case is this, in the Mishna, he intends only to explain the earlier statement of the Rabbis, not to disagree with them. Why, then, did Shmuel say that the halakha is in accordance with the opinion of Rabbi Yehuda, when according to Rabbi Yehoshua ben Levi he is merely clarifying the opinion of the Rabbis, and there is no dispute between them?

²¹¹ Before addressing this question, the Gemara expresses surprise over the claim itself: And do Rabbi Yehuda and the Sages not dispute this issue? Didn't we learn in an earlier mishna: If new residents were added to the original residents of the alleyway, he may add to the eiruv for those residents and confer possession on them, and he must inform the new residents of their inclusion in the merging of alleyways. Apparently, this tanna maintains that one must inform them even with regard to a joining of courtyards. This ruling contradicts the opinion of Rabbi Yehuda, which proves that there is at least one Sage who does not accept his opinion.

²¹² The Gemara answers: There, the mishna is referring to a courtyard situated between two alleyways, in which case the residents of the courtyard may join a merging with whichever alleyway they prefer. As their participation in the merging involves a certain disadvantage, for perhaps the residents of the courtyard would not want to establish a merging of alleyways with one alleyway and lose out on a potential merging with the other, it is necessary to inform them.

²¹³ The Gemara raises a further difficulty: Didn't Rav Sheizvi say that Rav H̥isda said with regard to that same mishna: That is to say that Rabbi Yehuda's colleagues disagree with him over the need to inform the other residents about the eiruv? This statement indicates that at least some Sages hold that the matter is in dispute, and not everyone agrees with Rabbi Yehuda.

²¹⁴ Rather, the Gemara resolves both difficulties together:

²¹⁵ Are you raising a contradiction between the opinion of one person and that of another? In other words, a difficulty cannot be raised from the statement of one amora against those of another. One Sage, Shmuel, maintains that Rabbi Yehuda and the Sages disagree, and one other Sage, Rabbi Yehoshua ben Levi, maintains that they do not disagree.

²¹⁶ The Gemara analyzes the statement of Rabbi Yehoshua ben Levi cited in the course of the previous discussion. With regard to the matter itself: Rabbi Yehoshua ben Levi said that any place where Rabbi Yehuda says when, or in what case are these, in the Mishna, he intends only to explain the earlier statement of the Rabbis, not to disagree with them. And Rabbi Yoḥanan said: The term when indicates that Rabbi Yehuda comes to explain, but the phrase in what case is this, indicates that he intends to disagree.

²¹⁷ The Gemara raises a difficulty: Is the word when invariably a sign that Rabbi Yehuda merely seeks to explain? Didn't we learn in a mishna: The following people are disqualified by the Sages from giving testimony, as they are people who commit transgressions for profit: One who plays with dice [kubiyya] for money, and one who lends money at interest, and those who fly pigeons, i.e., people who arrange competitions between pigeons while placing wagers on which bird will fly faster. The reason for their disqualification is that those who play games of chance do not fully relinquish ownership of their gambling money, as they expect to win their bet. Consequently, one who accepts money in such circumstances has effectively taken something that the giver has not wholeheartedly handed over, and he is therefore like a robber, at least by rabbinic decree. The list of those disqualified from giving testimony includes merchants who trade in the produce of the Sabbatical Year, which may be eaten but may not be sold as an object of commerce.

²¹⁸ Rabbi Yehuda said: When is this so? When he has no occupation other than this one, but if he has a worthy occupation other than this, although he also earns money by these means, this person is qualified to give testimony. Rabbi Yehuda maintains that one who earns money by means of games of chance is not a criminal or a robber. Rather, the reason why these people are disqualified from

giving testimony is because they are not occupied in the constructive development of the world. As they earn their money without effort, they do not care about the monetary losses of others. Consequently, if they have any other occupation, they are valid witnesses.

²¹⁹ The Gemara resumes its difficulty: According to the above principle with regard to statements introduced with the term *when*, Rabbi Yehuda's statement should be understood merely as an explanation of the previous opinion. However, a baraita was taught about the mishna: And the Rabbis say: Whether he has no occupation other than this one, or whether he has a fitting occupation other than this, this person is disqualified from giving testimony. Apparently, Rabbi Yehuda is disagreeing rather than explaining, even though he introduced his statement with the term *when*.

²²⁰ The Gemara answers: That opinion in the baraita, with regard to those disqualified from providing testimony, is not the opinion of the Rabbis of the mishna. Rather, it is that of Rabbi Yehuda, who maintained that Rabbi Tarfon said this opinion. The Rabbis of the mishna, however, agree with Rabbi Yehuda in this regard, and his statement serves to explain their position.

²²¹ As it was taught in a baraita with regard to naziriteship: Rabbi Yehuda said in the name of Rabbi Tarfon: In a case where two people accepted a bet, with each undertaking to become a nazirite if he lost the wager, and a doubt arose as to who won, neither one of them can possibly be a nazirite, as there is no acceptance of naziriteship without clear and definitive pronouncement. A vow of naziriteship is only binding if it was expressly pronounced, i.e., if it was clear from the outset that the person intended to become a nazirite.

²²² Consequently, it can be inferred that since he is in doubt as to whether he is a nazirite or he is not a nazirite, he does not submit himself to and accept his vow of naziriteship. Here, too, Rabbi Yehuda disqualifies those who play games of chance from delivering testimony due to the fact that they are robbers. Since the player does not know whether he will win and acquire the money or whether he will lose and not acquire it, he does not fully transfer ownership of the money with which he plays to others, which means that the one who gains from these games receives money that was not wholeheartedly given to him. He is therefore likened to a robber, at least on the rabbinic level, which disqualifies him from giving testimony.

Chapter 8

¹ MISHNA: How does one participate in the joining of Shabbat boundaries? One who wishes to establish a joining of Shabbat boundaries for himself and others places a barrel of food in the location he designates as their place of residence, and says: This is for all the residents of my town, for anyone who wishes to go on Shabbat to a house of mourning or to a house of a wedding feast situated beyond the Shabbat limit. Anyone who accepted upon himself while it was still day, i.e., before the onset of Shabbat, that he will rely on the *eiruv*, is permitted to rely upon it; but if one did so only after nightfall, he is prohibited to rely upon it, as the principle is that one may not establish an *eiruv* after nightfall.

² GEMARA: Rav Yosef said: One may establish a joining of Shabbat boundaries only for the purpose of a mitzva, i.e., to enable the fulfillment of a religious obligation, but not for an optional activity. The Gemara asks: What novel element is he teaching us by this? We explicitly learned this

idea in the mishna from the phrase: For anyone who wishes to go on Shabbat to a house of mourning or to a house of a wedding feast. This mishna indicates that an eiruv may be established only for the purpose of a mitzva, e.g., in order to comfort mourners or to celebrate a wedding, but not for any other reason.

³ The Gemara answers: This teaching is necessary, lest you say that the mishna merely teaches the usual case. Generally, a group of people would establish an eiruv in order to walk beyond the Shabbat limit only for a special purpose, such as a wedding, but one might be permitted to establish an eiruv even for an optional activity as well. Rav Yosef therefore teaches us that an eiruv may indeed be established only for the purpose of a mitzva.

⁴ We learned in the mishna: Anyone who accepted upon himself while it was still day that he will rely upon the eiruv is permitted to rely upon it on Shabbat. The Gemara comments: Apparently, learn from here that there is no halakhic principle of retroactive clarification. That is to say, there is no halakhic assumption that an uncertain state of affairs can be retroactively clarified. A later statement or action cannot retroactively clarify one's earlier intentions as though he had explicitly stated those intentions at the outset. For if there is a halakhic principle of retroactive clarification, the eiruv should be effective even if one relied upon it only after nightfall, as it is retroactively revealed that he wanted the eiruv while it was still day.

⁵ Rav Ashi said that the mishna teaches: While it was still day. This phrase does not require one to make the decision to rely on the eiruv before Shabbat. Rather, the criterion for using the eiruv on Shabbat is whether they informed him or they did not inform him of the existence of the eiruv prior to Shabbat. In other words, if one knew about the eiruv while it was still day, he may rely on it, even if he decided to use it only after the onset of Shabbat, as the halakhic principle of retroactive clarification is accepted. However, if one was unaware of the existence of the eiruv when it came into effect at the onset of Shabbat, the matter cannot be retroactively clarified.

⁶ Rav Asi said: A six-year-old child may go out by means of his mother's eiruv. As he is subordinate to her, he is included in her eiruv and does not require his own eiruv. The Gemara raises an objection from a baraita: A child who needs his mother may go out by means of his mother's eiruv, but one who does not need his mother may not go out by means of his mother's eiruv.

⁷ And we also learned a similar halakha in a mishna with regard to a sukka: A child who does not need his mother is obligated in the mitzva of sukka by rabbinical law, so that he will be trained in the observance of mitzvot.

⁸ And we discussed this mishna and raised a question: But who is the child who does not need his mother? The Sages of the school of Rabbi Yannai said: This is referring to any child who defecates and his mother does not wipe him. A child who can clean himself is considered sufficiently mature for the purposes of the halakha of sukka.

⁹ Rabbi Shimon ben Lakish said: Any child who awakens from sleep and does not call: Mother, is obligated in the mitzva of sukka. The Gemara expresses surprise at this statement: Can it enter your mind that every child who cries: Mother is considered to be one who needs his mother? Much older children also call out to their mothers for assistance when they awaken. Rather, say that the halakha includes any child who awakens from sleep and does not persistently call: Mother, Mother. A minor who arises only when his mother comes is classified as one who needs his mother.

¹⁰ The Gemara continues. The Sages who discussed the mishna asked: And at what age is a child no longer considered to be in need of his mother? Such a child is one about four years old or about five years old, as some children become independent of their mothers earlier than others. This poses a difficulty to the opinion of Rav Asi, who maintains that even a six-year-old child is considered to be in need of his mother, and may go out by means of his mother's eiruv.

¹¹ Rav Yehoshua, son of Rav Idi, said in answer: When Rav Asi said that this child may go out by means of his mother's eiruv, he was referring to a case where his father established an eiruv on his behalf to the north, and his mother prepared an eiruv on his behalf to the south, as even a six-year-old prefers the company of his mother to that of his father. However, Rav Asi agrees that if they did not both establish an eiruv for him he is not subordinate to his mother.

¹² The Gemara raises an objection from a baraita: A child who needs his mother may go out by means of his mother's eiruv that she established for herself. Until what age may he do so? He can be up to the age of six. This baraita is a conclusive refutation of the opinion of Rav Yehoshua bar Rav Idi, who maintains that a six-year-old may go out by means of his mother's eiruv only if she established an eiruv on his behalf as well? The Gemara concludes: This is indeed a conclusive refutation.

¹³ The Gemara comments: Let us say that this is also a refutation of the opinion of Rav Asi, as here it states: Until the age of six, which indicates that he can be up to, but not including, six years old, whereas Rav Asi maintains that even a six-year-old is included in this halakha. The Gemara states: Rav Asi can say to you that when the baraita states: Up to the age of six, it means up to and including six years old.

¹⁴ The Gemara comments: Let us say that this is also a refutation of the opinion of Rabbi Yannai and Reish Lakish, who maintain that a child in need of his mother is one who is up to age four or five. The Gemara explains: This is not difficult. Here Rabbi Yannai and Reish Lakish are referring to a situation when the child's father is in town. As the child can go out with his father, he is no longer in need of his mother, even though he is younger than six. In contrast, there the baraita is referring to a case when his father is not in town. The child therefore needs his mother until he reaches the age of six.

¹⁵ Our Sages taught in a baraita: A person may establish an eiruv on behalf of his minor son or daughter, and on behalf of his Canaanite servant or maidservant, either with their knowledge or without their knowledge. However, he may not establish an eiruv, neither on behalf of his Hebrew servant or maidservant, nor on behalf of his adult son or daughter, nor on behalf of his wife, except with their knowledge.

¹⁶ It was taught in another baraita: A person may establish an eiruv on behalf of his adult son or daughter, and on behalf of his Hebrew servant or maidservant, and on behalf of his wife, only with their knowledge. However, he may establish an eiruv on behalf of his Canaanite servant or maidservant, and on behalf of his minor son or daughter, either with their knowledge or without their knowledge, as their hand is like his hand, i.e., their status and the domain in which they are located are determined by his status and domain.

¹⁷ And all of these who established an eiruv for themselves, and at the same time their master established an eiruv for them in a different direction, they may go out by means of their master's eiruv, except for a wife, because she can object by saying that she does not want her husband's eiruv.

¹⁸ The Gemara begins its analysis of the baraitot by posing a question: A wife, in what way is she different from an adult son or daughter? Why can't they object? They are also of age and under their own authority. Rabba said: The reference is not only to a wife; the tanna is speaking of a wife and all who are similar to her in this regard, such as a Hebrew servant or an adult son.

¹⁹ The Master said in the baraita: These people may go out by means of their master's eiruv, except for a wife, because she can object. The Gemara infers: The reason is due to the fact that she objected, but if he established an eiruv and she did not specify her feelings about it one way or another, she may go out by means of her husband's eiruv. The Gemara raises an objection: Doesn't the first clause of the baraita state that he may establish an eiruv only with their knowledge? What, is this not referring to a case where he asked them whether or not they want this eiruv, and they said yes? It can be inferred from here that if his wife did not say anything, she may not use the eiruv.

²⁰ The Gemara rejects this argument: No; what is the meaning of the phrase: Only with their knowledge? It means that they were silent and said nothing in protest. This comes to exclude a case where they said no. If, however, they did not object, they may go out by means of the eiruv of the head of the family.

²¹ The Gemara raises an objection: Wasn't it taught in that same baraita: And with regard to all of these who established an eiruv for themselves, and their master established an eiruv for them in a different direction, they may go out by means of their master's eiruv. And that is referring to a situation when they did not specify their feelings, as it does not state that they objected, and yet the baraita states: Except for a wife, who may not go out by means of her husband's eiruv. The baraita clearly indicates that even if she did not object, the husband's eiruv is ineffective for his wife.

²² Rava said: Since they established an eiruv in a different direction, you have no protest greater than this. They need not register any other objection, as their actions prove that they do not wish to be part of their master's eiruv.

²³ MISHNA: What is the measure for a joining of Shabbat boundaries? It consists of a quantity of food sufficient for two meals for each and every one of those included in the eiruv. The tanna'im disagree with regard to the size of these two meals. It is referring to one's food that he eats on a weekday and not on Shabbat; this is the statement of Rabbi Meir. Rabbi Yehuda says: It is referring to the amount he eats on Shabbat and not on a weekday. And both this Sage, Rabbi Meir, and that Sage, Rabbi Yehuda, intended to be lenient, as Rabbi Meir maintains that people eat more food on Shabbat, whereas Rabbi Yehuda believes that they consume more on a weekday.

²⁴ Rabbi Yoḥanan ben Beroka says: Food for two meals is the size of a loaf bought with a pundeyon, which is one-forty-eighth of a sela, when four se'a of wheat are sold for a sela. Rabbi Shimon says: Food for two meals is two of three parts of a loaf, when three loaves are prepared from a kav of wheat. In other words, the measure is two-thirds of a loaf the size of one-third of a kav.

²⁵ Having discussed measures with regard to a loaf of bread, the mishna states that half of this loaf is the amount called a half [peras], a measure relevant for the halakhot of a leprous house. If one enters a house afflicted with leprosy and remains there long enough to eat this amount of food, the clothes he is wearing become ritually impure. And half of its half, a quarter of this loaf, is the amount of ritually impure food that disqualifies the body. In other words, impure food of this amount imparts ritual impurity to the body of the eater, and disqualifies him by rabbinic law from eating teruma.

²⁶ GEMARA: The Gemara asks: And how much is food for two meals according to the measures of Rabbi Yehuda and Rabbi Meir? Rav Yehuda said that Rav said: Two farmers' [ikaryata] loaves of bread. Rav Adda bar Ahava said: Two standard loaves of bread baked in the region of the Pappa River.

²⁷ Rav Yosef said to Rav Yosef, son of Rava: Your father, in accordance with whose opinion does he hold, that of Rabbi Yehuda or Rabbi Meir? He replied: He holds in accordance with the opinion of Rabbi Meir. Rav Yosef added: I too agree with the ruling of Rabbi Meir, because if the halakha is in accordance with Rabbi Yehuda, a difficulty would arise from the popular saying: There is always room for sweets. It is generally accepted that one dining on delicacies eats more, and therefore, the amount of food in Shabbat meals is greater than that of weekdays, as they include more sweet foods.

²⁸ We learned in the mishna that Rabbi Yoḥanan ben Beroka says that one measure is the amount of food for two meals, while Rabbi Shimon established a different amount. A Sage taught in the Tosefta: And their statements are close to being identical. The Gemara expresses surprise at this: Are they really identical? According to the opinion of Rabbi Yoḥanan there are four meals to a kav. He maintains that food for two meals is equivalent to a loaf that can be purchased with a pundeyon, which is one-forty-eighth of a sela, when four se'a are bought for a sela. As there are twenty-four kav in four se'a, a loaf purchased with a pundeyon is half of a kav. This means that each meal is a quarter of a kav, or that there are four meals in a kav. In contrast, according to the opinion of Rabbi Shimon, there are nine meals to a kav. Rabbi Shimon maintains that food for two meals is two-thirds of a loaf equal in size to one-third of a kav. By this calculation, one meal is one-third of a loaf that itself is one-third of a kav in size, which amounts to nine meals in a kav.

²⁹ Rav Ḥisda said in explanation of Rabbi Yoḥanan ben Beroka's opinion: Deduct one-third for the grocer's markup, as he takes one-third as profit. This adds one half to the total cost.

³⁰ The Gemara asks: Even after allowing for this adjustment, it remains the case that according to this Sage, Rabbi Shimon, there are nine meals to a kav, whereas according to the other Sage, Rabbi Yoḥanan, although it suffices for more than four meals, there are only six meals to a kav. According to the measure of Rabbi Yoḥanan ben Beroka, each meal is two-thirds of a quarter kav, i.e., one sixth of a kav, which still leaves a considerable discrepancy between their measures.

³¹ Rather, we must explain in accordance with that other statement of Rav Ḥisda, as he said: Deduct one half for the grocer's markup. If the calculation is based on the assumption that the grocer takes half the sum as profit, the two measures are indeed close.

³² The Gemara asks: But it remains the case that according to this Sage, there are nine meals to a kav, whereas according to the other Sage, there are only eight meals to a kav, as each meal is one half of a quarter kav, or one-eighth of a kav. The Gemara answers: This is the meaning of that which was stated in the Tosefta: And their rulings are close to being identical. Although their measures are not exactly the same, there is no great difference between them.

³³ The Gemara comments: Nonetheless, there is a contradiction between one statement of Rav Ḥisda and the other statement of Rav Ḥisda concerning the size of the grocer's profit. The Gemara answers: This is not difficult, as in this case, the homeowner provides the wood for baking bread, and the grocer therefore marks up the price by one-third as compensation for his efforts. Whereas in that case, the homeowner does not provide the wood; the grocer is entitled to reimbursement for the cost of the wood in addition to the work of baking, and consequently he marks up the price by one half.

³⁴ We learned in the mishna that the time it takes to eat half the loaf is the time it takes for the clothes of one who entered a leprous house to become ritually impure, and half of its half, of the loaf, is the amount of ritually impure food that disqualifies the body from eating teruma.

³⁵ A Sage taught in the Tosefta: And half of one half of its half, one-eighth of this loaf, is the minimum measure of food that contracts the ritual impurity of foods. The Gemara asks: And our tanna, in the mishna, for what reason did he did not teach the measure of the impurity of foods? The Gemara answers: He did not state this halakha because their measures are not precisely identical. The measure for the impurity of foods is not exactly half the amount of ritually impure food that disqualifies one from eating teruma.

³⁶ As it was taught in a baraita: How much is half a peras? Two eggs minus a little; this is the statement of Rabbi Yehuda. Rabbi Yosei says: Two large eggs, slightly larger ones than average. Rabbi Yehuda HaNasi measured the amount of half a peras after calculating the number of kav in the se'a brought before him, and found it to be a little more than two eggs. The tanna asks: How much is this little more? One-twentieth of an egg.

³⁷ In contrast, concerning the impurity of foods, it was taught in a baraita: Rabbi Natan and Rabbi Dosa said that the measure of an egg-bulk, which the Sages said is the amount that contracts the impurity of foods, is equivalent to it, i.e., the egg, and its shell. And the Rabbis say: It is equivalent to it without its shell. These amounts are not precisely half of any of the measurements given for half a peras.

³⁸ As for the issue itself, Rafram bar Pappa said that Rav Hisda said: This baraita that clarifies the measure of half a peras is in accordance with the statements of Rabbi Yehuda and Rabbi Yosei, a measure that is identical to that of Rabbi Shimon in the mishna. But the Rabbis say: One and one half large egg-bulks. And who are these Rabbis? Rabbi Yoḥanan ben Beroka.

³⁹ The Gemara registers surprise: This is obvious, as Rabbi Yoḥanan ben Beroka maintains that half a loaf is three egg-bulks, half of which is an egg-bulk and one half. The Gemara explains: The novel aspect of this teaching is not the amount itself; rather, he came to teach us that the measurement is performed with large eggs.

⁴⁰ The Gemara relates that when Rav Dimi came from Eretz Yisrael to Babylonia, he said: A person named Bonyos sent Rabbi Yehuda HaNasi a measure [modya] of a se'a from a place called Na'usa, where they had a tradition that it was an ancient and accurate measure (Ritva). And Rabbi Yehuda HaNasi measured it and found it contained 217 eggs.

⁴¹ The Gemara asks: This se'a, from where is it, i.e., on what measure is it based? If it is based on the wilderness se'a, the standard measure used by Moses in the wilderness, which is the basis for all the Torah's measurements of volume, the difficulty is that a se'a is composed of six kav, where each kav is equivalent to four log and each log is equivalent to six egg-bulks. This means that a se'a is equivalent to a total of 144 egg-bulks.

⁴² And if it is the Jerusalem se'a, then the se'a is only 173 egg-bulks, as they enlarged the measures in Jerusalem by adding a fifth to the measures of the wilderness.

⁴³ And if it is a se'a of Tzippori, as the measures were once again increased in Tzippori, where another fifth was added to the Jerusalem measure, the se'a is 207 egg-bulks. The se'a measured by Rabbi Yehuda HaNasi does not correspond to any of these measures of a se'a.

⁴⁴ The Gemara answers: Actually, this measure is based on the se'a of Tzippori, but you must bring the amount of the ḥalla given to a priest, and add it to them. That is to say, although this measure is slightly larger than a se'a, if it is used for flour and you deduct the amount due as ḥalla, you are left with exactly one se'a, or 207 egg-bulks.

⁴⁵ The Gemara raises an objection: The amount of ḥalla, how many egg-bulks is it? Approximately eight egg-bulks, one-twenty-fourth of 207. Yet in that case, it remains less than 217 egg-bulks, for even if we were to add another eight egg-bulks for ḥalla to the 207 egg-bulks, we would have only 215 egg-bulks, almost 216 to be more precise, which is still less than 217.

⁴⁶ Rather, you must bring the excess amounts of Rabbi Yehuda HaNasi, the little more he included in his measure, and add these to them. In Rabbi Yehuda HaNasi's calculations, he did not factor in the ḥalla that had to be separated. Instead, the egg-bulks he used to measure the se'a were small egg-bulks. Consequently, one-twentieth of an egg-bulk must be added for each egg-bulk. Since one-twentieth of 207 egg-bulks is roughly ten, the total amount equals 217 egg-bulks.

⁴⁷ The Gemara raises an objection: If so, it is still slightly more than 217 egg-bulks, by seven-twentieths of an egg-bulk, to be precise. The Gemara answers: Since it is not more than 217 egg-bulks by a whole egg, he did not count it.

⁴⁸ The Sages taught in a baraita: A Jerusalem se'a is larger than a wilderness se'a by one-sixth, and that of Tzippori is larger than a Jerusalem se'a by one-sixth. Consequently, a se'a of Tzippori is larger than a wilderness se'a by one-third.

⁴⁹ The Gemara inquires: One-third of which measurement? If you say it means one-third of a wilderness se'a, now you must consider: One-third of a wilderness se'a, how much is it? Forty-eight egg-bulks, and yet the difference between the wilderness se'a and the Tzippori se'a is sixty-three egg-bulks. As stated above, a Tzippori se'a is 207 egg-bulks, whereas a wilderness se'a is only 144 egg-bulks.

⁵⁰ But rather, this one-third mentioned in the baraita is referring to one-third of a Jerusalem se'a, which is 173 egg-bulks, as stated above. The Gemara again examines the calculation: One-third of that se'a, how much is it? Fifty-eight less one-third, and yet the difference between the wilderness and the Tzippori se'a is sixty-three. Rather, you must say that it is referring to one-third of a Tzippori se'a. One-third of that se'a, how much is it? Seventy less one-third, and yet the difference between the wilderness se'a and the Tzippori se'a is sixty-three egg-bulks. The difference between the measures is not exactly one-third according to any of the known se'a measurements.

⁵¹ Rather, Rabbi Yirmeya said that this is what the tanna is saying: Consequently, a se'a of Tzippori is larger than a wilderness se'a by sixty-three egg-bulks, which is close to one-third of a Tzippori se'a of sixty-nine egg-bulks. And one-third of it, sixty-nine egg-bulks, is close to half of a wilderness se'a of seventy-two egg-bulks.

⁵² Ravina raised an objection to the opinion of Rabbi Yirmeya: Does the baraita state either: Close to one-third of a Tzippori se'a or: Close to half of a wilderness se'a? The wording of the baraita indicates an exact amount. Rather, Ravina said that this is what the tanna is saying: Consequently, one-third of a Tzippori se'a together with the excess amounts of Rabbi Yehuda HaNasi is greater than half of a wilderness se'a of seventy-two egg-bulks by only one-third of an egg. In other words, a Tzippori se'a of 207 egg-bulks added to the excess amounts of Rabbi Yehuda HaNasi of one-

twentieth of an egg-bulk for each egg-bulk amounts to a total of 217 egg-bulks, one-third of which is seventy-two and one-third egg-bulks.

⁵³ Our Sages taught a baraita: The verse states: “You shall set apart a cake of the first of your dough as a gift; like the gift of the threshing floor, so shall you set it apart” (Numbers 15:20).

⁵⁴ What is the quantity of dough from which ḥalla must be separated? The amount of “your dough.” And how much is “your dough”? This amount is left unspecified by the verse. The Gemara answers: It is as the amount of the dough of the wilderness. The Gemara again asks: And how much is the dough of the wilderness?

⁵⁵ The Gemara responds: The Torah states that the manna, the dough of the wilderness, was “an omer a head” (Exodus 16:16). A later verse elaborates on that measure, as it is written: “And an omer is the tenth part of an eifa” (Exodus 16:36). An eifa is three se’a, which are eighteen kav or seventy-two log. An omer is one-tenth of this measure. From here, this calculation, Sages said that dough prepared from seven quarters of a kav of flour and more is obligated in ḥalla. This is equal to six quarter-kav of the Jerusalem measure, which is five quarter-kav of the Tzipori measure.

⁵⁶ From here the Sages also said: One who eats roughly this amount each day, is healthy, as he is able to eat a proper meal; and he is also blessed, as he is not a glutton who requires more. One who eats more than this is a glutton, while one who eats less than this has damaged bowels and must see to his health.

⁵⁷ MISHNA: If both the residents of houses that open directly into a courtyard and the residents of apartments that open onto a balcony from which stairs lead down to that courtyard forgot and did not establish an eiruv between them, anything in the courtyard that is ten handbreadths high, e.g., a mound or a post, is part of the balcony. The residents of the apartments open to the balcony may transfer objects to and from their apartments onto the mound or post. Any post or mound that is lower than this height is part of the courtyard.

⁵⁸ A similar halakha applies to an embankment that surrounds a cistern or a rock: If the embankments that surround a cistern or rock are ten handbreadths high, they belong to the balcony; if they are lower than this, they may be used only by the inhabitants of the courtyard.

⁵⁹ In what case are these matters, the halakha that anything higher than ten handbreadths belongs to the balcony, stated? When the mound or embankment is near the balcony. But in a case where the embankment or mound is distant from it, even if it is ten handbreadths high, the right to use the embankment or mound goes to the members of the courtyard. And what is considered near? Anything that is not four handbreadths removed from the balcony.

⁶⁰ GEMARA: The Gemara comments: It is obvious that if the residents of two courtyards established separate eiruvim, and the residents of both courtyards have convenient access to a certain area, the residents of this courtyard through an entrance, and the residents of that courtyard through another entrance, this is similar to the case of a window between two courtyards. If the residents did not establish a joint eiruv, the use of this window is prohibited to the residents of both courtyards.

⁶¹ It is similarly obvious that if a place can be used by the residents of this courtyard only by throwing an object onto it and by the residents of that courtyard only by throwing, but it cannot be conveniently used by either set of residents, then this is equivalent to the case of a wall between two courtyards. If there is a wall between two courtyards, it may not be used by either courtyard.

Likewise, if a place can be used by the residents of this courtyard only by lowering an object down to it and by the residents of that courtyard by a similar act of lowering, this is comparable to the halakha of a ditch between two courtyards, which may not be used by the residents of either courtyard.

⁶² It is likewise obvious that in a place that can be conveniently used by the residents of this courtyard through an entrance but can be used by the residents of that courtyard only by throwing an object onto it, this is governed by the ruling of Rabba bar Rav Huna, who said that Rav Naḥman said: This place may be used only by those who have access to the area by way of an entrance. Likewise, a place that can be conveniently used by the residents of this courtyard through an entrance but can be used by the residents of that courtyard only by lowering an object down to it, this is governed by the ruling of Rav Sheizvi, who said that Rav Naḥman said: This place may be used only by those who have convenient access to it.

⁶³ The ruling in each of the aforementioned cases is clear. What is the halakha concerning a place that can be used by the residents of this courtyard only by lowering an object down to it and by the residents of that courtyard only by throwing an object on top of it? In other words, if an area is lower than one courtyard but higher than the other, so that neither set of residents has convenient access to it, which of them is entitled to use it?

⁶⁴ Rav said: It is prohibited for both sets of residents to use it. As the use of the area is equally inconvenient to the residents of both courtyards, they retain equal rights to it and render it prohibited for the other group to use. And Shmuel said: The use of the area is granted to those who can reach it by lowering, as it is relatively easy for them to lower objects to it, and therefore its use is more convenient; whereas for the others, who must throw onto it, its use is more demanding. And there is a principle concerning Shabbat: Anything whose use is convenient for one party and more demanding for another party, one provides it to that one whose use of it is convenient.

⁶⁵ In order to decide between these two opinions, the Gemara attempts to adduce a proof from the mishna: If the residents of houses that open directly into a courtyard and the residents of apartments that open onto a balcony from which stairs lead down to that courtyard forgot and did not establish an eiruv between them, anything in the courtyard that is ten handbreadths high belongs to the balcony, while anything that is less than this height belongs to the courtyard.

⁶⁶ The Gemara first explains: It might have entered your mind to say: What is the meaning of the balcony mentioned in the mishna?

⁶⁷ It is referring to the residents of an upper story above the balcony; and if so, why do we call the upper story a balcony? Because the residents of the upper story ascend and descend to and from their apartments by way of the balcony. From here the Gemara infers: With regard to any place that can be used by one set of residents only by lowering an object down to it and by another set of residents only by throwing an object on top of it, we grant Shabbat use of it to those who can use it by lowering, as the residents of the upper story who use the area ten handbreadths high do so by means of lowering. Apparently, the mishna supports Shmuel and presents a difficulty to Rav.

⁶⁸ The Gemara rejects this argument: As Rav Huna said with regard to a different issue discussed in a subsequent mishna, that the tanna is referring to those who live in apartments that open directly onto the balcony rather than those who live in an upper story; here too, the tanna is speaking of those who live in apartments that open directly onto the balcony. In this case, the use of an area ten handbreadths high is convenient for the residents of the balcony, as it is on their level; whereas its

use is relatively inconvenient for the residents of the courtyard. Consequently, the right to use this area is granted to the residents of the balcony.

⁶⁹ The Gemara raises an objection: If so, say the next clause of the mishna: Anything that is lower than this, i.e., lower than ten handbreadths, its use belongs to the courtyard. But why should this be the halakha? This is similar to a case of residents of two courtyards who have equally convenient access to a certain area. The residents of this courtyard access the area through one entrance, and the residents of that courtyard access the area through another entrance. In our case, the use of the area is equally convenient for the inhabitants of both the balcony and the courtyard; why should the latter be granted exclusive right of use?

⁷⁰ The Gemara answers: What is the meaning of the phrase to the courtyard? It means also to the courtyard. In other words, even the residents of the courtyard can make use of this mound or post, and therefore residents of both the courtyard and the balcony are prohibited. If residents of two domains can conveniently use a single area and they did not establish an eiruv between their domains, they are all prohibited to carry in that area.

⁷¹ The Gemara comments: So too, it is reasonable to explain the mishna in this manner, as it was taught in the latter clause of the mishna: In what case is this statement said? When the mound or embankment is near the balcony; but in a case where it is distant from it, even if it is ten handbreadths high, its use belongs to the courtyard. What, then, is the meaning of the phrase to the courtyard in this context? If you say it means to the residents of courtyard, and therefore the use of the mound or embankment is permitted to them, why should this be so? It is the domain of the residents of both the courtyard and the balcony, as the mound or embankment is positioned near enough to the balcony for its residents to use it as well.

⁷² Rather, what is the meaning of the phrase to the courtyard? It means also to the courtyard. And, consequently, as the residents of both the courtyard and the balcony can use it, both are prohibited to carry there on Shabbat. Here too, in the earlier part of the mishna, what is the meaning of the clause to the courtyard? It likewise means also to the courtyard, and therefore both sets of residents are prohibited to carry. The Gemara concludes: Indeed, learn from this that this is the correct interpretation of this phrase.

⁷³ The Gemara attempts to adduce further proof from the mishna to resolve the dispute between Rav and Shmuel. We learned in the mishna: The embankments that surround a cistern or a rock that are ten handbreadths high may be used by the balcony; if they are lower than that height, the right to use them belongs to the courtyard. The Gemara assumes that the phrase to the balcony is referring to the residents of an upper story, who access their apartments through the balcony. The mishna indicates that if one set of residents can make use of a place by lowering and another set of residents can use it by throwing, the use of the place is granted to those who lower their objects, in accordance with the opinion of Shmuel and contrary to the opinion of Rav. The Gemara answers: Rav Huna said that the phrase to the balcony is to be understood here literally as referring to those who live in apartments that open directly onto the balcony.

⁷⁴ The Gemara asks: Granted, in the case of a rock, the residents of the balcony can use it conveniently, as its surface is more or less level with the balcony itself. But with regard to a cistern, what can be said? The water in the cistern is lower than the balcony and can be reached only by

lowering a bucket down to it. How, then, can it be argued that the cistern is conveniently used by the residents of the balcony but not by the residents of the courtyard?

⁷⁵ Rav Yitzḥak, son of Rav Yehuda, said: We are dealing here with a cistern full of water, as the water can be drawn from the cistern's upper portion, near the balcony. The Gemara raises an objection: But doesn't the cistern gradually lose its water as the liquid near the surface is drawn out? Although the water might at first reach the balcony, the water level gradually recedes. Eventually, the only way to reach the water will be by lowering a bucket into the cistern.

⁷⁶ The Gemara answers: Since it is permitted to draw water from the cistern when it is full, it is likewise permitted even when it is lacking. The Gemara counters this argument: On the contrary, you should say that since the cistern is prohibited when it is lacking, it should likewise be prohibited even when it is full.

⁷⁷ Rather, Abaye said: Here we are dealing with a cistern full of produce, as the upper produce is near the balcony. The Gemara raises an objection: But doesn't the amount of produce also diminish, as the produce is removed, increasing the distance between the pile and the balcony?

⁷⁸ The Gemara answers: This teaching is referring to untithed produce, which one may not tithe on Shabbat. Since this produce may not be used, the height of the pile will remain constant for the duration of Shabbat.

⁷⁹ The Gemara comments: The language of the mishna is also precise, as it teaches the halakha of an embankment of a cistern together with that of a rock. Just as in the case of the rock only the upper surface is used, so too, in the case of the embankment of the cistern, the mishna is referring to the use of the surface of the cistern and not its contents. The Gemara concludes: Indeed, learn from this that this is the correct explanation.

⁸⁰ The Gemara asks: But if this is indeed correct, and the cistern and rock are similar in all respects, why do I need the tanna to state the case of a cistern, and why do I need him to state the case of a rock as well? The Gemara answers: It was necessary to teach both cases. As had the mishna taught us only about a rock, one might have said that only a rock may be used by the residents of the balcony, as there is no need to decree in case its height is diminished. But with regard to a cistern, perhaps we should decree and prohibit its use, as at times it might be filled with tithed produce, which may be removed and eaten, thereby diminishing its height. It was therefore necessary to teach us that this is not a concern, and a cistern, as well as a rock, may be used by the residents of the balcony.

⁸¹ Returning to the dispute between Rav and Shmuel, the Gemara suggests a different proof: Come and hear a baraita: If the residents of houses opening directly into a courtyard and the residents of apartments in an upper story forgot and did not establish an eiruv together, the residents of the courtyard may use the lower ten handbreadths of the wall near them, and the residents of the upper story may use the upper ten handbreadths adjacent to them. How so? If a ledge protrudes from the wall below ten handbreadths from the ground, its use is for the residents of the courtyard; but if it protrudes above ten handbreadths, its use is for the residents of the upper story.

⁸² The Gemara infers: Consequently, a ledge situated between this and between the other, i.e., in-between the courtyard and the upper story, is prohibited. This middle area has the status of a place that can be used by one set of residents by lowering and by another set of residents by throwing, and

yet they are both prohibited, in accordance with the opinion of Rav and in opposition to the opinion of Shmuel.

⁸³ Rav Naḥman said: No proof can be adduced from this teaching, as here we are dealing with a wall of nineteen handbreadths that has a protruding ledge. If the ledge protrudes below ten handbreadths from the ground, for this set of residents, those of the courtyard, it can be used as an entrance, and for that set of residents, those of the upper story, it can be used only by lowering. If the ledge protrudes above ten handbreadths, for this set of residents, those in the balcony, it can be accessed as an entrance, and for that set of residents, those of the courtyard, it can be used only by throwing. In this case, there is no middle area between the ten-handbreadths available to each set of residents. Consequently, this case cannot serve as a proof with regard to the dispute between Rav and Shmuel.

⁸⁴ The Gemara attempts to cite yet another proof to resolve the dispute between Rav and Shmuel. Come and hear a mishna: If a balcony extends over a body of water, and the residents of the balcony cut out a hole in the floor and constructed a partition ten handbreadths high around the hole, water may be drawn through the hole on Shabbat. If there are two balconies of this kind, one above the other, and they erected a partition for the upper balcony but they did not erect one for the lower one, they are both prohibited from drawing water, unless they establish an *eiruv* between them. This mishna apparently is referring to a case where the residents of the upper balcony draw water by lowering their buckets down, whereas the residents of the lower balcony hoist their bucket to the upper one and draw water from there, i.e., one balcony draws the water by lowering and the other by throwing. The mishna rules that they are both prohibited, in accordance with the opinion of Rav and contrary to the opinion of Shmuel.

⁸⁵ Rav Adda bar Ahava said: Here we are dealing with a case where the residents of the lower balcony go up to the upper balcony by means of a ladder to draw their water from there. Since they themselves are located in the upper balcony when they draw their water, both sets of residents gain access to their water by lowering.

⁸⁶ Abaye said: Here we are dealing with a case, where the two balconies are situated within ten handbreadths of each other, and the tanna was speaking in the style of: There is no need. In other words, the mishna should be understood in the following manner: There is no need to say that if they erect a partition for the lower balcony but they did not erect one for the upper one, they are both prohibited to draw water. The reason is that since they are positioned within ten handbreadths of each other, they render it prohibited for one another anyway.

⁸⁷ Rather, the halakha is the same even if they established a partition for the upper balcony and they did not establish a partition for the lower one, despite the fact that it might have entered your mind to say the following: Since for this, the residents of the upper balcony, its use is convenient, while for that lower balcony, its use is demanding, as the lower balcony can draw water only by hoisting its bucket upward, the use of the hole should therefore be granted to the one whose use is convenient. This reasoning would render the hole permitted to the upper balcony and prohibited to the lower balcony. To counter this hypothetical argument, the mishna teaches us that since the upper and lower balconies are located within ten handbreadths of each other, they render it prohibited for one another.

⁸⁸ This is similar to a teaching that Rav Naḥman said that Shmuel said: In the case of a roof that is adjacent to a public domain, there must be a fixed ladder from the courtyard to the roof to permit the use of the roof to the residents of the courtyard. The Gemara infers: If there is a fixed ladder, yes, the

residents of the courtyard may use the roof; if there is merely a temporary ladder, no, they are prohibited to use it. What is the reason for this distinction? Is it not that since the balcony and the public domain are situated within ten handbreadths of each other, the residents of both render it prohibited for one another, in accordance with the opinion of Abaye? Since the residents of the balcony are located within ten handbreadths of the public domain, the presence of people in the public domain renders the use of the roof prohibited for the inhabitants of the balcony. The only way for the members of the balcony to be permitted to use the roof is by means of a fixed ladder that has the status of a proper door.

⁸⁹ Rav Pappa strongly objected to this argument, claiming that this proof can be refuted: But perhaps this applies only to a roof upon which many people place their hats [kumta] and shawls when they are in need of rest. Even if the people in the public domain are not situated within ten handbreadths of the roof, they can still use it conveniently if they wish to place light objects upon it on a temporary basis. If there was not a fixed ladder, the residents of the courtyard would not be permitted to use the roof, as it serves the public domain as well. Consequently, no proof can be adduced from here either. In summary, no compelling proof has been found either for Rav's opinion or for Shmuel's opinion.

⁹⁰ Rav Yehuda said that Shmuel said:

⁹¹ If a cistern in a small alleyway between two courtyards is separated by four handbreadths from the wall of one courtyard and by four handbreadths from the wall of another courtyard, the resident of this courtyard may extend a ledge of minimal size from his window in the direction of the cistern, as a sign that he is not using the domain of the other, and he may subsequently proceed to draw water from the cistern through the window. And the resident of the other courtyard may likewise extend a ledge of minimal size and draw water from the cistern through his window. And Rav Yehuda himself said: An actual ledge is unnecessary, as it is enough even if one merely extends a simple reed.

⁹² Abaye said to Rav Yosef: This ruling of Rav Yehuda, that some minimal sort of adjustment is required, is in accordance with the opinion of his teacher, Shmuel. Since if he holds in accordance with the opinion of his other teacher, Rav, this would present a difficulty, as didn't Rav say: One person does not render it prohibited for another person to perform an action by way of the air, if the place he is using is four handbreadths away from him? Consequently, not even a reed is required.

⁹³ The Gemara asks: And from where is it ascertained that this is the opinion of Shmuel? If you say we learn it from that teaching which Rav Nahman said that Shmuel said: With regard to a low roof adjacent to a public domain, there must be a fixed ladder from the courtyard to the roof in order to permit the use of the roof to the residents of the courtyard, it might be inferred from here that the people in the public domain render it prohibited to use the roof because they can use it through the air, by throwing. However, this proof is inconclusive. Perhaps, this halakha can be understood in accordance with the opinion of Rav Pappa: Here we are dealing with a roof upon which people in the public domain place their hats and shawls when in need of rest. That would mean that this halakha does not involve use of the airspace at all.

⁹⁴ Rather, Shmuel's opinion is learned from this statement: This one, the resident of one courtyard, may extend a ledge of minimal size and draw water from the cistern through his window; and the resident of the other courtyard may also extend a ledge of minimal size and draw water through his window. The reason for this halakha is that one extended a ledge, but if he did not extend a ledge, we say that one person renders it prohibited for another person by way of the air. One resident would be

prohibited to draw water from the cistern due to the other resident, who has equal access to the water in the cistern by way of the air.

⁹⁵ The Gemara asks: And from where is the opinion of Rav learned, that one person does not render it prohibited for another by way of the air? If you say it is derived from that which was taught in a mishna: If two balconies extend over a body of water, one above the other, and the residents erected a partition for the upper balcony but they did not erect a partition for the lower one, residents of both balconies are prohibited to draw water, unless they established an eiruv together.

⁹⁶ The Gemara continues. And Rav Huna said that Rav said: They taught that the residents of one balcony render it prohibited for the residents of the other balcony to draw water only when one balcony is near the other, i.e., horizontally within four handbreadths. But if each balcony is four handbreadths removed from the other, so that each can use the other only by means of the air, the upper balcony is permitted to draw water, while the lower one is prohibited to do so. This teaching indicates that one person does not render it prohibited for use by another by way of the air.

⁹⁷ However, this proof is inconclusive, as perhaps it is different here, since for the residents of this lower balcony, their use of the area is relatively inconvenient, as they can use it only by way of hoisting and lowering. The residents of the lower balcony must hoist the bucket from the lower balcony to the upper one before lowering it from there to draw water; whereas for the residents of the other one, i.e., the upper balcony, use of the water is convenient, as they can utilize it by way of lowering alone. Consequently, this case is similar to that of an area that can be used by the residents of one courtyard only by throwing and by the residents of another courtyard as an entrance. Since it is easier for the upper balcony to draw water, the lower balcony does not render it prohibited for the upper balcony in this particular case.

⁹⁸ Rather, we can learn that this is the opinion of Rav from that teaching, which Rav Nahman said that Rabba bar Avuh said that Rav said: If there are two houses with three ruins between them, the resident of this house may use the ruin adjacent to him by means of throwing into the ruin through his windows that open out to that ruin, and the resident of the other house may use the ruin adjacent to him by means of throwing through his windows,

⁹⁹ and the middle ruin is prohibited to both of them.

¹⁰⁰ Rav Beruna sat and stated this halakha in the name of Rav. Rabbi Elazar, a student of the Torah academy, said to him: Did Rav actually say this? Rav Beruna said to him: Yes, he did. He said to him: Show me his place of lodging, and I will go and ask him myself. He showed him where Rav lived. Rabbi Elazar came before Rav and said to him: Did the Master actually say this? He said to him: Yes, I did.

¹⁰¹ Rabbi Elazar then said to Rav: Since you prohibit using the middle ruin, you evidently maintain that one person renders it prohibited for another by way of the air. That being the case, it must be that you permit the resident of each house to use the adjacent ruin because one's use of the ruin, while not convenient for him, is more convenient than the other person's usage. But wasn't it the Master himself who said: With regard to a place that can be used by the residents of the one courtyard only by lowering an object down to it and by the residents of another courtyard only by throwing an object on top of it, so that neither courtyard has convenient access to it, both sets of residents are prohibited from using it, although lowering an object is more convenient than throwing it?

¹⁰² Rav said to him: Do you think that we are dealing with a case of three ruins positioned alongside each other in a straight line? No. They are arranged in the form of a tripod, i.e. in a triangular form. In other words, two of the ruins, each adjacent to one of the houses, are located next to each other; the third is positioned adjacent to one side of the other two, near both houses. The middle ruin is prohibited to the residents of both houses because both houses have equally inconvenient but direct access to it. However, each of the other ruins is permitted to the resident of the adjacent house, as he has direct access to it, while the resident of the other house can reach it only through the air of the ruin nearest to him, and Rav maintains that one person does not render it prohibited for use by another by way of the air.

¹⁰³ Rav Pappa said to Rava: Let us say that Shmuel, who maintains that one renders it prohibited for another by way of the air, does not agree with the opinion of Rav Dimi. When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: A place less than four by four handbreadths in size is an exempt domain with respect to carrying on Shabbat. Consequently, if this place is located between a public domain and a private domain, it is permitted for both the people in the public domain and the people in the private domain to adjust the burden on their shoulders in it, as long as they do not exchange objects with each other by way of the exempt domain. According to Shmuel's opinion this should be prohibited due to the air of a different domain.

¹⁰⁴ Rava replied: There, Rabbi Yoḥanan is dealing with an exempt domain situated between a public domain and a private domain, the two existing domains by Torah law. In that case, the Sages did not prohibit the use of the place due to the air. By contrast, here, with regard to the air between private domains, we are dealing with domains between which carrying is prohibited by rabbinic law, and the Sages reinforced their statements even more than those of the Torah; they added preventive measures in order to safeguard their decrees. Consequently, according to Shmuel, the Sages indeed decreed that one renders it prohibited for another by way of the air.

¹⁰⁵ Ravina said to Rava: But did Rav actually say this, that one person does not render it prohibited for use by another by way of the air? But wasn't it stated that amora'im disagreed with regard to two houses belonging to one person that stood on two opposite sides of a public domain. Rabba bar Rav Huna said that Rav said: It is prohibited to throw an object from one house to the other; and Shmuel said that it is permitted to throw from one to the other. Rav apparently forbade the act of throwing due to the prohibited air of the public domain that lies between the two houses.

¹⁰⁶ Rava said to him: Wasn't it established that one house was relatively higher and the other one was lower than the first? Rav prohibited throwing from one domain to the other, not due to the air of the public domain, but rather due to the difficulty of throwing from a low place to a higher one, as the thrown object might sometimes roll and fall back into the public domain and people might come to pick it up and carry it from the public domain to the private domain. It was for this reason that Rav prohibited throwing an object from one house to another.

¹⁰⁷ MISHNA: With regard to one who placed his eiruv of courtyards in a gatehouse or in a portico, a roofed structure without walls or with incomplete walls, or one who deposited it in a balcony, this is not a valid eiruv. And one who resides there, in any of these structures, does not render it prohibited for the homeowner and the other residents of the courtyard to carry, even if he did not contribute to the eiruv.

¹⁰⁸ If, however, one deposited his eiruv in a hay shed or in a cowshed or in a woodshed or in a storehouse, this is a valid eiruv, as it is located in a properly guarded place. And one who resides there with permission, if he neglected to contribute to the eiruv, he renders it prohibited for the homeowner and the other residents of the courtyard to carry. Rabbi Yehuda says: If the homeowner has there, in the hay shed or the other places listed above, a right of usage, i.e., if he is entitled to use all or part of the area for his own purposes, then the one who lives there does not render it prohibited for the homeowner, as the area is considered the homeowner's quarters, and the person living there is classified as a member of his household.

¹⁰⁹ GEMARA: Rav Yehuda, son of Rav Shmuel bar Sheilat, said: Any place with regard to which the Sages said that one who resides there does not render it prohibited for the other residents of the courtyard to carry, one who places his eiruv there, his is not a valid eiruv, except for a gatehouse that belongs to an individual. If a structure is used as a passageway by only one person, he does not render it prohibited for the other residents of the courtyard, and an eiruv placed there is a valid eiruv. And any place with regard to which the Sages said that a joining of courtyards may not be placed there, a merging of alleyways may be placed there, except for the airspace of an alleyway, which is not inside one of the courtyards.

¹¹⁰ The Gemara asks: What is he teaching us by this? We have already learned this in the mishna: With regard to one who placed his eiruv in a gatehouse or in a portico or in a balcony, it is not a valid eiruv. It can be inferred from the mishna that an eiruv, it is not, a merging of the alleyway, it is. What, then, is novel in this statement?

¹¹¹ The Gemara answers: It was necessary for him to teach the halakha of a gatehouse that belongs to an individual and the halakha of the airspace of an alleyway, which we did not learn in the mishna. This was also taught in a baraita: One who placed his eiruv in a gatehouse, or in a portico, or in a balcony, or in a courtyard, or in an alleyway, this is a valid eiruv. But didn't we learn in the mishna that this is not an eiruv? Rather, you must say that the baraita should read: This is a valid merging of the alleyway.

¹¹² The Gemara raises a difficulty: But if one places the food of the merging of the alleyway in the alleyway itself, it is not properly guarded, which means that it is as though he has not placed the merging of the alleyway there at all. Rather, you must say that the baraita should read: If he placed his merging of the alleyway in a courtyard in the alleyway, it is valid.

¹¹³ Rav Yehuda said that Shmuel said: If there were a group of people who were dining together on Shabbat eve, and the day became sanctified for them, i.e., Shabbat began while they were eating, they may rely upon the bread on the table for an eiruv of courtyards, so that they are all permitted to carry in the courtyard. And some say they may rely on the bread for a merging of the alleyway.

¹¹⁴ Rabba said: The two versions do not disagree with regard to whether the bread counts as an eiruv or a merging of the alleyway. Rather, here, the teaching that states it can be used as an eiruv, is referring to a case where they are dining in the house, as food deposited in a house can be used as an eiruv for the courtyard. By contrast, there it is referring to a situation where they are dining in the courtyard, and they may therefore rely on the bread only as a merging of the alleyway but not as an eiruv.

¹¹⁵ Abaye said to Rabba: A baraita was taught that supports you. Joinings of courtyards are deposited in a courtyard, and mergings of alleyways are placed in an alleyway. And we discussed this baraita

and raised a difficulty: How can it be that eiruv of courtyards are deposited in a courtyard? But didn't we learn in the mishna: If one deposited his eiruv in a gatehouse, or in a portico, or in a balcony it is not a valid eiruv? The mishna clearly indicates that the eiruv may not be deposited in the airspace of a courtyard. Rather, you must say that the baraita should read as follows: Eiruv of a courtyard are placed in a house in that courtyard; whereas mergings of alleyways are placed in a courtyard that opens into that alleyway.

¹¹⁶ We learned in the mishna that Rabbi Yehuda says: If the homeowner has there, in the hay shed or one of the other places listed, a right of usage, the person living there does not render the courtyard prohibited. The Gemara asks: What are the circumstances of a right of usage? The Gemara answers: For example, the courtyard of a man named Bonyas, an extremely wealthy individual who allowed various people to take up residence on his property, and he kept some of his many possessions in the living quarters assigned to those people. As he retained the right to remove his articles from their apartments, those areas continued to be regarded as quarters belonging to Bonyas and the people living there were deemed members of his household.

¹¹⁷ The Gemara relates another incident involving Bonyas and his wealth: The son of Bonyas came before Rabbi Yehuda HaNasi. Realizing from his visitor's clothing that he was dealing with a wealthy individual, Rabbi Yehuda HaNasi said to his attendants: Make way for one who possesses one hundred maneh, i.e., one hundred times one hundred zuz, as one of this status deserves to be honored in accordance with his riches. Later, another person came before him, and Rabbi Yehuda HaNasi once again turned to his attendants and said to them:

¹¹⁸ Make way even more for one who possesses two hundred maneh. Rabbi Yishmael, son of Rabbi Yosei, said before him: My teacher, Bonyas, father of this one, has a thousand ships out at sea and, corresponding to them, a thousand towns on land. He should be granted pride of place due to his exorbitant wealth. Rabbi Yehuda HaNasi said to him: When you reach his father, tell him: Do not send him to me in these garments. Dress him in accordance with his wealth and status, so that he will be honored accordingly.

¹¹⁹ In explanation of this story, the Gemara comments: Rabbi Yehuda HaNasi would honor the wealthy, and Rabbi Akiva would likewise honor the wealthy, in accordance with Rava bar Mari's interpretation of the verse: "May he be enthroned before God forever; appoint mercy and truth, that they may preserve him" (Psalms 61:8). When may he be enthroned before God forever? When he appoints [man] mercy and truth that they may preserve him. Rava bar Mari explains the word man as referring to portions of food and interprets the verse as follows: If one provides food to others, he deserves to be enthroned before God, to be shown honor and respect. Consequently, it is proper to honor the wealthy who bestow such kindnesses.

¹²⁰ Rabba bar bar Ḥana said: What is considered a right of usage? For example, if the homeowner stores the pin of a plough in his tenant's quarters. The tenant is prohibited to remove this pin from his residence on Shabbat due to its being set aside from use [muktze], and the homeowner therefore enjoys a fixed right of usage there.

¹²¹ Rav Naḥman said: A Sage of the school of Shmuel taught the following baraita: If the homeowner stores an object that can be moved on Shabbat with his tenant, the tenant's residence renders the other residence prohibited if he neglected to join the eiruv. This is not considered a right

of usage. If the object being stored is one that cannot be moved on Shabbat, the tenant's residence does not render it prohibited for them to use the courtyard.

¹²² The Gemara adds: So too, it was taught in a baraita that if the tenant has untithed produce that may not be moved on Shabbat; or if he has lumps of glass or iron; or anything else that may not be moved on Shabbat that the homeowner deposited with him, the tenant does not render it prohibited for the other residents to use the courtyard.

¹²³ MISHNA: One who leaves his house, which is located in a shared courtyard, and goes to spend Shabbat in a different town, whether he is a gentile or a Jew, he renders it prohibited for the other residents to use the courtyard as though he were still at home; this is the statement of Rabbi Meir. Rabbi Yehuda says: He does not render it prohibited for them, as he left behind him an empty residence.

¹²⁴ Rabbi Yosei says: A gentile renders it prohibited but a Jew does not render it prohibited, as it is not the manner of a Jew to come home on Shabbat. A Jew will not return home, therefore his empty residence does not render it prohibited. By contrast, a gentile might return over the course of Shabbat. Therefore, he is not considered to have fully uprooted himself from his house, and he renders it prohibited.

¹²⁵ Rabbi Shimon says: Even if the Jew left his house and went to spend Shabbat with his daughter who lived in the same town, he does not render it prohibited. Although he can return home at any time, it is assumed that he has already removed from his mind any thought of going back there and has established his Shabbat residence away from his home.

¹²⁶ GEMARA: Rav said: The halakha is in accordance with the opinion of Rabbi Shimon. The Gemara comments: And this is the halakha only if one went to his daughter's house; but if he went to his son's house, no, this is not the halakha. One cannot be sure that he will be able to stay at his son's house, for his daughter-in-law might object to his presence and force him to return home. As people say: If a dog barks at you, enter; if a female dog barks at you, leave. In other words, the objections of a female, such as one's daughter-in-law, who will certainly not be opposed by her husband, are more powerful than those of a male, such as one's son-in-law.

¹²⁷ MISHNA: In the case of a cistern that is located between two courtyards, situated partly in each courtyard, one may not draw water from it on Shabbat, lest the residents of one courtyard draw water from the domain of the other courtyard, unless a partition ten handbreadths high was erected for it as a separation between the domains. This partition is effective whether it is below, in the water, or whether it is within the airspace of the cistern below the rim, above the surface of the water.

¹²⁸ Rabban Shimon ben Gamliel said: This is the subject of an early dispute of tanna'im, as Beit Shammai said that the partition, which permits drawing water, must be placed below; and Beit Hillel said it should be positioned above. Rabbi Yehuda said: A partition is no better than the wall between them. A wall dividing the two courtyards passes over the cistern, therefore it is not necessary to erect an additional partition in the cistern's airspace.

¹²⁹ GEMARA: Rav Huna said: When Beit Shammai said below, they meant actually below, near the water; the partition need not touch the water itself. When Beit Hillel said above, they meant actually above, higher than the water and near the rim of the cistern. And both of these are within the airspace of the cistern. And Rav Yehuda said: Below means below the water, so that part of the partition is

inside the water; whereas above means above the water, in such a manner that the partition does not come into contact with the water.

¹³⁰ Rabba bar Rav Ḥanan said to Abaye: With regard to that which Rav Yehuda said: Below means below the water, what is different about a case where the partition is actually below, in the airspace of the cistern near the water, that led Rav Yehuda to say that one may not draw water in that case? It is because he was concerned lest the water of the two courtyards become intermingled beneath the partition. In a case where the partition is located below the water, near the bottom of the cistern, as well, won't the water of the two courtyards become intermingled above it?

¹³¹ Abaye said to him: Didn't you hear that which Rav Yehuda said that Rav said, and some arrived at this statement in the name of Rabbi Ḥiyya: The tops of the reeds of the partition must be visible a handbreadth above the surface of the water? This will ensure that there is a full partition between the two sides of the cistern.

¹³² And Rabba bar Rav Ḥanan further asked: With regard to that which Rav Yehuda said: Above means above the water, we can inquire: What is different about a case where the partition is actually above, i.e., near the rim of the cistern that led Rav Yehuda to say that one may not draw water in that case? It is because he was concerned lest the water of the two courtyards become intermingled beneath the partition. However, even if the partition is above the water below the rim of the cistern, the water of the two courtyards will also become intermingled beneath it. Abaye said to him: Haven't you heard that which Ya'akov from Karḥina taught: The ends of the reeds of a partition must be immersed at least a handbreadth into the water, so that they divide the water in the cistern?

¹³³ But the Gemara raises a further question. Rav Yehuda said: If there is a cross beam of four handbreadths, it permits one to carry underneath it in a ruin. If a crossbeam four handbreadths wide is laid across the walls of a ruin, its edges are viewed as though they descended to the ground on each side, thereby forming partitions that permit one to carry under the cross beam. And Rav Nahman said that Rabba bar Avuh said:

¹³⁴ A cross beam of four handbreadths laid across a cistern located between two courtyards permits one to draw water from that cistern.

¹³⁵ With this in mind, the following difficulty arises: The bucket he uses to draw the water might drift under the cross beam to the other side of the cistern and bring water from the other courtyard. The Gemara answers: The Sages have established that a bucket does not drift more than four handbreadths from the point where it was lowered, and it will therefore stay on its original side of the partition.

¹³⁶ The Gemara raises a difficulty: Nonetheless, the water becomes intermingled under the cross beam, and consequently the bucket will bring up water from the other courtyard. Rather, it must be that the reason for the leniency is not that the cross beam actually prevents the flow of the water, but because the Sages were lenient with regard to water. They allowed a partition suspended above the water to be considered as though it blocked the flow of the water. As Rav Tavla asked of Rav: With regard to a suspended partition, does it permit carrying in a ruin? Do we say that the remnants of the walls suspended in the air are considered as though they descended to the ground and closed off the area, thereby rendering it a private domain? Rav said to him: A suspended partition of this kind permits carrying only in the case of water, as the Sages were lenient with regard to water.

¹³⁷ The mishna teaches: Rabbi Yehuda said: There is no need for a partition in the cistern, as a partition inside a cistern is no better than the wall above it. Rabba bar bar Ḥana said that Rabbi Yoḥanan said: Rabbi Yehuda stated this in accordance with the opinion of Rabbi Yosei, who said: A suspended partition permits carrying even on land, as it is considered as though it descended to the ground and sealed off the area. Accordingly, there is no need to erect a partition inside the airspace of a cistern.

¹³⁸ As we learned in a mishna: One who lowers sukka walls from above going downward, when the walls are three handbreadths higher than the ground, the sukka is invalid, as they are not considered partitions; but if he constructed walls from below going upward, if they are ten handbreadths high the sukka is valid, even if they do not reach the roofing.

¹³⁹ Rabbi Yosei, however, says: Just as with regard to walls constructed from below going upward, ten handbreadths suffice, so too, in the case of walls built from above going downward, ten handbreadths are enough for it to be considered a whole wall, even if it more than three handbreadths above the ground. Similarly, Rabbi Yehuda maintains that a partition suspended above a cistern is considered as though it descended and sealed off the area.

¹⁴⁰ The Gemara rejects this argument: But this is not so, for we can distinguish between the two opinions and claim that neither Rabbi Yehuda holds in accordance with Rabbi Yosei, nor does Rabbi Yosei hold in accordance with Rabbi Yehuda.

¹⁴¹ The Gemara elaborates: Rabbi Yehuda does not necessarily hold in accordance with Rabbi Yosei, as a distinction can be made between the two cases. Rabbi Yehuda stated his opinion only with regard to the joining of courtyards, which are required by rabbinic law, but in the case of a sukka, which is required by Torah law, no, he did not say that we can rely on suspended partitions.

¹⁴² And conversely, Rabbi Yosei does not necessarily hold in accordance with Rabbi Yehuda, as Rabbi Yosei stated his opinion only with regard to a sukka, which is a prohibition stated in the Torah from a positive commandment. The prohibition is not written as a negative commandment, but it can be inferred from a positive commandment. Neglect of the positive commandment of sukka is not punishable by the court, therefore we are not stringent in this regard. But with regard to Shabbat, which is a prohibition punishable by stoning, Rabbi Yosei did not state his opinion. Consequently, Rabbi Yosei might agree that we must be very stringent with regard to all halakhot of Shabbat, even those that are rabbinic in origin.

¹⁴³ And if you ask: That incident, which occurred in Tzipori, when they relied on suspended partitions on land for Shabbat, on whose authority was it performed? It was done not on the authority of Rabbi Yosei, but rather it was performed on the authority of Rabbi Yishmael, son of Rabbi Yosei, who maintains that a suspended partition renders it permitted to carry even if it is over land and even on Shabbat.

¹⁴⁴ The incident transpired in the following manner. As when Rav Dimi came from Eretz Yisrael to Babylonia, he said: It once happened that the people forgot and did not bring a Torah scroll to the synagogue on Friday while it was still day, which meant they were left without a scroll from which to read on Shabbat. On the following day, Shabbat, they spread a sheet over the pillars positioned between the house where the scroll was kept and the synagogue, thereby forming a corridor with partitions suspended on each side. And in this manner they brought the Torah scroll to the synagogue and read from it.

¹⁴⁵ The Gemara expresses surprise at the wording of this account: Did they actually spread sheets on Shabbat? Is it permitted to do so *ab initio*? But doesn't everyone agree that one may not erect a temporary tent on Shabbat *ab initio*? Spreading sheets over pillars is considered constructing a temporary tent.

¹⁴⁶ Rather, what happened was that they found sheets spread over the pillars, which they used as partitions, and in this manner they brought the Torah scroll to the synagogue and read from it.

¹⁴⁷ Rabba said: Rabbi Yehuda and Rabbi Ḥananya ben Akavya said the same thing. Both were very lenient with regard to the halakha of a partition over water. The ruling of Rabbi Yehuda is that which we just said, that the wall of the courtyard permits a cistern. The ruling of Rabbi Ḥananya ben Akavya is as we learned: Rabbi Ḥananya ben Akavya says: In the case of a balcony that contains four cubits by four cubits, which is suspended over water,

¹⁴⁸ one may carve in it a hole of four by four handbreadths and draw water through it. Even if there are no actual partitions around the hole, the section surrounding the hole is considered as though it were bent downward and formed partitions ten handbreadths high on all sides. Consequently, it is permitted to draw water through the hole.

¹⁴⁹ Abaye said to him: But perhaps that is not so, as we can distinguish between the opinions. It is possible that Rabbi Yehuda stated his opinion only there, with regard to the wall of the courtyard and the cistern, as he said that we rely on the halakhic principle of extend and lower the partition. The partition above the cistern is considered as though it descended to the bottom. But the principle of bend the partition and extend it downward, as suggested by Rabbi Ḥananya ben Akavya, no, he does not accept this principle.

¹⁵⁰ And we can likewise say that Rabbi Ḥananya ben Akavya stated his opinion only there, in the case of the balcony, with regard to the Sea of Tiberias, i.e., the Sea of Galilee, since it has clearly defined banks around it, and towns and enclosures surround it on all sides. The Sea of Galilee is surrounded by clear boundaries on all sides and is therefore somewhat similar to a private domain in appearance. Consequently, even a minor adjustment is sufficient. However, with regard to other waters, no, Rabbi Ḥananya ben Akavya did not permit this practice.

¹⁵¹ Abaye said: And according to the statement of Rabbi Ḥananya ben Akavya, if the balcony was less than three handbreadths away from the wall, it is permitted to draw water from it in the following circumstances: Its length must be four cubits, and its width must be eleven handbreadths and any amount. By carving out a hole of slightly more than one handbreadth by four handbreadths on the side near the wall, alongside the other three handbreadths, one creates a hole of four handbreadths by four handbreadths. This hole is surrounded by partitions ten handbreadths high on each side. How so? The wall itself is one partition. The four-cubit length is viewed as bent down on both sides of the hole, forming two partitions of ten handbreadths; the remaining ten handbreadths of the width is seen as though it were bent down, which creates a partition on the fourth side of the balcony.

¹⁵² If the balcony was upright, i.e., it had upright partitions on all sides (Rabbeinu Ḥananel), the height of these partitions must be ten handbreadths, and the width of the balcony must be six handbreadths and two minimal amounts. This leaves slightly more than a handbreadth on each side of the hole of four handbreadths, on which he can stand.

¹⁵³ Rav Huna, son of Rav Yehoshua, said: If it was positioned in a corner between two walls (Rabbeinu Ḥananel), the height of the partition must be ten handbreadths, and the requisite width of the balcony must be two handbreadths and two minimal amounts. As he is able to stand, he is provided with actual partitions.

¹⁵⁴ The Gemara asks: However, with regard to that which is taught in a baraita that Rabbi Ḥananya ben Akavya said: If a balcony that has an area of four cubits by four cubits is suspended above water, one carves in it a hole of four by four handbreadths and then draws water through it, under what circumstances can a balcony with these dimensions be found?

¹⁵⁵ The Gemara answers: It is necessary in the case of a balcony that is built in the shape of a mortar, where the balcony is positioned over the water on its own pillars and far removed from any wall. In that case, all of the partitions must be constructed from its floor space. And the balcony must be four cubits by four cubits in size.

¹⁵⁶ MISHNA: With regard to a water channel that passes through a courtyard, the residents may not draw water from it on Shabbat, unless they erected for it a partition ten handbreadths high at the entrance and at the exit of the courtyard. Rabbi Yehuda says: There is no need for a special partition, as the wall that runs on top of it, i.e., the courtyard wall, is considered as a partition.

¹⁵⁷ Rabbi Yehuda said: There was an incident involving a water channel that passed through the courtyards of the town of Avel, from which the residents would draw water from it on Shabbat by the authority of the Elders, relying on the courtyard wall suspended above it. They said to him: It is due to the fact that channel was not of the size that requires a partition, i.e., it was less than ten handbreadths deep or less than ten handbreadths wide, it was permitted to draw water from it even without a partition.

¹⁵⁸ GEMARA: The Sages taught in a baraita: If they erected a partition for the water channel at the entrance but they did not erect one for it at the exit, or if they erected a partition for it at the exit but they did not erect one for it at the entrance, one may not draw water from it on Shabbat, unless they erected for it a partition ten handbreadths high both at the exit and at the entrance. Rabbi Yehuda says: The wall that runs on top of it, i.e., the courtyard wall, is considered as a partition. Therefore, there is no need for a special partition.

¹⁵⁹ Rabbi Yehuda said: There was an incident involving the water channel that went from Avel to Tzipori, and the residents would draw water from it on Shabbat by the authority of the Elders, without any additional partition.

¹⁶⁰ They said to him: Are you trying to bring a proof from there? That was either due to the fact that the channel was not ten handbreadths deep or because it was not four handbreadths wide. It lacked the requisite measure to be considered a domain in its own right. Everyone agrees that it is permitted to draw water from it even without an additional partition.

¹⁶¹ It was taught in another baraita: With regard to a water channel that passes between the windows of two houses, if it is less than three handbreadths, one may lower a bucket from the window and draw water from it; however, if it is three handbreadths, one may not lower a bucket and draw water from it. Rabban Shimon ben Gamliel says: If it is less than four handbreadths, one may lower a bucket and draw water from it; but if it is at least four handbreadths, one may not lower a bucket and draw water.

¹⁶² With regard to these measures of three and four handbreadths, the Gemara asks: With what are we dealing here? If you say this halakha is referring to the water channel itself, that it was three or four handbreadths wide, this presents a difficulty, for when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: A karmelit cannot be less than four handbreadths wide. The karmelit is an intermediate domain established by the Sages, whose status is between a public and a private domain. Any open area that is not a public thoroughfare, e.g., a field, sea, river, alleyway, or a lane, is classified as a karmelit. It is prohibited to carry an article four cubits within a karmelit, or to transfer an object from a private domain or a public domain to a karmelit, or vice versa. One who draws water through a window from a water channel into a house has carried from a karmelit to a private domain. Consequently, if the tanna'im of the baraita dispute the width of the channel, they are in effect disagreeing about the minimal size of a karmelit.

¹⁶³ The Gemara resumes its question: Let us say, then, that the teaching that Rav Dimi cited, that a karmelit cannot be less than four handbreadths wide, was actually the subject of a dispute of tanna'im and not a unanimous halakha.

¹⁶⁴ The Gemara rejects the previous explanation. Rather, the measure of three or four handbreadths is referring not to the channel itself but to the banks of the channel, and it is stated with regard to an act of exchange. The dispute here does not concern the measure of a karmelit, but the measure of an exempt domain. It is permitted to transfer the empty bucket from the window, which is a private domain, by way of the channel's banks, which are exempt domains, to the water channel, which is a karmelit, and back again with the full bucket.

¹⁶⁵ The Gemara raises a difficulty: But when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: A place that does not have an area of four by four handbreadths is an exempt domain. Consequently, if this place is situated between a public domain and a private domain, it is permitted for both the people of the private domain and for the people of the public domain to adjust the burdens on their shoulders on it, provided that they do not exchange objects between them via the exempt domain. How, then, can the bucket be transferred from the window to the channel, and vice versa, by means of the banks?

¹⁶⁶ The Gemara answers: There, Rav Dimi is referring to domains by Torah law, i.e., this halakha involves the transfer of objects from a private domain to a public domain via an exempt domain. The Sages forbade this activity, so that people would not transfer objects directly from the private domain to the public domain.

¹⁶⁷ However, here, Rav Dimi is referring to domains by rabbinic law. As the transfer of objects from a private domain to a karmelit is prohibited only by rabbinic decree, the Sages did not prohibit this transfer when it is accomplished by way of an exempt domain.

¹⁶⁸ The Gemara raises a difficulty: But Rabbi Yoḥanan said that transferring objects from one domain to another by way of an exempt domain is prohibited even in the case of domains that apply by rabbinic law. As we learned in a mishna: In the case of a wall that is between two courtyards, if it is ten handbreadths high and four handbreadths wide, the residents establish two eiruvim, a separate one for each courtyard, but they do not establish one joint eiruv.

¹⁶⁹ If there was produce on top of the wall, these, the residents of one courtyard, may ascend from this side and eat them, and those, the residents of the other courtyard, may ascend from the other side

and eat them, provided that they do not bring the produce down from the top of the wall to the courtyards.

¹⁷⁰ If the wall is breached, a distinction applies: If the breach is up to ten cubits wide, they may establish two eiruv, and if they wish, they may establish one eiruv, for it is like an entrance. This breach is similar to any opening of less than ten cubits. If the breach is more than this, they may establish one eiruv, but they may not establish two eiruv. A breach of this size nullifies the partition, as the two courtyards merge into a single domain.

¹⁷¹ And we discussed this mishna and raised a question: If this wall is not four handbreadths thick, what is the halakha? Rav said: In that case, the air of two domains controls it. As the wall is not broad enough to be considered a domain of its own, its top belongs to both courtyards, and it is therefore prohibited to both of them. Accordingly, one may not move anything on top of the wall even as much as a hairsbreadth.

¹⁷² And Rabbi Yoḥanan disagreed and said: These, the residents of one courtyard, may carry up their food from their courtyard to the top of the wall and eat it there, and those, the residents of the other courtyard, may likewise carry up their food from their courtyard and eat it there. The entire top of the wall has the status of an exempt domain that can be combined with either courtyard, provided that the residents of the different courtyards do not exchange food between them.

¹⁷³ And Rabbi Yoḥanan follows his regular line of argument here, for when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: A place that contains less than four by four handbreadths is an exempt domain. Consequently, if this place is located between a public domain and a private domain, it is permitted for the people of the private domain and for the people of the public domain to load their burdens onto their shoulders in it, as long as they do not exchange objects with each other by way of the exempt domain. Apparently, Rabbi Yoḥanan prohibited exchanging articles between two domains, even if they are rabbinic domains.

¹⁷⁴ The Gemara answers: That ruling concerning a wall between two courtyards, Ze'eiri stated it in the name of Rabbi Yoḥanan. Rav Dimi transmitted a different tradition of Rabbi Yoḥanan's opinion. The Gemara raises a difficulty: Nonetheless, this halakha concerning a water channel between two windows is difficult according to Ze'eiri.

¹⁷⁵ The Gemara answers: Ze'eiri explains that the measures mentioned in the baraita are referring to the water channel itself. That is to say, the dispute between Rabban Shimon ben Gamliel and the Sages does not concern the width of the banks of the channel but the width of the channel itself, as they dispute the basic parameters of a karmelit. And Ze'eiri maintains that the teaching of Rav Dimi, that a karmelit can be no less than four handbreadths wide, is in fact the subject of a dispute between tanna'im.

¹⁷⁶ The Gemara raises a difficulty: And let the water channel that passes through the courtyard be treated at least like the cavities of a karmelit, even if it is not wide enough to be considered a karmelit on its own. Just as the cavities in the wall of a private domain are considered a private domain even if they do not include the prescribed measure of a private domain, the water channel passing through the courtyard should likewise be considered as a cavity of the larger water channel in the street. It should therefore have the status of a karmelit.

¹⁷⁷ The Gemara answers: Abaye bar Avin and Rav Ḥanina bar Avin both said: There is no category of cavities for a karmelit. As a karmelit is only a rabbinic in origin, the halakha is not so stringent with regard to this domain. Consequently, a karmelit does not annex nearby cavities.

¹⁷⁸ Rav Ashi said: You can even say that in general there are holes for a karmelit, but this applies only to holes that are adjacent to the karmelit, and are therefore nullified by it. Here, however, we are dealing with a water channel that is far removed from the karmelit. Therefore, it does not assume the status of the karmelit.

¹⁷⁹ Ravina said a different explanation of the dispute between Rabban Shimon ben Gamliel and the Rabbis: The measures of three and four handbreadths refer neither to the width of the water trench nor to the width of its banks. Rather, we are dealing with a case where one fashioned outlets for the water channel at its ends, i.e., one formed gaps in the partitions to allow the water to flow.

¹⁸⁰ And the Rabbis follow their regular line of argument, that the principle of lavud applies only to a gap less than three handbreadths wide. An opening less than three handbreadths is therefore considered completely closed, while one of four is not viewed as closed. And Rabban Shimon ben Gamliel follows his regular line of argument, that the principle of lavud applies even to a gap of four handbreadths.

¹⁸¹ MISHNA: With regard to a balcony that extends over a body of water, if a hole was opened in the floor, its residents may not draw water from it through the hole on Shabbat, unless they erected for it a partition ten handbreadths high around the hole. It is permitted to draw water by means of that partition, whether it is positioned above the balcony, in which case the partition is seen as descending downward, or whether it is placed below the balcony.

¹⁸² And likewise, with regard to two such balconies, one above the other, if they erected a partition for the upper balcony but they did not erect one for the lower one, the residents are both prohibited from drawing water through the upper one, unless they establish an eiruv between them.

¹⁸³ GEMARA: The Gemara comments: The mishna is not in accordance with the opinion of Ḥananya ben Akavya, as it was taught in a baraita that Ḥananya ben Akavya says: If a balcony that contains four cubits by four cubits is suspended above water, one may carve out a hole of four handbreadths by four handbreadths in it and draw water through it. The section of the floor surrounding the hole is considered as though it bent downward and formed a partition ten handbreadths high on all sides. Consequently, no other partition is necessary.

¹⁸⁴ Rabbi Yoḥanan said in the name of Rabbi Yosei ben Zimra: Rabbi Ḥananya ben Akavya permitted a balcony that is not surrounded by partitions only in the case of the Sea of Tiberias, the Sea of Galilee, as it has clearly defined banks that are visible on all sides, and towns and enclosures surround it. It is therefore considered part of an inhabited area. But with regard to other waters, such as larger seas, no, he did not permit them.

¹⁸⁵ Our Sages taught a baraita: Rabbi Ḥananya ben Akavya permitted three activities to the inhabitants of Tiberias: They may draw water from the sea through a hole cut out of a balcony on Shabbat, and they may insulate produce in the pods of legumes, and they may dry themselves on Shabbat with a towel [aluntit].

¹⁸⁶ The Gemara clarifies this baraita: They may draw water through a hole cut out of a balcony on Shabbat is the halakha that we stated above. And they may insulate produce in the pods of legumes;

what is this halakha? As it was taught in a baraita: If one rose early in the morning to bring residue from the field, e.g., the straw of wheat or the stalks or pods of legumes, in order to store his produce in them, the following distinction applies: If he rose early because the residue still has dew on it, and he wants to use this moisture for his produce, this instance is considered to be in the following category: If any water be put. Food or produce can contract ritual impurity only if it has come into contact with a liquid, either directly through the action of its owner, or without his direct intervention but with his approval. This is derived from the verse: “But if any water be put on the seed, and any part of their carcass falls on it, it shall be unclean to you” (Leviticus 11:38). Returning to our issue, if this person rose early because the residue still has dew on it, the produce he stores in it is rendered susceptible to ritual impurity, as it has come into contact with the dew with its owner’s approval.

¹⁸⁷ And if one rose early only in order not to neglect his usual work, this is not considered an instance of if it be put, as it was not his intention to place the dew on the produce. Unintended contact with a liquid does not render food susceptible to ritual impurity. And normally, unless they specify otherwise,

¹⁸⁸ the inhabitants of Tiberias are considered like one who does so in order not to neglect his usual work. Most of them are ordinary laborers. It can be assumed that if they rose early to bring home straw or stalks in which to store their produce, they did so only to save work time.

¹⁸⁹ The Gemara turns to the third activity that Rabbi Ḥananya ben Akavya permitted for the inhabitants of Tiberias: And they may dry themselves with a towel. What is this halakha? As it was taught in a baraita: A person who washed himself in cold water on Shabbat or a Festival may dry himself with a towel and place it on a window, as there is no concern that he perform the prohibited labor of wringing out the towel. And he may not give the towel to the bathhouse attendants [olayerin] because they are suspected with regard to that matter, as they might wring out the towel before giving it to other bathers. Furthermore, one may not bring the towel home because if he does so, he might forget and wring it out. Rabbi Shimon said: He may even bring the towel in his hand to his house, as there is no concern lest he wring it.

¹⁹⁰ Rabba bar Rav Huna: They taught the leniency of partitions surrounding a hole in a balcony only with regard to drawing water through the hole; but to pour waste water down the hole, it is prohibited.

¹⁹¹ Rav Sheizvi raised an objection against this halakha: And what is the difference between this case of a hole in the balcony and that of a pit [uka] used in a courtyard for waste water? The Sages rule in the next mishna below that one who digs a pit with a capacity of two se’a in a small courtyard that is less than four cubits may pour waste water into the courtyard on Shabbat, even if the pit was full before Shabbat. He need not be concerned that this will cause water to flow out of the courtyard into the public domain on Shabbat.

¹⁹² The Gemara answers: These waters, which are poured out into the courtyard, are likely to be absorbed into the ground, and it is therefore uncertain that the water will indeed leave the courtyard. But these, the water poured through the hole into the body of water under the balcony, will not be absorbed. Therefore, one knows with certainty that the water will flow out beyond the permitted boundary.

¹⁹³ Some say that Rabba bar Rav Huna actually said: You should not say that it is only drawing water through the hole in the balcony that is permitted, while pouring waste water through it is prohibited;

rather, pouring waste water through the hole is also permitted. Rav Sheizvi said: This is obvious, as this is exactly the same as the halakha of the pit discussed in the next mishna. The Gemara rejects this argument: It is necessary to specify both halakhot, lest you say there is a difference between the cases, as these, the water poured in the courtyard, are likely to be absorbed into the ground, whereas these, the water poured through the hole in the balcony, will not be absorbed. Rabba bar Rav Huna therefore teaches us that we do not distinguish between the two cases.

¹⁹⁴ We learned in the mishna: And likewise, if there are two balconies, one above the other, and a partition is erected for the upper balcony but is not erected for the lower one, it is prohibited for residents of both balconies to draw water through the upper one, unless they establish a joint eiruv between them. Rav Huna said that Rav said: They taught that one balcony renders it prohibited for residents of the other only where the one balcony is near the other, i.e., horizontally within four handbreadths. But if each balcony is separated by four handbreadths from the other, so that the residents of each balcony can use the other only by means of the air, the residents of the upper balcony are permitted to draw water, while the residents of the lower one are prohibited from doing so.

¹⁹⁵ And Rav follows his regular line of argument here, as Rav said: One person does not impose restrictions upon another person by way of the air. Since the lower balcony is far from the higher one, it does not prohibit it, although it can make use of it by means of the vacant airspace between them, albeit with difficulty.

¹⁹⁶ Rabba said that Rabbi Ḥiyya said, and Rav Yosef said that Rabbi Oshaya said: The halakha of stealing applies to Shabbat domains, and a ruin must be returned to its owner.

¹⁹⁷ The Gemara registers surprise: This ruling itself is difficult, i.e., it is self-contradictory. You first said that the halakha of stealing applies to Shabbat domains, which at this point is understood by the Gemara as referring to the following case: A person's house adjoins the ruin of another, and he observes that the ruin has been left deserted by its owner. If this person uses the ruin during the week, on Shabbat he may treat it as though it were his own, by carrying objects from his own house into the ruin and vice versa. From here we can infer that a stolen place is acquired for the purpose of Shabbat domains, although it does not belong to the person for other purposes. However, you subsequently said that a ruin must be returned to its owner, and from here we can infer that a ruin is not acquired for the purpose of Shabbat domains by the person who used it during the week, and therefore he may not carry objects from his own house into the ruin.

¹⁹⁸ The Gemara answers: We should not understand this statement as suggested above, but rather this is what Rabbi Ḥiyya and Rabbi Oshaya are saying: The halakha of returning stolen property applies to Shabbat domains. How so? This means that a ruin must be returned to its owner. In other words, one who uses a ruin during the week does not acquire it even for the purpose of Shabbat domains.

¹⁹⁹ Rabba said: And we ourselves raised an objection against our own teaching, as we learned in the mishna. And likewise, if there are two balconies, one above the other, they prohibit one another. But if you say that the halakha against stealing applies on Shabbat, which means one may not use the domain of another, and he acquires no rights to it if he does so, why are the two balconies prohibited from using it. The lower one has no right to make use of the upper one.

²⁰⁰ Rav Sheshet said: We are dealing here with a situation where, for example, the residents of the upper balcony and the residents of the lower balcony jointly erected a partition for the upper balcony.

Consequently, the residents of the lower balcony share the right to use it with the residents of the upper one.

²⁰¹ The Gemara raises a difficulty: If so, in a case where they erected a separate partition for the lower balcony, the residents of the upper balcony should likewise be prohibited to use it. As the residents of the lower one are partners in the upper one, they should prohibit its residents from using it.

²⁰² The Gemara answers: Since they erected a separate partition for the lower balcony, they each thereby revealed their intention to the residents of the upper balcony that: It is not my wish to be partners with you. Consequently, they no longer prohibit the residents of the upper balcony from using it.

²⁰³ MISHNA: With regard to a courtyard that is less than four cubits by four cubits in area, one may not pour waste water into it on Shabbat, unless a pit was fashioned to receive the water, and the pit holds two se'a in volume from its edge below.

²⁰⁴ This halakha applies whether the pit was fashioned outside the courtyard or whether it was dug inside the courtyard itself. The only difference is as follows: If the pit was dug outside in the adjoining public domain, it is necessary to arch over it, so that the water will not flow into the public domain. If it was dug inside the courtyard, it is not necessary to arch over it.

²⁰⁵ Rabbi Eliezer ben Ya'akov says: In the case of a drainage ditch whose first four cubits are arched over in the public domain, one may pour waste water into it on Shabbat. And the Rabbis say: Even if a roof or a courtyard is a hundred cubits in area, one may not pour water directly onto the mouth of the drainage ditch. However, he may pour it upon the roof, from which the water spills into the drain of its own accord.

²⁰⁶ A courtyard and a portico, a roofed but unwallled structure in front of a house, combine for the four cubits by virtue of which it is permitted to pour water even into a courtyard that lacks a pit. And likewise, with regard to two upper stories [deyotat], one opposite the other in the same small courtyard, if the residents of one of them fashioned a pit in the courtyard, and the residents of the other did not fashion a pit, those who fashioned a pit are permitted to pour their waste water into the courtyard, whereas those who did not fashion a pit are prohibited to do so.

²⁰⁷ GEMARA: The Gemara asks: What is the reason that a courtyard four by four cubits in area does not require a pit? Rabba said: Because a person ordinarily uses two se'a of water a day, and with regard to a courtyard of at least four cubits by four cubits, a person wants to sprinkle the water on the ground to prevent any dust from rising. Consequently, even if in practice the water does flow out of the courtyard, this effect is not necessarily his intention.

²⁰⁸ But if the courtyard is less than four cubits by four cubits in area, one simply pours the water out, as the place is not fit for sprinkling. Therefore, if one fashioned a pit, it is permitted to pour out water; but if not, it is prohibited to do so, as one certainly intends for the water to flow outside.

²⁰⁹ Rabbi Zeira offered a different reason and said: In a courtyard of four cubits by four cubits, the water is likely to be absorbed into the ground. If it is less than four cubits in size, the water will not be absorbed but will flow out.

²¹⁰ The Gemara asks: What is the practical difference between these two explanations? Abaye said: There is a difference between them with regard to a long and narrow courtyard. As the area of this

courtyard is also sixteen square cubits, it likewise absorbs the water. Rabbi Zeira would therefore rule that it does not require a pit. However, as this courtyard is not in need of sprinkling, it requires a pit according to Rabba.

²¹¹ We learned in the mishna: A courtyard and a portico combine for the requisite four cubits, permitted the pouring of water into a courtyard that lacks a pit. The Gemara asks: Granted, according to the opinion of Rabbi Zeira, this works out well, as the total area is large enough to absorb the water. However, according to Rabba it is difficult, for when the courtyard is joined with the portico it is no longer in the shape of a square, and it is therefore unfit for sprinkling.

²¹² Rabbi Zeira explained the mishna in accordance with the opinion of Rabba, by saying that it is referring to a portico that extends along the entire courtyard, so that it adds to its width alone. Consequently, the courtyard and the portico together form a square of four by four cubits, an area that is fit for sprinkling.

²¹³ The Gemara suggests: Come and hear a baraita that can decide this dispute. With regard to a courtyard that is not four cubits by four cubits in area, one may not pour water into it on Shabbat. The Gemara assumes that the baraita, which teaches that one may pour water only into a courtyard that is four by four cubits, is precise in its wording. Granted, according to Rabba, this works out well, as he maintains that it is prohibited to pour water into a long and narrow courtyard. However, according to Rabbi Zeira, who maintains that the critical factor is the area of the courtyard, this is difficult.

²¹⁴ The Gemara answers that Rabbi Zeira can say to you: In accordance with whose opinion is this baraita? It is in accordance with the opinion of the Rabbis at the end of the mishna, who maintain that the area of the courtyard is of no importance, whereas our unattributed mishna is in accordance with the opinion of Rabbi Eliezer ben Ya'akov, according to whom the area is the decisive factor.

²¹⁵ The Gemara asks: And what forced Rabbi Zeira to establish the mishna in accordance with the opinion of Rabbi Eliezer ben Ya'akov? Rava said: The mishna was difficult for him. Why did the tanna specifically teach his ruling with respect to a courtyard that is less than four cubits, from which it can be inferred that if it has an area of four by four cubits it is permitted to pour water, even if it is not square in shape? Let the mishna teach: A courtyard that is not four cubits by four cubits, i.e., one that is not square shaped, even if it includes an area of sixteen square cubits.

²¹⁶ Rather, shouldn't one conclude from this argument that the unattributed section of the mishna is in accordance with the opinion of Rabbi Eliezer ben Ya'akov? The Gemara summarizes: Indeed, conclude from this that it is so.

²¹⁷ The Gemara raises a difficulty with this conclusion: But from the fact that a latter clause of the mishna explicitly cites the opinion of Rabbi Eliezer ben Ya'akov, it can be inferred that the first clause does not represent the opinion of Rabbi Eliezer ben Ya'akov.

²¹⁸ The Gemara rejects this argument: In fact, the entire mishna is in accordance with the opinion of Rabbi Eliezer ben Ya'akov, and as for its problematic style, the mishna is incomplete and it teaches the following: With regard to a courtyard that is less than four cubits in area, one may not pour waste water into it on Shabbat. Consequently, if it is four cubits in area, one may pour water into it, as Rabbi Eliezer ben Ya'akov says: If the first four cubits of a drainage ditch were arched over in the public domain, one may pour waste water into it on Shabbat.

²¹⁹ We learned in the mishna that Rabbi Eliezer ben Ya'akov says: If the first four cubits of a drainage ditch were arched over in the public domain, it is permitted to pour waste water into it on Shabbat. However, the Rabbis say: One may pour water only upon the roof, from which it will spill into the drain of its own accord.

²²⁰ The Gemara comments: The mishna was not taught in accordance with the opinion of Ḥananya. For it was taught in a baraita that Ḥananya says: Even with regard to a roof one hundred cubits in area, one may not pour water onto it, because a roof is not apt to absorb the water. Rather, it causes it to run off. Consequently, pouring water onto this roof is equivalent to pouring it directly outside.

²²¹ A tanna taught: In what case is this statement, that a pit is required, said? In the summer, but in the rainy season, one may pour and repeat, and he need not hold back. What is the reason? Rava said: A person is equally willing for the water to be absorbed on the spot, i.e., as there is abundant water in the courtyard during the rainy season, it will remain muddy in any case, and he therefore does not care whether the added waste water remains in the courtyard or if it flows out.

²²² Abaye said to him: With regard to waste water poured into a drainage ditch, that a person wants it to be absorbed in the ditch itself, rather than flow out, and yet the mishna teaches that one may not pour water into the ditch.

²²³ Rava said to him: There, during the rainy season, there is no reason to prohibit the practice, for with regard to what need we be concerned? If you say he wants the water to flow out into the public domain because he is concerned about spoiling and sullyng his courtyard, it is already spoiled by the rainwater. And if you say it should be prohibited due to a decree lest people say that so-and-so's gutter is flowing with water on Shabbat, which might lead them to think he is watering his garden or violating some other prohibition, and they might act likewise even in the summer, this is not a relevant concern. As gutters ordinarily flow with water in the rainy season, people do not entertain this suspicion.

²²⁴ Rav Naḥman said: In the rainy season, with regard to a pit that holds two se'a, we grant him permission to pour two se'a of water into it. If it holds only one se'a, we grant him one se'a. However, in the summer, if the pit has a capacity of two se'a, we grant him two se'a; if it holds only one se'a, we do not grant him permission to pour any water at all.

²²⁵ The Gemara raises a difficulty: In the hot season as well, if the pit holds one se'a, let us grant him one se'a, for if he pours only this amount of water, it will not flow out into the public domain. The Gemara answers: This is prohibited due to a decree lest he come to put two se'a into it. The Gemara asks: If so, in the rainy season let us also apply the same preventive measure.

²²⁶ The Gemara answers: There, in the rainy season, there is no reason to prohibit the practice, for if one pours more water into a pit than it can take, about what need we be concerned? If you say he wants the waste water to flow out into the public domain because he is concerned about spoiling his courtyard, it is already spoiled by the rainwater. If you say it should be prohibited due to a decree lest people say that so-and-so's gutter is flowing with water on Shabbat, gutters ordinarily gush with water in the rainy season, as stated above.

²²⁷ Abaye said: Therefore, in accordance with this reasoning, one can pour even a kor and even two kor of waste water into a small pit. As all gutters flow with water in the rainy season, there is no cause for any concern.

²²⁸ We learned in the mishna: And likewise, with regard to two upper stories, one opposite the other in the same courtyard, the residents of the one who dug a pit in the courtyard may pour water into it, while the residents of the other one who did not dig a pit in the courtyard are prohibited from doing so. Rava said: This halakha applies even if the residents of the two upper stories established an eiruv together.

²²⁹ Abaye said to him: What is the reason for this ruling? If you say it is due to the increase in the amount of water, as two upper stories pour out more water than one, wasn't it taught in a baraita: The same halakha applies to a pit, and the same applies to a cracked earthenware vessel used as a receptacle for water, or a small pond, or a basin: Even though they were already filled with water on Shabbat eve, one may pour water into them on Shabbat. It is evident from here that as long as the pit is the requisite size, there is no concern about the amount of water that will flow out from it.

²³⁰ Rather, if it was stated it was stated as follows. Rava said:

²³¹ They taught this halakha only with regard to a case where the residents of the two upper stories did not establish an eiruv together, but if they established a joint eiruv, they are all permitted to pour water into the courtyard.

²³² The Gemara asks: And where they did not establish an eiruv, what is the reason that the residents who did not dig a pit may not pour water into the courtyard? Rav Ashi said: It is a decree, lest people come to take out vessels filled with water from their houses into the courtyard, to pour into the pit. In the absence of an eiruv, this practice is prohibited.

Chapter 9

¹ MISHNA: All the roofs of the city are considered one domain. It is permitted to carry from one roof to another, even if the residents of the houses did not establish an eiruv between them. The Sages did not prohibit carrying between roofs, as it is rare to transfer an item from one roof to another. However, it is only permitted to transfer objects between roofs provided that one roof is neither ten handbreadths higher nor ten handbreadths lower than the adjacent roof. This is the statement of Rabbi Meir. And the Rabbis say: Each and every one of the roofs is a domain in and of itself. It is permitted to carry from one to the other only if the residents of both houses established an eiruv.

² Rabbi Shimon says: Roofs, courtyards, and enclosures are all one domain with regard to vessels that were inside them when Shabbat began, and one may therefore carry from one of these areas to another. However, they are not one domain with regard to vessels that were inside the house when Shabbat began and were later taken into one of the above domains. A vessel that was inside the house when Shabbat began and subsequently carried to one of these areas may be carried from one roof, courtyard, or enclosure to another only if an eiruv had been established between the domains.

³ GEMARA: Abaye bar Avin and Rabbi Ḥanina bar Avin were sitting, and Abaye was sitting beside them, and they sat and said: Granted, the Rabbis maintain: Just as residents are divided into separate domains below, and they may not carry from house to house without an eiruv, so are residents divided into separate domains above, on the rooftops, and it is prohibited to carry from one roof to another without an eiruv.

⁴ However, Rabbi Meir, what does he maintain; what is the rationale for his opinion? If he maintains that just as residents are divided into separate domains below, so are residents divided into separate domains above, why, in his opinion, are they considered one domain? And if he maintains that they are not divided into separate domains, as any place above ten handbreadths off the ground is considered one domain, even if a roof is ten handbreadths higher or ten handbreadths lower than the adjacent roof, it should likewise be permitted to carry from one roof to the other.

⁵ Abaye said to them: Have you not heard that which Rav Yitzḥak bar Avdimi said that Rabbi Meir would say: Any place that you find two domains, i.e., places set apart from each other by disparity in height or by boundaries, and yet they are halakhically one domain, for example, a pillar ten handbreadths high and four handbreadths wide situated in a private domain, it is prohibited to adjust a burden on one's shoulders upon it, by rabbinic decree, due to the concern lest he come to do the same thing on a mound in the public domain. The legal status of a mound ten handbreadths high and four handbreadths wide located in a public domain is that of a private domain. In that case, it is prohibited by Torah law to transfer an object from the public domain to the mound. Here too, in the case of roofs, Rabbi Meir prohibited transferring objects between roofs with a height disparity of ten handbreadths, by rabbinic decree, due to the concern lest one come to transfer an object from the public domain to a mound in a public domain.

⁶ Abaye and Ḥanina bar Avin understood by inference from this ruling that in the opinion of Rabbi Meir, it would be prohibited to adjust one's burden even on a mortar and even on a vat that were overturned in a private domain and that are large enough to constitute private domains in their own right.

⁷ Abaye said to them: The Master, Rabba, said as follows: Rabbi Meir spoke only in the case of a pillar or the raised base of a millstone. Since a person fixes a place for them they are comparable to a mound in a public domain in that they are rarely moved. However, the Sages did not issue a decree in the case of portable objects.

⁸ The Gemara raises a difficulty. There is the case of a wall that is between two courtyards, which is fixed, and nevertheless Rav Yehuda said: When you analyze the matter, you will find that according to Rabbi Meir all roofs form a single domain in and of themselves, and likewise all courtyards form a single domain in and of themselves, and all enclosures form a single domain in and of themselves. It is permitted to carry from one courtyard to another, although it is not permitted to carry from a courtyard to a roof.

⁹ What, is it not that it is permitted to move objects from one courtyard to another via a dividing wall, even though it is ten handbreadths high? This poses a difficulty to the opinion of Rabbi Meir, who prohibits the transfer of an object from one place to a place ten handbreadths higher or lower.

¹⁰ Rav Huna bar Yehuda said that Rav Sheshet said: No, that explanation is incorrect, as Rav Yehuda meant to say that according to Rabbi Meir it is permitted to carry in and carry out between one courtyard and another, or from one enclosure to another, via the openings between them. However, Rabbi Meir concedes that one may not transfer objects over the wall that separates the two domains, as the wall is considered a domain in and of itself.

¹¹ We learned in the mishna: And the Rabbis say that each and every one of the roofs is a domain in and of itself. It was stated that amora'im disagreed about the following issue. Rav said: According to the Rabbis, one may move objects on each roof only within four cubits. As, according to the Rabbis,

the legal status of roofs is like that of courtyards, in that it is prohibited to carry from one roof to another, and each roof is fully open to a domain into which carrying is prohibited. Therefore, it is also prohibited to carry objects farther than four cubits on each roof. And Shmuel said: It is permitted to move objects throughout each entire roof.

¹² The Gemara comments: With regard to partitions that are conspicuous, i.e., detached houses whose walls are distinct, everyone agrees that it is permitted to carry throughout each roof. Where they disagree is with regard to partitions that are not conspicuous, i.e., attached houses, which appear as though they share a common roof although they are owned by different people.

¹³ Rav said: One may carry on each roof only within four cubits. Rav does not state the principle: Extend and raise the partitions between the houses below, which states that the walls of the houses are considered to extend upward and create partitions between the roofs. And Shmuel said: It is permitted to carry throughout each entire roof, as he states the principle: Extend and raise the partitions.

¹⁴ The Gemara asks a question based on that which we learned in the mishna: And the Rabbis say that each and every one of the roofs

¹⁵ is a domain in and of itself. This indicates that each roof constitutes a discrete domain, and one may carry throughout this entire domain. Granted according to the opinion of Shmuel, this works out well, but according to the opinion of Rav, it is difficult.

¹⁶ The Gemara answers that the Sages of the school of Rav said in the name of Rav: The ruling in the mishna is not a leniency permitting one to carry throughout the entire roof; rather, it is a stringency, ruling that one may not move an object two cubits on this roof and two cubits on that roof. The tanna rules that even the allowance to carry within four cubits is restricted to a single roof.

¹⁷ The Gemara raises a difficulty. But didn't Rabbi Elazar say: When we were in Babylonia we would say that the Sages of the school of Rav said in the name of Rav: One may move an object on each roof only within four cubits, and those Sages of the school of Shmuel taught a baraita in accordance with their opinion: They have only their own roof.

¹⁸ The Gemara seeks to clarify this baraita. What is the meaning of the statement: They have only their own roof? Is it not that they are permitted to move an object throughout each entire roof? This baraita poses a difficulty to Rav. The Gemara rejects this contention: And is this baraita any stronger a proof than our mishna, which we established as a stringency, that one may not move an object two cubits on this roof and two cubits on that roof? So too, this baraita is teaching that one may not carry two cubits on this roof and two cubits on that roof.

¹⁹ Rav Yosef said, after an illness had caused him to forget his knowledge: I have not heard this halakha of Shmuel's with regard to roofs. His student Abaye said to him: You yourself said it to us, and it was about this that you said it to us: With regard to a large roof that is adjacent to a small one, carrying on the large one is permitted, as its partitions are distinct where it extends beyond the small one, and carrying on the small one is prohibited, as it is breached along its entire length into the other roof, onto which it is prohibited to carry.

²⁰ And you said to us about it: Rav Yehuda said that Shmuel said: They only taught this halakha in a case where there are residents on this roof and residents on that roof, as the extended, virtual partition of the small roof is considered a trampled partition. The residents trample this virtual partition as

they move from one roof to the other, and the entire length of the small roof is considered breached into the large one.

²¹ However, if there are no residents on this roof and none on that one, carrying on both roofs is permitted. Presumably, Shmuel's reasoning is that in this case the walls of the houses below extend upward and form partitions between the roofs, in accordance with the principle: Extend and raise the partitions.

²² Rav Yosef said to him: I remember it now. I said to you as follows: They taught this halakha, that carrying is prohibited on the small roof, only with regard to a case where there was an actual partition on all sides of this roof and an actual partition on all sides of that roof, not only between the two roofs. In that case, carrying on the large roof is permitted by means of the remnants of the partition on either side of the opening, and carrying on the small roof is prohibited because it is fully breached into the larger one. However, if there is no partition, neither on all sides of this roof nor on all sides of that roof, carrying on both of them is prohibited.

²³ Abaye raised a difficulty: But didn't you speak to us of residents? Rav Yosef replied: If I spoke to you of residents, this is what I said to you: They taught this halakha, that carrying is prohibited on the small roof, only in a case where there is an actual partition that renders the area fit for residence on all sides of this roof, and an actual partition that renders the area fit for residence on all sides of that roof, as carrying on the large roof is permitted by means of the remnants of the partition on either side of the opening, and carrying on the small roof is prohibited because it is fully breached into the larger one.

²⁴ However, if there is a partition that renders the area fit for a residence on all sides of the large roof, but there is no partition that renders the area fit for a residence on the small roof, carrying even on the small roof is permitted for the residents of the large roof. What is the reason for this? Since the residents of the small roof did not erect a partition around their roof, they thereby removed themselves from here and transferred the right to their domain to the residents of the large roof.

²⁵ This is in accordance with that which Rav Nahman said: If one affixed a permanent ladder to his roof, while the owners of the neighboring roofs did not do so, it is permitted for him to carry on all the roofs. The failure of the other owners to erect a ladder indicates that they relinquished the right to their roofs to the one who affixed the permanent ladder.

²⁶ Abaye said: If a person built an upper story atop his house, by surrounding the roof with walls, and erected before its entrance a small partition [dakka] four cubits high that opens to other roofs, it is permitted for him to carry on all the roofs. His construction of the partition is indicative of his plans to utilize the other roofs, while the failure of the other owners to do so indicates that they conceded use of their roofs to him.

²⁷ Rava said: Sometimes the small partition leads to prohibition. What are the circumstances of this case? It is a case where the partition was erected facing toward the garden of his house and the sides facing the other roofs were sealed. The reason is that through his actions he said

²⁸ that he built the upper story to protect the garden [tarbitza], not to access the roofs.

²⁹ Rami bar Hama raised a dilemma: According to Rav, who holds that one may carry only within four cubits on each roof, if he carries an object two cubits on a roof and another two cubits on a pillar ten handbreadths high and four handbreadths wide adjacent to the roof, what is the halakha? Rabba

said: With regard to what matter is he raising a dilemma? Is it with regard to a karmelit and a private domain that he is raising a dilemma? The roof is a karmelit and the pillar is a private domain; certainly carrying from one to the other is prohibited.

³⁰ The Gemara explains that this was not in fact the dilemma, and Rami bar Ḥama, due to his keen mind, did not analyze the dilemma carefully and was imprecise in its formulation. Rather, this is the dilemma he is raising: If one carries an object two cubits on the roof of a house, and another two cubits on the slanted roof of a portico, a roofed structure without walls, before a house belonging to someone else, what is the halakha?

³¹ The Gemara elaborates on Rami bar Ḥama's dilemma: Do we say that since neither this roof is fit for residence, nor is this portico roof fit for residence, it is regarded as one domain, and therefore carrying between them is permitted? Or perhaps since carrying from a roof to another roof is prohibited, carrying from a roof to a portico is likewise prohibited, as the latter is also a domain in and of itself.

³² Rav Beivai bar Abaye raised a similar dilemma: If one carries two cubits on the roof of a house and another two cubits on the roof of a ruin belonging to someone else, one side of which was completely open to a public domain, what is the halakha?

³³ Rav Kahana said: Is that not precisely the same dilemma raised by Rami bar Ḥama with regard to a portico? Rav Beivai bar Abaye said: And did I come late [me'aḥer] merely to quarrel, and meddle in other people's questions? That is not the case, as the two dilemmas are not identical. A portico is not fit for residence, while a ruin is fit for residence. Therefore, the halakha might differ in each case.

³⁴ The Gemara is surprised by this explanation: And now that it is fit for residence, what dilemma is he raising? The situation is comparable to the case of two standard roofs. The Gemara answers: Rav Beivai was unaware of the resolution to the dilemma raised by Rami bar Ḥama, and therefore, he states the dilemma employing the style: If you say. If you say that a portico is not fit for residence, and therefore carrying is permitted, it can be argued that as a ruin is fit for residence, the legal status of its roof should be like that of a standard roof. Or perhaps that is not the case, as now in any event there are no residents in the ruin, and therefore its roof is not comparable to a standard roof. No resolution was found for these dilemmas, and they stand unresolved.

³⁵ The Gemara discusses a different question. With regard to roofs that are level, i.e., with a height disparity of less than ten handbreadths, according to the opinion of Rabbi Meir, or an isolated roof that does not border other roofs, according to the opinion of the Rabbis, Rav said: It is permitted to move an object throughout the entire roof; and Shmuel said: One may move an object in it only within four cubits.

³⁶ The Gemara seeks to clarify the conflicting opinions. Rav said that it is permitted to move objects throughout the entire roof. This is difficult, as there is an apparent contradiction between one statement of Rav and another statement of Rav. With regard to level roofs, Rav said that according to the Rabbis one may carry on each roof only within four cubits. The Gemara answers: There, in the case of a roof among roofs, the inner partitions between the houses are not conspicuous, and therefore, are not taken into consideration. Here, however, the outer partitions of a single house or group of houses are conspicuous, meaning that they are considered to extend upward and delineate the edge of the roof.

³⁷ The Gemara returns to discuss Shmuel's ruling. And Shmuel said: One may carry only within four cubits. Once again, it is difficult, as there is an apparent contradiction between one statement of Shmuel and another statement of Shmuel, who said that in the case of level roofs, according to the Rabbis one may carry throughout each separate roof. The Gemara answers: There, the area of the roof is no greater than two beit se'a; whereas here, the area is greater than two beit se'a. And these partitions of the house were erected for use below as partitions for the residence itself; they were not erected to serve as partitions for use on the roof above. Consequently, even if the walls are viewed as extending upward so that they constitute surrounding partitions for the roof, the legal status of the roof is like that of an enclosure greater than two beit se'a that was not enclosed from the outset for the purpose of residence; and the principle is that with regard to any enclosure greater than two beit se'a that was not enclosed from the outset for the purpose of residence, one may move an object in it only within four cubits.

³⁸ It was further stated that these same amora'im disagreed with regard to a large ship. Rav said: It is permitted to move an object throughout the entire ship, as it is all one domain; and Shmuel said: One may move an object in it only within four cubits. The Gemara proceeds to clarify their respective opinions. Rav said: It is permitted to move an object throughout the boat,

³⁹ as there are partitions. And Shmuel said: One may move an object in it only within four cubits, as the partitions of the ship are not considered full-fledged partitions; they are erected only to keep water out, not to render it a residence.

⁴⁰ Rav Hiyya bar Yosef said to Shmuel: Is the halakha in accordance with your opinion or is the halakha in accordance with the opinion of Rav? Shmuel said to him: The halakha is in accordance with the opinion of Rav, as his rationale is more convincing.

⁴¹ Rav Giddel said that Rav Hiyya bar Yosef said: And Rav concedes that if one overturned the ship onto its mouth, and it is more than ten handbreadths high, that one may move an object on it only within four cubits. The Gemara asks: For what purpose was the ship overturned? If you say it was overturned so that one may reside beneath it, what is the difference between it and an isolated roof? The legal status of the overturned ship should in every sense be that of a house, and therefore it should be permitted to carry throughout the entire ship.

⁴² Rather, it must be that he overturned it to tar it, i.e., to add a fresh coat to its underside. In that case, the boat certainly does not serve as a residence, and its sides are not considered full-fledged partitions.

⁴³ Rav Ashi teaches Shmuel's acceptance of Rav's opposing view (Ritva) with regard to a ship, as stated above; and Rav Aḥa, son of Rava, teaches it with regard to a portico, as it was stated that amora'im disagreed with regard to a portico located in a field. A portico has a roof and either incomplete walls or no walls. Consequently, in the case of a portico located in a valley, which is a karmelit, it remains to be determined whether or not it is permitted to carry in it. Rav said: It is permitted to move an object throughout the entire portico, as it is a private domain. And Shmuel said: One may move an object in it only within four cubits.

⁴⁴ The Gemara elaborates. Rav said: It is permitted to move an object throughout the entire portico, as we say: The edge of the roof descends to the ground and seals the portico on all sides, rendering it a private domain. And Shmuel said: One may move an object in it only within four cubits, as we do not say: The edge of the roof descends to the ground and seals the portico.

⁴⁵ The Gemara asks: But according to Rav's statement in accordance with the opinion of Rabbi Meir that one is permitted to carry from one roof to another if they are level, it should also be permitted to carry from a roof to a courtyard. Why then does Rabbi Meir rule that roofs and courtyards are separate domains and that carrying between them is prohibited? The Gemara answers: It is prohibited because Rabbi Meir issued a decree, due to the opinion of Rav Yitzhak bar Avdimi. As stated previously, Rav Yitzhak bar Avdimi rules that one may not transfer objects between two halakhically equivalent but physically distinct domains ten or more handbreadths high. This is a decree lest one standing in a public domain adjust a burden on a mound ten handbreadths high and four handbreadths wide, which is a private domain, an act prohibited by Torah law.

⁴⁶ The Gemara continues: And according to Shmuel's statement in accordance with the opinion of the Rabbis that the legal status of an isolated roof greater than two beit se'a is that of a karmelit, it should be permitted to move an object from an isolated roof to an enclosure within four cubits of the roof, as the legal status of the enclosure is also that of a karmelit. Why then do the Rabbis rule that roofs and enclosures are separate domains and carrying from one to the other is prohibited? Rava bar Ulla said: It is prohibited because the Rabbis issued a decree lest the area of the roof diminish to less than two beit se'a, in which case it would assume the status of a private domain, as it is prohibited to carry between a private domain and an enclosure.

⁴⁷ The Gemara asks: If so, one should also not be permitted to move an object from one enclosure to another enclosure, due to the concern that perhaps the area of one of the enclosures will diminish and become a private domain, and he will come to move an object from one to the other as before. The Gemara answers: There, if the enclosure is diminished, the matter is conspicuous, as its walls are clearly visible. Here, however, if the roof is diminished, the matter is not conspicuous, as the roof does not have walls.

⁴⁸ Rav Yehuda said: After careful analysis, you will find that you can say that according to the statement of Rabbi Meir, roofs are a domain in and of themselves, and one may carry from one roof to another; and likewise courtyards are considered a domain in and of themselves, and one may likewise carry from one courtyard to another.

⁴⁹ Similarly, enclosures are a domain in and of themselves, and one is therefore permitted to carry from one enclosure to another. According to the statement of the Rabbis, roofs and courtyards constitute one domain, and therefore, one may carry even from a roof to a courtyard; however, enclosures are one discrete domain. According to the statement of Rabbi Shimon, all of them, roofs, courtyards, and enclosures, are one domain, and therefore it is permitted to carry between any of them.

⁵⁰ The Gemara comments: A baraita was taught in accordance with the opinion of Rav, and a baraita was taught in accordance with the opinion of Rav Yehuda. The Gemara elaborates. A baraita was taught in accordance with the opinion of Rav, that according to the Rabbis one may carry only four cubits on each roof: All the roofs of a city are one domain, and it is prohibited to carry objects up or carry them down, from the roofs to the courtyard or from the courtyard to the roofs. And with regard to vessels that were inside a courtyard when Shabbat began, it is permitted to carry them in the courtyard even if an eiruv was not established, and it is likewise permitted to carry them from that courtyard to other courtyards. With regard to vessels that were on the roofs when Shabbat began, it is permitted to carry them on the roofs, provided that one roof is neither ten handbreadths higher nor

ten handbreadths lower than the other. This is the statement of Rabbi Meir. And the Rabbis say: Each and every one of the roofs is a domain in and of itself, and one may move objects on each roof only within four cubits.

⁵¹ Likewise, a baraita was taught in accordance with Rav Yehuda's interpretation of the opinion of Rabbi Shimon. Rabbi Yehuda HaNasi said: When we were studying Torah with Rabbi Shimon in Tekoa, we would carry oil for smearing and a towel for drying from roof to roof, and from roof to courtyard, and from courtyard to courtyard, and from courtyard to enclosure, and from enclosure to enclosure, to refrain from carrying in a prohibited place, until we reached the spring in which we would bathe.

⁵² And similarly, Rabbi Yehuda said: There was an incident during a time of danger, when decrees were issued that banned religious observance, and we would carry a Torah scroll from courtyard to roof, and from roof to courtyard, and from courtyard to enclosure, to read from it.

⁵³ The Sages said to him: The halakha cannot be determined from that incident, as an incident occurring during a time of danger is no proof. At a time of danger it is permitted to carry even in places where carrying is ordinarily prohibited by rabbinic law.

⁵⁴ Rabbi Shimon says: Roofs, courtyards, and enclosures are all one domain with regard to vessels that were inside them when Shabbat began, and one may therefore carry from one of these areas to the other. However, they are not one domain with regard to vessels that were inside the house when Shabbat began.

⁵⁵ Rav said: The halakha is in accordance with the opinion of Rabbi Shimon, provided that the residents of each courtyard did not establish a separate eiruv for themselves, as in that case they may not move objects from their houses into the courtyard. However, if they established a separate eiruv for each courtyard, without establishing an eiruv between the various courtyards, no, that is not the halakha, as we issue a decree lest one come to take out vessels from one of the houses to the courtyard, an action that is fundamentally permitted, and subsequently proceed to carry them out to a different courtyard with which an eiruv had not been established, which everyone agrees is prohibited.

⁵⁶ And Shmuel said: The halakha is in accordance with Rabbi Shimon, whether they established an eiruv or whether they did not establish an eiruv. And similarly, Rabbi Yoḥanan said: Who whispered to you, who told you that there is a difference whether they established an eiruv or whether they did not establish an eiruv?

⁵⁷ Rav Ḥisda strongly objects to this ruling. According to Shmuel and according to Rabbi Yoḥanan, people will say with regard to two vessels located in the same courtyard, one of which was in the courtyard when Shabbat began while the other was in the house, that moving this one, which was in the courtyard at the start of Shabbat, to another courtyard is permitted, while moving that one, which was in the house at the start of Shabbat, to another courtyard, is prohibited.

⁵⁸ The Gemara answers: In this regard, Rabbi Shimon conforms to his standard reasoning, as he did not issue a decree due to these concerns. As we learned in a mishna, Rabbi Shimon said: To what is this matter comparable? It is comparable to three courtyards that are open into each other, and that are also open into a public domain. If the two outer courtyards each established an eiruv with the middle one, it is permitted for the residents of the middle one to carry into the two outer ones, and

they, the residents of the two outer ones, are permitted to carry into it, but for the residents of the two outer courtyards it is prohibited to carry into each other, as they did not establish an eiruv together.

⁵⁹ And in that case Rabbi Shimon did not issue a decree prohibiting one to carry objects from the middle courtyard to one of the outer ones lest one come to take out vessels from this outer courtyard to that outer courtyard, despite the fact that both sets of vessels are located in the middle courtyard. Here too, we do not issue a decree lest one come to take out utensils from one of the houses to the courtyard, and carry them to a different courtyard.

⁶⁰ Rav Sheshet raised an objection. We learned in the mishna that Rabbi Shimon says: Roofs, courtyards, and enclosures are all one domain with regard to vessels that were inside them when Shabbat began. But they are not one domain with regard to vessels that were inside the house when Shabbat began. Granted, if you say that it is dealing with a case where the residents of the courtyards established an eiruv, that is how you find vessels that were taken from the house in the courtyard. Because those vessels were in the house at the beginning of Shabbat, they may not be moved to a different courtyard.

⁶¹ However, if you say it is referring to a case where they did not establish an eiruv, under what circumstances can the case of vessels from the house in the courtyard be found? This poses a difficulty for Rav. Rav Sheshet raised the objection, and he resolved it: It refers to the case of a hat or a shawl, which one wore in the house and subsequently went out to the courtyard and placed it there. In this manner, it is possible that objects taken from the house can be found in the courtyard, even if an eiruv was not established.

⁶² Come and hear proof from a baraita: With regard to the residents of houses that open directly into a courtyard and the residents of upper stories that open onto a balcony from which stairs lead down to that courtyard, who forgot and did not establish an eiruv between them, anything ten handbreadths high in the courtyard, e.g., a mound or a pillar, is attributed to the balcony in terms of its use on Shabbat. The residents of the balcony may move objects between the mound or pillar and their apartments. Anything lower than that is attributed to the courtyard. In what case is this statement, that it is prohibited for the residents of the courtyard to carry to the balcony and vice versa, stated? It is in a case where the residents of the courtyard were many, and the residents of the balcony were many, and these established an eiruv for themselves, and those established an eiruv for themselves; or if the courtyard and the balcony were occupied by individuals who need not establish an eiruv for themselves.

⁶³ However, if the residents of the courtyard and the balcony were many, and they forgot and did not establish an eiruv for their courtyard or balcony, in that case roof, and courtyard, and portico, and balcony are all one domain, and it is permitted to carry from one to another any vessels that were located in any one of them when Shabbat began.

⁶⁴ The Gemara infers: The reason that carrying between them is permitted is that they did not each establish their own eiruv; however, if they each established their own eiruv, no, it is prohibited to carry between them. This inference supports Rav and poses a difficulty for Shmuel. The Gemara answers: Whose opinion is represented by this baraita? It is that of the Rabbis, who maintain that roofs and courtyards form a single domain, contrary to the opinion of Rabbi Shimon. The Rabbis indeed issued a decree that carrying is prohibited if each group established a separate eiruv.

⁶⁵ The Gemara comments: The language of the baraita is also precise, as it is not teaching the cases of an enclosure and an alleyway, in accordance with the opinion of Rabbi Shimon, but only the cases of a roof and a courtyard, in accordance with the opinion of the Rabbis. The Gemara concludes: Indeed, learn from here that this is the correct understanding.

⁶⁶ Come and hear from another baraita: With regard to five courtyards that are open to each other and are also open to an alleyway, and the residents of all the courtyards forgot and did not establish an eiruv, it is prohibited to carry in or carry out, from a courtyard to the alleyway or from the alleyway to a courtyard. And with regard to vessels that were in the courtyard when Shabbat began, it is permitted to carry them in the courtyard, but in the alleyway it is prohibited to carry them.

⁶⁷ And Rabbi Shimon permits doing so, as Rabbi Shimon would say: Whenever the courtyards are in the possession of many people, and they forgot and did not establish an eiruv, the roof, and courtyard, and portico, and balcony, and enclosure, and alleyway are all one domain. These areas are all classified as private domains, and therefore, it is permitted to carry from one to the other.

⁶⁸ The Gemara infers: The reason that carrying between them is permitted is that they did not each establish their own eiruv; however, if they each established their own eiruv, no, it is prohibited to carry between them. This inference supports Rav and poses a difficulty for Shmuel. The Gemara answers: What is the meaning of the phrase: They did not establish an eiruv? It means that the residents of the courtyards did not establish an eiruv with each other; however, the residents of each courtyard established an eiruv with the residents of the houses inside it, and it is nevertheless permitted to carry between them, in accordance with the opinion of Shmuel.

⁶⁹ The Gemara raises a difficulty. But doesn't the baraita state: They did not establish an eiruv, indicating that they did not establish any eiruv at all, either with the residents of the other courtyard or within each courtyard? The Gemara rejects this argument. What is the meaning of: They did not establish an eiruv? It means that they did not merge the courtyards facing the alleyway.

⁷⁰ And if you wish, say instead: Rabbi Shimon is speaking to the Rabbis in accordance with their own opinion, not enumerating the leniencies inherent in his own ruling. His statement should therefore be understood as follows: According to my own opinion, there is no difference if they established an eiruv and there is no difference if they did not establish an eiruv. However, according to your opinion, agree with me at least that in a case where they did not establish an eiruv it is all considered one domain.

⁷¹ And the Rabbis said to him: No, although we agree with you in the cases of a roof, courtyard, portico, and balcony, in the cases of an enclosure and an alleyway we disagree, as they are two domains and therefore it is prohibited to carry from one to the other.

⁷² The Master said above in the baraita: Vessels that were in a courtyard at the start of Shabbat may be carried within the courtyard, but in the alleyway it is prohibited. The Gemara asks: Let us say that this supports that which Rabbi Zeira said that Rav said, as Rabbi Zeira said that Rav said: In an alleyway in which they did not merge the courtyards facing it, one may carry only within four cubits. The Gemara rejects this suggestion. Say that the baraita means: But to an alleyway it is prohibited, i.e., it is prohibited to carry from the courtyard to the alleyway; however, within the alleyway itself it is permitted to carry.

⁷³ The Gemara raises a difficulty. If so, that is identical to the first clause of the baraita. The tanna would not have taught the very same thing twice. The Gemara answers: The apparently superfluous teaching was necessary, lest you say: When the Rabbis disagree with Rabbi Shimon, it is only in a case where they established an eiruv, but in a case where they did not establish an eiruv, the Rabbis concede to Rabbi Meir that it is all considered one domain and carrying is permitted. The baraita therefore teaches us that the Rabbis disagree with Rabbi Shimon in both cases, as they prohibit carrying in the alleyway even if the residents did not establish an eiruv.

⁷⁴ Ravina said to Rav Ashi:

⁷⁵ Did Rabbi Yoḥanan actually say this, that the halakha is in accordance with Rabbi Shimon's opinion that all courtyards constitute a single domain, even if each courtyard established an independent eiruv? But didn't Rabbi Yoḥanan say that the halakha is in accordance with an unattributed mishna, and we learned: With regard to a wall between two courtyards, ten handbreadths high and four handbreadths wide, they establish two eiruvim, one for each courtyard, but they do not establish one eiruv. If there was fruit atop the wall, these, the residents of one courtyard, may ascend from here and eat it, and those, the residents of the other courtyard, may ascend from there and eat it, provided that they do not take the fruit down from atop the wall to the courtyards. According to Rabbi Yoḥanan, all the courtyards are considered a single domain. Why may they not bring the fruit down?

⁷⁶ The Gemara answers: What is the meaning of the word down in this context? It means down to the houses; however, it is indeed permitted to bring the fruit down to the courtyards. The Gemara raises a difficulty: But didn't Rabbi Ḥiyya explicitly teach in a Tosefta: Provided that neither will this one stand below in his place in his courtyard and eat, nor will that one stand in his place in his courtyard and eat?

⁷⁷ Rav Ashi said to Ravina: No proof can be cited from this baraita of Rabbi Ḥiyya with regard to the mishna. If Rabbi Yehuda HaNasi did not explicitly teach it in this manner, from where does his student Rabbi Ḥiyya know it? If a halakha is not taught by the mishna itself, it should not be distorted to have it correspond with a Tosefta.

⁷⁸ It was stated that amora'im dispute the following case: If there were two courtyards and there was one ruin between them, and the residents of one courtyard established an eiruv for themselves, while the residents of the other courtyard did not establish an eiruv for themselves, Rav Huna said: The Sages confer the right to utilize the ruin to the residents of that courtyard that did not establish an eiruv; however, to the residents of the courtyard that established an eiruv, no, they do not confer the right to utilize the ruin. It is prohibited due to a decree, lest people come to take out vessels from one of the houses to the ruin, which is prohibited, as no eiruv was established with the ruin itself. However, this concern does not extend to the courtyard whose residents did not establish an eiruv. They are not permitted to move objects from their houses to the courtyard, and therefore there is no reason to issue a decree prohibiting the carrying of objects from the courtyard to the ruin.

⁷⁹ And Ḥiyya bar Rav disagreed with Rav Huna and said: Rights to the ruin are conferred to the residents of the courtyard that established an eiruv, and consequently, it is prohibited for residents of both courtyards to carry objects. And if you say that it should be permitted for residents of both to move articles to the ruin, that is incorrect. As if that were so, for what reason did the Sages not confer the right to carry in the courtyard that did not establish an eiruv, to the residents of the courtyard that

established an eiruv? If there is no cause for concern, it should always be permitted to the residents of a courtyard that established an eiruv to carry from their courtyard to a different courtyard whose residents did not establish an eiruv.

⁸⁰ The Gemara refutes this contention: There, in the case of courtyards, since the vessels from the houses are protected in the courtyard as well, there is a concern lest people come to take them out from the house to the courtyard, where they could be confused with those vessels already in the courtyard, and they might come to move those objects into the other courtyard. Here, in the case of a ruin, since the vessels from the courtyard are not protected in the ruin, there is no concern lest people come to take out the vessels from the courtyard into the ruin. Therefore, it is possible that residents of both courtyards would be permitted to utilize the ruin.

⁸¹ Some say a different version of the previous discussion. H̥iyya bar Rav disagreed with Rav Huna and said: The ruin belongs even to the residents of the courtyard that established an eiruv, and it is permitted for residents of both to carry in the ruin. And if you say they should both be prohibited to do so in accordance with the argument presented above, that the Sages do not confer the right to carry in the courtyard that did not establish an eiruv to the residents of the courtyard that established an eiruv, this proof can be refuted. There, since the vessels from the houses are protected in the courtyard, the Sages did not permit carrying them, due to the concern lest people come to take them out from the house to the courtyard and from there to the other courtyard. However, in the case of a ruin, the vessels are not protected in the ruin, and therefore, there is no cause for concern.

⁸² MISHNA: If a large roof was adjacent to a small roof, and the boundary between them was no wider than ten cubits, use of the large one is permitted, i.e., one may bring objects up to the roof from the house below and carry them on the roof, and use of the small one is prohibited. A similar halakha applies to a large courtyard that was breached into a small one, in a manner that one entire side of the small courtyard was breached, but the breach was less than ten cubits; it is permitted for the residents of the large courtyard to carry, but it is prohibited for the residents of the small one to do so. The rationale for this difference is because in that case, the legal status of the breach is like that of the entrance of the large courtyard. As the breach in the wall of the larger courtyard is surrounded on both sides by the remaining portions of that wall, and the breach is no greater than ten cubits wide, its legal status is like that of an entrance in the wall of the courtyard, and therefore it is permitted to carry in the large courtyard. With regard to the small courtyard, however, since one entire side of the small courtyard was breached, there remains no partition whatsoever on that side and carrying in that courtyard is therefore prohibited.

⁸³ GEMARA: The Gemara poses a question: Why does the mishna teach the same halakha twice? Why is it necessary to repeat the ruling with regard to both roofs and courtyards when the cases are apparently identical?

⁸⁴ The Gemara answers: According to the opinion of Rav, with regard to the lenient ruling that the residents may carry on a roof, the repetition comes to teach the halakha of a roof similar to that of a courtyard: Just as a courtyard, its partitions are conspicuous, so too a roof, its extended partitions, based on the principle: Extend and raise the walls of the house, must be conspicuous for it to be permitted for the residents to carry on their account. In other words, the roof must not extend beyond the walls of the house.

⁸⁵ Whereas according to the opinion of Shmuel, the repetition should be understood in the opposite manner, as it comes to teach the halakha of a roof similar to that of a courtyard: Just as a courtyard is a place where multitudes tread, so too, the roof is a place where multitudes tread. However, if it is not used by many people, even the small roof is permitted, as the principle: Extend and raise the walls of the house, is applied to the wall between the houses, despite the fact that the partition is not conspicuous.

⁸⁶ Rabba, Rabbi Zeira, and Rabba bar Rav Ḥanan were sitting, and Abaye was sitting beside them, and they sat and said: Learn from the mishna that the rights of the residents of the large courtyard extend into the small one, but the rights of the residents of the small courtyard do not extend into the large one.

⁸⁷ How so? If there are vines in the large courtyard, it is prohibited to sow crops in the small one, even at a distance of four cubits, due to the prohibition against planting other food crops in a vineyard. And if he sowed crops, the seeds are prohibited. As the small courtyard is considered part of the large one, the vines in the larger courtyard render the seeds in the smaller courtyard prohibited.

⁸⁸ The vines, however, are permitted, as the small courtyard does not extend into and impact upon the large one. The converse is also true: If there are vines in the small courtyard, it is permitted to sow other crops in the large one *ab initio*, even if they are not planted four cubits away from the vines, because the vines are not considered to be located in the larger courtyard, and therefore there is no prohibition whatsoever.

⁸⁹ Likewise, if there were two adjacent courtyards, and a wife, who owned both courtyards, was standing in the large courtyard, and her husband threw her a bill of divorce into the small courtyard, she is divorced. Her presence in the larger courtyard extends to the smaller one, and she is therefore considered to be standing in the small courtyard. If, however, the wife was in the small courtyard and the bill of divorce was thrown into the large one, she is not divorced.

⁹⁰ Likewise, with regard to communal prayer, if the congregation was in the large courtyard, and the prayer leader was in the small one, they fulfill their obligation through his prayer, as the congregation is considered to be in the small one as well. However, if the congregation was in the small courtyard, and the prayer leader was in the large one, they do not fulfill their obligation.

⁹¹ The same principle applies to a prayer quorum: If there were nine men in the large courtyard and one man in the small one, they join together to form the necessary quorum of ten, as the small courtyard is subsumed within the large one, and the individual is considered to be in the large courtyard. However, if there were nine men in the small courtyard and one in the large one, they do not join together.

⁹² Furthermore, if there was excrement in the large courtyard, it is prohibited to recite Shema in the small one, as the excrement is considered to be in the small courtyard as well, and it is prohibited to recite Shema in the presence of excrement. If, however, there was excrement in the small courtyard, it is permitted to recite Shema in the large one.

⁹³ Abaye said to them: If so, we have found a partition that causes prohibition. According to these principles, the existence of a partition renders sowing crops prohibited; in the absence of a partition sowing the crops would have been permitted due to their distance from the vines. Ostensibly, this is a counterintuitive conclusion. As, were there no partition at all, it would be sufficient to distance

oneself four cubits from the vine and sow the crop, whereas now that the area is divided into two courtyards by means of a partition, it is prohibited to sow the crop in the entire small courtyard.

⁹⁴ Rabbi Zeira said to Abaye: And didn't we find a partition that causes prohibition? But didn't we learn in the mishna: With regard to a large courtyard that was breached into a small one, it is permitted for the residents of the large courtyard to carry, but it is prohibited for the residents of the small one to do so. That is because in that case, the legal status of the breach is like that of the entrance of the large courtyard.

⁹⁵ And if he were to even its protrusions by constructing partitions in the larger courtyard so that the large courtyard no longer protruded beyond the smaller one, carrying in the large courtyard would also be prohibited, as it would now be completely breached into the smaller courtyard. Apparently, in this case, construction of additional partitions causes prohibition.

⁹⁶ Abaye said to Rabbi Zeira: The two cases are not comparable, as there, adding partitions in order to even the protrusions is not considered establishment of partitions. On the contrary, it is effectively the removal of partitions. These partitions are designed to negate the original partitions of the courtyard.

⁹⁷ Rava said to Abaye: And didn't we find a partition that causes prohibition? But wasn't it stated:

⁹⁸ If one placed roofing on top of a portico that has doorposts, i.e., a portico with two parallel walls that are valid for a sukkah, as well as posts in the corners supporting the portico and protruding like doorposts, which are considered as sealing the other two sides of the portico, it is a valid sukkah. However, if he evened the doorposts by constructing walls adjacent to the existing walls, obscuring the posts so that they do not protrude, the sukkah is invalid. This teaching indicates that the creation of a partition can cause prohibition.

⁹⁹ Abaye said to him: In my opinion, with regard to that case of a portico, the sukkah is valid. However, even according to your opinion, this is another instance of the removal of partitions. Evening the doorposts does not render the sukkah invalid through the establishment of new partitions, but because it negates the original partitions of the sukkah.

¹⁰⁰ Rabba bar Rav Ḥanan said to Abaye: And didn't we find that a partition causes prohibition? But wasn't it taught in a baraita: With regard to a house, half of which is roofed and half unroofed, if there are vines here, under the roofed section of the house, it is permitted to sow crops there, in the open section. The reason is that it is as though the edge of the roof descends to the ground and forms a partition between the two sections of the house.

¹⁰¹ And if he evened its roofing, by extending the roof to cover the entire house, it would be prohibited to sow other crops there. It is evident that the very placement of a partition, in this case a roof, causes prohibition. Abaye said to him: There too it is an instance of the removal of partitions. It is prohibited to sow not due to the added roofing; rather, it is prohibited due to the negation of the imaginary partition.

¹⁰² Rava sent a different proof to Abaye by means of Rav Shemaya bar Ze'eira, with regard to the same issue. And didn't we find a partition causes prohibition? But wasn't it taught in a baraita: There is an element in the partitions of a vineyard that causes leniency with regard to diverse kinds of seeds and an element that causes stringency. How so? With regard to a vineyard that is planted until the very base of a partition, one sows crops from the base of the other side of the partition onward. This

is a leniency, as were there no partition there, he would be required to distance himself four cubits from the last vine and only then sow there. And this is an element in partitions of a vineyard that causes leniency.

¹⁰³ And as for an element in partitions that causes stringency, how so? If the vineyard was distanced eleven cubits from a wall, one may not bring the seeds of other crops there, between the vineyard and the wall, and sow that area. This is a stringency, as were there no partition, it would suffice to distance himself four cubits from the last vine, and sow there. This is an element of partitions in a vineyard that causes stringency, a clear situation of a partition that causes prohibition.

¹⁰⁴ Abaye said to him: And according to your reasoning that this presents a difficulty, raise an objection against our opinion from a mishna, rather than a less authoritative baraita, as we learned in a mishna: With regard to a clearing in a vineyard, Beit Shammai say: Its measure is twenty-four cubits, and Beit Hillel say: Sixteen cubits. With regard to the perimeter of a vineyard, Beit Shammai say: Sixteen cubits, and Beit Hillel say: Twelve cubits.

¹⁰⁵ The mishna explains: And what is a clearing in a vineyard? It is referring to a vineyard whose middle section was laid bare of vines. If there are not sixteen cubits across in the clearing, one may not bring foreign seeds and sow them there, due to the Torah prohibition against sowing other crops in a vineyard (Deuteronomy 22:9). If there were sixteen cubits across in the clearing, one provides the vineyard with its requisite work area, i.e., four cubits along either side of the vines are left unsown to facilitate cultivation of the vines, and he sows the rest of the cleared area with foreign crops.

¹⁰⁶ The mishna continues: What is the perimeter of a vineyard? It is the vacant area between the vineyard and the fence surrounding it. If there are not twelve cubits in that area, one may not bring foreign seeds and sow them there. If there are twelve cubits in that area, he provides the vineyard with its requisite work area, four cubits, and he sows the rest. However, were the vineyard not surrounded by a fence, all he would need to do is distance himself four cubits from the last vine. It is clear from this halakha that the partition causes prohibition.

¹⁰⁷ Rather, the objection was not raised from there because there, isn't this the reason that the partition is not considered to cause prohibition? It is because the entire area of four cubits alongside a vineyard is considered the vineyard's work area, and is therefore an actual part of it. Likewise, with regard to the four cubits alongside the fence surrounding the vineyard, since they cannot easily be sown due to the wall, he renounces ownership over the area. With regard to the space in between, if it is four cubits, it is deemed significant in its own right, and if not, it is not significant and is nullified relative to the rest, and it is prohibited to sow there. A similar reasoning applies to the baraita. The stringency is not due to the fact that the partition causes prohibition, but because the partition impedes cultivation of the vineyard.

¹⁰⁸ Rav Yehuda said: If there are three enclosures alongside one another, and the two outer ones protrude, i.e., they are wider than the middle one, so that there are partitions on both sides of the breach between them and the middle enclosure, and the middle one does not protrude, and there are no partitions between it and the outer enclosures, as it is totally breached, and there is one person in this one and one person in that one and yet another person in the third enclosure, the people in the enclosures are considered as though they are all living in one large enclosure. Consequently, the legal status of the group becomes like that of a caravan, and one provides them with all the space that they

require. In other words, they may use the entire enclosure even if it is very large, just as there are no limits to the size of the enclosed area in which members of a caravan may carry.

¹⁰⁹ However, if the middle enclosure protruded, and the two outer ones did not protrude, i.e., they were narrower than the middle enclosure, so that their entire width was breached into it, and there is one person in this one and one person in that one and yet another in the third, one provides them only an area of six beit se'a, in accordance with the halakha of individuals in a field, who may enclose an area of only two beit se'a per person. As the middle enclosure is larger than the two outer ones, it determines their status, in accordance with the principle stated above, not the other way around. Consequently, the person in the middle enclosure is regarded as though he established residence in only one of the outer enclosures, constituting a group of no more than two, which does not have the legal status of a caravan.

¹¹⁰ Based on these assumptions, a dilemma was raised before the Sages: If there is one person in this outer enclosure, and one person in the other outer enclosure, and two people in the middle enclosure, what is the halakha? Is the ruling that if the pair exit to here, one of the outer enclosures, they are three people in one place, and if they exit to there, the other outer enclosure, they are three people in one place, and three people are considered a caravan and provided with all the space they require, as stated above?

¹¹¹ Or perhaps, as one may exit to here and the other may exit to there, in which case there would be no more than two people in each enclosure, they are provided with only two beit se'a per person.

¹¹² And if you say that one may exit to here and one may exit to there, if there were two people in this outer enclosure, and two people in that outer enclosure, and one person in the middle enclosure, what is the halakha? Is the ruling that here, certainly, if he exits to here they are three, and if he exits to there they are likewise three, and consequently they should be provided with all the space they require in any case? Or perhaps, in this case too there is uncertainty, as say that he might exit to here, and say that he might exit to there. As the direction in which he will leave his enclosure is undetermined, they should be provided with only two beit se'a each.

¹¹³ These dilemmas were essentially left unresolved, but the halakha is that these dilemmas are decided leniently, and they are provided with all the space they require in these cases.

¹¹⁴ Rav Ḥisda said:

¹¹⁵ An embankment, a height disparity between two surfaces of five handbreadths, and an additional partition of five handbreadths do not join together to form a partition of ten handbreadths, the minimum height for a partition to enclose a private domain. It is regarded as a partition of ten handbreadths only if the barrier is composed entirely of the embankment or if it is composed entirely of a partition.

¹¹⁶ The Gemara raises an objection from a baraita: If there were two courtyards, one above the other, and the upper one was ten handbreadths higher than the lower one, or if it had an embankment of five handbreadths and a partition of five handbreadths, the two courtyards are considered separate domains and they establish two eiruvim, one for each courtyard, and they do not establish one eiruv. If the height disparity was less than ten handbreadths, the two areas are considered a single domain, and they establish one eiruv and they do not establish two eiruvim.

¹¹⁷ Rav said: Rav Ḥisda concedes that an embankment and a partition combine with regard to the lower courtyard, since it faces a wall of ten, i.e., there is a full partition of ten handbreadths before its residents. The Gemara raises a difficulty: If so, according to this reasoning, the residents of the lower courtyard, from whose perspective there is a valid partition, should establish two eiruvim, i.e., an independent eiruv, and do not establish one eiruv together with the upper courtyard, while the residents of the upper courtyard establish neither one eiruv nor two. The residents of the upper courtyard neither establish an eiruv on their own, as it is breached into the lower one, nor can they establish an eiruv together with the lower courtyard, because the latter is separated from it.

¹¹⁸ Rabba bar Ulla said: The baraita is referring to a case where the upper courtyard had full-fledged ten-handbreadth-high walls that protruded on both sides of the section of the partition that was merely five handbreadths high, a protrusion that extended up to ten cubits. In this case, the upper courtyard is properly enclosed by a partition ten handbreadths high, while the section that is only five handbreadths high is deemed an entrance. Consequently, even the residents of the upper courtyard can establish an eiruv on their own. But the two courtyards cannot be merged by a single eiruv, because the lower courtyard is enclosed by a partition from which there is no entrance to the upper courtyard.

¹¹⁹ The Gemara raises a difficulty: If so, say the latter clause of that same baraita: If the height disparity was less than ten handbreadths, they are considered a single domain, and the residents therefore establish one eiruv, but they do not establish two eiruvim. According to the explanation suggested above, that there is a partition ten handbreadths high between the courtyards with an entrance of sorts between them, if they wish, they establish one eiruv, and if they wish, they establish two eiruvim. That is the halakha in a case of two courtyards with an entrance between them.

¹²⁰ Rabba, son of Rava, said: The baraita refers to a case where the lower courtyard was fully breached into the upper one, i.e., the gap in the wall spanned the entire width of the lower courtyard. In that case, the residents of the lower courtyard establish a joint eiruv with the upper courtyard; however, they may not establish an eiruv of their own, in accordance with the mishna in which we learned that if a large courtyard is breached into a smaller one, it is permitted for the residents of the large courtyard to carry, but it is prohibited for the residents of the small one to do so.

¹²¹ The Gemara raises a difficulty: If so, the halakha should be that the residents of the lower courtyard establish one eiruv together with the upper one, but they do not establish two eiruvim, i.e., the residents cannot establish an independent eiruv for their courtyard. However, with regard to the upper one, if its residents wish, they establish one eiruv together with the lower courtyard, and if they wish, they establish two eiruvim. The residents of the upper courtyard can establish an independent eiruv for their courtyard, as the larger courtyard renders it prohibited for the residents of the smaller courtyard to carry, but not vice versa.

¹²² The Gemara answers: Yes, it is indeed so; that is the halakha. And when the baraita teaches: If the height disparity was less than ten handbreadths, the residents establish one eiruv, but they do not establish two eiruvim, this statement is not referring to both courtyards, but only to the lower one.

¹²³ Mareimar taught: An embankment of five handbreadths and an additional partition of five handbreadths above it combine to form a partition of ten handbreadths. Ravina met Rav Aḥa, son of Rava, and said to him: Has the Master taught anything with regard to this partition, whether it is effective or not? He said to him: No. The Gemara concludes: The halakha is that an embankment of

five handbreadths and a partition of five handbreadths combine to form an effective partition of ten handbreadths.

¹²⁴ Rav Hoshaya raised a dilemma: What is the ruling with regard to residents who arrive on Shabbat, i.e., who join the residents of a courtyard on Shabbat, e.g., if the wall between two courtyards collapsed on Shabbat so that new residents arrive in one courtyard from the other. Had these people arrived before Shabbat they would have rendered it prohibited for the residents to carry in the courtyard unless they participated with the original residents in their eiruv. Do these residents render it prohibited for the original residents to carry in the courtyard, even if they arrive on Shabbat itself?

¹²⁵ Rav H̄isda said: Come and hear a resolution to the dilemma from the mishna: With regard to a large courtyard that was breached into a small courtyard, it is permitted for the residents of the large courtyard to carry, but it is prohibited for the residents of the small one to do so. It is permitted to carry in the large courtyard because the breach is regarded like the entrance of the large courtyard. Apparently, even if the breach occurred on Shabbat, it is prohibited for the residents of the small courtyard to carry. Rabba said: Say that the mishna is dealing with a case where it was breached while it was still day, i.e., on Friday. However, there is no prohibition if the breach occurred on Shabbat itself.

¹²⁶ Abaye said to him: The Master should not state: Say, indicating that it is possible to explain the mishna in this manner. Rather, the mishna is certainly referring to a case where the courtyard was breached while it was still day. As Master, you are the one who said: I raised a dilemma before Rav Huna, and I raised a dilemma before Rav Yehuda: If one established an eiruv to join one courtyard to another via a certain opening, and that opening was sealed on Shabbat, or if one established an eiruv via a certain window, and that window was sealed on Shabbat, what is the halakha? May one continue to rely on this eiruv and carry from one courtyard to the other via other entrances? And he said to me: Once it was permitted to carry from courtyard to courtyard at the onset of Shabbat, it was permitted and remains so until the conclusion of Shabbat. According to this principle, if a breach that adds residents occurs on Shabbat, the breach does not render prohibited activities that were permitted when Shabbat began.

¹²⁷ It is stated that amora'im disagreed: With regard to a wall between two courtyards, whose residents did not establish a joint eiruv, that collapsed on Shabbat, Rav said: One may carry in the joint courtyard only within four cubits, as carrying in each courtyard is prohibited due to the other, because they did not establish an eiruv together. Rav does not accept the principle that an activity that was permitted at the start of Shabbat remains permitted until the conclusion of Shabbat.

¹²⁸ And Shmuel said:

¹²⁹ This one may carry to the base of the former partition, and that one may likewise carry to the base of the partition, as he maintains that since it was permitted at the beginning of Shabbat, it remains permitted until the conclusion of Shabbat.

¹³⁰ The Gemara comments: And this ruling of Rav was not stated explicitly; rather, it was stated by inference; i.e., it was inferred by his students from another one of his teachings. As once Rav and Shmuel were sitting in a certain courtyard on Shabbat, and the wall between the two courtyards fell. Shmuel said to the people around him: Take a cloak and suspend it on the remnant of the partition.

¹³¹ Rav turned his face away, displaying his displeasure with Shmuel's opinion, as Rav maintained it was prohibited to carry a cloak in this courtyard. Shmuel said to them in a humorous vein: If Abba, Rav, is particular, take his belt and tie it to the cloak, to secure it to the partition.

¹³² The Gemara asks: And according to Shmuel, why was it necessary to suspend the cloak? He himself said: If a wall between two courtyards collapsed on Shabbat, this one may carry to the base of the former partition, and that one may likewise carry to the base of the partition.

¹³³ The Gemara answers: Shmuel did not do so to render it permitted to carry in the courtyard. He did so merely for the purpose of privacy, as he did not want the residents of the other courtyard to see into his own courtyard.

¹³⁴ The Gemara asks: And Rav, if he maintains that in this case carrying is prohibited, he should have said so to him explicitly. The Gemara answers: It was Shmuel's place. Rav did not want to disagree with his colleague in his jurisdiction, as he accepted the opinion of the local authority.

¹³⁵ The Gemara asks: If so, if he accepted the jurisdiction of the local rabbinic authority, why did he turn his face away? The Gemara answers: He acted in this manner so that people would not say that he holds in accordance with the opinion of Shmuel, and that he retracted his opinion with regard to this halakha.

¹³⁶ MISHNA: With regard to a courtyard that was breached into the public domain, and the breach was more than ten cubits wide, so that it cannot be considered an entrance, one who carries an object from inside the courtyard into the private domain, or from the private domain into it, is liable, as it ceases to be a private domain and is subsumed into the public domain. This is the statement of Rabbi Eliezer.

¹³⁷ And the Rabbis disagree and say: One who carries from inside the courtyard into the public domain, or from the public domain into it, is exempt, because its legal status is like that of a karmelit. Although it ceases to be a private domain, it does not become a full-fledged public domain.

¹³⁸ GEMARA: The Gemara asks: And according to Rabbi Eliezer, due to the fact that the courtyard was breached into the public domain, does it become the public domain? The Gemara answers: Yes, as in this regard the opinion of Rabbi Eliezer conforms to his standard line of reasoning.

¹³⁹ As it was taught in a baraita that Rabbi Yehuda said in the name of Rabbi Eliezer: In a situation where the multitudes selected a path for themselves in a field, or between fields, the path that they selected, they selected, and they retain the right to traverse this path even if the place belongs to an individual. Here too, as the partition of the courtyard was breached to the extent that the public can enter, its status is that of a public domain.

¹⁴⁰ The Gemara expresses surprise at this opinion: Is that so? But didn't Rav Giddel say that Rav said: And this applies only if they had misplaced a path in that field. Generally speaking, the public does not have the right to establish a path wherever it chooses. The baraita is referring to a case where a public path used to run through that field, but it fell into disuse, and no one remembers its precise course. In this case the public may once again select a path through the field.

¹⁴¹ And if you say: Here too, the mishna is dealing with a case where the public misplaced a path in that courtyard. They do not remember the exact position of the partition that once separated the courtyard and the public domain. The public claims that the residents of the courtyard appropriated that part of their domain. It is only this area that Rabbi Eliezer says is considered a public domain.

The Gemara asks: But didn't Rabbi Ḥanina say: The dispute between Rabbi Eliezer and the Rabbis is with regard to the entire courtyard to [ad] the place of the fallen partition, not only the small section that might have been a public path.

¹⁴² The Gemara rejects this argument: Say that Rabbi Ḥanina stated that Rabbi Eliezer and the Rabbis disagree over [al] the place of the partition, i.e., the dispute does not concern the entire courtyard, but only the former location of the partition, where a public path might once have passed.

¹⁴³ And if you wish, say instead that the mishna is dealing with a case where the location of the original partition is known, and the tanna'im disagree with regard to the legal status of the sides of a public domain. As Rabbi Eliezer maintains that the sides of a public domain are considered like a public domain, i.e., the areas adjacent to the public domain are subsumed into the public domain. The same applies to the place of the partition that once separated the courtyard and the public domain but was breached. And the Rabbis maintain that the sides of a public domain are not considered like a public domain.

¹⁴⁴ The Gemara asks: If so, let them disagree with regard to the sides of a public domain in general; why did they disagree about this particular case? The Gemara answers: Had they disagreed with regard to the sides of a public domain in general, we would have said: When do the Rabbis disagree with Rabbi Eliezer? This dispute applies only where there are stakes alongside the houses, which interfere with the use of the sides of the public domain. However, where there are no such stakes, say that they concede to him that the sides of a public domain are considered like a public domain. By formulating the dispute with regard to a courtyard that was breached into the public domain, the mishna is teaching us that they disagree in all cases.

¹⁴⁵ The Gemara raises a difficulty: But didn't Rabbi Eliezer say with regard to a courtyard that was breached into the public domain, that one who carries an object from inside the courtyard into the private domain is liable? Apparently, he is liable if he carries an article into the private domain from anywhere in the courtyard, not only from the area adjacent to the public domain, as the entire courtyard is considered a public domain.

¹⁴⁶ The Gemara answers: As the Rabbis said: From inside the courtyard, Rabbi Eliezer also said: From inside the courtyard. No conclusion can be inferred from his use of the term, as he was referring only to the section adjacent to the public domain.

¹⁴⁷ The Gemara asks: But, if that is the case, the statement of the Rabbis is difficult. Rabbi Eliezer said that the legal status of the sides of the public domain is like that of a public domain, and they replied to him by referring to: From inside the entire courtyard? They appear to be addressing two different cases.

¹⁴⁸ The Gemara answers: This is what the Rabbis are saying to Rabbi Eliezer: Don't you concede to us with regard to a case where he carried an object from inside the courtyard to the public domain, or from the public domain to the courtyard, that he is exempt, because the courtyard is considered like a karmelit? The sides of the public domain are no different, and should have the status of a karmelit as well.

¹⁴⁹ And how does Rabbi Eliezer counter this argument? There, the public does not tread on the courtyard; here, the public treads on the edge of the courtyard adjacent to the public domain, and therefore its status is that of a public domain in every sense.

¹⁵⁰ MISHNA: With regard to a courtyard that was breached on Shabbat into a public domain from two of its sides, and likewise with regard to a house that was breached from two of its sides, and likewise with regard to an alleyway whose cross beams or side posts were removed on Shabbat, the residents of that domain are permitted to carry there on that Shabbat, but are prohibited from doing so in the future. This is the statement of Rabbi Yehuda.

¹⁵¹ Rabbi Yosei says: This cannot be the halakha, as if they are permitted to carry there on that Shabbat, they are likewise permitted to do so in the future, and if they are prohibited from carrying there in the future, they are also prohibited from carrying there on that Shabbat.

¹⁵² GEMARA: The Gemara poses a question: With what case are we dealing? If you say the mishna is referring to a case where the breach was up to ten cubits wide, in what way is a breach on only one side different? It is due to the fact that we say: It is an entrance rather than a breach, and carrying is therefore permitted. If so, if it was breached on two sides as well, say: It is an entrance, and there are entrances on two sides of the courtyard. Rather, the mishna is certainly dealing with a breach that is greater than ten cubits. If so, it should be prohibited to carry even if the courtyard was breached on only one side, as a breach that size negates all the partitions.

¹⁵³ Rav said: Actually, the mishna is dealing with a breach that is no wider than ten cubits,

¹⁵⁴ and with a case where the courtyard was breached in a corner, so that it is breached on two sides. Although the opening is no more than ten cubits wide, it cannot be considered an entrance, as people do not build an entrance in a corner. It is therefore clear that this is a breach that negates the partition.

¹⁵⁵ We learned in the mishna: And likewise, with regard to a house that was breached on Shabbat from two of its sides into a public domain, the residents are permitted to carry in the house on that Shabbat, but not a future Shabbat. The Gemara asks: In what way is a breach on one side different? The difference is due to the fact that we say: The edge of the roof descends and seals the house, as if there were a full-fledged partition there. So too, when it is breached on two sides, let us say: The edge of the roof descends and seals.

¹⁵⁶ The Gemara answers: The Sages of the school of Rav said in the name of Rav: The mishna is referring to a case where the house was breached in a corner, and its roofing was inclined, as in that case, one cannot say: The edge of the roof descends and seals, as the edge of an inclined roof does not appear to be the beginning of a partition.

¹⁵⁷ And Shmuel said: The mishna is referring to a breach that is even wider than ten cubits. The Gemara asks: If so, why did the mishna cite a case where it is breached from two sides? It should be prohibited to carry there even if it were breached from one side.

¹⁵⁸ The Gemara answers: The reason that it is prohibited only if it is breached from two sides is due to the fact that it is a house. In the case of a courtyard, the same halakha would apply even if it were breached on only one side. However, the mishna sought to teach the halakha of a house as well, in which case, it is prohibited to carry only if it is breached on two sides. If it is breached on one side, the edge of the roof descends and seals, and carrying is permitted.

¹⁵⁹ The Gemara asks: But the halakha of a house itself should pose a difficulty according to this explanation. In what way is a breach on one side different? It is due to the fact that we say: The edge of the roof descends and seals the house, as if there were a full-fledged partition there. So too, when it is breached on two sides, let us say: The edge of the roof descends and seals.

¹⁶⁰ And furthermore: Is Shmuel of the opinion that there is a principle: The edge of a roof descends and seals? But wasn't it stated that there is an amoraic dispute with regard to a portico located in a valley, which has the status of a karmelit. Rav said: It is permitted to carry in the entire portico, as he maintains that the edge of the roof of the portico descends and seals, rendering it a private domain. And Shmuel said: One may carry only within four cubits. Apparently, Shmuel does not accept the principle: The edge of a roof descends and seals.

¹⁶¹ The Gemara answers: This is not a difficulty. Where Shmuel is not of the opinion that this principle is applied, it is with regard to a structure where walls on all four sides are formed in that manner. However, with regard to a structure where only three sides are formed in that manner and the fourth side is an actual wall, he is of the opinion that the principle is applied.

¹⁶² The Gemara comments: In any case, this is difficult. Although the contradiction between the two statements of Shmuel was resolved, the question remains: Why do we not apply the principle: The edge of a roof descends and seals, to two sides of the house?

¹⁶³ The Gemara answers: The reason is as the Sages of the school of Rav said in the name of Rav: The mishna is referring to a case where the house was breached in a corner, and its roofing was inclined, as in that case, one cannot say: The roof of the house descends and seals. Here too, Shmuel's opinion can be explained in a similar manner: The mishna is dealing with a case where the house was breached in a corner, and its roof is at a distance of at least four handbreadths from the breach, and is uneven. In that case, the principle: The edge of a roof descends and seals, would have to be applied to four corners, and Shmuel is of the opinion that it may not be applied in that case.

¹⁶⁴ The Gemara explains: Shmuel did not say his explanation of the mishna in accordance with the opinion of Rav, as the mishna does not teach that the roof was slanted, which is the crux of Rav's explanation. And Rav did not say his explanation of the mishna in accordance with the opinion of Shmuel, as if so, even if the roof was breached on several sides, its legal status would be that of a portico, and Rav conforms to his standard line of reasoning, as he said: With regard to a portico, it is permitted to carry throughout the entire portico.

¹⁶⁵ The Gemara proceeds to cite the dispute between Rav and Shmuel in a more comprehensive manner. As it was stated that Rav said: It is permitted to carry in the entire portico as it is considered sealed. And Shmuel said: One may carry only within four cubits. As the portico does not have actual partitions it is subsumed into the field, and shares its status of a karmelit.

¹⁶⁶ The Gemara elaborates on their respective opinions. Rav said: It is permitted to carry in the entire portico, as he maintains that we say: The edge of the roof descends and seals the portico to form a partition. As there is a roof over the portico, it is considered sealed with partitions on all four sides. And Shmuel said: One may carry only within four cubits, as we do not say: The edge of the ceiling descends and seals.

¹⁶⁷ The Gemara elaborates further: If the openings on the sides of the portico are no wider than ten cubits, everyone agrees that they are considered sealed, as the status of even an unroofed breach of ten cubits or less is that of an entrance, and one is permitted to carry throughout the entire domain. They disagree only in a case where the openings are more than ten cubits wide.

¹⁶⁸ And some say: On the contrary, if the openings are more than ten cubits wide, everyone agrees that they are considered breaches, and the principle: The edge of the roof descends and seals, is not applied. They disagree only in a case where the openings are no wider than ten cubits.

¹⁶⁹ And that which Rav Yehuda said:

¹⁷⁰ A cross beam four handbreadths wide renders carrying in a ruin that is breached into a public domain permitted, as the edge of the cross beam is considered to descend and seal the breach. And that which Rav Nahman said that Rabba bar Avuh said: A cross beam four handbreadths wide renders carrying in water permitted like a partition. In accordance with whose opinion were these rulings stated?

¹⁷¹ The Gemara explains: According to this version that you stated, that Rav and Shmuel agree with regard to an opening no wider than ten cubits, here it is referring to a cross beam that is no longer than ten cubits, and everyone, both Rav and Shmuel, agrees with these rulings. According to that other version that you stated, that they disagree with regard to an opening no wider than ten cubits, these rulings are in accordance with the opinion of Rav alone.

¹⁷² The Gemara suggests: Let us say that Abaye and Rava are disagreeing with regard to the point that was the subject of a dispute between Rav and Shmuel. As it was stated: If one placed roofing on top of a portico that has doorposts, i.e., pillars that form the beginnings of partitions, it is a valid sukka. If, however, he placed the roofing atop a portico that has no doorposts, there is a dispute. Abaye said: It is a valid sukka. And Rava said: It is invalid.

¹⁷³ The Gemara elaborates: Abaye said: It is valid. As he said: The edge of a roof descends and seals. Since the portico is roofed, it is considered to have partitions as well. And Rava said: It is invalid, as he did not say: The edge of a roof descends and seals. Let us say that Abaye holds in accordance with the opinion of Rav, and Rava holds in accordance with the opinion of Shmuel?

¹⁷⁴ The Gemara answers: According to the opinion of Shmuel, everyone, including Abaye, agrees that this sukka is invalid. Where they disagree is according to the opinion of Rav. Abaye holds in accordance with the opinion of Rav in a straightforward manner. And Rava claims: Rav stated his opinion, that the edge of the portico descends and seals, only there, where those partitions formed by the roof were built for the portico, and they are therefore viewed as sealing it. However, here, where these partitions were not built for the mitzva of sukka, no, even Rav would agree that the partitions are not sufficiently significant to utilize for the purpose of this mitzva.

¹⁷⁵ We learned in the mishna: Rabbi Yosei says: If they are permitted to carry there on that Shabbat, they are likewise permitted to do so in the future, and if they are prohibited from carrying there in the future, they are also prohibited from carrying there on that Shabbat. A dilemma was raised before the Sages: Did Rabbi Yosei intend to prohibit carrying even on that Shabbat, or to permit carrying even in the future?

¹⁷⁶ Rav Sheshet said: His intention was to prohibit carrying even on that Shabbat. And similarly, Rabbi Yoḥanan said: His intention was to prohibit carrying even on that Shabbat. This opinion was also taught in a baraita: Rabbi Yosei said: Just as they are prohibited from carrying in the future, so are they prohibited from carrying on that Shabbat.

¹⁷⁷ It was stated: Rav Ḥiyya bar Yosef said that the halakha is in accordance with the opinion of Rabbi Yosei, while Shmuel said that the halakha is in accordance with the opinion of Rabbi Yehuda.

¹⁷⁸ The Gemara expresses surprise: But did Shmuel really say this? Didn't we learn in a mishna that Rabbi Yehuda said: In what case are these matters, that an eiruv may be established for a person only with his knowledge, stated? It is with regard to a joining of Shabbat boundaries, but with regard to a joining of courtyards, one may establish an eiruv for another person both with his knowledge and without his knowledge, because one may act in a person's interest even when not in his presence, but one may act to his disadvantage only in his presence. One may take unilateral action on another's behalf when it is to that other person's benefit. However, if it is to that person's disadvantage, or when the action entails both benefits and disadvantages, he may act on the other person's behalf only if he was explicitly appointed as his agent. A joining of courtyards is always to a person's benefit, and therefore it can be established even without his knowledge. However, with regard to a joining of Shabbat boundaries, any distance that a person gains in one direction he forfeits in the opposite direction. Consequently, this type of eiruv may be established only with his knowledge.

¹⁷⁹ And Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda. And furthermore, anyplace where Rabbi Yehuda taught with regard to the halakhot of eiruv, the halakha is in accordance with his opinion.

¹⁸⁰ And Rav Hana of Baghdad said to Rav Yehuda: Did Shmuel state this ruling even with regard to an alleyway whose cross beam or side post was removed during Shabbat? And Rav Yehuda said to him: I spoke to you with regard to the acquisition of an eiruv, and not with regard to partitions. The Gemara asks: How, then, could Shmuel rule that the halakha is in accordance with the opinion of Rabbi Yehuda in this case, after explicitly stating that the halakha is not in accordance with his opinion in the case of fallen partitions?

¹⁸¹ Rav Anan said: This matter was explained to me personally by Shmuel himself: Here, where Shmuel rules in accordance with the opinion of Rabbi Yehuda, it is in a case where the courtyard was breached into a karmelit. In that case the halakha is lenient, as there is no concern lest one transgress a Torah prohibition. There, where Shmuel states that the halakha is not in accordance with the opinion of Rabbi Yehuda, it is in a case where the courtyard was breached into a public domain, and the halakha is therefore stringent, due to the concern lest one transgress a Torah prohibition.

¹⁸² MISHNA: With regard to one who builds an upper story atop two houses on opposite sides of a public domain that passes beneath it, and likewise bridges with a thoroughfare beneath them that rest on walls on opposite sides of a public domain, one may carry beneath the upper story and beneath the bridge on Shabbat. This is the statement of Rabbi Yehuda, who maintains that these areas are considered private domains. And the Rabbis prohibit carrying in these areas.

¹⁸³ And furthermore, Rabbi Yehuda said: One may establish an eiruv even for an alleyway that is open at both ends, with no need for any additional measures, and the Rabbis prohibit doing so.

¹⁸⁴ GEMARA: Rabba said: Do not say this is Rabbi Yehuda's reason; that he maintains that by Torah law two partitions constitute a private domain, i.e., the areas beneath the upper story and the bridge are considered private domains, as each has two partitions, one on each side of the public domain. Rather, the reason for Rabbi Yehuda's opinion is because he maintains that the edge of a roof descends and seals. The edges of the upper story and the bridge are considered to seal the areas beneath them.

¹⁸⁵ Abaye raised an objection to Rabba from a baraita: Furthermore, Rabbi Yehuda said: With regard to one who has two houses on two sides of a public domain and seeks to carry from one house to the

other on Shabbat via the public domain, he places a side post from here, adjacent to one of the houses, and another side post from there, adjacent to the other house, or he places a cross beam from here and another cross beam from there, and he may subsequently carry objects and place them in the middle of the area, as he transformed it into a private domain. His colleagues said to him: One cannot establish an eiruv to transform a public domain into a private domain in this manner. Clearly, the rationale for Rabbi Yehuda's opinion in that case is not that the edge of the roof descends and seals, as the area is not covered. Rather, he apparently holds that by Torah law, two walls suffice to form a private domain.

¹⁸⁶ Rabba said to him: From that baraita, yes, it is indeed possible to arrive at this conclusion. But from this, the mishna, nothing can be learned from this source, as there could be a different reason for Rabbi Yehuda's opinion.

¹⁸⁷ Rav Ashi said: The mishna is also precise in its wording, as it indicates that the rationale for Rabbi Yehuda's opinion is that the edge of a roof descends and seals. As the mishna teaches: And furthermore, Rabbi Yehuda said: One may establish an eiruv even for an alleyway that is open at both ends, and the Rabbis prohibit doing so.

¹⁸⁸ Granted, if you say that the reason for Rabbi Yehuda's leniency with regard to carrying beneath an upper story and a bridge is that he maintains that the edge of a roof descends and seals, that is why the mishna states: And furthermore, to introduce the ruling for an alleyway. In other words, the tanna of our mishna is saying that the ruling applies not only to a roofed area, but also to an unroofed alleyway, despite the fact that the reason there is that two partitions suffice to create a private domain by Torah law.

¹⁸⁹ However, if you say that Rabbi Yehuda permitted the first case as well because he maintains that by Torah law two partitions suffice to create a private domain, what is the need for the introduction: And furthermore? The rationale for the second ruling is no different from the rationale for the first. The Gemara concludes: Indeed, learn from here that this is correct.

Chapter 10

¹ MISHNA: One who finds phylacteries outside the city on Shabbat, where they are in danger of becoming lost or damaged, brings them in to his house pair by pair by donning them in the manner in which they are typically donned for the mitzva. Rabban Gamliel says: He brings them in two pairs by two pairs. In what case is this statement that one is permitted to carry phylacteries inside said? It is with regard to old phylacteries, which have already been used and are designated for the mitzva. However, with regard to new ones, as it is unclear whether they are phylacteries or merely amulets in the form of phylacteries, he is exempt from performing the task.

² If one finds phylacteries tied in bundles or in wrapped piles, in which case he is unable to carry them in pairs, he sits there and waits with them until dark, guarding them until the conclusion of Shabbat, and then brings them in to his house.

³ And in a time of danger, when it is dangerous to tarry outside town, he covers the phylacteries and proceeds on his way.

⁴ Rabbi Shimon says that there is an alternative method of transferring the phylacteries: One gives them to another who is less than four cubits from him, and the other passes them to another, until the phylacteries reach the outermost courtyard of the city. Since carrying less than four cubits in a public domain is not prohibited by Torah law, in this case, the Sages permitted carrying in that manner due to the sanctity of the phylacteries.

⁵ And similarly, with regard to one's son who was born in a field and may not be carried on Shabbat, since that is akin to carrying a burden in the public domain: One gives him to another, and the other passes him to another, even if it requires a hundred people. Rabbi Yehuda says: A person may even give a barrel to another, and the other may pass it to another, and in that way even take it beyond the Shabbat limit, provided that no one person carries it more than four cubits. They said to him: This barrel may not go a greater distance than the feet of its owner, i.e., it may not be carried any farther than its owner may walk.

⁶ GEMARA: We learned in the mishna that a person who finds phylacteries in a field may carry them by pairs, indicating that one pair, yes, it may be carried; however, more than one pair, no, they may not be carried. The Gemara asks: Let us say that we learned the unattributed mishna not in accordance with the opinion of Rabbi Meir, despite the principle that an unattributed mishna usually reflects Rabbi Meir's opinion.

⁷ As, if you say that the mishna is in accordance with the opinion of Rabbi Meir, didn't Rabbi Meir say: In order to rescue items from a fire, one is permitted to remove items from his house by wearing them, and he dons all the clothes that he can wear, and wraps himself in all items in which he can wrap himself. As we learned in a mishna: And one removes all the utensils to the courtyard adjacent to the fire, and dons all the garments that he can wear, and wraps himself in all the items in which he can wrap himself in order to rescue his property.

⁸ The Gemara asks: And from where do we know that this unattributed mishna with regard to Shabbat is a reflection of the opinion of Rabbi Meir? As it teaches with regard to that mishna: If there are many garments there, one dons garments, and takes them out to a safe place, and removes them there, and returns to the fire, and dons other garments, and takes them out and removes them. And he may do so even all day long; this is the statement of Rabbi Meir. Apparently, according to Rabbi Meir, one may don many garments at once.

⁹ In answer to the question, Rava said: Even if you say that the mishna is in accordance with the opinion of Rabbi Meir, there is a distinction between the cases. There, if he dons the clothes in the manner that he typically wears them, the Sages rendered the legal status of wearing garments on Shabbat like the status of wearing garments during the week and permitted him to remove clothes from his house by wearing them in that manner. And here, too, if he dons phylacteries in the manner that he typically dons them, the Sages rendered the legal status of donning phylacteries on Shabbat like the status of donning phylacteries during the week.

¹⁰ Consequently, there, where during the week he may wear as many clothes as he wishes, with regard to rescue from a fire the Sages likewise permitted him to wear as many clothes as he wishes. However, here, in the case of phylacteries, even during the week, donning one pair, yes, one may do so, but donning more than one pair, no, he may not do so. Therefore, with regard to rescue as well, the Sages said: Donning one pair, yes, one may do so; however, donning more than one pair, no, he may not.

¹¹ We learned in the mishna that Rabban Gamliel says: He brings the phylacteries in two pairs by two pairs. The Gemara asks: What does he hold? What is the rationale for this halakha? If he holds that Shabbat is a time for phylacteries, and one is permitted or even obligated to don phylacteries on Shabbat, then the ruling should be: Donning one pair, yes, this is permitted; donning more, no, it is prohibited. It should be prohibited to wear more than one pair as there is room to don only one set of phylacteries on one's head.

¹² And if he holds that Shabbat is not a time for phylacteries, and it was only due to the fact that rescue was permitted only in the manner that one typically wears clothing that the Sages permitted him to don phylacteries, he should likewise be permitted to don even more than two pairs. He should be permitted to don as many pairs of phylacteries as possible, not only two.

¹³ The Gemara answers: Actually, he holds that Shabbat is not a time for phylacteries, and when the Sages permitted one to don phylacteries for the purpose of rescue, it was only by donning them in the manner that one typically wears clothing, i.e., in the appropriate place for phylacteries. He may not don them anywhere else on his body, as in that case he is considered to be carrying, not wearing them.

¹⁴ The Gemara raises a difficulty: If so, then one pair, yes, it should be permitted, but more, no, it should not be permitted, as the second pair is necessarily positioned out of place. Rav Shmuel bar Rav Yitzḥak said: There is room on one's head to place two phylacteries. One can place two phylacteries on his head and don them both in the proper manner.

¹⁵ The Gemara asks: It works out well with regard to donning two phylacteries of the head, as there is room; however, with regard to the phylacteries of the arm, what is there to say? How can one wear two phylacteries on his arm simultaneously?

¹⁶ The Gemara answers that even when one dons two phylacteries on his arm, he is regarded as donning them in the typical manner, in accordance with the opinion of Rav Huna. As Rav Huna said: Sometimes a person comes from the field with his bundle on his head, and in order not to crush the phylacteries, he removes them from his head and binds them on his arm. This indicates that there is room for additional phylacteries on his arm.

¹⁷ The Gemara rejects this: Say that Rav Huna said that one may remove the phylacteries from his head and tie them on his arm so that he will not come to treat them in a degrading manner by placing a bundle on top of them. However, did he say that the spot on his arm is fit for two phylacteries? Can proof be cited from here that one may don additional phylacteries on his arm *ab initio*?

¹⁸ Rather, it is in accordance with that which Rav Shmuel bar Rav Yitzḥak said: There is room on one's head to place two phylacteries. Here, too, there is room on the arm to place two phylacteries.

¹⁹ The Gemara comments: The school of Menashe taught the following. The verse states: "And you shall bind them for a sign on your arm, and they shall be as frontlets between your eyes" (Deuteronomy 6:8). "On your arm," this is the biceps muscle of the arm; "between your eyes," this is the crown of the head. The Gemara asks: Where exactly on the crown of the head? The school of Rabbi Yannai say: Phylacteries are placed on the spot where a baby's head is soft after birth.

²⁰ The Gemara asks: Let us say that the *tanna'im* of the mishna disagree about the principle of Rav Shmuel bar Rav Yitzḥak, such that the first *tanna* is not of the opinion that the ruling is in accordance with the opinion of Rav Shmuel bar Rav Yitzḥak that there is room on one's head for two

phylacteries, while Rabban Gamliel is of the opinion that the ruling is in accordance with the opinion of Rav Shmuel bar Rav Yitzḥak, and therefore one is permitted to bring in two pairs of phylacteries at a time.

²¹ The Gemara rejects this: No, everyone is of the opinion of Rav Shmuel bar Rav Yitzḥak, and here they disagree with regard to whether or not Shabbat is a time for phylacteries. The first tanna holds that Shabbat is a time for phylacteries. Although one may don one pair of phylacteries, he may not add to the mitzva by donning an extra pair. If he does so, it is tantamount to carrying a prohibited burden.

²² And Rabban Gamliel holds that Shabbat is not a time for phylacteries. Consequently, one may don more than one pair, as the day itself is not at all suitable for donning phylacteries. When he dons the second pair, he is not adding to the mitzva. With regard to rescuing them, the phylacteries have the legal status of an ornament that he is permitted to don, provided that he dons no more than two pairs.

²³ And if you wish, say instead that the dispute should be understood as follows. Everyone agrees that Shabbat is a time for phylacteries, and here they disagree with regard to whether or not fulfillment of mitzvot requires intent. The first tanna holds: To fulfill a mitzva one needs intent. Therefore, if one dons phylacteries without intent to fulfill the mitzva, no mitzva is performed, and he is merely carrying a burden. However, if he has intent to fulfill the mitzva, he may don no more than one pair. If he does so, he violates the prohibition against adding to mitzvot.

²⁴ And Rabban Gamliel holds: In order to fulfill a mitzva, one does not need intent. Therefore, if one dons two pairs of phylacteries he fulfills his obligation with one of them, but does not violate the prohibition against adding to mitzvot with the other. In order to do so, he would require specific intent to fulfill a second mitzva with the additional pair.

²⁵ And if you wish, say instead that everyone agrees that to fulfill a mitzva one does not need intent, and here they disagree with regard to the condition needed to violate the prohibition: Do not add to mitzvot of the Torah. As the first tanna holds that one does not need intent to violate the prohibition: Do not add to mitzvot. One who dons another pair of phylacteries transgresses the prohibition against adding to mitzvot even if he does not don them with the intention of fulfilling the mitzva. And Rabban Gamliel holds that in order to violate the prohibition: Do not add to mitzvot, one needs intent to perform a mitzva. Since in this case one's intention is merely to move the phylacteries to a safer place, he may don a second pair.

²⁶ And if you wish, say instead that the dispute may be explained as follows. If we were to maintain that Shabbat is a fit time for donning phylacteries, everyone would agree that one does not need intent to violate the prohibition against adding to mitzvot, nor does one need intent to fulfill a mitzva. In this case, one's intention has no bearing on his action.

²⁷ However, here, they disagree with regard to the condition for violating the prohibition against adding to a mitzva not in its proper time, i.e., when a mitzva is performed not at its prescribed time. The first tanna holds that if the act of a mitzva is performed not in its proper time, one does not need intent; that is, even if one does not intend to perform the mitzva he nonetheless violates the prohibition against adding to mitzvot by his action alone. Consequently, in this case, a person may not don more than one pair of phylacteries. And Rabban Gamliel holds that to violate the prohibition against adding to a mitzva not in its proper time, one needs intent to fulfill the mitzva. Without such

intent one does not violate the prohibition, and therefore in this case he may don a second pair of phylacteries.

²⁸ With regard to this last explanation the Gemara asks: If so, according to the opinion of Rabbi Meir one should not even don one pair of phylacteries. According to Rabbi Meir's opinion, one who does so violates the prohibition against adding to mitzvot merely by donning one pair, since he is fulfilling the mitzva of phylacteries at a time when he is not commanded to do so.

²⁹ And furthermore, according to this opinion, one who sleeps in a sukkah on the Eighth Day of Assembly should be flogged for violating the prohibition against adding to mitzvot, as he adds to the mitzva of: "You shall dwell in booths for seven days" (Leviticus 23:42). Yet the Sages instituted that outside of Eretz Yisrael, Jews must observe Sukkot for eight days, even though one who sleeps in a sukkah on the eighth night outside of Eretz Yisrael transgresses a Torah law. Rather, it is clear as we originally answered, i.e., you must accept one of the other explanations.

³⁰ Since the topic of phylacteries was discussed, the Gemara continues to explore this issue. Whom did you hear who said that Shabbat is a fit time for donning phylacteries? It is Rabbi Akiva, as it was taught in a baraita with regard to the end of the section in the Torah beginning with: "Sanctify all firstborns to me" (Exodus 13:2), which deals with the mitzvot of the Paschal lamb and phylacteries: "And you shall observe this ordinance in its season from year [miyamim] to year" (Exodus 13:10), which indicates that these mitzvot apply during the days [yamim] and not during the nights. Furthermore, the letter mem in "from year" [miyamim] teaches: But not on all days; this excludes Shabbat and Festivals, on which phylacteries are not worn. This is the statement of Rabbi Yosei HaGelili.

³¹ Rabbi Akiva says: This ordinance is stated only with regard to the Paschal lamb, and it does not refer to phylacteries at all. According to Rabbi Akiva, there is no reason to refrain from donning phylacteries on Shabbat and Festivals.

³² The Gemara asks: But with regard to that which we learned in a mishna that the Paschal lamb and circumcision are positive mitzvot, let us say that this statement is not in accordance with the opinion of Rabbi Akiva. The reason for this claim is that if you say this teaching is in accordance with the opinion of Rabbi Akiva, since he establishes this verse as referring to the Paschal lamb, this would mean that in failure to bring this offering there is also the violation of a negative mitzva, in accordance with the principle that Rabbi Avin said that Rabbi Elai said. As Rabbi Avin said that Rabbi Elai said: Any place where it is stated: Observe, lest, or do not, this means nothing other than a negative mitzva, as these are negative terms. Consequently, the verse "You shall observe this ordinance," which refers to the Paschal lamb, constitutes a negative mitzva.

³³ The Gemara rejects this: Even if you say that Rabbi Akiva holds that no negative mitzva applies to the Paschal lamb, it is not difficult, as an additional principle must be taken into account. Although it is true that the term observe with regard to a negative mitzva indicates the presence of another negative mitzva; that same term observe with regard to a positive mitzva has the force of a positive mitzva, as the Torah is warning adherents to take special care in the observance of a mitzva. The word observe in connection with the Paschal lamb is an example of this type of positive mitzva.

³⁴ The Gemara returns to the issue at hand: And does Rabbi Akiva really hold that Shabbat is a time for donning phylacteries? Wasn't it taught in a baraita that Rabbi Akiva says: I might have thought that a person should don phylacteries on Shabbatot and Festivals. Therefore, the verse states: "And it

shall be for a sign for you on your arm, and for a remembrance between your eyes, so that God's law shall be in your mouth; for with a strong arm God brought you out of Egypt" (Exodus 13:9). The obligation to don phylacteries applies when Jews require a sign to assert their Judaism and their status as the Chosen People, i.e., during the week, excluding Shabbat and Festivals, as they are themselves signs of Israel's status as the Chosen People and a remembrance of the exodus from Egypt. Consequently, no further sign is required on these days. This teaching proves that Rabbi Akiva maintains that Shabbat is not a fit time for donning phylacteries.

³⁵ Rather, it is this tanna, Rabbi Natan, who maintains that Shabbat is a fit time for donning phylacteries, as it was taught in a baraita: With regard to one who is awake at night, if he wishes he may remove his phylacteries, and if he wishes he may continue to don them, and he need not worry about violating the prohibition against adding to mitzvot. This is the statement of Rabbi Natan. Yonatan HaKitioni says: One may not don phylacteries at night. From the fact that according to the first tanna, Rabbi Natan, night is a fit time for phylacteries, it may be inferred that Shabbat, too, is a time for donning phylacteries, as Rabbi Natan evidently does not accept Rabbi Yosei HaGelili's limitation based on the phrase: From year to year.

³⁶ The Gemara rejects this contention: This is not a conclusive proof, as perhaps he holds that although night is a fit time for phylacteries, Shabbat is not a fit time for phylacteries. As we have heard that Rabbi Akiva said that night is a time for phylacteries, because he does not accept the limitation of "from days to days," and yet he maintains that Shabbat is not a time for phylacteries, as no sign is required on Shabbat. It is therefore possible that Rabbi Natan holds the same opinion.

³⁷ Rather, we must say that it is this tanna who maintains that Shabbat is a time for phylacteries, as it was taught in a baraita: Michal, daughter of Kushi, King Saul, would don phylacteries, and the Sages did not protest against her behavior, as she was permitted to do so. And similarly, Jonah's wife would undertake the Festival pilgrimage and the Sages did not protest against her practice. From the fact that the Sages did not protest against Michal's donning phylacteries, it is apparent that these Sages hold that phylacteries is a positive mitzva not bound by time, i.e., it is a mitzva whose performance is mandated at all times, including nights and Shabbat. There is an accepted principle that women are obligated in all positive mitzvot not bound by time.

³⁸ The Gemara rejects this contention: But perhaps that tanna holds

³⁹ in accordance with the opinion of Rabbi Yosei, who said: It is optional for women to place their hands on the head of a sacrificial animal before it is slaughtered. Although only men have this obligation, women may perform that rite if they wish. Similarly, women may perform other mitzvot that they have no obligation to fulfill.

⁴⁰ As, if you do not say so, that this tanna holds in accordance with the opinion of Rabbi Yosei, the baraita states that Jonah's wife would ascend to Jerusalem for the Festival pilgrimage and the Sages did not reprimand her. Is there anyone who says that the mitzva of Festival pilgrimage is not a time-bound positive mitzva and that women are obligated to fulfill it? Rather, he holds that she did not embark on the pilgrimage as an obligation, but that it was optional; here, too, with regard to phylacteries, it is optional. Consequently, no proof can be cited from this baraita as to whether or not Shabbat is a fit time for phylacteries.

⁴¹ Rather, who is the tanna who maintains that Shabbat is a time for phylacteries? It is this tanna who taught the halakha, as it was taught in the Tosefta: One who finds phylacteries brings them in pair by

pair, whether the finder is a man or whether she is a woman, and whether the phylacteries are new or whether they are old. This is the statement of Rabbi Meir. Rabbi Yehuda prohibits bringing in new phylacteries since they might merely be amulets in the form of phylacteries, but he permits bringing in old ones, which are certainly valid phylacteries.

⁴² Analysis of this Tosefta indicates that Rabbi Meir and Rabbi Yehuda disagree only with regard to the issue of new phylacteries and old ones; however, with regard to a woman bringing in the phylacteries, they do not disagree that it is permitted. Learn from it that this tanna maintains that donning phylacteries is a positive mitzva not bound by time, and since women are obligated in every positive mitzva not bound by time, a woman may don these phylacteries and walk into the town.

⁴³ The Gemara attempts to refute this. But perhaps that tanna holds in accordance with the opinion of Rabbi Yosei, who said: It is optional for women to place their hands on the head of a sacrificial animal before it is slaughtered. Here too, perhaps it is optional for women to don phylacteries. The Gemara answers: This cannot enter your mind, as neither Rabbi Meir holds in accordance with the opinion of Rabbi Yosei, nor does Rabbi Yehuda hold in accordance with the opinion of Rabbi Yosei, as the Gemara proceeds to prove.

⁴⁴ Neither Rabbi Meir holds in accordance with the opinion of Rabbi Yosei, as we learned in a mishna: One need not prevent children from sounding the shofar on Rosh HaShana. Although there is an element of prohibition in sounding the shofar when there is no obligation to do so, since the children will one day be obligated to sound the shofar, one need not prevent them from doing so and learning. It may be inferred from here that one must prevent women from sounding the shofar. And an unattributed mishna is in accordance with the opinion of Rabbi Meir, indicating that according to Rabbi Meir, a woman does not even have the option of performing a time-bound positive mitzva.

⁴⁵ Nor does Rabbi Yehuda hold in accordance with the opinion of Rabbi Yosei, as it was taught in the Sifra, the halakhic midrash on Leviticus. The verse states: “Speak to the sons of Israel...and he shall place his hands on the head of the burnt-offering” (Leviticus 1:2–4). By inference, the sons of Israel place their hands, but the daughters of Israel do not place their hands. Rabbi Yosei and Rabbi Shimon say: It is optional for women to place their hands on the head of a sacrificial animal before it is slaughtered.

⁴⁶ And who is the author of an unattributed Sifra? It is Rabbi Yehuda. This teaching proves that Rabbi Yehuda maintains that women do not have the option of placing their hands on a sacrifice. Neither Rabbi Meir nor Rabbi Yehuda accepts Rabbi Yosei’s opinion that it is optional for women to perform time-bound positive mitzvot; therefore, the tanna who cited their opinions that a woman may bring in phylacteries on Shabbat maintains that the mitzva of phylacteries is not time-bound and is in effect even on Shabbat, which is why even women are obligated.

⁴⁷ Rabbi Elazar said: With regard to one who one finds fabric dyed sky blue in the marketplace, if he found strips of combed and dyed wool they are unfit for use as ritual fringes. The sky blue threads used in ritual fringes must be spun and dyed for the purpose of the mitzva, and these strips might have been dyed for a different purpose. However, if one found sky blue threads, they are fit for use in ritual fringes, as it can be assumed they were prepared for that purpose.

⁴⁸ The Gemara asks: What is different about strips that renders them unfit? It is because Rabbi Elazar said: One dyed the strips with the intent to use them for a cloak. If so, with regard to threads as well, let us say: One spun them with the intent to use them for a cloak. In that case, they too would be

deemed unfit. The Gemara answers: Here, it is referring to threads that are twisted, which are not typically used for weaving.

⁴⁹ The Gemara asks: With regard to twisted threads as well, let us say that one twisted them with the intent of attaching them to the hem of a cloak as ornamentation. The Gemara answers: It is referring to twisted threads that were cut into short strings suitable for use as ritual fringes, as people certainly do not exert themselves and fashion fringes of a cloak to resemble ritual fringes.

⁵⁰ Rava said: The assertion that people do not exert themselves is problematic, as by the same token, does a person exert himself to fashion an amulet in the form of phylacteries? Nevertheless, the Sages were concerned that an object that appears to be phylacteries might actually be a different object. As we learned in a mishna: In what case is this statement that one is permitted to carry phylacteries inside on Shabbat said? It is with regard to old phylacteries. However, with regard to new ones, he is exempt from the obligation to bring them in, as it is possible that they are not phylacteries but amulets in the form of phylacteries. Similarly, there should be concern lest people fashion items similar to objects used for a mitzva, even if exertion is involved.

⁵¹ Rabbi Zeira said to his son Ahava: Go out and teach this baraita to the Sages. With regard to one who finds fabric dyed sky blue in the marketplace, if he finds strips, they are unfit for use in ritual fringes; however, if he finds threads cut into short strings, they are fit for use in ritual fringes because a person does not exert himself. Apparently, that is the reason for the halakha.

⁵² Rava said: And because Ahava, son of Rabbi Zeira, taught this halakha, has he hung ornamental rings on that line of reasoning, i.e., does that constitute an absolute proof? The difficulty posed by Rava from the mishna is not resolved by the baraita, as we learned: In what case is this statement that one is permitted to carry phylacteries inside said? It is with regard to old phylacteries. However, with regard to new ones, he is exempt. Apparently, there is concern lest one exert himself to fashion an object similar to one used in a mitzva.

⁵³ Rather, Rava said: The sources are not contradictory, as the question of whether one exerts himself or does not exert himself is the subject of a dispute between tanna'im. Some hold that one exerts himself as indicated by the mishna with regard to phylacteries, whereas others hold that one does not exert himself as stated with regard to sky blue dye.

⁵⁴ As it was taught in the Tosefta: One who finds phylacteries in a field brings them in to the town pair by pair, whether the finder is a man or a woman,

⁵⁵ and whether the phylacteries are new or old; this is the statement of Rabbi Meir. Rabbi Yehuda prohibits carrying new phylacteries but permits carrying old ones. Apparently, one Sage, Rabbi Yehuda, holds that a person exerts himself to fashion an amulet that looks like phylacteries, and one Sage, Rabbi Meir, holds that a person does not exert himself for this purpose, and therefore something that has the appearance of phylacteries must be phylacteries.

⁵⁶ Shin, yod, tzadi, yod, ayin, tzadi, beit, yod is a mnemonic for the statements that follow. The Gemara adds: And now that the father of Shmuel bar Rav Yitzḥak has taught that these are deemed old phylacteries: Any that have straps that are permanently tied in the manner of phylacteries, and new phylacteries are those that have straps that are not tied, the conclusion is that everyone agrees that a person does not exert himself to fashion an amulet similar to phylacteries or string-like ritual fringes. They disagree with regard to new phylacteries that are not tied properly and cannot be

donned in a manner typical of a weekday. The reason is that tying a permanent knot on Shabbat is prohibited by Torah law. Therefore, these phylacteries may not be donned, and Rabbi Zeira's opinion is accepted.

⁵⁷ The Gemara asks a question with regard to Rabbi Yehuda's opinion that new phylacteries may not be brought into town because they lack a permanent knot: Why must one tie the phylacteries with a knot? Let him simply tie a bow, which is not prohibited on Shabbat, and place the phylacteries on his head and arm in that manner. Rav Ḥisda said: That is to say that a bow is invalid for phylacteries, as a proper knot is required.

⁵⁸ Abaye said: This is not the correct interpretation. Rather, Rabbi Yehuda conforms to his standard line of reasoning, as he said: A bow is a full-fledged knot, and it is prohibited to tie it on Shabbat by Torah law.

⁵⁹ The Gemara asks: The reason that it is prohibited to tie a bow is that a bow is a full-fledged knot. If that were not so, one could tie the phylacteries with a bow. But didn't Rav Yehuda, son of Rav Shmuel bar Sheilat, say in the name of Rav: The form of the permanent knot of phylacteries is a halakha transmitted to Moses from Sinai; and Rav Naḥman said: And their decorative side, the side of the knot where the shape of the letter appears, must face outward. Apparently, a bow does not suffice for phylacteries, as an actual knot is required.

⁶⁰ The Gemara rejects this contention: It is referring to a case where one tied a bow similar in form to a permanent knot, without actually tying a permanent knot.

⁶¹ Rav Ḥisda said that Rav said: One who purchases a large quantity of phylacteries from one who is not an expert, i.e., a person who has not proven to be a reliable manufacturer of phylacteries, the purchaser examines two phylacteries of the arm and one of the head, or two of the head and one of the arm, to see if they are valid and the individual reliable. If the three phylacteries are found to be valid upon examination, the seller is considered an expert and the rest of the phylacteries are presumed valid as well.

⁶² The Gemara asks: Whichever way you look at it, this ruling is problematic: If the buyer purchased all of the phylacteries from one person, who acquired them from somebody else, let him examine three phylacteries of the arm or three of the head, in accordance with the principle that presumptive status is established after three instances.

⁶³ If he purchased the phylacteries from two or three people, each and every one of the phylacteries should require examination. The presumptive status of one pair of phylacteries does not apply to the others, as they might have been produced by a different person. The Gemara answers: Actually, this refers to a case where the buyer bought the phylacteries from one person, and we require that the seller prove himself to be an expert with regard to both the phylactery of the arm and the phylactery of the head.

⁶⁴ The Gemara asks: Is that so? Didn't Rabba bar Shmuel teach that with regard to phylacteries one examines three of the arm and three of the head? What, is it not that he examines either three phylacteries of the arm or three of the head? The Gemara rejects this explanation: No, it means that he examines three phylacteries in total, among them phylacteries of the arm and among them phylacteries of the head, as stated by Rav Ḥisda in the name of Rav.

⁶⁵ The Gemara asks: But didn't Rav Kahana teach that with regard to phylacteries one examines two of the arm and two of the head? This statement certainly contradicts Rav's opinion. The Gemara explains: In accordance with whose opinion is this halakha? It is the opinion of Rabbi Yehuda HaNasi, who said: Presumptive status is established by two times. Although most Sages maintain that it takes three instances to establish a presumptive status, Rabbi Yehuda HaNasi rules that two cases suffice. Consequently, in the case of phylacteries, it is sufficient to examine two.

⁶⁶ The Gemara asks: If this ruling is in accordance with the opinion of Rabbi Yehuda HaNasi, say the latter clause of that same baraita as follows: And he must likewise examine the second bundle of phylacteries, and likewise the third bundle. And if it is in accordance with Rabbi Yehuda HaNasi's opinion, is he of the opinion that a third examination is necessary? Rabbi Yehuda HaNasi does not require a third examination to establish a presumptive status, as he maintains that the examination of two bundles suffices.

⁶⁷ The Gemara answers: Rabbi Yehuda HaNasi concedes with regard to bundles, as one buys them from two or three different people. It can be assumed that the various bundles of phylacteries were not all manufactured by the same person. Consequently, the validity of one bundle does not establish a presumption with regard to another. The Gemara asks: If so, even the fourth bundle must be examined as well, and even the fifth as well. If the bundles were bought from different manufacturers, every one of them requires examination, not only the third.

⁶⁸ The Gemara answers: Yes, it is indeed so; this is how one must proceed. And the reason that Rabbi Yehuda HaNasi teaches three bundles rather than four or five is to exclude the third bundle from its presumptive status. By stating that the third bundle must be examined, Rabbi Yehuda HaNasi indicates that in this case two examinations do not establish a presumption; rather, all of the bundles must be checked. And actually, even the fourth and fifth bundles require examination as well.

⁶⁹ It was stated in the mishna that if one finds phylacteries tied in bundles or in wrapped piles, he sits there and waits with them until dark and then brings them in. The Gemara asks: What is the meaning of bundles in this context, and what is meant by wrapped piles? Rav Yehuda said that Rav said: The same types of objects are called bundles, and they are also called wrapped piles, i.e., both contain more than one pair of phylacteries. Bundles consist of many pairs of phylacteries arranged in pairs [zuvei] of a head phylactery with an arm phylactery, whereas wrapped piles indicates that many phylacteries are wrapped together in no particular arrangement.

⁷⁰ We learned in the mishna that one sits there and waits with them until dark and then brings them in. The Gemara asks: And why must he do that? Let him bring them in pair by pair. Rav Yitzḥak, son of Rav Yehuda, said: This matter was explained to me personally by my father as follows: Any instance where there are few enough phylacteries that were he to bring them in pair by pair he would finish before sunset, he brings them in pair by pair. But if not, i.e., if there are so many pairs of phylacteries that were he to bring them in one pair at a time he would not bring them all in before sunset, he waits there with all of them until dark and then brings them in.

⁷¹ It was stated in the mishna that in a time of danger one covers the phylacteries and proceeds on his way. The Gemara asks: Wasn't it taught in a different baraita: And in a time of danger he carries them less than four cubits at a time? The Gemara answers that Rav said: It is not difficult. In this mishna, which states that the finder covers the phylacteries, it is referring to the danger posed by gentiles, where the gentile authorities decreed against donning phylacteries and the finder is afraid to be seen

carrying them. However, in that baraita, which teaches that one may carry them less than four cubits at a time, it is dealing with the danger posed by bandits [listim]. In that case he is afraid to remain there until dark, but he is not worried about taking the phylacteries with him. Consequently, he may carry them less than four cubits at a time.

⁷² Abaye said to him: In what manner did you establish our mishna as dealing with the danger posed by gentiles? Say the latter clause of the mishna as follows: Rabbi Shimon says that one gives them to another and the other passes them to another. In that case, all the more so will the matter be conspicuous, and they should fear the decree issued by the gentiles.

⁷³ The Gemara answers: The mishna is incomplete and is teaching the following: In what case is this statement that the finder covers the phylacteries said? It is where the concern is danger posed by gentiles. However, where the concern is danger posed by bandits, one carries them less than four cubits at a time. In that case Rabbi Shimon disagrees, maintaining that it is preferable that many people carry the phylacteries.

⁷⁴ It is stated in the mishna that Rabbi Shimon says: One gives them to another and the other passes them to another. The Gemara asks: With regard to what principle do they disagree? One Sage, the first tanna, holds that having one person carrying the phylacteries less than four cubits at a time is preferable, as if you say that the finder gives them to another, and the other passes them to another, Shabbat desecration will be noticeable, thereby demeaning Shabbat's character as a sacred day of rest.

⁷⁵ And the other Sage, Rabbi Shimon, holds that the solution that one gives the phylacteries to another is preferable, as if you say that the finder carries them less than four cubits at a time, sometimes it is not in his thoughts and will unwittingly come to carry the phylacteries four cubits in the public domain. That is unlikely if there are numerous people together.

⁷⁶ It was stated in the mishna: And the same is true with regard to one's son. The Gemara is surprised: What is his son doing there in the field necessitating his retrieval in this way? The school of Menashe taught: It is referring to a case where his mother gave birth to him in a field, and he must be brought to town.

⁷⁷ And what may be inferred from the mishna's ruling that the baby is passed from one person to the next, even if it requires a hundred people? This teaches that although it is difficult for the child to be passed from hand to hand, even so, this method of transporting him is preferable to his being carried by one person less than four cubits at a time.

⁷⁸ It was stated in the mishna that Rabbi Yehuda says: A person gives a barrel to another, and the other may pass it to another, and in that way they may take it even beyond the Shabbat limit. The Gemara asks: And is Rabbi Yehuda not of the opinion of that which we learned in a mishna: The distance that an animal and vessels may be taken is like the distance that the feet of the owners may go with regard to Shabbat limits?

⁷⁹ Reish Lakish said in the name of Levi the Elder: With what are we dealing here? We are dealing with a case where one pours the water from one barrel to another barrel so that only the water, rather than the barrel itself, is taken beyond the limit. And Rabbi Yehuda follows his usual reasoning, as he said: Water has no substance, i.e., it is not significant enough for its transfer beyond the Shabbat limit to be prohibited.

⁸⁰ As we learned in a mishna that discusses a dispute on this issue: If one person adds flour for dough while another adds the water, the Rabbis say that the dough may only be taken as far as both owners are permitted to go, whereas Rabbi Yehuda exempts water from any limit due to the fact that it has no substance.

⁸¹ And what, then, is the meaning of the Rabbis' statement in the mishna: This may not go farther than the feet of the owners may go, which apparently refers to the barrel? It means: That which is in this barrel may not go farther than the feet of the owners may go.

⁸² The Gemara rejects this explanation. Say that you heard Rabbi Yehuda express his opinion that water has no substance in a case where it is absorbed in dough; but in a case where it is in its pure, unadulterated state did you hear him say so? Now, if with regard to water in a pot of cooked food Rabbi Yehuda said that it is not nullified, would it be nullified when it is in its pure, unadulterated state? That is clearly not the case, as it was taught in a baraita that Rabbi Yehuda says: Water and salt are nullified in dough, as they are absorbed into it and are not independently discernible. However, they are not nullified in a pot of cooked food, because the water and salt are discernible in its gravy.

⁸³ Rather, Rava rejected this explanation and said: Here, we are dealing with a barrel that belonged to a particular individual who acquired residence at the start of Shabbat in a specific location, and water that did not remain in one place, i.e., spring or river water, and that does not belong to any individual who acquired residence. In that case, the barrel is nullified relative to the water, since the barrel is designated to hold the water.

⁸⁴ As we learned in a mishna: One who carries out a living person on a bed from one domain to another on Shabbat is exempt even for carrying out the bed, due to the fact that the bed is secondary to the person. He is exempt for carrying out the living person because a living being carries itself, i.e., the person being carried lightens the load and thereby assists those bearing him.

⁸⁵ Similarly, one who carries out an amount of food, less than the measure that determines liability for carrying out food on Shabbat, in a vessel is exempt, even for carrying out the vessel, due to the fact that the vessel is secondary to the food inside it. By the same reasoning, the barrel should be nullified relative to the water it contains.

⁸⁶ Rav Yosef raised an objection from the following baraita. Rabbi Yehuda says: If members of a caravan camped in a field wish to drink, one person gives a barrel to another, and the other passes it to another. By inference: In a caravan, yes, it is permitted to do so due to exigent circumstances; however, in a case that is not a caravan, no, it is prohibited. Rather, Rav Yosef said: When we learned the case in the mishna as well, we learned it with regard to a caravan. The Sages were lenient in the case of a caravan due to the lack of water.

⁸⁷ Abaye said that this explanation is unnecessary: In a caravan, even if the barrel acquired residence and the water acquired residence, it is permitted to move them. If one is not in a caravan, if the barrel acquired residence and the water did not acquire residence, it is prohibited to move them.

⁸⁸ Rav Ashi said: Here, we are dealing with an ownerless barrel and ownerless water, neither of which acquired residence as they do not belong to anyone. And who is the tanna about whom it says in the mishna that they said to Rabbi Yehuda that it may not go farther than the feet of its owners may go? It is Rabbi Yoḥanan ben Nuri, who, consistent with his approach, said that ownerless objects acquire residence where they were located when Shabbat began, and it is prohibited to move them

beyond their limit. And what is the meaning of the statement: This may not go farther than the feet of its owners may go, as it has no owner? It means that the barrel and water may not go farther than vessels that have owners, i.e., they may not be moved beyond their limit.

⁸⁹ MISHNA: One who was reading a sacred book in scroll form on Shabbat on an elevated, wide threshold, and the book rolled from his hand into the public domain, he may roll it back to himself, since one of its ends remains in his hand.

⁹⁰ If he was reading on top the roof, which is a full-fledged private domain, and the book rolled from his hand, as long as the edge of the book did not reach within ten handbreadths above the public domain, the book is still in its own domain, and he may roll it back to himself. However, once the book has reached within ten handbreadths above the public domain, it is prohibited to roll the book back to oneself. In that case, he may only turn it over onto the side with writing, so that the writing of the book will be facedown and not exposed and degraded.

⁹¹ Rabbi Yehuda says: Even if the scroll is removed only a needle breadth from the ground, he rolls it back to himself. Rabbi Shimon says: Even if the scroll is on the ground itself, he rolls it back to himself, as you have nothing that was instituted as a rabbinic decree to enhance the character of Shabbat as a day of rest that stands as an impediment before the rescue of sacred writings.

⁹² GEMARA: The Gemara questions the first clause of the mishna: What are the circumstances of this threshold? If you say it is referring to a threshold that is a private domain, and there is a public domain before it, and the mishna teaches that we do not issue a decree lest the entire scroll fall from one's hand and he come to bring it from a public to a private domain,

⁹³ who is the tanna of the mishna? It is Rabbi Shimon, who said: Anything that is prohibited on Shabbat and its prohibition is not by Torah law, but rather is due to a rabbinic decree issued to enhance the character of Shabbat as a day of rest does not stand as an impediment before the rescue of sacred writings. But if it is the opinion of Rabbi Shimon, say the latter clause of the mishna as follows: Rabbi Yehuda says: Even if the scroll is removed only a needle breadth from the ground, he rolls it back to himself; and Rabbi Shimon says: Even if the scroll is on the ground itself, he rolls it back to himself.

⁹⁴ Is it possible that the tanna cited in the first clause of the mishna is Rabbi Shimon, as claimed above, while it is explicitly stated that the last clause represents the opinion of Rabbi Shimon, and yet its middle clause reflects the opinion of Rabbi Yehuda? Rav Yehuda said: Yes, that is the correct, albeit unconventional, explanation. The first and last clauses are in accordance with the opinion of Rabbi Shimon, while the middle clause of the mishna reflects the opinion of Rabbi Yehuda.

⁹⁵ Rabba said that the mishna may be understood differently. Here, we are dealing with a threshold that is trodden upon by the public, and due to the potential degradation of the sacred writings the Sages permitted one to violate the rabbinic decree. It would be disgraceful if people were to trample over sacred writings.

⁹⁶ Abaye raised an objection to his explanation: It was taught that if the scroll rolled within four cubits, he rolls it back to himself; if it rolled beyond four cubits, he turns it over onto its writing. And if you say we are dealing with a threshold that is trodden on by the public, what difference is there to me whether it remained within four cubits and what difference is there to me if it rolled beyond four

cubits? Since the prohibition is a rabbinic decree, not a Torah prohibition, why isn't one permitted to move the scroll in both cases to prevent the degradation of the sacred writings?

⁹⁷ Rather, Abaye said: Here, we are dealing with a threshold that is a karmelit, as the threshold is four handbreadths wide but is less than ten handbreadths high. Furthermore, on one side of the karmelit there is a private domain, and a public domain passes before it.

⁹⁸ The reason for the different rulings is as follows: If the scroll rolled within four cubits, even if the entire scroll falls out of the one's hand and he brings it back, he cannot incur liability to bring a sin-offering, as the prohibition against carrying from a public domain to a karmelit is a rabbinic decree. Consequently, the Sages permitted him to roll it back to himself, as there is no danger of transgressing a Torah prohibition.

⁹⁹ However, if it rolled beyond four cubits, so that if he brings it back he incurs liability to bring a sin-offering, as carrying an object four cubits in the public domain is prohibited by Torah law, the Sages did not permit him to roll it back. In this case, if he forgot and carried the scroll instead of rolling it, he would be violating a severe prohibition.

¹⁰⁰ The Gemara asks: If so, let us likewise issue a decree in the case where the scroll remained within four cubits, lest he bring the scroll in from the public domain to the private domain, i.e., to his house. And lest you say: Since a karmelit separates the public and private domains we have no problem with it, as nothing is directly carried from one domain to the other, didn't Rava say: One who carries an object from the beginning of four cubits to the end of four cubits in the public domain, and he carried it by way of the airspace above his head, he is liable, even though the object remained more than ten handbreadths off the ground and passed from the beginning to the end of four cubits by way of an exempt zone? Here, too, one should be liable for carrying the scroll from the public domain to a private domain by way of a karmelit.

¹⁰¹ The Gemara answers: With what are we dealing here? We are dealing with an extended threshold. Consequently, in the meantime, while he is carrying the scroll along the length of the threshold, he will remember not to bring it into the private domain.

¹⁰² And if you wish, say instead: Actually, it is referring to a threshold that is not extended; however, ordinarily one peruses sacred writings and then puts them in their place. Consequently, there is no concern that he might pass directly from the public to the private domain, as he will pause on the threshold to read the scroll. The Gemara asks: According to this explanation too, let us be concerned lest he pause to peruse the scroll in the public domain, and subsequently carry it directly into the private domain without pausing in the karmelit.

¹⁰³ The Gemara answers: In accordance with whose opinion is this mishna? It is the opinion of Ben Azzai, who said that walking is considered like standing. Consequently, one who passes through the karmelit is considered to have paused and stood there. Therefore, the object was not transferred directly from the public domain to the private domain, as he paused in the karmelit. The Gemara asks: But what of the concern lest he throw the scrolls inside, rather than carry them by hand, as Rabbi Yoḥanan said: Ben Azzai concedes that one who throws an object from the public domain to a private domain by way of an exempt domain is liable?

¹⁰⁴ The Gemara answers that Rav Aḥa bar Ahava said: That is to say that one does not throw sacred writings, as this is demeaning to them. Consequently, there is no concern that one might throw the scrolls rather than carry them by hand.

¹⁰⁵ It was stated in the mishna: If one was reading on top of the roof, which is a full-fledged private domain, and the scroll rolled from his hand, as long as the edge of the scroll did not reach ten handbreadths above the public domain, he may roll it back to himself. However, once the scroll reached within ten handbreadths above the public domain, it is prohibited to roll it back. In that case, he should turn it over, so that the writing of the scroll will be facedown and not be exposed and degraded. The Gemara asks: And is it permitted to do so? Wasn't it taught in a baraita that with regard to writers of scrolls, phylacteries, and mezuzot who interrupt their work, the Sages did not permit them to turn the sheet of parchment facedown lest it become soiled? Rather, one spreads a cloth over it in a respectful manner.

¹⁰⁶ The Gemara answers: There, with regard to scribes, it is possible to cover the parchment respectfully; here, it is not possible to do so. And if he does not turn the scroll over, it will be more degrading to the sacred writings. Consequently, although this is not an ideal solution, it is preferable to turn it over rather than leave the scroll exposed.

¹⁰⁷ The mishna states: Once the scroll has reached within ten handbreadths above the public domain, it is prohibited to roll it back to oneself, and one turns it over onto the writing. The Gemara asks: But why is this prohibited? Since the scroll did not come to rest in the public domain, rolling it back to oneself should not be prohibited. Rava said: This teaching is referring to an inclined wall. Although the scroll did not reach the ground, it came to rest within the confines of the public domain.

¹⁰⁸ Abaye said to him: In what manner did you establish that the mishna is referring to the case of an inclined wall? Say the latter clause of the mishna as follows: Rabbi Yehuda says: Even if the scroll is removed only a needle breadth from the ground, he rolls it back to himself. But didn't the scroll come to rest in the public domain? It shouldn't matter whether or not the scroll is in contact with the ground.

¹⁰⁹ The Gemara answers: The mishna is incomplete and is teaching the following: In what case is this statement said? It is said in the case of an inclined wall. However,

¹¹⁰ with regard to a wall that is not inclined, the following distinction applies: If the end of the scroll is three handbreadths above the ground, he may roll it back to himself; but if it is below three handbreadths from the ground, it is considered as though the scroll is on the ground, and he must therefore turn it facedown onto the writing.

¹¹¹ It was stated in the mishna that Rabbi Yehuda says: Even if the scroll is removed only a needle breadth from the ground, one rolls it back to himself. The Gemara explains: Rabbi Yehuda maintains that in order for an object to be deemed at rest, we require that it rest atop something. Consequently, a scroll that is not actually touching the ground is not considered resting and may be rolled back.

¹¹² The Gemara asks: But consider that which Rava said with regard to an object located within three handbreadths of the ground. Rava said that according to the opinion of the Rabbis, who disagree with Rabbi Akiva and claim that something in the air is not considered to be at rest, nevertheless, for one to incur liability it is necessary for the object to rest on a surface. Let us say that he stated his halakha

in accordance with only one of the tanna'im, but not in accordance with all of them. This is an unacceptable conclusion.

¹¹³ Rather, the Gemara rejects the previous explanation in favor of the following one: The mishna is all in accordance with Rabbi Yehuda, and it is incomplete and is teaching the following: In what case is this statement that once the end of the scroll is within ten handbreadths of the ground it may not be rolled back said? It was said in the case of an inclined wall. But with regard to a wall that is not inclined, even if the end of the scroll is less than three handbreadths from the ground, one may roll it back to himself, as Rabbi Yehuda says: Even if the scroll is removed only a needle breadth from the ground, he rolls it back to himself.

¹¹⁴ What is the reason for this ruling? The reasoning is that for an object to be considered at rest, we require that it rest atop some surface. Consequently, if the scroll is not actually touching the ground, it is not considered at rest, even if it is less than three handbreadths from the ground.

¹¹⁵ MISHNA: With regard to a ledge in front of a window, that is ten handbreadths high and four handbreadths wide, one may place objects upon it or remove them from it on Shabbat via the window.

¹¹⁶ GEMARA: The Gemara clarifies: This ledge, to where does it protrude? If you say that the ledge protrudes into a public domain, one should be prohibited to place an object on it, as we should be concerned lest the object fall and he will forget and come to bring it in from the public domain to a private domain. Rather, it must be that the ledge protrudes into a private domain; but if so, it is obvious that it is permitted to place objects on it and to remove them.

¹¹⁷ Abaye said: Actually, the mishna is dealing with a case where it protrudes into a public domain, and what is the meaning of that which it teaches: One may place objects upon it? This refers to fragile utensils, which would break instantly if they fell. Consequently, there is no concern that one might then bring them in from the public domain to the private domain.

¹¹⁸ The Gemara comments: That was also taught in a baraita: With regard to a ledge in front of a window that protrudes into a public domain, one may place on it bowls, cups, small cups [kitoniyot], and saucers. All of these utensils are made of fragile glass or earthenware, which supports Abaye's opinion.

¹¹⁹ The baraita continues: And one may use this ledge along the entire length of the wall, if the ledge spans its length, whether in close proximity to the window or removed from it, until the lower ten handbreadths of the wall, but not if the ledge is lower than that. And if there is one other ledge below it but still ten handbreadths above the ground, one may use the lower ledge along the entire length of the wall; but with regard to the upper ledge, one may use it only opposite his window.

¹²⁰ The Gemara asks: This upper ledge, what are its circumstances? If it is not four handbreadths deep, although it is an exempt domain with regard to the halakhot of Shabbat, which means it does not pose a problem in itself, one should nonetheless not be permitted to use it even opposite his window, as anything placed on this narrow ledge is likely to fall. Consequently, it is as though he has thrown the object directly to the ground. And if it is four handbreadths deep, let him use the ledge along the entire length of the ledge along the wall.

¹²¹ Abaye said: We are dealing with a case where the lower ledge is four handbreadths deep and the upper ledge is not four handbreadths deep, but the windowsill on the inside completes it to form a

surface four handbreadths deep. Accordingly, one may use the part of the upper ledge opposite the window, as it is considered an extension of the window, but the parts to this side or to that side of the window are prohibited, as they are less than four handbreadths deep.

¹²² MISHNA: A person may stand in a private domain and move objects that are in a public domain, as there is no concern that he might mistakenly bring them into the private domain. Similarly, one may stand in a public domain and move objects in a private domain, provided that he does not carry them beyond four cubits in the public domain, which is prohibited on Shabbat.

¹²³ However, a person may not stand in a private domain and urinate into a public domain, nor may one stand in a public domain and urinate into a private domain. And likewise, one may not spit in such a manner that the spittle passes from a private domain to a public domain or vice versa.

¹²⁴ Rabbi Yehuda says: Even once a person's spittle is gathered in his mouth, he may not walk four cubits in the public domain until he spits it out, for he would be carrying the accumulated spittle in his mouth, which is akin to carrying any other object.

¹²⁵ GEMARA: Rav Hinnana bar Shelamiya would teach this mishna to Hiyya bar Rav before Rav as follows: A person may not stand in a private domain and move objects that are in a public domain. Rav said to him: Have you abandoned the majority opinion of the Rabbis and followed the solitary dissenting opinion of Rabbi Meir, who is stringent in this regard?

¹²⁶ The Gemara explains: Rav Hinnana maintains that from the fact that the latter clause of the mishna, was taught in accordance with the opinion of Rabbi Meir, it can be inferred that the first clause was likewise taught in accordance with the opinion of Rabbi Meir. But in fact that is not so: The latter clause is in accordance with the opinion of Rabbi Meir, while the first clause is in accordance with that of the Rabbis.

¹²⁷ We learned in the mishna: One may move objects in a public domain when he is standing in a private domain, provided that he does not carry them beyond four cubits in the public domain. The Gemara infers: This teaching indicates that if he carried them beyond four cubits, he is liable to bring a sin-offering. The Gemara asks: Let us say that this ruling supports the opinion of Rava, as Rava said: With regard to one who carries an object in a public domain from the beginning of four cubits to the end of those four cubits, even if he carried it above his head, i.e., he lifted the object above his head so that it passed through an exempt place, he is nonetheless liable for carrying four cubits in a public domain. Here, too, although he is standing in an elevated private domain and carries the object at that elevated height, he is still liable.

¹²⁸ The Gemara rejects this contention: Is the mishna teaching that if he carried the object beyond four cubits he is liable to bring a sin-offering? Perhaps the mishna means: If he carried the object beyond four cubits, he is exempt from bringing a sin-offering, but it is nevertheless prohibited by rabbinic decree to do so.

¹²⁹ Some say a different version of the previous discussion: The Gemara's initial inference was actually that if he carried the object beyond four cubits he is exempt from bringing a sin-offering, but it is prohibited by rabbinic decree to do so. The Gemara asks: If so, let us say that this is a conclusive refutation of Rava's opinion, as Rava said: With regard to one who carries an object in a public domain from the beginning of four cubits to the end of those four cubits, even if he carried it above his head, he is liable. The Gemara rejects this suggestion: Is the mishna teaching that if he took it

beyond four cubits he is exempt, but it is prohibited to do so? Perhaps the tanna means that if he carried it beyond four cubits, he is liable to bring a sin-offering.

¹³⁰ The mishna states: A person may not stand in a private domain and urinate or spit into the public domain. Rav Yosef said: One who urinated or spat in this manner is liable to bring a sin-offering.

¹³¹ The Gemara raises a difficulty: But for an act of carrying to be considered a prohibited Shabbat labor that entails liability, we require that the lifting and placing of the object be performed from atop an area four by four handbreadths, the minimal size of significance with regard to the halakhot of carrying on Shabbat. And that is not the case here, as one's mouth, which produces the spittle, is not four by four handbreadths in size.

¹³² The Gemara answers: One's intent renders it an area of significance, i.e., as one certainly considers his mouth a significant area, it is regarded as four by four handbreadths in size. As, if you do not say so, that the size of an area is not the sole criterion, but that a person's thoughts can also establish a place as significant, there is a difficulty with that which Rava said: If a person threw an object and it landed in the mouth of a dog or in the mouth of a furnace, he is liable to bring a sin-offering. But don't we require that the object be placed on an area of four by four handbreadths? And that is not the case here.

¹³³ Rather, the person's intent to throw the object into the dog's mouth renders it an area of significance. Here too, his intent renders his own mouth a significant area.

¹³⁴ Rava raised a dilemma: If one is standing in a private domain, and the opening of his male member is in the public domain, and he urinates, what is the halakha? How should this case be regarded? Do we follow the domain where the urine is uprooted from the body, i.e., the bladder, which is in the private domain? Or do we follow the point of the urine's actual emission from the body, and since the urine leaves his body through the opening of his member in the public domain, no prohibition has been violated? Since this dilemma was not resolved, the Gemara concludes: Let it stand unresolved.

¹³⁵ The mishna states: And likewise, one may not spit from one domain to another. Rabbi Yehuda says: Once a person's spittle is gathered in his mouth, he may not walk four cubits in the public domain until he removes it. The Gemara asks: Does this teaching mean that it is prohibited to do so even if he has not turned the spittle over in his mouth, i.e., after he has dredged up the saliva but before he has rolled it around in his mouth in preparation to spit it out?

¹³⁶ Didn't we learn in a mishna the halakha of one who was eating a dried fig of teruma with unwashed hands? By Torah law, only food that has come into contact with a liquid is susceptible to ritual impurity, and no liquid had ever fallen on this fig. The significance of the fact that his hands are unwashed is that by rabbinic law, unwashed hands have second degree ritual impurity status and therefore invalidate teruma. If this person inserted his hand into his mouth to remove a pebble, Rabbi Meir deems the dried fig impure, as it had been rendered liable to contract impurity by the spittle in the person's mouth, and it subsequently became impure when it was touched by his unwashed hand. And Rabbi Yosei deems the fig ritually pure, as he maintains that spittle which is still in one's mouth is not considered liquid that renders food liable to contract impurity; the spittle does so only after it has left the mouth.

¹³⁷ Rabbi Yehuda says that there is a distinction between the cases: If he turned the spittle over in his mouth, it is like spittle that has been detached from its place, and therefore its legal status is that of a liquid, which means the fig is impure. However, if he had not yet turned the spittle over in his mouth, the fig is pure. This indicates that according to Rabbi Yehuda, spittle that has not yet been turned over in one's mouth is not considered detached.

¹³⁸ Rabbi Yoḥanan said: The attribution of the opinions is reversed, as the opinion attributed to Rabbi Yehuda is actually that of a different tanna, while Rabbi Yehuda himself maintains that the fig is ritually impure in either case.

¹³⁹ Reish Lakish said: Actually, do not reverse the opinions, and the apparent contradiction can be reconciled in accordance with the original version of the text: With what we are dealing here in the mishna? We are dealing with his phlegm that is expelled through coughing.

¹⁴⁰ The Gemara raises a difficulty against this resolution. Wasn't it taught in a baraita that Rabbi Yehuda says: If one's phlegm was detached, he may not walk four cubits in the public domain with it in his mouth? What, is it not the case that this halakha refers to spittle that was detached? The Gemara rejects this contention: No, this ruling applies only to one's phlegm that was detached. The Gemara raises a difficulty: Wasn't it taught in a baraita that Rabbi Yehuda says: If one's phlegm was detached, and likewise, if his spittle was detached, he may not walk four cubits in the public domain before he spits it out, even if he has not yet turned it over. Rather, it is clear as we originally answered, that the opinions in the mishna with regard to spittle and ritual impurity must be reversed.

¹⁴¹ Having mentioned phlegm, the Gemara cites a related teaching: Reish Lakish said: One who expelled phlegm in front of his master has acted in a disrespectful manner and is liable for the punishment of death at the hand of Heaven, as it is stated: "All they who hate Me love death" (Proverbs 8:36). Do not read it as: "They who hate [mesanai] Me"; rather, read it as: "Those who make themselves hateful [masniai] to Me," i.e., those who make themselves hateful by such a discharge.

¹⁴² The Gemara expresses surprise at this ruling: But doesn't he do so involuntarily, as no one coughs and emits phlegm by choice; why should this be considered a transgression? The Gemara answers: We are speaking here of someone who had phlegm in his mouth and spat it out, i.e., one who had the opportunity to leave his master's presence and spit outside.

¹⁴³ MISHNA: A person may stand in a private domain and extend his head and drink in a public domain, and he may stand in a public domain and drink in a private domain, only if he brings his head and most of his body into the domain in which he drinks. And the same applies in a winepress, as will be explained in the Gemara.

¹⁴⁴ GEMARA: The Gemara registers surprise at the mishna: It would seem that the first clause, i.e., the previous mishna, is in accordance with the opinion of the Rabbis, who maintain that a person located in one domain is permitted to move objects in another domain, whereas the latter clause, i.e., this mishna, is in accordance with the opinion of Rabbi Meir, who maintains that it is prohibited for a person in one domain to move objects in a different domain.

¹⁴⁵ Rav Yosef said: This mishna is referring to objects that one needs, and the ruling is accepted by all. In this case, even the Rabbis concede that it is prohibited to move objects in another domain, lest one absent-mindedly draw the objects to him and thereby violate a Torah prohibition.

¹⁴⁶ A dilemma was raised before the Sages: If one of the domains is a karmelit, what is the halakha? Abaye said: This case is equal to that case, i.e., in this situation a karmelit is governed by the same halakha that applies to a domain defined by Torah law. Just as the Sages prohibited one in the private domain from drinking from the public domain and vice versa, so too, they prohibited one in a karmelit from drinking in the same manner. Rava said: How can you say so? The prohibition against carrying to or from a karmelit is itself a rabbinic decree. And will we then proceed to issue a decree to prevent violation of another decree?

¹⁴⁷ Abaye said in explanation of his opinion: From where do I say that halakha? From the fact that it is taught in the mishna:

¹⁴⁸ And the same applies in a winepress. This winepress cannot be a private domain, as the first clause of the mishna already dealt with a private domain. The winepress must therefore be a karmelit, which proves that it is prohibited to drink from a karmelit while standing in a public domain.

¹⁴⁹ And Rava said: This proof is not conclusive, as the words: The same applies in a winepress, do not refer to Shabbat but to the matter of the halakhot of tithes, as explained below. And similarly, Rav Sheshet said that the statement that the same applies in a winepress refers to the matter of tithes.

¹⁵⁰ The Gemara clarifies this statement. As we learned in a mishna: One may drink grape juice directly on the winepress ab initio without tithing, whether the juice was diluted with hot water, even though he will then be unable to return the leftover wine to the press, as it would ruin all the wine in the press, or whether the juice was diluted with cold water, in which case he could return the leftover wine without ruining the rest, and he is exempt. Drinking that way is considered incidental drinking, and anything that is not a fixed meal is exempt from tithing. This is the statement of Rabbi Meir. Rabbi Eliezer bar Tzadok deems one obligated to tithe in both cases.

¹⁵¹ And the Rabbis say: There is a distinction between these two cases. When the juice is diluted with hot water, since one cannot return what is left of the juice to the press, he is obligated to tithe it, as this drinking is like fixed drinking for which one is obligated to tithe. However, when the juice is diluted with cold water, he is exempt from tithing it, because he can return the leftover juice to the press. Therefore, it is considered incidental drinking, which is exempt from tithing. The teaching of the mishna: The same applies to a winepress, is in accordance with the opinion of Rabbi Meir, as it teaches that that the leniency to drink without separating tithes applies only if the drinker's head and most of his body are in the winepress.

¹⁵² MISHNA: A person standing in a public domain on Shabbat may catch water in a vessel from a gutter running along the side of a roof, if it is less than ten handbreadths off the ground, which is part of the public domain. And from a pipe that protrudes from the roof, one may drink in any manner, i.e., not only by catching the water in a vessel, but even by pressing his mouth directly against the spout.

¹⁵³ GEMARA: A careful reading of the mishna indicates that to catch, yes, one may catch the water from a distance, but to press his hand or mouth to the gutter, no, that is prohibited. The Gemara asks: What is the reason for this distinction? Rav Nahman said: Here, we are dealing with a gutter within three handbreadths of the roof, and the halakha is in accordance with the principle that anything within three handbreadths of a roof is considered like the roof itself, based on the principle of lavud, according to which two solid surfaces are considered joined if there is a gap of less than three

handbreadths between them. Since the roof of the house is a private domain, one would be carrying from a private domain to a public domain, which is prohibited.

¹⁵⁴ That ruling, that there is a distinction between catching water falling from a gutter and pressing one's hand or mouth to it, was also taught in a baraita: A person may stand in a private domain and raise his hand above ten handbreadths, until it is within three handbreadths of the roof, and catch any water falling from his neighbor's roof in a vessel, provided that he does not press his hand or mouth to the roof.

¹⁵⁵ It was likewise taught in another baraita: A person may not stand in a private domain and raise his hand above ten handbreadths, to within three handbreadths of the roof, and press his hand to the gutter, but he may catch water falling from the gutter and drink.

¹⁵⁶ It was stated in the mishna: But from a pipe one may drink in any manner, as it protrudes more than three handbreadths from the roof. A Sage taught in the Tosefta: If the pipe itself is four by four handbreadths wide, it is prohibited to stand in the public domain and press one's hand or mouth to the water, because he is like one who carries from one domain to another domain, as the pipe is considered a domain in its own right.

¹⁵⁷ MISHNA: With regard to a cistern in a public domain, with an embankment ten handbreadths high, i.e., the embankment constitutes a private domain by itself, if there is a window above the cistern, i.e., the window of an adjacent house is situated above the cistern, one may draw water from the cistern on Shabbat through the window, as it is permitted to carry from one private domain to another.

¹⁵⁸ Similarly, with regard to a garbage dump in a public domain that is ten handbreadths high, which means it has the status of a private domain, if there is a window above the pile of refuse that abuts the garbage dump, one may throw water from the window onto the dump on Shabbat, as it is permitted to carry from one private domain to another.

¹⁵⁹ GEMARA: The Gemara asks: With what are we dealing here? If you say we are dealing with a cistern that is adjacent to the wall of the house, i.e. the cistern and wall are separated by less than four handbreadths, why do I need the cistern's embankment to be ten handbreadths high? Presumably the cistern is ten handbreadths deep, which makes it a private domain, and as it is too close to the house for the public domain to pass between them, one should be permitted to draw water from the cistern through the window, regardless of the height of the embankment.

¹⁶⁰ Rav Huna said: With what are we dealing here? With a case where the cistern or garbage dump is four handbreadths removed from the wall of the house, i.e., a public domain separates the house from the cistern or heap. It is prohibited to carry from one private domain to another by way of a public domain. However, if the cistern's embankment is ten handbreadths high, the one drawing the water transfers it by way of an area that is more than ten handbreadths above the public domain, which is an exempt domain.

¹⁶¹ And the reason that drawing the water is permitted is that there is an embankment of ten handbreadths; but if there is no embankment of ten handbreadths, it is prohibited, as this would involve moving objects from one private domain to another by way of the public domain.

¹⁶² And Rabbi Yoḥanan said: The above explanation is unnecessary. Even if you say that we are dealing with a cistern that is adjacent to the wall of the house, the mishna comes to teach us that a

cistern and its embankment combine to complete the ten handbreadths required for a private domain, and it is not necessary that the embankment itself reach a height of ten handbreadths.

¹⁶³ The mishna states: With regard to a garbage dump in a public domain that is ten handbreadths high, if there is a window above the heap, one may throw water from the window onto the heap on Shabbat. The Gemara asks: Aren't we concerned that the entire garbage dump or part of it might be removed, turning the area into a public domain, and people will continue to throw water onto it on Shabbat?

¹⁶⁴ But didn't Ravin bar Rav Adda say that Rav Yitzḥak said: An incident occurred involving a certain alleyway, one of whose sides terminated in the sea, which closed it off on one side, and the other side of which terminated in a garbage dump. And the incident came before Rabbi Yehuda HaNasi for his ruling as to whether the alleyway has the status of an alleyway closed on both sides, and he did not say anything about it, either prohibition or permission.

¹⁶⁵ The Gemara clarifies: Rabbi Yehuda HaNasi did not say about it that carrying in the alleyway is permitted, as we are concerned lest the garbage dump be removed from its present spot, leaving one side of the alleyway open, and we are likewise concerned that perhaps the sea will throw up sediment and recede. These sedimentary deposits will intervene between the end of the alleyway and the sea, thereby depriving the alleyway of one its partitions.

¹⁶⁶ Similarly, he did not say about it that carrying in the alleyway was prohibited, as its partitions, the sea and the garbage dump, indeed exist, and it was certainly permitted at that time to carry in the alleyway. Apparently, there is indeed a concern that a garbage dump might be removed; why, then, does the same concern not apply to the case in the mishna?

¹⁶⁷ The Gemara answers: This is not difficult. In this case, with regard to the alleyway between the garbage dump and the sea, we are concerned, as we are dealing with a private garbage dump, whose owner might change his mind and remove it; whereas in that case, i.e., the case in the mishna, it is referring to a public heap, which will certainly remain fixed in place.

¹⁶⁸ MISHNA: With regard to a tree that was hanging over the ground, i.e., its branches hung down on all sides like a tent so that it threw a shadow on the ground, if the tips of its branches are no higher than three handbreadths from the ground, one may carry under it. This applies even if the tree is planted in a public domain, as the branches form partitions which turn the enclosed area into a private domain.

¹⁶⁹ If its roots were three handbreadths higher than the ground, one may not sit on them, as it is prohibited to use a tree on Shabbat. Any part of a tree that is three handbreadths above the ground has the status of a tree with regard to this prohibition.

¹⁷⁰ GEMARA: Rav Huna, son of Rav Yehoshua, said: One may not move objects in the area under the tree if it is more than two beit se'a. What is the reason for this prohibition?

¹⁷¹ This was prohibited because it is a dwelling that serves only the air, i.e., it is used only by someone guarding the fields or the like. It is not used as permanent living quarters, despite its partitions. And the rule with respect to any dwelling that serves only the air is that it is not permitted to carry in it if its area is more than two beit se'a. As it is not a proper place of residence, the Sages treated it as an enclosure.

¹⁷² The mishna states: If the roots of the tree are three handbreadths above the ground, one may not sit on them on Shabbat. It was stated that amora'im disagreed with regard to the roots of a tree that rise up and then bend and come down from above, from a height of three handbreadths to within three handbreadths of the ground. Rabba said: It is permitted to use them, and Rav Sheshet said: It is prohibited to use them.

¹⁷³ The Gemara clarifies the rationale of each opinion. Rabba said that it is permitted to use them, as anything less than three handbreadths from the ground is considered as the ground. Rav Sheshet said: It is prohibited to use them; since they come from a prohibited source, they are prohibited. The section of the tree from which they grow is prohibited. Therefore, these roots should likewise be prohibited.

¹⁷⁴ The Gemara proceeds to qualify the dispute: With regard to ascending and descending roots that resemble a rocky crag, those that rise upward are certainly prohibited according to all opinions; those that fall downward are permitted according to everyone. It is the roots that branch out to the sides that are the subject of the dispute between Rabba and Rav Sheshet. Rav Sheshet prohibits using them, while Rabba is lenient.

¹⁷⁵ And likewise, Rabba and Rav Sheshet disagree about a tree that grows in a ditch that has elevated roots, some of which are concealed by the banks of the ditch. The amora'im dispute whether the roots concealed by the banks are considered part of the ground. And likewise, in the case of a tree that grows in a corner between two walls, they disagree as to whether the section between the walls is considered part of the ground.

¹⁷⁶ The Gemara relates that Abaye had a certain palm tree that grew in his house and that projected through an opening in the roof. He came before Rav Yosef to ask him about it, and he permitted him to use the first three handbreadths of the palm tree above the roof, as the tree's lower part is treated as though it were in the ground.

¹⁷⁷ Rav Aḥa bar Tah̄lisa said to Abaye: He who permitted it to you, permitted it to you in accordance with the opinion of Rabba, who maintains that a section of a tree concealed from view in at least two directions is considered as though it were underground. Consequently, the first three handbreadths above that section may be used on Shabbat, as they have the status of the ground.

¹⁷⁸ The Gemara expresses surprise: This is obvious. What novel element is Rav Aḥa bar Tah̄lisa teaching us? The Gemara answers: It is necessary, lest you say that in this case it should be permitted even according to Rav Sheshet, as the house is considered full, i.e., it is as though it were filled with earth, and this would mean it is permitted to use the section less than three handbreadths from the roof. Rav Aḥa bar Tah̄lisa therefore teaches us that Rav Sheshet is stringent even in this case.

¹⁷⁹ The Gemara attempts to adduce proof from the mishna, in which we learned: If the roots of the tree are three handbreadths above the ground, one may not sit on them. What are the circumstances of this case? If the situation is that the roots do not bend over again, this is obvious, as anything higher than three handbreadths is part of the tree. Rather, doesn't it mean that one may not sit on them even though they bend back downward to within three handbreadths of the ground? The mishna apparently indicates that if parts of the roots are more than three handbreadths above the ground, it is prohibited to use them along the rest of their entire length, as maintained by Rav Sheshet, contrary to Rabba.

¹⁸⁰ The Gemara rejects this contention: No, actually the mishna is referring to a case where they do not bend back downward, and the tanna comes to teach us the following: Although on one side of the tree the roots are level with the ground, nevertheless, it is prohibited to sit on them, as the roots on the other sides are more than three handbreadths above the ground.

¹⁸¹ The Sages taught in a baraita: With regard to roots of a tree that are three handbreadths above the ground, or if there is a hollow space beneath them of three handbreadths, although on one side of the tree the roots are level with the ground, one may not sit on them because of the following rule: One may not climb a tree, nor may one hang from a tree by one's hands, nor may one even lean against a tree on Shabbat.

¹⁸² And similarly, one may not climb a tree on Friday while it is still day and sit there the entire day of Shabbat. This constitutes the use of the tree itself, not merely climbing it, and it is therefore prohibited. This halakha applies both to a tree and to all animals; one may not climb upon them, hang from them, or lean against them. However, the prohibition is not due to the effort involved in climbing, as is evident from the case of a cistern, ditch, cave, or a fence. One may climb up and climb down them, even if they are a hundred cubits deep.

¹⁸³ The Gemara comments: It was taught in one baraita: If one climbed up a tree, he is permitted to climb down; and it was taught in one other baraita that he is prohibited to climb down. The Gemara resolves this apparent contradiction: This is not difficult. Here, where it is permitted to descend, one climbed up on Friday, while it was still day; there, where it is prohibited to descend, one climbed up on Shabbat after nightfall.

¹⁸⁴ And if you wish, say instead that both baraitot are referring to a case where one climbed up the tree after nightfall. But even so, it is not difficult: Here, it is permitted to descend, as one climbed up the tree unwittingly; there, it is prohibited to descend, as the baraita is dealing with one who climbed intentionally.

¹⁸⁵ And if you wish, say instead that both baraitot are referring to a case where one climbed up unwittingly, and they disagree about whether or not the Sages penalized an unwitting offender due to an intentional offender. One Sage, who ruled that it is prohibited to descend, maintains that they penalized an unwitting sinner to prevent others from climbing up on purpose and descending. Therefore, one may not come down even if he ascended by mistake. And one Sage, who ruled that it is permitted, maintains that they did not penalize the unwitting sinner in this manner.

¹⁸⁶ Rav Huna, son of Rav Yehoshua, said: This dispute between the two baraitot is parallel to the dispute of the tanna'im, who disagreed with regard to a different matter. The blood of certain sacrifices, e.g., the firstborn and tithe offerings, is sprinkled once on the altar, while the blood of other sacrifices, e.g., burnt-offerings, is sprinkled four times. They require two sprinklings that are four, i.e., two sprinklings on opposite corners, so that the blood falls on all four sides. If the blood of sacrifices that require only one sprinkling becomes intermingled with the blood of other sacrifices that require only one sprinkling, the mixture will be sprinkled once. Likewise, if the blood of sacrifices that require four sprinklings becomes intermingled with the blood of other sacrifices that require four sprinklings, the mixture will be sprinkled four times.

¹⁸⁷ If, however, the blood of a sacrifice that requires four sprinklings becomes intermingled with the blood of a sacrifice that requires only one sprinkling, the tanna'im disagree: Rabbi Eliezer says: The

mixture of blood is sprinkled four times. And Rabbi Yehoshua says: It is sprinkled once, and this suffices for the atonement of the sacrifice.

¹⁸⁸ Rabbi Eliezer said to Rabbi Yehoshua: If one sprinkles the blood only once, he transgresses the prohibition “you shall not diminish,” which prohibits the omission of any elements of the performance of a mitzva, as he has not sprinkled the blood of the burnt-offering in the proper manner. Rabbi Yehoshua said to Rabbi Eliezer: According to your ruling, that one must sprinkle the blood four times, he transgresses the prohibition: Do not add (Deuteronomy 13:1), which prohibits the addition of elements to a mitzva, as he sprinkles the blood of the firstborn animal more times than necessary.

¹⁸⁹ Rabbi Eliezer said to Rabbi Yehoshua: They said the prohibition against adding to the mitzvot only where the blood stands by itself, not when it is part of a mixture. Rabbi Yehoshua said to Rabbi Eliezer: Likewise, the prohibition: Do not diminish, was stated only in a case where the blood stands by itself.

¹⁹⁰ And Rabbi Yehoshua further said in defense of his position: When you sprinkle four times, you have transgressed the prohibition: Do not add, with regard to one of the sacrifices, and you also performed an action with your own hand, i.e., you transgress the Torah’s command by means of a positive act. By contrast, when you do not sprinkle four times, even if you have transgressed the prohibition: Do not diminish, you did not perform the action with your own hand. If one is forced to deviate from the commands of the Torah, it is better to do so in a passive manner.

¹⁹¹ Rav Huna, son of Rav Yehoshua, sought to argue the following: According to Rabbi Eliezer, who said there, with regard to sacrifices, that if both alternatives involve the violation of a prohibition it is preferable to stand and take action, i.e., perform a positive action, here too, one should climb down from the tree, as it is better to perform a single positive transgression by climbing down rather than commit a passive transgression throughout the entire Shabbat by remaining on the tree. By contrast, according to Rabbi Yehoshua, who said with regard to sacrifices that it is preferable to sit and not take action, here too, one should not descend from the tree.

¹⁹² The Gemara refutes this comparison: Perhaps that is not the case, as the two halakhot are not identical. Rabbi Eliezer might have stated his opinion that it is preferable to stand and take action only in the case dealt with there, where one performs a mitzva with respect to the additional sprinklings of the burnt-offering. However, here, where one performs no mitzva whatsoever by descending, indeed, he should not descend.

¹⁹³ Alternatively, the comparison can be rejected in a different fashion: Rabbi Yehoshua may have stated his opinion that it is preferable to sit and not take action only in the case dealt with there,

¹⁹⁴ where one does not commit a transgression by refraining from action. However, here, where one commits a transgression every additional moment he remains in the tree, indeed, he should descend from it.

¹⁹⁵ The Gemara cites an apparent contradiction: It was taught in one baraita that both a green tree and a dry tree are included in the prohibition against climbing a tree, whereas it was taught in another baraita: In what case are these matters, that one may not climb a tree, stated? With regard to a green tree. But in the case of a dry one, it is permitted to climb it.

¹⁹⁶ Rav Yehuda said: It is not difficult. Here, the baraita that includes a dry tree in the prohibition is referring to a tree whose stump sends out new shoots when cut; whereas there, the baraita that excludes a dry tree from the prohibition is referring to one whose stump does not send out new shoots.

¹⁹⁷ The Gemara expresses surprise at this answer: You call a tree whose stump sends out new shoots dry? This tree is not dry at all. Rather, it is not difficult, as both baraitot deal with a dry tree whose stump will not send out any new shoots. However, here, the baraita that permits climbing a dry tree, is referring to the summer, when it is evident that the tree is dead; whereas there, the baraita that prohibits climbing the tree is referring to the rainy season, when many trees shed their leaves and it is not obvious which remain alive and which are dead.

¹⁹⁸ The Gemara raises a difficulty: In the summer, the fruit of the previous year left on the dry tree will fall off when he climbs it, and climbing the tree should therefore be prohibited lest he come to pick the fruit. The Gemara answers: We are dealing here with a case where there is no fruit on the tree. The Gemara asks: But small branches will fall off when he climbs the tree, and once again this should be prohibited in case he comes to break them off. The Gemara answers: We are dealing here with a tree that has already been stripped of all its small branches.

¹⁹⁹ The Gemara asks: Is that really so? But Rav arrived at a place called Apsetaya and prohibited its residents from climbing even a tree that had already been stripped of all its branches. The Gemara answers: In truth, no prohibition was involved, but Rav found an unguarded field, i.e., a place where transgression was widespread, and fenced it in. He added a stringency as a safeguard and prohibited an action that was fundamentally permitted.

²⁰⁰ Rami bar Abba said that Rav Asi said: It is prohibited for a person to walk on grass on Shabbat, due to the fact that it is stated: “And he who hastens with his feet sins” (Proverbs 19:2). This verse teaches that mere walking occasionally involves a sin, e.g., on Shabbat, when one might uproot the grass on which he walks.

²⁰¹ The Gemara cites another apparent contradiction: It was taught in one baraita that it is permitted to walk on grass on Shabbat, and it was taught in another baraita that it is prohibited to do so. The Gemara answers: This is not difficult. This baraita is referring to green grass, which one might uproot, thereby transgressing the prohibition against reaping on Shabbat. That other baraita is referring to dry grass, which has already been cut off from its source of life, and therefore the prohibition of reaping is no longer in effect.

²⁰² And if you wish, say instead that both baraitot are referring to green grass, and yet there is no difficulty: Here, the baraita that prohibits walking on grass is referring to the summer, when the grass includes seeds that might be dislodged by one’s feet, whereas there, the baraita that permits doing so is referring to the rainy season, when this problem does not exist.

²⁰³ And if you wish, say instead that both baraitot are referring to the summer, and it is not difficult: This baraita, which permits walking on grass, is referring to a case where one is wearing his shoes, whereas that other baraita, which prohibits it, deals with a situation where one is not wearing his shoes, as the grass might get entangled between his toes and be uprooted.

²⁰⁴ And if you wish, say instead that both baraitot are referring to a case where one is wearing his shoes, and nevertheless this is not difficult: This baraita prohibits walking on grass, as it involves a

case where one's shoe has a spike on which the grass might get caught and be uprooted, whereas that other baraita permits it, because it deals a case where one's shoe does not have a spike.

²⁰⁵ And if you wish, say instead that both are referring to a case where the shoe has a spike, and it is not difficult: This baraita, which prohibits walking on grass, is referring to a case where the grass is long and entangled, and it can easily get caught on the shoe, whereas that other baraita is referring to a case where the grass is not long and entangled.

²⁰⁶ The Gemara concludes: And now, when we maintain that the halakha is in accordance with the opinion of Rabbi Shimon, who maintains that there is no liability for a prohibited act committed unwittingly during the performance of a permitted act, all of these scenarios are permitted, as here too, one's intention is merely to walk and not to uproot grass on Shabbat.

²⁰⁷ The Gemara cites another halakha derived from the verse mentioned in the previous discussion. Rami bar Hama said that Rav Asi said: It is prohibited for a man to force his wife in the conjugal mitzva, i.e., sexual relations, as it is stated: "And he who hastens with his feet sins" (Proverbs 19:2). The term his feet is understood here as a euphemism for intercourse.

²⁰⁸ And Rabbi Yehoshua ben Levi said: Anyone who forces his wife to perform the conjugal mitzva will have unworthy children as a consequence. Rav Ika bar Hinnana said: What is the verse that alludes to this? "Also, that the soul without knowledge is not good" (Proverbs 19:2). If intercourse takes place without the woman's knowledge, i.e., consent, the soul of the offspring will not be good.

²⁰⁹ That was also taught in a baraita: "Also, without knowledge the soul is not good"; this is one who forces his wife to perform the conjugal mitzva. "And he who hastens with his feet sins"; this is one who has intercourse with his wife and repeats the act in a manner that causes her pain or distress.

²¹⁰ The Gemara is surprised by this teaching: Is that so? But didn't Rava say: One who wants all his children to be males should have intercourse with his wife and repeat the act? The Gemara answers: This is not difficult: Here, where Rava issued this advice, he was referring to a husband who acts with his wife's consent. There, the baraita that condemns this behavior is referring to one who proceeds without her consent.

²¹¹ Apropos relations between husband and wife, the Gemara cites that Rav Shmuel bar Nahmani said that Rabbi Yoḥanan said: Any woman who demands of her husband that he fulfill his conjugal mitzva will have sons the likes of whom did not exist even in Moses' generation. With regard to Moses' generation, it is written: "Get you, wise men, and understanding, and well-known from each one of your tribes, and I will make them head over you" (Deuteronomy 1:13), and it is later written: "So I took the heads of your tribes, wise men, and well-known, and made them heads over you" (Deuteronomy 1:15). However, men possessing understanding, which is a more lofty quality than wisdom, Moses could not find any of these.

²¹² While with regard to Leah, it is written: "And Leah went out to meet him, and said, You must come in to me, for indeed I have hired you with my son's mandrakes" (Genesis 30:16). Her reward for demanding that Jacob fulfill the conjugal mitzva with her was the birth of Issachar, and it is written: "And of the children of Issachar, men who had understanding of the times, to know what Israel ought to do; the heads of them were two hundred, and all their brethren were at their commandment" (I Chronicles 12:33).

²¹³ The Gemara poses a question: Is that so? Is it proper for a woman to demand her conjugal rights from her husband? But didn't Rav Yitzhak bar Avdimi say: Eve was cursed with ten curses, due to the sin of the Tree of Knowledge, as it is written: "To the woman He said, I will greatly multiply your pain and your travail; in sorrow you shall bring forth children; and yet your desire shall be to your husband, and he shall rule over you" (Genesis 3:16)?

²¹⁴ Rav Yitzhak bar Avdimi proceeds to explain this verse. "To the woman He said: I will greatly multiply [harba arba]"; these are the two drops of blood unique to a woman, which cause her suffering, one the blood of menstruation and the other one the blood of virginity. "Your pain"; this is the pain of raising children. "And your travail"; this is the pain of pregnancy. "In sorrow you shall bring forth children"; in accordance with its plain meaning, i.e., the pain of childbirth.

²¹⁵ "And yet your desire shall be to your husband" teaches that the woman desires her husband, e.g., when he sets out on the road; "and he shall rule over you" teaches that the woman demands her husband in her heart but is too shy to voice her desire, but the man demands his wife verbally. Rav Yitzhak bar Avdimi adds: This is a good trait in women, that they refrain from formulating their desire verbally. Apparently, it is improper for a woman to demand her conjugal rights from her husband.

²¹⁶ The Gemara answers: When we say that a woman who demands her conjugal rights from her husband is praiseworthy, it does not mean she should voice her desires explicitly. Rather, it means that she should make herself pleasing to him, and he will understand what she wants on his own.

²¹⁷ The Gemara analyzes the above statement with regard to Eve's ten curses: Are they in fact ten? They are only seven. When Rav Dimi came from Eretz Yisrael to Babylonia, he said that the other curses are: A woman is wrapped like a mourner, i.e., she must cover her head; and she is ostracized from all people and incarcerated within a prison, as she typically spends all her time in the house.

²¹⁸ The Gemara asks: What is the meaning of ostracized from all people? If you say this is because it is forbidden for her to seclude herself with a man, it is also forbidden for a man to seclude himself with women. Rather, it means that it is forbidden for her to marry two men, whereas a man can marry two women.

²¹⁹ It was taught in a baraita that the three additional curses are: She grows her hair long like Lilit, a demon; she sits and urinates, like an animal; and serves as a pillow for her husband during relations.

²²⁰ And why doesn't the other Sage include these curses? The Gemara answers: He maintains that these are praise for her, not pain, either because they are modest practices, e.g., urinating in a seated position, or because they add to her comfort, e.g., her bottom position during relations.

²²¹ As Rabbi Hiyya said: What is the meaning of that which is written: "Who teaches us by the beasts of the earth, and makes us wiser by the birds of the sky" (Job 35:11)? He explains: "Who teaches us by the beasts of the earth"; this is the female mule, which crouches and urinates and from which we learn modesty. "And makes us wiser by the birds of the sky"; this is the rooster, which first cajoles the hen and then mates with it.

²²² Similarly, Rabbi Yoḥanan said: Even if the Torah had not been given, we would nonetheless have learned modesty from the cat, which covers its excrement, and that stealing is objectionable from the ant, which does not take grain from another ant, and forbidden relations from the dove, which is

faithful to its partner, and proper relations from the rooster, which first appeases the hen and then mates with it.

²²³ What does the rooster do to appease the hen? Rav Yehuda said that Rav said: Prior to mating, it spreads its wings as if to say this: I will buy you a coat that will reach down to your feet. After mating, the rooster bends its head as if to say this: May the crest of this rooster fall off if he has the wherewithal and does not buy you one. I simply have no money to do so.

²²⁴ MISHNA: With regard to the door to a rear court, i.e., a door that opens from a house to the courtyard situated behind it, which is typically not a proper door but merely a wooden board without hinges that closes off the doorway; and likewise bundles of thorns that seal a breach; and reed mats, one may not close an opening with them on Shabbat. This would be considered building or completing a building, unless they remain above the ground even when they are open.

²²⁵ GEMARA: And the Gemara raises a contradiction from a baraita: With regard to a door, or a mat, or a lattice [kankan] that drag along the ground and are used for closing up openings, when they are tied and suspended in place one may close an opening with them on Shabbat; and needless to say this is permitted on a Festival. According to the baraita, the critical factor is apparently that they must be tied and suspended, not that they have to be held up above the ground.

²²⁶ Abaye said: The baraita is referring to ones that have a hinge. As they are considered proper doors, closing them does not appear like building. Rava said: The baraita is referring even to doors that once had a hinge, even though they no longer have one. These partitions also bear the clear form of a door, and therefore one's action does not have the appearance of building.

²²⁷ The Gemara raises an objection from another baraita: With regard to a door, or a mat, or a lattice that drag along the ground, when they are tied and suspended in place and they are held above the ground even by as little as a hairbreadth, one may close an opening with them. However, if they are not raised in this manner, one may not close an opening with them. Clearly, these doors must indeed be raised above the ground as well.

²²⁸ The Gemara answers: Abaye reconciles the objection in accordance with his reasoning, and Rava reconciles the objection in accordance with his reasoning. The Gemara elaborates: Abaye reconciles the objection in accordance with his reasoning by adding to the baraita: They must either have a hinge or be held above the ground. Rava likewise reconciles the objection in accordance with his reasoning, as he reads: They must have had a hinge or else be held above the ground.

²²⁹ The Sages taught a baraita: With regard to branches of thorn bushes or bundles of wood that were arranged so that they sealed off a breach in a courtyard, when they are tied and suspended in place, one may close an opening with them on Shabbat; and needless to say, this is permitted on a Festival.

²³⁰ Rabbi Ḥiyya taught a baraita: With regard to a widowed door that drags along the ground, one may not close an opening with it. The Gemara asks: What are the circumstances of a widowed door? Some say it refers to a door built from a single plank, which does not look like a door, and others say it is a door that does not have a lower doorsill (ge'onim) and that touches the ground when closed.

²³¹ With regard to activities that are prohibited because of their similarity to building, the Gemara cites a teaching that Rav Yehuda said: When arranging a pile of wood for a fire on a Festival, if the logs are arranged from the top down, i.e., the upper logs are temporarily suspended in the air while

the lower logs are inserted below them, it is permitted. However, if the wood is placed from the bottom up, it is prohibited, as the arrangement of wood in the regular manner is a form of building.

²³² And the same applies to eggs that are to be arranged in a pile, and the same applies to a cauldron that is to be set down on a fire by means of supports, and the same applies to a bed that will be placed on its frame, and the same applies to barrels arranged in a cellar. In all these cases, the part that goes on top must be temporarily suspended in the air while the lower section is inserted beneath it.

²³³ With regard to bundles of thorns used to seal a breach, the Gemara cites a related incident: A certain heretic once said to Rabbi Yehoshua ben Ḥanania: Man of thorns! For it says about you: “The best of them is as a brier” (Micah 7:4), which indicates that even Israel’s best are merely thorns. He said to him: Fool, go down to the end of the verse: “The most upright is worse than a thorn hedge,” a derogatory expression meant as praise. Rather, what is the meaning of the best of them is as a brier? It means that just as these thorns protect a breach, so the best among us protect us. Alternatively: The best of them is as a brier [ḥedek] means that they grind [mehaddekin] the nations of the world into Gehenna, as it is stated: “Arise and thresh, O daughter of Zion, for I will make your horn iron, and I will make your hoofs brass, and you shall beat in pieces [vahadikot] many peoples; and you shall devote their gain to God, and their substance to the God of the whole earth” (Micah 4:13).

²³⁴ MISHNA: A person may not stand in the private domain and open a door located in the public domain with a key, lest he inadvertently transfer the key from one domain to the other. Likewise, one may not stand in the public domain and open a door in the private domain with a key, unless in the latter case he erected a partition ten handbreadths high around the door and stands inside it. This is the statement of Rabbi Meir.

²³⁵ The Rabbis said to him: There was an incident at the poultry dealers’ market in Jerusalem, where they would fatten fowl for slaughter (Rabbeinu Ḥananel), and they would lock the doors to their shops and place the key in the window that was over the door, which was more than ten handbreadths off the ground, and nobody was concerned about the possible violation of any prohibition. Rabbi Yosei says: That place was a market of wool dealers.

²³⁶ GEMARA: The Gemara asks: And those Rabbis, who cited the case of the poultry dealers of Jerusalem to rebut Rabbi Meir’s opinion, Rabbi Meir spoke to them about unlocking a door in a private domain while standing in the public domain, and they responded with an incident involving a karmelit. As Rabba bar bar Ḥana said that Rabbi Yoḥanan said: With regard to Jerusalem, were it not for the fact that its doors are locked at night, one would be liable for carrying in it on Shabbat, because its thoroughfares have the status of the public domain. However, since Jerusalem’s doors are typically locked, it is considered one large karmelit, which is subject to rabbinic prohibitions. How, then, could a proof be cited from the markets of Jerusalem with regard to the transfer of objects between a public domain and a private domain, which is prohibited by Torah law?

²³⁷ Rav Pappa said: Here, in the statement of Rabbi Yoḥanan, Jerusalem was considered a karmelit during the period before breaches were made in its walls. Its doors did not turn it into a public domain, as they were locked. Whereas there, the Rabbis in the mishna are referring to the time after breaches had been made in the walls, and it therefore acquired the status of a public domain.

²³⁸ Rava said: In the latter clause of the mishna we came to a different issue, i.e., the final section of the mishna is not designed to counter Rabbi Meir’s statement with regard to the public domain. Rather, it refers to the gates of a garden with an area greater than two beit se’a in size, whose legal

status is that of a karmelit. Consequently, the mishna is saying as follows: And likewise, one may not stand in the private domain and open a door in a karmelit; neither may one stand in a karmelit and open a door in the private domain,

²³⁹ unless he erected a partition ten handbreadths high around the door and stands inside it; this is the statement of Rabbi Meir. The Rabbis said to him: An incident occurred at the poultry dealers' market in Jerusalem, as they would lock the doors to their shops and place the key in a window that was over the door, which was higher than ten handbreadths. Rabbi Yosei says: That place was a market of wool dealers.

²⁴⁰ The Sages taught a baraita: With regard to the entrances of garden gates that open into a public domain, when they have a gatehouse on the inside, which is a private domain, one may open and close them from within. This is because the lock, which is four handbreadths wide and ten handbreadths high, also constitutes a private domain. Consequently, the key may be passed from the gatehouse to the lock. However, they may not be opened or closed from without, as the key may not be passed from the public domain to the private domain of the lock. If the gatehouse is on the outside, one may open and close the doors from without, as once again both the lock and the gatehouse are private domains. They may not, however, be opened from within, as the key may not be passed from the garden, which is a karmelit, to the lock. If they have a gatehouse from here, from within, and there, from without, one may open and close the doors here and there. If they do not have a gatehouse; neither here nor there, it is prohibited to open or close the doors here and there, as one may not carry the key either in the public domain or in the garden.

²⁴¹ And likewise, this is the halakha with regard to stores that open into the public domain: When the lock is below ten handbreadths off the ground, it is in the public domain. In that case, one may bring a key on Shabbat eve and place it on the threshold, whose legal status is that of a karmelit, and the following day he may open and close the door and return the key to the threshold.

²⁴² And when the lock is above ten handbreadths off the ground, one may bring a key on Shabbat eve and place it in the lock. And the following day he may open and close the door and return the key to its place on top of the lock. This is the statement of Rabbi Meir.

²⁴³ And the Rabbis say: Even when the lock is above ten handbreadths off the ground, one may bring a key on Shabbat eve and place it on the threshold, and the following day he may open and close the door and return the key to its place on the threshold or in the window that is above the door.

²⁴⁴ However, if the window is four by four handbreadths and ten handbreadths above the ground, its status is that of a private domain, and it is therefore prohibited to place the key in the window, because it would be as though one is transferring the key from one domain, a karmelit, to another private domain.

²⁴⁵ The Gemara infers: From the fact that it is stated in the baraita: And similarly, stores, this proves by inference that we are dealing with a threshold that is a karmelit, as it would otherwise be prohibited to transfer the key from the threshold to the lock. If so, with regard to this lock, what are the circumstances? If there is not an area of four by four handbreadths in it, it does not have the status of a prohibited domain at all, and it is an exempt domain.

²⁴⁶ And if it is four by four handbreadths, and therefore a private domain, would the Rabbis say in that case: Even when the lock is above ten handbreadths off the ground, he may bring a key on

Shabbat eve and place it in the threshold, and the following day he may open and close the door and return the key to the threshold or to a window above the door? Isn't he moving an object from a karmelit to the private domain?

²⁴⁷ Abaye said: Actually, the lock is not four by four handbreadths, but there is enough space in the door surrounding it to carve out a hole that would complete its area to the requisite four handbreadths.

²⁴⁸ And this is their dispute: Rabbi Meir, who conforms to his standard line of reasoning, maintains that one carves out the space to complete it to four handbreadths. In other words, if a small opening is located in a place large enough for it to be widened, the place is viewed as though it had already been carved out, providing the opening with the larger dimensions. And the Rabbis conform to their standard line of reasoning, as they maintain that one does not carve out the space to complete it to four handbreadths. Consequently, the lock in its present condition is not large enough to constitute a place of significance, and it is therefore regarded as an exempt place.

²⁴⁹ Rav Beivai bar Abaye said: Learn from this baraita three halakhot: Learn from it that according to Rabbi Meir, we carve out to complete the necessary dimensions. And further learn from it that Rabbi Meir retracted his ruling with regard to garden gates. According to Rava, Rabbi Meir prohibited a man standing in a karmelit from opening a door in a private domain, and yet here he permits a similar case.

²⁵⁰ And learn from the statement of the Rabbis that the ruling of Rav Dimi is accepted. As when Rav Dimi came to Babylonia from Eretz Israel, he said that Rabbi Yoḥanan said: A place with an area that is less than four by four handbreadths and that is set apart from the surrounding area is an exempt domain with regard to carrying on Shabbat. Consequently, if the domain is located between a public domain and a private domain, it is permitted for both the people in the public domain and for the people in the private domain to adjust the burden onto their shoulders, provided that they do not exchange objects with one another. This ruling, that it is prohibited to exchange articles, is supported by the position of the Rabbis that it is prohibited to transfer the key from the threshold, which is a karmelit, via the lock, an exempt domain, to the private domain of the window, as one may not transfer an object from one prohibited domain to another, even via an exempt domain.

²⁵¹ MISHNA: With regard to a bolt that secures a door in place and that has a thick knob [gelustera] at its end, a useful implement for a variety of purposes, the tanna'im disagree whether the bolt has the status of a vessel, and one may therefore close the door with it, or whether it is considered a cross beam, which would mean that doing so is classified as building. Rabbi Eliezer prohibits its use, and Rabbi Yosei permits it.

²⁵² Rabbi Eliezer said: An incident occurred in a synagogue in Tiberias, where they were accustomed to treat use of this bolt as permitted, until Rabban Gamliel and the Elders came and prohibited it to them. Rabbi Yosei says that the opposite was the case: At first they were accustomed to treat use of this bolt as prohibited, and Rabban Gamliel and the Elders came and permitted it to them.

²⁵³ GEMARA: The Gemara narrows the dispute: If the bolt can be moved by the rope with which it is attached to the door, everyone agrees that it is considered part of the door, and one may secure the door with it. When Rabbi Yosei and Rabbi Eliezer disagree,

²⁵⁴ it is in a case where it cannot be picked up by its rope, as it is too thin to bear the weight of the bolt. As this Sage, Rabbi Yosei, maintains: Since it has a knob at its end, it has the status of a vessel, and one is therefore permitted to secure the door with it. And this Sage, Rabbi Eliezer, maintains: Since it cannot be picked up by its rope, no, it is not considered a proper vessel merely because of the knob, and consequently, its use is prohibited on Shabbat.

²⁵⁵ MISHNA: With regard to a bolt that is attached to the door, but owing to the length of the rope, it does not hang from the door but drags along the ground, one may lock a door with it in the Temple on Shabbat, as this is prohibited only by rabbinic decree, issued to enhance the character of Shabbat as a day of rest, and rabbinic decrees are not in effect in the Temple. However, one may not lock a door with this bolt in the country outside the Temple.

²⁵⁶ And with regard to one that is not tied at all but rests entirely on the ground, it is prohibited in both places, in and outside the Temple, as the use of this bolt is considered building. Rabbi Yehuda says: One that rests entirely on the ground is permitted in the Temple, and one that drags along the ground is permitted even in the rest of the country.

²⁵⁷ GEMARA: The Sages taught in a baraita: Which is the bolt that drags along the ground with which one may lock a door on Shabbat in the Temple but not in the rest of the country? Any that is tied to the door and suspended from it, while one end of the bolt reaches the ground. Rabbi Yehuda says: This type of bolt is permitted even in the rest of the country. Rather, which is the bolt with which one may lock a door in the Temple but not in the rest of the country? Any that is neither tied to the door nor suspended from it, but which one removes after use and places in a corner.

²⁵⁸ Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda with regard to a bolt that is dragged. It is permitted to use this bolt on Shabbat even outside the Temple, but it is prohibited to use a bolt that rests on the ground, even in the Temple.

²⁵⁹ Rava said: And that is the case only if the bolt is tied to the door itself. The Gemara is surprised by this ruling: Is that really so? But didn't Rabbi Tavla happen to come to Mehoza and he saw a certain bolt that was suspended from the side of the door, and he did not say anything to the people there with regard to a prohibition? The Gemara rejects this contention: That bolt was one that could be picked up by its rope. Everyone agrees that a bolt of this kind may be used for locking a door on Shabbat even if it is not tied to the door itself.

²⁶⁰ The Gemara relates that Rav Avya once happened to come to Neharde'a and saw a certain person tying a bolt to a door with a reed. He said: This door may not be locked on Shabbat, as the bolt is not adequately fastened to it.

²⁶¹ Rabbi Zeira raised the following dilemma: If the bolt was pressed into the ground through a hole in the threshold, what is the halakha? Is the use of this bolt considered building? Rav Yosef said: What is Rabbi Zeira's dilemma? Has he not heard that which was taught in the Tosefta: If the bolt was altogether detached from the rope to which it had been tied, it is prohibited; but if it was pressed into the ground, it is permitted; and Rabbi Yehuda said: If it was pressed into the ground, even though it was not entirely detached from its rope, it is prohibited?

²⁶² And Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda with regard to a bolt that was pressed into the ground. The Gemara asks: And what is the

reason that the Sages prohibited the use of a bolt that was pressed into the ground? Abaye said: They prohibited its use because it appears like building, as the bolt enters all the way into the ground.

²⁶³ Rav Neḥumei bar Zekharya raised a dilemma before Abaye: If one produced a handle for the bolt in order to hold it, but it was not tied to the door, what is the halakha? Abaye said to him: A pestle, you say? If it has a handle it is a proper utensil, which may be freely used according to all opinions. This teaching was stated also in the form of a direct statement: Rav Neḥumei bar Adda said: If he produced a handle for the bolt, it is permitted.

²⁶⁴ The Gemara relates that there was a certain cross beam in the house of Rabbi Pedat that was so heavy it took ten people to lift it, and they would place it against the door at night in order to secure it. And Rabbi Pedat did not say anything to them with regard to a possible prohibition. He said: I permit it because it has the status of a utensil. It appears like a utensil and it serves a distinct purpose; therefore, it may be used on Shabbat.

²⁶⁵ The Gemara further relates that there was a certain mortar in the house of Mar Shmuel that had a capacity of an adriva, which is equal to half a kor. Mar Shmuel permitted them to place it against the door to secure it. He said: It falls into the halakhic category of a utensil, and it may therefore be used to secure the door, as this is not regarded as building.

²⁶⁶ Rami bar Yeḥezkel sent a request to Rav Amram: Let the Master tell us some of those outstanding matters that you told us in the name of Rav Asi with regard to the arches of a boat upon which mats are draped as protection against the elements. Rav Amram sent back to him that Rav Asi said as follows: With regard to the arches of a boat, when they are a handbreadth wide, or even if they are not a handbreadth wide but there is less than three handbreadths between them, in which case the intervening space is regarded as filled in based on the principle of lavud, on the following day, i.e., on Shabbat, one may bring a mat and spread it over them.

²⁶⁷ What is the reason for this leniency? The reason is that this is considered adding to a temporary tent, and therefore one may well spread a mat over the arches. They themselves constitute a tent. Therefore, one who spreads a mat over them is merely adding to the temporary tent.

²⁶⁸ The Gemara further relates that Rav Huna had certain rams that required shade during the day and required air at night. He therefore sought a way for the pen to be covered by day but not at night, even on Shabbat. He came before Rav to seek his advice.

²⁶⁹ Rav said to him: Go, roll up the mats [budeya] that were spread out there for shade, but leave one handbreadth covered. On the following day, unroll the entire mat, which is considered adding to a temporary tent and which is permitted.

²⁷⁰ Rav said in the name of Rabbi Ḥiyya: With regard to a curtain put up for privacy, one is permitted to spread it out, and one is also permitted to dismantle it on Shabbat. As it is not a tent but merely a temporary wall, akin to a door, one does not violate a prohibition if it is not fixed firmly in place.

²⁷¹ With regard to a bridal canopy, a curtain that is suspended over a bed and inclines outward in both directions, it is permitted both to dismantle it and to spread it on Shabbat. Rav Sheshet, son of Rav Idi, said: We said that this is permitted only where the curtain extends over the bed and falls on both sides in such a manner that the top of the curtain, the apex of the canopy, is less than a handbreadth wide. However, if its top is a handbreadth wide, i.e., if the curtain does not rise to a

sharp point but extends horizontally for a handbreadth, after which it falls to the side, this handbreadth is regarded as a tent and is therefore prohibited.

²⁷² And even where its horizontal top is not a handbreadth wide, we said this leniency only if its width is less than a handbreadth within three handbreadths from its top. However, if its width is a handbreadth within three handbreadths from its top, this handbreadth is considered a tent and it is therefore prohibited to spread it on Shabbat.

²⁷³ And even where it is less than a handbreadth wide within three handbreadths of its top, we said this leniency only where

²⁷⁴ its incline does not extend a handbreadth from the center to each side. However, if its incline extends a handbreadth from the center to the side, the halakha is that the inclines of tents are considered like tents, and it is therefore prohibited to suspend them.

²⁷⁵ And Rav Sheisha, son of Rav Idi, said: With regard to a stiff felt hat [sayna], it is permitted to wear it on Shabbat. The Gemara raises a difficulty: But wasn't it taught in a baraita that wearing this hat is prohibited? The Gemara answers: It is not difficult. This baraita, which prohibits wearing a felt hat, is referring to a case where the hat extends a handbreadth from the person's head and is therefore regarded as a tent; whereas that statement by Rav Sheisha, who permits doing so, is referring to a case where it does not extend a handbreadth from one's head.

²⁷⁶ The Gemara is surprised at this answer: But if that is so, one who pulled his cloak a handbreadth beyond his head, is it also prohibited for him to do so? This is unreasonable, as it is an article of clothing, not a tent.

²⁷⁷ Rather, the previous explanation must be rejected, as the issue with regard to a felt hat is not whether it is considered a tent, but whether there is concern that one might come to carry it in the public domain if it falls from his head. This is not difficult; this statement of Rav Sheisha, which permits it, is referring to a case where the hat fits snugly on his head. There is no concern lest the hat fall and one will come to carry it; therefore it is permitted to wear it. Conversely, that baraita, which prohibits wearing this hat, is referring to a case where it does not fit snugly on his head. It is therefore liable to fall, and one might come to carry it in the public domain.

²⁷⁸ MISHNA: One may restore the lower hinge pin of the door of a carriage, box, or cupboard that becomes dislocated to its place on Shabbat in the Temple, as this action is prohibited by rabbinic decree, which is not in effect in the Temple; but it may not be restored to its place in the rest of the country. And restoring the upper hinge pin is prohibited in both places, as this is considered building, a labor prohibited by Torah law, which applies everywhere. Rabbi Yehuda says: Restoring the upper hinge pin to its place is permitted in the Temple, while one may restore the lower one to its place even in the rest of the country.

²⁷⁹ GEMARA: The Sages taught a baraita: With regard to the lower hinge pin of the door of a carriage, box, or cupboard, one may restore it to its place in the Temple; in the rest of the country one may only push it back into place, provided that it did not come out of its socket entirely. As for the upper hinge, one may not restore it in either place. This is prohibited as a preventive measure, lest one come to bang it in forcefully, thereby performing an actual labor prohibited by Torah law. And if he actually banged it in, he is liable to bring a sin-offering, as his action is considered building.

²⁸⁰ With regard to the hinge pin of the door of a pit, cistern, or an extension to a building, one may not restore it to its place at all. And if one restored it to its place, he is liable to bring a sin-offering. The above distinction applies only to movable utensils, whereas anything attached to the ground may certainly not be fixed in place, as this is regarded as prohibited building.

²⁸¹ MISHNA: One may return to its place a bandage that became detached from a wound on Shabbat in the Temple. In the Temple, this is not prohibited as a preventive measure, lest one come to spread the ointment and thereby perform the prohibited labor of smoothing. However, one may not return a bandage to its place in the rest of the country. If one sought to apply the bandage for the first time to an untreated wound on Shabbat, it is prohibited in both places.

²⁸² GEMARA: The Sages taught a baraita: With regard to a bandage that became detached from a wound, one may return it to its place on Shabbat in all cases. Rabbi Yehuda says: If it slipped downward, one may push it upward; if it slipped upward, one may push it downward. One may also uncover part of the bandage and clean the opening of the wound on one side, and then uncover another part of the bandage on the other side and clean the opening of the wound on that side.

²⁸³ However, one may not clean the bandage itself, because that would involve spreading the ointment, which is a subcategory of the prohibited labor of smoothing, and if one spread the ointment he is liable to bring a sin-offering. Actually restoring a bandage that was completely detached from the wound is prohibited in all cases.

²⁸⁴ Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda. Rav Ḥisda said: The Sages taught that it is permitted to restore the bandage to the wound only where it became detached and fell onto a utensil, in which case one may immediately pick it up and replace it. However, if it became detached and fell onto the ground, everyone agrees it is prohibited, as this is considered as though one were bandaging the wound for the first time.

²⁸⁵ Mar bar Rav Ashi said: I was standing before Father, and his bandage fell onto a pillow and he replaced it. I said to him: Doesn't the Master hold that which Rav Ḥisda said: The dispute is restricted to a case where the bandage became detached and fell onto a utensil, but if it became detached and fell onto the ground, everyone agrees that it is prohibited; and furthermore, Shmuel said: The halakha is in accordance with the opinion of Rabbi Yehuda, that it is prohibited to replace even a bandage that fell onto a utensil?

²⁸⁶ He said to me: I did not hear this teaching; that is to say, I do not agree with Rav Ḥisda's interpretation that the dispute is only in a case where the bandage fell onto a utensil. Rather, they disagree even if it fell onto the ground, and the halakha is that the bandage may be restored to the wound.

²⁸⁷ MISHNA: One may tie up on Shabbat a string [nima] that came loose from a harp used in the Temple, but not in the rest of the country. And tying the string to the harp for the first time is prohibited both here and there.

²⁸⁸ GEMARA: And the Gemara raises a contradiction from a baraita: If a harp string broke, one would not tie it up with a knot, but fashion a bow. This teaching indicates that tying up a harp string is prohibited even in the Temple. The Gemara answers: It is not difficult; this baraita, which prohibits tying, was taught in accordance with the opinion of the Rabbis; and that mishna is in accordance with the opinion of Rabbi Eliezer.

²⁸⁹ The Gemara clarifies this answer: According to Rabbi Eliezer, who said that the preparations that enable the performance of a mitzva override the prohibitions of Shabbat, one may tie even the broken harp string, as this is for the purpose of the mitzva of accompanying the Temple service with music. However, according to the Rabbis, who say that preparations for a mitzva do not override Shabbat prohibitions, one may only fashion a bow.

²⁹⁰ The Gemara raises a difficulty: If in fact the mishna is in accordance with the opinion of Rabbi Eliezer, who permits facilitating performance of a mitzva even when it involves desecration of Shabbat, even in a case where the string did not break and one is tying it for the first time, this too should be permitted, as he is acting for the purpose of a mitzva.

²⁹¹ Rather, the Gemara provides a different resolution of the contradiction: It is not difficult. This, the mishna that permits tying the broken string, was taught in accordance with the opinion of Rabbi Yehuda, who maintains that making a bow is considered tying, and there is no difference between the two actions; and that, the baraita that prohibits it, is in accordance with the opinion of the Rabbis, who rule that fashioning a bow is not prohibited by Torah law, and therefore it is permitted to fashion a bow.

²⁹² The Gemara asks: And Rabbi Yehuda, in accordance with whose opinion did he express his view?

²⁹³ If he stated his ruling in accordance with the opinion of Rabbi Eliezer, why did he permit tying a bow only after the fact? It should also be permitted even *ab initio*, as Rabbi Eliezer maintains that preparations required for the performance of a mitzva override the prohibitions of Shabbat.

²⁹⁴ Rather, the Gemara rejects the previous explanation: It is not difficult; this baraita that deems tying prohibited is according to the opinion of Rabbi Shimon, while that mishna that rules that tying is permitted, is according to the opinion of the Rabbis. As it was taught in a baraita: If a string of the Levite's harp was severed on Shabbat, he may tie it with a knot; Rabbi Shimon says: He may only form a bow. The Rabbis permit the preparations for a mitzva that could not have been performed before Shabbat, whereas Rabbi Shimon is stringent and prohibits even those preparations.

²⁹⁵ The Gemara continues its citation of the baraita. Rabbi Shimon ben Elazar says: Even if he ties a knot or a bow, the harp will not issue the proper sound, and he would therefore be committing a transgression without performing the mitzva in a fitting manner. Rather, he unwinds the string from the lower knob and winds it around the upper one, or he unwinds the string from the upper knob and winds it around the lower one, before tightening the string until it produces the proper note.

²⁹⁶ And if you wish, say instead that both sources were taught in accordance with the opinion of the Rabbis, who permit preparations for a mitzva that could not have been performed the day before, and even so it is not difficult; here, the mishna permits tying in a case where the string was severed in the middle, in which case the sound would be affected if the string were reconnected with a bow, whereas there, the baraita is referring to a string that was severed on the side near the end of the string, which can be fixed with a bow.

²⁹⁷ And if you wish, say instead that both sources are referring to a case where the string snapped in the middle, and the issue at hand is subject to a dispute between Rabbi Shimon and the Rabbis: One Sage, Rabbi Shimon, maintains in the baraita that it is prohibited even to tie a knot in the middle, as a

decree, lest one unnecessarily tie a knot on the side as well. And the other Sage, the Rabbis, maintains in the mishna that we do not issue a decree of this kind.

²⁹⁸ MISHNA: A wart is an example of a blemish that temporarily disqualifies a priest from performing the Temple service, and disqualifies an animal from being offered on the altar; they regain their fitness once the wart is removed. Consequently, on Shabbat one may cut off a wart by hand in the Temple, as this constitutes a preparatory act required for the sacrificial service. However, he may not cut off a wart in the rest of the country. And if he seeks to cut off the wart with an instrument, it is prohibited in both places.

²⁹⁹ GEMARA: And the Gemara raises a contradiction from another mishna: When Passover eve occurs on Shabbat, the acts of carrying a Paschal lamb on one's shoulders, bringing it to the Temple from outside the Shabbat boundary, and cutting off its wart to render it fit for the altar, do not override the prohibitions of Shabbat. Rabbi Eliezer, conforming to his standard opinion, says: They override the Shabbat prohibitions. The mishna in Eiruvim apparently contradicts the opinion of these Sages.

³⁰⁰ Rabbi Elazar and Rabbi Yosei ben Ḥanina suggested different resolutions to this difficulty: One said that both sources are referring to a moist wart, and it is not difficult. Here, the mishna permits removing the wart by hand. It is prohibited by rabbinic decree, as that is not the usual manner of performing the procedure. Whereas there, the mishna prohibits removal of the wart with an instrument by Torah law.

³⁰¹ And the other one said that in both cases the wart is removed by hand, and it is not difficult. There, the mishna prohibits the removal of a moist wart, whereas here, the mishna is referring to a dry wart, the removal of which does not constitute a prohibited labor.

³⁰² The Gemara raises a difficulty: And according to the one who said: This is referring to removal by hand, and that is referring to removal with an instrument; what is the reason that he did not say, as did his colleague: This is referring to a moist wart and that is referring to a dry one? The Gemara answers: He can say to you that with regard to a dry wart, it is permitted to remove it even with an instrument. What is the reason? As it crumbles on its own, cutting it is like cutting off dead skin.

³⁰³ And according to the one who said: This is referring to a moist wart and that is referring to a dry one, what is the reason that he did not say, like the other Sage: This is referring to removal by hand and that is referring to removal with an instrument? The Gemara answers: He can say to you that with regard to an instrument, we explicitly learned in the mishna: If he wishes to cut off the wart with an instrument, it is prohibited in both places. Consequently, it is unnecessary to teach again that it is prohibited to remove a wart with an instrument.

³⁰⁴ And the other Sage, how does he respond to this contention? He can say that the other mishna teaches this halakha there because it wants to record the dispute between Rabbi Eliezer and the Rabbis on this issue, i.e., to inform us that Rabbi Eliezer disagrees and permits cutting off the wart even with an instrument.

³⁰⁵ And the other Sage, how does he counter this reasoning? He can say that the tanna teaches the case of the wart parallel to the cases of carrying the animal and bringing it to the Temple from outside the Shabbat boundary, activities that are prohibited by rabbinic law. Consequently, the ruling

involving a wart is also referring to cutting that is prohibited by rabbinic law, i.e., cutting by hand, not with an instrument.

³⁰⁶ And the other Sage maintains that these cases also involve Torah prohibitions. How so? With regard to carrying the animal, the mishna was taught not in accordance with the opinion of Rabbi Natan, who said: A living being carries itself, which means that carrying an animal on one's shoulders is not considered carrying by Torah law, and is prohibited by rabbinic law. If we do not accept this opinion, one who carries the Paschal lamb transgresses the Torah prohibition against carrying an object four cubits in the public domain. As for the case of bringing the animal from outside the Shabbat boundary, the mishna was taught in accordance with the opinion of Rabbi Akiva, who said: Bringing an animal from outside the Shabbat boundaries is prohibited by Torah law.

³⁰⁷ Rav Yosef raised an objection against this explanation from a mishna. Rabbi Eliezer said that this halakha is an a fortiori inference: If slaughtering the Paschal lamb, which is prohibited due to the fact that it is a prohibited labor by Torah law, nonetheless overrides Shabbat in the Temple, with regard to these actions, i.e., carrying the animal, bringing it from outside the Shabbat boundary, and cutting off its wart, which are prohibited due to rabbinic decree, isn't it right that they should override Shabbat? Evidently, the previous explanation must be rejected, as there too the mishna is referring to rabbinic prohibitions.

³⁰⁸ Rather, Rav Yosef said: Both sources are referring to a case where the wart is removed by hand, an activity that constitutes a rabbinic prohibition, and the contradiction can be resolved as follows: To transgress a rabbinic decree relating to the Temple within the confines of the Temple itself, they permitted doing so. However, to transgress a rabbinic decree relating to the Temple, in the country, they did not permit doing so. Consequently, although these procedures involving the Paschal lamb are prohibited due to rabbinic decree and are indeed related to the Temple service, since they are performed outside the Temple, the Sages did not permit their performance.

³⁰⁹ Abaye sat with the scholars and recited this halakha in the name of Rav Yosef. Rav Safra raised an objection to the opinion cited by Abaye from a mishna: If one was reading a scroll of the Bible while sitting on the threshold of his house, and the scroll rolled out of his hand, i.e., while he was holding one end, the scroll rolled open into the public domain, he may roll the scroll back to himself. And here, isn't it a rabbinic decree involving a sacred scroll, which due to its sanctity should have the legal status of a rabbinic decree relating to the Temple with regard to an incident that occurred in the country. And yet we do not issue a decree prohibiting one to roll the scroll back to himself, lest the scroll fall and he will forget and come to bring it in from the public domain to a private domain. Apparently, the Sages did not impose a rabbinic prohibition with regard to matters relating to the Temple, even outside the Temple compound.

³¹⁰ Abaye refutes this contention: Didn't we already establish this mishna as referring to a threshold that is a karmelit, e.g., one that is four handbreadths wide but less than ten handbreadths high, and before which the public domain passes? As he holds one end of the scroll in his hand, it is not prohibited even by rabbinic decree. The reason is that even if the scroll fell from his hand and rolled into the public domain, and he were to carry it back from the public domain to the karmelit, he would not transgress a Torah prohibition.

³¹¹ Rav Safra raised an objection from a different mishna: One may lower the Paschal lamb into the oven on Shabbat eve just before nightfall, after its blood is sprinkled and it is brought outside the

Temple for roasting. But here we are dealing with a violation of a rabbinic decree relating to the Temple that occurred in the country, and yet we do not issue a decree against lowering the sacrifice into the oven at that late hour lest one rake the coals to hasten the cooking. Once again, the mishna indicates that the Sages did not issue a rabbinic decree prohibiting an action related to the Temple service, even outside the Temple.

³¹² Abaye was silent and did not answer. When he came before Rav Yosef, he said to him: This is what Rav Safra said to me, contrary to your approach. Rav Yosef said to him: What is the reason that you didn't answer him: Members of a group who joined together to prepare and partake of a single Paschal lamb, which, like all sacrifices, requires careful attention, are certainly vigilant and exacting in the performance of this mitzva. Consequently, there is less concern that they might commit a transgression than with regard to people in other circumstances. However, other rabbinic decrees relating to the Temple remain in effect outside the Temple.

³¹³ The Gemara comments: And as for Abaye, why did he not accept this reasoning? He maintains that we say that only priests are vigilant, as they are constantly involved in the Temple service, and they will therefore not mistakenly commit a transgression. However, that members of a group of people who join together for a single Paschal lamb are vigilant, we do not say. As they are not accustomed to that level of watchfulness, they might forget.

³¹⁴ Rava stated a different resolution of the contradiction between the two mishnayot: The mishna which permits the cutting of a wart, is according to Rabbi Eliezer, who said that the preparations for the performance of a mitzva override the prohibitions of Shabbat, and it is therefore permitted to cut the wart by hand. And if you say that in that case one should be permitted to do so with an instrument as well, Rabbi Eliezer concedes that as much as it is possible to alter the manner in which a procedure is performed to prevent violation of a Torah prohibition, we alter it, to emphasize that the day is Shabbat.

³¹⁵ What is the source for this idea? As it was taught in a baraita: If a priest grew a wart, which temporarily disqualifies him from performing the service, his fellow priest may cut it off for him on Shabbat with his teeth. The Gemara infers: With his teeth, yes, this is permitted; but with an instrument, no, he may not do so. Likewise, for his fellow priest, yes, he may cut off his wart; but he himself, no, he may not cut off his own wart.

³¹⁶ The Gemara inquires: According to whose opinion was this baraita taught? If you say it is in accordance with the opinion of the Rabbis, and the leniency is based on the principle that a rabbinic prohibition does not apply in the Temple, since the Rabbis say in general that biting off even one's own nails or wart, and certainly those of another, is prohibited due to rabbinic decree, then in this case here, what is the difference to me whether it is the priest himself who cuts off the wart, or what is the difference to me whether it is another priest who cuts it off?

³¹⁷ Rather, wasn't it taught in accordance with the opinion of Rabbi Eliezer, who said that in general one is liable to bring a sin-offering for biting off his own nails or wart? And here, even though he maintains that preparations for a mitzva override the prohibitions of Shabbat, and it should therefore be permitted for him to cut off his own wart with an instrument, nevertheless, as much as it is possible to alter the procedure so that it does not entail the violation of a Torah prohibition, one alters, and biting off another person's wart is prohibited due to rabbinic decree, not Torah law.

³¹⁸ The Gemara rejects this contention: No, this is not necessarily the case. Actually, this baraita can be explained in accordance with the opinion of the Rabbis, and if the wart grew on his abdomen, or anywhere else easily removable by hand, so too, it is clear that according to the Rabbis there is no difference between himself and his fellow priest, and he may remove it himself.

³¹⁹ However, here, we are dealing with a case where, the priest received a bite that developed into a wart on his back or on his elbow, from where he himself cannot remove it, but someone else can.

³²⁰ The Gemara asks: But if the baraita reflects the opinion of the Rabbis, the other priest should be permitted to remove the wart from him by hand, rather than with an instrument, and therefore one should resolve the dilemma in accordance with the teaching of Rabbi Elazar, as Rabbi Elazar said: The dispute between the Rabbis and Rabbi Eliezer with regard to the removal of one's nails is limited to one who removed them by hand, but if he removed them with an instrument, everyone agrees that he is liable to bring a sin-offering.

³²¹ The Gemara rejects this argument: And according to your reasoning, Rabbi Eliezer should also agree that he should be permitted to remove it for him by hand. The Gemara expresses surprise at this comment: What is the nature of this contention? Granted, if you say that it was taught in accordance with Rabbi Eliezer, this is why removing the wart by hand was decreed prohibited due to a preventive measure, lest he remove it with an instrument, as he maintains that removing a wart with an instrument is prohibited by the Torah. However, if you say it is according to the opinion of the Rabbis, he should be permitted to remove it for him by hand. And nothing more need be said, as it is clear that the baraita was taught in accordance with the opinion of Rabbi Eliezer.

³²² MISHNA: With regard to a priest who was injured on his finger on Shabbat, he may temporarily wrap it with a reed so that his wound is not visible while he is serving in the Temple. This leniency applies in the Temple, but not in the country, as it also heals the wound, and medical treatment is prohibited on Shabbat due to rabbinic decree. If his intention is to draw blood from the wound or to absorb blood, it is prohibited in both places.

³²³ GEMARA: Rav Yehuda, son of Rabbi Hiyya, said: They taught that only a reed is permitted. However, a small sash is prohibited, as it would be considered an extra garment, and it is prohibited for a priest to add to the priestly garments prescribed by the Torah.

³²⁴ And Rabbi Yohanan said: They said that donning an extra garment is prohibited only if it is worn in a place on the priest's body where the priestly garments are worn. But in a place where those garments are not worn, e.g., on his hand or the like, a sash that is tied there is not considered an extra garment.

³²⁵ The Gemara asks: And let him derive that both the reed and the sash are prohibited as an interposition. As the reed and sash interpose between the priest's hand and the holy vessel, they should invalidate the service. The Gemara rejects this contention: Perhaps the wound is on the priest's left hand, while the entire service is performed exclusively with his right hand. Consequently, a bandage on his left hand is not an interposition.

³²⁶ Alternatively, it is possible that the wound is on the priest's right hand, but not in a place used in the service, which means the bandage does not interpose between his hand and the holy vessels used in the Temple service.

³²⁷ And this conclusion disputes the opinion of Rava, as Rava said that Rav Ḥisda said: In a place on the priest's body where the priestly garments are worn, even one extra thread interposes and is prohibited, whereas in a place where the priestly garments are not worn, if the fabric was three fingerbreadths by three fingerbreadths, it interposes, but if it was less than three fingerbreadths by three fingerbreadths, it does not interpose.

³²⁸ The Gemara comments: This teaching certainly disagrees with the opinion of Rabbi Yoḥanan, as he maintains that the prohibition against interpositions does not apply at all in a place on the priest's body where the priestly garments are not worn. However, shall we say that it also disagrees with the opinion of Rav Yehuda, son of Rabbi Ḥiyya, who prohibits even a sash smaller than three by three fingerbreadths?

³²⁹ The Gemara answers: Nothing can be proven from here, as a small sash is different, since it is significant, and it is therefore considered a garment even if it is less than three by three fingerbreadths.

³³⁰ According to another version, they reported this dispute as follows: Rav Yehuda, son of Rabbi Ḥiyya, said that they taught this leniency only with regard to a reed, but that a small sash interposes.

³³¹ And Rabbi Yoḥanan said: They said that there is interposition with regard to an article that is less than three by three fingerbreadths only in a place where the priestly garments are worn. However, in a place where the priestly garments are not worn, the following distinction applies:

³³² If the fabric was three fingerbreadths by three fingerbreadths, it interposes; but if it was less than three fingerbreadths by three fingerbreadths, it does not interpose. And this is the same teaching that Rava said that Rav Ḥisda said.

³³³ The Gemara suggests: Let us say that this disagrees with the opinion of Rav Yehuda, son of Rabbi Ḥiyya, who prohibits a sash even smaller than three fingerbreadths by three fingerbreadths. The Gemara rejects this contention: This is not necessarily so, as a small sash is different, since it is significant. It is therefore like a garment, even if it is smaller than three fingerbreadths by three fingerbreadths.

³³⁴ The Gemara raises a question: And according to the opinion of Rabbi Yoḥanan: Rather than teaching us the halakha with regard to a reed, let the mishna teach us that a priest may wrap his wounded finger with a small sash, as that does not constitute an interposition.

³³⁵ The Gemara explains: The tanna teaches us another matter in passing, that a reed heals. However, as far as a priest involved in the service is concerned, there is no concern with regard to this prohibition either, as it is also a rabbinic decree that is not in effect in the Temple.

³³⁶ MISHNA: One may scatter salt on Shabbat on the ramp that leads to the altar so that the priests will not slip on their way up. And likewise, one may draw water from the Cistern of the Exiles and from the Great Cistern, which were located in the Temple, by means of the wheel designed for drawing water, even on Shabbat. And one may draw water from the Heker Well only on a Festival.

³³⁷ GEMARA: Rav Ika from Pashronya raised a contradiction before Rava: We learned in the mishna: One may scatter salt on Shabbat on the ramp that leads to the altar, so that the priests will not slip, from which it can be inferred: In the Temple, yes, it is permitted to do so, but outside the Temple, in the rest of the country, no, it is prohibited to scatter salt on a ramp. And he raised his contradiction from a baraita: With regard to a courtyard that was damaged on Shabbat by rainwater,

so that it became difficult to cross, one may bring straw and scatter it about to absorb the water. Apparently, an action of this kind is permitted even outside the Temple.

³³⁸ The Gemara answers: Straw is different, as one does not negate it; rather, he intends to remove it once the water has been absorbed. He is therefore permitted to scatter the straw in the courtyard, just as it is permitted to put it in any other place. However, it is prohibited to scatter objects that one intends to leave in place, such as salt, as this appears as though he is adding to the ground and building.

³³⁹ Rav Aḥa, son of Rava, said to Rav Ashi: This salt, what are the circumstances? If one negates it vis-à-vis the ramp so that it becomes part of the ramp, he effectively adds to the structure of the Temple, and it states with regard to the Temple: “All this do I give you in writing as God has made me wise by His hand upon me, even all the works of this pattern” (I Chronicles 28:19). This verse indicates that all the details of the Temple structure were determined through prophecy and may not be changed in any way, even on a weekday.

³⁴⁰ And if he does not negate the salt vis-à-vis the ramp, it would constitute an interposition between the feet of the priests and the altar. This would mean that they would not be walking on the ramp during their service, and consequently they would not be performing the service as required by the Torah.

³⁴¹ The Gemara answers: In fact, he does not negate the salt. However, he scatters it when the limbs of the sacrifice are brought up the ramp, a procedure that is not considered part of the Temple service subject to disqualification due to interposition, as it is merely preparation for the burning of the limbs.

³⁴² The Gemara asks: And is this not a service? But isn't it written: “And the priest shall offer it whole and make it smoke upon the altar” (Leviticus 1:13), and the Master said in explanation: This is referring to bringing the limbs to the top of the ramp. Evidently, this too is a service written in the Torah. Rather, say that he scatters the salt when the wood is brought up the ramp to the arrangement of wood on the altar, a procedure that is not a service.

³⁴³ Rava taught: In a courtyard that was damaged on Shabbat by rainwater, one may bring straw and scatter it about to make it easier to walk across. Rav Pappa said to Rava: But wasn't it taught in a baraita: When one scatters the straw, he must not scatter it either with a small basket or with a large basket, but only with the bottom of a broken basket, i.e., he must scatter the straw in a manner different from that of an ordinary weekday. Rava, however, indicates that he may scatter the straw in the usual fashion.

³⁴⁴ Rava then appointed an amora before him to publicize his teaching, and taught: The statement I issued before you was a mistake of mine. However, in fact they said in the name of Rabbi Eliezer as follows: And when one scatters the straw, he must not scatter it either with a small basket or with a large basket, but only with the bottom of a broken basket.

³⁴⁵ We learned in the mishna: One may draw water from the Cistern of the Exiles by means of a wheel. The Gemara relates: Ulla happened to come to the house of Rav Menashe when a certain man came and knocked at the door. Ulla said: Who is that? May his body be desecrated, as he desecrates Shabbat by producing a sound.

³⁴⁶ Rabba said to him: The Sages prohibited only a pleasant musical sound on Shabbat, not the rasping sound of knocking on a door. Abaye raised an objection to Rabba from a baraita: One may draw up wine from a barrel with a siphon [diyofei], and one may drip water from a vessel that releases water in drops [miarak], for an ill person on Shabbat.

³⁴⁷ The Gemara infers: For an ill person, yes, this is permitted, but for a healthy person, no, one may not do so, what are the circumstances? Is it not the case that he is dozing off and they wish to waken him, and as they do not want to alarm him due to his illness, they do it by means of the sound of water poured from a vessel? And one can learn from here that it is prohibited to produce a sound on Shabbat, even one that is unpleasant, as the Sages permitted this only for an ill person.

³⁴⁸ The Gemara rejects this contention: No, it is referring to an ill person who is awake and whom they want to have fall asleep, and to this end they let water fall in drops, producing a sound that is heard as melodious.

³⁴⁹ Abaye raised another objection to Rabba from a baraita: One who is guarding his produce from birds or his gourds from beasts may guard them, in the manner that he typically does so, on Shabbat, as his guarding does not entail a prohibited labor, provided that he neither claps, nor slaps his hands against his body, nor dances and produces noise with his feet, in the manner that is performed on weekdays to chase away birds and animals.

³⁵⁰ The Gemara asks: What is the reason that these activities are prohibited? Is it not because he is producing a sound on Shabbat, and any production of a sound is prohibited? Rav Aḥa bar Ya'akov said: This is not the reason. Rather, it is a decree issued by the Sages, lest while acting in his usual weekday fashion he mistakenly picks up a pebble to throw at the birds, thereby handling an object that is set-aside.

³⁵¹ The Gemara asks: However, with regard to that which Rav Yehuda said that Rav said: Women who play with nuts by rolling them on the ground until they collide with each other, it is prohibited for them to do so; what is the reason for this prohibition? Is it not because knocking nuts together produces a sound, and any production of a sound is prohibited?

³⁵² The Gemara rejects this contention: No, it is prohibited because perhaps they will come to level the holes. As small holes in the ground will interfere with their game, they might level them out and seal them up on Shabbat, which is prohibited as building.

³⁵³ For if you do not say that this is the reason, there is a difficulty with that which Rav Yehuda said: Women who play with apples, this is prohibited, as what production of a sound is involved there? Apples do not produce a sound when they collide with each other. Rather, the reason is that they will perhaps come to level holes, and the same reasoning applies to nuts.

³⁵⁴ We learned in the mishna: One may draw water from the Cistern of the Exiles and from the Great Cistern by means of the wheel on Shabbat. From this it can be inferred: In the Temple, yes, it is permitted to do so; but outside the Temple in the rest of the country, no, it is prohibited to draw water from cisterns. What is the reason for this? Is it not because he is producing a sound, and that is prohibited on Shabbat?

³⁵⁵ The Gemara again rejects this contention: No, it is a decree issued by the Sages, lest he draw water for his garden and for his ruin. As the wheel draws up large quantities of water, once he starts

to use it, he might draw water for his garden as well and thereby transgress the prohibition against watering on Shabbat, a subcategory of a prohibited labor.

³⁵⁶ The Gemara relates that Ameimar permitted people to draw water on Shabbat by means of a wheel in Meḥoza, as he said: What is the reason the Sages decreed that this is prohibited? They did so lest one draw water for his garden and for his ruin. However, here in Meḥoza there are neither gardens nor ruins. Meḥoza was entirely built up and lacked gardens or empty areas for sowing, and consequently, there was no concern that people might transgress.

³⁵⁷ However, once he saw that

³⁵⁸ they were soaking flax in the water, he prohibited them from drawing water by means of a wheel, so that they should not draw water for prohibited purposes.

³⁵⁹ We learned in the mishna that water may be drawn on a Festival from the Heker Well. The Gemara asks: What is the Heker Well? Shmuel said: It is a cistern with regard to which they advanced [hikru] arguments and permitted drawing water from it on a Festival, by proving that the Torah permits doing so.

³⁶⁰ The Gemara raises an objection from a baraita: They did not permit all Heker wells, but only this one. And if you say it was named because it is a cistern with regard to which they put forward arguments and permitted it, what is the meaning of Heker wells in the plural, and what does only this one mean? If it was named because of a particular announcement, how could other wells, about which no announcement was issued, bear the same name?

³⁶¹ Rather, Rav Naḥman bar Yitzḥak said: The term Heker well denotes a well of living water, as it is stated: “As a well keeps its water fresh [hakil], so she keeps fresh her wickedness” (Jeremiah 6:7), i.e., it is a well of spring water.

³⁶² Returning to the matter itself, the Gemara cites the above baraita in full: They did not permit all Heker wells, but only this one. And when the exiles ascended from Babylonia, they encamped by it, and the prophets among them, Haggai, Zechariah, and Malachi, permitted it to them. And it was not really the prophets among them who permitted them to draw water from this well on a Festival, but rather, it was a customary practice that was handed down to them from their forefathers, a practice the prophets permitted them to continue.

³⁶³ MISHNA: With regard to the carcass of a creeping animal, of one of the eight species of reptile or rodent listed in Leviticus 11:29–30, one of the primary sources of ritual impurity that is found in the Temple, a priest should carry it out on Shabbat in his girdle, which was one of the priestly garments. Although the girdle will be defiled by the carcass of the creeping animal, this is the best way to proceed, so as not to delay the removal of the impurity from the Temple. This is the statement of Rabbi Yoḥanan ben Beroka. Rabbi Yehuda says: The creeping animal carcass should be removed with wooden prongs, so as not to increase the impurity, as a wooden prong is not susceptible to impurity.

³⁶⁴ It is obvious that on a weekday the creeping animal carcass is removed from wherever it is found in the Temple, but from where does one remove it on Shabbat? From the Sanctuary, from the Entrance Hall, and from the area in the courtyard between the Entrance Hall and the altar, the most sanctified precincts of the Temple. However, it need not be removed from the rest of the courtyard. This is the statement of Rabbi Shimon ben Nannas.

³⁶⁵ Rabbi Akiva says: Any place where one is liable to be punished with karet if he intentionally enters there in a state of ritual impurity, and is liable to bring a sin-offering if he does so unwittingly, from there one must remove it. This includes the entire area of the Temple courtyard. And as for the rest of the places in the Temple, one covers the creeping animal carcass with a bowl [pesakhter] and leaves it there until the conclusion of Shabbat.

³⁶⁶ Rabbi Shimon says that this is the principle: Wherever the Sages permitted something to you, they granted you only from your own, as they permitted to you only activities that are prohibited due to rabbinic decree, not labors prohibited by Torah law.

³⁶⁷ GEMARA: Rav Tavi bar Kisna said that Shmuel said: With regard to one who brings into the Temple an object that was defiled by a creeping animal carcass, he is liable, but if he brings in the carcass of a creeping animal itself, he is exempt. What is the reason for this distinction? The verse said: “Both male and female shall you put out, without the camp shall you put them; that they defile not their camp, in the midst whereof I dwell” (Numbers 5:3). This verse teaches that the obligation to send out of the camp applies only to one who has the option of purification in a ritual bath, i.e., the male and female mentioned by the Torah; this excludes the carcass of a creeping animal, which has no purification. Consequently, one who brings the carcass of a creeping animal into the Temple is exempt, as he did not transgress the Torah’s commandment to send away the impure.

³⁶⁸ The Gemara suggests: Let us say that a baraita supports him: “Both male and female shall you put out”; this excludes an earthenware vessel. This is the statement of Rabbi Yosei HaGelili. What is the reason for this? Is it not because an earthenware vessel does not have purification in a ritual bath, in accordance with the opinion of Rav Tavi bar Kisna?

³⁶⁹ The Gemara rejects this contention: No, the reason is that only something that can become a primary source of ritual impurity, i.e., a human being or a metal utensil, must be sent out of the camp. This excludes an earthenware vessel, which cannot become a primary source of ritual impurity.

³⁷⁰ The Gemara suggests: Let us say that this issue, whether or not there is liability for bringing a creeping animal carcass into the Temple, is parallel to a dispute between tanna'im, as we learned in the mishna: With regard to a creeping animal carcass that is found in the Temple, a priest should carry it out on Shabbat in his girdle, so as not to delay the removal of the impurity. This is the statement of Rabbi Yoḥanan ben Beroka. Rabbi Yehuda says: He should remove it with wooden prongs, so as not to increase the impurity.

³⁷¹ What, isn't it the case that this is the matter with regard to which the two tanna'im disagree: The one who said we should not delay the removal of the impurity maintains that one who brings a creeping animal carcass into the Temple is liable, and therefore every effort must be made to remove it immediately. And the one who said we should not increase impurity maintains that one who brings a creeping animal carcass into the Temple is exempt. As no special command is in effect, the correct procedure is to prevent any additional impurity.

³⁷² The Gemara rejects this explanation: No, everyone agrees that one who brings a creeping animal carcass itself into the Temple is liable, and here, this is the matter with regard to which they disagree: The one Sage, Rabbi Yoḥanan ben Beroka, holds: Delaying removal of the impurity is the consideration that takes precedence. Consequently, it is permitted even to defile the priestly garments to prevent any delay in the removal of the impurity from the holy place. Whereas the other Sage,

Rabbi Yehuda, holds: Increasing impurity is the consideration that takes precedence, and therefore the impurity should be removed only by means of wooden prongs.

³⁷³ Rather, the Gemara suggests that this issue is the subject of a dispute between these tanna'im, as we learned in that same mishna: From where does one remove the creeping animal carcass? Rabbi Shimon ben Nannas and Rabbi Akiva disagree whether it is removed only from the Sanctuary, the Entrance Hall, and the area of the courtyard between the Entrance Hall and the altar, or from the entire area of the courtyard as well.

³⁷⁴ Isn't it the case that the two tanna'im disagree about the following: The one who said we do not remove it from the Temple courtyard maintains that one who brings a creeping animal carcass into the Temple is exempt, and there is therefore no obligation to remove it from the courtyard on Shabbat. And the one who said that it must be removed from the entire courtyard maintains that one who brings a creeping animal carcass into the Temple is liable.

³⁷⁵ Rabbi Yoḥanan said: Both of them, Rabbi Shimon ben Nannas and Rabbi Akiva, derived their opinions from the same verse: "And the priests went into the inner part of the House of God, to cleanse it, and they brought out all the impurity that they found in the Temple of God into the courtyard of the House of God. And the Levites took it, to carry it out to the brook of Kidron" (II Chronicles 29:16).

³⁷⁶ One Sage, Rabbi Shimon Ben Nannas, maintains: As there was a change from the priests who removed the ritual impurity from the inner part of the Temple to the Levites, who took over in the courtyard, this indicates that there is no obligation to remove impurity in the courtyard, and consequently the priests are not required to do so.

³⁷⁷ And one Sage, Rabbi Akiva, maintains: Up to where it is impossible for the task to be performed by the Levites, as it is prohibited for Levites to enter the Sanctuary, the priests took it out. However, now in the courtyard, where it is possible for the ritual impurity to be removed by the Levites, the priests no longer render themselves ritually impure, as they are prohibited from maintaining contact with ritual impurity for any longer than necessary. That is to say, the Levites removed it from any place where they were permitted to enter.

³⁷⁸ The Sages taught in a baraita: It is permitted for everyone to enter the Sanctuary to build, to repair, or to remove impurity from inside. However, wherever possible, the mitzva is for these tasks to be performed by priests. If no priests are available, Levites enter; if no Levites are available, Israelites enter. In both cases, if they are ritually pure, yes, they may enter, but if they are impure, no, they may not enter the holy place.

³⁷⁹ Rav Huna said: Rav Kahana, who was a priest, supports priests by emphasizing their special sanctity. As Rav Kahana taught in a baraita: Since it is stated with regard to a priest who has a physical blemish, "Only he shall not go in unto the veil, nor come near to the altar, because he has a blemish, that he profane not My holy places; for I am the Lord who sanctifies them" (Leviticus 21:23), I might have thought that priests with blemishes may not enter the area between the Entrance Hall and the altar to manufacture beaten plates of gold for the Holy of Holies.

³⁸⁰ Therefore, the verse teaches "only" as an expression of exclusion, which means that there is a distinction here: Although the mitzva should be performed with unblemished priests ab initio, if no unblemished priests are available, blemished ones may enter. Likewise, it is the duty of ritually pure

priests; if no pure priests are available, impure ones may enter. In both cases, if they are priests, yes, they may enter, but if they are Israelites, no, they may not enter the holy place. According to Rav Kahana, ritually impure priests take precedence over ritually pure Israelites.

³⁸¹ A dilemma was raised before the Sages: If one priest is ritually impure and another has a blemish, which of them should enter to perform repairs? Rav Ḥiyya bar Ashi said that Rav said: The impure one should enter, as he is permitted to participate in communal service. If the entire community is ritually impure, even impure priests may perform the service, whereas blemished priests may not serve under any circumstances. Rabbi Elazar says: The one with the blemish should enter, as he is permitted to eat consecrated foods, which indicates that he retains the sanctity of the priesthood despite his blemish. The Gemara leaves this question unresolved.

³⁸² We learned in the mishna that Rabbi Shimon says: Wherever the Sages permitted an action to you, they granted you only from your own. The Gemara asks: With regard to Rabbi Shimon, on the basis of what mishna did he formulate this principle? The Gemara answers: He taught this principle on the basis of the mishna there, as we learned: With regard to one for whom it grew dark while he was outside the Shabbat limit, even if he was only one cubit outside the limit he may not enter the town. Rabbi Shimon says: Even if he was fifteen cubits outside the limit, he may enter the town, because when the surveyors mark the Shabbat limit, they do not measure precisely. Rather they position the boundary mark within the two-thousand-cubit limit, because of those who err.

³⁸³ With regard to that which the first tanna said, i.e., that he may not enter, Rabbi Shimon said to the tanna: He may enter. His reason, as stated, is that the limit does in fact extend that far, as any area the Sages granted to a person was actually permitted to him by Torah law.

³⁸⁴ Rabbi Shimon further said: As they permitted to you only activities prohibited due to rabbinic decree, but not actions prohibited by Torah law. The Gemara asks: On the basis of what teaching did he formulate this principle? The Gemara answers: He taught it on the basis of the mishna there, where the first tanna said with regard to a harp string in the Temple that broke on Shabbat, that one may tie it with a knot, and Rabbi Shimon said: He may form only a bow.

³⁸⁵ The reason why only forming a bow is permitted, is that it cannot lead to liability for a sin-offering, as forming a bow cannot constitute a violation of the category of the prohibited labor of tying. Consequently, the Sages permitted it. However, with regard to tying a knot, which can lead to liability for a sin-offering when performed outside the Temple, the Sages did not permit it, as Rabbi Shimon maintains that the Sages permitted only activities whose prohibition involves a rabbinic decree.