

X

BAVLI ERUBIN CHAPTER TEN

FOLIOS 95A-105A

10:1

- A. He who finds phylacteries [tefillin] [in the public way]
- B. brings them in one by one.
- C. Rabban Gamaliel says, "Two sets at a time."
- D. Under what circumstances?
- E. In the case of used ones.
- F. But in the case of new ones, he is exempt [from the obligation of putting them in a protected place].
- G. [If] he found them arranged in sets or in bundles,
- H. he waits until darkness while standing over them and [then] he brings them in.
- I. [95B] But in a situation of danger, he covers them up and goes along.

10:2

- A. R. Simeon says, "He hands them to his fellow, and he to his fellow, until it reaches the outermost courtyard of the town.
- B. "And so in the case of his son [who was born in the field on the Sabbath]:
- C. "He hands him over to his fellow, and his fellow, even one hundred."
- D. R. Judah says, "A man hands over a jug to his fellow, and his fellow to his,
- E. "even outside of the Sabbath line."

F. They said to him, “This object should not go further than the feet of its master [may take it].”

- I.1** A. **Brings them in one by one: One pair, not more?** *Then should we say that we have in hand an unattributed Mishnah rule that is not in accord with R. Meir? For it cannot accord with R. Meir, since he has said that, to save clothing from a fire, one may put on all the clothes he can and cloak himself with all the cloaks he can, for we have learned in the Mishnah:*
- B. **And to that place one takes out all his utensils.**
- C. **And he puts on all the clothing which he can put on, and he cloaks himself in all the cloaks he can put on [M. Shab 16:4A-B].**
- D. *Well, what makes you claim that that represents the position of R. Meir?*
- E. *It is because there is a Tannaite formulation in this connection as follows:*
- F. *“He may put on and remove and take off clothing, put on and remove and take off clothing, even the entire day,” the words of R. Meir.*
- G. *Said Raba, “You may even say that the rule at hand accords with R. Meir. For there, rabbis have permitted putting on clothing as one does on the weekday, and here, too, they have allowed wearing phylacteries in the way in which it is done on a weekday. In the cited passage, since on a weekday someone may put on as many pieces of clothing as he wishes, rabbis have permitted him to do the same to save the clothing; but here, where, even on a weekday, one may wear only one pair of phylacteries but not more, for the purpose of saving them he is permitted to put on one pair only but no more.”*

- II.1** A. **Rabban Gamaliel says, “Two sets at a time”:**
- B. *What theory can he hold? If he takes the view that the Sabbath is a time for wearing phylacteries, then he should be able to bring in one but not two. And if the Sabbath is not a time for wearing phylacteries, and because of needing to save the objects, rabbis permitted them to be carried as clothing, then he should be able to bring more and not only two pairs!*
- C. *In point of fact, he takes the view that the Sabbath is not a time for wearing phylacteries, and, when rabbis permitted wearing them, it was to save them in the way in which clothing is saved, and that is on the spot that is designated as the correct position for phylacteries.*
- D. *If so, then one should be permitted to save one but no more.*
- E. *Said R. Samuel bar R. Isaac, “There is a place on the head where it is suitable to put two phylacteries.”*

- F. *That solves the problem with reference to the phylactery of the head, but what is to be said about the one for the hand?*
- G. *It is in accord with R. Huna, for said R. Huna, "On occasion someone may come in from the field with a bundle on his head, when he takes the phylactery from his head and binds it on his arm."*
- H. *I might say that R. Huna's statement is so that they won't be handled improperly, but did he maintain that that is a proper manner of wearing them?*
- I. *Rather, it is in accord with what R. Samuel bar R. Isaac said, "There is a place on the head where it is suitable to put two phylacteries." Here, too, there is a place on the arm where it is suitable to put two phylacteries.*

- II.2**
- A. *A Tannaite statement of the household of Manasseh: "On your hand' (Deu. 6: 8) refers to the biceps muscle; 'between your eyes' speaks of the skull."*
 - B. *Where is that?*
 - C. *Members of the household of R. Yannai say, "It is the place where the skull of a baby is yet tender."*

II.3 A. *May we say that [Gamaliel and the initial Tannaite authority of our rule] dispute concerning the statement of R. Samuel bar R. Isaac? For the initial Tannaite authority does not accept the statement of R. Samuel b. R. Isaac, but Rabban Gamaliel does?*

B. *Not at all. All parties concur with the statement of R. Samuel bar R. Isaac, but what is at issue here is whether or not the Sabbath is a time for wearing phylacteries. The initial Tannaite authority maintains that the Sabbath is a time for wearing phylacteries, and Rabban Gamaliel maintains that the Sabbath is not a time for wearing phylacteries.*

C. *Or, if you prefer, I shall say, all parties concur that the Sabbath is a time for wearing phylacteries, and here what is at issue is whether or not performing religious duties must be done with proper intentionality. The initial Tannaite authority takes the view that in order to carry out one's obligation in performing a commandment, proper intentionality is not necessary, and Rabban Gamaliel maintains that it is.*

D. **[96A]** *And if you prefer, I shall say, all parties concur that correct intentionality is not necessary in carrying out a religious duty, but here what is at issue is transgressing the commandment of “not adding” [“All this word that I command you...you shall not add thereto” (Deu. 13: 1)]. The initial Tannaite authority maintains that to violate the commandment against adding it is not necessary to have the intentionality [to carry out a commandment], while Rabban Gamaliel maintains that if one is to violate the commandment of not adding, the intentionality to carry out the commandment is necessary.*

E. *And if you prefer, I shall say, if we take the view that the Sabbath is a time for wearing phylacteries, then all would concur that to violate the commandment against adding to the commandment, or to carry out one’s obligation, it is not necessary to have proper intentionality; at issue here is whether or not one violates the commandment against adding to the Torah when a commandment is carried out, but not at the proper time. The initial Tannaite authority maintains that intentionality under such circumstances is no issue, and Rabban Gamaliel maintains that to violate the commandment against adding to the Torah when a commandment is performed not at the proper time, intention to carry out a commandment is required.*

F. *If that is the case, then, from R. Meir’s position, it should also be forbidden to carry a single pair of phylacteries [the first Tannaite authority concurring with Meir, for it is held that doing a commandment at the wrong time involves a transgression against the prohibition of adding to the commandments, and that is so, even where the act was not intended to fulfill a commandment (Slotki)]! Furthermore, along the same lines, shouldn’t someone who sleeps in the sukkah on the eighth day of the festival [at which point it is no longer a religious duty to sleep in the sukkah] be flogged? [Slotki: He should be; but in fact, he is allowed to sleep in the sukkah on the eighth day and required to do so.]*

G. *So the better answer is the initial one [the dispute is on whether or not the Sabbath is a time for wearing phylacteries].*

II.4 A. *And whom have you heard to take the position that the Sabbath is a time for wearing phylacteries?*

B. *It is R. Aqiba, for it has been taught on Tannaite authority:*

C. “‘And you shall observe this ordinance in its season from day to day’ (Exo. 13:10) –

D. “‘day’ – but not night.

E. “‘From day’ – but not every day, eliminating the Sabbath and festivals,” the words of R. Yosé the Galilean.

F. R. Aqiba says, “The ordinance is addressed only to the Passover alone.” [The meaning of “day to day” is in fact, year to year.]

G. *Then with regard to that which we have learned in the Mishnah, [he who transgresses the laws of] Passover (Num. 9:13) and (36) circumcision (Gen. 17:14), among the positive commandments [M. Ker. 1:1M], must we say that this is not in accord with R. Aqiba? For if that passage conformed to the position of R. Aqiba, then, since “You shall therefore keep” (Exo. 13:10) applies to the Passover sacrifice, then there also is a negative commandment involved. That is in line with what R. Abina said R. Ilai said, for said R. Abin said R. Ilai, “In any passage in which the words ‘take heed,’ ‘lest,’ or ‘do not’ occur, a negative commandment is always at hand.”*

H. *You may say that [the ruling that the Passover sacrifice is only a positive commandment and involves no negative commandment (Slotki)] accords even with R. Aqiba, for the language, “Take heed,” bears a negative commandment only where it introduces one, but where it introduces a positive commandment, it bears the sense of a positive commandment.*

I. *In any event, does R. Aqiba really maintain that the Sabbath is a time for wearing phylacteries? And hasn’t it been taught on Tannaite authority:*

J. R. Aqiba says, “Might one suppose that a man should put on the boxes containing prayer parchments on Sabbaths and festival days? Scripture to the contrary says, ‘And it shall be for a sign on your hands and for frontlets between your eyes’ (Exo. 13:16) – it is when such a sign is required, then excluding Sabbaths and festival days which themselves constitute such a sign.”

K. *Rather, it is the view of the following Tannaite authority, for it has been taught on Tannaite authority:*

L. “He who wakes up in the night, if he wants, he may take off his phylacteries, and if he wants, he may put them on,” the words of R. Nathan.

M. Jonathan the Qitoni says, “People do not put on phylacteries at night.”

N. *Now, it must follow, since, in the view of the initial Tannaite authority before us, the night is a proper time for wearing phylacteries, the Sabbath also is a proper time for wearing phylacteries.*

O. *But maybe he holds the view that the night is a proper time for wearing phylacteries, but the Sabbath isn’t, for lo, we have heard the view attributed to R. Aqiba: “The night is a proper time for wearing phylacteries, but the Sabbath isn’t”?*

P. *Rather, it is the Tannaite authority behind the following, which also has been stated on Tannaite authority:*

Q. “Michal the daughter of the Kushite [Saul] put on phylacteries, and the sages did not stop her, and the wife of Jonah went up on the pilgrim festivals, and the sages didn’t stop her.” *Now, since they didn’t stop her, therefore they maintain that the putting on of phylacteries is a positive commandment that is not dependent on a particular schedule [and women are obligated to those commandments].*

R. *But maybe he accords [96B] with R. Yosé, who has said, “As to women laying hands on an offering, that is optional” [so if they wish, women may perform commandments that are assigned to men]? For if you don’t take that view, how is it possible that the wife of Jonah went up on the pilgrim festivals, and the sages didn’t stop her? Is there any authority at all who holds that the pilgrim festival is not a positive commandment that is dependent on a particular schedule [to which women are not obligated]? So, rather, he maintains that it is optional, and here, too, he maintains that it is optional.*

S. *Rather, the initial Tannaite opinion of our Mishnah is in line with the following, which has been taught on Tannaite*

authority: “One who finds phylacteries [on the Sabbath] brings them into [his home] a pair at a time – all the same is the rule for man and for woman, all the same is the rule for new or old phylacteries,” the words of R. Meir. R. Judah forbids doing so in the case of new ones and permits in the case of old ones [T. Er. 8:15M-O]. So the parties differ only in regard to new and old ones, but as to the matter of women, they don’t disagree. It must follow, therefore, that the putting on of phylacteries is a positive commandment that is not dependent on a particular schedule [and women are obligated to those commandments].

T. But maybe he accords with R. Yosé, who has said, “As to women laying hands on an offering, that is optional”?

U. Don’t let it enter your mind, for neither R. Meir accords with R. Yosé, nor does R. Judah accord with R. Yosé.

*V. Neither R. Meir accords with R. Yosé: For we have learned in the Mishnah: **They do not keep children from sounding the shofar. But they work with them until they learn how to do it [M. R.H. 4:8I-J].** Lo, they do keep women from doing so, and an unattributed Mishnah rule belongs to R. Meir.*

W. Nor does R. Judah accord with R. Yosé: For it has been taught on Tannaite authority: “Speak to the sons of Israel...and he shall lay his hands...” (Lev. 1:2-4) – the sons of Israel lay on hands, but the daughters of Israel don’t lay on hands. R. Yosé and R. Simeon say, “Daughters of Israel as an optional matter also may lay on hands.” Now an unassigned statement in Sifra [where this passage is located] is assigned to R. Judah.

- III.1** A. Said R. Eleazar, “He who finds blue wool on the street in the shape of straps [for show fringes], it is unfit for use for show fringes, but if it was in the shape of threads, it is suitable.”
- B. *Then what differentiates straps? One may say that they were dyed for use in making a cloak.*
- C. *Well, then, can’t one say of threads, too, that they were spun for weaving a cloak?*
- D. *It is a case in which they were twisted [and twisted threads can’t be used for weaving a cloak].*

- E. *Then why not say, they were doubled for the purpose of being inserted into the border of a cloak?*
- F. *It's a case in which they were cut into short lengths [so they can be used for show fringes but not for the border of a cloak], and people wouldn't go to so much trouble with them [as to tie them together and use them for a border (Slotki)].*
- G. *Said Raba, "So does anybody today go to the trouble of making an amulet in the form of phylacteries? And yet, we have learned in the Mishnah: **In the case of used ones. But in the case of new ones, he is exempt!** [Slotki: He must not carry them on the Sabbath, and that shows that, where the infringement of a law is to be provided against, even a possibility that involves extra trouble is taken into consideration. Why then is the possibility of tying the threads together ruled out in the case of show fringes?]"*
- H. *Said R. Zira to his son, Ahbah, "Go out and teach them the rule in the following language [if they object to Eleazar's statement]: 'He who finds blue wool on the street in the shape of straps [for show fringes], it is unfit for use for show fringes, but if it was in the shape of threads that were cut off, it is suitable, since no one would go to the trouble [of tying them together instead of using a long thread for a border for a cloak].'"*
- I. *Said Raba, "Sure, so just because Ahbah, son of R. Zira, repeated it as a Tannaite statement, has he hung jewels on it? [The same objection can be raised here as was addressed to Eleazar.] Haven't we learned in the Mishnah: **In the case of used ones. But in the case of new ones, he is exempt?**"*
- J. *Rather, said Raba, "Whether or not one would go to a lot of trouble is at issue between the following Tannaite authorities, for it has been taught on Tannaite authority: "**One who finds phylacteries [on the Sabbath] brings them into [his home] a pair at a time – all the same is the rule for man and for woman, [97A]** all the same is the rule for new or old phylacteries," the words of R. Meir. R. Judah forbids doing so in the case of new ones and permits in the case of old ones [T. Er. 8:15M-O]. Thus the one authority holds that someone does go to a lot of trouble [to make amulets in the shape of phylacteries], and the other authority maintains that one would not do so.*
- K. *And now that the father of Samuel bar R. Isaac has presented as a Tannaite statement, "What are old ones? Those that have straps tied into a knot, and*

new ones are those that have straps not tied into a knot,” *all parties then must be assumed to concur that a person may not go to unnecessary trouble* [Slotki: since the reason that new ones may not be carried on the head and arm to a place of safety on the Sabbath is not that they might be mere amulets, but because they don’t have the prescribed knot and cannot be worn, since a permanent knot may not be made on the Sabbath; hence there is no need to provide against such a possibility in the case of show fringes either].

- L. *So why not fasten them with a loop?* [Slotki: That is permitted and renders them fit for wear.]
- M. Said R. Hisda, “That is to say, a loop is invalid in phylacteries.”
- N. *Abbayye said, “R. Judah is consistent with views expressed elsewhere, for he has said, ‘A loop is a perfectly valid knot.’ The operative consideration, then, is that a loop is a perfectly valid knot. Lo, if that were not the case, one could have fastened them with a loop.”*
- O. *But didn’t R. Judah b. R. Samuel bar Shila in the name of Rab say, “The form of the knot on the phylacteries is a law revealed by God to Moses at Mount Sinai”? And said R. Nahman, “That is, the ornamentation at the right side of the letter must be turned outward” [away from the person wearing them, so it shows that the knot is an essential part of the phylacteries, so how can it be replaced by a loop (Slotki)]?*
- P. *One may make the loop like the prescribed knot.*

III.2 A. Said R. Hisda said Rab, “He who purchases phylacteries from someone who is not expert must examine two phylacteries of the hand and one of the head, or two of the head and one of the hand” [Slotki: if the three are found on examination to be properly written and prepared, the seller is presumed an expert and the remainder of what he has bought is regarded as valid].

B. *Now what’s your preference? If he bought them from one man [who made them or bought them from the one who did (Slotki)], why not examine either three for the hand or three for the head, and if he bought them from two or three persons, shouldn’t each and every one have to be examined?*

C. *In point of fact he bought them from one man, but we require that his expert knowledge be established for making both one for the hand and one for the head.*

D. *Well, now, is that so? And lo, Rabbah bar Samuel taught as a Tannaite rule: "In purchasing phylacteries, one examines three for the hand and for the head." Now doesn't this mean, either three for the hand or three for the head?*

E. *No, it means, three of them for the hand, also three of them for the head.*

F. *But didn't R. Kahana teach as a Tannaite statement, "He who purchases phylacteries from someone who is not expert must examine two phylacteries of the hand and of the head"?*

G. *Lo, who is the authority behind this rule? It is Rabbi, who has said, "If something is established twice, that establishes a presumption."*

H. *If it's Rabbi's view, then look at what follows: And so, too, with the second package and the third package [that is, one has bought several packages with several pairs of phylacteries in each; he has to examine no more than three packets]. But if it's Rabbi, then what's a reference to a third package doing here?*

I. *Rabbi concurs when it comes to packages, since one ordinarily will have bought them from two or three people.*

J. *If so, then even a fourth, and even a fifth, also should have to be examined.*

K. *True enough, even a fourth and even a fifth should be examined. And why is a third mentioned? It is only to indicate that, in this case, at that point no presumption has been established, but, as a matter of fact, even a fourth or fifth package has to be examined.*

IV.1 A. [If] he found them arranged in sets or in bundles:

B. *What is the definition of sets...bundles?*

C. *Said R. Judah said Rab, "Sets are the same thing as bundles, but in sets, the phylacteries are packed in pairs, while in bundles they are packed every which way."*

V.1 A. He waits until darkness while standing over them and [then] he brings them in:

B. *Well, here, too, why not bring them in pair by pair?*

C. *Said R. Isaac b. R. Judah, "To me personally did Father explain the matter: In any case in which, if he brings them in pair by pair, he can complete the*

work prior to sunset, he does it pair by pair, but if not, **he waits until darkness while standing over them and [then] he brings them in.**”

VI.1 A. But in a situation of danger, he covers them up and goes along:

- B. *But hasn't it been taught on Tannaite authority: In a time of danger he brings them in bit by bit, in stages of less than four cubits at a time?*
- C. Said Rab, “There is no conflict, the one speaks of a time of danger brought on by gentiles, the other speaks to a time of danger brought about by [Israelite] thugs.”
- D. **[97B]** *Said Abbaye, “So how have you established our Mishnah's setting? To speak of a time of danger deriving from gentiles? Then look at what follows: R. Simeon says, ‘He hands them to his fellow, and he to his fellow, until it reaches the outermost courtyard of the town’! All the more so that the matter would be made public!”*
- E. *The formulation is flawed, and this is how the passage should read: Under what circumstances? In a time of danger deriving from gentiles, but as to danger deriving from thugs, he brings them in bit by bit, in stages of less than four cubits at a time.*

VII.1 A. R. Simeon says, “He hands them to his fellow, and he to his fellow, until it reaches the outermost courtyard of the town”:

- B. *What is at issue in this disagreement?*
- C. *The one authority maintains that it is better to carry them in stages of less than four cubits, for if you say he should pass them to the next, and the next to the next, it would make public the violation of the Sabbath, and the other authority holds that handing it on from one to the next is better, for if you say that he brings them along by stages of less than four cubits, then there can be occasions on which he would not have that consideration in mind and so would carry them for four or more cubits in public domain.*

VIII.1 A. “And so in the case of his son [who was born in the field on the Sabbath]: He hands him over to his fellow, and his fellow, even one hundred”:

- B. *So what in the world is his son doing there anyhow?*
- C. *A member of the household of Manasseh repeated as a Tannaite statement: It is a case in which the mother bore him right out there in the field.*
 - D. *And what's the meaning of the statement, even one hundred?*
 - E. *Even though moving the baby from hand to hand is hard for him, that is still the best way to do it.*

- IX.1 A. **R. Judah says, “A man hands over a jug to his fellow, and his fellow to his, even outside of the Sabbath line.” They said to him, “This object should not go further than the feet of its master [may take it]”:**
- B. *So doesn’t R. Judah concur in that which we have learned in the Mishnah: Domestic cattle and utensils are in the status of their owner [and on the festival or Sabbath are restricted to travel within the same limits as he is] [M. Bes. 5:3A]?*
- C. *Said R. Simeon b. Laqish in the name of Levi the Elder, “Here with what case do we deal? It is one in which he empties the contents from one jug to the next, and R. Judah is consistent with his principles, for R. Judah has said, water is not substantial, for we have learned in the Mishnah: R. Judah declares exempt in the case of water, for it is of no substance [M. Bes. 5:4D].”*
- D. **Then what is the meaning of the phrase, This object should not go further than the feet of its master [may take it]?**
- E. **What is within this should not go further than the feet of its master [may take it].**
- F. *Now, I may well concede that it has been heard that R. Judah holds that water is insubstantial where water is mixed in dough, but has anyone heard that he takes the same view where water had autonomous standing [for example, when it is in a jar]? Now, if where water is mixed with the contents of a pot [other food], R. Judah maintains that it does not lose its autonomous standing, would water lose that standing where it had autonomous standing at all? For hasn’t it been taught on Tannaite authority: R. Judah says, “Water and salt are nullified in dough but not in a cooked dish, because of the gravy”?*
- G. *Rather, said Raba, “Here we are dealing with a jug that was assigned a place for the Sabbath but water that hadn’t, so the facticity of the jug, which serves as secondary to the water as its container, is nullified in respect to the water, as we have learned in the Mishnah:*
- H. **He who takes out food in a volume less than the specified measure in a utensil is exempt even on account of [taking out] the utensil,**
- I. **for the utensil is secondary to it [the food].**
- J. **[He who takes out] a living person in a bed is exempt even on account of [taking out] the bed,**
- K. **for the bed is secondary to him.**

- L. *Objected R. Joseph, “R. Judah says, ‘In the case of a caravan, one may pass a jar to his fellow, and his fellow to his fellow,’ so that is the rule for a caravan but not for a situation other than a caravan!” [How can Judah take the position that he does in our Mishnah paragraph?]*
- M. *Rather, said R. Joseph, “When we learn our Mishnah rule, it pertains also to a caravan.”*
- N. *Abbaye said, “In the case of a caravan, even if the jug had been assigned its place for the Sabbath and the water had acquired its place for the Sabbath, such a procedure is permitted of passing the jug from hand to hand; not in a caravan, the procedure is permitted only if the jug had acquired its place for Sabbath rest, but not the water.”*
- O. *R. Ashi said, “Here we deal with a jug that had been abandoned, and water that had been abandoned. And who is represented by the view, **They said to him, ‘This object should not go further than the feet of its master [may take it]’?** It is R. Yohanan b. Nuri, who has said, ‘Ownerless objects take over title to the place that they have for the Sabbath.’ And what is the meaning of the phrase, **‘This object should not go further than the feet of its master [may take it]’?** They must not be carried any further than utensils that do have a specific owner.”*

10:3

- A. [If] he was reading in a scroll on the threshold,
- B. [and] it rolled out of his hand,
- C. he may roll it back to himself.
- D. [If] he was reading on the top of the roof, and the scroll rolled out of his hand,
- E. before it falls to within ten handbreadths [of the ground], he may roll it back to himself.
- F. Once it has fallen to within ten handbreadths [of the ground], he turns it over onto the written side [to protect it].
- G. R. Judah says, “Even if it is distant from the ground by only so much as a hair’s breadth,
- H. “he may roll it back to himself.”
- I. R. Simeon says, “Even if it has touched the ground itself, he may roll it back to himself.

J. **“For nothing which is prohibited by reason of Sabbath rest stands against the [honor due to] the Sacred Scriptures.”**

- I.1** A. *[On the threshold:] Now how are we to imagine this threshold? Should I say that the threshold is private domain and in front of it was public domain, and that there is no precautionary measure to cover the possibility that the entire scroll might fall down and someone may then go and carry it in, then who is the author of this passage? [98A] It must be R. Simeon, who has said, “For nothing which is prohibited by reason of Sabbath rest stands against the [honor due to] the Sacred Scriptures.” But then note what follows: R. Judah says, “Even if it is distant from the ground by only so much as a hair’s breadth, he may roll it back to himself.” R. Simeon says, “Even if it has touched the ground itself, he may roll it back to himself.” So do we have a situation in which the opening and closing clauses belong to R. Simeon and the middle one to R. Judah?*
- B. *Said R. Judah, “Yes indeed, the opening and closing clauses belong to R. Simeon and the middle one to R. Judah.”*
- C. *Rabbah said, “Here we’re dealing with a threshold that is walked on in general, and, so as to avoid disrespect for holy books, rabbis have permitted rolling it back.”*
- D. *Objected Abbaye [to Rabbah], “If it came to rest within four cubits of the ground, one rolls it back to himself; if it was beyond four cubits, one turns it over with its writing faced downward. Now, if you hold that here we’re dealing with a threshold that is walked on in general, then what difference does it make to me whether it is within four cubits or beyond four cubits?” [Slotki: Just as what is prohibited by reason of Sabbath rest in the case of the threshold where one end of the scroll is transferred from public to private domain, so it should also be dispensed with in the case of carrying the end of the scroll along a greater distance than four cubits in public domain, since one of the ends is in his hand.]*
- E. *Rather, said Abbaye, “Here we’re dealing with a threshold that was in neglected public domain, in front of which was public domain. If the end of the scroll rested within four cubits so that, even if the whole scroll had fallen down and one would have carried it back to the threshold, there would be no liability to a sin-offering [the prohibition of carrying from public domain to neglected public domain is only by reason of Sabbath rest], rabbis permitted one to roll it back. Where it came to rest beyond four cubits, in which case, if*

he brought it back, he would have become liable to a sin-offering, rabbis didn't permit him to carry it back [even where one end remained in his hand]."

- F. *If so [Slotki: if it is the fact that according to Judah a preventive measure was enacted, even in the case of holy writings, against the possibility of the infringement of a pentateuchal law], then if it landed within four cubits, too, we should make a precautionary decree, lest someone bring the scroll from public domain to private domain. And should you say, since the neglected public domain intervenes, we are not concerned about that possibility, well, didn't Raba say, "He who carries something from the beginning of four cubits to the end of four cubits, and the transfer was above his head [above ten hairbreadths from the ground, which is not classified domain at all], he is liable"?*
- G. *Here with what situation do we deal? With a long threshold [so that crossing from public to private domain would take some time], so, along the way, he will remember what is going on [and pause, so as not to move something from public to private domain].*
- H. *And if you prefer, I shall say, in point of fact, it is not such a long threshold, but when it comes to holy writings in general, someone is going to look at them before putting them away [and he would pause for the purpose on the threshold and not move the object directly from public to private domain].*
- I. *But how about taking about of the possibility that he will examine them while still in public domain and then bring them along with himself directly into private domain?*
- J. *Lo, who is the authority behind this ruling? It is Ben Azzai, who takes the view, one who walks is equivalent to one who stands in one place.*
- K. *But maybe he'll throw them, for said R. Yohanan, "Ben Azzai concurs in the matter of throwing"?*
- L. *Said R. Aha bar Ahbah, "That is to say, people simply are not to throw holy books."*

II.1 A. [If] he was reading on the top of the roof, and the scroll rolled out of his hand, before it falls to within ten handbreadths [of the ground], he may roll it back to himself:

- B. *But is it permitted? And hasn't it been taught on Tannaite authority: Those who write holy books, phylacteries, and mezuzot are not permitted to turn a skin downward, but a cloth must be spread over it?*

- C. *In that situation, it is possible to do so, but here, it isn't possible, and if one doesn't turn it over, there is a still greater exposure to the abuse of the holy writings.*

III.1 A. Once it has fallen to within ten handbreadths [of the ground], he turns it over onto the written side [to protect it]:

- B. *But lo, it hasn't come to rest [in public domain, so why can't one roll it back into private domain]?*
- C. *Said Raba, "It's a case in which the wall was slanting [so it comes to rest on the slope]."*
- D. *Said to him Abbaye, "So how have you explained our Mishnah rule? To speak of a wall that was slanting? Well, note what is coming: **R. Judah says, 'Even if it is distant from the ground by only so much as a hair's breadth, he may roll it back to himself.'** But lo, hasn't it come to rest? [Why has he just permitted rolling it back]?"*
- E. *"The wording of the Mishnah rule is flawed, and this is how it has to have been set forth as a Tannaite rule: Under what circumstances? In the case of a wall that is slanting. But [98B] in the case of a wall that was not slanting, if it came to rest three handbreadths above the ground, he may roll it back to himself, but if it came to rest less than three handbreadths from the ground, **he turns it over onto the written side [to protect it].**"*

IV.1 A. R. Judah says, "Even if it is distant from the ground by only so much as a hair's breadth, he may roll it back to himself": *For we require that it actually come to rest on something.*

- B. *Well, what about what Raba said, "For an article that is carried within three handbreadths of the ground to be regarded as having come to rest, it has to be put down on something of some small size at least"? May we say that this involves a dispute among Tannaite authorities [since the initial Tannaite authority doesn't agree with Judah]?*
- C. *Not at all, the whole stands for the position of R. Judah, but the formulation is flawed, and this is how the Tannaite rule should be set forth: Under what circumstances? In the case of a wall that is slanting. But in the case of a wall that was not slanting, if it came to rest three handbreadths above the ground, he may roll it back to himself, for **R. Judah says, "Even if it is distant from the ground by only so much as a hair's breadth, he may roll it back to himself."** How come? Because we require that the object come to rest on something.*

10:4A-B

- A. A projection before a window –
- B. they put things out on it and take things back from it on the Sabbath.

- I.1** A. *As to this **projection**, where does it project? Should I say that it projects into public domain? Then shouldn't we take account of the possibility that something might drop from the ledge onto the public domain down below, and someone may come along and carry it in? But if it projected onto private domain, then the rule of our Mishnah statement is pretty self-evident!*
- B. *Said Abbaye, "In point of fact, it projected into public domain, but what is the meaning of **they put things out on it**? That refers only to breakable objects [which someone isn't going to carry back into the house]."*

C. *So, too, it has been taught on Tannaite authority: A projection before a window that projected into public domain – they put on it dishes, cups, and plates and glasses and may use the entire wall up to the lowest ten handbreadths thereof. And if there is another projection below it, one may use it, but as to one above, one may not use it except for the space alongside the window.*

D. *As to this **projection**, how is it to be defined? If it has not got a space of four handbreadths, then it is a space that is exempt of all classification rules, and even the space alongside the window one should not use at all. But if it does cover four handbreadths, then one should be able to make use of the entire length of the wall!*

E. *Said Abbaye, "The lower piece was four handbreadths wide, and the upper one wasn't, but the windowsill completed the four handbreadths. That is why one may use it along the window, since it is treated as an extension of the windowsill, but the sections on either side remain forbidden."*

10:4C-D

- C. A man stands in private domain and moves something about in public domain,
- D. in public domain and moves something about in private domain, on condition that he not move the object outside of four cubits [from where he picked it up].

10:5

- A. A man should not stand in private domain and piss into public domain,
- B. in public domain and piss into private domain.
- C. And so, too, he should not spit [across the Sabbath line].
- D. R. Judah says, “Also: He whose spit is loose in his mouth should not walk four cubits until he has spit it out.”

- I.1**
- A. *R. Hinena bar Shelamayya repeated the Tannaite rule for Hiyya bar Rab in the presence of Rab: “A man may not stand in private domain and move something about in public domain [Slotki: lest he transfer the object from public to private domain].”*
 - B. *He said to him, “So do you abandon the position of rabbis and act in accord with R. Meir?”*
 - C. **[99A]** *[Hinena] maintained that, since the final clause [A man should not stand in private domain and drink in public domain, in public domain and drink in private domain, unless he has poked his head and the greater part of his body into the same domain as that in which he drinks (M. 10:6A-C)] represents the position of R. Meir, the opening clause likewise stands for his principle [and that is why he worded the ruling as he did]. But that is not the case. The later formulation does represent the position of R. Meir, while the opening one stands for the principle of rabbis.*

- II.1**
- A. **In public domain and moves something about in private domain, on condition that he not move the object outside of four cubits [from where he picked it up]:**
 - B. *Then if he did move the object outside of four cubits, he is liable to a sin-offering. May we then say that that supports the position of Raba, for Raba said, “He who carries something from the beginning of four cubits to the end of four cubits, and the transfer was above his head [above ten hairbreadths from the ground, which is not classified domain at all], he is liable”?*
 - C. *Does the Tannaite formulation state, if he did move the object outside of four cubits, he is liable to a sin-offering? Maybe it means, if he did move the object outside of four cubits, he is exempt but doing so is forbidden.*
 - D. *There are those who say: Then if he did move the object outside of four cubits, he is exempt but doing so is forbidden. May we then say that that constitutes a refutation of the position of Raba, for Raba said, “He who carries something from the beginning of four cubits to the end*

of four cubits, and the transfer was above his head [above ten hairbreadths from the ground, which is not classified domain at all], he is liable”?

E. *Does the Tannaite formulation state, if he did move the object outside of four cubits, he is exempt but doing so is forbidden? Maybe if he did move the object outside of four cubits, he is liable to a sin-offering.*

III.1 A. A man should not stand in private domain and piss into public domain, in public domain and piss into private domain:

- B. Said R. Joseph, “If he pissed or spit, he is liable to a sin-offering.”
- C. *But lo, we require taking up and putting down the object be from and onto a place that was four handbreadths in size, and that condition is not met here!*
- D. *His intentionality endows the spot with the requisite dimensions, for if you don’t say that, then that which Raba has said, “If one threw an object and it fell into the mouth of a dog or into a furnace, he is liable” – here, too, surely we require taking up and putting down the object be from and onto a place that was four handbreadths in size, and that condition is not met here! So it must follow that his intentionality endows the spot with the requisite dimensions, and here, too, his intentionality endows the spot with the requisite dimensions.*

III.2 A. Raba asked this question: “If he was standing in private domain and the top of his penis extended into public domain, what is the law? Do we adopt as our criterion the source or the point of exit [of the penis]?”

- B. *Well, you’re going to have to live with that one.*

IV.1 A. And so, too, he should not spit [across the Sabbath line]. R. Judah says, “Also: He whose spit is loose in his mouth should not walk four cubits until he has spit it out”:

- B. *Is that so even though he hasn’t turned the spit over in his mouth? And haven’t we learned in the Mishnah: [If] one was eating a fig with unclean hands, [and] he poked his hand into his mouth to remove the pit – R. Meir declares [the fig] unclean. R. Yosé declares [the fig] clean. R. Judah says, “If he turned over [the fig in his mouth], it [the fig] is unclean. If he did not turn [it] over, it [the fig] is clean” [M. Kel. 10:8E-I]?*

- C. Said R. Yohanan, "The theory of the position assigned to R. Judah is to be exchanged [with that assigned to Yosé]."
- D. *R. Simeon b. Laqish said, "In point of fact, you should not exchange the operative theories. But here, with what do we deal? With his phlegm."* [That is detached from the lungs by the time it reaches the mouth (Slotki).]
- E. *But hasn't it been taught on Tannaite authority: R. Judah says, "If his phlegm was detached" [he must not walk more than four cubits in public domain]. So doesn't that bear the implication, too, if his spit was detached?*
- F. No, it means only, if his phlegm was detached.
- G. *But hasn't it been taught on Tannaite authority: R. Judah says, "If his phlegm was detached, and so, too, if his spit was detached, he should not go four cubits without spitting it out"? So it's better to explain matters as proposed to begin with [by Yohanan].*

- IV.2** A. Said R. Simeon b. Laqish, "If one coughed up phlegm before his master, he is liable to death: 'All who hate me love death' (Pro. 8:36) – don't read 'hate me' but 'make me hated.'"
- B. *Sure, sure, but can the guy help it?*
 - C. *"We speak here of someone who coughs it up and spits it out."*

10:6A-D

- A. A man should not stand in private domain and drink in public domain,**
- B. in public domain and drink in private domain,**
- C. unless he has poked his head and the greater part of his body into the same domain as that in which he drinks.**
- D. And so in the case of a wine press.**

- I.1** A. *Does the opening rule then stand for the position of rabbis, and the later one, R. Meir?*
- B. Said R. Joseph, "The latter clause [the one before us] speaks of matters that are unavoidable [such as pissing] and it represents unanimous opinion."
- I.2** A. *The question was raised: What is the rule in regard to neglected public domain?*
- B. *Said Abbayye, "It is the same."*
 - C. *Raba said, "[The prohibition of moving an object between neglected public domain and public domain or private domain] itself is only a precautionary*

decree, so should we now go and issue a precautionary decree tacked onto another such decree?"

D. Said Abbayye, *"On what basis do I make my statement? Because it is said in the Mishnah, **And so in the case of a wine press**. Now what is this wine press? If it is private domain, that is covered in the Mishnah, and if it is public domain, that, too, is covered in the Mishnah, so isn't it neglected public domain?"*

E. And Raba said, [99B] *"**And so in the case of a wine press** refers to tithes."*

F. And so, too, said R. Sheshet, *"**And so in the case of a wine press** refers to tithes."*

G. *For we have learned in the Mishnah: "**One drinks [wine] at the press – whether [it is mixed] with hot water or cold water – he is exempt [from removing the tithes]**" – the words of R. Meir. R. Eleazar bar Sadoq declares [him] liable [to removing the tithes]. But sages say, "**Concerning [the wine mixed with] hot water, he is liable [to removing the tithes], but concerning [the wine mixed with] cold water, he is exempt [from removing the tithes]**" [M. Ma. 4:4]. That is because he puts back the rest. [Abraham, to Shabbat 11A: The vat is the utensil into which the juice of the grapes runs; it descends into the pit underneath. Once it is in the pit its processing as wine is complete and it is liable to tithes; before they are given, nothing may be drunk. While it is yet in the vat its processing is not complete, so a little wine may be drunk even before the tithes are designated. That is so only if it is drunk directly over the vat. If it is taken out, that action itself confers upon it the status of finished wine, and the tithes are then owing. When it is taught, "And the same applies to a wine vat," it means, if one drinks wine from the vat, he is regarded as taking it away, unless he has his head and greater part of his body in the vat, and must render the tithes before he drinks. Wine was not drunk neat but diluted with water; if with cold, the rest can be poured back into the vat, if with hot, it can't; the hot mixture will ruin the rest. Meir holds that in both cases, since he doesn't take the wine away from the vat, he can drink a little without tithing; Eleazar differs; sages agree with Meir if cold water is used for diluting.]*

10:6E-F

E. A man scoops up water out of a drain pipe that is less than ten handbreadths from the ground.

F. And from a waterspout in any manner he may drink.

- I.1 A. He scoops up but he doesn't press his lips to the gutter? How come?
B. Said R. Nahman, "Here we are dealing with a drain pipe that is less than three handbreadths from the roof, for any object that is less than three handbreadths from the roof is treated as part of the roof."

C. So, too, it has been taught on Tannaite authority:

D. Someone may stand in private domain and he raises his hand ten handbreadths above the ground, toward a drain pipe that was within less than three handbreadths of a roof, and he may scoop up the water, on condition that he doesn't press his lips to the drainpipe.

E. It has further been taught on Tannaite authority:

F. A man may not stand in public domain and raise his hand ten handbreadths above the water to a spot less than three handbreadths from a roof and press it against the drain pipe, but he may scoop up the water and drink it.

II.1 A. And from a waterspout in any manner he may drink:

- B. A Tannaite statement: If the spout was four by four handbreadths, it is forbidden to drink directly from the mouth of the spot, because this would be tantamount to carrying something from one domain to another.

10:7

A. A cistern in the public domain, with its surrounding bank ten handbreadths high –

B. a window which is above it –

C. they draw water from it on the Sabbath.

D. A garbage dump in the public domain ten handbreadths high –

E. a window which is above it – they pour out slops into it on the Sabbath.

- I.1 A. With what situation concerning this cistern in the public domain do we deal? Should I say that it is one that is near the wall? Then to permit use of the cistern from the window, what need do I have for an embankment ten handbreadths high? [Slotki: The cistern ten handbreadths deep is itself private

domain and is within four handbreadths of the wall, so there is no public domain between the cistern and the wall.]

- B. *Said R. Huna, "With what situation concerning this **cistern in the public domain** do we deal? It is indeed one that is four handbreadths away from the wall. It follows that, only if there is an embankment ten handbreadths high does the ruling apply [that **they draw water from it on the Sabbath**], but if there is no embankment ten handbreadths high, without it one would be moving something from private domain to private domain via public domain."*
- C. *And R. Yohanan said, "You may even say that it was within four handbreadths of the wall. Lo, we are informed that the cistern and its embankment join together to form a wall of ten handbreadths in height."*

II.1 A. A garbage dump in the public domain ten handbreadths high – a window which is above it – they pour out slops into it on the Sabbath:

- B. *We do not take account of the possibility that the garbage dump may be removed [when it was taken over into public domain, and people might continue to dump garbage into it from private domain]. And yet, didn't Rabin b. R. Adda say R. Isaac said, "There was a precedent involving an alleyway, one side of which ended in the sea, the other in a garbage dump, and the case came before Rabbi, and he ruled in that case neither that it is forbidden nor that it is permitted [to move objects in the alley]. He didn't permit it, since we take account of the possibility that the garbage dump might be removed or that the sea might throw up alluvium, and he didn't say it was forbidden, because the partitions were there at this point"]?*
- C. *No problem, the case of the rubbish heap on the side of an alley speaks of space belonging to an individual [where people may remove the garbage], the other [our Mishnah's garbage dump] belongs to the public [and it's going to sit there for a long time].*

10:8A-E

- A. **A tree which overshadows the ground –**
- B. **if its foliage was not three handbreadths above the ground,**
- C. **they carry under it [the branches are deemed to touch the ground and to form a partition ten handbreadths high around the tree].**
- D. **[If] its roots are three handbreadths above the ground,**
- E. **one should not sit on them [and thus use the tree on the Sabbath, which is forbidden].**

I.1 A. Said R. Huna, son of R. Joshua, “People may carry there if the partitioned area is only over an area of two seahs. *How come?* [Why not permit carrying over the entire partitioned area, if it is a valid partition at all?] **[100A]** It is because here we deal with a fictive abode which is meant to be used in the open air, and in the case of any dwelling which is meant to be used in the open air [that is, lacking fixed roof and walls], people may carry only in an area of two seahs [and no more, despite the provision of valid partitions that ordinarily would allow for a greater area of movement than that].

II.1 A. **If its roots are three handbreadths above the ground, one should not sit on them:**

B. *It has been stated:*

C. The roots of a tree that descended from a level above three handbreadths from the ground to one lower than three handbreadths from the ground –

D. Rabbah said, “It is permitted to make use of them.”

E. R. Sheshet said, “It is forbidden to make use of them.”

F. Rabbah said, “It is permitted to make use of them”: *For whatever is within three handbreadths of the earth is treated as equivalent to the earth.*

G. R. Sheshet said, “It is forbidden to make use of them”: *For since they derive from a forbidden source [the parts of the roots above three handbreadths from the ground], they are forbidden.*

H. *Those that are in the shape of a rocky crag [growing every which way] – those that grow downward are permitted, while as to those that grow sideways there is a dispute between Rabbah and R. Sheshet, and so, too, in regard to a dike and a corner.*

II.2 A. *Abbaye had a palm tree that projected through the skylight [but stayed within three handbreadths of the roof]. He came before R. Joseph and he permitted him [to use the space, since none of the sides of the tree rose above three handbreadths from the roof]. Said R. Aha bar Tahalipa, “In permitting you to use that space, [Joseph] acted in accord with the position of Rabbah.”*

B. *Yeah, so what else is new?*

C. *What might you have supposed? That even according to R. Sheshet, a house is regarded as full, so it is permitted to use a tree within three handbreadths of the roof? So we are informed that the decision accords only with Rabbah [and Sheshet does not reason along those lines].*

II.3 A. *We have learned in the Mishnah: [If] its roots are three handbreadths above the ground, one should not sit on them [and thus use the tree on the Sabbath, which is forbidden]. Now how are we to imagine the situation? If the roots don't then bend downward, then it's obvious that that is the rule. So it must be a case in which the roots did bend downward [and why should it be forbidden to sit on them? Doesn't this contradict Rabbah? (Slotki)].*

B. *Not at all, it is a case in which the roots don't revert downward, and in this way we are informed that even though one of the sides of the tree is level with the ground [Rabbah still maintains the same position].*

II.4 A. *Our rabbis have taught on Tannaite authority:*

B. *Roots of a tree that are three handbreadths above the earth, or underneath which is a space three handbreadths, even though one side is level with the ground – lo, one should not sit on them, because people may not climb a tree or hang from a tree or lean on a tree on the Sabbath; nor may someone climb up on a tree while it is still day planning to remain there for the entire Sabbath. All the same are a tree and any beast, but as to a cistern, ditch, cave, or wall, one may climb up or climb down, even if they are a hundred cubits in height or depth.*

II.5 A. *One Tannaite statement: If one has climbed up, it is permitted to climb down.*

B. *Another Tannaite statement: If one has climbed up, it is forbidden to climb down.*

C. *There is no conflict: The one speaks of a case in which it was still daylight on Friday, in the other, a case in which it had gotten dark. And if you prefer, both speak of a case in which it has gotten dark, but there still is no problem, the one speaks of doing so inadvertently, the other, intentionally. And if you prefer, I shall say, both speak of doing so inadvertently, but there is a conflict*

on whether or not an extrajudicial penalty is inflicted in the case of doing so inadvertently on account of doing so deliberately. The one authority maintains that we do inflict such a penalty, and the other holds that we don't.

D. *Said R. Huna b. R. Joshua, "It is along the lines of the following Tannaite dispute":*

E. **[Blood] which is to be tossed in a single act of tossing which was mixed up with [blood] which is to be tossed in a single act of tossing –**

F. **let them be tossed in a single act of tossing [below the red line].**

G. **[Blood] which is to be tossed in four acts of tossing [which was mixed up with] blood which is to be tossed in four acts of tossing –**

H. **let them be tossed in four acts of tossing [below the red line].**

I. **[Blood] which is to be tossed in four acts of tossing [which was mixed up] with blood which is to be tossed in one act of tossing –**

J. **R. Eliezer says, "Let them be tossed in four acts of tossing."**

K. **R. Joshua says, "Let them be tossed in a single act of tossing."**

L. **Said to him R. Eliezer, "And lo, he transgresses the rule against diminishing [the required acts of tossing, so Deu. 4:21]."**

M. **Said to him R. Joshua, "And lo, he transgresses the rule against adding [to the required acts of tossing – Deu. 4:2]."**

N. **Said to him R. Eliezer, "The prohibition against adding is stated only in connection with the act in itself."**

O. **Said to him R. Joshua, "The prohibition against diminishing is stated only in connection with the act in itself."**

P. **And further did R. Joshua say, "When you placed [the blood four times], you transgressed the prohibition against adding, and you did the deed with your own hand, and when you did not sprinkle [four times], you transgressed against the prohibition against diminishing, but [at least] you did not do the deed with your own hand" [M. [Zeb. 8:10](#)].**

Q. *[Huna continues:] "Now, from R. Eliezer's viewpoint, who has said in that case, 'It is better to go and carry out a religious duty in conditions of uncertainty rather than neglect it, here, too, he should descend; and from the viewpoint of R. Joshua, who in that case said*

that it is better to sit and do nothing under such conditions, here, too, he shouldn't climb down."

R. But maybe that's not the case. Perhaps R. Eliezer takes the position that he does there, namely, it is better to go and carry out a religious duty in conditions of uncertainty rather than neglect it, because in that case he is carrying out a religious duty, but here, in which case he's not carrying out a religious duty, he would hold, too, that he shouldn't climb down. Or, along these same lines, it may be that R. Joshua took the position that he did there, namely, it is better to sit and do nothing under such conditions, [100B] since there is no direct violation of the law that is carried out, but here, where the man directly violates the law, he may concur that the man should climb down.

- II.6** A. *One Tannaite formulation states: All the same are a green tree and a dried-up tree.*
- B. *And another Tannaite formulation states: Under what circumstances? In the case of a green tree, but as to a dried-up tree [which no longer is connected to the ground], it is permitted to climb down.*
- C. *Said R. Judah, "No problem, the one speaks of a case in which the tree stump grows afresh, the other, it doesn't grow afresh."*
- D. *Well, how can you call it "dried-up" if the tree stump grows afresh?*
- E. *Rather, there's no problem, the latter speaks of the dry season [when we know the difference between a dry tree and a green tree], the other to the rainy season.*
- F. *But in the hot season the produce will fall off the tree [when one climbs on it, so isn't it forbidden to climb on the tree, lest the result be picking the fruit]?*
- G. *It speaks of a case in which there's no fruit on the tree.*
- H. *But don't some of the chips of the twigs fall off?*
- I. *It's a tree that was stripped.*
- J. *Well, now, was it? But didn't Rab come to Afsatia and forbid use of a stripped tree?*
- K. *Rab found an open field and fenced it in.*

- II.7** A. *Said R. Ammi bar Abba said R. Assi, "It is forbidden for someone to walk on the grass on the Sabbath, in line with the verse: 'And he who hastes with his feet sins' (Pro. 19: 2)." [Slotki: Even though one*

doesn't intend to tear the grass, he is forbidden to walk on it, because he unintentionally tears it with his feet.]

- II.8** A. *One Tannaite rule states:* It is permitted to walk on grass on the Sabbath.
- B. *And another Tannaite rule states:* It is forbidden to walk on grass on the Sabbath.
- C. *No problem, the one speaks of fresh, the other, dry grass. If you prefer, I shall say, both speak of fresh grass, but there is no problem, the one speaks of the dry season, the other, the rainy season. And if you prefer, I shall say, both speak of the dry season, but there is no problem, the one speaks of a case in which he is wearing shoes, the other, where he is barefooted. And if you prefer, I shall say, no problem, both speak of someone wearing shoes, but the one speaks of shoes with nails, the other, of shoes without. And if you wish, I shall say, both speak of shoes with nails, but there still is no problem, the latter speaks of long, tangled grass, the former, not. And nowadays that it is an established fact for us that the law is in accord with R. Simeon, it is permitted to walk on grass in all of the cases that are mentioned here.*

Appendix of Sayings in the Attributive Formula, Said R. Ammi bar Abba said R. Assi

- II.9** A. And said R. Ammi bar Abba said R. Assi, "It is forbidden for someone to rape his wife [force his wife to carry out the religious duty (of sexual relations)]: 'And he that hastes with his feet sins' (Pro. 19: 2)."
- B. And said R. Joshua b. Levi, "Whoever rapes his wife will have unworthy children."
- C. *Said R. Iqa bar Hinena, "What verse of Scripture makes that point? 'Also without consent the soul is not good' (Pro. 19: 2)."*
- D. So, too, it has been taught on Tannaite authority: "Also without consent the soul is not good" (Pro. 19: 2): This refers to one who rapes his wife.
- E. "And he that hastes with his feet sins" (Pro. 19: 2): This refers to someone who has sexual relations and then goes and does it again.

F. *Well, now, is that so?* And lo, didn't Raba say, "He who wants to produce only male children will have sexual relations and then do it again"?

G. No problem, the latter deals with doing so with the woman's agreement, the former, *not*.

II.10 A. Said R. Samuel bar Nahmani said R. Jonathan, "Any man whose wife calls him to sexual relations will have children of the like of which the generation of our lord, Moses, didn't have, as it is said, 'Take you men wise, understanding, and known among your tribes and I will make them rulers over you' (Deu. 1:13); and 'So I took the chiefs of your tribes, wise men and known' (Deu. 1:15) – without reference to 'understanding.' And with reference to Leah, it is written, 'And Leah went out to meet him and said, you must come to me, for I have surely hired you' (Gen. 30:16), and it is written, 'Issachar is a large-boned ass' (Gen. 49:14), and elsewhere, 'And of the children of Issachar, who were men that had understanding of the times' (1Ch. 12:33).“ [Freedman, to Nedarim 20B: This was Leah's reward, proving that it is meritorious for a woman to demand sexual relations.]

B. *Is that so?* And didn't R. Isaac bar Abdimi say, "Eve was assigned ten curses, as it is said, 'To the woman he said, I will greatly multiply your pain and your travail; in pain you shall bring forth children; and your desire will be to your husband; and he shall rule over you' (Gen. 3:16).

C. "I will greatly multiply your pain' refers to the two kinds of blood that a woman discharges, one the pain of menstrual blood, the other that of hymeneal blood.

D. "And your travail' refers to the pain of pregnancy.

E. "In pain you shall bring forth children' bears the obvious meaning [and refers to the pain of giving birth].

F. "And your desire will be to your husband' refers to the fact that a woman lusts after her husband when he goes off on a journey.

G. "And he shall rule over you' refers to the fact that a man asks explicitly for what he wants, while a woman just

aches in her heart for it, [cloaked as in mourning, imprisoned, cut off from all men other than her husband]” [Fathers According to R. Nathan I:VIII.4]? So is that a good quality for women?

H. *When we made the statement that we did, it means, she seduces him [but doesn't solicit him in so many words].*

I. *But are the curses enumerated only seven [not ten]?*

J. When R. Dimi came, he said, “**She is cloaked as in mourning, imprisoned, cut off from all men [other than her husband.]**”

II.11 A. *What is the meaning of cut off from all men? Should I say, she is forbidden to meet a man in privacy, isn't the man also forbidden to meet a woman in privacy just as much?*

B. Rather, she is forbidden to marry two men [but a man may marry two women].

II.12 A. *In a Tannaite formulation it is repeated as follows: She grows her hair long, like Lilith; she pisses sitting down, like an animal; and she serves as a pillow for her husband. [Those are the other three curses.]*

B. *And the other authority [who omits these]?*

C. *These are advantages for her, for said R. Hiyya, “What is the meaning of the verse of Scripture, ‘Who teaches us by the beasts of the earth and makes us wise by the fowl of the heaven’ (Job. 35:11)? ‘Who teaches us by the beasts of the earth’ – this speaks of the mule, which kneels when it pisses; ‘and makes us wise by the fowl of the heaven’ refers to the cock, which first seduces, then mates.”*

II.13 A. Said R. Yohanan, “If the Torah hadn't been given, we should have been able to learn modesty from the cat, honesty from the ant, chastity from the dove, and good manners from the cock, which first seduces, then mates.”

II.14 A. *How does the cock seduce?*

B. *Said R. Judah said Rab, “This is what he says to her, ‘I’ll buy you a cloak that will reach your feet.’ Then he says to her, ‘May the cat tear off my crest if I get money and don’t buy you one.’”*

10:8F-J

- F. [101A] [With] a [movable] door in the rear court –
- G. [with] bundles of briars in a breach –
- H. or with mats –
- I. they do not stop up an opening,
- J. unless they are raised above the ground.

- I.1**
- A. *By contrast:* With a door, reed mat, or keg, that drag on the ground, if they are fastened and suspended, it is permitted to close an opening on the Sabbath, all the more so on a festival. [This rule insists on suspension, not on raising them from the ground.]
 - B. Said Abbaye, “The cited passage speaks to those that have a hinge [and they are like a proper door, so this is not comparable to building].”
 - C. Raba said, “It is a case in which they had a hinge.”
 - D. *An objection was raised:* With a door, reed mat, or keg, that drag on the ground, if they are fastened and suspended, raised from the ground by even merely a hair’s breadth, it is permitted to close an opening on the Sabbath, otherwise, it’s forbidden.
 - E. *Abbaye solves the problem within his theory of matters, and Raba solves the problem within his theory of matters.*
 - F. *Abbaye solves the problem within his theory of matters:* Either they have to have a hinge or they have to be raised from the ground.
 - G. *Raba solves the problem within his theory of matters:* Either they had a hinge or they are raised from the ground.
- I.2**
- A. *Our rabbis have taught on Tannaite authority:*
 - B. Boughs of thorn bushes, or bundles of wood, which someone set up to stop up a breach in the courtyard wall, if they are tied up and suspended, they lock up with them on the Sabbath and it goes without saying, on the festival.
 - C. *R. Hiyya taught as a Tannaite rule:* A “widowed” door that is dragged on the ground may not be used to close an opening.

D. *What in the world is a “widowed” door? There are those who say, it is one made of a single board, and there are those who say, it is a door that has no frame.*

I.3 A. *Said R. Judah, “As for a bonfire – piling up the wood from the top down is permitted, but [piling it] from the bottom up is forbidden.” [One may not lay two logs on the ground and place a third log crosswise on top of them, since this is comparable to building. Rather, he holds the upper log and then places the two supporting logs beneath it.] And so [one must do in setting up a support for] an egg [that is to be roasted], a pot, a bed, and a jug.” [Avery-Peck, *Besah*, to 32B: In each case the item to be supported must be held in place first and only afterwards the support placed beneath it.]*

I.4 A. *Said a certain Sadducean to R. Joshua b. Hananiah, “You’re a brier: ‘The best of them is as a brier’ (Mic. 7: 4).”*

B. *He said to him, “Idiot! Look at the end of the same verse of Scripture: ‘The upright man is better protection than a tabernacle’ (Mic. 7: 4). So what’s the sense of ‘the best of them is as a brier’? Just as briars close a gap, so the best among us protect us all. Another reading of ‘the best of them is as a brier’: It is because they crush [reading the word for briar as though it had a letter that yielded crush] the wicked in Gehenna: ‘Arise and thresh, daughter of Zion, for I will make your horn iron, and I will make your hoofs brass, and you shall beat in pieces many peoples’ (Mic. 4:13).”*

10:9

- A. **“A man should not stand in private domain and open [a door] in public domain,**
- B. **“in public domain and open a door in private domain,**
- C. **“unless he has made a partition ten handbreadths high,” the words of R. Meir.**
- D. **They said to him, “There was this precedent: In the poulterers’ market in Jerusalem they used to shut up their shops and leave the key in the window above the door.”**
- E. **R. Yosé says, “It was the market of the wool dealers.”**

I.1 A. *Now since R. Meir has spoken of public domain, how could rabbis have answered him with reference to neglected public domain [which is in a*

different classification, being a decree of rabbis only]? For said Rabbah bar bar Hannah said R. Yohanan, “In the case of Jerusalem, if it were not for the fact that its gates are locked at night, people would be liable by reason of carrying in public domain on the Sabbath.” [Slotki: The gates were closed at night, so all the roads were subject to restrictions of neglected public domain; since preventive measures against the possibility of transferring the key from one domain to another were made by Meir only in the case of public and private domain, what objection does the Jerusalem incident, which speaks of private domain and neglected public domain, where only a rabbinical law may be violated, present to Meir?]

- B. Said R. Pappa, “[That Jerusalem is classified as neglected public domain] is a conception that applies prior to the breaching of its walls, while [the reference to Jerusalem, which regards the town as public domain] addresses the situation that prevailed after the walls were breached.”
- C. *Raba said, “The final clause addresses the case of the gates of a garden [larger than two bet seahs and not enclosed for dwelling purposes, thus neglected public domain (Slotki)], and this is the sense of the statement at hand: “A man should not stand in private domain and open [a door] in neglected public domain, in neglected public domain and open a door in private domain, [101B] unless he has made a partition ten handbreadths high,” the words of R. Meir. They said to him, “There was this precedent: In the poulterers’ market in Jerusalem they used to shut up their shops and leave the key in the window above the door.” R. Yosé says, “It was the market of the wool dealers.”*

I.2

- A. *Our rabbis have taught on Tannaite authority:*
- B. As to the doors of gateways to gardens, when they have gate houses on the inner side, one may open and close the door from the inside [Slotki: since the lock, which is four handbreadths wide and ten from the ground, has the same status of private domain as the gate house]. If it is on the outer side, one opens and closes from the outside. If they have one on this side and on that side, they may be opened and closed on either side. If they have none on this side or on that side, they are forbidden on either side [to be opened or locked] [Slotki: even though the key was within the lock; they may not be opened from within as a preventive measure against the possibility of taking the key from private domain, the lock, into neglected public domain, the garden, and they

may not be opened from without as a preventive measure against the possibility of taking the key from private domain into public domain].

- C. “And so is the rule governing stores that open out onto public domain: When the lock is ten handbreadths or less from the ground [thus in neglected public domain], one brings the key on Friday and puts it on the threshold [also neglected public domain], and the next day one may open or close the door and put the key back on the threshold,” the words of R. Meir.
- D. And sages say, “Even if the lock is more than ten handbreadths above the ground, one brings the key on Friday and puts it on the threshold [also neglected public domain], and the next day one may open or close the door and put the key back on the threshold; or he may put the lock back on a window above the door [Slotki: whose sill is less than four handbreadths wide, which is regarded as free – unclassified – domain though it is ten handbreadths high]. If the window had an area of four handbreadths by four, it is forbidden, since under such circumstances, moving the key would involve transferring it from one domain [the threshold, which is neglected public domain] to another [the window, which is private domain].”

I.3 A. *Now, since the language is used, “And so is the rule governing stores,” it follows that we are dealing with a threshold in the status of neglected public domain [since if it had been not neglected public domain but public domain, it would have been forbidden to move the key from the threshold into the lock (Slotki)]. But then, as to the lock, how are we to conceive it? If it is one that is not four handbreadths in width, then it would be classified as free domain [Slotki: and Meir would not have regarded it as private domain, even if it was ten handbreadths above the ground], and if it was four handbreadths in width, then would rabbis [dealing with a lock in private domain] have ruled, “Even if the lock is more than ten handbreadths above the ground, one brings the key on Friday and puts it on the threshold [also neglected public domain], and the next day one may open or close the door and put the key back on the threshold; or he may put the lock back on a window above the door”? For doing so, one is transporting an object from neglected public domain to private domain!*

B. *Said Abbaye, “In point of fact it is a case in which it is not four handbreadths in width, but there is the possibility of carving out a space of four handbreadths, and what is at issue is this: R. Meir takes*

the view that people may regard the door as hollowed out to complete the necessary width, and sages maintain that people may not regard the door as hollowed out to complete the necessary width.”

C. Said R. Bibi bar Abbayye, “This Tannaite ruling then yields three conclusions. It yields, first, the conclusion that people may regard the door as hollowed out to complete the necessary width.

D. “It yields the conclusion, second, that R. Meir retracted his ruling on the gates of a garden [he forbade someone in neglected public domain to open a door in private domain, lest he take the key into neglected public domain].

E. “And it yields the inference, further, from the ruling of rabbis [if the area of the windowsill was four handbreadths by four, one may not take a key from the threshold to the lock, that is, neglected public domain to free domain, or from the lock to the window, private domain, because transfer from one domain to another is forbidden even via free domain (Slotki)], that R. Dimi’s ruling is plausible. For when R. Dimi came, he said R. Yohanan [said], ‘An area that is not four cubits by four cubits – it is permitted for those located in private domain and those located in public domain to put down and shoulder their goods therein, on condition that they not exchange [items from persons in the framework of the one to those in the framework of the other].’”

10:10

- A. A bolt with a knob on its end –**
- B. R. Eleazar prohibits.**
- C. And R. Yosé permits.**
- D. Said R. Eleazar, “There was this precedent: In the synagogue in Tiberias they permitted [using it on the Sabbath],**
- E. “until Rabban Gamaliel and elders came and prohibited it for them.”**
- F. R. Yosé says, “They treated it as prohibited. Rabban Gamaliel and the elders came and permitted it for them.”**

- I.1** A. *Where the bolt can be lifted up by the cord to which it was tied, all parties concur. Where they have a dispute, [102A] it is where it cannot be lifted up by the cord. The one authority [Yosé] maintains that since there is a knob at one end, it is classified as a utensil [and it may be moved on the Sabbath],*

and the other master [Eleazar] takes the view that, since it can't be lifted up by the cord to which it was tied, it may not be moved.

10:11

- A. A bolt which is dragged on the ground –
- B. they lock the doors with it in the Temple but not in the provinces.
- C. And one which rests on the ground [not fastened] both here and there is prohibited.
- D. R. Judah says, “The one which rests on the ground is permitted in the Temple,
- E. “and the one which is dragged on the ground [is permitted] in the provinces.”

I.1

- A. *Our rabbis have taught on Tannaite authority:*
- B. What is the definition of one that is dragged on the ground, with which we may lock a door in the Temple but not in the provinces? It is one that is fastened to a door and suspended, with one end reaching the ground.
- C. R. Judah says, “One such as this even in the provinces is permitted. But what is the definition of one that is forbidden in the provinces? It is any that is neither tied on nor suspended, which one removes and puts in a corner.”

I.2

- A. Said R. Judah said Samuel, “The decided law conforms in the matter of a bolt that drags along the ground to the opinion of R. Judah” [it is permitted to shut up a door even in the country with such a lock (Slotki)].
- B. Said Raba, “But that is so only if it is fastened to the door” [Slotki: where the connection between the door and the bolt is evident, not where it was tied only to a doorpost].
- C. *Is that so now? And lo, R. Tabela visited Mehoza and saw a bolt suspended from the side of a doorway and didn't say a word about it!*
- D. *That was one that could be lifted up by the cord to which it was tied* [Slotki: the cord was strong and the connection between the bolt and the door unmistakable; therefore there was no question of building on the Sabbath, which would be forbidden].

I.3

- A. *R. Avayya visited Nehardea. He saw someone who was fastening a bolt with a piece of reed grass. He said, “This mustn't be shut”* [on the Sabbath, the reed being too frail for the weight of the bolt, which is therefore regarded as detached from the door (Slotki)].

- I.4** A. *R. Zira raised the question: “If the bolt was pressed into the ground, what is the law [is this building]?”*
- B. *Said R. Joseph, “What can possibly be bothering him? Hasn’t he heard that which has been taught on Tannaite authority: **A bolt that is detached is prohibited for use in securing the door for the Sabbath. But one that is pressed into the ground is permitted for that purpose.** R. Judah says, ‘If it is pressed into the ground, even though it is not detached [it is forbidden]’ [T. **Er. 8:14C-D**]?* And said R. Judah said Samuel, ‘The decided law conforms in the matter of a bolt that is pressed into the ground to the opinion of R. Judah.’”
- C. *Now what is the operative consideration in that ruling?*
- D. *Said Abbaye, “Since it appears to be like building.”*
- I.5** A. *R. Nehumi bar Zechariah asked Abbaye, “If the householder made a handle for the bolt, what is the rule?” [It now looks like a mallet or club and therefore is a utensil; may it be moved on the Sabbath even if it is detached from the door (Slotki)?]*
- B. *He said to him, “You’re talking about a club [which certainly may be used on the Sabbath as a pestle].”*
- C. *It has been stated:*
- D. *Said R. Nehumi bar Ada, “If one made a handle for it, it is permitted.”*
- I.6** A. *At the house of R. Pedat they had a beam that had to be lifted to be fixed in position at the door by ten men, and he didn’t say a thing to them about it. He said, “It falls under the law of utensils [for example, a bench].”*
- I.7** A. *There was a mortar at the household of Mar Samuel that could hold an artaba, and Mar Samuel permitted fixing it behind the door. He said, “It falls under the law of utensils.”*
- I.8** A. *R. Ammi bar Ezekiel sent word to R. Amram, “Will the master tell us some of those excellent statements that you reported to us in the name of R. Assi concerning the arches of a boat [which hold up the canvas as a shelter]?”*
- B. *He sent word to him, “This is what R. Assi said: ‘As to the arches of a boat [which hold up the canvas as a shelter], if they are a handbreadth wide, or, even when less than that, when there is no space of three handbreadths between one and the next, on the next day [the Sabbath] it is permitted to bring*

a mat and spread it over them. *How come?* What he is spreading is in the status of a random tent, *and that's o.k.*”

I.9 A. *R. Huna had some rams, which, in daylight, needed shade, and, at night, needed the open air. He came before Rab. He said to him, “Go, roll up a reed mat, leaving one handbreadth unrolled; the next day, spread it all out, and what you’re spreading is in the status of a random tent, and that’s o.k.”*

- I.10** A. Said Rab in the name of R. Hiyya, “A door curtain may be hung up and taken down [being no tent, for it has no roof]. A bridal canopy may be spread out and may be taken down.”
- B. Said R. Sheshet b. R. Idi, “We have made this statement only in the case of one that does not have at its top a square handbreadth, but if it has at its top [as a roof] a square handbreadth of space, it is forbidden to do so. *And even if it has not got a square handbreadth at its top, too, we have made that statement only if there is not the width of a handbreadth within the space of three handbreadths from the top, but if there is the width of a handbreadth within the space of three handbreadths from the top, it is forbidden. And we have made this statement only [102B] if the slope was less than a handbreadth, but if the slope was a handbreadth, then the slope of a tent is classified as a tent. [B. Shab. 138B adds:] And we have made that statement only if it does not descend a handbreadth below the bed, but if it does, it also is forbidden.*”
- C. *And said R. Sheshet b. R. Idi, “A peaked cap is permitted.”*
- D. *But hasn’t it been taught, “A peaked cap is forbidden”?*
- E. *No problem, in the one case it’s a handbreadth in size [and so forms a tent and may not be worn on the Sabbath], in the other, it is not so large as that.*
- F. *Well, then, what about this case: If one lets his cloak protrude by a handbreadth, would he be culpable, too? Rather, say: No problem, in the one case it is tightly fitted to the head, in the other case not [and it is forbidden, since the wind may blow it off and he may end up carrying it (Freedman/Rashi)].*

10:12

- A. **They put back [into its sock] the lower pivot [of a door] in the Temple but not in the provinces;**
- B. **And the upper pivot of a door both here and there is prohibited.**

C. **R. Judah says, “The upper one, in the Temple, and the lower one, in the provinces.”**

I.1 A. *Our rabbis have taught on Tannaite authority:*

B. They put back the pivot of the door of a box, chest, or cupboard into its socket in the Temple, but in the provinces they only adjust it. The one on top they do not reinsert in either place, as a precautionary decree against the possibility of driving it into the socket by force. If one does do that, one is liable to present a sin-offering. They do not reinsert the pivot of the door of a cistern, cellar, or annex in the socket, and if one did so, he is liable to present a sin-offering.

10:13A-B

A. **They put back a plaster [on a wound] in the Temple but not in the provinces.**

B. **And to begin with here and there it is prohibited [to apply a plaster].**

I.1 A. *Our rabbis have taught on Tannaite authority:*

B. A bandage on a wound that was detached may be put back on the Sabbath.

C. R. Judah says, “If it slipped downward, one may push it upward; if it slipped upward, one may push it downward.”

D. One may uncover part of the bandage and wipe the opening of the wound, and then do the same, but one may not wipe off the bandage, since wiping would be equivalent to spreading the salve [which is forbidden as erasing], and if one spread the salve, he is liable to a sin-offering.

I.2 A. Said R. Judah said Samuel, “The decided law is in accord with R. Judah.”

B. Said R. Hisda, “They repeated this rule [Slotki: that rabbis differ from Judah and allow a completely detached bandage to be replaced on a wound] only in the case of a bandage that slipped off onto an object, but if it slipped onto the ground, all concur that it is forbidden to put it back on the sore.”

I.3 A. *Said Mar bar R. Ashi, “I was standing before my father, when his bandage slipped off onto his pillow, and he put it back. I said to him, ‘Doesn’t the master concur with what R. Hisda said, namely, “The dispute concerns only the case of a bandage that slipped off onto an object, but if it slipped onto the ground, all concur that it is forbidden to put it back on the sore,” and said Samuel, “The decided law accords with R.*

Judah”?’ *He said to me, ‘I never heard it,’ meaning, ‘It makes no sense to me.’”*

10:13C-D

C. They tie a string [of a musical instrument] in the Temple but not in the provinces.

D. And to begin with here and there it is prohibited [to tie up a string].

- I.1** A. *Now by way of contradiction [to the rule that one may tie up a string in the Temple]: The string of a harp that broke – one would not tie it up but would loop it!*
- B. *No problem, the one presents the position of rabbis, the other, R. Eliezer. For from the perspective of R. Eliezer, who has said, “What is required to help perform a religious duty that is to be done on the Sabbath overrides the restrictions of the Sabbath,” one may tie the string. From the perspective of rabbis, who have said, “What is required to help perform a religious duty that is to be done on the Sabbath does not override the restrictions of the Sabbath,” one loops it.*
- C. *But if [our Mishnah] represents the position of R. Eliezer, then to begin with one should be permitted to tie it up [and there should be no distinction between tying a knot or making a loop]!*
- D. *Rather, there is no problem, the one represents the position of R. Judah [who doesn’t distinguish between a knot and a loop, and would permit both a knot and a loop] and the other stands for the view of rabbis.*
- E. *Well, then, if it is R. Judah, in accord with whose position does he make his ruling? [103A] Did he make his ruling in line with the position of R. Eliezer? Then even to begin with he should permit such a procedure.*
- F. *Rather, there is no problem, the one represents the position of R. Simeon, the other, rabbis, for it has been taught on Tannaite authority:*
- G. *In the case of a Levite the string of whose harp was broken, he may tie it up.*
- H. *R. Simeon says, “He may loop it.”*
- I. *R. Simeon b. Eleazar says, “Neither this nor that procedure would produce a proper tone; he should rather unwind the string from the lower pin and wind it around the upper one, or unwind it from the upper and wind it around the lower.” [Slotki: In that way he gets a sound length of string free from knots or loops. As the lowering of the string is no more forbidden than tying it, the former, which enables the tone to be produced, is to be preferred. Our*

Mishnah thus represents the view of the rabbis of the passage, who, agreeing with Eliezer on one point, that the preliminary requisites of a precept supersede the Sabbath, permit tying up the string on the Sabbath, but they disagree with him that such an act is permitted to begin with and they permit it only where the break occurred on the Sabbath.]

- J. *If you prefer, I shall say, both represent the position of rabbis, but the rules don't conflict. The one speaks of a break in the middle of the string [where a loop wouldn't be strong enough], the other, a break at the end [near the pin, where a loop would be fine]. And, if you prefer, I shall say, both refer to a break in the middle of the string, while the master [Simeon] maintains that we enact a precautionary measure [since if we permit doing so in the middle, someone might make a knot at the ends also] and the masters maintain that no such precautionary measure is enacted.*

10:13E-F

- E. **They cut off a wen [from an animal designated as an offering] in the Temple but not in the provinces.**
F. **But if it is [done] with a utensil, here and there it is prohibited [to cut off a wen].**

- I.1** A. **[They cut off a wen in the Temple:] And by way of contradiction: Carrying it [to the Temple], bringing it from outside to inside the Sabbath limit, and cutting off a wen which is on it do not override [the prohibitions of] the Sabbath. R. Eliezer says, "They do override [the prohibitions of the Sabbath]" [M. Pes. 6:1D-E].** [The anonymous ruling here forbids cutting off a wen, the Mishnah before us permits doing so!]
B. R. Eleazar and R. Yosé b. Hanina –
C. *one said, "Both refer to a soft wen, but there is no conflict, the one refers to removing a wen by hand, the other, with an instrument."*
D. *The other said, "Both refer to one that can be removed by hand, but there is no conflict, the one refers to a soft wen, the other, to a dry one."*
E. *And from the perspective of him who said, the one refers to removing a wen by hand, the other, with an instrument, how come he didn't say that the one refers to a soft wen, the other, to a dry one?*
F. *He will say to you, "As to one that is dry, it's permitted to remove that one even with a utensil. How come? Because it just crumbles away."*

- G. *And from the perspective of him who has said, the one refers to a soft wen, the other, to a dry one, how come he didn't maintain that the one refers to removing a wen by hand, the other, with an instrument?*
- H. *He may say to you, in regard to removing one with a utensil, we have learned in so many words in the Mishnah, **But if it is [done] with a utensil, here and there it is prohibited [to cut off a wen].***
- I. *And the other party?*
- J. *The ruling is repeated there because the framer wanted to underline the dispute between R. Eliezer and rabbis [in respect to Eliezer's permitting use of an instrument].*
- K. *And the other party?*
- L. *It runs along the lines of the ruling concerning carrying it or bringing it from outside the Sabbath limit, which is forbidden only on the authority of rabbis [and would not refer to using an instrument for the operation, which is forbidden by the Torah].*
- M. *And the other party?*
- N. *In respect to carrying it, he does not concur with R. Nathan [that carrying a living creature on the Sabbath is forbidden only on the authority of rabbis], who holds that a living creature carries itself [but the authority before us maintains that carrying a living creature is forbidden by the law of the Torah]; and in respect to bringing it from outside the Sabbath limit, he concurs with R. Aqiba, who maintains that the laws on the Sabbath limits derive from the authority of the Torah. [Slotki: As the two rulings of carrying and bringing embody prohibitions of the Torah, the one on the wen also must derive from the law of the Torah.]*
- O. *Objected R. Joseph, "Said R. Eliezer, 'It is an argument a fortiori: **Now if slaughtering, which is prohibited under the category of labor, overrides [the prohibitions of] the Sabbath, these, which are [prohibited only] by reason of Sabbath rest [relying not upon the Scriptural prohibition of actual labor] – should they not override [the prohibitions of] the Sabbath?'**" [Slotki: This shows that the prohibitions in the anonymous ruling, including that against the removal of the wen, are merely rabbinical; how could anyone maintain that the removal of a wen is a pentateuchal prohibition?]*
- P. *Rather, said R. Joseph, "Both our Mishnah paragraph and the one of tractate Pesahim deal with removing the wen by hand [and we don't have a dry wen, since that can be removed even with an instrument], but as to the contradiction*

between the two statements, what is forbidden by reason of Sabbath rest [for example, removing a soft wen with one's hand] that relates to the rite of the Temple may be removed within the Temple [for example, if it involves an offering that is examined for use in the Temple], while what is forbidden by reason of Sabbath rest that relates to the Temple but is located in the provinces is not permitted."

- I.2** A. *In session, Abbayye stated this tradition. Objected R. Safra to Abbayye, "[If] he was reading in a scroll on the threshold, [and] it rolled out of his hand, he may roll it back to himself [M. 10:3A-C]. But here is a case in which we deal with a matter that is prohibited by reason of Sabbath rest that pertains to what is holy as is the Temple, and the event takes place in the provinces, and there is no precautionary decree in play here to cover the possibility that the scroll may fall down completely and the man may then carry it!"*
- B. *"But didn't we establish the fact that this deals with a threshold that was neglected public domain in front of which there was public domain, so that, since the rolled up section is still in his hand, there isn't even a prohibition by reason of Sabbath rest in this instance?"*
- C. *He further objected: "They lower the Passover-offering into an oven at dusk [when the fourteenth of Nisan falls on a Friday] [M. Shab. 1:11A]. But here is a case in which we deal with a matter that is prohibited by reason of Sabbath rest that pertains to what is holy as is the Temple, and the event takes place in the provinces, and there is no precautionary decree to take account of the possibility that the man may stir up the coals after the Sabbath has taken effect!"*
- D. *He shut up. When he came before R. Joseph, he said to him, "This is what R. Safra said to me."*
- E. *He said to him, "Why didn't you repeat to him, Because members of the association [signed up to share this offering for their Passover] are meticulous? [The members of the association are not going to rake the coals on the Sabbath, because if one forgets, another will remind him (Freedman).]"*
- F. *And Abbayye?*
- G. *Well, we do maintain, the priests are meticulous, but we don't maintain as a valid premise in making decisions, Because members of*

the association [signed up to share this offering for their Passover] are meticulous.

I.3 A. [Arguing that both passages deal with removing a soft wen by hand (Slotki),] Raba said, “This represents the position of R. Eliezer, who has said, ‘The preliminary requisites of a precept supersede the Sabbath.’ *But R. Eliezer concurs that so far as we can effect a change in the ordinary manner of carrying out these prerequisites to indicate that it is done in full recognition of the Sabbath, we do carry out such a change.*”

B. **[103B]** *What’s the evidence of that fact?*

C. *It is as has been taught on Tannaite authority: If a wen appeared on the body of a priest, his fellow may bite it off for him with his teeth [T. Er. 8:20A-C].* So it may be done only with his teeth, but not with a tool, and it may be done only by his fellow, but the priest can’t do it himself. *So whose opinion can this represent? If you want to say it’s the view of rabbis, and it is permissible because it is done in connection with the Temple, then, if rabbis have forbidden such acts only by reason of Sabbath rest, then what difference does it make here whether the priest does it or his fellow does it? So it must stand for the view of R. Eliezer, who has held that for such acts a sin-offering is incurred, but here, even though these are preliminaries to carrying out a religious duty and so supersede the Sabbath, so far as we can effect a change in the ordinary manner of carrying out these prerequisites to indicate that it is done in full recognition of the Sabbath, we do carry out such a change.*

D. *Not at all. In point of fact, it does represent the rabbis’ view [and Eliezer doesn’t concede that the act must be done differently]. If the wen grew on his belly, which one can reach himself, then the law would have been that the priest himself may take it off, but here, with what do we deal? A wen on his back or elbows, which he himself can’t reach.*

E. *Well, if it represents the view of rabbis, why can’t he remove it with his hand, in which case [Slotki: from the fact that the use of the bare hand only, which is forbidden by reason*

of Sabbath rest, and not an instrument, which the Torah prohibits, has been allowed] *you might work out the view of R. Eleazar, for* said R. Eleazar, “The dispute involves removing it by hand, but as to a utensil, all parties concur that one is liable.”

F. *But according to your reasoning, from R. Eliezer’s view as well, when the priest’s friend removes the wen, why shouldn’t he be permitted to remove it with his hand* [which represents a change from the usual mode of removal and involves only what is forbidden by reason of Sabbath rest (Slotki)]?

G. *How so! If you say that it represents the position of R. Eliezer, there is no difficulty in understanding why removing it with the hand is forbidden, as a precautionary measure against using a tool, but if you say it stands for the view of rabbis, then why not permit removing it with his hand? And there is nothing more to say.* [The view here is Eliezer’s (Slotki).]

10:14A-C

- A. **A priest who hurt his finger –**
- B. **one ties reed grass around it in the Temple but not in the provinces.**
- C. **But if it is to remove blood, here and there it is prohibited.**

I.1

- A. Said R. Judah b. R. Hiyya, “This rule pertains only to use of a reed, but as to a small belt, that would constitute an excess piece of clothing [and may not be used for that reason].”
- B. And R. Yohanan said, “That rule that an excess of clothing disqualifies applies only when the further garment would be worn where garments ordinarily are worn, but if not where garments are ordinarily worn, then they would not be an excess of clothing [and even the use of a small belt then would be permitted].”

C. *But why not derive the rule that use of such a thing is forbidden on the count of its interposing [between the hand of the priest and the sacrificial beast, which he must directly touch, and not through an interposing garment]?*

D. *At issue is the left hand [which is not used], or even the right hand but not in a place on the hand at which the act of service takes place. And the cited authorities differ concerning the statement made by Raba.*

E. For said Raba said R. Hisda, "In a place in which one wears garments, the presence of even a single excess thread serves as an improper interposition, but if not in a place in which the priest wears the prescribed garments, a piece of clothing three by three fingerbreadths may interpose, but one of less than that size does not interpose at all."

F. *Now so far as R. Yohanan is concerned, Raba's statement assuredly forms a contradiction [since he makes no distinction between where garments are worn and where not], but so far as R. Judah b. R. Hiyya is concerned, does there have to be a point of contradiction [since a small belt is less than the requisite measure of three by three fingerbreadths]?*

G. *The case of a small belt is exceptional, since it is taken into account [being a complete piece of clothing, even smaller than the usual dimensions].*

H. *Another version of the same matter:*

I. Said R. Judah b. R. Hiyya, "This rule pertains only to use of a reed, but as to a small belt, that would constitute an excess piece of clothing [and may not be used for that reason]."

J. And R. Yohanan said, "That rule that an excess of clothing disqualifies applies only when a piece of clothing less than three fingerbreadths square is located where garments ordinarily are worn, but if not where garments are ordinarily worn, **[104A]** then if it is three fingerbreadths square, it interposes, but if less, it does not interpose."

K. *And that is in line with the statement made by Raba.* [For said Raba said R. Hisda, "In a place in which one wears garments, the presence of even a single excess thread serves as an improper interposition, but if not in a place in which the priest wears the prescribed garments, a piece of clothing three by three fingerbreadths may interpose, but one of less than that size does not interpose at all."]

L. *Shall we then say that Raba's statement assuredly forms a contradiction with R. Judah b. R. Hiyya?*

M. *The case of a small belt is exceptional, since it is taken into account [being a complete piece of clothing, even smaller than the usual dimensions].*

N. *And from R. Yohanan's perspective, why specify in particular a reed? One could as well mention a small belt.*

O. *He thus informs us of another matter en passant, which is that a reed also can heal.*

10:14D-F

- D. **They scatter salt on the [altar] ramp so that they will not slip.**
- E. **And they draw water from the cistern of the Exiles and from the great cistern with a waterwheel on the Sabbath,**
- F. **and from the Haqqar Well on a festival day.**

- I.1 A. *To Raba, R. Iqa of Pashronayya contrasted the following: "We have learned in the Mishnah, **They scatter salt on the [altar] ramp so that they will not slip.** So that is done in the sanctuary but not in the provinces, and, by contrast: A courtyard that was mucked up by rainwater – people may bring straw and level it [so in the provinces it is permitted to scatter straw on the ground; but our Mishnah permits doing so only in the Temple court]."*
- B. *The case of straw is exceptional, since the owner doesn't renounce ownership of it [but plans to collect it and use it for fodder; this is not an act of building, while scattering materials one doesn't plan to collect would represent an act of building and be forbidden (Slotki)].*
- I.2 A. *Said R. Aha b. Raba to R. Ashi, "As to salt, how are we to imagine the situation? If the owner renounces his ownership to it, wouldn't that be adding to the building? And if not, wouldn't that be an act of interposition [between the surface of the ascent and the priests' feet (Slotki)]?"*
- B. *"It is a case in which salt [which wasn't renounced and could be collected and used for salting the hides] was scattered when the limbs of sacrifices were carried up the ascent, in which case it is not an act of service."*
- C. *But isn't it part of the act of service? Wasn't it written in Scripture, "And the priest shall offer the whole and make it smoke on the altar" (Lev. 1:13), in which connection a master has said, "This refers to bringing the limbs up the ramp to the altar"?*

D. *Rather, say: It refers to salt scattered when the wood is carried to the altar pile, which is not an act that is part of the Temple service [Slotki: and here interposition is null].*

I.3

- A. Expounded Raba, “A courtyard that was mucked up by rainwater – people may bring straw and level it [so in the provinces it is permitted to scatter straw on the ground].”
- B. *Said R. Pappa to Raba, “But has it not been taught on Tannaite authority: When he levels the ground, he mustn’t scatter the straw either with a small basket or a big one but only with the bottom broken from a basket [while Raba has not imposed such a distinction]?”*
- C. *Raba went and appointed a public speaker in his behalf and expounded, “What I said before you was erroneous. But this is what they have said in the name of R. Eleazar: ‘When he levels it, he mustn’t scatter the straw either with a small basket or a big one but only with the bottom broken from a basket.’”*

II.1

- A. **And they draw water from the cistern of the Exiles and from the great cistern with a waterwheel on the Sabbath:**

Autonomous Analysis, Utilizing the Fact Given Above

- B. *Ulla visited the household of R. Manasseh. Somebody came and knocked on the door. He said, “Who is this? May his body be desecrated, since he desecrates the Sabbath!”*
- C. *Said to him Rabbah, “What sages have forbidden is only a musical sound [but not knocking].”*
- D. *Objected Abbaye, “For a sick person on the Sabbath they draw liquids through a siphon and let water drip from the perforated vessel. So they do that for a sick person but not for a healthy person. Now what is the situation at hand? Wouldn’t it be a case in which the sick person was sleeping and someone wanted to wake him up [through the sound of the dripping, which is noise with no music to it (Slotki)]? So that would prove that making any such sound is forbidden [on the Sabbath, even an unmusical one]?”*
- E. *“No, it’s a case in which he was awake, and they wanted to lull him to sleep, so the sound is one like a tingling noise [which is classified as musical notes].”*

- F. *An objection was raised: He who guards his produce from birds or his gourds from wild beasts may on the Sabbath conduct the watch in the normal way, on condition that he not clap his hand, beat his chest, or stamp his feet, as he would do on weekdays. Now what would be the consideration here? Isn't it a case in which he would be producing some sort of sound, which then proves that making any sort of sound is forbidden?*
- G. Said R. Aha bar Jacob, "It is a precautionary decree lest he pick up a stone."
- H. *Then what about what R. Judah said Rab said, "Women who play with nuts on the Sabbath violate a prohibition"? Now what would be the consideration here? Isn't it a case in which he would be producing some sort of sound, which then proves that making any sort of sound is forbidden?*
- I. *Not at all, the reason is that they might level the ground [to play their games]. For if you don't take that view, then what about what R. Judah said, "Women who play with apples on the Sabbath violate a prohibition"? Now in that case, what sound are they possibly producing? So, it must be, they might level the ground.*
- J. *We have learned in the Mishnah: **And they draw water from the cistern of the Exiles and from the great cistern with a waterwheel on the Sabbath.** That is done in the sanctuary but not in the provinces. Now what would be the consideration here? Isn't it a case in which he would be producing some sort of sound, which then proves that making any sort of sound is forbidden?*
- K. No, it is a precautionary decree, lest someone proceed to draw water for his garden or ruin.

II.2 A. *Amemar permitted drawing water with a waterwheel at Mehuza. He said, "How come rabbis made a decree against it? It is, lest someone proceed to draw water for his garden or ruin, but here there is neither a garden nor a ruin."*

B. *But when he saw [104B] that they began to soak flax in it, he forbade doing so.*

III.1 A. **And from the Haqqar Well on a festival day:**

- B. *What is the definition of the Haqqar Well?*
- C. Said Samuel, “It is a cistern concerning which debates flowed forth, and they permitted its use on the festival.”
- D. *An objection was raised: Not all Haqqar Wells did they permit, but only this one alone [cf. T. Er. 8:22C]. Now, if you maintain that it is defined as, a cistern concerning which debates flowed forth, then what can be the meaning of the language, only this one alone?*
- E. Rather, said R. Nahman bar Isaac, “It is a well of spring water, as it is said, ‘As a cisterns wells with her water’ (Jer. 6: 7).”

III.2 A. *Reverting to the body of the foregoing:*

- B. **Not all Haqqar Wells did they permit, but only this one alone [cf. T. Er. 8:22C] –**
- C. **But when the residents of the Exile came up and camped by it, the prophet permitted them to draw water from the Haqqar Well on the festival [T. Er. 8:22B].**
- D. But it wasn’t prophets who were among them, but it was a custom of their ancestors that they had in hand.

10:15

- A. “A dead creeping thing which is found in the Temple –
- B. “A priest removes it with his belt [even on the Sabbath],
- C. “so as not to keep uncleanness [in the Temple],” the words of R. Yohanan b. Beroqah.
- D. R. Judah says, “[He does so] with wooden tongs, so as not to increase uncleanness [by imparting it to his belt].”
- E. From what areas do they remove it?
- F. “From the sanctuary, the porch, and the area between the porch and the altar,” the words of R. Simeon b. Nanos.
- G. R. Aqiba says, “A place in which [if a man entered while unclean] deliberately, he is liable for extirpation, and inadvertently, he is liable to a sin-offering –
- H. “from there do they remove it.
- I. “But in all other locations [in the Temple], they simply turn over a psykter onto it.”

- J. R. Simeon says, “Wherever sages have permitted something to you, they have given you what already is yours.
- K. “For they have permitted to you only [what was withheld to begin with] by reason of Sabbath rest.”

- I.1**
- A. Said R. Tabi bar Qisna said Samuel, “He who brings into the Temple something made unclean by a dead creeping thing is liable, but one who brings a dead creeping thing itself into the Temple is exempt. *Why so?* Said Scripture, ‘Both male and female you shall put out’ (Num. 5: 3) – one who can achieve cleanness in an immersion pool, thus excepting a dead creeping thing, which cannot attain cleanness.”
 - B. *May I say that this supports him:* “‘Both male and female you shall put out’ (Num. 5: 3) – excluding a clay utensil,” the words of R. Yosé the Galilean? *Now what can be the operative consideration? Isn’t it because it cannot attain a state of cleanness in an immersion pool?*
 - C. *Not at all*, only what may become a generative source of uncleanness, thus excluding a clay utensil, which cannot become a generative source of uncleanness.
 - D. *May we suppose that on the same question [about bringing a dead creeping thing into the Temple] there is a conflict of Tannaite authorities, as follows:*
 - E. **“A dead creeping thing which is found in the Temple –**
 - F. **“A priest removes it with his belt [even on the Sabbath],**
 - G. **“so as not to keep uncleanness [in the Temple],”** the words of R. Yohanan b. Beroqah.
 - H. R. Judah says, “[He does so] with wooden tongs, so as not to increase uncleanness [by imparting it to his belt].”
 - I. *Now isn’t this what is at issue between them, namely: The one who has said, so as not to keep uncleanness [in the Temple], maintains that he who brings into the Temple a dead creeping thing is liable. By contrast, the one who holds that the issue is, so as not to increase uncleanness [by imparting it to his belt], takes the position that one who brings a dead creeping thing itself into the Temple is exempt.*
 - J. *Not at all, all parties concur that one is liable, but at issue here is the following question: One master maintains that it is better to keep the unclean object there a bit longer, the other, that it’s better to increase uncleanness but get it out quickly.*

- K. *Rather, what is at issue is what is subject to debate between the following authorities:*
- L. **From what areas do they remove it?**
- M. **“From the sanctuary, the porch, and the area between the porch and the altar,” the words of R. Simeon b. Nanos.**
- N. **R. Aqiba says, “A place in which [if a man entered while unclean] deliberately, he is liable for extirpation, and inadvertently, he is liable to a sin-offering –**
- O. **“from there do they remove it.**
- P. **“But in all other locations [in the Temple], they simply turn over a psykter onto it.”**
- Q. *Isn't this what is at issue here, namely, one who says, it may not be removed on the Sabbath from the Temple court takes the view that one who brings a dead creeping thing itself into the Temple is exempt. The one who holds that it must be removed from any part of the Temple court takes the position that he who brings into the Temple a dead creeping thing is liable.*

I.2 A. [105A] Said R. Yohanan, “Both authorities interpret the same verse of Scripture: ‘And the priest went into the inner part of the house of the Lord to clean it and brought out all the uncleanness that they found in the Temple of the Lord into the court of the house of the Lord. And the Levites took it to carry it outside to the brook, Kidron’ (2Ch. 29:16). *One authority takes the view that, since in the court they switched from the priests to the Levites, there is no prohibition against allowing uncleanness to remain for a while in the court [the priests took the uncleanness only from the inner parts, but removal from the court was assigned to the Levites, so making them unclean was not so grave; so in the case of the Sabbath, wherever uncleanness is in the court, the degree of transgression must be reduced to a minimum and not even the rules against violating Sabbath rest may be abrogated (Slotki)]. The other authority takes the position that, so far as it was impossible for the Levites to enter [in the inner sanctuary], the priests had to carry it out; where the Levites could do the job, the priests could no longer make themselves unclean [so this doesn't prove the point one way or the other].”*

I.3 A. *Our rabbis have taught on Tannaite authority:*

- B. **All enter to build and repair the Temple building and to remove uncleanness. It is the religious duty of the priests to carry out the dead, and if there are no priests there, Levites enter; if there are no Levites, Israelites enter. [If it is a duty for clean people to carry it out and if there are no clean people, unclean people enter. If it is the duty of unblemished persons and there are no unblemished persons, blemished people enter in] [T. Kel. 1:11A-B].**

C. But one way or the other, only cultically clean persons may enter, but not those who are unclean.

D. Said R. Huna, "R. Kahana [that is, the priest] favors the priesthood, for it has been taught on Tannaite authority by R. Kahana, 'Since it is said, "Only he shall not go in unto the veil" (Lev. 21:23) one might think that priests who are blemished must not enter between the hall and the altar to make beaten plates of gold [with which the interior was overlaid], so it was said, "only," drawing a distinction as follows: It is a religious duty for unblemished priests to do it, if there are not there unblemished priests, blemished priests go in. It is a religious duty for cultically clean priests to do it, but if there are no clean ones available, unclean ones go in.' Thus in both cases priests do it, but Israelites don't."

- I.4** A. *The question was raised: If there is an unclean priest and a blemished priest, which of the two goes in?*
- B. *R. Hiyya bar Ashi said Rab [said], "The unclean priest goes in, since he is permitted to take part in the Temple service of the community [when the congregation is unclean, but a blemished priest can't do that]."*
- C. *R. Eleazar says, "A blemished priest goes in, since he is permitted to eat Holy Things [which an unclean priest can't do]."*

- II.1** A. **R. Simeon says, "Wherever sages have permitted something to you, they have given you what already is yours":**
- B. *To what does R. Simeon make reference in this statement of his?*
- C. *He refers to the following, which we have learned in the Mishnah:*
- D. **He who was overtaken by darkness outside of the Sabbath limit, even by a single cubit, may not reenter.**

- E. **R. Simeon says, “Even if he is fifteen cubits outside, he may reenter. For surveyors do not measure exactly, for the benefit of people who err” [M. 4:11C-E].**
- F. *Now, since the initial Tannaite authority said, he may not reenter, R. Simeon said to him, he may reenter.*

III.1 A. “For they have permitted to you only [what was withheld to begin with] by reason of Sabbath rest”:

- B. *To what does R. Simeon make reference in this statement of his?*
- C. *He refers to the passage in which the initial Tannaite authority says, [In the case of a Levite the string of whose harp was broken,] he may tie it up, and said to him R. Simeon, “He may loop it,” for a loop, which would not involve one in an obligation to a sin-offering, did rabbis permit, but a knot, which would involve an obligation to present a sin-offering, rabbis did not permit.*