

VII.

BAVLI ERUBIN CHAPTER SEVEN

FOLIOS 76A-82A

7:1

- A. A window [in the dividing wall] which is between two courtyards,
- B. four handbreadths square, within ten handbreadths [of the ground] –
- C. they [the two courtyards] make a fictive fusion meal individually.
- D. But if they wanted, they make a single fictive fusion meal [for both areas].
- E. [If it is] less than four handbreadths square or [if it is] above the ground by more than ten handbreadths,
- F. they make a fictive fusion meal individually, and they do not make a fictive fusion meal jointly.

- I.1** A. *Must we say that the Mishnah that we have learned without attribution in fact accords with the position of Rabban Simeon b. Gamaliel, who has said, “Any gap that is less than four handbreadths is classified as closed up [a horizontal gap of the prescribed dimensions is deemed closed up]”?*
- B. *You may even maintain that it accords with the position of rabbis. Rabbis differ from Rabban Simeon b. Gamaliel only with respect to the laws of a fictive closing up of a horizontal gap, but when it comes to the definition of a door, even rabbis concur that if the gap is four by four, it is taken into account, and if not, it is not regarded as a valid opening.*

- II.1** A. **[If it is] less than four handbreadths square or [if it is] above the ground by more than ten handbreadths, they make a fictive fusion meal individually, and they do not make a fictive fusion meal jointly:**
- B. *So what else is new? Since it's already been said, four handbreadths square, within ten handbreadths [of the ground], don't I know on my own that if it is less than four by four or above ten handbreadths, it isn't a valid opening?*
- C. *In stating matters in this way, we are informed that the operative consideration is that the whole of the opening was higher than ten handbreadths from the ground, but, if part of it was within ten handbreadths of the ground, they [the two courtyards] make a fictive fusion meal individually. But if they wanted, they make a single fictive fusion meal [for both areas].*
- D. *But here, then, we learn as a Tannaite statement that which our rabbis have taught on Tannaite authority: If nearly the whole of the hole is above ten handbreadths from the ground but part of it is within ten handbreadths, or if nearly the whole was within ten handbreadths but part of it was above ten handbreadths, they [the two courtyards] make a fictive fusion meal individually. But if they wanted, they make a single fictive fusion meal [for both areas]. Now, if when nearly the whole of the hole was above ten handbreadths and only part of it was within ten handbreadths, you maintain they [the two courtyards] make a fictive fusion meal individually. But if they wanted, they make a single fictive fusion meal [for both areas], then can there be any reasonable question of the rule governing when the whole of it was within ten handbreadths and only a bit of it was above that height?*
- E. *The intent is to say: This, and one need not say, that.*

- II.2** A. Said R. Yohanan, "A round window has to have in its circumference twenty-four handbreadths [Slotki: measured from the lowest point of the circumference along the diameter joining this point to the highest one opposite], of which two and a fraction must be within ten handbreadths from the ground, so that, when the window [with a diameter of about eight handbreadths] is squared, a fraction remains within ten handbreadths from the ground" [and that is the only part of the window when squared that is within the prescribed distance from the ground (Slotki)].
- B. *But note: If the diameter has a circumference of three handbreadths, then about a handbreadth will be the diameter, so wouldn't twelve handbreadths*

[Slotki: a third of twelve being four] *be enough* [Slotki: to obtain a square of four handbreadths by four within the circumference. Why did Yohanan require a minimum circumference of twenty-four]?

- C. **[76B]** *This statement* [Slotki: that a figure with a perimeter of twelve handbreadths has a diameter of approximately four] *applies only to a circle inscribed in a square. But if a square is to be inscribed within a circle, a greater circumference is required* [Slotki: as the window under discussion must be four handbreadths square, the diameter of the circle in which such a square can be inscribed must have a minimum circumference of twenty-four handbreadths, as Yohanan has said].
- D. *But note: By how much does the perimeter of a square exceed that of a circle? By about a quarter. Then should not a circumference of sixteen suffice?*
- E. *That statement applies only to a circle inscribed in a square, but with a square inscribed in a circle, the circumference of the circle has to be much bigger. Why? To allow for space for the projections of the corners.* [Slotki: A circular window with a circumference that is less than twenty-four handbreadths would not contain the area that is required.]
- F. *But note: Every cubit on the side of a square corresponds to one and two-fifths cubits in the diagonal. So shouldn't a circumference of sixteen and four-fifths handbreadths suffice?*
- G. *R. Yohanan concurs with the judges of Caesarea, and some say, with the rabbis of Caesarea, who say, "The area of a circle that is inscribed within a square is less than the latter by a quarter of the square, while that of the square that is inscribed within the circle that is inscribed in the outer square is less than the outer square by half."*

II.3 A. [If it is] less than four handbreadths square or [if it is] above the ground by more than ten handbreadths, they make a fictive fusion meal individually, and they do not make a fictive fusion meal jointly:

- B. Said R. Nahman, "The rule that the window must not be more than ten handbreadths from the ground has been stated only in regard to a window between two courtyards, but as to a window between two houses, even if it was higher than ten handbreadths from the ground, the residents if they wish may prepare a single fusion meal jointly. *How come? We regard the house as though it were entirely filled [so the window is fictively within the ten handbreadths of the ground, no matter its actual height].*"

- C. *Objected Raba to R. Nahman, “All the same to me are a window that is within two courtyards and a window that is between two houses and a window that is between two upper rooms or one between two roofs or one between two rooms: It must be four handbreadths by four, within ten handbreadths of the ground.”*
- D. *“Explain that qualification [within ten handbreadths of the ground] to speak only of courtyards.”*
- E. *“But lo, the language is used, ‘All the same to me...’!”*
- F. *“That is to be explained as referring to the measurement of four by four [not to the other].”*

- II.4** A. R. Abba asked R. Nahman, “If a hole in the roof of a lower room, which is the floor of an upper room, opened into the upper room, does it have to have a fixed ladder so that it may be permitted to move objects from one area to the other or is that not required? *When we invoke the rule, a house is as though it were filled up, that is the case when the matter concerns a side wall, but as to the middle of the area, that is not the case? Or perhaps there is no such distinction [in which case no ladder is needed]?*”
- B. He said to him, “It isn’t necessary.”
- C. *The other understood him to mean, only a permanent ladder isn’t necessary, but a movable one is, but it has been stated:* Said R. Joseph bar Minyumi said R. Nahman, “All the same are a fixed ladder and a movable ladder: Neither is required.”

7:2

- A. **A wall between two courtyards,**
- B. **ten handbreadths high and four broad –**
- C. **they make a fictive fusion meal individually, and they do not make a single fictive fusion meal [for both courtyards].**
- D. **[If] there was produce on top of it, these climb up from this side and eat it, and those climb up from that side and eat it,**
- E. **on condition that they not bring [the fruit] down.**
- F. **[If] the wall was breached to a height of less than ten cubits [from the ground],**
- G. **they make a fictive fusion meal individually.**
- H. **But if they wanted, they make a single fictive fusion meal [jointly],**

- I. **because now it is equivalent to a doorway.**
- J. **[But if the breach is] larger than this, they must make a fictive fusion meal jointly, and they do not make a fictive fusion meal individually.**

I.1

- A. *If the wall was not **four handbreadths broad**, what is the rule?*
- B. Said Rab, “The air space of two domains [two courtyards, between which the wall is located] governs. Nothing may be moved on it even as far as a hair’s breadth.”
- C. **[77A]** And R. Yohanan said, “The tenants on this side may bring up food onto it and eat it there, and those may carry food up onto it and eat it there.”

D. *We have learned in the Mishnah: **[If] there was produce on top of it, these climb up from this side and eat it, and those climb up from that side and eat it.** Doesn’t this mean, that while they may climb up, they may not bring up their food?*

E. *Not at all. This is the sense of the statement:* If at the top of the wall is an area of four by four handbreadths, they may climb up but may not carry up food; if it is less than that area, they may also carry up food.

F. *And R. Yohanan is consistent with reasoning of his expressed elsewhere. 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].” [Slotki: Thus they may not carry indirectly from private domain into public, a form of transfer that is rabbinically forbidden; pentateuchally, only direct transfer from one into the other of the domains is forbidden, since there must be lifting from the one domain and direct putting down in the other; in the case under discussion, before the object was finally put down, it was temporarily put down, and lifted up from the free domain; Yohanan upholds the principle of the existence of a free domain, since he permits people of either domain to rearrange their burdens.]*

G. *But doesn’t Rab [“Nothing may be moved on it even as far as a hair’s breadth”] concur with what R. Dimi has said?*

H. *If we were dealing with domains that were defined by the Torah, he would surely concur, but here with what situation do we deal? It is a case of domains as defined only by rabbis, and in such a case, sages made a stricter ruling to strengthen the observance of their rule more than the observance of the rule of the Torah.*

I.2 A. Said Rabbah bar R. Huna said R. Nahman, “A wall between two courtyards, one side of which is ten handbreadths high, and the other side of which is level with the ground [since the floor of the other courtyard was higher than that of the one, and was within ten handbreadths of the top of the wall] – they assign the use of the top of the wall to the residents of the courtyard on the side of the wall that is level with the ground, because for that side use of the wall is convenient, but for this side use of the wall is inconvenient, and in any case in which use by one side is easy and the other inconvenient, they assign it to the side that finds use of the area convenient.”

B. Said R. Shizbi said R. Nahman, “A ditch between two courtyards, one side of which was ten handbreadths deep, and the other side of which was level with the ground – they assign the use of the top of the wall to the residents of the courtyard on the side of the wall that is level with the ground, because for that side use of the wall is convenient, but for this side use of the wall is inconvenient, and in any case in which use by one side is easy and the other inconvenient, they assign it to the side that finds use of the area convenient.”

C. *And it was necessary to state the rule governing both the wall and the ditch. For if we'd been informed only of the rule governing the wall, we might have thought that that is because it is with respect to a raised structure that the rule applies, since people will make use of that area, but it would not apply to a trench, for people don't make use of a hole in the ground. And if we'd been told only the law on the ditch, we might have supposed that the law applies to that area alone, since using that area doesn't involve concern [that something may fall off], but the rule would not apply to the wall, since using that area involves concern. So both cases had to be set forth.*

I.3 A. If someone came to reduce the height of the wall [raising the level of the floor of the courtyard by a mound close to the wall, rising to within ten handbreadths from the top of the wall], if the reduction in the height of the wall extended to ten handbreadths, it is permitted to use the entire area of the wall;

if not, one may use only that part that was over against the reduced height of the wall.

B. *Well, which way do you want it? If the diminution of the wall serves, then let people make use of the entire wall, but if not, then even the area that is over against the diminished area people shouldn't use!*

C. Said Rabina, "It would be a case in which someone pulled down a section of the top of the wall."

I.4 A. Said R. Yehiel, "If someone overturned a bowl, it validly reduces the height of the wall" [Slotki: since any object put into it remains safely in position]."

B. *But why should this be so?* The bowl is an object that may be handled on the Sabbath, and something that may be handled on the Sabbath may not be used to reduce the height of the wall.

C. *[Yehiel's] rule was required to cover a case in which he fixed the bowl to the ground [and so it won't be moved].*

D. *So if one fixed it to the ground, what difference does that make? Lo, it has been taught on Tannaite authority: An unripe fig that one hid in straw, or a cake that one hid in live coals, part of which got uncovered, may be handled [the straw or coals need not be handled].* [Slotki: Since part of the bowl remains uncovered by the ground, moving it on the Sabbath is permitted; how could Yehiel regard a bowl as an effective reduction?]

E. *Here with what situation do we deal? A case in which the bowl has rims* [buried in the ground, and it may not be moved on the Sabbath, since doing so would involve the forbidden act of digging (Slotki)].

F. *Well, if it has rims, what difference does it make? Haven't we learned in the Mishnah: He who buries turnips or radishes under the vine – if [77B] some of its leaves were exposed, he does not fear, either because of [the laws of] diverse kinds, or because of [the laws of] the Seventh Year or because of [the laws of] tithes; and they are removed on the Sabbath [M. Kil. 1:9A-D]?* [Slotki: The vegetables may be moved on the Sabbath though buried in the ground, so the bowl of Yehiel may be moved on the Sabbath, so how could it reduce the wall?]

G. *The rule was required to cover a case in which a hoe or a pickaxe would be necessary to remove the bowl [and that would certainly be*

forbidden on the Sabbath, so the bowl would have to remain where it is].

- I.5** A. A ladder made of twigs doesn't reduce the height of the wall, but a Tyrian ladder does.
- B. *What is a ladder made of twigs?*
- C. *Members of the household of R. Yannai said, "It is any that doesn't have four rungs."*
- D. *Said R. Aha b. Raba to R. Ashi, "How come a ladder made of twigs doesn't effect a reduction?"*
- E. *He said to him, "Didn't you hear what R. Aha bar Adda said R. Hamnuna said Rab said, 'It is because it is an object that may be moved about on the Sabbath, and an object that may be moved about on the Sabbath effects no reduction'?"*
- F. *"If so, then the same should apply also to a Tyrian ladder!"*
- G. *"In that case, the very weight of the ladder keeps it in place."*
- I.6** A. Said Abbayye, "As to a wall between two courtyards, ten handbreadths high, against which, on the one side and on the other side, one set a ladder four handbreadths broad, and between the two ladders was less than a distance of three handbreadths, a valid reduction in the wall is effected [even though the ladders are not precisely opposite each other, since it is easy to climb to the top of the wall by one ladder and walk over and go down into the next courtyard through the other ladder (Slotki)]. *But we have stated that rule [between the two ladders was less than a distance of three handbreadths] only if the wall is less than four handbreadths thick, but if it was four handbreadths thick, the reduction is valid even if the ladders are quite far from one another.*"
- I.7** A. Said Bibi bar Abbayye, "If to reduce the height of a wall between two courtyards one built into the side of the wall a balcony above another balcony, that serves to reduce the height of the wall, if either the lower one had an area of four handbreadths square, or, if it was smaller than that, if the upper one had an area of four handbreadths square, and also if no space more than three handbreadths intervened between the balconies" [Slotki: so that the two may be regarded as supplementary to each other and as a single unit, and then they effect the required reduction; if a greater distance than three handbreadths intervened, they cannot be regarded as one unit and the reduction is invalid].

- I.8** A. And said R. Nahman said Rabbah bar Abbuha, “A stepladder, if the length of the lower rung was four handbreadths, or, if less, if the upper one was four handbreadths and there was no space of more than three handbreadths between them, it serves to reduce the height of the wall.”
- I.9** A. And said R. Nahman said Rabbah bar Abbuha, **[78A]** “The moulding of an area that projects from the wall, if it is four by four handbreadths, and one rested against it a ladder of any size at all, it serves to reduce [the height of the wall] [Slotki: because the platform above is of the prescribed size, and, together with the ladder, constitutes a valid means of access between the courtyards]. *But we have made that statement only where the ladder was resting on it; but if it was placed at the side of it, the projection is merely extended*” [but the ladder does not form a connection between the projection and the ground, so there is no valid reduction (Slotki)].
- I.10** A. And said R. Nahman said Rabbah bar Abbuha, “A wall between two courtyards that was nineteen handbreadths high has to have a single projection [Slotki: in the middle of its height, on which the top of a ladder may be supported] so as to permit access between the courtyards. [The projection at the midpoint of nineteen handbreadths leaves a distance of less than ten handbreadths below and above (Slotki).] A wall between two courtyards that was twenty handbreadths high has to have two such projections to permit access between the courtyards.”
- B. Said R. Hisda, “But they form a valid reduction only if the two projects are not located precisely one above the other” [Slotki: so that one can connect the two through a second ladder].
- I.11** A. Said R. Huna, “A pillar in public domain, ten handbreadths high and four broad, into which one poked a peg of any size at all [so reducing the uppermost area to one of less than four handbreadths] – he has diminished the surface of the pillar [and the pillar is no longer an autonomous, private domain].”
- B. Said R. Abba bar Ahbah, “But that is the case only if the peg was three handbreadths high” [and so is not regarded as part of the surface of the top of the post (Slotki)].
- C. *Both Abbaye and Raba say*, “Even though the peg isn’t three handbreadths high.”
- D. *How come?*

- E. *Because [the surface of the pillar] is no longer suitable for use.*
- F. R. Ashi said, "Even if it was three handbreadths high."
- G. *How come?*
- H. *Because it's possible to hang something from it.*
- I. Said R. Aha b. Raba to R. Ashi, "If one filled the whole of the surface with pegs, what is the law?"
- J. *He said to him, "Haven't you heard what R. Yohanan said, 'A cistern and its bank combine to reach the requisite height of ten handbreadths [such that the cistern forms private domain]'? Now why should that be the case? Since the bank cannot be used, why should it be regarded as private domain? So what can you say for yourself? That some object may be put over it and thus make it useful? Well, here, too, something might be put over the pegs and make the surface useful. [That's why the surface is regarded as private domain, even though it is covered with pegs.]"*

- I.12** A. Said R. Judah said Samuel, "A wall [between two courtyards] ten handbreadths high has to have a ladder fourteen handbreadths tall [Slotki: placed in a slanting position at a distance of ten handbreadths from the wall, with its top resting on the top edge of the wall] to render free movement of objects between the courtyards permitted." [Slotki: The ladder, the wall, and part of the courtyard floor between the latter and the foot of the former represent the hypotenuse and the two sides of an isosceles right-angled triangle, and the wall is ten handbreadths high; the distance between the foot of the ladder and the wall is ten handbreadths, so the wall has to be fourteen handbreadths.]
- B. R. Joseph said, "Even if it is thirteen and a bit handbreadths."
 - C. Abbaye said, "Even if it is eleven and a bit."
 - D. R. Huna b. R. Joshua said, "Even if it is seven and a bit." [Slotki: A ladder in a vertical position effects permissibility just as does one that is slanting; by putting it close to the wall in a vertical position, its top reaching a point within three handbreadths of the top of the wall, on the principle of extension, this point may be regarded as the top of the wall.]
 - E. Said Rab, "A ladder that is vertical effects a diminution— *that's a tradition, but I don't know the operative consideration for the rule.*"
 - F. *Said Samuel, "Doesn't Abba know the reason for that fact? It is in fact simply comparable to the case of a balcony above a balcony."*

[Balconies exactly above one another reduce the distance, even though one can't climb from the one to the other.]

- I.13** A. Said Rabbah said R. Hiyya, "The palm trees in Babylonia [if cut down, with their trunks placed beside a wall that was between two courtyards] do not have to be fixed to the ground. *Why not?* Because they are so heavy that their weight fixes them to the ground."
- B. And R. Joseph said R. Oshayya said, "Ladders in Babylonia don't have to be fixed to the ground. *Why not?* Because they are so heavy that their weight fixes them to the ground."

C. He who made that statement with respect to ladders would all the more hold it true for palm trees, but he who said it with reference to palm trees would say that that is not the case of ladders.

- I.14** A. R. Joseph asked Rabbah, "As to the case of a ladder on the one side [less than two handbreadths wide] and a ladder on the other side [less than two handbreadths wide], with straw links between them [forming rungs similar to those of a ladder and thus supplementing the width to four handbreadths (Slotki)], what is the law?"
- B. He said to him, "The sole of the foot can't climb up on the straw links" [so this arrangement is null].
- C. "If the ladder was in the middle, with straw links on either side – what is the law?"
- D. He said to him, "In this case, the sole of the foot can perfectly well climb up the ladder [so the arrangement is valid]."
- E. **[78B]** "If one cut in the wall grooves to supplement the width of the ladder, up to what height must the grooves be cut?"
- F. He said to him, "Up to ten handbreadths [Slotki: from the ground; whatever the height of the wall, valid steps on a width of four handbreadths and a height of ten are regarded as a valid doorway between the courtyards]."
- G. He said to him, "If one cut the entire ladder into the wall, how high does it have to go?"
- H. "Up to the full height of the wall."
- I. "So why is this different from the other case?"
- J. *He said to him, "In the prior case [where the ladder reached up the wall and the grooves supplement its width], one can go up easily to the top of the wall, here [without any sort of ladder] that's not the case."*

- I.15** A. R. Joseph asked Rabbah, “If one turned a tree into a ladder, what is the law? *That is a question both from the perspective of Rabbi, and it is also a question from the perspective of rabbis. [Rabbi allows a fusion meal to be put up in a tree, rabbis do not.] It is a question within the perspective of Rabbi: Rabbi took the position that he did there, that any action that is forbidden by reason of Sabbath rest in general is not subject to that prohibition at twilight, maintaining that that principle applies only at twilight, but as to a case involving the rest of the day, that would not be the case [access through a closed door is impossible, so the doorway has to be available for use throughout the day, if the meal is to retain validity until the end of the Sabbath; since using the tree is forbidden on the Sabbath, the tree cannot serve as a kind of doorway, so far as Rabbi is concerned (Slotki)]. Or, it may be, even from the perspective of rabbis, it would constitute a valid doorway, but there’s a lion crouched beside it. [Slotki: The tree may be a valid doorway that cannot be used on account of a rabbinical prohibition as an ordinary open door that cannot be used because of a lion crouched beside it; as in the latter case, though prevented from using the doorway itself, the tenants still are permitted access to one another through any holds or crevices in the intervening wall, so are they permitted in the former case even according to rabbis.]*
- B. “If one made the required ladder out of an asherah tree, what is the law? *The question is addressed both to R. Judah and also to rabbis. It is a problem to R. Judah, for R. Judah may well take the position that he does, that it is permitted to buy a house with things that one cannot use for benefit, only in the case under discussion there, namely, a fusion meal whose validity is determined at the moment the Sabbath begins, because after the fusion meal has enabled him to acquire the meal at sunset, the owner gets no further benefit from keeping the fusion meal around [so there is no real benefit from the grove, but only at twilight, and that is no material benefit. But in the case of a fusion meal for courtyards, which does benefit the tenants in a material way, and a doorway between courtyards, the benefit of which is enjoyed throughout the Sabbath, Judah may well concur that an asherah tree would be invalid as a doorway (Slotki)]. Or, it may be, even from the perspective of rabbis, it would constitute a valid doorway, but there’s a lion crouched beside it.*”
- C. He said to him, “Using a tree is permitted [to serve as a ladder and provide the valid doorway], using an asherah tree is forbidden.”

- D. *Objected R. Hisda, "To the contrary, a tree, the use of which is prohibited because of the Sabbath, should be forbidden; an asherah tree, the prohibition of which derives from some other factor and not the Sabbath, shouldn't be forbidden."*
- E. *It has been stated along these lines: When Rabin came, he said R. Eleazar said, and some say, said R. Abbah said R. Yohanan, "Anything that is prohibited for use because it may not be used on the Sabbath may not serve in the present situation, and anything the prohibition of which derives from some consideration other than the Sabbath is permitted for use."*
- F. *R. Nahman bar Isaac repeated the matter in this way: "The status of the tree is subject to dispute between Rabbi and rabbis, and the use of an asherah tree is subject to dispute between R. Judah and rabbis."*

7:3

- A. **A trench which is between two courtyards,**
- B. **ten handbreadths deep and four broad –**
- C. **they make a fictive fusion meal individually, and they do not make a single fictive fusion meal,**
- D. **even if it is full of straw or chopped hay.**
- E. **[If] it was filled up with dirt or stones, they make a fictive fusion meal jointly, and they do not make a fictive fusion meal individually.**

7:4

- A. **[If] one put over it [the trench] a board four handbreadths broad,**
- B. **and so: Two balconies opposite one another [connected by a board] –**
- C. **they make a fictive fusion meal singly.**
- D. **But if they wanted, they make a fictive fusion meal jointly.**
- E. **[If it was] less than this, they make a fictive fusion meal individually and they do not make a fictive fusion meal jointly.**

- I.1** A. **[Even if it is full of straw or chopped hay:] But doesn't straw serve as a proper filling? And lo, we have learned in the Mishnah: A heap of straw which is between two courtyards, ten handbreadths high – they make a fictive fusion meal individually, and they do not make a fictive fusion meal jointly [M. 7:5A-C]. [Slotki: This proves that straw, though not intended to remain permanently, constitutes a valid partition; why then doesn't it constitute a valid filling?]**

- B. *Said Abbaye, “So far as serving as a valid partition, all parties concur that it serves as a valid partition; but as to serving as a valid filling, if one has renounced ownership, it serves in that way, but if not, it doesn’t.” [In the former case it will be left permanently in the ditch.]*

II.1 A. [If] it was filled up with dirt or stones, they make a fictive fusion meal jointly, and they do not make a fictive fusion meal individually:

- B. *Is that the rule [that only one fusion meal is prepared, because the two courtyards are regarded as one], even where one’s intention has not been articulated? But haven’t we learned in the Mishnah: **A house which one filled with straw or pebbles, and which one abandoned [and so a heap of grain, or a pile of pebbles, even like the pile of Akhan (Jos. 7:26)] – and even if uncleanness is on the side of the utensils – uncleanness breaks forth and ascends, breaks forth and descends [M. Oh. 15:7A-D]** – so that is the rule if the owner articulately [79A] has abandoned, but not if he did not abandon, the straw?*
- C. *Said R. Huna, “Who is the Tannaite authority responsible for tractate Ohalot? It is R. Yosé [who does not concur with the rule before us].”*
- D. *If it’s R. Yosé, then, as a matter of fact we have heard that he holds the opposite position, namely: **R. Yosé says, “Straw which one is not destined to remove, lo, it is in the category of ordinary dirt and is regarded as abandoned, and dirt which one is destined to remove, lo, it is in the category of ordinary straw and is not regarded as abandoned [T. Oh. 15:5B].** [Thus earth is abandoned even when not so declared, so how can we suppose Mishnah-tractate Ohalot speaks for Yosé?]*
- E. *Rather, said R. Assi, “Who is the Tannaite authority responsible for tractate Erubin? It is R. Yosé.”*
- F. *R. Huna b. R. Joshua said, “So are you proposing to contrast rules on uncleanness with rules on the Sabbath? Ignore restrictions of the Sabbath, since on that day a person may renounce ownership even of his purse” [which he cannot handle, he also will do the same for a load of dirt, and that yields the lenient view in our Mishnah for dirt or gravel in a trench; but straw and stubble may be handled on the Sabbath, for example, for feeding cattle, so they are not abandoned unless the owner says so (Slotki)].*
- G. *R. Ashi said, “So are you proposing to contrast rules on a house with those on a trench? A trench is there to be filled up, but is a house there to be filled up?”*

III.1 A. [If] one put over it [the trench] a board four handbreadths broad:

- B. Said Raba, "That rule applies only if the board was laid across the width of the trench, but if it was over the length of it, then even a board of any width at all suffices, for the width of the trench is reduced to less than four handbreadths by such a board."

IV.1 A. And so: Two balconies opposite one another [connected by a board] – they make a fictive fusion meal singly. But if they wanted, they make a fictive fusion meal jointly. [If it was] less than this, they make a fictive fusion meal individually and they do not make a fictive fusion meal jointly.

- B. *Said Raba, "With respect to that which you have said, opposite one another, the rule applies only to those that are opposite one another, but not to those that aren't or to those that are above one another; and even if they are above one another, the ruling [that they do not prepare a joint fusion meal] applies only if the distance was three handbreadths between the two balconies, but if there was no such distance between them, they are classified as a crooked balcony."*

7:5

- A. **A heap of straw which is between two courtyards,**
B. **ten handbreadths high –**
C. **they make a fictive fusion meal individually, and they do not make a fictive fusion meal jointly.**
D. **These feed their cattle on one side, and those feed their cattle on the other side.**
E. **[If] the straw diminished to a height of less than ten handbreadths, they make a fictive fusion meal jointly, and they do not make a fictive fusion meal individually.**

- I.1 A. [These feed their cattle on one side, and those feed their cattle on the other side:]** Said R. Huna, "But that is on condition that this tenant does not put straw into his basket [which is classified as a partition between the courtyard and therefore not to be handled on the Sabbath] and feed his cattle."
B. *Then is it permitted to station the cattle there and let them graze on their own? Didn't R. Huna say R. Hanina said, "A person may station his cattle on grass on the Sabbath, but he may not do so on fodder stored away for later use*

[which may not be handled on the Sabbath, for which it has not been designated]”?

- C. *It is a case in which he stands in front of the animal [so it can't go in that direction] and it goes over there and eats.*

I.2 A. “But that is on condition that this tenant does not put straw into his basket [which is classified as a partition between the courtyard and therefore not to be handled on the Sabbath] and feed his cattle.”

B. *But hasn't it been taught on Tannaite authority:* A house that was between two courtyards, which was filled with straw – the members of the two courtyards prepare a fictive fusion meal individually, but they don't prepare a fictive fusion meal collectively. This tenant may put straw into his basket and feed his cattle, and that may put straw into his basket and feed his cattle. If the volume of the straw was reduced to less than ten handbreadths, both tenants [of either courtyard] are then forbidden. What does one do? He locks his house and renounces ownership of his right to his share, and in doing so, having no right to the courtyard, he is subject to restrictions, but his fellow is permitted [to move objects and the like]. And so do you say the same in the case of a pit of straw that is located between two Sabbath limits? *So in any event, it is stated in so many words,* this tenant may put straw into his basket and feed his cattle, and that may put straw into his basket and feed his cattle!

C. *Say: In the case of a house, since there is a ceiling, when the straw diminishes in volume, it will be readily discerned, but here, the diminution will not be obvious.*

I.3 A. “If the volume of the straw was reduced to less than ten handbreadths, both tenants [of either courtyard] are then forbidden.”

B. *Lo, if it was ten handbreadths high, it is permitted to do so, even though the ceiling was much higher than that. That fact yields the conclusion:* Partitions that don't reach the rafters are classified as partitions.

C. *Said Abbaye, “Here we deal with a room that was thirteen handbreadths less a fraction in height, and the straw was ten handbreadths in height [and the walls are deemed to reach the*

ceiling through the usual fictive extension over that slight distance].”

D. *And R. Huna b. R. Joshua said, “You may even speak of a room that is ten handbreadths high, [79B] and straw that was seven handbreadths and a fraction, since any distance of less than three handbreadths is fictively filled in through an imaginary extension.”*

E. *Well, then, there is no problem in understanding how from Abbayye’s position the language “than ten” was used, but from the perspective of R. Huna b. R. Joshua, what is the meaning of “than ten”?*

F. *Less than the statutory height of ten.*

I.4

A. *“...both tenants [of either courtyard] are then forbidden”:*

B. *Does this bear the implication that tenants who arrive only on the Sabbath itself also impose restrictions?*

C. *Not at all, perhaps the straw had diminished from the previous day.*

I.5

A. *“What does one do? He locks his house and renounces ownership of his right to his share, and in doing so, having no right to the courtyard”:*

B. *So are both deeds required?*

C. *This is the sense of the statement: He locks his house or he renounces ownership of his right to his share. Or, if you prefer, I shall say, in point of fact he does have to do both deeds, for, since he was in the habit of using the area, he might continue to bring objects out into it.*

I.6

A. *“He is subject to restrictions, but his fellow is permitted [to move objects and the like]”:*

B. *That’s self-evident.*

C. *Not at all, it is needed to cover the case in which the other tenant later on renounced his share in favor of the former, and we are thereby informed that a renunciation may not validly take effect after a prior renunciation.*

I.7

A. *“And so do you say in the case of a pit of straw that is located between two Sabbath limits”:*

B. *That's self-evident.*

C. *Not at all, it is needed to cover the position of R. Aqiba, who has said, "The Sabbath limits derive from the Torah." What might you have supposed? We should make a precautionary decree, lest there be an exchange [of straw outside of one's limit for straw within one's limit, with the result that a law of the Torah would be violated]? So we are informed that we do not make a precautionary decree.*

7:6

- A. **How do they make a partnership [through a fusion meal, or a shittuf] in an alleyway?**
- B. **One [of the residents] sets down a jar [of food or drink] and states, "Lo, this belongs to all the residents of the alleyway."**
- C. **And thus he effects possession for them through his adult son or daughter, his Hebrew slave boy or slave girl, or his wife.**
- D. **But he does not effect possession in their behalf by means of his minor son or daughter, or by means of his Canaanite slave boy or slave girl,**
- E. **because their hand is as his hand.**

I.1 A. Said R. Judah, "A jug that serves as a fusion meal for an alleyway has to be set up above the ground by a handbreadth."

I.2 A. *Said Raba, "These two matters were stated by the elders of Pumbedita, one just now given, and the other as follows: He who recites the sanctification of wine for the Sabbath has carried out his obligation only if he takes a mouthful of the wine, but otherwise, he doesn't."*

I.3 A. *Said R. Habiba, "This, too, did the elders of Pumbedita state, for said R. Judah said Samuel, 'They may make a fire for a woman in childbirth on the Sabbath.'"*

B. He was understood to mean, for a woman in childbirth but not for a sick person; in winter but not in summer. But that is not the case. There is no difference between a woman in childbirth and a sick person, there is no difference between the winter and the summer.

C. *For it has been stated:* Said R. Hiyya bar Abin said Samuel, “If one let blood and got cold, they make a fire for him even in July.”

I.4 A. *Said Amemar, “This, too, did the elders of Pumbedita state, for it has been said:* How do we know that an unidentified tree is in fact an asherah?”

B. Said Rab, “It is any one that is guarded by temple priests **[80A]** who refrain from eating the fruit.”

C. *And Samuel said, “Even if they say, ‘The produce of this tree are for a house of Naserepé,’ it is forbidden, for they brew a liquor from them, which they drink on their feast days.”*

D. *Said Amemar, “A sage of Pumbedita told me, ‘The decided law accords with the opinion of Samuel.’”*

I.5 A. [To the allegation, “A jug that serves as a fusion meal for an alleyway has to be set up above the ground by a handbreadth,”] *an objection was raised: **How do they make a partnership [through a fusion meal, or a shittuf] in an alleyway? They bring a jug of wine or of oil or of dates or of dried figs or any other kind of produce. If it belongs to the one who prepares the meal, he has to transfer title to all the residents of the courtyard. If it belongs to them, he has to tell them [that he is using their contributions]. He raises the meal above the ground by some height [cf. T. Er. 6:1].***

B. *Now what is the definition of some height? It also means, a handbreadth.*

I.6 A. It has been stated:

B. As to the preparation of fusion meals for alleyways –

C. Rab said, “It is not necessary to transfer title [to all the residents of the alleyway].”

D. And Samuel said, “It is necessary to transfer title to all the residents of the alleyway.”

E. In respect to food used for a fusion meal serving for Sabbath limits –

F. Rab said, “It is necessary to transfer title.”

G. And Samuel said, “It is not necessary to transfer title.”

H. *Now there is no problem from Samuel’s perspective, since we have learned the one in the Mishnah in so many words [and states, “**Lo, this belongs to all the residents of the alleyway**”], while in the other matter, we have learned no pertinent rule in the Mishnah. [There is*

no statement as to a transfer of title.] But as to Rab, what's the explanation [of the contradictory positions that he has taken up]?

I. *It is a conflict of Tannaite opinion, for said R. Judah said Rab, "There was the precedent involving the daughter-in-law of R. Oshayya, who went to the bathhouse, and it got dark, so her mother-in-law prepared the fusion meal for her, and the case came before R. Hiyya, and he forbade her [from taking advantage of the meal]. Said to him R. Ishmael b. R. Yosé, 'Babylonian! So strictly do you enforce the laws of the fusion meal? This is what Father said, "So far as you can rule leniently in the rules of the fusion meal, rule leniently."' And they raised the question, 'Did her mother-in-law make the fusion meal out of her own food, and the decision was made because the mother-in-law hadn't transferred title to her, or maybe she made the fusion meal for her out of the daughter-in-law's food, and it was made as it was because it was done without her knowledge and consent?' And said to them one of the rabbis, R. Jacob by name, 'R. Yohanan personally explained the matter to me: "The meal was prepared out of the food belonging to her mother-in-law, and it was because she did not transfer title to her.'""* [There is therefore a dispute on whether or not one has to transfer title, with Hiyya and Ishmael in opposed position, and Rab took the view that it was necessary to do so, but he is of Tannaite status and has the right to differ (Slotki).]

J. *Said R. Zira to R. Jacob, son of Jacob's daughter, "When you get there, make a detour and go to the Ladder of Tyre and ask R. Jacob bar Idi [his version of the story]."*

K. *He asked him, "Did the food come from the mother-in-law, and was it because she hadn't transferred title to her, or perhaps was it her food, and was it because she did it without her knowledge and consent?"*

L. *He said to him, "It was her mother-in-law's food, and it was because she hadn't transferred title to her."*

- I.7** A. *Said R. Nahman, "We have a tradition: All the same are fusion meals for Sabbath boundaries, fusion meals for courtyards, and fusion meals for courtyards – it is necessary to transfer title [to all who are to benefit from the meals]."*

- B. *R. Nahman raised this question: “As to fusion meals prepared to form a single span of time of a festival that occurs on Friday and the Sabbath to enable those who benefit from the meal to prepare for the Sabbath on the festival day, is it necessary to transfer title to all who benefit from that meal, too?”*
- C. *Said R. Joseph, “So what’s bothering him? Didn’t he hear what R. Nahman bar R. Adda said Samuel said, ‘As to fusion meals prepared to form a single span of time of a festival that occurs on Friday and the Sabbath to enable those who benefit from the meal to prepare for the Sabbath on the festival day, it is necessary to transfer title to all who benefit from that meal, too’?”*
- D. *Said to him Abbaye, “It’s perfectly clear that he never heard it, for if he’d heard it, why in the world should he have been troubled by the question?”*
- E. *He said to him, “With reference to the fusion meal for Sabbath boundaries, didn’t Samuel say, ‘It is not necessary to transfer title to all who benefit from that meal’? Yet he took the position that it is necessary!” [Slotki: So he heard what Samuel said but disregarded it, so isn’t it possible that he heard his view here but didn’t accept it?]*
- F. *“But how are the matters comparable? In that case, there is no problem understanding the matter, for there is a dispute of Rab and Samuel, and so he informs us that we take over the strict rulings of the one master as well as of the other master; here, there is no one who disputes Samuel’s position, so if he heard it, would he have asked such a question?”*

II.1 A. [With reference to the principle, **...because their hand is as his hand:**] *There was a gentile superintendent of the town armory in the vicinity of R. Zira. [The Israelites in the courtyard] said to him, “Rent us your right to your domain,” but he wouldn’t rent it to him. They came before R. Zira. They said to him, “What is the rule about renting the right from his wife?”*

- B. *He said to them, “This is what R. Simeon b. Laqish said in the name of an eminent authority, and who might that be? R. Hanina: ‘A man’s wife may prepare a fictive fusion meal without his knowledge and consent.’” [She may do so as well.]*

II.2 A. *There was a gentile superintendent of the town armory in the vicinity of R. Judah bar Oshayya. [The Israelites in the courtyard] said to him, “Rent us your right to your domain,” but he wouldn’t rent it to him. They came before R. Judah bar Oshayya. They said to him, “What is the rule about renting the right from his wife?” He didn’t know. They came before R. Mattenah. He didn’t know.*

- B. *They came before R. Judah. He said to them, “This is what Samuel said: ‘A man’s wife may prepare a fictive fusion meal without his knowledge and consent.’”*
- C. *An objection was raised: Women who made a fusion meal for courtyards or a fusion meal for alleyways not with the knowledge and consent of their husbands – their fusion meal for courtyards or for alleyways is null!*
- D. *No problem, the ruling that the wife may do so without her husband’s knowledge and consent deals with a person whose failure to participate would impose restrictions, the other deals with a person whose failure to participate would not impose restrictions. And that stands to reason, for otherwise there would be a contradiction between two statements of Samuel, for said Samuel, “In the case of one of the residents of a courtyard who ordinarily participated in the fusion meal for the courtyard with the other residents but didn’t do so – the other residents of the courtyard may go into his house and take food for their fusion meal from him even against his will.” So if he usually did so, they may do so, but if not, they may not.*
- E. *That settles it.*
 - F. *May we say that the following supports his position [that one may coerce participation in the fusion meal for courtyards: They may compel a resident of an alleyway to provide a sidepost and crossbeam for the alleyway?*
 - G. **[80B]** *That case is exceptional [and has no bearing here], since [without sideposts or crossbeams] there weren’t any partitions [the alley is then public domain, and one cannot move objects around in it]. [Slotki: The case of the fusion meal of the alleyway is different, since the purpose is to provide the residents with the added convenience of carrying objects into the alley from their houses and courtyards, and it may be maintained that coercion is not applied there.]*

II.3

- A. *It has been stated:*
- B. *R. Hiyya bar Ashi said, “They make a sidepost from an asherah tree.”*
- C. *And R. Simeon b. Laqish said, “They make a crossbeam from an asherah tree.”*
- D. *He who said that one may do so to make a crossbeam all the more would permit it for a sidepost [which is not subject to a prescribed width or thickness (Slotki)] but he who permitted a sidepost would not accept use of such a thing for a crossbeam, since the prescribed size [a handbreadth wide, strong enough to hold a half-brick] in the case of the asherah tree would be crushed*

into dust [as an object of idolatry, Deu. 12:3, and so it is legally nonexistent and cannot serve for that purpose (Slotki)].

7:7

- A. [If] the food diminished in volume [to less than the prescribed quantity], one adds to it and effects possession for the others.
- B. And he need not inform them.
- C. [But if] the number [of residents of the alleyway] became larger, one adds to the food and effects possession for them.
- D. And he does need to inform them.

7:8

- A. What is its prescribed volume?
- B. When the [residents] are numerous, food sufficient for two meals for all of them.
- C. When they are few in numbers, a dried fig's bulk –
- D. such that may be taken out on the Sabbath –
- E. for each and every one.

7:9

- A. Said R. Yosé, “Under what circumstances?
- B. “At the beginning of [preparing] the fictive fusion meal.
- C. “But for what is added [later on] to the fictive fusion meal, any amount at all [will do].
- D. “For they have spoken about preparing a fictive fusion meal for courtyards [in addition to the alleyway] only so that children will not forget.”

- I.1** A. [[If] the food diminished in volume [to less than the prescribed quantity], one adds to it and effects possession for the others. And he need not inform them:] *With what situation do we deal here? Should I say that it is food of the same kind as is already in the fusion meal? Then why do you say that only if the quantity of food diminished, it isn't necessary to inform the others? Even if the food entirely disappeared, the same rule would apply. And if it is to food of a different kind from that in the original fusion meal, then the same rule should apply – the others have to be informed – even if the food were only reduced, since it has been taught on Tannaite authority: If the food was used up, if the new fusion meal is to be of the same kind as was in the*

old meal, it is not necessary to inform the residents, but if it is of a different kind, it is necessary to let them know [that a new kind of food has been put into the fusion meal].

- B. *If you wish, I shall say, the reference of our Mishnah rule is to the use of the same kind, and if you prefer, I shall say, it is to food of a different kind from the original.*
- C. *If you wish, I shall say, the reference of our Mishnah rule is to the use of the same kind: What is the meaning of **diminished in volume**? It means, reduced to nothing.*
- D. *And if you prefer, I shall say, it is to food of a different kind from the original: For a case in which the food completely disappeared is different from one in which the food merely diminished in volume.*

- II.1** A. **[But if] the number [of residents of the alleyway] became larger, one adds to the food and effects possession for them. And he does need to inform them:**
- B. Said R. Shizbi said R. Hisda, “That bears the implication that R. Judah’s colleagues [who formulated the rule before us] differ from R. Judah.” *For we have learned in the Mishnah:*
 - C. **Said R. Judah, “Under what circumstances? In the case of a fictive fusion meal serving for the mingling of Sabbath limits.**
 - D. **“But in the case of fictive fusion meals serving to join together courtyards, they prepare a fictive fusion meal for a man both with his knowledge and consent and without his knowledge and consent.**
 - E. **“For they acquire a benefit for a man not in his presence.**
 - F. **“But they do not exact a penalty for a man not in his presence” [M. 7:11E-H].**
 - G. *So it’s pretty obvious that his colleagues disagreed with him [and why bother us with obvious things]?*
 - H. *What might you have imagined? They have to inform the man in the case of a fusion meal serving a courtyard between two alleys [since we won’t know whether he wants to join one alley’s or the other’s fusion meal], but that would not be the case if it were a fusion meal for a courtyard in one alley. So we are informed that the latter case also requires informing the man.*

- III.1** A. **What is its prescribed volume? When the [residents] are numerous, food sufficient for two meals for all of them. When they are few in numbers, a**

dried fig's bulk – such that may be taken out on the Sabbath – for each and every one:

- B. How many is **numerous**?
- C. Said R. Judah said Samuel, "Eighteen."
- D. *Yeah, eighteen and no more?*
- E. *Say: From eighteen and upward.*
- F. *So why eighteen in particular?*
- G. *Said R. Isaac b. R. Judah, "To me personally was it explained by my father: In any case in which if food for two meals was divided among the residents, it wouldn't be enough to give to each one so much as food the bulk of a dried fig, the residents qualify as numerous, in which case a quantity of food for two meals would be enough; otherwise, they are regarded as few in numbers. So en passant we are informed that food for two meals consists of a quantity equal in size to eighteen dried figs."*

7:10

- A. **"With anything [which is edible] do they prepare a fictive fusion meal for courtyards or for alleyways, except for water or salt," the words of R. Eliezer.**
- B. **R. Joshua says, "A loaf of bread is [what is to be used for] a fictive fusion meal."**
- C. **What is baked, even of a whole seah of flour, if it is only part of a loaf – they do not make a fictive fusion meal with that.**
- D. **[But] a whole loaf [even] the size of a small coin which is whole – they do make a fictive fusion meal with that.**

I.1

- A. **[81A] But haven't we learned this rule once: With anything [which is edible] do they prepare a fictive fusion meal for courtyards or for alleyways, except for water or salt [M. 3:1A-B]?**
- B. *Said Rabbah, "The Mishnah paragraph before us serves to exclude the position of R. Joshua, who has said, 'With a bread it may be made, but with anything else, it may not be made.' So we are informed that that is not the case but that one may make it with any type of food."*
- C. *Objected Abbaye, "With anything do they prepare a fusion meal for courtyards and with anything do they prepare a fusion meal for alleyways, and they have said to prepare a fusion meal with bread only in the case of a courtyard alone. Now whom do we know to take the view that bread but*

nothing else is used? It is R. Joshua, and yet, the language before us includes the statement, with anything do they prepare!" [Slotki: This shows that the expression "with anything do they prepare" might imply all kinds of bread and not necessarily all kinds of foodstuffs; since our Mishnah rule might be interpreted so as to yield the same rulings as the formulation before us, what proof is there that "with anything do they prepare" bears the latter meaning and runs contrary to Joshua's view, since it may equally bear the former meaning and agree with Joshua?]

- D. *Rather, said Rabbah bar bar Hannah, "It serves to exclude the position of R. Joshua who has said that the meal may be made only from a whole loaf but not from a broken loaf. So we are informed that it may be made with all kinds of food."*

E. *And how come a broken loaf may not be used?*

F. Said R. Yosé b. Saul said Rabbi, "Because of envy" [if one gave a broken piece and another a whole loaf].

G. *Said R. Aha b. Raba to R. Ashi, "If all of the neighbors contributed bits of bread instead of whole loaves, then, what is the law?"*

H. He said to him, "It's possible that the matter will turn into a mess" [so that is never permitted under any circumstances].

- I.2** A. Said R. Jonathan b. Saul, "If no more than the prescribed quantity of dough-offering, or the prescribed portion to be removed from a mixture of heave-offering and unconsecrated produce, was taken out of a loaf [from which the required offerings had not earlier been removed], a fictive fusion meal may be prepared with [the now-broken loaf]."
- B. *But hasn't it been taught on Tannaite authority:* If no more than the portion to be removed from a mixture of heave-offering and unconsecrated produce was taken out of a loaf, the loaf may be used for a fictive fusion meal, but if the prescribed quantity of dough-offering was removed from it, they may not use that loaf for a fictive fusion meal?
- C. *No problem, the one refers to the dough-offering that a baker has to remove from his dough [and that's a negligible volume] and the latter, dough-offering that a householder has to remove from his dough [which is a larger proportion], for we have learned in the Mishnah: **The amount of dough-offering [that one must separate] is one twenty-fourth [of the entire batch of dough]. One who makes dough for his own use, or one who makes [dough] for his son's [wedding] banquet [a large amount for private use –***

he must separate] one twenty-fourth. A baker who makes [dough] for sale in the market, and likewise a woman [not a professional baker] who makes [dough] for sale in the market – [they must separate] one forty-eighth [M. Hal. 2:7A-C].

- I.3** A. Said R. Hisda, “If parts of the loaf were held together with a split, they may prepare a fictive fusion meal with the loaf.”
- B. *But lo, it has been taught on Tannaite authority:* They may prepare a fictive fusion meal with the loaf!
- C. *No problem, in the latter case the joint is noticeable, in the former, it’s not.*
- I.4** A. Said R. Zira said Samuel, “They may make a fictive fusion meal with bread made of rice or of millet.”
- B. *Said Mar Uqba, “To me personally was it explained by Mar Samuel:* With bread made of rice they prepare a fictive fusion meal, with bread made of millet they don’t prepare a fictive fusion meal.”
- I.5** A. Said R. Hiyya bar Abin said Rab, “They prepare a fictive fusion meal with bread made from lentils.”
- B. *Well, now, is that so? But wasn’t some bread of that kind made in Samuel’s time, and he didn’t eat it but tossed it to his dog?*
- C. *That bread was made up of a mixture of various kinds of grain, for thus it is written:* “Take for yourself wheat, barley, beans, lentils, millet, and spelt” (Eze. 4: 9) [this is a time of famine, and people eat anything, but ordinarily people don’t eat that kind of bread (Slotki)].
- D. *R. Pappa said, “That was baked in human shit: ‘And you shall bake it with shit that comes out of a man in their sight’ (Eze. 4:12).”*
- I.6** A. *What’s the meaning of “barley” in the verse, “And you shall eat it as barley cakes” (Eze. 4:12)?*
- B. Said R. Hisda, “It means, in fixed quantities.”
- C. R. Pappa said, “It is prepared the way barley bread is prepared, not the way wheat bread is.”

7:11

- A. **“A man pays over a maah-coin to a storekeeper or to a baker so that he will acquire for him a portion in a fictive fusion meal,” the words of R. Eliezer.**

- B. And sages say, “His coins alone have not acquired for him [a portion in a fictive fusion meal].”
- C. [81B] But they concur that with any others [except for bakers], his coins do secure for him a share in the fictive fusion meal.
- D. For they prepare a fictive fusion meal for a man only with his knowledge and consent.
- E. Said R. Judah, “Under what circumstances? In the case of a fictive fusion meal serving for the mingling of Sabbath limits.
- F. “But in the case of fictive fusion meals serving to join together courtyards, they prepare a fictive fusion meal for a man both with his knowledge and consent and without his knowledge and consent.
- G. “For they acquire a benefit for a man not in his presence.
- H. “But they do not exact a penalty for a man not in his presence.”

- I.1** A. [“A man pays over a maah-coin to a storekeeper or to a baker so that he will acquire for him a portion in a fictive fusion meal,” the words of R. Eliezer:] *What is the operative consideration for the position of R. Eliezer, for lo, the man has not performed a valid act of acquisition of his share in the meal!*
- B. Said R. Nahman said Rabbah bar Abbuha, “R. Eliezer treated it as comparable to the rule governing ‘the four seasons of the year,’ as we have learned in the Mishnah: **At these four seasons do they force the butcher to slaughter [an animal] against his will. Even if it was an ox worth a thousand denars, and the purchaser has only one denar, they force him to slaughter it. Therefore if it dies, the loss is that of the customer. [But on the rest of the days of the year, it is not so. Therefore if it dies, the loss is that of the seller] [M. Hul. 5:4].** Now note: Therefore if it dies, the loss is that of the customer – but the customer never performed a valid act of acquisition!” [Here it is comparable.]
- C. Said R. Huna, “[Not at all –] it is a case in which he did perform a valid act of acquisition.”
- D. *If so, then note what follows: But on the rest of the days of the year, it is not so. Therefore if it dies, the loss is that of the seller.* But why should that be the case? Lo, he has supposedly performed a valid act of acquisition.
- E. Said R. Samuel bar Isaac, “In point of fact, it is a case in which he did not perform a valid act of acquisition. *But here, with what situation do we deal?*

It is a case in which the seller transferred title to the beast to the buyer through a third party [whom the buyer has not chosen for the purpose]. So it must follow, at those four seasons, when it is an advantage to the buyer, the acquisition is a valid one, since **they acquire a benefit for a man not in his presence**. In the rest of the year, when it is a disadvantage to him, the acquisition is null, since **they do not exact a penalty for a man not in his presence**.”

F. And R. Ila said R. Yohanan said, “In these four seasons, sages have founded their rule on the law of the Torah.”

G. For said R. Yohanan, “By the law of the Torah, the transfer of money does effect the transfer of title from one man to the other, and why has it been said that only a valid act of acquisition [that is, an act of drawing] effects the transfer of ownership? It is a precautionary measure, lest one say to the other, ‘It is your wheat that was burned in the loft.’”

II.1 A. But they concur that with any others [except for bakers], his coins do secure for him a share in the fictive fusion meal. For they prepare a fictive fusion meal for a man only with his knowledge and consent.

B. *What is the definition of any others?*

C. Said Rab, “A householder.”

D. And so said Samuel, “A householder.”

E. For said Samuel, “That rule applies only to a baker, but as to a householder, he does acquire title.”

F. And said Samuel, “That a coin by itself doesn’t acquire a share in a fictive fusion meal is the case only in respect to a maah-coin, but as to an object transferred as a symbol of acquisition, it does effect transfer of title.”

G. And said Samuel, “That is the case only where the resident said to him, ‘Acquire a share in my behalf,’ but if he said to me, ‘Prepare a fusion meal for him,’ he has appointed him as his agent, and the latter effects acquisition of his share.”

III.1 A. Said R. Judah, “Under what circumstances? In the case of a fictive fusion meal serving for the mingling of Sabbath limits. But in the case of fictive fusion meals serving to join together courtyards, they prepare a fictive fusion meal for a man both with his knowledge and consent and without

his knowledge and consent. For they acquire a benefit for a man not in his presence. But they do not exact a penalty for a man not in his presence”:

- B. Said R. Judah said Samuel, “The decided law accords with R. Judah. And not only so, but in any passage in which R. Judah repeated a rule having to do with fictive fusion meals, the decided law accords with him.”
- C. Said R. Hana of Baghdad to R. Judah, “Did Samuel’s statement apply even to the case of an alley the crossbeam or sidepost of which was removed?”
- D. He said to him, “I made my statement to you concerning fictive fusion meals, not concerning partitions.”

- III.2** A. Said R. Aha b. Raba to R. Ashi, “The decided law? Then that bears the implication that there are contrary parties! But didn’t R. Joshua b. Levi say, ‘In any passage in which R. Judah said, “Under what circumstances,” or, “Under what conditions,” in our Mishnah, that serves only to spell out the opinion of sages’?”
- B. *And is there dispute? But haven’t we learned in the Mishnah: [But if] the number [of residents of the alleyway] became larger, one adds to the food and effects possession for them. And he does need to inform them?* [But Judah says in the case of the meal fusing courtyards that they do not have to inform him.]
 - C. There we deal with a courtyard between two alleyways.
 - D. But didn’t R. Shizbi say R. Hisda said, “That bears the implication that R. Judah’s colleagues [who formulated the rule before us] differ from R. Judah”?
 - E. *He said to him, [82A] “So are you contrasting two different authorities’ opinions? Samuel maintains that they differ, and R. Joshua b. Levi takes the view that the colleagues don’t differ.”*

III.3 A. Reverting to the body of the foregoing: But didn’t R. Joshua b. Levi say, “In any passage in which R. Judah said, ‘Under what circumstances,’ or, ‘Under what conditions,’ in our Mishnah, that serves only to spell out the opinion of sages” –

B. And R. Yohanan said, “‘Under what circumstances’ introduces an amplification; ‘under what conditions’ introduces a disagreement.”

C. Well, then, does the language “under what circumstances” introduce an amplification? *And lo, we have learned in the Mishnah: And these are those who are invalid [to serve as witnesses or*

judges]: (1) he who plays dice; (2) he who loans money on interest; (3) those who race pigeons; and (4) those who do business in the produce of the Seventh Year. Said R. Simeon, “In the beginning they called them, ‘Those who gather Seventh Year produce.’ When oppressors became many [who collected taxes in the Seventh Year], they reverted to calling them, ‘Those who do business in the produce of the Seventh Year.’” Said R. Judah, “Under what circumstances? When [the aforementioned] have only that as their profession. But if they have a profession other than that, they are valid [to serve as witnesses or judges]” [M. [San. 3:3](#)]. And it has been taught as a Tannaite comment on that passage in an external formulation: And sages say, “Whether he has no other occupation or whether he has another occupation, he is invalid.” [So there definitely is a dispute here.]

*D. That latter formulation represents R. Judah in the name of R. Tarfon. For it has been taught on Tannaite authority: **R. Judah in the name of R. Tarfon** says, “None of them is a Nazirite, because vows on becoming a Nazirite must be set forth with certainty” [T. [Naz. 3:19P](#)]. Therefore, he is in doubt whether or not he is a Nazirite, so he will not submit himself to a vow. Here, too, since he doesn’t know whether or not he will gain or lose an advantage, neither of the partners to the transaction fully consents to assign title to the other [and it is robbery].*