

II

BAVLI BABA BATRA

CHAPTER TWO

FOLIOS 17A-27B

2:1

- A. One may not dig (1) a cistern near the cistern of his fellow,
- B. nor (2) a ditch, (3) cave, (4) water channel, or (5) laundry pool,
- C. unless one set it three handbreadths away from the wall of his fellow,
- D. and plastered it with plaster [to retain the water].
- E. They set (1) olive refuse, (2) manure, (3) salt, (4) lime, or (5) stones three handbreadths from the wall of one's fellow,
- F. and plaster it with plaster.
- G. They set (1) seeds, (2) a plough, and (3) urine three handbreadths from a wall.
- H. And they set (1) a hand mill three handbreadths from the lower millstone, which is four from the upper millstone;
- I. and (2) the oven so that the wall is three handbreadths from the belly of the oven, or four from the rim.

- I.1** A. [17B] [One may not dig (1) a cistern near the cistern of his fellow unless one set it three handbreadths away from the wall of his fellow:] How come the Mishnah paragraph begins by talking about a cistern but ends up by talking about his wall?
- B. Said Abbayye and some say R. Judah, "What we have learned for the formulation of the Mishnah paragraph pertains to the wall of the cistern."

- C. *Then let the passage be repeated in this language: **unless one set it three handbreadths away from the cistern of his fellow!***
- D. *In formulating matters as it has, the Mishnah thus informs itself that the wall of a cistern in standard measure is three handbreadths in thickness.*
- E. *The practical upshot of the formulation concerns buying and selling, in line with that which has been taught on Tannaite authority: He who says to his fellow, “A cistern and its walls I shall sell to you” — the wall has to be three handbreadths thick.*

I.2 A. *It has been stated:*

- B. He who comes to dig a pit near the boundary [between his field and the neighbor’s]
—
- C. Abbayye said, “He may juxtapose it to the boundary of the field.”
- D. Raba said, “He may not juxtapose it to the boundary of the field.”
- E. With reference to a field in which cisterns ordinarily are made, both parties agree that one may not juxtapose the cistern to the border of the field. The difference comes in the instance of a field in which cisterns would not ordinarily be dug.
- F. Abbayye said, “He may juxtapose it to the boundary of the field,” *for lo*, it is not a field in which cisterns are ordinarily dug [so the neighbor will not dig one on the other side of his].
- G. Raba said, “He may not juxtapose it to the boundary of the field,” *for the other may say to him, “Just as you changed your mind and want to dig a cistern, so I may change my mind and want to dig a cistern.”*
- H. *There are those who say:* With reference to a field in which cisterns ordinarily are not made, both parties agree that one may juxtapose the cistern to the border of the field. *The difference comes in the instance of* a field in which cisterns would ordinarily be dug.
- I. Abbayye said, “He may juxtapose it to the boundary of the field,” *for even from the perspective of rabbis, who hold that* a tree may not be planted within twenty-five cubits of a pre-existing pit [to protect the cistern from its roots], *he may do so. They take the position that they do only because, at the time of planting, the cistern is already there. But here, the man comes to dig a pit that is not already there.*
- J. Raba said, “He may not juxtapose it to the boundary of the field,” *for even R. Yosé, who maintains that* under all circumstances, one owner may plant within his property and the other may dig within his, *that is the case only because, when the*

former is planting, there are no roots that can damage the pit. But here, the owner of the other field may say to the one who wants to dig the cistern, "Every stroke with the spade that you make damages my turf."

- K. *We have learned in the Mishnah: **One may not dig a cistern near the cistern of his fellow.** The operative consideration is that the cistern is already there. Lo, if the cistern were not already there, one may juxtapose his cistern to the boundary. [And] that formulation in relationship to the formulation of the dispute in terms of a case in which the field was not already one in which cisterns were dug, all parties concur that one may juxtapose the cistern to the border; and our Mishnah would refer then to a field in which it was not customary to dig cisterns. But from the perspective of the other formulation, in which you have said that the dispute concerns a field in which it is not customary to dig cisterns, then, from the perspective of Abbayye, the present formulation poses no problems. But from the perspective of Raba, this does present a contradiction [not readily resolved]!*
- L. *Raba may say to you, "Lo, in this regard it has been stated, 'Said Abbayye and some say R. Judah, "What we have learned for the formulation of the Mishnah paragraph pertains to the wall of the cistern."'" [The implication then is that even if there is no cistern on the other side, the cistern must be kept three hand breadths from the boundary to allow space for the wall (Simon).]*
- M. *Others say: "Lo, in this regard it has been stated, 'Said Abbayye and some say R. Judah, "What we have learned for the formulation of the Mishnah paragraph pertains to the wall of the cistern.'" Now in the context of the version that you have stated, in connection with a field in which it is customary to dig cisterns, all parties concur that one may not juxtapose the cistern to the boundary of the field, our Mishnah then would address the case of a field in which it is customary to dig cisterns. But in the framework of the formulation that you proposed, namely, in regard to a field in which it is customary to dig cisterns they dispute, then, from the perspective of Raba, there are no problems. But from the perspective of Abbayye, there really is a contradiction!"*
- N. *Abbayye may say to you, "The Mishnah speaks of a case in which the two parties come simultaneously to dig their cisterns." [Simon: For then certainly each would have to keep three handbreadths away.]*
- O. *Come and take note: **If the soil at the boundary is rock that falls apart in the hands [Simon: crumbling rock], and one land owner wants to dig a cistern on his side, and the other on his, one distances himself three handbreadths from the boundary and plasters the sides of his cistern, and the other does the***

same [T. B.B. 1:1B-E]. [Simon: From this I infer that even if there is no pit on the other side, the first pit has to be kept three handbreadths away, contrary to Abbaye's view.]

- P. *A case in which the rock falls apart in the hands is exceptional. Anyhow, what in the world can the person who raised this question have possibly had in mind [to produce such an obvious question]!*
- Q. *He found it an appropriate question because he maintained that the same law would pertain also to ordinary soil, but he formulated it in terms of soil that comes apart in the hands, because, otherwise, I might reach the conclusion is that, since the rock does crumble, even more space would be necessary. So we are informed that that is not the case.*
- R. *Come and take note: They set (1) olive refuse, (2) manure, [18A] (3) salt, (4) lime, or (5) stones three handbreadths from the wall of one's fellow, and plaster it with plaster. The operative consideration is that there is a wall. Lo, if there were no wall, one could juxtapose these substances to the border of the field.*
- S. *No, even if there were no wall, he still could not juxtapose them to the border of the field. Why refer to the wall? It tells us that these things happen to damage a wall.*
- T. *Come and take note: They set (1) seeds, (2) a plough, and (3) urine three handbreadths from a wall. The operative consideration is that there is a wall. Lo, if there were no wall, one could juxtapose these substances to the border of the field.*
- U. *No, even if there were no wall, he still could not juxtapose them to the border of the field. Why refer to the wall? It tells us that what is wet damages a wall.*
- V. *Come and take note: And they set (1) a hand mill three handbreadths from the lower millstone, which is four from the upper millstone. The operative consideration is that there is a wall. Lo, if there were no wall, one could juxtapose these substances to the border of the field.*
- W. *No, even if there were no wall, he still could not juxtapose them to the border of the field. Why refer to the wall? To indicate that the vibrations of the millstones damage the wall.*
- X. *Come and take note: And (2) the oven so that the wall is three handbreadths from the belly of the oven, or four from the rim. The operative consideration is that there is a wall. Lo, if there were no wall, one could juxtapose these substances to the border of the field.*

- Y. *No, even if there were no wall, he still could not juxtapose them to the border of the field. Why refer to the wall? To indicate that the heat of the oven damages the wall.*
- Z. *Come and take note: **One may not open a bakery or dyer's workshop under someone else's storehouse, nor make a cow shed there [T. B.B. 1:4G].** The operative consideration is that a storehouse is already there, but if it were not there, one might open up such an establishment. [Simon: Similarly in the case of the pit, we should think that it may be dug close up to the boundary so long as there is no pit on the other side.]*
- AA. *Come and take note: **A person may not plant a tree near his fellow's field, unless he set it four cubits away from [the other's field] [M. 2:12A-B].** And in this connection it has been stated as a Tannaite formulation: The four cubits of which they spoke are required so as to provide space for working the vineyard. Now the operative consideration, therefore, is that there be space for working the vineyard; otherwise one would be allowed to plant right up to the border, even though the tree has roots that can do damage to the field of the other [and so, too, it should be permitted to dig a cistern right up to the boundary, even though the land on the other side suffers, contrary to Raba's position (Simon)].*
- BB. *Well, not really. For here what sort of a case engages us? It is one in which there is a piece of hard rock between the two fields. And you may know that that is the case, for lo, the formulation is: **[If] there was a fence in between, this one plants near the wall on one side, and that one plants near the wall on the other side.***
- CC. *Yeah? — well what about what comes next: **[If] the roots of one's [tree] extended into the domain of the other, one may cut them away down to three handbreadths, so that they will not hinder the plough.** If there is hard rock between the two fields, how in the world are the roots of the tree going to invade the property of the other!*
- DD. *This is the sense of the statement: If there is no hard rock in between, and **the roots of one's [tree] extended into the domain of the other, one may cut them away down to three handbreadths, so that they will not hinder the plough.***
- EE. *Come and take note: A tree may not be planted within twenty-five cubits of a preexisting pit [to protect the cistern from its roots]. The operative consideration is that there is a preexisting pit. If there were none, he may juxtapose the tree to the border.*

- FF. *Not at all. The same rule would apply if there were no pit, he still may not juxtapose the tree to the border. But in formulating matters in this way, the framer of the passage informs us that the roots of a tree extend up to twenty-five cubits and can damage the pit.*
- GG. *Yeah? Well, what about what comes next: But if the tree was there first, he does not have to cut it down. But if he may not plant the tree close up to the border, to what case would that rule apply?*
- HH. *The answer would accord with what R. Pappa said, "It is in the case of a purchase," and here too, it is in the case of a purchase. [Simon: If a man planted a tree in his field and then sold half the field, not containing the tree, and the purchaser dug a pit within twenty-five cubits of the tree, the original owner is not required to cut it down.]*
- II. *Come and take note: **They set up a pool for steeping flax away from a vegetable patch, leeks away from onions, and a mustard plant away from bees [M. 2:10A-C].** The operative consideration is that there are vegetables there, but if they were not there, he could juxtapose the listed items to the boundary.*
- JJ. *Not at all. The same rule would apply if there were no vegetables, he still could not put these things nearby. But in formulating matters in this way, the framer informs us that these things also are bad for one another.*
- KK. *Yeah? Well, what about what comes next: **R. Yosé permits in the case of a mustard plant!** [And in this connection, it has been stated:] It is because he can say to him, "Just as you can tell me to take my mustard away from your bees, so I can tell you to take your bees away from my mustard, because they come and eat the stalks of my mustard plants." **[18B]** Now if someone could not bring such things right up to the border of the field, when could such a remark pertain?*
- LL. *Said R. Pappa, "It is in the case of a purchase."*
- MM. *So if we deal with the case of a purchase, then how come rabbis take the position that they do? And furthermore, how come **R. Yosé permits [only] in the case of a mustard plant!** What about water and leeks!*
- NN. *Said Rabina, "Rabbis take the view that the one who does the damage is the one who has to distance himself from the border." [Simon: The article causing the damage has to be moved away; the seller's property is causing the damage, so he must remove it, although he had a right to put it there to begin with.]*
- OO. *Does it then follow that R. Yosé takes the view that the one who suffers the damage is the one who has to distance himself from the border?! Then if it were the one*

who suffers the damage, the same rule should pertain to the case of flax water and vegetables!

PP. *Well, in point of fact R. Yosé also maintains that the one who does the damage is the one who has to distance himself from the border. And this is what R. Yosé had to say to rabbis: "I concede the case of flax water and vegetables, for the one damages the other, but the other does not damage the one. But the case of bees and mustard is exceptional, since they are mutually injurious."*

QQ. *And rabbis?*

RR. *Bees don't injure mustard, because, as to the mustard grains, they can't find them, and if they eat the leaves, the leaves will grow again anyhow.*

I.3 A. *Anyhow, does R. Yosé really maintain that the one who does the damage is the one who has to distance himself from the border? But have we not learned in the Mishnah: [They set up a tree twenty-five cubits away from a cistern, and in the case of a carob and a sycamore tree, fifty cubits, whether higher [than the cistern] or on the same level. If the cistern was there first, one cuts down the tree and pays the value. If the tree was there first, one may not cut down the tree. If it is a matter of doubt whether this was there first or that was there first, one may not cut it down.] R. Yosé says, "Even though the cistern was there before the tree, one may not cut down [the tree], for this one has every right to dig within his domain, and that one has every right to plant a tree within his domain" [M. 2:11]!*

B. *In point of fact, R. Yosé takes the view that the one who suffers the damage is the one who has to distance himself from the border. But here he is formulating matters within the premises of rabbis, in the following way: "So far as I am concerned, it is the one who suffers the damage is the one who has to distance himself from the border. And even the water from steeping flax and vegetables does not have to be kept apart. But from your perspective, in maintaining that the one who does the damage is the one who has to distance himself from the border, then, I can grant you that you are right in the case of flax water and vegetables, since the one injures the other but not the other the one. But that would not apply to bees and mustard, where the damage is mutual."*

C. *And rabbis?*

D. *Bees don't injure mustard, because, as to the mustard grains, [19A] they can't find them, and if they eat the leaves, the leaves will grow again anyhow.*

II.1 A. **Or (5) laundry pool, unless one set it three handbreadths away from the wall of his fellow:**

- B. Said R. Nahman said Rabbah bar Abbuha, “This rule on three handbreadths pertains only to a soaking pool, but a washing pool has to be kept four handbreadths from the wall” [Simon: because of the splashing].
- C. *So, too, it has been taught on Tannaite authority:* The laundry pool must be kept four cubits away.
- D. *Lo, we have said in the Mishnah: **Three handbreadths!** Does that then not show that the Mishnah accords with the explanation of R. Nahman? [Obviously it does.]*
- E. *There are those who present the matter as a contrast between conflicting statements, specifically: we have learned in the Mishnah, **or (5) laundry pool, unless one set it three handbreadths away from the wall of his fellow,** and by contrast, it has been taught on Tannaite authority:* The laundry pool must be kept four cubits away.
- F. Said R. Nahman said Rabbah bar Abbuha, “*There is no contradiction.* This rule on three handbreadths pertains only to a soaking pool, but the other to a washing pool [which has to be kept four handbreadths from the wall].”
- G. *R. Hiyya b. R. Avia repeated this Tannaite formulation in the body of the passage itself: “...Unless he removes the edge of the soaking pool a distance of three handbreadths from the wall.”*

III.1 A. And plastered it with plaster [to retain the water]:

- B. *The question was raised: Are we to read the Mishnah to mean, “and plastered it with plaster” or perhaps, “or plastered it with plaster”?*
- C. *It is obvious that the correct reading is **and plastered it with plaster**, for if it were or plastered it with plaster, then the two clauses should have been represented as a single statement.*
- D. *But perhaps it really should be “or plastered it with plaster,” and the reason that the whole is not formulated as a single statement is that the two are not really comparable forms of damage at all. For in the one case the damage derives from moisture, in the other, from steam.*
- E. *Come and take note: R. Judah says, “If the soil at the boundary is rock that falls apart in the hands [Simon: crumbling rock], and one land owner wants to dig a cistern on his side, and the other on his, one distances himself three handbreadths from the boundary and plasters the sides of his cistern, and the other does the same” [T. B.B. 1:1B-E]. The operative consideration then is that it is crumbling rock. Lo, if it were not crumbling rock, then one would not have to plaster the wall.*

- F. *Not at all, even if the soil is not crumbling rock, he still has to plaster. But it was necessary to specify the case of crumbling rock, for what might I otherwise have thought? Crumbling rock has to have still greater space between the two cisterns, and he teaches us that that is not the case.*

IV.1 A. They set (1) olive refuse, (2) manure, (3) salt, (4) lime, or (5) stones three handbreadths from the wall of one's fellow, and plaster it with plaster:

- B. *There we have learned: With what do they cover [up food to keep it hot], and with what do they not cover up [food to keep it hot]? They do not cover with (1) peat, (2) compost, (3) salt, (4) lime, or (5) sand, whether wet or dry, or with (6) straw, (7) grape skins, (8) flocking [rags], or (9) grass, when wet. But they do cover up [food to keep it hot] with them when they are dry. They cover up [food to keep it hot] with (1) cloth, (2) produce, (3) the wings of a dove, (4) carpenters' sawdust, and (5) soft hackled flax. R. Judah prohibits in the case of soft [hackled flax] and permits in the case of coarse [hackled flax] [M. **Shab. 4:1**]. How come in the present catalogue is listed stone but not sand, and in the other catalogue is listed sand but not stone?*
- C. Said R. Joseph, "It is because it is not common practice to keep food warm in stones."
- D. Said to him Abbaye, "So is it so common for people to keep food warm in woolen fleece and strips of purple wool? *And yet it has been taught in a Tannaite formulation: They cover up food to keep it hot in woolen fleece and strips of purple and fluff, but these may not be carried on the Sabbath.*"
- E. Rather, said Abbaye, "'His neighbor reveals his character' (Job. 36:33) [that is, context is decisive:] *the Tannaite formulation here refers to rocks, and the same rule pertains to sand; and the Tannaite formulation there refers to sand, and the same rule pertains to rocks.*"
- F. Said to him Raba, "If 'His neighbor reveals his character' (Job. 36:33), *then let all of them be formulated as a Tannaite statement in a single catalogue, referring in the other catalogue to only a single item, which would indicate that the same rule then applies in the context in which that other catalogue makes its appearance.*"
- G. Rather, said Raba, "*The reason that stones are not encompassed in the other Tannaite formulation is that they may crack the pot [and are never used, while purple wool is used occasionally], and here the reason that sand is not encompassed in the Tannaite formulation is that while it makes hot things hotter, it makes cold things colder [and therefore will not damage a wall (Simon)].*"

- H. *But lo, R. Oshaia repeated “sand” in his Tannaite formulation [of things that have to be kept far from the boundary of a field]!*
- I. *There he was listing things that produce moisture.*
- J. *So let the Tannaite framer of the passage before us also include it because it produces moisture?*
- K. *Well he did say **a water channel [ditch]!***
- L. *Yeah, but even though he included ditch on his list, he still specified a **laundry pool** [so he had in mind to list not types but discrete items]!*
- M. *Well, that was because he had to specify both items. If he had specified ditch but not the other, I might have supposed that it is because it is a fixed item, but since the laundry pool is not a fixed item [but may be filled in and abandoned], I might have supposed that that is not injurious to the other and is not subject to stipulations. And if he had mentioned the laundry pool, I should have thought that this is specified because its waters run still, but I should not have supposed a ditch would be subject to stipulations, since its water flows. So it was necessary to specify both items.*

V.1 A. They set (1) seeds, (2) a plough, and (3) urine three handbreadths from a wall:

- B. *Why not infer the rule on seeds from the one on plough furrows?*
- C. *Because seeds can be scattered by hand without ploughing.*
- D. *So infer ploughing from seeds [since it is done for the sake of sowing]?*
- E. *Because there is ploughing under a tree [helping the tree, without reference to sowing].*
- F. *So why not infer both items from water [both requiring water, so once we speak of water, the others will follow by analogy]?*
- G. *The Tannaite formulation addresses the case of the Land of Israel, concerning which Scripture says, “...it drinks water of the rain of heaven” (Deu. 11:11) [Simon: and therefore seeds are sown and trees planted in fields where there is no irrigation, so the prohibition of each has to be specified explicitly].*

V.2 A. Is that to imply that the roots of seeds [19B] spread out? But lo, we have learned in the Mishnah: He who sinks a vine shoot into the ground — if the soil on top of it does not [measure] three handbreadths [high], he shall not put seed on top of it [the underground vine], even if he sank it in a gourd or pipe. [If] he sank it in stony ground — even though the soil on top of it [measures] only three fingerbreadths [high] — it is permitted to put seed on top of it

[the underground vine] [M. Kil. 7:1A-G]. *And in this connection it was said in a Tannaite complement:* But he may sow all around it [so roots do not spread, for if they did, we would have a violation of the taboo against mixed seeds]!

- B. Said R. Hagga in the name of R. Yosé, “The operative consideration [in the wall] is that the seeds break up the soil and bring up loose dirt [not because they themselves spread].”

VI.1 A. And urine three handbreadths from a wall:

- B. Said Rabbah bar bar Hannah, “It is permitted to urinate against someone else’s wall, in line with this verse: ‘And I will cut off from Ahab one that pisses against the wall and him who is shut up and him who is left at large in Israel’ (1Ki. 21:21).”
- C. *But have we not learned in the Mishnah and urine three handbreadths from a wall?*
- D. *That refers to slops [collected in pots and tossed out].*
- E. *Come and take note: A man should not urinate against the wall of his fellow unless he keeps the urine three handbreadths away. Under what circumstances? In the case of a wall made from bricks. But in the case of a wall made from stones, he should keep it merely far enough to avoid doing damage. And how much is that? A handbreadth. And in the case of a wall made of hard stone, lo, this is permitted [T. B.B. 1:4A-D]. Does this not contradict Rabbah bar bar Hannah?*
- F. *Yup.*
- G. *Yeah, well, Rabbah bar bar Hannah cited a verse of Scripture!*
- H. *The meaning of the cited verse is this: “Even a creature who usually pisses against a wall I’m not allowing him to keep him.” And what is that? It’s a dog.*

Inserted Talmud serving M. Ohalot 6:2.

Before us is an uncommon phenomenon, the insertion of a large composite, made up of substantial compositions, for the flimsiest of pretexts. What follows, which serves the talmud-less tractate, Ohalot, is inserted because of the reference at T to damaging a wall. Absent that reference, the whole stands completely autonomous of the present context. While we have numerous instances of secondary expansions of tangential details, we have few in which a free-standing complex is inserted whole for a narrowly-formal, merely topical reason.

VI.2 A. Said R. Tobi bar Qisna said Samuel, “A thin wafer does not serve to diminish the space of a window.” [Simon: If a dead body is in a

room, and between that room and an adjoining room is an opening of a handbreadth square, the uncleanness of the corpse spreads to that other room, in line with Num. 19:1ff. But if the opening is reduced to less than a handbreadth by something that serves that purpose, being useless for any other purpose, then the uncleanness does not contaminate the other room.]

- B. *Why mention in particular a thin wafer? A thick one would serve just as poorly!*
- C. *The formulation bears the sense of “it goes without saying,” in this way: it is not necessary to say that that is the rule governing a thick cake, for, since such a thing is edible, the owner will not treat it as null [and therefore it would serve to diminish the opening, as something that is otherwise useless], but a thin cake, which will soon become inedible, one might suppose the owner will likewise treat as null. So R. Tobi informs us that even a thin cake will not serve to narrow the handbreadth of space.*
- D. *Well, why not reach that same conclusion from the fact that the thin cake is something that is susceptible to uncleanness, and anything that is susceptible to uncleanness will not serve to interpose against a source of uncleanness?*
- E. *The thin cake under discussion here is one that was kneaded with fruit juice [not water, and is therefore insusceptible to uncleanness; hence the only operative consideration is whether or not it is edible and hence deemed useful for something at all].*
- F. *An objection was raised: [Corpse bearers who were passing in the portico, and one of them shut the door and fastened it with the key — if the door can stand by itself, it is clean. And if not, it is unclean.] And so a jar of figs or a basket of straw which is set in the window — if the figs and the straw can stand by themselves, they are clean. And if not, they are unclean [M. Oh. 6:2A-D]. Now as a matter of fact straw is edible for animals [and yet can form a partition, why not the thin wafer]?*
- G. *What is discussed here is straw with thorns in it.*
- H. *But it can be used for fuel.*
- I. *We speak here of damp straw.*
- J. *But it can be burned on a bonfire.*

- K. *A bonfire is uncommon.*
- L. *So what about figs? Aren't they fit to eat? [And yet they form a partition, so why not the thin wafer?]*
- M. *Said Samuel, "We deal with wormy figs."*
- N. *So Rabbah bar Abbuha repeated as the Tannaite formulation: "We deal with figs that are wormy."*
- O. *And how are we to imagine this jar? If its mouth faces outward [20A] the jar itself should form a partition, for lo, an earthenware utensil does not impart uncleanness via its outer parts [and hence the jug forms a partition, the uncleanness penetrating but not exuding from it]!*
- P. *We suppose that the mouth is turned inwards.*
- Q. *If you prefer, the mouth faces outwards, but here with what sort of a case do we deal? It is a metal utensil.*
- R. *An objection was raised: **Grass that one pulled up and left in the window or that grew up by itself and was brought by a bird that nested in the window, a rag that is less than three by three fingerbreadths, a limb or meat hanging from a domestic or wild animal, fowl nesting in the window, a gentile, cattle, a child born at the eighth month, clay utensils, foods and liquids, a scroll of the Torah, and salt — lo, all these diminish [a space to less than four handbreadths]. But snow, frost, ice, and water do not [T. Ahiot 14:6A-B]. Lo, grass is suitable for fodder!***
- S. *At issue is poison grass.*
- T. ***Or that grew up by itself:** Since it damages the wall, will it not be removed [and therefore is it not treated as null]?*
- U. *Said Rabbah, "We deal here with the wall of a ruin [from which the grass will not be removed]."*
- V. *R. Pappa say, "It may well be a wall of a building that is occupied, but here is a case in which the grass grows more than three handbreadths from the window [and so will not injure the wall]."*
- W. ***A rag that is less than three by three fingerbreadths:** These can be used for patching clothes.*
- X. *We speak of thick rags.*

- Y. *These can be useful in letting blood.*
- Z. *We speak of sacking.*
- AA. *If it is sacking, then the Tannaite formulation should be “less than four by four,” not “less than four by three”!*
- BB. *The context is, rough, like sacking.*
- CC. **A limb or meat hanging from a domestic or wild animal:** *Won't these just go away?*
- DD. *The animal, we suppose, is tied up.*
- EE. *But won't it be killed for food?*
- FF. *We take for granted it is an unclean animal.*
- GG. *Then can't it be sold to a gentile?*
- HH. *We take for granted it is too scrawny.*
- II. *So then he can cut off a limb and feed it to the dogs!*
- JJ. *This would be forbidden because of the consideration of humanity to animals.*
- KK. **Fowl nesting in the window:**
- LL. *Won't it fly away?*
- MM. *We assume it's tied up.*
- NN. *But won't he kill it for food?*
- OO. *We assume it's unclean.*
- PP. *But can't he sell it to a gentile?*
- QQ. *We assume it's a kallanita-bird [which is scrawny and inedible].*
- RR. *Well, he can give it to a child as a toy.*
- SS. *It will scratch.*
- TT. *Yeah, but who ever heard of a kallanita-bird that scratches?*
- UU. *We mean, a bird as scraggly as a kallanita-bird.*
- VV. **A gentile:** *Won't he just get up and walk away?*
- WW. *He's tied up.*
- XX. *Then won't somebody come and untie him?*
- YY. *He's got the skin ailment.*

ZZ. *Won't another one suffering from the skin ailment come and untie him?*

AAA. *He's a prisoner of the state.*

BBB. **A child born at the eighth month:** *Won't the mother come and lift him up?*

CCC. *We assume it's the Sabbath:* **A child born at eight months old is classified as a stone and may not be carried on the Sabbath, though his mother may bend over him and give him suck for the sake of her health.**

DDD. **And salt:** *Yeah, but salt is useful!*

EEE. *We speak of bitter salt.*

FFF. *Well, bitter salt can be used for tanning.*

GGG. *We speak of the kind with thorns.*

HHH. *But since salt will harm the wall, it will be taken away.*

III. *We take for granted it is setting on earthenware. But that itself will interpose against uncleanness!*

JJJ. **[20B]** *It's a piece of earthenware of negligible size, and that may be carried on the Sabbath, in line with what we have learned in the Mishnah: "Potsherd [may not be carried on the Sabbath if it is of a volume] enough to put between one board and another," the words of R. Judah [M. **Shab. 8:7A-B**].*

KKK. **Clay utensils:** *Are these not useful?*

LLL. *We assume that they are dirty.*

MMM. *Still, they can be used in bloodletting?*

NNN. *We assume there is a hole.*

OOO. **A scroll of the Torah:** *This can be used for reading the Torah!*

PPP. *We assume it is one that is worn out.*

QQQ. *Then it should be stored away?*

RRR. *This is exactly where it has been stored away.*

VI.3 A. Said Rab, "With any sort of material a partition against uncleanness is made except for salt and grease [the former crumbles, the latter melts]."

- B. And Samuel said, "One may do so even with salt."
- C. *Said R. Pappa, "But they do not really differ. The one speaks of doing so with Sodomite salt, the other, Istrian salt [which was thick and hard]."*
- D. *And now, since Rabbah has said, "One may set up two piles of salt and put a beam over them to mark an alleyway [for carrying objects on the Sabbath within a single domain], because salt keeps the beam in place, and the beam holds the salt in place," even Istrian salt may be used for the stated purpose; and still there is no dispute between Rab and Samuel. One speaks of a case in which there is a beam, the other not.*

VII.1 A. And they set a hand mill three handbreadths from the lower millstone, which is four from the upper millstone:

- B. *How come?*
- C. *Because of the vibrations [which would otherwise damage the wall].*
- D. *But has it not been taught on Tannaite authority: millstones fixed on a base one sets three handbreadths from the cone, which is four from the hopper [T. B.M. 1:3B]? Now what vibration is involved here?*
- E. *The operative consideration then must be because of the noise.*

VIII.1 A. And the oven so that the wall is three handbreadths from the belly of the oven, or four from the rim:

- B. *Said Abbaye, "One may infer that the base of an oven projects one handbreadth, with a practical upshot being selling the oven [which then would include a base that projects a handbreadth]."*

I.1 clarifies the reason that the formulation of the Mishnah seems to wander away from the subject. No. 2 introduces a secondary question and refinement of the Mishnah's rule. But its close connection to No. 1 is a still more compelling explanation for its appearance here. No. 3 provides a footnote to No. 2. II.1 clarifies the sense of the Mishnah's rule. III.1 asks a question of the correct formulation of the Mishnah's rule. IV.1 then contrasts two Tannaite statements and explains the variations between them. V.1 asks about why each item in the Mishnah's list has to be specified, and No. 2 examines the implications of including one of them. VI.1 glosses the rule of the Mishnah by contrasting a variety of rules to which it is pertinent. No. 2 is inserted because it refers to damage to a wall; but that subordinated detail scarcely would justify elsewhere an insertion of such

disproportion. The very character of the Talmud throughout validates that simple observation. No. 3 is tacked on because of the reference to salt in No. 2. VII.1 investigates the reason for the Mishnah's rule, and VIII.1 draws an inference from it.

2:2

- A. A person should not set up an oven in a room,
- B. unless there is a space of four cubits above it.
- C. [If] he was setting it up in the upper story, there has to be a layer of plaster under it three handbreadths thick,
- D. and in the case of a stove, a handbreadth thick.
- E. And if it did damage, [the owner of the oven] has to pay for the damage.
- F. R. Simeon says, "All of these measures have been stated only so that if [the object] inflicted damage, [the owner] is exempt from paying compensation [if the stated measures have been observed]."

2:3A-D

- A. A person should not open a bake shop or a dyer's shop under the granary of his fellow,
- B. nor a cattle stall.
- C. To be sure, in the case of wine they permitted doing so,
- D. but not [building] a cattle stall [under the wine cellar].

I.1 A. [If] he was setting it up in the upper story, there has to be a layer of plaster under it three handbreadths thick:

- B. *But has it not been taught on Tannaite authority:* In the case of an oven, four handbreadths, and in the case of a stove, three?
- C. *Said Abbaye, "The cited passage speaks of an oven of bakers, for the large oven we use is equivalent to their small one."*

II.1 A. A person should not open a bake shop or a dyer's shop under the granary of his fellow, nor a cattle stall:

- B. *A Tannaite formulation:* If the cow shed were there before the storehouse, it is permitted.

II.2 A. *Abbaye raised these questions:* "If the owner of the upper room cleaned out and swept the room to use it for a storehouse but had not yet put any produce there,

what is the rule? If he opened a number of windows there, what is the rule? If he built a room over the roof, what is the rule?"

B. *These questions stand.*

II.3 A. *R. Huna b. R. Joshua raised this question: "If he stored figs and pomegranates there, what is the rule?"*

B. *This question stands.*

III.1 A. **To be sure, in the case of wine they permitted doing so, but not [building] a cattle stall [under the wine cellar]:**

B. *A Tannaite statement: In the case of wine, they permitted doing so, because it improves the wine; but not [building] a cattle stall [under the wine cellar], because the smell stinks it up.*

C. *Said R. Joseph, "In the case of ours, even the smoke of the lamp spoils it."*

D. *Said R. Sheshet, "Chopped fodder is equivalent to a cow shed [since it stinks]."*

I.1 harmonizes two Tannaite statements. II.1 provides an important qualification of the Mishnah's rule. Nos. 2, 3 show some of the theoretical possibilities. III.1 glosses the Mishnah's rule.

2:3E-J

E. **As to a shop in the courtyard,**

F. **a person may object and tell [the shopkeeper], "I cannot sleep because of the noise of people coming in and the noise of people going out."**

G. **One may [however] make utensils [and] go out and sell them in the market.**

H. **Truly one has not got the power to object and to say, "I cannot sleep because of the noise of the hammer,**

I. **"the noise of the millstones,**

J. **"or the noise of the children."**

I.1 A. *What is the distinction that accounts for the conflict between the former [Truly one has not got the power to object and to say, "I cannot sleep because of the noise of the hammer, the noise of the millstones] and latter clause [or the noise of the children]? [One may manufacture articles in the courtyard for sale in the market place, and the neighbor cannot object. But the reference to children involves noise they make coming to buy from the shop, and to this, the neighbor should be able to object. Hence the question.]*

B. *Said Abbaye, "The second clause refers to someone in another courtyard."*

- C. *Said to him Raba, "If so, then the passage should read: but as to another courtyard, it is permitted."*
- D. Rather, said Raba, **[21A]** *"The concluding formulation speaks of school children from the time of Joshua b. Gamela and it speaks of the time from the ordinance of Joshua b. Gamela and onward."*
- E. For said R. Judah said Rab, "Now may that man's memory be a blessing, and Joshua b. Gamela is his name, for were it not for him, the Torah would have been forgotten in Israel.
- F. "For to begin with, whoever had a father — his father would teach him Torah. Then whoever had no father would not study Torah.
 G. *"What exposition of Scripture sustains that thesis? 'And you shall teach them to your children' (Deu. 11:19), 'them you shall teach.'*
- H. "They made an ordinance that they should appoint school teachers in Jerusalem.
 I. *"What exposition of Scripture sustains that thesis? 'For from Zion shall Torah go forth' (Isa. 2: 3).*
- J. "Still, if someone had a father, he would bring him up and teach him. If someone had no father, he would not go up and study.
- K. "They made an ordinance that they should appoint in every district teachers for young people, and they would admit them from the age of sixteen or seventeen. But if the teacher rebuked him, the student would rebel and leave.
- L. "Then Joshua b. Gamela came and made the ordinance that they should appoint school teachers in every town and village and admit the students at the age of six or seven."
- I.2** A. *Said Rab to R. Samuel bar Shilat, "Up to age six don't admit students. From that point admit them and stuff them like oxen."*
 B. *And said Rab to R. Samuel bar Shilat, "When you punish a student, hit him only with a shoe string.*
 C. *"The one who pays attention will pay attention, and as to the one who doesn't, — put him next to one who does."*
- I.3** A. *An objection was raised [to I.D]: If one of the residents of a courtyard wanted to work as a skilled physician, a weaver, a teacher of children, the other residents of the courtyard may stop him from doing so.*
 B. *With what sort of case do we deal here? It is with a teacher of gentile children.*

- C. *Come and take note:* If one of two residents of a courtyard wanted to work as a skilled physician, a weaver, a teacher of children, the other resident of the courtyard may stop him from doing so.
- D. *With what sort of case do we deal here? Once more, it is with a teacher of gentile children.*
- E. *Come and take note:* He who has a room in a courtyard shared with another, he may not rent it out to either a physician or a craftsman or a weaver or a Jewish scribe or an Aramaean scribe.
- F. *With what sort of case do we deal here? A teacher in charge of the locale [who will have many visitors].*

I.4 A. *Said Raba, "From the time of the ordinance of Joshua b. Gamela and onward, children are not sent from one town to another to go to school, but they can be required to go from one synagogue to another in the same town.*

B. *"But if there is a river between the synagogues, they cannot be forced to do that.*

C. *"But if there is a bridge, they can be forced to go.*

D. *"But that is not the case if it is only a plank."*

I.5 A. *And said Raba, "The number of students for an elementary school teacher is twenty-five youngsters, and if there are fifty, we appoint two; if there are forty, an assistant,*

B. *"[all] at the expense of the locale."*

I.6 A. *And said Raba, "A teacher of youngsters who proves effective, and there is another who is still more effective than he — we do not remove the former, lest the latter get lazy."*

B. *R. Dimi of Nehardea said, "We do appoint the other, because he would work still harder if he is appointed [knowing what happened to his predecessor]. 'Jealousy among scholars increases wisdom.'"*

I.7 A. *And said Raba, "In the case of two elementary teachers, one of whom teaches effectively but is imprecise, and one of whom is precise but does not teach effectively — we appoint the one who teaches effectively and is imprecise, for errors on their own disappear."*

B. *R. Dimi of Nehardea said, "We appoint the one who is precise but not effective, for once an error gets its hold, it sticks:*

- C. “For Joab and all Israel remained there until he had cut off every male in Edom’ (1Ki. 11:16).
- D. “When Joab came before David, he said to him, [21B] ‘How come you did it this way [killing only the males]?’
- E. “He said to him, ‘Because it is written, “You shall blot out the males of Amalek” (Deu. 25:19).’
- F. “He said to him, ‘What is written is not “males” but “remembrance” [both of which use the same letters].’
- G. “He said to him, ‘But I was taught to read, “male.”’
- H. “Joab then went to his teacher. He said to him, ‘How did you teach me to recite the verse?’
- I. “He said to him, ‘Remembrance.’
- J. “He pulled his sword and proposed to kill him.
- K. “He said to him, ‘What are you doing?’
- L. “He said to him, ‘Because it is written, “Cursed be he who does the work of the Lord negligently” (Jer. 48:10).’
- M. “He said to him, ‘Let it be enough for you that I am cursed.’
- N. “He said to him, ‘It also says, “Cursed be he who keeps his sword back from blood” (Jer. 48:10).’
- O. “There are those who say that he killed him, there are those who said he did not kill him.”

I.8 A. *And said Raba, “Kindergarten teachers, gardeners, butchers, cuppers, and town scribes are deemed to be subject to a perpetual admonition [and do not need an ad hoc warning prior to dismissal for cause]. The governing principle is this: In the instance of any irrecoverable loss, workers are as though they were subject to perpetual admonition.”*

Exposition of Rules Governing Limitation on Competition; Protected Local Markets

The possibility of restricting use of a courtyard now is extended. We proceed to restrictions on competition, as distinct from those on noise- and other pollution of an environmental character.

I.9 A. *Said R. Huna, “A resident of an alley who sets up a handmill, and another resident of the alley wants to set up the same next to him — the former has the*

right to prevent him from doing so, for he may say to him, 'You are interfering with my livelihood.'"

- B. *May we say that the following supports that view: A fish net must be kept distant from an already-spotted school of fish by at least the length of a fish run. And how much is that? Said Rabbah bar R. Huna, "Even a parasang"?*
- C. *Not necessarily, since fishes are exceptional, in that they go scavenging over distances for food [but one who sets up a mill in competition does not necessarily poach].*

I.10 A. *Said Rabina to Raba, "May one propose that R. Huna's statement accords with what R. Judah said, for we have learned in the Mishnah: **R. Judah says, 'A storekeeper should not hand out parched corn and nuts to little children, because in that way he makes it their habit [to buy from] him.'** But sages permit [M. B.M. 4:12D-E]?"*

- B. *You may even say that he accords with rabbis. Rabbis differ from R. Judah in that case only in a case in which the man says to his rival, "Just as I pass out nuts, so you can go and pass out almonds." But in this case they would agree that the one may say to the other, "You are interfering with my livelihood."*

I.11 A. *[To Huna's statement] an objection was raised: One may set up a store next to someone else's store, a bathhouse next to someone else's bathhouse, and the other may not stop him, because he may say to him, "You work in yours, I in mine"!*

- B. *In point of fact we have a conflict among Tannaite formulations on the same subject, for it has been taught on Tannaite authority: The residents of a given alleyway may prevent one another from setting up among them a tailor, tanner, teacher, or any other craftsman, but they cannot stop one another from going into competition with one another.*

- C. *Rabban Simeon b. Gamaliel says, "They may stop someone in the courtyard from going into competition with someone else already in the courtyard."*

I.12 A. *Said R. Huna b. R. Joshua, "It is obvious to me that someone in a given town can stop someone from another town [from setting up in competition in his own place]. But if the other is subject to taxes in this town, he cannot stop him. So, too, the resident of an alleyway cannot stop another resident of the same alleyway from setting up in competition."*

- B. *But R. Huna b. R. Joshua raised this question: "Can the resident of one alleyway prevent the resident of some other alleyway of the same town from competition with him?"*

C. *This question stands.*

I.13 A. Said R. Joseph, “But R. Huna concurs that an elementary teacher cannot prevent another from setting up in competition in the same alleyway, for a master has said, [22A] ‘the jealousy of scribes increases wisdom.’”

I.14 A. Said R. Nahman bar Isaac, “And R. Huna b. R. Joshua concurs in the case of itinerant peddlers who circulate among the villages *that they cannot prevent one another from doing so. For a master has said, ‘Ezra ordained for Israel that itinerant peddlers circulate among the villages so that Israelite women should have plenty of costume jewelry.’ But that rule means only that they can go from door to door but not that they may set up permanent shops. But if the itinerant was a neophyte rabbi, he may set up a permanent shop.*”

B. *That is in line with the case involving Raba, who permitted R. Josiah and R. Obadiah to set up a permanent store, which otherwise would have been against the decided law.*

C. *How come?*

D. *Since they were rabbis, they would otherwise be disrupted in their learning [if they had to wander about].*

I.15 A. *Certain basket makers brought baskets to Babylonia for sale. The locals came and objected. They appealed to Rabina. He said to them, “They come from elsewhere and they can sell to people who come from elsewhere. And that applies on a market day, but on a day that is not a market day, they may not do so. And even on a market day that is only for selling in the market, but not for going from door to door.”*

I.16 A. *Certain wool-dealers brought wool for sale to Pumbedisa. The locals came and objected. They appealed to R. Kahana, who said to them, “The law is on their side, and they may stop you.”*

B. *They said to him, “We have money that is owed to us here.”*

C. *He said to them, “If that is the case, you can go and sell enough to keep you going until you collect what is owing to you, and then you have to leave.”*

I.17 A. *R. Dimi from Nehardea brought a load of figs in a boat. Said the exilarch to Raba, “Go, see, if he is a neophyte rabbi, then assign him a market.”*

B. *Raba said to R. Ada bar Abba, “Go, smell his jar [of wine, test his learning].”*

- C. *He went and asked him, "If an elephant swallowed a twig basket and expelled it with his shit, what is the law [as to whether or not it is still a utensil, therefore subject to uncleanness, or is it simply shit]?"*
- D. *He didn't know.*
- E. *He said to R. Adda, "Are you Raba?"*
- F. *He tapped his sandal and said to him, "Between me and Raba is there a considerable distance! Nonetheless, I can be your master, and Raba, the master of your master."*
- G. *So they did not assign a market to him, and his figs were a total loss.*
- H. *He came before R. Joseph and said to him, "Look, master, at what they did to me!" He said to him, "He who did not hold back vengeance for the wrong done to the king of Edom will not hold back the vengeance for the wrong done to you, as it is written, 'Thus says the Lord, for three transgressions of Moab, yes for four, I will not turn away the punishment thereof, because he burned the bones of the king of Edom into lime' (Amo. 2: 1)."*
- I. *So R. Adda bar Abba died.*
- J. *R. Joseph said, "I am the one who punished him, because I cursed him."*
- K. *R. Dimi of Nehardea said, "I am the one who punished him, because he made me lose my figs."*
- L. *Abbayye said, "I am the one who punished him, for he used to say to the students, 'Instead of chewing on bones in Abbayye's household, go, eat fat meat at Raba's.'"*
- M. *Raba said, "I am the one who punished him, because when he went to the butcher to buy meat, he would say to the butcher, 'Serve me before Raba's servant, because I am better than he.'"*
- N. *R. Nahman bar Isaac said, "I am the one who punished him."*
 - O. *For R. Nahman bar Isaac was head of the public assembly. Every time he went to give his public address, he would review his tradition with R. Adda bar Abba. Then he would go to the public assembly.*
 - P. *One day R. Pappa and R. Huna b. R. Joshua took hold of R. Adda bar Abba, because they had not been at the concluding address [of Raba on tractate Bekhorot]. They said to him, "Tell us about the traditions concerning tithing cattle — how did Raba say them?"*

- Q. *He said to them, "This is what Raba said," and "that is what Raba said."*
- R. *In the meantime dusk came, and R. Nahman bar Isaac was still waiting for R. Adda bar Abba.*
- S. *Said Rabbis to R. Nahman bar Isaac, "Come on, it's late, why are you still in session?"*
- T. *He said to them, "I am in session, waiting for the bier of R. Adda bar Abba."*
- U. *In the interim the rumor spread that R. Adda bar Abba had died.*
- V. *It stands to reason that it was R. Nahman bar Isaac who had punished him.*

I.1 points to an obvious contradiction in the formulation of the Mishnah. No. 2 is then tacked on as a complement to the foregoing. No. 3 then reverts to 1.D. No. 4 then continues the exposition of No. 2, and Nos. 5-8 are part of the same thematic composite. Nos. 9+10-11, a cogent composite indeed, then raises a secondary case. This composite is itself supplemented at Nos. 12-14; this then is supplemented with cases at Nos. 15-16, 17.

2:4

- A. **He whose wall was near the wall of his fellow**
 - B. **may not build another wall next to it,**
 - C. **unless he sets it four cubits back.**
 - D. **[And if he builds a wall opposite his fellow's] windows, whether it is higher, lower, or opposite them,**
 - E. **[he must set it back by] four cubits.**
- I.1 A. May not build another wall next to it, unless he sets it four cubits back:** *How come even the first wall got that close [and should not that have been located four cubits away from the existing wall]?*
- B. *Said R. Judah, "This is the sense of the statement: [22B] He who comes to build a wall next to the wall of his neighbor may not build it nearby unless he keeps it four cubits away from the wall of the other."*
 - C. *Objected Raba to this statement, "And lo: **He whose wall was [already] near the wall of his fellow may not build another wall next to it, unless he sets it four cubits back!**"*
 - D. *Rather, said Raba, "This is the sense of the statement: He who had his wall four cubits within the wall of his fellow, and it fell down, must not set up another wall*

alongside unless he keeps it four cubits away. *What is the operative consideration? Footsteps of people walking by is good for the walls on both sides.*”

- I.2** A. Said Rab, “The rule pertains only to the wall of a garden patch, but if it is a courtyard wall, he may bring it as near as he wishes.”
- B. R. Oshaia says, “All the same are the wall of a garden patch and the wall of a courtyard. He may not bring it as near as he wishes [but has to keep it four cubits away].”
- C. *Said R. Yosé bar Hanina, “But there is no dispute between them. The one speaks of a courtyard in an old town, the other in a new” [since the former is well trodden, the latter not (Simon)].*
- D. *We have learned in the Mishnah: [And if he builds a wall opposite his fellow’s] windows, whether it is higher, lower, or opposite them, [he must set it back by] four cubits. It is taught in a Tannaite statement in this matter: The space must be left above so that one may not peep into the other’s room, below, so that one may not stand on tiptoe and peek in, and opposite, so that he will not take away his light. So the operative consideration is that he should not darken the other’s room, but there is no interest in whether or not the ground is trod down!*
- E. *With what sort of a situation do we deal here? It is a wall that runs at right angles to the first wall.*
- I.3** A. And how much [must the wall be kept back to protect the other’s light]?
- B. Said R. Yeba, father-in-law of Ashian bar Nidbakh in the name of Rab, “The breadth of a window.”
- C. Well, can’t he still peek in [if the second wall is not much higher than the first (Simon)]?
- D. Said R. Zebid, “We deal with a case in which he makes the top of the wall slope [so it cannot be mounted].
- E. *But lo, we have learned in the Mishnah: **four cubits!***
- F. There is no contradiction, in the one case the wall is at a right angle on one side only, in the other, there are walls at right angles on both sides of the window [in which case four cubits space has to be left open].
- G. *Come and take note: And [they set back] a wall from [one’s neighbor’s] roof gutter by four cubits, so that [the neighbor] will be able to set up his ladder [to clean out his gutter]. Now here the operative consideration is that there be room left for a ladder, not that there be room for people to tread the ground.*

- H. *Here we deal with an overhanging gutter, so there is no need to make allowance for people to walk by, since there will be room under the gutter for people to walk.*

I.1 clarifies a puzzling point of the Mishnah. No. 2, glossed by No. 3, provides a further clarification.

2:5A-D

- A. **They set [one's] ladder four cubits away from the dovecote [of one's neighbor],**
B. **so that the marten will not jump in [to the dovecote].**
C. **And [they set back] a wall from [one's neighbor's] roof gutter by four cubits,**
D. **so that [the neighbor] will be able to set up his ladder [to clean out his gutter].**

I.1 A. *May we say that our Mishnah paragraph is not in accord with the view of R. Yosé, for lo, R. Yosé says, “Even though the cistern was there before the tree, one may not cut down [the tree], for this one has every right to dig within his domain, and that one has every right to plant a tree within his domain” [M. 2:11I]?*

- B. *You may even say that it is R. Yosé. Lo, said R. Ashi, “When we were in the household of R. Kahana, he would say, ‘R. Yosé concurs that one is responsible for what his arrows do [that is, even though he may shoot the arrows, he is responsible for damage they cause].’ Here, too, sometimes when he is setting up the ladder, a marten may be sitting in a hole nearby and jump onto it.*
C. *But in that case he is at most an indirect cause!*
D. *Said R. Tobi bar Mattenah, “That is to say that in matters of damages, it is forbidden to cause damage indirectly [even though one need not pay for what is done].”*

I.2 A. *R. Joseph had some small date trees [23A]. Under them cuppers would sit and draw blood. Ravens would come and suck up the blood and would fly onto the date trees and damage them. Said R. Joseph to the cuppers, “Take your croakers out of here.”*

- B. *Said to him Abbaye, “Lo, these are only an indirect cause.”*
C. *He said to him, “This is what R. Tobi bar Mattenah said, ‘That is to say that in matters of damages, it is forbidden to cause damage indirectly [even though one need not pay for what is done].’”*
D. *“But you gave them permission to do it there!”*

- E. *Said R. Nahman said Rabbah bar Abbuha, "There is no presumptive right when it comes to causing damage."*
- F. *But lo, it was stated in that connection, "R. Mari said, 'That refers for example to causing smoke,' and R. Zebid said, 'It refers to a privy.'"*
- G. *He said to him, "These bother me, for I am fastidious, so these ravens are as nauseating to me as smoke or the smell of a privy."*

In the search for the authority behind our Mishnah's rule, I.1 underscores the principle at issue. No. 2 illustrates the foregoing with a case.

2:5E-K

- E. **They set up a dovecote fifty cubits away from a town.**
- F. **And one should not set up a dovecote in his own domain, unless he has fifty cubits of space in every direction.**
- G. **R. Judah says, "Four kors of space of ground,**
- H. **"the length of the flight of a pigeon."**
- I. **But if he had bought it [and it was built in that place],**
- J. **even if it was only a quarter-qab of space,**
- K. **lo, he retains his established right.**

- I.1 A. Fifty cubits:** *and no more? But an objection may be raised: They spread traps for pigeons no closer than thirty ris from a settled area.*
- B. *Said Abbaye, "While pigeons may well spread over a broader area, they fill their stomachs within fifty cubits of their starting point."*
- C. *But do they fly thirty ris and no further? And has it not been taught on Tannaite authority: And in regard to a settled area, even within a hundred mils, they should not spread out nets?*
- D. *R. Joseph said, "By 'a settled area' is meant a succession of vineyards."*
- E. *Raba said, "By a settled area is meant an area where there is a succession of pigeon cotes."*
- F. *But then the operative consideration should be the cotes themselves!*
- G. *If you wish, I shall say that the intermediate ones belong to the one who sets out the traps, and if you like, I shall say they belong to gentiles, and if you like, I shall say that they are ownerless property.*

II.1 A. R. Judah says, “Four kors of space of ground, the length of the flight of a pigeon.” But if he had bought it [and it was built in that place], even if it was only a quarter-qab of space, lo, he retains his established right:

- B. Said R. Pappa, and some say R. Zebid, “That contains the implication that [the court] may lay claim in behalf of the purchaser of a property and in behalf of the heir of a property.” [Simon: If a man inherits a property from his father and someone else claims it, if it is proved that the father occupied it for three years, the court can plead in behalf of the heir that the father originally bought it from the man, while they would not do so for the father himself if he did not put forward the plea on his own account. Similarly, with a man who has bought a field that is then claimed by a third party.]
- C. *In the following case we have learned the rule about the heir: He who holds possession because of an inheritance [from the previous owner] requires no further claim [in his own behalf] [M. B.B. 3:3H].*
- D. *It was necessary to specify the rule to deal with the case of the purchaser.*
- E. *In the following case we have learned the rule about the purchaser: [If] one has purchased a courtyard, and in it are projections and balconies, lo, this one retains his right [to keep them as they are] [M. B.B. 3:8G].*
- F. *It was nonetheless necessary for R. Zebid to make his statement. For if we had been informed of the rule with respect to the public domain, in which case the operative consideration is that the courtyard originally had been removed from the public domain to allow room for the projection, or the public had abandon its right to have them removed, that would not apply to the case of the pigeon cote. And if I had only the statement regarding the pigeon cote, I would say that the operative consideration is that the owner has gotten permission because he had only a single individual with which to deal; or the other had waived his right; but in the case of the public, there is no one to give consent and there is no one to give permission. So both statements are necessary.*

III.1 A. But if he had bought it [and it was built in that place], even if it was only a quarter-qab of space, lo, he retains his established right:

- B. And lo, said R. Nahman said Rabbah bar Abbuha, “There is no established right to cause damages”?
- C. R. Mari said, “That pertains to smoke.”
- D. R. Zebid said, “That pertains to a privy.” [But here we deal with an established right of a different order altogether.]

I.1 irons out some obvious disharmonies among Tannaite formulations. II.1 explains the implications of the Mishnah's rule for a broader question. III.1 raises an obvious problem in connection with the Mishnah's rule.

2:6

- A. [23B] A fallen pigeon which is found within fifty cubits —
- B. lo, it belongs to the owner of the dovecote.
- C. [If it is found] outside of a fifty-cubit range,
- D. lo, it belongs to the one who finds it.
- E. [If] it was found between two dovecotes,
- F. [If it was] nearer to this one, it belongs to him,
- G. and [if it was] nearer to the other one, it belongs to him,
- H. and [if it was] exactly in between, the two of them divide it up.

- I.1** A. Said R. Hanina, "If we have a choice, so that we may invoke the classification of either 'a majority' or the classification of 'proximity,' ['to what class do most things like this belong' vs. 'where are the nearest examples of things of this kind'], we invoke the criterion of the majority. *And that is the case even though the criterion of 'a majority' and the criterion of 'proximity' derives from the Torah; even so, the criterion of 'a majority' takes priority.*"
- B. *Objected R. Zira, "And it shall come to pass that the city nearest the slain man...shall bring a heifer," (Deu. 21: 3) [thus the criterion of proximity], which is to say, even if there are other towns nearby with larger populations!"*
- C. *We take for granted there is none.*
- D. *But if the decisive criterion were "majority," then why not identify the biggest town no matter where it is located in the vicinity?*
- E. *We take for granted Scripture speaks of a town in a mountain valley.*
- F. *We have learned in the Mishnah: A fallen pigeon which is found within fifty cubits — lo, it belongs to the owner of the dovecote. And that is the case even though there may be a bigger cote nearby!*
- G. *We take for granted the Mishnah speaks of a case in which there is none.*
- H. *Then look what comes next: [If it is found] outside of a fifty-cubit range, lo, it belongs to the one who finds it! If there is no other cote in the vicinity, there also can be no question that the bird comes from this cote!*
- I. *Here with what sort of a case do we deal? It is one in which the bird can only hop. For said Mar Uqba bar Hama, "Any bird that can hop can traverse no more than*

fifty cubits” [and if the bird is farther than fifty cubits, it must have flown; it may then have come from the biggest cote anywhere and therefore belongs to the finder (Simon)].

- I.2** A. *R. Jeremiah raised this question: “If one foot stands within fifty cubits and the other outside, what is the law?”*
- B. *On account of raising such a pointless question they expelled R. Jeremiah from the house of study.*
- I.3** A. *Come and take note: [If] it was found between two dovecotes, [if it was] nearer to this one, it belongs to him, and [if it was] nearer to the other one, it belongs to him. And that is the case even though one may have more birds than the other [thus proximity over majority]!*
- B. *Here with what sort of a case do we deal? With one in which both owners have the same number of birds.*
- C. *Well, why not say [if the bird is more than fifty cubits from either party] that it comes from the biggest cote anywhere [and belongs to the finder]?*
- D. *Here with what sort of a case do we deal? [24A] With a case involving a path between vineyards. [Simon: The vines have enabled it to hop further than it would otherwise be able to do.] For if it were the fact that it came from a distance, that is because it is more than fifty cubits from a cote; but here, since it can only hop about, it cannot have come from a distant cote, since a bird will hop away from the cote only so long as it can turn around and see the cote, but no further.*
- I.4** A. *Said Abbaye, “So we, too, have learned [that the decisive criterion is ‘majority’] on the basis of the following statement in the Mishnah: The sages made a parable in connection with the woman: (1) the room, (2) the front hall, and (3) the room upstairs. Blood in the room is unclean. If it is found in the front hall, a matter of doubt concerning it is deemed unclean, since it is assumed to come from the fountain [uterus] [M. Nid. 2:5]. And that is the case even though the ‘upper chamber’ is nearer.”*
- B. *Said to him Raba, “Well, you have spoken of a case in which the criteria of both ‘frequency’ and ‘majority’ are invoked; where there are both considerations present, no one doubts that they together carry more weight than the consideration of ‘proximity’ by itself.”*
- I.5** A. *It was taught on Tannaite authority by R. Hiyya: Blood that is found in the front hall — on its account they burn heave-offering and are liable for contamination of the sanctuary and its holy things. [As to blood that exudes*

from the room, if it is known that it is blood caused by a blow, it is clean, and if not, it is unclean. If it is in doubt whether it is blood of the room or blood caused by a blow, it is unclean [T. Nid. 3:9A-D].

- B. *And said Raba, “On the basis of this statement of R. Hiyya, three inferences are to be drawn. Where you may invoke the principles of either ‘majority’ or ‘proximity,’ we assign priority to the principle of ‘majority.’ Further, the principle of being guided by the majority of instances derives from the Torah. And further it is to be inferred that R. Zira is correct, for said R. Zira, ‘Even though the gates of the town are closed, [in the case of a piece of meat] we are governed by the status of the majority [we have a piece of meat found near the only one of ten stores that sells unkosher meat, but on the ground that the majority sell kosher meat, it is valid; Zira holds that that is the case not only if the gates are open, in which instances Jews from outside may have brought the meat, forming a majority, but even if the gates are closed, that is so (Simon)].’ Now the case of the woman is comparable to the case of the closing of the doors of the city, and even in this situation we follow the condition of the majority.”*
- C. *But lo, it is Raba himself who has said that where there is a combination of the considerations of “majority” and “frequency,” no one ever doubted that the two together carry more weight than the consideration of proximity, while here he says that the consideration of “majority” carries more weight!*
- D. *So he retracted.*

I.6 A. *It has been stated:*

- B. A jug of wine that was found floating on the river —
- C. Said Rab, “If it was found opposite a town the majority of the population of which is Israelite, it is permitted [as Israelite wine, for Jewish use]. If it was found opposite a town the majority of the population of which was gentiles, it is forbidden.”
- D. and Samuel said, “Even if it was found opposite a town, the majority of the population of which was Israelite, it is forbidden. *For I maintain that it came from the town of Hai Diqra [where no Jews at all live].*”
- E. *May we then suppose that at issue between them is the position of R. Hanina, for one authority [Samuel] concurs with R. Hanina [that the issue is settled by the condition of the majority], and the other authority rejects that principle [and settles the question by appeal to the principle of proximity]?*
- F. *Not at all, not at all. Both parties concur in the principle of R. Hanina, but here, what is at issue between them? One authority maintains that if the barrel had*

come from Hai Diqra, it would have sunk or stuck in the bays or shallows of the river, and the other authority [Samuel] maintains that it can have been carried such a distance by the sheer force of the water-flow of the stream.

- I.7** A. *There was a case of a [stolen] wine keg that turned up in a vineyard that was subject to the prohibition governing a vineyard planted within three years (Lev. 19:23). Rabina declared it permitted [assuming that the wine was not from the grapes of that vineyard].*
- B. *May we then suppose that he concurred with the principle of R. Hanina [and most wine is from grapes that come from vineyards that are four years old or older]?*
- C. *No, that case was exceptional, for if the barrel had been stolen from that vineyard, it would not have been hidden there.*
- D. *And that consideration pertains only to wine, but if it were grapes, they might well be hidden in the same vineyard.*
- I.8** A. *Some flasks of wine turned up among trunks of vines [belonging to a Jew], and Raba permitted drinking the wine [assuming it was of Jewish origin].*
- B. *May we then suppose that he did not concur with the principle of R. Hanina? [He is guided by proximity, not majority.]*
- C. *That case is different, because [24B] the majority of those who bottle wine are Jews [so the flasks were presumably left by Jews].*
- D. *But that is the case only if the flasks were big; if they were small, we may suppose that passers-by dropped them.*
- E. *But if they were big ones along with them, we say that the small ones had merely served as ballast.*

I.1 attaches a theoretical question to our Mishnah, because M. 2:6A-D invokes the principle of “a majority,” and E-H, proximity. This is a wonderful piece of exegesis, turning a routine case into an exemplar of principles in conflict. No. 2 raises a subsidiary question. No. 3 reverts to the original problem, which is investigated through Nos. 4-8.

2:7

- A. **They keep a tree twenty-five cubits from a town,**
- B. **and in the case of a carob or a sycamore, fifty cubits.**
- C. **Abba Saul says, “In the case of any sort of tree which produces no fruit, fifty cubits.”**
- D. **If the town was there first, one cuts down the tree and pays no compensation.**

- E. **And if the tree came first, one cuts down the tree but pays compensation.**
- F. **[If it is a matter of] doubt whether this came first or that came first,**
- G. **one cuts down the tree and pays no compensation.**

I.1 A. **[They keep a tree twenty-five cubits from a town:]** *What is the operative consideration?*

- B. Said Ulla, "Because of preserving the beauty of the town [leaving a clear space outside of the wall to preserve a vision of the town]."
- C. *Well, why not derive that same principle from the rule that they may not turn (1) a field into a city's outskirts, or (2) a city's outskirts into a field, or (3) a city's outskirts into a city, or (4) a city into a city's outskirts [M. Ar. 9:8H]?*
- D. *It was necessary to formulate matters here to deal with the position of R. Eleazar, who has said, "With respect to what were these rules stated? With respect to cities of Levites. But as for cities of Israelites, they may (1) turn a field into a city's outskirts, and (2) a city's outskirts into a field, (3) a city's outskirts into a city, but (4) not a city into a city's outskirts, so as not to wipe out the cities of Israel" [M. Ar. 9:8Iff]. Then even on his view, still, trees may not be planted close to the town, so as to preserve the beauty of the town."*
- E. *And from the perspective of rabbis too, who have said, they may not turn (1) a field into a city's outskirts, or (2) a city's outskirts into a field, or (3) a city's outskirts into a city, or (4) a city into a city's outskirts, that rule applies, in particular, to sowing vegetables, but not to planting trees; yet here they prohibit trees, too, on account of preserving the beauty of the town.*
- F. *So how do you know that we make a distinction between vegetables and trees?*
- G. *It is in line with that which has been taught on Tannaite authority: An enclosure that was large enough for sowing more than two seahs of seed, which has been fenced in for dwelling purpose, then, if the larger part of it is sown with vegetables, it is classified as a vegetable garden and the area is forbidden for carrying on the Sabbath, but if the larger part is planted with trees, it is classified as a courtyard, and it is permissible to carry therein on the Sabbath. [So vegetables classify the area as a field, but trees do not (Simon).]*

II.1 A. **If the town was there first, one cuts down the tree and pays no compensation:**

- B. *How come in the case of the cistern it has been taught on Tannaite authority: If the cistern was there first, one cuts down the tree and pays the value [M. 2:11]? Here, by contrast, one cuts down the tree and pays no compensation!*

- C. *Said R. Kahana, "A pot with two cooks never gets too hot nor too cold." [Simon: If compensation is to be paid, every resident in town will wait for someone else to make the first move, and the eyesore will remain.]*
- D. *Anyhow, what's the problem? Maybe there's a difference between damage done to the public domain and damage done to an individual [and the latter has to be compensated, the former not]?*
- E. *So, if R. Kahana made such a statement, it pertained only to the next clause of the Mishnah, as follows: **And if the tree came first, one cuts down the tree but pays compensation.** And here one may raise the question, why can't the tree owner say, "Pay me my money first, and then I'll cut it down," and in that context, R. Kahana made his statement, "A pot with two cooks never gets too hot nor too cold."*

III.1 A. [If it is a matter of] doubt whether this came first or that came first, one cuts down the tree and pays no compensation:

- B. *How come in the case of the pit the rule is that he should not cut the tree down?*
- C. *In the case of the pit, where if the tree were certainly present first, it is not to be cut down, if there is a matter of doubt, we also do not say to him, "Cut it down." But in this case, even if the tree was certainly there first, it has to be cut down, so if there is a matter of doubt on the precedence of the tree, we still order, "Cut it down."*
- D. *And if then the issue of compensation comes up, we say to him, "Prove it belongs to you" [your tree was there first] "and you'll get paid."*

I.1 not only explains the premise of our rule but also brings the present case into alignment with an intersecting one on the same issue. II.1, III.1 contrasts our rule with an intersecting one and harmonizes the two.

2:8

- A. **They set a permanent threshing floor fifty cubits from a town.**
- B. **A person should not build a permanent threshing floor on his own property,**
- C. **unless he owns fifty cubits of space in all directions.**
- D. **And he sets it some distance away from the crops of his fellow and from his ploughed land,**
- E. **so that it will not cause damage.**

I.1 A. *What is the difference between the opening clause [where we allow the threshing floor to be set up within fifty cubits of the town] and the next clause [we do not*

allow a threshing floor to be set up within fifty cubits of someone else's property]?

- B. *Said Abbayye, "The latter rule pertains to a threshing floor that is not permanent."*
- C. *What is a threshing floor that is not permanent?*
- D. *Said R. Yosé bar Hanina, "It is any that does not require using a winnowing shovel."*
- E. *R. Ashi said, "The formulation of the Mishnah is such that the second clause supplies the operative consideration for the first, in this way: Why is a fixed threshing floor kept fifty cubits away from a town? To prevent it from causing damage."*
- F. *An objection was raised [to Abbayye's explanation] on the basis of the following: They set up a permanent threshing floor fifty cubits from a town. And just as they keep it distant from a town by fifty cubits, so they keep it fifty cubits from a neighbor's cucumber fields and pumpkin fields, from what he has planted and his ploughed fallow land, to prevent it from causing damage. Now from the perspective of R. Ashi that rule poses no problem. But to Abbayye it presents a contradiction!*
- G. *It is a contradiction.*

I.2 A. *Now there is no difficulty in understanding why the permanent threshing floor has to be kept away from his cucumber fields and pumpkin fields, since the dust will go and penetrate and dry up the fields and the crops, but why should it be kept away from ploughed fallow land?*

B. *Said R. Abba bar Zabeda, and some say, R. Abba bar Zutra, "Because [25A] it overmanures it."*

I.1 asks an obvious question about the exegesis of the Mishnah paragraph. No. 2 glosses an item in the foregoing.

2:9

- A. **They put carrion, graves, and tanneries at least fifty cubits away from a town.**
- B. **They make a tannery only at the east side of a town.**
- C. **R. Aqiba says, "In any side of it one may set it up,**
- D. **"except for the west side.**
- E. **"But one must in any event set it fifty cubits away [from the town]."**

2:10

- A. They set up a pool for steeping flax away from a vegetable patch,
- B. leeks away from onions,
- C. and a mustard plant away from bees.
- D. R. Yosé permits in the case of a mustard plant.

I.1 A. [R. Aqiba says, “In any side of it one may set it up, except for the west side:] *The question was raised: What is the sense of R. Aqiba’s ruling? Does he intend to say that the tannery may be set up In any side of it..., close to the city, except for the west side, where it may be set up, but only fifty cubits away? Or perhaps he means that In any side of it one may set it up, and he sets it up fifty cubits away [from the town], except for the west side, where he may not set it up at all?*

B. *Come and take note: R. Aqiba says, “In any side of it one may set it up, and he sets it fifty cubits away, except on the western side, because the west wind is constant” [T. B.B. 1:8].*

I.2 A. *Said Raba to R. Nahman, “What is the meaning of constant? Shall we say that the wind is constant? And lo, said R. Hanan bar Abba said Rab, ‘Four winds blow every day, and the north wind with all the others, for if it were not the case that it did so, the world could not stand for a moment. And the south wind is the harshest of them all, and if it were not that the son of the hawk [an angel] holds it back with its wings, it would destroy the world: “Does the hawk soar by the wisdom and stretch her wings towards the south” (Job. 39:26).’ Rather, what is the meaning of ‘constant’? It is where the Presence of God is constant. For said R. Joshua b Levi, ‘Come and let us give thanks to our fathers who showed us the correct place of prayer: “And the host of heaven worships you” (Neh. 9: 6). [Simon: The sun and moon in the east bow down to the Presence, which therefore is in the west.]”*

B. *Objected to this proposition R. Aha bar Jacob, “But maybe the sun and the moon are like a servant who got a tip from his master and obsequiously retires backwards, bowing as he goes?”*

C. *That’s a problem.*

The Presence of God is Ubiquitous

- I.3** A. *And R. Oshaia takes the view that the Presence of God is in every place, for said R. Oshaia, “What is the meaning of the verse of Scripture, ‘You are the Lord, even you alone, you made heaven, the highest heaven’ (Neh. 9: 6)? Your messengers are not like mortal messengers. Mortal messengers come back and report to the place from which they are sent forth, but your messengers report to the place to which they are sent: ‘Can you send forth your lightnings that they may go and say to you, here we are’ (Job. 38:35). What is said is not, ‘that they may come and say,’ but, ‘that they may go and say,’ and that shows that the Presence of God is in every place.”*
- B. *And so, too, R. Ishmael takes the view that the Presence of God is in every place, for it has been taught by a Tannaite authority of the household of R. Ishmael: “How on the basis of Scripture do we know that the Presence of God is everywhere? ‘And behold the angel that talked with me went forth and another angel went out to meet him’ (Zec. 2: 7). What is said is not, ‘went out after him,’ but, ‘went out to meet him,’ and that shows that the Presence of God is in every place.”*
- C. *And so, too, R. Sheshet takes the view that the Presence of God is in every place, for said R. Sheshet to his attendant, “Set me up in any direction except east.”*
- D. *And that is not because the Presence of God is not there, but because the heretics teach [that one prays facing east].*
- E. *And R. Abbahu said, “The presence of God is in the west.”*
- F. *For said R. Abbahu, “What is the meaning of the word ‘uriah’? It means, ‘avir yah [God’s air].’”*
- I.4** A. *Said R. Judah, “What is the meaning of this verse: ‘My doctrine shall drop as the rain’ (Deu. 32: 2)? This refers to the west wind, which comes from the back of the world. ‘My speech shall distill the dew’ refers to the north wind, which makes gold flow. So Scripture says, ‘who lavish gold from the purse’ (Isa. 46: 6) [and the word for lavish uses consonants that occur in ‘distill’]. ‘As the light rain upon the tender grass’ (Deu. 32: 2) refers to the east wind, which rages through the world like a demon [the words for light rain and demon use the same consonants]. ‘And as showers upon the herb’ refers to the south wind, which brings up showers and causes grass to grow.”*

I.5 A. *It has been taught on Tannaite authority:*

- B. R. Eliezer says, “The world [25B] is similar to an area closed on three sides and open on the fourth, and the north side is the side that is not enclosed. Now when the wind reaches the northwest corner, it bends back and returns eastward, above the firmament.”
- C. R. Joshua says, “The world is like a tent, so the north side is encompassed as well, and when the sun reaches the northwestern corner, it goes around the back of the sky to the east: ‘It goes toward the south and turns again toward the north’ (Qoh. 1: 6). ‘It goes toward the south’ by day, and ‘turns again toward the north’ by night. ‘It turns about continually in its course, and the wind returns again to its circuits’ (Qoh. 1: 6) then refers to the eastern and western sides of heaven, which the sun sometimes traverses but sometimes circumambulates [summer, winter, respectively].”
- D. He would say, “*We have come to the view of R. Eliezer*: ‘Out of the chamber comes the storm’ (Job. 37: 9) — this refers to the south wind; ‘and from the scatterers cold’ (Job. 37: 9) — this refers to the north wind; ‘by the breath of God ice is given’ (Job. 37:10) — this refers to the west wind; ‘and the abundance of waters in the down-pouring’ (Job. 37:10) — this refers to the east wind.”
- E. But has not a master said, “And as showers upon the herb’ refers to the south wind, which brings up showers and causes grass to grow”?
- F. *There is no contradiction. When the rain falls gently, it is from the south, when it falls harshly, it is from the east.*

I.6 A. Said R. Hisda, “What is the meaning of this verse: ‘Out of the north comes gold’ (Job. 37:22)? This speaks of the north wind, which makes gold flow: ‘who lavish gold from the purse’ (Isa. 46: 6).”

I.7 A. Said Rafram bar Pappa said R. Hisda, “From the day on which the house of the sanctuary was destroyed, the south wind has not brought rain: ‘And he decreed on the right hand and there was hunger, and he consumed on the left, and they were not satisfied’ (Isa. 9:19), ‘North and right hand you have created them’ (Psa. 89:13).”

I.8 A. Said Rafram bar Pappa said R. Hisda, “From the day on which the house of the sanctuary was destroyed, rain does not come down from the storehouse of goodness: ‘The Lord shall open to you his good treasure’ (Deu. 28:12).

B. “When the Israelites do the will of the Omnipresent, and the Israelites are settled on their land, then rain comes down from the treasury of goodness. When the Israelites are not settled on their land, the rain does not come down from the treasury of goodness.”

I.9 A. Said R. Isaac, “He who wants to become wise should face the south when praying, he who wants to get rich should face the north. Your mnemonic is that the table in the tabernacle was to the north of the altar, the candlestick to the south” [the table symbolized plenty, the candlestick, wisdom (Simon)].

B. R. Joshua b. Levi said, “One should always face south, since, because he becomes wise, he will also get rich: ‘Length of days are in her right hand, in her left hand are riches and honor’ (Pro. 3:16).”

C. But didn’t R. Joshua b. Levi say that the Presence of God is in the west?

D. *He should turn partly to the south.*

I.10 A. Said R. Hanina to R. Ashi, “People like you who live in the north of the Land of Israel should turn to the south.”

B. *How do we know that Babylonia is north of the Land of Israel?* “Out of the north evil shall break forth upon all the inhabitants of the land” (Jer. 1:14).

II.1 A. **They set up a pool for steeping flax away from a vegetable patch, leeks away from onions and a mustard plant away from bees. R. Yosé permits in the case of a mustard plant:**

B. *It has been stated on Tannaite authority:* It is because he can say to him, “Just as you can tell me to take my mustard away from your bees, so I can tell you to take your bees away from my mustard, because they come and eat the stalks of my mustard plants.”

I.1 explains the somewhat obscure wording of the Mishnah. No. 2 provides a talmud to the passage of the Tosefta cited at No. 1; Nos. 3-10 then are tacked on as an unfolding anthology, each item thematically relevant to the foregoing. II.1 explains the Mishnah’s rule.

2:11

- A. They set up a tree twenty-five cubits away from a cistern,
- B. and in the case of a carob and a sycamore tree, fifty cubits,
- C. whether higher [than the cistern] or on the same level.
- D. If the cistern was there first, one cuts down the tree and pays the value.
- E. If the tree was there first, one may not cut down the tree.
- F. [If it is a matter of] doubt whether this was there first or that was there first,
- G. one may not cut it down.
- H. R. Yosé says, “Even though the cistern was there before the tree, one may not cut down [the tree],
- I. “for this one has every right to dig within his domain, and that one has every right to plant a tree within his domain.”

I.1 A. [They set up a tree twenty-five cubits away from a cistern, and in the case of a carob and a sycamore tree, fifty cubits, whether higher [than the cistern] or on the same level:] *A Tannaite formulation:* Whether the tree is on higher ground than the cistern, or whether the cistern is higher than the tree.

B. *Well, with regard to the formulation, whether the tree is on higher ground than the cistern, there is no problem in understanding the rule, since the roots spread and damage the cistern. But if the cistern is on higher ground than the tree, why is the rule what it is?*

C. Said R. Haga in the name of R. Yosé, “Because the roots undermine the soil and damage the base of the cistern.”

II.1 A. R. Yosé says, “Even though the cistern was there before the tree, one may not cut down [the tree], for this one has every right to dig within his domain, and that one has every right to plant a tree within his domain”:

B. Said R. Judah said Samuel, “The decided law accords with the position of R. Yosé.”

C. *Said R. Ashi, “When we were in the household of R. Kahana, he would say, ‘R. Yosé concurs that one is responsible for what his arrows do [that is, even though he may shoot the arrows, he is responsible for damage they cause].’”*

II.2 A. *Pappi Yona’ah was a poor man who got rich. He built a villa. In the neighborhood were some sesame oil makers. When they crushed the seeds, they would make his villa shake. He came before R. Ashi. He said to him, “When we were in the household of R. Kahana, he would say, ‘R. Yosé concurs that one is*

responsible for what his arrows do [that is, even though he may shoot the arrows, he is responsible for damage they cause].’”

B. *And how much [26A] [must the house shake for damages to be incurred]?*

C. *Enough to shake the lid of a pitcher.*

II.3 A. *Members of the household of Bar Marion b. Rabin, when they would beat flax, the stalks would fly about and injure people. They came before Rabina. He said to them, “When we said, ‘R. Yosé concurs that one is responsible for what his arrows do [that is, even though he may shoot the arrows, he is responsible for damage they cause],’ that is when the damages come through the man’s direct action. Here the wind carries the stalks about, so they are not liable.”*

B. *Objected Mar bar R. Ashi, “But what’s the difference from a case in which a man was winnowing on the Sabbath. It is the wind that carries the chaff further [than the permitted four cubits, so why should the man be liable for throwing something on the Sabbath]?”*

C. *They reported the case to Maremar, who said, “It is identical to the case in which a man was winnowing on the Sabbath.”*

D. *Then from Rabina’s perspective, how is the case different from one in which a spark flew from the hammer of the smith and did damage, on which account the smith is responsible [even though the spark is carried by the wind (Simon)]?*

E. *The smith is glad to see the sparks fly [so they don’t damage his abode], but here, the people beating the flax don’t want the stalks to fly about.*

I.1 amplifies the Mishnah’s rule with a Tannaite complement, which is then explained. II.1, 2 indicate the decided law and the operative consideration behind it. No. 3 then provides a pertinent case.

2:12

A. **A person may not plant a tree near his fellow’s field,**

B. **unless he set it four cubits away from [the other’s field].**

C. **All the same are vines or any other tree.**

D. **[If] there was a fence in between, this one plants near the wall on one side, and that one plants near the wall on the other side.**

E. **[If] the roots of one’s [tree] extended into the domain of the other,**

F. **one may cut them away down to three handbreadths,**

G. **so that they will not hinder the plough.**

- H. [If] one was digging a cistern, ditch, or cave,
- I. he may cut off the roots as far as he digs down,
- J. and the wood is his.

- I.1** A. [A person may not plant a tree near his fellow's field, unless he set it four cubits away from the other's field:] *A Tannaite statement:* the four cubits of which they have spoken is sufficient space for working a vineyard.
- B. Said Samuel, "That pertains only to the land of Israel, but in Babylonia the equivalent is two cubits of space."
 - C. *So, too, it has been taught on Tannaite authority:* A person should not plant a tree nearby his neighbor's field unless he left two cubits distance from the field. *But lo, we have learned in the Mishnah, four cubits? So does this not accord with the qualification issued by Samuel?*
 - D. *Yup.*
 - E. *There are those who present this in the form of a contradiction requiring reconciliation:*
 - F. *We have learned in the Mishnah: A person may not plant a tree near his fellow's field, unless he set it four cubits away from the other's field.*
 - G. *But has it not been taught on Tannaite authority:* A person should not plant a tree nearby his neighbor's field unless he left two cubits distance from the field?
 - H. Said Samuel, "There is no contradiction. The one pertains only to the Land of Israel, the other to Babylonia."
- I.2** A. *Raba bar R. Hana had some date trees near the vineyard of R. Joseph, and birds would roost on them and fly down and damage the vines. R. Joseph said to him, "Go, cut them down."*
- B. *He said to him, "But I have kept them four cubits away."*
 - C. *He said to him, "That applies to trees, but as to vines more is required."*
 - D. *"But lo, we have learned in the Mishnah: All the same are vines or any other tree!"*
 - E. *He said to him, "The sense of that statement pertains to vines among other vines, or trees among other trees, but where there are trees on one side and vines on the other, more is needed."*
 - F. *He said to him, "Well, I'm not going to cut them down, for said Rab, "A date tree that bears a qab of dates is not to be cut down," and R. Hanina said, 'My son*

Shikhat died only because he cut down a date tree before it had died.’ But if you want to cut them down, go right ahead.”

- I.3** A. *R. Pappa had some date trees close to the field of R. Huna b. R. Joshua. One day he went and found him digging and cutting out the roots. He said to him, “What’s going on?”*
- B. *He said to him, “We have learned in the Mishnah: **[If] the roots of one’s [tree] extended into the domain of the other, one may cut them away down to three handbreadths, so that they will not hinder the plough.**”*
- C. *He said to him, “This rule refers to three, but you are digging more.”*
- D. *He said to him, “I am digging in connection with **a cistern, ditch, or cave**, in which connection we have learned in the Mishnah, **[If] one was digging a cistern, ditch, or cave, he may cut off the roots as far as he digs down, and the wood is his.**”*
- E. *Said R. Pappa, “I stated to him a variety of arguments, but I could not prevail over his position, **[26B]** until I cited to him that which R. Judah said, ‘A strip of land over which the public has established a presumptive right of use may not be disrupted’ [Simon: because the public has acquired a prescriptive right of way over it. I also have a prescriptive right to let my tree stand where it is].”*
- F. *When he [Pappa] had gone, [Huna] said, “But why did I not answer him: ‘the case of the tree involves only a distance sixteen cubits from the trunk, but I am cutting the roots at a distance of more than that’?”*

- II.1** A. **[If] one was digging a cistern, ditch, or cave, he may cut off the roots as far as he digs down, and the wood is his:**
- B. *R. Jacob of Adiabene asked R. Hisda, “Who gets the wood?”*
- C. *He said to him, “You may derive the answer from this formulation in the Mishnah: **[If] the roots of a privately owned tree come into consecrated ground, [or those of a tree which is consecrated come into privately owned ground,] they are not available for enjoyment, but they are not subject to the laws of sacrilege [M. Me. 3:7A-C].** If you say that the status of the roots is governed by the status of the tree, then there is no difficulty understanding why using them does not involve sacrilege. But if you say that the status of the roots is governed by the status of the soil in which they are located, then why is there no sacrilege here? So what is the upshot? We are governed by the criterion of the status of the tree. But then note the end of the same rule: **Or those of a tree which is consecrated come into privately owned ground, they are not available for***

enjoyment, but they are not subject to the laws of sacrilege. Now if you say that the status of the tree governs the status of the roots, then why is there no question of sacrilege? Rather, the passage is not pertinent, because it addresses the issue of the status of what grows after the tree was consecrated, and the upshot is that the law of sacrilege does not pertain to what grows after the tree is sanctified.”

- D. Rabina said, “The two clauses do not contain a contradiction. In the opening formulation, the roots are within sixteen cubits of the tree, in the second, beyond.”

II.2 A. Said Ulla, “A tree located closer to the boundary of a neighbor’s field than sixteen cubits is classified as a robber [in that it draws sustenance from the neighbor’s field], and the farmer does not bring first fruits from that tree.”

- B. *Where in the world did Ulla get such an idea? Should we say that it derives from the following, which we have learned in the Mishnah: [As regards] ten saplings which are spread out within a seah space — they plough the entire seah space for their [the saplings’] sake until the New Year [of the Sabbatical Year] [M. Sheb. 1:6A-B]? [Simon: The whole area is required to nourish the trees, and the ploughing is purely for their benefit, not for the purpose of sowing.] But what is the total area? It is 2500 square cubits, and how much for each tree? 250 square cubits — less than the area specified by Ulla [who has the tree derive its nourishment from a radius of 16 cubits or 1024 square cubits — much more than 250 square cubits]. And should we say that it derives from the following, which we have learned in the Mishnah: Three trees [in a seah space] belonging to three persons, lo, they [the trees] join together [to form a single orchard], and [therefore] they [any of the three owners] plough [27A] the entire seah space for their [the trees’] benefit. [Farmers plough in this seah space only until they begin to harvest the fruit of the Sixth Year] [M. Sheb. 1:5]? And what is the area of the field? 2500 square cubits, yielding for each tree 833 and a third square cubits, so Ulla claims more for his trees! [1024 square cubits, that is, 32 squared].”*

- C. Ulla did not intend to specify an exact figure.

- D. *Well, I might concede that we do not say he did not intend to specify an exact figure when it comes to stating a more stringent ruling, but do we say that we do not intend a precise figure when it comes to making a lenient ruling? [But Ulla does when he exempts from the obligation of first fruits a tree that would otherwise be liable to the tax (Simon).]*

- E. *Do you take for granted that Ulla was thinking of a square? He was thinking of a circle. Thus: the area of a square exceeds that of an inscribed circle by a quarter. Thus there remains for the circle, from which Ulla's tree is nourished, 768 cubits [three quarters of 1024].*
- F. *But the space allowed is still a half cubit more in length. [Simon: The area of the circle allowed by the Mishnah for each tree is 833 and a third cubits; the square in which this is inscribed would have an area of 1111 and one-ninth cubits; the side of such a square would be 33.3 cubits; the radius of the area from which the tree sucks would be 16 and two-thirds cubits.]*
- G. *And that is precisely where Ulla did not mean to give an exact figure, and so made the law more strict.*
- H. *Come and take note: **He who buys three trees [that are growing] on [the property] of his fellow brings [first fruits from those trees] and recites [the required declaration] [M. Bik. 1:11A]. Does this not mean the soil is in any size at all [so the tree derives nourishment from a minimum space]?***
- I. *No, it derives nourishment from sixteen cubits.*
- J. *Come and take note: **He who buys two trees [that are growing] on [the property] of his fellow brings [first fruits from those trees] but does not recite [over them] [M. Bik. 1:6A-B]. Lo, if he bought three, he would present the first fruits of those trees and also make the recitation. Does this not mean the soil is in any size at all [so the tree derives nourishment from a minimum space]?***
- K. *No, it derives nourishment from sixteen cubits.*
- L. *Come and take note: **R. Aqiba says, "Any area of land, however minuscule, (1) is subject [to the laws of] peah, and [the laws of] first fruits (2) [may be used as security] for writing a prosbol [which states that the Sabbatical Year will not negate the obligation to repay a loan], (3) [27B] [and may be used as collateral] for purchasing movable property with money, a contract, or usucaption" [M. Pe. 3:6].***
- M. *Here with what sort of produce do we deal? It is first fruits of wheat, which is shown by the use of the language, **Any area of land, however minuscule.***
- N. *That is decisive.*
- O. *Come and take note: "A tree part of which is in the Land of Israel and part outside — produce that is subject to the separation of tithes and produce that is wholly unconsecrated are deemed mixed up in it," the words of Rabbi. Rabban Simeon b. Gamaliel says, "That which grows in the area that is obliged for the separation of tithes [in the Land of Israel] is subject to the separation of tithes, and that which*

grows where the obligation does not pertain is not liable.” Now the dispute pertains only to this point: one authority takes the view that it is possible to determine retrospectively which fruit derives from which root, and the other party [Rabbi] maintains that we cannot. Both parties, however, concur that what grows from ground not obligated to yield tithes is not liable [even within sixteen cubits of the boundary]!

- P. Not at all, with what sort of a case do we deal here? It is one in which rock divides the roots.
- Q. So then why does Rabbi take the view that produce of the two classifications is mixed together?
- R. They mix again higher up.
- S. Then what is at issue between Rabbi and Rabban Simeon b. Gamaliel?
- T. The former takes the view that, while the saps come from distinct roots, air joins them together, and the other deems them to remain distinct.

II.3 A. And must the tree be kept only sixteen cubits from the boundary and no greater distance? But lo, we have learned in the Mishnah: **They set up a tree [at least] twenty-five cubits away from a cistern [M. 2:11]!**

- B. Said Abbaye, “While the roots may spread further, they weaken the soil only up to a distance of sixteen cubits and not beyond.”

II.4 A. When R. Dimi came, he said, “R. Simeon b. Laqish addressed this question to R. Yohanan: ‘What is the law on a tree located within sixteen cubits of the boundary of a field,’ and he said to him, ‘It is in the classification of a robber, and first fruits are not to be brought from it.’”

- B. When Rabin came, he said R. Yohanan [said], “A tree that is located close to the boundary of the neighbor’s field and one that overhangs another’s field — the owner presents first fruits and makes the declaration, since it was with the stipulation that people should deal with one another in a liberal spirit that Joshua gave Israel ownership of the land individually.”

I.1 complements the Mishnah’s rule with a Tannaite clarification. Nos. 2, 3 present cases illustrative of the reading and application of the Mishnah’s law. II.1 asks a question generated by the Mishnah’s rule. No. 2 pursues the same inquiry. Nos. 3, 4 supplements No. 2.

2:13

- A. A tree which stretches over into the field of one's fellow —
- B. one cuts it away [to a height measured] as far as one reaches by an ox goad held over the plough,
- C. and, in the case of a carob and a sycamore, according to the measure of the plumb line [right at the boundary].
- D. In the case of an irrigated field, [he may cut away] any sort of tree by the measure of the plumb line [right at the boundary].
- E. Abba Saul says, "In the case of any tree which yields no fruit, [one may cut away] by the measure of the plumb line [right at the boundary]."

- I.1** A. *This question was raised: Does the statement of Abba Saul pertain to the opening clause of the Mishnah or the concluding one [in the case of any tree which yields no fruit, (one may cut away) by the measure of the plumb line (right at the boundary)] — does this mean that the branches of wild trees can be cut down in any fields, or that in an irrigated field only may the branches of the fruit trees, but not of other trees, be cut down (Simon)]?*
- B. *Come and take note, for it has been taught on Tannaite authority: As to an irrigated field, Abba Saul says, "The branches of all trees may be cut down plumb to the boundary line, because shade injures an irrigated field." Does this not prove that his statement pertains to the first clause only [so the branches of wild fruit-bearing trees may be cut down plumb to the boundary line anywhere (Simon)]?*
 - C. *That is decisive proof.*
 - D. *Said R. Ashi, "A close reading of the Mishnah paragraph yields the same result, for it refers to **any tree which yields no fruit**. If this refers to the first clause, there is no problem with the formulation, **any tree**. But if it refers to the latter clause, it should say '**wild fruit-bearing trees**.'"*
 - E. *Does this not prove that his statement pertains to the first clause only [so the branches of wild fruit-bearing trees may be cut down plumb to the boundary line anywhere (Simon)]?*
 - F. *That is decisive proof.*

I.1 clarifies a somewhat obscure construction of the Mishnah.

2:14

- A. [In the case of] a tree which extends into the public domain,
- B. one cuts [the branches] so that a camel may pass underneath with its rider.

- C. R. Judah says, “A camel carrying flax or bundles of branches of vine rods.”
- D. R. Simeon says, “Every tree [is to be cut away] in accord with the measure of a plumb line,
- E. “because of [the possibility of overshadowing a passing corpse and spreading] uncleanness.”

- I.1 A. [In the case of a tree which extends into the public domain, one cuts the branches so that a camel may pass underneath with its rider:] *Who is the Tannaite authority who takes the position that, when we make rules to prevent damage, we take account only of how things are at present and not how they are likely to develop [for the branches will grow again]?*
- B. *Said R. Simeon b. Laqish, “This rule is subject to dispute, and the position before us is that of R. Eliezer, for we have learned in the Mishnah: They do not hollow out a space under the public domain — cisterns, ditches, or caves. R. Eliezer permits [if it is so strong that] a wagon can go over it carrying stones [M. B.B. 3:8A-D].”*
- C. *R. Yohanan said, “You may even say that it represents the position of rabbis as well. The point of the ruling there is that the act is prohibited because the cover may give way without notice, but, in this case, as it grows, each branch can be cut down [so there is no need for a blanket prohibition].”*

- II.1 A. [...One cuts [the branches] so that a camel may pass underneath with its rider.] R. Judah says, “A camel carrying flax or bundles of branches of vine rods”:
- B. *The question was raised: Who sets the higher limit, R. Judah or rabbis?*
- C. *It is obvious that the higher limit is the one set by rabbis, for if you think that the limit set by R. Judah is the higher, how would the rabbis decide a case that still falls within the limit of R. Judah? [Simon: Seeing that, according to rabbis, boughs are to be cut away only enough to allow a camel with its rider to pass under, if a load of flax is higher, how will it go under?]*
- D. *You maintain that the limit of rabbis is the higher, so how would R. Judah decide a case that still falls within the limit of rabbis [a camel and its rider]?*
- E. *The rider can crouch down and pass underneath.*

- III.1 A. R. Simeon says, “Every tree [is to be cut away] in accord with the measure of a plumb line, because of uncleanness”:
- B. *A Tannaite statement: Because of the possibility of spreading uncleanness through overshadowing corpse uncleanness.*

- C. *So what else is new?! The language of the rule is explicit: **because of uncleanness!***
- D. *If I had to derive the sense of the passage from the wording of the Mishnah alone, I might have thought that the consideration is that a raven may bring a piece of corpse matter and toss it onto the branches, on which account it suffices merely to thin out the branches. Thus we are informed that that is not the operative consideration.*

I.1 identifies the authority behind the Mishnah's rule. II.1 clarifies the sense of the Mishnah, and III.1 presents a Tannaite complement to the Mishnah's rule.