

VIII.

BAVLI ERUBIN CHAPTER EIGHT

FOLIOS 82A-89A

8:1

- A. How do they prepare a fictive fusion meal for the Sabbath line?
- B. One puts down a jug [of food of some sort] and says, “Lo, this belongs to all the residents of my town,”
- C. [or:] “To whoever goes to the house of mourning,” or, “To the house of celebration.”
- D. Whoever accepted for himself [a share in the ownership of this meal] while it was still day is permitted [to walk to the limit of two thousand cubits from the location of the fictive fusion meal for the Sabbath line].
- E. [But whoever accepts for himself ownership] after it gets dark is prohibited [from doing so], for they do not prepare a fictive fusion meal once it gets dark.

- I.1** A. Said R. Joseph, “They prepare a fusion meal only to permit someone to carry out a religious duty.”
- B. *Well, now, what does he propose to tell us? We learned in the Mishnah: “To whoever goes to the house of mourning,” or, “To the house of celebration”!*
- C. *Well, what might you otherwise have supposed? That the purpose of the formulation was merely to refer to the ordinary circumstances that govern such a matter? So we are informed [that that is not the case].*

- II.1** A. **Whoever accepted for himself [a share in the ownership of this meal] while it was still day is permitted [to walk to the limit of two thousand cubits from the location of the fictive fusion meal for the Sabbath line]:**
- B. *Does that formulation of the matter bear the implication that we do not affirm the principle, there is no retrospective clarification of the facts of the matter? For if it were the fact that there is the retrospective clarification of the facts of the matter, then why should there not be a retrospective clarification of the facts of the matter that shows, while it was still day, he turns out to have accepted the fictive fusion meal?*
- C. *Said R. Ashi, "The cases before us address situations in which they did, or didn't, inform the man [that the meal was prepared]." [Slotki: By 'accepted' the former was intended; the meal was valid, on the principle of retrospective clarification, even though the acceptance was not decided upon before dusk; by after dusk, the latter situation is at hand, the meal is invalid because no retrospective selection is possible where the man didn't even know that there was such a meal.]*
- II.2** A. *Said R. Assi, "A child of the age of six is covered, for purposes of being permitted to carry in a bounded area, by the fusion meal prepared for his mother."*
- B. *An objection was raised: A child who is dependent on his mother is covered, for purposes of being permitted to carry in a bounded area, by the fusion meal prepared for his mother, and one who is not dependent on his mother is covered, for purposes of being permitted to carry in a bounded area, by the fusion meal prepared for his mother. And so, too, we have learned in the Mishnah with respect to the sukkah: **A minor who is not dependent on his mother is liable to the religious requirement of dwelling in a sukkah [M. Suk. 2:8B].** And in that connection we reflected as follows: What is the definition of a minor who can take care of himself? Members of the household of R. Yannai said, "It is any child who craps and does not need to have his mother wipe him." Rabbi says, "It is any child who wakes up from his sleep without crying for his mother." But adults may also cry out for their mothers! Rather, it is any who wakes up from his sleep and does not call, "Mother! Mother!" And how old is such a child [who is thus independent of the mother]? Around four or five.*
- C. **[82B]** *Said R. Joshua b. R. Idi, "When R. Assi made that statement, it concerned a case in which the child's father made a fictive fusion meal for him*

in the north, and the mother did it in the south. *Even at the age of six, the child still prefers the mother's company.*"

- D. *An objection was raised: A child of the age of six is covered, for purposes of being permitted to carry in a bounded area, by the fusion meal prepared for his mother. Doesn't this refute the position of R. Joshua b. R. Idi?*
- E. *Sure does.*
- F. *May we say that it also represents a refutation of the position of R. Assi [that even if the mother didn't prepare the meal especially for the child, it serves for him anyhow, since he thinks that for a child of five the meal must be prepared for him in particular, while here, the language "until he is six years of age" is used]?*
- G. *R. Assi may say to you, "The meaning of 'until,' is inclusive."*
- H. *Then may we say that it represents a refutation of the positions of R. Yannai and R. Simeon b. Laqish?*
- I. *Not really. The rulings of R. Yannai and R. Simeon b. Laqish speak of a case in which the child's father is in town [taking care of the child, so the child isn't dependent on the mother even prior to six years of age], the formulation that treats a child of six as dependent on the mother deals with a case in which the father isn't in town.*

II.3

- A. *Our rabbis have taught on Tannaite authority:*
- B. *A person may prepare a fictive fusion meal for his minor son or daughter, for his Canaanite slave boy or slave girl, whether or not this is with their knowledge and consent. But he may not prepare a fictive fusion meal for his Hebrew slave boy or slave girl or for his adult son or daughter nor for his wife unless it is with their full knowledge and consent.*
- C. *And it has further been taught on Tannaite authority:*
- D. *A man prepares a fictive fusion meal for his adult son and daughter and for his Hebrew slave boy and slave girl, and for his wife, only with their knowledge and consent. But he may prepare a fusion meal for his Canaanite slave boy or slave girl or for his minor son or daughter, whether or not this is with their knowledge and consent, because their hand is as his hand. And in all cases in which they prepared a fictive fusion meal and the master made one for them, the Sabbath limits that govern the master govern the slave as well. But that is with the exception of the wife, since she can object to his doing so for her.*
- E. *What differentiates the wife [from others of her classification]?*

F. *Said Rabbah, "The wife and all that are in her classification."*

II.4 A. The master has said: "But that is with the exception of the wife, since she can object to his doing so for her":

B. *The operative consideration then is that she does object. But if she does not articulate her wishes, then she is subject to the Sabbath limits that govern her husband. But by contrast, in the opening clause, it states explicitly, only with their knowledge and consent. Doesn't this mean that they say yes in so many words?*

C. *Not at all. What is the meaning of only with their knowledge and consent? It is, they shut up, and that excludes only the case in which they explicitly said no.*

D. *Well, what about And in all cases in which they prepared a fictive fusion meal and the master made one for them, the Sabbath limits that govern the master govern the slave as well? But that's a case in which there was no articulation of a preference, and still, however, the language is used, But that is with the exception of the wife – so she is not governed by the Sabbath limit that govern her husband!*

E. *Said Raba, "Since these others had made their own fictive fusion meal, there is no more articulate rejection of anyone else's fictive fusion meal made for them that that simple fact."*

8:2

A. **What is its requisite measure?**

B. **Food sufficient for two meals for each one,**

C. **"[composed of] the food he eats on an ordinary day and not on the Sabbath," the words of R. Meir.**

D. **R. Judah says, "On the Sabbath and not on an ordinary day."**

E. **And this one and that one intend [thereby] to give a lenient ruling.**

F. **R. Yohanan b. Beroqah says, "[Not less than] a loaf worth a pondion, from wheat at one sela for four seahs of flour."**

G. **R. Simeon says, "Two-thirds of a loaf of a size of three to a qab."**

H. **Half of that measure is what is required for a house afflicted with the ailment of Lev. 14, and half of that is the measure to invalidate the [person's] body [for the eating of food in the status of heave-offering].**

I.1 A. *And how much, exactly, is food sufficient for two meals for each one?*

- B. *Said R. Judah said Rab, "Two farmers' loaves."*
- C. *R. Ada bar Ahbah said, "Two loaves such as are sold at Nehar Papita."*

- II.1** A. **[“Composed of the food he eats on an ordinary day and not on the Sabbath,” the words of R. Meir. R. Judah says, “On the Sabbath and not on an ordinary day”:]** *Said R. Joseph to R. Joseph b. Raba, “As to your father, in accord with which authority did he accord?”*
- B. *He said to him, “In accord with R. Meir.”*
 - C. *“I also concur with the position of R. Meir, for if the rule were to accord with R. Judah, then it would conflict with what people say: ‘There’s always room in the belly for a spicy dish.’”*

- III.1** A. **R. Yohanan b. Beroqah says, “Not less than a loaf worth a pondion, from wheat at one sela for four seahs of flour”:**
- B. *A Tannaite statement: And the opinion of the one is close to that of the other.*
 - C. *But are they comparable? The standard of R. Yohanan is a qab that produces four meals, while that of R. Simeon is a qab that yields nine meals?*
 - D. *Said R. Hisda, “Take off a third for the storekeeper.” [Slotki: Though the storekeeper buys at the rate of four seahs for a sela or half a qab for a dupondium, he sells at a higher price; for each dupondium he sells only two-thirds of a qab; a qab by that calculation provides not four but six meals.]*
 - E. *Still, one authority speaks of nine, the other, six meals! Rather, the matter is in accord with this further statement of R. Hisda, who said, “Take off a half for the storekeeper.”*
 - F. *Still, one authority speaks of nine, the other, eight meals!*
 - G. *Sure, and that’s the meaning of the statement: And the opinion of the one is close to that of the other.*

- III.2** A. *So there’s a contradiction between the two statements of R. Hisda!*
- B. *There’s no contradiction at all! In the one case it is a locale in which the householder bakes the bread, in the other, the buyer doesn’t supply the wood [in the former case, the profit of the shopkeeper is a third, in the latter, half].*

- IV.1** A. **Half of that measure is what is required for a house afflicted with the ailment of Lev. 14, and half of that is the measure to invalidate the [person’s] body [for the eating of food in the status of heave-offering]:**

- B. **[83A]** *A Tannaite statement:* Half of half of its half [that is, the loaf of which Yohanan and Simeon have spoken] is the volume that would be susceptible to uncleanness as food. [Slotki: According to Yohanan the volume is three-quarters of an egg's bulk; a whole loaf is six eggs' bulk. According to Simeon, a whole loaf is eight eggs' bulk, so the measure here would be one egg's bulk.]
- C. *And [when he stated, **Half of that measure is what is required for a house afflicted with the ailment of Lev. 14, and half of that is the measure to invalidate the person's body for the eating of food in the status of heave-offering,**] as to our Tannaite authority [that is, the one in the Mishnah] how come he did not formulate the rule in terms of the measure of food required for the lot to contract uncleanness as food?*
- D. *It is because the relevant measures for uncleanness are not the same [when it comes to imparting uncleanness to the body, on the one side, and to food, on the other]. For it has been taught on Tannaite authority:*
- E. How much is the measure of a half-loaf of bread which, if unclean, will impart uncleanness to the body so that the person can't eat food in the status of heave-offering? "The volume of two eggs less a fraction," the words of R. Judah. R. Yosé says, "Two smiling [big] eggs."
- F. This was reckoned by Rabbi to be two eggs and a fraction more.
- G. How much was that fraction more?
- H. A twentieth of an egg.
- I. *By contrast, with reference to the uncleanness pertaining to food, it has been taught on Tannaite authority:*
- J. R. Nathan and R. Dosa said, "The volume of an egg, of which they have spoken, encompasses the egg itself and the shell" [which is not precisely half of any of the sizes prescribed by Judah, Yosé, or Rabbi (Slotki)].
- K. And sages say, "As is, without its shell."

IV.2 A. Said Rafram bar Pappa said R. Hisda, "That definition [half of half of its half] represents the opinion of R. Judah and R. Yosé, but sages say, 'The bulk of one and a half big eggs.'"

B. *And who are "sages"?*

C. R. Yohanan b. Beroqa [for Hisda has told us that his standard for the fusion meal is a loaf made of a quarter of a qab, or six eggs; half of half of that would be an egg and a half (Slotki)].

D. *Well, now, isn't that news!*

E. *His intent was to inform us that the eggs have to be grade AAA.*

IV.3 A. *When R. Dimi came, he said, “Bonius sent to Rabbi a modius [that is, a seah] of artichokes that came from Nausa, and Rabbi reckoned the volume at two hundred seventeen eggs.”*

B. *Now what definition of seah was it? If it was a desert seah [the kind used in the wilderness by the Israelites], then it would have had a volume of one hundred forty-four eggs; if it was a Jerusalem seah, it should have had a hundred and seventy-three; if it was a seah of Sepphoris, it should have had two hundred and seven.*

C. *In point of fact, it was a Sepphorean seah, but they added to the measure the quantity of the dough-offering [due from a seah involving two hundred seven eggs’ volume of dough].*

D. *And how much might that be?*

E. *Nine eggs’ bulk.*

F. *So the number still was less than two hundred and seventeen!*

G. *No, they added to them the surplus fractions of which Rabbi spoke.*

H. *Then the number would have been more.*

I. *Yeah, but since it doesn’t add up to the volume of at least one complete egg, he didn’t reckon it in his calculation.*

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

B. *The volume of the Jerusalem seah measure is greater than that of the wilderness by a sixth, and that of the Sepphorean seah measure is greater than that of Jerusalem by a sixth, so it turns out that the Sepphorean seah measure is greater than that of the wilderness measure by a third.*

C. *A third of which measure? Should I say, a third of the wilderness seah measure? Then how much is a third of a seah measure of the wilderness? Forty-eight eggs’ bulk; but the surplus amounts to sixty-three [207-144]. If it is a third of the Jerusalem seah measure, then how much would a third of it be? Fifty-eight less a third; but the surplus is sixty-three. Is the third then a third of the Sepphorean seah*

measure? Then how much is a third of that? Seventy less one, or sixty-nine, but the surplus still is sixty-three!

D. *Rather, said R. Jeremiah, "This is the sense of the statement: So it turns out that the Sepphorean seah measure is greater than that of the wilderness measure by close to a third, and a third of itself is equal to close to half a desert seah measure."*

E. *Objected Rabina, "Is the language close to actually used anyhow?!"*

F. *Rather, said Rabina, "This is the sense of the statement: so it turns out that the Sepphorean seah measure together with the surplus fractions of which Rabbi has spoken is greater than half of the desert seah measure by a third of an egg's bulk."*

IV.5 A. *Our rabbis have taught on Tannaite authority:*

- B. "Of the first of your dough [you shall set apart a cake for a gift as dough-offering]" (Num. 15:20) –
- C. **[83B]** it must be of the size of your dough. [That is, only if the size of the dough is of requisite volume does dough-offering have to be set apart.]
- D. And how much is that? It is the dough of the wilderness.
- E. And how much was that?
- F. It is the volume described here: "Now an omer is a tenth part of an ephah" (Exo. 16:36).
- G. On the strength of that verse, they have said: Dough made out of the volume of flour in seven quarters of a qab and a fraction is liable to dough-offering; that is equal to six Jerusalem qabs, or to five Sepphorean qabs.
- H. On the strength of that conclusion, they have said: He who eats bread in accord with this measure – lo, he is healthy and blessed. He who eats more than that is a glutton. He who eats less than that has bad digestion.

8:3

- A. **The residents of a courtyard and the residents of a gallery [above a courtyard] who forgot and did not prepare a fictive fusion meal for a courtyard [a fictive fusion meal for a courtyard joining the courtyard and the gallery] –**
- B. **all the area [for example, a mound or pillar] which is above ten hand-breadths is assigned to the gallery.**
- C. **[All the area] lower than this is assigned to the courtyard.**

- D. The bank around a cistern and the stone, [if] higher than ten handbreadths, are assigned to the gallery.
- E. [If] lower than that, they are assigned to the courtyard.
- F. Under what circumstances?
- G. In the case of what adjoins [the gallery].
- H. But in the case of that which is distant [separate from the gallery], even if it is ten handbreadths high, it is assigned to the courtyard.
- I. What is the definition of adjoining [the gallery]?
- J. Whatever is not distant by more than four handbreadths.

- I.1** A. *It is obvious that* if this area had access to the courtyard through a door and that one likewise [each with its own fusion meal], that would be equivalent to the case of a window between two courtyards. If the courtyard was accessible only through tossing an object, and so for the other, then it would be in the classification of a wall between two courtyards. If it was accessible to this or to that courtyard's residents only by means of lowering things down through a rope, then the law would be the same as that governing a ditch between two courtyards. If it is readily accessible to the residents of one courtyard, but is accessible to the residents of the other only by means of tossing objects, the law is in line with the rule that Rabbah b. R. Huna said in the name of R. Nahman. If the courtyard was readily accessible to the residents of one courtyard through a door, while to the residents of the other it was accessible only by means of lowering objects down by a rope, the law is in line with what R. Shizbi said in the name of R. Nahman. But – if the courtyard is accessible to the residents of the one courtyard only by lowering things down on a rope, while to residents of the other it is accessible only by means of throwing objects, *what is the law?* [Slotki: Do the residents of the two courtyards impose restrictions on one another, for neither can conveniently use the area? Or is a distinction drawn between the respective degrees of inconvenience?]
- B. Said Rab, "Restrictions apply to residents of both courtyards."
- C. Samuel said, "They assign it for the use of those who can get access to it by lowering things down, since for that party use of the courtyard is convenient, while for the other courtyard, use of the courtyard is inconvenient, and in any case in which utilization is convenient for one party and inconvenient for the other, they assign the matter to the party for whom utilization is convenient."

D. *We have learned in the Mishnah:*

E. The residents of a courtyard and the residents of a gallery [above a courtyard] who forgot and did not prepare a fictive fusion meal for a courtyard [a fictive fusion meal for a courtyard joining the courtyard and the gallery] –

F. all the area [for example, a mound or pillar] which is above ten handbreadths is assigned to the gallery.

G. *Assuming that the sense of “gallery” is [84A] residents of the upper story, and how come that area is called “gallery”? It is because they go up to their residences by way of the gallery, then doesn’t it follow that in any case in which the residents of one area have access by means of lowering something down, and the residents of the other area have access by tossing things, they assign the area to the party that can lower things down by rope?*

H. *It is in accord with what R. Huna said, “The reference is to those who lived on the gallery.” Here, too, reference is made to those who lived on the gallery [so what is in the courtyard ten handbreadths high would be either on a level with their quarters or a bit higher or lower, but always within ten handbreadths].*

I. *If so, then look at what is coming: [All the area] lower than this is assigned to the courtyard. But why should this be the case since this party has access to the area and that party likewise has access to it?*

J. *What is the meaning of to the courtyard? It means, also to the courtyard. In fact, residents of both areas are forbidden access to the area. And that interpretation stands to reason, since the Mishnah paragraph goes on to say:*

K. **Under what circumstances?**

L. **In the case of what adjoins [the gallery].**

M. **But in the case of that which is distant [separate from the gallery], even if it is ten handbreadths high, it is assigned to the courtyard.**

N. *Now what is the sense of to the courtyard? Should I propose that it means, to the courtyard, and it is permitted, then why should it be permitted, since it is a domain that is common to the residents of both areas? So what is the sense of to the courtyard? It means, also to the courtyard – and the residents of both areas are forbidden to use the courtyard. Here, too, what is the sense of to the courtyard? It*

means, also to the courtyard – and the residents of both areas are forbidden to use the courtyard.

O. That is decisive proof.

P. *We have learned in the Mishnah:*

Q. **The bank around a cistern and the stone, [if] higher than ten handbreadths, are assigned to the gallery.**

R. **[If] lower than that, they are assigned to the courtyard.** [Slotki: “Gallery” is assumed to mean, the tenants of the upper story, and they can use the bank or the rock by lowering their things, while the tenants of the courtyard can use the space only by throwing their things up to it; now since it is ruled that the former may use the bank, doesn’t the objection go against Rab, who maintained that in such circumstances, each group of tenants imposes restrictions on the other?]

S. Said R. Huna, “The reference is, ‘to those who live on the gallery’ [not to the upper story].”

T. *Well, that solves the problem of the rock, but what is to be said about the cistern?!*

U. *Said R. Isaac b. R. Judah, “Here we’re dealing with a cistern full of water.”* [Slotki: The surface is more or less on a level with the gallery and easily accessible to the tenants, so it is assigned to the gallery.]

V. *But lo, when the water near the surface is used up, the water level goes down* [and the tenants of the gallery have to lower their buckets. Why should the cistern’s use be permitted in that case (Slotki)]?

W. *Well, since, when it’s full, it is permitted, as it loses water, it’s also permitted.*

X. *To the contrary! Since, when it loses water, it’s forbidden, when it’s full, it also should be forbidden!*

Y. *Rather, said Abbaye, “Here we’re dealing with a cistern full of produce.”*

Z. *But lo, as it’s used, the surface of the fruit goes down.*

AA. *It’s produce that is subject to tithing but as yet untithed [so it won’t be used that day and therefore won’t diminish]. And a close reading of the passage will yield that same premise, for the*

comparison is drawn to the stone [which likewise is permanent in its character].

BB. *That proves it.*

I.2 A. *Why make reference in the Tannaite formulation to both **cistern** and **rock**?*

B. *Both were required. For had we been informed of the rule governing the rock alone, in which case there is no consideration of a precautionary decree, we might have assumed that the rule applied only there, since there would be no possibility of a precautionary decree, but in the case of a cistern, where a precautionary decree might be invoked forbidding its use, to deal with the possibility of a cistern filled with properly tithed fruit, I might have thought the rule is not the same, so both classes of things had to be stated explicitly.*

I.3 A. *Come and take note:* The residents of a courtyard and those of the upper story forgot and didn't prepare a fictive fusion meal, the residents of the courtyard may make use of the space of the courtyard within ten handbreadths of the ground and the residents of the upper story may make use of the ten handbreadths of the courtyard above the ground [for example, along the wall]. How so? In the case of a projection from the wall, if it is within ten handbreadths of the ground, it is assigned to the residents of the courtyard; if it is more than ten handbreadths from the ground, it is assigned to the residents of the upper story.

B. *Lo, space that is between ten handbreadths from the ground and ten handbreadths from the upper story is forbidden!*

C. *Said R. Nahman, "Here we deal with a wall that is nineteen handbreadths high, and a projection comes out of it. If it is below ten handbreadths from the ground, then for the residents of this group it is accessible as a door, while to the other tenants, it is accessible only if they lower things on a rope; if it projected higher than ten handbreadths from the ground, it is as a door to the residents of the upper story but to the residents of the lower story it is accessible only by means of tossing the objects up."*

D. **[84B]** *Come and take note: ...two balconies, one above the other.*

E. **[If] they made [a partition] for the one on top and did not do so for the one on the bottom,**

F. **both of them are prohibited –**

G. **unless they prepare a fictive fusion meal for a courtyard [M. 8:8E-H].** [Slotki: In the absence of a joint fusion meal, the hole in the partition remains a mixed domain, belonging to two different groups of tenants, who impose restrictions upon each other; it is forbidden to both. Here is a case of use by lowering on the part of the tenants of the upper story and tossing upward on the part of those of the lower one, and it is ruled that both groups are forbidden. How could Samuel maintain that access is granted to the tenants that can use it by means of lowering?]

H. Said R. Adda bar Ahbah, “It is a case in which the residents of the lower balcony come and fill their buckets via the upper balcony” [Slotki: so that both groups of tenants use the hole in exactly the same manner, lowering buckets; none thrusts the bucket upward].

I. *Abbaye said, “It’s a case in which the balconies are located within ten handbreadths of one another” [so there’s no third domain between the two (Slotki)]. The formulation then has to be understood as proceeding from the obvious to the less obvious, namely: It is not an issue in a case in which they made a partition for the lower area but not for the upper that both are forbidden, since, because they are located within ten handbreadths of each other, the tenants impose restrictions on one another. But even if they made a partition for the upper area and not for the lower, in which case it might have entered your mind to suppose, since it is convenient for the residents of this area and inconvenient for the residents of that, the area should be assigned to those for whom using the area is convenient – so we are informed that, because they are located within ten handbreadths of one another, they impose restrictions on one another.”*

J. *That is in line with what R. Nahman said Samuel said, “A roof that is adjacent to the public domain must have a permanently affixed ladder in order to permit its use [by the tenants of the courtyard].” So that is so if the ladder is fixed but not if it is removable. How come? Isn’t it*

because, since the spaces are within ten handbreadths of one another, they impose restrictions on one another?

K. *Objected R. Pappa, “But maybe that is the case only for a roof, where on weekdays a lot of people commonly put down their skullcaps and head coverings.”* [Slotki: Though they can’t put heavy loads there, they can put light objects down; as the use of the roof is equally accessible to and convenient for both people in public domain and those in the courtyard, a ladder is necessary to keep the roof connected permanently with the courtyard and disconnected from public domain; then the ruling doesn’t necessarily support Abbaye’s contention.]

- II.1** A. [With reference to the rule, **What is the definition of adjoining [the gallery]? Whatever is not distant by more than four handbreadths,**] said R. Judah said Samuel, [85A] “A cistern between two courtyards, distant from the wall of the one by four handbreadths and from the wall of the other by four handbreadths, the residents of the one courtyard add on a projection of any length at all and draw water from the cistern, and those of the other courtyard add on a projection of any length at all and draw water from the cistern.” [Slotki: The two domains represented by the courtyards are four handbreadths from the cistern so they cannot impose restrictions on one another, while the use of the alley is unaffected, since neither house doors nor courtyard doors open onto it; the projection is scarcely necessary to make it permissible to use the cistern but distinguishes it so people won’t use a domain in which more than one party shares unless they make a joint fusion meal.]
- B. But R. Judah on his own account said, “Even a reed would be enough” [for such a projection].

C. *Said Abbaye to R. Joseph, “This statement of R. Judah ought to belong to Samuel, for if it belongs to Rab [his other teacher], you would have this problem, since he has said, ‘A person does not impose restrictions upon another if his only access to a spot is through the air’* [and not even a reed would be needed if it is a case, as here, where a bucket is tossed through a space of four handbreadths in the air, so only Samuel would imagine that even a projection of any sort at all might be needed].”

D. *But as to Samuel, whence would come this requirement that a projection of some sort be provided? Should I say that it derives from that which R. Nahman said Samuel said, “A roof that is adjacent to the*

public domain must have a permanently affixed ladder in order to permit its use [by the tenants of the courtyard]”? [Slotki: Since a roof is usually inaccessible from public domain except by tossing something up, the only way that would permit someone to use the roof would be to thrust some object onto it through the air; Samuel would forbid doing so, so he would maintain that restrictions would be imposed even if the only access is through the air.] *But maybe his operative consideration there is that he concurs with R. Pappa [that the roof can be used from the public domain, for example, for putting down hats].*

E. *Rather, it derives from the following that R. Judah deduced Samuel's position:* [Said R. Judah said Samuel, “A cistern between two courtyards, distant from the wall of the one by four handbreadths and from the wall of the other by four handbreadths,] the residents of the one courtyard add on a projection of any length at all and draw water from the cistern, and those of the other courtyard add on a projection of any length at all and draw water from the cistern.” *So the operative consideration is that a projection was added, but then, if there was no projection, we invoke the principle:* Restrictions would be imposed even if the only access is through the air.

F. *And as to Rab, whence do we derive his position [that restrictions would not be imposed even if the only access is through the air]? Should I say that it derives from the following: ...two balconies, one above the other. [If] they made [a partition] for the one on top and did not do so for the one on the bottom, both of them are prohibited – unless they prepare a fictive fusion meal for a courtyard [M. 8:8E-H], in connection with which* said R. Huna said Rab, “That rule applies only if the balconies are near one another, but if the balcony was four handbreadths away, the use of the upper one is permitted and of the lower one forbidden” [so that from Rab's perspective, restrictions would not be imposed even if the only access is through the air]? *But maybe this case is different, since this party has access by means of throwing upward and by lowering on a rope, and that party has access only by lowering on a rope, in which case, the matter is analogous to a case in which one has access by throwing, which is inconvenient, while the other has access through the door, which is convenient.* [Slotki: Since the residents of the lower balcony are in the position of the former, while those of the upper are in the

position of the latter, Rab ruled that the use of the upper one is permitted and of the lower forbidden; but what proof is there that Rab maintains restrictions would not be imposed even if the only access is through the air?]

G. *Rather, we derive from the following [Rab's position that restrictions would not be imposed even if the only access is through the air]:* Said R. Nahman said Rabbah bar Abbuha said Rab, "Two houses, with three ruins between them – the residents of this courtyard may make use of the ruin nearest to them by means of tossing objects to the area, and the residents of that courtyard may make use of the ruin nearest to them by means of tossing objects to the area, [85B] and the area of the middle may not be utilized by the residents of either house. [Slotki: Since the two ruins that were adjacent to the houses may be used by the residents of the respective houses, despite the use that each is able to make on weekdays of the ruin near the neighbor's house by throwing objects into it through the air, it follows that in Rab's opinion no restrictions can be imposed by one person on another just because his access to the area is through the air.]

- II.2** A. *In session R. Barona was reciting this tradition. Said to him R. Eleazar, a member of a master's household, "Did Rab really say this?"*
- B. *He said to him, "Yessir."*
- C. *"Show me his residence."*
- D. *He showed him.*
- E. *He came before Rab. He said to him, "Did the master really say this?"*
- F. *He said to him, "Yes."*
- G. *He said to him, "But lo, it is the master who has said, 'If the area is accessible to residents of one courtyard by lowering things down by a rope, and to those of the other by tossing them up, both of them are forbidden to use the courtyard'!"*
- H. *He said to him, "But do you think that the houses are set out in a line. That is not so. They're set out in a triangle."*
- [Slotki: One ruin was adjacent to both houses and faced the other two, which stood in a straight line and were adjacent to one of the houses and separated from the other by the ruin

adjacent to it; the use of the central ruin is forbidden to both sides, because both impose restrictions on each other, since they have equally direct if inconvenient access to the area; the use of the other two ruins is permitted to both, because in the case of either ruin, one of the house's residents has direct access and the other only indirect access by means of tossing things into it through the air, and on that account there is no restriction.]

II.3 A. *Said R. Pappa to Raba, "Must one maintain that Samuel rejects the view of R. Dimi? But when R. Dimi came, he said R. Yohanan [said], 'In an area that is demarcated as less than four by four handbreadths, it is permitted for people both in public domain and in private domain to put their burdens down to rearrange them, on condition that they not exchange them!'"* [Slotki: A place with so small an area has no existence so far as the Sabbath laws are concerned; it is like air space; it may be freely used. Samuel required a projection when it comes to using air space, and he can't agree.]

B. *In that case, access to those domains is forbidden by the law of the Torah [and people usually are careful not to violate that law], but here, it is an access that is forbidden only on the authority of rabbis, and rabbis impose a stricter rule when it comes to their opinions than the one that would apply in the case of the rule of the Torah.*

II.4 A. *Said Rabina to Raba, "But did Rab take that position? And lo, it has been stated:*

B. *"Two houses on either side of public domain –*

C. *"Rabbah bar R. Huna said Rab [said], 'It is forbidden to toss an object from one to the other.'*

D. *"And [since both houses belong to the same party,] Samuel said, 'It is permitted to toss an object from one to the other.'"*

E. *[Supply: He said to him,] "But haven't we established the fact that the issue concerns a case in which one is higher and the other lower, so that the object may fall into the street and the man may come and pick it up? [So this is not settled by the other matter at all.]"*

8:4

- A. He who places his fictive fusion meal for a courtyard in a gatehouse, portico, or gallery – it is not a valid fictive fusion meal [for courtyards].
- B. And he who lives there [in the gatehouse, portico, or gallery, and who does not share in the fictive fusion meal for a courtyard] does not prohibit him [from carrying objects in the courtyard].
- C. [He who places his fictive fusion meal for a courtyard] in a shed for straw, cattle, wood, or stores – lo, this is a valid fictive fusion meal.
- D. And he who lives there [in the straw shed, cattle shed, woodshed, or storage shed and who does not share in the fictive fusion meal for a courtyard] does prohibit him [from carrying objects in the courtyard].
- E. R. Judah says, “If the householder has the right of storage there, [the other] does not prohibit him [from carrying objects in the courtyard, since the householder now is part-owner of the shed].”

- I.1** A. Said R. Judah b. R. Samuel bar Shilat, “In any context in which it says, ‘And he who lives there does not prohibit him [from carrying objects in the courtyard]’ – he who places in such a setting his fictive fusion meal – it is no valid fusion meal, except for the case of a gatehouse that belongs to a private party; and in any setting in which sages have said, ‘They do not place a fictive fusion meal for courtyards there,’ they may indeed leave a fictive fusion meal serving alleyways there, except for the air space of an alley.”

B. *Yeah, so what does he tell us that we didn't know, since we've learned in the Mishnah: He who places his fictive fusion meal for a courtyard in a gatehouse, portico, or gallery – it is not a valid fictive fusion meal [for courtyards]? So it's not a fictive fusion meal for a courtyard, but it would serve perfectly well for a fictive fusion meal for an alleyway.*

C. *What he tells us concerns the gatehouse that belongs to a private part and the air space of an alleyway, which he had to state explicitly, for these we have not learned in our Mishnah.*

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

E. He who places his fictive fusion meal in a gatehouse, portico, gallery, courtyard, or alley – it is a valid fictive fusion meal.

F. *But haven't we learned in the Mishnah: It is not a valid fictive fusion meal?*

G. *Say*: Lo, it is a valid fictive fusion meal for a courtyard.

H. *Sure, but will the food for a fusion meal be properly guarded in an open alleyway?*

I. *Say*: Lo, it is a valid fictive fusion meal for a courtyard that is in an alleyway.

I.2 A. Said R. Judah said Samuel, “In the case of members of an association who were reclining at a meal, and the sanctity of the Sabbath overtook them – they rely on the bread that is on the table as their fictive fusion meal for the courtyard,” *or, others say*, “As their fictive fusion meal for the alleyway.”

B. *Said Rabbah*, “*There is no argument here [between those who read ‘fictive fusion meal for the courtyard’ and ‘fictive fusion meal for the alleyway,’ for the one speaks of a case in which the group is dining in a house, the other, in a courtyard.]*”

C. *Said Abbaye to Rabbah*, “*It has been taught on Tannaite authority in support of your view: The fusion meals for courtyards are to be in the courtyard, and the fusion meals for alleyways are to be in an alleyway. And we reflected on that statement: The fusion meals for courtyards are to be in the courtyard? But haven’t we learned in the Mishnah: He who places his fictive fusion meal for a courtyard in a gatehouse, portico, or gallery – it is not a valid fictive fusion meal [for courtyards]? So rather, state: The fusion meals for courtyards are to be in a house that is in the courtyard, and the fusion meals for alleyways are to be in a courtyard that is in the alleyway.*”

II.1 A. **R. Judah says, “If the householder has the right of storage there, [the other] does not prohibit him [from carrying objects in the courtyard, since the householder now is part-owner of the shed]”:**

B. *How are we to understand the right of storage there?*

C. For instance, the right of storage that was enjoyed in his courtyard by Bonyis.

II.2 A. *The son of Bonyis came before Rabbi. He said to them*, “Clear out a place for the son of a hundred manehs.” *Another man came; he said to them*, **[86A]** “Clear out a place for the son of two hundred manehs.”

B. Said before him R. Ishmael b. R. Yose, “My lord, this one’s father has a thousand ships on the ocean, and, as a counterpart for them, a thousand villages on dry land.”

C. He said to him, “When you meet his father, say to him, ‘Don’t send him in clothing such as this before me.’”

II.3 A. Rabbi pays honor to the rich.

B. R. Aqiba pays honor to the rich.

C. *That is in line with the exposition of Raba bar Mari*, “‘May he be enthroned before God forever, appoint mercy and truth that they may preserve him’ (Psa. 61: 8) – when ‘may he be enthroned before God forever’? That is when he ‘appoint mercy and truth that they may preserve him.’”

II.4 A. [*How are we to understand the right of storage there?*] Rabbah bar bar Hannah said, “For example, the right to store the pin for a plough.”

II.5 A. *Said R. Nahman, “A Tannaite authority of the household of Samuel [stated], ‘If the landlord has the right to store there something that may be handled on the Sabbath, then that would impose prohibitions on carrying in the courtyard, but if it is something that may not be handled on the Sabbath, that would not.’”*

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

C. If the landlord has there produce that is liable to tithing but not tithed, or bars of metal, or anything that may not be handled on the Sabbath, he does not impose restrictions.

8:5

A. “He who leaves his house and goes to spend the Sabbath in another town –

B. “all the same are a gentile and an Israelite –

C. “lo, this one [who has not participated in the fictive fusion meal for the courtyard where his house is located] prohibits [the others from carrying about in the courtyard],” the words of R. Meir.

D. R. Judah says, “He does not prohibit [their carrying in the courtyard].”

E. R. Yosé says, “A gentile prohibits, an Israelite does not prohibit [their carrying about on the Sabbath],

F. “for it is not usual for an Israelite to return [home] on the Sabbath.”

G. R. Simeon says, “Even if he left his house and went to spend the Sabbath with his daughter in that very same town, he does not prohibit [the others from carrying in the courtyard],

H. “for he already has banished from his mind [the possibility of coming back on that Sabbath].”

I.1 A. Said Rab, “The decided law accords with R. Simeon.”

B. *But that is in particular if he went to spend the Sabbath with his daughter, but not where he went to spend it with his son, for people say, “If a male dog barks at you, walk in anyhow, but if a bitch barks at you, get the hell out of there.”*

8:6

A. A cistern which is between two courtyards –

B. they do not draw water from it on the Sabbath,

C. unless they made for it a partition ten handbreadths high,

D. whether it is above, beneath, or within its rim.

E. Rabban Simeon b. Gamaliel says, “The House of Shammai say, ‘Below.’

F. “And the House of Hillel say, ‘Above.’”

G. Said R. Judah, “The partition should not be [expected to be] more powerful than the wall which is between them.”

I.1 A. Said R. Huna, “The meaning of **below** is literally, below, and the meaning of **above** is literally, above. And in both instances the partition must be within the cistern” [Slotki: even the House of Shammai concur that the entire partition of ten handbreadths high must be within the rim and below it].

B. And R. Judah said, “The meaning of **below** is below the water, and the meaning of **above** is above the water.”

C. *Said Rabbah bar R. Hanan to Abbaye, “In respect to what R. Judah said, namely, ‘The meaning of below is below the water,’ how come he didn’t explain that it meant, literally, below? It is because the waters would be mixed underneath the partition. But then, even if he explains that the partition has to be below the water, isn’t the water mixed under those conditions, too?”*

D. *He said to him, “Haven’t you heard what R. Judah said Rab said, and there are those who present it in the name of R. Hiyya, ‘The tops of the reeds of the partition must be seen to project a handbreadth above the surface of the water’?”*

E. *“Furthermore, in respect to what R. Judah said, namely, ‘And the meaning of above is above the water,’ how come he didn’t explain that*

it meant, literally, above? It is because the waters would be mixed above the partition, but even if it is explained that it means, above the water, isn't the water still going to be mixed?"

F. He said to him, "Haven't you heard what Jacob Qarhinaah repeated as a Tannaite statement: 'The tops of the reeds of the partition must be inserted into the water to the depth of a handbreadth'?"

G. Now with regard to what R. Judah said, namely, "A crossbeam that is four handbreadths wide renders a ruin permitted for carrying on the Sabbath [if it reached from one wall to another opposite]," and with regard to what R. Nahman said Rabbah bar Abbuha said, namely, [86B] "A crossbeam of four handbreadths makes it permissible to utilize water in a cistern [if the beam lay across the mouth of a cistern between two courtyards]," lo, doesn't the bucket swing over to the other side and carry up water from it?

H. It is an established fact for rabbis that a bucket doesn't swing beyond four handbreadths [and the beam is four handbreadths wide, so the bucket can't swing from one side beyond the other side].

I. Still, aren't the waters mixed under the crossbeam?

J. The operative consideration is that sages have imposed a lenient rule when it comes to water, in line with what R. Tabela asked Rab, "As to a partition that is suspended, what is the law on its making it permissible to carry around in a ruin?" And he said to him, "A suspended partition does not make it permissible to carry around except in water, for that is a lenient ruling that sages extended in the case of water."

- II.1 A. Said R. Judah, "The partition should not be [expected to be] more powerful than the wall which is between them":**
- B. Said Rabbah bar bar Hannah said R. Yohanan, "R. Judah made this statement in accord with the operative theory of R. Yosé, who said, 'A suspended partition effects permissibility even on dry land' [Slotki: in allowing the wall between courtyards, which, in relationship to water, is only a suspended partition, to form a valid division between the waters of the two domains]. *For we have learned in the Mishnah: He who suspends the sides from above to below – if they [the partitions] are three [or more] handbreadths above the ground, [the sukkah] is invalid. [If he builds the sides] from the*

ground upward, if [they are] ten handbreadths above the ground, [the sukkah] is valid. R. Yosé says, ‘Just as [the required height] from below to above [when the wall is built up from the ground] is ten handbreadths, so [the required height] from above to below [when the wall is suspended from above toward the ground] is ten handbreadths [even though the bottom is not within three handbreadths of the ground]. [The operative criterion is the height of the partitions]’ [M. Suk. 1:9].”

- C. *But [that proposal] is not correct, for R. Judah does not in fact concur with R. Yosé, nor does R. Yosé concur with R. Judah. R. Judah does not in fact concur with R. Yosé: R. Judah takes the position that he does only with reference to the making of fusion meals for courtyards, a procedure that derives from the authority of rabbis, but as to the sukkah, which derives from the Torah, he does not take the same view there.*
- D. *Nor does R. Yosé concur with R. Judah: R. Yosé takes the position that he does only in connection with the sukkah, which involves merely a positive commandment, but so far as the Sabbath is concerned, violation of which involves the death penalty through stoning, he does not take the same view.*
- E. And if you should say, then as to the incident at Sepphoris, in accord with whose authority was the decision reached [that validated a suspended partition], it was not on the authority of R. Yosé [the regnant authority in town], but on the authority of R. Ishmael b. R. Yosé was it done.

II.2 A. [What was that precedent?] When R. Dimi came, he said, “One time the people [of a courtyard, not preparing the fictive fusion meal to unite their property] forgot and did not bring the scroll of the Torah on the eve of the Sabbath [Friday]. The next day [the Sabbath itself] they spread out sheets on top of pillars and carried the scroll of the Torah, and they read in it. [The scroll of the Torah was in one of the houses of the courtyard in which the synagogue was located. The people forgot to prepare the fictive collective meal which would have made the house of the courtyard along with the courtyard into a single domain. Their solution is as described, and in that way the people created a single domain.]

B. *Did they really spread out the sheets to begin with, and isn't the fact that everybody concurs that they may not put up on the Sabbath even a temporary tent!? [How did they bring [the sheets] on the Sabbath [to the pillars]?]*

C. Rather, they found sheets [where they were lying], spread them out, and brought the scroll of the Torah and read in it. [The objection thus is worked out. Since Ishmael was resident authority in Sepphoris, the ruling accorded with his principle, not Yose's.]

II.3

A. Said Rabbah, "R. Judah and R. Hanania b. Aqabayya said the same thing [that Sabbath laws in regard to partitioning water are lenient (Slotki)]. *As to R. Judah, it is as we have just said. With regard to R. Hanania b. Aqabayya, it is in line with that which has been taught on Tannaite authority:*

B. "R. Hanania b. Aqabayya says, 'As to a balcony over the sea that has an area of four by four cubits [87A], one cuts a hole into it four by four handbreadths and draws water through it [even though there is no partition around the hole; the area around the hole is extended downward and imagined to form a suspended partition ten handbreadths tall and forming a private domain for drawing water].'" [The balcony is twenty-four handbreadths, and a margin of ten handbreadths around the hole is left (Slotki).]

C. *Said Abbaye to Rabbah, "But maybe that's not so. R. Judah may well have taken the view that he did there – in regard to the partition around the cistern – only because he maintains the principle that one may extend an imaginary partition downward, but where the principle must be to imagine the partition both bent and extended, he may not have affirmed that principle at all; and R. Hanania b. Aqabayya may have taken his position there only in respect to the Sea of Tiberias, because it has embankments, as well as towns and enclosures around it [so it is not neglected public domain], but in regard to other water [which is classified as neglected public domain], he may not have taken that same view."*

II.4

A. Said Abbaye, "From the viewpoint of R. Hanania b. Aqabayya, if the balcony was within three handbreadths of the wall, it is necessary that the balcony be four cubits long and eleven and a fraction cubits wide. [Slotki: An air space of less than three handbreadths is disregarded, and the balcony may be deemed to be close to the wall. But cutting a length of four handbreadths to a depth of one and a fraction from the width of the balcony on the side adjacent to the wall so as to leave on

either side of the length margins of ten handbreadths, the area of the hole would be four handbreadths by four, and it would be surrounded on three sides by a border of ten handbreadths, and on the fourth side by the wall of the house. The border is regarded as bent and extended downward and forming with the wall a private domain between the water and the balcony.] If the balcony was upright [Slotki: standing on its width on a projection from the wall at a distance of four handbreadths with its length rising vertically upward], it must have a height [the length of the balcony] of ten handbreadths [the minimum height of a partition], and its width must be six handbreadths and two fractions [Slotki: so that by imagining one handbreadth and a fraction of the width on either side to be bent toward the wall, there would still remain a width of four handbreadths facing the wall, while the air space of four handbreadths between the wall and the balcony would be reduced to less than three handbreadths, which would be disregarded; and the hole, four handbreadths by four, is now surrounded by the wall of the house on one side, a partition of four handbreadths in width on the opposite side, and two walls of nearly four handbreadths in width on the other two sides; the three sides of the balcony, which are deemed to stretch downward to the water, together with the wall of the house, thus constitute a private domain through which the water may be carried up].”

B. Said R. Huna b. R. Joshua, “If the balcony was situated in a corner [with two sides formed by walls of the house], it has to be ten handbreadths high, two handbreadths and two fractions wide. [Slotki: Placing the balcony in an upright position at a distance of four handbreadths from one of the walls, with its side at a distance of less than three from the adjacent wall, the balcony may be imagined to be bent from top to bottom in the middle toward the wall it was facing and thus closing up an air space of one handbreadth and a fraction, reducing the distance between it and the wall to less than three handbreadths. The space between either wall and the balcony is less than three handbreadths and deemed null, and a hole of four handbreadths by four now remains surrounded on two adjacent sides by the

house walls and on the opposite two sides by the imaginary corner piece which constitute two valid partitions that stretch downward to the water; all four sides enclose a private domain between the balcony and the water.]”

C. And with reference to that which has been taught on Tannaite authority, R. Hanania b. Aqabayya says, “As to a balcony over the sea that has an area of four by four cubits, one cuts a hole into it four by four handbreadths and draws water through it [even though there is no partition around the hole; the area around the hole is extended downward and imagined to form a suspended partition ten handbreadths tall and forming a private domain for drawing water],” how would such a thing be constructed [Slotki: in view of the devices just described, whereby a private domain may be formed even where the balcony was smaller than the prescribed minimum of ten by four, for each of its four sides and for the whole of four by four]?

D. It would be constructed in the shape of a mortar [Slotki: when it is self-contained, being in the shape of a platform raised on poles above the water and having no wall near it; then no private domain for hauling up water can be formed unless the balcony is of the size he has said, allowing for such dimensions].

8:7

- A. A water channel which passes through a courtyard –
- B. they do not draw water from it on the Sabbath,
- C. unless they made for it a partition ten handbreadths high,
- D. at its entry point and at its exit point.
- E. R. Judah says, “The wall which is above it is regarded as a partition.”
- F. Said R. Judah, “There was the following precedent: From the water channel of Abel did they draw water at the instruction of the elders on the Sabbath.”
- G. They said to him, “It was because it was not of the requisite size [and so did not constitute neglected public domain].”

- I.1** A. *Our rabbis have taught on Tannaite authority:*
- B. If for a water channel passing through a courtyard they made a partition at the entrance but not at the exit, or at the exit but not at the entrance, they do not draw water from it on the Sabbath; that may be done only if they made it a partition of ten handbreadths at the exit and at the entrance.
- C. R. Judah says, "The wall which is above it is regarded as a partition."
- D. Said R. Judah, "There was a case of a water channel that flowed from Abel to Sepphoris, and on the authority of sages they draw water from it on the Sabbath."
- E. They said to him, "Is there any proof from that case? It was because the channel was less than ten handbreadths deep or less than four handbreadths wide."

- I.2** A. *It has further been taught on Tannaite authority:*
- B. A water channel that flows between the windows [of houses on either side], if it was less than three handbreadths wide, it is permitted to lower a bucket and draw water from it.
- C. Rabban Simeon b. Gamaliel says, "If it is less than four handbreadths wide, one may lower a bucket and draw water from it. If it is four or more handbreadths wide, one may not lower a bucket and draw water."

I.3 A. *With what situation do we deal here? Should I say that the reference is to the water channel itself [that is, if it was three handbreadths wide it is neglected public domain, from which water may not be carried into private domain (Slotki)]? Then note the following: When R. Dimi came, he said R. Yohanan [said], "An area of less than four handbreadths cannot be classified as neglected public domain"! So did [Yohanan] make that statement in accord with only one of two Tannaite authorities?*

B. *No, we are dealing with the embankments of the water channel, and it is in regard to exchange [Slotki: if the embankment is high enough but less than three handbreadths wide, it is a free domain, into which an empty bucket may be taken from private domain and a full one from neglected public domain and transferred from it into neglected public domain or private domain respectively; if it is three handbreadths wide it loses the status of a free domain and can no*

longer serve as a mere adjunct to the domains between which it is situated].

C. *Then note the following: When R. Dimi came*, he said R. Yohanan [said], “An area that is not four cubits by four cubits – it is permitted for those located in private domain and those located in public domain to put down and shoulder their goods therein, on condition that they not exchange [items from persons in the framework of the one to those in the framework of the other].”

D. *[Dimi’s ruling] deals with domains that are defined by the Torah, [87B] but here we deal with domains defined by rabbinical authority.* [Slotki: A private domain and a public one are defined by the Torah as areas between which one may not move objects, hence Dimi’s restriction; moving objects between neglected public domain and private domain is forbidden only by authority of rabbis; but by the law of the Torah it would be permitted to transfer directly from one to the other.]

E. *But as a matter of fact, R. Yohanan held the view that he did even with reference to domains that are defined by the authority of rabbis, for we have learned in the Mishnah:*

F. **A wall between two courtyards,**

G. **ten handbreadths high and four broad –**

H. **they make a fictive fusion meal individually, and they do not make a single fictive fusion meal [for both courtyards].**

I. **[If] there was produce on top of it, these climb up from this side and eat it, and those climb up from that side and eat it,**

J. **on condition that they not bring [the fruit] down.**

K. **[If] the wall was breached to a height of less than ten cubits [from the ground],**

L. **they make a fictive fusion meal individually.**

M. **But if they wanted, they make a single fictive fusion meal [jointly],**

N. **because now it is equivalent to a doorway.**

O. **[But if the breach is] larger than this, they must make a fictive fusion meal jointly, and they do not make a fictive fusion meal individually.**

P. *And we reflected on this matter, asking: If the wall was not **four handbreadths broad**, what is the rule?*

Q. Said Rab, “The air space of two domains [two courtyards, between which the wall is located] governs. Nothing may be moved on it even as far as a hair’s breadth.”

R. And R. Yohanan said, “The tenants on this side may bring up food onto it and eat it there, and those may carry food up onto it and eat it there.”

S. *And R. Yohanan is consistent with reasoning of his expressed elsewhere. For when R. Dimi came, he said R. Yohanan [said], “An area that is not four cubits by four cubits – it is permitted for those located in private domain and those located in public domain to put down and shoulder their goods therein, on condition that they not exchange [items from persons in the framework of the one to those in the framework of the other].”* [Slotki: Thus they may not carry indirectly from private domain into public, a form of transfer that is rabbinically forbidden; pentateuchally, only direct transfer from one into the other of the domains is forbidden, since there must be lifting from the one domain and direct putting down in the other; in the case under discussion, before the object was finally put down, it was temporarily put down, and lifted up from the free domain; Yohanan upholds the principle of the existence of a free domain, since he permits people of either domain to rearrange their burdens.]

T. *[Yohanan’s ruling on the wall between courtyards] was stated by Zeiri* [Slotki: but Dimi maintains that Yohanan’s restriction does not apply to domains where moving objects from one to the other is forbidden only on the authority of rabbis].

U. *Then the problem just now raised represents a challenge to Zeiri’s position!*

V. *Zeiri explains that it refers to the water channel itself [three handbreadths or four handbreadths wide, respectively], and R. Dimi’s ruling that a domain can be regarded as neglected public domain only if it is at least four handbreadths [in size] is a matter subject to dispute between Tannaite authorities.*

I.4 A. *And why shouldn’t the water channel be classified as cavities of neglected public domain* [Slotki: and moving any object, bucket or

water, between it and the courtyard should be forbidden; as cavities in a wall adjoining public domain are subject to the restrictions of public domain, so a water channel within a courtyard should be subject to the restrictions of the wider channel outside the town, which is neglected public domain]?

B. *Both Abbayye bar Abin and R. Hanina bar Abin say, "The law of cavities does not pertain to neglected public domain [which is not subject to such additional restrictions]."*

C. *R. Ashi said, "You may even say, 'The law of cavities does not pertain to neglected public domain.' That is the case only where the cavity is nearby [Slotki: for example, in a wall adjoining an enclosure that was bigger than two bet seahs], but here the channel in the courtyard is far removed [Slotki: from the section of the channel outside the town, which was of the size of neglected public domain]."*

D. *Rabina said, "Here we're dealing with a case in which outlets were made at the ends of the water channel, with rabbis consistent with their position [that the law of fictive extension does not apply to a gap three handbreadths wide], and Rabban Simeon b. Gamaliel consistent with his view [the channel is neglected public domain only where the widths of the outlets were not less than four handbreadths]."*

8:8

- A. **A balcony which is above water –**
- B. **they do not draw water from it on the Sabbath,**
- C. **unless they made for it a partition ten handbreadths high,**
- D. **whether above or below.**
- E. **And so two balconies, one above the other –**
- F. **[If] they made [a partition] for the one on top and did not do so for the one on the bottom,**
- G. **both of them are prohibited –**
- H. **unless they prepare a fictive fusion meal for a courtyard.**

- I.1** A. *Our Mishnah paragraph is not in accord with the position of Hanania b. Aqabayya, for it has been taught on Tannaite authority:*
- B. *R. Hanania b. Aqabayya says, "As to a balcony [over the sea] that has an area of four by four cubits, one cuts a hole into it four by four handbreadths and draws water through it."*

- C. Said R. Yohanan in the name of R. Yosé b. Zimra, “R. Hanania b. Aqabayya permitted doing so only at the Sea of Tiberias, because it has embankments, as well as towns and enclosures around it [so it is not neglected public domain], but not at other bodies of water.”

I.2 A. *Our rabbis have taught on Tannaite authority:*

- B. Three matters did R. Hanania b. Aqabayya permit the people of Tiberias: to draw water from a balcony on the Sabbath; to store produce in pea stalks; and to dry oneself with a towel on the Sabbath.

C. To draw water from a balcony on the Sabbath: *As we just said.*

D. To store produce in pea stalks: *What’s that about?*

E. *It is in line with that which has been taught on Tannaite authority:*

F. **If someone got up early to get some refuse, if he did so because of the dew that was on it, then the dew on the produce is subject to the rule, “If water be put on seed” (Lev. 11:34) [and the produce is susceptible to uncleanness, since the liquid is desired], but if he did so so that he might not be distracted from his usual work, then the dew on the produce is not subject to the rule, “If water be put on seed” (Lev. 11:34) [and the produce is insusceptible to uncleanness, since the liquid is not desired]. When no contrary intentionality was expressed, then [88A] the people of Tiberias are in the category of “so that he might not be distracted from his usual work [T. Mak. 2:3D-F].**

G. And to dry oneself with a towel on the Sabbath: *What’s that about?*

H. *It is in line with that which has been taught on Tannaite authority:*

I. A person may dry himself with a towel and put it on the windowsill, but he may not give it to the bath attendants, since they are suspect of that possibility [wringing it out to give to other people].

J. R. Simeon says, “He may dry off with one towel and bring it home in his hand.”

I.3 A. Said Rabbah bar R. Huna, “[That rule that a suspended partition on a balcony] has been taught only with respect to drawing water, but as to pouring out slops, it is forbidden to do so.”

- B. *Objected R. Shizbi, “Well, how is this case different from the case of a trough [Slotki: in a courtyard, a trough smaller than four cubits; when full the water runs over into public domain]?”*

C. *In the latter case water is absorbed into the ground* [so the tenants want the water to stay in private domain, and even though the water may overflow, it is permitted to pour it into the trough, which is private domain (Slotki)], *but in the former case the water is not absorbed* [Slotki: so any drop of water would flow beyond the partitions].

D. *There are those who say*, said Rabbah bar R. Huna, “Do not maintain it is permitted only to draw water but forbidden to throw out slops, since it is also permitted to pour out slops.”

E. Do not maintain it is permitted only to draw water but forbidden to throw out slops, since it is also permitted to pour out slops.”

F. *Said R. Shizbi*, “*That’s obvious – it’s no different from the case of the trough!*”

G. *What might you otherwise have supposed? In the one case the water is absorbed into the ground, in the other case not? So we are informed that that is not the case. [The same law applies throughout.]*

II.1 A. **And so two balconies, one above the other – [If] they made [a partition] for the one on top and did not do so for the one on the bottom, both of them are prohibited – unless they prepare a fictive fusion meal for a courtyard:**

B. Said R. Huna said Rab, “They taught this rule only to apply to a case in which the lower balcony is near the upper one, but if it was far from it, using the upper one is permitted.”

C. *And Rab is consistent with views expressed elsewhere*, for said Rab, “A person does not impose restrictions upon another if his only access to a spot is through the air.”

II.2 A. Said Rabbah said R. Hiyya, and R. Joseph said R. Oshayya said, “There is the possibility of robbery in regard to Sabbath domain [Slotki: someone may seize for the Sabbath another person’s ruin, which is near his house and neglected by its owner; this he uses on weekdays, and the seizure is valid so that, even on the Sabbath, he may move objects about in the area, as if it were his own property], and a ruin reverts to its owner.” [Slotki: The restrictions of the Sabbath cause the ruin to revert to the full title of the owner, so that the neighbor may not move things around in the area.]

B. *Well, now, there’s a contradiction in the body of what you have just said! First you say*, There is the possibility of robbery in regard to Sabbath domain, *from which it follows that the neighbor has acquired*

title to the area through robbery; but then you go on and say, a ruin reverts to its owner, from which it follows that the neighbor has not acquired title to the area through robbery.

C. This is the sense of the statement: The law of robbery governs in regard to Sabbath domain, in such wise that a ruin reverts to its owner.

- D. *Said Rabbah, “We raised an objection to this tradition of ours: **And so two balconies, one above the other – [If] they made [a partition] for the one on top and did not do so for the one on the bottom, both of them are prohibited – unless they prepare a fictive fusion meal for a courtyard.** Now if you maintain that the law of robbery governs in regard to Sabbath domain, why should restrictions apply [to the residents of the upper balcony, since the balcony reverts to them alone, even though the tenants of the lower balcony use the area during the weekdays]?*
- E. *Said R. Sheshet, “Here with what situation do we deal? It would be a case in which they made a partition in partnership.”*
- F. *If so, the same would be the rule if the partition was made on the lower balcony!*
- G. *Once it was made on the lower one, they made clear to the tenants of the upper balcony that for the purposes of the Sabbath they didn’t want to be associated with them.*

8:9

- A. **A courtyard which is less than four cubits [in area] –**
- B. **they do not pour slops into it on the Sabbath,**
- C. **unless they made for it a hole holding two seahs [in volume],**
- D. **from the edge downward,**
- E. **whether inside or outside [the courtyard].**
- F. **But: That which is outside one has to cover.**
- G. **And that which is inside one does not have to cover.**

8:10

- A. **R. Eliezer b. Jacob says, “A drain which is covered over for four cubits in the public domain –**
- B. **“they pour water [from the courtyard] into it on the Sabbath.”**
- C. **And sages say, “Even if a roof or a courtyard is a hundred cubits [in area],**

- D. “one should not pour water [directly] into the mouth of the drain.
- E. “But he pours it onto the roof, and the water goes down into the drain.”
- F. The courtyard and the portico join together to constitute the four cubits.

8:11

- A. And so two stories [of habitations] opposite one another [separated by a courtyard of less than four cubits] –
- B. some made a hole, and some did not make a hole –
- C. those who made the hole are permitted [to throw out slops].
- D. And those who did not make a hole are prohibited [from doing so].

I.1

- A. [A courtyard which is less than four cubits [in area] – they do not pour slops into it on the Sabbath, unless they made for it a hole holding two seahs [in volume], from the edge downward, whether inside or outside [the courtyard]:] *How come [if the area is more than four cubits, water may be poured out into it]?*
- B. Said Rabbah, “Because people ordinarily use up to two seahs of water a day, and he would be inclined to sprinkle it out in an area of four cubits, **[88B]** but in an area of less than that size, he would merely pour it out. *So if he made a trough [to accumulate the water and absorb it into the ground therein], he is permitted to pour out the water, but if not, he is forbidden to do so.*”
- C. R. Zira said, “An area of four cubits will absorb the water, but an area of less than that won’t.”

D. *What’s at stake in these diverse explanations of the same facts?*

E. *Said Abbaye, “At issue between them is a courtyard that was long and narrow”* [Zira would allow water poured out, since the water would be absorbed in the courtyard and wouldn’t pour into public domain; Rabbah would find such a narrow courtyard unsuitable for sprinkling (Slotki)].

F. *We have learned in the Mishnah: **The courtyard and the portico join together to constitute the four cubits.** Now that poses no problem to the position of R. Zira, but isn’t there a problem for Rabbah* [Slotki: as the portico doesn’t widen the courtyard, the latter remains unsuitable for sprinkling, so why should one be permitted to pour water in it]?

G. *R. Zira interpreted the matter within the framework of Rabbah's view: It speaks of a portico that ran along the face of the entire courtyard.*

H. *Come and take note: Into a courtyard that is not four by four cubits they do not pour slops on the Sabbath. Now this poses no problem for Rabbah [the courtyard was narrower than four cubits, though longer], but for R. Zira, isn't there a problem?*

I. *R. Zira may say to you, "Lo, who is the authority behind this rule? It is rabbis, but our Mishnah paragraph accords with the position of R. Eliezer b. Jacob."*

J. *Well, what forced R. Zira to assign our unattributed Mishnah rule to R. Eliezer b. Jacob?*

K. *Said Raba, "Our Mishnah paragraph presented him with this problem: Why specifically state, **a courtyard which is less than four cubits in area**? It would as well have formulated the rule, a courtyard which is less than four cubits by four cubits. [Slotki: That would have indicated that even if only one of the sides is less than four cubits in length, no water may be poured out into it.] So doesn't that imply that the anonymous rule stands for the position of R. Eliezer b. Jacob [who recognizes the principle of capacity for absorption (Slotki)]?"*

L. *Sure does.*

M. *Yes, but since the next clause is explicitly assigned to the authorship of R. Eliezer b. Jacob, how can we imagine that the anonymous opening clause also stands for his position?*

N. *The entire passage stands for the position of R. Eliezer b. Jacob, but it is a flawed presentation, and this is how it should be set forth as the Tannaite statement: **A courtyard which is less than four cubits [in area] – they do not pour slops into it on the Sabbath.** Lo, if it is four by four, they may pour out slops. For **R. Eliezer b. Jacob says, "A drain which is covered over for four cubits in the public domain – they pour water [from the courtyard] into it on the Sabbath."***

II.1 A. R. Eliezer b. Jacob says, "A drain which is covered over for four cubits in the public domain – they pour water [from the courtyard] into it on the Sabbath":

- B. *Our Mishnah paragraph is not in accord with Hanania, for it has been taught on Tannaite authority:*
- C. Hanania says, “Even if the area of a roof was a hundred cubits, one may not pour out slops, since the roof won’t absorb the water but makes it run down [into public domain].”

II.2 A. *A Tannaite statement:* Under what circumstances does the rule about [not pouring out water into a small courtyard without a trough] apply? That is in the dry season. But in the rainy season, one may continue pouring out water without limit.

B. *How come?*

C. Said Raba, “Someone wants the water to be absorbed on the spot [in the courtyard, and since it’s waterlogged now, he doesn’t mind adding his waste water there].”

D. Said to him Abbaye, “But lo, there is the case of slops, which someone wants to have absorbed on the spot, *and yet it is taught on Tannaite authority* not to pour them out [even if the area of a roof was a hundred cubits, one may not pour out slops].”

E. *He said to him, “In that case, namely, pouring out slops during the rainy season, against what should we take precautions? Should it be, because he may object to ruining the courtyard? But it’s ruined anyhow by the rain. If it is against the possibility of assuming that Mr. So-and-so’s gutter is spouting water, well, in general, all gutters do that”* [people will assume the water to be accumulated is rainwater, not waste water, so people won’t suppose they can carry from private to public domain (Slotki)].

- II.3** A. Said R. Nahman, “In the rainy season, if the trough can hold two seahs, one may pour two seahs of water into it, and if it can hold only one, one can pour in only one. In the dry season, if the trough can hold two seahs one can pour two seahs into it, but if it can hold one, one may not pour in any water at all.”
- B. *But in the dry season why not pour in a seah of water if it can hold a seah of water?*
 - C. *It’s a precautionary measure against the possibility of someone’s pouring two seahs of water into it.*
 - D. *Well, if that’s the case, why not make the same precautionary measure for the rainy season, too?*

- E. *Well, on what count should there be a precautionary measure? If it is because someone will not want to ruin his courtyard, it's ruined anyhow. If it is against the possibility of assuming that Mr. So-and-so's gutter is spouting water, well, in general, all gutters do that.*
- F. So, said Abbaye, "Therefore even a kor or two kors of water are permitted."

III.1 A. And so two stories [of habitations] opposite one another [separated by a courtyard of less than four cubits] – some made a hole, and some did not make a hole – those who made the hole are permitted [to throw out slops]. And those who did not make a hole are prohibited [from doing so]:

- B. Said Raba, "That is so even if they made a fictive fusion meal."

C. *Said Abbaye, "How come? Should I say on account of the large volume of water [four seahs, rather than two]? But hasn't it been taught on Tannaite authority: All the same to me are a trough, damaged vessel, pond, or tub: Even though they were filled with water on the eve of the Sabbath, people may pour slops into them on the Sabbath [though it overflows into public domain, so why should an increased volume of water prevent the use of the trough by tenants of both upper stories (Slotki)]? Rather, if such a statement has been made, this is how it was made: Said Raba, [89A] 'That is so only if they made no fictive fusion meal. But if they made a fictive fusion meal, they are permitted [use of the trough without restriction].'"*

D. *Well, if they made no fictive fusion meal, why aren't they allowed the same right?*

E. *Said R. Ashi, "It is a precautionary decree lest they bring out water in utensils from the houses to the trough."*