

II

BAVLI SUKKAH CHAPTER TWO

FOLIOS 20B-29B

2:1

- A. He who sleeps under a bed in a sukkah has not fulfilled his obligation.
- B. Said R. Judah, “We had the practice of sleeping under the bed before the elders, and they said nothing at all to us.”
- C. Said R. Simeon, “M’S^H B: Tabi, Rabban Gamaliel’s slave, slept under the bed.
- D. “And Rabban Gamaliel said to the elders, ‘Do you see Tabi, my slave — he is a disciple of a sage, so he knows that slaves are exempt from keeping the commandment of dwelling in the sukkah. That is why he is sleeping under the bed.’
- E. “Thus we learned that he who sleeps under bed has not fulfilled his obligation.”
- I.1** A. *But lo, [how can the bed be deemed to constitute a tent within the sukkah and so to intervene between a person sleeping under it and the sukkah-roofing, when the bed is not] ten handbreadths high?*
- B. *Samuel interpreted [the rule to speak] of a bed that is ten handbreadths high.*
- II.1** A. [Said R. Judah, “We had the practice of sleeping under the bed before the elders, and they said nothing at all to us:”] *We have learned in the following passage of the Mishnah:*
- B. All the same is the hole dug by water or reptiles or which salt-petre has eaten through, and so a row of stones, and so [a hollow space formed by] a pile of beams: all these constitute Tents and interpose before uncleanness, [preventing its egress or entry if they are a cubic handbreadth in area].
- C. R. Judah says, “Any Tent which is not made by man is no Tent.” [But he agrees concerning the power to constitute an overshadowing Tent imputed to clefts and overhanging rocks] [M. **Oh. 3:7V-Y**].
- D. *What is the scriptural basis for the view of R. Judah?*
- E. **[21A]** *He derives the meaning of the word “tent” from its use in connection with the tabernacle in the wilderness.*

- F. *Here it is written, "This is the Torah. As to a man, when he dies in a tent" (Num. 19:14).*
- G. *And elsewhere it is written, "And he spread the tent over the tabernacle" (Exo. 40:19).*
- H. *Just as, in that later passage, the tent qualifies only if it is made by man, so here, it qualifies only if it is made by man.*
- I. *And as to rabbis [of B. (M. **Oh. 3: 7**)], why do they not reach the same conclusion]? They regard the recurrence of the word "tent" to serve to encompass [tents deriving both from human and from natural action].*
- J. *[Now we come to the point of the foregoing citation.] Is it then the case that R. Judah takes the position that any tent which is not made by man is no Tent?*
- K. *The following objection was raised from a pertinent passage of the Mishnah:*
- L. **There were courtyards in Jerusalem, built on rock, and under them was a hollow, which served as a protection against a grave in the depths. And they bring pregnant women, who give birth there, and who raise their sons there. And they bring oxen, and on them are wooden saddles, and the youngsters sit on top of them, with cups of stone in their hands. When they reached the Siloam, they descended and filled them, mounted and sat on top of them. R. Yosé says, "From his place did he let down and fill the cup without descending" [M. **Par. 3:2**].**
- M. *And in this connection it has been taught on Tannaite authority: R. Judah says, "They did not make use of wooden saddles but rather of oxen [with broad bellies]" [T. **Par. 3:2G**].*
- N. *Now oxen constitute [for the purpose of the law at hand] a Tent [since they clearly serve to interpose between the children riding them and any grave in the depths over which they may ride,] yet [they are] a Tent not made by man, and lo, it has been taught on Tannaite authority. R. Judah says, "They did not make use of wooden saddles but rather of oxen"!*
- O. *When R. Dimi came, he said R. Eleazar [said], "R. Judah concurs concerning a [Tent] that is of the size of a fist [that is, larger than a handbreadth. Even though a tent of such size is not made by man, it nonetheless constitutes a valid tent.]" [That would then harmonize the two passages. In the case in which Judah does not regard a hole as a tent, as at M. 3:7V-W's hole dug by water or insects, it is because it is a small hole not made by man. In the case where he does, it is because it is a big one.]*
- P. *So too it has been taught on Tannaite authority:*
- Q. **R. Judah concurs in the case of clefts and overhanging rocks [M. **Oh. 3:7Y**].**
- R. *Yet there is the case of the wooden saddles, which are many times the size of a fist [and so should be regarded as adequate to serve as Tents to intervene against the effects of a grave in the depths], and yet in that regard, it has been taught:*
- S. **R. Judah says, "They did not bring wooden saddles but rather oxen" [T. **Par. 3:2G**]. [So the oxen served instead of wooden saddles, which should surely be large enough.]**

- T. Said Abbaye, “[His sense is that] they did not have to bring wooden saddles [because they could make do merely with the oxen, contrary to the story told in the Mishnah’s version].”
- U. Raba said, “They did not bring wooden saddles at all, for, since a child is thoughtless, he might poke out his head or one of his limbs and contract corpse-uncleanness **[21B]** from a grave in the depths.”
- V. *It has been taught on Tannaite authority in accord with the view of Raba:*
- W. R. Judah says, “They did not bring wooden saddles at all, for, since a child is thoughtless, he might poke out his head or one of his limbs and contract corpse-uncleanness from a grave in the depths. Rather, they bring Egyptian oxen, which have broad bellies, and the children sit on top of them, with cups of stone in their hands. When they reached the Siloam, they descended and filled them, mounted and sat on top of them.”
- X. *[Now reverting to the Mishnah-passage at hand, we ask:] Lo, a bed is any number of fists in height, and yet we have learned in the Mishnah: **Said R. Judah, “We had the practice of sleeping under the bed before the elders...” [M. Suk. 2:1B].*** [So a bed is no tent but it should be regarded as one in line with the foregoing.]
- Y. *A bed is different [from the case at hand], because it is made [so that someone can sleep] on top of it. [Sleeping underneath it then changes the normal practice and is not taken into account. The bed used in an unusual way does not constitute a tent.]*
- Z. *But oxen also are used [to be sat upon], [so that is no proper distinction between the two cases, which contradict one another].*
- AA. *When Rabin came, he said R. Eleazar [said], “The oxen are different, for they serve as protection against the sun for shepherds in the hot season, and against rain in the rainy season [so it would be usual to sit underneath, not only on top of, an ox, unlike the case of a bed.]”*
- BB. *If that is the argument, then the same may be said of the bed, which covers up [serves as a tent over] shoes and sandals that are placed underneath it.*
- CC. *Rather, said Raba, “The case of oxen is different, since their bellies serve to afford shelter for their intestines [so forming a tent beneath], as it is written, ‘You have clothed me with skin and flesh and covered me with bones and sinews’ (Job. 10:11). [Slotki, p. 92, n. 8: “Covered” implies “shelter,” “tent.”]*
- DD. *If, on the other hand, you prefer, I may propose [a different explanation for Judah’s view that it is all right to sleep under a bed in a tent namely], R. Judah is consistent with his position stated elsewhere.*
- EE. *For he has said that, for a sukkah, we require a permanent dwelling, while a bed provides at best only a temporary dwelling. Since a sukkah is a permanent Tent, a temporary Tent, namely, the bed, cannot come along and invalidate a permanent tent.*
- FF. *And lo, it is R. Simeon who has also said, “A sukkah is to be a permanent dwelling, but, [nonetheless, Simeon maintains at M. 2:1C-E] that a temporary tent — a bed — may indeed come along and invalidate a permanent tent.*
- GG. *This is what is at issue between the two [at M. 2:1]:*

HH. *One authority [Simeon] takes the view that a temporary Tent does come along and invalidate a permanent Tent, and the other master [Judah] takes the position that a temporary Tent may not come along and invalidate a permanent Tent.*

III.1 A. Said R. Simeon, “**M’SH B: Tabi, Rabban Gamaliel’s slave, slept under the bed. And Rabban Gamaliel said to the elders, ‘Do you see Tabi, my slave — he is a disciple of a sage, so he knows that slaves are exempt from keeping the commandment of dwelling in the sukkah. That is why he is sleeping under the bed.’ Thus we learned that he who sleeps under bed has not fulfilled his obligation:**”

B. *It has been taught on Tannaitic authority:*

C. Said R. Simeon, “From the day to day remarks of Rabban Gamaliel we learned two lessons.

D. “We learned that slaves are exempt from the religious requirement of dwelling in a sukkah.

E. “And we learned that **he who sleeps under a bed has not fulfilled his obligation**” [M. 2:1E].

F. *And should one not say, “From the teachings of Rabban Gamaliel” [rather than “from the day-to-day remarks...”]?]*

G. *In phrasing matters as he did, he tells us a tangential lesson.*

H. *What he says is in accord with that which Rab Aha bar Adda [said] — and some say that Rab Aha bar Adda said Rab Hamnuna said Rab said, “How do we know that even the day-to-day remarks of disciples of sages require close study?*

I. “As it is said, ‘And whose leaf does not wither’ (Psa. 1: 3).” [Slotki, p. 93, n. 3: The righteous man is compared to the tree and his casual talk to the leaf.]

M. 2:1A’s theory, in line with M. 1:2’s, is that the bed constitutes a tent within the sukkah. One has thus not slept in the sukkah — under its roofing — but under the tent constituted by the bed. The dispute, B, C-E, then consists of contradictory precedents. Unit I:1 provides a minor clarification of the passage at hand. Unit II:1 investigates the position of Judah on what constitutes a valid tent. The issue is pertinent, since the Mishnah-rule will not accept as valid a sukkah — that is, a tent — inside of another one, and yet, we see, Judah allows sleeping under a bed. The pertinent passages are nicely harmonized. Unit III:1 moves on to Simeon’s statement, in contradiction to Judah’s. So the three units proceed in order from M. 2:1A, to M. 2:1B, to M. 2:1C-E.

2:2 A-B

A. He who props his sukkah up with the legs of a bed — it is valid.

B. R. Judah says, “If it cannot stand on its own, it is invalid.”

I.1 A. *What is the reason for the view of R. Judah [at M. 2:2B]?]*

B. *There was a dispute on this matter between R. Zira and R. Abba bar Mammel.*

C. *One said, “It is because [if the sukkah cannot stand on its own], it does not enjoy permanence.”*

D. *The other said, “It is because one thereby holds up the sukkah with something that is susceptible to uncleanness [if he leans it against a wall].”*

- E. *What is the practical difference between the two positions?*
- F. It would be the case of someone who knocked iron stakes into the ground and spread sukkah-roofing over them.”
- G. *In the view of him who has said that the reason is that the sukkah lacks permanence, lo, in this case there really is permanence.*
- H. *In the view of him who has said that it is because one holds up the sukkah with something that is susceptible to uncleanness, lo, in this case one indeed holds up the sukkah with something that is susceptible to uncleanness. [So the former would validate the arrangement, the latter would invalidate it, both doing so in Judah’s name.]*
- I. Said Abbaye, “What has just now been said applies only if one has leaned [the legs of a bed against a wall]. But if one spread sukkah roofing on the bed itself [so that the bed provides the walls, but the roof is supported on independent poles, which do not receive uncleanness], it is a valid arrangement.
- J. *“What is the operative consideration?*
- K. *“In the view of him who has said that the reason is that the former arrangement lacks permanence, lo, here there is permanence.*
- L. *“In the view of him who has said that the operative consideration is that one holds up the sukkah with something that receives uncleanness, lo, [as just now defined], here the householder does not set up the sukkah with something that receives uncleanness.”*

The Talmud does a first rate job of both explaining the position of Judah and also explaining the implications of the adduced explanations.

2:2 C-H

- C. [22A] **A sukkah [the roofing of which] is loosely put together,**
- D. **but the shade of which is greater than the light,**
- E. **is valid.**
- F. **The [sukkah] [the roofing of which] is tightly knit like that of a house,**
- G. **even though the stars cannot be seen from inside it,**
- H. **is valid.**
- I.1** A. *What is the meaning of [a sukkah, the roofing of which is] loosely put together?*
- B. Said Rab, “It is an impoverished sukkah.”
- C. And Samuel said, “It is a sukkah in which one reed is above another, [so that the reeds are not on the same level].”
- D. *Rab repeated [the opening clauses, C-E] as a single phrase, and Samuel repeated them as two phrases.*
- E. *Rab repeated it as a single phrase: “A sukkah, the roofing of which is loosely put together, [and] what is the meaning of loosely put together? Loosely put together, but the shade of which is greater than the light, is valid.”*

F. *Samuel repeated them as two phrases: “What is the meaning of loosely put together? And the passage provides two distinct rulings. A sukkah, the roof of which is loosely put together, is valid, and one, the shade of which is greater than its light, likewise is valid.”*

I.2. A. Said Abbaye, “The teaching [I.1 C, concerning a sukkah whose roof is made of reed that lie on different levels] applies only to a case in which there is not a [horizontal] gap between one reed and another of more than three handbreadths but if there is a gap between one and the next of more than three handbreadths, [the sukkah-roofing] is invalid.”

B. Said Raba, “Even if there is a [horizontal] gap of more than three handbreadths between one reed and another, we do not rule [that the arrangement is invalid], unless [a section of the] roof is not a handbreadth [wide]. But if a reed is a handbreadth, the sukkah-roofing [arranged in this way] is in any case valid [even if it is three handbreadths higher than the lower reed]. *[The reason is that we invoke the rule of fictively regarding the upper sections of the roof as] forced downward and treated as level [with the rest of the roof].*” [Slotki, p. 94, n. 11: A legal fiction whereby a plane is regarded as though it were placed at a lower level. The section of the roof (i.e. a bunch of reeds) which is raised above the others is regarded as though it were lying on the same level as the lower ones. The necessity of a handbreadth of width is explained forthwith.]

C. *Said Raba, “How do I know that when [the upper section of the roof] is a handbreadth, we invoke the fictive principle that it is forced downward and levelled, and that when [the upper section of thereof] is not a handbreadth, we do not invoke the fictive principle that the reed is forced downward and levelled?*

D. *“For we have learned in the following passage of the Mishnah:*

E. **“The beams, each a square handbreadth, of the house and of the upper room, on which there is no plaster, and which lie exactly in line with one another — if uncleanness is under one of the lower ones, space under it is unclean. If uncleanness is between a lower and an upper beam, only the space between them is unclean. Uncleanness is on an upper one — space directly above it up to the firmament is unclean. If the upper ones lay directly above and opposite the gaps between the lower ones, if uncleanness is under one of them, the space under all of them is unclean. If uncleanness is on top of them, the space directly above it up to the firmament is unclean [M. Oh. 12:5].**

F. *“In this regard it has been taught on Tannaite authority:*

G. **“Under what circumstances? When they have a square handbreadth [forming a tent] and between them is the space of a handbreadth. And if they do not have a square handbreadth between them, if uncleanness is located underneath one of them, [the space] underneath it is unclean. [The space] between the boards and on top of them is clean [cf. T. Ah. 13:7].**

H. *“It follows, therefore, that where there is a handbreadth [in one of the beams] we do invoke [the principle of fictively regarding the beam] as forced downward and treated as level [with the other beams], and where there is not a handbreadth [in one of the beams], we do not invoke [the principle of fictively regarding the beam] as forced downward and treated as level [with the other beams].”*

- I. *That indeed does prove [Raba's case].*
- J. *R. Kahana was in session and cited this tradition [of Raba about the requisite breadth of the bunch of reeds or beam]. Said R. Ashi to R. Kahana, "And is it the case that, wherever there is not a handbreadth [in the dimensions of the reed or beam], we do not invoke [the principle of fictively regarding the beam] as forced downward and treated as level [with the other beams or reeds]?"*
- K. *"And has it not been taught on Tannaite authority:*
- L. **"In the case of a beam projecting from one wall [of an alley way toward the other, which we wish to regard as forming a cross beam for purposes of forming a fictive gateway to close off the alleyway and treat it as a single domain for purposes of carrying on the Sabbath], which does not reach the opposite wall,**
- M. **"and so too two beams, one protruding from one wall and the other protruding from the other wall, which do not touch one another —**
- N. **"[if there is a distance of] less than three [handbreadths between them], one does not have to bring another [beam to close off the space].**
- O. **"[If there is a space] of three [handbreadths between them], one does have to bring another [beam to close off the space].**
- P. **"Rabban Simeon b. Gamaliel says, [22B] 'If it is less than four handbreadths, one does not have to bring another [beam]. If it is four handbreadths [or more], one does not have to bring another [beam].**
- Q. **"So in the case of two beams which run parallel to one another, and in the one there is not enough breadth to hold a half-brick, nor in the other enough breadth to hold a half brick,**
- R. **"if they can hold a half-brick placed breadthwise, [on their breadth of an entire handbreadth,] it is not necessary to bring another [beam], and if not, it is necessary to bring another [beam].**
- S. **"Rabban Simeon b. Gamaliel says, 'If they can hold a half brick placed lengthwise, over a distance of three handbreadths, it is not necessary to bring another [beam], and if not, it is necessary to bring another [beam].'**
- T. **"If one was above and one was below, R. Yosé b. R. Judah says, 'They regard the lower one as if it goes upward, and the upper one as if it goes downward, on condition that the upper one not be more than twenty cubits from the ground, and the lower one not lower than ten handbreadths from the ground' [T. Er. 1:4-6, with different wording].**
- U. *"[What follows from the cited passage?] Lo, if both protruding beams lay within twenty cubits of the ground, we do invoke [the fictive principle that] the upper beam is regarded as forced down and levelled with the lower one, [and that is the case even though the distance between one beam and the other was more than three cubits], even though [in the beam] is not a handbreadth [contrary to Raba's view, H].'"*
- V. *He said to him, "This is how to respond: And I invoke the rule on condition [now revising the language of T] that the upper one not be*

more than twenty cubits from the ground, and the lower one at least three handbreadths from the upper one.

- W. *“Or, alternatively: On condition that the lower one not be within ten handbreadths of the ground but rather above ten handbreadths, and the upper one be within at least three handbreadths of it.*
- X. *“But [if they were] three handbreadths apart, if one of the beams is not a handbreadth, we do not invoke [the principle of fictively regarding the upper beam] as being forced down and levelled [with the lower one].”*

II.1A. But one, the shade of which is greater than the light, is valid [M. 2:2D-E]:

- B. *But if the light and shade areas are equivalent, it is invalid.*
- C. *But lo, we have learned in the Mishnah of the earlier chapter: If the light is greater than the shade, it is invalid [M. Suk. 1:1E-F].*
- D. *That would indicate, therefore, that if they are equivalent, it is valid.*
- E. *There is no real contradiction, since the former [in which case, if the areas are of equal size, the sukkah is invalid] is when the sukkah is seen from above [that is, from the perspective of the roofing], the latter [in which the sukkah is valid], is when the sukkah is seen from below. [Slotki, p. 97, n. 5: If in the roof there is as much open as covered space, then it is invalid, since the sun appears on the floor in broader patches than the shade; if on the floor (below) there is as much sunshine as shade, it is evident that there is more of the roof covered than open. The idea is that the beams of the sun widen from the roof to the floor.]*
- F. *Said R. Pappa, “This is in line with what people say: ‘What is the size of a zuz above becomes the size of an issar [a much larger coin] below.’”*

III.1 A. [The sukkah,] the roofing of which is tightly knit like that of a house... [M. 2:2F]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. **[The sukkah,] the roofing of which is tightly knit like that of a house, even though the stars cannot be seen from inside it, is valid [M. 2:2F-H]:**
- D. *If the rays of the sun cannot be seen through [the roofing],*
- E. *the House of Shammai declare it invalid.*
- F. *And the House of Hillel declare it valid.*

So long, M. 2:2C-E, F-H, as the roofing conforms to the basic requirement, M. 1:1E, the sukkah is valid. Unit II is continuous with unit I, which begins with the exegesis of the language of the Mishnah, so the whole forms a protracted inquiry into the fundamental principles of the law, underlying both the passage at hand (as Samuel and Abbaye explain it) and the quite distinct materials of tractate Erubin. The long citation of materials similar to what we find in the Tosefta is needed only for what occurs at the very end.

2:3

- A. **He who makes his sukkah on the top of a wagon or a boat — it is valid.**
- B. **And they go up into it on the festival day.**
- C. **[If he made it] at the top of the tree or on a camel, it is valid.**
- D. **But they do not go up into it on the festival day.**

- E. [If] two [sides of a sukkah] are [formed by] a tree, and one is made by man,
- F. or two are made by man and one is [formed by] a tree,
- G. it is valid.
- H. But they do not go up into it on the festival day.
- I. [If] three are made by man and one is [formed by] a tree, it is valid.
- J. And they do go up into it on the festival day.
- K. [23A] This is the governing principle: In the case of any [sukkah] in which the tree may be removed, and [the sukkah] can [still] stand by itself, it is valid.
- L. And they go up into it on the festival day.

- I.1 A.** [He who makes his sukkah on the top of a wagon or a boat — it is valid:] *In accord with which authority is the rule of the Mishnah-paragraph [M. 2:3A]?*
- B. *It accords with the view of R. ‘Aqiba. For it has been taught on Tannaite authority:*
- C. *He who makes his sukkah on the deck of a ship —*
- D. *Rabban Gamaliel declares it invalid.*
- E. *And R. ‘Aqiba declares it valid.*
- F. *There is a precedent involving Rabban Gamaliel and R. ‘Aqiba, who were traveling on a boat. R. ‘Aqiba went and made a sukkah on the deck of the ship. On the next day the wind blew and tore it away. Said to him Rabban Gamaliel, “‘Aqiba, where is your sukkah!”*
- I.2. A.** *Said Abbayye, “All parties concur in a case in which a sukkah cannot withstand an ordinary land breeze, that such a sukkah is null.*
- B. *“If a sukkah can stand in an uncommon land breeze, all parties concur that it is a valid sukkah.*
- C. *“Where there is a dispute, it concerns a sukkah that can stand in a commonplace land breeze but cannot stand in a [supply:] commonplace sea breeze.*
- D. *“Rabban Gamaliel takes the view that a sukkah is meant to be a permanent dwelling, and since this one cannot stand in a commonplace sea breeze, it is null.*
- E. *“R. ‘Aqiba takes the position that we require merely a temporary dwelling, and since this sukkah can withstand an ordinary land breeze [even though it cannot withstand a sea breeze], it is valid.”*

- II.1 A.** [If he made it at the top of a tree] or on a camel, it is valid [M. 2:3C]:
- B. *In accord with which authority is the rule of the Mishnah-paragraph [at M. 2:3C]?*
- C. *It is R. Meir, for it has been taught on Tannaite authority:*
- D. *He who makes his sukkah on a beast —*
- E. *R. Meir declares [the sukkah] valid.*
- F. *And R. Judah declares it invalid.*
- G. *What is the scriptural basis for the view of R. Judah?*
- H. *Scripture has stated, “You shall keep the feast of Sukkot for seven days” (Deu. 16:13).*
- I. *A sukkah that is suitable for use for seven days is regarded as a sukkah.*

- J. A sukkah that is not suitable for use for seven days is not regarded as a sukkah.
- K. *And R. Meir? In his view, from the perspective of the law of the Torah, such a sukkah likewise may serve [even though it would not be ideal]. It is merely the rabbis who have made a precautionary decree against such a sukkah.*

II.2. A. If one made a beast as a wall for a sukkah —

- B. R. Meir declares it invalid.
- C. And R. Judah declares it valid.
- D. For R. Meir would say, “Of anything that is animate people may not make use either for the wall of a sukkah, the sidebeam for an alley [for use in fictively turning the alleyway into an enclosed space for common carrying on the Sabbath], boards around wells [for the same purpose], or a stone for covering a grave.”
- E. In the name of R. Yosé the Galilean they said, “Also they do not write on an animate creature a writ of divorce for a woman.”
- F. *What is the reason for the position of R. Meir [that an animate object may not serve as a wall for a sukkah]?*
- G. Abbaye said, “Lest the beast die [and deprive the sukkah of its services].”
- H. R. Zira said, “Lest the beast escape [with the same effect].”
- I. *[In the case of a shackled elephant,] all parties concur [that the sukkah is valid], for, should it die, its carcass [nonetheless will form a wall of at least] ten handbreadths in height.*
- J. *Where there is a dispute, it concerns an elephant that is not shackled.*
- K. *From the viewpoint of him who has said, “... lest the beast die,” we do not take account of that possibility, [since even in death the beast will continue to serve, as just now stated].*
- L. *From the viewpoint of him who has said, “We make a precautionary decree lest the beast escape,” we surely should take account of the possibility that [the unshackled beast] will escape.*
- M. *But in the view of him who has said that the operative consideration is that the beast may die, should we not take account of the possibility that it may escape?*
- N. *Rather [revising H-K], in the case of an elephant that is not shackled, all parties concur [that the sukkah relying upon such an elephant for one of its walls would be invalid].*
- O. *Where there is a dispute, it concerns a beast [of commonplace size, not so large as an elephant], that is shackled.*
- P. *In the view of him who has said that the operative consideration is a precautionary decree, lest the beast die, here too we take account of that possibility.*
- Q. *In the view of him who has said that we make a precautionary decree lest the beast escape, we do not take account of that possibility [since the beast is properly shackled and cannot escape. Hence the wall remains firm.]*
- R. *But in the view of him who has said that the operative consideration is lest the beast escape, should we not take account of the possibility that it may die? [Surely that remains a consideration, even while the probability of escape is nil.]*

S. *Death is not so commonplace, [that we have to take that possibility into account in the case of the shackled beast.]*

II.3. A. *But is there not too much open space between the animal's legs [so that the animal cannot form a valid wall]?*

B. *We deal with a case in which the space is stuffed with branches of palms and bay-trees.*

C. *But the animal might lie down [and crush the filling]?*

D. *We deal with a case in which the animal was suspended with ropes from above [!] [and will not lie down and crush the filling or diminish the height of the wall that it constitutes].*

E. *Now in the view of him who has said that we make a precautionary decree to take account of the possibility that the beast will die, [and that is why a sukkah with a wall formed by a beast is invalid], lo, one suspends the beast with ropes from above. [So why take account of the death of the beast? After all, being suspended, the carcass will still perform its service to the sukkah.]*

F. *There may be a case in which, when the beast is alive, it is set up three handbreadths from the sukkah-roofing [hence in a valid position], but [23B] when the beast dies, its carcass will shrink, and that possibility will not have been taken into account by the owner [and so the sukkah will become invalid without the owner's knowledge].*

II.4. A. *Now did Abbayye say [2.G] that it is R. Meir who takes account of the possibility of the beast's dying, and R. Judah who does not take account of such a possibility?*

B. *And have we not learned in the Mishnah:*

C. **An Israelite girl married to a priest whose husband went overseas eats priestly rations in the assumption that her husband is alive [M. Git. 3:3G-I].**

D. *Now the following objection was raised in this regard:*

E. *"Lo, here is your writ of divorce, to take effect one hour before I die," — the wife is forbidden to eat priestly rations forthwith [since we do not know when the husband will die].*

F. *[Now, in dealing with the contradiction between the cited passage of the Mishnah and the following statement,] said Abbayye, "There is no contradiction. The one case represents the view of R. Meir, who does not take account of the possibility that the husband may die while overseas,] and the other case represents the view of R. Judah, who does take account of the possibility that the husband may die [suddenly].*

G. *For it has been taught on Tannaite authority:*

H. **He who purchases wine among Samaritans [in a situation in which he cannot separate tithes right away, but wishes to drink the wine], says, "Two logs out of one hundred which I shall separate, behold, these are made priestly rations, and the following ten logs are made first tithe, and the following nine logs are made second tithe." He regards the wine as unconsecrated produce and drinks it [M. Dem. 7:4, Sarason, Demai, p. 243], the words of R. Meir [T. Dem. 8:7AA].**

- I. **[24A] R. Judah, R. Yosé, and R. Simeon prohibited [doing so] [T. Dem. 8:7BB].**
- J. *The attributions then should be reversed. R. Meir takes account of the possibility of death, and R. Judah does not take account of the possibility of death. [We reverse Abbaye's attributions.]*
- K. *For it has been taught on Tannaite authority:*
- L. *If one made a beast into a wall for a sukkah,*
- M. *R. Meir declares it invalid.*
- N. *And R. Judah declares it valid.*
- O. *Nonetheless, is there not a contradiction between what R. Meir says [concerning the conditional designation of tithes and priestly rations, in which case he disregards the possibility that some sort of accident — whether the breaking of the wineskin, which will make it impossible later on to do what the man now declares he will do, or whether the death of the man, which will have the same effect — will take place, and the matter of the use of the beast for a wall of a sukkah, in which case he takes full account of the possibility of some sort of disqualifying accident].*
- P. *R. Meir may reply to you, “The accident of death is commonplace, [the accident of] the breaking of the wine skin is not commonplace. It is possible to hand it over to a watchman [to make sure that the wine remains available. But the case of the sukkah is different.]”*
- Q. *[We proceed to address the same question to Judah.] There is a contradiction between what R. Judah says [concerning the conditional designation of tithes and the like, in which case he takes account of the possibility of an untoward accident, and the matter of the use of the beast for a wall for the sukkah, in which case he does not take account of the possibility of an accident].*
- R. *The operative consideration for R. Judah's views [in the matter of the conditional designation of the tithes and priestly rations of wine in the wineskin] is not the matter of the possibility of an untoward accident, namely, the splitting of the wineskin [which will leave no wine available for the actual fulfillment of the man's original condition, but a quite separate principle]. Specifically, R. Judah does not concede the principle of post facto selection. [That is, some hold that we retrospectively apply the results of a selection made only later on in produce to be assigned to the several tithes. In Judah's view what one will do later on has no retroactive validity. That is why he prohibits the entire procedure.]*
- S. *But does R. Judah not take account of the possibility of the splitting of the wineskin? [Is the only issue retrospective selection, which he denies?]*
- T. *And lo, note what is taught on Tannaite authority at the end of the same passage:*
- U. **They said to R. Meir, “Do you not concede that if his wineskin bursts after he has drunk the wine but before he has separated tithes from the remainder, he has drunk fully untithed produce?”**

- V. **He said to them, “Only when it actually bursts. But we do not scruple from the outset, since this is not a common occurrence” [T. Dem. 8:7CC-DD, Sarason, Demai, p. 249].**
- W. *Would this passage not present the implication, then, that R. Judah does take account of the possibility that the skin may break?*
- X. *[Not really, for] in that case, it is R. Judah who is addressing R. Meir in this wise: “In my view, I maintain that we do not invoke the principle of retrospective selection [such as you would hold], but by your own reasoning, by which we do invoke the principle of retrospective selection, do you nonetheless not concur that, in any event, the wine skin may burst?”*
- Y. At that point, [Meir then] replied to him, **“Only when it actually bursts...”**
- Z. *But does R. Judah not take account of the possibility of untoward death?*
- AA. *And lo, we have learned in the Mishnah:*
- BB. **[Seven days before the Day of Atonement... they appoint another priest as the high priest’s possible substitute, lest some cause of invalidation overtake him.] R. Judah says, “Also: they appoint another woman as a substitute for his wife, lest his wife die...” [M. Yoma 1:1D-E].**
- CC. *[No, that poses no problem, for] it has been stated in this regard: Said R. Huna, son of R. Joshua, “Sages imposed a higher requirement on the [Day of] Atonement [and normally would not take account of the possibility of sudden death].”*

II.5. A. *Both the one who maintains that the operative consideration is that the beast might die, and the one who holds that the criterion is that the beast might flee, [will concur that,] viewed from the aspect of the law of the Torah, a beast constitutes a perfectly acceptable partition, and it is only rabbis who made a precautionary decree. [Accordingly, we now ask about the status of the issue at hand.]*

B. *If that is the case, then, in the view of R. Meir, the beast should impart uncleanness when it serves as a rolling stone to seal a grave. [Slotki, p. 102, n. 7: Since according to Pentateuchal law it is a valid partition, it ought to contract uncleanness, even if the rabbis decreed later that it is no valid partition. With regard to sukkah and the alley the rabbinical decree might well be upheld, since it restricts the law, but in the case of uncleanness, where it leads to a relaxation of the Pentateuchal law, the rabbinical decree must obviously be disregarded.]*

C. *Why, then, have we learned in the Mishnah:*

D. **[R. Judah declares that] An animate creature which is used to cover up the entrance of a tomb imparts uncleanness as a sealing-stone [M.’s text lacks “R. Judah declares”]. But R. Meir declares it insusceptible to uncleanness when used for that purpose [M. Er. 1:7D-E]. [Meir could not maintain that the uncleanness at hand is pentateuchal in authority and must then hold that it is a decree of rabbis that is involved.]**

- E. *Rather, said R. Aha bar Jacob, “R. Meir takes the view that any partition that [Slotki:] is upheld by wind is no partition.”*
- F. *There are those who report the matter as follows: Said R. Aha bar Jacob, “R. Meir takes the view that any partition which is not made by human action is no partition.”*
- G. *What is at issue between these two versions [of Meir’s view]? At issue is a case in which one set up [the wall] with an inflated wineskin.*
- H. *In the view of the one who holds that a partition that is upheld by wind is no partition, lo, in this case we have a partition that is upheld by wind [and it is unsuitable in Meir’s view].*
- I. *In the view of one who holds that if it is not made by human action [it is no partition,] [24B] lo, this one is made by human action.”*

- II.6.** A. A master has stated: “In the name of R. Yosé the Galilean they said, ‘Also they do not write on it [i.e., an animate object] a bill of divorce for a woman:’”
- B. *What is the scriptural basis for the position of R. Yosé the Galilean?*
 - C. *It is in accord with that which has been taught on Tannaite authority:*
 - D. “[He will write her] a writ [of divorce],” (Deu. 24: 1) —
 - E. I know only that one may use a writ. How do I know that the law encompasses anything?
 - F. Scripture states, “He will write for her...” — in any manner.
 - G. If so, why does Scripture state, “A writ...”
 - H. It is to indicate to you that just as a “writ” is something which is inanimate and does not consume [produce], so anything that is inanimate and does not consume produce [may be used, thus excluding animate creatures].
 - I. And rabbis?
 - J. *If the Scripture had stated, “... in a writ...,” matters would have been as you claim. But now that it is written, “... a writ...,” the purpose is so as to make known matters in general.*
 - K. *And as to the language, “... write...” how do rabbis interpret it?*
 - L. *They require that expression to indicate that it is through the act of writing [the bill of divorce] that a woman is divorced, and it is not through the payment of money [owing on the occasion of the divorce] that the woman is divorced.*
 - M. *[Why would someone have thought otherwise]? It might have entered your mind to rule that, since the leaving of the marriage is compared to the establishment of the marriage, just as the relationship at the outset is established through the payment of money, so at the end the relationship may be broken off through the payment of money. Accordingly we are informed that that is not the case.*
 - N. *Now how, for his part, does R. Yosé the Galilean attain that same principle, [since he interprets the language of the verse at hand for another purpose]?*
 - O. *He derives that lesson from the language, “a writ of divorce,” meaning, “A writ is what cuts the relationship, and no other consideration cuts the relationship.”*
 - P. *And the other party?*

- Q. *That formulation is required to indicate that the relationship is broken off through something that effectively severs the tie between him and her.*
- R. *For it has been taught on Tannaite authority:*
- S. [If the husband said], “Lo, here is your writ of divorce, on the condition that you not drink wine, that you not go to your father’s house for ever,” this is not an act of totally severing the relationship.
- T. [If he said,] “... for thirty days...,” lo, this is an act of severing the relationship. [The husband cannot impose a permanent condition, for if he could do so, then the relationship will not have been completely and finally severed.]
- U. *And the other party?*
- V. *He derives the same lesson from the use of the language, “total cutting off” as against merely “cutting off.”*
- W. *And the other party?*
- X. *The rabbis do not derive any lesson from the variation in the language at hand.*

The operative principle is that one may not make use of a tree or a camel on the festival day (M. Bes. 5: 2). The restrictions then are the same as they are on the Sabbath. The contrast between M. 2:3A-B and C-D is therefore quite clear. E-L then form a secondary, and rather extended, expansion of the same point as is made about C. If the sukkah depends upon the tree, then it may not be used on the festival day. If it stands on its own and does not depend on the tree, then it may be used on the festival, as M. 2:3K-L explain. So what we have is a primary statement, in rather trivial terms, and then a secondary development, somewhat overblown, given the obvious point to be made here. The Talmud explores the slightly silly possibility that someone uses a beast to form the wall of a sukkah, a conception that the framer of the Mishnah cannot imagine, e.g., at M. 2:3C. The discussion of the issue of not using a beast is really focused upon the operative considerations, and this leads us to identify the authority behind the two distinct criteria. Once we have determined that a given authority espouses one of the two principles, we forthwith investigate whether or not that authority remains consistent through other cases in which the same principle applies. The discussion thus is continuous, protracted, and beautifully composed, even though we can identify a number of distinct subunits.

2:4A

- A. **He who makes his sukkah among trees, and the trees are its sides — it is valid.**
- I.1** A. Said R. Aha bar Jacob, “Any partition that cannot stand in an ordinary wind is not regarded as a valid partition.”
- B. *We have learned in the Mishnah: **He who makes his sukkah among trees, and the trees are its sides — it is valid [M. 2:4A].***
- C. *And lo, they go back and forth.*
- D. *Here with what do we deal? It is with a strong tree [which does not sway].*
- E. *But lo, there are the branches [which do sway]?*

- F. *We deal with a case in which he wove the branches with shrubbery and bay trees [to make them solid].*
- G. *If that is the case, what purpose is there in stating the rule [since the partition in this case would be entirely valid]?*
- H. *What might you have said? We should make a precautionary decree against such an arrangement, lest someone come and make use of the tree [e.g., to support objects on the festival day, which would be forbidden]?*
- I. *So we are informed [that we make no such decree].*
- J. *Come and take note: **If there was a tree, fence or a partition of reeds, these are regarded as equivalent to a corner piece [of boards] [T. Er. 1:15A].*** [These partitions would move with the wind, yet are valid].
- K. *We deal here too with a case where it is valid because the owner has woven the branches with shrubbery and bay trees [to make them solid].*
- L. *Come and take note: **A tree which overshadows the ground — if its foliage was not three handbreadths above the ground, they carry under it [in the theory that it forms a partition and designates a distinct domain thereby] [M. Er. 10:8A-C].***
- M. *Why should that be the case? Lo, the branches move back and forth [with the wind and so should not be regarded as a valid partition]?*
- N. *Here too, it is valid, because the owner has woven the branches with shrubbery and bay trees.*
- O. *If so, then a person should be permitted to carry throughout the area. On what account then did R. Huna, son of R. Joshua, say, “People may carry there [25A] if the partitioned area is only over an area of two seahs”? [Why not permit carrying over the entire partitioned area, if it is a valid partition at all?]*
- P. *It is because here we deal with a fictive abode which is meant to be used in the open air, and in the case of any dwelling which is meant to be used in the open air [that is, lacking fixed roof and walls], people may carry only in an area of two seahs [and no more, despite the provision of valid partitions that ordinarily would allow for a greater area of movement than that].*
- Q. *Come and take note: If one has taken as his place for Sabbath residence a hill that is ten handbreadths high and in extent from four cubits to two seahs, so also in a hole ten handbreadths deep and four cubits to two seahs in extent, or in a harvested area surrounded by areas of corn — he may walk freely over the entire area and for two thousand cubits beyond.*
- R. *Now that is the case even though the walls formed of the sheaves of corn sway back and forth [in the wind].*
- S. *In this case too we deal with his weaving the sheaves with shrubs and bay trees.*

The reason for the Mishnah's rule is that the branches form partitions. This leads to Aha's qualification, and then an extensive secondary expansion, proving that that qualification is both valid and also worth stating. The rest allows us to review a sequence of cases to make the same point, with the good result of allowing us to review parallel cases of partitions that serve to set up the walls for the domain for Sabbath carrying.

2:4B-D

- B. Agents engaged in a religious duty are exempt from the requirement of dwelling in a sukkah.
- C. Sick folks and those who serve them are exempt from the requirement of dwelling in a sukkah.
- D. [People] eat and drink in a random manner outside of a sukkah.

I.1 A. [Agents engaged in a religious duty are exempt from the requirement of dwelling in a sukkah:] *How do we know on the basis of Scripture [that the rule at M. 2:4B is correct]?*

- B. *It is in line with that which he have learned on Tannaite authority:*
- C. “When you sit in your house” (Deu. 6: 7) serves to exclude one who is engaged in carrying out a religious duty.
- D. “And when you walk by the way” (Deu. 6: 7) serves to exclude a newly-married groom [who likewise does not have to carry out the religious duty of reciting the Shema, to which the cited verse refers].
- E. On this basis they have stated: He who marries a virgin is exempt from the requirement to recite the Shema, and he who marries a widow is liable.
- F. *What is the sort of evidence that implies the stated distinction?*
- G. Said R. Huna, “... on the way...” — Just as the [taking of a trip] on the way is an optional matter, so too anything that is an optional matter [would have to be set aside for the saying of the Shema,] *thus excluding one who is engaged in the performance of a religious duty.*
- H. *But does the cited language not refer to one who is going along the way to carry out a religious duty, and lo, the All-Merciful has said that such a one should recite the Shema?*
- I. *If so, Scripture should have said, “... in sitting... and in going...” What is the sense of “in your sitting... in your going...” [which Scripture does state]? It refers to going on your own business. Under such circumstances you are liable. Lo, if you are going on the purpose of carrying out a religious duty, however, then you will be exempt.*
- J. *If that is the case, then even he who marries a widow also should be exempt [from the requirement of reciting the Shema].*
- K. *He who marries a virgin is preoccupied, he who marries a widow is not preoccupied.*
- L. *Is that to suggest that whenever a person is preoccupied, he also will be exempt from the requirement of reciting the Shema?*
- M. *Then what about the case of one whose ship is sinking in the ocean, who is surely preoccupied. Is this a case in which one also would be exempt?*
- N. *And if you wish to say that that indeed is the case, has not R. Abba bar Zabeda said Rab said, “A mourner is liable to carry out all of the religious duties that are stated in the Torah except for the religious duty involved in putting on the phylacteries.*
- O. “For lo, in their regard, the word ‘beauty’ is stated [at Eze. 24:17] [and a mourner should not don something of beauty].”

- P. *In the case at hand [involving a virgin] one is preoccupied with the carrying out of a religious duty, while in the other case [where the ship is sinking], he is preoccupied with an optional matter.*
- I.2.** A. *Now does the law derive from the cited passage [Deu. 6: 7] that he who carries out a religious duty is exempt from the obligations to carry out some other religious duty?*
- B. *Surely it derives [not from what served above but] from the following proof-text, for it has been taught on Tannaite authority:*
- C. *“And there were certain men who were unclean on account of a human corpse” (Num. 9: 6). [These men were occupied with a religious duty and could not keep the Passover celebrated in Nisan, so they kept it in Iyyar, a month later, and hence observed what was the second Passover. This proves that those occupied in carrying out a religious duty involving the corpse were exempt from the religious duty involving the Passover sacrifice, and the cited generalization follows.]*
- D. *Who indeed were these men?*
- E. *“They were the ones who were carrying Joseph’s bier,” the words of R. Yosé the Galilean.*
- F. **[25B]** R. ‘Aqiba says, *“They were Mishael and Elzaphan, who were busy taking care of the bodies of Nadab and Abihu.”*
- G. R. Isaac says, *“If they were carrying Joseph’s bier, they could have had sufficient time to attain cultic purity [prior to Passover]. If they were Mishael and Elzaphan, they also should have had sufficient time to attain cultic cleanness. [So who were they, and why were they unclean with corpse-uncleanness?]*
- H. *“But they were people who were busy dealing with a neglected corpse [which religious duty takes priority over all others], and the seventh day [beyond their contracting corpse uncleanness in that connection] coincided with the eve of Passover, as it is said, ‘They could not keep the Passover on that day’ (Num. 9: 6).*
- I. *“The sense is that that particular day they could not observe, but they could have kept the day following.”*
- J. *[Now that we have shown that there are two distinct texts that prove a person involved in carrying out one religious duty is exempt from having to carry out others, the one regarding the Shema (Deut 6: 7), the other regarding Passover (Num. 9: 6), we ask why both proof-texts are necessary.] It is necessary [to have both proof-texts]. For had we derived the law only from the latter case [Num. 9:6], [I should have reached the conclusion that the reason is that] the occasion on which the obligation to keep the Passover had not yet come. But in the former case [Deu. 6: 7, see I], where the occasion for reciting the Shema has arrived, I might have said that one would not be exempt.*
- K. *It is necessary [to have both proof-texts (Deu. 6: 7 and Num. 9: 6)]. And had I derived the proof only from the former case, [namely, the recitation of the Shema], I might have supposed that it is because violation of the requirement is not subject to the penalty of extirpation. But in the latter case [namely, Passover], in which failure to carry out the religious duty of observing the Passover sacrifice is penalized by extirpation, I might have reached the conclusion that the remission of the obligation does not apply.*

L. *Accordingly, it was necessary to supply two proof-texts.*

I.3. A. [Returning to the] cited [passage from I.1.N, which is]: Said R. Abba bar Zabeda said Rab, “A mourner is liable to carry out all of the religious duties that are stated in the Torah except for the religious duty involved in putting on the phylacteries.

B. “For lo, in their regard, the word ‘beauty’ is stated.”

C. *[How so?] Since the All-Merciful said to Ezekiel, “Bind your beauty on you” (Eze. 24:17), [his sense is that] “You are the one who is obligated, but everyone else [who is in mourning] is exempt. [Ezekiel, in particular, is admonished to give up the normal rites of mourning. So he is told to put on his phylacteries. Other mourners are exempt from doing so.]*

D. *That rule pertains to the first day [of mourning], since it is written, “And the end thereof as a bitter day” (Amo. 8:10). [Slotki, p. 109, n. 20: The beginning of the verse is, “And I will make it as the mourning for an only son.” Since “day” in the singular is used, it follows that actual mourning is limited to one day.]*

E. And said R. Abba bar Zabeda said Rab, “A mourner is liable to the religious duty of dwelling in the sukkah.”

F. *That fact is self-evident.*

G. *What might you have said?*

H. Since R. Abba bar Zabeda said Rab said, “One who is in distress is exempt from the religious duty of dwelling in a sukkah,” *this one also is in the category of one who is in distress. So we are informed that that is not the case.*

I. *The exemption of one who is in distress applies to a person who suffers distress on account of some objective fact, but in this case [that is, the one of the mourner], he is the one who causes distress for himself. He has, therefore, to regain his composure.*

J. [Continuing the composition of Abba-Rab statements on the same principle:] And R. Abba bar Zabeda said Rab said, “A groom and the groomsmen and all the members of the wedding are exempt from the religious duty of dwelling in a sukkah all seven days of the Festival.”

K. *What is the reason for that exemption?*

L. *Because they have to rejoice [in the marriage].*

M. *But let them eat their festive meals in the sukkah and rejoice in the sukkah?*

N. *True rejoicing is only under the marriage canopy.*

O. *But let them then eat in the sukkah and rejoice under the marriage canopy?*

P. *True rejoicing takes place only where a meal is eaten.*

Q. *Then let them set up the marriage canopy in the sukkah?*

R. Abbaye said, “[They do not do so] because of considerations of privacy. [The sukkah was isolated. Should the groom have to leave, the bride would be left alone and a stranger might enter.]”

S. Raba said, “Because of the anguish of the groom [who will not want to show affection in so public a place, which has, after all, only three walls].”

T. *What is the practical issue between the two explanations?*

U. *At issue is a case in which people routinely go out and come in [to the place at which the sukkah is located].*

- V. *In the view of him who has said that the operative consideration is the possibility of [the bride's being left alone with a stranger], there is no such possibility.*
- W. *In the view of him who has said that the issue is the anguish of the groom, that consideration remains valid.*
- X. *Said R. Zira, "I ate in the sukkah and rejoiced in the marriage canopy, and my heart was all the happier, because I thereby kept two religious duties [at once]."*

Others Who Are Exempt from Religious Duties

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

- B. The groom, the groomsmen, and all the members of the wedding are exempt from the religious duty of [reciting] the Prayer, and the phylacteries, but are liable to recite the Shema.
- C. **[26A]** In the name of R. Shila they said, "The groom is exempt, but the groomsmen and all the members of the wedding are liable."

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

- B. Said R. Hanania b. Aqabia, "Those who write scrolls, phylacteries, and parchments for mezuzot — they, their employees, and employees of their employees,
- C. "and all those who are engaged in the work of Heaven — "
- D. (this includes those who sell blue dye for show fringes —)
- E. "are exempt from the religious requirement of reciting the Shema, the Prayer, the phylacteries, and all religious duties that are listed in the Torah."
- F. This serves to second the view of R. Yosé the Galilean.
- G. For R. Yosé the Galilean would say, "He who is occupied with one religious duty is exempt from the obligation of carrying out another religious duty."

I.6. A. *Our rabbis have taught on Tannaite authority:*

- B. **Wayfarers by day are exempt from the religious duty [of dwelling in the sukkah] by day and liable to carry it out at night.**
- C. **Those who are on a trip by night are exempt from the religious duty of dwelling in a sukkah by night and liable by day.**
- D. **Those who make their journey by day and by night are exempt from the religious duty of dwelling in a sukkah both by day and by night.**
- E. **Those who are going to carry out a religious duty are exempt both by day and by night [cf. T. Suk. 2:3F].**
- F. *This is illustrated by the behavior of R. Hisda and Rabba bar R. Huna. When they went to visit the exilarch's establishment of the Sabbath of the festival [of Sukkot], they would sleep on the river bank at Sura. They said, "Since we are engaged as agents to carry out a religious duty, we are exempt [from the religious duty of sleeping in the sukkah]."*
- G. *Our rabbis have taught on Tannaite authority:*
- H. **City guards by day are exempt from the religious requirement of dwelling in a sukkah by day, but they are liable by night.**

- I. City guards [cf. M. 2:5B] by night are exempt from the religious requirement of dwelling in a sukkah by night, but they are liable by day.
- J. City guards by day and by night are exempt from the religious requirement of dwelling in a sukkah by day and by night...
- K. Garden-guards and orchard-guards are exempt by day and by night [T. Suk. 2:3C-G].
- L. *[As to the case of the last-named,] why not build a sukkah there and dwell in it [out in the fields or orchards]?*
- M. Said Abbaye, "You shall dwell... (Lev. 23:42) as you ordinarily live."
- N. Raba said, "The hole in the fence is an invitation to the thief. [Thieves will know where the guards are.]"
 - O. *What is the practical difference between the two explanations?*
 - P. *At issue is a case in which the guard is in charge of a pile of fruit. [Abbaye still will not approve building a sukkah there, Raba will.]*

II.1 A. Sick folk and those who serve them [M. 2:4C]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. **And [this is the case] not only of one who is seriously ill,**
- D. **but even if someone has a headache or a pain in the eye.**
- E. **Said Rabban Simeon b. Gamaliel, "M'SH W: I had a pain in the eye in Caesarion, and R. Yosé b. Rabbi permitted me to sleep, along with my servant, outside of the sukkah" [T. Suk. 2:2B-D, in T.'s version].**
- F. *Rab permitted R. Aha Bardela to sleep in a sukkah in a tester-bed [Slotki, p. 112, n. 11: which is ten handbreadths high and has a roof and is ordinarily forbidden], so as to keep out gnats.*
- G. *Raba permitted R. Aha bar Adda to sleep outside of the shade of the sukkah on account of the stench of the clay.*
- H. *Raba is consistent with views stated elsewhere, for Raba has said, "One who is in anguish is exempt from the religious duty of dwelling in a sukkah."*
- I. *And lo, we have learned in the Mishnah: Sick folk and those who serve them are exempt from the requirement of dwelling in a sukkah [M. 2:4C] — which bears the implication that the exemption applies to sick folk and not to those who are [merely] distressed!*
- J. *[We may interpret the sense of the passage in this way:] In the case of one who is sick, he and his attendants are exempt, but in the case of one who is in distress, while he is exempt, those who attend him are not.*

III.1 A. People eat and drink in a random manner outside of a sukkah [M. 2:4D]:

- B. *And what falls into the category of a random meal?*
- C. *Said R. Joseph, "Two or three eggs."*
- D. *Said Abbaye to him, "And yet, on many occasions a person finds enough nourishment in such a meal, and it would then fall into the category of a regular meal."*
- E. *Rather, said Abbaye, "It is about as much as a snack of a [disciple] of a master's household before he goes into the study-session."*

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

- B. People may eat a random meal outside of a sukkah but they may not take a snooze outside of a sukkah.
- C. *What is the reason for this distinction?*
- D. Said R. Ashi, “It is a precautionary decree, so that someone not fall into a deep sleep.”
- E. *Said Abbayye to him, “But along these same lines, it has been taught on Tannaite authority: ‘A man make take a snooze while wearing his phylacteries but he may not take a regular nap.’ [Surely we should take precautions] lest he fall into a deep sleep [in this case too]!”*
- F. R. Joseph, son of R. Ilai, said, “[It is permitted to snooze while wearing phylacteries] in a case in which one hands over to others responsibility for waking him up out of his sleep. [In that case we need not take precautions of another sort.]”
- G. *To this explanation R. Mesharshia objected. “Who will watch the watchman?”*
- H. *Rather, said Rabbah bar bar Hana said R. Yohanan, “We deal [in the case of one who may snooze while wearing phylacteries] with one who does so while simply putting his head between his knees.”*
- I. Raba said, “[As to the sukkah], there is no issue of distinguishing regular sleep from a snooze. [Both sorts are not to be done outside of the sukkah.]”

A Random Nap

The following carries forward the issue of distinguishing among various types of sleep, but the composite goes its own way and is to be treated as free-standing.

- ### **III.3.** A. *One Tannaite teaching holds:* A man may take a snooze while wearing his phylacteries, but not fall into deep sleep.
- B. *A second Tannaite teaching holds:* Whether a snooze or deep sleep, [one may do so while wearing phylacteries].
 - C. *Yet a third:* Whether a snooze or a deep sleep, one may not [do so while wearing phylacteries].
 - D. *There is no contradiction among the three versions of the rule. In the third case, the man holds the phylacteries in his hand, [and if he falls asleep at all, the phylacteries will fall down]. In the first case, he leaves them on his head [in which case we distinguish a snooze from deep sleep]. In the second he spreads a cloth under him [so that, should the phylacteries fall, they will not hit the ground].*
 - E. What is the length of a snooze [as distinct from deep sleep]?
 - F. *Rami bar Ezekiel taught on Tannaite authority, “Enough time to walk a hundred cubits.”*
 - G. *It has been taught on Tannaite authority along these same lines:*
 - H. “He who falls asleep while wearing his phylacteries, and, [when he wakes up,] sees that he has ejaculated [so must remove the phylacteries], takes hold of the strap [of the phylacteries], **[26B]** but not of the box thereof,” the words of R. Jacob.

- I. And sages say, “A man may sleep in his phylacteries only to take a snooze but not to fall into a deep sleep [so such an event will not take place].
- J. “And how long is a snooze?
- K. “Sufficient time to walk a hundred cubits.”
- L. Said Rab, “It is forbidden for a person to sleep by day any longer than a horse ever sleeps.”
- M. And how long does a horse ever sleep?
- N. For sixty breaths.
- O. *Said Abbayye, “The length of time that the master [Rabbah] sleeps is the same as the time that Rab sleeps, and Rab sleeps as long as Rabbi, and Rabbi sleeps as long as [King] David, and David sleeps as long as a horse, and a horse sleeps for sixty breaths.”*
- P. *During the day time Abbayye would snooze as long as it takes to go from Pumbedita to Be Kubé. In his regard R. Joseph recited this verse: “How long will you sleep, O lazy man, when will you get up?” (Pro. 6: 9).*

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

- B. “He who goes in to sleep by day may, if he wishes, take off his phylacteries, and may, if he wishes, leave them on.
- C. But if he does so by night, he must remove them and may not leave them on,” the words of R. Nathan.
- D. R. Yosé says, “Youngsters must always remove them and may not leave them on, because they routinely become unclean [when asleep, from nocturnal emissions].”
- E. *May we then draw the conclusion that R. Yosé takes the view that one who has had a seminal emission is prohibited from putting on phylacteries?*
- F. *Said Abbayye, “In this case we deal with youngsters who go to sleep with their wives, [and we impose a precautionary decree, that the man must remove his phylacteries] lest the couple do what comes naturally [which may not be done while wearing phylacteries].”*
- G. *Our rabbis have taught on Tannaite authority:*
- H. If someone forgot and had sexual relations while wearing his phylacteries, he does not take hold either of the strap or the box [of the phylacteries] until he washes his hands. Only then may he remove the phylacteries. The reason is that the hands are always busy [and may have touched some unclean thing].

The Talmud provides a rather full account of the three topics of the Mishnah-paragraph at hand, following the order as well. Unit I:1 presents a proof for M. 2:4B, unit II:1 presents a second and then justifies the need for both. What we have is exposition of the Mishnah, then secondary expansion of the exposition, carefully organized and in a straight-line from start to finish.

2:5

- A. **M'SH W: They brought Rabban Yohanan b. Zakkai some cooked food to taste, and to Rabban Gamaliel two dates and a dipper of water.**
- B. **And they said, “Bring them up to the sukkah.”**

C. And when they gave to R. Sadoq food less than an egg's bulk, he took it in a cloth and ate it outside of the sukkah and said no blessing after it.

I.1 A. *Does the precedent [of M. 2:5] mean to contradict the rule [of M. 2:4D]? [We have just been told that people may eat a casual snack outside of the sukkah. What is the point of M. 2:5A-B?]*

B. *There is a lacuna in the tale, and this is how it should be told:*

C. *"If someone wishes to impose upon himself a more strict rule, he may do so, and there is no element, in his doing so, of self-aggrandizement [or presumptuousness].*

D. *"And M'SH W: They brought Rabban Yohanan b. Zakkai some cooked food to taste, and to Rabban Gamaliel two dates and a dipper of water, [27A], and they said, 'Bring them up to the sukkah.'"*

II.1 A. **And when they gave to R. Sadoq less than an egg's bulk, he took it in a cloth and ate it outside of the sukkah and said no blessing after it [M. 2:5C]:**

B. *Does this then bear the implication that if it had been of the bulk of an egg, he would have had to eat it in the sukkah?*

C. *Then this precedent would constitute a refutation of the view of R. Joseph and Abbayye [who define a casual meal as two or three eggs, or a student's snack, a bulk of an egg. Here such a meal would appear to belong in a sukkah only, contrary to their view of a random snack.]*

D. *No, the point is that food of less than the bulk of an egg does not require the washing of hands and the saying of a blessing, while food of the bulk of an egg would require the washing of the hands and the saying of a blessing.*

At unit I the Talmud clarifies the relationship of the case to the law that it is supposed to illustrate, and in unit II the secondary implications of the second precedent are brought into line with an established rule. So the whole constitutes Mishnah-exegesis.

2:6

A. R. Eliezer says, "Fourteen meals is a person obligated to eat in the sukkah,

B. "one by day and one by night."

C. And sages say, "There is no fixed requirement, except for the first two nights of the festival alone."

D. And further did R. Eliezer say, "He who has not eaten his meal in the Sukkah on the first night of the festival should make up for it on the last night of the festival."

E. And sages say, "There is no way of making it up.

F. "Concerning such a case it is said, That which is crooked cannot be made straight, and that which is wanting cannot be reckoned (Qoh. 1:15)."

I.1 A. **[R. Eliezer says, "Fourteen meals is a person obligated to eat in the sukkah, one by day and one by night:]:***What is the scriptural basis for the opinion of R. Eliezer?*

- B. “You will dwell” (Lev. 23:42) as you usually dwell. Just as in a dwelling a person [eats] one [meal] by day and one by night, so the sukkah must serve both by day and by night [as the setting for a meal].
- C. And sages [concur that the sukkah is] like a dwelling, [drawing a different conclusion from the analogy, namely:]
- D. *Just as in the case of a dwelling, if one wants, he eats a meal, and if one wants, he does not eat a meal, so in the case of a sukkah, if one wants, he eats a meal, and if one wants, he does not eat a meal.*
- E. *If that is the case, then even in the first night of the festival [there should] also [be no obligation to eat in the sukkah, contrary to M. 2:6C].*
- F. Said R. Yohanan in the name of R. Simeon b. Yehosedeq, “‘The fifteenth’ (Lev. 23:39) is stated here [with reference to the festival of Sukkot], and elsewhere it is stated, ‘the fifteenth’ (Lev. 23: 6) with respect to the festival of unleavened bread.
- G. “Just as, in that latter instance, on the first night there is a fixed obligation [to eat unleavened bread], while from that point onward in the holy week, it is an optional matter,
- H. “so here too in the case of the first night it is a fixed obligation [to eat in the sukkah], while from that time onward it is an optional matter.”
- I. *In the case of Passover, how do we know [that it is a formal obligation to eat unleavened bread on the first night of Passover]?*
- J. Scripture states, “In the evening you will eat unleavened bread” (Exo. 12:18).
- K. In this way Scripture imposes a fixed obligation in this regard.

II.1 A. And further did R. Eliezer say [etc.] [M. 2:6D]:

- B. But did R. Eliezer not say, **Fourteen meals is a person obligated to eat in the sukkah, one by day and one by night [M. 2:6A-B]**? [Slotki, p. 117, n. 13: And since the last day is not subject to the obligation, and any person sitting in the sukkah on that day in fulfillment of the commandment is guilty of adding to the commandments, how can that day compensate for the first?]
- C. Said Bira said R. Ami, “R. Eliezer retracted [that view].”
- D. *How does one make up [the meal of the first night, if he misses it]?*
- E. *If one might propose that he does so with bread, then he thereby eats the meal of the festival day [that he is obligated to eat anyhow, so how can that make up for the day he has missed]?*
- F. *What then is the sense of “make up”?*
- G. *One makes up the missing meal with various kinds of desserts.*
- H. *It has been taught along these lines on Tannaite authority:*
- I. If one has made up [a missing meal] with various kinds of desserts, he has carried out his obligation.

II.2. A. The butler of Agrippas the king asked R. Eliezer, “In the case of a person such as I, who am used to eat only a single meal a day, what is the law as to my eating only a single meal in the sukkah and thereby carrying out my obligation?”

- B. He said to him, "Every day you go along and eat various sorts of desserts for your own honor, and now shouldn't you add one additional snack in the honor of your creator?"
- C. And he further asked him, "And what about me, for I have two wives, one in Tiberias and one in Sepphoris, and I have two sukkahs, one in Tiberias and one in Sepphoris. What is the law on my going from one sukkah to the other and thereby carrying out my obligation [even though one is supposed to carry out his obligation to dwell in a sukkah by doing so in a single sukkah during the seven days of the holiday]?"
- D. He said to him, "No, [you may not do so.] For I rule that whoever goes out from one sukkah to another loses out on the religious duty he has performed through the first of the two."

II.3. A. *It has been taught on Tannaite authority:*

- B. R. Eliezer says, [27B] "People may not go out from one sukkah to another, and they may not erect a sukkah to begin with on the intermediate days of the festival [but it must be built in advance of the first holy day of the festival week]."
- C. And sages say, "People may go from one sukkah to another, and they may also erect a sukkah on the intermediate days of a festival."
- D. And all parties concur that if the sukkah falls down, the owner may go and rebuild it on the intermediate days of the festival.
- E. *What is the scriptural basis for the position of R. Eliezer?*
- F. Scripture has said, "You shall keep the festival of Sukkot for seven days" (Deu. 16:13), which is to say, make a sukkah that is suitable for seven days.
- G. And rabbis?
- H. *This is the sense of Scripture:* "Make a sukkah for the festival" [without specification as to how long it must last].
- I. "And all parties concur that if the sukkah falls down, the owner may go and rebuild it on the intermediate days of the festival."
- J. *That is self-evident!*
- K. *Not so, for what might you have said? This really is another sukkah, and it is not for seven days [and so not acceptable].*
- L. *So we are informed that [even in Eliezer's view] that is not the case.*

II.4. A. *It has been taught on Tannaite authority:*

- B. R. Eliezer says, "On the first festival day of the Festival, just as a man may not fulfill his obligation to take hold of a lulab by using that of his fellow, for it is written, 'And you shall take hold for yourself on the first day of the fruit of goodly trees, branches of palm trees' (Lev. 23:40), meaning, such as belong to you,
- C. "so on the first festival day of the Festival a man may not carry out his obligation to dwell in the sukkah by doing so in the sukkah of his fellow, for it is written, 'The festival of Sukkot you shall keep for yourself for seven days' (Lev. 23:42), meaning, making use of a sukkah that belongs to you yourself."
- D. And sages say, "Even though they have said, 'On the first festival day of the Festival a man may not fulfill his obligation to take hold of the lulab by using that of his fellow,'

- E. “nonetheless, on the first festival day of the Festival he may carry out his obligation to dwell in the sukkah by doing so in the sukkah of his fellow, for it is written, ‘All that are homeborn in Israel shall dwell in sukkahs’ (Lev. 23:42), teaching that every Israelite may dwell in a single sukkah. [Obviously it will then be a sukkah that some of them do not own.]”
- F. *Now how do rabbis interpret the specific reference, at Lev. 23:42, to “for yourself”?*
- G. *They require that reference to prove that one may not make use of a stolen sukkah, but, with reference to one that is merely borrowed, they point to the verse of Scripture that speaks of “all that are homeborn” (Lev. 23:42).*
- H. *And as to R. Eliezer, how does he deal with that same reference?*
- I. *He requires it to treat the categories of the proselyte, who converted it in the intervening days [between the first and last days of the Festival], and the minor who reached maturity in the intermediate days, [showing that they too must make a sukkah for themselves, even from the point at which the obligation came to apply to them, in the middle of the festival week].*
- J. *And as to rabbis?*
- K. Since they have said that people may make a sukkah on the intermediate days of the festival, they take the view that no scriptural proof is needed, [in addition, to indicate that the named categories may build a sukkah for themselves during those days].

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

- B. **There was the precedent involving R. Ilai, who on the Festival went to greet R. Eliezer, his master, in Lud.**
- C. **He said to him, “Ilai, are you not among those who observe the Festival by remaining at rest?”**
- D. **For R. Eliezer maintained, “I praise those who take their ease and do not leave their homes on the Festival, for it has been written, ‘You shall rejoice, you and your household’ (Deu. 14:26) [including your wife, hence you must stay home on an occasion of rejoicing].” [T. Suk. 2:1C].**
- E. Is this the case? And did not R. Isaac say, “How do we know that a man is liable to greet his master on the Festival?
- F. “As it is said, ‘Why will you go to him today? It is neither the New Moon nor the Sabbath’ (2Ki. 4:23), *which bears the implication that on the New Moon and on the Sabbath one is liable to greet his master*” [and hence Ilai did the right thing].
- G. *There is no contradiction. The one verse [which indicates one is liable to do so] speaks of a trip which one can make in one day, and the other speaks of a trip one cannot make in one day.*

II.7. A. *Our rabbis have taught on Tannaite authority:*

- B. There was the precedent, in which R. Eliezer spent the Sabbath [during the Festival] in Upper Galilee in the sukkah of Yohanan, son of R. Ilai at Caesarea, and, some say, in Caesarion. The sun came into the sukkah. [Thinking of avoiding the glare], he said to him, “What is the law as to my spreading a sheet over [the sukkah]?”

- C. He said to him, "You have no tribe in Israel that did not produce a judge."
- D. The sun now shone half the height of the sukkah. He said to him, "What is the law as to my spreading a sheet over it?"
- E. He said to him, "You have no tribe in Israel from which prophets did not go forth. The tribe of Judah and Benjamin produced kings on the instructions of prophets."
- F. The sun reached the feet of R. Eliezer [as it climbed into the sky]. Yohanan took a sheet and spread it over the sukkah.
- G. R. Eliezer threw his cloak over his back and left.
- H. It was not because [Eliezer wished to] evade answering the questions, he had said, but because [Eliezer] never made a statement that he had not heard from his master.
- I. *Now how did [Eliezer] act in this way [going out from his own sukkah to keep the Festival at Yohanan's sukkah]? And did not R. Eliezer say, "One may not go forth from one sukkah to another sukkah"? [So surely he should have stayed home and used his own sukkah the entire time.]*
- J. It was on a different festival [not Sukkot, and the purpose of sitting in the sukkah had nothing to do with observing the Festival of Sukkot].
- K. But did not R. Eliezer himself say, "**I praise those who take their ease and do not leave their homes on the Festival**"?
- L. It was the Sabbath [and not a festival].
- M. *But he could have inferred the answer to the questions from a ruling that he himself had made, for we have learned in the Mishnah:*
- N. **As to the window-shutter [a stopper of a skylight] — R. Eliezer says, "When it is tied on and suspended, they shut the window with it, and if not, they do not shut the window with it." And sages say, "One way or the other, they shut the window with it" [M. Shab. 17:7].** [Slotki, p. 122, n. 2: Now since the question was whether spreading the cloth over the sukkah would be regarded as adding to it on the Sabbath, why did not R. Eliezer deduce from this analogous case that the answer was in the affirmative?]
- O. **[28A]** *In that other case [involving the shutter, one may not do so,] because [in doing so,] one deprives [the shutter of its distinct identity as an object and so ends up simply adding to the building when he closes the shutter. That is, the shutter is regarded as simply part of the building]. But in the former case [involving a sheet on the sukkah], one does not deprive [the sheet of its identity, because no one can regard it as part of the sukkah itself, and the sheet will be removed.]* Slotki, p. 122, n. 6: The window-shutter becomes part of the frame, but the cover does not become part of the sukkah.]

- II.8.** A. There was the story concerning R. Eliezer, who spent the Sabbath in the Upper Galilee. People asked him questions about thirty matters of law concerning the sukkah. In the case of twelve of them he said to them, "I have heard the answer."
- B. In the case of eighteen of them, he said to them, "I have not heard the answer."
- C. R. Yosé b. R. Judah says, "The matters were reversed. In the case of eighteen of them, he said to them, 'I have heard the answer.' In the case of twelve of them, he said to them, 'I have not heard the answer.'"

- D. They said to him, "Is it the case that everything you say derives only from what you have heard?"
- E. He said to them, "You have tried to make me say something that I did not hear from my masters. In my life, no one ever came to the study house before me, I never slept in the study house, either a real nap or a snooze, I never left anybody behind me when I left, I never engaged in idle chatter, and I never said anything that I did not hear from my master."

II.9. A. They said about Rabban Yohanan ben Zakkai: He never engaged in idle chatter, he never went four cubits without words of Torah and without wearing his phylacteries, no one ever got to the study house before him, he never slept in the study house, either a real nap or a snooze, he never reflected upon holy matters while in filthy alleys, he never left anyone behind him in the study house when he went out, no one ever found him sitting and dreaming, but only sitting and repeating traditions, only he himself opened the door of his house for his disciples, he never said anything that he had not heard from his master, and he never said, "Time has come to arise from studying in the study house," except for doing so on the eve of Passover and on the eve of the Day of Atonement.

B. And that is how R. Eliezer, his disciple, conducted himself after him.

II.10. A. *Our rabbis have taught on Tannaite authority:*

- B. Hillel the Elder had eighty disciples, thirty of whom were worthy that the Presence of God should rest upon them as upon Moses, our master, thirty of whom who were worthy that the sun stand still for them as it did for Joshua b. Nun, and twenty of whom were of middle rank.
- C. The greatest among them all was Jonathan b. Uzziel, and the least among them was Rabban Yohanan ben Zakkai.
- D. They said concerning Yohanan ben Zakkai that he never in his life left off studying Mishnah, Gemara, laws and lore, details of the Torah, details of the scribes, arguments a minori ad majus, arguments based on analogy, [Slotki:] calendrical computations, *gematrias*, the speech of the ministering angels, the speech of spirits, the speech of palm-trees, fullers' parables and fox fables, great matters and small matters.
- E. "Great matters" refers to the Works of the Chariot.
- F. "Small matters" refers to the reflections of Abbaye and Raba.
- G. This serves to carry out that which is said in Scripture: "That I may cause those who love me to inherit substance and fill their treasuries" (Pro. 8:21).
- H. Now since the least of them was this way, how much the more so was the greatest of them!
- I. They say concerning Jonathan ben Uzziel that when he was in session and occupied with study of Torah, every bird that flew overhead was burned up.

Unit I:1 provides a scriptural basis for Eliezer's opinion. The inquiry opens the underlying issue of which potential analogy we invoke, with sages comparing the rule of the Festival of Sukkot to that applying to Passover. Unit II:1 goes on to Eliezer's second rule. II:2 augments the foregoing, with a story that makes the same point as the rule. II:2 introduces a further rule in Eliezer's name, relevant to

the topic of the Mishnah-paragraph only in general terms. From that point on, the entire construction presents a pastiche of materials on Eliezer and the Festival of Sukkot, appropriate in theme even when irrelevant in detail to the Mishnah-paragraph at hand.

2:7-8

- A. He whose head and the greater part of whose body are in the sukkah, but whose table is in the house —
- B. the House of Shammai declare invalid.
- C. And the House of Hillel declare valid.
- D. Said the House of Hillel to the House of Shammai, “Was not the precedent so, that the elders of the House of Shammai and the elders of the House of Hillel went along to pay a sick-call on R. Yohanan b. Hahorani, and they found him sitting with his head and the greater part of his body in the sukkah, and his table in the house, and they said nothing at all to him!”
- E. Said the House of Shammai to them, “Is there proof from that story? But in point of fact they did say to him, ‘If this is how you act, you have never in your whole life fulfilled the religious requirement of dwelling in a sukkah!’”

M. 2:7

- A. Women, slaves, and minors are exempt from the religious requirement of dwelling in a sukkah.
- B. A minor who can take care of himself is liable to the religious requirement of dwelling in a sukkah.
- C. M’sh W: Shammai the Elder’s daughter-in-law gave birth, and he broke away some of the plaster and covered the hole with sukkah-roofing over her bed, on account of the infant.

M. 2:8

- I.1 A. [Women, slaves, and minors are exempt from the religious requirement of dwelling in a sukkah:] *How do we know on that basis of Scripture [the rule at M. 2:8A]?*
- B. *It is in accord with that which our rabbis have taught:*
- C. “Homeborn” (Lev. 23:42) by itself [without “the” and “every”] would have included every homeborn [encompassing women and minors].
- D. [Since it says,] “The homeborn,” it means to exclude women, and “Every...” serves to encompass minors. [That explains M. 2:8A, B].
- E. A master has said, “‘The homeborn’ (Lev. 23:42) serves to exclude women.”
- F. *Does this then imply that the word, “homeborn” [without the] applies both to women and to men?*
- G. *And has it not been taught on Tannaite authority: “The homeborn” (Lev. 16:29) [in regard to observance of the Day of Atonement] serves to encompass homeborn women, indicating that they are liable to undertake the distress [of the fast].*
- H. *Therefore when the word “homeborn” is used [without the “the”] it means to refer only to males.*

- I. *Said Rabbah, “[In fact] these are matters of received law, and the purpose of rabbis was simply to find scriptural support for the received law.”*
- J. *Which [of the two laws, the one referring to the sukkah or the one about the fasting on the Day of Atonement then] is based on Scripture and which is a received law?*
- K. *And further, what need do I have to make reference either to a received law or to Scripture? In the case of the requirement to dwell in a sukkah, that is a religious duty calling for an act of commission and based upon a particular time, and any religious duty calling for an act of commission and based upon a particular time leaves women exempt. [They do not have to keep a law which requires them to do something at a particular time, since they have prior obligations to their families.]*
- L. *As to the Day of Atonement, it derives from a teaching in accord with that which R. Judah said R. Rab said.*
- M. *For R. Judah said Rab said, and so too did a Tannaite authority of the house of R. Ishmael state, “Scripture has said, ‘Man or woman’ (Num. 5: 6), [28B] so treating men and women as equal in regard to all those acts subject to penalty that are listed in the Torah.” [Accordingly, both matters — sukkah, Day of Atonement, derive from secondary exegesis of the law. In no way do they depend upon either a received tradition or a primary exegesis or proof text.]*
- N. *Said Abbaye, “Under all circumstances, the sukkah [rule concerning women] is a received law, and it is necessary [to make the matter explicit as a received law].*
- O. *“[Why so?] I might have thought to argue as follows: ‘You shall dwell’ (Lev. 23:42) in the manner in which you ordinarily dwell. Just as, in the case of an ordinary dwelling, a man and his wife [live together], so in the case of a sukkah, a man and his wife must live together. [Thus I might have reached the conclusion that a woman is liable to dwell in the sukkah.] So we are informed [that that is not the case.]”*
- P. *Said Raba, “It indeed was necessary to provide such a proof [but it is different from Abbaye’s argument in the same regard]. For I might have said that we shall derive the rule governing the fifteenth [of Tishri, that is, Sukkot] from the fifteenth [of Nisan,] that is the festival of unleavened bread.*
- Q. *“Just as, in the latter case, women are liable [to eat unleavened bread], so in the present case, women are liable [to dwell in a sukkah]. So we are informed [that that is not the case].”*
- R. *Now that you have maintained that the rule about women’s exemption from the sukkah is a received law, what need do I have for a Scriptural proof-text?*
- S. *It is to encompass proselytes [within the requirement to dwell in a sukkah].*
- T. *You might have said, “The home born in Israel” (Lev. 23:34) is what the All-Merciful has said, thus excluding proselytes.*
- U. *So we are informed that that is not the case, [and proselytes come under the obligation].*
- V. *As to the Day of Atonement, since what R. Judah said what Rab said has provided an adequate proof, [that women must fast on the day of atonement, what need do we have for further proof]?*

- W. *The proof-text encompasses additional affliction [on the eve of the Day of Atonement, prior to nightfall. The fast begins even before sunset. That additional time is added to the fast, and it applies to women as much as to men.]*
- X. *You might have thought that since the All-Merciful has excluded the additional affliction from the penalties of punishment and admonition [so that, if one does not observe that additional period of fasting, he is not punished on that account], women are not obligated to observe that additional period at all.*
- Y. *Accordingly, we are informed [that that is not the case, and women are obligated as much as are men.]*

I.2. A. A master has said, “Every” [homeborn] serves to encompass minors.”

B. *And have we not learned in the Mishnah:*

C. **Women, slaves, and minors are exempt from the religious requirement of dwelling in a sukkah [M. 2:8A]?**

D. *There is no contradiction [between the exegesis that proves minors must observe the requirement of living in a sukkah, and the Mishnah that states that they need not do so.]*

E. In the case of the exegesis, we speak of a minor who has reached the age at which he becomes educable, while in the Mishnah’s case we speak of a minor who has not reached that age.

F. *But is it not the case that the rule that a minor who has reached the age at which he is educable must dwell in the sukkah derives from the authority only of rabbis?*

G. *[True enough, but] the verse of Scripture supplies support for their view.*

II.1 A. **A minor who can take care of himself... [M. 2:8B]:**

B. *What is the definition of a minor who can take care of himself?*

C. Members of the household of R. Yannai said, “It is any child who defecates and does not need to have his mother wipe him.”

D. Rabbi says, “It is any child who wakes up from his sleep without crying for his mother.”

E. *But adults may also cry out for their mothers!*

F. Rather, it is any who wakes up from his sleep and does not call, “Mother! mother!”

III.1. A. **M’sh W: Shammai the Elder’s daughter-in-law... [M. 2:8C]:**

B. *Does the precedent not contradict the rule [that the minor is exempt (M. 2:8A-B)]?*

C. *There is a lacuna in the tale, and this is how it is to be repeated:*

D. “And Shammai imposes a strict rule upon himself.

E. **“And there also was the precedent that Shammai the Elder’s daughter-in-law gave birth, and he broke away some of the plaster and covered the hole with sukkah-roofing over her bed on account of the infant [M. 2:8C].”**

The Talmud ignores M. 2:7 entirely. Unit I:1 provides an elaborate account of the scriptural basis for M. 2:8A. Unit I:2 works through the same matter. Units II:1 and III:1 gloss the Mishnah’s statements.

- A. All seven days a person treats his sukkah as his regular dwelling and his house as his sometime dwelling.
- B. [If] it began to rain, at what point is it permitted to empty out [the sukkah]?
- C. From the point at which the porridge will spoil.
- D. They made a parable: To what is the matter comparable?
- E. To a slave who came to mix a cup of wine for his master, and his master threw the flagon into his face.

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

- B. All seven days a person treats his sukkah as his regular dwelling and his house as his sometime dwelling [M. 2:9A].
- C. How so?
- D. If he had handsome garments, he brings them up to the sukkah, [if he had] lovely spreads, he brings them up to the sukkah. He eats and drinks and walks about in the sukkah.
- E. *What is the Scriptural basis for this rule?*
- F. *It is in accord with that which our rabbis have taught on Tannaite authority:*
- G. “You shall dwell” (Lev. 13:42) in the manner in which you ordinarily dwell.
- H. On this basis, they have said: All seven days a person treats his sukkah as his regular dwelling and his house as his sometime dwelling [M. 2:9A]. How so? If he had handsome garments, he brings them up to the sukkah, lovely spreads, he brings them up to the sukkah. He eats and drinks and walks about in the sukkah.
- I. And he should repeat his traditions in the sukkah.
- J. *Is this so? And has not Raba said, “One may recite Scripture and repeat Mishnah-teachings in the sukkah, but he reviews his Talmud-learning [following Rashi] outside of the sukkah.*
- K. *There is no contradiction, the first of the two statements alludes to merely reviewing, the second to deep reflection.*
- L. [29A] *That is in line with what Raba bar Hama did, when he was standing in session before R. Hisda. First they reviewed the Talmud together, and then they went and engaged in deep reflection on it.*

I.2. A. *Said Raba, “Drinking cups are to be in the sukkah, food dishes are to be outside of the sukkah. Earthenware pitchers and wooden pails are to be outside of the sukkah.*

- B. *A lamp may be in the sukkah, and some say, outside of the sukkah.*
- C. *There is no dispute in the two versions, the one speaks of a large sukkah [in which one may keep the lamp], the other, a small sukkah [which should not be crowded by needless objects].*

II.1 A. **If it began to rain... [M. 2:9B]:**

- B. *It was taught on Tannaite authority: [From the point at which a porridge] of beans [will spoil] [M. 2:9C].*
- C. *Abbaye was in session before R. Joseph in a sukkah. The wind blew, and chips fell [from the roofing, into their food].*

- D. *R. Joseph said to them, "Clear my dishes out of here."*
- E. *Said to him Abbayye, "And lo, we have learned: **From the point at which the porridge will spoil** [M. 2:9C], [and we are far from that]!"*
- F. *He said to him, "So far as I am concerned, since I am sensitive, it is as if the porridge was spoiled."*

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

- B. **[If] one was eating in a sukkah, and it rained, and he went and stood somewhere else [cf. M. 2:9B],**
- C. **even though the rain let up,**
- D. **they do not obligate him to go back, until he completes his meal.**
- E. **If he was sleeping in a sukkah and it rained and he got up and went away,**
- F. **even though the rain let up,**
- G. **they do not obligate him to go back, until it is dawn [T. Suk. 2:4].**
- H. *As to the preceding sentence, the question was asked:*
- I. *Do we read the final word's spelling so that it means "until he wakes up" or "until dawn"?*
- J. *Come and take note: "Until dawn and the morning star appears."*
- K. *Why say the same thing twice? Rather, "Until he wakes up, and the morning star appears."*

III.1 A. **They made a parable: To what is the matter comparable [M. 2:9D]:**

- B. *They asked, "Who **poured** [in line with M. 2:9E] upon whom?"*
- C. *Come and take note, for it has been taught on Tannaite authority:*
- D. *His master threw the flagon into his face [M. 2:9E] and said to him, "I don't want your service any more."*

Various Omens of the Natural World and What They Mean for Humanity

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

- B. **[In T.'s version:] When the lights are in eclipse, it is a bad omen for the whole world.**
- C. **It is to be compared to a mortal king who built a palace and finished it and arranged a banquet, and then brought in the guests. He got mad at them and said to the servant, "Take away the light from them," so all of them turned out to be sitting in the dark.**
- D. **It has been taught on Tannaite authority: R. Meir did say, "When the lights of heaven are in eclipse, it is a bad omen for Israel, for they are used to blows.**
- E. **"It is to be compared to a teacher who came into the school house and said, 'Bring me the strap.' Now who gets worried? The one who is used to being strapped" [T. Suk. 2:6H-D].**

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

- B. **[In Tosefta's version] When the sun is in eclipse, it is a bad omen for the nations of the world.**

- C. [When] the moon is in eclipse, it is a bad omen for Israel,
- D. since the gentiles reckon their calendar by the sun, and Israel by the moon.
- E. When it is in eclipse in the east, it is a bad omen for those who live in the east.
- F. When it is in eclipse in the west, it is a bad omen for those who live in the west.
- G. When it is in eclipse in-between, it is a bad omen for the whole world.
- H. When it turns red, it is a sign that punishment by the sword is coming into the world.
- I. When it is like sack-cloth, it is a sign that punishment by pestilence and famine are coming into the world.
- J. If they are smitten at its entry [into sunset], the punishment will tarry. [When they are smitten] when they rise, the punishment is coming fast.
- K. And some say matters are reversed.
- L. You have no nation in the whole world which is smitten, the god of which is not smitten right along with it,
- M. as it is said, And against all the gods of Egypt I will execute judgments (Exo. 12:12).
- N. When Israel do the will of the Omnipresent, they do not have to worry about all these omens,
- O. as it is said, Thus says the Lord, Do not learn the way of the gentiles, nor be dismayed at the signs of the heavens, for the nations are dismayed at them (Jer. 10: 2) [T. Suk. 2:6E-R].
- P. So idolators will be dismayed, but Israelites should not be dismayed.

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

- B. For four reasons is the sun eclipsed:
- C. Because a head of a court has died and has not been properly mourned,
- D. because a betrothed girl has cried out in a town and none goes to her assistance,
- E. because of pederasty,
- F. and because of two brothers whose blood is spilled simultaneously.
- G. [In Tosefta's version] And because of four reasons are the lights of heaven eclipsed:
- H. because of counterfeiters, perjurers, people who raise small cattle in the land of Israel and people who cut down good trees.
- I. And because of four sorts of bad deeds in the property of Israelite householders handed over to the government:
- J. because of holding on to writs of indebtedness which have already been paid,
- K. because of lending on interest,
- L. [29B] because of pledging funds to charity but not paying up, and
- M. because of having the power to protest and not protesting [wrong-doing] [T. Suk. 2:5].
- N. Said Rab, "For four reasons is the property of householders confiscated for taxes:
- O. "because of those who hold back the wages of a hired hand,

- P. “because of those who oppress a hired hand,
Q. “because of those who remove the yoke from their shoulders and put it on their fellow,
R. “and because of arrogance.
S. “But arrogance outweighs all the others.
T. “And with reference to humble people, it is written, ‘But the humble shall inherit the earth and delight themselves in the abundance of peace’ (Psa. 37:11).”

After carefully explaining the law of the Mishnah, the Talmud amplifies the matter of M. 2:9D-E. Since the weather is taken to present a bad omen, the matter of other omens, with special reference to eclipses of the sun, moon, and stars, enters in. This occupies the remainder of the discussion, with abundant materials from Tosefta used to fill the space at hand.