

XI.

THE STRUCTURE OF BABYLONIAN TALMUD ERUBIN

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here.

By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior

system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Erubin derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-

paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Erubin is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

*This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites —

footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining. Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

1. the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose,

or

2. the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to

identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Erubin 1:1

A. THE CROSSBEAM ABOVE AN ALLEY ENTRY WHICH IS HIGHER THAN TWENTY CUBITS SHOULD ONE DIMINISH MAKING IT LOWER. R. JUDAH SAYS, “IT IS NOT NECESSARY.”

1. I:1: There we have learned in the Mishnah: A sukkah which is taller than twenty cubits is invalid. R. Judah declares it valid (M. **Suk. 1:1A-B**). What differentiates the case of the sukkah, in which instance the rule is formulated in the language of unfitness without remedy, from the case of the alleyway, in which instance the framer of the Mishnah has specified the remedy for an improper arrangement?

2. I:2: With reference to the position of the unassigned rule, the crossbeam above an alley entry which is higher than twenty cubits should one diminish making it lower, said R. Judah said Rab, “Sages derived their position only from the analogy of the entrance to the Holy Place heikhal, situated between the hall leading to the interior of the Temple, the ulam, and the Holy of Holies, which contained the golden altar, the table for the showbread, and the candlestick. And R. Judah derived his position only from the analogy of the entrance to the hall leading to the interior of the Temple itself.

a. I:3: Secondary development of the foregoing.

b. I:4: Continuation of the foregoing.

c. I:5: Continuation of the foregoing.

d. I:6: Continuation of the foregoing.

I. I:7: Gloss of a detail of the foregoing.

3. I:8: If part of the crossbeam is lower than twenty cubits and part of it is higher than twenty cubits, or part of the sukkah roofing is lower than twenty cubits and part of the sukkah roofing is higher than twenty cubits — said Rabbah, “In the case of a crossbeam to mark off the entrance of an alleyway, it is valid; in the case of a sukkah, it is invalid.”

a. I:9: Secondary expansion of the foregoing.

b. I:10: Secondary expansion of the foregoing.

4. I:11: Said Abbaye in the name of R. Nahman, “The cubit measure that pertains to the sukkah and the cubit measure that pertains to the measurement of the alleyway entrance is five handbreadths. The cubit measure that applies in assessing violations of the prohibitions of mixed seeds is six handbreadths.”

5. I:12: R. Hiyya bar Ashi said Rab said, “The laws covering measurements of minimal quantities, of interpositions and partitions constitute law revealed to Moses at Sinai.”

6. I:13: If the crossbeam was higher than twenty cubits, and someone came along to lower it, how much does he have to lower it? The ground has to be raised to such a level as would reduce the distance between the ground and the beam to twenty cubits. How much does he have to lower it? As much as it needs!

7. I:14: If the entrance to the alleyway was less than ten handbreadths in height and someone dug underneath it to complete the height to ten handbreadths, how much does he have to dig for that purpose? How much does he have to dig? As much as it needs!

a. I:15: Gloss of a detail of the foregoing.

b. I:16: Continuation of the foregoing.

c. I:17: Continuation of the foregoing.

8. I:18: Said R. Hanin bar Raba said Rab, “An alleyway that suffered a breach on a side wall, if the hole is ten cubits, it is still permitted to carry in the alleyway. If the hole was in the front wall, a hole of four cubits is permitted.” And R. Huna said, “All the same is the measure that applies to the one and the other wall, there is no difference in the permissible hole for the front or side walls. The operative measure is four cubits.”

9. I:19: Our rabbis have taught on Tannaite authority: How do people provide a symbolic fusion boundary for a street that is public domain? Such a road goes from one end of the town to the other, sixteen cubits wide, and the town has no surrounding wall. One makes a construction in the shape of an entryway on one side and sideposts and a crossbeam on the other.

a. I:20: Secondary analysis of the foregoing.

b. I:21: As above.

c. I:22: Analytical question extending the foregoing.

d. I:23: As above.

I. I:24: Illustrative case.

A. I:25: Secondary analysis of the case.

e. I:26: Continuation of the analysis of I:19.

I. I:27: Illustrative case.

II. I:28: Illustrative case.

A. I:29: Gloss of foregoing.

10. I:30: It has been stated: An alleyway that is formed like a centipede there is a major alley opening into public domain, then minor alleys branch out in the shape of the legs of a centipede, and these have two entrances each, one at the major alley, the other at public domain. The entries don't face each other, since, if they did, they would be regarded as one long alley that opens out at both ends into public domain — said Abbaye, “One makes the shape of a doorway at the entrance of the big alley, and all the others are validated for carrying on the Sabbath by a sidepost and crossbeam at their entrances onto public domain.”

11. I:31: Said R. Kahana bar Tahalipa in the name of R. Kahana bar Minyumi in the name of R. Kahana bar Malkio in the name of R. Kahana the master of Rab, and some say, R. Kahana b. Malkio who is R. Kahana the teacher of Rab, “An alleyway, one side of which was long and the other short, but the short side was less than the long side by less than four cubits —one lays the crossbeam

diagonally. If the short side is four cubits shorter than the long side, the crossbeam is laid only at right angles to the shorter side.”

12. I:32: The question was raised: What is the rule concerning using the space under the Rab, R. Hiyya, and R. Yohanan said, “It is permitted to make use of the space under the crossbeam.” Samuel, R. Simeon bar Rabbi, and R. Simeon b. Laqish said, “It is forbidden to make use of the space under the crossbeam.”

a. I:33: Secondary expansion of the foregoing.

13. I:34: R. Zakkai repeated as a Tannaite rule in the presence of R. Yohanan, “The space between the sideposts and under the crossbeam is classified as neglected public domain.”

14. I:35: It has been stated: If a sidepost, placed at the edge of an alley to form a fictive gateway to permit the courtyards of the entire alleyway to be regarded as a single domain for purposes of carrying on the Sabbath was visible from outside but was level on the inside, it is regarded as a valid sidepost. As to a sidepost that may be seen from outside even though it appears even with the wall from the inside — R. Hiyya and R. Simeon b. Rabbi — One said, “It is regarded as a valid sidepost.” The other said, “It is not regarded as a valid sidepost.”

15. I:36: Said Rabbah bar R. Huna, “If a post is seen from the outside and appears even with the wall from the inside, it is regarded as a valid sidepost.”

a. I:37: Secondary expansion of the foregoing.

B. AND THE ALLEY ENTRY OF A BREADTH WIDER THAN TEN CUBITS SHOULD ONE DIMINISH MAKING IT NARROWER:

1. II:1: Said Abbaye, “A Tannaite statement: And the alley entry of a breadth wider) than ten cubits should one diminish making it narrower. R. Judah says, ‘He doesn’t have to diminish it.’”

2. II:2: Levi taught as a Tannaite rule: “An alley entrance that is wider than ten cubits —one sticks a reed in the center, and that’s enough.”

a. II:3: Intersecting rule.

C. AND IF IT HAS THE SHAPE OF A DOORWAY, EVEN THOUGH IT IS WIDER THAN TEN CUBITS, IT IS NOT NECESSARY TO DIMINISH IT, MAKING IT NARROWER:

1. III:1: We find therefore that in respect to the width of an entrance that is more than ten cubits, forming the shape of a doorway serves to turn the alley into fused, private domain, where people may carry, and in respect to the height of an entrance, a cornice has the same effect. But what if these are reversed so that, if the height of the entrance were above twenty cubits, would the shape of a doorway matter, or if the width were more than ten cubits, would a cornice matter?

a. III:2: Secondary detail.

b. III:3: Continuation of the foregoing.

I. III:4: Secondary analysis of the foregoing.

A. III:5: Gloss of foregoing.

2. III:6: Said R. Simeon b. Laqish in the name of R. Yannai, “The shape of such a door has to have the mark where a hinge would be placed.”

3. III:7: A Tannaite statement: The shape of a doorway of which they have spoken must have a reed on either side and one on top.

II. Mishnah-Tractate Erubin 1:2

A. THE VALIDATION OF AN ALLEY ENTRY FOR CARRYING OF OBJECTS ON THE SABBATH —

1. I:1: n accord with what authority is our Mishnah rule? For it does not accord with either Hananiah or the initial Tannaite authority in the formulation: How do people provide a symbolic fusion boundary for a street that is public domain? One makes a construction in the shape of an entryway on one side and sideposts and a crossbeam on the other. Hananiah says, “The House of Shammai say, ‘One makes a door at the one end and a door at the other, and when he goes in and out, he has to lock it.’ The House of Hillel say, ‘He makes a door at the one end but sideposts and a crossbeam on the other’”.

B. THE HOUSE OF SHAMMAI SAY, “IT MUST HAVE A SIDEPOST AND A CROSSBEAM.”

1. II:1: Does that bear the implication that the House of Shammai maintain that the Torah requires four partitions and no less to form private domain?

C. AND THE HOUSE OF HILLEL SAY, “A SIDEPOST OR A CROSSBEAM.”

1. III:1: Does that bear the implication that the House of Hillel maintain that the Torah requires three partitions and no less to form private domain?

D. R. ELIEZER SAYS, “TWO SIDEPOSTS.”

1. IV:1: The question was raised: Does R. Eliezer refer to two sideposts and also a beam, or does he mean, two sideposts without a beam at all?

a. IV:2: Gloss of a detail of the foregoing.

l. IV:3: Gloss of the gloss.

2. IV:4: Said R. Sheshet said R. Jeremiah bar Abbah said Rab, “Sages concur with R. Eliezer in the case of sideposts of a courtyard.” If the courtyard was open to public domain by a gap in one of its walls, strips of the wall must remain on either side of the gap to form a sidepost and make it look like a doorway.

a. I:5: Gloss of foregoing.

3. IV:6: Said R. Assi said R. Yohanan, “A courtyard has to have two sideposts.”

4. IV:7: Said R. Judah said Samuel, “A courtyard is rendered permissible for carrying on the Sabbath by means of a single sidepost at the side of the entrance.”

5. IV:8: Our rabbis have taught on Tannaite authority: If a tongue of the sea entered a courtyard, they do not draw water from it on the Sabbath, unless it has a partition ten handbreadths high. Under what circumstances? If the breach that the sea has made is wider than ten cubits. But if it was less than ten cubits wide, there is no provision that is required whatsoever.

6. IV:9: Said R. Judah, “An alleyway the residents of which did not form a partnership to provide a fictive boundary—if the alleyway was validated for carrying only by means of a sidepost, he who throws something into the courtyard

is liable for this is private domain; but if the validation was by means of a crossbeam, he who throws something into the alleyway is exempt since this is public domain, pure and simple.” A crossbeam is a distinguishing mark, and the alley is not formed into a private domain unless it had four sides, or a valid partition at the entrance plus three walls.

7. IV:10: Said R. Judah said Rab, “An alleyway that is as long as it is wide cannot be rendered an area permissible for carrying on the Sabbath merely by the provision of the fraction of a sidepost but it has to be four handbreadths wide, since it is classified as a courtyard.”

8. IV:11: Said R. Nahman, “We hold the following tradition: What is the definition of an alleyway in which carrying objects on the Sabbath is permitted if an entranceway is constructed with a sidepost and crossbeam? It has to be longer than it is wide, and it has to have houses and courtyards that open out into it. And what is the definition of a courtyard in which carrying objects on the Sabbath is not permitted if an entranceway is constructed with a sidepost and crossbeam, but only by a strip four handbreadths wide? It is one that is square shaped.”

E. IN THE NAME OF R. ISHMAEL SAID A CERTAIN DISCIPLE BEFORE R. AQIBA, “THE HOUSE OF SHAMMAI AND THE HOUSE OF HILLEL DID NOT DISPUTE CONCERNING AN ALLEY ENTRY WHICH IS LESS THAN FOUR CUBITS WIDE, THAT IT IS VALIDATED EITHER BY A SIDEPOST OR BY A CROSSBEAM. CONCERNING WHAT DID THEY DISPUTE? CONCERNING ONE WHICH IS BROADER THAN FOUR CUBITS, UP TO TEN CUBITS. FOR: THE HOUSE OF SHAMMAI SAY, ‘A SIDEPOST AND A CROSSBEAM.’ AND THE HOUSE OF HILLEL SAY, ‘A SIDEPOST OR A CROSSBEAM.’” SAID R. AQIBA, “CONCERNING BOTH THIS CASE AND THAT CASE DID THEY DISPUTE.”

1. V:1: R. Aqiba says the same thing as the initial Tannaite authority!

2. V:2: It has been taught on Tannaite authority: Said R. Aqiba, “It is not R. Ishmael who made that statement, but that disciple is the one who made that statement, and the decided law is in accord with that disciple.”

3. V:3: Said R. Joshua b. Levi, “In any passage in which you found, ‘In the name of R. Ishmael said a disciple before R. Aqiba,’ this is only R. Meir, who first served as a disciple to R. Ishmael and then to R. Aqiba.”

a. V:4: Amplification of foregoing.

F. TOPICAL APPENDIX ON MEIR

5. V:5: Said R. Aha bar Hanina, “It is perfectly obvious before the One who spoke and brought the world into being that there was none in the generation of R. Meir who was his equal. So why was the decided law not established in accord with his position? Because his colleagues could not fully grasp the profundities of his thinking, for he would declare what is cultically unclean to be clean and show proof that it was clean, or declare what was clean to be unclean and make the case stick.”

6. V:6: A Tannaite statement: R. Meir was not his name, but R. Nehorai was his name, and why was he called R. Meir? Because he illuminated the vision of sages in law and the word for illuminate is the same as the word Meir.

7. V:7: Said Rabbi, “The only reason I am sharper than my colleagues is that I saw R. Meir from the back, and if I had seen him from the front, I would have been still sharper, as it is written: ‘But your eyes shall see your teacher’ (Isa. 30:20).”

8. V:8: Said R. Abbahu said R. Yohanan, “R. Meir had one disciple, named Sumekhosh, who could give forty-eight reasons to confirm the uncleanness of something that was unclean, and who could give forty-eight reasons to confirm the cleanness of what was clean.”

a. V:9: Gloss of foregoing.

G. TOPICAL APPENDIX ON DISPUTES OF THE HOUSES

1. V:10: Said R. Abba said Samuel, “For three years the House of Shammai and the House of Hillel debated. These said, ‘The law is in accord with our position,’ and those said, ‘The law is in accord with our position.’ An echo came forth and said, ‘These and those are the words of the living God, but the decided law is in accord with the House of Hillel.’”

2. V:11: Our rabbis have taught on Tannaite authority: Two and a half years did the House of Shammai and the House of Hillel debate. These say, “It would have been better for humanity not have to be created rather than to have been created.” And the others say, “It is better for humanity to have been created than to not have been created.” They took a vote and decided, “It would have been better for humanity not to have been created than to have been created. Now that it has been created, let humanity watch out for what it has done.”

III. Mishnah-Tractate Erubin 1:3-5

A. THE CROSSBEAM OF WHICH THEY SPOKE SHOULD BE WIDE ENOUGH TO HOLD A HALF-BRICK. AND THE HALF-BRICK IS THE HALF OF A BRICK OF THREE HANDBREADTHS. IT IS SUFFICIENT FOR THE CROSSBEAM TO BE A HANDBREADTH WIDE, ENOUGH TO HOLD A HALF-BRICK LENGTHWISE.

1. I:1: A handbreadth wide: But it ought to be a handbreadth and a half to support a half-brick of the stated size!

B. IT THE CROSSBEAM SHOULD BE WIDE ENOUGH TO HOLD A HALF-BRICK, AND STRONG ENOUGH TO HOLD A HALF-BRICK:

1. II:1: And strong enough to hold a half-brick: Said Rabbah bar R. Huna, “The crossbeam of which they have spoken must be sufficiently strong to hold a half-brick. But the supports of the beam for example, pegs don’t have to be sufficiently strong to hold the beam and also the half-brick.”

2. II:2: Said R. Sheshet, “If one left a beam across the entrance to an alley and spread a mat over it, raising the lower end of the mat to three handbreadths from the ground, there is no valid beam there, there also is no valid partition there. There is no valid beam there: For lo, it is covered up. And there also is no valid partition there: For it is a partition through which kid-goats can push their way and it isn’t strong enough to serve as a partition of any kind.”

3. II:3: Our rabbis have taught on Tannaite authority: A beam which projects from one wall and does not reach the other wall, and so, too, in the case of two beams,

one which projects from one wall and the other which projects from the other wall but do not reach one another, if the distance between them is less than three handbreadths, one does not have to bring another beam and place it on top of them to complete a fictive doorway, but if it is three handbreadths, one has to bring another beam and place it on top of them to complete the covering.

a. II:4: Gloss of foregoing.

C. R. JUDAH SAYS, “IT SHOULD BE WIDE ENOUGH TO HOLD A HALF-BRICK EVEN THOUGH IT IS NOT SUFFICIENTLY STRONG TO HOLD A HALF-BRICK.

1. III:1: R. Judah repeated as the Tannaite formulation to Hiyya bar Rab in the presence of Rab, “Wide enough to hold a half-brick even though it is not sufficiently strong to hold a half-brick.” He said to him, “Repeat it in the language, wide enough to hold a half-brick and sufficiently strong to hold a half-brick.”

D. “IF IT WAS OF STRAW OR REEDS, THEY REGARD IT AS IF IT WERE MADE OF METAL.”

1. IV:1: What’s the point? That we adopt the principle, they regard it? But that’s exactly what has been said before one that was made of straw is obviously not strong .

E. IF IT WAS CURVED, THEY REGARD IT AS IF IT WERE STRAIGHT.:

1. V:1: So what else is new!

F. IF IT WAS ROUND, THEY REGARD IT AS IF IT WERE SQUARE. WHATEVER IS THREE HANDBREADTHS IN CIRCUMFERENCE IS ONE HANDBREADTH IN WIDTH.

1. VI:1: So what else is new!

2. VI:2: What is the source in Scripture of that fact?

a. VI:3: Expansion on text of Scripture adduced above.

IV. Mishnah-Tractate Erubin 1:6

A. THE SIDEPOSTS OF WHICH THEY SPOKE —THEIR HEIGHT MUST BE TEN HANDBREADTHS. AND THEIR BREADTH AND THICKNESS MAY BE IN ANY MEASURE AT ALL:

1. I:1: Since we speak of sideposts in the plural, may we say that the unattributed Mishnah rule accords with R. Eliezer, who has said that we require two sideposts?

2. I:2: And how much is in any measure at all?

3. I:3: A Tannaite statement: If one made a sidepost for half an alley that is, he put up the sidepost within the alley, at a point facing the middle of the alley , he may carry objects on the Sabbath only in the inner half of the alley.

4. I:4: Said Raba, “If one put up a sidepost for an alley and raised it above the ground by three handbreadths or took it away from the wall by three handbreadths, he has accomplished nothing at all in putting up the sidepost.

B. R. YOSÉ SAYS, “THEIR BREADTH MUST BE THREE HANDBREADTHS.”

1. II:1: Said R. Joseph said R. Judah said Samuel, “The law is not in accord with R. Yosé either with respect to brine (M. Shab. 14:2: They do not make pickling

brine on the Sabbath. But one makes salt water and dips his bread in it and puts it into cooked food. Said R. Yosé, ‘Now is that not pickling brine, whether it is large quantity or small quantity? What is the sort of salt water which is permitted? One first puts oil into water or into salt and then mixes the salt with the water’) or in the matter of sideposts.”

a. II:2: Recapitulation and revision of the foregoing.

b. II:3: Extension of the foregoing.

c. II:4: Extension of the foregoing.

2. II:5: It has been stated: A sidepost that stands on its own but was not erected for the purpose of converting an alleyway into entirely private domain — Abbaye said, “It is a valid sidepost for purposes of carrying in that alleyway on the Sabbath. Raba said, “It is not a valid sidepost.”

V. Mishnah-Tractate Erubin 1:7

A. WITH ANY SORT OF MATERIAL DO THEY MAKE SIDEPOSTS, EVEN SOMETHING WHICH IS ANIMATE. AND R. YOSÉ PROHIBITS USING AN ANIMATE OBJECT. AND AN ANIMATE CREATURE WHICH IS USED TO COVER UP THE ENTRANCE OF A TOMB IMPARTS UNCLEANNESS AS A SEALING STONE. BUT R. MEIR DECLARES IT CLEAN WHEN USED FOR THAT PURPOSE. AND THEY WRITE ON AN ANIMATE CREATURE WRITS OF DIVORCE FOR WOMEN. AND R. YOSÉ THE GALILEAN DECLARES IT INVALID WHEN USED FOR THAT PURPOSE.

1. I:1: It has been taught on Tannaite authority:\ R. Meir says, “With any animate object one may not make the wall of a sukkah or the sidepost of an alleyway or partitions for watering stations or a covering for a grave.” In the name of R. Yosé the Galilean they said, “Also they do not write on it writs of divorce for women.”

2. I:2: What is the scriptural basis for the position of R. Yosé the Galilean?

VI. Mishnah-Tractate Erubin 1:8

A. A CARAVAN WHICH ENCAMPED IN A VALLEY, AND WHICH THE TRAVELERS SURROUNDED WITH A FENCE MADE OUT OF CATTLE YOKES — THEY CARRY THINGS ABOUT IN IT, ON CONDITION THAT THE FENCE BE TEN HANDBREADTHS HIGH, AND THERE NOT BE BREAKS IN THE FENCE LARGER THAN THE BUILT-UP PARTS. ANY BREAK IN THE FENCE WHICH IS ABOUT TEN CUBITS WIDE IS PERMITTED, BECAUSE IT IS TANTAMOUNT TO A DOORWAY. BUT A BREAK IN THE FENCE LARGER THAN THAT IS PROHIBITED.

1. I:1: It has been stated: In the case of a fence erected on a temporary basis by a caravan so as to form a distinct domain to permit carrying on the Sabbath, if there is a breach in the perimeter that is as long as a standing portion of the perimeter of the fence, so that the fence consists of a standing part, a breach, a standing part, another breach, and so on, and the breaches are as long in distance as the parts of the perimeter filled in by a standing partition of some sort, R. Papa said, “The fence is

permitted so as to allow for carrying in the enclosed area.” And R. Huna, son of R. Joshua, said, “It is forbidden.”

a. I:2: Extension of the foregoing.

VII. Mishnah-Tractate Erubin 1:9-10F

A. THEY SURROUND THE CAMP WITH THREE ROPES ONE ABOVE THE OTHER, ON CONDITION THAT BETWEEN ONE ROPE AND THE NEXT THERE BE NO SPACE MORE THAN THREE HANDBREADTHS. THE SIZE OF THE ROPES MUST BE SO THAT THEIR TOTAL THICKNESS IS MORE THAN A HANDBREADTH, SO THAT THE WHOLE WILL BE TEN HANDBREADTHS HIGH.

1. I:1: Said R. Hamnuna said Rab, “Lo, sages have said, ‘If the standing part is more than the broken-down part in a partition of vertical stakes, it is valid.’” R. Hamnuna raised the question, “What is the law as to horizontal ropes?”

B. THEY SURROUND THE CAMP WITH REEDS, ON CONDITION THAT THERE NOT BE BETWEEN ONE REED AND THE NEXT THREE HANDBREADTHS OF EMPTY SPACE. “AND THEY SPOKE SPECIFICALLY OF THE CASE OF A CARAVAN AT REST,” THE WORDS OF R. JUDAH. AND SAGES SAY, “THEY SPOKE OF A CARAVAN ONLY BECAUSE OF PREVAILING CONDITIONS.” “ANY PARTITION WHICH IS NOT OF WARP AND WOOF IS NO PARTITION,” THE WORDS OF R. YOSÉ B. R. JUDAH.

1. II:1: Is this so only of a camp but not of the lodging of an individual? But hasn’t it been taught on Tannaite authority: R. Judah says, “All defective partitions in connection with the Sabbath that posed a problem if the space involved exceeds two bet seahs are not permitted to an individual”? So an individual could gain the advantage of this kind of partition for an area less than the specified one.

2. II:2: Expounded R. Nahman in the name of our lord, Samuel, “An individual is permitted an area of two bet seahs, so, too, two are allowed that same area, but three of them are classified as a caravan and are allowed to enclose in such a way an area of six bet seahs.”

3. II:3: Said R. Giddal said Rab, “Three persons in five bet seahs may be forbidden, and the same number in an area of seven may be permitted to carry things in an area marked off in the way just now described.”

4. II:4: It has been stated: If there were three people, and one of them died, or two, and someone joined them — R. Huna and R. Isaac — One said, “The Sabbath dictates the ruling” The extent of the area permitted is dependent on the number of persons alive at the moment the Sabbath begins; if at that time the three were alive, the survivors may continue to use the full area throughout the Sabbath; if only two persons were there when the Sabbath began and they enclosed an area larger than two bet seahs, they are forbidden to use it even if their number had been augmented during the Sabbath.

The other said, “The number of residents dictates the ruling”

a. II:5: Gloss of the foregoing.

C. AND SAGES SAY, “ONE OF THE TWO IS ENOUGH .”

1. III:1: That’s the same thing that the initial authority says!

VIII. Mishnah-Tractate Erubin 1:10G-K

A. FOUR MATTERS DID THEY DECLARE EXEMPT FROM LIABILITY IF DONE BY PEOPLE IN A MILITARY CAMP: THEY GATHER WOOD FROM ANY LOCATION

1. I:1: Our rabbis have taught on Tannaite authority: A military detachment that goes forth to a discretionary war is permitted to grab dried wood. R. Judah b. Tema says, “They may pitch camp anywhere, even without the permission of the owner of the field, and wherever they are killed, there they are to be buried” (T. **Er. 2: 6**).

2. I:2: Continuation of the foregoing.

3. I:3: Continuation of the foregoing.

B. AND THEY ARE EXEMPT FROM THE REQUIREMENT OF WASHING HANDS BEFORE EATING:

1. II:1: Said Abbaye, “This refers only to the washing prior to the meal, but as to washing after the meal, that is obligatory.”

C. AND FROM THE LAWS CONCERNING DOUBTFULLY TITHED PRODUCE:

1. III:1: For we have learned in the Mishnah: They feed the poor demai produce, and billeted troops doubtfully tithed produce (M. Dem. 3:1A).

D. AND FROM THE REQUIREMENT TO PREPARE AN ERUB TO JOIN THE SEVERAL TENTS SO THAT THINGS MAY BE TAKEN FROM ONE ANOTHER.

1. IV:1: They said at the household of R. Yannai, “They made this statement only with respect to the fusion meal prepared for courtyards, but their obligation to prepare a fusion meal for boundaries remains in tact, since R. Hiyya stated as a Tannaite rule: ‘They flog for violation of the rule governing the fusion meal for boundaries, by the law of the Torah.’”

IX. Mishnah-Tractate Erubin 2:1-3

A. THEY SET UP BOARDS AROUND WELLS IN THE PUBLIC DOMAIN. “FOUR CORNER PIECES APPEARING LIKE EIGHT SINGLE BOARDS ARE TO BE SET UP,” THE WORDS OF R. JUDAH. R. MEIR SAYS, “EIGHT APPEARING LIKE TWELVE ARE TO BE SET UP. “FOUR ARE CORNER PIECES, AND FOUR ARE FLAT.” THEIR HEIGHT IS TO BE TEN HANDBREADTHS, AND THEIR BREADTH SIX, AND THEIR THICKNESS IN ANY MEASURE AT ALL:

1. I:1: They set up boards around wells in the public domain: May one propose that our Mishnah rule is not in accord with Hanania? For it has been taught on Tannaite authority: They set up boards for a cistern and ropes for a caravan site. And Hanania says, “Ropes for a cistern—but not boards.”

2. I:2: May we say that our Mishnah paragraph is not in accord with R. Aqiba? For we have learned in the Mishnah: “All the same are a cistern serving the public, a well serving the public, and a well serving an individual: They set up boards for them. But for a cistern serving an individual They set up a partition ten handbreadths high,” the words of R. Aqiba (M. 2:4C-F). Here, by contrast, we

find the Tannaite rule formulated in terms of wells, yielding the rule, such an arrangement may be made for wells, but not for cisterns!

3. I:3: May we say that our Mishnah paragraph is not in accord with R. Judah b. Baba, for we have learned in the Mishnah: R. Judah b. Baba says, “They set up boards only for a well serving the public alone. But for the rest they set up a rope belt ten handbreadths high” (M. 2:4C-F)? Here, by contrast, we find the Tannaite rule formulated in terms of wells, yielding the rule, there is no distinction to be drawn between public and private ones?

4. I:4: What is the meaning of corner piece?

a. I:5: Further word studies in the same pattern.

b. I:6: Further word studies in the same pattern.

c. I:7: Further word studies in the same pattern. The creation of man and woman.

B. TOPICAL APPENDIX ON WOMAN AND CORRECT BEHAVIOR WITH WOMEN

I. I:8: Exposition of a secondary theme in the foregoing. He who counts out coins into a woman’s hand from his own in order to have a chance to stare at her, even if such a one has in hand Torah and good deeds like Moses, our master, will not be quit of the judgment of Gehenna.

II. I:9: Continuation of the foregoing. Said R. Nahman, “Manoah was an ignorant man. For it is written, ‘And Manoah went after his wife’ (Jud. 13:11).”

III. I:10: Continuation of the foregoing. Said R. Yohanan, “Walk after a lion but not after a woman, after a woman but not after a gentile, after a gentile but not behind a synagogue when the community is saying prayers.”

IV. I:11: And said R. Jeremiah b. Eleazar, “All those years that the first man was subject to excommunication, he begat spirits and shades and male demons and female demons: ‘And Adam lived a hundred and thirty years and begat a son in his own likeness, after his own image’ (Gen. 5: 3) —so it follows that up to that point, he did not beget a son in his own likeness.”

V. I:12: Further saying with the same attributive.

VI. I:13: And said R. Jeremiah b. Eleazar, “What is the meaning of this verse: ‘And lo in her mouth was an olive leaf freshly plucked’ (Gen. 8:11)? The dove said before the Holy One, blessed be He, ‘May my food be as bitter as an olive leaf but placed in our hand, and let it not be as sweet as honey but placed in the hand of mortals.’”

VII. I:14: Further saying with the same attributive.

VIII. I:15: Further saying with the same attributive.

IX. I:16: Further saying with the same attributive.

X. I.:17: Further saying with the same attributive.

XI. I.:18: Further saying with the same attributive.

XII. I.:19: Further saying with the same attributive.

A. I.:20:Gloss of foregoing.

B. I.:21: Gloss of foregoing.

C. “AND THE SPACE BETWEEN THEM IS TO BE NO MORE THAN WHAT WOULD BE ENOUGH FOR TWO TEAMS OF THREE OXEN EACH,” THE WORDS OF R. MEIR

1. II:1: That’s pretty obvious, since the Tannaite formulation states, tied together, we surely know that they are not apart!

D. R. JUDAH SAYS, “FOR FOUR TEAMS OF FOUR OXEN EACH, TIED TOGETHER AND NOT WIDELY APART, ONE GOING IN WHILE THE OTHER GOES OUT.”

1. III:1: A Tannaite statement: One team has to be able to enter while the other one goes out.

E. (IT IS PERMITTED TO BRING THE FENCE CLOSE TO THE WELL,) SO LONG AS THE HEAD AND GREATER PART OF A COW WILL BE INSIDE THE ENCLOSED SPACE WHEN IT DRINKS:

1. IV:1: Our rabbis have taught on Tannaite authority: How much is “the head and the greater part of the body of the cow”? Two cubits. And how thick is a cow? A cubit and two-thirds — “so the extent of all the cows is about ten cubits,” the words of R. Meir. The extent of the thickness of one cow is one and two-thirds cubits, so two teams of three covers would be ten cubits. R. Judah says, “About thirteen or fourteen cubits.”

a. IV:2: Gloss of the foregoing.

b. IV:3: Gloss of the foregoing.

2. IV:4: Said R. Pappa, “As to a cistern that is eight cubits wide in which case the length of each side of the space enclosed by the corner pieces is twelve cubits, eight cubits, the width of the cistern, plus twice two cubits, the length of the head and greater part of a cow’s body on each side of the cistern, no one disputes the fact that no single boards are required since the gaps between the corner pieces that screen the space of one cubit at the extremity of each side do not exceed ten cubits, and may in consequence be regarded a doorways even by R. Meir. In regard to a cistern that is twelve cubits wide, all parties concur that single boards also are required. Each side of the enclosure is sixteen cubits wide; twelve, the width of the cistern, plus twice two. Where there is a difference of opinion, it is a case in which a cistern was from eight to twelve cubits wide. According to R. Meir, single boards are required in addition to the corner pieces, and in accord with R. Judah, single boards are not required.”

3. IV:5: Abbaye asked Rabbah, “According to R. Meir, if one extended the corner piece so the excess of the width beyond the one cubit in extent at the extremities of each side of the well enclosure was equal to the required width of the single boards, what is the rule?”

4. IV:6: Abbayye asked Rabbah, “According to R. Judah, if the distance between the corner pieces is more than thirteen and a third cubits, what is the law? Does one have to add more single boards to show how the gaps are reduced, or may one extend the width of the corner pieces?”

5. IV:7: Abbayye asked Rabbah, “A mound that rises to a height of ten handbreadths in an area of four cubits —is it treated as a corner piece or is it not treated as a corner piece?”

6. IV:8: Abbayye asked Rabbah, “In the case of a fence of reeds growing on two sides of the corner of a well enclosure, in which the distance between any two reeds is less than three handbreadths, do we regard such reeds as a valid corner piece or not?”

7. IV:9: Abbayye asked Rabbah, “If a courtyard opened out on one side onto an area between the strips of wood around a well, what is the law on moving objects from inside the courtyard into the area between the strips, or from the area between the strips to the interior of the courtyard?”

8. IV:10: Abbayye asked Rabbah, “If the water of the well dried up on the Sabbath, what is the law about carrying in the enclosure?” Is movement permitted because the enclosure was private domain when the Sabbath began, or is it forbidden because it was permitted to carry in this imperfect enclosure only because of the water in the well, which is no longer available?

9. IV:11: Rabin raised this question: “If the water of the well dried up on the Sabbath but on that same Sabbath other water made its appearance, what is the rule?”

10. IV:12: Said R. Eleazar, “He who on the Sabbath from public domain throws an object into the area between strips of wood around wells is liable since the area is private domain.”

F. IT IS PERMITTED TO BRING THE FENCE CLOSE TO THE WELL, SO LONG AS THE HEAD AND GREATER PART OF A COW WILL BE INSIDE THE ENCLOSED SPACE WHEN IT DRINKS:

1. V:1: We have learned in the Mishnah there: A man should not stand in private domain and drink in public domain, in public domain and drink in private domain, unless he has poked his head and the greater part of his body into the same domain as that in which he drinks. And so in the case of a wine press. A man scoops up water out of a gutter less than ten handbreadths from the ground. And from a waterspout in any manner he may drink (M. [Er. 10: 6](#)). So in the case of a human being, it is clear, it is necessary that his head and the greater part of the body be in the domain where he is drinking. But in the case of a cow, is it necessary that the greater part of its body and head shall be in the domain in which it is drinking? Or is that not the rule? Now, in any case in which the owner is holding a utensil but not the animal, there can be no doubt that the head and the greater part of the body have to be within private domain. The question arises where the owner is holding both the bucket and the beast. And what is the ruling?

a. V:2: Second version of the foregoing.

2. V:3: Said R. Isaac bar Adda, “The use of strips of wood around wells was permitted solely for pilgrims for the festivals.”

a. V:4: Gloss.

3. V:5: One may not fill a bucket with water and hold it before his cattle, but fills the bucket with water and pours it into a trough before the cattle, and they drink on their own.

4. V:6: Said R. Jeremiah bar Abba said Rab, “The law of isolated dwellings does not apply to Babylonia that huts within seventy and two thirds cubits of a town are regarded as suburbs of the town, so that the Sabbath limit of two thousand cubits assigned to the town commences at the end of the last hut outward toward the unsettled area. And the rule that enclosures may be made around wells so that beasts may drink there does not apply outside of the Land of Israel. The law of isolated dwellings does not apply to Babylonia, because there dam bursts are common which sweep away such huts. And the rule that enclosures may be made around wells does not apply outside of the Land of Israel, because sessions of learned sages are not common overseas. But the opposite applies.”

a. V:7: Amplification of foregoing.

6. V:8: Said R. Hisda, “Expounded Mari bar Mar, ‘What is the meaning of the verse of Scripture...Until Zechariah b. Iddo came along and spelled it out: “And he said to me, what do you see? And I answered, I see a folded roll; the length of it is twenty cubits and the breadth of it ten cubits” (Zec. 5: 2). When this is unfolded, it is twenty by twenty cubits. Since it is written, “And it was written inside and out” (Eze. 2:10), what will be the size when it is split? Forty by twenty cubits. But as it is written, “Who has measured the waters in the hollow of his hand and meted out heaven with the span” (Isa. 40:12), it follows that the entire universe is equal to one three thousand and two hundredth part of the Torah.”

a. V:9: Same attribution, different exegesis.

I. V:10: Different attribution, same idea as in foregoing.

II. V:11: Different attribution, same verse as in foregoing.

A. V:12: Same verse as in foregoing.

B. V:13: As above.

C. V:14: Story illustrating the same idea as above.

1. V:15: Secondary gloss of foregoing. Said R. Judah said Samuel, “At the time that Solomon ordained the rules of the fusion meals and the washing of hands, an echo came forth and said, ‘My son, if your heart be wise, my heart will be glad, even mine’ (Pro. 23:15); and furthermore, ‘My son, be wise and make my heart glad, that I may answer him who taunts me’ (Pro. 27:11).”

D. V:16: Exegesis of Song 7:12: Come and I shall show you disciples of sages, who are engaged in the Torah in the midst of want.

E. V:17: Said R. Hamnuna, “What is the meaning of the verse of Scripture, ‘And he spoke three thousand proverbs, and his songs were a thousand and five’ (1Ki. 5:12?) This teaches that Solomon said for every word of the Torah three thousand proverbs and one thousand and five reasons for every word of the scribes.”

F. V:18: Expounded Raba, “What is the meaning of the verse of Scripture, ‘And besides that Qohelet was wise, he also taught the people knowledge; yes, he pondered and sought out and set in order many proverbs’ (Qoh. 12: 9)?”

G. V:19: “His locks are curled” (Son. 5:11) — Said R. Hisda said Mar Uqba, “This teaches that one has occasion to expound every stroke of the letters of the Torah with mounts of expositions.”

H. V:20: In whom do you find teachings of the Torah? In him who gets up early in the morning and goes to bed late at night working on them in the house of study.”

I. V:21: Illustrative story.

I. V:22: “And repays them that hate him to his face to destroy him” (Deu. 7:10) — Said R. Joshua b. Levi, “If it were not that a verse of Scripture were written to that effect, it would not be possible to say it: He is as it were like a man who carries a burden on his face and wants to throw it off from him.”

J. V:23: Said R. Haggai and some say R. Samuel bar Nahmani, “What is the meaning of the verse of Scripture, ‘Long-suffering’ (Exo. 34: 6) given in the dual form, surely the singular would have served! ‘Long-suffering’ —in double measure for the righteous, ‘Long-suffering’ —in double measure for the wicked.”

G. R. JUDAH SAYS, “THEY MAY DRAW THEM BACK FROM THE WELL ONLY SO FAR AS TO LEAVE TWO SEAHS OF SPACE.” THEY SAID TO HIM, “THE MEASURE OF TWO SEAHS SPACE HAS BEEN STATED ONLY IN CONNECTION WITH WHAT IS REQUIRED FOR A GARDEN OR AN OUTER AREA. BUT IF IT WAS A CATTLE PEN, FOLD, STOREYARD, OR COURTYARD, EVEN A SPACE OF FIVE KORS, EVEN A SPACE OF TEN KORS, IS PERMITTED.” AND IT IS PERMITTED TO DRAW THE BOARDS BACK ANY DISTANCE AT ALL, SO LONG AS ONE INCREASES THE NUMBER OF BOARDS.

1. VI:1: The question was raised: Does he make reference to the area of the cistern along with the strips of wood, or does he mean the cistern alone, exclusive of the area between the strips of wood so the full area of the enclosure may be two bet seahs in addition to the two cubits on each side of the cistern? Does someone deem his cistern as the permitted area, so it is not necessary to make a decree about the permitted area as a preventive measure against the possibility of his moving objects in an enclosure larger than two bet seahs, or does someone regard the partition as operative, so it was necessary to make a precautionary decree

restricting the permitted area as a preventive measure against assuming that an area of more than two bet seahs is permitted in the case of an enclosure, too?

2. VI:2: Said R. Simeon b. Eleazar, “Any enclosed air space that is used for a dwelling, for example, a cattle pen or a corral, a rear court or a courtyard, is permitted for carrying on the Sabbath, even if it is an area of five kors or ten kors, and any dwelling that is used in the open air, for example, huts in the fields, are allowed only two seahs; the area more than that is forbidden for carrying on the Sabbath.”

X. Mishnah-Tractate Erubin 2:4A-B

A. R. JUDAH SAYS, “IF A PUBLIC PATH WENT THROUGH THEM THE BOARDS, ONE SHOULD DIVERT IT TO THE SIDE.” AND SAGES SAY, “IT IS NOT NECESSARY TO DO SO.”

1. I:1: Both R. Yohanan and R. Eleazar say, “Here sages inform you of the remarkable power of partitions” that even a public road cannot affect it.

a. I:2: Secondary analysis of the foregoing.

2. I:3: Said R. Isaac bar Joseph said R. Yohanan, “For carrying in public domain on the Sabbath in the Land of Israel people are not liable.”

3. I:4: Rabbah asked Raba, “A mound that rises to ten handbreadths on a base of four cubits, through which the public makes its way — are people liable on its account as public domain if they carry therein, or are they not so liable? In respect to the position of rabbis, the question is not bothersome, for if using the road, which is not difficult, poses no problem, rabbis ruled that use by the public does not impair the validity of the partition, how much the more so here, where using the road is not easy! Where the problem is significant for you it concerns the position of R. Judah. Does he take the view that he does in the Mishnah, because the use of the road is easy, but here, where using the road is not so convenient, the public won’t impair the validity of the partition, or perhaps there is no difference?”

XI. Mishnah-Tractate Erubin 2:4C-E

A. “ALL THE SAME ARE A CISTERN SERVING THE PUBLIC, A WELL SERVING THE PUBLIC, AND A WELL SERVING AN INDIVIDUAL: THEY SET UP BOARDS FOR THEM. BUT FOR A CISTERN SERVING AN INDIVIDUAL THEY SET UP A PARTITION TEN HANDBREADTHS HIGH,” THE WORDS OF R. AQIBA. R. JUDAH B. BABA SAYS, “THEY SET UP BOARDS ONLY FOR A WELL SERVING THE PUBLIC ALONE. BUT FOR THE REST THEY SET UP A ROPE BELT TEN HANDBREADTHS HIGH.”

1. I:1: aid R. Joseph said R. Judah said Samuel, “The decided law accords with R. Judah b. Baba.” And said R. Joseph said R. Judah said Samuel, “The use of strips of wood around wells was permitted only in the case of a well containing flowing water alone.”

XII. Mishnah-Tractate Erubin 2:5-6

A. AND FURTHER DID R. JUDAH B. BABA SAY, “AS TO A GARDEN OR AN OUTER AREA NO MORE THAN SEVENTY CUBITS AND TWO-THIRDS BY SEVENTY CUBITS AND

TWO-THIRDS, SURROUNDED BY A WALL TEN HANDBREADTHS HIGH — THEY CARRY ABOUT IN IT, SO LONG AS THERE IS A WATCHMAN’S HUT OR A HOUSE, OR IT IS NEAR TOWN WHERE THE OWNER LIVES.”

R. JUDAH SAYS, “EVEN IF THERE IS IN IT ONLY A CISTERN, PIT, OR CAVERN, THEY CARRY ABOUT IN IT.”

1. I:1: And further did R. Judah b. Baba say: What had he already set forth as a Tannaite rule, that the language, And further..., is used here? Should I say that it is because he taught one strict ruling only a public well may be provided with strips of wood, and now he sets forth yet another Tannaite rule of the same sort, on which account the expression, And further..., is used, lo, R. Judah also has set forth a Tannaite rule that is strict, and yet another one, and nonetheless, the language, And further..., is not used.

B. R. AQIBA SAYS, “EVEN IF THERE IS IN IT NONE OF THESE THINGS, THEY CARRY ABOUT IN IT, SO LONG AS IT IS OF THE SPACE OF SEVENTY CUBITS AND TWO-THIRDS BY SEVENTY CUBITS AND TWO-THIRDS AND NO MORE.”

1. II:1: So R. Aqiba is saying what the initial Tannaite authority has said!

2. II:2: And how big is an area of two seahs? It is the size of the courtyard of the tabernacle 100 x 50 cubits, Exo. 27:18. What is the source in Scripture for that fact that the dimensions of the court of the tabernacle are squared to fix the area in connection with the moving of objects on the Sabbath?

C. R. ELIEZER SAYS, “IF ITS LENGTH IS LONGER THAN ITS BREADTH EVEN BY A SINGLE CUBIT, THEY DO NOT CARRY THEREIN.”

1. III:1: But hasn’t it been taught on Tannaite authority: R. Eliezer says, “If its length was more than twice its breadth, even by only one cubit, it is forbidden to move objects in the area”?

D. R. YOSÉ SAYS, “EVEN IF ITS LENGTH IS TWO TIMES ITS BREADTH, THEY DO CARRY THEREIN.”

1. IV:1: It has been stated: Said R. Joseph said R. Judah said Samuel, “The decided law accords with R. Yosé.” And R. Bibi said R. Judah said Samuel said, “The decided law accords with R. Aqiba.”

2. IV:2: An enclosure that was large enough for sowing more than two seahs of seed, which has been fenced in for dwelling purpose, then, if the larger part of it is sown with vegetables, it is classified as a vegetable garden and the area is forbidden for carrying on the Sabbath, but if the larger part is planted with trees, it is classified as a courtyard, and it is permissible to carry therein on the Sabbath. So character of the vegetables classify the area as a field, but trees do not. “...if the larger part of it is sown”: Said R. Huna b. R. Joshua, “We have made that statement only where the area sown was larger than two bet seahs such a large area was not fenced for dwelling purposes; it is neglected public domain. The unsown part is a courtyard, whose one complete side is fully open onto neglected public domain; both sections are forbidden domains for moving things on the Sabbath, but if it is one of two bet seahs while the sown part is subject to the restrictions of an enclosure, the unsown one is subject to those of a courtyard that opens out into an enclosure, it is permitted since both belong to the same owner.

a. IV:3: Illustrative case.

3. IV:4: Said R. Nahman said Samuel, “An enclosure that is larger than two bet seahs, which was not fenced in for a dwelling place —what does one do? He makes a breach wider than ten cubits in the surrounding fence nullifying the fence. This is then filled in to reduce the gap to ten cubits so the breach is now a valid doorway, and then it is permitted to carry objects in the enclosure.”

4. IV:5: Said R. Kahana, “An open area located at the back of houses —people may carry in such an area only for a distance of four cubits.” And said R. Nahman, “If one made a doorway into the area, it is permitted to carry objects through the whole area, since the door transforms it into a domain in which it is permitted to carry things. But we have made that statement only if he made the door first, then enclosed the area. But if it was first enclosed and then the door was made, that rule does not apply.”

5. IV:6: An enclosure that was bigger than two seahs, which one enclosed for dwelling purposes but then filled with water —rabbis considered ruling that the rule governing the water area is equivalent to the rule governing a seeded area, so it would be forbidden to carry objects therein. The pertinent rule is as follows: An enclosure that was large enough for sowing more than two seahs of seed, which has been fenced in for dwelling purposes, then, if the larger part of it is sown with vegetables, it is classified as a vegetable garden and the area is forbidden for carrying on the Sabbath.

a. IV:7: Illustrative case.

6. IV:8: An enclosure larger than two bet seahs that was not enclosed for dwelling purposes, and one came to cut down its size —if he cut down the size by planting trees, that would not constitute a valid reduction in size. No material change has taken place in the enclosure, which already has trees. If he built in it a pillar ten handbreadths high and four broad, that would constitute a valid diminution in the area. If it was less than three handbreadths wide, that would not constitute a valid reduction in the size of the area. If it was between three and four handbreadths broad — Rabbah said, “This constitutes a valid diminution in the area of the enclosure.” And Raba said, “This does not constitute a valid diminution in the area of the enclosure.”

7. IV:9: If one smeared the fence across the enclosure with plaster and the layer is such that it can stand on its own, it serves to diminish the dimensions of the enclosure; if not — Rabbah said, “This constitutes a valid diminution in the area of the enclosure.” And Raba said, “This does not constitute a valid diminution in the area of the enclosure.”

a. IV:10: Gloss of foregoing.

8. IV:11: Rabbah bar bar Hannah raised this question: “If the lower fences were sunk in the ground but the upper ones remained standing, what is the law?”

a. IV:12: Case.

9. IV:13: An enclosure that was three bet seahs in size, and one bet seah was covered with a roof — as to the covered space — Rabbah said, “The covered space expands the enclosure beyond two bet seahs the covered area still being

classified as part of the open enclosure.” And R. Zira said, “The covered space does not expand the enclosure beyond two bet seahs.”

a. IV:14: Case.

b. IV:15: Case.

E. SAID R. ILAI, “I HEARD FROM R. ELIEZER, ‘EVEN IF IT IS A KOR’S SPACE SEVENTY-FIVE THOUSAND SQUARE CUBITS:’”

1. V:1: Our Mishnah paragraph cannot accord with the view of Hananiah, for it has been taught: Hananiah says, “Even if it was a space as large as forty bet seahs, as large as a palatial garden.”

a. V:2: Gloss.

F. “AND SO DID I HEAR FROM HIM, ‘THE INHABITANTS OF A COURTYARD, ONE OF WHOM FORGOT AND DID NOT PREPARE AN ERUB — AS TO HIS HOUSE, IT IS PROHIBITED FOR HIM TO BRING IN SOMETHING OR TAKE IT OUT. BUT FOR THEM IT IS PERMITTED.’”

1. VI:1: But haven’t we learned in the Mishnah: The men of a courtyard, one of whom forgot and did not participate in the erub with the others —his house is prohibited, both for him and for them, from bringing things in and from taking things out. And theirs are permitted both for him and for them (M. 6:3A-C)? Our rule imposes a prohibition upon him only, but not on them.

a. VI:2: Gloss.

b. VI:3: Extension of foregoing.

c. VI:4: As above.

G. “AND SO DID I HEAR FROM HIM, ‘THEY FULFILL THEIR OBLIGATION TO EAT BITTER HERBS THROUGH HART’S TONGUE ON PASSOVER.’ AND I MADE THE ROUNDS OF ALL HIS DISCIPLES, AND I LOOKED FOR A PARTNER FOR MYSELF IN HOLDING THESE TRADITIONS BUT FOUND NONE.”

1. VII:1: What’s hart’s tongue?

XIII. Mishnah-Tractate Erubin 3:1

A. WITH ANY FOOD DO THEY PREPARE A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN = ERUB OR A FICTIVE BOUNDARY MEAL TO ESTABLISH ONE’S POINT OF RESIDENCE FOR THE SABBATH, EXCEPT FOR WATER AND SALT.

1. I:1: Said R. Yohanan, “We may not establish analogies resting on encompassing principles, and that is so even though exceptions are explicitly stated.” Now, since he has said, and that is so even though exceptions are explicitly stated, it follows that he does not make reference to our Mishnah paragraph. Then to what passage does he make reference?

a. I:2: Gloss on the foregoing.

B. AND ANY FOOD IS PURCHASED WITH MONEY SET ASIDE AS SECOND TITHE, EXCEPT FOR WATER AND SALT:

1. II:1: R. Eleazar and R. Yosé bar Hanina – One said, “The limitation except for water and salt pertains to the fictive fusion meal. The other said, “The limitation except for water and salt pertains to the use of second tithe funds.”

a. II:2: Gloss of a detail of the foregoing.

b. II:3: Further gloss of II:1.

2. II:4: Said R. Judah in the name of R. Samuel bar Shilat in the name of Rab, “They prepare a fictive fusion meal with cress, purslane, and a kind of clover, but not with lichen or unripe dates.”

a. II:5: Amplification of the foregoing.

I. II:6: As above: is it true that they do not make a fusion meal with unripe dates?

A. II:7: Gloss of the foregoing.

B. II:8: As above.

b. II:9: Further amplification of II:4.

3. II:10: Said R. Hilqiah bar Tubiah, “They make a fictive fusion meal with the ashes of an alkaline plant.”

4. II:11: R. Jeremiah went out to the villages. They asked him, “What is the law on making a fictive fusion meal with green beans?” He didn’t have the answer in hand. When he came to the schoolhouse, they said to him, “This is what R. Yannai said, ‘They do make a fictive fusion meal with green beans.’”

5. II:12: Said R. Hamnuna, “They make a fictive fusion meal with raw beets.”

a. II:13: Topical gloss.

6. II:14: Do people make a fictive fusion meal with apples?

a. II:15: Gloss of a detail of the foregoing.

b. II:16: Gloss of a detail of the foregoing.

c. II:17: Gloss of a detail of the foregoing.

d. II:18: Gloss of a detail of the foregoing.

A. II:19: Topical gloss.

7. II:20: Said R. Zira said Samuel, “With beer they make a fictive fusion meal, and bear in the volume of three logs invalidates an immersion pool.”

8. II:21: As to dates, how much of a volume is required for a fictive fusion meal?

9. II:22: How much wheat and honey dish must be used for a fictive fusion meal?

10. II:23: How about roasted ears?

a. II:24: Topical gloss.

11. II:25: Said R. Judah said Samuel, “To make a fictive fusion meal of any relish, it may be in any volume at all that is enough to eat with that relish bread for two meals, but any food that isn’t relish must itself be sufficient for two meals.”

a. II:26: Secondary gloss of a detail of the foregoing.

12. II:27: Said R. Hiyya bar R. Ashi said Rab, “They make a fictive fusion meal with raw meat.”

C. HE WHO VOWS TO ABSTAIN FROM FOOD IS PERMITTED TO MAKE USE OF WATER AND SALT:

1. III:1: Water and salt are the things not regarded as food, but all other things are regarded as food. May we not maintain, moreover, that the passage at hand refutes the view of Rab and Samuel, who have said, “People say the blessing, ‘... who creates various kinds of food,’ only prior to eating five species of cereals alone wheat, barley, oats, spelt, and rye.”

2. III:2: So shall we say that water and salt don’t nourish, but everything else nourishes? And didn’t Rabbah bar bar Hannah say, “When we would go to R. Yohanan to eat the fruit of Genessareth, when we were a hundred disciples, we would each bring ten to him. When we were ten, each one of us would bring him a hundred. And a hundred of them cannot be held by a basket that holds three seahs. And Yohanan would eat them all and swear that he had not had the taste of food.”

3. III:3: Said R. Huna said Rab, “If someone said, ‘By an oath, I won’t eat this loaf’ — they may prepare a fictive fusion meal for him from it. If he said, ‘...this loaf shall be forbidden to me for every and all sorts of benefit,’ no fictive fusion meal may be prepared for him from it.”

D. THEY PREPARE A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN FOR A NAZIR WITH WINE WHICH HE IS FORBIDDEN BY HIS VOW TO DRINK, AND FOR AN ISRAELITE WITH HEAVE-OFFERING.

1. IV:1: Our Mishnah paragraph is not in accord with the position of the House of Shammai, for it has been taught on Tannaite authority: The House of Shammai say, “With wine they don’t prepare a fictive fusion meal for a Nazirite, or with food in the status of heave-offering for an Israelite.” And the House of Hillel say, “They do prepare a fictive fusion meal for a Nazirite with wine, or for an Israelite with food in the status of heave-offering.”

E. SUMKHOS SAYS, “WITH UNCONSECRATED PRODUCE.”

1. V:1: But he doesn’t take a position with reference to, and against, the other clause, namely: They prepare a fictive fusion meal to unite courtyards into a single domain for a Nazir with wine which he is forbidden by his vow to drink. Why not? Is it possible that the reason is, the Nazirite may address a question to a sage that might release him from his Nazirite vow? So it is equally plausible that with respect to food in the status of heave-offering, the same might take place so there is the possibility that an Israelite might eat it!

a. V:2: Expansion of the foregoing.

F. AND FOR A PRIEST THEY PREPARE A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN AND LOCATE IT IN A GRAVE AREA.

1. VI:1: For said R. Judah said Samuel, “In a grave area of dubious status, one puffs away before him as he walks along to blow the small bones out of the way.”

G. R. JUDAH SAYS, “EVEN IN A GRAVEYARD WHICH HE IS FORBIDDEN BY HIS CASTE STATUS TO ENTER, BECAUSE HE CAN GO OUTSIDE AND EAT.”

1. VII:1: A Tannaite statement: because he can put up an interposition and pass through in a chest, box, or cupboard.

2. VII:2: It has been taught on Tannaite authority: R. Judah says, “In a grave they deposit a fictive fusion meal prepared for a priest in the status of cleanness with heave-offering in the status of cleanness.”

XIV. Mishnah-Tractate Erubin 3:2A-C

A. THEY PREPARE A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN WITH (1) DOUBTFULLY TITHED PRODUCE,

1. I:1: Since if he wanted, he could declare his property to be abandoned and therefore not subject to tithing and thereby would become a poor man, it would be fit for him.

B. (2) FIRST TITHE WHOSE HEAVE-OFFERING HAS BEEN REMOVED,

1. II:1: So what else is new!

C. AND (3) SECOND TITHE AND CONSECRATED PRODUCE WHICH HAVE BEEN REDEEMED. AND PRIESTS DO SO WITH DOUGH-OFFERING AND WITH HEAVE-OFFERING.

1. III:1: So what else is new!

D. BUT THEY DO NOT PREPARE A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN WITH (1) FOOD LIABLE TO TITHING FROM WHICH HEAVE-OFFERING AND TITHE HAVE NOT BEEN TAKEN, (2) FIRST TITHE THE HEAVE-OFFERING OF WHICH HAS NOT BEEN REMOVED,

1. IV:1: So what else is new!

E. OR (3) SECOND TITHE AND CONSECRATED PRODUCE WHICH HAVE NOT BEEN REDEEMED.

1. V:1: So what else is new!

XV. Mishnah-Tractate Erubin 3:2D-H

A. HE WHO SENDS HIS FICTIVE FUSION MEAL WITH A DEAF-MUTE, AN IDIOT, OR A MINOR:

1. I:1: Isn't a minor qualified to set out a fictive fusion meal? Didn't R. Huna say, “A minor may collect from tenants of a courtyard food for the fictive fusion meal”?

B. OR WITH SOMEONE WHO DOES NOT CONCEDE THE VALIDITY OF THE FICTIVE FUSION MEAL — IT IS NOT A VALID FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN:

1. II:1: So who's that?

C. BUT IF HE SAID TO SOMEONE ELSE TO RECEIVE IT FROM HIM, LO, THIS IS A VALID FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN.

1. III:1: But shouldn't one take account of the possibility that he may not bring the meal to him?

a. III:2: Said R. Nahman, "As to the law of the Torah, an agent will not be assumed to have carried out his commission. As to a law of scribes, an agent will be assumed to have carried out his commission." And R. Sheshet said, "All the same are laws of both categories: An agent will be assumed to have carried out his commission."

I. III:3: Gloss of a secondary detail of the foregoing.

XVI. Mishnah-Tractate Erubin 3:3A-F

A. IF ONE PUT IT INTO A TREE — IF IT IS ABOVE TEN HANDBREADTHS, HIS FICTIVE FUSION MEAL IS NOT A VALID FICTIVE FUSION MEAL. IF HE PUT IT BELOW TEN HANDBREADTHS, HIS FICTIVE FUSION MEAL IS A VALID FICTIVE FUSION MEAL:

1. I:1: In session were R. Hiyya bar Abba, R. Assi, and Raba bar Nathan, and with them in session was R. Nahman, and, in session, they said, "Now where in the world is this tree located? If it is in private domain, then what difference does it make whether it was above ten handbreadths or below ten handbreadths? In any case private domain extends upward to the firmament! So it must be standing in public domain. But then, where did the man propose to make his Sabbath resting place? If he intended to make it on the tree up above, then he and his fictive fusion meal are in the same domain but then the meal should take effect even if it was above ten handbreadths! If he intended to make his Sabbath resting place below, then he is making use of the tree on the Sabbath, which he may not do, so how can the fictive fusion meal be valid?"

2. I:2: Said Raba, "Our Mishnah rule pertains only to a tree that stood beyond the outskirts of the town beyond houses within seventy and two-thirds cubits from the town, but as to a tree that stands within the outskirts of the town, even if the meal is located above ten handbreadths, lo, this is a valid fusion meal. For a town is deemed to fill out its boundaries, even the space above the ground, since it is surrounded by houses, assumes some of the traits of private domain, as if the ground itself filled up the space above; though moving objects from the tree to public domain is forbidden, the person's Sabbath resting place in regard to the fusion meal is deemed to be level with the ground and the meal is a valid one."

a. I:3: Informational supplement to the foregoing.

b. I:4: As above.

I. I:5: Secondary gloss of I:3.

II. I:6: Continuation of the foregoing.

B. IF HE PUT IT IN A CISTERN, EVEN IF IT WAS A HUNDRED CUBITS DEEP, HIS FICTIVE FUSION MEAL IS A VALID FICTIVE FUSION MEAL.

1. II:1: So where is this cistern located? Should I say that it is located in private domain? Then it's obvious that it's valid, since the private domain ascends to the firmament, and, just as it is imagined to rise up, so it is imagined to descend downward. But if it is in public domain, then where did the man plan to have his

Sabbath locus? If it was above the cistern, in public domain, then he would be in one domain, the meal in the other; if it was below, in the cistern itself, then it's pretty obvious, since he and his fictive fusion meal are in the same domain!

XVII. Mishnah-Tractate Erubin 3:3G-J

A. IF HE PUT THE FICTIVE FUSION MEAL AT THE TIP OF A REED OR AT THE TIP OF A STICK, WHEN IT IS UPROOTED AND STUCK INTO THE GROUND, EVEN IF IT IS A HUNDRED CUBITS HIGH, LO, THIS IS A VALID FICTIVE FUSION MEAL:

1. I:1: R. Ada bar Mattena raised this question to Raba, "Only when it is uprooted and stuck into the ground, that is the case, but if it is not uprooted and stuck into the ground, that is not the rule. The meal could not be removed from its place on account of the prohibition of making use of a growing plant. Now who is the authority behind this rule? It is rabbis, who say, 'Even at twilight on the eve of the Sabbath a precautionary decree has been made against doing any kind of activity that is classed as forbidden by reason of Sabbath rest.' But lo, you have said that the opening paragraph If one put it into a tree—if it is above ten handbreadths, his fictive fusion meal is not a valid fictive fusion meal. If he put it below ten handbreadths, his fictive fusion meal is a valid fictive fusion meal. If he put it in a cistern, even if it was a hundred cubits deep, his fictive fusion meal is a valid fictive fusion meal represents the position of Rabbi, so can the concluding one represent rabbis?"

a. I:2: Illustrative case.

XVIII. Mishnah-Tractate Erubin 3:3K-L

A. IF HE PUT IT INTO A CUPBOARD AND LOST THE KEY, LO, THIS IS NONETHELESS A VALID FICTIVE FUSION MEAL. R. ELIEZER SAYS, "IF HE DOES NOT KNOW THAT THE KEY IS WHERE IT BELONGS, IT IS NOT A VALID FICTIVE FUSION MEAL."

1. I:1: But why is it the fact that this is nonetheless a valid fictive fusion meal? The man is in one location, his fictive fusion meal is somewhere else and he can't get at it!

a. I:2: Secondary expansion.

XIX. Mishnah-Tractate Erubin 3:4

A. IF IT ROLLED OUTSIDE THE SABBATH LIMIT:

1. I:1: Said Raba, "That rule pertains only if it rolled beyond four cubits of the Sabbath limit. But if it came to rest within, it remains valid, since when one deposits the fictive fusion meal, he acquires four cubits of the area around it as his Sabbath domain."

B. OR IF A HEAP OF STONES FELL ON IT:

1. II:1: In the assumption that, if the man wanted, he could retrieve the meal in a manner valid on the Sabbath, may we say that our Mishnah rule does not accord with Rabbi, for if the rule concurred with his position, we should have to ask, didn't he maintain that whatever is forbidden by reason of Sabbath rest is not

subject to a prohibition at twilight? Now the fictive meal is valid only if it is accessible at twilight; removing the stones at that time would be permitted by Rabbi; so the meal would have been effective in his view.

a. II:2: Gloss.

C. OR IF IT WAS BURNED, OR IF IT WAS HEAVE-OFFERING AND WAS MADE UNCLEAN WHILE IT WAS STILL DAY, IT IS NOT A VALID FICTIVE FUSION MEAL. IF IT HAPPENED AFTER NIGHTFALL, LO, THIS IS A VALID FICTIVE FUSION MEAL. IF IT IS A MATTER OF DOUBT, R. MEIR AND R. JUDAH SAY, “LO, IT IS LIKE THE ASS DRIVER AND CAMEL DRIVER.” R. YOSÉ AND R. SIMEON SAY, “A MATTER OF DOUBT CONCERNING A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN IS RESOLVED IN FAVOR OF FITNESS.” SAID R. YOSÉ, “ABTULEMOS GAVE TESTIMONY IN THE NAME OF FIVE ELDERS CONCERNING A MATTER OF DOUBT IN REGARD TO A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN, THAT IT IS RESOLVED IN FAVOR OF FITNESS.”

1. III:1: What need was there for the Tannaite authority to make reference to if it was burned?

2. III:2: But does R. Meir really maintain that where there is a matter of doubt, we adopt the strict ruling?

a. III:3: Theoretical problem flowing from the foregoing.

3. III:4: Raba asked R. Nahman, “If someone said, ‘This loaf of bread today will be secular but tomorrow will be holy,’ and he said, ‘Make a fictive fusion meal for me with this,’ what is the law?”

a. III:5: Secondary expansion of the foregoing.

XX. Mishnah-Tractate Erubin 3:5

A. A MAN STIPULATES CONCERNING HIS FICTIVE FUSION MEAL AND SAYS, “IF GENTILES COME FROM THE EAST, MY FICTIVE FUSION MEAL IS AT THE WEST. IF THEY COME FROM THE WEST, MY FICTIVE FUSION MEAL IS AT THE EAST. IF THEY COME FROM BOTH DIRECTIONS, THEN TO THE PLACE WHICH I SHALL CHOOSE SHALL GO. IF THEY COME FROM NEITHER SIDE, LO, I AM IN THE STATUS OF THE OTHER PEOPLE OF MY TOWN. IF A SAGE COMES FROM THE EAST, MY FICTIVE FUSION MEAL IS AT THE EAST. IF HE COMES FROM THE WEST, MY FICTIVE FUSION MEAL TO MARK MY SABBATH RESTING PLACE FICTIVE FUSION MEAL IS AT THE WEST. IF ONE COMES FROM BOTH DIRECTIONS, THEN TO THE PLACE WHICH I SHALL CHOOSE I SHALL GO. IF HE COMES FROM NEITHER SIDE, LO, I AM IN THE STATUS OF THE OTHER PEOPLE OF MY TOWN.”

1. I:1: When R. Isaac came, he repeated the entire Mishnah paragraph in the opposite order with the sage, then the gentiles, so that one wanted to run from the sage and come toward the gentiles. But then the two statements on the gentiles contradict one another and the two statements on the sage contradict each other.

B. R. JUDAH SAYS, “IF ONE OF THEM WAS HIS MASTER, HE GOES TO HIS MASTER. IF BOTH OF THEM WERE HIS MASTERS, TO THE PLACE WHICH HE SHALL CHOOSE HE GOES.”

1. II:1: And rabbis? Why do they allow him to choose even where one of the sages was his personal teacher?

2. II:2: Said Rab, “Our Mishnah paragraph is null in light of what Ayyo has taught as a Tannaite statement, for Ayyo presented the following Tannaite statement: R. Judah says, ‘One may not make simultaneously stipulations in relationship to two events that may take place for example, two sages coming from opposite directions. He may stipulate only in this way: “If a sage came from the east, my fictive fusion meal will be the one on the east, and if the sage came from the west, my fictive fusion meal will be the one I put on the west.” But he can’t say, “If one came from this direction and one came from that direction...”’”

a. II:3: Said Raba to R. Nahman, “Who is the Tannaite authority who holds that, even in a law that derives from the authority of rabbis, we do not admit the possibility of retrospective clarification of the facts of the matter? For it has been taught on Tannaite authority: If someone said to five people, ‘Lo, I am preparing a fictive fusion meal for any one of you whom I choose, so that, if I want, he may go, and if I don’t want, he may not go,’ the fictive fusion meal takes effect if he made up his mind while it was still day, but if he made his decision after dark, the meal is null.”

XXI. Mishnah-Tractate Erubin 3:6

A. R. ELIEZER SAYS, “IN CONNECTION WITH A FESTIVAL DAY ADJACENT TO THE SABBATH, WHETHER BEFORE OR AFTER IT, A MAN PREPARES TWO FICTIVE FUSION MEALS TO UNITE COURTYARDS INTO A SINGLE DOMAIN = ERUB AND SAYS, ‘MY FICTIVE FUSION MEAL = ERUB FOR THE FIRST DAY IS AT THE EAST, AND FOR THE SECOND IT IS AT THE WEST FOR THE FIRST IT IS AT THE WEST AND FOR THE SECOND IT IS AT THE EAST. MY FICTIVE FUSION MEAL TO MARK MY SABBATH RESTING PLACE = ERUB IS FOR THE FIRST DAY, AND THE SECOND LEAVES ME IN THE STATUS OF THE OTHERS WHO DWELL IN MY TOWN. MY FICTIVE FUSION MEAL TO MARK MY SABBATH RESTING PLACE = ERUB IS FOR THE SECOND DAY, AND THE FIRST LEAVES ME IN THE STATUS OF THE OTHERS WHO DWELL IN MY TOWN.’”

AND SAGES SAY, “HE MAKES A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE SABBATH = ERUB FOR A SINGLE DIRECTION. OR HE DOES NOT MAKE A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE SABBATH = ERUB AT ALL. HE EITHER MAKES A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE SABBATH = ERUB FOR BOTH DAYS, OR HE DOES NOT MAKE A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE SABBATH = ERUB AT ALL. WHAT SHOULD HE DO? HE SENDS IT ON THE FIRST DAY TO THE POINT HE WANTS, AWAITS NIGHTFALL FOR IT, TAKES IT, AND GOES ALONG. AND ON THE SECOND DAY HE AWAITS NIGHTFALL FOR IT, THEN HE EATS IT. HE TURNS OUT TO PROFIT FROM HIS JOURNEYING AND TO PROFIT FROM HIS ERUB. IF IT WAS EATEN ON THE FIRST DAY, HIS FICTIVE FUSION MEAL TO MARK HIS SABBATH RESTING PLACE = ERUB IS FOR THE FIRST DAY, AND IT IS NOT A FICTIVE FUSION MEAL TO UNITE COURTYARDS INTO A SINGLE DOMAIN = ERUB FOR THE SECOND DAY.” SAID TO THEM R. ELIEZER, “YOU CONCEDE TO ME THEN THAT THEY ARE TWO DISTINCT PERIODS OF SANCTIFICATION.”

1.I:1: And sages say, “He makes a fictive fusion meal to unite courtyards into a single Sabbath for a single direction. Or he does not make a fictive fusion meal to unite courtyards into a single Sabbath: What would this purport? It is surely with reference to for both days. And as to the reference to for both days, what would this purport? It surely is with reference to, for a single direction. So isn’t that the same as the former clause?

2.I:2: “If he made the equivalent of a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the first day at the evening, he must also do the same on the second day. If his fictive fusion meal turns out to have been eaten on the first day, he does not fulfill his obligation with it on the second day,” the words of Rabbi. R. Judah says, “Lo, it is the case of an ass driver and a camel driver.” Rabban Simeon b. Gamaliel and R. Ishmael b. R. Yohanan b. Beroqah say, “If he made the equivalent of a fictive fusion meal by walking to the spot and by his presence there at twilight acquiring it as his Sabbath abode on the first day at the evening, he does not have to do the same on the second day. If his fictive fusion meal turns out to have been eaten on the first day, he does not fulfill his obligation with it on the second day.”

a. I:3: Gloss of foregoing.

b. I:4: As above.

I. I:5: As above.

XXII. Mishnah-Tractate Erubin 3:7-9

A. R. JUDAH SAYS, “AS TO A NEW YEAR AT WHICH ONE SUSPECTED THE MONTH MIGHT BE INTERCALATED SO THAT THE NEW YEAR WOULD BE OBSERVED ON THE THIRTIETH OF ELUL AND ON THE FIRST OF TISHRÉ, A MAN PREPARES TWO FICTIVE FUSION MEALS TO UNITE COURTYARDS INTO A SINGLE DOMAIN = FICTIVE FUSION MEALS TO UNITE COURTYARDS INTO A SINGLE DOMAIN = ERUBS AND SAYS, ‘MY FICTIVE FUSION MEAL TO MARK MY SABBATH RESTING PLACE = ERUB FOR THE FIRST DAY IS AT THE EAST, AND FOR THE SECOND IS AT THE WEST.’ ‘MY FICTIVE FUSION MEAL TO MARK MY SABBATH RESTING PLACE FOR THE FIRST DAY IS AT THE WEST, AND FOR THE SECOND IS AT THE EAST.’ ‘MY FICTIVE FUSION MEAL TO MARK MY SABBATH RESTING PLACE = ERUB IS FOR THE FIRST DAY, AND FOR THE SECOND, I AM IN THE STATUS OF THE OTHER PEOPLE WHO DWELL IN MY TOWN.’ ‘MY FICTIVE FUSION MEAL TO MARK MY SABBATH RESTING PLACE = ERUB IS FOR THE SECOND DAY, AND FOR THE FIRST, I AM IN THE STATUS OF THE OTHER PEOPLE WHO DWELL IN MY TOWN.’” BUT SAGES DID NOT CONCUR WITH HIM.

1.I:1: Who are the ones who did not concur with him?

B. AND FURTHER DID R. JUDAH SAY, “A MAN STIPULATES ON THE NEW YEAR ABOUT A BASKET OF PRODUCE ON THE FIRST DAY OF A FESTIVAL AND EATS IT ON THE SECOND. AND SO, TOO, AN EGG BORN ON THE FIRST DAY OF THE FESTIVAL OF THE NEW YEAR MAY BE EATEN ON THE SECOND.” BUT SAGES DID NOT CONCUR WITH HIM.

1.II:1: And it was necessary to refer to all three cases fusion meal, basket, egg. For had we been informed only of the matter of the New Year, we might have

assumed that it is in that matter in particular that R. Judah made his statement that they form one entity, because in that instance alone the person does nothing at all on the festival days, but as to the matter of the basket, where it might seem that he is designating the tithes that are owing from untithed produce that is liable to tithing, R. Judah concurs with rabbis. And even if we had been informed of the rule in both instances, we might then have supposed that R. Judah took the view he did in these instances only because there is no prohibition that would lead to forbid these items as a precautionary measure. But in the instance of the egg, where the reason for prohibiting it is precautionary, covering fallen produce or liquids that exuded on a holy day, which one may not utilize, lest one climb the tree and pick the fruit or drink the juice that exuded that day and end up squeezing the fruit, I might have supposed that he concurs with rabbis. So all three items had to be made explicit.

2. II:2: It has been taught on Tannaite authority: In what manner did R. Judah say, “A man stipulates on the New Year about a basket of produce on the first day of a festival and eats it on the second”? If before him were two baskets of produce liable to tithing but not yet tithed, he says, “If today is secular but tomorrow holy, then let this basket be heave-offering in behalf of that, and if today is holy and tomorrow secular, what I have said is null.” Then he makes his designation and puts it aside. Then the next day he says, “If today is secular, let this be heave-offering for that, and if today is holy, what I have said is null,” and he makes his designation and eats the produce.

a. II:3: Illustrative case.

b. II:4: Illustrative case.

c. II:5: Illustrative case.

C. R. DOSA B. HARKINAS SAYS, “HE WHO GOES BEFORE THE ARK ON THE FIRST DAY OF THE NEW YEAR SAYS, ‘GIVE US STRENGTH, LORD OUR GOD, ON THIS FIRST DAY OF THE MONTH, WHETHER IT IS TODAY OR TOMORROW.’ ON THE NEXT DAY HE SAYS, ‘IF IT IS TODAY OR YESTERDAY.’” AND SAGES DID NOT CONCUR WITH HIM.

1. III:1: Said Rabbah, “When we were at the household of R. Huna, he asked us: ‘What is the rule on making mention of the new month in the prayer of the New Year? Since the new month and the New Year are distinguished from one another as to the additional offerings that are required for those occasions, respectively, we do make mention of the new month, too? Or maybe, a single remembrance serves for both?’ And he said to us, ‘You have learned it as a Tannaite statement in the Mishnah: R. Dosa b. Harkinas says, “He who goes before the ark on the first day of the New Year says, ‘Give us strength, Lord our God, on this first day of the month, whether it is today or tomorrow.’ On the next day he says, ‘If it is today or yesterday.’” And sages did not concur with him.’ Doesn’t this difference of sages with Dosa pertain to mentioning the new moon?”

a. III:2: Tannaite recapitulation.

2. III:3: And said Rabbah, “When we were at the household of R. Huna, he asked us, ‘What is the law as to reciting the benediction of the season “Blessed are

you...who has kept us in life, sustained us, and brought us to this season” on the New Year and on the Day of Atonement? Since these holy days come periodically, we should recite that blessing —or maybe, since they’re not called by the Torah “festivals,” we don’t recite that blessing?” And I couldn’t answer. When I came to the household of R. Judah, he said, ‘I recite the blessing for the season even when a new pumpkin comes to market.’ I said to him, ‘Well, I’m not asking whether it’s permitted to say it, I’m asking whether it is required to say it!’ He said to me, ‘Both Rab and Samuel say, “The blessing of the season is recited only on the three pilgrim festivals alone.”’”

3. III:4: And said Rabbah, “When we were at the household of R. Huna, he asked us, ‘As to a disciple in a master’s household who is observing a fast on the eve of the Sabbath, must he complete it on an ordinary day?’” He didn’t have the answer. I came before R. Judah, but he didn’t know either. Said Raba, ‘Let’s see: For it has been taught on Tannaite authority: If the ninth of Ab coincides with the Sabbath, and so if the eve of the ninth of Ab coincides with the Sabbath, one eats and drinks as needed and puts on his table a meal as gargantuan as what Solomon ate in his day. If the ninth of Ab coincided with a Friday, food of the volume of an egg is brought and eaten on that day, so that one does not enter the Sabbath in a condition of torment.’”

4. III:5: It has been taught on Tannaite authority: Said R. Judah, “Once we were in session before R. Aqiba, and it was the ninth of Ab that coincided with a Friday. They brought him a lightly roasted egg, and he swallowed it without salt. That wasn’t because he was hungry, but to show the disciples the law.” And R. Yosé says, “One has to observe the fast and finish it up that day.”

XXIII. Mishnah-Tractate Erubin 4:1-2

A. HE WHOM GENTILES TOOK FORTH BEYOND THE SABBATH LIMIT, OR AN EVIL SPIRIT, HAS ONLY FOUR CUBITS IN WHICH TO MOVE ABOUT. IF THEY BROUGHT HIM BACK, IT IS AS IF HE NEVER WENT OUT. IF THEY CARRIED HIM TO ANOTHER TOWN, OR PUT HIM INTO A CATTLE PEN OR A CATTLE FOLD, RABBAN GAMALIEL AND R. ELEAZAR B. AZARIAH SAY, “HE MAY WALK ABOUT THE ENTIRE AREA.” R. JOSHUA AND R. AQIBA SAY, “HE HAS ONLY FOUR CUBITS IN WHICH TO MOVE ABOUT.” THERE WAS A CASE IN WHICH THEY CAME FROM BRINDISI BRUNDISIUM AND THEIR SHIP WAS SAILING AT SEA. RABBAN GAMALIEL AND R. ELEAZAR B. AZARIAH WALKED ABOUT THE WHOLE SHIP. R. JOSHUA AND R. AQIBA DID NOT MOVE BEYOND FOUR CUBITS. FOR THEY WANTED TO IMPOSE A STRICT RULING ON THEMSELVES.

1. I:1: Our rabbis have taught on Tannaite authority: Three things drive someone out of his senses and out of the sense for his Creator: idolators, an evil spirit, and the scourge of poverty.

2. I:2: Said R. Nahman said Samuel, “If someone intentionally went beyond the Sabbath limit, he has only four cubits in which to move about until the end of the Sabbath.”

3. I:3: This question was addressed to Rabbah: “If someone had to go beyond the limit to relieve himself, what is the law?”

4. I:4: Said R. Pappa, “Produce that went forth beyond the Sabbath limit that pertained to them and were brought back, even if this was done deliberately, do not lose the original Sabbath boundaries that had been assigned to them. How come? They were not subject to actions they themselves took.”

5. I:5: Said R. Nahman said Samuel, “If someone was walking along and doesn’t know the Sabbath boundary, he takes two thousand middling steps, and this is the Sabbath limit.”

6. I:6: And said R. Nahman said Samuel, “If one took up Sabbath residence in a valley, and gentiles put up a partition around it on the Sabbath, he may walk two thousand cubits in all directions and move objects around through the entire valley by tossing them” from any point to which he may walk; he may move the objects within the two thousand cubits in the ordinary way; the fence is valid without regard to the time during which it was put up.

7. I:7: Said R. Huna, “If someone was measuring out the distance from his fusion meal, and the measuring of the two thousand cubits that he has come to an end in the middle of a courtyard, he may have access to only half of that courtyard for moving about.”

a. I:8: Gloss of foregoing.

b. I:9: Tannaite recapitulation.

I. I:10: Decided law.

8. I:11: R. Hanania raised this question: “Does the matter of Sabbath limits apply to space that is above ten handbreadths from the ground or does the matter of Sabbath limits not apply to space more than ten handbreadths above the ground? The question need not trouble you when it comes to a pillar that is ten handbreadths high and four cubits broad, for that is classified as solid ground and one may not walk from the part within the Sabbath limit to the part beyond it. Where you should raise the question, it would concern a pillar that is ten handbreadths high but not four broad; or also, a case in which one is moving by a huge leap through the air. Or in another version, ‘in a ship.’ So what is the law?”

B. ON ONE OCCASION THEY DID NOT ENTER THE HARBOR UNTIL IT HAD GOTTEN DARK ON FRIDAY NIGHT — THEY SAID TO RABBAN GAMALIEL, “IS IT ALL RIGHT FOR US TO DISEMBARK?” HE SAID TO THEM, “IT IS ALL RIGHT, FOR BEFOREHAND I WAS WATCHING, AND WE WERE WITHIN THE SABBATH LIMIT BEFORE IT GOT DARK.”

1. II:1: A Tannaite statement: Rabban Gamaliel had a telescope through which he could see two thousand cubits across land and the same distance across the sea.

a. II:2: Story.

b. II:3: As above.

c. II:4: As above.

d. II:5: As above.

XXIV. Mishnah-Tractate Erubin 4:3

A. HE WHO WENT FORTH BEYOND THE SABBATH LINE ON A PERMISSIBLE MISSION, BUT THEY SAID TO HIM, “THE DEED ALREADY HAS BEEN DONE,” HAS TWO THOUSAND CUBITS IN EVERY DIRECTION IN WHICH TO WALK ABOUT.

IF HE WAS WITHIN THE SABBATH LINE, IT IS AS IF HE NEVER WENT FORTH:

1. I:1: What is the meaning of the statement, If he was within the Sabbath line, it is as if he never went forth?

a. I:2: Secondary clarification.

B. FOR ALL THOSE WHO GO FORTH TO SAVE SOMEONE IN DANGER MAY GO BACK TO THEIR ORIGINAL PLACE.

1. II:1: And that is the case even if the distance is more than four thousand cubits.

2. II:2: Said R. Judah said Rab, “Gentiles that besieged Israelite cities — on the Sabbath the Israelites are not to sally forth against them with weapons or violate the Sabbath on their account in any manner.”

a. II:3: Exegesis of a verse of Scripture deemed relevant to the foregoing.

XXV. Mishnah-Tractate Erubin 4:4

A. “HE WHO TOOK UP A RESTING PLACE WHILE ON THE ROAD ON THE EVE OF SABBATH AT TWILIGHT, AND THERE ACQUIRED THE PLACE WHERE HE WOULD SPEND THE SABBATH, AND AT DAWN GOT UP AND SAW, AND LO, HE IS NEAR A TOWN, SINCE IT WAS NOT HIS INTENTION TO ENTER THAT TOWN, HE MAY NOT ENTER THE TOWN,” THE WORDS OF R. MEIR. R. JUDAH SAYS, “HE MAY ENTER IT.” SAID R. JUDAH, “SUCH A CASE HAPPENED, AND R. TARFON ENTERED A TOWN WHICH HE HAD NOT PREVIOUSLY INTENDED TO MAKE HIS SABBATH RESIDENCE.”

1. I:1: It has been taught on Tannaite authority: Said R. Judah, “Such a case happened, and R. Tarfon was making a trip, and it got dark, and he spent the night outside of town. At dawn the cowboys found him. They said to him, ‘My lord, lo, there is a town right before you. Go in.’ And he went in and went into session in the schoolhouse and expounded for the entire day.”

XXVI. Mishnah-Tractate Erubin 4:5-6

A. “HE WHO FELL ASLEEP ON THE WAY, AND DID NOT REALIZE THAT IT HAD GOTTEN DARK, HAS TWO THOUSAND CUBITS IN EVERY DIRECTION,” THE WORDS OF R. YOHANAN B. NURI.

1. I:1: Raba raised this question: “What is the theory behind the ruling of R. Yohanan b. Nuri? Does he take the view that abandoned articles that one picks up acquire their permitted area of Sabbath travel? Such articles may be carried outside of the town, two thousand cubits in any direction. Then it is quite reasonable that he should disagree with sages in regard to inanimate objects and a sleeping person is no other than an inanimate object, and is comparable to an ownerless object, without an owner to designate a place for the Sabbath. The

reason that he and sages differ with respect to a human being is to show you the full extent of the position of rabbis, namely, while one might have argued, since one who is awake acquires his place as his Sabbath locale, one who is asleep should do the same, so we are informed that that is not the case. Or does R. Yohanan b. Nuri maintain that abandoned articles that one picks up acquire their permitted area of Sabbath travel, and the reason for the position he takes here is this: Since one who is awake acquires his locus, so will a man who is asleep?"

a. I:2: Gloss of a detail of the foregoing.

2. I:3: Said R. Jacob bar Idi said R. Joshua b. Levi, "The decided law accords with R. Yohanan b. Nuri."

a. I:4: Gloss of a detail of the foregoing. R. Jacob and R. Zeriqa said, "The decided law accords with R. Aqiba in preference to his colleagues, and R. Yosé in preference to his colleagues, and Rabbi in preference to his colleagues."

3. I:5: Said R. Judah said Samuel, "Objects belonging to a gentile do not acquire their permitted area of Sabbath travel. Such articles may not be carried outside of the town, two thousand cubits in any direction." And R. Hiyya bar Abin said R. Yohanan said, "Utensils belonging to a gentile do acquire their permitted area of Sabbath travel, a precautionary decree that pertains to the gentile to avoid violation of the law in the case of objects belonging to an Israelite owner."

4. I:6: Case.

5. I:7: R. Hiyya taught as a Tannaite ruling, "A fish pond that falls between the Sabbath boundaries of two towns on either side requires a partition of wall to divide it into two distinct sections."

B. BUT SAGES SAY, "HE HAS ONLY FOUR CUBITS."

R. ELIEZER SAYS, "AND HE IS DEEMED STANDING IN THE MIDDLE OF THEM." R. JUDAH SAYS, "TO WHICHEVER DIRECTION HE WANTS HE MAY GO." AND R. JUDAH CONCEDES THAT IF HE MADE A CHOICE FOR HIMSELF, HE CANNOT THEN RETRACT HIS CHOICE.

1. II:1: R. Judah goes over the ground of the initial Tannaite authority sages: He has only four cubits.

2. II:2: And as to the four cubits that define the minimum Sabbath limit, where are these written in Scripture?

3. II:3: Said R. Mesharshayya to his son, "When you go before R. Pappa, ask him: 'As to the four cubits of which they spoke, do we assign to a person the cubit length of the arm of an individual measured in terms of himself or is the cubit the one that serves for holy objects?' If he says to you that we assign the cubits that serve for holy objects, then what's going to be with Og, King of Bashan? And if he says to you, 'We assign to him a cubit measured in accord with his own dimensions,' then say to him, 'How come? Hasn't it be taught on Tannaite authority, And there are instances in which they have said, "Everything is according to the measurements of the man" (M. [Kel. 17:11D](#))?"

C. IF THERE WERE TWO PERSONS — PART OF THE FOUR CUBITS OF THIS ONE ARE IN THE FOUR CUBITS OF THAT ONE – THEY BRING THEIR FOOD AND EAT IN THE MIDDLE, ON CONDITION THAT THIS ONE NOT TAKE SOMETHING OUT OF HIS AREA AND PUT IT INTO THE AREA OF HIS FELLOW.

SAID R. SIMEON, “TO WHAT IS THE MATTER COMPARABLE? TO THREE COURTYARDS OPEN TO ONE ANOTHER AND OPEN TO THE PUBLIC WAY. IF TWO OF THEM WERE COVERED BY AN ERUB WITH THE ONE IN THE MIDDLE, THAT ONE IN THE MIDDLE IS PERMITTED ACCESS TO BOTH OF THEM, AND THEY ARE PERMITTED ACCESS TO IT. BUT THE TWO OUTSIDE COURTYARDS ARE PROHIBITED ACCESS FROM ONE TO THE OTHER.”

1. III:1: What’s the point of R. Simeon’s statement: To what is the matter comparable? To three courtyards open to one another and open to the public way. If two of them were covered by an erub with the one in the middle, that one in the middle is permitted access to both of them, and they are permitted access to it. But the two outside courtyards are prohibited access from one to the other?

D. AND THE TWO OUTER ONES ARE PROHIBITED TO EAT WITH ONE ANOTHER:

1. IV:1: But why should that be the case? Since the outer ones have formed a fusion meal with the middle one, don’t they form a single, permitted domain for carrying objects, serving all the partners? But why should that be the case? Since the outer ones have formed a fusion meal with the middle one, don’t they form a single, permitted domain for carrying objects, serving all the partners?

a. IV:2: Secondary gloss of foregoing.

E. IF THERE WERE THREE, WITH THE LIMIT OF THE ONE IN THE MIDDLE WHOLLY OVERLAPPED BY THE LIMITS OF THE OTHER TWO, THE ONE IN THE MIDDLE IS PERMITTED TO EAT WITH THEM, AND THEY ARE PERMITTED TO EAT WITH HIM:

1. V:1: Said R. Judah said Rab, “That is the opinion of R. Simeon that the outer courtyards have access to the middle one, and residents of the middle, to the outer one, but sages say, ‘One domain serves the residents of the two other domains, but the two other domains do not serve the residents of the one domain.’ Now, when I made that statement before Samuel, he said to me, ‘This, too, represents the position of R. Simeon.’ But sages say, ‘All three of them form forbidden domains and no carrying may be done from one to any of the other areas.’”

2. V:2: aid R. Judah said Samuel, “He who divides up his fusion meal into two utensils —his fusion meal is null.”

a. V:3: Gloss of foregoing.

3. V:4: Said Samuel, “The validity of the fusion meal derives from the principle of acquisition. The owner of the house in which the meal is deposited transfers possession of his house to all the contributors, who thereby become joint owners of the house as they were and are joint owners of the courtyard; that is how the house and courtyard assume the status of the same domain, throughout which all the residents may freely move their possessions, as in private domain. And if you should then say, then how come they do not acquire title through money instead of bread? it is because that would not be readily at hand on a Friday.” Rabbah said, “The validity of the fusion meal derives from the principle of habitation.” A

person's life depends on food; all residents are deemed to live in the house where their food is deposited. The courtyard in consequence is no more than one house and belongs to that house in its entirety.

XXVII. Mishnah-Tractate Erubin 4:7-9

A. HE WHO WAS COMING ALONG THE WAY AND DARKNESS OVERTOOK HIM, AND WHO KNEW ABOUT A CERTAIN TREE OR A FENCE AND SAID, "MY PLACE OF RESIDENCE FOR THE SABBATH WILL BE UNDER IT," HAS SAID NOTHING AT ALL.

1. I:1: What is the meaning of he has said nothing at all? Said Rab, "He has said nothing at all in any way, shape, or form, so that he may not even continue to the space under the tree." He must not move from his position until after the Sabbath, since he has acquired no place for his Sabbath rest, from which he could be entitled to walk within a permitted Sabbath limit; his right to the place on which he stood when the Sabbath came into effect has been expressly renounced by his choosing another one, and the area under the tree couldn't be acquired by him, since he had not specified which particular four cubits of that space he chose. And Samuel said, "He has said nothing at all in respect to going on to his home. But he may go to the space under the tree."

a. I:2: Gloss of foregoing.

b. I:3: Gloss of foregoing.

c. I:4: Gloss of foregoing.

B. IF HE SAID, "MY PLACE OF RESIDENCE FOR THE SABBATH IS AT ITS ROOT," HE MAY THEN GO FROM THE PLACE AT WHICH HE IS STANDING TO THE ROOT, FOR A DISTANCE OF TWO THOUSAND CUBITS, AND FROM THE LOCATION OF ITS ROOT UP TO HIS HOUSE, FOR TWO THOUSAND CUBITS. SO HE TURNS OUT TO HAVE THE RIGHT TO GO FOUR THOUSAND CUBITS AFTER IT GETS DARK.

1. II:1: With regard to the rule that if he specified a particular spot of four cubits, he acquires it as his Sabbath locus and may walk to that place and another two thousand cubits beyond it to his home, said Raba, "And that is the rule only if by running toward the root he can get there before it got dark and the Sabbath began."

2. II:2: Illustrative story.

C. IF HE DOES NOT RECOGNIZE ANY LANDMARK, OR HE IS NOT AN EXPERT IN THE LAW, AND IF HE SAID, "MY PLACE OF SABBATH RESIDENCE IS IN THE PLACE WHERE I AM NOW LOCATED," HE HAS ACQUIRED TWO THOUSAND CUBITS IN ALL DIRECTIONS FROM THE PLACE WHERE HE IS LOCATED:

1. III:1: As to these two thousand cubits, where do they occur in Scripture?

D. "AS THOUGH IT WERE A CIRCLE," THE WORDS OF R. HANINA B. ANTIGONOS. AND SAGES SAY, "AS THOUGH IT WERE A SQUARE, LIKE A SQUARE TABLET – SO THAT HE MAY ENJOY THE BENEFIT OF THE CORNERS."

1. IV:1: As to R. Hanina b. Antigonus's position, what choice would he make to justify his view? If he concurs in the construction of the verbal analogy, then doesn't Scripture speak of "sides" and sides couldn't apply to a circle? And if he

doesn't concur in the construction of the verbal analogy, then how does he know anyhow that the Sabbath limit is two thousand cubits?

2. IV:2: Said R. Aha bar Jacob, "He who carries something four cubits in public domain is liable only if he carries it a distance equal to the diagonal of the square of four cubits." The man is given the benefit of the corners, in agreement with the view of rabbis in line with Hananiah's statement.

3. IV:3: Said R. Pappa, "Raba examined us with this question: 'With respect to a pillar in public domain ten handbreadths high and four wide, does the width have to equal the diagonal of four cubits square, or is that not necessary?' And we said, 'Isn't this the same as the statement of R. Hananiah, for it has been stated on Tannaite authority: R. Hananiah says, "'Like this measurement' (Num. 35: 5) shall be that of all who keep the Sabbath rest.'""

E. THIS IS THE MEANING OF THAT WHICH THEY HAVE SAID: "THE POOR MAN MAKES AN ERUB WITH HIS FEET." SAID R. MEIR, "WE HAVE ONLY THE POOR MAN TO WHOM TO APPLY THE RULE." R. JUDAH SAYS, "ALL THE SAME ARE THE POOR MAN AND THE RICH MAN: THEY RULED THAT THEY MAKE AN ERUB WITH A LOAF OF BREAD ONLY TO MAKE THINGS EASIER FOR THE RICH MAN. SO THAT HE SHOULD NOT HAVE TO GO OUT AND MAKE AN ERUB WITH HIS FEET."

1. V:1: Said R. Nahman, "The dispute concerns a case in which the language used was, 'in my place' if the man appointed as his Sabbath base the place where he stood at the time —only in such a case does Judah allow the rich man the same privilege as the poor one, since R. Meir takes the view that the principal consideration of the fusion meal is the bread. For it is for the poor man that rabbis have relaxed the law, but as to a rich one, that is not the case. But R. Judah maintains that the principal consideration of the fusion meal is the location of one's feet, without regard to whether one is poor or rich." And R. Hisda said, "The dispute concerns only a case in which the language that was used was, 'in such-and-such a place.' In this case neither the man himself nor his bread was at the place. For R. Meir takes the view that it is for the poor man that rabbis have relaxed the law, but as to a rich one, that is not the case. And R. Judah maintains that all the same are the poor and the rich. But if the language used was, 'in my place,' all parties thus: Meir, too concur that all the same are the poor and the rich, for the principal validating aspect of the fusion meal is the location of one's feet at the appointed place where in this case the man actually was located."

a. V:2: Story.

2. V:3: Said R. Ammi bar Hama, "Lo, they have said, 'On the Sabbath a person has four cubits in which to move about.' Does one who deposits his fusion meal through an agent have four cubits or not?"

XXVIII. Mishnah-Tractate Erubin 4:10

A. "HE WHO WENT FORTH TO GO TO A TOWN WITH WHICH THE PEOPLE OF HIS TOWN WERE MAKING AN ERUB, AND HIS FRIEND MADE HIM COME BACK — HE IS PERMITTED TO GO TO THE OTHER TOWN ON THE SABBATH. BUT ALL THE OTHER

PEOPLE OF HIS TOWN ARE PROHIBITED FROM DOING SO,” THE WORDS OF R. JUDAH:

1. I:1: How come he is permitted but they’re not permitted?

a. I:2: Case.

B. R. MEIR SAYS, “ANYONE WHO COULD HAVE MADE AN ERUB AND DID NOT MAKE AN ERUB, LO, THIS ONE IS LIKE THE ASS DRIVER AND THE CAMEL DRIVER.”

1. II:1: But haven’t we learned this in the Mishnah once: If it rolled outside the Sabbath limit, or if a heap of stones fell on it, or if it was burned, or if it was heave-offering and was made unclean while it was still day, it is not a valid fictive fusion meal. If it happened after nightfall, lo, this is a valid fictive fusion meal. If it is a matter of doubt, R. Meir and R. Judah say, “Lo, it is like the ass driver and camel driver” (M. 3: 4)?

XXIX. Mishnah-Tractate Erubin 4:11A-B

A. HE WHO DELIBERATELY WENT BEYOND THE SABBATH LINE, EVEN BY A SINGLE CUBIT, SHOULD NOT REENTER:

1. I:1: Said R. Hanina, “If one foot was inside the Sabbath limit and the other foot was outside the Sabbath limit, he shouldn’t enter in again, for it is written, ‘If you turn away your foot from the Sabbath’ (Isa. 58:13) —what is written is ‘foot’ in the singular.”

B. R. ELIEZER SAYS, “IF HE WENT OUT FOR TWO CUBITS, HE MAY REENTER. IF HE WENT OUT FOR THREE, HE MAY NOT REENTER.”

1. II:1: But hasn’t it been taught on Tannaite authority: R. Eliezer says, “If he had walked one cubit beyond the Sabbath limit, he may reenter, and if two, he may not”?

XXX. Mishnah-Tractate Erubin 4:11C-E

A. HE WHO WAS OVERTAKEN BY DARKNESS OUTSIDE OF THE SABBATH LIMIT, EVEN BY A SINGLE CUBIT, MAY NOT REENTER. R. SIMEON SAYS, “EVEN IF HE IS FIFTEEN CUBITS OUTSIDE, HE MAY REENTER. FOR SURVEYORS DO NOT MEASURE EXACTLY, FOR THE BENEFIT OF PEOPLE WHO ERR.”

1. I:1: A Tannaite statement clarifying the clause, for the benefit of people who err: That is because of those who make mistakes in measuring.

XXXI. Mishnah-Tractate Erubin 5:1

A. LARGE-SCALE COMPOSITE ON THE IMPORTANCE OF MEMORIZING WORDS AND TRADITIONS IN A PRECISE WAY; MNEMONICS; ORTHOGRAPHY; THE ROLE OF MNEMONICS IN TORAH-STUDY

1. I:1: As to the correct orthography of the word for “augment,” that is, whether it is spelled with an ayin or an alef, Rab and Samuel – one said, “It is taught on

Tannaite authority: It is written with an ayin.” The other said, “It is taught on Tannaite authority: It is written with an alef.”

a. I:2: Further dispute between the same authorities on comparable problems.

I. I:3: Further discussion of the same verse treated in the foregoing.

b. I:4: Further dispute between the same authorities on comparable problems.

c. I:5: Further dispute between the same authorities on comparable problems.

2. I:6: Said R. Yohanan, “Eighteen days I spent with R. Oshayya b. Ribbi, and I learned from him only one word in our Mishnah, namely: How do they augment towns’ boundaries, spelled with an alef.”

a. I:7: Other memories of Yohanan on his early years as a disciple.

b. I:8: Other memories of Yohanan on his early years as a disciple.

c. I:9: Other memories of Yohanan on his early years as a disciple.

I. I:10: Importance of mnemonics. Said R. Judah said Rab, “The Judeans, who were meticulous about their language —their Torah was preserved in their possession. The Galileans, who were not meticulous about their language —their Torah was not preserved in their possession.”

A. I:11: Gloss of foregoing.

II. I:12: Said R. Abba, “Is there anybody who asks the Judeans, who are meticulous in learning the wording of passages, whether in the Mishnah we have learned augment with an alef or an ayin, and whether in the Mishnah we learn his testicles with an alef or an ayin? For they are going to know.”

III. I:13: As above. As above. The Judeans...are meticulous in learning the wording of passages: for instance?

IV. I:14: As above. The Galileans...are not meticulous in learning the wording of passages: for instance?

A. I:15: Story.

B. I:16: Story.

C. I:17: Story.

d. I:18: The special linguistic usages of sages; the language of wisdom.

e. I:19: The special linguistic usages of sages; the language of wisdom.

f. I:20: The special linguistic usages of sages; the language of wisdom.

g. I:21: The special linguistic usages of sages; the language of wisdom.

h. I:22: The special linguistic usages of sages; the language of wisdom.

i. I:23: The special rules about mastering Torah-traditions in the exact form in which they are received.

j. I:24: The special rules about mastering Torah-traditions in the exact form in which they are received.

k. I:25: The special rules about mastering Torah-traditions in the exact form in which they are received.

l. I:26: The special rules about mastering Torah-traditions in the exact form in which they are received.

m. I:27: The special rules about mastering Torah-traditions in the exact form in which they are received.

n. I:28: The special rules about mastering Torah-traditions in the exact form in which they are received.

o. I:29: The special rules about mastering Torah-traditions in the exact form in which they are received.

p. I:30: The special rules about mastering Torah-traditions in the exact form in which they are received.

q. I:31: The special rules about mastering Torah-traditions in the exact form in which they are received.

r. I:32: The special rules about mastering Torah-traditions in the exact form in which they are received.

s. I:33: The special rules about mastering Torah-traditions in the exact form in which they are received.

t. I:34: The special rules about mastering Torah-traditions in the exact form in which they are received.

u. I:35: The special rules about mastering Torah-traditions in the exact form in which they are received.

l. I:36: Illustrative story.

v. I:37: Learning Torah-traditions.

w. I:38: Learning Torah-traditions.

x. I:39: Learning Torah-traditions.

y. I:40: Learning Torah-traditions.

z. I:41: Learning Torah-traditions.

aa. I:42: Learning Torah-traditions.

bb. I:43: Learning Torah-traditions.

l. I:44: Gloss of foregoing.

ll. I:45: Gloss of foregoing.

A. I:46: Story.

cc. I:47: Learning Torah-traditions. Said R. Hisda, "The Torah is acquired only through mnemonics, as it is said, 'Put it in their mouths' (Deu. 31:19). Don't read the word with vowels that yield 'put it,' but rather, 'its mnemonic sign.'"

B. HOW DO THEY AUGMENT TOWNS' BOUNDARIES EXTENDING THEIR LIMITS FOR PURPOSES OF DEFINING THE SABBATH LINE? IF AMONG THE HOUSES AT THE OUTSKIRTS ONE HOUSE RECEDES AND ONE HOUSE PROJECTS, OR A TURRET OF THE TOWN WALL RECEDES AND PART PROJECTS:

1. II:1: Our rabbis have taught on Tannaite authority: How do they augment towns' boundaries extending their limits for purposes of defining the Sabbath line? If it is rectangular, it is regarded as is. If it is circular, they provide it with the benefit of corners. If it was a square, they don't provide it with the benefit of corners. If it was wide on one side and narrow on the other, it is regarded as if both sides were equal. If one house projected like a turret or if two houses projected like two turrets, they are treated as if a thread had been drawn alongside them in a straight line, and the two thousand cubits are measured from that line outward. If it was shaped like a bow or like a gamma, they regard the empty area as if it were equivalent to the settled area and give the city the benefit of the area within a line drawn from one tip of the bow to the other B.: the two thousand cubits are measured from the imaginary boundaries outward (T. Er. 4: 4).

a. II:2: Gloss of foregoing.

b. II:3: As above.

c. II:4: As above.

d. II:5: As above.

I. II:6: Gloss of foregoing.

C. IF THERE WERE THERE RUINS TEN HANDBREADTHS HIGH, OR BRIDGES OR SEPULCHRES CONTAINING A DWELLING HOUSE, THEY EXTEND THE MEASURE OUTWARD SO AS TO TAKE ACCOUNT OF THEM. AND THEY MAKE IT THE SABBATH LIMIT OF THE AREA OF THE TOWN AS IF IT WERE SHAPED LIKE A SQUARE TABLET, SO THAT THE TOWN'S PEOPLE MAY GAIN THE BENEFIT OF THE CORNERS.

1. III:1: What is the definition of ruins?

2. III:2: The question was raised: If there were two partitions with a roof, what is the law?

3. III:3: So what possible use would a house on a sea island serve?!

4. III:4: But isn't a cave included with the Sabbath boundary of a town? Didn't R. Hiyya teach as a Tannaite rule: A cave is included within the Sabbath boundary of a town?

5. III:5: Said R. Huna, "Those who live in huts—they measure the Sabbath limits for them only from the door of their houses." Even if a camp consisted of hundreds of such favellas, it does not assume the character of a town the residents of which may freely move within it and for two thousand cubits beyond in all directions; each hut is regarded as a single, free-standing unit.

D. THE IMPACT OF ECOLOGY ON RESIDENCE

1. III:6: Said R. Judah said Rab, "Those who live in favellas and those who wander the deserts—their life is no life, and their wives and children are not really theirs."

2. III:7: Said R. Huna, “Any city that has no vegetables —a disciple of a sage has no right to live there.”

3. III:8: Said R. Judah said Rab, “Any town that has lots of ups and downs — men and beasts who live there die in half the normal lifetime.

a. III:9: Gloss.

E. MEASURING THE SPACE OF A TOWN

1. III:10: Our rabbis have taught on Tannaite authority: If someone comes to square the sides of a town, the sides of the square must correspond to the four directions of the world; the northern side must run parallel to the north pole, the southern side to the south, and your mnemonics are the Great Bear in the North and the Scorpion in the South.

a. III:11: Gloss.

3. III:12: Said Samuel, “The vernal equinox occurs only at the start of one of the four quarters of the solar day of twenty-four hours: either at the beginning of the day or at the beginning of the night or at noon or at midnight. And the summer solstice occurs only either at the end of one and a half or at the end of seven and a half hours of the day or night. The autumnal equinox occurs only at the end of three hours or nine hours of the day or the night. The winter solstice occurs only at the end of four and a half hours of the day or the night or at the end of ten and a half. The duration of a season of the year the days between an equinox and the solstice that follows or vice versa is only ninety-one days and seven and a half hours, and the beginning of one season is removed from that of the other by no more than one-half of a planetary hour.”

4. III:13: As above.

5. III:14: Our rabbis have taught on Tannaite authority: He who squares a circular town draws it in the shape of a square tablet. Then the Sabbath limits are drawn in the shape of a square tablet. When they measure, one does not measure the two thousand cubits from the midpoint of the town corner, because one will then lose the corners. Rather, one imagines that a square tablet of the size of two thousand cubits by two thousand cubits has been applied to each corner at a diagonal, so the gain is given four hundred cubits in each corner; the Sabbath limits gain eight hundred cubits in each corner; and the town and Sabbath limits together are given twelve hundred cubits in each corner (T. **Er. 4:13**).

6. III:15: It has been taught on Tannaite authority: Said R. Eliezer b. R. Yosé, “The limit of the allotted land beyond the levitical cities that is, the open spaces and fields thereabout was two thousand cubits around the city. Take away from these an open space of a thousand cubits; the open space would represent a quarter of the entire area, and the remainder would be fields and vineyards” (cf. T. **Ar. 5:18D**, M. **Sot. 5: 2**).

a. III:16: Gloss of foregoing.

b. III:17: Gloss of foregoing.

XXXII. Mishnah-Tractate Erubin 5:2-3

A. “THEY ASSIGN THE OUTER AREA OF SEVENTY AND TWO-THIRDS CUBITS TO THE TOWN,” THE WORDS OF R. MEIR

1. I:1: What is the scriptural source of this rule?

B. AND SAGES SAY, “THEY REFERRED TO THE OUTER AREA ONLY WHEN IT FALLS BETWEEN TWO TOWNS. IF THIS ONE HAS A FURTHER AREA OF SEVENTY CUBITS AND TWO-THIRDS AND THAT ONE HAS A FURTHER AREA OF SEVENTY CUBITS AND TWO-THIRDS, THEY ASSIGN AN OUTER AREA TO EACH TOWN, SO THAT THEY MAY FORM ONE DOMAIN.”

AND SO IS THE RULE FOR THREE VILLAGES ARRANGED IN A TRIANGLE: IF THERE IS A DISTANCE BETWEEN THE TWO OUTERMOST ONES OF ONE HUNDRED FORTY-ONE AND A THIRD CUBITS, THE MIDDLE VILLAGE MAKES ALL THREE OF THEM TO FORM ONE DOMAIN.

1. II:1: It has been stated: R. Huna said, “They allow the space of an enclosure to each town.” Hiyya bar Rab said, “They assign the space of only a single enclosure to both of the towns.”

2. II:2: Said Raba to Abbaye, “And what is the maximum distance allowed between one of the outer villages and the one in the middle so as to make all three of them form one domain?”

a. II:3: Special case.

XXXIII. Mishnah-Tractate Erubin 5:4

A. THEY MEASURE ONLY WITH A ROPE FIFTY CUBITS LONG:

1. I:1: What is the scriptural source for that fact?

B. NO LESS, NO MORE:

1. II:1: A Tannaite statement: no less: since the measurements would be increased thereby. No more: since that would reduce the measurements.

2. II:2: Said R. Assi, “They measure only with a rope of palm fiber.”

3. II:3: It has been taught on Tannaite authority: Said R. Joshua b. Hananiah, “You have nothing better for measuring than iron chains, but what can we do? For lo, the Torah has said, ‘With a measuring line in his hand’ (Zec. 2: 5).”

a. II:4: R. Joseph presented as a Tannaite statement, “There are three kinds of rope: those made of bast, wicker, and flax. The bast rope is for measuring the red cow Num. 19:1ff.

C. AND ONE MEASURES ONLY WITH THE ROPE HELD LEVEL WITH HIS HEART. IF ONE WAS MEASURING AND REACHED A VALLEY OR A FENCE, HE TAKES ACCOUNT ONLY OF THE HORIZONTAL SPAN AND CONTINUES HIS MEASURING.

1. III:1: Since it is stated as the Tannaite rule, continues his measuring, it follows that if he is unable to span it, he goes and proceeds to a place from which he can do so, and after spanning it he makes the necessary observations to locate the point

on the far side that is in a straight line with his original line of measure, and then he reverts to his measurements in a straight line.

2. III:2: Said R. Judah said Samuel, “This rule was stated that we use the method of horizontal piercing by estimate only in the case in which a plumb line doesn’t descend in a straight line for example, from the edge of the valley to the bed, but if the plumb line descends in a straight line, one measures the bottom of the valley in the ordinary way.”

3. III:3: How deep may a valley descend?

4. III:4: And when the plumb line goes straight down, how much deviation is allowed?

D. IF HE CAME TO A MOUNTAIN, HE TAKES ACCOUNT ONLY OF THE HORIZONTAL SPAN AND CONTINUES HIS MEASURING.

1. IV:1: Said Raba, “That refers only to a mountain that rises ten handbreadths in a gradient of four cubits. But if it has a rise of ten in five, it is measured in the ordinary way; such a gentle slope is on a part with level ground and is not measured by spanning or piercing.”

E. AND THIS IS ON CONDITION THAT HE DOES NOT GO OUTSIDE THE SABBATH LIMIT:

1. V:1: How come?

F. IF HE CANNOT TAKE ACCOUNT OF THE HORIZONTAL SPAN, IN THIS CASE, SAID R. DOSETAI B. R. YANNAI IN THE NAME OF R. MEIR, “I HEARD THAT THEY TREAT HILLS AS THOUGH THEY WERE PIERCED.”

1. VI:1: Our rabbis have taught on Tannaite authority: How do they carry out the method of piercing? The man at the lower level holds his end of the rope level with his heart. The one up high holds his end on a level with his feet (T. Er. 4:14).

XXXIV. Mishnah-Tractate Erubin 5:5

A. THEY MEASURE ONLY BY AN EXPERT. IF ONE EXTENDED THE LIMIT MORE IN ONE PLACE AND LESS IN ANOTHER PLACE, THEY OBSERVE THE GREATER MEASURE.

1. I:1: If one extended the limit more in one place and less in another place, they observe the greater measure: Is only the extended limit observed, not the reduced one? Surely not! If it is permitted to walk the greater distance, can one then not walk the lesser.

B. IF THERE WAS A GREATER DISTANCE FOR ONE EXPERT, AND A LESSER DISTANCE FOR ANOTHER, THEY OBSERVE THE GREATER MEASURE.

1. II:1: If there was a greater distance for one expert, and a lesser distance for another, they observe the greater measure: Why do I need this repetition? They’re saying the same thing!

C. EVEN A SLAVE, EVEN A SLAVE GIRL, ARE BELIEVED TO STATE, “UP TO THIS POINT IS THE SABBATH LINE.”

FOR SAGES DID NOT RULE IN THIS MATTER TO IMPOSE A STRICT RULING, BUT TO IMPOSE A LENIENT ONE.

1. III:1: But hasn't it been taught on Tannaite authority: Sages made the rule in this regard not to impose a lenient but to impose a strict law?

XXXV. Mishnah-Tractate Erubin 5:6

A. A TOWN BELONGING TO A SINGLE OWNER THAT WAS CONVERTED INTO PUBLIC DOMAIN WITH MANY OWNERS — THEY PREPARE A SINGLE FICTIVE FUSION MEAL COVERING THE WHOLE OF IT.

1. I:1: What is the definition of a town belonging to a single owner that was converted into public domain with many owners?

2. I:2: Our rabbis have taught on Tannaite authority: A town belonging to a single owner that was converted into public domain with many owners, and a public way passes through it —how to they prepare a fictive fusion meal for it? One sets up a side post or a cross beam on this side and does the same on that side, and one may thereby move things about in the space between them. But they don't make a fusion meal for it in parts, but they cover only the whole of it or they provide a fusion meal for each alley separately. If a town belonged to the public and still does but it has only one gate and is otherwise fully enclosed, then a single fusion meal serves for all of it.

a. I:3: Gloss. Who is the Tannaite authority who maintains that public domain may be provided with a fictive fusion meal?

b. I:4: As above.

c. I:5: Further analysis of I:2.

B. AND ONE WHICH WAS PUBLIC DOMAIN AND WAS CONVERTED INTO PRIVATE DOMAIN ONE BELONGING TO A SINGLE OWNER — THEY DO NOT PREPARE A FICTIVE FUSION MEAL COVERING THE WHOLE,

1. II:1: Illustrative case.

2. II:2: R. Ammi bar Ada of Harpania asked Rabbah, "If there is a ladder on one side of a town for scaling the town wall and a gate on the other, what is the law? Is this the same as a town with two gates?"

3. II:3: Said R. Judah said Samuel, "A wall between two courtyards that was lined with ladders, even though they formed an area more than ten cubits wide as a gap in the wall, is still classified as a partition." The ladders, though they afford access from one courtyard to the other, are not regarded as a breach of more than ten cubits that causes two courtyards to be regarded as one, requiring a joint fusion meal; the wall remains valid for distinguishing the two domains.

a. II:4: Illustrative case.

C. UNLESS ONE EXCLUDED A SECTION OF IT "OF THE SIZE OF THE TOWN OF HADASHAH IN JUDAH, IN WHICH THERE WERE FIFTY RESIDENTS," THE WORDS OF R. JUDAH.

1. III:1: It has been taught on Tannaite authority: Said R. Judah, "There was a town in Judah called Hadashah, in which were fifty residents, counting men, women, and children. It was by that town that sages made their estimate of the

statutory size of the sections to be excluded, and the town itself served as the excluded section of some larger locale.”

a. III:2: Gloss.

D. R. SIMEON SAYS, “THREE COURTYARDS, EACH CONTAINING TWO HOUSES.”

1. IV:1: Said R. Hama bar Guria said Rab, “The decided law accords with R. Simeon.” R. Isaac said, “Even one house, even one courtyard would suffice.”

XXXVI. Mishnah-Tractate Erubin 5:7

A. HE WHO WAS IN THE EAST AND SAID TO HIS SON, “PREPARE A FICTIVE FUSION MEAL FOR ME IN THE WEST” — IN THE WEST AND SAID TO HIS SON, “PREPARE A FICTIVE FUSION MEAL FOR ME IN THE EAST” — IF THE DISTANCE BETWEEN HIM AND HIS HOUSE IS TWO THOUSAND CUBITS, AND BETWEEN HIM AND HIS FICTIVE FUSION MEAL IS MORE THAN THIS DISTANCE, HE IS PERMITTED TO GO TO HIS HOUSE AND PROHIBITED FROM GOING TO HIS FICTIVE FUSION MEAL. IF TO HIS FICTIVE FUSION MEAL WAS A DISTANCE OF TWO THOUSAND CUBITS AND TO HIS HOUSE A DISTANCE GREATER THAN THAT, HE IS PROHIBITED FROM GOING TO HIS HOUSE AND PERMITTED TO GO TO HIS FICTIVE FUSION MEAL. HE WHO PLACES HIS FICTIVE FUSION MEAL IN THE EXTENDED AREA SEVENTY AND TWO-THIRDS CUBITS OF THE OUTER AREA OF THE TOWN HAS DONE NOTHING WHATSOEVER.

1. I:1: He who was in the east and said to his son, “Prepare a fictive fusion meal for me in the west”: In the assumption that east means east of his house, and west means west of his house, the house being situated between him on the one side of the house and the son on the opposite, then there is no problem in understanding how there can be a case in which if the distance between him and his house is no more than two thousand cubits, and between him and his fictive fusion meal is more than this distance, since he would get home before he could get to his fictive fusion meal. But how is it possible that if to his fictive fusion meal was a distance of two thousand cubits and to his house a distance greater than that, how would you find such a case?

B. IF HE PLACED IT BEYOND THE SABBATH LINE, EVEN BY A SINGLE CUBIT:

1. II:1: Do you really imagine it is beyond the Sabbath line!? Rather, beyond the extension of seventy and two-thirds cubits around the town.

C. WHAT HE GAINS IN ONE DIRECTION HE LOSES IN THE OTHER DIRECTION.

1. III:1: Only what he gains and no more than that? And hasn't it been taught on Tannaite authority: He who places his fictive fusion meal within the extension area of a town has done nothing whatever of consequence. If he put it outside of the extension of the town by even one cubit, he gains that cubit, but then he loses the right to carry objects throughout the entire town proper, since the extent of the town is encompassed within the extent of the Sabbatical limit and deducted from it?

2. III:2: Said R. Nahman, “One who repeats the Mishnah rule just now cited as ‘people may’ does not err, and one who repeats it as, ‘people may not,’ also does not err. One who repeats the Mishnah rule just now cited as ‘people may’ does

not err, for he would assign the rule to speak of the case of a fictive fusion meal that one had deposited; no fictive meal had been deposited within either town, so the whole town cannot be regarded as four cubits in respect to the Sabbath limit, so as a result distances must actually be measured. And one who repeats it as, ‘people may not,’ also does not err, for he would interpret the rule to speak of one who is out there doing the measuring, and then the formulation of the matter would be flawed, and this would then be the correct sense of the rule: The people of a large town traverse the entire area of a small town located within the limits of the large town, and the people of the small town may not traverse the entire area of the large town. Under what circumstances? In the case of one who is measuring out the Sabbath limit. But if someone stayed in the larger town and put his fictive fusion meal in the smaller one, or stayed in a small town and put his fictive fusion meal in a large town, he may walk through the whole of the town and through a distance of two thousand cubits beyond it.”

3. III:3: Said R. Joseph said R. Ammi bar Abba said R. Huna, “A city that is perched at the edge of a ravine —if there is a barrier of four cubits in height in front of it, they measure its Sabbath limit from the edge of the ravine, but if not, they measure only from the door of one’s house individual, each one measured separately.”

XXXVII. Mishnah-Tractate Erubin 5:8-9

A. THE PEOPLE OF A LARGE TOWN TRAVERSE THE ENTIRE AREA OF A SMALL TOWN LOCATED WITHIN THE LIMITS OF THE LARGE TOWN, AND THE PEOPLE OF THE SMALL TOWN MAY NOT TRAVERSE THE ENTIRE AREA OF THE LARGE TOWN. HOW SO? HE WHO WAS IN A LARGE TOWN BUT PLACED HIS FICTIVE FUSION MEAL IN A SMALL TOWN THEREIN, IN A SMALL TOWN AND PLACED HIS FICTIVE FUSION MEAL IN A LARGE TOWN, TRAVERSES THE ENTIRE AREA AND TWO THOUSAND CUBITS BEYOND. AND R. AQIBA SAYS, “HE HAS ONLY TWO THOUSAND CUBITS FROM THE LOCATION OF HIS FICTIVE FUSION MEAL.” SAID TO THEM R. AQIBA, “NOW DO YOU NOT CONCEDE TO ME THAT IN THE CASE OF ONE WHO PLACES HIS FICTIVE FUSION MEAL IN A CAVE, HE MAY GO ONLY TWO THOUSAND CUBITS FROM THE PLACE AT WHICH HIS FICTIVE FUSION MEAL IS LOCATED?” THEY SAID TO HIM, “UNDER WHAT CIRCUMSTANCES? WHEN THERE ARE NO INHABITANTS IN IT. BUT IF THERE ARE INHABITANTS IN IT, HE TRAVERSES THE ENTIRE AREA AND TWO THOUSAND CUBITS BEYOND ITS SABBATH LINE. IT TURNS OUT TO BE MORE LENIENT FOR HIM WHO PUTS HIS FICTIVE FUSION MEAL INSIDE THE CAVE THAN FOR HIM WHO PUTS HIS FICTIVE FUSION MEAL ON TOP OF IT.”

AS TO THE ONE WHO MEASURES, CONCERNING WHOM THEY HAVE SPOKEN, THEY ASSIGN TO HIM ONLY TWO THOUSAND CUBITS, EVEN IF HIS MEASURING ROPE ENDS IN A CAVE EVEN AN INHABITED ONE.

1. I:1: Said R. Judah said Samuel, “If someone spent the Sabbath in a depopulated and destroyed city the walls of which were intact, in the opinion of rabbis, he may walk through the whole of the city and beyond it for two thousand cubits. If he placed his fictive fusion meal in a destroyed city, he has the right to travel from the position of his meal for only two thousand cubits.” R. Eleazar says, “All the same

are spending the Sabbath and leaving one's meal: One may walk through the entire city and outside of it for two thousand cubits."

a. I:2: Practical rulings.

XXXVIII. Mishnah-Tractate Erubin 6:1-2

A. "HE WHO DWELLS IN THE SAME COURTYARD WITH A GENTILE, OR WITH AN ISRAELITE WHO DOES NOT CONCEDE THE VALIDITY OF THE FICTIVE FUSION MEAL — LO, THIS ONE THE GENTILE OR NONBELIEVER RESTRICTS HIM FROM USING THE COURTYARD," THE WORDS OF R. MEIR. R. ELIEZER B. JACOB SAYS, "UNDER NO CIRCUMSTANCES DOES ANYONE PROHIBIT THE BELIEVER IN THE FICTIVE FUSION MEAL TO MAKE USE OF THE COURTYARD UNLESS TWO ISRAELITES PROHIBIT ONE ANOTHER."

1. I:1: In session Abbaye bar Abin and R. Hinena bar Abin, with Abbaye in session with them, stated, "Now there is no problem interpreting the position of R. Meir, who takes the view, the dwelling of a gentile on the Sabbath is classified as an effective dwelling, and therefore we make no distinction between one and two Israelite residences living in the courtyard with a gentile. But from the perspective of R. Eliezer b. Jacob, what can he possibly take as his governing principle? If he maintains that the dwelling of a gentile on the Sabbath is classified as an effective dwelling, then what difference does it make whether there is one or two, even in the case of one, there should be a prohibition; and if he holds that the dwelling of a gentile on the Sabbath is not classified as an effective dwelling, then there should be no prohibition imposed by the gentile's residence in a common courtyard, even if there are two Israelite tenants!"

a. I:2: Gloss of a detail of the foregoing.

b. I:3: As above.

c. I:4: Said R. Judah said Samuel, "The decided law accords with R. Eliezer b. Jacob." And R. Huna said, "The custom follows the view of R. Eliezer b. Jacob." And R. Yohanan said, "The people act in accord with R. Eliezer b. Jacob."

I. I:5: Said Abbaye to R. Joseph, "It is an established fact with us: The Mishnah teaching of R. Eliezer b. Jacob is a mere qab in volume but is pure flour. And said R. Judah said Samuel, 'The decided law is in accord with R. Eliezer b. Jacob.' So what is the law about giving a concrete decision on the part of a disciple in the locale subject to his master?"

II. I:6: Said R. Jacob bar Abba to Abbaye, "Even for instance a ruling that is as valid as those contained in the scroll of fasting, which is written and which is generally accepted, what is the law about giving a decision in the locale subject to his master's authority?"

A. I:7: R. Hisda gave a legal decision in Kafri during the lifetime of R. Huna.

B. I:8: In Babylonia Rabina examined a slaughterer's knife though his teacher, Ashi, was an authority nearby. Said to him R. Ashi, "How come the master has done that?"

B. TOPICAL APPENDIX ON DECISION-MAKING: MASTERS AND DISCIPLES

1. I:9: Said Raba, "A neophyte rabbi may examine his own knife.

a. I:10: Case.

2. I:11: Said Raba, "And as to preventing someone from violating a forbidden matter, even in the presence of the master it is quite all right to do so."

a. I:12: Illustrative case.

3. I:13: Said Raba, "Before one's master, it is forbidden to do so, and one is liable to the death penalty. If it is not before one's master, it is forbidden to do so, but one is not liable to the death penalty."

a. I:14: Story illustrating the foregoing.

I. I:15: Gloss.

4. I:16: Said R. Hiyya bar Abba said R. Yohanan, "Whoever gives a legal decision in the presence of his master is worthy of being bitten by a snake: 'And Elihu the son of Barachel the Buzite answered and said, I am young..wherefore I held back' (Job. 32: 6), and further, 'With the venom of crawling things of the gust' (Deu. 32:24)."

5. I:17: R. Hamnuna contrasted verses of Scripture: "It is written, 'Your word have I laid up in my heart that I might not sin against you' (Psa. 119:11), and further, 'I preached righteousness in a great congregation' (Psa. 40:10). But there is no contradiction! The one speaks of the time at which David's master Ira the Jairite was still around, the other, when Ira the Jairite was no longer around."

a. I:18: Same verse, different exegesis.

6. I:19: R. Eleazar says, "They bring down from his position of authority whoever gives a legal decision in the presence of his master, as it is said, 'And Eleazar the priest said to the men of war...this is the statute of the law that the Lord has commanded Moses' (Num. 31:21). Even though he said to them, 'He commanded my father's brother, not me,' nonetheless he was punished: 'And he shall stand before Eleazar the priest' (Num. 27:21), but we don't find an instance in which Joshua ever required his instruction."

7. I:20: Said R. Levi, "Whoever responds to a question in the presence of his master will go down to Sheol barren: 'And Joshua the son of Nun, minister of Moses from his youth onward, answered and said, My Lord Moses, shut them in' (Num. 11:28), and further, 'Nun his son, Joshua his son' (1Ch. 7:27) but there is no son of Joshua."

8. I:21: Miscellaneous item.

C. FURTHER EXEGESIS OF THE CITED PASSAGE OF THE MISHNAH

1. I:22: There was an alleyway in which Lahman ba Ristaq lived. They said to him, "For the purposes of the Sabbath arrangements, rent us your right to use the alley on the Sabbath" but he wouldn't rent it out to them. They came and told Abbaye.

He said to them, “Go, nullify your rights to the alley in favor of one of you, so that he will be in the position of a single individual living in the same area with a gentile, since wherever one person lives in the same area with a gentile, the gentile does not restrict the person’s use of the alley.”

a. I:23: Gloss.

i. I:24: Secondary gloss.

D. THE AFFECTS OF STRONG DRINK ON GIVING DECISIONS, PRAYING, AND THE LIKE

1. I:25: Said R. Judah said Samuel, “One who has drunk a quarter-log of wine should not give instruction.”

2. I:26: Said Rabbah bar R. Huna, “Someone who is under the influence should not say a prayer, and if he said a prayer, his prayer is wasted. Someone who is inebriated should not say a prayer, and if he said a prayer, his prayer is an abomination.”

3. I:27: Said R. Ammi bar Abba, “A short walk or a little sleep take away the effects of wine.”

a. I:28: Gloss of the story cited in the foregoing.

4. I:29: Said R. Sheshet in the name of R. Eleazar b. Azariah, “I can exempt the entire world from judgment from the day on which the house of the sanctuary was destroyed to now, since it is written, ‘Therefore hear now this, you afflicted and drunken but not with wine’ (Isa. 51:21).” The Israelites are drunk and not responsible for what they do.

5. I:30: Said R. Hanina, “Whoever goes by the blessing in the prayer for ‘the shield of Abraham’ at a time of haughtiness drunkenness—they close and seal troubles around him, for it is said in Scripture, ‘His scales are his pride, shut up together as with a close seal’ (Job. 41: 7).”

6. I:31: Said R. Hiyya bar Ashi said Rab, “Whoever is not of a tranquil spirit should not recite the prayer, as it is said, ‘He who is in anguish should not give decisions.’”

a. I:32: Secondary illustration of the foregoing.

b. I:33: Secondary illustration of the foregoing.

c. I:34: Secondary illustration of the foregoing.

d. I:35: Secondary illustration of the foregoing.

e. I:36: Secondary illustration of the foregoing.

7. I:37: Said R. Eliezer, “He who comes home from a trip should not recite the prayer for three days: ‘And I gathered them together to the river that turns to Ahava, and there we encamped three days and I viewed the people’ (Ezr. 8:15).” He was unable to view them before, on account of fatigue.

a. I:38: Illustration.

8. I:39: Said R. Hanina, “Anyone who is appeased when he is drinking wine possesses the intelligence of his Creator: ‘And the Lord smelled the sweet savor and said, I will not again curse the ground any more for man’s sake’ (Gen. 8:21).”

9. I:40: Said R. Hiyya, “Whoever is calm under the influence of wine possesses the intelligence of the seventy elders, for the numerical value of the Hebrew letters for wine is seventy, and the numerical value of the Hebrew word for secret is the same: When wine goes in, counsel takes its leave.”

10. I:41: Said R. Hanina, “Wine was created only to comfort the mourners and to pay back the wicked: ‘Give strong drink to him who is ready to perish the wicked and wine to the bitter in soul’ (Pro. 31: 6).”

11. I:42: Said R. Hanin bar Pappa, “Anyone in whose home wine is not poured out like water has not yet gained the state of blessedness: ‘And he will bless your bread and your water’ (Exo. 23:25) —just as bread may be bought by money in the status of second tithe, so water may be bought by money in the status of second tithe. But what sort of liquid is meant? It is wine. And it is called ‘water.’”

12. I:43: Said R. Ilai, “In three ways is a person known: by his tippling, his tipping, and his temper.”

E. REVERSION TO THE EXEGESIS OF THE MISHNAH-PARAGRAPH

1. I:44: Said R. Judah said Rab, “An Israelite and a gentile were in the inner courtyard, and an Israelite in the outer one. The case came before Rabbi, and he forbade the latter to move objects in the courtyard on the Sabbath unless, in addition to the joint fusion meal of the two Israelites, the gentile let his share in it to the tenant. It came before R. Hiyya and he made the same decision.”

2. I:45: R. Eleazar asked Rab, “An Israelite and a gentile are living in the outer courtyard and an Israelite in the inner —what is the law? Is the operative consideration that accounts for the gentile’s restricting the Israelite neighbors from using the courtyard because it is common for an Israelite to live with a gentile, since he would fear injuring the Israelite because the other Israelites would come and ask, ‘So where is that Israelite who lived with you?’ But not here, where the gentile could reply, ‘So he went away and I never saw him again?’ Under such conditions, no one would live with a gentile, where he could get away with murder. Or does the same consideration apply to a case such as this one, since here, too, the gentile would be afraid to injure the Israelite, since he supposes that, at any time, the Israelite tenant of the inner courtyard might come by and see him in the act?”

3. I:46: R. Simeon b. Laqish and the disciples of R. Hanina visited a certain inn, where, while the tenant was not around, the landlord was. They said, “What is the law as to renting out the rights of the gentile to the Sabbath ownership of his share of the common domain from him? If the landlord has not got the power to terminate the lease before it expires, that is not a problem, for he then cannot rent it out in behalf of the other. But where he can terminate the lease at any time, what is the rule? May we rent it for the present purpose because he has the power to terminate the lease, or, perhaps, since at the moment he hasn’t terminated the lease, may we not rent it?”

4. I:47: R. Hanina bar Joseph, R. Hiyya bar Abba, and R. Assi visited a certain inn, to which a gentile, who owned the inn, came back on the Sabbath. If he hadn’t come back, his right to the courtyard would have been ignored. They said, “What

is the law as to renting from him his rights in connection with our Sabbath arrangements? The one who rents out a property is comparable to the case of the one who prepares the fusion meal: Just as the fusion meal must be readied while it is still day on Friday, so renting out the property must take place while it is still day on Friday? Or, perhaps, the law of renting is comparable to that of renouncing one's rights of ownership to the domain, and just as a person may renounce his right of ownership to his domain even on the Sabbath, so the rental under the present conditions and for the present purpose also takes place on the Sabbath?"

a. I:48: Gloss of the foregoing.

5. I:49: Said Abbaye, "With reference to the following ruling of Samuel, 'There is no renunciation of rights of domain for Sabbath purposes in the case of two courtyards,' that rule applies only when there are two courtyards with a single door in common between them. But if there are two courtyards, one inside the other, since they have the power, absent a valid fusion meal, to impose restrictions on one another, they also have the right to renounce rights of domain in favor of one another."

6. I:50: R. Hisda asked R. Sheshet, "In the case of two houses, on two sides of public domain, where gentiles came and on the Sabbath put up a fence on both sides of the doors of the houses across public domain, forming an enclosure onto which both doors opened—what is the law? Now, in accord with whom is the question framed? It is in accord with the theory of him who has said that there can be no abrogation of right of ownership in one courtyard in favor of the utilization of some other courtyard. Now you have no problem in a case in which the two courtyards could have prepared a common fusion meal on the prior Friday, for in that case, it is clear, no renunciation is permitted, and how much the less so here, where no common fusion meal could have been prepared on the prior Friday even if they'd wanted to. Where you have a problem, it is within the perspective him who ruled, there can be the abrogation of right of ownership in one courtyard in favor of the utilization of some other courtyard. Now, do we say that, only where they can have prepared a fusion meal on the prior Friday would they be permitted also to renounce their domain? But here, where they couldn't have prepared a fusion meal on the prior Friday, there can be no renunciation of domain? Or maybe there is no difference between the two cases; as renunciation is permitted even where the residents impose no restrictions upon each other, so it is permitted where no fusion meal could be prepared by them on the Sabbath eve?"

7. I:51: Said R. Judah said Samuel, "As gentile who owns a doorway of at least four handbreadths by four, that opened from his courtyard into a valley—even if he takes out and brings in camels and carriages all day long through that alleyway in which Israelites live and into which his courtyard also has a door, he does not impose a prohibition on the Israelite residents of the alleyway. How come? The door that he keeps for his own use only is the one that he prefers."

8. I:52: The question was raised: What is the law governing a case when the gentile's courtyard had a door not only opening into an alleyway but also opening toward an enclosure?

9. I:53: The question was raised by Raba bar Haqlai of R. Huna, “If the door of the gentile’s courtyard opened onto an enclosure, what is the law?”

10. I:54: Said Ulla said R. Yohanan, “An enclosure that covers an area more than two seahs which is not enclosed for living purposes, even if it is a kor or two in area —if one throws something from public domain into such an area, he is liable. How come? Because there is a partition, even though the area lacks inhabitants so it is classified as private domain.”

a. I:55: Illustrative case.

b. I:56: As above.

c. I:57: As above.

I. I:58: Gloss.

II. I:59: Continuation of the foregoing.

F. SAID RABBAN GAMALIEL, “THERE WAS THE PRECEDENT OF A SADDUCEAN WHO LIVED WITH US IN THE SAME ALLEYWAY IN JERUSALEM. AND FATHER SAID TO US, ‘MAKE HASTE AND BRING ALL SORTS OF UTENSILS INTO THE ALLEYWAY BEFORE HE BRINGS OUT HIS AND PROHIBITS YOU FROM CARRYING ABOUT IN IT.’” R. JUDAH SAYS IT IN ANOTHER VERSION, “‘MAKE HASTE AND DO ALL YOUR NEEDS IN THE ALLEYWAY BEFORE HE BRINGS OUT HIS UTENSILS AND PROHIBITS YOU FROM USING IT.’”

1. II:1: A Sadducee?! Who ever mentioned the Sadducees since we’ve been talking about gentiles, not Sadducees?!

2. II:2: It has been taught on Tannaite authority: He who dwells with a gentile, a Sadducee, or a Boethusian, in the same courtyard —they impose restrictions on him so far as using the common courtyard or alleyway on the Sabbath. And there was the precedent of a Sadducee who was living in the same alley with Rabban Gamaliel in Jerusalem, and Rabban Gamaliel said to his children, ‘Children, make haste and take out whatever you want to take out, and bring in whatever you want to bring in, before this abomination takes out whatever he does and so restricts access to the alleyway to you, since at just this moment he has renounced his share in your favor,’” the words of R. Meir. R. Judah formulates the quotation in other language, namely, “‘Make haste and do what you need to do in the alleyway before it gets dark, at which point he will impose on you restrictions of the Sabbath.’” The Sadducee is a gentile and cannot renounce his ownership anyhow

a. II:3: Gloss of foregoing.

b. II:4: As above.

I. II:5: Supplement.

c. II:6: Gloss of foregoing.

d. II:7: As above.

XXXIX. Mishnah-Tractate Erubin 6:3-4

A. THE MEN OF A COURTYARD, ONE OF WHOM FORGOT AND DID NOT PARTICIPATE IN THE FICTIVE FUSION MEAL WITH THE OTHERS — HIS HOUSE IS PROHIBITED,

BOTH FOR HIM AND FOR THEM, FROM BRINGING THINGS IN AND FROM TAKING THINGS OUT.

1. I:1: So it's his house that is prohibited! Then his courtyard is permitted to them. But how are we to imagine the situation? If he has renounced his rights, then how come his house is forbidden, and if he didn't renounce his rights, then how come his courtyard is permitted!

B. AND THEIRS ARE PERMITTED BOTH FOR HIM AND FOR THEM.

1. II:1: How come?

C. IF THEY GAVE HIM THEIR RIGHT OF ACCESS, HE IS PERMITTED, AND THEY ARE PROHIBITED.

1. III:1: So why aren't they deemed a guest in respect to him?

2. III:2: Does the rule at hand If they gave him their right of access, he is permitted, and they are prohibited bear the implication that renunciation on a given Sabbath may be followed by renunciation on the same Sabbath?

D. IF THEY WERE TWO WHO FORGOT, THEY PROHIBIT ONE ANOTHER.

1. IV:1: Since even in the absence of the other tenants, the two would have imposed restrictions upon each other, isn't that a bit obvious?

E. FOR ONE PERSON GIVES OR TAKES THE RIGHT OF ACCESS.

1. V:1: Why tell me this again? If it is to make the point that one person gives, that we have already been told And theirs are permitted both for him and for them, and if it is that he takes the right of access, we've already been told that, too, If they to begin with, not after he as renounced his right in their favor gave him their right of access, he is permitted, and they are prohibited.

F. BUT WHILE TWO CAN GIVE THE RIGHT OF ACCESS, THEY CANNOT TAKE IT.

AT WHAT TIME DO THEY GIVE THE RIGHT OF ACCESS? THE HOUSE OF SHAMMAI SAY, "WHILE IT IS STILL DAY." AND THE HOUSE OF HILLEL SAY, "AFTER IT HAS GOTTEN DARK." HE WHO GAVE HIS RIGHT OF ACCESS AND THEN TOOK SOMETHING OUT, "WHETHER HE DID SO INADVERTENTLY OR DELIBERATELY, "LO, THIS ONE PROHIBITS THE OTHERS," THE WORDS OF R. MEIR. R. JUDAH SAYS, "IF HE DID SO DELIBERATELY, HE PROHIBITS THE OTHERS. IF HE DID SO INADVERTENTLY, HE DOES NOT PROHIBIT THE OTHERS."

1. VI:1: What do I need this for since it goes over the language of the foregoing, If they were two who forgot, they prohibit one another?

2. VI:2: Abbaye asked Rabbah, "Five tenants lived in a single courtyard, and one of them forgot and did not participate in the fusion meal —when he renounces his rights of access, does he have to renounce it in favor of each and every tenant or does he not have to do so?" He said to him, "He has to renounce his right in favor of each and every tenant."

3. VI:3: Raba asked R. Nahman, "As to an heir whose father, from whom he inherited his estate, has forgotten to contribute to the fusion meal of his courtyard and died on the Sabbath, what is the law on his renouncing his share in favor of the neighbors? Is it the rule that in a case in which, if he had wanted to share in the fusion meal on the preceding day, he can also renounce his rights, but in this case,

since if he had wanted to take a share in the fictive fusion meal on the prior day, he couldn't have done so, he may not renounce his rights? Or perhaps an heir simply steps into the father's place?" He said to him, "I maintain that he may indeed renounce his share, but members of the household of Samuel have repeated as a Tannaite rule: He may not renounce his share."

XL. Mishnah-Tractate Erubin 6:5

A. A HOUSEHOLDER WHO WAS A JOINT HOLDER IN A COMMERCIAL RELATION WITH NEIGHBORS — WITH ONE IN WINE AND WITH THE OTHER IN WINE — THEY DO NOT NEED TO PREPARE A FICTIVE FUSION MEAL. IF ONE MEMBER OF THE PARTNERSHIP IS IN WINE AND THE OTHER IS IN OIL, THEY DO NEED TO PREPARE A FICTIVE FUSION MEAL.

1. I:1: A householder who was a joint holder in a commercial relation with neighbors —with one in wine and with the other in wine —they do not need to prepare a fictive fusion meal: Said Rab, "That is so if they shared a single utensil."

B. R. SIMEON SAYS, "ALL THE SAME IS THE RULE FOR THIS CASE AND FOR THAT CASE, IF THEY ARE JOINT HOLDERS, THEY DO NOT NEED TO PREPARE A FICTIVE FUSION MEAL."

1. II:1: And is that the case even if one member of the partnership is in wine and the other is in oil? Said Rabbah, "Here with what situation do we deal? It is a courtyard that is located between two alleys, the tenants of which had a stock of wine in common with the residents of one alley, and a stock of oil in common with those of the other, so that the wine and the oil do not serve the purpose of one fusion meal but that of two fusion meals, one for each alley. And R. Simeon is consistent with views expressed elsewhere, for we have learned in the Mishnah: Said R. Simeon, 'To what is the matter comparable? To three courtyards open to one another and open to the public way. If two of them were covered by an erub with the one in the middle, that one in the middle is permitted access to both of them, and they are permitted access to it. But the two outside courtyards are prohibited access from one to the other' (M. 4:6H-K)."

2. II:2: It has been taught on Tannaite authority: R. Eleazar b. Taddai says, "All the same are this case and that case, they have to prepare a common fusion meal." But is that so even though this party has wine and that party has wine in the partnership?

a. II:3: Gloss of a detail of the foregoing.

XLI. Mishnah-Tractate Erubin 6:6

A. FIVE DISTINCT ASSOCIATIONS WHO IN COMMON OBSERVED THE SABBATH IN ONE EATING HALL — THE HOUSE OF SHAMMAI SAY, "A FICTIVE FUSION MEAL IS REQUIRED FOR EACH AND EVERY ASSOCIATION." AND THE HOUSE OF HILLEL SAY, "ONE FICTIVE FUSION MEAL SERVES ALL OF THEM." BUT THEY CONCUR THAT, WHEN SOME OF THEM ARE STAYING IN PRIVATE ROOMS OR UPPER CHAMBERS, THEY REQUIRE A FICTIVE FUSION MEAL FOR EACH AND EVERY ASSOCIATION.

1. I:1: Said R. Nahman, “The dispute pertains to a banquet hall in which there is a low partition of stakes in which instance the House of Hillel regards the whole hall as a single domain, but if there is a partition ten handbreadths high, all parties concur that a fictive fusion meal is required for each association individually.”

a. I:2: There is a dispute in this matter between R. Hiyya and R. Simeon b. Rabbi. One said, “The dispute concerns a banquet hall divided up by partitions that reach the rafters, but in the case of one in which the partitions don’t reach the rafters, all parties concur that a single fictive fusion meal suffices for them all.” And the other party said, “The dispute concerns a banquet hall in which the partitions don’t reach the rafters, but if the partitions reach the rafters, all parties concur that each association has to have a fictive fusion meal of its own.”

I. I:3: Said R. Nahman said Rab, “The decided law accords with R. Judah Hassabbar.”

2. I:4: A Tannaite statement: Under what circumstances does each association have to contribute to the fictive fusion meal? That would be a case in which they carry their fictive fusion meal somewhere else other than to the hall, for example, in some other house in the courtyard. But if their fictive fusion meal was brought along with them, all parties concur that a single contribution to a common fictive meal suffices for all of them. At issue between the Houses is whether one of a group who joined in a fictive fusion meal may take that meal with him to another group on behalf of all of his associates, or whether each individual must separately contribute his share; the hall combines the separate sections of each company into one domain, and no fictive fusion meal among themselves alone is necessary, and that has nothing to do with the height of the partitions. The House of Shammai hold that one of them cannot represent them all in the fictive fusion meal of the courtyard, and each must contribute his individual share. The House of Hillel hold that one of them may represent all the group, and one contribution on behalf of all of them suffices.

XLII. Mishnah-Tractate Erubin 6:7

A. BROTHERS WHO ATE AT THE TABLE OF THEIR FATHER BUT WHO SLEPT IN THEIR RESPECTIVE HOUSES REQUIRE A FICTIVE FUSION MEAL FOR EACH ONE. THEREFORE IF ONE OF THEM FORGOT AND DID NOT PREPARE A FICTIVE FUSION MEAL, HE ANNULS HIS RIGHT IN THE COMMON COURTYARD, SO THE OTHERS MAY CARRY THEREIN. UNDER WHAT CIRCUMSTANCES? WHEN THEY BRING THEIR FICTIVE FUSION MEAL TO SOME OTHER PLACE. BUT IF THE FICTIVE FUSION MEAL WAS BROUGHT TO THEM, OR IF THERE WERE NO OTHER RESIDENTS WITH THEM IN THE COURTYARD, THEY DO NOT HAVE TO PREPARE A FICTIVE FUSION MEAL.

1. I:1: Does the detail, but who slept in their respective houses, bear the implication that the operative consideration for imposing the obligation of a fictive fusion meal is where one spends the night? But some maintain that it is where one eats, not where one sleeps, that dictates whether one has to make a contribution to a fictive fusion meal!

2. I:2: Our rabbis have taught on Tannaite authority: He who in his neighbor's courtyard has a gatehouse, portico a covered way open at the sides, or a balcony, does not impose restrictions upon him in respect to moving objects in the other's courtyard on the Sabbath, if he doesn't participate in the fictive fusion meal for that courtyard. If he owns a storehouse for straw, a cattle pen, a room for wood, or a storehouse, he does impose restrictions upon him in respect to moving objects in the other's courtyard on the Sabbath, if he doesn't participate in the fictive fusion meal for that courtyard. R. Judah says, "Only possession of a dwelling place imposes restrictions" but nothing else, such as those items listed above. Said R. Judah, "There was the case of Ben Nappaha, who had five courtyards in Usha, and the case came before sages, who said, 'Only the courtyard in which he possesses a dwelling place is subject to restrictions if he fails to participate in the fictive fusion meal for that courtyard'" (T. **Er. 5: 7**).

a. I:3: Gloss of a detail.

3. I:4: Our rabbis have taught on Tannaite authority: He who has five wives who receive an allowance for maintenance from him as their husband but each lives in her own home in the courtyard, and five servants who receive money for maintenance from him as their master – R. Judah b. Beterah permits use of the courtyard without a fictive fusion meal for the wives, but forbids it for the slaves. R. Judah b. Baba permits free access in the case of the slaves but forbids it without a fictive fusion meal in the case of the wives.

a. I:5: Gloss of foregoing.

b. I:6: Gloss of foregoing.

4. I:7: Abbayye asked Rabbah, "In the case of five who collected their contributions to their shared fictive fusion meal and wanted to move their fictive meal to some other location another courtyard, where they would be joined by other tenants, does a single fictive fusion meal serve for all of them including the new parties, or does each one have to make a separate contribution to the fictive fusion meal serving the other courtyard?"

5. I:8: R. Hiyya bar Abin asked R. Sheshet, "As to members of the household of a master who eat meals in the country but come to spend the night at the schoolhouse in town, the distance between which and their dining quarters is no more than two thousand cubits —when we measure out the Sabbath limit for them, do we measure it from the household of the master where they eat or from the quarters out in the country, where they sleep?" He said to him, "We measure it from the household of the master."

6. I:9: R. Ammi bar Hamma asked R. Hisda, "In the case of a father and his son, or a master and his disciples, are they regarded in the case of two courtyards, one within the other, where the tenants of the inner one have a right of way through the outer one as a multiple so that if they resided in the inner courtyard, they impose restrictions on the use of the outer one, even though the latter had prepared a fictive fusion meal among themselves? Or are they regarded as one individual who would impose no restrictions on the use of the outer courtyard? Do they require a fictive fusion meal or not if they are the only tenants of a courtyard? Is an alleyway belonging to them permitted for Sabbath utilization by

the provision of a sidepost or a crossbeam as if two courtyards opened out into it, or is that not the case? Are the courtyards of a father and son regarded as one courtyard?”

XLIII. Mishnah-Tractate Erubin 6:8

A. FIVE COURTYARDS OPEN TO ONE ANOTHER AND OPEN TO AN ALLEY — IF THEY PREPARED A FICTIVE FUSION MEAL FOR THE COURTYARDS BUT DID NOT PREPARE A FICTIVE FUSION MEAL AS A PARTNERSHIP A SHITTUF FOR THE ALLEY, THEY ARE PERMITTED TO CARRY THINGS ABOUT IN THE COURTYARDS AND PROHIBITED FROM DOING SO IN THE ALLEY. AND IF THEY PREPARED A FICTIVE FUSION MEAL AS A PARTNERSHIP A SHITTUF FOR THE ALLEY, THEY ARE PERMITTED IN BOTH PLACES. IF THEY PREPARED A FICTIVE FUSION MEAL IN THE COURTYARDS AND PREPARED A FICTIVE FUSION MEAL AS A PARTNERSHIP A SHITTUF IN THE ALLEY, BUT IF ONE OF THE PEOPLE WHO LIVE IN THE COURTYARD FORGOT AND DID NOT SHARE IN THE FICTIVE FUSION MEAL, THE OTHER RESIDENTS ARE PERMITTED BOTH HERE AND THERE. IF ONE OF THE PEOPLE, WHO LIVE IN THE ALLEYWAY, FORGOT AND DID NOT PARTICIPATE IN THE A FICTIVE FUSION MEAL AS A PARTNERSHIP A SHITTUF, THEY ARE PERMITTED TO CARRY THINGS IN THE COURTYARDS BUT PROHIBITED FROM DOING SO IN THE ALLEYWAY. FOR THE ALLEYWAY IS TO COURTYARDS AS A COURTYARD IS TO HOUSES.

1. I:1: Who is the authority behind this rule?

2. I:2: With reference to the clause, Five courtyards open to one another, Said R. Judah, “Rab did not repeat as the Tannaite formulation the clause, open to one another.”

a. I:3: Gloss of a detail of the foregoing.

I. I:4: Secondary gloss.

3. I:5: Said R. Judah said Rab, “In the case of an alleyway, on one side of which a gentile lives, and on the other side of which an Israelite lives, they may not prepare a fictive fusion meal for that space through windows or other forms of opening that connected his and their houses so as to permit moving objects in and out by way of the door into the alley.” It might be possible to bring objects from Israelites’ houses into the alley through the house of an Israelite who lived in the alley, into whose house objects can be brought by way of the windows; that may not be done.

XLIV. Mishnah-Tractate Erubin 6:9-10

A. TWO COURTYARDS, ONE INSIDE THE OTHER — THE PEOPLE OF THE INNER ONE PREPARED A FICTIVE FUSION MEAL, BUT THE PEOPLE OF THE OUTER ONE DID NOT PREPARE A FICTIVE FUSION MEAL, THE PEOPLE IN THE INNER COURTYARD ARE PERMITTED TO CARRY THINGS, AND THE PEOPLE IN THE OUTER COURTYARD ARE PROHIBITED FROM DOING SO. IF THE PEOPLE OF THE OUTER COURTYARD PREPARED A FICTIVE FUSION MEAL BUT THE PEOPLE OF THE INNER ONE DID NOT, THEN BOTH OF THEM ARE PROHIBITED FROM CARRYING THINGS ABOUT. IF THIS

ONE PREPARED A FICTIVE FUSION MEAL FOR ITSELF AND THAT ONE PREPARED A FICTIVE FUSION MEAL FOR ITSELF, THE AREA OF THIS ONE IS PERMITTED BY ITSELF, AND THAT ONE IS PERMITTED BY ITSELF. R. AQIBA PROHIBITS IN THE CASE OF THE OUTER ONE. FOR THE RIGHT OF ACCESS RESTRICTS IT. AND SAGES SAY, “THE RIGHT OF ACCESS DOES NOT RESTRICT IT.” IF ONE OF THE PEOPLE IN THE OUTER COURTYARD FORGOT AND DID NOT JOIN IN THE FICTIVE FUSION MEAL, THE INNER ONE IS PERMITTED, AND THE OUTER ONE IS PROHIBITED. IF ONE OF THE PEOPLE IN THE INNER COURTYARD FORGOT AND DID NOT PREPARE A FICTIVE FUSION MEAL, BOTH OF THEM ARE PROHIBITED.

1. I:1: When R. Dimi came, he said R. Yannai said, “This represents the opinion of R. Aqiba, who said, ‘Even a “foot” person who is permitted unrestricted use of one area; the courtyard in which the person lives imposes restrictions in an area that does not belong thereto.’ But sages say, ‘Just as a “foot” person who is permitted does not impose restrictions in a courtyard in which that person does not live, though he has a right of way through it, so a person who is forbidden does not impose restrictions in a courtyard in which that person does not live, though he has a right of way through it.’”

B. IF THEY MADE THEIR FICTIVE FUSION MEAL IN A SINGLE LOCATION, AND SOMEONE FORGOT TO PARTICIPATE, WHETHER HE LIVED IN THE INNER COURTYARD OR IN THE OUTER COURTYARD, AND HE DID NOT JOIN IN THE FICTIVE FUSION MEAL, BOTH OF THEM ARE PROHIBITED.

1. II:1: What is the meaning of in a single location?

a. II:2: Tannaite recapitulation.

l. II:3: Gloss of foregoing.

A. II:4: As above.

C. BUT IF THE COURTYARDS BELONGED WHOLLY TO INDIVIDUALS, THEY DO NOT HAVE TO PREPARE A FICTIVE FUSION MEAL.

1. III:1: Said R. Joseph, “Rabbi repeated as a Tannaite formulation: ‘If the residents of the two courtyards were three persons, they are forbidden.’” If two persons occupied the inner courtyard, they impose restrictions on one another, and, as a “forbidden foot” and on account of their right of way, they impose restrictions on the residents of the outer courtyard, too; and if one person only occupied the inner courtyard, he also imposes the same restrictions, as a preventive measure, against the possible relaxation of the law in a case in which two occupied it.

2. III:2: Said R. Eleazar, “And as to a gentile, lo, he is classified as the equivalent of numerous Israelites, imposing the same restrictions on the occupiers of the outer courtyard unless his right of way has been rented from him.”

3. III:3: Said R. Judah said Samuel, “In the case of ten houses one inside the other with only the door of the outermost house opening onto a courtyard, into which the doors of the houses of other residents also opened, the innermost house sets out a fictive fusion meal and that suffices for them all.” The tenant of the innermost room has the right of way through all the other nine houses; each is therefore his gatehouse; the other nine tenants don’t have to contribute to the

fictive fusion meal. And R. Yohanan said, “Even the outermost house’s resident has to contribute to the fictive fusion meal.”

4. III:4: Said R. Nahman said Rabbah bar Abbuha said Rab, “Two courtyards, with three houses between them —this tenant a tenant of the one courtyard, other than those who occupied the three intervening houses comes through the one outer house on his side and puts his fictive fusion meal in the middle house, and the other tenant may come through the outer house on his side and place his fictive fusion meal in the middle house, and the one outer house becomes a gatehouse for the one courtyard, and the other, for the other courtyard, and the house in the middle, serving as the house in which the fictive fusion meal is located, does not have to contribute any food to the fictive fusion meal.”

5. III:5: Rabbah examined the rabbis by formulating the following problem: “Two courtyards, with two houses between them —a tenant of the one courtyard comes through the one house and places his fictive fusion meal in this house which opened into the other courtyard, and a resident of the other house came through the other house and placed his fictive fusion meal in the former —do the tenants of the respective courtyards, who do not wish to link their courtyards by a single fictive fusion meal, acquire the rights that the meal confers each group of tenants in its own courtyard, or is that not the case? Do we treat each house in relationship to the one courtyard as a house, but in relationship to the other courtyard as a gatehouse?” If the latter, then both fictive fusion meals are valid; if both houses were regarded as gatehouses, neither meal would have been valid, and even if both had been regarded as proper houses, neither would have been valid, since in the case of each house, the other, not covered by the fictive fusion meal, intervened between it and the courtyard for which the meal had been prepared.

XLV. Mishnah-Tractate Erubin 7:1

A. A WINDOW IN THE DIVIDING WALL WHICH IS BETWEEN TWO COURTYARDS, FOUR HANDBREADTHS SQUARE, WITHIN TEN HANDBREADTHS OF THE GROUND – THEY THE TWO COURTYARDS MAKE A FICTIVE FUSION MEAL INDIVIDUALLY. BUT IF THEY WANTED, THEY MAKE A SINGLE FICTIVE FUSION MEAL FOR BOTH AREAS.

1. I:1: Must we say that the Mishnah that we have learned without attribution in fact accords with the position of Rabban Simeon b. Gamaliel, who has said, “Any gap that is less than four handbreadths is classified as closed up a horizontal gap of the prescribed dimensions is deemed closed up”?

B. IF IT IS LESS THAN FOUR HANDBREADTHS SQUARE OR IF IT IS ABOVE THE GROUND BY MORE THAN TEN HANDBREADTHS, THEY MAKE A FICTIVE FUSION MEAL INDIVIDUALLY, AND THEY DO NOT MAKE A FICTIVE FUSION MEAL JOINTLY.

1. II:1: So what else is new? Since it’s already been said, four handbreadths square, within ten handbreadths of the ground, don’t I know on my own that if it is less than four by four or above ten handbreadths, it isn’t a valid opening?

2. II:2: Said R. Yohanan, “A round window has to have in its circumference twenty-four handbreadths measured from the lowest point of the circumference along the diameter joining this point to the highest one opposite, of which two and

a fraction must be within ten handbreadths from the ground, so that, when the window with a diameter of about eight handbreadths is squared, a fraction remains within ten handbreadths from the ground and that is the only part of the window when squared that is within the prescribed distance from the ground.

3. II:3: If it is less than four handbreadths square or if it is above the ground by more than ten handbreadths, they make a fictive fusion meal individually, and they do not make a fictive fusion meal jointly: Said R. Nahman, “The rule that the window must not be more than ten handbreadths from the ground has been stated only in regard to a window between two courtyards, but as to a window between two houses, even if it was higher than ten handbreadths from the ground, the residents if they wish may prepare a single fusion meal jointly. How come? We regard the house as though it were entirely filled so the window is fictively within the ten handbreadths of the ground, no matter its actual height.”

4. II:4: R. Abba asked R. Nahman, “If a hole in the roof of a lower room, which is the floor of an upper room, opened into the upper room, does it have to have a fixed ladder so that it may be permitted to move objects from one area to the other or is that not required? When we invoke the rule, a house is as though it were filled up, that is the case when the matter concerns a side wall, but as to the middle of the area, that is not the case? Or perhaps there is no such distinction in which case no ladder is needed?”

XLVI. Mishnah-Tractate Erubin 7:2

A. A WALL BETWEEN TWO COURTYARDS, TEN HANDBREADTHS HIGH AND FOUR BROAD – THEY MAKE A FICTIVE FUSION MEAL INDIVIDUALLY, AND THEY DO NOT MAKE A SINGLE FICTIVE FUSION MEAL FOR BOTH COURTYARDS. IF THERE WAS PRODUCE ON TOP OF IT, THESE CLIMB UP FROM THIS SIDE AND EAT IT, AND THOSE CLIMB UP FROM THAT SIDE AND EAT IT, ON CONDITION THAT THEY NOT BRING THE FRUIT DOWN. IF THE WALL WAS BREACHED TO A HEIGHT OF LESS THAN TEN CUBITS FROM THE GROUND, THEY MAKE A FICTIVE FUSION MEAL INDIVIDUALLY. BUT IF THEY WANTED, THEY MAKE A SINGLE FICTIVE FUSION MEAL JOINTLY, BECAUSE NOW IT IS EQUIVALENT TO A DOORWAY. BUT IF THE BREACH IS LARGER THAN THIS, THEY MUST MAKE A FICTIVE FUSION MEAL JOINTLY, AND THEY DO NOT MAKE A FICTIVE FUSION MEAL INDIVIDUALLY.

1. I:1: If the wall was not four handbreadths broad, what is the rule? Said Rab, “The air space of two domains two courtyards, between which the wall is located governs. Nothing may be moved on it even as far as a hair’s breadth.” And R. Yohanan said, “The tenants on this side may bring up food onto it and eat it there, and those may carry food up onto it and eat it there.”

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

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

3. I:3: If someone came to reduce the height of the wall raising the level of the floor of the courtyard by a mound close to the wall, rising to within ten handbreadths from the top of the wall, if the reduction in the height of the wall extended to ten handbreadths, it is permitted to use the entire area of the wall; if not, one

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

5. I:5: A ladder made of twigs doesn’t reduce the height of the wall, but a Tyrian ladder does.

6. I:6: Said Abbaye, “As to a wall between two courtyards, ten handbreadths high, against which, on the one side and on the other side, one set a ladder four handbreadths broad, and between the two ladders was less than a distance of three handbreadths, a valid reduction in the wall is effected even though the ladders are not precisely opposite each other, since it is easy to climb to the top of the wall by one ladder and walk over and go down into the next courtyard through the other ladder.. But we have stated that rule between the two ladders was less than a distance of three handbreadths only if the wall is less than four handbreadths thick, but if it was four handbreadths thick, the reduction is valid even if the ladders are quite far from one another.”

7. I:7: Said Bibi bar Abbaye, “If to reduce the height of a wall between two courtyards one built into the side of the wall a balcony above another balcony, that serves to reduce the height of the wall, if either the lower one had an area of four handbreadths square, or, if it was smaller than that, if the upper one had an area of four handbreadths square, and also if no space more than three handbreadths intervened between the balconies.”

8. I:8: And said R. Nahman said Rabbah bar Abbuha, “A stepladder, if the length of the lower rung was four handbreadths, or, if less, if the upper one was four handbreadths and there was no space of more than three handbreadths between them, it serves to reduce the height of the wall.”

9. I:9: And said R. Nahman said Rabbah bar Abbuha, **78A** “The moulding of an area that projects from the wall, if it is four by four handbreadths, and one rested against it a ladder of any size at all, it serves to reduce the height of the wall.”

10. I:10: And said R. Nahman said Rabbah bar Abbuha, “A wall between two courtyards that was nineteen handbreadths high has to have a single projection in the middle of its height, on which the top of a ladder may be supported so as to permit access between the courtyards. The projection at the midpoint of nineteen

handbreadths leaves a distance of less than ten handbreadths below and above. A wall between two courtyards that was twenty handbreadths high has to have two such projections to permit access between the courtyards.”

11. I:11: Said R. Huna, “A pillar in public domain, ten handbreadths high and four broad, into which one poked a peg of any size at all so reducing the uppermost area to one of less than four handbreadths – he has diminished the surface of the pillar and the pillar is no longer an autonomous, private domain.”

12. I:12: Said R. Judah said Samuel, “A wall between two courtyards ten handbreadths high has to have a ladder fourteen handbreadths tall placed in a slanting position at a distance of ten handbreadths from the wall, with its top resting on the top edge of the wall to render free movement of objects between the courtyards permitted.”

13. I:13: Said Rabbah said R. Hiyya, “The palm trees in Babylonia if cut down, with their trunks placed beside a wall that was between two courtyards do not have to be fixed to the ground. Why not? Because they are so heavy that their weight fixes them to the ground.”

14. I:14: R. Joseph asked Rabbah, “As to the case of a ladder on the one side less than two handbreadths wide and a ladder on the other side less than two handbreadths wide, with straw links between them forming rungs similar to those of a ladder and thus supplementing the width to four handbreadths, what is the law?”

15. I:15: R. Joseph asked Rabbah, “If one turned a tree into a ladder, what is the law? That is a question both from the perspective of Rabbi, and it is also a question from the perspective of rabbis. Rabbi allows a fusion meal to be put up in a tree, rabbis do not. It is a question within the perspective of Rabbi: Rabbi took the position that he did there, that any action that is forbidden by reason of Sabbath rest in general is not subject to that prohibition at twilight, maintaining that that principle applies only at twilight, but as to a case involving the rest of the day, that would not be the case access through a closed door is impossible, so the doorway has to be available for use throughout the day, if the meal is to retain validity until the end of the Sabbath; since using the tree is forbidden on the Sabbath, the tree cannot serve as a kind of doorway, so far as Rabbi is concerned. Or, it may be, even from the perspective of rabbis, it would constitute a valid doorway, but there’s a lion crouched beside it. The tree may be a valid doorway that cannot be used on account of a rabbinical prohibition as an ordinary open door that cannot be used because of a lion crouched beside it; as in the latter case, though prevented from using the doorway itself, the tenants still are permitted access to one another through any holds or crevices in the intervening wall, so are they permitted in the former case even according to rabbis.”

XLVII. Mishnah-Tractate Erubin 7:3-4

A. A TRENCH WHICH IS BETWEEN TWO COURTYARDS, TEN HANDBREADTHS DEEP AND FOUR BROAD – THEY MAKE A FICTIVE FUSION MEAL INDIVIDUALLY, AND

THEY DO NOT MAKE A SINGLE FICTIVE FUSION MEAL, EVEN IF IT IS FULL OF STRAW OR CHOPPED HAY.

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

B. IF IT WAS FILLED UP WITH DIRT OR STONES, THEY MAKE A FICTIVE FUSION MEAL JOINTLY, AND THEY DO NOT MAKE A FICTIVE FUSION MEAL INDIVIDUALLY.

1. II:1: Is that the rule that only one fusion meal is prepared, because the two courtyards are regarded as one, even where one's intention has not been articulated? But haven't we learned in the Mishnah: A house which one filled with straw or pebbles, and which one abandoned and so a heap of grain, or a pile of pebbles, even like the pile of Akhan (Jos. 7:26) – and even if uncleanness is on the side of the utensils – uncleanness breaks forth and ascends, breaks forth and descends (M. **Oh. 15:7A-D**) – so that is the rule if the owner articulately has abandoned, but not if he did not abandon, the straw?

C. IF ONE PUT OVER IT THE TRENCH A BOARD FOUR HANDBREADTHS BROAD:

1. III:1: Said Raba, "That rule applies only if the board was laid across the width of the trench, but if it was over the length of it, then even a board of any width at all suffices, for the width of the trench is reduced to less than four handbreadths by such a board."

D. AND SO: TWO BALCONIES OPPOSITE ONE ANOTHER CONNECTED BY A BOARD – THEY MAKE A FICTIVE FUSION MEAL SINGLY. BUT IF THEY WANTED, THEY MAKE A FICTIVE FUSION MEAL JOINTLY. IF IT WAS LESS THAN THIS, THEY MAKE A FICTIVE FUSION MEAL INDIVIDUALLY AND THEY DO NOT MAKE A FICTIVE FUSION MEAL JOINTLY.

1. IV:1: Said Raba, "With respect to that which you have said, opposite one another, the rule applies only to those that are opposite one another, but not to those that aren't or to those that are above one another; and even if they are above one another, the ruling that they do not prepare a joint fusion meal applies only if the distance was three handbreadths between the two balconies, but if there was no such distance between them, they are classified as a crooked balcony."

XLVIII. Mishnah-Tractate Erubin 7:5

A. A HEAP OF STRAW WHICH IS BETWEEN TWO COURTYARDS, TEN HANDBREADTHS HIGH – THEY MAKE A FICTIVE FUSION MEAL INDIVIDUALLY, AND THEY DO NOT MAKE A FICTIVE FUSION MEAL JOINTLY.

THESE FEED THEIR CATTLE ON ONE SIDE, AND THOSE FEED THEIR CATTLE ON THE OTHER SIDE.

IF THE STRAW DIMINISHED TO A HEIGHT OF LESS THAN TEN HANDBREADTHS, THEY MAKE A FICTIVE FUSION MEAL JOINTLY, AND THEY DO NOT MAKE A FICTIVE FUSION MEAL INDIVIDUALLY.

1. I:1: Said R. Huna, “But that is on condition that this tenant does not put straw into his basket which is classified as a partition between the courtyard and therefore not to be handled on the Sabbath and feed his cattle.”

a. I:2: Gloss of foregoing.

I. I:3: Gloss of the foregoing.

II. I:4: Gloss of the foregoing.

III. I:5: Gloss of the foregoing.

IV. I:6: Gloss of the foregoing.

v. I:7: Gloss of the foregoing.

XLIX. Mishnah-Tractate Erubin 7:6

A. HOW DO THEY MAKE A PARTNERSHIP THROUGH A FUSION MEAL, OR A SHITTUF IN AN ALLEYWAY? ONE OF THE RESIDENTS SETS DOWN A JAR OF FOOD OR DRINK AND STATES, “LO, THIS BELONGS TO ALL THE RESIDENTS OF THE ALLEYWAY.” AND THUS HE EFFECTS POSSESSION FOR THEM THROUGH HIS ADULT SON OR DAUGHTER, HIS HEBREW SLAVE BOY OR SLAVE GIRL, OR HIS WIFE. BUT HE DOES NOT EFFECT POSSESSION IN THEIR BEHALF BY MEANS OF HIS MINOR SON OR DAUGHTER, OR BY MEANS OF HIS CANAANITE SLAVE BOY OR SLAVE GIRL:

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

a. I:2: Gloss.

I. I:3: Topical supplement.

II. I:4: Continuation of the foregoing.

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

3. I:6: It has been stated: As to the preparation of fusion meals for alleyways – Rab said, “It is not necessary to transfer title to all the residents of the alleyway.” And Samuel said, “It is necessary to transfer title to all the residents of the alleyway.”

4. I:7: Said R. Nahman, “We have a tradition: All the same are fusion meals for Sabbath boundaries, fusion meals for courtyards, and fusion meals for courtyards – it is necessary to transfer title to all who are to benefit from the meals.”

B. BECAUSE THEIR HAND IS AS HIS HAND.

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

2. II:2: Further story.

3. II:3: It has been stated: R. Hiyya bar Ashi said, “They make a sidepost from an asherah tree.” And R. Simeon b. Laqish said, “They make a crossbeam from an asherah tree.”

L. Mishnah-Tractate Erubin 7:7-9

A. IF THE FOOD DIMINISHED IN VOLUME TO LESS THAN THE PRESCRIBED QUANTITY, ONE ADDS TO IT AND EFFECTS POSSESSION FOR THE OTHERS. AND HE NEED NOT INFORM THEM.

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

B. BUT IF THE NUMBER OF RESIDENTS OF THE ALLEYWAY BECAME LARGER, ONE ADDS TO THE FOOD AND EFFECTS POSSESSION FOR THEM. AND HE DOES NEED TO INFORM THEM.

1. II:1: Said R. Shizbi said R. Hisda, “That bears the implication that R. Judah’s colleagues who formulated the rule before us differ from R. Judah.”

C. WHAT IS ITS PRESCRIBED VOLUME? WHEN THE RESIDENTS ARE NUMEROUS, FOOD SUFFICIENT FOR TWO MEALS FOR ALL OF THEM.

WHEN THEY ARE FEW IN NUMBERS, A DRIED FIG’S BULK – SUCH THAT MAY BE TAKEN OUT ON THE SABBATH – FOR EACH AND EVERY ONE.

SAID R. YOSÉ, “UNDER WHAT CIRCUMSTANCES? AT THE BEGINNING OF PREPARING THE FICTIVE FUSION MEAL. BUT FOR WHAT IS ADDED LATER ON TO THE FICTIVE FUSION MEAL, ANY AMOUNT AT ALL WILL DO. FOR THEY HAVE SPOKEN ABOUT PREPARING A FICTIVE FUSION MEAL FOR COURTYARDS IN ADDITION TO THE ALLEYWAY ONLY SO THAT CHILDREN WILL NOT FORGET.”

1. III:1: How many is numerous?

LI. Mishnah-Tractate Erubin 7:10

A. “WITH ANYTHING WHICH IS EDIBLE DO THEY PREPARE A FICTIVE FUSION MEAL FOR COURTYARDS OR FOR ALLEYWAYS, EXCEPT FOR WATER OR SALT,” THE WORDS OF R. ELIEZER. R. JOSHUA SAYS, “A LOAF OF BREAD IS WHAT IS TO BE USED FOR A FICTIVE FUSION MEAL.”

WHAT IS BAKED, EVEN OF A WHOLE SEAH OF FLOUR, IF IT IS ONLY PART OF A LOAF – THEY DO NOT MAKE A FICTIVE FUSION MEAL WITH THAT. BUT A WHOLE LOAF EVEN THE SIZE OF A SMALL COIN WHICH IS WHOLE – THEY DO MAKE A FICTIVE FUSION MEAL WITH THAT.

1. I:1: But haven’t we learned this rule once: With anything which is edible do they prepare a fictive fusion meal for courtyards or for alleyways, except for water or salt (M. **3:1A-B**)? Said Rabbah, “The Mishnah paragraph before us serves to exclude the position of R. Joshua, who has said, ‘With a bread it may be made, but with anything else, it may not be made.’ So we are informed that that is not the case but that one may make it with any type of food.”

2. I:2: Said R. Jonathan b. Saul, “If no more than the prescribed quantity of dough-offering, or the prescribed portion to be removed from a mixture of heave-offering and unconsecrated produce, was taken out of a loaf from which the required offerings had not earlier been removed, a fictive fusion meal may be prepared with the now-broken loaf.”

3. I:3: Said R. Hisda, “If parts of the loaf were held together with a split, they may prepare a fictive fusion meal with the loaf.”

4. I:4: Said R. Zira said Samuel, “They may make a fictive fusion meal with bread made of rice or of millet.”

5. I:5: Said R. Hiyya bar Abin said Rab, “They prepare a fictive fusion meal with bread made from lentils.”

a. I:6: Gloss of proof-text in the foregoing.

LII. Mishnah-Tractate Erubin 7:11

A. “A MAN PAYS OVER A MAAH-COIN TO A STOREKEEPER OR TO A BAKER SO THAT HE WILL ACQUIRE FOR HIM A PORTION IN A FICTIVE FUSION MEAL,” THE WORDS OF R. ELIEZER. AND SAGES SAY, “HIS COINS ALONE HAVE NOT ACQUIRED FOR HIM A PORTION IN A FICTIVE FUSION MEAL.”

1. I:1: What is the operative consideration for the position of R. Eliezer, for lo, the man has not performed a valid act of acquisition of his share in the meal!

B. BUT THEY CONCUR THAT WITH ANY OTHERS EXCEPT FOR BAKERS, HIS COINS DO SECURE FOR HIM A SHARE IN THE FICTIVE FUSION MEAL. FOR THEY PREPARE A FICTIVE FUSION MEAL FOR A MAN ONLY WITH HIS KNOWLEDGE AND CONSENT.

1. II:1: What is the definition of any others?

C. SAID R. JUDAH, “UNDER WHAT CIRCUMSTANCES? IN THE CASE OF A FICTIVE FUSION MEAL SERVING FOR THE MINGLING OF SABBATH LIMITS. BUT IN THE CASE

OF FICTIVE FUSION MEALS SERVING TO JOIN TOGETHER COURTYARDS, THEY PREPARE A FICTIVE FUSION MEAL FOR A MAN BOTH WITH HIS KNOWLEDGE AND CONSENT AND WITHOUT HIS KNOWLEDGE AND CONSENT. FOR THEY ACQUIRE A BENEFIT FOR A MAN NOT IN HIS PRESENCE. BUT THEY DO NOT EXACT A PENALTY FOR A MAN NOT IN HIS PRESENCE.”

1. III:1: Said R. Judah said Samuel, “The decided law accords with R. Judah. And not only so, but in any passage in which R. Judah repeated a rule having to do with fictive fusion meals, the decided law accords with him.”

2. III:2: Said R. Aha b. Raba to R. Ashi, “The decided law? Then that bears the implication that there are contrary parties! But didn’t R. Joshua b. Levi say, ‘In any passage in which R. Judah said, “Under what circumstances,” or, “Under what conditions,” in our Mishnah, that serves only to spell out the opinion of sages?’”

a. III:3: Gloss of foregoing.

LIII. Mishnah-Tractate Erubin 8:1

A. HOW DO THEY PREPARE A FICTIVE FUSION MEAL FOR THE SABBATH LINE? ONE PUTS DOWN A JUG OF FOOD OF SOME SORT AND SAYS, “LO, THIS BELONGS TO ALL THE RESIDENTS OF MY TOWN,” OR: “TO WHOEVER GOES TO THE HOUSE OF MOURNING,” OR, “TO THE HOUSE OF CELEBRATION.”

1. I:1: Said R. Joseph, “They prepare a fusion meal only to permit someone to carry out a religious duty.”

B. WHOEVER ACCEPTED FOR HIMSELF A SHARE IN THE OWNERSHIP OF THIS MEAL WHILE IT WAS STILL DAY IS PERMITTED TO WALK TO THE LIMIT OF TWO THOUSAND CUBITS FROM THE LOCATION OF THE FICTIVE FUSION MEAL FOR THE SABBATH LINE. BUT WHOEVER ACCEPTS FOR HIMSELF OWNERSHIP AFTER IT GETS DARK IS PROHIBITED FROM DOING SO, FOR THEY DO NOT PREPARE A FICTIVE FUSION MEAL ONCE IT GETS DARK.

1. II:1: Does that formulation of the matter bear the implication that we do not affirm the principle, there is no retrospective clarification of the facts of the matter? For if it were the fact that there is the retrospective clarification of the facts of the matter, then why should there not be a retrospective clarification of the facts of the matter that shows, while it was still day, he turns out to have accepted the fictive fusion meal?

2. II:2: Said R. Assi, “A child of the age of six is covered, for purposes of being permitted to carry in a bounded area, by the fusion meal prepared for his mother.”

3. II:3: Our rabbis have taught on Tannaite authority: A person may prepare a fictive fusion meal for his minor son or daughter, for his Canaanite slave boy or slave girl, whether or not this is with their knowledge and consent. But he may not prepare a fictive fusion meal for his Hebrew slave boy or slave girl or for his adult son or daughter nor for his wife unless it is with their full knowledge and consent.

a. II:4: Gloss of a detail of the foregoing.

LIV. Mishnah-Tractate Erubin 8:2

A. WHAT IS ITS REQUISITE MEASURE? FOOD SUFFICIENT FOR TWO MEALS FOR EACH ONE:

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

B. “COMPOSED OF THE FOOD HE EATS ON AN ORDINARY DAY AND NOT ON THE SABBATH,” THE WORDS OF R. MEIR. R. JUDAH SAYS, “ON THE SABBATH AND NOT ON AN ORDINARY DAY.” AND THIS ONE AND THAT ONE INTEND THEREBY TO GIVE A LENIENT RULING.

1. II:1: Said R. Joseph to R. Joseph b. Raba, “As to your father, in accord with which authority did he accord?” He said to him, “In accord with R. Meir.”

C. R. YOHANAN B. BEROQAH SAYS, “NOT LESS THAN A LOAF WORTH A PONDION, FROM WHEAT AT ONE SELA FOR FOUR SEAHs OF FLOUR.” R. SIMEON SAYS, “TWO-THIRDS OF A LOAF OF A SIZE OF THREE TO A QAB.”

1. III:1: A Tannaite statement: And the opinion of the one is close to that of the other.

a. III:2: Secondary exegesis of a detail of the foregoing.

D. HALF OF THAT MEASURE IS WHAT IS REQUIRED FOR A HOUSE AFFLICTED WITH THE AILMENT OF LEV. 14, AND HALF OF THAT IS THE MEASURE TO INVALIDATE THE PERSON’S BODY FOR THE EATING OF FOOD IN THE STATUS OF HEAVE-OFFERING.

1. IV:1: A Tannaite statement: Half of half of its half that is, the loaf of which Yohanan and Simeon have spoken is the volume that would be susceptible to uncleanness as food. According to Yohanan the volume is three-quarters of an egg’s bulk; a whole loaf is six eggs’ bulk. According to Simeon, a whole loaf is eight eggs’ bulk, so the measure here would be one egg’s bulk.

2. IV:2: Said Rafram bar Pappa said R. Hisda, “That definition half of half of its half represents the opinion of R. Judah and R. Yosé, but sages say, ‘The bulk of one and a half big eggs.’”

a. IV:3: Illustrative story.

3. IV:4: Our rabbis have taught on Tannaite authority: The volume of the Jerusalem seah measure is greater than that of the wilderness by a sixth, and that of the Sepphorean seah measure is greater than that of Jerusalem by a sixth, so it turns out that the Sepphorean seah measure is greater than that of the wilderness measure by a third.

4. IV:5: Our rabbis have taught on Tannaite authority: “Of the first of your dough you shall set apart a cake for a gift as dough-offering” (Num. 15:20) – it must be of the size of your dough. That is, only if the size of the dough is of requisite volume does dough-offering have to be set apart. And how much is that? It is the dough of the wilderness. And how much was that? It is the volume described here: “Now an omer is a tenth part of an ephah” (Exo. 16:36).

LV. Mishnah-Tractate Erubin 8:3

A. THE RESIDENTS OF A COURTYARD AND THE RESIDENTS OF A GALLERY ABOVE A COURTYARD WHO FORGOT AND DID NOT PREPARE A FICTIVE FUSION MEAL FOR A COURTYARD A FICTIVE FUSION MEAL FOR A COURTYARD JOINING THE COURTYARD AND THE GALLERY – ALL THE AREA FOR EXAMPLE, A MOUND OR PILLAR WHICH IS ABOVE TEN HANDBREADTHS IS ASSIGNED TO THE GALLERY. ALL THE AREA LOWER THAN THIS IS ASSIGNED TO THE COURTYARD. THE BANK AROUND A CISTERN AND THE STONE, IF HIGHER THAN TEN HANDBREADTHS, ARE ASSIGNED TO THE GALLERY. IF LOWER THAN THAT, THEY ARE ASSIGNED TO THE COURTYARD. UNDER WHAT CIRCUMSTANCES? IN THE CASE OF WHAT ADJOINS THE GALLERY. BUT IN THE CASE OF THAT WHICH IS DISTANT SEPARATE FROM THE GALLERY, EVEN IF IT IS TEN HANDBREADTHS HIGH, IT IS ASSIGNED TO THE COURTYARD:

1. I:1: It is obvious that if this area had access to the courtyard through a door and that one likewise each with its own fusion meal, that would be equivalent to the case of a window between two courtyards. If the courtyard was accessible only through tossing an object, and so for the other, then it would be in the classification of a wall between two courtyards. If it was accessible to this or to that courtyard's residents only by means of lowering things down through a rope, then the law would be the same as that governing a ditch between two courtyards. If it is readily accessible to the residents of one courtyard, but is accessible to the residents of the other only by means of tossing objects, the law is in line with the rule that Rabbah b. R. Huna said in the name of R. Nahman. If the courtyard was readily accessible to the residents of one courtyard through a door, while to the residents of the other it was accessible only by means of lowering objects down by a rope, the law is in line with what R. Shizbi said in the name of R. Nahman. But – if the courtyard is accessible to the residents of the one courtyard only by lowering things down on a rope, while to residents of the other it is accessible only by means of throwing objects, what is the law?

a. I:2: Gloss of foregoing.

2. I:3: Resumption of analysis of I:1.

B. WHAT IS THE DEFINITION OF ADJOINING THE GALLERY? WHATEVER IS NOT DISTANT BY MORE THAN FOUR HANDBREADTHS.

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

But R. Judah on his own account said, “Even a reed would be enough” for such a projection.

- a. II:2: Gloss of a detail of the foregoing analysis.
- b. II:3: Secondary continuation of the foregoing.
- c. II:4: As above.

LVI. Mishnah-Tractate Erubin 8:4

A. HE WHO PLACES HIS A FICTIVE FUSION MEAL FOR A COURTYARD IN A GATEHOUSE, PORTICO, OR GALLERY – IT IS NOT A VALID FICTIVE FUSION MEAL FOR COURTYARDS. AND HE WHO LIVES THERE IN THE GATEHOUSE, PORTICO, OR GALLERY, AND WHO DOES NOT SHARE IN THE FICTIVE FUSION MEAL FOR A COURTYARD DOES NOT PROHIBIT HIM FROM CARRYING OBJECTS IN THE COURTYARD.

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

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

B. HE WHO PLACES HIS FICTIVE FUSION MEAL FOR A COURTYARD IN A SHED FOR STRAW, CATTLE, WOOD, OR STORES – LO, THIS IS A VALID FICTIVE FUSION MEAL. AND HE WHO LIVES THERE IN THE STRAW SHED, CATTLE SHED, WOODSHED, OR STORAGE SHED AND WHO DOES NOT SHARE IN THE FICTIVE FUSION MEAL FOR A COURTYARD DOES PROHIBIT HIM FROM CARRYING OBJECTS IN THE COURTYARD.

R. JUDAH SAYS, “IF THE HOUSEHOLDER HAS THE RIGHT OF STORAGE THERE, THE OTHER DOES NOT PROHIBIT HIM FROM CARRYING OBJECTS IN THE COURTYARD, SINCE THE HOUSEHOLDER NOW IS PART-OWNER OF THE SHED.”

1. II:1: How are we to understand the right of storage there?

a. II:2: Illustrative story.

I. II:3: Secondary addition to the foregoing.

2. II:4: Continuation of II:1: How are we to understand the right of storage there?

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

LVII. Mishnah-Tractate Erubin 8:5

A. “HE WHO LEAVES HIS HOUSE AND GOES TO SPEND THE SABBATH IN ANOTHER TOWN – ALL THE SAME ARE A GENTILE AND AN ISRAELITE – LO, THIS ONE WHO HAS NOT PARTICIPATED IN THE FICTIVE FUSION MEAL FOR THE COURTYARD WHERE HIS HOUSE IS LOCATED PROHIBITS THE OTHERS FROM CARRYING ABOUT IN THE COURTYARD,” THE WORDS OF R. MEIR. R. JUDAH SAYS, “HE DOES NOT PROHIBIT THEIR CARRYING IN THE COURTYARD.” R. YOSÉ SAYS, “A GENTILE PROHIBITS, AN ISRAELITE DOES NOT PROHIBIT THEIR CARRYING ABOUT ON THE SABBATH, FOR IT IS NOT USUAL FOR AN ISRAELITE TO RETURN HOME ON THE SABBATH.” R. SIMEON SAYS, “EVEN IF HE LEFT HIS HOUSE AND WENT TO SPEND THE SABBATH WITH HIS DAUGHTER IN THAT VERY SAME TOWN, HE DOES NOT PROHIBIT THE OTHERS FROM CARRYING IN THE COURTYARD, FOR HE ALREADY HAS BANISHED FROM HIS MIND THE POSSIBILITY OF COMING BACK ON THAT SABBATH.”

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

LVIII. Mishnah-Tractate Erubin 8:6

A. A CISTERN WHICH IS BETWEEN TWO COURTYARDS – THEY DO NOT DRAW WATER FROM IT ON THE SABBATH, UNLESS THEY MADE FOR IT A PARTITION TEN HANDBREADTHS HIGH, WHETHER IT IS ABOVE, BENEATH, OR WITHIN ITS RIM. RABBAN SIMEON B. GAMALIEL SAYS, “THE HOUSE OF SHAMMAI SAY, ‘BELOW.’ AND THE HOUSE OF HILLEL SAY, ‘ABOVE.’”

1. I:1: Said R. Huna, “The meaning of below is literally, below, and the meaning of above is literally, above. And in both instances the partition must be within the cistern” Even the House of Shammai concur that the entire partition of ten handbreadths high must be within the rim and below it. And R. Judah said, “The meaning of below is below the water, and the meaning of above is above the water.”

B. SAID R. JUDAH, “THE PARTITION SHOULD NOT BE EXPECTED TO BE MORE POWERFUL THAN THE WALL WHICH IS BETWEEN THEM.”

1. II:1: Said Rabbah bar bar Hannah said R. Yohanan, “R. Judah made this statement in accord with the operative theory of R. Yosé, who said, ‘A suspended partition effects permissibility even on dry land’ in allowing the wall between courtyards, which, in relationship to water, is only a suspended partition, to form a valid division between the waters of the two domains.

a. II:2: Complement to the foregoing.

b. I:3: As above.

I. I:4: Gloss of the foregoing.

LIX. Mishnah-Tractate Erubin 8:7

A. A WATER CHANNEL WHICH PASSES THROUGH A COURTYARD – THEY DO NOT DRAW WATER FROM IT ON THE SABBATH, UNLESS THEY MADE FOR IT A PARTITION TEN HANDBREADTHS HIGH, AT ITS ENTRY POINT AND AT ITS EXIT POINT. R. JUDAH

SAYS, “THE WALL WHICH IS ABOVE IT IS REGARDED AS A PARTITION.” SAID R. JUDAH, “THERE WAS THE FOLLOWING PRECEDENT: FROM THE WATER CHANNEL OF ABEL DID THEY DRAW WATER AT THE INSTRUCTION OF THE ELDERS ON THE SABBATH.” THEY SAID TO HIM, “IT WAS BECAUSE IT WAS NOT OF THE REQUISITE SIZE AND SO DID NOT CONSTITUTE NEGLECTED PUBLIC DOMAIN.”

1. I:1: Our rabbis have taught on Tannaite authority: If for a water channel passing through a courtyard they made a partition at the entrance but not at the exit, or at the exit but not at the entrance, they do not draw water from it on the Sabbath; that may be done only if they made it a partition of ten handbreadths at the exit and at the entrance. R. Judah says, “The wall which is above it is regarded as a partition.”

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

a. I:3: Further analysis of the foregoing.

b. I:4: As above.

LX. Mishnah-Tractate Erubin 8:8

A. A BALCONY WHICH IS ABOVE WATER – THEY DO NOT DRAW WATER FROM IT ON THE SABBATH, UNLESS THEY MADE FOR IT A PARTITION TEN HANDBREADTHS HIGH, WHETHER ABOVE OR BELOW:

1. I:1: Our Mishnah paragraph is not in accord with the position of Hanania b. Aqabayya,.

2. I:2: Our rabbis have taught on Tannaite authority: Three matters did R. Hanania b. Aqabayya permit the people of Tiberias: to draw water from a balcony on the Sabbath; to store produce in pea stalks; and to dry oneself with a towel on the Sabbath.

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

B. AND SO TWO BALCONIES, ONE ABOVE THE OTHER – IF THEY MADE A PARTITION FOR THE ONE ON TOP AND DID NOT DO SO FOR THE ONE ON THE BOTTOM, BOTH OF THEM ARE PROHIBITED – UNLESS THEY PREPARE A FICTIVE FUSION MEAL FOR A COURTYARD.

1. II:1: Said R. Huna said Rab, “They taught this rule only to apply to a case in which the lower balcony is near the upper one, but if it was far from it, using the upper one is permitted.”

2. II:2: Said Rabbah said R. Hiyya, and R. Joseph said R. Oshayya said, “There is the possibility of robbery in regard to Sabbath domain Someone may seize for the Sabbath another person’s ruin, which is near his house and neglected by its owner;

this he uses on weekdays, and the seizure is valid so that, even on the Sabbath, he may move objects about in the area, as if it were his own property, and a ruin reverts to its owner.” The restrictions of the Sabbath cause the ruin to revert to the full title of the owner, so that the neighbor may not move things around in the area.

LXI. Mishnah-Tractate Erubin 8:9-10

A. A COURTYARD WHICH IS LESS THAN FOUR CUBITS IN AREA – THEY DO NOT POUR SLOPS INTO IT ON THE SABBATH, UNLESS THEY MADE FOR IT A HOLE HOLDING TWO SEAHS IN VOLUME, FROM THE EDGE DOWNWARD, WHETHER INSIDE OR OUTSIDE THE COURTYARD. BUT: THAT WHICH IS OUTSIDE ONE HAS TO COVER. AND THAT WHICH IS INSIDE ONE DOES NOT HAVE TO COVER.

1. I:1: How come if the area is more than four cubits, water may be poured out into it?

B. R. ELIEZER B. JACOB SAYS, “A DRAIN WHICH IS COVERED OVER FOR FOUR CUBITS IN THE PUBLIC DOMAIN – THEY POUR WATER FROM THE COURTYARD INTO IT ON THE SABBATH.” AND SAGES SAY, “EVEN IF A ROOF OR A COURTYARD IS A HUNDRED CUBITS IN AREA, ONE SHOULD NOT POUR WATER DIRECTLY INTO THE MOUTH OF THE DRAIN. BUT HE POURS IT ONTO THE ROOF, AND THE WATER GOES DOWN INTO THE DRAIN.”

THE COURTYARD AND THE PORTICO JOIN TOGETHER TO CONSTITUTE THE FOUR CUBITS.

1. II:1: Our Mishnah paragraph is not in accord with Hanania, for it has been taught on Tannaite authority: Hanania says, “Even if the area of a roof was a hundred cubits, one may not pour out slops, since the roof won’t absorb the water but makes it run down into public domain.”

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

3. II:3: Said R. Nahman, “In the rainy season, if the trough can hold two seahs, one may pour two seahs of water into it, and if it can hold only one, one can pour in only one. In the dry season, if the trough can hold two seahs one can pour two seahs into it, but if it can hold one, one may not pour in any water at all.”

C. AND SO TWO STORIES OF HABITATIONS OPPOSITE ONE ANOTHER SEPARATED BY A COURTYARD OF LESS THAN FOUR CUBITS – SOME MADE A HOLE, AND SOME DID NOT MAKE A HOLE – THOSE WHO MADE THE HOLE ARE PERMITTED TO THROW OUT SLOPS. AND THOSE WHO DID NOT MAKE A HOLE ARE PROHIBITED FROM DOING SO.

1. III:1: Said Raba, “That is so even if they made a fictive fusion meal.”

LXII. Mishnah-Tractate Erubin 9:1

A. “ALL ROOFS OF A TOWN FORM A SINGLE DOMAIN, SO LONG AS ONE ROOF IS NOT TEN HANDBREADTHS HIGHER OR LOWER THAN THE OTHERS,” THE WORDS OF R. MEIR.

1. I:1: In session, Abbayye bar Abin and R. Hanina bar Abin, with Abbayye in session with him, stated, “There is no problem understanding rabbis theory of matters: Just as the residents are divided in their apartments down below, so the residents are divided above. But as to R. Meir, what can he possibly be thinking? If he maintains that just as the residents are divided in their apartments down below, so the residents are divided above, then why do the roofs form a single domain? But if he maintains that they are not divided, because everything above ten handbreadths forms a single domain, then even if one roof is ten handbreadths higher or lower than another, it should still form one domain!”

B. AND SAGES SAY, “EACH AND EVERY ONE IS A DOMAIN UNTO ITSELF.”

1. II:1: It has been stated: Rab said, “It is permitted to carry on a roof adjoining another roof at the same level for only four cubits.” And Samuel said, “It is permitted to carry through the whole area” treating the walls of the houses as extended and thus as partitions around the roofs.

a. II:2: Secondary development of the foregoing analysis.

2. II:3: Said Abbayye, “If someone built an upper story on his house and made in front of it a little door of four handbreadths opening toward the other roofs, he may utilize all the other roofs.” Said Raba, “Sometimes the little door may impose restrictions on the use of the other roofs, on the part of all parties, in line with Meir’s theory that all roofs of a town form a single domain. How so? If he made the door open toward his own house, since someone might say, it was made to serve as a watchtower for his house garden” and he didn’t plan to use the roofs at all.

3. II:4: R. Ammi bar Hama raised this question: “As to moving an object two cubits along a roof and two cubits along a column that is ten handbreadths high and four wide standing near the roof in public domain, what is the law?”

4. II:5: R. Bibi bar Abbayye raised this question: “As to moving an object two cubits along a roof and two cubits along a ruin belonging to another party and in the status of neglected public domain, what is the law?”

5. II:6: Roofs that are at the same level, from R. Meir’s viewpoint all roofs form a single domain, or a roof belonging to a single individual each roof is a distinct domain, imposing restrictions on adjoining roofs, not applying here, from rabbis’ perspective – Rab said, “It is permitted to carry objects through the whole of the specified area.” And Samuel said, “People may carry objects only for four cubits in the specified area.”

6. II:7: It has been stated: As to a ship – Rab said, “It is permitted to carry around the entirety of the ship.” And Samuel said, “People may carry objects only for four cubits in the specified area.”

7. II:8: Said R. Judah, “When you take a good look, you will notice that, in the opinion of R. Meir, roofs are deemed a distinct domain, courtyards likewise, enclosures likewise. In the opinion of sages, roofs and courtyards form one domain, and enclosures a domain unto themselves. In the opinion of R. Simeon, they all constitute a single domain.” It has been taught on Tannaite authority in accord with the position of Rab upward extension does not apply to walls that cannot be distinguished, adjoining roofs on the same level impose restrictions upon each other, nothing may be moved on either for more than four cubits. And it has been taught on Tannaite authority in accord with the position of R. Judah roofs are deemed a distinct domain, courtyards likewise, enclosures likewise.

C. R. SIMEON SAYS, “ALL THE SAME ARE ROOFS, COURTYARDS, AND OUTER AREAS – EACH CONSTITUTES A SINGLE DOMAIN IN REGARD TO UTENSILS WHICH HAVE BEEN KEPT FOR THE SABBATH THEREIN, AND NOT A SINGLE DOMAIN FOR UTENSILS WHICH HAVE BEEN KEPT FOR THE SABBATH IN THE HOUSE.”

1. III:1: Said Rab, “The decided law is in accord with R. Simeon, so long as no fictive fusion meal has been prepared; but if a fictive fusion meal has been prepared so the residents of the courtyard can carry objects into their courtyards from their houses, there is a precautionary decree to take account of the possibility of carrying objects from the houses of one courtyard into some other courtyard.” And Samuel, said, “Whether or not they prepared a fictive fusion meal that is the law.” And so said R. Yohanan, “The law is in accord with R. Simeon, whether or not they prepared a fictive fusion meal.”

a. III:2: Gloss of a detail of the foregoing.

I. III:3: Continuation.

2. III:4: It has been stated: Two courtyards with a single ruin between them – the residents of one courtyard prepared a fictive fusion meal, and the residents of the other courtyard didn’t prepare a fictive fusion meal – Said R. Huna, “They assign the ruin to the residents who didn’t prepare a fictive meal and they can move objects from their courtyard into the ruin, but not to the residents of the courtyard that had prepared a fictive fusion meal, lest they end up carrying out objects from their houses into the ruin.” And Hiyya bar Rab said, “They assign it also to the residents of the courtyard who prepared a fictive fusion meal, so that both groups are forbidden to utilize the ruin. For if you should propose that both parties are permitted to use it, then how come a courtyard for which no fictive fusion meal has been made may be assigned to a courtyard for which such a meal had been made?”

LXIII. Mishnah-Tractate Erubin 9:2A-E

A. A LARGE ROOF NEAR A SMALL ONE – THE LARGE ONE IS PERMITTED AS AN AREA FOR CARRYING, AND TO TAKE SOMETHING FROM THE LARGE TO THE SMALL ONE IS PROHIBITED. A LARGE COURTYARD THE WALL OF WHICH WAS BREACHED SO AS TO GIVE ACCESS TO A SMALL ONE – THE LARGE ONE IS PERMITTED, AND THE SMALL ONE IS FORBIDDEN, FOR IT THE SMALLER ROOF OR COURTYARD IS LIKE A DOORWAY TO THE LARGE ONE:

1. I:1: Why say the same thing twice concerning roofs, then courtyards?
2. I:2: In session, Rabbah and R. Zira and Rabbah bar R. Hanan, with Abbaye in session with him, stated, “The inference to be drawn from our Mishnah paragraph is that the residents of the larger area influence the rights of the residents of the smaller area, but the residents of the smaller area don’t affect the rights of the residents of the larger area. How so? If there are vines in the larger area, it is forbidden to sow seed in the smaller area. If one sowed seed in the smaller area, the seed is forbidden, the vines are permitted. If there are fines in the smaller area, it is permitted to sow in the larger area. If a woman was in the larger area and her writ of divorce landed in the smaller, she is held to have received the writ and to be divorced; if the woman is in the smaller area and her writ of divorce landed in the larger, she is not deemed to have been divorced until the writ reaches her hand. If the congregation is in the larger area and the reader of prayers for the congregation in the smaller, the congregation has accomplished its duty through the prayers of the reader. If the congregation is in the smaller area and the reader of prayers for the congregation in the larger, the congregation is not deemed to have carried out its obligation. If nine persons are in the larger area and one in the smaller, they join together to form a quorum. If nine are in the smaller area and one in the larger, they are not deemed to combine to form a quorum. If there is shit in the larger area, it is forbidden to recite the Shema in the smaller area. If it is in the smaller area, it is permitted to recite the Shema in the larger area.”
3. I:3: Said R. Judah, “In the case of three enclosures, one beside the other, and the two outer enclosures had projections, but the middle one didn’t, with a single individual in this one and in that one – the three men are treated as a caravan, and they assign to them all the space they require for transporting objects on the Sabbath. And if the one in the middle had projections and the two outer ones didn’t have projections, with a single individual in each enclosure, they give them only a space of six bet seahs for moving objects about.”
4. I:4: Said R. Hisda, “An embankment five handbreadths high and a partition five handbreadths high don’t combine to form a single partition ten handbreadths high, such as is required for an enclosure around private domain, for a partition must be such that the entire height is comprised of either the embankment or the partition.”
5. I:5: Mar Emar expounded, “An embankment five handbreadths deep with a fence on it five handbreadths high combine.”
6. I:6: R. Hoshayya raised this question: “Residents of a courtyard who arrive on the Sabbath – what is the law on their imposing restrictions?”
7. I:7: It has been stated: A wall that was between two courtyards that fell down – Rab said, “People may carry therein only four cubits.” And Samuel said, “The tenants on this side may carry objects up to the foundation of the wall, and the tenants on that side may carry objects up to the foundation of the wall.”

LXIV. Mishnah-Tractate Erubin 9:2F-I

A. A COURTYARD WHICH ON THE SABBATH WAS BREACHED SO AS TO GIVE ACCESS TO THE PUBLIC WAY OR TO ANY OTHER DISTINCT DOMAIN – “HE WHO BRINGS

OBJECTS FROM WITHIN IT TO PRIVATE DOMAIN, OR FROM PRIVATE DOMAIN INTO IT, IS LIABLE,” THE WORDS OF R. ELIEZER. AND SAGES SAY, “HE WHO BRINGS OBJECTS FROM WITHIN IT TO THE PUBLIC WAY, OR FROM THE PUBLIC WAY INTO IT, IS EXEMPT, FOR IT NOW IS LIKE NEGLECTED PUBLIC DOMAIN.”

1. I:1: So from R. Eliezer’s viewpoint, does the courtyard become public domain merely because it was opened by a breach onto public domain?

LXV. Mishnah-Tractate Erubin 9:3

A. A COURTYARD WHICH ON THE SABBATH WAS BREACHED TO GIVE ACCESS TO PUBLIC DOMAIN ON TWO SIDES

1. I:1: With what sort of a breach do we deal here? If I say that it is one that wasn’t wider than ten cubits, then what difference does it make whether it is on one side or on two sides? If it was on one side, it is classified as a doorway, so if it is on both sides, it should also be classified as a doorway and why are restrictions invoked here? So it must be wider than ten handbreadths. But if so, then even if the breach were only on one side, the same rule should apply!

B. AND SO, TOO: A HOUSE WHICH WAS BREACHED ON TWO SIDES, AND SO, TOO: AN ALLEYWAY THE BEAMS OR SIDEPOSTS OF WHICH HAVE BEEN REMOVED – “THEY ARE PERMITTED ON THAT SABBATH BUT PROHIBITED IN TIME TO COME,” THE WORDS OF R. JUDAH.

1. II:1: What would mark the case of a breach on one side? We would then invoke the principle, the edge of the ceiling is imagined to extend downward and close the gap? Then if it were breached on both sides, why not invoke the same rule, that the edge of the beam extends and closes them up?

C. R. YOSÉ SAYS, “IF THEY ARE PERMITTED ON THAT SABBATH, THEY ARE PERMITTED IN TIME TO COME. AND IF THEY ARE PROHIBITED IN TIME TO COME, THEY ARE PROHIBITED ON THAT SABBATH.”

1. III:1: The question was raised: Did R. Yosé intend by his ruling to impose a prohibition or a remission of the rule?

2. III:2: It has been stated: R. Hiyya bar Joseph said, “The decided law accords with R. Yosé.” And Samuel said, “The decided law accords with R. Yosé.”

LXVI. Mishnah-Tractate Erubin 9:4

A. HE WHO BUILDS AN UPPER ROOM ON TOP OF TWO HOUSES OPPOSITE ONE ANOTHER ON A PUBLIC ROAD, AND SO, TOO, VIADUCTS – “THEY CARRY OBJECTS BELOW THEM ON THE SABBATH,” THE WORDS OF R. JUDAH. AND SAGES PROHIBIT.

AND FURTHER DID R. JUDAH SAY, “THEY PREPARE A FICTIVE FUSION MEAL FOR AN ALLEYWAY WHICH IS A THOROUGHFARE.” AND SAGES PROHIBIT.

1. I:1: “They carry objects below them on the Sabbath,” the words of R. Judah: Said Rabbah, “Don’t suppose that the operative consideration behind the ruling of R. Judah is that he takes the view that two walls the public domain, the viaduct,

have two walls on either side are sufficient so far as the law of the Torah is concerned. Rather, it is because he takes the view that the edge of the ceiling is fictively imagined to descend downward and enclose the space down below.”

LXVII. Mishnah-Tractate Erubin 10:1-2

A. HE WHO FINDS PHYLACTERIES TEFILLIN IN THE PUBLIC WAY BRINGS THEM IN ONE BY ONE.

1. I:1: Brings them in one by one: One pair, not more? Then should we say that we have in hand an unattributed Mishnah rule that is not in accord with R. Meir? For it cannot accord with R. Meir, since he has said that, to save clothing from a fire, one may put on all the clothes he can and cloak himself with all the cloaks he can

B. RABBAN GAMALIEL SAYS, “TWO SETS AT A TIME.”

1. II:1: What theory can he hold? If he takes the view that the Sabbath is a time for wearing phylacteries, then he should be able to bring in one but not two. And if the Sabbath is not a time for wearing phylacteries, and because of needing to save the objects, rabbis permitted them to be carried as clothing, then he should be able to bring more and not only two pairs!

2. II:2: A Tannaite statement of the household of Manasseh: ““On your hand” (Deu. 6: 8) refers to the biceps muscle; ‘between your eyes’ speaks of the skull.”

a. II:3: Further analysis of II:1.

l. II:4: Secondary development of the foregoing.

C. UNDER WHAT CIRCUMSTANCES? IN THE CASE OF USED ONES. BUT IN THE CASE OF NEW ONES, HE IS EXEMPT FROM THE OBLIGATION OF PUTTING THEM IN A PROTECTED PLACE:

INDEPENDENT ANALYSIS, INTERSECTING WITH THIS MISHNAH-UNIT

1. III:1: Said R. Eleazar, “He who finds blue wool on the street in the shape of straps for show fringes, it is unfit for use for show fringes, but if it was in the shape of threads, it is suitable.” Secondary analysis invokes our Mishnah-rule.

a. III:2: Secondary detail invited by the foregoing.

D. IF HE FOUND THEM ARRANGED IN SETS OR IN BUNDLES:

1. IV:1: What is the definition of sets...bundles?

E. HE WAITS UNTIL DARKNESS WHILE STANDING OVER THEM AND THEN HE BRINGS THEM IN:

1. V:1: Well, here, too, why not bring them in pair by pair?

F. BUT IN A SITUATION OF DANGER, HE COVERS THEM UP AND GOES ALONG:

1. VI:1: But hasn’t it been taught on Tannaite authority: In a time of danger he brings them in bit by bit, in stages of less than four cubits at a time?

G. R. SIMEON SAYS, “HE HANDS THEM TO HIS FELLOW, AND HE TO HIS FELLOW, UNTIL IT REACHES THE OUTERMOST COURTYARD OF THE TOWN:

1. VII:1: What is at issue in this disagreement?

H. AND SO IN THE CASE OF HIS SON WHO WAS BORN IN THE FIELD ON THE SABBATH: HE HANDS HIM OVER TO HIS FELLOW, AND HIS FELLOW, EVEN ONE HUNDRED.”

1. VIII:1: So what in the world is his son doing there anyhow?

I. R. JUDAH SAYS, “A MAN HANDS OVER A JUG TO HIS FELLOW, AND HIS FELLOW TO HIS, EVEN OUTSIDE OF THE SABBATH LINE.” THEY SAID TO HIM, “THIS OBJECT SHOULD NOT GO FURTHER THAN THE FEET OF ITS MASTER MAY TAKE IT.”

1. IX:1: So doesn't R. Judah concur in that which we have learned in the Mishnah: Domestic cattle and utensils are in the status of their owner and on the festival or Sabbath are restricted to travel within the same limits as he is (M. Bes. 5:3A)?

LXVIII. Mishnah-Tractate Erubin 10:3

A. IF HE WAS READING IN A SCROLL ON THE THRESHOLD, AND IT ROLLED OUT OF HIS HAND, HE MAY ROLL IT BACK TO HIMSELF.

1. I:1: On the threshold: Now how are we to imagine this threshold? Should I say that the threshold is private domain and in front of it was public domain, and that there is no precautionary measure to cover the possibility that the entire scroll might fall down and someone may then go and carry it in, then who is the author of this passage? It must be R. Simeon, who has said, “For nothing which is prohibited by reason of Sabbath rest stands against the honor due to the Sacred Scriptures.” But then note what follows: R. Judah says, “Even if it is distant from the ground by only so much as a hair's breadth, he may roll it back to himself.” R. Simeon says, “Even if it has touched the ground itself, he may roll it back to himself.” So do we have a situation in which the opening and closing clauses belong to R. Simeon and the middle one to R. Judah?

B. IF HE WAS READING ON THE TOP OF THE ROOF, AND THE SCROLL ROLLED OUT OF HIS HAND, BEFORE IT FALLS TO WITHIN TEN HANDBREADTHS OF THE GROUND, HE MAY ROLL IT BACK TO HIMSELF.

1. II:1: But is it permitted? And hasn't it been taught on Tannaite authority: Those who write holy books, phylacteries, and mezuzot are not permitted to turn a skin downward, but a cloth must be spread over it?

C. ONCE IT HAS FALLEN TO WITHIN TEN HANDBREADTHS OF THE GROUND, HE TURNS IT OVER ONTO THE WRITTEN SIDE TO PROTECT IT.

1. III:1: But lo, it hasn't come to rest in public domain, so why can't one roll it back into private domain? Said Raba, “It's a case in which the wall was slanting so it comes to rest on the slope.”

D. R. JUDAH SAYS, “EVEN IF IT IS DISTANT FROM THE GROUND BY ONLY SO MUCH AS A HAIR'S BREADTH, HE MAY ROLL IT BACK TO HIMSELF.” R. SIMEON SAYS, “EVEN IF IT HAS TOUCHED THE GROUND ITSELF, HE MAY ROLL IT BACK TO HIMSELF FOR NOTHING WHICH IS PROHIBITED BY REASON OF SABBATH REST STANDS AGAINST THE HONOR DUE TO THE SACRED SCRIPTURES.”

1. IV:1: For we require that it actually come to rest on something.

LXIX. Mishnah-Tractate Erubin 10:4A-B

A. A PROJECTION BEFORE A WINDOW – THEY PUT THINGS OUT ON IT AND TAKE THINGS BACK FROM IT ON THE SABBATH.

1. I:1: As to this projection, where does it project? Should I say that it projects into public domain? Then shouldn't we take account of the possibility that something might drop from the ledge onto the public domain down below, and someone may come along and carry it in? But if it projected onto private domain, then the rule of our Mishnah statement is pretty self-evident!

LXX. Mishnah-Tractate Erubin 10:4C-D, 10:5

A. A MAN STANDS IN PRIVATE DOMAIN AND MOVES SOMETHING ABOUT IN PUBLIC DOMAIN:

1. I:1: R. Hinena bar Shelamayya repeated the Tannaite rule for Hiyya bar Rab in the presence of Rab: "A man may not stand in private domain and move something about in public domain lest he transfer the object from public to private domain."

B. ...IN PUBLIC DOMAIN AND MOVES SOMETHING ABOUT IN PRIVATE DOMAIN, ON CONDITION THAT HE NOT MOVE THE OBJECT OUTSIDE OF FOUR CUBITS FROM WHERE HE PICKED IT UP.

1. II:1: Then if he did move the object outside of four cubits, he is liable to a sin-offering. May we then say that that supports the position of Raba, for Raba said, "He who carries something from the beginning of four cubits to the end of four cubits, and the transfer was above his head above ten hairbreadths from the ground, which is not classified domain at all, he is liable?"

C. A MAN SHOULD NOT STAND IN PRIVATE DOMAIN AND PISS INTO PUBLIC DOMAIN, IN PUBLIC DOMAIN AND PISS INTO PRIVATE DOMAIN.

1. III:1: Said R. Joseph, "If he pissed or spit, he is liable to a sin-offering."

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

D. AND SO, TOO, HE SHOULD NOT SPIT ACROSS THE SABBATH LINE. R. JUDAH SAYS, "ALSO: HE WHOSE SPIT IS LOOSE IN HIS MOUTH SHOULD NOT WALK FOUR CUBITS UNTIL HE HAS SPIT IT OUT."

1. IV:1: Is that so even though he hasn't turned the spit over in his mouth? And haven't we learned in the Mishnah: If one was eating a fig with unclean hands, and he poked his hand into his mouth to remove the pit – R. Meir declares the fig unclean. R. Yosé declares the fig clean. R. Judah says, "If he turned over the fig in his mouth, it the fig is unclean. If he did not turn it over, it the fig is clean" (M. Kel. 10:8E-I)?

a. IV:2: Topical supplement.

LXXI. Mishnah-Tractate Erubin 10:6A-D

A. A MAN SHOULD NOT STAND IN PRIVATE DOMAIN AND DRINK IN PUBLIC DOMAIN, IN PUBLIC DOMAIN AND DRINK IN PRIVATE DOMAIN, UNLESS HE HAS POKED HIS HEAD AND THE GREATER PART OF HIS BODY INTO THE SAME DOMAIN AS THAT IN WHICH HE DRINKS. AND SO IN THE CASE OF A WINE PRESS.

1. I:1: Does the opening rule then stand for the position of rabbis, and the later one, R. Meir?

2. I:2: The question was raised: What is the rule in regard to neglected public domain?

LXXII. Mishnah-Tractate Erubin 10:6E-F

A. A MAN SCOOPS UP WATER OUT OF A DRAIN PIPE THAT IS LESS THAN TEN HANDBREADTHS FROM THE GROUND.

1. I:1: He scoops up but he doesn't press his lips to the gutter? How come?

B. AND FROM A WATERSPOUT IN ANY MANNER HE MAY DRINK.

1. II:1: A Tannaite statement: If the spout was four by four handbreadths, it is forbidden to drink directly from the mouth of the spot, because this would be tantamount to carrying something from one domain to another.

LXXIII. Mishnah-Tractate Erubin 10:7

A. A CISTERN IN THE PUBLIC DOMAIN, WITH ITS SURROUNDING BANK TEN HANDBREADTHS HIGH – A WINDOW WHICH IS ABOVE IT – THEY DRAW WATER FROM IT ON THE SABBATH:

1. I:1: With what situation concerning this cistern in the public domain do we deal? Should I say that it is one that is near the wall? Then to permit use of the cistern from the window, what need do I have for an embankment ten handbreadths high? The cistern ten handbreadths deep is itself private domain and is within four handbreadths of the wall, so there is no public domain between the cistern and the wall.

B. A GARBAGE DUMP IN THE PUBLIC DOMAIN TEN HANDBREADTHS HIGH – A WINDOW WHICH IS ABOVE IT – THEY POUR OUT SLOPS INTO IT ON THE SABBATH.

1. II:1: We do not take account of the possibility that the garbage dump may be removed when it was taken over into public domain, and people might continue to dump garbage into it from private domain. And yet, didn't Rabin b. R. Adda say R. Isaac said, "There was a precedent involving an alleyway, one side of which ended in the sea, the other in a garbage dump, and the case came before Rabbi, and he ruled in that case neither that it is forbidden nor that it is permitted to move objects in the alley. He didn't permit it, since we take account of the possibility that the garbage dump might be removed or that the sea might throw up alluvium, and he didn't say it was forbidden, because the partitions were there at this point?"

LXXIV. Mishnah-Tractate Erubin 10:8A-E

A. A TREE WHICH OVERSHADOWS THE GROUND – IF ITS FOLIAGE WAS NOT THREE HANDBREADTHS ABOVE THE GROUND, THEY CARRY UNDER IT THE BRANCHES ARE DEEMED TO TOUCH THE GROUND AND TO FORM A PARTITION TEN HANDBREADTHS HIGH AROUND THE TREE.

1. I:1: Said R. Huna, son of R. Joshua, “People may carry there if the partitioned area is only over an area of two seahs. How come? Why not permit carrying over the entire partitioned area, if it is a valid partition at all? 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.

B. IF ITS ROOTS ARE THREE HANDBREADTHS ABOVE THE GROUND, ONE SHOULD NOT SIT ON THEM AND THUS USE THE TREE ON THE SABBATH, WHICH IS FORBIDDEN.

1. II:1: It has been stated: The roots of a tree that descended from a level above three handbreadths from the ground to one lower than three handbreadths from the ground – Rabbah said, “It is permitted to make use of them.” R. Sheshet said, “It is forbidden to make use of them.”

a. II:2: Case.

b. II:3: Further analysis of the positions of II:1.

2. II:4: Our rabbis have taught on Tannaite authority: Roots of a tree that are three handbreadths above the earth, or underneath which is a space three handbreadths, even though one side is level with the ground – lo, one should not sit on them, because people may not climb a tree or hang from a tree or lean on a tree on the Sabbath; nor may someone climb up on a tree while it is still day planning to remain there for the entire Sabbath. All the same are a tree and any beast, but as to a cistern, ditch, cave, or wall, one may climb up or climb down, even if they are a hundred cubits in height or depth.

3. II:5: One Tannaite statement: If one has climbed up, it is permitted to climb down. Another Tannaite statement: If one has climbed up, it is forbidden to climb down.

4. II:6: One Tannaite formulation states: All the same are a green tree and a dried-up tree. And another Tannaite formulation states: Under what circumstances? In the case of a green tree, but as to a dried-up tree which no longer is connected to the ground, it is permitted to climb down.

a. II:7: Secondary instance. Said R. Ammi bar Abba said R. Assi, “It is forbidden for someone to walk on the grass on the Sabbath, in line with the verse: ‘And he who hastes with his feet sins’ (Pro. 19: 2).” Slotki: Even though one doesn’t intend to tear the grass, he is forbidden to walk on it, because he unintentionally tears it with his feet.

I. II:8: Continuation of the foregoing.

C. APPENDIX OF SAYINGS IN THE ATTRIBUTIVE FORMULA, SAID R. AMMI BAR ABBA SAID R. ASSI

5. II:9: And said R. Ammi bar Abba said R. Assi, “It is forbidden for someone to rape his wife force his wife to carry out the religious duty (of sexual relations): ‘And he that hastes with his feet sins’ (Pro. 19: 2).”

a. II:10: Same theme, different attribution. Said R. Samuel bar Nahmani said R. Jonathan, “Any man whose wife calls him to sexual relations will have children of the like of which the generation of our lord, Moses, didn’t have.”

I. II:11: Gloss of a detail of the foregoing.

II. II:12: Continuation of the foregoing.

III. II:13: Continuation of the foregoing.

A. II:14: Complement to the foregoing.

LXXV. Mishnah-Tractate Erubin 10:8F-J

A. WITH A MOVABLE DOOR IN THE REAR COURT – WITH BUNDLES OF BRIARS IN A BREACH – OR WITH MATS – THEY DO NOT STOP UP AN OPENING, UNLESS THEY ARE RAISED ABOVE THE GROUND.

1. I:1: By contrast: With a door, reed mat, or keg, that drag on the ground, if they are fastened and suspended, it is permitted to close an opening on the Sabbath, all the more so on a festival. This rule insists on suspension, not on raising them from the ground.

2. I:2: Our rabbis have taught on Tannaite authority: Boughs of thorn bushes, or bundles of wood, which someone set up to stop up a breach in the courtyard wall, if they are tied up and suspended, they lock up with them on the Sabbath and it goes without saying, on the festival.

3. I:3: Said R. Judah, “As for a bonfire – piling up the wood from the top down is permitted, but piling it from the bottom up is forbidden.”

4. I:4: Miscellaneous item on closing gaps with briers.

LXXVI. Mishnah-Tractate Erubin 10:9

A. “A MAN SHOULD NOT STAND IN PRIVATE DOMAIN AND OPEN A DOOR IN PUBLIC DOMAIN, IN PUBLIC DOMAIN AND OPEN A DOOR IN PRIVATE DOMAIN, UNLESS HE HAS MADE A PARTITION TEN HANDBREADTHS HIGH,” THE WORDS OF R. MEIR. THEY SAID TO HIM, “THERE WAS THIS PRECEDENT: IN THE POULTERERS’ MARKET IN JERUSALEM THEY USED TO SHUT UP THEIR SHOPS AND LEAVE THE KEY IN THE WINDOW ABOVE THE DOOR.” R. YOSÉ SAYS, “IT WAS THE MARKET OF THE WOOL DEALERS.”

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

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

2. I:2: Our rabbis have taught on Tannaite authority: “As to the doors of gateways to gardens, when they have gate houses on the inner side, one may open and close the door from the inside Slotki: since the lock, which is four handbreadths wide and ten from the ground, has the same status of private domain as the gate house. If it is on the outer side, one opens and closes from the outside. If they have one on this side and on that side, they may be opened and closed on either side. If they have none on this side or on that side, they are forbidden on either side to be opened or locked And so is the rule governing stores that open out onto public domain: When the lock is ten handbreadths or less from the ground thus in neglected public domain, one brings the key on Friday and puts it on the threshold also neglected public domain, and the next day one may open or close the door and put the key back on the threshold,” the words of R. Meir. And sages say, “Even if the lock is more than ten handbreadths above the ground, one brings the key on Friday and puts it on the threshold also neglected public domain, and the next day one may open or close the door and put the key back on the threshold; or he may put the lock back on a window above the door. If the window had an area of four handbreadths by four, it is forbidden, since under such circumstances, moving the key would involve transferring it from one domain the threshold, which is neglected public domain to another the window, which is private domain.”

a. I:3: Secondary analysis of foregoing.

LXXVII. Mishnah-Tractate Erubin 10:10

A. A BOLT WITH A KNOB ON ITS END – R. ELEAZAR PROHIBITS. AND R. YOSÉ PERMITS. SAID R. ELEAZAR, “THERE WAS THIS PRECEDENT: IN THE SYNAGOGUE IN TIBERIAS THEY PERMITTED USING IT ON THE SABBATH, UNTIL RABBAN GAMALIEL AND ELDERS CAME AND PROHIBITED IT FOR THEM.” R. YOSÉ SAYS, “THEY TREATED IT AS PROHIBITED. RABBAN GAMALIEL AND THE ELDERS CAME AND PERMITTED IT FOR THEM.”

1. I:1: Where the bolt can be lifted up by the cord to which it was tied, all parties concur. Where they have a dispute, it is where it cannot be lifted up by the cord. The one authority Yosé maintains that since there is a knob at one end, it is classified as a utensil and it may be moved on the Sabbath, and the other master Eleazar takes the view that, since it can't be lifted up by the cord to which it was tied, it may not be moved.

LXXVIII. Mishnah-Tractate Erubin 10:11

A. A BOLT WHICH IS DRAGGED ON THE GROUND – THEY LOCK THE DOORS WITH IT IN THE TEMPLE BUT NOT IN THE PROVINCES. AND ONE WHICH RESTS ON THE GROUND NOT FASTENED BOTH HERE AND THERE IS PROHIBITED. R. JUDAH SAYS, “THE ONE WHICH RESTS ON THE GROUND IS PERMITTED IN THE TEMPLE, AND THE ONE WHICH IS DRAGGED ON THE GROUND IS PERMITTED IN THE PROVINCES.”

1. I:1: Our rabbis have taught on Tannaite authority: What is the definition of one that is dragged on the ground, with which we may lock a door in the Temple but not in the provinces? It is one that is fastened to a door and suspended, with one end reaching the ground. R. Judah says, “One such as this even in the provinces is permitted. But what is the definition of one that is forbidden in the provinces? It is any that is neither tied on nor suspended, which one removes and puts in a corner.”

2. I:2: Said R. Judah said Samuel, “The decided law conforms in the matter of a bolt that drags along the ground to the opinion of R. Judah” it is permitted to shut up a door even in the country with such a lock.

a. I:3: Case.

3. I:4: R. Zira raised the question: “If the bolt was pressed into the ground, what is the law is this building?”

4. I:5: R. Nehumi bar Zechariah asked Abbayye, “If the householder made a handle for the bolt, what is the rule?” It now looks like a mallet or club and therefore is a utensil; may it be moved on the Sabbath even if it is detached from the door.

a. I:6: Case.

b. I:7: Case.

5. I:8: As to the arches of a boat which hold up the canvas as a shelter, if they are a handbreadth wide, or, even when less than that, when there is no space of three handbreadths between one and the next, on the next day the Sabbath it is permitted to bring a mat and spread it over them. How come? What he is spreading is in the status of a random tent, and that’s o.k.’

a. I:9: Case.

6. I:10: Said Rab in the name of R. Hiyya, “A door curtain may be hung up and taken down being no tent, for it has no roof. A bridal canopy may be spread out and may be taken down.”

LXXIX. Mishnah-Tractate Erubin 10:12

A. THEY PUT BACK INTO ITS SOCK THE LOWER PIVOT OF A DOOR IN THE TEMPLE BUT NOT IN THE PROVINCES; AND THE UPPER PIVOT OF A DOOR BOTH HERE AND THERE IS PROHIBITED. R. JUDAH SAYS, “THE UPPER ONE, IN THE TEMPLE, AND THE LOWER ONE, IN THE PROVINCES.”

1. I:1: Our rabbis have taught on Tannaite authority: They put back the pivot of the door of a box, chest, or cupboard into its socket in the Temple, but in the

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

LXXX. Mishnah-Tractate Erubin 10:13A-B

A. THEY PUT BACK A PLASTER ON A WOUND IN THE TEMPLE BUT NOT IN THE PROVINCES. AND TO BEGIN WITH HERE AND THERE IT IS PROHIBITED TO APPLY A PLASTER.

1. I:1: Our rabbis have taught on Tannaite authority: A bandage on a wound that was detached may be put back on the Sabbath. R. Judah says, “If it slipped downward, one may push it upward; if it slipped upward, one may push it downward.”

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

a. I:3: Gloss of a secondary detail of the foregoing.

LXXXI. Mishnah-Tractate Erubin 10:13C-D

A. THEY TIE A STRING OF A MUSICAL INSTRUMENT IN THE TEMPLE BUT NOT IN THE PROVINCES. AND TO BEGIN WITH HERE AND THERE IT IS PROHIBITED TO TIE UP A STRING.

1. I:1: Now by way of contradiction to the rule that one may tie up a string in the Temple: The string of a harp that broke – one would not tie it up but would loop it!

LXXXII. Mishnah-Tractate Erubin 10:13E-F

A. THEY CUT OFF A WEN FROM AN ANIMAL DESIGNATED AS AN OFFERING IN THE TEMPLE BUT NOT IN THE PROVINCES. BUT IF IT IS DONE WITH A UTENSIL, HERE AND THERE IT IS PROHIBITED TO CUT OFF A WEN.

1. I:1: They cut off a wen in the Temple: And by way of contradiction: Carrying it to the Temple, bringing it from outside to inside the Sabbath limit, and cutting off a wen which is on it do not override the prohibitions of the Sabbath. R. Eliezer says, “They do override the prohibitions of the Sabbath” (M. Pes. 6:1D-E). The anonymous ruling here forbids cutting off a wen, the Mishnah before us permits doing so!

a. I:2: Extension of the foregoing analysis.

l. I:3: Continuation of the foregoing.

LXXXIII. Mishnah-Tractate Erubin 10:14A-C

A. A PRIEST WHO HURT HIS FINGER – ONE TIES REED GRASS AROUND IT IN THE TEMPLE BUT NOT IN THE PROVINCES. BUT IF IT IS TO REMOVE BLOOD, HERE AND THERE IT IS PROHIBITED.

1. I:1: Said R. Judah b. R. Hiyya, “This rule pertains only to use of a reed, but as to a small belt, that would constitute an excess piece of clothing and may not be used for that reason.” And R. Yohanan said, “That rule that an excess of clothing disqualifies applies only when the further garment would be worn where garments ordinarily are worn, but if not where garments are ordinarily worn, then they would not be an excess of clothing and even the use of a small belt then would be permitted.”

LXXXIV. Mishnah-Tractate Erubin 10:14D-F

A. THEY SCATTER SALT ON THE ALTAR RAMP SO THAT THEY WILL NOT SLIP:

1. I:1: To Raba, R. Iqa of Pashronayya contrasted the following: “We have learned in the Mishnah, They scatter salt on the altar ramp so that they will not slip. So that is done in the sanctuary but not in the provinces, and, by contrast: A courtyard that was mucked up by rainwater – people may bring straw and level it so in the provinces it is permitted to scatter straw on the ground; but our Mishnah permits doing so only in the Temple court.”

2. I:2: Said R. Aha b. Raba to R. Ashi, “As to salt, how are we to imagine the situation? If the owner renounces his ownership to it, wouldn’t that be adding to the building? And if not, wouldn’t that be an act of interposition between the surface of the ascent and the priests’ feet?”

3. I:3: Expounded Raba, “A courtyard that was mucked up by rainwater – people may bring straw and level it so in the provinces it is permitted to scatter straw on the ground.”

B. AND THEY DRAW WATER FROM THE CISTERN OF THE EXILES AND FROM THE GREAT CISTERN WITH A WATERWHEEL ON THE SABBATH:

1. II:1: Analysis of a problem to which the above rule makes a contribution of a fact.

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

C. AND FROM THE HAQQAR WELL ON A FESTIVAL DAY:

1. III:1: What is the definition of the Haqqar Well?

a. III:2: Gloss of foregoing.

LXXXV. Mishnah-Tractate Erubin 10:15

A. “A DEAD CREEPING THING WHICH IS FOUND IN THE TEMPLE – A PRIEST REMOVES IT WITH HIS BELT EVEN ON THE SABBATH, SO AS NOT TO KEEP UNCLEANNESS IN THE TEMPLE,” THE WORDS OF R. YOHANAN B. BEROQAH. R. JUDAH SAYS, “HE DOES SO WITH WOODEN TONGS, SO AS NOT TO INCREASE UNCLEANNESS BY IMPARTING IT TO HIS BELT.” FROM WHAT AREAS DO THEY REMOVE IT? “FROM THE SANCTUARY, THE PORCH, AND THE AREA BETWEEN THE PORCH AND THE ALTAR,” THE WORDS OF R. SIMEON B. NANOS. R. AQIBA SAYS, “A PLACE IN WHICH IF A MAN ENTERED WHILE UNCLEAN DELIBERATELY, HE IS LIABLE FOR EXTIRPATION, AND INADVERTENTLY, HE IS LIABLE TO A SIN-OFFERING – FROM THERE DO THEY REMOVE IT. BUT IN ALL OTHER LOCATIONS IN THE TEMPLE, THEY SIMPLY TURN OVER A PSYKTER ONTO IT.”

1. I:1: Said R. Tabi bar Qisna said Samuel, “He who brings into the Temple something made unclean by a dead creeping thing is liable, but one who brings a dead creeping thing itself into the Temple is exempt. Why so? Said Scripture, ‘Both male and female you shall put out’ (Num. 5: 3) – one who can achieve cleanness in an immersion pool, thus excepting a dead creeping thing, which cannot attain cleanness.”

a. I:2: Gloss of foregoing.

2. I:3: Our rabbis have taught on Tannaite authority: All enter to build and repair the Temple building and to remove uncleanness. It is the religious duty of the priests to carry out the dead, and if there are no priests there, Levites enter; if there are no Levites, Israelites enter. If it is a duty for clean people to carry it out and if there are no clean people, unclean people enter. If it is the duty of unblemished persons and there are no unblemished persons, blemished people enter in (T. Kel. 1:11A-B).

3. I:4: The question was raised: If there is an unclean priest and a blemished priest, which of the two goes in?

B. R. SIMEON SAYS, “WHEREVER SAGES HAVE PERMITTED SOMETHING TO YOU, THEY HAVE GIVEN YOU WHAT ALREADY IS YOURS.

1. II:1: To what does R. Simeon make reference in this statement of his?

C. “FOR THEY HAVE PERMITTED TO YOU ONLY WHAT WAS WITHHELD TO BEGIN WITH BY REASON OF SABBATH REST.”

1. III:1: To what does R. Simeon make reference in this statement of his?

Points of Structure

1. DOES BABYLONIAN TALMUD-TRACTATE ERUBIN FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

The outline of the Mishnah encompasses nearly all of the composites of the Talmud, and the Talmud lays out its composites in accord with the topical and propositional program of the Mishnah-tractate.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

The order and logical progress of the Mishnah-tractate account for the place and sequence of nearly all of the Talmud's composites.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

The principles of cogency and coherence derive from the Mishnah-tractate's sense of the same matters.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

I see two points of irrationality. First, we have compositions in which a problem quite external to our Mishnah-tractate is investigated; a passage of our Mishnah-tractate is introduced in a subordinate way because the facts therein contained contribute to the solution of the problem around which said composition takes shape. These compositions do not contribute to the exposition of our Mishnah-tractate. Second, a few composites follow their own program and in no way respond to that of the Mishnah-tractate or take up propositions or even themes provoked by its contents. These are given below.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE ERUBIN SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

A few Mishnah-sentences are not discussed; some composites ignore the Mishnah-tractate's principles of coherence; but in the main, what we have, and all we have, is a commentary to the Mishnah-tractate.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

I present the account in three sections. On the left hand margin are important propositional composites that do not address the Mishnah's propositions but do affect them. Identifying these items and distinguishing them from those on the right hand margin involve a measure of subjectivity, and for that reason, I have tried to impose the most rigorous and narrowest possible definition of what is both free-standing and also affective of the rest. In the center I give those utterly anomalous composites that ignore the principle of propositional or at least topical cogency altogether. At the right are the composites that complement the Mishnah's statements with topically relevant amplifications or that carry forward the Mishnah's principle to new data. Finally, I underline and also position in the center column large composites that strike me as entirely out of phase with the Mishnah, lacking all point of contact, whether topical or in principle or even theme, broadly construed.

II.F: Topical Appendix on Meir

II.G: Topical Appendix on Disputes
of the Houses

VI.C: Free-standing composite

IX.: Topical Appendix on Woman
and Correct Behavior with Women

XXXI:A: Large-Scale Composite on the
Importance of Memorizing Words and
Traditions in a Precise Way;
Mnemonics; Orthography;
The Role of Mnemonics in Torah-Study

XXXI:D: The Impact of Ecology
on Residence

XXXI:E: Measuring the Space of a Town

XXXVIII:B: Topical Appendix
on Decision-Making:
Masters and Disciples

XXXVIII:D: The Affects of Strong Drink
on Giving Decisions, Praying, and the Like

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

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

There is some disorganization, with the systematic and orderly exegesis of the Mishnah-passage interrupted by inserted compositions, as at unit XXXVIII. But these are exceptional in this tractate, and rarer still in others. That is all the more reason to identify this tractate as standard and routine in its Talmud: a systematic commentary to the Mishnah, bearing a few composites that take shape around problems are than those of Mishnah-exegesis. of these, the ones in the left-hand line, that is, those imparting a dimension to the reading of the Mishnah that, on its own, the Mishnah-tractate does not evince, take up as their principal issue the interests of disciples of sages, how they master the Torah, how they make decision, proper conduct, and the like. Those that simply complement with further information subjects introduced by the Talmud in the amplification of the Mishnah need not detain us. And a few, those centered in the foregoing catalogue, show us principles of the formation of composites that derive from conceptions of cogency other than those of topic and logic, mostly notions of coherence of a formal, rather than a topical character.

I see no way in which Bavli-tractate Erubin distinguishes itself from the norm. Where the framers insert composites that, in my judgment, materially affect the presentation of the Mishnah-tractate's topic, these have to do with the special interests of sages themselves. Otherwise, all we have are some secondary additions of information deemed somehow supplementary to the main labor of Mishnah-exegesis, and a handful of composites formed by appeal to considerations of aggregation other than those held rational by the authors of most of our composites and compilers of the Talmud-tractate overall. The principles of rational discourse and of cogent connection that govern, of making connections and drawing conclusions, are those that are standard for cogent discourse governed by Graeco-Roman, therefore Western thought: logic, topical order, connection between like things and differentiation of the unlike, and coherence of a substantive, as distinct from a formal, character.