

IV.

BAVLI ERUBIN CHAPTER FOUR

FOLIOS 41B-52B

4:1

- A. He whom gentiles took forth [beyond the Sabbath limit],
- B. or an evil spirit,
- C. has only four cubits [in which to move about].
- D. [If] they brought him back, it is as if he never went out.
- E. [If] they carried him to another town,
- F. or put him into a cattle pen or a cattle fold,
- G. Rabban Gamaliel and R. Eleazar b. Azariah say, “He may walk about the entire area.”
- H. R. Joshua and R. Aqiba say, “He has only four cubits [in which to move about].”
- I. There was a case in which they came from Brindisi [Brundisium] and their ship was sailing at sea.
- J. Rabban Gamaliel and R. Eleazar b. Azariah walked about the whole ship.
- K. R. Joshua and R. Aqiba did not move beyond four cubits.
- L. For they wanted to impose a strict ruling on themselves.

4:2

- A. On one occasion they did not enter the harbor until it had gotten dark [on Friday night] —

- B. They said to Rabban Gamaliel, “Is it all right for us to disembark?”
- C. He said to them, “It is all right, for beforehand I was watching, and we were within the Sabbath limit before it got dark.”

I.1

- A. *Our rabbis have taught on Tannaite authority:*
- B. 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.
 - C. *So what difference does this information make?*
 - D. *To seek mercy in these regards [that they not affect a person].*
- E. Three classes of person never see Gehenna: one who suffers the scourge of poverty, one who suffers intestinal ailments, and one who is subject to the government.
- F. And some say, “One who has a bad wife.”
 - G. *And the other party?*
 - H. As to a bad wife, it is a religious duty to divorce her.
 - I. *And the other party?*
 - J. *It may be that her marriage settlement is enormous [so he can't afford it], or he has children from her and can't divorce her.*
 - K. *So what practical difference is there between these two explanations?*
 - L. *In accepting these afflictions out of love [since they serve to atone sins].*
- M. There are three who die suddenly, in the flow of life [“in the middle of a conversation”]: a person who suffers intestinal ailments, a woman in childbirth, and someone afflicted with dropsy.
 - N. *So what difference does this information make?*
 - O. *To keep shrouds ready at hand.*

I.2

- A. 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].”
 - B. *Yeah, yeah, and what else is new? If someone whom gentiles took out beyond the limit has only four cubits, do we need to be told that one who intentionally went beyond the limit has the same? Rather, state matters in this way: If he came back intentionally, he has only four cubits.*

C. *So this one, too, we've learned in the Mishnah: [If] they brought him back, it is as if he never went out.* So that is the rule if they brought him back, but if gentiles brought him out but he himself deliberately came back, he has only four cubits. *Rather, state matters in this way:* If he went out intentionally and gentiles brought him back, he has only four cubits.

D. *But this, too, we've learned in the Mishnah: [If] they brought him back, it is as if he never went out.* So that is the rule only for one whom gentiles took out and also brought back, in which case it is as if he'd never gone out; but if he went out intentionally, that is not the rule.

E. *But without the further amplification just now given, what might you have thought? The rule of the Mishnah pertains to two distinct cases, namely: Someone whom gentiles took out beyond the limit and who returned on his own has only four cubits.* But if he went out on his own and if **they brought him back, it is as if he never went out.** *So we are informed [that that is not the case; the second clause concludes the first].*

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

B. He said to them, "Great is the honor owing to a human being, since it overrides a negative commandment of the Torah."

C. *The Nehardeans say, "If he's smart, he'll go into his initial Sabbath limit [from beyond that space, where he was spending the Sabbath] and remain there."*

I.4 A. 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.*"

B. *An objection was raised by R. Joseph bar Shemayya to R. Pappa, "R. Nehemiah and R. Eliezer b. Jacob say, 'The produce are forbidden unless they revert to their original place by someone's inadvertent action.' So that is the case of inadvertent but not deliberate action."*

C. *In fact, it is a conflict between Tannaite authorities, for it has been taught on Tannaite authority:*

- D. Produce that went forth beyond the Sabbath limit that pertained to them and were brought back, if this was done inadvertently, may be eaten; if this was done deliberately, they may not be eaten.
- E. **[42A]** R. Nehemiah says, "If they are in their original location [having been brought back], they may be eaten; if they were not in their original location, they may not be eaten."
- F. *Now what can be the meaning of in their original location? Should I say that they are deliberately located in their original location? Lo, that has been stated in so many words as a Tannaite rule: R. Nehemiah and R. Eliezer b. Jacob say, "The produce are under all circumstances forbidden unless they revert to their original place by someone's inadvertent action." So that is the case of inadvertent but not deliberate action. So doesn't the phrase, in their original location, mean, only inadvertently? And the passage is flawed and this is how it should be worded as the Tannaite rule: Produce that went forth beyond the Sabbath limit that pertained to them inadvertently may be eaten. If they were taken out deliberately, they may not be eaten. Under what circumstances? If they were not in their original location. But if they were in their original location, then even if they were taken back deliberately, they may be eaten. Then R. Nehemiah comes along to say, "Even if they were in their original location, too, if this was done inadvertently they may be eaten, but if deliberately, they may not be eaten."*
- G. *Not at all. In the case in which they are in their original location and this was done deliberately, all parties concur that it is forbidden to eat them. Here the dispute concerns a case in which it was by inadvertence that the produce were not in their original location. The initial Tannaite authority takes the view that if this was inadvertent, it is permitted to eat the produce if they are not in their original location. And R. Nehemiah maintains even that if it was by inadvertence that the produce were in their original location, then one may eat them, but if they were not in their original location, they may not be eaten.*
- H. *Well, since in the latter clause it is stated, R. Nehemiah and R. Eliezer b. Jacob say, "The produce are under all circumstances forbidden unless they revert to their original place by someone's inadvertent action," it must follow that that is the case of inadvertent but not deliberate action. Then, it follows, that the initial Tannaite authority takes the position that even if it was done deliberately, it is permitted.*
- I. *That is decisive proof.*

I.5 A. 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.”

I.6 A. 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” [Slotki: 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].

B. And R. Huna said, “He may walk around two thousand cubits and he may carry objects for four thousand cubits alone [whatever the size of the fenced in area].”

C. Why can’t he move objects throughout the entire fenced-in area through tossing them?

D. He may be drawn after his object.

E. *Well, then, let him carry objects throughout two thousand cubits in the ordinary manner?*

F. *The permitted area is comparable to a partition along the full width of which a breach has been made in the direction of an area to which, from that area, it is forbidden to carry anything.* [Slotki: In the case of such a wide breach the movement of objects is forbidden even in the area where, in the absence of that breach, the movement of objects would have been permitted.]

G. Hiyya bar Rab said, “He may walk two thousand cubits and carry two thousand cubits [and no throwing].”

H. *In accord with whom is this ruling? It isn’t in agreement with R. Nahman or with R. Huna!*

I. *Say:* He may carry four thousand cubits.

J. *If so, then that’s just what R. Huna said.*

K. *Say:* And so said R. Hiyya bar Rab.

L. *Said R. Nahman to R. Huna, “Don’t argue with Samuel, for there is a Tannaite formulation of the rule in accord with his position, for it has been taught on Tannaite authority: [42B] If someone was measuring the distance from his fusion meal and moving toward another town, and the measurement came to an end in the middle of the town, he may move objects throughout the*

town, so long as he doesn't walk past his Sabbath limit. *Now how could he move the objects? Only by tossing them.*"

M. And R. Huna?

N. He may say, "No, he may do it by pulling them [in which case there is no consideration of being drawn after the object]."

I.7 A. 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 came to an end in the middle of a courtyard, he may have access to only half of that courtyard for moving about."

B. *So big deal, who wouldn't know that?*

C. *Say: He has half of the courtyard.*

D. *So as I just said—big deal, who wouldn't know that?*

E. *What might you otherwise have supposed? We should take account of the possibility that he may move objects about the whole of the courtyard and so prohibit him from using any of it? So we are informed that that is not the case.*

I.8 A. Said R. Nahman, "Huna agrees with me: If someone was measuring out the distance from his fusion meal, and the measuring of the two thousand cubits that he has came to an end at the line corresponding to the edge of a roof of a house [at the other side of his limit, leaving the house permitted], he has the right to move objects about in any part of the house. *How come?* Because the edge of the roof of the house would strike him [if he were to move objects beyond the limit of the house itself, and so would remind him not to do so]."

I.9 A. *[On the matter of whether we make a decree lest someone be drawn after his object,] said R. Huna b. R. Nathan, "That is in accord with a conflict among Tannaite authorities: [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].'* Isn't it the case, then, that Rabban

Gamaliel and R. Eleazar b. Azariah, who have said, ‘He may walk about the entire area,’ make no precautionary decree governing walking about in the cattle pen or cattle fold on account of the possibility of walking in a valley, and since they haven’t forbidden walking as a preventive measure against walking [in the one area, in the other], they also don’t prohibit moving objects by throwing them beyond the limit as a preventive measure against the possibility of being drawn after the object and so walking beyond the limit. And R. Joshua and R. Aqiba ruled, ‘He has only four cubits [in which to move about],’ for they do make a precautionary decree governing walking about in the cattle pen or cattle fold on account of the possibility of walking in a valley, and since they have forbidden walking as a preventive measure against walking [in the one area, in the other], they also prohibit moving objects by throwing them beyond the limit as a preventive measure against the possibility of being drawn after the object and so walking beyond the limit.”

B. But on what basis do you reach that supposition? Maybe Rabban Gamaliel and R. Eleazar b. Azariah did not prohibit as a preventive measure walking in the cattle pen or cattle fold because of the possibility of walking in a valley, only because there are places of different character involved; but as to forbidding the movement of objects as a preventive decree against the possibility of walking, where we are dealing with one and the same place, they may have made such a precautionary decree, since one might be drawn after the object. And so, too, with R. Joshua and R. Aqiba, how do we know that they prohibited walking to four cubits only because of a precautionary decree? Maybe they hold the position that the entire house is regarded as four cubits alone if a man took a place for Sabbath rest within the house while it was still day, but if he

didn't establish his Sabbath residence there while it was still day, they would not accord that status to the house.

I.10 A. Said Rab, "The decided law is in accord with Rabban Gamaliel in the case of a cattle pen, cattle fold, and ship."

B. And Samuel said, "The decided law is in accord with Rabban Gamaliel in the case of a ship, but as to a cattle pen and a cattle fold, that is not the case."

C. *In any event, both parties concur that the law is in accord with Rabban Gamaliel in the matter of the ship. How come?*

D. Said Rabbah, "The reason is that the person has established his place of Sabbath rest within the airspace of the sides of the ship while it was still day."

E. R. Zira said, "It is that the ship carries him from the beginning of four cubits and leaves him at the end of four cubits [throughout the day]." [Slotki: He did not rest for one moment at any particular spot; not having acquired any four cubits as his Sabbath abode, all the ship is regarded as his home.]

F. *What's the practical difference between them?*

G. *At issue between them is a case in which the sides of the ship were broken down [Rabbah's consideration is not in play, Zira's is], or where one jumped from ship to ship [on the Sabbath].* [Slotki: The man didn't occupy a place in the latter ship while it is still day, so

Rabbah won't let him move more than four cubits; Zira will let him walk all over the place.]

H. *And how come R. Zira didn't rule as did Rabbah?*

I. He will say to you, "The sides [43A] are made to keep water out [and aren't really walls]."

J. *And how come Rabbah did not rule as did R. Zira?*

K. *Where the ship is moving, there is no argument among the parties. Where there is an argument, it is where it was standing still.*

L. *Said R. Nahman bar Isaac, "A close reading of our Mishnah, too, yields the fact that, where the ship is moving, there is no argument among the parties.*

On what basis? Since the Tannaite formulation states:

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.

Now, if you maintain that when the ship was moving, there is no dispute, that would be in line with the

language, they wanted to impose a strict ruling on themselves [there being a choice], for the ship may have come to a stop. But if you say that there is a dispute, then how can the language apply, they wanted to impose a strict ruling on themselves? It would be an absolute prohibition!"

M. Said R. Ashi, "A close reading of our Mishnah yields the fact that the dispute concerns a ship that isn't moving, for the ship is treated in the same context as a cattle pen and cattle fold. Just as a cattle pen and cattle fold are stationary, so the ship is stationary."

N. Said R. Aha b. Raba to R. Ashi, "The decided law is in accord with Rabban Gamaliel in the case of the ship."

O. Since the language "the law" is used, does that bear the implication that there are others who disagree?

P. Yessirree, and so it's taught on Tannaite authority: Hanania says, "All that day they remained in session and debated the matter of the law. In the evening my father's brother [Joshua] [said], 'The law accords with Rabban Gamaliel in the case of a ship, and the law is in accord with R. Aqiba

in the case of a cattle fold and a cattle pen.”

- I.11** A. *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 (Slotki)]. 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. *Said R. Hoshayya, “Come and take note: **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.** Now, if you maintain that the law of the Sabbath limits pertains, then we can understand the usage, **For they wanted to impose a strict ruling on themselves.** But if you maintain that there Sabbath limits do not apply, then what’s the sense of the language here, **For they wanted to impose a strict ruling on themselves?**”*
- C. *The answer accords with what Raba said, “It was a ship that was sailing in shallow waters,” and here, too, the ship was in shallow water [lower than ten handbreadths from the ground].*
- D. *Come and take note: **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.”** Now, if you maintain that the law of the Sabbath limits pertains, then we can understand the case. But if you hold that the Sabbath limits do not pertain, then what difference does it make that **we were within the Sabbath limit before it got dark?***
- E. *The answer accords with what Raba said, “It was a ship that was sailing in shallow waters,” and here, too, the ship was in shallow water [lower than ten handbreadths from the ground].*

- F. *Come and take note: As to the seven traditions that were stated on the morning of the Sabbath to R. Hisda in Sura and on the evening of the same Sabbath to Rabbah at Pumbedita, who stated them? Wasn't it Elijah who stated them? Therefore, doesn't this prove, that the law of Sabbath limits doesn't apply above ten handbreadths above the ground [since he flew]?*
- G. *Yeah, so maybe Joseph the shade is the one who said them.*
- H. *Come and take note: "Lo, I shall be a Nazirite on the day on which the son of David comes" —he is permitted to drink wine on the Sabbaths and festival days, **[43B]** but forbidden to drink wine on weekdays. Now, if you maintain that Sabbath limits do apply above ten handbreadths from the ground, then there is no problem understanding the rule that he is permitted to drink wine on the Sabbaths and festival days, but if you take the view that the consideration of Sabbath limits does not apply to that height, then why is he permitted to drink wine on the Sabbaths and festival days?*
- I. *The case here is exceptional, since Scripture said, "Behold I will send you Elijah the prophet" (Mal. 3:23), and lo, Elijah didn't come the prior day [so the use of the future tense indicates he won't come that day either].*
- J. *If so, then he should be permitted to drink wine even on weekdays, since Elijah didn't come the prior day! But the fact is, we assume that he came before the high court in Jerusalem [and the one who took the vow had no way of knowing that fact].*
- K. *So why not here, too, assume that he made his appearance before the high court in Jerusalem?*
- L. *It has already been assured to Israel that Elijah will not come on the eve of the Sabbath or on the eve of festivals because it would cause an enormous amount of trouble for people.*
- M. *Well, since you assume that Elijah wouldn't come, the Messiah also wouldn't come that day, why not permit [the Nazir's] drinking wine on the eve of the Sabbath?*
- N. *Elijah wouldn't come that day for the stated reason, but the Messiah may come, since, at the moment the Messiah comes, everybody will become Israel's servants [so they'll do the work of preparing for the Sabbath]!*
- O. *And why not permit drinking wine on Sunday, too? May that fact not prove that the law of the Sabbath limits at the stated height doesn't apply? For if it had applied, drinking wine on Sunday would have been permitted, Elijah not having come on the Sabbath just passed?*

- P. *Well, as a matter of fact, this Tannaite authority was subject to doubt as to whether the matter of Sabbath boundaries does or does not apply at that height, so what he did was rule in a strict way.*
- Q. *So, by the way, when did the man make the vow? If I should say that he took it on a weekday, then, once the Nazirite vow had taken effect, how could the Sabbath that followed come and nullify it?*
- R. *So the vow was made on the Sabbath or on a festival, and it is only on that day that he may drink wine; later on [on subsequent Sabbaths] he actually may not.*

II.1 A. **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”:**

- B. *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.*
- C. *One who wants to know how deep a ravine is brings a telescope and looks in it to know how deep the ravine is.*
- D. *He who wants to know how high a palm tree is should measure his own height and the length of his shadow and the shadow of the tree; then he’ll know how high the palm tree is.*
- E. *He who wants to stop wild animals from taking shelter in the shadow of a grave should insert a rod in the ground at the fourth hour of the day [when the sun is high and animals seek shade] and see in which direction the shadow inclines and make a slope from the ground upward and from the top downward [to obliterate the shade].*

II.2 A. *Nehemiah son of R. Hanilai [on the Sabbath] was absorbed in his tradition and walked beyond the Sabbath limit. Said R. Hisda to R. Nahman, “Nehemiah, your disciple, is in trouble.”*

B. *He said to him, “Make him a partition of people, so he can come back within the Sabbath boundary of the town.”*

C. *R. Nahman bar Isaac was in session behind Raba, and Raba was in session before R. Nahman. Said R. Nahman bar Isaac to Raba, “What’s the question that is troubling R. Hisda? Should I say that we are dealing here with a situation in which the distance can be fully*

lined with human beings [that is, various people had prepared their fusion meals to permit them to go where Nehemiah was located and they could form two human walls from there to the Sabbath limits, between which Nehemiah would walk (Slotki)]? *And [should I say that the question that was bothering him was] whether the decided law accorded with Rabban Gamaliel* [Slotki: he holds that one may walk any distance in an enclosed area even though he wasn't within the walls when the Sabbath began] **[44A]** *or did it not accord with Rabban Gamaliel? Or do we deal with a situation in which the distance cannot be fully lined with human beings, in which case he is troubled by the question of whether the law accords with R. Eliezer or doesn't accord with R. Eliezer?"*

D. *[Raba said to him,] "But it's obvious here that it is a case in which the distance cannot be fully lined with human beings, since if we should suppose that it is a situation in which the distance could be fully lined with human beings, what was the question? Rab has said in so many words, 'The decided law accords with Rabban Gamaliel in the matter of a cattle pen, cattle fold, and ship.' It follows, then, that it is a case in which the distance certainly could not be fully lined with men, and what bothered him was the ruling of R. Eliezer. That is shown by a close reading of the language at hand, which is, 'so he can come back.' Now what's the meaning of 'so he can come back'? Doesn't this imply, he can come back even though there is not a complete wall?"*

E. *R. Nahman bar Isaac objected to Raba, "If the wall of a sukkah collapsed, one may not set up in its place to replace it a human being, a beast, or utensils, nor may one put up a bed to spread a sheet over it, because on a festival day even a temporary shelter may not be built to begin with, and it goes without saying, on a Sabbath."* [So how could they have set up a wall on the Sabbath made up of human beings (Slotki)?]

F. *He said to him, "You speak to me about that statement—and I can speak to you about the following one: A person may turn his fellow into a wall so that he may eat and drink and sleep [in the sukkah that lacks such a wall], and he may put up a bed and spread a sheet over it to stop sun rays from falling on a corpse or on food stuffs [so a human being may serve as a wall]."*

G. *So the two rulings contradict one another!*

H. *They don't conflict. The one represents the position of R. Eliezer, the other, of rabbis, for we have learned in the Mishnah:*

I. **The window shutter [stopper of a skylight] —**

J. **R. Eliezer says, “When it is tied on and suspended, they shut [the window] with it.**

K. **“And if not, they do not shut [the window] with it.”**

L. **And sages say, “One way or the other, they shut the window with it” [M. [Shab. 17:7](#)].**

M. *And lo, it has been said in this connection:* Said Rabbah bar bar Hannah said R. Yohanan, **“All concur that to begin with, on a festival, one may not make a temporary shelter, and it goes without saying, or on the Sabbath. They differ in the matter of adding onto a building. R. Eliezer says, ‘They do not add to a building on the festival, and it goes without saying, or on the Sabbath.’ And sages say, ‘They do add to a building on the Sabbath, and, it goes without saying, on the festival.’ [T. [Suk. 1:8E-F](#)].”** [The upshot is that there is a new problem. Raba's rule allows putting up a complete wall, not merely adding to an existing one, and sages will not concur either; so we have a problem of contradiction once more (Slotki).]

N. *But there is no contradiction, the one represents the view of R. Meir, the other, R. Judah, as has been taught on Tannaite authority:*

O. *If one made a beast into a wall for a sukkah,*

P. *R. Meir declares it invalid.*

Q. *And R. Judah declares it valid.*

R. *Since R. Meir invalidates the wall there, it is clear that he holds that it is not a valid partition, but here he permits the procedure, because the man has done nothing wrong. R. Judah deems the wall valid, so he holds it is a proper wall, and he would therefore forbid a similar wall here [and Raba would accord with his principle that it is a valid wall to begin with].*

S. *Well, do you really find that reasoning compelling? I might well concede that you have in hand a tradition that R. Meir rules about a wall as invalid only in the case of a beast, but have you heard a*

tradition that he maintains the same view of a human being or utensils? Furthermore, in accord with what authority does R. Meir frame his view? Could it be in accord with R. Eliezer? Then R. Eliezer forbids even adding to the structure; but then could it be in agreement with rabbis? But rabbis permit only adding to the structure, not making it to begin with!

T. In fact, both accord with rabbis, and there is no problem to be raised in connection with utensils and foods. The one speaks of a third wall [for the sukkah, which would complete the structure, and here, rabbis concur that to begin with one may not put up a third wall on the Sabbath, the other speaks of a fourth wall, and this is a mere addition to a valid structure, and rabbis permit it]. A close reading of the language at hand yields that same result: if its wall collapsed [Slotki: its wall must mean, the third wall, which validates the sukkah, the fourth having no effect on the validity of the sukkah].

U. That's decisive.

V. [44B] Well, what about the contradiction between the two rulings when it comes to a human being [the one says he can't be used as a wall, the other, he can]. [Slotki: The answer concerning utensils pertains to the fourth wall; it doesn't apply since the Tannaite rule speaks of the wall that permits one to eat, drink, and sleep, and the third wall, not the fourth, alone does that.]

W. There is no contradiction between the two rulings when it comes to a human being: The one speaks of using a human being with his full knowledge and consent [he cannot be used for that purpose on the Sabbath or festival], the other, when it is not with his knowledge and consent.

X. But what about what R. Nehemiah b. R. Hanilai did, which was with the man's full knowledge and consent!

Y. It was not with the man's full knowledge and consent!

Z. But R. Hisda [who took his place where Nehemiah wanted him] surely knew!

AA. He wasn't reckoned as part of the wall.

II.3 A. *There were some truck gardeners who brought in water through human partitions, and Samuel had them flogged. He said, "If rabbis have made that*

statement in a case in which it was not with the knowledge and consent of the human beings used for that purpose, would they have said so when it was?"

II.4 A. *There were some skin bottles lying in the manor of Mehoza. While Raba was coming in from his public address with the crowds following, [his servant] brought them inside. On a later Sabbath he wanted to bring them in. But he forbade them from doing so, because in the second case, it was as though it was done with full knowledge and consent and so forbidden.*

II.5 A. *For Levi they brought in straw, for Zeiri, cattle fodder, for R. Shimi bar Hiyya, water.*

4:3

- A. **He who went forth [beyond the Sabbath line] on a permissible mission,**
- B. **but they said to him, "The deed already has been done,"**
- C. **has two thousand cubits in every direction [in which to walk about].**
- D. **If he was within the Sabbath line, it is as if he never went forth.**
- E. **For all those who go forth to save [someone in danger] may go back to their original place.**

- I.1** A. *What is the meaning of the statement, **If he was within the Sabbath line, it is as if he never went forth?***
- B. *Said Rabbah, "This is the sense of the statement: **If he was within** his own **Sabbath line, it is as if he never went forth.**"*
- C. *Obviously!*
- D. *Not at all, for what might you otherwise have supposed? Since he has removed himself from his original Sabbath locus, he has removed himself. So we are informed to the contrary.*
- E. *R. Shimi bar Hiyya said, "This is the sense of the statement: If the Sabbath limits that sages had assigned to him overlapped his original Sabbath limit, **it is as if he never went forth** beyond his own original Sabbath limit."*
- F. *Then what is subject to dispute between these two explanations?*
- G. *The latter authority maintains that overlapping of Sabbath limits is taken into account [so it is permitted to move within the two sets of limits as if they formed a single limit], and the other [Rabbah] maintains that overlapping of Sabbath limits is null.*

I.2 A. *Said Abbaye to Rabbah, "So do you really not take the position that overlapping of Sabbath limits is taken into account? But if a*

person spent the Sabbath in a cave that had an interior floor of four thousand cubits but a roof of less than four thousand cubits, wouldn't the person be permitted to move about all along the area corresponding to that of the roof but also two thousand cubits beyond it" [Slotki: in either direction from either door; if one door was on the east side and the other on the west, the former would enable the man to move a distance of two thousand cubits from the east side of the door and another two thousand cubits from the west, while the latter door would similarly enable him to move along equal distances from both sides. But since the western limit of the eastern door overlaps along the roof with the eastern limit of the western door, the person is in consequence permitted to move along a distance of more than four thousand cubits, beginning in the east at a point two thousand cubits from the eastern door and extending along the roof to a point in the west two thousand cubits distant from the western door. If the two Sabbath limits had not overlapped along the roof, as would be the case where the roof of the cavern, like the floor, was four thousand cubits long, the man on leaving the eastern door would have been allowed to move to a limit of two thousand cubits in either direction but no further, and a similar distance and no further if he left by the western door. How then could Rabbah maintain that overlapping is null]?

B. *He said to him, "But don't you draw a distinction between a case in which the person began the Sabbath within the walls of his abode while it was still day, and a case in which he didn't commence the Sabbath between the walls [of the second abode, the spot where the news came that the good deed he was supposed to have done has already been done] while it was still day?"* [Slotki: Of course you have to draw such a distinction; in the former case the two Sabbath limits are acquired simultaneously through the man's stay at the same time within the same cavern; hence the significance of the overlapping limits; in the latter case, when the man was within his original home, he had no right to the new Sabbath limit, and when he entered his new abode and acquired the right to the new limit, he had already left his original home; if he is entitled to the latter, he must despite the overlapping lose his right to the former, and vice versa.]

C. **[45A]** *But haven't we learned in the Mishnah: He who went beyond the Sabbath line, even by a single cubit, should not*

reenter. R. Eliezer says, “[If he went out] for two cubits, he may reenter his original limit. [If he went out] for three, he may not reenter.” *Doesn’t this mean, R. Eliezer is consistent with his position, for he has said, “And the man who went out beyond his Sabbath boundary and has four cubits in which to move about is assumed to be in the center of a circle of four cubits in diameter, so he can go two cubits in any direction”?* So the four cubits that rabbis have permitted him are regarded as overlapping with the man’s former Sabbath limit, and it is because of that overlap that he has said, **he may reenter his original limit.** *Doesn’t this mean that overlapping of Sabbath limits is taken into account?*

D. *Said Rabbah bar bar Hannah to Abbaye, “So do you propose to raise objections to the master’s position from the ruling of R. Eliezer [that is, a schismatic position]?”*

E. *He said to him, “I sure do! For I have heard a tradition to that effect from the master himself that rabbis disagree with R. Eliezer only in regard to an optional matter but when it comes to a religious duty they agree with him.”*

- II.1** A. **For all those who go forth to save [someone in danger] may go back to their original place:**
- B. *And that is the case even if the distance is more than four thousand cubits.*
- C. *Yeah, but you just said, ...has two thousand cubits in every direction [in which to walk about]— and no more!*
- D. *Said R. Judah said Rab, “The meaning is, they may go back to their original place with their weapons.”*
- E. *So what’s the problem, since as a matter of fact the rule governing people who go out to save lives is exceptional?*
- F. *So if there’s a problem, this is the problem, as we have learned in the Mishnah: [There is a large courtyard in Jerusalem, called Bet Yazeq, to which all the witnesses gather. And there the court examines them. Now they prepare big meals for them, so that they should make it a habit of coming.] At first they did not move from there the whole day. Rabban Gamaliel the Elder ordained that they may move about for two thousand cubits in every direction. And [this rule applies] not only to these, but also to (1) a midwife who comes to assist, and (2) one who comes to help out in the case of a fire, (3) in the case of a siege, (4) to save someone from*

drowning in a river, (5) or from the debris of a house —lo, these are in the status of the townsfolk, and they have the right to move about for two thousand cubits in all directions [M. R.H. 2:5] —and no more.

- G. *Yeah, but you just said, ...has two thousand cubits in every direction [in which to walk about] —and no more!*
- H. Said R. Judah said Rab, “The meaning is, they may go back to their original place with their weapons.”

I. *That is in line with that which has been taught on Tannaite authority:*

J. **At first they would leave their weapons in the house nearest the wall. One time the enemies discovered them and pursued them and they ran in to get their weapons and the enemy ran in after them, and they came into conflict with one another and killed of one another more than the number the enemy killed. At that time they ordained that they should go back to their homes with their weapons [T. Er. 3:6A-C].**

- K. *R. Nahman bar Isaac said, “There is no contradiction [between our Mishnah paragraph and the one in M. R.H. 2:5]. The rule that people who went out to save lives may not go beyond two thousand cubits speaks of a case in which the Israelites conquered the nations of the world, the other, a case in which the nations of the world conquered [the Israelites].” [Slotki: The enemy was victorious and might attack again, so the men could seek shelter in their own town.]*

- II.2** A. 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.”
- B. *So it has been taught on Tannaite authority:* 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. Under what circumstances? If the gentiles came for ransom. But if they came for blood, Israelites may sally forth against them in arms, and they may desecrate the Sabbath on their account. And in the case of a city near the frontier, even if they didn’t come for blood but only for straw and fodder, Israelites may sally forth against them in arms, and they may desecrate the Sabbath on their account.

C. Said R. Joseph bar Minyumi said R. Nahman, "Babylonia is classified as a town near the frontier."

D. This was explained to mean Nehardea in particular.

II.3

A. R. Dosetai of Biri expounded, "What is the meaning of the verse: 'And they told David saying, Behold the Philistines are fighting against Keilah and they rob the threshing floors' (1Sa. 23: 1)? A Tannaite statement [clarifies this matter]: Keilah was a town close to the frontier, and they came only for straw and fodder, as it is written, 'And they rob the threshing floors.' And it is written nonetheless, 'Therefore David inquired of the Lord, saying, Shall I go and smite these Philistines? And the Lord said to David, Go and smite the Philistines and save Keilah' (1Sa. 23: 2). Now what was he asking about? Should I say whether it is permitted or forbidden to beat back the attack? But then there was the court of Samuel of Ramah [whom he should have asked, instead of the Lord]! So what he wanted to know is, would he succeed or not? A close reading of the language of the verse supports this view: 'Go and smite the Philistines and save Keilah.'"

B. That's decisive.

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],
- B. "and [at dawn] got up and saw, and lo, he is near a town,
- C. "since it was not his intention [to enter that town],
- D. "he may not enter the town," the words of R. Meir.
- E. R. Judah says, "He may enter it."
- F. Said R. Judah, "Such a case happened, and R. Tarfon entered a town which he had not previously intended [to make his Sabbath residence]."

I.1

- A. It has been taught on Tannaite authority:
- B. 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."

- C. They said to him, “Well, is there any proof from that? Maybe he had had that town in mind or maybe the house of study really was within his Sabbath boundary.”

4:5

- A. “He who fell asleep on the way, and did not realize that it had gotten dark,
B. “has two thousand cubits in every direction,” the words of R. Yohanan b. Nuri.
C. But sages say, “He has only four cubits.”
D. R. Eliezer says, “And he is [deemed standing] in the middle of them.”
E. R. Judah says, “To whichever direction he wants he may go.”
F. And R. Judah concedes that if he made a choice for himself, he cannot then retract his choice.

4:6

- A. [If] there were two persons —
B. part of [the four] cubits of this one are in the [four] cubits of that one —
C. they bring [their food] and eat in the middle,
D. [45B] on condition that this one not take something out of his area and put it into the area of his fellow.
E. [If] there were three, with the [limit of the] one in the middle wholly overlapped by the limits of the other two,
F. [the one in the middle] is permitted [to eat] with them, and they are permitted [to eat with him].
G. And the two outer ones are prohibited [to eat] with one another.
H. Said R. Simeon, “To what is the matter comparable?
I. “To three courtyards open to one another and open to the public way.
J. “[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.
K. “But the two outside courtyards are prohibited [access] from one to the other.”

- I.1** 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:] *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?"

- B. *Said R. Joseph, "Come and take note: Rain that fell on the eve of a festival may be carried within a radius of two thousand cubits in any direction from the spot where it fell, having acquired that spot at the moment that the festival commenced, but if it fell on the festival day itself, it is equivalent to the feet of any person [and may be carried in a radius in which any person who uses the water may move]. Now, if you take the position that R. Yohanan b. Nuri takes the view that abandoned articles [that one picks up] acquire their [permitted area of] Sabbath [travel], then who is the authority behind this rule? It is none other than R. Yohanan b. Nuri. But if you hold that abandoned articles [that one picks up] do not acquire their [permitted area of] Sabbath [travel], then whose view is before us, since it can be neither R. Yohanan b. Nuri or rabbis!"*
- C. *In session, Abbayye was speaking about this tradition. Said R. Safra to Abbayye, "But perhaps we deal with rain that falls near town, and the townsfolk had the intention of relying on that rain for their water. [Since that was their intent, the water acquires the place on which it fell; the cited rule could not prove anything about the conception of whether or not abandoned articles [that one picks up] acquire their [permitted area of] Sabbath [travel].]"*
- D. *He said to him, "Don't let it enter your mind! For we have learned in the Mishnah: **A cistern belonging to an individual —[its water] is in the status of that individual. But if it belongs to the residents of that town —[its water] is in the status of the residents of that town. And one belonging to***

those who came up from Babylonia is in the status of the person who draws water from it [M. **Bes. 5:5G-I**]. *And it has been taught on Tannaite authority: Water of a cistern used by the tribes of pilgrims may be moved in a radius of two thousand cubits in any direction. [Slotki: That proves ownerless objects do acquire their place on the Sabbath.] Don't these two rules contradict one another? So it must follow, the latter stands for R. Yohanan b. Nuri and the former the opinion of rabbis."*

- E. *When [Abbayye] came before R. Joseph, he said to him, "This is what R. Safra said, and this is what I answered him."*
- F. *He said to him, "And why didn't you say to him a response based on the body of the passage itself [rain that fell on the eve of a festival may be carried within a radius of two thousand cubits in any direction from the spot where it fell, having acquired that spot at the moment that the festival commenced, but if it fell on the festival day itself, it is equivalent to the feet of any person [and may be carried in a radius in which any person who uses the water may move]]? Namely: If you should propose that we are dealing with rain near a town, then instead of saying that the water may be moved within two thousand cubits in any direction, why not say, it is equivalent in its status to the feet of the people of that town?" [Safra has to be wrong.]*

I.2 A. The master has said: "...[rain that fell on the eve of a festival may be carried within a radius of two thousand cubits in any direction from the spot where it fell, having acquired that spot at the moment that the festival commenced,] but if it fell on the festival day itself, it is equivalent to the feet of any person [and may be carried in a radius in which any person who uses the water may move]" —*but why should this be the case? Let the water acquire its Sabbath location in the ocean?* [That is where the water was located at the moment the festival began, before it was turned into a cloud; it was carried on the festival in the form of a cloud beyond the Sabbath limit, so it should have only four cubits (Slotki)!] *So should I say that the rule is not in accord with the position of R. Eliezer, for if it accorded with the view of R. Eliezer, lo, he has said, "All the world drinks the water of the ocean"!*

B. *Said R. Isaac, "Here we deal with clouds that had thickened on the eve of the festival."*

C. *Yeah, so maybe those had gone their way and these are others?*

D. *But the clouds have some sort of clearly recognizable characteristics so we know that was not the case. Or, if you prefer, I shall say, what we have here is simply a matter of doubt having to do with a rabbinical ordinance, and where there is a doubt in such a matter, a lenient ruling is given.*

E. *Well, shouldn't the water acquire its locale for the Sabbath in the clouds [where it was when the festival began, so why can the water be carried for more than four cubits]? You may settle on the basis of that fact the question that the law of Sabbath limits does not apply to heights above ten handbreadths, for if the law did apply to such a height, then the water should have acquired its locus for the Sabbath in the clouds!*

F. *In point of fact, I shall tell you that the Sabbath limits do apply above ten handbreadths, but the water is absorbed in the clouds.*

G. **[46A]** *All the more so, then, that the water should be regarded as produced on the festival and therefore be forbidden [for use or even transportation on the Sabbath or festival]!*

H. *Rather, the water in the clouds moves about constantly [and since it is in motion, it can't acquire a place for the Sabbath].*

I. *Now that you've come to that point, then the same thing may be said of the ocean and no problem should arise from that matter either about the rainwater's acquiring its place in the ocean! For that water is also in constant motion, and it is taught on Tannaite authority: Streams and springs that flow out —lo, they are in the status of whoever [takes their water] [T. Y.T. 4:8].*

- I.3** A. Said R. Jacob bar Idi said R. Joshua b. Levi, "The decided law accords with R. Yohanan b. Nuri."
- B. *Said R. Zira to R. Jacob bar Idi, "Did you hear this explicitly? Or did you reach that conclusion by inference?"*
- C. *He said to him, "I heard it in so many words."*
- D. *And what would have been the inferential reasoning yielding the same result?*
- E. Said R. Joshua b. Levi, "The decided law is in accord with the one who takes up the lenient position when it comes to the fusion meal."

F. *So what need do I have for both [the explicit and the inferential readings]?*

G. *Said R. Zira, "Both actually were required. For had we been informed in so many words, the decided law accords with R. Yohanan b. Nuri, I might have supposed that that is the case whether it yields a lenient or a strict outcome. So we are informed that the law is in accord with the opinion of the one who takes up the more lenient position when it comes to the fusion meal."*

H. *While, why not say only, the law is in accord with the opinion of the one who takes up the more lenient position when it comes to the fusion meal? What need do I have for the statement, the decided law accords with R. Yohanan b. Nuri?*

I. *It was necessary. For otherwise I might have supposed that that is the case when there is an individual in a case in which there is another individual's view, or a majority as against another majority's view, but where there is an individual where there is a majority view, I might have said that that is not the case. [So we are informed that that is not so.]*

J. *Said Raba to Abbaye, "Since the rules of fusion meals derive from the authority of rabbis, what difference does it make to me whether it is an individual who differs from another individual or whether it is an individual who differs from a majority?"*

K. *Said R. Pappa to Raba, "So isn't there any difference for us in a matter deriving from the authority of rabbis between the opinion of an individual in a case in which there is a contrary individual opinion and a case in which there is an individual opinion in a case in which there is a majority opinion? Haven't we learned in the Mishnah: **Who is an old woman? Any woman for whom three periods have gone by without a flow near to the time of her old age. R.***

Eliezer says, ‘Any woman for whom three periods have passed without her suffering a flow —sufficient for her is her time’ [M. Nid. 1:6]? And it was taught on Tannaite authority: There was the case in which Rabbi acted in accord with R. Eliezer [who holds that the period of uncleanness begins with the appearance of the blood but not retroactively]. After he realized what he had done, he said, ‘R. Eliezer is worthy of being relied upon in an emergency.’ *Now what can be the meaning of, after he realized what he had done? Should I say, it was after he realized that the law is not in accord with R. Eliezer but in accord with rabbis, then how, even in an emergency, could he have acted in accord with R. Eliezer? So the decided law had not been declared either to accord with the view of R. Eliezer or that of rabbis. Hence after he realized that it was not a single authority but a majority that differed from him, then he said, ‘R. Eliezer is worthy of being relied upon in an emergency.’*”

L. Said R. Mesharshayya to Raba, and some say, R. Nahman bar Isaac to Raba, “And isn’t there any difference in a matter of law deriving from the authority of rabbis between a case in which an individual differs from another individual and one in which an individual differs from a majority? And hasn’t it been taught on Tannaite authority:

M. “‘If one has received news of a bereavement from nearby, the mourning lasts for seven days and then the usual thirty. If it is from a distant place, it lasts only for one day.

N. “‘What defines “nearby” and what defines “a distant place”?’

O. ““Nearby” is news that comes within thirty days of the event, and “from far” away is news that comes after thirty days of the event,’ the words of R. Aqiba.

P. “And sages say, ‘All the same is what is required in both cases: If the news comes from nearby or from a distant place, the mourning is for seven days and up to the usual thirty days.’

Q. “And said Rabbah bar bar Hannah said R. Yohanan, ‘In any case in which you find that the individual gives a lenient ruling and the majority gives a strict ruling, the decided law accords with the majority, except for this case, in which, even though R. Aqiba is an individual who gives a lenient ruling, and sages are the ones who give the strict ruling, the decided law accords with R. Aqiba,’ for, said Samuel, “In matters of bereavement, the law is in accord with the opinion of the one who gives the lenient ruling.” *So it is in the matter of mourning in which rabbis have made a lenient ruling, but elsewhere, even in matters deriving merely from the authority of rabbis, we differentiate between a case in which there is an individual differing from another individual, and one in which there is an individual who differs from a majority.*”

R. **[46B]** *[Then, explaining why the two statements of the established law are required,] R. Pappa said, “It was necessary to make both statements. For otherwise it might have entered your mind to suppose that the statement that the law follows R. Yohanan b. Nuri applies to the fusion meal that unites courtyard ownership into a single domain, but as to the fusion meal that unites Sabbath boundaries, that is not the case. So we are informed that that is not the case.”*

S. *And on what basis do you say that we might consider that we distinguish to begin with between the fusion meal that unites courtyard ownership into a single domain and the fusion meal that unites Sabbath boundaries?*

T. *It is in line with what we have learned in the Mishnah: Said R. Judah, “Under what circumstances? In the case of an erub serving for the mingling of Sabbath limits. But in the case of erubs serving to join together courtyards, they prepare an erub 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” [M. Er. 7:11E-H].*

U. *[Explaining why the two statements of the established law are required,] R. Ashi said, “It was necessary to make both statements. For otherwise it might have entered your mind to suppose that the statement that the law follows the lenient ruling in matters having to do with fusion meals applies to the remnant of a meal [how much must be left for the meal to remain valid] but not to the amount of food required to begin with for such a meal. So we are informed that that is not the case.”*

V. *And on what basis do you say that we might consider that we distinguish to begin with between the remnant of a meal [how much must be left for the meal to remain valid] and the amount of food required to begin with for such a meal?*

W. *It is in line with what we have learned in the Mishnah: Said R. Yosé, “Under what circumstances? At the beginning of [preparing] the meal. But for what is added*

[later on] to the fusion, any amount at all [will do]. For they have spoken about preparing a fusion meal for courtyards [in addition to the alleyway] only so that children will not forget” [M. Er. 7:9].

- I.4** A. 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.”
- B. *What practical purpose is served by that statement?*
- C. R. Assi said, “It is the decided law in practice.”
- D. And R. Hiyya bar Abba said, “We incline in their favor.”
- E. And R. Yosé bar Hanina said, “It would appear that the law would accord with that statement of matters.”
- F. *Here is another formulation:* Said R. Jacob bar Idi said R. Yohanan, “When there is a dispute between R. Meir and R. Judah, the decided law is in accord with R. Judah. When there is a dispute between R. Judah and R. Yosé, the decided law is in accord with R. Yosé. And it goes without saying that, when there is a dispute between R. Meir and R. Yosé, the decided law is in accord with R. Yosé. *For if there where R. Meir and R. Judah are in conflict, the law is not in accord with R. Meir, there can’t be any question of the result when the conflict is between R. Meir and R. Yosé.*”
- G. Said R. Assi, “So I, too, learn: Where there is a conflict between R. Yosé and

R. Simeon, the decided law is in accord with R. Yosé. For said R. Abba said R. Yohanan, ‘Where there is a dispute between R. Judah and R. Simeon, the decided law is in accord with R. Judah.’ *Now, if he is null in a dispute with R. Judah, can there be any question of the upshot of a dispute with R. Yosé?”*

H. *The question was raised: If the dispute is between R. Meir and R. Simeon, what is the rule?*

I. *That question stands.*

J. *Said R. Mesharshayya, “The foregoing rules on determining the law when it is disputed by the named parties are null.”*

K. *Well, now, how in the world does R. Mesharshayya know that? May I say that it derives from the following, which 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,”* in connection with which said R. Hama bar Guria said Rab, “The decided law accords with R. Simeon”? *But*

then, in this context, who's arguing with him anyhow? It is R. Judah, [who is assumed to be the anonymous opposition to Simeon,] and lo, you have said, in a dispute between R. Judah and R. Simeon, the decided law is in accord with R. Judah. So doesn't it follow that the foregoing rules on determining the law when it is disputed by the named parties are null?

L. Well, now, what's the problem! Maybe where such a statement has been made, it pertains, but where there is no such statement, it doesn't pertain [and there, the general rules do apply]?

*M. Rather, the basis for the conclusion that R. Mesharshayya has drawn is from the following, which we have learned in the Mishnah: **A town belonging to a single owner which was converted into public domain [with many owners] —they prepare an erub covering the whole of it. And one which was public domain and was converted into [private domain] one belonging to a single owner —they do not prepare an erub covering the whole, 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. R. Simeon says, [47A] “Three courtyards, each containing two houses” [M. Er. 5:6]. And said R. Hama bar Guria said Rab, “The decided law accords with R. Simeon.” *Now who differs from him? It is R. Judah. And yet you’ve said, “Where there is a dispute of R. Judah and R. Simeon, the decided law accords with R. Judah.”*

N. *Well, now, what’s the problem! Maybe where such a statement has been made, it pertains, but where there is no such statement, it doesn’t pertain [and there, the general rules do apply]?*

O. *Rather, the basis for the conclusion that R. Mesharshayya has drawn is from the following, which we have learned in the Mishnah: “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 erub of 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]” [M. Er. 8:5]. And said R. Hama bar Guria said Rab, “The decided law accords with R. Simeon.” *Now who differs from him? It is R. Judah. And yet you’ve said, “Where there is a dispute of R. Judah and R. Simeon, the decided law accords with R. Judah.”*

P. Well, now, what’s the problem! Maybe where such a statement has been made, it pertains, but where there is no such statement, it doesn’t pertain [and there, the general rules do apply]?

Q. Rather, the basis for the conclusion that R. Mesharshayya has drawn is from the following, which we have learned in the Mishnah: 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” [M. **Er. 4:9**]. And R. Hiyya bar Ashi repeated as a Tannaite statement to Hiyya bar Rab in the presence of Rab, “All the same are the poor person and the rich person.” And said to him Rab, “Draw the conclusion then that the law here also accords with R. Judah.” Now what need do I have for two statements of the same view? Lo, you already have said, “Where there is a conflict between R. Meir and R. Judah, the decided law accords with R. Judah.”

R. So what’s the problem! Maybe Rab, too, rejects these governing principles! Rather, it derives from the following, which we have learned in the Mishnah: **A deceased childless brother’s widow should not perform the rite of removing the shoe or enter into levirate marriage until three months have gone by. And so in the case of all**

other women: They should not become betrothed or enter marriage until three months have gone by [after the conclusion of a former marriage]. All the same are virgins and women who have had sexual relations, all the same are women who have been divorced and widows, all the same are married women and betrothed women. R. Judah says, “[Within the stated span of time,] those who have been married [and whose husbands have died] may be betrothed, and those who are betrothed [and whose husbands died] may be married, except for those who have been betrothed in the province of Judah. [For there,] the [bridegroom] is shameless for her.” R. Yosé says, “All women may be betrothed, except for a widow, on account of mourning [for a period of thirty days]” [M. [Yeb. 4:10](#)]. *And in that connection we said: One day R. Eleazar did not go to the house of study. He came across R. Assi. He said to him, “What did our rabbis say in the house of study?” He said to him, “This is what R. Yohanan said, ‘The decided law accords with the opinion of R. Yosé’ [that*

women may be betrothed right away, and those who were betrothed may marry right away, with the exceptions that are stated].” “Is that meant to imply that only an opinion assigned to an individual, named authority opposes his view?” “True.” For has it not been taught on Tannaite authority: **“If the wife was yearning to go home to her father’s house, or was subject to her husband’s wrath, or whose husband was old or sick, or whose husband had been overseas, or whose husband had been imprisoned, she who aborts after her husband’s death, a barren woman, a woman past menopause, a woman who does not exhibit the signs of femininity, and a minor who is not yet ripe to get pregnant—all of the above must nonetheless wait for three months before remarrying,”** the words of R. Meir. R. Judah permits betrothal and marriage forthwith [T. **Yeb. 6:6A-L**]. Now what need do I have for this statement [that the law agrees with Yosé], if it is the fact that, where there is a dispute between R. Meir and R. Yosé, the decided law accords with R. Yosé?

S. *But what's the problem? Maybe R. Yohanan meant to dismiss the position that R. Nahman said Samuel said, "The law accords with R. Meir in his restrictive decrees"?*

T. *Rather, it derives from the following, which has been taught on Tannaite authority: [Israelites] may go to a fair of gentiles and buy from them beasts, slave boys and slave girls, houses, fields, and vineyards, and write deeds and deposit them in their archives, because thereby what one does is rescue [property] from their hands. And if he was a priest, he may contract uncleanness outside of the Land of Israel to litigate with them and contest their claims. And just as he may contract uncleanness outside of the Land of Israel, so he may contract uncleanness in a grave area.*

U. *Do you think he may really contract uncleanness in a grave area? But that is uncleanness that is decreed by the Torah. Rather, in a grave area that is defined merely by rabbis.*

V. And he may contract uncleanness so as to marry a wife and to study Torah.

W. Said R. Judah, "When is this the case? When he can't find a place in which to study in the

Holy Land, but if he can find a place for study in the Holy Land, he may not contract uncleanness.”

X. R. Yosé says, “Also when he may find a place for study in the Holy Land, he still may contract uncleanness to study abroad, because [47B] it is not from just anyone that a person may acquire the merit of studying.”

Y. And said R. Yosé, “There was the case of Joseph the priest, who went after his master to Sidon to study the Torah, and said R. Yohanan, the decided law accords with R. Yosé.”

Z. *Now [to revert to the issue begun at T:] why do I need such a statement, since you’ve already said that where there is a dispute between R. Judah and R. Yosé, the decided law accords with R. Yosé?*

AA. *Said Abbaye, “It was necessary to make that statement by R. Yohanan. For it might have entered your mind to suppose that that is the case when the study involves Mishnah rules, but not external Tannaite statements. So we are informed to the contrary.”*

BB. *Rather, this is the sense of the statement: These governing principles do not represent the opinion of all*

parties, since as a matter of fact, Rab didn't accept those governing principles.

I.5 A. 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.]"

B. In accord with whose position does he make that statement? Should we say that it is in accord with rabbis? But then that would be self-evident. If, in their view, abandoned properties, even though they have no owner, do not acquire their permitted area of Sabbath travel, objects belonging to a gentile, who do have a legitimate owner, can hardly be subject to doubt!

C. So it must be in accord with the position of R. Yohanan b. Nuri, and thus we are informed of the following: While I may well maintain that R. Yohanan b. Nuri has held that they do acquire their permitted area of Sabbath travel, that is the case in particular for abandoned property, which has no owner, but as to a gentile's property, which has an owner, that is not the case.

D. An objection was raised: R. Simeon b. Eleazar says, "He who borrows a utensil from a gentile on a festival day, and so, too, he who lends an object to a gentile on the eve of the festival and then the gentile returned it to him on the festival, so, too, any utensils and stored objects that acquired their Sabbath place within the Sabbath boundary of a town, are accorded two thousand cubits in all directions [for movement from place to place]. A gentile who brought for an Israelite produce from outside of the Sabbath boundary —lo, this one should not move them from their place." Now, if you maintain that R. Yohanan b. Nuri takes the position that utensils belonging to a gentile do acquire their permitted area of Sabbath travel, then who is the authority behind this statement, if not R. Yohanan b. Nuri. But if you hold that R. Yohanan b. Nuri maintains that utensils belonging to a gentile do not acquire their permitted area of Sabbath travel, then who can be the authority behind this rule? It cannot be R. Yohanan b. Nuri or rabbis!

E. In point of fact, R. Yohanan b. Nuri takes the view that utensils belonging to a gentile do acquire their permitted area of Sabbath travel,

and Samuel made his statement in accord with rabbis. And as to your objection that that would then be self-evident, in point of fact, what might you otherwise have thought? That a precautionary decree was made in the case of a gentile owner to prevent violation of the law by an Israelite owner, so we are informed that that is not the case.

- F. 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.*”

I.6 A. *Some rams came to Mabrakta [within four cubits of Mahoza]. Raba permitted the Mahozans to buy them [and take them home, even though the gentiles had brought them from outside the Sabbath limit of the town]. [Slotki: This occurred on a festival when it is permissible to buy food on credit.]*

B. *Said Rabina to Raba, “What are you thinking? That 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 that is why the Israelites could take them home]’? But lo, when there are conflicting opinions of Samuel and R. Yohanan, the decided law accords with R. Yohanan, and said R. Hiyya bar Abin said R. Yohanan, ‘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’!*”

C. *So Raba retracted, ruling, “Let them be sold to the residents of Mabrakta, for all of Mabrakta so far as they are concerned is deemed only four cubits” [in line with Gamaliel’s ruling about the cattle pen, and Gamaliel’s position applies to a town that has walls around it (Slotki)].*

- I.7** A. R. Hiyya taught as a Tannaite ruling, “A fish pond that falls between the Sabbath boundaries of two towns on either side requires **[48A]** a partition of wall to divide it into two distinct sections.” [Slotki: It is so that the water of the one section may not mingle with that of the other; the water of the pond does not acquire its own place but is deemed to be on a par with the feet of the people of that town within whose Sabbath limit it happens to be. As each

section of the pond lies at the very end of the Sabbath limit of the town nearest to it, the water of that section must not be carried beyond four cubits from the boundary line in the direction of the other town, and it is only an iron wall that in the opinion of Hiyya can prevent the water in the respective sections from mingling with one another. In the absence of such a wall, the mingling of the waters of the two sections would prevent the inhabitants of either town from carrying the water home on a Sabbath or festival.]

- B. *R. Yosé bar Hanina ridiculed that statement.*
- C. *How come he ridiculed it? Should I say that it is because R. Hiyya had repeated the Tannaite rule in accord with R. Yohanan b. Nuri, with a strict result, while he concurs with rabbis, in a lenient ruling? Well, then, just because he took a lenient view, is he going to ridicule someone who repeated a strict rule as the Tannaite position? Rather, it was because it has been taught on Tannaite authority: **Streams and springs that flow out —lo, they are in the status of whoever [takes their water] [T. Y.T. 4:8].***
- D. *But maybe [Hiyya] referred to collected [still] water [not covered by that citation]?*
- E. *Rather, it is because he stated as the Tannaite rule, ...requires a partition of wall to divide it into two distinct sections! So why not a partition of reeds for the same purpose?*
- F. *Because the water would go through them.*
- G. *Well, now, water can just as well filter through an iron wall, too!*
- H. *But maybe the sense is, requires —so there's no solution!*
- I. *Rather, say: Because sages have imposed a lenient ruling on this matter of water [permitting any kind of partition that is ten handbreadths high], in accord with what R. Tabela said. For R. Tabela asked Rab, "If a partition is suspended, what is the law on permitting carrying in a ruin?" And he said to him, "A suspended partition can permit carrying only in the case of water, since the sages have made a lenient ruling when it comes to water."*

II.1 A. **But sages say, "He has only four cubits":**

- B. *R. Judah goes over the ground of the initial Tannaite authority [sages: He has only four cubits].*
- C. *Said Raba, "At issue between them is an area of eight cubits by eight [which the first Tannaite authority permits, four cubits in two opposite directions, as against Judah who allows four cubits in only one direction]."*

D. *So, too, it has been taught on Tannaite authority:* “He has eight cubits by eight cubits,” the words of R. Meir.

E. And said Raba, “[Meir and Judah] differ as to walking in a given direction, but as to moving objects, both agree that it is permitted for four cubits and no more.”

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

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

C. “Abide you every man in his place” (Exo. 16:29) –

D. “In a space that is equivalent to his place, and what is the area of ‘his place’? Three cubits for the body, one cubit to stretch out the hands,” the words of R. Meir.

E. R. Judah says, “Three cubits for his body, and one cubit for taking an object at his feet and putting it down at his head.”

F. *So what difference does this distinction make?*

G. *At issue between them is whether the measurements of the four cubits are precise [as Judah maintains is the case, Meir allowing somewhat more to stretch out hands and feet].*

II.3 A. *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]?**’”*

B. *When he came before R. Pappa, he said to him, “If we were so precise as all that, we should never have learned any Tannaite tradition at all [having wasted our time on hairsplitting]. In point of fact, it is a cubit measure in terms of the individual’s forearm that we assign to him, and as to your question, why wasn’t this item listed among those concerning which **which they have said, ‘Everything is according to the measurements of the man’***

[M. Kel. 17:11D]? *it is so that the ruling should not be regarded as fixed, since there is a person who has dwarfed limbs.*"

- III.1** A. [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:
- B. *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?*
- C. *This is the sense of what R. Simeon said to rabbis: "Since the matter is 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, how come you dispute with the rule in that case but not here?"*
- D. *And rabbis?*
- E. *In that case, there are numerous residents, here, only few. [In the case of three courtyards, if the residents of the outer courtyards had access to the middle one and vice versa, some might wrongly assume that the former may also have free access to one another and would violate the law; in the case of the three persons in our Mishnah, people would not make such a false assumption (Slotki).]*

- IV.1** A. **And the two outer ones are prohibited [to eat] with one another:**
- B. *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?*
- C. Said R. Judah, "It would be a case in which the middle partner put one fusion meal in one courtyard and the other fusion meal in the other courtyard [and the residents of the outer courtyards put no fusion meal in the middle; so the ones in the middle are regarded as residents of the outer ones, but the residents of the outer ones have no rights of domain in the middle courtyard]."
- D. *And R. Sheshet said, "You may even say that they did put their fusion meals in the middle. But it would be a case in which they put [48B] their meals in two*

houses [Slotki: so that though the residents of each one of the outer courtyards and those of the middle one are permitted access to one another because of the meals that they joined, the two former parties had no fusion meal in common].”

E. *In accord with what authority does R. Sheshet make his statement?*

F. *It is in accord with the House of Shammai, as has been taught on Tannaite authority:*

G. Five residents who collected their contributions to the fusion meal and put them into two receptacles –

H. the House of Shammai say, “Their fusion meal is invalid [since the meal must be in a single receptacle].”

I. And the House of Hillel say, “Their fusion meal is entirely valid.”

J. *You may even say that it represents the position of the House of Hillel. The House of Hillel take the position that they do in that case only where it involves two utensils in which the meal was kept, but the receptacles were located in the same house, but they would not take that position here, in our Mishnah’s case, in which the fusion meal was kept in two houses [so Sheshet’s view can accommodate the position of the House of Hillel].*

IV.2 A. Said R. Aha b. R. Avayya to R. Ashi, “From the perspective of the interpretation of R. Judah, there is a problem, and from the perspective of the interpretation of R. Sheshet, there is a problem. From the perspective of the interpretation of R. Judah, there is a problem, for he has said, ‘It would be a case in which the middle partner put one fusion meal in one courtyard and the other fusion meal in the other courtyard.’ Now, since the middle one first participated in a fusion meal with one of the outer courtyards, that formed a single domain, and when he subsequently joins in a fusion meal with the other courtyard, doesn’t he act in behalf of the partner in the other courtyard as well? [So why should the outer courtyards’ residents not have access to one another?] From the perspective of the interpretation of R. Sheshet, there is a problem. “From the perspective of the interpretation of R. Judah, there is a problem. Shouldn’t the case of three courtyards, with the middle one joined in a fusion meal with each of the outer ones, forming a domain common to all three,

not be subject to the law governing five persons who dwelt in a single courtyard, one of whom had forgotten to contribute his share to the fusion meal; each of the parties then impose upon the others the restrictions that govern use of the courtyard?"

[Slotki: Though four of them had joined in the meal, the restrictions apply. In the case of the three courtyards, all residents are now residents in the middle courtyard. The residents of the outer ones had not deposited their meals in one house; they are forbidden access to one another. They relate to each other and to the middle party as one who forgot to join the other four. They should impose on one another the prescribed restrictions, and the use of the middle courtyard, as in the case of the courtyard of the five, should be forbidden to all residents, including even its own.]

B. *Said to him R. Ashi, "No. There is no problem from the perspective of R. Judah, nor is there a problem from the perspective of R. Sheshet. There is no problem from the perspective of R. Judah: Since the residents of the middle courtyard shared in a fusion meal with the residents of each of the outer courtyards but the residents of the outer courtyards didn't join together in a common fusion meal, they exposed their intention, that they are satisfied with the one fusion but not the other.* [Slotki: It is not comparable to the case of five men all of whom live in the same courtyard at all.] *Nor is there a problem from the perspective of R. Sheshet: If sages rewarded the residents of the outer courtyards as though they were residents of the middle one in order to give a lenient ruling, will they regard them as residents of the middle courtyard to impose a strict ruling?"* [Slotki: The law is relaxed for the residents of the middle courtyard; should they now be forbidden to use their own courtyard?! Of course not.]

- V.1 A.** [Supply: **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. And the two outer ones are prohibited to eat] with one another:**] 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.’ [Slotki: Whether or not the middle one put a fusion meal in each of the outer ones, or the residents of the outer ones put fusion meals in the middle one, it is permitted to move objects from the outer domains to the middle one, since each of the former has been properly united with it; but it is forbidden to move objects from the middle domain into either outer domain, since two opposing domains that have nothing in common dominate the middle domain simultaneously, and the force of the one domain prevents any object from being moved from its position into the other domain; only where the three courtyards have united in one common meal can they be regarded as one domain, in which the movement of objects from any one courtyard into any other is freely permitted.] *Now, when I made that statement before Samuel, he said to me, [49A] ‘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].’”*

B. It has been taught on Tannaite authority in accord with the statement of R. Judah in the setting of Samuel’s view: Said R. Simeon, “To what may the matter be compared? To the case of three courtyards that are open to one another and open to public domain. Residents of the two outer ones formed fusion meals with the one in the middle. The residents of the two houses may bring food from their houses into the middle courtyard and eat it there and may carry back remnants to their houses.” But sages say, “Residents of all three are forbidden [to do that].”

C. Samuel’s position here is consistent with views expressed elsewhere, for said Samuel, “A courtyard that is between two alleyways—even though the residents of the courtyard may form a fusion meal with the residents of the two alleyways, they still are forbidden access to either alleyway. If they made no fusion meal with either alleyway, they make it forbidden to move objects in both alleyways. [That is, residents of the alleyways may not move objects from the courtyards of the alleyways into the open alley.] If they were used to using one of the alleys but not the other, moving objects is forbidden in the alley that they were accustomed to use but permitted in the alley that they were not accustomed to use. [Slotki: Samuel

ruled here, “In the case of a courtyard between two alleys, the residents of the former, even though they made a fusion meal with the residents of both alleys, are forbidden access to either,” and he further maintained that, when it comes to the matter of fusion meals, the decided law follows the lenient position, it follows that even Simeon upholds this ruling; for if Simeon had relaxed it, Samuel would have related it, too.]

D. Said Rabbah bar R. Huna, “If the middle courtyard’s residents made a fusion meal with those of the alley that they didn’t regularly use, the residents of the alley that regularly used that alley are permitted to make a fusion meal on their own.” [Slotki: By the fusion meal with the other alley, the residents of the middle courtyard indicated the intent not to use it on that Sabbath.]

E. And said Rabbah bar R. Huna said Samuel, “If the residents of the alley that the residents of the middle courtyard regularly used made a fusion meal on their own, and those of the alley that the residents of the middle courtyard didn’t regularly use made no fusion meal on their own, and the residents of the middle courtyard made no fusion meal with either party, the residents of the middle courtyard are assigned to the courtyard that they did not regularly use. [The residents of the alley that did prepare the fusion meal are now unaffected by the situation of the residents of the middle courtyard.] For under such circumstances, they are not forced to follow the custom of Sodom [where people gratuitously injured one another].”

F. [Consistent with the foregoing,] said R. Judah said Samuel, “He who is meticulous about his share in a fusion meal [not allowing the other contributors to taste it] —the fusion meal is null. For what is it called? It is called ‘fusion’!”

G. R. Hanina said, “His fusion meal is entirely valid, but he is called ‘someone from Vardina.’” [That is, stingy (Slotki).]

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

B. *In accord with whom is this ruling? It is in accord with the House of Shammai, for it has been taught on Tannaite authority:*

C. Five residents who collected their contributions to the fusion meal and put them into two receptacles –

D. the House of Shammai say, “Their fusion meal is invalid [since the meal must be in a single receptacle].”

E. And the House of Hillel say, “Their fusion meal is entirely valid.”

F. *You may even say that it represents the position of the House of Hillel. The House of Hillel take the position that they do in that case only where the receptacle was filled up and some was left over, but in a case in which the food was originally divided into two parts, they would not take the position that they do.*

G. *So why do I need two statements of the same matter [representing the position of Samuel on the meaning of the fusion meal, when one would have sufficed]?*

H. *It was necessary to make the point in both contexts. For if we had been informed of the ruling only in the case of the man who is particular about the food in his fusion meal, I might have supposed that there alone is the meal null, because the man is particular about it; but that would not be the case here [where the meal is in two receptacles, but people don't care which is what]. And if we had been given only the second ruling alone, we might have supposed that only here Samuel holds the meal null, since it was intentionally divided, but not there; so we have to be informed of both cases.*

V.3 A. *Said R. Abba to R. Judah at the schoolhouse of R. Zakkai, “Well, now, could Samuel have said, ‘He who divides up his fusion meal into two utensils —his fusion meal is null’? Now didn’t Samuel say, ‘Residents of the house in which a fusion meal is deposited don’t have to contribute bread to the fusion meal’? Now how come? Isn’t it because he takes the view that, since the bread is lying there in the basket, it is deemed to be lying in the place assigned to the fusion meal? Here, too, the same principle applies: Since the bread is lying there in the basket, it is deemed to be lying in the place assigned to the fusion meal.”* [That is, it is as if the two parts were deposited in one and the same receptacle (Slotki).]

B. He said to him, “In that case [Samuel’s second ruling], even though there was no other bread in the house besides what is in the basket [in which case, the principle, ‘So long as there is bread in the basket...,’

doesn't apply], the fusion meal is valid. *How come? The residents of the courtyard are there.*" [The reason people who live in the house where the fusion meal is deposited don't have to put in their share is that they live there (Slotki).]

- V.4** A. Said Samuel, "The validity of the fusion meal derives from the principle of acquisition. [Slotki: 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."
- B. *Well, in a case in which people did make a fusion meal with money, in any event, it should effect transfer of title!*
- C. *It is a precautionary decree lest people say, "It is the coin that is the main thing," and sometimes, when money is not ready at hand, they will not end up forming a fusion meal with bread, with the result that the very practice of making a fusion meal would be ruined.*
- D. Rabbah said, "The validity of the fusion meal derives from the principle of habitation." [Slotki: 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.]
- E. *What is at issue between them?*
- F. *At issue between them is the case of a fusion meal made with a piece of clothing [through which transfer of title takes place, so Samuel would approve it, and Rabbah would not]; or one made with food that was worth less than a penny [in which case transfer of title cannot take place, for something worth at least a penny is required for that purpose, but Rabbah would approve such a fusion meal]. [49B] And, further, one made by a minor [who cannot effect transfer of title, so Samuel would reject the meal; but the food the minor collected would serve for the purpose designated by Rabbah].*

G. *Said Abbayye to Rabbah, "As to your opinion, there is a challenge, and as to the opinion of Samuel, there is a challenge. For lo, it has been taught on Tannaite authority: As to five persons who collected their fusion meal [and who] wanted to move it somewhere else [joining with the residents of another courtyard in another fusion meal], one party may take it there in behalf of all of them. But that individual alone effects the transfer of title [which is a problem for Samuel], and no one else; and he alone acquires the habitation in the other place, and no one else [which is a problem for Rabbah]."*

H. *He said to him, "It's no problem either for my position or for that of Samuel. It's no problem since the man serves as agent equally for all of the [original partners in the fusion meal]."*

I. *Said Rabbah said R. Hama bar Guria said Rab, "The decided law is in accord with R. Simeon."*

4:7

- A. **He who was coming along the way and darkness overtook him,**
- B. **and who knew about a certain tree or a fence and said,**
- C. **"My place of residence for the Sabbath will be under it,"**
- D. **has said nothing at all.**
- E. **[If he said], "My place of residence for the Sabbath is at its root,"**
- F. **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.**
- G. **So he turns out to have the right to go four thousand cubits after it gets dark.**

4:8

- A. **If he does not recognize [any landmark],**
- B. **or he is not an expert in the law,**
- C. **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 —**
- D. **"As though it were a circle," the words of R. Hanina b. Antigonus.**

- E. And sages say, “As though it were a square,
- F. “like a square tablet –
- G. “so that he may enjoy the benefit of the corners.”

4:9

- A. This is the meaning of that which they have said:
- B. “The poor man makes an erub with his feet.”
- C. Said R. Meir, “We have only the poor man [to whom to apply the rule].”
- D. R. Judah says, “All the same are the poor man and the rich man:
- E. “They ruled that they make an erub with a loaf of bread only to make things easier for the rich man.
- F. “So that he should not have to go out and make an erub with his feet.”

I.1

- 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:] *What is the meaning of he has said nothing at all?*
- B. 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.*” [Slotki: 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.]
- C. 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.*”
 - D. The space under the tree is treated as in the case of an ass driver and a camel driver [so the man can’t move in any direction for very far]. If he wanted to measure from the north side of the tree, they tell him to begin measuring from the south side. [Slotki: In appointing the tree as his Sabbath base, he didn’t specify which particular four cubits of space under the tree he wanted to acquire, so any four cubits of space within the circumference of the tree and the branches may be assumed to be the appointed spot. In measuring the distances, therefore, a course must be adopted that under all circumstances could not

possibly lead to an infringement of any of the restrictions involved. If the diameter of the circumference of the tree and its branches measured twenty cubits, and the distance from the northern point to the man's house was exactly two thousand cubits, the measuring must not begin from that point, but from the southern point of the diameter, which is two thousand and twenty cubits distant from the house. And since it is forbidden to proceed beyond two thousand cubits, the man's Sabbath limit would terminate at a point twenty cubits away from his house, which, in consequence, he would not be able to enter during the Sabbath.] So, too, if he came to measure from the south side of the tree, they tell him to measure from the north side.

E. **[50A]** *Said Rabbah, "What is the operative consideration behind the ruling of Rab? Because the man didn't specify the exact spot."*

F. *There are those who say: Said Rabbah, "What is the operative consideration behind the ruling of Rab? Because he takes the view, in any case in which if a statement would not be valid if one statement followed another, then even if the statements are made simultaneously, they are also null."* [Freedman, *Nedarim* 69B: Whatever is not valid consecutively is not valid even simultaneously.] [Slotki: The man's appointment of the entire area under the tree, including both the northern and southern sides, is therefore null; an area of four cubits on the northern side of the tree cannot be acquired after such an area had been acquired on the southern side or vice versa.]

G. *What's the difference between these two explanations?*

H. *At issue between the two explanations would be a case in which someone said, "Let me acquire an area of four cubits out of eight." One who has said that the operative consideration is that the man didn't specify the exact spot will hold that here he didn't specify the spot. And one who said that the operative consideration is, In any case in which if a statement would not be valid if one statement followed another, then even if the statements are made simultaneously,*

they are also null, *lo, such a statement is valid if an area of four cubits has been specified, for here the man said he wanted to acquire no more than four cubits.*

I.2 A. *Reverting to the body of the foregoing:* Said Rabbah, “In any case in which if a statement would not be valid if one statement followed another, then even if the statements are made simultaneously, they are also null” –

B. *Objected Abbaye to Rabbah, “He who gave too much tithe —while the produce is properly tithed, the tithe is ruined [since part of what is included within the tithe is in fact not tithe at all] [T. Dem. 8:13A-B]. But why should this be the case? Why not say, ‘What cannot be done consecutively also cannot be done simultaneously’?”*

C. *He said to him, “That case is exceptional, because, as to tithes, it is possible in the case of half-grain to do it, for if one said, ‘Let half of each grain be sanctified,’ it is indeed sanctified; but as to tithes of cattle, it is impossible to do it by halves, and it is also impossible to do it consecutively; and yet Rabbah has said, ‘If two animals came out of the corral simultaneously as tenth, and he called them tenth, the tenth and the eleventh are treated as a group together [the tenth is actually tithe, the eleventh is a peace-offering].”* [If he had declared them so in sequence, the second would be invalid; why is the simultaneous declaration valid? (Freedman)].

D. *The tithing of cattle is exceptional, since it is valid even when done in error, for we have learned in the Mishnah: [If] he called the ninth, tenth, and the tenth, ninth, and the eleventh, tenth, all three are sanctified [M. Bekh. 9:8D].*

E. Lo, *what about the matter of the thanksgiving-offering, which cannot be designated in error nor consecutively [that is, the thanksgiving-offering was accompanied by forty loaves that were sanctified; if the animal was sacrificed to sanctify certain loaves, which weren't the intended ones, they are not sanctified; if after forty loaves are sanctified, another forty are declared holy, the declaration is null (Freedman)], and yet it has been stated: A thank-offering that one slaughtered in connection with eighty loaves of bread –*

F. Hezekiah said, “Forty of the loaves among the eighty have been sanctified.”

G. R. Yohanan said, “Forty of the loaves among the eighty have not been sanctified.”

H. *Hasn't it been stated in that connection: Said Zira, “All concur that if the officiating priest said, ‘Let forty out of the eighty be sanctified,’ they are sanctified. ‘The forty shall not be sanctified unless all eighty are sanctified,’ they are not sanctified. Where they differ is only when the matter has not been made explicit. One authority takes the view that the unstated intention of the donor in presenting eighty loaves was to make sure that at least forty would be found suitable, [50B] and the other authority maintains that the intention was merely to provide a very large offering [so all eighty have to be valid]”?*

- I.3** A. [With reference to the statement, 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,*”] said Abbaye, “That has been taught only with regard to a tree with a diameter underneath of no less than twelve cubits [Slotki: the length comprising no less than three sections of four cubits each, so it is impossible to ascertain whether it was the middle

section or one of the outer ones that the man wanted to acquire as his Sabbath base]. But in the case of a tree with a diameter underneath of less than twelve cubits, at least part of the man's house is well marked out." [Slotki: If the diameter was only eleven cubits, each four cubits at either of the extremities must inevitably overlap half a cubit with the middle four cubits; if the man chose the middle section, all of his Sabbath base is obviously well defined; but even if he intended one of the outer sections to be his Sabbath base, each of them is at least partially defined in that part where it overlaps with the middle sections; his base may therefore be regarded as located in full or in part in that section.]

B. *Objected R. Huna b. R. Joshua, "But how do you know that he ever intended to utilize the middle four cubits? Maybe he intended to utilize either the four cubits on one side or the four on the other!"*

C. Rather, said R. Huna b. R. Joshua, "That has been taught only with regard to a tree with a diameter underneath of no less than eight cubits [where we don't know what section he intended], but if it has seven cubits underneath, then in such a situation at least part of the man's house is well marked out."

I.4

A. [With regard to the statements above, 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.*" 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,*"] *it has been taught on Tannaite authority in accord with the position of Rab, and it has been taught on Tannaite authority in accord with the position of Samuel.*

B. *It has been taught on Tannaite authority in accord with the position of Rab:* He who was going along the way and it got dark and he knew a certain tree or fence and said, "My place of Sabbath rest will be under it," has said nothing at all. But if he said, "My place of Sabbath rest will be in such and such a place," he may continue the trip till he gets to that place. Once he has gotten to that place, he may walk throughout the place and outside of it for two thousand cubits. Under what circumstances? If it is a place that is well defined, for instance, a mount ten handbreadths high and from four cubits to two bet

seahs in area, or a valley ten handbreadths deep and from four cubits to two bet seahs in area; but if it was a place that was not well defined, he is not allowed to move for more than four cubits. If there were two people traveling together, and one of them knows of a well-delineated spot and the other doesn't, the latter assigns to the former his right to choose a place for Sabbath rest, and the other says, "My place of Sabbath rest will be in such and such a place." Under what circumstances? Where the man indicated the four cubits he selected by a clearly defined landscape marker. But if he did not define the four cubits by a clearly defined landscape marker, he may not move from his place.

C. *May we then say that this is a refutation of the position of Samuel?*

D. *Samuel may say to you, "Here with what case do we deal? It would be one in which from the place where the man stood to the root of a tree were two thousand four cubits, so that if you set him up on the far side of the tree, he would be standing outside of his permitted limit; so, if he indicated that the spot was four cubits on the hither side of the tree, he may go there, but otherwise, not."*

E. *And it has been taught on Tannaite authority in accord with the position of Samuel:* If someone erred and made fusion meals in two opposite directions in the belief that it is permitted to set out fusion meals in two opposite directions, or if he said to his servants, "Go and set out a fusion meal for me," and one of them set out a fusion meal to the north and the other to the south, he may go northward as far as the limit of the southern fusion meal, and southward up to the limit of the northern fusion meal. But if they measured each limit exactly, he may not stir from the place.

F. *May we then say that this is a refutation of the position of Rab?*

G. *Well, not exactly: Rab has the standing of a Tannaite authority and so has every right to differ from this Tannaite formulation.*

- II.1** A. [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:
- B. [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 (Slotki),] *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.”*
- C. *Said to him Abbayye, “Lo, the language of the formulation is, and darkness overtook him.”* [Slotki: Presumably at the time he appointed the place from a distance, it got dark, so how could he get there before dark?]
- D. “The sense is: **Darkness overtook him**, in that he could not get to his home, but so far as the root of the tree is concerned, he could reach it before dark.”
- E. *There are those who say, said Raba, “...darkness overtook him if he just meandered, but if he ran, he could reach the root in time.”*

II.2 A. *Rabbah and R. Joseph were going along the way. Said Rabbah to R. Joseph, “Let our place of Sabbath rest be under the palm tree that is holding up another tree,” or, others say, “Under the palm tree that releases its owner from the burden of taxes.”*

B. *He said to him, “I don’t know it.”*

C. *He said to him, “Rely on me, since it’s been taught on Tannaite authority: R. Yosé says, ‘If they were two, one of whom knew and the other did not know, this one who doesn’t know the spot hands over the place of Sabbath rest that is his to the one who does know it, and the one who knows says, “Let our place of Sabbath rest be in such and such a place”’ [T. Er. 3:16].”*

D. *But that is not correct. He repeated the statement attributing it to R. Yosé only so that he would accept it*

from him, since it is generally known that when it comes to R. Yosé, he has a good reason for what he says.

III.1 A. **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:**

B. *As to these two thousand cubits, where do they occur in Scripture?*

C. *It is as has been taught on Tannaite authority:*

D. “Abide you every man in his place” (Exo. 16:29) —this refers to four cubits.

E. “Let no man go out of his place” (Exo. 16:29) —this refers to two thousand cubits.

F. *And how do we know this?*

G. Said R. Hisda, “We derive the meaning of ‘place’ from the meaning of ‘place’ at Exo. 21:13, ‘I will appoint you a place where he may flee,’ and we derive the sense of ‘flight’ from the meaning of ‘flight’ at Num. 35:26, ‘Beyond the border of his city of refuge, where he flees,’ and we derive the meaning of ‘border’ from the sense of ‘border’ at Num. 35:27, ‘Outside the border,’ and we derive the meaning of ‘border’ from ‘without’ and the meaning of ‘without’ from the sense of ‘without,’ since it says, ‘And you shall measure without the city for the east side two thousand cubits’ (Num. 25: 5). [That verse explicitly refers to two thousand cubits and to ‘without,’ and we move from that ‘without’ to ‘without’ at Num. 35:27, and that ‘without’ is in a verse that refers to ‘border,’ which yields that analogy; and ‘border’ is compared with ‘border’ at Num. 35:26, and that is comparable to ‘flight’ in the same verse; and then ‘flight’ is comparable to the same usage at Exo. 21:13, which contains the reference to ‘place.’ ‘Place’ is compared with ‘place’ in the matter of the Sabbath, so the limit of two thousand cubits is transferred to this item (Slotki).]”

H. *Well, then, why not deduce the permitted distance from the verse, “From the wall of the city and outward, a thousand cubits” (Lev. 14:39)?*

I. We draw an analogy from the use of “without” for the meaning of “without” elsewhere, but not from “outward.”

J. *Yeah, so what difference in sense is there between the two words? Didn’t the Tannaite authority of the household of R. Ishmael [state],*

“‘And the priest shall return and the priest shall come’ (Lev. 14:39, Lev. 14:44) —‘returning’ and ‘coming’ are the same thing”!

K. *Well, that’s so when there is no other equivalent word, but where there is an equivalent word, we draw an analogy only from the identical term.*

- IV.1** A. **“As though it were a circle,” the words of R. Hanina b. Antigonus. And sages say, “As though it were a square, like a square tablet —so that he may enjoy the benefit of the corners”:**
- B. *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?*
- C. *In point of fact he does affirm the verbal analogy, but this case is exceptional, since Scripture says, “This shall be to them the open land about the cities” (Num. 35: 5) —to this you assign corners, but you don’t assign corners to those who observe the Sabbath rest.*
- D. *And rabbis? [On what basis do they maintain that the distances are squared?]*
- E. *A Tannaite statement: R. Hananiah says, “‘Like this measurement’ (Num. 35: 5) shall be that of all who keep the Sabbath rest.”*
- IV.2** A. 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” [Slotki: the man is given the benefit of the corners, in agreement with the view of rabbis in line with Hananiah’s statement].
- IV.3** A. 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.”’*”
- V.1** A. **This is the meaning of that which they have said: “The poor man makes a fictive fusion meal 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 a fictive fusion meal 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 a fictive fusion meal with his feet”:

- B. Said R. Nahman, “The dispute concerns a case in which the language used was, ‘in my place’ [Slotki: 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.* **[51B]** *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.*
- C. “But if one used the language, ‘in such and such a place,’ both parties concur that only a poor man is permitted to utilize such a fusion meal, but not a rich man. *And then, who is it who repeated as the Tannaite formulation, This is the meaning of that which they have said: The poor man makes a fictive fusion meal with his feet* [Slotki: the statement implies that the original enactment was more rigid, but rabbis relaxed it in favor of the poor]? *It is R. Meir* [the principal validating aspect of the fusion meal is the bread]. *And to what does he make reference? To the clause, If he does not recognize [any landmark], or he is not an expert in the law* [and thus assigned as his Sabbath locus the spot on which he stood], *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.* *And who was the authority who repeated the Tannaite formulation, They ruled that they make a fictive fusion meal 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 a fictive fusion meal with his feet* [Slotki: implying that the original enactment was that the man must personally occupy the spot that he appoints as his base for the Sabbath]? *It is R. Judah.*”
- D. And R. Hisda said, “The dispute concerns only a case in which the language that was used was, ‘in such-and-such a place.’ [Slotki: 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]. *And then, who is it who repeated as the Tannaite formulation, This is the meaning of that which they have said: The poor man makes a fictive fusion meal with his feet? It is R. Meir. And to what does he make reference? To the clause, 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. [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.* [Slotki: He acquires that place though he was not at the time standing on it; Meir says this applies to a poor man only, Judah has it apply to the rich as well, although to begin with a fusion meal requires that the person be present at the place he designates.] *And as to the clause, They ruled that they make a fictive fusion meal 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 a fictive fusion meal with his feet, who repeated that as the Tannaite authority? All authorities.*" [Slotki: Meir as well as Judah concur; Meir agrees that the essence of the fusion meal is that the person be on the spot he identifies as his Sabbath base.]

E. *It has been taught on Tannaite authority in accord with the position of R. Nahman* [Slotki: that the dispute between Meir and Judah bears on that case only where the man who made the fusion meal was on the spot that he appointed as his Sabbath base; according to Meir, only a poor man, who has no bread, can do so, but according to Judah this is permitted even if one has bread, and if the person was not present at the appointed spot, even Judah restricts the privilege to the poor or the man who has no bread]:

F. "All the same are the poor man and the rich man: They may prepare a fusion meal with a piece of bread.

G. "And a rich man may not go forth beyond the Sabbath limit of his town and say, 'My place of Sabbath rest will be the place where I am now located,' since sages have said that people may make a fictive fusion meal by foot [presence on the spot] only in the case of one who was coming along the way and it got dark," the words of R. Meir. [Slotki: This shows in agreement with Nahman that in Meir's view even

where a person is on the spot he appointed for the Sabbath base, a fusion meal without bread is permitted only if he is poor.]

H. And R. Judah says, “All the same are the rich man and the poor man: They prepare their fictive fusion meal by foot [going to the spot and making the necessary declaration]. A rich man therefore goes beyond the normal Sabbath limit and says, ‘Let my Sabbath locus be where I am now located,’ and this is the validating principle of the fictive Sabbath meal.” [Slotki: This shows in agreement with Nahman that in Judah’s view a rich man is not to begin with permitted to prepare a fictive fusion meal without bread unless he is present at the spot he wishes to declare his locus.]

I. And sages permitted a householder to send his fictive Sabbath meal through his servant, his son, or his agent, to make things easier for him.

J. Said R. Judah, “There was the precedent involving the people of the household of Memel and the people of the household of Gurion at Aroma, who would hand out dried figs and raisins to the poor in years of famine, and the poor from Kefar Shihin and Kefar Hananiah would come and await dusk at the Sabbath limit of their town, and the next day, on the Sabbath, would get up early and go on to [Aroma for the food].”

K. *Said R. Ashi, “A close reading of our Mishnah paragraph yields [Nahman’s] result: ‘He who [on a Friday] went forth to go to a town [just two Sabbath limits away from his home] with which [the people of his town] were making an erub [and he was to leave such a fusion meal at the boundary line at which the two limits met; if he had done so, the place where he put the meal would have served as a Sabbath locus for all the townspeople, who therefore could have gone distances of two thousand cubits from the base in all directions and so could move freely between the two towns], and his friend made him come back [without leaving the meal] —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 [M. 4:10A-D]. And we reflected on that matter: How come he is permitted but they’re not permitted? And said R. Huna, ‘Here, with what situation do we deal? It is a case in which he has*

two houses [one in each town] and two Sabbath limits in between the two. Now, so far as he is concerned, since he set out on the journey where he couldn't get any food, he is classified as a poor man. But they are classified as rich [having full access to food, so they could send out the necessary food for the meal, and they can acquire the Sabbath locus only by going to the spot in person or sending food]. Therefore, it follows, anyone who uses the language, 'in such and such a place,' accomplishes his purpose if he is poor but not if he is rich."

L. That is decisive proof.

M. R. Hiyya bar Ashi repeated as a Tannaite statement to Hiyya bar Rab in the presence of Rab: "All the same are the poor person and the rich one."

N. Rab said to him, "Conclude the formulation, too: The decided law accords with R. Judah."

V.2 *A. Rabbah bar R. Hanan would regularly come on the Sabbath from Artebana to Pumbedita. [52A] He said, "Let my place of Sabbath rest be at Sinata."*

B. Said to him Abbaye, "What are you thinking? Where there is a dispute between R. Meir and R. Judah, the decided law accords with R. Judah, and said R. Hisda, 'The dispute concerns a case in which someone said, "in such and such a place"'? But lo, didn't R. Nahman disagree with R. Hisda and there is a Tannaite formulation of matters in accord with his view!"

C. He said to him, "I retract."

V.3 *A. 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?"*

*B. Said Raba, "Come and take note: **They ruled that they make a fictive fusion meal 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 a fictive fusion meal with his feet.** Now, if you maintain that he does not have the four cubits, then*

instead of saying, to make things easier for the rich man, the language that is needed is, to make things tougher for the rich man! Nonetheless, one prefers things that way, so that he doesn't have to go to the trouble of making the walk." [Slotki: This benefit outweighs the loss of the four cubits, so it was quite proper to say that it made it easier for the rich man.]

4:10

- A. "He who went forth to go to a town with which [the people of his town] were making an erub,
- B. "and his friend made him come back —
- C. "he is permitted to go [to the other town on the Sabbath].
- D. "But all the other people of his town are prohibited from doing so," the words of R. Judah.
- E. 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."

I.1

- A. *How come he is permitted but they're not permitted?*
- B. *Said R. Huna, "Here, with what situation do we deal? It is a case in which he has two houses [one in each town] and two Sabbath limits in between the two. Now, so far as he is concerned, since he set out on the journey where he couldn't get any food, he is classified as a poor man. But they are classified as rich [having full access to food, so they could send out the necessary food for the meal, and they can acquire the Sabbath locus only by going to the spot in person or sending food]. Therefore, it follows, anyone who uses the language, 'in such and such a place,' accomplishes his purpose if he is poor but not if he is rich."*
 - C. *So, too, it has been taught on Tannaite authority:*
 - D. "He who has two houses [one in each town] and two Sabbath limits in between the two —as soon as he has taken up his journey, he acquires the fusion meal at the boundary line between the two Sabbath limits [even without making a declaration that he wanted to acquire a Sabbath locus between the limits, and even though he went home before reaching the spot (Slotki)]," the words of R. Judah.
 - E. More than this did R. Yosé b. R. Judah say, "Even if his friend came across him and said to him, 'Stay here for the night —it's the hot season,' or, '... —it's the cold season,' the next day he may get up and go along."

F. *Said Rabbah, “That is to say that all parties concur that it is necessary to make the necessary declaration [about making the Sabbath base at the boundary]. Where they differ is whether or not the person actually has to start out on the journey.”* [Slotki: Judah holds that this is essential, since, otherwise, as a person at home who can get the necessary quantity of bread, he is not a poor man; Yosé maintains that once he has decided to go off on a journey, though he changes his mind and he stays home, he is classified as a poor man.]

G. *And R. Joseph said, “All parties concur that it is necessary to have started out on the journey. Where they differ is whether or not he has to make the declaration.”* [Slotki: Judah says that he does, Yosé says, merely setting out on the journey is enough to indicate intention and no declaration is necessary.]

H. *In accord with which authority is the statement that Ulla made, namely, “He who set out on a journey, and a friend persuaded him to return home —lo, he is classified as having returned and as having set forth.”*

I. *Yeah, well, if he is classified as having returned, then what’s the point of saying that he is classified as having set forth? And if he is classified as having set forth, then what’s the point of saying that he is classified as having returned?!*

J. *This is the sense of the statement at hand: Even though he is classified as having returned, he is classified as having set forth.*

K. *And in accord with which authority is that statement? It is, of course, in accord with R. Joseph as regards the position of R. Yosé b. R. Judah.* [Slotki: Setting out alone is a sufficient indication of intentionality.]

- I.2** A. *R. Judah bar Ishtata brought a basket of produce to R. Nathan bar Oshayya. When he was leaving to go home, within four thousand cubits, the other let him go down stairs [so classifying him as one who has now set out on a journey], and then he said to him, “Make your home here for tonight.” The next day he got up early and went his way.*

- B. **[52B]** *In accord with which authority did he act? Was it only in accord with R. Joseph as regards the position of R. Yosé b. R. Judah?*
- C. *No, it was in accord with Rabbah's reading of the position of R. Judah. [Slotki: He requires both a declaration and setting out on the journey.]*

- II.1** A. **R. Meir says, "Anyone who could have made fictive fusion meal and did not —lo, this one is like the ass driver and the camel driver":**
- B. *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]?*

C. Said R. Sheshet, "Don't take the view that the operative consideration here is that it is a matter of doubt whether he has prepared the fictive fusion meal or not done so, in which case he would be in the position of an ass driver and a camel driver, and whether it is certain that he didn't prepare a fictive fusion meal, he is not in that position; rather, even where we know for sure that he has prepared no fictive fusion meal, he is in the position of an ass driver and a camel driver; for here it is certainly a case in which we know for sure that the man has prepared no fictive fusion meal, and he is nonetheless in the position of an ass driver and a camel driver."

4:11A-B

- A. **He who [deliberately] went beyond the Sabbath line, even by a single cubit, should not reenter.**
- B. **R. Eliezer says, "[If he went out] for two cubits, he may reenter. [If he went out] for three, he may not reenter."**

- I.1** A. 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. *But hasn't it been taught on Tannaite authority: If one foot was inside the Sabbath limit and the other foot was outside the Sabbath limit, he may reenter?*
- C. *Lo, who is the authority behind that formulation? It is "others," for it has been taught on Tannaite authority: Others say, "He is assigned to the locus*

where the greater part of his body is situated.” [Slotki: Since the man had only one foot outside the limit, the greater part of his body would be within it, so he may reenter.]

D. *There are those who say:* 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 we read is ‘your feet’ [as though in the plural].”

E. *But hasn’t it been taught on Tannaite authority:* If one foot was inside the Sabbath limit and the other foot was outside the Sabbath limit, he may not reenter?

F. *Lo, who is the authority behind that formulation? It is “others,” for it has been taught on Tannaite authority:* Others say, “He is assigned to the locus where the greater part of his body is situated.”

II.1 A. R. Eliezer says, “[If he went out] for two cubits, he may reenter. [If he went out] for three, he may not reenter”:

B. *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”?

C. *No problem, the one speaks of a person who left the first cubit but was standing in the second, the other, one who left the second cubit and was standing in the third* [the two cubits in the external formulation meaning, the man walked across the two cubits and was already in the third (Slotki)].

D. *But hasn’t it been taught on Tannaite authority as well:* R. Eliezer says, “If he was one cubit beyond his Sabbath limit, he may not reenter”?

E. *That was repeated as the Tannaite rule with reference to one who was measuring* [Slotki: a person who was overtaken by dusk on the Sabbath eve and declared the place where he stood to be his Sabbath base; he is entitled to measure with his foot two thousand moderate steps in the direction he wants to take; if he takes two thousand steps plus the four cubits everyone has, and should he be even a single cubit distant from his town, he may not enter it]. *For we have learned in the Mishnah: 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* [M. [Er. 5:9F-G](#)].

4:11C-E

- C. He who was overtaken by darkness outside of the Sabbath limit, even by a single cubit, may not reenter.
 - D. R. Simeon says, “Even if he is fifteen cubits outside, he may reenter.
 - E. “For surveyors do not measure exactly, for the benefit of people who err.”
- I.1** A. *A Tannaite statement [clarifying the clause, for the benefit of people who err]:* That is because of those who make mistakes in measuring.