

VI.

BAVLI ERUBIN CHAPTER SIX

FOLIOS 61B-76A

6:1

- A. “He who dwells in the same courtyard with a gentile,
- B. “or with [an Israelite] who does not concede the validity of the fictive fusion meal —
- C. “lo, this one [the gentile or nonbeliever] restricts him [from using the courtyard],” the words of R. Meir.
- D. R. Eliezer b. Jacob says, “Under no circumstances does anyone prohibit [the believer in the fictive fusion meal to make use of the courtyard] unless two Israelites prohibit one another.”

6:2

- A. Said Rabban Gamaliel, “There was the precedent of a Sadducean who lived with us in the same alleyway in Jerusalem.
- B. “And father said to us, ‘Make haste and bring all sorts of utensils into the alleyway before he brings out his and prohibits you [from carrying about in it].’”
- C. R. Judah says it in another version, “‘Make haste and do all your needs in the alleyway before he brings out his utensils and prohibits you [from using it].’”

- I.1** A. [62A] *In session Abbayye bar Abin and R. Hinena bar Abin, with Abbayye in session with them, stated, “Now there is no problem interpreting the position of R. Meir, who takes the view, the dwelling of a gentile on the Sabbath is classified as an effective dwelling, and therefore we make no distinction*

between one and two Israelite residences [living in the courtyard with a gentile]. But from the perspective of R. Eliezer b. Jacob, what can he possibly take as his governing principle? If he maintains that the dwelling of a gentile on the Sabbath is classified as an effective dwelling, then what difference does it make whether there is one or two, even in the case of one, there should be a prohibition; and if he holds that the dwelling of a gentile on the Sabbath is not classified as an effective dwelling, then there should be no prohibition imposed by the gentile's residence in a common courtyard, even if there are two Israelite tenants!"

- B. *Said to them Abbaye, "But does R. Meir really maintain that the dwelling of a gentile on the Sabbath is classified as an effective dwelling? And hasn't it been taught on Tannaite authority: **A gentile's courtyard is classified as a cattle pen [T. Er. 5:19]** [Slotki: the tenancy by a gentile of a house that opens into a common courtyard is like a cattle pen and consequently does not restrict the movement of objects on the Sabbath from the houses into the courtyard]? Rather, say: All parties concur that the dwelling of a gentile on the Sabbath is classified as an effective dwelling, and what is at issue here is this: the matter of whether or not a precautionary decree has been made lest an Israelite learn from the deeds of the gentile. R. Eliezer b. Jacob maintains that since a gentile is suspect of murder, a precautionary decree has been issued by sages concerning two Israelites living there, for that can happen frequently enough, but not in the case of one Israelite living with a gentile, since that is not common. [No Israelite would ever live by himself in a courtyard with a gentile.] R. Meir holds that since it could come about that one Israelite may also live in the same courtyard with a gentile, rabbis have made the decree: A fictive fusion meal is ineffective if a gentile lives in the same courtyard, and the renunciation of one's right to a share in the courtyard is null so far as a gentile is concerned, unless that right has been rented out; but a gentile would not let out that right of his." [Slotki: since this would make it very inconvenient to live there on the Sabbath, the Israelite would get out of that place as soon as possible; that would save his life from the murdering gentile.]*
- C. *How come [a gentile will not rent out his share for the present purpose]? Should I say that it is because he is thinking that the Israelite may come and grab his share permanently, then that makes good sense to him who maintains that the lease [for the purpose of Sabbath arrangement] must be a wholly valid one. But from the perspective of him who maintains that for the Sabbath arrangements the lease may be of a flimsy order indeed, what is to be said?*

For it has been stated: R. Hisda said, "It must be a wholly valid lease." And R. Sheshet said, "It may be a flimsy lease."

- D. *What is a flimsy lease? What is a wholly valid lease? Should I say that a valid one is one that was made for the rental of a penny and a flimsy one for the rental of less than a penny? But is there any authority who takes the position that acquisition from a gentile cannot be accomplished with less than a penny? Didn't R. Isaac b. R. Jacob bar Giori in the name of R. Yohanan send word: "You should know that people may rent from a gentile even for less than a penny"? And said R. Hiyya bar Abba said R. Yohanan, "A son of Noah is put to death for stealing what is worth even less than a penny. He is not subjected to the requirement of making restitution." Rather, a wholly valid lease is a lease that is confirmed by a legal document and attested by a court officer, and a flimsy one is one that is not confirmed by a legal document and is not attested by a court officer.*
- E. *And to revert to the issue at hand: How come [a gentile will not rent out his share for the present purpose]? Should I say that it is because he is thinking that the Israelite may come and grab his share permanently, then that makes good sense to him who maintains that the lease [for the purpose of Sabbath arrangement] must be a wholly valid one. But from the perspective of him who maintains that for the Sabbath arrangements the least may be of a flimsy order indeed, what is to be said?*
- F. *Even where the lease is a flimsy one, the gentile still will fear witchcraft and won't rent out his share in the courtyard for the present purpose.*

I.2 A. *Reverting to the body of the foregoing: "[For the purposes of Sabbath arrangements] a gentile's courtyard is classified as a cattle pen* [Slotki: the tenancy by a gentile of a house that opens into a common courtyard is like a cattle pen and consequently does not restrict the movement of objects on the Sabbath from the houses into the courtyard], **so it is permitted to bring something in and take something out from the courtyard to the houses that open onto it, and from the houses that open onto it into the courtyard. But if single Israelite lived in that courtyard, lo, this one renders the courtyard a forbidden area so far as carrying is concerned, for it is tantamount to his courtyard for the purposes of the restrictions of the Sabbath about carrying therein [T. Er. 5:19A-G],**" the words of R. Meir.

B. R. Eliezer b. Jacob says, “Under no circumstances does a gentile’s presence impose restrictions unless there are also two Israelite tenants who impose restrictions upon one another.” [Slotki: As the gentile’s share is distinct from theirs, they impose restrictions on movements of objects from the gentile’s house into the courtyard, and he, because he owns a share, despite the fusion meal that the two Israelites have made for themselves, imposes restrictions on the movement of objects from their houses into the courtyard.]

I.3

A. **[62B]** The master has said: **[For the purposes of Sabbath arrangements] a gentile’s courtyard is classified as a cattle pen –**

B. *But lo, we have learned in the Mishnah: He who dwells in the same courtyard with a gentile, or with [an Israelite] who does not concede the validity of the fictive fusion meal —lo, this one [the gentile or nonbeliever] restricts him [from using the courtyard]!* [That is the case even if the Israelite is the only other tenant in the joint courtyard; we don’t require two Israelites.]

C. *No problem! The one speaks of a case in which on a given Sabbath the gentile was present and at home, the other, a case in which he was not present.*

D. *Then what principle does the framer of the cited passage [A] maintain? If he maintains that a dwelling place without inhabitants is classified as a valid dwelling place for the purpose of Sabbath arrangements, then even if the gentile is not present, he should impose restrictions; and if he maintains that a dwelling place without inhabitants is not classified as a valid dwelling place for the purpose of Sabbath arrangements, then shouldn’t an Israelite [not at home] also not impose restrictions?*

E. *In point of fact, the author takes the view that a dwelling place without inhabitants is not classified as a valid dwelling place for the purpose of Sabbath arrangements, but as to an Israelite, who imposes restrictions when he is at home, rabbis have made a precautionary decree covering the period when he is away, but in the case of a gentile, who whenever at home imposes restrictions merely as a precautionary decree, lest the Israelite learn to do what he does, they made such a precautionary decree that he imposes restrictions only when he is at home, but not when he is away from home.*

F. *Well, when he's not home, doesn't the gentile impose restrictions? But haven't we 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 [M. Er. 8:5]?

G. *He speaks of a case in which the gentile comes back on the same day.* [Slotki: During the first part of the Sabbath, he wasn't far from home; if no restrictions on the other tenants had been imposed, even in his absence, after his return they might continue the unrestricted use of the courtyard that they had enjoyed from the beginning of the day; when the gentile can't get back on the same day, no such precaution is necessary.]

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

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

B. *He said to him, "Even if about eating an egg with milk preserve, which I've been asking R. Hisda through the lifetime of R. Huna, R. Hisda would give me no decision at all!"*

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

B. *He said to him, "This is what R. Joseph said: 'Even if about eating an egg with milk preserve, which I've been asking*

R. Hisda through the lifetime of R. Huna, R. Hisda would give me no decision at all!’”

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

B. **[63A]** *R. Hamnuna gave a legal decision in Harta deArgiz during the lifetime of R. Hisda.*

I.8 A. *In Babylonia Rabina examined a slaughterer’s knife [though his teacher, Ashi, was an authority nearby]. Said to him R. Ashi, “How come the master has done that?”*

B. *He said to him, “The fact that R. Hamnuna gave a legal decision in Harta deArgiz during the lifetime of R. Hisda.”*

C. *He said to him, “Was not the statement: ‘He did not decide a matter of law’?”*

D. *He said to him, “In fact, it was stated, ‘He did decide a matter of law,’ and it also was stated, ‘He didn’t decide a matter of law.’ It was during the lifetime of R. Huna, his master, that he did not give such decisions, but he did give decisions in the lifetime of R. Hisda, who was merely his colleague. And I also am a colleague of the master.”*

Topical Appendix on Decision-Making: Masters and Disciples

I.9 A. *Said Raba, “A neophyte rabbi may examine his own knife.”*

B. *Rabina visited Mahoza. His landlord brought him a slaughtering knife for examination. He said to him, “Go, take it to Raba.”*

C. *He said to him, “Doesn’t the master concur in what Raba said, ‘A neophyte rabbi may examine his own knife’?”*

D. *He said to him, “I’m only buying meat [from you; the examination is not of my knife, which is permitted, but of yours, and that I cannot do for you].”*

I.10 A. *R. Eleazar of Hagronayya and R. Abba bar Tahalipa visited the household of R. Aha b. R. Iqa, which was located in the locale subject to the authority of R. Aha bar Jacob. R. Aha b. R. Iqa wanted to prepare for them a calf that was one-third of the way to maturity, he brought them the knife to show it to them. Said to them R. Aha bar Tahalipa, “Shouldn’t you take account of the authority of the elder?”*

B. *Said to them R. Eleazar of Hagronayya, "This is what Raba said: 'A neophyte rabbi may examine his own knife.'"*

C. *R. Eleazar of Hagronayya examined it but was punished!*

D. *Well, didn't Raba say, "A neophyte rabbi may examine his own knife"?*

E. *That case was exceptional, since to begin with they were discussing the honor owing to the elder [but he went ahead anyhow]! Or if you prefer, I shall say: R. Aha bar Jacob is exceptional, because he is truly distinguished.*

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

I.12 A. *On the Sabbath Rabina was in session before R. Ashi. He saw someone tying his ass to a palm tree. He called to him but the other paid no attention. He screamed to him, "Let that man be excommunicated!"*

B. *He said to him, "Under such circumstances does this appear impudent?"*

C. *He said to him, "There is no wisdom nor understanding nor counsel against the Lord' (Pro. 21:30) —in any situation in which there is a question of desecrating the Divine Name, people do not pause to pay honor to a master [but forthwith do what has to be done]."*

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

B. *Is it the fact that one is not liable if it is not in the master's presence? And lo, it has been taught on Tannaite authority: R. Eliezer says, "The sons of Aaron died only because they taught the law in the presence of their lord, Moses."*

C. *What exegesis of Scripture supports that allegation?*

D. *"And the sons of Aaron the priest shall put fire on the altar" (Lev. 1: 7): They said, "Even though the fire comes down from heaven, it is a religious duty to bring some natural fire."*

I.14 A. R. Eliezer had a disciple who gave a legal decision in his presence. Said R. Eliezer to Imma Shalom his wife, "I'll be surprised if this one finishes out the year," and he didn't live out the year.

B. She said to him, "So are you a priest?"

C. He said to her, "I'm not a priest or the disciple of a priest, but this I have as a tradition: Whoever teaches a law before his master is liable to death."

I.15 A. And said Rabbah bar bar Hannah said R. Yohanan, "That disciple was named Judah b. Buria, and he was three parasangs away from him [when he made his statement]."

B. *But he was supposedly in his presence, and yet you say, he was three parasangs away from him!*

C. *Well, in terms of your reading of matters, why mention his name and his father's name? But in fact, it is so that you won't say that it's just a fairy tale.*

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

B. Zeiri said R. Hanina [said], "He is called a sinner: 'Your word have I laid up in my heart that I might not sin against you' (Psa. 119:11)."

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

I.18 A. Said R. Abba bar Zabeda, "Whoever gives his priestly gifts to a single priest [rather than splitting them up among a lot of them] brings famine into the world: 'Ira the Jairite was priest to David' (2Sa. 20:26). *So was he only David's, and wasn't he priest to the whole world? But he sent him all his priestly gifts,*

and then it is written, 'And there was a famine in the days of David' (2 Sa. 21: 1)."

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

I.20 A. *Said R. Levi, "Whoever responds to a question in the presence of his master will go down to Sheol barren: 'And Joshua the son of Nun, minister of Moses from his youth onward, answered and said, My Lord Moses, shut them in' (Num. 11:28), [63B] and further, 'Nun his son, Joshua his son' (1Ch. 7:27) [but there is no son of Joshua]."*

B. *Now this differs from the view of R. Abba bar Pappa, for said R. Abba bar Pappa, "Joshua was punished only because he stopped the Israelites for a single night from engaging in the propagation of the species, as it is said, 'And it came to pass, when Joshua was by Jericho, that he lifted up his eyes and looked' (Jos. 5:13), and then, 'And he said, No, but I am captain of the host of the Lord, I have now come' (Jos. 5:14). He said to him, 'Last night you failed to offer up the daily whole-offering for the evening, now you fail to study the Torah.'*

C. *"So on which account have you come?"*

D. *"Now I have come.' Then: 'Joshua went that night into the midst of the valley' (Jos. 8:13)."*

E. *[In connection with that verse,] said R. Yohanan, "This teaches that he penetrated into the deepest valleys of the law. And we have a tradition that all the time that the ark and the Presence of God are located not in their proper place, it is forbidden to have sexual relations."*

F. *Said R. Samuel bar Inayya in the name of Rab, "Greater is study of Torah than offering the daily whole-offering, for he said to him, 'Now I have come' (Jos. 5:14)."*

I.21 A. *Said R. Barona said Rab, "Whoever sleeps in the cell in which a husband and wife are sleeping —concerning him Scripture states, 'The*

women of my people you cast out from their pleasant houses' (Mic. 2: 9)."

B. And said R. Joseph, "That is so even if the wife was menstruating."

C. Raba said, "If one's wife was menstruating, then may a blessing rest on such a person."

D. *But that is not so, for up to now who kept watch!*

Further Exegesis of the Cited Passage of the Mishnah

- I.22** A. *There was an alleyway in which Lahman ba Ristaq lived. They said to him, "For the purposes of the Sabbath arrangements, rent us your right [to use the alley on the Sabbath]" but he wouldn't rent it out to them. They came and told Abbaye. He said to them, "Go, nullify your rights to the alley in favor of one of you, so that he will be in the position of a single individual living in the same area with a gentile, since wherever one person lives in the same area with a gentile, the gentile does not restrict the person's use of the alley."*
- B. *They said to him, "But isn't the sole consideration [that keeps a gentile from restricting an Israelite individual in the same courtyard from using the area on the Sabbath] because it is unusual for an individual Israelite and an individual gentile to live together? But as a matter of fact, this whole lot of people were living together under such circumstances!"*
- C. *He said to them, "It is uncommon, as a matter of fact, for all the residents to nullify the rights in favor of one of them, and rabbis made no precautionary decree to cover a case which is uncommon."*
- D. *R. Huna b. R. Joshua went. He reported this tradition before Raba. He said to him, [64A] "If so, do you not nullify the working of the law of a fusion meal from operation in that alley?"*
- E. *"So they may make one anyhow [though it wouldn't matter]."*
- F. *"They'll say, the fictive fusion meal takes effect even where a gentile is resident in the area."*
- G. *"We make an announcement to the contrary." [Slotki: It will say: The meal is effective; with the exception of the one resident who has the rights of the others, all are forbidden to carry objects from the houses into the alley and vice versa; only in the alley is moving objects permitted.]*
- H. *"So it's an announcement for children!"*

- I. *Rather, said Raba, "Let one of them go to conciliate him and ask from him the right to a place from him, on which he'll put something down, so that [as a tenant of the gentile's courtyard] he has the status of the other's hired hand or retainer, since R. Judah said Samuel said, 'Even his hired hand or his retainer may contribute his share to the fictive fusion meal and that's sufficient.'"*

I.23 A. Said Abbaye to R. Joseph, "If there were five hired hands or retainers, what is the law?"

B. He said to him, "While they may have invoked the conception of the hired hand or retainer to yield a lenient ruling, do you honestly think they would invoke those classes of persons in this context to yield a strict ruling?!"

I.24 A. *Reverting to the body of the foregoing:* R. Judah said Samuel said, "Even his hired hand or his retainer may contribute his share to the fictive fusion meal and that's sufficient" –

B. *Said R. Nahman, "What a first-rate ruling that is!"*

The Affects of Strong Drink on Giving Decisions, Praying, and the Like

I.25 A. Said R. Judah said Samuel, "One who has drunk a quarter-log of wine should not give instruction."

B. *Said R. Nahman, "That's not a very good ruling, for lo, so far as I am concerned, so long as I haven't drunk a quarter-log of wine, my mind is muddled."*

C. *Said to him Raba, "What sense lies behind that statement of the master? Didn't R. Aha bar Hanina say, 'What is the meaning of the verse of Scripture, "But he who keeps company with whores loses his wealth" (Pro. 29: 3)? Whoever says, "This tradition is lovely, and this one is not lovely," destroys the wealth of the Torah'?"*

D. *He said to him, "I take it back."*

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

B. *What is the definition of someone who is under the influence and what is the definition of someone who is inebriated?*

C. *In line with the following: R. Abba bar Shunami and R. Menassayya bar Jeremiah of Difti were leaving one another at the ford over the river Yopati. They said, "Let each one of us say something that the other has never heard, for said Mari bar R. Huna, 'One should not leave his friend except in the midst of a teaching of law, for out of that, he will remember the other.'"*

D. One commenced, saying, *"What is the definition of someone who is under the influence and what is the definition of someone who is inebriated? 'Under the influence' is any that can still speak properly before the king. And someone who is inebriated is any that can't."*

E. The other commenced, saying, "He who seizes the estate of a proselyte [who has died without legal heirs] —what should he do to hold on to it? Let him buy a scroll of the Torah with the proceeds."

F. Said R. Sheshet, "Even [64B] a husband should do the same with his wife's property."

G. *Raba said, "Even a person who did business and made a profit [should do the same]."*

H. R. Pappa said, "Even if one found something in the street [he should do the same]."

I. Said R. Nahman bar Isaac, "Even if he only had a pair of phylacteries written with the proceeds."

J. *And said R. Hanin, and some say, R. Hanina, "What is the pertinent verse of Scripture? 'And Israel vowed a vow' (Num. 21: 2)."*

- I.27** A. Said R. Ammi bar Abba, "A short walk or a little sleep take away the effects of wine."
- B. Said R. Nahman said Rabbah bar Abbuha, "That statement applies to one who has drunk no more than a quarter-log of wine, but if someone has drunk more than a quarter-log, a walk makes him all the more tired, and sleep will cause all the more drunkenness."
- C. But does a short walk really remove the effects of wine? *And hasn't it been taught on Tannaite authority:*
- D. The story is told of Rabban Gamaliel, who was riding on his ass and was going on the road from Acre to Akhzib, and Tabi, his servant, was walking in front of him, and R. Ilai was walking behind him.

- E. He found a loaf of cheap bread on the road. He said to Ilai, "Take the loaf."
- F. He saw a gentile coming toward him. He said to him, "Mabgai, Mabgai, take this loaf of bread from Ilai."
- G. R. Ilai engaged with him. He said to him, "What is your name?"
- H. He said to him, "Mabgai."
- I. "And where do you come from?"
- J. "From one of the [nearby] station-keeper's villages."
- K. "Now did Rabban Gamaliel ever in your whole life meet you?"
- L. He said to him, "No."
- M. At that moment we learned that Rabban Gamaliel was able to discover matters through the Holy Spirit.
- N. And from what he said we learn three things:
- O. We learned that they do not pass by food [but pick it up].
- P. And we learned that they follow the status of the majority of those who travel the roads [in a given place, in this instance, gentile] [T. [Pes. 2:15](#)].
- Q. We learn that the leaven of a gentile is permitted immediately after Passover [see M. [Pes. 2:2](#)].
- R. When they reached Akhzib, someone came along and besought from him [absolution of] his vow. Rabban Gamaliel said to Ilai [who was with him], "Do you reckon that we have drunk so much as a quarter-log of Italian wine?"
- S. He said to him, "Yes." He said to the one who asked the question, "Travel with us until the effect of our wine has worn off." He walked with them for three miles, until he got to the Ladder of Tyre.
- T. Once they got to the Ladder of Tyre, Rabban Gamaliel got off [his ass] and wrapped himself in his cloak and sat down and declared his vow to be absolved.
- U. From these statements of his we learn a whole lot of things: that a quarter-log of Italian wine causes drunkenness;
- V. we learned that a drunkard should not give a legal decision;
- W. we learned [that traveling wears down the effects of wine];
- X. we learned that they [sages] do not grant absolution from vows or give decisions when they are drunk
- Y. and that they do not absolve vows either while riding on an ass or while walking or while standing,

- Z. but only sitting down and wrapped in a cloak.
- AA. *So, in any event, the Tannaite statement makes reference to three miles in context!*
- BB. *Italian wine is exceptional, because it is very inebriating.*
- CC. But didn't R. Nahman say Rabbah bar Abbuha said, "That is the case only if one drank a quarter-log, but if one drank more than a quarter-log, all the more so would a walk cause fatigue and sleep more intoxication"?
- DD. *Riding is different.*
- EE. *Well, if it comes to that, then there is no challenge also to the position of R. Ammi bar Abba either, since riding is different!*
- FF. *But is that true? For didn't R. Nahman say, "Release of vows is granted while walking, standing, or riding"?*
- GG. *In point of fact, it is subject to dispute among Tannaite authorities. There is one who maintains, "They release a vow only if a basis of regret is identified," and the other maintains, "They do not release a debt only if a basis of regret is identified."*
- HH. For said Rabbah bar bar Hannah said R. Yohanan, "*On what grounds did he unbind him? 'There is one whose rash words are like sword thrusts but the tongue of the wise brings healing' [Pro. 12:18]. Whoever takes a vow is worthy of being thrust through with a sword! 'But the tongue of the wise brings healing.'*" [Lev. Rabbah continues: This may be compared to one who has taken a vow not to eat bread. Woe to him if he eats, woe to him if he does not eat. If he eats, he violates his vow. If he does not eat, he sins against his soul. What should he do? Let him go to sages and beseech absolution from his vow, as it is written, 'But the tongue of the wise brings healing.']*"]

1.28 A. The master has said: We learned that they do not pass by food [but pick it up].

- B. Said R. Yohanan in the name of R. Simeon b. Yohai, "They have learned that rule only for the earlier generations, when Israelite women were not promiscuous in witchcraft, but in the latter generations, when Israelite women are promiscuous in witchcraft, they do bypass food."
- C. *A Tannaite statement:* As to whole loaves they bypass them, but as to crumbs, they pick them up.
- D. *Said R. Assi to R. Ashi, "But don't they do it with crumbs, too? Isn't it written, 'And you have profaned me among my people for handfuls of barley and for crumbs of bread' (Eze. 13:19)?"*

E. *They collect them as a fee.*

I.29 A. Said R. Sheshet in the name of R. Eleazar b. Azariah, [65A] “I can exempt the entire world from judgment from the day on which the house of the sanctuary was destroyed to now, since it is written, ‘Therefore hear now this, you afflicted and drunken but not with wine’ (Isa. 51:21).” [The Israelites are drunk and not responsible for what they do (Slotki).]

B. *An objection was raised: As to a drunkard, what he buys is validly bought, and what he sells is validly sold. If he committed a transgression that is subject to the death penalty, he is put to death; if it was subject to flogging, they flog him. The governing principle is, lo, he is treated for all purposes like a person of sound senses, except that he is exempt from the obligation to say the prayer [T. Ter. 3:1G-J]. Then what is the meaning of the statement, “I can exempt the entire world from judgment from the day on which the house of the sanctuary was destroyed to now”?*

C. That means, also from the law governing prayer.

D. Said R. Hanina, “That rule applies only to one who didn’t get so drunk as Lot, but if he got so drunk as Lot, he is exempt on all counts.”

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

B. *How do we know that the word under question refers to “passing by”?*

C. *Since it is written in Scripture, “My brothers have dealt deceitfully as a brook, as the channel of brooks that pass by” (Job. 6:15).*

D. *R. Yohanan said, “The statement was, ‘Any one who does not say....’”*

E. *And how do we know that the word in question means, “show off, make manifest”?*

F. *“And the channels of waters appeared and the foundations of the world were laid bare” (Psa. 18:16).*

G. *Now, since there is ample proof in verses of Scripture for the position of the one authority as well as for that of the other, what is at issue between them?*

H. *At issue between them is what R. Sheshet does, for R. Sheshet assigns responsibility to wake him up from sleep to his servant. One master concurs with what R. Sheshet does, the other doesn’t. [Slotki: A man*

who doesn't awake on his own cannot have a clear mind and is unfit for prayer.]

I.31 A. Said R. Hiyya bar Ashi said Rab, "Whoever is not of a tranquil spirit should not recite the prayer, as it is said, 'He who is in anguish should not give decisions.'"

B. *R. Hanina, on a day on which he was upset, did not say the Prayer. He said, "It is written, 'He who is in anguish should not give decisions.'"*

I.32 A. *Mar Uqba on a day of severe weather didn't go to court.*

B. *Said R. Nahman bar Isaac, "Making a legal decision demands the same clarity as a day on which a north wind blows."*

C. *Said Abbaye, "If mother said to me, 'Bring me a bread pudding,' I wouldn't have been able to repeat Tannaite traditions."*

D. *Said Raba, "If I got bit by a louse, I couldn't repeat Tannaite traditions."*

I.33 A. *Mar b. Rabina —his mother made him seven garments, one for each of the days of the week.*

I.34 A. *Said R. Judah, "Night was made only for sleep."*

B. *Said R. Simeon b. Laqish, "The moon was made only for learning."*

I.35 A. *They said to R. Zira, "Your learning is sharp."*

B. *He said to them, "That's because my traditions come from the daytime."*

I.36 A. *The daughter of R. Hisda once asked R. Hisda, "Would the master like to sleep a bit?"*

B. *He said to her, "Soon enough are coming the days that are long [in quantity] and short [in opportunity, namely, the days spent in the grave], and we'll have plenty of time to sleep a long time."*

C. *Said R. Nahman bar Isaac, "We are day workers."*

D. *R. Aha bar Jacob borrowed [from daytime] and paid back [at night]."*

- I.37** A. Said R. Eliezer, “He who comes home from a trip should not recite the prayer for three days: ‘And I gathered them together to the river that turns to Ahava, and there we encamped three days and I viewed the people’ (Ezr. 8:15).” [Slotki: He was unable to view them before, on account of fatigue.]
- I.38** A. *The father of Samuel, when he came home from a journey, didn’t recite the prayer for three days.*
- B. *Samuel wouldn’t recite the prayer in a house in which there was any alcohol at all.*
- C. *R. Pappa wouldn’t recite it in a house that even had fish hash in it [because of the odor].*
- I.39** A. Said R. Hanina, “Anyone who is appeased when he is drinking wine possesses the intelligence of his Creator: ‘And the Lord smelled the sweet savor and said, I will not again curse the ground any more for man’s sake’ (Gen. 8:21).”
- I.40** A. Said R. Hiyya, “Whoever is calm under the influence of wine possesses the intelligence of the seventy elders, for the numerical value of the Hebrew letters for wine is seventy, and the numerical value of the Hebrew word for secret is the same: When wine goes in, counsel takes its leave.”
- I.41** A. Said R. Hanina, “Wine was created only to comfort the mourners and to pay back the wicked: ‘Give strong drink to him who is ready to perish [the wicked] and wine to the bitter in soul’ (Pro. 31: 6).”
- I.42** A. Said R. Hanin bar Pappa, “Anyone in whose home wine is not poured out like water has not yet gained the state of blessedness: ‘And he will bless your bread and your water’ (Exo. 23:25) —just as bread may be bought by money in the status of second tithe, so water may be bought by money in the status of second tithe. *But what sort of liquid is meant? It is wine. And it is called ‘water.’*”
- B. **[65B]** “If it is poured out in one’s house like water, *there is a blessing, and if not, not.*”
- I.43** A. Said R. Ilai, “In three ways is a person known: by his tippling, his tipping, and his temper.”
- B. *And some say,* “Also by his laughter.”

Reversion to the Exegesis of the Mishnah-Paragraph

- I.44** A. Said R. Judah said Rab, “An Israelite and a gentile were in the inner courtyard, and an Israelite in the outer one. The case came before Rabbi, and he forbade

[the latter to move objects in the courtyard on the Sabbath unless, in addition to the joint fusion meal of the two Israelites, the gentile let his share in it to the tenant]. It came before R. Hiyya and he made the same decision.”

B. *In session Rabbah and R. Joseph at the end of a presentation of R. Sheshet's lesson, and in session R. Sheshet stated, “In accord with which authority did Rab make that statement? It is in accord with R. Meir. [If a gentile lives in a courtyard along with only one Israelite, the courtyard may not be used without proper provision.]”*

C. *Rabbah nodded his head. Said R. Joseph, “That two eminent authorities such as our rabbis should err in such a simple matter! If the ruling accords with R. Meir, then why does there have to be the Israelite who lives in the outer courtyard [to bring the number up to two]? And should you say, well, that's just how the case actually was, well, lo, they asked Rab, ‘May the Israelite living in the inner courtyard use his own area?’ and he said that he may!”*

D. *But, then, according to whom is the rule? According to R. Eliezer b. Jacob? But didn't he say, **Under no circumstances does anyone prohibit [the believer in the fictive fusion meal to make use of the courtyard] unless two Israelites prohibit one another?** [Slotki: But since the two Israelites don't live in the same courtyard, and since the one in the inner courtyard can use his own area, the latter imposes no restrictions on the former, so why is the use of the outer courtyard forbidden?]*

E. *Rather, it is in accord with R. Aqiba, who has said, “[Slotki:] A man who is permitted freedom of movement in his own place [by a valid fusion meal in his courtyard] imposes a restriction on the free movement of others in a place that is not his” [Slotki: in an outer courtyard, in which he did not reside, but in which he is entitled to the right of passage by virtue of his residence in an inner courtyard, whose one and only door opened out into it].*

F. *Well, then, what's the point of having a gentile, since even an individual Israelite would have imposed the same restriction!*

G. *Said R. Huna b. R. Joshua, “In point of fact it is in accord with R. Eliezer b. Jacob [only where two Israelites impose restrictions upon each other does the gentile's tenancy affect their rights to the use of the courtyard, hence it is permitted to the Israelite in the inner court alone*

(Slotki)]; and also with R. Aqiba [the Israelite on the inside may use his own courtyard but imposes restrictions on the use of the outer courtyard]. *And here with what situation do we deal? It is a case in which the two Israelites have joined in a fusion meal. So the reason for the prohibition is that there is a gentile who imposes restrictions; but if there were none, there would be no restrictions imposed upon them.*

- I.45** A. R. Eleazar asked Rab, “An Israelite and a gentile are living in the outer courtyard and an Israelite in the inner —what is the law? *Is the operative consideration that accounts for the gentile’s restricting the Israelite neighbors from using the courtyard because it is common for an Israelite to live with a gentile, since he would fear injuring the Israelite because the other Israelites would come and ask, ‘So where is that Israelite who lived with you?’ But not here, where the gentile could reply, ‘So he went away and I never saw him again?’ [Under such conditions, no one would live with a gentile, where he could get away with murder.] Or does the same consideration apply to a case such as this one, since here, too, the gentile would be afraid to injure the Israelite, since he supposes that, at any time, the Israelite tenant of the inner courtyard might come by and see him in the act?’*”
- B. He said to him, “‘Give to a wise man and he will get smarter’ (Pro. 9: 9).” [Slotki: The enactment applies to the latter as well as the former case.]
- I.46** A. R. Simeon b. Laqish and the disciples of R. Hanina visited a certain inn, where, while the tenant was not around, the landlord was. They said, “*What is the law as to renting out the rights of the gentile to the Sabbath ownership of his share of the common domain from him? If the landlord has not got the power to terminate the lease [before it expires], that is not a problem, for he then cannot rent it out in behalf of the other. But where he can terminate the lease at any time, what is the rule? May we rent it [for the present purpose] because he has the power to terminate the lease, or, perhaps, since at the moment he hasn’t terminated the lease, may we not rent it?’*”
- B. Said to them R. Simeon b. Laqish, “Let us rent out the right to the domain, and when we get back to our rabbis in the South, let’s ask them.”
- C. They came and asked R. Efes. He said to them, “You did right in renting it.”
- I.47** A. R. Hanina bar Joseph, R. Hiyya bar Abba, and R. Assi visited a certain inn, to which a gentile, who owned the inn, came back on the Sabbath. [If he hadn’t come back, his right to the courtyard would have been ignored.] They said,

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

- B. R. Hanina bar Joseph said, “Let’s rent it from him even now.”
- C. R. Assi said, “Let’s not rent it.”
- D. Said to them R. Hiyya bar Abba, “Let’s rely on the opinion of the elder and rent it out.”
- E. *They came and asked R. Yohanan. He said to them, [66A] “You did right in renting it.”*
- F. *Nehardean authorities were amazed by that ruling: “Did R. Yohanan say any such thing? And didn’t R. Yohanan say, ‘The one who rents out a property is comparable to the case of the one who prepares the fusion meal’? Doesn’t that mean, just as the fusion meal must be readied while it is still day on Friday, so renting out the property must take place while it is still day on Friday?”*
- G. *[No, what it means is,] Just as the fusion meal may be done even with food worth less than a penny, so renting out the property for the present purpose may be done with even less than a penny; just as the fusion meal for the gentile may be worked out with his hired hand or hanger-on, so renting out the property may be worked out with his hired hand or hanger-on; just as the fusion meal for five persons living in one courtyard may be carried out by one of them in behalf of all of them, so renting out the property in behalf of five persons living in one courtyard may be carried out by one of them in behalf of all of them.*
 - H. *R. Eleazar was amazed at [the ruling that it was all right to rent the gentile’s share on the Sabbath and further that the individual Israelites’ rights could be renounced in favor of a single one of them].*
 - I. *Said R. Zira, “What’s the basis of the amazement of R. Eleazar?”*
 - J. *Said R. Sheshet, “That such an eminent authority as R. Zira should not know the cause of the amazement of R. Eleazar! What troubles*

him is the position of his master, Samuel, for said Samuel, ‘In any situation in which tenants have the power to impose restrictions on one another [if there is no fusion meal], but also may join together in a fusion meal, [if they didn’t make the meal] they may renounce their rights to their shares in favor of one of them [Slotki: thereby constituting the entire courtyard as the domain of that one tenant, and so they may move the objects from place to place within the courtyard as well as from that tenant’s house into the courtyard; but they couldn’t move objects from their own houses into the courtyard]. Where they may join in a fusion meal but where they do not impose restrictions on one another if they do not, or where they do impose restrictions on one another but may not join in the fusion meal even if they want to, they do not have the power to renounce their rights in favor of one of them.

K. “‘In any situation in which tenants have the power to impose restrictions on one another [if there is no fusion meal], but also may join together in a fusion meal, [if they didn’t make the meal] they may renounce their rights to their shares in favor of one of them’: for instance, in the case of two courtyards, one inside the other. [Slotki: The tenants of the inner courtyard absent a fusion meal restrict the use of the outer courtyard by its tenants on account of the former’s right of passage through it; if they don’t, they may renounce their right of passage through the outer courtyard in favor of its tenants and remove the latter’s restrictions on its use.]

L. “‘Where they may join in a fusion meal but where they do not impose restrictions on one another if they do not, or where they do impose restrictions on one another but may not join in the fusion meal even if they want to, they do not have the power to renounce their rights in favor of one of them’: for instance, two courtyards that have a common door between them [but both also have doors out into the public way, separate from one another’s]. [Slotki: The tenants may join in a fusion meal if they wish, but since each is self-contained, they do not impose restrictions upon one another if they don’t prepare a fusion meal; renunciation of rights to the courtyard is permitted only where the tenants would restrict one another, so no renunciation is allowed.]

M. “*Now what case is the language*, they do not have the power to renounce their rights in favor of one of them, *meant to encompass?*

Isn't it to encompass the case of a gentile? And if he had come home the prior day [on Friday], couldn't they have rented out his share prior to the Sabbath? [Here we have two Israelites and a gentile; in such a case the two Israelites could not join in a fusion meal because of the gentile tenant, but they would impose restrictions upon one another (Slotki).] [66B] Rather, isn't it a case in which the gentile came back on the Sabbath, and the Tannaite rule is: In a case in which they impose restrictions but do not have the right to prepare a common fusion meal, they do not have the power to renounce their rights in favor of one of them?"

N. *That's decisive.*

O. *Said R. Joseph, "I never heard this tradition [of Samuel, 'In any situation in which tenants have the power to impose restrictions on one another [if there is no fusion meal], but also may join together in a fusion meal, [if they didn't make the meal] they may renounce their rights to their shares in favor of one of them: for instance, in the case of two courtyards, one inside the other']."*

P. *Said to him Abbaye, "You yourself told it to us, and it was in connection with the following that you told it to us, for said Samuel, 'There is no renunciation of rights of domain for Sabbath purposes in the case of two courtyards, and there is no renunciation of the rights of domain for Sabbath purposes in the case of a ruin [Slotki: that intervened between two houses, whose doors opened into it; only in the case of houses that opened into a courtyard, which is a recognized place for the use of tenants, was renunciation of one's right to one's share in the courtyard permitted, in order to enable the tenant in whose favor the renunciation was made to move objects from his house to the courtyard, and the other tenant to move objects from place to place within the courtyard; but a ruin is not a place which tenants would use, so no renunciation of one's domain was permitted, and no objects may be moved from the houses into it or vice versa, unless a proper fusion meal has been prepared].' And in that connection you said to us, 'When Samuel stated, "There is no renunciation of rights of domain for Sabbath purposes in the case of two courtyards," we made that*

statement only in the case in which there are two courtyards with a single door between them. But if there is a case of one courtyard inside the other, since they impose restrictions upon one another, they also have the right to renounce ownership in favor of one another.”

Q. *[Joseph] said, “How could I have made such a statement in Samuel’s name? Didn’t Samuel say, ‘When it comes to the law of fusion meals, all we have for guidance is the actual language of our Mishnah, thus: **the residents of one courtyard**, not the residents of two courtyards’?”*

R. *He said to him, “When you told us, ‘When it comes to the law of fusion meals, all we have for guidance is the actual language of our Mishnah,’ it was with regard to the following that you made reference: **For the alleyway is to courtyards as a courtyard is to houses** [M. 6:8J].”*

I.48 A. *Reverting to the body of the foregoing:* Said Samuel, “There is no renunciation of rights of domain for Sabbath purposes in the case of two courtyards, and there is no renunciation of the rights of domain for Sabbath purposes in the case of a ruin.”

B. And R. Yohanan said, “There is the renunciation of rights of domain for Sabbath purposes in the case of two courtyards, and there is the renunciation of the rights of domain for Sabbath purposes in the case of a ruin.”

C. *And it was necessary to make reference to both the matter of courtyards and the matter of the ruin. For had we been informed only of the rule governing the case of two courtyards, we might have supposed that it is in that case in particular that Samuel took the position that he did, since the use of one is quite separate from the use of the other, but in the case of a ruin, in which instance both tenants make use of the area in common, I might suppose that he concurs with R. Yohanan. And if the case of the ruin had been stated but not that of the two*

courtyards, I might have supposed that it is in that case alone that R. Yohanan took the view that he did, but in the matter of the courtyards, he might concur with Samuel. So it was necessary to specify the dispute on both counts.

- I.49** A. *Said Abbaye, “With reference to the following ruling of Samuel, ‘There is no renunciation of rights of domain for Sabbath purposes in the case of two courtyards,’ that rule applies only when there are two courtyards with a single door in common between them. But if there are two courtyards, one inside the other, since they have the power, absent a valid fusion meal, to impose restrictions on one another, they also have the right to renounce rights of domain in favor of one another.”*
- B. *Raba said, “Even in the case of two courtyards, one inside the other, there are situations in which they may, and there are situations in which they may not, renounce rights of domain in favor of one another. How so? If the residents of the two courtyards placed the fusion meal in the outer courtyard, and one of the tenants, whether he resided in the inner or the outer courtyard, forgot and didn’t share in the fusion meal, the residents of both courtyards are forbidden to use the areas. If they placed their common fusion meal in the inner courtyard, and one of the residents of the inner courtyard forgot and didn’t participate in the common meal, the residents of both courtyards suffer the restrictions of use of their areas on the Sabbath. If one of the residents of the outer courtyard didn’t participate in the fusion meal, however, the residents of the inner courtyard are permitted to carry objects around their courtyard, but those of the outer courtyard are forbidden. If they placed their fusion meal in the outer courtyard, and one of the residents of the inner or the outer courtyard forgot and didn’t share in the fusion meal, the residents of both courtyards are forbidden to utilize the area on the Sabbath. Now, as to this resident of the inner courtyard, in favor of whom should he abrogate his right of ownership for the present purpose? Should he renounce his right of ownership in favor of the residents of the inner courtyard? But they don’t have their fusion meal ready to hand. Should he abrogate his right of ownership in favor of the residents of the outer courtyard? There can be no abrogation of right of ownership in one courtyard in favor of the utilization of some other courtyard! And as to this resident of the outer courtyard, in favor of whom should he abrogate his rights of ownership? Should he abrogate his rights of ownership to the residents of the outer courtyard? Then there still are the residents of*

the inner courtyard, who impose restrictions on them all. Then should he abrogate his rights of ownership to the residents of the inner courtyard? But it is the fact that there can be no abrogation of right of ownership in one courtyard in favor of the utilization of some other courtyard! And again: If they placed their common fusion meal in the inner courtyard, and one of the residents of the inner courtyard forgot and didn't participate in the common meal, the residents of both courtyards suffer the restrictions of use of their areas on the Sabbath. For here, too, in whose favor can the tenant of the inner courtyard renounce his right of ownership? Should he renounce his right of ownership in favor of the tenants of the inner courtyard? Then the tenants of the outer courtyard are still around, and they impose restrictions upon the use of the others. So should he renounce the right of way in the outer courtyard in favor of the tenants of the outer courtyard? But it is the fact that there can be no abrogation of right of ownership in one courtyard in favor of the utilization of some other courtyard! [67A] If one of the residents of the outer courtyard didn't participate in the fusion meal, however, the residents of the inner courtyard are certainly permitted to carry objects around their courtyard—for the tenants of the inner courtyard can simply close its door and make ample use of it—but the residents of the outer courtyard are subject to restrictions.”

- C. *Well, now, said R. Huna b. R. Joshua to Raba, “So if someone of the inner courtyard forgot and didn't participate in the fusion meal, why should the residents of both courtyards be forbidden? Let the resident of the inner courtyard abrogate his right of ownership in favor of the other residents of the inner courtyard, and the residents of the outer courtyard could come along and make use of it along with them?”*
- D. *“In accord with what authority is this rule made [Raba replied]? In accord with R. Eliezer, who has said, ‘One does not have to abrogate his right of ownership in favor of each and ever resident.’ But when I made my statement, it was in line with the position of rabbis, who maintain, ‘One does have to abrogate his right of ownership in favor of each and ever resident.’”*

I.50 A. *R. Hisda and R. Sheshet—when they would meet together, R. Hisda's lips would tremble because of R. Sheshet's enormous knowledge of Mishnah rules, and R. Sheshet's whole body would tremble because of R. Hisda's enormous power of analysis. R. Hisda asked R. Sheshet, “[In the case of] two houses, on two sides of public domain, where gentiles came and on the Sabbath put up a fence on both sides of the doors [of the houses across public domain,*

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

- B. He said to him, “They may not renounce ownership.”
- C. “If the gentile died on the Sabbath, what is the law? *In reference to the position of him who said, ‘They may rent on the Sabbath the rights of Sabbath ownership from a gentile who came back that day, and renunciation is permitted,’ that is no issue, for if it is permitted to carry on two actions [renting, renunciation], is there any question on whether only a single action [renunciation] is going to be permitted? Where the question arises, it is from within the framework of him who said, ‘They do not rent on the Sabbath the rights of Sabbath ownership from a gentile.’ Are only two acts permitted, but not one [renunciation alone]? Or maybe there is no difference between the two cases?*”
- D. He said to him, “I say, ‘They do permit the renunciation.’ But Hamnuna said, ‘They do not renounce [Slotki: since no fusion meal could have been prepared because the gentile’s share in the courtyard hadn’t been rented].’”

I.51 A. Said R. Judah said Samuel, “As gentile who owns a doorway of at least four handbreadths by four, that opened from his courtyard into a valley —even if he takes out and brings in camels and carriages all day long through that alleyway [in which Israelites live and into which his courtyard also has a door (Slotki)],

he does not impose a prohibition on the Israelite residents of the alleyway. *How come? The door that he keeps for his own use only is the one that he prefers.*”

- I.52** A. *The question was raised:* What is the law governing a case when the gentile’s courtyard had a door [not only opening into an alleyway but] also opening toward an enclosure?
- B. *Said R. Nahman bar Ammi in the name of a tradition, [67B]* “Even if it opened into an enclosure [the gentile imposes no restrictions on the Israelite residents of the alleyway].”
- C. *Both Rabbah and R. Joseph said,* “A gentile will impose restrictions if his enclosure was no larger than two bet seahs, but if it was bigger than that, he imposes no restrictions. An Israelite would impose no restrictions if the enclosure that he had was no larger than two bet seahs [since he can use it on the Sabbath], but if it is bigger than that, he does.”

- I.53** A. *The question was raised by Raba bar Haqlai of R. Huna,* “If the door of the gentile’s courtyard opened onto an enclosure, what is the law?”
- B. He said to him, “Lo, they have said, ‘A gentile will impose restrictions if his enclosure was no larger than two bet seahs, but if it was bigger than that, he imposes no restrictions.’”

- I.54** A. Said Ulla said R. Yohanan, “An enclosure that covers an area more than two seahs which is not enclosed for living purposes, even if it is a kor or two in area—if one throws something from public domain into such an area, he is liable. How come? Because there is a partition, even though the area lacks inhabitants [so it is classified as private domain].”
- B. *Objected R. Huna bar Hinena,* “A rock in the sea, ten handbreadths high and four broad—they do not carry something from it to the sea or from the sea to it. If it was less than those dimensions, they do transport objects. To what extent [in the area of the rock is that the case]? To two bet seahs. *[As to the language,* To what extent [in the area of the rock is that the case]? To two bet seahs.] *to what does this make reference? Should I say that it refers to the second clause [the rock lower than the specified height]? Then, if one is only moving from one area classified as neglected public domain to another such area, why should there be a limitation to an area of two bet seahs and no more than that? So the cited clause must refer to the opening clause—the rock ten handbreadths high and four broad—and this is the sense of the matter:* A rock in the sea, ten handbreadths high and four broad—they do not

carry something from it to the sea or from the sea to it. To what extent [in the area of the rock is that the case]? To two bet seahs. Then, it follows, if it was bigger than two bet seahs, moving objects about is permitted. *So it follows that a rock that big is classified as neglected public domain, and doesn't that refute the theory of R. Yohanan [by reason of the large dimensions, despite its height]?"*

- C. *Said Raba, "Only someone so stupid as not to know how to solve the problem of external Tannaite teachings would even imagine that he could raise a refutation against the view of R. Yohanan! In point of fact, the cited language does indeed refer to the opening clause, but this is the sense of the statement: [A rock in the sea, ten handbreadths high and four broad —they do not carry something from it to the sea or from the sea to it.] Lo, within the surface of the rock itself, it is permitted to carry objects [but not from the sea to the rock or the rock to the sea]. To what extent [in the area of the rock is that the case]? To two bet seahs."* [Slotki: If the rock is bigger than two bet seahs, the rock loses the status of private domain because of its wide extent and the absence of inhabitants, and it is classified as neglected public domain.]

D. *R. Ashi said, "In point of fact it refers to the opening clause. [Rabbis] are the ones who made the one ruling [on the enclosure, that Yohanan stated] and they, too, laid down the other [Huna's]. [Slotki: Since both rulings are rabbinical and not pentateuchal, rabbis can abrogate one in favor of the other, wherever the general requirements of the Sabbath laws make it necessary.] They are the ones who said, 'In an enclosure that was bigger than two bet seahs and not enclosed for residential purposes, it is permitted to transport objects only within the space of four cubits [it is classified as neglected public domain, and to keep people from assuming it is public domain and applying the lenient rule to public domain as well, movement is restricted; but one may not move objects from neglected public domain into public domain, as Yohanan has said, since neglected public domain by the law of the Torah really is private domain (Slotki)]. And they, too, laid down the other: They may not move things from private domain into neglected public domain [lest people move things from private domain into public domain]. Now, as to the rock no bigger than two bet seahs, throughout the entire area of which it is permitted to transport objects, rabbis forbade moving objects from the sea into that area or from that area into the sea [since that prohibition strengthens the Sabbath law and*

cannot lead to violating that law (Slotki)]. *How come? It is private domain in every aspect. And as to the rock that was bigger than two seahs, where it is forbidden to carry objects, rabbis permitted moving objects from it into the sea and from the sea into it —and for what reason? Because otherwise people would assume that it is private domain in every way and therefore would move objects throughout the area. And what differentiates one area from the other [Slotki: why should the law against moving objects between neglected public domain and private domain be abrogated, rather than forbidding movement of objects beyond four cubits in private domain bigger than two bet seahs]? It is common to move objects within the area itself, but it is not common to move objects from the area into the sea or from the sea into the area.*”

- I.55** A. *There was a child whose warm water spilled. Said Rabbah to them, “Bring him warm water from my house.”*
- B. *Said to him Abbaye, “Yeah, but we never made a fusion meal for the courtyards.”*
- C. *He said to him, “Well, then, we’ll rely on the fusion meal that is made to unify the alleyways.”*
- D. *He said to him, “But we never made a fusion meal to unify the alleyways.”*
- E. *“So tell a gentile to bring it!”*
- F. *Said Abbaye, “How I wished I’d objected to the master, but R. Joseph didn’t let us, for said R. Joseph said R. Kahana, ‘When we were at the household of R. Judah, he would say to us, “We may raise objections when the matter has something to do with a law of the Torah and then we go and do what the master says, but, when it has to do with a rule made on rabbinical authority, first of all we do what the master says, and then we raise our objections.”’”*
- G. *Afterward [Joseph] said to [Abbaye], “So what did you want to raise as your objection?”*
- H. *He said to him, “It has been taught on Tannaite authority: Not sprinkling purification water on the Sabbath is forbidden by general considerations of Sabbath rest, and so, too, making such a statement to a gentile would constitute a violation of the*

general principle of Sabbath rest. [68A] Just as sprinkling purification water is forbidden by reason of the general considerations of Sabbath rest and doesn't override the restrictions of the Sabbath, so making a statement to a gentile [of such an order] likewise is forbidden by reason of the general considerations of Sabbath rest and doesn't override the restrictions of the Sabbath."

I. *He said to him, "Well, then, don't you make a distinction between what is forbidden by reason of considerations of Sabbath rest in which there is some sort of concrete deed involved, and what is forbidden by reasons of the general consideration of Sabbath rest in which there is no concrete deed involved? For lo, the master didn't say to the gentile, 'You go and warm it up!'"*

J. *Said Rabbah bar R. Hanan to Abbaye, "Now how is it possible that an alleyway in which live two such eminent authorities as our rabbis should not have either a fusion meal for courtyards nor a fusion meal for alleyways!?"*

K. *He said to him, "So what am I supposed to do? For the master [Rabbah] to go and collect the food would be inappropriate, and I am busy with my studies, and the other residents couldn't care less. And if I were to transfer to them the ownership of a share of the bread in a basket that I might put out, the fusion meal for the alleyways would be invalid, since if they asked me for the bread, I could never give it to them [it wouldn't suffice]! For it has been taught on Tannaite authority: If one of the residents of an alleyway asked for wine or oil, and they didn't give it to him, then the fusion meal for the alleyway would be annulled."*

L. *"So why not transfer to them title to a quarter-log of vinegar in a cask?"*

M. *"It has been taught on Tannaite authority: They do not form a fusion meal for an alleyway with what is in storage."*

N. *"But surely it has been taught on Tannaite authority: They do make a fusion meal in such a way!"*

O. Said R. Oshayya, “No problem, the one represents the position of the House of Shammai, the other, the position of the House of Hillel, as we have learned in the Mishnah: **The corpse is in the house, and in it [the house] are many openings—they all are unclean. [If] one of them is opened, it is unclean, and all are clean. [If] one gave thought to remove it through one of them, or through a window which is four-by-four handbreadths square, he has afforded protection for all the openings. The House of Shammai say, ‘He must give thought before the corpse is dead.’ The House of Hillel say, ‘Even after he has died’ [M. Oh. 7:3A-E].**”

I.56 A. *There was a child whose warm water spilled. Said Raba to them, “Ask the mother [who is in childbirth] if she needs any; if so, let a gentile heat it up for him along with water that he heats up for the mother.”*

B. *Said R. Mesharshayya to Raba, “So his mother is already eating dates.”*

C. *He said to him, “Well, you might imagine that some sort of stupor in general has seized her [and she may not know what she’s doing, and one can ask a gentile to heat the water for her].”*

I.57 A. *There was a child whose warm water spilled. Said Raba to them, “Take my things from the men’s house to the women’s house, and I’ll go and take up my residence there and renounce in favor of the tenants of the child’s courtyard the right that I have here.”* [Slotki: The boy was to be circumcised on the Sabbath. There was warm water in his own courtyard, which was next to the courtyard where the child was; there was no fusion meal that joined them, but there was a common door. He moved to the women’s quarters, which were behind the men’s quarters and accessible only through the men’s quarters. He then renounced his right to his own courtyard in their favor, so that they could carry objects from one courtyard into the other through the common door; they could then carry the warm water to where the child was located. Raba could not use

his own courtyard, and by moving his things to the inner apartments, he would avoid forgetting that he had no use of the courtyard, since to get out he had to walk through the men's quarters and would remember his self-imposed restrictions.]

B. *Said Rabina to Raba, "But didn't Samuel say, 'Where there are two courtyards, one may not renounce one's right of ownership in a courtyard'?"*

C. *He said to him, "I take the position of R. Yohanan, who said, 'Where there are two courtyards, one may renounce one's right of ownership in a courtyard.'"*

D. *"Well, if the master does not concur with Samuel, then [68B] let the master stay in his place and renounce his right to his courtyard in their favor, and then let them renounce their right in the master's favor [Slotki: instead of moving into the women's quarters, he can renounce his right in favor of the residents of the child's courtyard, and after they took the water, they could renounce their right in Raba's courtyard back to him], for didn't Rab say, 'Renunciation on a given Sabbath may be followed by renunciation on the same Sabbath'?"*

E. *He said to him, "In this matter I concur with Samuel, who has said, 'Renunciation on a given Sabbath may not be followed by renunciation on the same Sabbath.'"*

F. *"But doesn't a single consideration operate here? Namely, how come people may not renounce rights and then go and renounce them again? Isn't it because as soon as someone renounces his right, he removes himself from that place and takes up the status of the resident of a different courtyard — and it is not possible for a resident of one courtyard to renounce his right in favor of the resident of some other courtyard? So how could the master renounce his right?"*

G. *"In that case, this is the operative consideration: It's so that something that rabbis have laid down shouldn't be turned into a big joke [and allowing the repeated renunciation of rights on a given Sabbath would turn the whole operation into a laughing stock]."*

I.58 A. *Reverting to the body of the foregoing:*

B. Rab said, “Renunciation on a given Sabbath may be followed by renunciation on the same Sabbath.”

C. And Samuel said, “Renunciation on a given Sabbath may not be followed by renunciation on the same Sabbath.”

D. May we say that Rab and Samuel are engaged in the same dispute as rabbis and R. Eliezer, with the result that Rab concurs with rabbis, Samuel with R. Eliezer? [R. Eliezer: One who renounces his right to a share in his courtyard, on which basis he gains a share in the fictive fusion meal forming of the courtyard a single private domain in common ownership, nullifies his rights, in so doing, also to his own house. In the opinion of rabbis, one who renounces his right to a share in his courtyard does not nullify his rights, in so doing, also to his own house.]

E. Rab may say to you, “I make the ruling that I do even within the position of R. Eliezer. For R. Eliezer takes the position that he does in that case—one who renounces his right to a share in his courtyard, on which basis he gains a share in the fictive fusion meal forming of the courtyard a single private domain in common ownership, nullifies his rights, in so doing, also to his own house—because people won’t live in a house without a courtyard. But as to totally eliminating the man as tenant of a different courtyard in favor of whom his neighbors are not allowed to renounce their rights, has he given an opinion at all?”

F. And Samuel said, “I make the ruling that I do even within the framework of the position of rabbis. Rabbis take the position that they do in that case only there, since only that which someone has actually renounced is regarded as

permanently renounced, while what he didn't actually renounce is not regarded as permanently renounced, but from that, at least, that a man does renounce, he is totally removed." [Slotki: As the tenant in question renounced his right to the courtyard, he must be regarded as a tenant of a different courtyard, in whose favor no right in the former courtyard may subsequently be renounced.]

- I.59** A. *Said R. Aha bar Hana said R. Sheshet, "It is in accord with the following Tannaite dispute: 'A tenant who forgot to contribute to the fictive fusion meal of his neighbors in a courtyard and on the Sabbath gave his share in the courtyard to his neighbors and then carried something out into the courtyard in which he no longer owned a share, whether this was done inadvertently or deliberately, imposes the restrictions of the Sabbath so far as carrying in that courtyard on the others,' the words of R. Meir. R. Judah says, 'If he did it deliberately, he imposes the restrictions of the Sabbath so far as carrying in that courtyard on the others, but if he did it inadvertently, he doesn't impose the restrictions of the Sabbath so far as carrying in that courtyard on the others.'* *Now isn't this what is subject to dispute between them: The one authority* [Slotki: Meir rules that even when the object has been transported inadvertently renunciation is not regarded as completely eliminating the man from the right to the courtyard] *takes the position that* renunciation on a given Sabbath may be followed by renunciation on the same Sabbath [Slotki: since the man is not completely removed and the tenant is still deemed to be living in the same courtyard], *and the other authority maintains that* renunciation on a given Sabbath may not be followed by renunciation on the same Sabbath [Slotki: Judah says if the object was carried out inadvertently, no restrictions are imposed;

renunciation results in so complete an elimination that only an intentional act can revoke it]?”

B. *Said R. Aha bar Tahalipa in the name of Raba, “Not at all. All parties here concur that renunciation on a given Sabbath may not be followed by renunciation on the same Sabbath. But here what is subject to dispute is whether or not sages have imposed a penalty for what is done inadvertently on account of what is done deliberately; the one authority maintains that sages have imposed a penalty for what is done inadvertently on account of what is done deliberately, while the other takes the position that sages have not imposed a penalty for what is done inadvertently on account of what is done deliberately.”*

C. *R. Ashi said, “Rab and Samuel in fact dispute what is subject to the argument between R. Eliezer and rabbis.”*

II.1 A. **Said Rabban Gamaliel, “There was the precedent of a Sadducee who lived with us in the same alleyway in Jerusalem. And Father said to us, ‘Make haste and bring all sorts of utensils into the alleyway before he brings out his and prohibits you [from carrying about in it]’”:**

B. *A Sadducee?! Who ever mentioned the Sadducees [since we’ve been talking about gentiles, not Sadducees]?!*

C. *The formulation of the passage is flawed, and this is the way in which the passage should be worded: As to a Sadducee, lo, he is in the classification of a gentile. And Rabban Gamaliel said, “There was the precedent of a Sadducee who lived with us in the same alleyway in Jerusalem. And Father said to us, ‘Make haste and bring all sorts of utensils into the alleyway before he brings out his and prohibits you [from carrying about in it]’”:*

II.2 A. *It has been taught on Tannaite authority:*

B. He who dwells with a gentile, a Sadducee, or a Boethusian, in the same courtyard—they impose restrictions on him [so far as using the common courtyard or alleyway on the Sabbath].

C. “And there was the precedent of a Sadduce who was living in the same alley with Rabban Gamaliel in Jerusalem, and Rabban Gamaliel said to his children,

‘Children, make haste and take out whatever you want to take out, and bring in whatever you want to bring in, before this abomination takes out whatever he does and so restricts access to the alleyway to you, since [at just this moment] he has renounced his share in your favor,’” the words of R. Meir.

- D. R. Judah formulates the quotation in other language, namely, “‘Make haste and do what you need to do in the alleyway before it gets dark, at which point he will impose on you restrictions of the Sabbath.’” [The Sadducee is a gentile and cannot renounce his ownership anyhow (Slotki).]

II.3 A. The master has said: “...make haste and take out whatever you want to take out, and bring in whatever you want to bring in, before this abomination takes out whatever he does and so restricts access to the alleyway to you, since [at just this moment] he has renounced his share in your favor” –

B. *This bears the implication that, from R. Meir’s perspective, if they carried out their possessions first and then he carried out his, he does not impose restrictions on them. [69A] But we have learned in the Mishnah: “He who gave up his right of access and then took something out, whether he did so inadvertently or deliberately, lo, this one prohibits [the others],” the words of R. Meir [M. 6:4]!*

C. *Said R. Joseph, “Say it in this form: He does not prohibit the others.”*

D. *Abbayye said, “There is no contradiction. The one case refers to a situation in which the residents of the alleyway took possession of the alleyway [before the one who had renounced his share took out his belongings], the other, a situation in which the residents of the alleyway did not take possession [before that point].”*

E. *And so, too, it has been taught on Tannaite authority: “If before he gave over his share in the alleyway a tenant took out his possessions, whether he did this inadvertently or deliberately, he may renounce his right of ownership to the alleyway,” the words of R. Meir.*

F. R. Judah says, “If he did so inadvertently, he may renounce his share, if he did so deliberately, he may not renounce his share.”

G. “He who renounced his share and then took out his possessions, whether he did so inadvertently or deliberately,

imposes the restrictions of the Sabbath for the others in that alleyway,” the words of R. Meir.

H. R. Judah says, “If he did so deliberately, he imposes those restrictions, but if he did so inadvertently, he does not.”

I. Under what circumstances? That is if the other shareholders in the alleyway did not take possession of the alley [before the man took out his possessions], but if they had already taken possession of the alleyway, then he doesn’t impose the restrictions of the Sabbath on their use of the alleyway.”

II.4 A. The master has said: R. Judah formulates the quotation in other language, namely, “Make haste and do what you need to do in the alleyway before it gets dark, at which point he will impose on you restrictions of the Sabbath” —

B. *therefore the Sadducee is in the classification of a gentile. But lo, we have learned in the Mishnah the language, before he brings out!* [Slotki: Judah reads our Mishnah in a way that shows that, until that time at least, his renunciation is valid; but if he is a gentile, can his renunciation ever be valid?]

C. *Read: before the conclusion of the day [Friday]. And if you wish, I shall say, there is no contradiction,* the one refers to an apostate in regard to the desecration of the Sabbath in private, the other, an apostate who desecrates the Sabbath in public.

II.5 A. *In accord with whom is the following, which has been taught on Tannaite authority: An apostate or a shameless sinner —lo, such a one has not got the power to renounce his share?*

B. Is a shameless sinner in the same category as an apostate? Rather, one who is an apostate in a shameless way has not got the power to renounce his share.

C. *In accord with which authority? In accord with R. Judah, of course.*

II.6 A. *There was someone who went out into public domain on the Sabbath with a jeweled charm. When he saw R. Judah the Patriarch, he covered it up.*

B. [A master] said, “A person such as this has the right to renounce his right in the opinion of R. Judah.”

II.7 A. Said R. Huna, “What is the definition of an Israelite apostate? This is one who violates the Sabbath in public.”

B. *Said to him R. Nahman, “In accord with whom is that definition? It can’t be in accord with R. Meir, who has said, ‘One who is suspect in regard to any detail of the Torah is suspect in regard to the entirety of the Torah, even in respect to one among all of the prohibitions that are in the Torah.’ Nor can it be in accord with rabbis, who have said, ‘One who is suspect in regard to any detail of the Torah is not suspect in regard to the entirety of the Torah, [69B] unless he is an apostate in respect to idolatry.’”*

C. Said R. Nahman bar Isaac, “That is only in regard to giving his right or renouncing his right to his share in the courtyard [that an Israelite who violates the Sabbath is in the status of an apostate]. *For it has been taught on Tannaite authority to that same effect: **An apostate Israelite who nonetheless publicly keeps his Sabbath [however he may violate the law in private] has the right to nullify ownership, while one who does not publicly keep the Sabbath has not got the power to nullify ownership, for they have said, ‘An Israelite has the power to hand over or to nullify ownership, and in the case of a gentile, this can be done only by renting his property. How so? An Israelite may say to another Israelite, “My title is acquired by you, my title is renounced in your favor,” at which point the latter has acquired title to the property, without the necessity of a formal transfer of ownership’ [T. Er. 5:18].***”

D. *[To the objection of Nahman to Huna’s statement,] R. Ashi said, “In the opinion of this Tannaite authority [whose opinion Huna has cited], the observance of the Sabbath is as weighty a matter as idolatry. For it has been taught on Tannaite authority: ‘...of you’ (Lev. 1: 2) —but not all of you, excluding an apostate. ‘...Of you’ (Lev. 1: 2) —only among you have I made distinctions [between apostate and believer], but not among the nations of the world. ‘Of the cattle’ includes human beings who are like cattle. On the strength of that reading of Scripture [we maintain that] they accept sacrifices from Israelite sinners so that they will repent, except for one who is an*

apostate and makes libations to idols, and one who violates the Sabbath in public.”

E. *Now there is a contradiction in the body of the statement. First you say, ‘...of you’ (Lev. 1:2) —but not all of you, excluding an apostate. And then you say, they accept sacrifices from Israelite sinners!*

F. *No problem! The former speaks of an apostate in regard to the entirety of the Torah, the middle clause, one who is an apostate in respect to one thing only.*

G. *Well, then, what about the final clause: except for one who is an apostate and makes libations to idols, and one who violates the Sabbath in public! Now what might be the character of this particular apostate? If he is an apostate in respect to the entire Torah, then that is no different from the opening statement, and if it is in respect to only one matter, then that contradicts the middle clause! So isn’t this the sense of the matter: except for one who is an apostate and makes libations to idols, and one who violates the Sabbath in public — therefore, idolatry and the Sabbath are treated as equally serious matters?*

H. Yes.

6:3

- A. The men of a courtyard, one of whom forgot and did not participate in the fictive fusion meal with the others —
- B. his house is prohibited, both for him and for them, from bringing things in and from taking things out.
- C. And theirs are permitted both for him and for them.
- D. [If] they gave him their right [of access], he is permitted, and they are prohibited.
- E. [If] they were two [who forgot], they prohibit one another.
- F. For one person gives or takes the right of access.
- G. But [while] two can give the right of access, they cannot take it.

6:4

- A. At what time do they give [the right of access]?
- B. The House of Shammai say, “While it is still day.”

- C. And the House of Hillel say, “After it has gotten dark.”
- D. He who gave his right of access and then took something out,
- E. “whether he did so inadvertently or deliberately,
- F. “lo, this one prohibits [the others],” the words of R. Meir.
- G. R. Judah says, “[If he did so] deliberately, he prohibits the others. [If he did so] inadvertently, he does not prohibit the others.”

- I.1** A. [The men of a courtyard, one of whom forgot and did not participate in the fictive fusion meal with the others —his house is prohibited, both for him and for them, from bringing things in and from taking things out. And theirs are permitted both for him and for them:] *So it's his house that is prohibited! Then his courtyard is permitted to them. But how are we to imagine the situation? If he has renounced his rights, then how come his house is forbidden, and if he didn't renounce his rights, then how come his courtyard is permitted!*
- B. *With what situation do we deal here? It is a tenant who renounced his right to his courtyard but not to his house. Rabbis take the view: He who renounces his right to his courtyard has not renounced his right to his house, since someone may well live in a house without a courtyard.*

- II.1** A. **And theirs are permitted both for him and for them:**
- B. *How come?*
- C. *Since he's deemed a guest in respect to them* [because he doesn't take any object out of his house into the courtyard, using the courtyard only in connection with the other tenants' houses (Slotki)].

- III.1** A. **[If] they gave him their right [of access], he is permitted, and they are prohibited:**
- B. *So why aren't they deemed a guest in respect to him?*
- C. *One may be regarded as the guest of five, but five cannot be regarded as guests of one.*

- III.2** A. *Does the rule at hand* **[If] they gave him their right [of access], he is permitted, and they are prohibited** *bear the implication that renunciation on a given Sabbath may be followed by renunciation on the same Sabbath?*
- B. *This is the sense of the statement: [If] they to begin with* [Slotki: not after he has renounced his right in their favor] **gave him their right [of access], he is permitted, and they are prohibited.**

IV.1 A. [If] they were two [who forgot], they prohibit one another:

- B. [Slotki: Since even in the absence of the other tenants, the two would have imposed restrictions upon each other,] *isn't that a bit obvious?*
- C. No, it was necessary to cover a case in which one of them went and renounced his share in favor of the other [now presumably including the shares that the others had renounced in his favor]. *What might you have supposed? The others should be permitted full use of the courtyard* [Slotki: as in the case where all the tenants had renounced in his favor]? *So we are informed that that is not the case. At the time the former renounced his share, he was not permitted use of the courtyard* [Slotki: on account of the other tenant who was imposing restrictions upon him; the presentation of the other tenants' shares therefore was useless and invalid; since he could not acquire their shares he could not renounce them in favor of a third party].

V.1 A. For one person gives or takes the right of access. But [while] two can give the right of access, they cannot take it:

- B. *Why tell me this again? If it is to make the point that one person gives, that we have already been told [And theirs are permitted both for him and for them], and if it is that he takes the right of access, we've already been told that, too, [[If] they to begin with* [Slotki: not after he as renounced his right in their favor] **gave him their right [of access], he is permitted, and they are prohibited**].
- C. *It was necessary to cover the matter on account of the final clause, two can give the right of access, they cannot take it*
- D. *That, too, is pretty obvious!*
- E. *What might you have supposed? [70A] That there should be a precautionary decree because one may assume that one may also renounce his share in favor of two? So we are informed that that is not the case.*

VI.1 A. But [while] two can give the right of access, they cannot take it:

- B. *What do I need this for [since it goes over the language of the foregoing, If they were two who forgot, they prohibit one another]?*
- C. *It was necessary, to cover this matter: Even where they said to him, "Acquire our shares on the stipulation that you transfer them" [to the other, the other still may not acquire their shares].*

VI.2 A. Abbaye asked Rabbah, "Five tenants lived in a single courtyard, and one of them forgot and did not participate in the fusion meal —when he renounces his

rights of access, does he have to renounce it in favor of each and every tenant or does he not have to do so?"

- B. He said to him, "He has to renounce his right in favor of each and every tenant."
- C. *An objection was raised:* One party who did not participate in the fusion meal abrogates his right in favor of one party who did participate in the fusion meal; two persons who participated in the fusion meal assign their right to one who didn't, and two who didn't participate in the fusion meal abrogate their right to two who did participate in the fusion meal or to one who did not participate in the fusion meal. But one who participated in the fusion meal doesn't abrogate his right to one who didn't participate, and two who participated in the fusion meal do not abrogate their right in favor of two who didn't participate, and two who didn't participate in the fusion meal don't abrogate their right in favor of two who didn't participate in the fusion meal. *Now the Tannaite formulation in any event states at the outset, one party who did not participate in the fusion meal abrogates his right in favor of one party who did participate in the fusion meal. Now how are we to imagine the case? If there is no other with him, then with whom might he have joined in the fusion meal? So it must follow, there must have been another tenant alongside, and yet it is stated, one party who did participate in the fusion meal! [Slotki: How could Rabbah maintain that renunciation must be made in favor of each and every tenant individually?]*
- D. And Rabbah?
- E. *Here with what situation do we deal? It is a case in which there was a tenant with whom the fusion meal was made, but who died [Slotki: by the time the third party presented his share; so there were only two tenants in the courtyard, and one may renounce in favor of the other].*
- F. *Well, then, what about what follows:* But one who participated in the fusion meal doesn't abrogate his right to one who didn't participate? *Now, if he had been there but died, why shouldn't it be permitted [for the survivor to renounce his share (Slotki)]? So it's obvious that the tenant with whom the meal was prepared was still around, and, since the final clause takes for granted that he was still around, the initial clause also deals with a case in which he was still around [and Rabbah's got a problem]!*
- G. *What makes you see things that way? The one clause deals with its case, the other deals with its situation. You may know that that is the case, for the*

concluding part of the opening formulation says, two who didn't participate in the fusion meal abrogate their right to two who did participate in the fusion meal. So to two they may do so, but not to one.

H. And Abbayye?

I. *He may say, what is the meaning of "to two"? It is, "to one of the two."*

J. *If so, why instead of "two" wasn't it said, "To one who joined in the fictive fusion meal or to one who did not" [Slotki: since one tenant cannot join in a fictive meal with himself, it would then be obvious that the sense was, to one of two]?*

K. *Well, that's a legitimate problem.*

L. *...one party who did not participate in the fusion meal abrogates his right in favor of one party who did participate in the fusion meal –*

M. *in Abbayye's view, this speaks of a case in which the other tenant [who joined in the fiction meal with the one mentioned] was still alive, and so we are informed that it is not necessary to renounce one's rights in favor of each and every tenant.*

N. *In Rabbah's view, it is a case in which he was around but then died, and so we are informed that no precautionary decree is enacted to deal with the possibility that someone may yet be around [and yet the same procedure might be followed].*

O. *...two parsons who participated in the fusion meal assign their right to one who didn't –*

P. *So that's pretty obvious.*

Q. *What might you otherwise have imagined? That since he did not participate in the fusion meal, an extrajudicial penalty is to be imposed on him? So we are informed that that is not the case.*

R. *...and two who didn't participate in the fusion meal abrogate their right to two who did participate in the fusion meal –*

S. *In Rabbah's view, the Tannaite formulation of the concluding clause was meant to clarify the sense of the opening clause. To Abbayye, it was necessary to include the clause concerning two who didn't participate in the fusion meal. For it might have entered your mind that we should make a precautionary decree, to cover the possibility that they may come and renounce in their favor [which is forbidden], but so we are informed that that is not the case.*

- T. ...or to one who did not participate in the fusion meal –
- U. *What do I need this item for?*
- V. *What might you otherwise have supposed? That the rule applies to a case in which some of the tenants participated in the fusion meal and some didn't, but in a case in which all of them didn't, we impose a penalty, so that the rule of the fusion meal should not be forgotten? So we are informed that that is not so.*
- W. But one who participated in the fusion meal doesn't abrogate his right to one who didn't participate –
- X. *From Abbaye's perspective, the Tannaite formulation of the concluding clause serves to explain the sense of the opening one. From Rabbah's perspective, since the opening clause was set forth, the closing clause was put in to match it.*
- Y. ...and two who participated in the fusion meal do not abrogate their right in favor of two who didn't participate –
- Z. *So for what do I need to be told this again?*
- AA. *It was necessary to cover the case in which one of them renounced his share in favor of the other [of those who didn't share in the fusion meal]. What might you have supposed? That the latter should then have the right to use the courtyard? So we are informed that that is not the case, since at the time the former renounced his share, he had no right to use the courtyard.*
- BB. ...and two who didn't participate in the fusion meal don't abrogate their right in favor of two who didn't participate in the fusion meal –
- CC. *So for what do I need to be told this again?*
- DD. *It was necessary to cover even the case in which they said to him, "Acquire our share on the stipulation that you transfer them."*

VI.3 A. Raba asked R. Nahman, "As to an heir [Slotki: whose father, from whom he inherited his estate, has forgotten to contribute to the fusion meal of his courtyard and died on the Sabbath], what is the law on his renouncing his share [in favor of the neighbors]? **[70B]** *Is it the rule that in a case in which, if he had wanted to share in the fusion meal on the preceding day, he can also renounce his rights, but in this case, since if he had wanted to take a share in the fictive fusion meal on the prior day, he couldn't have done so, he may not renounce his rights? Or perhaps an heir simply steps into the father's place?"*

- B. *He said to him, "I maintain that he may indeed renounce his share, but members of the household of Samuel have repeated as a Tannaite rule: He may not renounce his share."*
- C. *[Raba] objected to him, "This is the governing principle: Any area that is permitted during part of the Sabbath remains permitted through the whole of the Sabbath, except for the case of one who renounces his rights."*
- D. *"Any area that is permitted during part of the Sabbath remains permitted through the whole of the Sabbath": for instance, if one prepared a fusion meal to permit carrying objects through a certain door, and that door was blocked up [during the Sabbath], or if one prepared a fusion meal to permit carrying an object through a given window and the window was blocked up —[it is permitted to use that area, even in an inconvenient way].*
- E. *"This is the governing principle": This serves to encompass an alley the crossbeam or sidepost of which was removed.*
- F. *"Except for the case of one who renounces his rights": for instance, the case of two houses on two sides of public domain, which gentiles walled in on the Sabbath.*
- G. *"What is the point of 'this is the governing principle'? It serves to encompass a gentile who died on the Sabbath.*
- H. *"Now here the Tannaite formulation states, 'Except for the case of one who renounces his rights.' So it follows, he may do so, but the heir may not!"*
- I. *"Say: except for the case of the law of renunciation."*
- J. *[Raba] objected to him, "If one of the residents of a courtyard died and left his domain to an outsider, if this took place while it was still day, the other prohibits use of the courtyard to the residents [if he has not participated in the fusion meal]. If this happened after dark, he does not prohibit their use of the courtyard. And if an outsider died and left his domain in the courtyard to one of the residents of the courtyard, if this took place while it was still day, he does not impose restrictions on the other residents; if it was after dark, he does. But why should he impose restrictions? Let him renounce his share [so the tenants can use the courtyard]!"*
- K. *"What is the meaning of 'imposes restrictions'? He imposes restrictions so long as he did not renounce his share."*
- L. *Come and take note: An Israelite and a proselyte who lived in a single dwelling, and the proselyte died while it was still day — [71A] even though another Israelite took possession of the estate of the proselyte, the latter still*

restricts the use of the courtyard [since the new owner didn't participate in the fictive fusion meal, so the surviving Israelite can't use the courtyard]. But if this took place after it got dark, even though another Israelite didn't take possession of the estate, [the ownership of the proselyte] does not prohibit use of the courtyard. *Now there is a contradiction in the body of the rule. First you say, while it was still day, even though another Israelite took possession of the estate of the proselyte. So there is no issue of the rule that would pertain if he had taken possession. But then to the contrary, where no one took possession there is no restriction [for who would impose them]!*

- M. Said R. Pappa, "Say: even though he did not take possession."
- N. *But the language that is used is, even though another Israelite took possession of the estate of the proselyte.*
- O. *This is the sense of the statement at hand:* Even though he did not take possession while it was still day but only after it got dark, *since he ought to have taken possession while it was still day*, he imposes restrictions. [Slotki: The proselyte's share was in a state of suspended ownership even when the Sabbath had set, so the entire place could not be regarded as a permitted domain even during part of the Sabbath.]
- P. "But if this took place after it got dark, even though another Israelite didn't take possession of the estate, [the ownership of the proselyte] does not prohibit use of the courtyard": So that is the case, even though another Israelite didn't take possession of the estate —*and much less so if one did take possession! But to the contrary*, where one did take possession, the courtyard is restricted for use on the Sabbath.
- Q. Said R. Pappa, "Say: even though he did take possession."
- R. *But the language that is used is, even though another Israelite didn't take possession of the estate of the proselyte!*
- S. *This is the sense of the statement at hand:* Even though he took possession after it got dark, *since he couldn't take possession while it was still day anyhow*, he does not impose restrictions.
- T. *In any event, the opening clause states:* He imposes restrictions. *But why should that be the case? Let the Israelite who takes over the proselyte's estate renounce ownership!*
- U. *What is the meaning of he imposes restrictions? The sense of the Tannaite formulation is, so long as he does not renounce his Sabbath rights.*

- V. *R. Yohanan said, “Who is the authority behind the cited Tannaite formulation [that has the heir impose restrictions, contrary to Nahman’s position]? It is the House of Shammai, who maintain that the renunciation of rights to the courtyard may not take place on the Sabbath, for we have learned in the Mishnah: At what time do they give [the right of access]? The House of Shammai say, ‘While it is still day.’ And the House of Hillel say, ‘After it has gotten dark.’”*
- W. *Said Ulla, “What is the operative consideration behind the ruling of the House of Hillel? Renunciation is tantamount to saying, ‘Go to the fine produce.’” [Reference is made here to the following: How does one validly separate heave-offering from produce without the knowledge and consent of the owner? If one went down into his fellow’s field and gleaned produce and separated heave-offering from it without permission, if the owner of the field is apprehensive of robbery, that which the other has separated is not valid heave-offering; but if he is not apprehensive of robbery, that which he has separated is valid heave-offering. How does one know whether or not the owner is apprehensive of robbery? When the householder came and found him and said to him, “Go to the fine produce and glean there,” if there was there fine produce, the householder meant what he said and thus he is not apprehensive of robbery; but if not [if there was no fine produce] —lo, this one is apprehensive of robbery [and his comment was a sarcastic one]. If the householder should glean and add to what the other has already gleaned, either way, he is not apprehensive of robbery [T. Ter. 1:5A-I]. In the case of renunciation, the tenant’s act of renunciation is taken to indicate his retrospective desire to join with the other tenants in the fictive fusion meal; failing to do so was mere forgetfulness (Slotki).]*
- X. *Said Abbaye, “In the case of a gentile who died on the Sabbath, what’s the pertinence of **Go to the fine produce**?! Rather, here, what is at issue is this: The House of Shammai maintain that renouncing a right to ownership of a domain is equivalent to conferring ownership of a domain to another party, but conferring ownership of a domain on the Sabbath is forbidden. The House of Hillel maintain that renouncing ownership merely gives up one’s title, and giving up one’s title to a domain for the Sabbath is quite all right.”*

6:5

- A. A householder who was a joint holder [in a commercial relation] with neighbors —
- B. with one in wine and with the other in wine —
- C. they do not need to prepare a fictive fusion meal.
- D. [If one member of the partnership] is in wine and the other is in oil,
- E. they do need to prepare a fictive fusion meal.
- F. R. Simeon says, “All the same is the rule for this case and for that case, [if they are joint holders,] they do not need to prepare a fictive fusion meal.”

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

B. *Said Raba, “A careful reading of the Mishnah yields that same point: [If one partnership] is in wine and the other is in oil, they do need to prepare a fictive fusion meal. Now, if you maintain that the first clause speaks of a case in which the liquids are in one utensil and the second clause speaks of a case in which they are in two utensils, then there is no problem. But if you maintain that the first clause has the liquids in two utensils and so, too, the second, then what difference does it make to me whether it is a partnership of wine and wine or a partnership of wine and oil?!”*

C. Said Abbaye to him, “If it is a partnership of wine for both parties, then the wine is suitable to be mixed in a single common fusion meal, but if it is a partnership of wine and oil, then it isn’t.”

II.1 A. R. Simeon says, “All the same is the rule for this case and for that case, [if they are joint holders,] they do not need to prepare a fictive fusion meal”:

B. And is that the case even [if one member of the partnership] is in wine and the other is in oil?

C. *Said Rabbah, “Here with what situation do we deal? It is a courtyard that is located between two alleys [Slotki: the tenants of which had a stock of wine in common with the residents of one alley, and a stock of oil in common with those of the other, so that the wine and the oil do not serve the purpose of one fusion meal but that of two fusion meals, one for each alley]. And R. Simeon is consistent with views expressed elsewhere, for we have learned in the*

Mishnah: Said R. Simeon, ‘To what is the matter comparable? To three courtyards open to one another and open to the public way. [If] two of them were covered by an erub with the one in the middle, that one in the middle is permitted [access] to both of them, and they are permitted [access] to it. But the two outside courtyards are prohibited [access] from one to the other’ [M. 4:6H-K].”

- D. *Said to him Abbaye, “But are the cases truly comparable? There the Tannaite rule is, the two outside courtyards are prohibited [access] from one to the other, while here the rule is they do not need to prepare a fictive fusion meal—at all!”*
- E. *“What is the meaning of, they do not need to prepare a fictive fusion meal—at all? That refers to the one between the neighbors and the householder, but, among themselves, the neighbors do have to participate in a fictive fusion meal.”*
- F. **[71B]** [Slotki: maintaining, contrary to Rabbah, that Simeon in our Mishnah paragraph was referring to courtyards in the same alley,] *R. Joseph said, “R. Simeon and rabbis dispute about the same point that is under discussion between R. Yohanan b. Nuri and rabbis, for we have learned in the Mishnah: Oil which is floating on the surface of wine, and a person who has immersed on the same day and is waiting for sunset to complete the purification process touched the oil—he has rendered unfit only the oil. R. Yohanan b. Nuri says, ‘Both of them are deemed connected to one another’ [M. T.Y. 2:5H-K]. Rabbis here concur with rabbis there, and R. Simeon concurs with R. Yohanan b. Nuri [Slotki: who holds that oil and wine can be treated as component parts of one liquid].”*

II.2

- A. *It has been taught on Tannaite authority:*
- B. *R. Eleazar b. Taddai says, “All the same are this case and that case, they have to prepare a common fusion meal.”*
- C. *But is that so even though this party has wine and that party has wine [in the partnership]?*
- D. *Said Rabbah, “This householder comes with his flagon of wine and pours it into a common cask, and that one comes with his flagon and pours it in, and all parties concur on such a procedure that it is a valid fusion meal. [Each has made a contribution to it.] Where they differ, it is a case in which they purchase a jug of wine in partnership. R. Eleazar b. Taddai takes the view that we do not invoke the principle of the retrospective clarification of*

matters, and rabbis maintain that we do invoke the principle of the retrospective clarification of matters.” [Slotki: Each householder may be regarded as having contributed a definite and distinguishable share to the common contents of the cask.]

- E. *R. Joseph said, “R. Eleazar b. Taddai and rabbis differ concerning whether or not one relies on the fusion meal for the alleyway in a case in which a fusion meal for the courtyard is required. [Does the amalgamation of the courtyards of an alley by a fusion meal, allowing movement through the alley, exempt the courtyards from having to make a fusion meal for courtyards (Slotki)?] The one authority [Eleazar b. Taddai] maintains that we do not rely on the fusion meal for the alleyway, and the other party maintains that we do.”*
- F. *Said R. Joseph, “Whence do I maintain that view? It is because said R. Judah said Rab, ‘The decided law accords with R. Meir [that one may not rely on the fusion meal of the alleyway where a fusion meal for courtyards is necessary],’ and said R. Barona said Rab, ‘The decided law is in accord with R. Eleazar b. Taddai.’ Now how come Rab has declared the law to concur with both R. Meir and R. Eleazar b. Taddai? Isn’t it because the same operative principle governs in both cases [that even though there is a fusion meal for the alleyway, a fusion meal for the courtyard is required]?”*
- G. *Said to him Abbaye, “So if a single principle governs in both cases, then why in the world are two articulations of the governing law required?”*
- H. *“So we are informed that in matters of fusion meals we may well act in accord with two distinct, strict rulings.”*

II.3 A. *And as to the rulings of R. Meir and of rabbis, what are they?*

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

C. *“They prepare a fusion meal for courtyards with bread, and if they wanted to make the fusion meal with wine, they may not do so. They join in a fusion meal for a courtyard with wine, but if they wanted to make the fusion meal with bread, they may do so. They prepare a fusion meal both for courtyards and also for alleyways, so that the law of the fusion meal may not be forgotten by youngsters, lest they say, ‘Our fathers didn’t make a fusion meal at all’ [not knowing that they made it for the alleyway and that sufficed for the courtyard],” the words of R. Meir.*

D. And sages say, “They make a fictive fusion meal for courtyards or they make a fictive fusion meal for alleyways.”

E. *As to this statement, there is a dispute between R. Nehumi and Rabbah. One said, “If it is done with bread, there is no dispute that one such fictive fusion meal suffices [for the one purpose or the other]. Where they differ, it concerns the use of wine [used for the fictive fusion meal for the alley].”* [Slotki: Meir maintains that that is not enough, since wine cannot be used for the courtyard’s fictive fusion meal, but rabbis say that once wine is acceptable in the fictive fusion meal for the alleyway it is also effective for the one for the courtyard, since the fictive fusion meal for the alley may serve even where one for courtyards would otherwise be required.]

F. **[72A]** *The other said, “If it is made with wine, all parties concur that both the fictive fusion meals are necessary, one for the alleyway, the other for the courtyards. Where they differ is in the case in which bread is used”* [Slotki: either for the courtyard or the alleyway; Meir holds that even here one cannot serve for both purposes].

G. *An objection was raised:* And sages say, “They make a fictive fusion meal for courtyards or they make a fictive fusion meal for alleyways.” *Doesn’t this mean, “Either they make a fictive fusion meal for courtyards with bread or they make a fictive fusion meal for alleyways with wine”?*

H. *Said R. Giddal said Rab, “This is the sense of the statement: ‘Either they make a fictive fusion meal for courtyards with bread and so are permitted to transport objects in both the alley and the courtyards, or they make a fictive fusion meal for alleyways with wine and so are permitted to transport objects in both the alley and the courtyards.’”*

I. Said R. Judah said Rab, “The decided law is in accord with R. Meir.”

J. And R. Huna said, “The custom is in accord with R. Meir.”

K. And R. Yohanan said, “The people ordinarily act in accord with R. Meir.”

6:6

- A. Five distinct associations who in common observed the Sabbath in one eating hall —
- B. the House of Shammai say, “A fictive fusion meal [is required] for each and every association.”
- C. And the House of Hillel say, “One fictive fusion meal serves all of them.”
- D. But they concur that, when some of them are staying in private rooms or upper chambers, they require a fictive fusion meal for each and every association.

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

B. *There are those who say, “Said R. Nahman, ‘There also is a dispute concerning a case in which the banquet hall is divided by low partitions.’”*

I.2 A. *There is a dispute in this matter between R. Hiyya and R. Simeon b. Rabbi. One said, “The dispute concerns a banquet hall divided up by partitions that reach the rafters, but in the case of one in which the partitions don’t reach the rafters, all parties concur that a single fictive fusion meal suffices for them all.”*

B. *And the other party said, “The dispute concerns a banquet hall in which the partitions don’t reach the rafters, but if the partitions reach the rafters, all parties concur that each association has to have a fictive fusion meal of its own.”*

C. **[72B]** *An objection was raised: Said R. Judah Hassabbar, “The House of Shammai and the House of Hillel did not differ concerning a case in which the partitions reached the rafters, in which case a fictive fusion meal is required for each association in the room. Concerning what situation did they dispute? It was a case in which the partitions do not reach the rafters. In that case, the House of Shammai say, ‘There has to be a fictive fusion meal for each association.’ And the House of Hillel say, ‘A single fictive fusion meal suffices for all of them.’” For him who maintained that they dispute a case in which the partitions reached the rafters, this is a refutation, and for him who has*

said that the dispute concerns a case in which the partition does not reach the rafters, this is confirmation. And to the version that was stated by R. Nahman, namely, "The dispute pertains to a banquet hall in which there is a low partition of stakes [in which instance the House of Hillel regard the whole hall as a single domain], but if there is a partition ten handbreadths high, all parties concur that a fictive fusion meal is required for each association individually," it is a refutation. But to the version that has R. Nahman say, "There also is a dispute concerning a case in which the banquet hall is divided by low partitions," does this also represent a refutation?

D. R. Nahman may say to you, "They dispute the case of partitions [however high], and the same is the rule concerning the low partitions made up of stakes. And the reason that the dispute is expressed in terms of partitions is to tell you how far the House of Hillel are willing to go in maintaining its position [that no separate meals are required even where the partitions are high]."

E. Well, why not have them dispute concerning the partition made up of stakes to show you how far the House of Shammai are ready to go?

F. Because it's more important to articulate the full extent of the position of the party that accords a lenient ruling.

I.3 A. Said R. Nahman said Rab, "The decided law accords with R. Judah Hassabbar."

B. Said R. Nahman bar Isaac, "A close reading of our Mishnah paragraph yields the same result, since the Tannaite formulation states: **But they concur that, when some of them are staying in private rooms or upper chambers, they require a fictive fusion meal for each and every association.** Now what is the definition of **rooms**, and what is the definition of **upper chambers**? If I should say that by rooms is meant, rooms literally, and by upper chambers, upper chambers literally, then that is self-evident [and hardly requires articulation]! So doesn't it mean, demarcated areas that are like rooms, or demarcated areas that are like upper chambers, namely, in the latter case, demarcated areas in which the partitions reach the rafters?"

C. *Sure does.*

I.4 A. *A Tannaite statement:*

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

C. *In accord with whose position is the following, which 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.

D. *In accord with whose position? In accord with that of the House of Hillel, of course.*

E. *There are those who say:* Under what circumstances [does each association have to contribute to the fictive fusion meal]? That would be the case when the fictive fusion meal remained with them, but if they carried their fictive fusion meal to some other place, all concur that a separate contribution to the fictive fusion meal is required for each association. [Slotki: The point at issue is whether the several companies in one hall, who are in the same position as that of various tenants who joined in one fictive fusion meal, must contribute individually to the fictive fusion meal even where it is deposited in their hall. The House of Shammai say they must; the House of Hillel, they don't have to.]

F. *In accord with whose position is the following, which 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.

G. *In accord with whose position? In accord with nobody's.*

6:7

- A. Brothers who ate at the table of their father but who slept in their respective houses require a fictive fusion meal for each one.
- B. Therefore if one of them forgot and did not prepare a fictive fusion meal,
- C. he annuls his right [in the common courtyard, so the others may carry therein].
- D. Under what circumstances?
- E. When they bring their fictive fusion meal to some other place.
- F. But if the fictive fusion meal was brought to them,
- G. or if there were no [other] residents with them in the courtyard,
- H. they do not have to prepare a fictive fusion meal.

- I.1** A. *Does the detail, but who slept in their respective houses, bear the implication that the operative consideration for imposing the obligation of a fictive fusion meal is where one spends the night? [But some maintain that it is where one eats, not where one sleeps, that dictates whether one has to make a contribution to a fictive fusion meal!]*
- B. Said R. Judah said Rab, “This rule pertains only to those who receive an allowance for maintenance [from their father, and didn’t actually eat at his house].”

- I.2** A. *Our rabbis have taught on Tannaite authority:*
- B. He who in his neighbor’s courtyard has a gatehouse, portico [a covered way open at the sides], or a balcony, does not impose restrictions upon him [in respect to moving objects in the other’s courtyard on the Sabbath, if he doesn’t participate in the fictive fusion meal for that courtyard]. If he owns a storehouse for straw, a cattle pen, a room for wood, or a storehouse, he does impose restrictions upon him [in respect to moving objects in the other’s courtyard on the Sabbath, if he doesn’t participate in the fictive fusion meal for that courtyard].
- C. R. Judah says, “Only possession of a dwelling place imposes restrictions” [but nothing else, such as those items listed above].

- D. Said R. Judah, “There was the case of Ben Nappaha, who had five courtyards in Usha, and the case came before sages, who said, ‘Only the courtyard in which he possesses a dwelling place is subject to restrictions [if he fails to participate in the fictive fusion meal for that courtyard]’” [cf. T. Er. 5:7].
- E. *Do you really imagine that it is only a dwelling place that imposes restrictions!? Rather: a place for dwelling.*

I.3

- A. *What is the definition of a place for dwelling?*
- B. Rab said, [73A] “A dining room.”
- C. And Samuel said, “A sleeping room.”
- D. *An objection was raised:* Shepherds, attendants of summer fruit orchards, keepers of station houses, and watchmen over fruit, when they usually spend the night in town, lo, they are classified as residents of that town. When they usually spend the night in the field, they are assigned two thousand cubits in all directions. [How then could “place for dwelling” mean a place where someone eats, as Rab has said?]
- E. *In that case, we ourselves are witnesses that, if bread were brought to them there [in the field, where they are spending the night], they would prefer it that way [Slotki: and that is why their dining place in town is ignored].*
- F. *Said R. Joseph, “I never heard that tradition.”*
- G. *Said Abbaye, “You yourself told it to us, and it was with reference to the following that you told it to us: **Brothers who ate at the table of their father but who slept in their respective houses require a fictive fusion meal for each one.** And we said to you, ‘Does that yield the proposition, that the operative consideration for imposing the obligation of a fictive fusion meal is where one spends the night?’ And you said to us in that regard, ‘Said R. Judah said Rab, “This rule pertains only to those who receive an allowance for maintenance [from their father, and didn’t actually eat at his house].”’”*

I.4

- A. *Our rabbis have taught on Tannaite authority:*
- B. He who has five wives who receive an allowance for maintenance from him as their husband [but each lives in her own home in the courtyard], and five servants who receive money for maintenance from him as their master –

- C. R. Judah b. Beterah permits use of the courtyard without a fictive fusion meal for the wives, but forbids it for the slaves.
- D. R. Judah b. Baba permits free access in the case of the slaves but forbids it [without a fictive fusion meal] in the case of the wives.

I.5 A. *Said Rab, “What is the scriptural consideration behind the position of R. Judah b. Baba? It is written, ‘But Daniel was in the gate of the king’ (Dan. 2:49).” [Slotki: Wherever Daniel, the king’s servant, was, he was regarded as being at the king’s house; the same for slaves in relation to their master.]*

I.6 A. *It is obvious that with respect to a son in relationship to his father, matters are as we have said; with respect to a wife in relationship to her husband or a slave in relationship with his master, we deal with the dispute of R. Judah b. Beterah and R. Judah b. Baba. But what is the rule as to a disciple in relationship to his master?*

B. *Come and take note: For Rab at the household of R. Hiyya said, “We don’t have to make a fictive fusion meal, for lo, we are dependents at the table of R. Hiyya,” and R. Hiyya at the household of Rabbi said, “We don’t have to make a fictive fusion meal, for lo, we are dependents at the table of Rabbi.”*

- I.7** A. *Abbaye asked Rabbah, “In the case of five who collected their contributions to their shared fictive fusion meal and wanted to move their fictive meal to some other location [another courtyard, where they would be joined by other tenants], does a single fictive fusion meal serve for all of them [including the new parties, or does each one have to make a separate contribution to the fictive fusion meal serving the other courtyard]?”*
- B. *He said to him, “A single fictive fusion meal serves for all of them [including the new parties].”*
- C. *“But lo, in the case of the brothers, they are in the status of residents who have collected their contributions to the common fusion meal [and they don’t have to prepare any other fictive meal], and isn’t it stated, **require a fictive fusion meal for each one?**”*
- D. *“Here with what situation do we deal? We make reference to a case in which other tenants live with them in the same courtyard. Since the tenants in the same courtyard impose restrictions, the tenants in the other courtyard, whom they wish to join, also impose restrictions on them [unless each brother makes an independent contribution to the new meal]. A close reading of the*

Mishnah paragraph yields the same conclusion, for the Tannaite rule states: Under what circumstances? When they bring their fictive fusion meal to some other place. But if the fictive fusion meal was brought to them, or if there were no [other] residents with them in the courtyard, they do not have to prepare a fictive fusion meal."

E. *That settles it.*

I.8

- A. *R. Hiyya bar Abin asked R. Sheshet, "As to members of the household of a master who eat meals in the country but come to spend the night at the schoolhouse in town [Slotki: the distance between which and their dining quarters is no more than two thousand cubits] —when we measure out the Sabbath limit for them, do we measure it from the household of the master [where they eat] or from the quarters [out in the country, where they sleep]?"*
- B. *He said to him, "We measure it from the household of the master."*
- C. *"But lo, what about the one who leaves his fictive fusion meal within two thousand cubits of the town and comes to spend the night at his house —his Sabbath limit is measured from his fictive fusion meal!"* [And not from where he spends the night; so how can we measure the Sabbath limit of the students from the master's house, because they spend the night there (Slotki)?]
- D. *"In such a case, we ourselves are witnesses, that, if he could live there [where he puts his fictive fusion meal], he would prefer to do so, but here, too, we are witnesses, that if their meals could have been brought to them at the master's household, they would have preferred it."* [That's why their Sabbath limit is measured from the master's household.]

I.9

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

- B. *He said to him, “You have learned the following Tannaite rule: In the case of a father and son, or a master and his disciple, when there are no other residents with them, they are regarded as a single individual, requiring no fictive meal; the use of their alley is rendered permissible by means of a sidepost and crossbeam.”*

6:8

- A. **Five courtyards open to one another and open to an alley —**
B. **[if] they prepared a fictive fusion meal for the courtyards but did not prepare a fictive fusion meal as a partnership [a shittuf] for the alley,**
C. **they are permitted to carry things about in the courtyards and prohibited from doing so in the alley.**
D. **[73B] And if they prepared a fictive fusion meal as a partnership [a shittuf] for the alley, they are permitted in both places.**
E. **[If] they prepared a fictive fusion meal in the courtyards and prepared a fictive fusion meal as a partnership [a shittuf] in the alley,**
F. **but [if] one of the people who live in the courtyard forgot and did not share in the fictive fusion meal,**
G. **the [other residents] are permitted both here and there.**
H. **[If one of] the people, who live in the alleyway, [forgot and] did not participate in the a fictive fusion meal as a partnership [a shittuf],**
I. **they are permitted to carry things in the courtyards but prohibited from doing so in the alleyway.**
J. **For the alleyway is to courtyards as a courtyard is to houses.**

I.1

- A. *Who is the authority behind this rule?*
B. *It is R. Meir, who has said that we require both a fictive fusion meal for the courtyards and a fictive fusion meal for the alleyways.*
C. *Well, then, note the intermediate clause: **And if they prepared a fictive fusion meal as a partnership [a shittuf] for the alley, they are permitted in both places!** Doesn't that accord with rabbis, who have said that a single meal suffices for both purposes?*
D. *That's no problem. The sense of the passage is, **And if they also prepared a fictive fusion meal as a partnership [a shittuf] for the alley, they are permitted in both places.***

- E. *Then look at what follows: [If] they prepared a fictive fusion meal in the courtyards and prepared a fictive fusion meal as a partnership [a shittuf] in the alley, but [if] one of the people who live in the courtyard forgot and did not share in the fictive fusion meal, the [other residents] are permitted both here and there. Now how are we to understand this passage? If the tenant didn't renounce his rights, why should they be permitted? So it must be a case in which he renounced his rights. And then see what proceeds: [If one of] the people, who live in the alleyway, [forgot and] did not participate in the a fictive fusion meal as a partnership [a shittuf], they are permitted to carry things in the courtyards but prohibited from doing so in the alleyway. But if this is a case in which the occupant of the courtyard has renounced his share, why in the world should they not be permitted the use of the alley? And if you should say, R. Meir takes the view that the possibility of renouncing one's share does not apply to an alley, it can be answered, hasn't it been taught on Tannaite authority: "And there was the precedent of a Sadducee who was living in the same alley with Rabban Gamaliel in Jerusalem, and Rabban Gamaliel said to his children, 'Children, make haste and take out whatever you want to take out, and bring in whatever you want to bring in, before this abomination takes out whatever he does and so restricts access to the alleyway to you, since [at just this moment] he has renounced his share in your favor,'" the words of R. Meir? So it is obvious that he did not renounce his rights. And since the concluding clause is a case in which he did not renounce his rights, the opening clause likewise deals with a case in which he did not renounce his rights.*
- F. *Well, then, that yields the anomaly that the opening and closing clauses belong to R. Meir, but the intermediate one stands for the position of rabbis!*
- G. *Not at all, the whole of the rule stands for the position of R. Meir. And what is the operative consideration for R. Meir's position that we require both a fictive fusion meal for courtyards and also one for alleyways? It is so that children should not forget the law of the fictive fusion meal. But here, since most of the tenants contribute to the fictive fusion meal [only one didn't], there is no concern that the law may be forgotten [and even Meir here would allow the fictive fusion meal for the alleyway to meet the requirement for the courtyards as well].*

I.2 A. [With reference to the clause, **Five courtyards open to one another,**] Said R. Judah, "Rab did not repeat as the Tannaite formulation the clause, **open to one another.**"

B. And so said R. Kahana, “*Rab did not repeat as the Tannaite formulation the clause, **open to one another.***”

C. *There are those who say, “R. Kahana himself did not repeat as the Tannaite formulation the clause, **open to one another.**”*

D. *Said Abbaye to R. Joseph, “What is the operative consideration behind the position of him who did not repeat as the Tannaite formulation the clause, **open to one another?**”*

E. *“He takes the view that any fusion meal for alleyways that is not brought in or out [brought into the alley from each of the courtyards and brought out of it into the courtyard where it is to be deposited [but is taken out through some other courtyard] is not classified as a valid fusion meal for alleyways” [Slotki: because the direct connection between courtyards and alley must be clearly shown; as in the case of courtyards that open into each other as well as into the alley, it may happen that the contributions to the fictive fusion meal for the alley may be carried from a courtyard into the alley indirectly, through other courtyards, making such a meal to fuse the courtyards of the alley together forbidden; our Mishnah rule allows such a meal so it must refer to courtyards that didn’t open into each other but only into a common alley, and that accounts for Rab’s omission].*

F. *An objection was raised: **A householder who was a joint holder [in a commercial relation] with neighbors —with one in wine and with the other in wine —they do not need to prepare a fictive fusion meal [M. 6:5A-C].*** [Slotki: The wine in joint ownership is obviously kept in one of the courtyards and may never have passed through the door of any other courtyard, so how could it be maintained that for a fusion meal for alleyways to be valid, the contributions must pass in and out through the doors that opened into the alley?]

G. *That’s a case in which he carried the cask containing the joint stock of wine in and out.*

H. *An objection was raised: **How do they make a partnership [a shittuf] in an alleyway? One [of the residents] sets down a jar [of food or drink] and states, “Lo, this belongs to all the residents of the alleyway” [M. 7:6A-B].*** [But the wine hasn’t passed the door of the other courtyards, and still the meal is valid.]

I. *That's a case in which he carried the cask containing the joint stock of wine in and out.*

J. *Objected Rabbah bar R. Hanan, "Well, what about the following: If one of the residents transferred title to another of some bread in his basket? [Would that be a valid fusion meal for an alleyway?] And if you say, that's just fine, well, then, didn't R. Judah say Rab said, 'In the case of members of an association who were reclining at a meal, and the sanctity of the Sabbath overtook them—they rely on the bread that is on the table as their fictive fusion meal for the courtyard,' or, others say, 'As their fictive fusion meal for the alleyway,' and in that connection said Rabbah, 'There is no argument here [between those who read "fictive fusion meal for the courtyard" and "fictive fusion meal for the alleyway"]], for the one speaks of a case in which the group is dining in a house, the other, in a courtyard.'" [But the fictive fusion meal hasn't passed the door of the other courtyards, and still the meal is valid.]*

K. But the operative consideration of Rab's position is that he maintains, an alleyway is not permitted for use on the Sabbath by means of a sidepost or crossbeam unless houses and courtyards open into it. [There must be no less than two courtyards that open into the alley, and two houses into each courtyard; as a number of courtyards that opened into each other are regarded as a single courtyard, unrestricted use of the alley of which our Mishnah speaks could not have been effected if the courtyards had opened into each other.]

- I.3** A. *Reverting to the body of the foregoing:* Said Rab, "An alleyway is not permitted for use on the Sabbath by means of a sidepost or crossbeam [74A] unless houses and courtyards open into it."
- B. And Samuel said, "Even if there is a single house or a single courtyard."
- C. And R. Yohanan said, "Even a ruin [Slotki: on one side of the alley, on the other side of which was a courtyard with one house in it]."
- D. Said Abbayye to R. Joseph, "Did R. Yohanan take that position even in the case of a path between vineyards [that ended at one side of the alley which had a courtyard with a house on the other side]?"
- E. *He said to him, "R. Yohanan made that statement only with reference to a ruin that is suitable for a dwelling, but as to a pathway*

between vineyards, which is not suitable for a dwelling, that is not the rule.”

F. *Said R. Huna bar Hinena, “And R. Yohanan is consistent with opinions expressed elsewhere, for we have learned in the Mishnah: R. Simeon says, ‘All the same are roofs, courtyards, and outer areas—each constitutes a single domain in regard to utensils which have been kept for the Sabbath therein, and not [a single domain] for utensils which have been kept for the Sabbath in the house’ [M. Erub. 9:1D-F]. And said Rab, ‘The decided law is in accord with R. Simeon, so long as no fictive fusion meal has been prepared; but if a fictive fusion meal has been prepared [so the residents of the courtyard can carry objects into their courtyards from their houses], there is a precautionary decree to take account of the possibility of carrying objects from the houses of one courtyard into some other courtyard.’ And said Samuel, ‘Whether or not they prepared a fictive fusion meal [that is the law].’ And so said R. Yohanan, ‘The law is in accord with R. Simeon, whether or not they prepared a fictive fusion meal.’ Therefore, it follows, we make no precautionary decree to take account of the possibility of carrying objects from the houses of one courtyard into some other courtyard. And here, too, we make no precautionary decree to take account of the possibility of carrying objects from the houses of the courtyard into the ruin.”*

I.4 A. *In session, R. Huna was stating this tradition. Said to him R. Eleazar, a disciple at that household, “Did Samuel say such a thing?”*

B. *He said to him, “Yes.”*

C. *He said to him, “Will you show me his hotel?”*

D. *He showed it to him.*

E. *He came before Samuel. He said to him, “Did the master say such a thing?”*

F. *He said to him, “Yes.”*

G. *“But lo, the master himself is the one who said, ‘When it comes to the law of fusion meals, all we have for guidance is the actual language of our Mishnah’! Thus: **For the alleyway is to courtyards as a courtyard is to houses.**”*

H. *[Samuel] shut up.*

I. *Did Samuel adopt Rab's view, or didn't he adopt Rab's view?*

J. *Come and take note: There was an alleyway in which dwelled Aibut bar Ihi. He made a sidepost for the alley, and Samuel allowed him [to carry objects in it]. [74B] Then R. Anan came and threw it down [because it had only one house and one courtyard]. Aibut said, "On the authority of Samuel I've been living perfectly happily in this alley, so why should R. Anan b. Rab now come and throw the sidepost down?!" Doesn't this prove that he didn't accept Rab's view finally?*

K. *In point of fact I'll say to you that he did accept it, but here, it was a case in which the synagogue beadle was eating in his own home and spending his nights in the synagogue. Aibut b. Ihi supposed that it is where one eats that defines the requirement of a fictional fusion meal, but Samuel was consistent with his own view that where one spends the night defines where a fictive fusion meal would be needed. [Samuel held that the courtyard was inhabited because the beadle spent the night there, and together with the courtyard of Aibut, the alley had two courtyards, and it could be used on the Sabbath by means of adding a sidepost, even within Rab's position (Slotki).]*

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

B. Said Abbaye to R. Joseph, "Did Rab take that position even in regard to a courtyard?" [Slotki: The house on one side of the courtyard was occupied by a gentile, and one on the other by an Israelite, whose house was connected by some form of opening with the houses of other Israelites.]

C. *He said to him, “Yes. For if he had not taken that position also with respect to a courtyard, I might have supposed that the operative consideration for Rab’s ruling in the matter of the alley was his view that using the alley is not rendered permissible by a sidepost or crossbeam unless houses and courtyards opened into it. And as to the question, so why say both rules when only one would be needed? In fact, both would be necessary. For if we had to rely wholly on that ruling alone [75A], I might have supposed that since there is no mention of a gentile’s house, a gentile’s house is regarded as a valid one for the present purpose; so we are informed that that is not the case. And if we had to rely solely on the ruling before us, we wouldn’t have known the number of houses that are required. So we are informed that there must be at least two. However, now that Rab has said that his ruling applies even to a courtyard, it follows that the operative consideration behind Rab’s position is his view that it is forbidden to live all by oneself with a gentile.”*

D. *Said R. Joseph, “If so, that is in line with what we have heard R. Tabla say when he made mention of the word ‘gentile,’ though at the time I heard him formulate matters in that way, I didn’t understand what he was saying.”*

6:9

- A. Two courtyards, one inside the other —
- B. [the people of] the inner one prepared a fictive fusion meal, but [the people of] the outer one did not prepare a fictive fusion meal,
- C. the people in the inner courtyard are permitted [to carry things], and the people in the outer courtyard are prohibited [from doing so].
- D. [If the people of the] outer [courtyard prepared a fictive fusion meal] but [the people of the] inner one did not, then both of them are prohibited [from carrying things about].
- E. [If] this one prepared a fictive fusion meal for itself and that one prepared a fictive fusion meal for itself,
- F. [the area of] this one is permitted by itself, and that one is permitted by itself.
- G. R. Aqiba prohibits in the case of the outer one.
- H. For the right of access restricts it.

I. And sages say, “The right of access does not restrict it.”

6:10

- A. [If] one of the people in the outer courtyard forgot and did not join in the fictive fusion meal,
- B. the inner one is permitted, and the outer one is prohibited.
- C. [If one of the people in the] inner [courtyard forgot and] did not prepare a fictive fusion meal,
- D. both of them are prohibited.
- E. If they made their fictive fusion meal in a single location, and someone forgot [to participate],
- F. whether [he lived] in the inner courtyard or in the outer courtyard,
- G. and he did not join in the fictive fusion meal,
- H. both of them are prohibited.
- I. But if the [courtyards] belonged [wholly] to individuals, they do not have to prepare a fictive fusion meal.

I.1

- A. [With reference to the rule, **Two courtyards, one inside the other —the people of the inner one prepared a fictive fusion meal, but the people of the outer one did not prepare a fictive fusion meal, the people in the inner courtyard are permitted to carry things, and the people in the outer courtyard are prohibited from doing so:**] When R. Dimi came, he said R. Yannai [said],
- B. “This represents the opinion of R. Aqiba, who said, ‘Even a “foot” [person] who is permitted [unrestricted use of] one area [Slotki: the courtyard in which the person lives] imposes restrictions in an area that does not belong thereto.’ But sages say, ‘Just as a “foot” [person] who is permitted does not impose restrictions [in a courtyard in which that person does not live, though he has a right of way through it], so a person who is forbidden does not impose restrictions [in a courtyard in which that person does not live, though he has a right of way through it].’”
- C. *We have learned in the Mishnah: [If the people of the] outer [courtyard prepared a fictive fusion meal] but [the people of the] inner one did not, then both of them are prohibited [from carrying things about]. Now who can be the authority behind that rule? If I should say it is R. Aqiba, then why focus upon the forbidden “foot,” since the same restrictions would apply to a*

permitted person just as much. So isn't this a rule in line with the position of sages?

- D. *Not at all, in point of fact, it is R. Aqiba, and the formulation makes the point, "not this, or that."* [Slotki: Aqiba first laid down the ruling under discussion, about the forbidden party, and then added in effect, not only does a forbidden party impose restrictions, that is, if the tenants of the outer one prepared a fictional fusion meal but not those of the inner one, but even a permitted foot, that is, if the tenants of each courtyard prepared a fictional fusion meal, the same restrictions would apply.]
- E. *We have learned in the Mishnah: [If] this one prepared a fictive fusion meal for itself and that one prepared a fictive fusion meal for itself, [the area of] this one is permitted by itself, and that one is permitted by itself. The operative consideration, then, is that this one prepared a fictive fusion meal for itself. Lo, if it had not prepared a fictive fusion meal for itself, both of the courtyards would have been forbidden. [Slotki: A forbidden foot imposes restrictions in the place through which it has a right of way.] So it follows that this Tannaite authority takes the view that a permitted foot imposes no restrictions, only a forbidden one does. And who might that be? Should I say it is R. Aqiba? But he maintains that even a foot that is permitted also imposes restrictions, so isn't it the position of rabbis? Not only so, but since the next clause belongs to R. Aqiba, the opening clause surely doesn't belong to him!*
- F. *The whole of it represents the view of R. Aqiba, but the formulation is flawed, and this is how it should be worded: "[If] this one prepared a fictive fusion meal for itself and that one prepared a fictive fusion meal for itself, [the area of] this one is permitted by itself, and that one is permitted by itself. Under what circumstances? Where the inner courtyard made a barrier [closing itself off from the outer one and giving up its right of way through the outer one]. But if it didn't make a barrier, the outer one is forbidden," the words of R. Aqiba. For R. Aqiba imposes restrictions in the use of the outer courtyard, for the right of access restricts it. And sages say, "The right of access does not restrict it."*
- G. *Objected R. Bibi bar Abbaye, "But if the [courtyards] belonged [wholly] to individuals, they do not have to prepare a fictive fusion meal. Lo, if they belong to a group of persons, they do have to make a fusion meal. Therefore, it follows, a foot that is permitted in its own place imposes no restrictions; a foot that is forbidden, imposes restrictions."*

- H. *And further Rabina objected, “[If] one of the people in the outer courtyard forgot and did not join in the fictive fusion meal, the inner one is permitted, and the outer one is prohibited. [If one of the people in the] inner [courtyard forgot and] did not prepare a fictive fusion meal, both of them are prohibited. So the operative consideration is that he forgot; lo, if he had not forgotten, both of them would have been permitted. Therefore, it follows, a foot that is permitted does not impose restrictions, a foot that is forbidden imposes restrictions.”*
- I. *Rather, when Rabina came, he said R. Yannai [said], “There are three distinct positions on this question. The first Tannaite authority maintains, a foot that is permitted does not impose restrictions, a foot that is restricted imposes restrictions; R. Aqiba maintains, even a foot that is permitted may impose restrictions; and the latter rabbis say, just as a foot that is permitted does not impose restrictions, so a foot that is restricted does not impose restrictions.”*

II.1 A. If they made their fictive fusion meal in a single location, and someone forgot [to participate], whether [he lived] in the inner courtyard or in the outer courtyard, and he did not join in the fictive fusion meal, both of them are prohibited:

- B. *What is the meaning of in a single location?*
- C. Said R. Judah said Rab, “It means, in the outer courtyard.” [Slotki: The use of the inner one in such a case is forbidden, even where only one of the outer tenants failed to join in the fictive fusion meal, since its tenants cannot shut up their door and separate themselves from the inner courtyard, because the fictive fusion meal lay in the outer courtyard; and the use of the outer one is equally forbidden, even where only an inner tenant failed to join in the meal, on account of “the forbidden foot” of the inner one, which imposes restrictions on it. Where the meal was deposited in the inner courtyard, it is only the forgetfulness of one of its own tenants that causes the restriction of the outer one, on account of its “forbidden foot.” The forgetfulness of an outer tenant, however, imposes no restrictions on the tenants of the inner one, since they can well shut up their door and by separating themselves from the outer one have the free use of their own courtyard.]
- D. *Why do they call it in a single location?*
- E. It is a place that is designated for singular use by both courtyards [through which the residents of the inner courtyard have a right of way].

II.2 A. [75B] *It has been also taught on Tannaite authority to the same effect:*

B. “If they put their fictive fusion meal in the outer courtyard, and one of the tenants, whether resident in the inner courtyard or the outer courtyard, forgot and didn’t participate in the fictive fusion meal, residents of both courtyards are forbidden to use the area. If they put their meal in the inner courtyard, and one of the residents of the inner courtyard forgot and didn’t contribute to the fusion meal, residents of both courtyards are forbidden. If one of the residents of the outer courtyard forgot and didn’t contribute to the fictive fusion meal, residents of both courtyards are forbidden to use the two courtyards,” the words of R. Aqiba.

C. But sages say, “In such a situation as this, the residents of the inner courtyard are permitted to use their courtyard, but the residents of the outer courtyard are forbidden.”

II.3 A. *Said Rabbah bar Hanan to Abbayye, “How come rabbis were able to see a distinction [between the locations of the meal, inner and outer courtyards, respectively], that they could maintain that the inner courtyard may be utilized? It is because the tenants can shut the door and make use of their courtyard on their own. So from R. Aqiba’s perspective, too, why can’t they just shut the door and use the courtyard?”*

B. He said to him, “The fusion meal in which both courtyards join links the two courtyards.”

C. *“Well, then, from rabbis perspective, too, the fusion meal associates the two courtyards.”*

D. *“The tenants [of the inner courtyard] can say, ‘It was to our advantage that we associated with you, not to our disadvantage.’”*

E. *So why from R. Aqiba’s perspective can’t they say, “It was to our advantage that we associated with you, not to our disadvantage”?*

F. *“The others can reply, ‘We’ll renounce our rights of entry in your favor.’”* [Slotki: The tenants of the outer courtyard can say, “We renounce our rights of entry into the inner courtyard, which we have because of the joint meal, so the association in

the meal will involve you in no disadvantage”; Aqiba’s prohibition of the unrestricted use of the inner courtyard is limited to the period prior to such renunciation.]

G. And rabbis?

H. “The tenants of one courtyard can’t renounce their rights in favor of those of another courtyard.”

II.4 A. *May we say that Samuel and R. Yohanan differ on what is at issue between rabbis and R. Aqiba [that is, on whether or not the tenants of one courtyard can renounce their rights in favor of those of another courtyard], with Samuel concurring with rabbis, and R. Yohanan with R. Aqiba?*

B. *Samuel may say to you, “I take the position that I do even within the framework of the position of R. Aqiba. R. Aqiba only takes the position that he does here where there are two courtyards, one within the other, in which case they impose restrictions on one another; but in a case in which they are not joined in a common fusion meal, where they don’t impose restrictions on one another, that would not be the case.”*

C. *And R. Yohanan may say, “I take the position that I do even within the framework of the position of rabbis. Rabbis take the position that they do here only because the tenants of the inner courtyard can say to those of the outer way, ‘Until you renounce in our favor, you impose restrictions upon us’ [Slotki: since by accepting the advantage of the one they accept the disadvantage of the other, they might well decline to accept either, so they prohibit renunciation]. But there, where one courtyard doesn’t impose restrictions on the other” [in which case renunciation is wholly advantageous, they may well have allowed it (Slotki)].*

III.1 A. **But if the [courtyards] belonged [wholly] to individuals, they do not have to prepare a fictive fusion meal:**

- B. *Said R. Joseph, "Rabbi repeated as a Tannaite formulation: 'If the residents of the two courtyards were three persons, they are forbidden.'" [Slotki: If two persons occupied the inner courtyard, they impose restrictions on one another, and, as a "forbidden foot" and on account of their right of way, they impose restrictions on the residents of the outer courtyard, too; and if one person only occupied the inner courtyard, he also imposes the same restrictions, as a preventive measure, against the possible relaxation of the law in a case in which two occupied it.]*
- C. *Said to them R. Bibai, "Don't pay any attention to him. I was the one who first said it, and I said it in the name of R. Ada bar Ahbah: Since I classify them [the three, all of whom have a right of way through the outer courtyard (Slotki)] as 'many residents in the outer courtyard' [though the inner courtyard is occupied by one person only, the same restrictions apply as a preventive measure (Slotki)]."*
- D. *Said R. Joseph, "Lord of Abraham! The word for 'many,' which is rabbim, has been confused by me with the word for Rabbi [Judah the Patriarch]."*
- E. And Samuel said, "In point of fact unrestricted use of the two courtyards is permitted unless two people occupied the inner one and one person the outer one."

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

B. *How does an Israelite differ, who imposes no restrictions [on the residents of the outer courtyard]?*

C. *He who knows [Slotki: that the Israelite is the only resident, and that a "permitted foot" imposes no restrictions] knows all the details [understanding why there are no restrictions, so no precautionary measure is required (Slotki)], and he who doesn't know [that the Israelite is the only resident in the outer courtyard] assumes that a fictive fusion meal has been set out.*

D. *Well, then, in the case of a gentile, too, we may well say, he who knows knows, and he who doesn't know assumes that the gentile has rented out his right of way!*

E. *If a gentile under ordinary circumstances has rented out his right of way, he makes a big fuss about it.*

- III.3** A. Said R. Judah said Samuel, “In the case of ten houses one inside the other [with only the door of the outermost house opening onto a courtyard, into which the doors of the houses of other residents also opened (Slotki)], the innermost house sets out a fictive fusion meal and that suffices for them all.” [Slotki: The tenant of the innermost room has the right of way through all the other nine houses; each is therefore his gatehouse; the other nine tenants don’t have to contribute to the fictive fusion meal.]
- B. And R. Yohanan said, “Even the outermost house’s resident has to contribute to the fictive fusion meal.”
- C. But the outermost house serves as a gatehouse for all the others!
- D. It is the outer house of the innermost house [the last house but one, or the ninth from the courtyard, which serves only the innermost tenant].
- E. *So what’s at stake?*
- F. *The one master [Samuel] takes the view that a gatehouse that serves only a single tenant is nonetheless classified as a gatehouse, and the other authority maintains that it is not classified as a gatehouse.*

- III.4** A. Said R. Nahman said Rabbah bar Abbuha said Rab, “Two courtyards, with three houses between them —this tenant [a tenant of the one courtyard, other than those who occupied the three intervening houses] comes through the one outer house on his side and puts his fictive fusion meal in the middle house, and the other tenant may come through the outer house on his side and place his fictive fusion meal in the middle house, [76A] and the one outer house becomes a gatehouse for the one courtyard, and the other, for the other courtyard, and the house in the middle, serving as the house in which the fictive fusion meal is located, does not have to contribute any food to the fictive fusion meal.”

- III.5** A. *Rahbah examined the rabbis [by formulating the following problem]: “Two courtyards, with two houses between them —a tenant of the one courtyard comes through the one house and places his fictive fusion meal in this house [which opened into the other courtyard], and a resident of the other house came through the other house and placed his fictive fusion meal in the former —do the tenants of the respective courtyards, who do not wish to link their courtyards by a single fictive fusion meal, acquire the rights that the meal confers [each group of tenants in its own courtyard (Slotki)], or is that not the case? Do we treat each house in relationship to the one courtyard as a house,*

but in relationship to the other courtyard as a gatehouse?” [If the latter, then both fictive fusion meals are valid; if both houses were regarded as gatehouses, neither meal would have been valid, and even if both had been regarded as proper houses, neither would have been valid, since in the case of each house, the other, not covered by the fictive fusion meal, intervened between it and the courtyard for which the meal had been prepared.]

- B. *They said to him, “The residents of both courtyards have not acquired the privileges of the fictive fusion meal. For what are the possibilities? If you treat either house as a gatehouse, then is it the rule, **He who places his fictive fusion meal for a courtyard in a gatehouse, portico, or gallery—it is not a valid fictive fusion meal for a courtyard [M. Er. 8:4A]**? If you treat either house as a proper house, then the tenants would be transporting objects in a house that is not subject to their fictive fusion meal” [Slotki: Since a house can’t be regarded as both a gatehouse and a proper house at the same time, both fictive fusion meals are invalid.]*
- C. *But how does this situation differ from that addressed by the statement of Raba? For said Raba, “If two persons said to someone, ‘Go and prepare for us a symbolic fusion meal, and for one party he prepared the meal while it was clearly still day, but for the other he prepared the fusion meal at dusk [so we don’t know whether or not it was the Sabbath, in which case the meal is null], and the meal of him for whom he set forth the fusion meal by day was eaten after nightfall, then both acquire the rights that the meal is supposed to confer.” [Freedman, *Shabbat* 34A: The meal must be prepared by day and also must still be in existence when the Sabbath starts. The first had the meal placed by day but it was eaten at twilight; for the present purpose, twilight is regarded as night, so when the Sabbath started, the meal still existed; as to the second, twilight is assigned to the day, so it was placed by day, and it also is valid.] [Slotki: Why, if twilight is assumed to be day for the one and night for the other, couldn’t the house also be assumed to be a gatehouse for the one and a proper house for the other?]*
- D. *“But how are the cases comparable? In the one case we deal with a matter of doubt as to twilight—is it daytime or nighttime—and that is something that cannot be definitively settled. But here, if in respect to the former the house is classified as a proper house, then it must be so classified in relationship to the other, but if it is classified in relationship to the other as a gatehouse, it must be classified as the same in relationship to the one.”*